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Symposium on Religion and Politics

Islam in America



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FOR RELIGION AND AMERICAN PUBLIC LIFE

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Released: August 30, 2011



Muslim Americans: No Signs of Growth in Alienation or Support for Extremism

Mainstream and Moderate Attitudes

SECTION 1: A DEMOGRAPHIC PORTRAIT OF MUSLIM AMERICANS

Muslim Americans are a heavily immigrant population. Of those age 18 and older, more than six-in-ten (63%) were born abroad, and many are relative newcomers to the United States: Fully one-quarter of all U.S. Muslim adults (25%) have arrived in this country since 2000. The Muslim American population also is significantly younger and more racially diverse than the public as a whole. Muslim Americans are just as likely as other Americans to have a college degree, but fewer report having more than a high school education.

Financially, the recent recession appears to have taken a toll on this young, largely immigrant population. The percentage of U.S. Muslims who say they own their homes has slipped since 2007, and the portion at the bottom of the income ladder has grown; 45% of Muslim Americans now report having total household income of less than \$30,000 a year, compared with 36% of the general public.

Diverse Origins

More than a third of Muslim American adults (37%) were born in the United States. But more than three-quarters are either first-generation immigrants (63%) or second-generation Americans (15%), with one or both parents born outside of the country. About one-in-five (22%) belong to a third, fourth or a later generation of Americans.

Foreign-born Muslim Americans are very diverse in their origins. They have come from at least 77 different countries, with no single country accounting for more than one-in-six Muslim immigrants. Pakistan is the largest country of origin, accounting for 14% of first-generation immigrants, or 9% of all U.S. Muslims. In terms of regional origins, however, the largest group is from Arab countries in the Middle East and North Africa, representing 41% of foreign-born U.S. Muslims, or 26% of all Muslim Americans. The South Asian region – including Pakistan, India, Bangladesh and Afghanistan – is second, accounting for about a quarter (26%) of first-generation immigrants, or 16% of all U.S. Muslims. The

Nativity and Immigration

	U.S. Muslims	Foreign born
Generation	%	%
First generation	63	100
Second generation	15	--
Third generation+	22	--
	100	100
Born in ...		
United States	37	--
Middle East/N. Africa	26	41
Pakistan	9	14
Other South Asia	7	12
Iran	3	5
Europe	5	7
Sub-Saharan Africa	7	11
Other	6	10
Country of birth...		
Pakistan	9	14
Iran	3	5
Palestinian terr.	3	5
Bangladesh	3	5
Yemen	3	5
Jordan	3	5
Iraq	3	4
Year of arrival		
2000-2011	25	40
1990-1999	20	31
1980-1989	10	16
1979 and earlier	8	12
Native born	37	--
U.S. Citizen		
Yes	81	70
No	19	30

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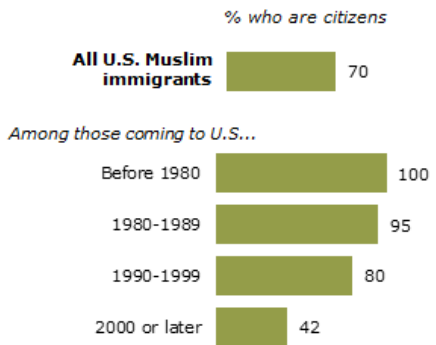
PEW RESEARCH CENTER 2011 Muslim American Survey. BIRTH, FATHER, MOTHER, Q204, CITIZEN. Figures may not add to 100% because of rounding.

In contrast to the origins of U.S. Muslims, the global distribution of Muslims is somewhat different. Asia has the highest concentration of the global Muslim population, with Indonesia contributing the largest numbers, and Pakistan and India second and third respectively. (For a detailed look at the worldwide distribution of the Muslim population, see this analysis from the Pew Forum on Religion & Public Life; “The Future of the Global Muslim Population: Projections for 2010-2030,” released Jan. 27, 2011.)

Most of the foreign-born Muslims came to the United States after 2000 (40%) or during the 1990s (31%). An additional 16% arrived in the 1980s. Just 12% arrived before 1980.

Despite the high proportion of immigrants in the Muslim American population, the vast majority (81%) report that they are U.S. citizens. Besides the 37% who are citizens by birth, 70% of those born outside the United States report that they are now naturalized citizens. The high rate of naturalization is even more apparent when citizenship is compared with year of arrival. Of those who arrived before 1980, virtually all (more than 99%) have become U.S. citizens. Of those who arrived in the 1980s, 95% are now citizens. Of those who arrived in the 1990s, 80% are citizens. And of those who arrived after 2000, 42% already have become citizens. Since it typically takes three to five years to become eligible for citizenship, many of the more recent arrivals have not been in the country long enough to apply.

Citizenship by Time of Arrival



PEW RESEARCH CENTER 2011 Muslim American Survey. CITIZEN. Based on U.S. Muslims born outside the U.S.

Muslim Americans Are Younger than the Public

The Muslim American population is much younger, on average, than the non-Muslim population. The survey finds that 59% of adult Muslims are between the ages of 18 and 39, compared with 40% of adults in the general public. Just 12% of Muslim adults are ages 55 and older; 33% of all U.S. adults are 55 or older. In this survey foreign-born Muslims are, on average, somewhat older than native-born Muslims. That is not surprising, since Muslim immigrants (like other U.S. immigrants) tend to arrive as adults and then start families in the United States.

Marriage rates among Muslims and non-Muslims are similar: 55% of U.S. Muslims say they are married, compared with 54% of the general public. However, the percentage of Muslim Americans who report being divorced or separated (6%) is lower than among the public as a whole (13%).

Gender, Age and Family Status

	U.S. Muslims	General public
	%	%
Male	55	48
Female	45	52
18-29	36	22
30-39	23	17
40-54	28	28
55+	12	33
Married	55	54
Living w/partner	2	N/A
Divorced	5	11
Separated	1	2
Widowed	2	6
Never married	35	27
Avg. # of children born to women ages 40-59	2.8	2.1

PEW RESEARCH CENTER 2011 Muslim American Survey. SEX, AGE, MARITAL, FERT. General public results from June 2011 Current Population Survey (for gender, age and marital status comparisons) and from June 2010 survey by the Pew Forum on Religion & Public Life (for fertility comparison).

Based on information provided by respondents about the composition of their households, the survey estimates that 55% of the U.S. Muslim population is male and 45% is female,

which is different from the gender ratio in the general public (48% male, 52% female). In part, the difference reflects the fact that immigrants from Muslim-majority countries tend to be disproportionately male. There also are more males than females among African American converts to Islam.

The survey also finds that Muslims in the U.S. tend to have somewhat higher fertility rates than the general public. Among women ages 40 to 59, who largely have completed their childbearing years, Muslim women report having had an average of 2.8 children each, compared with 2.1 among all U.S. women. In general, the pattern of higher fertility among Muslim Americans is similar to that seen among many other immigrant groups in the U.S.

Race and Ethnicity

Muslim Americans are racially diverse. No single racial or ethnic group makes up more than 30% of the total. Overall, 30% describe themselves as white, 23% as black, 21% as Asian, 6% as Hispanic and 19% as other or mixed race.

Racial breakdowns vary considerably among foreign-born Muslims from different regions. More than eight-in-ten U.S.

Muslims from the Middle East and North Africa region describe themselves as either white (60%) or other/mixed race (22%). By contrast, 91% of Pakistanis and 69% of those from other South Asian nations describe their race as Asian.

The native-born Muslim population contains a higher proportion of blacks, and lower proportions of whites and Asians, than the foreign-born population. Among native-born Muslims, 40% describe themselves as black, while 18% identify as white, 10% as Asian and 10% as Hispanic; 21% say they are of some other race or are mixed race. Among foreign-born Muslims, a majority describe themselves as either white (38%) or Asian (28%), while 14% describe themselves as black, 16% as other/mixed race and 4% as Hispanic. The concentration of blacks is especially high (59%) among third generation Muslims (those who were born in the U.S. of U.S.-born parents).

The percentage of Muslims who have graduated from college (26%) is about the same as among all U.S. adults (28%). At the other end of the educational spectrum, there also is no significant difference in the proportion who failed to finish high school (14% of U.S. Muslims, 13% of the general public). Muslim Americans – particularly those born in the United States – are more likely than Americans as a whole to have only graduated from high school. But a very high percentage (26%) says they are currently enrolled in college or university classes (compared with 13% among the general public).

U.S. Muslims are about as likely to report household incomes of \$100,000 or more as are other Americans (14% of Muslims, compared with 16% of all adults). But

Racial Composition of the U.S. Muslim Population

	U.S. Muslims			General public
	Total	Foreign born	Native born	
	%	%	%	%
White	30	38	18	68
Black	23	14	40	12
Asian	21	28	10	5
Other/Mixed	19	16	21	2
Hispanic	6	4	10	14
	100	100	100	100

PEW RESEARCH CENTER 2011 Muslim American Survey. RACE, HISP. General public results from June 2011 Current Population Survey. Figures may not add to 100% because of rounding.

Education and Income

	U.S. Muslims			General public
	Total	Foreign born	Native born	
	%	%	%	%
<i>Education</i>				
Graduate study	11	14	7	10
College graduate	15	18	12	18
Some college	19	19	20	28
HS graduate	40	34	49	31
Not HS graduate	14	15	13	13
	100	100	100	100
Currently enrolled in college	26	25	27	13
<i>Household income</i>				
\$100,000+	14	18	8	16
\$75-\$99,999	8	8	9	12
\$50-\$74,999	13	9	19	15
\$30-\$49,999	19	17	21	21
Less than \$30,000	45	47	43	36
Homeowner	33	38	25	58

PEW RESEARCH CENTER 2011 Muslim American Survey. EDUC, INCOME, Q3b-c. General public results from June 2011 Current Population Survey (for education comparison), from aggregated surveys conducted March-June 2011 by the Pew Research Center for the People & the Press (for income

differences emerge in the middle of the scale: 40% of Muslim Americans report family incomes between \$30,000 and \$100,000, compared with 48% of the general public. And a higher percentage of Muslim Americans than the general public report that their annual household earnings are less than \$30,000 (45% among Muslims, 36% among the general public).

The current income pattern represents something of a decline for Muslim Americans from four years ago, prior to the economic recession. In the 2007 survey, Muslims generally mirrored the U.S. population in household income at all levels. At that time, roughly a third of both Muslim Americans (35%) and the general public (33%) reported earning under \$30,000 a year.

One possible explanation for the deterioration may be that the bursting of the housing market bubble in 2006 and the recession that followed from late 2007 to mid-2009 disproportionately affected the young, largely immigrant and racially diverse Muslim American population, much as the sub-prime mortgage crisis and the recession hurt blacks and Hispanics more than it did the general public.¹

One-third of U.S. Muslims (33%) now report that they own their homes, compared with 58% of the public. Both figures have declined since 2007. The homeownership rate among Muslims is down 8 percentage points, from 41% four years ago, mirroring the 10-point drop (from 68% in 2007) among all adults nationwide. Declines in homeownership occurred among both native-born and foreign-born Muslims.

Many Young Muslims Are Underemployed

The proportion of Muslim Americans who are employed in full-time jobs (41%) roughly mirrors the general public (45%) and has not changed since 2007. In addition, part-time employment remains fairly common among U.S. Muslims (18%). And one-in-five Muslims (20%) reports being self-employed or a small business owner, about the same level as in the adult population at large (17%).

