

CHALLENGES AND DANGERS THAT THREATEN THE RIGHTS OF AN INTERCULTURAL SOCIETY IN A GLOBALIZED WORLD

Heribert Franz Koeck. Dr. iur. (Vienna), M.C.L. (Ann Arbor), Dr. h. c. mult.
Emeritus Full Professor of Law Special Representative of the Johannes Kepler University Linz
for Eastern and South-Eastern Europe, Austria

RESUMEN:

La multiculturalidad se caracteriza por la coexistencia de diferentes grupos culturales, nacionales, étnicos y religiosos dentro del mismo territorio sin considerar necesariamente los deseables contactos. Entre los diferentes grupos puede existir tolerancia pasiva, pero no aceptación mutua o estima. En contraste, la interculturalidad se caracteriza por diferentes grupos que viven juntos en una tolerancia activa y la intención de mantener relaciones equitativas entre sí. Pero incluso el primero, y mucho menos el segundo, no está asegurado en la mayoría de los países del mundo. Más bien, hay un retroceso en el área de los derechos humanos que amenaza incluso un mínimo de coexistencia pacífica. Así es en los Estados islámicos y más particularmente en los países bajo la influencia del fundamentalismo militante. Por lo tanto, creer que los inmigrantes que vienen a nuestros países, o al menos a todos los inmigrantes que quieren quedarse aquí, quieren compartir nuestros valores es ingenuo. En la situación actual, no podemos ignorar la amenaza a nuestras sociedades libres invocando erróneamente la multiculturalidad. No podemos permitir que esta amenaza se convierta en realidad porque, de lo contrario, no habrá necesidad de esa interculturalidad a la que todos aspiramos.

ABSTRACT:

Multiculturalism is characterized by different cultural, national, ethnic, religious groups co-existing within the same territory without necessarily considering contacts between them to be desirable. Between the different groups there may exist passive tolerance, but not mutual acceptance or esteem. In contrast, interculturalism is characterised by different groups living together in active tolerance and the intention of maintaining equitable relations among each other. But even the former, let alone the latter, is not secured in a majority of countries worldwide. Rather, there is a retrogression in the area of human rights that threatens even a minimum of peaceful co-existence. Thus is so in Islamic states and more particularly so in countries under the influence of militant fundamentalism. Therefore, to believe that migrants coming to our countries, or at least all immigrants who want to stay here, share our values is naïve. In the present situation, we cannot ignore the threat to our free societies by mistaken invocation of multiculturalism. We cannot allow this threat to become reality because otherwise there will be no need for that interculturalism to which we all aspire.

PALABRAS CLAVE: *Multiculturalidad, interculturalidad*

KEYWORDS: *Multiculturalism, interculturalism*

In today's world, the multicultural society is still the rule and the intercultural society is still the exception.

1.- MULTICULTURALITY

The former is characterized by the fact that different cultures, national, ethnic, religious groups – while all living within the same territory – do not necessarily come into contact with each other or even consider such contact desirable. Between the different groups there may exist passive tolerance, but not mutual acceptance or esteem. Difference is often viewed negatively and forms major justification for discrimination. In consequence, even where there are laws designed to stop discrimination, the law may not be enforced uniformly and its enforcement might even be not welcome. Thus is particularly true for the enforcement of rights which a particular group does not claim for its members and is reluctant to allow them for its own members. Here, culture is the ground for auto-separation. The multicultural society is a society where cultural groups co-exist but living together of people of different cultural groups is not accepted by all groups without interference.

2.- INTERCULTURALITY

Intercultural societies are characterized by the fact that different cultures, national, ethnic, religious groups who all live within the same territory maintain open relations of interaction, exchange and mutual recognition of their own and respective values and ways of life. Between the different groups there exists active tolerance and the intention of maintaining equitable relations among each other where everyone has the same importance. The intercultural society is a society where people of different cultural groups can live together unfettered by their own groups.

