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Affinities of Dissent: Cyberspace, Performative Networks and the Iranian Green Movement

Babak Rahimi

Abstract:

This paper argues that the role of Internet activism in the Green Movement, a social protest movement that emerged after the contested 2009 presidential elections in Iran, lies in the creative configuration of complex networks that primarily interact through meaning-laden performances that carve out spaces of dissent. For social movements, especially under authoritarian rule like the Green Movement, cyberspace presents a kind of social space wherein imaginaries of self and other, resistance and power shape bonds of interactivity. Such bonds are described here as "social affinities" that are about contentious performances, actions that display intense emotions and narratives of protestation against power. Accordingly, the notion of "performative networks" underlines how the Iranian Green Movement, especially since the state repression that followed the elections, has compromised an interactive network organized around dramatic discourses and practices of contestation. In terms of structure, the paper is divided into three sections. (1) The first section shows how an electoral campaign was put together through loosely networked associations that (partly) operated through computer-mediated-communication that facilitated logistical resources for the actors. In the pre-election period, Internet played a prominent role in promoting and mobilizing a decentralized movement through offline and online shifting network connections, a phase of cyberactivism that is identified here as self-promoting networks. (2) The second section looks at what followed after the election results were announced, after which the regime unleashed its security forces to crackdown on the street protests. Cyberspace emerged as a set of other-offensive performative actions, contentious strategies like organization of street-demonstrations, hackactivism and website defacements that identified a more belligerent and aggressive strategy aimed at directly challenging state power, both offline and online. (3) The third and final phase compromises self-maintaining performative actions that largely revolves around memorial and mythical narratives for the maintenance of social affinities in light of state crackdowns in both physical and cyberspaces. The paper finally argues that Internet activism in the context of social movements involves dramatic performances of affective nature that form network associations and vibrant informal public spheres.

Keywords:

social media, public sphere, democracy, Iran

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The waves of protests that swept the streets of Tehran and other major Iranian cities in June and July 2009 presented powerful performances of contestation that energized a large segment of the population into forming a social movement with claims on state power. From the first days of the uprisings, the diverse citizenry who participated in the street-protests in daylight or rooftops at night rallied around shifting clusters of symbols, colorful signs and slogans that articulated a vision of an alternative, more inclusive politics (Gheytanchi 2010). Sound frames like "*Allahu akbar*" (God is Great) or "*Ahmadi raft*" also called attention to a powerful citation practice, largely in reference to the 1979 revolution, and identified a transformative ambience wherein a new political imaginary was given form in an ongoing event unfolding in the present (Manoukian 2010).

In a tight intertwining of meaning and social processes, the multiplicity of expressions and ideals of the demonstrators signal, following Henri Lefebvre, both a representational site and a representation of site (Lefebvre 1991). In other words, dramatic expressions, in a meaning-laden sense, embody the pluralistic politics that the demonstrators hope to have. The prevalence of contested statements and visualizations of dissent in everyday spaces of interaction mark the transformation that the actors seek to attain. More precisely, the social dramas involve stories about the participants as a staging "front" behind which the demonstrators convincingly portray their ideals and express subversion, and hence creatively construct sites wherein resistance is experienced and practiced.

In light of such emphasis on performance as a form of political action, this paper describes the Iranian Green Movement, a protest movement emerged after the disputed tenth presidential election in 2009, as a new social movement thatcarries out resistance through networked associations that has heavily relied on dramaturgical practices for collective action. The notion "networked associations" implies distinct manifestations of collective action that constitute dispersed channels of communication such as information communication technologies as the core of the organizational and dissident practices. The central argument here is that the novel role of Internet activism in the Green Movement lies in the formation of social networks that primarily interact through meaning-laden performances that carve out new spaces of dissent. For social movements, especially under authoritarian rule like the Green Movement, cyberspace presents a kind of social space wherein practices and imaginaries of self and other, resistance and power shape collective bonds of interactivity. Such bonds are described here as "social affinities" that take form in contentious performances, actions that display campaigns and dramas that address demands to state power (Tilly 1978). Accordingly, the notion of "performative networks" underlines how the Iranian Green Movement, especially after the state repression that followed the elections, compromises an interactive network with information technologies as both its innovative mechanism of contestation to mobilize protest and staging of identity formation.

The present study is divided into three sections. The first section shows how an electoral campaign was put together through loosely networked associations that (partly) operated through computer-mediated communication that facilitated logistical resources and communication platform for the actors. In the pre-election period, Internet played a prominent role in organizing and promoting a decentralized movement through offline and online shifting network connections, a phase in the movement that identified cyberactivism in terms of*self-promoting* networks. The second section looks at what followed after the election results were announced, after which the regime unleashed its security forces to clampdown on the street protests and Information communicative activities. Cyberspace emerged as a staging platform of *other-offensive* performative actions, contentious strategies such as hackactivism or website defacements that identified a more belligerent and aggressive strategy aimed at directly challenging state power, both offline and online. The third and final phase that followed the repression phase marks the*self-maintaining* performative set of actions that largely revolve around memorial and mythical narrative strategies in the maintenance of social affinities in light of state crackdowns in both physical and cyberspace. In this phase, the Internet has become a strategic space of meta-narratives for meaningful collective action.

Organizing the Spontaneous

Historically speaking, since the inception of the Islamic Republic and the institutionalization of theocratic order of the *Velayat-e Faqih* (Guardianship of the Jurist) in 1979, elections have identified one of the only democratic institutions within the Iranian state. They have served as temporary instances of political openings during which competing candidates (though carefully selected by the regime) and their supporters can participate in the political process. The element of competition and relative openness of political process, however, have always carried the risk of destabilization for the ruling elites. As the momentous victory of the reformist candidate, Mohammad Khatami, demonstrated in 1997, post-revolutionary Iranian elections entail the capacity to transform politics in ways that to encourage the electorate to seek change within the political system, if only done with a massive participatory force (Gheissari and Nasr, 2006: 132).

With the approach of the tenth presidential elections so grew a renewed sense of democratic hope for undermining the authoritarian politics of the dominant hardliner faction, best represented by the incumbent president, Mahmoud Ahmadinejad, who had occupied the presidency since 2005. To many, it felt as 2009 can be a repeat of 1997. To others, even more hopeful in outlook, the new elections promised a new social change, one that would usher a new era of democratic politics.

While its origins can be traced back to various political currents in Iranian history, namely from the Constitutional Revolution (1906-1911) to the student uprising in 1999, the Green Movement largely emerged out of the political ambience marked with such democratic exuberance. As Mir-Hussain Mousavi, the main reformist candidate with appeal to a broad cross-section of Iranians, announced his bid for presidency in March 2009, the mood abruptly transformed into a mobilized force. As early as April 2009, a new political culture emerged that quickly identified a growing campaign.

Mousavi's supporters compromised a cross-section of the larger society, including artists, university students, intellectuals, middle-class professionals, (unemployed) workers, reformist religious associations and women activists. Enthusiastic in capitalizing on the growing discontent, they began to participate in increasing number of campaign rallies organized in stadiums or streets, and characterized mostly with newly made repertoire of signs, slogans, songs, symbols and discourses.

They waved and wore green, a color that symbolically identified a new electoral politics, mostly known in its pre-election period as *moj-e sabz* or "the Green Wave". For the expanding campaign, the color green, associated with Iranian nationalism and Islam, served as a subtle but effective call for a new beginning. Under the very watchful eyes of an authoritarian theocracy with a ban on festive activities under the regime law, supporters of Mousavi danced, sang and chanted anti-government slogans on the streets of Tehran and other major cities. The Green camp felt a momentum, that its members are riding the crest of a powerful wave of history into a more democratic future; that Mousavi, in words of Scott Peterson, the American journalist covering the pre-election period, was the "promise of change that he embodied for his supporters, whether realistic or not." (Peterson 2011: 487)

In May, the momentum had enhanced its visibility, as symbols of anti-incumbent movement rapidly spread through spontaneously organized channels of communication. Computer-mediated-communication played a key role in identifying this emerging decentralized social movement. At the electoral stage, the Internet empowered the Green campaigners mostly in instrumental ways, facilitating organization, mobilization and spread of information. Since Internet favors loosely organized associations of horizontally and participatory character (Warkentin 2001), the new media emerged to play a prominent role in the early developments of the nascent movement in heavily relying on a network of informal interactions between plurality of individuals, groups and organizations.

Several strategies were used in cyberspace and other electronic means of communication to promote Mousavi's candidacy. First, campaigners, many computer-savvy in their youth, coordinated rallies in the stadiums or streets through official campaign website (www.mirhossein.com), Balatarin (a Persian language community website), Flicker, Twitter, and cell phone text messages (Christensen 2011: 243; Kurzman 2010; Hashem and Najjar 2010:127).While word-of-mouth complemented the acceleration in the dissemination of campaign news, the new social networking sites, some of which unknown in the 2005 elections, became the backbone of the Green electoral campaign. With the state unblocking of the site in February 2009, Facebook emerged as a key campaign platform, promoting Mousavi, his image and ideas as the representative of a new reformist politics since the era of Mohammad Khatami's presidency. Specifically, through Mousavi's Facebook site, launched by Mohammad Sadeghi Esfahlani, a young graduate student based in Germany, the day before the inauguration of Barak Obama in January 19 2009 (Global Voices 2010), campaigners would organize public events that would, at times, spontaneously grow into major street-level rallies (Rahimi 2011: 158-160).

Second, social networking sites establish strategic forums for exchange of ideas and spread of news on both national and transnational levels. Sadeghi Esfahlani explains this creative strategic measure as the "process innovation to incorporate existing social network platforms into the Persian language media bandwidth (Global Voices 2010; see also Sadeghi Esfahlani 2010: 60)." In an attempt to shift periphery-center boundaries of information circulation, the new media's impact on mass media recalls similar strategies used by other social movements such as the anti-Capitalistic movements and Zapatistas by inserting alternative news reports into traditional news outlets (Bennett 2003: 153). In a transnational setting, campaigners and lay supporters benefit from the instantaneous transmission of information and news via blogs, websites, SMS, and other social network sites and invite each other not only to manage logistics, but eliminate the need for costly and time-consuming physical distribution of information (Gheytanchi & Rahimi, 2009). The primary objective, in many ways, lies in the attempt to influence mainstream local and global news coverage of the events on the ground and bypass dominant news gatekeepers to ultimately change public opinion. For example, Kalame-ye Sabz (Green Word), Mousavi camp's licensed print newspaper, with a large audience in its online version (http://kaleme.com/), circulated election news that were often ignored by the official print and televised media. As a cheap and a swift means of global communication, not limited to geographical distance, sites like Balatarin and Facebook, with links to other pro-Mousavi websites, had a transformative impact on the movement's communication strategies.By facilitating a flexible, horizontal and unmediated platform for promoting a self-image of the movement that would appeal to the larger public, such social networking sites enhanced recruitment, bolstered citizen's participation in the electoral campaigns and expanded the influence of the grassroots organizations in promoting the electoral campaign not only in Iran, but also on a transnational level.

Third, and in a significant way, the self-promotional strategy platform through social networking sites had also become a force shaping, in words of Bennett, "both the relation among organizations and in some cases, the organizations themselves" (Bennette 2003:156). Early in its development phase, Facebook emerged as the campaign's both means for organizing and staging a self-image of the movement as a polycentric association of ordinary citizens. The combined logistical and identification complex of cyber-social networking sites generated a dispersive mode of activism among a group of like-minded citizens, some of whom previously "unwired" activists, who now shared a cause and a common sense of political identity. With the approaching elections, on June 12th, online network campaign sites increasingly became a source of knowledge and a place to identify with a living collective movement that rapidly shaped an epistemic community, a collective composed of network of knowledge-based activists, many of whom unprofessional or "citizen staffs" (as the campaign called them), with well-defined problems and solutions (Bennett 2003).

In the field of social movement studies, this type of social cognition is referred to as collective action frames, schemas of interpretation as cognitive strategies lighting up specific or generic themes, issues, problems or solutions in to order to incite action (See for example Entman 1993; Gerhards and Rucht, 1992; Snow and Benford 1988; Reese, 2007). Such framing process is critical to understanding the Iranian Green Wave, especially at its initial stages of developing a network movement that largely expanded in communicative spaces. Social networking forums are among the key strategic sites where framing and rhetoric of injustice, stories, tales, news and new grammars of sociability would take place. In using frames and staging the scope of existing conflicts and possible changes to the political power, online network sites marked distinct spaces of shared identities as, in what Charles Tilly described, "joint action in pursuit of common ends" in correlation with perceived opportunity for action or threats of domination (Tilly, 1978: 84). Facebook most effectively underscored this political functioning of the framing process. Aesthetic practices of auditory-visual nature like Mousavi's campaign film, slogans and songs, circulated in various official and unofficial Mousavi Facebook sites, underscored an aesthetic mechanism to capture the terms of public discourse and widened the symbolic-discursive scope of electoral contestation. As multiple framing strategies, such cultural repertoires aimed to make ideologies and statements of the campaign more coherent and bolster solidarity in organizing association ties and identity.

The correlation between framing strategies, as performative actions, and organizational structure of the movement can be described primarily in terms of network ties operating in distinct types of micro-publics. Erving Goffman, the American sociologist, described such form of sociability as ephemeral sites of interaction that briefly release individuals from their institutional embeddings (Goffman 1963). Such ephemeral publics mark a process of mitigation of boundaries that foster new relations of virtual interactivity on the basis of affective forms of sociability or what Mousavi has called *mohabbat va olfat-e ijtema'i* or "social empathy and affinity" (Dabashi, 2010: 132). According to Mousavi, social affinities operate in a collective force that closely resemble what Castells has famously described as a networked social movement, collective actions that interactively operate in the digitally processed information networks with both local and global coalition trajectories (Castells 2001).

However, Mousavi's notion of social affinity emphasizes the role of emotions more than information, together with the social imaginary of empathy that configures close ties with others organized in autonomous units linked through associations of felt experiences. As Hamid Dabashi notes, Mousavi's vision of such social organization operates on "further cultivation of the subterranean (Internet-based) social networking that was creating unprecedented modes of group affiliation (Dabashi 2010:134). The Internet, in other words, identifies a network of networks through which online activism promote a collective shared experience of participating in a collectivity. This emotive element would signal a network production of images of the collectivity that could be felt and imagined in absence of face-to-face interaction in physical settings. In doing so, felt experiences of affiliation (or affective bonds) promote a self-image of the movement in how outsiders should view it, and how insiders should reaffirm in idioms and symbols of solidarity. In terms of affective strategy, the early phases of the Green Wave sustained a nascent organizational effectiveness for precisely making certain emotions such as anger against the political establishment legitimate motivations for electoral participation.

Such emotive element served asstrategic action in constructing social capital based on hope, trust andeven rage. With increased capacity to form informal emotional ties, framing for change contributed to overcoming the perception that politics is as usual and that commitment is needed for change. Nevertheless, under authoritarian rule, the cultivation of social affinities in the process of building social movements entails a set of limitations, as it became evident after the 2009 elections.

Digitizing the "The Moral Shock"

In the pre-electoral stage, the relationship between offline and online network activism still remained ostensibly discernible. This is so since the Mousavi campaign was legally permitted by the state to coordinate activities through various strategic channels including the Internet to self-promote and logistically prepare for the day of elections. Moreover, since Internet was largely used for instrumental purposes, the relatively open environment of the campaign season helped distinguish offline and online activism in ways that strategic communications were overtly developed for winning the elections.

With the announcement of the election results on June 13, 2009, however, the Green Wave underwent a radical transformation both in terms of strategic activities and identity-formation. The defining turning point occurred merely two hours after the election ballets closed and when Ahmadinejad was declared the winner with a wide margin of votes.

The news came as shock to the Mousavi camp. Yet it was not the possibility of fraud that astonished the Green supporters, since claims of vote-tampering and electoral irregularities were also made in the 2005 election, but the differences in vote counts that aroused first shock and then anger. This affective reflex can be described in what Castells calls a "moral shock," meaning an incident or an event that provokes an intense feeling of indignation "in a person that she becomes inclined toward political action," the sort of emotion based on a moral understanding that would mobilize a movement to engage in confrontational activities with the powers to be (Castells 1997:106). The moral aspect of the shock is however more than the reception but the reaction to a critical event that could be deemed unjust by actors. The shock generates a disruption in the perception of reality and sense of expectation of how a political system should operate.

Consumed with outrage, the Green Wave underwent a substantive transformation as its performative network altered from campaign platforms to street-rooftop sites of demonstrations. Days after the elections, protesters engaged in collective action of contentious nature in the production and performance of multiple frames. Through images, slogans, songs and silent demonstrations that drew the media spotlight, the public protestations redefined the movement as an opposition current with new claims on the elections and, accordingly, state legitimacy. In this performative process, the spectacles of street-protests in daytime and audios of chants and slogans on rooftops at nighttime became ends in themselves. When demonstrator chanted "where is my vote?" such rhetorical question not only served as a strategic means to think about the illegitimacy of theelections, but more importantly identified a new sense of solidarity now built around the shocking question of alleged electoral fraud. The affective aspect of the shock became the core of the movement's self-image, a central emotive event that defined the movement away from a mere electoral campaign and toward a social movement of significant subversive force.

In response to authoritarian measures imposed by the regime, in the post-election period the Green Movement increasingly engaged in innovative contentious practices that heavily relied on its network structure to express and communicate opposition. In this second phase, which spanned from the time when results were announced to the final series of harsh though successful crackdowns on the street-protesters in February 2010, the growing shift from offline to online activism began to take place not only because of diminishing opportunities to appear in public spaces but also increasing chances to engage in creative confrontational strategies with the power holders in digital space. Again, Internet generated activism entailed with various interactive features and political implications, as offline confrontational practices like street demonstrator's battles with security forces were recreated online through various offensive measures, aimed at undermining state legitimacy in its use of force against the demonstrators.

