

The Compatibility or Incompatibility of Islam and Democracy: Implications for Turkey, Saudi Arabia, Malaysia and Algeria, 1980-2009

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EXECUTIVE SUMMARY

The relationship between the principles of Islam and democracy is one of the important issues facing Muslim as well as non-Muslim countries. In the aftermath of 9/11 events, addressing the question of compatibility or incompatibility of Islam and democracy has become more urgent. The main objective of the present thesis is to study how this question has affected the conduct of four Islamic countries, namely, Turkey, Malaysia, Saudi Arabia and Algeria in the last thirty years.

The thesis has discussed the relationship, in theory, between Islam and democracy from the viewpoints of the role of secularism, human rights, women and the parliament in the society. These four concepts are then reflected against the governments of Turkey, Saudi Arabia, Malaysia and Algeria.

The principal question of the thesis deals with the way the relationship between Islam and democracy affects the behavior of these countries. The hypothesis of this study is the possible answer to the principal question: there are certain important elements within Islam that are compatible with democracy and the four Islamic countries neither practice Islam in its totality, nor embrace democracy. The main objective of the governments of these countries is to hold on to power. By resorting to Islam, these governments attempt to justify their policies in order to remain in power.

For this thesis, the Holy Koran and its commentary books and Prophet Mohammad's traditions and sayings as well as historical documents were studied. Theoretical and descriptive approaches to support the hypothesis were also employed. The events of the last 30 years in the four countries were briefly touched upon in order to provide the author with the necessary tools to support his analytical arguments.

The proponents of the compatibility of Islam and democracy argue that despite the existence of different readings of Islam, there are certain principal elements within Islam that are compatible with democracy. They refer, in this regard, to a passage in the Koran which touches upon the differences between people while supporting diversity and tolerance within human society. They also mention another passage in the Holy Book stating that there is no compulsion in religion and that human beings are free to choose their paths.

The opponents of the compatibility of Islam and democracy argue that in Islam, the sovereignty belongs to God, while in a democracy, it belongs to the people and that the sovereignty of God and the sovereignty of the people are mutually exclusive.

Although the political systems of the four countries of the study are different, there are similarities between them: 1) Islam has been supported by all of them, though this is mostly related to the desire of the leadership in these countries to neutralize the opposition. 2) Islam has played a significant role in the political developments of the four countries during the period of the study. 3. The legitimacy crisis has been a common problem in all these countries, though this problem in Turkey is less serious. 4) The issues of human rights, women rights, and the parliament's role in society are defined in the context of state's interests that are considered by the leaders of these countries above all other interests including those of the citizens. 5) The main reasons behind the reforms in these countries were two fold: first, to silence the internal opposition and second, to cope with international situation in the aftermath of the Cold War where the call for reform was widespread.

In light of the theoretical discussions, the following are among the findings in the case studies: 1) The nature of Islam is not authoritarian. 2) The empirical evidence of the case studies reveals that Islam has no direct negative effect on the process of democratization. 3) Along the same line, the violation of human rights including women's rights in the hands of authoritarian rulers in some Islamic countries is not a byproduct of Islam. 4) Whereas the parliaments in Algeria, Malaysia and Saudi Arabia have not been given the necessary tools to act as strong parliaments and at times have been used to strengthen the hands of the ruling elites, the Turkish parliaments has been, to a certain degree, acting like Western parliaments. 5) Political Islam has not posed the similar threat to the four countries and the government in each of these countries has responded to the Islamic movement differently.

Having considered the arguments of the proponents and opponents of the compatibility or incompatibility of Islam and democracy, the thesis has demonstrated that Islam is capable of creating a system of governance that can be compatible with democracy. This study has also concluded that in order to remain in power, the leaders in these countries have resorted to Islam to silence the opposition, bring about more legitimacy for their systems and justify their policies. Along the same line, introduction of reforms in these countries was designed to offset the internal and external pressures. However, among the four countries, Turkey while embracing Islam has slowly moved towards democracy.

CHAPTER I

INTRODUCTION

Since the inception of Islam in the Seventh century, the question of the role of politics in this religion has always been at the heart of debates within the Muslim and non-Muslim world. There have existed different tendencies on this issue within the Islamic world ranging from those who have advocated the mixing of religion and politics to those who have argued that combining religion and politics would be detrimental to the reputation of both while not solving any problem within the society.

Both trends claim to possess arguments to support their cases. Those who are in favor of combining religion and politics refer to the time of the Prophet of Islam who established the first Islamic government which dealt with all aspects of life of Muslims and non-Muslims including those related to material needs of citizens. For the Muslims advocating the mixing of religion and politics, Islam is the religion which provides prescriptions for all human needs. As one leading Iranian clergyman and politician, Hassan Modarress, once said, "Our politics is exactly like our religion, and our religion is exactly like our politics".

To the contrary, those who are for the separation of religion and politics argue that religion is a private matter and should be treated as such and that Islam, like other divine religions, while leaving aside the issue of governance, is confined with unworldly affairs as well as morality and ethics. They also argue that governments do make mistakes and their actions cannot be perfect and that any governance in the name of Islam as a divine religion cannot be flawless. Therefore, any improper act on the part of the government in question is attributed to Islam and, for that reason; Islam's standing among the population is damaged.

Whether one concurs with the arguments of those who favor the mixing of Islam and politics or their separation, the fact is that an Islamic revival has occurred in the world of Islam where Muslims have become more attached to Islam in terms of practicing the religion more devoutly, believing that their social, economic and political actions are being more and more directed by Islam. (1)

In 1970's when the Muslims came to the conclusion that neither nationalism nor socialism and communism could provide them with promising freedom and economic prosperity, they resorted to political Islam to play more role in the society, hence the emerging of Islamic groups active in politics and economy of most Muslim countries. (2) As Hasan Turabi explains this phenomenon, "The Islamic movement has occurred in a context of the intellectual bankruptcy of slogans like Arab socialism. These slogans did assist in gaining national independence but they were empty of concrete detail of application." (3)

The victory of the 1979 Islamic revolution of Iran gave more incentives to Muslims -- who were witnessing the waning appeal of secular and radical tendencies popular in the Islamic countries in the 1950's and 1960's-- to call on Islam to provide solutions for their problems, hence more support within Muslim communities for the

involvement of Islam in politics. The ensuing question was how an Islamic government dealt with the issue of democracy. There have been serious debates on this issue by scholars and politicians. However, the terrorist attacks of September 11, 2001 moved the debate on the relationship between the teachings of Islam and the principles of democracy to a new level, making it more urgent to address.

The image of Islam depicted in the West as a militant religion poised to destroy modernization and whatever the West stands for has complicated the already tense relationship between Islam and democracy. John Esposito refers to the stereotypical approach about Islam present in the West stemming from long history of "mutual distrust, criticism, and condemnation." (4)

1.1 Purpose and Objective

The relationship between Islam and politics has attracted the attention of academia and policy makers in both Islamic and non-Islamic countries particularly in recent years. The idea of political Islam-- where politics has a big role in the conduct of the religion-- was first introduced by some Muslim scholars more than a century ago; nevertheless, it had not been in the spotlight until the victory of the Iranian revolution when the idea of the possibility of combining politics and religion was introduced again, hence the rebirth of political Islam.

The main objective of the present thesis is to study how the question of compatibility or incompatibility of Islam and democracy can affect the conducts of the four Islamic countries, namely, Turkey, Malaysia, Saudi Arabia, and Algeria. This study will cover the theoretical discussions to a degree which will help better understand how Islam is interpreted and applied in the four countries. The theoretical

backgrounds include four parts namely secularism, human rights, women and parliament. Next, the conducts of the four Islamic countries on secularism, human rights, women and the role of the parliament in the country within the last 30 years are studied. In the case studies, historical events are not discussed in detail. Rather, the recent history of each country is mentioned in order to give a better analysis of the objective of the thesis.

Bearing in mind the above-mentioned points, the inquisitiveness of the author -- as a Muslim who has lived in an Islamic country and in the West for many years-- about the relationship between Islam and democracy and the fact that he has worked closely with Muslim diplomats at the United Nations and other international forums, he found it interesting to study the compatibility of Islam and democracy and its repercussions for Islamic countries. Furthermore, the author was encouraged by Professor Wolf Linder, his supervisor, to work on this thesis.

1.2 Literature Review

Today, in Western countries, particularly in the U.S., the number of universities, research institutions and think tanks which have allocated good amount of time and money to do research on Islam and the way this religion deals with politics are increasing. Consequently, many seminars and workshops have been held on this subject and a large number of books, articles and research papers have been written on the relationship between Islam and democracy. While some of these works have attempted to present different theoretical arguments on the question of compatibility or incompatibility of Islam and democracy, others have mainly focused on current events affecting the establishment of democracy in Muslim countries.

The present thesis, while using the raw materials from previous works on the subject, has utilized new documents to study the relationship between Islam and democracy. Therefore, four concepts of secularism, human rights, women and parliament are applied to both Islam and democracy, seeking to present the similarities or dissimilarities of Islam and democracy on these concepts. Furthermore, four Islamic countries are selected as case studies and the above-mentioned concepts are applied to these countries to evaluate their performances related to these concepts in the last 30 years.

1.3 Research Method

This thesis has approached the relationship between Islam and democracy from the viewpoint of the role of secularism, human rights, women and parliament in the four countries. These four concepts are chosen because of their relevance to the subject and the way their analyses will help better understand the repercussions of the compatibility or incompatibility of Islam and democracy on the behaviors of these four Islamic countries.

The notion of secularism is chosen because it is considered by many Muslims as anathema to Islam. Therefore, studying how Islam and democracy deal with the notion of secularism and how the four Islamic countries treat this notion would be of importance to assess the relationship between Islam and democracy. At the time when certain Islamic regulations are perceived to be in violation of human rights and when most Islamic countries are labeled as violators of human rights based on Western standards, the need to study the notions of human rights and women within the framework of Islam and democracy discussions becomes evident. Last but not least,

the way Islam and democracy view the role of parliament in the affairs of a state is worth examining.

The four Islamic countries are selected in accordance with certain criteria. The idea is to choose the four countries from different parts of the Muslim world. Therefore, two Arab countries and two non-Arab countries are selected: one located between the Asia and the Europe, one from the Middle East, one from the Far East, and one from Africa. Turkey is chosen since it is the only country within the Muslim world the constitution of which has a secular character. Saudi Arabia is selected because it has no written constitution while the country is home to most radical conservative Muslims. Malaysia is selected since it is a moderate prosperous Islamic country where Islam is the official religion of the state. Algeria is chosen because the Islamic opposition won the municipal and parliamentary elections in late 80s and early 90s while it was crushed by the military, hence the beginning of the civil war in that country.

In order to present a better understanding of Islam, the author studied those sections of the Islamic law or sharia related to secularism, human rights, women and parliament. The Holy Koran and its commentary books were also consulted. Furthermore and to a lesser degree, the Prophet's traditions and sayings were also studied. For the study of democracy, different writings by Western scholars and philosophers on the above-mentioned concepts, including the writings of Robert H. Dahl, were studied. The theoretical section on Islam is more comprehensive to give a better grasp of the subjects for western readers. The author employed theoretical and descriptive approaches to support the hypothesis. Historical documents were also studied. The events of the last 30 years in the four Islamic countries were briefly

touched upon in order to provide the author with the necessary tools to support his analytical arguments.

1.4 Principal Question

The principal question is as follows: How does the relationship between Islam and democracy affect the behavior of the four Islamic countries? There are two variables associated with this question: the relationship between Islam and democracy and the way it affects the behavior of the four Islamic countries. These two variables will help us find the answer to the principal question.

1.5 Important Questions

The above-mentioned principal question is converted into several important questions which are addressed in different chapters of the thesis. In addition to this introduction, Chapter II covers the basic definitions related to the study of democracy and Islam with particular emphasis on the latter. Chapter III deals with secularism and the way it is treated by democracy and Islam. Besides defining secularism and ensuing reasons for the separation of religion from politics, problems with secularism within the framework of democracy are also discussed. Moreover, Islam's objectives and characteristics, its private and public aspects as well as the way it deals with secularism are discussed. It is argued that Islam cannot be secularized while democracy is either tantamount to secularism or can adapt itself to it.

Chapter IV deals with human rights and explains how Islam and democracy regard human rights. The views expressed by some Western philosophers on moral

universalism of human rights are mentioned. Furthermore, the link between democracy and human rights and the comparison between the concept of natural rights and the present concept of human rights are also discussed. Islam's attitude towards human rights in accordance with the text of the Koran is the focus of the second part of this Chapter. Different aspects of human rights in Islam particularly the notions of equality, freedom including religious freedom, justice and privacy are discussed. It is argued that while there are similarities between the approaches on human rights pursued by Islam and democracy, the main point of contention between the two relates to the way individualism is perceived by them.

Chapter V talks about women particularly women's rights. The opinions put forward by Western philosophers on women in particular in the last 200 years are mentioned. The problems associated with the exclusion of women in Western societies in the 19th and 20th centuries are stated. Feminist views on the role of women in the society and on the notion of equality of men and women are highlighted. The question of the status of women in Islam is discussed in detail particularly as far as the Koran deals with this issue. The notion of complimentary roles of men and women in a society and the differences between man and woman are given high profile. Different aspects of woman's rights in Islam particularly on divorce, polygamy and inheritance are discussed. It is argued that both Islam and democracy share certain views on woman's rights. However, while democracy believes that there is no difference between the rights of man and those of woman; Islam argues that man and woman do not enjoy identical rights and obligations.

Chapter VI analyzes the way Islam and democracy look at the role of a parliament in the society. The history of Assemblies in ancient Athens and the problems associated with it are reflected. The views raised by proponents and

opponents of representative democracy are discussed and a comparison is made between representative democracy and direct democracy. Islam's emphasis on the need for Muslims to consult amongst themselves is explained. The meaning of shura (consultation) in Islam, its history, characteristics and tasks, the way consultations are made as well as the similarities and dissimilarities between shura and parliament in democracy are also discussed.

Chapter VII explains how the secular character of Turkey's constitution has shaped the country's approach towards Islam. It is argued that Islamists in Turkey are active but they are tolerated by the establishment particularly the military as long as they do not challenge secularism embodied in the system. Furthermore, human rights including women's rights are looked at from the point of view of the state's interests which includes safeguarding the secularism at any cost. The same is true for the Turkish Parliament where the dominance of secular laws is very vivid.

Chapter VIII deals with Saudi Arabia which is the most conservative country in the Muslim world where sharia is the law of the land. It is argued that the marriage of the Al-Saud and Wahhabism has not only helped the royal family to gain legitimacy, but has also enabled it to confront the opposition harshly, hence the violations of human rights including women's rights in this country. Moreover, the reforms initiated by Al-Saud are formulated not to harm its grab on power. One example in this regard is the establishment of the Consultative Council which has almost no real power while its members are not elected either.

Malaysian situation is dealt with in Chapter IX. It is stated that although Islam is the official religion of the state, different Malaysian governments since the independence have never allowed sharia to be the law of the land at the federal level; nevertheless it is the law of the states for Muslims. It is also argued that the

government has employed different means, including the Islamization process, to withstand the challenges posed by the Islamists. Furthermore, the omni-potent government's policies on human rights including women's rights are designed to secure its authority. Likewise, the Malaysian Parliament has not mostly acted impartially with regard to the ruling coalition which has enjoyed the majority in the Parliament.

Chapter X explains how Algeria's military has dominated that country's politics since independence. It is argued that despite the constitution's reference to Islam as the religion of the state and to the prohibition of any practice contrary to Islamic ethics, the religion has been controlled by the civilian and military leaders. The government's attitude towards human rights in Algeria is shaped by its narrowly defined interests: to remain in power at any cost. The same is true with regard to the rights of women who have been traditionally dominated by men. Moreover, the Algerian Parliament has been treated by the government as a tool to increase its power.

Chapter XI contains the conclusion of the thesis which argues that there is no inherent inconsistency between Islam and democracy and that there exist certain principal elements within Islam that are compatible with democracy. Furthermore, it states that Islam has been used by the leaders of the four Islamic countries to augment their legitimacy and to neutralize the opposition in order to remain in power.

1.6 Hypothesis

In this thesis, the given fact is that the Islamic countries, for one reason or another, support Islam. They do not openly challenge the principles of Islam and

whenever they deem it necessary to act contrary to teachings of Islam, they do so without publicly acknowledging it. For instance, drinking alcohol is forbidden in Islam. When an Islamic country allows the drinking of alcohol, it does so without challenging the Islamic law or admitting it publicly.

The hypothesis of this study is the possible answer to the principal question: there are certain principal elements within Islam that are compatible with democracy. The four Islamic countries neither practice Islam in its totality, nor embrace democracy. The main objective of the government of these countries is to keep its grip on power. By resorting to Islam, these governments attempt to justify their policies to remain in power.

Notes

1. James P. Piscatori, "Islam in a World of Nation States", (Cambridge, Cambridge University Press, 1986), p. 37
2. Ali Reza Abootalebi, "Islam and Democracy, State-Society Relations in developing Countries, 1980-1994", (New York, Garland Publishing, 2000), p.121
3. Ibid, p.122
4. Ibid, pp.117-119

CHAPTER II

BASIC DEFINITIONS ON DEMOCRACY AND ISLAM

In order to help us better understand the relationship between Islam and democracy, this chapter will attempt to provide basic definitions related to democracy and Islam. In this context, John O. Voll and John L. Esposito refer to two imperfect assumptions: democracy has only one form and Islam is expressed in only one way.

(1) Therefore, one cannot produce a one-size-fits-all democracy and a one-size-fits-all Islam.

2.1 Democracy

Democracy has been defined in different ways. One common element in all these definitions is the essential role of the people in the society in running their affairs. In other words, democracy can be defined as a form of government in which the people 'rule' while there is political equality among them.

David Held believes that there are contradictory conceptions about the history of democracy which is complex. (2) He refers to areas of disagreements which include definitional problems. For instance, who are 'the people'? How can they participate? How is the scope of the rule construed? What activities are covered by the 'rule' (political, law and order, economic ...)? And does 'the rule' bring about any

obligation to be obeyed? These questions are not conclusive. Since ancient Greece, there has not been an agreement on the 'general conditions or prerequisites of successful rule by the people'. (3) Therefore, it is not surprising that one has not been able to come up with an unambiguous definition of democracy.

Even Western nations have not been able to treat 'democracy' as an uncontested term. The systems of governance in Britain was not duplicated in the U.S. or in France as these countries did not consider the British model as the only model of democracy. It appears, though, that the heritage of democracy is complex and as W.B. Gallie suggests democracy is a contested concept. (4) When Western countries attempt to define democracy as an absolute truth and impose it on others, the problem begins to appear not only with Islam, but also with other ideologies. (5) Therefore, some scholars consider democracy as an evolving and multifaceted concept and argue that when democracy is compared with Islam, it should be clear as to what form of democracy one has in mind. (6)

2.2 Islam

Islam is a Divine religion. Its Holy Book, the Koran, was revealed to Prophet Mohammad in Mecca in 610 A.C. Islam in Arabic comes from the word 'salama' which has two meanings: peace and surrender. In essence, a Muslim is the one who 'surrenders himself to the Divine Will' and gains peace. In other words, a Muslim accepts, through free choice, to conform his will to the Divine will. (7)

The Islamic law, mainly derived from the Koran, has been considered by Muslims as a set of rules and principles guiding their lives according to God's will. The word 'sharia' in Arabic literally means 'road', a road which leads to God. (8) The

word 'sharia and the phrase 'Islamic law' have been used interchangeably. However, to Muslim scholars, sharia is not just a set of Islamic legal percepts. It is, rather, something deeper representing the idea that all human beings should be treated in accordance with justice. (9) Sharia has also been considered as the moral basis for developing a political order promoting the principles of justice, equality, and the submission of human beings to a supreme ultimate authority. Therefore, sharia's role is similar to that of a constitution in a constitutional order. (10)

Besides the Koran, the hadiths (prophetic words and deeds) is the second source of sharia. Muslims attach high importance to the Prophet's lifestyle and practices as well as his words since they are considered as good examples to guide Muslims, however, throughout the history of Islam the validity of certain hadiths have been questioned. Both Sunni and Shiite schools of Law accept these two extremely essential sources of Islamic Law. The other two sharia sources which are not accepted by all schools are Ijma and Qiyas. (11)

Ijma means the consensus within the Islamic community. Prophet Mohammad was once quoted as saying that "My community shall never agree in error." The consensus here is meant to be among those qualified in matters related to Islamic Law along with an interaction with the whole community the results of which are tangible over time. Qiyas means that human reason should be used to compare an existing situation with a situation about which legislation is already in place. For instance, since wine is banned in the Koran, by analogy all alcoholic beverages with the same effects are also forbidden. (12)

Sharia applies to all Muslims regardless of gender, race, language, culture, physical ability or economic well-being. On the basis of sharia, God Almighty has demanded human beings to be responsible for their actions in five categories: wajib

(obligatory), mandub (recommended), haram (forbidden), makruh (abominable), mubah or halal (permissible). (13)

It is important to study how sharia deals with human customs and laws. Seyed Hossein Nasr believes that sharia considers human customs and habits valid as long as they are not in contradiction with it. Consequently, human laws that are not originated in the Divine Law can compliment the Islamic legal system as long as they are not against sharia. (14) This is an essential consideration in the study of law making in an Islamic society. While some traditionalists Muslims argue that the Koran is considered as the constitution for all Muslim countries, hence no need to create new laws, others like Nasr are of the opinion that in order for Muslim nations to deal with day-to day issues of our time effectively, parliaments are needed to pass the necessary laws, obviously, not contradicting sharia.

During his life, the Prophet was the best interpreter of the Holy Book and it was at that time that sharia was formed and applied to the society. Following the demise of the Prophet, a crack began to appear within the Islamic society. While some Muslims (later known as Shiites) supported Ali, the Prophet's cousin and son-in law, to be the successor to the Prophet, others (later known as Sunnis) supported Abu Bakr, the Prophet's companion, to lead the society. Finally, Abu Bakr was selected to succeed the Prophet as the first caliph, though the supporters of Ali dissociated themselves from this selection.

In the third Islamic century, the four major schools of Sunni Law, the Maliki, Hanafi, Shafii and Hanbali came into existence. The basic principles of these schools are the same while their emphasis on different sources of sharia, except the Koran, is different. The formation of the Shiite Law goes back to the fifth and sixth Shiite Imams (the descendents of Imam Ali), particularly the sixth Imam, Jafar al-Sadiq,

therefore, the Twelve-Imam Shiite is also called Jafari Shiite. One of the differences between the Shiite Law and the Sunni Law is that in the Shiite Islam, Imams are the interpreters of sharia and their sayings are part of the hadith acceptable only to Shiites. Another difference between Shiite and Sunni Islam is that based on the teachings of Shiism, those with high knowledge of jurisprudence and other traditional conditions can practice *ijtihad* (interpretation of the Law). While in the Sunni Islam, since the four schools were formed, the gate of *ijtihad* has been closed, in Shiite Islam, this gate is always open. (15)

The issue of *ijtihad* is an important element with regard to dealing with issues related to today's world. The question now is that is it possible to use *ijtihad* to incorporate modern practices into the Law? Is it possible to make sharia conform to our times? The answer is not a simple yes or no. It depends on the subject and the circumstances. If the circumstances within a society necessitate the creation of new ideas to deal with certain matters and a *mujtahid* (the one who can practice *ijtihad*) deems it necessary to produce fresh views on those matters, he can do so by referring to the Islamic sources and come up with new ideas. For instance, the issue of *in vitro* fertilization has been controversial within Islamic countries for some years. Since this issue is rather a new one, one cannot find an Islamic ruling on its admissibility or inadmissibility without resorting to *ijtihad*. It is understood that for those for whom the gate of *ijtihad* is closed, it is impossible to issue verdicts to deal with the current issues of our times.

Seyed Hossein Nasr holds that sharia has been revealed to human being in order to give him the opportunity to not only reform himself, but also his society. (16) In this context, Abootalebi argues that since Islam is a lively force in constant contact

with its surroundings, it influences the emerging political, economic and social institutions. (17)

2.3 Different Readings of Islam

Out of the four sources of sharia, the Koran has never been a matter of controversy among Muslims. No Muslim has ever doubted the authenticity of the Koran because all its verses were changed into writings immediately after the revelation of the Book. Moreover, the verses of the Book were in the hands of Muslims even before the Prophet's demise. One cannot have the same assessment for the hadiths. It took about 150 years after the prophet's demise that the first set of the hadiths were collected. Both Sunni and Shiite scholars have concluded that not all the hadiths are authentic. (18) Therefore, if an unauthentic hadith is used as the basis of an Islamic edict, one can imagine that this edict can be challenged by another edict issued based on a different hadith on the same subject, hence different interpretations of a single issue.

For all Muslims, the Koran is the most important source of sharia. The Holy Book plays the most important role in determining the correct interpretation of the Law. However, it is a fact that not all verses in the Koran are straight forward and need not explanations. Now, the question is how a correct interpretation of the Book is realized.

There are two schools of thought on this issue. One school gives the authenticity to the Koran and evaluates all the hadiths on the basis of the Book. In other words, the text of the Book as a whole should be the basis of the analysis of any hadith. Another school, while considering the Koran the most important source for the

Islamic Law, gives much weight to the hadith as its supporters hold that through hadith and sunna (Prophet's deeds), Muslims become familiar with the Prophet and the message of the Book and that without hadith, the content of much of the Koran would not be comprehensible. (19) If a hadith becomes the basis of evaluating another hadith without being compatible with the text of the Book as a whole, this will not only lead to different interpretations in the theoretical field, but also will create rifts and even animosities among Muslims. (20)

While the former school considers the Koran as the final arbiter and evaluator of all hadiths and not vice versa, the latter school believes that hadiths play a commentary role upon the Koran and compliments its teachings.

Can these differences be the seeds for a division within the Muslim world? There are two concepts within the Islamic heritage that need to be studied here. The first is fitnah (civil disorder) which is rejected in Islam and the second is ikhtilaf (disagreement) which is allowed in Islam. The Koran describes fitnah as harassing the new Muslims by the people of Mecca at the dawn of Islam. In later years, fitnah was used more broadly to include disturbances against Muslims by the oppressive rulers. (21)

On the other hand, ikhtilaf represents the existence of diverse views in Islam. The differences between Sunni and Shiite schools of Islamic law and the differences within the four schools of Sunni Islam are considered as ikhtilaf. The Prophet once described ikhtilaf as a sign of divine favor. The contemporary Muslim scholars believe that differences of interpretation of Islam are permitted as long as agreement on fundamental principles of Islam is respected. Yusuf al-Qardawi observes that during the Prophet era, there were different interpretations of Islam. (22)

Different readings of Islam have given rise to different approaches taken by Muslims dealing with issues of today's world. Daniel Brumberg introduces two approaches in this regard, namely modernist and fundamentalist approaches. The modernist approach differentiates between the main ideals of Islam which are not changed over time and the way such ideals are applied to deal with today's needs of Muslim societies. Here, the role of mujtahids who can interpret the Law based on a holistic reading of the Koran and issue verdicts to address the current problems becomes apparent. The fundamentalist approach, on the other hand, persists on literalist reading of the Koran. (23) For the followers of this approach, the gate of ijtihad is closed.

It is not surprising, though, that those Muslims who are opposed to Western liberal democracy refer to the Koran and claim that the Book rejects this type of democracy, while those reform-minded Muslims argue that the Koran includes provisions that support basic elements of democracy.

At any rate, there is no single or absolutist model for an Islamic state. In this regard, Anoushiravan Ehteshami argues that Islamic countries, as diverse as Saudi Arabia and Turkey, are pursuing reform of their systems and this proves the fact that Islam has not prescribed a sole form of governance. (Ehteshami, p.99)

2.4 Ideological tendencies within Islam

Within the context of different readings of Islam, there exist a wide range of Islamic movements in the world. They differ in their social and structural characteristics as well as in what they prescribe as the solution to different problems a society faces. Like in any ideology, there are traditional and modern thinking in Islam.

Abootalebi argues that since the Iranian revolution of 1979 the distinction between traditionalism and Islamism has sharpened. While the traditionalist or fundamentalist religious scholars or 'ulama' have traditionally considered themselves the sole interpreter of Islam, Islamists, progressive ulama and intellectuals alike, have defended the notion of compatibility of Islam and modern values such as democracy. (24)

However, one cannot draw a fine line between traditionalists and Islamists. There are different inclinations within traditionalists and Islamists. For instance, while all Islamists in Algeria are against the ruling elites, some of them do not subscribe to democracy. Likewise, the traditionalist Wahhabi ulama in Saudi Arabia are in alliance with the Royal family, some Saudi Islamists fighting the government are hard liners who have negative views on the West and democratic values.

2.5 Islam and Constitutionalism

Generally, constitutionalism entails three characteristics. It provides for an accountable government, observance of the rule of law, and protection of basic rights. (25) Since Western democracies embrace these values, they take it upon themselves to connect the modern constitutionalism solely to liberal democracies. However, Sohail Hashmi maintains that this connection is not strong. He observes that the roles played by constitutionalism and religion in the past two centuries all around the world are interrelated. Moreover, the above-mentioned characteristics do not necessarily point to a situation where constitutionalism and religion clash. (26) Therefore, to claim that any religion, Islam in particular, and constitutionalism inevitably conflict is not accurate.

The Koran has no direct reference to constitutionalism; however, many Muslim scholars argue that the Book and sunna characterize the foundation of constitutionalism. For instance, Abdullahi An-Naim calls for supporting constitutionalism by Muslims because it is needed to realize the society stipulated in the Koran. (27) Along the same line, Mohammad Omar Farooq argues that in the Islamic governance, constitution plays an important role since it is an agreement among the citizens defining their rights and duties. He states that the sources of the constitution are the Koran, Prophet's deeds and any law which is not at odds with Islam. (28) It is in this context that, as explained earlier, Muslim countries can base their constitutions on the Koran and Prophet's deeds while giving the power of law making to parliaments provided that the laws are not inconsistent with Islam. However, it should be noted that for some Muslims like those in Saudi Arabia, the Koran is the constitution and hence no role for parliaments to make laws.

2.6 Islamic Democracy

Is it possible to envisage the establishment of an Islamic democratic state along the lines of some states in Europe where Christian Democratic parties rule? While Christian democrats have long been in politics and even have enjoyed the support of the majority of the people in some European countries, is it perceivable for Muslims to form Islamic democratic parties which come to power through democratic norms? In other words, since religion in general has not been considered an obstacle to democracy in the West, can we conclude that Islam does not constitute an impediment to the establishment of democracy in Muslim countries?

Two different and opposing schools of thought have answered the above-mentioned questions: the compatibility school which defines Islam and its percepts as reinforcing democracy and the incompatibility school which believes that regardless of its definition, Islam cannot be reconciled with democracy.

2.7 Question of Compatibility of Islam and Democracy

There are certain principles in Islam where all Muslims can, more or less, agree on despite the fact that they may entertain different readings about Islam. A Muslim thinker Abul Ala Maududi argues that three principles are of paramount importance to all Muslims: Tawheed (Unity of God), Risalat (Prophethood) and Khilafat (Caliphate). (29)

Tawheed is the fundamental principle of Islam. There are several verses in the Koran referring to the oneness of God and the need for all Muslims to worship the one and only God. Moreover, testifying to the oneness of God is extremely important in Islam. For an individual to become Muslim, he or she has to testify to the oneness of God and the prophethood of Prophet Mohammad.

By oneness of God, some Muslims have concluded that Islam does not accept the sovereignty of anybody except God, hence the contradiction of Islam with democracy which demonstrates itself in the sovereignty of the people. However, if people's sovereignty is formulated within the framework of tawheed, then Islam is not only corresponding to democracy, but also the popular sovereignty provided under Islam can be employed by Muslims in accordance with the Koran and the Prophet's practices, though it would not be equal to the popular sovereignty practiced in a liberal democracy.

Along the same line, Voll and Esposito have coined the term "theo-democracy" as a divine democratic government under which the Muslims are given popular sovereignty, under the sovereignty of God, to use their will to choose the executive under this system of government or depose it. (30)

Risalat is another important principle of Islam. No Muslim has any reservation about the validity of revelation of God's messages to Prophet Mohammad as recorded in the Koran. Furthermore, no single verse in the Book has ever been disputed amongst Muslims.

Khalifa (Caliph) has two meanings in Islam. The first one refers to the leader of the Islamic community as demonstrated by the appointment of the successors of the Prophet after his demise. Early Islamic state witnessed the leadership of caliphs over the Muslims within the framework of caliphate. The second meaning is taken from Chapter 2, Verse 30 of the Koran, identifying all humans as the deputies or agents of God on earth. Esposito and Voll argue that the latter meaning of the caliph provides a possible role for all humans in politics. This view which has attracted the attention of some contemporary Muslim thinkers, like Maududi, is utilized to find democracy in Islam. Maududi argues that human being as the representative of God and His vicegerent is required to "exercise Divine authority in this world within the limits prescribed by God." Therefore, in accordance with this interpretation, one can argue that the Muslim community as a whole, not the caliph alone, has the authority to act in accordance with the conditions of representation and "carries the responsibility of the caliphate as a whole and each one of its individual shares the Divine Caliphate. This is where democracy begins in Islam". (31)

Some analysts make a distinction between liberalism and democracy when it comes to the question of compatibility of Islam and democracy. Joel Hafvenstein

argues that the Islamic laws such as banning alcohol, considered as a restriction of liberties by Western standards, are offensive to liberalism and not against democracy. (32)

2.8 Question of Incompatibility of Islam and Democracy

The theoretical incompatibility of Islam and democracy hinges on the central issue of the sovereignty of God over all aspects of human life which cannot be challenged under any circumstances. The supporters of this school of thought argue that no matter how Islam is defined, one cannot combine Islam with democracy.

It is interesting to note that both non-Muslim analysts as well as radical Muslims support this proposition, though each for different reasons. Non-Muslim particularly Western scholars believe that democracy requires separation of religion and state. They maintain that since human's sovereignty is not fully respected in Islam which also lacks the necessary basis for supporting any practical democratic tradition, Islam cannot be considered compatible with democracy. On the other hand, the main argument of the radical Muslims centers around the rigid interpretation of the Koran which does not envisage any role for human beings to make laws because God has already revealed the Koran as the divine source of Islamic law covering all aspects of life, hence the impossibility of dissociating the religion from the life including the governance. (33)

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CHAPTER III

SECULARISM

3.1 Democracy and Secularism

Since the last few centuries, the notions of wisdom and rationality and their utilization in the affairs of human beings have attracted attentions worldwide. It is argued that the more one is away from religion, the more one can run the affairs of the society rationally. Some have even claimed that modernization and development theory had for decades maintained unequivocally that the development of modern states and societies required westernization and secularization. (1) In the vocabulary of today's politics in western societies, modernization, westernization and secularization are used interchangeably. However, one can say that the relation between religion and modernity is very complicated. Many humanists consider liberties, democracy, economic development and rapid technological advancement as 'legacies of the European Enlightenment'. (2) Some scholars have argued that modernization necessarily leads to a decline of religion. This has proven to be wrong. Although in some places modernization has had some secularizing effects, in other places, particularly in the last few decades, it has brought about some counter-secularization movements. (3)

3.1.1 Definition of Secularism

Different interpretations have been presented for the definition of secularism. It has been defined as "a set of notions and values whose aim is to ensure that the state is neither engaged in promoting specific religious beliefs and values, nor uses its powers and offices to persecute religion." (4) Another definition for secularism is "indifference to or rejection or exclusion of religion and religious considerations." (5) Secularism has also been understood as a deliberate effort to exclude religion from worldly affairs. (6) Whether secularism is defined as a doctrine or ideology, whether its eventual objective is to deny God and eliminate religion altogether or just to restrict religion to the private sphere while recognizing the existence of a god that has

no say in people's worldly affairs, the concept is a product of Christian society. Coined by George Jacob Holyoake (1817-1906), the term secularism described a movement that was intended to provide a certain theory of life and conduct without reference to a deity or a future life. (7)

3.1.2 Origin of Secularism

In modern history, the secular state was formed as a result of religious fighting in Europe for more than a century. The idea of separation of religion from politics started in Western Europe in the seventeenth century long before the modern concept of democracy was surfaced. In other words, democracy as a model of governance came to be known much later than the time when the idea of separating religion from politics came to existence. Secularism started to flourish when the political authorities, bearing in mind the agony of wars and religious killings, were forbidden to impose religious thoughts in the affairs of the population. The tolerance with regard to religious beliefs was considered as one of the primary and fundamental limitations to the power of governments. Therefore, tolerance regarding religious beliefs by itself became a prelude to tolerance towards political beliefs. (8)

The long religious wars seriously threatened every aspect of life in Europe and created the condition necessary for keeping the state and church as far as possible. In fact, secularism was developed as a result of religious wars not from the efforts of nonbelievers and as Daniel Pipes suggests "it grew from the imperatives of too much faith, not an absence of it. (9) It should be pointed out, however, that the original supporters of secularism such as Descartes, Hobbes, Locke, and Rousseau, did not have any intention or desire to undermine religion. The French Revolution is a good example in this context. The anti-religious sentiments present in that revolution were not directed against religion, rather, all criticism was directed against the Catholic Church and its organized religious structure. (10) However, the attitude of advocates of secularism gradually changed to equate secularism with atheism in order to reach development and progress.

The Iranian philosopher and scholar Abdolkarim Soroush believes that secularism arose from two sources: the growth of modern scientific thought and the profound changes in the meaning and relationship of rights and duties. The revolution in natural sciences in the past century has overtaken the social sciences as well. Therefore, secularism, in this sense, is nothing but scientification and rationalization of social and political thoughts and deliberations. (11) Equally important are the

changes in the relationship between rights and duties that have given a higher prominence to secularism because in today's modern world, rights are honored above duties. The language of religions is the language of duties, not rights. Although the religious texts do address the rights of humans, but such passages are very rare. (12)

At any rate, one can argue that secularism was born due to the fact that religious leaders of the medieval period through their despotic behavior had acted in a way that one could conclude that there existed a relationship between religion and faith on one hand, and despotism and negation of people's political rights on the other. In that period, priests considered themselves within a special class of people and claimed to be God's representative on earth who can interpret God's words. When the religious despotism reached its peak, the rulers came to this conclusion that people had only certain obligations, and not any right, towards the government. (13) Therefore, the Christian theocratic establishment was considered a major obstacle to progress and development, and consequently to democracy. (14)

3.1.3 Separation of Religion from Politics

In political science, it is understood that secularism means the separation of religion from politics. Determining the degree of this separation has always been a source of controversy. Some have argued that total separation is not possible because it is not possible to have an ethics-free and religious-free politics. Individuals, by nature, are ethical creatures. It is not possible for a politician, even an extremely secular one, to forgo moral and ethical issues. While others claim that secularism is not simply the separation of religion and politics, in reality it is an anti-religious and anti-clerical belief. (15) They even relegate religion to the stockpile of traditional beliefs, valuable in understanding the past but irrelevant or an obstacle to modern political, economic and social development. (16) That brings the difference between what the Abdelwahab Elmessiri calls partial and comprehensive secularism. Embracing the familiar notion of the separation of religion and state, partial secularism confines itself to the realms of politics and perhaps economics and is silent on moral and religious values. Comprehensive secularism, on the other hand, aims at the separation of all values from public and private life as well as from the world at large. (17)

Secularists argue that the separation of religion and state promotes tolerance, which by itself is a necessity of a democratic society. They also believe that this separation of religion and state and the confinement of religious belief to the private

sphere can fill the vacuum left by God's departure from the world. (18) They even argue that the current paradigm of secularism as separation of church and state should be replaced by a more complex paradigm that introduces secularism as a comprehensive world-outlook. (19)

3.1.4 Reasons for Separation

Soroush identifies two possible motivations for secularists' insistence on the separation of religion and politics: the belief in the fundamental falsehood of religion, coupled with the fear of its harmful effects on politics, or the belief in the fundamental truth of religion coupled with concern over its contamination and desecration by political concerns. (20) There have been other explanations for the separation of religion from politics. The sovereignty of the church over the state ended when religious people in the West came to this conclusion that Christianity, as they perceived it, could not play a role in different aspects of one's life, in particular in his/her social life. Therefore, they decided to limit the scope of religion to personal lives of human beings. (21) The objective of all contemporary revolutions in Europe has been cited as to limit the powers of the kings and religious leaders and leave this power and sovereignty to the people or its representatives. (22)

3.1.5 Problems with Secularism

Certain problems are associated with secularist ideals and institutions. One example is the self-contradictory effects of freedom of religious association. Secularists believe that organized religion and religious discourse should be confined to the civil domain. In other words, citizens should be free to worship in accordance with their own conscience. Such freedom of religion requires a tolerant society where people agree to disagree about religion. (23) Lack of tolerance in different secularist societies concerning freedom of religious activities such as acts of arson against religious places or desecration of graveyards belonging to religious minorities attest to this fact.

Another contradictory feature of secularism is its theoretical and practical affinity with political despotism. (24) Although secularists preach tolerance and freedom from bigotry, in certain instances they claim to have applied practices to prevent the recurrence of medieval dogmatism, which practically have been tantamount to despotism.

One of the negative effects of secularism is marginalization of spiritual needs of the society as well as promotion of selfishness and thirst for more profit and other

materialistic needs. (25) If citizens of a society, while promoting individualism, attach little or no attention to ethics and spirituality, the natural outcome will be more selfishness and greed that will lead to eventual undermining of the cohesion within the society.

A related problem in a secularist society is the damage inflicted on the family values as a result of adoption of a universalistic, culture-free standpoint on all cognitive, moral and political matters. (26) The family as a social unit is damaged due to little or no respect to religious or ethical values. Disruption of marriage and family relationships are clear examples in this regard. Bearing in mind the ever-increasing social crises in secularist societies, such as steady increase in crime, disintegration of the family, sexual abuse, drug addiction and trafficking, some scholars critical of western secularism, like Munir Shafiq, have concluded that liberal secularism in Western societies is on the verge of deep crisis. (27)

However, secularism has many advocates, particularly in the West. They believe that secularism has roles to play in today's world. To give an example, one can refer to the danger resulting from international terrorism, partly being played out as 'global jihad' or global religious fanaticism and, therefore, secularism is considered as a unique brake on the path to religious war. Daniel Pipes is among those who believe that secularism has many benefits including offering a unique method of integration at the present time of mass migration. (28)

3.2 Islam and Secularism

In today's world, many people in Western countries consider democracy as a western phenomenon with no replica. They do not accept different interpretations of democracy and consider themselves the true promoters of democratic traditions and values. For them, combination of Islam and democracy is an illusion and the concept of Islamic democracy is anathema. (29) There are multiple interpretations and applications for democracy, and contrary to the belief of some, the Western experience of democracy reveals a rich mosaic rather than a single paradigm. (30) Therefore, democratization is not necessarily the outcome of the application of only Western democratic norms and values. Adoption of indigenous and local methods of political inclusion can also serve the same purpose.

3.2.1 Religious Democracy

There is a strong opposition to the notion of religious democracy mainly because it is argued that the existence of religious laws produces religious tyranny and gives the ruler the divine status which in turn will become a barrier to democracy. The supporters of religious democracy, on the other hand, refer to the plurality of religions and schools of thought in religious jurisprudence as a proof of religious tolerance and pluralism. (31) At any rate, democracy is a method to protect the rights of individuals and bring about justice.

Western nations believe that liberal democracy without religious edicts can perfectly do the job. The defenders of religious democracy believe, at the same time, that religions cannot subscribe to injustice or any action to the detriment of public interests. Therefore, one can conclude that religion and democracy are not only mutually inclusive but they can complement each other. It is in this sense that religions, as bastions of morality, can serve as the best guarantors of democracy. (32)

A true religious individual uses morality as a useful tool not to undermine democracy, but to solidify it. Democracy will flourish much better in a society when the leaders take morality and moral values seriously and attach high importance to them. Another major issue related to the important role the religions can play in the enhancement of political participation and empowerment of the public is the demand for recognition of one's identity. People in different communities endeavor to assert their identities through promotion of cultural, linguistic, ethnic or religious values. There was an old assumption that in a modernized and democratic world all nations would come together to build a single homogeneous universal society. (33) The above-mentioned endeavors for the assertion of identities have refuted this old assumption and there existed ample examples in this respect including the demand for the establishment of democracy and political participation within the Muslim world which has been on the rise during the last decades of the 20th century.

In his book "Reason, Freedom, and Democracy in Islam", Soroush introduces a number of principles that are essential in the formulation of a religious democracy. These include the argument that combination of religion and democracy is an example of the concordance of religion and reason. (34) He challenges the arguments of those who reject compatibility of democracy and Islam and call for the thorough secularization of Islam. His main point centers on the assumption of the critics that relativistic liberalism and democracy are identical. He argues that in order to embrace

democracy, followers of Islam need not abandon their beliefs and faiths because it is the imposition of one's beliefs that is detrimental to democracy not upholding a faith. (35)

Although there are instances in the past when a religion's involvement in politics had produced extreme undemocratic conditions, one can say that it was not the teachings of the religion that brought about such conditions. It was the imposition of one's ideas or a group of people's ideas over the entire population that was responsible for this injustice. Certain individuals have misused religion as a pretext to rule over others. Besides religion, culture, race, or certain ideologies have also been the sources of autocratic rule in our time. However, there has not been much fanfare about the involvement of these issues in politics, while we have witnessed that in the recent past blind nationalism and one party rule have produced undemocratic governments. Therefore, imposition of ideas and misuse of power are the real threats to democracy not the religions and other sacred values.

Another point raised by those who challenge the compatibility of Islam and democracy is that with the concept of 'unity of God', as preached by all monotheistic religions, sovereignty of God conflicts with the sovereignty of people. To respond, Mawdudi, a Sunni Muslim scholar, argues that the main lines of an Islamic democratic theory remain closely tied to the concept of unity of God, because there is a profound tie between God and political legitimacy. (36) Therefore, one cannot think of a true religious government that does not enjoy the support of its people.

3.2.2 Islam's Objectives

Based on the text of the Koran, Islam aims at achieving the real prosperity of human beings that is brought about by guidance. Hosayn Javan Araste argues that besides guiding the human beings, Islam has an important role in reviving the society. (37) If one agrees with this description of the role of the religion and accepts that a society without a religion is a dark society, is it plausible to argue that this role is limited to individuals only and the society as a whole should not be influenced with this role? The simple answer is that the society can benefit a lot from the role of the religion as will be discussed later.

3.2.3 Islam's Characteristics

Javan Araste argues that as the last Divine religion, Islam has three important characteristics, namely, righteousness, comprehensiveness and eternity and there are numerous verses in the Koran testifying that this religion is right, comprehensive and

eternal. (38) Some argue that Islam was only useful at time of its inception and cannot respond to the current complex political, social and economic issues prevailing over the international arena. This proposition is not correct because if Islam was supposed to respond to the necessities of the time of Prophet Muhammad, then other religions should have come afterwards to guide the people which have not been the case as Islam is considered to be the last monotheistic religion in the world.

3.2.4 Need for an Islamic Government

Since the inception of Islam about fifteen centuries ago, this question has always been at the forefront of discussions as to whether Islam is purely a religion or contains required elements for the establishment of a government. All Muslim intellectuals have come to believe that Islam, by nature, is a religion that covers all aspects of human's life. (39) All agree that while the Holy Koran emphasizes, on many occasions, on ethics and morality, at the same time different aspects of day to day affairs of individuals within a society-- such as rules related to economy, defense and judicial matters--are covered by the Holy Book.

The differences between these scholars are narrowed down to whether in practice the Muslims have the responsibility to endeavor to establish an Islamic government (40) or, rather, they should not allow the religion to mix with politics because political acts are performed by human beings who are neither infallible nor sacred (41), therefore their mistakes might be attributed to the religion. The former group argues that although religious issues are issues between individuals and God, the message of Islam is so comprehensive and all encompassing that an entity should be established to coordinate and follow up the affairs of Muslims. Modern Islamic movements consider Islam as 'religion and state' and for Muslim and non-Muslim scholars, Islam is a comprehensive way of life. (42) The latter group, on the other hand, believes that combining religion and politics will give rise to misinterpretation of Islam resulting in social wrongdoings of individuals as well as distortion and delegitimization of the religion.

A candid assessment of the arguments of both groups suggests that both have valid arguments. No one can deny the fact that the private aspect of any religion, including Islam, is so convincing that people tend to consider it as the only aspect. However, the public aspect of Islam is also very convincing, bearing in mind the relevant verses of the Holy Koran, that one cannot but admit the need for a government to be established to implement the Islamic laws. Furthermore, in order to

bring about justice in the society, as the Koran suggests, a government is also needed. Another point in support of the establishment of an Islamic government is the fact that Islam attaches great importance to the situation of the society. Whenever there is a conflict between the individual and collective interests, interests of the society prevail over those of the individual. (43) In other words, while Islam considers the respect for private affairs of human beings as an essential element of a lively society and there are some verses in the Holy Koran to this effect, paying enough attention to the affairs of the society is also so important that one cannot ignore. Therefore, a compromise formula has to be found to cover both the private and public aspects of life and many Muslim scholars believe that the Holy Book has furnished such a compromise. Scholars from both Sunni and Shiite branches of Islam have advocated the establishment of an Islamic government.

The Sunni scholar Rachid Ghannouchi believes that Muslims are obligated to avoid passivism and isolationism. Therefore, they have a responsibility toward the task of establishing an Islamic government. (44) He argues that the Koran includes laws with regard to government and politics, judiciary and punishment, war and international relations, the family, economy, social security and relations with other religions. (45) Another Sunni scholar Abul Ala Mawdudi refers to two kinds of objectives of the Islamic state as follows: negative objectives such as deterring the aggression and defending the state and positive objectives such as banning the things that have been forbidden in Islam. He affirms the state's objectives to be based on the sharia objectives. (46)

The Shiite scholar and jurisprudence Ayatollah Khomeini maintains that the mere collection of laws is not enough for the betterment of the situation of a given society. In order for the laws to be effective for the prosperity of human beings, there is a need for an executive branch to implement those laws. Therefore, in addition to introducing a set of laws, the Almighty God has assigned a government and executive office. (47) He discusses three elements to support his arguments: a) the tradition of Prophet Muhammad who established a government and implemented the laws of Islam, designated judges, sent emissaries to other countries, entered into treaties with others, and commanded the battles, b) the need for the continuation of implementation of laws after the demise of Prophet Muhammad, as there are a number of verses in the Koran connoting that the laws of Islam, as explained earlier, are not confined to a certain time or place and are implementable forever, and c) the nature and quality of

Islamic laws suggest that they can only be implemented within the framework of a government, such as the laws related to taxes, national defense, and penal laws. (48)

When Prophet Muhammad migrated to Medina, besides deliverance of religious message, he acted as a head of state, a state with a proper constitution and all necessary governing functions. (49) In fact, the Prophet of Islam translated the Islamic project from theory to practice through a solid nucleus of a small size state albeit powerful in its structure, its objectives and its capabilities. (50) However, one should not lose sight of the fact that Muslim modernist scholars have raised concern over the nature of mixing of Islam and state which might bring about theocracy. (51) In response to this concern, Louay Safi argues that the main objective of establishing a political system in Islam is to prepare the ground for the people to "realize their duties as moral agents of the divine will" and not to impose Islam by intimidation and force. (52)

Robert A Dahl introduces five criteria for a democratic process namely, effective participation, voting equality, enlightened understanding, control of the agenda and inclusion of adults. (53) If one looks at these criteria closely, it can be concluded that none of these criteria runs counter to the teachings of monotheistic religions including Islam. In other words, there is no verse in the Holy Koran or the traditions of Prophet Muhammad that put limitations on the participation of individuals in the democratic decision making process of a given society, be it at the local or at the national level. If there is any undemocratic act or behavior in the name of the religion, it is clear, as explained above, that religion itself is not to be blamed.