3. - MULTICULTURALITY AND FREEDOM

Of course, to say that the multicultural society is still the rule and the intercultural society is still the exception, also is not correct and an over-optimistic exaggeration. The multicultural society which I have depicted and which is characterized by the peaceful co-existence of different cultural groups is by no means the rule. Freedom House, in its Report on Freedom in the World 2013,¹ classified only 90 states or 46 per cent out of 195 as «free states», while 58 states or 30 per cent were classified «free with reservations» and 47 states or 24 per cent were classified «unfree». Since «free» means respect for and protection of human rights and since multiculturalism and interculturalism presupposes a society in which the human rights of members of different cultural groups are respected and protected, in more than half of all countries we cannot speak even of a multicultural society, let alone an intercultural society.

4.- NO REAL GLOBALISATION

As regards multiculturalism and interculturalism, there does not exist, therefore, a globalised world. If we define globalization as being a process of international integration arising from the interchange of world views, products, ideas, and other aspects of culture,² or, more elaborately, as «a process of interaction and integration among the people, companies, and governments of different nations, a process driven by international trade and investment and aided by information technology», a process that «has effects on the environment, on culture, on political systems, on economic development and prosperity, and on human physical [and we

¹ www.freedomhouse.org

² See, in general, ALBROW, Martin; and KING, Elizabeth (eds.), *Globalization, Knowledge and Society*, London 1990.

may add: mental] well-being in societies around the world, »³ then we have to realize that this process has, so far, not been very successful. Rather, in those areas which are most important in the context of the rights of an intercultural society, it has come to a standstill, and even to retrogression.

5.- RETROGRESSION IN THE AREA OF HUMAN RIGHTS

Universal Declaration of Human Rights

This retrogression can be demonstrated by the call into question of a document that – at the time of its adoption – was hailed as milestone of human development: the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations in 1948 by a vote of 48 in favour, none against, and eight abstentions.⁴ Six of the abstentions came from communist countries⁵ and were then attributed to the fact that Article 13 provided the right of citizens to leave their countries. All of these countries, after the political turn in Europe of 1989/1991, have themselves – or their successor states have – embraced the freedoms proclaimed in the Universal Declaration.⁶ Of the remaining two abstaining states, South Africa in the meantime has, after the abolishment of apartheid, accepted these freedoms in an integral manner.

Reservations by Saudi Arabia

Saudi Arabia, on the other hand, was a special case at the time. Its abstention was prompted primarily by two of the Declaration's fundamental rights: freedom of religion and freedom of marriage. As regards freedom of religion, Saudi Arabia rejected the right, contained in Article 18,⁷ that everyone has the right «to change his religion or belief». As regards freedom of marriage, Article 16 Paragraph 1 provides that «Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.» Saudi Arabia was opposed to equal marriage rights and, again, to declaring questions of religion irrelevant to the right of marriage.⁸

At the same time, Saudi Arabia's position signalled disagreement between countries of a European tradition of human rights⁹ or of

⁷ Article 18: » Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. »

⁸ Article 16: « (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. (2) Marriage shall be entered into only with the free and full consent of the intending spouses. (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. »

⁹ Article 6 Paragraph 3 of the Treaty on European Union (TEU) expressly refers to this tradition in stating that « [f]undamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law. » Yet, the fact that human rights reflect a «European tradition» does not mean that human rights are only or primarily something for Europeans; it was only in Europe that the idea of human rights was first developed and human rights embodied in positive law. As the term human rights already indicates that these rights are rights of man as a human being; and there is

³ The Levin Institute - The State University of New York, *What is Globalization?* In: *Globalization 101*, New York 2014, <http://www.globalization101.org/what-is-globalization/>

⁴ Honduras and Yemen did not take part in the vote.

⁵ Soviet Union, Ukrainian SSR, Byelorussian SSR, People's Federal Republic of Yugoslavia, People's Republic of Poland, Czechoslovakia

⁶ They are all parties to the ICCPR and, where applicable, also to the ECHR.

countries which – like Turkey at the time – were aspiring to become part of that tradition – or at least of countries which – like the Arab states – were believed to so aspire.

6.- THE ILLUSION OF PROGRESSIVE EUROPEANISATION

Certainly, there still were peoples whose contact with the European tradition had been too sparse for coming to know and to appreciate the values of a modern, democratic and liberal state and of its precondition, the acceptance of the pluralistic society. Yet, at the time and for the following two or three decades, it was widely believed that this was a transitory situation and that all peoples would readily accept the European tradition should they only have had the opportunity to become acquainted with it.

