POLICIES OF MODERN MUSLIM NATIONS TOWARD MONOTHEISTIC MINORITIES: A COMPARATIVE ANALYSIS

by

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NOTE ON TRANSLITERATION

The transliteration of Arabic terms will follow the system utilized in the *New Encyclopaedia of Islam,* with the following exceptions:

ث	th instead of th
ج	j instead of dj
خ	kh instead of kh
ذ	dh instead of dh
ش	sh instead of sh
غ	gh instead of gh
ق	q instead of ḳ

This scheme will be followed for Arabic proper names of traditional figures, such as Ibn Isḥāq, while modern names, ethnic and tribal names, cities and Indonesian terms will all be transliterated according to modern English conventions. Popular English terms, such as Muhammad and Islam, will be transliterated without Arabic pointing.

PREFACE

The intent of this thesis is to investigate the pattern of policies which modern Muslim nations have adopted toward monotheistic minorities, giving special attention to Christian minorities. Many current forces provide impetus for this study, including international fears of Islamic fundamentalism; the Western perception of Muslim nations as an emerging post-cold war enemy; and the global context of intolerance among right-wing elements of all religions-- Hindus in India, Jews in Israel, Christians in Germany, etc. This subject is especially important for readers from so-called "Christian" nations, since relations between Christian minority communities and Muslim governments is one of the least understood spheres of contact within the field of Christian-Muslim relations. The topic assumes personal importance to the author and many others who, desiring to live or spend significant time in a Muslim country, want an accurate understanding of how Christian minority communities are viewed and treated in the Muslim world.

This study commences with the hypothesis that Islamic classical theory toward monotheistic minorities, as a single and idealized political solution for all Muslim nations, is not currently operational. This hypothesis will be evaluated through historical and descriptive research which provides a comparative analysis of Islamic classical theory and the policies of four modern nations. Iran, Pakistan, Syria, and Indonesia were chosen for this research because they represent a spectrum of religio-political ideologies, ranging as listed from rigid toward innovative interpretation of Islamic classical theory, and they also reflect a variety of Islamic cultures. In each of these nations, Muslims compose over eighty-five percent of the population while Christians represent the largest religious minority community.

Chapter one will investigate the policies toward monotheistic minorities during the classical period, spanning from Muhammad's early community through the ʿAbbāsid empire. Chapter two will look at Iran and its modern attempt to regurgitate a perfect and pristine classical theory. Chapter three will study the approach of Pakistan, which combines respect for modernist government with a strong Islamic perspective. Chapter four will examine Syria,

where Western freedoms are emulated far more than is Islamic tradition, but are restrained nevertheless. Finally, chapter five will study the radical ideology governing policies in Indonesia, which offers no intention of following a classical precedent.

Throughout these chapters, policies will be examined for their degrees of freedom and also tolerance, a term which for the present purpose represents the acceptance of minorities as citizens, allowance of their religious practices, and an attitude of cooperation and peaceful coexistence. Each chapter will also seek three further determinations: if modern policies are in the process of change, if a divergence exists between formal statements and operative policies, and what the relationship is between modern policies and the classical pattern.

As much as possible, the study will revolve around policies specifically directed at Christians, but the scope will be widened when necessary and/or useful to include policies directed at all monotheistic minorities (and in the case of Indonesia, even policies toward Muslims). Although minimal attention will be given to policies toward Shīʿa minorities in Pakistan, Syria, and Indonesia, and those toward Sunnī minorities in Iran, governmental treatment of other Muslim sects will be included in this study, especially as that treatment affects other religious minorities.

Research will include indigenous Christian sources whenever possible, but these resources are often scarce because of the very governmental restrictions which this study targets.

CHAPTER 1

POLICIES OF THE ISLAMIC CLASSICAL PERIOD
TOWARD MONOTHEISTIC MINORITIES

INTRODUCTION

In the traditional Islamic perspective, classical theory is taken as the divine revelation of a perfect and pure system of law, a code of regulations consistent with the original revelations to Muhammad. These preexistent laws were determined and codified in detail by *ulamā* during the first three centuries AH (the seventh to ninth centuries AD) and for the next millennium classical theory was accepted by Muslims without question or critical study.

In the modern period, as Muslim nations struggle to develop Islamic political theories with relevance and religious integrity, the classical theory has been opened for the first time to critical study. Orientalists and, to a lesser extent, Muslim scholars both have examined the classical theory and discovered it to be not so pristine or simple as once thought, for the classical period spans a time when the Islamic political context underwent radical changes. It went from a small Muslim minority under pagan hegemony to a political union between Muslims and non-Muslims at Medina to a rapidly expanding Arab empire with capitals at Medina and Damascus. Finally, as a Baghdad-based dynasty it produced the legal code claiming to represent the entire classical period. The classical period, however, encompasses a variety of political policies, and so modern Muslim thinkers have room to develop radically different interpretations of classical theory. It is expected that policies toward monotheistic minorities, true to form, will also vary among the changing political contexts of the classical period.

MUHAMMAD AND MONOTHEISTIC MINORITIES

The Medinan Umma

The most significant early interaction between Muhammad and non-Muslim monotheists occurred after the Prophet and his followers took their *hijra* from Mecca to Medina. While Jews and Christians alike were scarce in Mecca, the two influential Jewish clans of Banu al-Nadir and Banu Qurayzah resided in Medina--both prominent players in the political and economic spheres of the oasis city. It is possible that these Jews' monotheistic and messianic teachings in pagan Medina had prompted a favorable reception to Muhammad's message. Ibn Ishāq suggests of the Medinan pagans, "There was no tribe among the Arabs who knew more about the apostle when and before he was mentioned."[1]

At Medina, Muhammad became the political leader and arbiter of disputes over a community of both pagan and Jewish clans. Islamic political interests had just been separated from the pagan politics of the Meccans, but at Medina the Prophet founded an *umma* (community) that was religiously inclusive. Tribal differences at Medina were minimized and Jews were openly welcomed in a radically "egalitarian moral system founded on the principles of solidarity, charity, and mutual confidence and respect."[2] The *umma* accorded to the Jews equal status and liberties in the confederation, agreeing in the Medinan constitution that, "The Jews...shall be considered as a community (*ummah*) along with the Believers, for the Jews being their religion and for the Muslims their religion."[3]

"As distinct from all the people (of the world),"[4] the Medinan constitution hailed an *umma* which transcended differences. It stipulated that in economic, political and military decisions, the interests of the *umma* would prevail over individual clan concerns. As against the standard tribal allegiances of pre-Islamic Arabia, "this emphasis on the separateness of the *umma* greatly reinforced its cohesion and the degree to which it could evolve toward social and political centralization...The *umma* was very different in its political and social implications

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[1] Ibn Ishaq, *The Life of Muhammad*, trans. A. Guillaume (London: Oxford University Press, 1955), p. 128.
[2] Bat Ye'or, *The Dhimmi: Jews and Christians under Islam*, trans. D. Maisel et al. (Madison: Fairleigh Dickinson University Press, 1985), p. 43.
[3] Muhammad Hamidullah, *The First Written Constitution in the World: An Important Document of the Time of the Holy Prophet* (Lahore: Sh. Muhammad Ashraf, 1968), p. 48.
[4] Hamidullah, p. 41.

from other Arabian religious communities, whether pagan, Jewish, or Christian. It not only facilitated, it demanded the breaking of tribal ties."[5]

A Theology of Tolerance

During this period of unity between Muslims and Jews, the basis for a theology of tolerance emerged in Islamic thought. Muhammad's early contacts with Christians, while fewer, were also harmonious,[6] and Qur'ānic passages from this period commended and accepted the non-Muslim monotheists. Jews, Christians, and the unidentified Sabeans are recognized in the Qur'ān as *ahl al-kitāb* (people of the book), followers of previously revealed religions. In the prevailingly pagan context of Mecca and Medina, Muslims and the monotheistic *ahl al-kitāb* were as "kindred faiths opposed to a common adversary."[7]

Muhammad had spoken earlier, in a Meccan revelation, of the common source of Islamic and *ahl al-kitāb* revelations, saying, "We believe in that which hath been revealed unto us and revealed unto you; our God and your God is One, and unto Him we surrender. In like manner We have revealed unto thee the Scripture, and those unto whom We gave the Scripture aforetime will believe therein."[8] In Medinan revelations this theme was continued as Muhammad noted the "reward" due to the *ahl al-kitāb* and their ultimate security: "Lo! those who believe in that which is revealed unto thee, Muhammad, and those who are Jews, and Christians and Sabaeans--whoever believeth in Allah and the Last Day and doeth right--surely their reward is with their Lord, and there shall no fear come upon them neither shall they grieve."[9] Even in passages which highlight the religious differences between *ahl al-kitāb* and

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[5] Fred McGraw Donner, *The Early Islamic Conquests* (Princeton: Princeton University Press, 1981), p. 57.
[6] Ibn Isḥāq recorded a series of early encounters between Muhammad and Christians. While the prophet was still a young boy Abyssinian Christians had predicted greatness for him. Later a Christian monk of Busra, Syria named Bahira predicted a "great future" for the boy upon receiving his traveling caravan. Another instance was the Persian convert to Christianity named Salman who reportedly went searching for the boy after hearing a prophesy that a prophet would arise in Arabia. Finally, the Christian slave Jabr would listen to him preach in Mecca, and a slave converted from Christianity to Islam in Thaqif after hearing him. See Ibn Isḥāq, pp. 73, 79-80, 95-97, 180.
[7] Bernard Lewis, *The Jews of Islam* (Princeton: Princeton University Press, 1984), p. 12.
[8] Mohammed Marmaduke Pickthall, *The Meaning of the Glorious Koran* (New York: Mentor), 29:46-47.
[9] Pickthall, 2:26; Many later Qur'ānic commentators, including al-Tūsī and al-Tabarī, limit the extent of praise for *ahl al-kitāb* derived from this verse to those who accept Islam. Others, such as Rida and Tabātabā'ī, allow the promise contained here to be inclusive and valid for all *ahl al-kitāb* expressing sincere belief and religious

Muslims, judgment for the former is usually withheld and the passive conclusion suffices that "God is not unaware of what ye do" and ultimately "Allah will judge."[10]

Discord at Medina

Inter-religious unity at Medina, however, was not long-lasting and debates arose between Muslims and Jews over the issues of Scriptures and theology. Hodgson explained the ideological difficulties of Medinan Jews and other *ahl al-kitāb* by saying, "Muhammad's versions of Biblical, Talmudic, and apocryphal Christian stories were too patently incoherent, and sometimes garbled, to win the respect of those who already possessed the older sacred books." Therefore, when Medinan Jews were afforded the opportunity to comprehend the intricacies of Muhammad's message, "There was little to encourage them to hail Muhammad as prophet even to their pagan neighbours."[11] A few Medinan Jews, including rabbis, did accept Muhammad's message and converted,[12] but the prevailing rejection of Islam by these monotheists diminished Muhammad's credibility, and it made the Medinan political unity tenuous.

Expressing the breach between Muslims and Jews, Muhammad changed the Muslim direction of prayer (*qibla*) from Jerusalem--treasured city of the Jews--to his hometown of Mecca. According to a hadith which reportedly dates from that time, the Prophet explained, "Two *qiblas* in one land are not right."[13] A Qurʾānic revelation on the issue is equally hostile: "Even if you gave them every proof, they would not accept your *qiblah*, nor would you accept theirs; nor would any of them accept the *qiblah* of the other. If, after all the knowledge you have been given, you yield to their desires, then you will surely become an evil-doer."[14] This passage identifies the Jewish rejection of Islam, despite "every proof" given to them by Muhammad, as the force leading to irreparable differences.

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practice. See Jane D. McAuliffe, *Qurʾānic Christians: An Analysis of Classical and Modern Exegesis* (New York: Cambridge Universtiy Press, 1991), p. 127.

[10] Pickthall, 2:140, 113.

[11] Marshall G. S. Hodgson, *The Venture of Islam: Conscience and History in a World Civilization*, vol. 1: *The Classical Age of Islam* (Chicago: University of Chicago Press, 1974), p. 177.

[12] Ibn Ishaq, pp. 239-40.

[13] James Robson, ed. and trans., *Mishkat al-Masabih: English Translation with Explanatory Notes*, 4 vols. (Lahore: Sh. Muhammad Ashraf, 1965-6), p. 859.

[14] *The Koran*, trans. N.J. Dawood (London: Penguin, 1990), 2:146.

The religious and political threat of Medinan Jews soon prompted military attacks from the Muslims. After holding off a force of Meccan Quraysh and defecting *munafiqun* (hypocrites) from Medina in the battle of Uhud, Muhammad learned of an assassination plot against him from Jews of the an-Nadir clan. In response, he demanded their emigration and enforced it by siege until they fled for the oasis of Khaybar. The remaining Jewish clan at Medina, the Banu Qurayza, soon met a worse fate when they apparently conspired with the Quraysh in the ensuing siege of Medina. Rejoicing after the Quraysh withdrawal, the Muslim community "brought down from their strongholds those who had supported [the unbelievers] from among the People of the Book and cast terror into their hearts, so that some you slew and others you took captive."[15] Around 300 Qurayza were executed and their land taken, effecting a complete elimination of Jews from the once harmonious *umma*.

A Theology of Intolerance

Within this hostile context, a theology of intolerance developed in the form of vicious condemnations of *ahl al-kitāb* in the Qur'ān and commands for Muslims to separate. The people of the book were condemned for corruption of their Scriptures and even more for their rejection of Muhammad's revelations. The Qur'ān promises that "Those who disbelieve, among the People of the Scripture and the idolaters, will abide in fire of hell. They are the worst of created beings."[16] While *ahl al-kitāb* were once included in the Islamic *umma*, Muslims now were ordered to "choose not for friends such of those who received the Scripture before you,"[17] and "take not for intimates others than your own folk."[18]

The context of theological intolerance was the realization in Muhammad's later years that a good portion of the pre-Islamic *ahl al-kitāb* would not convert, nor accept his role as the seal of previous prophecies. When *ahl al-kitāb* were viewed not as future Muslims, but unyielding non-Muslims, theological differences between the religions were exacerbated. Qur'ānic passages advocating acceptance of *ahl al-kitāb* and unity, such as the one referenced

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[15] Dawood, 33:25,26.
[16] Pickthall, 98:6.
[17] Pickthall, 5:57.
[18] Pickthall, 3:118.

above claiming "Our God and your God is One...," may have been predicated on the belief that "...those unto whom We gave the Scripture aforetime will believe therein."[19] Of *ahl al-kitāb* who did not "believe therein," Muhammad said, "But if they turn away, say, 'Testify that we are Muslims,'"[20] indicating the new tone of Islamic separatism after *ahl al-kitāb* rejected his message.

Although Muslim-Jewish relations deteriorated, a group of Abyssinian Christians converted to Islam and thus preserved a favorable Islamic view toward Christians. Many accounts of the Abyssinian incident are hagiographic, but it is known that a Muslim emigration from Mecca to Abyssinia occurred about the time of the better known *hijra* to Medina. The Abyssinian leader Najashi received them affectionately, apparently deciding there wasn't "a twigs worth of difference between the religions."[21] He in turn sent a delegation to Medina who, upon hearing the Prophet, converted to Islam. This incident had the historical effect of convincing Muhammad that "Thou wilt find the most vehement of mankind in hostility to those who believe (to be) the Jews and the idolaters. And thou wilt find the nearest of them in affection to those who believe (to be) those who say: Lo! We are Christians."[22] Centuries later, Shī'i Qur anic commentator al-Ṭūsī (d. 1067 AD) found in the "hijrah to Medina where the Jews lived and to Abyssinia where the Najashi and his followers lived an announcement... about the hostility of the former and the friendship of the latter."[23]

Khaybar, Najran: Foundations of the Dhimma *and* Jizya

Among Muhammad's remaining contacts with *ahl al-kitāb*--now within the context of Islamic political strength--were the treaties of capitulation with Jews at Khaybar and Christians at Najran. At Khaybar, Muhammad's treaty granted military protection, religious freedom, and the right to retain and cultivate the fertile land in exchange for political submission and a tax on agricultural yields.[24] The treaty with Najran was similar, but in addition to political submission

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[19] Pickthall, 29:46-47.
[20] Robson, p. 832.
[21] McAuliffe, p. 209.
[22] Pickthall, 5:82,83.
[23] McAuliffe, p. 208.
[24] Lewis, p. 10.

and the payment of tributes, it required military provisions, hospitality for traveling Muslims, and the right of Muslim intervention in the city's legal procedures. In return it guaranteed,

> They [Christians] shall have the protection of Allah and the promise of Muhammad, the Apostle of Allah, that they shall be secured their lives, property, lands, creed, those absent and those present, their families, their churches, and all that they possess. No bishop or monk shall be displaced from his parish or monastery and no priest shall be forced to abandon his priestly life. No hardships or humiliation shall be imposed on them nor shall their land be occupied by [our] army. Those who seek justice, shall have it: there will be no oppressors nor oppressed.[25]

As similar treaties were given to conquered *ahl al-kitāb* throughout Arabia, they became known as *dhimma* contracts. Like those at Khaybar and Najran, Muhammad's *dhimma* contracts contained obligations for both conquerors and conquered. This sense of responsibility Muhammad held toward *dhimmīs* is reflected in a hadith statement of his saying, "A Muslim must not be killed for an infidel, nor must one who has been given a covenant [*dhimma*] be killed while his covenant holds."[26]

Muhammad's usage of the *jizya* tribute is also recorded in hadiths,[27] but its primary theological foundation is in the Qur'ān. "Fight against such of those who have been given the Scripture as believe not in Allah nor the Last Day, and forbid not that which Allah hath forbidden by His messenger [idolatry in the case of Trinitarian Christians], and follow not the religion of truth, until they pay the tribute readily, being brought low."[28] Muslims are commanded to fight the *ahl al-kitāb*, as any others who oppose Islam, until they achieve political submission and extract the *jizya*.[29]

As the Islamic empire expanded, Muhammad's practice of the *dhimma* contract and *jizya* tax, most notably at Khaybar and Najran, had lasting significance as models for future Islamic policies toward monotheistic minorities.

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[25] Quoted by M. Khadduri, *War and Peace* (Baltimore: Johns Hopkins Press, 1955), p. 179.
[26] Robson, p. 739.
[27] Robson, p. 859.
[28] Pickthall, 9:29.
[29] Other Qur'ānic usage of the imperative of the verb *qātala* (to fight) is directed only toward those who persecute or restrict Islam, never condoning meaningless aggression against *ahl al-kitāb* for theological reasons.

THE CALIPHS AND MONOTHEISTIC MINORITIES

The First Century AH

During the first century of Islam, the *dhimma* contract became the standard policy toward the increasing multitudes of religious minorities ruled by the Islamic state. Newly conquered non-Muslims in former territories of the Byzantines and Sasanians were called *harbīs*, as residents of the *dār al-Ḥarb* (house of war). The majority of *harbīs*, whose lands in North Africa and the Near East were overtaken by the *dār al-Islām* (house of submission), were *ahl al-kitāb*--Christians, Jews, Samaritans, Sabeans and Mazdean followers of Zoroaster.[30] Because of their monotheism these *harbīs* were allowed the option of political submission, while Arabian pagans were given only the choice of Islam or death. Conquering armies gave the demand to *harbīs*, "Become Muslim and be saved. If not, accept protection from us and pay the *jizya*. If not, I shall come against you with men who love death as you love to drink wine."[31]

For *harbīs* who submitted to Arab rulers, *dhimmī* status was a welcome change, for under Byzantine rule most Christians--as Monophysite or Nestorian heretics--had been religious outcasts, persecuted under the official orthodoxy of the Eastern church. In the same way, Nestorians, Jacobites, and Jews who had previously been ruled by the other Near Eastern power, the Zoroastrian Sasanians, had also been scorned minorities.[32]

As a result, many *harbīs* welcomed Arab invaders and the guaranteed protection of the *dhimma* contract. Defeated residents of Damascus, for example, received with hope the promise in 14 AH by Arab commander Khālid to "give them security for their lives and goods and churches. The wall of the city will not be destroyed and none of their houses will be occupied. For this they have the covenant of God, the pledge of the Apostle of God and of the Caliphs and the Believers. No molestation will be offered them if they pay the *jizya*."[33] Likewise, Jerusalem's Christian population three years later was guaranteed similarly, "safety

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[30] Hodgson, p. 128.

