

ACADEMIC FREEDOM IN ISLAM AND THE WEST: A STUDY
OF THE PHILOSOPHICAL FOUNDATIONS OF ACADEMIC
FREEDOM IN ISLAM AND THE WESTERN LIBERAL PHILOSOPHY

by

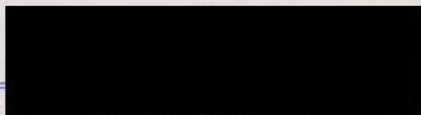
AHMED O. ALTWAIJRI

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Presented to the Division of Educational Policy and Management
and the Graduate School of the University of Oregon
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APPROVED:



Ralph Rands

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The Muslim world has gone through one of the most critical stages of its history. After many years of decline and subjugation to foreign colonization, it is attempting to regain its identity and take part in the making of modern civilization. Challenges facing Muslims in their endeavor are great and numerous, but none is greater than that posed by Western civilization.

In the field of higher education where, annually, tens of thousands of Muslim students attend Western educational institutions and many colleges and universities are erected in the Muslim world, following mostly Western models, the challenge of Western

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In the field of higher education where, annually, tens of thousands of Muslim students attend Western educational institutions and many colleges and universities are erected in the Muslim world, following mostly Western models, the challenge of Western

civilization appears in its clearest form. The Muslim scholars, engineers, scientists and social scientists who return from the West do not return with only the technical knowledge they received in the West, but they also carry with them traces of the culture of that technical knowledge. If not aware of this fact, they can cause serious cultural conflicts between themselves and their Islamic environment.

A critical issue for Muslim universities, Western educated Muslims, and Muslim societies is academic freedom. Awareness of the philosophical foundations of this concept in the Islamic and Western liberal philosophies is necessary to avoid any confusion of conception and consequent cultural conflict.

The study finds the following differences between the two philosophies: (a) Difference with regard to each philosophy's conception of religion; (b) Difference with regard to the source and nature of law in each philosophy; (c) Difference with regard to each philosophy's conceptualization of man's place and role in the universe; (d) difference with regard to each philosophy's conceptualization of social relations and

responsibilities; (e) difference with regard to each philosophy's historical development and evolution.

NAME OF STUDENT: Ahmad Ahmad Alkhatib

PLACE OF BIRTH: Saudi Arabia

DATE OF BIRTH: February 1, 1971

UNDERGRADUATE AND GRADUATE DEGREE ATTAINED:

University of Riyadh
Islamic University
University of Umm al-Qura

WORKING ADDRESS:

Outside of Area, 1975, Department of Islamic
Studies of Area, 1979, University of Oregon

NAME OF OFFICIAL POSITION:

Higher Education Administration
Faculty of Education

PROFESSIONAL EXPERIENCE:

Assistant Professor, University of Riyadh, Saudi Arabia

VITA

NAME OF AUTHOR: Ahmed Othman Altwaijri

PLACE OF BIRTH: Saudi Arabia

DATE OF BIRTH: February 7, 1952

UNDERGRADUATE AND GRADUATE SCHOOLS ATTENDED:

University of Riyadh

Indiana University

University of Oregon

DEGREES AWARDED:

Bachelor of Arts, 1975, University of Riyadh

Master of Arts, 1979, University of Oregon

AREAS OF SPECIAL INTEREST:

Higher Education Administration

Sociology of Knowledge

PROFESSIONAL EXPERIENCE:

Assistant Lecturer, University of Riyadh, Saudi Arabia

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TABLE OF CONTENTS

Chapter	Page
I. INTRODUCTION To the Ummah	1
that was supposed to be	1
the best delivered to mankind	2
and the	3
II. witness over humanity in	10
the day of judgment.	10
Interpretation of Freedom	12
Islamic Freedom	13
III. ACADEMIC FREEDOM IN ISLAM: HISTORIC PERSPECTIVE	21
Theory and Practice	21
The Revelation	22
The Golden Era	23
Years of Retreat	24
Revival Attempts	25
IV. THE PHILOSOPHICAL FOUNDATIONS OF ACADEMIC FREEDOM IN ISLAM	71
The Concept of Religion	71
Divinity of Law	72
Man's Place and Role in the Universe	77
Theological Basis	81
V. ACADEMIC FREEDOM IN THE WEST	84
Complexity of Western Experience	85
Great Awakening	87
Middle Ages	91
Renaissance and Enlightenment	93
Industrial and Technological Era	94

TABLE OF CONTENTS

Chapter	Page
I. INTRODUCTION	1
Statement of the Problem	1
Statement of Purpose	4
Definitions and Limitations	5
Notes on Terminology	6
Review of Related Studies	8
II. NATURE OF FREEDOM	16
Freedom and Man	16
Categorization of Freedom	18
Academic Freedom	21
III. ACADEMIC FREEDOM IN ISLAM: HISTORIC PERSPECTIVE	23
Theory and Practice	23
The Revelation	30
The Golden Era	51
Years of Retreat	65
Revival Attempts	69
IV. THE PHILOSOPHICAL FOUNDATIONS OF ACADEMIC FREEDOM IN ISLAM	71
The Concept of Religion	71
Divinity of Law	74
Man's Place and Role in the Universe ...	77
Ideological State	81
V. ACADEMIC FREEDOM IN THE WEST	84
Complexity of Western Experience	85
Greek Heritage	88
Middle Ages	91
Renaissance and Enlightenment	95
Industrial and Technological Era	98

	Page
VI. PHILOSOPHICAL FOUNDATIONS OF ACADEMIC FREEDOM IN WESTERN LIBERAL PHILOSOPHY	100
Secularism	100
Anthropocentric Vision	105
Materialism	108
Moral Relativism	111
Adversarial Nature of Intellectual Processes	113
V. ANALYSIS, CONCLUSIONS AND RECOMMENDATIONS	116
Analysis	116
Conclusion	121
Recommendations	123
REFERENCES.....	127

CHAPTER I

INTRODUCTION

Statement of the Problem

The contact between developing and developed nations, or South and North, is in a critical stage of its history and is confronted by many ideological, cultural, political, and social challenges. The challenges, in most cases, are a mixture of historical residues and future implications. Different beliefs, different mental attitudes, different traditions, different social structures, and different priorities in life between and among nations are all major factors in determining the size and depth of the challenges facing humans longing for development and harmonious universal coexistence.

The last 70 years have witnessed both confrontations and cooperation between nations. Today, the challenges are greater than at any time before, with the need for cooperation extremely urgent and the potential for confrontation dangerously great.

One of the most significant challenges is that

confronting Muslims and Westerners as they find themselves facing each other in the fields of both cooperation and confrontation. It is my strong belief that the problems created in the atmosphere of cooperation have never been and never are less serious than those created in the atmosphere of confrontation. In fact, one could quite safely state that the seeds of confrontation are, in most cases, sown and nourished during the times of cooperation. A good example of this fact is the antagonism created between Muslims and Westerners as they become day after day more dependent on each other. The transfer of technology, which is a major element in the cooperation between them, appears on the surface to be strengthening their ties. The unfortunate reality, however, reveals that this same element carries with it some of the most dangerous threats to peace and harmony between the two sides.

It should be made clear here, however, that I am not suggesting that the two cultures or ideologies are inherently antagonistic to each other and can never coexist peacefully. But rather that they are distinctively different, and that the way they are interpreted to each other (by each other) determines to a

great extent what type of relationship will follow.

Accordingly, as tens of thousands of Muslim students graduate from Western educational institutions, and as numerous universities and colleges are erected annually in the Muslim world (following, in most cases, Western models), it becomes of great relevance to ponder the impact of this phenomenon and the cultural, social and intellectual consequences to which it could lead. The Muslim engineers and social scientists who return from the West and hold prominent positions in colleges and universities in their homelands do not return with merely the technical knowledge acquired in the West, but they also return with many aspects of the culture in which they obtained that knowledge. Many of these engineers and social scientists do not realize this fact and are deluded by the false premise that technology is neutral. They become, therefore, gradually entrapped by a conflict between the Islamic environment they live in and their hidden Western liberal tendencies. And, Alas!, soon after they were celebrated as figures of harmony and cooperation between Muslims and the West, they become the tools of destruction of this harmony.

The position taken in this study is that without

full awareness by Muslim academicians of the underlying nature of the Islamic ideology, and how it differs from Western ideologies, intellectual and cultural conflicts will be inevitable.

Statement of Purpose

The purpose of this study is first to examine the underlying differences between the Islamic philosophy and Western liberal thought with regard to academic freedom, and secondly to evaluate the problems arising from the infiltration of Western concepts of academic freedom into Muslim environments. In pursuit of this task the following steps have been undertaken. First, the evolution and development of the concept of academic freedom in both cultural traditions have been reviewed. Secondly, the philosophical foundations of the concept in each philosophy have been analyzed. And, thirdly, a cross analysis of the differences between the two concepts has been presented.

It is hoped that the findings of this research will contribute to an understanding, by the concerned parties, of the problems involved and consequently contribute to their solution both at the present and in the future.

Definitions and Limitations

The study is concerned mainly with the philosophical foundations of the concept of academic freedom in Islam and Western liberal thought. The study does not delve into minute details of various legal and political aspects of academic freedom.¹ It, instead, concentrates on the formation and shaping of general concepts within the subject matter.

The study has depended mainly on library research. It has been pursued at a highly theoretical level. The theoretical nature of the study, however, has not ignored the practical and realistic validity of the research.

The Islamic concepts discussed are those based on the original beliefs in their pure form as the Islamic theory presents them, according to the Holy Quran and the authentic recorded tradition of prophet Muhammad, God's peace and blessings be upon him.

The Western concepts discussed are those representing the contemporary secular liberal philosophy generally

¹The various and different aspects of academic freedom, which include the protected persons, the protected activities and prerogatives, the potential infringers, the modes of infringement, and the safeguards against infringement, will not be of major concern in this study.

adhered to in Western-European and North American scientific and educational communities. It is the philosophy that emphasizes the importance of human individuality, the liberation of the individual from subservience to the group and a relaxation of the tight hold of custom, law and authority.

An extra effort has been made to refer to material written in or translated into English whenever possible. Quotations from Arabic texts unavailable in English have been translated by the author.

For all citations from the Holy Quran Muhammad Asad's The Message of the Quran and A. Yusif Ali's The Holy Quran: Text, Translation and Commentary have been relied upon. For citations from Hadith² a number of translated sources have been used. In cases where a translation was not available, texts were translated by the author.

Notes on Terminology

Terminology is of extreme importance in any study. It constitutes the bridge of communication between the

²Hadith, an Arabic word literally meaning "saying," is used Islamically for the recorded tradition of prophet Muhammad, God's blessings and peace be upon him. It includes what he said, did or approved of.

author and the reader. Its need and significance, however, increase sharply when a study involves more than one culture and language.

In this study terminology is not merely a linguistic technicality that we discuss in the introduction, but is a dynamic problem that we deal with linguistically and philosophically in every part of this work.

Besides the deep and complicated historical and philosophical connotations words bear, they are often influenced semantically by the historical, philosophical and social backgrounds of those to whom the words are transmitted. In other words, the semantic structure of a word is significantly influenced by the conceptions of not only the user of the word but of the listener as well. Words like Islam, religion, freedom and life mean certain things to a Muslim and often different things to a Westerner.

Since this study is addressed to both Muslims and non-Muslims and deals with more than one culture and language, I find it, indeed, necessary to emphasize the need for extra attention and care in the interpretation of the terminology used and equal attention to the role language and metaphor play in forming human conceptions.

Review of Related Studies

It is quite unfortunate that despite extensive and thorough research in various major libraries³ and numerous bibliographies, I have not been able to find a single work that deals in a comparative manner with academic freedom in Islam and the West (the topic of this study) either directly or indirectly. It is equally unfortunate that I have not been able to find any work that deals specifically with academic freedom in Islam. This silence, in my point of view, is not surprising to those familiar with Islamic history and Islamic studies. Besides the fact that the issue of academic freedom as we know it today in its details and sophistication is relatively new to the Muslim societies, it should not be forgotten that for many centuries Muslims have been deprived of a truly Islamic state, which circumstance hindered the evolution and development of many Islamic concepts and institutions.

Nevertheless, there are fundamental and general

³These include the Library of Congress and libraries at the University of California, the University of Washington, Seattle, the University of Utah, Portland State University, and the University of Oregon.

outlines for academic freedom in both traditional and contemporary Islamic studies. When combined with the Holy Quran and the recorded tradition of the prophet, the material can be classified into five major categories: (a) The Holy Quran and its various commentaries, interpretations and translations; (b) Hadith and its various commentaries and interpretations; (c) classical works of fiqh⁴ such as Ibn Qudama's Al-Mughni (Ibn Qudamah, n.d.), Al-Ghazali's Al-Mustasfa (Abu Hamid Al-Ghazali, 1970), Ibn Hazm's Al-Muhalla (Ali Ibn Ahmad Ibn Hazm, 1964), and Ibn Rushd's Bidayat al-Mujtahid (Muhammad Ibn Rushd, 1968); (d) Classical works on knowledge and dialectic, such as Abu Hamid Al-Ghazali's Revival of the Religious Sciences (Fazul-Ul-Karim, n.d.); and (e) recent and contemporary works on Islamic philosophy, sociology, political theory and jurisprudence.

A remarkable and comprehensive work is Ibn Abd-Albar's Jami' Bayan Al-'Ilm (Ibn Abd-al-Barr, 1968), which constitutes an encyclopedia of Islamic definitions and classifications of knowledge, its merits and the manners and requirements of seeking and teaching it. In

⁴Fiqh, an Arabic word literally meaning "understanding" or "comprehension," stands for jurisprudence in Islam.

the opening statement of the book, he writes:

Praise is due to Allah the initiator of bounties, the creator of breeze, the resurrecter of desolved bodies, and the provider of all nations, who taught us what we did not know. May Allah's peace be upon our leader the seal of prophets and his family and thanks to Allah lord of the universe. You have asked me, may Allah bless you, about the meaning of knowledge, the merits of seeking it, the norm of working for it and taking care of it, the confirmation of debating on its basis, the exposition of the falsity of speaking about the religion of Allah without knowledge, the prohibition of making judgements without evidence, and you asked me about what was permitted and discouraged of debates and arguments, what was dispraised and praised of reasoning, and what is permissable and prohibited of imitation. You have also requested me to present to you, before all this, the manners of learning, what is required of both scholar and student to exemplify and be persistent on, how knowledge is to be sought, and the praise for self-exertion in its path to the rest of the manners of learning and teaching, and to summarize all this for you chapter by chapter from what has been reported through and about the predecessors of this nation may Allah be pleased with them all so that you can trace their guidance, follow their path and know what they based all this on in their consensus or disagreement. I have hastened in answering your request seeking reward and advancement in the hereafter, and meeting the responsibility of the covenant Allah had taken upon the learned to clarify and spread knowledge and never to conceal it. (Ibn Abd-al-Barr, 1968, p. 3)

Along the same line, though more concise, is Ibn Jama'ah's Tathkirat al-Sami' wal mutakallim fi adab al-'alim walmut'allim (Ibn Jama'ah, n.d.) which, like the

much high. (Ibn Qasbi, a.d., p. 14)
 previous work, defines knowledge, classifies its various branches and lists its merits, and the manners and requirements of seeking and teaching it. In addition, it discusses some methods of scholarly research and inscription. In his work, The Technique and Approach of Muslim Scholarship, Franz Rosenthal says about Ibn Jama'ah's Tathkirat al-Sami and Al-'Almawi's al-Muid fi adab al-mufid wal-mustafid:

Both works were written from the point of view of the sciences of jurisprudence and tradition, "the value of which in making for accuracy cannot be questioned." They deal with practical details rather than with general rules, and many of the details mentioned largely apply to the particular sciences just mentioned. Nevertheless, it is possible to show their significance for the whole of Muslim scholarship. (Rosenthal, 1947, p. 8)

In his voluminous, famous and highly respected work, Ihya'ulum al-Din or Revival of Religious Sciences, Al-Ghazali devotes a large section to knowledge and the merits and manners of its acquisition. On the excellence of learning, he wrote:

God says: God, angels and those who stand on justice bear testimony that there is no diety but He--3:18 (numbers refer to number of Surah and verse quoted from the Holy Quran). Now look, O dear readers, now God began attestation first by Himself, then by His angels and then by the learned. It is understood from this verse that the rank of the learned and their honour are

* much high. (Imam Gazzali, n.d., p. 14)

Al-Ghazali's work, like all other traditional works, does not deal with academic freedom as an independent concept nor make a direct mention of it. The foundations of a concept of academic freedom, however, can be clearly seen. This phenomenon will be further discussed in the third chapter of this study.