But underemployment is more common among Muslims than in the general public; 29% of Muslims are either unemployed and looking for work or working part-time but would prefer to have full-time employment, compared with 20% of adults nationwide who are in these circumstances.

Underemployment is particularly prevalent among younger Muslim adults; 37% of those under 30 are underemployed, compared with 28% of those ages 30-39, 23% of those ages 40-54, and 14% of those 55 and older.

Employment Status

	U.S. Muslims			General public
	Total	Foreign born	Native born	
	%	%	%	%
Employed full-time	41	42	39	45
Employed part-time	18	20	15	14
Prefer full-time	12	11	13	8
Do not prefer full-time	6	8	3	6
Don't know	*	*	0	*
Not employed	40	38	46	41
Looking for work	17	14	21	12
Not looking	23	23	25	29
Don't know	*	1	0	*
	100	100	100	100
NET underemployed	29	26	33	20
Self-employed/small business owner	20	21	19	17

PEW RESEARCH CENTER 2011 Muslim American Survey. Questions EMPLOY, EMPLOY1, EMPLOY7 and Q3a. Results for U.S. general public from June 2011 (for employment status comparison) and July 2011 (for self-employed comparison) surveys by the Pew Research Center for the People & the Press. Figures may not add to 100% because of rounding.

Household Composition

Most adult U.S. Muslims (67%) live in multi-person households in which everyone is a Muslim. Native-born Muslims are more likely to live in a household with at least

Household Composition

	U.S. Muslims			
	Total	Foreign born	Native born	Native born Black
	%	%	%	%
One-person household	9	9	10	16
Multiple-person household	87	87	88	84
All Muslims	67	71	60	42

one non-Muslim than are foreign-born Muslims (28% of those born in the U.S. vs. 16% of those born outside the country). This is particularly the case among native-born African Americans. Nearly half (42%) of native-born African American Muslims live together with at least one non-Muslim.

	Foreign-born	U.S.-born	African American	White
Mixed Muslim/non-Muslim	20	16	28	42
Don't know	4	4	2	0
	100	100	100	100
Households with children	58	57	63	57
Muslim children only	50	53	46	28
Muslim & non-Muslim	2	1	3	7
Non-Muslim children only	6	3	13	23
No children	38	39	36	43
Don't know	4	4	1	0
	100	100	100	100

PEW RESEARCH CENTER 2011 Muslim American Survey, QZ5-QZ6d. Figures may not add to 100% because of rounding.

A majority of Muslim adults (58%) live in households with children. Half (50%) live in households where all the children are Muslim; much smaller numbers (8%) live in households that have at least one non-Muslim child. Native-born Muslims are more likely to live in households in which some or all of the children are not Muslim (16% of native-born Muslims, compared with just 4% of those born outside the U.S.). Once again, African Americans especially stand out: Nearly a quarter (23%) of native-born African American Muslims report that they live in households where none of the children are Muslim.

Number of Muslims in the U.S.

Based on data from the survey, in combination with U.S. Census data, Pew Research Center demographers estimate that there are about 1.8 million Muslim adults and 2.75 million Muslims of all ages (including children under 18) living in the United States in 2011. This represents an increase of roughly 300,000 adults and 100,000 Muslim children since 2007, when Pew Research demographers used similar methods to calculate that there were about 1.5 million Muslim adults (and 2.35 million Muslims of all ages) in the U.S.

The increase is in line with what one would expect from net immigration and natural population growth (births minus deaths) over the past four years. The 2011 population estimate also roughly accords with separate projections made last year by the Pew Forum's ["The Future of the Global Muslim Population."](#) For that report, demographers at the International Institute for Applied Systems Analysis (IIASA) in Austria independently estimated the total U.S. Muslim population at about 2.6 million in 2010. The same report also estimated that about 80,000 to 90,000 new Muslim immigrants have been entering the United States annually in recent years.

How the estimate was made

Prior to Pew Research Center's 2007 survey, no estimate for the Muslim American population, based on widely accepted social scientific methods, was available. Gauging the number of Muslims living in the United States is difficult because the U.S. Census Bureau, as a matter of policy, does not ask Americans about their religion. Nor do U.S. immigration authorities keep track of the religious affiliation of new immigrants. Both the Census Bureau and immigration authorities do collect statistics, however, on people's country of birth. Researchers can estimate the size of U.S. religious groups by combining this country-of-birth information with data from surveys on the percentage of people from each country, or group of countries, who belong to various faiths.

For example, interviewing used to identify Muslim respondents for the Pew Research Center's 2011 Muslim American survey (which screened more than 43,000 households, including non-Muslims) finds that 87% of people living in the U.S. who were born in Pakistan, Bangladesh or Yemen are Muslim. Pew Research demographers applied this percentage to country-of-birth figures from the U.S. Census Bureau. The census data show there are 198,000 households in which the head or spouse is from one of these three countries, which when multiplied by the percentage of Muslims from these countries

(87%) results in an estimate that there are 173,000 immigrant Muslim households of Pakistani, Bangladeshi and Yemeni extraction.

The survey also asked about other Muslim adults and children in the household. On the basis of this information, an average household size was calculated for each country-of-birth group (or parent's country-of-birth group) and multiplied by the number of households. The 173,000 Muslim immigrant households from Pakistan, Bangladesh and Yemen, for example, contain an estimated 380,000 Muslim adults and 195,000 Muslim children, for a combined total of 576,000 Muslims in these households. A similar approach was taken for second-generation immigrant households, which were calculated separately. For households with no foreign-born respondents or natives with foreign-born parents (i.e., third-generation households), calculations were made using survey data on age and racial breakdowns of third-generation (or later) Muslim Americans, again applied to U.S. Census data on the third-and-higher generations.

1. From 2005 to 2009, inflation-adjusted median wealth fell by 66% among Hispanic households and 53% among black households, compared with just 16% among white households, according to a July 2011 analysis of government data by the [Pew Research Center's Social & Demographic Trends](#). ↩








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States Move To Ban Islamic Sharia Law

March 11, 2011 12:00 PM



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More than a dozen states are now considering measures to ban Sharia, or Islamic law. One proposed bill in Tennessee has drawn criticism, with opponents saying it would infringe on religious freedoms for Muslims. Proponents of the bill say it's necessary to prevent "homegrown terror." Host Michel Martin speaks with David Yerushalmi, who wrote the policy paper that sparked the legislation in Tennessee and other states. They are joined by associate professor of Islamic and American Law at Boston College, Intisar Rabb.

Transcript

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MICHEL MARTIN, host:

I'm Michel Martin, and this is TELL ME MORE from NPR News.

Coming up, we'll hear what stories caught your ears this week in our Backtalk segment.

But first, it's time for Faith Matters. That's the part of the program where we talk about faith and policy. Yesterday, all eyes were on the House Homeland Security Committee's hearings on the so-called radicalization of American Muslims. The committee's chairman, Republican Peter King of New York, defended the scope of the hearings in his opening remarks.

(Soundbite of hearing)

Representative PETER KING (Republican, New York): Despite what passes for conventional wisdom in certain circles, there is nothing radical or un-American in holding these hearings. Indeed, congressional investigation of Muslim-American radicalization is the logical response to the repeated and urgent warnings which the Obama administration has been making in recent months.

MARTIN: So while the threat of Muslim extremism is on the minds of federal lawmakers, the threat is also on the minds of state legislators. So today, we want to take a closer look at the issue of Shariah law or Islamic law.

During last year's elections, you may remember that Oklahoma passed a referendum banning state courts from considering international or Islamic law. But it was later blocked by a federal judge who said that the law was unconstitutional.

Now more than a dozen states are considering similar measures, including Arizona, Indiana and Texas. One version that has sparked particular interest is the law being debated in Tennessee, which critics call the most far-reaching because it would make certain acts under the law a felony. Supporters of the measure say it is necessary to stop homegrown terror, while opponents say the law is unconstitutional and would infringe on the religious rights of Muslims.

We wanted to talk more about this, so we've called on David Yerushalmi. He wrote the policy paper that was the catalyst for the Tennessee bill as well as bills in a number of other states. He is a lawyer who specializes in national security and he is the founder and president of a group called SANE, the Society of Americans for National Existence. He describes it as a nonprofit public policy think tank and he's with us from our NPR studios in New York.

Also joining us Intisar Rabb. She is an associate professor of Islamic law and American law at Boston College. She's also a faculty researcher with Harvard Law School's Islamic Legal Studies Program. And she joins us from the studios at Harvard University. I welcome you both and thank you both so much for joining us.

Mr. DAVID YERUSHALMI (Attorney): Thank you for having me.

Professor INTISAR RABB (Islamic Law and American Law, Boston College): Thank you for having us.

MARTIN: So, Mr. Yerushalmi, I'll start with you because as we mentioned, your policy paper has been the intellectual basis for a number of the measures being considered around the country. Why is a bill like this necessary, first? And, secondly, what specifically do you feel that the Tennessee bill would accomplish?

Mr. YERUSHALMI: Well, let's first talk about what the bill is and then why we think it's necessary. The bill has been misrepresented by claiming that it outlaws, it criminalizes Islamic worship or even more specifically, that it outlaws or criminalizes the practice of Shariah or Islamic law. Both of those are simply facially false.

The law goes through a litany of legislative findings, which are based upon the knowable and objective statements by jihadist around the globe, that they base their jihad on Shariah or Islamic law.

Now, from there, the statute says that if the attorney general identifies an organization that adheres to that Shariah jihad doctrine and it's either engaging in terrorism or has the intent and the capability to engage in terrorism, that organization can be designated as a Shariah organization.

Now, that part of the statute mirrors the federal statute that allows the secretary of state to designate foreign terrorist organizations.

MARTIN: Well, that was my question, Mr. Yerushalmi - and Professor Rabb, I haven't forgotten about you. But, Mr. Yerushalmi, that is my second question to you, which is, why is this necessary? Why is it necessary to single out a particular ideology when legal tools, presumably, already exist to target organizations with violent intent?

Mr. YERUSHALMI: First of all, states, as opposed to the federal government, have a compelling state interest to protect the safety of its citizens. Tennessee has had a problem of homegrown jihadists. Bledsoe, who went out to the recruiting office in Arkansas, was from Tennessee and as it were radicalized there. So that's number one.

Number two, the statute identifies a specific threat doctrine. In policy and in law, the more specific you can be, as to the harm you're trying to address, the better the law is. And because we have a very specific threat of global jihad domesticized in this country, the statute is refined to just that aspect of the terrorist profile and threat that deals with this particular jihad doctrine.

MARTIN: OK. Let's hear from Professor Rabb about her particular concerns about the law, and then, Mr. Yerushalmi, we'll come back to you.

Prof. RABB: Yes. Thank you. I wish we were misreading what that bill actually does. I want to start off with just the language of Shariah, which represents ideals in common with core American values. The bill attempts to define Shariah as something other than that.

So, to attempt to redefine Shariah as an equation with terrorism and then say that any practice of the authoritative legal schools is prima facie evidence of Shariah as redefined, in fact, does outlaw ordinary practices of Muslims following Islamic law and its practices or precepts that advocate things like giving in charity or regulating marriages and divorces in the religious sphere, which goes along with the state sphere as it's practiced in America.

