Freedom and Responsibility

Christian and Muslim Explorations

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Introduction

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Interfaith dialogue and cooperation have become important in many societies, providing a vital platform for mutual learning, support and commitment. Such dialogue in life encouraged religious communities further to deepen their dialogue in theological reflection. One of the many examples for such theological dialogue is the 2007 initiative by 138 Muslim leaders from around the world, *A Common Word*, which triggered a series of dialogue consultations on the Christian–Muslim commitment to the love of God and love of the neighbor. Through interfaith dialogue, people of faith deepen their understanding of one another. Furthermore, they contribute to the discourse on current challenges in the wider society and key issues in human life.

This publication explores Christian and Muslim understandings of freedom and responsibility. The experience of freedom is one of the most powerful experiences in a person's life, foundational for human agency and the understanding of the human being. In many different societies, the issues freedom and responsibility are urgent and vital. People long for freedom in several areas of life: freedom from political oppression, freedom from economic injustice, freedom from patriarchal dominance and freedom from ideological hegemony to mention but a few. For years, Christians and Muslims have contributed to the discourse on freedom and on responsibility in relation to their specific contexts. Today, the question is whether they can enter into a common discourse on freedom and responsibility.

In June 2009, Christians and Muslims from different contexts came together to explore the anthropological and theological dimensions of freedom and responsibility. The LWF Department for Theology and Studies (DTS), together with the Centre for Religious and Cross-cultural Studies (CRCS) at the Gadjah Mada University and the Indonesian Consortium for Religious Studies (ICRS) in Yogyakarta (Indonesia) invited twenty-three theologians, religious thinkers, church leaders and Islamic *ulama* (clergy) jointly to discuss the issue. The meeting was held at CRCS in Yogyakarta and involved people from Africa (Ethiopia and Tanzania), Europe (Germany and Turkey), USA and Indonesia. Among the participants were Lutherans, Catholics, Mennonites, Presbyterians as well as Sunni Muslims (of traditional and modern Islam). A selection of some of the papers for this consultation is gathered in this book.

Freedom in various contexts

When people from different religious, cultural, economic and sociopolitical backgrounds sit together they realize how much the discourse on freedom has to do with their respective experience of freedom, be it personal or communal. Freedom has a different ring to it if you have had access to an excellent education and the media than if you have had to start working as a child and later on have had to try to find the means to feed your own children. The taste of freedom in Switzerland with its centuries-old tradition of direct democracy is different from that in Indonesia with its new democratic opening since 1998.

There where discussions on freedom take into account concrete experiences, freedom obviously cannot be reduced to a liberal Western concept and cannot be owned by those who most eloquently speak about it. Freedom, just like bondage, can be detected in very different corners of this planet. In interfaith dialogue, participants do not discuss mere concepts, but look at actual historical and current challenges related to it, quite aware of the contentious impact it has. Christine Helmer rightly says, "Freedom is actualized in the reality of history as struggle. Freedom's articulation in language is visionary, but its concretization is in the ambivalence of power and suffering."[1]

Discourse on freedom is based on the notion, either imagined or real, that there is an alternative. By this, discourse on freedom fundamentally opposes the ideology that "there is no alternative," that "this is the only possible way." In 1520, when Martin Luther wrote his treatise "The Freedom of a Christian," he showed his fellow Christians that there is an alternative way of being Christian, based on an alternative way of imagining God's relation to us and an alternative way of relating to our neighbors.[2] Since then, Lutherans as well as other Christians, have been inspired in many ways and, indeed, set free by this alternative option. The emergence of Islam, in its own right, has been described as a new religious discourse that offers an alternative: the invitation to a new way of life where injustice and oppression will be overcome.[3] Many Muslims today share that spirit that they present an alternative way of life.

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[1] Christine Helmer (ed.), *The Global Luther. A Theologian for Modern Times* (Minneapolis: Fortress Press 2009), 12.

[2] See further explanations in the contributions by Oddbjørn Leirvik and Hans-Peter Grosshans, in this publication, 31ff; 61ff.

[3] See further explanations in the contribution by Sahiron Syamsuddin, in this publication, 49ff.

Relational freedom

In times of crisis—the economic and ecological crises being the most urgent ones—the question whether or not there are alternative worldviews and ways of life is once again a major concern. We have realized that the way in which some have exercised their freedom by exploiting natural resources and creatures, including their fellow human beings, fundamentally threatens life. Where freedom has become nothing more than a means to pursue one's own interest without caring for others and has been narrowed down to consumer choice, there the very meaning of freedom is at risk.

In such situations, religious communities offer an alternative to one-dimensional and hedonist lifestyles. They provide an holistic understanding of the human being and consciously relate to the spiritual realm. But this does not simply mean that religions necessarily guarantee freedom. On the contrary, nothing can undermine human freedom more forcefully than religious ideology. Therefore, it is of utmost importance that faith communities reflect on their vision of freedom and enter into dialogue with other concepts of freedom.

In philosophy, there is the classic and highly relevant distinction between negative and positive freedom, referring to the basic difference between freedom from something and freedom to something.[4] Negative liberty is about the removal of any sociopolitical obstacle so that individuals can pursue their self-chosen purposes, i.e., it describes freedom from any obstacle. Positive liberty takes place there where one can actively realize one's freedom. One important and basic insight is that freedom is not about the isolated self, but always takes place in relation to others. Drawing on Hegel, Peter Hodgson affirms that

> Freedom is not principally autonomy or free choice (*Willkür*) but a presence-to-self that is mediated through and dependent upon presence-to-other. Freedom requires a community of freedom in which otherness and difference are essential and reciprocal recognition occurs within a relationship of equality.[5]

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[4] See Isaiah Berlin, *Four Essays on Liberty* (London et al: Oxford University Press, 1969).

[5] Peter C. Hodgson, "Luther and Freedom," in Helmer, op. cit. (note 1), 36.

Human agency and responsibility

When people of faith talk about freedom they eventually have to deal with the question of how human freedom relates to God's freedom and vice versa. In Christianity and Islam, there are intensive debates around determinism and freedom.[6] Interestingly, in recent years determinism has become topical in the field of natural sciences. Some scholars in the field of neuroscience strongly argue that freedom is an illusion and human beings are determined by neuronal processes. These perspectives gave rise to a lively debate among philosophers and social scientists. Jurists are clear that they have to work with the basic assumption that the human being is free. This assumption is the basis for assigning responsibility to human beings for what they have done and for sentencing people for what they have done wrong.

　　Contemporary debates show that there are competing conceptions of human agency. Although the basic questions are as old as human history, the technological age confronts us with radical new challenges, as the Jewish philosopher Hans Jonas said in *The Imperative of Responsibility*.[7] The effects of human action have become extremely complex and it seems that systemic forces rather than a conscious human agent govern many spheres of life. Has "responsibility" become a volatile idea? Faith traditions as well as Humanist and Enlightenment perspectives hold on to the conviction that the human being is a moral agent.

　　What do Christians and Muslims bring to the table when conceptions of the human being and human agency are being discussed? How can their respective ethos and their ethical reflection contribute to the wider discourse? One basic idea is that for Christians and Muslims, human freedom is created freedom, one given to them by the Creator God.[8] The one God, who both faiths refer to, calls Christians to be "people of the way" (Acts 9:2) and Muslims to walk on "the straight path" (Q. 6:161). While paving the way and walking the straight path, both Christians and Muslims receive freedom from God.

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[6] See Ulrich Schoen, *Gottes Allmacht und die Freiheit des Menschen. Gemeinsames Problem von Islam und Christentum* [God's Omnipotence and Human Freedom. Islam's and Christianity's Shared Problem] (Münster: Lit, 2003).

[7] Hans Jonas, *Das Prinzip Verantwortung. Versuch einer Ethik für die technologische Zivilisation* (Frankfurt: Insel, 1979); English: *The Imperative of Responsibility. In Search for an Ethics in the Technological Age* (Chicago: University of Chicago Press, 1984).

[8] See e.g. part II "Divine Freedom and Human Freedom," in David Burrell, *Faith and Freedom. An Interfaith Perspective, Challenges in Contemporary Theology* (Malden, MA and Oxford: Blackwell, 2004), 127ff. Lewis S. Mudge has recently proposed the idea of "the gift of responsibility" as a meeting point for Christians, Jews and Muslims, see Lewis S. Mudge, *The Gift of Responsibility. The Promise of Dialogue among Christians, Jews, and Muslims* (New York/London: Continuum, 2008).

Thus, in both faith traditions, human beings are first of all recipients of freedom and as such agents of freedom. This then sets the scene for the responsibility entailed in such freedom: it is the responsibility to God and the whole of creation. The creative energy in this kind of freedom is based on the fact that such freedom is not granted by fellow human beings. Therefore, created freedom is truly creative freedom, even if this insight might have become obscured in existing faith communities.

In this book

The first two articles in this book name current challenges that Christians and Muslims face as they enter into a discourse on freedom and responsibility today. Mark Swanson reflects on the multidimensional nature of this topic and the long history of argument in both traditions. Both faiths have gone through a deep theological struggle regarding God's will and human free will. Swanson identifies the understanding of creation and of the last things, God's First Word and the Last, as an important starting point for joint theological explorations. This can lead Christians and Muslims to a deeper understanding of responsiveness and responsibility. Amina Wadud indentifies freedom from oppression as a key concern in Islam and stresses the importance of knowledge for exercising freedom. Knowledge enables human beings to discern the shackles of injustice and to be a competent and responsible moral agent.

The contributions in the second section focus on scriptural and systematic perspectives on freedom and responsibility in Christianity and Islam. Oddbjørn Leirvik begins by naming typical stereotypes with regard to the place of law and freedom in Christianity and in Islam. He then enters into a deeper discussion on how law and freedom actually operate in Christian and Muslim thought. He emphasizes the "turn toward the other" and a conscience based rethinking of morality and ethics in Christianity and explores how this "other directed" ethical demand is also present in Islamic understanding and its contemporary interpretations. Sahiron Syamsuddin discusses the state of *khalifa* (vicegerent, God's deputy) as the foundation for freedom in Qur'anic thinking. [9] By granting this status, God entrusts freedom to human beings. The gift of trust needs a discerning believer, so

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[9] See Sahiron Syamsuddin's contribution, in this publication, 49. Christian W. Troll's research confirmed the prominent Islamic voices like *khalifa* and *amana* as the basis for Islamic theology of freedom and responsibility. See Christian W. Troll, *Dialogue and Difference: Clarity in Christian-Muslim Relations* (Maryknoll: Orbis, 2009), 62–64.

that they will be freed from ignorance through the way of the intellect (*'aql*) and the abundance of knowledge they have gained. Hans–Peter Grosshans gives an account of the Lutheran understanding of freedom and lays out why it is the core of Protestant Christianity. Grosshans expounds on the New Testament perspective on freedom based on the Christ event and systematically proposes a threefold understanding of freedom. He concludes by outlining the metaphysical consequences of this perspective.

From these theological reflections, the contributions in the third section move on to discuss social realities and practices related to the issue of freedom. Ignas Kleden seeks to connect the theological understanding of freedom with the democratic scenario of modern society, so that religious engagement with freedom in society will become fruitful. He explores the issue of self-determination and autonomy as current influential concepts in society and talks about the importance of democratic values to guard freedom. Bernard Adeney-Risakotta underlines the need to understand actual practices of freedom and responsibility and discusses the difference between "shame cultures" and "guilt cultures." He takes Indonesia as an example and analyses cultural and social processes with regard to corruption and sexual behavior. Thereby he shows that the private and public spheres operate differently in shame and in guilt cultures. Siti Syamsiyatun relates the call for freedom in Islam to the reality of women in Indonesia. She discusses the textual basis for the normative Islamic teachings and names the concrete contexts in which women experience and exercise freedom. She outlines how a silent revolution has taken place through women's striving for and their success in higher education, also in religious matters.

The final section provides two case studies about struggles related to religious freedom. The tensions between majority and minority religious communities, as well as the polarization of religion, are significant issues which hamper freedom. Suhadi Cholil discusses how Muslim exceptionalism unfolds contested dynamics in Indonesia today. He scrutinizes the strengths and weaknesses of the current legal framework for religious communities in the country. Reinhold Bernhardt analyses the political processes around the minaret ban in Switzerland and discusses the theological foundations for constructive interfaith commitment.

Joint commitment for freedom and responsibility

Freedom is God's blessing to both faiths which enables us to act as responsible persons toward their neighbors. This common ground is uniquely reflected

in each religious community. We need to explore further the deep-seated freedom in our respective faith traditions, so that as faithful communities we can engage and contribute to freedom in our societies today.

This will encourage us to have more interreligious competence: our encounter with the other requires deeper knowledge and understanding of living faiths, and a willingness to communicate our basic beliefs. This is required if we are to share our faith with society at large. This competency is urgent in times when misunderstandings easily cause people to build walls guarding their religious communities.

The contributions in this book give an account of the potential for fostering freedom and responsibility from Christian and Muslim perspectives. They honestly name complex and conflictual realities and point to seeds of hope in our societies and religious communities. Thereby they deepen the understanding of human agency and freedom from a faith perspective. Reflections on such basic anthropological and theological questions enhance the commitment jointly to work for the common good. They entail the promise of further dialogue on existential human and theological questions.

Freedom and Responsibility: Joint Theological Explorations by Christians and Muslims. Challenges Today

Mark N. Swanson

What is our topic?

Talk about "freedom" and "responsibility" is all around us—in sermons, in scholarship, in the news, in popular culture. Momentous events are taking place throughout the world as peoples seek freedom of self-determination or liberation from oppressive regimes, or as world leaders seek to act with responsibility in the face of global challenges. What might I helpfully contribute to "joint theological explorations by Christians and Muslims" about "freedom and responsibility"? What "challenges" need to be articulated?

Some initial reflections come out of a conversation with my wife Rosanne. As parents, she and I have dealt with "freedom and responsibility" throughout the process of raising our three (now adult) children, as we attempted to give them the necessary space to grow and become their own persons and to help them learn to live responsibly. As a teacher of pastoral care to theological students, Rosanne points out the psychological complexity of human beings, and the various fears, neuroses, addictions and traumas that impede responsible agency. People may want to act freely and responsibly, but are not always able to do so: their very freedom needs to be set free. She also stresses the communal dimensions of freedom and responsibility; that while North American society tends to see "freedom" in the first place as individual autonomy, such a view often overlooks the role of the community in nurturing responsible agency, as well as the need of the community for restored balance when that agency has been misused.

There are, therefore, many dimensions of this topic of "freedom and responsibility": developmental, psychological and communal ones, in addition

to the theological and philosophical dimensions that occupy the attention of some of us, or the historical and sociopolitical dimensions that naturally concern others. Indeed, it is probably not much of an exaggeration to say that the challenge of the life of "freedom and responsibility" is little less than the challenge of being human.

Given this complexity, perhaps our first challenge is as follows:

Challenge 1: Is it possible for us at once to (a) recognize and respect the complexity and multi-dimensionality of the topic under discussion, and (b) find some focus, framework, or connecting threads that will give our conversations coherence and allow for the articulation of conference "results" that others will find suggestive and fruitful?

What kind of freedom? Of responsibility?

One issue that arises as we reflect on the theme of "freedom and responsibility" is the nature of that little word "and." Does it imply a strong conceptual connection, so that "freedom" and "responsibility" are complementary aspects of a single reality? Or does the "and" hide a contrast, even an opposition, so that "freedom," on the one hand, and "responsibility," on the other, are concepts in some tension with one another that need somehow to be properly "balanced"?

The answer depends, of course, on our definition of terms. Do we understand "freedom," in the first place, as freedom *from* restraints on individual autonomy, or is it freedom *for* pursuing the good? Is "responsibility" the duty to God and the neighbor that has been imposed on us, or is it our joyful responsiveness to God and the neighbor? Are human beings responsible (before God, or before the law) *because* they are free? Or, does my responsibility (to *others*) compete with my freedom (to do what *I* want)? Is the relationship of "freedom" to "responsibility" simply a given, or is it something to be negotiated?

There is a very powerful understanding of "freedom" in today's world, one that has developed in the West, has been blessed by the Enlightenment, and has allied itself with capitalist economics. It focuses on the autonomous individual, and sees freedom as constituted in "choice." Furthermore, a bowdlerized form of this view of freedom has considerable power in certain parts of the world: freedom as the exercise of consumer choice. In my country, the USA, we are constantly bombarded with advertising that claims to enhance our freedom by giving us more and more choices—whether

of breakfast foods or cholesterol-lowering medication, car insurance, or retirement savings plans.

Choice is certainly an element in any robust concept of freedom,[1] and I certainly do not want in any way to belittle the enormous privilege of participating in a free and fair election (such as that in the USA in November 2008), or the simple blessing of having enough of life's basic necessities, to be able to choose one thing to eat over another. But some forms of "freedom" offered up in consumer societies strike me as anything but "freeing."

Let me give an example that may be trivial, but that I remember vividly all the same. When my family and I lived in Cairo, if we needed milk, I walked to the little grocery store down the street and simply asked for a carton of milk; it was a very simple procedure. But one summer, when we had returned to the USA and were visiting family members, my wife's sister asked me to walk to the store and buy some milk. I enjoyed the walk, but then I arrived at the enormous warehouse of a grocery store and found an entire wall devoted to dairy products. There were rows and rows of cartons and bottles, offering milk of many different varieties: this brand or that; whole or skim; 1 percent, 1.5 percent, or 2 percent; additives of various sorts; gallons, half-gallons, and quarts. What was I to buy? I stood there for a few minutes, frozen in the face of all these choices—and then turned around and walked home empty-handed. I felt anything but "free"; there were too many choices and I could not cope.

One consequence of the development of the information society and the Internet is that the number of consumer choices available to an individual has gone up exponentially. We no longer have to take a walk to be confronted with a wall of similar products; that "wall" can be found on a screen at the office or at home, or now on a device in our briefcase or in our pocket. Furthermore, the account of "freedom" that the consumer/information age offers us is matched by an account of "responsibility": for every consumer choice, there is a world of online "information" (much of it itself advertising, or of a technical nature that can only be understood by experts)—that is supposed to help us make this choice "informed." Here is a twenty-first-century version of "freedom and responsibility" that strikes me almost as a dystopian nightmare: the never-ending quest to be

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[1] While this is undoubtedly true, David Burrell points out in a number of places that we tend not to see the great decisions of our lives as (mere) "choices." Finding a spouse or a life work is commonly experienced not as making a "choice" from a range of possibilities, but rather as responding to a gift or discerning a call, joyfully acquiescing in what one must do. See, for example, David Burrell, *Faith and Freedom: An Interfaith Perspective*, Challenges in Contemporary Theology (Malden, MA and Oxford: Blackwell, 2004), 137, 173–4.

sufficiently "informed" so as to exercise the "freedom" of consumer choice in a fully "responsible" manner.

My point is this: a number of accounts of "freedom and responsibility" that compete for our attention. Indeed, an understanding of "freedom" as autonomous individual choice is one that I (for example) inevitably carry with me because of my own particular geographical, cultural and social location; it is in my history and in my head. There are competing notions of "freedom" (and "responsibility" and their relation) in the world—and often in our own hearts and heads. It is important to keep this competition clearly in mind.

Challenge 2: There are competing notions of "freedom" (and "responsibility," and their relation) in the world—and often in our own hearts and heads. It is important to keep this competition clearly in mind lest conversation be muddied by the unexamined (and culturally powerful) notions that we carry with us.

Moving beyond (and understanding) old arguments

So far, I have concentrated on the first part of the title of this paper: "Freedom and Responsibility." Now let me move beyond the colon: "Joint Theological Explorations by Christians and Muslims." The challenge to us is to turn this hope—for joint theological explorations—into reality.

We all know that Christians and Muslims have a history with one another in which there have been moments of extraordinary cooperation, creativity and civilizational accomplishment; the translation of Greek science and philosophy into Arabic, a project centered on the city of Baghdad between the eighth and tenth centuries CE, provides an especially brilliant example.[2] But we also know that this history is heavily burdened.[3] Even if we leave aside the sad history of warfare and physical violence and focus on the history of Christian–Muslim literature, we all too often find polemics;

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[2] See Dimitri Gutas, *Greek Thought, Arabic Culture: The Graeco-Arabic Translation Movement in Baghdad and Early 'Abbasid Society* (*2nd-4th/8th-10th Centuries*) (London: Routledge, 1998). Fr. Sidney Griffith goes beyond the role of Christians as translators to discuss their role in "the development of classical Islamic intellectual culture." Sidney H. Griffith, *The Church in the Shadow of the Mosque: Christians and Muslims in the World of Islam* (Princeton: Princeton University Press, 2008), chapter five, "Christian Philosophy in Baghdad and Beyond." The quotation is from the chapter's subtitle, 106.

[3] On the "burdensome" past of Christian–Muslim relations, see Willem A. Bijlefeld, "Christian–Muslim Relations: A Burdensome Past, a Challenging Future," in *Word & World* 16 (1996), 117–28.

careless representation of the views of the other; a desire to score debating points rather than to create understanding and to reassure one's own community of its rightness rather than to engage in genuine conversation with the other.[4]

The topic of "freedom and responsibility" has sometimes been taken as an occasion for Christian–Muslim argument or boundary demarcation. Let me give an example from my own field of study, the medieval Christian theologians who wrote in Arabic. Theodore Abu Qurrah, bishop of Harran, lived in the late eighth and early ninth centuries CE, and was one of the earliest Christian theologians to leave us a substantial body of work in the Arabic language. Among many other treatises, he left one entitled "A treatise demonstrating that humanity in its creation has firmly-established freedom from God, and that compulsion does not impinge upon human freedom in any way at all."[5] In this treatise, the Christian theologian sought to defend what he saw as a proper Christian view of human freedom ***over against*** what he saw as Islamic determinism. Similar sorts of polemics can be found throughout the centuries.

There are some ironies here. Theodore Abu Qurrah was, in effect, taking sides in an early intra-Islamic debate over the right relationship between human agency and divine sovereignty; in effect, he was championing the position of thinkers sometimes referred to as *al-Qadariyyah*, who (in various ways) defended human free will.[6] A further irony here is that Christians as well as Muslims have long argued among themselves over the nature and extent of human freedom; the complexity of the discussion may be indicated in a quick way by observing that two of the great Christian theologian Martin Luther's most famous treatises are entitled, respectively, "On the Freedom of a Christian, 1520" and, "On the Bondage of the Will, 1525." My point is this: Muslims have had long and complex discussions among themselves about the appropriate way to conceptualize the relationship

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[4] A new reference work for the study of early Christian–Muslim literature is David Thomas and Barbara Roggema (eds), *Christian–Muslim Relations: A Bibliographical History*, vol. 1 (600-900), History of Christian–Muslim Relations, 11 (Leiden and Boston: Brill, 2009).

[5] The Arabic text of this treatise was published by Constantine Bacha in Beirut in 1904. There is now an English translation: John Lamoreaux, *Theodore Abu Qurrah*, Library of the Christian East, 1 (Provo, UT: Brigham Young University Press, 2005), 195–206. For a study of the treatise, see Sidney H. Griffith, "Free Will in Christian Kalam: The Doctrine of Theodore Abu Qurrah," in *Parole de l'Orient* 14 (1987), 79–107.

[6] See W. Montgomery Watt and Asma Afsaruddin, "Free Will and Predestination: Islamic Concepts," in Lindsay Jones, Mercea Eliade, and Charles J. Adams (eds), *Encyclopedia of Religion*, 2nd edition (Detroit: Macmillan Reference USA, 2005), 3209–13.

between human agency, on the one hand, and divine uniqueness, creativity and sovereignty, on the other.[7] But if Muslims have had long and complex discussions about these matters among themselves, so have Christians, among themselves. These are deep and subtle debates—which we may all study, and from which we may all learn.

Every year in my theological college, I teach a course to first-year theological students on early and medieval church history. It is a history full of intense controversy and passionate debate; I do my best to help students understand the visions of human existence before God that motivated those involved in the controversies that fueled their intensity. Many of these controversies involved "freedom and responsibility." When early Christian teachers insisted on humanity's "firmly established freedom," they were often doing so in an environment in which people understood their lives to be fated, determined by the stars, or strictly limited by a certain unchangeable quantity of virtue with which they were born.[8] These Christian teachers brought a new vision of human life: that change is possible, that it is possible to grow—in freedom, in holiness, in love for God and the neighbor.[9] This was a powerful, liberating vision; many were joyfully caught up in it and devoted their lives to seeking this growth. In contrast, when St Augustine criticized a particular vision of monastic freedom, championed by the monk Pelagius, it was also in the service of a grand vision of human life—but, this time, a vision of life as entirely dependent upon the gift and grace and mercy of God.[10]

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[7] I think here of the great Muslim *mutakallim* Al-Ash'ari: having rejected Mu'tazilite views that set up the human agent as creator or co-creator of human acts, in defense of an understanding of God as **sole** Creator, he yet struggled—through his doctrine of *kasb* or *iktisab* ("acquisition," or—in Richard Frank's helpful translation, "performance")—to find ways in which to affirm that the human agent's acts are his or her own. See Richard M. Frank, "Ash'ari, al-" and "Ash'ariyah," in Lindsay Jones, Mercea Eliade, and Charles J. Adams (eds), *Encyclopedia of Religion,* 2nd edition (Detroit: Macmillan Reference USA, 2005), 530–9.

[8] See Philip Rousseau, *Pachomius: The Making of a Community in Fourth-Century Egypt* (Berkeley and Los Angeles: University of California Press, 1985), 128–9.

[9] This is a theme throughout Rousseau, ibid., see especially chapter five, "Living under Rule," 87ff., and chapter seven, "The Ascetic Goal," 119ff.

[10] See, for example, Peter Brown, *Augustine of Hippo: A Biography* (Berkeley and Los Angeles: University of California Press, 1967), chapter 29, "Pelagius and Pelagianism," 340ff. At the end of the chapter (352) Brown notes that "Augustine … had no hesitation in likening his relation to God to that of a baby to its mother's breast, utterly dependent, intimately involved in all the good and evil that might come from this, the only source of life."

Challenge 3: There is a long history of argument about the relationship between human freedom and responsibility, on the one hand, and God's creative agency and sovereignty, on the other—both within the Christian and the Islamic traditions, but occasionally spilling over into Christian–Muslim controversy. Our challenge is to look at all these arguments with charity, understanding that different sides in the debates were motivated and energized by powerful visions of what it means to live as God's creatures. We are also challenged to realize that this is a topic on which Christians and Muslims have encountered a similar problematic and similar issues, so that they may learn from one another and think about these issues ***together.***

Developing a Christian–Muslim discourse about freedom and responsibility

Christians and Muslims can think together about the theme of "freedom and responsibility." This is by no means a new claim. As scholars such as Fr. David Burrell of the University of Notre Dame have been teaching us, there was already a Muslim–Jewish–Christian dialogue of sorts going on in the Middle Ages; in a number of works, including elegant articles in his recent book, *Faith and Freedom: An Interfaith Perspective*,[11] he follows a train of thought about the nature of human responsible agency from al-Ash'ari to al–Ghazali, and then to Maimonides and Thomas Aquinas. For all of them, it was of decisive importance that God created the heavens and the earth and all that is in them—and that God did so freely.[12] Human freedom and responsibility, according to these great Muslim, Jewish and Christian teachers must be understood (and lived) in the light of that confession. God has created us, freely; and to God is our return.

There are many lines of thought that might open up from this. Let me make a few assertions (several of them inspired by some striking passages in Burrell's *Faith and Freedom*)[13] that might serve as points for discussion.

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[11] See Burrell, *Faith and Freedom* …, op. cit. (note 1). I have been learning especially from essays such as chapter 10, "Freedom and Creation in the Abrahamic Traditions," 143ff. and chapter 11, "Al-Ghazali on Created Freedom," 156ff. Also see his earlier book, David B. Burrell, *Freedom and Creation in Three Traditions* (Notre Dame, IN: University of Notre Dame Press, 1993).

[12] Precisely what it *means* for God to create freely is a problem to be addressed; see Burrell, *Faith and Freedom*…, ibid., chapter 9, "The Challenge to Medieval Christian Philosophy: Relating Creator to Creatures," esp. 129–32.

[13] See especially Burrell, *Faith and Freedom* …, ibid., chapter 10, "Freedom and Creation in the Abrahamic Traditions," 143–55.

- Human freedom (that is, the responsible agency appropriate to human creatures) should not and need not be understood as in any way in competition with God's creative agency.[14]

- Human freedom is oriented towards a goal: finally, the return to God, but penultimately, those things that humans believe to be (and test and learn to be) the Good.[15]

- The freedom that humans possess is, in the first place, the freedom to respond to God.[16]

- One may illustrate this from our Scriptures. God speaks to human creatures, calling them to a response. ("Where are you?" says God to Adam in Genesis 3:9. "Am I not your Lord?" says God to Adam's seed in al-A'raf (7):172.)

- The appropriate response is one of thanksgiving.[17]

- As respons-ive (response-able?) creatures, human beings can also respond to one another—to the neighbor and to those in need.

- If human freedom is fundamentally a matter of response, this is quite different from, say, freedom as the possibility of imposing one's will on another. This means, with respect to the neighbor, that the exercise of freedom can be one of listening and serving; with respect to the environment, one of careful stewardship rather than exploitation.[18]

- Created human freedom is the freedom to love.

I tentatively formulate **challenge 4:** We are challenged, as Christians and Muslims, to explore what we can say together, and to learn from one another,

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[14] Al-Ash'ari worked this out. See note 7.

[15] See Burrell, *Faith and Freedom* …, op. cit. (note 1), 150.

[16] "[R]esponding is the creativity proper to creatures"; Burrell, ibid., 154.

[17] "The conscious sector of that universe… become more fully agents as they respond to this gift [of existence] with gratitude, which bespeaks the original shape of Jewish and Christian, as well as Muslim prayer"; Burrell, ibid., 154.

[18] See Burrell, ibid., 155.

concerning human "freedom and responsibility." Our understandings of creation as well as of the last things—indeed, our belief in God who has the First Word and the Last, and who in between speaks to human beings and invites their response—may provide a template for this exploration. We are also challenged to bring this exploration from a theoretical plane to the level of practical issues: of responsiveness and responsi-bility, of love, toward the neighbor, and toward the whole of creation.

Courage for the struggle

The human exercise of freedom, understood as an exercise in responsiveness and responsibility, is always embodied, contingent and in context.[19] We exercise our freedom as women and men; with different histories, solidarities and belongings; with different experiences of power and privilege or the lack thereof; with majority status or minority; and so on. We also exercise our freedom as complex individuals striving to do our best despite the tangles of our inner lives. We find that the exercise of freedom is a struggle; it is regularly blocked and challenged—both from without and within. Thus, we cannot leave our discussion of freedom and responsibility at a purely theoretical level.

We live in a complex world, full of injustices. There are many obstacles to responsible agency, not only external, but also internal: the fears that freeze us, the complacency that tempts us, the lethargy that overcomes us. For the responsible exercise of freedom, we need space for reflection and conversation, companions who stimulate our thinking and hold us accountable, communities in which vision is nurtured—the vision of the good (and the promise of God's triumph) that orients and empowers our responsible exercise of freedom.

I conclude, then, with **challenge 5:** How can we sustain conversations, including our Christian–Muslim conversations that allow for the reflection, discernment and development of vision and growth in responsible agency—despite obstacles, including those within ourselves? Where are the spaces—including families, faith communities, grass-roots organizations, NGOs, academic institutions and so on—where such conversation,

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[19] See Burrell, ibid., 166–9, on the "situated freedom" (167) that stands in contrast to accounts of freedom as "some autonomous agency within us unbeholden to history, embodiment, attractions or compulsions" (166).

visioning, nurture and growth take place? Which of these can be enlivened through greater Christian–Muslim collaboration? How can we as Christian and Muslim persons of faith consider what it means to be creatures of God, called to responsiveness to God and to the neighbor, and to the responsible exercise of freedom in the world?

Freedom and Responsibility: An Islamic Perspective

Amina Wadud

Islam is one of the major world religions. With a human history of just over 1400 years, Islam does not limit itself to its manifestation in historical terms, but rather offers a universal view of all existence—creation and its Creator. The relationship between what might be called a universalist Islam and an historically manifest Islam is like the relationship between the word freedom and the experience of freedom in the lives of human beings. Mediating between the absolute and the abstract can only be met in the manifest with real people and in real places.

Islam is a way of life. In universalist Islam, peace is acquired by living in accordance with the divine design for all of creation, the whole universe. To live in harmony with the ordered and orderly universe in manifest terms means to obey the will of Allah. Here, Allah, the Arabic word for God, is the Creator of the universe, and He/She/It sustains that universe in harmony and balance. According to the Qur'an, the sacred text or revelation in Islam, "The sun does not outstretch the moon. Each follows its ordained course."

The Qur'an also tells us that nature and the natural universe are "Muslim," or in accordance with divine design. Human beings represent the penultimate creation and have a special relationship to this divine design because they were explicitly created with free will. While all of nature is "Muslim" or in surrender, humans are in surrender by freely and consciously exercising their will. This might mean that our surrender is more meaningful. Accessing this meaning is where the challenge lies.

Muslims, the peoples of manifest Islam, frequently talk about what they cannot do, such as not eating pork or drinking alcohol. Actually, Muslims can do and do all these things. Therefore, it is important to express free will. Free will means that you can do anything you want. However, according to the Islamic worldview, while human beings are entirely free to do whatever they want, the ultimate judge for their actions is beyond the manifest realm, and belongs only to Allah. Therefore, a system is estab-

lished such that choosing to obey Allah, or, choosing to live in harmony with all of creation, or the entire universe, becomes the fulfillment of our maximum agency (or *khilafah*). Indeed, this is the purpose of our creation in the first place. *Inni jaa'ilun fi-l 'ard, khalifa*: I will create on the earth a *khalifa*, a moral agent, one who uses free will to establish what is just and to prohibit what is evil. According to the Qur'an, the most useful tool in fulfilling this agency, or, in other words, in being fully human vis-à-vis this creative purpose, is *taqwa*. *Taqwa* is often translated as piety but it means more. It means awareness of the absolute freedom to do whatever you want as a human being, coupled with the knowledge that Allah is the ultimate judge and the knower of all things hidden and manifest; therefore, to act in the world as if all deeds were transparent, because they are all accountable on this ultimate scale. *Taqwa* then become the means whereby we act responsibly freely. Therefore, here, under the rubric of the Islamic moral construction is the root of the idea that freedom and responsibility are necessarily linked and that what links them is knowledge.

Freedom: In search of a definition

My preparation for this article began by searching for the meaning of the word "freedom." I admit that I was inspired by the vexing ambiguity caused by a speech by former US President George Bush after the terrorist attack on 11 September 2001. He said that Americans are asking, Why do they hate us? They hate our freedoms. Eight years later, I am no closer to understanding that statement.

According to the world-renowned historian Eric Foner, when it comes to freedom in America, there is no single lasting definition.

> Freedom has always been a terrain of conflict, subject to multiple and competing interpretations, its meaning constantly created and recreated. Definitions of freedom relegated to the margins in one era have become dominant in the next, and long abandoned understandings have been resurrected when circumstances changed. The meaning of freedom has been constructed not only in congressional debates and political treatises but on plantations and picket lines, in parlors and bedrooms.[1]

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[1] Eric Foner, *The Story of American Freedom* (New York, NY: Norton, 1998), xv.

In his historical account, Foner points out how, in the past, slavery and the subjugation of women delineated the "boundaries of freedom." With regard to recent American history, he underlines that "[f]reedom became the sort of all-purpose explanation for both the attack of Sept. 11 and the ensuing war against terror,"[2] He takes issue with the administration's claims that the USA was targeted for attack specifically because of its freedom, noting that "this notion that […] the other side is the enemy of freedom is both very powerful and very old, really, in the discourse of American history."[3]

In her talk on "The Meaning of Freedom" on Alternative Radio, Angela Davis, US political activist and philosopher, questions an easy use of the notion of freedom:

> The idea of freedom is inspiring. But what does it mean? If you are free in a political sense but have no food, what's that? The freedom to starve? Or if the candidates on the ballot are yoked to unjust power structures, what's that? The freedom to vote? The colonies in Asia and Africa gained their independence from their European lords but did they gain freedom? Frantz Fanon, who worked with the liberation movement in Algeria wrote prophetically in his classic work, "The Wretched of the Earth," that the newly independent states of the post-colonial era will not achieve real freedom if they replicate the patterns of oppression and domination perfected by their former masters.[4]

Therefore, I will not linger much longer on this endeavor to define freedom because like the British philosopher Maurice Cranston I think,

> When you talk of freedom, you cannot be sure of making your meaning clear by putting an adjective in front of the substantive. We often hear, for example, of "economic freedom" and "religious freedom." Neither is unambiguous.[5]

It is the ambiguity of the word freedom that perhaps led the drafters of the Universal Declaration of Human Rights in 1948 to focus instead on specific rights.

