

Muslims as Co-Citizens in the West—Rights, Duties, Limits and Prospects

Murad Wilfried Hofmann

One major side-effect of the current process of economic and cultural globalization seems to be that our world is becoming multireligious. In particular, this results from the accelerated spread of Islam. There are already six million Muslims in the United States, virtually all of them American citizens, with an impressive and growing infrastructure. In Europe, due to labor migration, foreign students, war refugees, and asylum seekers, the number of Muslims is around four million in France, perhaps three million in the United Kingdom, and 2.5 million in Germany. Altogether, including Bosnia-Herzegovina, there may be about twenty million Muslims in western and central Europe today.¹

Due to its structural tolerance vis-à-vis “peoples of the book,”² the Muslim world has always been multireligious. Islam expanded into formerly Christian territories—the Near East, North Africa, Spain, Byzantium, the Balkans—without eliminating the Christian communities. Nowhere is this more evident than in Cairo, Damascus, and Istanbul, and in countries like Greece and Serbia. This situation was facilitated by the fact that the Qur’an contains what may be called an “Islamic Christology.”³ Coexistence with the large Jewish populations within the Muslim empire—aside from the Near East in Muslim Spain, and subsequently in North Africa and the Ottoman Empire—was facilitated, in turn, by the extraordinary focus of the Qur’an on Jewish prophets in general and Moses in particular.⁴ On this basis, Islamic jurisprudence developed the world’s first liberal law called *al-siyar* for the status of religious minorities (*al-dhimmi*).⁵

In the Western world, developments were entirely different. Here, religious intolerance became endemic, even between Christian churches;

many sects were outlawed (as during the first Ecumenical Council in Nicaea, in 325), massacred (e.g., the Donatists in North Africa in the 5th century and the Albigenses and Cathari in the thirteenth century), subdued as victims of a “crusade” (Constantinople in 1205), or deserted (like Orthodox East Rome during the siege by Sultan Fatih in 1453). In Germany, a war lasting thirty years between Protestant and Catholic princes decimated the population (1618–1648).

Under these circumstances and fueled by the Church dictum *extra ecclesiam nullum salus* (no salvation outside the church), even minimal tolerance of Muslims could not be expected. The expulsion of both Muslims and Jews from Spain in the sixteenth century—the first case of “ethnic cleansing” in modern history—made Europe virtually “Muslim-free.” There was interaction between the two camps—trade, scientific penetration, diplomatic missions—but no living Muslim presence in the Occident until the twentieth century. Against this background, it is not surprising that Muslims find it difficult to be accepted as fellow citizens in the West. There simply is no historical precedent for such a coexistence. Worse, collective memories dating from the Crusades and the Ottoman campaigns into central Europe linger below the surface. The Catholic Church, too, has not fully amended its negative attitude toward Islam. Although the Church (since the Second Vatican Council) has come to accept Islam as a way to salvation, it still shuns Muhammad as the guide on this way and refuses to acknowledge the Qur’an as God’s Word. This unfavorable climate has of course been reinforced by events inside the Muslim world—not least of them being the Salman Rushdie affair, the second Gulf War, and massacres in Algeria. Therefore, what appears as discrimination against immigrant Muslims is frequently a result of real fear of a fast growing foreign population seen as potentially aggressive and culturally very different. In the process, Islam risks becoming more the victim of ethnic prejudice than religious prejudice. To put it crudely: The man in the street in Cologne does not see Islam as the religion which opposes the notion of Trinity—he couldn’t care less about that!—but rather, as the civilization which makes Turks so strangely Turkish.

Under these conditions, contemporary Muslims may well pose themselves the question already posed in Spain 500 years ago, i.e., Is it permissible for a Muslim to take up residence in what has been labeled *dar al-harb* or *dar al-kufr*? This question was discussed in considerable depth when Spanish Muslims, overrun by the Reconquista, chose to stay, and even before this event, because the Prophet sent a group of Makkan Muslims to Christian Ethiopia (615–622). Some of the ‘*ulama*, including Imam Abu Hanifa, disapproved of permanent Muslim residence in non-Muslim territory. Imam Shafi’i, on the other hand, believed that Muslims

could stay behind in former Muslim lands, provided that they could practice Islam and were not subject to Christian missionary efforts. In contrast to that, already in the eighth century, Imam Jafar al-Sadiq underlined that Muslims might serve Islam better when living among non-Muslims than when living only with Muslims. Al-Mawardi concurred with this opinion in the eleventh century. Later on the Hanifa *madhhab* became even more liberal. It accepted the idea that there might be pockets of *dar al-Islam* inside non-Muslim territories; in addition, they were ready to exempt emigrant Muslims from observing certain parts of the shari'ah if this seemed necessary because of *ikrah* (compulsion), *durura* (hardship), or *maslaha* (benefit).⁶

