



# Freedom and Governance in Arab Countries at the Beginning of the Third Millennium: Some Problematic Issues.

## Introduction

*In Arab countries, the model of comprehensive freedom and the model of good governance guaranteeing such freedom both face significant conceptual and practical challenges. A combination of global, regional and local circumstances accounts for this. Based on the adopted understanding of freedom, the present chapter briefly discusses some of these issues, examined in more detail in subsequent chapters. The first issue is the tension between freedom and democratic institutions as they exist today in the Arab world. The second concerns how the interests of dominant global powers in the region affect freedom and good governance in Arab countries. This chapter also examines claims that Islam and Arab culture are inherently incompatible with freedom and good governance. That scrutiny is followed by a discussion of international human rights law as a basic reference for good governance in Arab countries. The chapter concludes with a section on peaceful transition towards a society of freedom and good governance in the Arab region, addressed in more depth in Chapter 7.*

## THE TENSION BETWEEN FREEDOM AND DEMOCRATIC INSTITUTIONS IN THE ARAB WORLD

In Arab countries today, there seems to be a contradiction between freedom and democracy because many democratic institutions that exist have been stripped of their original purpose to uphold freedom, in its comprehensive sense. Moreover, such institutions are subordinate to the executive authority as part of a governance apparatus that does not protect freedom.

This contradiction, which varies in degree from one country to another, takes various forms: laws that actually violate rights and freedoms; parliamentary “representatives” who bend to the executive authority, instead of scrutinizing its performance and holding it accountable; non-governmental organizations that are run directly or indirectly by the government, or reflect corrupt governance; and “trade unions” that defend governmental or business interests, with little regard for those they are supposed to represent. Then there are some media outlets that are little more than mouthpieces for government propaganda, promoting freedom of speech only if it does not turn into political activity. Such captive outlets fail to stimulate intelligent and objective debate, enhance knowledge acquisition and advance human development among the public at large.

This is not to deny that, within such institutions, there are many sincere and committed parliamentarians, journalists and civil society representatives actively working for the good of the people.

A more recent form of this contradiction is the move towards the hereditary transmission of power in republican systems of governance. By portending dynastic trends, this new formula invalidates the very essence of the republican system.

## THE CONTRADICTION BETWEEN FREEDOM IN ARAB COUNTRIES AND THE INTERESTS OF DOMINANT GLOBAL POWERS

Arab states grew up in the shadow of, and in some cases even because of, colonial arrangements such as the Sykes-Picot Agreement between the two Great Powers of that day, Britain and France, after World War I. Many

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were subjected to a protracted period of colonialism, which, as in the case of Egypt in 1882, aided authoritarian regimes to start curbing national opposition.

Certain restrictions of freedom in Arab countries have their origins in the colonial period when the authorities handled popular resistance to occupation by introducing systems, laws and practices that curbed freedom. Both the British and French set up exceptional courts to try the opponents of colonial rule. In Egypt, for example, martial law was imposed for the first time under the British administration. Although by the mid 20th century occupation had come to an end, some of the legal structures and practices limiting freedom under occupation were to be adopted in the political and legal architecture of the newly independent Arab states.

In the internal-external equation in Arab countries, two factors emerged which were fated to have a far-reaching impact on the attitudes of the major powers towards freedom in the Arab region: the discovery of oil and the establishment of the state of Israel. The discovery of large reserves of oil in the region, combined with the dominant role that oil has

come to play in the advanced economies, made the Arab region of crucial strategic value to the industrialized countries whose main interest was to ensure continuing oil supplies at reasonable prices. The second factor was the creation of Israel in 1948. Any Arab country's attitude toward Israel and its practices has become one of the most important yardsticks by which that country is judged by some global powers, especially the US.

It was inevitable that a contradiction would arise between such interests and legitimate Arab aspirations for freedom and self-determination. It was generally feared that if freedom and democracy ever prospered in the Arab world, enabling the majority to freely express their will, this might not help, and could actively conflict with narrow interests in the region.

When expedient, global powers intervened in the affairs of Arab states, even if at times this involved suppressing freedom movements. This was sometimes achieved through direct military intervention, such as when Britain re-occupied Iraq in 1941 (Khalidi, 2004, 24), or else through intervening to destabilize any Arab State that presumed to oppose their interests or to resist Israel as was the case with the tripartite aggression against Egypt in 1956. To that end, the global powers set up alliances, sometimes with other Arab partners, to encircle and pressure the "upstarts".

Newly independent Arab states emerged weak and fragile. On a tense global battleground, the majority of them had to find a place for themselves, usually by associating themselves with one or the other of the two competing Cold War super-powers. Freedom in Arab countries thus succumbed to a polarized world. While one camp did not adopt freedom in its comprehensive sense, the other, while publicly proclaiming freedom, sometimes took pains to prevent it from spreading in Arab countries.

Consequently, major world powers tended to gloss over human rights violations in their Arab client states so long as the regimes concerned continued to serve their interests. Thus indulged, the Arab despots of the day ruled oppressively, postponing their countries' transition to democracy.

BOX 2-1

### The Reasons behind the Failure of Democracy in Arab Countries: Perceptions of a Western Scholar

Seven reasons are suggested in this account: oil wealth, levels of income, the nature of the Arab state, the Arab-Israeli conflict, geography, outside support for friendly tyrants, and Islamism. Three can be tied to the context of this Report:

*Arab-Israeli tension:* The creation of the state of Israel on Palestinian soil came at a time when most Arab states themselves were just gaining their own independence. The swift Arab rejection of the new Israeli State, and subsequent wars and Arab defeats have encouraged the development of military regimes and security-focused states that are readily exploited by dictators.

*Geography:* The location of the Arab world on a central East-West axis and the geopolitical reality of holding over half of the world's oil reserves made the Middle East a key focus of European colonialism in the nineteenth and twentieth centuries. Struggles between Arab

states and colonial powers for control over their oil and its pricing have led to frequent Western military intervention that is still ongoing. These conditions and continuing regional tensions have not been conducive to democratic developments.

*Long-standing Western Support for "Friendly Tyrants" in the Middle East:* This phenomenon began with the Cold War and systematically weakened democratic forces within the region. After the end of the Cold War, the emergence of international terrorism and the Bush Administration's war on terror have continued to favour the maintenance of "friendly" authoritarian regimes. The Bush administration's call for democratization invariably takes a back seat to security considerations, perpetuating tolerance of cooperative dictators who support the war on terror".