As regards the Muslim world, this expectation was illusory or at least over-optimistic. Muslim societies, when coming into contact with secular ideals, responded in different ways. Some Muslim countries are secular. Azerbaijan became the first secular republic in the Muslim world during its short-lived independence between 1918 and 1920, when it was incorporated into the Soviet Union. And we have already mentioned Turkey that has been governed as a secular state since the reforms of Mustafa Kemal Atatürk. But there were strong pan-Islamic counter-movements like the Muslim brotherhood dating back to the late nineteen twenties in Egypt. And the Iranian Revolution of 1979 replaced the mostly secular regime of the Shah with an Islamic republic led by its religious leaders. And the number of secular States in the Muslim World has been on the decline ever since the second half of the twentieth century.

no essential difference between European and other human beings.

7.- THE MISSED CHANCE FOR SPREADING THE AMERICAN WAY OF LIFE

If we ask ourselves why this has happened and why – what is regarded all-over the world – the American way of life not only has not been embraced in many regions of Asia and Africa but often has come to be rejected outright, this is because of the fact that the United States' claim to serve the world as an uninterested power in the service of freedom, democracy and justice for all peoples too often has been disproven by the facts, especially in the Middle East which must still be regarded the core region of the Islamic world.

The stance taken by the United States towards the Middle-East problem

Probably, the death-knell for American credibility among Muslims have been the events following the Arab-Israeli War or Six-Day War of 1967, the occupation of the so-called West bank and the Gaza strip¹⁰ by Israel, the latter's refusal to withdraw from the occupied territories¹¹ and Israeli settlement policy that was started as early as 1967¹² despite the fact that the Israeli government had received legal advice that establishing such settlements in occupied territory would be illegal under the Fourth Geneva Convention of 1949¹³ and despite

¹⁰ Occupation then also extended to the Sinai Peninsula.

¹¹ Only the Sinai Peninsula was returned to Egypt in xxx following the Peace Treaty of xxx

¹² The first settlement established was Kfar Etzion in the South of the West bank in 1967.

¹³ Israel tries to justify its action by arguing that « [a]lthough Israel has voluntarily taken upon itself the obligation to uphold the humanitarian provisions of the Fourth Geneva Convention, Israel maintains that the Convention (which deals with occupied territories) was not applicable to the disputed territory. As there had been no internationally recognized legal sovereign in either the West Bank or Gaza prior to the 1967 Six Day War, they cannot be considered to have become 'occupied territory' when control passed into the hands of Israel. » Statement by the Israeli Ministry

the fact that the UN General Assembly, the UN Security Council, the International Court of Justice, the International Committee of the Red Cross, and, in particular, the Parties to the Fourth Geneva Convention have all affirmed that the Fourth Geneva Convention was applicable. Ever since the United States has steadfastly supported the Israeli position, in the face of many resolutions of the UN General Assembly adopted almost unanimously,¹⁴ of a number of resolutions of the Security Council¹⁵ and of the Advisory Opinion of the International Court of Justice on *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* of 2004.¹⁶

Can we reproach the Muslims if they judge according to the deeds and not according to the words? Is it not the Christian Bible which states, in Matthew 7, 16-17: «You will know them by their fruits. Grapes are not gathered from thorn bushes nor figs from thistles, are they? So every good tree bears good fruit, but the bad tree bears bad fruit.»?

The Palestinian reaction

As a consequence, the Palestine Liberation Organisation founded in 1964 under the auspices of the 1964 Arab League summit in Cairo with the purpose of creating an independent State of Palestine, took to guerrilla tactics to attack Israel from their bases in the various Arab States bordering on Israel and committed a series of terrorist acts in the nineteen-seventies and early nineteen-eighties. While Israel and the United States

of Foreign Affairs of 1 November 2007 on: «Israel, the Conflict and Peace: Answers to frequently asked questions».

¹⁴ In 2011, Res. 65/16 entitled «Peaceful settlement of the question of Palestine» was adopted by a recorded vote of 165 in favor to 7 against with 4 abstentions.