Recent works are more explicit in their treatment of academic freedom, though as previously mentioned, none specifically deals with it or gives it sufficient space.

A good example for this is A. Al-Saidi's book, Intellectual Freedom in Islam (Abd al-Muta'al Al-Saidi, 1965). Although it lists academic freedom as the first component of intellectual freedom and devotes 12 pages to discussing it, it goes no further than presenting evidences for Islam's recognition and call for academic freedom. Along the same line goes Al-Shahhat in his "Status of Knowledge and the Learned in Islam" (al-Shahhat, n.d.), Wafi in "Freedom in Islam" (Wafi, 1968), Zaydan in "The Individual and the State in Islamic Law" (Zaydan, 1978), and Maududi in "Human Rights in Islam" (Maududi, 1980).

On the issue of cultural hegemony and assimilation,

the latter being of great significance in this study, Muslim scholars have been much more productive than on the previous issue. Many studies have dealt directly with this problem and warned of the dangers that can result. Prominent among these scholars was Muhammad Iqbal, or the "philosopher of Islam," as he is usually called, who relentlessly warned against blind imitation by Muslims of Western civilization. In his masterpiece, "The Glory of Iqbal," Abu al-Hasan Ali Nadwi states:

Iqbal was foremost among the intellectual critics of the West. It can, perhaps, be said that the modern educated Muslim classes have not produced a greater man of vision than him during the last hundred years. He was the most accomplished thinker of the modern East. Among the Oriental scholars no one can be said to have possessed the depth of Iqbal's understanding of the West and the courage and resoluteness of his judgment. (Abul Hasan Ali Nadwi, 1973, p. 46)

Abu al-Hasan Nadwi himself ranks high among those who warned against assimilation of Western values. His two books Western Civilization, Islam and Muslims (1979) and Islam and the World (1979), are both landmarks in this field. In the first he wrote:

Towards the middle of the nineteenth century the Islamic world was called upon to face a grave and intriguing problem, on its approach to which hung the very question of its survival as a free and self-respecting unit in the world and possessing a distinctive

* personality of his own. It was the problem posed by a civilization that was fresh, energetic and ambitious and overflowing with the potentialities of expansion and progress--we mean, the Western Civilization. (Nadwi, 1979, p. 9)

Commenting on the same topic, Muhammad Asad in his remarkable work, Islam at the Crossroads, wrote:

The imitation--individually and socially--of the Western mode of life by Muslims is undoubtedly the greatest danger for the existence--or rather: the revival--of Islamic civilization. (Muhammad Asad, 1975, p. 101)

Other works of value, especially in Islamic legal formulations, are Dr. Said Ramadan's Islamic Law (1970), Muhammad Asad's The Principles of State and Government in Islam (1981), and M. A. Masud's Islamic Legal Philosophy (1977).

On the other hand, there is an abundance of literature on academic freedom in the West covering all historical, philosophical, legal and polemical aspects of the issue. For example, a major and comprehensive work is R. Hofstadter and Walter Metzger's The Development of Academic Freedom in the U.S. (1955). It traces the European origins of academic freedom and describes its growth and evolution during the various stages of American history. Of similar comprehensiveness and significance,

though with more emphasis on the pedagogical aspects of freedom, is W. J. McCallister's The Growth of Freedom in Education (1931). It provides an indispensable source of the underlying philosophical movements that contributed to the development of freedom in education.

Another important work is Robert Sutton's European and American Backgrounds of the American Concept of Academic Freedom (1950), which describes the evolution of the concept of academic freedom between 1500 A.D. and 1914 A.D. A similar work is S. M. Inez's Academic Freedom: A Study in Definition and Limitation (1969) which, besides tracing the history of academic freedom from the medieval period to the present, explores the various elements and factors that contributed and still contribute to the present-day American definitions of academic freedom.

In addition to the cited works, a huge reservoir of material on academic freedom in the West exists. Most of it, however, as Sutton remarked in his study, "is either expository or hortatory in nature" (Sutton, 1950, p. 18) and very little is intended to be historical.

CHAPTER II

NATURE OF FREEDOM

Freedom and Man

The concept of freedom occupies a significantly wide space in the history of mankind. From the early beginnings until the present age man has opted for freedom, making it a glorious cause in his weary trip of existence on earth. Poems were written, songs were sung, volumes were compiled and wars were waged, all for and in the name of freedom.

Humans, however, have differed drastically from society to society and from time to time in their understanding and conceptualization of freedom. What is understood and conceptualized as freedom in one society or stage of history may not necessarily be the same as in another. Accordingly, it can be stated that what Socrates understood of freedom was not identical with Plato's understanding of it, and that what the Greeks understood, in general, of freedom was not the same as what the Chinese understood of it. This fact can be credited for

many conflicts between and among many societies. It can also be credited for the enrichment and development of man's conceptualization and understanding of freedom.

The value of freedom can never be fully appreciated until all its history is carefully and deeply examined. This is not an objective of this study, though an overview of the historical background of one form of freedom, academic freedom, will be discussed. We can, however, note that the evolution of freedom in the history of mankind ranged from dictatorship to anarchy, leaving in its trail millions of victims together with a magnificent line of glorious civilizations. The corpses of the victims seem to pave the trails of both anarchy and dictatorship, while somewhere in between, and in varying degrees, runs the line of disciplined freedom and civilization.

In today's world, unfortunately, we see more trails of anarchy and dictatorship than we see trails of genuine freedom. The apparent result is either a total lack of civilization or a dented and an incomplete one. This reality has been and is still a major contributor to the inflaming of man's eagerness and yearning for freedom whether he or she is in Capetown, El Salvador, Cairo,

Leningrad or New York.

Categorization of Freedom

With the sophistication of today's life and the tendency to compartmentalize and categorize things, especially in the West, freedom has evolved into a number of categories. These categories include what is known today as freedom of speech, freedom of the press, freedom of religion, political freedom and academic freedom. Categorization of freedom was a result of the increasing sophistication in life and attempts by the various bodies and groups within societies to protect themselves and their activities from both internal and external infringements.

Freedom of speech is the most general of all categories and encompasses all members of society. It can be described as the right of all individuals and groups to express themselves and pronounce their opinions regarding any matter without fear of retributive consequences. It is, however, not absolute in the sense that anything can be said anywhere in any manner, but is controlled by certain rules and regulations which may differ from one community to another. Freedom of speech,

for instance, does not entitle a person to scream FIRE! in a public place when, actually, there is no fire.

Freedom of the press can be described as the liberty to publish without any restraint in advance and without legal consequences. Although the history of freedom of the press can be traced to the early days of writing, it is generally recognized as starting with the invention of modern printing around the middle of the 15th century. Most if not all restraints on the press come from governments and involve censorship, licensing, seditious libel and discriminatory taxation (Collier, 1982).

Today's societies vary drastically in their vision and application of freedom of the press. The lines of both anarchy and dictatorship are drawn most over how to interpret this category of freedom. On one hand, some Western societies extend the limit of freedom of the press to an extent that comes close to anarchy, while on the other hand, communist and many Third World countries shrink it to the point of totalitarianism and dictatorship.

Freedom of religion can be described as the right to believe and worship freely without fear of persecution. History is stained with flagrant violations of this

freedom. It is, unfortunately, still violated today. The world seems unable to develop a clear understanding of the concept of freedom of religion and is, therefore, still suffering in varying degrees from the consequences of not being able to resolve this problem.

Political freedom can be described as the right of individuals and groups to exercise self-determination and to have equal participation in the political process. It is the most sought freedom in the world today, and most of today's wars are waged in its name.

Although the various categories of freedom may be different in their details and the part of life they deal with, they all share the same principles that cannot be separated. The negation or abridgement of one type of freedom is, usually, an indication of the negation or abridgement of all freedoms.

The previous statements about the various categories of freedom are not definitions but rather general descriptions for the sole purpose of familiarizing the reader with some of the raw material of the concepts under discussion. Defining each category would be a difficult, if not an impossible, task. For any definition would always be limited to certain ideological and cultural

boundaries and, consequently, could never be generalized beyond more than one ideological or cultural setting.

Academic Freedom

Like all other categories of freedom, academic freedom does not have a universal definition. Definition of academic freedom is influenced, usually, by both ideology and where the emphasis in defining it is placed. Ideological influences affect the philosophy and scope of the concept, while emphasis affects prioritization of the elements involved. Academic freedom, therefore, ranges from personal freedom for academic individuals--professors or students--to collective freedom of academic bodies and institutions.

Individual academic freedom is defined in the Encyclopedia of Education as

absence of restraints, penalties and intimidation regarding academic man's traditional pursuits, particularly regarding his studies and inquiries, the oral presentation of his views, and the publication of his findings and opinions, however old fashioned or subversive, wise or foolish.

Russell Kirk, a cultural conservative, finds W. T. Couch's definition of academic freedom the best he has come upon. It states that academic freedom is:

. . . the principle designed to protect the teacher from hazards that tend to prevent him from meeting his obligations in the pursuit of truth. (Kirk, 1955, p. 1)

All these definitions are from Western sources and, therefore, reflect assumptions underlying the Western ideological framework. It is quite unfortunate that I cannot quote any definition of academic freedom that can be described as Islamic. This can be related to the previously mentioned fact that Muslims have been deprived of a truly Islamic state for several centuries, which crippled the evolution and development of many Islamic concepts and institutions. This problem will be discussed further in coming chapters of this study. It is hoped that this work will contribute to a solution of this problem by introducing foundations for an Islamic definition of academic freedom.

It is, however, of greater significance in contemporary Islamic studies for a number of reasons:

1. First, there is an urgent need on the part of scholars to distinguish critically between Islam the

The word religion is translated from "din," which means Islamic faith and creed that governs every aspect and action in one's life.

CHAPTER III

ACADEMIC FREEDOM IN ISLAM: HISTORIC PERSPECTIVE

Theory and Practice

It has become a habit among most contemporary Muslim scholars, when writing on Islam, to stress the need for distinguishing Islam as a religion (in the Islamic concept of the word)¹ from the practices of many people who, because of nationality, geographical location, or merely simple claim, happen to be called Muslims. This is, of course, because not all those who claim to be Muslim adhere faithfully to the teachings of Islam. This phenomenon is obviously not limited to Islam but applies to all religions and ideologies. It is, however, of greater significance in contemporary Islamic studies for a number of reasons.

1. First, there is an urgent need on the part of Muslims to distinguish critically between Islam the

¹The word religion is translated from "din," which means Islamicly faith and creed that governs every aspect and action in one's life.

religion, as defined by both the Quran and the prophet's tradition, and the practices of Muslims past and present which are in conflict with the tenets of Islam. In other words, it is necessary to differentiate between the traditions, habits and customs practiced by Muslims but alien to Islam, and the religion of Islam in its pure form exemplified by the Quran and the Sunnah.² This is of extreme importance as Muslims find themselves at the gates of a new era of their history with a strong spirit of revival, and a massive and sudden exposure to numerous external ideological, political and cultural currents.

2. Secondly, there is an irresponsible tendency among many scientific and nonscientific bodies and agencies, especially in the West, to treat Islam as a label that can be applied very loosely to any, especially negative, Middle Eastern phenomenon. On this Edward Said, in Covering Islam, wrote:

Yet there is a consensus on "Islam" as a kind of scapegoat for everything we do not happen to like about the world's new political, social, and economic patterns. For the right

² Sunnah is an Arabic word meaning literally path, norm or habitual practice. In Islam it stands for the sayings and doings of prophet Muhammad may God's blessings and peace be upon him, which constitute the second source of Islamic jurisprudence.

Islam represents barbarism; for the left, medieval theocracy; for the center, a kind of distasteful exoticism. In all camps, however, there is agreement that even though little enough is known about the Islamic world there is not much to be approved of there. (Said, 1981, p. xv)

This tendency makes it always necessary to make an extra effort to clear the smoke, so to speak, before undertaking any fruitful discussion or analysis of any aspect of Islam.

3. Thirdly, there is a deliberate attempt by some "scholars," "specialists," agencies and institutions studying Islam to present it, for various reasons, as they would like it to be seen regardless of what it is in reality. Such distorted presentations are misleading to say the least. Fortunately, many scholarly works by both Muslims and non-Muslims have exposed this problem. Another work by Edward Said (Orientalism deals with the misrepresentation of reality, both intentionally and unintentionally by some "Orientalists." On this he commented:

In everything I have been discussing, the language of Orientalism plays the dominant role. It brings opposites together as "natural," it presents human types in scholarly idioms and methodologies, it ascribes reality and reference to objects (other words) of its own making. (Said, Orientalism, 1979, p. 321)

An outrageous example of this exercise is Herbert Muller's Freedom in the Western World (1963). Although the title clearly indicates that the topic of the book is freedom in the Western world, the author, for odd reasons, squeezes Islam into a totally distorted and unquestionably out of place prologue. Like the other Orientalists indicted in Said's "Orientalism," Muller does his best, and in fact his worst too, in the few pages allotted to Islam to falsify and fabricate as much as he can while trying always to sound scientific, objective and authoritative. The following is an example of Muller's unconscious bias:

Certainly there is nothing more extraordinary in religious history than the triumphant beginning of Islam, as within a generation after the death of Mohammed (A.D. 632) his upstart followers . . . proceeded to develop a new civilization in advance of contemporary Europe, in brilliant centers from Baghdad to Cordoba; its superiority was nowhere more conspicuous than on European soil, in Spain. (Muller, 1963, p. 1)

After all this, he states in a following paragraph:

While it [Islam] had some potentialities for a free society, it failed to realize them. It never established popular or constitutional government, introduced any notable measure of political freedom, and at length it lost the intellectual and imaginative freedom it had known in its brilliant period. (Muller, 1963, p. 1)

In the face of these contradictions, one cannot but wonder how intellectual and imaginative freedom in brilliant centers can be paired with absolute lack of "any notable political freedom." It does not require much knowledge nor much effort to realize that the statement by Maude Royden, quoted in the same prologue, that Islam "proclaimed the first real democracy ever conceived in the mind of man" (Muller, 1963, p. 5) is more realistic and truthful than many of Muller's self-contradicting assumptions.

This, however, is not the main point, as Muller goes further in attacking Islam. His 24-page prologue contains all sorts of assertions that are presented without any attempt to provide documentary evidence. An example of this is his statement about women in Islam.

Yet he [prophet Muhammad] did specifically deny women equality, declaring that Allah had created them inferior, authorized their subjection to men, made them "the least in Paradise" too. Among the God-given rights of men was that of divorcing a wife at will, whereas women could not sue for divorce on any ground. (Muller, 1963, p. 10)

It does not require more than elementary knowledge about Islam to realize that Muller's statement is an expression of an uninformed bias. The same thing applies

to his statement that:

As for government, the jurists chiefly rationalized the fact of absolute monarchy. "Were there more than one God," they read in the Koran, "the universe would go to ruin"; so they argued that princes on earth could not share their authority either. (Muller, 1963, p. 13)

These statements are certainly not worthy of any refutation and, therefore, are presented merely as an illustration of the difficulty some Western scholars have in understanding Islamic culture. It is interesting to note that, despite quoting many supposedly Islamic texts, Muller does not provide a single reference to any of those citations. This unscholarly practice by itself is enough to discredit the work. But Muller relies upon a reputation and a position in a highly respected American university and a generous grant by the Rockefeller Foundation. In such situations, it seems, one goes beyond any scholarly restriction.

