

Debate

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While the reasons for the political and social reality of tension between religion, human rights and secularism are to be appreciated, an argument can be made for focusing on the interdependence of these three paradigms in the Islamic context, rather than making a choice between them. Each of the three paradigms needs the other two for fulfilling its own rationale, and sustaining its relevance and validity for its own constituency. The difficulties facing this proposition can be overcome through an internal transformation within each paradigm. This process should be deliberately promoted in order to achieve political stability and development as well as individual freedom and social justice.

The obvious reason for avoiding any reference to religion in the Universal Declaration of Human Rights of 1948 is the exclusive nature of religious traditions. Since religion divides rather than unites human beings, the argument goes, it is better to avoid it altogether in order to find common ground for the protection of human rights among religious believers and non-believers. But this does not mean that human rights can only be founded on secular justifications, because that does not address the question of how to make human rights equally valid and legitimate from the perspectives of the wide variety of believers and non-believers around the world. Rather than viewing secular and religious foundations of human rights as incompatible rivals, it is suggested here that we emphasize the interdependence of all three.

For the limited purposes of this discussion, secularism can be defined as a principle of public policy for organizing the relationship between religion and the state in a specific context. Since historical experience has shown that the exclusivity of religion tends to undermine possibilities of peaceful co-existence and solidarity among different communities of believers, secularism has evolved as a means of ensuring the possibility of pluralistic political community among different religious groups. The problem is that the same minimal normative content that makes secularism conducive to inter-religious co-existence and solidarity diminishes its capacity to support the universality of human rights without reference to another source of moral foundation. That necessary quality of secularism fails to address the need of religious believers to express the moral implications of their faith in the public domain.

The transcendental aspect of religion should refer to the actual experiences of believers, and can only be understood in the concrete historical context and material circumstances of each religious community. Competing interpretations of religious doctrine and their normative and behavioural implications are bound to reflect existing human power relations within each religious community. Human rights and secularism are critical for the fair and sustainable mediation of these competing claims within the framework of prevalent power relations within and between different communities. The consequent religious transformation, in

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turn, would facilitate the interdependence among all three.

The approach proposed here is premised on a belief in the ability of human agency to promote understandings and practice of religion, human rights and secularism that are conducive to mutual interdependence of all three of them. One challenge is to prevent the purported moral superiority of a religious community from diminishing the human dignity and rights of those who do not subscribe to that faith. Secularism is critical for maintaining the equal human dignity and rights of believers and non-believers alike, but its ability to play a role in political communities depends on its legitimacy within all segments of the population, including religious believers.

To play its constructive role, secularism also needs the normative guidance of human rights and moral justification of religion. The importance of human rights standards is obvious because secularism, by itself, may not be enough for safeguarding individual freedoms and social justice, as illustrated by recent experiences with totalitarian secular regimes, from Nazism in Germany to Marxism-Leninism in the Soviet Union and beyond. What is not sufficiently appreciated is the importance of a religious justification and rationale for secularism. While the material conditions of co-existence may force a level of religious tolerance and diversity, this is likely to be seen as temporary political expediency by believers unless they are also able to accept it as at least consistent with their religious doctrine. Thus, sustained secularism needs a religious justification for believers. This is not as difficult as it may seem, for secularism and religion are, in fact, fundamentally overlapping and interacting, as is true regarding Islam.

Interdependence in the Islamic context

Islamic societies should affirm their principled commitment to the protection of human rights and openly acknowledge the realities of secularism in their religious as well as political life. But this can only happen through internal transformation, and not external imposition. There is a theological and political dimension to internal debates about these relationships. On the theological side, while such debates need to occur within an internal frame of reference (Qur'an and Sunna), human agency has always been central to Muslims' understanding and practice of Islam. Muslims believe that the Qur'an is the literal and final word of God, the Sunna being the second divinely inspired source of Islam. But the Qur'an and Sunna have no meaning or relevance in the daily life of individual believers and their communities except through human under-

standing and behaviour. The Qur'an was revealed in Arabic, which is a human language that evolved in its own specific historical context, and many normative parts of the Qur'an were addressing specific situations in Mecca and Medina when they were conveyed by the Prophet. The Sunna had to respond to the immediate issues and concerns that emerged in that context, in addition to any broader implications it may have. It is therefore clear that human agency was integral to the process of revelation, interpretation and practice from the very beginning of Islam in the 7th century.

The right to self-determination

In this light, it is apparent that a sharp distinction between the religious and secular is misleading. Religious precepts necessarily respond to the secular concerns of human beings, and have practical relevance only because those responses are believed to be practically useful for the people they are addressing. In other words, religious doctrine is necessarily implicated in the secular, and the secular is perceived by believers to be 'governed' by religious doctrine. Muslims who find this proposition disturbing tend to think that it undermines the divine quality of the sources of Islam. But that apprehension fails to recognize that the Qur'an and Sunna are intended to redress human imperfections, and are not simply manifestations of the divine in the abstract. This point is critical for the theological basis of the relationship between Islam and both human rights and secularism.

One cause of the commonly presumed incompatibility of Islam and secularism is the tendency to limit secularism to the experiences of West European and North American countries with Christianity since the 18th century. In fact, there are significant differences in the terms and operation of the relationship between religion and the state/politics among European and North American countries due to historical and current experiences in this regard. Each of those societies also continues to struggle with the social and political role of religion in public life, as none of them has attempted to – much less succeeded in – eliminating that role.

From this perspective, it is suggested that secularism be understood in terms of the type of relationship between religion and the state, rather than a specific way in which that relationship has evolved in one society or another. It should also be emphasized that the form that relationship should take in pluralistic societies has to be the product of organic development over time, and be accepted as legitimate by the population at large, instead of expecting it to drastically

change immediately by constitutional enactment or political rhetoric. This view of secularism would redress much of the apprehension about the concept as a tool of Western imperialism, thereby facilitating possibilities of internal transformation to promote the proposed interdependence with human rights and religion.

It is commonly claimed that Islam mandates the establishment of an 'Islamic state' which will implement and enforce the *shari'a* as the law of the land. It can be argued that the notion of an Islamic state is a contradiction in terms since the *shari'a* ceases to be the normative system of Islam by the very act of enacting it as the law to be enforced by the state.² Because there is so much diversity of opinion among Islamic schools of thought and scholars, any enactment of *shari'a* principles as law would have to select certain opinions over others, thereby denying believers their freedom of choice among equally legitimate, competing opinions. Moreover, there is neither a historical precedent of an Islamic state to be followed, nor is such a state practically viable today. The fact that there was never an Islamic state accepted as such by all Muslims, is beyond dispute once it is appreciated that the state the Prophet established and ruled in Medina was too exceptional to be a useful model in practical terms. The implementation of the *shari'a* as the official state law is also untenable in economic and political terms for the modern nation-state in its global context, as revealed by the recent experiences of Iran, Pakistan and the Sudan.

Islamic societies certainly have the right to self-determination, but that can be realized only when exercised with due regard to the realities of their national and global context, and through viable constitutional and political institutions. In my view as a Muslim, the realization of this right should be founded on a clear and categorical acknowledgment of the interdependence of Islam, human rights and secularism. ◀

Notes

1. This article is a drastically abridged version of a longer draft that can be requested from the author by E-mail.
2. Abdullahi A. An-Na'im (1998-1999), 'Shari'a and Positive Legislation: Is an Islamic State Possible or Viable?', *Yearbook of Islamic and Middle Eastern Law* 5, pp. 29-41.

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