3.3 Conclusion

When the concept of secularism is applied to both Islam and democracy, one cannot expect to come up with many similarities between the two because of the fact that secularism by nature is a notion that, even if interpreted as not equal to promoting atheism, considers no role for religion in the affairs of a state. On the other hand, Islam, even if interpreted as an apolitical religion, has certain rules to offer for running the affairs of a state. Therefore, Islam cannot subscribe to the teachings of secularism.

Similarities:

1. In democracies religions, including Islam, can be tolerated and exercised by individuals, but they cannot be applied to the whole society.
2. Those laws of Islam that do not conflict with secularist views, such as punishment of robbery, are also upheld by democracy.

Dissimilarities:

1. Democracy has less tolerance for religious laws, while Islam is more tolerant to apply democratic rules in a society.
2. Islam has tremendous difficulty with the notion of marginalization of the role of religion in the society. On the other hand, democracy is not concerned with even the total elimination of the role of religion in the society.
3. Islam cannot be secularized and even if there are attempts to do so, the outcome cannot be called the Islam that the Koran introduced and Prophet Muhammad preached. However, democracy is either tantamount to secularism or can adapt itself to it.
4. Democracy claims that a society will be better off, more tolerant and far from despotism if there is no mixture of religion and politics. Islam is of the view that intolerance and despotism have nothing to do with Islam and that absence of religion in the society will not necessarily lead to democracy, rather, it will inflict heavy damages to all units of the society particularly the family.
5. Secularists argue that due to the authoritarian nature of religions, including Islam, the politics associated with them are not democratic. Muslims, on the other hand, reject the notion that the nature of Islam is authoritarian and that authoritarian leaders in some Islamic countries should be blamed for this problem, not the religion itself.

Main issues of incompatibility:

Taking into consideration the above-mentioned similarities and dissimilarities between the teachings of Islam and the principles of democracy, the main issue of incompatibility between the two relates to the argument of God's sovereignty versus the popular sovereignty which can be summarized as follows:

1. God's sovereignty cannot be reconciled, at all times, with democracy. Whereas in a democracy, laws and regulations on almost every issue of interest to human beings may be adopted, Islam cannot, under any circumstances, subscribe to those laws that are in clear contradiction with the text of the Holy Koran. One case in point is the legality of the same sex marriage in some democracies, while Islam totally rejects this

type of marriage.

2. Along the same line is the objection of some Islamic scholars to the idea of popular sovereignty. These scholars believe that the Islamic law is complete enough to govern the affairs of a state and therefore, there is no need for adoption of new laws.

Nevertheless, as explained earlier, Islam allows laws to be enacted provided that they are not in contravention of Islamic rules.

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CHAPTER IV

HUMAN RIGHTS

4.1 Democracy and Human Rights

Philosophers have been debating the issue of human rights for more than two thousand years within European societies and their colonial descendants. The focus of the argument has been whether moral standards can be applied to different societies. In other words, is it wise to accept the judgment of a particular society or ruling elite about what is right or good at any given time? Many people have rejected this notion and consequently have endeavored to find some moral imperatives that bind societies and their rulers over time and from place to place. (1) They claim that there exists a rationally identifiable moral order that applies to all human beings everywhere and at all times. In essence, the development of moral universalism is linked to the development of the theory of human rights. (2) While some philosophers and scholars have accepted that human rights are based upon moral universalism, others argue to the contrary and reject the existence of moral truths which are claimed to be applicable to all human beings throughout the history.

4.1.1 Definition of Human Rights

There exist different interpretations about the exact meaning of human rights. However, all these interpretations have one common element: a reference to rights of all individuals. Different definitions for human rights have been mentioned, but the most common and concise definition of 'human rights' is as follows: rights (as freedom from unlawful imprisonment, torture, and execution) regarded as belonging fundamentally to all persons. (3) The Encyclopedia of Democracy defines human rights as demands of all persons who, as human beings, justly deserve to ask for them. (4) However, when this concept was raised in the seventeenth century, these demands were called natural rights meaning that they stemmed from the inherent nature of every individual. Over the years, this concept evolved from 'the rights of humans' to 'human rights', reflecting the fact that all demands cannot be considered as natural

demands that are present in certain affluent societies. (5)

4.1.2 Western Philosophers and Human Rights

The following paragraphs deal with the ideas of some Western philosophers who, throughout years, have contributed to the development of the concept of human rights.

4.1.2.1 Aristotle

Aristotle was among the first philosophers who were supportive of the idea of moral universalism which can be considered as the basis of human rights. Aristotle supported, in clear terms, the existence of a natural moral order. (6) In his famous writing 'The Politics' he touches upon some notions that can be considered as the heart of democratic thinking such as personal freedom and the rule of law. For instance, he argues that "the basis of a democratic state is liberty; which according to the common opinion of men, can only be enjoyed in such a state." (7) In another section of 'The Politics', he gives some advices to the rulers so as to prevent a revolution from taking place. He argues that the governments must avoid any illegal acts and prevent the general public of doing the same. They must not particularly keep even the unimportant illegal actions unpunished because as the small expenditures will ultimately destroy big wealth, small illegal actions will lead to destruction of countries. (8)

Andrew Heard is of the opinion that Aristotle always keeps the middle ground and there are passages in his writings in which he even gives advices to oppressors. Therefore, one cannot conclude from the afore-mentioned that Aristotle was a champion of human rights. However, as a pioneer of human rights, he was one of the earliest philosophers who developed the notions of 'natural rights'. (9)

4.1.2.2 Aquinas

The concept of national rights was further developed by Thomas Aquinas who believed that certain goods or behaviors were naturally right or wrong because God has decreed it so. (10) He was one of the medieval theologians and philosophers who elaborated on Christian teachings about tolerance and diversity of belief. In his 'Summa Theologica', Aquinas states that human law is derived from the natural law.... But all vices are contrary to the law of nature. Therefore, human law should repress all vices. In this writing he gives some advices for the governments and, while treating the subject of imposition of moral virtue, argues for restraint on the part of government. (11)

4.1.2.3 Hobbes

Although other philosophers have touched upon the issue of natural law, Thomas Hobbes was the first philosopher who discussed natural law in detail. The state of nature was essential in Hobbes' political philosophy. He argues that all individuals who are equal in this state of nature attempt to protect themselves from each other. Therefore, in the absence of an authority to rule over them, they are in a state of permanent war with each other. In this situation, no law exists and no action can be considered unjust. In other words, all individuals enjoy 'natural right' and are free to do whatever necessary to protect themselves. (12)

In fact, it was Hobbes who made the first attack against the basis of natural right by describing a state of nature where there was no sanctity. He also made an essential move from 'natural right' to 'a natural right'. Therefore, there was "no longer just a list of behavior that was naturally right or wrong." (13) He said that in this situation where every individual is the enemy of another individual, there is an ongoing war of all against all. It is in this state of affairs when there is no difference between right and wrong or between a just man and an oppressor, because when there is no authority to rule the country, naturally there is no law either, and when there is no law, oppression and justice do not mean much. However, Hobbes does not intend to claim that the people are engaged in war with each other all the times. His claim, rather, refers to the fact that in the state of nature, no one feels secure and everybody is constantly exposed to aggression and for his protection he has to rely on himself alone. (14) The only way out of this misery, as far as Hobbes is concerned, is for the people to agree to give their natural rights to an authority or common power to keep the peace among them and defend them against foreign enemies. (15) This common power is nothing but a government whose duty in addition to providing respect and validity for the contracts is to protect the people from foreign invasion and infighting amongst them. For Hobbes, authority is the beginning of liberty and not the end of it. (16)

Hobbes believes that certain rights such as the right not to kill, or injure oneself or the right to have food and medicine or the right to resist in confronting aggression to one's life cannot be transferred or condoned. Along this line of thinking, he was against the use of documents produced under torture. (17) Hobbes is known to create the principal framework of liberalism. In his famous book 'Leviathan', he states that "every Subject has Liberty in all those things, the right whereof cannot by

Covenant be transferred." (18) Hobbes believes that although human beings are selfish, but at the same time they are rational creatures; their main aim is to preserve their lives; their main fear is death. Therefore, wisdom offers appropriate principles for peace and on the basis of these principles people can come to an agreement. These principles are called natural laws. According to Hobbes, natural law is a general principle discovered by wisdom. On this basis, human being is forbidden from any act that destroys his life and from not doing enough to remove anything that is detrimental to him. (19)

As explained earlier, Hobbes' main preoccupation is security. He pays more attention to security than freedom and liberty. When he defends the entitlement of the authority to use all means available at his disposal, he is accused by some scholars as supporting despotism. (20) Other scholars believe that although Hobbes gives too much power to the authority, he does not support a totalitarian government. He is of the opinion that it is not wise or even practical for the authority to interfere in those aspects of peoples' lives that are not related to peace or integrity of the government. He emphasizes, rather, on the need to protect peace and security of the government using all available means by the authority. The government prescribed by Hobbes is authoritative not totalitarian. (21)

Even if one accepts the arguments of those who believe that Hobbes promotes despotism, it is clear that this despotism has specificities and conditions that are different from those of present despots of the world. First, Hobbes' 'despotism' is based on a social contract while most despotic governments throughout history have maintained that their bases of authority stem from God's will or destiny. Second, individualism or individual security and prosperity is one of the pillars of his political philosophy while most despotic rulers of our time stress on preservation of common interests, such as supremacy of one race and ethnicity or emancipation of proletariat, at the expense of individual rights. Third, Hobbes believes that the political leadership should be with an individual or a group of individuals while in most despotic governments only a single man rules. Fourth, although Hobbes considers enormous power for the authority, he sees death for the authority as well. And if the authority is willing to be safe from all the dangers, he should strive for the satisfaction of the ruled. (22)

Although certain criticisms are made against Hobbes' political philosophy, what is clear is that Hobbes' individualism is the fountainhead of liberalism. Hobbes

did not affect its society promptly, but he has had an outstanding position in the history of Western political thought. His works on liberalism and human rights, though not with the present-day connotations, guided those philosophers who followed him and most of the theories introduced since seventeenth century have referred to, criticized or rejected Hobbes' thoughts.

One of the philosophers who modified Hobbes' thoughts on citizens' rights was Benedict Spinoza who stated that democracy was the most natural form of government compatible with personal liberty. (23) There are many similarities between Hobbes' thoughts and those of Spinoza such as on power and natural rights. However, while Hobbes believes that government's services are solely for the purpose of securing security, Spinoza is of the view that security and liberty are dependent on each other and the government supports liberty as much as it protects security. In Spinoza's view, personal liberty does not bear a negative value and the best political entity to ensure this liberty is not an authoritative government, as Hobbes suggests, rather a democratic government. (24)

4.1.2.4 Locke

While Spinoza's contributions on balancing Hobbes' thought on human rights are acknowledged, the most influential philosopher having a more liberal interpretation of natural rights was John Locke. Although Locke follows Hobbes on the idea that in the state of nature people's main preoccupation is to protect themselves against dangers surrounding them, Locke's thoughts are different from those of Hobbes. While people, according to Hobbes, are selfish and solely after their own business, human being, as far as Locke is concerned, is altruist and as a member of an ethical system accepts ethical laws. Furthermore, Locke believes that living under the authority of an oppressor is worst than living in the state of nature. (25)

Locke's thoughts on civil government which included, for the first time, the central elements of liberalism are reflected in his well-known book 'Second Treaties of Civil Government'. In this work, Locke while outlining his main criticism against absolute monarchy calls for the establishment of a tolerant and civil order society. He states that "it is evident that absolute monarchy, which by some men is counted the only government in the world, is indeed inconsistent with civil society." (26) Locke believes that the essence of all human beings is the same. They are wise creatures and through their wisdom learn the laws. And the law does not limit individuals. Since human beings are wise they act rationally and logically with love and compassion and

respect each other's rights. (27)

Locke claims that individuals possess natural rights which have originated from the law of nature. And the origin of the law of nature is God. Therefore, these natural rights have been given to individuals independent of, and prior to, the formation of any political community. In other words, the root of people's obligations to respect the rights of others comes from natural rights, which he equates them with God's rulings.

The state of nature, as far as Locke is concerned, has two characteristics: total liberty and common equality. In the situation of total liberty, individuals within the framework of the law of nature are free to do whatever they wish. In the situation of common equality no individual has more right, authority or competency over others and for this reasons human beings are born on an equal footing. They are not equal in their talents and capabilities, but equal in their rights. (28) He argues that each individual has a moral duty of self-preservation before God and for this duty to be implemented properly; we have to be free from threats to life, liberty and estate or personal property. (29) It is in this context that he sees the only justification for the creation of a government as promotion and protection of natural rights which have been provided solely by God.

Locke also justifies the use of arms against the government if it intentionally does not do its job of protecting natural rights of individuals. Contrary to the Hobbes' thought, Locke believes that in the formation of a society headed by an authority, individuals do not surrender their natural rights to the authority. Since they are eager to keep the same rights provided to them by God, giving up of this power without any compensation does not make sense. Therefore, the legitimate political power must be limited to the betterment of common good in the society which is the protection of life, liberty and property of the citizens. (30)

Locke has an interesting argument on the right to property. He believes that in the state of nature human beings enjoy certain rights originating from the law of nature. As explained earlier, Locke identifies these rights as life, liberty and estate and call all of them property. In his Second Treaties he used it in general terms for several times and in some instances he used it to refer to the estate. The use of the word 'property' in general terms, as far as Locke is concerned, is meant to refer to a right. Therefore, one can suggest that Locke's perception of other natural rights is seen in light of how he looks at property.

Locke also accepts private ownership as a natural right, but he does not consider it as an unlimited right. He argues that nobody has the right, even with his own work, to take more than what he or his family needs from the common depot of goods. As for the ownership of land, Locke believes that people are entitled to those pieces of land where they are working on. In other words, the work on the land justifies its ownership. Although Locke is in favor of private ownership, he does not advocate free and unlimited economy. (31)

Locke's approach to natural rights became a theoretical inspiration for both American and French revolutions. The philosophical ideas of Locke very much affected the American Declaration of Independence and France's Declaration of the Rights of Man and the Citizen in the late seventeenth century. The American Declaration of Independence states "that all men are created equal, that they are endowed by their Creator with certain unalienable rights that among these are life, liberty and the pursuit of happiness. That to secure these rights, government is instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it". (32) If this section of the Declaration is looked at closely, one can see the finger prints of Locke even in this short section. It is as if Locke was drafting the Declaration.

The French Declaration whose language has some similarities, to some extent, with the American Declaration of Independence states that "men are born and remain free and equal in rights... the aim of every political association is the preservation of the natural and imprescriptible rights of man. These rights are liberty, property, security, and resistance to oppression". (33) Locke's interpretation of natural rights is also reflected in the French Declaration. At any rate, both of these documents provide certain civil and political rights for their citizens.

4.1.2.5 Rousseau

If Locke is considered the patron of the American Revolution, there is no doubt that French philosopher Jean-Jacques Rousseau is known to be the father of French Revolution. Rousseau is among the writers who support the social contract view. He argues that people agree to live together if the state protects them. He considers the purpose of the government as protecting those rights of citizens that they themselves are not able to defend. For Rousseau, social order is a sacred right serving as a basis for other rights and since it is not a natural law, it must be founded

on covenants. (34)

Rousseau has elaborated on a number of individual rights and also the limits on the state power. However, Rousseau's attachment to liberty is very much apparent in his works. He argues that human being is born free. The government must provide the most common good. It must provide liberty, but liberty without equality cannot exist. Therefore, the government must seek equality. Equality does not mean total equality in power and wealth, rather it means that no one should have so much wealth to be able to buy others and no one should have so much poverty to be forced to sell himself. And no one should hold more power than given to him by the law. (35)

Although Rousseau accepts private ownership as a principal institution of the society, he emphasizes on economic equality too, as it is clear from the above-mentioned points. Rousseau also emphasizes on ethical matters. He argues that liberty for individuals is achieved through following supreme ethical criteria, respecting for citizens' rights, considering the political society as an integrated whole and completely following the government. It is in that situation that human being enjoys liberty. (36) While Rousseau attaches high importance to liberty, he deems it necessary for the citizens to abide by the decisions of the government, calling it liberty.

4.1.2.6 Kant

Another philosopher reacting to and elaborating on Hobbes' work on natural rights and known for his moral philosophy is Immanuel Kant. He accepts the argument that a rational need for the protection of individuals against violence is the basis for human beings to create a state-structured society. However, he says that citizens within this state should treat each other in accordance with universal moral principles. He argues that the state should impose laws that are applied universally. These laws, however, should respect equality, freedom, and autonomy of the citizens. (37) He advocates the sanctity of human rights and believes that the ruling power must do all in its power to preserve this sanctity.

It was Kant who raised, for the first time, the question of universality of the concept of human rights. In his work 'Perpetual Peace', Kant raised the idea of establishing a union consisting of countries whose governments truly represent the people. However, he believed that a republic is the only government that is appropriate for the protection of rights of humans and that plays the most important role in the establishment of peace among the nations. This union, through

international coordination and supports provided for every citizen in the face of danger of war, and therefore with completion of the process of moving from the state of nature towards peace, secure more the right to life, right to liberty, and right to personal ownership. (38)

In Kant's philosophy, morality plays an important role and he draws a connection between liberty and morality. Kant speaks about liberty as a moral question whose solution is not contingent upon politics. He says that the only type of liberty which is right is the one respected by others and under the control of public laws. Accordingly, liberty and righteousness, in practice, go hand in hand. (39) Kant is of the view that human beings should be treated as end and not means. Therefore, aggression against others' rights is like treating them as means which is morally impermissible. Individuals' rights should be respected not because the nature pushes them to protect themselves but because of the fact that they are rational creatures capable of following moral laws. (40)

Kant interprets the social contract in a rational manner arguing that through the contract people leave their wild liberty in order to replace it with complete liberty because this liberty is the creation of free will of their lawmakers, a liberty that is legal because it is within the framework of law. Kant says that the government is a good administrator and has the obligation to uphold morality in the society.

4.1.3 Contemporary Human Rights Instruments

Kant's moral philosophy has deeply affected the most important human rights document of the twentieth century. The preamble of the Universal Declaration of Human Rights adopted in 1948 states that "whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world". (41) The first twenty one Articles of the Declaration explain those rights that are somehow reflected in the French Declaration of the Rights of Men and Citizen. However, Article 22 refers to, for the first time, the right to social security and the international cooperation for realization of the economic, social and cultural rights. It seems that the inclusion of this type of rights in the Declaration was the reflection of the universalization of the objectives of liberalism of the welfare state. (42)

The Europeans started their own work on the subject of human rights in 1950 when they adopted the European Convention for the Protection of Human Rights and Fundamental Freedoms in which European Commission of Human Rights and a

European Court of Human Rights were set up. Americans also worked on their own document later and in 1969 adopted the American Convention on Human Rights in which an Inter-American Commission on Human Rights and Inter-American Court of Human Rights were established. In 1966 the United Nations adopted two covenants namely 'International Covenant on Civil and Political Rights' and 'International Covenant on Economic, Social and Cultural Rights'.

The equal treatment of all rights by the U.N. was the result of long discussions between the developing and former Soviet block which were emphasizing more on economic and social rights on one hand and the Western countries which were promoting ideals of political and civil rights on the other. The Europeans worked even further to elaborate more to integrate human rights into their legal system. In this context, they adopted the Treaty of Amsterdam in 1999 and the Charter of Fundamental Rights of the EU. These documents clearly identify the contemporary human rights doctrine in which a universal moral order is recognized. (43)

However, the question of the universality of human rights has faced strong criticism as well. The opponents of the universality of human rights claim that the concept was created in the West based on European tradition that individuals are separable from their society. (44) Furthermore, in certain societies one cannot consider the interests of individuals alone; rather the interests of the whole society have to be taken into consideration. By the same token, particularities of different societies in the areas of culture, tradition and so on also have to be born in mind which calls into question across the board, universal application of human rights.

4.1.4 Link

There exists a link between democracy and human rights. However, the definition of democracy plays an important role in determining this link. If a government is established in accordance with the will of the majority of citizens and supports human rights, then there exists a direct relationship between democracy and human rights. A democratic government must respect the rights of its citizens; otherwise its claim of being democratic is questioned. Furthermore, the Universal Declaration of Human Rights refers to the rights of people to take part in the government through "periodic and genuine elections". Therefore, one can suggest that not only democracy requires respect for human rights, but respect for human rights requires democracy too. (45)

To summarize, the present concept of human rights has its roots in the concept

of natural rights which over the years has been evolved to include different types of rights that are universal and cannot be violated under any circumstances.

4.2 Islam and Human Rights

The question of Islam's attitude towards human rights has been one of the most controversial issues throughout the history particularly during the first years of the new millennium when terrorist attacks against Western targets have been perpetrated by some Muslims. The issue at hand has been whether Islam observes and protects human rights or this religion has nothing to do with the way human beings are treated each day in different corners of the world. The simple answer is yes. Islam does care about humans and their well being. In fact, there exist specific provisions in the Holy Koran which clearly give instructions and advices related to human rights. However, one should not lose sight of the fact that gross violations of human rights are also committed in the name of Islam.

4.2.1 Purpose of Human Creation

As far as Muslims are concerned, humans were not created in vain and God, the Almighty, had a plan and purpose in creating them. Chapter 23, Verse 115 of the Holy Koran states that "did you then think that We had created you in vain". Chapter 2 Verse 30 specifies the mission that God has designed for humans, i.e. to be His 'Vice-regent on Earth'. The humans are free to choose their paths; they can do good deeds and go to the heaven or they can choose the wrong way and head for the hell. Chapter 45 Verse 15 clearly illustrates this reality: "Whoever does good, it is for his own soul, and whoever does evil, it is against himself; then you shall be brought back to the Lord". In fact, it is the intellect and free will of humans that distinguish them from other creatures.

One of the misperceptions about Islam and its difference with Western ideals is the question of God's sovereignty versus people's sovereignty. Some suggest that in Islam sovereignty belongs to God, while in democracy it belongs to the people. It is true that in Islam God is the ultimate Sovereign, but does that mean that humans have no say in their affairs because everything is decided by God? Absolutely not. Humans are free to choose between the right and wrong. Mohammad Farooq believes that God has provided essential guidance to humans and Muslims have to conduct their lives

according to that guidance. (46)

It is interesting to note that there are two words for humankind in the Koran: *bashar* and *insan*. For instance, "I am only a mortal (*bashar*) like you"(18:110) or "Man (*insan*) is ever hasty"(17:11). Ali Shariati has elaborated on the difference between the meanings of the two words. He suggests that *bashar* is the two-footed creature that contains physiological, biological and psychological characteristics which are shared by all humans, while *insan* is that unusual being having exceptional characteristics that can enable human race to attain certain degree of 'humanness' or 'humanity'. Accordingly, "we are all *bashar* but not necessarily *insan*". In other words, "*bashar* is a being, while *insan* is a becoming". (47) Therefore, one can argue that, based on Islamic teachings, the purpose of one's life is to move from being a *bashar* to being an *insan* so that he can become God's vice-regent on Earth.

4.2.2 Human Categories

Mohammad Taghi Jafari argues that Islam categorizes humans into six groups. One, those humans who have not reached their level of personal growth and evolution and have no knowledge of any subject except those related to their natural lives. Two, those humans who have taken steps, to a certain degree, in the direction of their growth and have accepted the social life with its laws. Third, those who have come to believe that there is a world beyond the current world, and in order to create a link with the other world, they are prepared to do extra work besides the actions necessary for their 'pure natural life'. Fourth, those who accept one of the monotheist religions and act upon its directives. Fifth, those who accept Islam and act upon its directives. And six, those Muslims who have reached the stage of piety. (48) All these humans are entitled to certain rights such as right to life and freedom. However, it is clear that as far as enjoyment of such rights is concerned, Islam does not make any distinction between believers and non-believers or between Muslims and non-Muslims.

4.2.3 Dignity

Human's dignity is highly respected in Islam. It is a gift from God that carries a potential merit to be explored. This dignity brings with it a right. Jafari defines this right as "being clean from all wickedness and uncleanness as well as honor and perfection to which dignity is attributed to". He considers two types of dignity for humans: inherent dignity and meritorious dignity. All humans enjoy inherent dignity as long as they do not commit any crime or treachery against themselves or others. Holy Koran says: "And surely We have honored the children of Adam and We carry them

in land and the sea, and We have given them of the good things, and We have made them to excel by an appropriate excellence over most of those whom We have created". (17:70) This verse evidently illustrates the fact that God has provided humans with inherent dignity. For this reason, all human beings should recognize this dignity as a right to be respected by all.

The higher level of dignity is called meritorious dignity. "Indeed the most dignified among you before God are the most pious". (49:13) Therefore, piety is the basis for reaching to the higher level of meritorious dignity. In other words, humans are free to capitalize on their inherent dignity to reach to the higher level. By not following the right path, they can destroy all potentials and capacities inherent in all humans.

4.2.4 Sanctity of Rights

From an Islamic point of view, rights given to humans are considered sacred obligations that cannot be condoned or put aside. These rights are not humans' belongings about which they can decide whether to protect them or not. These rights belong to God and humans are required to honor those obligations as God wishes. For instance, protection of one's life is not a right that can be spared through commission of suicide. It is in this context that human rights in Islam are sacred and protection of freedoms and prevention of aggression against them is a religious obligation. (49) Furthermore, it is not within the power of a government or a legislative assembly or a judiciary to change human rights because of the fact that these rights have been conferred by God. (50)

Jafari believes that the obligation to protect human rights of every human being individually or collectively is on the shoulder of Islamic governments. And if the government or the society is not capable of this task, every human being is obliged to defend his or her right. (51) This does not mean that Islam wants to restrict human rights to only Islamic countries. The message of Islam including on the necessity to observe human rights is universal. It means that human rights have to be observed under all circumstances and all over the world. However, not all Muslims subscribe to this interpretation. For instance, Hamid Paydar holds that Islam makes a distinction between the rights of Muslims and non-Muslims and any government that defends equal rights for all is non-Islamic. Abdolkarim Soroush, on the other hand, believes that neither Muslims nor non-Muslims derive their human rights from their faith. Their rights, rather, come from their "membership within the larger group of

humanity." (52)

4.2.5 Role of Society

Islam strives to build a dignified society and attaches great importance to the role of society in creating good human beings and it is in this context that one can notice that the spirit of rules and regulations of Islam are society-based. And whenever there is a conflict between the interests of an individual and those of the society, the interests of society would prevail. (53) Along the same line, Islam considers the right of every individual to participate, directly or indirectly, in the administration of his or her country's affairs. (54)

Scholars of Islam present different interpretation as to what this religion offers to the people in terms of their private or public life. Some believe that Islam only deals with the relationship between individuals and God as well as ethical relationship among peoples. Based on this line of thinking, political, legal and governmental issues are outside the domain of the religion. Others, on the other hand, believe that besides issues related to worshiping and ethics, Islam emphasizes on the need to establish a religious government and states the principles governing the domestic and international system of a government.

A close look at the Koranic verses suggest that Islam on one hand talks about issues related to one's belief such as prophetic mission, revelation and resurrection day and on the other hand discusses ethical issues. The third aspect relates to the social, economic, military and political issues. In other words, matters related to governance are also covered by the Book. (55) Therefore, the societal dimension of Islam is essential for everyday affairs of Muslims.

4.2.6 Equality

In Islam, "all men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the basis of race, color, language, belief, sex, religion, political affiliation, social status or other considerations." (56) Islam also supports diversity within human society and highly values the acquaintance of people with each other. A part of Chapter 49 Verse 13 of the Holy Koran supports diversity and tolerance: "O humankind, surely we have created you of a male and a female, and made you into nations and tribes so that you may know each other". It is evident that the division of people into different nations is not meant for one nation to claim superiority over others. In fact, the words of God clearly identify the criteria for the superiority and that is piety and not color, race,

language or nationality. (57) This verse promotes harmony and cooperation among peoples. In order for the people to be familiarized with each other, they should be more tolerant to each other's opinions. Otherwise, sticking to one's own opinion cannot be conducive for the familiarization process. The above-mentioned verse is addressed to all humans who are considered to be among God's family and the most popular individuals within this family are the most useful ones for the affairs of the family. (58)

Islam allows different opinions to be heard. Bazargan believes that differences of opinions are permitted in Islam even "within the realm of the tenets of religion, let alone in administrative and governmental issues". He gives the example of the Prophet when he listened to his opponents' arguments and reacted calmly to them both when he did not have the upper hand in Mecca and when he was strong in Medina. (59)

4.2.7 No Compulsion in Religion

One of the most important verses of the Koran related to religious freedom is: "There is no compulsion in religion; truly the right way has become clearly distinct from error". (2:256) Noah Feldman holds that classical Islamic law and most modern Muslims think that this verse does not allow any individual or government to force anyone in matters of private belief. (60) Some scholars hold that since it is forbidden to apply coercion in religion, therefore by implication in matters of worldly affairs, it is not acceptable to resort to coercion. (61) Even the Prophet of Islam was told that his duty was to convey the Message: "If then they turn away, We have not sent you as a guard over them. Your duty is but to convey (the Message)". (42:48)

During his lifetime, the Prophet never resorted to coercion. To the contrary, he had cordial relations with Jews and Christians and some non-believers of Medina. (62) The Medina Document, a contract signed between the Prophet, Jews and non-believers in Medina, gave a clear proof of peaceful coexistence between the inhabitants of Medina in which Muslims were granted the right to rule in the city while the rights of other groups were totally protected. (63)

Throughout the history of Islam, Muslim jurists have worked on the legal framework for rights and obligations of human beings. The Moroccan scholar Ash-Shatibi elaborates on this legal framework by explaining the objective of the Islamic law as realization of three public exigencies. The first category is called 'essential exigencies' without which life is ruined. These include food, shelter and security. The

second category is called 'utilities' without which life may be affected but not jeopardized. These include education, health and social care. The third category is called 'ameliorative' with which life is beautified. These include recreational facilities. Tamimi holds that one of the purposes of Islam was to guarantee and preserve these exigencies which constitute the general framework of human rights. (64) Ghannouchi has also commented on Ash-Shatibi's work. He believes that the order of these exigencies is of paramount importance and whenever there is a conflict between the two categories, the lower category has the lesser importance and should be put aside at the expense of the other category. (65)

Jafari has looked at the issue of categorization of rights from another angle. He has identified five types of rights for humans as follows: right to life, right to inherent dignity, right to work, right to education, and right to freedom.

4.2.8 Freedom

Cairo Declaration on Human Rights in Islam, adopted by the Islamic countries, states that "Human beings are born free, and no one has the right to enslave, humiliate, oppress or exploit them, and there can be no subjugation but to Allah, the Almighty." (66) One of the principles of Islam is freedom from all internal and external chains which handicap human beings. As explained above, Muslims are not allowed to be subjugated to anybody except God.

The famous Islamic expression 'there is no god but Allah' clearly demonstrates the fact that humans must not be under the servitude of anyone except God. Chapter 3 Verse 79 of Koran states: "It is not (possible) for any human being unto whom God has given the Scripture and wisdom and prophethood that he should afterward have said unto mankind: Be slaves of me instead of God". The Muslims have to rid themselves of the internal chains as well. God has ordered them not to follow their illegitimate, material and worldly desires so that they can reach success and prosperity.

Ghannouchi believes that freedom is an obligation. From this point of view, freedom is defined as implementation of one's responsibility in a positive manner, that is, to fulfill our obligations voluntarily by doing what God has ordered us to do and not doing anything He has ordered us not to do. (67) As far as Islam is concerned, freedom for human being, regardless of being a believer or non-believer, is a must. The way that the Prophets have approached this issue and their resolve to free humans from the chains of despotism is a clear proof in this regard. There are different verses

in the Koran to this effect and in defense of those who have been oppressed.

Abdollah Javadi Amoli holds that there is a link between one's capability and freedom. He argues that since humans have limited capacities and capabilities, they cannot have unlimited freedoms. God has created human free and has given him the will. But, this will is limited. Therefore, human being does not have the ability to utilize his will and do whatever he wishes. By the same token, when humans live in a society, laws and regulations limit his unlimited freedom. Therefore, unlimited freedom cannot be accepted by wisdom, nature, and societies. Humans, while enjoying freedom, have certain limitations in different fields such as in ethical, legal, economic, political and military fields, and they should respect these limitations.

Now, the question is who can limit these freedoms? The logical answer is that the only one that can identify the limit of human's freedom is God who has created humans with certain limitations. God is the one who is aware of conditions of His creature and can subscribe for him the freedom suitable for his perfection. (68) God says in the Koran that "Surely we have created everything according to a measure". (54:49) A legitimate question, now, is how in a society God's limitation on human's freedom is translated into action? Can interpretation of these limits be misused to prevent genuine exercise of human rights? It should be pointed out that human's freedom is much respected in Islam and God's limitations on this freedom, as explained above, does not give right to anyone, under any circumstances, to violate human rights under the pretext of upholding religious values. The Holy Koran and the Prophet's traditions are the basis on which human rights issues can be approached and interpreted within a society.

As explained earlier, humans are free to choose their religion and there is no compulsion in religion. At the same time, Koran has on different occasions stated that the way to righteousness is different from the way to falsehood. In essence, God shows humans where the path to salvation is and how they can reach there. "Surely, We have shown him the way: he may be thankful or unthankful." (76:3) "There is no compulsion in religion; truly the right way has become clearly distinct from error".(2:258) "And say; The truth is from your Lord, so let him who please believe, and let him who please disbelieve".(18:29) At the same time, humans are told that they should accept Islam as the right religion if they want not to be among losers: "And whoever desires a religion other than Islam, it shall not be accepted from him, and in the Hereafter he shall be one of the losers".(3:85) Therefore, one can conclude

that humans are free to choose between right and wrong. Those who choose God's way will enter paradise and those who choose the other way will end up in hell.

Islam supports the right to freedom of conscience and belief. The essence of the verse 'there is no compulsion in religion' is the fact that God has created mankind in a way that accepts only the language of reason. Human's thoughts are based on reason and it is for this reason that neither human being can impose a belief on himself nor others can impose any belief on him. Humankind reaches perfection when, on the basis of good choice, accepts the right. Coercion and compulsion take away free choice of humans and it is for this reason that God recognizes a pivotal role for freedom and rejects compulsion in religion and considers the duty of His Prophets as presenting and conveying the religion. (69)

Mawdoudi argues that in an Islamic government, non-Muslims are not obliged to accept a belief or an action contrary to their own belief. Furthermore, they are entitled to do whatever they wish in accordance with their belief as long as not contravening the laws of the government. (70) As for the freedom of thought, Amoli believes that Koran was revealed for the purpose of reasoning and pondering and more than 300 verses of Koran refer to freedom of thought within the framework of thought, reasoning and pondering. Furthermore, Koran refers to different debates that the Prophets had with their opponents in order for the reader of the Book to think about the world of creation and it's God. (71)

While Islam emphasizes much on the need for humans to ponder on every subject, it is logical that every effort is made to prepare the ground for the expression of those thoughts. That is the basis for freedom of expression in Islam. There exist different verses in Koran calling on humans not to be silent and express themselves on what is right. 'O followers of the Book! Why do you confound the truth with the falsehood and hide the truth while you know?'(3:71)

Both Mohammad Taghi Jafari and Mahdi Almonjareh favor limitation of freedom of expression in Islam but for different reasons. Jafari believes that not only the truth which is useful can freely be expressed, denial and concealment of truth is a big crime. However, he does not defend unlimited freedom of expression, arguing that if freedom of expression like freedom of thought and belief incurs material and spiritual damages on humans, it is an irrational freedom. (72) Almonjareh takes the same position on the freedom of expression but with different emphasis: "In Islam, there is no limit for the freedom of expression. As long as expression of belief and

thought does not negate rights of other humans, it is guaranteed by Islam." (73)

4.2.9 Slavery

Related to the subject of freedom is the issue of slavery and Islam's position in this regard. It is important to note that when Islam was introduced, there were many slaves living in the world including in Arabia. Islam encouraged the people in different ways to free their slaves. As a consequence, many of the slaves belonging to newly converted Muslims were set free. Therefore, it took about thirty or forty years when the problem of slaves was solved in Arabia. (74)

There is no verse in the Koran sanctioning the slavery, but Abdullahi An-Na'im believes that many verses implicitly do so. However, he goes on to say that there are verses in the Koran designing the emancipation of slaves such as Chapter 9 Verse 60 or Chapter 2 Verse 177. (75) Jafari holds that given the strong presence of the roots of slavery in the world at the time, had the Prophet started to immediately combat slavery, the social and economic fabrics of the life would have been destroyed. It was for this reason that the Prophet took measures to free slaves with the aim of its total elimination. (76) Riffat Hassan argues that the Koran restricted the slavery only to prisoners of war and in Chapter 47 Verse 4 calls for freeing those prisoners either as a favor or for ransom, therefore, "the door for future slavery was thus closed by the Koran forever." (77)

4.2.10 Justice

Islam considers implementation of justice as one of its main tasks. There are different verses in the Koran that implicitly or explicitly refer to this phenomenon. "O you who believe! Be upright for Allah, bearer of witness with justice, and let not hatred of a people incite you not to act equitably; act equitably, that is nearer to piety, and be careful of (your duty to) Allah; surely Allah is Aware of what you do." (5:8) This very verse is a clear example of how doing justice is essential in day to day affairs of Muslims. It calls upon Muslims to act justly even with those who hate them, whether they are Muslims, followers of other religions or even non-believers. Ghannouchi argues that the essence of God's laws is the establishment of justice. He refers to Chapter 57 Verse 25 of the Koran which says: "We sent aforetime our Messengers with clear signs and sent down with them the Book and the Balance (of right and wrong), that men may stand forth in justice." (78)

In another verse, the Holy Book orders Muslims to do justice even if it is against their own interests: "O you who believe! be maintainers of justice, bearer of

witness of Allah's sake, though it may be against your own selves or (your) parents or near relatives; if he be rich or poor, Allah is nearer to them both in compassion; therefore do not follow (your) low desires, lest you deviate; and if you swerve or turn aside, then surely Allah is aware of what you do".(4:135) This verse exhibits, in clearest form, the need to respect human rights of others.

4.2.11 Right to Life

Islam has guaranteed the right to life of every human being. Human blood is sacred and cannot be spilled without justification. (79) Koran has equated the unjustified killing of a soul to the killing of entire mankind: "Whoever slays a soul, unless it be for manslaughter or for mischief in the land, it is as though he slew all men; and whoever keeps it alive, it is as though he kept alive all men".(5:32) Or in another verse, God says: "Do not kill the soul which Allah has forbidden except for the requirement of justice".(6:151) In all these verses, the word 'soul' has been used without any qualification as to its gender, color, race, religion, etc. It applies to all human beings and the destruction of human life in itself is prohibited. (80)

Jafari has studied the right to life of all living creatures including human beings. He argues that Koran has considered the living of plants such as trees and flowers as God's blessing. He concludes that while the living of these plants is like God's blessing, surely the life of other creatures and above all the life of humans is the most valuable and all humans should be able to enjoy this God's blessing and no one can disturb this right. (81) By the same token, committing suicide is forbidden in Islam since a sacred blood is spilled without justification. Humans are created free but they are not entitled to take even their own lives.

4.2.12 Right to Property

Islam guarantees the right to own property obtained in a legitimate way and everyone "shall be entitled to the rights of ownership without prejudice to oneself, others or the society in general". (82) However, Tamimi believes that this right is not considered a natural right since from an Islamic point of view, everything belongs to God. (83) Therefore, as far as ownership is concerned, including the methods of acquiring and disposing of property, it should be done in accordance with the Islamic law. Islamic model of ownership is different from those of socialist or capitalist models. In Islamic model, the general aim and approach is to distribute wealth to as many people as possible so that they become owners and as a result share the power and participate in the decision making. (84) In a nutshell, while Islam recognizes the

right to personal ownership, it prohibits extravagance and calls on Muslims to look after those who need money such as the near of kin, the orphans and the needy.

4.2.13 Privacy

Islamic law provides for the sanctity and security of private life. It is in this context that Islam forbids most cases of suspicion and spying on one another.(49:12) The place of residence of humans also has a sanctity: "Do not enter houses other than your own houses until you have asked permission and saluted their inmates".(24:27) Islam also attaches paramount importance to the protection of honor of humans and in this context, malicious treatment of others such as making fun of and defaming one another is strongly rejected.(49:11) It is clear that in Islam everyone's honor is protected regardless of one's ranks.

4.3 Conclusion

Taking into considerations the above-mentioned approaches both democracy and Islam apply to the issue of human rights, one can come to the conclusion that there are both similarities and dissimilarities between the approaches of both schools of thought as follows:

Similarities:

1. Hobbes' insistence on the need to have an authority to keep the peace among the people within a society is in essence in line with the idea that the Koranic verses include provisions related to the functioning of the society. In other words, both Islam and democratic thinking support the establishment of an authority to run the affairs of a society based on certain rules and regulations.
2. Locke's approach to human rights and his belief that certain rights are given to humans by the Creator, as exemplified in the US Declaration of Independence, has certain similarities with the Islamic point of view on the sanctity of certain rights given to humans by God.
3. Rousseau's emphasis on the importance of equality, including economic equality, and its relations with liberty, as referred to in the French Declaration of the Rights of Man and the Citizen, is somehow shared by Islam's attachments to equality of men in terms of human dignity and their obligations and responsibilities without discrimination.

4. Kant's interest to the concept of morality and its connection to liberty, as reflected in a number of UN human rights documents, have resonance in Islamic thinking. Islam attaches great importance to moral teachings and many Koranic verses consist of moral orders.

5. Kant's belief on the universality of human rights has some support in Islamic thinking though with some reservations. While Islam believes that human rights should be respected world-wide, it insists that one prescription cannot be applied to all human rights problems and, therefore, particularities of different societies have to be respected too when one addresses human rights issues.

6. Freedom is cherished both by Islam and democracy. It is within the fabric and an essential element of the Western political thought. Along the same line, Islam's emphasis that 'there is no compulsion in religion' attests to the fact that humans are free to choose their path. They are born free and remain free, with no subjugation but to God. This latter point, however, qualifies the degree of freedom which in Islam is not unlimited and is proscribed by God only.

7. The right to property is also respected by both Islam and democracy. However, Islam prohibits extravagance and values highly looking after those in need of financial support.

Dissimilarities:

1. The main point of divergence of views between Islam and democracy on the subject of human rights is how individualism is perceived by them and how both schools of thought look at an individual's role in a society and the role of the society in creating good human beings. It is sovereignty of God versus the sovereignty of men. In fact, the essential point is that Islam and democracy consider different concepts of rights for human beings. Western democracy considers almost an unlimited freedom for individuals. Individualism introduced by Hobbes and supported and purified by ensuing Western philosophers is the basis of liberalism in Western democracies. It is the individual who has the final say in all aspects of one's life in a society. It is in this context that the society has no direct role to play in shaping the way human beings act in it. Whereas in Islam while individuals enjoy freedom and human rights, they cannot have unlimited freedom because they are created by God with certain limitations and only God can identify the freedom suitable for His creature's perfection. Furthermore, Islam considers an important role for the society in creating good human beings who can be of benefit to all humanity.

2. Some Western scholars argue that political practice in some Islamic countries is authoritarian which is related to Islam. For instance, the violation of human rights in the hands of authoritarian rulers in these countries is said to be a byproduct of Islam. Muslims reject this claim and argue that authoritarian leaders in these countries should be blamed for this problem and not Islam.

Main issues of incompatibility:

The most important issue of incompatibility in the area of human rights relates to the question of individualism which is highly cherished on the basis of principles of democracy while faces limitations in accordance with Islamic teachings. While the freedom of individuals in accordance with Islam is dictated by sharia, democratic principles advocate maximum freedom for individuals, although this level of freedom is not absolute. Along the same line, while the spirit of rules and regulations of Islam are society-based, democratic rules consider the rights of individual above those of the society.

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CHAPTER V

WOMEN

5.1 Democracy and Women

Throughout the history, the issue of women's rights has always been a matter of dispute even within democratic societies. During the fifth century B.C., several city-states were established among Greeks and Romans where for the first time a substantial number of adult males were given the opportunity to govern. (1) In all these city-states not all residents were entitled to be part of the decision-making bodies. Women as well as long-term resident aliens and slaves were denied full citizenship and consequently not eligible to be part of the government. For instance, from 451 onward, the requirement for Athenian citizenship was that both parents must be Athenian citizens themselves. (2)

5.1.1 Western Philosophers and Women

Early Western philosophers like Plato and Aristotle present opposing views on the issue of women. While Plato supports the equality of men and women, Aristotle believes that women and slaves are by nature condemned to captivity and are not under any circumstances eligible to participate in public affairs. (3) Even the modern age philosophers such as Rousseau do not consider women as full-fledged citizens. Rousseau praised Geneva when in that city-state children, women and even a majority of male adults were excluded from the citizen body or demos. It is interesting to note that Rousseau was aware of these facts which were against his own ideas and principles reflected in the Social Contract but chose to ignore them. Rousseau assumes that children, women, foreigners, and many male adults could be the subjects of a republic, but only certain male individuals could be qualified to be citizens. (4)

Like Rousseau, the British philosopher John Locke advocates qualification of individuals in the society. As far as Locke is concerned, children and slaves are excluded and as Robert Dahl suggests, it is unlikely that he means women to be included as a matter of right. (5) In 1776, the authors of the American Declaration of

Independence announced that all men were created equal with certain inalienable rights such as the right to life, liberty and happiness. At the same time slaves were the property of their owners and women the property of their husbands. Even, the right to vote was restricted to property owners until the nineteenth century. (6)

The situation of women was not better in Europe where women were not only deprived of their political rights, but also they were not entitled to their inalienable rights including the right to ownership. For instance, it was until late nineteenth century when with the adoption of two laws in 1870 and 1882 the British women were given the ownership rights. (7) Although during the seventeenth century Europe, the issue of human rights and respect for it was gaining support for the first time and a number of philosophers and thinkers were enthusiastically promoting human rights, but it was not until the beginning of the twentieth century when, for the first time, the issue of women's rights as opposed to men's rights was surfaced. (8)

John Stuart Mill, the nineteenth century philosopher, contributed a lot to the feminist approach to women's issues. In this regard, he considers the expansion and strengthening of socio-political institutions as necessary tools for the achievement of prosperity in the society. He strongly objects the treatment of women as second class citizens. Mill's wife, Harriet Taylor Mill, contributed greatly to his feminist beliefs and conviction on the need to equal treatment of men and women in the society. After all, one can argue that Mill is one of the forerunners of feminism whose ideas have constituted the basis of today's international standards on the equality of men and women. (9)

5.1.2 Problems with Exclusion

As explained earlier, Robert Dahl introduces five criteria for a democratic process, one of which is the inclusion of adults in the citizenship. This is the very issue that attracted many critics in Western democracies before the twentieth century.

Dahl's main argument is that those citizens with a voice in the government of a state serve their interests much better than those who are deprived of an equal voice. In other words, your interests will be given better attention when you have a voice in the decision making process of the government. (10) One can claim that those who participate in the government can also protect the interests of those who are absent, at best, with the same interest and enthusiasm. History has proven that this has not been the case most of the time.

As Dahl suggests, with the continuing legal or de facto exclusion of certain

people such as women, slaves, and poor in some democratic countries, one cannot expect to see a full protection of the rights of these people against exploitation and abuse. (11) Therefore, it is necessary to include all adults, except a few such as those who are insane, in the citizenry in order to respect the rights of all individuals within a democratic society.

The issue of extension of suffrage to women in Western democracies was another interesting point. Before the twentieth century, there was only one country in the West, namely New Zealand that gave the women the suffrage in national elections in 1893. France and Belgium gave the women the same right after the Second World War. Women in Switzerland gained the suffrage in 1971 while Swiss men were given that right in 1848, before any other country in Europe had done so. (12)

5.1.3 Feminism

Bearing in mind the above-mentioned shortcomings within democratic societies, feminists have criticized the traditional exclusionary policies in these societies and have considered the exclusion of women from the right to vote as ‘tip of the iceberg’. (13) Jennifer Smookler contends that the realities of a male-dominated democratic tradition comprises of the theory of equality supposedly underpinning the democratic system. (14) She further argues that the legal exclusion of women in politics in almost all democracies until the twentieth century had given men the opportunities to establish political institutions, terminology, and practices for themselves. This has, consequently, resulted in the exclusion of women from discussions about the citizen, the individual and political life. (15)

The feminists in Western countries admit that although they have been enjoying the right to vote for more than 50 years, nevertheless, they have never been considered by male-dominated societies as full and equal members in any democratic country. They refer to the social and economic inequalities that are not easily removed. (16) However, some liberal thinkers have rejected this claim that it is liberalism, as such, to be blamed for all these inequalities against women. Daniel Wolschner believes that it is, rather, patriarchal hierarchical structures of societies that bring about inequalities between the sexes. (17)

The critics of unequal treatment of men and women give examples of political exclusion along gender lines within liberal democracies as evidenced by their under-representation in these countries. For instance, in the U.K. since 1997 election, women account for 17.7 percent of MPs. In Greece, women constitute 6.3 percent of

representatives in the Parliament. Nine percent of members of French government, 14.1 percent of Austrian government and 33.8 percent of Dutch government are women. Only in Sweden almost equal number of each sex are in the government. (18) These figures are given by the feminists to prove, as they put it, the inclusion/exclusion problem within liberal democracies at both theoretical and practical levels that need to be rectified accordingly. That is why the feminists call for the removal of barriers in the assumptions and practices of democracy, as was done with regard to women's participation in politics. In this context, Ann Phillips argues that only through an understanding, acceptance and incorporation of sexual difference into democratic theory and practice, equality can be achieved. (19) Whether this is a fair assessment of realities or not, this is the impression permeated in the minds of at least a good number of women within democratic countries.