Source: Fuller, G.E., Islamists in the Arab World, the Dance around Democracy, Carnegie Endowment for International Peace, Washington DC, September 2004, p.6.

The events of September 11 have added another dimension to this tension between the interests of global powers and freedom in Arab countries. Western countries, especially the US, were considered by many democratic movements in the world to be premier examples of mature, free democracies. Relations with democratic Western societies stirred moves towards democratic change in many countries struggling for freedom. However, this stimulus began to wane after the events following 9/11 when the US administration moved to curtail civil and political rights, especially those of Arabs and Muslims, in the fight against “terrorism” as the former defined it.

According to some US citizens’ groups and lawyers’ associations, probably the most significant sign of the erosion of civil and political rights in the US is the Patriot Act issued in the wake of those events. To put this Act in a historical context, we refer again to The Bill of Rights, which restricts the authority of the federal government in matters of surveillance and the pre-emptive arrests of citizens. Under the provisions of the Patriot Act, the government obtained broader powers for tapping telephone conversations, screening private electronic mail and searching databases. Many immigrant rights, including those of legal immigrants, have been curbed. One example is the subjection of immigrants to “preventive administrative detention”, on the order of the Attorney General, even when no charges have been proffered and the individual cannot be legally deported.<sup>1</sup>

Many of these new laws are the subject of vigorous internal debate and are being challenged in the courts. Nevertheless, the fact that some Western countries which Arab reformers had long held up as models have taken steps widely perceived to be discriminatory and repressive, especially with regard to foreigners, has weakened the position of those reformers calling for Arab governments undertaking similar actions to change their course.

In Arab political life, the cause of freedom faltered in the absence of effective, broad-based political movements capable of rallying people to the struggle and building systems of good governance. In most Arab countries, freedom thus remained a disembodied ideal.

Popular political forces, such as the Arab nationalist and, later on, the Islamist movements, did not make comprehensive freedom their priority. When they did turn to the question, their more limited goal, understandably, was national freedom, which they made their public rallying point in the struggle against colonial powers.

Meanwhile, advocates of larger theories of freedom refrained from practical political organization and consequently the struggle for freedom remained on paper, in books that were seldom read.

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BOX 2-2

**Abdallah al-Arawy: Freedom and Liberalism in the Arab Context**

Whenever we speak of freedom, we have to take a stand vis-à-vis the intellectual system, which includes the word freedom in its very title, i.e. liberalism.

Liberalism considers freedom the principle and the ultimate, the source and the goal, the origin and the result in the life of the human being. Liberalism is the only intellectual system that aspires to nothing but to describe, explain and comment on aspects of free human activity.

Consequently, it is natural for modern Arab thinkers to have acquired the concept of freedom through their knowledge of liberalism. Yet the difficulty facing the political historian and analyst is that of determining the characteristics of liberal thought or, more precisely, diagnosing the components that were previously incomplete, and which later merged with other ideas that led to the loss of its specificity.

I reject the notion that Western lib-

eralism automatically engendered Arab liberalism, and that the call for freedom in the Arab Islamic world is an exact replica of the European call for freedom, that the very word freedom is the translation of a foreign word. I say that the call for freedom is born, first and foremost, from a need within Arab society, a need felt by a number of people. The fact that the expression of this need benefited from similar foreign experiences, that Arab authors rushed to embrace the liberal system because it adequately expressed what they felt does not mean that it was foreign influence itself that triggered the need. The proof lies in the fact that Arab writers did not faithfully copy the European liberalism of their time; rather, they disregarded its awareness of its own contradictions. What they needed was an optimistic, firm and self-assured liberalism, so they projected their own wishes on the pale and pessimistic liberalism of which they were contemporaries.

Source: Abdallah al-Arawy, in Arabic, 1981, 36, 39, 59.

<sup>1</sup> It is significant to note here that hundreds of town councils in the US adopted resolutions opposing this law.

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## **“ORIENTAL DESPOTISM” AND THE ARAB SOCIETAL CONTEXT**

Some historians hold that, from the fall of Baghdad in the mid-13th century to the collapse of the Ottoman State, freedom left the Arab scene and an intellectual culture of reason receded before one that emphasized the metaphysical and the mythical. A state of intellectual inflexibility ensued, “closing the door on independent reasoning and (ijtihad) or interpretive scholarship (ijtihad)”.

In the context of the fraught and ambiguous relationship between “East” and “West,” presented as a stark split, the first pole was usually associated with “despotism” as a supposedly inherent characteristic of “the East” and “Eastern” civilization, while the second was linked with freedom, purportedly a fundamental quality of “Western” civilization.

Thus despotism came to be considered the principal factor in explaining slow progress or underdevelopment in “the East.” This explanation was reinforced by the suffering imposed on the Arab East by despotic rulers and governors, by the dominant influence of obsolete customs and practices on people’s lives, and by the lack of freedom. At the same time, freedom was spreading, to varying degrees, among countries of the West. As a result, we now face the dichotomies of “despotism/backwardness” and “freedom/progress”, metonyms for the “East/West” duality (Mahir Hanandah, in Arabic, 2002).

The notion that “the East” is innately severed from freedom (or democracy) gained new currency with “the clash of civilizations” (Huntington, 1996), and efforts to play up and magnify this distinction after the catastrophic events of September 11 and the “war on terrorism.” Many observed that Arab and Muslim states are not democratic, and one can hardly take issue with that. But altogether more questionably, a few claimed that Arabs and Muslims are not capable of being democrats, for the very reason of being Arab (“the Arab

mind”) or Muslims.

International studies such as the World Values Survey (WVS)<sup>2</sup> have exposed the falseness of these claims by demonstrating that there is a rational and understandable thirst among Arabs to be rid of despots and to enjoy democratic governance. That survey clearly showed that Arab attitudes and values strongly support knowledge and good governance. Among the nine surveyed regions, which included the advanced Western countries, Arab countries topped the list of those agreeing that “democracy is better than any other form of governance”. A substantially high percentage also rejected authoritarian rule (defined as a strong ruler who disregards parliament or elections). These results are quite logical in comparative terms, since those who bear the scars of despotism and harsh rule naturally look forward to freedom and good governance more than others.

Erroneous and mechanical connections between Islam and despotism are similar to those that were sometimes made between Catholicism and oppression in certain Latin American countries, in Eastern Europe and in East Asia some thirty years ago. It is as wrong to link Islam and oppression now as it was to bracket Catholicism with oppression then.