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[2] Foner in the sixth annual Law and Humanities Distinguished Lecture, University of Southern California, November 2007. See http://college.usc.edu/news/stories/419/the-meaning-of-freedom, accessed March 2010.

[3] Ibid.

[4] At www.alternativeradio.org/programs/DAVA013.shtml, accessed March 2010.

[5] Maurice Cranston, *Freedom* (London: Longmans, 1967), 10.

The Campaign to Liberate Freedom[6] was inspired by Burma's imprisoned Nobel Peace laureate, Aung San Suu Kyi, who said that we need a global "revolution of the spirit." This campaign aims to use the power of the human voice, our freedom of speech and our freedom of expression, "to reclaim the meaning of freedom—liberate it by sharing your views; writing them right now is moved by one of the most important questions of our time: How Can We Liberate Freedom, Personal and Global, From the Forces of Indoctrination, Fear, and Complicity with War?"[7] because, ultimately, freedom is about respect and compassion.

Islam and freedom

The Islamic social order and ethics presume a number of interdependent relationships. Despite the absence of abstract freedom in the Qur'an and throughout the formative period of Islam's major paradigms, I do not wish to give the impression that there is no freedom in Islam. Rather, I return to the point that "freedom" as a word is not self-sufficient. One either has "freedom to" or seeks "freedom from." Otherwise freedom is subjected to certain ideas such as speech, religion and politics. Therefore we can speak concretely about religious freedom, political freedom, or freedom of speech. As such, I will not attempt to address the abstract forms of the many possible appendages, except one; from the theological perspective of Islam, why it is important to have freedom from.

The Qur'an is emphatic about the need and the mandate for freedom from oppression, *zulm*, derived from the Arabic origin *z-l-m*, oppression, doing wrong, darkness, inequity. *Zulm* or oppression is therefore like putting constraints on others. This Qur'anic emphasis clarifies unconditionally that Allah does not oppress. Therefore, it is evident that oppression is a human made phenomenon, requiring explicit human institutions and actions to eradicate it. This mandate, the eradication of *zulm* or oppression, becomes the means whereby we begin to unravel the Qur'anic notions of freedom in its relationship to responsibility.

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[6] At www.liberatefreedom.com/, accessed March 2010.

[7] Ibid.

Responsibility as maturity and development

The idea of responsibility has received the greatest attention in the development of Islamic law and ethics. The *fuquha*, or jurists, were intent in designating different sorts of responsibility: *ibadah* and *mu'amalah*, worship and social interaction. These two are linked, because worship or *ibadah*, as both an individual and a communal function, constitutes the constant reminder that although we are free, here on the earth, all of our actions should reflect the reminder and the remembrance of our relationship with the ultimate order of the universe, with the divine, with the Creator. Explicit details in the performance of Islamic forms of worship give further credence to the idea of emphasis on actions in Islamic thought.

With regard to *mu'amalat*, we are faced with what Fazlur Rahman calls the Qur'anic mandate. The purpose of the Qur'an, he said, is to establish social justice. In the eleventh century, Ibn Jawziyyah agreed with this notion when he described *shari'a*. Loosely speaking, *shari'a* is Islamic law—but in the sense of the law of the universe. This is distinct from *fiqh*, which is the human understanding of that universal law for the sake of implementation. He asserts that the *maqasid* of *shari'a*, the goal, or ultimate intent, is justice. Justice is both a social and moral term, as well as a principle, a virtue. It is not an abstraction. It is woven throughout the entire Qur'an and as such becomes the basis for establishing the idea in Islam of the five freedoms or rights: life, religion, intellect, family (or genealogy) and property.

Responsibility is also a uniquely human trait, which according to the Qur'an is based on a certain kind of relationship with the rest of creation, most notably nature, or the earth and its environment, which the Qur'an says have been made subservient to humankind. Such subservience, when coupled with the idea that the whole of nature, is Muslim, in fact the means whereby human responsibility is emphasized.

Today and in the future

I decided to preface my remarks on faith, freedom and responsibility in Islam by giving this background, which problematizes the word freedom as both an epistemological and a practical abstraction, in order to lend my support to the idea of subjective freedom. Subjective freedom, that is the freedom made concrete by its adjectives or its prepositions, is that freedom which is morally responsible, reflecting our agency as humans

and inspiring our maturation, growth and development, particularly as an inspiration to, as the Prophet Muhammad said, "Seek knowledge from the cradle to the grave."

Freedom is what it means to be human, and responsibility is inherent in exercising that humanity and those freedoms. I will conclude with a few thoughts on faith, freedom and responsibility from an Islamic perspective with regard to the future. To do this I give my last quotation about freedom and then revisit the underlying ideas of a universalist Islam.

When Andrew Cohen was asked, What does it mean to be free? he said,

> As you awaken from the illusion of isolation that the separate ego creates, the whole meaning of freedom begins to turn on its head. Freedom, for the ego, means *I can do anything I want, whenever I want to.* But for the part of you that is not ego, for the authentic self, freedom means *I can do only one thing.* To the ego that sounds like a death sentence, but to the authentic self it is profoundly liberating, because that one thing is wholehearted participation in the evolutionary process. And the authentic self experiences pure ecstasy the more it is liberated to be able to participate in the evolutionary process. That's the ultimate experience of creative freedom. But it's not the kind of freedom most people are interested in or can even conceive of, because it's not freedom of or for the individual. It's the ultimate freedom of the universe creating itself at higher and higher levels.[8]

This is the closest articulation of freedom that is akin to my understanding of the universal aspect and intent of Islam. The whole of the universe and everything in it are subject to the divine order. This greater cosmic order can be measured scientifically and as such all aspects of it can eventually become a part of human knowledge. Yet, with that knowledge, we can still choose to acknowledge the sacred or divine aspect, or we can persist with the notion that the knowledge we have gained makes us lords and masters over the universe. This is the challenge of knowledge; it can lead some to disregard the intimate connection between the sacred and the mundane as manifest in the intimate relationship between believer and the Divine and in the inter-connectivity of all of creation, especially human to human connectivity. This is a challenge we must accept because to remain ignorant is morally irresponsible and curtails the full exercise of our freedom.

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[8] At www.andrewcohen.org/quote/?quote=76, accessed March 2010.

It is the paradoxical relationship between responsibility and freedom that has become critical in the context of the Muslim world and therefore to the way in which the world views Islam.

I shall focus on intra-Islamic or more precisely intra-Muslim freedoms because of the way in which our freedoms have come under attack in the name of conservative and extremist Islam, but also the way in which our moral responsibility has come under attack by liberal Islam. First, conservative Islam is quickly becoming the only acceptable authoritative voice. I have been following a statement issued against the Muslim women's organization, Sisters in Islam, Malaysia. Members of the Pan-Malaysian Islamic Party, commonly known as PAS, have deemed them un-Islamic. They protest that the Sisters promote values outside the teachings of Islam and therefore must be shunned, banned, silenced and rehabilitated. Despite the harshness of this condemnation and the veiled threat of rehabilitation for having views different from their accusers, it is interesting to note that not one specific example for what is deemed outside of Islam was presented. A blanket statement issued by such authorities accusing someone or some organization of being outside of Islam is tantamount to banishment and has the force to affect the sisters' positions in Muslim society. Indeed, the force of this, and of things such as a *fatwa* against Facebook, should be taken seriously as endemic of a disease, which is spreading within Islam affecting its freedoms and taking away the responsibility from the community of believers.

One cannot be free if one is ignorant. One must be informed, assert one's right and intent to be informed and use information continuously if one wishes to be free. In pre-Islam, the notion of ignorance was coupled with the notion of arrogance. Today, too many Muslims abdicate responsibility for learning—the prerequisite to freedom—by allowing certain parties to dictate their opinions over others. Those who blindly follow such opinion without simultaneously seeking to inform themselves are also culpable.

On the other hand, I do not believe that we will ever obtain so much knowledge that we will be free of moral responsibility, human interdependency or the need to believe in and worship the one true God. This is the gist of some proponents of liberal Islam. As soon as we free ourselves from the shackles of ignorance, not only of particular authoritarian and authoritative traditional scholars and judges, but also from Islam itself and more precisely from Allah, we will be greater than the sum total. I have encountered too many liberal Muslims who want to demonstrate their freedom by participating in certain immoral behaviors as a way of express-

ing their freedom. I think this is problematic, because as the universe is coordinated and ordered our actions always have consequences. The idea that we would ever be totally free of our relationship with the universe and the demands of our very human bodies and our entire genetic makeup stems from my notion of universalist Islam.

Here the distinction between learning things, *ta'lim*, and education, *tarbiyyah*, might be useful. It is only when knowledge is wedded to faith and responsibility that it is truly valuable.

Thus, we must recognize that the entire universe is structured under *tawhid*. God is one and unites human communities in justice, truth and honor. Every aspect of our makeup responds to this divine design, and while on the metaphysical plane Allah is the greatest, it is only when we manifest this order in relations with one another that we achieve our highest capacity of being human. I believe that justice and freedom are built into our very DNA, but only through knowledge will we attain the competency to fulfill the responsibility of being free. That to me is the ultimate meaning of Islam.

Law, Freedom and Responsibility in Christianity and Islam

Oddbjørn Leirvik[1]

There are many prejudices against Islam and Christianity such as for instance that Islam is based on the fear of God, whereas Christianity is the religion of love; or that Islam is a religion of the law with clear demarcation lines between right and wrong, whereas Christianity is the religion of freedom. Prejudices should be taken seriously since they may reflect something important regarding the actual way in which one or the other religion operates—as experienced by oneself, or as perceived by others. It goes without saying, however, that personal experience of Islam or Christianity cannot be taken as the general truth about these two religions, both of which are highly diverse. How then can one critically reflect on the relationship between law and freedom in the two religions in search of some basic structures in Christian and Islamic moral thought?

Christian schizophrenia?

Among modern Muslim thinkers, Sayyid Qutb, the most radical voice of the Muslim Brotherhood in Egypt in the 1950s and 1960s, is probably the one who has most forcefully accused Christianity for being fixated on the theme of freedom. His book, *Islam: The Religion of the Future*, includes a chapter on what he calls "that hideous schizophrenia" in Western Christianity.[2] Qutb's main accusation against Christianity is that is has divided reality into many parts. According to him, the separation of Christianity from Judaism, and thus from Mosaic Law, initiated a process through which

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[1] The text below is, in the main, an English translation of a chapter entitled "Law and Freedom," in Oddbjørn Leirvik, *Islam og kristendom: konflikt eller dialog?* [Islam and Christianity: Conflict or Dialogue?] (Oslo: Pax Forlag, 2006).

[2] Sayyid Qutb, "That Hideous Schizophrenia," in Paul J. Griffiths (ed.), *Christianity Through Non-Christian Eyes* (New York: Orbis, 1992), 73–81.

Christianity increasingly separated the spiritual realm from the political one, and theology from jurisprudence.

This meant also that true freedom was severed from the protective framework of divine law. This development deviated from Jesus' true teaching which, according to Qutb, struck a much better balance between law and freedom. For Qutb, as for the classical apologists in Islam, the great villain here is Paul, because he exempted Christians from Jewish law.

In this process, the view of sexuality also becomes schizophrenic, says Qutb, pointing to the strong tension between celibacy and promiscuity, which he believes to be characteristic of cultural history in the Christian West. Modern Christianity is characterized by a general split between that which according to Islam must be kept together: law and freedom; religion and politics; soul and body; faith and reason.

Qutb's confrontational approach to Western Christianity has left its mark on many Muslim activists' way of reasoning. Other Muslims take a more nuanced view, such as for example the less confrontational discourse about law and freedom in the writings of the American Muslim, Seyyed Hossein Nasr, who is inspired by the philosophical and mystical tradition within Islam and has taken part in the international dialogue between Christians and Muslims. In his essay, "The Islamic view of Christianity,"[3] Nasr claims that Islam—ideally, if not necessarily in practice—strikes a better balance between the outer and inner aspects of religion than Christianity. According to Nasr, Christianity has been too biased in its emphasis on the inner dimension and lacks an outer law with divine authority.

Nasr notes that contemporary Muslim critique of Christianity is often directed at Christian ethics. Islam criticizes Christianity for not having a divine law given once and for all. This means that from an Islamic perspective Christians have taken too many liberties. Many Muslims find Christian ethics too demanding and unrealistic, claiming that Jesus' teachings in the Sermon on the Mount actually constitute an ethics for saints and not for ordinary people. Nasr also notes that Christianity is more ambivalent toward worldly power and sexuality than Islam, which more unambiguously sees power as part of religion and sexuality as a blessing.

However, Nasr observes, there are also Muslims who admire Jesus for his stringent ethical demands and the power critical message he proclaims. There where Christians and Muslims have coexisted for centuries, Nasr observes a profound respect among his fellow Muslims for Christian

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[3] Seyyed Hossein Nasr, "The Islamic View of Christianity," in Griffiths, ibid., 126–34.

ethics and monastic spirituality. For example, the active employment of Jesus' sayings in the great Sufis' ethics emphasizing Jesus' world-denying asceticism and his message of love.

According to Nasr, the most widely held view among Muslims is that the Abrahamic history of religions should be read as a gradual maturing of the way in which the law, freedom and love are perceived. While Judaism represents the law and focuses on this world, and Christianity is the religion of love and is oriented toward the hereafter, Islam represents the grand synthesis, striking a good balance between the way of the law and the way of love, between the needs of the body and those of the spirit, between this world and the next.

Nasr's own view is that, as the road to salvation for millions of people, both Islam and Christianity have a divine role to fulfill. This view is expressed even more forcefully by Hasan Askari who holds that God means for the two religions—with their emphasis on ethics and theology respectively—actually to engage in a never-ending dialogue with each other. If Christians and Muslims forsake dialogue and only pursue their particularities, Askari says, both religions will ossify in a monologue.[4]

Christian starting points for a joint conversation

Is it possible, then, to conduct a Christian–Muslim conversation about law and freedom that might yield common reflection instead of fortifying mutual stereotypes about who is protecting the law and who is hoisting the flag of freedom?

In the current situation, any ethical conversation on this topic will be influenced by the modern emphasis on individual freedom, rather than by how the tradition or community tells us to act. Moreover, the fear that Christians and Muslims may feel when faced with the seemingly unlimited freedom in modernity may color the conversation. Christians and Muslims of a more conservative inclination would easily make "secular society" the common enemy.

A more enlightening, but potentially confusing, project would be to reflect jointly on the tension between community based laws and individually based freedom, which one finds in both religions' Scriptures and traditions.

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[4] Hasan Askari, "The Dialogical Relationship between Christianity and Islam," in *Journal of Ecumenical Studies*, vol. 9 (1972), 477–88.

In the following, I shall focus on the way in which law and freedom are dealt with in the New Testament—which, in itself, is polyphonic.

Which parts of the New Testament should Christians select in a scriptural dialogue with Muslims about law and freedom? Two obvious choices would be the Sermon on the Mount and Paul's Epistle to the Galatians. In both, the focal issue is how to relate to Jewish law (the Torah). In Matthew's version of the Sermon on the Mount, Jesus actually sharpens the Jewish law and makes it even more difficult to comply with. In Galatians, on the other hand, Paul proclaims freedom from the same Mosaic Law.

Although the New Testament texts are entangled in the conflict between the first Christian communities and synagogue based Judaism, today's readers would like to know how these texts might broaden their horizon and enlighten them regarding law and freedom in late modernity. Maybe the seeming contrast between Matthew and Paul could be read as a comment on the relationship between the freedom seeking self and the obligation toward the human other which the law upholds?

Has Christianity abolished the law?

For New Testament texts to make sense in a modern context, one must detach oneself from the heavy tradition of denouncing legalistic Judaism and (later) Islam as typical religions of the law over against freedom loving Christianity. Jewish studies as well as New Testament scholarship have demonstrated that conceiving Judaism as a legalistic religion is historically imprecise. At Jesus' time, Judaism was marked by strong tensions between law based, prophetic and wisdom oriented interpretations of the Jewish Bible. Many would claim that most of what Jesus said in the Sermon of the Mount is in fact fully within the framework of what a Jewish interpreter of the Torah might say.

As in Paul's Epistle to the Galatians, one of the pressing issues was whether Greco–Roman Christians, "heathen Christians," would be required to be circumcised as a token of their loyalty to Jewish law, or whether they might be free to choose. Paul claims that the issue of circumcision is fundamentally a question of freedom in Christ versus slavery under the law (Gal 5:1).

This is not all that Paul has to say about Jewish law. He frequently refers to "the entire law," i.e., the Torah. For instance, in Galatians 5:3 he claims—quite polemically—that anyone who allows himself to be circumcised is obliged to obey the entire law. In Galatians 5:14, however, he refers

to Mosaic Law in a more positive way, claiming that "the entire law" can be summarized in the commandment to love one's neighbor as oneself.

According to Paul, the freedom of God's children does not imply that one may live lawlessly (Gal 5:13). Instead, the Christian is called to live a life in "faith working through love" (5:6). When further explaining what he means, Paul cites the commandment to love one's neighbor as oneself which can also be found in the Torah (Gal 5:14; cf. Lev 19:18).

From this perspective, one can hardly say that Paul abolishes the law; rather, he reinterprets it. He is critical toward certain ritual practices but insists that fundamentally Jewish law is about leading a responsible life. As Paul reasons in the fifth chapter of Galatians, the question of law and freedom must be divided into two: after having duly proclaimed Christian freedom from the ritual laws of the Torah, Paul rephrases the issue as an ethical question of how to relate responsibly and lovingly to one's neighbor.

Paul's (and Luther's) ethics of freedom: A turning toward the other

In this sense, Paul can be understood as announcing a "turning to the other," characteristic of late modern ethics of proximity as laid out by the Jewish moral philosopher Emmanuel Levinas, and the Christian philosopher of religion Knud E. Løgstrup.[5] The pivotal insight is as follows: encountering the face of the other, one cannot hide behind a system of ethics, be it focused on the "law" or "freedom." When persistently raising typical, self-centered modern questions about what one is bound by or free from, one quickly deviates from the real ethical demand. Thus it is only when the other person—our neighbor—enters the picture that the question of law and freedom is put in its proper perspective.

At this level, Paul sees a deep interconnection between ethics and theology. Galatians is the place where Paul most forcefully proclaims justification by faith, not by observing the law or "by works" (Gal 2:16, cf. Eph 2:8f). Rather polemically, Paul unfolds the issue of justification or salvation by faith or works as contesting the Abrahamic heritage, insisting that the faith of Abraham, ("without works") is primary in relation to the law that was only at a later stage given to Moses (Gal 3:6–18).

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[5] For Levinas's and Løgstrup's contribution to an "ethics of proximity," see Arne Johan Vetlesen, Per Nortvedt, Zygmunt Bauman and Svend Andersen, *Nærhetsetikk* [Ethics of Proximity] (Oslo: Ad Notam Gyldendal, 1996).

Paul claims that however necessary obeying the law and "works" are with regard to the neighbor, they can never justify a human being before God. If one constantly strives to justify oneself, Paul says, the focus shifts from the neighbor's needs and the entire relation to God is perverted. Martin Luther, who was enlightened by the Epistle of Galatians, which played a central role in his theology, believed a self-justifying pursuit of religious merit to have negative consequences on the relationship to other human beings. A person becomes *incurvatus in se*—curved in on themselves—as the relation to God is being destroyed. Lutheran theology speaks about a necessary dialectic between law and gospel: God's severe law leads human beings to realize that one cannot hope to be saved by good works. Instead, one may open oneself up to God's undeserved goodness in the gospel. According to Paul's Epistle to the Galatians, the real function of the law is to demonstrate the impossibility of justifying oneself "by works" (Gal 3:19ff.).

The idea of salvation without works can also become self-centered if joined with the modern striving for moral autonomy, aimed at self-justification rather than pleasing God. According to Paul, however, undeserved grace annuls self-justification and gives rise instead to "faith working through love" (Gal 5:6). Again, the theological insistence on salvation by grace alone corresponds to an ethics directed through love toward the needs of the human other.

Luther expresses a similar insight in his 1520 treatise, "On the Freedom of a Christian," in which he captures the interaction between the freedom of faith and the service of love in a twofold assertion: "A Christian is a perfectly free lord of all, subject to none. A Christian man is a perfectly dutiful servant of all, subject to all."[6]

Once liberated by God from the heavy burden of having to justify oneself, human beings are set free to serve their neighbour—not for the sake of salvation, but for the sake of the other:

> Of course, conscience lays hold of its own good works too, but declares these works are to be done freely and only for the good of one's neighbour, and to give the body something to do, but in no case to acquire righteousness and peace and the satisfaction and remission of sins.[7]

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[6] Martin Luther, "The Freedom of a Christian, 1521," in Helmut T. Lehmann (ed.), *Luther's Works,* vol. 31 (Philadelphia: Fortress Press, 1971), 344.

[7] Martin Luther, "The Judgment of Martin Luther on Monastic Vows, 1521," in Helmut T. Lehmann (ed.) *Luther's Works,* vol. 44 (Philadelphia: Fortress Press, 1966), 299; original, Martin Luther, *De votis monasticis*, WA 8: 607, 12–15.

A conscience based rethinking of the moral obligation

In addition to freedom from self-justification, which turns the moral attention to the other, there is another dimension to freedom in Luther's moral philosophy. A Christian is no longer bound by a specific religious law such as Mosaic Law. In his sermons on the books of Moses, Luther makes it perfectly clear that Mosaic Law is not binding for heathens who become Christians, only for Jews. Instead of Mosaic Law, an appeal is made to human conscience, which shifts the focus of ethics from compliance with formalized rules to personal integrity and empathy with the other.

Exactly how a conscience, liberated from formalized rules and self-justification, may express itself in moral responsibility will constantly have to be rethought. It is interesting to note that in his discussion of alcohol consumption, Luther's reasoning is not Scripture but conscience based. From his perspective, conscience based ethics imply that a Christian is free to endorse the moral insights of people who belong to other religious traditions. In one of his works, he refers to the moral insights of the Turks (i.e., the Muslims) in this respect: "Whether you abstain from wine with the Turks or drink wine with Christians makes no difference at all, as long as you drink it with a good conscience."[8]

A good conscience, however, is not only related to personal conviction. Conscience literally means "knowing with" someone and the judgments of conscience must always be justified vis-à-vis the human other.[9] On the question of alcohol consumption, then, Lutheran ethics does not ask whether alcohol is prohibited by some divine revelation or not, but whether it can be justified in light of conscience's moral responsibility toward the vulnerable neighbour.

The ethical demand according to the Sermon on the Mount

Lutheran ethics shift the focus from detailed divine commands to human conscience and moral concern for the other. Similarly, the Sermon on the Mount (Mt 5–7) can be read as an "other directed" reinterpretation of the ethical demand rather than as the abolishment of Jewish law. According to Matthew, Jesus asserts that there is nothing wrong with Mosaic Law

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[8] Ibid., 304; original: *WA* 8:610, 2–3.

[9] For this perspective on conscience, Oddbjørn Leirvik, *Human Conscience and Muslim-Christian Relations. Modern Egyptian Thinkers on al-damīr* (London: Routledge, 2006).

in itself, only with the way in which it is practiced. In Matthew 5:17, he proclaims that he has not come to abolish the law, but rather to fulfill it. In other parts of the gospel, however, he sharply critiques the way in which the teachers of the law (the scribes) and the Pharisees practice the law (cf. Mt 23). In contrast to their rigid and outward interpretation of the law, Jesus radicalizes the Torah as it is most forcefully expressed in the so-called antitheses of the Sermon on the Mount: "You have heard that it was said to those of ancient times […]. But I say to you […]" (Mt 5:21ff.).

In the Sermon on the Mount, as in Galatians, the relation to the human other—the neighbor—is the driving force when the law is being reinterpreted (in this case, radicalized). The most pointed radicalization is probably Jesus' assertion that the commandment to love is only fulfilled when loving one's enemy—against the antithetical background of, "You have heard that it was said, 'You shall love your neighbor and hate your enemy.' But I say to you, 'Love your enemies and pray for those who persecute you'" (Mt 5:43–44). Here and elsewhere, Jesus' radical interpretation of Jewish law transcends a commonsensical understanding of ethics that only demands what is "reasonable."

As mentioned, the commandment to love one's neighbor as oneself is found in the Torah, in Leviticus 19:18. However, when Jesus asks his disciples to love their enemies and turn the other cheek, he transcends the normal understanding of Mosaic Law. But he radicalizes it as a Jew, faithful to the law. Nevertheless, Jesus' universalistic reinterpretation of Jewish law was so radical that, according to Paul's and Luther's understanding, it undermined the basic idea embedded in the law that the relation to God and the neighbor can be neatly regulated by the covenant, commandments and rules.

Lutheran theology has seen a strong connection between Jesus' radical sharpening of God's will—to the extent that nobody can hope fully to comply with God's demands—and Paul's proclamation of salvation regardless of merits.

The relationship between grace, faith and works is a classical topic in discussions between Lutheran and Catholic theology. Lutherans have insisted that the human being is saved (or in more forensic terms, "justified") by faith in God's grace in Christ alone, whereas Catholics have maintained that faith in Christ must necessarily express itself in good works to be counted as true faith. It was only in the late 1990s that the Lutheran churches and the Roman Catholic Church were able to sign a document expressing a joint understanding of the relation between grace, faith and works.[10]

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[10] The Lutheran World Federation and the Roman Catholic Church, *Joint Declaration on the Doctrine of Justification* (Grand Rapids MI: Eerdmans, 2000). Online at www.lutheranworld.org/Special_Events/ LWF-1999-Official_Documents.html.

Traditionally, Lutheran and Catholic perspectives have been anchored in various parts of the New Testament Scriptures that offer different perspectives on the relationship between faith and works. The Epistle of James states unambiguously that faith without works is dead and that "You see that a person is justified by works and not by faith alone" (Jas 2:24). At this point, James does not transform the meaning of the Sermon on the Mount, where Jesus implies that God's forgiveness comes with the expectation that those who receive forgiveness from God are willing to forgive their own neighbor (Mt 6:12: "And forgive us our debts, as we also have forgiven our debtors"). In the Sermon on the Mount, Jesus also explains that saying, "Not everyone who says to me, 'Lord, Lord,' will enter the kingdom of heaven, but only the one who does the will of my Father in heaven" (Mt 7:21).

Nonetheless, what might explain the seeming contradictions between Jesus' and Paul's messages is the focus on the human other. At the deepest level, the law is about loving one's neighbor as oneself (Gal 5:14), as expressed in the Golden Rule quoted in the Sermon on the Mount (Mt 7:12). Paul maintains the freedom of faith from the ritual demands of the law, but equally emphasizes faith's moral connection to the neighbor's needs ("faith expressing itself through love"). In the Sermon on the Mount, Jesus sharpens the ethical demand far beyond what is normally deemed reasonable, as when admonishing his disciples to imitate God in love of the enemy. In fact, the notions of the law in the Sermon on the Mount may be read as an ethical turning toward the other. Jesus' tightening of the rules on divorce (Mt 5:27–32) adds a gender perspective. Jesus restricts men's self-centered interest to be able to divorce an unwanted wife as easily as possible. Instead, the husband is forced to face his wife's vulnerable situation and to respond to it.

With regard to divorce, Islamic jurists might seem on the more liberal side, since divorce (particularly for the man) has always been allowed in *shariʿa*. Generally, who should be counted as "strict" or "liberal" varies from case to case. Whereas in relation to dress and dietary rules Jesus was quite liberal, he placed stricter limits on combining religion and politics than Muhammad did. According to the gospels, Jesus categorically rejected the idea that God's limits might be guarded by physical penalties. Whether the latter stance is strict or liberal depends on the perspective.

Overall, the New Testament offers a highly complex picture of the relation between law and freedom, between good works and God's saving action. Maybe the polyphonic Scriptures indicate that the truth about law and freedom, between the works of humans and actions of God, cannot be reduced to one formula.

Law and freedom in the Qur'an

What about the Qur'an and Islam in this respect? Should *al-bayyina* in the Qur'an (Q. 98:4 and elsewhere) be taken as a "clear message" in the sense "with one meaning"? Probably not. When looking at what the Qur'an says in terms of law and freedom in ethics, the picture is not as plain as many, informed by the usual stereotypes, would suspect.

The Qur'an sets forth a divine command that rather concretely outlines what is right and what is wrong. It is therefore no surprise that the first Muslims could directly relate the message of the Qur'an to a religiously based legislation. Sometimes the commands of the Qur'an are defined as God's will, so much so that a human sense of right and wrong seems totally irrelevant. The first verse in the fifth *sura*, which lists the types of animals that can be used for food—"Livestock animals are lawful as food for you, with the exceptions of what is about to be announced to you"—and states in which seasons of the year hunting can be done, simply gives as a reason for these prescriptions that "God commands what He will" (Q. 5:1).[11] Furthermore, regulations for rather pragmatic matters such as the necessary waiting period (*'idda*) between divorce and a new marriage are simply based on a reference to "This is God's command, which He has sent down to you" (Q. 65:5).

In other passages, however, Qur'anic ethics link up with human reasoning about what is good and evil, right and wrong. The Qur'an admonishes Muslims, as "the best people," to call everyone on earth to goodness, while bidding the right and forbidding the wrong (Q. 3:104 and elsewhere). The words used in these repeated admonitions might seem to imply moral knowledge of right and wrong, good and evil, which are inherent in every human being. The word translated as "right" in these verses is *al-ma'rūf*, which means that which is generally recognized. Correspondingly, the word translated as "wrong" is *al-munkar*, which refers to what any human being would naturally reject. The fact that the Qur'an implies that righteous Jews and Christians too allow what is right and forbid what is wrong, thus competing with Muslims in good works (Q. 3:113–114), corroborates the impression that the Qur'an appeals to a form of moral recognition that could be referred to as universal.

The Qur'an's moral guidance is often more open with regard to details than what the classical *shari'a* laws, which were codified by Islamic juris-

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[11] Unless otherwise stated, quotations from the Qur'an are taken from *The Qur'an. A New Translation by M. A. S. Abdel Haleem* (Oxford: Oxford University Press, 2004).

prudence from the ninth century CE and onwards, might seem to imply. For instance, it is not quite clear what the Qur'an commands with regard to female dress. The admonitions in Q. 24:31 not to display "their beauty and ornaments" (Yusuf 'Ali's translation of *zīna*) has been interpreted in quite different ways—ranging from proper dress in general to rules for covering one's hair or even requiring the veil.

What the Qur'an says about alcohol is not entirely clear and it is hard to extract from the Qur'an an absolute prohibition against the consumption of alcohol. The Meccan revelations refer to fermented wine "from the fruits of date palms and grapes" as one of God's wonders in nature (Q. 16:67). During the Medina period, however, intoxicating drinks became a problem. The first prohibition is directed against coming to prayer when intoxicated (Q. 4:43). In Medina, as the first Muslim community was being established, it became necessary to impose limits on certain customs in Arab tribal society, such as the excessive consumption of wine and all kinds of gambling. In the first place, the tone is mildly admonishing. In both wine and gambling, there is some profit but also a great sin (Q. 2:219). Gradually, however, the law is applied more strictly with the result that in the latest revelations drinking wine and gambling are stamped as an abomination and the work of Satan (Q. 5:90–91).

The relation between the Qur'an, *hadith* and *shari'a* can only explain the reason why the prohibition of alcohol is seen as absolute in Islam. The Qur'an does not prescribe any punishment for consuming alcohol, but in the *hadith* Muhammad does. This was further codified by Islamic jurists who formulated an unequivocal prohibition with concomitant sanctions.

From an interreligious perspective, the question arises whether Muslims and Christians can meaningfully dialogue about alcohol from the perspective of moral responsibility toward the other, or whether communication will be blocked by the collision between different ways of ethical reasoning—focused on divine command ethics and conscience based ethics respectively. Or, perhaps, what the Qur'an says about alcohol can be meaningfully translated into an "other-directed" ethics of responsibility?

The space for reinterpretation in Christianity and Islam

Islamic and Christian traditions are obviously quite differently structured in their approach to regulations pertaining to dress, alcohol and dietary laws. The Christian tradition might seem to be influenced by the radical

decision taken at the first meeting of the apostles in Jerusalem in 48 or 49 CE, when the discussion on relations of non-Jewish Christians to Mosaic Law resulted in the following interesting decision (Acts 15:28–29):

> For it has seemed good to the Holy Spirit and to us to impose on you no further burden than these essentials: that you abstain from what has been sacrificed to idols and from blood and from what is strangled and from fornication. If you keep yourselves from these, you will do well. Farewell.

The terse proclamation "it has seemed good to the Holy Spirit and to us" was later understood as being so radical that even the small remains of dietary laws indicated above were eventually abolished. Taking advantage of this radical opening for reinterpreting the law, modern Christians have also felt free to rethink Paul's warnings against women speaking in public (cf. 1 Cor 14:34 and 1 Tim 2:11f.) and his clear condemnation of same-sex relationships. In the latter case, the value of faithful love is taken as a more fundamental value than Paul's rejection of same-sex intercourse, which is regarded as contextual.

Paradoxically, a similar moral reasoning—not focused on concrete commands but on fundamental values—constitutes the basis for pietistic Christians' traditional abstention from alcohol. Since there is no prohibition against alcohol in the Bible, their reasoning needed to take a different and more general starting point, namely the concern for one's vulnerable neighbor (typically as expressed in Paul's discussions about eating or not eating meat in 1 Cor 8 and 10).

In 1990, during the first official visit of a Norwegian bishop to a Norwegian mosque, Bishop Bjørn Bue and Imam Chisti ended up toasting the temperance movement with tea, thus identifying a common moral concern, which in today's Norwegian context is clearly counter-cultural.

In general, however, Muslims would often expect Christians to be more "liberal" with regard to religious and moral questions such as alcohol consumption, accepted in most Christian cultures with Northern European pietism being an historical exception; the abolition of male circumcision and dietary laws; female leadership functions in gender-mixed congregations; and, most recently, the acceptance of gay partnerships. Muslim apologists would see this as taking liberties with divine will and as something typically Christian.

The issue of taking undue liberties may also be implied in the classical controversy about the interpretation of Jesus' prophecy about the advent of the Spirit of truth in the Gospel of John. Is it—as Christians have always regarded it—a prophecy about the liberating Spirit of God ("the truth will make you free,"

Jn 8:32), or, rather, a prophesy of the Prophet Muhammad, who would strike a perfect balance between Judaism (too strict) and Christianity (too liberal)?

Reinterpreting shariʿa

The discussion on firmness and flexibility in divine law is, however, also an intra-Muslim one. The word *shariʿa* refers only to the path pointed out by God and taken by classical Islamic philosophers as the golden mean between unwanted extremes. If today *shariʿa* is perceived as a petrified tradition, the reason is probably that the kind of *shariʿa* called for by vociferous Muslim activists is identical to the type of jurisprudence that was codified between the eighth and tenth centuries. According to the dominant view, it was in this period that the gates of *ijtihād* (independent legal reasoning) were closed.

Sunni Muslim jurists have accepted four different and equal schools of law and many modern Muslim reformists have argued that traditional jurisprudence (*fiqh*) has been more open and flexible in its approach to such issues as marriage than has been the case in modern legislation on marriage in Muslim countries. Ironically enough, it was modern legislation that codified one single interpretation of *shariʿa*, thus contributing to the stagnation of Islamic law, as invoked in many national constitutions as the basis for legislation.

In contrast, reformist Muslims regard *shariʿa* as a flexible legal tradition, which requires that ever-changing circumstances be considered and can only be kept alive through the reinterpretation of legal reasoning. A prominent representative of liberal Islam, Fazlur Rahman, claims that Muslims have failed to distinguish clearly between Qurʾanic ethics and legislated *shariʿa*, which also implies a failure to establish a dynamic relation between ethics and law. According to Fazlur Rahman, Islamic law must be based on some fundamental moral values by which both individual and collective consciences may feel obligated. In its concrete formulations, Islamic law must be open to constant reformulation. Rahman implies that this is the only remedy against general stagnation in legal development or a general abandoning of Islamic law for the benefit of secularism. As Rahman sees it, the basis for reinterpretation must be the general moral values that are propounded by the Qurʾan.[12]

Like in the Bible, in the Qurʾan ethics pertain to the safety and well-being of the other—as reflected in the emphasis on the common the common good,

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[12] Fazlur Rahman, *Islam and Modernity. Transformation of an Intellectual Tradition* (Chicago and London: Chicago University Press, 1982), 154–7.

maslaha, in parts of classical jurisprudence. In the Qur'an, "God's cause" may be equated with that of the vulnerable other, as when believers are admonished to fight the rich and powerful in Mecca: "Why should you not fight in God's cause and for those oppressed men, women, and children who cry out, 'Lord, rescue us from this town whose people are oppressors!'" (Q. 4:75).

