ABDULLAHI AHMED AN-NA'IM, *ISLAM & SECULAR STATE: NEGOTIATING THE FUTURE OF SHARI'A* (CAMBRIDGE, MA: HARVARD UNIVERSITY PRESS, 2008)

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The relationship between Islam, state, and politics has been the subject of decades-long and extensive debates in the fields of politics (and policy), academia and media. One perception brought about mostly by orientalist studies purports that Islam – unlike Christianity does not “render what is to Caesar unto Caesar”; rather Islam does not recognize a separation between church and state or a distinction between religion and politics. Though such a view is fairly outdated, it is by no means abandoned, and it appears to hold some influence among many of those concerned with the affairs of Muslim-majority societies. There is a perception among some observers of these societies that a uniform “Muslim culture” tends to inform the political behaviour of Muslims, and that the religious foundation of this culture was grounded on unity between religion and the state given the historical fact that Muhammad, the Prophet of Islam was both a Prophet and a statesman.

An adequate approach to the study of the relationship between Islam and politics or the socio-political manifestations of any religion for that matter has to be contextual and should look into how the adherents of a particular religion relate to their religious teachings at a given historical moment. As such, internal debates among Muslims regarding the relationship between Islam and politics emerged after World War One and the fall of the Ottoman Empire, and intensified with the emergence of nation states throughout the Muslim world in the post-colonial era. Broadly speaking two tendencies may be discerned in this debate: an *Islamist* tendency, which holds that Islam is a faith that encompasses all aspects of life – political, social, economic, as well as religious, and that Muslims – everywhere – have a *religious* duty to establish an Islamic state (a state that enforces *shari'a* or Islamic religious law). The second tendency – generally espoused by secular-minded or liberal Muslims – advocates separation between religion and state, or at least recognizes a distinction between the *political* domain of the state and the *spiritual* domain of religion. Abdulahi An-Na'im's book, *Islam and the Secular State* navigates a somewhat middle ground between these opposite poles of Islam and secularism.

An-Na'im rejected the Islamist view of an Islamic state that enforces *shari'a* laws on Muslims through the coercive arm of the state, even if they are a majority in a given society. At the same time, An-Na'im does not embrace the version of secularism that developed in the West which sought to detach religion completely from the public domain and relegates it to the private sphere. He argues that Western-style secularism may not be the answer since a majority of Muslims would not approve of a system that renders their religion devoid of any public role. Alternatively, An-Na'im advances a rather unique concept of a secular state for the Muslim world that seeks both to liberate the state from the control of religious

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authority, and free *shari'a* from the control of the state. The main proposition by Abdullahi An-Na'im rested on effecting an institutional separation between Islam and the state while regulating the organic relationship between Islam and politics. For An-Na'im the relationship between Islam and the *state* is not identical with the relationship between Islam and *politics*. While separation between Islam and the state is essential in his project, An-Na'im argues that "it is [neither] possible nor desirable for people to keep their religious beliefs, commitments and concerns out of their political choices and decisions". Rather he maintained that it is healthier to recognize a role of religion in politics as a source of guidance and/or inspiration for political decisions than "forcing religious reasoning into the domain of fugitive politics" [p275].

In making the point for his proposal of a secular state, An-Na'im maintained that there is nothing "un-Islamic" about the concept of a secular state that he advances. He contends that the Muslim's Holy Book – the Qur'an addresses Muslims as individuals and community without either prescribing a particular form of government or even mentioning the idea of the state. Furthermore, he argues that "a state as a human construct is inherently "secular not Islamic". Therefore, An-Na'im maintains, his proposal of a secular state is "more consistent with the inherent nature of the *shari'a* and the history of Islamic societies than the false and counterproductive assertions of the so called Islamic states" [p268].