[31] Quoted by Bernard Lewis, ed. and trans., *Islam from the Prophet Muhammad to the Capture of Constantinople*, vol. 1: *Politics and War* (New York: Oxford University Press, 1987), p. 228.

[32] Donner, p. 168.

[33] Quoted by Richard Bell, *The Origin of Islam in its Christian Environment* (London: MacMillan and Co., 1926), p. 168.

for their persons, their possessions, their churches, and their crosses, their sick and their well, and the rest of the members of their religion. Their churches shall not be inhabited, nor torn down, nor diminished in the least, nor shall their crosses be touched, nor any other possession of theirs. They shall not be compelled against their religion, nor shall any of them be molested."[34]

The provisions of early *dhimma* contracts administered by Medinan caliphs and early Umayyads generally included freedom for *dhimmīs* in travel, occupation, speech, livelihood, self-government and practice of religion. Muslim rulers, on the whole, fulfilled these guarantees during the first century AH, so that the agreements between subjects and rulers were rightly called contracts. ʿUmar, at the end of his reign, urged, "I recommend to the Caliph my successor those who have a covenant [*dhimma*] with the Prophet of God, may God bless and save him, that he should render them what is due to them by the pact."[35]

Early *dhimma* contracts stressed freedoms for their subjects, but they were conditioned on fulfillment of *dhimmī* requirements. A pact with the city of Qumis concludes with a reminder, "If they change this [agreement] or make light of their obligations, the pact [*dhimma*] with them is void."[36] Restrictions against *dhimmīs* varied greatly in their enforcement, but in theory they were forbidden from serving in the military, holding top political offices,[37] blaspheming against Islam or Muhammad, seeking the conversion of a Muslim, marrying a Muslim woman, owning a Muslim slave and receiving inheritance from a Muslim. *Dhimmīs* were allowed separate courts of law for litigation within their community, but under the Islamic courts their testimony held an inferior position.[38]

Their primary obligation served also as the sign of their submission: the *jizya* tax. Although originated by Muhammad and documented in the Qurʾān, the *jizya* bears resemblance to Sasanian and Byzantine poll taxes in which certain elites were exempt.[39] Under the Arab

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[34] Quoted by Adolph L. Wismar, *A Study in Tolerance: As Practiced by Muhammad and His Immediate Successors* (New York: Columbia University Press, 1927), pp. 81-2.
[35] Quoted by Lewis, *Islam*, p. 8.
[36] Quoted by Lewis, *Islam*, p. 239.
[37] This requirement was made on the basis of the Qurʾanic injuctions of 3:27, 113; 5:56.
[38] The lasting significance of the separate legal systems under the Umayyads is evidenced in that the modern practice of separate courts for minorities in Muslim countries is one of the "few surviving traces of the former status of *dhimmis*." See A.J. Arberry, ed., *Religion in the Middle East: Three Religions in Concord and Conflict*, 2 vols. (Cambridge: Cambridge University Press, 1969), 1:414-5, 418.
[39] Hodgson, p. 242.

Umayyads, the tribute varied in its amount and was imposed on all non-Muslims who otherwise would be capable of military service--exempting women, children, the elderly, monks, slaves, and the handicapped. A separate tax--although the two often were not clearly distinguished in this period--was the *kharāj*. This tribute was on land, providing a symbol of the *dhimmīs'* status as tenants, and was "the Islamic community's rights of ownership over the conquered lands of non-Muslim peoples."[40]

As an example of *dhimmīs'* powerlessness in this early period, all *ahl al-kitāb* were expelled from the Arabian Peninsula in 640 AD. In revoking the previous treaties with the Arabian towns of Khaybar and Najran, among others, Umar reportedly explained, "God's messenger employed the Jews of Khaibar to work their property and told them he would confirm them as long as God did; and I have now seen good to deport them."[41]

The Second Century AH

The position of *dhimmīs* under the Umayyad empire changed as the Islamic state entered the second century AH. Freedom of religious practice was narrowed and discrimination increased under the harsh policies of ʿUmar b. ʿAbd al-Azīz, known as ʿUmar II (99-101 AH, 717-720 AD). He ordered the destruction of *dhimmī* churches and synagogues, prohibited the building of new places for worship, and initiated a variety of dress requirements for *dhimmīs*. For purposes of identification--and more subtly for cultural isolation--*dhimmīs* were required to wear items such as the *zunnār*, a colored girdle that was maintained under Islamic rule for centuries.[42] One example of ʿUmar II's vilification of the *dhimmīs* and the cultural separation that resulted from his policies was his direction to provincial governors ordering the expulsion of *dhimmīs* from all government posts. He wrote,

> God honoured, exalted and strengthened His people with Islam, and put humiliation and shame on their opponents...We will not give to their subjects authority over any one of them, nor over their revenue; lest they stretch out their hands and tongues against them. We will humiliate and disgrace them after that God had strengthened and honoured them. We will expose them to

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[40] Ye'or, p. 52.
[41] Robson, p. 865.
[42] Antione Fattal, *Le Statut Legal des Non-Musulmans en Pays D'Islam*, (Beyrouth: Imprimerie Catholique, 1958), p. 185.

deceit and pride; and one is never safe from their treachery. God says, 'Take not your friends from outside yourselves.' They will not fail to corrupt you, they desire your suffering. So do not choose Jews and Christians as friends.[43]

ʿUmar II's policy shift toward restrictions of freedom is partially attributable to demographic changes, for mass conversions of *dhimmīs* to Islam--through which they secured exemption from the burdensome jizya tax[44]--changed their position by the second century AH from a numerical majority to a minority. While earlier caliphs saw in the numerical superiority of the *dhimmīs* the necessity for a generous *dhimma* contract, by the time of ʿUmar II this need no longer remained. In the first century of Islam, "It was not so much the personal inclination of the rulers or the ruling class, but hard facts which made tolerance a political necessity,"[45] but by the time of ʿUmar II the "hard facts" had changed.

Despite ʿUmar II's policy changes, the *dhimma* contract remained intact, and most of his discriminatory measures were not fully implemented or enforced--by himself nor by his successors. Hence, through the second century AH Muslims and *dhimmīs* maintained the "fiction of agreement"[46] and a presumed peaceful coexistence, even though a shift in Islamic government toward hostility had been initiated.

The Third Century AH

Opposition to the *dhimmīs* increased in the third century AH, and many of the Islamic state's requirements of them became specified. An example of their treatment is given in the Covenant of ʿUmar, a document claiming authorship by Syrian Christians who proposed terms of surrender to the Medinan caliph ʿUmar I. Its restrictive provisions are foreign to its original namesake, though, and it more likely reflects *de facto* terms of the *dhimma* contract in the third century. According to the covenant, *dhimmīs* offered:

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[43] Quoted by A.S. Tritton, *The Caliphs and Their Non-Muslim Subjects* (London: Frank Cass and Co., 1970), pp. 21-2.
[44] Julius Wellhausen's classic, yet extreme theory, went so far as to claim that the jizya tax directly induced the fall of the Umayyad dynasty. See D.C. Dennett, *Conversion and the Poll-Tax in Early Islam* (Cambridge: Harvard University Press, 1950), p. 3.
[45] S. D. Goitein, *Jews and Arabs: Their Contacts Through the Ages,* (New York: Schocken Books, 1955), p. 67.
[46] Arberry, p. 415.

> To pay tribute out of hand and be humiliated;[47] not to hinder any Muslim from
> stopping in our churches by night or day, to entertain him there...not to raise
> our voices [in worship]...not to shelter there, nor in any of our houses, a spy of
> your enemies; not to build a church, convent, hermitage, or cell, nor repair
> those that are dilapidated, nor assemble in any that is in a Muslim quarter, nor in
> their presence; not to display idolatry nor invite to it, nor show a cross on our
> churches, nor in any of the roads or markets of the Muslims; not to learn the
> Koran nor teach it to our children; not to prevent any of our relatives from
> turning Muslim if he wish it; to cut our hair in front; to tie the *zunnar* round our
> waists; to keep to our religion; not to resemble the Muslims in dress...not to
> make our houses higher; not to keep weapons or swords, nor wear them in a
> town or on a journey in Muslim lands; not to sell wine or display it; not to light
> fires with our dead in a road where Muslims dwell, nor to raise our voices at
> their funerals, nor bring them near Muslims; not to strike a Muslim.[48]

The provisions of this covenant accurately reflect third century policies toward *dhimmīs* in
their Islamic exclusivity, their humiliating identification of minorities and their restrictions on
religion and everyday life for *dhimmīs*.

The same themes are evident in the classical theory of Islamic law toward monotheistic
minorities, which was determined by the four schools of law (*madhhabs*) during the same
period. According to classical law, the *dhimma* contract would be canceled upon the
following acts by *dhimmīs*: 1) taking up arms against a Muslim; 2) not submitting to the
Islamic government; 3) not paying the *jizya*; 4) inducing a Muslim to apostatize; 5) aiding spies
or enemies of Islam; 6) willfully killing a Muslim; 7) blaspheming against Allah, the Prophet, or
the Qur'ān; 8) marrying or engaging in fornication with a Muslim woman; and 9) significant
theft.[49]

Another six obligations, to which failure of adherence would invoke penalties but
would not terminate the contract, forbid *dhimmīs* from: 10) selling wine and taking of usury in
business with Muslims, and consuming wine or swine within the view of Muslims; 11) wearing
the *zunnār*; 12) bearing weapons and riding horseback (both presumably constituting threats of

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[47] Much has been made of the oddity of Christians quoting the Qur an (9:29), as well as the surrendering party
initiating terms of capitulation. See Lewis, *Jews,* p. 24.

[48] Quoted by Khadduri, p. 194.

[49] Those listed are provisions according to Ibn Hanbal. The Hanifite school omits number 1; the Shafiite
school, numbers 1-3; the Malikite school, numbers 8-9. See Fattal, pp. 81-2.

violence); 13) occupying residences lower than those of Muslims; 14) making excessive noise in worship services; 15) building grave sites near those of Muslims.[50]

Many requirements of the first group, dealing with potential political and civil threats, have historical roots in Muhammad's treaties with Khaybar and Najran. On the other hand, the second set of requirements are discriminatory developments of the second and third centuries and seem to have little purpose beyond humiliation.

The classical theory of the four schools of law also abounded in specific legal restrictions for *dhimmīs* in each area of second and third century policy development. Religious ceremonies, buildings for worship, housing, marriage, divorce, inheritance, dress, and especially the *jizya* tax were regulated in detail by the classical theory. As one example, concerning the location of *dhimmī* housing,

> It is forbidden to construct synagogues or new churches in cities and residential areas which are important to the Muslim world. Their construction is equally forbidden in the neighborhoods of these cities which exceed one thousand, according to Abū Ḥanīfa. It is important, in the second place, to know if the *dhimmīs* are authorized to restore decrepit churches and synagogues, or to restore those which have fallen into ruin [beyond repair]. Mālik, Shāfiʿī and Abū Ḥanīfa respond in the affirmative...According to Ibn Ḥanbal and a certain number of eminent Shafeites, the restoration or the reconstruction of churches and synagogues in ruin is never permitted.[51]

Similar detailed requirements were delineated for *dhimmīs* in a wide scope of areas, while no parallel list of requirements for the Islamic state existed. Thus the classical theory of law toward minorities emphasized the obligations of *dhimmīs* far more than Muhammad and the early caliphs, who were cognizant of their own responsibilities within the *dhimma* contract.

From its formal codification during the third century AH and approval by the *ijmāʿ*, the classical theory of Islamic law has suffered from an inescapable duality between theory and practice, "schema and reality."[52] Accordingly, classical theory policies toward *dhimmīs* were enforced sporadically from the third century onward. A notorious extreme in *dhimmīs* oppression was the reign of al-Mutawakkil (232-247 AH, 847-861 AD). He revived the *zunnār* and enforced stringent dress codes, prohibited *dhimmīs* from defending themselves

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[50] Khadduri, pp. 197-8.
[51] Fattal, p. 174.
[52] Norman Calder, *Studies in Early Muslim Jurisprudence* (Oxford: Clarendon Press, 1993), p. 200.

even from the stone-throwing of children, leveled *dhimmī* graves and attached wooden devil icons to their residences. Al-Mutawakkil's policies "deserve the name of persecution," being "the most severe that were issued against the *dhimmīs*."[53]

Other caliphs in the later classical period were not so hostile as Mutawakkil, but in general isolation and persecution prevailed and the *dhimma* contract was reduced to "the institutionalization of oppression...Losing its original character of an agreement binding the parties concerned," it became "the formal expression of a legalized persecution."[54] During this period there existed no set of requirements the fulfillment of which assured *dhimmīs* of protection and well-being. Their security came more from the absence of opposition--either by the state or the violent mob--than guarantees from a contract with their political rulers. As the status of the *dhimmīs* became progressively worse, "the spiritual isolation of Islam was accomplished. The world was divided into two classes, Muslims and others, and only Islam counted. There were brilliant exceptions, but the general statement is true."[55] Their isolated existence remained on the fringe of Islamic society, and the *dhimma* contract was non-operable.

SUMMARY

A survey of the relationship between the Islamic community and monotheistic minorities during the classical period, as expected, has revealed diversity. More conclusively, Muslim treatment of these minorities from the beginning to end of the classical period followed a progression from tolerance toward intolerance, from unity toward separation. Muhammad's Medinan *umma* not only allowed for religious and civil rights of the *ahl al-kitāb*, it gave religious and political acceptance to the monotheists. The *dhimma* contract, emerging late in the Prophet's life and continuing through the first century AH, gave citizens' rights and religious freedoms to *ahl al-kitāb* but its unmistakable premise was political submission to Islam, which carried a clearly separated status from Muslims. Later policies increasingly emphasized restrictive measures and induced extreme separation of the *dhimmīs* from Islamic

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[53] Tritton, p. 231.
[54] Ye'or, p. 48.
[55] Tritton, p. 232.

society with severe limitations of civil rights. Although still referring to the *dhimma* contract, operative policies of the later classical period defy any resemblance to earlier theories.

Concerning monotheistic minorities, "classical theory" has proven to be less descriptive than "theories of the classical period," since no definitive, monolithic theory exists. The hypothesis that a single Islamic classical theory toward Christians is not currently operational is strongly supported by this research, for such a theory never existed. What remains to be determined is how modern political ideologies utilize this history, for in their reference to "the classical theory" they are presented with a variety of valid theories from which to choose.

CHAPTER 2

POLICIES OF MODERN IRAN TOWARD
MONOTHEISTIC MINORITIES

INTRODUCTION

Shīʿi Muslims, long the majority religion in the land of Persia, have only recently been transformed from political outsiders to rulers of Iran. The history of the Shīʿa, who separated from Sunnis over the issue of who was the rightful successor to Muhammad, has been characterized by political quietism and private religious practice.

In the modern era the secular Pahlavi dynasty, founded in 1926, ruled over Iran's Shīʿis. Wielding the controls of oil and foreign capital, the Pahlavi dynasty piloted Iran through the processes of land reform, industrialization, urbanization, infrastructure development, and a radical cultural shift toward modernism—a transformation cumulatively known as the White Revolution. Many resented these modernist changes, though, and felt that the Shah and his foreign backers represented corrupt anti-Islamic forces which were mismanaging the nation's wealth. When economic collapse came in the late 1970's, and Iran's cities teemed with poverty and social ills, the regime became increasingly unstable.

Leading the political opposition movement in the 1970's was an unlikely group in a Shi i nation: the religious class of *ulamā.'* The opposition movement coalesced under the charismatic spiritual and political leadership of Ayatollah Ruhullah Khomeini, and Shah Muhammad Reza Pahlavi was overthrown in 1979. On April 1, 1979, as the Islamic republic of Iran was established, centuries of Shīʿi political quietism were reversed, and *sharīʿa* law replaced the secular modernism of the Pahlavis.

This new government assumed hegemony in an ethnically homogenous nation. Although Iran and Persia are used synonymously, around half of the current population does not speak Persian as a first language--Persians compose only 45.6% of the current population

of around 60 million, and a score of other ethnic minorities compose the remainder. Zeris, Kurds, Gilakis, Luris, Mazandaranis, Baluchis, Arabs, Bakhtiaris and Turkmen all represent over one-percent of the population.[1] This ethnic diversity, and strong social allegiance to the local community, are encouraged by the mountains and deserts along Iran's borders which isolate villages and restrict communication.

Religiously, Iran's current population is composed of 93.4% Shi'i Muslims, 5.7% Sunni Muslims, and very small numbers of other religious minorities. Baha'is represent 0.6% of the population, while Christians, Jews and Zoroastrians each represent 0.1%.[2]

POLITICAL THEORY OF THE ISLAMIC REPUBLIC OF IRAN

Replacing the modernism of the Pahlavi government was an idealized political system which claimed a reestablishment of God's full temporal authority, just as in Muhammad's early *umma*. Such a claim reversed the historical Shi'i position that all temporal government after Muhammad and the twelve imams was greatly inferior. While Muslim leaders taught for centuries that the political hopes of Shi is lay in the future coming of the *mahdī*, the founders of the Islamic republic of Iran claimed that the previous corrupt and secular government could be replaced with an ideal Islamic government in which God held full authority. "Islamic government is the government of the law and God alone is the ruler and the legislator,"[3] lauded Khomeini. Similarly, the new constitution attributed to God, "exclusive possession of sovereignty and the right to legislate.,"[4]

Practically, God's rule in temporal affairs was accomplished through complete implementation of *Sharī'a* law, a perfect system which encompassed every aspect of social, political and economic life. Khomeini claimed that "The venerable Koran and the noble Sunna contain all the rules and regulations to make human beings happy and to lead them toward perfection."[5]

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[1] Charles P. Trumbull, ed. *Encyclopaedia Brittanica Book of the Year 1995* (Chicago: Encyclopaedia Brittanica, Inc., 1995), p. 631.
[2] Ibid.
[3] Ayatollah Ruhollah Khomeini, *Islamic Government* (New York: Manor, 1979), p. 32.
[4] *Constitution of the Islamic Republic of Iran*, trans. Hamid Algar (Berkeley: Mizan Press, 1980), art. 1.
[5] Khomeini, p. 21.

To best implement the *Shariʿa*, Islamic jurists (*faqīh*) were given full power to administer and formulate law and policy, since they understand the *Shariʿa* better than non-religious politicians. Iran's constitution claimed that "the governance and leadership of the nation devolve upon the just and pious *faqīh*."[6] Granting the *faqīh* full powers of government (*wilāyat al-faqīh*) was first advocated by the Safawid jurist al-Karakī, but until 1979 was never implemented because of its inherent shift in the role of religious leaders from exemplars to political rulers. Khomeini explained the necessity of giving *faqīh* political roles, though, by arguing that they are best suited for political as well as religious leadership. He reasoned, "in view of the fact that the government of Islam is the government of law, only the jurisprudent, and nobody else, should be in charge of the government."[7]

Khomeini himself assumed the role of supreme leader of the Islamic republic, a title known as *marjaʿa-taqlīd* (the reference point for emulation). This position, which Ayatollah Ali Khameini assumed after Khomeini's death, bears resemblance to the leadership roles of Muhammad and the twelve imams, whose authority bridged the spiritual and temporal spheres. Khomeini himself boldly asserted this similarity, claiming that modern jurist leaders "embodied" Islamic government even as the Prophet and Imams had earlier.[8]

Another way the authority of religious jurists was institutionalized in Iranian politics was through a constitutionally-mandated body called the Council of Guardians. Composed of 6 *fuqaha* and 6 specialty lawyers, the council was created to would oversee all matters of legislation, elections, interpretation of Constitution, and in general all workings of the government. Furthermore, religious jurists received the top administrative posts in the new government and in the first legislative session, jurists assumed a majority of the seats.

Despite claims for an ideal Islamization of politics, the new constitution incorporated non-Islamic institutions such as a tripartite system and a republic form of government, and "an enormous amount of secular legal material has been appropriated as the public law of the Islamic Republic."[9] The Western influence on the new Iranian government is so pervasive, it

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[6] *Constitution*, art. 5.
[7] Khomeini, p. 32.
[8] Khomeini, pp. 53-4.
[9] Said Amir Arjomand, "Shiʿite Jurisprudence and Constitution Making in Iran," in *The Fundamentalism Project*, gen. Eds., Martin E. Marty and R. Scott Appleby (Chicago: University of Chicago Press, 1993), vol. 3: *Fundamentalism and the State: Remaking Polities, Economies, and Militance*, p. 103.

has been argued that "strikingly little lasting progress was made toward eradicating Western influences on the fundamental structure and institutions of the legal system."[10] Although the tension of claiming an ideal Islamic political theory while existing as a modern political system would continue, the strong presence of religious leaders in top positions meant that the voice of the clergy would have considerable impact on the government's policies.