When translating the Qur'an's ethos into neighborly solidarity in ever-new historical situations, Muslim reformists see no way around reinterpretive reasoning. In his book, *To be a European Muslim,* Tariq Ramadan, a prominent representative of so-called Euro-Islam, quotes two *hadiths*, which in his view render Muslims free to try and err on the not always straight road of reinterpretation.[13]

One of these *hadiths* is found in al-Bukhari's book, *Holding Fast to the Qur'an and Sunnah.*[14] In the section referred to by Ramadan, Muhammad encourages the judge to search for a wise decision in accordance with his very best reasoning (*ijtihād*). If he reaches the right decision, he will be doubly rewarded by God. But even if by means of *ijtihād* he reaches a wrong decision, he will be rewarded (implicitly, for his honest attempt).

The other *hadith*, quoted by Ramadan, is narrated by Abu Dawud in his book, *The Office of the Judge.*[15] Here, Muhammad asks a certain Mu'adh ibn Jabal how he will judge when reaching the land of Yemen, if given the opportunity to adjudicate a case. Mu'adh replies that he will judge in accordance with God's Book. But what if you find no guidance for this particular case in it?, Muhammad asks. Mu'adh replies, Then I shall act in accordance with the custom (*sunna*) of God's Messenger. Muhammad, however, continues to challenge the judge, asking him what he would do if he could not find relevant guidance either in the custom of God's Messenger or in the Book of God. Mu'adh summons his courage and replies, Then I shall do my best to form an opinion and I shall spare no effort (*ajtahada ra'yī ijtihād*). Muhammad then patted him on the breast and said, Praise be to Allah who has helped the messenger of the Apostle of God to find something which pleases the Apostle of God.

In 2005, Tariq Ramadan gave his own example of independent reasoning when calling for an immediate moratorium on the death penalty and *hudūd*

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[13] Tariq Ramadan, *To be a European Muslim* (Leicester: The Islamic Foundation, 1999), 28.

[14] al-Bukhari, Sahih al-Bukhari, transl. by M. Muhsin Khan (Islamic Server of MSA-USC n.d), 92:450, at www.usc.edu/dept/MSA/fundamentals/hadithsunnah/bukhari/.

[15] Abu Dawud, Sunan Abu Dawud, transl. by Ahmad Hasan (Islamic Server of MSA-USC, n.d), 24:3585, at www.usc.edu/dept/MSA/fundamentals/hadithsunnah/abudawud/.

punishments, such as corporal punishment for theft and for illegitimate sexual relationships, in the Muslim world.[16] When reading his argument, it becomes clear that the guiding principle behind his moratorium is the ethically motivated concern for the vulnerable human being. Ramadan realizes that in an imperfect world with asymmetrical power relations, severe punishments seem regularly to hit women rather than men and the poorer and weaker members of society more frequently than the rich and powerful ones. Thus, Ramadan concludes that corporal punishment and the death penalty must simply be suspended for an indefinite period of time (does he mean forever?).

Ramadan's moratorium demonstrates how radical independent reasoning may be if the dynamic relation between ethics and law (as called for by Fazlur Rahman) is reinstated. In Ramadan's case, his ethically based independent reasoning leads him to sidestep important aspects of classical *shari'a*—for the sake of the vulnerable human being.

A joint conversation about law and freedom?

In the examples of *ijtihād* given by Ramadan, what pleased Muhammad was the will and courage of independent reasoning, relying not only on sacred Scripture (which does not always give plain answers), but also on mobilizing one's capacity of moral judgment.

Muhammad's conversation with Mu'adh as quoted above might not have as radical an implication for reinterpretation as the decision by the meeting of the apostles in Jerusalem—"the Holy Spirit and we have decided" (Acts 15:28–29)—but there is nevertheless sufficient convergence in the approach for Muslims and Christians to engage in a joint conversation about the possibility, or necessity, to reinterpret the sacred tradition.

The tension between timeless values and historical concretizations should be recognizable across differences in faith. In modern, multi-religious societies, Muslims and Christians increasingly face the challenge of reflecting together on how to strike a balance between the freedom that any individual must have to protect their integrity, and the limits that any community must draw in order to protect the vulnerable other. In such questions as gender relations and the use of alcohol it is a shared challenge for Muslims, Christians and secular minded citizens to strike a balance between freedom and responsibility.

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[16] Tariq Ramadan, "An International Call for Moratorium on Corporal Punishment, Stoning and the Death Penalty in the Islamic World," at www.tariqramadan.com/article.php3?id_article=264&lang=en), 5 April 2005.

From a spiritual perspective, Christians and Muslims should be able to benefit from a dialogue about the theological aspects of the questions of law and freedom. Paul's ideas about salvation without works seemingly contradicts the Islamic idea that everyone is rewarded as they deserve, and Jesus' radical claims in the Sermon on the Mount cannot easily be reconciled with the Qur'anic assertion that God does not require more than what is reasonable: "God does not burden any soul with more than it can bear; each gains whatever good it has done, and suffers its bad …" (Q. 2:286).

As we have seen, within the New Testament there are markedly different voices with regard to the complex relationship between faith and works, nor is the message of Islam unequivocal at this point. Although the Qur'an speaks about reward in accordance with merit, a Muslim knows very well that every *sura* in the Qur'an opens with the formula "In the name of God, the Lord of Mercy, the Giver of Mercy" and that the Qur'an encourages believers to "race for your Lord's forgiveness …" (Q. 57:21).

In parts of Sufism, the reality of God's forgiveness is as radically expressed in their proclamation of salvation by grace and faith alone as it is by Paul and Luther. In a story in the *Mathnawí*, "The man who looked back on his way to hell," Rumi presents us with a morally failed person who is saved from hell by divine love that appears to be utterly undeserved. When the guardian angels drag the poor man toward hell, he sees before him a black scroll in which his plentiful mischief is carefully listed. The man readily admits that the truth of his life is even worse than what is written. But, instead of despairing, he makes a final appeal to God's grace:

> Beyond living righteously or behaving disobediently—I had a (great) hope in Thy pure loving kindness … I turn my face back to that pure grace: I am not looking towards my own actions. I turn my hope towards that hope, for Thou hast given me existence older than of old. Thou gavest (me) existence, free of cost, as a robe of honour: I have always relied on that (generosity).[17]

> [And God says:] "O angels, bring him back to Us, for his inward eye has (ever) been (turned) towards hope. Like one who recks of naught, We will set him free and cancel all his trespasses."[18]

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[17] *Mathnawí* V:1839–1843, in Jalálu'ddín Rúmí, *The Mathnawí of Jalálu'ddín Rúmí*, ed. and transl. by Reynold A. Nicholson (London: Luzac & Co, 1977).

[18] *Mathnawí* V:1845f, in ibid.

Although one might find a dialectic relationship between grace and good works in both Christianity and Islam, there are still some obvious differences in the basic structures of thought. Islam calls upon the natural propensity of the human being to do good deeds—with the corresponding assurance that God does not demand more from anyone than they can bear. Since mistakes cannot be avoided, Muslims cannot do without the grace of God.

Christianity too may appeal to the human being's innate capacity for doing good but speaks also about "original sin," which implies that good is constantly threatened by a corresponding potential for evil in the human mind and in society's inherited structures. Although in the Qur'an one might find a recognition of the power of evil that is more profound than is often implied in standard stereotypes about Islam and Christianity,[19] in the Christian tradition evil is understood more radically. The Christian message implies that there is something fundamentally wrong in human existence that cannot be repaired by divine guidance or human attempts at doing one's best. Salvation, as understood in Christian theology, can only be based on God's undeserved grace and God's will to take human mistakes upon Godself, as demonstrated in Christ's death for the sins of humanity. Only thus can good works be liberated from the trap of self-justification, so that the human being is set free to serve their neighbor in love, without having to justify themselves before God.

A more philosophical explanation of the relation between grace and good works can be found in the works of the Danish philosopher Knud E. Løgstrup, who bases his philosophy of religion on the fundamental gift structure of human existence. The experience that life is a gift corresponds to the recognition that human trust—in others and God—is something that comes to us as a spontaneous expression of life itself. Only in this light, says Løgstrup, can one understand the ethical demand, which does not originate from oneself but from the other's trust that I will take responsibility.[20]

These are some ways in which Christian, especially Lutheran, theologians might explain the relationship between grace and works, divine gift and human responsibility. As we have seen, Sufis too may emphasize the grace structure of life to such an extent that the gift of love clearly stands out as primary in relation to good works.[21]

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[19] Cf. Q. 12:53: "[…] for man's very soul incites him to evil unless my Lord shows mercy […]."

[20] Knud E. Løgstrup, *The Ethical Demand* (Notre Dame: The University of Notre Dame Press, 1997).

[21] Cf. Rumi's parable, footnotes 17 and 18.

Do we experience grace as a gift or as something that must be merited? Are good works a fruit of grace, or is it rather good works that keep the human being within the ambit of grace?

These are some of the questions that Christians and Muslims can dialogue about. Whereas scriptural reasoning may help Christians and Muslims in the process of understanding, questions about grace and good works, freedom and responsibility and responding to the ethical demand should also be approached from the vantage point of spiritual experience, and not only dealt with by reference to sacred Scripture and theological tradition.

Foundations for Freedom and Religious Freedom in the Qur'an

Sahiron Syamsuddin

Introduction

While the word "freedom" per se does not appear in the Qur'an, we find semantically similar words in both the "vertical" (i.e., God–human relationship) and the horizontal sense (human–human relationship). In other words, although we do not find the word freedom (*hurriya*) as such in the Qur'an, we do find the "embryo" of the concept of freedom in it.

In Q. 2:178, we find the word *hurr* (a person born free) as an antonym of *'abd* or *raqaba* (slave), and in Q. 4:92 the words *tahrir raqaba* (to liberate a slave). Such Qur'anic words as *mashi'a* (mentioned at least seventy times in different contexts) and *irada* (mentioned at least thirty-five times in various contexts), which mean "will," as well as *ikhtiyar*, "to have the choice" or "to choose something or to behave," are closely related to the concept of freedom and responsibility.

Q. 18:29 states that "(It is) the truth is from the Lord of you (all). Then whosoever will, let him believe, and whosoever will, let him disbelieve […]."[1] From this verse, which the Mu'tazilites later used as the theological basis for "free will,"[2] we can infer that to believe or to reject the truth is a matter of human freedom and choice. Furthermore, one could say that freedom is morally neutral: on its own, it is neither good nor bad. It becomes good or bad if its "coming into reality," based on free choice, is good or bad according to divine rules or human reasoning. On this basis, it makes sense if the above mentioned verse continues to read: "[…] for the wrongdoers We have prepared a fire whose (smoke and flames), like the walls and roof a tent, will hem them in […]." Still in this context, Q. 18:30 reads: "As

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[1] Most translations of Qur'anic verses are derived from Mohammed Marmaduke Pickthall, *The Meaning of the Glorious Koran* (Delhi: World Islamic Publications, 1981).

[2] See, for instance, Fazlur Rahman, *Islam* (Chicago: University of Chicago Press, 1979), 89.

to those who believe and work righteousness, verily We shall not suffer to perish the reward of any who do a (single) righteous deed."

The state of khalifa (vicegerent, God's deputy) as the foundation for freedom

The Qur'anic word *khalifa* can be regarded as the foundation for freedom and responsibility. It is derived from *khalafa-yakhlufu*, meaning to "come after" (*ja'a ba'dahu*).[3] Etymologically speaking, it means "someone who comes after and replaces somebody else" (*man yakhlufu ghayrahu wa-yaqumu maqamahu*). It is used for various meanings while the original meaning is still preserved. It is mentioned nine times in its singular and plural forms (singular: *khalifa; plural: khala'if and khulafa'*) in the Qur'an in various contexts: Q. 2:30, Q. 6:165, Q. 7:69, Q. 7:74, Q. 10:14, Q. 10:73, Q. 27:62, Q. 35:39, and Q. 38:26. Only Q. 2:30[4] is discussed here. It consists of something like a divine drama, which mentions that God informed God's angels that God would create a *khalifa* on earth. The angels regarded this plan as strange and asked why God wanted a creature (creatures) that would have destroyed the earth. This protest was then denied by God, saying that God knows everything that they did not know. In this case, classical exegetes of the Qur'an differ in deciding the meaning of the word *khalifa*. They are divided into two groups. Some claim that the human being is called *khalifa* (new generation) because they were created on earth after *jinn* who wrought destruction on it. Some point out that *khalifa* means "God's deputy," meaning that the God trusts (*amana*) human beings to manage the world according to God's ethical norms. To support this meaning, they base themselves on Q. 38:26, which reads: "(And it was said unto him) O David! Lo! We have set thee as a viceroy (*khalifa*) in the earth; therefore judge aright between mankind, and follow not desire that it beguile three from the way of Allah [...]."[5] In this case, al-Tabataba'i, a modern Shi'ite Qur'an commentator, agrees with those who interpret the word *khalifa* as God's deputy in a positive sense, meaning that human beings should have

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[3] See, for instance, Muhammad Farid Wajdi, *Da'irat Ma'arif al-Qarn al-'Ishrin* (Beirut: Dar al-Ma'rifa, 1971), 3:743.

[4] The verse reads: "And when thy Lord said unto the angles: Lo! I am about to place a viceroy in the earth, they said: Wilt Thou place therein one who will do harm therein and will shed blood, while we, we hymn Thy praise and sanctify Thee? He said: Surely I know that which ye know not."

[5] See, for example, Fakhr al-Din al-Razi, *Mafatih al-Ghayb*, 2: 180–181.

the will to carry out actions in such a way that God is satisfied with them. In his *al-Mizan fi Tafsir al-Qur'an* he states that,

> [i]t is in the nature of *khalifat Allah* that he/she imitates the one (i.e. God) who appoints him/her as vicegerent in His merits and deeds. So, it is obligatory for *khalifat Allah* on earth to imitate God's behaviors (*akhlaq Allah*), to have will and to do what His will, to judge according to His law, and to follow His way, and not to violate it.[6]

The verse indicates that human beings are created to be God's deputies (*khalifat Allah*) on earth who receive freedom. God's angels protesting against the creation of human beings show us that they can and possibly will use their freedom and ability to perform destructive deeds, but God knows better, including their will to perform good deeds. It also shows us that there is no "absolute" freedom in Islam. It must be limited by certain aspects that come from God and from human reasoning for the sake of human welfare (*maslaha*) on earth.

In order for human beings successfully to manage the world, God gives them knowledge that is needed. This is clearly indicated by Q. 2:31–33, that mentions that God taught Adam all "the names" (*asma'*) that the angels did not know. It can also be affirmed that Adam, the symbol for humanity, would not have been able to receive such knowledge had he not had what we refer to as intellect (*'aql*). Therefore, we can conclude that human freedom and responsibility cannot be gained without knowledge and intellect.

The emergence of Islam and the experience of freedom

From an historical perspective, Muslims see the emergence of Islam as having liberated the Arab people from immorality, inequity and inappropriateness. The revelation gave them certain aspects of freedom. Therefore, freedom is a gift from God. Many legal aspects of the Qur'an enabled social change and gave some degree of freedom to those who until then had hardly experienced any freedom.

For example, with regard to inheritance, Q. 4:11 reads, "Allah chargeth you concerning (the provision for) your children: to the male the equivalent

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[6] Muhammad Husayn al-Tabataba'i, *al-Mizan fi Tafsir al-Qur'an* (Beirut: Mu'assasat al-A'lami, 1991), 1: 120. Al-Tabataba'i's statement is also quoted by Salih 'Udayma, in Salih 'Udayma, *Mustalahat Qur'aniyya* (Beirut: Dar al-Nasr, 1994), 172–3.

of the portion of two females […]." It would appear that this verse teaches inequality in terms of inheritance, but if we consider the situation of the Arab people in the seventh century, the verse can be interpreted as a gradual attempt to abolish male hegemony and to constitute a kind of freedom. It is reported that at the time of ignorance (*jahiliyah*), a pre-Islamic era, women did not have the right to inherit property; only men could inherit. Another report states that at the time even women were inherited.[7]

Qur'an experts such as Nasr Hamid Abu Zayd and Amina Wadud try not only to ascertain the original meaning (*ma'na asli*) of the text on inheritance, but also its significance (*maghza*) or meaning beyond its literal meaning, by exploring the historical situation in which the Qur'anic text was revealed. When interpreting the verses on inheritance, they look at the *asbab an-nuzul* (occasions of revelation), through which one can understand the historical context of the Prophet's era to which the verses responded. The main purpose of this methodical strategy is to grasp the main message of the text.

Taking into account the historical accounts, Abu Zayd concludes that the Qur'anic verses were revealed in order to give women the right to receive an inheritance. In terms of the Qur'anic statement, *li-dh-dhakari mithlu hazzi l-unthayayni* (to the male is the equivalent of the portion of two females), Abu Zayd insists that the Qur'an abolished the pre-Islamic regulation of inheritance by giving women a certain share. He maintains that the historical context shows that the intention of the legislation (*maqsad ash-shari'a*) of inheritance was to limit (*tahdid*) the portion due to men. However, Abu Zayd does not agree with the traditionalist understanding that what the Qur'an states literally is suitable for all times and places. For him, Qur'anic inheritance represents a legacy that can raise the awareness of human equality and lead to the abolition of male hegemony. The limitation of the share due to men aims at establishing equality in society. On this basis, he says, "All kinds of *ijtihad*, reinterpretation, for the realization of the equality which constitutes the basic intention and main goal of religious life are legitimate."[8]

A similar perspective can be seen in the case of polygyny. At the time of the Prophet Muhammad, polygyny was permitted. Q. 4:3 reads, "And if ye fear that ye will not deal fairly by the orphans, marry of the women, who seem good to you, two or three or four; and if ye fear that ye cannot do justice (to so many) then one (only) (the captive) that your right hands possess […]." While this verse seemingly supports male hegemony, if we look at Arab history at the time,

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[7] 'Ali b. Ahmad al-Wahidi, *Asbab an-Nuzul* (Beirut: Dar al-Ma'rifa, 1968), 82–84.

[8] Nasr Hamid Abu Zayd, *Dawa'ir al-Khawf* (Beirut: al-Markaz al-thaqafi al-'arabi, 1999), 233.

we see that it gradually tries to abolish male hegemony. It is reported that a man was allowed to marry as many women as he wanted—ten, twenty or thirty. In order to change this situation, the verse was then revealed. In modern times, it should be reinterpreted in accordance with human dignity.

Religious freedom in the Qur'an: Modern interpretations

The Qur'an acknowledges human freedom and responsibility for choosing a religion for the sake of salvation. While several Qur'anic verses can be related to this issue, this article elaborates the interpretations of two modern interpreters, 'A'ishah 'Abd ar-Rahman and Muhammad Shahrur. In her book, *al-Qur'an wa-Qadaya al-Insan*, 'A'ishah 'Abd ar-Rahman, known as Bint ash-Shati', an Egyptian interpreter, collects Qur'anic verses which, according to her, are related to the above issue. Basing herself on Q. 10:99,[9] a Meccan verse and Q. 2:256,[10] an early Medinan verse, she maintains that the Prophet Muhammad, who was merely to inform people of the divine revelation[11] and to argue compellingly against those who doubted it (see Q. 16:125),[12] was not allowed to force other people to adhere to Islam. This was so in order to emphasize that every human being bears responsibility for their choice, and that faith must result from conviction, belief, heartfelt satisfaction and confidence in receiving the truth.[13]

According to Bint al-Shati', this principle is related to Islam's positive attitude toward other religions such as Judaism and Christianity. Quoting

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[9] "If it had been thy Lord's will, they would have believed, - all are on earth would have believed together. Wouldst thou (Muhammad) compel men until they are believers."

[10] "There is no compulsion in religion. The right direction is henceforth distinct from error […]."

[11] Cf. Q. 3:20, Q. 5:92, Q. 16:35 and Q. 42:48.

[12] Bint al-Shati', *al-Qur'an wa-Qadaya al-Insan* (Beirut: Dar al-'Ilm li al-Malayin, 1975), 97–98.

[13] Ibid., 95–96. Cf. Boullata, "*Fastabiqu l-khayrat:* A Qur'anic Principle of Interfaith Relations," in Yvonne Yazbeck Haddad and Wadi Z. Haddad (eds), *Christian-Muslim Encounters* (Gainesville: University Press of Florida, 1995), 43. In support of the Islamic principle of religious pluralism and tolerance, Boullata quotes other verses, i.e., Q. 5:48, Q. 11:118, Q. 16:93 and Q. 42:8. Similarly, Wael B. Hallaq supports this idea by showing that "the Qur'an considered the Jews and Christians as possessors of their own respective divine laws." See Wael B. Hallaq, *A History of Islamic Legal Theories* (Cambridge: Cambridge University Press, 1997), 4–5.

several verses such as Q. 2:91,[14] Q. 2:97,[15] Q. 3:3–4,[16] Q. 4:46,[17] Q. 5:46,[18] Q. 35:31[19] and Q. 46:30,[20] she concludes that Islam not only acknowledges the freedom of religion for all people, but also encourages Muslims to confirm the religion and belief for which all previous prophets were sent.[21] The Qur'anic message inferred from Q. 2:136,[22] Q. 2:285,[23] Q. 3:64,[24] Q. 3:70,[25]

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[14] "And when it is said unto them: Believe in that which Allah hath revealed, they say: We believe in that which was revealed unto us. And they disbelieve in that which cometh after it is the truth confirming that which they possess. Say (unto them, O Muhammad): Why then slew ye the prophets of Allah aforetime, if ye are (indeed) believers?"

[15] "Say (O Muhammad, to mankind): Who is an enemy to Gabriel! For he it is who hath revealed (this Scripture) to they heart by Allah's leave, confirming that which was (revealed) before it, and guidance and glad tiding to believers."

[16] "He hath revealed unto thee (Muhammad) the Scripture with truth, confirming that which was (revealed) before it, even as he revealed the Torah and the Gospel aforetime, for guidance to mankind; and hath revealed the Criterion (of right and wrong). Lo! Those who believe the revelation of Allah theirs will be a heavy doom. Allah is Mighty, Able to requite (the wrong)."

[17] "O ye unto whom the Scripture hath been given! Believe in what we have revealed confirming that which ye possess, before We destroy countenances so as to confound them, or curse them as We cursed the Sabbath breakers (of old time). The commandment of Allah is always executed." (verse 47 in Pickthall)

[18] "And We caused Jesus, son of Mary, to follow and their footsteps, confirming what which was (revealed) before him, and be bestowed on him the Gospel where in is guidance and a light, confirming that which was (revealed) before it in the Torah – a guidance and an admonition unto those who ward off (evil)."

[19] "As for that which We inspire in the of Scripture, it is the truth confirming that which was (revealed) before it. Lo! Allah is indeed Observer, seer of is slaves."

[20] "They said our people! Lo! Allah we heard a Scripture which have been revealed after Moses, confirming that which was before it, guiding unto the truth and a right road."

[21] Bint al-Shati', op. cit. (note 12), 99.

[22] "Say (O Muslims): We believe in Allah and that which is revealed unto us and that which was revealed unto Abraham, and Ishmael, and Isaac, and Jacob, and the tribes, and that which Moses and Jesus received from their lord. We make no distinction between any of them, and unto Him, we have surrendered."

[23] "The messenger believeth in that which hath been revealed unto him from his Lord and (so do) the believers. Each one believeth in Allah and His angels and His Scriptures and His messengers – We make no distinction between any of His messengers – and they say: We hear and we obey. (Grant us) thy forgiveness, our Lord. Unto thee is the journeying."

[24] "Say: O the people of the Scripture! Come to agreement between us and you; that we shall worship but Allah, and that we shall ascribe no partner unto Him, and that none of us shall take others for Lords beside Allah. And if they turn away, then say: Bear witness that we are they who have surrendered (unto Him)."

[25] "O people of the Scripture! Why disbelieve ye in the revelations of Allah, when ye (your selves) bear witness (to their truth)?"

Q. 3:71,[26] Q. 4:150,[27] Q. 29:46,[28] Q. 41:43[29] and Q. 42:13[30] even points to the unity of revealed religion. Although it is difficult to realize this idea, human beings, she suggests, should try to implement it in order to be able to avoid hatred and fanaticism.[31] She also argues that in the Qur'an the word *din* (religion) always appears in the singular, never in the plural. Still, regarding the notion of freedom of belief, she maintains that Islam allows holy war merely in order to protect that freedom, [32] as stated in Q. 8:61,[33] Q. 22:39[34] and Q. 60:8–9.[35]

An inclusive understanding of "Islam"

A similar interpretive trend can be found in interpretation by Muhammad Shahrur, a Syrian "contemporary reader."[36] He interprets two basic Qur'anic concepts, i.e., *islam* and *iman,* from a modern perspective. According to him,

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[26] "O people of the Scripture! Why confound ye truth with falsehood and knowingly conceal the truth?"

[27] "Lo! Those who disbelieve in Allah and His messenger, and seek to make distinction between Allah and His messenger, and say: We believe in some and disbelieve in others, and seek to choose way in between."

[28] "And argue not with the People of the Scripture unless it be in (a way) that is better, save with such of them as do wrong; and say: We believe in that which hath been revealed unto us and revealed unto you; and our God and your God is one, and unto Him we surrender."

[29] "Naught is said unto thee (Muhammad) save what was said unto the messenger before thee. Lo! Thy lord is owner (also) of dire punishment."

[30] "He hath ordained for you that religion which He commended unto Noah, and that which We inspire in thee (Muhammad), and that which we commended unto Abraham and Moses and Jesus, saying, Establish the religion, and be not de divided therein […]."

[31] Bint al-Shati', op. cit. (note 12), 100–102.

[32] Ibid., 102–3.

[33] "Make ready for them thou canst of (armed) force and horses tethered, that thereby ye may dismay the enemy of Allah and your enemy, and other beside them whom ye know not. Allah knoweth them, Whatsoever ye spend in the way of Allah it will be repaid to you in full, and ye will not be wronged" (verse 60 in Pickthall).

[34] "Sanction is given unto those who fight because they have been wronged; and Allah is indeed able to give them victory."

[35] "Allah forbiddeth you not those warred not against you on account of religion and drove you not from your homes, that you should show them kindness and deal justly with them. Lo! Allah loveth the just dealers. Allah forbiddeth you only those who warred against you on account of religion and have driven you out from your homes and helped to drive you out, that ye make friend of them. Whosoever maketh friends of them—(All) such are wrong-doers."

[36] For his biography, see Andreas Christmann, *The Qur'an, Morality and Critical Reason: The Essential Muhammad Shahrur* (Leiden: Brill, 2009), xvii–xlviii.

the word *islam* and its derivations, i.e., *aslama, yuslimu, aslim* and *muslim*, appear in the Qur'an seventy-three times.[37] In most cases, there is no intention to refer to the religion itself; rather, it refers to total submission and belief in the oneness of God, belief in all the prophets and in doing good deeds with *ikhlas* (sincere devotion). The Qur'anic verses which indicate these points are for example:

- Q. 2:131: "When his Lord said unto him (Abraham): Surrender (aslim)! He said: I have surrendered (aslamtu) to the Lord of the worlds."

- Q. 22:34: "And from every nation have We appointed a ritual, that they may mention in the name of Allah over the beast of cattle that He hath given them for food; and your God is one God, therefore surrender (aslimu) unto Him, and give good tidings (O Muhammad) to the humble."

- Q. 3:18–9: "Allah (Himself) is witness that there is no God save Him, and the angels and the men of learning (too are wetness), maintaining His creation in justice, there is no God save Him, the Almighty, the Wise, Lo! religion with Allah (is) the surrender (al-islam) (to His will and guidance) […]."

- Q. 31:22: "Whosoever surrendereth (yuslim) his purpose to Allah while doing good, he verily hath grasped the firm hand-hold. Unto Allah belongeth the sequel of all things."

In grasping the two concepts *islam* and *iman*, Shahrur collects all the Qur'anic verses, in which the words *islam* and *iman* appear. With regard to the concept of *islam*, he begins his hermeneutical exercise by analyzing three verses: (1) Q. 33:35, which indicates the existence of *al-muslimun-wa-l-muslimat*; (2) Q. 66:5, in which the word *muslimat* is followed by *mu'minat*; and (3) Q. 49:14, which reveals that the Prophet Muhammad rejected the Bedouin's statement, "We believe," indicating that they have not yet become *mu'minun* (believers), although they already are *muslimun*. Based on the three verses, Shahrur understands that the community of

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[37] See Muhammad Fu'ad 'Abd al-Baqi, *al-Muʿjam al-Mufahras li Alfaz al-Qur'an al-Karim* (Kairo: Mataba'at Dar al-Kutub al-Misriya, 1954), 355–7.

muslimun–muslimat is different from the community of *mu'minun–mu'minat,* and that the *islam* comes before the *iman.*[38]

It seems to me that in this case Shahrur applies the paradigmatic–syntagmatic method, that the citation of two words (*muslimun* and *mu'minun*) with the preposition *waw* (and) inserted between them indicates that the two words are not synonymous, although their meanings overlap. In addition, the appearance of the different words in the three verses signaled the development of a distinct existence. Furthermore, Shahrur cites ten verses in which the word *islam* is attributed to the previous people who lived long before the Prophet Muhammad. In Q. 3:52, Q. 3:67, Q. 7:126, Q. 10:42, Q. 10:43, Q. 10:90, Q. 12:101, Q. 51:35–36 and Q. 72:14, the term *al-muslimun* is attributed to the prophets Noah, Loath, Abraham, Jacob and Joseph, the Jinn, the sorcerers who submitted to the Prophet Moses, and the followers of the Prophet Jesus. For Shahur, this appearance reveals that the attribute of *islam* not only belongs to the *ummah* (the religious community) of the Prophet Muhammad.[39]

The question is then, What are the meanings of *islam* and *muslimun*? Shahur answered that question by referring to Q. 2:62, Q. 2:111, Q. 2:126, Q. 4:125, Q. 5:44, Q. 21:108 and Q. 41:33, according to which, he insists, *islam* means to believe in God (*al-iman bi Allah*), to believe in the Day of Resurrection (*al-iman bi l-yaum al-akhir*), and to do what is righteous (*al-'amal bi l-salihat*). In the Qur'an, whoever meets these three criteria is called a *muslim,* regardless of the fact whether the person is a Muslim (*alladhina amanu*), a Jew (*alladhina hadu, al-yahud*), or a Christian. According to this definition, *islam* constitutes *al-din* (the religion) which is accepted by God.[40]

Shahrur theorizes that the *arkan al-islam* (the pillars of *islam*) include only three aspects: (1) belief in God; (2) belief in the Day of Resurrection; and (3) good deeds, and that the right way may come from every religion in the world and that their followers will be saved in the hereafter. The first two *arkan* are regarded as the theoretical side (*janib nazari*) and the last as the logical and practical side (*janib mantiqi 'amali*). This theory, he argues, is supported by Q. 2:111–112, which criticizes the Jews who claimed to be the only religious group that would be given truth and safety on the Day

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[38] Shahrur, *al-Islam wa al-Iman: Manzumat al-Qiyam* (Damaskus: al-Ahali, 1996), 31. See also Christmann, op. cit. (note 36), 21–70.

[39] Ibid., 33.

[40] Ibid., 37–38.

of Resurrection, and rejects the Christians who claimed the same. Verse 112 then affirms then that truth and safety belong to everyone who submits to God and does good deeds (*man aslama wajhahu li Allah wa-huwa muhsin*).[41] Shahrur implies this critique would be directed toward any other religious group that does the same thing, including the followers of the Prophet Muhammad.

Furthermore, Shahrur explains that the antonym of the word *islam* in the Qur'an is the word *ijram*; this and words with the same root appear sixty-eight times. Etymologically speaking, the word *ijram* means *qat'* (to cut, cutting). The legal dictionaries state that those who steal, kill and rob are called *mujrimun,* because by carrying out bad actions they "cut" their relation to society and social rules in order to satisfy their desires.[42] In the Qur'an, the meaning of the word, he adds, is contrary to that of the word *islam*. In syntagmatic terms, such Qur'anic verses as Q. 28:78, Q. 27:69, Q. 30:12, Q. 55:41–43 and Q. 77:18–19 relate the word *al-mujrimun* to the attitude of unbelief in God and the Day of Resurrection. On this basis, the *mujrimun* are the ones who "cut" their relation to God.[43] More comprehensively, Q. 74:39–46 reveals that the *murjrimun* are not only those who do not believe in God (*lam naku min al-musallin*) and the Day of Resurrection (*nukadhdhibu bi yaum al-din*), but also those who do not perform good (*lam naku nut'imu al-miskin*) but bad actions.[44]

With regard to the concept of *iman* (belief) in the Qur'an, Shahrur seems to be more careful when interpreting the verses in which the word *iman* and words with the same root appear. The inner Qur'anic exegetical method is applied not only for the purpose of understanding the language of the Qur'an, but also for making sense of the logical structure inherent in the Qur'anic verses. For him, the word *iman* is polyvalent, meaning that it has more than one meaning. In several verses, the word has the same meaning as the word *islam,* while in others it means to believe in the prophecy of Muhammad. This polyvalence is due to the fact that in philological terms the two words have the same potential meanings. To decide which potential meaning is relevant for a specific verse, one has to analyze the textual and historical contexts and the logic of the verse in

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[41] Ibid., 3–34.

[42] Ibid., 39.

[43] Ibid., 39–40.

[44] Ibid., 41.

question. In this case, Shahrur quotes three verses to be analyzed, namely Q. 4:136, Q. 57:28 and Q. 47:2.

> In each of the three verses we can see that the verb *amanu* and its conjugation are cited twice. That is because Allah's command for the believers to believe in Him and His Apostle cannot be understood, except if they have not yet believed in Him, and His command for them to fear Him; and to believe in His Apostle has no sense, unless they have not yet believed in him. And, the divine order for those who believe in Him and do what is righteous to believe in the revelation that was sent down to Muhammad, cannot be understood, except if they have not yet believed in his prophecy. In order to understand the three verses we do not need a deep interpretation, since they related to the meanings of *islam* and *muslimun*. If we understand that *islam* means "to believe in God, in the Day of Resurrection and to do what is righteous," then we know that what is meant by *alladhina amanu* (those who believe) in the three verses are the *muslimun*, i.e. those who believe in God, in the Day of Resurrection and do good deeds [...].[45]

From his statement it is understood that the words *alladhina amanu* in the three verses refer to *alladhina aslamu* or *al-muslimun* in its broad sense, i.e., all human beings from the beginning to the end of the world who believe in God, the Day of Resurrection and who perform good deeds. According to Shahrur, unlike in the three verses, in other verses, such as Q. 2:285 and Q. 10:99, the words *amana, amanu* and *al-mu'minun* apply more specifically to those who believe in the prophecy of Muhammad, or the followers of the Prophet Muhammad. This "pluralist" interpretation is actually not new in Islamic exegesis. Some exegetes before Shahrur preferred not to interpret the word *islam* in Q. 3:19 and Q. 3:85 as referring to the name of a particular religion. For example, according to Muhammad 'Abduh,

> [i]ndeed the restriction (*hasr*) in God's statement: *inna d-dina 'inda l-lahi l-islamu,* encompasses all religions for which the prophets were sent, for the *islam* (submission to God) represents the general spirit (*ar-ruh al-kulli*) of the religions, on which they agreed, regardless of the differences in their religious practices.[46]

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[45] Ibid., 52.

[46] Muhammad Rashid Rida, *Tafsir al-Qur'an al-Hakim* (known as *Tafsir al-Manar*) (Cairo: Dar al-Manar, 1954), 3:257.

Concluding remarks

From the above discussion we can conclude that the Qur'an regards human beings as beings who have freedom and responsibility for their choices and deeds, which are granted by God. The status of the human being as *khalifat Allah fi al-ard* (vicegerent of God on earth) indicates that human beings are free and responsible for their deeds. Freedom and responsibility are given together with intellect (*'aql*) that is provided by God for their lives. Human freedom has a theological basis. The Qur'an's revelation can be regarded as an attempt to free human beings from injustice and chaos. In addition, religious freedom constitutes one of human beings' free choices. According to some modern Qur'an interpreters such as Bint al-Shati' and Shahrur, this religious freedom is justified by the Qur'an, and therefore the latter points out that the religious truth could be plural.