Today, during the third Industrial Revolution—the communications revolution—there can be no doubt that Muslims in non-Muslim countries are not prevented or discouraged by *fiqh* (Islamic jurisprudence) to maintain their residence there. In fact, (non-Qur'anic) concepts like *dar al-Islam* and *dar al-harb* have virtually lost their relevance.⁷ Most Muslims in the West find it rather easy to practice the essentials of their faith for the following two reasons: First, the West has become irreligious to a point where it tolerates almost anything posing as religion, assuming that it is a “private matter.” Second, freedom of religion has become part of the human rights bills and conventions universally applicable today.⁸ Indeed, Islamic research institutes are now flourishing in the West uncensored⁹; mosques are being built from Zagreb via Rome to Lyon; and Islamic communities enter into treaty relationships with their countries of residence.¹⁰ Should this trend continue, as it is my wish and my hope that it will, then sometime in the twenty-first century, Islam in Europe might become part of what is considered “normal.” And there is a model to be followed: German Catholics at the end of the nineteenth century were still suspected of being disloyal citizens because of their links to Rome. Because of the bitter division between the two Christian denominations, in many German cities and even villages one still finds a Protestant church facing a Catholic church in the very center of town.¹¹ Today, this architectural confrontation no longer makes sense, and it is only logical for mosques, too, to be added.

The prospect of normalization of the Islamic presence in the West raises the issues of integration and assimilation. To what extent can Muslims be integrated without losing their identity (and their faith with it)?

As it is, Muslims—whether foreigner or citizen (born outside the West or born in the West)—are seen as different in four respects:

1. *Appearance*: Men wearing large beards and caftans or other national dress, and women abiding by the traditional Islamic dress code, more often than not without any redeeming touch of fashion. Many of the

Muslim population, even of the second generation, speak the local language with an accent.

2. *Eating habits*: The Muslims refuse alcohol and other drugs as well as pork and blood-sausages and demand halal slaughtering, thus clashing with local legislation.
3. *Rituals*: The Muslims want to interrupt their work for prayer, celebrate their own religious holidays, go on pilgrimage during specific days, build mosques with minarets (used for the *adhān*), and bury their dead in a particular way, also frequently clashing with local legislation.
4. *Faith*: The Muslims deny major tenets of Christian dogma (divinity of Christ; the trinity; original sin; Jesus dying on the cross); in addition, their ideal of the relationship between men and women, inside and outside of marriage, clash with what is considered politically correct. Also Muslims are seen as having second thoughts about democracy and human rights.

It is obvious that normalization, let alone integration, hinges on whether the Occident is willing to compromise with such features, and to what extent the Muslims are able and willing to compromise.

As far as the Muslims are concerned, there is room for flexibility, but only to the extent of what is considered “Islamic” civilization and not Islamic creed. Looking at the four points just listed, obviously there is no room for compromise as far as points 3 and 4 are concerned; there is no leeway within *aqīda* and *‘ibādah*. In particular, the old Hanafi idea of exempting emigrant Muslims from parts of the shari‘ah should be rejected; otherwise, there would be no end to this process of assimilation, leading the Muslims to compromise their *dīn*. A case in point is *riba*. If the Muslims allowed it, how could they propagate their scheme of profit and risk-sharing as a panacea for some woes of Western economies in which people increasingly refuse to accept risks, a behavior bound to destroy the essence of entrepreneurship? However, by this I do not want to argue against the possible development of what might be called a *madhhab al-urubi*, a fiqh for Muslim *dhimmi* (!) as developing from *fatawah* issued by Western *‘ulama* for specific Western problems—if there is such a thing at all.

Concerning points 1 and 2, however, there is considerable room for adaptation. Hardly anybody will deny that a Muslim in the West is not obliged to eat with his hand, sit on the floor, or clean his teeth with a *siwwak* after eating. But it should be equally obvious that Western Muslims are under no obligation to wear the national dress from their countries of origin and—regarding Muslim women—to dress without any attempt at making their Islamic attire aesthetically pleasing. Nor is it indispensable that Muslims spice their everyday language with exclamations in Arabic—from *subhana Allah* to *masha’ Allah*. In fact, anything

which reenforces the misconception that Islam is the specific religion of the Arabs (as Judaism has become for ethnic Jews) should be avoided. The result of such attempts should not be a "European Islam" or "American Islam," let alone a French or Belgian Islam, but an eternal Islam practiced by people who in some other respects adhere to a particular culture. Indeed, as long as a Moroccan Muslim can easily be distinguished from a Pakistani one, and a Turkish Muslim from a Senegalese one, why not a German Muslim from an Emirati one?

