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KARAMAH Says President Obama's Cairo Speech "Moves the World into the 21st Century"

(Washington, D.C., June 9, 2009): KARAMAH: Muslim Women Lawyers for Human Rights joins the general public, at home and abroad, in warmly receiving the landmark speech of President Barack Obama in Cairo.

"The speech was multifaceted, thoughtful, and moves the world into the 21st century," says Dr. Azizah al-Hibri, President of KARAMAH.

KARAMAH directed its comments below to aspects of the speech that fell within its mission, specifically (1) Islam and the West, (2) democracy and Constitutional freedoms, and (3) women's rights and education:

Islam and the West

"KARAMAH agrees with President Obama that Islam and the West are not doomed to hostility and that the Clash of Civilizations is not inevitable. Indeed, with the new century, we are on the verge of a peaceful world in which citizens around the globe will respect their differences and focus on their mutual interests and common values.

"The election of President Obama revealed a shift in American generational consciousness. The President's speech in Cairo exemplified this new consciousness which is optimistic about global understanding.

Some commentators have argued that such a view of the world is naïve, but these critics fail to appreciate the revolutionary impact of the Digital Age in bridging civilizations. Digital technology has had unprecedented reach around the globe despite efforts to limit its effectiveness by restricting the freedoms of speech and assembly.

President Obama refers in his speech to shining moments in Islamic history - namely that of Andalusia (part of modern-day Spain), where people of all faiths lived in peace and prosperity together - and to Indonesia today.

"His remarks regarding Western civilization's debt to Islamic civilization, which paved the way for the Renaissance and the Enlightenment, reflect a new and more accurate understanding of the relationship between Islam and the West. At its best, that relationship has been one of historical dialogue and sharing of ideas, not one of irreconcilable differences or permanent conflict.

“To further drive this point home, we quote a comment made by law Professor John Makdisi in his landmark article: “The Islamic Origins of the Common Law,” 77 N.C.L. Rev. 1635 (1999). He states:

The Islamic legal system was far superior to the primitive legal system of England before the birth of the common law. It was natural for the more primitive system to look to the more sophisticated one as it developed three institutions that played a major role in creating the common law. The action of debt, the assize of novel disseisin, and trial by jury introduced mechanisms for a more rational, sophisticated legal process that existed only in Islamic law at that time. Furthermore, the study of the characteristics of the function and structure of Islamic law demonstrates its remarkable kinship with the common law in contrast to the civil law. Finally, one cannot forget the opportunity for the transplant of these mechanisms from Islam through Sicily to Norman England in the twelfth century. Motive, method, and opportunity existed for King Henry II to adopt an Islamic approach to legal and administrative procedures. While it does not require a tremendous stretch of the imagination to envision the Islamic origins of the common law, it does require a willingness to revise traditional historical notions. (p. 1731)

“We at KARAMAH have also conducted our own studies about similarities, if not more significant relationships, between Islamic and American constitutional law. In “Islamic and American Constitutional Law: Borrowing Possibilities or a History of Borrowing?” (1 University of Pennsylvania Journal of Constitutional Law 492 (1999)) also at www.karamah.org, Dr. al-Hibri stated:

The “federal” system of Madinah was responsible, however, for such matters as common defense and peacemaking, purposes similar to those in the Preamble to the American Constitution which refers to insuring “domestic Tranquility [and] provid[ing] for the common defence.” The Charter also contained its own bill of rights. Among the rights it protected were the right to freedom of religion, and the right not to be found guilty because of the deeds of an ally, a form of guilt by association which was widely practiced at the time. (p. 512)

“On the question of religious freedom, Professor al-Hibri noted: ‘In a global era when religious intolerance was the rule, the Charter of Madinah stated that the Jews of the community, who were party to the Charter, were ‘one people’ with the Muslims, though it provided ‘to each their own religion.’”

“These similarities, among many, between Islamic and American Constitutional law are powerful in rebutting claims that Muslims who demand such human and constitutional rights are abandoning their own society and following a Western model. The article adds:

Given this similarity, the research conducted by the Founding Fathers [of Islamic documents] warrants further investigation to determine whether it uncovered, either directly or indirectly, the basic principles of the Charter. Also, both the

Charter and the Constitution deserve further analysis to uncover additional similarities. The analysis would, among other things, support the argument that American constitutional principles have a lot in common with Islamic principles. (p. 514)

“The argument that human beings from different societies or religions are radically different dehumanizes them and encourages harmful attitudes such as racism and intolerance towards the other. In fact, God states in the Qur’an that all humans are created from the same soul and that God created us into male and female and nations and tribes (i.e. our differences) so that we get to know each other (Qur’an 49:13). In his speech, President Obama cites this verse which is a founding principle for Muslims in their relations with all others.