MARTIN: Well, give an example, Professor Rabb, of what your concern would be -how this might actually work in real life if the law were to pass constitutional muster. What's your concern about how it could potentially work?

Prof. RABB: It, by its terms, would outlaw practices like Muslims going to a mosque to get married according to their religious beliefs and solemnizing that according to the state. The state part would be fine, but not the marriage contract as concluded according to Islamic law. Or...

MARTIN: What about the...

Prof. RABB: ...giving charity...

MARTIN: I wanted to ask you about that - the material support part. Give an example of why you think that that's problematic. Because a lot of people would argue, what's the problem with saying that you can't give money to terrorist organizations? That there's already material support clauses in American law. What's different about this?

Prof. RABB: What is different? I'm not sure what is different about this bill, where Tennessee feels that it - or the legislators in Tennessee believe that they need to have a material support clause that defines Shariah as terrorism. So I think we need to clarify the terms here. Shariah is not equivalent to terrorism. It's not equivalent to whatever we choose to have it mean, like some Humpty Dumpty character.

MARTIN: And so is your concern - I need you to focus on - sorry, I need you to focus on your concerns about the law. Is your concern that this law then equates Shariah law with terrorism? Is that your concern?

Prof. RABB: Yes, that's the main concern, that it misrepresents what Shariah is, equates it with terrorism and criminalizes ordinary lawful and socially desirable practices of Muslims, in particular in America, in Tennessee.

MARTIN: Mr. Yerushalmi, could you speak to that?

Mr. YERUSHALMI: Yeah. Well, it's just patently false. I don't know what law she's reading. The law does not even criminalize the absolute practice of Shariah. In fact, you could go to Times Square and you could print out: I advocate Shariah, I even advocate, in theory, jihad against America and my statute does not touch you. The statute says the attorney general simply designates someone who practices a Shariah with terrorism component. Period. End of discussion.

MARTIN: Can I, though...

Mr. YERUSHALMI: Shariah...

MARTIN: Go ahead.

Mr. YERUSHALMI: I'm sorry. But this is also a statute that defined its terms. It's not saying, and I've read an interview two days ago by Professor Rabb on "Setting the Record Straight on Sharia" and she addresses it. She makes the same statement there.

But what she's saying is that in more general terms, it might be of interest to your audience, is that Shariah has nothing to do with jihad or that it's not simply jihad. But here's the problem. Every place where you look out into the world where it is authoritative law, includes aspects of jihad, death for blasphemy. These laws are well known. But...

Prof. RABB: Well, can I speak to that, since I do study Shariah?

MARTIN: Well, just a minute, let him finish. Let him finish.

Mr. YERUSHALMI: Now, what Professor Rabb says is that, well, Shariah can be to the individual whatever the individual wants, and I agree. To an individual like Professor Rabb, it's a personal, pietistic relationship to the divine. That's fine with us. And the statute doesn't speak to that Shariah.

MARTIN: If you're just joining us, you're listening to TELL ME MORE, from NPR News. We're talking about a series of bills seeking to ban the use of Shariah law or Islamic law in U.S. courts. We're taking a particular focus on a law being debated in Tennessee. We're speaking with David Yerushalmi. He is the author of a policy paper that's influenced a number of these bills.

Also with us, Intisar Rabb. She is an associate professor of Islamic law and American law at Boston College.

Mr. Yerushalmi, forgive me, I think that our conversation has been civil and on the facts, and I appreciate that, but I do feel I have to ask you this, that you have been labeled - and I realize that name calling should not be a part of this conversation and it has not been, but I do feel a responsibility to ask - a left-leaning magazine, Mother Jones, has called you a white supremacist.

And it cites a quote, which it says comes from your organization's website, saying, quote, "There is a reason the Founding Fathers did not give women or black slaves the right to vote." And the implication - well, you were also quoted in this article, in a commentary calling for a, quote, "war on Islam." So the implication here is that this is motivated by a view that Islam on its face is a violent and inferior religion and its adherents are predisposed to violence and so forth. And I feel a responsibility to ask you to address that, if you would.

Mr. YERUSHALMI: OK. The Mother Jones article is simply defamatory and it's false. I am - certainly can't be a white supremacist, only because I'm an orthodox Jew, and I will be the first to die at the hands of these people if they ever have power or a gun to my head. So that's absurd. Further, the quote they take that talks about what the Founding Fathers did was precisely an open criticism and question about those individuals who hold the Founding Fathers up in absolute esteem - we've built monuments to them - refuse to address the problem that these men denied African-Americans and they denied women the fundamental right of representative government.

He simply takes the question and makes it a statement, as if it were mine. What is the basis for what they did? They certainly had a reason. They were either racist, misogynist, chauvinistic, or they had some other reason. But you have to confront that. And the Mother Jones is entirely an attack upon me with links to articles that don't say what they claim I said. Where they call me a white supremacist based on an essay they said that I stated that whites are racially superior to blacks, which is an absurdity. And I've never written or said any such thing.

MARTIN: Mr. Yerushalmi, I respect you. I appreciate this. I do think the question that needs to be asked, and I appreciate your candor in this matter, the question, however, is - is your view of this measure motivated in part by a view that Islam is inherently violent and that its adherents are inherently predisposed to violence because of their commitment to religious Islam?

Mr. YERUSHALMI: No.

MARTIN: That would be the question.

Mr. YERUSHALMI: And again, I have represented pro bono Muslim-Americans. I have stated on the record, the pietistic worship of the divine through Islamic worship, Jewish worship, Christian worship, atheistic worship or humanistic, is protected and absolutely sacrosanct in our system. What I have said is that the Islam that we're speaking about is the Shariah-driven jihad-based Islam that all of the global jihadists espouse.

MARTIN: Professor, sorry, we're going to lose your lines in five minutes. So Professor, that's why I'm pushing you along. That's the only reason. Professor Rabb?

Prof. RABB: Yes, I'd like to speak to a few of these things. I mean, we've heard about a codification of Shariah, and that's partly the point. There is no codification of Shariah. There is an attempt to codify a single code of Islamic law very early on in the 8th and 9th centuries, and that was rejected. And ever since, Islamic law has been characterized by a tremendous amount of diversity, and we can't point to any one code.

That said, we don't have Islamic law as a part of American constitutional law, nor do we seek to have Islamic law as a part of American constitutional law. So we're looking at two different times and contexts and applying one version of Islamic law to practices in America and conflating - or I see the Tennessee bill conflating Shariah and bandying about that term as if it's some Harry Potter curse or equating Shariah with terrorism.

Why not just say terrorism? Or material support for terrorists that we are prohibiting, rather than modifying it with this term that's defined incorrectly as Shariah terrorism or Shariah organizations in the bill.

MARTIN: OK. We have to leave it there for now. Forgive me.

Intisar Rabb is an associate professor of Islamic law and American law at Boston College. She's also with Harvard Law School's Islamic Legal Studies Program. She's a faculty researcher there. She was with us from the studios at Harvard University.

Also with us, David Yerushalmi. He's a lawyer specializing in national security issues. He's the president of SANE, the Society of Americans for National Existence. He also wrote the policy paper that was the catalyst for the Tennessee bill that we've been discussing, as well as the bills for a number of other states. And he was with us from New York.

I thank you both so much for joining us.

Mr. YERUSHALMI: Thank you for having me.

Prof. RABB: Thank you for having us.

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Setting The Record Straight On Shariah

An Interview with Intisar Rab

3/8/2011

By Sally Steenland

Intisar Rabb is a member of the law faculty at Boston College Law School where she teaches advanced constitutional law, criminal law, and comparative and Islamic law. She is also a research affiliate at the Harvard Law School Islamic Legal Studies Program and a 2010 Carnegie Scholar. She is particularly interested in questions at the intersection of criminal justice, legislative policy, and judicial process in American law and in the law of the Middle East and the wider Muslim world.

She has served as a law clerk to the Hon. Thomas L. Ambro of the U.S. Court of Appeals, Third Circuit, and subsequently worked with members of the bench and bar in the United Kingdom as a Temple Bar Scholar through the American Inns of Court. Rabb has traveled for research to Egypt, Iran, Syria, and elsewhere.

Sally Steenland: Sharia has been in the news these past few months as states like Oklahoma have passed laws banning Sharia and other states are proposing similar laws. Most people, however, don't actually know what Sharia is. Can you tell us what Sharia is—and what it is not?

Intisar Rabb: Sharia is the ideal law of God according to Islam. Muslims believe that the Islamic legal system is one that aims toward ideals of justice, fairness, and the good life. Sharia has tremendous diversity, as jurists and learned scholars figure out and articulate what that law is. Historically, Sharia served as a means for political dissent against arbitrary rule. It is not a monolithic doctrine of violence, as has been characterized in the recently introduced Tennessee bill that would criminalize practices of Sharia.

S: Are there similarities between Sharia and religious practices in Christianity or Judaism?

I: Yes. Sharia historically was a broad system that encompassed ritual laws, so in some ways it is like Jewish law that has rules for how to pray, how to make ablution before prayers—that sort of thing. There are also broader principles that Sharia tries to embody, such as justice and fairness.

S: So Christians might practice their faith by tithing—giving money to their church. They might pray before meals. They might observe certain religious holidays. They might not shop on Sunday. But they still obey local laws, federal laws, and the Constitution. For Muslim Americans, what are some ways they observe Sharia?

I: The examples you gave are parallel to the practice of Sharia in daily life. There are certain tenets of Islam that require Muslims who choose to adhere to it to give to charity, to pray, to attend the mosque, to fast during the month of Ramadan. These are some examples of how Muslims fulfill religious obligations.

There are social obligations as well. I like to point to an organization in Chicago—the Inner City Muslim Action Network—that says it is inspired by Islamic precepts to give back to the local community, to make sure that the poor, needy, and disenfranchised in one's community are taken care of. That is an example of the practice of Sharia in America.

A final example involves areas where Muslims are concerned about private affairs, such as marriage laws. Just as Christians have weddings in a church, Muslims often have weddings in a mosque or some other venue presided over by an imam, and the marriage is also solemnized by the state. There is a religious aspect and a state aspect to a wedding ceremony.

S: What do you say to critics who claim that Sharia is a threat to democracy and that we need laws forbidding it so that Sharia doesn't take over America? Also, can you discuss how religious codes and the U.S. legal system can live side by side?

I: As you know, I teach both American law and Islamic law in an American law school, so I am very much attuned to seeing issues of religion in terms of American federal and state laws. The First Amendment affirms the free exercise or practice of religion and at the same time forbids the establishment of religion

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by government.

These twin clauses of free exercise and nonestablishment allow a wide array of religious practice in America—Islam being one of them. This has been part of the fabric of American religious and civic life since our founding. In fact, Muslims have been part of our country since before its founding, as many were brought to this country as slaves.

We have never had a threat to our democracy from the long-time religious practices of Muslims in America. I think in part that stems from the nature of Muslim religious practice in this country—it is more of a private religious matter than a very public iteration. It also speaks to the strength and flexibility of our laws, both state and federal, that continuously affirm religion as a value. We want to encourage its free practice while also not establishing religion in any governmental sense.

S: You say that Muslim Americans have been in this country for hundreds of years, which means that people have been practicing their faith, including Sharia, for a long time. This is not a new thing. Why do you think it's getting attention now?