In terms of offensive strategy that immediately followed the elections, cyberactivismabruptly moved from a self-promotional mobilizing medium toward a self-generative media. As organized marches, some of which announced over Mousavi's official website or his Facebook site, grew in size amid bloody clampdowns, the protesters gathered video footages, posted news or cell phone videos of police brutality on various social networking sites. YouTube suddenly emerged as a central spectacle platform, as satellite news channels would download and show images of demonstrations to a global audience captured by the street protesters. With the captureof the death of Neda Agha-Sultan on a cell phone camera on 20 June, and its immediate posting on Facebook, social media facilitated the individuation of media practices to empower individual political involvement in the shaping of mainstream media. The dissemination process operated as the viral communication spread through intra-media linkages that went from social networking sites (e.g. Facebook) to mainstream media outlets (e.g. Al-Jazeera) in just a matter of few hours (Assman and Assmann 2010: 225-242). Twitter, though marginal in the dissemination of news (Howard 2010: 9; Khiabany and Sreberny 2010: 174-76; Morozov 2011: 14-9), facilitated the instantaneous spread of stories such as the video clip of Neda's death to a global audience (Fischer 2010:105). Despite filters and slow Internet connection, Persian-speaking sites like Balatarin and Donbaleh, with multiple linking webs, provided protesters a clandestine network of activists who collaborated, mostly anonymously, in the dissemination of minute-by-minute information on the protests.

The framing strategy of news covering the protests by the protestors aimed at capturing the emotive and visual scope of the global and national public opinion. But more importantly, the audio sound and visual imageries of the demonstrations helped energize the movement's ongoing attempts to challenge the state, prolong contestation and ultimately deprive of those in power of legitimacy. The framing process of information gathering and distribution produced by the new media require, in this sense, the rhetorical and symbolic ability to successfully define the events unfolding on the ground based on symbolic distinctions on the basis of adversity, what is justice and unjust, what is moral and not moral. As a response to the moral shock effect, the postings and circulation of images, signs, shouts, cries from the protests through the Internet would operate as shocking mechanisms themselves, an emotive strategy of inciting public support and mobilization against the external other, namely the state.

Meanwhile, as the repression of demonstrations and surveillance of electronic mediums of communication grew in operation and effectively spread fear in the opposition's camp on the street-level, such boundary-making operatives began to become mostly manifest online. Hackactivism, the subversive practice of digital re-appropriation of cyberspace through assaults on websites deemed to represent power, provided visible indication of the boundaries beyond with which the Green activists sought to delegitimize and hence distinguish from an imagined moral order. The defacement of certain government websites such as Far News, Keyhan News and Ahmadinejad's homepage, provided aneffective way to undermine adversary's flow of communication, and also served as a symbolic attempt to dramatize what is external and lacks identity (or visibility) in terms of moral authority. Defacement marks the performative social field that differentiates between “them,” hence denying the entity or the adversary’s identity and its legitimacy to exist and “us.” Boundary-making would also involve other hacking processes like Google bombs or redirecting official state websites to an anti-government slogan, all of which would underline a process of distinction between vying actors, between good and evil, between what can legitimacy exist and what cannot.

Boundary construction entails other significant performative implications for the identity of the movement. Internet activity can enhance the performative repertoire of the post-election movement in the course of networking activism, as a distinct social reality, that constitute new relations between displays of contentious practices and their meanings. The core of such identity transformation lies in configuration of a hybrid reality between human and computer worlds, which Bruno Latour has identified as the blurring boundaries between technology and social reality constructions (Latour 1992). Such blurring effect can be characterized in the dynamics of deconstruction of social boundaries, a transformative process of destabilizing the limits of the known (social) reality into a new sense of existence to reshape everyday social relations (Rahimi, 2011: 169). The transformative (subjective) impact here lies in the type of social relations that are primarily identified in the idiom of dramatic practices.

In the case of post-election Green Movement, protesters who obscured their offline identities by engaging in dissent activism in various online networking sites tended to see politics not merely in the physical but also a liminal realm of social network interaction in mediating technologies like computers and cell phones that dissolve the everyday accepted boundaries between the “real” and the “virtual” worlds. Dabashi described the liminal element as the “exponential expansion of the public domain into cyberspace, to the point that it has had a catalytic, and arguably overwhelming, effect on physical space (Dabashi 2010: 135). In this view, the collapse of cyber with physical space highlights a performative staging of contention that reconfigures the way politics is perceived and representational practiced in “real” life. As Manoukian notes, this reconfiguration identifies a “crisis of representation,” in the the confluence of street-protest participation and new media representations in the form citizen reportages that construct alternative "spatiotemporal coordination" and new ways of inserting meaning to the events unfolding on the ground (Manoukian, 2010: 247-50).

Cyberspace, at this stage of the movement's development, exceeded its functional role as a means of mobilization and became a communicative network of meaning-laden performances. These performative practices, operating in disperse, can be described as the core of movement of network activists, operational and visible in the virtual public sphere as an "Internetworked social movements." (Langman 2005)

The Myth of Return

With the Internet playing an integral role in the dissemination of subversive information, proliferation of dissident interactive relations and emotive linkages within a networked movement after summer 2009, it is no wonder that the regime saw online activity as a serious threat. From the day of elections, the regime engaged in several strategies to defuse Internet activism and the potential to impact offline activism. One method was to slow down the Internet and bolster filtering techniques, already a measure implemented since the late 1990s when the new medium began to become popular among Iranian dissidents (Gheytanchi and Rahimi 2008). Another method was to hack and deface pro-Mousavi sites and, subsequently, limit the activists' communication links with mainstream satellite TV programs like Al-Jazeera or CNN. Insertion of conflicting or misleading information in the real-time accounts of I-reports of protesters was also an effective way of diffusing the significance of a potentially harmful story (like the death of Neda) that could help the opposition gain support from the national and global publics. But the most effective strategy appeared in the extension of online governance. As a feature of the securitization process that dates back to 2006 when the intelligence units of the Islamic Guard Corps (IRGC) became more engaged with Internet activism (Rahimi 2011: 171), surveillance marked the most effective way to gather information and document the opposition's activities.

Just months before the elections, the newly formed intelligence unit, known as the Iranian Cyber Army, introduced the Gerdab (vortex) project, an intelligence gathering scheme with the capacity to identify dissident activities and their network ties. Various advanced technological espionage devices were employed, including Nokia Siemens System's deep packet inspections, with the ability to monitor and change online communication (Chao and Rhoads 2009). By August 2009, after the regime had successfully limited the size and frequency of the antigovernment demonstrations, surveillance over the Internet became an effective soft measure against the activists. The key strategic element in the state's soft war against the Green Movement, viewed by the regime as part of a larger CIA-led Velvet Revolutions around the globe, was not the attempt to collect information but, more importantly, the ability to arouse fear within the opposition. Such strategy would operate in the idiom of rumors, misinformation and capitalize on the movement's weak, informal ties based in the Internet as a way to create suspicion and paranoia. Nevertheless, such emotive strategy facilitated the disruption of the coherency of perceptions and self-images that would set the stage for solidifying a collective identity. Undermining trust is at the core of this soft measure, a way of dislocating meaningful relations that can be made in both offline and online network communities. By destabilizing the shared sense of belonging, surveillance practices would undermine the motivational framework for participation and, ultimately, decrease resistance.

By early 2010, the intelligence-security forces were finally able to realize the effectiveness of their soft strategies by using the anonymity of the cyberspace to infiltrate and spread rumors, fears and misinformation within the movement. Though the regime was unable to prevent the Ashura demonstrations in December 2009, the surveillance and sabotage activities finally saw success in a major day of state-run demonstrations on February 11, 2010, marking the thirty-first year of the anniversary of the Islamic Revolution. The so-called "Trojan Horse strategy" used by the Green activists to promote the idea of infiltrating the pro-government demonstrations and expressing dissent amid the rallies back fired, as news of the dissident strategy became known in cyberspace prior to the events, hence enabling the intelligence services to prevent such subversive activities prior to the rallies. In the aftermath of the failed 2010 demonstrations, the Green Movement was declared dead by the regime with its leading figures imprisoned or detained at home.

The return of the Green Movement on February 14 2011 in response to the Egyptian and Tunisian uprisings, however, came as a surprise to the authorities. While Internet still played the sort of logistical means to organize the

2011 demonstrations, the framework of cyberactivism in terms of collective action and identity building had now shifted its focus on commemorative practices, performances that largely revolved around calls for action based on past models of heroic actions, together in being inspired by the current anti-authoritarian movements in the region. The Green movement had now transformed from a street-political movement towards a community of remembrance built around a repertoire of memorial performances that recalled the earlier protest days and the movement's fallen members, known as martyr activists like Neda, Kianoush Asa, Morad Aghasi and Sohrab Erabi. Nostalgia would now function as a type of affective commitment with the aim to renew the social affinity of the movement. As an archival site, social networking sites like Facebook and Flicker would have a collection of photos, videos, statements and symbolic depictions and poetical narratives of the movement, its fallen members and leading figures. A photo of Mousavi, giving a speech in the middle of a crowd just days after the elections, recalled the period when many still expected an eventual recount of votes that would ensure their victory in the elections.

Through emotions based on complex moral understandings, social movements have the capacity to reinvent. Remembering the past would provide an imaginary path for a new start. In their course of shifting identities, movements require new definitions within a powerful language that incorporate a direction towards a new beginning, a new framework of thinking, constructed through interaction and demands for renewed emotional investments in a given situation marked with new opportunities. The late Italian sociologist, Alberto Melucci, described this identity (re)construction capacity, inherent to all collectivities, especially new social movements, as "an interactive and shared definition produced by a number of individuals (or groups at a more complex level) concerning the *orientations* of their action and the *field* of opportunities and constraints in which such action is to take place (Melluci 1996: 70)." While the "field" represents the situations wherein political actors find themselves, "orientation" identifies meaningful actions that enable actors to feel they are part of a collective identity that can be reshaped according to the emerging opportunities for action. Orientations define the symbolic direction and the meaningful capacity for actors to create new ideas, concepts and expectations of themselves and their movement amid shifting situations.

In this creative process, expectations of what the movement can (or should) do entail orientations of action with affective traits. Hopes and promises of emancipation sustain a balance between how a movement adapts to "reality" and how it, paradoxically and perpetually, seeks to undermine it. Internet marks a distinct interactive site wherein such sentiments gain currency within an unmediated space of communication. In his *The Digital Sublime*, Vincent Mosco argues that cyberspace both represents and creates myths and symbols of human action, empowerment and experiences of space and time, which "animate individuals and societies by providing paths to transcendence that lift people out of the banality of everyday life (Mosco, 2004:3). Myths, in this sense, play a central performative-discursive role in movements like the Green Movement that continue to operate in cyberspace in the dynamics of Internet-network complexes. As flexible frameworks for reasoning about reality, stories, rumors, hopes and expectations of a possible return or resurrection carry a mythic force that operates in disjoint time and space, in foresight of a future time of confrontation with the possibility of victory, and a new way of *thinking* about social reality.

Political myths, French theorist, George Sorel, writes, "are not descriptions of things but expressions of a will to act" (Sorel 1999: 28). As an interpretative performance, myths frame the scope of action with the authority to foretell of a battle marked with morality, a struggle between good and evil that eventually will be won in justice. Yet in anticipation for spontaneous combat, myths operate as moral frames that retain a sense of shared identity despite fragmentation of social affinity in light of state measures to undermine the movement. Such self-maintaining strategy identifies combined commemorative and future-oriented practices embedded in discursive practices of dramatic quality. In performative networks, activists communicate with social dramas of commemoration and spontaneous action in order to preserve a shared sense of belonging to the movement. The Internet, in this sense, not only communicates the memories of injustice and myth of return to its participants, but also serves as a staging strategy for such narratives to upholdthe living promise of a future yet to be realized.

In this third phase of development, the relationship between cyberspace and social Movement lies in the capacity to sustain affinity of networks that have lost much of their offline public visibility as a result of repression. Accordingly, they sustaincontentious performances of highly dramatic significance grounded in what Sorrel described as the "sublimity" of action (Sorel 1999: 269). Staging the movement online captures the political participants by the awe of a mythical notion of a return that can be recalled and reenacted in the sublime spaces of virtual interaction.

Although the discussed three stages differ in their level of intensity and durability in shifting circumstances and in close connection with how the state (or perceived external threats) react to diverse contentious activities, Internet continues to serve as both a means of communication and a staging of action by social movements. Likewise, in both informal and formal network ties, cyberactivism enables political action to operate both on individuated and collective levels, shaping the relations among political actors and how they define the movement in contention with the state. In this light, however, an obvious risk in building a movement through cyberactivism lies in the very decentralized nature of the Internet. This is so since political activism operating in complex online practices carries the challenge of coherency of subversive mobilization and maintaining durability in time. Such risk is more pronounced with increased repression, imposition of a surveillance regime and, subsequently, spread of distrust among Internet-users for political purposes. As the Iranian Green Movement has shown, distrust of the Internet has undermined so much of the efficacy to mobilize and maintain a community of dissidents; and yet such element of distrust has also undermined the total control of the state over the fluid life of cyber sociability, an alternative domain where various expressions of dissent could lead to a wide range of potential political outcomes.

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Speaking of Invasion: Narratives over Arabs in Eksi Sozluk, a Virtual Community in Turkey

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Abstract:

Since the day it was founded, Eksi Sozluk (sour dictionary) has been one of the most popular virtual communities in Turkey, fostering cultural and political discussions and acting as a public sphere. This paper examines contested narratives of hostility and hospitality over Arabs in Eksi Sozluk in order to trace the making of subjectivities in Turkey. I illustrate the ways Arab tourists are orientalized through the narratives of Eksi Sozluk authors who mark Arabs as dirty, disgusting, uncivilized, and backward. Next, I show contrary narratives that claim to welcome and embrace Arab tourists in Istanbul. I argue that a supposedly welcoming discourse towards Arabs also functions under the same ontological presuppositions of Orientalist fantasy. Finally, based on the conceptual framework of "Occidentalist fantasy," I argue that the othering of Arabs in contemporary Turkey functions to create the illusion of a unified, sovereign subjectivity under the imagined Western gaze.

Keywords:

public sphere, Turkey, websites, cultural studies, identity

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Introduction

What is Eksi Sozluk?

When Sedat Kaplanoglu formed Eksi Sozluk (http://www.eksisozluk.com/ or http://sourtimes.org/) in 1999, it was an open-access online collaborative dictionary to which nicknamed authors contributed. Over the years, Eksi Sozluk evolved from a modest, friend-circle website to an extremely popular virtual community that receives six million visitors per month; functioning as a search engine, a discussion platform, a socialization tool, as well as an archival and memorial site at the same time. Although Eksi Sozluk (meaning "sour dictionary" in English) has no claim of truth, reliability, or being a formal and objective source of knowledge, its popularity has surpassed similar websites, with more than 500 thousand individual page views per day.[1] Even today, its ability to combine dictionary and knowledge-source formats with the features of online communities and blogs enable Eksi Sozluk to remain as popular as it was before the emergence and prevalence of Wikipedia, Facebook, or Twitter in Turkey. Presently being the 24th most popular website in Turkey according to alexa.com's(Alexa 2012) traffic rank,[2] Eksi Sozluk has been featured on televisions, in newspapers, and on other websites since the day it was founded; numerous entries of its contributors have been cited as commentaries on various cultural, social, and political discussion. Although traditional news sources had introduced the website only as an interesting social phenomenon at first, Eksi Sozluk has then become a socially accepted informal source. In synchronicity with Eksi Sozluk's growing popularity, however, membership to the website came to be dependent on a variety of criteria. Under limited membership periods that are announced sporadically, users can register as newcomers waiting for approval and are expected to enter ten successful entries on the format, legal, and grammatical grounds in order to be promoted to "author" status by Eksi Sozluk moderators.

According to the "Statistics" section of the website that is updated constantly, Eksi Sozluk has more than 492,000 users (which includes authors, registered readers, administrators, informants, newcomers, newcomers awaiting approval, predators, and habitat) and 36.322 writers. While the total number of titles in Eksi Sozluk is nearly two and a half million, the sum of all entries under these titles add up to more than 14 million. In terms of demographics, the statistical data shows that the majority of Eksi Sozluk users (without any author/registered reader differentiation) are college students between the age of 18 and 25, adding up to more than 272,000 users; while the second and third most populated age interval consists of 25-30 and 30-40 year olds, with 87,846 and 55,427 users respectively. Furthermore, statistical data shows that more than 290 thousand users in Eksi Sozluk are male and 129,000 are female, while 122,000 users' sex is unspecified. Compared with the overall Internet population, therefore, Eksi Sozluk is mostly used by middle and high-income males from Turkey in the age range of 18-24, with undergraduate or graduate education.

The loose dictionary format of Eksi Sozluk enables authors to write their entries under the titles they submit in a multiplicity of formats such as anecdotes, essays, description, memories, opinions, observations, links or mere information, although they still have to write a description (not necessarily an objective one) of the title in question in the first sentence in their entries as a requirement of a dictionary format. This flexibility allows authors to write in humorous, sarcastic, informal ways, or use slang and figures of speech. There are no restrictions on the content of entries except legal boundaries concerning hate-speech.

Following the argument that Eksi Sozluk can be regarded as a virtual community which acts as a public sphere (Akca 2005), I aim to examine contested discourses over Arabs in Eksi Sozluk, and elaborate on the question of subjectivity in Turkey as it is manifested in contemporary public culture. Arguing that Eksi Sozluk is a critical indicator of public culture in Turkey, this paper traces the representation of Arabs in Eksi Sozluk in order to discuss how Turkish subjectivity is constructed in opposition or relation to the image of the Arab in contemporary Turkey.