5.1.4 United Nations Activities

In the aftermath of the Second World War, at the initiative of the victors of the War including the Western democracies the United Nations (UN) was established to "save succeeding generations from the scourge of war". However, the UN activities were not confined to peace and security issues. Since its inception and particularly in recent years, the UN has endeavored to focus on the situation of women across the globe and to work for the promotion of women's rights. Article 1.3 of the Charter of the UN identifies respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion as one of the purposes of the UN. (20) The Convention on the Elimination of All Forms of Discrimination Against Women (21) adopted in 1979 by the UN General Assembly is often called the international bill of rights for women. It defines discrimination against women and introduces an agenda to end such discrimination. (22)

The Convention defines discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field".

The Fourth World Conference on Women held in Beijing in 1995 constitutes a landmark in the activities of the UN in the field of women's rights. It identified twelve critical areas of concern as follows: women and poverty, education and training of

women, women and health, violence against women, women and armed conflict, women and the economy, women in power and decision-making, institutional mechanisms for the advancement of women, human rights of women, women and the media, women and environment, and the child girl. Unfortunately, these problems persist and despite international attention to find solution for them, they continue to haunt the plight of almost half of the world population.

5.2 Islam and Women

The question of the status of women in Islam has been thoroughly discussed at different levels in both Islamic and non-Islamic countries. In this context, many accusations have been leveled against Islam to the effect that women under the Islamic rule are given second-class status and that they are discriminated against in matters such as inheritance, divorce and so on.

5.2.1 Message of Islam

Before attempting to depict a true picture of women in Islam, it is noteworthy to discuss some general observations on the messages of Islam. The Holy Koran has identified the establishment of social justice as one of the main aims of all Messengers. (23) In essence, Islam has been introduced to mankind to bring about justice for all humanity without considering the gender. As Benazir Bhutto suggests, when Islam was introduced to promote justice and liberate human beings from ignorance, certainly it could not make any bias against man or woman and, therefore, it should be interpreted accordingly. (24) Based on Islamic teachings, family, as the most important unit of the society, plays a vital role in the establishment of social justice. And within the family, each member has certain responsibilities, but the role played by the woman is essential and can not be replaced.

5.2.2 Koran and Women

The Holy Koran repeatedly refers, either directly or indirectly, to man and woman as well as their relationships. Both Muslim and non-Muslim scholars have misinterpreted some verses in the Koran as well as the traditions of the Prophet Muhammad to argue in favor of gender inequality in Islam. The following verses in the Holy Book attest to the fact that gender is not the main criteria to assess one's deeds in this world. Chapter 49 Verse 13 states: "Surely, the noblest among you in the

sight of God is the most morally and spiritually aware among you". Chapter 33 Verse 35 treats both male and female believers equally and promises them big reward. As far as opportunity is concerned, Chapter 36 Verses 34 and 35 deal with both men and women equally. (25)

When it comes to the question of advice to men and women (9:71) or when the Koran talks about doing righteousness or having faith in order to be eligible to enter paradise (31:8), men and women are treated the same. Chapter 74 Verse 38 states: "Every soul will be (held) in pledge for its deeds". It is apparent from this verse that gender is not the issue here. The same is true in Chapter 3 Verse 195 where it says: "I (the God) will not suffer to be lost the work of any of you whether male or female". Chapter 16 Verse 97 and Chapter 4 Verse 124 also refer to the same treatment of men and women who do right deeds.

The Holy Koran has eloquently described the relationship between men and women. Chapter 30 Verse 21 describes this relationship as one of love and mercy (26) stating that one of the God's signs is that Allah has created mates for you from yourselves that you may find rest in them, and He puts between you love and compassion. Chapter 42 Verse 11 and Chapter 16 Verse 72 also refer to the fact that both men and women have been created of the same nature.

In accordance with Chapter 2 Verse 187 men and women are like each other's garment. Bearing in mind these passages of the Holy Koran with regard to the treatment of men and women and their relationships, one can come to the conclusion that a genuine study of the Holy Book of Islam and the traditions of its prophet indicates that the message of Islam and the spirit of the Koran is one of equality where men and women, while enjoying their rights, compliment each other for the betterment of the conditions within the society. Some scholars have argued that the ideal vision of the relationship between men and women in Islam is one of equality and mutuality. (27)

Some of the talents of human beings are mentioned in the Koran. It is interesting to note that gender is not the issue in these discussions. There are numerous verses in the Book (95:4, 78:16, 23:78, 30: 30, 91:7-8 and 33:72) where God Almighty refers to human creation in different aspects while no gender preference, even implicitly, is mentioned. In other instances, provision of different possibilities for human beings without any gender preference is mentioned (23:78, 2:29, 2:239 and 62:2). All these verses refer to human beings without making any

distinction between male and female. Equally important are verses that mention values such as faith, good deeds, and knowledge where again no gender preference is present. Based on the above-mentioned verses, one can conclude that in Islam women like men enjoy complete and independent personality and as far as human identity is concerned, there is no difference between men and women. Both enjoy human particularities equally, as they are equal in terms of capabilities to grow, deviate, and to harm or be harmed. (28)

5.2.3 Complimentarity

Mahdi Mehrizi believes that God Almighty created the mankind, but for the survival of its generations divided that creation into man and woman. As far as the human type is concerned, both are equal, and they are different due to their different characteristics. These differences do not harm the nature of human being. Rather, this dualism is aimed at complimenting both sides, and not meaning that one class is complete and the other one is not. (29) By the same token, Amina Wadud-Muhsin argues that the relationship between men and women are compatible and mutually supportive. (30) Likewise, Allame Tabatabaee believes that woman and man are from one single essence called human being. The Koran states that woman's identity is similar to that of man and any human being, either man or woman, is human being and has the same essence of humanity. (31)

Morteza Motahari while arguing along the same line raises an interesting point. He says that the Koran in parallel to referring to a great man refers to a great woman. The wives of Adam and Abraham as well as mothers of Jesus and Moses have been mentioned in the Koran with highest regard. It is as if the Koran has intended, in its stories, to keep the balance and not to introduce only men as the champions of those stories. (32)

5.2.4 Differences between Man and Woman

Motahari eloquently describes the differences between men and women. He argues that these differences can be discussed from physical, psychological and emotional points of view. From physical point of view, the following examples are among differences: on average, man has bigger body than woman, man is taller than woman, man is tougher than woman, man's voice is stronger than woman's, woman's physical growth is faster than man's, man's muscular growth and his physical strength are faster than those of woman, woman's strength in resisting diseases is more than man's, and woman reaches the age of puberty and can reproduce earlier than man.

From psychological point of view, the following examples are among the differences: woman's sentiments are more peaceful than man's, man is more aggressive than woman, woman resorts to violence less than man does and for this reason suicide in women is less frequent than in men, woman is more under the influence of her emotions than man, woman is more conservative, religious, talkative, and timid than man, woman attaches more importance to formalities than man does and woman is more kindhearted than man. And from the point of view of emotions towards each other, man is very much attached to his lust for sexuality while woman is much attached to man's kindness, man wishes to take a woman while woman wishes to be taken, woman wants her man to be brave while man wants his woman to be beautiful and charming. (33)

The importance of physical differences might be noticeable easier in certain societies where bigger physical force is needed to perform certain jobs. For instance, a few hundred years ago when industrial revolution had not taken place or even today in a factory in a remote area of a developing country where utilization of machines is still not advanced and physical strength is mostly needed to do a job, men who are stronger are preferred than women. But, should physical strength be a determining factor for choosing an employee nowadays? It depends on the type of the job. Definitely men and women should be given equal opportunities to apply for a job. However, if in deciding who is eligible to, for instance, move big and heavy boxes in an office stronger men are preferred to ordinary men and women; this should not be constituted as discrimination against women. The same argument can be said of psychological and emotional differences between men and women.

The effects of these differences on the situation of women have changed over time. If some hundred years ago when industrialization had not taken place or had not reached its today's advancement, man's physical strength was instrumental. With today's technology physical strength is irrelevant in performing certain jobs. Another example is the use of contraceptives that enables woman to regulate her pregnancy in order not to affect her job. In the past, woman was obliged to quit her job, even temporarily, because she could not do her job with the same vigor while being pregnant. Therefore, one can claim that, as time passes, not all the differences between man and woman have the same effects on their performances.

The list of differences, as mentioned above, is not conclusive. However, the question is should these differences justify the abuse of women's rights. Throughout

the history and even today, a number of religious and non-religious groups have treated women with humiliation and degradation and even calling them creatures at the service of men. Islam attempts to strike a balance between the idea that women are only good for reproduction and sexual pleasure on one hand, and the unrestricted freedom available to them in the West on the other. (34) Islam rejects all mistreatment of women and believes that God has created man and woman from one essence and there is no superiority for man in relation to woman as far as the creation itself is concerned. (35)

5.2.5 Equality

With the existence of above-mentioned differences between men and women and the fact that Islam attaches great importance to the protection and preservation of women's rights, what is the position of Islam with regard to the equality of rights between men and women? Motahari believes that Islam has a special philosophy for relations between man and woman. Based on Islamic teachings, man and woman are human beings and enjoy equal human rights. However, it is a fact that one of them is man and the other is woman, hence they are not similar to each other, the world is not the same for them, and the Creator has not wanted them to be identical. For this reason, they do not have similar rights, obligations and punishments. (36) Therefore, one can argue that while based on the Koranic verses and the traditions of the Prophet of Islam, women's rights must be respected, it is not wise to not consider the inherent and natural differences between men and women when one tries to identify identical and similar laws, regulations, rights and obligations for them.

5.2.6 Misperceptions

As stated earlier, there are some misperceptions about mistreatment of women in accordance with the Islamic laws. The following five broad areas are mentioned in this regard: guardianship of man over woman, law of evidence, law of divorce, polygamy and law of inheritance. Each of these points will be discussed as follows.

5.2.6.1 Guardianship

In the discussions of family rights, one of the most important subjects is the question of leadership and guardianship. Family, as the smallest unit within a society, needs a leader, as other units need it too. The necessity of having a leader for a family is not questionable as it is common knowledge that any unit of a society can function much smoother with a leadership. The question is what type of leadership and guardianship do we mean for a family and is this leadership permanent? First, we see

how the Holy Book deals with the question of leadership and guardianship within a family. Chapter 4 Verse 34 says: "Men are the guardians of women, (on the basis) that God has granted some of them merits greater than others and (on the basis) that they spend of their property (for the support of women)".

Some scholars like Esposito believe that 'guardianship' is mentioned here because men have certain socioeconomic responsibilities for women. Here, the issue is not the incapability of women to manage their own affairs, nor does this Verse say that all men are superior to, or better than all women. (37)

There are differences of opinion as to the scope of this verse. Some scholars believe that the guardianship of men over women is general meaning that all men at all times have guardianship role over all women, while others are of the opinion that this guardianship is related only to family and the guardianship of husband over wife. Mehrizi endorses the second opinion and states that since the continuation of the verse deals with specific family matters, the second opinion is preferable. (38) Spending by men in support of women, referred to in this verse, is an obligation on the part of men which does not have anything to do with the physical capability of women or their financial status.

In other words, in accordance with the Islamic rules and regulations, even a woman with lots of money and belongings is entitled to be supported financially by her husband who might even have less money than his wife. And in this regard, if a man does not honor his financial obligations, the woman is entitled to file a judicial claim against him. (39) Therefore, man's financial responsibilities to run the affairs of the family give him the necessary tool to lead the family.

Mehrizi discusses this issue in detail and concludes that guardianship in this verse means a kind of leadership with taking charge of affairs and protection. He also discusses different opinions with regards to the meaning of merits mentioned in the verse and concludes that possession of merits has to do with physical changes which appear in women like pregnancy, nursing babies and menstruation and the fact that men's passion is different from women's and for this reason men are less affected by outside elements. (40)

As for the permanency of guardianship of men, some scholars argue that this is an unchangeable position designed for men. Others believe that leadership of man within a family is contingent upon his competence and it is quite wise not to assign this leadership to an insane and incompetent man. (41)

5.2.6.2 Evidence

Another point of contention with regard to women's rights is the question of evidence. Chapter 2 Verse 282 states that: "Bring two male witnesses. In case there are not two males, bring one male and two female witnesses to satisfy both sides. If one female witness errs (forgets), the other can remind her (of truth)". This verse has been interpreted by some scholars as a sign of inequality between men and women and the existence of the lack of wisdom on the part of women to be as a witness. Therefore, as far as these scholars are concerned, woman's testimony values half of man's testimony all the time.

Esposito argues that this verse is related to witnessing in cases of a written transaction, contract or court case. At the time of Koran's revelation, most women were not active in business and finance and women's expertise in these areas were less than men's. (42) Mehrizi believes that this verse considers woman's witness half of man's in cases of debts. In cases of properties, transactions, crimes and etc, this verse is silent. Therefore, what is mentioned here does not point to the lack or absence of personality or human identity of women. (43) To support the argument that this verse is related to a specific case of taking a loan or debt, Benazir Bhutto argues that if the value of woman's witness is half of a man's, it would have been clearly stated in the Koran. (44)

5.2.6.3 Divorce

Law of divorce in Islam has also been a subject of controversy among Muslims and non-Muslims. Islam, in general, is against divorce and disruption of family bonds and adopts all ethical and social measures to keep family from the danger of breaking up. (45) Most Muslim scholars are of the opinion that the husband is entitled to divorce his wife, however, Islamic law provides certain provisions that first, man can not misuse this right and second, the right of woman is respected and not violated by man. (46)

Mehrizi is also of the opinion that divorce without any reason or justification, on the part of man or woman, is forbidden. Citing Chapter 4 Verse 35 of the Koran, he says that arbitration and mediation between man and woman is necessary and should be implemented. He also favors a type of divorce requested by woman and implemented by man. Finally, he believes that it is incumbent upon the government to supervise all stages of divorce, requested by man or woman, in order to prevent any misuse. (47) At any rate, whether divorce is purely in the hands of only men or not,

one practice acceptable to many scholars is that the woman can put 'the right to divorce' clause in the marriage certificate to enjoy a similar right to divorce as the man does. This practice is being applied in some Islamic countries and as a result an important problem of many women has been addressed.

5.2.6.4 Polygamy

Another area of dispute between men and women is related to the practice of polygamy which is allowed in Islam, but with certain tough restrictions. Islam neither invented polygamy, as it was practiced long before the inception of Islam, nor nullified it. Before Islam, a man could own as many as one hundred women. (48) However, Islam restricted that number to four and even conditioned that to the establishment of justice amongst the wives and their children. Chapter 4 Verse 3 states: "Then marry such of the woman as appeal to you, two, three, or four; but if you fear that you cannot be equitable, then only one." This verse visibly shows that equal treatment of the wives is a must without which a man is entitled to only one wife.

Mehrizi refers to different arguments raised by Muslim scholars in favor of polygamy in Islam. According to him referring to some Muslim scholars, women's infertility and menopause are considered among reasons permitting polygamy. (49) However, adoption of children is suggested and in fact practiced in some countries, including Islamic countries, in order to solve this problem. There is another verse in this regard. Chapter 4 Verse 129 states: "You will never be able to treat wives equitably, even if you are bent on doing that". Some scholars have argued that these two verses together prohibit polygamy (50), however, at the same time; some raise other interpretations saying that the continuation of Verse 129 implicitly accepts polygamy. (51)

In sum, Islam does not consider polygamy as a substitute for monogamy. (52) In fact, monogamy is the most natural form of marriage and some Koranic Verses attest to that. However, one cannot ignore the fact that in particular instances exigencies dictate certain obligations on the society, as explained above. In those instances, polygamy is allowed to be practiced but with tough restrictions.

5.2.6.5 Inheritance

When Prophet Muhammad introduced Islam, Arab women, like in many societies at the time, were mostly deprived of their right to inheritance. Islam abolished that system of injustice and gave the women the inheritance right as well. Chapter 4 Verse 7 stipulates that women, like men, are entitled to inheritance.

However, Chapter 4 Verse 11 rules that man's share from inheritance is twice the woman's share. This is done in order to make a balance in the social and economic activities of men and women in the society. Based on Islamic practice, woman is entitled to receive dowry which is given by a man as a gift in the course of the marriage. The wife is also entitled to be supported financially by her husband regardless of her financial conditions. Bearing in mind these points and taking into consideration the Islamic penal law, it is clear that the difference in receiving the inheritance share is not related to the gender. Rather, it has to do with the variations in financial responsibilities of man and woman within the family. (53)

The right to inheritance for women is within the general right of independent ownership. Islam acknowledges woman's right of ownership to her money, real estate, or other properties, no matter whether she is single or married. (54) Bernard Lewis has referred to the progress achieved in the economic position of Muslim women saying that this was "relatively good and certainly far better than that of women in most Christian countries before the adoption of modern legislation." (55)

5.3 Conclusion

Both democracy and Islam attach importance to the way women should be treated in a society. However, the approaches of the two in tackling the problems of women are sometimes different due to the fact that democracy considers identical rights and obligations for man and woman, while as far as Islam is concerned man and woman have different characteristics, therefore, identical rights and obligations are not applied to them.

Similarities:

Both democracy and Islam share the view that:

1. Gender should not be the criteria for treating man and woman. In other words, there is no gender preference in the observation of human rights, man and woman alike,
2. Women like men enjoy complete and independent personality,
3. There is no difference between man and woman as far as human identity is concerned,
4. Both man and woman are created from the same nature, and
5. Differences between man and woman can not justify the abuse of woman's rights.

Dissimilarities:

1. Democracy and Islam consider equal human rights for both man and woman. While democracy believes that there is no difference, whatsoever, between the rights of man and woman, Islam notes the physical, psychological and emotional differences between man and woman and concludes that they do not have similar and identical rights as well as obligations.
2. As far as Islam is concerned, man and woman compliment each other particularly within a family system where man and woman have clear-cut rights and obligations. Islam attaches paramount importance to the role of woman within the family. Democracy is silent on this subject.
3. Islam does not support the treatment of woman as sex object. Although, democracies do not sanction such a treatment, in practice they tolerate it.
4. Islam accepts the practice of polygamy but with tough restrictions, while it is apparently not legal in democratic countries.
5. While based on Islamic inheritance law man's share is different from that of woman, she can benefit from her husband's financial obligations towards her regardless of her own financial conditions. In general, Islam recognizes an independent right of ownership for woman. Democracy supports equal inheritance share for man and woman.

Main issues of incompatibility:

1. The most important issue of incompatibility is about the rights of women. Principles of democracy endorse same rights for men and women. Islam, on the other hand, does not support identical rights and obligations for men and women.
2. Polygamy is not legal in liberal democracies. Although polygamy is accepted in Islam, its practice faces tough restrictions.
3. Islam does not accept equal inheritance share for man and woman. Democracy does not consider gender as an issue when it comes to the issue of inheritance.

Notes

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CHAPTER VI

PARLIAMENT

6.1 Democracy and Parliament

Throughout the history of democratic rule, parliaments have always played important roles in the betterment of people's lives. Whether the parliaments supervise the government activities or they do the legislative work, their role is indispensable in running the people's affairs in an efficient manner. Scholars with different tendencies have identified the election of people's representatives in free, fair and frequent elections as criteria for a democracy. (1) Until a few centuries ago, the citizens were not able to choose their representatives. In essence, this very fact was extraneous to both theory and practice of democracy. It was during the Middle Ages when in larger towns elections of representatives were held because the monarchs needed to get the approval of certain groups of people like nobility and some clergymen for imposing taxes, forming armies and making laws. (2)

6.1.1 History of Assemblies

In ancient Athens, all citizens were entitled to participate in an assembly that was the highest authority of the city-state where there was not a separation between the government and the society. The citizens were both under the authority of the citizen-governors responsible for making general laws and regulations. The 'demos' were involved in law making and judicial affairs because the citizenship necessitated their direct participation in the government affairs. (3) The Greeks considered the creation of an institution responsible for enacting laws not only unnecessary but undesirable for their democracies. (4)

The situation in the Roman Republic was more or less the same and the assemblies in which Roman citizens were entitled to participate were responsible for all functions of a government as was the case in Athens. From ancient Greece till the seventeenth century, the legislature did not consist of people's representatives. (5) In other words, throughout these years no popular parliament of elected representatives

existed. In Greek city-states, the citizen body consisted of between two thousands and ten thousands male adults. These numbers were considered to be reasonable numbers for a self-governing entity according to some Greek political theorists.

The situation in Athens was different. In 450 B.C.E the citizen body consisted of around sixty thousands. After a century, this number was reduced to half mainly due to war, death and emigration and some additional restrictions on citizenship. (6) A few centuries later in Northern Europe when the Vikings reached Iceland they created a National assembly in 930 C.E. This assembly continued to function for three centuries until Norway subjugated Iceland. At the same time, regional assemblies were developed in Denmark, Norway and Sweden.

Although the kings in these countries continued to exercise their growing power, nevertheless, these assemblies became more important and relevant over time and in some instances, like in Sweden, the king called for meetings of representatives of different segments of the society which eventually evolved into Swedish parliament. In the Netherlands, the assemblies that were called to convene by the ruler established traditions, ideas and practices which later became the foundations of national legislatures.

In late twelfth century and early thirteenth century, the King Edward I of England summoned the assemblies which gradually became the parliament of medieval England. However, by the eighteenth century a constitutional system was formed in which both the parliament and the king could check each other's power. This system of checks and balances was not only respected in Europe, but the authors of the American Constitution were also very much supportive of it. (7)

6.1.2 Problems of Assemblies

While assembly democracy was, for many years, considered to be the most suitable form of running the affairs of people by their direct participation, some problems are associated with it. Robert Dahl identifies some severe problems the assembly democracy entails as follows. With the enlargement of the citizen body, opportunities for participation diminish and the number of participants in a meeting who can speak becomes very small; except in voting, these participants, in effect will be representatives of others, thus a de facto representative system is created; however, there is no guarantee that the participating members act as representatives of others; therefore, in order to ensure a just method for selecting representatives, the representatives should be elected by the citizens in free and fair elections. (8)

Until the seventeenth century, assemblies were considered to be the best vehicle for implementing peoples' decisions in accordance with democratic norms. With the enlargement of existing cities and creation of new ones, it became almost impossible to convene assemblies of all citizens wishing to participate in and speak before them efficiently.

The concept of representation was first introduced by the British philosopher Thomas Hobbes. He believed that a representative system is a system that is established in accordance with people's will, regardless of it being a monarchy or with a parliament. He was of the opinion that an absolute monarchy, as the people's representative, can best protect peace, order, security and law. John Locke, however, believed that in a representative system the real power rests with the elected parliament which enacts laws of the land. (9)

In 1748, Montesquieu stated that since it was impossible for the people of a large state to meet as a legislative body, they must choose representatives to do what they could not do themselves. On the other hand, Rousseau made an argument against this view in his famous writing 'Social Contract'. (10) Therefore, the issue of practicality was the main reason why assembly democracy was, more or less, lost its popularity and replaced by representative democracy. Today, with the advancement of technology, some are still advocating the utilization of the technology through television and internet for direct participation of people in discussions and decisions. (11)

6.1.3 United Kingdom Parliament

The UK Parliament is one of the oldest representative assemblies in the world, originated in the mid- 13th century that became a model for other parliaments in Western democracies. In the medieval period there were three kingdoms of England, Scotland and Ireland with separate Parliaments. By 1801, with the merger of the three kingdoms the three Parliaments too had merged to form the Parliament of the UK. (12) It evolved from the ancient council advising the Sovereign to a real legislative body that oversees the work of the government.

The UK Parliament has parliamentary sovereignty meaning that it is supreme to all other government institutions. In the words of Sir William Blackstone, "It has sovereign and uncontrollable authority in making, confirming, enlarging, restraining, abrogating, repealing, reviving, and expounding of laws, concerning matters of all possible denominations, ecclesiastical, or temporal, civil, military, maritime, or

criminal ... it can, in short, do every thing that is not naturally impossible." (13)

Therefore, the role of the Parliament in the UK is extremely important in that it acts as an honest intermediary between the people and the government. On one hand, the Parliament plays a supervisory role over the activities of the government and restricts its excesses in all aspects. On the other hand, the Parliament helps the government to function properly for example through determining the amount of taxes the people should pay to the government.

6.1.4 Representative Democracy

If a representative democracy is to replace a direct democracy, it ought to accommodate those citizens willing to have a role in determining their own future by participating in elections so that their views on different issues can be shared with general public. Naturally, through discussions of the representatives of the people in a parliament, the best argument would prevail and consequently one can claim to have the best existing solution to a problem. However, in a representative democracy, one cannot expect to achieve a definite answer applicable at all times.

The representatives of the people are entitled to discuss issues time and again and come up with different solutions within the general framework of the law. That is to say that with the passage of time, solutions to specific problems might change. It is to be noted, however, that representatives are free to change all laws and regulations within a democracy except those related to the protection of human rights and the tenets of democracy.

The origin of representation was not so democratic! At the beginning, it was used as a tool in the hands of non-democratic individuals like monarchs to continue their grasp on power and precious revenues and resources. (14) Therefore, even when there existed assemblies and parliaments, they were far from observing minimum standards necessary for a democracy. It took centuries before parliaments took effective control over government ministries. It was in the beginning of the eighteenth century when this idea was acknowledged that democracy consisted of citizens' rights for participation in determining common will by elected representatives.

The theory of representative democracy brought about fundamental changes in issues related to democratic thought. The practical limitations which existed for the participation of the vast majority of people in assemblies were put aside. Furthermore, representative democracy could claim to be achievable and produce accountable governments in big countries. (15) The question of who could be a citizen or an

individual eligible to elect the representatives and what exact role that individual had in the new order remained unanswered for many years. Even the achievement of the right to vote for all individuals in some countries were the basis of uprisings by workers, colored people and women during nineteenth and twentieth centuries. Over time, the idea that citizen rights must include the rights of all individuals was acknowledged. However, strengthening and taking roots of a real representative democracy was done in the last decades of the twentieth century as it was well established in some countries. (16)

One of the controversial issues related to the question of representation has always been the degree of independence of the elected representatives. One school of thought has advocated the fact that the representatives should be faithful to the opinions of the people who have elected them. In other words, a real representative is the one who acts on the basis of specific 'orders'. This view was thoroughly debated at the beginning of the discussions on representative democracy. The supporters of direct democracy were cognizant of the difficulties associated with direct involvement of the entire citizenship in assemblies, but they could not accept to allow representative democracy be replaced by direct democracy unless the elected representatives remained faithful to the ideas and opinions of the people who elected them.

The other school of thought, however, is of the opinion that the representatives are not just honest ambassadors conveying messages from one source to another. They argue that the representatives usually take the views of their constituencies into considerations, but there are instances that they should make decisions without being able to consult their peoples directly. In those cases, they claim that if they do not make decisions based on their judgments of people's views, they not only do not give service to them, but in fact this will constitute treason to people's interests. (17)

In the discussions on representation, the most important subject is the notion of 'consent'. At the beginning, the idea that governments needed the 'consent of the governed' was mainly related to raising taxes. With the enlargement of towns and cities where assemblies were not functioning well anymore, consent required representation regarding making laws too. (18) Since the people are not involved directly in law making and have to do that through intermediaries or representatives, they have to give their consent to the intermediaries. It is clear that by not electing the same representatives, the people can reverse their consent and give it to other

intermediaries. (19)

The parliament acts as the heart of a democracy. Although its main responsibility is to enact laws, the parliament is the common place for the law-makers, who enjoy equal rights and privileges, to discuss any issue of common interest. The parliaments in democratic countries, by nature, should be able to discuss any subject. However, in practice, it is not clear whether they can enact laws against the very existence of their systems. For instance, can the members of the US Congress change the political system of the US? Are they free to enact laws that can undermine the separation of church and state in the US? The parliaments in Western democracies may discuss any issue and enact any law provided that they act within the framework of their constitutions, meaning that they face certain limitations on their freedom to touch the very fabric of their political systems.

6.1.5 Representative or Direct Democracy

With all the discussions raised by proponents and opponents of representative democracy, the main question is whether it is better than direct democracy. While some thinkers have accepted the idea of representation as unavoidable and not very appropriate substitute for direct democracy, others have considered representative democracy as the best type of democracy. The latter consisted of the founders of the United States who believed that representation would offer political education to the people because the representatives as an elected group of citizenry can consult and negotiate more wisely. On the other hand, other thinkers have criticized the notion of representation. They believe that representation creates a gap between the people and representatives and therefore between the interests of representatives and those of the people. (20)

Throughout the history of democracy, parliaments have not been democratic to the same degree. At the beginning, those who were owners of properties had the right to vote. Later that right was extended to all men; and later gender and racial restrictions were finally removed. Bearing in mind the fact that direct democracy is not possible to function properly and efficiently anymore, one can argue that the representative democracy, with all its shortcomings, is the best alternative.

6.2 Islam and Shura

Islam attaches high significance to the concept of consultation and Muslims have been encouraged to consult amongst themselves on the affairs of their societies. Some Muslim scholars have identified lack of consultations among Muslims as a reason for the decline in the Muslim world. Jamal Al-Din Al- Afghani (Asadabadi) is among those scholars who argue that the people should be allowed to assume their political and social roles by participating in government through shura (consultation) and elections. (21) Rashid Rida contends that one of the reasons for the backwardness of Muslims is the fact that they do not pay due attention to the concept of consultation because the despotic leaders in Islamic countries make them forget it. (22)

In a democracy, the need for consultation amongst different segments of a society is a must. One of the characteristics of a democratic society is that its affairs are performed through dialogue and consultation rather than issuance of orders from above. In accordance with the teachings of Islam, all Muslims, female and male alike, are vicegerents of God and therefore their opinions must be taken into consideration in the affairs of the country because of the fact that it is the people who delegate their authority to the ruler. This shows how Islam attaches particular importance to consultation. (23)

6.2.1 Meaning of Shura

Shura comes from the Arabic word *shara* meaning to extract honey from hives. How does this relate to the concept of consultation? Consultation can produce new ideas from peoples' minds which can be compared with extracting honey from hives. (24) However, it is generally accepted that shura means that decision making process belongs to the whole community. Some Muslim political theorists have specifically defined this important concept of Islam and argued that shura is nothing less than a very clear and to the point exchange of political views in the form of elections where people can easily express themselves. (25)

The Holy Koran mentions shura as a principle, and not as a system, of governance. Sadek Jawad Sulaiman identifies shura along with justice, equality and human dignity as four principles in the Islamic perspective on socio-political organization. (26) One of the Chapters in the Koran is called shura. Furthermore, there are two verses which directly relate to the concept of shura although rather

differently. Verse 38 of Chapter 42 states: "And those who respond to their Lord and keep up prayer and their rule is to take counsel among themselves, and who spend out of what We have given them." In this verse, the community of the faithful is described as the one that makes consultation on its affairs.

Verse 159 of Chapter 3 states: " Thus it is due to mercy from Allah that you deal with them gently, and had you been rough, hard hearted, they would certainly have dispersed from around you; pardon them therefore and ask pardon for them, and take counsel with them in the affair; so when you have decided, then place your trust in Allah; surely Allah loves those who trust." While the former verse deals with consultation amongst people, the latter one talks about consultation between the leader and the people. In the first one, consultation is described as continuing the process by which binding decisions on public matters are reached; while in the other, consultation is mandated but is not binding. (27)

6.2.2 Characteristics of Shura

Shura has different characteristics. Some scholars have identified them with the rights of the people. Ayatollah Baqir Al-Sadr believes that people have the right to dispose of their affairs in accordance with the principle of consultation. He advocates the creation of an assembly or majlis comprising of the real representatives of the people. (28) In a similar vein, Muhammad Abduh considers shura as a duty of Muslims, stating that on the basis of Islamic teachings of shura Muslims have the duty to give advice to the ruler. (29)

On the other hand, Abdurrahman Vahid, a Muslim scholar and former President of Indonesia, advocates consultation as a way to curb violence in the society, arguing that reliance of governments on social control than consultation will bring about more violence and repression contributing to more radicalization of the society. (30) The results of a decision made through shura might concern one individual or a group of individuals or might entail the interests of a whole public. Jafar Sheikh Idris calls the first 'individual shura', the second 'group shura' and the third 'public shura'. Therefore, shura does not concern the content of decisions, rather it is considered to be a tool that can be used by a group of people in the advancement of the interests of an individual, a group or the whole public. (31)

6.2.3 History of Shura

Some scholars believe that shura in one form or another was practiced even before Islam. (32) Some refer to the practice of shura at the time of Prophet

Muhammad and the four caliphs following him. Ahmad Shafaat points to the presence of Muslims in the mosque of the Prophet in Medina where the people were in direct contact with the Prophet discussing various issues of concerns to Muslims. It is interesting to note that the practice of the Prophet and Ali, his son in law and the fourth caliph, to consult with their followers and implement the majority's opinion continued even when the consultations were against their own beliefs. (33)

There is a saying from Prophet Muhammad to the effect that "God has laid down consultation as a mercy for His community." (34) This practice of consultation continued after the demise of the Prophet. The four caliphs continued this practice and were in constant consultation with the Muslims, although due to the tremendous increase in the number of Muslims, the way shura was conducted changed and became indirect. The companions of the Prophet, scattered throughout the Islamic lands, enjoyed the support and trust of the people. They first consulted with the people and then among themselves to come to a conclusion on different matters. (35)

Unfortunately, after the four caliphs, the process of consultation was gradually restricted. With the passing away of most of the Prophet's companions and the introduction of kingship into the Islamic societies, the practice of shura, with all its importance mentioned in the Holy Koran, was severely restricted. In running the affairs of the state, the rulers were either not consulting the people at all or at best were in consultation with those individuals in their own circle of supporters, even keeping the veto power for themselves if needed. (36) While the Prophet considered consultation as a necessary instrument in conducting the affairs of the state, the omission of people from consultation process during the rein of Omavvids, Abbasids or Ottomans cannot be registered as an action related to religion. (37)

6.2.4 Shura and Elections

In today's world, the implementation of shura is nothing but creation and functioning of a parliament. In essence, an interpretation of shura in accordance with today's realities is in line with the parliamentary democracy. Although Islam has not prescribed holding of elections, at the same time it has emphasized on the importance of running the affairs of the country through consultation. Therefore, when direct participation of the general public is not possible, there is no other way than holding elections if we want to uphold the principle of shura.

Abu-Ala Mawdudi identifies six basic characteristics of members of an Islamic assembly or shura as follows: being Muslim, being male, being mature and

sane, living in an Islamic state, enjoying general religious knowledge, and enjoying popular acceptance. (38) Ghannouchi differs with Mawdudi on the first and second characteristics stating that not only non-Muslims, but females too should be involved in an Islamic assembly. The Constitution of the Islamic Republic of Iran also allows religious minorities to be involved in the consultation process and have representatives in the Iranian Parliament. (39)

6.2.5 Is Shura Obligatory?

There is no disagreement among Muslim scholars as to the usefulness of consultation. All scholars highly value the significance of two verses in the Koran dealing with the issue of shura. In the meantime, while some scholars consider consultation as obligatory for both the ruling authority and the Muslims (40), others oppose this view and states that consultation can never be binding. (41) What is important here is the fact that the Prophet of Islam whose knowledge was complete and was connected to the center of revelation was told by the Koran (3:159) to "consult them on matters (of public concern)." This verse by itself shows the importance of shura in Islam. Shafaat argues that this verse clearly makes shura obligatory for the Prophet and for all other Muslim rulers. (42) However, others refer to the other verse (43:38) which states "those who conduct their affairs by counsel" and conclude that shura is merely desirable. (43)

Whether shura is obligatory or not, the value the Koran and the Prophet accord to it make shura an indispensable element of an Islamic government. Shafaat also believes that the obligation of shura has three implications for the ruler as well as for the community as follows. First, the ruler can come to power by the consent of the people. Second, the conclusions reached through consultations are binding on the ruler. Third, the people must express their views on how certain matters should or should not be handled. (44)

6.2.6 Who Is Consulted and How?

Verse 42:38 suggests that in the process of consultation all Muslims are involved. If consultation is restricted to any specific group, then one cannot say that consultation is among Muslims as the above-mentioned verse requires. (45) The way consultation was performed at the time of the Prophet and the four caliphs, whether in the form of direct or indirect participation, was along the same line.

One aspect of the concept of shura which is clouded with controversy is the domain of consultation. The classical doctrine of shura views consultation as the

process of one person seeking the advice of others. Some scholars, recalling the egalitarian and open nature of the Muslim community, reject this interpretation and argue that shura consists of mutual advice through mutual discussions on an equal footing. (46) From the above-mentioned verses, particularly Verse 42:38, one can recognize the mutual character of consultation. Therefore, consultation, as its name implies, is like a two-way street beneficial to both parties, and advancing the conditions of the Muslim community as a whole.

At the time of the Prophet, it was rather trouble-free for the Muslims to be with the Prophet to discuss issues related to them. Now, it is not possible to bring all citizens of an Islamic country under one roof for consultation. There are two solutions at hand. Depending on the subject of the discussion, the members of the society can express their opinion through a referendum or they can elect representatives to consult among themselves and make the necessary decisions on their behalf. (47)

6.2.7 Shura's Tasks

One of the important tasks of a consultative assembly is to enact laws and regulations. In fact, as Ghannouchi suggests, nation of Islam is the source of law making. In addition to the source of revelation, the consensus or *ijma* among Muslims is one of the sources of the Islamic jurisprudence. This clearly shows that a nation who is following the God's path is safe from collective darkness. (48) The objective of the practice of shura is not to fragment the Islamic society, rather it should move towards consensus building and the creation of the Islamic unity. (49) The collective consultation mechanism of Muslims, which is done today through an assembly, is of outmost importance for better functioning of the affairs of Muslims.

Ghannouchi identifies three ways that law making can be done in an Islamic country. First, direct through a referendum. People can express their opinions regarding treaties or strategic policies through this method. During the time of the Prophet, this type of direct shura was practiced on different occasions. Second, through election of representatives. The real representatives of the people are aware of people's needs in different cities and villages. The non-Muslim minorities can also elect their representatives to look after their affairs in the assembly, as it is being practiced in Iran. Third, through creation of a supervisory body. In order to ensure that no legislation is passed in contravention of Islamic laws, a group of jurisprudents and lawyers should be established to supervise the laws and regulations coming out of an assembly. (50)

Is it permissible to have free discussions on every issue through consultation? If one looks at Verse 42:38 carefully, it is clear that the language of the verse is general. When it talks about 'their affairs', it means that issues related to affairs of the people can be decided through consultation. It should, however, be emphasized that those issues about which there are clear-cut rulings in accordance with the Islamic law and teachings are exceptions. In other words, when drinking alcohol is forbidden in Islam, Muslims cannot take a decision, through consultation, to allow that. Or, when it is obligatory for Muslims to pray five times a day, no consultative assembly can decide otherwise.

Therefore, on issues decided by the Islamic law and jurisprudence, Shafaat believes that a consultation has already been made and led to the conclusion that on those issues decisions have to be followed and that shura's decisions should not contradict Islamic teachings. (51) Along the same line, Hosayn Javan Araste argues that in Islam a resort to the views and votes of Muslims is allowed solely if the issues for discussions are not related to the obligations of Muslims. On other issues where the people have the rights to intervene, decision making is left to the general public and the best way to do this is through consultation. (52)

Mehdi Bazargan believes that regarding essence and percepts of religion and the laws of creation, God is the only lawgiver. He goes on to say that the Prophet of Islam did not consult anyone concerning divine commandments. (53) Therefore, in such a situation, the job of lawmakers is limited to areas where there is no clear ruling based on the Koran and the traditions of the Prophet. It should be emphasized, however, that one should not consider the issues for discussions by lawmakers as inadequate and few, because there are many issues related to the affairs of Muslims that can be discussed through shura. Furthermore, even in areas where there are explicit rulings, the assembly might need to enact details of the laws within the framework of such rulings. Therefore, it is of paramount importance and even necessary that, as Bazargan suggests, the parliament of an Islamic state include those who are familiar with the tenets of Islam so that their decisions are in accordance with Islamic teachings. (54)

On the other hand, Ghannouchi argues that since law making is not always tantamount to issuing a religious ruling or interpreting a verse, but is related to the living situation of the people, leaving the law making job to the religious scholars only is an affront to the people. Therefore, the law making should be done by those

who are familiar directly with the living conditions of the people and know their difficulties. (55)

Ghannouchi argues that one of the important aspects of the work of shura is to determine or select the head of a country because this position is the most sensitive position. Therefore, in such an important question there is no justification for putting aside shura. (56) Since Islam has not proscribed any specific form of government, shura can give its vote of confidence to a prime minister and the council of ministers when the head of the government is not elected by the general public through an election.

Shura can also provide the institutional ground for the establishment of accountability for an authority. (57) If an authority's job goes through a check and balance process, it can provide sustainability for its work and the best vehicle for that is a consultative assembly where every aspect of government's work is scrutinized. Ghannouchi also maintains that the political behavior of a Muslim civilian authority is answerable to the public opinion. (58) Hasan Al-Banna emphasizes on the necessity of supervision over a ruler's works and argues that Muslims have the right to monitor actions of a ruler, give him advice and ensure that the ruler respects their will. (59)

6.2.8 Shura and Democracy

Most Islamic thinkers have referred to the similarities between shura and democracy. Jaafar Sheikh Idris believes that democracy is almost identical with shura (60), Muhammad Abduh equates shura with democracy (61), Dimasangcay A. Pundato states that "democracy is covered by Verse 42:38" (62), Sadek J. Sulaiman argues that "shura does not differ from democracy" (63) and Dr. Muhammad Shahrur states that "democracy, as a mechanism, is the best achievement of humanity for practicing consultation (shura)". (64) While Rashid Rida believes that if a government implements shura between the rulers and the people and provisions on the right to resist injustice, democracy is ensured (65), Ghannouchi argues that for the implementation of shura, Islam has found necessary instruments, such as elections and separation of powers in democracy. (66)

Sheikh Khalid Mohammad Khalid has equated shura with parliamentary democracy. (67) Along the same line, Ibrahim Yazdi argues that many Islamists believe that elections and a parliament serve shura. (68) However, there are Muslim scholars who do not share the opinion expressed above. For instance, Louay M. Safi argues that "democracy and shura share the ideal of egalitarian politics and popular

political participation, but differ significantly in relating participatory government to the overall purposes of social organization and political action." (69) Moreover, Muqtedar Khan argues that even if shura supports democratic process, one cannot consider shura and democracy as identical. He also believes that a lot more need to be done by Muslim scholars in the area of further exploring on the nature of shura and its relationship to democracy. (70)

6.3 Conclusion

There are similarities and dissimilarities between the way democracy and Islam deal with the question of parliament or shura as follows:

Similarities:

1. The teachings of democracy and Islam both require that people should be consulted on the issues of interest to them.
2. The method of consultation at the time of assemblies in the West was more or less the same as the one at the beginning of Islam. Due to the enlargement of cities and creation of new ones in the West as well as the expansion of Islam, the old method of consultation in the assemblies, Western and Islamic alike, was transferred to representation.
3. Law making is an important job of a democratic parliament and an Islamic shura. Moreover, governments' works are scrutinized by both parliaments and shura.

Dissimilarities:

1. Although at the beginning of Western democracy certain segments of the society, such as women, were excluded in the election of representatives, from its outset Islam has emphasized on the equality of all individuals within the process of consultation.
2. Religious minorities are given special status to have representatives in the parliaments of certain Islamic countries whereas religious minorities in Western democracies are not given such a privilege.
3. A parliament and shura are different in the range of issues they cover in their works. While Western parliaments are free to discuss any issue and make any legislation of their choice except those against basic principles of human rights and democracy, an Islamic shura is obliged to refrain from discussion and enacting laws on the issues on which there exist explicit rulings in Islam such as ban on drinking

alcohol. However, one can say that there are not many issues of this sort that divide Islam and democracy as far as the work of a parliament or shura is concerned.

4. Shura is older and more consultative than a parliament and its role has evolved over the years from pure consultative to consultative plus supervisory.

Main issues of incompatibility:

The main issue of incompatibility between a parliament and shura relates to the scope of their work. It is related to God's sovereignty versus the people's sovereignty.

Whereas shura's scope of activities is determined by sharia, parliament in a liberal democracy faces no restriction in conducting its work except those against basic principles of human rights and democracy.

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CHAPTER VII

TURKEY

7.1 Introduction

Turkey is located in Southeastern Europe and Southwestern Asia bordering Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Iran, Iraq and Syria as well as the Black Sea, Aegean Sea and Mediterranean Sea. It is situated between Moslem neighbors on one side and the Christian neighbors on the other. More than 99 percent of its 70 million populations are Muslims. Despite this fact, Turkey is a secular country with close ties with the West. It joined the UN in 1945 and became a member of NATO in 1952. Turkey became associated member of the European Community in 1964 and since then has worked hard to be part of the European family. (1) In October 2005 the European Union accepted to enter talks with Turkey to join the EU.

The geographical location of Turkey, its geopolitical situation and the fact that it lies at the crossroad between the East and the West on one hand and its Islamic character on the other have given Turkey a unique place among countries of the world. The cultural and political identity of modern Turkey was influenced by domestic and external forces that existed for many centuries. (2)

Islam is deeply rooted in Turkey and most of its people, to a varying degree, practice the rituals such as prayers and fasting. Furthermore, moral values are respected by traditional Turkish families. According to Marvin Howe, 92.2 percent of the people in Turkey fast during the holy month of Ramadan, 62.4 percent of men attend Friday prayers at mosques, and 46 percent pray five times a day. (3) Norman Stone argues that the origin of certain things even among secular Turks is religious. For example, Turks are extremely clean and for them washing body and trimming body hair have ritual origins. (4) In essence, one can argue that Islamic values have profound roots in the Turkish society. In spite of the fact that Turkey has undergone tremendous changes due to modernization and Westernization process during most of

the twentieth century, the Turkish life and culture are still characterized as Islamic and the identity of the majority of the people is still unchallenged. (5)

7.2 Modern Turkey

Turkey is among a few countries whose national ideology comes from a single individual, 'Father of the Turks', Mustafa Kemal Atatürk. (6) In 1923, Atatürk collected the Anatolian remnants of the defeated Ottoman Empire and created modern Turkey. He hoped to build a modern state at a level comparable to its European neighbors. In order to achieve his dream of becoming 'European', he initiated wide-ranging social, legal, and political reforms. Consequently, the caliphate and secularized academic curricula were abolished, while legal system and religious courts were disbanded and Latin script replaced the Arabic one. (7) Furthermore, polygamy was forbidden and equal treatment of women in divorce proceedings and inheritance rights were granted. (8)

Atatürk's main objective was to change the basic structure of the society and modernize it in the hope that its Islamic framework is replaced by the one belonging to the Turkish nation. Therefore, he initiated a program of cultural Westernization to replace the existing religious culture. (9) Atatürk considered separation of religion and politics as an essential element in formulating his reform programs. He spent many years abroad and was very much influenced by Anglo-Saxon notion of a separation of church and state. (10) In fact, he wanted to accelerate the reform process so that all authorities attributed to Islam were removed. He once said: "I have no religion, and at times I wish all religions at the bottom of the sea". David Remnick argues that he was so determined to limit the Islamic presence in Turkey that many of his opponents believed that he was a Jew. (11) Atatürk was not neutral on the issue of religious practices and beliefs of the people. Rather, he was determined to remove all manifestations of the religion from the public sphere and put them under the control of the government.

7.3 Turkish Military

Since the early days of the Republic, the Turkish armed forces have considered themselves as the vanguard of Kemalism and have acted as such at times when they felt that the essence of the Republic was in danger. Since 1923, the Turkish military has staged three military coups in 1960, 1971 and 1980. In all these cases, the military eventually returned the political power to civilians. In 1997, the military again intervened and staged a 'post-modern coup' and forced the then Islamic oriented government to resign. (12)

All three military coups resulted in changing the constitution of the country. Following the 1960 coup, the National Security Council (NSC), composed of both military and civilian figures, was established to deal with issues related to the security of the state. The 1971 coup resulted in restriction of the scope of some rights and liberties and in giving additional authority to the NSC. The 1982 constitution which was crafted after the 1980 coup further enhanced the hand of the NSC. Furthermore, the 1982 constitution gave the President more power. (13) All these measures were initiated by the military in order to safeguard the essence of the republic, namely, secularism and Kemalism.

Throughout its involvement and intervention in Turkish politics, the military has not dealt with the question of Islamism with the same approach. After 1980 coup, the military introduced the ideology of 'Turkish-Islamic synthesis' into Turkish politics and compulsory religious courses were initiated in the secondary education. (14) The main objective was to contain the Left through combination of Turkish nationalism and Islam. While the instrumentalist use of Islam was sanctioned in 70's and 80's, the military ousted the Islamic oriented government of Erbakan in 1997. In the 90's, the Turkish military had grown increasingly concerned about Islamic fundamentalism. The 1992 National Security Policy Doctrine identified 'political Islam as a threat to the country's security'. (15)

7.4 Secularism

The roots of secularism in Turkey go back to the Ottoman Empire when the relationship between the state and religion was first discussed. During the Ottoman

era, the state controlled the religious establishment and non-religious laws were used more than the religious laws, contributing to de facto secularization of the political scene of the country. (16)

The process of reform started in the 17th century when the strength of the state began to diminish. After the 18th century when the Ottoman Empire opened its doors to the West, the reform took another shape. Westernization became a precondition of reform and any domestic formula for reform seemed not working. During the 19th century, therefore, all preoccupations of the reformers were directed at Westernization of the military, educational system, and political and legal institutions. (17) In order to achieve their goal of Westernization, the Ottoman reformers constructed new institutions alongside the traditional ones. This duality continued until the collapse of the Empire and the establishment of the Republic when Western civilization was totally accepted and consequently the Kemalists rushed to cleanse the system from the former regime. (18)

Ramazan Kilinc identifies Westernization, nationalism and secularism as the main tenets of Turkish official identity. (19) Westernization continued vigorously at the beginning of the Republic and became a legitimizing factor of all reforms. Ataturk himself was at the forefront of the efforts in this regard. He talked about reaching 'contemporary level of civilization' meaning that the new Republic should strive to reach Western civilization. The second pillar was secularization. Leaving aside Islam from the public sphere was considered as a necessity to achieve Western civilization. Therefore, all measures taken to abolish the Sultanate, the Caliphate, religious courts and the disestablishment of the state religion were in the direction of the secularization of the entire regime.

