Religion and Politics:
What Relationship in a Changing Muslim World?

Adnane Mokrani

Abstract – Modernity has forced religions to lose, gradually and in different ways, control over public space, despite various attempts of recovery and repositioning. «Fundamentalism» is one of many possible answers to the modern challenges. Can we find other answers that guarantee more freedom, justice, and peace in Post-colonial Muslim societies and States? The crisis of religions in the modern world interrogates the concept of religion itself: What is it for? What is its social and political mission? What does religion offer today in public space? The author starts from the Tunisian experience, to propose an approach to the problematic relationship between religion and politics, trying to overcome the crisis by reconciling Secular state with religious values and principles. The article is not a summary of the extensive current debate; nevertheless, it is in dialogue with all the efforts in this field.

1. A complex situation

Is it correct to define what happened in several Arab countries as revolutions, or are they simply revolts? For some observers, the term «revolution» should indicate a radical and irreversible change, a total break with the past, which has not occurred, at least in this initial phase[1]. Sometimes, the mechanical application of historical models (the French, Russian or Chinese revolutions) on current cases, does not work, the reality rebels. Perhaps we need a new theory to understand what is happening.

The ambiguity that the use of the term «revolution» can cause originates from the peculiarities of these events:

– The peaceful nature of the change, especially in Tunisia, has allowed a paradoxical cohabitation of the old guard and newcomers. The *ancien*

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[1]   Tariq Ramadan, in his book *Islam and the Arab Awakening*, New York, Oxford University Press, 2012 calls for a «cautious optimism» (pp. 1, 8, 23, etc.). He used the term «uprising» instead of «revolution», because «the uprisings are not yet revolutions» (p. 3).

régime was beheaded, but not uprooted. The State in its main institutions (administration, army, police, etc.) has remained almost intact. The old opposition parties has returned from exile or prisons, but the young people who led the revolutions did not feel well-represented. New parties are very rare, if not absent. Worse still, some young people found themselves in prisons, or prevented, in different ways, from expressing their dreams of freedom.

–   The delay or absence of a real reform raises frustrations and doubts about the seriousness of the change. It is sometimes a question of recycling the old regime, giving new names to the old parties, if not a brutal return without masks. These failures and hesitations have pushed an important part of young people to risk their lives at sea to reach Europe, or risk their lives in the desert, fighting with terrorist groups. Maintaining hope in the possibility of change is a necessary condition for an emergent democracy. However, these are revolutions in progress with incomplete changes. We are in the midst of open construction sites; or rather, we are only at the beginning of challenging and risky projects. This does not allow us to draw definitive conclusions and to make certain predictions. Nothing is guaranteed, especially with the existence of real counterrevolutions and serious risks of failure.

–   There is also the emergence of a third element that has made the observers more skeptical about the use of the term revolution, namely the rise of the Islamists in power and the emergence of the Salafis, the most conservative and literalist branch of the Islamist movements. A phenomenon accompanied by a series of sectarian and identitarian claims that have nothing to do with the initial objectives of the revolutions: justice, freedom and dignity. The initial image of the revolutions reinforced the idea of post-Islamism, but we found ourselves instead facing a certain neo-Islamism. The Islamic State (IS), as an antidemocratic ideology, contradicts what seems to be a new popular democratic consciousness. IS represents a big rescue for the Arab ancient regimes, confirming their rhetoric of being the last frontiers against the barbarians in defense of Europe, a source of a superficial international legitimacy. The adherence of thousands of young Tunisians, among them many women, to IS in Syria, Iraq and Libya, caused shock and perplexity. Tunisia has been considered not only as the pioneer of the Arab revolutions, but also as a model of modernization and education, even before the independence and since the nineteenth century. However, the current facts prove that the dictatorship of Zine El-Abidine Ben Ali (1987-2011) caused a massive social desertification and impoverishment. Dictatorship

is an acid that destroys human societies and relationships, suffering decades of pervasive marginalization, fearing and doubt.

The complexity of the situation does not prevent from using the word «revolution». In a very personal way, I have seen and experienced the signs in the eyes of the Tunisians during the election days of the Constituent Assembly in October 2011. I saw the light of dignity and pride of being Tunisians. The fellow citizen is no longer considered as a potential spy, but as a companion on the path of changing. A new hope is born, after more than twenty years of ferocious dictatorship. Suddenly the people find themselves alive, free, and capable; the civil society is reborn, we experienced an explosion of associations and parties. This is a revolution, despite reservations and ambiguities. Something profound and meaningful has changed in the soul of the people, something that is still in a stage of development, but, in my opinion, it is irreversible: the tomblike silence will never return: those who tasted freedom can no longer accept slavery or dictatorship.