## **DEMOCRACY AND RELIGION**

In democratic thinking, institutions must be able to formulate policies freely and independently, within the boundaries set by the constitution and human rights. Specifically, there should be no privileged position for religious institutions that would permit them to dictate policy to a democratically elected government.

By the same token, individuals and religious groups must be guaranteed independence vis-a-vis both the government and other religious groups. This independent arena must protect the right of people and groups not only to worship as they wish, in private; but also to promote their values publicly in civil society.

<sup>2</sup> An extensive international study, the World Values Survey provides an opportunity to assess the relative preferences of Arab people, in comparison with people of other regions and cultures, on issues of freedom and governance.

The results presented in this study are based on field surveys in a large number of countries in the world, including five in the Arab region (Jordan, Algeria, Morocco, Egypt, and Saudi Arabia). The results cover approximately half the population of Arab countries. In addition to the Arab countries, the surveys provide data concerning eight other country groups: other Islamic countries (non-Arab), sub-Saharan Africa, Eastern Europe, South Asia, the US and Canada and Australia and New Zealand, Latin America, East Asia, and Western Europe.

They must be free to create organizations or movements within political society for the same purpose, provided that such activity has no negative impact on the freedom of other citizens or democratic rules and principles.

These institutional principles of democracy mean that it is unacceptable to prevent any societal group, including religious groups, from forming a political party. However, these groups should agree and adhere to all the guarantees of democratic practice in society (Chapter One) even when faced with the “tyranny of the majority”, so that democratic principles remain the standard for correcting departures from democratic practice. It is only permissible to impose restrictions on political parties once their actual conduct has led to acts inimical to democracy, and where it is the judiciary, and not the ruling party, that makes the ruling (Stepan, 2001, 216-217).

Interestingly, in advanced Western countries that are incontestably democratic, religion is not distant from political society. Indeed, some theorists argue that no existing Western democracy can claim a hard-and-fast separation between Church and State, having reached the point where “freedom of faith” does not end with practicing religious rites in private life, but extends to the right to organize in civil and political society. Indeed, some theorists maintain that neither “secularism” nor “the separation of ‘Church’ from State” constitutes an essential property of democracy (e.g. Stepan, 2001, 223). What is always necessary is to assure the State’s impartiality towards the beliefs of its citizens.

#### DEMOCRACY AND ISLAM: POTENTIAL FOR HARMONY

Our starting point here is that Islam, in the prevailing Sunni sects, has no “clergy” and no “church,” and consequently the concept of religious authority or rule does not arise. Even in Shi’ism, contemporary ijtihad or interpretive scholarship favours “the authority of the umma (nation),” rather than “the authority of the faqih (jurisprudent).” Such is the opinion of Ayatollah Muhammad Mahdi Shamseddin,

Head of the Shi’ite Supreme Council of Lebanon, who ruled that “During the period of occultation, the umma, or nation of Muslims, reclaims governance authority (wilaya), and appoints the ruler or rulers by means of choice and election. Through its will the nation grants the ruler(s) authority whose duration or substance is limited” (Muhammad Selim al-Awwa, in Arabic, 1998, 61-63; Muhammad al-Mahdi Shamseddin, as quoted in Muhammad Selim al-Awwa, 1989).

Islam may not set out a detailed and comprehensive system for good governance in its sacred text. Yet that text (“bearer of multiple perspectives”), its interpretation (which is multiple), and Islamic history (which reflects great variety) all embody the core principles that sustain freedom and good governance as we understand them. These principles include obligatory consultation, respect for freedoms, questioning rulers and holding them accountable.<sup>3</sup> The dominant trend in Islamic jurisprudence supports obligatory consultation and freedom, without prejudice to the rights of others. Specifically, enlightened Islamic interpretations find that the tools of democracy - when used properly - offer one possible practical arrangement for applying the principle of consultation (al-shura).

These fundamental principles (from which governance systems and detailed regulations may be derived) provide for the realization of justice and equality, the assurance of public freedoms, the right of the nation to appoint and dismiss rulers, and guarantees of all public

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#### BOX 2-3

##### **Ibn al-Qayim al-Jawziya: On welfare**

This is a difficult subject, so much so that some have given it up, asserting that the sacred law is deficient and is not concerned with human welfare. But those who hold this to be the case have excluded themselves and humanity at large from many right and beneficial courses of action, which in their opinion are incompatible with the law. By the life of the Almighty! Those courses of action are incompatible, not with the law, but with those individuals’ understanding of the law. They have been led astray

Source: Ibn al-Qayim al-Jawziya, Kitab al-turuq wa al-hikma

by a kind of defect in their knowledge of truth and their knowledge of reality, and the error of regarding the one as less important than the other.

Know that the law is all justice, all equity and all mercy. Every matter that deviates from justice toward injustice, and from equity toward oppression, and from mercy toward lack of mercy, is not of the law, though it may have been incorporated into the law through interpretation.

<sup>3</sup> This does not conflict with the fact that much of the traditional heritage leans towards “establishing the legitimacy of the existing state, even when it is one of oppression and tyranny” (Kamal Abdel-Latif, in Arabic, 1999, 67).

BOX 2-4

### Imam Muhammad Abdu: The Legitimacy of Elections

“States that have built their power on the basis of consultation, entrust the nation to elect trustworthy people who will establish the public laws of the kingdom and monitor their implementation by the government. Such elections cannot be legitimate unless the nation has the full freedom to choose, without any pressure from the government or from others, with no temptation and no intimidation. Thus, the nation must be aware of its rights and their purpose. If different people are elected under the influence of

the government or others, this is legally null and void and the chosen ones have not the authority to be in charge and, consequently, to obey them is not a legal obligation as ordained in the Qur’an, but enforced obedience. For example, if a man were forced to elect a so-called deputy of the nation to what is known as the legislative power, he would be like one who was forced to marry or to buy; he would be legally entitled to neither wife nor goods”.

Source: Farid Abdel Khaleq, in Arabic, 1998, 47

and private rights for non-Muslims and Muslims alike, including the right to hold public office (Muhammad Selim al-Awwa, in Arabic, 1998, 58-59, 72).

Even in the Prophet’s saying (hadith) on

obedience to rulers, the utterance “Obey the person in charge,” which is often exploited to support existing rule no matter how oppressive, and to illustrate “the Arab/Muslim mentality” on governance, is in fact only one part of the hadith. The text stipulates obedience only “in what accords with the truth”<sup>4</sup> and indeed goes beyond that to fault the bad ruler.

