

Islam and the secular state

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Good morning. Thank you all for being here. It's an honour and privilege to be here and join this company. What I would like to present is just some highlights of my first chapter of *Islam and the secular state* (2008).

Personal journey

The first point to make is how this has been a personal journey for me. I come from Sudan, I was born in 1946, graduated in law in Sudan in 1970, earned Masters and Ph.D. in the United Kingdom and went back to teach. I've been part of an Islamic reform movement in Sudan. And throughout I was very sceptical about secularism and the secular state. In fact in the first book I published when I left Sudan in the eighties - *Toward an Islamic reformation* (1990) – I explicitly rejected the notion of the secular state or secularism as a way forward for Muslims. By the time I came to realise that in fact my understanding of secularism, which was negative as anti-religious and hostile to religions, was not necessarily the case. And I started to reconsider my position. And I have come now to fully embrace the notion of the secular state.

Language

My personal experience teaches me to be cautious towards language. Language is supposed to be the medium of communication. But sometimes it can lead to miscommunication or misunderstanding. Terms and concepts have their own genealogies, histories and associations which are often personal to all of us. So when I hear a term, I immediately know what it means to *me* and assume that this is the exact meaning that the person who was speaking means it for. The term secularism, and probably also pluralism, is one of those terms. Every term has history and association, sometimes negative, sometimes positive. And what I worry about is that people assume immediately that they know exactly what I mean in every respect. And one aspect of this is, looking around in this room, to all of us, that English is the second or third language for most of us. And yet it is has become so dominant globally that we all tend to communicate in English and this can also be a source of misunderstanding and confusion.

Naming something does not make it so

A second point of language that I would like to highlight is “naming something does not make it so”. Often we tend to assume that if something is called something, then it must be that thing it is called. Say for example, a secular state: if it is called a secular state it must be secular. Or in my case an Islamic state: if the state is called Islamic, it must be Islamic.

Otherwise, why would they call it Islamic? But, as the point I will make in a minute, there is no such thing as an Islamic state. It is totally incoherent. When I say that, people immediately ask: “What do you mean with there is no Islamic state? What about Saudi-Arabia, what about Iran? How can you say that?” The point I’m just trying to emphasize is: let us be cautious about assuming that language has the power to make things happening. It doesn’t. It is only to the extent that we *concede or accept* a notion that it becomes true to us. Anything that we did not concede is not true to us. It may be true to those who are asserting it, but it is not true to the rest of us unless we concede it.

Authority is in the eyes of the beholder

Probably you get a sense of why I am raising these issues at this point. Because the notion to me is that authority is in the eyes of the beholder. That to have authority to me is only to the extent that I concede it to you. If I do not concede it to you, you do not have it. You may put me in prison, you may torture me, you may kill me, but you do not have authority over my mind, over my moral judgement, or my autonomy and personhood unless I concede it. And this is tremendously empowering for me personally, because then it means that if I manage to be clear in my own thinking about what I mean and what I want to be, then, that’s it. You cannot violate this inner moral autonomy that I enjoy and that I have as a human being.

Secularism is contextual and historical

My project is not about presenting the systematic studies of specific experiences, although it is not inconsistent with that. In the book *Islam and the Secular State* I emphasize very much that the secular state and the notion of secularism I am talking about are inherently contextual and historical. And that every society has its own experience unique to itself. There are no two identical experiences with this notion of secularism and the secular state anywhere. So I am not in the least pretending to give a vision of what secularism is that has to apply to all, or a blueprint of what the secular state should be. Every secular state has to be distinctive specific to its history, to its state formation, power relations, religious formations and everything that is specific to its society. So in other words, I’m not pretending to present a comprehensive study of this in relation to any society. Even in those studies where I look at the histories of India, Turkey and Indonesia in the book, I’m just trying to highlight particular issues regarding those experiences, but not to be comprehensive or inclusive.