CONTEXT OF ETHNIC MINORITY STRIFE

Iran's religious leaders, assuming uniformity among all Muslim citizens, have not given Muslim ethnic minorities any official recognition or aid in attaining equal status and rights in Iran. Khomeini argued that under an Islamic republic, Muslim citizens should not be categorized. He explained, "Sometimes the word 'minorities' is used to refer to people such as the Kurds, Lurs, Turks, Persians, Baluchis, and such. These people should not be called minorities, because this term assumes there is a difference between these brothers. In Islam, such a difference has no place at all. There is no difference between Muslims who speak different languages, for instance, the Arabs or the Persians."[11]

However, this policy toward ethnic minorities--or rather lack of policy-- has created disharmony and led to political instability in modern Iran. These ethnic minorities have long sought greater political representation, cultural freedom and economic development among their communities, and for these reasons opposed the Pahlavis and supported the 1979 revolution. When their position was not altered under the new Islamic government, many minority groups began guerrilla battles against the central government. They have threatened Iran's territorial cohesion but also its ideological core, since they, as Muslims, are rebelling under a supposedly-ideal Islamic government.

The government has reacted to this rebellion with repressive treatment that has aroused international attention. Due process has been absent as political dissidents have been tried

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[10] Ann Elizabeth Mayer, "The Fundamentalist Impact on Law, Politics, and Constitutions in Iran, Pakistan, and the Sudan," in *The Fundamentalism Project*, gen. Eds., Martin E. Marty and R. Scott Appleby (Chicago: University of Chicago Press, 1993), vol. 3: *Fundamentalism and the State: Remaking Polities, Economies, and Militance*, p. 118.
[11] Quoted in David Menashri, "Khomeini's Policy Toward Ethnic and Religious Minorities" in *Ethnicity, Pluralism, and the State in the Middle East,* ed. M.J. Esman and I. Rabinovich (Ithaca, NY: Cornell University Press, 1988), pp. 216-7.

before the Islamic Revolutionary Courts, rather than standard criminal courts. Many are arrested on the subjective charges of "sympathy with opposition groups or criticism of the current political situation."[12] According to international observers, defendants quite often do not receive notice of their charges, access to counsel is denied, and their trials--sometimes lasting no more than a few minutes--are "little more than the formal reading of the charge and the passing of sentence."[13] According to the Special Representative of the United Nations Commission on Human Rights, among those imprisoned, "ill-treatment and torture, both physical and psychological, continued to be common."[14] Because of international attention, the Iranian press ceased reporting executions in 1992, but it is believed that hundreds are performed every year against these political opponents.[15]

This oppressive treatment of ethnic minorities, along with the international pressure it has generated and the resulting climate of political instability, are all very important as contextual factors in the policies applied to religious minorities.

OFFICIAL THEORY TOWARD MONOTHEISTIC MINORITIES

Iran's constitution offers protection and special recognition to certain monotheistic minorities as a separate class of citizens under the Islamic republic. It decrees that "Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, with the right freely to perform their religious ceremonies within the limits of the law and to act according to their own customs in matters of personal status and religious education."[16] These monotheists were recognized by Khomeini and other religious leaders as *Tawḥidi* religions.[17] That is, those which affirmed the unity of God, and were worthy of Muslim respect for their revelatory nature. As an example of Khomeini's personal respect for *Tawḥidis*, he affirmed to

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[12] Stephen H. Klitzman, "Human Rights in Iran," *International Lawyer* 24 (Summer 1990): 613.
[13] Klitzman, p. 613.
[14] Quoted by Klitzman, p. 611.
[15] U.S., Department of State, *Country Reports on Human Rights Practices for 1994: Report Submitted to the Committee on Foreign Relations, U.S. Senate, and the Committee on International Relations, U.S. House of Representatives.* (Washington, DC: Government Printing Office, 1995), p. 1077.
[16] *Constitution*, article 13.
[17] Hasan Askari, "Khomeini's Approach to Men of Other Faiths," *Newsletter, Centre for the Study of Islam* 3 (1980): 10.

the pope the "religious affinity—monotheism and knowledge of God which is common between us."[18]

Although acceptance of religious minorities in the new state was limited to Zoroastrians, Jews and Christians, these three communities were given many assurances of their rights and freedoms as Iranian citizens. The constitution stipulates "The government of the Islamic Republic of Iran and all Muslims are dutybound to treat non-Muslims in an ethical fashion and in accordance with Islamic justice and to respect their human rights."[19] Elsewhere it orders "the abolition of all forms of impermissible discrimination and the provision of just opportunities for all, in both material and non-material matters."[20] The Constitution also guarantees equal access for all citizens to courts of law, to "any employment he wishes," and to "the provision of basic necessities."[21]

These constitutional guarantees were generous and especially welcome by the minorities in the tumultuous and uncertain climate which followed the revolution. It is estimated that SAVAK, the Shah's secret police, executed 65,000 to 70,000 suspected political opponents in the months preceding the revolution,[22] and the new regime continued similar abuses as they consolidated their power. So legal protection for religious minorities was treasured, yet inherent with it was a restricted status that would isolate them to a fringe position in Islamic society. "Religious minorities enjoyed a relative improvement in their situation under the Shah's rule,"[23] but their economic and political success--attained under a secular government--would be abolished under the Islamic republic. The constitution officially restricts non-Muslims from top governmental posts and limits their representation in the legislature to designated seats—two for Armenians and one each for Assyrians, Jews, and Zoroastrians.[24]

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[18] Quoted in Askari, p. 11.
[19] *Constitution*, article 14.
[20] *Constitution*, article, 3.
[21] *Constitution*, articles 34, 28, 43.
[22] Richard W. Cottam, "Human Rights in Iran Under the Shah," *Case Western Reserve Journal of International Law* 12 (Winter 1980): 136.
[23] Cottam, p. 128.
[24] *Constitution*, article 64.

ACTUAL POLICIES: A NARROWING OF THE OFFICIAL THEORY

Iran's policies toward minorities are affected by the strong tension Iran's government faces as it attempts to maintain a rigid and undemocratic system within the framework of a modern nation state. Iran's representative to the UN said in 1990, "there is no unresolvable complication stemming from the compatibility between Islamic law and international law,"[25] but the tension currently faced by President Ali Akbar Hashemi-Rafsanjani is evidence to the contrary. Rafsanjani, although a cleric, "seems to have little personal enthusiasm for the cultural dimensions of Islamization and appears primarily concerned with bold reforms to end his country's economic deterioration."[26] Those reforms include improvements in Iran's human rights record, which under the United States' leadership is increasingly becoming a precondition for international trade relationships. However, the counter-influence of the *faqih*, backed by strong popular support, appears for now to be even stronger. Their effectiveness in dictating Iran's policies was recently summarized, "President Rafsanjani's government [is] becoming isolated and ineffectual in the face of opposition from Islamic hard-line factions."[27]

Within this context recognized minorities have received actual policies which narrowly interpret the official theory. For example, the constitution's guarantee of educational freedom has been limited by close governmental observation and interference among those schools. Recognized minorities also face discrimination in civil courts--they regularly receive lesser compensation and heavier punishments--which narrows their legal rights.[28] And the U.S. State Department reports discrimination for recognized minorities in higher education and in employment: "University applicants are required to pass an examination in Islamic theology. Although public-school students receive instruction in Islam, this requirement limits access of most religious minorities to higher education. Applicants for public-sector employment are similarly screened for their adherence to Islam."[29] Religious minorities also have been restricted in their social freedoms, such as a prohibition against public consumption of alcohol and other offensive practices. In general, policies followed the statement of a revolutionary

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[25] Quoted in Klitzman, p. 610.
[26] Mayer, p. 123.
[27] Trumbull, p. 421.
[28] U.S., p. 1083.
[29] Ibid.

court judge, who determined, "At home the minorities can act according to their customs, but...in public places they must conform to norms of the Islamic republic."[30]

Therefore, recognized minorities are excluded from the Islamic republic at the same time that they are promised its protection. This official theory proves ominous for the minorities because the government does not so much welcome them as allow them to live in the territory on the condition that they have little impact on government and culture. Iran's political theory is strictly non-pluralist, since the participation of all citizens is not valued equally, and in this respect it resembles the *dhimma* contract of the later classical period--when minorities were given special recognition, but were isolated from mainstream Islamic government and culture. Iran's theory is dissimilar to Muhammad's *umma* in Medina, which gave Muslims and non-Muslims equal rights of participation.

Actual policies have been most tolerant toward Armenian and Assyrian Christians and Zoroastrians, largely because their internal focus and social isolation presents few difficulties for the government. Armenians, Assyrians and Zoroastrians in Iran are all ancient and close-knit communities which desire little assimilation with external rulers and make no attempt at prosylization. Iranian treatment of Baha'is, evangelical Christians and Jews has been more intolerant. A survey of those policies and some of the factors which cause them will occupy the remainder of this chapter.

Baha'is: Unprotected and Persecuted

Intolerance of Baha'is dates back to the religion's founder, named Bab, who was executed along with 20,000 of his followers in the mid-19th century.[31] Ever since, Baha'is have been condemned and often persecuted in Iran for their heretical teaching that Muhammad was not God's final prophet. The Pahlavis allowed such abuses to continue, but the secular dynasty also allowed individuals to refuse to answer official questions about their religious status. Many Baha'is benefited from this policy and advanced in economic and political spheres, even holding high government positions.[32]

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[30] Quoted in Menashri, p. 223.
[31] Linda Marie Delloff, "Religious Repression in Khomeini's Iran," *Christian Century* 13 (August 1980): 788.
[32] "Persecution of the Baha'is in Iran," *International Commission of Jurists Review* (June 1985): 9.

Success led, however, to a policy backlash when the Shah was deposed and Muslim religious leaders gained power. Khomeini and others had long claimed that Baha`i influence in Iran put Muslims at risk. The Ayatollah warned before the revolution, in what was a precursor of the Islamic republic's future policies, that "Islam and the Qur an are in danger...the independence of the country and its economy are about to be taken over by Zionists, who in Iran appear as the party of Baha'is, and if this deadly silence of Muslims continues, they will soon take over the entire economy of the country and drive it to complete bankruptcy."[33]

After the revolution, Khomeini's Iran deprived Baha'is of many legal and civil rights and the constitution explicitly excluded them from the recognized minority status given "only" to Zoroastrians, Jews and Christians. In the early 1980's Baha'is faced a wave of new discriminatory measures in "jobs, pensions, education, freedom to travel abroad, and freedom to marry."[34] They were expelled from universities, passports were not renewed, marriages were declared unofficial and they were removed from all public--and some private-- employment. Religious leaders gave the order to "chase the Baha'is from all administrative positions and to deliver them to the revolutionary courts."[35] Furthermore, in a severe economic measure, Baha'is who previously had been employed by the government were ordered by Chief Justice Ayatollah Moussavie Ardebili to make payments of compensation for their previous salaries and pensions.[36]

Khabar-i-Junub, President of the Revolutionary Court in Shiraz, asserted during this time that on the basis of the constitution's exemption of Baha'is from recognized status, "any activities on the part of the Baha'is are against the Constitution."[37] This decision meant that practice of the Baha`i religion was deemed to be a criminal offense, and so prohibitions were ordered against Baha`i religious gatherings and publishing. Authorities regularly confiscated individual Baha`i's property and the communities' financial assets and places of worship. Baha'is were even barred from basic civil privileges such as public education.

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[33] Azar Tabari, "The Role of the Clergy in Modern Iranian Politics," in *Religion and Politics in Iran: Shi'ism from Quietism to Revolution,* ed. Nikki R. Keddie (New Haven: Yale University Press, 1983), p. 68.
[34] Paul D. Allen, "The Baha'is of Iran: A Proposal for Enforcement of International Human Rights Standards," *Cornell International Law Journal* 20 (Summer 1987): 340.
[35] "Persecution of the Baha`is," p. 9.
[36] Ibid.
[37] Quoted in Allen, p. 340.

Iran's human rights abuses toward Baha'is brought international condemnation, including censorship by multiple United Nations General Assemblies for defying the UN Charter, claiming "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, language, or religion."[38] Failure to uphold the International Covenant on Civil and Political Rights (ICPR), a pact which includes a promise of religious freedom, also prompted strong diplomatic pressure. As a result, Baha'is have received slightly more tolerant treatment in the 1990's. "Government restrictions have been eased, so that Baha'is may currently obtain food ration booklets and send their children to public schools. However, the prohibition against the admission of Baha'is to universities appears to be enforced."[39]

Iran has appeased the international community to some extent, no decisive moves have been made toward granting Baha'is civil or legal rights, and Iranian policies are still subject to the dominant influence of the Islamic religious community. For example, a government leader recently insisted that international calls for adherence to the ICPR would not alter Iran's official policies toward the Baha'is, saying, "in the case of differences between the Articles of the Covenant and the teachings of Islam, the tenets of Islam [will] prevail."[40] Iran's Foreign Minister Ali Akbar Velayati concurred, affirming, "Human rights in Iran are based on Islamic values. We will not accept the values of foreign countries imposed on us under the cover of human rights."[41] Recent policies, such as a 1993 law forbidding government employees to participate in groups denying the "divine religions"[42] (an explicit reference to Baha'is), confirm the enduring intolerant orientation.

Evangelical Christians: Politicized and Persecuted

Iranian evangelical Christians such as the Assemblies of God, although protected by the constitution, have also been targets of persecution under the current government. Evangelicals are not officially excluded from the constitution's recognition of Christian minorities, but the

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[38] Quoted in Allen, p. 342.
[39] U.S., p. 1083.
[40] Quoted in "Persecution of the Baha'is," p. 10.
[41] "Walk in Fear," *Economist,* 23 July 1994, p. 39.
[42] U.S., p. 1081.

government views them quite differently than Armenians and Assyrians. While the latter were a pre-Islamic community in Iran, evangelicals have grown in Iran recently through Muslim converts. Their services are usually held in Persian, the common vernacular, and their association with the West leads the government to view them as conspirators and political opponents. Says the Iranian Deputy Foreign Minister M. Jarad Zarif, "We consider them to be a political organization. If someone wants to start a political organization they must go through the process to obtain permission, as is the case for Muslims."[43]

The government's politicization of evangelical Christians has led to policies which make practice of their religion a criminal offense, as it is for Baha'is. Hospitals and schools run by evangelicals have been seized by the government and individuals have faced severe discrimination throughout society, most notably in public and private employment. Church leaders have endured close monitoring, arrests and executions--including the highly publicized slayings of three prominent church leaders in 1994. One modern observer likens Iran's treatment of evangelicals to the notorious persecutions of political dissidents and Baha'is, saying, "Even by the standards of Iran the current crackdown is extraordinary," and "the Government may be willing to tolerate the existence of the Armenian church, but the evangelical groups appear slated for eradication."[44]

In the perception of an Iranian Assemblies of God church leader, the government believes his church is "subverting the revolution," and consequently, "they have decided to eradicate us."[45]

Jews: Religiously Rejected, Precariously Protected

Iran's treatment of Jews has been strongly affected by deep anti-Jewish popular sentiment which finds its roots in the early classical period. Hostile Qur'ānic accounts of Jewish-Muslim disputes at Medina have fueled Muslim religious leaders in their opposition to Jews. Khomeini referred to Jews as a "troublesome group, causing corruption in Muslim

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[43] "Iran Wages Fierce Campaign Against its Christian Minority," *New York Times*, 1 August 1994, p. A5.
[44] Ibid.
[45] Ibid.

society and damaging Islam and the Islamic state,"[46] and urged Muslims before the revolution to separate from Jews in employment, housing and daily business. Especially shameful for Muslims would be in their work to be subject to a Jewish supervisor.[47] Jewish prosperity under the Pahlavis and the military and political successes of Israel have only increased this hostility.

Officially, the Islamic republic grants Jews considerable freedom and protection. The constitution gives them recognized status and Khomeini acknowledged their religion as *Tawhīdī*, saying Jews "are the people of this nation. Islam treats them as it treats all other people. Islam never allows any kind of persecution and molestation, and never puts anybody in a predicament."[48]

Iranian Jews have made every effort to be an acquiescent and supportive minority-- even issuing intermittent public statements of their support for the government--and "What emerges is a picture of ideologically and religiously motivated rejection of Jews and Judaism, combined with a measure of tolerance—precarious, to be sure, but so far mostly predominant in political matters."[49] Exceptions to this pattern are accusations of political conspiracy occasionally levied against Jewish leaders, and restrictions on foreign travel. Jewish families are not allowed to travel together and multiple-exit permits, given to other Iranian citizens regularly, are often denied.[50]

Iranian Jews, then, are targeted for discrimination more than the ancient Christians and the Zoroastrians, but they have not received the intense persecution of the Baha'is and evangelical Christians.

SUMMARY

Moreso than the Muslim nations filling the remainder of this research, Iran has made the claim countered by this study's hypothesis; namely, that the Islamic classical theory does

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[46] Quoted in Manashri, p. 223.
[47] Bat Ye'or, *The Dhimmi: Jews and Christians under Islam,* trans. D. Maisel et al. (Madison: Fairleigh Dickinson University Press, 1985), p. 397.
[48] Quoted in Askari, p. 10.
[49] Menashri, p. 226.
[50] U.S., p. 1081.

provide a single and idealized political solution for modern Muslim nations concerning Christians. Iran has claimed a pure reimplementation of Islamic classical theory and *Shari̅'a* law, including a *dhimma*-like status for Zoroastrians, Jews and Christians, but in actuality it has adopted a variety of policies toward monotheistic minorities. "In practice...the conduct of the Islamic republic's policies has been significantly influenced by political and pragmatic considerations."[51] Armenians, Assyrians and Zoroastrians, all of whom are ancient and socially isolated communities, have received the broadest protection of all minorities. Jews also have been treated leniently, in accordance with their constitutional protection, but they have received discrimination coming from Muslim ideological opposition. Evangelical Christians, although supposedly protected, have been the targets of intense persecution, as have the unprotected Baha'is. Taken cumulatively, these policies reveal inconsistency over which minorities are protected and the extent to which each group is allowed to assimilate and contribute within Islamic society.

These findings, supportive of the current hypothesis, reveal some of the underlying forces which have shaped Iran's policies toward Christians and other religious minorities. First, Iranian leaders have faced a tension between international legal standards on the one hand, and *faqi̅h*-led pressure for Islamization on the other. The resulting policies have often been politically pragmatic responses to these pressures. Second, Iran's protection of religious minorities has been characterized by pragmatism and an individual response to minority communities. For Bah`ais and evangelical Christians, it has been the religious threat to Islam which defines policies; for Jews (and evangelicals, to a lesser extent), it has been the actual or perceived associations with foreign enemies of Iran.

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[51] Menashri, p. 215.

CHAPTER 3

POLICIES OF MODERN PAKISTAN TOWARD
MONOTHEISTIC MINORITIES

INTRODUCTION

In addressing the situation of non-Muslim minorities in Pakistan, it is helpful first to recognize the history of Muslims being minorities in India among the numerically dominant Hindus. It is that context which gave birth to the state of Pakistan. Among others, two forces were crucial in leading to the formation of a separate Muslim political state--both gained early momentum in the late 19th century. First the Indian nationalist movement, committed to an independent India free from British rule, gained strength. For Muslims, as the possibility of a free India became more imminent it provoked fears that they as a minority would be overwhelmed in a Hindu-dominated political system. Second, a progressive wave of revitalized Islam swept through the subcontinent and inspired Muslims to become more pro-active politically. As a result, in 1906 the Muslim League was founded--a distinctly Muslim independence movement to parallel the Hindu-dominated Indian National Congress.

During this period of increased involvement in politics for Muslims, it became clear that Muslims themselves were quite divided over their political aspirations. Among the most influential voices were revivalist Muhammad Iqbal, who reluctantly pursued Muslim nationalism and partition; Maulana Abul Kalam Azad, who favored religious pluralism among united India; and Sayyid Abu al-a la Mawdudi, who insisted on an idealistic Islamic state. It was Muhammad Ali Jinnah, former opponent to partition and onetime leader of the Indian National Congress, whose support for partition became decisive. His campaigning and popular support among Muslims secured the independent statehood of Pakistan and earned him the title *Qā'id-i-Al'zam* (the great leader).

