



Abdullahi Ahmed An-Na'im, *Islam and the Secular State: Negotiating the Future of the Shari'a*, Cambridge: Harvard University Press, 2008, 324 p.

Değerlendiren: Fatih Varol

In his study *Islam and the Secular State*, Abdullahi An-Na'im argues that a secular state is not only a necessary choice for Muslims in today's world due to the lack of an alternative, but also that such an entity is more consistent with Islamic history than the idea of an "Islamic" state, which emerged during the 20<sup>th</sup> century as a reaction to the impact of the European colonization. In this context, he uses the term "secular state" for a state that is neutral toward any religious belief and enforces no religious doctrine on its citizens, whereas the term "Islamic state" refers to an Islamic political order based on enforcing the Shari'a upon its people.

An-Na'im strongly rejects the latter idea, which was promoted by various prominent Muslim thinkers (e.g., Sayyid Qutb [1906-1966 (executed)] and Abu A'la Maududi [1903-1979]) and practiced in Iran, Saudi Arabia, Afghanistan, and other Muslim-majority countries. The author, who seeks to prove that the secular state, and not the Islamic state, is more compatible with Islam's nature and history, asserts that the Qur'an never defines an ideal state, that no scholarly consensus exists on what an Islamic state actually is, and that no ideal Islamic state has ever existed.

Political Islamists generally suggest that the secular state was a European idea imposed upon the Islamic world and that the guide for Muslims should be the early centuries of Islamic history, particularly Prophet Muhammad's Medina. However, An-Na'im maintains that the historical tradition within Islam is closer to the secular state because religious authority and political authority were separated. He affirms that Prophet Muhammad was concurrently a political, military and re-

@ Dr., Istanbul University. fhvarol@gmail.com.



ligious leader, and thus there was no need to separate religion and state. But these two types of authority had to be differentiated after his death because no more prophets would be sent to carry on his unique role. Moreover, the Islamic tradition itself showed the difference between them even during the reigns of the Prophet's first four political successors. Pre-colonial Muslim states and empires naturally sought an Islamic legitimacy, and yet none of them ever claimed to be "Islamic state." An-Na'im does not argue that "pre-colonial state was secular in the modern sense of the term" (p. 46), but this is more consistent with the idea of the secular state based on the separation of religion and the state.

The author also asserts Muslims can only be real Muslims in a secular state, for individuals should be free to accept or to reject (without legal consequences) any – or even all – religious beliefs and orders. More importantly, An-Na'im contends that the state should not force Muslims to observe their religious duties because that would be un-Islamic. As the Qur'an wants people to accept Islam voluntarily, any official attempt to enforce the Shari'a can only lead to insincerity, hypocrisy, totalitarianism, and fake Muslims. Observing religious orders is meaningful only when one's intention (*niyah*) is sincere, which is possible only in a free society. For instance, the state should not prohibit *ribā*, which the Qur'an forbids, and demand that all businesses comply with this prohibition. In other words, An-Na'im views the secular state as "the only valid and legitimate way of being a Muslim" (p. 268).

Furthermore, he declares that the Shari'a and *fiqh* (jurisprudence) are the products of human interpretations of the Qur'an and the prophetic Sunna. This fact explains why the Islamic tradition contains so many interpretations of both of these core sources. Most importantly, all of them are equally valid for Muslims because only the Prophet could claim absolute authority and superiority in such matters. Besides, those who produce such rulings are subject to human limitations, mistakes, and biases. For example, although the Qur'an forbids *ribā*, this term's exact meaning and implication depend upon the person's interpretation, limitations, mistakes, and biases. As a result, An-Na'im argues that the state should neither seek to enforce (one interpretation of) the Shari'a on its people in the name of Islam – a violation of Islam's recognition of the necessity of free choice – nor to enforce religious orders on behalf of Islam, God, or the Qur'an: "[W]hatever the state enforces in the name of Shari'a will necessary be secular and the product of coercive political power and not superior Islamic authority" (p. 7).

In this context, one must note that his approach differs from those secular approaches that seek to remove religion from the public sphere and restrict it to one's

private life, as is the case in France and Kemalist Turkey. He does not suggest that religion have no public role, but rather that it should play an important role in public and shape political life. Although he suggests that religion should not shape the state, it can shape society or public policy because secularism, on its own, cannot answer the believers' moral questions.

A secular state can provide a degree of consensus and political stability in today's religiously diverse societies. In other words, such a state allows all citizens to live in accordance with the rules of their own religion (or lack thereof). An-Na'im, therefore, writes that as only a secular state can be neutral toward all religions, it is the best guarantor of freedom and equality for all believers and non-believers. In this kind of society, every believer can participate in political life by means of "civic reason," which he defines as "the rationale and the purpose of public policy or legislation must be based on the sort of reasoning the most citizens can accept or reject" (p. 7). An-Na'im argues that civic reason supplies a discussion realm in which people can express their thoughts and present ideas based upon any notion, including religion. Thus, believers can shape the role of the state and bring their own religious views to the public. However, the state should not interfere with civic reason, for this hand-off approach will enable it to ensure the continued existence of a free environment.

In general, An Na'im's study is well-supported and thought-provoking. However, one important weakness of this book is the author's disregard of the different characteristics of the Shari'a's three dimensions: *'ibādāt* (acts of worship), *mu'āmalāt* (transactions), and *'uqūbāt* (criminal law). In fact, it is not clear which dimension he is discussing. This ambiguity causes some controversies over his argument. In particular, he pays insufficient attention to how Muslims can accept these three dimensions voluntarily. They can observe the first two voluntarily. But as anyone can see, their enforcement by the state (e.g., Iran and Saudi Arabia) produces serious problems in terms of individual freedom and human rights. A large number of Muslims would agree with An-Na'im's contention that a Muslim should be free to observe or ignore *'ibādāt* and *mu'āmalāt* as part of his or her own individual freedom.

However, it is almost impossible to accept *'uqūbāt* voluntarily because the Shari'a's prescribed punishments, known as *ḥudūd*, must be implemented by a legitimate state authority in order to prevent anarchy. At this point, the question is how a Muslim can accept *'uqūbāt* voluntarily. An-Na'im deals with such *mu'āmalāt* as drinking alcohol and *ribā*, but provides no enough explanation or example relat-

ed to the *hudūd*, which many Muslims consider part of Islam and therefore in need of being implemented. This is one reason why they struggle to establish a polity based on the Shari'a. Many Muslims will be inhospitable to An-Naim's invitation to form a secular state in the name of Islam. Therefore, An-Na'im's work is far away from the realities existing within the Islamic world.

On the other hand, Muslims indeed need to find solutions to authoritarian tendencies and regimes in the Islamic world and to think of how to establish a polity that protects individual freedoms, human rights, and diversity in today's societies. Those Muslims who are demanding a secular state will find much useful material in this book to defend the necessity of setting up a secular state that is neutral toward all religions.