Notwithstanding these key theological and philosophical nuances, political forces, both those in power and in opposition, have selectively appropriated Islam to support and perpetuate their oppressive rule.

This underlines the importance of establishing political freedom in the public space and promoting enlightened explanations of Islam much more widely, as mutually supportive pillars of freedom and good governance in Arab countries.

BOX 2-5

### Ayatollah al-Mohaqiq al-Naeeny: An Opinion Concerning Conditionality or Constitutionality

The conduct of the ruler is bounded by the limitations of his prerogatives ... it is conditioned not to exceed them, the people are his partners in all that concerns the destiny of the country to which they all belong on an equal footing. Those in charge are but loyal trust bearers of the people, not owners nor servants. Like other trust bearers, they are responsible to each and every individual of the nation, they are accountable for any trespass they commit, and every single person has the right to question and to object in an environment of security and freedom, without being bound by the Sultan’s will or preferences.

Power of this kind is known as limited, bound, just, conditioned, accountable, constitutional; the reason for so naming it is obvious, and the person in charge of such power is called a protector and a guardian, a dispenser of justice, the responsible, the just. The nation enjoying such bounty is known as a nation that is worthy of reward in the hereafter, a nation proud, free and vital; the reason for such attributes is also clear!

This type of power is based on responsibility and honesty; that is why, like all other responsibilities and honest charges it is conditioned by the absence of excess and bound by the absence of waste. The one element that preserves this type of power and prevents it from turning into absolute power and from excesses is supervision, accountability and full responsibility.

Source: Al-Mohaqiq al-Naeeny, in Arabic, 1909

That is why we of the Imamiyya school of thought consider virtuousness a condition of power; it is the highest imaginable degree of loyalty to one’s charge and a safeguard against tyranny and subservience to one’s desires. The most that can be reached as a natural, human substitute for such a virtuous custody – even by imposition – is a solution that is an approximation, a shadow of that perfect image.

Such a solution depends on two matters: a constitution that fully contains the above-mentioned limitations, so as to differentiate between the functions that the Sultan is committed to perform, and those wherein he has no right to intervene or act. The constitution must also state how such functions are to be performed, to what degree the Sultan may rule, the freedom of the nation and the rights of its different groups and classes in a way that is concomitant with the rulings of the doctrine and the requirements of law. In such a case, to exceed those functions and to put the trust to waste would be a betrayal – like all kinds of betrayal of confidence – necessitating removal from power, officially and forever, with all the sanctions entailed by betrayal.

Scrutiny and accountability are necessary. These functions are to be entrusted to a body composed of the wise and learned members of the nation, experts in international rights, well versed in the requirements and characteristics of the age. They are to moni-

tor and call to account the persons in charge of the nation so as to ensure that there is no excess or waste. They are the representatives and spokespersons of the nation, the embodiment of its learned power. The people’s assembly is but the official council composed of these persons. Their functions of supervising, calling to account, maintaining the limitations of power to prevent it from becoming absolute, can only be performed if all the state employees – as the country’s executive power – are under the supervision of that body, which is in turn responsible to each and every member of the nation.

Both the Sunni and Ja’afari doctrines justify the legitimacy of the supervisory function of the nation’s representatives and their right to intervene in matters of politics. According to the former, wherein matters are entrusted to decision-makers, election of representatives achieves the desired purpose and nothing else is required to confer legitimacy. According to our own doctrine, we believe that matters and politics of the nation are the responsibility of the public representatives, the desired legitimacy requires only that the elected body be composed of just people who strive to interpret or who have been entrusted to act. To correct expressed opinions and to approve their implementation is sufficient to confer legitimacy upon the supervisory function of the body of representatives.

<sup>4</sup> For example: Hisham ibn Arwa related on the authority of Abu Salih who had it from Abu Hurayra that the Messenger of God, said, “Others will rule you after me. The pious will rule you piously and the impious impiously. Harken to them and obey them in all that accords with the Truth. If they do good, the credit will be yours and theirs, and if they do bad, the credit will be yours and the discredit theirs.” (Ali ibn Muhammad Habib al-Basri al-Mawardi, in Arabic, 1983, 5).

## DEMOCRACY AND THE ARAB REGION: THE TRAP OF THE ONE-OFF ELECTION

The “trap of the one-off election” refers to a ploy used in relation to Islamic societies to alarm those apprehensive about the accession to power of fundamentalist Islamic groups. It has also been cited to justify foreign interference to prop up authoritarian Arab regimes. It is contended that opening up the public sphere to all societal forces - among the most active of which is the Islamic movement - will end with these forces assuming power, followed by oppression, such that democratic competition becomes history after the one and only election. Fear of this “trap” is undoubtedly real, and indeed finds some justification in contemporary Arab experience. For this reason, some schools of thought and some political forces in Arab countries have opposed the freedom of Islamic political movements to organize publicly, fearing that, if these forces ever came to power through elections, that would put an end to any chances for peaceful political alternation.

In line with the previous discussion on democracy and religion, we believe that the best insurance against this risk is to strengthen constitutional principles and clauses to safeguard society from abuses of majority power, and to secure at the outset the commitment of all political movements to respect those measures.

## FREEDOM AND HUMAN RIGHTS

Freedom is a human being’s primary right. It is a right conferred at birth, and because of this all human beings possess this right on an equal footing. This primary human right is the foundation on which human rights as a whole are built.

The human rights system in its present form developed through a number of stages and expanded to ever wider spheres, to the point where international human rights law is virtually a reference framework for human development and a criterion by which to judge the quality of life in societies.

BOX 2-6

### Boasting about human rights while destroying them

In the 1980s, there was an Arab country that was able to make rapid strides on the road to democracy. It was striving to achieve a society without great disparities, and it did not suffer from any great class differences. It was characterized by a civil society that included a strong human-rights movement, promising young opposition parties and a bold, responsible press.

However, developments during the last decade have brought this country under scrutiny by Arab and international human rights movements and it has repeatedly been condemned for its use of torture, unfair trials, persecution of human rights activists, denial of freedom of opinion, and fraudulent elections.