Arabs in Eksi Sozluk

When I search for the word "Arab" through the title search function at the side bar menu of Eksi Sozluk, the first 25 titles (in decreasing order from the title that has most entries to the title that has least) I am given are as follows:

arab (220)

invasion of istanbul by arab tourists (200)

arab revolutions (104)

people have called their dogs with arab names in this country (92)

year 2010 arab tourist invasion (86)

arab league (79)

titles from eksi sozluk arab clone (77)

arab sukru (64)

the effect of mavi marmara on arab revolutions (62)

naming of turkish children with arab names (59)

arab spring (58)

the mentality that thinks that turks are arabs (51)

turkish and arab blood are one (47)

calling a black an arab (47)

united arab emirates (47)

making a fuss when three arab kids die (45)

arab soap (42)

arab girl (36)

when arab has extra oil, he rubs it on his butt (35)

the setting down that the arab league gave to rte[3] (34)

arab alphabet (34)

there is no p letter in arab alphabet (32)

arab adoration (32)

arab kadri (31)

arab invasion in istanbul (30)

In 2010 and 2011, in line with the abolished visa regulations and the "zero-problem" foreign policy that was pioneered by the Justice and Development Party (AKP) that holds the power, Turkey witnessed a significant rise in the number of tourists from Arab countries; this was accompanied by a simultaneous increase in the public attention towards the so-called "tourism boom in Turkey" and the visibility of Arab tourists walking in the streets of Istanbul, the cultural and economic capital of Turkey, and the former capital of Byzantine and Ottoman empires. As the search results for the word "Arab" illustrate, in Eksi Sozluk, this phenomenon has mostly been described through the rhetoric of "invasion." In the following section, I attempt to illuminate a number of entries written under the entry-populated titles of "Arab," "Arab Invasion in Istanbul," "Year 2010 Arab Tourist Invasion," and "Invasion of Istanbul by Arabs." In order to study different discourses of hospitality and hostility towards Arabs in Istanbul, I ask the following questions: How are Arabs narrated in Eksi Sozluk? How do the Eksi Sozluk authors represent Arabs through their anecdotes, descriptions, or observations? How can we interpret different welcoming and unwelcoming discourses towards Arabs through the lens of Orientalism and Occidentalism? Taking my departure from the entries written under those titles, I attempt to demonstrate the prevalent themes within two oppositional discourses towards Arabs in Eksi Sozluk. The first discourse is the unwelcoming one through which Eksi Sozluk authors express their disapproval of Arabs in general or Arab tourists in contemporary Istanbul in particular. The unwelcoming narratives towards Arabs in Eksi Sozluk owe most of their discursive tools to the modernizationist discourse of Late Ottoman and Kemalist Republican legacies, but they are also reformulated and transformed in different ways in relation to present events and anxieties in politics, culture, and selfhood.

Unwelcoming Arabs

Abjection

In most of the entries under the titles about an Arab the so-called Arab invasion in Istanbul, Eksi Sozluk authors often share their daily experiences and observations about Arab tourists, highlighting the appearance of the Arabs that they have found "distasteful" or "irritating." For instance, one of the most complained about and disdained attributes of Arab tourists in Eksi Sozluk entries become the large number of Arab families which Eksi Sozluk authors often refer to as "clans," "hordes," "grasshopper hordes," or "plunderers." Under "Arab Invasion in Istanbul," an author describes the title in question as such: "The thobe-wearing Arab's trend who wander around the city with an average of 8 children" (otisabi, 2000), while another author writes, "Place: Eminonu. They are wandering around as a clan" (kucoc, 2009). Referring to the black veil, another author uses the phrase "cockroach" in order to describe Arab women he recently came across to:

> The scene I witnessed at a hotel in Istanbul I was staying for a business trip. Wherever you look, there is a cockroach. They're very mobile, by the way. An argy-bargy at the reception. I asked my Lebanese friend what's up with them, who are they, why are they arguing and so on. He told me that it was a fight over who's going to pay the bill, but it's a friendly one. Turns out that both sides wanted to pay the bill themselves. One would easily assume that one of the cockroaches was raped and this is what the fight was about. (arcadian, 2010)
>
> The invasion of the dumbest race in the world. You've turned Taksim into Naruto with your hideous veils. (hullabaloo, 2011)

> Makes Istanbul look ugly. In-advance edit: I am a veil racist. (nuwanda is dead, 2011)

The narratives that represent Arabs' appearance as disturbing or ugly further develop into a discourse of abjection (Kristeva 1982) that marks the Arab body as dirty and disgusting through everyday observations and experiences of the authors. Arab tourists are represented as noisy, dirty, repelling crowds, whose existence annoys the Turkish subject or its habitat, Istanbul:

> These people are gruesome. All right, they bring money, boost the economy and so on, but I wish they never came, bro. We can't use the left side of escalators at shopping malls and subway stations... ignorant people! If everyone's standing at the right side, there has to be a reason for that, right? (sortayms, 2011)

> The attempt to fuck up a unique city like Istanbul. If this is racism, I'm glad to be one. They're dirty, dude. At the bus stop... How can't a nation not know how to wait for the bus? Make weird noises while eating... Or take their women; they're far away from an aesthetic, they do nothing but scoffing. We haven't witnessed anything else than noise and the garbage food they throw around everywhere. (acilin ben jinekologum, 2011)

> The reason I avoid going to the Mecidiyekoy and Sisli district, as you'll come across to them the moment you step your foot there. As if it's quite natural to wander around in Turkey wearing those clothes. Besides, you are damned if you bump into them at public transportation. Should we talk about their raving way of talking, the way they put all the shopping bags they have to the empty seats and obstructing other passengers from having a seat, the mixture of sweat and cheap perfume smell coming from their bodies, or the way they harass Turkish girls? (bilge rusty james, 2011)

> Cevahir shopping mall is kind a fucked up nowadays. When they come, 1 man brings 2-3 wives and 5 or 6 brats, anyway. They start flying around and dash into stores, screaming and crying out. Thus, they unavoidably disturb our people. Aren't you Arabs? Go and visit some mosques or something, I don't know, go visit a tomb or Turkish bath. (zapo, 2011)

In addition to the narratives that abject the Arab tourist through the representation of a “dirty, noisy clan” whose sight, smell, and touch is described as annoying or repulsive, many authors in Eksi Sozluk complain about Arab tourists' “lack of interest” in cultural artifacts of Istanbul. According to them, Arab tourists don't care about cultural tourism (which is “profound”), but shopping (which is “superficial”). As an author comments:

> Those are neither hanging around Hagia Sofia nor Topkapi Palace. They don't care about anything but shopping malls and Taksim; they just visit stores at Istiklal Street. Last night, a Persian couple (yes, I know they are not Arabs, no need to be a pedant) told me that they were in Istanbul for three days and they hadn't been to Sultanahmet - even haven't heard of it -, so I asked them: where did you visit, then? Their answer was: Olivium, Taksim, and we're going to Cevahir tomorrow.” Interesting. (the way i are, 2010)

As Kristeva (1982:4) puts it, it is “not lack of cleanliness or health that causes abjection but what disturbs identity, system, order. What does not respect borders, positions, rules.” The abject both establishes and undermines the border between inside and outside: “It is as if the skin, a fragile container, no longer guaranteed the integrity of ‘one's own and clean self’” (Kristeva 1982:53). The abject threatens to undermine the integrity of the subject by passing between inside and outside. Furthermore, the constitution of the abject is precisely what enables an inside and an outside to be marked. The constitution of the Arab guest as uncivilized, dirty, and Oriental, functions to construct the Turkish host as civilized, clean, and Western. Under the title “Invasion of Istanbul by Arab Tourists,” for instance, authors often complain about the ill-mannered behavior of Arabs due to their ignorant and uncivilized nature:

> The invasion that causes major problems due to Arab's lack of knowledge at modern city life. (yer mantari, 2011)

> Now everybody has to answer this question before all else: If our economy didn't benefit from them, which one of us would like to see those ill-mannered people in our country? (sortayms, 2011)

> The invasion of an ignoramus community that I rip out an oath whenever I see them. My ‘brothers’ who haven't experienced civilization:

> they're everywhere, they're coming to our country because Europe doesn't let them in, their wives do shopping, men stare at our short skirted girls, their empty-headed children wander around dumbly, wearing headphones and sandals in the street. (sortayms, 2011)

> The reason for making me a racist . . . Enough, get the fuck out of here! I don't care if you are Arabs of Persians; whatever you are, only attempt to visit the Occident after you fix your own country. (the stallion, 2011)

As Homi Bhabha (1994) has observed in his discussion of the stereotype, contemporary stereotypes about Arabs that circulate in the public culture of Turkey are also several and contradictory. Old and new Turkish films reflect these multifarious and persisting stereotypes as the image of the Arab appears as a "traitor" figure dating back to the "Great Arab Revolt" and the defeat of the Ottomans against the British during WWI; or as the lustful, fraudulent, unmannered oil-rich arms trader and tycoon. The Arab character is sometimes depicted as the Arap Baci (Sister) in traditional settings as a warm tutor, loyal servant, trustworthy eunuch, or an obedient slave. In line with the citational nature of Orientalist discourse Said(1995) has observed that stereotypes about Arabs are told, referred to, restored, modified, and retold over and over again in daily conversations in Turkey. From Turkish proverbs such as "When an Arab has extra oil, he rubs it on his butt," "I'll be an Arab if I've understood anything at all;" or idioms such as "Arab hair" which is used to refer to a situation that is messy and tangled, and "Looking like an Arab's ball" which is said about a person who is excessively suntanned; to everyday stories about filth and dirt such as Eksi Sozluk author's entries illustrate, the otherness of the Arab is repeatedly produced in mundane language. As Bhabha (1994) underlines, the buttoning-down of this otherness, a normalization of difference is a vital component within the ideological construction of otherness. In his discussion of "fixity" (1994:94) Bhabha argues that the racist stereotype always needs reiteration and reaffirmation, as the identity and authority of the colonizer is never fixed but destabilized and fractured with anxiety. In Bart Moore-Gilbert's (1997:117) words,

> For Bhabha, there is a curiously contradictory effect in the economy of stereotype, insofar as what is supposedly already known must be endlessly reconfirmed through repetition. For Bhabha, this suggests

> that the 'already known' is not as securely established as the currency and rhetorical power of the stereotype might imply.

The boundaries between the colonizer and the colonized, the self and other, as well as what is inside and outside are never completely fixed or secure. The "processes of subjectification made possible (and plausible) through stereotypical discourse," which Bhabha (1994:95) points out, detects this instability in the colonizer subject, and shows that racism operates under a "narcissistic schema." (Hook 2005:737) Arabs are repeatedly abjected, stereotyped, and Orientalized through daily conversations, jokes, stories, gossip and rumors in Istanbul; as it is so in Eksi Sozluk. The Arab other, as the fantasmatic object of racial stereotyping and abjection constantly threatens the Turkish subject whose sovereignty is dependent on Arabs' repetitive, fixed othering.[4] However, Turkish subject's narcissistic relation to its Arab other does not operate in a simply dual relationship. In this attempt to claim sovereignty, there is a third, often imagined player upon which I will be dwelling in the third section of this paper.

History in the Present

In Eksi Sozluk, stereotypical imaginations of Arabs such as "traitors" or "backstabbers" are constantly secured through references to history. Examining Turkish history textbooks is one method to trace the ways in which Arabs are portrayed in Turkish historiography. Arabs first enter the scene of history in textbooks when it is time to talk about the history of Islam. In a chapter called "The Condition of Arabs before Islam," for example, in a currently used mandatory "Religion and Ethics" (MEB 2010) course textbook published by the Ministry of Education for ninth-grade students, "the people in Arabia" are described as such:

> Women who did not give birth to male children were worthless. Fathers who have daughters were regarding this as a situation to be ashamed of. Some female babies were even buried alive once they were born. . . . Before Islam, bad habits such as drinking, gambling, theft, usury and fortune telling were common in the Arab Peninsula. This is why this period is called the Jahiliyyah era. In addition to all these negativities, there were some people among Arabs who practiced good behaviors such as generosity, hospitality, bravery, abiding by a promise, protecting the ones who take refuge with themselves even through they were their enemy.

The portrayal of Arabs as backward, primitive, archaic and corrupt in the pre-Islamic era is prevalent especially in earlier textbooks. In early Kemalist textbooks for example, tribal life is shown as the only social organization mode and the single binding tie among Arab communities who, according to the textbooks, always quarrel among themselves. Moreover, in contrast with the Turks, Arabs are portrayed as disorderly and therefore unsuccessful at establishing states. Turk Tarihinin Ana Hatları (Main Lines of Turkish History) (1930) expresses this "fact" by juxtaposing the Turks with the Arabs and Persians: "The Turks do not like anarchy; they have always wanted order and stability wherever they lived . . . The Arabs and Persians, however, liked to live in endless quarrels within the Islamic world."

In his discussion about the portrayal of Arabs and Islam in Turkish school textbooks between 1931 and 1993, Etienne Copeaux (2006) argues that Arabs only appear in two historical periods as "Arabs" in Turkish school textbooks. Arabs show up in history textbooks for the first time in the chapters that narrate the period between the pre-Islam period, the birth of Islam until the moment when Turks adopt the religion. Arabs appear in textbooks for the second time when the fall of the Ottoman Empire (when its subjects were declaring their independence) and World War One are narrated. In the interval between these two periods, however, "Arabs" as a category is absent. As Copeaux indicates, they are usually called "Muslims," and therefore united with other Muslim populations such as Turks, Kurds, Persians; or they are referred to as the "indigenous population" in a particular land belonging to the Ottoman Empire. As Copeaux indicates, these times are connotative of a sense of unity and peace. But when the word "Arabs" is used, the otherness of the Arab is implied. For Turkish historiography, Arabs become "the other" in the pre-Islamic era, and also the period before Turks adopt Islam, as well as the time when they begin to depart from the dominance of the Ottoman Empire. This is when "Arabs" appear in history books once more, as rebels, traitors or "backstabbers" this time.

As Copeaux underlines, the 1916 Arab Revolt has been called a "betrayal" in Turkish school textbooks for a long time. There, Arabs are described as "traitors who have collaborated with the enemy" (the English), followed by similar keywords such as "agitate," "infidelity," "treason," "comprador" (2006:319). Copeaux adds that the portrayal of Arabs in school textbooks has begun to lose its harshness over the last ten years-for example, the word "betrayal" has not been used in textbooks since the 1980s, although it has sometimes been replaced by another term: "backstabbing." Recent textbooks have managed to erase most of the pejorative portrayals of Arabs and point rather to the English as the only enemy in the 1916 event. The conflict between Arabs and Ottomans/Turks, however, is generally ignored. This silence, however, as Copeaux argues, does not help to erase prejudices. Under the title "Arab" for instance, Eksi Sozluk authors often mention the 1916 Arab revolt in order to justify their case about the "backstabbing nature" of Arabs:

> The back-stabbing stinky people who are infamous for their filthiness, who own the best of liqueur in their countries although they are ruled with shariah; who used to live under Ottoman rule without paying taxes or serving in the military and who, despite all, allied with the English and cut our soldiers' throats. (noble man, 2008)
>
> a community of ignorance and betrayal. (heraklion, 2011)

Historical Background of the Arab Image

As I have attempted to illustrate, a number of entries written under the title "Arab" in Eksi Sozluk deal with a common theme: they mark a fixed and homogeneous nature upon the Arab identity and represent Arabs as a stagnant and ahistorical community of people who have not managed to catch the train of progress and modernization:

> the people who are now living the same way they used to live 500 years ago, nothing has changed. Their rich had been shitting in a golden toilet back then, he still does. They were lynching, massacring people 5000 years ago, and they still continue to do so. (trakyali gulyabani, 2011)
>
> A race that has not yet completed its evolution for revolutions and a modern world order. This is not racism, it is just a thought that comes into mind when one sees how they ruin themselves in a moment when you think that they have finally got what they deserve in the geography they live in. (geridonusumkutusundavizildayansinek, 2011)

> the community whose members haven't got their share from humanity, the community I'm ashamed to be sharing the same religion. (urbekli, 2011)

The present representation of Arabs through an Orientalist discourse (and its relationship with Islam) in contemporary Turkey is closely related to an unfinished history: the beginning of a period that may be called the Westernization or modernization of the Ottoman Empire. Although a radical distancing from Islam was not prevalent in the Ottoman Empire, a certain dose of Orientalism was to be found, beginning from the nineteenth century, in which Ottomans had started to develop a curiosity about Western images of the East as well as a need to compare themselves with the West. This interest in comparison and the ways the West represented the East coincided with the emerging cultural and economic colonization of Ottoman Empire by Western powers. As Orhan Kocak remarks, "the leap of modernization is wounded from the start: The Ottoman elite begins to compare himself with the West only when he is being defeated in the game" (Kocak 1995:99). Therefore, the passage from a once "self-confident isolation to an increasingly self-conscious concern for what others may have had to say about them" (Eldem 2007:217), coincided with the change in power relations between the Ottoman Empire and the West-a change in favor of the latter. "Resting on the implicit admission of failure, inadequacy, and inferiority" (Eldem 2007:219) and the acceptance of Western superiority, the Ottomans took the constructs of the Orient and the Occident for granted, and decided to rid themselves of their self-acknowledged "Oriental nature."

The rise of an Ottoman Orientalism (Makdisi 2002) projected internalized inferiority and the Oriental fantasy at the Bedouin and the Arab in most cases, through a racist and colonial discourse on a "civilizing mission" (Deringil 2003). Selim Deringil elaborates on this process as a "borrowed colonialism" in which the Ottomans had "rejected the subaltern role that the West seemed intent on making them adopt, but they could only do this by inviting (to put it euphemistically) 'their own' subalterns into history" (2003:342). However, the common religion of Islam between the pro-Western Ottoman elite and Arabs and other selected populations within the empire that were marked as "backward" or "savage" made it somehow complicated and "difficult to overtly otherize these subjects" as there was a "risk of seeing Orientalist notions turned against Ottomans themselves" (Eldem

2007:219). Through the Kemalist discourse of the newly found Turkish republic which claimed a more explicit break from the Orient through its othering of Islam, however, this problem was mostly solved.