Hakan Yavuz believes that secularism was used by the Kemalist elites to consolidate their power and undermine the opposition in order to achieve advancement in science. In his words, "secularism became a strategy of exclusion and an instrument of oppression." (20) The third pillar was nationalism. The reformers tried to capitalize on the element of nationalism in their drive to modernization. In this process, efforts were made to transform the society from a religious community to a nation.

Kilinc argues that from all these three pillars that were threatening Islam, secularization was considered to be the most serious threat. In the eyes of the ordinary Turks, secularism was equal to taking their religion in return for reaching the level of

Western civilization. (21) Graham Fuller notes that during twenty years of Ataturk's leadership in Turkey, six principles were emerged that continued to be the guiding principles of Turkey even after Ataturk's death. These include nationalism, republicanism, populism, statism, secularism and revolutionism or reformism. He believes that among these principles, statism is considered to be the most challenging obstacle to Turkey's evolution today. (22)

Talip Kucukcan believes that the reform program of the Kemalists comprised of three phases, namely, symbolic secularization, institutional secularization and functional secularization. Symbolic secularization meant changing the Islamic symbols to symbols that did not have any Islamic connotation, such as changing the alphabet or calendar or the traditional clothing. Institutional secularization meant reducing the institutional strength of Islam and its influence on the Turkish polity. Abolition of caliphate was an example in this regard. Functional secularization consisted of legal and educational stages. Legal secularization meant establishing modernization reform in the society such as in the court system. Educational secularization meant bringing all educational establishments under the state control. (23)

Since the proclamation of its republic, the concept of secularism has continuously been an essential element in the Turkish politics. The 1928 amendment to 1924 constitution introduced a secular character to the State. (24) In the more liberal constitution of 1961 as well as in the more authoritarian constitution of 1982, secularism played an important place in the Turkish legislation. (25)

Despite reforms undertaken at the beginning of the Republic such as abolishing the Caliphate or efforts to secularize the whole system of governance, the 1924 constitution granted Islam the status of the official religion. However, it took only four years for the reformers to strip all religious references in the 1928 amendments. (26)

Turkey was under a one-party rule till the end of the Second World War when the multiparty government was allowed to form. The 1961 constitution provided some guarantees for civil and political rights except those related to political activities inspired by Islam. After the 1980 military intervention, the constitution of 1982 considered religious belief only as a private matter that can be practiced only in private places, although it was sympathetic to 'nationalized' Islam. (27)

The political philosophy of the 1982 constitution includes sacredness of the state, the existence of a supreme state ideology and a national solidarity as one of the guiding principles of the Republic of Turkey. (28)

Mustafa Erdodan explains the Turkish treatment of Islam as follows:

1) 'Noninvolvement of Religion in Politics'. The Preamble of the 1982 Constitution requires that the principle of secularism and the tenets of religion shall in no way be involved in the affairs of the State and in politics. As it is clear, the constitution regards religion as a private matter that cannot involve in matters of state.

2) Prohibition of 'Exploiting and Abusing Religion.' Article 24 of the constitution states that 'No one shall be allowed to exploit or abuse religion or religious feelings, or things held sacred by religion, in any manner whatsoever, for the purpose of personal or political influence, or for even partially basing the fundamental, social, economic, political, and legal order of the state on religious tenets.' It is obvious that no reference to religion in public and political discourse is allowed and the perpetrator is charged with abusing or exploiting the religion.

3) 'Secular (character of the) Republic.' Article 2 of the constitution refers to the secular nature of Turkish system of governance. Secular character of the Turkish polity does not mean that there exists a separation of state and religion in Turkey. To the contrary, the Turkish example of secularism proves the fact that the state controls the religion. Furthermore, in accordance with Article 14 of the constitution, the exercise of the rights and freedom enshrined in the constitution shall not endanger the existence of the democratic and secular order of the Republic.

4) Directorate-General of Religious Affairs. Article 136 of the constitution states that the "Department of Religious Affairs, which is within the general administration, shall exercise its duties prescribed in its particular law, in accordance with the principles of secularism, removed from all political views and ideas, and aiming at national solidarity and integrity." Therefore, this Article proves that in the context of Turkish politics there cannot be a true separation of state and religion and religious affairs should be conducted in accordance with the principles of secularism. It can be argued that the concept of secularism in Turkish politics is a unique one. Erdodan argues that secularism in Turkey contains two characteristics: a separation of state and religion and considering it as a social engineering, meaning that the government controls the religious life of its citizens. (29)

Ihsan Yilmaz believes that the *raison d'être* of the Directorate of Religious Affairs was to create a type of Islam that suits Turkey without any international and transnational links and contained to the official borders of the Republic drawn under the Lausanne Treaty of 1924. He refers to reformers' attempt to use the religion as a tool to help advance the moral health of the nation and concludes that this mentality belongs to Durkheim who influenced Atatürk's intellectual mentor Ziya Gökalp, translator of Durkheim's works into Turkish. Durkheim was of the opinion that religion's role in uniting the society is indispensable.

Therefore, on the basis of Durkheim's thinking, an approved version of Islam should play a public role in Turkey and in this context the Directorate has a duty to control and shape Islam in a way suitable for a secular Turkey. This Directorate has over 80 thousand employees with a substantial budget. It is interesting to note that while Turkey does not recognize Islamic law, the Directorate's High Council of Religious Affairs issues religious rulings on questions it receives. In line with Turkish style of secular treatment of religion, education and instruction in religion and ethics, as stipulated in Article 24/4 of the constitution, are also conducted under state supervision and control. (30)

7.5 Human Rights

The emergence of the Republic in Turkey in 1923 brought about many changes in the lives of the people. The 1924 constitution provided classic rights and freedoms; however, the country was ruled by one party for more than 20 years in which no opposition was tolerated. Although different parties have been allowed to be involved in Turkish politics since 1946, gross human rights violations continued to be reported until a few years ago. Mahmood Monshipouri states that extrajudicial killings and disappearances, indefinite detention, censorship of the press, and official discrimination against the Kurds and persistent military action against them had been well-documented. (31) To give an example, Julie Flint refers to European Court of Human Rights documents. (32) David Remnick cites instances of police brutality against the prisoners that continued till the end of 2002. (33)

The 1961 Constitution, prepared after the military coup, contained detailed provisions on basic rights and freedoms, unprecedented in any Turkish constitution

till then. However, restrictions were made on these rights and freedoms. Following the 1980 coup, the constitution of 1982 was developed in which while the executive branch was more strengthened, new and more severe limits were put on freedoms.

(34)

Mustafa Erdodan argues that the 1982 constitution's political philosophy is not compatible with human rights, democracy and the rule of law because it is ideologically based and pro-state. (35) The preamble of the constitution states that "no protection shall be afforded to thoughts or opinions contrary to Turkish national interests." This passage exhibits the inclusion of the concept of nationalism in the constitution in the strongest terms. While the original version of the constitution, such as Article 12, refers to inviolability and inalienability of inherent fundamental rights and freedoms as well as restrictions and conditions for suspension of these rights, the amendments made to it after 2001 made it more compatible with European standards.

The most prominent of these amendments was prohibition of the death sentence adopted in 2004. Erdodan states that even after the amendments; due to the secular nature of the constitution some articles related to religion remain unchanged. For instance, Article 24 on the prohibition of exploitation of religion or religious feelings for "personal influence" might also apply to freedom of speech and association. Along the same line is the prohibition of making any claims on 'social order' by religious persons. (36)

Although Turkey has no official state religion, but as stipulated in Art. 24, religious and ethical education and instruction should be conducted under state supervision and control. This article vividly proves the fact that the writers of the constitution was prepared to offer freedom of religion provided that they define what the religion should be and how it should be practiced and taught in schools.

7.5.1 Religious Minorities

In accordance with Article 136 of the constitution, Department of Religious Affairs looks after the affairs of Muslims. The affairs of religious minorities, recognized under Lausanne Treaty of 1923, are governed by another government body called the Office of Foundations which must approve all activities of not only houses of worships but religious hospitals, schools, orphanages and other similar organizations.

There are now 50,000 Armenian Orthodox Christians, 15,000 to 20,000 Syrian Orthodox Christians, 2,000 to 3,000 Greek Orthodox Christians, 25,000 Jews,

and 5,000 to 7,000 Yezidies living in Turkey. In accordance with the Lausanne Treaty, the religious minorities are not entitled to additional properties for their religious institutions beyond those acquired before 1923. And even if the religious minorities cannot hold their existing properties, the state can take those back to its possession.

(37) Although the constitution provides full protection for all religious establishments of the official religious minorities, Talip Kucukcan believes that despite these assurances, non-Muslim minorities face property ownership restrictions. (38)

7.5.2 Islamists

After the collapse of Communism in late 80's and early 90's, liberalizing reforms began in Turkey such as removal of restrictions on the use of Kurdish language, ending state's monopoly over broadcasting, easing limitations on political participation by trade unions and students and academicians. Furthermore, a Ministry of Human Rights as well as a Parliamentary Commission on Human Rights were established. All these steps along with efforts to liberalize the economy and integration with the European Union were taken during the 1990's. (39)

It was in the 90's when Islamic groups, due to structural and cultural effects of economic liberalization, became more visible in Turkish politics. These groups demanded more social and political rights which were in conflict with state's secular character. During 1995 parliamentary elections, the Islamic Welfare Party won 21.3 percent of the vote and as a result the leader of the party, Necmettin Erbakan, became the Prime Minister. The tension between the government and the secular establishment erupted.

On 28 February 1997, the National Security Council, dominated by secularists, forced the government to enact laws preventing the Islamic movements from presenting any threat to the secular character of the regime. The Islamic government, accused of not implementing the decisions of the Security Council, was forced to resign. Eventually, the Constitutional Court banned the Welfare Party on the ground that it was threatening the secular character of the system as enshrined in the constitution. Following these developments, some freedoms and liberties were limited, religious education was toughened and new restrictions were introduced on the entry of Islamists to government institutions. Application of new regulations on the dress code resulted in expulsion of hundreds of university students. (40)

7.5.3 Kurds

During 1990s the Constitutional Court moved to dissolve another party. The pro-Kurdish People's Labor Party was charged with separatist movement, mainly supported by the Kurdistan Workers' Party, PKK. The Court concluded that Turkey was established on the basis of nationalism which calls for cohesion of the nation rather than separatism. (41) The PKK insurgency in Southeast of Turkey began in mid-80s. The main aim was to create an independent state, a hope which was crushed by the Turkish military resulting in the death of over 23,000 guerillas, 5,000 Turkish soldiers, and 9,000 civilians in the span of more than ten years of conflict. (42) As the war began, Kurdish newspapers, publishing houses, charitable organizations and NGOs were banned and books about Kurds were seized.

During the first seventy years of the Republic, there was no official recognition of the Kurdish identity. Thomas W. Smith claims that even in the 1950s, Turkification of Southeast had begun. In 1991, Prime Minister Demirel lifted the ban on the Kurdish language for non-political communications. (43) Since the destruction of PKK, many Kurds have given up the hope for an independent state and instead have focused on the improvement of their rights, although the military continues to engage in military activities against the successors of PKK. The protection of rights of the Kurds has recently improved. In several southeastern provinces, state of emergency was lifted. While Kurdish-language education has been facilitated, new improvement has been reported on the rights of the Kurdish media. (44)

7.5.4 Reforms

Since the establishment of the Republic, one of the main aspirations of the secularist elites was to be part of Europe. The desire to become Europeanized was apparent in every aspect of Turkish government's behavior. This tendency gained momentum in 1990s when even the Islamists were keen to join the European Union. The European Union was against Turkey joining the Union on two grounds: failure to satisfy criteria regarding the rule of law specifically on the issue of Turkish military involvement in politics and respect the rights of minorities, in particular those of the Kurds. (45) The Europeans were unanimous in their demand that Turkey must not only improve its human rights record, but it should also raise it to European standards.

In September 1959 Turkey applied for associate membership of the European Economic Community (EEC). Following 1974 invasion of Cyprus and 1980 coup, relations between Turkey and the European Community came to a freeze. In April

1987, Turkey applied for full EEC membership. The Turkish application was shelved for more than a decade until December 1999 when the European Union Helsinki Council decided on the candidate status of Turkey. (46)

Since 2001 the Turkish government has started drastic changes in its laws in order to meet the EU laws. For instance, in September 2001, Turkish Parliament adopted over 30 amendments to the constitution in order to meet political criteria for EU membership and in October 2001 it passed a series of reforms such as reducing police powers of detention, lifting the ban on Kurdish language broadcasts, and increasing civilian representation in the National Security Council. In August 2002, the parliament passed sweeping reforms to meet EU human rights criteria. Furthermore, significant measures were taken to make the military more accountable and less autonomous. (47)

During 2004 while the State Security Courts were abolished, international law was given precedence over domestic legislation. Furthermore, a new Press Law, a new Law on Associations, a new Criminal Procedure Law and a new Penal Code were put into law. (48) As a result, on October 3, 2005 the EU foreign ministers finalized the document on negotiating framework with Turkey and membership negotiations were symbolically opened with Turkey after a few hours.

Human Rights Watch discusses four strong forces that were responsible for the reforms: pressure being exerted from the civil society in the country, indirect pressure from the European Union in order to accept Turkey's membership in the Union, resistance to change from powerful sections in the military, security forces and the state apparatus; and destruction resulted from years of political violence. (49)

The reforms have brought about more freedom to the country unprecedented in the history of the Republic. The official ideology is on the paper now but in practice is being replaced by more cultural freedom. In other words, unitary state and culture are giving way to greater cultural diversity. This has not been done unchallenged. Many in the military, the courts and the bureaucracy see liberalization only within the framework of the official ideology. Many Kemalists consider multiculturalism as detrimental to state cohesion and believe that allowing religion to be introduced in the public life of the people would run against modernity.

Thomas W. Smith argues that despite these reforms, "Kemalist discourse continues to shape official conceptions of human rights." While the government refers

to human rights violations by the Kurds, Islamists and the radical left, it downplays state abuses. (50)

Although the situation of human rights in Turkey has dramatically improved over the last few years, allegations of human rights abuses continue to be surfaced, though not with the same intensity as before. Abuses such as torture are still reported especially in political cases. The US State Department Country Report for 2005 states that members of the security forces continued to torture, beat, and otherwise abuse persons regularly. (51) Amnesty International 2004 Report states that the excessive use of force against demonstrators remained a serious problem and perpetrators of such actions were rarely brought to justice. (52) There are also reports of limitations on the freedom of expression in the form of indicting people for their non-violent expressions. (53) In January 2005, the UN special representative on human rights defenders called on the state officials and the media to refrain from stigmatizing human rights defenders as 'enemies.' (54)

The EU remains the most effective factor in the improvement of human rights situation in Turkey. Turkey attaches great importance to its membership negotiations with the EU. At the same time, based on the European Commission's recommendation, continuation of negotiations is conditional to continuous respect for human rights in Turkey. In other words, in the event that human rights are threatened, the candidacy process would be suspended. (55) Therefore, one can expect to witness the current trend with regard to observance of human rights in Turkey to continue.

7.6 Women

The issue of women rights in modern Turkey has always attracted attention both within Turkey and at the international level. Even today, after more than 80 years, the effects of changes on women at the early days of Ataturk era are scrutinized. Binnaz Torpak argues that following the reforms of the founders of the Republic, women were emancipated but not liberated. It has been argued that women were given equal political and civil rights in 1920s and 1930s, but communal norms and customs continued to limit them. (56)

After the establishment of modern Turkey, the situation of women was one of the most pressing issues of the time. Modernization and Europeanization of Turkey

could not be achieved without the necessary changes applied to the status of women. The Kemalist regime rushed to change the Ottomans tradition of excluding women from public life and expanded educational and professional opportunities for women. It also changed the civil code thus giving women equal rights in marriage, divorce, inheritance and custody over children.

The new Republican women were expected to behave and dress in accordance with what the state defined as modern and Westernized. It has been noted that the ideal Republican woman was a 'citizen woman,' socially progressive, without complaining at home. The state defined modernity to include marriage and with children to be raised 'scientifically' by mothers educated in the latest technique from the West. Since the Republican reforms started in the cities, the Republican woman was a 'bourgeois urban woman' who was a symbol of the new regime. At the time, only twenty percent of the population lived in the cities, therefore, the number of women in the category of Republican woman was limited. (57)

In 1930, women were allowed to vote in local elections and the first women judges were appointed. With the change in the constitution in 1934, the complete right to vote and being elected was given to women and in 1935; eighteen women were elected to the Grand National Assembly. (58)

Following modernization process, the regime monopolized the public domain and no independent women's movement was allowed to be active in the Turkish society. In other words, women were given freedom to a degree that the essence of Kemalist Republic was not threatened. It was argued that the interest of the state was above all and all segments of the society including women should have been at the service of the state. Since 1980s, women from different walks of life have challenged this monopoly of the state and have sought autonomy from the tradition and demanded liberation from the 'yoke of the state.' (59)

7.6.1 Individualism

Beginning in the early 1980s, a new women movement emerged in Turkey which was far from classical Kemalist view. Yesim Arat argues that self-declared feminists started to challenge the state's version of the role of women in the Turkish society and insisted to portray themselves as individuals representing only themselves not the state. This individualistic approach ran against the traditional approach of the state that was dictating the affairs from top to bottom. Women started to talk and write about their own problems even problems such as sexuality and domestic violence.

This individualism not only gained support among secular feminists, but also Muslim women showed interest to follow this path. For instance, Sibel Eraslan from the Islamic Welfare Party called herself a 'feminist with faith' and even some Islamist women argued that only God holds power above them implicitly criticizing the notion that men rule over women. (60)

7.6.2 Equality

The reforms of the Kemalist regime, particularly on women issues, gave the supporters of the reforms the argument that since the new opportunities were accorded to women, men and women became equal. The main argument for this claim was the new legal code which, according to the reformers, had resolved the question of male-female equality. However, opponents of this view held that all attentions were directed at equalizing men and women in the public domain, while the differences between men and women in the private domain were not considered.

In the 1980s, the concept of equality, as presented by the founding fathers of the Republic, was questioned. The 'Kemalist feminists' were of the opinion that the Republican framework could solve women's problems. Bearing in mind the threats posed by the Islamists to the secular nature of the system, these women led the initiative to amend the Civil Code. The younger feminists challenged the Kemalist view on women's rights and the legal framework associated with them. They called for more equality between men and women and focused their attention more on the private domain and organized protests to present their concerns openly. (61)

7.6.3 Domestic Violence

This issue was brought to the public sphere by the younger generation of feminists who gave priority to it in their activities. They brought to the attention of the public the need for urgent action to be taken by the government to address the vulnerability of women.

Domestic violence is a serious problem in today's Turkey. There are reports that even 90% of women have been subjected to violence by their husbands or boyfriends and many women have claimed to be beaten by their husbands on their wedding nights. (62) Amnesty International notes that state officials do not take adequate steps to protect women. For instance, reports of family violence are not investigated properly and not all perpetrators are brought to justice. (63) The problem, as far as women's rights groups are concerned, is that there is not sufficient legal ground to deal with domestic violence. Pinar Ilkcaracan, a women's rights activist,

believes that "most of the Turkish society wants reforms. But, when it comes to women's issues, there is a lot of resistance." (64)

In 1989, for the first time the issue of sexual harassment came to the scene and a campaign against it was organized. Widespread sexual harassment was publicized to encourage women to defend themselves. Another new development was the emergence of public discussion of rape. In mid-90s, feminists took advantage of the new situation and became very active in portraying the victims of rape as victims of domestic violence. They showed up in courts to support the victims of rape. (65)

In January 1998, the Turkish parliament finally approved a new law on domestic violence, based on which any family member can file for a court protection against the perpetrator of violence at home. However, some women's rights groups claim that in some parts of Turkey such as south-eastern region, not a single prosecution for domestic violence has been filed and probably many women in these areas are not even aware of the changes in the law. (66)

7.6.4 Women and Secularism

After the 1980s, Turkish women began to question the concept of secularism prescribed by the Kemalist reformers. They wanted more spaces to be given to Islam. That was the beginning of the headscarf controversy which has been dragging on till today. These women demanded to be allowed to work in public places or attend universities while covering their heads. It should be noted that female lawyers wearing headscarf are not allowed to enter courtrooms.

In 1999, Mrs. Kavakchi, a new Member of Parliament, tried to seat in the parliament while her head was covered. This action was condemned by the President, the Prime Minister and the National Security Council as a serious challenge to the tenets of the Republic. Subsequently, the government, referring to Mrs. Kavakchi's US citizenship, deprived Kavakchi of her Turkish citizenship and her parliamentary privileges. (67)

The women's reaction to the ban on headscarf was to take the matter to the local courts. While some of these courts accepted women's arguments, higher courts found the local courts' decisions unconstitutional. When the matter was taken to the European Court of Human Rights (ECtHR) by some students, Turkish court decisions were upheld. The ECtHR ruling was based on Turkish government's justification that the ban preserved the secular public order and protected the rights of non-Muslim students and those not wanting to wear headscarf. (68)

This decision by the European Court drew sharp criticism by some human rights groups. Human Rights Watch argued that headscarf ban would result in the denial of women access to higher practice and expression. (69) The problem with that decision was that all universities in Turkey including private ones have to apply the ban. As a result, women have a choice of removing their headscarf contrary to their religious beliefs or keep the headscarf and are deprived of higher education.

The ban on headscarf is not a problem for religious women only. Secular women are also outraged by the ban. Esra Arsan, a secular university lecturer, believes that "the Kemalist ideology was a positive thing for women at first. But try to imagine a student banned from an American university because she was wearing a cross and a chain around her neck." (70)

7.6.5 Legal Status of Women

Article 10 of the constitution provides for equality of men and women without discrimination and Article 41, as amended in 2001, provides for the equality of spouses in marriage. Besides these basic laws, the most important change in women's situations took place on January 1, 2002 when the new Civil Code came into effect. The first Civil Code was adopted in 1926. Under that Code, the husband was the absolute head of the family with legal authority to make choices over domicile, children, and property.

Since 1950s, women's rights groups had been struggling to change that Code so that men and women would be equally treated within a family. Their argument was that this unequal treatment was a source of women's rights violation. These efforts bore fruit in 1994 when a government commission was established to prepare a draft of the new civil code. While women's rights groups were lobbying hard for the adoption of the new code, the Islamists and the nationalists were working tirelessly to keep 1926 code intact because they believed that any change to the division of property attained during the marriage would change the family from a 'matrimonial union' to 'cooperation' which eventually would increase the rate of divorce. (71)

Finally, the new code was approved covering important amendments to family law including the one that abolishes the principle that husband is the head of the family. The new code defines the family as a union between 'spouses' based on equal partnership and equal decision-making powers with equal rights over property acquired during the marriage. It also raised the marriage age of 15 for women and 17 for men to 18 for both. (72)

7.6.6 Road Ahead

The Turkish women today have shown their dissatisfaction with secularism and nationalism advocated by the Kemalist regime. They have redefined their relationship to the state. But, problems still exist. Compared to men, women are less educated, less informed and poorer with less political activity. However, in general, literacy and professional employment rates are high compared with those in the Middle East countries. Today, one in every six judges and one in every four doctors is a woman. The situation in rural areas is not as promising where there are eight million illiterate females, with low average age of marriage and high fertility rates. (73) Furthermore, despite all the changes in today's Turkish society, tradition still plays an important role in shaping the situation of women particularly in rural areas. To give an example, one can refer to cases of forced, under-aged, polygamous marriages and honor crimes which are still happening in Turkey.

7.7 Parliament

The first Turkish parliament was convened during the Ottoman era in 1877. It was a bicameral assembly. The 'Parliament' was composed of 115 members, 69 Muslims and 46 non-Muslims. They were elected by popular vote. All 26 'Senate' members were appointed by the Sultan. (74)

The establishment of the Republic in 1923 and the adoption of 1924 Constitution brought dramatic changes to Turkish polity. The first political party of the New Republic was 'People's Party' which was established in 1923 under the chairmanship of Kemal Ataturk. This party dominated the politics in the country for almost 23 years. The fact that at the beginning of the Republic no other political party was allowed to form proves that the main concern of the founders of the new regime was to establish a strong state based on one ideology. In other words, although as explained earlier many changes took place at the beginning of the Republic, the main aim was to put all means available, including the parliament, at the disposal of the state.

The first parliamentary election of the Republic when more than one party participated was held after the WWII in 1946. By 1950, more than 25 parties were established and participated in the elections. (75) This multi-party system was

institutionalized over time and numerous elections with the participation of parties with different tendencies were held till early 1980s. However, following 1980 coup, the military intervened in the 1983 elections and allowed only three parties to participate.

Another interesting development in the 1983 elections was the decision of the government to heavily fine those who were eligible and chose not to vote; a development which did not take place in 1965, 1969, 1973 and 1977 elections. The decision to fine non-voters continued in 1987 and 1991 elections. Consequently, while the voter turnout in 1965, 1969, and 1973 was between 50 and 70 per cent, the turnout rate in 1983 and 1987 exceeded 90 per cent, with a drop to about 80 per cent in 1991. (76)

The 1961 Constitution determines that the Grand National Assembly was a bicameral parliament with over 600 members. The 1982 Constitution tried to avoid the imbalances and the challenges to leadership which occurred under bicameral parliament and therefore, changed the Assembly to unicameral Assembly with 450 members which became 550 in 1998. Members are elected by popular vote to serve five-year terms. Article 76 of the constitution states that every citizen over the age of thirty is eligible to become a member of parliament, however, with some limitations and disqualifications. (77)

The women suffrage was granted in 1934. During the one-party rule, women's seats in the parliament were secured. However, after the introduction of multi-party system, the number of female MPs has decreased. (78) Since 1997, women through the 'Association to Support and Train Candidates' have been struggling to have their voices more heard in Turkish politics, although they have not been successful enough to make their presence felt very much in the parliament. (79)

Kurdish minority has also tried to be active in all aspects of Turkish society including in the parliament. Margot Patterson asserts that about one-fourth of the parliamentarians are Kurdish in origin, but those who declare their ethnic identities are subjected to abuse. (80)

It should be noted that Turkish law guarantees that members of the Turkish Grand National Assembly shall not be liable for their votes and statements concerning parliamentary functions, and for the views they express before the Assembly.

The basic functions and powers of the Assembly are elaborated in Article 87 of the constitution as follows: "The functions and powers of the Turkish Grand

National Assembly comprise the enactment, amendment, and repeal of laws; the supervision of the Council of Ministers and the Ministers; authorization of the Council of Ministers to issue governmental decrees having the force of law on certain matters; debating and approval of the budget draft and the draft law of final accounts, making decisions on the printing of currency and the declaration of war; ratifying international agreements, making decisions with 3/5 of the members of the Turkish Grand National Assembly on the proclamation of amnesties and pardons according to the Constitution; and exercising the powers and executing the functions envisaged in the other articles of the Constitution." (81)

The Turkish parliament has been very active during the last couple of years and has passed substantial number of important legislations. Most of these laws are related to reforms needed to match Turkish laws to European laws. The adoption of these laws is attributed to the presence of supporters of Prime Minister Erdogan in the parliament who have the majority. Whether there is any truth to this claim, the decisions of the parliament have been historic, deeply affecting the future of the country.

7.8 Islamist Parties

The first Islamic oriented party was Erbakan's 'National Order Party' which was banned by the Constitutional Court in 1971 after only one year of its existence. The main argument of the Court was the anti-secular nature of the party. Erbakan established another party with the same ideology called 'National Salvation Party.' This party too was dissolved in 1980 by the military regime that took power in a coup. It was during Turgut Ozal's premiership in mid-1980s when greater expression of Islam in the public sphere was facilitated.

Following lifting of the ban on political parties, Erbakan again came to the scene and established in 1984 yet another party called 'Welfare Party'(WP) whose popularity increased over time. In 1994, WP won control over the cities of Istanbul and Ankara. In the 1995 general election, WP won 21.3% of the votes and for the first time in Turkish history an Islamist party received the majority of the votes in the parliament and Erbakan became the Prime Minister and formed a coalition government with the center-right True Path Party. Secular elites, the military and

secular civil societies were wary of Erbakan's policies which they believed were against the tenets of the Republic particularly its secular nature.

Therefore, on February 28, 1997 the National Security Council gave an ultimatum to Erbakan to take some measures to protect the secular character of the state. Erbakan finally resigned in June 1997 and its Welfare Party was banned by the Constitutional Court in January 1998. Consequently, the former members of WP established a new party called 'Virtue Party.'(VP) This party too was abolished by the Constitutional Court in June 2001 for supporting Islamic fundamentalism and its anti-secular activities. Soon afterwards, the 'Prosperity party' (PP) came to existence with the same traditional ideology of VP.

The ban on VP caused division within the Islamists on the question of the utility of forming consecutive parties with the same agenda knowing that they would easily be banned by the regime. Therefore, the young members of the Islamists took a new course and established 'Justice and Development Party' (JDP) under the leadership of the former Mayor of Istanbul, Recep Tayyip Erdogan. The JDP won November 2002 elections with 34.28% of the vote and claimed majority in the parliament and consequently formed the government. (82)

The JDP leaders decided not to give priority to controversial issues such as the role of the religion in the affairs of the state or the prohibition of the headscarf in the fear that the secular establishment would take measures against them and they would have the same destiny as the other Islamist parties. However, JDP's critics argue that JDP has a hidden agenda of creating an Islamic government in Turkey. They refer mainly to the previous positions taken by Erdogan in which he was more explicit in criticizing secularism and defending Islamic values. In mid-1990s he said that "one cannot be secular and a Muslim." (83)

When Erdogan was the Mayor of Istanbul, he condemned contraception and banned alcohol in public places. In a 1998 rally he read this poem: "The Mosques are our barracks, the domes our helmets/ the minarets our bayonets and the faithful our soldiers." Afterwards, he was convicted of using religion to incite disorder. He had to spend four months in prison. (84) However, after becoming Prime Minister, he has been very careful not to take such positions that would create the same problems for him. After winning the elections in 2002 he said that "our party views secularism as an important segment of our democracy. Together with democracy, secularism is the basis of the Turkish state... We respect that, and if we did not we would lose our

support immediately." (85) He also said that in Turkey, the cultures of Islam and democracy have emerged together. (86)

In order to explain the reasons for such a change, skeptics argue that this is merely a tactical shift and Erdogan is the same old Islamist whose view of the world has not changed and his interests are the same. On the contrary, some analysts, like Ihsan D. Dagi, believe that this is a genuine change and total abandonment of political Islam. (87) During his premiership, Erdogan has identified his ideology as 'conservative democracy' instead of 'Muslim democracy' in order to allay the concerns of his critics in the military and in the European Union that he might be an Islamist with a new face. He explained this terminology during a visit to Washington, D.C., in January 2004: "A significant part of the Turkish society desires to adopt a concept of modernity that does not reject tradition, a belief in universalism that accepts localism, an understanding of rationalism that does not disregard the spiritual meaning of life, and a choice for change that is not fundamentalist. Conservative democracy is an answer to the desires of Turkish people." (88)

Whether Erdogan and his friends have really changed or not is not clear. What is clear is the fact that, as Vali Nasr explains, JDP's priorities include "serving the interests of private business, pursuing full EU membership, and deemphasizing the most Islamist aspect of the party's agenda-- in other words, promising to create a space within which Muslim values can express themselves, but not pushing an Islamist legislative agenda." Furthermore, keeping the military away from politics as well as postponing discussions on Islamic issues is among the JDP strategy. (89)

After the end of the Cold War, some Turkish politicians as well as the United States referred to Turkey as a 'model' for other Islamic countries. This notion of 'model' entered a new phase after 9/11 when the United States, fearful of terrorist attacks against it and its growing unpopularity in the Muslim world, was eager to show that a country could be Islamic while embracing democracy. It was in this context that the notion of 'Turkish model' for Muslim countries resurfaced even with more vigor. However, Hodaya Ziad argues that most Westerners and secularists are of the opinion that if a Muslim country wants to be democratic, it has to relinquish its Islamic culture, identity and existence. On the other hand, some argue the opposite and refer to Turkey as an example of marriage between Islam and democracy. Haldun Gulalp believes that the present Turkish government may become a good model for the "coexistence of Islam and democracy." (90)

Prime Minister Erdogan, while not wanting to present Turkey as a model, thus creating more concerns for the secularists about his religious tendencies, has been willing to applaud the Turkish experience. He said that "Huntington declares that there might be a conflict of civilizations. Turkey is a catalyst to make sure we have harmony of civilizations. It is a bridge between the Islamic world and the rest of the world." (91)

7.9 Conclusion

As a Muslim country, Turkey has a unique place among Islamic countries. It is located adjacent to the Western world and naturally familiar with the religious and cultural heritage of the West. Turkey itself enjoys a deep religious and cultural heritage. The combination of these traditions has shaped the cultural and political identity of the Turkish society. The Republic of Turkey was established after the demise of the Ottoman Empire and continued the reforms initiated by the Ottomans in various fields but with much vigor and at times with different emphasis.

The first and foremost objective of the reforms was to create a modern, secularized, and Westernized state. To achieve such a goal, every means was at the disposal of the state. The interests of the state were considered above all interests and citizens of the country, men and women alike, were supposed to be at the service of the state. Different governmental and non-governmental institutions of the country including the parliament, the judiciary, and the military were allowed to only work in line with the official ideology of the new Republic. In this context, religion was conceived to be a threat to the modernist regime and everything necessary was done to move away religion from the domain of politics. That was not meant to omit religion from the society. It meant, however, to control the religion and present it to the people in a defined manner in order to support the tenets of the Republic.

In a nutshell, while introduction of secularism meant keeping religion in private domain only, it did not mean that there would be no place for religion in the affairs of the state. In fact, the establishment of the Directorate for Religious Affairs was an indication of the view of the new Republic towards religion in a very specific way and in line with the interests of the state. When it was in the state's interests to counter the leftists in the 1980s, religion was used and given a boost to do the job.

And when in mid-1990s the state felt that Islamism was a threat, strong measures were taken to force Islamists not to enter politics.

Islam in Turkey has always been interpreted differently than in other parts of the Muslim world. The most important difference has been the fact that in Turkish Islam, the notion of secularism has always played an important role. Sultan Tepe has conducted an opinion survey in Turkey and has come up with some interesting results corroborating this argument as follows: "11 percent of the respondents said that they did not support the current system of secularism, while 39 percent saw it as vital to Turkish democracy. When asked whether politicians should base their decisions primarily on their religious convictions, 88 percent of all respondents said no." (92)

Even, some scholars believe that today's Islamic forces in Turkey are not hostile to the secular establishment. (93) While secularism in Turkey has become a part and parcel of Turkish politics, it is being regarded in many Islamic countries as tantamount to dictatorship. In most secular regimes, repression is being applied against the Islamic opposition who call for opening up of the system. (94)

As opposed to other Islamic countries, political Islam in Turkey does not generally seek to overthrow the system. Even those Islamists like Erbakan who advocated application of the Islamic law did not seek to change the whole system of governance in Turkey. And the catch word is 'secularization' which is so deeply rooted in the Turkish society that the relation between religion and politics becomes more complex than in other Muslim countries. However, the real issue between the Islamic forces and Kemalists is about the role of the religion in society. Should it be acceptable to let religion have a say in public affairs or should it be treated only as a private matter.

As long as Islamic forces do not try to expand the area of activities of religion to cover public domain or change the regime to an Islamic one, they are tolerated. In case, these forces get enough strength to challenge the secular character of the Turkish system, they will be crushed by the establishment either in the form of hard coup of 1980 or soft coup of 1997. Although the friction between Islamic forces and die-hard Kemalists will continue to dominate Turkish politics and once in a while a controversy might erupt, nevertheless, these conflicts will apparently not threaten the current establishment in that country.

The present JDP leaders, particularly the Prime Minister, try to draw a more distinct line on the separation of religion and politics. They emphasize more on

secular republic which is democratic based on the rule of law. Erdogan believes that it is not appropriate to use religion as a means to gain success in politics and argues against the notion of an ideological state. (95)

Erdogan advocates 'conservative democracy' meaning that there should be a reconciliation between common values of the Turkish society- a reference to Islamic values- and the state's ideology- a reference to secularism. He states that only through this process, the gap between religion and state is filled and Turkey's political problems are solved. He argues that "the ideal is not to have a mechanical democracy that is reduced to elections and certain institutions, but an organic democracy that pervades the administrative, social, and political fields." (96)

The present government supports political Islam, but not the one that challenges a liberal Western style democracy. In this context, it can be argued that a marriage between democracy and Islam as defined and implemented by the JDP is being shaped. However, there are skeptics to the permanency of this marriage who believe that Islam is not compatible with democracy and Islamists should not be trusted. At any rate, the current controversy can be resolved by giving the present Islamic forces the chance to prove that they are working towards consolidation of democracy in Turkey. The secular establishment including the military will serve the country better by respecting the peoples' choice as determined in the democratic elections.

In Turkish politics, human rights issues including women's rights are also analyzed from the point of view of the state's interests. While human rights violations including those of women have diminished substantially, mainly due to EU pressures to bring Turkish standards in line with those of Europe, there are still problems with regard to the observance of human rights. The introduction of secular and European laws into Turkish laws has made some laws in contravention with Islamic laws. To give some examples, one can refer to abolition of death penalty and changing the inheritance law. The real issue here between the Islamists and the secularists is the decision of the Turkish elites to ignore Islamic laws in favor of secular Westernized laws. The secularists will do anything at their disposal to confront such Islamic laws. At the same time, the Islamists either do not consider these laws as priority or do not have the power to promote such laws in Turkey.

Under these circumstances, it is inconceivable to find a compromise between the two opposing views on certain human rights including those related to women.

However, as far the observance of human rights in Turkey is concerned; both sides are inclined to and have an interest in promoting human rights, but for different reasons. The secularists view the improvement of human rights situation as one step closer to realization of their dream of being accepted into the European Union, and the Islamists consider this as a breathing space to follow up on their demands such as the headscarf issue.

As far as Turkish parliament is concerned, all parties, except those Islamists who are accused of opposing secular character of Turkey, are allowed to participate in the elections to freely choose their representatives. The parliament works like other parliaments in the West in making laws and in supervising the work of the government. Again, the real issue between Islamists and secularists is not how different the two sides see the usual work of the parliament; rather, it is related to the dominance of secular laws over the Turkish parliament.

Under these conditions, one cannot expect to see a change in this respect because of the fact that secularism has been deeply rooted in the parliament and with reforms adopted by the parliament during the last couple of years, this trend has in fact strengthened. Therefore, bearing in mind that the current parliament, with JDP majority, is focusing more on integration within EU and economy, it appears that the dispute on parliament activities between Islamists and secularists will not become serious or troublesome. However, if the situation gets out of hand and the military feels obliged to intervene as it did in the past, it is not clear how the parliament will react. The Turkish parliament was silent when the military staged coups in 60s, 70s, 80's and 90s. In case of another military involvement in politics, the parliament does not seem to do anything differently.

Talip Kucukcan believes that Islamic values are deeply rooted in Turkey. In the 80s, secular elites could not succeed in replacing religion with modern secular values. Therefore, deteriorating social, economic and political situations brought about the revival of Islam in Turkey. Although there has been improvement in the application of democratic norms since the Republic's establishment, state-religion relations still face problems. (97)

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CHAPTER VIII

SAUDI ARABIA

8.1 Introduction

Saudi Arabia is a vast country located in the Middle East. It is an Arab country and all its neighbors namely, Jordan, Iraq, Kuwait, Qatar, U.A.E., Oman, and Yemen are Arab too. All 27 million Saudis are Muslims with great majority as Sunnis. (1)

Saudi Arabia is a very rich country. It controls about 25 percent of the world's proven oil reserves while its GDP exceeds \$100 billion. (2)

Being the birth place of Islam and hosting the two most holy shrines for Muslims as well as its strict attachment to religion since its inception has given Saudi Arabia a special place within the Islamic countries. More than any other Islamic government, the Saudi government claims to rule in the name of Islam. In 1986, King Fahd branded himself the title of 'Servant of the Two Holy Shrines', a title carried over to his successor, King Abdullah. (3)

More than 2 million Muslims go for the annual pilgrimage to Saudi Arabia. Moreover, some Islamic countries consider Saudi Arabia as an authority for any religious question. However, the special interpretation of Islam in Saudi Arabia has also created some resentment in the world of Islam too. In addition to Shi'ites who are diagonally opposed to Saudi interpretation of Islam, many Sunnis too do not accept this interpretation as the correct version of Islam. The Saudi interpretation is based on the ideas of an eighteenth century religious reformer with the name of Muhammad bin Abdul Wahhab who made an alliance with the ruler of the first Saudi state (1744-1811). (4)

Mamoun Fandy argues that this dominant interpretation is linked to the larger hegemony of the dominant group and the state. He identifies familialism('a'iliyya), not family, and social relations(qaraba) as the heart of Saudi polity. Furthermore, he argues that when the strict interpretation of Islam is mixed with 'asabiyya(solidarity or group feeling), the hegemonic nature of the Saudi royal family becomes evident. (5)

Saudis consider their country as the cradle of Islam. The country is home to the two holy shrines. Furthermore, the Saudi government claims that the country is governed by the Koran and the traditions of the Prophet. Anthony Cordesman states that in Saudi Arabia, the majority of people are more conservative than the government. (6) Whether in reality they are conservatives or not, the fact is that the majority of Saudi people practice Islam and consider it as part and parcel of their daily lives. At any rate, people's attachment to Islam is mainly based on what Muhammad bin Abdul Wahhab introduced in the eighteenth century as the one and only brand of Islam. His ideas are still very much alive in the minds of many in today's Saudi Arabia, although these ideas have created problems for the Saudi government particularly after the events of September 11, 2001.

8.2 Wahhabism

During the last couple of years, particularly in the West, the word 'Wahhabism' has been used more often in order to describe a political agenda of certain radical conservative Muslims. Stephane Lacroix defines Wahhabism as "the religious tradition developed over the centuries by the ulama (religious scholars) of the official Saudi religious establishment founded by the heirs of Muhammad Abd al-Wahhab, an establishment which in return considers itself the legitimate guardian of this tradition." (7)

Muhammad Abd al-Wahhab was born in 1703 in a small town in the Najd province. Signs of extreme doctrinal deviance were evident in him at an early age. He studied four years in Medina and devoted much of his time to study the works of Ibn Taymiyya who like Muhammad Abd al-Wahhab was against practices of Christianity and Shi'ism. (8) The school of thought he founded was later named Wahhabism. He called for adherence to the Koran and the tradition of the Prophet as interpreted by the early scholars of Islam and as the only source of authority for practices of Muslims. In this context, he rejected the introduction of any new element into Islam and considered that as 'bid'a' (innovation). This is the basis of Wahhabi rejection of the tenets of Shi'ism that believes in dynamism of Islamic jurisprudence.

The oneness of God is the most important tenet of Wahhabism. Since God is the one and only omnipotent, the mediation of anyone or anything between human

being and God is rejected. (9) This is another point of contention between Wahhabis and Shi'ites who believe that the Prophet, his daughter and the Twelve Imams are infallible and can mediate between man and God. According to Wahhabi teachings, Muslims should strive to become the embodiment of God's laws on earth. They should also obey a just Muslim ruler who in consultation with religious scholars can form an Islamic government. (10)

Hamid Algar argues that Wahhabism has no root and lacks substantial precedent in Islamic history. He states that the whole purpose of Muhammad Abd al-Wahhab was to destroy religious practices as well as structures of law, theology and mysticism developed after the revelation of the Holy Koran. (11) Of course, this sentiment is not shared by all Muslims. There are Muslim thinkers who even believe that God helped Abd al-Wahhab to be able to understand His path. (12)

Algar is of the opinion that one aspect of Wahhabi teachings that has severe ramifications for other Muslims is the belief that those who do not subscribe to Wahhabism are called 'mushrikin' (non-believers) against whom the warfare such as shedding their blood, forfeiting their property, or enslaving their women and children is not only permissible but obligatory. In this connection, he refers to the events in early nineteenth century in Karbala and Ta'if. (13)

Stephen Schwartz considers Arabian oil as an asset for Wahhabis and argues that this asset is comparable to Hitler's military industries. However, he suggests that Wahhabis are not interested to be involved in the petroleum markets; rather their interests are ideological and religious. He compares Wahhabism with Nazism and states that both are separatist and supremacist. In his opinion, Wahhabi's world is the one in which Muslims have no contact with Christians and Jews as well as non-Wahhabi Muslim 'unbelievers.' (14)

When the Al-Saud family forged an alliance with Wahhabism in the mid eighteenth century, it became evident that religion would play an important role in Saudi politics and Wahhabi ulama with their strict interpretation of Islam would have a strong voice in Saudi Arabia. (15) However, there have been numerous instances during the last 250 years of Saudi history when Wahhabi ulama have followed a political pragmatism and not used their authority to challenge Saudi policy. This pragmatism stems from the fact that the ulama needed to keep their alliance with the rulers in order to be relevant in Saudi politics.

Guido Steinberg argues that this political pragmatism is one of the reasons the Saudi authorities have not deemed it necessary to fight the ulama's influence in Saudi society. That is why the Saudi ulama enjoy more influence than any other Sunni clerics in the Islamic countries. (16) Of course, there have also been instances when radical Wahhabis separated their rank with other ulama and called for strict implementation of Wahhabi tenets. (17)

Opposition to Wahhabism within the Saudi society has not been limited to Shi'ites who have traditionally been at odds with the Wahhabis. In today's Saudi Arabia, it has been reported that clandestine Sufi meetings have been held in Jeddah and a large number of young Saudis express their opposition to Wahhabism by following Sufism. (18)

8.3 Religious Legitimacy

One of the most important aspects of Saudi politics is the issue of religious legitimacy. Throughout its history, Saudi leaders have tried their utmost to preserve their legitimacy. The Saudi monarchy has stressed its role as an 'Islamic' government and in this respect has promoted religious education and Islamic charities. (19) The ruling family finds legitimacy by supporting policies that can be called 'Islamic' and by enforcing 'Islamic' behavior on the people. (20)

In order to be viewed as an 'Islamic' government or supporting 'Islamic' policies, Saudi rulers need to enjoy the blessing of the religious scholars of the country who mostly belong to Wahhabi sect. Guido Steinberg mentions other reasons why the monarchy needs the legitimacy granted to them by the Wahhabi ulama. He argues that since Saudi rulers have not distributed the oil income equitably or have not prevented the development of social problems, maintaining religious legitimacy is a must for the regime. (21)

As explained earlier, Saudi history has been marked by the successful alliance between the religion and the state. It has been a marriage of convenience where both sides have benefited from such relationship. Since the Saudi regime is a dynasty, the question of legitimacy is of paramount importance for continuation of royal family's reign. No general elections or referendum has been held to gauge the popularity of the

regime, therefore, only religion can be utilized to provide the necessary legitimacy for the ruling family. (22)

The Saudi monarchy has provided the Wahhabi scholars with special status and privileges. Selling land received as a gift from the government at high price or prohibition of being arrested or put on trial without approval of the state (23) as well as having an open hand to interfere in many aspects of Saudi politics such as the judiciary, religious education, guidance and Islamic propagation outside the country are among the privileges enjoyed by the Wahhabi ulama. In return, the religious establishment has given a religious legitimacy to the government. (24)

The religion and state is so intertwined that it is not possible to separate one from the other. Based on Wahhabi teachings, in the absence of coercive power of the state, the religion is in danger, while without Islamic law the state becomes a tyranny. (25) This special relationship gives the government the opportunity to portray itself as a genuine Islamic government, while receiving the legitimacy needed to prolong its rule. (26) However, Mamoun Fandy suggests that this state-religion relationship has brought about some adjustments to Islam in order to support the state. Instead of adjusting the state to become Islamic, Wahhabi ulama were used to justify the policies of the government. Therefore, the ulama have in fact approved the hegemony of the royal family. (27)

While the monarchy has benefited from its relationship with the ulama, it has nevertheless made it clear to them that they are junior partners in this relationship and should not determine the policies of the country. (28) Elham Manea states that foreign policy and the conduct of the ruling family are two areas where the Wahhabi ulama are not allowed to interfere. (29) It should be pointed out, however, that even with these restrictions the positions that the ulama occupy in other areas of Saudi polity are still very prominent and cannot be compared to the positions held by ulama in other Sunni countries. (30)

The blanket endorsement of Saudi policies by the Wahhabi ulama has not been unchallenged within the clergy establishment. In the 1950's the ulama were treated as paid civil servants and the king was considered the leader of the Muslim Wahhabis. Joshua Teitelbaum states that containing the ulama's work to religious matters only led to the replacement of state-religion alliance with one of state-technocrats. This development resulted in alienation of some radical Sunni fundamentalists who criticized some ulama who were accepting the imposition of 'un-Islamic' concepts by

the government. (31) While the official ulama were those government employees in the mosques, universities or government appointed committees or councils expected to support various decisions of the government, the informal or unofficial ulama were outside the government, and at times critical of its decisions while enjoying public support. (32)

The introduction of US troops in Saudi Arabia in the beginning of 1990's widened the gap between the state and those ulama who were against accepting foreign troops in the 'land of Islam'. Government's response to these criticisms was to contain ulama and limit their ability to supervision of the implementation of the Islamic law. The government went further to weaken the presence of ulama in some governmental bodies. Even some ulama who had crossed the 'red line' were arrested. Therefore, with the modernization process underway including the weakening of the role of ulama in the affairs of the government, one can argue that the state religion that has been promoted by Al-Saud for more than 200 years has now only 'the shell of Wahhabism'. (33)

8.4 Secularism

Saudi Arabia is the only Muslim country whose government is very conservative while the body politic is even more conservative than the government. (34) The people of Saudi Arabia are well known for the conservative views they hold on different issues. Fandy argues that Islam and traditional or familial characters are very important in the social and political interaction of the people. About 20 percent of the population are religiously very conservative and deem it necessary to call upon others to strictly observe the religion. Some 20 percent are liberal and the remaining 60 percent, including the royal family, are in between. However, the conservatives have the upper hand since the foundation of the system is built around the marriage of Al-Saud and Wahhabism. (35)

Since religion plays an important role in every aspect of the society, it is inconceivable to imagine secularist tendencies even discussed let alone nourished within the current political system of Saudi Arabia. To give an example, one can refer to the fact that a non-Muslim cannot be a Saudi citizen and the state feels obligated to not only promote religious practices but enforce them as well. Therefore, the idea of

religious pluralism within the general public enjoys no support. (36) Furthermore, Fandy believes that the government portrays itself as the defender of Islam at a time when the West is making efforts to attack culture and religion of the Islamic countries. Therefore, the government plays an opposition role attempting to preserve Islamic beliefs and norms. (37)

Unlike other nations, Saudi Arabia has no formal constitution voted upon by the people. The Saudi rulers assert that the Saudi constitution is the Koran and 'sharia' or the Islamic law is the source of its laws. Before 1992, the royal family did not feel the need to articulate the system of governance in the country. It was the call for reform by the people in the aftermath of the Persian Gulf War in early 1990's that forced the monarch in March 1992 to issue the 'Basic Law of Government' which is tantamount to a constitution. This law in its first article explicitly states that the Holy Book and the tradition of the Prophet are the constitution of the Kingdom. Again in Article 7, it is stated that the government derives its power from Koran and Prophet's tradition. (38)

After issuing the Basic Law, King Fahd said in an interview that "We have our Islamic beliefs that constitute a complete and fully integrated system. Free elections are not within this Islamic system, which is based on consultation (shura) and the openness between the ruler and his subjects before whom he is fully responsible."