In the process of helping the West to become acquainted with Islam, Western Muslim intellectuals have a large role to play. Foremost is making the extremely important point that Islam, far from being a religion for obscurantists, is a religion for rationalists. Is there any holy script that appeals to man's power of reasoning more often and more emphatically than the Qur'an? Is Islam not the religion which began with the appeal "Read"?¹² In contrast, Christian dogma is based on "mysteries" and extrarational Gnostic concepts. It is Islam which—like (later) European philosophy (especially Hume and Kant)—has always denied the existence of a natural law of causality,¹³ and it is Islam which has remained conscious of the philosophically insoluble dilemma between predestination and responsibility: features of rationality which the Western intellectual world should positively appreciate.

Muslim intellectuals should help also to respiritualize Islam in the West.¹⁴ All too many immigrants from the Muslim world practice their religion in a rigid, legalistic fashion which impresses by its routine more than by its spiritual content so that Islam is not recognized, in a Christian environment, as a living creed which satisfies the spiritual aspirations of an "emancipated" individual.

Local Muslim intellectuals have an additional, indispensable task: Only they can develop the organizational infrastructure necessary for the Muslim communities in the West in their legal dealings with local authorities at the highest level¹⁵; and only they can provide the literature indispensable for effective *da'wah*. Time and again, it is proven that Islamic books coming from the Muslim world are usually unsuitable for Western audiences. There are many reasons for this, such as faulty printing and translation; however, the major reason for this failure is that only a Western Muslim, raised within Western culture, can fully know how Western people "tick," what their hang-ups are, and what makes them anxious. In this context, it is essential—and possibly decisive for the future of Islam in the West—that Western Muslim intellectuals explain the Islamic position on the following three points: women's rights, human rights in general, and democracy.

As far the the gender roles are concerned, Muslims cannot and will not abandon God's own dictum that boys are not like girls (*Al-Imran:36*).

Concerning human rights and democracy the matter is different. There never has been a valid justification for Islamic jurisprudence to absent itself from the universal human rights discourse. It is entirely possible to make a case, based on the Qur'an and Sunnah, for the legitimacy of an Islamic democratic republic which practices division of power and judicial control over the rule of law, enforces a human rights bill, encourages a multiparty parliamentary system with free elections of an amir and *shura* council. Prestigious Western Muslims and Muslim *fuqaha* living in the West have defended this position—from Muhammad Asad to Fathi Osman and Rashid al-Ghannoushi.¹⁶ But such voices tend to be discredited and drowned-out by statements—as in Germany by Bassam Tibi—about the incompatibility of Islam with democracy.¹⁷ For this, European and American Muslims are paying the price.

To some extent, we have surveyed the historical background and a bit of the present situation of Islam in the West. The question is, Under the given circumstances, what are the prospects? Will Islam become the dominant religion of the next century? Will it fade away in a process of assimilation, engulfing the third generation of immigrants who, like the previous two, have found themselves mesmerized by the paradise of Western consumerism? Or, as a third alternative, Will Islam be forcibly ejected from Europe? I submit that all of the above are possible.¹⁸

Superficially, prospects seem good for Islam, thanks to the prevalent ideology of postmodernism (provided it is prevalent!). Modernism is the arrogant conviction that man is the measure of everything, that his reason is capable of solving everything, and that the resulting Western culture means everything to everybody and therefore rings in the end of history (the Fukuyama-Huntington syndrome which was, and is, most inimical to Islam). This kind of thinking threatens to relegate the Muslim world to a sort of zoological garden, a marginalized reservoir of obscurantism, fanaticism, and bigotry.

In contrast, postmodernism promises to honor whatever wants to remain particular, seeing to it that “small is beautiful” and “black is beautiful.” Also, postmodernism—the ideology of the so-called green movements—emotionally favors the Third World and its cultures.

There are other trends that seem to come to the aid of Islam: Reinforced by food scandals and animal diseases, many Western people are now more conscious than ever of the need to eat healthy food and to stay away from pork. The addiction to drugs of all kinds has started to frighten many people. Even the all-powerful American tobacco industry is heading for financial disaster. All this might help westerners to appreciate the Islamic position on food and drugs.

