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Historical Reflections on Islam and the Occident

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The media and political scientists create the impression that the world of Islam and the Occident are two totally different civilizations. The author shows, on the contrary, that life in the 14 centuries of the Christian Middle Ages and the *Ancien Régime* – Old Europe – was in many ways similar to that of the area's Muslim neighbours, and only moved into the modern world with the eighteenth-century Enlightenment. The author also examines the chances of an Arab spring heralding, after 14 centuries of Old Islam, the entry into the modern democratic world. He argues that the two civilizations are not fundamentally dissimilar, but that they move through comparable stages of development at different moments in time: a difference in chronology rather than in essence.

A Green Curtain?

For many years, the global divide was between freedom-loving West and Soviet-dominated East, two antagonistic worlds separated by an 'Iron Curtain'. Nowadays, the great divide is between Islam and the West, as if a Green Curtain had taken the place of the Iron Curtain. I use the term 'Green Curtain' because of the green colour displayed on Islamic flags. The term 'Velvet Curtain' was used by S.P. Huntington when he wrote that 'the Velvet Curtain of culture has replaced the Iron Curtain of ideology as the most significant dividing line in Europe', i.e. between Latin and Orthodox Christianity.[1]

Listening to the media and reading some scholars one gains the impression that two totally different worlds are clashing. The lands of Islam are perceived as in the grip of an intolerant religion, where apostasy and adultery are punished by death, criminals mutilated, women oppressed and homosexuals persecuted.

These countries have, moreover, autocratic, one-party governments, and are blissfully ignorant of the rule of law, freedom of expression or independent judges. They embody the 'descending theory of power'.[2] In contrast, the Occident is depicted as tolerant or even indifferent in religious matters, ruled by law and freely elected politicians. It also enjoys personal freedom, notably in sexual behaviour, and is respectful of women's rights. In its crudest form, the opposition is one, in K. Mahbubani's words, between Islam, perceived as a force of darkness and a virtuous Christian civilization.[3]

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Seen in these stark terms talking of a 'clash of civilizations' seems at first sight entirely justified. What struck me, however, when reading such authors as S.P. Huntington and B. Lewis, was that they are political scientists or politically engaged students of religion, who focus on today's power struggle.[4] But the present is only the latest stage in a development that spanned many centuries, so that writing about Christendom and Islam without taking full account of their origins and historic experiences is short-sighted and one-sided.

Fourteen Centuries of Old Europe and 14 Centuries of Old Islam

I decided therefore that, having for many years taught the general history of the Middle Ages and the legal history of medieval and *Ancien Régime* Europe, I was in a position to offer a historical approach to the debate. Viewing the history of Latin Christendom, the cradle of the modern West, one distinguishes two stages. The first, which I would like to call Old Europe,[5] goes from the fourth century, when Christianity became the only legitimate religion within the Roman Empire,[6] to the eighteenth, when the Enlightenment and modern Europe arrived on the scene. These 14 centuries betray a great similarity with the 14 centuries traversed by Islam from the time of Muhammad to the present day, when we may be witnessing the breakthrough of modernity in Muslim countries. What strikes me, when comparing Old Europe with Old Islam is not how much they were at variance but, on the contrary, how similar they were. In other words, Islam and the West are not so much different as passing through a different stage in their history – a difference in chronology rather than in essence. The Occident and Islam were also comparable great and competing powers, sometimes expanding and sometimes contracting. In the seventh and eighth centuries Islam conquered North Africa and Visigothic Spain. A few centuries later the crusaders made inroads into Muslim lands in North Africa and the Near East. Afterwards, in 1529 and again in 1683, the Muslim Turks besieged Vienna, but from the nineteenth century onwards the Ottoman Empire was in retreat.

Old Europe Seen Through a Critical Lens

Let us have a cool look at Old Europe. Religion was pervasive and dominant at all levels, social and personal. Medieval knights went on crusade hoping to die in battle and go straight to heaven. The authority of the Bible was unassailable, just like that of the Koran in the other civilisation, even though conflicting interpretations of the Holy Book flourished, leading to the formation of various sects and denominations. The Christian faith itself, however, was not in dispute. Apostasy was punished by death, as happened in 1222 when Archbishop Stephen Langton 'held a provincial council at Oxford, and there he degraded and handed over to the lay power a deacon who had turned Jew for the love of a Jewess. The apostate was delivered to the sheriff of Oxfordshire, who forthwith burnt him'.[7] In 1650, under Cromwell's Puritans, adultery was made punishable by death, as was fornication (on a second conviction). This was two years after the Blasphemy Act had made it a capital offence to deny the Trinity or the authority of the Scriptures.[8]