Democracy is not a mere procedure or technique. It implies faith in fundamental values and demands a real change in mentality and culture. It is the fruit of such a change, and at the same time, it is the cause of its deepening. People learn by doing, they cannot become immediately and fully democratic, only by practicing they do: in electoral days, everyday life, associative work, public debate, etc.

Even the procedure is not neutral; it is in itself an act of change, with a symbolic charge and a psychological impact. I can give some examples from my experience as the president of «the Independent Regional Instance for the Tunisian Elections» in Italy in October 2011: I saw the bright of joy every time that my fellow citizens realized that the elections were transparent:

– A first example, which would seem trivial for countries that are familiar with the electoral rituals, but, for Tunisians, it represents a real discovery: the colored plastic keys used to close the ballot boxes. Each key has a unique and unrepeatable number like banknotes; once the urn is closed, it cannot be opened without breaking the irreplaceable keys. Explaining these simple instructions in formation meetings had a magical effect and aroused immense joy, it meant that the will of the people is sovereign! Before, the dictator did not even bother to disguise his deception; the hoax was vulgar and low-level: the contrast was strong and clear.

– In the Independent Regional Instance for the Tunisian Elections, we were more than 300 people: as organizers, coordinators, and members of the polling stations. The candidates, including independents and members of the parties were distributed on 22 lists; their supporters were tens of thousands of Tunisians living in Italy who went to vote. Besides the training meetings arranged in Tunisia and abroad. All this represented a great open democratization school. In Tunisia, the experience was obviously more intense: to cite an example of basic civic activism, some associations went to the most remote villages to teach farmers how to vote. For the first time, Tunisians truly felt that they are citizens and that their voices really matter.

– Before the elections, an elderly man came to our office in Rome to ask if his aging and handicapped wife could vote by delegation, in the sense that he would have voted for her. We explained that it was not possible by law. He came out with tears in his eyes and said: «But she is 100% Tunisian too!». This is revolution! There are no more half Tunisians; we are all first-class citizens. We thought of contacting an association to help his wife go to vote, but the density of commitments made us distracted. To our great surprise, in the days of the elections, that noble citizen came accompanying his wife with the help of two other people, and both of them voted. In the end, they hugged me with tears in their eyes, stammering words of joy that I did not understand well because of the emotion, theirs and mine. Those tears, like the blood of killed and wounded young Tunisians during the revolution, are a covenant of unity that must never be forgotten.

These signs represent the beginning of a new political conscience, a thirst for dignity and humanity, which cannot be reduced into mere emotions and open-eyed dreaming. The proof that we are not faced with isolated and transient episodes is provided by the massive peaceful demonstrations in Algeria that forced President Abdelaziz Bouteflika to resign on April 2, 2019. The Sudanese case is very similar, in which the *coup d'état* of April 11 is a result of the popular pressure, after months of demonstrations. Nevertheless, in both cases, it could be an attempt from the regime to renew itself, apparently shifting to the people's side. Sudan and Algeria are the proof that the wave of the Arab revolutions is not a temporary mood but a deeper change in the popular political culture, which is the real revolution. Arab societies are connected despite the fragmented political leadership.

The revolutions that have taken place in Lebanon and Iraq since October 2019, are other signs of a growing phenomenon, giving birth to more cohesive and inclusive citizenship, a new way of belonging that goes beyond the walls of communitarian and sectarian identities, challenging the old regimes and groups of interest. The way is still long, but an idea is no more a hypothetical ideal when it becomes a popular movement.

The lack of an organized leadership is a common feature in the popular movements since 2011 until 2019, which represents an element of surprise and success that the regimes do not know how to face adequately. The same fact becomes a problem, when concrete decisions and radical changes are needed. Creating a new political leadership, young and faithful to the objectives of the revolution is an absolute priority.

What the Arab youth have learnt from the recent revolutionary experiences is to maintain the peaceful character of the demonstrations and not to fall into the violent provocation or temptation. It seems that the regimes too have learnt that the use of violence is helpless; a political maneuver is more intelligent.

