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## **Reply to Modood**

*Abstract:* In reply to Dr. Modood, I re-examine two examples where recent British Muslim demands conflict with liberal-democratic norms. Such conflicts are not unique to Muslims, but arise with most religious communities.

I would like to thank Dr. Modood for clarifying the legal status of certain Muslim practices in Britain. My passing references to arranged marriages and sex-segregated education were misleading, and I am glad that Modood has set the record straight.

However, if my comments exaggerated the conflict between certain Muslim practices and liberal democratic norms, I think that Modood has understated the potential conflicts. Indeed I think he is making the same mistake which I was discussing in the original article – namely, understating the extent to which religious groups may wish to limit the liberty of their own members, and the problems this raises for liberal democratic theory and practice.

In my article, I noted that a liberal conception of religious tolerance does not simply refer to peaceful coexistence between religious groups, but also to acceptance of individual dissent within each religious community. A liberal state defends the right of individuals to question, and possibly renounce, their religious commitments. It does not criminalize heresy or apostasy, but rather views these as legitimate exercises of the basic individual right of freedom of conscience. Indeed, it makes these activities genuine options by allowing for proselytization, and by requiring a broad liberal education of children, both of which ensure that people are made aware of alternative ways of life.

I argued that Rawls's 'political liberalism' can defend the first component of liberal toleration – namely, peaceful coexistence of religious groups. But only a commitment to autonomy, of the sort which Rawls now wishes to avoid, can defend the second component – the protection of individual liberty within religious groups. This aspect of a liberal society rests on a view of individuals as having the capacity to critically assess their inherited social roles and customs, and to revise or renounce those which are no longer worthy of their continued allegiance.

Modood does not directly challenge my argument against Rawls. His main concern is to emphasize that Muslims in Britain are not an appropriate example of a group which wishes to limit the liberty of its own members, and that neither the

Rushdie affair nor Muslim demands regarding schooling are evidence of such a desire.

I think Modood is being overly sanguine here, in both the Rushdie and schooling cases. According to Modood, Rushdie was not accused of apostasy, but of blasphemy. Apostasy is an intra-community matter – a kind of internal treason or betrayal by a member of the community. For the charge of blasphemy, however, it is irrelevant whether the blasphemer was a member of the community. On Modood's account, then, the charge against Rushdie was not tied to the fact that he had 'turned away from Islam'.

This interpretation of the Rushdie affair is at odds with most commentators. Many Muslim leaders outside of Britain, including the Organization of Islamic Conference and the Islamic Council of Europe, defended the *fatwa*, and/or the banning of *Satanic Verses*, on grounds of Rushdie's apostasy (Ahsan/Kidwai 1991, 14, 57, 263, 334; Appignanesi/Maitland 1990, 87-8, 222-5). It is true some Muslim leaders talked less about apostasy per se, and instead charged Rushdie with deliberately creating public disorder in the House of Islam. But one of the major reasons why the book was seen as wilfully promoting disorder was that it was a public act of blasphemy by an apostate. Indeed, there is a tradition in Islamic law which says that public acts of apostasy-cum-blasphemy are by definition a threat to the House of Islam, in a way that the actions of non-believers are not (Akhtar 1991, 71-3; Peters/de Vries 1976-77, 16-18; Appignanesi/Maitland 1990, 222-4).

There is strong evidence that many Muslims inside Britain viewed the issue in the same light. Many Muslims in Britain did not dissociate themselves from calls for Rushdie's trial or execution, which they saw as based on the law of apostasy (Ahsan/Kidwai 1991, 14, 231, 271, 276-7, 309; Modood 1990, 143). Moreover, virtually all commentators have emphasized that the profound sense of anger felt by British Muslims was tied to the fact that Rushdie was a Muslim, so that the book was seen as a form of betrayal (Ahsan/Kidwai 1991, 144; Pipes 1990, 114; Appignanesi/Maitland 1990, 85-6, 186, 204). Indeed, according to Ali Mazrui, the fundamental Muslim charge against Rushdie was "cultural treason" and "treason to the faith" (Ahsan/Kidwai 1991, 210-2).

Bhikhu Parekh, who helped moderate the British debate as deputy chair of the Commission for Racial Equality, noted that many of the initial Muslim claims regarding *The Satanic Verses* focused on Rushdie's apostasy, his 'cultural treason'. When critics objected that the charge of apostasy denied a person's right to change their beliefs, there were various responses:

"Undeterred, some Muslim spokesmen continued to accuse Rushdie of apostasy. Some others argued that a quiet or private rejection of Islam was permissible but not its aggressive and public condemnation. The latter amounted to declaring a 'war' on the 'House of Islam' and could not be forgiven. Yet others conceded the point of the criticism and preferred to stress Rushdie's blasphemy." (Parekh 1990, 698)

This initial focus on apostasy is noted by various commentators, including Rushdie himself, who wrote a long piece responding to the charge of apostasy (Rushdie 1991).

It is true that some Muslim leaders subsequently shifted their rhetoric, focusing less on Rushdie's individual act of apostasy and more on various conspiracy theories, according to which Rushdie was a dupe of Western or Zionist powers in the struggle against Islam. But this shift came later, and does not explain the original anger felt by British Muslims.

It is also true that over time the remedies requested by British Muslim leaders changed. They focused not on controlling apostasy per se, but on laws against communal libel or the incitement of racial hatred (Parekh 1990, 705-6). Communal libel laws have been adopted in a number of countries to discourage racial taunts against blacks or Jews. Many Muslim leaders suggested that this should be extended to include religious groups, like Muslims, and that extending the existing law of blasphemy is one way to accomplish this.