Kingship was autocratic, tempered in the Middle Ages by representative assemblies, but under the *Ancien Régime* royal absolutism triumphed. Parliaments became servile or

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ceased meeting altogether, as happened in France, where the *Etats généraux* were redundant from 1614 to 1789. Imprisonment without trial was common, on the strength of a mere royal *lettre de cachet*. Human rights stood no chance in a criminal process based on secret inquisition and torture. Women were subject to paternal or marital authority and were without access to higher education or the world of politics (except for the very few who happened to inherit a throne). The criminal law can best be described as barbaric and arbitrary. Judges were appointed and dismissed at will by the Crown, as happened to the most learned common lawyer of all time, Sir Edward Coke, Chief Justice of the Common Pleas, who was sent home by King James I: when the judge rightly argued that he had the better knowledge of the law, the monarch replied that he *was* the law, the *lex animata.*

Modern Europe Enters the Scene

It was this world that came under attack during the Enlightenment, the dawn of modern Europe. Doubt was cast on the very dogmas of Christianity by philosophers, scientists and broad sections of public opinion. Science came to replace magic. Criticism of the inhumanity of criminal law led to legal reform. Royal absolutism was contested and confronted with the ascending theory of power. The state henceforth belonged to the people and not to the Crown. The independence of the judiciary was secured and criminal and civil codes promulgated, providing legal certainty. Freedom of conscience was guaranteed and religious discrimination abolished or greatly reduced.

The most dramatic breakthrough came about under the impact of two famous revolutions. The Thirteen Colonies achieved independence from Great Britain and founded a state with a written constitution inspired by the European Enlightenment. The United States of America replaced the hereditary king by an elected president, created two elective houses of Congress, declared the separation of Church and state, excluded religious discrimination (although remaining a Christian nation), proclaimed freedom of thought and expression and adopted the federal form of government, which would inspire many countries round the world. The belief of the new republic in the supremacy of the law went so far as to place even the lawgiver under the constitutional control of the Supreme Court.

On the European continent, the French Revolution sounded the death knell of the *Ancien Régime*, whereas ever since the Bill of Rights of 1689 England had been the great liberal pioneer.

The nineteenth century enjoyed the fruits of these achievements: liberal constitutions, elected representative assemblies and the rule of law became established. Scholars enjoyed freedom of thought, so that Charles Darwin could publish his controversial *Origin of Species* in peace, and Ludwig Feuerbach could make his provocative statement that 'God did not make man but man made God'. See the remarks of Amartya Sen on the modern West as a result of the Enlightenment and the Industrial Revolution, and his conclusion that it would be wrong to contrast a century-old Western tradition with non-Western ones (treating each as monolithic).[9]

Modernisation, however, was a slow and as yet unfinished business. Slavery was abolished in Great Britain in 1833 and in the United States in 1863. However, in 1823 a man was jailed for 60 days in Massachusetts for an essay in the *Boston Investigator* that

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denied the existence of God, and in 1824 a state-court judge said that 'Christianity is and always has been, a part of the common law of Pennsylvania'.[10] Male franchise was gradually extended, but women had to wait until the twentieth century to win the vote, enter Parliament and obtain legal equality. This same century also witnessed what German historians call a *Rückschlag in ältere Formen*, a return to older forms, when dictatorship entered the scene, ideological repression reappeared and minorities were persecuted. Even today, in the twenty-first century, the Roman Church is ruled autocratically by a pontiff who wields legislative, executive and judicial powers, in true Old European style and in harmony with Pius IX's *Syllabus Errorum* of 1864, which condemned a long list of modern liberal principles, such as freedom of conscience and democracy. The Second Vatican Council made plans for a *Lex Ecclesiae Fundamentalis*, a fundamental law for the Church, modelled on the constitutions of the modern states and including a chapter entitled 'On the faithful of Christ and their rights'. The undertaking made good headway and a draft in the form of a printed book was sent to all the bishops, but the innovative plan never materialized as the project never made the statute book. One reason, I believe, is the great gap between an autocratic government and a constitution with a declaration of rights which, by definition, limits the absolute power at the top. No checks and balances here: autocracy and constitutions are uneasy bedfellows. And what next? A constitutional court empowered to strike down papal decrees judged to be unconstitutional? For many bishops, theologians and canonists this would all be a step too far.[11] The conservative view was expressed with great authority by the eminent canonist cardinal Alfons M. Stickler in a paper presented at a conference in Zurich in 1982 and published in 1983.[12] The author rejects the separation of powers and the democratic model for the constitution of the Church, whose fundamental law lies in God's will.