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When the British withdrew from the subcontinent in 1947, they left India and Pakistan as separate and independent states. Emigrations followed--of Muslims from India and Hindus from Pakistan--and the accompanying riots claimed the lives of over one million. Muslims emerged from this tumultuous time as the heirs of a separate state, but one based wholly on an ideological construct. The unity of this imposed nation was severely suspect, for it was defined only by Islam. The new geographic boundaries were hastily drawn and the newly formed political units had no history of nationalism, so from the start regional allegiances prevailed and the Muslim provinces faced rivalries and disputes.[1] Highlighting these difficulties, the former Indian provinces of Punjab and Bengal were split artificially so that sections of each went to both Pakistan and India. West and East Pakistan were ideologically united in statehood but were divided by more than 1000 miles and immense cultural and linguistic differences--a union that by 1971 proved untenable. Furthermore, the new Pakistan had five major linguistic families, 32 spoken languages, and was racially diverse.[2]

The country was formed on the basis of Islamic separatism, but its territory was religiously pluralistic. Kenneth Cragg states the dilemma: Pakistan "was created, on a plea for self-determination on behalf of some 24% of all India (that is the Muslims), while itself enclosing from Hindu Islam a non-Muslim minority of 40%. Thus it does greater violence to its own principle than does the India from which it seceded."[3] Complicating the situation even further, one-third of Indian Muslims remained in India, including Muslim-dominated Kashmir.

Over time the proportion of non-Muslims in Pakistan has declined, but a strong presence of religious minorities remains. Pakistan's 1990 estimated population of 113 million included around 97 percent Muslim--of whom Shi'is were around 15-20 percent. Hindus and Christians each represented around 1 1/2 percent, as did the cumulative percentage of Ahmadis, Parsis, Sikhs, Buddhists and others.[4] Muslims today are numerically dominant in

[1] Pakistan as a title was conceived by Cambridge student Rahmat Ali, who took the initials of the four northwest provinces of India: Punjab, Afghan, Kashmir, and Sind. See Ishtiaq Ahmed, *The Concept of an Islamic State: An Analysis of the Ideological Controversy in Pakistan*, Stockholm Studies in Politics Series, no. 28 (Stockholm: University of Stockholm), p. 76.

[2] J. L. Esposito, "Islamization: Religion and Politics in Pakistan," *Muslim World* 72 (1982): 197.

[3] Kenneth Cragg, *Counsels in Contemporary Islam* (Edinburgh: Edinburgh University Press, 1965), p. 23.

[4] Population figures are based on the latest census, in 1981. Subsequent attempts have either been canceled or have produced dubious results. See Charles Amjad-Ali. "Basic Population Statistics of the Christian Community in Pakistan." Rawalpindi, 1992.

Pakistan, but these demographic realities belie the enduring tensions regarding what it means to be an Islamic state, and the importance of non-Muslims within this debate.

FORMATION OF THE OFFICIAL THEORY

Early Ideological Debates

From Pakistan's inception, political debates have revolved around definition of the relationship between Islam and the state. A state created in the name of Islam left open the question: was Pakistan to be a state permeated by Islam and based on *Shari'a* law, or a democratic homeland for Muslims and non-Muslims alike to freely practice their religion? In response to this question, many *ulamā* and conservatives of Mawdudi's Jama at-i Islami party uncompromisingly asserted that for a state of Muslims, "Sovereignty, in all its aspects, is only for God...the state is a vicegerent (sic) of God and...should undertake to adjudicate in strict accordance with the Book of God and the Sunnah of the Prophet."[5] Opposing them were modernist thinkers, in the tradition of revivalist Shah Wali Ullah, who advocated religious freedom and pluralism. I. H. Qureshi, a political ally of Prime Minister Liyaqat Ali Khan, spoke for many from this point of view: "The people of Pakistan possess at present the final authority even to decide whether they shall be Muslims or not. It is, therefore, obvious that the people of Pakistan are as sovereign as the people of any other country," and the *Shari'a* "needs reconsideration for being applied in circumstances which have so considerably altered."[6]

The status of minorities figured prominently in this debate over the nature of the new state and--if it were necessary among so much ethnic and racial diversity--their presence was a reminder of Pakistan's heterologous constituency. Concerning non-Muslims, conservative ideologues argued with Mawdudi that "an Islamic State...is by its very nature bound to distinguish between Muslims and non-Muslims." Religious minorities are in fact defined in this

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[5] Maulana Syed Abul A'la Mawdudi, *The Islamic Law and Constitution,* trans. and ed. Khurshid Ahmad (Lahore: Islamic Publications Ltd., 1960), pp. 228, 236, 237.
[6] Ishtiaq Husain Qureshi, "Sovereignty in an Islamic State," in *Ideological Orientation of Pakistan,* ed. Sharif al-Mujahid (Karachi: National Book Foundation, 1976), p. 112.

perspective as those "not subscribing to the basic principles of the state."[7] The Islamic state "does not permit them to meddle with the affairs of the State which is based on an ideology to which they honestly do not subscribe," but the state "is bound to confer all those rights on its non-Muslim citizens which have been conferred upon them by the Islamic *Shariah*."[8] According to this view, "religious minorities are tolerated, but they are never accepted on equal footing with Muslims,"[9] which is to say that non-Muslims are respectfully isolated from the political process.

The opposing perspective in Pakistan wished to accept non-Muslims as equal citizens. This modernist view is most eloquently represented by Jinnah's oft-quoted speech, given as president of the Constituent Assembly in 1947:

> You are free, you are free to go to your temples. You are free to go to your mosques or any place of worship in this State of Pakistan. You may belong to any religion or caste or creed--that has nothing to do with the business of the State...We are starting with this fundamental principle that we are all citizens and equal citizens of one State. Now I think you should keep that in front of us as our ideal, and you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in religious sense, because that is the personal faith of each individual but in political sense as citizens of the State.[10]

The modernist view in Pakistan was characterized by a distinction between the state and the religion of its citizens as it sought the de-Islamization of Pakistani politics.

As for the *Qā'id-i-Al'zam*, Jinnah's disposition was strongly secularist, but in his capacity as political leader he seldom publicized his personal views. A political opportunist, Jinnah garnering the support of all parties and founded a state for Muslims, but one with an ideological vacuum that to this day remains unresolved. "The most ardent advocate of Islamic statehood was not a noticeably religious man. He was content to gather a wide range of Muslim sentiment behind the policy for Pakistan, while deliberately evading the definition of the Islamic state he demanded."[11] For Jinnah the definition of Pakistan as a home for Muslims-

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[7] Mawdudi, p. 296.
[8] Mawdudi, p. 297.
[9] Seppo Syrjanen, *In Search of Meaning and Identity: Conversion to Christianity in Pakistani Muslim Culture*, Annals of the Finnish Society for Missiology and Ecumenics, no. 45 (Helsinki: Vammala, 1984), p. 23.
[10] Quoted by Charles Amjad-Ali, "Constitutional Rights for Minorities and Women in Pakistan," *al-Mushir* 33 (Autumn 1991): 124.
[11] Cragg, p. 22.

-his personal view--was a separate concern from the establishment of that state. It was toward the latter goal that his efforts proved successful.

After Jinnah's untimely death in 1948, the balance of power and opinion shifted toward the conservatives. "Deprived of the authority and charisma which he enjoyed...the Western-educated and modernist-inclined leaders of the Muslim League began to feel vulnerable to the agitation for an Islamic order, which seemed to have aroused considerable mass support."[12] Of special significance, fundamentalist strength was felt in debates over the nature of the constitution by the Pakistan Constituent Assembly. These early leaders of Pakistan passed in 1949 a document called the Objectives Resolution, which was intended to serve as the basis for a future constitution. Bearing the marks of its conservative authors, it ascribes ultimate political power in Pakistan to God alone: "Sovereignty over the entire universe belongs to God Almighty alone and the authority which he has delegated to the State of Pakistan through its people for being exercised within the limits prescribed by Him is a sacred trust." At the same time the Objectives Resolution includes some modernist ideas, such as the definition of Pakistan as a "sovereign independent state," one which values "democracy, freedom, equality, tolerance and social justice as enunciated by Islam."[13]

Throughout Pakistan's history the Objectives Resolution-- passed unanimously by Muslim members of the Assembly while all Hindu members abstained--has been viewed as a statement of founding principles for the state. It has, however, been utilized as ideological support for a variety of positions. In 1951 a group of 31 *ulamā,* relying on the document's conservative aspects for support, passed a resolution calling for an Islamic constitution ordered on the Qur an and *Sunna.*[14] On the other end of the ideological spectrum, Prime Minister Ali Khan used the Objectives Resolution as support for a 1950 pact with India in which fundamental civil rights of minorities were guaranteed by both countries. Equal rights were

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[12] Edward Mortimer, *Faith and Power: The Politics of Islam* (New York: Random House, 1982), p. 206.
[13] Constituent Assembly of Pakistan, "Complete Text of the Debate on the Objectives Resolution, 7-12 March 1949," in *Ideological Orientation of Pakistan,* ed. Sharif al-Mujahid (Karachi: National Book Foundation, 1976), pp. 102-3.
[14] Anwar Hussain Syed, *Pakistan: Islam, Politics and National Solidarity* (New York: Praeger, 1982), p. 66.

assured for engagement in civil life, appointment to political positions, and service in the military.[15]

Conservatives were ultimately disappointed with the results of constitutional debates, for Pakistan's first constitution called for a tripartite government based on Western models. The Objectives Resolution was inserted as a preamble and Islamic addenda were added, such as the requirement of a Muslim president and the institution of the Islamic Ideology Council. This body was given an overseeing role, to determine "whether a proposed law is or is not repugnant to the Injunctions of Islam."[16] Conservatives ambitions also went unmet when the Pakistan penal code was not based on the *Shariʿa* but instead became a modified version of the British colonial system.

Punjab Riots

The status of minorities presented itself as an unavoidable issue--and unmasked some of the internal tensions of the state--during the anti-Ahmadiyya riots in Punjab in 1953. Protests developed at that time as *ʿulamāʾ* and fundamentalist groups such as the Jama at-i Islam and Ahraris called on the government to dismiss Ahmadis from government positions and officially declare of them non-Muslim minorities. The Ahmadis are an Islamic sect begun by Mirza Ghulam Ahmad and are commonly referred to by Muslims according to their two branches, the Qadianis and Lahoris.[17] Like the Baha'is of Iran, orthodox Muslims denounce all Ahmadis for their belief that further prophets--principally Ahmad--succeeded Muhammad.

In 1953 protests turned violent and expanded from resentment against Ahmadis into general anti-government riots, based on the following demands. "(1) removal of Hon`ble Chaudhri Muhammad Zafrullah Khan from the post of Foreign Ministership, (2) declaration of Qadianis as a minority, (3) taking away the land which has been given to the Qadianis in Rabwah and utilizing it for the rehabilitation of refugees, (4) removal of Qadianis from key

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[15] Punjab, Court of Inquiry to Enquire into the Punjab Disturbances of 1953, *Report* (Lahore: Government of Punjab, 1954), p. 234.

[16] *The Constitution of the Islamic Republic of Pakistan,* ed. Makhdoom Ali Khan (Karachi: Pakistan Publishing House, 1986), art. 229.

[17] The former branch are the more zealous and interpret Ahmed's claim to be the *mahdi* more literally, while the latter branch bears close resemblance to liberal Muslims.

posts and their replacement by Musalmans, and (5) framing the constitution of Pakistan on purely Islamic lines."[18] The government stubbornly resisted concessions in these areas, but when local government administration was brought to a halt and conditions became anarchic, the national government declared marshal law in Lahore in order to restore civil order.

In order to address and understand the underlying causes of the events, an official inquiry of the Punjab riots was undertaken. Led by Chief Justice Muhammad Munir, the "Munir report" evaluated the intricacies of the Punjab riots, delving as well into their theological roots. Partial blame was ascribed to *ulamā,* the government, and the Qadianis, but the report especially highlighted the inconclusive ideological basis of the state--whether it was secular homeland for Muslims or Islamic state.[19] Cragg interprets the incident similarly: "What occurred in Punjab in the spring of 1953 was a violent eruption of the inner ambiguity of the new state."[20] In claiming, "The essential assumption underlying the demands was that in an Islamic State there is a fundamental difference between the rights of the Muslims and non-Muslims,"[21] the Munir report identified underlying and unresolved policy questions for Pakistan--who exactly was a Muslim, and how should the state differentiate between Muslims and non-Muslim citizens.

The Punjab riots also illustrate a tension for political leaders which has become characteristic of Pakistan. Prime Minister Khwaja Nazim al-Din was personally sympathetic to the *ulamā*'s demands in 1953 and observed the widespread popular support for them. He hesitated to make the concessions, though, for officially declaring the Ahmadis to be non-Muslims would imply unequal rights and a marginal participatory role in government not only for them, but for Hindus and other minorities as well. The move would have breached already tenuous relations with India and broken outright their 1950 agreement concerning minority rights. In addition, it would have incurred heavy pressure from the United Nations Commission on Human Rights.[22] Caught between these pressures, the prime minister avoided a decisive move on the issue until intervention became absolutely essential.

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[18] Punjab, p. 137.
[19] Punjab, p. 239.
[20] Cragg, p. 162.
[21] Punjab, p. 233.
[22] Ibid.

The Objectives Resolution, as preamble and ideological foundation for the constitution,[23] lays the initial foundation for minority rights in Pakistan. It guarantees that "adequate provision shall be made for the minorities freely to profess and practise their religions and develop their cultures."[24] This statement has been altered, however, since its original declaration in the Objectives Resolution of 1949 in a manner which limits civil rights. In a minor, yet purposeful, change, recent constitutional drafts have omitted the word "freely,"[25] implying that religious practices of minorities are tolerated, but not liberally guaranteed.

Pakistan's constitution adds depth to the rights of non-Muslim minorities, promising generous liberties and equality. It reads, "Subject to law, public order and morality--(a) every citizen shall have the right to profess, practise and propagate his religion; and (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions."[26] These guarantees are amazingly liberal, including not only the right to survive as minority religions in a Muslim country, but the freedom to "propagate" and conduct themselves in a way that would advance the numbers and position of themselves.

The constitution elaborates on the rights of minorities in many specific areas. In education, religious minorities are promised the right to self-education, freedom from discrimination in publicly funded schools and equal tax treatment for minority-run schools.[27] All citizens are promised by the constitution equal opportunity to "acquire, hold and dispose of property," "equal protection of law," and "access to places of public entertainment."[28] One additional statement in the constitution benefiting non-Muslims is a deliberate rejection of the classical *jizya* tax. It reads, "No person shall be compelled to pay any special tax the proceeds

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[23] Chief Justice Muhammad Afzal Zullah has stressed the importance of the Objectives Resolution, along with the constitution, as a guarantee of civil rights for minorities. See Muhammad Afzal Zullah, "Human Rights in Pakistan," *Commonwealth Law Bulletin* 18 (October 1992): 1346.
[24] Constituent Assembly of Pakistan, p. 102.
[25] Amjad-Ali, "Constitutional Rights," pp. 120-1.
[26] *Constitution,* article 20.
[27] Ibid, article 22.
[28] Ibid, articles 23, 25, 26.

of which are to be spent on the propagation or maintenance of any religion other than his own."[29]

Within the political system, minorities are officially given minor restrictions, being prohibited from the posts of president and prime minister, although those with "good moral reputation" are allowed in parliament.[30] Reminiscent of the 1950 pact with India, the constitution states, "No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence or place of birth."[31] Elsewhere it speaks more assertively, claiming that not only will minorities face no discrimination, but "The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services."[32]

The constitution assures non-Muslims of broad democratic and civil rights but, in a sort of foreshadow of future policy changes, it conspicuously repeats disclaimers of the government's right to nullify these guarantees. The right to "profess, practise and propagate" is given the precursor, "subject to law," leaving it somewhat ambiguous. Elsewhere, civil rights for minorities are said to be "subject to the Constitution and any reasonable restrictions imposed by law in the public interest."[33] It would be the ongoing process of Islamization which would sufficiently alter the government's disposition to make use of the official theory's disclaimers and revoke many of these rights.

MODIFICATIONS OF THE OFFICIAL THEORY

Islamization Under General Zia

General Muhammad Zia al-Haqq's military regime revitalized the role of Islam in politics in the late 1970's. After twenty years of secular leadership from prime ministers Muhammad Ayyub Khan and Zulfikar Ali Bhutto, General Zia introduced a series of reforms-- many based on Mawdudi's thought--toward Islamic government (*Nizām-i-Islām*) based on

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[29] Ibid, article 21.
[30] Ibid, articles 41, 62.
[31] Ibid, article 27.
[32] Ibid, article 36.

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Sharī'a law.[34] In the sphere of economics he instated a mandatory *zakāt* tax and began measures to free Pakistani banking from usury *(ribā)*. Within the political system, he reinstated and bolstered the Islamic Ideology Council. Zia established *Sharī'a* courts alongside the existing British common law courts, elevating the role of the *Sharī'a* and increasing the authority of the *'ulamā'* as its official interpreters. And the Pakistan penal code was formally amended to include traditional *hudūd* punishments--stoning and amputation for crimes of drinking, theft, and adultery--although these have rarely been implemented. Zia's ultimate desire in this process of political Islamization was to adopt an Islamic constitution and to pass a *Sharī'a* bill which would officially implement *Sharī'a* law. Toward these ends he was unsuccessful, despite repeated attempts.[35]

It was Zia's close associate Nawaz Sharif who later, as prime minister, passed the "*Sharia* Act of 1991" through the National Assembly. The bill was an official declaration that "all Muslim citizens of Pakistan shall order their lives according to the *Sharia*." In theory, it fulfilled Islamic groups' long-standing desire for exclusive use of *Sharī'a* law in Pakistan, but practically the bill lacked muscle for legal reform. It forced courts only to implement Islamic laws where they had opportunity, so that courts, "while interpreting the statute-law, if more than one interpretation is possible, the one consistent with the Islamic principles and jurisprudence shall be adopted by the court."[36] Remaining unchanged is a Western-oriented constitution espousing democracy and secularism more than Islamic law. Qazi Husain Ahmad, successor to Mawdudi as leader of the Jama at-i Islami, readily admits that "these [*Sharī'a*] laws are not accepted by our judiciary yet."[37]

Although the practical effect of the Sharia Act has been less than Sharif and fundamentalist thinkers desired, it was undoubtedly a strong political victory. Says legal analyst Charles Kennedy, "The primary significance of the Enforcement of Sharia Act, 1991 is political, not legal."[38] The bill symbolically buttressed the Islamization effort and posed

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[33] Ibid, article 23.
[34] Esposito, p. 197.
[35] Charles H. Kennedy, "Repugnancy to Islam--Who Decides? Islam and Legal Reform in Pakistan," *International and Comparative Law Quarterly* 41 (October 1992): 776-8.
[36] The bill, in its entirety, has been published in "Senate Passes Enforcement of *Shariah* Bill 1991," *Pakistan Affairs,* 1 June 1991, p. 2.
[37] Quoted in "A Christian in Islam," *Economist,* 5 October 1991, p. 36.
[38] Kennedy, p. 780.

Sharif's archrival and opponent to the Sharia Act, Benazir Bhutto, as in fact an opponent to Islam.

As for the impact of Islamization on non-Muslims, the Sharia Act tolerantly claimed that "Nothing contained in this Act shall affect the personal laws, religious freedom, traditions, customs, and way of life of the non-Muslim." Elsewhere it continued, "...provided that nothing contained herein shall affect the rights of the non-Muslims guaranteed by or under the constitution."[39] Despite formal guarantees to the contrary, however, the ideological drive toward Islamization of the past two decades has bolstered exclusivist and separatist tendencies and carried ominous implications for non-Muslims. Christian observers have remarked, "The ulama['s]... concern is to redefine Pakistan so that the phrase 'citizen of Pakistan' is totally synonymous with the term Muslim,"[40] and "there is a tremendous deterioration in the status of minorities in the state and a proportionate growth in the violence of their fundamental human rights in the state."[41] In applying Martin Marty's social definition of fundamentalism to the political situation in Pakistan, Ann Elizabeth Mayer claims that the effect of Islamization and Pakistani fundamentalism has been "for setting boundaries, for attracting one's kind and alienating other kinds, for demarcating"[42]--an ideological trend which has induced a series of intolerant policies toward non-Muslims.