(39) Another interesting quotation in this regard from a Saudi leader belongs to King Faisal in 1966 when he said that "A constitution? Why should we adopt a constitution? The Koran is the oldest constitution and the most effective in the world. Elections and a parliament? Let's not think about that, for we have witnessed the miserable experiences of our neighbors in this regard. Rest assured that Islam is a comprehensive, flexible and enlightened religion that guarantees the happiness of our people." (40) These words clearly demonstrate the longstanding position of the royal family that the Saudi people have little role in determining their future and should accept the Wahhabi ulama's interpretation of Islam and act accordingly.

Eleanor Doumato argues that the government's higher goal is to create a society that upholds God's laws. In this regard, the responsibility of the ruler is to assure that people know those laws and the responsibility of the people is to obey. (41) Hence, it is no surprise that the statements or decrees coming from the government officials mostly refer to Islam. To give an example, one can refer to the way some Saudi Ministries present their programs and policies in the name of Islam

in order to get the support from the public. The second five-year plan of 1975-1980 contained references to keeping Islamic values in the development of human resources. Moreover, the state's flag and the national anthem contain Islamic motifs and loyalty to the royal family. (42)

Public discourse for Saudi people is one that subscribes to conservative Islam or to use a proper word, Wahhabism. It is impossible for the Saudi intellectuals to express themselves in the name of anything than the conservative Islam. That is the main reason why the signatories of letters to the king in 1990s and 2000s have noticeably distanced themselves from the notion that their demands are contrary to the teachings of Islam.

Joseph Nevo refers to an interesting point saying that in formulating the Basic Law the King was careful not to produce something that replaces the sharia; rather he wanted to compliment it. That is why the terms such as 'qanun' (law) and 'musharri' (legislator) are not mentioned because they refer to the way the laws are enacted in the West. As far as Saudi Wahhabis are concerned, there is no other source of legislation because God is the only legislator. (43)

8.5 Royal Family

Saudi Arabia is the only country in the world whose name is associated with a family. Since the eighteenth century, the Saudi royal family has been ruling over Saudi Arabia one way or another, but the new regime has been in power since 1932. All the rulers have been the descendants of Ibn Saud.

The royal family, ulama and the bureaucracy shape the overall Saudi system. However, the royal family has the ultimate power. The king is the Prime Minister or head of the Council of Ministers. He appoints and relieves deputies of the Prime Minister and the Ministers and has the right to dissolve and reorganize the Council of Ministers. The king is the commander-in-chief of all armed forces. He appoints the judges and terminates their duties by royal decrees. He also appoints members of the Consultative Assembly. (44)

The governors of all provinces are princes appointed by the king. Furthermore, the family plays an important role in the Saudi economy. It is alleged that government contracts are granted automatically to the princes. This has led to many criticisms

leveled against the royal family. Elham Manea claims that Al-Saud is also involved in inappropriate land deals. He refers to Said Aburish stating that during King Faisal's reign from 1964 to 1975; around 80 percent of Saudi lands were expropriated as royal lands and redistributed to family members. (45)

Kingdom's oil is the most important source of income for Saudi economy. Since its exploration in the 50's, particularly since Iraqi invasion of Kuwait in 1990, oil money and the way it has been distributed within the country has been a matter of controversy. Saudi critics allege that the royal family is mishandling the oil income. They claim that it is difficult to make a distinction between the royal income and oil revenues. For instance, Manea states that oil revenues are used to pay for the Royal family's expenditure and there is no mention of this in the national account. Usually, the king distributes the oil money to family members. (46) It is alleged that thousands of second generation and minor princes use state apparatus to look after their own personal interests. (47)

Another source of criticism against the ruling family stems from endemic favoritism prevalent in the Saudi society. Young people especially those who do not have any job equate the kingdom to a dual-class society. While the corruption charge is leveled against the dynasty, the opposition criticizes the hypocrisy of the royal family, saying that there are two laws in the country one for the ruled and one for the rulers. (48)

The powers entrusted to the royal family make it the omni-potent within the Saudi Arabia. The total number of family members is not known. Different figures are given in this regard. Fandy states that with 5000 members, the royal family is the largest and most cohesive group in the country. There are inter-marriages among the family members who belong to all important tribes in Saudi Arabia. (49) Since these tribes are dispersed all over the country, the marriages have helped to expand the influence of the royal family to the entire kingdom. Manea gives the figure of 20,000 when all branches of the family are included. (50) It is evident that not all family members enjoy the same amount of power and the decision making on important issues is in the hands of a few princes.

The presence of different clans and centers of power have given rise to competition and rivalry within the Saudi family. The first instance of a family tension in contemporary Saudi history goes back to the late 1950's and early 1960's when a rift between King Saud and Crown Prince Faisal brought about frequent cabinet

changes. In 1979 when Israel and Egypt reached a peace treaty, the Saudi dynasty could not reach a unanimous decision as how they had to react to that event. That led to staying for a long period in Spain of Crown Prince Fahd. (51)

All these conflicts between senior family members can be studied from two perspectives. First is the personality issue in that the senior princes seek more power. Second is related to positions of different princes who might not agree on the same policies the kingdom should follow. The 1979 event and the current reported rivalry between the king and the Interior Minister on the dimensions and scope of the reform has to do more with policy issues than one personality against another.

Besides King Abdullah who is in his early eighties, the princes in line of succession are in their late seventies or early eighties. This has created a sense of uncertainty about future durable leadership in Saudi Arabia. This is a challenge for the ruling family which also has to tackle many social, economic and security challenges.

8.6 Opposition

The alliance between Al-Saud and Wahhabi ulama has helped the Saudi rulers to keep their grip on power for more than 250 years. However, there have been instances in the country's history, particularly in the last 15 years that the authority of the dynasty has been challenged. Until 1990's, criticism against the government had been discussed only in private conversations. In the twentieth century there have been two historic moments when the Islamic legitimacy of the ruling family was seriously challenged by the Islamist opposition movements: Ikhwan rebellion of 1929 and seizure of the great mosque in Mecca in 1979. (52)

8.6.1 Sunni Opposition

The arrival in Saudi Arabia of Muslim Brotherhood members who were fleeing repression in Egypt in the 50's and 60's provided an opportunity for those Islamists who were not satisfied with the religious situation in the country. (53) The main thrust of the radical ideas of the Brotherhood included the notion that un-Islamic Muslims including rulers should be punished. (54) Thousands of Brotherhood members were given political asylum in Saudi Arabia and soon were employed as imams in mosques or instructors in schools and universities, thus giving them the opportunity to influence the Saudi educational system. Furthermore, they introduced

political Islam to the society which was guided by apolitical Wahhabism till the arrival of the Muslim Brotherhood. (55)

Different reasons have been mentioned for the rise of dissent in Saudi Arabia. Some scholars have referred to economic decline as the main culprit in this regard. Gawdat Bahgat states that economic growth in Saudi Arabia in late twentieth century and early twenty-first century was not proportionate with the population growth and this has resulted in major decline in per capita income and the government's ability to produce jobs, hence creation of dissatisfaction and at times dissent among the general public particularly the young people. (56)

Others accept the importance of economy in the well being of the society, but point to the importance of maintaining the Islamic credential of Al-Saud and state that any deviation of the regime from this credential has created opposition among the Saudi people. For instance, Gwenn Okruhlik argues that arrival of U.S. troops in the kingdom following Iraq's invasion of Kuwait in 1990 created an organized opposition movement. (57) The government's decision to accept non-Muslim troops in the 'land of Islam' was a blow to the Islamic credential of the ruling family. Furthermore, the issuance of fatwa by the most senior clergy of the time permitting the stationing of foreign forces in Saudi Arabia added the establishment ulama to the list of those who were critically criticized for participating in this 'un-Islamic' decision. As far as many Sunni fundamentalist shaykhs were concerned, this fatwa crossed a red line of sanctioning the presence of Christian troops in the country in contravention of the sharia. (58)

The economic impact of the Persian Gulf War of 1990 was also considered to be one of the reasons for coming to scene of the Saudi Islamic opposition. Madawi Al-Rashid gives the figure of \$70 billion for the Saudi share of the cost of the war. (59)

Fandy classifies Saudi opposition into three main categories of royal opposition, secular opposition and religious opposition. To give an example of royal opposition, he refers to the event from 1958 to 1962 when Prince Talal led a reform movement to replace the absolute monarchy into a constitutional monarchy. This movement is known to be Liberal Princes Movement. There were Saudi groups in 50's and 60's who had secular tendencies. The Saudi Communist Party and the Ba'thists who advocated socialism and Arab unity were among secular opposition groups. Religious opposition started with Ikhwan movement in 1929 who wanted

Saudi Arabia to invade other countries such as Iraq to establish a greater Islamic state. (60)

Abdulaziz Sager, on the other hand, classifies Sunni Islamists since 2004 into six groups: 1) a non-violent, conservative Wahhabis with firm roots in the society; 2) a violent jihadi group supported by radical youth and some ulama; 3) the 'ulama of the center' who have tried to act as a go-between the government and young jihadis; 4) the liberals or new Islamists; 5) Islamists living outside Saudi Arabia seeking non-violent overthrow of the dynasty, namely the Committee for the Defense of Legitimate Rights (CDLR) and the Movement of Islamic Reform in Arabia (MIR) that are both based in London; and 6) others, including Muslim Brotherhood. The political dissidence is composed of workers, university students, intellectuals, ulama and sometimes royal princes. It should be pointed out, however, that the dissidents have up to now not been able to expand their area of influence and some of them have, due to lack of funds and organizations, ceased to exist. (61)

Anthony Cordesman categorizes religious opposition into three major groups: non-violent intellectuals who criticize the government; non-violent political activists; and those using violence. (62) Stephane Lacroix looks at the Sunni Islamists opposition from a different angle. He argues that since the end of the 90's, the Sunni Islamists have been divided into three main tendencies: 1) those elements of the Islamists opposition of the early 90's who have chosen not to be involved in domestic political issues and have decided instead to focus on religious issues; 2) the Islamists supporting the global jihadi politics; and 3) those in the middle who can be called Islamo-liberals and have sought to make an alliance of anti-Wahhabism with liberals and Shi'ites. (63)

The government's response to the activities of the Islamic opposition has been multi-dimensional. It has increased adherence to strict religious law and custom in order to increase its religious credential in the face of Islamists' charge that the government has not paid enough attention to the principles of religion. It has also strengthened the role of religious police that has been at times very violent. (64) Furthermore, the government has tried to sow discord among the Islamists opposition by co-opting some and providing those non-violent groups with amnesty. The main objective of the government has been to weaken and ultimately defeat the violent groups.

The religious beliefs of the Islamists opposition entail three features. The first is the way sharia is being applied in the country. Some dissidents are extremely critical of the government for not adhering completely to sharia. In line with the Wahhabi teachings, they call for strict application of the Islamic law that should not change with the passage of time. The government is in an awkward position. On the one hand, it is under pressure both from inside and outside not to be as strict as before in enforcing the Wahhabi tenets. On the other hand, it has to be careful not to lose the necessary degree of religious legitimacy it needs in the process of modernization.

The second is related to the nature of the Saudi governance. Some dissident groups have questioned the performance of the government on both domestic and foreign policy issues. For instance, it is argued why the government with so much wealth has had, by 2003, more than \$150 billion of debt. The third feature relates to the question of Palestine. Referring to the close relationships between the ruling family and the United States and the fact that the U.S. policy is biased in the Israeli-Palestinian conflict, the dissidents argue that the Saudi policy in this regard is very weak particularly when it claims to be the guardian of Islam. The issues of democracy and human rights as well as corruption and mismanagement are also raised by liberals whose numbers are relatively smaller than the Islamists. (65)

8.6.2 Shi'ite Opposition

Throughout the Saudi history particularly in recent years, the Shi'ites have expressed their opposition to the ruling family, though not as frequent and as harsh as the Sunni opposition. Due to the lack of official census data, the exact number of Shi'ite population is not known. Some scholars consider the reluctance of the government to provide such statistics related to politics. It is argued that since the region where the Shi'ites live is oil rich, the government underestimates the number of Shi'ites to prove that they are not a significant minority. One estimate of their percentage of the total population is 12.5-25%. (66) While another report gives that figure as 5-10%. (67) Another estimate of Shi'ite percentage of the native population is 10-15%. (68)

Regardless of the total number of Shi'ites in Saudi Arabia, they have been treated as second-class citizens, and have been largely excluded from any political role in the kingdom. (69) Furthermore, Shi'ites have not been benefiting equally from services and opportunities provided to different parts of the country. Until 1987, there was no modern hospital in the Shi'ite important city of al-Qatif and until 2004 the

Shi'ites were not allowed to hold their religious ceremonies publicly. They are not allowed to join the National Guard and rarely recruited by the police or the military. (70)

The Wahhabi teachings of labeling Shi'ites infidels promoting polytheism (shirk) and heresy (bid'a), and contravening God's unity (tawhid) are still relevant in today's Saudi Arabia. (71) Even the anti-government ulama share these sentiments against the Shi'ites. (72) Bearing in mind the fact that the dynasty receives its legitimacy from the Wahhabi ulama, it is not surprising that the government has, to a large extent, tolerated the anti-Shi'ite tendency of Wahhabis.

Shi'ites have never been a real threat to the Saudi security, although there have been instances of violence perpetrated by the Shi'ites since 1979 when for the first time they took the commemoration of their religious ceremony of 'ashura' to the streets following the triumph of the Islamic revolution in Iran which had a significant effect on the morale of the Saudi Shi'ites to express themselves more openly. (73) The government's response was harsh and forceful which resulted in the killing of more than twenty and arrests of many Shi'ites. Consequently, several hundreds of them went into exile. The Shi'ite's confrontational approach lasted less than a decade and by late 80's the Shi'ite leadership changed course and began to moderate its position. This time, the government's response was positive and in 1993 after the meeting between King Fahd and some Shi'ite leaders, many political prisoners were released and hundreds of exiles were allowed to return. (74)

However, the 1996 attack against an American military housing complex in al-Khobar killing many and injuring hundreds resurfaced the Shi'ite threat in the kingdom. The responsibility for that attack has not yet been accepted by any group. Nevertheless, the U.S. has issued indictments against some Saudi Shi'ites for al-Khobar attack. (75) Since then, no major disturbances have occurred in Shi'ite areas of Saudi Arabia which proves the fact that accommodation policy of the government with regard to the Shi'ites is working.

The Shi'ites have shifted their focus from violence and revolution to dialogue and engagement. They have come to this conclusion that they would be better off if they can fight a cultural battle in Saudi Arabia. That is why they call for democracy and pluralism as well as Shi'ite cultural authenticity. (76) In this context, since the Shi'ite discourse is close to the one advocated by Sunni Islamo-liberals, there have

been contacts between the two in pursuance of a common objective of reform within the Saudi system. (77)

The government has welcomed this change of discourse on the part of Shi'ites. The government's policy has been to focus on Wahhabi extremists who have proved to be more dangerous and their activities more deadly as well as to prevent any alliance between Shi'ite and Sunni opposition, although it is highly unlikely that such alliance can occur bearing in mind the deep mistrust existing between the Shi'ites and the Wahhabis.

8.7 Reforms

The notion of reform in the Middle East is different from that in the West. Even among the Middle Eastern countries there is no single definition for reform. The call for reform in Saudi Arabia became louder when the American forces were accepted in the kingdom in the aftermath of the Iraqi invasion of Kuwait. The Islamists criticized the government policies from different perspectives and called for more Islamization of the society. The liberals also took advantage of the situation and publicly expressed themselves. An unusual event happened in Riyadh on November 6, 1990 when seventy women drove in their cars around the city, in total disregard to the law prohibiting the driving of women. This event angered the Saudi extremists some of whom called for execution of the women. The highest religious authority issued a ruling reiterating the illegality of women driving. The government bowed to pressure and dismissed all the women from their jobs. (78)

These events led to King Fahd's announcement in November 1990 on reforms. Following this announcement, a group of Saudi businessmen and intellectuals submitted a petition to the government in December 1990 proposing ten reform measures including implementation of equal rights, a greater role for women and a change in issuing religious decisions. This angered some radical Sunni ulama who called for some radical religious reforms of their own. In a letter to the king known as Letter of Demand in May 1991, they demanded many changes to be applied to both domestic laws and behavior of the government in strict compliance with sharia. Besides arrests and harassment of the perpetrators, the government needed a religious ruling to counter the Letter. That was why the government asked the establishment

ulama to intervene and in June 1991, they issued a condemnation of the Letter of Demand. (79) This event was the beginning of government's tactics to use ulama against each other in pursuance of its own agenda. This tactic has been used frequently since 1991.

Between 1991 and 2001, the Saudi opposition sent different letters to King Fahd and Crown Prince Abdullah. There were also violent attacks against Saudi and foreign targets in the country including the 1995 explosion against Americans in central Riyadh. The government's response was more or less the same: more arrests and harsh treatment and execution of dissidents as well as condemnation by the establishment ulama of public letters. However, the government attempted to initiate some changes in the overall system of governance, though cosmetic and not proportionate to the demands of the opposition. For instance, in 1992, King Fahd introduced three measures namely, the establishment of the Consultative Council in the capital, the establishment of consultative councils in each province, and the introduction of Basic Law which is tantamount to a constitution. (80)

8.7.1 Reforms after 9/11

The September 11, 2001 attacks against New York and Washington masterminded by Usama Bin Ladan entered the activities of the opposition into a new phase. Bin Ladan's name was first mentioned in early 80's when he was fighting alongside other 'Arab-Afghans' in Afghanistan against the Soviet occupiers. In the 90's, he represented a hard-line Sunni extremist faction called 'jihadis'. This faction shares the Wahhabi strict interpretation of Islam, but advocates holy war or 'jihad' against non-believers who have 'occupied the land of Islam' and those cooperating with them. In 1994, the government stripped Bin Ladan from his Saudi citizenship.

The 9/11 attacks in which fifteen out of nineteen suicide hijackers were Saudi citizens forced the government to initiate further reforms. Pressures for reforms included external, domestic political as well as social and economic pressures. The criticism aired within the United States against Saudi Arabia became hostile targeting the Saudi rulers, religious beliefs and educational curricula. Although the U.S. officials' criticisms were not open, in private conversations, their concern about issues such as intelligence sharing and funding of jihadi groups by Saudi charity organizations were conveyed to Saudi government. At the same time, the reformers within Saudi Arabia took advantage of the situation and sent petitions to Crown Prince Abdullah calling for more substantial reforms. In order to address the problems

of violence and extremism, the government deemed it necessary to urgently tackle problems such as poverty, unemployment and low economic growth. (81)

8.7.2 National Dialogue

One of the important reforms initiated in the aftermath of 9/11 was the establishment in 2003 of the King Abd al-Aziz Center for National Dialogue. It was Crown Prince's initiative to meet reformers and discuss different aspects of reforms with them with the aim of making the necessary recommendations. Five rounds of dialogue have so far been held and in each round a specific subject has been considered for discussions.

There have been debates about the usefulness of such an exercise. Those in favor of such dialogues refer to the fact that through this process discussion of issues long considered taboo in Saudi Arabia is allowed. Furthermore, it has been possible to bring adversaries like Shi'ites and Wahhabis under one roof discussing issues important to both. Those who are against holding these dialogues state that since all the participants are designated, one cannot have a real and impartial dialogue. Moreover, it is argued that the government has not provided any evidence that it has implemented the recommendations of these meetings. Instead of the existing practices, it is suggested to hold political and social dialogue at the general level where genuine dialogues with full transparency can be held. (82)

8.7.3 Human Rights and Elections

In 2004, Saudi Arabia initiated further reforms. In March, King Fahd approved the establishment of the National Human Rights Association (NHRA) to implement human rights instruments signed by the kingdom. In September 2005, the government approved the establishment of a specialized governmental body called Human Rights Commission which is responsible to protect and enhance human rights and spread awareness about them in accordance with sharia. (83)

The most important reform of all in the contemporary Saudi history was the municipal elections of 2005 which took place in three regions for half of the seats of the 178 municipal councils in the country. The other half are appointed. (84) Although the councils only deal with local services related to municipalities and not to political issues, the mere holding of municipal elections, albeit without the presence of women either as candidates or as voters, is considered a positive step in the reform process, unprecedented in the Saudi history.

8.7.4 Educational Reform

The need for reform in the area of education got momentum after the 9/11 event. It has been asserted that the educational system of the kingdom breeds extremism and eventually terrorism. The Saudi educational system is designed to emphasize much on religious studies. About one-third of the curriculum is religious, one-third is Arabic and one-third is about other subjects. (85) About 30 percent of weekly hours in elementary school, 24 percent in intermediate school, 35 percent in secondary school for those studying sharia and Arabic and 14 percent for those studying technical and science branch are dedicated to religious studies. (86)

Ministry of Education 2000 Report stated that more than one-fourth of second-year high school students chose religious studies and therefore ended their studies of math, science and foreign language. (87) This trend continues in the universities. In 1993, one-third of the total number of university and college students were in religious studies. (88) It becomes dangerous when the basis of religious studies is Wahhabism where the world is divided into believers and infidels. It is not surprising, however, that Saudi students are taught that only their values are good and the others have no values and that every non-Muslim is an enemy and the West is corrupt. (89)

Bearing in mind the fact that after 9/11, the Saudi government has been under tremendous pressure, particularly from the United States, to alter the curriculum, the Saudi Minister of Education stated in March 2002 that the first phase of 'ridding books of the unnecessary materials and correcting errors' had been completed. (90) However, these changes have faced challenges from religious scholars and university professors who claim that these changes might take the country along the path of infidels. (91)

Reform in Saudi Arabia has become a common agenda for most segments of the society including within the royal family. Almost all people wish to preserve Islamic orientation of the system, while insisting in combating corruption and transparency in the state's financial affairs, hence more accountable government. Even among the ruling family, there are princes who view the existing reforms as inadequate to fully integrate Saudi Arabia into the globalized economy. Prince Talal is one of those who, among other things, call for equal rights for women and establishment of a representative assembly and a transparent political system. (92)

8.7.5 Opposition to Reform

The opponents of reforms have not kept silent. The conservative elements of the royal family caution against the continuation of the reforms which, in their opinion, would threaten the stability of the regime. They refer to the conservative religious ulama and the conservative population at large who consider reforms as deviation from the teachings of Wahhabism. To give an example, reference can be made to a statement in May 2006 by 61 Saudi sheikhs including university professors, judges and businessmen who strongly condemned the reformers and warned against Westernization of the society that can endanger the Islamic values in the country. (93)

8.7.6 Future Agenda

The reform agenda is not moving as fast as the reformers desire. Even some argue that there are signs showing reversion on reforms in the field of human rights, freedom of association and freedom of expression. Furthermore, it is argued that the government does not implement the recommendations of National Dialogue sessions. (94) One of the reasons for this is the decision of the government to maintain a balance between different opposing views on the reforms. Furthermore, there is no single opinion on the issue of reforms within the royal family. It is said that pro-reform wing of the family is headed by King Abdullah, while the Interior Minister, Prince Naif heads the anti-reform wing. (95) However, the government has not shied away from marginalizing those ulama who have not been in line with government policies. For instance, in October 1994 when the king announced the establishment of the Supreme Council of Islamic Affairs, he included no ulama in that council. (96) Moreover, in 2003, two thousands imams who were preaching 'intolerance' were disciplined or removed from their positions. (97)

Some skeptics believe that the government's decision to go on with reforms is not based on its commitment to democracy; rather, it is a calculated maneuver to take the middle line of Saudi politics in order to stay in power. (98) Whatever the motivation for reforms, the Saudi leadership is inclined to continue the path of reform. The question is how far the royal family is willing to go in this path without jeopardizing its grip on power.

8.8 Human Rights

Saudi Arabia's approach towards human rights stems from Wahhabi interpretation of Islam on the issue. In general, inhabitants of Saudi Arabia-- Saudi citizens and foreigners alike-- who do not follow Wahhabism, are looked at suspiciously whose rights might not be totally respected.

Article 26 of the Basic Law of Government provides that the state shall protect human rights according to sharia. (99) Bearing in mind the fact that Wahhabi interpretation of Islam is the basis of government's dealing with religious issues, it is fair to conclude that any action the Wahhabis do not endorse is considered against sharia and therefore not covered by Article 26 of the Basic Law. In other words, the government has an open hand not to totally respect basic human rights of its citizens by simply labeling their actions as anti-sharia. For instance, the Center for Democracy and Human Rights in Saudi Arabia alleges that any individual who is accused of expressing an opinion that is not in line with the official religion or questions the way the religion is practiced in Saudi Arabia, is considered guilty and therefore should be severely punished. (100)

8.8.1 Rights Violation

Human rights violations are reported in Saudi Arabia on numerous occasions and on different grounds. It is alleged that no dissent is tolerated and there are hundreds of political prisoners; that torture and mistreatment of prisoners are routine in the prisons; that discriminations against women and non-Wahhabis exist and that there is no freedom of speech and no free press and radio and television in the kingdom. Whether all these allegations are true or not, it is worth studying the following aspects of human rights situation in Saudi Arabia.

The actions of the religious police (Mutawwa'in) who are responsible for maintenance of morality in the society have been a source of concern to Saudi citizens and foreigners living in Saudi Arabia. These police forces move around the cities and advise the citizens to do good deeds and do away from evil deeds. The methods they use in order to pass their message across including using violence such as beating and torturing people have created a climate of anxiety in the society. For example, it is reported that the mutawwa'in enter private homes on the basis of suspicion alone without prior notice. They also detain suspects for more than 24 hours which is the

maximum of time allowed to keep suspects. (101) The religious police are allowed to interpret sharia and bring individuals committing 'crimes of vice' to police stations. (102) Saudi leaders keep their eyes closed to the actions of the religious police because the ruling family needs the continuous endorsement of the religious establishment who is the mentor of the religious police.

Civil police has also been alleged with mistreatment of prisoners including beatings, whippings and sleep deprivation. It is said that these practices are used to take confessions from prisoners in violation of sharia. (103) It is also alleged that prisoners are routinely beaten by the guards and put in solitary confinement. (104) Furthermore, participants in political demonstrations are said to be punished by between 100 and 250 lashes. (105)

Journalists have also been the subject of mistreatment for simply expressing their opinions. It is reported that chief editor of Al-Madina newspaper lost his job because he published a poem explaining the corruption of the judges. When the behavior of the religious police was criticized by a lady journalist, she was arrested because her veil was not covering her face. It is alleged that she was subjected to psychological pressure to promise not to make the same comments again. (106)

Throughout the Saudi history, Shi'ites have not been treated equally with the Sunni majority. The reason for such discriminations lies in the beliefs of Wahhabis who consider Shi'ites as non-believers. These discriminations range from under-representation of Shi'ites in major governmental positions and the armed forces to exclusion from employment in educational institutions and high ranking jobs in the Saudi oil company, ARAMCO as well as banning on building Shi'ite mosques. (107) Furthermore, Shi'ites are arrested for publicly commemorating the religious holiday 'Ashura'. (108)

Moreover, Saudi Arabia prohibits the practice of any religion than Islam. Among about 7 million foreign workers, there are Christians who have been arrested for practicing their religion even inside their homes. (109) It is also illegal to take into the country non- Muslim religious books such as Bible and religious objects like a cross.

8.8.2 9/11 Effect

The 9/11 event has affected Saudi Arabia's approach towards the issue of human rights. On the one hand, the government has treated individuals accused of being part of terrorism network with an iron fist and in this context some innocent

individuals have also been victimized. For instance, religious scholars, intellectuals and even some reformers have been imprisoned. The main charge against these people was undermining national security. (110) In December 2003 a group of reformers who called for a constitutional monarchy were arrested. The main reason for such a call was to bring about a government accountable to a representative parliament while the royal family remains as in other monarchies. That was a big challenge to the ruling family who considers these propositions as undermining the royal authority, a big offense in today's Saudi Arabia. It is no secret that the king with all the powers entrusted to him by the Basic Law is not prepared to relinquish these powers.

On the other hand, the government has taken some measures in order to show that it is improving the human rights situation in the country. Since 2005, human rights issues have been discussed in the media. Besides the governmental Human Rights Commission, the first human rights NGO, the National Organization for Human Rights (NOHR) was approved in March 2004. However, declarations of this organization on issues such as amputations and flogging have not been endorsed by some human rights organizations outside the kingdom. (111) In another sign of accommodating international concern on human rights issues, the New York based NGO, Human Rights Watch, was invited to Saudi Arabia for the time in January 2003.

8.9 Women

The issue of women's rights in Saudi Arabia has always been a contentious issue for the religious authorities and the Saudi government as well as international human rights organizations. One of the most important criticisms that these organizations raise against Saudi Arabia is related to women issues.

8.9.1 Discrimination

Saudi Arabia ratified the Convention on the Elimination of All Forms of Racial Discrimination against Women (CEDAW) in September 2000. (112) However, it is alleged that there are severe discrimination against women in workplace, home, and the court while their freedom of movement is restricted. (113) For instance,

women should carry a written permission of husband or father for checking into a hotel or undergoing surgery in a hospital.

Before 2001, women were not allowed to have their own identity cards and their names were registered as a member of a man's family. (114) Saudi journalist Wajeha Al-Huwaider who campaigns for women's rights notes in one of her articles: "Among the Arabs, the cycle of discrimination against women usually begins at home... Many families send their sons to private schools while their daughters attend state schools, so that the son will get better education. The boy grows up to be an engineer, doctor, officer, or whatever he wants, while the daughter grows up to be a wife, mother, and then a grandmother. The young man has opportunities, while the young girl has obligations." (115)

8.9.2 Wahhabism and Women

Like men's rights, women's rights in Saudi Arabia are determined on the basis of teachings of Wahhabism which envisions a very limited role for women outside the family life. Even within family, the main task of women is defined as housewives whose time should be most spent to raise children. Eleanor Abdella Doumato states that Wahhabi worldview does not welcome women as actors on the public stage. (116) Shaykh Bin Baz, one of the grand ulama once said that women should not work outside the home at all. For him, a woman's kingdom is her home and therefore she should not be removed from it. He further stated that mixing of sexes is the main path to adultery and therefore women should not enter the realm of men. Shaykh Al-Jibrin is another important shaykh who believes that a woman's voice can be provocative for a man. (117)

These religious rulings show the Wahhabi thinking towards women. However, there have been instances when the ulama, citing emergency situations, have taken a new attitude towards women. Following the Iraqi invasion of Kuwait in 1990, at the request of the Saudi government, the Council of Senior Ulama issued a ruling which approved the training of women as civil defense workers. (118) That ruling in a male dominated society, where women's movements in many areas are limited, is a departure from traditional line.

8.9.3 Family

Within a Saudi family, while the mother's role is to keep the family bond strong, the father, as the head of the family, has the last word in almost every issue related to the family. It is the mother who, besides reproducing generations,

strengthens family cohesiveness and solidarity. Nora Alarifi Pharaon argues that, based on the above-mentioned arguments, both men and women have strong resistance to change women's roles and express themselves in the following terms. First, in religious terms, saying that God wanted women to have such a role; second, in biological terms, meaning that women are naturally suitable for only motherhood; and third, in terms of nationalism, stating that feminism is a product of the West designed to undermine the key role of women in the family which will lead to eventual collapse of the social system. (119)

Women have to be dependent on men to do certain things outside the home. They must have their male guardian's consent to study, travel or work. Until a few years ago, women were not entitled to have identification cards as they were associated with their husbands or fathers. Even for issuance of the I.D. cards, the male guardian needed to approve the woman's application form. (120)

8.9.4 Domestic Violence

Physical abuse of women is prevalent in Saudi families. This problem worsens when men can get away with their misbehaviors because under Saudi law domestic violence is not considered a crime. One Saudi television announcer allowed a television to broadcast her injuries resulted from beatings by her husband in order to raise awareness in the society. (121) The abuse against women includes foreign women working in Saudi Arabia as maids too. Many of these women escape from Saudi homes and go to shelters designated for them. (122)

8.9.5 Segregation

Segregation of men and women is considered the highest social value. Schools and universities and work places are segregated and contacts with men are allowed by telephone or fax machine. However, in the absence of religious police's eyes, women work alongside men in some offices in big cities. Doumato argues that the interactions between women and unrelated men at places such as hospitals and university libraries do occur and it is due to a certain hypocrisy built into the system that emphasis is made on total sex-segregation in workplaces. (123) Only related men are allowed to accompany women outside the home such as in restaurants which have family corners for members of a family.

8.9.6 Job Opportunities

Saudi women consist of almost half of the population. They constituted 7% of the wage-earning workforce in 1990. They are employed in radio and television as

well as in banks and some ministries; jobs that were not available for women a generation ago. They are also physicians, university professors and journalists. Saudi women are very active in charitable organizations. (124) Women work in places which are exclusively for women. There are shopping malls that only provide services to women. Saudi women have the right to own property and account for about 20-25% of the commercial transactions in the country. (125)

Despite their achievements in the business, Saudi women face difficulties in occupational distribution and wage differentials segregated by sex, lack of adequate support for working mothers, unhealthy work environment and so on. (126) Female labor force is particularly low compared to that of women in other countries and that of men in Saudi Arabia. In 2001, the rate of unemployment for women was 95 percent. Ten years earlier, the rate of unemployment was almost the same in spite of the fact that many women earned a university degree during those ten years. The main reason for this unusual phenomenon was the importance the society attaches to the role of women as housewives. (127)

The Ministry of Labor has expressed its willingness to increase the number of women in paid employment, but "the need of the women for work, the need of the society for her work, the approval of legal guardian, and that a woman's work should not be at the expense of her family or lead to social or moral problems" must be guaranteed. (128)

In the year 2000, 55% of the total college and university students were women. (129) The problem is that women graduates cannot be absorbed in the job market except in a few job categories. Jobs are available for women in health and educational sectors. The reason for this problem is that jobs in health care or education are considered suitable to women's nature, meaning that women are not able to decide in what areas they wish to work and the government should do that on their behalf. Therefore, even qualified women should leave the scene to male competitors. However, new ideas are raised to find new job opportunities for women while the sex segregation rule is also observed. (130) At any rate, as long as the government's view on women in general and on their role in the society in particular does not change, the current high unemployment rate for women will remain.

8.9.7 Education

Another area that women face problems is education. During a United Nations workshop on women held in Saudi Arabia in December 2005, it was discussed that

there was no written laws and regulations for women to raise their voice and the educational system was mainly responsible for this problem. It was concluded that women rights are not envisaged in the curricula of the Saudi school system. (131) For example, a ninth-grade religion text states that Islam prohibits a woman to be alone with a man because that might cause her to fall into prostitution. It further cautions against a woman being alone in a car with a hired driver. (132)

From 1960 when public schools opened for girls till 2002, the girl schooling system from kindergarten through teacher's college remained under the supervision of ulama. In March 2002, a fire broke out in a girls' school in Mecca. The religious police prevented the fire fighters to enter the school and evacuate the victims because the girls did not wear the black cloak and head scarf obligatory for women. As a result, at least fifteen girls died and unprecedented public outrage ensued. Since 2002, Ministry of Education supervises girls and boys education, though curricula for boys and girls differ. The government's policy on girl's education is to provide her with good education to be a good wife or mother as well as to be able to work in areas suitable to her nature. (133) Although the law does not limit areas of studies by women, in practice, there are no programs to teach women law or engineering.

8.9.8 Sharia

Since sharia is the law of the land in Saudi Arabia, the inheritance law and the testimony law are strictly observed. Accordingly, the daughters receive half the amount of inheritance the brothers receive and the testimony of a woman is half of that of a man. As for the law of divorce, while men can divorce without any reason, women must provide grounds for seeking divorce. Although based on Saudi law polygamy is permitted, in reality it is less common. (134)

8.9.9 Reform Movement

As explained earlier, the first women movement for reform occurred when some 70 women drove their cars in Riyadh in November 1990. Since then, women have joined men in calling for reform in the country. While the government's response to the Riyadh incident was harsh, however, after the 9/11 event government's positive approach towards reform included women too. In December 2003, the second session of National Dialogue was held in Mecca with the participation, for the first time, of nine women who were seated in a separate room.

The third session of the National Dialogue entitled 'Rights and Duties of Women' was held in Medina in June 2004. The mere holding of such a gathering,

despite objections from many ulama, was unprecedented in Saudi Arabia and therefore was considered a good move on the part of the government. However, in order not to offend anyone, the recommendations of the conference were general and vague. The document stressed women's role within the family as their "basic duty" and referred to Islam's assertion that women have the right to work. It called for differentiation between traditions and religious laws. Although heated discussions were held on the issue of women driving, no mention of it was made in the recommendations. On educational and employment issues few recommendations were included in the document. (135) Women rights advocates charge that the government wanted the conservatives to dominate the proceedings of the Dialogue despite the fact that half of the participants were women. (136)

The Medina meeting revealed that the issue of women rights was still very controversial and despite repeated calls for reform on issues related to women, there were still red lines that women could not pass. The holding of municipal elections, in February 2005, for half of the members of 178 municipal councils in thirteen provinces without participation of women proved this point. Women are promised that they can vote in the 2009 municipal elections. (137)

The Saudi women continued their push for further reform and in a meeting with King Abdullah, a group of influential women demanded equal rights and regular meetings with the king. (138) Women's efforts succeeded and in elections to the board of Jeddah Chamber of Commerce and Industry two Saudi businesswomen were elected. (139) Although the Jeddah elections were not a political one, and perhaps that was the reason why the government allowed it to take place, nevertheless it was a big victory for women movement in Saudi Arabia. However, the election of women brought about criticism from a Jeddah Imam on the ground that it contravened sharia. (140)

There are further signs of improvement. In 2005, two women were appointed to the Consultative Assembly. Furthermore, the Ministry of Education has appointed more than 27 women to top positions. (141) The Saudi women have been active in non-governmental charity organizations formed by female members of the royal family, the only NGO allowed to be run by women. They are also using internet to discuss issues of concern to them such as driving. (142)

The road to reform and protection of women's rights in Saudi Arabia is a bumpy one. The presence of religious conservatives who are against any leniency in

law and practice regarding women issues is a big hurdle in women's efforts towards more freedom. The government, for its part, due to pressure from conservatives cannot or is unwilling to expedite the reform process. That is why women activists have to use the dominant discourse on gender, like disproportionate job opportunities available to men and women, so that they are listened to. They also have to refer to the life of the Prophet as a model in order to seek equal protection under the law. (143)

8.10 Parliament

Saudi Arabia's vision on parliament and its functions and duties is very narrow stemming from its strict interpretation of Islam. Shura or consultation is an Islamic principle mentioned in the Koran and applied during the time of the Prophet. Since the Saudi government claims that its decisions are based on Islam, shura has also been part of modern Saudi polity. The first shura was formed in December 1924 under the name 'Consultative National Council' comprising of twelve members appointed by King Abdulaziz. This council was designed to function as an advisory body with no power to be involved in state's affairs. It lasted for six months with no regulation to define its work. The council was dissolved and a new one with different membership and regulations was formed in August 1925. Between 1925 and 1928, the council, through different stages, amended its working system and changed its name to 'Shura Council'. (144) This council continued its work but did not have much outcome as if it existed only on paper.

Following the occupation of the Grand Mosque in Mecca and the Shi'ite turmoil in eastern part of the country in 1979, Crown Prince Fahd promised, in March 1980, that a council would be established. Nothing happened till November 1990 when King Fahd stated again that he would soon establish a consultative council. (145) Taking into consideration the history of hollow promises in the past, the king's announcement was not taken seriously at first. But, since calls for reform by both liberals and Islamists gained momentum after the Iraqi invasion of Kuwait and the stationing of American troops in the country, the monarchy deemed it necessary to take the matter of establishing a council more seriously.

Joshua Teitelbaum believes that the decision to create a council was not out of government's belief in democracy; rather it was forced to establish an appointed council. (146) Along the same line, Gwenn Okruhlik argues that had it not been for the pressures exerted by the Islamists, King Fahd would not have created the consultative council. (147)

On March 1, 1992, Fahd issued a decree announcing the establishment of a four-year term consultative council. It took six months to name a speaker for the council and more than a year to appoint its sixty members. The 1992 decree is composed of thirty articles. Based on Article three, the king appoints the speaker and the one hundred and fifty members of the council amongst scholars, experts and specialists. Article eleven states that all members should swear to Almighty God to be loyal to the religion, then to the king and the country. The advisory role of the council is established in Article fifteen where it is stated that the council shall express its opinion on general policies referred to it by the prime minister. The council can revise laws and regulations as well as discuss the annual reports of government agencies and make new proposals, but the important point is that all council's decisions should be submitted to the king who decides what resolution should be submitted to the cabinet.

Article seventeen mentions that in case the council's decision and that of the cabinet do not coincide, the king will refer the matter again to the council to issue a new decision to be referred to the king who is the final arbiter. In accordance with Article nineteen, special committees are formed. The council has five committees, namely, Islamic affairs and human rights; social, family and manpower affairs; economic and energy affairs; security affairs; and regulations, administration and petitions. Based on Article twenty two, the speaker can ask the king as the prime minister for accountability of ministers. (148)

A candid assessment of the royal decree clearly proves the fact that the consultative council is designed not to jeopardize the ruling of the royal family. The council cannot make new laws because God is the one and only legislator. (149) It can ask the king about ministers' performances. But, this matter is left to the speaker who is an appointee of the king. It is almost impossible, within the current climate of Saudi politics, that the speaker calls into question a minister's performance without prior consent of the king. Furthermore, while foreign policy issues are not dealt with in a separate specialized committee, budgetary matters are not considered by the council at all. More importantly, there is no provision that enables the council to evaluate the

performance of the ruling family. Therefore, the issues sensitive to the dynasty are considered out of touch for members of the council, meaning that the king and his family can continue with the business as usual.

The consultative council began its work with 60 members. The members included prominent personalities, including several establishment ulama and one Shi'ite, from different tribes. About 19% of the members were religious conservatives. (150) Most members of the 1993 council were highly educated. More than 58% had doctoral degree and only 5% had high school degree. While more than 68% received Western education, the percentage of non-Western educated was 25. (151)

The council consisted of bureaucrats (29.5%), academics (27.8%), businessmen (13.1%), Islamic officials (9.8%), as well as writers, journalists and military personnel. (152) The inclusion of representatives of tribes and regions gave the ruling family the necessary instrument to solidify its alliance with different tribes and presents itself as the only family with good connections across the country. (153) Furthermore, by including many highly educated members from Western universities the king wanted the new council to function as a specialized institution that can help government bureaucracy and not as a radical, Islamist, anti-establishment body that creates problems for the dynasty.

The number of council members was raised to 90 in 1997. Besides increasing the number of Shi'ites from one to four, the government tried to bring some fundamentalists close to Saudi opposition into the council. The inclusion of more Shi'ites was in response to their dissatisfaction with the number of Shi'ites in the council, which they claimed were not representing the total number of Shi'ites in the country. The Islamists, on the other hand, were not happy with the presence of some liberals and religious establishment. But their main attack was against the participation of Shi'ites in the council whom they accused of being apostate, thus disqualified to advise the king. (154) However, the decision of the ruling family not to succumb to pressure from Sunni hardliners was the result of a calculated study not to alienate the Shi'ite population of sensitive eastern region.

After 9/11, several important developments with regard to the work of the consultative assembly took place. In a November 2003 decree, the members of the council were allowed to introduce new legislations, a departure from the past exercise when the king was the one to give authorization for a bill to be introduced. (155) This development has given the council more of a legislative role than an advisory role. It

also gives the council leverage over the work of the ministries. Although, the council is far from being a real legislative body that can, for instance, approve the budget or easily question ministers, nevertheless, it was a good move on the part of the government to further the reforms. Even some council members have called for the separation of the office of the prime minister and that of the king so that they can question ministers and even dismiss them without offending the king. (156)

Another interesting development was the permission issued by the king to give the council the power to set its agenda without prior approval of the king. (157) In the spring of 2004, journalists were allowed to attend the council's sessions. Moreover, two hours of council's weekly deliberations are broadcast. (158) In another sign of openness in the work of the council, now the private sector in Saudi Arabia is lobbying the members of the consultative council to promote its interests. (159)

8.11 Conclusion

Saudi society is very complex. There is a royal family which is not homogenous, as there are conservatives and liberals within the family. Conservative ulama carry tremendous weight within the society. And then, there are reformers, both from Islamist ranks as well as from liberal-minded intellectuals. Keeping a balance among all these forces is a daunting task. The government tries its best to do such a difficult job. However, maintaining Islamic legitimacy is central to whatever the government does in Saudi Arabia. The marriage of Al-Saud and Wahhabism in the eighteenth century, when the royal family based its legitimacy with the teachings of that sect, is still enduring. The government takes a very harsh attitude against domestic or foreign critics questioning its Islamic legitimacy. Government's approach towards Usama Bin Ladan or the way it handled its relations with Iran in the 80's point to this fact.

Human rights situation in Saudi Arabia, including women's rights, continues to be of concern to both inside and outside of Saudi Arabia. The government is aware of this problem, but faces a dilemma in handling it. On one hand, the ulama are extremely critical of any move to relax the constraint in the field of human rights particularly on issues related to women. Ulama's rejection of women driving when women work shoulder to shoulder with men in many countries, including in the

region, to solve world's problems speaks volumes on the subject. On the other hand, loosening up on human rights might open the Pandora's Box where there will be no limit to people's demands for more reforms. In that eventuality, the whole system will be in danger and therefore, the government will be very careful not to take bold measures in this regard. However, inaction or limited action on human rights issues might add to regime's domestic and international problems.

On the question of reforms, the dynasty faces, more or less, the same problems. Besides ulama's objection to any reform that might be, in their opinion, against Islam, the disagreement within the royal family on the speed of the reform has increased difficulties for the regime in this context. Therefore, a compromise formula was to initiate some reforms that while were of little use, did not harm the ruling family's grab on power. Despite their limited positive effects, such as codifying sharia in the form of a so-called constitution, on the overall reform movement, the measures initiated in the 90's were not the results of regime's commitment to democratic norms. Rather, they were introduced to curb the opposition and keep the dynasty's hold on power intact. In the reform process, the government has been careful not to lose the management of political participation. (160) For instance, the establishment of the Consultative Council, with almost no real power to legislate or to impeach the cabinet and without its members being elected, cannot be considered an example of people's participation in politics. In fact, such measures disappointed those seeking reform because they did not bring about actual participation of people.

The role of the Saudi kings and their inclinations towards reform have been important. While King Fahd was cautious in introducing reforms, King Abdullah has been forthcoming in this regard. His insistence to involve non-violent opposition elements in the national dialogue process and his eagerness to give audience to reform-minded individuals from both sexes show a new attitude on the part of Saudi leadership to, at least, listen to people's grievances.

Saudi specialists believe that whenever the oil prices are up and the government is in a good financial situation, it does not feel obliged to proceed with reforms. In this situation, the government spreads the oil wealth within the population in order to keep them silent and maintain the order in the society. However, there is a strong belief in Saudi Arabia that not all people's problems are solved with money and there is a need for actual participation of people in determining their future. (161)

Despite the fact that the regime's authority has been damaged and the dynasty does not enjoy the same respect and support as before, the regime is not in danger of being overthrown by Islamists or secular opposition. The violent opposition might create some disturbances for the government, but the overall security situation is stable enough and the ruling family's close relations with regional and tribal powers is strong enough to foil any real threat against it. The real danger would be from within the royal family. If the power struggle within the family becomes open and the younger princes who will replace the current aging leadership cannot get along with each other, then the regime would be in big trouble. Most Saudis believe that in the event of the royal family's removal from power, the whole country will be in turmoil and possibly disintegrated because only the royal family can maintain the country united and keep people in different regions and tribes, to different degrees, satisfied. (162)

The main pre-occupation of the current Saudi leadership is to maintain its Islamic legitimacy and to continue with the reforms as long as its own power is not compromised. Any move limiting the current level of power of the royal family does not seem to be tolerated. That is the reason why the government has even objected, with vigor, the idea of the establishment of a constitutional monarchy in Saudi Arabia. People's participation might be detrimental to some interests of the ruling family in the short run, but the Saudi people as a whole, including the royal family will be benefiting from it in the long run.