2. The historical moment

From a microcosmic insight, let us move to a macrocosmic one, considering the situation from a certain distance. A panoramic survey of the history of political thought can help us to better understand the present moment.

The Islamic world in particular, and the world in general, have experienced four consecutive epochs after the fall of traditional societies, in different degrees and manners, under the blows of modernity:

– Hereditary monarchist regimes, which persist in different forms even today, despite the fact that the caliphate was abolished in 1924.

– Authoritarian secular nationalisms with the «fathers» of the modern states, as in the cases of Atatürk in Turkey, Reza Shah in Iran, Bourguiba in Tunisia, Nasser in Egypt, also considering the liberation movements, such as the FLN in Algeria.

– After the post-colonial modern nation state, and the secular élites themselves, failed to achieve development and full independence and liberation, militant Islamism invaded the political scene in the 1970s and 1980s as a radical opposition force, sometimes as a religious nationalism.

The apex of this phase was the 1979 Iranian Revolution that seemed to be the realization of the old dream of creating an Islamic state.

– After the terrorist massacres in Algeria in the 1990s and, in a different manner, the crisis of the Islamic Republic in Iran, especially after the electoral fraud of 2009, the Islamist discourse began to lose ground. The appearance of al-Qaeda and then ISIS on the international political scene is the exception that confirms the rule: with its extremist ideology and violence, radical Islamism is no longer a popular force or a realistic project for the future. The fourth phase, therefore, is marked by the growth of a collective need for democracy, freedom and human rights. This aspiration cannot be guaranteed without political pluralism and accountability that allow all citizens to express themselves and participate in the political and economic management of the country.

It is not a utopian desire but an objective observation of the development of Islamic societies. There is a new generation grown up under dictatorships, well-connected with the world, capable of using modern means of communication; globalized young people in the positive sense of the word, open to world changes; educated and graduated young people, but without the possibility of integration into the labor market or into political space.

It was not the Tunisian or Egyptian Islamists who launched the revolutions; they were also surprised as well as all the political realities of these countries were. They wanted to accompany the people's movement in a second moment to insure a political position.

The Arab revolutions, in their slogans and ideals, go beyond secular or religious ideologies to touch universal values and the right of people to a dignified life. Indeed, the symbols are of a supra-religious nature. What triggered the movement was a sacrificial and not homicidal suicide. All the people identified with the unknown victim, seeing in him the symbol of collective pain caused by long years of humiliation and marginalization. Such revolutions are revolutions without leadership, because what really matters is the idea that unites, an idea that originates from a bitter experience to embrace a hope that can finally be fulfilled.

The first step has been taken, the wall of fear has now fallen, but nothing is guaranteed, there are still other decisive steps: to mend civil society, which is the real and only guarantee against potential drifts. It is necessary to educate police officers, politicians, mass media about democracy and respect for human dignity, we must free ourselves from

bad habits to rebuild the human being, restore the critical and active citizen. In this process, religion could make a positive contribution, but without fundamentalism.

As mentioned before, an important obstacle on the path of the Arab revolutions is the escalation of terrorism led by ISIS, which served the old regimes insofar as it imposed them again as the defenders of International security and stability. Moreover, it served the populist and xenophobic parties in the West and the entire world to gain more power and further expansion. Democracy in the West is experiencing a very critical momentum with the growth of identitarian, sovereigntist and anti-European politics. For that reason, Arab revolutions and emergent democracies suffer lack of solidarity and comprehension from the old democracies. This fact pushed the Algerians and Sudanese to declare that they do not need any interference or help from any country, neither from the Arab regimes nor from the West.

The world crisis of democracy questions the concept itself, and requires a new and shared reflection on the theoretical and practical tools to renew the idea and the practice. It is another challenge for the aspiring democracies, but it could be an opportunity for all, new and old, democracies. Democracy in the Arab world is a real need; even more, it is a survival necessity, after decades of paralysis. It is not a question of imitating the West, whose traditional democracies were and still often allies with the Arab dictatorships.

3. The question of the secular state

The Tunisian experience, despite the shortcomings and difficulties, is very significant to verify the factuality of post-Islamism. The challenge is to determine to what extent islamist parties are capable of adapting themselves to the needs of the modern democratic state: in particular, the secular nature of the state, *i.e.* its neutrality in treating all citizens without discrimination?