Ahmadis and Ordinance XX

Islamic demarcation has been most intense against the culturally and religiously similar Ahmadis. For orthodox Muslims, rejection of the finality of Muhammad's prophethood was a monumental religious difference, one which definitively removed them from the sphere of Islam. Consequently, pressure for the government to officially declare the Ahmadis a non-Muslim minority continued after 1953 and, strengthened by the general movement toward Islamization, culminated again in riots in 1974. Ironically, it was the secular-minded Zulfikar

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[39] Amjad-Ali, "Constitutional Rights," p. 121.

[40] Christine Amjad-Ali, "Update on Minority Issues," *al-Mushir* 34 (Summer 1992): 89.

[41] Charles Amjad-Ali, "Constitutional Rights," p. 122.

[42] Ann Elizabeth Mayer, "The Fundamentalist Impact on Law, Politics, and Constitutions in Iran, Pakistan, and the Sudan," in *The Fundamentalism Project,* 3 vols., gen. eds., Martin E. Marty and R. Scott Appleby, (Chicago: University of Chicago Press, 1993), vol 3: *Fundamentalism and the State: Remaking Polities, Economies, and Militance,* p. 123.

Ali Bhutto who conceded to these demands which former prime minister Nazim al-Din, himself more personally opposed to Ahmadis, had rejected in 1953. In 1974 Bhutto's socialist government officially labeled Ahmadis a non-Muslim minority and barred them from top positions in the government and military--effectively limiting their rights as citizens.[43]

Ahmadis were further separated from Muslims by one of Zia's Islamizing reforms, Ordinance XX of 1984. Self-titled the "Anti-Islamic Activities of the Qadiani Group, Lahori Group, and Ahmadis Ordinance," this legally binding addition to the Pakistan penal code forbade Ahmadis from using Islamic titles such as *masjid* (mosque), *azan* (the call to prayer), and titles reserved for Muhammad and his family. Careful delineation of who was and was not a Muslim was enhanced by this law, which stipulated:

> Any person of the Quadiani group or the Lahori group (who call themselves `Ahmadis` or by any other name), who, directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims, shall be punished with imprisonment...and shall also be liable to fine.[44]

Ordinance XX has been criticized for its subjective nature--defining offenses as acts which harm the "religious feelings of Muslims," not giving clear guidelines as to the specific causes for arrest and not clarifying rights which remain for Ahmadis. Indeed, the act has allowed for arbitrary implementation, giving a license for persecution. Many Ahmadis have been arrested on the basis of personal vendettas, prisons have utilized tortuous treatment and private gatherings of Ahmadis in their homes have been disrupted.[45] Thus Ahmadis have not only been distinguished from Muslims by official definition, their ability to continue practice and adherence to their faith has increasingly been threatened.

Intolerant treatment of Ahmadis in Pakistan has induced international pressure from the United Nations Commission on Human Rights, who asserted that Ordinance XX "violates the right to liberty and security of persons, the right to freedom of thought, conscience and religion, the right of religious minorities to profess and practice their own religion, and the

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[43] Esposito, p. 200.

[44] Quoted by Linda J. Berberian, "Pakistan Ordinance XX of 1984: International Implications on Human Rights," *Loyola of Los Angeles International and Comparative Law Journal* 9 (1987): 662.

[45] Mayer, p. 125.

right to an effective legal remedy."[46] Pakistan's official response, indicative of tensions within the nation and the strength of popular support for Islamization, was that offensive Ahmadiyyah practices "could hurt the sentiments of society in general and could lead to creating tension between various sections of society."[47] Ordinance XX was specifically targeted toward the Ahmadi minority, and General Zia "insisted that religious minorities would be zealously protected,"[48] but the law's exclusive approach toward minorities and rigid limitations of rights have threatened other minorities as well.

Separate Electorates

General Zia's electoral reforms, as passed in the eighth amendment, were policies aimed to restrict the political rights of all non-Muslim minorities. The amendment implemented the policy of separate electorates, which forces non-Muslims throughout the country to vote separately from Muslims for minority candidates--to fill a predetermined allowance of parliamentary seats.[49] At issue for minorities is the differentiation between Muslim and non-Muslim in rights to political participation and an apparent reduction of minorities to an inferior category of citizen.[50] In many ways, separation of electorates reflects a *dhimmī*-like orientation of minorities as an accepted yet separated citizen, and is similar to the Iranian practice, where minority political interests are isolated and they are assigned a predetermined number of parliamentary seats.

There is an Indian precedent for the policy of separate electorates--in 1906 they were implemented at the request of the Muslim League, who feared losing their voice in the Hindu-dominated government. Although Muslims are now a dominant majority, the motivation

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[46] Quoted by Berberian, p. 663.

[47] Quoted by Berberian, p. 679.

[48] Richard F. Nyrop et al., *Pakistan: A Country Study* (Washington, DC: United States Government, 1984), p. xxviii.

[49] The National Assembly currently allows four seats for Christians, four for Hindus, one for Ahmadiyyas, and one for the combined group of Parsis, Sikhs, Buddhists and others. See Christine Amjad-Ali, "News from the Country," *al-Mushir* 35 (Winter 1993): 95.

[50] The legal status of non-Muslims as citizens in Pakistan has always been somewhat tenuous, since it lies at the core of Pakistan's ideological disputes. The controversial issue was skirted in the constitution and operative policy relies on the Pakistan Citizenship Act of 1951 and its amendments, which are based on British precedent in India. See Charles Amjad-Ali, "Constitutional Rights," p. 119.

behind separate electorates remains the same: to ensure that Muslim political interests are not tarnished by the influence of non-Muslim compatriots.

Religious Identification on I.D.'s and the Blasphemy Laws

General Zia's reforms ended in 1988, when Benazir Bhutto succeeded him as prime minister, but the pattern he established of Islamization and of increasing restrictions on freedom for religious minorities continued into the 1990s. Non-Muslims' rights as citizens were further restricted in 1992 by Prime Minister Nawaz Sharif's decision to include a religious identification column on national identification cards.[51] This minor change has allowed for simple recognition of minorities and has enabled police brutality and discrimination based on religion. Like the *zunnār* belt, which the Abbasids required ancient *dhimmīs* to wear for ready identification, the religious column on ID's is a blatant method of social separation. To minorities, these recent laws position them much more like *dhimmīs* than participants in a democracy, and a common feeling is that they have been "reduced already to beneficiaries"[52] of the state.

Most threatening of the many restrictive policies implemented recently are the "blasphemy laws," formal amendments to the Pakistan penal code by Ordinance XXI of 1991. The blasphemy laws increased sentencing allowances for blasphemy against Islam, the Qur'ān, or the Prophet. Those who "by words, either spoken or written or by visible representation directly or directly defiles the sacred name of the Holy Prophet," refer to the Qur'ān in a "derogatory manner," or make offensive sounds or gestures are now subject to strict legal punishment.[53] Like Ordinance XX, however, the blasphemy laws are subjective in their definition and have allowed fundamentalists to discover, prosecute, and sentence alleged cases of blasphemy which may be no more severe than accidentally dropping a Qur'ān.

The blasphemy laws were strengthened in 1992 by Nawaz Sharif's government, including the requirement of capital punishment for certain crimes. No one has thus far been

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[51] Christine Amjad-Ali, "Update," p. 85.
[52] Charles Amjad-Ali, "Constitutional Rights," p. 122.
[53] Chaudhry Naeem Shakir, "Fundamentalism, Enforcement of *Sharia* and Law on Blasphemy in Pakistan," *al-Mushir* 34 (Autumn 1992): 128.

executed, but the intolerant nature of the laws has been felt in the allowance of personal vendettas and non-legal retribution against minorities out of court, and in the death of several alleged offenders under questionable circumstances.[54] One observer has claimed that the repercussions of Ordinance XXI are "radicalising" minorities and pushing the Islamizing policies of Pakistan into the sphere of intolerant persecution of minorities.[55]

Current blasphemy laws are the latest reminder of old and underlying tensions in Pakistan, and they serve notice that the question of religious minority remains at the heart of Pakistan's ideological dilemmas. As was true of the Punjab riots forty years ago, today it is the *ulamā* and the Jama`at party spearheading anti-government opinion and calling for the full implementation of *Sharī*`a law--specifically the blasphemy law and the death sentence for those convicted. And once again, recent political leaders have faced the nearly impossible task of reconciling these unresolved tensions. Although current Prime Minister Benazir Bhutto and her opponent Nawaz Sharif have both intimated disapproval of the laws, they have found themselves caught between popular support of the religious leaders' demands, their own convictions, and international pressure.[56] As of 1994, the blasphemy laws and the upheaval surrounding them were "fast becoming the most serious domestic political problem confronting the government of Benazir Bhutto."[57] Bhutto's troubles, revolving around Pakistan's ideological dilemma, have only intensified in recent months, including a coup attempt by her thoroughly Islamized army and Islamic rebellion in Karachi which has produced near-anarchic conditions.

SUMMARY

Christianity in Pakistan has a brilliant future. There is every sign that the
Christian Pakistani is anxious himself to be absorbed completely into the
national life...as an active member claiming and acting upon his full rights given
to him as a full-citizen of the nation. Pakistan, Islamic in conception, can prove

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[54] For examples, see Shakir, pp. 114-127.

[55] Ahmed Rashid, "In God's Name: Blasphemy Law Becomes a Tool of Personal Vendettas," *Far Eastern Economic Review*, 26 May 1994, p. 20.

[56] The international community was awakened to the situation through extensive international press coverage of the 1994 case of Salamat Masih, an illiterate Christian boy--who has since been murdered--accused of anti-Islamic graffiti. See Rashid, p. 20.

[57] Rashid, p. 20.

and is proving its sincerity and integrity by its broad-minded and entirely tolerant stand towards its minority nationals.[58]

This unrealized prediction, penned soon after Pakistan's creation, reflects the aspirations of Jinnah and a host of secular and religious democrats who saw in the new state a welcome homeland for both Muslims and non-Muslims. Their views found expression in the demand, stated in both the Objectives Resolution and the constitution, that tolerance and modernism would prevail in a state founded to give Muslims an independent political expression in South Asia. These democratic documents, although they have continued to dominate official state theory, belie the unresolved tensions surrounding the nation's identity and the resilient views of those who desire an Islamic state, one which is unabashedly intended for Muslims and ruled by Islamic law.

The primary finding of this study is that Pakistan's theory toward minorities is a subject of immense debate and controversy. Pakistan's formal theory toward monotheistic minorities allows for broad freedoms, but the Islamization of government in the past two decades has radically transformed policies toward non-Muslims-- civil and religious freedoms have been severely limited, and Muslim and non-Muslim have been clearly separated. Benazir Bhutto's claim that "minorities should play a meaningful role in the political processes of Pakistan," and should be "integrated with the majority,"[59] is gradually becoming itself a minority position. Pakistan has charted a policy course of Islamic exclusivity which resembles the *dhimma* policy of the later classical period, but the controversy surrounding these policies removes any notion of classical theory being an unquestioned, idealized solution.

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[58] Anthony D'Souza, "Christians in Pakistan," in *Minorities in Pakistan* (Karachi: Pakistan Publications, 1950), p. 37.

[59] Benazir Bhutto, "Minorities, Women, and the Political Process," *al-Mushir* 33 (Autumn 1991): 108.

CHAPTER 4

POLICIES OF MODERN SYRIA TOWARD
MONOTHEISTIC MINORITIES

INTRODUCTION

Compared to Iran and Pakistan, the communities of monotheistic minorities in modern

Syria are sizable. Out of a total population of 14 million, 76 percent are Sunnis, 12 percent

Alawis (also called Nusayris), 8 percent Christians, 3 percent Druze, and there are small

numbers of Jews, Ismailis, Cicassians, and other Muslim sects.[1] Ethnically the population is

more monolithic, including 89 percent Arabs, 6 percent Kurds, and small numbers of other

ethnic minorities.[2]

The largest Christian community in Syria is the Greek Orthodox church, but Christians

of many other affiliations are also present. Armenians, Greek Catholics, Syrian Orthodox,

Syrian Catholics, Maronites, Assyrians, Chaldeans, Roman Catholics, and Protestants all have

significant communities, most having roots in Syria from the very early years of Christianity.

Jews also have a historic presence in Syria, but unfavorable conditions have induced

widespread emigration, and the current community numbers less than 300.[3]

Religious minorities in Syria are almost exclusively Arab and have been united together,

along with the numerically dominant Sunnis, under the banner of Arab nationalism. "With the

exception of the Armenians and Assyrians, most Christians are Arab, sharing the pride of

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[1] Middle East Watch, *Syria Unmasked: The Suppression of Human Rights by the Assad Regime* (New Haven: Yale University Press, 1991), p. 90.

[2] Charles P. Trumbull, ed., *Encyclopaedia Brittanica Book of the Year 1995* (Chicago: Encyclopaedia Brittanica, Inc., 1995), p. 724.

[3] U.S., Department of State, *Country Reports on Human Rights Practices for 1994: Report Submitted to the Committee on Foreign Relations, U.S. Senate, and the Committee on International Relations, U.S. House of Representatives* (Washington, DC: Government Printing Office, 1995), p. 1177.

Muslims in the Islamic-Arabic tradition and in Syria's special role in that tradition."[4]
Christians, Jews and various esoteric Muslim sects in Syria all have identified heavily with the
twentieth century Arab nationalist movement, described by Edward Mortimer as a "community
of feeling, this idea that 'the Arabs' are not just the people of Arabia or the lineal descendants
of the original Arab conquerors, but everyone whose mother tongue is Arabic, and that such
people form a single Arab nation."[5] Arab nationalism achieved its pinnacle in the late 1950's,
when its advocate Gamal Abdul Nasser became a worldwide Arab hero for nationalizing
Egypt's Suez canal and successfully resisting Western military pressure. After that swelling of
Arab pride, Syria joined with Egypt in 1958 in a new--and short lived--union called the United
Arab Republic.

As is true for all Arab nations, relations with Israel have been monumentally important
in Syria's political context through the past half-century. Since its inception in 1948, Israel's
political prosperity and military victories have resulted in the toppling of Arab morale. In
particular, Israel's victory over Syria, Egypt and Jordan in the Six Day War of 1967 brought a
sense of failure to those nations, and to all Arabism in general--one which was only partially
alleviated by relative success for Arabs in the October War of 1973. Since 1967, Israel has
occupied Syria's Golan Heights and--although recent bilateral talks show some promise for a
future peace--a formal state of war between Israel and Syria continues. Within this tumultuous
context, Syria's relations with Israel have an impact on all of its government policy decisions.

Before turning to Syria's policies toward monotheistic minorities, mention of the
historical precedent for governance of religious minorities in Syria is necessary. The Ottoman
millet system prevailed in Syria, and the Middle East in general, giving *dhimmī* communities--
most notably Greek Orthodox, Armenians, Roman Catholics, and Jews--independent
autonomy to organize and govern their community according to their specific religious laws.
Benjamin Braude wrote of the *millet* system, "it was not an institution or even a group of
institutions, but rather it was a set of arrangements, largely social, with considerable variation

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[4] Thomas Collelo, ed., *Syria: A Country Study* (Washington, DC: United States Government as Represented by the Secretary of the Army, 1988), p. 99.
[5] Edward Mortimer, *Faith and Power: The Politics of Islam* (New York: Random House, 1982), p. 235.

over time and place."[6] It was a decentralized method of governance, one whose flexibility and broad liberties contributed to the long duration of the Ottoman Empire. After World War I, Syria was portioned under mandate to the French, who continued *millet* policies but in a manner by which they were accused of "exploitation of minority differences."[7] At the least, the French profited from the *millet* system's practical effect of isolating minority communities from one another, and so defusing any nationalist or anti-colonial sentiment.

Since 1963, Syria has been governed by the secular Ba'th party and its present leader, Hafez al-Assad, assumed power after a coup in 1970. Assad has been the dominant force in shaping modern Syria's political theory, including that toward religious minorities.

OFFICIAL THEORY TOWARD RELIGIONS

Syria's 1973 constitution, the framework for its formal political theory, gives a thoroughly secular tone and denies any reference to Islam as the state religion. In omitting the claim of an Islamic state which had been included in the provisional constitution of 1964, the new constitution made itself "unique among the constitutions of Arab states (except Lebanon) with a clear Muslim majority in not enshrining Islam as the religion of the state itself."[8] The original draft of the 1973 constitution actually omitted any reference to Islam; it was only after *ʿulamāʾ*-led protests that an amendment was added, ordering, "The President of the Republic is to be of the Islamic faith," and "Muslim *fiqh* (doctrine and jurisprudence) is the principle source of legislation."[9] Instead of claiming an Islamic republic Syria's constitution enshrines Arabism as its core value, referring to the "Syrian Arab Republic," and making special designation that "Arabic is the official language."[10]

Syria's Arab-based governmental theory is consistent with the historic ideology of the ruling Ba'th party, which was founded during World War II by Michel Aflaq. "The message

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[6] Quoted by M.O.H. Ursinus, "Millet," in *New Encyclopaedia of Islam*, vol. 7, ed. E.J. Brill (Leiden: Brill, 1993), p. 63.

[7] Philip S. Khoury, *Syria and the French Mandate: The Politics of Arab Nationalism, 1920-1945* (Princeton: Princeton University Press, 1987), p. 58.

[8] *Middle East and North Africa 1995* (London: Europa Publications Ltd, 1995), p. 863.

[9] Constitution, Art. 3. The Syrian constitution is reprinted in its entirety in Peter B. Heller, "The Permanent Syrian Constitution of March 13, 1973," *Middle East Journal* 28 (Winter 1974): 53-66.

[10] Constitution, Art. 4.

`Aflaq preached was fundamentally Arabism, that the Arabs as one people--the *Ummah* `Arabiyah--had a distinct existence and a special role in the world."[11] Aflaq conceived of national unity based on an Arab *umma*, and minimized the role of religion in such a state, claiming boldly that "the power of Islam...has revived to appear in our days under a new form, that of Arab nationalism."[12] In a Ba'thist state, "Nationalism would take the place of Islam as the focus of belief for the Arabs."[13]

The constitution formally guarantees freedom for all citizens, according to the three-fold objectives of the Ba'th party, "unity, liberty, and socialism."[14] The preamble to Syria's constitution claims, "Freedom is a sacred right and popular democracy is the ideal formula which ensures citizens the exercise of their freedom,"[15] and the first article declares Syria to be a "democratic, popular, socialist, and sovereign state."[16] In this democracy, "citizens are equal before the law in terms of rights and obligations,"[17] and freedom of assembly, speech, press and religion are guaranteed. Of the latter, the constitution claims, "Freedom of belief is guaranteed and the state respects all faiths. The State guarantees the free exercise of religion as long as this does not jeopardize public order."[18]

Syria's formal theory toward religions is tolerant, inclusive and secular--a shift from the *millet* system's pattern of dividing sectarian groups from one another. "The system [Ba'th] adherents put into effect in the 1960's has officially ended the time-honored *millet* system."[19] As one example of Syria's official secularism, the parliament allocates no special seats on the basis of religion, a shift from the Ottoman and French precedents. As an exception, Syria continues the *millet* practice of allowing Christian, Jewish and Druze communities to operate their own legal systems regarding birth, marriage and inheritance law.[20]

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[11] John F. Devlin, *The Ba'th Party: A History from Its Origins to 1966* (Stanford: Hoover Institution Press, 1976), p. 24.
[12] Quoted by Devlin, p. 25.
[13] Ibid, p. 25
[14] Constitution, art. 11.
[15] Constitution, Preamble, Basic Premises no. 4.
[16] Constitution, art. 1.
[17] Constitution, art. 25.
[18] Constitution, art. 35.
[19] Devlin, p. 320.
[20] Collelo, p. 85.