The Freedom of a Christian According to Evangelical Lutheran Theology

Hans-Peter Grosshans

Preliminary remarks

Christianity, which has existed for almost two thousand years, has been shaped by two major historical events: (1) in 1054, the great schism, which divided the church into an eastern (Orthodox church) and into a western part (Roman Catholic church); (2) the sixteenth-century Reformation, starting in Germany and deeply connected with the name of Martin Luther.

In the following, I shall address the Christian understanding of the concept of freedom from the perspective of this reformation of the church. Nonetheless, we shall not only look at the last five centuries of Christian history, but also at early Christianity. In the sixteenth century, theology followed the favorite motto of Renaissance humanism, *ad fontes*, to the sources, meaning in the first instance to draw on the Holy Scripture itself in all theological reflection.

The Protestant or Evangelical Lutheran[1] perspective is especially important when we deal with the freedom of a Christian, because Reformation theology emphasizes freedom as the core of Christian life. Freedom is a central religious concept, referring in the first instance to the relationship between God and human beings, but also to the relation of a person to themselves and finally also to the relation of human beings to one another (to social and political life). Hence, in Reformation theology, freedom is not only a religious concept in the narrow sense, but also refers to the spheres of society and politics.

In 1521, Philipp Melanchthon, the classicist and humanist among the sixteenth-century reformers, answered the question about the essence

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[1] In this essay, the terms "Protestant" and "Evangelical Lutheran" are used synonymously. The term "Protestant" refers to some German princes leaving the Diet of Speyer in protest over some political and religious measures taken against Lutherans. From then on, all those Christians who were not faithful to the Roman Catholic Church, were called "Protestants." "Evangelical Lutherans" or only "Lutherans" are part of the wider group of Protestants. The term "evangelical" emphasizes that they are faithful only to the gospel, "*euangelion*" in Greek.

of Christianity as follows: "Freedom—this is Christianity: *libertas est christianismus.*"[2] Melanchthon found the reason for this short definition of Christianity in the New Testament, "The New Testament is nothing other than the public announcement of this freedom."[3]

Aspects of freedom in the New Testament

When addressing the Christian understanding of freedom, one has to start with the Old Testament and the Jewish tradition of understanding God's liberating activities. At the beginning of Judaism and in the Jewish people's special relationship with God there is a liberating act: the Israelites' exodus from Egypt, where they had lived more or less in slavery. In order to flee from oppression, they had to cross the Red Sea. The Egyptian troops pursued them in order to capture them and bring them back to work. But, miraculously, the Israelites could cross the water while the pursuing Egyptian troops were drowned. The Jewish people experienced this as an act of God. Exodus 15:1 bears witness to this religious interpretation of an historical event: "Then Moses and the Israelites sang this song to the Lord: 'I will sing to the Lord, for he has triumphed gloriously; horse and rider he has thrown into the sea.'"

God is experienced as a saving and liberating God. In the end, it was God—beside all human activities—who set the Jewish people free. This liberating act is at the root of the Jewish community's narrative and the basis for the specific relationship between God and Israel.

While the specific Christian understanding of freedom is rooted in the Old Testament, it is explicitly defined in the New Testament. It is very clear that in the New Testament Christians understand God as a continuation of the Old Testament tradition of the liberating God. But the understanding of liberation or freedom is worked out in more detail and transformed into a new universal understanding because of the Christ event. The phrase "Christ event" refers to the story of the life, death and resurrection of Jesus Christ, whom Christians recognize as the definitive revelation of the one God, known by Israel as a liberating and saving God. For Christians, it is clear and certain that in Jesus Christ they encounter God in person. In

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[2] Philipp Melanchthon, "Loci communes" (1521), in Hans Engelland (ed.), *Melanchthons Werke*, vol. II, 1 (Gütersloh: Bertelsmann, 1952), 128.

[3] Ibid., 128: "*Nec aliud est novum testamentum nisi huius libertatis promulgation.*"

Jesus Christ, God was incarnated into the world and came as close to human beings as possible. In Jesus Christ, God took all the guilt and suffering and pain of this world onto Godself, in becoming victimized, although not guilty, and therefore being sacrificed as representative of all the victims and the guilty people on earth. Therefore, Jesus' death on the cross symbolizes that the liberating God is a forgiving and reconciling God, who wants to unite all of humanity, despite the differences in the world caused by injustice, guilt, violence, destruction—in short by evil.

The first Christians came to this understanding of God because they made the religious experience that Jesus Christ, who had been killed on the cross, was resurrected and is the one who opens the door to new life. In opening the grave, where Jesus Christ was buried after his brutal death, the same God who had led the Jewish people from slavery in Egypt into freedom, was seen at work.

The resurrection is God's liberating act: liberating all human beings from final bondage—death. It is not death that is a liberating act, but Jesus' resurrection is the creative act of liberation of the whole person from the bonds of death. Freed from the bonds of death, Jesus Christ participates in God's eternal life. Freed from the bonds of death, he is liberated to a new life, one characterized by taking part in God's eternal life. It is a part of the Christian faith that every believer will partake in divine life and therefore, like Jesus Christ, will be resurrected and take part in eternal divine life.

In his letters, the apostle Paul used the concept of freedom to describe the Christian religious experience of the new understanding of the relationship between God and human beings, Christian anthropology and Christian ethics. To describe this concept of freedom, we can distinguish three aspects of freedom from something and three correlating aspects of freedom to something.

Freedom is a liberating act and experience in the sense of:

a) Freedom from sin
b) Freedom from the law
c) Freedom from the past and its binding force (which in the end lasts in death).

Freedom is a creative act and experience of realizing new life in faith, in the sense of:

a) Freedom to come to God

b) Freedom to love and to take on responsibility

c) Freedom to hope and contribute to the shaping of the future (which mirrors eternal life already in this finite life).

There is a correlation between freedom from sin and the freedom to come to God; freedom from the law and the freedom to love and to take on responsibility; freedom from the past and its binding force and the freedom to hope and to contribute to the shaping of the future.

Freedom from sin and freedom to come to God

According to the Christian understanding, sin is the fundamental separation of human beings from God. The story of the Fall, and the following expulsion from paradise (Gen 3), clearly depicts this fundamental understanding of sin. While describing the fundamental situation of finite human beings, "sin" also connotes guilt. Sin includes guilt because human beings transgress their finite limits. According to the Bible, Adam and Eve gave in to temptation and wanted to be like God. Thus, sin acquires a dimension of guilt, namely the human striving to be more and have more than is given to human beings. The Old Testament story of the Fall also involves other aspects of sin: disobedience to God; not respecting God's law; and the human attempt to be autonomous.

In Paul's letters, transgressing human limits is concentrated in one word: *epithymia* (in Greek)—*concupiscentia* (in Latin), meaning lust or desire or covetousness.[4] The lust Paul refers to is how, in his opinion, human beings are structured: to desire ever more in order to go beyond the limits of our God-given finite existence and to grasp life's fullness in living out desire or lust. This applies to the striving for more knowledge, more power, more bodily love, more goods, more wealth, etc. According to Paul's analysis, when human beings take themselves as natural beings without relating themselves to God, they disturb God's good order with their unlimited

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[4] Some examples of Paul's use of this concept: Rom 1:24, "Therefore God gave them up in the lusts of their hearts to impurity, to the degrading of their bodies among themselves." Rom 6:12, "Therefore, do not let sin exercise dominion in your mortal bodies, to make you obey their passions." Rom 7:7, 8, "What then should we say? That the law is sin? By no means! Yet, if it had not been for the law, I would not have known sin. I would not have known what it is to covet if the law had not said, 'You shall not covet.' But sin, seizing an opportunity in the commandment, produced in me all kinds of covetousness. Apart from the law sin lies dead." Gal 5:16: "Live by the Spirit, I say, and do not gratify the desires of the flesh." Gal 5:24, "And those who belong to Christ Jesus have crucified the flesh with its passions and desires."

lust and desire. Therefore, according to Paul, the human being, who exists separated from God (as a sinner), transforms justice into injustice, peace into strife, freedom into bondage, life into death. Sin necessarily involves guilt. For Paul, freedom means getting away from this fatal situation. Jesus' crucifixion is interpreted as the one and final sacrifice for human guilt.

Being liberated from sin and guilt means that we are no longer separated from God and that God's way is open and free again. In this respect, Jesus' sacrificial death is central to the New Testament. Especially in the Letter to the Hebrews, this topic is related to the symbolic and ritual world of the Old Testament and Judaism. "Therefore, my friends, since we have confidence to enter the sanctuary by the blood of Jesus, by the new and living way that he opened for us through the curtain (that is, through his flesh) […]" (Heb 10:19–20).

According to the Letter to the Hebrews, Jesus Christ's sacrificial death also shows the limited use of religious law, which commands that every year the same sacrifice be carried out. This shows that these sacrifices do not really solve the problem they are supposed to solve: to cleanse human life in a sense that human beings can live in the presence of God. According to the Christian understanding, this is achieved by Jesus Christ, as a result of whom all those who believe in him can live in the presence of the holy God. Therefore, the Letter to the Hebrews states that Jesus' blood has freed the way to the Holy of Holies, where—in the symbolic world of Judaism—God is present. Because Jesus Christ's death is interpreted as the final sacrifice, the veil between the two parts of the tabernacle are opened and the way to God is freed for everybody who believes.

The Letter to the Hebrews calls us to

> […] approach with a true heart in full assurance of faith, with our hearts sprinkled clean from an evil conscience and our bodies washed with pure water. Let us hold fast to the confession of our hope without wavering, for he who has promised is faithful. And let us consider how to provoke one another to love and good deeds, not neglecting to meet together, as is the habit of some, but encouraging one another, and all the more as you see the Day approaching (Heb 10:22–25).

Referring to the symbolic and ritual backgrounds of Judaism at the time, the Letter to the Hebrews clearly explains the significance of the Christ event. As the last verses show, we are called to adapt our lives to this new situation of living as cleansed human beings in the presence of the holy God.

The Christians of the New Testament understood this new reality as a living with and in the Spirit. The Spirit is the opposite of the flesh (*sarx*). The Spirit is God given and bestows upon humanity parts of Gods' dynamic and creative power. Therefore, the Spirit is a sign of the freedom from the powers of sin and death. It is the new power directing Christians to a common life according to divine love. And, therefore, according to Paul it is the Spirit who is sent by God into the heart of the faithful and who makes them call God "Abba! Father!" (Gal 4:6)

Freedom from the law and freedom to love and take on responsibility

The apostle Paul emphasizes freedom from the law, which he knew as the Torah. In the Torah, we can distinguish three different types of law: (1) natural or universal laws (i.e., the Ten Commandments); (2) ritual or cultic laws (referring to the temple, etc.); and (3) public and civil law. Paul did not advocate living without any laws; civil and political life need good and solid laws. Similarly, there are clearly some fundamental and universal natural laws inscribed in human nature. Paul questioned the special religious meaning of the law, and therefore was in conflict with some of the other apostles. The apostles Peter and James (and others) believed that the members of the new Christian communities should obey the main Jewish religious laws, especially regarding circumcision and dietary laws, while Paul believed that new members of the Christian communities did not have to be circumcised and generally did not have to obey Jewish religious laws. Faith in Jesus Christ, in other words, trusting in the saving and redeeming meaning of the life, death and resurrection of Jesus Christ, as is expressed in baptism, is the only condition for membership in the Christian community.

The first Christian Council in around 40 CE decided that Jewish Christians could continue observing Jewish law, which so-called heathens (non Jews) were not obliged to obey. Paul generalized this position. If we take seriously that in Jesus Christ people encounter God, then obeying the divine law given to the Jewish people can no longer be a presupposition for a full relationship with God. For Christians, the Christ event shows that God has come close to human beings, saving and redeeming them, long before they try to adapt to God and God's order.

According to the great medieval theologian Thomas Aquinas, God gave the law primarily to order human beings according to their relation to God,

and secondly to found a friendship between God and human beings. The law is there to make human beings good in order to become God's friends.

A few centuries later, almost in direct opposition to this understanding of the relationship between God and human beings, Martin Luther stated that God's love does not relate to that which is already loveworthy, but that it creates it. This is the difference between divine and human love: human love is directed toward that which is already loveworthy. Thomas Aquinas applied this understanding to his interpretation of religious law: obeying the law is a human attempt to become good and insofar worthy of God's love. According to Paul's and Luther's understandings, this attempt is useless, because no human being can ever become so good that they would be adequate to God's holiness. Moreover, the attempt is unnecessary because the Christ event shows that God has already become our friend through God's own activity, and thus the unholy, unjust and sinful human being becomes adequate to Godself.

The corollary to this freedom from the law is the Christian freedom to love and to take on responsibility. Systematically love and responsibility are put in place of the law. But it is not only a matter of substituting the heteronymous concept of law with the more autonomous concepts of love and responsibility. Love and responsibility are more open concepts than the law, leaving more space for creative interpretation by individuals in their various contexts. In theological terms, obeying the law seems to be a precondition for the full and good relationship of human beings with God, and responsibility is understood as the result of this relationship with God. The fullness of faith in Jesus Christ is expressed and realized in a life characterized by love of one's neighbors and even one's enemies[5] and through responsibility for the common life in society.

Freedom from the binding powers of the past and freedom to hope

Christians see the resurrection of Jesus Christ as a liberation from the ultimate enemy of all human beings and life itself: death. For Paul, death is a consequence of sin. Like sin, with its structure of selfishness, death can be

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[5] Cf. Matthew 5:43–45: "You have heard that it was said, 'You shall love your neighbor and hate your enemy.' But I say to you, Love your enemies and pray for those who persecute you, so that you may be children of your Father in heaven; for he makes his sun rise on the evil and on the good, and sends rain on the righteous and on the unrighteous."

defined as the individual's total isolation. A dead person no longer relates to others. For Christians, the resurrection of Jesus Christ symbolizes that even in our natural death we are not cut off from all relations, but that the one fundamental relation to God, the source and giver of life, is preserved.

Christians understand this freedom from death as freedom from the past and its binding powers. If people direct their present life to their past, then they miss the actual relations, which are characteristic of life and already in the grip of death. Therefore, the freedom to hope and to shape the future, to realize new life, corresponds to the freedom from death, the past and its binding powers.

Freedom—the core of Protestant Christianity

Already in 1520, before Melanchthon, Martin Luther[6] wrote a short text entitled, "On the Freedom of a Christian." Luther wrote this treatise as a sign of goodwill toward Pope Leo X and the church authorities, indicating that he did not want to offend the other Christians and the church with his critique.

Luther begins with two statements he believes to be the substance of his considerations: "A Christian is a perfectly free lord of all, subject to none. A Christian is a perfectly dutiful servant of all, subject to all."[7]

While these two sentences appear to contradict each other, they encapsulate the Christian concept of freedom, which is inconceivable without the dependence and responsibility Christians live in.

Freedom

The Lutheran understanding of freedom is based on a clear distinction between God on the one hand and the world and the human being on the other. Time and again, Luther emphasized the relevance of the first commandment: "I am the Lord your God, […] you shall have no other gods before me" (Ex 20:2–3), on which he based his insight into the difference between God and human beings. In 1530, Luther wrote, "In summary: we are to be men and not

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[6] For a short introduction to Martin Luther's main theological ideas, see Hans-Peter Grosshans, *Luther* (London: HarperCollins, 1997); Indonesian translation, Hans-Peter Grosshans, *Luther* (Yogyakarta: Penerbit Kanisius, 2001).

[7] Martin Luther, "The Freedom of a Christian, 1520," in Helmut T. Lehmann (ed.), *Luther's Works*, vol. 31 (Philadelphia: Muhlenberg Press, 1957), 344.

God […]."[8] From this follows the task clearly to distinguish between human beings' and God's responsibilities in life. Respecting this distinction means to honor God. In his "Small Catechism," Luther gave a brief explanation of the First Commandment, "You are to have no other gods," which means, "We are to fear, love, and trust God above all things."[9]

Honoring the one and only God means trusting God and putting all of one's hope in God in all fundamental questions of life; in other words, in the end, even in our activities it is God who guarantees success or failure.

The clear distinction between God's and human responsibilities, drawn from the First Commandment, is the basis for Luther's understanding of the freedom of a Christian.

In his younger days, as a monk, Martin Luther struggled with the concept of God as the one majesty, responsible for success or failure, life or death. Over the years, during his inner struggle and despair about how to understand God, Luther increasingly followed the suggestions of his supervisor, von Staupitz, to look more closely at Jesus Christ. As if by divine inspiration, Luther started to understand that God, in God's mystery, had defined Godself forever in Jesus Christ and, in this revelation, committed Godself to be a forgiving, saving and loving God, not an untransparent, mysterious and punishing God.

Faith in God, who has revealed himself in Jesus Christ, includes all that which humans desire: peace, justice, joy, harmony, life and freedom. Luther firmly believed that in God we have these spiritual goods, which make human lives successful, despite the concrete course and outcome of our individual lives.

According to this religious sense, freedom is related to one's relationship with oneself. Without faith and trust in God, human beings are not free because they are captive within themselves. Being related only to oneself characterizes one as a sinner. The self-understanding of believers as being free is not developed from their natural ability, but only in terms of God's loving relationship with them. Through this relationship, they gain freedom in respect to everybody and everything on earth. Luther himself gave the best example for the consequences of that freedom when, in 1521, he refused to recant his theological convictions before the Diet of Worms (including the Emperor)

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[8] Martin Luther, "Letter to George Spalatin: Coburg, June 30, 1530," in Helmut T. Lehmann (ed.), *Luther's Works,* vol. 49 (Philadelphia: Fortress Press, 1972), 337.

[9] Martin Luther's explanation of the Ten Commandments in, "The Small Catechism for Ordinary Pastors and Preachers," in Robert Kolb and Timothy Wengert (eds), *The Book of Concord. The Confessions of the Evangelical Lutheran Church* (Minneapolis: Fortress, 2000), 351.

and, as a result, was banned and no longer protected by public law. Obligated by his conscience only to the Word of God and to reason, Luther was free to withstand all authorities and their threats. The individual's freedom in faith also applies to the Christian relationship to all earthly goods, which can be used freely to preserve life, but has no higher or religious meaning.

However, the freedom of a Christian does not relate to things "above" them. With regard to their relation to God, people are bound and not free. In his 1525 "The Bondage of the Will," Luther rejects the position of the famous humanist philosopher Erasmus of Rotterdam, namely that it is up to people's free will whether to accept or to despise God's offered grace. Following the Church Father Augustine, Luther claims that human beings are not free in respect to their relation to God and their own salvation.

According to Luther, human beings are naturally corrupt, because since the Fall they have been totally bound to their own individual interests and abilities. Therefore, they think that they do not need God and God's salvation in their lives. Consequently, people are captives in themselves and therefore have to be liberated. This can only be done through the work of God. If people follow and trust in the Word of God, then they become free in respect to everything and everybody on earth.

Luther believed the freedom of the Christian to be permanently under threat. Freedom cannot be secured once and forever. Rather, it is questioned daily, because human nature still tends to put individual interests, desires and covetousness in the first place.

In defining a Christian as "a perfectly free lord of all" and "a perfectly dutiful servant of all,"[10] Luther follows St Paul who in his first letter to the Corinthians claims, "For though I am free with respect to all, I have made myself a slave to all […]" (1 Cor 9:19). For Luther, like for the apostle Paul, it was not contradictory to understand Christians as being free and independent while at the same time binding themselves to others and serving them. For Luther, this is a consequence of being free from oneself. Those who believe in God and therefore share in the fullness of divine life are free. All that is essential for life has already been done for them by God. Christians believe that their lives are in God's hands and that they are safe there.

Because they are free, Christians are able to begin something new, for example to initiate new relationships or to restore old ones through forgiveness and reconciliation. As free agents, Christians share in divine creativity. Only a free person is able to give true love: a love that seeks the

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[10] Luther, op. cit. (note 7).

best interests of others. Freedom and love are like two sides of the same coin. We now turn to that other side of the coin, namely Luther's understanding of love and the Christian's responsibility for the common life.

Love and responsibility

Luther based his ethics on his doctrine of the two kingdoms, which he had conceived in the tradition of Augustine. According to one (polemical) interpretation of this doctrine, God rules over a heavenly and an earthly realm according to principles, rules and laws, which are specific for each of those two realms. In the heavenly realm, the principle of the gospel is valid: it is ruled by divine grace. In the earthly realm, God rules by law and through human reason.

This version of the two kingdoms doctrine is oversimplified. Luther's ethic is not based on a strict separation between a heavenly and an earthly realm. In his 1520 "To the Christian Nobility of the German Nation Concerning the Reform of the Christian Estate,"[11] Luther intended to convince the German princes of the need to reform the church. In this, he appealed to Christians in governments to take responsibility for the progress of the Reformation and for a good common order. With regard to individual actions, it is undoubtedly true that these should be motivated by their faith. In "The Freedom of a Christian" we read:

> I will therefore give myself as a Christ to my neighbour, just as Christ offered himself to me; I will do nothing in this life except what I see is necessary, profitable, and salutary for my neighbour, since through faith I have an abundance of all good things in Christ.
>
> Behold, from faith flows forth love and joy in the Lord, and from love a joyful, willing, and free mind that serves one's neighbour willingly and takes no account of gratitude or ingratitude, of praise and blame, of gain or loss...
>
> Hence, as our heavenly Father has in Christ freely come to our aid, we also ought freely to help our neighbour through our body and its works, and each one should become as it were a Christ to the other that we may be Christs to one another and Christ may be the same in all, that is, that we may be truly Christians.[12]

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[11] Martin Luther, "To the Christian Nobility of the German Nation Concerning the Reform of the Christian Estate, 1520," in Helmut T. Lehmann (ed.), *Luther's Works*, vol. 44 (Philadelphia: Fortress Press,1966), 115–217.

[12] Luther, op. cit. (note 7), 367–8.

If good works, deeds and actions are not carried out freely, willingly and spontaneously, then love is missing. In Luther's opinion, concentrating wholly on the other person and not on oneself is the essence of love. An act of love is characterized by putting the other person first. Luther emphasizes the true essence of love and faith in distinguishing between faith in God and good human works and actions. Luther claims that if we do something good, it should be done for others. We should not do good in order to receive praise or give meaning to our lives. Love is misused if it is to serve one's own self-interest. According to Luther's very strict view, good actions must be wholly selfless if they are worthy of being called "good" or actions of "love."

Luther's doctrine of justification by faith alone challenges each individual to ask themselves whether they genuinely live only for the good of others by showing non-preferential love, or whether the real motive for their supposedly good actions is a kind of reassurance of or pride in their own self-righteousness. Luther asks each individual to examine the motives for their actions. Luther praises love that does not seek the good of the one who loves, but genuinely seeks the good of the other person alone, even though this may be costly. Luther's emphasis on genuine, true and unconditional love presents a real challenge, because most people, so Luther, fail to act in the unselfish manner genuine love demands.

Throughout their lives, Christians continue to be challenged truly to conform to such a demand to love and constantly fail to live up to it. Therefore, every person needs God's grace throughout their entire life. Time and again, every individual has to put their trust in God who is unconditionally devoted to them. Luther expects Christians to transfer their experience of receiving God's saving grace into their daily lives. For him, faith is not simply a private matter but it has to be lived out in people's daily lives and in the way in which they organize their political and social lives.

Metaphysical consequences

The Reformation's recapturing of the original belief in the spirit of the Holy Scriptures went hand in hand with an altered metaphysical understanding. The universal horizon of order and communication, as depicted by metaphysics, was de facto restructured by Reformation theology. This resulted in what we might call a personal metaphysics. The relationship is now de facto the basic category in which being and reality are registered and given shape.

This de facto reshaping of the metaphysical order by Reformation theology comes to the fore not only in a new centrality accorded to the human person—as reflecting God's relationship with humanity—but also in the ensuing autonomy for human reason, construed in this personal metaphysics, as fully competent and responsible in all walks of life, with the exception of Christian belief and the church. Hence, reason is de facto installed as the new horizon of order and communication for most, if not all, aspects of life, although this horizon is embedded in a primal relationship between God, the world and humankind. Note that this is not the emancipated (and emancipating) reason of later Enlightenment philosophy; it is, nonetheless, a reason that works within God's special relationship with human beings.

Moreover, Christianity underwent a seismic shift of meaning, as mirrored in new understandings of wherein the object of theology lies, in which Christianity is studied and articulated in respect to its truth. Whereas, in the Middle Ages, Thomas Aquinas deemed the object of theology to be God, as well as everything else, to the extent that it stands in relation to God,[13] for Martin Luther the object of theology lay in the specific relationship between a saving and justifying God on the one hand, and the guilty and lost individual on the other.[14] This relationship became the bedrock of the metaphysical order in Protestantism. Human beings and all of existence take their bearings from the Triune God, at once creative, reconciling and redeeming. If the fixed point on the universal horizon of order and communication, as manifested in human life and in that of all other creatures, is the living relationship to the Triune God, then we must entertain the possibility, metaphysically speaking, that no particular moral or existential order is implied. But to grasp this is to recognize that the natural order can only be discovered by human beings from within the constellation of nature (which implies that this same order can be operated by human ingenuity). Moreover, the moral and social order

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[13] Cf. Summa theologiae, I q.1 a.7 corp., in Peter Caramello (ed.), S. *Thomae Aquinatis Summa theologiae: Pars prima et Prima Secundae* (Turin: Marietti, 1988), 6: "*Omnia autem pertractantur in sacra doctrina sub ratione Dei vel quia sunt ipse Deus; vel quia habent ordinem ad Deum, ut ad principium et finem*: Now, sacred doctrine deals with all things in terms of God, either because they are God himself or because they are related to him as their origin and end"; English translation according to Thomas Aquinas, *Summa Theologiae: Questions on God*, ed. by Brian Davies and Brian Leftow (Cambridge: Cambridge University Press, 2006), 13.

[14] "This is the twofold theological knowledge which David teaches in this psalm, so that the content of the psalm is the theological knowledge of man and also the theological knowledge of God … . The proper subject of theology is man guilty of sin and condemned, and God the Justifier and Savior of man the sinner. Whatever is asked and discussed in theology outside this subject, is error and poison." Cf. Martin Luther, "Psalm 51," in Jaroslav Pelikan (ed.), *Luther's Works,* vol. 12 (Saint Louis: Concordia Publishing House, 1955), 303–410, here 311.

must be shaped and answered for by human beings operating autonomously but subject to their relationship to God. The God of creation gave humanity reason in order to perceive and discharge the above tasks. As much as Martin Luther deemed reason useless in humanity's quest for God, he praised its competency in worldly affairs. For Luther, reason is God's gift to humankind. "I believe that God has created me …; that He has given me and still sustains [...] reason and all mental faculties."[15] Through this gift, human beings can fulfill what God has commissioned for them, namely that they should have dominion over the earth (Gen 1:28). Culture, art and science, medicine and law—all are upheld and fashioned by reason. Reason "is the inventor and mentor of all the arts, medicines, laws, and of whatever wisdom, power, virtue, and glory men possess in this life."[16] Luther therefore welcomed the new scientific activities of his day. According to Luther, the readiness with which reason lent itself to conducting the worldly affairs conferred on it is a majesty, almost a kind of divinity: "And it is certainly true that reason is the most important and the highest in rank among all things and, in comparison with other things of this life, the best and something divine."[17] Yet, the tasks reason addresses and its prowess in carrying them out are wholly restricted to earthly existence: reason has been given to us to order and advance our daily affairs. Reason "is a sun and a kind of god appointed to administer these things in this life."[18] Reason, which is God's gift to humanity, is inherently able to reach decisions concerning the legal, moral and political order as well as the proper administration of the economy and polity. In contrast, Christianity, its theology and Holy Scriptures, do not produce political or economic doctrines or present specific moral or aesthetic doctrines; rather, reason's competency to resolve these things is respected, and indeed endorsed, as being God's creation. Nor has reason been stripped of its competency by the Fall. "Nor did God after the Fall of Adam take away this majesty of reason, but rather confirmed it."[19] Therefore, thanks to God's gift of reason. even the godless can shape their worldly lives to good effect.

The personal metaphysics that is inseparable from Reformation theology can also explain the abuse of reason, this being seen as the direct conse-

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[15] Luther, "Small Catechism," op. cit. (note 9), 354.

[16] Martin Luther, "The Disputation Concerning Man, 1536," in Helmut Lehmann (ed.), *Luther's Works,* vol. 34 (Philadelphia: Muhlenberg Press, 1960), 133–44, here 137.

[17] Ibid.

[18] Ibid.

[19] Ibid.

quence of its God conferred majesty, as when reason detaches itself from its origins (i.e., God) and goes its own way. This is articulated by reason seeking to take over a person's life. Its hallmark is self-aggrandizement such as when a person is puffed up with pride at their rational accomplishments. Symptomatic too is the egoistic abuse of reason such as when a person uses reason exclusively to advance their selfish goals. In such cases of abuse, it is clear for Luther that reason is blind to truth and goodness; that it therefore needs to reconnect with God's living relationship to the world and humankind qua fundamental horizon of order and communication of every creature—if it is to be oriented in any basic sense, especially with regard to its own metaphysical locus. When it comes to situating this locus within the overall nexus, linking living creatures to the Triune God, then reason fails, Luther tells us; reason on its own can accomplish nothing. This is the blind spot, as it were, in human reason's self-image. Reason therefore requires belief in the Triune God, according to Luther, if it is to achieve order as well as a proper relationship with the world and with itself.

With regard to this shift from a metaphysics of being to one that is relational and personal during the Reformation, what does this entail for the public sphere of life, especially for the understanding of power, which is one of the central elements of organizing public life?

One obvious consequence is that, according to this understanding, questions of power are removed from a universal horizon of order and communication, given by Christianity and its conception of God and explicitly articulated by Christian theology. If questions of power fall under the jurisdiction of reason, then reason itself is that which constitutes the universal horizon of order and communication in the secular context, within which not only questions of power, but also of morality and culture, can and must be discussed. In other words: questions of power, according to the understanding of Reformation theology, are not to be discussed in terms of a fundamental and universal metaphysical order, but human reason. These questions can therefore be resolved solely on their rational merits, not by referring them to a natural and moral order of reality, grounded in the idea of God or faith in God. The Reformation insight that, in worldly matters, reason is the universal horizon of order and communication has a further consequence: questions of power can now no longer be settled only by means of power. Indeed, to do so would be to infringe upon the new metaphysical order. The disposition of power, the use of power, disputation in questions of power—these can only be enacted properly on the plane of reason, i.e., according to rational guidelines.

Freedom does not consist of choosing to affirm or to deny a preexistent order of reality; it takes the form of a task to explore the order of natural and moral reality, rather than to give it concrete shape in sovereign responsibility.

The freedom God has ordained for us limits our human freedom. In other words, when deploying our freedom, we must—it cannot be otherwise—take our bearings from freedom itself; there is no higher criterion. The way in which we use our freedom must be judged in terms of how it serves and advances human freedom.

This criterion also applies to questions of power. Indeed, the Reformation understanding of Christianity and its claim to the truth constitute concrete criteria. From the truth of Christian belief it follows that reason, in questions of power, must take its bearings from whether it serves or advances every individual's freedom.

Throughout history, the impulses of the Reformation were taken up time and again. One of the important times of their reception was German idealism, which I shall refer to briefly because it is part of the Protestant understanding of freedom, although now transformed into a secularized model.

Truth and the power of freedom or the metaphysics of freedom

In the aftermath of Kantian philosophy (eighteenth century) and the French Revolution (1789), European philosophy and theology were rethought from the perspective of freedom; indeed, the whole unfolding of the human spirit, in its universal historical directionality, was construed as thrusting toward freedom. The young students of Lutheran theology, Georg Wilhelm Friedrich Hegel, Friedrich Wilhelm Joseph Schelling and Friedrich Hölderlin, joyfully greeted the onset of the French Revolution, to the point of dancing around a "Liberty Tree," or so legend has it. Hegel[20] later on explicitly conceived of Christianity as a "religion of freedom," thus co-opting the Protestant understanding of Christianity.

To talk of freedom is invariably also to talk of power. For only when freedom has power on its side can it prevail over other powers. It can never hope to prevail without having power. For freedom to reign in public life, in the life of the nation, or in the intellect and spirit it must have the

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[20] Cf. Georg Wilhelm Friedrich Hegel, *Lectures on the History of Philosophy*, vol. 1, transl. by E. S. Lincoln Haldane (London: University of Nebraska Press, 1996), 49; Georg Wilhelm Friedrich Hegel, *The Philosophy of History*, transl. by J. Sibree (New York: Dover Publications, Inc., 1956), 334.

power to overcome the lack of freedom that always lurks in the wings. A late eighteenth–century key insight, one that inspired young students of theology, was to grasp that the recognition of one's own freedom unleashes enormous power. Once the banner of freedom has been unfurled on the field of human history, the human spirit can never forget this; rather it will spare no expense and forgo no pain when it comes to actualizing its own freedom. Therefore, it is not just that power is needed to effect the transition from bondage to freedom, but the power to do this is born of freedom itself. Freedom is able, in its own right, to exert power over people. In this, we have a classic instance of a teleological conceit: freedom qua unconditional *telos* entirely determines humankind. Freedom wrests the power it needs to prevail.

Freedom here is wholly to be construed in that fundamental and comprehensive sense of which the philosopher Immanuel Kant is the chief exponent. For Kant, freedom means being able to bring about a certain situation on one's own. This is tantamount to implying power of the most comprehensive kind, for to bring about a state of affairs on one's own is to create something out of nothing, in theological terms, a *creatio ex nihilo*. According to the Christian understanding, such power can only stem from God. To confess, I believe in the Almighty God, is to ascribe to God the power of primal beginnings, i.e., the power to bring about *sui generis* a combination of circumstances, including a series of consequences that may follow—setting something in motion without outside help. According to the Christian belief, freedom is primarily and in its primordial sense, an attribute of God's.

This theory reemerges in German Idealism in a secularized form. The "Earliest System-Programme of German Idealism" opens with the words, "The first idea is, of course, the presentation [*Vorstellung*] of myself as an absolutely free entity [*Wesen*]. Along with the free, self-conscious essence there stands forth—out of nothing—an entire *world*—the one true and thinkable creation out of nothing."[21]

This passage alludes to the systematics of the faculty of the mind as expounded by Immanuel Kant, according to which practical reason is able to bring about a state of affairs *sui generis*. Human beings are equipped with a faculty that permits them to be free; in fact, it leaves them no other choice if they wish to do justice to their nature. It was not without reason that Kant's motto for the Enlightenment project was *sapere aude*—dare to know!

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[21] "The Earliest System-Programme of German Idealism," in Stephen Houlgate (ed.), *The Hegel Reader* (Oxford: Blackwell Publishing Ltd, 1998), 28.

But if the human mind is serious about doing so, then it follows that there is no worldly field, at least none where the human mind is active, in which this freedom is not unfolded: in politics, ethics, even in physics.[22] This ambition would then be relevant—other than in Reformation theology—in the field of religion too.[23]

In all walks of life, therefore, power is the *sine qua non* for realizing our own freedom: in politics, ethics and morality, religion—in the entire life of the mind and spirit. Even toward ourselves, we need power—the power born of freedom itself—if we are to align and truly commit ourselves to freedom. Immanuel Kant tells us that without religion there can be no revolution in our way of thinking. For to overcome the inertia of a humanity gripped by a lack of freedom it will take nothing less than a religious movement; only so can we reach a tipping point where we consequentially embrace our own freedom. Precisely this is the yardstick for whether or not a religion is true. Does it lead to freedom? Does it set us free?

Therefore, I posit, religion is closely linked to the question of power. True religion seeks to lead us out of bondage and into freedom, and to do so requires power. In this respect, the philosophy of German Idealism turns out to be the emancipated child of Protestantism, for this too perceives its goal as bringing about human freedom. It not only strives for human freedom, but freedom for all of God's creatures. Thus the hope "that the creation itself will be set free from its bondage to decay and will obtain the freedom of the glory of the children of God" (Rom 8:21). The Hebrew Bible continues in the same vein as when the task allotted to the Anointed of Yahweh is discerned as being "to proclaim liberty to the captives, and release to the prisoners" (Isa 61:1).

Orders of freedom

Thus, the human mind has to develop a specific notion of the relationship between religion, truth and power, a notion revolving around the concept of freedom understood as individual freedom. According to the Evangelical Lutheran understanding, this concept of freedom is at the core of Christianity. Therefore, it is the goal which the use of power is ultimately referred to and, to that extent, the criterion against which the use of power must be critically tested.