A state cannot be religious

What I’m trying to do is to make a strong case for weak secularism. By a *strong case* I mean I’m making a normative claim that the state should be secular. By the secular state I mean a state that is neutral regarding religious doctrine, that it does not take a position on religion. My claim is that the state cannot be religious. Not only that it should not be religious, but it cannot be. No matter how hard those who control the state try, they will never achieve a claim of making a state religious. I am trying to emphasize this normative affirmation of the point. It is not a question of empirical experience that there has never been a secular state here or there. It is that the state is never religious. It may not be secular enough, or it may not have whatever quality that we needed it to have. But religious it cannot be. Because the state is a political institution it is incapable of having a religion. So the state as such cannot be religious: it cannot have a religion. Whenever we make the claim, what we mean is that this is

a political institution that is controlled by elites who are using the state institutions to enforce their view of religion. So the religious quality is of the ruling elite, not of the state as such. And when we see the issue in these terms we immediately realise how dangerous it is to concede the claim that the state is religious. This is why I was emphasizing that you don't have authority unless I concede it to you. So if I do not concede to the ruling elite that they made a state religious by claiming it to be so, it is not religious.

I need a secular state to be Muslim

From the perspective of Muslim tradition I try to make an empirical argument as well as this normative argument. The normative argument is that I need the state to be secular. Not that it should be secular for any other reason, for development, peace... All of these factors are of course true and a case could be made from those perspectives. But what I would like to do when I say I try to make an argument from an Islamic perspective, what I mean is that as a Muslim I need the state to be secular. I need it to be secular precisely for the possibility of being a Muslim. So my claim is to do with being Muslim, not even with being a citizen, which is of course obviously true as well. The point is that I need the state to be secular as you would see in the first chapter of my book in that opening sentence. As a Muslim I need the state to be secular so that I can be the Muslim I choose to be by conviction and choice.

Belief requires the possibility of disbelief

And here is another point: there is no possibility of being Muslim by coercion. You may be forced to conform to certain practices, certain lifestyles, dress style, but it never makes the religious quality of being a Muslim, unless it is by free and totally autonomous choice. So the pious intent to comply is integral to every religious act as a Muslim. The possibility of belief logically requires the possibility of disbelief. If I cannot disbelief, I cannot belief. Belief has to be a choice. It is totally incoherent to speak about a situation where I have no choice but to believe what I am made by others to believe.

Postcolonial discourse

My argument against an Islamic state or enforcement of Shari`a by the state is from an Islamic point of view. But I am also aware that there is the prevalence of this idea, pushed by Islamic fundamentalists and other forces, of the Islamic state that enforces Shari`a, is taken for granted. This is remarkable because this idea is totally groundless and meaningless. Some of the points I make in the book, is that this sort of Islamic state is extremely recent in Muslim discourse. It is a postcolonial discourse. It has no precedent and it has no basis in pre-colonial Islamic history or intellectual tradition. It is totally premised on a European ideal of the state and a European ideal of positive law. The notion that the state can enact and enforce Shari`a as a state law is a colonial idea, a postcolonial innovation.

Weak secularism

By *weak secularism* I mean a form of secularism that does not exclude the connectedness of religion and politics. It just rejects the connectedness of religion and the state. As I often try to do, I am presenting here a point of view that tries to incorporate competing claims and try to mediate competing claims and see both sides of the issue. I am not in favour of a secularized society. I'm not an advocate of a secularized society. A society might become secularized

without me being able to do anything about it, but this is not my point. My point in fact is to assure that the state is secular precisely so that society can be religious. That is my position, no compromise about that point. For me it is clear that the secular state is a means to an end. Society itself is a means to an end. The individual human person is the end or objective of these institutions. For me as a Muslim my ability to be a Muslim that I choose to be is my objective.

Secularism as mediation

Therefore I present this notion of secularism as mediation. It is mediation between the need to keep religion and the state separate and the reality that religion and politics are connected. As already emphasized, my claim is that you cannot take religion out of politics, no matter how hard you try. You cannot control why people vote the way they do. And if they are believers the way they vote and act politically will be influenced by their religious opinions. So some of the confusion about language that I started by mentioning is the tendency to use politics and the state interchangeably. You often hear that people say that Islam and the state cannot be separated or Islam and politics cannot be separated interchangeably as if they mean the same thing. Or that you have unity of Islam and the state and Islam and politics. My point is that, yes, you cannot have a separation of Islam and politics, but you should strive to have a separation between Islam and the state.