ACTUAL POLICIES

Minority Rule

Turning official theory into practical policies transpires in Syria amidst a context where the ruling Ba'th party is dominated by the minority Alawis. Promoting themes of secularism and Arab nationalism, the Ba'th party has historically attracted large numbers of Arab religious minorities, including Aflaq (a Christian) and current president Assad (an Alawite). "The Ba'th is a secular party, and it is heavy with minorities."[21] The Alawis--"traditionally the most deprived and backward community in Syria,"[22] and a "small, compact, and socially inferior sectarian group"[23]--have especially been attracted to the Ba'th party's twin promises of socialism and secularism. While, "socialism offered economic opportunities to the country's poorest community," secularism "offered the promise of less prejudice to a despised minority."[24]

The Alawis have long been condemned by Sunnis for their claim that Imam ʿAlī had a divine revelation subsequent to Muhammad's. In so rejecting the finality of Muhammad's prophethood--akin to Ahmadiyyas--they have effectually "put themselves more or less beyond the pale of Islam,"[25] and have prompted the label of heretics. Many other Alawite beliefs differ radically from Sunnī Islam, such as reincarnation and the ascription of deity to ʿAlī--Alawis have modified the *shahāda* to say, "I testify that there is no God but Ali."[26]

Given this Sunni theological rejection of Alawis, the 1973 constitution's claim that the Syrian president must be a Muslim has been politically damaging for Assad. His legitimacy as president questioned, he "has had to go to great lengths to demonstrate that he is a true Muslim and that his sect expounds a legitimate variant of Islamic revelation. These steps have included attendance at public worship in the mosque, where Nusayris are never found, and

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[21] Devlin, p. 320.

[22] Hinnebusch, p. 62.

[23] Michael C. Hudson, "The Islamic Factor in Syrian and Iraqi Politics," in *Islam in the Political Process*, ed. James P. Piscatori (Cambridge: Cambridge University Press, 1983), p. 78.

[24] Daniel Pipes, "The Alawi Capture of Power in Syria," *Middle East Studies* 25 (October 1989): 442.

[25] Mortimer, p. 48.

[26] Collelo, p. 97.

gaining a formal opinion from the chief of the 'Twelver' Shī'i community of Lebanon that the Nusayris are a branch of the Shī'i faith."[27]

Not surprisingly, Assad's policies concerning religion have reflected the inherent tensions of his minority rule. His has been a "rigorously secular state,"[28] one which has emphasized Arab nationalism so exclusively that religious affiliations have been denounced as corrupting allegiances. One official Ba'th party document claimed that "Membership of a religious, regional, or tribal community becomes an alternative to being an Arab. In this way the potential for national struggle is paralysed...If concepts such as these infiltrate the minds of the party members, the Party will be torn to pieces."[29] This outright denial of sectarian affiliations is parallel to Khomeini's rigid denial (referred to in chapter one) of ethnic differences in the Islamic republic of Iran. Whereas Iran's imposed Islamic unity has necessitated the denial of ethnic affiliations, Syria's imposed Arab unity has necessitated the denial of religious identity.

In order to stabilize and strengthen his ideological standing, Assad has intervened heavily in Syria's educational system, promoting secularism and Ba'th philosophy. Close scrutiny of curriculum and administration in all levels is maintained by the Minister of Education and the Minister of Higher Education, with the goal of creating "an Arab national socialist generation with scientific training...a generation committed to establishment (sic) of a united Arab socialist nation."[30] To outside observers, "Syrian education policies [reflect] the official intention of the Ba'th Party to use the schools to indoctrinate the masses with its ideology."[31]

While Assad has espoused a rigorous secularism, paradoxically, Alawis have benefited from favorable treatment from the government. Preferential access to military and government positions for Alawis, and to a lesser extent Druze and other religious minorities who support the Ba'th, is well documented. Currently, in Syria's military "over half of the officer corps

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[27] Stephen R. Humphreys, "Islam and Political Values in Saudi Arabia, Egypt, and Syria," in *Religion and Politics in the Middle East,* ed. Michael Curtis (Boulder: Westview Press, 1981), p. 302.

[28] Raymond A. Hinnebusch, *Authoritarian Power and State Formation in Ba'thist Syria: Army, Party, and Peasant* (Boulder: Westview Press, 1990), p. 276.

[29] Quoted by Nikolaos Van Dam, *The Struggle for Power in Syria: Sectarianism, Regionalism and Tribalism in Politics, 1961-1978* (New York: St. Martins Press, 1979), p. 105.

[30] Collelo, p. 188.

[31] Ibid, p. 101.

belongs to Assad's Alawi sect."[32] One former military leader, a Druze who emigrated, complained openly of "the growth of the sectarian and liberal spirit," in the military and said that Alawis dominated other sects by a 5 to 1 ratio.[33]

Furthermore, favoritism toward Alawis in modern Syria has extended into business and education so as to have brought about a complete reversal of their social and economic status.[34] "For many centuries, the Alawis were the weakest, poorest, most rural, most despised and most backward people of Syria. In recent years, however, they have transformed themselves into the ruling elite of Damascus. Today, Alawis dominate the government, hold key military positions, enjoy a disproportionate share of the educational resources, and are becoming wealthy."[35]

For Assad, bias toward his fellow Alawis has been the principle means of buttressing his minority-rule, and non-minorities have been carefully guarded from access to power which may be used to overthrow his regime. "Although Sunni and other non-Nusairi elements are present in the Syrian armed forces in large numbers, they do not hold critical positions unless their loyalty to the regime has been demonstrated beyond doubt," for "Assad's political strength...rests not upon popular support but on his firm control of the armed forces and the secret police."[36] Consequently, the Ba'th party has adopted self-supportive discriminatory practices which characterize it as "a bureaucracy, a power broker, and a source of influence and patronage." Its perks and power are so prevalent that "Any ambitious young man in Syria today would be ill-advised not to join it."[37]

Assad's Repression

The secularism of Assad's government and its bias toward Alawis together have created a political environment of illegitimacy, where his minority rule is opposed by a

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[32] Mary E. Morris, *New Political Realities and the Gulf: Egypt, Syria, and Jordan* (Santa Monica: RAND, 1993), p. 20.
[33] Pipes, p. 444.
[34] Middle East Watch, p. 93.
[35] Pipes, p. 429.
[36] Umar F. Abd-Allah, *The Islamic Struggle in Syria* (Berkeley: Mizan, 1983), p. 80.
[37] Patrick Seale, "Asad: Between Institutions and Autocracy," in *Syria: Society, Culture, and Polity*, eds. Richard T. Antoun and Donald Quataert (Albany: State University of New York Press, 1991), p. 99.

significant share of the population. It is a "government whose legitimacy is always in question, whatever the success or failure of its policies. The Sunni majority of the population remains profoundly resentful of the Ba'thist government which is both Secularist in orientation and dominated by men of Nusayri background."[38] Comments one Damascus resident: "The majority of the population don't believe in the legitimacy of the state."[39]

Assad's response to political opposition has been to increase the authoritarianism and despotism which have characterized his rule. He has "absolute control of the government"[40] and "is the single most important unifying force in a country where many conflicts remain unresolved just below the surface." One of his aides commented on the supreme power and authoritarianism of the president, saying privately, "'Assad is the only pole holding up the tent.'"[41]

Assad's political supremacy means that Syria's operative policies have depended primarily on the disposition of its ruler, and the official precepts of the constitution in practice often have proved only to be rhetoric. For example, while the constitution distributes governmental powers among legislative, judicial and executive branches, in practice the parliament "merely approves or revises draft legislation proposed by the executive branch,"[42] and all three spheres have been tightly controlled by Assad. Another severe violation of official political theory is the state of emergency which has been in effect throughout Assad's rule and which trivializes constitutional guarantees of equality and freedom. "Throughout Ba'thist rule a state of emergency has voided almost all constitutional protections of rights and liberties," and has allowed the government and its intelligence services (*mukhabarat*) to "restrict freedom of assembly and movement; to censor mail, other communications, broadcasts, and publications; to confiscate, suspend, and close organs of the media; and to requisition or confiscate property."[43]

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[38] Humphreys, p. 304.

[39] Phyllis Berman Johnson, "Blackmail: Potential to Sign Middle East Peace Treaty Gives Syrian Dictator Hafez Assad a Hold Over Western World," *Forbes,* 31 July 1995, p. 85.

[40] Morris, p. 25.

[41] Seale, p. 110.

[42] U.S., p. 1178.

[43] Middle East Watch, p. 23-24.

The primary purpose of this suspension of official freedoms has been the repression of political opponents. At present, "more than 1000 political prisoners languish in Syrian jails,"[44] and the methods used against political opponents includes, "widespread use of torture; arbitrary arrest and prolonged detention without trial; continued imprisonment after prisoners have served their sentences; unfair trials in state security cases; the denial of the freedoms of speech, press, and association."[45] Among international observers "there is now an overwhelming presumption that the 'emergency' is simply an excuse for the regime to suppress legitimate domestic opposition."[46]

As an extreme example of Assad's unreserved repression and the widespread destruction which can result, 30,000 Syrian troops waged battle against the city of Hama in 1982. In order to crush the Muslim Brotherhood base it contained, the entire city was leveled and mass executions left between 5,000 and 10,000 dead.[47] This manner of unrestrained repression--labeled "Hama rules" by Thomas Friedman--has been the notorious mark of Assad's government, and has included among its victims Kurds, Palestinians and a variety of Islamic political opponents.

Despite these policies, Assad has claimed sincerity in Syria's commitment to uphold its constitution's guarantees of freedom. "We as Syrian Arabs and Ba'thists cannot but be freedom advocates and freedom seekers and fighters for the sake of freedom."[48] He has distinguished, though, between "restricting freedom," from which he has refrained, and "regulating the practice of freedom," which he has practiced in order to prevent anarchy. Assad has justified repressive measures by saying, "Freedom and its regulations belong side by side. They do not live apart. If they are separated, anarchy and despotism will prevail and freedom and its regulations will disappear."[49]

Assad's pattern of repression has been duly established, and although "there are no signs of lessening the heavy reliance on internal repression that has characterized Syria for 20

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[44] Johnson, p. 83.
[45] U.S., p. 1174.
[46] Ibid, p. 24.
[47] Middle East Watch, p. 20.
[48] "Al-Asad Addresses 8 Mar Anniversary Rally," *FBIS Near East--South Asia*, 9 March 1990, p. 30.
[49] Ibid, p. 29.

years,"[50] several recent forces give hope for future fulfillment of Syria's claims of freedom and sectarian equality. First, the fall of socialist economies in Eastern Europe and the Soviet Union has left Syria devoid of its primary foreign backer and have led to greater economic liberalization. While allowances of greater autonomy for the Syrian private sector have not necessarily led to political liberalization, Assad's need for the support of Western Europe and the United States may require it. The European parliament has already blocked financial aid to Syria because of its human rights record, and the United States may soon follow a similar course.[51]

Second, a potential peace with Israel would eliminate Assad's justification for the ongoing state of emergency, a policy which seemingly is crucial for the continuation of his rule. Currently, the Syrian-Israeli peace process provides Assad with his most powerful international trump card, one which a tenuous dictator beset by domestic opposition has been hesitant to discard. If peace with Israel is realized, international pressure against Assad's domestic repression no doubt would be intensified.

Islamist Opposition

Opposition to the Assad regime has been led by Islamist groups such as Muslim Brotherhood and the Syrian Islamic Front, who seek an Islamic state and the overthrow of their minority rulers. The Muslim Brotherhood in Syria, in its journal *al-Nadhir,* claimed in 1979, "the beginning of a long journey in the way of establishing the desired Islamic Society, and in the way of demolishing the despicable rule of ignorance."[52] They "hoped to destroy the regime to found a system based on Sunni orthodoxy,"[53] and in that effort have undertaken a violent campaign which has included assassinations of Alawite government officials and attacks on government buildings.

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[50] Morris, p. 23.
[51] Eberhard Kienle, ed., *Contemporary Syria: Liberalization Between Cold War and Cold Peace* (London: British Academic Press in Association with the Centre of near and Middle Eastern Studies, School of Oriental and African Studies, University of London; 1994), p. 10.
[52] Quoted by Hudson, p. 83.
[53] Middle East Watch, p. 8.

The Syrian Islamic Front similarly has denounced the Syrian government for its religious discrimination, referring to the Ba'th party as "sectarian fascist," "the sectarian party," and a "sectarian dictatorship.[54] In its proposed Islamic state, the Front promises equal rights for all religious and ethnic groups. "The Islamic Front states in the *Charter* that to form an Islamic state in Syria characterized by universal brotherhood and void of class, ethnic, and religious division, it will preserve and protect the rights of all minorities."[55]

The secretary general of the Syrian Muslim Brotherhood, `Adnan Sa`d-ad-Din, has assumed the role of spokesman for Islamist criticism of Alawite rule and Assad's repression. In firm and rallying oratory, he has spoken of "the government's persecution of all sections of the population, including Alawites. The beneficiaries are a small despotic group which controls the Syrian economy and political and social life."[56] Although he speaks more from an Islamist than an Arabist perspective, Sa`d-ad-Din has gathered support against Assad by framing him as unfaithful to Ba'th ideals.[57] Speaking in behalf of the National Front for the Salvation of Syria--a broad alliance committed to overthrowing the Syrian regime--he said, "We call for change in Syria and for restoring Syria's old role on the path of building unity and progress and achieving the advancement of the Syrian people in particular and the Arab people in general."[58]

Living in exile since the Ba'th coup of 1963, Sa`d-ad-Din has become also a spokesman of the Syrian opposition to the international community. He has assailed Arab and other nations' lethargic response to Syria's domestic repression, saying "The Arab conscience has for long been on vacation, as far as Syria is concerned." After the Hama massacre, he positioned Assad as a reckless oppressor who goes unrestrained by the international community; they "send billions to him, and they know how the billions are spent."[59]

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[54] Quoted from the *Proclamation*, the Front's official call for an Islamic revolution in Syria. See Abd-Allah, p. 138.

[55] Abd-Allah, p. 140.

[56] "Opposition Leaders Announce New National Front," *FBIS Near East--South Asia,* 8 March 1990, p. 30.

[57] Aflaq himself, before his death, condemned Assad's regime as abhorrent to Ba`th ideals, referring to the "anomalous and fabricated status of this anti-Arab regime," which "has reneged on Ba`th Party principles." See "Aflaq Address on Ba`th Party 40th Anniversary," *FBIS Midde East and Africa,* 8 April 1987, p. E5.

[58] "Opposition Leaders," p. 29.

[59] Quoted in Abd-Allah, p. 194.

Sa`d-ad-Din has been successful in gathering widespread support for the Islamic opposition, claiming, "We have a more potent weapon than armed struggle; it is the participation of all the people in rejecting the regime."[60] Strong support for Islamic opposition movements is indicative of the cultural strength of Islam and the failure of the Ba'thist government to isolate Islam from Syrian politics. "The overwhelmingly Islamic affiliation of the population and the fact that Islamic influence is broad and pervasive, affecting the customs, norms, and practices of Muslims (of whatever sect) and non-Muslims too,"[61] has prevented Assad's goal that "religion should be excluded from politics--except as a general moral guide."[62]

Policies Toward Christians

Amidst the intense political rivalry between the minority, yet powerful, Alawis, and the numerically-dominant Sunnis, Christian minorities have fared well and have largely evaded the repressive treatment waged against political opponents. In general, there has existed a "significant amount of religious tolerance,"[63] and freedom to practice minority religions has been limited only by relatively minor restrictions. Minority religions have been required to register with the government and permits are required for all non-worship gatherings, but such permits have been granted freely. Separate schools have been allowed, as well as free contact with foreign coreligionists. Other restrictions have included the government supervision of fundraising and special restrictions against Jehovah's Witnesses and Seventh-Day Adventists from organizing and public worship.[64]

Restrictions of freedom for Christians increased in the late 1960's and some have marked that time as the beginning of worsening policies toward all religious minorities, citing the nationalization of over 300 Christian schools in 1967. "Some observers maintain that the conditions of the non-Muslim minorities have been steadily deteriorating, especially since the

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[60] "Opposition Leaders," p. 30.
[61] Hudson, p. 74.
[62] Ibid, p. 79.
[63] U.S., p. 1179.
[64] Ibid, p. 1177.

June 1967 War."[65] During that same period, however, Christians and Muslim minority groups have been increasingly assimilated into broader Syrian culture, aided by their Arab ethnicity and language and their historic support for the Ba'th party.[66] It is true that modern Syrian Christians are not free citizens of a democratic state (as the constitution claims), and they have faced discrimination in government, military and private business; these barriers are, however, the same ones faced by the Sunni majority. Discrimination in modern Syria exists not in favoring Muslims over non-Muslims so much as in favoring Alawis over all others.

Policies Toward Jews

In comparison with Christians, modern Syria has applied much more discriminatory and restrictive policies toward Jews throughout the past half-century. Syrian Jews have been closely associated with the vilified Zionists, even though they are thoroughly Arab in ethnicity and language. After the 1948 Arab-Israeli War, when tensions between Syrian Jews and Muslims intensified, the Syrian government initiated a series of intolerant and discriminatory policies against its Jewish minority. During the war, Syrian security forces randomly arrested many Jews and gave a blind eye toward private persecution and mob attacks on Jews.

Assad's regime, which came to power during the intense anti-Jewish atmosphere which followed the Six Day War, continued repressive treatment toward Jews. While all non-Alawis have faced discrimination in government and military positions, only Jews have been effectively barred from all such posts. Furthermore, they also have been the only minority whose religion is marked on passports and identity cards.[67]

Perhaps most oppressive, Jews have faced heavy surveillance and frequent questioning by the *mukhabarat* and are required to provide notification for a wide spectrum of private activities, including all sales of assets, business transactions, trips, bar mitzvahs and private gatherings. Such close surveillance has created intense feelings of intimidation and oppression. One Syrian Jew said of the *mukhabarat*, "When they came into my store, I never knew what was going to happen. Were they looking for a bribe? Were they checking my family? Had

[65] Collelo, p. 85.
[66] Hinnebusch, p. 303.
[67] U.S., p. 1179.

someone told them something about me that would get me into trouble? I felt powerless because whatever happened there was no recourse?"[68] Jews are the only religious minority monitored so intensely and with such intimidation. "No other community in Syria faces such heavy surveillance and none is made to feel so completely powerless in the face of the authorities."[69]

Special restrictions have also been implemented throughout the Assad regime to limit Jews' freedoms regarding foreign travel and emigration. Only in 1994 were policies removed which required Jews traveling outside the country to post large bonds and/or designate a person as a guarantor of their return.[70]

SUMMARY

A nation ruled by minorities, Syria provides an interesting context for the study of how religious affiliation affects government and the status of citizens. Assad's Alawite-dominated regime, perceived to be illegitimate by the majority Sunnis, has adopted a dichotomous theory which espouses secular democracy while practicing sectarian discrimination and repression of religio-political opponents. The chasm between Syria's claims of freedom and equality for all religions, and its practice of Alawite elitism and widespread abuse of human rights standards, presents glaring inconsistencies.

Concerning non-Muslim minorities, Syria's emphasis on Arabism and secularism has broken the pattern of *dhimmī*-like isolation of minorities which was left by the Ottoman and French *millet* systems. For Christians, modern Syria has provided a relatively free and opportunistic environment where their status has in general been on par with Sunnis. Syrian Jews, however, have been the unfortunate victims of a hostile regional context and have faced severe restrictions and discrimination which only recently appear to be easing. Christians and Jews have to this point escaped the severe political repression which is witnessed in Syria, but they have been exposed to this context of fear along with all other citizens.

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[68] Quoted by Middle East Watch, p. 102.
[69] Middle East Watch, p. 102.
[70] U.S., p. 1177.

Syria's record confirms the hypothesis that modern Islamic nations do not employ a single political theory toward monotheistic minorities. The roots of Syria's operative policies are entrenched in the minority status of its Alawite rulers, a situation which has resulted in the adoption of secularism over an Islamic political theory, and in a repressive struggle for self-preservation.