¹⁵ Cf. resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 1397 (2002) of 12 March 2002, 1515 (2003) of 19 November 2003, 1544 (2004) of 19 May 2004 and 1850 (2008) of 16 December 2008

¹⁶ ICJ Reports 2003/4, 43 ff.

considered the PLO to be a terrorist organisation until the early nineteen-nineties, most of the other states recognized the PLO as the legitimate representatives of the Palestinian people, especially after the United Nations General Assembly had recognized the PLO as the «representative of the Palestinian people»¹⁷ and had granted the PLO observer status in 1974.¹⁸

Yet, the PLO, in its Ten Point Programme approved in 1974, avowed itself to actively pursue the establishment of a democratic state in Palestine. Had the Oslo Accords, reached in 1993 in which Israel recognised the PLO as representative of the Palestinian people and the PLO recognised Israel's right to exist in peace and rejected violence and terrorism, not been boycotted by Israel after the assassination of Prime Minister Yitzhak Rabin by a radical right-wing Orthodox Jew who opposed the signing of the Oslo Accords in 1995, and had the 2000 Camp David Summit between US President Bill Clinton, Israeli Prime Minister Ehud Barak, and Palestinian Authority Chairman Yasser Arafat in 2000 not failed at the very last moment, today's prospect for an intercultural or at least a multi-cultural society on a global scale might be less gloomy.

8.- FROM ARAB TERRORISM TO MUSLIM TERRORISM

Al-Qaeda

Be it as it may: Because of the seemingly fruitless attempts for a peaceful settlement of the conflict between Israel and the Palestinians and the steadfast support of untenable Israeli positions by the United States even in the face of UN resolutions, the terror that originally had been limited to the Middle East and had been directed to the liberation of Palestinian territory now became a more general phenomenon directed to the

¹⁷ By GA Resolution 3210 and GA Resolution 3236.

¹⁸ By GA Resolution 3237.

liberation of all Islamic territories from the dominance of non-Islamic, especially Western countries. It was then that al-Qaeda, going back to Islamist groups fighting the Soviets in Afghanistan but afterwards having evolved into a global militant Islamist and Wahhabist organization led by the Saudi national Osama bin Laden, started its attacks on civilian and military targets in various countries, including bombing of U.S. embassies in 1998, the attacks on New York and Washington of 11 September 2001 and the Bali bombings 2002. The «war on terror» proclaimed by the United States in 2001 and joined by other countries resulting in the war against the Taliban in Afghanistan (2001-2014) and serving as a pretext for the war against Saddam Hussein in Iraq (2003-2011) had little effect in these regions, was not successful in decisively weakening the Taliban and caused the rise of all kinds of terrorist groups most of which were linked to al-Qaeda but often even more ruthless than the latter.

Islamic State

The most recent movement is that of the Islamic State that is presently controlling great part of the Iraq and Syria and which was repudiated even by al-Qaeda for its brutality and notorious intractability. It has its origins in the Iraqi insurgency against American-led coalition forces and their Iraqi allies following the 2003 invasion of Iraq under the pretext of self-defence against an alleged threat constituted by Saddam Hussein's alleged arsenal of weapon of mass-destruction. Because of its original aim to set up an Islamic state in the Sunni-majority regions of Iraq it called itself the Islamic State in Iraq. It availed itself of the opportunity offered by the Syrian civil war to interfere, and re-named the Islamic State of Syria and Iraq. When it decided to claim parts of the countries bordering the Eastern

Mediterranean,¹⁹ it re-named again the Islamic State of Iraq and the Levant. Most recently, with the proclamation of a caliphate,²⁰ the entity was again renamed the Islamic State.

The Islamic State claims religious authority over all Muslims across the world and aspires to bring much of the Muslim-inhabited regions of the world under its political control. For this purpose, it adheres to global jihadist principles. All jihadist groups of the twentieth and twenty-first centuries emerged from the ideology of the Muslim Brotherhood mentioned above. The Caliphate follows an extreme anti-Western interpretation of Islam, promotes religious violence and regards those who do not agree with its interpretations as infidels and apostates. Christians living in the caliphate were first given three options, converting to Islam, paying a religious levy or death. Presently however, all non-Muslims seem to have only one choice left: conversion or death.

