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*The Arab Garden and Ground Zero*

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## **The Arab Garden and Ground Zero**

The right to education, an allegory of democratic citizenship and Islamic fundamentalist terrorism.

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Response to Professor Ibáñez by Hisham Ramadan

A comment on Professor Ibanez and Ramadan essays By Jamin B. Raskin

**“We shared the same problems, and we approached them similarly. I was happy I had talked to them; I knew then that night I would sleep with fewer prejudices than I had when I woke up, and that is always something worth noting. Perhaps man’s wisdom is not so much how knowledgeable and enlightened he becomes in life but how he manages to forsake and abandon unwanted shadows along the way.”**

*La reina sin espejo*, by Lorenzo Silva

*“The difference that is made by seeing freedom as the principal ends of development can be illustrated with a few simple examples. Even though the full reach of this perspective can only emerge from a much more extensive analysis, the radical nature of the idea of “development as freedom” can easily be illustrated with some elementary examples.*

*First, in the context of the narrower views of development in terms of GNP growth or industrialization, it is often asked whether certain political or social freedoms, such as the liberty of political participation and dissent, or opportunities to receive basic education, are or are not “conducive to development.” In the light of the more foundational view of development as freedom, this way of posing the question tends to miss the important understanding that these substantive freedoms (that is, the liberty of political participation or the opportunity to receive basic education or health care) are among the constituent components of development.”*

*Development as Freedom*, Amartya Sen

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## 1.- Introduction\*

The aim of this article is to discuss the relationship between democratic citizenship, the importance of developing greater access to education in Arab countries, and the ways that Western democratic countries have responded to the threat of Islamic fundamentalist terrorism. The article is premised on the need for a deeper analysis of the causes of the terrorist attacks in New York and Madrid. The article also examines how the governments of the Arab countries are seen from the viewpoint of Western democratic citizens.

The article offers the subjective European perspective of Professor Joaquín González Ibáñez, lecturer at the *Universidad Alfonso X el Sabio* university in Madrid, and it will then be discussed by Egyptian Professor Hisham M. Ramadan, Visiting Professor of Islamic Law at the University of Illinois, and by American Professor Jamin Raskin, Professor of Constitutional Law at American University – Washington College of Law.

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\* I would like to thank Cristina McLaren from Alfonso X University in Madrid and Mark Kende from Drake University in Iowa for their suggestions and comments in the final translation of this article.

## 2.- The beginning of a new period called “globalization”

21<sup>st</sup>-century globalized society represents a new and complex period in history, after the positive step forward represented by the fall of the Berlin Wall and by the end of the Cold War. The current moment is still to be defined. We seek and explain the transition from one historical period to another, with “umbrella” terms like “globalization” or “post Cold War.”<sup>1</sup> Despite these difficulties, the principles of democracy and market freedom have been accepted by the international community, except for countries like North Korea, Cuba and some Islamic nations such as Kuwait, Yemen, Saudi Arabia, and Libya. My thesis is that the current political and economic context is being determined by three aspects of 21<sup>st</sup>-century international society.

First, there is a contradiction between the dynamics of globalization and the surge of nationalism. Second, there is an ever widening wealth gap between developed countries and developing countries. Third, there has been an upsurge in international terrorism. The last two aspects, welfare inequity and terrorism, are very closely related to the concept of *human security*. Let us now briefly look at these three features:

I.- The concept of globalization dominates the field of economics and international commerce. As Joseph S. Nye<sup>2</sup> points out, however, nationalism may have surpassed globalization as a political force. For example, fifty years ago there were only sixty countries. Now the international community has almost two hundred states. As with the Peace of Westphalia in 1648, these states form international society along with, - international organizations, the individual, non-governmental organizations, national

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<sup>1</sup> As Prof. Shiro Okubo, Ritsumeikan University of Kyoto, points out a new period has been unfolded after the fall of the Berlin Wall and that implicates a new challenge to understand and locate correctly the new historical, legal and political categories that have been posed for this new period-epoch: *“In the 1990s we saw the emergence of new concepts of “human security”, “global governance”, and “global Democracy.” These concepts are better vista than doom prophecies such as the “clash of civilizations.” We should first, however, ask if these new concepts are clearly defined and if they works in the historical and actual context. We can then develop them to living ideas for our future and create our new identity.”* See in the English Version, Shiro Okubo, «Freedom from Fear and Want» in *Derechos Humanos, Globalización y Relaciones Internacionales*, Gustavo Ibáñez -Universidad Alfonso X el Sabio (2006).

<sup>2</sup> JOSEPH NYE, S. JR., UNDERSTANDING INTERNATIONAL CONFLICTS 5-6 (Longman Classics 6th ed. 2005).

freedom movements, multinationals, etc. This international community developed out of the nation-state in Europe in the 15<sup>th</sup> century, as well as Western philosophical-political principles and systems, like the Roman Republic's democracy created 2,500 years ago.<sup>3</sup>

Nevertheless, real democracy requires the following:

- a) Separation of the powers, which will ensure checks and balances;
- b) Respect for human rights,
- c) Elections, which should be free, plural and periodical,
- d) The existence of the rule of Law; and finally
- e) A sovereign power represented by the people, composed of a citizenship of free men and women with equal rights.

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<sup>3</sup> *It is extremely interesting to see that the current democratic pattern was thought of in the 6<sup>th</sup> century BC, during the Roman Republic. M. Sellers offers a clear and precise analysis of the characteristics of the Roman republican democracy::*

*"The Origins of Republican Legal Theory*

*The first self-consciously "republican" ideology originated in the senatorial opposition to Gaius Julius Caesar, and implies a procedural commitment to certain "republican" political and legal institutions, usually attributed to Rome's republican constitution of 509-49 BC. The basic desiderata of republican government, as articulated in the republican legal tradition derived from Rome, secure government for the common good through the checks and balances of a mixed constitution, comprising a sovereign people, an elected executive, a deliberate senate, and a regulated popular assembly, constrained by an independent judiciary, and subject to the rule of law. Some republicans would add representation, the separation of powers, or equality of material possessions, to protect the public liberty (libertas) and avoid Rome's eventual descent into popular tyranny and military despotism. Republican liberty signifies subjection to the law and to magistrates, acting for the common good, and never to the private will or domination "dominatio" of any private master." See M. N. S. SELLERS, REPUBLICAN LEGAL THEORY. THE HISTORY, CONSTITUTION AND PURPOSES OF LAW IN A FREE STATE. 6 (2003).*

For information on the Republic and the Roman democratic model, see CICERO, DE REPUBLICA AND DE LEGIBUS, (ON THE REPUBLIC AND THE LAWS) (1986).

Out of the almost two hundred states in the international community, around sixty can be classified as democratic, not counting states, such as the Russian Federation, Morocco, Egypt, Cuba, China, etc.<sup>4</sup>

II.- The 21<sup>st</sup>-century is a period in which the differences between the developed areas and poor areas are becoming more profound. This means an increase in the vulnerability of individuals and communities. *Human security is threatened. Human security*<sup>5</sup> is a term coined by the United Nations Development Program (UNDP) in 1994. It is based on the idea of “seeking protection from threats to human life, livelihood and dignity, and everything that threatens the realization of full potential of each individual<sup>6</sup>. Human security addresses both conflict and development including displacement, discrimination and persecution of vulnerable communities as well as insecurities related to poverty, health, education, gender disparities, and other types of inequality”. However, the most important advance derived from the human security concept according to professor Shiro Okubo, from Ritsumeikan University in Kioto, is inspirational. It stipulates what ought to be the situation for human beings in their daily lives. The expression “Freedom from Fear and from Want” that appears in the final report of the UN Commission on Human Security was taken from the Atlantic Charter (1941) during World War II. The Charter proclaimed that after the final destruction of the Nazi tyranny, the Allies hoped to establish a peace which would afford to all nations the means to dwell in safety. That is why we should switch to seeing security as being about human beings, not nations.

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<sup>4</sup> See C.I.A, *CIA World Fact Report*. US, Virginia, 2005. at <https://www.cia.gov/library/publications/the-world-factbook/print/us.html>

<sup>5</sup> See also Commission on Human Security (CHS), “Introduction to Human Security”: “*The Commission on Human Security (CHS) has further clarified the concept as one that focuses on the individual and seeks protection from threats to human life, livelihood, and dignity, and the realization of full potential of each individual. Human security addresses both conflict and developmental aspects including displacement, discrimination and persecution of vulnerable communities as well as insecurities related to poverty, health, education, gender disparities, and other types of inequality*”. Available at [www.humansecurity-chs.org:80/intro/index.html](http://www.humansecurity-chs.org:80/intro/index.html) (accessed March 2003).

<sup>6</sup> The UNDP launched the concept of human security in the *Human Development Report 1994*. Seven interrelated dimensions were identified: economic security, food security, health security, environmental security, personal security, community security, and political security. According to UNDP 1994, p. 22: “*human security is a child who did not die, a disease that did not spread, a job that was not cut, an ethnic tension that did not explode into violence, a dissident who was not silenced*”. In *Poverty Trends and Voices of the Poor* (Washington: The World Bank, 2000), a Bulgarian says: “*Security is knowing what tomorrow will bring and how we will get food tomorrow*”. Human security is also conceived as ensuring “risk reduction”, removing insecurity, or reducing vulnerabilities (Nef, 1999; UNDP and EC, 2000). See *Human Security: Concept and Definitions*, by D. Mani, UNCRD, in United Nations Center for Regional Development, Asia. Available at [www.uncrd.or.jp](http://www.uncrd.or.jp).



In terms of GDP and access to education and health, the differences between the developed world and the poor world have brought about a much stronger radicalization, vulnerability and weakness in the poor countries<sup>7</sup>, especially since 1990<sup>8</sup>. Neither globalization nor international organizations have been able to stop this trend.<sup>9</sup> In an article, Milton Friedman<sup>10</sup> states that developing countries frequently do not develop. Friedman highlighted that, according to the World Development Bank Report 1999-2000, prepared a decade after the fall of the Berlin Wall and the end of the Cold War, in countries like Uganda, Ethiopia or Malawi, no man nor woman can live on average more than 45 years. Moreover in Sierra Leone 28% of children die before the age of five; and in India more than half the children suffer from malnutrition. In Bangladesh only half the adult men and about less than a quarter of women can read and write. In most of the poorest countries, the combination of poverty, together with incompetent and corrupt governments, leads to extreme situations. Out of the fifty countries with the lowest incomes in 1990, twenty-three have incomes that are lower than in that year. Out of the twenty-seven that managed to progress, the annual increase was only 2.7%.

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<sup>7</sup> Miller points out the fact that in the last 30 years life expectancy in the poorest countries has increased from 46 to 63 years, literacy has reached 60% of the population up from 20% before, and, from a macroeconomic point of view, statistics are positive. Nevertheless, according to the United Nations Organization, 80% of the world's wealth is owned by 25% of the world population, while 75% has access to only 20% of world production. Besides, 60,000 people die everyday due to poverty-related curable illnesses. See M. MILLER, *THE TRENDS AND PROMISE OF GLOBALIZATION: CAN IT BE MADE TO WORK FOR A BRIGHTER FUTURE?* (Joseph Rotblat ed., McMillan Press Ltd. 1997), *World Citizenship: Allegiance to Humanity*. See also the United Nations Development Program (UNDP), *UNDP Human Development Report 1999*. According to this report, one out of every five people in the world lives in extreme poverty; the threshold is set at an income below US\$1 per day. The report also reveals that the average *per capita* income in poor countries does not surpass the amount of US\$400, while in developed countries this same income is more than US\$22,000. In other words, more than 50 times higher!

<sup>8</sup> Some authors, such as Thomas L. Friedman, have pointed out that globalization has opened new possibilities to catch up with the progress of globalization and development. A good example of this can be found in the changes experienced in India in the last ten years. See THOMAS L. FRIEDMAN, *THE WORLD IS FLAT. A BRIEF HISTORY OF THE TWENTY-FIRST CENTURY*. (John Farrar et al. eds., 2005). See also JAGDISH BHAGWATI, *IN DEFENSE OF GLOBALIZATION* (Oxford University Press 2004).

<sup>9</sup> This tendency can be seen not only among different States but also within the same State; and, even within the so-called most developed States, the inequalities between rich and poor are enlarging. The *International Herald Tribune*, on April 19<sup>th</sup>, 1995 stated "the richest 1 percent of Americans own 40 percent of the national wealth". See ERIC HOBSBAWN, *AGE OF EXTREMES: A HISTORY OF THE WORLD, 1914-1991* (Pantheon Books, 1994).

<sup>10</sup> See Benjamin M. Friedman's review of the famous book by J. Stiglitz *Globalization and Its Discontent*, in B. M. FRIEDMAN, *GLOBALIZATION: STIGLITZ'S CASE*, IN *NEW YORK TIMES REVIEW OF BOOKS*, (2002).

III.- International terrorism obviously threatens human security. Globalization has actually facilitated terrorism given mass media coverage, the vulnerability of civil aircraft with passengers, the interconnection among nations, and other factors. Moreover, fundamental cultural, philosophical and religious differences still exist as deep and untouched as centuries ago. Thomas L. Friedman, of *The New York Times*,<sup>11</sup> states that globalization can empower the individual in a way never been seen. For example, terrorists have global access to the latest scientific and technological advances. I will later discuss the terrorist attacks on New York, Madrid and London as well as international Islamic terrorism, which I will call fundamentalist terrorism.<sup>12</sup>

### 3.- The connection among education, poverty and terrorism

Global terrorism such as the 9-11 attacks in the United States, and the later attacks in Madrid and in London have caused Western societies and peoples to feel that their freedom, rights, and security are under direct threat.

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<sup>11</sup> THOMAS L. FRIEDMAN, *LONGITUDES AND ATTITUDES: THE WORLD IN THE AGE OF TERRORISM* (Anchor Books 2002).

<sup>12</sup> To be semantically precise, and to avoid the possible stigmatization of moderate Islam, we will define this type of Islamic terrorism as “fundamentalist terrorism”. We are, nevertheless, perfectly aware that there are other fundamentalist terrorisms carried out by other religious identities.