I: In a word, I would say politics. Leading up to the midterm elections in November 2010, there was the mosque controversy in New York and the specter of Muslims taking over. We saw an anti-Sharia law in Oklahoma. The anti-Sharia bill in Tennessee goes a lot further. In my view a lot of it had to do with the politics of equating Sharia with Muslims, with terrorism, with national security, and with an attempt by some, especially on the right, to rally support around a wedge issue.

It can strike some sensitive chords because we have had horrible tragic events happen to us. With the events of 9/11, with the wars in the Middle East that raise the specter of Islam as a negative phenomenon—playing on those fears is being used 10 years after the attacks.

S: You mentioned the anti-Sharia law that was introduced in Tennessee. My understanding is that it goes further than the Oklahoma ban and that in Tennessee it would be a felony to practice Sharia, which means it would be a felony to pray, to give money to charity, to fast. Is that correct? And if so, would it be a felony for everybody to pray, or does the Tennessee law single out Muslims? Does it say that Christians and Jews can pray and give money to charity and Muslims cannot?

I: According to the draft text I have seen of the Tennessee bill, it would be a felony for Muslims to perform everyday religious practices like praying, giving to charity, or fasting because they would be defined as banned Sharia practices. That is clearly unconstitutional because it violates the religious free exercise clause of the First Amendment and is a violation of equal protection laws.

There may be times that we as a state want to limit some aspects of the private practice of Islamic law. A California court, for example, ruled that allowing women to take a certain sum of money upon divorce, as is typical in Islamic marriage contracts, was against the state's policy of forbidding profiteering from divorce. Other courts have found differently on that issue. And so there may be times when the issue arises as to whether Islamic legal practices conflict with public policy, and then the courts will resolve these issues and they will be adhered to, as they were in the California case. But to issue a blanket ban on otherwise lawful and wholly permissible and civically valuable religious practices is what the Tennessee law proposes to do and is unconstitutional.

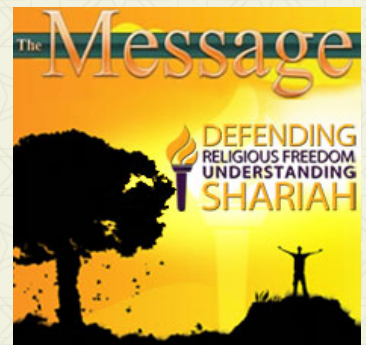
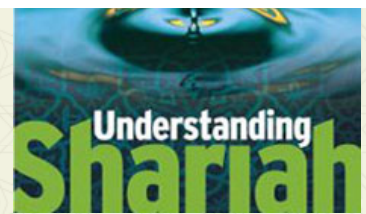
S: You gave the example of California courts and divorce. Do courts get involved with the religious practices and laws of other faiths, where teachings regarding something like divorce may bump into civil law?

I: Yes. Law courts, when presented with an issue, whether it comes from a religious contract or a secular private contract that seems to conflict with public policy—then, yes, law courts adjudicate those issues. They could come from Judaism, Christianity, Islam, or other religions. Courts are seeking to make sure that state policy is the supreme law of the land. Typically, matters such as marriage and divorce proceed informally. It is only in the rare instance that the matter goes to court. And then judges will adjudicate matters in reference to American law. So there is no threat that Sharia, or any other religious law, will supersede the laws of the state.

S: Let's talk about Sharia in other countries. Critics of Sharia speak as if it were a monolithic punitive system that threatens to take over the United States. You have said that some Muslim-majority countries adopt Sharia and some do not.

I: Of all the countries that are part of the Organisation of the Islamic Conference, 26 countries make Islamic law a source of law according to their constitution. Of that number, all but five apply Sharia only to matters of family and inheritance law. So the number of countries where Sharia is the law of the land is extremely small. Saudi Arabia and Iran apply Islamic law most extensively.

But among other countries with Muslim majorities, there is Turkey that follows a French model of



secularism. We have countries like Senegal, which doesn't have a particular legal status for Islamic law. Then there are countries like Egypt, which has Islamic law as a part of the constitution as a source of law. In the three decades since that law was inserted in the constitution, Egypt did not turn into an authoritarian Islamic state. It was authoritarian, but not on the basis of Islamic law. Incidentally, that clause remains with revisions to proposed amendments to the constitution. And the supreme constitutional court of Egypt has managed to work out definitions of Islamic law that come from secular judges. They do not allow religious clerics, who are not part of the state system, to define what the state law is, even when it relates to Islamic law.

S: Religions such as Christianity and Judaism include different traditions, interpretations, and disputes about sacred texts and teachings. Do different interpretations exist within Sharia as well?

I: Absolutely. The \$64,000 question of the day is who gets to speak for Sharia. Traditionally it was this class of educated jurists or scholars who spent a lifetime studying legal texts and theory and practice. They were much like the jurist consults of ancient Rome or the law professors in modern America. Imagine if law professors got to say what the law is. That is the equivalent of classical Muslim society as to who got to speak for Islamic law.

Even then there was a wide diversity of opinion. There is an old joke that if you put four law professors in a room and ask them a single question, you will get at least five answers. It was a lot like that. There were four major Sunni schools and three major Shia schools even in the premodern period.

Now in the modern period, there is even more diversity of opinion. Not only are these scholars saying that they have the authority to interpret Sharia but other individuals are saying that they also have the right to say what Sharia is. So we have some scholarly informed interpretations of Sharia, based on considerable research, again like law professors. And then we have popular Islamic legal opinions that would apply to many in the Middle East, and perhaps beyond that, who decide that they can interpret what Sharia is.

In addition, we have others who intentionally distort Sharia to serve their political ambitions. The latter category applies to the likes of bin Laden in the Muslim context and people like Newt Gingrich in the American context. These people are clearly at the margins of the conversation. Out of 1.3 billion Muslims in the world, we hear of a handful of folks following interpretations like the one bin Laden espouses. It is newsworthy because it is rare.

S: It sounds like you're saying Sharia is not monolithic. It is not frozen in time but is dynamic and open to different interpretations. It has popular self-appointed experts, legal experts, and religious scholars, all of whom are having their say in terms of what they think Sharia is.

I: Yes. There are many who claim to speak for Sharia. In Islam there is no church akin to the Catholic Church. There is no pope. With so little hierarchy, you get a very diffuse, Protestant-like view of what Islamic law means in the religious lives of individual Muslims and communities.

S: In your view, what are the consequences of misperceptions about Sharia in this country?

I: I think they are largely negative, with some small positive glimmers. Misinformation results in fear mongering that is used for political ends. It has resulted in profiling against ordinary American Muslims. It may have a chilling effect on the civic engagement of lawful activities like charitable giving, praying, and carrying out the religious practices of ordinary life.

The positive glimmer is that perhaps all the negative press creates some sort of interest in knowing about what Sharia actually is. To the extent that misinformation about Sharia encourages dialogue, discussion, and public education, I think there can be a positive outcome if we continue to educate ourselves about what Sharia is and what it is not.

S: Let's say someone is reading this interview who would like a few facts to remember about Sharia. What would they be?

I: Sharia represents ideals of justice, fairness, and the good life—ideals that Americans hold dear. And it is worth learning more about Sharia.

S: One last question. Can you translate the word "Sharia" and tell us what it means?

I: Sharia literally means "the way." The full meaning is "the way to justice that is willed by God." The attempt to find the way is an enduring attempt for humans of all ages. The best ideals of justice are a work in progress, not a finished product.

S: Thank you, Intisar, for talking with us. All best wishes in your work.

I: Thank you.

[Listen to this interview](#) (mp3)

Sally Steenland is Director of the Faith and Progressive Policy Initiative at the Center for American Progress.

Source: http://www.americanprogress.org/issues/2011/03/rabb_interview.html

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NOVEMBER 2011

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The Islamic Case for Religious Liberty

A close reading of the Qur'an and the Prophet leads to supporting religious tolerance.

Abdullah Saeed

The words of the Qur'an and hadith contain rich resources for supporting the democratic order. If Muslims are to embrace modernity, including life in a pluralistic, democratic society, without abandoning their faith, they must take up the argument for religious liberty that is embedded in their history and that stands at the center of their most sacred texts.

Although the broad thrust of the Qur'an and hadith supports religious liberty, many parts of these texts can be, and traditionally have been, interpreted as denying it. One example is a qur'anic verse that deals with the question of the *jizyah*, a tax on non-Muslims: "Fight those who believe not in Allah nor the Last Day, nor hold that forbidden which hath been forbidden by Allah and His Messenger, nor acknowledge the religion of Truth, (even if they are) of the People of the Book, until they pay the Jizyah with willing submission, and feel themselves subdued" (Q 9:29). The Prophet reportedly sometimes demands the death penalty for apostasy, the most obvious example of this being the hadith "Whoever changes his religion, kill him" (Bukhari, *Sahih*, 9, 84, hadith 57).

These problematic texts are outweighed by the bulk of the texts and instruction provided by the two most important authorities in Islam, the Qur'an and the Prophet Muhammad's actual practice. Both are remarkably supportive of the idea of individual and personal religious freedom.

The bedrock of the Islamic case for religious liberty is the Qur'an's vision of the human person. The Qur'an's anthropology—which is shared by Christianity and Judaism—views every human being as a creation of God, blessed with intellect and free will. God created humans "in the best of molds" (Q 95:4) and in doing so honored humanity and conferred on it special favors (Q 17:70). The Qur'an emphasizes that human beings have inherent worth and dignity. Further, it holds that God gave humankind the intellect and ability to discern between right and wrong (Q 17:15 and 6:104).

The Qur'an emphasizes free choice. "The truth [has now come] from your Sustainer: Let, then, him who wills, believe in it, and let him who wills, reject it," it says (Q 18:29). And also: "Whoever chooses to follow the right path follows it but for his own good; and whoever goes astray goes but astray to his own hurt" (Q 17:15). Resoundingly, the Qur'an declares that "there shall be no coercion in matters of faith" (Q 2:256). Belief is an individual choice—or, rather, it is a choice involving the individual and God. Therefore forced conversions are simply unacceptable, and anyone who would use force rather than persuasion to promote religion must ignore the view of the person central to the Qur'an.

The capstone of the qur'anic case for religious liberty is the fact that not even the Prophet Muhammad could impose or force people to profess Islam. When people were unreceptive to the message of Islam, the Qur'an explicitly reminded him that he was never to resort to coercion: "Your task is only to exhort; you cannot compel them [to believe]" (Q 88:21).

Evidence from Islamic history suggests that this view was held not only by Prophet Muhammad but also by his political successors. In one recorded example, an elderly Christian woman came to see the caliph Umar and then refused his invitation to embrace Islam. He became anxious that she might have perceived his invitation as compulsion. "O my Lord," he said, expressing his remorse, "I have not intended to compel her, as I know that there must be no compulsion in religion. . . . [R]ighteousness has been explained and distinguished from misguidance."

Unfortunately, many Muslim-majority countries have failed to follow the Prophet's example. Muslims in these states face penalties for blasphemy, heresy, and, most famously, apostasy. Non-Muslims are barred from proselytizing and possessing or importing unsanctioned religious items, including Bibles. They face restrictions on the public practice of religion and strict limits on the building or renovation of places of worship. The government monitors their religious activities, raids private services, and sometimes harasses or imprisons non-Muslim believers simply for

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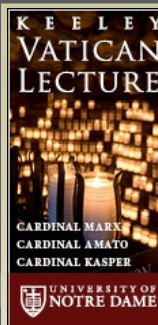
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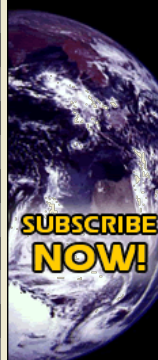
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practicing their faith.

