

Diskussion/Discussion

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Kymlicka on British Muslims

Abstract: Will Kymlicka has recently (in *Analyse & Kritik* 14, 33-56) argued that western liberals are mistaken in assuming that religious pluralism presupposes a commitment to individual rights. He instances the millet system of the Ottoman Empire as a successful form of toleration based on group rather than individual rights. In the course of his argument he makes some remarks about British Muslims and arranged marriages, sexual segregation in education and the Rushdie Affair which are false or highly misleading though typical of the prejudice-cum-ignorance with which British and other intellectuals discuss Muslims.

In *Two Models of Pluralism and Tolerance* (1992), Will Kymlicka has provided a most interesting article by introducing the idea of a Muslim approach to pluralism and tolerance into contemporary political theory discussions of freedom, cultural pluralism and citizenship. As someone who in responding to the Rushdie Affair argued that in British discussions of racial quality we can usefully consider aspects of Muslim historical experience (Modood 1990, 159), I do welcome Kymlicka's article – the fact that he introduces them only to dismiss them notwithstanding. However, one of the things that the Rushdie Affair made clear was the level of ignorance and sheer prejudice about Muslims on the part of British and other intellectuals (leaving aside the less intellectual opinions on this matter, such as in the populist press). This ignorance-cum-prejudice is present in Kymlicka's article.

In the Rushdie Affair the ignorance-cum-prejudice about Muslims manifested itself in several ways. For example, the literary establishment who were showering prizes on *The Satanic Verses* argued that the brilliance of the book lay in its use of new, original images and if Muslims could not see this it was because they did not know how to read modern literature. In reality, virtually all the images and language which Muslims found offensive in the characterisation of 'Mahound' (a medieval Christian insult out of joining 'Mahomet' and 'hound') are found in the Christian medieval diatribes and slanders against Islam (Akhtar 1989; Webster 1990, ch. 1; Sardar/Davies 1990, ch. 2; Daniel 1966). Another example of this ignorance-cum-prejudice was the way that the angry Muslim protesters, forced into the streets when all other forms of petitioning had been exhausted, were

indiscriminately dubbed 'fundamentalists', when as a matter of fact the most passionate and active in the demonstrators belonged to sects that opposed the use of Islam as a political ideology (Modood 1990). A general characteristic of the Islamophobia I am describing is a carelessness in argument and an appeal to taken-for-granted stereotypes that would not be tolerated if instead of Muslims, it was, say, women, Jews or African-Americans that were the topic of discussion. Hence many individuals who accused Muslims of failing to respect the principle of freedom of speech utterly failed to see how at least some of the Muslim arguments paralleled the logic of protective legislation against vulnerable groups such as Jews and racial minorities in countries like Germany, France, Britain and Canada (Modood 1992; 1993a). This carelessness and prejudice is not confined to bar-rooms and street-corners but regrettably is found, unintended no doubt, even in someone of the stature and seriousness of Will Kymlicka, someone who is well known for arguing on behalf of oppressed minorities.

The central argument of Kymlicka's article is that liberals like John Rawls are mistaken in believing that a commitment to individual rights provides the only feasible model for accommodating religious pluralism. He rightly argues that religious tolerance is also possible in the absence of significant individual rights, in which case it will be based on group rights. The millet system of the Ottoman Empire, under which Muslims, Christians, and Jews were recognised as self-governing units (or 'millets') within the Empire is offered as a historical example of a group rights pluralism, and it is argued that in many ways this system, while suppressing dissent *within* communities was a highly successful form of group co-existence, and probably saved the Ottoman Empire from the kinds of Wars of Religion experienced in western Europe (Kymlicka 1992, 38). My concern here however is confined to Kymlicka's remarks about British Muslims.

The reference to British Muslims is brief and is offered as an illustration of "an ethnic or religious group [seeking] the legal power to restrict the liberty of its own members, so as to preserve its traditional religious practices" (39). The illustration consists of the following:

"Some traditional Muslim practices violate current British law, including arranged marriages, and various forms of sexual discrimination and segregation in education. Some Muslim leaders have called for a millet-like system in Britain, which would allow Muslims to govern themselves according to their own laws regarding education and family status (Poulter 1987, 589-615). The Salman Rushdie Affair also led some British Muslims to seek greater power to restrict the spread of blasphemy in the community." (38)

While some Muslim leaders have called for a millet-like system in Britain, so far it has received very little support from Muslims. Muslim opinion on how to secure rights for Muslims at present follows all three of the characteristic approaches that oppressed or marginalised minorities adopt: approaches based on human rights, social equality and group autonomy (Modood 1993b). Yet the number of things that are highly misleading or false in this illustration suggests prejudicial stereotypes are at work. I emphasise, however, that my argument is not

personal to Kymlicka: if what I say about his text is correct, it is evidence of something not in one author but about how Muslims are written about by even the best within our discipline.