“1.- *D’où vient le mot ‘intégrisme’*”

*Le mot est né dans les milieux catholiques français au début du XX siècle. Il a été créé par les partisans de l’ouverture de l’Église au monde moderne pour désigner les catholiques hostiles aux idées des Lumières, au libéralisme et à la laïcité. D’emblée, ce mot se veut péjoratif et s’inscrit dans un polémique. Ceux qu’on appelait, sous Pie X, intégralistes, se désignaient eux-mêmes comme ‘catholiques intégraux.’”* See DANIEL BÉRESNIAK, *LES INTEGRISMES: IDÉOLOGIE DU DÉLIRE PARANOÏAQUE* 15 (Jacques Grancher ed., Grancher 1998).

These terrorist acts threaten the concept of the modern democratic State. The key to democracy is education. It instills the skills and values that belong in a just world, the basis for civic ethics, and for democratic coexistence<sup>13</sup>.

***Education is a public responsibility, since our security depends on it. Democratic societies educate their citizens on a unique type of self-defense<sup>14</sup>. The security offered by education involves developing and growing as individuals, and also in the civic (cives) and participatory (polite) dimensions. Education builds us from the inside with values such as freedom, respect for others and equity.<sup>15</sup>. Education helps us evolve from mere individuals to active members of the community. We become “citizens”.<sup>16</sup>***

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<sup>13</sup> With reference to other kinds of terrorisms, we want to highlight the case of the so-called *State terrorism* as especially interesting. As a paradigmatic example we can pick up the exemplary case that Chomsky brings up in his work: the decision taken by the Clinton Administration to destroy the Al-Shifa pharmaceutical factory in Sudan in August 1998, and the thousands of civilian deaths occurred in the following months as consequence of the destruction of the plant and the international blockade. See NOAM CHOMSKY, 9/11. (Open Media Book 2001); and NOAM CHOMSKY, UNDERSTANDING POWER: THE INDISPENSABLE CHOMSKY. (John Schoeffel & Peter Mitchell eds., Vintage Books 2002).

<sup>14</sup> See ADELA CORTINA, CIUDADANOS DEL MUNDO. HACIA UNA TEORÍA DE LA CIUDADANÍA (Alianza 1997); and “Educar en una ciudadanía justa”, published in the Spanish daily *El País*, 20 June, 2006.

<sup>14</sup> FERNANDO SAVATER, LOS CAMINOS PARA LA LIBERTAD: ÉTICA Y EDUCACIÓN (Ariel-Instituto Tecnológico de Monterrey 2000).

<sup>15</sup> In *Paideia*, his classic work on Greek education and culture, Jaeger offers an extraordinary analysis of the importance of respect for the foreigner within the humanistic background and education of the Greek man. “Education is such a natural and universal function within the human community (...), its trait appears relatively late in time in the Greek society; at the beginning it appeared in the form of commandments: honor the gods, honor your father and mother, respect foreigners (...).” Jaeger, W. *Paideia*. Mexico, D. F.: Fondo de Cultura Económica, 1996: 19 (Spanish version).

<sup>16</sup> For further information on the influence and role played by education in the building of the free and democratic State, see JOAQUIN GONZÁLEZ IBÁÑEZ, EDUCACIÓN Y PENSAMIENTO REPUBLICANO CÍVICO (Valencia: Germanía 2005). See also the main works on this topic: Machiavelli, *Tutte le opere, I discorsi sulla prima decada di Tito Livio*. Roma: Mondadori, 1949; JEAN JACQUES ROUSSEAU, EMILIO, O DE LA EDUCACIÓN (EMILE OR ON EDUCATION). Alianza, 1998; JEAN JACQUES ROUSSEAU, *Cartas a Sofía (Letters to Sophie)*. (Alianza 1999); and *El contrato social o principios de derecho político, (The Social Contract. Or Principles of Political Right)*. Madrid: Tecnos, 2000 (Spanish version); Condorcet, Marie-Jean-Antoine de Caritat, *Informe y proyecto de decreto sobre la Organización General de la Instrucción Pública*. Madrid: Editorial Ramón Areces, 1990 (Spanish version); and by the same author, *Cinq mémoires sur l’instruction publique*. Paris: GF-Flamamrion, 1994 (French version); and *Esquisse d’un tableau historique des progrès de l’esprit humain, suivi de fragment sur l’atlantide*, (introduction, chronology and bibliography by Alain Pons). Paris: Flammarion, 1988 (French version).

***The United Nations, UNESCO (United Nations Educational, Scientific and Cultural Organization), promotes democratic education to strengthen mutual understanding and tolerance. To get away from underdevelopment primary schools and education must similarly produce workers capable of competing in the world economy, and transform individuals into citizens who can ‘shoo’ away the haunting ghost of poverty and social exclusion in this interconnected and globalized world<sup>17</sup>.***

***In his work La naturaleza política de la educación, Paulo Freire states that education is the only tool that allows civil society to organize and control the State’s functioning. It is also the key to political integration.<sup>18</sup> Moreover Spanish writer Antonio Muñoz Molina has stated, education “is the one and only antidote against poverty”<sup>19</sup>. Poverty and the limitations of political freedom are the key to understanding the hatred and isolation underlying the outrageous attacks carried out by terrorists.***

***When this fundamentalist terrorism acts in the Western world, it transfers the anguish and total marginalization suffered by the societies in their homelands. These societies can only offer their citizens discouraging futures.***

***This explains the deathly character of these attacks. Since the Enlightenment, Europeans have had an irrational feeling of optimism, and a faith in progress. Thanks to education, there has been a belief in the transformation and creation of a fairer society with fewer inequalities. That sensation of progress was acclaimed -some hundred years after the French Revolution- by some intellectuals of the II Spanish Republic, previous to the Spanish Civil War in 1936. Among them, the poet Antonio Machado and his verse "Today is still the moment/Life is here and now (Hoy es siempre todavía/ Toda la vida es ahora)" contained the spirit of Enlightenment and lay self determination.<sup>20</sup>***

It is therefore not a coincidence that the origin of this fundamentalist terrorism lies in areas where freedom and liberty are limited and the access to education is

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<sup>17</sup> See *World Declaration on Education For All*.

*Meeting Basic Learning Needs*, Jomtiem 1990, and *Dakar Conference 2000. Education for All by 2015*. Available at [www.unesco.org](http://www.unesco.org).

<sup>18</sup> PAULO FREIRE, LA NATURALEZA POLÍTICA DE LA EDUCACIÓN. CULTURA, PODER Y LIBERACIÓN 31-36 (Paidós ed. 1990).

<sup>19</sup> See “La disciplina de la imaginación”, lecture given by Antonio Muñoz Molina in Madrid in a series of conferences organized by the Grupo Santillana publishing group entitled “La educación que queremos” (Sept. 22, 1998).

<sup>20</sup> See Antonio Machado, *Proverbios y Cantares*, Dedicated to José Ortega y Gasset, Revista de Occidente, n.º III, Sept. 1923.

controlled<sup>21</sup>. Among other institutions, the European Union and UNESCO have expressed concern that this deprivation of education is one of the key reasons for the lack of development in the Arab world<sup>22</sup>. Terrorism is neither an answer to reduced economic opportunities nor to individual ignorance, but it does have a connection to oppressive political situations and feelings of low dignity and frustration.

Alberto Abadie, from Harvard University<sup>23</sup>, states that what determines the development of terrorism is the level of political freedom together with geography. On the other hand, according to Professors Jitka Maleckova and Alan Krueger<sup>24</sup>, at

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<sup>21</sup> From the Western democratic point of view, currently there is no democratic country in the Arab world; the Palestinian people is the political community with the largest number of public freedoms, and where women are closer to equality with men. For information on the situation of education in the Arab world, see the *United Nations Human Development Report 2003*, and the UNICEF Report of 2003 on access to elementary education in the world and, specifically, in the North African countries (Maghreb and Mashrek) and in the Near East.

<sup>22</sup> See *UNESCO, Education for All in the Arab States: Renewing the Commitment. The Arab Framework for Action to Ensure Basic Learning Needs in the Arab States in the Years 2000-2010. Adopted by the Regional Conference on Education for All in the Arab States, Cairo, Egypt, January 2000. This text, signed by all the Arab states, highlights the fact that there 68 million illiterate people, outrageous deficiencies in primary elementary and secondary education, and the existence of an elitist and needy higher education.*

The EU Council Resolution, European Commission, 4 of December 2003, on *Strengthening the European Union's Partnership with the Arab World* stresses the fact that education has a crucial role to play in the strengthening of relations with the Arab countries and is "fundamental to improve Arab countries' prospects for development in today's world".

<sup>23</sup> Alberto Abadie, *Poverty, Political Freedom, And The Roots Of Terrorism*, NBER (2004).

<sup>24</sup> Jitka Makeckova & Alan Krueger, [\*Education, Poverty and Terrorism: Is There a Causal Connection?\*](#), JEP, Volume 17, No. 4, (2003); and *The Economics and Education of Suicide Bombers: Does Poverty Cause Terrorism?*, TNR, Jun. 24, 2004. Makeckova and Krueger worked with the results of a poll carried out among people who support terrorist attacks against Israel. The study revealed that the idea of supporting terrorist attacks does not disappear or is not less strong in people with higher education levels and a higher standard of living. The analysis also included a statistical review of the participation in terrorist attacks based on data about the terrorist group Hezbollah in Lebanon. The study of these data showed that education and poverty levels do not predict a possible participation in Hezbollah. On the contrary, the study actually proved that having a standard of living above poverty levels or having secondary or higher education degrees is positively connected with taking part in Hezbollah. At the same time, the study also analyzed a group of Jewish fundamentalist settlers that had taken part in terrorist attacks in the Palestinian occupied territories. Their profiles showed they had well-paid jobs and professions, and they all had higher education degrees, mainly university degrees.

So, we can then state there is no direct connection between poverty, education and the participation in individual violent terrorist attacks; terrorist for terrorist. Nevertheless, while the economic situation cannot be connected with terrorism on the individual level, an endemic economic situation could actually have an effect on a national level. For instance, if a country is poor, a group could carry out terrorist attacks trying to better the situation for their fellow countrymen. And yet, this statement proves to be mistaken when we see there are terrorist attacks in wealthy countries such as Spain, Ireland and Italy.

Prague and Princeton universities respectively, there is no direct connection between poverty, education and participation in terrorist attacks. Terrorism, however, is closely related to political conditions and feelings of frustration.

To summarize it is fairly evident that investment in education promotes economic growth, improvements in health service, and social progress. What is not clear is whether low educational levels and poverty in Arab and Islamic countries cause people to commit terrorist attacks.

#### **4.- Civil society, a target for fundamentalist terrorism: the aftermath of 9/11 and 3/11 in the United States and Europe.**

The targets of the terrorist attacks of March 11, 2004 in Madrid and July 7, 2005 in London were, as in New York City, free citizens from democratic countries with diverse political views, and an enormous cultural and social richness. These attacks hit two dynamic cities. The attacks were based on the fact that the governments of Mr. Aznar and Mr. Blair, supported the United States in the invasion of Iraq.

This justification can only be understood from the point of view of a fundamentalist terrorist. Yet, we can pinpoint interesting differences in how the two European countries reacted to these<sup>25</sup>, in comparison with the reaction in the United States. It may seem simplistic to compare European and American responses but they both involve Western democratic systems, yet with very different historical, cultural and political backgrounds. On the one hand, Spain and the United Kingdom were once empires and are no more. On the other, the United States remains a liberal democracy, as Stanley Hoffman states<sup>26</sup>, but it is now an empire and it was for the first time attacked in its own territory.

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<sup>25</sup> Various authors, “Constitución europea y ciudadanía democrática”, in ¿ *Globalización, integración económica y derechos humanos*. Bogotá: Universidad Sergio Arboleda, 2005.

<sup>26</sup> In the article *America Goes Backward*, NYTBR, Volume 50, Number 10, Jun. 12, 2003, Stanley Hoffman offers a critical review of the current state of US liberal democracy model after the election of President George W. Bush: “*The US remains a liberal democracy, but those who have hoped for*

The European Union is a supranational organization which has taken on responsibilities related to its Member States. But the European Union is no nation. The aim of the European Union is to create an area for peace and welfare, based on freedom, security and justice. It has also established a free market economy, which promotes development. This economic development is influenced by progressive social and environmental policies, scientific and technical progress, and the rule of law. The principle of solidarity among Member States aims at guaranteeing social and economic cohesion. Jean Monnet, one of the founding fathers of the European Communities, said on April 30<sup>th</sup>, 1952, “We are not making a coalition of States, but are uniting people”<sup>27</sup>. Despite the current “slowdown” in the European integrating process, both the United Kingdom and Spain are actively participating in these political developments.<sup>28</sup>

The European Union has helped give us one of the longest periods of peace (1950-2007) in the history of Western Europe, since the end of the European religious wars that finished with the signing of the Peace of Westphalia in 1648.

In February 1945, Primo Levi, a Jewish Italian citizen pain-stricken by hunger and illness, wrote about how he could see, from the windows of the sick bay in Auschwitz, the shadow of a rider entering the extermination camp (*verninstunlager*)<sup>29</sup>. That rider wore a soldier’s cap with the Soviet Army red cross and was on his way to liberate the prisoners. In February 2005 heads of European governments from various nations that took part in World War II said *Never Again!*, and expressed the need to strengthen democracy, civil society and respect for human rights.

The fact that Europeans built empires and had the awful experience of the Third Reich, has “forced” Europeans to believe in a unique democratic citizenship. A good example of this is the reaction of the American citizens to the 9/11 terrorist attacks in New York and Washington, compared to the response given by the citizens in Madrid on March 11, 2004, and in London on July 7, 2005. As a European citizen, I wish to believe that this proves the paradigm of life citizenship, of community citizenship.