The republican period that started with Mustafa Kemal signaled a radical attempt to break away from the Ottoman past and replace it with an alternative one. One other aspect of this period of "modernization" was the new republic's radical distancing of itself from Islam, which was regarded as the biggest gap between Turkey and its desire for Westernization. As Bobby Sayyid argues, there is an antagonism within Kemalism between the West and Islam, which leads to the "rejection of any possibility of a marriage between an Islamic (that is 'native') culture and western technology" (1997:60). Islam, one of the crucial reasons for the ambivalence towards Turkish identity (Ahiska 2010) has been historically regarded as contradictory to Westernization, incompatible with modernity and thereby labeled as Oriental (Sayyid 1997:69).

Kemalist reforms (such as the abolition of the Caliphate and Islam as a state religion, and the introduction of the Latin alphabet instead of Arabic) all functioned to "distance Islam and its cognates from the 'new Turkey'" (Sayyid 1997:64), while "Islam was represented in Kemalist discourse as the epitome of the Orient" (Sayyid 1997:68). Kemalists had found themselves in a paradoxical situation: to be Western, one had to reject the Orient (Sayyid 1997:69), and therefore, Islam became the constitutive outside of the Kemalist-nationalist discourse in Turkey that was modeled on the project of the Enlightenment (Yegenoglu 1998:135). Sayyid (1997:69) describes the process through which Islam was equated with the Orient, and therefore constituted outside the boundaries of the self, as follows:

> The only way to manage this paradox of westernizing and orientalizing was for the Kemalists to fix upon Islam as the representation of orientalness; it was through Islam that the Orient was given shape. Islam then became a marker of oriental identity. Thus the Kemalists could see that in order to westernize they had to de-Islamize-that is, they had to remove the influence of Islam from their societies. It was only by removing Islam that they could cease to be part of the Orient and become truly western.

Welcoming Arabs

"Western" versus "Eastern" Tourists

In contrast to the entries marking the Arab tourist as dirty, ignorant, uncivilized, and repellant, a considerable amount of authors welcome the "Arab invasion" in Turkey. Most of the authors highlight the economic aspect of the phenomenon, stressing that the increased number of Arab tourists will boost the economy and "tourism has no religion or nation," and that racial discrimination or other hostile attitudes have no place in this purely pragmatic, economic relationship. However, what intrigues me among those entries is the prevalent theme of comparison between the European/Western tourist versus the Arab/Eastern tourist. According to the authors, Arab tourists must be welcomed because they spend more money; they especially spend more money than their Western counterparts:

> Let them come, let more of them come. Arab tourists who spend in the way their heart desire are far better than bottom-layer European tourists that spend bit by bit. (anoktale, 2010)
>
> Europeans who really have money don't come to Turkey, and the ones who come do not have any money. (kunta kinte, 2010)
>
> The best invasion of all times. Instead of the lousy English tourist whose hand trembles even when pays for a two-liras sandwich, let the Arab tourist who's going to leave tens of thousands of dollars cash in a single shopping. As they have come, so they will go anyway. (ksanthos, 2010)
>
> It's certain that their invasion is a favorable one than the poor English tourists' invasion. These guys know how to spend money. (astronot8, 2010)
>
> The kind of invasion that I prefer to the absent invasion of Russian & German apaches who never get out of their hotels and drink beer at breakfast. (thelowest, 2010)

In addition to the emphasis on difference between Western and Arab tourists in terms of spending, one other feature that the authors stress is concerned with a historical and political relationship of power: Western tourists look down upon Turks, but Arab tourists do not:

> The invasion I witnessed in Taksim subway yesterday. Let me tell this way, it was an extended Arab family of 11 people. And let me tell this way, each member of this family was carrying at least four (4) huge shopping bags. Again, let me tell this way, they had left at least ten thousand (10.000) dollars to our country in that single shopping. Having seen those lousy English, German, Russian tourists who come to our country through cheap package tours and never spend more than five hundred (500) dollars and despite this, look down on us; I am crazy about this invasion. (burg, 2010)
>
> It's a good thing that they come. Because while Arabs come to spend, Westerners come to exploit. (penaltiyi taca atan centilmen futbolcu, 2010)

Here, I may return to the discussion about the narcissistic relation of the Turkish subject and its Arab other. In this relationship, the "third party" I have previously mentioned becomes the Western gaze - real and imagined. As the Eksi Sozluk entries I have quoted so far suggest, a complicated affective economy operates among the narratives about the so-called West: the West desired because it is civilized; it is envied because "the self" is perceived to be not-that-civilized-yet; and it is resented because it is judgmental, exploitative, and unwilling to satisfy the self's desires of inclusion. Subjected to the gaze (Urry 2002) of the Western tourist who does not accept the object of his gaze as one of his own, the Turkish subject's desire turns into envy, and envy turns into resentment. Therefore, a certain kind of sympathy is formed towards Arab tourists-who are already marked as inferior or Oriental-through the affirmation that "at least, they are spending much more money here" and most importantly, "at least, they are not looking down on us."

The Modernization Discourse: Turkish Soap Operas and "Turkey as a Model"

Turkish soap operas have been exported to countries in North Africa, the Middle East and the Balkans since 2007. Official reports of the Ministry of

Culture and Tourism stated that in 2010, more than seventy Turkish soap operas were exported to more than twenty countries, resulting in an export record of 50 million dollars. Through the acknowledged "success" of these series, businesspeople and state officials in Turkey tend to view soap operas as new export items as well as touristic goldmines; the discourse of national progress and the "neutral" language of capitalist entrepreneurship intersect through the national actors' attempts to increase numbers of tourists, economic growth, and to export revenue. One strategy, for instance, has been to use actors and actresses from the soap operas in promotional campaigns for the products aimed at the countries where they are popular. Indeed, the leading actor of Gumus and Ask-i Memnu, Kivanc Tatlitug appeared in various commercials and advertisements that targeted Arab countries, including the advertorial video Turkish Airlines broadcasted to be featured in several Middle Eastern countries in the beginning of 2011. Kivanc Tatlitug also took part in the Istanbul Shopping Festival 2011's promotion campaign, organized in Dubai. His appearance in the campaign and also a TV show called "Good Morning Arabs" immediately captured the attention of the Turkish media all of which quoted Tatlitug's statement "I want to learn Arabic" (*Radikal* 2011). In line with these events, many authors in Eksi Sozluk link the increase in the number of Arab tourists in Istanbul to the perceived success of Turkish soap operas:

> The result of the Turkish television series" (bruceandwayne, 2010)
>
> Half of them have arrived to look for kivanc tatlitug, we read it from the newspaper. How can one look for Kivanc in a 20-million city, coming from Egypt? (t0mmy, 2010)
>
> I think the biggest reason for this is the sensational success that turkish series gained in arab world. I don't understand why this is seen as a bad thing, though. The woman/man is going to come here, stay for two weeks, buy bihter's this, fatmagul's that and leave. Live the happiness of experiencing the places she/he watches at the series. She/he's going to be happy. Hey, why are you an enemy of happiness? Probably, you're an ideal person in the eyes of him but pray that he won't notice your racist attitude and assume that you're an ideal person. No, you won't cry saying that "they belittle us in Europe" then.

> Please don't demonstrate your hypocrisy to the whole world . . . Istanbul seems like a kind of a dream city to them after they see it on the television. (teletabi, 2011)

More than 300 thousand tourists have visited the waterside house where the soap opera *Gümüş* is shot, according to the Ministry of Tourism and Culture, who stated, "these series have huge potential" (*Hurriyet Daily News* 2011). Indeed, the Ministry has decided to create special funds for the production and promotion of such series (Gokturk et al. 2010). The national press has been quite interested in the impact of these programs in Arab countries. The positive contribution of the TV series to tourism in Turkey-especially Istanbul-is frequently addressed in news reports about how much Turkish soap operas are popularized in Arab countries. However, what occupied the center of heated debates on the popularity of Turkish soap operas has been the question of "why." What was the reason for this popularity? Why did Arabs fall in love with Turkish television dramas? In Eksi Sozluk, many authors argue that Arabs visit Turkey in order to experience the freedom and modernity that is absent in their home countries:

> The so-called invasion by the Arabs who are dreaming of our country. Actually it's about the abolishment of visa regulations. It's going to have positive effects on the economy. As a matter of fact, Turkey is a relatively cheap place with good food. It might have negative effects on culture, though. But it's a fact that its going to have a positive effect on the their culture. In fact, when these people who are coming from countries with monarchy and repressive systems based on Islamic law taste freedom and observe it outside the example of Bahrain, they are going to take our country as a model for the future. There's no need to be scared; they're human like everyone. They're from a different culture, that's all. (kuzen, 2010)

> They come here, bring their beautiful cars, arab beauty daughters... Enjoy the taste freedom for a while... Smoke water pipe under the fresh weather, hang out... Spend the money and then go back to their rich but boring and captive lives. (outsider1978, 2010)

As the entries in Eksi Sozluk illustrate, Arab tourists are imagined to be admirers of Turkish culture, Istanbul, and everything those supposedly represent: urban life, freedom, and modernity... The possibility of "influencing" Arab culture is what is at stake: the potential of being a dream-place, becoming a model for Arab countries. In this context, the comparison that is formed between the Arab tourist and the European one becomes more complicated: The Arab tourist who "doesn't look down upon Turks as Western tourists do," and therefore is "more preferable" and welcomed, is now transformed into the Arab tourist who "looks up" to Turks. In this way, Turkey and its inhabitants are portrayed as desire objects, potential leaders and centers of influence.

Theoretical Approaches

The East and West Problem

> A thousand-times better situation than the crappy tourists who come to the country with all-in-one package tours and never get out of holiday camps-for they (*Arabs*) spend money madly.
>
> Edit: However, I have to admit that, I'm afraid that other tourists will confuse Arabs tourists with Turks and talk about life in Turkey as "all of them were dressed up in black veils, friend; I swear to God that they were traveling in a way that there was a man followed by three women and a horde of children. (see: Turkish Image Abroad). (ardilla, 2011)

This entry, written under the title "Invasion of Istanbul by Arab Tourists," welcomes Arabs to Istanbul while comparing them to other "crappy tourists." However, the author of the entry, ardilla, also admits her reservations about the phenomenon, mentioning her fear that other tourists will confuse Arab tourists with Turks. By referring to "other tourists," she clearly means "Western" tourists. In this sense, the former "crappy tourists" are transformed into subjects who threaten the author with their sovereign judgmental power and gaze. The author is quite anxious about the possibility that "they," Western tourists, are going to assume that Turkish people "also" walk around in "black veils" with crowded families ("followed by three women and a horde of children") as Arab tourists supposedly do. The reference link at the end of the entry crystallizes the author's uneasiness about how Turks are seen by foreigners-or in other words, how the subject is seen by its others.

The topic of this paper stems from my interest in the nearly two centuries old East-West problem that has been producing discontents about selfhood in Turkey. As ardilla's entry illustrates, the subjects' anxiety over the questions "Who am I? Who are we? Am I Eastern? Am I Western?" which the East-West problem of selfhood produces are translated into "How am I seen?" or "How does the West see me?" The desire to know how the other sees the self operates under an imagined Western gaze. In this "reflexive structure in which the gaze is redoubled" in Zizek's (Zizek et al. 2000:116-117) words, or "double reflection," as Meltem Ahiska (2003) calls it, "the viewpoint of the Western representation, that is, how the non-Western imagines that the West sees itself, is incorporated in the reflection on its own identity" (2003:365).

But what could be the possible explanation for this search of a sovereign subjectivity? What might be the reason behind ardilla and other Eksi Sozluk authors' deep interest in the way they are seen by an imagined West, and their orientalizing representations of Arabs that function to render Turkishness Occidental? I argue that the East-West problem regarding the question of selfhood in Turkey is mostly grounded in the theme of "loss"-one of the most pervasive constitutive elements of modern Turkish subjectivity (Ahiska 2008:144). The rise of Western political, economic and cultural colonialism and the decline of the Ottoman Empire in nineteenth century marked the beginnings of the period in which loss became a prevalent feeling in Turkish subjectivity. Starting with the Tanzimat period, it was realized that the Orient had lost its glory, and the magnificent empire had turned into "the sick man of Europe"-a metaphor that was used for the Ottoman Empire by Westerners at the end of nineteenth century in the wake of its territorial loss and economic domination by European powers.

Feelings of a narcissistic injury (Gurbilek 2004:14) on the part of the subject who experienced a sense of a lost glory and decentered subjectivity characterized the late Ottoman and Republican intellectual milieu in Turkey. An unending mourning, a loss of "virility" (Gurbilek 2004:82) and "dignity" (Gurbilek 2004:54), a feeling of deficiency and inferiority caused by the encounter with the West, followed by the rapture of modernization and

Westernization, framed the path to the creation of an ego-ideal, in which a lack or loss does not exist, and the subject is unified and complete.

On Orientalism and Occidentalism

Edward Said defines Orientalism as "the corporate institution for dealing with the Orient-dealing with it by making statements about it, authorizing views of it, describing it, teaching it, settling it, ruling over it" and "a Western style for dominating, restructuring, and having authority over the Orient" (1995:3). Orientalism, according to Said, is a set of discursive practices employed to represent and know the Orient; and thereby produces an "epistemological and ontological distinction between 'the Orient' and 'the Occident'" (Said 1995:2) through which the West as an imaginary construct gains its strength and identity in opposition to this "Orient." This imaginary binary opposition reflects the West's desire to "set boundaries for itself as a self-sustaining, autonomous and sovereign subject" (Yegenoglu 1998:15) through marking "the Orient" which it created in essentializing terms, as timeless, irrational, backward or mystical.

While the Western subject represents the Orient through the discourse of Orientalism, "a historically simultaneous representation of the Other has been produced by the Other itself aspiring to fill in the subject position" (Ahiska 2008:140). In Meltem Ahiska's words, "Occidentalism may be the answer to what happens when the externalized and supposedly silent Other, placed outside of history and doomed to chase Western values and targets without success, speaks and answers back" (Ahiska 2010:18). However, it must not be forgotten Occidentalism is not only a victim's discourse, since Occidentalism utilizes the status of the victim to build a certain regime of power and to constitute itself as a hegemonic discourse and a sovereign subject. Ahiska (2010) underlines that the most manifest function of Occidentalism in Turkey has been and continues to be boundary management between East and West-and between self and other, I ought to add. As in the case of Arabs, which is the focus of this article, for instance, it produces Orientalisms within itself.

Managing the boundaries that separate self from the other (the Arab tourist), Occidentalism in Turkey functions to provide answers to the questions of identity (Who am I? Who are we?) I brought up earlier in this paper.

These questions are further translated into "How do others see me? How do Western tourists see us?" and bring us to the notion of fantasy in its Lacanian sense, answered as "I am what I think the others see me as" in the Turkish case. But as there is no way to know how others see us; knowledge here is a fundamental impossibility (Zizek 1989:125). This void, the space of non-knowledge, which is filled by fantasy, becomes constitutive of the subject and the coordinator of his desires or fears (*What if other tourists confuse us with Arabs? What if I am seen as an Oriental?*). Occidentalist fantasy in Turkey, which has been produced in relation to the hegemony of the West, functions as a discourse of power. It manages boundaries and creates its internal and external others. Arabs are no exception. On the contrary, the marking of Arabs as Oriental (and therefore backward, ignorant, stagnant) as well as abjects (dirty and disgusting) functions to create the fantasy of a unified and sovereign Turkish subjectivity.

Conclusion

In this paper, following the argument that Occidentalist fantasy is not just a counter-response to Western Orientalism and the speaking-of-the-supposedly-silent-other but a discursive practice of power and a claim of sovereignty, I have attempted to illustrate how Arabs are represented among the narratives of the Eksi Sozluk authors. I have shown that orientalization of Arabs in Turkey is heavily grounded in the modernizationist assumptions of late Ottoman "borrowed colonialism" and Kemalist secular nationalism, which took the essentialized construction of an East and a West for granted; and further intended to distance themselves from Islam and the "Orient" in order to become "Western." Thereby, the Arab is marked as backward, uncivilized, and unintelligent in essence. Arab tourists in Istanbul are stigmatized through the entries of Eksi Sozluk's authors: Arabs wander around the city in black veils and with crowded families that represent backwardness; they are alien to the rules of urban life; they are loud and disturbing; and therefore, uncivilized: They look bad, and what is worse, they make "us" look bad. I have also shown that abjection plays an important role in this Orientalist discourse. Evoking feelings of disgust, the Arab's body is associated with uncleanliness and dirt, as themes of bodily fluids, excretion, waste, and food circulate in the everyday language of abjection. Eksi Sozluk authors often mention how messy and dirty Arab tourists are: they throw garbage everywhere, leave the waste of the food they eat, or misuse their hotel rooms.

The marking of the Arab as an abject and Oriental helps to render the Turkish subject Western. However, although the Orientalization and abjection of the Arab functions to produce the fantasy of a sovereign Western self, it also contains an anxiety-or surfaces an anxiety that is already present, and which is the very cause of the need to draw boundaries between self and other-a fear of contamination. What if I become (or already am) like them-dirty, filthy, and backward? This question is very much dependent on the imagined gaze of the West because it rests on the desire to know what the West thinks of "me."

Since the rise and nine-year rule of the Justice and Development Party (AKP) with its Islamist background and neoliberal market advocacy, the political and social transformation in Turkey has accelerated through rapid integration into global markets, massive gentrification projects in Istanbul, a neoliberal political economy, and a booming tourism industry. Circulating discourses of tolerance, hospitality, multiculturalism and "alliance of civilizations" in public culture are coupled with this transformation, while the hegemony of Kemalist nationalism and secularism has been gradually weakening. In this context, the improving relationships between Arab countries and the increase in the number of Arab tourists in Turkey are enthusiastically applauded. The tourism industry is becoming increasingly oriented towards its potential Arab guests, while numerous television series and goods from Turkey are being exported to Arab countries. Arabs are welcomed as "fellow Muslims" or "historic neighbors." In Eksi Sozluk too, authors favor the increased number of Arab tourists in Istanbul, arguing that they spend more money than their European or American counterparts. This widespread comparison between Eastern and Western tourists in terms of economic benefits is often transformed into another contrast: while Westerners look down upon Turks, Arabs do not. Moreover, as many entries suggest, Arab tourists even look up to Turkey: "they admire us."

