

The Secular State as a Religious Necessity: An Islamic Perspective

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Abstract

In contemporary times, different religions face the challenges posed by modernity in different ways; this is seen particularly in relation to politics and democracy. The relationship between revelation and history, between the eternal and the temporal, are issues that bring about the challenges in question. The world has changed radically and classical religious thought is rooted in a historical phase that no longer exists. As a result, a radical reform and a profound renewal are needed to enable religion to be more open, particularly to dialogue with the world's new realities. This article observes some Obstacles on the way towards civil and political maturity which democracy faces. The human being is at the centre of attention and interest, courageous steps and decisions have to be taken to arrive at this maturity. This article clarifies certain misconstrued concepts and proposes better ways in which we can understand and appreciate such concepts. We need certain Principles that should be understood in the light of the current challenges. We need to rethink the mission of religion in our world today for the good of all.

1. Challenges to religion

Today, religions face the challenges of modernity in different ways, particularly in relation to politics and democracy. These challenges are part of a larger issue, i.e., the relationship between revelation and history, between the eternal and the temporal. The problem is how to distinguish between principles and values and their historical forms and modes of application.

The world has changed radically and classical religious thought is rooted in a historical phase that no longer exists. Therefore, a radical reform and a profound renewal are needed to enable religion to be more open, particularly to dialogue with the world's new realities. It entails a radical

innovative effort, *ijtihād*, and not merely a simple superficial reform.

The history of political thought has known great changes and developments. We have experienced the following epochs:

First, the classical state, where the criterion for belonging to the state was to be a member of the governing religious community or tribal coalition and where the followers of the other groups and communities were considered second class subjects (and not citizens). To a certain extent, this is the case of the current hereditary monarchies, which persist in many ways even today, despite the caliphate having been abolished in 1924.

Second, the postcolonial national state that represents an intermediate phase situated between the classical and modern phases—a dictatorial state, often with a democratic or ideological façade. Like the classical state, the national one carries an exclusivist character, in the sense that those belonging to other ethnic groups, linguistic and cultural minorities are considered second-class citizens, though this is often not officially declared (incomplete citizenship). Atatürk in Turkey, Reza Shah in Iran, Bourguiba in Tunisia are clear examples; also included are the liberation movements, often secular leftists, such as the FLN in Algeria.

Third, after the failure of the national state and its secular leadership to achieve the promised development—full independence and liberation—militant Islamism invaded the political scene as a radical opposition force in 1970 and 80s. The Iranian revolution of 1979 was the culmination of this phase.

Following the terrorist massacres in Algeria in the 1990s and the crisis of the Islamic Republic of Iran, especially after the 2009 elections and Iranian green movement (the green wave), the Islamist discourse began to lose ground. In my opinion, the appearance of Al-Qaeda on the international political scene is the exception that proves the rule. It is an apocalyptic ideology which does not have any project for the future.

While the initial image of Arab revolutions, the so-called “Arab spring,” reinforced the idea of “post-Islamism,” it seems that we are heading toward a “neo-Islamism.” But even this wave of Islamist post-

revolutionary governments seems rather to be a quasi-obligatory passage to reach a real and mature democracy.

The fourth step is represented by the democratic state, based on full citizenship without any discrimination, albeit under construction, characterized by strong hesitation and resistance. The main sign of change is the growing collective consciousness of a need for democracy, freedom and human rights, especially among young people.

2. Obstacles on the way towards civil and political maturity

In order to arrive at this level of civil and political maturity, where the human being is at the center of attention and interest, democracy has to meet certain challenges:

Resistance imposed by religious and nationalist systems, especially in a globalized world where fear of losing one's identity is widespread, which is nothing other than the persisting desire to maintain the same thought and lifestyle in a world that is rapidly changing. This kind of resistance is the main topic of this paper.

The dominance of money or "money-crazy" (and not democracy) or even "money-latry" (idolatry of money), is another great temptation that takes on powerful forms. This is a serious risk for the development of democracy which becomes reduced to a mere procedural form in the hands of those who have the financial means and who control the mass media.

Obviously, the fusion of these two types of resistance is possible and is evidently manifested in certain cases, a fact which makes humanity's journey towards a more equal and just society more difficult.