Guidelines issued set a strict dress code on how to wear clothes and veils. Women – who are in principle expected to stay at home and not go outside unless necessary – have to wear full-face veils in the public or face severe punishment.

The Islamic State adheres to the strictest form of the Sharia. Punishment considered cruel or unusual by international human rights standards is the rule; thus, stealing is punished by amputation.

9.- ISLAMIC FUNDAMENTALISM VERSUS MULTICULTURALITY

¹⁹ Namely Jordan, Israel, Palestine, Lebanon, Cyprus and a small part of Turkish territory bordering Syria that has been disputed between Turkey and Syria since the dismemberment of the Ottoman Empire.

²⁰ On 29 June 2014. The present leader Abu Bakr al-Baghdadi became caliph under the name of Amir al-Mu'uminim Caliph Ibrahim.

We will all agree that the Islamic State offers no room for interculturality or even multiculturalism. And we cannot turn away and leave these people to themselves, because – as Ernest Hemingway, in his book entitled *For whom the bell tolls?*²¹ has said – «No man is an island; every man is a part of the main. » There is, therefore, an international responsibility for the people living under the rule of the caliphate.

But there is another argument why no-one should ignore what is presently going on in Syria and the Iraq. There is a famous statement, in essence correctly ascribed to Bert Brecht, which starts: «Sometime they'll give a war and nobody will come».²² But it continues: «Then the war will come to you.»²³

10.- THE THREAT TO MODERN PLURALISTIC SOCIETY

The jihadist movement behind the Islamic State has recruited young people from Britain, Continental Europe and the United States for years. These people are indoctrinated in extremist anti-Western ideology, trained in how to make and detonate car bombs and suicide vests and sent home to start new terror cells. What we call Western countries are directly affected by this movement.

²¹ 1940.

²² This line is borrowed from Carl Sandburg and is contained in his collected poems *The People, Yes*, published in 1936.

²³ This line is said to have been inserted by an *anonymus*. At any rate, the following lines are from Brecht himself: «Wer zu Hause bleibt, wenn der Kampf beginnt, und lässt andere kämpfen für seine Sache, der muss sich vorsehen: Denn wer den Kampf nicht geteilt hat, der wird teilen die Niederlage. Nicht einmal Kampf vermeidet, wer den Kampf vermeiden will, denn er wird kämpfen für die Sache des Feindes, wer für seine eigene Sache nicht gekämpft hat.»

Moreover, «Abu Bakr al-Baghdadi, the self-proclaimed leader of the 'Islamic State' stretching across Iraq and Syria, has vowed to lead the conquest of Rome as he called on Muslims to immigrate to his new land to fight under its banner around the globe.»²⁴ In order to be able to do so, he called Muslims «to flock to the 'Islamic State' to gather for a battle against non-believers throughout the world.»²⁵

While it is unlikely that all of the more than two billion Muslims presently living will indeed emigrate from their countries of origin and join the Islamic State, there are many countries to which the Muslim State movement might spread.

11.- ISLAMIC STATES

There are at least six states which have adopted Islam as the ideological foundation of state in their constitution.²⁶ There are at least sixteen additional states which have declared Islam to be the official state religion²⁷. If it is said that in those countries the legal code is largely secular and that only

²⁴ Damien McElroy, Rome will be conquered next, says leader of 'Islamic State', in: *The Telegraph*, 30 August 2014, <http://www.telegraph.co.uk/news/worldnews/middleeast/syria/10939235/Rome-will-be-conquered-next-says-leader-of-Islamic-State.html>.

²⁵ *Ibid.*: «Those who can immigrate to the Islamic State should immigrate, as immigration to the house of Islam is a duty, » said Abu Bakr al-Baghdadi, speaking as the first Caliph or commander of the Islamic faithful since the dissolution of the Ottoman empire: «Rush O Muslims to your state. It is your state. Syria is not for Syrians and Iraq is not for Iraqis. The land is for the Muslims, all Muslims.»

²⁶ Afghanistan, Iran, Mauritania, Pakistan, Saudi Arabia and Yemen.