It should be noted that *Sharī'a*, as (the) source of law, is a totally absent in both the programs of the party of the Ennahda and the new Constitution of 2014. However, the first article of the Constitution has maintained the old formula: «Tunisia is a free, independent, sovereign state; its religion is Islam, its language Arabic, and its system is republican. This article may not be amended».

This phrase is rather general and ambiguous; it is not known whether Islam is the religion of the state or of Tunisia, as a country, being the religion of the majority. Regardless of the formulation, the article remains problematic for many other reasons:

− Islam can be the religion of real and natural persons, the shared faith of a large part of the people, including parliament and government members; but juridical persons like state institutions have no religion, the expression «Islamic State» is a modern innovation.

− The task of the constitution is not to establish people's identity, but to establish the rules and principles of the management of a democratic and secular state. Historians, sociologists, anthropologists, theologians can study and discuss identity and its changes in universities and cultural spaces, but the state must remain neutral in its management. The identity-related discourse is dangerous for the principle of full citizenship and equality before the law and the state, because it divides citizens into privileged first-class citizens and second-class citizens.

− In the majority of the constitutions in the Islamic world, Islamic faith is a condition for candidacy for the presidency of the republic, which is a discriminatory criterion. In article 74 of the Tunisian constitution, is written: «Every male and female voter who holds Tunisian nationality since birth, whose religion is Islam shall have the right to stand for election to the position of President of the Republic».

− Citizens, parliamentarians and parties have the right to be inspired by religious or non-religious principles and convictions. However, in the political debate, it is necessary to use what Abdullahi An-Na'im calls «civic reason and reasoning»[2]. The religious person cannot convince his or her colleagues in the parliamentary Assembly using religious arguments,

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[2] «Civic reason and reasoning, and not personal beliefs and motivations, are necessary whether Muslims constitute the majority or the minority of the population of the state. Even if Muslims are the majority, they will not necessarily agree on what policy and legislation should follow from their Islamic beliefs. The requirement of civic reason and reasoning assumes that people who control the state are not likely to be neutral. Not only is this requirement essential, but it must also be the objective of the operation of the state, precisely because people are apt to continue to act on personal beliefs or justifications. The requirement to present publicly and openly justifications that are based on reasons which the generality of the population can freely accept or reject will over time encourage and develop a broader consensus among the population at large, beyond the narrow religious or other beliefs of various individuals and groups. Since the ability to present civic reasons and debate them publicly is already present at some level in most societies, I am calling only for its further conscious and incremental development over time». A.A. An-Na'im, *Islam and the Secular State Negotiating the Future of Shari'a*, Cambridge MA, Harvard University Press, 2008, p. 8.

but rather rational and concrete ones, because what should inspire them is the common good and the interests of the nation, regardless of one's beliefs, religious affiliations or different interpretations of the same religion. The religious person should know how to translate his or her convictions into a common and comprehensive rational language. Political space is the space of rationality and common good.

– The inclusion of *Sharī'a* in the constitution implies the establishment of a religious council with the task of checking the compatibility of the laws, voted by the parliament, with the *Sharī'a*. It is a relatively lightened form of *wilāyat al-faqīh*, the guardianship of the Islamic Jurist, the political doctrine of Iran. That means imposing a supra-parliamentary authority that limits legislative freedom and the sovereignty of the people and its representatives.

– The very notion of *Sharī'a* is ambiguous, some see in it the supreme objectives and aims, which are universal principles and values, while others are more attached to historical forms in a literal way, such as the application of corporal punishments, which are pre-Islamic practices. The Islamic legal experience contains a wide spectrum of opinions, and even contradictory views, which has suffered from long centuries of rigidity and decadence. Which juridical school we should fellow, and which religious institution can guarantee the compatibility of law with *Sharī'a*? All these problems can increase confusion and make us move away from the true objectives of a democratic constitution, which must prevent the reproduction of the dictatorship and establish clear rules for transparent management of powers.

4. What does religion not offer?

Before understanding what religion offers to politics, citizenship and living together, we must first understand what religion does not offer. In my opinion, the nature and the mission of religion are above all educational: to help the human being to reach a human and spiritual maturity, to realize and actualize the potential of his humanity and his holiness. What religion cannot offer are mainly two elements.