1. 'Arranged marriages', not confined to Muslims, covers a wide variety of 'arrangements', and while legal history was made when one was annulled in 1992 on the grounds that the wife consented only under duress, no one has suggested before that in general they 'violate current British law' – a rather sweeping statement about what must amount to tens of thousands of marriages a year. The main laws that have impacted upon arranged marriages (and not only arranged marriages) are those restricting the entry of brides and grooms into the UK from countries such as Pakistan and Bangladesh. Two notable instances of these are the taking away of the right of British women to pass on nationality to their husbands through marriage, which the government was forced to withdraw after the European Court of Justice ruled it sexually discriminatory; and the 'primary purpose rule' which requires individuals to demonstrate that their purpose in the marriage in question is not to seek entry to the UK – which not only overturns the British principle of 'innocent till proven guilty', but has been widely condemned as illiberal and racist. Where a Muslim marriage genuinely violates UK law, it is very likely to also violate Islamic law, e.g., Islam insists marriage must be based on the free consent of the bride and groom; on some matters where British and Islamic laws diverge, Muslims may be in agreement with liberal reformers and the law in countries like Germany and France, e.g. in wanting to lower the age of consent to below 16.

2. No Muslim group in Britain has demanded mandatory sexual segregation in education, though some Muslims, in common with many other people in the country and with the support of the Equal Opportunities Commission favour single-sexed secondary schooling for girls, an option which is far from unlawful and, therefore, it is difficult to see what violation Kymlicka has in mind. The only recent legal battle that I am aware of, the taking out of an injunction by the students of Somerville College, University of Oxford, to prevent College authorities from admitting males has no Islamic involvement. It is worth noting, however, that on segregation, as on other related matters such as gender difference, severe punishments for rape, sexual assault and harassment, pornography, availability of women doctors for women etc, Muslims and radical feminists have much common ground, though sometimes unbeknownst to themselves or each other (Halstead 1991). Some Muslims are developing a feminism based on Islamic sources (Mernissi 1991), and I suspect that others will come to be particularly interested in the work of Luce Irigaray and the forms of Italian feminism, with its emphasis on sexual difference, it has given rise to (Irigaray 1989).

3. It is not the case that "the Salman Rushdie Affair has led some British Muslims to seek greater power to restrict the spread of blasphemy *in the community*", and that this is an Ottoman-like example of a religious group seeking "legal power to restrict the liberty of its own members" (my italics). A look at the Muslim literature against *The Satanic Verses* (a good selection of which is reproduced in Ahsan/Kidwai 1991) will show that that book is not regarded as an intra-

community matter but is typically denounced, sometimes extravagantly, as Orientalism, secular imperialism, Zionist conspiracy etc.; even the Ayatollah Khomeini saw it as a form of Western aggression. Moreover, Muslims have been at the forefront of protests against Madonna's video *Like a Prayer*, the film *The Last Temptation of Christ*, the caricature of Jesus in the television programme *Spitting Image* etc. which were not produced by Muslims nor aimed at Muslims. Muslim demands for extension of the law of blasphemy may or may not be welcome, but they are not community-specific or intra-community, neither in respect of the content of blasphemy nor the blasphemer. Rightly or wrongly, British Muslims believe, and this *is* related to the philosophical rationale of the millet system, that a social precondition of respect for religious minorities is respect for religious believers.

British Muslims are now constantly being evoked as a 'separatist' group or as a group making unreasonable demands upon the political system. Yet if one were to look at the current demands of most British Muslims in respect of group rights, group empowerment, restrictions on insults to groups, quotas in employment, higher education, political office, set-asides etc., one would find them much weaker than *existing practice* in respect of gender and race, and certainly much weaker than the demands of the New Left which find a systematic exposition in I. M. Young, *Justice and the Politics of Difference* (1990). I do anticipate, however, that Muslim demands will increase as they become more aware of current practice and discourse and if 'liberals' continue to concede ground to the New Left; for Muslims will increasingly argue by analogy and demand consistency to catch up with the 'privileged' disadvantaged groups. Such politics ultimately lead to the questions, which I do not see anyone addressing, of what is the proper scope for religious affiliation as an organising principle of community, equality and public policy, i.e. in what ways is religion like and unlike gender, race and ethnicity *vis-à-vis* publicly-endorsed difference and 'affirmative action' to promote equality and social justice. Without addressing those questions, to pick Muslims out as an extreme, rather than a mild, case of the contemporary demand to legitimate the politics of difference, is to apply to double standards.

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