But the Qur'an says much to undercut such restrictions. On a practical level, it repeatedly emphasizes the role of the Prophet as teaching people about God rather than forcing them to convert to Islam. "The Apostle is not bound to do more than clearly deliver the message [entrusted to him]" (Q 24:54). Similarly, it urges readers to "pay heed, then, unto God and pay heed unto the Apostle; and if you turn away, [know that] Our Apostle's only duty is a clear delivery of this message" (Q 64:12).

In fact, the Qur'an appears to afford a high degree of freedom to non-Muslims under Muslim rule, particularly Jews and Christians (sometimes known as the "people of the book"). Its relatively tolerant position gave way to restrictions that emerged approximately one hundred years after the death of Muhammad. At the time of the Prophet, the Qur'an clearly distinguished between those non-Muslims who were hostile to the emerging Muslim community and were prepared to use violence against it and those non-Muslims who desired to live peaceably. In passages from the last two years of the prophet's time in Medina (631-2 c.e.), the Qur'an encouraged, and even commanded, Muslims to bring these hostile forces under the authority of the Muslim state. However, even when exhorting Muslims to fight their opponents, the Qur'an did not suggest that those engaged in hostilities should be forced to convert to Islam. Indeed, it drew a sharp line between enforcing recognition of state authority and forcing any change of religious belief.

So the Qur'an does not endorse use of the sword to force conversions to Islam. But does it command such means to stop conversion *from* Islam?

The answer, I believe, is no. The Qur'an itself does not prescribe any worldly penalty—let alone death—to those who leave Islam. There are two clear categories of apostasy in the Qur'an. The first concerns Muslims who profess Islam outwardly but who then attempt to destroy the Muslim community from within, using every opportunity to discredit the Prophet (Q 2:8–18). However, the Qur'an does not recommend the death penalty even for this group of religious hypocrites, or *munaḥfiqun*.

The other category of apostasy concerns Muslims who reject Islam and then return to it, only to reject it again a second or even a third time, seesawing back and forth between Islam and their former religions (Q 4:137). In the case of these serial apostates, the Qur'an does not suggest the death penalty. It specifies only a severe punishment that they will suffer in the life after death—the same other-worldly punishment the Christian tradition reserved for apostates.

And in fact, in the first centuries of Islam after the Prophet's death, when the community was more threatened from outside forces, the laws prohibiting apostasy, blasphemy, and heresy were used often against political and theological opponents, whereas at other times Muslim critics of Islam were allowed to remain and function within the Muslim community despite their controversial views.

That is the Qur'anic teaching. What do the hadith, the collected traditions and sayings of the Prophet, say about religious liberty? Some appear to indicate that any Muslim who changes his or her religion should be killed. However, the hadith themselves offer no evidence to suggest that Prophet Muhammad himself ever imposed the death penalty for the mere act of conversion from Islam. For example, a hadith in Bukhari's collection (one of the most important collections of hadith for Sunni Muslims) tells of a man who came to Medina and converted to Islam. Shortly after his arrival, however, he informed Prophet Muhammad that he wanted to return to his former religion. Far from punishing him with death, the Prophet let him go free, without imposing any penalty at all (Bukhari, *Sahih*, 9, 92, hadith 424). A contradiction, therefore, exists between certain sayings attributed to the Prophet and his actual conduct.

Of course, there are instances when the Prophet did impose the death penalty. What are we to make of them? In these cases, the accused had joined an enemy camp, or taken up arms against the Muslim community, or done something else that made their act more than a simple conversion. One version of an important hadith says: "A man who leaves Islam and engages in fighting against God and His Prophet shall be executed, crucified, or exiled." (Abu Duwad, *Sunan*, 33, hadith 4339). The crime being singled out for punishment is not the simple changing of one's faith but rather the definite choice to engage in war against the Muslim community.

Another hadith, attributed to the Prophet, affirms the idea that it is not simply a change of religion that warrants the death penalty for apostasy: "The blood of a Muslim who professes that there is no God but Allah and I am His Messenger is sacrosanct except in three cases: in the case of a married adulterer, one who has killed a human being, and one who has abandoned his religion, while splitting himself off from the community" (Muslim, *Sahih*, 16, hadith, 4152). The reference here to "splitting himself off from the community" is interpreted to mean one who actively boycotts and challenges the community and its legitimate leadership.

The various hadith that appear to command Muslims to kill apostates from Islam must, therefore, be understood in their proper political context. Most Muslim scholars today rely on the legal reasoning of the classical jurists without considering whether their reasoning should be considered authoritative or how changed political and legal conditions should shape our reception of that tradition's authoritative elements. In the view of Muhammad Mutawalli al-Sha'rawi, for example, a preacher from Egypt, the liberty of a Muslim is restricted in that a Muslim may not leave Islam once he becomes a Muslim. He argues that although a person is free to believe or not to believe in Islam, once he has embraced the Islamic faith he is subject to all of its requirements, including the contemporary

stand on apostasy and its punishment.

At the time of Prophet Muhammad there was no “state” as such. A tribal system was in place in much of Arabia in the sixth and early seventh centuries. With the rise of Islam and its consolidation in Medina during the last decade of the Prophet’s life (622–32 c.e.), converts to Islam from various tribes joined a community that was political as well as religious. Given the ongoing hostility between the Muslims and their opponents, conversion from Islam generally meant that a person left the Muslim community and joined its opponents. Apostasy was the equivalent of treason.

If the Qur’an does not speak against religious liberty, and if the evidence from relevant hadith is weak, how can we account for the restrictions on religious liberty in Muslim-majority states? Most of these restrictions can be traced back to classical Islamic law. The classical legal texts from each of the surviving schools of Islamic law provide a range of restrictions on the religious liberty of both non-Muslims and Muslims. These are not inevitable developments of Islam’s two most authoritative sources, the Qur’an and the Prophet’s actual practice, but rather a contestable departure from them.

About one hundred years after the death of the Prophet, Muslim theologians and jurists during the Umayyad dynasty began to define *Muslim* and *community*. Discussions of relations between Muslims and non-Muslims and of Islam’s superiority over other religions were intertwined with theological debates over matters such as free will, predestination, and the nature of God. These debates produced a wide range of positions and schools of thought. It was within this context of religious pluralism and conflict that Muslims had to deal with the problem of religious liberty.

Over time, limits on religious liberty for non-Muslims were added. These included restrictions on the building of places of worship, public readings of Scripture, and the ability of non-Muslims to engage publicly in certain activities that Muslims considered forbidden (such as drinking alcohol) if these non-Muslims were living in Muslim communities. It is far from clear how consistently or stringently the restrictions were applied in practice. Like apostasy law, they may have been used only at particular times of uncertainty, difficulty, or tensions with an external enemy.

Although these restrictions have come to form an influential part of classical Islamic law, non-Muslims under Muslim rule generally have been granted the prerogative to manage their own affairs (including religious affairs) from the time of the Prophet Muhammad onward. This practice was adhered to in various Muslim empires (from the Umayyad through to the Abbasid and the Ottoman). One example is the “millet system” established by the Ottoman Empire. One of the major challenges for the Ottomans was finding ways to govern the broad array of people, religions, cultures, and languages contained within their empire. Under the millet system, the Ottomans gave people of various religious traditions the right to practice their own religion and preserved their places of worship, provided they recognized the Ottoman state and the superiority of Islam.

With these arrangements in place, Ottoman society remained generally free of large-scale religious conflict for centuries. Even the Jews fleeing persecution in Spain found that they were welcome in Ottoman lands. This tolerance did not necessarily result in full equality or equal citizenship (which are, in any case, relatively modern concepts even in the West), but non-Muslims nonetheless rose to prominence in many Muslim states.

Today there is some movement toward Muslim acceptance of religious liberty. In global legal terms, religious liberty receives its primary definition from Article 18 of the Universal Declaration of Human Rights, which has been incorporated into other international instruments such as the International Covenant on Civil and Political Rights (ICCPR) and the UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. Many Muslim-majority states have even signed and ratified the ICCPR, which contains the wording of Article 18 of the Universal Declaration, with some minor changes. The article reads: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

Though they may continue to flout these ideals, the many Muslim-majority countries that have accepted this statement have, in some minimal legal sense, already committed themselves to the ideal of religious liberty.

Sadly, the implementation of this standard continues to be painfully slow because of certain trends within Islam. At a time when a number of ultraconservative voices appear to be dominating the discourse in many parts of the Muslim world, Muslim scholars who advocate for religious liberty are fiercely opposed. They are often labeled as stooges of the West or accused of being apostates or heretics. Many such scholars in Muslim nations are imprisoned for their views or have their publications banned. My book *Freedom of Religion and Apostasy in Islam* was banned in the Maldives in 2008 after a targeted campaign against my coauthor (and brother) Hassan Saeed by certain politicians and an ultraconservative group.

Despite current challenges, the degree of freedom available to many Muslims, particularly those who are based in intellectually free societies

(many of which are in the West), can be used to challenge those who threaten religious liberty. Muslims, who now make up roughly 20 percent of the world’s population, have a political and religious duty to take into account the important

values and norms that have extensive grounding in Islam's most sacred texts and its own tradition. In doing so, Muslim thinkers will be returning to their most important sources of authority, the Qur'an and the Prophet, in support of tolerance and religious liberty.

Abdullah Saeed is the Sultan of Oman Professor of Arab and Islamic Studies at the University of Melbourne, Australia. This essay includes material delivered in a lecture given to the James Madison Program at Princeton University.

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Across Nation, Mosque Projects Meet Opposition



Mike Blake/Reuters

Residents in Temecula, Calif., protested against a mosque's proposed worship center.

By LAURIE GOODSTEIN

Published: August 7, 2010

While a high-profile battle rages over a [mosque near ground zero](#) in Manhattan, heated confrontations have also broken out in communities across the country where mosques are proposed for far less hallowed locations.

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Christopher Berkey/Associated Press
In Murfreesboro, Tenn., arguments broke out over a planned Muslim center.

In Murfreesboro, Tenn., Republican candidates have denounced plans for a large Muslim center proposed near a subdivision, and hundreds of protesters have turned out for a march and a county meeting.

In late June, in Temecula, Calif., members of a local [Tea Party](#) group took dogs and picket signs to Friday prayers at a mosque that is seeking to build a new worship center on a vacant lot nearby.

In Sheboygan, Wis., a few Christian ministers led a noisy fight against a Muslim group that sought permission to open a mosque in a former health food store bought by a Muslim doctor.

At one time, neighbors who did not want mosques in their backyards said their concerns were over traffic, parking and noise — the same reasons they might object to a church or a synagogue. But now the gloves are off.

In all of the recent conflicts, opponents have said their problem is Islam itself. They quote passages from the Koran and argue that even the most Americanized Muslim secretly wants to replace the Constitution with [Islamic Shariah law](#).

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These local skirmishes make clear that there is now widespread debate about whether the best way to uphold America's democratic values is to allow Muslims the same religious freedom enjoyed by other Americans, or to pull away the welcome mat from a faith seen as a singular threat.