All this shows that the West ought not to be too boastful. Without belittling the remarkable achievement of Old Europe, contemplating its imperfections should be a lesson in humility. After all, the West has its own fundamentalists and laws against blasphemy.

The Dawn of Modern Islam

As I am writing this, mass demonstrations in several Arab lands are clamouring for freedom, accountable government and the rule of law – just as, centuries ago, Europe was demanding democracy. Is it an Arab spring, heralding a modern Islam? The chance of success is real. In Turkey we have a Muslim country that took the road to modernism a century ago and shows how Islam can coexist with a civil society. The human potential for an Arab renaissance is obvious, as Arab culture was a shining light when Europe went through the Dark Ages and Western scholars in Sicily and Spain were busy translating Arab treatises on philosophy and science into Latin. Muslim countries can, as we see every day, find the strength to demand and achieve a post-authoritarian world, even though, judging by the Western experience, the process is likely to be long and full of unpredictable ups and downs.

George Sarton, doctor of science of Ghent University and the first occupant of the chair of the History of Science at Harvard University, devoted much of his life to the study of medieval Arab science and philosophy. He spent the academic year 1931–32 in

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Syria and the Lebanon learning Arabic and wrote the encyclopaedic and authoritative *Introduction to the History of Science*, in three volumes, between 1927 and 1947. The work covers the period from ancient Greece to the fourteenth century. In 1951, Sarton wrote a study devoted to Arab influences on occidental civilization, significantly entitled *The Incubation of Western Culture in the Middle East*. The author was aware of the crucial role played by Arab science in the evolution of human thought.

It is well known that scholastic theology, for many centuries the main stream of Western religious reflection, was based on a confrontation of the Bible and Aristotelian logic and natural science. It is, however, less generally appreciated that the Parisian theologians worked initially with Latin translations from Arabic translations (and commentaries), before having access, in the course of the thirteenth century, to Latin translations direct from the Greek originals.

If one considers the leading role of Thomistic theology in the Christian World until the day of René Descartes and its revival in the late nineteenth century, one understands how important Arab scientific pursuits have been for Europe and the world at large.

The Decline and Fall of Old Europe

Viewing the dawn of modern Islam we may wonder what caused the similar dawn in eighteenth-century Europe: what brought about that great crisis in the centuries-old Christian world?[13] Attempting to answer this question it is useful to distinguish the political from the religious strands. In the world of politics it is clear what the cry for change was all about. When we read the eloquent *cahiers de doléances* of 1788 (lists of grievances), we hear the authentic voice of an educated nation, angry at being treated as an irresponsible child by an oppressive regime, demanding the end of autocratic kingship and longing for a liberal, constitutional and parliamentary state. Other countries – Austria, Prussia, Tuscany – were ruled by Enlightened and reformist princes, but France still lived under an old-fashioned and absolute monarchy of the Unenlightened variety.

Why did this understandable anger, notably in France, not spill over earlier? The strong point of the absolute monarchy had been that it brought internal peace and stability in a country torn apart and brought to the brink of anarchy by religious wars and aristocratic *frondes*. This now fortunately belonged to the past, but autocratic rule produced a politically lifeless nation, without a national parliament and with obedient judges. In 1771, King Louis XV sent the not so obedient councillors of the Parlement of Paris, the highest law court in the land, into internal exile. So when the need for modernization became acute, there was no political class that could play the game of opposition versus government. The country had in fact no national politics. This may explain why, after an orderly transition to constitutional monarchy, mainly inspired by the British model, the French Revolution suddenly, after the Jacobin coup d'état of 10 August 1792, erupted into the extreme and violent phase of the Terror (when the dreaded term first entered into the political vocabulary) and the execution of King Louis XVI. It is clear that the political agenda of the eighteenth-century democrats, who brought down the old European order, had much in common with that of the demonstrators in several Arab countries in our own time.