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[22] The author, or authors, of the System–Programme of German Idealism are not above turning to the fields of physics and to ask, "how must a world be constituted for a moral entity?,"ibid.

[23] In any case, what applies in the case of religion is this: "A higher spirit sent from heaven must found this new religion among us, it will be the last [and] greatest work of mankind." Ibid., 29.

This applies no less to religion itself—to every religious practice—namely, that in light of freedom being ultimately grounded in God, it too must critically assess whether the manner in which it conducts its internal affairs furthers the realization of freedom. Christianity must itself make real what it claims to represent, namely that "the truth of the Gospels sets free, and the earthly space the truth of the Gospels stakes out for itself is a space of freedom."[24]

If anchored in the truth, the orders we devise, make use of and further develop in our freedom (and the power we take from it), can only be orders of freedom. This should put paid to the misunderstanding that "freedom" is but a mask for ruthless self-realization. Nothing could be further from the truth. Rather, freedom requires order. To be sure, not every order confers freedom. Only certain orders, those where each individual is given a chance to realize their freedom, are orders of freedom. Nor can there be any freedom without order or law. Without them, questions of power, morality and aesthetics are decided by recourse to violence, which negates freedom. For freedom exists only "in the conjoint existence of liberties."[25] This corresponds to a personal metaphysics, one that conceives the basic structure of reality as relational: first made prominent by Reformation theology, it has resonated in the human mind ever since. To the extent to which the fundamental relationship between the Triune God and humankind realizes freedom, it corresponds to the truth of humankind, affirmed by Christianity, that even in the circumstances in which humankind finds itself, freedom—in politics and law, morality, art and culture generally—is possible and is being realized.

The position sketched thus far implies a specific metaphysics. It assumes that within the limits of reality, set by God, we are ordained to be free. This reality is one of a specific relationship between God and humankind, but not one of a specific natural, moral and social world order. Christianity offers insight into the reality of God's relationship with the world and humankind, but not into the reality of how the natural and moral worlds are basically structured. The metaphysics inherent in Christianity therefore concern the relationship between God, the world and humankind—and thus too where we stand relationally with God. It is not as if this metaphysics were to contain within itself the basic structure of the natural, moral and

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[24] "Die Wahrheit des Evangeliums macht frei und der irdische Raum, den sich die Wahrheit des Evangeliums schafft, ist ein Raum der Freiheit." Cf. Hans-Peter Grosshans, *Die Kirche— irdischer Raum der Wahrheit des Evangeliums* (Leipzig: Evangelische Verlags-Anstalt, 2003), 299.

[25] "Man's freedom is shared freedom, freedom in the conjoint existence of liberties"; Cf. Joseph Ratzinger, "Truth and Freedom," at www.ewtn.com/library/THEOLOGY/TRUEFREE.htm .

social worlds; rather it opens up an understanding of the natural, moral and social worlds, one that lets the latter be construed as a domain of freedom for exploration and shaping by humankind and human reason.

This is the consequence of Reformation inspired Christian theology strictly distinguishing between God's reality as Creator and the reality of God's creatures. It is also the result of the insight into the specific way in which God relates to the world and humankind, because this relationship is characterized by freedom, manifested by God in creating humankind and the world into which God has released humankind. According to the Christian understanding, God has created the world as a space of freedom for human beings—the beings God has created—in that God cedes freedom to an other than Godself.

Christianity and perhaps religions in general claim to be able to articulate and explicate reality, born of freedom and empowering of freedom, in which "we move and have our being" (Acts 17:28). To that extent, religion stakes out a truth claim. At the same time, religion is about power. If the reality in which we move and have our being is construed as a space for freedom, then the power of freedom must be ascribed to the same God who created this space. Our freedom is grounded in the power of a free God to create a space for freedom and to unleash freedom against all "powers" of bondage, depravity and evil.

Knowledge of the world as a nexus of life and domination, specified by the powers of evil and depravity, does poor justice to reality and is therefore untrue. Rather, to know the world in this way is to stabilize such powers of bondage. Knowledge of the reality affirmed by religion—at least by Christianity—makes us free. The knowledge of truth leads to freedom, because it leads to the reality—characterized by freedom—of God's relationship with humankind. As the Gospel of John puts it, "and you will know the truth, and the truth will make you free" (Jn 8:32). In the knowledge of reality lies also freedom: a freedom—as we have seen—that is self-actualizing.

In the New Testament, this experience—that through the knowledge of truth freedom is self-actualizing—is associated with the spirit of God. The spirit of God is the unshakable power of liberation. Because God lets us partake in God's spirit, we experience in ourselves and in the world we inhabit, the power of liberation: in ourselves, by being able to break through the self-fixation that has petrified us; and in the world we inhabit, by overcoming circumstances of bondage. "[W]here the Spirit of the Lord is, there is freedom" (2 Cor 3:17).

Freedom and Responsibility in Society

Ignas Kleden

While the relationship between freedom and responsibility has many aspects deserving our attention, I will here take up only one particular aspect, namely the ambivalent nature of freedom as an opportunity and constraint. While freedom is believed to be a privilege, it can also constitute a burden.

In many countries, especially in the global South, national movements dare to risk people's lives because they aim at national freedom, which is considered more valuable than a secure life under colonial control that imposes "un-freedom." We may ask, Why national freedom? The answer is that it can provide people with the right to self-determination, so that the people concerned have the possibility to decide what their life and their future should be like.

Self-determination is the realization of freedom by which human beings take themselves as the subject of their own destiny. We refuse to accept that what happens to us depends on the whim and favor of others. In other words, self-determination will ensure that what we want to realize for ourselves can materialize in accordance with our own choice and not be subject to external intervention.

In that sense, self-determination becomes a precondition for the realization and actualization of autonomy. If self-determination enables us to act according to our own choice, autonomy refers to the situation where self-determination as the freedom from a superimposed situation is transposed to freedom for something one envisions for oneself. This means that whereas self-determination enables us to practice and to live out our freedom, autonomy refers to the ability to exercise our freedom, to act on the basis of our freedom and to be prepared to bear all the consequences of having freedom.

If we look at education and religious life, autonomy becomes an important goal, because both in education and religious life, a person's maturity is measured by the extent to which they have been released from the total dependence on external authority. The greater the dependence, the less successful personal and religious maturation will be. There are always norms, codes of conduct and disciplines in both education and religious life, but

a mature person and mature religious follower will make the norms and codes of conduct part of their personality that work from within rather than from outside themselves.

In that sense, a successfully educated person and mature religious person is one who is already liberated. First, we are liberated from what Immanuel Kant calls "self-incurred immaturity." Kant argues that immaturity is self-inflicted not because of a lack of understanding, but owing to the lack of courage to use one's reason, intellect and wisdom without the guidance of another. Second, we are liberated from total dependence on external authorities. Autonomous individuals can think with their own reasoning, can decide in their own right and are prepared to be responsible for the results of their decisions and actions. Autonomy transposes freedom as a gift and talent into freedom as a task to be fulfilled. Autonomy is the freedom to take responsibility.

This freedom is not possessed by other animals. From an ecological perspective, a bird or a cow is always bound to a certain natural environment. Animals have their own environment to which they are attached and well related to through their instinct and their anatomy. They are well adjusted to their environment, but they are not free. Birds instinctively know that they are to fly, fish instinctively know that they are to swim, and deer instinctively know that they are to run. They are able to do well what nature wants them to do because nature provides them with the corresponding anatomy.

Human beings are the only animals who are not bound to their environment. They are not born into a specific natural environment and, with regard to their anatomy, are least prepared to enter into a specific environment. However, precisely because of this lack of natural environment, lack of instinct and lack of specific anatomy, they are in the position to be free. Men and women can choose the environment they want to live in, can choose the tools they have to create to help them cope with natural challenges and can choose the values and norms they use as guidelines for their behavior.

This means that technology, culture and social institutions are the result of the human lack of natural, bodily and instinctual equipment. Technology becomes an extension of the bodily senses (e.g., cars are the extension of human feet, TV the extension of human eyes and ears and tractors the extension of human hands) and cultural values and norms are a substitute for instinctual incompatibility with natural stimuli. I would argue that this is the way in which human beings deal with their natural

imperfections and thereby become responsible for their incompatibility with natural stimuli.

Technology and culture are created to make human life less burdensome. Technology reduces many hardships resulting from physical work, while culture minimizes the burden of learning by means of a collective memory, so that there is no need for each member of society to start learning everything from scratch.

At the same time, however, both technology and culture, ironically, limit human freedom, because in order for human beings to use technology and to live in a particular culture, they have to be made subject to the working law of technology and to the requirements of a cultural system. Human freedom enables human beings to create instruments that make their lives easier, but this takes place only by limiting human freedom in order to be in line with the requirements of technology and culture.

Postmodern discussions emphasize that culture is the product of social construction. It is not given and final, it is rather produced and therefore subject to change. While this is so, the awareness of the social construction of culture comes about in a second-order reflection, particularly among those who reflect critically on the relationship between culture and its participants. In everyday life, people take for granted that it is culture that makes men and women what and who they are; Javanese culture makes people Javanese and Balinese culture makes people Balinese. Instead of thinking of the social construction of culture, people tend to believe in the cultural construction of human beings, which takes place through the process in which men and women adjust themselves to the values and norms of their culture, and thereby limit their freedom in accordance with the limitations set in a particular culture. There is an obvious paradox in this process: human beings are free to limit their freedom in order to compensate for their detachment from nature owing to their lack of instinctual and bodily compatibility with natural stimuli.

Contextual realizations of freedom and responsibility

We can discern the freedom of human beings in the way in which they respond to outside stimuli. Social behavior is marked by the fact that there is no formula regarding how stimuli relate to responses. It is always difficult to predict how one will respond to a certain stimulus. This is the case because one stimulus can give rise to ten different responses, and one

response can be brought about by ten different stimuli (e.g., a person can become religious because they have a religious friend, have experienced a terrible accident, or are deeply impressed by an excellent novel). If stimulus A were certainly to bring about response B, one could easily provoke the emergence of responses by providing the related stimuli.

In certain situations, such as before an election, it might be assumed that a cash stimulus will bring about the expected response. However, this is not always the case; some people might take the money that is offered to them but not give their vote to the candidate who offered the cash. One can never get rid of various stimuli, but one is always free to choose one's response. A friendly smile in the morning to the colleagues in the office may result in different responses. While one person might feel attended to and start talking to you, others may be upset because they think that you are ridiculing them while they are under pressure. Human responses are not just reactive, but rather active and creative because they are based on freedom.

In political life, freedom becomes one of the universal values that democracy wants to aim at and to defend. In a liberal democracy, a clear differentiation is made between the private and the public spheres. The private sphere is a domain where individual freedom is preserved and protected from political intervention and from intervention by social institutions. This is done so that everybody can choose how they will lead their lives, which lifestyle they adopt and what actions they take to pursue their own happiness. The private sphere is a place where one can cultivate what one envisions as the good life.

The public sphere is organized and regulated by public authorities and social institutions. Intervention and regulation by public authorities aim to create a social life that can do justice to everybody. In real life, this differentiation might be blurred because there is always a tension between freedom and responsibility, self-determination and justice.

The domestic management of a family is a private matter. However, what should be done in the case of domestic violence? If we believe that all affairs within the family should be attributed to the private sphere, then there is no possibility to intervene in the case of domestic violence, which is mostly aimed at women and children. No wonder then that feminists argue strongly that domestic violence is a public matter, because only by treating it as a public issue can we put violent family men under public control.

The same can be said for the minimum wage. If the minimum wage is treated as a company's private matter, then there is no possibility to struggle

for just remuneration. Unfair wages and the exploitation of workers can be perpetuated in the name of confidentiality. Therefore, the minimum wage should be treated as a public issue and put under public control.

In political life, freedom means having the possibility to choose and to pursue a good life, whereas responsibility includes the obligation to create and to defend justice. I would argue that this distinction also holds true for religions. Religion is a private matter, firmly rooted in the private sphere in which one has the freedom to pursue one's religious development. In this sense, religion could be regarded as the personal way toward perfection. On the other hand, religion has a responsibility. It cannot be silent in the face of social injustice. This is to say that while religion is not a public matter, it definitively has a public responsibility as far as justice is concerned.

One could say that democracy as such is the permanent tension between freedom and responsibility. Representative democracy can be regarded as being limited, because people cannot participate directly in political decisions and have to delegate their right to self-determination to their representatives in parliament. Political representation becomes a *modus vivendi* through which the freedom of one individual is given the room to interact with the freedom of other individuals, and is contested in this interaction through the competition between different ideas as to what constitutes the good life and justice.

Why should we bother to introduce democratic values to people who are already familiar with those values through their religions? In dealing with this question, I think one had better pay attention to the strengths and limitations of democracy. Every religion aims at bringing its followers to perfection by gradually reducing their imperfections, overcoming their weaknesses and substantiating their virtues. Religion and democratic societies recognize human imperfections. However, whereas religions are believed by their adherents to have the ability to reduce these imperfections, democratic societies accept these imperfections as a given and seek to put these under control so that these imperfections do not become detrimental to other people. Democracy does not make people more perfect. In other words, religions deal with the roots of imperfection while democracy deals with the results of imperfection. While religions might empower people to create heaven on earth, democracy aims to transpose freedom to responsibility and thereby to forestall the creation of hell on earth.

Freedom, Responsibility and Shame in Indonesia

Bernard Adeney-Risakotta

Method and approaches to freedom and responsibility

The traditional way for religious scholars to think about freedom and responsibility is to examine their Scriptures and the theological thinking of the great interpreters of their religion in order to understand the most important normative teachings related to the subject. These normative principles or rules can then be applied to the various contexts in which people live. In an interreligious setting, discussing how the principles may be applied in different contexts is subject to a prior step, i.e., the comparison to the teachings and practices of another religion.

There is nothing inherently wrong with this approach; it is useful for developing certain kinds of discourse. However, its weakness lies in the danger that our supposedly "objective," "literal" or "neutral" readings of these texts are actually dictated by preformed ideologies determined by our own interests and our own habitus.[1] Without being aware of it, we select the texts that support our interests and interpret them in a way that legitimizes our own commitments and social position. This is an inevitable problem and one that cannot be avoided, no matter what method we use. We do our best to minimize it by being as open as possible to hearing alternative interpretations and entering into honest dialogue with those who have a different perspective, one that is perhaps dictated by alternative interests and commitments.

I think, however, that there is another approach, one which is more effective in clarifying how our interpretation is influenced by our different contexts. That is to examine how ideas, such as freedom and responsibility, are actually practiced in complex, pluralistic contexts, and then go back to the teachings of our Scriptures and theological writings in order to find out how or if these writings illuminate or address the problems

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[1] Pierre Bourdieu, *Masculine Domination*, transl. by Richard Nice (Stanford: Stanford University Press, 2001).

to which our practices are a response.[2] An advantage of this alternative epistemology is that we avoid the danger of just talking about glorious abstractions that have very little bearing on the real world we actually live in. By beginning with our actual practices, we do not thereby absolutize them (as we are tempted to do with our glorious abstractions). Rather, we critically examine them in the light of Scripture, theology, philosophy and the social sciences. We look at the social, political, economic, cultural and religious problems that elicit these practices and ask whether our practices are faithful to Scripture or appropriate to the new problems we face. This approach is not necessarily less respectful to Scripture than the traditional one of beginning with normative teachings and then applying them to a new context. It can take seriously Scriptures' role as revelation in our religious communities, without forgetting that we always interpret Scriptures from out of a particular habitus that is value laden and often dominated by the interests of the interpreter (including ourselves).

Since I have been asked to address issues of freedom and responsibility in relation to personal and social ethics (including sexual ethics), I will examine moral practices and perspectives on freedom and responsibility that are embedded in Indonesian culture. In particular, this article will examine "shame culture" (*budaya malu*) and its effects on corruption and sexual transgressions.

This article does not make a sharp distinction between personal and social ethics; personal ethics are always social. No matter how personal, private or even secret a person's practices of freedom and responsibility are, they have political, social, economic and cultural ramifications. There are no personal ethics that are not social, just as there are no moral principles that are not culturally construed. Similarly, social policies and social ethics have profoundly affected individuals. This article does not equate ethics with moral rules or principles. Rather, ethics is an academic discipline for addressing all kinds of personal, social, political, economic, environmental, cultural and religious problems that have a moral dimension (what is right or wrong, good or evil, justifiable or not, tolerable or intolerable). Ethics is not a list of normative rules or principles to be applied, but rather the study of how we face profound moral problems in our communities and strive to create good people living in good societies. Moral rules, laws and principles are just one of the ways we use to address such social and moral problems as corruption or sexual conduct.

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[2] Gustavo Gutierrez, *A Theology of Liberation* (Maryknoll: Orbis Books, 1988).

Shame culture and its effects on freedom and responsibility in Indonesia

Shame culture versus guilt culture

In the Indonesian press, there are frequent references to the traditional Indonesian culture of shame.[3] In the Indonesian media, *budaya malu* is generally referred to as a positive phenomenon, since Indonesians are afraid to do wrong because they may be shamed before society. *Budaya malu* indicates social awareness and the concern not to violate social norms for fear of offending the whole community and thus being shamed in front of all. At times, *budaya malu* seems to be equated with morality. Positive references to shame culture are usually in the context of lamentations about the decline of *budaya malu* and the resulting immorality when people (especially leaders) are no longer ashamed to do evil. The decline of the Indonesian shame culture is blamed on globalization, especially on Western individualism. According to this view, when people begin to think more about themselves and their own goals and interests, they are no longer ashamed to violate social norms; they have no shame. Their own self-interest is more important than the common good. They are infected with a "Western" capitalistic and individualistic materialism, the latest term for which, according to the popular press, is "neo-liberalism." People who are without shame, no longer care about the opinions and interests of the whole community.

Since Ruth Benedict's groundbreaking work on shame culture in Japan,[4] there has been a long discussion on the relative differences and usefulness of the theory of shame versus guilt cultures in anthropological literature. In guilt cultures, ideally, people's freedom and responsibility are controlled by an inner, individual sense of right and wrong (personal guilt), whereas in shame cultures, social freedom and responsibility are controlled by communal judgments and social sanctions on those who deviate from acceptable behavior. The driving emotional dynamic in guilt cultures is a sense of individual guilt that the person has done something wrong. In shame cultures, the driving emotional dynamic is shame over having faults exposed to the community. Perhaps the emotional product of guilt cultures is personal depression and alienation, whereas the emotional product of shame cultures is a loss of honor and a degraded position in society. Guilt affects our inner being, whereas shame affects our social position.

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[3] Franz Magnis-Suseno, *Etika Jawa* (Jakarta: Gramedia, 1984).

[4] Ruth Benedict, *The Chrysanthemum and the Sword* (New York: Houghton & Mifflin, 1946).

Lawrence Kohlberg's well-known theory of the stages of moral development implicitly locates guilt as a higher ethical stage than shame.[5] His theory values individual commitment to abstract ethical principles of absolute right or wrong as "higher" in the stages of moral development than actions motivated by fear of what others might think of one. According to this typology, guilt is the result of personal recognition that one has done something that in itself is wrong. One has violated a Kantian ethical imperative. Thus, it is different from fear of being caught or shamed. This implies that shame cultures are more "primitive" than guilt cultures; they are at a lower stage of moral development. Kohlberg avoids passing judgment on whole cultures and rather focuses on individual moral development. However, he has been cogently criticized as favoring Western, white, male, highly educated ways of moral judgment over more grounded, "female," non-Western styles of moral thought and practice.[6] Ultimately, his grand research project on moral development becomes entangled in his own normative biases.

It is unwise to pronounce moral judgments on broad cultural differences in how different societies deal with freedom and responsibility in their social and personal ethics. We should also avoid the Western liberal assumption that freedom is the most basic value and that responsibility is simply an addition to control the limits of freedom. In guilt cultures, freedom is of paramount importance because the ideal is for individuals to control themselves. The individual should be free to follow their inner conscience but should be encouraged to act responsibly.

In shame cultures, responsibility to society is the primary category. The ideal is a highly developed sense of responsibility to the whole community, reinforced by intense shame for those who fail in their responsibility. In my opinion, it is virtually meaningless to claim that freedom and guilt represent a higher level of moral consciousness than responsibility and shame. It is wiser to view them as complementary and to acknowledge that which of them is more dominant in a particular culture is the result of a long cultural process that is beyond any one's competence to judge.

The relationship between broad cultural differences and religious teachings is problematic although not impossible to evaluate. There is plenty of material in Christian and Muslim Scriptures, let alone theological writings, which can be interpreted in ways that support either a shame or a guilt culture. Since a guilt culture may partly be the product of the Reformation and the

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[5] Lawrence Kohlberg, *Essays on Moral Development,* vol. I: *The Philosophy of Moral Development* (San Francisco: Harper & Row, 1981).

[6] Carol Gilligan, *In a Different Voice* (Cambridge: Harvard University Press, 1982).

modern Enlightenment project,[7] guilt cultures may be more prominent in "Western Christian cultures" than in "Eastern Muslim cultures." However, with globalization, the distinction between these geographic and religious categories is becoming increasingly meaningless. Most Christians in the world today live outside the West in Asian, African and Latin American cultures, where shame and honor may be more influential than guilt and respect.[8] In contrast, Islam is the fastest growing religion in the West.[9]

There is no space for a nuanced discussion of the relative merits and weaknesses of this conceptual framework for thinking about freedom and responsibility. While shame and guilt are not so easily separated from each other in real life and all cultures include both elements to control personal and social behavior, most cultures tend toward a greater or lesser emphasis on one of these poles in a continuum.[10] In the following sections, I will use the typology as a conceptual tool to analyze Indonesian moral practices in relation to freedom and responsibility.

In cultures that tend toward *budaya malu* as the dominant way of controlling behavior, responsibility is much more important than freedom. Ultimately, you are accountable to society (and to God). But, in guilt cultures, one is ultimately accountable to oneself, one's own conscience (and to God). Therefore, in a shame culture, even if one can justify deviant actions (such as corruption or a sexual indiscretion) to oneself, one may still be very afraid to have it exposed to the public for fear of being shamed. Being shamed has very little to do with a judgment of whether or not an action is right or wrong in an absolute sense. What matters is that it is shameful if exposed in public.

In contrast, in a guilt culture, fear of shame is less prominent and social sanctions against deviant behavior are less severe. Individual freedom is more important and an individual's own conscience and beliefs are respected as being relatively autonomous from society. Each individual is expected to follow their own conscience and not to worry about what the rest of the world thinks. This is echoed in Martin Luther's famous statement as he defied the judgment of the religious hierarchy and all of Christendom, "Here I stand, I can do no other."

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[7] Stephen Toulmin, *Cosmopolis: The Hidden Agenda of Modernity* (Chicago: University of Chicago Press, 1990).

[8] See Peter Berger, "On the Obsolescence of the Concept of Honor," in Stanley Hauerwas and Alastair MacIntyre (eds), *Revisions: Changing Perspectives in Moral Philosophy* (Notre Dame: Notre Dame University Press, 1983).

[9] East and West are relative terms based on either flat earth assumptions or assumptions of a "center" in Europe. Europe is East of America. America is East of Indonesia. From an Indonesian perspective, America is the "Far East"! Similarly North and South are also relative, since there is no real "top" or "bottom" to the earth in space. That is just the way Europeans drew their maps.

[10] Bernard Adeney, *Strange Virtues: Ethics in a Multicultural World* (Downers Grove, IL: InterVarsity Press, 1995).

Shame and corruption in Indonesia

If we assume that Indonesia tends toward a shame culture, the theory helps us to understand why it is so difficult to overcome corruption. During the thirty-two years of Suharto's reign, corruption was institutionalized and practiced by the ruling family and virtually all of the ruling élite. While formally corruption was illegal (and considered "wrong"), it was almost never punished. Rather, those who tried to oppose corruption were publicly shamed and lost their position in society. The laws against corruption were always there, but there was almost no social stigma or shame attached to violating these laws. Corruption may be wrong, but it was not considered shameful. The most honored members of society practiced corruption, often quite overtly.

Indonesia is undergoing a process of reeducation, not primarily to convince people that corruption is inherently wrong, but to convince them that it is shameful and will not be socially tolerated. Although still far from Singapore's "zero tolerance" of corruption, the increasing number of highly publicized trials of élite politicians accused of corruption is slowly changing public awareness and signaling that at least open corruption will not be tolerated: it is shameful as well as wrong.

We need not judge whether a shame culture is superior or inferior to a guilt culture in terms of controlling social behavior. My point is not that a shame culture that emphasizes social responsibility needs to change into a guilt culture that guarantees freedom in order to produce a good society that overcomes corruption. Indonesians were very impressed with the suicide in May 2009 of the former South Korean President, Roh Moo-Hyun, who had been convicted of corruption. They saw it as a noble example of a leader exemplifying Asian shame culture and lamented the fact that Indonesian leaders who were caught in corruption did not show the highly developed sense of shame exhibited by the former Korean president. In Korea, his suicide wiped out his shame and he was recognized as a hero who paid the ultimate price to atone for abusing his responsibility and injuring his community. Shame and guilt cultures have different ways of regulating responsibility and freedom, but one is not necessarily better or worse than the other.

Shame and sexual behavior

The complexity of the interaction between shame and guilt is illustrated by freedom and responsibility in sexual conduct. In Indonesia, sometimes the primary concern about violating sexual taboos is not regarding the action itself but, rather, whether or not it is exposed to the public. Oversimplifying somewhat, the problem is not primarily guilt or innocence, right or wrong,

but rather shame and honor. Shame and honor concern not only exposure, but also who gets hurt. If a "sexual transgression" is sufficiently hidden so that "no one knows" and no one is visibly hurt, then even prominent leaders may transgress the rules.

There is a general social conspiracy to keep the potential problem as hidden as possible in order to protect the position of the respected leader. Many people seem to "know" (suspect) that the transgression is taking place, but no one wants it to be exposed. Even the person's enemies may not want to bring the transgression to light because it is shameful. Regardless of the truth or falsity of the charge, an accusation might bring as much shame on the accuser as on the accused. Therefore the problem is "buried" for the good of all. When a person is shamed for sexual misconduct, it exposes not only the transgressor, but also their victim and their families, as well as the broader community. It is painful for everyone and therefore avoided if possible. The issue is not sexual freedom, but rather public responsibility.

This dynamic is not unique to Indonesia. In an earlier era, when the characteristics of a shame culture were stronger in the USA than they are now, highly respected public figures, such as John F. Kennedy and Martin Luther King, were known to have committed sexual indiscretions, but even J. Edgar Hoover, who was head of the FBI and an enemy of both Kennedy's and King's, did not dare to make his evidence public. Similarly, Senator Ted Kennedy's alleged romantic exploits were not made public until one of his girlfriends died in a car crash. Even then, the public was less concerned with the exact nature of his friendship with the woman, than with the question of why he had left her to drown in the car. The scandal may have cost him the presidency, but the fact that he kept his seat in the US Senate was partly due to the public's ability to ignore the probable sexual transgression and forgive (or forget) the apparent lack of courage.

Ironically, it may be the erosion of a shame culture that led to the public humiliation of President Bill Clinton. For a long time, Clinton's sexual transgressions were covered up. But in the end, the proof of his guilt and a weakened public will to cover up the shame for the sake of the common good led to Clinton's near impeachment. In a shame culture, the President's sexual misdeeds would probably be ignored or covered up. However, if they were exposed and highly publicized, the disgrace to the President and his family might have ended both his political career as well as that of his wife. But in America, Hilary was perceived as not guilty and is now serving as Secretary of State. She was rather admired as innocent, courageous and loyal to her philandering husband, in spite of her grief and shame.

According to a forty-four nation survey by the Pew Foundation, Indonesia is the most religious country in the world,[11] with highly conservative sexual mores, as illustrated by the recently passed law against pornography. Therefore, it is curious that the most highly respected Indonesian hero of all time, President Sukarno, is a man who was known to have had many wives and sexual partners. Sukarno has been attacked and criticized for many things, but the closest thing to criticism for his sexual proclivities are subtle jokes.

Sukarno's semi-discreet sexual liaisons are not unique. There are many subtle references, jokes and stories about the sexual transgressions of Indonesian leaders, both Muslims and Christians, politicians and religious leaders. Sometimes the gossip about some of these cases approaches the scandalous. But there are seldom formal charges and for the most part they are ignored. Apparently there is an unwritten law that the honor of distinguished leaders should be defended by preventing potentially shameful things from being acknowledged openly. As long as they are "secret" no one wants to know about them and the leaders enjoy considerable freedom. But if they are publicly exposed, social responsibility dictates that they be shamed. Because of this, a religious leader who is rumored to have affairs or "secret wives" may be tolerated as long as he is discreet and does not get a divorce. But a divorce is a public event that may end his career because of the shame. In the Muslim community, a polygamous marriage is a legal and religiously sanctioned alternative to divorce. However, a polygamous marriage is also shameful in the eyes of many Muslims. Marrying a younger second wife was enough to bring an end to the remarkable popularity of Abdullah Gymnastiar, commonly referred to as Aa Gym, a famous religious leader.

In a shame culture, wrong is tolerated as long as it is not broadcast to the world. A man may be known to beat and abuse his wife and children, get drunk, chase other women and waste the family's money on gambling, but the community will do their best to support the wife and keep the shameful problems as secret as possible. But, if the woman demands a divorce, she and her former husband are both shamed and shunned from the community. In a shame culture, there are severe social sanctions on deviant behavior that is made public. Out of mercy or the hope for social harmony, disgraceful behavior is hidden so as to protect everyone's good. In a guilt culture, the ideal is to expose true guilt so that it can be punished, forgiven or otherwise dealt with to prevent it from happening again.

Paradoxically, Indonesia is more tolerant than America with regard to certain categories of "shameful" behavior, especially for people who "can-

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[11] At http://pewglobal.org/reports/display.php?ReportID=167.

not help it." This includes people with mental health problems and transvestites. While most Javanese consider public nudity shameful, mentally unstable men and women, young and old, sometimes walk around stark naked or barely covered in rags. Nudity is the most apparent characteristic of a certain mental illness in Indonesia; it marks a person as having no shame. They have stepped outside "civilized" society and entered a world where normal rules do not apply. Unlike in the USA, where a nude young woman in public would cause shock and swift arrest or commitment to a mental facility, in Indonesia she is generally ignored. No one looks at her but treats her as if she were not there. Someone may give her clothes, but if she takes them off, she is left to go her own way.

Similarly, transvestites are a common sight in Yogyakarta, often wearing provocative clothes and begging at traffic lights. Whereas in some North American cities they might be arrested for such behavior or beaten up by local punks, in Indonesia people ignore them, or give them Rp. 100 and treat them with either amusement or pity. Almost every sitcom on Indonesian TV includes a transvestite as a comic figure. They are a common, tolerated part of the social landscape, unlike in most places[12] in the USA, where they stay in hiding for their own safety. This does not mean that there is no discrimination, exploitation or violence against homosexuals and transvestites in Indonesia. Recently, an international conference of lesbians, gays, bisexuals and transsexuals (LGBTs) was forced to close before it started because of pressure from militantly conservative Muslim groups. LGBTs are still a marginalized group in society with very little legal protection. But in a shame culture, which imposes strict limitations on sexual behavior in public (like no kissing on TV), they seem to have carved out their own space, outside the social boundaries of the so-called "normal" people.

Public law, private morality and sexual harassment

One factor that influenced Bill Clinton's disgrace was the rise of feminist consciousness and concerns about the abuse of power. An individual's freedom to transgress sexual norms does not extend to people who use their power to entice or coerce a weaker person into bestowing sexual favors. The very term "sexual harassment" implies that the crime is not the sex, but rather the harassment: the misuse of power to coerce sex from a weaker person (usually a woman). In a

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[12] Big cities such as San Francisco are an exception, especially in areas where homosexuals form a significant portion of the population.

guilt culture like the USA, sexual harassment is an objective crime (violation of the law), determined by whether or not the weaker party was actually coerced to accept sexual attentions or not. The sex by itself is not a crime.

In a shame culture such as Indonesia, there is not such a sharp distinction between coerced and mutually consensual sexual relations. In either case, it is shameful and forbidden by religion and *adat* (traditional law), especially if one of the parties is married. The more cogent issue may be whether or not the alleged victim is willing to make the issue public and expose herself and her former partner to public shame. Not many Indonesian women are willing to risk the shame in cases that are short of rape. But for a woman who does not care about the shame, it may not matter if the accused man was guilty or not of using coercion. The sexual transgression itself is enough to bring shame, irrespective of the charge of coercion or harassment. The public shame of exposure may have severe social consequences.

Morality is not the same as law. Not everything that a society or a religion considers sinful is against the law. Even such serious sins as prostitution or adultery may not be punishable by law, whereas some minor violations, such as not wearing your seatbelt, are punished. It is ineffective or impractical to regulate some sins by law, including some serious sins. Other sins, small or large, such as littering or murder, can be effectively controlled by laws. But some sins have to be controlled by other means. For example, both the Qur'an and the Bible harshly condemn the sins of hypocrisy, pride and adultery, but most societies do not treat these sins as crimes that are against the law.[13]

In Western countries, one way to define the difference between sin (immorality) and crime (against the law), is to distinguish between the private and the public realms. In the private realm, an action, such as adultery, may be considered a very serious sin, but it is not considered a crime because it is a personal, private matter best dealt with within the contexts of family and religion, rather than by the state. Besides, different people have different opinions about sexual morality and it is not the state's job to limit the freedom of individuals in their private lives. The US constitution guarantees the inalienable right to "life, liberty and the pursuit of happiness." People are free to define what makes them happy in different ways. But there are limitations on the freedom to pursue happiness if it threatens the happiness or freedom of others. Then it

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[13] Some countries still have laws against adultery, but they are very difficult to enforce fairly. Often only the woman is accused, especially if she is pregnant. In a notorious case, a young Indonesian domestic helper was allegedly raped by her employer in Saudi Arabia and became pregnant. She was taken to court, proved guilty of adultery and sentenced to be stoned to death. The reasoning was that there was no proof of the rape, since it was her word against her employer's, but there was positive proof of sexual relations because she was pregnant. No one could prove who had impregnated her.

moves from the private into the public sphere. Sexual behavior in the private sphere is generally not regulated by the government.

If sex intrudes into the public sphere, where a person holds a public position of power (e.g., president, priest or professor) and misuses their position to coerce sex from a person under their authority, then it is no longer just a sin but also becomes a crime (against the law). The crime is not sex, but violence. There may not be any physical violence, but if a powerful person implicitly or explicitly offers a reward for sex (such as a promotion, high grade or scholarship) or threatens a sanction (such as being fired, demoted or failed), then they have sexually abused the victim with psychological violence.

There are two possible ways to view sexual harassment. First, according to the strictest interpretation of professional ethics, anyone in a position of authority, who has sexual relations with someone under their authority, is guilty of sexual harassment, because even without ever implying a sanction or reward, both parties know that one of them has the power to help the other succeed or fail. This puts undue pressure on the weaker party and may also give them an unfair advantage over their peers who do not have a special relationship with "the boss."

That is one reason why many professors create a "professional distance" from their students, which excludes the possibility of romantic attachment. Some students idealize their professor and may even become infatuated because they only see their teacher in a role of knowledge, power and authority. But responsible professors will maintain their distance, no matter what is their marital status or religious conviction about sexual relations.

Secondly, a more tolerant view is that a romantic or sexual relationship between people of unequal power is not sexual harassment unless there truly is coercion or manipulation of power. There is no crime (although there may be sin), if the person in authority makes no implicit or explicit threats or promises. Then the relationship is consensual (*suka sama suka*), rather than coerced. In that case, the relationship falls in the category of private morality, which is between the individuals, their families and God. Religion may judge that the behavior is sinful, but it is a private sin not a public crime. In Western societies, individuals are free to regulate their own private lives. The state has no responsibility or authority to judge whether or not a particular relationship is sinful or not, as long as it is not a public crime. In part, this is so because the state defines itself as secular (non-religious). In contrast, the Indonesian state defines itself as religiously monotheistic and explicitly supportive of religious morality.

In a shame culture, in which sexual relations outside of marriage are forbidden by both religion and *adat*, the distinction between coerced and

consensual sex is less important than in the West. If there is an extramarital affair, whether coerced or consensual, it may be ignored as long as it is kept secret, but severely punished if exposed.