"What's different is the heat, the volume, the level of hostility," said Ihsan Bagby, associate professor of Islamic studies at the [University of Kentucky](#). "It's one thing to oppose a mosque because traffic might increase, but it's different when you say these mosques are going to be nurturing terrorist bombers, that Islam is invading, that civilization is being undermined by Muslims."

Feeding the resistance is a growing cottage industry of authors and bloggers — some of them former Muslims — who are invited to speak at rallies, sell their books and testify in churches. Their message is that Islam is inherently violent and incompatible with America.

But they have not gone unanswered. In each community, interfaith groups led by Protestant ministers, Catholic priests, rabbis and clergy members of other faiths have defended the mosques. Often, they have been slower to organize than the mosque opponents, but their numbers have usually been larger.

The mosque proposed for the site near ground zero in Lower Manhattan cleared a final hurdle last week before the city's [Landmarks Preservation Commission](#), and Mayor [Michael R. Bloomberg](#) hailed the decision with a forceful speech on religious liberty. While an array of religious groups supported the project, opponents included the [Anti-Defamation League](#), an influential Jewish group, and prominent Republicans like [Sarah Palin](#) and [Newt Gingrich](#), the former House speaker.

A smaller controversy is occurring in Temecula, about 60 miles north of San Diego, involving a typical stew of religion, politics and anti-immigrant sentiment. A Muslim community has been there for about 12 years and expanded to 150 families who have outgrown their makeshift worship space in a warehouse, said Mahmoud Harmoush, the imam, a lecturer at [California State University](#), San Bernardino. The group wants to build a 25,000-square-foot center, with space for classrooms and a playground, on a lot it bought in 2000.

Mr. Harmoush said the Muslim families had contributed to the local food bank, sent truckloads of supplies to New Orleans after [Hurricane Katrina](#), and participated in music nights and Thanksgiving events with the local interfaith council.

"We do all these activities and nobody notices," he said. "Now that we have to build our center, everybody jumps to make it an issue."

Recently, a small group of activists became alarmed about the mosque. Diana Serafin, a grandmother who lost her job in tech support this year, said she reached out to others she knew from attending Tea Party events and anti-[immigration](#) rallies. She said they read books by critics of Islam, including former Muslims like Walid Shoebat, Wafa Sultan and Manoucher Bakh. She also attended a meeting of the local chapter of ACT! for America, a Florida-based group that says its purpose is to defend Western civilization against Islam.

"As a mother and a grandmother, I worry," Ms. Serafin said. "I learned that in 20 years with the rate of the birth population, we will be overtaken by Islam, and their goal is to get people in Congress and the [Supreme Court](#) to see that Shariah is implemented. My children and grandchildren will have to live under that."

"I do believe everybody has a right to freedom of religion," she said. "But Islam is not about a religion. It's a political government, and it's 100 percent against our Constitution."

Ms. Serafin was among an estimated 20 to 30 people who turned out to protest the mosque, including some who intentionally took dogs to offend those Muslims who consider dogs to be ritually unclean. But they were outnumbered by at least 75 supporters. The City of Temecula recently postponed a hearing on whether to grant the mosque a permit.

Larry Slusser, a Mormon and the secretary of the Interfaith Council of Murietta and Temecula, went to the protest to support the Muslim group. "I know them," he said.



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“They’re good people. They have no ill intent. They’re good Americans. They are leaders in their professions.”

Of the protesters, he said, “they have fear because they don’t know them.”

Religious freedom is also at stake, Mr. Slusser said, adding, “They’re Americans, they deserve to have a place to worship just like everybody else.”

There are about 1,900 mosques in the United States, which run the gamut from makeshift prayer rooms in storefronts and houses to large buildings with adjoining community centers, according to a preliminary survey by Mr. Bagby, who conducted a mosque study 10 years ago and is now undertaking another.

A two-year study by a group of academics on American Muslims and terrorism concluded that contemporary mosques are actually a deterrent to the spread of militant Islam and terrorism. The study was conducted by professors with Duke’s Sanford School of Public Policy and the [University of North Carolina](#). It disclosed that many mosque leaders had put significant effort into countering extremism by building youth programs, sponsoring antiviolenace forums and scrutinizing teachers and texts.

Radicalization of alienated Muslim youths is a real threat, Mr. Bagby said. “But the youth we worry about,” he said, “are not the youth that come to the mosque.”

In central Tennessee, the mosque in Murfreesboro is the third one in the last year to encounter resistance. It became a political issue when Republican candidates for governor and Congress declared their opposition. (They were defeated in primary elections on Thursday.)

A group called Former Muslims United put up a billboard saying “Stop the Murfreesboro Mosque.” The group’s president is Nonie Darwish, also the founder of Arabs for Israel, who spoke against Islam in Murfreesboro at a fund-raising dinner for International Christian Embassy Jerusalem.

“A mosque is not just a place for worship,” Ms. Darwish said in an interview. “It’s a place where war is started, where commandments to do jihad start, where incitements against non-Muslims occur. It’s a place where ammunition was stored.”

Camie Ayash, a spokeswoman for the Islamic Center of Murfreesboro, lamented that people were listening to what she called “total disinformation” on Islam.

She said her group was stunned when what began as one person raising zoning questions about the new mosque evolved into mass protests with marchers waving signs about Shariah.

“A lot of Muslims came to the U.S. because they respect the Constitution,” she said. “There’s no conflict with the U.S. Constitution in Shariah law. If there were, Muslims wouldn’t be living here.”

In Wisconsin, the conflict over the mosque was settled when the Town Executive Council voted unanimously to give the Islamic Society of Sheboygan a permit to use the former health food store as a prayer space.

Dr. Mansoor Mirza, the physician who owns the property, said he was trying to take the long view of the controversy.

“Every new group coming to this country — Jews, Catholics, Irish, Germans, Japanese — has gone through this,” Dr. Mirza said. “Now I think it’s our turn to pay the price, and eventually we will be coming out of this, too.”

This article has been revised to reflect the following correction:

Correction: August 15, 2010

An article last Sunday about the growing resistance to new and expanded mosques in the United States misidentified the sponsor of an event where Nonie Darwish, the founder of Arabs for Israel, spoke. The event, in Murfreesboro, Tenn., was sponsored by the International Christian Embassy Jerusalem, not by Christians United for Israel.

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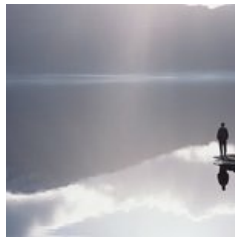
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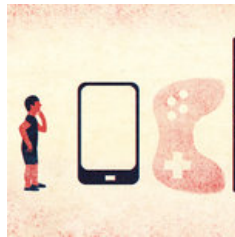
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The land use provisions of the **Religious Land Use and Institutionalized Persons Act of 2000** (RLUIPA), 42 U.S.C. §§ 2000cc, *et seq.*, protect individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws (*for information on RLUIPA's institutionalized persons provisions, please refer to the Civil Rights Division's Special Litigation Section*).

In September 2010, the Department of Justice issued a **Report on the Tenth Anniversary of RLUIPA**, as well as a **Policy Statement on RLUIPA**, which includes detailed questions and answers about the law.

Religious assemblies, especially, new, small, or unfamiliar ones, may be illegally discriminated against on the face of zoning codes and also in the highly individualized and discretionary processes of land use regulation. Zoning codes and landmarking laws may illegally exclude religious assemblies in places where they permit theaters, meeting halls, and other places where large groups of people assemble for secular purposes. Or the zoning codes or landmarking laws may permit religious assemblies only with individualized permission from the zoning board or landmarking commission, and zoning boards or landmarking commission may use that authority in illegally discriminatory ways.

To address these concerns, RLUIPA prohibits zoning and landmarking laws that substantially burden the religious exercise of churches or other religious assemblies or institutions absent the least restrictive means of furthering a compelling governmental interest. This prohibition applies in any situation where: (i) the state or local government entity imposing the substantial burden receives federal funding; (ii) the substantial burden affects, or removal of the substantial burden would affect, interstate commerce; or (iii) the substantial burden arises from the state or local government's formal or informal procedures for making individualized assessments of a property's uses. In addition, RLUIPA prohibits zoning and landmarking laws that:

- (1) treat churches or other religious assemblies or institutions on less than equal terms with nonreligious institutions;
- (2) discriminate against any assemblies or institutions on the basis of religion or religious denomination;
- (3) totally exclude religious assemblies from a jurisdiction; or
- (4) unreasonably limit religious assemblies, institutions, or structures within a jurisdiction.

The Department of Justice can investigate alleged RLUIPA violations and bring a lawsuit to enforce the statute. The Department can obtain injunctive, but not monetary, relief. Individuals, houses of worship, and other religious institutions can also bring a lawsuit in federal or state court to enforce RLUIPA.

(For additional information, please refer to the Civil Rights Division's Brochure, **Protecting the Religious Freedom of All Americans**).

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Interviews:

Religious liberty, minorities, and Islam: An interview with Saba Mahmood

posted by [Nathan Schneider](#)

Saba Mahmood is an anthropologist who teaches at the University of California, Berkeley, and whose work raises challenging questions about the relationship between religion and secularism, ethics and politics, agency and freedom. Her book *Politics of Piety*, a study of a grassroots women's piety movement in Cairo, questions the analytical and political claims of feminism as well as the secular liberal assumptions on the basis of which such movements are often judged. In the volume *Is Critique Secular?* she joins Talal Asad, Judith Butler, and Wendy Brown in rethinking the Danish cartoon controversy as a conflict between blasphemy and free speech, between secular and religious world views. Now, Mahmood is working on a comparative project about the right to religious liberty and minority-majority relations in the Middle East. We spoke over breakfast in New York City.



* * *

NS: I know you have been following the events in Egypt and have even been back a couple of times since the overthrow of the Mubarak regime. How would you describe the situation?

SM: I think this is an incredibly interesting time in Egypt. The country is involved in a historic and heady process of political transformation. The stakes are very high, and it is unclear whether the kind of changes—political, social, and economic—that the January 25 Revolution envisioned will, in fact, be possible. Like any other revolution in modern history, this one faces immense challenges from both within and without.

NS: What exactly are those challenges, in your view?

SM: Well, after the overthrow of the Mubarak regime, as one would expect, the movement became divided over what the collective future of the country should be. Old differences that had been set aside to topple the Mubarak regime have come to the fore again—differences of class, ideology, and religion, all of which affect the vision of what a just society should be. Second, there is the issue of transforming the political system from within to create a democratic structure—which entails, not only promulgating new electoral laws and procedures, but also forging laws that address the demands of a democratic society. Then there is the challenge of how to dismantle the much-despised state security apparatus, with its bloated and corrupt bureaucracy of surveillance and vengeance, and the Emergency Law—in place for over twenty years—that has facilitated its operations. In recent months, protestors have taken to the streets again to demand an end to the military trials that have continued since the overthrow of Mubarak. (Some report that more than 10,000 people have been tried in military courts since the revolution.) These military trials are a symbol of the old system that is still intact, and which the protestors of the January 25 Revolution had sought to dismantle. Finally, and perhaps most importantly, there are economic issues that are systemic, and that are not simply Egypt's but belong to the international system of finance and capital. Egypt, like any other Third World country, is hostage right now to the global economic crisis and the immense pressure put upon those countries by international institutions (like the World Bank and IMF) and geopolitical powers (the US and Western Europe) to resist the demand for socially progressive economic reforms. The Egyptian military is part of this system and has benefitted from it immensely. I cannot see how the military, as the primary institution in charge of this “transition,” is going to set aside its economic interests to yield to the popular demand for economic justice. This is in part why Egyptians from various walks of life continue to stage sit-ins and protests across the country.