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*progressive policies at home and enlightened policies abroad may be forgiven if they have become deeply discouraged by a not-so-benign soft imperialism, by a fiscal and social policy that takes good care of the rich but shuns the poor on grounds of a far from "compassionate conservatism," and by the conformism, both dictated by the administration and often spontaneous among the public, that Tocqueville observed 130 years ago. [...]*

<sup>27</sup> European Commission, *A Constitution for Europe*, Brussels, 2004: 6.

<sup>28</sup> To talk about the construction of Europe is the same as to talk about the defense of the European social model, which is currently on the decline due to doubts about its economic viability. Nonetheless, the citizen himself was the foundation of the European Union with the Maastricht Treaty in 1991. Since the 1990s Europe has concentrated on boosting political and citizen integration. To show this idea, we talk of the evolution of Europe, “*from a Europe of merchants to a Europe of citizens*”. JOSEPH WEILER & MARLENE WIND, *EUROPEAN CONSTITUTIONALISM BEYOND THE STATE*. (J. H. H. & Marlene Wind eds., Cambridge University Press 2003).

<sup>29</sup> Primo Levi, *Se questo é un uomo-La tregua (If This Is a Man – The Truce)*. (Einaudi ed., 1950).

One sign of this vital and philosophical fabric is the legal response of Spain, and of the other European States. No law had to be passed to fight back against the threat of fundamentalist terrorism. This is partly because the blight of terrorism has been an aspect of the political identity of some European States such as Spain, the United Kingdom, Germany, France and Italy. These countries have dealt with terror for the last 35 years, combining the use of public power, with an effort in general to respect to the Rule of Law and the protection of human rights<sup>30</sup>.

This terrorist experience and 20<sup>th</sup>-Century history, have convinced European states to fight against this threat with mainly legal mechanisms and not with strictly military resources. As opposed to what happened in the United States, no European country has successfully implemented laws such as the USA "Patriot Act". The implementation of the "Patriot Act" in Spain would have been considered unconstitutional by the Spanish Constitutional Court. In fact, the British High Court has ruled that some legal orders made by the Government of Tony Blair are against the European Convention on Human Rights and thus has quashed them<sup>31</sup>.

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<sup>30</sup> In the last thirty years there have been exceptions to these democratic political principles in Europe, but the fact that they are exceptions cannot make them acceptable for the Western European democracies. Some examples of breaches in the Rule of Law have been: the British MI6 fight against the IRA terrorism, the "mass suicides" of the members of the Baader-Mainhof gang in Germany, the Italian lodges that were supported by the State against the communist threat and against the Red Brigades terrorist group (*Brigate Rosse*); and finally, the creation of the state-sponsored death squads GAL (Anti-Terrorist Liberation Group, in its Spanish acronym) in Spain in 1984 to fight against ETA's terrorism outside the Government.

<sup>31</sup> BBC News: story from BBC NEWS, available at <http://www.bbc.co.uk>, (published Jun. 28, 2006).  
*"Judge quashes anti-terror orders*

*Control orders are part of the anti-terrorism effort*

*A key plank of the government's anti-terrorism laws has been dealt a blow by the High Court. A senior judge said control orders made against six men break European human rights laws. Ministers say they will appeal against the ruling. The orders are imposed on people suspected of terrorism but where there is not enough evidence to go to court. They mean suspects can be tagged, confined to their homes, and banned from communicating with others. In his ruling, Mr Justice Sullivan said control orders were incompatible with Article 5 of the European Convention on Human Rights, which outlaws indefinite detention without trial. The home secretary had no power to make the orders and they must therefore all be quashed, he said.*

#### TERRORISM JUDGEMENTS

*December 2004: Law lords say holding terror suspects without trial is unlawful*

*April 2006: High Court overturns first control order made, saying the suspect had not received a "fair hearing"*

*June 2006: Six control orders are quashed by the High Court for breaking European human rights laws.*

*Under the control orders restrictions, the suspects have to stay indoors for 18 hours a day, between 4pm and 10am and are not allowed to use mobile phones or the internet. And there are limits on who they can meet. The judge said the restrictions were "the antithesis of liberty and equivalent to imprisonment". "Their liberty to live a normal life within their residences is so curtailed as to be non-existent for all practical purposes," he said. In April, the same judge ruled against the Act under which control orders are made, saying that those subjected to them had not received a fair hearing. (...)*

*Laws under review.*



Another sign that the European citizen has a different philosophical approach was revealed during the demonstrations against the war in Iraq that took place in Madrid, Spain at the beginning of 2003. José Saramago, Nobel Laureate in Literature said that there were two superpowers in the international political scene. One was the United States. The other was each and every citizen that had the civic courage to demonstrate and to step outside their homes to demand a different type of public policy.

Following a similar idea, an anonymous citizen wrote a letter in the discussion forum 'Open Democracy' (accessible at [www.opendemocracy.org](http://www.opendemocracy.org)) expressing his ideas on how U.S. citizens have reacted to the terrorist attacks compared to Europeans:

*"Americans saw on television what was happening in New York and Washington. They went home and locked themselves in. Next day they went to war. Spaniards learnt of a new terrorist attack in their country, unparalleled in their history. Spaniards and Europeans went out onto the streets to demonstrate against terror. The next day the Spanish people went to vote in the general elections and changed the government of their country."*

During its first month in power, the new democratically elected Spanish government, decided to remove the Spanish troops that were taking part in an illegal war in Iraq, outside the mandate of the United Nations. Thus, the Spanish government fulfilled the principle of international legality and responded to the will of the Spanish people, 93% of whom had already expressed their reluctance to back the invasion of Iraq in 2003.

Hopefully, the future European Constitution will consolidate democracy and the supreme value of human rights, despite the threat of terrorism.

##### *5.- Conclusion: the Arab Garden, Ground Zero and the development of the Arab world*

Spain is one of the European nations whose history has been enriched by Arab culture and civilization. Between 711 and 1492 there was a prolonged and continuous

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*Tony Blair's official spokesman said Parliament had debated control orders at length and had expected the issue to go through the courts too. The government was already reviewing the way the courts interpreted the Human Rights Act, which incorporates the European convention into British law.*

*The government's terror law adviser, Lord Carlile, said he was "not at all surprised" the judge had ruled that the orders were too stringent. If the Court of Appeal also said the orders should be quashed, he expected the government would make the restrictions on the suspects less severe. (...)"*

presence of the Islamic and Arab world in different areas of the territory, There is no doubt about the importance of this cultural, historical and philosophical legacy<sup>32</sup>. Numerous terms coming from Arabic became part of the Spanish language. Moreover, there is no such thing as a “Spanish race”, precisely because in reality it is a natural mixture of Mediterranean peoples, of Visigoths, Jews, Arabs, Germanics, Celts, etc...

Yet, there is no doubt about the cultural, political, economic and social separation that exists between Spain and the Islamic world. Two key moments in history can explain this separation. The first came about with the birth of Spain as a Nation-state and the expulsion of the Arab peoples from the country in 1492 by the Catholic kings. The second “moment” includes the Industrial Revolution and the spreading of Enlightenment ideas and laicism throughout Western Europe. Professor Lewis, from Yale University, has pointed out that this aspect is fundamental to understanding the deep and profound rupture between the West and Islam:

“Later attempts to catch up with the Industrial Revolution fared little better. Unlike the rising powers of Asia, most of which started from a lower economic base than the Middle East, the countries in the region still lag behind in investment, job creation, productivity, and therefore in exports and incomes. According to a World Bank estimate, the total exports of the Arab world other than fossil fuels amount to less than those of Finland, a country of five million inhabitants. Nor is much coming into the region by way of capital investment. On the contrary, wealthy Middle Easterners prefer to invest their capital abroad, in the developed world.”<sup>33</sup>

It is interesting to compare the visions of freedom, democracy and welfare that exist on both shores of the Strait of Gibraltar, separated by only nine maritime miles. For example, the alleged 20<sup>th</sup> hijacker in the 9/11 terrorist attacks, Zacarias Moussaoui, has stated that one of the reasons for the attacks was the “*return of Spain to Muslim rule*”<sup>34</sup>

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<sup>32</sup> TITU BURCKHARDT, LA CIVILIZACIÓN HISPANO-ÁRABE. (Alianza 1977).

<sup>33</sup> BERNARD LEWIS, WHAT WENT WRONG? THE CLASH BETWEEN ISLAM AND MODERNITY IN THE MIDDLE EAST 47 (Perennial 2002).

<sup>34</sup> Thomas L. Friedman, Longitudes and Attitudes: Exploring the World After September 11, “Diary: Travels in a world without walls”: 311 (2002) at <http://books.google.com/books?id=X7ZQHgAACAAJ&dq=Friedman++Longitudes+and+Attitudes+Diary>

“*When Zacarias Moussaoui, the alleged twentieth hijacker who was captured in Minnesota trying to learn how to fly a 747, appeared in court in April 2002, he was given a chance to make a fifty-minute statement. In it he said he prayed for ‘the destruction of the United States’, ‘the destruction of the Jewish people and state’, and ‘the return of*

Moreover, it must be acknowledged that the present concept of human rights evolved from the Western political thought, particularly from the Enlightenment period and the subsequent American and French Revolutions.<sup>35</sup> Thus, it is difficult to envision a universal approach to human rights given the practices, in some Islamic countries and the complete absence of democratic states in the Islamic world. Nevertheless we share the same human condition, which also means aspirations, such as the pursuit of happiness and vulnerability. In this respect Abdullahi Ahmed An-Na'im, from Emory University —with his generous, brave/courageous perspective of Islam— suggests that our frame of reference should be the universality of human rights, and not "the West", or "European societies." In fact, the contrast highlighted above between the response of European countries and the US to the terrorist attacks shows the fallacy of the dichotomy between "the West" and "the rest". Instead, as professor Adullahi Ahmed An-Na'im<sup>36</sup> claims, we should emphasize our "shared human vulnerability" on a global scale, and realize that terrorism is a threat to all of us. Thus, the response must come from all of us, collectively as humanity at large.

A year after the September 11 attacks, a UNDP report, *Arab Human Development Report 2002*, was published<sup>37</sup>. The analysis of the data and the

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*Spain to Muslim rule". Zacarias Moussaoui repeated these same motives in the hearing of the trial that took place in 2006. He was finally sentence to life.*

<sup>35</sup> It is interesting to see that one of the effects of the French Revolution was on language some linguistic terms. For instance, in 1789 the word *revolution* was just referred to the work of the Polish philosopher and astronomer, Nicolas Copernicus, "De Revolutionibus" published in 1543. In *Diderot and D'Alambert Encyclopaedia* the only meaning incorporated was the one related to Copernico. See NICOLÁS HECTOR DE ANABITARTE & RICARDO LORENZO SANZ, (Cinco Press 1985).

<sup>36</sup> Prof. Abdullahi Ahmed An-Na'im was kind enough to read and make a profound critic of this text in October 2006; his considerations about the common aspirations of human beings regardless their origin, culture and citizenship prompted us to recognize in depth the value of the "human vulnerability concept"; interview with Professor An-Na'im, Atlanta, 10<sup>th</sup> October 2006.

<sup>37</sup> See *UNDP: Arab Human Development Report 2002-2004*, available at <http://www.undp.org.sa>; and the articles "Self-Doomed to Failure", published on July 4<sup>th</sup>, 2002 in *The Economist*; "Arabs at the Crossroads", written by Thomas L. Friedman, published in *The New York Times*, on July 5<sup>th</sup>, 2002; and *Longitudes and Attitudes*, by Friedman, p. 299:

*"(...) it's not only the Palestinians who need radical reform of their governance - it's most of the Arab world.*

*By coincidence, though, some other important folks had the courage to say that just this week: The U.N. Development Program, which published, along with the Arab Fund for Economic and Social Development, a brutally honest Arab Human Development Report yesterday analyzing the three main reasons the Arab world is falling off the globe. (The G.D.P. of Spain is greater than that of all 22 Arab states combined.) In brief, it's due to a shortage of freedom to speak, innovate and affect political life, a shortage of women's rights and a shortage of quality education. If you want to understand the milieu that produced bin Ladenism, and will reproduce it if nothing changes, read this report.*

*While the 22 Arab states currently have 280 million people, soaring birthrates indicate that by 2020 they will have 410 to 459 million. If this new generation is not to grow up angry and impoverished, in already overcrowded cities, the Arab world will have to overcome its poverty - which is not a poverty of resources but a "poverty of capabilities and poverty of opportunities," the report argues.*

information, as well as the reports conclusions, give us the necessary information to understand some of the reasons for the welfare differences between the Western world and the Arab world, namely the lack of political freedom, corruption and deprivation of women's rights. This report was written by distinguished Arab intellectuals and it included some alarming data. For example, Spain's Gross Domestic Product (GDP) is greater than the GDP of the twenty-two Arab States combined. There is hardly any investment in education in the Arab world despite the fact that 65 million people are still illiterate, two thirds of them women. This is problematic because, as stated by Amartya Sen<sup>38</sup>, freedom is an essential ingredient for development and, it produces "development as freedom". The access to some political rights, such as the right to education is inherent to development. According to Fernando Reimers, from Harvard

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*Though the report pays homage to the argument that the Arab-Israeli conflict and Israeli occupation have been both a cause and an excuse for lagging Arab development, it refuses to stop with that explanation.*

*To begin with, it notes that "the wave of democracy that transformed governance in most of Latin America and East Asia in the 1980's and early 1990's has barely reached the Arab states. This freedom deficit undermines human development." Using a standard freedom index, the report notes that out of seven key regions of the world, the Arab region has the lowest freedom score - which includes civil liberties, political rights, a voice for the people, independence of the media and government accountability. In too many Arab states women can't vote, hold office or get access to capital for starting businesses. 'Sadly, the Arab world is largely depriving itself of the creativity and productivity of half its citizens,' the report says of Arab women.*

*On education, the report reveals that the whole Arab world translates about 300 books annually —one-fifth the number that Greece alone translates; investment in research is less than one-seventh the world average; and Internet connectivity is lower than in sub-Saharan Africa. In spite of progress in school enrollment, 65 million Arab adults are still illiterate, almost two-thirds of them women. No wonder half the Arab youths polled said they wanted to emigrate.*

*The report concludes that 'What the region needs to ensure a bright future for coming generations is the political will to invest in Arab capabilities and knowledge, particularly those of Arab women, in good governance, and in strong cooperation between Arab nations... The Arab world is at a crossroads. The fundamental choice is whether its trajectory will remain marked by inertia... and by ineffective policies that have produced the substantial development challenges facing the region; or whether prospects for an Arab renaissance, anchored in human development, will be actively pursued.'*

*Well said —and here's the best part: The report was written by a 'group of distinguished Arab intellectuals' who believed that only an 'unbiased, objective analysis' could help the 'Arab peoples and policy-makers in search of a brighter future.' (...)"*

The 2003 World Bank Report revealed that the largest contrast between bordering states, from the point of view of economic development and social welfare, is not between the United States, first world power, and its southern neighbor Mexico, but between Spain and Morocco. See World Bank Report 2003, available at [www.worldbank.org](http://www.worldbank.org).