CHAPTER 5

POLICIES OF MODERN INDONESIA TOWARD
MONOTHEISTIC MINORITIES

INTRODUCTION

Spread across Sumatra, Java, Borneo, Sulawesi, Irian Jaya and more than 13,000 smaller islands of the Southeast Asian archipelago are the complex and diverse people of Indonesia. With a 1990 population of over 179 million, Indonesia ranks as the fourth most populous nation in the world, yet it is one of great diversity. Of more than 250 ethno-linguistic groups, the nation's largest, the Javanese, are themselves a minority at 39.4 percent of the population. Other ethnic groups are even smaller--the only others comprising more than 3 percent of the total population are the Sundanese (15.8%), the Malay (12.1%) and the Madurese (4.3%).[1]

In its religious composition Indonesia is slightly more homogenous--its Muslim population comprises 87.2 percent of the population and is the world's largest. The country also hosts a sizable Christian community of over 17 million Protestants and Roman Catholics. At 9.6 percent of the overall population, they represent the largest body of Christians in any Asian country and thus, "Relations between Christians and Muslims in this area are decisive and determinative for the future of Southeast Asia."[2]

Historically, a few Armenian and Persian Nestorian Christians have maintained a presence in Indonesia since the 5th century AD, but sizable church growth did not occur until Catholic priests--Franciscans and then Jesuits and Dominicans--accompanied Portuguese colonists in the 15th century. Protestant missionaries did not arrive until the 17th century,

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[1] Figures are as of 1990. See Charles P. Trumbull, ed. *Encyclopaedia Brittanica Book of the Year 1995.* (Chicago: Encyclopaedia Brittanica, Inc., 1995), p. 630.
[2] Olaf Schumann, "Christian-Muslim Encounter in Indonesia," in *Christian-Muslim Encounters,* ed. Yvonne Yazbeck Haddad and Wadi Z. Haddad. (Gainesville: University of Florida Press, 1995), p. 285.

when accompanied by the Dutch East Indies Company. A new wave of European missionaries then came in the 18th century, prompted by the movements of methodism in England and pietism in Germany.[3] The current numbers of both Catholics and Protestants in Indonesia, though, are the result of rapid church growth in this century after World War I.[4] Currently, especially strong concentrations of Christians are found in North Sulawesi (51%), Irian Jaya (79%), North Sumatra (33%), East Timor (94%) and East Nusa Tenggara (86%), while Java contains a smaller proportion (3%).[5] This numerical strength and widely dispersed presence of Christianity means that, "...different from elsewhere...Muslims in Indonesia cannot simply disregard the existence of Christian churches in their country."[6]

There are smaller numbers of Hindus (1.8 percent) and Buddhists (1.0 percent) in Indonesia--religions which dominated the archipelago from 500 to 1000 BC but currently are small communities. Hindus reside primarily on the island of Bali, whose population is 93 percent Hindu.[7]

And, although Islam is the majority religion, the Islamic community in Indonesia is quite diverse, exhibiting differences which can be traced to the complex history of Islam's spread through the archipelago. Conversion to Islam in significant numbers can be traced to the 14th century, at the Sumatran city of Pasai. As other port cities and some interior areas converted in the following centuries, Sufi Islam became a dominant influence since it bore close resemblance to existing Hinduism, Buddhism, and animistic religions.

Concerning modern Muslims in Indonesia, Clifford Geertz in 1960 popularized the classification of *santri* and *abangan* forms of Islam. Although these divisions are complex and are based only on Geertz' research in East Java, in general the former group is characterized by emphasis on correct doctrine and strong social organization, while the latter group is marked by a "curiously detached unemotional relativism," and concern for rituals.[8] In popular usage,

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[3] Robert Cribb, *Historical Dictionary of Indonesia* (New York: Scarecrow Press, 1992), pp. 72, 84, 389.
[4] Alan Thomson, "Indonesia," in *Concise Dictionary of the Christian World Mission*, ed. Stephen Neill et. al. (Nashville: Abingdon Press, 1971), p. 280.
[5] *Population of Indonesia: Results of the 1990 Population Census* (Jakarta: Biro Pusat Statistik, 1990), p. 24.
[6] B.J. Boland, *The Struggle of Islam in Modern Indonesia* (The Hague: Martinus Nijhoff, 1971), p. 224.
[7] William H. Frederick and Robert L. Worder, eds. *Indonesia: A Country Study* (Washington, DC: United States Government as Represented by the Secretary of the Army, 1988), p. 93.
[8] Clifford Geertz, "The Religion of Java," in *Readings on Islam in Southeast Asia*, ed. Ahmad Ibrahim et. al. (Institute of Southeast Asian Studies, 1985), p. 273.

santri refers to more devout Muslims whose religion contains less influence from pre-Islamic beliefs, while *abangan* refers to Muslims with many mystical practices and a syncretic faith containing elements from Islam (especially Sufism), local animism, Hinduism and Buddhism. For *abangans*, however, their religion is "different from, not less than, that of orthodox santri Muslims."[9] Another divergent stream of Islam in Indonesia is the presence of Muhammadiyahs, a Javanese movement of Islamic reform which was founded in 1912.[10] More important than the means of classification of Indonesian Muslims, though, is the recognition that vast differences exist and that Indonesia's Islamic consciousness remains far from unified.

FORMATION OF THE INDONESIAN STATE

The Dutch gathered Indonesia's diverse population, which had "no historical or cultural basis for national consciousness,"[11] for the first time into a single political union. In this colony, broad liberties were extended to Christians and other groups posing little or no political threat. Modern *ulamā* insist that "The Dutch deliberately gave privileges to the Christians and nominal Muslims over active Muslims,"[12] in an attempt to isolate Islam from the political process. Indeed, Christians received broad privileges, including educational subsidies and preferential appointments to government and military posts, so that they "tended to dominate cultural, economic, and political life."[13]

Early Islamic political expression came through the *Sarekat Islam* (Islamic Union) and then, under Japanese occupation during World War II, through the *Masjumi* political party (which translates as "Consultative Council of Indonesian Muslims"). At the end of World War II, a four-year war of independence culminated in the establishment of the independent federal Republic of the United States of Indonesia in 1949. This federal state was changed in 1950 into a unitary state, with Sukarno as its president.[14]

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[9] Cribb, pp. 1, 415.

[10] James L. Peacock and Marilyn Trent Grunkemeyer, "Muhammadiyah," in *Oxford Encyclopedia of the Modern Islamic World*, vol. 3, ed. John L. Esposito (New York: Oxford University Press, 1995), p. 168.

[11] Ibid, p. 199.

[12] Quoted by Suhaini Aznam, "Indonesia: Fires of Religious Dissent," *Far Eastern Economic Review*, 24-31 December 1992, p. 15.

[13] Schumann, p. 293. See also p. 288.

[14] Frederick and Worder, p. 47.

As occurred in Pakistan during the same time period, this new Muslim-majority state became rife with debates over the role of Islam in the new state. In the "Prepatory Committee of 62," whose purpose was to formally prepare Indonesia for independence, this debate was reflected by a split between those seeking an Islamic and secular state. These two camps reached an early compromise in the passing of the "Jakarta Charter" in 1945, a document which was intended to be the preamble and basis for the future constitution. It declared that Indonesia was "founded on the Belief in God, with the obligation for adherents of Islam to practise Islamic law."[15] This agreement provided a temporary solution to the Islamic question, and the latter phrase became monumentally important in future discussions, known simply as "the seven words."[16]

Formal constitutional debates occurred between May 31 and August 18, 1945 and assumed a quickened pace as Japan neared defeat in World War II. Some participants in these debates viewed the Jakarta Charter as a foundation from which the state could become Islamicized--Wahid Hasjim, for example, who as *Masjumi* Vice-Chairman was "perhaps the most prominent representative of Indonesian Islam at the close of the Japanese era."[17] He proposed a constitutional clause saying, "The religion of the state is Islam, with the guarantee of freedom for adherents of other religions to profess their own religion."[18] Others, including Muslims, disliked the seven words and preferred a more secular state in which the Jakarta Charter would be "only a last remnant of a lost struggle for an Islamic State."[19] Hoesein Djajadianingrat spoke for this perspective in the constitutional debates by claiming that the seven words "may well create fanaticism, because it seems that Muslims would be forced to keep the *sharia*."[20]

The political solution which eventually prevailed amidst this debate was an innovative new concept defined by Sukarno as "Pancasila." In 1945 Sukarno defined five principles (*sila*) of his ideological construct to the Committee of 62 in a speech titled "The Birth of the

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[15] Quoted by Boland, p. 26.
[16] In Indonesian, "*dengan kewajiban menjalankan Syari'at Islam bagi pemeluk-pemeluknya.*"
[17] Quoted by Harry J. Benda, *The Crescent and the Rising Sun: Indonesian Islam Under the Japanese Occupation, 1942-1945* (The Hague: W. Van Hoeve Ltd, 1958), p. 189.
[18] Quoted in Boland, p. 30.
[19] Boland, p. 27.
[20] Boland, p. 29.

Pancasila." According to the form by which they were included in the preamble of Indonesia's constitution, they outline Pancasila as: "1) Belief in the One Supreme God; 2) Just and civilized Humanity; 3) Unity of Indonesia; 4) 'Deliberative' Democracy; and 5) Social Justice."[21] These principles incorporated modernist ideas such as democracy and pluralism, but also traditional Indonesian beliefs, and Pancasila has well been described as "the synthesis of western democracy, modernism, islam, marxism and indigenous village democratic and communalistic ideas."[22]

By incorporating a collaboration of values and ideas, Pancasila provided a broad ideology to unite a diverse population. "For a society so fragmented like Indonesia...the principles of Pancasila are broad enough and general enough to be able to include as many groups as possible within its embrace."[23] Labeled the "cultural symbol of a new Indonesia,"[24] Pancasila for Sukarno was useful as a means toward the greater goal of nationalism. "We will establish an Indonesian *national* state...do not misunderstand me when I say that the first principle for Indonesia is the principle of *nationalism*, "[25] he insisted to the Prepatory Committee of 62. As for the political role of Islam in such a nationalist state, Sukarno offered, "If we really are an Islamic people, let us work hard so that most of the seats in the people's representative body we will create are occupied by Islamic delegates...Then the laws made by this representative body will naturally be Islamic laws, too."[26] Thus, "Pancasila was proposed as a compromise between the ideas of an Islamic state and of a secular state. The answer given by Pancasila was *Indonesia Merdeka* would *neither* be an Islamic *nor* a secular state."[27]

The seven words were eventually omitted from the 1945 constitution, but many Muslims continued to advance similar provisions. In 1946 a proposed amendment to the constitution with the objective to "realize an Islamic society and an Islamic State,"[28] was

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[21] Constitution, preamble.

[22] George McTurnan Kahin, *Nationalism and Revolution in Indonesia* (Ithaca, NY: Cornell University Press, 1952), p. 123.

[23] Eka Darmaputera, *Pancasila and the Search for Identity and Modernity in Indonesian Society: A Cultural and Ethical Analysis* (Leiden: E.J. Brill, 1988), p. 178.

[24] John Titaley, "A Sociohistorical analysis of the Pancasila as Indonesia's State Edeology in the Light of the Royal Ideology of the Davidic State" (Th.D. dissertation, Graduate Theological Union, Berkeley, 1991), p. 180.

[25] Quoted by Benda, p. 190.

[26] Ibid.

[27] Darmaputera, p. 163.

[28] Quoted by Boland, p. 43.

rejected. Likewise, in 1947, another amendment was unsuccessful advanced which read, "The Republic of Indonesia, the people of which are largely adherents of Islam, shall be a state with a Constitution based on principles which are in agreement with this Religion or not in conflict with the teachings of Islam."[29] Further attempts to implement the seven words, or an equivalent statement, were hindered by the inability of Islamic political parties to secure popular support from the Muslim majority of the population. In the first open national elections of 1955, Islamic parties failed to win over half of the votes and so were unable, because of insufficient representation, to force the re-insertion of the seven words into the constitution during the Constituent Assembly debates of 1957-1959.

By the 1970's these efforts toward an official declaration of an Islamic state had waned significantly. By then, "Many Islamic leaders no longer strive for an official Islamic State, but now want to begin from another angle, by infusing society with Islamic precepts and thus working toward a gradual Islamization of the country."[30] More recent efforts to promote the political role of Islam have focused primarily on expansion of the authority and jurisdiction of *Shariʿa* courts, especially in the areas of family and marriage law. Even currently, "One of the persistent tensions between Islam and the state arises from Muslim efforts to expand the jurisdiction and autonomy of the *sharia* courts."[31] These Islamic courts rule on matters of marriage, divorce and inheritance, but are governed by the Department of Religious Affairs, and have always been dependent on secular courts for muscle in enforcement of their decisions.

OFFICIAL THEORY TOWARD RELIGION

Indonesia's official theory toward religion has been derived largely from Pancasila's first principle, "Belief in One Supreme God." Sukarno explained this official command for citizens to follow their religion by saying, in his "Birth of the Pancasila" speech,

> Not only should the Indonesian people believe in God, but every Indonesian should believe in his own God. The Christian should worship God according to the teachings of Jesus Christ, Moslems according to the teachings of the Prophet Mohammad, Buddhists should perform their religious ceremonies in accordance with the books they have. But let us all believe in god. The

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[29] Quoted by Boland, p. 44.
[30] Boland, p. 164.
[31] Frederick and Worder, p. 224.

Indonesian State shall be a state where every person can worship his God as he likes. The whole of the people should worship God in a cultured way, that is, without religious egoism.[32]

Therefore Pancasila did not encourage secularism among its citizens, nor did it restrict the practice of Islam and other religions; rather, religion was encouraged--in fact ordered. The state would not prefer one religion over another, though, leaving that choice entirely to the individual, so that individuals could even change their religion if they so desired. This official policy of religious freedom, so extensive that conversion is accepted by the state without punishment, was and is extraordinarily rare among Muslim-majority countries.

In addition to the first principle of Pancasila, the constitution's only other reference to religion is a guarantee of complete religious freedom in article 29, reading, "The State shall guarantee the freedom of the people to express and to exercise their own religion."[33] This statue was further clarified, and also limited, in 1952, when the Indonesian Ministry of Religion designated four religions which would receive official recognition: Islam, Christianity (both Protestantism and Catholicism), Hinduism and Buddhism.[34] Designating them as *agama* religions, this recognition--somewhat similar to the ancient *dhimma* policy--included "only world religions presumed to be monotheistic, to possess a written scripture, and to transcend ethnic boundaries."[35]

Atheists were excluded from classification as *agama* because they do not uphold the first principle of Pancasila (belief in God); animists, Jehovah's Witnesses, Baha'is, and the messianic Islamic sect of Darul Arqam have similarly been excluded for various reasons.[36] The mystical *abangan* Muslims were also originally excluded from official recognition, but in 1973

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[32] Quoted by Fred R. von der Mehden, "Indonesia," in *Oxford Encyclopedia of the Modern Islamic World*, vol. 2, ed. John L. Esposito. (New York: Oxford University Press, 1995), p. 200.

[33] Constitution, article 29.

[34] Frederick and Worder, p. 94.

[35] Jane Monnig Atkinson, "Religions in Dialogue: The Construction of an Indonesian Minority Religion," in *Indonesian Religion in Transition*, eds. Rita Smith Kipp and Susan Rodgers (Tuscon: University of Arizona Press, 1987), p. 177.

[36] The latter group was officially banned by the government in 1994 and a series of restrictive policies were implemented against them, including a prohibition against distribution of their books and the prevention of their leader, Abuya Sheikh Imam Ashaari Muhammad, from entering the country. See U.S. Department of State, *Country Reports on Human Rights Practices for 1994: Report Submitted to the Committee on Foreign Relations, U.S. Senate, and the Committee on International Relations, U.S. House of Representatives* (Washington, DC: Government Printing Office, 1995), p. 599.

they were recognized as a cultural group by the Ministry of Education and Culture, although the Ministry of Religious Affairs continued to deny recognition as a religious group. Thus, "The religious charter of Indonesia is a cultural model for inclusiveness; in a profound way, however, its application is exclusive."[37] Officially, Indonesia provides religious freedom toward its recognized religions, but the state's selectivity creates firm limits to its claims of pluralism.

Beyond these two broad principles governing the role of religion in politics--the first *sila* and the guarantee of religious freedom in article 29--the constitution is extremely vague concerning specific rights and liberties of the Indonesian citizen. "Other than outlining the major state structures, the document contains few specifics about relations between the citizen and the government, and leaves open basic questions about rights and responsibilities of citizen and state."[38] Of citizens' rights, the constitution affirms only broadly that "Without any exception, all citizens shall have equal position in Law and Government," and promises "freedom of association and assembly, of expressing thoughts and of issuing writing."[39] As a result, Indonesia's constitutional statement of official theory "has proved to be extremely elastic, subject to broad interpretation depending upon the constellation of political forces in control at any given time."[40] More than a definitive and precise legal framework, the role of the constitution has been to provide an ideological foundation for Indonesian unity under the vague principles of Pancasila.[41]

PANCASILA IN THE NEW ORDER

New Order Policies

When General Suharto replaced Sukarno in 1965 he ushered in Indonesia's "New Order," in which Pancasila, as the ruling ideology, continued to be the basis for Indonesian

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[37] Atkinson, p. 177.

[38] Frederick and Worder, p. 215.

[39] Constitution, articles 27, 28.

[40] Frederick and Worder, p. 215.

[41] Part of this ambiguity and lack of specificity comes from the fact that the 1945 constitution was prepared hurriedly as Japan neared defeat in World War II and it emerged much shorter than other modern constitutions. It was, however, intended to be only a provisional document and in fact it was replaced in 1950, only to be reinstituted by Sukarno in 1959.

political unity. Suharto, though, began to use Pancasila more assertively in his efforts to overcome dissention. In Presidential Decree No. 11 of 1969 Suharto reinforced a bill from the Sukarno era known as the antisubversion law by officially denouncing all acts which:

> distort, undermine or deviate from the ideology of the Pancasila or the Broad Outlines of State Policy, or otherwise destroy or undermine the power of the State or the authority of the lawful government or the machinery of the State, or disseminate feelings of hostility or arouse hostility, disturbances or anxiety among the population or broad sections of society or between the State of the Republic of Indonesia and a friendly state.[42]

Since the law used "excessively vague language," it "makes it possible to prosecute people merely for peaceful expression of views contrary to those of the Government."[43] This policy continued Sukarno's previous pattern of suppressing Muslim political opposition and, while Sukarno had already banned the *Masjumi* in 1960, this 1969 decree further restricted Islamic political parties.

The 1973 Marriage Bill was another New Order policy advanced by Suharto, this time in order to secure unity among family law in Indonesia. Suharto sought to formally transfer jurisdiction of family and marriage law from the *ʿulamā* to civil authorities, with the stated intention to "'unify' Indonesian marriage law as part of the programme of national unification under the state ideology of *Pancasila*."[44] This law incensed some Muslims, however, by officially allowing inter-religious marriages, and after widespread protests it was thoroughly revised. Nonetheless, the incident remains a benchmark of Suharto's New Order pattern to utilize Pancasila aggressively as a basis for national unity, sometimes threatening the role of Indonesian religions in the process.

Suharto's 1985 Social Organizations Law continued this policy trend by requiring religious and other social organizations to officially adopt Pancasila as "the one and only principle" behind their movement. The Social Organizations Law empowered the Minister of the Interior to oversee and provide direction to all organizations (including religious groups), to regulate foreign donations, and to disassemble any organization which does not "perceive,

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[42] Quoted by Hans Thoolen, *Indonesia and the Rule of Law: Twenty Years of 'New Order' Government.* (London: Frances Pinter, 1987), p. 85.
[43] U.S. Department of State, p. 596.
[44] Mark Cammack, "Islamic Law in Indonesia's New Order," *International and Comparative Law Quarterly* 38 (January 1989): 53.

practice and safeguard Pancasila."[45] Practically, these powers have not been implemented so as to dominate social or religious groups, but the law did induce various religious bodies to grant ideological assent to Pancasila. The Council of Indonesian Churches, for example, altered its official statutes to read, "the Council of Indonesian Churches is based on the Pancasila in social, national, and state life,"[46] while the Indonesian Catholic Church and the Muslim United Development Party (PPP)--the officially sanctioned Muslim political party-- made similar concessions.

Suharto's most aggressive use of Pancasila as a source of unity has been in official classes, called P4 courses (the official name is *Pedoman Penghayatan Pengamalan Pancasila*), to teach Pancasila ideology. The courses were first implemented in 1978 as requirements for all governmental officials. "For the government, the internalization of Pancasila values is the necessary mental and spiritual prerequisite for citizens to discharge their duties in the state."[47] Since the late 1970s, P4 courses have targeted ever broader segments of the population, beginning with universities and expanding to senior high, junior high, and lower school curricula. A recent social observer remarked, "The five principles of Pancasila are drilled into all Indonesians from schooldays onwards."[48] In 1984, Sukarno's cabinet made the P4 courses obligatory for *'ulamā,'* Christian priests and pastors, Balinese (Hindu) religious leaders, and other non-religious organizations. Not surprisingly, some religious leaders have protested vociferously, labeling the P4 courses official indoctrination and claiming that their religions are being subsumed by force with the ideology of Pancasila.