²⁷ Algeria, Bangladesh, Egypt, Iraq, Jordan, Kuwait, Libya, Malaysia, Maldives, Morocco, Pakistan, Palestine, Somalia, United Arab Emirates, Brunei Darussalam and Lebanon, the latter with the exception that it also has recognised 18 other religions or denominations (four Muslim, 12 Christian, one Druze, and one Jewish) making it the most religiously diverse country in the Middle East.

personal status matters pertaining to inheritance and marriage are governed by Sharia law, on the one hand this is not correct – as is shown by the example of Pakistan where, e.g. any critical statements about Islam, whether made by Muslims or non-Muslim, are considered blasphemy and punishable by death – and on the other hand this is bad enough because the Sharia does not respect women's equal rights in these areas.

Moreover, governments in those countries increasingly have come under pressure to make Sharia the only law. There are five more states without any constitutional or official announcement regarding status of religion or secularism, but this does not mean that all of them are neutral in religious matters.²⁸ A particularly negative example is set, in this context, by Sudan which only recently sentenced a Christian-raised woman to death for apostasy and for adultery because she married a Christian man. It took much international effort to secure her release and departure.²⁹

12.- COUNTRIES WITH MUSLIM MAJORITY

There are 22 states with an absolute or relative Muslim majority which have declared separation between civil and government

affairs on the one, and religion, on the other hand.³⁰

The case of Egypt

However, the example of Egypt under the majority rule of the Freedom and Justice Party with strong links to the Muslim Brotherhood and the Presidency of its former leader, Mohamed Morsi, demonstrates the fragility of an order that nominally is based on liberal values but which values have little meaning to the simple people. Morsi, who – though democratically elected in 2012 – had ignored minority rights, granted himself unlimited powers including the power to legislate without judicial review of his acts and would have introduced an Islamist-backed constitution probably even approved by referendum which would have disregarded the fundamental freedoms connected with the recognition of religious, cultural and political pluralism had he not been ousted by a military coup supported by opposition leader Mohamed El Baradei (former Director General of the International Atomic Energy Agency, by Ahmed e-Tayeb, the Grand Imam of Al Azhar, and the Coptic Pope Tawadros II in 2013. Since then, the Muslim Brotherhood has again taken to terrorist attacks and other acts of violence.

The case of Turkey

Another example is the gradual development of Turkey from a laical (and perhaps laicist) state to an Islam-oriented state under former Prime Minister and present Turkish President Recep Tayyip Erdoğan, until recently leader of the Justice and Development Party (AKP) with a strong Islamist tradition. When young, Erdoğan was a Member of the Akıncılar Derneği (Society of Spearheads), a militant Turkish-Islamist

²⁸ Indonesia, Sudan, Niger, Djibouti and Sierra Leone.

²⁹ The case of Mariam Yehya Ibrahim Ishag has received world-wide attention. But prosecutions of apostasy, such as Ms. Ishag's, have a long and disturbing history in Sudan, starting with the case of Mahmud Muhammad Taha in 1984. He was the founder of the Republican Brothers movement and was arrested for calling for an end to Sharia law in Sudan and was eventually executed for apostasy on 18 January 1985. See also LEO, Leonard A.Leo; GAER, Felice D.; and LYNCH Tiffany: Sudan's Continuing War on Religious Freedom, in: *World Affairs*, <http://www.worldaffairsjournal.org/article/sudan-s-continuing-war-religious-freedom->

³⁰ Albania, Azerbaijan, Bosnia and Herzegovina, Burkina Faso, Chad, Gambia, Guinea, Kazakhstan, Kosovo, Kyrgyzstan, Mali, Northern Cyprus, Nigeria, Senegal, Palestine, Syria, Tajikistan, Turkmenistan, Turkey and Uzbekistan.

underground organization. In 1998, he was sentenced to ten months of imprisonment for reciting, in December 1997, a poem by Ziya Gökalp, a pan-Turkish activist of the early twentieth century. The verses were regarded an incitement to commit an offense and an incitement to religious or racial hatred. The citation included verses like «The mosques are our barracks, the domes our helmets, the minarets our bayonets and the faithful our soldiers...».

Erdoğan's rule has become increasingly authoritarian in recent years; and his foreign policy is claimed to rest on Neo-Ottomanism, a policy according to which Turkey should maintain and increase its presence in the lands formerly ruled by the Ottoman Empire. In order to play this role, he will try to turn Turkey from a laical into an Islamist State. Moreover, Erdoğan's periodical political appearances in countries with minorities of Turkish origin, descent or roots like Germany and Austria are another aspect of his imperialistic attitude.