“In its efforts to advance the dialogue of civilizations and uncover historical borrowings, KARAMAH is currently designing a research and investigation project to look further into the history of the interaction of Islamic-American legal thought. With over seven million Muslims in America and over a billion and a half worldwide, the time has come for these two great civilizations to abandon dangerously erroneous stereotypes and lay a more informed foundation about their similarities and debts to each other.

Democracy and Constitutional Freedoms

“President Obama rightly states that democracy and Constitutional freedoms are global human demands, not just Western ones. He is insightful in realizing that The articulation varies in each country depending on that country’s social and cultural conditions. KARAMAH supports others in determining those democratic forms most suitable for their societies.

“KARAMAH has led the American Muslim community and the American scholarly community in arguing as early as 1993 that Islam and democracy are compatible. In developing this argument, the basic requisites of democracy were analyzed from an Islamic perspective and shown to be in fact basic to Islamic thought. (See for example “Islamic Constitutionalism and the Concept of Democracy, 24 Case Western Reserve Journal of International Law, 1 (1992); www.karamah.org) It is important to understand that the Qur’an itself introduced the Rule of Law as a substitute for the Use of Force rampant in societies of that time. Absent in the Qur’an, however, were rules mandating specific forms of democratic governance. Instead, the Qur’an provided general principles that governments must meet to acquire legitimacy. These include, among other things, the consent of the people and *shura* (consultation). The fact that current Muslim governments do not generally rely on either consent or *shura* is not a statement about Islam, but about the rift between the people and their governments, and between faith and authority.

“Once we recognize that fact, it becomes clear that the demand in many Muslim countries for democracy is not the result of undue Western influence. It is a genuine aspiration embedded in its own local conditions and its system of belief that demands consent, consultation, and various constitutional freedoms, such as freedom of thought and religion. KARAMAH’s support for these demands arises from this basic Qur’anic understanding, not from being beholden to any government. Further, we at KARAMAH believe that the general Qur’anic principles are intended

to be general, hence flexible. This way, each society can develop the form of democracy that suits it best. We are gratified that President Obama understands this fact and has mentioned it explicitly in his speech.

Women's Rights and Education

“KARAMAH agrees with the President that women's rights is a very important area to be addressed, and that education is at the core of its mission. KARAMAH is a leader in the area of both Muslim women's rights and education. The research on our website shows clearly that we do not think that Islam is a barrier to Muslim women's rights. Rather, it is a guarantor of these rights. It is patriarchy that has stood in the way and we need to remove that obstacle through education.

“KARAMAH has argued vehemently in favor of the education of women (see for example, “Islam, Law and Custom,” 12 American University Journal of International Law and Policy 1 (1997), pp. 34-44; www.karamah.org). The article rebuts claims that religion stands against such education. In fact, the Prophet Muhammad made seeking education the duty of every Muslim, male or female. It is not just a right; it is a duty that no one may hinder! In fact, the state has the responsibility of facilitating education, not banning it!

“Furthermore, KARAMAH believes that freedoms are indivisible. Therefore women's rights cannot prosper in the absence of a democratic or *shuratic* (consultative) form of governance. Witness the recent Kuwaiti elections, where four women were elected to the parliament against all odds. This fact underlines the importance of legal/constitutional education for women.

“KARAMAH has been and intends to continue helping Muslim women gain greater legal education about their rights within Islam. We have conducted various workshops on these matters at home and abroad, most recently on the subject of domestic violence. We are also in the process of transforming our website into a tool of distant education.

“Additionally, for the last seven years, we have conducted a Law and Leadership Summer Program from which many women leaders at home and abroad have graduated. These women have been changed and have introduced informed change into their own communities. This is peaceful change based on knowledge. This is change KARAMAH believes in.

“In conclusion, Karamah is heartened by President Obama's speech and his depth of understanding of issues significant to the Muslim World. It also demonstrates how citizens of this world can be different and still respect each other's humanity and work together for a new and better world. Karamah will continue doing its share to realize this goal.”

About KARAMAH

Founded in 1993 with offices in Washington, DC, KARAMAH is a charitable, educational organization that focuses on the domestic and global issues of human rights, particularly those of Muslim women. Karamah is Founded upon the ideal that education, dialogue, and action can counter the dangerous and destructive effects of ignorance, silence and prejudice. Its three primary divisions are **Law and Leadership**, **Family Law**, and **Islamic Law**. For media inquiries or for more information, contact Jina Hassan at jhassan@karamah.org or call 202-234-7302.

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