– Firstly, religion cannot offer a political or economic system. In fact, one cannot identify a religion with a political system. Religion is neither monarchic nor republican, neither capitalist nor socialist, neither right-oriented nor left-oriented … Religions have adapted to different and even contradictory systems throughout history.

The Qur'ān mentions, for example, the consultation, *shūra*, as a social value (3,159; 42,38), but does not explain how this principle can be applied. Historically, each of the four successors of the prophet Muhammad, the caliphs, was chosen in a different way. The Umayyads of Damascus adopted the Byzantine hereditary system, while the Abbasids of Baghdad were closer to the Persian version of the Sassanids.

The Qur'ān also mentions the obligatory almsgiving, *zakāt* (2, 43, 83, 110, etc.), as a form of social solidarity, however insufficient for the construction of an entire economic system. The absence of a political or economic theory in the Qur'ān is not a sign of weakness or lack, but rather a manifestation of divine mercy and human freedom. It is a sign of flexibility that allows believers to survive historical changes.

Believers evaluate and criticize all these systems in many ways. In other words, it is true that religions do not produce political and economic systems, but not all systems are perceived in the same way by all religions or by different groups within the same religion.

Nowadays, the democratic system seems to be the most just system we have for our contemporary societies, provided that there is a popular conscience that demands and applies democratic rules. This collective consciousness is at the root of a democratic culture. Democracy cannot be transported or imposed, it is an absurd contradiction that only serves to justify and embellish imperialist and expansionist temptations.

– Secondly, religion does not offer a legal system. This is the most sensitive point in modern religious reform. This does not mean that religion is not normative. This same normativity has produced legal systems and schools throughout history; but today, in our secularized, globalized, pluralistic, and especially democratic world, it has become difficult, even «immoral», to impose a religious legal system. The religious state is a state of hypocrisy by nature, because it forces people to live a double life, a private life at home and a public life on the streets or at work. It is therefore an anti-religious state, because it betrays and kills what makes religion an authentic experience: the sincerity of the heart.

The democratic legal system could be inspired by religious values or principles, but the law is accepted democratically not because it represents the Word of God dictated by a religious authority, but because parliamentary debate has led to this legal result in a rational and convincing way. Democratic debate is the only way to resolve the conflict

of interpretation that goes beyond the sphere of religious opinion to include all plural, religious and non-religious citizenship. Democratic law is sovereign, it can only be changed through democratic means or methods of peaceful resistance such as conscientious objection under certain conditions.

5. What does religion offer?

What does religion offer? Can religion be a positive and constructive element in political life, respecting the secular state as an ethical principle of justice and equality, and above all as a condition for democracy?

In a democratic context, religion cannot offer a legal system, but it can offer a system of values. In doing so, the discreet religion leaves a space of freedom, which is necessary for a plural and liberal society. The value system is more flexible in relation to the legal system, without ending the conflict of interpretation, since we live in a world where religions no longer monopolize ethical values, where there is also a non-religious ethic. At the same time, we must consider that values change their content and meaning between one epoch and another. Justice, for example, is a universal value, but there is no consensus on what justice really means: some forms of justice in history have now become forms of injustice. The attachment to ancient forms today may betray, in some cases, the spirit and the founding principle of the value.

Despite all these challenges, embracing or fulfilling the will of God remains a central doctrine in religious consciousness even today. This is even the etymological definition of the word «islām». But what is God's will for me in the present moment? How can I know that? Does consciousness need an internal source to see, because no external source is sufficient? Values and ideas are not enough, we need a profound transformation, an initiation.

Behind the laws and values, there is an existential foundation, the transformative alchemy that manifests itself in human beings' ability to transcend his ego and his personal and tribal interests, towards a more humane and inclusive horizon. Without transcendence, immanence has no meaning. Or rather, transcendence is a condition for the implementation of values. This interior work is religious *par excellence*. No parliament or government in the world can do it. For this reason, the educational mission of religion is not simply a discourse of normative

values, otherwise we would return to the same problem of the legal discourse. The core of the matter is the transformation of the soul, which purifies the intention, and makes the consciousness more awake and attentive to all forms of violence and injustice. Without this inner work, values and laws lose their credibility and effectiveness. They become dead letters, or means of power, manipulated by the powerful of the moment.

The question of righteousness of conscience is fundamental for ethical discourse. But the educational mission of religion is not limited to cleaning and awakening consciences; In addition to that, it aims to form a free and critical consciousness. Religions, which in many cases have been instruments of control and domination, and ideologies of a «sacred power»; can they reveal the «hidden treasure», the critical prophetic awareness that resists all forms of injustice?