<sup>38</sup> See AMARTYA SEN, DEVELOPMENT AS FREEDOM 5 (Oxford University Press 1999).

*"The difference that is made by seeing freedom as the principal ends of development can be illustrated with a few simple examples. Even though the full reach of this perspective can only emerge from a much more extensive analysis, the radical nature of the idea of 'development as freedom' can easily be illustrated with some elementary examples.*

*First, in the context of the narrower views of development in terms of GNP growth or industrialization, it is often asked whether certain political or social freedoms, such as the liberty of political participation and dissent, or opportunities to receive basic education, are or are not 'conducive to development'. In the light of the more foundational view of development as freedom, this way of posing the question tends to miss the important understanding that this substantive freedoms (that is, the liberty of political participation or the opportunity to receive basic education or health care) are among the constituent components of development."*

University, education is the main determinant of people's life chances.<sup>39</sup> He adds that education is vital to eradicate poverty and inequality<sup>40</sup>. The deprivation of education is itself a form of poverty and perhaps Ground Zero is the epicenter of this underdevelopment. Thus, on April 2006, Koichiro Matsuura, director-general of the UNESCO claimed that medical doctors, school teachers and university professors were the most important professions for the civic reconstruction of Iraq.<sup>41</sup>

## Education as a response to terrorism

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<sup>39</sup> Boti Ramirez and J. Meyer consider education, aside from nationality, the main determinant of people's life chances around the world. See Ramírez, J. Boti & J. Meyer, *Explaining the origins and expansion of mass education*, CER. 145-164, vol. 29, no. 2, (1985).

<sup>40</sup> See Reimers, Fernando in "PROSPECTS", vol. XXIX, no. 4, December 1999, (Issue Number 112) Open file education, poverty and inequality, "Educational Chances of the Poor at the End of the Twentieth Century", page 2:

*"The most significant expansion in access to education around the world at all levels has taken place during the last 100 years. Educational opportunity thus came to be perceived, in the collective consciousness of many in the middle of this century, both as a fundamental human right and as a gateway to social opportunity. Meritocratic societies increasingly allocate social status on the basis of educational attainment. The relationship between earnings and educational levels is well documented globally. Education is the single greatest predictor of life chances.*

*Several processes explain why education matters for the reduction of inequality and poverty. First, the cognitive skills, social skills and credentials that can be gained in school expand the choices available to people. These skills and credentials increase the probability that people can become more productive and obtain better paid jobs, they increase the likelihood that they adopt practices that lead to better health, and they increase the possibility to effectively influence the number of children in the family.*

*Obviously poverty and inequality cannot be improved by only intervening in education. Higher levels of education in themselves will not generate more jobs with decent pay. Those are a product of the choices countries make about how to respond to the opportunities and constraints posed by participation in the international economy. The 'quality' of growth is key, as not all growth has the same impact on employment and wages. There are, however, interactive processes in how these choices on matters of economic policy influence poverty where the educational level of the labour force intervenes.*

*Reducing poverty and improving income distribution is the result of multifaceted economic and social processes, not just of improving educational conditions. An important factor in the reduction of poverty incidence is an increase in economic productivity so that average per capita income can increase and so that the living conditions of all people, including the poor, improve. From this perspective, an avenue to reduce poverty is to foster economic growth. Growth and other processes associated with increases in national income, such as urbanization, expansion of basic infrastructure and reduction in fertility rates, will increase the incomes of many families so that the percentage living in poverty declines."*

<sup>41</sup> Koichiro Matsuura also condemned the campaign of violence waged against Iraqi academics and intellectuals, since doctors and professors have been among the main targets of the selected killings in Iraq. Since the invasion of Iraq in May 2003, 180 teachers were killed, 3,250 teachers have fled Iraq and up to 100 were kidnapped. See, UN Office for the coordination of Humanitarian Affairs. IRIN, *UN Office for the coordination of Humanitarian Affairs : humanitarian news and analysis*, at <http://www.irinnews.org/> (last visited Nov. 15, 2006).

The urge to understand why Moroccan citizens carried out a terrorist attack in Madrid on March 11, 2004, as well as the awareness of their lack of political freedom and their low levels of education, led me to think more about the direct connection between development and education. I came up with an answer a year later, in the form of a literary allegory. I was on a trip near the North-African coast, in the small island of Pantelleria, opposite the coast of Tunisia, looking onto the Arab world.

While scanning the horizon, an unexpected summer thought struck me. It was a simile that included both the Arab and European cultures, as well as architecture and education. I contrasted the above mentioned idea of *Ground Zero* with the image of the *Arab Garden* I am about to explain now<sup>42</sup>.

Pantelleria is a small volcanic island in the province of Trapani (Sicily), located between the island of Sicily and Tunisia. It is an island with constant never-ending winds. The historical and multicultural background of Pantelleria is typical of the Mediterranean world. Greeks and Phoenicians, Byzantines, Arabs, Spanish-Aragonese, and now Italians, have inhabited the island. I thought of the simile when I learned about the numerous cylinder-shaped constructions that can be seen on the island. They are built using rectangular lava blocks, the only construction material to be found in the island. They are about 6 meters (18 feet) in diameter, approximately 5 meters high (around 15 feet) and their walls are almost one meter wide (about 3 feet). This is *il giardino arabo* (the Arab garden), I was told. And I thought of how they must have been built. I thought of the effort, of the endless hours under a merciless sun, breathing the heavy and stiff air. I saw the rough and hurt hands carrying the blocks. And all that strenuous effort just to build a small stone area in which to hide and keep a fragile world protected from the constant wind. Specifically, there was a small olive tree which was now able to grow upright and strong and did not have to crawl like the other trees on the island; a cypress that grew tall and strong just next to the wall where it stood erect and dauntless; some palm trees enjoying the little amount of water they had and able to freely grow without having to fight back the wind; and an almond tree, its white light reminding us of the spring and full of fruit by the end of the summer.

“Interesting!” I thought. The Arab garden was like education. We do not realize that the wall that protects education should always be strong and deeply rooted, complete and flexible. For only that priceless wall, –also difficult and strenuous to build, just like the lava blocks that make up the Arab garden– favors the growth inside ourselves of what will enable us, to become people with autonomy, to think and express our points of view, thanks to a strong, fresh, and authentic area. This is just like the one the Arab garden offers its tiny inhabitants. That is education!

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<sup>42</sup> See JOAQUÍN GONZÁLEZ IBÁÑEZ, EDUCACIÓN Y PENSAMIENTO REPUBLICANO CÍVICO. “EPÍLOGO. EL JARDÍN ÁRABE” 235-241 (Valencia 2005).

They are plants, yes, but those walls enabled them to “fulfill themselves” in a way and give the best of themselves in the form of wood and green leaves, of color and fruit. I did not think about it at the moment but now, after the terrorist attacks in Madrid, I strongly believe that in the Arab world, the lack of freedom, of security and the “quasi promotion of ignorance”<sup>43</sup>, are the ingredients for fear and distrust. They are closely related to the absence of education which shapes an individual capable of building his own future, freely, without being constrained by *culture savers* and fundamentalists.

After the Madrid attacks, I came to the conclusion that only an Arab world capable of demanding the opportunity, the decision and the historical courage to “plant” *Arab gardens* in its society will be able to reach the historic *tempo* necessary for its development. Only such a world will build a protected area that will provide free education with clean air full of the civic ethics required in a democracy.

«*Ojalá*» is a Spanish word whose etymology comes from the Arabic *law šá lláh* and which means *God willing*. And so, God willing the future generations of our Arab neighbors will enjoy an education arena that will shape them to freely choose and believe in a future built with their participation! God willing, this education will let them cherish a feeling of progress and development that will lead them to fight the poverty and inequality that determine their world and circumstances! It is a long road and it needs perseverance and will to reach the finishing line. It took some European States like Spain almost two centuries, fighting and battling, to finally leave the Ancient Regime behind and create an open and free society, without historical determinisms and religious shadows.

The Western world will also play a key role and will have some responsibility for the efforts to escape underdevelopment. The progress, positive effects and well being generated by the rise of human rights standards and the universal spread of access to education in the Western World should be the most effective *soft power*<sup>44</sup> to be translated into the Arabic countries as an equity policy. We have the duty and responsibility to regenerate the *Ground Zero* areas that produce underdevelopment. We need to ensure these areas have access to the free, plural education that would provide citizens with enough autonomy to decide their future. We Europeans worry about what

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<sup>43</sup> This reasoning becomes accentuated when we study the allocation of the national budgets in the Arab countries and we realize that very little is invested in education, especially if compared with investment in defense. The most alarming examples are those of Pakistan, Egypt, Yemen, United Arab Emirates, Burma, Sri Lanka, Botswana and Sierra Leone. See JOHN T. ROURKE, *WORLD POLITICS: INTERNATIONAL POLITICS ON THE WORLD STAGE* (9<sup>th</sup> ed. 2002).

<sup>44</sup> By *soft power* we mean the idea developed by Joseph S. Nye, Jr: “Soft power rests on the ability to shape the preferences of others (...) It is also the ability to attract, and attraction often leads to acquiescence.” In a certain way, *soft power* is the capacity to attract and influence others built on persuasion, legitimacy and equity. See, JOSEPH S. NYE & JOSEPH S. NYE, JR., *SOFT POWER* 5-7 (Public Affairs 2004).



we can do *with* the Arab world, and not *for* the Arab world!!<sup>45</sup> And yet, the future is only in the hands of the Arab peoples and in their determination to change their circumstances in order to change their future!<sup>46</sup>

Education is everything!

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<sup>45</sup> Nelson Mandela highlighted the differences between to do *for* and to do *with*. The South African leader respected profoundly President Bill Clinton, since in the United States Clinton's policy had won over the confidence of black citizens, minorities, women, and the disabled, and it had meant a change in the traditional US foreign policy in Africa. During the celebration of the Fiftieth Anniversary of the Universal Declaration of Human Rights, in December 10<sup>th</sup>, 1998, Nelson Mandela quoted Clinton's words during a conversation they had: "I admire Clinton; he has changed the face of American politics. (...) When he came here [South Africa] he set forth a very important question. He said: 'It used to be, when American policymakers thought of Africa at all, they would ask, what can we do *for* Africa, or whatever can we do *about* Africa? Those were the wrong questions. The right question today is, what can we do *with* Africa?'" See Carlin, John, "El gigante de la libertad, Mandela", in Spanish weekly *El País Semanal*, published on December 6<sup>th</sup>, 1998: 21-23.

<sup>46</sup> In 1916 Spanish philosopher José Ortega y Gasset coined the expression "I am me and my circumstances", to give the idea that if man has neither the capacity nor the will to change his context and his circumstances, then he will not be able to change his future. See in the English version: José Ortega y Gasset, *Meditaciones del Quijote*, "Personas, obras, cosas", (*Meditations on Quixote*, "People, Works, Things"). Alianza Editorial- Revista de Occidente, 1983 (Spanish version).



La Zona Cero está en el alma de occidente,

cerca del corazón, en un solar de Manhattan.

Cayeron los gigantes. Lágrimas de septiembre.

Lágrimas de carne y metal.

El planeta contuvo la respiración.

Los hijos del ocaso se armaron en respuesta.

Qué pena que no sepas repartir tu piedad.

También que cada herida en la piel de este planeta

es una Zona Cero que llorar.

Y abres otra herida repitiendo el mismo error.

La Zona Cero sangra en la ruinas de Kabul.

Una boca sin dientes sonrío bajo un burka.

La Zona Cero extiende sus manchas hacia el sur.

Y no hay septiembreres ni lamentos

para esta tierra agujereada por el fuego. (...)

Rodeado de alambradas, muy cerca de Belén,

en plena Zona Cero nació el hijo de un dios.

Los olivos se secan y Palestina ve

como bajo los escombros duermen

palomas que se esconden del invierno.

Desde un hotel contempla la bella Scherezade,

cegada por las llamas, las calles de Bagdad.

Las mujeres se esconden del lobo en Ciudad Juárez.

Y en un semáforo de Río de Janeiro

los niños comen plomo y papel de celofán.

En África la Zona Cero hincha los vientres

y llenará sus camas de sombras y delirios.

Un indio en una selva hoy sueña con serpientes.

Y en un café de Grozni los más viejos

lloran por la calma que no volverá. (...)

Ismael Serrano, *Zona Cero*

Ground Zero is in the soul of the West,  
near the heart, in an empty lot in Manhattan.  
The two giants have fallen. September tears.  
Tears made out of flesh and iron.  
And the planet held its breath.  
The sunset's sons armed themselves to respond.  
Shame you can't share out your piety.  
Each wound on the flesh of this planet  
is another Ground Zero to cry for.  
And yet, you inflict another wound, making the same  
mistake once again.

In the ruins of Kabul, Ground Zero is bleeding.

Behind *burqab* a toothless mouth is smiling.

And Ground Zero spreads towards the south.

No more Septembers, no more cries

for this land pierced and burnt by the fire. (...)

Near Bethlehem, surrounded by a wire fence,  
in the middle of Ground Zero, the son of a god was  
born.

The olive trees dry up and Palestine watches

the doves sleep under the rubble

looking for shelter for the winter.