13. - COUNTRIES WITH MUSLIM MAJORITY CLASSIFIED «EXTREMELY UNFREE»

According to the standards of the NGO Freedom House, of the 47 countries regarded «unfree» in 2012, nine were to be considered as «extremely unfree. In seven of these nine countries, the majority of the population is constituted by Muslims;³¹ and among them are Saudi Arabia and Sudan.

Saudi Arabia

Saudi Arabia is an absolute monarchy supported by, and promoting, Wahhabism,³²

³¹ The two other countries are North Korea and Eritrea.

³² «For more than two centuries, Wahhabism has been Saudi Arabia's dominant faith. It is an austere form of Islam that insists on a literal interpretation of the Koran. Strict Wahhabis believe that all those who don't practice their

an ultraconservative and fundamentalist form of Islam and of the Salafi Movement that rejects all «Western» influence, is intolerant of even all other forms of Islam and ruthless in its destruction of historic Muslim and non-Muslim buildings and artifacts.³³ Because of its ties to al-Qaeda and to other jihadist movements including the new Islamic State in Iraq and Syria, Wahhabism has been accused of being a source of global terrorism.

Sudan

As regards Sudan, it is a military dictatorship with elements of radical Islamism.³⁴

14.- CAIRO DECLARATION ON HUMAN RIGHTS IN ISLAM

It is not possible to regard these outrages as mere excesses of extremists. All Islamic countries reject fundamental human rights in that form that is necessary for a free and democratic state and thereby deny to the individual rights which are inalienable in a pluralistic society. This was clearly brought

form of Islam are heathens and enemies. Critics say that Wahhabism's rigidity has led it to misinterpret and distort Islam, pointing to extremists such as Osama bin Laden and the Taliban. Wahhabism's explosive growth began in the 1970s when Saudi charities started funding Wahhabi schools (madrassas) and mosques from Islamabad to Culver City, California. » See FRONTLINE, Analysis: Wahhabism, <http://www.pbs.org/wgbh/pages/frontline/shows/saudi/analyses/wahhabism.html>

³³ This has led to the systematic destruction of non-Islamic religious sites in Afghanistan by the Taliban or, more recently, in Syria by the «Islamic State» movement, and even to the destruction of early Islamic heritage sites by the authorities in Saudi Arabia or by the radical Islamist militia Ansar Dine in Timbuktu, Mali, during the Tuareg rebellion of 2012.

³⁴ Freedom of religion is proclaimed by the Interim National Constitution of 2005; but at the same time the Constitution enshrines Shari'a as a source of legislation; and the official laws and policies of the Government favor a fundamentalist form of Islam. Consequently, all dissenters, whether Islamic or else, suffer from repression.

out by the member states of the Organisation of the Islamic Conference in its meeting in Egypt in 1990, where they adopted the *Cairo Declaration on Human Rights in Islam*³⁵ which affirms Islamic Sharia as the sole source of human rights and is at odds with the UN's Universal Declaration of Human Rights in areas such as religious freedom, gender equality, sexual orientation and equal political rights.

Inequality inherent in Islamic law

By reaffirming the inequalities inherent in Islamic law and tradition, the Islamic States have shown either their failure to understand or their unwillingness to accept religious, philosophical and political pluralism as the basic date of society.

The incompatibility of Sharia and human rights

A state based on such an understanding of human rights is by its very nature unable to establish the common good – peace, freedom and general well-being for each and all of its citizens (and this is the correct meaning of the common good, because it is that good that is common to everyone) – on the national level and to contribute to the common good of mankind. And groups based on such an understanding of human rights constitute a threat to society, the national as well as the international one.

