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Obama's Middle East citizen: the missing link in US policy

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From all the reactions and comments to Barack Obama's Cairo speech, the one that most caught my attention was in the French daily paper of Beirut, L'Orient-Le Jour, on June 6. Its author, Antoine Courban, is a medical doctor who thinks and writes in elegant French with a civilizational view of the Orient. The speech consecrates for Courban the "sectarian logic" over "the logic of citizenship." It wreaks of 'Abrahamic filiation' by calling for the three monotheistic families "to smoke le calumet de la paix." It deals with the Maronites of Lebanon and the Copts of Egypt as mere minorities to be tolerated by the Muslim majority, and forgets to make any public space for citizenship. The speech, Courban concludes, is a "formidable regression to pre-Athenian democracy." Obama said nothing about "the organization of the public space, nothing about the place of the religious in public life."

I agree. With some familiarity on the wherewithal of American speeches, most of what Obama said was scripted, with a few nuances. As perceptive an analyst as Robert Satloff did not miss the US-Israel fracture over the settlements that the speech seems to promise, and the expected tug-of-war between the US administration and the current Israeli government, but even the Bush administration was intent on a two-state solution where Israeli settlements could only be tolerated against territorial compensation to the other side. The Clinton "final proposal" of 2000 had 1 to 3 percent of the pre-1967 Israeli territory earmarked for the Palestinian state, to compensate for 3 to 6 percent of the West Bank left for the larger settlements. In raw statistical figures, the Palestinian state would get established over 97-98 percent of the West Bank, including the main Arab parts of the city of Jerusalem. The two-state solution, now the mantra of international diplomacy, is a mere variation of United Security Council Resolution 242 passed 42 years ago.

Nothing exceptional there. Glaringly missing, however, was the Middle East citizen. Obama, a lawyer and law professor by profession, was speaking at Cairo University, which carried in the 1930s and 1940s a prestige owed in large part to Abd al-Razzaq al-Sanhuri, the dean of its law school. Sanhuri was beaten into silence in 1954 by Naser's goons, and I couldn't tear myself away from the image of Sanhuri at the door of the Court he was presiding over, his tie undone, and his head bludgeoned.

Obama's speech all but forgot about what made Cairo University great, and the extent to which military dictatorship from Nasser to Sadat to Mubarak has wrecked on a once unique place of learning. Nor could I forget my colleague Saad Ibrahim and all the courageous democrats of Egypt, amidst the US president's deafening silence over the state of freedoms amongst old and new allies of the US: old allies, like the king of Saudi Arabia whom Obama visited the day before, and whose country epitomizes the worst aspect of discrimination against women the world over, and Saudi women leaders like Madawi Rasheed and Mai Yamani forced into living in exile; new allies in the shape of the dictator of Libya who released, a few days before his death, Fathi Jahmy, an oppositional leader who didn't buckle to the Realpolitik carried on from the Bush administration and kept on fighting to his last days in prison.

The US will not see any peace in the region so long as basic rights are not respected, and rulers who persecute freedom speakers brought to account. Obama, in fairness, did not completely turn his back on democracy. His words on the responsibility of the US in the toppling of Musadegh in Iran paid off almost immediately, with the Green Revolution exploding against authoritarianism in the streets of Tehran two weeks later. Nor should his little phrase on Palestinian violence be passed over, when put in the appropriate context of Israel's immense daily violence. the usefulness of a non-violence alternative in Palestine and elsewhere.

For now, let me dwell on the fundamentally negative aspect underlined so well by Antoine Courban: the lack of ideas about a public space in the Middle East which is not organized along its monotheistic tribes or their subdivisions, – to take Iraq and Israel as examples, Sunnis and Shiites in the former, secular and religious Jews in the latter.

Having devoted over 20 years trying to comprehend Middle Eastern constitutionalism, it is hard not to be drawn to the reality of sectarianism as endorsed by the American president. The more one studies Middle Eastern history, the more "politics is religion," in an aphorism of Nicholas Postgate in a reference book of 1992 on Early Mesopotamia. The fracture is plain and persistent, which I underlined in a 2006 lecture at Harvard Law School to emphasize the fact of Middle Eastern-style constitutional logic expanding to the planet. Harvard law is where Obama studied, and the need to represent the disenfranchised in government illustrated in the US recently by Obama himself, and now the Latina nominee to the US Supreme Court, Sonia Sotomayor. Diversity has become a constitutional concept the world over. Obama's talk about the Maronites of Lebanon and the Copts of Egypt is no different. If only he had extended it to Israel: so long as the historically victimised Arab Israelis, a fifth to a quarter of the Israeli population, are not represented in government, Israel cannot be considered a democracy.

So here is a nuance over my agreement with Antoine Courban: if sectarianism is a fact of constitutionalism in Middle Eastern societies, then Obama was wrong not so much in embracing it as fact, but in closing the door on balancing it with a concept of citizenship premised on a sect-averse equality. Citizenship is based on the equality of human beings, not of collective groups, in any given state. For collective groups, America and other countries have developed federalism to accommodate such group members, alongside the basic citizenship which is essential to democracy in the organization of the public space.

As for individuals, citizenship is essential, with an easy test case each one of us can apply in his or her daily life: when was the last time a Jew in Israel received an order from a non-Jew, also known as Palestinian? The same is true for men vis-à-vis women in Saudi Arabia, Arabs vis-à-vis Kurds in Iraq, Muslims vis-à-vis Copts in Egypt, blacks vis-à-vis whites in the US. Barack Obama ought to know better.

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