Regarding religious resistance, the question is, from a religious perspective is it necessary and legitimate to attain this democracy based on full and complete citizenship? Are we dealing with a new heresy or a fundamental ethical principle? And if this principle is accepted, how can religions contribute positively to the development of democracy, especially to the development of a democratic culture?

3. Religious obstacles

In the course of this article I shall discuss some problems which could pose obstacles for the total acceptance of democracy in the area of Islamic culture, given the presence of religion as a determining factor:

First, a certain image of God, as an absolute king sitting on the throne, ("Doer of whatever He wills", Qur'an 11:107 and 85:16), could directly or indirectly influence despotic thought. The same problem arises with the metaphorical image of hell (or paradise) in the Qur'an, full of terrible torture, which, if understood literally, is incompatible with modern human rights.

We have a dominant theology that confirms God's freedom at the expense of human freedom. This is for instance illustrated by the debate between the Mu'tazili school of theology and the Ash'ari one about the creation of human acts and the rational capacity of human beings to distinguish between good and bad.

The same concerns are true with regard to a certain understanding of God's sovereignty, *hākimiyya*, based on Qur'anic verses, such as: "Judgment (the command, power, all authority to govern) belongs only to God," Qur'an 6:57 and 12:40, 67, see also Qur'an 5:44, 45, 47. The slogan entered the political sphere for the first time with the Kharijites, as a slogan against the acceptance of arbitration by 'Ali b. Abī Tālib during the battle of Siffīn in the year 657. In this context, Imam 'Ali famously commented, "This slogan is right but they are taking its meaning wrong." The same slogan returned with the Islamist movements of the twentieth century (Khatab, 2009).

In the juridical approach to religion, a political theory based on this concept inevitably assigns a key role to jurists, *fuqahā'*, as the only élite capable of transforming fundamental texts, the Qur'an and the Sunna, to a series of commandments and norms that organize the entire life of the believer from morning to night, from birth to death, covering every detail in his daily life. The extreme effect of the religious legalism is the education of a passive citizen, unable to take initiatives and decisions, always preferring that others, in this case jurists, decide for them. This is what can be called "fatwa politics."

The problem that can arise from this perspective is the choice between the sovereignty of God and the sovereignty of people. The traditional image of the common people, the masses, is rather negative; power, according to the traditional definition, is very elitist. Governance was the task of *ahl al-hall wa al-'aqd*, literally, men who “dissolve and tie the knots,” i.e. “those who have binding authority”, the decision-making elite *de jure or de facto*. Classical Islamic political theory deviated from sagacious and religious legitimacy, preferably with the consent of the people, towards the factual legitimacy based on power to avoid civil war and social disorder giving priority to unity based on the governor's legitimacy. This theory became the theory of the Sunnis for many centuries, as represented in the school of thought of al-Māwardī (972-1058) (Wahba, 2000).

Leadership in classical political theory is considered the task of the élite and not of the crowd or common people, knowing that the number is not the criterion of Truth. The expression *akthar al-nās*, “most of the people,” which could be heard as “the majority [italics] of the people,” appears in twenty verses of the Qur'an (2:243; 7:187; 11:17; 12:21, 38, 40, 68, 103; 13:1, 16, 38; 17:89; 25:50; 30:6, 30; 34:36; 40:57, 59, 61; 45:26), and is always accompanied by negative qualities, such as “most people have no knowledge.”

This religious approach to politics became more complicated because of the challenge of modernity and the cultural and political clash with the West. Therefore, democratization is seen by some conservative Muslims as Westernization, introducing foreign laws and models of government.

In cases in which parliament is legitimated, it remains controlled and conditioned by sharia law through a constitutional council of jurists or “the Guardianship of the Jurist”, *wilāyat al faqīh*, the political religious theory of Khomeini (1902-1989), operative in Iran since 1979.

Many constitutions in the Islamic world include clauses such as “the religion of the state is Islam” and/or “sharia is a/the primary source of legislation.” This is a way of confirming that the sovereignty of the parliament is actually under the sovereignty of God, even when the application of sharia is limited to the “island” of family law.

The expression “Islamic state” did not appear until the twentieth century, and then in a polemical context. A state is an institution which should govern the public affairs of the society and not a person who may believe or not believe (Ahmad An-Na'im, 2009, 157-169).