Contrary to the unwelcoming discourse of secular nationalism which excludes Arabs, the welcoming discourse includes Arabs; yet, it does so under an "imperial dream" (Acikel 1996:165). I argue that the subtext of the welcoming discourse towards Arabs is also Orientalizing. From Turkish cities and soap operas, which are imagined to be charming, influencing, and "modernizing" for Arab countries, to Turkish brands and goods that are expected to be purchased in a wild scramble, to the desire to be a "model" for and soft power among Arab countries, this "welcoming" imperial discourse too, functions under the same Occidentalist fantasy as does the unwelcoming one. Whether it is manifested in the form of a discourse that claims to be a model for the Arab countries-a model that is facing the West, Muslim and democracy at the same time, a leader of the Arab world that represents, protects or defends it against the West, or a bridge between two different civilizations of the Orient and the Occident, the binary oppositions of East and West as essentially different categories are always taken for granted in the welcoming liberal and Islamist discourses.

The desire to influence and become a model for the Arab world in terms of modernity does not "provincialize" (Chakrabarty 2000) the idea of the West either; it is rooted in an acceptance of the allegedly universal norms of liberalism and the Enlightenment, all of which have produced the legitimacy and epistemological grounds for colonialism and Orientalism. Therefore, I argue that the welcoming discourses of Eksi Sozluk writers I have illustrated in this article are also grounded in a claim of sovereignty to be achieved under Occidentalist fantasy. Furthermore, the desired power (being a model for, having an influence over Arabs) is a power only when it is legitimate in the eyes of the imagined Western gaze. The subject, decentered and wounded under Western hegemony desires to regain its sovereign subject status through the eyes of the West-in the end only through essentializing East/West categories and the very Orientalization of the Arabs it seems to be against.

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Notes

[1] Based on the following data: http://www.freewebsitereport.org/www.eksisozluk.com.

[2] The three most popular websites are Facebook, Google, and YouTube.

[3] “rte” is often used as a pejorative abbreviation for the Turkish Prime Minister Recep Tayyip Erdogan.

[4] I should underline that the repetitive othering of Arabs is precisely what allows the “I” and the “we” to emerge. In Sara Ahmed’s (2006:118) words, “it is not that

nations have simply directed their wishes and longings toward the Orient but rather that the nation 'coheres' an affect of the repetition of this direction," and as a result, "the collective" becomes an "effect of the repetition of this direction over time."

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Islamic Shura, Democracy, and Online Fatwas

Jens Kutscher

Abstract:

Publications on the Islamic shura concept – Arabic and English – usually include a comparison with present-day liberal democracy. This paper addresses the issue of shura and democracy from the perspective of Muslim communities residing in non-Islamic countries. How do muftis in their online fatwas respond to questions whether Islam and democracy can be reconciled? How do they address the issue of shura? This paper argues that one might well expect the shura concept to serve as a justification for the reconciliation of Islam and democracy or at least find the shura concept to be a distinctly Islamic understanding of democracy. The online fatwas considered for this survey (from AskImam.org, IslamiCity.com, IslamOnline.net, and IslamQA.com) reveal a number of distinct understandings of shura, which are nevertheless linked with each other – be they elections as an expression of shura, shura as a constitutional principle and perfect form of government, or shura in cases of hardship or the political participation of women. While muftis from all websites are unanimous in their defense of shura, their conclusions regarding the centrality and implications of this concept reflect the different streams of thought and currents they represent.

Keywords:

study of religion, democracy, legal science, Islam and civil society, Islam and politics, Islamic law, websites, fatwas

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Islam and Democracy in the 21st Century

Whether "Islam" and "democracy" are actually compatible is an issue that has been raised for several decades now (McElroy 1938). The question is not only much older than conflicts between so-called Islamophobic trends and advocates of a public Muslim presence in minority contexts suggest, but usually also posed as a challenge to choose one of the two. Thus the alleged dichotomy denies any distinction between different streams of thought and currents in both Islam and democracy. Islam is not a monolith, nor is democracy. Therefore it is quite possible to subsume different understandings under both terms according to different circumstances, times, and places.

The decision in favor of one or the other is not one to be made in this paper. Rather, as the question has been asked time and again, it is taken at face-value because people are obviously insecure believing that there must be a difference or even an antagonism. Perhaps they have heard others claiming so and are eager to find out more. Islam and democracy have often been labeled as two opposites even by Muslims themselves.

One path especially chosen by Muslims is to turn to Muslim scholars for guidance. Are Islam and democracy compatible, these scholars are asked? A comparison with present-day western liberal democracy is usually included in publications on the Islamic *shura* (consultation) concept - Arabic and English alike. According to one online *fatwa* (Islamic legal opinion)

> [o]ne of [the most] important values of democracy is people's right to choose their leader and not to be ruled by force or tyranny. This is also an Islamic value, which we call *shura* or mutual consultation. (El-Shinqiti 2006)[1]

Research Question

This paper addresses the question from the perspective of Muslim communities residing in non-Islamic states. Hence this very fundamental query is also at the core of whether Muslims see a future in a European Union member state, in Canada, or in the United States, all of which shall be termed Western liberal democracies in the context of this paper. The case of Islam and democracy serves as an illustration of the political culture model which deals with the general commitment to democratic values. This cultural or systemic level relates to regime persistence where "regime" refers to the institutional structure of the given political community (Fuchs 2007:165). One of the major goals or principles of the regimes in the European Union and in North America is liberal democracy.

What is the general attitude toward democracy by Muslim scholars? How do muftis respond to questions whether Islam and democracy can be reconciled? Do they support or reject this idea? In this sense it is helpful to know that Islam and *shura* are very often used interchangeably (Krämer 1999:121).[2] Recourse to *shura* then serves to justify democracy as genuinely, if not originally Islamic as suggested, for instance, by the prominent online mufti Yusuf al-Qaradawi (Wenzel-Teuber 2005:199, Janāhī 2007).

How then do the scholars address the issue of *shura*? Is the Islamic notion of *shura* a viable expression of and/or alternative to the idea of democracy?

What is the relationship between the two concepts according to the muftis? This paper argues that one might well expect the *shura* concept to serve as a justification for the reconciliation of Islam and democracy. At least the *shura* concept can be seen as a distinctly Islamic understanding of democracy, which in its literal translation as "rule of the people" cannot occur in an understanding of Islam where sovereignty belongs to God. This is the view of 20th century Muslim thinkers like Sayyid Qutb (Shepard 1996:110, Hoffmann 2007:297) and Abu al-Ala al-Mawdudi (1969:215). They base their argument on the Quranic verses 6:57, 12:40, and 12:67, all of which contain the phrase "*in al-ḥukm illā li-llāh*" meaning that the decision or power is God's alone.[3] This view can also be found in online fatwas. For example, the Saudi scholar Muhammad Salih al-Munajjid states in one of his online fatwas that legislative systems which rule on matters already decided by divine intervention - such as abolishing polygamy or outlawing capital punishment - "go against the laws of the Creator" and this "constitutes disbelief (*kufr*)".[4]

A Brief Note on Methodology

All of the fatwas considered for this survey are part of a database of the following four large web services: AskImam.org (formerly Islam.tc), IslamiCity.com, IslamOnline.net,[5] and IslamQA.com (Islam Question & Answer).[6] This database contains roughly 24,000 fatwas, all of which were published and saved to the database in English, and covers the period from January 1, 1995 through September 16, 2006. The fact that these online fatwas are available in English is particularly helpful with regard to Muslims who live in Europe or North America and thus outside the Arab and Muslim world. English may well be considered as the lingua franca of the Internet and is thus more easily accessible to Muslims of diverse backgrounds in Muslim minority contexts than, for example, Arabic, Turkish, or Urdu. This is not to say, however, that the mentioned websites do not publish fatwas in these non-European languages. While the South African website AskImam.org and the California-based website IslamiCity.com publish fatwas in English only, the Egyptian-Qatari service of IslamOnline.net used to have an English as well as an Arabic fatwa section. Today OnIslam.net follows in these footsteps. Finally, many (albeit not all) fatwas on the Saudi website IslamQA.com are even available in twelve foreign languages. In contrast to IslamOnline.net, where the Arabic and English fatwa sections were independent from each other, the fatwas on IslamQA.com are more or less literally translated from Arabic into the available foreign languages.

In addition, given this setting it would be useful to see whether opinions expressed in the fatwas have changed since September 11, 2001 - a date after which Muslims have attracted greater public attention especially in the West - or whether the scholars remain faithful to an interpretation arrived at previously. In any case, the question remains: What did they think of *shura* during those eleven years?

As this survey focuses on the concept of *shura*, only fatwas which mention this term have been examined and analyzed. The following distribution of relevant search terms can be found: Searching for the common anglicized term * shura * yields a total of 27 fatwas whereas alternative spellings like * choura * and * shoura * find no results. There are three fatwas for * shoora *, which, however, do not deal with the relevant context of politics and democracy. In addition, there are 51 fatwas including the synonymous term * mashwara * and 49 including the term * consultation * although, again, most of them do not mention the concept in a political culture context. Rather, the majority of those fatwas deal with questions on family and marriage.[7] Obviously, these fields can also be subject to "consultation". In the same vein, the Libyan scholar Ali al-Sallabi describes *shura* as a comprehensive method at all levels of society.[8] Many of the fatwas overlap as they mention "shura", "mashwara", and/or "consultation" in the same text. Finally, the word "shura" is no guarantee that the concept is at the core of the fatwa text. On the contrary, several of those fatwas deal instead with the Quranic *sura al-Shūrā* (sura 42)[9] or with an institution or body called *Shura* like, for instance, the *Shura Council of North America*.[10] The mere mention of the word does not explain or define *shura*. So four types of *shura* can be distinguished in the online fatwas: (1) *shura* as a term of political culture, (2) *shura* in family affairs and outside the political culture context, (3) *shura* as title of sura 42, and (4) *shura* as part of a proper name. Only the first point is of interest in this article.

As it turns out, none of the search conditions are met by fatwas at IslamQA.com. However, there is one suitable question in its Arabic web archive which is not part of the aforementioned database. Its title translates as "The understanding of democracy in Islam" and the mufti, Muhammad Salih al-Munajjid, refers to the conception and misconception of *shura* in the latter part of his fatwa (see below 4.1 and 4.2).[11] This is included in the present analysis to complete the survey of all four websites and contribute to the broad understanding of *shura*. Besides, the fact that al-Munajjid makes no further reference to *shura* may be telling in itself.

"Shura" and "consultation" are indeed often used synonymously by the muftis. Ebrahim Desai, who is the head mufti at AskImam.org, a website registered in South Africa, usually uses Arabic words to describe an issue, but translates them in parentheses. For instance, to "make Mashwara (consult)" is immediately explained by him.[12] To a lesser extent one can find the same approach at IslamOnline.net when "Shura (Mutual Consultation)" is explained(Idris 2004). Therefore, even if the word *shura* is not explicitly mentioned it is safe to assume that by "consultation" the muftis refer to this very idea.

Finally, it is assumed that the online fatwas are doctrinal in nature thus reaching out beyond their particular contexts (Eickelman and Anderson 2003:13). As they are increasingly available to a global audience especially in the highly Internet penetrated countries in Europe and North America and as they can easily be dissociated from the specific contexts for which they were issued, they may well serve as guidance in comparable cases - even if the muftis would sometimes caution Muslims against this unlimited use.[13]

Shura and Democracy

In order to understand the relationship between *shura* and democracy it is necessary to take a closer look at the two concepts from a Muslim perspective. This sort of comparison has, of course, been made by Muslim scholars - online and offline. Suffice it therefore to summarize some of their findings relevant to the following survey. It will quickly become clear that the scholars share similar perceptions regardless of the medium. It is generally agreed that *shura* is based on several verses in the Quran. Most prevalent among these are verses 3:159 (sura *Āl 'Imrān*, "Take counsel with them in the conduct of affairs")[14] and 42:38 (sura *al-Shūrā*, "and conduct their affairs by mutual consent"), which include direct reference to *shura*.[15] In addition to these, the Sudanese-born mufti Ja'far Sheikh Idris (2004)[16] in his lengthy conceptual fatwa on IslamOnline.net identifies verse 27:32 (sura al-naml, "Nobles, let me hear your counsel") to be of importance. Interestingly, this is also one of the few Quranic verses mentioning the concept of fatwa counseling. Hence the idea of counsel - or consultation - becomes clear. By tracing the linguistic roots of the word "shura," Idris (2004) reveals that its original meaning "is to extract honey from hives". Similarly, "consultation and deliberation [i.e. *shura*] bring forth ideas and opinions from peoples' minds".

Differences between *Shura* and Democracy

Muslim scholars have identified a set of at least four differences between *shura* and democracy. Additional support comes from the creation of the neologism "shuracracy" (Kausar 2008, Badry 1998:577), which suggests that *shura* and democracy are actually something different from one another that can be merged to form something new.

First, the popular basis of *shura* is the global Muslim community (*umma*) and not some territorially, linguistically, or racially restricted demos. Sometimes the *umma* is envisioned and idealized as all-encompassing and unified (al-Sālih 1999:140, al-Sallābī 2011:145).[17] In the first part of his online fatwa Idris(2004) concludes from this that "[o]n the face of it, then, democracy has nothing to do with Shura."

Second, the most significant difference is that, while democracy (al-Sallābī 2011:145) is considered to be non-religious ("lā dīniyya"), *shura* - as has been mentioned above[18] - is subject to divine sovereignty and legislation. In this regard human participation is bound by the sharia (the normative guideline for Muslims in matters of worship as well as social relationships). Consequently, manmade legislation under *shura* is limited to matters for which there is no (unambiguous) textual evidence in the normative sources of Islam (the Quran, *hadiths* (the collected sayings and actions of the Prophet and his companions)) (al-Sālih 1999:141). In the words of Ali al-Sallabi (2011:146) the difference between *shura* and democracy is equivalent to one between the sovereignty of God ("al-hākimiyya lahu subhānahu") and the power of the people ("sulta al-sha'b").

Idris distinguishes two types of democracy: (A) limitless democracy, where the people can vote on any subject with absolute majority, is incompatible with Islam; (B) where democracy is limited by “a higher law to which human law is subordinate”, which therefore is inviolable, a possible overlapping consensus can be discerned.

> A true Muslim never makes, or freely accepts, or believes that anyone has the right to make, or accept, legislation contravening the Divine law. [...] A Shura without restriction or a liberal Shura would, however, be as un-Islamic as a liberal or an unconstrained democracy. The problem is with secularism or liberalism, not with democracy, and will not therefore disappear by adoption of Shura instead of democracy. (Idris 2004)

The greatest problem and perhaps even the greatest threat Muslim scholars perceive is the compulsion of majority votes. How fearful and biased some of them are is clear from the pictures they evoke. Democracy is set on equal terms with arbitrariness and the dictatorship of the majority (al-Sālih 1999:143) or with utilitarianism according to majority rule, Machiavellism, or even the path leading straight to the National Socialist dictatorship in Germany (al-Sallabi 2011:147). On more practical terms majority votes in a democratic political system may well lead to the legalization of abortion, adultery, drinking alcohol, gambling, homosexual marriages, and usury and banking interests. Consequently, in order to make a call for the compatibility of the two concepts, Idris concedes in his fatwa that in the type B democracy unconditional rule of the majority would not be possible (Idris 2004).[19]

Third and closely connected to this issue, *shura* in contrast to democracy comprises religious-moral values which cannot be changed by majority vote (al-Sālih 1999:142). For example, al-Munajjid in his exceptional Arabic online fatwa at IslamQA.com emphasizes the claim of many that democracy is erroneously made equal to freedom (*hurriyya*). According to him this is problematic because freedom entails the freedom to express one’s opinion even it were insulting the Prophet or the Quran. Besides, where the people become the absolute sovereign - and thus the source of legislation - corruption (fasād), a loss of morality, and the decay of society are the results.[20] It seems that al-Munajjid is not in favor of democratic rule as he emphasizes its negative (*harām*) implications, which would be in line with more general findings regarding his political attitudes revealed in his online fatwas (Kutscher 2008:6f).

Finally, as part of the sharia, *shura* deals with both material and spiritual interests and goals of the *umma* (al-Sālih 2011:145). Democracy is very much restricted to political (material) matters although its outreach can be and is expanded (Idris 2004).

Similarities of *Shura* and Democracy

Equally, Muslim scholars have categorized *shura* and democracy according to at least three shared criteria. First and foremost among these is a set of inalienable individual rights and fundamental freedoms. Both *shura* and democracy promote the right to life, equality before the law and social justice, as well as the freedoms of belief and of conscience (al-Sālih 1999:139, al-Sallābī 2011:148). According to Idris's (2004) online fatwa "[t]here is thus no contradiction between the concept of democracy or Shura and the idea of inalienable rights that sets limits on majority rule".

Second, political participation is granted to and expected from the respective constituencies of the political system. In case of *shura* this constituency is made up of the *umma*; in case of democracy (al-Sallābī 2011:149) it is the people (*al-sha'b*). Political participation explicitly refers to free and fair elections of the ruler, but goes beyond this procedural aspect. It entails furthermore the accountability of the ruler towards the umma or the people and the rejection of arbitrary rule as well as the encouragement of and engagement in public debate which leads to (al-Sālih 1999:139) "government of the people by the people for the people" (*hukm al-sha'b bi-wasāta al-sha'b min ajl al-sha'b*).