Unlike the Western liberal countries, Indonesia does not acknowledge a sharp distinction between the public and private spheres. There is no taboo against the government passing laws that regulate a person's "private life," including their dress, what they watch on the Internet, their sexual conduct and their religious activities. Freedoms are restricted in both realms, but sanctions against those who openly violate social norms (public and private) are much harsher than against those who keep their violations discreet. Rather than clearly delineated public and private spheres, the Indonesian distinction is between open/visible (*lahir*), and hidden/secret (*batin*). Such "private sins" as adultery, deceiving your neighbor, or evangelizing someone from another religion may be ignored as long as they are kept relatively secret, but may be severely punished if they become public. Similarly, public crimes such as corruption, plagiarism, money politics or extortion may be tolerated as long as they are not too obvious. But if they become open to public scrutiny, they may be severely punished.

Theological reflections on religion, freedom and responsibility in a culture of shame

In terms of the everyday practices,[14] cultural and social systems such as *budaya malu* may have more to do with how people deal with freedom and responsibility than do religious convictions. Economic systems and political relations also have a profound influence on what constitutes freedom and responsibility. Javanese Muslim and Christian neighbors, who are both poor farmers, are very similar to each other in their understanding and practice of freedom and responsibility. Both their freedom and their responsibility are heavily influenced by economic necessity and their relationship to their natural environment. The freedoms they exercise and their sense of responsibility might seem very strange to an Arab businessman or an American scientist who share their respective religions but not their economic and social status.

The influence of culture, politics, economics and social structures makes it imperative for our scriptural and theological reflections on freedom and responsibility to be grounded in the real contexts in which we live. Freedom

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[14] Michel de Certeau, *The Practices of Everyday Life* (Berkeley, CA: University of California Press, 1984).

and responsibilities are socially constructed and relevant to particular people at a particular time and place. Both Islam and Christianity normatively forbid sexual relations outside of marriage. Both religions have conservative streams that try to control all aspects of sexual behavior in order to prevent extramarital sex.[15] Both also have more tolerant streams that allow much more individual freedom and tolerate greater deviation. The strict legislate severe punishments, while the tolerant grant individual freedom or do their best to ignore sexual violations. The difference between Indonesian Muslims and Indonesian Christians on sexual ethics is not that they have different definitions of permitted versus illicit sexual behavior. The majority in both communities are conservative in sexual ethics, but they have different rules and punishments to prevent the forbidden behavior.

Indonesian Muslims often focus questions of freedom and responsibility by asking if something is forbidden (*haram*), permitted (*halal*), or neither (requiring independent judgment). There is a great deal of room for discussion in the third category and this has given rise to different schools of interpretation. More controversial is the question of whether and to what extent there is room for reinterpretation of the categories of *halal* and *haram*. Can these categories and the punishments prescribed for their violation in the Qur'an or Bible, change and adapt to new contexts?

These are important questions, but in light of our discussion thus far, a more significant question may be how religions should address a culture of shame where religious and moral duties and violations are ignored or tolerated as long as they are kept discreet. To a certain extent, a culture of shame is a tolerant culture. Moral failings are tolerated (though not approved), as long as they do not upset the general public. This allows for a lot of freedom as long as you are good at keeping secrets. However, there is much less freedom for public behavior. It is easy to imagine a *kyai* (head of an Islamic boarding school) scolding his *santri* (pious student) for going out with his girlfriend in public, while he himself carries on a sexual affair in secret. This is not only a matter of hypocrisy, but also of what is tolerated in the religious community.

For some Muslims, this freedom in hidden behavior is unacceptable. Deviant behavior should be exposed and severely punished according to the teaching of the Scriptures. Adultery should be punished by stoning to death and theft by cutting off the hands. However, very few Indonesian Muslims agree. In one survey of religious attitudes, around eighty percent

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[15] For example, in some Indonesian churches, a pregnant bride cannot get married before she and her fiancé publicly confess their sexual sins before the congregation.

of Indonesian Muslims agreed with imposing Islamic law (*shari'a*), but only ten percent agreed with cutting off hands for theft.[16] Nevertheless, even if the harshest laws and penalties were imposed, it is unlikely that Indonesians would change their secret behavior. There are plenty of laws on the books now, to which few people pay much attention, such as the laws on pornography. Relatively few people want their neighbors prosecuted for what they do in secret. In fact, the harsher the penalties for those who are exposed, the greater the likelihood that neighbors would protect each other from exposure to such shame. We might feel free to gossip about a leader's corruption or sexual deviation as long as we do not expect severe consequences. But if we thought the result would be the cutting off of a hand or the stoning to death, we would probably hold our tongue.

A challenge for people from all religions in Indonesia is how to develop the character of people in religious communities so that they do not want to do things in secret that they would be ashamed to do in public. For some people, the threat of shame is enough. I doubt that the private, secret morality (or immorality) of people in the "shame cultures" of Indonesia is any lower than the secret morality of people in Western, "guilt cultures." For those who are *taat* (obedient), the act of bowing down to God five times every day should be enough to remind people that there are no secrets hidden from God. But religious piety in all religions does not neatly correlate with freedom from secret sins. Reputedly the Department of Religion is the most corrupt institution in the Indonesian government.

Both Islam and Christianity have strong doctrines of God's mercy and grace and the possibility of forgiveness. Perhaps a culture of shame allows for human weakness by controlling people's public behavior more vigorously, while tacitly allowing more freedom to deviate in secret. Laws and the social sanctions of the whole community shape people's outward behavior into an image (or mirage) of virtue. It is hoped that their inner, hidden character will follow suit so that their inner virtue matches their outward piety. When the inner and the outer match, a person will finally know that their freedom and their responsibility are but two different words for the same thing.

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[16] Survey on religious attitudes in Indonesia, Center for Population Studies (PSKK) at Gadjah Mada University, Yogyakarta, Indonesia.

Women's Freedom and Responsibility in Islam: A Brief Review of Texts and Contexts in Indonesia

Siti Syamsiyatun

Such questions as, Can a woman marry herself off to a man? Can a woman be a leader in the Muslim community? Can a woman travel abroad alone? Can a woman lead prayers in the congregation? Can a woman divorce her husband? are usually raised by Muslims and non-Muslims alike when discussing women's rights in Islam. Inevitably, this touches on the issue of women's freedom and responsibility to act and determine their lives. Questions regarding who or what determines women's freedom in everyday life and where women's rights come from and how they are developed and implemented or guaranteed within the specific context of the Muslim community, are raised rather less frequently. The answers to the above questions vary and can even be contradictory, depending on who you ask and the context being addressed. The answers are closely linked to the political and religious contexts as well as to the various interpretations and understandings of the texts.

With this paper, I seek to contribute to the discussion on freedom and responsibility in Islam from a gender perspective, with a specific focus on the Indonesian context. I shall first discuss the various references Muslims may make when talking about Islam, and then proceed to explore some fundamental textual arguments for the theological acknowledgement of women's full humanity with regard to freedom and responsibility in the Qur'an and the *hadiths*. Furthermore, I shall refer to some historical accounts of the Prophet's engagement with women during his lifetime. Lastly, I will discuss how women's freedom is constructed in the Indonesian context.

Islam: Levels of references

When seeking the answer or answers to such questions as, According to Islam, is a Muslim woman free to choose a career? Can she become presi-

dent? one had better pose that question to several Muslims. One might expect to receive various answers ranging from endorsement to complete rejection, and probably everything in between these two extremes. This plurality is actually closer to the truth than if we were to assume that there would be one single answer. How then can Muslims have different answers regarding the issue of women presidents despite their shared belief in Islam? What makes these differences possible? People refer to various sources, ranging from their parent's religious traditions or their religious teachers, the *hadiths* (reported deeds, sayings and approvals of the Prophet Muhammad), to the *fiqh* (practical Islamic law) book they once read; from the *fatwas* (edicts, opinions on religious matters) of local religious councils to the books of Qur'anic exegesis, and others. It is common that those who ask the questions and those who respond to them do not bother to clarify which foundational references they have in mind when they claim such and such to be "according to Islam." Are they referring to a Qur'anic text, exegetical commentary, a *fiqh*, or even one of the speeches by a religious leader or a politician in a *pengajian* (learning session)?

In most cases, I have found that Indonesian Muslims cannot substantiate their understanding of such women's issues as freedom with relevant Qur'anic texts or *hadiths*, let alone validate or contextualize them. This is partly due to the fact that since most Indonesian Muslims cannot read Arabic they cannot read the Qur'an and the *hadiths* in the original. Most Indonesian Muslims base their understanding of Islam on textbooks and popular writings, sermons by local religious leaders and the instruction received from their parents. While these are the most accessible resources, they are also the least verifiable and scrutinized sources of information on Islam.

In such a situation, there is considerable potential for irresponsible leaders to mobilize and manipulate their fellow Muslims for their own personal causes and interests. The sincere attitude of total obedience toward the leaders of the lay Muslim communities—which for many is a religious act—has historically proven to be vulnerable to being exploited and manipulated by any interested party: whether by the state apparatus, leaders of religious organizations, religion based politicians, or individuals.[1] There seems to be a clear link between the accessibility to knowledge and actual knowledge to the exercising of "freedom to" and "freedom from." For centuries, women in Indonesia have experienced various restrictions and discrimination regarding education (religious and general) in formal

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[1] Mass Muslim rallies are generally organized during various campaigns for the general or any other election.

institutions.[2] Thus, it is not surprising that, to this day, compared to their male counterparts, women have been left behind in their participation in developing religious discourse on freedom and responsibility.

In the Indonesian context, Muslims usually refer to several different sources:

The Qur'an and the *hadiths* (prophetic traditions): For Muslims, these are the two principal texts as sources of doctrine, rituals, values and morals. Although all Muslims consider Al-Qur'an and the prophetic traditions as the most important sources of reference, not all Muslims can read the original Arabic texts of the Qur'an, let alone understand their meaning. It is true that Muslims are more familiar with the Qur'an than with the *hadiths* because devout Muslims daily recite Qur'anic verses, regardless of whether or not they understand their meaning. Meanwhile, the *hadiths* are usually only accessed by more learned students in *pondok pesantren* (boarding schools specializing in Islamic studies) or advanced Islamic schools and universities.

The revelation of the Qur'an has stimulated the emergence and development of new sciences within the Muslim communities, such as theology, philosophy, law, exegesis, arts, etc. Qur'anic and *hadiths* studies have developed tremendously and created dozens of branches of science within each of them. The complexity and depth of Qur'anic studies and *hadiths*, including how the authenticity of these two sources has been examined, have attracted the attention of Muslim and non-Muslim scholars who have tried to theorize their research findings to understand the discourse.[3] The comprehensive Qur'anic and prophetic discourses are certainly beyond the grasp of lay Muslim communities.

Books of Qur'anic *tafsir* (exegesis and interpretation): For centuries, hundreds of *tafsir* books have been written by Muslim scholars in different parts of the world to decipher the meaning of the Qur'anic text in its original time and place, and to explore the significance of its meaning in relation to the contemporary world.[4] Some *tafsir* books highlight the assertion of the Qur'an in matters of *fiqh*/practical laws (actually only very few verses deal

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[2] Susan Blackburn, *Women and the State in Modern Indonesia* (Cambridge: Cambridge University Press, 2004), 33–51.

[3] For an example of the complexity of Qur'anic studies, see Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority and Women* (Oxford, Oneworld, 2001), 100–15.

[4] Ibid., 118–22.

with these), others present the mystical notions of Al-Qur'an, and then there are those that concentrate on the beauty and literary aspects of the holy book, etc.[5] Usually, only learned Muslims can read and comprehend the *tafsir* books, while the others have to rely on the scholars' understanding, explanation and statements.

Books on *fiqh* (Islamic law): *Fiqh* has been central to Muslims' lives. Joseph Schadt, as quoted by Minhaji, observed that "Islamic law epitomizes Islamic thought, the most typical manifestation of the Islamic way of life, the core and kernel of Islam itself."[6] These *fiqh* books constitute a manual for religious rituals and practical laws codified by Muslim *mujtahid* and scholars, which have also been produced and renewed in different regions and at different times. The study of the development of Islamic law is no less complex than the study of the Qur'an and the prophetic traditions. It is probably even more complicated as it involves human agents and sociopolitical and cultural considerations.[7] Generalizing somewhat, there are two major schools of thought: Sunni and Shi'i. Sunni consists of four main *madzhab*, namely, the Maliki, Hanbali, Hanafi and the Syafi'i schools of thought, while the Shi'i mainstream *fiqh* are the Imami and Ja'fari *madzhab*. The majority of Muslims in Indonesia— especially the Syafi'i— follow the precepts of the Sunni *madzhab* in their rituals and implementation of the law.

Manuals of prescribed rituals: These kinds of books usually contain one or more issues related to rituals or practical law; in other words, they are usually parts of *fiqh* books. Because of the high demand for them in Muslim communities, these books usually have a massive print run, are easily available and moderately priced. Some of these deal with one topic only, while others include several topics.

Fatwas (edicts or opinions) of religious scholars: In some countries, where Muslims are the majority, the existence of a council for religious opinions (*dar al-ifta*) is usually maintained. In Indonesia, almost all major Islamic organizations, such as Muhammadiyah, Nahdlatul Ulama and the government sponsored Majelis Ulama Indonesia (Indonesian Council of Religious

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[5] Nasaruddin Umar, *Argumen Kesetaraan Gender Perspektif Al-Qur'an* (Jakarta: Paramadina, 1999), 24–32

[6] Akh. Minhaji, *Islamic Law and Local Tradition: A Socio-historical Approach* (Yogyakarta: Kurnia Kalam Semesta Press, 2008), 51.

[7] El Fadl, op. cit. (note 3), 145–50.

Scholars) have their structural commission or ruling body to deliver the opinions of the organizations regarding certain religious matters of interest to the people and the community.[8]

Traditions and practices of local Muslim communities:[9] According to early Islamic scholars, local traditions, known as *'urf,* can be a significant consideration for formulating an Islamic law on specific issues. Thus, Muslims have various levels of references when they talk about Islam. These Islamic teachings may say different things about freedom and responsibility and other related issues pertaining to women's rights such as marriage, women traveling alone and women in leadership. Some are more conservative than others. Having briefly outlined the variety of sources for Islamic teachings, I will now look at the primary texts of Islam that deal with the notion of women's freedom and responsibility. It is also important to bear in mind that my discussion and understanding of the text is just one opinion among many others.

Equality between women and men with regard to freedom in the Qur'an

The concept of freedom may imply freedom from and/or freedom to. It is usually easier for Muslims to agree on the notion of freedom from, rather than freedom to—especially when the concept of freedom is seen from a gender perspective. Every Muslim would agree that all people, regardless of their gender, ethnicity, race, nationality and religion, should enjoy freedom from hunger, freedom from fear, freedom from threat. The list might also include freedom from all violations of items listed in the Universal Declaration of Human Rights. However, when we talk about "freedom to" then we may expect to see different lists for men and women. While we may find a very long list of what men have the freedom to do, we will find very long list of what women do not have the freedom to do. For instance, not all Muslims agree that Muslim women should have the freedom to choose their partners/husbands, the freedom to pursue their career, the freedom to decide to have or not to have children, etc. Arguments for and

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[8] In Muhammadiyah the *fatwa* is included and produced by the *Majelis Tarjih dan Tajdid* (Council for Religious Renewal and Consideration), while in Nahdlatul Ulama it is discussed within the Council for *Bahtsul Masail* (Comprehension of Issues), and in MUI by the *fatwa* Commission.

[9] Minhaji, op. cit. (note 6), 79–90.

the concept of freedom from and freedom to are based on many sources: local traditions, the state's legal system and certainly religious teachings that refer to various sources mentioned previously.

In this section, I will look at the Qur'an's normative message on freedom and responsibility before I discuss some evidence of how local tradition and Indonesian practices have a significant impact on the scope and form of freedom.

What does the Qur'an say about women's freedom? In the first place, the Qur'an says that women are similar to men: they are full human beings and created from the same *nafs* (soul substance), as clearly stated in QS. An-Nisa [4]:1

> O mankind! Reverence your Guardian-Lord, who created you from a single person, created, of like nature, His mate, and from them twain scattered (like seeds) countless men and women;- reverence Allah, through whom ye demand your mutual (rights), and (reverence) the wombs (That bore you): for Allah ever watches over you.

Furthermore, regarding the material substance from which humans were created and how God has breathed into that human creature the Qur'an states in QS. Al-Hijr [15]:26–31

> And We did certainly create human out of clay from an altered black mud; And the Jinn race, We had created before, from the fire of a scorching wind; Behold! thy Lord said to the angels: "I am about to create man, from sounding clay from mud moulded into shape; When I have fashioned him (in due proportion) and breathed into him of My spirit, fall ye down in obeisance unto him"; So the angels prostrated themselves, all of them together; Not so Iblis: he refused to be among those who prostrated themselves.

In other verses, the Qur'an also mentions that the souls of women and men have been given similar potency to differentiate between the wicked and righteous, as stated in QS. Ash-Shams [9]:8–10,

> And [by] the soul and He who proportioned it; And inspired it [with discernment of] its wickedness and its righteousness; He has succeeded who purifies it; And he has failed who instills it [with corruption].

The above mentioned Qur'anic verses establish the status of women as full human beings and their ability—equal to that of men—to acquire knowledge

with discernment. Thus, the concepts of human dignity and the sanctity of human life, combined with the full consciousness and knowledge that each human being—man or woman—has been created in God's image, with free will, has formed the basis for human freedom. Such a profound reality, an identity with the divine through God's breath and image, an acknowledgment of the sanctity and sacredness of the existence of the human race, men and women alike, demands the application of a free and mutual relationship of all human beings, regardless of their gender.

What about women's freedom to adhere to a religion, to have a faith? Are women granted the freedom to choose the religion they live with? The Qur'an has guaranteed the freedom to all human beings, men and women, to access the truth. In QS. Al-Baqarah [2]:256 Allah says,

> There shall be no compulsion in [acceptance of] the religion. The right course has become clear from the wrong. So whoever disbelieves in Taghut and believes in Allah has grasped the most trustworthy handhold with no break in it. And Allah is Hearing and Knowing.

According to Muslim scholars, freedom is given by Allah exclusively to human beings, regardless of gender and not to other creatures.[10] This is because freedom belongs to rational human beings and is not bestowed on angels—who have no free will—or to subhuman beasts. These last creatures are totally submissive and have no choice to act according to or against the will and way of God as mentioned in QS. Al-Hijr [15]:30–31. Although God has bestowed guidance and ways, God gives human beings the special capacity to to differentiate between good and evil by way of giving them *'aql* and *fuad*. While it is true that God's gift of freedom liberates human beings to have choice, it also implies responsibility. Human beings must use God's gift of reason and engage in rational discourse and be responsible for the consequences of their choices.

God, who loves the truth, confidently offers freedom and free will to all human beings, men and women, to make choices and decisions regarding religion, the true path they will follow. Thus, conscious human beings, following on God's side, cannot help but love to give and exercise their freedom. In everyday life, however, the situation is much different from the norms

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[10] Abdolkarim Soroush, *Reason, Freedom, and Democracy in Islam*: *Essential Writings of Abdolkarim Soroush*, transl. and ed. by Mahmoud Sadri and Ahmad Sadri (Oxford: Oxford University Press, 2000), 89.

sanctioned by the Qur'an. Who has taken away these fundamental principles of sanctified freedom in our society, and how are they taken away?

Women's freedom has been curtailed by several agents that have manifested themselves in different forms and institutions: from families to schools and from religious organizations to the state. Women's freedom has frequently been violated in the name of preserving local culture, women's dignity and religious purity.[11] In order to discover and eliminate the problems of women's freedom in a particular society, we need freedom: freedom to speak what we feel, freedom to investigate, freedom of opinion. In short, Soroush says that "in order to better utilize freedom, we need to be free and exercise our freedom. We cannot prepare for public freedom by practicing in private. This is a kind of machine that is fueled by its own product."[12]

The God given freedom that disregards gender differences should remain like that in practice. Furthermore, the basic concept for gender equality is stated in various Qur'anic verses, where parallels between men and women as well as their potential and capability are drawn. Here are some of the verses:[13]

> Men and women are rational human beings to whom Allah has given the special gift of freedom. QS. Adz-Dzariat [51]:56, QS. Al-A'raf [7]:10, "It is We who have placed you with authority on earth, and provided you therein with means for the fulfillment of your life. Small are the thanks that ye give."

> Men and women are created as the *khalifa* (vicegerent) of God on earth, stated in QS. Al-Baqarah [2]:30, "Behold, thy Lord said to the angels: 'I will create a vicegerent on earth.' They said: 'Wilt Thou place therein one who will make mischief therein and shed blood? Whilst we do celebrate Thy praises and glorify Thy holy name?' He said: 'I know what ye know not.'" QS. Al-An'am [6]:165 "It is He who hath made you (his) agents, inheritors of the earth. He hath raised you in ranks, some above others that He may tray you in the gifts He hath given you. For thy Lord is quick in punishment yet He is indeed Oft-forgiving, Most Merciful."

> Men and women have made a primordial covenant with God, as in QS. Al-A'raf [7]:172, "When thy Lord drew forth from the children of Adam, from

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[11] See, for instance, Valentine M. Moghadam (ed.), *Gender and National Identity: Women and Politics in Muslim Societies* (London and New Jersey: Zed Books, 1994); El Fadl, op. cit. (note 7), 209–63

[12] Soroush, op. cit. (note 10), 96.

[13] Nasaruddin Umar, *Argumen Kesetaraan Gende: Perspektif Al-Qur'an* (Jakarta: Paramadian, 1999), 247–63.

their loins-their descendants and made them testify concerning themselves (saying): 'Am I not your Lord (Who cherishes and sustains you)'? They said: 'yea, we do testify!' (This) lest ye should say on the Day of Judgment: 'Of this we were never mindful.'"

Men (Adam) and women (Hawa) were involved in their dramatic fall from heaven to earth and had to bear the consequences of their choice to eat the fruit of the forbidden tree, as stated QS. Al-Baqarah [2]:35, QS. Al-A'raf:19–25.

Men and women are given similar potency to achieve the best life QS. Ali Imran [3]:195, "And their Lord hath accepted of them, and answered them: 'Never will I suffer to be lost the work of any of you, be male or female, ye are members, one of another. Those who have left their homes, or been driven out there from, or suffered harm in My Cause, or fought or been slain, verily, I will blot out from them their iniquities, and admit them into gardens with rivers flowing beneath. A reward from the presence of God, and from His presence is the best of rewards.'"

Similar assertions can also be found in QS. An-Nisa' [4]:124, QS. An-Nahl [16]:97 and QS. Ghafir [40]:40.

According to the Qur'anic paradigm pertaining to the status and relations between men and women as human beings, we may find an image of women exercising their freedom from and freedom to carry out important endeavors in their lives. These might be in the form of enjoying freedom to:

- Take an independent political stand (*al-istiqlal as-siyasy*) as in QS. Al-Mumtahanah [60]:12 and QS. An-Naml [27]:23, which talks about the sovereignty of the Queen of Sheba.

- Manage their own economic affairs and to own property (*al-istiqlal al-iqtisody*) as mentioned in QS. An-Nahl [16]:97, which speaks about women shepherds who take care of large number of cattle and women the Prophet Moses met in Madyan, QS. Al-Qosos [28]:23.

- Develop their personality, as well as to make important decisions for themselves (*al-istiqlal as-syakhsy*), even though these decisions or choices are different from the ones taken by their husbands, as recorded in QS. At-Tahrim [66]:11–12. The Pharaoh's wife, Queen Isiyah, who was faithful and devout, is a clear example of this. She did not give up her faith in the One Mighty God and refused the Pharaoh's order to worship him.

Women's freedom: The prophetic tradition

Having discussed the Qur'anic verses confirming the full humanity of women and their freedom, we will now look at how the Prophet Muhammad treated women during his lifetime. To what extent did the Prophet give his wives the "freedom to" and "freedom for" as recorded in the *hadiths*.

Muslim scholars recognize that the Prophet Muhammad, under God's guidance, introduced new ways and revised women's status and their rights in his Arabian community, particularly in Mecca and Medina. He justified women's freedom and gave them the right to engage in public life. The Prophet frequently referred to women in connection with critical events, such as during the early days of his receiving God's revelation through Gabriel. To illustrate this, Fatima Mernissi, quoting Tabari's *Muhammad* and Ibnu Hisyam's *Sira*, wrote:

> Muhammad descended from the mountain. He was stricken with trembling and returned to his house [...]. His whole body trembled from fear and terror that Gabriel had inspired him [...]. He bent his head and said: "Cover me! Cover me!" Khadija covered him with a cloak and he slept. Khadija, who had read the ancient writings and knew the history of the prophets, had learned to recognize the name of Gabriel.
>
> Khadija convinced him that he was neither mad nor a poet, but well and truly the prophet of a new religion. Khadijah was his first adherent:
>
> "Whom shall I appeal to? Who will believe in me?" Muhammad asked her one day during one of the long conversations they had each time Gabriel appeared to him. Happy to see that he no longer doubted his new mission, Khadija exclaimed, "At least you can call on me before all others. For I believe in you!" The Prophet was very happy. He recited the profession of faith to Khadija and Khadija believed.
>
> This is the way Islam began, in the arms of a loving woman.[14]

This story of the Prophet seeking counsel from his wife, Khadija, is very well known, but usually the story stops here. The critical and significant roles she played in early Islamic history is not properly recognized, valued and appreciated.

The Prophet's wives are known to be women of quality, dynamic, influential and enterprising in their private and public lives. Khadija, the

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[14] Fatima Mernissi, *The Veil and the Male Elite. A Feminist Interpretation of Women's Rights in Islam*, transl. by Mary Jo Lakeland (Cambridge: Perseus Books. 1987), 102–3.

Prophet's first wife, showed such a quality: she was the one who proposed that Muhammad marry her because she found "that he had the qualities she most appreciated in a man."[15] In addition, Khadija was also a successful businesswoman, with a wide range of trading operations. Ummu Salamah, another of the Prophet's wives, was described by the author of *Al-Isab*, as quoted by Mernissi, as "a woman of uncommon beauty, very sound judgment, rapid powers of reasoning, and unparalleled ability to formulate correct opinions."[16] Ummu Salamah's fine intelligence can be seen for example during the event of the closing negotiation of the treaty of Hudaybiyya between the Prophet and the Meccans in the year 628 CE. This event was seen by his companions as being humiliating because the Muslims could not perform the *hajj* that year and were to return the following year instead. Again, referring to the Tabari's *Muhammad*, Mernissi narrated,

> After the conclusion of the treaty, the Prophet ordered the Muslims to shave their heads and put themselves in a state of penitence. None of them responded to his call, which he repeated three times. Very distressed, the Prophet went back to the tent of his wife, Ummu Salamah, whom he had brought with him. When she asked him the cause of his distress, he told her: "I ordered them three times to shave their heads; no one obeyed." Ummu Salamah said: "Do not worry at all, Apostle of God, but you yourself shave your head and carry out the sacrifice." The Prophet stood up, cut the throat of the camel destined for the sacrifice that he himself was to make, and shaved his head. His companions, seeing him do this, spoke of it to each other, and all shaved their heads and sacrificed their animals.[17]

These examples show that the Prophet regarded his wives as important human beings and granted them freedom to be themselves as women, as wives of the Prophet. Khadija enjoyed the freedom to engage in the public space, such as managing her trading enterprises and to be the first believer and to make a revolutionary break with the religious community of the past. Likewise, Ummu Salamah also exercised her freedom to speak up, freely to express her opinion and give the Prophet advice regarding his actions.

After outlining the normative morality of women's freedom contained in the Islamic texts, I shall now discuss the practical reality experienced by Muslim women in Indonesia.

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[15] Ibid., 116.

[16] Ibid., 115.

[17] Ibid., 104–5.

Women's freedom in the context of Indonesia: State policies

Indonesia has the largest Muslims population in the world. However, in constitutional terms, Indonesia is not an Islamic state. In light of this Muslim majority, how does the state treat its female citizens? Do Indonesian state gender politics reflect the Islamic normative values outlined previously? A detailed discussion on the relationship between Islam and Indonesia's policy on women's freedom certainly exceeds the scope of this paper. I shall therefore highlight some of the state's policies that have significantly affected the lives of Indonesian women and the way in which they exercise their freedom. The Indonesian government has extensively and significantly manipulated the "ideal" roles for women. From an historical perspective, the policy of the state toward women changed time and again. Summarizing these changes, Krishna Sen writes, "Women, politicized in the nationalist struggle and mobilized in Sukarno's populist politics, were domesticated in a state controlled by the military."[18] Thus, according to her, the majority of Indonesian women are not free to determine their roles and lives as citizens.

As soon as Suharto took over the Indonesian presidency in 1966, he disbanded the most militant women's organization of the day, Gerwani, which was affiliated with the PKI (Indonesian Communist Party). Gerwani had enjoyed limited freedom to organize women's movements during the short period of liberal democracy in the 1950s. Following the elimination of Gerwani, the Suharto regime systematically stigmatized women who exercised their freedom by becoming activists as immoral women who acted counter to their feminine nature. In so doing, the New Order regime propagated what is termed by Saskia Wieringa as "sexual metaphors linking women's political activity with sexual perversion and moral depravity."[19] At the same time, the government attempted to eliminate the limited freedom Indonesian women had had by imposing a new image of the ideal woman: the domesticated mother (*ibu*) who depends on her husband and is always ready to serve him, the family and the state. This idealized woman never questions her political rights and freedom, a notion that Julia Suryakusuma refers to as *ibuism*.[20] To strengthen this new gender ideology of *ibuism,* the

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[18] Krishna Sen, "Women in the Move," in *Inside Indonesia* 58 (April-June 1999), 14.

[19] Saskia Wieringa, *Sexual Politics in Indonesia* (The Hague: Institute of Social Studies/Palgrave Macmillan, 2002), 1.

[20] Julia Suryakusuma, "The State and Sexuality in New Order Indonesia" in L. J. Sears (ed.), *Fantasizing the Feminine in Indonesia* (Durham: Duke University Press, 1996), 98.

New Order government encouraged and sponsored the forming of wives' organizations.[21] KOWANI, the federation of dozens of women's organizations, which was an umbrella organization for women's groups and had been quite vocal in the past, was, during the New Order era, utilized to some extent as an extension of the state's control over the women's movement.[22]

Another major state policy greatly affecting the freedom of Indonesian women has been the family planning program. Despite some benefits, the most significant of which was the increased opportunity for economic improvement, the family planning program had serious weaknesses. The implementation of the program, particularly in terms of service and information, was of greater benefit to upper middle class women than to lower class women. Women in the latter group became objects without being able to decide for themselves. The emphasis of the program was directed toward decreasing women's fertility rate. The state has worked hand in hand with some religious scholars and groups to promote the family program. Some Muslim groups reformulated the family program by making it more compatible with Islamic ideals of family welfare and women's reproductive health. Nonetheless, throughout the history of Indonesia's family planning program, women were denied access to information and knowledge regarding contraception—how the different methods work and the way in which they affect women's bodies and health.

Coercion was used in order to reach the government's target number of women implanted with certain contraceptive devices. There is evidence that women were implanted with IUDs without any informed consent. Those reluctant to adopt contraception were stigmatized as being "anti development" or "deviant."[23] The state has taken away women's freedom to control their bodies. Only in the late 1990s, when women's reproductive rights became a major item on the international agenda and discussed by the United Nations, and foreign funding agencies provided financial assistance to various Indonesian organizations for addressing these issues,

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[21] For instance, in 1968 Rukun Ibu Ampera Pembangunan (Ria Pembangunan), an organization for the wives of state ministers, secretary generals and director generals in departments was founded, followed by the establishment of Dharma Wanita (Women's Duty) for wives of men who are state employees, Dharma Pertiwi for wives of men serving in the military and police offices, and PKK (Guidance of Family Welfare) for all women. See Sukanti Suryochondro, *Potret Pergerakan Wanita Indonesiai* (Jakarta: Rajawali, 1984).

[22] Susan Blackburn, "Gender Interests and Indonesian Democracy" in D. Bourchier and J. D. Legge (eds), *Democracy in Indonesia 1950s and 1990s* (Clayton: Center for Southeast Asian Studies Monash University, 1994), 174.

[23] Adrina and Kristi Purwandari, *Hak-hak reproduksi Perempuan yang Terpasung* (Jakarta: Pustaka Sinar harapan, Program kajian Wanita UI, the Ford Foundation), 78–80, 96–98.

did the government pay more serious attention to these problems. Thus, in 2000, when President Abdurrahman Wahid appointed Khofifah Indar Parawansa, a Muslim woman activist, to be the State Minister of Women's Roles, she changed the name of the ministry to the State Ministry for Women's Empowerment. She also took the national body coordinating the family planning program (known as BKKBN) under the control of her ministry. We can see an improvement in the state policy on women if knowledgeable women are put in the right positions.

In 1974, the New Order regime passed a national marriage law, which decreased the authority of religions and local customs in respect to personal and family affairs. In many ways, the law has given some protection to women in the areas of child marriage, forced marriage and polygamous marriage without consent, as well as offering them limited rights to initiate divorce. These rights had long been demanded by Indonesian women; already the first congress of "Indonesian" women's organization in 1928 had voiced similar demands. It is interesting to consider why it took until 1974 for the Indonesian government to introduce the national marriage law. Kathryn Robinson argues that the introduction of the national marriage law embodied the political tactics of the New Order. While, on the surface, the government seemed to grant the demands of women from the nationalist wings for a more secular marriage law, in fact the state was pursuing its own agenda, domesticating the ideology of womanhood and reducing women's fertility.[24] Indonesian marriage law has adopted a patriarchal family system in which the father, as the head of the family, deserves certain privileges not shared by his wife, including easier divorce if his religion permits. A wife is primarily to take care of her husband's children and the household. This notion is in accordance with the state's gender ideology according to which women are regarded as wives and mothers, or subordinate helpers and supporters of their husbands. Based on such premises, women's wages were regarded as secondary before the law and consequently women were paid less than men, regardless of her marital status, whether she was a single parent or her was husband unemployed.

During the United Nations' Decade for Women (1976–1985), women's issues came onto the international and, consequently, onto Indonesia's agenda. For the first time, the status and roles of Indonesian women as human resources appeared in the state's 1978 formal document, Broad

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[24] Kathryn Robinson, "Indonesian Women from Orde Baru to Reformasi," in Louise Edwards and Mina Roce (eds), *Women in Asia: Tradition, Modernity and Globalization*, (St Leonards: Allen & Unwin), 14.

Guidelines of State Policy (GBHN), apparently as a result of international pressure. The role of women in national development, however, should not be reduced to their devotion to the family and the support of their men. Despite the government's clichéd speeches about women's dual roles as family carers and independent income earners, there were no clear state policies encouraging women to assume political roles. Instead, women were given a double burden, because men were not required to take part in domestic chores while their wives worked outside the home. Indonesian Muslims, at least those who are holding positions in the legislative assemblies, seem to have forgotten the reported facts that the Prophet Muhammad mended his own torn clothes and sandals and ground wheat with his own hands; work that we now refer to as domestic chores.

In the 1990s, many women scholars from several well-known state universities, such as Gadjah Mada in Yogyakarta, Erlangga in Surabaya, the University of Indonesia in Jakarta and the State Institute for Islamic Studies in both Yogyakarta and Jakarta, began to promote women's studies at the academic level. As, at the beginning, their aim to develop women's studies programs within their universities was not approved, they tried to engage with the gender discourse in the form of *kelompok studi* (study groups), which were then raised to the level of *pusat studi* (centre for study). In fact, these centers for women's studies have been a major force, in addition to the NGOs, in applying pressure on universities, as well as in assisting the government to develop more gender sensitive policies. Women's studies centers at private and public Islamic universities, such as the State Islamic University in Jakarta and Yogyakarta, have played an important role in promoting the reinterpretation of Islamic texts on women's issues. Many of the committee members in the women's studies centers are themselves scholars in Islamic studies and thus have the authority to speak up on women's issues and freedom in Islam.

After the collapse of Suharto's New Order in May 1998, partly due to the strong demands of and support from NGOs and women activists, a significant change within the ministry pertaining to the role of women was carried out by Abdurrahman Wahid's Cabinet of Reformation. As soon as Khofifah Indar Parawansa was appointed minister in 1999, she proposed new arrangements and agendas for improving women's status and roles in more systematic ways, by adopting a gender analysis approach that gives women more freedom to make decisions regarding issues affecting their lives. In many of the ministry's goals to empower women and remove any obstacles that may prevent Indonesian women from being respected as

dignified human beings, the minister, with the assistance of many NGOs and centers of women's studies at universities, conducted various programs such as raising awareness of gender justice, eliminating violence against women and protecting women's rights and freedom. By the late 1990s, there was more discursive space for Indonesian women's groups to engage with women's issues and freedom from a feminist perspective, because a number of political obstacles had been removed.