Response to New Order Policies

There have been many, in fact, who have decried the changing role of Pancasila under Suharto, claiming that what once was a nationalistic philosophy is now becoming an enforced belief system and a means for authoritarianism. Suharto's Pancasila is described as a shift from

[45] U.S. Department of State, p. 599.
[46] Quoted in "Indonesia: Law on social Organizations," *International Commission of Jurists Review*, June 1987, p. 5.
[47] Donald E. Weatherbee, "Indonesia in 1984: Pancasila, Politics, and Power," *Asian Survey* 25 (February 1985): 188.
[48] "Suharto's Social Conscience," *Economist*, 12 February 1994, p. 33.

an "abstract statement of national goals," to "an instrument of social and political control,"[49] and a different observer comments that, "Pancasila [has been] transferred from its origin as state philosophy, expressing national Indonesian thinking, into a compulsory state ideology."[50] Yet another international researcher notes:

> At first slowly and through the voices of lesser commanders, then ever more clearly in the presidential name, demands were made and measures taken which not only limited the political expression of Islam but attacked some of its fundamental institutions. By the mid-1970s it was clear that the rightish regime of Suharto's New Order was going much farther towards restricting the political and social role of Islam than the preceding leftist government of Sukarno had dared.[51]

Whereas Old Order Pancasila promoted pluralism, the New Order has moved toward enforcement of the specific set of pluralistic ideas known as Pancasila. And whereas Old Order Pancasila advocated belief in God by means of various religions, the New Order has moved toward demanding belief by means of Pancasila.

Suharto's government, though, has contended that Pancasila serves no damage to Indonesia's religions and the P4 courses are "not an indoctrination, but...a movement to understand again, to penetrate deeper into, to enliven, and to put into practice, our ideas of the ideal society which we are longing for."[52] Although Suharto has often spoken of Pancasila in religious terms,[53] he has insisted that it is not a compulsory civil religion and has attempted to prove his own authenticity as a Muslim by devout acts such as making the *hajj* in 1991.

Many Muslim leaders have joined Suharto in defending Pancasila as the appropriate guiding ideology of this Muslim-majority state. Ahmad Siddiq and Aburrahman Wahid, the most prominent recent leaders of the *Nahdatul Ulama* (NU)--a strong political voice of conservative Indonesian Muslims--have both encouraged support for Pancasila and the New Order government, and have argued against the need for an Islamic state in Indonesia. Siddiq

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[49] Frederick and Worder, p. 237.
[50] "Indonesia: Law on Social Organizations," *International Commission of Jurists Review*, June 1987, p. 5.
[51] R. McVey, "Faith as the Outsider: Islam in Indonesian Politics," in *Islam in the Political Process,* ed. James P. Piscatori. (Cambridge: Cambridge University Press, 1983), p. 199.
[52] Quoted by Darmaputera, p. 163.
[53] In official documents, Suharto has described Pancasila as, "the source of all our ideas concerning the form of a good society which will guarantee our well-being," and being "able to provide spiritual and physical welfare for all of us." See Darmaputera, p. 163.

claimed in 1985, "The Republic of Indonesia is the form of the final effort of the entire *nation* [sic], especially Muslims, to establish a state in the territory of the archipelago,"[54] and the NU Congress in 1983 affirmed that, "The Pancasila as the basis and philosophy of the Republic of Indonesia is not a religion [*agama*], cannot replace religion and cannot be used to replace the position of religion." It continued, "The principle [*sila*] of Belief in the One God as the basis of the Republic of Indonesia...reflects *tauhid* according to the faith in Islam."[55]

M. Amien Rais, chairman of the Muhammadiyah movement, has also spoken in favor of Pancasila, saying, "It sould be noted that the Muslim leaders at that time [1945] accepted Pancasila with the basic consideration that all the five principles were not in anyway in contradiction with the Islamic teachings. In a sense Pancasila is the greatest present of the Muslim people to the whole nation since without their consent and concession Pancasila would have never existed."[56]

Policies Toward Christians

Despite changes in the role of Pancasila, Christians generally have embraced it as the ideology establishing their religious freedom. The Indonesian Council of Churches, a national body with links to the World Council of Churches, has agreed in an official document to "participate positively, creatively, critically and realistically in national development," which it equated with "the implementation of the Pancasila."[57] On the Christian view of Pancasila, John Titaley, a Christian Indonesian scholar, asserts, "Christians derive two main goals from their interpretation of the *Pancasila*: first, the freedom of religion which implies both a freedom to choose a certain religion and a freedom to change from one to another religion, and second, the freedom to develop Christian perspectives on the principles of the *Pancasila*, i.e. to bring

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[54] "The Final Form of the State is the Republic of Indonesia," *Kompas*, 15 February 1985, trans. Edward Nyhus.

[55] E. M. Sitompul, *Nahdalatul Ulama dan Pancasila*, trans. Edward Nyhus (Jakarta: Pustaka Sinar Harapan, 1989), p. 211.

[56] M. Amien Rais, "Islam and Christianity in Indonesia," Paper presented in the International Conference on cultural and Human Dimensions of Islamic Da'wah in south-East Asia, Kuala Lumpur, Malaysia, 15-17 February 1993.

[57] National Council of Churches of Indonesia, "Five Unity Documents of Churches in Indonesia," trans. Edward O. V. Nyhus, Surabaya, Java, 1989.

Christian perspectives into the content given to the *Pancasila*."[58] The perspective most Christians have adopted is to interpret Pancasila--and especially its first principle--as the foundation for tolerance and freedom. Dr. T.B. Simatupang, for example, the former chairman of the National Council of Churches in Indonesia, reads in the first *sila* a call for religious institutions to thrive within Indonesia:

> All citizens with the different religions and different beliefs altogether implement the *Pancasila* to build a common future, with tolerance and an accountable freedom. The implementation of the principle belief in the One and Only God means a call to religious institutions and other beliefs to develop a positive, creative, and critical moral basis for our development. This is not a theological principle. The state does not do theology. Religious institutions do. With this principle, secure place is guaranteed for a religious dimension within the life of the state and the nation."[59]

One reason for Christian support of Pancasila is the potential, due to demographic realities, for an Islamic definition of the state--which presumably would limit Christian freedoms. The Protestant Christian Batak Church, for example, claims in its official confessions, "we oppose and reject the conception that 'the state is a religious state,' for the state remains the state and the church remains the church."[60]

Christians have not accepted Pancasila uncritically, however, and have not embraced it to the point of disregard for Christian doctrine. "The 'Pantja Sila' may be taken by Christians as a philosophy of the Indonesian State if only the Christians know the limits of the five pillars as contained in the Constitution, and if the Christians can fill each of the five pillars with some Christian meanings."[61]

Freedom of religion, defined by Titalay above as the first goal for modern Christians under Pancasila, has allowed Christianity to expand rapidly in Indonesia by means of conversion. Since independence the Indonesian church has witnessed scores of conversions, primarily from followers of traditional religions but also from *abangan* Muslims on Java. The

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[58] Titaley, p. 173-4.
[59] Quoted by Titaley, pp. 175-6.
[60] Edward Nyhus and Lothar Shreiner, eds., "The Confession of Faith of the Batak church, Indonesia (1951)," in *Asian Voices in Christian Theology,* ed. Gerald H. Anderson (Maryknoll: Orbis Books, 1976), p. 224.
[61] Walter Bonar Sidjabat, *Religious Tolerance and the Christian Faith: A Study concerning the Concept of Divine Omnipotence in the Indonesian Constitution in the Light of Islam and Christianity* (Djakarta: Badan Penerbit Kristen, 1965), p. 80.

rate of these conversions peaked after 1966 when, in a wave of anti-communist governmental actions, all Indonesians were required to claim one of the *agama* religions. As a result, Christian churches in Central and East Java, north Sumatra, Alor, Timor, and elsewhere saw great increases in their numbers. Some have claimed "massive growth in membership,"[62] within the church after 1966, but a more moderate account is that "the churches in Indonesia have grown steadily; that has been their nature and character, both before and after 1965."[63] For Christians, these conversions are associated with the freedoms of Pancasila, since few other Muslim-majority nations, if any, would be so accepting of conversions to Christianity.

Freedom of religion means also that Indonesian Christians have received liberty to engage in civic life and exercise rights which have not always been guaranteed in the other Muslim-majority nations. Not only has "Pancasila...been regarded as the safeguard of [Christians'] religious freedom..." it also has been "the basis for their participation in national developments."[64] Freedom of travel and of communication with foreign co-religionists has been granted to Christians, as has free access to education, economic and political participation.[65] In the political arena, Christians fought alongside Muslims in the 1940's for independence and have continued to participate actively in politics throughout Old and New Orders, even holding top political positions. Currently they are represented by the Indonesian Democratic Party (PDI), which was formed through the combination of the Indonesian Christian Party, the Catholic Party, and three secular parties.[66]

Although extensive, freedom of religion for Christians has been limited somewhat by the work of the Department of Religious Affairs. Largely due to educational subsidies which have aided Muslim schools more than Christian ones, "some Christians feel that this department is strongly biased toward the Muslim community."[67] This governmental ministry

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[62] "Indonesia," in *World Christian Encyclopedia,* ed. David B. Barrett (Oxford: Oxford University Press, 1982), p. 384.

[63] Frank L. Cooley, *The Growing Seed: The Christian Church in Indonesia* (New York: NCCUSA et. al., 1981), pp. 132-3.

[64] Schumann, p. 296.

[65] In fact, Christians have succeeded in education and economics in a fashion "disproportionate to their numerical strength." (See Frederick and Worder, p. 238) This success is largely due to advantages received under Dutch rule, as discussed above.

[66] Frederick and Worder, p. 243.

[67] "Indonesia," in *Christians and Muslims Together,* eds. Byron L. Haines and Frank L. Cooley (Philadephia: Geneva Press, 1987), p. 82.

has also moved to restrain the rapid expansion of Christianity through decisions such as one in 1969 requiring forty believing households in a given area prior to the construction of a place of worship.

Furthermore, two 1978 decisions forbid the purposeful evangelization of citizens claiming another *agama* religion and restricted the ability of foreign co-religionists to provide money and personnel to religious bodies within the country. The essential provisions read, "Propagation of religion may not be directed towards persons or groups of people who have already embraced/professed another religion," and continued, "Utilization of foreign religious personnel and/or other foreign religious experts or the receipt of all other forms of aid in the framework of overseas aid shall be executed in accordance with the provisions of legislation in force."[68] In accordance with the New Order use of Pancasila in other Suharto policies, an official statement explained the intention of these decisions: "to create and confirm the Unity and One-ness of the people and to consolidate the national stability and security."[69]

More recently, Indonesian Christians have also indicated displeasure with a 1989 education bill that requires Christian schools to hire Muslims for all teaching of Islam,[70] and the government's intervention in a leadership dispute within the Protestant Christian Batak Church--in which the army has become "an active party to the conflict" and has imposed "human rights violations ranging from arbitrary arrest to torture."[71]

SUMMARY

Indonesia's ideology toward monotheistic minorities is a radical solution maintaining no guise of following Islamic classical theory. Like Pakistan, Indonesia gained independence shortly after World War II and, in drafting a constitution and defining a political course for the nation, was split between those seeking secular and Islamic states. What emerged as

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[68] Quoted in Cooley, p. 218-9.
[69] Quoted by Thoolen, p. 145.
[70] The bill requires that instruction on religion must be carried out by a member of the given religion, but Christians have argued that this provision places an unfair burden on their schools. See Einar M. Sitompul and M.S. Widdwissoeli, "Islam in Indonesia," in *Islam in Asia: Perspectives for Encounter*, eds. J. Paul Rajashekar and H.S. Wilson (Geneva: Lutheran World Federation, 1992), p. 95.
[71] Human Rights Watch/Asia, *The Limits of Openness: Human Rights in Indonesia and East Timor* (New York: Human Rights Watch, 1994), pp. 107, 88.

Indonesia's political solution was not a regeneration of Islamic classical theory, but the innovative theory of Pancasila, whose first principle was "belief in the one supreme God." During the Old Order this ideology provided a political anchor and a desperately needed source of unity; in the New Order these same goals have been pursued with even more aggressiveness.

Indonesia's policies toward Christians to this point have been relatively consistent with the government's formal statements. Religious freedom has allowed for scores of conversions to Christianity, and has garnered widespread support for Pancasila by Christians.

Indonesia's ideology is anomalous among Muslim-majority nations and its unfettered innovation--being the opposite extreme from a dogmatic interpretation of classical theory-- contradicts the working hypothesis, yet the resultant policies toward Christians are actually similar to those of the early classical period. Like Muhammad's own practice at Medina, Indonesia has recognized those minority religions deemed monotheistic, allowed them access to political, economic and social structures, and granted them broad liberties in religious practice.

CONCLUSION

After examining Islamic classical history and contemporary Iran, Pakistan, Syria and Indonesia, the initial hypothesis awaits a judgment. Is there an Islamic classical theory toward monotheistic minorities which remains operative as a single and idealized political solution for Muslim nations? If not, has another theory emerged to replace it, becoming the determining force behind policies in modern Muslim nations? To answer to these questions, a review of the evidence from chapters one through five is in order.

CHAPTER SUMMARIES

The survey of Islamic classical history in chapter one illuminated not one, but a spectrum of theories toward monotheistic minorities. Muhammad's early theory, exemplified by the Medinan *umma*, gave full rights and freedoms to the *ahl al-kitāb*, accepting them as citizens, allowing them to perform their religious practices, and offering an attitude of cooperation and peaceful coexistence. The ensuing *dhimma* contract, however, compromised on these principles of tolerance ever more clearly until later policies reflected their antithesis. The *ahl al-kitāb*, and Christians in particular, were reduced by the later classical period to a persecuted and often humiliated class, religious practices were prohibited and social contact with Muslims was minimized. Therefore, modern conceptions of a definitive and unique Islamic classical theory toward monotheistic minorities lack historical validity, for even in the classical period there was considerable variance.

Modern Iran claims the reincarnation of an ideal Islamic classical theory, but actual Iranian policies have resembled the *dhimma* contract of the later classical period. Zoroastrians, Jews and Christians have been officially recognized as protected minorities, but the policies they have received are marked by variance and political pragmatism. Armenians, Assyrians and Zoroastrians have been accorded the strongest protection, although there has been little spirit of mutual cooperation between these isolated communities and mainstream Muslim

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society. Slightly worse off, the few Iranian Jews have faced intense ideological rejection due to a perceived association with Zionists, and they have received an inconsistent combination of discrimination and protection. Finally, Baha'is and evangelical Christians have been given the least degrees of freedom. Deemed threats to Islam, these minorities remain devoid of protection (for the former, it is a *de jure* policy; for the latter, *de facto)* and have often been viciously persecuted. The Iranian case, therefore, provides further evidence to support the hypothesis. Even in this nation which has challenged history by claiming a single and definitive Islamic classical theory toward monotheistic minorities, severe ambiguities remain and practical policies have often been determined by pragmatic concerns.

Pakistan's formal approach toward monotheistic minorities is resolutely tolerant, providing equal rights in civil, political, religious, and economic arenas. Throughout Pakistani history, though--from early constitutional debates to the Punjab riots to General Zia to the present--these principles have been strongly contested by those advocating *Shari'a* law and an ideally-conceived classical theory, and the recent trend of Islamization has made them ineffectual. Ordinance XX against Ahmadis, the blasphemy laws of 1991 and other intolerant policies have disassociated non-Muslims from Muslims and have restricted their religious freedoms to the extent that Pakistan's operative policies toward monotheistic minorities have increasingly resembled those of the later classical period.

Syria's Ba'thist state, in an emphasis on Arabism over Islam, has developed a unique approach toward monotheistic minorities based on the government's allegiance to secularism, democracy, tolerance, freedom and inclusivity. However, Syria's Alawite-dominated regime and its despotic president are minorities themselves and they have abandoned many of their claims to provide freedom through the course of an ongoing struggle for political survival. Assad's policies toward Muslim religious groups have been characterized by discrimination and repression, but Christians have received a fair measure of tolerance--they have been accepted as citizens, their religious practices have been only minimally restricted and their political and social involvement have been no more limited than those of the Sunni majority. The few remaining Syrian Jews, however, have fared worse, owing to the dominant role of Israel in Syria's political context. Thus it is Muslims, ironically, who have received the most repressive treatment in modern Syria--albeit only the small share who have actively threatened Assad's

regime--and who would maintain that Syria's policies are far removed from any theory from the classical period.

Indonesia's innovative approach toward monotheistic minorities, which refuses even a polite bow to Mid-Eastern Islamic tradition, revolves around the radical political theory of Pancasila. This ideology has allowed for formal recognition of most monotheistic minority communities and has provided broad religious liberties, even allowing for inter-religious conversion. New Order policies--such as Presidential Decree No. 11, the social organizations law and the P4 courses--have utilized Pancasila aggressively in the pursuit of national unity, but most Muslims and Christians have remained supportive of the government's ideology. Pancasila's inventive spirit and its effectual role as civil religion provide the strongest counterexample witnessed in this study to claims that modern Muslim nations routinely implement a uniform classical theory.

EVALUATION OF THE HYPOTHESIS

In sum, evidence from all five chapters substantiates the conclusion that Islamic classical theory toward monotheistic minorities is not currently operational. The evidence has revealed instead a multiplicity of diverse forces which have shaped policies in the four modern nations studied. No single theory prevails among all four, but there is a set of common characteristics which--subject to the limits of this study--define parameters for a modern Islamic theory toward monotheistic minorities.

One influential factor among all four nations is the strong pressure for Islamization coming from Islamist opposition parties. The hypothesis underestimated the influence on policy by religious movements advocating an idealized Islamic classical theory from a position outside of political power. Among the nations studied, it has been private Muslim leaders and their followers, not governmental leaders, who have most fervently embraced *Shari'a* law, while none of the four current heads of state are religious leaders or are even considered popularly to be devout Muslims.

A related factor is the extent to which Christians have become embroiled in these political controversies. Highlighting this element is the instability of all four governments and

the fact that each has regularly persecuted opposition movements while providing formal guarantees of freedom and tolerance toward Christians. In Iran and Pakistan, where Christians have been affected more by raging political controversies, practical policies have degenerated toward intolerance much moreso than in Syria and Indonesia. Iranian evangelical Christians have been likened to political associations by the government, while in Pakistan the process of Islamization has defined Muslim interests partially by the limitation of Christian rights. In Syria and Indonesia, meanwhile, Christians have been more safely distanced from the political controversies between unorthodox leadership and Sunni majorities. This relationship between Christian communities and the central political tensions within Muslim nations is a key indicator, at least within these four nations, of the policies implemented toward Christians.

Another influence on policy in all four nations is the pressure from foreign nations to adhere to international standards of human rights. For Iran, trade embargoes have provided an international sanction for villainous domestic policies. Both Pakistan and Syria, meanwhile, face the threat of a reduction in Western economic support due to their human rights abuses-- in Pakistan these abuses are coterminous with policies of Islamization; in Syria, with policies to repress Islamists. And the Dutch have adopted isolationist policies toward Indonesia, their former colony, on account of human rights violations.

Finally, the policies of these four nations have been consistent in their intolerant treatment of Muslim sects. Baha'is in Iran, Ahmadis in Pakistan and the Darul Arqam in Indonesia--all of whom deny the finality of Muhammad's revelation--have been scorned socially, demarcated from Muslims, restricted in their religious practices and occasionally persecuted. Syria's Alawis have faced similar sentiment from orthodox Muslims and have resorted to authoritarian repression as a means to stay in power and avoid what likely would be similar treatment under a Sunni-led government.

To complement and develop these conclusions, further study would be useful on the historic and modern treatment of Shīᶜa or Sunnī minorities in Muslim countries, with an eye toward its relation to non-Muslim minorities. Also relevant would be a comparative study-- patterned after this one--of the policies toward religious minorities of Muslim empires in the premodern period, such as the Ottomans, Safawids and Mughals. This research would give historical balance to the conclusions of this study and would help determine the movement of

Islamic policy alternatives over time. Finally, additional modern Muslim nations deserve study, especially those with different ethnic compositions and historical backgrounds, to test the findings of this research. A parallel study, for example, could include Sudan, Tunisia, Nigeria and Turkey.

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