The problem of Orientalism, from my point of view, is that it looks at Islam through heavy layers of historical, cultural, ideological and political prejudices. The shadows of the crusades, colonialism and neo-colonialism are, unfortunately, inescapable in many orientalist's minds. In some cases, the image of the white man is in

control. In The Technique and Approach of Muslim Scholarship Franz Rosenthal states:

An unfounded feeling of superiority also often distorts Western opinions concerning Muslim scholarship. It is strange, for instance, to hear a European scholar state in connection with Yaqut's rejection of the story of the Magic Horseman in Bagdad that "it's seldom that Yakut shows so much common sense," when notwithstanding his merits, this scholar is dwarfed into insignificance by Yaqut. (Rosenthal, 1947, p. 24)

These reasons, in varying degrees, make it uniquely important in Islamic studies to distinguish between theory and practice. They make it equally important to examine the effects and influences Western education may have on shaping Muslim students' perceptions of their religion and culture. It is, indeed, possible, no matter how ironic it may sound, that Western educated Muslims will find themselves viewing Islam and the Islamic culture through Western cultural lenses, with all the distortions that have been built up over centuries of misunderstanding.

Muslim generations and the changing needs and circumstances of each stage of history.

Accordingly, the first thing needed in tracing the history and development of academic freedom in Islam is to find out how Islam, as represented in these two basic

The Revelation

When studying the history and development of any Islamic concept it is always necessary to go back to the two major sources of Islam, the Holy Quran and the Sunnah or the recorded tradition of prophet Muhammad, God's peace and blessings be upon him. With regard to academic freedom, in these two sources one does not find direct and detailed definitions and regulations concerning this concept, as one is likely to find in many contemporary Western legal systems. Instead, one finds basic principles and general outlines relating to the basis, definition, and regulation of academic freedom. This phenomenon is fairly common in the Islamic Shari'ah (religious, political, economic and social jurisprudence), especially in political and organizational matters, where Islam sets the basic principles and general outlines leaving details and methods of application up to the Muslim generations and the changing needs and circumstances of each stage of history.

Accordingly, the first thing needed in tracing the history and development of academic freedom in Islam is to find out how Islam, as represented in these two basic

sources, views knowledge and the learned, differences of opinion, and doctrinal and ideological differences.

Knowledge and the Learned

The first verse revealed in the Quran was a direct and emphatic order to learn:

(1) READ in the name of thy Sustainer, who has created-- (2) created man out of a germ-cell! (3) Read--for thy Sustainer is the Most Bountiful One (4) who has taught [man] the use of the pen-- (5) taught man what he did not know! Sura 96, verses 1-5. (Asad, 1980, p. 963)

The prophet peace be upon him said: "To seek knowledge is compulsory on every Muslim, male and female" (Fazul-Ul-Karim, 1971, p. 20). He also said: "Seek knowledge even if it be in China" (Fazul-Ul-Karim, 1971, p. 20).

The juristic result of these commands is that learning is a compulsory duty on all Muslims. This fact has been recognized by all Muslim jurists all through the history of Islam.

This, however, is not the limit of knowledge and the learned in the Quran and the Sunnah. They go far beyond that to a wider scope and a deeper level. In the Quran, for instance, God ordained that knowledge is the best and

most important path leading to "Iman," or belief in him. He even made it a ritual that brings the Muslim closer to Him, and a glorious act that elevates the value and status of whoever undertakes it. This knowledge, however, is not strictly limited to "religious knowledge" as some may think, but rather goes far beyond it to include knowledge of and about everything in the universe which man needs or benefits from, starting from man himself and ending in the furthest conceivable creation of God. The Quran states:

LET MAN, then, observe out of what he has been created: (6) he has been created out of a seminal fluid (7) issuing from between the loins [of man] and the pelvic arch [of woman]. Sura 86, verses 5-7. (Asad, 1980, p. 944)

AND ON EARTH there are signs [of God's existence, visible] to all who are endowed with inner certainty, (21) just as [there are signs thereof] within your own selves: can you not, then see? Sura 51, verses 20-21. (Asad, 1980, p. 803)

Behold, in the heavens as well as on earth there are indeed messages for all who [are willing to] believe. (4) And in your own nature, and in [that of] all the animals which He scatters [over the earth] there are messages for people who are endowed with inner certainty. Sura 44, verse 4. (Asad, 1980, p.765)

These verses and the many like them in the Holy Quran indicate that the human being is to be examined in both his physical and spiritual structures. The examination is

to be sincere and for the purpose of seeking truth and knowledge. The Quran also states:

Say: Go all over the earth, and behold what happened in the end to those who lived before you. Sura 30, verse 42. (Asad, 1980, p. 624)

Say: Go all over the earth and behold how [wondrously] He has created [man] in the first instance. Sura 29, verse 20. (Asad, 1980, p. 609)

Going all over the earth is for the purpose of practical experience, speculative knowledge and historical documentation, as is clearly indicated by these verses and the Quranic methodology of historical citations. The Quran further states:

Have they, then never journeyed about the earth, letting their heart gain wisdom, and causing their ears to hear? Yet, verily, it is not their eyes that have become blind--but blind have become the hearts that are in their breasts! Sura 22, verse 46. (Asad, 1980, p. 513)

Have, then, they [who deny the truth] never yet seen how We visit the earth [without Our punishment], gradually depriving it of all that is best thereon? Sura 13, verse 41. (Asad, 1980, p. 368)

Have they, then, never considered the earth how much of every noble kind [of life] We have caused to grow thereon? Sura 26, verse 7. (Asad, 1980, p. 561)

And, behold, in the cattle [too] there is indeed a lesson for you: We give you to drink of that [fluid] which is [secreted from] within

their bellies between that which is to be eliminated [from the animal's body] and [its] life-blood: milk pure and pleasant to those who drink it. (68) And [We grant you nourishment] from the fruit of date-palms and vines: from it you derive intoxicants as well as wholesome sustenance--in this, behold, there is a message indeed for people who use their reason! Sura 16, verses 66-67. (Asad, 1980, p. 404)

The request in these verses, that man travel through the land, examine its creations and ponder its marvels, is mainly for the purpose of enabling him to enhance his knowledge and, consequently, fulfill the purpose of his existence and perfect his role as God's viceregent on earth. This request, without any doubt, requires and in many cases strongly demands authoritative knowledge of many fields. The Quran further states:

Say: consider whatever there is in the heavens and on earth! Sura 10, verse 101.
(Asad, 1980, p. 308)

Do they not look at the sky above them--how We have built it and made it beautiful and free of all faults? Sura 50, verse 6. (Asad, 1980, p. 797)

Have they, then never considered [God's] mighty dominion over the heavens and the earth, and the things that God has created? Sura 7, verse 185. (Asad, 1980, p. 232)

The verses clearly invite and command man to go beyond the limits of his small planet and look at the vast creation of the universe so that the creator is properly

appreciated, and so that man can benefit from his knowledge of the universe in improving his life on earth. Going beyond the limits of this planet, however, can never be achieved except with the help of a remarkable element. This element is defined in the Holy Quran as follows:

O ye assembly of Jinns
And men! If it be
Ye can pass beyond
The zones of the heavens
And the earth, pass ye!
Not without authority
Shall ye be able to pass!
Sura LV, verse 33 (Ali, 1978, pp. 1476-1477)

It is the authority of God, through the authority of knowledge by which God has elevated the status of those who possess it:

God will exalt by [many] degrees those of you who have attained to faith and, [above all,] such as have been vouchsafed [true] knowledge: for God is fully aware of all that you do. Sura 58, verse 11. (Asad, 1980, p. 846)

Say: Can they who know and they who do not know be deemed equal? Sura 39, verse 9. (Asad, 1980, p. 706)

He even made the people of knowledge the only people capable of truly understanding His signs, enlightenedly fearing Him and recognizing His unity:

And such are parables learned. (Fazul-Ul-Karim,
We set forth for mankind,
But only those understand them
Who have knowledge.
Sura XXIX, verse 43 (Ali, 1978, p. 1040)

GOD [Himself] proffers evidence--and [so
do] the angels and all who are endowed with
knowledge--that there is no diety save Him, the
Upholder of Equity: there is no diety save Him,
the Almighty, the Truly Wise. Sura 3, verse 18.
(Asad, 1980, p. 69)

Of all His servants, only such as are
endowed with [innate] knowledge stand [truly] in
awe of God: [for they alone comprehend that].
Sura 35, verse 28. (Asad, 1980, p. 670)

With regard to the tradition of the prophet, may
God's blessings and peace be upon him, we find that
besides emphasizing the concepts stated in the Quran, it
describes explicitly the merits of seeking knowledge and
the dignified and praiseworthy status of the learned. The
prophet said:

If a man seeks the path of acquiring
knowledge, God guides him to a path leading to
Paradise. And angels spread their wings out of
cheer for the seeker of knowledge.
Fazul-Ul-Karim, 1971, p. 20)

The ink of the learned will be weighed
against the blood of the martyrs on the
Resurrection Day. (Fazul-Ul-Karim, 1971, p. 16)

The superiority of a learned man over a
worshiper is like the superiority of moon over
the stars. (Fazul-Ul-Karim, 1971, p. 16)

Whatever is in heavens and the earth seeks forgiveness for the learned. (Fazul-Ul-Karim, 1971, p. 15)

These traditions reflect very clearly the strong association between religion and knowledge, and the unity between this life and the hereafter in Islam. The travel of a Muslim in search of knowledge is a travel that leads to heaven through a path paved with wings of angels and surrounded by prayers of all beings on earth and in the heavens. The unity between wordly life and the hereafter and the alliance between faith and knowledge are two of the main characteristics of the Islamic philosophy and are essential factors in distinguishing it from many other philosophies, especially from Western agnostic forms of liberalism.

However, as Islam attaches great significance to seeking knowledge, it also attaches equal significance to spreading it and making it available and known to people. Any negligence of this responsibility is considered a major crime that leads to severe punishment in the hereafter. The Holy Quran states:

Ah! Who
Is more unjust than those
Who conceal the testimony
They have from God?

Sura 11, verse 140

(Ali, 1978, p. 56)

AND LO, God accepted a solemn pledge from those who were granted earlier revelation [when He bade them]: Make it known unto mankind, and do not conceal it! Sura 3, verse 187. (Asad, 1980, p. 97)

The prophet, may God's blessings and peace be upon him, also said:

If a man after acquiring knowledge keeps it concealed God will drag him with a bridle of fire on the Resurrection Day. (Fazul-Ul-Karim, 1971, p. 23)

Accordingly, propagating knowledge and disseminating it among people is not merely a voluntary matter as the case is in Western constitutions, but rather a religious duty that must be fulfilled. This concept is an extension of a major Islamic principle that prohibits monopoly in any form and requires just distribution of everything essential for the well-being of people in general. And as it is irreligious and illegal to monopolize authority or wealth, it also is irreligious and illegal to monopolize knowledge and deprive people from learning it. In fact, because of the significance of knowledge and the great influence it has on people, monopolizing it is more criminal than monopolizing authority or wealth. And if

the Holy Quran describes the fate of wealthy monopolists as follows:

But as for all who lay up treasure of gold and silver and do not spend them for the sake of God--give them the tidings of grievous suffering [in the life to come]. (Asad, 1980, pp. 263-264)

We can deduce from this that laying up knowledge and not spreading it in the path of God deserves worse consequences and greater punishment. This conclusion is in complete harmony with Islam's conception of the role of scholars in human societies. They are considered inheritors of prophets and their role a continuation of prophethood. The prophet said:

Scholars are the heirs of prophets. And prophets never left gold nor silver behind them, but they left knowledge. (Ibn 'Abd al-Barr, 1968, p. 42)

And, indeed, it is a magnificent inheritance with great and heavy responsibilities.

"Ijtihad" is a derivation of the Arabic verb

"istahad," which literally means to exert oneself. In Islamic jurisprudence it means the scholar's efforts to formulate an opinion or judgment on an issue not directly and unambiguously treated in the Holy Quran or the Sunnah.

Scholarly Difference of Opinion

Two types of scholarly difference of opinion are recognized and permitted in Islam. The first type involves difference of opinion on juristic matters based on "Ijtihad."³ The second type involves all other scientific and scholarly differences of opinion.

"Ijtihad" is recognized and permitted only in the absence of direct unambiguous texts in the Holy Quran or Hadith governing the matter under consideration. In the absence of such texts, scholarly difference of opinion is permitted and results, usually, out of one of three things: (a) Different interpretations of some texts from the Holy Quran or Hadith or both; (b) different scaling of Hadith authenticity which leads to a situation where one jurist considers one text while another jurist considers another text; (c) lack of texts on the matter under consideration.

"Ijtihad" generates its Islamic juristic legitimacy

³"Ijtihad" is a derivation of the Arabic verb "ijtahada," which literally means to exert oneself. In Islamic jurisprudence it means the scholar's efforts to formulate an opening or judgment on an issue not directly and unambiguously treated in the Holy Quran or the Sunnah.

from a number of prophetic traditions. The most recognized and often cited by jurists is the tradition of Mu'ad Ibn Jabal who was appointed by the prophet as a judge in Yaman. Dr. Said Ramadan translates this tradition as follows:

On the eve of his [Mu'ad Ibn Jabal] departure to assume his office there [Yaman], the prophet asked him: "According to what shalt thou judge?" He replied: "According to the book of God." "And if thou findest nought therein?" "According to the Sunnah of the Prophet of God." "And if thou findest nought therein?" "Then I will exert myself to form my own judgement." And thereupon the prophet said: "Praise be to God who has guided the messenger of His Prophet to that which pleases His Prophet." (Ramadan, 1970, p. 74)

The last portion of this tradition is what constitutes a basis for "Ijtihad" in Islam. And for our purposes it constitutes a doctrinal basis for legitimacy of difference of opinion on juristic matters not addressed by the Holy Quran or the authentic tradition of the prophet. On this aspect Dr. Said Ramadan comments: "There can be no 'exertion' of 'own judgement' without a given scope of free thought and individual opinion" (Ramadan, 1970, p. 74). Ijtihad, however, is not to be exercised in total independence from the main sources of Islamic Shari'ah, the Holy Quran and the authentic tradition of

the prophet. It is always to be guided by them and could never contradict their clear commands. Dr. Ramadan writes:

The starting point of such an endeavour [Ijtihad] . . . is the absence of any applicable text [from the Quran or the Sunnah]; and it may operate only so far as such free thinking does not contravene the Quran or the Sunnah. (Ramadan, 1970, p. 75)

A. A. Qadri, in Islamic Jurisprudence in the Modern World, also writes:

The subjects regarding which there is positive evidence of "dalil gat'i" are beyond his (Mujtahid--or person doing Ijtihad) scope. The result is that Ijtihad cannot be exercised on obligations or wujub or pillars of the faith. They are based upon explicit evidences of the Shari'ah and there is Ijma' of the community. (Qadri, 1973, p. 253)

It must be noted that exertion of the effort is very essential in Ijtihad. Without it Ijtihad is never accepted and can turn into a sin. It must be noted also that not everybody can exercise juristic Ijtihad. Certain qualifications must be present before Ijtihad can be undertaken. These include knowledge of the Quran and the Sunnah, sincerity and piety among other things. Once the conditions of Ijtihad are all met, it becomes not only legitimate but compulsory as a religious duty. On this

Qadri states:

The Mujtahid is under a personal obligation to exercise Ijtihad in matters concerning himself and is not allowed to follow others' views. When approached on a question, it is an obligation on all Mujtahids, especially the one requested, to give an opinion. (Qadri, 1973, pp. 253-254)

Despite the previously discussed restrictions on Ijtihad, it is still encouraged in Islam. The prophet, may God's blessings and peace be upon him, is reported to have said:

If a judge exerts his utmost effort to reach a judgement and then is right, he gains two rewards, and if he is wrong he gains one reward. (Ibn 'Abd-Albarr, 1968, p. 88)

It was this spirit that must be credited for the profound development of Islamic jurisprudence, especially in the early centuries of Islam. The development that prompted an orientalist such as Gibb to acknowledge that the Muslim mind in the second century of Islam had "elaborated a structure of law that is, from the point of view of logical perfection, one of the most brilliant essays of human reasoning" (Ramadan, 1970, p. 75).