Western feminists have recognized that it is was a mistake to seek, beyond equal opportunities, an equality with men that borders on the

impossible, i.e., identity. But their basic aim—to protect the dignity of women and to save them from male sexual exploitation—is identical with the Islamic concern. So, there too, prospects seem to be bright for better understanding.

Finally, not only in the United States—which hardly practices atheism—but also in Europe—which largely practices a de facto atheism—there now is a remarkable resurgence of anti-establishment religion at the grass roots level.¹⁹ In addition, the dogmas of the Incarnation and the Trinity have rapidly been losing credibility, even within the Christian churches. Both factors could create a more favorable attitude toward Islam.

Nevertheless, in spite of such silver linings on the horizon, there are quite a few black clouds as well. As far as postmodernism is concerned it seems, alas, that all minorities might profit from it *except* Islam. It is the one minority that is considered dangerous, aggressive, and intolerant.

While concern about drugs has grown, it is also true that the police consider the “drug war” virtually lost. The green movements, the great proponents of postmodernism, favor drug legalization and the “right to drug oneself,” a position in direction opposition to Islam.

While more women than men convert to Islam in the West, it is also true that the average Western woman continues to be Islam’s most fervent foe, considering Islam an unacceptable threat to the very hard fought freedoms Western women have only recently gained.

While religious resurgence is a good thing, it has also produced fanatically anti-Islamic Christian groups whose professed aim is the elimination of Islam from Europe.²⁰ Even the president of the Protestant Church of the German State of Hesse, Dr. Steinacker, in writing and on TV continues to maintain that Christians and Muslims “do not have the same God,” implying that Allah is a mere idol.

Which of the contradictory trends will prevail will largely depend on the acceptance of Islam as part of European heritage. When reference is made to it, people speak of Europe’s “Christian-humanistic” heritage, which may include Judaism but definitely is meant to exclude Islam. Therefore, it is essential to remind the Occident that all three monotheistic religions were born in the Near East and that Christianity has absorbed many more elements of Oriental thought and speculation than Islam. The Occident should also be reminded that

- the largest city, by far, on the European continent—Istanbul—is Muslim;
- Spain has been Islamic longer than it has been Catholic;
- the European Renaissance would have been unthinkable without the Muslim “input”; and

- the absence of a “church” in Islam saved the Muslim world from a situation that required Voltaire’s and Lessing’s confrontation (the Enlightenment) with a stifling Church; Islam therefore had no need for reenacting the European experience.

In other words, Western Muslims have to bring home the idea that not only is Islam there to stay, both in Europe and the United States, but also that it belongs there as much as Christianity. They have to convey the idea that it is not an Arabic or a Turkish religion but the universal religion of submission to God as first practiced by Ibrahim, our common forefather.

Unfortunately, this task will be made more difficult by the effects of economic globalization on the employment possibilities in Europe. Resulting from the free flow of capital, technology, industrial products, and labor, all European countries currently experience structural crises which lead to a decline of the standard of life and demand severe cut-backs in all fields of social State intervention. It is almost certain that the present high level of unemployment will become structural, and it looks as if Western democracies cannot effectively cope with the unpopular measures thus required. All this spells possible disaster for the Muslim work force in Europe, which is already effectively accused of taking away jobs from local workers. It does not take much for a populist leader like Le Pen in France to focus public frustration in such a way that economic anxiety and racial phobia combine to make Islam in Europe the victim. However, I admit this is the worst case scenario. *Wa Allahu ‘alim.*

Notes

1. *The Muslim Population in the United States* by Fareed H. Nu'man (Washington, D.C.: American Muslim Council, 1992) gives the American Muslim population for 1991 already at 5,330,000. For the U.K. see M.M. Ahsan, “Islam and the Muslim Community in Britain,” paper delivered at Casablanca on March 22, 1997, during the 4th Session of the Islamic University al-Sahwa; and J. Nielsen, *Muslims in Western Europe* (Edinburgh, 1991); the same, “Citizens or Aliens?,” *Muslim Politics Report* (New York, NY, 1997) no. 15.

2. Major Qur’anic verses on tolerance and religious pluralism are 2:256; 5:48; 11:118; 16:93; and 42:8.

3. Qur’anic Christology is mainly found in surahs 3, 4, 5, 11, 16, 19, and 42; also see William E. Phipps, *Muhammad and Jesus* (London, 1996).