4. Conceptual ambiguity of “secular state”

The ambiguity of the concept of “secular state” is a problem of definition when the modern concept was introduced for the first time in the Muslim world. In the European context, secularity meant originally “the separation between state and church”, which is meaningless in the Islamic context, because in Islam there is no formal hierarchy. The second definition that secularity is “the separation between state and religion” is also unacceptable for people who believe that ethics are essentially religious; it is like saying “a state without religion” or “a state without ethics,” practically saying “a corrupt state,” which the Islamist movements try to Islamize and moralize. From this perspective, “the Islamic state” means an honest, just and uncorrupted state.

Secularity has not only been inadequately presented as a political theory but also implemented in a very questionable way by certain regimes declaring themselves as secular but having nothing to do with democracy. So-called secular and sometimes anti-religious despots have led to a strong prejudice against secularity seen as secularism, as an ideology, a sort of “masked atheism.”

Another important point to consider concerning secularity and modern democracy is their diverse meanings and forms that are rooted in European and Western history. To some Muslims, this justifies the use of cultural and religious particularisms or a certain independence and cultural autonomy in rejecting a system considered foreign. The problem also resides in a wider context, which poses this question, When is cultural particularism a true condition to guarantee pluralism in a world threatened by global homogeneity? When is this same particularism used as a pretext to justify dictatorship and conservative politics?

5. Possible solutions

It is not my task to answer all these difficult questions and resolve all these complex problems. Neither I nor any Muslims on their own could achieve this, since part of the problem is common to all religions – with

diverse nuances and shades. I therefore consider it my task to propose the right questions and present issues for reflection, which I believe are of a particular importance. There are some fundamental concepts that might prove helpful.

5.1 Principles not systems

First of all, we do not find well-defined political and economic theories or systems in the fundamental textual sources of Islam; on the contrary, what we find are general ethical principles and guidelines. Such flexibility should allow creativity and adaptation of new ideas and systems. There is an interpretative space for juridical discernment; this space is not because of an accidental slip or an oversight but rather due to mercy and freedom.

The key verse for this aspect is: “[They conduct] their affairs by mutual consultation.” Qur'an 42:38. This verse does not indicate the manner of the consultation, neither who conducts it, nor its subject. Historically, each of the four Caliphs (successors) of Prophet Muhammad was chosen in a different way. The Umayyads in Damascus adopted the Byzantine hereditary system while the Abbasids in Baghdad were nearer to the Persian Sassanid version of government.

It is important to explore and to put into practice all the theological and political implications and potential of some Qur'anic verses (which were historically neglected or limited), like the verse of the consultation mentioned above, or the verses about religious freedom:

“There is no compulsion in religion” (Qur'an 2:256).

“Therefore do remind, for you are only a reminder. You have no control over them (You are not a dictator over them)” (Qur'an 88:21-22).

Other verses confirm religious pluralism as a legitimate fact desired by God:

To every one of you We have assigned a right way and an open road. If God had so willed, He would have made you one community, but He wanted to test you through that which He

has given you, so race to do good deeds: you will all return to God and He will make clear to you the matters you differed about, (Qur'an 5:48, see also: Qur'an 2:148 and 42:8).

From this perspective, the only political system that guarantees coexistence and harmonious collaboration between different religions, in our time, is the secular state. However, this does not refer to a secular ideology, like a "pseudo-religion," replacing religion.

5.2 *Rethinking the mission of religion*

It is not the role of religion to offer a political system but rather to educate and prepare the human being for being a good citizen: a person free from egoism, ready to serve, full of love and altruism, constructive and not violent, with a critical mind. This is not the task of politics, nor of the parliament. It is a religious task *par excellence*; it is the religious mission of religion, its real mission. The object of religion is truth, it is a question of free conscience and pure hearts; the object of politics is the administration of public interests. The first is not dependent on numbers or votes, while the second requires votes and consensus.

Many historical reasons favor the dominance of a juridical vision of religion (in the past, ideological and populist tendencies in the present) marginalizing other understandings. There is a need to restore the balance between the various approaches towards religion, to reconsider the moral and spiritual ones and radically to review the juridical system as it has been historically understood. In this context, Tariq Ramadan (2005) launched "an International call for a Moratorium on corporal punishment, stoning and the death penalty in the Islamic World," which was opposed by some institutions and religious leaders in the Arab world in a very polemical and aggressive way to the point of accusing him of apostasy.