Conclusion

For a long time, various agents have contested the notion of women's freedom and responsibility in Islam and their practices in society. Muslims use the primary sources from Qur'anic texts and *hadiths* to develop a more comprehensive and ethical guide on women's freedom and responsibility. Accordingly, Indonesian Muslims have a significant mandate to create the necessary instruments to guarantee that Indonesian women can exercise their freedom and be responsible, and that no one or no institution may take their right to freedom away.

Since Indonesia is a pluralistic state in terms of religion and ethnicity, the conceptualization of women's freedom and responsibility is naturally developed by incorporating the best ethical values available from religious sources and cultural customs. Indonesian Muslims, through their Islamic ethics on women's freedom and responsibility derived from the Qur'an and the *hadiths*, shall contribute to this endeavor of developing a civilization that respects women's freedom and responsibility or, in other words, to support the lives of civilized, free and responsible Indonesian women.

Freedom of Religion or Belief in Indonesia and the Challenge of Muslim Exceptionalism

Suhadi Cholil

On 21 May 1998, the New Order government fell with the resignation of Suharto after over thirty years in power. Suharto finally had to give in to prolonged and overwhelming pressure from student and popular protests over declining social cohesion and economic bankruptcy. His resignation marked "the end of an era."[1] According to many human rights scholars and activists, the New Order government had produced religious policies that supported Suharto's political interests, were discriminatory and contrary to the values of freedom of religion or belief. Assessing whether the demise of the regime meant the end of religious discrimination and the birth of freedom requires that we evaluate state policies and the development of civil society after the fall of the New Order era. As a cynical Indonesian anecdote would have it, because during the New Order legal manipulation often occurred to serve politics, the expression "law of the ruler" was heard more frequently than "rule of law."[2]

Indonesia is an archipelago comprising more than 13,000 islands and over 200 ethnic groups.[3] Its population is around 230 million. It is a religiously plural society, with Muslims in the majority (88.6 percent), Protestants (5.8 percent), Catholics (3.1 percent), Hindus (1.7 percent), Buddhists (0.6 percent) and Confucians (0.1 percent).[4] These six religions are commonly called the six official state religions, but the religious landscape is more complex. The Central Board of Statistics and the Department of Religious

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[1] Adam Schwarz, *A Nation in Waiting, Indonesian Search for Stability* (New South Wales: Allen and Unwin, 1999), 308.

[2] See Arief Budiman, "Foreword," in Timothy Lindsey (ed.), *Indonesia, Law and Society* (New South Wales: The Federation Press, 1999), v.

[3] Robert Cribb, "Nation: Making Indonesia," in Donald K. Emerson (ed.), *Indonesia Beyond Suharto, Polity, Economy, Society, Transition* (New York: M.E. Sharpe, 1999), 3.

[4] Badan pusat Statistik, *Indonesia dalam Angka 2005* [Statistical Year Book Indonesia 2005] (Jakarta: BPS, 2005).

Affairs excludes indigenous religions, which since their reemergence following the reformation era are quite significant.

Despite the complex reality at the grassroots level—especially since the early 1990s—Islam has been deeply involved in the state's religious policy decisions. For instance, in 1990 Suharto supported the establishment of the Indonesian Association of Muslim Intellectuals (ICMI), a Muslim think tank. Through the establishment of this Muslim intellectual association, the tendency toward state Islamization started to appear publicly.[5]

State policies and their impact on freedom of religion or belief

Leaders of Indonesian national movements started to refer to the rights of the Indonesian people during the struggle for independence. They included R. A. Kartini, H. O. S. Cokroaminoto, Agus Salim, Douwes Dekker, Soewardi Soeryaningrat and Sutardjo Soekarno, some of whom were Muslim leaders. R. A. Kartini (1879–1904), a progressive Javanese Muslim woman, wrote many letters and manuscripts, one of the most admired of which was published with the title, *Habis Gelap Terbitlah Terang* [From Darkness to Light], which was translated into Dutch in 1920. The book strongly advocated women's rights and emancipation, especially in education. Sukarno (1901–1970), a Muslim inspired by Ataturk of Turkey, wrote a popular defense, entitled *Indonesia Menggugat* [Indonesia Accuses], an indictment of Dutch colonialism. While drafting the 1945 national constitution, Sukarno and Supomo disagreed with the inclusion of citizen rights in the constitution, rights which they perceived as grounded in the ideas of individualism and liberalism. Although Muhammad Yamin and Mohammad Hatta did not support individualism and liberalism, they strongly insisted on including citizens' rights in the constitution, i.e., freedom to form alliances, to assemble and to argue verbally and in writing. Yamin and Hatta maintained that the insertion of citizen rights would guarantee that the future Indonesia would not be an authoritarian state.[6]

The Konstituante established a Human Rights Commission in parliament. Unfortunately, Sukarno disbanded the Konstituante in 1959. In 1968, at the beginning of Suharto's New Order era, the issue of including human rights in the constitution reemerged during the general meeting of the Temporary People's Consultative Assembly (MPRS). The assembly created an ad hoc

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[5] Schwarz, op. cit. (note 1), 162.

[6] Eko Riyadi (ed.), *Hukum Hak Asasi Manusia* [The Law of Human Rights] (Yogyakarta: Pusham UII, 2008), 237–40.

committee, whose task it was to draft a human rights law. The legal draft was not submitted to the General Assembly, because the drafters decided to wait for stronger political support following a new election.[7] However, the New Order government did not carry out an election until 1971, so no progress was made until then. During over twenty years of New Order governance, there was no legal discourse supporting human rights law.

In terms of human rights, the only progress made during the Suharto presidency was the establishment of a human rights body, an independent and special state commission on human rights established by presidential decree. The National Commission of Human Rights came into being in June 1993. It had four mandates, one of which was "to examine the United Nation's human rights instruments to give suggestions to the Indonesian government regarding possible accession and/or ratification."[8] Some experts doubted the commission's capability and independence. According to them, the Indonesian government had neither the goodwill nor the awareness of human rights struggles in relation to Indonesian domestic affairs, but instead pursued its own political interests. Newspaper editorials described the state's political interests as "upgrading Indonesia's image in front of the world's eyes."[9] These suspicions were reasonable in view of the government's preparations for the human rights conference in Vienna and the Consultative Group on Indonesia in Paris. Although for years following its establishment the commission was unable to take human rights violations to trial, its existence was an important foundation for work during the reformation era.

After Suharto's fall from power, the atmosphere changed. Many experts have called the reformation era an era "friendly" to human rights. In the first three years after Suharto's fall, the state published three basic human rights policies. As a result of considerable political and public pressure, the state administration could not ignore public demand. The People's Consultative Assembly promulgated the assembly's decision on human rights in November 1998, which mandated the House of Representatives, the President, and other high state administrations to develop a human rights bill.[10]

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[7] Ibid., 241.

[8] Keppres No. 50 tahun 1993 tentang Komnas HAM [The Presidential Decision No. 50 in 1993 on the National Human Rights Commission].

[9] Suara Pembaharuan Newspaper, *Terbentuknya Komisi Nasional HAM* [The Formation of the National Commision for Human Rights], 9 June 1993.

[10] Tap MPR No. XVIII/MPR tahun 1998 tentang HAM [The Decision of the People's Consultative Assembly No. XVIII/MPR in 1998 on Human Rights]. This policy was signed by Harmoko, the head of the People's Consultative Assembly.

During the first year of the reformation era, the House of Representatives collaborated with the President to process a legal draft, which was finally enacted in September 1999 as the Human Rights Bill.[11] This bill not only guarantees civil, political, economic, social and cultural rights and those of children, women and indigenous peoples, but also procedures that enable participation by individuals, social groups, NGOs and centers for human rights study in human rights reporting. The most formidable progress was the inclusion of a human rights chapter in the amendment of the 1945 constitution. In August 2000, the House of Representatives inserted a chapter on human rights in the second amendment of the constitution. In this amendment, articles 28A to 28J mandate the state to respect, protect, promote and fulfill human rights. Besides publishing domestic policies on human rights, Indonesia has ratified international human rights instruments. Between 1998 and the end of 2007, Indonesia ratified eight of twenty-five basic international human rights instruments. In October 2005, Indonesia joined the International Covenant on Civil and Political Rights (ICCPR), which binds Indonesia to guarantee freedom of religion. Paragraph 29 of the 1945 constitution guarantees citizens the right to practice their religion. After joining the ICCPR, the normative justification for the freedom of religion or beliefs has been getting stronger in Indonesia.

Indonesian policies on freedom of religion or belief, created during the first decade of the reformation era, include the following:

- The insertion of an article guaranteeing the freedom of religion and worship into the human rights chapter of the 1945 constitutional amendment. Furthermore, the 1945 constitution states that each person has the right to be free from all acts of discrimination.

- The 1999 Human Rights Law No. 39 contains a similar statement regarding the right to worship according to one's religion or beliefs.

- The 2000 Law of Human Rights Court No. 26 recognizes that attacks conducted widely and systematically against citizens constitute a crime against humanity. The crime addressed was the discrimination against a certain group or association based on religious as well as other forms of identity.

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[11] UU No. 39 tahun 1999 tentang HAM [Law No. 39 in 1999 on Human Rights]. This law was signed by President Bacharudin Jusuf Habibie.

- The Presidential Decision No. 6/2000 reacknowledged Confucianism as one of the official state religions, reversing its earlier prohibition.

- The Law of Civil Administration No. 23/2006 to some extent improved the position of members of indigenous religions in civil registry procedures. Since the early years of the New Order era, they had had to choose one of five official religions—Islam, Protestantism, Catholicism, Hinduism or Buddhism—for their ID, even though they were not members of those religions. Now they are permitted to leave blank the religious identity line on the ID.

During President Abdurrahman Wahid's era, Presidential Decree No. 6/2000, which reversed Suharto's instruction on restricting Confucianism among other beliefs, seems to have revitalized the interest in Confucianism, whose adherents had been repressed for over thirty years. When, in 2000, the Reformation government first issued new regulations supporting freedom of religion for Confucianism, the state bureaucracy did not implement these efficiently. It took time before the new policy was applied in the lower state bureaucracy. As late as 2004, some Confucians expressed regret that they still could not register Confucianism on their ID. Tjoa Tie Sing, a board member of the Confucian temple in Tangerang, explained that while they were able to perform Chinese arts and exhibit these easily in the public sphere, it was still difficult for Confucians to register their identity on their ID.[12] Five years after the anti-Chinese discrimination policy had been drawn up, Aan Usmansyah and other Confucians complained to the local House of Representatives in Bogor because they had met obstacles when trying to register their Confucian identity on their ID. The sub-district administrators explained that as yet there were no operational guidelines for the new policy.[13] However, the situation significantly improved on 4 February 2006 following President Susilo Bambang Yudhoyono's speech supporting the freedom of religion for Confucians during the Imlek celebration.[14]

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[12] Sinar Harapan Newspaper, *Hak Sipil Pemeluk Khonghucu Masih Terabaikan* [The Civic Rights of Confucians are Still Neglected], 21 January 2004.

[13] Kompas Newspaper, *Pemeluk Konghucu Kesulitan Bikin KTP* [The member of Confucianism Meets Problem in Making the ID], 5 September 2005.

[14] Suhadi Cholil (ed.), *Resonansi Dialog Agama dan Budaya: Dari Kebebasan Beragama, Pendidikan Multikultural sampai RUU Anti Pornograf* [The Resonance of Religious and Cultural Dialogue: From the Freedom of Religion, Multicultural Education to the Plan for an Anti-Pornography Bill] (Yogyakarta: CRCS, 2008), 77.

Furthermore, on 24 February 2006, the Ministry of Home Affairs sent a Ministerial Letter No. 470/336/SJ to all governors and mayors, instructing them to include the Confucian identity on the ID.[15] From then on, the policy was well implemented at the lower levels of the state's administration. After the publication of the ministry's policy, the Yogyakarta civil registry, for example, began a service for Confucians wanting to change their ID and marriage certificates to include their Confucian identity.[16]

While adherents of indigenous religions have obtained some degree of freedom during the era of Reformation, their situation remains unsatisfactory, since they still cannot declare their religion, be it Kaharingan, Parmalim, Sapta Darma, etc. Since the enforcement of the Law of Civil Administration, indigenous marriage ceremonies are legal. The case of Misman and Dwi Rahayu, members of the Sapta Darma indigenous religion based in East Java, illustrates the impact of the new policy. Under the new law, this couple was allowed to marry according to their indigenous religious ritual, Sapta Darma. Even though the couple had to go to court, they finally got permission to register their Sapta Darma marriage in mid 2007.[17] Over the last years, increased religious freedom has led to an appreciation of human rights concerns among Indonesians, as well as the recognition of the challenges posed by implementing freedom of religion in Indonesia.

The challenge of legal harmonization and Muslim exceptionalism

Since 1998, developments in religious freedom in Indonesia have given rise to two fundamental challenges. Laws and state policies, contrary to the values of religious freedom, have been inherited from previous colonial regimes and are deeply embedded in state practices. The challenge of legal harmonization from the Indonesian sociological and political perspectives inevitably raises the issue of Muslim exceptionalism in human rights issues. Both challenges, the larger issue of legal harmonization and the narrower, but no less difficult, issue of Muslim exceptionalism, will be treated together.

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[15] The official website of the Department of Home Affairs, *SK Mendagri Soal Khonghucu Tak Perlu Petunjuk Teknis*," www.depdagri.go.id/konten.php?nama=Berita&op=detail_berita&id=60, accessed 5 June 2008.

[16] Kompas Newspaper, *Gencar, Sosialisasikan Revisi Akta Kawin dan KTP* [Unceasing. Socializing the Marriage Certificate Revision and the ID], 28 April 2004.

[17] Jawa Pos Newspaper, *Hakim Kabulkan Pernikahan Pengikut Aliran Sapta Darma*, 12 July 2007.

Overcoming legal contradictions of religious freedom in contemporary Indonesia depends on reducing Muslim exceptionalism.

There are two previous state policies, which to some extent impede legal reformation, i.e., Criminal Code article 156a and PNPS Law No. 1 of 1965 on religious blasphemy. Even though both policies deal with religious blasphemy, the law has frequently been implemented improperly. The anti-blasphemy policy protected some religious groups while eradicating other religious groups whose activities were considered humiliating to the faith of the previous group.

This situation was aggravated by the role of the Monitoring Team on the Public's Beliefs (PAKEM), the state "faith police." Regarding blasphemy toward Islam, the case of Ahmadiya is a good example of how Muslim exceptionalism works, although it must be noted that this law was not only implemented against Muslim groups; in December 1976, the state, through the Attorney General, banned the Jehovah's Witnesses.

In this case, some Indonesian Muslim groups felt that the Ahmadiya group blemished the core faith of mainstream Islam concerning prophecy. Its founder, Mirza Ghulam Ahmad, was born in 1839 in the village of Qadian, Punjab. In 1880, he published the first two parts of his most famous work, the *Barahin-i-Ahmadiya* [Ahmadiya Proofs]. This basic doctrine argues that in every century of the Muslim era, God will raise up one who shall reform the faith. Ghulam Ahmad declared himself as the one who had been predicted at the beginning of the fourteenth century. The Ahmadiya movement started in 1889, when Ahmadiya announced that God had commanded Muslims to swear a *bai'at* [oath]. Two years later, Ghulam Ahmad (d. 1908) received a more startling and convincing revelation, declaring that he was both the promised Messiah and the coming Mahdi expected by Muslims. His followers were first called Qadiani, and by 1896 numbered about 300. Fifteen years later, his followers were estimated at nearly 50,000, reaching approximately 70,000 in 1918.[18] Eventually, the Ahmadiya movement split into two groups, the Qodian and the Lahore. Today, there are an estimated 500,000 Ahmadiya followers of both groups in Indonesia.[19] In 1924, the Lahore mission came to Indonesia via Yogyakarta and, in 1925, the Qodian arrived in Padang

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[18] James Thayer Addison, "The Ahmadiya Movement and its Western Propaganda," in *Harvard Theological Review,* Vol. XXII, No. 1 (January 1929).

[19] *Tempo Magazine*, 11 May 2008, 32.

Sumatera.[20] Current debates in Indonesia relate to the doctrine around the status of Mirza Ghulam Ahmad: the Qodian group views Ghulam Ahmad as the Prophet (*nabi*) and the Lahore group looks at him as the Reformer (*mujadid*). Most Indonesian Muslims believe that Muhammad is the final prophet, and regard Ahmadi followers as "heretics."

Acts of violence against the Ahmadiya group escalated after July 2005, when the Indonesian Ulama Council reissued a religious decree on the heretical position of Ahmadiyah. At least two local governments in Java outlawed Ahmadiyah's activities in their districts. Following the Indonesian Ulama Council's decree, attacks on Ahmadiya devotees occurred in numerous places, including Lombok Timur in West Nusa Tenggara, and in areas of West Java. These attacks continued throughout 2006, forcing 187 Ahmadis to flee to a refugee camp in Lombok after a mob had demolished their homes and mosques. In December 2007, mobs attacked the properties, homes and mosques of Ahmadiya adherents in Kuningan, West Java. On 20 April 2008, demonstrators from radical groups, including the Islamic Defenders Front (FPI) and Hizbut Tahrir Indonesia (HTI), attacked the personal properties and organizations of Ahmadiyah.[21] *Tempo Magazine*, the largest Indonesian news magazine, reported that from September 2002 through April 2008 Ahmadiya had been exposed to violence in fifteen areas of Sumatera, West Java, West Nusa Tenggara, Celebes and West Borneo.[22] In 2008, the attacks and threats against Ahmadiya families in Indonesia were reported to the United Nations' Human Rights Council in Geneva.[23]

Neither the state nor the police responded to these acts of violence. The state's seeming paralysis was rooted in its confusion over whether to implement the 1945 constitution, which declared religious freedom, or to accommodate Muslim exceptionalism, supported by article 156a of the Criminal Code and PNPS Law No. 1 on religious blasphemy. In 2006,

[20] Iskandar Zulkarnain, *Gerakan Ahmadiya Indonesia* [The Indonesian Ahmadiya Movement] (Yogyakarta: LKiS, 2005), 211, 231.

[21] Human Rights Watch, "Indonesia: Scrap Proposed Religion Ban, Government Should Protect Ahmadis, Not Persecute Them," at http://hrw.org/english/docs/2008/04/23/indone18623.htm, accessed 22 May 2008.

[22] *Tempo Magazine*, 5–11 May 2008, 29–39.

[23] The Office of the High Commissioner for Human Rights, "Compilation Prepared by the High Commissioner for Human Rights in Accordance with Paragraph 15(B) of the Annex to Human Rights Council Resolution 5/1: Indonesia," Geneva, 7–18 April 2008.

President Yudhoyono affirmed that there was no official state religion.[24] This kind of statement has been interpreted as meaning that there are no significant problems regarding religion at the level of national policy. But, if the government really wants to respect religious freedom, then it must evaluate and harmonize all state policies regarding religious freedom as mandated by the 1945 constitution. Because the nation has not harmonized its policies, it does not know how to treat the Ahmadiya case. In fact, national policy has been quasi hijacked by Muslim exceptionalism. First, the Indonesian Ulama Council encouraged the government to ban the Ahmadiya group. Then, on 16 April 2008, the Monitoring Team on the Public's Beliefs published a recommendation, requesting the government to prohibit Ahmadiyah's activities based on PNPS Law No. 1, which was interpreted to mean that Ahmadiya blasphemes Islamic doctrine and faith and deviates from Islamic teaching.[25] However, this is a theological not a legal question. The constitution guarantees Indonesians religious freedom, regardless of their religious affiliations or the content of their beliefs. That is why both PNPS Law No. 1 and article 156a of the Criminal Code should be subject to legal harmonization. According to the constitution, the state cannot be partisan in religious debates. All religions are equal before the law, with no Muslim exceptionalism.

Indonesian Muslim exceptionalism is deeply rooted in the segregation of religions first implemented during colonization. Legal segregation based on religious affiliation began under Dutch colonial administration, which divided civil law according to ethnicity and religion in the *Indische Staatsregeling*: European (Staatsblad 1849), Chinese (Staatblaad 1917), Indigenous (Indonesian) Christian (Staatsblad 1933), and Indigenous (Indonesian) non-Christian (Staatsblad 1920).[26] After independence in 1945, this segregation was taken over by the Indonesian government and given a new face, i.e., Muslim and non-Muslim. Four months after independence, in January 1946, the Indonesian government established the Ministry of Religious Affairs, which was to serve all Indonesian religions. But, in fact, the department was always more focused on Muslims with the excuse that

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[24] *Gatra Magazine,* No. 16 (27 February 2006).

[25] See Wahid Institute, "Bakorpakem Putuskan Ahmadiya Menyimpang [The Bakorpakem Decided that Ahamadiyah had Deviated]," in *Monthly Report on Religious Issues,* edition IX (April 2008), 1–4.

[26] See R. Soetojo Prawirohamidjojo and Marthalena Pohan, *Hukum Orang dan Keluarga* [Personal and Family Law] (Surabaya: Airlangga University Press, 2000), 1.

Muslims were in the majority. Religious segregation in the civil registry continued amid religio-political contestation and negotiation.

In 1989, the Indonesian government published the Law of Religious Courts (UU Peradilan Agama) No. 7/1989. Although the law used the generic term "religious," the court is only for Muslims, and was implemented following long debates on state Islamization. The legal scope of the religious court encompasses marriage, inheritance and religious donations. The legal code used by the religious court is the Compilation of Islamic Law, which had Islamic but not legal status. Now this law is effectively implemented in civil affairs, but only for Muslims. Muslims go to the Office of Religious Affairs and the religious court, while non-Muslims go to the civil registry and the state court. This kind of segregation is a slightly simplified version of civil segregation under Dutch colonial administration. Both legal religious segregation and Muslim exceptionalism are illustrated by the law pertaining to Muslims marrying non-Muslims.

According to the 1974 Marriage Law No. 1, a legal marriage may only be contracted religiously. As the Indonesian Muslim family law was codified through the religious court in the Compilation of Islamic Law, it became impossible to contract a marriage between a Muslim and non-Muslim. Articles 40 and 44 of the Compilation of Islamic Law prohibit Muslims from marrying non-Muslims, regardless of the Islamic teaching regarding gender and the People of the Book (*ahl al-kitab*), as richly detailed in classical Islamic traditions.[27]

In 2006, the government issued the Law of Civil Administration No. 23, which reopened the possibility of interreligious marriage, except for Muslims. Article 35 of the law mentioned that marriage registration is also valid for "a marriage which is determined by the court" and explained that "a marriage which is determined by the court is a marriage among followers of different religions."[28] However, the law specifically exempts Muslims from contracting an interreligious marriage.[29] Consequently, according to the law, it is permitted to conduct interreligious marriages between Hindus and Christians, Buddhists and Hindus, Confucians and Christians, etc., but not for Muslims. Despite the fact that the constitution and other laws

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[27] Suhadi Cholil, *Kawin Lintas Agama Perspektif Kritik Nalar Islam* [Inter-Religious Marriage in the Critical Islamic Perspective] (Yogyakarta: LKiS, 2006), 34–52.

[28] UU Administrasi Kependudukan [The Law of Civil Administration], the explanation of article 35 point "a".

[29] The Law of Civil Administration (UU Administrasi Kependudukan) No. 23/ 2006, article 1 (23), 8 (2), 9 (2–3), 34 (4).

guarantee religious freedom for Indonesian citizens, Muslims are the exception when it comes to interreligious marriage. Muslim leaders use the state to "protect" their community's interest in spite of the personal rights and freedom of Muslims as citizens.

Protecting the Muslims' communal interest is at the core of Muslim exceptionalism. This can be illustrated by some Islamic political parties' stances during the drafting of the 2006 Civil Administration Law on the deletion of religious identity on the ID. One of the reasons given by the Welfare Justice Party, an Islamic party, was that "the religious identity must still exist fron the ID, because members of indigenous religions admit that their beliefs are not a religion."[30] Of course, these groups had only taken this position in order to evade further repression by the government, which had refused to recognize them as a religion. Permadi, a member of the Indonesian Democratic Party, a secular party, supported the ID change,

> if we will publish this law [in] which religion and belief still remain on the ID and other citizen administrative forms, then there will be discrimination… . In Jakarta, where I put my religious identity as an indigenous believer toward the One God, I am prohibited from marrying my children [to anyone]. This is a crazy treatment… .[31]

Subsequently, the House of Representatives formulated a compromise article, which retained the status quo while leaving a loophole for non-official religions by allowing them to leave the religion questions blank. Ibnu Djarir, the head of the Indonesian Ulama Council of Central Java, explained the decision to keep religion on the ID by saying that putting religious identity on the ID makes personal religious identity public, which is useful in the case of marriage and funerals.[32] Some Muslim political leaders argued that it would be difficult to count the number of Muslims and enact religious protection for them in civil affairs such as marriage, inheritance, etc. if there were no religious identity on the ID.

Indonesian legal reform needs more vigorously to implement legal harmonization. It especially needs to challenge the concept of Muslim

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[30] The Report of the House of Representatives Commission II on the Legal Draft of Civil Registration, 8 December 2006.

[31] Ibid.

[32] Ibnu Djarir, "Kolom Agama dalam KTP Tak Penting?" in *Republika,* April 2008. This article is a response to Jaya Suprana's joke that listing one's personal tax number on the ID is more important than mentioning religion.

exceptionalism. When reforming the law, greater religious freedom must be granted to Muslims. For instance, the state must adopt legal pluralism, which allows Muslims to be subject either to "Islamic" marriage law or "civil" marriage law permitting interreligious marriage. This kind of legal alternative is not an ideal solution, but it is currently the most pragmatic, politically possible solution.

Reexamining Muslim exceptionalism

When examining the concept of exceptionalism in human rights we can refer to Michael Ignatieff's book, *American Exceptionalism and Human Rights*.[33] While examining current American foreign policy trends, Ignatieff distinguished three types of human rights exceptionalism in US policy. The first is exceptionalism, in which the USA encourages multilateral agreements and regimes, but only if they consent to exemptions for US citizens or practices. One example of exceptionalism is the USA not signing the Kyoto Protocol on Climate Change; a second is the USA not observing Geneva Convention standards at Guantanomo in holding prisoners suspected of being terrorists.

A second type of exceptionalism are the double standards the USA applies when it judges other countries, or its allies according to different criteria from those it applies to its foes e.g., it condemns abuses by its foes—Iran and North Korea—while it forgives the similar abuses in allied countries such as Israel, Egypt, Morocco, Jordan and Uzbekistan.

A third type of exceptionalism is legal isolationism which has characterized the position of the US courts toward the rights jurisprudence of other liberal democratic nations. American arbitrators are opposed to using foreign human rights precedents to guide them in their domestic opinions. One indication of this is the belief of some American judges that foreign legal positions are too liberal, and thus alien to the American mainstream, for instance on such issues as the death penalty, abortion and so on.[34] This exceptionalism positions US double standards at the forefront of universal human rights, while negating some human rights standards depending on its political interests.

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[33] Michael Ignatieff (ed.), *American Exceptionalism and Human Rights* (Princeton: Princeton University Press, 2005).

[34] Ibid, 3–9.

American exceptionalism is inter alia rooted in an historical strand of Puritanism that viewed America as the fulfillment of God's promise and as a moral model for the world, and in America's current sense of itself as a unique country, essentially different from any another country.[35] It should be mentioned here that many other nations, not only the USA, have been applying concepts of exceptionalism. For example, Saudi Arabia and Singapore have their own human rights exceptionalism. In addition to signing human rights conventions with significant reservations, Saudi Arabia insists that international human rights conventions related to free marriage choice and freedom of belief remain unsupported by their domestic law.[36] Singapore has been facing the dilemma of rapidly building an advanced nation on the one hand and creating authoritarian rules restricting the political rights of its citizens in the interest of preserving national stability on the other.[37]

Khaled Abou El Fadl's and Abdullahi Ahmed An-Na'im's comprehensive Islam and human rights will be the framework for reexamining Indonesian Muslim exceptionalism apologetics. Indonesians will seek to fulfill what Tore Lindholm regarded as the basic duty of bringing about the appropriate grounds of public legitimacy for human rights bridging religious and philosophical differences.[38]

Muslim exceptionalism needs to be reexamined in relation to the freedom of religion. In light of Lindholm's questions about philosophical and religious justification, both require justification within the Islamic discourse. In the case of Ahmadiya groups, do they really blemish the Islamic mainstream faith by claiming Ghulam Ahmad as the promised prophet (*al-mahdi*) indicated in the Prophet Muhammad's tradition (*hadiths*)? In the case of intermarriage, how can Indonesian Islamic law prohibit such when actually the Prophet Muhammad himself and his disciples married Jewish and Christian women? Since both cases are not merely publicly debated, but are embedded in national law, any reexamination has to reach what Abdullahi Ahmad An-Na'im refers to as debates negotiating *shari'a* in a secular state. This reexamination requires a deep contextualization focusing

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[35] David Mauk and John Oakland, *American Civilization: An Introduction,* second edition (London: Routledge, 1997).

[36] Ignatieff, op. cit. (note 33), 5.

[37] See Garry Rodan, "Singapore Exceptionalism? Authoritarian Rules and State Transformation," Working Paper, Asia Research Center at Murdoch University, Australia, May 2006.

[38] Tore Lindholm, "Philosophical and Religious Justification of Freedom of Religion or Belief," in Tore Lindholm, W. Cole Durham, Jr., and Bahia G. Tahzib-Lie (eds), *Facilitating Freedom of Religion or Belief: A Deskbook* (Leiden: Martinus Nijhoff Publishers, 2004), 20–21.

on Muslims living now in the modern, post-colonial nation state, rather than Islamic discursive debates in the tradition per se.

According to Khaled Abou El Fadl, of all the ethical challenges facing Islam in the modern age, the problem of human rights is the most daunting and critical. This is not because Islam is more prone to supporting behavior that ignores or violates the rights of human beings, but due to the particular historical dynamics that Muslims have had to confront in the modern age. In the writings of some dogmatists such as Sayyid Qutb, Abu A'la al-Mawdudi and Jalal Kishk, the human rights discourse is treated as a part of the Western cultural invasion of Muslim countries, and as a tool for instilling in Muslims a sense of cultural inferiority. [39] Farhad Haq adds that they are not actually opposed to principles of human rights, but vehemently reject the Western vision of human rights. Al-Mawdudi (1903—1979) remarks that some Islamists thought that the basis of "the secular human rights" produced by the West in this modern age contradicted "Islamic human rights." The Islamic perspective is that human rights are given by God and sovereignty is vested in God, through the Prophet and the caliphs. In Western democracy, on the contrary, the people are sovereign. [40]

El Fadl summed up the Muslim intellectual response toward human rights as having two predominant orientations, the first apologetic and the second Puritan. The apologetic orientation comprises an effort by a vast number of Islamists to protect and recover the Islamic system of belief and tradition from the offensive of Westernization and modernity. They generate a large body of texts that claim Islam's inherent compatibility with international human rights, and even claim that the Islamic tradition constitutes a fuller and more coherent expression of human rights. The Puritans, on the other hand, insist on Islamic particularity and uniqueness and reject all universalism except the universals of Islam. Between the two dominant responses of apologetics and Puritanism, Islamic discourse on human rights has remained vastly underdeveloped. Consequently, there has been a great deal of vagueness surrounding what may be called the human rights commitment in modern Islam. [41] This ambiguous position and

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[39] Khaled Abou El Fadl, "The Human Rights Commitment in Modern Islam," in Joseph Runzo et al. (eds.), *Human Rights and Responsibilities in the World Religions* (Oxford: One Word, 2003), 301, 306.

[40] Farhat Haq, "Jihad over Human Rights, Human Rights as Jihad: Clash of Universals," in Lynda S. Bell, Andrew J. Nathan and Ilan Peleg, *Negotiating Culture and Human Rights* (New York: Columbia University Press, 2001), 244.

[41] El Fadl, op. cit. (note 39), 306, 309, 311.

response toward what is called universal human rights is also reflected in the contemporary Indonesian discourse.

The usual reason for supporting Indonesian Muslim exceptionalism is the majority status of the Muslim population. The establishment of the Ministry of Religious Affairs in 1946 compensated for the Muslims' political failure to include *shari'a* in the basic principles of the 1945 constitution. In practice, this ministry is a state enclave where Muslim exceptionalism is politically and administratively managed. However, it is important to note that the Ministry of Religious Affairs has never fallen into radical religious conservativism because of its ambiguous task. On the one hand, it became a place where Muslims struggle with their exceptionalism and, on the other, it needed to adjust the national political identity to fit the pluralistic Indonesian society. In certain situations, the ministry supported quite progressive decisions: the 1974 Marriage Law, which some conservative groups claimed deviated from *shari'a* with the decision to accept Pancasila as the sole ideology for political parties and mass organizations as part of a "de-Islamization" in 1983; the regular scholarship project for Islamic university lecturers to be sent to leading Western universities since the 1980s in an effort to develop more scientific study of Islam. But the department has also encouraged such conservative programs as the rules restricting worship buildings—initiated in 1969 and renewed in 2006—which predominantly restricts religious minority groups, sponsored the establishment of the Indonesian Ulama Council (MUI) in 1975 and, most recently, in 2008, restricted the Ahmadiya group's activities.[42] Because of this state institution's ambivalent role, some Muslim political groups have succeeded in forcing their self-interest into public policy.

This partial acceptance of principles of freedom of religion while rejecting related principles which contradict Muslim traditions and their communal interests characterizes Indonesian Muslim exceptionalism. The reexamination of Muslim exceptionalism could benefit from a systematic study by An-Na'im on *shari'a* and its position within a secular state. For Muslims, including Indonesian Muslims, *shari'a* plays an essential role in determining and establishing Islamic ethical norms and values. These essential norms, procedures and processes within *shari'a* should be at least consistent with

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[42] See Ahmad Syafi'i Mufid, "Departemen Agama dan Upaya Menjaga Equilbrium Bangsa" [The Ministry of Religious Affairs and The Effort to Keep the Nation's Equilibrium], in Suhadi Cholil (ed.), *Diskriminasi di Sekeliling Kita: Negara, Politik Diskriminasi dan Multikulturalisme* [The Discrimination around Us: The State, Politics of Discrimination and Multiculturalism] (Yogyakarta: Interfidei, 2008), 53–74.

present universal human rights standards.[43] In relation to freedom of religion, when the Indonesian government ratified the International Covenant on Civil and Political Rights (ICCPR) in 2005, without protest from Muslim groups, the Indonesian government and people bound themselves by the universal values of religious freedom. However, in practice it is not so simple. Throughout the history of Islam, Muslim scholars or *ulama* have been formulating a worldview for guiding Muslims in the world and hereafter through so-called *shari'a*. To some extent, *shari'a* has also been used to support the political interests of Muslims and of certain groups of Muslims in conflict with other Muslim groups. Western colonization provoked Muslims to use *shari'a* against Western values and colonization. Thus, despite the fact that Islamic traditions have engendered views and institutions that could be developed into a systematic social and ethical commitment to human rights, human rights present a daunting challenge to the Muslim tradition due to the specific historical dynamics that have threatened Muslims.[44] In the search for a solution, it would be unfair to accuse Islamic traditions without making an effort to reduce the tension between Islam and the West. The process becomes more difficult when Muslims see double standards, hypocrisy, and exceptionalism in human rights by some in the West. An-Na'im insists that it is important to separate *shari'a* and the state, not *shari'a* and society or politics. The concept of secularism simply speaking means that in order to be a Muslim by faith and free choice, Muslims need secularism. By a secular state, we mean one that is unbiased concerning Islamic doctrine, and that does not maintain or pretend to enforce *shari'a*, because real compliance with *shari'a* cannot be forced by fear of state institutions. When respected voluntarily, *shari'a* plays a basic role in forming and creating moral norms and values that can be represented in general legislation through democracy. An-Na'im thus argues that *shari'a* principles cannot be enforced by the state as public rules and public law solely on the grounds that they are judged to be part of *shari'a*.[45] Within this framework, it would be important to discuss the constitution, human rights and citizenship in the modern nation state, including in Islamic nations. All Muslims today reside under what is usually referred to as the nation state, which is based on European models that

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[43] Abdullahi Ahmed An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a* (Cambridge: Harvard University Press, 2008), 131.

[44] El Fadl, op. cit. (note 39), 301.