For Abdullahi An-Na'im a secular state, owing to its limited moral claims, has the capacity of providing a suitable sphere for negotiating ethical differences among various groups or communities of believers. As such, a secular state enables freedom of belief and expression that are essential for continuous development and transformation of any religious doctrine; likewise a secular state ensures peace between various religious communities that share the same geopolitical space.

What about societies, where Muslims constitute a religious majority, and what about the rights of those Muslims who believes in, and seek to establish an Islamic state? In An-Na'im's scheme, a [Muslim] religious majority should not attempt to impose their religious convictions on the minority or on dissidents within the majority group itself except by their own free and voluntary acceptance through civic reason" [p277]. As defined by An-Na'im civic reason' in this context, refers to a process wherein "the rationale and the purpose of public policy or legislation should be based on the sort of reasoning that most citizens can accept or reject". [p7]. In An-Na'im's project, consensus building through civic reason should be an ongoing process. For this process to continue and thrive, it is essential that no particular view of the *shari'a* is coercively imposed in the name of Islam as this would indeed curtail free debate among Muslims as well as between Muslims and non-Muslims.

An important dimension of An-Na'im's scheme, and one that would likely be difficult to attain in practice is the sophisticated package he is advancing that rests on mutual dependencies – rather than exclusion – between religion and secularism. For a secular state to mediate relations among various religious communities, it requires religious legitimization for believers [Muslims in this case]. This religious legitimization, however, can happen only if traditional understandings of *shari'a* are open to "transformative re-interpretation". For such a re-interpretation to happen, in turn, it needs the safeguards of a secular state; more specifically there is a need for constitutionalism, human rights, and citizenship within a secular

framework. So what should be the starting point: a secular state that guarantees constitutionalism, equal citizenship, and human rights? Or should a re-interpretation of *shari'a* – that allows such a secular framework – be the starting point?

An-Na'im does not address these questions directly. His scheme, however does not simply operate at the abstract level, but rather explores the experiences of three countries – India, Turkey and Indonesia – to provide an empirical context for his paradigm. Whereas Indonesia and Turkey are Muslim majority countries, India has a sizable Muslim minority. Despite their divergent histories and political developments, the three countries experienced various degrees of commitment to secularism and a recurrent debate on the relationship between Islam and politics and/or inter-faith relations. An-Na'im's examination of the political experiences of the three countries in question was primarily geared towards mapping a contextual substance to his main thesis that (a) a religiously neutral *secular* state – as carefully defined by him – is the best way for Muslims at large, regardless of whether they are a majority or a minority in any given society; (b) for secularism to take hold in any society it has to go beyond constitutional provisions and gain its legitimacy from being embraced by the religious community(ies) in that society. For An-Na'im's study, such prerequisites are essential for a religiously diverse country like India, as they are applicable to the Muslim-majority Turkey. An-Na'im's case studies, furthermore purport to emphasize two important observations relevant to his scheme, the first is that he has been decidedly critical of the authoritarian nature of the Turkish republican secularism which has been both "contradictory" and ultimately counterproductive in his assessment. Secondly, in his examination of the Indonesian experience, An-Na'im extended the concept of diversity to encompass the same faith group, such as Islam, the religion of the majority of Indonesians. In emphasising the religious diversity within the Indonesian Muslims themselves, An-Na'im sought to question the validity of the Islamist claim that an Islamic state is warranted in Indonesia on grounds that the majority there are Muslims.

In An-Na'im's scheme, nothing should therefore be taken for granted whether we are dealing with Islam as a faith, or are exploring its place in the public and legislative spheres. Rather we should recognize *religious* pluralism as well as political pluralism, ensure respect for all differences including religious ones, and be tolerant of all spiritual beliefs and practices including those regarded as "heretical" by the religious majority in any given society. Such an approach might not fly with a majority of *conventional* Muslims. An-Na'im's scheme is therefore a reformist one that is contingent on a critical outlook of the Muslim faith and its place in the contemporary world, as a prerequisite to redefining its relationship with the state and negotiates its place in the politics and political processes of Muslim societies.