Choosing the rulers is one of the noblest rights of the people. In his conceptual fatwa Idris cites a hadith in support of this argument. According to al-Bukhari the second caliph Omar excluded a man from becoming the ruler if he was given allegiance without consulting the Muslims.[21]

> This was understood from the fact that the Prophet chose not to appoint his successor, but left it to the Muslims to do so [...] As far as my knowledge goes, the manner in which this public right is to be exercised, is not specified in any authoritative statements or practice. (Idris 2004)

The multiple possibilities of choosing the ruler are, for instance, related by the medieval jurist al-Mawardi in the chapter "On the Appointment of the

Sovereign (*Imām*)" in his treatise on *The Ordinances of Government*. The broad spectrum of succession has thus entered the canon of Islamic constitutional law; this goes from the selection by the plenum of the electors (Al-Mawardi 2006:5) to the election by a quorum of at least three electors(Al-Mawardi 2006:5) to the nomination by the predecessor (Al-Mawardi 2006:9). At least in the former two cases some sort of consultation is required.

One common aspect against this background is the creation of a representative body, a council akin to a parliamentary assembly. Under both *shura* and democracy, al-Sallabi maintains, membership of such a body requires a minimum age, the absence of having committed crimes, and a good demeanor and way of life (al-Sallābī 2011:151). Yet al-Munajjid in his online fatwa disagrees in that also stupid people (*ahmaq*) or disbelievers (*kāfir*) could be elected to a democratic parliament whereas the *shura* council should be composed of jurists (*fuqahā'*), scholars (*'ulamā'*), and other morally sound people.[22]

Third, as surprising as it may sound given the aforementioned differences, *shura* like democracy envisages majority rule. In fact, *shura* would not be conceivable without this, provided that it is mandatory on the ruler. According to al-Mawardi - quoted by al-Sallabi - the members of a mosque community may choose their *imam* (prayer leader) by majority vote if they do not agree on one candidate unanimously. However, in Islam majority votes are restricted to issues of the public interest (*maslaha 'āmma*). This means that voting on the norms of the sharia is prohibited. With this qualification in mind the protection of opposition and minority groups would still be possible (al-Sallābī 2011:150, al-Sālih 1999:140). The support of majority decisions is also expressed by the editor Tarek M. T. Ezzat at OnIslam.net, a website which is generally particularly sympathetic to Muslims living in minority contexts and helps propagate what has been termed the jurisprudence of Muslim minorities (*fiqh al-aqalliyyāt al-muslima*). OnIslam.net is one of the two websites that followed the dissolution of IslamOnline.net in early 2010 (the other being a re-launch of IslamOnline.net). OnIslam.net most closely resembles IslamOnline.net as it used to be (Ezzat 2010b). Quoting Idris's fatwa the similarities come full circle:

> In liberal democracy not even the majority of the whole population has the right to deprive a minority, even if it be one individual, of what is believed to be their inalienable human rights. (Irdis 2004)

The Mandatory Character of *Shura*

The question remains whether *shura* is mandatory (*wājib*) in the course of establishing government or whether it is simply commendable or recommended (*mandūb, mustahabb*) for the ruler and the ruled to exercise. Muftis in their online fatwas by and large maintain the former. Ebrahim Desai states that installing the caliph "has to be decided by Shura".[23] Dani Doueiri and his team "describe Islamic government as consultative by nature."[24] And the editorial staff of IslamOnline.net call on Muslims to "establish the principles of consultation and choosing the leaders, as Almighty Allah has ordered" (Mawlawi 2006). Gudrun Krämer's (1999:124) analysis reveals that scholars have maintained a consensus regarding *shura* as being compulsory for a long time (Ahmad 2009:52). Hence the online muftis and their opinions are in line with the offline discourse on the mandatory character of *shura*.

The Binding Character of Shura

Whether the result of *shura* is actually binding (mulzim) is disputed among Muslim scholars. Either way, it is a question which is not discussed in the analyzed online fatwas. However, all of them hint at supporting the view that decisions arrived at through *shura* are indeed binding. Some additional support stems from a series of articles on OnIslam.net. Here Tarek M. T. Ezzat (2010b) argues in an editorial piece that a *shura* decision becomes binding even if arrived at through majority vote instead of the preferred consensus because it "allows the community to reach a win-win situation". And he asks what would be "the point of joining a Shura process and spending time and effort if people know that the majority opinion won't be binding?" As will be seen below, his argument mirrors the general attitude of the muftis at IslamOnline.net until early 2010.

The German scholar of Islamic studies Gudrun Krämer (1999:124) attributes the general acceptance of *shura* decisions as binding to the fact that the idea of democracy has spread all over the world in the course of the 20th century. Scholars thus feel a need to react to these changing circumstances. Even though there are no fatwas by Muhammad Salim al-'Awwa, Yusuf al-Qaradawi (2001:196), and Taha Jabir al-'Alwani among those analyzed in this paper, the three prominent scholars are also in support of binding *shura*(El-Awa 1980:96, Ahmad 2009:95). All three of them were frequent guest muftis at IslamOnline.net, which makes their offline opinions relevant in this context. Al-Qaradawi and al-'Alwani are furthermore proponents of *fiqh al-aqalliyyāt*, which tries to find solutions for problems faced by Muslims in minority contexts who wish to adhere to sharia norms (Albrecht 2012).

Shura in Online *Fatwas*

The following analysis of fatwas about Islam and shura and of the positions which muftis on the websites in question take should provide some evidence for the opposing poles of the spectrum of online ifta' (fatwa counseling).

Elections as an Expression of *Shura*

Elections are a particularly noteworthy aspect with regard to muftis and their perception and categorization of *shura*. It is important for Muslims in minority contexts to know whether it is permissible (halāl) to participate in the elections in their countries of residence - provided that they wish to abide by the sharia. Hence they rely on the interpretations and justifications brought forth by trusted scholars.

In an apparently fabricated fatwa, whose topic is "Elections, voting, and Muslims - an Islamic Perspective", Ebrahim Desai from South Africa enumerates eight conditions for participating in elections. Point 8 states that voting is one of the expressions of *shura*. By casting his vote the voter gives advice on which candidate he sees fit to represent him. This fatwa can be found three times at AskImam.org with identical wording in its eight points, albeit different questions each time. The earliest version was published before September 11, 2001 and does not reveal a questioner or even a concrete question, thus hinting at its doctrinal nature.[25] It is the two later fatwas which provide some context to the answer. The first one of these deals with elections in the United Kingdom, the permissibility of which the questioner doubts on well-known grounds: "Legislation is [a] right of Allah and is not to be delegated to anyone other than a Caliph in [the] Islamic State." Consequently, because voting would mean to choose someone other than God or the caliph to govern, it would necessarily constitute an act of dissociation from God (*shirk*).[26] The second fatwa is elicited by a questioner from South Africa who fears the permission of abortion, alcohol, and prostitution and the implementation of "un-Islamic laws" if he participates in the elections.[27] This is indicative of why some scholars consider *shura* and democracy to be different. The least that can be deduced from the AskImam.org fatwas is the fact that some of the previously noted theoretical arguments have a basis in real life. But it is also true from other material that Desai on AskImam.org is a proponent of a more literal interpretation of Islam, which is skeptical of peaceful coexistence with non-Muslims who, in turn, are frequently called "disbelievers" (*kuffār*) - even more so in a non-Islamic state (Kutscher 2009:151).

Muftis at IslamOnline.net tend to be more open-minded. And indeed, for example, Mohamed El-Moctar El-Shinqiti (2006) maintains that democracy and Islam share certain values. One of them is *shura*, that is, the people's right to elect their rulers. Another regular guest mufti at IslamOnline.net, the Guinea-born professor of Comparative Jurisprudence and Islamic Finance at the International Islamic University of Malaysia (IIUM) Sano Koutoub Moustapha (2004),[28] describes *shura* as the step preceding the election of a ruler and encourages Muslims to participate in it. They should get involved regardless of the place they live in and the candidates standing for election. Moustapha makes it clear that Muslims and non-Muslims alike would be eligible, which is particularly important when looking at predominantly non-Muslim countries in Europe and North America. He elaborates on his argument elsewhere when he states that "majority" in western liberal democracies means "consensus" (*ijmā'*) in Muslim political thought. Consequently, consensus is tantamount to the approval of the majority. This equivalence is presented as a shared characteristic feature of all those who think that *shura* and democracy can be reconciled (Ahmad 2009:186).

Finally, the then-vice chairman of the European Council for Fatwa and Research (ECFR) Faysal Mawlawi(2006)[29] sheds light on the selection of the caliphs in accordance with Sunni Islamic tradition. They "are to be chosen after consulting the Muslims in that regard." Providing historical evidence for the establishment of *shura* during the period of the four rightly-guided caliphs (632-661), he concludes that afterwards "choosing the caliphs democratically came to an end." His fatwa - like those of the other IslamOnline.net muftis - implies that he would have liked to see this democratic mechanism restored and that it is a small step from there to political participation in a Western liberal democracy.

Dani Doueiri and his team, which is not identified more closely, run the fatwa section at the California-based website IslamiCity.com. They, too, recognize *shura* as the basis for the election of leaders who "should be respected and obeyed" as long as they do not cross the bounds of the sharia.[30] Furthermore, they argue that the establishment of an Islamic government rests on any conceivable type of *shura*. This includes choosing "its overall leader by elections or by a referendum". Democracy could thus "be accommodated within an Islamic government."[31] In other words, at least on the surface the democratic regimes of Europe and North America conform to the sharia.

In conclusion, *shura* is closely associated with elections and democracy by muftis at IslamOnline.net and IslamiCity.com. Unfortunately, Ebrahim Desai of AskImam.org does not provide a more detailed context to his perception of *shura* as an expression of voting.

Shura as a Constitutional Principle and Perfect Form of Government

The importance of *shura* as a constitutional principle is reflected in fatwas from all the websites under scrutiny. A clear line between different approaches - as in the case of elections - cannot be drawn, though. Nevertheless, the acceptance of *shura* as a constitutional principle may pave the way for Muslims - scholars and laymen alike - to reconcile Western liberal democratic political regimes with the sharia and accept the need of elections as being in accordance with the sharia.

Ebrahim Desai and his students readily accept *shura* as a historical precedent. Consultation (*mashwara*) is described as one of the prophetic traditions (*sunna*) on which contemporary issues for consultation should also be based. Consultation here is contextualized as meaning the absence of revelation and thus the need for human decision-making. In Desai's opinion members of a *shura* body should be jurists (fuqahā'), religious scholars (*'ulamā'*), and pious people (*'ābidīn*). His answer specifically addresses Muslims in North America and, by extension, in the European Union, in short, wherever they and Islam are discriminated against or attacked - no matter if physically or verbally. By following the prescribed path of *shura* they would be able to reach a conclusion as to their “best course of action” under the given inhospitable circumstances. Desai does not urge Muslims to migrate (*hijra*) to a predominantly Muslim country even though the questioner asks him about just that.[32]

Furthermore Desai highlights the institution of the caliphate (*khilāfa*) as one aspect which has to be agreed upon through consultation.[33] His students Muhammad Kadwa and Moulana Imraan Vawda support this view when they claim that “the ideal system of appointment of the Ameer is that of Shura (consultation) with the Ulama.” “Ulama” here may also refer to members of the social elites. What is important regardless of the procedures is that government acts in accordance with the precepts of the sharia. Elections or voting would thus not be a necessary precondition for a legitimate state leadership.[34] On the whole, the muftis at AskImam.org mention shura as a constitutional principle in a historical context. Thus they might aim at establishing the historical relationship and continuity of early Islamic *shura* and contemporary *shura*.

The Indo-Canadian scholar Ahmad Kutty,[35] who is another recurrent contributor to IslamOnline.net, also emphasizes the importance of shura as a pillar of Islamic institutions. When it comes to building a strong Muslim community he (Kutty 2005) adds another important element known in Western liberal democracies: that of accountability. Both accountability and shura are summarized by him to mean self-examination (*muhāsaba al-nafs*) individually and collectively.

His colleague Muzammil Siddiqi[36] counts *shura* among the basic objectives or values (maqāsid) of the sharia, thus answering a query on the relationship between the sharia and man-made laws. In addition to the five purposes of the sharia - the protection of religion (*dīn*), life (*nafs*), offspring (*nasl*), property (*māl*), and mind (*‘aql*) - he lists justice and equality (*‘adl, qist*), rights and obligations (*huqūq*), the common interest (*maslaha ‘āmma*), and success (*falāh*) as well as consultation (al-Shātibī 2006:266, Siddiqi 2006). These elements also form part of Western liberal political thought. Another mufti seconds these reflections when stating that *shura* is an Islamic value and thus democracy is, too. As a result, non-Islamic states may “adopt an Islamic political system, but they also lack other aspects of Islam such as belief, manners, and social conduct.” (El-Shinqiti 2006)

To perceive *shura* as one of the *maqâsid* is an argument that is likely made in favor of a not too literal interpretation of the normative sources of Islam and a flexible application of the sharia under changing circumstances depending on time and place. This is an approach particularly chosen by muftis at IslamOnline.net and, in this sense, very characteristic.

Finally, in response to the question whether Islam and democracy are compatible Dani Doueiri and his team - as has been mentioned in the context of elections - emphasize the importance and the obligation of "consultative government" as basis of a state conforming to the sharia. They do so in order to defy absolutist rule. How exactly the principle of *shura* is brought to life remains a matter of choice and preference. The Muslim community at a given place or time decides on the establishment of institutions to properly represent the *shura* requirement.[37]

Further Aspects of *Shura*

Among the many other references to *shura* three issues seem to be particularly noteworthy in the context of this article. Ebrahim Desai stresses the establishment of *shura* in cases of hardship - where hardship implies living among a majority of non-Muslims in a non-Islamic state. In an unusually lengthy fatwa about the Mohammed cartoon controversy at the beginning of 2006 his first suggestion to Muslims for the resolution of this crisis is to consult with the scholars ('ulamā') and "responsible people". Other reactions may, for example, include law-abiding peaceful protest against the cartoons in particular and against Islamophobic tendencies in general as well as the boycott of Danish products.[38] The idea of staging demonstrations had already been formulated in 2002. Asked about the permissibility of rallies, Desai states that *shura* could be instituted in the form of an organizing committee and discussion forum guided by the scholars ('ulamā').[39] In all of his fatwas he underlines the importance of the scholars as natural leaders of the Muslim community and of *shura* as the proper organizational setup when facing difficulties in minority contexts.

Sometimes the muftis also make reference to the participation of women in *shura*. The equality of men and women before the law is one of the most important stipulations of Western liberal democratic constitutions. It can therefore serve as an indicator of the scholars' readiness to accept these constitutions. In one instance, Ebrahim Desai points to the fact that the sharia would not hinder female students from participating in the Muslim Student Association of a university in the United States. They could still abide by the prescription to wear the veil (hijāb) and to refrain from mingling with men.[40] Ahmad Kutty is more outspoken and actively encourages female participation and initiatives when addressing the ways of how to establish a strong and vibrant Muslim community. In his opinion, *shura* is one of several means to build that community and includes all people. He envisions *shura* to be some sort of "Islamic think tank" consisting of scholars, leaders, and experts. Women form "an integral part of all decision making processes". In addition, his comprehensive understanding embraces also the youth who should get involved in these processes. Furthermore, he identifies among others education, constructive criticism, and negotiating skills as necessary to advance the community - all of which fit neatly as potential elements of *shura*. Kutty's fatwa (2005) reflects once more the close connection with the general attitude toward Muslim minority contexts at IslamOnline.net before its crisis and OnIslam.net. In his series of articles Tarek M. T. Ezzat (2010a) calls for *shura* training on all levels, that is, in families, at school and university, in small communities and in whole nations.

Finally, the muftis at IslamOnline.net address the scope of political parties and of peaceful coexistence in Islam. Ja'far Sheikh Idris (2004) argues that *shura* and democracy are very well compatible when democracy delegates decision-making to a smaller group of people, i.e. a political party. In another fatwa the well-known scholar Taha Jabir al-'Alwani states that

> [i]n order for Muslims to gain their rights in this country [i.e. the United States], and their positive interaction with the native people of this country, it requires from us consultation [*shura*] and agreement on the main principles of Islam, and we should excuse each other on the minor differences. The righteous Companions of the Prophet, peace and blessings be upon him, set up an example hundreds of years ago when they met to consult each pother [sic!] on the best response to the critical situation during their migration to Abyssinia. (IOL Shari'a Researchers 2004)

By establishing *shura* against the background of a historical precedent - the early Muslims' migration (hijra) to Ethiopia - al-'Alwani lends additional support to his argument. This makes his fatwa particularly relevant to Muslim minority contexts because the Muslim refugees in Ethiopia at the time were also a minority group among majority Christians. With this analogy he even establishes a historically friendly relationship between Christians and Muslims - the way he might imagine it to come to pass in the United States today.

Conclusion

The normative sources of Islam and early Islamic precedents pave the way for the establishment of *shura* in contemporary Muslim majority and minority contexts. However, the conclusions which muftis of different backgrounds draw from these sources and events differ. While all muftis are unanimous in their defense of *shura* as an integral part of Islam and remarkably committed to upholding *shura*, they disagree on the centrality and the implications of this concept. In many instances *shura* serves as a historical precedent for contemporary action in analogous affairs and as a form of mutual consultation.

There are notable differences between the online fatwas. On the one hand, Ebrahim Desai at AskImam.org is more reserved when addressing such issues as elections or women rights. He tends to focus on the hardships Muslims suffer in Europe and North America and on the historical aspect of *shura* as a constitutional principle, for example, in the form of the caliphate. On the other hand, the muftis at IslamOnline.net and IslamiCity.com envision political parties and encourage gender equality. Moreover, they make real efforts at reconciling terminology from western political thought and Islamic political thought as in the case of elections and constitutional principles. Consequently, they are able to encourage Muslim political participation and engagement in the EU and North America on the basis of Islamic norms thus rendering it not only permissible (*halāl*), but recommended (*mustahabb*) and mandatory (*wājib*). The comparison between these various approaches to *shura* and democracy provides an invaluable understanding of how Muslim scholars interpret vague norms and then address their audiences for guidance.