The importance of this situation does not derive from the gravity of the abuses, for, by comparison with what occurs in other Arab countries, they are less significant numerically and result in essence from the regime’s successful destruction of the opposition. What is striking is that some democrats, following the regime’s cosmetic adoption of their programmes, accorded it, at the outset, a degree of le-

gitimacy, acceptance, and collaboration. This regime however duped civil society, causing a deep split between those naïve enough to believe promises whose emptiness became daily more apparent and those who refused to continue to collaborate with the regime that was fast transforming itself into a police state.

More dangerous still, this regime started a wide destructive operation against democracy and human rights concealed by cosmetics. At time when torture was common practice, the regime was posting up the Universal Declaration in police stations. Even as it moved to muzzle the press, it claimed that it supported freedom of opinion. And as it undercut popular freedoms by interfering at times in elections, it would speak fulsomely about the sovereignty of the people.

Arab and international organizations have published dozens of reports criticizing the regime. They emphasize not only such abuses but also the regime’s facade of democracy and human rights now manifest to all.

## THE IMPORTANCE OF THE HUMAN RIGHTS SYSTEM

The human rights system enjoys worldwide respect to an unprecedented degree - a respect that has grown steadily, especially as the concept of human rights has advanced over the years to comprise increasingly comprehensive standards for human well-being.

Strengthening and protecting human rights has thus become a defining quest of our time.

This quest gains additional legitimacy, and

BOX 2-7

### Declaration on the Right to Development Adopted by General Assembly Resolution 41/128 of 4 December 1986(excerpts)

Recalling the right of peoples to self-determination, by virtue of which they have the right freely to determine their political status and to pursue their economic, social and cultural development.

#### Article 1

1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural

and political development, in which all human rights and fundamental freedoms can be fully realized.

2. The human right to development also implies the full realization of the right of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources.

*Respect for human rights has now become a key component in defining the concept of Arab human development.*

is the more urgent, in those developing countries where human rights are seriously violated even as the peoples of these societies aspire to a better and more humane life. Respect for human rights has now become a key component in defining the concept of Arab human development and freedom.

In contemporary jurisprudence human rights constitute the collection of rights incorporated in international agreements and treaties that guarantee all people, irrespective of their nationality, ethnicity, language, sex, religion, ideology and abilities, the fundamental rights to which they are entitled by virtue of being human. The importance of the human rights system is that it guarantees the individual a collection of rights that cannot be surrendered. Human rights codified in international covenants and laws transcend national regulation and practices. They constitute supreme standards of a compelling legal nature against which other regulations and practices may be weighed. The contemporary international legal regulation of human rights originates in the Universal Declaration of Human Rights (UDHR) adopted by the UN General Assembly in 1948. However, such rights are the common inheritance of humanity and can be traced back to the religious and cultural norms, values and practices of many societies.

Human rights are generally classified into two groups, civil and political rights, and economic and social rights. The first group includes freedom of opinion and expression, religious freedom, freedom of assembly and association, the right to form political parties, the right of participation in public decision-making and the right to self-determination, among others. This group also covers legal rights such as equality before the law, the right to trial and defence, the right to presumption of innocence and impartial due process. Civil rights further uphold the independence of the judiciary and the right to protection from torture.

Economic and social rights include the individual's right to work, education, health care, adequate housing and to join a trade union. In addition, a new generation of collective rights has emerged relating to the right to development and the right to a clean environment. Moreover, several international

organizations are engaged in promoting the rights of vulnerable groups such as children, women and minorities.

The relationship between human rights and human development was underlined in the first AHDR (Chapter One). Put simply, the two reinforce each other and their common denominator is human freedom. Human development, by enhancing people's capabilities, gives them the ability to exercise freedom. Human rights, by providing the necessary legal framework, guarantee the opportunity to exercise that freedom. This instrumental relationship defines the renaissance movement advanced through these Reports and understanding it is crucial for Arab countries where first, the human rights situation is deteriorating and may well grow worse, and second, work to promote and safeguard human rights is as yet under-developed.

The latter situation can be attributed to several factors. First, awareness of human rights principles is limited; such rights are not deeply rooted in the Arab cultural environment. Second, civil society is generally weak; and third, human rights organizations, such as the Arab Organization for Human Rights and the Arab Institute for Human Rights, are relatively new, with limited popular support and resources.

#### *INTERNATIONAL HUMAN RIGHTS LAW*

Perhaps no international document enjoys as much consensus as the Universal Declaration of Human Rights. The UDHR starts by affirming that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world"; and, in adopting the Declaration, the UN General Assembly proclaimed it "a common standard of achievement for all peoples and all nations," (integral text, Annex 3)

The UDHR came about following the recognition of four international agreements, concerning slavery (1926), forced labour (1930), freedom to join unions and protection of the right to union organization (1948), and prohibition of the crime of genocide (1948).

*Human rights and human development... reinforce each other and their common denominator is human freedom.*



The Declaration stimulated a growing body of international standards that seek to strengthen and protect human rights. From the date of its adoption through to 1986, more than 60 international human rights standards were developed, covering the range of declarations, conventions and protocols as well as UN General Assembly resolutions. Over time, international human rights treaties became more focused and specialized concerning both the issue addressed and the social group(s) identified as requiring protection; thus, such docu-

ments were defined more comprehensively and in greater detail.

But at the core of international accords on human rights remains what is termed the International Bill of Human Rights, (IBHR) consisting of the UDHR, the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR), concluded in 1966, as well as the Optional Protocols.

International human rights law, or the IBHR in its widest sense, embraces not only

*At the core of international accords on human rights remains the International Bill on Human Rights.*

BOX 2-8

### Muhammad Shahrour: A Word About Freedom

Sometimes words fall short of expressing one's intention, of explaining an emotion or a meaning or of defining something that one feels but cannot describe. Language, as a spoken, heard, written and read instrument for human communication and for the transfer of knowledge, more easily describes material objects. No two persons will disagree in defining dress or table for example. It is however not as efficient in the area of abstract things and meanings. The reason, as I see it, is simple. Language is a container and a container, however large, is limited, while meaning is absolute and infinite, however narrow or small; never will the limited contain the absolute, nor can the infinite be stuffed into the finite; the equation is basically impossible! Freedom – like a multi-faceted polished diamond – represents the most outstanding of those difficult to describe and define abstracts. For the Greek Aesop, freedom means liberation from slavery, for Schopenhauer it means liberation in the Sufi sense – of the fetters of earthly flesh, only achieved through death, a meaning shared by the Egyptian poet Salah Jahin who says in one of his quatrains:

The ducks have lifted to cross deserts and seas  
Oh how I wish to go, to roam with birds and bees

Please God, by all that's dear, when I die one day  
Send me not to heaven, it too has locks and keys!