³⁵ Cairo Declaration on Human Rights in Islam, 5 August 1990, UN General Assembly, Official Records, World Conf. on Hum. Rts., 4th Sess., Agenda Item 5, U.N. Doc. A/CONF.157/PC/62/Add.18 (1993). See BREMS, E. *Islamic Declarations of Human Rights*, in: *Human rights: universality and diversity: Volume 66 of International studies in human rights*. Leiden-Boston (Martinus Nijhoff Publishers), 2001, pp. 241 *et seqs.*; ANVER M. EMON/ ELLIS, Mark; and GLAHN, BENJAMIN: (eds.), *Islamic Law and International Human Rights Law*, Oxford (Oxford University Press), 2012.

15.- MULTI-AND INTERCULTURALITY AND THE NEED TO PROTECT THE VALUES ON WHICH A PLURALISTIC SOCIETY IS BASED

It is therefore imperative for free and democratic states, and especially for the Member States of the European Union, to protect the values proclaimed in Article 2 of the Treaty on European Union (TEU), which states:

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

Against dangers from inside

The Member States of the European Union regard respect for, and protection of, these values to be so important that Article 7 TEU provides for sanctions against any Member State that should be responsible for a serious and persistent breach by a Member State of the values referred to in Article 2; even a serious risk of such a breach is already a matter for the involvement of Union under Article 7.

Against dangers from outside

The same must apply *mutatis mutandis* to situations where a foreign state, any non-governmental movement or any individual aims at the overthrow of the legal order upholding and protecting these values, whether by force or by other subversive means. Such a state, such a movement, such an individual must be opposed by all means.

Societies which have enjoyed these values for so long a time that they have become a

matter of course that for them it is difficult to imagine that they are not shared by everyone, at least everyone joining them. But to believe that migrants coming to our countries, or at least all immigrants who want to stay here, share our values is wrong. So strong is this our belief that we neglect to find out who of them does and who does not. We put them to all kind of tests: whether they are able to support themselves, whether they sufficiently understand our language, even whether they know a bit of our history and are acquainted with our political system. But knowing our history and being acquainted with our political system is not the same as identifying either with us or with our political system. Of course, at a certain point they might be required to avow themselves to that system and thereby implicitly to the values at the basis of this system. But it is not sufficient to profess something with the mouth if you do not embrace it with your heart.

16.- EXCURSUS. SHOULD TURKEY BECOME A MEMBER STATE OF THE EUROPEAN UNION?

This is the old problem of whether Turkey should or should not become a Member of the European Union.³⁶ Sometimes the question was raised whether an oriental Muslim state were suited to join a Union of Christian-occidental states. I have always opposed this kind of approach. In a Union of pluralistic States the question of whether the majority of a state's population professes the Christian or the Muslim religion cannot be decisive. The basis of the pluralistic society is the common profession of pluralism and of the values inextricably

connected with it. It is these values which must be embraced by a new Member State.

But embracing these values cannot be a formal thing. For quite some time it was believed that it would be sufficient – apart from the country's economic preparedness – if some principles were inserted in the Turkish constitution, if some changes were made in the Turkish laws that would reflect Turkey's adherence to the European values. It is not the letter of the law that counts; it is the disposition of the hearts that is decisive. Turkey will be ripe for accession to the European Union if its people, its society will have been permeated by the values in question. And to have been permeated by these values means to adhere to them not because the law says so but because of the feeling that without these values no decent life is possible. Turkish society has certainly not yet attained such a state. Therefore, Turkey is not ripe for accession; and if it continues on the way led by Erdoğan it will develop in the wrong direction.

17. - THE NECESSARY EXAMINATION OF HEARTS AND MINDS

So what we have to examine is not the formal knowledge of the people who come to us, it is their hearts and their minds. Such an examination of heart and mind is not contrary to human rights; it is the very precondition for preserving them. It is true that only God can look into the heart of man; but for society it suffices to establish, without reasonable doubt, the state of the heart and the mind of a person who wants to live with us. This can be done on the basis of all circumstances drawing on reason and experience.

The present situation in which our free societies face an express threat from jihadists and islamist terrorists, in some future perhaps also from islamist states – be it the present Islamic State or any other – must not be

³⁶ See: Arguments for and against Turkey's EU membership, in: *Debating Europe*, <http://www.debatingeurope.eu/focus/infobox-arguments-for-and-against-turkeys-eu-membership/>

ignored or excused by invoking the principles of interculturality. We cannot allow this threat to become reality because otherwise there will be no need for interculturality anymore.