From a hotel, beautiful Scheherazade,

Dazzled by the flames, looks onto the streets of Baghdad.

Women in Ciudad Juárez hide from the wolf.

And next to a traffic lights in Rio de Janeiro

Children eat lead and cellophane.

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In Africa, Ground Zero blows up the tummies

and fills their beds with ghosts and nightmares.

An Indian in the jungle dreams of snakes.

And in a café in Grozny the elderly cry,

longing for a peace that will never come back.

(...)

*Zona Cero (Ground Zero)*, song by Ismael Serrano

## **The Arab Garden: A Response to Professor Ibáñez by Hisham Ramadan**

Professor Ibáñez focused his argument on three factors that contribute to the rise of international terrorism by individuals who brand themselves as Muslims. These factors are lack of democracy, economic failure of numerous Muslim states and lack of education. These factors, in my opinion, are not exclusive. Several other factors have contributed to the current crises including oppressive regimes of Muslim States that deprive Muslims of basic political rights under the label of secularism, deprivation of Muslims in western society from numerous human rights, e.g. Mosques cannot use loud speakers to call for prayers while church bells ring freely, prohibition of females to wear head scarves, use of offensive language in addressing Muslims. I will focus my discussion on the issues raised by Professor Ibáñez presenting an Islamic perspective while noting a number of other factors. I conclude my essay with an analysis exposes the reasons for the current crisis.

### **1. Education:**

Early in the Islamic period, Islamic states realized its potential as a leading democracy in a world where knowledge, whether religious, scientific or otherwise, was largely appreciated and encouraged. Shortly thereafter the democratic model presented by the Prophet Mohammed and his companions was abandoned due to political struggles between various players. However, seeking knowledge through education has always been a matter of high importance in the Islamic state. Muslims' contribution to humanity cannot be denied by unbiased individuals. For instance, al-Razi (Razes), Abulcasis (Bucasis, Alzahravius), Ibn-Sina (Avicenna), Ibn-Rushd (Averroes), and Ibn El-Nafis took the lead in the science of medicine for centuries. In other fields were founded or pioneered by Muslim scientists paving the way for modern science. Al-khwarazmi (Algorizm) is considered to be one of the founders of algebra. Jabir-bin-Hayyan is recognized as the father of chemistry. Al-Haitham, (Alhazen) is considered the father of modern Optics. Ibn Khaldun is universally recognized as the founder and father of Sociology and Sciences of History. The magnificent contribution by Muslim scientists was not created in a vacuum. It has deep roots in Islamic thought. Promoting education to every individual, whether male or female, is an Islamic goal. A long list of directions stated in the Qur'an and the tradition of the Prophet Mohammed stipulate this goal. The First Qur'anic command was READ.<sup>47</sup> Such a command (read) is the imperative first step in education. Islam elevates the statues of reason and honors those who possess knowledge.<sup>48</sup>

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<sup>47</sup> (Read! In the name of thy Lord and Cherisher, Who created...) THE HOLY QUR'AN 1:96.

<sup>48</sup> (Say: Are those equal, those who know and those who do not know?) THE HOLY QUR'AN 39:9; “Those truly fear Allah, among His Servants, who have knowledge: for Allah is Exalted in Might, Oft-Forgiving.) THE HOLY QUR'AN 35:28.

Muslims should strive to gain knowledge for its merit.<sup>49</sup> Muslims are ordered to learn not only their religion but all sciences.<sup>50</sup> Those who refuse to utilize the faculty of reasoning by thinking and learning are blameworthy.<sup>51</sup> Whether a concurrent regime advances Islamic education principles is dependant on various political and social factors including tribal customs that may contradict Islamic principles. For instance, the Taliban regime, a self-defined Islamic regime, regrettably has deprived females from education suggesting that female education is unlawful or un-Islamic.<sup>52</sup> Without a doubt, this regime would fail to produce any foundation in the basic sources of Islamic law i.e. Qur'an and Sunna or even Islamic Jurisprudence, whatsoever, to support this claim. Rather, it might be the whim of the tribal leaders or a tribal custom, unjustifiably labeled Islamic.

## 2. Democracy:

Professor Ibáñez has identified the democratic state to have five characteristics. Each ought to be discussed individually.

### *a) Real separation of the State's powers (checks and balances).*

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<sup>49</sup> (High above all is Allah, the King, the Truth! be not in haste with the Qur'an before its revelation to thee is completed, but say, "O my Lord! Advance me in knowledge.) THE HOLY QUR'AN 20:114. (Of camels a pair, and of oxen a pair; say, hath He forbidden the two males, or the two females, or (the young) which the wombs of the two females enclose? Were ye present when Allah ordered you such a thing? But who doth more wrong than one who invents a lie against Allah, to lead astray men without knowledge? For Allah guides not People who do wrong.) THE HOLY QUR'AN 6:114. He (Allah/God) grants wisdom to whom He pleases; and he to whom wisdom is granted receives indeed a benefit overflowing; but none will grasp the Message but men of understanding.) THE HOLY QUR'AN 2:269. *See* also (Yahya related to me from Malik that he heard that Luqman al-Hakim made his will and counseled his son, saying, "My son! Sit with the learned men and keep close to them. Allah gives life to the hearts with the light of wisdom as Allah gives life to the dead earth with the abundant rain of the sky.") MALIK'S MUWATTA', Hadith # 59. 1.1.

<sup>50</sup> (Do they see nothing in the government of the heavens and the earth and all that Allah hath created? (Do they not see) that it may well be that their term is nigh drawing to an end? In what Message after this will they then believe?) THE HOLY QUR'AN 7:185. (Do they not look at the Camels, how they are created? And at the Sky, how it is raised high? And at the Mountains, how they are fixed firm? And at the Earth, how it is spread out?) THE HOLY QUR'AN 88:17-20.

<sup>51</sup> (For the worst of beasts in the sight of Allah are the deaf and the dumb, those who understand not.) THE HOLY QUR'AN 8:22. In this verse, the Qur'an described those who refuse to listen and see as "the worst of beasts".

<sup>52</sup> *See* AL-QARADAWI, STATE IN ISLAM, *Supra* note 72, at 113. He criticized Taliban regime that unjustifiably forbade women education and election process.

Given that the fundamental rule in Islam that all things are permissible unless there is a prohibition that encompasses it and that there is nothing in Islamic law against separation of state powers, adopting a separation of powers system is a viable option in an Islamic state. However, if the rationale underlying the separation of state powers doctrine is to provide a closer control among powers (checks and balances), Islamic law has created even more effective method of control with no equivalent in western democracies. Islamic law has created the right of *Hosbah*.<sup>53</sup> Under this right, the entire society engages in an accountability system where every citizen has the right to monitor the state's actions to enforce the law. A citizen may challenge a state's actions, legislation or even unfair practices by other citizens if it contradicts the law of the land...i.e. Islamic law. Because Islamic society is one entity, whatever harms the society or deprives it from a lawful gain affects every citizen regardless of whether a citizen is directly or indirectly benefited or harmed by the wrongdoing. This describes the rights and duties of citizenship in its fullest sense. Numerous western democracies have restricted the citizens' contributions to society by imposing various legal rules. For instance, the United States Supreme Court precludes citizens from raising constitutional issues unless their own rights are affected, i.e. standing requirement.<sup>54</sup> Perhaps the motive underlying this policy is to eliminate politically driven litigations and to reduce the quantum of cases in courts. On the basis of balancing the harm(s) and the benefits questions arise. Are these rationales, and maybe others, worth the benefit lost of correcting law violations? Are these rationales worth paralyzing the good citizen, the Good Samaritan, who is willing to commit his efforts to the public good? Should we send this message to the public: "mind your own business"? Indeed, the answer to these questions rests with the parliament but Islamic law chooses a different path: advancing Islamic public good outweighs any other rationale. A social concern is a citizen concern, therefore, whatsoever affects the society as a whole, or a member of the society, affects every citizen in the society. Islamic law directives are clear: Every individual is encouraged to enjoin good and forbid evil. Those who enjoin good and forbid evil by mere wishing are the weakest and least desirable.<sup>55</sup>

Ultimately, if the right of *Hosbah* provides ultimate control among powers then, what is the need for a limited, in scope, method of control such as separation of powers? Obviously the Islamic constitution may or may not include a separation of powers doctrine but it would be redundant in the light of *Hosbah*'s unconstrained scope.

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<sup>53</sup> For jurisprudential foundation see (Ye are the best of Peoples, evolved for mankind, enjoining what is right, forbidding what is wrong, and believing in Allah) the Holy Qur'an 3:110, *See also* (the Messenger of Allah (saas) (peace and blessings of Allah be upon him) say, "Whoever sees an evil action, let him change it with his hand [by taking action], and if he cannot, then with his tongue [by speaking out], and if he cannot, then with his heart [by feeling that it is wrong], and that is the weakest of faith." Book of Sahih Muslim Hadith # 78.

<sup>54</sup> See *Doremus v. Board of Education of Borough of Hawthorne* 342 U.S. 429, 72 S.Ct. 394, 96 L.Ed. 475, *Commonwealth v. Mellon*, 262 U.S. 447, 43 S.Ct. 597, 67 L.Ed. 1078 (1923). For criticism *See Abram Chayes, The Supreme Court, 1981 Term-Foreword: Public Law Litigation and the Burger Court*, 96 Harv. L. Rev. 4 (1982) (criticizing the United States Supreme Court for discouraging the citizens from public rights litigations).

<sup>55</sup> *also* (the Messenger of Allah (saas) (peace and blessings of Allah be upon him) say, "Whoever sees an evil action, let him change it with his hand [by taking action], and if he cannot, then with his tongue [by speaking out], and if he cannot, then with his heart [by feeling that it is wrong], and that is the weakest of faith." Book of Sahih Muslim Hadith # 78.

**b) Respect for human rights,**

Long before the Magna Carta, Islamic law laid the foundation for a modern human rights scheme. The fundamental human rights, that indeed far exceed those mentioned in any modern human rights document, are spread in the basic sources of Islamic law i.e. Qur'an and Sunna. Islamic law emphasizes the ever-logical rights such as right to life and the right to Justice.<sup>56</sup> Islamic Law pioneered declaring some rights such as freedom of religion, right of privacy and equality of human beings.<sup>57</sup> It even establishes rights that hardly exist in modern human rights instruments such as the right to a basic standard of life (welfare state).<sup>58</sup> Those rights are only examples of the guaranteed human rights under Islamic law. In the past few decades there have been attempts to collect these rights in western style like instruments. Among the most famous ones are the Universal Islamic Declaration of Human Rights (1981) and The Cairo Declaration on Human Rights in Islam (1990).

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<sup>56</sup> For the right of life *See* "On that account: We ordained for the Children of Israel that if anyone slew a person - unless it be for murder or for spreading mischief in the land - it would be as if he slew the whole people: and if any one saved a life, it would be as if he saved the life of the whole people. Then although there came to them Our Messengers with Clear Signs, Yet, even after that, many of them continued to commit excesses in the land." The Holy Qur'an Sura Al-Maidah (5:32). *See also* "Take not life, which Allah hath made sacred, except by way of justice and law: thus doth He command you, that ye may learn wisdom." The Holy Qur'an Sura Al-An' am (6:151). For the right to justice *See* "O ye who believe! stand out firmly for justice, as witnesses to Allah, even as against yourselves, or your parents, or your kin, and whether it be (against) rich or poor: for Allah can best protect both. Follow not the lusts (of your hearts), lest ye swerve, and if ye distort (justice) or decline to do justice, verily Allah is well-acquainted with all that ye do." The Holy Qur'an Sura An-Nisaa' (4:135). *See also* "O ye who believe! stand out firmly for Allah, as witnesses to fair dealing, and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to Piety: and fear Allah. For Allah is well-acquainted with all that ye do." The Holy Qur'an Sura Al-Maidah (5:8).

<sup>57</sup> Respecting Freedom of religion *See* "Let there be no compulsion in religion: Truth stands out clear from Error: whoever rejects Evil and believes in Allah hath grasped the most trustworthy hand-hold, that never breaks. And Allah hears and knows all things" The Holy Qur'an, Sura Al-Baqarah (2:256). Regarding right of privacy *See* "O ye who believe! avoid suspicion as much (as possible): for suspicion in some cases is a sin: and spy not on each other, nor speak ill of each other behind their backs. Would any of you like to eat the flesh of his dead brother? Nay, ye would abhor it. But fear Allah: for Allah is Oft-Returning, Most-Merciful." The Holy Qur'an Sura Al-Hujurat 49:12. Regarding equality right *See* "O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise each other). Verily the most honored of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full Knowledge and is well-acquainted (with all things)." The Holy Qur'an Sura Al-Hujurat 49:13 ( the verse noting destroy any foundation for inequality by emphasizing that humanity has only one origin and therefore all humans are the same and that the division of humanities into nations and races is for the sake of distinction, so individuals belonging to different races and nations my be acquainted with each other).

<sup>58</sup> Islam pioneered social welfare system that guarantee providing the needy who reside in the Islamic state , regardless to his race , religion, national affiliation or otherwise, with the basics necessities of life *See* "And in their wealth there is acknowledge right for the needy and destitute." The Holy Qur'an Sura Az-Zariyat (51:19).

**C) Elections, which should be free, plural and periodical; and E) A sovereign power represented by the people, composed of a citizenship of free men and women with equal rights. (These are related and so combined in the following discussion.)**

In these characteristics Professor Ibáñez explains the facets of western democracies that may not be universal in nature because of its underlying presumptions. Before clarifying the variance between Islamic and western democracies it is imperative to explain briefly the concept of democracy in Islam.