On the other hand, and with regard to difference of opinion on "nonjuristic" scientific and scholarly matters, we find that Islam puts no restrictions on the human mind

whatsoever. It, as previously demonstrated, not only encouraged but, in fact in many cases, demands exhaustion of all possible avenues in search of truth and knowledge.

The Holy Quran states:

Art thou not aware that it is God who causes the clouds to move onward, then joins them together, then piles them up in masses, until thou canst see rain come forth from their midst?

And He it is who sends down from the skies, by degrees, mountainous masses [of clouds] charaged with hail, striking therewith whomever He wills, [the while] the flash of His lightning well-nigh deprives [men of their] sight! (44) It is God who causes night and day to alternate: in this [too], behold, there is surely a lesson for all who have eyes to see! Sura 24, verses 43-44. (Asad, 1980, pp. 542-543)

It also states:

And among His wonders is this: He creates you out of dust--and then, lo! you become human beings ranging far and wide! (21) And among His wonders is this: He creates for you mates out of your own kind, so that you might incline towards them, and He engenders love and tenderness between you: in this, behold, there are messages indeed for people who think! (22) And among His wonders is the creation of the heavens and the earth, and the diversity of your tongues and colours: for in this, behold, there are messages indeed for all who are possessed of [innate] knowledge! (23) And among His wonders is your sleep, at night or in daytime, as well as your [ability to go about in] quest of some of His bounties: in this, behold, there are messages indeed for people who [are willing to] listen! Sura 30, verses 21-23. (Asad, 1980, pp. 619-620)

Commenting on these verses, Dr. Ali A. Wafi wrote:

By directing our attention to the components of existence, the galaxies and the Earth, the living and the dead, animals, plants and man, God is inviting and encouraging brains to ponder and examine these phenomena and discover the elaborate laws that govern them, and discover through them the greatness of creation. (Wafi, 1968, pp. 80-81)

In all these verses and the many others like them that fill the glorious Holy Quran, we do not detect any attempt to impose a certain explanation for these phenomena. The Quran merely directs attentions and encourages minds to look into the universe, leaving for individuals complete freedom to reach the conclusions they see most appropriate, and to accept what is most convincing to them.

This complete freedom, however, is not absolute but is guarded by Islamic ethics and morality. If pursuit of knowledge, for instance, includes a prohibited matter for no demanding necessity on the part of the individual or the society, it ceases to be admissible. An example of this is what takes place in some art classes, especially drawing and sculpture, in some American colleges and universities, where a person would pose nude before the class to provide students a real visual experience of the

physiology of the human body. Such practice is not admissible in Islam because nudity is prohibited. But if there was a demanding necessity for nudity, such as for medical reasons, then it becomes admissible, though still within the limits of absolute necessity.

Doctrinal Differences

Islam's view and treatment of doctrinal differences is based on a fundamental principle stated in the Quran:

THERE SHALL BE no coercion in matters of faith. Distinct has now become the right way from [the way of] error: hence, he who rejects the powers of evil and believes in God has indeed taken hold of a support most unfailing, which shall never give way; for God is all hearing, all knowing. Sura 2, verse 256. (Asad, 1980, pp. 57-58)

Belief is absolutely a matter of individual conscientious choice. It is the most fundamental decision one makes and, therefore, should never happen as a result of coercion or false persuasion. The messenger of God was only to convey God's message in the most peaceful of all means:

CALL THOU [all mankind] unto thy sustainer's path with wisdom and goodly exhortation, and argue with them in the most kindly manner: for, behold, thy sustainer knows best as to who strays from His path, and best knows He as to who are the right-guided. Sura

16, verse 125. (Asad, 1980, p. 416)

And so, [O Prophet,] exhort them; thy task is only to exhort: (22) thou canst not compel them [to believe]. Sura 88, verses 21-22. (Asad, 1980, p. 949)

If people choose not to believe God's message, they have full freedom to do so without any external pressures or influences:

And say: The truth [has now come] from your Sustainer: let, then, him who wills, believe in it, and let him who wills, reject it. Sura 18, verse 29. (Asad, 1980, p. 444)

(1) SAY: O you who deny the truth! (2) I do not worship that which you worship, (3) and neither do you worship that which I worship. (4) And I will not worship that which you have [ever] worshipped, (5) and neither will you [ever] worship that which I worship. (6) Unto you, your moral law, and unto me, mine. Sura 107, verses 1-6. (Asad, 1980, p. 981)

This spirit, which was applied quite faithfully and sincerely by the prophet, may God's blessings and peace be upon him, and the first generations of Muslims has its deep philosophical foundations in Islam. These can be summarized in four principles (Qaradawi, 1977, pp. 51-52).

1. Islam's deep belief in the dignity of human beings, regardless of their creed, race or color. God clearly stated in the Holy Quran:

NOW INDEED, We have conferred dignity on the children of Adam, and borne them over land and sea, and provided them sustenance out of the good things of life, and favoured them far above most of Our creation. (Asad, 1980, pp. 429-430)

A practical application of this principle is the tradition reported by Imam Bukhari:

that a funeral passed by the prophet, God's blessings and peace be upon him, while he was sitting with his companions. As it passed by them the prophet stood up in respect. Someone said it is the funeral of a Jew! The prophet replied: "So what! is it not a human soul?" (Qaradawi, 1977, p. 51)

2. Islam's deep belief that it is not the duty of individual Muslims nor Muslims in general to judge nor punish disbelievers of God's message. It is God and God only who does that:

And if they [try to] argue with thee, say [only]: "God knows best what you are doing."
(69) [For, indeed,] God will judge between you [all] on Resurrection Day with regard to all on which you were wont to differ. Sura 22, verses 68-69. Asad, 1980, pp. 516)

God also instructed his messenger Muhammad:

and do not follow their likes and dislikes, but say: I believe in whatever revelation God has bestowed from on high; I am bidden to bring about equity in your mutual views. God is our Sustainer as well as your Sustainer. To us shall be accounted our deeds, and to you, your deeds. Let there be no contention between us and you: God will bring us all together--for with him all

journeys end. Sura 42, verse 15. (Asad, 1980, p. 742)

3. Islam's belief that God enjoins justice, likes equity and calls for the best manners even with nonbelievers, and that he hates injustice and punishes the unjust regardless to whom the injustice was done. The Holy Quran states:

O YOU who have attained to faith! Be ever steadfast in your devotion to God, bearing witness to the truth in all equity; and never let hatred of anyone lead you into the sin of deviating from justice. Be just: this is closest to being God-conscious. And remain conscious of God; verily, God is aware of all that you do. Sura 5, verse 8. (Asad, 1980, p. 143)

The prophet, peace be upon him, said: "The invocation of the tyrannized (and unjustly treated) is readily answered by God" (Qaradawi, 1977, p. 52). In this regard there is no difference whether the wronged or tyrannized is Muslim or non-Muslim.

4. Islam's belief that it was God's design that people be created with the power of choice. Had God willed that all people submit to Him, they would have no choice nor ability but to submit to Him. Accordingly, there should be no coercion in matters of faith. The revelation came clear and forceful:

And [thus it is:] had thy Sustainer so willed, all those who live on earth would surely have attained to faith, all of them: dost thou, then, think that thou couldst compel people to believe. Sura 10, verse 99. (Asad, 1980, p. 308)

In light of these principles it becomes quite clear that religious freedom was fully granted in Islam. This freedom, however, is not limited to building temples and performing rituals, but includes political and intellectual freedom. On these aspects, Imam Abul A'la Maududi wrote:

In an Islamic State, all non-Muslims will have the same freedom of conscience, of opinion, of expression (through words spoken and written) and of association as the one enjoyed by the Muslims themselves, subject to the same limitations as are imposed by law on the Muslims. . . . They will also enjoy the same rights of criticizing Islam as the Muslims will have to criticize their religion. . . . (Maududi, 1976, p. 29)

Also on the same topic, A. Rahman I. Doi wrote:

The non-Muslim citizens of an Islamic state are entitled to enjoy the same rights and privileges as Muslims in expressing their views and opinions in any public affair. They will have freedom of conscience, of opinion and of expression through speeches, questioning and protests. . . . In the matter of religion, they will have full freedom to run their missionary organizations and evangelist activities. They will be free to propagate their creed openly and praising their beliefs in comparison to beliefs of Muslims. (Doi, 1979, p. 101)

The Golden Era

Islam's golden era is not restricted to a certain period of time nor a certain geographical location. It involves more than one period and covers several geographical locations. In this part of this study the intention is not to investigate all aspects of Islamic civilization in these periods in their numerous geographical locations, but rather to examine briefly the status of academic freedom and the circumstances surrounding its development in the first centuries of Islam. Concentration is specifically on intellectual freedom as reflected in freedom to learn, teach, pronounce and publish scholarly views and findings. For practical purposes the Islamic golden era will be divided into three stages. The first stage will cover the time of the prophet; the second will cover the development of theological and juristic schools of thought, and the third will cover the rise of cultural centers and development of all sciences.

It was in the prophet's mosque at Madinah that Sa'ad ibn Jabal was appointed by the prophet as a judge in Yemen. His dialogue with the prophet in the mosque before

The First Stage

The life of the prophet represents the fullest and best expression of what Islam stands for. Through the revelation and inspiration he conveyed and laid down the fundamental structures of the Islamic society that were to be models for all generations to come. In Madinah, especially, he established the first Muslim community which, although limited in its experiences and circumstances by the conditions of the historical era it existed in, still represents to all Muslims the best model of human existence.

In the Madinah community the prophet was the center of life. He was the spiritual, political and social leader. He was also the intellectual leader and his mosque was the center of intellectual life. From that mosque we can observe the first formulations of the Islamic concept of freedom in general and the philosophical foundations of the concept of academic freedom.

It was in the prophet's mosque in Madinah that Mu'ad ibn Jabal was appointed by the prophet as a judge in Yaman. His dialogue with the prophet in the mosque before

his departure to Yaman, which was quoted in an earlier section of this essay, contained a major Islamic principle of intellectual freedom, namely "Ijtihad." In the same mosque the prophet received delegations from all over the Arabian peninsula inquiring about Islam and quite often debating the prophet and debating each other publicly with complete freedom. In his book, Asbab Annuzul (The Circumstances of Revelation), Imam Al-Naysaburi narrates a heated debate between the prophet and the Christian delegation of Najra. The delegation not only debated the prophet and expressed their views freely, but also performed their prayers in the mosque with the prophet and his companions present (Al-Naysaburi, pp. 67-68).

On his return from the battle of the trench, the prophet instructed his companions saying: "Nobody of you should pray 'Asr prayer' except in Bani-Quraidhah!" The time of 'Asr prayer' arrived while the companions were still on their way to the place the prophet had instructed them to go to. Some companions interpreting the prophet's order as meaning hasten in your travel and not necessarily pray there, decided to pray and then continue their travel. Others took the instruction literally and did not pray until they arrived at the specified destination.

Knowing about the incident, the prophet recognized both actions and did not scorn any of them for using their best judgment to arrive at what they considered a proper interpretation of his command. This and similar incidents during the life of the prophet together with the previously discussed principles in the Holy Quran and Hadith constitute the basic principles for the Islamic philosophy of freedom.

The Second Stage

With the death of the prophet the flowing of the two major sources of Islam, the Holy Quran and Hadith, came to an end. During his last pilgrimage to the holy cities in Makkah the prophet delivered a historical speech in which he recited the revelation:

Today have I perfected your religious law for you and have bestowed upon you the full measure of My blessings, and willed that self-surrender unto Me shall be your religion. Sura 5, verse 3. (Asad, 1980, p. 141)

Before his death the prophet is reported to have addressed his companions with these words:

I have left among you two things if you hold fast to them you will never go astray: the book of God (the Quran) and my tradition. (Ibn 'abd-Albarr, 19681, p. 221)

Nevertheless, his death started a new era of individual and collective interpretation and speculation in the history of Islam. When there was any dispute or difference of opinion between Muslims during the life of the prophet he was the ultimate source for settling disputes and differences. His views and decisions were accepted as the best and most rightful. But with him no more among the companions, disputes and differences of opinion had to be settled in a different manner. Reasoning under the guidance of the Holy Quran and the prophet's tradition and through consultation became the norms for settling differences.

The new developments in the Muslim society, together with the basic principles established during the life of the prophet, demanded a great degree of freedom in both interpretation and expression of views. This freedom was immediately recognized by the Madinah community and was shown in its full and best form in the discussions between the companions while deciding who would succeed the prophet in leading the community. The tribal and social groups of which the Madinah community consisted indulged in heated political debates with no restrictions, except the moral and ethical self-restraints Islam develops and

requires in its adherents. The same thing took place regarding all major decisions that constituted new challenges to Muslims on all fronts. Freedom of thought, however, was most evident in the field of jurisprudence.

The companions of the prophet who spread all over the rapidly expanding Islamic land, especially the learned amongst them, assumed the role of the prophet in teaching Islam to the new converts and in making judgments on experiences that had no precedents during the life of the prophet. Their endeavors resulted in numerous differences of opinion with no attempt by any to suppress those opinions, which ranged from the simplest to the most complicated and sensitive matters. An account of some of these differences of opinion between the first generations of Muslims is presented in Ibn 'abd-Albarr's Jami' Bayan al-'Ilm which devotes a chapter to illustrating the legitimacy and merits of debates, dialectic and argumentation (Ibn 'abd-Albarr, 1968, pp. 122-132). Quoting extensively from the Holy Quran, the tradition of the prophet and the tradition of the companions, he arrives at the conclusion that not only are debates and dialectics permitted in Islam but, in fact, they are encouraged and considered an assured way to enlightened

knowledge.