The Qur'ān speaks explicitly of religious freedom: «There is no compulsion in religion» (2, 256).

For authentic religiosity should be free and convinced; otherwise, it is nothing but hypocrisy or terror. However, this obvious principle has been stifled, marginalized, even overthrown for centuries. What can we do today to unleash the salvific potential of this 360-degree principle, so that it can form the basis of a conscience that is both religious and democratic?

Before the ancestral traditions, there was the prophetic rebellion, which refuses to follow the footsteps of the ancestors and calls into question the inheritance from the parents: «'When it is said to them', 'Come to what God has revealed, and to the Messenger', they say, 'Sufficient for us is what we found our ancestors upon'. Even if their ancestors knew nothing, and were not guided?» (5, 104).

It is the same consciousness that asks: «Say: Produce your proof, if you are truthful» (2, 111), (27, 64).

A conscience that accepts no idea without verifying its authenticity: «O you who believe! If an evil-doer brings you any news, investigate, lest you harm people out of ignorance, and you become regretful for what you have done» (49, 6).

We can explore and activate all the theological and political implications of some verses that speak of religious freedom: «So remind [O Muhammad]! You are only a reminder. You have no control over them» (88, 21-22).

Several verses confirm religious pluralism as a legitimate fact wanted by God[3]: «For each of you We have assigned a law and a way. Had God willed, He could have made you a single nation, but He tests you through what He has given you. So compete in good deeds. To God is your return, all of you; then He will inform you of what you had disputed» (5, 48), see also (2, 148), (42, 8).

These are valid principles and values against all kinds of fundamentalism or religious populism. In this perspective, the only political system that guarantees coexistence and harmonious collaboration between different religions is, in our time, the secular state.

As already mentioned, the role of religion is not to offer a political system, but rather to educate and prepare the human being to be more human and a good citizen: a person free from selfishness, ready to serve, full of love and altruism, constructive and non-violent, with a critical spirit. This is not the task of politics or of parliament; it is a religious task *par excellence*, it is the religious mission of religion, its true mission. The focus of religion is God, or, more appropriately, God in the human being it is a question of free conscience and pure heart; the focus of the policy is the administration of public interests. The first depends neither on numbers nor on votes, while the second requires votes and consensus.

There are many historical reasons that favor the dominance of the legal vision of religion and marginalize other conceptions. It is necessary to restore the balance between the different approaches of religion, by reconsidering the moral and spiritual approaches and by radically re-examining the legal system as it has been historically known.

It is important to give priority to the spiritual and moral approach of religion over the legalist approach. In Islamic theology, we have a fundamental pillar that comes right after the doctrine of the Oneness of God, I mean «justice». The duty and mission of the believer is to realize the closest model of justice and, therefore, any form or practice that experience proves to be unjust or disrespectful of this sacred principle must be eliminated or changed. This is the meaning of the priority of theology, especially moral theology, over law. This means that the law can be inspired by the fundamental principles of Islam and should not be dogmatized in any way or considered as a creed in itself.

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[3]   About the contemporary Islamic debate about religious pluralism, see: H.M. Khalil (ed.), *Between Heaven and Hell: Islam, Salvation, and the Fate of Others*, New York, Oxford University Press, 2013.

Other important concepts of the Islamic legal theory of law are *maṣlaḥa*, public interest, and *'urf*, customs, which could be open to new concepts and systems, such as democracy as part of the «heritage of the humanity» and the «common good». There is no idea, including religion, that does not have an original context; but when it shows its concrete validity in lived experience, it can go beyond cultural boundaries and reach universality: human history is full of these fruitful exchanges. This is the case of democracy.

We must therefore look for positive definitions of democracy and secularism, which are echoed in Islamic thought. Obviously, this only makes sense for those who do not see an insurmountable contradiction between secularism and Islam. The secular state can be seen as a guarantee of justice and equality, two fundamental principles of Islamic ethics. This goes beyond the pragmatic and utilitarian approach towards secularism: religious minorities are generally pro-secular to escape the domination of the majority.