Distinction between the state and politics

This last point brings me to highlight the distinction, but not dichotomy, between the state and politics. Maybe I can try to briefly explain the point. Politics is the government of the day. The state is the institution and continuity of sovereignty of a people. So, the judiciary is an institution of the state. The Foreign Ministry, the Ministry of Education, these institutions, in a stable and democratic situation, are institutions of the state. These are the ones that we should keep separate and neutral regarding religious doctrine. The government of the day is a government that is a reflection of the political choices that people make.

Maybe it helps to give an example that happened recently in the United States, so some of you may be aware of it. During the Bush administration it turned out that the Justice Department or the Attorney-General had dismissed some federal prosecutors because they refused to prosecute cases that the Republican Party wanted to prosecute, in various states throughout the country. Now that was a confusion of his mandate as the Justice Minister of that administration and the autonomy and integrity of the Justice Department. Because when the Minister uses his power as Minister of Justice to promote a political end for his party through the institution, that is undermining the autonomy and integrity of the state institution, that is when you have a dangerous confusion. One way of what I am trying to explain is to say that totalitarianism is the collapse of the state and politics. When you have no distinction between the political institutions and the political party and the state institutions, that is what totalitarianism is, whether it is fascistic or any other ideological manifestation.

So my point is very much, secularism as mediation is about mediating that paradox, because it is a paradox. The state is a political institution and yet we say that it must be neutral regarding religious doctrine. And yet we say that religion and politics are connected. Those who are not believers have to worry about what believers are doing, but it is not that they have

a religious agenda to bring in to the state. But those who are believers do. So what we have is an effort to keep the state and religion separate, but religion keeps coming into the state through the back door of politics. That's why it is a paradox. It needs mediation. It's a question of vigilance, a question of trying to make sure that it does not happen by institutional safeguards - which for me include constitutionalism, human rights, citizenship - as a framework within which, what I call *civic reason* has to occur.

Civic reason

The idea of civic reason is that our reasons for promoting particular ethical or normative principles or policy objectives through law and administration are varied. Sometimes we have a religious motivation sometimes we have some kind of pragmatic experience or economic or other type of motivation for proposing particular policy objectives or particular legislation. That variety of motivations and reasoning will continue because probably we cannot control why people make the choices they make. The point about civic reason is to try to promote the ability to engage in civic discourse about policy and legislation that is not premised on our religious perspectives and our religious choices or religious convictions. Because if I present a choice to be made like this: "we have to ban this because it is religiously prohibited for Muslims (*harm*)", that's the end of the conversation. What can you say to that? But if I say we have to prevent this or prohibit that because of one, two, three, four, five reasons why it is a good thing to do this and why it's a good social policy, then there is a space to negotiate, a space to discuss the issues.

In that sense what I am saying is that Shari`a can never be enacted as a state law as such. That is, it is never enough to say "this must be the law because God said so". But if I don't even believe there is a God to believe in, or if I totally disagree with you about what God intended, then it is enough that you believe in God and understand God's will in this way and that you say let us do this because of one, two, three, four, five reasons that I debate with you. What I mean by civic reason is the ability to promote consensus over policy and legislation without reference to religious doctrine. That will keep the state neutral regarding religious doctrine and yet keep our government responsive to our religious values as well as our other concerns through politics.

Human rights, international cooperation and donor dependency

I believe that international human rights presuppose international cooperation. In fact the language of the UN Charter itself is "*to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion*". That is article 1 of the UN Charter. So the premise of international support and cooperation is in the idea of human rights itself. But the way it is done will make the difference between an imperial, colonial attitude of what was known in colonialism as "the white man's burden" to civilize colonized people, and a new twenty first century attitude of international cooperation among equal peers.

Donor relations with Africa and the NGOs of other developing countries are problematic. I was director of Africa Watch in 1993 -1995, and I resigned over this issue. For me the point is, as part of the international community, international NGOs and donor

countries, we must provide support in a way that diminishes dependency, not enhances it. What we do is that we create dependency that keep those NGOs coming back to be funded in projects that we choose to fund. The priorities are not set by local communities. There is no accountability to local communities. The NGOs which are funded by Western donors have no accountability to their own communities. Their accountability is to Western donors. You submit a proposal with a budget, promising: “I will do this, I will do that”, then you get the money, do the activities as promised. Next year you submit a report, saying: “I did this and that, money is over, give me the next grant”. The question is that there is no effort to link those NGOs with the local communities in a way that makes them accountable to those communities. That is what I call “perpetuating dependency”, not diminishing dependency. Granted that small NGOs do not have the capacity or ability to act effectively we need to support them. But we should do it in a way that over time enhances their capacity to be autonomous from us, to be independent of us, instead of keeping them dependent on us.