The learned companions who spread all over the new Muslim frontiers established in each mosque an informal educational and cultural center. In the beginning they lectured on the basics of the religion, interpreted the Quran, narrated what they remembered of the tradition of the prophet and answered the questions and inquiries of the public. By the time the fourth generation of Muslims came to the scene, every science of the time was taught and discussed in those centers. By that same time, Islamic studies became highly developed and numerous schools of thought were born. On the growth of schools of thought during the first centuries of Islam, Muhamad Iqbal in The Reconstruction of Religious Thought in Islam wrote:

From about the middle of the first century up to the beginning of the fourth, not less than nineteen schools of law and legal opinion appeared in Islam. This fact alone is sufficient to show how incessantly our early doctors of law worked in order to meet the necessities of a growing civilization. (Ramadan, 1970, p. 89)

The development of schools of thought in the history of Islam is of extreme importance to the topic of our discussion. The fact that so many schools of thought existed and were recognized by all Muslims is certainly an indication of a high degree of intellectual tolerance

prevailing at that time. This intellectual tolerance has its deep roots in the Islamic philosophy. In fact the word "fiqh," which stands for jurisprudence in Arabic, reflects to a great extent the spirit of intellectual freedom under discussion. Dr. Said Ramadan, in Islamic Law, wrote:

The very appellation al-fiqh--a term attributed to the works of Muslim jurists--reveals the original impulse that brought these works into existence. The verb faqahq means "to comprehend"; thus, fiqh--its noun form--means "comprehension." Says Prof. Asaf Fyzee: "Fiqh literally means 'intelligence.' It is the name given to the whole science of jurisprudence, because it implies the independent exercise of intelligence in deciding a point of law, in the absence or ignorance of tradition on the point." (Ramadan, 1970, p. 84)

The philosophical foundation of the legitimacy of difference of opinion on juristic matters in Islam lies on its differentiation between absolute facts and probabilities. Only manifest revelation and authentic tradition of the prophet is binding on all Muslims. Everything else is a matter of personal conviction. The great Muslim scholar Imam al-Shafi'i wrote in his al-Risalah:

Knowledge applies to two categories of truth: one which is a factual truth in appearance and in fact, and one which is a

seeming probability of truthfulness. The first category applies only to the texts of Quran and the Sunnah successively authenticated generation after generation. These texts alone may allow or forbid, and this, in our opinion, is the basic fact that no Muslim may either ignore or doubt. . . . Knowledge attached through the medium of al-ijtihād by al-qiyās, belongs to the second category; thus what it attains is binding only on the one who exercised al-qiyās and not other men of knowledge. (Ramadan, 1970, p. 85)

Al-Shafi'i also, in his famous book Al-Umm, stated that

in cases of differences between those who exercised individual reasoning in the absence of binding texts, each of them is bound only by what he himself opines, and none of them may abandon what he personally considers to be right in order to follow blindly the opinion of another person. (Ramadan, 1970, p. 87)

The Third Stage

The rapid development of all sciences in the first six centuries of Islam is unprecedented in the history of mankind. It is far beyond the purpose and limitation of this study to present an account of all aspects of that development. Our purpose here, however, is to briefly examine the extent of the development of sciences in the history of Islam and the underlying factors that led to its existence. To quote Professor T. B. Irving, who presents a profound explanation of that remarkable

phenomenon.

The scientific possibility of abstract thought evolved out of the Islamic concept of the Unseen which Islam calls al-Ghayb in Arabic, 'The Absent' quality that we often have such difficulty in grasping. It is the rational soul that knows God and discovers the Universe: "Guessing is no substitute for Truth", we are cautioned in Jonah (10:36); and again, as a further reminder, we are told:

If all the trees on earth were pens
and the [inky] sea were later on
replenished with seven other seas,
God's words would never be
exhausted;
God is Powerful, Wise! (Luqman
31:27)

Abstract reasoning over the Unseen thus fostered thinking in the mosque schools that sprang up throughout the early Arab empire, and eventually this intellectual activity helped to dispel the West-European middle ages and encouraged the rise of modern universities like Paris and Oxford, which took their models from the great teaching institutions of Cordoba, Fas and Tunis that, except for the Spanish ones, are still functioning. . . . With the Muslim Arabs from Spain to India and the Persians, modern science as we know it, was born. (Irving, 1978, pp. 13-14)

It is, indeed, because "Guessing is no substitute for truth," that knowledge acquired its prominent place in the philosophy of Islam. It is also this deeply rooted belief in knowledge that constituted the major motivation for the brilliant Islamic achievements in the fields of science.

In his account of Islam's treatment of knowledge, which he rightly titled "Knowledge Triumphant," Franz Rosenthal wrote:

Arabic 'ilm is fairly well rendered by our "knowledge." However, "knowledge" falls short of expressing all the factual and emotional contents of 'ilm. For 'ilm is one of those concepts that have dominated Islam and given Muslim civilization its distinctive shape and complexion. . . . There is no branch of Muslim intellectual life, of Muslim religious and political life, and of the daily life of the average Muslim that remained untouched by the all-pervasive attitude toward "knowledge" as something of supreme value for Muslim being. (Rosenthal, 1970, pp. 1-2)

The significant point here is the strong attachment between religion and science in Islam. Historically, it took the form of religion leading to scientific advancement. There was never a conflict between religion and science. In fact, most of the Muslim scientists were quite learned in Islamic theology and jurisprudence. And it was not uncommon to find a Muslim scholar providing voluminous works on both Islamic jurisprudence and natural sciences. Imam Ja'far Al-Sadiq, Al-Razi, Ibn Al-Haytham, and Ibn Al-Quyyim are but a few of the encyclopedic scholars in the history of Islam. As to the extent and scope of this advancement, we quote a few sources. In his Conflict Between Religion and Science, John W. Draper

wrote:

The Mohammedan nations did much better. Their cultivation of science dates from the capture of Alexandria, A.D. 638. . . . They had ascertained the dimensions of the earth; they had registered or catalogued all the stars visible in their heavens, giving to those of the larger magnitudes the names they still bear on our maps and globes . . . measured the height of the atmosphere, determining it to be fifty-eight miles; given the true theory of the twilight, and of the twinkling of the stars. They had built the first observatory in Europe. So accurate were they in their observations, that the ablest modern mathematicians have made use of their results.

These represent but a part, and indeed but a small part, of the services rendered by the Arabian astronomers, in the solution of the problem of the nature of the world. (Draper, 1926, pp. 7-8)

In Islam in History, former Chief Justice of Pakistan, Muhammad Munir presents lengthy descriptions of the vast scientific development early centuries of Islam witnessed. From the beginning of the 7th century to the middle of the 12th century Muslims took the lead in all scientific endeavors. they extended the realm of research and inquiry from theology, tradition and law, to matter inanimate and animate. Within a short period of time their research addressed every field of knowledge. The mass of literature they left is still remarkably substantial despite the fact that a great deal of it was

lost during the barbaric destruction of the Islamic Empire in the 12th and 13th centuries.

The golden era of Islamic scientific advancement stretched from the middle of the second century of Islam until the middle of the fourth century. In his History of the Saracens, Ameer Ali describes Mamun's Caliphate (198-218 A.H., 813-833 A.C.) as the "most glorious epoch of Saracenic history" and calls it the "Augustan age of Islam."

In the Intellectual Development of Europe, John F. Draper exuberantly describes how Muslims established libraries in all their chief towns. By the end of the second Islamic century there were no less than 70 in existence. Describing the academic institutions Muslims constructed, he states:

For those in easier circumstances there were academies, usually arranged in twenty-five or thirty apartments, each calculated for accommodating four students; the academy being presided over by a rector. In Cordova, Granada, and other great cities, there were universities frequently under the superintendence of Jews; the Mohammedan maxim being that the real learning of a man is of more public importance than any particular religious opinions he may entertain. In this they followed the example of the Asiatic khalif, Haroun Alraschid, who actually conferred the superintendence of his schools on John Masue, a Nestorian Christian. (Draper, 1876, p. 36)

Sigrid Hunke, in Allah Sonne Uber Dem Abendland Unser Arabisches Erbe, elaborates on the various aspects of Islamic civilization emphasizing its spirituality and the great role of religion in its making. "Millions of Muslims," she states, "were received in village and city schools daily. Their motivation for learning was created by Islam. "Their desire was to be real Muslims" (Hunke, 1979, p. 393).

Finally in The Making of Humanity, Robert Briffault wrote:

Never before and never since, on such a scale, has the spectacle been witnessed of the ruling classes throughout the length and breadth of a vast empire given over entirely to a frenzied passion for the acquirement of knowledge. Learning seemed to have become with them the chief business of life. . . . To every mosque was attached a school; wazirs vied with their masters in establishing public libraries, endowing colleges, founding bursaries for impecunious students. Men of learning, irrespectively of race or religion, took precedence over all others; honours and riches were showered upon them, they were appointed to the government of provinces; a retinue of professors and a camel train of books accompanied the Khalifs in their journeys and expeditions. (Briffault, 1919, p. 188)

It is quite evident from all these citations that remarkable scientific developments were achieved during the first six centuries of Islam. Such development of

science could not but be a result of unique appreciation of knowledge and great respect for human intellectual activity.

Years of Retreat

The phenomenal Islamic fervor and enthusiasm for knowledge and science continued until a number of international events took place. External invasions accompanied by internal disintegration led to the destruction of the Muslim cultural centers and the retreat of Islamic civilization.

In 1099 Jerusalem was conquered by the Crusades and so was most of Palestine. The extent of the devastation resulting from the Crusades could be seen in the Encyclopedia Britannica's account of the fall of Jerusalem to the Crusaders.

So terrible, it is said, was the carnage which followed that the horses of the Crusaders who rode up to the mosque of Omar were knee-deep in the stream of blood. Infants were seized by their feet and dashed against the walls or whirled over the battlements, while the Jews were all burnt alive in their synagogue. (Nadwi, 1979, p. 97)

From the opposite direction, and within a century and a half from the first devastation of Jerusalem by the

Crusaders, the Muslims were invaded by one of the most, if not the most, barbaric invaders in the history of mankind, namely the Tartars. In his account of the invasion, the great historian Ibn al-Athir wrote:

It is a disaster without parallel in history. It affects the entire human race in general and the Muslims in particular. . . . The savages took pity on none. They slaughtered men, women and children ruthlessly. They ripped up the abdomens of pregnant women and killed the children in the wombs. ('To God do we belong and to Him do we return. There is no fear or power but with God.'). It was a world-consuming tragedy. It rose like a storm and swept over the whole world. (Nadwi, 1979, pp. 100-101)

Ibn Kathir, another great historian gave this account of the devastation of Baghdad by the Tartars:

Death and destruction reigned supreme in Baghdad for forty days, after which this most beautiful city of the world was left crushed and ruined to the extent that only a handful of persons were to be seen in it. Dead bodies were piled in the streets in heaps as high as a ridge. It rained and the corpses decomposed. Their stench filled the air and a virulent epidemic broke out which spread as far as Syria, taking a very heavy toll of life wherever it raged. Famine, pestilence and death stalked the land. (Nadwi, 1979, p. 101)

The destruction was by no means limited to one city or one area, but engulfed every part of the Islamic cultural centers east of the Mediterranean. An account of some of the destruction inflicted upon those cultural

centers is presented by Amir Ali in his History of the

Saracens:

Of its (Samarkand) million inhabitants, 50,000 alone remained to tell the fate of the ruined city. . . . In Herat, and its environs, they killed, burnt, and destroyed for a week, and it is said that 1,600,000 people were killed, the place was entirely depopulated, and the neighbourhood turned into a desert. Rai, Dinawar, and Hamadan were sacked, and a large portion of the population put to the sword. (Ali, 1900, p. 393)

And on the destruction of Baghdad, he wrote:

The destruction of Bagdad requires the pen of a master like Gibbon. . . . For three days the streets ran with blood, and the water of the Tigris was dyed red for miles along its course. The horrors of rapine, slaughter, and outraged humanity lasted for six weeks. The palaces, mosques, and mausolea were destroyed by fire or levelled to the earth for their golden domes. The patients in the hospitals, and the students and professors in the colleges, were put to the sword. In the mausolea the mortal remains of the shaikhs and pious imams, and in the academies the immortal works of great and learned men, were consumed to ashes; books were thrown into the fire, or, where the Tigris was near, buried in its waters. The accumulated treasures of five centuries were thus for ever lost to humanity, and the flower of the nation was completely destroyed. (Ali, 1900, p. 398)

These catastrophes resulted in the destruction of the Islamic civilization and the retreat of Muslims for centuries to come. The triumph of knowledge was halted and the loss to mankind was beyond any description.

Reflections of the decline of the Islamic civilization could be seen in the retreat of knowledge in both Islamic studies and other sciences. The prohibition of "Ijtihad" was but an indication of the direction and nature of the new turn of events. Although no inquisition took place and nobody was tortured for his or her scientific views, intellectual freedom was one of the casualties of this era which can rightfully be called the era of decline.

As if the previous devastations were not enough, the last three centuries witnessed new waves of invasions by Western powers under the name of colonialization. The damage inflicted to the Islamic culture and heritage by colonialization is beyond any description. The outrageous robberies of Islamic cultural treasures from Egypt, Iraq, Turkey and North Africa, the suppression of native languages in Algeria, Morocco, Tunisia and Nigeria, and the enforcement of Western values and systems into the Muslim societies are but a few aspects of the damage inflicted to the Muslims by colonialization. In short, colonialization not only prolonged the decline of Muslims, but added to its severity and further complicated any prospect of recovery.

Revival Attempts

Despite the severe devastation of the Islamic civilization and the numerous factors contributing to the retreat of Muslims for many centuries, there was always a spirit of revival in the conscience of Muslims during the years of decline. Although this spirit was always suppressed by both external and internal tyrannies, it continued to express itself in the form of a movement or a personality of a reformer. The latter form has appeared more often than the first and is easier to trace historically. Figures like Nuruddin Zangi, Saladin, Ibn Taimiyah, Al-'Izz Ibn Abd-Assalam, Khwaja Nizam Ud-din Auliya, Sheikh Sharaf Ud-din Maneri, Muhammad Ibn 'Abd-Alwahhab, Jamal Ad-din Afghani, Muhammad Abduh, Hasan Al-Banna and Abu al-'Ala Maududi are some of those who strove during the years of retreat to liberate Muslim lands from invaders and reconstruct the Islamic civilization. In all their struggle they emphasized the necessity to revive the spirit of Islam as a prerequisite to any genuine revival in the Muslim world.

Today the situation is not different with regard to revival attempts than it has been during the past eight

centuries. Islamic movements, whether in Pakistan, Turkey, Egypt or Nigeria all seek both liberation and reconstruction of the Islamic civilization through return to Islam. This phenomenon is of extreme importance to our study and will, therefore, be further discussed in succeeding chapters.

The Concept of Religion

Respecting the way Muslims believe their religion consciously permeates and organizationally influences all aspects of life, it is often said that the Islamic concept of religion is unique. Its scope is very wide and its implications are deep and significant. The English word religion does not fully reflect and convey the meaning of "Din," which is derived from the Arabic verb "Dana," meaning to give complete allegiance and submission. In the Holy Quran the word "din" is used in its fullest capacity to "include the whole life, thoughts and desires of man" (Ali, 1978, p. 1064).

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CHAPTER IV

THE PHILOSOPHICAL FOUNDATIONS OF ACADEMIC

FREEDOM IN ISLAM

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laws. It also provides comprehensive moral guidelines for every action, great or small, in the life of a Muslim. Accordingly, when Muslims think of "din" or, let's say religion, their conceptualization is not limited to a human being's ritual or spiritual relationship with God, but rather they conceptualize life in its physical "seen" realm, and metaphysical "unseen" realm.

The role of "din," or religion, is not simply to provide spiritual satisfaction for the human nor to regulate some of his or her social activities, but rather is to control and direct every aspect of life for both individual and group. It, therefore, determines the political, economical, legal and social structures of societies and directs and controls individual behavior in all its aspects. On this, Professor Khurshid Ahmad writes:

A distinctive characteristic of Islam is that it is organized, disciplined and complete way of life. It does not confine its scope only to the private life of a man, rather it caters to all the fields of human existence.

Islam provides guidance in all walks of life--individual and social, material and moral, economic and political, legal and cultural, national and international. (Ahmad, n.d., pp. 1-2)

Worship in the Islamic concept of Religion is not

limited to formal rituals performed in mosques but involves every aspect of life. Working, teaching, learning, eating, playing and even sex are all part of worship. The following Hadith reported by Muslim sheds more light on this:

Abu Dharr relates that some people said to the Holy prophet: The wealthy walk away with a great deal of merit. They pray as we pray and fast as we fast, but then they are able to give away in charity of their spare wealth. He said: Has not Allah endowed you with that which you can employ for charity? All glorification of Allah is charity, all praise of Allah is charity, all affirmation of Allah's Unity is charity, all affirmation of Allah's greatness is charity, enjoying good is charity, forbidding evil is charity, consorting with your wives is charity. They asked: Messenger of Allah, is it that one of us should satisfy his urge and he would be rewarded? He said: If he satisfied his urge unlawfully would it not be sinful? Thus when he satisfies it lawfully it is meritorious. (Khan, 1975, p. 33)

This comprehensiveness of the role of religion constitutes one of the fundamental philosophical foundations of the concept of academic freedom in Islam. Its first implication is that all aspects of academic freedom are within the realm of religion in both philosophy and legislation. Because of the unity of all human activities under the domination of religion, academic freedom in Islam is, therefore, directly related

and influenced by all other dimensions of Islamic life.