It is essential to demonstrate the substantial link between secularism and democracy, especially after the failure of nationalist and Islamist ideologies and models of government, and after the growing awareness of the importance of democracy. Historical experience has confirmed the validity and usefulness of democracy, despite the fact that it still needs to be improved. Slogans and empty rhetoric are no longer sufficient for the new generations, if the political system does not offer the possibility of peaceful control and change through free and transparent elections allowing the alternation of power. True democracy does not exist without true citizenship based on equality before the law, which only the secular state can ensure against any form of discrimination. This is what authoritarian or mafia regimes, be it nationationalistic or religious, even with their democratic facade, cannot offer.

The secular state is not an anti-religious state that adopts an ideology that seeks to replace religion, but rather a neutral state that treats all citizens equally. It is necessary to recognize the neutrality of the state as a religious and Islamic imperative; a neutrality that allows the full expression and actualization of religious values with conviction and freedom, insofar as forced faith is nothing but hypocrisy, a phenomenon severely condemned repeatedly in the Qur'ān.

The Islamic legal system, especially at the time of the founders, was born outside the state, not to say against the state. Almost all the founders of the legal schools were persecuted by the governors of their time. It

is the case of Abū Ḥanīfa al-Nu'mān (d. 767), the founder of the Hanafi school; he was persecuted twice: under the Umayyads, because of his sustain to Imam Zayd b. 'Ali and refusal to collaborate with the Governor of Kufa, who arrested and beat him. The second time was under the Abbasid caliph al-Manṣūr, who imprisoned and tortured him, because he refused the post of Chief Judge, *Qāḍī al-quḍāt*. Abū Hanīfa died later in prison probably poisoned. 'Abd al-Raḥmān b. 'Amr al-Awzā'ī (d. 774), is a founder of a less known Sunni juridical school, which was dominant in the Maghreb and Andalusia before the arrival of the Maliki school. Al-Awzā'ī was nominated as a Judge by the Umayyads then he resigned shortly. His relationship with the Abbasids was difficult. Mālik b. Anas (d. 795), the founder of the Maliki school, was punished by flogging by the Abbasid governor of Medina, because he sustained the revolt of Muḥammad al-Nafs al-Zakiyya. In some sources, It is said that Mālik refused the proposal of the Abbasid caliph Hārūn al-Rashīd to make his book, *al-Muwaṭṭa'*, canonical for the Empire. Aḥmad b. Ḥanbal (d. 855), the founder of the Hanbali school, was persecuted because his belief in the non-creation of the Qur'ān, by the Abbasid caliph al-Ma'mūn, during the so-called *al-Miḥna*, the inquisition. Only with the second generation, it is noticed the beginning of a reconciliation, especially with the two disciples of Abū Hanīfa: Abū Yūsuf (d. 798) and al-Shaybānī (d. 805 c.)[4]. This historical precedent proves that Islamic jurisprudence can be considered as a moral ideal without the necessity of an executive power, as an alternative ethical system to the corrupt state, which no longer followed the prophetic example, especially during the contested Umayyads' legitimacy.

Despite the successive compromises between the state and *fuqahā'*, jurists, the relationship between the state and the religious leadership and institution has remained ambiguous throughout the centuries, with some moments of collaboration and others of tension. Awqāf system had as a mission to guarantee a minimum of independence of the institution in the face of the state. Popular financing was an alternative to state funding, which involved a minimum of freedom and autonomy. The modern post-colonial state could not tolerate this relative independence and prefered the confiscation of Awqāf[5]. The nationalization of

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[4]   See for instance: J. Schacht, *«Abū Ḥanīfa al-Nuʿmān»; «al-Awzāʿī»; «Mālik b. Anas»*; H. Laoust, *Aḥmad b. Ḥanbal*, in *Encyclopaedia of Islam*, Second Edition (consulted online on 29 May 2019).

[5]   *Awqāf* (sing. *waqf*), which means, in Islamic law, the act of founding a charitable trust, and, hence the trust itself, or public endowments. It is also called *ḥabs* (pl. *ḥubus* and *aḥbās*). See: R. Peters, Abouseif, Doris Behrens, Powers, D.S., Carmona, A., Layish, A., Lambton, Ann K.S.,

Awqāf by Atatürk in Turkey, Bourguiba in Tunisia and Nasser in Egypt are eloquent cases.