It is well known that the word democracy is derived from two Greek words: *Demos* meaning (People), and *Kratos* meaning (Power), or in other words power to the people. The implications of the definition are numerous but the most prevailing is that only the people have the power to rule and enact laws. This, definitely does not preclude people from the freedom of belief including the freedom to choose particular religious beliefs as the supreme law of the land. Thus, democracy is neither opposed to nor in favor of religion. It takes a neutral stance from religion. Whether religious or secular laws prevail in a particular state is a question for the people of the state who own the exclusive power to choose their path. The Islamic state is no exception to the rule. The citizens of the Islamic state choose their path through consultation among themselves. This is not a novel concept nor is it a proposition; it is the only acceptable method of government in Islam as delineated in Qur'an.<sup>59</sup> The Prophet Mohammed was the first to practice the doctrine of consultation as the head of the Islamic state.<sup>60</sup> He did not appoint a successor and therefore gave permission to Muslims to elect or choose their own leader. He customarily consulted his people in the secular affairs.

Islamic law scholarly work on democracy is based upon the fundamental democratic theory presented in Qur'an and practiced by the Prophet. Al-Mawardi detailed the conditions of the Imam (the Head of the State) among them, justice, physical fitness, and knowledge of Islamic law and sound opinion.<sup>61</sup> Once these conditions have been met in a candidate, the legitimate representatives (*Ahel Al-Aqed wa- Al-Hall*) of the nation select the one most fulfilling to these conditions and the one that the nation is likely to respect and follow. The nominated candidate may refuse or accept the leadership, since the leadership is, in essence, a contract in between the nation and the leader. Once the legal representatives or the majority of the nation elected a leader and the candidate accepted the position, he is to obeyed by every citizen. If the leader loses one or more of qualities of leadership e.g. committed a major crime, he may be impeached. However, he might be re-elected with a new contract between him

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<sup>59</sup> (Those who hearken to their Lord, and establish regular prayer; who (conduct) their affairs by mutual Consultation; who spend out of what We bestow on them for Sustenance) The Holy Quran Sura Ash-Shura (42:38).

<sup>60</sup> (It is part of the Mercy of Allah that thou dost deal gently with them. Wert thou severe or harsh-hearted, they would have broken away from about thee: so pass over (their faults), and ask for (Allah's) forgiveness for them; and consult them in affairs (of moment). Then, when thou hast taken a decision, put thy trust in Allah. For Allah loves those who put their trust (in Him)) The Holy Qur'an Sura Al-i-Imran (3:159).

<sup>61</sup> page 6 Mawardi.



and the nation.<sup>62</sup> In contrast, dictatorial regimes are never Islamic. If the nation, through the legitimate representatives or through direct election did not elect the leader, the vast majority of scholars have declared that the leadership is not vested in the self imposed leader.<sup>63</sup>

Alternatively, Al-Mawardi suggested that the leader of the nation (the Imam) may appoint his successor.<sup>64</sup> He relied upon historical precedents in which some of the Companions of the Prophet Mohammed appointed or short listed their successors. The rationale for this proposition is not in concert with today's realities nor providing sufficient logic. None of today's Muslim countries' leaders is comparable to the Companions of the Prophet with respect to knowledge of Islamic law, status between Muslims or their methodology in conducting the affairs of the Islamic state.<sup>65</sup> Indeed if one of those Companions was alive, the nation would happily elect him. But those Companions are unrepeatable models. Moreover, under the benefits versus harm analysis that is classically recommended by Islamic law scholars, the harm caused by an error in judgment in appointing a successor greatly outweighs its benefits.<sup>66</sup> The unforeseeable dictatorship that may emerge as a result of appointing a successor or even a family member outweighs any possible benefit. Thus the only acceptable method to appoint a ruler is by mutual consultation between Muslims.

Some Islamic law scholars believe that democracy is a foreign concept limited to secular regimes. They argue that the concept of popular sovereignty is contrary to the basic Islamic creed that the ultimate sovereignty is to God.<sup>67</sup> Remarkably, those who reject the label of popular sovereignty still believe in the basics of Islamic democratic foundations. They believe that people should rule themselves but the ultimate authority is for God. Thus, it seems that the Islamic law writers who reject the idea of democracy fall into the erroneous belief that democracy must be secular. This is, indeed, incorrect. Islamic democracy is a viable option. In the Muslim nations, the majority of the citizens accepts Islam without any compulsion and therefore they have accepted consequences of the faith: submission to the will of God through recognizing Islamic law as the supreme law of the land. Accordingly, Maududi, in an attempt to distinguish Islamic democracy from secular democracy suggested that the best term to describe the Islamic state of government is Theo-democracy in which the popular sovereignty is limited to direct

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<sup>62</sup> Some said that he do not need a new contract if he has committed a sinful act and repented. *Id.* at 19.

<sup>63</sup> *Id.* at 7-8.

<sup>64</sup> *Id.* at 10.

<sup>65</sup> (Hold on to my Sunnah and the Sunnah of the Rightly Guided Caliphs after me. Hold on to it firmly. And beware of heretical innovations (bida') because each heretical innovation (bid'ah) is a falsehood and each falsehood is a deviation from the right path.) Hadith reported by Sunan Ibn Majah Hadith No 42 (book of Al-Iman). One should realize that the Hadith placed the companions of the prophet Mohammed, who later became Caliphs ( ruler), in an exceptional position that is indeed unrepeatable.

<sup>66</sup> The Holy Qur'an teaches Muslim how to conduct harm/ benefits analysis in the example of prohibiting alcohol See (They ask you about intoxicants and gambling: say, 'In them there is a gross sin and some benefits for the people. But their sinfulness far outweighs their benefit.) THE HOLY QUR'AN Sura Al-Baqarah (2:219).

<sup>67</sup> See 23 John L. Esposito and John O. Voll Islam and Democracy (1996). See also, 139-145 S. Abul A'la Maududi Islamic law and Constitution (12th ed 1997).

commands of God.<sup>68</sup> It is really unimaginable to object to this form of democracy from a western point of view. Even in the most liberal western democracy people chose what bodies of law govern their life no matter how such laws might be extreme or unfair from externalists perspective. For instance, the Netherlands legalized drugs while many European states still prohibit it. A number of western countries legalized prostitution, others consider it immoral and illegal. No valid human rights violation claim could be made that deprives a sovereign nation from choosing its path. Drugs, prostitution, abortion and the like could be legal or illegal. It could be moral or immoral. It depends on the moral and legal norm of a particular state. The Islamic state is not an exception to the rule. Muslims have the right to impose their own laws in their state even if such laws delegate the ultimate authority to basic sources of Islamic law, i.e. Quran and Sunna.

Another possible contrast between Islamic democracy and the most common western democracies practices is the period of service in public office. Professor Ibanez suggested that elections should be periodical in democratic societies. Assuming that extended service in office, possibly even for a life term, is undemocratic *per se* is unfounded. What if the people choose to elect their representative for a life term providing that they have the right to impeach them if unfit to serve in public office? Should a foreign, externalist sovereignty subvert the people's will in Islamic society by imposing periodic elections? The obvious answer is no. The people may regulate their elections process and procedures as they wish even if they decided to appoint a ruler and/or representative for life. This is not to say that Islamic law *per se* is against periodical elections rather it is merely a procedural rule that may be accepted or rejected by the people.

Apart from sovereignty to God, and periodical elections variations, it does seem that, with respect to democratic process, Islamic law require a free, plural and sovereign power that represents the people (*Ahel Al-Aqed wa- Al-Hall*), composed of a citizenship of free men and women with equal voting rights.

#### **d) The existence of a Rule of Law**

The rule of law doctrine necessitates subjecting the government and the citizens to the law in application and as regularly adopted. This rule can be traced to the Magna Carta and was adopted in the western jurisprudence.<sup>69</sup> However, centuries before the Magna Carta the basic sources of Islamic law,

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<sup>68</sup> 139-145 S. Abul A'la Maududi Islamic law and Constitution (12<sup>th</sup> ed. 1997).

<sup>69</sup>The Magna Carta states " NO free man shall be taken , imprisoned , disseized, outlawed, or banished , or in any way destroyed , nor will be proceed against or prosecute him , except by the lawful judgment of his peers and the law of the land"

i.e. Qur'an and Hadith, affirmed the rule of law at the doctrinal level and in application.<sup>70</sup> Because the rule of law doctrine is exceptionally fundamental in Islamic jurisprudence it is monitored, and enforced not only by governmental organizations but also by the people under the right of Hosbah. No one whatsoever, is above the law. When the Caliph (ruler) Omar Ibn Khatab wore a long robe, a sign of spending moderate amount of money on clothing, the people questioned him about the source of earning that money.

### 3. Islamic Economy

Generally, Islamic economy adopts a very liberal perspective that is based upon the welfare state, prohibiting exploitation of the needy, and unfair practices.<sup>71</sup> However, Islamic law differs

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<sup>70</sup> (O ye who believe! Be steadfast witnesses for Allah in equity, and let not hatred of any people seduce you that ye deal not justly. Deal justly, that is nearer to your duty. Observe your duty to Allah. Lo! Allah is Informed of what ye do.) the Holy Qur'an Sura Al-Maidah (5:8). See also Hadith "prophetic tradition" ( Narrated 'Aisha: The Quraish people became very worried about the Makhzumiya lady who had committed theft. They said, "Nobody can speak (in favor of the lady) to Allah's Apostle and nobody dares do that except Usama who is the favorite of Allah's Apostle." When Usama spoke to Allah's Apostle about that matter, Allah's Apostle said, "Do you intercede (with me) to violate one of the legal punishment of Allah?" Then he got up and addressed the people, saying, "O people! The nations before you went astray because if a noble person committed theft, they used to leave him, but if a weak person among them committed theft, they used to inflict the legal punishment on him. By Allah, if Fatima, the daughter of Muhammad committed theft, Muhammad will cut off her hand!) Sahih Bukhari, Book of Al-Hudud, Hadith # 779. See a study on the Rule of Law and the Doctrine of Stare Decisis in Islamic law, Ali Iyad Yakub, The Islamic roots of democracy, 12 U. Miami Int'l & Comp. L. Rev. 269, 294.

<sup>71</sup> *Generally See* (O ye who believe! Fulfill your undertakings.) The Holy Qur'an (5:1). (O you who believe! do not devour your property among yourselves falsely, except that it be trading by your mutual consent, and do not kill yourselves. Surely Allah is Merciful to you." Qur'an Sura An-Nissa (4:29). *See also* No deceive in transactions (Abdullah b. Dinar narrated that he heard Ibn 'Umar

significantly from western jurisprudence in some aspects such as prohibition of Riba (roughly translates usury) and Gharar (roughly translates uncertainty, risk or speculation) in contracts.<sup>72</sup> There are two types of riba: Riba Nasi'a, when the lender asks the borrower at the maturity date whether he will pay the debt or increase it in exchange for future maturity date.<sup>73</sup> Riba al-fadl when the repayment of the loan is associated with an increase.<sup>74</sup> Thus any increase in the repayment of debt is prohibited whether in exchange for delaying/changing the maturity date or is predetermined at the time of forming the loan contract. Gharar occurs when the parties in the transaction lack the perfect knowledge of the counter values intended to be exchanged. For instance, in contract of sale, Gharar occurs when the item subject of sale is not sufficiently defined either because of future maturity date e.g. fruits and vegetable not yet ripe or sale by betting on one item of many.<sup>75</sup> One of the rationales of prohibiting Gharar in the contract of sale is to eliminate conflicts between the buyer and the seller arising from discrepancy between the buyer's intention/understanding of the item/subject of sale and what he actually receives. It should be noted that there are a number of contracts deemed as exception to the Gharar doctrine such as a contract to manufacture (Istisna), a hire contract (Ijara) and sale with advanced payment.

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(Allah be pleased with them) saying: A man mentioned to the Messenger of Allah (may peace be upon him) that he was deceived in a business transaction, whereupon Allah's Messenger (may peace be upon him) said: When you enter into a transaction, say: There should be no attempt to deceive.) Sahih Muslim Book 010, Number 3663. Debt forgiveness policy for insolvency (Abu Sa'id al-Khudri (Allah be pleased with him) reported that in the time of Allah's Messenger (may peace be upon him) a man suffered loss in fruits he had bought and his debt increased; so Allah's Messenger (may peace be upon him) told (the people) to give him charity and they gave him charity, but that was not enough to pay the debt in full, whereupon Allah's Messenger (may peace be upon him) said to his creditors: "Take what you find, you will have nothing but alms) Sahih Muslim Hadith # 3777. However, it is also forbidden for a solvent to make delay in the payment of debt (Abu Huraira (Allah be pleased with him) reported Allah's Messenger (may peace be upon him) as saying: Delay (in the payment of debt) on the part of a rich man is injustice, and when one of you is retired to a rich man, he should follow him) Sahih Muslim Hadith # 3796. Forbidding monopoly (None monopolize but a sinner) Sahih Muslim quoted in YUSUF AL-QARADAWI, 51 Islamic Concept of Education & Economy (El-Falah Trans. 1998). Regarding encouraging social welfare *See* (Narrated Abu Musa Al-Ash'ari: The Prophet said, "Give food to the hungry, pay a visit to the sick and release (set free) the one in captivity "by paying his ransom") Sahih Bukhari Hadith # 286. Encourage investing (If anyone has a land, he should cultivate it or lend it to his brother) Al-lu'lu'Wa al Marjan, Hadith # 993, 994.

<sup>72</sup> (Those who swallow usury cannot rise up save as he arises whom the devil has prostrated by (his) touch. That is because they say: Trade is just like usury; whereas Allah permitted trading and forbade usury. He unto whom an admonition from his Lord comes, and (he) refrained (in obedience thereto), he shall keep (the profits of) that which is past, and his affair (henceforth) is with Allah. As for him who return (to usury) - Such are rightful owners of the Fire. They will abide therein) the Holy Quran Sura Al-Baqarah (2: 275).

<sup>73</sup> Al-Gasas, 1 Ahkam Al-Qur'an 552-3.

<sup>74</sup> *Id.* *See also* (Uthman b. 'Affan reported Allah's Messenger (May peace be upon him) as saying: Do not sell a dinar for two dinars and one dirham for two dirhams) Sahih Muslim Hadith # 3849. (Abu Salid al-Khudri reported Allah's Messenger (may peace be upon him) as saying: Do not sell gold for gold, except like for like, and don't increase something of it upon something; and don't sell silver unless like for like, and don't increase some thing of it upon something, and do not sell for ready money something to be given later) Sahih Muslim Hadith # 3845. ('Abdullah (b. Mas'ud) (Allah be pleased with him) said that Allah's Messenger (may peace be upon him) cursed the one who accepted interest and the one who paid it I asked about the one who recorded it, and two witnesses to it. He (the narrator) said: We narrate what we have heard) Sahih Muslim Hadith #3880.