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Notes

[1] Note that fatwa links are not provided in the works cited. Except for IslamOnline.net, whose fatwas are referenced with detailed URLs, all other online fatwas can be searched for with their given numbers.

[2] Fatwa no. 98134 (n.d.) at IslamQA.com.

[3] Fatwa no. 98134 (n.d.) at IslamQA.com.

[4] Fatwa no. 22239 (n.d.) at IslamQA.com.

[5] IslamOnline.net as operative between its foundation in 1997 and 2006 - and then on until early 2010 - is the predecessor website of the post-2010 IslamOnline.net and its derivative OnIslam.net. Cf. Abdel-Fadil 2011.

[6] For a more thorough discussion of these websites see Kutscher 2009:138.

[7] Fatwa no. 4925 (January 1, 1995) at IslamiCity.com, where it is stated that "*the Prophet has encouraged mutual consultation in family affairs.*"

[8] See al-Sallābī 2011. al-Sallabi is a proponent of political Islam in Libya after the fall of Gaddafi (OnIslam 2011).

[9] Fatwa no. 7886 (February 6, 2003) at AskImam.org.

[10] Fatwa no. 5054 (November 24, 2000) at IslamiCity.com/qa.

[11] Fatwa no. 98134 (n.d.) at IslamQA.com.

[12] See fatwa no. 4648 (January 14, 2002) and fatwa no. 4080 (November 7, 2001) at AskImam.org.

[13] Fatwa no. 3062 (n.d.) at IslamQA.com.

[14] All quotes from the Quran are taken from Dawood 2006.

[15] See al-Sālih 1999:24. Cf. also the German convert to Islam and retired senior diplomat Murad Hofmann(2007:298), who identifies the two verses as the “Qur’anic foundation for an Islamic parliament.”

[16] For biographical notes on Idris see his homepage at http://www.jaafaridris.com/English/Biography.htm, accessed November 7 2011.

[17] Fatwa no. 5054 (November 24, 2000) at IslamiCity.com/qa.

[18] See chapter 2.

[19] Fatwa no. 98134 (n.d.) at IslamQA.com.

[20] Fatwa no. 98134 (n.d.) at IslamQA.com.

[21] See al-Bukhārī 2000:1379, where it says at the end of bāb rajm al-hublā min al-zinā idhā ahsanat in kitāb al-muhāribīn min ahl al-kufr wa-l-ridda that whosoever gave allegiance to a man without consultation of the Muslims would not be followed (“fa-man bāya’a rajul ‘alā ghayr mashwara min al-muslimīn fa-lā yutāba’u”).

[22] Fatwa no. 98134 (n.d.) at IslamQA.com.

[23] Fatwa no. 1992 (January 19, 2001) at AskImam.org.

[24] Fatwa no. 4535 (January 1, 1995) at IslamiCity.com/qa.

[25] Fatwa no. 1498 (November 3, 2000) at AskImam.org.

[26] Fatwa no. 5571 (May 7, 2002) at AskImam.org.

[27] Fatwa no. 10206 (December 11, 2003) at AskImam.org.

[28] For biographical notes on Moustapha see his homepage at http://www.drsano.net/modules.php?dat=13&&version=1, accessed November 7, 2011.

[29] For biographical notes on Mawlawi see the obituary by Al-Khateeb, Mostafa : “Faysal Mawlawi: A Moderate Practicing Scholar.! OnIslam (May 18, 2011). http://www.onislam.net/english/shariah/shariah-and-humanity/torchbearers/452303-faysal-mawlawi-a-moderate-practicing-scholar.html, accessed November 7, 2011.

[30] Fatwa no. 2959 (April 24, 1998) at IslamiCity.com/qa.

[31] Fatwa no. 4535 (January 1, 1995) at IslamiCity.com/qa.

[32] Fatwa no. 3768 (March 20, 2002) at AskImam.org. Cf. also fatwa no. 4080 (November 7, 2001) at AskImam.org.

[33] Fatwa no. 1992 (January 19, 2001) at AskImam.org.

[34] Fatwa no. 5115 (March 5, 2002) at AskImam.org.

[35] For biographical information on Kutty see his homepage at http://askthescholar.com/1-7-scholar-profile.aspx, accessed November 7, 2011.

[36] For biographical information on Siddiqi see Tucker, Emily: "Siddiqi, Muzammil (b. 1943)" In: Cesari, Jocelyne (ed.): Encyclopedia of Islam in the United States. Vol. 1. Wesport, CT: Greenwood Press 2007, pp. 582-3.

[37] Fatwa no. 4535 (January 1, 1995) at IslamiCity.com/qa.

[38] Fatwa no. 17247 (March 22, 2006) at AskImam.org.

[39] Fatwa no. 5507 (June 4, 2002) at AskImam.org.

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The King, the Mufti & the Facebook Girl: A Power Play. Who Decides What is Licit in Islam?

Khalid Chraibi

Abstract:

Saudi Arabia enforces a ban on woman driving on the grounds that it is prohibited by sharia law. Women's associations have actively denounced this ban for years, arguing that it was the only Muslim country which had such a peculiar interpretation of Islamic law. A power play is taking place online on this subject between the ulema (who support the ban), the Saudi authorities and feminine associations. This situation raises the question: "Who decides what is licit or illicit in Islam?" Muslim women's associations merely ask for the implementation in Muslim countries of the "best practices" in Islamic law which exist anywhere, as a substitute for those laws which are unfavorable to women's rights or do not protect their interests adequately.

Keywords:

gender, Saudi Arabia, activism, Muslim women, fatwas, Islamic law, social media

> "It is human beings (with all their frailties) who interpret the sharia"
>
> Ali ibn Abi Talib

> "Women in Saudi Arabia: to drive or not drive? That is not the question.
>
> The question is: When?"
>
> Somayya Jabarti (2011)

Introduction

Although sharia was developed in the Muslim world based on the same sources (Quranic prescriptions, "hadiths" [sayings] of the Messenger Muhammad, etc.), its rulings on any point may vary significantly from one country to another, as well as over time. Thus, the rights of women in Muslim countries, which are claimed to be ruled by sharia, differ on important points from one country to another and one legal tradition to another. In Saudi Arabia, women are not allowed to drive a car, based on a fatwa by

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the country's former grand mufti Abdel Aziz Bin Baz. But, no such ban exists anywhere else in the Muslim world. Saudi women's associations have been contesting the fatwa's reasoning and conclusions for years, but all in vain. They seize every opportunity to bring the issue back into focus, resorting, among other things, to the web's social networks (Facebook, YouTube, Twitter, etc.) to communicate their message, to mobilize support for their position, and to put pressure on the authorities to get them to act on this question.

Thus, in May 2011, the young feminist activist Manal al-Sharif put on Facebook and YouTube a "provocative" video of herself driving a car and talking with another passenger about the women's plight in Saudi Arabia resulting from the driving ban (al-Sharif 2011). This gesture of defiance upset the Saudi authorities which had her arrested and detained for nine days on the charge of "disturbing public order and inciting public opinion," before releasing her (Sidiya and Hawari 2011). When another woman drove a car, in defiance of the same ban, a judge sentenced her in September 2011 to a flogging. It took the personal intervention of King Abdullah to cancel the harsh sentence (Sheridan 2011).

The driving ban issue raises important questions concerning the interpretation and implementation of Islamic law in Muslim countries. How can sharia lend itself to such a wide variety of interpretations that things which are licit and banal in a Muslim State are, at the same moment, considered as illicit and sanctioned harshly in another Muslim country? Who decides what is licit or illicit in Islam? Muslim women's associations have learned through experience that it serves little purpose to question each state's interpretation of sharia on every controversial point. Some have evolved a new strategy to deal with the issue. They call for the adoption and implementation in Muslim countries of the "best practices" in Islamic law which exist anywhere, in substitution to those laws which are unfavorable to women's rights or do not protect their interests adequately.

The Grand Mufti Bin Baz fatwa on women driving

Shaikh Abdel Aziz Bin Baz's fatwa is at the heart of the Saudi controversy. According to him, "[driving of automobiles by women] is a source of undeniable vices", including "the legally prohibited *khalwa* [meeting in private between a man and a woman] and abandonment of *hijab* [women's veil]. This also entails women meeting with men without taking the necessary precautions. It could also lead to committing *haram* [taboo] acts hence this was forbidden." He further explains that (Bin Baz 1990)[1]: "Pure sharia also prohibits the means that lead to committing taboo acts and considers these acts haram in themselves…Thus, the pure sharia prohibited all the ways leading to vice…Women's driving is one of the means leading to that and this is self-evident."

The "khalwa" issue is clearly at the center of the Mufti's preoccupations. Although the Quran does not address itself to this topic, a hadith of the Messenger states:

"Whosoever believes in Allah and the Last Day, let him not be alone with a woman who has not a mahram (male relative who she cannot marry) with her. Indeed, the third (person) is al-Shaytan [Satan]!"

This hadith has been interpreted variously in different parts of the Muslim world. In the countries of the Maghreb, it is viewed as a warning to avoid situations in which sexual temptation may arise. But, in the Gulf States, the ulema ruled that this hadith prohibited *khalwa*. Even though the Messenger did not define any sanctions, the ulema studied the "offence", defined its nature and decided on the applicable sanctions (under the *ta'azir* approach, in which the judge has latitude to decide on the applicable sanction, such as whip lashes, or a jail sentence) (Chraibi 2008).

According to Bin Baz, if a woman is allowed to drive a car, she will leave her home (where she is safe) to go to places where she will be subjected to a variety of temptations. She may thus find herself in a situation of *khalwa*, take off her appropriate Islamic dress or doing things which are prohibited by sharia. Bin Baz quotes at length Quranic verses and hadiths of the Messenger to the effect that women are a major cause of temptation for men, and that they should not mingle with those men who do not belong to their immediate family. Therefore, in order to avoid this, he thinks that women should not be allowed to drive. He finds legal support for this conclusion in the sharia principle which states that it is illicit to use means which help accomplish an illicit end.

A critique of the fatwa

Women's associations in Saudi Arabia do not openly criticize the fatwa, preferring to observe that there is no such interpretation of sharia in the rest of the Muslim world. But, the fatwa hardly withstands scrutiny:

The premise of the fatwa is questionable

The Mufti states that [Saudi] women cannot be trusted to go out of their home without the risk of committing illicit acts. He takes no account of Saudi women's education and self-respect, their sense of honor, their sense of values, their loyalty to their husband (when they are married). Although there exist many Quranic verses and hadiths of the Messenger celebrating the virtues of women, Bin Baz quotes only these verses and hadiths which throw a shadow of doubt on their behavior.

The premise of Bin Baz is unsupported by any corroborating evidence from the real world, judging by women's behavior in the rest of the world (including in Muslim countries).Moreover, Bin Baz worries only about the sexual implications of the encounters that woman driving may lead to. He fails to take into account the tremendous difficulties that the driving ban creates every day for women who have to go to work, to take their children to school, etc. Buses and cabs are insufficient in number to meet the demand at peak hours, when they are most needed. The expenses associated with the daily use of cabs are also very high, compared to the cost of using one's own car. Only wealthy women can afford to hire a full-time chauffeur, invariable a male not from her family. The rest of the female population is left to fend for itself, because of the fatwa.

The juridical principle invoked in the fatwa is applied selectively

Bin Baz notes that "sharia prohibits the means that lead to committing taboo acts and considers these acts haram in themselves." This is true, but the principle is applied very selectively. For example, smoking is harmful to one's health, and ulema throughout the Muslim world have been asking for decades for a tobacco ban in Muslim countries, based on this principle(Islam for today 2003). But, no Muslim State has ever entertained the idea of enacting a tobacco ban, except in certain public spaces. People are usually free to smoke in Saudi Arabia, nowadays, as they do in the entire Muslim world. So, why is not this principle applied to deal with the smoking issue? Why are men not sanctioned for smoking, if this principle is so important a general application?

The juridical principle should also apply to men

If woman driving can be banned, based on sharia, to avoid its leading to a situation of khalwa, with its possibly unlawful consequences, the same driving ban should also apply to men, in order for them to avoid finding themselves in haram situations prohibited by sharia. The juridical principle underlying the driving ban should be applied indiscriminately to all people, regardless of sex.

A unique interpretation of sharia in the Muslim world

This fatwa relies on an interpretation of sharia which is unique in the Muslim world. In dozens of other Muslim States and communities, the fact of woman driving is considered as a banal act, perfectly licit from the point of view of sharia. Are all these other Muslim scholars in error on this point? The Bin Baz fatwa draws its strength in Saudi Arabia from the fact that it is in line with the Saudi society's prevailing conservative culture, customs and traditions. The religious establishment, the leading groups in power in the country and most Saudi men support the Grand Mufti's fatwa because they fully agree culturally with its conclusions, regardless of whether the latter are well-grounded in Muslim law or not.

As for Saudi women, they have been born and raised in a social and cultural environment in which females have the status of "perpetual minors" (Human Rights Watch 2008) which cannot do a thing without the authorization of a male "tutor" (be it a father, a husband, a brother or even a son) [2]. In theory they cannot go out of their home without being accompanied by a *mahram* (male guardian) to avoid falling into a situation of being alone with a male non-family member. In their majority, Saudi women accept the situation as a matter of fact and submit to the constraints it imposes, regardless of whether they consider the ban as God-given or as merely imposed by men's will.

However, a growing number of women pursue their education to the university level, travel abroad on vacation, watch satellite TV networks and use modern technologies such as the internet and mobile phones. They are thus regularly made aware of the enormous gap which exists between the set of constraints and restrictions within Saudi Arabia, and the freedom of movement and of action that Muslim women enjoy in other Muslim countries. As a result, though still a minority, many people in the country (both male and female) are working essentially within the framework of human rights NGOs and women's rights associations. They increasingly dare to question the situation and to openly express their disagreement with the contents of Bin Baz's fatwa.

The fatwa and the national law

However, the important point to keep in mind, in this debate, is that a fatwa is not binding in Islamic law. This is a point that Sheikh Abdul Mohsen al-Obeikan(2006), vice-minister of Justice of Saudi Arabia, makes perfectly clear in an interview granted to the Arabic daily *Asharq al-awsat* on July 9, 2006. Asked whether a fatwa by the Islamic Fiqh Academy (IFA) on the subject of misyar (temporary) marriage, which had been rendered by IFA on April 12, 2006, was binding on member States, al-Obeikan replied: "Of course, [the fatwas issued by the Islamic Fiqh Academy] are not binding for the member Islamic states." He then explained: "There is a difference between a judge and a *mufti*. The judge issues a verdict and binds people to it. However, the mufti explains the legal judgment but he does not bind the people to his fatwa. The decisions of the Islamic Fiqh Academy are fatwa decisions that are not binding for others. They only explain the legal judgment, as the case is in *fiqh* books.[3]" Asked to explain whether the fatwas issued by the Ifta House [official Saudi fatwā organism] are binding on others, he said: "I do not agree with this. Even the decisions of the Ifta House are not considered binding, whether for the people or the State."

Consequently, no matter how one views Bin Baz' arguments and conclusions, the fact is that his fatwa merely expresses his juridical point of view on the subject. It is not binding on anyone else, neither on individuals nor on the State. It would be necessary for the Saudi State to adopt a law (based on the fatwa) in order to give the fatwa the force of law. According to the Saudi authorities, there is no law prohibiting woman driving in the country(Reuters 2007). However, Saudi nationals as well as foreign visitors need to obtain a Saudi-issued license to drive in the country. The authorities refuse to issue such licenses to women (not even to foreign ones), making it effectively illegal for them to drive(al-Mokhtar and Wahab 2011). They do so based on an order issued by the Minister of Interior in 1411 H (1991-92) which considers driving a car by a woman an offence, even though there is no official law to this effect[4]. Saudi women (as well as foreign ones) are thus subjected by the Saudi authorities to a discriminatory practice, based on gender.

A Saudi power play

So, today, a discrete power play can be said to be taking place within the country on the subject of women's status and rights, between the three major players in the field with the driving issue as a catalyzer. The ulema, relying on centuries of traditions, support the Bin Baz fatwa and its conclusions that sharia prohibits a woman driving automobiles to avoid falling into a situation of *khalwa* and its possible illicit consequences. To make things perfectly clear, in September 2011, a Judge sentenced to 10 whip lashes a woman who had been arrested by the police for driving a car. This harsh sentence caused a big uproar, both in the country and abroad, and it took the personal intervention of King Abdullah to cancel it.

The feminist groups consider that the ulema defend an extremely conservative interpretation of sharia, which is unique in the Muslim world. They want the ulema and the State administration to admit that other interpretations are possible within the religious framework of the country. They know they have a very strong hand on this point, when they say: "If the driving of automobiles by women is perfectly legal, natural, and banal in all Muslim countries and communities in the world, with the exception of Saudi Arabia, why should Saudi women be penalized, and banned from driving, simply because the Saudi authorities have chosen to apply to them their restrictive interpretation of Islamic law? Why not adopt a more liberal and widespread interpretation of Islamic law on this subject, such as exists in other Muslim countries which also apply sharia, and consider that a woman driving is not in itself an ethical danger?"

Saudi feminist activists do their best to maintain the issue into public focus. To this end, they regularly make use of the internet and its social networks (Facebook, YouTube, Twitter). In the early months of 2011, they demonstrated their tremendous capabilities and efficacy through these new means of communication and mobilization in Arab countries, Social media were among the principal tools of information of the national and international media and of mobilization of the people in the uprisings which took place in Tunisia, Libya, Egypt, Yemen, Bahrain and Syria.

Not surprisingly, the young feminist protester Manal al-Sharif used the web's social networks as a means of protest against the driving ban, in defiance of this ban she put a video of herself driving a car on Facebook and YouTube in May 2011, Her subsequent arrest by the Saudi police on the charge of "disturbing public order and inciting public opinion" made the news worldwide, drawing much more attention to her protest than she could ever have imagined. The incident put the Saudi authorities under new pressure to take a fresh look at the driving issue.