Islamic philanthropy

There are tremendous financial resources in Muslim communities. Working with a group of scholars and social justice activists we did a study about six Muslim countries to look at what we call “Islamic philanthropy”. The countries were Indonesia, India, Tanzania, Egypt, Turkey and the Muslims of the United Kingdom. And this was done about five, six years ago. We found that billions of dollars are given by Muslims to other Muslims through *zakat*, and *waqf* and *sadaq*, these are religious charities. This money is consumed. That is, as a resource it is just paid secretly to other people, and they spend it, but there is no sense of using it to develop societies in order to maintain a level of autonomy and independence in those communities. Our proposal out of this study was to say that we should create a coordination mechanism, that is, to guide this money to foundations that can act with transparency to provide funding for local NGOs to promote social justice. The advantage would be that the NGOs will be accountable to the sources of funding, which are local communities. Of course the fact of life is that we are all accountable to the source of funding. If that source is local, we will be accountable locally. If it is international, then we will be accountable internationally. The point I am making here is that it is not a lack of resources; it is a lack of legitimacy. NGOs that are perceived to be supported and funded by Western donors do not have legitimacy in their own communities. And their effectiveness is weakened for that reason. They can stay for decades with the same issues and have no impact. That is what I mean by the dependency problem.

Humanitarian intervention

In principle, we all have a right to intervene as human beings and communities concerned about what’s going on in another human community. But who is intervening, where and how can create problems. When Western powers intervene alone, without the rest of the international community, that can evoke memories of colonialism. Much of the reactions that Africans have to intervention by Western powers is relative to their colonial experiences with the same powers, which are not that far back in history.

Regarding Sudan and Darfur: Darfur is 100% Muslim. In fact Darfur has been Muslim before the north of Sudan was because Islam came to Darfur from West Africa before it became dominant in other parts of Sudan. So it is not a question of religion. It is a power struggle over resources among Muslims, as it happens in any other part of the world. The international community has the means to intervene and take over completely to protect peace and security if it has the political will to do so. Chapter VII of the UN Charter enables the Security Council to enact a binding resolution that justifies military intervention. And we have seen it in the case of Kuwait. The Security Council has not chosen to invoke that authority regarding Darfur. The Security Council choose to invoke chapter VI for so called peace keeping operations. And that depends on the sovereign consent of the state in question. In every situation where you have peace keeping forces it has to be the government of the country in question that consent to the international intervention. So the international community did not choose to use the power it has to intervene forcefully and legally, and choose to use less effective means. That was due to internal differences among Security Council members and the veto power issue which is not only peculiar to the case of Sudan. The veto power has prevented the Security Council from acting under Chapter VII for fifty years during the Cold War. So these are facts of international power relations and international politics, not of Islam.

I support international humanitarian intervention if it is done collectively and institutionally. That is, if the UN act as the UN, I fully support that. But if members of the UN chose to act extra-institutionally, unilaterally, I totally oppose that. So the United States and NATO have no power, no authority, and no right, nothing to do with coming to correct the situation in Sudan. They don't have the authority and it is not going to work. The UN have the authority and have my personal support to do whatever it takes to keep peace in any part of the world. The question is: do we have the political will to act or are we going to lament the violence in Darfur just to feel good about how we are condemning it without doing what it takes to stop it?

Those are some high features that, I hope, will clarify, or I hope will not confuse too much, of what I'm trying to do. Thank you very much.

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References

An-Na`im, Abdullahi Ahmed (2008). *Islam and the Secular State. Negotiating the Future of Shari`a*. Cambridge, Massachusetts and London, England: Harvard University Press.

An-Na`im, Abdullahi Ahmed (1990). *Toward an Islamic Reformation: Civil Liberties, Human Rights and International Law*. Syracuse University Press.