Therefore, he who says that freedom is development is right, he who says that it is something within a human being that pushes him to refuse oppression, repression and tyranny is also right.

Freedom, in my view, is choice and the capacity to make a choice. A human being's capacity to choose his actions is what differentiates him from angels ("they do what they are ordered to do"), without it, accountability on judgment day has no meaning. That is why I have reservations when I hear someone say: "An individual can only be free in a free society/nation", be-

cause a free human being makes a free nation, not the opposite.

Freedom for me is destiny and divine decree; destiny is what the Almighty explained by saying "We have created all things as they were destined to be" (Al-Qamar, 49), divine decree is a human being's ability to deal voluntarily with what was decreed, the relation between the two is knowledge. The greater a human being's knowledge with what was decreed, the wider the margin of his freedom to deal with what is. That is why I consider the spreading of education and knowledge as a first priority in preparing a free individual, for he who knows nothing, chooses nothing.

There are limits to freedom that regulate and control it, be it at the level of the individual, society or the ruling power. If an individual exceeds the limits of his freedom, he falls into chaos (the freedom of your finger ends where the freedom of the other person's eye begins). If society exceeds these limits, it becomes occupied and colonized; if the ruling power does so, then it is repression and tyranny; even if that power is a paragon of faith and morality and came to power by a legitimate and democratic process, since it controls money, weapons, the media and the fora of science and learning. The situation is even worse if the rulers have not come to power through a democratic process! Napoleon said: "Injustice is inherent in the soul, only power brings it to the surface", and the Arab poet said:

"Injustice is one of the soul's realities  
If a virtuous man you find

He may be just, but for a cause unknown".

They both meant absolute freedom that exceeds its limits, rather than injustice since practicing freedom requires constant observation and control at the level of the individual of the community in general and of the ruler in particular. The Almighty said: "Let there be from among you a nation that calls for good, enjoining

what is good and forbidding wrong" (Al-Imran, 104), and went so far as to consider the latter as coming before faith in God by saying: "You were the best nation given unto people, enjoining what is right, forbidding wrong and having faith in God". (Al-Imran, 110).

In the light of knowledge prevailing today, little reflection is required to see that the Qur'anic verse refers to supervisory groups over which the State has no power. These are groups that enjoy freedom of expression and opinion within a framework of free information, freely supervising and regulating freedoms in society in general and, in particular, those of the ruling power, at the level of thought as well as at the political and economic levels.

But still we see some Muslim Arabs who understand freedom as being solely the opposite of slavery. We sometimes see Arab and Islamic thought governed by the principle that "a Sultan feared by his subjects is better than a Sultan who fears his subjects", and by the principle that "an informative consultative opinion is not one that is binding". We see that ordaining what is good and prohibiting what is evil can lead to an institution ruled by the State, one whose sole task is to consecrate what was and what is (the status quo), one that sees in "tomorrow" an image of "yesterday" and to whom ordaining what is good means no more than herding people to prayers with a stick. And we see educational curricula established on the basis of dictating knowledge, thus killing creativity and producing people who are educated but who have no opinion of their own, who will obey the ruler were he to beat them or take away their money. Yet even when all of this prevails, you will still find freedom firmly rooted in the collective psyche of the Arabs and Muslims. I say: Give me one single individual who understands freedom and believes in it, I shall then give you a community where there is no place for a tyrannical ruler.

*The encounter between the global and the particular is especially sensitive when it comes to human rights.*

all the above core instruments but also treaties, conventions, declarations, codes and principles, which deepen and elaborate the elements of the IBHR. Among the notable additional constituents of international human rights law are the following instruments: The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), The Convention on the Elimination of All Forms of Racial Discrimination (CERD), The Convention on The Elimination of All Forms Of Discrimination against Women (CEDAW), The Convention on the Rights of the Child (CRC), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

*THE APPLICABILITY OF INTERNATIONAL HUMAN RIGHTS LAW TO ARAB COUNTRIES*

In many developing countries, the question of whether a global or a local approach to various aspects of life is more appropriate is often a controversial issue. Human rights are no exception. In general, we incline towards the local or the particular, a context that is conducive to supporting and encouraging an Arab identity, but with the caveat that we should not isolate ourselves or ignore the global environment of which we are a part. In other words, we support taking the local or particular approach in the context of a creative interaction with the achievements of human civilization, within the framework of a project to stimulate an Arab renaissance. Yet the encounter between the global and the particular is especially sensitive when it comes to human rights.

It is regrettable that in Arab countries ‘specificity’ is frequently raised with the aim of weakening international human rights law. Nevertheless we remain hopeful that considerations of Arab specificity will combine with universal human rights to enrich international human rights law from an Arab perspective, rather than to detract from it.

Human rights constitute a universal or global issue par excellence. After all, specific rights are assigned to a person purely because s/he is a human being, without regard to any special characteristics, because equality is the basic principle that organizes the concept of human rights. Some however maintain that applying existing universal definitions of human rights principles as embodied in international human rights law is unacceptable since these definitions were not shaped as a result of effective participation of all countries as equal partners in the endeavour. Rather, Western industrial countries held the upper hand in their development.

The UDHR was formulated immediately after the end of the Second World War under the aegis of the UN, which was dominated by the five permanent members of the Security Council. Up to the time when the two fun-

BOX 2-9

**The Pact of the Virtuous (Hilf al-fudul)**

The first public treaty on human rights, the Pact of the Virtuous<sup>5</sup> was concluded by Arab tribes sometime around 590 AD. The purpose was to defend any individual who had suffered injustice at the hands of another, regardless of the origin or position of either individual, until the wrongdoing was stopped and the wrong redressed. The Pact had been preceded by numerous treaties among the Arab tribes, especially those of Mecca, which had set up mutual assistance schemes to help the needy.

This Pact was ratified twenty years before God made Muhammad His Messenger. The Messenger of God witnessed its ratification, and later said of it: “I witnessed in the house of ‘Abdallah ibn Jad’an the making of a pact dearer to me than the most abundant material blessings. If someone were to invoke it under

Source: Ahmed Sidqi al-Dajani, in Arabic, 1988, 19-20.