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CHAPTER IX

MALAYSIA

9.1 Introduction

Malaysia with 330,000 square kilometers is located in Southeastern Asia and borders Thailand, Indonesia, Brunei and the South China Sea. More than fifty percent of its 25 million people are Malays. Of the total population, Chinese are about 23.7 percent, indigenous people 11 percent, Indians 7.1 percent and others 7.8 percent. Of all Malaysians, more than 60 percent are Muslims. Buddhists are second with 19.2 percent, while Christians and Hindus represent 9.1 percent and 6.3 percent of the population respectively. (1)

Although Malays are the largest ethnic group, Malaysia is a multi-ethnic and multi-religious society in which different cultures and religions have peacefully lived together for many years, although there have been instances of ethnic clashes in the Malaysian history. There is interconnectedness between Malays and Islam in Malaysia as there is a belief that to be Malay is to be Muslim. (2)

Throughout the history, religion did not play a key role in Malay society and several Hindu and Buddhist kingdoms reigned the region before Islam entered Malaysia in late fourteenth century when Muslim merchants and mystics from Arabia, Persia and India began a mass conversion of Malays and spread Islam throughout Southeast Asia. (3) At first, the aristocracy welcomed the new religion and then the ordinary people adopted Islam through state support. In 1847 the sultans of various Malay states accepted British protection and through an agreement between those rulers and the British, the Federation of Malaya was formally established in 1948. (4) In August 1957, eleven states formed independent Malaya and on September 16, 1963 three more states, including Singapore and East Malaysia, joined Malaya to establish the Federation of Malaysia. In 1965, Singapore left the Federation and became an independent state. (5)

Malaysia is a constitutional monarchy that follows a parliamentary system. It includes 13 states and three federal territories. Nine of the states are ruled by sultans while the other four are headed by governors appointed by the king who himself is elected from among the sultans every five years. The king has limited power and rules with the advice of the prime minister, parliament and the cabinet. (6)

After the introduction of Islam, its influence expanded in Malaya. It has become part and parcel of Malaysian politics since fifteenth century. Even some scholars believe that with the arrival of British, Islam became more involved in the indigenous affairs of state. Over time, the British expanded its influence throughout the peninsula and became involved in almost all Malay matters except issues related to Islam and Malay customs which were under the control of the sultan. (7)

In Malaysia, Islam has been closely linked with politics and society and religious sources and principles have influenced all aspects of the government's activities directly or indirectly. (8) Kamarulnizam Abdullah argues that at first, aristocracy welcomed Islam and consequently the ruling elite were identified with the religion. Therefore, in the process of development of Islam in Malaysia, politics and Islam have co-existed side by side. (9) Furthermore, Malay identity and culture are tied with Islam providing a solid basis for Malay nationalism that has been, since independence, a driving force for Malays to push for political power. The Malay nationalism has also been instrumental in moving Islamic issues to the forefront of politics. In fact, Islam combined with the Malay language has been recognized as the main component of Malay identity. (10)

After the dominance of Islam in the seventeenth century and the arrival of non-Malays into the Malay Peninsula, Malays' ethnic identification was associated with Islam. Therefore, Islam in Malaysia is usually associated with ethnicity. (11) Esposito and Voll argue that Islam and Malay identity are so interlinked that in order to be Malay one has to be Muslim. In today's Malaysia when a non-Malay converts to Islam, he or she is said to have become Malay. (12)

9.2 Secularism

British colonialism made a clear distinction between religion and the state. It introduced a civil administration and a legal system different from the Islamic legal

system. On the eve of the Malaysian independence, with the massive immigration of Chinese and Indians, the issue of Malay national identity and its relation with Islam became very important. At first, the British proposed a united Malay Union with equal citizenship for all inhabitants. This proposal was rejected by the Malays. They argued that since both Chinese and Indians were better off economically and educationally than Malays, they had to be somehow compensated. (13)

The 1957 Malaysian constitution provided a special status for Islam, the sultans and Malay Muslims. Article 153 of the Constitution defines a Malay as a person who professes the Muslim religion, habitually speaks the Malay language and conforms to Malay costumes. (14) It also identifies Malay as the official language. Furthermore, Malays enjoy special privileges regarding education and training, government employment and business opportunities. (15) Some scholars view this special treatment of Malays as preservation of Islam that has been identified with the Malays. (16)

Religion has always played an important role in the Malaysian society. Since 1988, a policy has been implemented requiring that all identity cards in Malaysia contain the religion of the holder. (17) In the area of politics and for example in some elections, like 2004 general elections, religion has been the core issue. (18) At the same time, there is a strong feeling about religion among most Muslims. Therefore, the general public opinion within Muslim community does not accept any Muslim to raise questions about the religion particularly the strict interpretation of the text. (19)

The Malaysian legal system is neither Islamic nor secular. There is no mention of secular or Islamic nature of the system in the constitution. Bearing in mind the fact that at the time of adoption of the constitution, different ethnic groups mainly Malays, Chinese, and Indians were active in promoting their own ideas in the constitution, one could not expect a one-sided document to be adopted. It can be argued that the constitution shun both extreme Islamism and secularism. At the same time, in the words of Baginda and Schier, it favors moderation over extremism and pragmatism over ideological purity. (20)

9.2.1 Official Religion

Article 3.1 of the Malaysian constitution states that Islam is the religion of the Federation. The Supreme Court ruled in 1988 that Art.3.1 primarily has symbolic effect. (21) Arguments have been raised as to what the implications of Art. 3.1 are for the whole society. Non-Malays stress on the rest of the said Article where it states that

other religions may be practiced in peace and harmony in any part of the Federation. Therefore, they argue that they accept Art. 3.1 in its totality meaning that Malaysian society is a multi-religious one in which different religions are entitled to be practiced. Some scholars argue that the reference to Islam, in the constitution, as the state religion was not intended to produce a theocracy. (22)

On the other hand, Malay Muslims believe that the drafters of the constitution had certain points in mind when they singled out Islam as the religion of the state. Notwithstanding this debate, the fact is that the federal government favors Islam than other religions in certain areas like education. Based on Article 12.2, the Federation or a state can establish or maintain Islamic institutions, provide Islamic instructions to Muslims and pay for the relevant expenditures. (23)

9.2.2 Islamic State

A related subject deals with the nature of the state in Malaysia. There are opposing views in Malaysia as to whether the constitution in Art. 3.1 concurs that Malaysia is an Islamic state. A fierce debate has been going on in Malaysia about the Islamic character of the state. While non-Muslims have constantly viewed the constitution as having a secular foundation and have expressed their rejection of the view that Malaysia is an Islamic state, Muslims are divided on the issue. The opposition Islamic Party (PAS) agrees with the assertion that the constitution is secular, but it has promised that if it comes to power it will amend the constitution to make it an Islamic state.

The ruling party (UMNO), on the other hand, asserts that since the important aspects of the legal and administrative system of Malaysia have Islamic foundations, there is no need to amend the constitution because Malaysia is already an Islamic state. (24) On May 26, 2006 the then Prime Minister Badawi in a speech at the United Nations University in Tokyo said that Malaysia is an Islamic country and is determined to show that an Islamic country can be modern and progressive and govern all the people fairly and justly. (25)

It is interesting to note that what is meant by an Islamic state is not clear to many Muslims including ulama. Even the Islamic party has not provided a clear definition of an Islamic state; and it has only attempted to allay the concerns of non-Muslims about an Islamic state. (26) Some scholars refer to the victory of the ruling party in elections as people's endorsement of UMNO's assertion that there is no need to amend the constitution on one hand and the rejection of the idea of an Islamic state

as promoted by the Islamic party on the other. They believe that what most Malay Muslims are interested in are social justice, eradication of poverty, promotion of virtue and prohibition of vice in the society. (27)

Given the multi-religious nature of Malaysian society, it is almost impossible to amend the constitution on the issue of making Malaysia an Islamic state. Bearing in mind that any amendment of the constitution needs at least a two-third majority, even in a least probable cooperation of PAS and UMNO on the issue, they cannot achieve the required vote in the parliament. (28) It is a fact that the mere mention of Islam in the debate about the nature of state in Malaysia might bring fear for some ordinary non-Muslims because they believe that under an Islamic state, their fundamental rights as citizens might be violated. Those non-Muslims with good economic positions might feel threatened by the idea of an Islamic state and decide to move their enterprises out of the country in case the situation turns out to be intolerable; a big blow to Malaysian economy if the majority of non-Muslim businessmen follow suit. (29)

9.2.3 Sharia

The Malaysian constitution supports a dual system of laws: federal civil law and state Islamic law. Accordingly, there exist federal civil courts and state sharia courts. (30) Although Article 160.2 of the constitution defining 'law' does not mention sharia, Islamic courts are established and sharia officials are hired. Interestingly enough, while under Article 4.1, the constitution is the supreme law of Malaysia, Article 121.1A safeguards the jurisdiction of sharia courts against intervention by Federal high courts. Therefore, the parallel system of laws provides one system for non-Muslims through civil courts and one system for Muslims who are subjected to Islamic law in matters ranging from will, marriage and divorce to adoption, guardianship and Islamic religious revenues through sharia courts which are totally independent from civil courts. (31)

Under Article 74.2 of the constitution, the legislative powers regarding Islam rest with states. Therefore, Islamic laws are enacted and enforced by states and the federal government has no jurisdiction over those laws. (32) The power of states in dealing with Islamic matters encompasses some complexities. The head or Chief Minister of a state presents legislation on Islam to the state legislature and the sultan for approval. Each state legislature has both Muslim and Non-Muslim members. Therefore, there are several individuals at each state who have the power to design

Islamic laws. Since each state can pass its own laws with regard to Islam, it is possible to witness different version of Islamic law enacted by different state. The federal government's legal inability to interfere in this arena adds to the complexity of the situation. However, the federal government has been exercising all available powers at its disposal to affect Islamic practices at the state level. For instance, it has been monitoring the activities of religious teachers in government-funded Islamic schools, and there have been instances of retirement and sacking of the teachers. (33)

9.2.4 Apostasy

Change of one's religion from Islam to another religion has been a controversial issue in contemporary Malaysia. The constitution is explicit on the right to convert out of one's religion. If a non-Muslim decides to change his or her religion, it is regarded as something that the constitution implicitly endorses. For Muslims, the conversion issue is a very sensitive one, causing religious and political considerations among both Malays and non-Malays. Article 11.4 of the constitution states that the federal law and state law can control or restrict preaching Muslims. This is an area of concern for non-Muslims who argue that while a state law can prohibit preaching Muslims, they can freely preach non-Muslims to convert, and this is not a fair and equal treatment of citizens. (34)

The majority of Muslims have been very wary on the issue of conversion from Islam to another religion because they consider conversion a big sin for Muslims which contravene the Islamic law. The fact that based on the constitution Malays must be Muslims has complicated an already complex issue; because if a Malay decides to change his or her faith, he or she cannot be a non-Muslim and a Malay at the same time. (35)

When Muslims convert to another religion, the question is which court system has the jurisdiction to deal with such cases. Since these individuals are not Muslims anymore, they cannot be automatically sent to sharia courts. If a state grants the jurisdiction to sharia courts, the individuals should be referred to these courts. In the absence of a decision by the state on the case, there are two possibilities to deal with the problem: the first possibility is that secular courts address the case because sharia courts have not been given the jurisdiction,; or the second possibility is that since sharia courts have jurisdiction over cases of conversion of non-Muslims to Islam, they are given the same jurisdiction in cases of conversion of Muslims out of Islam. It is interesting to note that secular courts have advocated both positions. (36)

Some states do allow Muslims to leave Islam under sharia law. However, since sharia courts apply the law enacted by the states, they decide about the punishments of the apostates. Zainah Anwar sees three juristic opinions on the punishment of apostates. First is the death penalty. Second is the death penalty provided that the apostate rebels against the community and the leadership. Third considers apostasy a great offence but not punishable by death. (37) Although some Muslims choose the most extreme opinion for the punishment of apostates, most states consider the punishments ranging from education and rehabilitation to fines and imprisonment. (38)

Anwar and Abshar-Abdalla state that in order to prove its Islamic legitimacy, the Malaysian government has continually attempted to appease the Islamic hardliners on the issue of apostasy. For instance in 2000, the government attempted to introduce a bill called Islamic Faith Protection Bill which identifies as punishment a one-year compulsory detention in a Faith Rehabilitation Center. The main idea is to provide the individual with different Islamic programs so that he or she can repent. If at the end of this period the individual still insists on changing his or her religion, then the judge will rule that the person is not Muslim anymore. This is by far a less severe punishment than a death penalty. (39)

9.2.5 Hudud Laws

One of the most important controversies during the recent years has been the application of the sharia criminal laws or Hudud laws in some states. These laws pertain to crimes, punishments and rights and duties of Muslims. While the states claim that they have the right to codify Islamic penal law in accordance with the federal constitution, non-Muslims as well as moderate Muslims believe that first, in accordance with Schedule 9, List II, Item 1 of the constitution, states have the authority to create and punish offences by Muslims but there are certain matters such as robbery, rape, and murder that are assigned to the federal parliament and, therefore, the states assemblies have no jurisdiction to deal with those matters; second, as stipulated in the constitution, sharia criminal laws should not be applied to non- Muslims; and third, the federal law must derive the jurisdiction of sharia courts. (40)

Despite all these debates, in 1993, the Islamic party government in the state of Kelantan and in 2002, the Islamic party government of Terengganu introduced Hudud laws. There have been challenges to the above-mentioned laws in Kelantan and Terengganu mainly on the ground that the states have no authority to pass any

criminal legislation foreseen by federal laws. The officials of these states argue that they have the power to enact legislations in matters of Islam, Islamic law and offences like consumption of alcohol, adultery and apostasy which are not found in the federal laws. (41)

Because of the above-mentioned debate on the domain of sharia laws between certain states and the federal government, the Hudud laws legislated in Kelantan and Terengganu have not been implemented. Federal government's ability to prevent implementation of these laws explains why sharia legal system adopted by states is subordinate to constitutional law in many instances. (42)

9.3 Internal Politics

The 1957 constitution was based on a grand compromise providing Malays with a special position in return for full citizenship of non-Malays as well as for the protection of their economic interests. (43) While historically the Malays have been in control of the government and are satisfied with it, the Chinese have traditionally been the most economically powerful segment of the Malaysian society and are pleased with such a power. It is noteworthy that non-Malays have accepted the preeminence of Malays in politics and even some non-Malay parties have, since independence, participated in different governments through coalition with the major Malay party. In this context, the main incentive for non-Malays has been the preservation of their economic interests while Malays' motivation was to hold on power while relying on non-Malay economic power for running the country. (44)

9.3.1 UMNO and BN

The United Malay National Organization (UMNO) is a major Malay party established in 1946 and has dominated the coalition government since 1973. UMNO describes itself as a liberal nationalist party devoting its activities to Malay political domination while claiming to cherish democracy and inter-ethnic peace and understanding. (45) It has been a conservative Malay nationalist party never promoting a specific ideology. Nevertheless, bearing in mind the attachment of the Malay Muslims to Islam particularly those living in rural areas where UMNO has the largest support, its leaders have always been paying special attention to the symbols of Islam. Moreover, the defence and expansion of Islam have been among the

objectives of UMNO constitution. At the time of the discussions of the federal constitution, UMNO insisted that Islam should be the official religion of the federation. (46) UMNO has been enjoying the support of the majority of Malays because they consider the party's policies as advantageous to them. (47)

The Barisan Nasional (BN- National Front) is a multi-ethnic alliance which acts as a party itself with its own constitution. It has been running Malaysia since 1973 when it was first established following the racial strife of May 13, 1969. It has succeeded in all national elections held since independence. The coalition consists of UMNO, Malaysian Chinese Association (MCA), Malayan Indian Congress (MIC) and a number of small parties. UMNO plays an extraordinary role within BN and no decision can be made within the coalition without the approval of UMNO. In fact, major issues are discussed first in the UMNO supreme council before going to BN for final approval. (48)

9.3.2 PAS

The Pan Malaysian Islamic Party (PAS) is another Malay party with deeply rooted Islamic agenda. It was founded in 1951 when ulama and religious personalities within UMNO left the party to form their own party with Islamic tendencies. As the largest Islamic political party, PAS has challenged UMNO and its coalition partners within BN in all federal elections held since 1955. It has not been successful in defeating the ruling coalition but in its best performance to date, it gained 27 seats in the parliament and won two states in 1999. (49)

PAS has continuously supported the establishment of an Islamic state with sharia as its basic laws. It has called for the Islamization of the society in political, economic, social and educational fields. PAS has denounced authoritarianism, social and economic disparity, as well as secularism, Westernization and materialism. Its condemnation of the West as the culprit for many problems of Islamic nations as well as its criticism of those Muslims who do not share its strict interpretation of Islamic law have created an image of PAS as an extremist, inflexible and intolerant party which is even prepared to easily label its Muslim opponents as unbelievers. (50)

The traditional members of PAS include ulama, religious teachers, farmers, fishermen and other Malays whose plights have been badly affected by the economic policies of the UMNO-led coalition government. After the imprisonment of the Deputy Prime Minister Anwar Ibrahim in 1998, the power base of PAS expanded to include many urban middle-class Malays, university professors and students. There

are other reasons for such an increase in the number of its supporters. PAS' election slogans changed during different periods.

In the 80's, the slogan was 'PAS: Party of God,' while in the 90's that changed to 'Progress with Islam.' (51) Moreover, PAS was instrumental in the establishment of Barisan Alternatif (BA- Alternative Front) which included some opposition parties including a Chinese-based Democratic Action Party (DAP). It was for the first time that in order to defeat UMNO and its partners, PAS decided to soften its positions to attract non-Muslims' votes. For the first time, PAS emphasized on such concepts like democracy, human rights, rule of law, freedom of expression and religion and protection of the rights of all communities, emphasizing that these issues are compatible with Islam. (52)

Another important development in the evolution of PAS' message was the improvement in the activities of women members of the party. Women constitute more than half of PAS' membership. At its assembly in 2001, a woman was elected to the PAS Central Working Committee. (53) The BA fell apart after a few years due to differences between PAS and non-Muslim members.

9.3.3 UMNO-PAS Rivalry

For more than fifty years, UMNO and PAS have been struggling for the hearts and minds of Malay Muslim population. While UMNO can be portrayed as promoting Islamic ideals through secularist means such as separating religious and political fields, PAS can be described as promoting a modern regime based on Islamic law and the customs of the Prophet. (54) In other words, UMNO is of the opinion that Islam should be confined to its religious ceremonies and should not play any role in politics. The diagonally opposing view belongs to PAS which foresees a combination of Islam and politics in formation of a state based on sharia. (55)

PAS has always taken advantage of UMNO's secular stance on different issues. It has attempted to show that PAS is the only Malay party which can promote Malay's nationalism while elevating Islam's ideals in Malaysia. It has attacked UMNO's collaboration with Chinese and Indians as betraying Malay interests. However, when it decided to make a coalition with non-Muslims in 1998, it argued that it was doing so in order to promote democracy and transparency on the basis of Islam.

UMNO has defended the 'modernist Islam' in order to neutralize PAS' attempts to show that the ruling coalition has put aside Islam in favor of secularism.

Kikue Hamayotsu identifies three factors to elaborate on the term 'modernist Islam'. First, the modernist interpretation of Islam provided a practical answer to the question on the relation between Islam and nation building in a multi-ethnic society. As a result, non-Muslims were accommodated while the Islamization program was followed. Second, UMNO's determination to a liberal interpretation of Islamic texts in the relative traditional Muslim society in Malaysia has been a radical and bold move. Third, UMNO's dedication to 'modern' and 'liberal' Islam has preempted PAS' conservative version of Islam from turning into appealing. (56) Throughout the years, the 'modernist Islam' policy not only has not alienated non-Muslims, but it has also attracted most Muslims to support government policies.

9.3.4 Ethnic Strife

The presence of different ethnic groups in Malaysia and the possibility of conflict amongst them have always presented a big challenge for the federal government. 'The package deal' agreed by the Alliance leaders to grant special rights to the Malays in light of their weak economic position was the basis of negotiations with the British which resulted in independence in 1957.

The coalition government ruled over Malaysia for more than ten years without much inter-ethnic problems despite the fact that Malay extremists were calling for Malay supremacy and non-Muslims were demanding equal rights and both groups were not satisfied with the arrangements reached at the time of the constitution's adoption. (57) However, in view of the fact that while Chinese and Indians were prospering in urban areas, Malays residing mostly in rural areas were kept far behind non-Malays in economic and educational fields, in May 1969 ethnic unrest erupted between Malays and Chinese in Kuala Lumpur leaving hundreds dead and wounded. Moreover, the parliament was suspended for almost two years and the state of emergency was imposed. (58) Since then, although there have been ups and downs in relations between Malays and non-Malays, no significant ethnical conflicts has occurred.

9.3.5 Special Treatment of Malays

Immediately after the 1969 riot, the federal government had to intervene and address the issue of inequality in the country. An affirmative action arrangement called the National Economic Policy (NEP) was initiated based on which Malays were granted special rights, quotas, and subsidies in educational and economic spheres. (59) NEP persuaded the *bumiputeras* (Malays and indigenous people) to take

part in business through, inter-alia, government contracts, licenses, and a 30% share of every new or growing company. (60)

Under NEP, the government was involved in the economy in an unparalleled manner. Some analysts have argued that the government's attitude during NEP was tantamount to 'soft authoritarianism' because the government deemed it necessary to respond to growing ethnic tensions, maintain stability and implement the objectives of NEP. (61)

The NEP had its own critics even among Malays. Some Malays were concerned that through NEP only rich Malays became richer and the deprived poor Malays as the intended targets of the policy did not benefit from NEP. Even some Muslims criticized NEP because they believed that Islam does not allow racism and nationalism even if it is promoted by Muslim brethren. (62) Needless to mention that the Chinese and Indians had their own reservations with the implementation of NEP but in line with their expedient policies of not antagonizing the Malay majority, chose to be mostly silent on the issue.

The NEP was implemented for more than twenty years but the gap between Malays and non-Malays did not close and *bumiputeras'* participation in the economy was not achieved, although some scholars believe that NEP helped the shift from the discourse of ethnicism to the discourse of developmentalism. (63) Therefore, in 1991 NEP was replaced by the New Development Policy (NDP) under which the affirmative action policy was almost untouched. The agenda was to eradicate poverty and create economic growth with more focus on quality than quantity. Furthermore, with the aim of making Malaysia a modern, developed and industrialized state by the year 2020, the Vision 2020 was initiated.

9.3.6 Islamic Revival and Islamization

The 1969 riot and the introduction of NEP and the ensued political developments brought about the growth of Islamic organizations called dakwah (call to Islam) movements. During 1970's, some of these organizations demanded the UMNO-led government to act more forcefully in defending Islam, Malay nationalism, and Malay rights. These organizations along with many young Malaysians, particularly those in poorer parts of the country who had been economically deprived for many years, called for a return to and a political role for Islam in the country. They also demanded a greater Islamization of the society. (64)

The government's reaction to these calls was a calculated one. On the one hand, it did not want to submit to pressure from PAS and other Islamic hard-liners to apply Islamic laws. On the other hand, it did not want to be seen as indifferent to ordinary Malays' demands for more respect for Islamic values in the society. Therefore, in response to the emergence of Islamic revivalism in the world particularly in Malaysia in the 70s, the government took a middle line. It did not change the secular character of the system, but in order to be seen as promoting Islamic cause it established the Department for the Advancement of Islam within the Prime Minister's office and different Islamic governmental projects such as Islamic banking and insurance plans and the International Islamic University were initiated. (65) Furthermore, Koran reading competitions are held and Islamic programs are broadcast over radio and television. Islamic prayers and salutations are presented in most government places and Islamic dressing has become more and more conventional. (66)

After Mahatir Mohamad took office as Prime Minister in 1981, the government introduced a program called 'Inculcation of Islamic Values' known as the Islamization program which specified a slow transformation of the country from secularism to more Islamism without antagonizing the non-Muslims. Kamarulnizam Abdullah argues that, in the Islamization program, the UMNO-led government was careful to avoid a repeat of the 1969 riots. Therefore, the government promoted Islam as a religion of dynamism, progress and prosperity for all. (67) It was in that sense that the government saw no conflict between Islam and nationalism and called on all Malaysians, Malays and non-Malays alike, to work together and within the ambit of the constitution to build their country. However, non-Muslims continued to be wary of the government Islamization policies. In their opinion, at least some quarters within the Malay community were pushing the government to impose Islamic norms and values on the public life. On the other hand, PAS and other Muslim hardliners questioned the government's sincerity of introducing Islamization program and branded the government's initiative as a ploy to continue its rule.

Vali Nasr believes that the Islamization process in Malaysia allowed the government to endure challenges, pursued by the Islamic radicals, to its authority and provided it with ideological instruments to enhance its power and create stability in a potentially volatile society and pursue economic growth. (68) He considers Mahatir's embracing of Islamic themes and projects within the Islamization program as

threefold: the establishment of an Islamic financial sector, an Islamic higher education system and an international bureaucracy. Nasr concludes that this program provided the government with Islamic legitimacy. (69)

9.3.7 Cultural Liberalism

From the late 80s, along with the Islamization program, the government shifted its ideological and political outlook from the Malay-centric to a more multi-ethnic approach. (70) In the 90s, it introduced a series of policies deemphasizing symbols of Malay identity such as Malay language and culture and most importantly Islam. The government did not want to be seen as relinquishing Islam and Malay historical and cultural identity in favor of other ethnic groups or religions. Rather, it wanted to define notion of nationhood as more inclusive than more exclusive favorable to Malays only. For instance, while the status of Malay as the national language was reiterated, the government encouraged all Malaysians, particularly the Malays, to use English language as a language for work and education. Accordingly, beginning in the 90s, some universities began to conduct classes in certain subjects in English. (71)

Furthermore, in line with its commercialization of culture, the government has been putting more emphasis on tourism industry. In this regard, various cultures present in Malaysia are being promoted. For example, non-Malay dances and other cultural activities along with those belonging to Malays are exhibited on different occasions like in National Day celebrations. (72) It is to be said, however, that the liberalization policy did not include the domain of politics. The government continued to keep its grip on power despite the introduction of liberal economic and cultural policies. The liberal idea was forwarded towards the quest of one's freedom, achievement and expression of one's identity and as Francis Loh Kok Wah explains, freedom was privatized. (73)

Malaysian cultural liberalization has had its own critics too. Some Malay intellectuals have characterized it as a negative type of pluralism because it has not been adequately rooted in a common national identity. This policy is also considered as putting Malays and their language and culture in the backseat. (74)

Government officials gave utilitarian reasons as to why they introduced a policy to liberalize the dominant culture. They claimed that in order for Malaysia to be relevant at the world level, it had to go through cultural and economic

liberalization programs. In other words, Malaysia had to move from ethnicism to developmentalism.

Although not admitted by the government, there are other reasons for the introduction of the new policy. The post-Cold War pro-democratic movement across the globe was an important factor for the government to embark on the liberalization policy. Former Prime Minister Mahatir said in 1995 that "previously, we tried to have a single entity but it caused a lot of tension and suspicion among the people because they thought the government was trying to create a hybrid." (75)

To receive more votes in elections was another reason for the introduction of this policy. The BN's victory in 1995 elections was attributed by the leader of Chinese opposition party, DAP, to the initiative of liberalizing the culture. In the words of the leader of the DAP: "some of DAP's policies with regards to education, culture and language which we have struggled for in the past have now been accepted and implemented by BN. This liberalization has attracted the voters to support the BN." (76)

As explained earlier, one aspect of liberalization policies relates to Islam and the promotion of moderate Islam which, as the government states, is compatible with developmental policies. UMNO-led government's insistence that moderate Islam was in line with democracy and the needs of developmentalism and globalization had one important side benefit as well. It was used to discredit radical version of Islam like that of PAS in order to keep the overall support of the Malay community. (77)

9.3.8 Omni-potent Government

Within the governing coalition, UMNO is the principal partner whose views on major issues are instrumental in formulating the positions of the alliance. UMNO has been accused of using all at its disposal to gain more power. Even some have equated greater political concentration of power in Malaysia with greater authoritarianism. (78)

The fact that BN has won every election held since 1973 proves that it has enjoyed the support of majority of the citizens, Malays and non-Malays alike. However, it has been argued that the government, in line with the conviction that less democracy brings more stability, has manipulated the power. (79) In Malaysia, national security has not been defined clearly. Throughout the years, many individuals criticizing the government including opposition leaders, foreign visitors and journalists have been detained because they have been charged with threatening

national security of the country. Abdullah argues that the government considers any possible threat against it as a threat against the national security. (80)

Along the same line, the lack of total independence of the judiciary is a clear example of government interference in areas outside of its competence. There are a number of instances where the executive branch has openly meddled in the affairs of the judiciary branch. A clear case was the removal of Chief Justice on the basis of alleged misconduct in 1988. (81) Since then, the public perception of the judiciary has been badly damaged. As one Kuala Lumpur lawyer said: "the judiciary in Malaysia can generally be said to be independent – except in high profile cases or in politically sensitive cases." Furthermore, it is alleged that the government attempts to silence those criticizing the legal system. (82)

The government has also attempted to affect the results of the elections. It is argued that the electoral system is designed in a way that Malays keep parliament's control and an all-Malay government or Malay-led coalition is shaped. It is alleged that the government has used its apparatus to support the ruling parties and has delineated electoral boundaries in favor of Muslims and the *Bumiputeras*. At the local level, the officials have threatened the people that they would be kept out of development plans if they voted for the opposition. (83)

Control of the media is another tool in the hands of the government to consolidate its power. The Printing Presses and Publication Act necessitates that all newspapers and publications have an annual permit issued by the government. If the Ministry of Home Affairs considers that a publication endangers the public order, the permit is not renewed. There have been instances of temporary suspension of some newspapers and restriction of circulation of some opposition publications.

The UMNO indirectly controls the media through ownership of TV3 and the major Malay, English, Chinese and Tamil newspapers. Indirect ownership of some media by means of holdings and subsidiaries in majority stakes gives the ruling coalition the necessary tool to keep its grab on power. TV1 and TV2 as well as the radio networks are controlled directly by the government. (84)

9.3.9 Internal Security Act

The federal constitution guarantees freedom of individuals. However, the constitution also provides provisions which permit the enactment of preventive laws that limit freedom of individuals. These laws include the Internal Security Act of 1960, the Emergency (Prevention of Crime) Ordinance of 1950, and the Dangerous

Drugs (Special Preventive Measures) Act of 1999. These laws allow imprisonment without trial or preventive custody. (85)

The Internal Security Act (ISA) is a permanent preventive detention law enacted in 1960. The origin of the ISA goes back to the time when British were combating communist subversion. (86) In accordance with ISA, a special branch of the police operating as the main intelligence and security unit can detain any person up to 60 days without trial for an act against the state security. If deemed necessary, the police can keep the person for a further period of two years renewable by the Minister of Home Affairs. (87) This law gives the government a free hand to arbitrarily detain anyone without the permission of the judiciary. In essence, it is a legal tool in government's hands to keep everything under its control. Since its inception, ISA has been invoked on numerous occasions. It is alleged that ISA has been used to silence the opposition under the pretext of endangering the security of the state. (88)

It is interesting to note that when the government takes an action against Muslim opponents who are allegedly deviated from Islam, sharia is not invoked; rather, ISA is used so that the federal government, rather than states, can keep the security related issues under its control. (89)

The ISA and its widespread applications have been criticized at the international level. Beside human rights organizations, United Nations mechanisms and European institutions have called for the repeal of ISA. Moreover, in 2001 the Abolish ISA Movement (AIM) comprising 83 groups was established within Malaysia. Despite these efforts, the government continues to justify its use of the Act particularly after the 9/11 events and the international campaign against terrorism. (90) For instance, Former Prime Minister Mahatir once justified the continuation of the use of ISA by claiming that since the ruling coalition has defended ISA and has won different elections, the majority of the people approve of ISA since they want a stable and orderly society. (91)

9.3.10 Mahatir Phenomenon

Mahatir Mohammad has been the most influential figure in shaping Malaysia's economic boom as well as Islamization process in the last decades of the twentieth century. He became the Prime Minister in 1982 and left the office in 2003. During his premiership, he faced different political as well as economic challenges, but managed

to overcome all of them. He initiated some reforms to liberalize both the political and economic spheres.

The objectives of Mahatir's political reforms were two fold. At the international level, he wanted to create an image of Malaysia as a model that can promote Islamic values and pluralism and at the same time be a modern nation. Mahatir's criticism of the West relates mainly to its political, economic, and cultural domination of the Muslim world. He was very indiscreet in blaming the West for its exploitative and unjust policy towards Muslims all over the World.

On the domestic front, he initiated the Islamization process to keep the support of Malay Muslims on the one hand and withstand the challenges posed by his radical Islamic opponents including PAS on the other. To challenge PAS' aspiration to include sharia into the law, Mahatir stated that the laws were in accordance with Islam. He also stressed the importance of pluralism and tolerance bearing in mind the multi-cultural nature of Malaysian society. Concurrently, he promoted a reformist understanding of Islam as a dynamic religion that supports economic development. (92)

His economic policies were designed to place Malaysia's economy in tandem with world global economy so that Malaysia can play an important role within the economy of Southeast Asia. It was within this spirit that Vision 2020 was introduced.

In late 80s and early 90s, Mahatir took some steps to strengthen his political power. He utilized a tough 'hands-on' approach to government and captured control of UMNO and consequently BA. He consolidated his central authority over the main institutions of the country. Along with consolidation of state power within UMNO, concentration of economic resources came under UMNO's control. That gave Mahatir's government a big boost in carrying out big projects throughout the country which in turn translated into a stronger popular support for the government. (93)

One of the central points of Mahatir's beliefs was his praise for value system in the East or as it is known the 'Asian Values' originated from Asian philosophical traditions. For him, nations will prosper if they uphold their values and will decline if they abandon those values because other superior value systems will brush away them. Khoo Boo Teik summarizes the values important to Mahatir as follows: "an observance of orderliness and responsibility; a capacity for effort, industry and diligence; a habit of thrift; a striving for knowledge and achievement; a commitment to discipline and self reliance; an ability to preserve under hardship and to adapt in the

faces of challenges; and a sense of spiritual piety." (94) For Mahatir, such values were considered the fundamentals of economic development.

While Mahatir praised Asian Values, he was in no uncertain terms critical of the Western culture and values and the weaknesses of Western liberal democracy, claiming that the Western values are incompatible with Asian values. (95) During Mahatir's era, Malaysia's view shifted from a pro-West view to 'Look East' view emphasizing on indigenous Asian and Islamic values to support the Malay Muslims community as well as Malaysian development. Although modernization and economic development were principal pillars of Mahatir's policy, he never accepted the secular modernity promoted by the West. In his opinion, return to religious values should be emphasized while modernization is pursued. (96)

In his 1993 book entitled 'Islam and Justice', Mahatir vigorously attacked Western democracy: "they speak eloquently of the rule of law, human rights, democracy or the voice of the majority, without taking account the existence of certain man-made laws that are unfair, excessive human rights and unwise majority voices. Hence, the laws in the West place too much priority on the individual's right that allows him to do anything he pleases even though his actions may threaten the peace and security of the society." (97)

Following 1969 riot, Mahatir stated clearly that there was no democracy in Malaysia and there would not be any in the future. In fact, he advocated political stability and government efficiency to be important elements of the society's survival. Some analysts have taken this position as not opposing, in principle, some form of authoritarianism. (98) He believed that a true leader should be in a position to guide people. In his opinion the leader should be able to do something superior to what ordinary people can do by themselves. In essence, as far as he was concerned, people should not be left to themselves because they are not capable of deciding what suit them well. (99)

For Mahatir, there are different types of democracy and one cannot impose a universal definition of democracy on all. He has defended the supremacy of the rights of the people over those of an individual praising the Malaysian system of government as democratic though not a copy of the Western liberal democracy. He gave the following reasons for the existence of democracy in his country: direct representation of the people; majority rule through a representative government; periodic elections; separation of powers between different branches of government;

and responsiveness of the government and people's representatives to public opinion. (100) Although the above mentioned points are more or less true, the bitter reality is that UMNO with the help of its coalition partners and through using different coercive methods have manipulated Malaysian politics and economy since independence.

9.3.11 Anwar Ibrahim Episode

Anwar Ibrahim was one of the prominent figures in Malaysian politics in 80s and 90s. He was one of the founders of the Islamic Youth Movement of Malaysia (ABIM) and became its president in 1974 until his resignation in 1982 when he accepted Mahatir's invitation to join UMNO and the Islamization process. ABIM's aim was to expand Islam and reinvigorate the Muslim community in Malaysia; though unlike PAS it was not advocating return to Islam. (101) Anwar's charisma and his Islamic credential was enough for Mahatir to ask him to join his government in a bid to diffuse the challenges posed by PAS. Over years, he not only became a devoted member of UMNO and the government, but also countered PAS' challenge and established good working relations with non-Muslims including the Chinese. (102)

On September 2, 1998, Anwar was dismissed from his posts as Deputy Prime Minister and Minister of Finance, and a day later from his membership in UMNO. The charge against Anwar was sexual misconduct and Mahatir maintained that a person with such a behavior is not fit to lead a largely Muslim nation. (103) Anwar rejected the charges and for the next eighteen days traveled around the country to reveal 'evils of Mahatirism', as well as preponderance of corruption and cronyism in the country. He also claimed that he was pushing for change within the government. The whole event brought him a focus for frustrations with the government. ABIM and other Islamic NGOs welcomed him again and along with tens of thousands of mostly Malay youths supported Anwar's cause and his calls for *Reformasi* (reform). Opposition parties like DAP and PAS also joined the reform movement. (104)

On September 20, 1998, Anwar and a number of his followers were detained under ISA. Nine days later, he appeared before the court with severe head and neck injuries. He was found guilty of charges of corruption and on April 14, 1999 sentenced to six-year imprisonment. In the second trial on August 9, 2000, he was sentenced to another nine years term for sodomy charges. Anwar's case was widely publicized both inside and outside of Malaysia. There was a speculation that Anwar was planning for a coup against Mahatir and his arrest was an act of revenge by the Prime Minister. At any rate, the government was accused of interfering in the work of

judiciary in Anwar's case. (105) After spending six years in prison, the Federal Court of Malaysia overturned the charges against Anwar, and as a result he was released in September 2004.

9.3.12 Reformasi Movement

Anwar's dismissal and his subsequent imprisonment resulted in mass protests against the government demanding justice for him and removal of injustice in the society. Weekly demonstrations were held all over the country particularly in the capital. On different occasions, large number of people were arrested on charges of illegal assembly and failure to disperse.

Opposition parties including the newly-formed the National Justice Party headed by Anwar's wife, Wan Azizah Wan Ismail, led the reform movement. The *Reformasi* did not limit itself to Anwar's release. The demonstrations were directed against the authoritarianism in Malaysia in general and the police, judiciary and the official media in particular. After the 1999 elections when the ruling coalition again achieved another two-thirds majority in the parliament despite opposition's gain of close to 40% of the popular vote, the reform movement gradually weakened and some of its key leaders were arrested under ISA. (106)

The 2004 general elections resulted in a crushing defeat of opposition parties. The ruling coalition received 90.4% of the parliamentary seats. It gained another big victory by capturing the state of Terengganu from PAS whose platforms of 'Islam for All' and 'Power with the Ulama' did not appeal to the voters. (107)

9.3.13 Badawi Premiership

Abdullah Badawi became the Prime Minister after Mahatir left office in September 2003. He became the Deputy Prime Minister in 1999. It is argued that Badawi's appointment to replace Anwar was an indication that Mahatir wanted to continue with the Islamization process especially when Badawi is known to be 'Mr. Clean' and has an Islamic studies degree from the University of Malaya. (108)

Since becoming the Prime Minister, Badawi has been fighting corruption. He has also established a Commission of Inquiry into the police force in a move to address the criticism for ill-treatment of detainees and lack of transparency in the police department. (109)

Although Badawi and Mahatir have more or less similar views regarding the West, Badawi's tone, language and style are different from those of Mahatir. Above all, Badawi's personal style differs notably from the blistering tone of Mahatir. (110)

9.4 Human Rights

The Malaysian Federal Constitution protects human rights including the right to life and liberty, freedom of religion, freedom of assembly and freedom of movement. Furthermore, the constitution forbids discrimination against individuals on the basis of religion, race, and place of birth or gender. (111) However, the assessment of human rights observance in a multi-cultural and multi-religious country such as Malaysia is not a simple task.

Although based on Article 3 of the constitution Islam is the religion of the state, the Islamic law is not applied to all Malaysians. While sharia is the law for Muslims only at the state level, non-Muslims are under the jurisdiction of the civil law. In other words, on certain issues two sets of laws can be applied to two identical cases. For instance, while state religious officers or 'moral police' charge Muslims for gambling, drinking, participating in beauty pageants, or failure to fast during fasting month of Ramadan, non-Muslims are allowed to do the same activities without being prosecuted. That brings up the question of equality of citizens where Muslims and non-Muslims enjoy different responsibilities and privileges.

9.4.1 Freedom of Religion

Article 11 of the constitution grants freedom of religion to non-Muslims who are entitled to practice their religion, possess their properties and set up their religious schools, but cannot preach their religion among Muslims. As explained earlier, the latter has been a controversial issue among Malaysians since under Article 11.4 Muslims can propagate their religion among non-Muslims while non-Muslims do not enjoy the same privilege. However, in accordance with Article 150.6A of the constitution, freedom of religion cannot be restricted even in times of emergency. (112)

While under Article 11.5, only public order, public health and morality regulate religious behavior of non-Muslims, states can punish Muslims for offences against the Islamic law. Furthermore, non-mainstream Muslims and Islamic groups are sometimes accused of 'deviationist activities'. (113) Being concerned about the spread of non-conventional and extreme ideas and beliefs among Muslims, the government has charged persons and groups as 'deviant' and invoked the Internal

Security Act to punish them. Notably, Sufis and Shi'ites are considered deviationist groups, and several of them have been arrested under ISA or put under rehabilitation. (114)

Article 8.2 of the constitution protects from any discrimination on the basis of religion while Article 12 prohibits any discrimination on the basis of religion, race, descent or place of birth in the area of education or financial aid. (115) However, Patricia Martinez argues that non-Muslims have raised concerns about unequal treatment of Muslims and non-Muslims regarding issues such as different allocation ratios for mosques and non-Muslim places of worship. While one mosque is allocated to 800 Muslims, with a spatial requirement of 0.4 hectare, churches have a ratio of one for every 4000 Christians, with a spatial requirement of 0.1 hectare. Furthermore, shortage of burial places for non-Muslims is another troubling issue for non-Muslims. (116)

Despite these shortcomings, foreign priests and missionaries can work in the country. Christian missionary hospitals, schools, bookshops are plentiful. Furthermore, liquor shops and gambling casinos are permitted despite their prohibition for Muslims. (117)

9.4.2 Freedom of Expression

Article 10.1a of the constitution guarantees freedom of speech and expression. However, in reality, this right has been curtailed by infringement on the freedom of press and media. Moreover, Saliha Hassan argues that 'sensitive issues' such as matters relating to Islam as the official religion, Malay as the national language, the position of Malay rulers, and the special position of the Malays cannot be discussed even by parliamentarians. (118)

9.4.3 Freedom of Press

The Malaysian media has been blamed as submissive to the government and acting as its mouthpiece. Press freedom is curtailed by an unfair legislation and ownership of most media by the government and its friends. Therefore, independent journalism has been weakened and a sense of self-censorship has been imposed on the society. (119)

The 1984 Printing Presses and Publications Act administers the press in Malaysia. The Home Minister has the power to give or remove a printing license or a publishing permit. Moreover, the ministry officials have the power to censor or ban the offending publications. The Act has been criticized by human rights groups since

it gives the government the power to control the press. For instance, the home minister's decision cannot be appealed; or the minister has the power to give a permit of short duration. (120) The Act has been invoked on different occasions. In October 1987, in addition to arresting more than 100 people, the publishing licenses of three mainstream newspapers were suspended. (121)

One of the complaints that the opposition has raised against the government relates to the misuse of the media by the government particularly at the time of elections. While members of the ruling coalition receive media coverage, the opposition is misrepresented by the media controlled or greatly influenced by the coalition. For instance, news of PAS' readiness to have a reconciliatory dialogue with UMNO in the mainstream media was denied by PAS. Interestingly enough, the government has not been timid of expressing its position on the control of the media. Former Prime Minister Mahatir had been quoted as saying that press freedom in developing countries must be policed. (122)

The 1988 Broadcasting Act governs the type of television allowed to be presented to the public. It gives the minister of information the power to decide who can broadcast and what material can be aired. Human rights activists have criticized this Act as very strict. (123) Besides the fact that the government controls the radio, companies controlled by UMNO or those associated with it own all private television licenses. (124)

9.4.4 Freedom of Assembly

Article 10.1b of the federal constitution provides guarantees for the right to assemble peacefully. However, the government has on numerous occasions limited this right and in July 2001 banned all political gatherings for the reason of national security. Human rights activists believe that the main objectives of the ban were two-fold: to avert the opposition from spreading their message, and to deny them the source of funding available for political parties at these gatherings. (125)

9.4.5 NGO Activities

The Malaysian government has been wary of NGO activities. Former Prime Minister Mahatir believed that pressure groups (NGOs) can negatively affect the nation and cause lawlessness; therefore the government must monitor their activities. (126) The government watches political NGOs closely and has taken suppressive measures against some of them. These NGOs are accused of either causing ethnic tensions or showing excessive reverence to Western values. (127) However, those

NGOs whose activities the government considers useful can benefit from government's cooperation.

9.4.6 Excessive Use of ISA

Although human rights activists have criticized the adoption of the Internal Security Act as a travesty of justice, the essential human rights concerns relates to excessive use of the Act which provides the government with the justification to silence any opposition. The ISA has been used against many opposition forces, Muslims and non-Muslims alike. The main problem with ISA is that it gives the government the ability and an open hand to level charges of threatening the society's security against any individual. Therefore, any opposition member deemed to create any problem for the ruling coalition can be 'legally' detained for two years without trial. The ISA has been frequently used against *reformasi* movement including leaders of the student movement. After the 9/11 event, the government has been increasingly using ISA under the pretext of the fight against terrorism.

9.4.7 Mistreatment of Opponents

Allegations have been leveled against the behavior of law enforcement officials, in particular the police force. These allegations include excessive use of force, lack of or sluggish response rate to public complaints, death in custody and successive return to custody. The government has established the Malaysian Human Rights Commission (SUHAKAM) to act as a safety valve for human rights concerns. (128) The SUHAKAM Inquiry Panel has substantiated that the police has created extreme overcrowding and unsanitary conditions in custody, and denied medical assistance and adequate food and drinking water to detainees. (129)

It is reported that torture, including physical assault, is used against the detainees who are often kept in secret places. (130) Human rights advocates have alleged that they have been under threats and intimidation. For instance, regular police or the secret police have regularly or occasionally followed them and have listened to their phones. (131)

9.5 Women

Women comprise over 50 percent of the Malaysian population. They have benefited from the increased educational opportunities which have resulted in the

overall increase in their literacy rates. In 1997, while 90 percent of men were literate, that figure for women was 81 percent. In the workforce, women's participation is not impressive and needs to be improved. In 1998, only 44.4 percent of women were in labor force. However, they have taken up higher paying occupations. (132)

Women issues have not been contentious within Malaysian politics mainly because women's votes have not played an essential role in changing political equation in Malaysia drastically. Moreover, ethnicity rather than gender has always been the main area of concern for Malaysians. (133)

9.5.1 Women's Legal Status

Article 8.1 of the constitution states that all persons are equal and entitled to equal protection before the law. As explained before, while the constitution refers to prohibition of discrimination against citizens on the ground of religion, race, descent, or place of birth, it does not contain any reference to gender-based discrimination. This lack of reference to gender has been considered as significant omission. (134)

9.5.2 Women's Movement

Women's movement in Malaysia is either organized within the mainstream organizations or through radical or trivial social and political space. During the colonial era, one of the most important demands of women was formal schooling. However, the education was not aimed to create an atmosphere for women to participate in social life; rather it was designed to make women more capable housewives. Nonetheless, women schooling prepared the ground for women's presence in the civil society. (135)

Malay women's first involvement in politics was related to women's presence in the formation of the UMNO. The Wanita UMNO, the women's branch of UMNO, has focused its activities mainly on gathering votes for the party rather than promoting change within the party. However, in 1973, Wanita UMNO called, for the first time, for the reform of the marriage and divorce laws of Muslims. In 1976, it called for the appointment of women as village heads which was rejected by the religious leaders. Unlike Malay women nationalists, Chinese and Indian women nationalists achieved limited success in their feminist agenda. (136)

In addition to nationalism and anti-colonial challenges, women were active in public spheres, such as labor movement, in pursuing other political agendas. Most of the women activists in this area were Chinese and Indian women who were involved in labor protests before and after the independence. Moreover, in 1960, the National

Council of Women's Organizations (NCWO) was established as an umbrella organization for NGOs, political parties and professional bodies through which women were lobbying for their rights. (137)

After Anwar Ibrahim's dismissal, seven women's groups worked on women's agenda calling for reforms in the election process. In May 1999, the Women's Agenda for Change (WAC) was initiated and issues ranging from land rights to sexuality rights were included in the document. One of the most contentious issues in the discussions pertained homosexuality and the rights of sex workers and surprisingly Muslim women present did not oppose discussion of such issues. Furthermore, feminists pressed on the issue of women contesting for the election on a gender-issues ticket. (138)

To sum up, despite its initial role as an undivided force to counter the colonial rule, the women's movement in Malaysia can be divided into two movements: one at the center run by individuals of the ruling political parties and one at the periphery run by leftists, labor groups and feminists. (139)

9.5.3 Women and Politics

Women in Malaysia have played an important role in the society. Since independence, they have enjoyed the right to vote and to be elected and hold government positions. Even before independence, Malay society adopted a liberal attitude towards Malay women, allowing them to work in the civil service and in the business community.

Malay women have been the most politically active group in Malaysia. Since 1957, women have been given senior posts including ministers despite the fact that there is no quota system to augment women's political representations. (140) The appointment of women in the Malaysian cabinet as ministers remained constant throughout the 90s. Moreover, it took 40 years for women to increase their representation at the lower house of the parliament from about 3 percent in 1957 to 10.9 percent in 1999 elections. (141)

However, in local and state governments, the percentage of women holding office is low. For instance, at the Kuala Lumpur City Hall, only one out of 12 members was a woman between 1985-88 and one out of 13 between 1989-1991. At the state assembly's level, women's participation was low in 1993. As for the senate, since 1985, the number of women senators has remained low. The number of women ambassadors is low too. (142)

Within party politics, women representation is not impressive either. In UMNO, in 1993, only 17 percent of the central committee were women, and only one out of 153 divisions was headed by a woman. In the Malaysian Chinese Association (MCA), in 1995, only 8 percent of the central committee members were women; while in the Malaysian Indian Congress (IMC), only one woman was present in the central committee. (143)

Women's participation in the legal system is impressive. In 1991, one-third of the registered lawyers were women. In 1993, one-half of the session court judges, 44 percent of the Magistrate judges, and 15 percent of the appointees to the Attorney-General Chambers were women. (144)

Women's participation in politics has not been unhindered. Different factors have been mentioned in this regard. Rashila and Saliha enumerate at least five common factors outlining obstacles to women's active participation in politics as follows: "social discrimination against women's roles in the public domain, time constraints due to career and domestic demands, cultural and religious arguments that a woman's place is the home, structural constraints within each political party that do not allow women to advance beyond a certain level, and lack of adequate resources in terms of organizational support, personal influence and finance". Despite these problems, Wan Azizah believes that an understanding of Islam directs women to realize the liberating message of the religion. She argues that through religion women can reach their full abilities. (145)

9.5.4 Women and Elections

Issues related to women have not been considerably raised in elections because women votes have not altered the Malaysian political equation substantially. Furthermore, after the elections, women's issues become insignificant as they do not affect the functioning of the government. Therefore, the government does not feel obliged to advance issues of importance for women such as childcare program for poor working women. The cautious approach taken by the women NGOs along with the measured and limited role played by women parliamentarians in raising women issues have allowed the government not to be worried about tackling any contentious issues related to women. (146) It is to be noted that the Women's Affairs Department (HAWA) is designed to sensitize women's interests both at the governmental and non-governmental levels. The main focus of this department is related to the promotion of women's participation in development and education. (147) There is no doubt that

HAWA's role in raising women issues in certain areas is very important. However, bearing in mind the sensitivities that certain segments of the Malaysian society including the ulama demonstrate towards radical changes in women's affairs, it is highly unlikely that the prime minister's office is eager or willing to involve HAWA in issues important to feminists.