Divinity of Law

The two major sources of Islam are the Holy Quran and the tradition of prophet Muhammad, may God's blessings and peace be upon him. The Quran is believed by Muslims to be the very word of God revealed to prophet Muhammad. The tradition of the prophet is believed by Muslims to be the best application of the teachings of the Quran. It, however, not only interprets the Quran but also complements it and adds to it. It is, in fact, believed to be an indirect form of revelation. The prophet, therefore, was merely a medium through which the teachings of God were conveyed. The Holy Quran states:

CONSIDER this unfolding [of God's message], as it comes down on high! (2) This fellow-man of yours has not gone astray, nor is he deluded, (3) and neither does he speak out of his own desire: (4) that [which he conveys to you] is but [a divine] inspiration with which he is being inspired. Sura 53, verses 1-4. (Asad, 1980, p. 812)

The Holy Quran and the tradition of the prophet constitute the Shari'ah or law of Islam. From them all Islamic jurisprudence is derived. The significance of this fact is that the Islamic law is divine. It had been

ordained by God and, therefore, carries with it the divine authority of God.

Divinity of law has four major implications. First, it raises the authority of law above all human beings and, therefore, gives it much more influence than any human law. Secondly, it makes law stable and unchangeable. The principles of law gain an eternal characteristic that influences both time and space rather than being influenced by them. On this, Professor Khurshid Ahmad comments:

Since Islam is based on revelation, all its fundamental principles are unchangeable and no human being--nay, not even the entire Muslim world--can bring about any change in these principles. Thus the contention that Islam is that which Muslims practice is incorrect and to this misconception can be traced many a confusion that abounds in the Western world, in respect of Islam. (Ahmad, n.d., p. 9)

Accordingly, principles of law are not negotiable and can never be altered or disregarded through voting or similar parliamentary procedures. Application of these principles, however, may be modified in severe emergencies, and then only within the limits of the exceptionality of the case.

Thirdly, government and religion are totally united and there is no distinction between laws governing society

as a whole-- politically, economically, etc.--and laws governing personal affairs, whether spiritual or moral. The separation between state and church, which exists in the west today, has absolutely no place in Islam. In his Steps Toward Understanding Islam, Erich W. Bethmann writes:

Islam declares that all power in the universe is God's, He is the sole and absolute ruler, nothing exists outside His realm. It logically follows that the state too is part of God's realm and receives its power and justification by principles laid down by Him. According to Islam therefor, the state can not be conceived as an independent unit leading a separate existence.

God governs the individual and has decreed certain rules of conduct for him; likewise He governs the community of individuals, the state, and decrees His laws or reveals His precepts to them.

The justification of the existence of the state is not based upon the usurped rights of a royal house, or the privileges of a family or an autocracy. It is not based on an ethnic grouping, nor is it based on race. It is likewise not based upon the consensus of the masses, nor does the state exist on its own right, somehow as a superior and glorified being to whom everybody has to bow and do its bidding, or else will suffer dire consequences. No, the state's justification rests directly in God and His law and order. (Bethmann, 1966, p. 28)

This dimension of the divinity of law is of extreme importance to our examination of the philosophical foundations of academic freedom in Islam. It is of equal

importance to our differentiation between academic freedom in Islam and Western secularized liberal philosophy.

Fourthly, divinity of laws creates a strong spiritual attachment between people and law both individually and collectively. Observation of the law becomes not only a social duty but a ritual that involves the deepest feelings of the spirit.

In light of these concepts, we find that academic freedom in Islam would be influenced not only by the nature of the source of legislation--which is the Deity in this case--but also by the spirituality of relationship between subjects and legislation. This fact can account for a great deal of Islam's uniqueness among other religions and ideologies.

Man's Place and Role in the Universe

Man is conceived in Islam as part of the creation of God. He was made out of dust and a breath of the spirit of God. Of all God's creations he was selected to be God's viceregent on earth. The Quran states:

Behold, thy Lord said to the angels: "I will create

A viceregent on earth." They said;

"Wilt thou place therein one who will make

Mischief therein and shed blood?--

Whilst we do celebrate Thy praises

And glorify Thy holy [name]?
He said: "I know what you know not."

And He taught Adam the nature
Of all things; then He placed them
Before the angels, and said: "Tell Me
The nature of these if ye are right."

They said: "Glory to Thee: of knowledge
We have none, save what Thou
Hast taught us: in truth is Thou
Who art perfect in knowledge and wisdom."
Sura 2, verses 30-32 (Ali, 1978, pp. 24-25)

The concept of viceregency is multidimensional.
First, man is God's viceregent in the sense that he is
entitled to govern this planet to the limits of his
capacity. He is endowed for this purpose with two major
elements: God's revelation and the faculty of logical
definition and conceptual thinking. If both are utilized
properly, man achieves success in this life and in the
hereafter.

And if, as is sure, there comes to you
Guidance from me, whosoever
Follows My guidance, on them
Shall be no fear, nor shall they grieve.
Sura 2, verse 38. (Ali, 1978, p. 26)

Secondly, man is God's viceregent in the sense that
he is the most respected among all God's creations. This
respect is a result of both the position he possesses as
God's viceregent and the qualities and faculties God
provided him with. Respect of man is expressed by God's

command to the angels to bow down to Adam:

And behold, We said to the angels: "Bow down to Adam": and they bowed down. . . Sura 2, verse 34. (Ali, 1978, p. 25)

The Quran also states:

We have honoured the sons
Of Adam; provided them
With transport on land and sea;
Given them for sustenance things
Good and pure; and conferred
On them special favours,
Above a great part
Of our Creation.
Sura 17, verse 70. (Ali, 1978, p. 714)

By the Fig
And the Olive,
And the Mount
Of Sinai
And this City
Of security
We have indeed created man
In the best of moulds.
Sura 95, verses 1-4. (Ali, 1978, pp.
1758-1759)

Thirdly, man is God's viceregent in the sense that he has a distinctive, well-defined role to play on this planet. This role is to build and cultivate life in all its aspects; spiritual, social and physical, on the basis of God's laws and instructions conveyed through prophets. In his extensive work, Studies on the Human Soul, Muhammad Qutb states:

His role [the human being] must be greater

and more significant than the role of all other creations. Otherwise, there is no point in singling him out to be God's viceregent. . . . His role on earth is to build it. God's viceregency on earth means construction, cultivation, creativity, building, changing and modifying; all works of God who reflected some of his attributes on his viceregent and provided him with powers, the greatest of which was knowledge. (Qutb, 1974, p. 30)

But despite all his unique qualities, significant role in life, and representation of God, man is still a small being in God's creation. Islamic philosophy never conceives him as the center of the universe, as some other philosophies do, nor does it conceive his intellect as the moving power capable of comprehending and controlling everything.

The center of the universe (the expression here is symbolic and should never be considered locational or directional), according to the Islamic philosophy, is God (Allah) not man. He is the moving power behind all things and he controls all.

GOD--there is no deity save Him, the Ever-Living, the Self-Subsistent Fount of All Beings. Neither slumber overtakes Him, nor sleep. His is all that is in the heavens and all that is on earth. Who is there that could intercede with Him, unless it be by His leave? He knows all that lies open before men and all that is hidden from them, whereas they cannot attain to aught of his Knowledge save that which He wills [them to attain]. His eternal power overspreads the heavens and the earth, and their

upholding wearies Him not. And he alone is truly exalted, tremendous. (Asad, 1980, p. 57)

Man, therefore, has his limits, and God alone is absolute. Going beyond the limits is considered in Islam to be rebellious against the ordinances of God. It is also considered a form of transgression. This is not restricted to any sphere of life, but includes all spheres: intellectual, behavioral, social, etc.

Ideological State

The major characteristic of a Muslim society is that it is an ideological society. It submits, spiritually, intellectually, politically, socially and morally to one ideology which is Islam. Non-Muslims in a Muslim state are not required to submit to this ideology but have full autonomy. Politically they have representation in decision making, though within their communities they control decision making.

The importance of all of this is that legislation and decision making in an Islamic state do not involve compromise between conflicting ideologies and interests. Decisions are influenced not only by the interest of citizens but also by the requirements of the ideology.

The word for society in Islam is "ummah." It derives from the root "amm," which means to lead, direct and move toward a destination. It does not refer to any particular race, color, language, or geography. It instead emphasizes direction and ideological unity. In his On the Sociology of Islam, Ali Shari'ati states:

While other expressions denoting human agglomerations have taken unity of blood or soil and the sharing of material benefit as the criterion of society, Islam, by choosing the word umma, has made intellectual responsibility and shared movement toward a common goal the basis of its social philosophy. (Shari'ati, 1979, p. 119)

The significance of this on the formulation of the concept of academic freedom is that responsibilities of members of the Islamic ummah (or nation) are spiritually connected to its aspirations and ideological requirements. Freedom is not a personal right that individuals expropriate from the state or society, but is a duty dictated by both the belief and aspirations of the ummah. Limitations on freedom are not created by other human beings, but are ordained by God. They are, therefore, sacred and violating them amounts to violating God's law. Commenting on these aspects of the Islamic concept of freedom, H. Abdalati writes:

The Islamic concept of freedom is an article of faith, a solemn command from the Supreme Creator. It is built on the following fundamental principles. First, man's conscience is subject to God only, to whom every man is directly responsible. Secondly, every human being is personally responsible for his deeds and he alone is entitled to reap the fruits of his work. Thirdly, God has delegated to man the responsibility to decide for himself. Fourthly, man is sufficiently provided with spiritual guidance and endowed with rational qualities that enable him to make responsible sound choices. (Abdalati, 1977, p. 34)

The ideological nature of the Islamic state makes it goal oriented. It is a state that has a clear role to play and a defined mission to undertake. This nature of the Muslim Ummah, together with the mechanism of "Ijtihad" and "Jihad" transform academic freedom in Islam into academic duty. It becomes, in fact, a duty not only of the scholar, institution or the state, but a duty of the Ummah as a whole. It becomes part of God's trust on man.

CHAPTER V

ACADEMIC FREEDOM IN THE WEST

The previous two chapters have attempted to present a brief review of what might constitute a historical background of academic freedom in Islam. They have attempted also to analyze some philosophical foundations of the Islamic concept of academic freedom for the purpose of laying down the basic groundwork for a modern Islamic definition of academic freedom.

Formulating a modern definition of academic freedom is a great challenge to Muslim academicians today. For not only has the growth and development of many Islamic concepts and institutions been halted for many centuries, due to the absence of a truly Islamic state, but in addition Muslim societies have been exposed during the last two hundred years to strong Western cultural influences that have left deep and clear imprints on contemporary Muslim concepts and institutions. This fact makes it extremely important for Muslims to understand the nature of Western influences, their background, their implications and, most importantly, their effects on the

Islamic culture.

Of all Western cultural influences on Muslim societies, the influence of western secularism on Muslim academic institutions seems to pose the greatest challenge. In this chapter the attempt is first to discuss very briefly major periods in Western history that have influenced the contemporary secular liberal philosophy, and secondly to analyze the philosophical foundations of the Western secular liberal conception of academic freedom.

It must be emphasized here, however, that this is not intended as a history of secular liberalism nor a history of the development of academic freedom in the West, but rather a brief overview of major phenomena that have contributed to the formation of the contemporary Western secular conception of academic freedom.

Complexity of Western Experience

In attempting to study any Western intellectual phenomenon, one must carefully consider the complexity of the Western historical experience with its numerous philosophical, social and political traditions. This is necessary to avoid unperceptive generalizations and

superficial conclusions.

Accordingly, in studying the philosophical foundations of academic freedom in the Western liberal philosophy, the complexity of the Western liberal tradition must be considered, and a distinction must be drawn between the various trends within this tradition. The liberal history with regard to religion, especially organized religion, for instance, embodies several distinctively different trends. The separation of state and church, which is a classical liberal demand, has its historical roots in both religious and non-religious circles. However, two important distinctions have to be made here. First, a distinction must be made between the Protestant experience and the Catholic experience. In Protestant countries religious freedom and separation of church and state were not only accepted but, in fact, initiated and encouraged by many clergy. This was not the case in Catholic countries, which led to the irreligious tendencies of liberal tradition in those environments. Secondly, a distinction must be made between the various justifications for separation of church and state within the liberal tradition. Secular social groups who viewed religion as an outdated phenomenon unsuited for state

affairs supported the separation of State and Church, support for the principle of separation of church and state on the part of religious groups grew out of the awareness that the diversity of religious sects made the separation principle a practical necessity.

For our purposes in this study, the phenomenon of separation of church and state, with its complex background, constitute a significant element in distinguishing the liberal philosophy from the Islamic philosophy. Not only is there an absence of institutionalization of religion in the Islamic history, but the nature of Islam and its emphasis on organizing state affairs allows no space for the concept of separation of church and state.

The complexity of the Western historical experience in general, and the Western liberal tradition in particular, make any attempt to trace the historical evolution of academic freedom in the West, far beyond the purposes and limits of this study. It is, therefore, extremely important to emphasize that this study is concerned mainly with the secular aspects of liberalism and should never be generalized to all forms of liberalism.

It is also important to emphasize that even within the fairly limited context of secular liberalism selected for discussion in this study, the analysis presented is restricted to major historical and philosophical phenomena that contribute to the formation of the contemporary Western secular conception of academic freedom.

Greek Heritage

The West is deeply indebted to the Greek civilization for the formation of many of its philosophical concepts, including the concept of freedom. Socrates' defense of freedom is still cherished as a landmark in ancient history for both freedom of speech and intellectual freedom. Athens and Ionia were centers of intellectual activity that left their clear marks on many generations to come. In his stirring work, A History of the Freedom of Thought, J.B. Bury states: "Ionia in Asia Minor was the cradle of free speculation. The history of European science and European philosophy begins in Ionia" (Bury, 1952, p. 13).

Although many centuries separate modern Western civilization from Greek civilization, the closeness between the two is unmistakable. On this point Robert

Briffault comments:

In passing from Egypt, Assyria, Babylon, Persia, Judea, into Greece, we step into a world which is actually closer to us than are the ten centuries intervening between the passing of Hellenism and the rebirth of Europe, a world which is western and modern, in which we move among the topics, problems, tendencies, discussions, criticisms, which occupy our own thought. It is not merely because our intellectual heritage is Grecian that we feel at home there, it is not merely that the structure of our ideas, of our conceptions, our modes of expression, the forms of our literature, are the progeny of Greek thought; it is because Greece owed its own life, as ours, to the liberation of the human mind from the gyves and shackles which weighed it down in the theocratic East. (Briffault, 1919, pp. 117-118)¹

Greek civilization left two traditions in Western thought which were revived during the renaissance and henceforth controlled the development of Western thought. The first of these was reliance on intellect and reason for explanation of all phenomena. The philosophical implication of this was the elevation of the human intellect to a divine status. In his Freedom in the Ancient World, H. J. Muller writes:

A particular clue to their [Greeks] uniqueness is a saying of Anaxagora's: "All things were in chaos when mind arose and made order." More than any other ancient people, the Greeks put their trust in mind, or reason.
 . . . They were also the first people to become fully conscious of man as a maker. Realizing that laws and political institutions

were man made, the Greeks were freer to make them over to suit their own purposes. They set about creating their supreme work of art, which was the perfection of man himself. (Muller, 1961, pp. 146-147)

The second tradition initiated by the Greeks was separation of religion from the sciences, and from social and political institutions. Religion was pushed aside or, at best, was reconstructed (by man) to fit the molds of reason. Muller states:

While elaborating one of the greatest mythologies, they achieved the greatest measure of freedom from the myth. By rational inquiry they endeavored to explain miracle and dispel mystery, to rationalize the authority of both the gods and the state. (Muller, 1961, p. 146)

In her book, Westernization and Human Welfare, M.