<sup>75</sup> Imam Serkhasi, 7 AL-Mabsoot 68.

Prohibition of Gharar and Riba never paralyzes the state economy rather it creates an economical system the endeavors to eradicate exploitation of the weak by a callous interest-based banking system and to encourage investment in the liberal market by abolishing easy, risk free, gains generated by Riba banking interests. Individuals, under Islamic law ought to invest in the market with the risk of loss otherwise their capital would depreciate by inflation when the money is idle. Accordingly the Islamic economical scheme transforms individuals from creditors into partners. Moreover, prohibition of Gharar enhances the market equity scheme by eliminating uncertainty and speculation in contracts. The Islamic banks employ various methodologies to substitute for the Riba system. For instance, under Mudaraba contract (Trust Financing), a bank may act as an agent to the financier to invest his funds in the market in exchange for a share in the profit. If the bank lost the depositor's funds partly or fully the bank would only lose his efforts.<sup>76</sup> Under Musharaka contract (Partnership Financing) a bank participates in financing along with a project sponsor(s) on a prearranged ratio.<sup>77</sup> In contrast to Mudaraba contract, the bank bears the risk of loss as well as prospect of gain.

It is worth noting that the Islamic financial system, although it may seem alien to the common reader, has gained remarkable growth and success in the past few decades and has proven to be competitive to the typical western financial system in the market.<sup>78</sup>

#### 4. The Dilemma

The persisting question, following the brief illustration of Islamic democratic principles, educational and economical policy is that if Islam pioneered human rights guarantees and established fair and progressive educational and economical guidelines then what is the cause of the widespread human rights violations, failed educational system and economic adversity in Muslim states? Probably the key concept to explain this paradox is that, as pointed out by the former pop singer Cat Stevens, we ought to distinguish between the car and the driver. The car donates Islamic law and the driver donates the application of Islamic law. We also should pay attention to driving in less than optimal conditions i.e. unfavorable circumstances in the Islamic world. According to this metaphor, the situation in the Islamic world is that of a bad driver driving an excellent vehicle in very bad conditions. In other words, while Islamic law is virtuous, a host of factors contribute to the current crises in the Islamic world including the erroneous application of Islamic law principles, unfavorable attitudes towards Islam in general and superpowers interests in the Islamic world.<sup>79</sup> The following analysis addresses these issues.

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<sup>76</sup> Gohar Bilal, *Islamic Finance: Alternatives to Western Models*, 23 Fletcher F. World Aff. 147,156 (1999).

<sup>77</sup> *Id.* at 157.

<sup>78</sup> *See* Gohar Bilal, *Islamic Finance: Alternatives to Western Models*, 23 Fletcher F. World Aff. 147 (1999).

<sup>79</sup> Indeed this is not an exclusive list; a full historical, economical and political analysis is beyond the scope of the article

### **A. Islamic economy and the current state of affairs**

Historically imperialistic powers have drained the natural resources of the most vulnerable nations. Nowadays, the non-stoppable train of globalization, which is driven by superpowers interests, harms developing countries including Islamic states to a large extent. To be sure, globalization may not be suitable to every country; rather it is a concept that allows only the most advanced in technology with an industrial and agricultural platform to compete successfully. No one can even dream that a country such as Tanzania can compete, with respect to software and bluechip industry, with the Silicon Valley in America. In other fields such as agriculture the technology implemented in the western nations is far beyond the dreams of farmers in developing countries. To make matters worse, most of the developed countries subsidize the agricultural industry and impose import restrictions on foreign products. If a country dared to challenge the globalized economy scheme, it will be isolated by various means including banning its exports and refuse to share/transfer technology. The Islamic world is a part of this equation. Most, if not all, Muslim states are developing countries incapable of competing effectively in a global economy.

The slow start of the Islamic economy and the large portion of Muslim states with economical problems attributed to the imperialistic era. By the end of nineteenth century Muslim states were introduced to the western model of economy, as a result of the imperialism, that was indeed inconsistent with the people's beliefs and customs. The assumption was that: what is good for the west is good for the rest. This assumption is fundamentally erroneous because laws, including laws related to an economy, are an expression of the people's values and customs. Prohibition of Riba and Gharar and contracts such as Mudaraba or Musharaka which reflects people's beliefs and customs does not exist in the western financial system. Muslims were asked, for lengthy period of time, to deal with a financial system that stands at odds with their beliefs. When they fail, they are not to be blamed. Rather the blame lies with the powers that imposed the alien financial system.

### **B. Unfavorable attitude towards Islam**

The unfavorable attitude towards Islam in general is remarkable. President Bush as well as numerous United States senators and representatives frequently use the term "Islamic fascism" in reference to the war on terrorism.<sup>80</sup> The term is sweeping and taints Islam as a religion, a religion which is followed by one quarter of the world's population.<sup>81</sup> President Bush and U.S. senators have never used similar terms in reference to other religions, e.g. Christian fascism, Jewish fascism, Hindu fascism ...etc.<sup>82</sup> Pope Benedict XVI made very negative comments about Islam by quoting a criticism of Islam and the Prophet Mohammad. He quoted the Byzantine Emperor Manuel II Palaeologus, who wrote that

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<sup>80</sup> See <http://news.bbc.co.uk/2/hi/americas/4785065.stm>. See also Ali Khan: Fighting Words: the abuse of Islam in Political Rhetoric. <http://jurist.law.pitt.edu/forumy/2006/08/fighting-words-abuse-of-isalm-in.php>.

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

everything Mohammad brought was evil and inhuman, "such as his command to spread by the sword the faith he preached."<sup>83</sup> Although the Vatican issued a statement to say the Pope had never meant to offend Islam the Catholic encyclopedia contains much worse insults to Islam and to the Prophet Mohammed. The Catholic encyclopedia describes the Prophet Mohammed as "a devil and first-born child of Satan...his alleged revelations attributed to epileptic fits, or to "a paroxysm of cataleptic insanity"...." He approved of assassination, when it furthered his cause; however barbarous or treacherous the means, the end justified it in his eyes; and in more than one case he not only approved, but also instigated the crime.)<sup>84</sup> The negative portrayal of Islam exceeded the political and religious leaders to include intellectuals in western society. Professor Ibanez in his part of this article stated:

"Professor Lewis, from Yale University, has pointed out that this aspect is fundamental to understand the deep and profound rupture between the West and Islam, and more specifically to understand the difficulties Islam is having in keeping its cultural, social and material development in step with the principles derived from the technical and philosophical revolutions that took place in 18th-century Europe and which, still today, are the philosophical basis of the world's capitalist democracies."

Professor Lewis' ideology is not only offensive but also lack a sound rationale and contradicts the basic democratic principles. The message that Professor Lewis tried to convey is that the failure of the Islamic world to follow western philosophy is the cause, or at least contributes, to the current crisis in the Islamic world. The question arises: Does Islam need to conform to western philosophy that might be at odds with its principals to be an acceptable, civilized and problem free society? My answer is NO. To be sure, Professor Lewis and his followers failed to understand the concept of diversity in a global society. Rather it was the illusion of superiority that would render any opposing opinion as unacceptable and the cause of a problem. If Professor Lewis really believes in democracy then he ought to understand that nations choose their path including laws and philosophy. Such an attitude, from President Bush, the Catholic Church and a number of intellectuals, as models of western civilization, if not meant to slander Islam, will destroy bridges of trustful communication between the Muslim world and the west, promote hatred and violent crimes against Muslims and advances the notion that there is a war against Islam.

### **C. The internal dimension of the dilemma**

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<sup>83</sup>[http://www.cnn.com/2006/WORLD/africa/09/14/pope.muslims.reut/index.html?section=cnn\\_world](http://www.cnn.com/2006/WORLD/africa/09/14/pope.muslims.reut/index.html?section=cnn_world).

<sup>84</sup> <http://www.newadvent.org/cathen/10424a.htm>

While some of the problems of the Muslim world are caused by external forces, the Muslim world is never free from blame. Basic Islamic Human Rights violations and lack of implementing indispensable Islamic democratic principles might be the main cause of Muslim world problems including the rise of international terrorism.<sup>85</sup> When individuals are faced with oppressive regimes that violate their basic human rights and suppress free speech, and they observe external countries intervening in their domestic affairs, they may go underground and harbor all different kinds of thoughts including the extreme ones that in their minds justify killing the innocent and massive infusion of terror into societies. Although Islamic law prohibits such actions, the proper Islamic speech that is capable of defeating such extreme ideologies was suppressed in various Muslim and western States. Muslim world governments are afraid that allowing free Islamic speech would criticize the oppressive regimes and accordingly they may lose their grip of power over their own people. Western government are motivated by old hatred to a religion that is different from their own and by economical and political interests...e.g. controlling a most valuable natural resources such as oil, political domination of the most vulnerable societies.

#### **D. Conclusion: Hope for the Future.**

The right and the reasonable solution for Muslim world dilemma should start with attacking the root of the problem. The primary step for western societies should start with understanding Islam including its democratic principles, human rights guarantees and political and economical doctrines. Subsequently, based upon true belief in democratic principles, western societies and governments must respect and accept the other opinion even if it stands at odds with their own interests. Finally, western democracies should not spare any effort in empowering the people in Muslim countries. The only alternative to this formula is the current state of affairs: widespread ignorance of Islamic principles either by hate or politically motivated speech, pursuit of economical and political interests by collaborating with oppressive regimes and turning a blind eye to practices that are contrary to Islamic and western democratic principles so long as it serves some western countries interests. The destined outcome of the alternative formula is endless war with groups that are blinded with hatred to foreign interventions in their countries and with erroneous understanding of Islam: the so-called war on terror. Muslims in Muslim States ought to struggle to implement Islamic democratic principles by all peaceful and legitimate means. Muslims in western societies should spread the actual message of Islam to enlighten non-Muslims and unlearned Muslims of the Islamic democratic and ethical principles. By doing do we will be building the Arab garden whose foundation is well rooted and whose walls are fully capable of standing against the dark powers of ignorance, selfish motivations and sacrificing the innocent as collateral damage.

**Hisham Ramadan**

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<sup>85</sup> For instance see, IRIN, *Middle East English Service*, at [http://www.irinnews.org/ME.asp?SelectTheme=Human\\_rights](http://www.irinnews.org/ME.asp?SelectTheme=Human_rights) (Mar. 12, 2008).





**A comment on Professor Ibanez and Ramadan essays By Jamin B. Raskin\***

I am fascinated to observe the exchange between Professor Ibanez and Professor Ramadan.

When I first read their essays, I saw them as two ships passing in the night on their way to opposite sides of the world.

The Ibanez essay reads as an eloquent and thoroughly up-to-date defense of liberal Enlightenment values for the new century. It emphasizes human rights, constitutional democracy, civic participation, the corrosive effects of poverty and injustice, and the primacy of education as the instrument for social progress and liberation. Professor Ibanez has essentially invited us to view the process of education for democratic citizenship—not military mobilization and war—as our principal weapon in global defense against religious zealotry, fanaticism and terrorism. He has given us a framework to make the commitments of liberal democracy universal and meaningful in a world fractured by poverty, injustice, terrorist violence, imperial war and theocratic intentions. Professor Ibanez offers five specific criteria for democracy: separation of government powers, respect for human rights, free and periodic elections, the Rule of Law, and the sovereignty of the people (men and women bestowed with equal rights). These values are essential to protect the dignity of the person against the awesome power of the state and the terrible winds of misfortune and poverty.

The Ramadan essay reads instead like a subtle and sophisticated defense of Islamist ideology or, perhaps more charitably, the ideology of “Islamic democracy.” From this perspective, “Muslims have the right to impose their own laws in their state even if such laws delegate the ultimate authority to basic

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\* Professor of Law, American University Washington College of Law, State Senator, Maryland.

sources of Islamic law, i.e. Quran and Sunna.” (p.6) He tells us that the system of separate and divided powers is unnecessary where the “right of *Hosbah*” exists--that is, a right of every citizen to challenge legislation on the basis that it “contradicts” Islamic religious law. (pp.2-3) “Ultimately, if the right of *Hosbah* provides ultimate control among powers then, what is the need for a limited, in scope, method of control such as separation of powers?” (p.3)

Where Ibanez champions a political democracy that respects the rule of law and the individual’s right of private religious conscience, Ramadan collapses democracy, the rule of law and individual rights all under the power of a religious state: democracy, he tells us, “definitely does not preclude people from the freedom of belief including the freedom to choose particular religious beliefs as the supreme law of the land.” (p.5) These precepts imply add up to a “Theo-democracy,” in a word coined by Maududi and affirmatively quoted by Ramadan (p.6), and a psychology of total religious domination and submission: “Once the legal representatives or the majority of the nation elected a leader and the candidate accepted the position, he is obeyed by every citizen.” (p.5) This is most certainly not the attitude necessary to protect democracy and human rights; in my country (the USA), for example, we are struggling *against* the idea that our “leader,” who has plunged us into aggressive war on false evidence, spied on American citizens outside of the rule of law, and abandoned long-standing prohibitions against torture, must be “obeyed.” It is true that Ibanez says that a leader who “loses one or more of the qualities of leadership, e.g. committed a major crime,” may be “impeached,” but the either/or options of obedience and impeachment do not give the citizenry much room to change its mind, dissent and struggle for change.

The dramatic differences between Ibanez and Ramadi were, at first, depressing to me. Here are two excellent scholars, one from Spain and one from Egypt, both seeking a decent future for humanity during a very dark and dangerous time. And, yet, one speaks in the language of the Enlightenment, the other in the language of “Theo-democracy.” One advances the trajectory of secular democracy, the other religious state power--in other words, precisely the ideological attitudes that the Enlightenment rebelled against.