Islam, I would respond, [honouring it].” The content of this pact, as transmitted by ‘Ibn Hisham’ from ‘Ibn Ishaq’, was as follows: “They agreed on and concluded this pact that said that any individual in Mecca, whether a native of Mecca or someone from elsewhere, would receive their support; they would stand with him until the one who had wronged him gave him redress for the injustice.” They named it the Pact of the Virtuous “because they made a pact that rights be honoured, and in order that a wrongdoer not assail or be victorious over one who had been wronged.” It is said also that it resembled a pact that was ratified by “Jurhum” in earlier times in which three of its men made an accord: ‘al-Fadl ibn Fadala’, ‘al-Fadl ibn Wadi’, and ‘al-Fadil ibn al-Harith’, and it became known as the Pact of the Fadls<sup>6</sup>

BOX 2-10

**Human rights: universality and specificity**

The General Assembly session on the Millennium, resulting from the World Conference on Human Rights held in Vienna on 25 June 1993, agreed that:

All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing,

and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of states, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

Source: Office of the United Nations High Commissioner for Human Rights, in Arabic, 2002, 61

<sup>5</sup> This has also been translated as “the Alliance of Excellence.”

<sup>6</sup> fadl, pl. fudul: virtue, favour, kindness, excellence, superiority.

damental international instruments of 1966 were in final form, only a small number of developing countries were members of the UN — and their influence was extremely limited. Some objectors observe that the representation of developing countries in the UN came about, in any case, through national élites who were not the most reliable representatives of their people. Thus, the argument goes, the circumstances surrounding the formation of human rights principles ensured that these instruments reflected Western values, values that were hegemonic with respect to the international order especially at the time when the UDHR was formulated. In this view, the International Bill of Human Rights contained the seeds of contradiction between certain cultural values prevailing in different regions of the world, and the particularities of these regions and the aspirations of their peoples.

Yet this point of view underestimates the extent of the Arab contribution, whether on the part of the Arab states that actively and effectively participated in debates on the substantive elements of human rights standards, or in the persons of distinguished Arab experts who helped shape international human rights law.

In any case, the Arab world remains in need of an Arab Bill of Human Rights that is acceptable to all in the region and that can draw on the values of the Arab-Islamic culture. This effort to assimilate both dimensions is all the more urgent in light of the cultural particularities of Arab societies and because of the complex and problematic nature of human rights in this part of the world.

Some think that it is crucial to acknowledge a disparity between human rights principles, according to international human rights law, and traditional interpretations of Islamic law (Shari'a) in some areas, such as capital punishment, total equality between men and women, and the treatment of religious minorities. International law considers the right to life the premier civil right; hence the global human rights movement seeks abolition of the death penalty, and pending abolition, seeks to set in place stringent limits. Likewise, the principle of complete gender equality means that international human rights law prohibits

BOX 2-11

### The Contribution of Arab States to the Universal Declaration of Human Rights and the Two International Covenants

Omar Lutfi, Mahmoud 'Azmi (both Egyptian) and Charles Malik (Lebanese) were all involved in the different stages in the preparation of the Universal Declaration of Human Rights.

Omar Lutfi was responsible (despite opposition by some powerful states) for the inclusion of what Susan Waltz considers to be the strongest statement on universality, contained in article 2, paragraph 2:

“No distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.”

Throughout the 20-year process of developing the Universal Declaration of Human Rights and the two Covenants, at no stage did any Arab state withdraw from the debate.

The two Covenants were adopted at the General Assembly by unanimous vote. Arab states participating at the time were: Algeria, Iraq, Jordan, Libya, Mauritania, Morocco, Saudi Arabia, Somalia, Syria, Tunisia, the United Arab Republic (Egypt) and Yemen.

In the development of the two Covenants Badia Afnan, representing Iraq, was insistent that gender equality should

be explicitly guaranteed in both Covenants at a time when such a provision was not favoured by several Western and other states. In the first drafts of the Covenants gender equality was absent. Afnan objected and fought for the inclusion of the present article 3 (ICCPR): “The States Parties to the present Covenant undertake to ensure the equal rights of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.”

Arab states, notably Syria and Saudi Arabia led the movement to include the right to self-determination in the legally binding Covenants.

In the long-standing debates on the development of the two Covenants both Egypt and Syria are on record as supporting effective measures of implementation. Syria proposed a UN investigation mechanism, and Egypt supported the rights of individuals, groups and non-governmental organizations to refer complaints of human rights violations directly to the UN. In 1950, for example, the Egyptian representative stated that the delegation of Egypt was “ready to accept the establishment of a permanent human rights committee, a court to sanction the committee’s findings, or any other provision that might seem necessary”.

Source: Susan Waltz, 2004

discrimination against women (for example, on inheritance) and minorities (for instance, acceding to the position of Head of State). Some argue that international human rights law and Islam can be harmonized only by applying the logic of *ijtihad* (interpretive reasoning) starting from the principle of the welfare of the Muslim nation, even if this transcends the current logic of jurisprudence (*fiqh*). In fact some such interpretations have already established congruence between international human rights law and Islamic law.

It may be appropriate to work towards a concept of human rights in the Arab context, that respects international human rights law in its entirety, while recognizing the Arab national identity and its aspirations as an historical legacy of critical importance in defining Arab reality, and in shaping the Arab future.

*The Arab world remains in need of an Arab Bill of Human Rights.*

*The goals of national liberation and self-determination lead directly to that of liberating Arab territory.*

Foremost among the rights of the Arab people is the legitimate desire to achieve such goals as national liberation and self-determination, unity, human development, and national security. These are intersecting goals that a project for an Arab renaissance must regard as necessarily integrated within a firmly conceived structure. The goals of national liberation and self-determination lead directly to that of liberating Arab territory--and liberating the agency of the Arab people. Specifically this means obtaining the guaranteed right of the people to determine what political forms and entities will constitute the Arab region; to conceive and achieve a desired cultural, social, political and economic blueprint for the homeland; and to formulate the means by which this can be achieved. This goal includes the specific guarantee of effective popular participation in determining people's futures, with the caveat that addressing these demands should not in any way conflict with the global human rights system.

BOX 2-12

#### **Haytham Manna'a: The Books of Tribulations**

The books of tribulations and ordeals were the first expression of the suffering entailed by affiliation to a religion, doctrine or political opposition party. They followed a methodology born of the era to which they belonged, which differs from contemporary approaches. Sometimes their topic was general, so that the book included political assassination, pursuit, arrest, abduction, murder and physical or psychological injury. Other books would deal solely with those who were killed and not touch on imprisonment or injury.