It is important to give priority to the spiritual and theological approach of religion. Islamic theology includes a fundamental pillar, coming right after the doctrine of the Oneness of God. This is justice. The first school of systematic Islamic theology, the Mu'tazilites, was called "the people of justice and unity [of God]", *ahl al-'adl wa al-tawhīd*. This was within the context of protests against the injustice of the Umayyads. The duty and mission of the believer is to realize the closest model to justice, and

consequently any form or practice that experience proves to be unjust or disrespectful to this sacred principle must be eliminated or modified. This is what is meant by theology taking priority over law; the latter should be inspired by fundamental Islamic principles and should not become a creed in itself.

Other important concepts in Islamic legal theory such as *ma la a*, public interest, and *'urf*, custom, could be expanded in order to embrace new concepts and systems, like democracy as part of the “heritage of humanity,” as a “common good.” There is no notion, including religion, which does not have an environment from which it originates; however, when it shows its concrete validity in everyday experience, it can go beyond its own limits: human history is full of these fruitful exchanges. This is the case with democracy.

It follows that we have to look for positive definitions of secularity and democracy which find resonance in Islamic thought. Obviously, this only applies to someone who does not see an insurmountable contradiction between secularity and Islam, if we perceive the secular state as a guarantor of justice and equality, two fundamental principles in Islamic ethics. This allows for going beyond the pragmatic and utilitarian approach towards secularity (religious minorities are generally pro-secular in order to escape from the dominion of the majority), adopting a more comprehensive and insightful concept. The laws and rules of a country can be accepted as status quo, with an attitude of honesty and of civil discipline. This is what we consider the minimum level of integration, which does not come in contact with the basic values of democracy. A profound integration demands a cultural intelligence that goes beyond form, orienting itself towards the spirit and the foundation of the norms themselves. One cannot reach this step without a formation which is profoundly Islamic, and at the same time, profoundly European.

To demonstrate the substantial link between secularity and democracy is crucial, especially after the failure of the nationalist and Islamist ideologies and models of government, and after the growing awareness of the importance of democracy among young people. Historical experience has confirmed the validity and utility of democracy, notwithstanding it still being in need of continuing improvement. Slogans and empty rhetoric no longer suffice for new generations, as long

as the political system does not offer the possibility of peacefully influencing politics through free and transparent elections that enable the alternation of power. True democracy does not exist without true citizenship based on equality in front of the law, and only the secular state can serve as guarantee against any type of discrimination. This is what authoritarian or Mafia regimes, nationalist or religious, even with their democratic façade, cannot offer (Ahmad An-Na'im, 2008).

The secular state is not a non-religious or anti-religious state but rather a neutral one which treats all citizens equally. The need to recognize the neutrality of the state is a religious and Islamic imperative; a neutrality that allows the full expression and actualization of religious values with conviction and freedom, inasmuch as forced faith is nothing but hypocrisy, *nifāq*, a phenomenon condemned repeatedly and severely in the Qur'an (see for instance: 2, 8-20).

Especially during the era of its founders, the Islamic juridical system was established independently of the state, if not to say in opposition to the state. Almost all the founders of the juridical schools were persecuted by the governors of their time. It is the case of Abū Hanīfa (699-765), al-Awzā'i (707-774), Mālik b. Anas (713-795), Ahmad b. Hanbal (780-855) and others, all are founders of juridical schools. For this reason, Islamic jurisprudence developed as a moral ideal with no executive power, an alternative to the corrupted state which was no longer following the prophetic example. This happened in spite of the successive compromises between state and jurists.

Every state system adopted by Muslims throughout history has been a system developed by human beings. In fact, all interpretations of the shari'a are human efforts that can be subject to critique and reform. On one hand, the problem of fundamentalist governments lies in the fact that they have adopted the worst of the state models mentioned above, the modern totalitarian regime. No empire or state in Islamic history has ever reached this level of control. On the other hand, the fundamentalist governments have adopted the Western idea of one juridical code as their own, a novelty in Islamic law, which has always recognized immense juridical diversity and pluralism.

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