NS: How do you think these challenges might be overcome?

SM: Well, I have faith in the Egyptian people and their thirst and desire to transform the status quo. None of us expected or predicted what the Egyptians were able to achieve on February 11, 2011, with their determination and political will. The unimaginable became imaginable. The same powers are in play right now, and I suspect we all will have a lot to learn from the developments that unfold in Egypt in the coming years.

NS: Without a doubt. But let's back up a bit now. I first read your essay on “Rehearsed Spontaneity and the Conventionality of Ritual” when I was a freshman in college, and it had a

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big influence on how I came to think about the practice of religion. I still look back to it. In that vein, I wonder if you, too, had an experience early on that reoriented your own thinking.

SM: One thing that had a decisive impact on me was Talal Asad's "The Idea of an Anthropology of Islam." I was a graduate student at Stanford at the time, and I was working on issues of religion at a moment when there was little interest in the subject within the discipline of anthropology. This was pre-9/11, and people didn't think that religion was of great importance. I was reading a lot on my own, and this essay came up in footnotes. Our library didn't even have a copy of it, so I had to request it through interlibrary loan. I sat down, and I distinctly remember reading and then rereading it several times. I was really challenged by the questions that the article forced the reader to ask, not just of Islam but of religion in general. It's a very well-circulated paper now, and most students of religion and Islam tend to read it, but at the time, it was a buried treasure.

NS: *Tell me about what brought you to anthropology in the first place. You were an architect before that?*

SM: Yes, I practiced architecture for four years. At the time I was also involved in activism against U.S. foreign policy in Central America and the Middle East. When the first Gulf War broke out, I realized that there were many pressing questions, which the war had brought to the fore, that I hadn't really resolved for myself. These were questions that had to do with the transformed political and social landscape of the Muslim world, the ascendance of Islamic politics and the challenge this posed to those of us who grew up believing in the promise of secular nationalism to forge a different future. Following the Iranian Revolution, in 1979, Islamic movements had become the primary expression of political dissent in a variety of Muslim countries. In order to think about the transformations this ascendance had caused in the social and political landscape of Muslim societies, I resolved that I would go back to graduate school. At the time, I did not really know much about anthropology; so I enrolled in a political science graduate program, which I found to be very Eurocentric. I realized that this discipline would not help me explore the kinds of questions that I was interested in. I was fortunate enough to be introduced to anthropology at the time, and it has been my disciplinary home since.

NS: *Have you found anthropology to be a discipline in which questions that concerned you as an activist can be addressed?*

SM: My activism would probably have been accommodated in any discipline. But what anthropology has allowed me to do in a serious way is pursue the question of difference. The traditional aim of socio-cultural anthropology was to study the primitive other in order to reflect upon the peculiarity—and often superiority—of Western cultural and social norms. In the late 1980s, anthropologists and others launched a robust critique of the essentialized and ahistorical notion of *cultural* difference that had served the discipline for so long. One important result of this critique was that the discipline moved to think critically about the question of difference—not just cultural difference but how different histories, traditions, and arrangements of power force people to live and experience life in heterogeneous ways. In general I find anthropology's commitment to thinking critically about difference unique in the human sciences and worthy of engagement and exploration. So, in answer to your question, it is not so much that anthropology is especially open to activism, but rather its insistence that we engage with difference, while being attentive to relations of power that hierarchalize and essentialize differences, that has enabled me to work productively in the discipline.

NS: *On your website, you also say that your experience in architecture influenced your work as an anthropologist. Can you say something about how?*

SM: That's probably overstated! But when I was practicing architecture, I realized I wasn't very happy with the elitist and technological bent of the profession. I started working instead with the homeless, designing, financing, and constructing housing for people who couldn't afford to pay rent or mortgage. The work I did was mostly in dense, urban communities, both in the U.S. and, briefly, in Pakistan. This experience left me with an appreciation for the grit of urban life, the challenges it throws up to people, and how they manage them. In a sense, this is what *Politics of Piety* is about, too—people trying to make sense of a world that has completely undone the possibility of a wholesome life, but in which people still try to recreate that possibility through suturing various kinds of disparate practices and habits.

NS: *Why did you choose Cairo as the site of your fieldwork?*

SM: At first I went to Algiers, but it was in the throes of a civil war, which made fieldwork impossible. I also went to Fes and Casablanca but found that political debate was very guarded and muffled, making it difficult to pursue the kinds of questions I was interested in. In Cairo, however, I found a place that was very vibrant and alive with debates about the importance of secularism, Islamism, and what it means to live as a Muslim in the contemporary world. The city streets pulsed with these debates, and Egyptians generally did not feel restrained in expressing their religious and political views. I found the public culture of the city very conducive to the project I wanted to pursue, and so I stayed.

NS: *What brought you to the theoretical tools that would help you interpret that experience in Politics of Piety?*

Archives

Select month

SM: By the time I went to do fieldwork in Cairo, I was already very critical of how the existing literature analyzed Islamist movements, largely in functionalist and reductive terms. It seemed to subscribe to a hydraulic conception of politics: you squish something down in one place and it bubbles up in another. Islamic politics, in other words, was a displacement of something more fundamental—economic frustration, lack of democracy, and so on. But I was far less prepared to think about the range of embodied religious practices I encountered and how these inform or undergird politics. It was really a challenge for me to think about people's preoccupation with the minutiae of bodily practices and not to read them as misguided or misplaced religiosity. Like countless other scholars, I initially tended to view them as inconsequential both to politics and to the substance of religion. It was really only after doing the fieldwork, when I came back and started writing, that I began to think more deeply about these issues and my own inadequate response to what I had observed in the field. This process of reflection and writing brought me to rethink the distinction drawn between ethics and politics in liberal political theory, as well as the centrality of affect and embodied praxis to political imaginaries and projects.

NS: *In the preface to Politics of Piety, you speak very eloquently about the relationship between that project and your experience of coming of age in Pakistan. Does Pakistan continue to inform the questions that you pose and the ways in which you think about them? The country has certainly come to play a different role on the world stage in recent years. . . .*

SM: The developments in Pakistan have been quite tragic. The Pakistani military has mortgaged the future of the country to fight a series of proxy wars for the U.S.—wars that have methodically destroyed its infrastructure, not to mention social and political life in the country. *Politics of Piety* is an analysis of a different kind of Islamic movement, in Egypt, that is transformative of social and political life but not destructive of its very possibility. In Pakistan, Islamist movements have largely played a very destructive role, especially with the ascendance of jihadi movements that have made a Faustian bargain with the Pakistani military, on the one hand, and U.S. strategic interests, on the other. It's quite different in Egypt, where the Muslim Brotherhood—the largest Islamist political organization in the country—has eschewed militancy at least since the 1950s, and the network of da'wa groups that I analyze in my book are reformist in nature, focused largely on proselytization and social welfare activities. The career of Islamic militants in Egypt was short-lived, and they do not command the kind of power that they do in Pakistan. As a result, the social and political profile of Islamism in Egypt is radically different from its counterpart in Pakistan. In my current project, I have begun to take up the question of how geopolitics transforms the ways religious coexistence is managed, produced, and transformed. But, while geopolitics has certainly transformed Pakistani life, in my current work I'm not thinking about it particularly in the Pakistani context.

NS: *Can you tell me more about the project you're involved in now?*

SM: Well, I am engaged in a couple of related projects. My personal project focuses on how Christian-Muslim relations have been historically transformed through the introduction of the concepts of minority rights and religious liberty in the Middle East, with a particular focus on Egypt. Aside from this, I am also working on a three-year collective project with three other colleagues ([Elizabeth Hurd](#), [Peter Danchin](#), and [Winnifred Sullivan](#)), funded by the Henry Luce Foundation. It focuses on how religious freedom is being transformed through legal and political contestations in a variety of countries in Europe, the United States, the Middle East, and South Asia. It's called "[Politics of Religious Freedom: Contested Norms and Local Practices](#)." Most of the scholarly work to date tends to treat religious freedom as a singular and stable principle, enshrined in international and national legal documents. Others tend to focus on how different religious traditions are either amenable or resistant to the incorporation of liberal conceptions of religious liberty. Our project is distinct in that it asks whether religious liberty can indeed be treated as a singular or stable principle aimed at achieving shared goals and objectives, given the diversity of historical and political contexts. We will track the variety of claims made in the name of religious liberty, with the aim of mapping out modular disagreements that occur in a variety of national and international political contexts. We are interested in this because we believe that, in order to reach any sort of agreement in the human rights community, it is important first to understand what is really at stake in battles over religious freedom. It is also important to ask whether *religious* freedom, given its manifold deployments and limitations, is the best way to achieve co-existence for the variety of actors involved.

NS: *A thread that seems to connect the earlier work with what you've been doing more recently is the issue of freedom—from freedom as personal autonomy, in Politics of Piety, to religious freedom in international law, now. Has the one informed how you think about the other?*

SM: That is an interesting question. I agree that liberty and freedom are at the center of both of my projects. The right to religious liberty is often conceived in individualist terms—whether in the First Amendment, the European Convention on Human Rights, or the Universal Declaration of Human Rights. Yet the right to religious liberty has also been imagined in collective terms as the right of a group to practice its traditions freely, without undue intervention or control. This latter conception has been very important to religious minorities in claiming a place of autonomy and freedom from majoritarian norms and state interventions. In my current work, I am trying to think through how these alternative conceptions of religious liberty stand in tension

with each other and the sorts of impasses it produces.

NS: *What kinds of methods are you using? Are you doing fieldwork again?*

SM: Fieldwork is an important part, but the project has historical, geopolitical, and legal dimensions as well, since I'm interested in tracking how notions of religious liberty travel across time and history, and also across the divide between Western and non-Western. So, I'm looking at the UN charter, the UDHR, international laws and treaties, as well as particular legal precedents in Europe that have traveled to the Middle East and have gained particular traction there.

NS: *Tell me more about what the fieldwork is like. After all, I imagine that the usual way of studying international law is primarily textual. How does fieldwork inform these kinds of questions?*

SM: I'm interested in the social life of the law, especially since many court cases about the right to religious freedom in the Middle East are fought, not just in courts, but through public campaigns launched on the cultural-political terrain. People's sense of what constitutes religious liberty is shaped by how human, civil, and minority rights organizations end up contesting and arguing over it. Part of my fieldwork in Egypt entailed working with human rights practitioners, particularly those who are using international human rights protocols in their legal strategies and public campaigns.

NS: *Can you say a bit, in turn, about how *Is Critique Secular?* came about and the kinds of problems that framed it?*

SM: It emerged out of an event organized at UC Berkeley to announce the establishment of a new teaching and research unit on critical theory. [This inaugural symposium](#) generated a lot of interesting debate and discussion—not only on the Berkeley campus but here [on the Immanent Frame as well](#). The Townsend Center for the Humanities, where the event was held, approached me and other participants about putting some of the papers together in book form. As we could not pull together all the papers from the symposium, we focused on the ones about the Danish cartoon controversy. Wendy Brown, Talal Asad, Judith Butler, and I decided that we would try to organize the book around this question while also retaining some of the original impetus for the symposium.