The presence of women in the elections is not significant because of the fact that women are not elected based on their gender agenda; rather, party leaders decide about women's entry in elections. (148) Therefore, women who are elected feel that they are indebted to their supporters within the party rather than to the general public. However, the Malaysian feminists have embarked on a strategy to press for women to enter elections on a ticket focused mainly on women issues. (149)

9.5.5 Laws Affecting Women

The application of laws affecting women, such as family law, depends on the religious affiliations of women. Secular laws apply to non-Muslim women while sharia applies to Muslim women.

The inheritance law for non-Muslim women is considered to be against the interests of women in certain aspects. For Muslim women, the inheritance law is based on sharia where the widow receives one-eighth of the husband's wealth if there are children and one-fourth if there are none. (150)

The secular family law is criticized because non-Muslim women are considered to be disadvantaged on issues like child custody, division of matrimonial assets, and maintenance payments. Each state regulates the Islamic Family Law. The most challenging problem with regard to that law relates to uniformity of laws across different states. At any rate, issues like consent to marriage and polygamy have been controversial about which reforms have been presented. While consent to marriage is required from both parties, in certain states father or grandfather can give permission for marriage of an unmarried, virgin daughter or granddaughter without her consent. (151) As for the polygamy, in most states, the court can issue permission provided that certain conditions are met, namely the marriage is necessary, the husband is able to financially support more than one wife and is able to treat the wives equally and not harm the existing wife. (152)

The marriage between a Muslim man and a Muslim woman can be dissolved in four ways: talaq (repudiation by the husband), khul' (redemption by the wife), ta'liq

(repudiation by the wife as specified in the marriage contract), and faskh (judicial dissolution of marriage). In most cases, divorces are done by talaq. (153)

9.5.6 Violence against Women (VAW)

Violence against women has become a major concern for many Malaysian women since the 80s. In 1985, a coalition of several women groups formed the Joint-Action-Group Against Violence-Against-Women or JAG to publicize the VAW. In 1988, All Women's Action Society Malaysia (AWAM) was established to press forward the resolutions of JAG. The new women organizations went beyond providing services to victimized women. They considered VAW as a result of the existence of inequality and discrimination in the society. Consequently, in the 90s, more Malay-based NGOs were founded to deal with women marital and family related problems. It should be noted, however, that the majority of Malay women were attracted to Islamic-based organizations rather than women organizations with feminist agenda. (154)

The Islamic orientation of Malay women showed itself after the passing of the Domestic Violence Act (DVA) in 1994 after many years of struggle by women movement. The DVA touches upon both the penal code and the family law. Since sharia family law is the family law for Muslims, some Malay parties raised concerns about the application, to Muslims, of those provisions of DVA which are considered contradictory to sharia. From the other side of the spectrum, the feminists were concerned that in the case of marital rape, the definition of 'wife-beating' in DVA might be flexible and interpreted in relative terms. That might create concerns for Muslim women who cannot seek redress under DVA. (155) The religious advisor to the prime minister stated that federal law on marital rape should not be applied to Muslims because wives should be obedient to their husbands in marital relationships. (156)

Since 80s, the supporters of feminist ideas have been growing although this potential has not been fully utilized and translated into an actual advancement in women's situation in Malaysia. One reason for this problem rests with the lack of unanimity among different women groups which have not come up with a single agenda dealing with issues of concerns for Malaysian women. While women in the center who enjoy the support of the state have achieved less success in advancing gender democracy, the women in the periphery have been more successful in doing the same. At the present, urban, middle-class women, from all ethnic groups,

emphasize on gender democracy. However, most Muslim women are not prepared to call for women's liberation at the expense of principles of Islam. At any rate, the main question, as posed by Maznah Mohamad, is that will feminist ideas help the democratization process in Malaysia or will the nature of the country's partial democracy limit the feminist agenda? (157)

9.6 Parliament

Malaysia has a bicameral parliament consisting of the Senate and the House of Representatives. The Senate consists of 70 senators, 26 of whom are elected by the state legislative assemblies representing 13 states. The remaining 44 members are appointed by the king on the advice of the prime minister. The term of office is three years. The House consists of 219 members who are elected, in a general election, for a period of five years. A bill usually is considered in the House and after approval is sent to the Senate to be approved and presented to the king. The Senate can guide its deliberations to check the House's legislations in case they are passed under pressure. However, the Senate has not used its power and consequently has been accused of acting as a rubber stamp for the House. (158) Each state has a unicameral assembly whose members are elected simultaneously with the federal elections.

In Malaysia, the ministers are accountable to the House of Representatives. Therefore, in theory the ministers are held collectively accountable for the overall government's conduct. Moreover, the ministers are individually responsible for their actions and those of the civil servants in their ministries. (159)

In reality, this is not the case. Rainer Heufers maintains that since the government has safeguarded its power through the laws and regulations under the emergencies of 1969, ministerial accountability does not exist. Ministers are accountable to their party in the coalition. Furthermore, parliamentarians are less dependent on their constituency than on the party leadership because it is the party that nominates party candidates. (160)

Although the parliament is the supreme organ of the government, executive branch enjoys emergency powers due to "political instability and fear of subversion". (161) The government's policy to by-pass the parliament is in line with other policies

of the government to keep its control over the important institutions. In fact, parliament's control over the ministers is rather weak.

The main reason for this weakness stems from the fact that parliamentary control is carried out not by the whole house but by the opposition because the members of the parliament vote along party lines and those members belonging to the ruling coalition normally do not criticize the government. Since the ruling coalition has continuously enjoyed more than two-thirds majority in the parliament, the opposition lacks resources and morale to attack the government. That does not mean that the opposition does not use its rights to criticize the government. The problem is that questioning of the government does not usually entail any tangible result. The ministers are also hesitant to provide information to the parliament which may be used against them. Furthermore, they often do not show up in the parliamentary sessions and leave the questions to their deputies or secretaries to respond. (162)

The government has successfully used its strong power in the parliament to diminish the number of questions and prevent the opposition from utilizing the time for criticism against it. Furthermore, the ruling coalition prevents the removal of the ministers by the parliament and asks the ministers to leave the government if they are exposed to personal misconduct and become a burden for the government. Facing these difficulties, the opposition has called for parliamentary reform in order to curb the misuse of power of the members belonging to the ruling coalition specially the speaker. However, these calls have been rejected by the majority and instead the parliamentary control has been restricted. (163)

The BN's strong presence in the parliament and its firm discipline has been translated into an almost ineffective parliament where any bill proposed by the government is passed without any problem. (164) The opposition complains that the parliament is not seriously involved in the deliberation of a bill. It is alleged that a bill is given to parliamentarians just a few days before it is presented for passage. The government, therefore, uses the time as an instrument not to give the opposition the chance to fully utilize the parliament to shoulder its responsibilities. As a consequence, the parliament is accused of acting as a rubber stamp legislative. (165) The coalition's overwhelming majority in the parliament has given it the opportunity to counter gains that the opposition has received in some elections. This is done by amending the constitution and thus making changes to electoral system in order to maintain its leading position. (166)

One of the main problems facing the parliamentarians is that they can be taken to court for their statements and are subjected to the Sedition Act. In 1994, when a DAP member of the parliament, Lim Guan Eng, referred to a charge raised by a young girl to the effect that the chief minister of Malacca had abused her, he was charged for sedition and for disseminating false news. At last, the parliamentarian was sentenced to jail for 36 months. (167)

9.7 Conclusion

Among the Islamic countries, Malaysia has a unique situation. While based on its constitution Islam is the official religion of the state, around 40 percent of the population are non-Muslim. Whereas there is no mention of sharia in the constitution, it is the law of the states for Muslims. Furthermore, Muslims' judiciary matters are dealt with by the sharia courts at the state level.

In Malaysia, Islam has been closely attached to government affairs and political life. Although all Malays are Muslims, Malayness has generally been defined in terms of race, language, and customs or culture. However, as Esposito and Voll suggest, the effect of Islamic revivalism on the society has created a more clear equation of Islam, language and race. Consequently, one can see a more visible role for Islam in Malaysian politics and more emphasis on Malay-Islamic identity. (168)

Erica Miller observes that since 1957 Islam has been both a mobilizing and polarizing factor in Malaysian politics. The Malay parties have sought, through Islamic symbolism and substance, the support of Muslims while not alienating non-Muslims. They have used this symbolism to express Muslim identity without considerably breaching the minority rights. (169)

The Islamization process, introduced in the 70s and 80s, was designed to address the aspirations of the Muslim majority provoked by the Islamists particularly the Islamic Party. In essence, the government wanted to present itself as the protector of Islam in the face of challenges presented by PAS and other Muslim extremists. Although, the policy of Islamization has created an atmosphere of anxiety for non-Muslims, nevertheless, it has generally worked to neutralize the claims advanced by PAS that the government does not follow the Islamic path.

While Malaysia is called a semi-democracy or a quasi-democracy or modified democracy (170), a coalition of Muslims and non-Muslims, in which a Malay party (UMNO) enjoys a dominant position, has ruled over Malaysia since 1973. UMNO's heavy handed policy against the opposition particularly the Islamic elements has enabled the government to suppress any serious challenge to its authority. The Anwar episode is a clear example of the government's intolerance towards its critics.

The human rights situation in Malaysia, including women's rights, is a source of concern for international observers although systematic and grave violations of human rights have not been recorded. What is important for the ruling coalition is to secure its authority and do whatever it takes to achieve this goal. In this respect, the frequent use of repressive acts such as ISA against the opposition as well as the introduction of Islamization program has enabled the government to feel less threatened at home. Moreover, lack of major ethnic violence since 1969 riot has strengthened this feeling. This policy is in line with former Prime Minister Mahatir's motto of less democracy and more stability. According to some Malaysian scholars, this sense of lack of threat has brought about more authoritarianism resulting from the absence of certain institutional checks and balances. (171)

Since the majority of parliamentarians belong to the ruling coalition, one cannot expect the parliament to work according to its traditional and defined role of overseeing the activities of the government. Along the same line, Heufers believes that since Malaysia has weak institutions, the government cannot prevent crisis from occurring. He argues that for future political challenges, the country is not prepared to face such problems. (172)

In general, despite inter-ethnic differences that have occasionally created tension in the country, the presence of different ethnicities has given Malaysia the opportunity to build a pluralistic state in which Muslims and non-Muslims can coexist peacefully although the constitution has provided some privileges for Muslims. As a result, Malaysian society is characterized with compromise, accommodation, and tolerance. (173)

Islam in Malaysia has been more modern and flexible than in other Islamic countries. While Islamic laws on fasting during Ramadan and consuming alcohol are strictly observed for Muslims, non-Muslims should not observe those regulations because they are subjected to secular laws that do not ban not fasting in Ramadan and drinking alcohol. The Malaysian people have opted for such moderation and have

chosen the mild interpretation of Islam-- even if the authoritarianism is attached to it-- than to Islamism and rigid interpretation of the religion. In this regard, Dan Slater believes that the people fear less from authoritarianism than from Islamism. (174)

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CHAPTER X

ALGERIA

10.1 Introduction

Algeria is located in Northern Africa, bordering the Mediterranean Sea, Tunisia, Morocco, Libya, Mali, Mauritania, Niger and Western Sahara. The overwhelming majority (99 per cent) of its 33 million populations are Muslims and Arabs, though all Algerians are Berber in origin. Today, the Berber minority lives mostly in the mountainous region east of Algiers and identify themselves with their Berber rather than Arab heritage. (1)

The Arabs conquered Algeria in the seventh century when the inhabitants adopted Islam as their religion and Arabic as their language. In 1518, the Ottomans took control of Northern Algeria. For almost three centuries the Turks ruled over Algeria while the authority came from Istanbul. France occupied Algeria in 1830 and ruled over the country for more than a century. The French empire ended in 1871 and civilian administration replaced military rule, and consequently Algeria achieved autonomy in 1898, though the French settlers opposed reforms. Despite the introduction of some political reforms after World War II, the Algerians started a widespread uprising in 1954 and after an eight-year bloody war against the French rule, in which more than one million of them died, achieved independence in 1962. (2)

In the course of more than 130 years of occupation, the French colonial state routinely resorted to torture against the indigenous population in order to protect its rule and impose its values upon Algerians. The French were not shy to admit the occurrence of torture as a means to save France, Western civilization and Christianity. (3)

Graham Fuller introduces three roots for the intensity of the colonial experience in Algeria: First, French rule in Algeria lasted longer than it did in any other part of the Middle East. Second, the degree of colonization in Algeria was

deeper than that of most other countries in the Middle East. More than being a foreign protectorate, Algeria was actually colonized by the French. About one million French citizens settled in Algeria and owned land and were represented in the French Parliament. Third, the struggle to liberate Algeria was longer and bloodier than in any Arab country. (4)

Although there was no central state in Algeria when the French conquered it, the occupiers' rule was not unchallenged. Tribal groups that maintained significant autonomy independent from the political center organized the majority of population and initiated a resistance to colonial rule. In addition to kin groupings, this lack of centralized institutions shaped the polity in Algeria in the future periods. (5)

A few years after the French conquered Algeria, Alexis de Tocqueville reported on the situation stating that the Algerians lacked a nationalist ideology to allow them to have a truly civilized nation. Furthermore, in 1841, he prepared a report for the French Parliament claiming that the French had to work with the tribes because the indigenous population could not be individually coerced. He concluded that creating and exploiting in the Algerians a common feeling or idea in order to keep them all in check and in the same direction was the main challenge for the French. It was in this context that the French identified a mission for themselves to 'educate' the general public. Furthermore, in order to bolster its new institutional order, the French made use of local notables, chiefs and sheikhs and even granted French citizenship to small numbers of 'civilized' Algerians. (6)

Rachid Al-Ghannouchi explains that modernization in the Arab Maghreb countries, including Algeria, was accompanied by a constant campaign to replace Arabic language with French. This was done in order to change the symbol of identity and the official language of Islam. (7) Therefore, while Arabic was reduced to a foreign language, French was made the official language and the language of instruction in schools.

10.1.1 Islam in Algeria

Islam has at all times played an important role in Algeria and has historically been a source of national unity for this country. Islam is associated with Algeria's national and cultural identity; though not the kind of Islam related to the state power. Algeria's Islam takes its roots from Sufi and mystical traditions dominated in North Africa. (8)

During the occupation, the French attitude towards Islam was in line with their policy of incorporating cultural or religious tradition of the indigenous population into modern framework of governance. As Frederic Volpi suggests, the French considered Islam as another field of application for the new political 'science' and Algeria another piece of building in the design of cosmopolitan 'civilization'. (9) The French also took the liberty to remove Islam, as much as they could, from the scene and replace it with the French culture. The occupiers closed most of the Koranic schools and turned mosques into churches. (10)

The nationalist liberation movement was inspired by Islam and Islamic sentiment was a continuous source for resistance. Furthermore, the Algerians found their collective identity with Islam, giving them enough moral ammunition to stand firm against the occupiers. Throughout the French colonial rule, religious figures were directing uprisings and resistance to occupation. In 1931, the Algerian Association of Ulama (AAU) was established to fight French colonial rule. Its motto was 'Islam is my religion; Arabic is my language; Algeria is my Fatherland.' Mosques and schools were used by the AAU to spread its message stemmed from Islamic reformism and nationalism. Consequently, Algerian nationalism was picked up by a new generation, thanks to the educational work performed by the ulama through mosques. In this process, modern reformers joined hands with the traditional Islamic leadership in developing and broadening Algerian nationalism which had strong Islamic propensities. (11) Many of the ulama linked with the AAU were part of the military struggle against the French in 50's and early 60's.

The Algerian revolution itself had been influenced by Islam. The ideology, rhetoric and symbols of Islam as well as its institutions were employed to counter French imperialism which had expanded its influence in political, military, economic, and cultural spheres. The leaders of the revolution, both religious and secular, utilized Islam to unite the people against the occupiers. They declared the struggle as jihad (holy war) and the fighters as mujahidun (holy warriors). It is interesting to note that the revolution leaders introduced the slogan of the revolution 'Algerie Musulmane' (Muslim Algeria) and not 'Algerie Arabe' (Arab Algeria). The aim was to make Algerian and Muslim identical. (12)

After independence, the FLN (National Liberation Front) which had directed the revolution made an alliance with the military and ruled the country until the 80's. FLN led the Islamic reformist movement during the revolution. Nevertheless, after

gaining power in 1962 it relied less on religious principles and created a populist-authoritarian state in which successive autocratic FLN governments ruled Algeria for almost twenty years. (13)

Socialism was an important part of governance in the new state. However, being aware of the fact that the majority of Algerians were supportive of the idea of envisaging a role for Islam in the affairs of post-revolution Algeria, the drafters of the constitution made a passing reference to Islam in the constitution: "The building of socialism in Algeria is identified with the full development of the Islamic values which are a basic constituent in the personality of the Algerian people." Furthermore, The National Charter of 1976 stated that "The Algerian people is a Muslim people. Islam is the state religion." (14)

The identification of Islam with the socialist revolution and naming Islam as the religion of the state did not mean to place Islamic law as the only source of law making in the country. Rather, in the name of Islamic socialism, the new state followed secular political and economic development policies advocated by Western-oriented FLN elites. Moreover, the state took control of religion and nationalized religious schools and institutions.

Following the victory of the revolution in 1962, the urgency of addressing the inter-relationships of language, religion, and national identity became evident. While the ruling elite followed a Western secular tendency in which the French curriculum was considered an essential element for the improvement and progress of the country, an Arabization program for education, the judiciary, and the administrative systems was advanced by the government. For the French educated elites, Islam, and Arabic language and culture were the main sources of backwardness in Algeria while Arabized and Islamically oriented individuals considered French language and culture as the vestiges of colonialism and foreign occupation. This created a tension between two schools of thoughts in Algeria. Esposito and Voll believe that this tension was the result of the state's attempt to use Arabization and Islamization on the one hand and Europeanization in its models of development on the other. (15)

10.2 Secularism

Although Islam has deep roots in the Algerian society, secular elites have traditionally been very powerful in Algeria, thanks to the French influence in this country which from the first day of its occupation till 1962 had been visible in every aspect of the social life of Algerians.

What is interesting about Algerian secularists is the fact that they are advocates of French secularism where there is total separation of church and state and an unconditional confidence in reason and science. (16) However, the constitution of Algeria in its preamble considers Algeria as a land of Islam and Islam as one of the fundamental components of its identity. Furthermore, Article 2 stipulates that Islam is the religion of the state while Article 9 prohibits practices that are contrary to the Islamic ethics. In accordance with the constitution, the president must also be a Muslim. (17)

With all these references to Islam, Algeria cannot be called a secular state, though secular tendencies are strong in that country. Rachid Al-Ghannouchi argues that in the Arab Maghreb states, secularist elites run the states and control religion and its institutions. The state appoints Imams (prayer leaders) in mosques, manages their affairs and controls the substance of the Friday sermon. In these countries, the head of state is both *amir al-mu'minin* (leader of the faithful) and *hami hima al-din* (protector of the sanctuary of religion). Therefore, the head of state has a dual responsibility of establishing a special department for issuing fatwas (religious edicts) and special councils for Islamic da'wah (preaching) on the one hand and promoting modernization on the other. (18)

Moreover, in spite of the fact that the 1996 constitution guarantees the establishment of political parties, religion, language, race, sex, and corporation and region cannot be the basis of such parties. Based on the 1997 Law on political parties, Islamic identity cannot be used by these parties for partisan purposes. (19) Although the recent history has witnessed the non-observance of this law on certain occasions, the fact that Islam is not allowed to be the main pivot for political activities proves that the state tolerates Islam to a degree that its interests are not jeopardized.

Al-Ghannouchi introduces a model of secularism which, he asserts, is applicable to Maghreb countries like Algeria. He calls it 'pseudo-secularism' which is

an imitation of Western secularism highlighting its most negative aspects. The advocates of this model believe that in order to modernize, one has to pass the past and reshape the society in accordance with the French model of secularism. In other words, in addition to advancing knowledge and science, the society has to change and imitate what the French has done to modernize their society. It is in this sense that the proponents of 'pseudo-secularism' call for imposition of total control over the religion, its institutions and symbols. Therefore, the supporters of this version of secularism have turned the religion into some form of a church similar to the church in medieval Europe. (20)

In this process of nationalizing religion, Al-Ghannouchi argues that the state resorts to authoritarian policies and oppression in order to follow a 'modernity-modernization package' offered by the colonialists. In pursuing the transformation of the society from an under-developed to a modern one, secular elites take the role of colonialists using their thoughts and methods of dealing with the people. The main aim, in this context, is to keep the state hegemony over educational, judicial, cultural, economic and occupational institutions. (21)

Not all scholars have the similar view on Algerian secularism. While one view is that Algerian secularists favor a centralized and omni-potent state where attainment of democracy has less priority than maintaining stability and security, there is another view among secularists which advocates real political liberalization in which opposing views are tolerated and human rights are observed. The proponents of this view believe that the liberalization process will over time lead to a democratic order. (22)

Most Islamists, on the other hand, consider secularism as a main culprit for Muslim backwardness and weakness. One of the leaders of the Algerian Islamists is Abbas Madani who believes that the conflict between secularism and Islam was initiated by colonial powers who imposed their views on Algerian Muslims when they first entered Algeria. The state and Western-oriented Muslim elites took similar steps through media and state institutions. Therefore, for Madani, secularism in Algeria has waged an ideological war on Muslims with the aim of forcing the people to put aside their Islamic identity and moral values. (23)

Islamists' views on democracy, governance and political liberalization are not unanimous. In this regard, Azzedine Layachi identifies two main viewpoints among Algerian Islamists, namely the incompatibility view and the instrumentalist view. For

many Islamists, there is a continuing clash between Islam and democracy. Since the advocates of the incompatibility view believe that the only sovereign on earth is the Almighty God, they reject the notion of the sovereignty of the people, as they also reject the Western-style democracy based on rationality and secularism. For them, the Koran is the only legitimate constitution based on which and the Hadith (the Prophet's sayings) and the Sunna (the Prophet's traditions) the affairs of Muslims should be managed. They accept the government on the basis of ijma' (consensus), not voting, and on tawhid (unity of God), not plurality. (24)

Those Islamists who do not support some important elements of Western democracy, such as secularism and those human laws in contravention of the sharia, but are in favor of political liberalization and democratization are categorized within the instrumentalist view. For them, democracy and Islam are compatible to some extent; therefore, they view political liberalization and democracy as vehicles to attain power and to establish an Islamic order. They do not accept those elements of Western democracy that are incompatible with sharia which they consider superior even to those elements of Western democracy that are accepted. Layachi refers also to a third view which supports the genuine compatibility of Islam and democracy in Algeria. The advocates of this view are not vocal but believe that in an Islamic atmosphere, democracy can be established where fundamental principles of good governance and respect for basic human rights and liberties are supported by Islam and laws enacted by human beings. Within this environment, rulers can be found to be accountable to both the God and the people. (25)

10.3 Islam and the State

The genuine reformist movement in Algeria headed by Islamic scholars started in 1930s. Graham Fuller summarizes the essential characteristics of this movement as follows: The intellectual thoughts in Cairo, Mecca, Medina, and Tunis strongly influenced the Islamic scholars; the ulama concentrated on constructing mosques and spreading Islamic literature; they emphasized on education and culture and often sent youth to other Arab countries for education; great efforts were made to support Arabic study in mosques and schools; the ulama opposed violence and stayed away from activities that were risky of arrest; they were usually of upper-class of the society who

were detached from the ordinary people and disliked Sufism; political activities were performed in religious schools rather than in mosques; the ulama kept away from xenophobia and demagoguery in order to advance justice; and they did not specify the struggle against French as the main part of their agenda. (26)

As it is evident from the above-mentioned points, the preceding years before the armed struggle against the French were devoted to strengthening the awareness among the general public in order to prepare them to better resist and later fight the occupiers. In this context, the effort to promote education ranked high on the agenda of the Islamic leaders.

10.3.1 Roots of the Islamist Movement

Throughout the French occupation, the resistance movements were inspired by Islam. In fact, besides carrying out their struggle in the name of Algeria, these movements resorted to Islam in order to achieve a source of identity and a motive for freedom from the yoke of colonialism. During the World War I, some Algerian youths declined to join the French Army and left the country to attend some Middle Eastern universities. Later, these students returned home and established the Association of Algerian Ulama that led the Islamist movement. (27)

During late 60's and early 70's, organizations whose ideas and slogans reflected the influence of Islamic modernism of scholars such as Afghani, Abduh and Iqbal came to the scene. In contrast to traditional ulama who were against Western culture, the supporters of these organizations spoke French and had good knowledge of modern science. This allowed them to better challenge the West and its supporters. (28) One of these organizations with the name of Al-Qiyam Al-Islamiyya (Islamic Values) was created in 1963. After this organization sent a letter to the Egyptian president Nasser and opposed the execution of the well-known Islamic scholar Sayyid Qutb in 1966, the Algerian government banned that organization. (29) Outlawing Al-Qiyam did not silence its members who continued their activities in other forms. In the late 70's and 80's, a shift transpired within the Islamic movement from a focus on ritual issues such as how to pray and fast to general issues of Islamic political and social order such as how to handle the economy and other aspects of life. (30)

Activities of Islamists including their open criticism of socialism which they considered as anti-Islam drew harsh reaction from the government, but to no avail. Consequently, the government submitted to certain demands of the Islamists such as demolishing vineyards and designating Arabic as the language of instruction. The

latter policy became essential in the development of Islamist movement. Furthermore, in the early 60's when the socio-economic policies of the government proved ineffective, the Islamists took advantage of the situation and tried to gather support for their cause. However, they were unable to garner people's support to remove the government through their strategy of re-Islamization to create an Islamic state; thus they opted for attacking the government directly hoping that the people would support them. Even some Islamists decided to initiate an armed struggle against the regime. In 1983, the Armed Islamic Movement (MIA) came to existence as the first armed Islamic group (31)

Despite the fact that Islamism in Algeria is a home-grown phenomenon, foreigners have also influenced it. Mohamed Gharib identifies three categories to depict foreign influence on Algerian Islamism. The first type relates to intellectualism where the Muslim Brotherhood of Egypt and Syria influenced Algerian Islamists particularly Algerian students who studied in these countries. The second category relates to ideological influence of Saudi indoctrination which was the main ingredient of Saudi policy to be the leader of the Muslim world. It is interesting to note that while this Saudi policy was applied to all North African countries, Algeria has been the most affected one among these countries. The third category is methodic influence. Many Algerians who participated in the Afghan war were influenced by the narrow reading of the concept of jihad and caliphate in accordance with the Islamic system of governance. These Algerians represented the most hard-liners of the radicals. (32)

The Algerian Islamic movement is comprised of different groups and individuals with different programs and tendencies. Mohamed Gharib breaks down this movement into three levels. The first category is composed of religio-political movements of Islamic welfare and religious groups that oppose the state domination over Islamic discourse while supporting re-Islamization of society through education, welfare, and Islamic morality. The second category is composed of politico-religious movements of political parties which are in favor of participation in elections and by and large support a peaceful transfer of power. The third category is composed of militant groups which seek the urgent transfer of power through revolt. Despite public perception in the West which considers the third category as the most popular one, it is the second category that dominates opposition in Algeria. (33)

However, Graham Fuller explains the Islamists' characteristics as follows: Their origins are from lower middle class; their knowledge of the Koran and Islamic theology is poor compared to that of reformist clergies; they accuse traditional clergies of collaborating with the regime; they are much younger than older religious reformers; they are devoted to political activities and are not shy from resorting to violence; their hostility towards secularism is vivid and Marxism is their most adversarial ideology; they are interested to be in direct contact with the people than being in intellectual circles; they are eager to generate greatest political impact on the people rather than increasing their level of education; and being aware that all power stem from the state, they define their goal as coming to power and controlling the state. (34)

10.3.2 FLN and Islam

The Front de Liberation Nationale (FLN) has been the most famous party in contemporary Algeria. Before 1962, FLN was so popular as if everyone in Algeria was a FLN member. During the war of independence, FLN mobilized the people to resist French occupation and after the victory, with the support of the military, dominated Algerian politics for nearly three decades. (35)

FLN has had a dichotomous attitude towards Islam. Before the independence, Islam was used to mobilize the people and legitimize the liberation movement. FLN leaders, including those who were not very religious, cherished Islam not only as a religion of the overwhelming majority of Algerians, but as a useful instrument to garner support for the fight against occupiers. After 1962, while supporting Islam as the religion of the state, FLN's approach towards Islam and Muslims became different. What was essential for the new regime was to remain in power and retain its authority at any cost. Therefore, Islam was tolerated to a degree that was not detrimental to the regime's survival.

The government policy of containing opposition, Islamists and seculars alike, in addition to its centralized economic and political systems which alienated many Algerians as well as the continuing weakening of 'a moral vision' for the country within the community of political elites brought about a crisis of national culture. (36)

Throughout 60's, 70's and 80's, FLN was very active in Algerian politics even though, at times, it had to accommodate the military which took direct control of the government in 1965. During these years, attempts to turn FLN into a mass organization that could mobilize support for the regime failed and it developed into

the organization of civilian elites. This led to discontentment among the general public which at the end resulted in 1988 chaos. (37) Even some scholars believe that the protracted FLN rule had a big role in the emergence of the Islamic movement in Algeria. (38)

10.3.3 State Islam

The power of FLN was not limited to political activities. In order to enhance its legitimacy, FLN resorted to religion and monopolized Islamic discourse. A ministry of religious affairs was created to oversee and control all religious activities. All Islamic activities outside the framework set by the state was forbidden and instead Islamic scholars were given the status of civil servants to perform the official religious activities.

Gharib identifies three challenges the state Islam faced in Algeria: First, a challenge from former radical elements of the Association of Islamic Scholars or the military. Socialist policies of the government were opposed by these individuals and consequently the regime had to change some of its socialist programs and embrace more Islamic ideas in order to give more legitimacy to its policies and programs; Second, a challenge from certain associations such as AL-Qiyam which called for more respect for Islamic values and ethics while opposing the regime's ideological tendencies. Although the main focus of the work of this association is related to social, educational and moral issues, it was banned by the government; Third, a challenge from independent Islamic scholars and preachers who did not accept to be part of state Islam. (39)

10.3.4 1988 Riots

Two decades after the war of independence, the Algerian political, social and economic situation was in trouble. People's hope in FLN and its socialist policies began to disappear. FLN's long rule and its repressive practices made in collaboration with the military coupled with failed socio-economic policies, gave more than enough ammunition to the people to turn to Islamic and liberal ideas to solve their problems.

Before 1988, the regime faced no serious threat. The Berber movement in the Kabylia region was repressed, and the leftist as well as the Islamic movements did not present a real challenge to the regime. (40) Under these circumstances, what were the reasons behind the 1988 riots that shook the entire system of Algeria? There are different schools of thoughts that explain why the riots took place. Some scholars believe that the main reason was the failure of morality and social justice in the

society. They refer to a horrible economic situation in which the oil money was being spent to attain stability while the end result was the creation of an ineffective and unproductive system. The worsening socio-economic crisis of the late 80's seriously questioned the legitimacy of the regime. The problems became so severe that no magic formula could be applied to rescue the country. Massive unemployment, immense housing shortages and high inflation were clear signs that the state was failing. (41)

The other school of thought refers to the denial of Algerian Muslims the access to political institutions and application of repressive policies against them by the government. In other words, violent reaction of the Algerians in 1988 was not in response to economic deprivation, severe impoverishment or failed modernization. Rather, government repressive measures had brought about people's strong reaction. (42)

Another view refers to attempts by Islamists to regain an Islamic authenticity that was lost during the fight against occupiers. The factor that is said to have influenced the riots is conspiracy. Traditionally, the conspiracy theory has been very popular in the Middle East. One possibility is a conspiracy of military elites, who had been marginalized, to set the stage for turmoil. (43)

Having considered the above-mentioned factors, one can envisage a combination of those factors to depict a true picture of what happened in 1988. The deteriorating economic, political and cultural situations in addition to the application of repressive measures by the government forced the people to come to the streets to demand change. Of course, efforts by Islamists to reassert their cause and mobilize the people against the regime and ruling of FLN for a long period of time with monopoly on power in all aspects of life cannot be discarded.

During 1986 and 1987 several hundred Islamists were arrested while students continued their strikes. In September 1988, labor unrest included the industrial areas around Algiers and in October 1988, massive street protests and food riots occurred across the country. The riots started in Algiers and spread to other big cities. Two days after the beginning of riots and for the first time after the victory of the independence, a state of emergency was announced and military took control of all civilian authorities. The members of the Islamic Salvation Front (FIS) were among the leaders of the protests. Since FIS was believed to be behind the popular revolt, the

government responded swiftly as if it was crushing a coup and took no time to brutally suppress the protestors resulting in the death of around 500 civilians. (44)

When the situation got out of hand and protests gained new dimensions, the government continued its suppression of the people, but for the first time the president invited some Islamic leaders for a meeting. In essence, he recognized the fact that the Islamists were the major opposition forces and he had to acknowledge this fact. After the meeting, he addressed the nation in which he promised to introduce necessary political reforms.

The main thrust of the president's message was the decision to democratize the political institutions of Algeria. The day after the speech the protests stopped and a day later the state of emergency lifted. The way the riots ended was not satisfactory to both the military and the Islamists. The military establishment believed that the president made the concessions not at an opportune time because the riots were beginning to die down anyway. The Islamists, on the other hand, felt that they did not achieve much as far as Islamization of the state was concerned. (45)

The 1988 turmoil is considered to be the beginning of a new Islamic movement in Algeria the consequences of which have, till now, affected the overall stability of the country.

10.3.5 1989 Reforms

In November 1988, president Bendjedid acted on his promise to initiate reforms. He first put his own presidency to vote and was re-elected with over 80 percent of people's approval. Another important step was the referendum that was held to amend the constitution. In February 1989, 73 percent of the people voted in favor of the amendment, thus opening the way for the creation of political pluralism in Algeria because it allowed the formation of political parties. (46) Another important development was that the constitution omitted any reference to socialism. (47) While socialism was an essential element of post-independence Algeria, its omission signaled a concession from the regime to the Islamists who considered socialism as contradictory to Islam.

Within FLN, there were three tendencies concerning reforms. First, the old guards who constantly opposed reforms believing that any concession to the opposition would make them more demanding that will eventually lead to disruption of order. Second, the reformers who were in favor of reforms in the economic sector and openness in politics. They also believed that in order to be more appealing, the

party had to rejuvenate its spirit. Third, the religious figures who were uneasy with the secular policies of the party and with its corruption, hence closer to FIS. (48) At last, Bendjedid rejected the old guards' demands for keeping the status quo and initiated some reforms.

The reforms also included loosening up of censorship of the written press while keeping the state television under government's control. Furthermore, from the time of the approval of the new constitution to the time of June 1990 elections, 14 new political parties were registered. (49)

10.3.6 FIS

Political parties took advantage of the new political environment and created numerous parties with diverse tendencies. Among these parties, the Islamic Salvation Front (FIS) wasted no time in presenting its Islamic ideas and programs. Even five days before the approval of the new constitution, two main leaders of the party announced the formation of FIS. The Islamic party received immediate support from the general public who perceived the new political situation in the country as a result of Islamists' insistence and perseverance for change. (50)

Under pressure from the president, the parliament approved the legal status of FIS despite the fact that the strict reading of the constitution would have accepted only those political parties which were not formed on an 'exclusively religious basis'. Therefore, FIS was accepted on the basis of the argument that it was not an exclusively religious party. (51)

Fuller argues that besides the failures of FLN particularly its economic policies, the following factors have helped FIS to gain success: large numbers of high school and university graduates felt marginalized because they could not find appropriate work commensurate with their status; mass transition to urbanization created many social and economic problems. The Islamists proved that they could handle the urbanization problems in economic, social, cultural, psychological, and value terms; FIS capitalized more than other parties in the inequities of the world. The unequal distribution of power and wealth was effectively used by FIS; and since most Algerians did not accept moral critique of their society outside of the Islamic perspective, FIS was best suited to provide a moral critique of the society and government in accordance with Islam. (52)

From the beginning, FIS's efforts were focused on bringing, under its umbrella, mosques and Islamic and charity organizations for the purpose of using

them as focal points for its representation in different regions. FIS's strategy was twofold: conciliation and aggressiveness to satisfy both the elites and the general population. On the one hand, corruption, favoritism, discrimination and un-Islamic practices of the regime were attacked. On the other hand, FIS centered its activities on social welfare programs in order to oblige the government to accept Islamic ideas for the welfare of the population. (53)

FIS had both strengths and weaknesses. While it attracted different orientations and tendencies, it did not have a unified leadership and vision on important issues. Its two most well-known leaders, Madani and Belhadj, did not see eye to eye on all issues relevant to the needs of the Algerian society. Both openly criticized the overall system of governance and stressed on the importance of reforming the system on the basis of Islamic tenets. However, while Madani's image seemed rational and reasonable and his tone moderate, explicitly calling for pluralism and holding of elections based on democratic principles, Belhadj's rhetoric was more confrontational as he called for prompt application of sharia. (54)

While both Madani and Belhadj influenced FIS's ideology, Madani was FIS's most important leader and principal ideologue as his vision greatly influenced the party's general direction. He was critical of both capitalism and communism believing that contrary to Western democracy which is more pragmatic and less just, an Islamic democracy can bring about justice, freedom and equality. Madani was of the opinion that individual freedom and social freedom compliment each other. He maintained that while individuals are free to vote and run for office, sharia is the foundation of social justice and liberty, balancing the rights and obligations of the individual with those of the society. (55)

Madani considered secularism as one of the most important reasons for Muslim backwardness and inability to deal with different problems facing the Muslim world. For him, colonialists first imposed secularism on Muslims and then the state and the Western educated elites followed suit and, utilizing available means such as the media, initiated an ideological war on Islam. The main aim in this conflict was to change the Islamic identity and moral values. (56)

On democracy, FIS's position was not unequivocal. While Madani and other like-minded leaders defended the democratic process, elections and respect for the will of the people, Belhadj and others who had similar views considered democracy as another instrument in the hands of the West. They rejected democracy while equating

it with secularism and darkness. Belhadj once said: "When we are in power, there will be no more elections because God will be ruling." (57) Furthermore, the application of double standards in defense of democracy by the West was ridiculed by some Islamists who argued that the West was willing to tolerate undemocratic and authoritarian regimes, like some Middle Eastern monarchies, because of oil and arms sale. (58)

10.3.7 1990 Municipal and Regional Elections

The first multiparty elections took place in June 1990 when municipal and regional candidates ran for office. 65 percent of the electorate voted and while FLN did a poor job by winning only 32 percent of the municipal and 29 percent of the regional elections, FIS surprised all observers by winning 55 percent of the municipal and 32 percent of regional elections. FIS also was at the top in Algiers and all other major cities. (59)

The Islamists considered this victory resulting from the battle between Islam and the West or to put it bluntly between Muslims and non-believers. They claimed that by giving high votes to FIS, the people rejected Westernization and secularism. The FIS victory signaled a new era for Islam and Islamists in Algeria. The people's attachment to Islam and their resentment against continuous FLN's rule, in which principles of Islam were not upheld, gave enough ammunition to the people to turn out and express themselves loudly. However, one cannot disregard the fact that FLN's failed system of governance where economy was in ruin while unemployment and corruption were widespread contributed to dissatisfaction of the general public.

Esposito and Voll argue that FIS was mindful of people's material and moral needs, and therefore took the following steps: Western oriented developmental policy of the regime was severely criticized; Algeria's Arab and Islamic identity was reaffirmed; people's political participation and economic reform were supported; social services such as in the area of medical care, housing and jobs were well provided; political and moral corruption was condemned; just distribution of wealth was undertaken; and family values were stressed. (60) FIS was successful in creating a positive image of itself showing that it was working for the people despite the fact that the standard of living did not change much.

10.3.8 1992 Coup

The government's response to the elections was swift. In order to show that FIS was incapable of providing services, funds to municipalities were cut off.

Interestingly enough, FIS did not attempt to change the society dramatically, as charged by their opponents. Local councils, rather, focused on local governance, though they imposed Islamic rules such as closing bars in few places. (61)

Moreover, voter districts were redrawn by the government to limit the FIS's success in the rescheduled June 1991 elections. In May 1991, FIS responded by calling for a general strike all across the country. Being aware of FIS's popularity and the consequences of a nationwide strike, a state of siege was declared and the military was asked by the president to intervene. As a result, the government arrested Madani and Belhadj and around 5000 of their supporters on June 30 and postponed the elections. A military court charged Madani and Belhadj with conspiracy against the state and sentenced them to twelve years in prison. (62)

The first multiparty parliamentary elections were held on 26 December 1991. The changes in voter districts and suppression of opponents including continued imprisonment of FIS leaders did not help FLN. In the first round of elections, out of 231 seats, FIS won 188 seats while FLN received only 16 seats. The remaining 430 seats were supposed to be determined in January 1992 runoff elections. (63)

Having no longer confidence in Bendjedid government's ability to calm the situation, especially when the president rejected the military's call to ban FIS and instead decided to postpone the elections, the military took the matters into its hands and on 12 January 1992 stationed armored vehicles in major cities.

This was a de facto coup against FIS which received the votes of the majority of Algerians both in regional and national elections and seemed to have another victory in the runoff elections. The military also sacked the president and by the end of January dissolved the parliament. Furthermore, a state of emergency was declared, the results of December elections were invalidated, the second round of parliamentary elections was cancelled and all elections were postponed for an indefinite period. Several newspapers were closed down while journalists who were critical of the regime were arrested. In March, FIS was formally banned and around 10,000 of its supporters were kept in concentration camps set up in the Saharan desert. (64)

The main reasons mentioned by the military for staging the coup were two fold. First, the military was wary of Islamists' agenda and the idea that a FIS victory would abolish democracy and bring about an Islamic dictatorship. (65) Second, in order to continue the government's economic liberalization strategy, the military

considered it a duty to intervene because the Islamists would have done everything to make the economic strategy to fail. (66)

Two other reasons are mentioned as to why the regime changed its position from following on the democratization trend to staging the coup. First, the regime miscalculated the result of the elections. It did not expect FIS to receive the majority of votes. If FIS's victory had been expected, continuation of suppression rather than going ahead with elections would have been the order of the day. The regime anticipated that FLN rule would not have been challenged and through holding elections the regime would have gained legitimacy. Second, power dynamics within the ruling elite was shifting and there was no ideological agreement on multiparty democracy and how to deal with the Islamists. When the military came to this conclusion that Bendjedid's government was not able to serve the interests of FLN and the military, the generals came to the scene and controlled the situation. (67)

After the resignation of the president and the dissolution of the parliament, the Supreme Court handed over all executive and legislative powers to a consultative organ dealing with security matters called the High Security Council (HCS). It was the military which made all important decisions since three senior officers of the armed forces as the Interior Minister, the Defense Minister and the Chief of Staff were members of HCS. Later, HCS transferred the presidential powers to a new institution called the State High Committee (HCE), however, the main political parties namely, FIS, FLN and FFS condemned HCE and called its creation unconstitutional. (68)

The cancellation of elections was supported by the ruling secular elites while secular opposition forces criticized the military's involvement in politics calling it a coup. Outside Algeria, International human rights organizations censured the regime for escalating human rights abuses.

Gharib believes that the coup had three consequences for Algeria: First, it gave a free reign to radicals, contained within FIS up till then, to push for general revolt against the regime; Second, it forced FIS to go underground with one internal clandestine leadership and one external leadership; Third, it placed the country in a civil war situation which had resulted in killing of tens of thousands of Algerians and foreigners. (69) At any rate, the coup damaged the hope of reconciliation between all political forces within Algeria and was a reversal of a democratic trend in Algeria started in 1989.

10.3.9 Armed Struggle

The first armed Islamic insurgency started in 1983 and was suppressed in 1987. However, the serious guerilla warfare the consequences of which have continued to date occurred after the coup. Following non-materialization of government's promise of political liberalization and continued arrests and suppression of the opposition, FIS changed its position from being a lawful opposition to a militant revolutionary movement. Before the coup, some segments within FIS called for an end to the electoral process. Even before his arrest, Belhadj asked his supporters to store weapons. (70)

Islamic elements, particularly the young Islamic activists, came to this conclusion that they were left with no other option than to resort to violence in response to what they called government's action in stealing their democracy. Under these circumstances, FIS split into two camps. The first camp consisted of those who were moderates calling for a dialogue and negotiation. Some imprisoned FIS leaders like Madani were among this camp. The second camp consisted of more militant elements bent on fighting the regime with all means. They included former FIS members and the Algerians who fought in Afghanistan during the Soviet occupation. They labeled the government as anti-Islamic and corrupt which should be replaced by an Islamic state. (71)

The militant wasted no time to mobilize their resources against the regime. Several Islamic militia groups were established, the first of which was the Armed Islamic Movement (MIA). In a letter from the prison, Belhadj supported the activities of MIA, thus giving it the needed legitimacy. In March 1993, another violent Islamic group called Armed Islamic Group (GIA) was formed and organized attacks against supporters of the regime. (72)

As the militants intensified their violence, the regime responded with more vigor and as a result, the situation worsened and became tantamount to a civil war. Besides government security forces, public officials and other collaborators, the targets included foreigners and secular intellectuals and journalists. Even unveiled women and schoolgirls were not safe from the violence. While the beard and the headscarf were seen by the government as symbols of violent Islamism, the militants considered unveiled women and secular intellectuals as symbols of state terrorism. By late 1993 and early 1994, the militants were in control of remote areas capable of attacking the government directly. (73)

Esposito and Voll argue that attack on civilians was the result of a cultural and class conflict. While unemployed Arabophone Islamists' agenda was seen to be a serious threat to the lifestyle and authority of Westernized, Francophone, educated elite, the military coup against FIS was perceived by the Islamists as an attempt at protecting the interests of secular elites within Algeria. The conflict between Islamists and the regime became a battle ground between Islam and secularism as well as Islamization and Westernization. (74)

In July 1994, the Islamic Salvation Army (AIS) was established and introduced itself as the official armed wing of the FIS and a counterbalance to the domination of GIA. (75) That was good news for the regime which wanted to weaken GIA as the most violent guerilla group.

10.3.10 Algerian Military

Years of armed resistance against the occupiers enabled the freedom fighters to form a robust popular army which became, later, the nucleus of the Algerian military. Since the beginning of the new independent government, the military has been deeply involved in political and economic affairs of Algeria. From the first day, the military defined a duty for itself to protect the new republic against any deviation, both from within the country and obviously from outside interference. In essence, high officials of the military felt that they were the ones who fought hard against the French, and following the victory they could not just go back to the barracks.

It is in this context that after independence, FLN as the ruling party made an alliance with the military. However, it took only about three years when in 1965 the military staged a coup, ousted President Ben Bella, established a new revolutionary Council headed by Colonel Houari Boumedienne and kept the government's power in its hands. The Boumedienne government was extremely bureaucratic; however, a circle of senior army officers around the president essentially took important decisions. After Boumedienne's death in 1978, the military leadership again intervened and chose his successor before being endorsed by FLN and elected by the people. (76)

The military's involvement in politics continued throughout the 80's. As the economic crisis became out of hand and social conditions worsened, not only people became more vocal about government's economic and social failure, but open criticism about the political power of the military was also prevalent. The 1988 riots and the subsequent suppression of violence forced the adoption of major political

changes which led to the approval of 1989 constitution defining a different role for the military to just safeguard the sovereignty of the country and the national unity. These changes led to the withdrawal by the military from all political functions. (77)

However, FIS's victory in regional and general parliamentary elections of 1990 and 1991 gave rise to the military's return to politics leading to years of violence and killings. Although in the 1992 coup the older military officials were not at the forefront of crushing the opposition, they were accused of being disloyal to anti-colonial movement in which they actively participated. In fact, the young army officers who did not have any historical memory of the independence movement and its ideological background started the confrontation. (78)

The military's strategy towards FIS was to destroy rather than to control it. The objective was total annihilation of the Islamists and prevention of the establishment of an Islamic state. Following the banning of FIS and harsh treatment of its members, the two other major legal Islamist parties refrained from using the term 'Islamic state' in their oratory. (79)

William B. Quandt explains why it has been extremely difficult to take power from the military. First, the military has in no way been divided into warring factions. Second, the threat of domestic turmoil has been used by the military as a rationalization for its rule. Third, the military provided oil wealth to those who collaborated with it. In short, Algerian nationalism provided the ground for the military, as a fairly unified organization, to come to power in the name of acting on behalf of the people. Moreover, oil money provided to soldiers gave the regime the necessary backing it needed. (80)

10.3.11 Two-Track Policy

During the crisis in the 90's, the civilian as well as the military elite adopted a two-track policy. First, they embarked on a heavy-handed policy aimed at total annihilation of the armed Islamist campaign. Second, bearing in mind the flaws of the liberalization policy of late 80's and early 90's, they initiated a measured liberalization policy in which they determined who should be included in this policy and who should not. (81)

In 1994, the regime indicated its willingness to start a dialog with FIS as two influential FIS leaders were released from the prison and Madani and Belhadj were transferred from prison to a house. The highly publicized negotiations between the government and FIS started but no agreement was reached. In March 1995, President

Zeroual issued an amnesty for those individuals who surrendered. In December 1995, the presidential election took place despite the boycott from FIS. Zeroual was re-elected as FIS and other opposition parties claimed of irregularities in the election. (82)

The new government could not honor its promises to lower the level of violence and invigorate the economy. With the adoption of a new constitution, in November 1996, in which the powers of the president were increased, the parliamentary elections took place in June 1997 and the RND party which was formed by the president a few months earlier won over 40 percent of the seats. Again, the issue of election rigging was raised even by foreign journalists. After negotiations between the two sides resulting in freeing from prison of some FIS leaders, a unilateral ceasefire was declared by AIS in November 1997 without referring to a political settlement. In September 1998, Zeroual announced that he was leaving office and called for an early presidential election in 1999. (83) The level of violence sharply decreased with the 1997 truce.