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The situation in the religious field is quite different. In Europe, Christianity itself was under scrutiny or even rejected outright, and during one phase of the French Revolution the Catholic religion was outlawed, the churches closed and temples built for the goddess Reason. Nothing comparable is going on in the lands of the Prophet: when mosques are being attacked it is by opposing Muslim sects or in ethnic conflict, but Islam itself is hardly ever contested. Distinguishing, as I did, the political and the religious elements is appropriate, but one should not forget that in Old Europe the two strands often overlapped. Kings were anointed by the Church and enjoyed the magic and prestige that religion bestowed on them. Consequently, a weakening of Christian belief meant a weakening of the aura enjoyed by the *rois thaumaturges*, the miracle-working kings.

It is, nevertheless, legitimate to distinguish the two strands, *inter alia*, because of the different situation in the old West and in present-day Islam. The most logical step in our enquiry must therefore be to wonder why – in religious matters – the two civilizations took such different courses. Why did Europe, and particularly the revolutionary government in France, turn against the Christian faith and the Catholic Church, the visible embodiment of Christianity in France? It is noteworthy that in other Christian countries – Great Britain, the United States, Germany – there was religious skepsis and tolerance, but no wholesale rejection of the old faith. The French situation was different because of the dominant position of the wealthy Catholic Church, which enjoyed a religious monopoly and, of course, belonged to the supranational and strongly centralized Roman Church. In a country where Christianity coincided with Catholicism, anticlerical agitation in the wake of the revolutionary upheavals was understandable: the unique position of the French Church made it an obvious target for sceptics and unbelievers. The contrast with Islam is obvious. There we find neither a universal centralized Church nor national Churches, no institutional link between rulers and religion and no anointment of caliphs or sultans by religious leaders, even though Islam teaches obedience to authority and the kings are protectors of the faith, which goes a long way to explain why the religious element, so obvious in the eighteenth-century agitation, is not an issue in the present-day revolts in the Arab world and why Islam is still a religion with solid roots in society, even though autocratic regimes are widely contested.

Reference and Notes

1. S.P. Huntington *et al*. (1996) *S.P. Huntington's The Clash of Civilizations? The Debate* (New York: Foreign Affairs), p. 9.
2. The terms 'ascending and descending theme of government and law' were introduced by the late Professor Ullmann. In the ascending conception, original power was located in the people. By contrast, the descending theory held that original power descended from God, who distributed the laws to mankind through the medium of kings. See W. Ullmann (1965) *A History of Political Thought: the Middle Ages* (Harmondsworth: Penguin Books), pp. 12–13.
3. S. P. Huntington *et al*. (1996) *S.P. Huntington's The Clash of Civilizations? The Debate* (New York:), p. 37.
4. For full references of their works see the Recommended Bibliography at the end of this article.
5. I borrow the name *das ältere europäische Zeitalter* (used for the period from the twelfth to the eighteenth century) from the *Zeitschrift für historische Forschung: Halbjahrschrift zur Erforschung des Spätmittelalters und der frühen Neuzeit*.

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6. I refer to the imperial rescript of Theodosius the Great of AD 380.
7. F. Pollock and F.W. Maitland (1968) *The History of English Law*, II (Cambridge: Cambridge University Press), p. 548.
8. J.A. Baker (2002) *An Introduction to English Legal History* (London: Butterworths), p. 245.
9. A. Sen (1999) Democracy as a universal value. *Journal of Democracy*, **10**, pp. 3–17.
10. Jeremy Waldron reviewing A. Lewis (2008) *Freedom for the Thought That We Hate: A Biography of the First Amendment*, in *The New York Review of Books*, 20 May 2008, p. 40.
11. See for more facts and arguments W.J. Ladue (1972) A written constitution for the Church? *The Jurist*, **32**, pp. 1–13; and (1972) *Legge e Vangelo. Discussione su una legge fundamentale per la chiesa* (Brescia: Paideia).
12. A.M. Stickler (1983) Die kirchliche Regierungsgewalt in der klassischen Kanonistik. Einheit der Träger und Unterscheidung der Funktionen. *Savigny Zeitschrift für Rechtsgeschichte, K.A.*, **69**, pp. 267–291.
13. The term 'crisis' was used in Paul Hazard's (1935) famous book *La crise de la conscience européenne* (3 vols). The same author also wrote *La pensée européenne au XVIIIe siècle, de Montesquieu à Lessing* (3 vols, 1946).

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