There were also books that dealt exclusively with certain families, such as "The Victims of Murder Among the Talibites" by Abul Farag al-Asfahany, which he devoted to the descendants of Ali Ibn Abi Talib who were murdered. Other works dealt with famous personalities and descendants of the Prophet (or nobles), while some researchers concentrated on poets, prophets or doctors. Some devoted a whole book to one single case, such as Imam Ali Ibn Abi Talib and his son, Hussein, or Ahmed Ibn Hanbal (for example, we have found six books on the ordeal of Ibn Hanbal).

The book on tribulation by Abul

Arab Mohammad Ibn Ahmad Ibn Tamim Al Tamimi, verified by Dr. Yehia Wahib al Jabbouri in 1983, is the best illustration of this important phenomenon, wherein he identified 48 books on tribulations and ordeals. He goes to considerable lengths to introduce the book, and explain its style and purpose. What is important in his writing this comprehensive book of almost 500 pages is that Abul Arab himself experienced imprisonment, fear and threats. Here he explains his purpose in writing the book: "I speak hereafter of those who suffered from among the best of the nation, men of learning and noble men, those who were imprisoned, beaten, threatened or were tried in other ways. It is meant as a consolation for those who have undergone the same ordeals as the virtuous men of the early days of this nation." This explanation is to be found in most books on tribulations that suggest, in more ways than one, that the best of the best are those who suffer the most. For their authors, such books go beyond merely relating history or giving information, they serve to sow the seeds of a culture of resistance and opposition to injustice and arbitrary treatment.

There was an important initiative to adapt international human rights law in order to arrive at an Arab Human Rights Charter. The document in question is the *Draft Charter for Human Rights in the Arab Homeland*, the outcome of a conference of Arab experts held at the International Institute of Higher Studies in Criminal Sciences in Siracusa, Italy, in 1986 (Mahmud Cherif Bassiouni et. al., in Arabic, 1989).

This draft was based on the idea of Arab specificity, represented as an ideological foundation governed by the general framework of the Shari'a, but within the framework of the global human rights movement. Its originators took as their mandate the formulation of a Charter that would represent the situation of the Arab people in today's global context. This is apparent in the nomenclature adopted. The draft organizes rights on the basis of a perspective that sees people as individuals first, members of society second, then thirdly as members of a political entity, and finally as Arabs belonging to the larger homeland (watan). Thus, the draft provides for civil rights, followed by social, political, and cultural rights, and then political rights, concluding with the collective rights of the Arab people. Beyond this, the draft made considerable advances with respect to human rights on the global level in that it included elements of a "third generation" of human rights, such as the right to a just distribution of income.

The rights included in that draft framework form an integrated platform of interlocking and coherent elements. They also constitute an Arab concept of development, as their elements provide criteria for judging the progress of human development in Arab countries, over time and across geographical space. Elements of this concept can be divided into two parts: the first global and the second devoted to the specific characteristics of the Arab region (Nader Fergany, in Arabic, 1992, 55-58).

A similar approach is to be found in the report of a group of Arab experts mandated to review an updated draft of the *Arab Charter for Human Rights*, (Annex 2) under the auspices of the Arab League.

While the updated draft of the Charter corrects many of the defects contained in the

previous version, it still falls short of providing for the comprehensive protections contained in international human rights law, particularly of freedom of expression, belief and association. It also omits specific texts on the elimination of all forms of discrimination against women and the rights of the child. The revised Charter further contains provisions to be defined by the law, which could allow laws to be used to curtail freedoms in Arab countries.

## THE CHALLENGE OF PEACEFUL TRANSITION TO A SOCIETY OF FREEDOM AND GOOD GOVERNANCE IN THE ARAB COUNTRIES

Chapter One describes free societies, in their normative dimension, as fundamental contrasts with present-day Arab countries. The enormous gap that separates today's reality and what many in the region hope for, is a source of widespread frustration and despair among Arabs about their countries' prospects for a peaceful transition to societies enjoying freedom and good governance. Moreover, persisting tendencies in Arab social structures could well lead to spiralling social, economic, and political crises. Each further stage of crisis would impose itself as a new reality, producing injustices eventually beyond control.

Moreover, the Arab societal environment persistently reinforces individual inertia and resistance to change insofar as progress toward freedom and good governance would inevitably harm the interests of the minority that at present influences the shape of things to come in Arab countries.

Another concern relates to the many victims of injustice who are denied peaceful and effective political means to seek redress. This denial could become an invitation to resort to social conflict and perhaps violence. When the prospects of effective political action in Arab countries are foreclosed, this is effective warning of a period of social strife that could well prove destructive. While some believe that violence may be historically necessary to change a reality that has long suppressed the capabilities of these countries, freedom could well be its first victim. This is a fate that all of those who

BOX 2-13

### Freedom and Emancipation

"To be free is nothing, to become free is heaven itself".

Fichte

care about the future of the Arab region must strive to avert.

If the Arab people are to have true societies of freedom and good governance, they will need to be socially innovative. Their challenge is to create a viable mode of transition from a situation where liberty is curtailed and oppression the rule to one of freedom and good governance that minimises social upheaval and human costs, to the fullest extent possible. History will judge this a transcendent achievement through which the region finally attained its well-deserved freedom.

This challenge concerns, first and foremost, the intellectual and political vanguards of the region, those who have until now seemingly neglected to take up their societal role as the conscience and leaders of the nation, hesitating to play their inescapable part in steering their people towards human progress. Facing this challenge squarely requires a new kind of thought and a new discourse consistent with that thought. For, to cast off oppression requires a new language far removed from the vocabulary of oppression and the moulds into which it forces reality. It also demands innovative societal action.

The foregoing discussion indicates the falsity of claims that Arab culture and freedom are incompatible. Impediments to freedom do exist in the Arab reality and in the global and regional context, but these are not insurmountable.

We hope that the coming pages offer new beginnings for moving purposefully and peacefully in these directions.

*Persisting tendencies in Arab social structures could well lead to spiralling social, economic and political crises.*

*This challenge concerns, first and foremost, the intellectual and political vanguards of the region.*

BOX 2-14

### Timing the call for freedom

"It seems that the poems and the songs of protest and liberation are always too late or too early: memory or dream. Their time is not the present; they preserve their truth in their hope, in their refusal of the actual".

Herbert Marcuse (1969)