Jameelah also states:

The society of ancient Greece was the earliest in history to divorce its institutions, customs, arts and sciences from religion. In other words, ancient Greece was the first truly secular society. Its philosophy was based on the premise that a perfect, harmonious society filled with beauty and justice could be achieved by an intelligent, rational application of human reason unaided by any supernatural power. This secular ideal has remained the dominant theme of Western civilization to this day. (Jameelah, 1976, p. 1)

These two traditions constitute a great part of contemporary Western philosophy. The Greeks' role in this

regard, however, was merely that of initiation, for with regard to development and institutionalization of these traditions in Western philosophy, responsibility goes to the Renaissance and Reformation periods.

Middle Ages

The term Middle Ages is often treated as a pejorative word in modern, especially Western, dictionaries. It connotes not only backwardness and suppression of freedoms, but also savagery and religious terror. Reasons for this are numerous and detailed in historical records. It is not our purpose here, however, to trace those records and detail their historical effects, but rather to examine major phenomena that dominated that era of history, especially with regard to freedom in general, and intellectual freedom in particular.

Three major phenomena are most apparent when examining the centuries of the Middle Ages. These are: the tendency toward totalitarian domination by the church; suppression of thought and science, especially ideas that conflicted directly or indirectly with church dogma; and extremism in the treatment of suspected nonconformism.

With regard to the first of these three phenomena,

its beginning dates back to the Roman Empire's adoption of Christianity. With the decline of the authority and power of Roman emperors toward the end of the fourth century A.D., the Church grew stronger and was for the following 10 centuries the dominant power in Western life. On this M. Jameelah writes:

In the thousand-year interval between the fall of the Roman Empire and the rise of the Renaissance, the Roman Catholic Church reigned supreme. Throughout this period, popularly known as "The Middle Ages," Europe's historical continuity with Ancient Greece and Rome was broken. (Jameelah, 1976, pp. 3-4)

Christians, who were severely persecuted during the era of paganism, seem to have acquired the habit of persecution themselves. As soon as they assumed power in the Roman Empire, they started persecuting their adversaries, even their fellow Christians. Commenting on the drastic change Christianity experienced in its attitude toward religious freedom in this era, H. J. Muller writes:

When they triumphed, however, Christians soon made it clear that they did not believe in religious freedom--they wanted it only for themselves. They began oppressing pagans and Jews, and then turned violently on heretical fellow Christians; they repudiated freedom of religious thought and conscience with an explicitness and thoroughness never before known in history. (Muller, 1961, pp. 289-290)

The spirit of intolerance prevailed for over a thousand years. It was not limited to religion but affected most aspects of intellectual activity.

The severity of punishment and extremism in dealing with those suspected and convicted of nonconforming with Church dogma, were responsible for the horrible reputation of the Middle Ages. The extent of that severity and extremism cannot be accounted for in this limited study, but a reflection of it is necessary for illustration purposes. In his Conflict Between Religion and Science, John W. Draper states:

With such savage alacrity did it carry out its object of protecting the interests of religion, that between 1481 and 1808 it had punished three hundred and forty thousand persons, and of those nearly thirty-two thousand had been burnt! In its earlier days, when public opinion could find no means of protesting against its atrocities, "it often put to death, without appeal, on the very day that they were accused, nobles, clerks, monks, hermits, and lay persons of every rank." (Draper, 1926, pp. 62-63)

However, despite these three phenomena--Church domination, suppression of differing views, and extremism of punishment--intellectual activity did not succumb but, in fact, even flourished in some instances. St. Augustine's relentless pursuit of wisdom and spiritual

peace, St. Anselm's ontological argument, and the "Christianization" of Aristotle's philosophy by St. Thomas Aquinas are examples of the flourishing periods of theological intellectual activity during the Middle Ages. Therefore, it must be stated here, with all fairness, that although it is true that philosophical and scientific thought which directly conflicted with church dogma was severely repressed, sciences with less antagonistic philosophical implications enjoyed much greater freedom.

Richard Hofstadter states:

The intellectual freedom of the medieval scholar existed within the framework of an authoritative system of faith upheld by vigilant positive authority. The fact that a certain kind of freedom existed within that framework is undeniable; the value that is assigned to it will vary in accordance with the religious and philosophic convictions of the observer. If it were one's sole aim to compare the medieval with the modern world one might with justice emphasize the gravity of the restrictions on inquiry in the medieval university as they appear to the modern intelligence. (Hofstadter & Mezger, 2955, p. 12)

However, the fact remains that during the Middle Ages a conflict between religion and science emerged. It was so severe that the existence of one could not be secured except by the elimination of the other. J. W. Draper writes:

As we have seen in former chapters, an antagonism between religion and science had existed from the earliest days of Christianity. On every occasion permitting its display it may be detected through successive centuries. We witness it in the downfall of the Alexandrian Museum, in the cases of Erigena and Wiclif, in the contemptuous rejection by the heretics of the thirteenth century of the Scriptural account of the creation; but it was not until the epoch of Copernicus, Kepler, and Galileo that the efforts of Science to burst from the thralldom in which she was fettered became uncontrollable. (Draper, 1926, p. 75)

An antagonism was gradually created between the church and science. If there were to be any progress and development the two must be divorced. This conception was hammered in the Western mind until it became a dogma in itself.

Renaissance and Enlightenment

The 14th century witnessed the beginning of a new era in the history of Europe that was later to be known as the Renaissance. After many centuries of philosophical retreat and intellectual stagnation, Europe started slowly and gradually to pull itself out of the grip of the Church, and reattach its broken links with Roman and Greek civilizations. Although the transformation was great and fundamental, it was not sudden. Early philosophers and scientists of the Renaissance did not lead open and

massive rebellions but rather gently planted the seeds which gave their fruits at a much later time. Describing the passage of Europe from the Middle Ages to the Renaissance, J. B. Bury writes:

At the time men hardly felt that they were passing into a new age of civilization, nor did the culture of the Renaissance immediately produce any open or general intellectual rebellion against orthodox beliefs. The world was gradually assuming an aspect decidedly unfriendly to the teaching of mediaeval orthodoxy; but there was no explosion of hostility; it was not till the seventeenth century that war between religion and authority was systematically waged. (Bury, 1952, p. 55)

Rebellion against orthodox beliefs continued in the West until it was transformed into total rejection of religion in some scientific and intellectual circles. Responsibility for this is certainly not on religion, but on the European religious experience during the Middle Ages. Its philosophical foundations, however, can be traced to pre-Christian periods either in Rome or Athens.

The Renaissance, at any rate, was an era of scientific development and intellectual emancipation. Church dogmas became part of the intellectual debate. Interest in all aspects of life was slowly replacing the narrow spheres drawn by the Church. In general, Europe was breaking with the limitations of the Middle Ages. On this

era, S. E. Stumpf writes:

The Renaissance was a time of discovery and emancipation. On every hand new worlds were being opened. While Columbus's bold adventure led him to discover a new continent, others opened up new worlds of the mind and spirit. (Stumpf, 1971, p. 217)

The Renaissance reached its climax during the Enlightenment period. It was then that the conceptions of the Renaissance reached their maturity. It was then also that influence of the Greek and Roman civilizations on the new Europe became most conspicuous. Materialism, rationalism and empiricism established themselves as substitutes for orthodox authority and pious speculation, and reason was to reign again.

The European experience during the Renaissance and Enlightenment periods produced new assumptions in the Western mind. These assumptions can be summarized as follows: (a) freedom of thought and scientific progress were not achieved except by defeating the Church and lifting the domination of traditionalist religion; (b) scientific findings contradict some religious speculation; (c) knowledge and science are associated with freedom; (d) religion was identified, in some quarters, with totalitarianism and suppression of freedoms; (e) Human

intellect when not restricted is capable of exploring most, if not all, phenomena. These assumptions left their clear marks on the Western conception and definition of academic freedom. They also left their clear marks on the Western attitude toward religion and its role in life.

Industrial and Technological Era

The 19th and 20th centuries have witnessed more scientific and industrial progress and development than all previous centuries of recorded history. They have witnessed also very drastic political, philosophical and social changes in the West. The changes resulted from a number of factors. Some of these were: (a) new socioeconomic orders and relations created by industrialization of Western societies; (b) scientific and technological advancements that challenged traditional beliefs and customs; (c) introduction of intellectually and socially challenging theories such as Darwinism, Marxism and Freudianism; (d) development of nationalism and emancipation movements.

All these factors worked together to hasten the development of political freedom in general and academic

freedom in particular in Western societies. The trends established during the Renaissance and the Enlightenment periods were continued and, in fact, further emphasized in this era. The spheres of life influenced by institutional religion shrank further; and antagonism between science and religion became more intense.

In this era, the historical political and intellectual process that was started in the 14th century with the beginnings of the Renaissance, reached its peak in the form of secular social systems. Utilitarianism became the principle philosophy of government, while religion was restricted to personal and private spheres. Implications of these developments could be seen in substituting public opinion for theological commandments and traditional forms of cultural authority.

Academic freedom, however, enjoyed in this era greater respect and gradually became an essential issue in higher education. The areas it has been extended to cover are vast and reflect very clearly the intellectual, philosophical, political, and social transformations Western societies have been experiencing.

CHAPTER VI

PHILOSOPHICAL FOUNDATIONS OF ACADEMIC FREEDOM

IN WESTERN LIBERAL PHILOSOPHY

Concepts discussed in this chapter constitute philosophical foundations of academic freedom in contemporary Western secular philosophy. They are restricted to secular liberalism and should not be generalized to all Western schools of thought. As previously discussed, the Western historical and philosophical experience is extremely complex and encompasses numerous traditions and schools of thought. This complexity must be considered carefully in any serious analysis of any Western phenomenon.

Secularism

The history of religion in Europe has definitely left a remarkable imprint on the contemporary Western understanding of religion. The gradual retreat of the Christian church from the dominating role it played in intellectual, social, and particularly political life, its concentration on a more circumscribed view of church

affairs, and finally its conflicts with other social institutions added to the restricted image religion presently has and the limited role it plays in the political life of modern Western societies.

Religion as viewed by Western secular philosophy should be limited to a personal matter that is tolerated but not always encouraged by the state. Its sphere is limited to personal and private affairs. It should have nothing to do with running state affairs. To many secular liberals it is even a nuisance and an outdated phenomenon of the past, whose role has been assumed by science and reason. On this M. Qutb writes:

Dazzled by the achievements of science during the 18th and 19th centuries many Westerners thought that religion had exhausted all its usefulness and surrendered to science once for all. Almost all the eminent Western psychologists and sociologists expressed themselves in similar terms. Thus Freud, the renowned psychologist, for instance, showing the futility of any advocacy for what religion stood for in modern time says that the human life passes through three distinct psychological phases; superstition, religion and science. Now being the era of science all religion was out of date. (Qutb, 1972, p. 1)

There are many factors that have contributed to the present negative image and restricted role of religion in the West. First, the historical rift between the church

and science and the Church's suppression of scientific thought and intellectual freedom have left strong imprints on the Western mind. It is quite unfortunate that Europe could not distinguish between Christianity and Christendom, and consequently, religion had to suffer for the wrongdoings of some of its followers.

Secondly, the development of various trends of thought such as Marxism and existentialism, that have divorced themselves from certain metaphysical or spiritual ideas, offering new explanations of existence including the religious phenomenon, has greatly affected Western conceptualization of religion.

Thirdly, the anthropological and social circumstances of modern Western societies, especially America, where communities consist of various ethnic and religious groups, have made it almost impossible for religion to influence public affairs and therefore it became gradually a personal and private matter.

The rift between the Church and social institutions during the Renaissance and Enlightenment periods paved the way for the West's rejection of any religious element in state affairs, and the subsequent development of secularism as a philosophy of government. Today it is

inconceivable in most Western societies for religion to dictate in any overt way the civil policy or direct state affairs. Any attempt in this direction would be considered an attack on freedom and a retreat to undesirable Medieval conditions. Erich W. Bethmann writes:

Separation of the state and church is one of the fundamental principles of American life; any mixing of the two is rejected almost with abhorrence. Americans are living in a completely secularized society. Government means the orderly functioning of a machinery devised to maintain law and order with its ultimate aim of promoting the welfare of the community as well as of the individual. Laws governing the community are made and accepted after thorough deliberation and discussion by a particular group elected by the people. Religion is a private concern. The individual enjoys complete freedom in choosing the manner and form of worship most suitable to his personal needs. (Bethmann, 1966, p. 27)

Law reflects social tradition and changes in social consensus. It derives its legitimacy from the public and is determined by majority votes. It does not have any spiritual, sacred or metaphysical connotation attached to it. This is highly related to the Western Greek and Roman heritage which was further developed during the Renaissance and Enlightenment periods.

A major characteristic of Western conceptualization

of law is changeability. Law is subject to development, modification and even reconstruction. A philosophical foundation for this conception is the Western view of change as not only historically necessary, but even progressive in nature.

The development of these concepts resulted not only in the exclusion of religion from running public educational institutions in most Western societies, but also led to the independence of many academic institutions even from secular state authority. This independence, however, has been accompanied by increased withdrawal from direct involvement in much of the social and political affairs of society. Any involvement, however, is strictly limited to matters directly related to the educational program of the institution (Encyclopedia of Education, 1971, p. 8). On this issue, Richard Hofstadter writes:

In this respect the modern university can be contrasted with its medieval forerunner. The modern university emphasizes that it has no corporate judgement on disputed public questions. (Hofstadter & Metzger, 1955, p. 9)

In Islam, however, the situation is quite different. Not only does religion directly influence public educational institutions, but Islam encourages these educational institutions and in many cases even requires

them to get involved in the social and political affairs of society. Today, despite the very limited application of Islam in most Muslim countries, we still see academic institutions in Pakistan, Egypt and Iran taking strong stands on many social and political issues which, in many cases, results in their closing down and the imprisonment of many of their administrators and professors.

Anthropocentric Vision

The Western vision of man's position and role in the universe has gone through various changes throughout Western history. Its essential elements, however, have been preserved all along from the time of the Greeks until the present day. These elements include elevation of the status and authority of human reason to a point where it becomes the ultimate source of authority. The philosophical culmination of this has been an anthropocentric universe where "the individual is the source of decision making (not bound by tradition), the source of meaning, and the fundamental reference point used to legitimate any form of interference with the natural environment" (Bowers, 1974, p. 20).

The natural outcome of this trend in Western

philosophy has been the substitution of human intellect for supernatural powers, at least in scientific and state affairs. The extreme of this substitution reached its climax in Feuerbach's claims which were adopted by some modern Western schools of thought, especially Marxism. According to Feuerbach, man is not only the source of meaning and decision making but even God and religion are nothing but his creation. S. E. Stumpf states:

Feuerbach's view had the effect of inverting the Hegelian assumption of the primacy of Spirit and Idea, substituting for it the primacy of the material order. One finds this "inversion" developed with particular force in the Essence of Christianity, in which Feuerbach argued that it is man and not God who is the basic reality. When our ideas of God are analyzed, said Feuerbach, we find that apart from human feelings and wants there are no ideas of God. All so-called knowledge of God, he said, is man's knowledge about himself. God, therefore, is man. That is, the Spirit or our ideas of God--these are simply reflections of the modes of man's existence. God is the product of man's thought and not the other way around. (Stumpf, 1971, pp. 423-424)

The anthropocentric vision of existence constitutes an important philosophical element in present Western secularism. A perfect social order can only be the cultivation of rational application of human reason. Reality is what can be subjected to examination and manipulation by human intellect.

Consequences of this philosophy include investing all legislative authority in human hands. The human being as the creator of social laws and human interests, as legitimated by rational thinking, these are the major considerations. It also includes making the human being the ultimate source of moral authority, and consequently making morals and ethics subject to social development and evolution.