It is important to underline that any state system adopted by Muslims in history has been a human product, and all interpretations of the *Sharī'a* are human efforts that can be criticized and reformed, knowing that certain historical forms can be considered outdated and replaced with new forms more faithful to fundamental values. Note that the so-called 'clear' texts in the Qur'ān are most often practical cases related to a given historical context. This leads us to say that the only thing clear and solid in the text are actually these very values and not the conjunctural examples[6].

In the Islamic context, to build a secular state, which is a necessary condition for modern democracy, we need to sever the relationship between laws, made in people's image and will, and *Sharī'a*, as a religious ideal and source of values, believed and lived according to a plurality of interpretation. At the same time, Secular laws can coincide with religious values and views but not in a religious or theocratic manner. To say: «People are Muslims, thus laws should be Islamic», is no more acceptable in this simplistic way, nor is it the best way to implement justice and peace in the society; because the so-called «majoritarian muslim societies» are are equally complex intra-religiously as they are inter-religiously and even non-religiously. The secular and democratic state is a fundamental requirement for freedom, justice and peace of the society in our modern world[7].

Deguilhem, Randi, McChesney, R.D., Kozlowski, G.C., M.B. Hooker et al., *«Waḳf»*, in *Encyclopaedia of Islam, Second Edition* (consulted online on 29 May 2019).

[6]   The Tunisian President Beji Caid Essebsi established «the Commission on Individual Liberties and Equality» (Colibe, in French Commission des libertés individuelles et de l'égalité), which delivered its final report on June 12, 2018, proposing, among other suggestions, the equality in heritage between man and woman. This proposal provoked an intensive debate in Tunisia and the Arab world, because it apparently contradicts «clear» and «implicit» Qur'anic verses, concerning the rules of heritage, and considered as a matter of consensus among the traditional juridical schools: «the male receives the equivalent of the share of two females» (4, 11 and 176). It is a meaningful example of tension between traditional and modern understandings.

[7]   In recent years, the Arab Center for Research and Policy Studies (ACRPS) in Doha (Qatar) has been publishing an accountable series of studies in political theory, edited by its General Director, Azmi Bishara, presenting the secular state in a more positive way, which could make an important contribution in the Arab context. See A. Bishara, *Al-dīn wa al-'ilmāniyya fī siyāq tārīkhī* (Religion and Secularism in a Historical Context), 2 vols., Doha, Arab Center for Research and Policy Studies, 2014. About Bishara's thought, see: S. Hbaieb, *Al-'ilmāniyya min sālib lid-dīn ilā mūjib lid-dawla: rahiniyyat mashrū' Bishāra 'arabiyy^{an}* (Secularism from a Religion's Negation to a State Necessity: the Arab Urgency of Bishara's Project) (2019). M. Ait Kharouach, *Naẓariyyat al-'ilmāniyya 'inda*

'Azmī Bishāra, naqd al-sardiyyāt al-kubrā lil-'almana wa al-'ilmāniyya (Secularism Theory According to Azmi Bishara, Critics of the Main Narratives on Secularization and Secularism) (2019). Other important studies published by the same Center: M. Jebroun, *Fī hady al-Qur'ān fī al-siyāsa wa al-ḥukm, uṭrūḥat binā' fiqh al-mu'āmalāt al-siyāsiyya 'alā al-qiyam* (On Qur'ān's Guidance Concerning Politics and Governance, a Thesis on Constructing Jurisprudence of Political Transactions Based on Values) (2019). *Mafhūm al-dawla al-islāmiyya, azmat al-usus wa ḥatmiyyat al-ḥadātha* (The Concept of Islamic State, Crisis of Foundations and Inevitability of Modernity) (2014). These efforts are framed within a wider debate: in addition to Abdullahi Ahmed An-Na'im, mentioned before, there are many significant contributions, like: T. Asad, *Secular Translations: Nation State, Modern Self, and Calculative Reason*, New York, Columbia University Press, 2018; *Formations of the Secular: Christianity, Islam, Modernity*, Stanford, Stanford University Press, 2003; about Asad's thought, see D. Scott - C. Hirschkind (eds.), *Powers of the Secular Modern: Talal Asad and His Interlocutors*, Stanford, Stanford University Press, 2006. See also: W.B. Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament*, New York, Columbia University Press, 2013; A.W. El-Messiri, *Al-'almāniyya al-juz'iyya wa al-'almāniyya al-shāmila* (Partial Secularism and Comprehensive Secularism), 2 vols., Cairo, Dār al-Shurūq, 2002.