10.3.12 All-Powerful President

The first constitution was approved in 1976. The aim was to provide legitimacy for the policies of Boumedienne regime. It strengthened the president's powers as it made him well independent of all sources of power within the state. (84)

Article 77 of the constitution gives the president many prerogatives including appointing and dismissing the prime minister; appointing 42 governors and magistrates; commanding the armed forces; and calling for early legislative elections and being able to declare a state of emergency. (85)

The 1996 constitution further increased the president's powers. For instance, Article 101 states that one-third of the members of the Council of the Nation (Senate) are designated by the president. Furthermore, any legislation voted by the parliament needs also to be approved by three-quarters of the senators before becoming a law. In fact, the president, through his nominees, has a veto power over any law approved by the lower house. (86)

In accordance with Article 84 and Article 129 of the constitution, the president can dissolve the parliament if the motion of confidence for the government is not voted by the parliament. Moreover, Article 96 states that during the period of war, the constitution is suspended while the president assumes all the powers.

While the independence of judiciary is protected by the constitution, the president is the head of the High Council of Magistracy; therefore, he has great influence over the judiciary. (87)

Bearing in mind the above-mentioned facts, one can conclude that the rise of Islamism in Algeria, its victory in municipal and parliamentary elections and the subsequent violence in the country, reminded the ruling elites that the application of iron-fist policy of the military against the Islamists was not enough and the constitution should have been modified in such a way to give enough authority to the president to take legal measures against any source of insecurity the regime faced.

10.3.13 Bouteflika Presidency

Before the 1999 presidential election, the military pointed out that it would not propose any candidate for the president. Some opposition figures took this position and similar signals from the government as guarantees that they could run for president. Among the seven qualified candidates, Abdelaziz Bouteflika, an ex-Foreign Minister and former high-ranking FLN member, seemed to be the favorite and unofficial candidate of the regime. (88)

On the eve of the election, the independent media reported irregularities in the polling stations opened earlier for the security forces. As a result, all the candidates except Bouteflika withdrew their candidatures. On 15 April 1999, the elections took place and Bouteflika won. It was reported by independent media that the turnout was as low as 20 percent although the state television reported it as 60 percent. (89)

Bouteflika was aware that without the support of the military he could not have won the election. However, he wanted to work with those Islamists who had no ill-intentions while not alienating the military. That was why he capitalized on a communiqué signed by the military commander of AIS, Mezrag, in which he expressed his willingness to formalize the truce declared by AIS in October 1997. After AIS expressed readiness to reject definitely all military activities, Bouteflika's government started working on a plan to engage the Islamist opposition. After the issuance of declarations regarding the release of Madani and Belhadj, the president proposed to hold a referendum on the 'law on civil discord', the agreement with the guerrillas, within three months. The referendum was held on 16 September 1999 in which the law was approved with 98.6 per cent approval. (90)

Under the accord, AIS members submitted their arms and subsequently the level of violence diminished. But even today, the armed struggle against the

government is performed by the Islamist organizations such as GIA and the Salafist Group for Preaching and Combat (GSPC). (91)

Bouteflika was re-elected in 2004. Bouteflika's era has been marked by reconciliation and lessening of political violence in Algeria. He has gained recognition at home and at the international level for his stewardship in dealing with the issues of Islamism and extremism in Algeria, although violence still inflicts damages on the entire society even with less frequency. His cordial relationship with the generals has helped him to continue his conciliatory policy without antagonizing them.

10.4 Human Rights

The issue of human rights in Algeria has attracted attention worldwide. During the French occupation, human rights violations of Algerians at the hands of the occupiers were widespread. Mistreatment of indigenous population, including the use of torture, were reported and documented. Soon after the defeat of the French, the public expectation for more freedom, usually accompanied with the victory against colonialism, was dashed. With the consolidation of power by FLN and more involvement of the military in politics as exemplified in the ousting of the first president of the republic in 1965, the regime began to harshly treat any form of opposition to its rule.

After the independence, respect for human rights and freedom of the population was not a prominent issue for the ruling elite. What the regime was interested in was to solidify its grip on power and silence any serious threat to its authority in spite of the fact that in accordance with the constitution, the fundamental human and citizen's rights and liberties were guaranteed.

Although the constitution calls Algeria the land of Islam and stipulates that Islam is the religion of the state and that practices contrary to the Islamic ethics are prohibited, the regime has on numerous occasions shown no leniency towards even those Islamists who did not take arms to fight it. In this context, the most important case was the FIS victory in late 80's and early 90's elections when the regime responded with annulment of the results of the elections and crushing the opposition with the use of force. It is interesting to note that the military's actions against the

Islamists and the subsequent violation of human rights of Algerians were conducted under the pretext of protecting human rights and democracy because, as far as the military was concerned, if the Islamists were allowed to come to power, they would have acted against democracy and human rights. (92)

10.4.1 Freedom of Expression

The constitution guarantees the freedom of expression for all citizens. However, in practice, journalists have been harassed, imprisoned and tortured. Freedom of speech has been further restricted since the penal code was amended in 2001. In accordance with the new code, sanctions ranging from suspension of duties to heavy fines can be imposed on journalists and newspapers. Journalists can receive two-year prison term for defamation of the state officials. They can be put on trial for offending the president, Islam and other religions. Despite the application of sanctions against journalists and newspapers, they have been criticizing the government. (93)

The official Algerian press agency and several Arabic and French newspapers belong to the government. The state owns and controls the broadcast media. They usually portray the government's views. During the presidential campaign in 2003, opposition candidates were not given access to the media. (94)

Public perception of the government actions in this context is interesting. According to a survey done by the Freedom Survey in 2003, about 85 percent of the respondents in Algeria said that there was a lack of freedom of expression in the country and only about 13 percent said that there was government accountability in Algeria. (95) The extent of people's confidence in the Algerian television is about 23 percent while this figure is about 35 percent for the press in Algeria. (96)

10.4.2 Freedom of Association

Freedom of assembly and association is guaranteed in the constitution. Although the constitution clearly states that political parties cannot be established on religious basis, the government recognized FIS as a political party despite its close association with Islamists. After 1992 coup, the regime has taken a very rigid line against any political party with slightest tendency towards Islamists. Moreover, the current state of emergency limits the freedom of assembly and association. License for some political parties have been denied because they were suspected of affiliations with Islam. A number of NGOs have also been denied to be registered on 'security grounds'. (97)

It is not surprising, however, that according to the World Values Survey the extent of confidence in political parties among the Algerians is only close to 9 percent. (98)

10.4.3 Freedom of Religion

Because of past bitter experiences with the Islamists and the current Islamist guerilla activities, the government closely controls mosques and must approve all preachers. Christians and Jews are allowed to practice their religions in their houses of worship; however, they are not allowed to do so in public because it is not permitted to have public assembly for practicing any religion than Islam. Conversion from Islam to other religions is not prohibited although Algerian tradition bars such conversion. (99)

The government has not done a poor job when it comes to people's confidence in the way it has treated places of worship. According to the World Values Survey, this extent of confidence is about 43 percent. (100)

10.4.4 Torture

The use of torture to extract confession, mainly from Islamic rebel groups, is common in Algeria despite the fact that in October 2004, the government criminalized it for the first time in the new penal code legislation. (101) Instances of torture against terrorism-related suspects such as beating, using electric shocks, suspending from the ceiling and forcing detainees to drink dirty water, urine or chemicals have been continuously reported. The Department for Information and Security keeps these suspects in secret locations for up to several months in contravention of the law. (102)

The United Nations Rapporteur for Torture has also received reports on the occurrence of ill-treatment during interrogations. In September 2004, 2269 gendarmes and 211 police were charged with misusing of authority and arbitrary arrests and subsequently dismissed. (103)

10.4.5 Enforced Disappearances

The fate of thousands of individuals who disappeared in the 90's is still unknown. Although in November 2002, a government appointed commission put the blame on the security forces and their collaborators for the disappearances of 7000 to 12000 individuals, no serious steps were taken to name those responsible for such actions. (104)

The 2006 amnesty law stipulates that the state has no responsibility for the disappearances and claims that the state had already punished those state agents

responsible for such disappearances. It pledges, however, compensations for the families of the disappeared. (105)

10.4.6 Berbers

The Berber ethnic minority has long lived in Algeria predating the Arab presence in the country. The Berbers resisted the Arab conquest at the beginning, but finally ended the resistance and converted to Islam in the 6th century. They mostly live in Kabylia region in Northeast coast and make up to 20 to 25 percent of the population and are recognized by their language which is totally different from Arabic. (106)

After independence, the government's attempts to put more emphasis on Arabic language and Arabize the Berbers and marginalize their culture and language were resisted by the Berbers. Since then, the Berbers while expressing their commitment to Islam have resisted Arabization under all governments. To name a few, one can refer to 1963 Kabylia insurrection, 1980 Berber spring, 1996 Berber widespread strike and 2001 Kabylia sustained protest movement. They have staged demonstrations and strikes in the Kabylia region resulting in clashes with security forces. Despite the fact that the government has provided concessions to the Berbers, they complain about insufficient developmental plans in their region, the imprisonment of some Berber leaders and lack of full recognition of their culture and language. (107)

While being supportive of FIS against the regime and critical of the government for its exclusionary policies, the Berbers have been adamantly opposed to the Islamic fundamentalist movement because they fear that Islamization might be equated with Arabization, thus threatening their culture.

10.4.7 Military and Police Reform

Despite diminishing of violence since Bouteflika came to office as president, it has not been possible for the government to regularly control police, military and security forces. After being re-elected in 2004, the president has taken some measures to enhance the accountability of the security sector. In order to reduce the influence of the military in politics, some high ranking military personnel have been reshuffled. For instance, as minister of defense, Bouteflika introduced new commanders for regions in August 2004. However, important military decisions are made by some retired and current officers. (108)

The president has also initiated a program to modernize the police. Besides introducing rigorous measures when police is recruited, the government claims that 300 to 400 police officers are expelled annually for police code violations. (109)

10.4.8 Penal Reform

In accordance with the constitution, the president assigns, promotes and transfers judges. Therefore, the judiciary cannot be considered as independent of the government. Moreover, numerous instances of abuse of power by judges have been reported. Since 2004, Bouteflika has undertaken the process of judicial reform including the revision of the penal code and penal procedures and prison reform. (110) However, criticism against the code has also been raised since it allows prosecution on the grounds of any slander or insult of judges, military officers and government employees.

10.4.9 Amnesty

Bouteflika has also been attempting to overcome the brutal legacy of the 1990's bloody conflict. He introduced a number of amnesty measures for those responsible for past actions, compensation payments for some victims, and social benefits for former members of the guerilla groups.

The 1999 Law on Civil Discord provides exemption from prosecution to members of guerilla groups who had not committed serious crimes. Another amnesty decree of 2000 exempts members of armed groups from prosecution if they voluntarily submit themselves to the government. Consequently, hundreds of guerillas have taken advantage of this amnesty measure and surrendered themselves to authorities. (111)

The 2006 Charter for Peace and Reconciliation grants exemption from prosecution to members of armed groups, state-supported militia, or the security forces for crimes during the civil war. The negative aspect of this amnesty law is that it allows the imprisonment of individuals who expose human rights violations of the security forces. (112)

10.5 Women

The treatment of Algerian women by the male-dominated society is best understood when specific characteristics of the Maghrebi culture are taken into

consideration. This culture has tremendous influences over the male-female relations in general particularly within a family.

10.5.1 Male-Dominated Culture

The attitude of the people in the Arab Maghreb countries, including Algeria, towards family in general and women in particular stems from the fact that Maghrebi culture plays an important role in the structure of kinship. There is a Maghrebi proverb which says: "Angels and men work towards unity. The devil and women works towards division." This saying speaks volumes about the general perception towards women in the Maghreb. In this kinship structure, male relatives on the father side of the family develop an entity in which they are expected to help and assist each other. In other words, in this social unit men are bound together while women are left out, even to a level that the extended kin on the woman's side of the family does not enjoy the same level of respect and attention as does the man's side. (113)

In the Maghrebi culture, cousin marriage on the father side of the family is highly valued as it is perceived to enhance the solidarity among family members. Furthermore, a woman's improper behavior is a cause of more embarrassment for her kin group's males than for her husband. It is in this context that a man sometimes feels more responsibility for their female family members than for his wife. (114)

Maghrebi culture attaches great importance to the concept of '*ird*', meaning honor or moral purity. Though this concept is not meant to apply to women only, it is female purity and humbleness which promote the prestige and strength. A man's *ird* depends on the *ird* of his family which depend on the behavior of its women. It is in this context that within a family, virginity of girls, loyalty of the wife to her husband and continence of widowed and divorced female members of the family enhances family *ird* or reputation. (115)

The kinship system is designed in a way that women are controlled more severely than men. One mechanism to facilitate such control is to apply a strict interpretation of the concept of guardianship for women. There are some kin groups which have put the overall responsibility, including the legal and moral responsibilities, of a female relative to a man. In this context, moral responsibility of a man for his female relatives relates to the issue of control over their behavior which goes beyond the behavior of daughters or sisters and includes more distant female relatives. (116)

In order to exercise such moral responsibility for women, they need to be kept away from situations which may cause a loss of ird for them and the whole family. There are different methods that can be applied here. Sex segregation in its most acute forms is a usual method which clearly illustrates the imaginary wall distancing men from women. Eating outside and having separate social activities can be given as examples in this regard. The veil in its most complete way, covering the entire body from head to toe, is another method of keeping women away from men. In this case women are protected from men outside the kin group, thus minimizing the possibility of losing family ird. (117)

It should be emphasized, however, that using veil has to do more with Maghrebi culture than with Islam. In accordance with the Islamic law, a woman is obliged to observe hijab (covering head and wearing a modest loose dress) in front of all men except close male relatives such as the husband, the father, brothers, and sons; whereas in the Maghreb countries, observing hijab is not obligatory within a kin group.

These cultural characteristics of the Maghreb countries provide a fertile ground for the cultural conservatism to grow. Therefore, it is not surprising for a country like Algeria to witness profound conservative strategies dictate the treatment of women when even the modern woman cannot escape from these strategies. (118)

10.5.2 Women and Independence Movement

During the colonial era, Algerian women along with men resisted the French occupation and participated in the independence movement. In the course of the war with the occupiers, women were active within FLN. Their range of activities included provision of assistance such as food and medical care to the combatants, helping with intelligence and communication and some of them even participated in the armed struggle.

Women's participation in the anti-colonial war was not for their own sake or for the sake of Islam. Rather, nationalism and national liberation were their main ideals that they were prepared to give their lives for. (119) Therefore, with the achievement of the victory, there was no specific Islamic-based or gender-based agenda for women.

10.5.3 Family Law

During the last years of the occupation, the French introduced some changes in the family law which was fiercely protested by FLN on the ground that these

changes were against the essence of Islam. FLN leaders considered the changes such as putting a minimum age of marriage at eighteen for a man and fifteen for a woman as attempts by the French to permeate their law into Islamic law. (120)

After the independence, the main pre-occupation of FLN leaders was to solidify their grasp on power. Satisfied with the victory over the French, women members of FLN were convinced that the party's interests were above all interests. That was why they did not give prominence to women's interests throughout the independence and post-independence period. What was central to both men and women alike was to organize socialism in the society. Women from all walks of life gave priority to nation building than to their plight. Many women responded positively to Ben Bella's call to help the National Bank of Algeria to develop its reserves by donating their gold and silver. (121)

However, since socialist policies were given prominence in the new revolutionary regime, the issue of equality was raised more often in the society. It was at this stage when the issue of women's rights and the need to reform family law were voiced more frequently. The Algerian leaders including President Ben Bella considered socialism as a solution to the liberation of women. (122)

Beginning in the 80's, certain groups of people such as working women, university professors and students began their campaign for equality of rights between men and women. The main focus of these activities was related to the family law, the revision of which was being considered by the government. Women including those who participated in the war against the French contested arduously every draft proposed by the government on the ground that it sanctioned, inter alia, issues such as polygamy. (123)

Two tendencies within the establishment concerning the family law were prominent. There were forces, within FLN, who were seeking to replace traditional family structures with the structures adapted to the modern world, and a family code in line with the needs of the modern world. On the contrary, there were conservative ulama, even within FLN, who opposed the reformers' view on the family code. (124) These conflicting tendencies blocked all attempts made in 1963, 1966, 1970, 1973, and 1981 at codifying the family law until 1984. However, not being able to pass the law, the government took some minor steps to adjust the law. (125)

In 1981, a governmental commission was formed to formulate a family code. It consisted of government figures and religious scholars and held its meetings in

closed doors. Many women feared about the conservative nature of the draft since they believed the composition of the commission and the way its proceedings were handled pointed to that direction. After the draft was leaked by a government official and it became clear that the draft was very conservative, a grassroots protest against the draft was organized by women teachers, lawyers and professors. Street demonstrations organized by women led to police intervention as a result of which some women were arrested. Finally, President Benjedid withdrew the draft family code. (126)

In 1984, a revised draft was proposed to the parliament and was adopted with almost no discussion. Women's reaction to the code was not strong and only a small group of women openly opposed it. The 1984 law was similar to the 1981 draft which was extremely conservative. It did not place marriage as a choice between two individuals; rather it put marriage within the framework of the kin group. It officially recognized polygamy as it allowed a man to marry up to four wives provided that the first, second or third wife and the new wife are informed about it. The code also stipulated that men were allowed to divorce their wives without almost any reason whereas women's right to divorce was very much limited. (127) In a nutshell, the laws of Maliki branch of Islam on issues such as divorce, polygamy, and inheritance continued to apply. The kin-based solidarities were also endorsed by the code. (128)

Mounira Charrad argues that in 1984 the government came to this conclusion that it needed to have the support of the Islamic fundamentalist forces because most of them were unemployed young men and women estranged from their social milieu. (129) That was the main reason why the government, in formulating the family code, tilted toward conservatives.

.While in the early 80's the main preoccupation of many women's associations was the family code, since 1988 they have focused on issues that they considered as elements of inequality in Algeria. Prohibition of mixed sex schools and practicing sports by girls were among many new issues the women turned their attention to. (130)

However, the women movement has not been united in its struggle to achieve equality. The October 1988 riot brought to the surface the division among women. While modernist elements of women movement called for equality and full citizenship for women, Muslim fundamentalists called for strict interpretation of sharia and its implementation. This is a reflection of a clash between two world views

of modernism versus traditionalism. This clash intensified after 1991 with the modernist women marching in favor of the military's crackdown of the Islamists and the traditionalist women supporting the Islamist opposition. (131)

10.5.4 Women's Rights

Algeria is a party to the Convention on Elimination of All Forms of Discrimination against Women. The constitution clearly states that all citizens are equal before the law and no discrimination on the basis of sex is allowed. However, in reality Algerian traditions and the family code have been at odds, on certain issues such as divorce and child custody, with the constitution and the said convention.

During the conflict, women were subjected to attacks by radical Islamists for not observing the dress code or even for going to beauty salons. Although the proportion of women in the workplace is relatively low, sexual harassment of women at workplaces is widespread. (132)

In line with his reform policies, in 1999 President Bouteflika appointed the first female provincial governor. He also included a number of female ministers in the cabinet. With these developments, women's rights groups have actively attempted to amend the family code. (133)

The 2004 Arab Development Report indicates that from 1997 to 2004 around 6.2 percent of seats in the lower house and around 19.4 percent of the seats in the upper house of the parliament were held by women. (134)

10.6 Parliament

The role of the parliament in post independence Algeria should be viewed within the context of the establishment's priorities to form an overall system of governance run by the ruling elites while being supported by the military. In other words, while Algeria is a people's democratic republic-- connoting that the parliament representing the Algerian people has a big say in the state's affairs-- the parliament has either been unable or unwilling to play its crucial role of supervising the government's actions.

The first parliamentary election took place a few months after the end of the war of independence in September 1962. Members of this assembly, elected for one year, were entrusted to write the constitution which was approved on Sep. 10, 1963.

Following 1965 coup till 1976, the activities of the national assembly were suspended as a revolutionary council became in charge of the government. On November 22, 1976 a new constitution was promulgated and a single House named National People's Assembly (NPA) with 389 members was established. Members of the National Assembly are elected for a period of five years. The parliamentary elections took place in 1977, 1982, 1987 and 1992. The results of the latter elections in which the Islamists won overwhelmingly gave enough ammunition to the military to stage a coup, hence the annulment of the elections and the suspension of the parliament.

After the escalation of the fighting between the Islamist insurgents and the security forces, the regime came to this conclusion that in order not to be surprised with a victory of Islamists or other non-establishment elements in parliamentary elections again, the constitution should be revised to give more power to the executive branch at the expense of the legislative branch.

The 1996 constitutional amendment created a second chamber called the Council of the Nation. Two-thirds of its 144 members are elected by and from among the members of local and provincial councils. The remaining one-third is appointed by the president. The mandate of the Council of the Nation is six years. All bills adopted by the lower house have to be approved by at least a three-quarters majority in the Council of the Nation. Since no bill is approved in the upper house without the approval of the president's nominees in that house, it is impossible for the members of the lower house to impose their will on the upper house unless they have the president on their side. This gives the president the leverage against possible opposition even if they control both houses. At the same time, the government needs the support of three-quarters of the members of the upper house in order to function. That is why the regime intervened in the 1997 local and provincial elections in order to have the support of the two-thirds of the members of the upper house. (135)

At the beginning of his presidency in 1999, Bouteflika made negative remarks against the upper house and even talked about a revision of the constitution to eliminate the Council of the Nation. (136) In reality, nothing happened and the Council has continued to function to the present day.

The 1996 constitution while weakening the lower house, gave the president the power to dissolve it by decree. (137) Article 84 of the constitution grants the president the power to dissolve the parliament even before accepting the resignation

of the government which has not received the vote of confidence of the National Assembly.

The years of internal fighting in Algeria and the suppression of the opposition by the regime have made the people suspicious of the political process. This attitude has been exhibited by lack of enthusiasm on the part of the people to participate in elections including in parliamentary elections. The government's direct involvements in fraudulent elections as well as its indirect involvement in the business of the upper house, as done by the appointed members of that house, have discredited the electoral process resulting in people's indifference and passivity. (138)

The World Values Survey indicates that only 15 percent of Algerians have confidence in the Algerian parliament. (139) This figure shows how difficult it is for the regime to convince the people that democracy is being respected in Algeria.

The most recent parliamentary election was the election of members of the National Assembly which was held in May 2007. The turnout was considerably low with less than 36% of the voters actually did vote. Two main parties, namely FLN which had once ruled Algeria for 25 years received 136 seats and RND, the party of president Bouteflika, received 61 seats, while the remaining seats were taken by independents and more than twenty other parties. The last elections of the Council of the Nation took place in December 2006 when FLN received 29 seats while RND received 12 seats. (140)

10.7 Conclusion

The people of Algeria have experienced turbulent years in the contemporary history of their country. The eight years of bloody war of independence in which more than one million Algerians were killed proved the resilience of Algerians who confronted French plan to change their identity and culture. The French were successful in exploiting economic resources of Algeria during long years of colonial rule, but they failed to win the hearts and minds of Algerians.

Algeria is neither a secular state, nor is it a pure Islamic state in which the Islamic law in its true sense is applied. Some observers believe that secularists who support French secularism run the country. Others challenge this reading of Algerian politics, arguing that Algerian politicians are practicing Muslims, though not

supporting the kind of Islam promoted by Islamists. However, the truth of the matter is that post-independence Algeria, particularly following 1992 coup, has witnessed more control of the religion by civilian and military leaders whose most important aim has been to keep their hold on power and to do everything possible to keep away Islamists and other opponents from coming to power.

Islam played a vital role in unifying segments of Algerian society to withstand the French occupation. The message of Islam for rejecting foreign domination, particularly the attempt to alter Algerian culture and tradition as well as to empty Islam from its true meanings, was grasped by the people, hence the expulsion of the occupiers and the establishment of an independent Algeria.

Following the independence, the attitude towards the religion changed. The new rulers, who were active as revolutionary leaders in the struggle against colonialism, while resorting to Islam to unite the people against the French felt no need anymore to treat Islam as before. Therefore, the authoritarian rule in an alliance with FLN, the government and the military subordinated the religion and the will of the people.

The opening of the system and allowing different parties to participate in municipal and parliamentary elections resulted in the victory of the Islamists who brought Islam from the side-line to the heart of politics in Algeria. (141) What the regime had in mind was to gradually open the political system with the aim of augmenting its legitimacy, but not at the expense of losing its dominance. This miscalculation led the military to intervene in order to preserve the power of the authoritarian alliance.

The main charge against the Islamists was that they were poised to 'highjack democracy' because had they come to power they would not have allowed democracy to continue. The counter-charge was raised by opponents of the government who argued that the regime was only interested in 'risk-free democracy' since it wanted democracy as long as its rule was not endangered. (142)

Esposito and Voll believe that the repression of opponents at the hands of security forces and government-sponsored groups and the use of terror against government elements and their supporters as well as foreigners have polarized and radicalized the Algerian society threatening the foundation of the civil society. As a result, the majority of the Algerians have fallen victim to this spiral of violence. (143)

Brooke Greene argues that since the conflict did not start by the Islamists, one cannot conclude that with reference to the Algerian case, Islam is not compatible with democracy. The actual undemocratic action of the regime in nullifying the results of the elections in early 90's and in staging a coup subsequently cannot be compared with possible undemocratic behavior of the Islamists had they were allowed to come to power. (144)

In Algerian politics, human rights issues are defined in terms of the regime's interests. In other words, the state's priority is to look after its interests even if it has to ignore human rights. That does not mean that the state violates basic human rights of Algerians on a daily basis. It means, however, that the regime shows no leniency towards those individuals, whatsoever; when it feels that its power is threatened. The treatment of the Islamists when they won the municipal and parliamentary elections proves this fact. Despite the introduction of different reforms as well as amnesties by President Bouteflika and the diminishing of violence in the country, Algeria has a long way to go to be considered as a country which respects human rights.

Equally important, women's situation in Algeria should be assessed within the context of Algerian tradition which gives a domineering role for men within a society. During the conflict, women were subjected to mistreatment by both government forces and the Islamist extremists. Despite reforms initiated by the current president, women continue to call for amending the family law which they believe treats men more favorably.

The Algerian parliament has not played an important role in Algerian politics. The regime has treated the parliament as an instrument to increase its power. The establishment of the Council of the Nation in 1996 was not aimed at strengthening the authority of parliamentarians to do their work more efficiently. Rather, the upper house was established in order to give the president the leverage to control any opposition which might come to power through parliamentary elections. Under these circumstances, it is highly unlikely that the two houses of the parliament will be able to perform their duties without interference of the executive branch or the military in the foreseeable future.

It is difficult to predict the future of Algeria. Islamism will not fade away from Algeria. The civilian and military ruling elites will not easily give in to their opponents. Azzedine Layachi poses two questions the answers to which will help shed light to the arguments about the establishment of a genuine democracy in

Algeria: "Will political Islam be able to thrive in a democratic Algeria? And if it is ever established, will democracy survive in a system that may one day be controlled by Islamists who would attain power via democratic means?" He argues that both are possible provided that the political system and leadership as well as the Islamist movement's ideology and leadership go through major changes. (145) This is not going to be easy or happen overnight.

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CHAPTER XI

CONCLUSION

The essence of the debate on the relationship between Islam and democracy relates to the notion of God's sovereignty versus people's sovereignty. The main point of this debate is that in democracy, the sovereignty belongs to the people while in Islam it belongs to God. While the adherents of Islam consider the sovereignty of God as the most important element in their belief system, the supporters of democracy, particularly those of liberal democracy, believe that religion, including Islam, should not be given a big role in the society so that it can take away people's sovereignty from the scene of life. In other words, they argue that religion should be separated from the affairs of state; otherwise, people's freedom might be in danger. The proponents of this argument consider the sovereignty of God and sovereignty of the people as mutually exclusive and against each other. Some of the defenders of liberal democracy hold that religion cannot embrace democracy. However, they fail to present a convincing argument as to why a Christian society can accept democracy, but it cannot be accepted in a Muslim society.

Some critics of Islamic democracy insist that secularism is the prerequisite of democracy. They fail to take into consideration the fact that secularism does not necessarily promote democracy, as demonstrated by current secular dictatorships around the world. These critics also argue that democracy was founded on a specific culture; therefore, in a democracy there is no place for other cultures. To the contrary, democracy is a flexible system which is capable of including other cultures since the foundation of democracy consists of universally accepted ideas. (1)

Whether one agrees with the idea of 'theo-democracy' coined by Voll and Esposito where Muslims are given popular sovereignty under the sovereignty of God, the fact is that the Holy Koran, particularly the Verse 'there is no compulsion in religion', the Prophet's deeds and sharia provide enough evidence to argue that Islam does give sovereignty to the people to exercise their rights which are not contradictory to the Divine laws.

Related to the notion of sovereignty of God versus the sovereignty of people is the way Islam and democracy deal with the freedom of individuals in the society. In accordance with ideas introduced by Western philosophers, democracy supports individualism. Islam, however, cannot subscribe to unlimited freedom of individuals although it supports human rights based on Islamic standards. Furthermore, in today's world, liberal democracies too, with varying degrees, consider certain limitations on total freedom of individuals. In this regard, one can refer to certain laws, such as anti-terrorism legislations, in these democracies where the freedom of individuals is curtailed even if the act of terrorism is not committed.

As far as women's rights are concerned, while democracy and Islam attach great importance to the protection of the rights of man and woman, they do not agree on the nature of these rights. Even as democracy does not differentiate between the rights of man and woman, Islam argues that man and woman do not enjoy similar and identical rights. Furthermore, Islam considers woman's role in the society, particularly within a family, as complimentary to that of man. Furthermore, rights and obligations of man and woman are different under Islam.

Islam and democracy value greatly the role of parliament in the society. Both consider law-making as essential in the work of a parliament, though not all Islamic sects agree with this proposition and consider God as the only law-maker. Islam and democracy, however, do not see eye to eye on the scope and the range of issues for law-making. For instance, while democracy sees no limitation for parliaments to discuss different issues, Islam prohibits any involvement of parliaments in issues about which there are clear-cut bans, such as drinking alcohol or same-sex marriage.

Islamic law or sharia is the basis of law-making in the Islamic shura, parliament or assembly. This means that the parliament is in a position to interpret sharia and make new laws as the ever-changing world requires. Since sharia provides the general guidelines and does not address the details of all laws, it needs to be interpreted to allow new laws to be made. In other words, sharia is flexible enough to provide Islamic judges and parliamentarians with legal leeway to interpret the law and come up with replacements of those laws which may not be suitable for application at all times, bearing in mind the overall interests of the society. In this context, one can refer to the fact that some Muslim countries have replaced harsh sentences for theft and adultery with prison terms. (2)

11.1 Theory and Empirical Evidence

The political systems of the four countries of the study are different. At one end of the spectrum is Turkey with a secular constitution. At the other end is Saudi Arabia, a conservative monarchy where fundamentalist Wahhabi ulama have a big say in the society. Malaysia and Algeria are somewhere in between with their own characteristics. The results of the findings in the case studies in light of the theoretical discussions mentioned in this thesis reveal the following points:

- Democracy believes that a society will be far from despotism if there is a separation between religion and politics. The case studies have shown that intolerance, bigotry, repression and despotism have nothing to do with Islam. The policies of the tyrant rulers in some Islamic countries should be blamed for all the misery inflicted on the people. In other words, despotism has not occurred as a result of mixing Islam and politics; rather, the misuse of power by the rulers of these countries has resulted in tyranny and suppression of the people.
- While democracy is not concerned with even the total elimination of the role of religion in the society, Islam has tremendous problems with the notion of marginalization of the role of religion in the society. The ruling elites of the four countries of the case studies for one reason or another have sought to present themselves as true supporters of Islam who can prevent any marginalization of Islam's role in their countries. It is obvious that the interpretation of Islam presented by each of these governments is different from that of the Islamists in each country. The four governments have on different occasions declared their support for Islam, but they have been cautious that these pronouncements would not embolden the Islamists to pose any threat against them.
- Notwithstanding different interpretations of Islam, no branch of Islam endorses the secularization of this religion. No matter how Islam is interpreted, it cannot be secularized because the essence of Islam is against the principles of secularism. The governments of the four countries have not supported the secularization of Islam or openly challenged sharia. Even

Turkey with its secular constitution has not vividly advocated secular laws at the expense of Islamic laws.

- The practices of the four countries with regard to Islam have been different. How this can be possible when the same culture of Islam is applied to all of them? One possible answer is that while the four countries carry the name of Islam, they do not practice the religion with the same vigor. In Turkey, secular laws apply. In Saudi Arabia, sharia is the law of the land; the same is true in Algeria, though not with the same intensity. In Malaysia, sharia is the law for Muslims only. Furthermore, Islam does not play the same role in the affairs of these countries. In accordance with the Turkish constitution, Turkey is a secular state. Saudi Arabia is a religious autocracy in which sharia is the law of the land. And Algerian and Malaysian constitutions stipulate that Islam is the religion of the state.
- Islam has played a significant role in the political developments of the four countries during the period of the study. However, the influence of Islam over these developments has differed. In Turkey, the influence of Islam has been great resulting in the formation of a JDP government with Islamic orientation which has been in power since 2002. In Algeria, the victory of the Islamists in the elections in early 1990s led to a military coup in 1992. In Malaysia, the ruling UMNO party which has been in power since 1973 has always portrayed itself as a defender of Islam, however, it has successfully neutralized the Islamic Party's attempts to establish an Islamic state in Malaysia. In Saudi Arabia, Islam has always been part and parcel of private or public life, however, the Royal Family has not been hesitant to confront the Islamic opposition which has challenged the Islamic credentials of the government.
- The legitimacy crisis has been a common problem in all these countries, though this problem in Turkey is less serious. In order to address this problem, these regimes have attempted to show that they want Islam to play more roles in the society. They have always claimed that they are attached to Islam and are eager to implement God's laws.
- Support for Islam by all four countries had one other important reason mostly related to the desire of the leadership in these countries to neutralize the opposition which has mostly resorted to Islam in their fight against these

governments. In other words, for the leaders of these countries the love for Islam has not been for the sake of the religion. Rather, Islam has been used as an instrument to strengthen the hands of the government in its fight against its critics.

- The different policies applied by the four Islamic countries point to a legitimate question as to whether Islam is more flexible in practice than in theory? The answer lies with the fact that the theory of Islam, based on the Book and practices of the Prophet, at times, has been interpreted differently. While no Muslim has ever doubted the authenticity of the Koran, one cannot have the same assessment for the hadiths (prophetic words and deeds). As a result of different interpretations of Islam, one witnesses different practices by Islamic countries. For instance, Saudi Arabia's narrow interpretation of Islam is totally different from Turkey's tolerant view towards Islam. By the same token, Algeria's view on Islam is different from that of Malaysia towards Islam. However, the fact is that references and attributions to Islam by the four countries were mainly made to maintain the status quo.
- The issues of human rights, women's rights and the role of parliament in society are defined in the context of state's interests. The approaches of the four countries with respect to these notions stem from the fact that as far as the leadership in these countries is concerned, interests of the state are above all interests and whenever there is a clash between the interests of the state and those of the citizens, the state's interests prevail. Therefore, it is not surprising that the four countries have tried to improve the role of parliament in the society and take measures to correct abuses of human rights and women's rights as long as the interests of the state, as defined by the ruling elites, are not jeopardized.
- The nature of Islam is not authoritarian. The critics of Islamic democracy have not presented a credible argument to the effect that policies associated with Islam would be undemocratic. The empirical evidence of the case studies reveals that Islam has no direct negative effect on the process of democratization. In fact, Islam is neither inherently authoritarian, nor inherently against democratic principles. The problems that the four countries faced during the period of the study had nothing to do with Islam. Islam was

not responsible for the mass uprisings and riots and the ensued internal fighting in Algeria, the coups in Turkey and Algeria, or the continued domination of power by UMNO in Malaysia. Among these four countries, one can refer to the present government of Turkey which has embraced Islam while supporting democratic principles, hence rejecting the notion of equating Islam and authoritarianism.

- Along the same line, the violation of human rights including women's rights in the hands of authoritarian rulers in some Islamic countries is not a byproduct of Islam. To the contrary, Islam gives high priority for the respect of rights of all human beings, man and woman alike. The results of studies done on the four countries have proved the fact that these violations have nothing to do with Islam. The resort to violence and mistreatment of the citizens by the leaders of these countries were not mostly done in the name of Islam although these leaders attempted to portray themselves as defenders of the religion.
- Democracy and Islam consider equal human rights for both man and woman. While democracy believes that there is no difference, whatsoever, between the rights of man and woman, Islam notes the physical, psychological and emotional differences between man and woman and concludes that they do not have similar and identical rights as well as obligations. The approaches taken by the four Islamic countries with regard to the issue of women's rights have been different. Turkey has moved away from the sharia and has granted similar rights to men and women. On the other side of the spectrum, Saudi Arabia's attitude towards women has been based on Wahhabi teachings which considers limited role for women outside the family, puts constraints on women's activities in the society and advocates the dependence of woman on man. Algeria has also based its handling of women issues on Maliki laws where issues such as divorce and inheritance laws are different from those in the West. In Malaysia, sharia is the law for Muslim women and secular laws for non-Muslims.
- In accordance with the teachings of democracy and Islam, people should be consulted on the issues of interest to them. Law-making is an important job of a democratic parliament and an Islamic shura. Moreover, governments' works are scrutinized by both parliaments and shura. However, shura's scope of

activities is determined by sharia, while parliament in a liberal democracy faces no restriction in conducting its work except when the representatives of the people in the parliament decide otherwise. The parliaments in the four countries have not functioned similarly. Whereas the parliaments in Algeria, Malaysia and Saudi Arabia have not been given the necessary tools to act as strong parliaments and at times have been used to strengthen the hands of the ruling elites, the Turkish parliament has been, to a certain degree, acting like Western parliaments. Moreover, while secularism is deeply rooted in the Turkish parliament, the parliaments in the other three Islamic countries work in the name of sharia, though not all the laws are adopted in accordance with sharia.

- The main preoccupation of the leaders in these four countries has been to hold on to power. In order to ensure the continuity of their power, these leaders used all their domestic and foreign capabilities to achieve their objectives. As far as domestic policies were concerned, security forces were employed to silence the opposition. Furthermore, reforms were introduced to satisfy the general public. As for the foreign policies, different methods were employed by the four countries taking into consideration the potentials and characteristics of each country. Since oil was controlled by the state in Saudi Arabia and Algeria, they made the best use of their oil to convince the big powers that if their regimes were to be toppled, the international oil market would be in danger. Both countries referred also to the revolutionary Islam introduced by Iran and the consequent threat it might bring about for these countries, hence the necessity to keep the status quo and prevent the establishment of a pro-Iranian revolution in these countries. Turkey has introduced itself as a moderate Muslim country with ties with Israel. It was therefore presented by the Western countries as a model for all Islamic countries. Thus, any threat to the republicanism in that country would be considered detrimental to the West. Malaysia too has portrayed itself as a moderate Muslim country in the Far East where Muslims, Buddhists, Christians and Hindus have for years lived together peacefully, therefore, in the case of the establishment of an Islamic state in Malaysia, the country would be in turmoil. Moreover, that might also affect the neighboring Indonesia as the largest Muslim country in the world. All four countries

enjoyed the support, in the form of financial, economic and military aid, provided by Western powers, delaying the introduction of democracy in these countries.

- All these countries went through different reforms throughout the period of the study. One can suggest that in each country the main reasons behind these reforms were two fold: first, to respond to a political and/or an economic crisis in order to quiet the internal opposition particularly in Algeria and Malaysia and second, to cope with international situation in the aftermath of the Cold War where the call for reform was widespread all over the world. Consequently, the reforms continued to a point where the interests of the state and its legitimacy were not compromised. The public reactions to these reforms have been different. In Algeria, the reaction was the revolt against the regime and the subsequent repression by the military. In Turkey, the consequence of the reforms was a peaceful integration into Turkish party politics. However, in Saudi Arabia and Malaysia, the reaction was more or less calm.
- Political Islam has not posed the similar threat to all four countries. While Saudi Arabia and Algeria have reacted harshly to Islamists, Malaysia and particularly Turkey have not faced serious threat from the Islamists, hence more tolerant approach on the part of these two governments towards the Islamists.
- The Islamic movements in the four countries were not officially and systematically linked to each other. In Algeria, it has been involved in the armed struggle against the government. In Turkey, it has worked within the system and at times has formed the government. In Malaysia, it has continuously attempted to gain power particularly at the federal level, but it has only been successful in some provinces. In Saudi Arabia, it has not been organized enough to pose a real and serious threat to the ruling family.
- The government in each of the four countries has responded to the Islamic movement differently. Saudi Arabia and Algeria have adopted repressive measures against the Islamists. Turkey has allowed political Islam to be involved in politics, however, the Turkish military has been vigilant not to allow the secular principles enshrined in the constitution endangered. Malaysia

has, to a certain degree, tolerated the Islamic movement; nevertheless, the ruling elites were determined not to allow the Islamists to come to power.

- Mosques have always played a crucial role in the Islamic polity across the Muslim world. Regardless of the secular or religious character of the society, mosques have been utilized as meeting points for the believers to come together and discuss issues of importance to the Muslim population. It should be argued, however, that mosques in the four countries do not function similarly. While the majority of mosques in Saudi Arabia are under state control, independent mosques in Algeria, Malaysia and Turkey have been employed by Islamists to promote their cause including their social service programs.
- The military has played an unrivaled role in Algerian and Turkish politics. The role of the military in staging different coups in Turkey in the 70s and 80s, and Algerian military's involvement in politics in 70s and 80s and its 1992 coup point to the fact that the military in each of these two countries has considered a custodian role for itself to guard the republic, enter into politics and rule the country whenever it has deemed it necessary. The military in Malaysia or Saudi Arabia has not dealt with internal threat against the establishment. This task has been given to security forces to confront the opposition.
- The unsuccessful experimentation of democracy in Algeria where the military staged a coup in 1992, the Turkish military intervention in politics in the last forty years, the control of power by UMNO in Malaysia since 1973 and the dominance of the Royal family over the Saudi politics in the last 200 years with the suppression of any opposition point to the fact that democracy in these countries have not been institutionalized. Abootalebi argues that regardless of the religious affiliation of the people, this phenomenon has happened since power resources including socioeconomic resources in these countries have not been widely distributed, with the state in a much stronger position than others. (3)
- The stronger the state, the weaker the civil society, hence the disproportionate share in power by the state in each of these four countries. Since the emergence of the civil society is closely related with the establishment of democracy, as long as the state has the final say in all major affairs of each

country, there is a minimum prospect for the introduction of democracy because the ruling elites have no interest to share power with others. (4) However, one should bear in mind that the ruling elites in Algeria and Saudi Arabia are much stronger than those in Malaysia and Turkey where the power structure is not directly related to a family or a group.

- There is a weak Islamic institutional base, to varying degrees, present in the political processes of the four countries. This base is necessary for any group to be able to compete for power. The only exception is Turkey where the ruling JDP has this institutional base. Abootalebi calls this institutional base "an institutionalized Islam" where Islamic political, economic or social group is established to challenge the power of the ruling elites. (5)
- Given the power of the ruling elites to influence the elections in the four Islamic countries, the parliaments in these countries are not fully representing the people, though the Turkish and Malaysian parliaments are by far more representatives than those of Algeria and Saudi Arabia. Ehteshami argues that since these elites use civil law to be in command of the political process, the outcome of most elections would be the establishment of an "elected authoritarian" regime where elections are misused to cover de-liberalization. (6)
- The effects of democratization on the role of religion in politics and society differ from one Islamic country to another. However, there is the concern among Muslim populace that pluralism may weaken the role of Islam as the solution to problems of society. It is in this context that many Islamists and ulama have considered democratization and pluralization as a ploy to undermine Islam. (7) In Algeria and Saudi Arabia, democratization has not in reality started. Even with the beginning of limited reforms in these two countries both ulama and the ruling elites were, for different reasons, concerned about the pace of reforms and the possible consequences of democratization on the society: ulama for the weakening of Islam and the elites for the weakening of their powers. In Malaysia, ulama were less concerned about the weakening of Islam as a result of introduction of reform, but the government was cautious not to lose control as reforms were put in place. In Turkey, neither ulama, nor the government was much concerned

about the inauguration of democracy.

11.2 Religion and Politics in Europe

It is interesting to see how Europe as the birthplace of liberal democracy has dealt with the issue of involvement of religion in politics. It is well known that since the end of Medieval Era, Europe has been heavily embracing secularism and has been identified as home to secular ideas. However, after the end of the Cold War when religious inclinations in the former Soviet Union and the Eastern Europe grew, Europe as a whole has shown some interests towards religious issues. As D. Barret, G. Kurian and T. Johnson have reported, in 2000 out of 49 European countries, 17 could be considered as secular where state promoted neither religion nor irreligion, only one could be considered as atheistic and 30 could be considered as supporting religion and/or religious institutions. (8) This survey indicates the fact that support for religion is not limited to Muslim countries alone; rather, it is a worldwide phenomenon.

11.3 Measuring Democracy

Using different methods and means, several studies have measured democracy in developing countries. One of the most comprehensive and important studies in this context has been done by Raymond Gastil at the Freedom House which has been broadly used by different studies dealing with this subject. Since 1972 Gastil and his colleagues have conducted a comparative survey of freedom and democracy. This study categorizes countries as "free", "partly free" and "not free." The highest rating is 1 and the lowest rating is 7. Countries rated 1 and 2 are considered "free", countries rated 3, 4 or 5 are "partly free" and countries rated 6 or 7 are considered "not free." Table 1 refers to the surveys conducted between 1980 to 1989 and 1990 to 1994 for the four countries of the case studies. (9)

Table 1. Combined Average Observed Ratings on Democracy in Algeria, Malaysia, Saudi Arabia and Turkey, 1980-1994

Country	1980-1989	1990-1994	1980-1994
Algeria	5.9	5.6	5.7
Malaysia	3.9	4.5	4.2
Saudi Arabia	6.3	6.8	6.5
Turkey	3.7	3.6	3.6

The findings of this thesis where Turkey has had a better rating on democracy than the other three countries concur with the results of the surveys conducted by the Freedom House.

11.4 Answer to Principal Question

The first part of the principal question of this thesis deals with the relationship between Islam and democracy. This study has provided ample evidence in favor of the compatibility argument. In this context, one can refer to the passages of the Holy Koran which touch upon the differences between people while supporting diversity and tolerance within human society. Some Islamic scholars advocate this tolerance as essential elements of Islamic democracy where the power of the rulers is restricted and the plurality of communities is accommodated. (10) A number of scholars argue that man as the representative of God on earth (Chapter 2, Verse 30 of the Koran) implements God's laws and as such, a 'government by the people' promoted by democracy is compatible with this role of man as articulated by the Book. (11) Furthermore, the Prophet's attitude towards his opponents both in Mecca and Medina, where he listened to their arguments, clearly shows that Islam permits different opinions to be raised.

Islam's emphasis that 'there is no compulsion in religion' and that human beings are free to choose their path provide another supporting argument for the compatibility of Islam and democracy. Along the same line, in accordance with Islamic teachings, man and woman enjoy human rights and the differences between

them can not be used to justify the abuse of woman's rights. Moreover, the importance that Islam attaches to shura, as articulated in the Koran, and the Prophet's emphasis on the need for the rulers to consult with the people on matters of interest to them, as can be accomplished by an elected parliament, clearly point to the similarity of shura and democracy.

Having considered the arguments of proponents and opponents of the compatibility of Islam and democracy, the fact is that Islam and democracy do not see eye to eye on every issue, hence no total compatibility between the two. However, the present study has proved that even if one interprets Islam narrowly, it can be concluded that there are certain principal elements within Islam that are compatible with democracy. In other words, there is no innate inconsistency between Islam and democracy.

Islam as a dynamic force which is in continuous interaction with its surroundings can influence the emerging political, economic and social institutions. (12) Therefore, one can hold that Islam is capable of creating a system of governance that can be compatible with democracy. Some scholars have gone even further than that. Soroush believes that "Islam and democracy are not only compatible, their association is inevitable. In a Muslim society, one without the other is not perfect." (13) At any rate, a fair conclusion on the compatibility of Islam and democracy is summarized as follows: "Islam is compatible with democracy depending on how it is interpreted to fit into the various molds of the democratic principles." (14)

As for the second part of the principal question on the case studies, the present study supports the argument that remaining in power has been the most important consideration for the ruling elites in these four countries. In this process, Islam is used to silence the opposition, bring about more legitimacy for their systems and justify their policies. In a nutshell, one can argue that introduction of reforms in these countries have not mostly been for the love of democracy. Rather, they have been introduced to offset the internal and external pressures which have called for opening of the systems. However, one can take note of the fact that among these countries, the present government of Turkey has slowly moved towards democracy while it has embraced Islam. However, bearing in mind the past measures taken by the Turkish military to confront the Islamists, one cannot be certain about the continuation of the democratic path that the present government has been taking.

Notes

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3. Ali Reza Abootalebi, "Islam and Democracy, State-Society Relations in Developing Countries, 1980-1994", (Garland Publishing, New York, N.Y., 2000), p.217
4. Ibid, pp.5-7
5. Ibid, p.218
6. Anoushiravan Ehteshami, "Islam, Muslim Polities and Democracy", Democratization, Vol.11, No.4, august 2004, pp.101-102
7. Ibid, p.106
8. John T.S. Madeley, "European Liberal Democracy and the Principle of State Religious neutrality", in John T.S. Madeley and Zsolt Enyedi, Editors, Church and State in Contemporary Europe, Western European Politics, Volume 26, Number 1, January 2003, p.16
9. Abootalebi, "Islam and Democracy, State-Society Relations in Developing Countries, 1980-1994", pp. 98-103
10. Mohammad Azadpur, "Islam, Liberalism, and Islam", The Journal of Scriptural Reasoning, Number 6.1, May 2006, p.3
11. Sultan, "Forming an Islamic Democracy", p.2
12. Abootalebi, "Islam and Democracy, State-Society Relations in Developing Countries, 1980-1994", p.115
13. Ibid, p.151
14. Othman bin Abdullah, "Islam and Democracy: Reflecting the Role of Islam in Malaysia and Indonesia", (Master's thesis, Naval Postgraduate School, Monterey, C.A., March 2002, www.stormingmedia.us), p.82

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