So the demands of British Muslims eventually took the form of a general law against blasphemy or hate speech, which would not be directed solely at apostates. But it is important not to confuse the legal form with the underlying motivation. The initial Muslim response to Rushdie focused on his apostasy. Muslims are of course hurt by blasphemous comments made by non-Muslims, but these have never been the subject of similar *fatwas*. The Chinese government is notorious for producing propaganda which reduces Islam to 'a selfish sexual appetite', but there have been no death sentences against the Chinese authors or publishers. However, when an apostate like Rushdie was seen as committing a similar blasphemy, this was a form of betrayal which many Muslims saw as intolerable.

In the face of liberal objections to the charge of apostasy, and other reasons of principle and strategy, Muslim leaders eventually settled on a proposal to create a more general blasphemy or communal libel law. But it is difficult to avoid the conclusion that this proposed law grew out of, and is partly intended to discourage, public acts of apostasy.

A second issue regards Muslim views of education. According to Modood, the Muslim demand for sex-segregated schools is not intended to limit the liberty of girls, and indeed shares "much common ground" with feminist views of education. It is true that Muslims and feminists share the fear of sexual harassment in integrated schools, and that Muslim girls are often allowed and encouraged to take what are (for Western women) non-traditional subjects, such as math and sciences. But according to Mark Halstead (whom Modood approvingly cites), there is also a fundamental disagreement – namely, "the question of choice and self-direction for women" (Halstead 1991, 274).

Within the British Muslim view of education, "there is no question of individuals being encouraged through education to work out for themselves their own religious faith, or to subject it to detached rational investigation at a fundamental level". The aim of education is to affirm Islamic religious beliefs, and "it puts the transmission of these beliefs at the centre of the educational experience, without leaving them in any sense open to critical evaluation" (Halstead 1990, 5). To be

sure, girls are supposed to follow religious authorities and customs reflectively, not blindly – that is, they are supposed to understand the point of these practices within the religion. But there is no sense in which they are supposed to be able to question the beliefs or practices per se, or to judge for themselves whether these practices are worthy of continued allegiance. For most feminists, by contrast, the capacity to question whether a particular religious practice, or indeed the entire religion, has an oppressive view of women is essential.

Not only is this sort of capacity for critical evaluation not seen as necessary by Muslim leaders, it is seen as positively harmful, for "In encouraging people to question their moral beliefs, it may merely make them confused and discontented, with the result that the social stability of the community comes under pressure" (Halstead 1990, 5).

This has been the lament of liberalism's opponents throughout the centuries. Granting individuals the right and responsibility to decide for themselves how to lead their lives, it is said, leads only to confusion and discontentment. And perhaps it does. But if we accept this view, we must recognize its consequences. If it is harmful for individuals to question and possibly revise their religious commitments, then, on grounds of consistency, we should structure society so as to make it a very difficult and unlikely option. We should not only restrict the education of children, in terms of the alternative ways of life they are taught, but also the proselytization of adults. And we should discourage apostasy, by adding social stigma and legal penalties to it.

And this is just what we find in the Ottoman millet system, which as Modood notes, some British Muslim leaders have endorsed as a model for Britain (Modood 1990, 159). And we find similar measures in most Muslim countries today. For example, in most Muslim countries an apostate is not allowed to inherit or bequeath property, and the act of apostasy automatically dissolves the apostate's marriage (Peters/de Vries 1976-77, 19-20).

Such a society can be a humane one. It may well reduce the amount of confusion and discontent people feel. But it is not a liberal society, and it is not one which accords priority to civil liberties. A society which views the capacity to question and revise one's religion as a source of harm, rather than a constitutive element of autonomy, is not likely to accept the priority liberals attach to freedom of speech, association, education, etc.

I don't mean to imply that these further measures regarding proselytization and apostasy are logically entailed by the demands of British Muslims regarding schooling. But I do insist that there is a conflict here which must be faced, and which has implications for many aspects of society. Either we accept the ideal of autonomy as a fundamental human interest which the state should protect, or we don't. If we do, we will be led in the direction of a society which requires a broad liberal education of children and which accords priority to civil liberties. If we don't, we will be led in the direction of a millet-like society which restricts the education and civil liberties of individuals in order to discourage the confusion and discontentment which comes from questioning religious practices. British Muslim responses to the Rushdie affair and to schooling debates show that at least

some influential Muslim leaders do not endorse the ideal of autonomy, and tend towards restricting the education and liberty of their members.

Modood claims that I am applying a 'double standard' in singling out British Muslims as an 'extreme' case of demanding group rights. But I did not single out British Muslims, or say that they are an extreme case. On the contrary, it was the whole point of my article that these sorts of conflicts are very common, and arise with virtually all religious groups.

In addition to British Muslims, I also discussed (at greater length) the case of Christian sects in North America which are trying to restrict the education and civil liberties of their members. I also referred to the case of tribal theocracies in the United States. And I emphasized how, within the context of the millet system, the Christians and Jews, as much as the Muslims, restricted the liberty of their members. I don't see how anyone reading the article could think that I was singling out Muslims in this regard. These conflicts are ubiquitous.

In fact, this was the crux of my article. It is the pervasiveness of these conflicts which makes Rawls' account of religious toleration so inadequate. Rawls talks as if the fundamental issue for liberal tolerance is group coexistence. But "in practice, religions have usually felt most violently intolerant not of other religions, but of dissenters within their own ranks" (G.R. Elton, quoted in Kymlicka 1992, 38). It is precisely because the desire to control internal dissent is so endemic that political liberalism is so unsuitable as a defense of liberal toleration.

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