[45] An-Na'im, op. cit. (note 43), 1.

were established around the world through colonization, even in countries that were not officially colonized. In this kind of political sphere, a state must use "civil reason" to generate norms for its constitution, laws and policies, but in a manner that does not place the autonomy of the state at serious risk. Part of the state's task is to empower the largest possible number of citizens—whether as individuals or as groups—to represent and debate issues of public policy through the domain of civic reason. Many Muslims have argued that *shari'a* is the authoritative law itself. Instead, in practice, the doctrine of necessity (*darura*) is the ideal that is honored in principle but never in practice.[46] An-Na'im invites Muslims to be realistic when looking at the relation of *shari'a* to national constitutions, which in practice must consider the development of human rights in the modern world. By affirming the moral norms of universal human rights and using the constitution as the legitimized instrument of social order, discussions of *shari'a* would be realistic rather than idealistic.

Furthermore, according to An-Na'im, for non-Muslim (*dhimma*) to attain full, human rights based citizenship requires three components. The first is the authentic transition from the *dhimma* system to formal citizenship. The second element is the means to maintain and advance that transition through methodologically sound and continual Islamic political reforms in order to root constitutional and human rights values in Islamic teachings. The third is the consolidation of these two components into local discourse that transcends the present limitations and weaknesses of the concept of citizenship and its practice in Islamic societies.[47] These three components could be considered as a starting point when examining Muslim exceptionalism in the Indonesian context.

Conclusion

The Indonesian reformation (1998–2007) was marked by amendments to the constitution, further laws and rules on human rights, including rights in the field of freedom of religion. These achievements illustrate the ongoing commitment of the Indonesian people and their new government to correct problematic aspects of public policy. Today Confucians and to some extent adherents of indigenous religions have seen injustices

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[46] Ibid., 85–111.

[47] Ibid., 132.

redressed. Unfortunately, in the area of rules and law regarding freedom of religion, the government has not yet harmonized all of its previous policies so that some remain in conflict with comprehensive freedom of religion. Article 156a of the criminal code (KUHP) and the 1965 PNPS Law No. 1 on religious blasphemy are still used by some groups, mostly Muslims, to pressurize the government into restricting certain religious groups, for instance Ahmadiyah. Another problem is the legal segregation of Muslims and non-Muslims, which has reduced freedom for Muslims as Indonesian citizens, for example prohibiting Muslims, but not others, from intermarrying. Therefore, the harmonization of laws and rules and the implementation of legal pluralism are imperative. Because Muslims are the majority, the discourse on human rights and religious freedom in Indonesia has been challenged from an Islamic worldview. Hence, further legal reforms must coincide with a thorough Islamic discourse that is methodologically acceptable and widely participatory in order to root constitutional and human rights values in Islamic society.

Vox Helveticorum—Vox Dei? The Swiss Ban on the Construction of Minarets: Acid Test for Christian— Muslim Relations

Reinhold Bernhardt

The debate prior to the referendum on the so-called "minaret" initiative

On 29 November 2009, in a plebiscite, Swiss voters adopted a constitutional amendment. It modifies article 72 of the constitution, which regulates church–state relations, adding the sentence, "The construction of minarets is forbidden." The vote was preceded by months of heated debate that took place at both the rational and the emotional levels and fueled a deep sense of insecurity and fear among a part of the population: fear of Swiss society being overrun by foreigners; fear of a loss of cultural identity; fear of the creation of a parallel Muslim society; fear of the legal system being undermined because of special provisions being made to accommodate Muslims; fear of criminality and religiously motivated violence.

From the very beginning, it was evident that the construction of minarets was not the only issue the referendum's initiators had in mind. At present, there are only four minarets in Switzerland[1] and a deluge of new construction requests is not anticipated. What was at stake was the increasing Islamic presence in society, which was perceived as a threat to Swiss national identity. For many, Islam was, and is, an archaic, patriarchal religion that promotes violence and rejects the state's monopoly on coercion, denies the separation of religion and politics, is incompatible with the principles of a constitutional state, disregards the equality of the sexes, limits the educational opportunities for girls and supports repressive social structures, forced marriage and so-called honor killings.

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[1] In fact, there are five; upon his return from a trip abroad, Philipp Suchard, the founder of the chocolate factory of the same name, had a minaret, which is still standing, built atop his house in Neuchâtel.

These assertions reflect two basic points: first, Islam allegedly harbors ambitions of expansionism and ultimately to taking over society. According to the initiative's proponents, the minaret is a political, not a religious symbol, manifesting Islam's claim to power. Second, the campaign focused on the oppression of women and girls through family structures that are dominated by men and their codes of honor. These two claims were presented in the posters promoting the initiative. Certain posters stirred up controversy and were banned in several cantons, especially in the larger cities. But, it was precisely this that drew additional attention to the posters and brought their emotionally charged message to the forefront.

The initiative was launched and sponsored by a right-wing populist group made up of segments of the Swiss People's Party (SVP) and the Federal Democratic Union (EDU). The required 100,000 signatures to validate the initiative were collected relatively quickly. The Swiss government—the Federal Council—as well as both chambers of parliament, all other Swiss political parties, the churches and nearly all civil society groups strongly recommended rejecting the initiative. In mid-October 2009, the Federal Council again declared that the initiative violated the freedom of religion and conscience and equality before the law and constituted a threat to religious peace in Switzerland.

In its declaration, the Federal Council emphatically drew attention to the fundamental legal problem that had already been mentioned repeatedly during the campaign: the initiative constituted a double limitation of fundamental rights and principles, guaranteed by the constitution, and thus violated international law, in particular, article 9 of the European Convention on Human Rights (ECHR) and articles 4 and 18 of the International Covenant on Civil and Political Rights (ICCPR). Because the minaret ban targets a specific religious community and prohibits the construction of a particular type of building, it affects religious freedom on the one hand, and the principle of non-discrimination, that is, of equality under the law, on the other. It therefore constitutes a law of exception that does not apply to the buildings of all religious communities equally.

The initiators of the construction ban claimed that minarets are not religious symbols protected by the principle of religious freedom. They presumed that they had authority of interpretation in the minaret question, claiming that the minaret was a political symbol of Islamization. This religion is incompatible with the basic values of Swiss society, they said, and seeks to spread within it and to transform it to its own liking. The specter of the introduction of *shari'a* was invoked, and *shari'a* is equated with being undemocratic, contrary to the rule of law, anti-liberal and inhuman. The initiators were not concerned with religious reasons in general, or to defend Christianity in particular. The entire debate was situated at

the social and legal levels. At no time was there an interreligious conflict. Rather, it was a question of the relationship between the Muslim community and Swiss society. Even if, occasionally, the Western Christian heritage was mentioned, it was rarely associated with any genuine Christian content.

Although the constitutional dilemma posed by the initiative was clear to both government and parliament, it was allowed to go ahead. This is compatible with Swiss political culture, which highly values the sovereignty of the people. When approving the initiative, they were clearly persuaded that voters would reject it.

All political actors, including the initiators themselves, assumed that this would be the case. Shortly before the vote, polls predicted that the plebiscite would fail. These predictions were instrumental in galvanizing proponents of the minaret ban and their supporters among voters into action, while opponents—including Muslim associations—remained low-key.[2] At 53.4 percent, the voter turnout was comparatively high, markedly higher than for other plebiscites. The anti-minaret initiative was approved by 57.5 percent of voters and 19.5 out 23 cantons, thus achieving the majority that is required for constitutional amendments.

Interpreting the result of the vote

The bewilderment caused by this result was as great in Switzerland as it was abroad. The fact that hardly anyone had expected this result can largely be explained by the fact that many of those who supported the ban did not publicly acknowledge their position, including in public opinion polls. Being in favor was deemed "politically incorrect." The deep divide between the official, public (and church) discourse and many citizens' sentiments was only revealed in the vote itself. It also brought to light a revolt against the "political correctness" of the prevailing opinion, which in the eyes of critics is dominated by a multiculturalist ideology and downplays the problems related to the integration of the Muslim community.[3] The same applied to church members who were unable to identify with the position of their church leaders, but did not dare to express their opposition publicly—or if they did, only very discreetly. Many people felt that their concerns about society being overrun by foreigners were not taken seriously. Hence, the vote was an opportunity to be heard and to tell those in society who set the tone what the people really think and want.

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[2] On 15 May 2007, the five largest German-speaking Muslim organizations had already stated their position in an open letter. See www.vioz.ch/2007/20070515_VIOZ_Stellungnahme_Minarettverbots_Initiative.pdf.

[3] A platform for this critique can be found on the Web pages of, "Politically Incorrect," at www.pi-news.net/.

A closer look at the results of the vote shows that the cantons with the lowest Muslim population were those that voted most strongly in favor of the ban. It had also fared markedly better in rural than in urban areas. Three of the four localities that already have minarets rejected the initiative, showing that actual problems in dealing with Muslims and their mosques and minarets were not the main factor leading to this outcome. Rather, it was the result of a latent mood within society that had been nourished by a complex mixture of a vague sense of insecurity and a stereotypical perception of Islam. Other developments that initially had nothing to do with the Islamic presence in Swiss society, but which had in recent months and years damaged the national self-awareness of many Swiss citizens, also played a role. For example, under international pressure, Switzerland has had to loosen its banking secrecy laws, has been obliged time and again to adapt to the directives of the European Union, and has suffered humiliation on the part of Libyan leader, Colonel Gaddafi, who has been detaining two Swiss businessmen on dubious grounds.

These external influences fanned fears of a progressive loss of sovereignty. The feeling of no longer being in charge of one's household played a role in the vote's outcome. The economic crisis and the resulting impact on the job market, the steady influx of foreign labor—especially from the neighboring European Union—and the considerably tarnished reputation of the major banks further contributed to this feeling. The need to repel the foreign element that influences Swiss society from outside was coupled with the need to repel the foreign element within society. That concern became focused on the Islamic presence in Switzerland and found an outlet in the minaret ban.

Furthermore, the perception of Islam in its international—especially, militant—manifestations became interwoven with the perception of the problem of Muslim integration in Switzerland. As in most Western countries, over the past two decades this association has given rise to a mentality critical of Islam. Opinion polls in other European countries reflected a similar situation to that in Switzerland, in which opposition was not necessarily directed against minarets but against other public symbols of Islamic presence such as veils or the burka, a garment that conceals the entire body.

It is nonetheless puzzling that in Switzerland of all places such a clear majority should support a ban on the construction of minarets. The majority of the approximately 350,000 Muslims living in Switzerland (total population of 7.7 million), are well integrated. Most of the 160 places that are used as mosques are "back alley mosques," that is, mainly located in the outskirts of cities, in industrial zones.

The rapid growth of the Muslim population is noteworthy: from 16,300 in 1970 to 56,600 in 1980, 152,200 in 1990 and 310,800 in 2000. In other

words, over the past forty years, Islam has become the second largest religion in Switzerland. According to a 2000 census, 79 percent of the population are Christian, 4.3 percent Muslim, 0.3 percent Jewish, 1 percent adhere to other religions, and 15.4 percent have no religious affiliation.[4] The growth in the Muslim population is due to economic migrants and the waves of refugees sparked by the Balkan war. Because the latter reason no longer holds, the increase may be expected slacken in the future.

Changes in perception, rather than this rapid growth, are primarily responsible for the anti-Islamic sentiment in Swiss society. For example, whereas migrants from Albania were formerly perceived as Albanians living in Switzerland, they are now simply dismissed as Muslims. Religious affiliation has become a mere label. The way in which foreigners are perceived has become undifferentiated and hence, the diversity of the cultures of origin is overlooked. Moreover, in reports and, consequently, in the public view, acts of violence are associated with the ethnic origin of the perpetrator, but not with their social class. This leads to an image of a particular inclination toward violence, especially on the part of young men from Islamic countries.

A certain prejudice regarding Islam is self-reinforcing; it seeks and finds material to confirm itself. For example, the above-average birth rate among immigrant families is highlighted in order to conjure up the threat of demographic invasion and to reinforce fears of the Islamization of Europe. In the August/September 2007 edition of the newspaper *Merkur*, Gunnar Heinsohn wrote that Islam carried the victory banner of reproduction and was producing a "youth bulge."[5] Thus, Islam is gaining ground in Europe as well as globally in a steady and unspectacularly "natural" way; the fact that above-average birth rates essentially constitute a phenomenon specific to certain socials classes is left unmentioned.

Occasional verbal and non-verbal statements by the Islamic communities themselves feed the fear of a stealthy takeover of Swiss society. For example, before applying for a permit to add a minaret to their mosque, the Turkish cultural association in Wangen (near Olten) raised a flag representing a gray wolf next to the Swiss and Turkish flags. This raised fears that the association had ties to the extreme right-wing group the Gray Wolves. Following a vehement debate,

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[4] At www.all-about-switzerland.info/swiss-religions.html.

[5] Gunnar Heinsohn, "Schrumpfender Westen, aufsteigender Islam" [Shrinking West, rising Islam], *Merkur* (2007), 771-9. The "youth bulge" theory goes back to Gary Fuller, "The Demographic Backdrop to Ethnic Conflict: A Geographic Overview," in CIA (ed.), *The Challenge of Ethnic Conflict to National and International Order in the 1990s* (Washington: CIA, RTT 95-10039, October 1995), 151–4. Heinsohn borrowed and further developed it. According to Heinsohn, a disproportionate percentage of young males in a society constitutes an aggression potential that translates into civil war, genocide and terrorism. Gunnar Heinsohn, *Söhne und Weltmacht: Terror im Aufstieg und Fall der Nationen* (Zurich: Orell Füssli, 2003).

the minaret was built. Nonetheless, the debate had generated mistrust toward Islamic religious communities in Switzerland and uneasiness among the public toward visible symbols of Islam thus paving the way for the initiative's success.

The perception of Islam is fraught with feelings of danger, cultural invasion, political subversion, fear of violence, distrust and animosity. Islam is often blithely associated with militant Islam (although there has not been a single case of Islamic terrorist violence in Switzerland). Cultural particularities that migrants bring with them from their countries of origin are ascribed to Islam. Conspiracy theories, warning of plans of world domination—such as the Jewish people were once accused of—have now been recycled by anti-Islamists.

One factor not to be underestimated with regard to its influence on public opinion was the rejection of Islam as a gender-biased religion that came in particular from intellectual women's circles and was supported by some feminist theologians. This led to tensions with women's movements within and outside the churches.[6]

Interpreting minarets

By studying the minaret, it is possible to grasp how patterns of perception critical of Islam reinforce themselves and become immune to questioning. One of many possible interpretations is singled out and shored up with evidence taken from history, distant countries or statements made by well-known personalities. The minaret was regarded as the symbol of a claim to hegemony, of ambitions of social, cultural, religious and political domination. No Islamic religious group in Switzerland has ever defended this interpretation and it is supported by only a few isolated examples in history. In pre-Islamic times, minarets served as light beacons for caravans in the steppes of Asia. The term is derived from the Arabic words *noor* (light) and *mana'ir* (place of light). Minarets could also serve as watchtowers. At the time of Muhammad, they were neither architecturally connected with mosques, nor functionally connected with the call to prayer. They are not mentioned in the Qur'an. In the regions to which Islam had spread, the architectural and symbolic development of the minaret differed considerably including, in formerly Christian areas such as Byzantium and Syria, by transforming church towers and imitating local architectural styles. When the Great Mosque of Damascus was built on the site of the Church of St John the Baptist (707–715 CE), the bell tower was to be preserved as a minaret. Hence,

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[6] Cf., for example, www.frauenseminar-bodensee.ch/newsletter/Newsletter_11_Minarette_2009.html.

over time the minaret came to symbolize Islamic presence, belief in the one God and the edifice for the call to prayer. Even from the Islamic point of view, it does not have only one, but several meanings.

Like churches and any other representative building, mosques could also have a political function. Historically, they symbolized the political leaders' claim to power. This is indicated by the number of minarets. In the Middle Ages, only mosques that had been constructed by rulers could have more than one minaret. It is however not established that they were built as military and political symbols of power, as claimed by the initiators of the Swiss referendum.

To substantiate this claim, Turkish President and practicing Muslim Erdogan is cited as an example; in 1997, in Istanbul, Erdogan recited a poem by the Turkish writer Ziya Gökalp, which included the lines, "The mosques are our barracks, the minarets our bayonets, the domes our helmets and the believers our soldiers." Subsequently, in 1998, he was charged with incitement to hatred and sentenced to ten months in jail. The opponents instrumentalize such statements in the combat against the construction of minarets in Switzerland and the supposed Islamization of Swiss society.

Perceptions that contradict this type of interpretation are, meanwhile, marginalized. The fact that the vast majority of practicing Muslims living in Switzerland belong to a moderate form of Islam has had little or no impact on the public debate. In countries that were a part of the former Yugoslavia and in Turkey, from where the majority of immigrants come, the separation of state and church has existed for many years. Islam is part of their cultural heritage and hence, their individual and collective identity. They cultivate this identity in Islamic cultural centers. Only few of them model their lives according to the precepts of the Qur'an and the *sunna* or *shari'a*.

The vast majority intend to remain in Switzerland permanently, but wish to hold on to their social and cultural particularities. It is from this that stems their desire to have space in Swiss society, in both the literal and figurative sense. This includes the construction of cultural centers and mosques, not in back alleys, but in the center of society. In the minds of many Muslims, the minaret, as a visible symbol, is part of the mosque. It is not merely a religious symbol, but the seal and embodiment of the right of domicile of Muslim immigrants in Switzerland.

One of the frequently repeated arguments against the construction of minarets was that a mosque does not require a minaret and that religious freedom remained inviolate even without this symbolic structure. In fact, until the modern age minarets were quite rare in parts of the Muslim world, such as in Malaysia, Kashmir and East Africa. For religious practice, they are dispensable, and many orthodox Muslims even reject them. They have, however, a

representative function and therein lies their significance. They stand for the presence of a religion and a religious community. Whether they are tolerated or valued, indicates how society stands in relation to this religion and this religious community, whether they grant them space or reject them.

Fundamental rights and processes of negotiation

The debate concerning the prohibition to construct minarets was not about the structure as such—this is a matter that can be settled through building regulations without tampering with the constitution. The issue, rather, was the far more fundamental question of the legal, political and cultural relationship with a specific religion and its adherents. While the debate concerning the construction of a minaret was raging in Langenthal, Canton of Bern, a Sikh temple, which is architecturally far more conspicuous, was reaching completion. The real question was about how much symbolic presence—and how much social and political representation—should Islam and Muslims be allowed in the public sphere. What is more, in the controversy over the construction of minarets, it was not the mere presence of Muslims and Islamic communities in Swiss society that was being questioned, but rather, the right of Muslims to participate in the shaping of that society. It was—and is—about the entitlement to, and granting of, a share in actively shaping society.

In a democratic society, the distribution of shares among stakeholder groups is continually renegotiated—by means of social debates, political consensus building, legislation and jurisprudence. The minaret initiative brought this process of negotiation to a halt by means of a decree from the Swiss people. Instead of situational decisions made on the basis of the givens of an individual case and in consultation locally with those concerned (i.e., a posteriori), a decision in principle was made that applies once and for all, irrespective of the individual context (i.e., an a priori).

Islam, which allegedly seeks power, was met with power—beginning with the power of interpretation with regard to minarets. The religion that supposedly demanded extraordinary rights was thwarted by an extraordinary legal measure. A religion accused of hindering religious freedom saw its public self-expression denied. As a result, efforts to construct a dialogue between Islamic communities and society at large, including political authorities, were compromised. The minaret ban initiators' intervention not only impacted the shaping of society, but also the way in which rules are negotiated in society. By unilaterally targeting the minaret as a symbol, they have jeopardized the integration of Muslims in Swiss

society. Not one of the existing problems of integration, which had repeatedly been raised in the debate surrounding the initiative, has been brought closer to a solution. The result is a hardening of fronts.

Contrary to the initiators' insinuations, the alternative would not have been a blanket authorization to build minarets, but rather the pursuit of negotiations, as arduous as they may be. That would have imposed an intensive dialogue between local political authorities and church communities and the Islamic groups wishing to build such a structure. This dialogue alone and the resultant opportunity for the Islamic community concerned to express what the minaret means, symbolizes and represents for them, would have contributed positively to integration. In particular, this dialogue would have made it possible, permissible and necessary to seek further clarification from Islamic communities, on questions such as their position on the separation of politics and religion, on justice and the free choice and exercise of religion, about the equality of men and women. The Swiss people's decision, therefore, has rather fostered the withdrawal of Muslims from society. Instead of allowing them a space in which to express themselves, they have been greeted with mistrust, are suspected of insincerity and prejudged. This not only contradicts the political culture of Swiss democracy, but also the Christian ethos of how to relate to persons who are ethnically, socially, culturally and religiously different. Thomas Wipf, chairman of the council of the Federation of Swiss Protestant Churches (Schweizerischer Evangelischer Kirchenbund–SEK), described the Reformed church's position as follows: "At the center of our Protestant faith is the freedom that God gives through Jesus Christ. It is the freedom to live a life of responsibility and of respect for those of different opinions and faiths."[7] A person of different faith should be greeted, not with exclusion out of fear, but with evangelical freedom and openness.

Negotiations can only deal with finding solutions to the individual questions under scrutiny, not the underlying fundamental rights. A clear distinction must be made between the curtailment of a practice deriving from a fundamental right and the curtailment of the fundamental right itself. Fundamental rights must be respected absolutely. The freedoms they guarantee—one of which is the right to the free exercise of religion—are not merely non-negotiable, but an inviolable precondition for social and interreligious negotiations.

Swiss churches were emphatically in favor of the unlimited religious freedom of all religious communities. Religious freedom includes the freedom of people of other faiths to pursue their religious self-realization. At its fifth assembly, Nairobi, 1975, the World Council of Churches declared:

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[7] www.sek-feps.ch/themen-a-z/toolbox-minarett-2.-warum-und-wozu-religionsfreiheit.html.

> The right to religious freedom has been and continues to be a major concern of member churches and the WCC. However this right should never be seen as belonging exclusively to the church. The exercise of religious freedom has not always reflected the great diversity of convictions that exist in the world. This right is inseparable from other fundamental human rights. No religious community should plead for its own religious liberty without active respect and reverence for the faith and basic rights of others. [8]

In Switzerland, this right has now been curtailed by an amendment to the constitution. It is extremely likely that this will lead to a lawsuit being brought before the European Court of Human Rights in Strasbourg. If the court rules against Switzerland, the will of the people will be in contradiction with international law—democracy versus the elementary principles of the rule of law. But the decision cannot be simply set aside; it can only be revoked by a new referendum.

The churches' public statements and their theological perspectives on other faiths

From the very beginning, both the Roman Catholic[9] and the Evangelical-Reformed churches in Switzerland rejected the minaret initiative. They support a process of dialogue with Islamic religious communities and are engaged in the Swiss Council of Religions. Their position is that every religious community has, under the laws currently in force, the right to live their religious convictions visibly and as a community, and that this visibility includes the option to build minarets. The construction of sacred buildings is included in the (positive) right of the free exercise of religion guaranteed by article 15 of the Swiss constitution: "Every person has the right to freely choose his or her religion or non-denominational belief and to profess them alone or in community with others."[10] The construction of a mosque and a minaret are acts of public profession of this kind—as would be the construction of a church or a bell tower.

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[8] David M. Paton (ed.), *Breaking Barriers—Nairobi 1975*, Official Report of the Fifth Assembly of the World Council of Churches, Nairobi, 23.11.–10.12.1975 (London/Grand Rapids: SPCK/Eerdmans, 1976), 106.

[9] Bishop Kurt Koch, President, Swiss Bishops' Conference in an interview clearly stated, "I would let Muslims have minarets," *NZZ*, (3 September 2006).

[10] At www.servat.unibe.ch/icl/sz00000_.html#A015_.

The SEK's position is presented in an exhaustive summary of arguments and substantiated in great detail.[11] Above all, the legal and political issues that the minaret ban initiative raise are discussed, while religious and theological reflections play a secondary role.[12] Earlier, however, the SEK had commissioned a study to help clarify the relationship between the Christian faith and other religions theologically. It was published in 2007 as "SEK-FEPS Position 8" entitled, *Wahrheit in Offenheit. Der christliche Glaube und die Religionen* [Truth with Openness. The Christian Faith and Religions].[13]

This position paper elaborates a theological basis for an open dialogue with the adherents of other religions. This attitude of openness should not stem primarily from pragmatic considerations of the peaceful coexistence among religions, but from the heart of the Christian certainty of faith. The issue is not primarily about Islam and its position in secular society, but rather the actual theological basis on which interreligious relations in general are defined and structured.

Following an overview of the churches' statements, the second part of the paper develops a theological perspective on the basis of insights rooted in the Bible and in systematic theology. From the three articles of faith of the Christian creed, it derives a threefold justification for an attitude of openness in interreligious relations.

I will summarize the arguments of the position paper and propose the premises of a Trinitarian basis for defining relations with other religions in general, and Islam in particular:

Interreligious openness is first based on the belief in "God the creator of all being, who made humans in God's image and conferred God's blessing on the chosen people for the sake of all peoples."[14] This profession underpins the insight into the universality of God's salvific presence that transcends all religions. God's transcendent reality surpasses all religious forms, even the revelations in history from which these forms have emerged. This leads to a dual distinction between God's reality, God's revelation and the religious traditions that sprang from these revelations.

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[11] www.sek-feps.ch/media/pdf/stellungnahme/Argumentarium_Zwischen_Glockenturm_und_Minarett.pdf.

[12] Cf. also, *Den Menschen ins Recht setzen. Menschenrechte und Menschenwürde aus theologisch-ethischer Perspektive*, SEK-Position 6, (Bern: SEK, 2007). This work does not give a theological rationale for religious freedom per se, but such can be extrapolated from the considerations it contains.

[13] www.sek-feps.ch/shop/media/position/8/position8_de_web.pdf.

[14] Federation of Swiss Protestant Churches (SEK) (ed.), W*ahrheit in Offenheit. Der christliche Glaube und die Religionen*, SEK-Position 8, French: *La vérité dans l'ouverture. La foi chrétienne et les religions*, FEPS-Position 8 (Bern: SEK, 2007), 42.

Each (revealed) religion is centered on a specific, normative manifestation of the divine and subject to it. This puts them in constant danger of making themselves absolute. However, their reference to the revelation which presupposes their existence constitutes a built-in factor of religious critique. Because, on the one hand, as religions they are distinct from their constituent revelations and, on the other, they assume that this revelation does not represent the reality of God exhaustively and exclusively, they must accept as possible, that God expresses Godself in creation through other forms of self-revelation. This assumption leads to a theologically founded respect of other religions, since the revelations they pass on can also communicate knowledge of God. The truth of God is more encompassing than religious convictions and certainties (truth claims).

Christians confess Christ as the "Word of God in human form." Without forsaking God's transcendence, God enters into creation in normative relevance at a particular point in history. This presence does not repose in itself, but addresses humankind and calls it to a life that is rooted in God.

Jesus Christ mediates the relationship between God and humankind; he is the God mediator, and as such stands at the center of the Christian faith. It must not be forgotten, however, that ultimately it is not the mediator, but that which he mediates, that counts: God's absolute benevolence toward creation and those created. The message in Jesus' teaching and actions is God's universal, unconditional plan of salvation. He identified God as a God of all-encompassing love of creation. If, therefore, the creative, God's saving power embraces all creation, religions cannot remain untouched.

As God's "revelation," Jesus Christ represents God's gesture of openness toward creation. That is the meaning of God's essential nature as love. This opening toward creation must be imitated by those created as an opening up toward one another. This means, also, and above all, giving others space for self-fulfillment, rescuing them from self-imposed isolation or isolation imposed from outside. This is an important aspect of the salvation accounts in the New Testament. This opening up to others is not subject to either religious, ethnic or social limitations. Just as Jesus, in his proclamation and actions, authoritatively defied these limits to encounter the persons who came to him in a spirit of unconditional acceptance and often even singled out people of other beliefs as models of faith, the Christian, too, must encounter people of other beliefs in a spirit of unconditional acceptance.

Particularly with regard to the self-identification of God in Jesus Christ, Protestant Christians especially have persistently denied that the God Jesus called "Father" was the same God who, according the Islamic understanding, is revealed in the Qur'an.

For Muslims, this oneness is unquestionable. According to the Qur'an Q. 29:46, Muhammad assumes that "our God" and the God of the Jews and Christians is one and the same. The Roman Catholic Church has also explicitly recognized the oneness of God as the addressee of both Christian and Muslim worship and include Muslims in the universal plan of salvation: "[T]he plan of salvation also includes those who acknowledge the Creator. In the first place amongst these there are the Mohamedans, who, professing to hold the faith of Abraham, along with us adore the one and merciful God, who on the last day will judge mankind." [15] In his address at the time of his encounter with young Muslims on 19 August 1985, in Casablanca, Pope John Paul II declared: "We believe in the same God, the one God, the living God, the God who created the world and brings his creatures to their perfection."[16]

If this sameness is still denied, the question then arises as to how the God who is worshipped in the mosque is to be defined. Is it God at all? Or is it a human projection or even an invention of the Antichrist in order to tempt Christendom at the end of time? This interpretation, which we owe to John of Damascus, has dominated the Christian attitude toward Islam for centuries. It is perpetuated unchanged even today in Protestant statements about Islam.[17] The mosque, according to this view, is thus a place of idolatry, and the minaret, a symbol of this false belief.

According to the biblical understanding, God is not the exclusive God of the Jews and the followers of Christ, but rather is present in all creation and has also been witnessed to the nations (Acts 14:15–17); it is thus permissible to affirm that the God to whom Christians pray in the name of Christ is none other than the God to whom Muslims turn in submission. The proposition that Allah, the All-Merciful, is the same God as the God of unconditional acceptance portrayed in the parable of the prodigal son can be theologically substantiated.

According to the New Testament tradition, Jesus transformed the relationship with God, not through observance of the law, but through trustful surrender to God, but he proclaimed no other God than the God of his Jewish fathers. Hence, no Christian who is guided by the statements of the Bible could doubt that the God to whom Christian pray, is identical to the God of the Jews, the God of Abraham, Isaac and Jacob, even if this God

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[15] *Lumen gentium*, para. 16, at www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html.

[16] *Apostolic Journey to Togo, Ivory Coast, Cameroon, Central African Republic, Zaire, Kenya and Morocco, address of His Holiness John Paul II to Young Muslims*, at www.vatican.va/holy_father/john_paul_ii/speeches.

[17] *Christliches Bekenntnis und biblischer Auftrag angesichts des Islam. Ein Wort der Konferenz Bekennender Gemeinschaften in evangelischen Kirchen Deutschlands und der AG evangelikaler Missionen* (1984), Section V.

has not identified Godself in Jesus Christ. Muslims confess this selfsame God even if they depart from the image of God of the Christian tradition with regard to several—sometimes pivotal—aspects. This alone should constitute a reason for Christians to respect the Islamic faith.

Through the Holy Spirit, God's presence encompasses and permeates all creation.

> Because the power of the Spirit of God is omnipresent, it also inhabits religions as historical realities. Although it cannot be precisely ascertained how the presence of the Spirit manifests itself, it is apparently at work wherever there is love (i.e., the overcoming of self-centeredness), wherever life-sustaining and supporting models that orient life toward its foundation and purpose are conveyed, wherever hostile conventions and structures are overturned, wherever new possibilities of existence are unlocked, etc.[18]

These biblically founded guidelines for distinguishing between spirits creates opportunities for, and indicates the necessity of, engaging in a critical dialogue with the various religions—including Islam.

The theological assessment of Islamic (or any other) religious practice is not determined by a particular building or the renunciation thereof, but rather by the spirit that dwells within them. Is a mosque a place of worship and of community life, inwardly committed and outwardly open? Within the religious community, does a climate of openness to society and other faith communities reign? That determines what minarets represent, either Islam's power and its claim thereto—as the initiative's initiators maintain—or the transparency of a religious community that makes itself visible in society, that accepts the principles of the rule of law and embraces social responsibility. Only a dialogue with the respective religious community can lead to understanding the significance of the minaret for them. The across-the-board banning of the construction of minarets and the blanket interpretation of minarets as a political symbol of an aggressive striving for power before the dialogue that has taken place is prejudicial to that very dialogue.

Prior to the referendum, the Swiss Council of Religions had declared: "In Jewish, Christian and Islamic tradition, every human being is a creature of God. This is the common basis of all religions. Out of respect toward the respective beliefs, ways must be found for dealing with differences and living together in peace. This calls for dialogue at all levels."[19]

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[18] *Wahrheit in Offenheit*, op. cit. (note 14), 47.

[19] At www.sek-feps.ch/shop/media/oekumene/scr_minarett/minarett_de.pdf.

Sponsoring institutions

The Center for Religious and Cross-cultural Studies (**CRCS**) was established in 2000 as a center of learning and research, focusing on religious studies based on reflections on religious life in Indonesia. It aims at examining what we can learn from other religions that adds to our own spiritual insight and heritage, to seek deep understanding of each other and to work together for a just and peaceful future. It has no religious affiliation. CRCS's primary vision is to promote the development of a democratic, multicultural and just society in Indonesia by establishing a center of excellence in religious studies with an international reputation.

The Indonesian experience has shown that religious and ethnic identities are often inseparable. This hybrid of identities is the consequence of the interplay of many historical processes and poses special challenges as well as opportunities. Religious and cross-cultural study means studying religion(s) in different cultural contexts.

CRCS explores different systems of beliefs, ideologies and practices or religions in certain cultural contexts and the critical analysis of the various methods and theories employed by scholars in their attempt to explain and account for a certain religion. Moreover, CRCS is concerned with the complexity and diversity of religion and attempts to understand its position and role in society.

The graduate program focuses on three main areas of religious studies: interreligious dialogue; religion and local culture; religion and contemporary issues. The center strives to produce master's level graduates with a broad range of knowledge and a deep understanding and commitment to the multi-disciplinary study of global religious traditions.

The Indonesian Consortium for Religious Studies (ICRS-Yogya) is a consortium of three universities: Gadjah Mada University (UGM), State Islamic University Sunan Kalijaga (UIN) and Duta Wacana Christian University (UKDW). Together they offer an integrative, international PhD program in interreligious studies. This is the only PhD program in religious studies that is co-sponsored by Muslim, Christian and national, secular universities. It is committed to interreligious dialogue and the promotion of peace in Indonesia and in the world.

ICRS-Yogya's primary strength is the study of religions in Indonesia, especially Islam. Indonesia includes the largest and most dynamic Muslim

population in the world. ICRS-Yogya also has strong resources for studying Indonesian Christianity and can facilitate research on Balinese Hinduism, Indonesian Buddhism, Indonesian Chinese religions and indigenous local religions. ICRS-Yogya encourages comparative study with religious movements in other parts of the world.

ICRS-Yogya accepts student from all religions and nationalities.

The Lutheran World Federation (LWF) is a global communion of churches in the Lutheran tradition. Founded in 1947 in Lund, Sweden, the LWF now has 140 member churches in seventy-nine countries representing over 70 million Christians.

The LWF acts on behalf of its member churches in areas of common interest such as ecumenical and interfaith relations, theology, humanitarian assistance, human rights, communication, and the various aspects of mission and development work.

The LWF General Secretariat, located in the Ecumenical Center in Geneva, Switzerland, closely cooperates with the World Council of Churches (WCC) and other Christian world communions, as well as international secular organizations.

For many decades, the LWF has been engaged in interfaith relations worldwide, ranging from humanitarian work to study programs on interfaith dialogue. It fosters dialogue at all levels and encourages cross-cultural interfaith sharing of theological reflections, life and faith, spirituality and interfaith cooperation. It supports member churches to work together with other religious communities toward reconciliation and a just, participatory and sustainable society. Project work in the Department for World Service has long assumed an interfaith workforce, which serves as a reservoir of experience and wisdom for the whole LWF. In 2002, the Inter-Faith Action for Peace in Africa (IFAPA) was launched by LWF and since then has pursued a wide range of activities in conflict affected or post-conflict settings in Africa; capacity building for women's interfaith groups, with a focus on water issues; and youth engagement. In Indonesia, the LWF has conducted a Christian-Muslim dialogue consultation in Yogyakarta in 2002, an international Christian-Muslim study team visit to Yogyakarta in 2004, a "Dialogue in Life" seminar in Medan in 2006, and a Christian-Muslim dialogue consultation on freedom and responsibility in Yogyakarta in 2009.

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How can Christian and Muslim ethical and theological reflection contribute to the wider discourse on human beings and actions, freedom and responsibility? The contributions in this book honestly name complex and often conflictual realities and point to seeds of hope in our societies and religious communities, thus deepening the understanding of human agency and freedom from a faith perspective.

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