NS: *More recently, the cartoon controversy seems to have repeated itself all over again with the Park51 complex in Lower Manhattan, or the so-called "Ground Zero mosque." And long before that, there was the fatwa against Salman Rushdie for *The Satanic Verses*.*

SM: Well, I think there are substantial differences among the issues involved in each of these controversies. I think the latter is quite straightforwardly about the right of a much-maligned minority to build a place of worship near a site invested with patriotic-national fervor, while the former controversies centered upon Muslim objections to how the prophet Muhammad was portrayed.

NS: *What is wrapped up for people in these portrayals of the prophet?*

SM: It's not an accident that with both the *Satantic Verses* and the Danish cartoon controversies, what was at stake was the particular kind of affective and religious connection pious Muslims (but certainly not all Muslims) feel to the figure of Muhammad—to his iconicity and his exemplariness. This relationship forces us to think about religiosity in more complicated ways than as privatized belief, or as a system of rules, regulations, and taboos. Both Muslims and non-Muslims must think critically about whether the sense of injury that derives from this sort of religiosity is translatable into a language of rights, and whether understanding this sense of injury is something worthy for the ethical and political life of a religiously diverse society. I think that there is an increasing tendency within the U.S. and Europe—on the part of the majority and minorities alike—to resort to the law and the state to settle ethical and moral issues. At the time of the Danish cartoon controversy, both sides wanted to defer to the law to settle their claims. But I think that such a turn to the law, or legislation, freezes positions and allows the state to intervene in domains toward which it claims to be neutral. My contribution to *Is Critique Secular?* lays these issues out in more detail than I can do justice to here. In sum, what I am suggesting is that struggles over religious difference cannot simply be settled by the heavy hand of the law. Inasmuch as these struggles entail competing religious sensibilities as well as deep prejudices and intolerances, they must be engaged on other—cultural, ethical, visceral—grounds. This may not yield immediate or definitive results, but it is a necessary and important step in the creation of a multi-religious polity.

NS: *So how do you think this plays out in the case of Park51?*

SM: There, of course, even though the personage of Muhammad was not involved, the language of injury and offense dominated the debate. If you recall, in the Danish cartoon controversy, the claim was that the right to freedom of expression is also a right to offend anybody and anyone—and that this is a characteristic of an open, pluralistic, and democratic society. Some even argued that the cartoons served as an instrument to create offense, so as to engender a critical dialogue among Muslims about Islam. In contrast, in the Park51 controversy, it was argued that

the complex should not be built because, even though Muslims have a right to do so by virtue of the First Amendment, building one so close to the World Trade Center would offend American sensibilities. The claim to offense and injury in each instance was being marshaled for very different purposes.

NS: And the players' roles have been reversed, haven't they?

SM: Right. I do think, however, that what is at stake in all these debates is the status of a religious minority within self-avowedly liberal societies, which claim to have in place the most robust mechanisms possible for accommodating the concerns of majority and minority alike. And yet, what we find is that the rights of minorities are actually framed by the norms of the larger community; it's against those norms that minoritarian claims are judged and contested, and that is where the idea of religious liberty and freedom of expression as an individual right remains inadequate to grasping the situation. We have to start thinking in terms of how groups are weighted both demographically and politically, and how this conditions the context in which certain claims are made or heard. It's not enough to refer to a right that exists in constitutions—such as the right to free speech or to religious liberty—and to track when it is applied or not. Far tougher questions are at play. One has to think about how the ethical, cultural, and social norms of the majority structure the possibility of the exercise of individual and group liberties differently for minorities. I should make clear that this structural problem characterizes all nation-states (premised as they are on the demographic calculus of minority and majority populations), and is not simply particular to Euro-American societies.

NS: When you approach these issues today, are you still coming to them as an activist as well as a scholar?

SM: No, I would say that I come to them more as a scholar than as an activist. My intellectual work has often led me to challenge and complicate my political stances—to complicate the very ground on which politics can be imagined and conducted. Politics, in my opinion, demands a certain closure of thinking, in order to judge and to act. Intellectual work requires a different kind of labor. In one sense, of course, all arguments are political when you're thinking about such controversies, but I don't start with a political position and then see how the argument unfolds. For example, during the Danish cartoon controversy, I was puzzled by the fact that the kind of injury expressed by ordinary pious Muslims did not find any voice in the polemical debates in either the Islamic or the European press. I tried to make sense of this silence, and it led me to suggest that the kind of religiosity expressed by most Muslims in response to the Danish cartoons was incommensurable with the language of rights, litigation, and boycotts that came to dominate the debate. And it was precisely because this religiosity could not be contained within the language of identity politics that it found no expression in the public debate. Needless to say, this argument did not win me friends in either one of the two camps.

NS: Is there something in particular that you think the West needs to know about the Muslim world, or about Islam, or about Muslim minorities? Is there some message that, above all, you think needs to be definitively stated—or is the questioning enough?

SM: I don't think questioning is enough. But I do think that there is a desperate need to challenge the current way of framing things, as a civilizational stand-off between Islam and the West. This way of thinking is not only dangerous but also unsustainable in the long run. Those of us interested in stepping out of this overheated polemic have a responsibility to make people realize why this framing is inadequate and problematic, even dangerous. Despite important differences among political ideologies and religious traditions, I believe that we have the historical language and analytical skills to think differently, to imagine a future in which Islam and the West are not locked in some zero-sum game. To take a simple example, when I speak of the kind of relationship that many pious Muslims feel toward Muhammad, which was partly at stake in the Danish cartoon controversy, surely it is recognizable to scholars of Christianity (with its long and rich tradition of the Eucharist and Corpus Christi), Eastern Orthodox Christianity, and late Antiquity? Surely we can think together about different conceptions of religiosity and what space they have in, and what effects they may have on, our political present without descending into the abyss of civilizational incomprehension and incommensurability?

NS: What about the concerns of Western feminists in particular? There sometimes seems to be especially little hope for common ground on women's issues.

SM: Once again, feminism has a rich and varied tradition of thought and praxis. The current tilt toward painting an essentialized picture of feminism and Islam—as quintessential opposites—is inadequate to the complexity of both traditions. There are no doubt historical reasons for the great suspicion with which some Islamic symbols are treated in Euro-American societies, but I would hope that thoughtful people would be able to think through this history critically. Take the example of the current obsession with the veil in Europe: colonial discourse had long cast the veil as the essential symbol of the civilizational inferiority of the East, and of Islam in particular. It is not a surprise, therefore, that anti-colonial movements took up this symbol precisely to reverse the colonial judgment while embracing the practice—in the process, reifying the importance of the veil to Muslim identity. The current discourse is, in a sense, a re-enactment of this history. What is new, however, is the way in which the European and Turkish bans on the veil have been

held up in the name of secularism, wherein secularism is equated with the principle of gender equality. For example, the judgments of the European Court of Human Rights that uphold the headscarf ban in Turkey and France rest on two interrelated claims: one, that the veil is a symbol of women's oppression; and two, that inasmuch as secularism is for gender equality France and Turkey, as secular states, cannot condone this practice. But, historically, secularism has hardly been on the side of women's rights—otherwise French women would have been granted the vote long before 1945, and the separation of church and state would have yielded gender equality in the nineteenth century, when European states adopted this principle. Secularism and women's rights have always had a troubled relationship, which is important to think about from within the history of feminism. This does not mean, of course, that one has to denounce secularism and embrace religion or vice versa. One has to be able to see the mutual imbrication of religion and secularism to even diagnose the problem correctly. Otherwise, I think we run the risk of dulling the critical edge of feminist thought.

NS: I found [your essay](#) about the mobilization of feminists behind the invasion of Afghanistan very powerful. I remember being so struck at that time by how American women were identifying with women in Afghanistan under the Taliban, which made some eager to support our military adventures over there. But is there a better way to ally ourselves with women in the Muslim world?

SM: The entire social fabric of Afghan society has been torn apart as a result of, first the war between the United States and the Soviet Union, between 1979 and 1989, and then the U.S. war against the Taliban and now al-Qaeda. There are civilian casualties reported almost every day—the vast majority of whom are women, children, and the elderly—as a result of U.S. bombs and drones. This violence exceeds and parallels the violence unleashed by the Taliban on the Afghans. We read about these casualties in the media, but I do not see any mobilization by major U.S. feminist organizations to demand an end to this calamity. This silence stands in sharp contrast to the vast public campaign organized by the Feminist Majority in the late 1990s to oust the Taliban. I am often asked by American feminists what they can do to help Afghan women. My simple and short answer is: first, convince your government to stop bombing them, and second urge the US government to help create the conditions for a *political*—and not a military—solution to the impasse in Afghanistan. It is the condition of destitution and constant war that has driven Pakistanis and Afghans to join the Taliban (coupled with the opportunistic machinations of their own governments). Perhaps it is time to assess whether diverting the U.S. military aid toward more constructive and systemic projects of economic and political reform might yield different results.

Tags: [anthropology](#), [Arab Spring](#), [Cairo](#), [Danish cartoon affair](#), [Deathless questions](#), [Egypt](#), [feminism](#), [gender](#), [human rights](#), [international affairs](#), [international law](#), [Islam](#), [religious freedom](#)

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"Islam is Peace" Says President

Remarks by the President at Islamic Center of Washington, D.C.
Washington, D.C.

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3:12 P.M. EDT

THE PRESIDENT: Thank you all very much for your hospitality. We've just had a -- wide-ranging discussions on the matter at hand. Like the good folks standing with me, the American people were appalled and outraged at last Tuesday's attacks. And so were Muslims all across the world. Both Americans and Muslim friends and citizens, tax-paying citizens, and Muslims in nations were just appalled and could not believe what we saw on our TV screens.

These acts of violence against innocents violate the fundamental tenets of the Islamic faith. And it's important for my fellow Americans to understand that.

The English translation is not as eloquent as the original Arabic, but let me quote from the Koran, itself: In the long run, evil in the extreme will be the end of those who do evil. For that they rejected the signs of Allah and held them up to ridicule.

The face of terror is not the true faith of Islam. That's not what Islam is all about. Islam is peace. These terrorists don't represent peace. They represent evil and war.

When we think of Islam we think of a faith that brings comfort to a billion people around the world. Billions of people find comfort and solace and peace. And that's made brothers and sisters out of every race -- out of every race.

America counts millions of Muslims amongst our citizens, and Muslims make an incredibly valuable contribution to our country. Muslims are doctors, lawyers, law professors, members of the military, entrepreneurs, shopkeepers, moms and dads. And they need to be treated with respect. In our anger and emotion, our fellow Americans must treat each other with respect.

Women who cover their heads in this country must feel comfortable going outside their homes. Moms who wear cover must be not intimidated in America. That's not the America I know. That's not the America I value.

I've been told that some fear to leave; some don't want to go shopping for their families; some don't want to go about their ordinary daily routines because, by wearing cover, they're afraid they'll be intimidated. That should not and that will not stand in America.

Those who feel like they can intimidate our fellow citizens to take out their anger don't represent the best of America, they represent the worst of humankind, and they should be ashamed of that kind of behavior.

This is a great country. It's a great country because we share the same values of respect and dignity and human worth. And it is my honor to be meeting with leaders who feel just the same way I do. They're outraged, they're sad. They love America just as much as I do.

I want to thank you all for giving me a chance to come by. And may God bless us all.

END

3:19 P.M. EDT

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