A major implication of the anthropocentric view is a drastic extension of individual human power in both the ability to make laws and the ability to claim rights. The human being becomes both the end and the means of legislation. Reflection of this attitude on the concept of academic freedom is seen in the nature of criteria used to evaluate and measure academic freedom. Revelation, for instance, cannot be used as a criterion, neither in claiming nor in denying academic freedom. It is man and the social context that decide the limits of academic freedom and to whom it can be extended.

This is not the case in Islam where revelation plays the most important role in shaping and formulating laws, including those regulating academic freedom. It is God and only God who legislates and when Muslims participate

in the process of legislation through Ijtihad they do so under the complete guidance of revelation. Accordingly, introduction of an anthropocentric conception into an Islamic environment can only result in both conflict and confusion. A Muslim university cannot initiate nor adopt regulations regarding academic freedom without careful consideration of the position of revelation on those regulations and laws. It would be totally prohibited for a Muslim university, for instance, to allow the organization of a workshop on wine-making or wine tasting since wine making and drinking are prohibited in Islam. Revelation here overrides any human regulation, even that with a majority vote.

Materialism

It was not until the 17th and 18th centuries that rationalism and religion were seriously challenged in Western societies by philosophical developments. For many centuries, Europe followed the lead of Plato and Aristotle in recognizing reasoning as the primary mode of arriving at knowledge. Christianity introduced revelation as a superior source of knowledge and the efforts of St. Thomas Aquinas (1225-1274) brought together into a formidable

synthesis the insights of classical philosophy and Christian theology (Stumpf, 1971, p. 185).

The beginnings of the 17th century, however, witnessed the introduction of a new approach which questioned reliance on reason and faith and recognized experience as the only dependable way of arriving at knowledge. In this period Francis Bacon "proposed a new method (novum organum) which he believed would enable man to divest himself of the falsehoods and idols which reason and faith had created" (Dupuis, 1966, p. 98). This method calls for direct observation and experimental study as the only scientific way of acquiring knowledge.

As a new approach to understanding, empiricism introduced materialism and nihilism into Western societies. As it gained momentum it became one of the most established trends in modern Western philosophy. Empiricism reached its peak in the 20th century through the emphasis on science and the scientific method as the most reliable way of acquiring knowledge.

Materialism in the form of empiricism has three major implications that influence the contemporary secular conception of academic freedom. These implications are: rejection of revelation as a reliable source of knowledge;

stressing the empirical foundation of knowledge; and denial of finality and absolute certainty of knowledge. It is, therefore, unscientific to make judgments or decisions, or to reach conclusions solely on the basis of revelation. It is equally unscientific to consider conclusions as absolute and immutable rather than probable and changeable. Empirical evidence became, in essence, the new basis of authority.

Accordingly, regulating academic freedom has to be based on scientifically reliable foundation rather than speculative assumptions. In addition, regulations and their basis must not be considered final and unchangeable. In fact, they should be subject to continuous reconsideration with confidence in the progressive nature of any possible change.

Although Islam recognizes the empirical method and, in fact, even encourages it, as is illustrated by many Quranic verses that call for direct observation of the creation and proper utilization of the senses, it does not give it precedence over revelation nor believe it can or should be applied to all phenomena. Revelation should and must be considered first in regulating everything, including academic freedom.

It is, however, necessary here to emphasize that the word "revelation" is considered from a purely Islamic point of view. Revelation in Islam is defined as the message of God conveyed to his prophets or messengers. In this case it includes both the Quran and the instructional part of the prophet's tradition.

Moral Relativism

The development of empiricism influenced quite radically a great part of the structure of Western philosophy. Its greatest impact, however, was on altering the conceptionalization of the nature of morality. While, traditionally, faith and reason were called upon to decide what is good and what is bad and, in general, determine the structure of morality, under the new conditions nature and empirically acquired knowledge became the essential determining factors.

Implications of the new direction in the conceptualization of the nature of morality can be summarized in three major points: First, experimentally gained knowledge of nature is the primary source of ethics and morality instead of revelation and reason. On this Adrian M. Dupuis writes:

It is clear that the prime movers of the liberal revolt in education rejected the major philosophical tenets of the preceding twenty centuries. The validity of dualism, supernaturalism, elitism, and their attendant doctrines was challenged. Knowing by reason and revelation was replaced by experimental modes of knowing. Truth was viewed as experimental and relative rather than revealed, rational and immutable. (Dupuis, 1966, p. 103)

Secondly, morality is viewed as relative and contingent on social and geographical circumstances rather than being independent and universal. Each situation is unique and has its own situationally derived morality.

Thirdly, morality is dynamic, amendable and progressively mutable. It is never beyond the reach of human modification or even total reconstruction. Dupuis writes:

Whereas the conservative maintains that basic moral standards are changeless, the liberal speaks of revising or completely changing norms of behavior in accordance with the satisfaction of human wants. What was considered good under a feudalistic system may be wholly unacceptable under a different mode of living. (Dupuis, 1966, p. 102)

Accordingly, revelation cannot be counted on to provide the values and ethical foundations of academic freedom. Instead, social circumstances validated by experimental knowledge are considered. In addition we can always expect amendment, modification and even reconstruc-

tion of our concepts of academic freedom and the way we value matters related to it.

The Islamic view regarding these issues is drastically different. For, while it believes that many habits and customs are subject to modification or change according to historical and situational circumstances, it considers moral tenets divinely set and completely immutable. They are never to be tailored in accordance with changing social conditions, but rather social conditions are to be directed by their commands.

Adversarial Nature of the Intellectual Process

The Western conception of the nature of the intellectual process constitutes a fundamental philosophical foundation of the Western secular conception of academic freedom. The major characteristics of this process can be summarized in the following: (a) it is concerned to justify its assertions; (b) its mode of justification does not proceed by invoking authorities; and (c) it prefers to elicit the voluntary consent of those addressed solely on the basis of arguments adduced (Gouldner, 1979, p. 28). The central element in this process is justification. It is based on the belief that everything is subject to

analysis and comprehension. In describing this aspect of the Western secular conception of the intellectual process, Gouldner writes:

There is nothing that speakers will on principle permanently refuse to discuss or make problematic; indeed, they are even willing to talk about the value of talk itself and its possible inferiority to silence or to practice. (Gouldner, 1979, p. 28)

The deep structure of this conception, according to Gouldner, is the Western "voluntarism" or "self-groundedness" as he calls it. "Autonomy" becomes "one of the central ideals of modern intellectuals' notion of rationality." It is therefore a natural outcome for Western intellectuals to demand the right to be autonomous and to choose what and how to learn and teach even if what they choose may contradict some religious beliefs.

While Islam recognizes the merits of many aspects of this Western conception of the nature of the intellectual process, it does not accept the notion that everything is subject to discussion or analysis, nor that tradition (which includes religion in this Western terminology) is to be disregarded as a basis of authority. The essence of God, i.e., what is God? for instance is not a subject for discussion in Islam. The Prophet, God's Blessings and

Peace be upon him, said:

Contemplate on the creation of God, but do not contemplate on the essence of God.

The same thing applies to any topic that falls beyond the realm of human capabilities such as the nature of the human soul, fortune telling and the fate of the dead.

On the other hand, revelation in Islam is considered the ultimate source of authority on human knowledge. Besides being the very word of God which is sufficient to qualify it as the ultimate source of authority, it can never be conceived philosophically as contradicting any established truth.

CHAPTER VII

ANALYSIS, CONCLUSIONS AND RECOMMENDATIONS

Analysis

The material presented and discussed in the previous four chapters reflect drastic differences between Islamic and Western philosophical foundations of the concept of academic freedom. These differences can be summarized in the following points.

1. History of the development of academic freedom in the West consists of episodes of struggle between science (representing reason and intellectual ambition) and the church (representing religion and divine authority). Reformation and liberation movements were directed against church dogmatism and suppressive tendencies as much as they were directed against despots and totalitarian governments. Religion, therefore, happened to be associated in many sectors of Western societies with dogmatism and suppression of freedom.
- Islamic history stands in clear contrast to the Western experience. There was no conflict between

religion and science, but to the contrary religion was a source for motivation for intellectual investigation and scientific exploration. Revolts and liberation movements in the Muslim world have not been directed against the "dogmatism" and "tyranny" of institutionalized religion, as was the case in 17th century Europe, but rather they were in most cases led by religious scholars, inspired by religion and called for reestablishment of religious rule. Religion, therefore, was and still is associated in most sectors of Muslim societies with progress and intellectual freedom.

2. The concept of religion in secular liberal philosophy is drastically different from Islam's conception of religion. In the West the dominant tendency is to view it as limited to personal and private affairs. In most Western societies it is restricted from regulating the social, political, and economical affairs of society.

In Islam religion is viewed as a social phenomenon that affects and influences all aspects of life. Besides being a spiritual endeavor it is also an ideology that regulates directly people's personal, social, political and economical activities.

3. The secular nature of modern Western societies

distinguishes them in many ways from Muslim society. An area of great distinction is the nature and scope of law. While it is utilitarian and derives its authority from people in the West, in Islam it is divine and derives its authority from God. Implications of this difference are numerous and affect both the law and the nature of peoples' interaction with it.

4. The secular liberal philosophy's elevation of the power, status and authority of human intellect; its anthropocentric vision of the universe; and its substitution of reason and science for traditional authority, make it different from Islamic philosophy which views man as God's viceregent on earth; places divine law above human judgment; and never separates science from theology.

5. Because of these philosophical and historical differences, Western liberal philosophy's conception of ethics and morality is drastically different from the Islamic concept. While Islam attaches morality to religion and derives moral values from divine revelation, Western secularized philosophy considers morality a utilitarian issue that derives its authority from reason, empirical knowledge and democratic political processes.

The cultural consequences that result from these philosophical differences are great, and can have a very strong impact on the conception of academic freedom. Aspects of these cultural differences can be seen in issues such as sex and nudity. While premarital sex, for instance, is culturally accepted or at least tolerated in many parts of the West, and consequently can be a topic of discussion and consultation in many Western educational institutions, it is totally prohibited and considered extremely immoral in Islam and, therefore, could not be a topic of discussion or reconsideration in an Islamic university. Equally, while it is possible as part of an art class in a Western university to have an individual pose unclothed in front of students so they can have a real visual experience of the physiology of the human body, it is religiously unacceptable in Islam and, therefore, would not be protected by academic freedom.

Reflections of these differences on the topic under discussion can be seen in a number of ways. Muslim students who attend Western educational institutions and become exposed to Western culture, philosophy, and ways of thinking come to this experience with a number of disadvantages, making them quite vulnerable to Western

influences. Their unhappiness with the present scientific backwardness of their societies, their exaggerated admiration of Western progress and their ignorance of the language both linguistically and culturally, all make them vulnerable to secularization and cultural assimilation. Universities, professors, and, in fact, Western society as a whole, become powerful "significant others" to the students, causing them to adopt an uncritical attitude toward the new culture they are exposed to. Western concepts and values gradually leave their contextual relativity and become taken for granted beliefs. If this process goes on uninterrupted, and students return to their Muslim environments, conflicts become inevitable.

It is, therefore, necessary that students become culturally literate in both their culture and the culture they are introduced to (Bowers, 1970, pp. 114-128). Philosophical foundations of Western concepts must be clear in their minds together with how they differ from Islamic concepts. At this level, which reduces the vulnerability of students, their Western educational experience can be positive and achieve its goals. It is then that they become elements that bring Islam and the West together and not lead them to confrontation.

Conclusion

The primary finding of this study, from my point of view, is that there is a great and urgent need for extensive research on the history and philosophy of academic freedom in Islam. There is, first, an urgent need for purely theoretical studies to provide a basis for conceptualization and definition of academic freedom in Islam; and secondly, there is a need for applied studies on the contemporary status of academic freedom in the Muslim world. Lack of information on both aspects will contribute to creation of confusion and conflict in Muslim academic institutions.

The study also comes to the following major conclusions.

1. The concept of academic freedom in Islam is drastically different from the concept of academic freedom in Western liberal philosophy. The Islamic concept views academic freedom as the right of individuals and institutions to learn, teach, research, and pronounce orally or in writing findings and conclusions all within the legal and moral boundaries established by Islamic Shariah or divine jurisprudence. The Western concept views academic freedom as the

absence of restraints, penalties and intimidation regarding academic man's traditional pursuits, particularly regarding his studies and inquiries, the oral presentation of his views, and the publication of his findings and opinions, however old fashioned or subversive, wise or foolish. (Encyclopedia of Education, 1971, p. 6)

The difference between the two concepts is due to differences in the philosophical foundations of the concept in each philosophy. These differences are: (a) difference in the conceptualization of the nature and scope of religion; (b) difference regarding the source, nature and scope of law and morality; (c) difference in the conceptualization of the role and position of man on earth; (d) difference in the nature of the structure of the state; and (e) difference in the historical evolution and development of each philosophy.

2. Assimilation of Western philosophical conceptions of academic freedom by Western educated Muslims can be a source of conflict within Muslim societies and between Muslims and the West. To avoid these conflicts it is necessary that Western educated Muslims realize the peculiarities of the Islamic concept of academic freedom and be aware of the philosophical foundations of the concept in both Islam and Western philosophy, especially

secular liberalism. contemporary Muslim educational institutions. 3. Western understanding of Islam is, generally, either distorted or incomplete. There is a high various possibility that some Western educated Muslims would view Islam through Western cultural lenses and consequently come to unfavorable conclusions. Such a phenomenon can be a source of conflict within Muslim societies and between Muslims and the West. It is necessary, therefore, that Muslims attending Western educational institutions be trained properly to deal with such a possibility. Suggestions for dealing with such problems are presented in the recommendations section. institutions annually, and the increasing tendency among colleges and universities in the Muslim world to follow Western models, the possibility of conflict.

Recommendations

1. Due to the extreme lack of information on the Islamic concept of academic freedom and the status of academic freedom in contemporary Muslim educational institutions, the first recommendation of this study is that more research be directed toward this area. Muslim universities are the natural place for such research. Three areas seem to be of great importance. These are: (a) history of the development of academic freedom in Islam, (b) philosophy of academic freedom in Islam, (c)

academic freedom in contemporary Muslim educational institutions.

2. Because of the Muslim world's exposure to various cultures and ideologies, there is a great and urgent need for extensive comparative studies by Muslim universities to show the peculiarities of each culture and philosophy. This is of extreme importance to help secure positive and productive interaction between Muslim societies and other cultures. It is hoped that this study will encourage further research in this direction.

3. With the massive numbers of Muslim students attending Western educational institutions annually, and the increasing tendency among colleges and universities in the Muslim world to follow Western models, the possibility of confusing cultural concepts and values is very high. It is, therefore, recommended that Muslim universities in cooperation with their Western counterparts develop orientation programs that can help students be more aware of the philosophical, cultural and social implications of their educational experience in the West.

4. Because of the great numbers of people and institutions affected by the problems under discussion, the great implications of failing to solve them, and the

huge efforts required and needed to meet them, it is recommended that Muslim universities coordinate their efforts and work jointly in order to avoid unnecessary repetition of work and to increase the impact of the effort.

5. There is a great need for an International Islamic Information Center to facilitate the work and effort of researchers on Islamic topics worldwide. Such a center can solve the present problem of lack of organization and inaccessibility of Islamic materials. The huge efforts and great costs of such a project are certainly recognized, and therefore Muslim higher education institutions; educational, cultural, and scientific agencies; together with other non-Muslim institutions and agencies affected by such a project need to work together to bring this dream to reality.

6. The experience of this study makes it indeed inappropriate to end it without pointing out the great and urgent need for translation of Islamic works into English. It is the responsibility of both Muslim educational institutions and Western educated Muslims (those who studied or worked in English-speaking countries) to meet

this challenge. The loss of lack of translations is certainly beyond description.

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Jane Ganter