4. Major parts on Moses are found in surahs 7, 10, 18, 20, 26, 28, and 40.

5. For the status of non-Muslim *ahl al-dhimmah* as it ideally should be, see Abdur Rahman I. Doi, *Shari’ah, The Islamic Law* (London, 1984), pp. 426–435, and Muhammad Sa’id R. Al Buti, *Jihad in Islam* (Damascus, 1995), pp. 114–139. For the *fiqh al-siyar* as actually practiced during the Middle Ages, very much against the spirit of the Qur’an, see Ibn Nawawi, *Minhaj al-Talibin*, trans. by E.C. Howard (Lahore, 1914, 1977), pp. 468–469. For a future development of the status of *dhimmi* into citizenship rights, see Fathi Osman, “Human Rights on the Eve of the 21st Century,” paper presented in London to the Conference on Islam and Modernity (July 6, 1996), pp. 19–21.

6. For details see Khaled Abou El Fadl, “Islamic Law and Muslim Minorities,” *Islamic Law and Society*, Vol. 1, No. 2 (Leiden, August 1994). Ibn Nawawi, *Minhaj al-Talibin*, writes on p. 463: “The law recommends a Moslem inhabiting an infidel country to emigrate, even though he may enjoy there the free exercise of his religion.”

7. Fathi Osman put it succinctly when saying that "the division of dar al-Islam apart from the other world. . . , was *historical and theoretical*" (my emphasis). See F. Osman, "Human Rights on the Eve of the 21st Century."

8. Such clauses are Art. 18 of the General Declaration of Human Rights of 10 December 1948; Art. 9 of the European Convention for the Protection of Human Rights and Basic Freedoms of 4 November 1950; and Art. 18 of the International Pact concerning Civil and Political Rights of 19 December 1966.

9. Examples are the Oxford Centre for Islamic Studies and the Graduate School for Islamic and Social Sciences in Leesburg, Virginia.

10. The most liberal and complete arrangement for any Muslim community in Europe was concluded on April 28, 1992, between the Spanish minister of justice and the Spanish Islamic Commission, ratified by the Spanish Parliament on November 10, 1992, by law no. 26/1992. It provides, e.g., for immunity of Islamic centers, religious instruction even in private schools, Muslim holidays, halal slaughtering, Muslim access to hospital and prisons, and working hours during Ramadan.

11. Under Chancellor Otto von Bismarck, the German Catholics, suspected of "Ultramontanism," went through what was called "Kulturkampf" (cultural battle) long before Samuel Huntington's analysis.

12. 96:1.

13. See Yamine Bouguenaya Mermer, "Induction, Science and Causation: Some Critical Reflections," *Islamic Studies*, Vol. 35, no.3 (Islamabad, Summer 1996).

14. European Sufis like René Guénon, Martin Lings, Frithjof Schoun, and Michel Chodkiewicz have always contributed to this spiritualization.

15. Currently there exist several Muslim umbrella organizations in the U.K., France, and Germany but already a central Muslim organization at the European level has been formed, located in Strasbourg—the Muslim Coordination Council in Europe, with Dr. Abdalla Boussouf as coordinator.

16. A pioneering work was Muhammad Asad's *The Principles of State and Government in Islam* (Gibraltar, 1980). For Fathi Osman see, e.g., his *Sharia in Contemporary Society—The Dynamics of Change in the Islamic Law* (Los Angeles, 1994), with chapters on "Shura and Democracy" and "Voting"; also see his paper "Human Rights on the Eve of the 21st Century—Problems for Muslims and Others," submitted to the Conference on Islam and Modernity in London (July 6, 1996); for Ghannouchi see, e.g., "Towards Inclusive Strategies for Human Rights Enforcement in the Arab World—A Response," *Encounters*, Vol. 2, no. 2 (Leicester, September 1996).

17. Bassam Tibi denies that in Islam human beings are autonomous subjects. Therefore he claims that there is no such thing as an individual right in Islam. See Bassam Tibi, *Die Krise des modernen Islams* (Frankfurt, 1991), pp. 260 and 271. No wonder there are books titled *Democracy without Democrats? The Renewal of Politics in the Muslim World*, ed. Ghassan Salamé (London, 1994).

18. I have tried to give a more concrete answer to these pertinent questions in Murad Hofmann, *Islam 2000*, (Beltsville, Md.: amana publications, 1996) and *Islam: The Alternative* (amana publications, 1997).

19. See *Religion in Contemporary Europe*, ed. John Fulton and Peter G. Lampeter (Wales, 1994).

20. A German ultraconservative Christian organization called "Christliche Mitte" has been conducting an anti-Islamic hate campaign for several years now.