And, yet, I now find some grounds for hope in this dialogue. Here is why. There is a struggle for decency and human dignity in every society and culture on earth. It is a struggle that has taken place in well-organized and highly-cultured industrial societies, like Germany, which unleashed primitive impulses and genocidal violence in the middle of the last century, but now stands strong as a protector of democracy, individual rights and the rule of law. It is a struggle that has defined Spain, which was also caught up in authoritarian and fascist ways of doing business in parts of the last century, but now leads the world in many human rights advances, including the rights of women and gay and lesbian citizens. It is a struggle that has defined the United States of America. We are a nation conceived not only in democratic insurgency against monarchy but also the enslavement and kidnapping of Africans and genocide against the Indians. Yet, we have been transformed and uplifted by the struggles for universal suffrage, civil rights, women’s rights, labor rights, multiculturalism, civil liberty and minimums of social provision and justice. Democracy is a constant social project.

The struggles for Enlightenment values in our countries are struggles that have taken place both in the arenas of the state and of civil society, including our churches and religions. Indeed, it is hard to think of a major advance in the struggle for human rights in the United States that did not involve a political alliance between those who are champions of progressive secular change and those in the religious community seeking to bring the best of religious values to the project of social reform. In the United States, religious activism has played an important role in nearly all of our civilizing movements, including abolitionism, the modern civil rights movement and anti-war movements, even as these movements also drew on important secularist reform impulses as well.

In other words, I see a bridge of hope being built with this dialogue. For us to place world politics on a more hopeful and non-violent path, we need to integrate populations treated now as superfluous and allocated “NO FUTURE,” (p.10) in Professor Ibanez’s terms. To draw all people into the mainstream of world history, we will have to call upon both the contemporary voices of the secular Enlightenment, like Professor Ibanez’, and the more humane, lucid and moderate voices within all of our religions, including and especially Islam. This is why I welcome Professor Ramadan’s contribution. Indeed, we will have to find many more religious voices than secular ones since religion is dominant and pervasive today and, in many parts of the world, it is being mobilized to fanatical and violent agendas. Religion must be reformed and liberalized from within; nowhere is this project more urgent than in the Muslim world.

Thus, the dialogue taking place here itself provides hope for constructive collaboration. I do not mean to minimize the urgent importance of having contemporary democracy protect rights of individual conscience and honor the separation of church and state. But I am convinced that, over time, the truly humane traditions within each religion will come to recognize the explosive dangers associated with the merger of religious dogma and state power. From the Inquisition and the crusades to the witchcraft trials, from holy war to suicide bombing and the bloody sectarian violence of Iraq, the world has seen the horrors of state-imposed religious truth and conviction. And surely the faithful have suffered as much, if not more, than the non-believers from the never-ending cycles of religious wars and repression. The progress of civilization will come with a rising secular commitment to human rights, pluralism, and liberal democracy, and a corresponding rise in religious self-criticism, moderation and restraint. In this process, religion might recover its prophetic moral role and abandon its legalistic insistence upon correct dogma and obedience.

The way that we professors can assist in this process is, as Professor Ibanez argues, through education, which is both the key to each individual’s life chances and the best opportunity to break away politically from the resurgent medieval traditions of torture, holy war, slavery and human trafficking. Education itself must be conscious of what John Dewey called both the “formal” and “informal”

curricula. The formal curriculum is the subject matter imparted in specific courses. The informal curriculum, at least of equal importance, is what students learn from professors and the way they behave in the classroom, university and larger world. Thus, we should see to it that our universities model the values of toleration and equity that we champion for the broader society. We should make sure that foreign students—especially those from the Muslim world—are not marginalized or mistreated. We should work much harder than we ever have to convert the lessons of the classroom into active service in our communities. And we should remember always that the sciences and technology alone cannot redeem the world; we need arts, language, literature, theater, psychology and philosophy to awaken the conscience of the world. We need the humanities to rescue humanity.

I should remark, finally, that we will depend on university research and academic knowledge, as well as practical politics and experimentation, to teach us about the futility of violence and how to break the lethal cycles we are in. Ultimately, we will have to invent ways to control the increasingly obsolete and destructive forces associated with state violence, sexism and militarism, as well as sectarian violence and holy terror. In this century, the virtue of knowledge produced in universities will turn on its instrumental power to rescue the world from authoritarian relationships and violence as a way of life.

In this discussion, the very fact of the dialogue and the actual relationships of the participants are as important as the substance of the ideas communicated. I commend the good professors and urge them to keep cultivating the garden of humanity that lives on, with passion, in our hearts.

**Jamin B. Raskin**



## **Reply to the three main articles: A hope for dialogue and understanding**

The previous academic essays by Prof. Raskin, Ramadan and Gonzalez were enriched by further comments and a dialogue among the authors, that involved a tremendous effort to understand each others' point of view. The reward has been as Hisham Ramadan put it

*“Can a group of individuals initiate a global dialogue that diverts wars and saves lives? I think if good intentions are present so much could be done”*



Reply From Hisham Ramadan  
To Joaquín González Ibáñez and Jamin B. Raskin

Michigan, 28<sup>th</sup> February 2007

Dear Sir,

When we talked about our joint project I had in mind a dialogue, idea for idea, concept for concept, the true purpose of academia: an open and frank discussion that will benefit the public to a great extent. I never thought that the discussion would disintegrate in such a way: personal attack, Hisham or (Islamic view) vs. democracy and liberal ideology, Hisham the Egyptian vs. Western Enlightenment. This is a very common method of undermining the enemy by labeling him as different from good and different from the average person in the community. Hisham is labeled an Egyptian so he is different, even though I am American as is Professor Raskin. The mention of my background is intended to alienate the reader from my writing. According to Professor Raskin, Hisham is the enemy of the glossy concept of liberal democracy.

Overall Professor Raskin summarized what he and numerous other law professors and politicians wish for: Islamic law *reformers*. These so called *reformers* are required to implement Western values, no matter how strange to the Muslim world, into Islam. Professor Raskin's call is very obvious as he states, "Religion must be reformed and liberalized from within; nowhere is this project more urgent than in the Muslim world." To be sure many *reformers* have been accepted into American Law schools and the results are disastrous. The *reformers'* writings were never accepted in the Muslim world and furthermore have deceived the American public by suggesting that Islam is bad *per se* and in need of reform. Consequently, the American political machine pressures Muslim states to amend laws pertaining to Islamic law. If the rulers of Muslim states refuse American demands they may be considered anti-democratic, anti-human rights and might be labelled as terrorist governments or in support of terrorism. If the Muslim states' rulers obey the American instructions they will be viewed, by their own people, as puppets of America. Some citizens of these 'obedient' states may conduct horrible acts unjustifiably thinking that they are serving Islam. It is apparent that the lack of a frank discussion, in which no one claims superiority over the other, can initiate a chain reaction that ultimately leads to violence, human misery, and death on both sides; each believing that he is in the right.

I urge you, Professor Raskin, and every honest academic in the world to initiate the frank discussion so that that we may succeed in diverting the wheel of misery into brighter future.

Please note that I will not give permission to publish my submitted portion of the joint project without the addition of the above response to Professor Raskin's commentary.

Peace

Hisham



**Reply from Jamin B. Raskin  
To Hisham Ramadan and Joaquín González Ibáñez**

**Washington DC, 28<sup>th</sup> February 2007**

Dear Hisham and Joaquin: Forgive me if I have caused offence. I have no problem at all with Hisham's statement running as an answer, and would be delighted to participate in a second (and third and fourth) round of communications if you think this would advance our dialogue, which is important to me.

The most important thing that I want to say in my defense, Hisham, is that you were identified to me as a professor from Egypt, which is why I (wrongly) assumed that you were Egyptian. I never said that you are the "enemy of the glossy concept of liberal democracy," nor do I believe such a thing. Meantime, I do believe that church and state must be separated and that democracy should be grounded in universal ideals of liberty and human dignity rather than particular religious texts or traditions, which are, by definition, sectarian, violently controversial, inscrutable and not amenable in public spaces to reasoned dialogue and discussion.

I do not champion some opaque abstraction like "Western values," and hoped that I had made it clear that there is a struggle for decency and civil liberty in every culture and society, and began with the examples of Germany and our nation, the United States. I do not see the struggle for basic human rights and liberal democracy as a Western export--far from it (witness, for example our intervention on behalf of authoritarianism in Chile or our continuing alliance with the

theocratic and repressive Saudi Arabia)--but as the very life instinct of human civilization everywhere.

Yours, Jamie



<b>Reply</b>	<b>From</b>	<b>Joaquín</b>	<b>González</b>	<b>Ibáñez</b>		
<b>To</b>	<b>Hisham</b>	<b>Ramadan</b>	<b>and</b>	<b>Jamin</b>	<b>B.</b>	<b>Raskin</b>
			<b>Madrid,</b>	<b>1<sup>st</sup></b>	<b>March</b>	<b>2007</b>

Dear Jamin and dear Hisham

Thank you so much for your involvement and determination to expose your ideas and opinions. I would really like to share with you some comments regarding your responses and comment on “our three articles”

- a) When I proposed to work together around one idea “Radical Islamic Terrorism, education and the perception from Western and Arabic Countries”, I did it because I certainly knew that the optics of an American Professor of Constitutional Law, Jamie Raskin, of an Egyptian Academic, visiting professor in a US Institution, Hisham Ramadan, and a European from Spain, myself, were complementary, different, and in some elements certainly opposed.
- b) That one of the basic rudiments in democracy and in academia is a honest, sincere, open, and of course, respectful debate around ideas and reasonings. The idea of dialogue I proposed was precisely that: “a suggestion to discuss together”. The authentic meaning of dialogue (its etymology *διαλογος* comes from the Greek meaning: “crossing of reasonings, crossing of ideas”.
- c) In the whole three articles I have not found a single piece of disrespect, lack of sensibility or the intention to “label” as “evil, destructive, etc” each others’ arguments . Nevertheless —and this is the epicentre of the whole element— we are acting as scholars and our articles enjoy the academia’s *φ*philosophy? and principles; my point here is that there is an inner principle —the same as in democracy— which enriches the whole picture: “We Agree to Disagree ”.

- d) Hisham, please, I would like you to see our comments not as a way to “manifest” our idea that things “should not be that way” or they are “illegitimate”. No; it is the other way around! We, as persons and scholars, elaborate our reasoning according to our experiences, cultural backgrounds, knowledge, and a critical though constructive approach.

So when we have expressed an opinion or endorse a certain reasoning is because after serious analysis and thought we deem it adequate to reach that conclusion. This does not mean that we are right, but we are legitimised to express it, and of course we can be intellectually challenged for that. Probably none of us have something called “the truth”. I do not believe in any axiom, and I do not think in academia –apart from the Maths and Physics axioms- should be any. But still it is a personal point of view.

And finally, I am not surprised; I did expect something similar to this dialogue because in these difficult times a peaceful dialogue like ours enrich academic and civic life.

I wish I could have read these discussions when I was a student! Open, free and honest discussion without the pressure of politics, intolerance or other element that might hinder a respectful dialogue. Hisham, of course, if I had your authorization to publish the articles I would include every reply, otherwise I would be exercising censorship and that corresponds to non democratic activities or regimes, nor to open and critical academic life and dialogue.

Hisham and Jamin, the everyday realities of world affairs display a great deal of practical order, but often it does not leave room for these activities. Indeed, cooperation exists not only in the widespread observance of many international rules among countries like ours, but can also be found in the extensive patterns of academia dialogue.

In this global and complex era, we need students and professors —citizens— educated to understand international problems (like the one we deal with here) in order to act from a civic perspective and with the main purpose of promoting peace. As Primo Levi wrote in his book , *La chiave a stella*, (Primo Levi, Einaudi Editori, Torino, 1978) bridges are the opposite to frontiers; bridges try to unify different realities, while frontiers may even destroy homogeneous realities. Bridges are needed in nowadays. Hisham you represent the big hope for us to understand the reasons of Islamic Nations, but also you are a bridge working in both directions. In a way, as Jamie Raskin puts it, there is in human kind “a struggle for decency and civil liberty in every culture” . That is what we do here, and these three articles and the replies make a unique picture of tremendous intellectual effort to understand and create “bridges” in one of the most important international current issues of our time.

The culture of peace trough education is what we have done with our academic pieces. If doesn't matter if I am a Jew, a Christian, a Muslim or a Buddhist; the thing is that we enjoy in our academic activity an



atmosphere that is peace, where political and religious jealousies can be forgotten and international unity be fostered.

Let's not forget that the main goal will be to provide readers (students-professors) with a critical perspective and a capacity to understand the most important current issues in international relations based on the principles of tolerance and mutual understanding .

In these times of terrorism, threat to peace and intolerance, the culture of peace can only be achieved through dialogue and exchange of points of view among the different realities. As Primo Levi mentioned, we do constantly need to build up bridges among nations, cultures and civilizations and avoid new frontiers that tend to separate us.

I think this is one of the reasons why I like being a scholar, not just inside the class, but make people think and doubt, and provide "bridges" for different scenarios.

All yours, Joaquin

*" It is useful to know about other nations and habits in order to judge our own in a healthy way, fashion, and not to imagine everything which differs from ours should be dismissed as ridiculous or illogical, as it is frequently done by those who have not seen anything"*

Descartes



*Final To Joaquín González Reply From Hisham Ramadan and Jamin B. Raskin Michigan, 2nd March 2007*

Dear Professors Raskin, Gonzalez,

I can see good intentions from all of us. This is a very positive step into the road of hope. Now how do you want to proceed? We can publish the three original essays plus my response plus any response professor Raskin would like to include. In general, this is the first round of the dialogue. I think in a second phase we may discuss all important issues, in writing, in a series of essays. We may also invite other scholars. Personally, I know very good Islamic law thinkers that they will enrich the discussion to a great extent. Joaquin may include the first round of the dialogue in his book. He may also give the reader the background for the dialogue. (...)

Can a group of individuals initiate a global dialogue that diverts wars and saves lives? I think if good intentions are present so much could be done

Sincerely,

Hisham Ramadan