The feminine associations again made use of the social networks to call for a "drive-in" on June 17, 2011 in order to protest Manal al-Sharif's arrest and to renew the pressure on the authorities. Numerous women participated in the protest, which also made the news worldwide. Manal al-Sharif had written provocatively on the web: "I will drive my car myself." A slogan of this campaign emphatically stated, along the same defiant line: "I want to drive because there's no reason why I can't." Similarly, a group of Saudi women posted on different Saudi websites, and circulated through e-mails, a petition addressed to the government, asking that women be allowed to drive cars. "We demand that the right of women to drive is given back to us," says the petition. "It's a right that was enjoyed by our mothers and grandmothers in complete freedom to (utilize) the means of transportation in those times." (Mubarak 2007)

The political authorities for their part are aware, at the country's highest level, of the need for change in the domain of women's rights in general, and of the driving issue in particular. They tell their critics that all they do is implement sharia, which has defined a different set of rules for males and females. Consequently, by applying to each of the two sexes the appropriate sharia rules, they do not violate anyone's rights, whether male or female. Sharia merely presents a conception of human rights which differs from that of Western countries. But, during a state visit to the United Kingdom in 2007, the king told the British media that the driving issue belonged not in politics, but within the social field, reflecting local customs and traditions (and, thus, one could say, not Quranic prescriptions). His administration is divided on this issue. So, even though the king wants to promote some reforms, he seems to have limited degrees of freedom, as he is confronted with a great deal of resistance from the religious establishment and the traditional segments of society, both within the population and the civil administration.

In September 2011, the king took a highly symbolic and even "revolutionary" decision, given the Saudi context, announcing that women would be able to vote in elections and to serve on the Shura Council as full members in future. This was a considerable step forward in Saudi women's struggle for freedom, equality and justice. But, can he convince the ulema establishment to turn the page on the Bin Baz fatwa and to endorse the "best practice" in the Muslim world, according to which the driving of automobiles by women is compatible with sharia?

Women reading the sharia

The driving ban issue illustrates the enormous differences which exist in the interpretation of sharia in the Muslim world. Some Muslim women's associations took it upon themselves, therefore, to proceed with a thorough study of the sharia, in order to determine for themselves what it really said on the subject of women's rights(WLUML 2004). They thus became aware, in the words of Pakistan's Riffat Hassan(2011), that "there was a big gap in what the Koran was saying about women's rights and what was actually happening in Muslim culture. So, one has to distinguish between Koranic text and the Islamic tradition. The interpretation of the Koran from the earliest times till now has been done almost entirely by men. It was also done in a male-dominated patriarchal culture. So the Koran was interpreted through a male-centric cultural lens-which obviously has affected women's rights."

Nigeria's Ayesha Imam(2005) notes, for her part, the need "to distinguish between Islam - the way of Allah - on the one hand, and, what Muslims do - those who believe in Islam and attempt to practice it - on the other." She explains: "Islam is not questioned. But, what Muslims (human fallible people) make of Islam can be." She says emphatically: "Though religious laws draw their inspiration from the divine, they are not the same as divine laws." They "do rely on human agency to elaborate, implement and enforce them." In many situations, even the experts do not agree on the definitive meaning of verses in the Quran. Similarly, "many hadith (accounts of the life of the Prophet) are apocryphal, motivated by inter-sect and dynastic rivalries." Thus, some hadiths seem to have had as their principal aim to put restrictions on women's rights, although they are not compatible with the teachings of some suras in the Quran or with other hadiths. Ms. Imam notes the existence of four main schools of sharia in the Sunni tradition, illustrating the diversity of interpretations. None of the leaders of these schools considered their views as final or binding on all Muslims. So, "refusing further *ijtihad* (personal reflection) is not a religious or divinely sanctioned act. It is not required in the Koran or by the Sunna. To the contrary, both the Koran and hadith refer approvingly to thinking, reasoning and diversity of opinion."

Therefore, observes Malaysia's Zainah Anwar(2004): "If Islam is to be used as a source of law and public policy to govern the public and private lives of citizens, then the question of who decides what is Islamic and what is not, is of paramount importance. What are the implications for democratic governance when only a small, exclusive group of people is accorded the right to interpret the Text and codify it? Particularly when they do so very often in a manner that isolates the Text from the socio-historical context in which it was revealed, isolates classical juristic opinion from the socio-historical context of the lives of the founding jurists of Islam, and isolates the Text from the context of contemporary society."

Nora Murat(2004) adds: "Knowledge that the Koran supports the universal values of equality, justice and a life of dignity for women, gives us the courage and conviction to stand up and argue with those who support discrimination against women in the name of religion. It is this knowledge that gives us the confidence to tell them that there are alternative views on the subject and that their obscurantist view, which discriminates against women, is not the only view in Islam."

Who decides what is licit in Islam?

These women were aware that, in the absence of a religious hierarchy in Sunni Islam, there was no supreme theological authority they could turn to, to ask it to arbitrate between divergent rules which were applied in different areas of the Muslim world. Moreover, observes Ahmed Khamlichi(2002), Director of Dar al Hadith al Hassaniya (Morocco): "The ulema do not have a monopoly on the interpretation of sharia. Of course, they must be consulted before anyone else on sharia issues. (But), they do not make the religious law, in the same way that it isn't the law professors who make the law, but the Parliaments."

Today, sharia is, in fact, interpreted and applied in the context of each state as a result of its own choices. It is the political, religious and lawmaking authorities in each Muslim country, acting in a concerted way, either by consensus or by negotiation, which hold the power to decide what will be considered as lawful in the country, theoretically by drawing on the database of all the options that the sharia can offer on a given issue.The development of personal status codes (Islamic family law codes) provides a good illustration of the approach used. The rulers choose, in a range of solutions which are all considered as lawful in Islam, the one that best meets their objectives. The selected option is discussed with all concerned, and in particular with the religious authorities (such as the *mufti* or the Ulema Council). Then, it is drafted as a text of law which is presented to the Parliament for discussion and approval. Once the text is adopted by the Parliament, and then endorsed by all concerned administrative instances, it is published in the country's official legal media to become effectively the law of the land on that subject.

But, what is considered as lawful in a Muslim state, at a given moment, on a given question, may be considered as illicit in another Muslim state, at the same time. Such a situation is not unusual, and reflects the interplay of several factors. First, Muslim countries belong to several schools of legal thought, or juridical rites (Abu Hanifa, Malik ibn Anas, al-Shafi'i, Ibn Hanbal, Shi'a...), each of which has developed its own methodology to study the same questions, resulting in a number of variations in the answers provided. Second, the ulema can interpret differently the same religious texts of reference (a Quranic verse or a hadith, for example) when their formulation lends itself to multiple interpretations, or they can draw different conclusions from them, depending on the context in which they place them, and the other suras, hadiths, etc. they bring to bear on them to substantiate their interpretation. Third, in most Muslim-majority countries, some confusion prevails at times on certain issues, even at the ulema's level, between what belongs to national customs and traditions on the one hand, and what belongs to Quranic prescriptions, on the other.

How is one to determine, therefore, what Islamic law really says on each important issue (concerning women's rights for example) when one is confronted with a multiplicity of interpretations which are promoted by the different juridical schools? Is it possible to promote progress in the field of human rights within the religious framework?

The strategy of the "best practices" in Muslim law

In their efforts to promote the respect of women's rights in the Muslim world, the national and international associations acting in this field gave, for a while, a high priority to putting pressure on governments to implement the UN-sponsored international conventions these countries had signed, concerning human rights in general and women's rights in particular. They also wanted their governments to withdraw the reservations they had expressed on signing these conventions concerning various provisions - on the grounds that they "conflict with religion" - since the reservations had the effect of diluting much of the conventions' usefulness. But, they rapidly became aware of the ineffectiveness of this strategy, which led to no tangible results, and was criticized by conservative movements in the Muslim world on the grounds that these associations wanted to replace sharia with Western law.

These associations also quickly saw the uselessness of contesting any state's interpretation of any point in sharia, because they would always be confronted with excellent jurists which would find unassailable arguments to justify the state's rulings on any point, whatever it was, within any particular rite. But, having developed a great expertise in the analysis, interpretation and implementation of all major aspects of sharia throughout the Muslim world, women's associations became aware of the opportunities offered by the diversity of interpretations of Muslim law which prevailed in different countries(WLUML 2006).

"Sisters in Islam" (SIS 2011a) from Malaysia and "Collectif 95-Maghreb-Egalité" (Collectif 95-Maghreb-Egalité 1995, 2003) (which comprises the main women associations of Morocco, Algeria and Tunisia), working within a network of feminine associations, came up with a new strategy to achieve progress in the field of Muslim women's rights. Their position is as follows: "If all these different rules are equally valid in the sharia, and if some of them grant more rights to women or protect their interests better, isn't it these rules (designated as the "best practices" in Islamic family law) which should be applied in Muslim countries, in the beginning of the 21st century, in preference to the rules which are less favorable to women's rights? Why should women pay the price for these differences in interpretation, which clearly are the acts of men?"(Chraibi 2009, SIS 2011b)

In support of this last point, NGOs observe that, although the Personal Status Codes of Muslim countries are based on Quranic prescriptions and Sunna teachings, everybody takes it for granted that they should be revised from time to time to take into account the evolution of society. This was the case of the codes of Egypt (2000), Mauritania (2001), Morocco (2004) and Algeria (2005). Since the rules presented in such family law codes are periodically modified, is this not conclusive evidence that many rulings contained in these codes of law do not represent immutable Quranic prescriptions but merely man-made choices, which can - and should be - modified as required by circumstances?

A case study of the application of the "best practices" strategy: the reform of Morocco's Personal Status Code in 2004

The reform of Morocco's *moudawana* (Personal Status Code) provides a good illustration of how the "best practices" strategy was applied in a Muslim country, resulting in considerable progress in the field of women's rights within the religious framework. The first version of the Code was adopted in 1957, shortly after independence. Though relatively modern and equitable in many respects, it showed a clear conservative bias in its interpretation of many provisions of the sharia, putting several undue restrictions on women's rights. The network of Moroccan women's rights associations struggled for a half-century before the code was revised in depth. This reform finally took place in 2004(Kingdom of Morocco 2004).

The new "Family law" of 2004 completely redefined the legal status of women within the family and society, bringing it considerably closer to current international standards. Among other things, it made the family the joint responsibility of both spouses, rescinding the wife's duty of obedience to her husband. It allowed women to be their own guardians, and raised the minimum age of marriage for women to eighteen years. It put prohibitive restrictions on polygamy, by requiring the consent of the first wife, the notification of the second wife of the existence of the first one, and a judge's consent to the second marriage - which may be granted if he is satisfied that the husband will grant equal status to each wife in every respect. The Law made polygamy grounds for divorce by the first wife, and promoted the use of a marriage contract to exclude the possibility of a second marriage by the husband. It put repudiation under strict judicial control, and required an equitable distribution of the couple's assets before a divorce could be final.

The Moroccan ulema and jurists associated with the revision of this code explained that all its provisions were based on a meticulous reading of the sharia, in all its complexity, taking into account the "best practices" in use in other Muslim countries. Thanks to a more modern interpretation of the sharia' prescriptions, it afforded a considerable progress in the situation of women in Morocco. Following this recasting of the Personal Status Code in 2004, the Moroccan authorities progressively withdrew, one after the other, the reservations they had previously expressed about the implementation in Morocco of some provisions of various international Conventions dealing with women's rights, which they had earlier considered as possibly "inconsistent with religious prescriptions."

Conclusion

The driving ban on women and the *khalwa* issues in Saudi Arabia result from a unique and extremely conservative interpretation of Islamic law, which declares as illicit actions which are considered as banal and licit in other Muslim countries. The power play taking place today on this subject between the ulema, the authorities and feminine associations will determine whether women will be allowed to eventually drive or not. In the process feminine associations have learned through experience the vanity of questioning the interpretation of Islamic law which prevails in any Muslim country, because each country's ulema are convinced that they interpret and apply sharia correctly within the framework of their own juridical rite.

The associations working in the domain of women's rights have therefore developed a strategy which circumvents these considerations, to address itself to the heart of the problem. Since all the different rules applied to determine women's rights in different Muslim states applying sharia are equally valid, they suggest that the Muslim states apply to women the "best practices" in existence in the Muslim world, specifically those sharia rules which grant them more rights or protect their interests better, in substitution to the rules which are less favorable to women's rights.

They argue: "Why should women pay the price for these differences in interpretation, which clearly are the acts of men?" This strategy is, unquestionably, in tune with both the letter and the spirit of sharia. If adopted by all Muslim states, it could drastically change for the better the life of dozens of millions of Muslim women throughout the Muslim world. It could thus pave the way for a brighter future for all women living under Muslim law. Using this approach, in Saudi Arabia the authorities could legitimately allow women to drive, within the religious framework, if they decide to base their new ruling on the "best practices" in existence in other representative Muslim countries which apply sharia.

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Notes

[1] for partial translation see: Humanitarian texts (2011)

[2] "[A woman] is not allowed to drive cars, to travel without consent, to stay in a hotel without consent, to name her children without consent, to get any document needed for her children without consent, to apply for schools for her children without consent, to get a passport without consent, to get out of the house without consent, to leave the work place (this concerns school teachers) without consent, to apply for a job without consent, to rent a house alone without consent, to change the colour of her Islamic garment (Abaya), to go to university or school without consent, to make use of the scholarships abroad without consent, to underwriting or open an account for her children without consent, to uncover her face in some cities in the kingdom, to send for a driver or a domestic helper without consent..." (Saudi Women for Reform 2007)

[3] The same position is developed by Mehmood Madani, president of the Jamaat-e-Ulema-e-Hind, who explains: "In Sunni Islam, a fatwā is nothing more than an opinion. It is just a view of a mufti and is not binding in India." (Naqvi 2005)

[4] According to Prince Ahmad Bin Abdul Aziz Aal Saud, Deputy Minister of Interior Affairs, a "statement has already been issued in the year 1411 (1991/92)" on the woman driving issue [prohibiting woman driving]. This 1411 statement is still in force. "The Ministry of Interior is still implementing it," Prince Ahmad said. "It is not up to us to say whether it is right or wrong, we only implement the regulations." (Okaz/Saudi Gazette 2011)

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Review: Die Fotografie im Osmanischen Reich

Göran Larsson

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Nimet Şeker. Die Fotografie im Osmanischen Reich. Ergon Verlag, Arbetsmaterialien zum Orient, Band 21, 2009, ISBN 1436-8072, pp. 100 (14 plates)

Besides its value as an excellent introduction to the early history of photography in the Ottoman Empire, Nimet Şeker's book Die Fotografie im Osmanischen Reich provides the reader with valuable insights into Muslim debates about images and Islamic theology and the transformation of the Ottoman Empire in the late 19th and early 20th century. Even though it is possible to argue that the development of the art of photography clashed with the prohibition against images it is difficult to find a stark homogenous opposition against photography among the Ottomans. For example, in his analysis of fatwas from the 19th century Şeker demonstrates convincingly that the Muslim authorities often came to different conclusions. Without going into any theological details in this review, it is more plausible that local contexts and social factors were of greater importance than theological considerations. For example, in the Ottoman Empire the Sultans' and the power elite had no problems with miniature paintings and this acceptance was a positive driving force for the recognition of photography. Together with other technological innovations, new ideological and political influences, and a novel fashion, the introduction of the camera and the photography was part of a general modernisation of the Ottoman Empire. From this point of view the photography could be seen as an epitome of the western world, an understanding that also could be contrasted to the backward Orient.

In his thorough and well-documented study, Şeker gives the reader a first hand introduction to the early photographic studies that were established and opened in the Ottoman Empire in the middle of the 1850s. The first studios were set up by members of the non-Muslim minorities (e.g. Greeks, Armenians) in the European part of Istanbul in the quarters of Pera (Be-

Corresponding author: Göran Larsson, University of Gothenburg, Box 200, SE 405 30, Gothenburg, Sweden. E-mail: goran.larsson@rel.gu.se

yoğlu). According to Şeker's analysis – and I believe that he is correct – the absence of so-called Muslim photographers in this first phase has nothing to do with a religious hesitation to take photos. The members of the minority communities were better equipped to take up the new technology. They were often closely connected with the rest of Europe and several of the early photographers had learnt the necessary skills in Paris or Berlin and several of them had also backgrounds as painters or chemists. Even more importantly, their non-Muslim background was not a hindrance and the Sultan and the Muslim elite in Istanbul soon requested their skills. Even though I find Şeker's analysis plausible it seems to be unnecessary to make a sharp distinction between Muslims and non-Muslim photographers and the explanation for who took part or not seems to be more closely related to class and social belonging that religious identity. To make this distinction – that we partly find in Şeker's analysis – it would be necessary to say something about how we define a Muslim. Are we referring to a cultural/religious background, or are we referring to a person that follows current guidelines of Islam in the Ottoman Empire? The distinction between non-Muslim and Muslim photographers becomes even more blurred since several of the early non-Muslim photographers also converted to Islam. Should we still count them as non-Muslim photographers? However, this is only minor critic and Şeker's analysis is mainly based on social and economical differences that prevailed in the society at the time.

In the final section of the book, Şeker links the discussion about photography to the question of self-identification and representation. As shown in many studies on photography and art, the early photographic studios soon realised that they could earn more money by selling images and pictures that meet the expectations of the visitors and travellers to the Orient. Hence, they started to produce and reinforce the Orientalist image of the Orient as something different from the West. At the same time it is also clear that the photography became immensely popular by the large audience in Istanbul and this was the rise of the so-called family photo albums.

Last but not least, the art of photography was also put to use at the end of the Ottoman Empire by the final Sultans' as a method for showing western states (and presumable money lenders and investors) how they have improved and modernized the empire. These documentary pictures were taken with the aim to show a prosperous and modern state that lives up to the expectations of the west.

In sum Șeker's study of the early history of photography in the Ottoman Empire is an excellent book that is of great interest to all scholars of the history of religions, the social and economical culture of the Middle East, and media and communication studies.