Islam and the Secular State

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Contents

III. THE SEARCH FOR A RATIONAL BALANCE BETWEEN RELIGIOSITY AND SECULARITY IN THE POST-SOVIET MUSLIM STATES

To the participants of the International Scientific Symposium
"Islam and the Secular State"

Esteemed guests!
Dear friends!

It gives me great pleasure to greet you in ancient Samarkand, on gorgeous and fertile Uzbek soil, in one of the centres of world civilisation, where over the centuries the representatives of different nations and religions have lived in peace and harmony.

Above all, I would like to note that this symposium, in which Islamic scholars of different countries of the world are participating, is dedicated to studying the relationship between Islam and the secular state, which is of utmost importance.

Nowadays, when the representatives of various religions, nations and populations, cultures and civilisations are entering into dialogue for the sake of maintaining life on Earth and providing peace, freedom and wealth for all people, developing the relationship between religion and the secular state becomes an important condition for establishing the spirit of cooperation and solidarity among all nations.

Today we have all witnessed how setting religious values against such concepts as progress and secular society, how wrong ideas over the role and meaning of religion can lead to tragic consequences, particularly as religion directly affects the minds of millions and millions of people.

In particular, such negative trends as the politicization of the holy Islamic religion, its manipulation in egotistic objectives, and its use as an ideological weapon in the struggle for power, demonstrate the gravity and solidity of the questions put on the agenda of this symposium. The search for answers to such complex and pressing issues, which have arisen through the passage of time,

is becoming an urgent necessity.

I believe that in this sense this international symposium, which is being held on Uzbek soil, with its rich history and experience in building relations between the state and religion and its application of this experience in present conditions based upon national human values, will be an important step to an even deeper revelation of the true essence of Islam, its positive and humanistic ideas.

Greeting you once more, I wish you well-being, new achievements in your scientific work and success in the activity of the symposium.

Islam KARIMOV,
President of the Republic Uzbekistan

The Foreword

Undoubtedly, the relationship between the religious and the temporal spheres of life has been of vital importance in the functioning of states throughout man's history. This applies equally to all communities, for the intrinsic values of any human society are largely based on some religious outlook. Reaching a rational consensus on these two major components of human life is therefore of paramount importance. This consensus or balance becomes the standard against which the adequacy of any community's current condition and prospects for progress must be measured. Any imbalance produces painful effects on society, tending to hinder its advance and sometimes even resulting in disastrous consequences.

In all times there have existed some forces asserting the primordial authority of religion to intervene in every aspect of a community's life, and others demanding that religion be confined to the realm of the spiritual. Occasionally the relations between the two opposing forces became so antagonistic that whole countries were plunged into an abyss of chaos and obscurity. Let us recall, for instance, the times of the Great Inquisition, when Europe witnessed burnings and horrendous tortures, the victims of which included some of the greatest minds, whose ideas continue even today to serve as a guiding light for mankind. The fate of Siger De Brabant, who was convicted   for his development of Ibn Rushd's ideas, the lot of Giordano Bruno, Nicolaus Copernicus, Nicholas of Cusa and many other thinkers who suffered for their beliefs, bear eloquent testimony to the hardships that accompany the process of shaping a natural interrelation between the religious and the secular life in society. This process displayed no less tragic manifestations in the life of the Muslim East. To put it in modern terms, one may say that the process of separating secular power from religious authority developed along lines that proved not dissimilar to those of the Christian West. Abu Mansur al-Hallaj, a great Sufi, was burned to death for his original views on the perception of God's essence. Such giants of Muslim scholarship, philosophy and art as Ibn Sina, Abu Rayhan al-Biruni, Abu-l-'Ala' al-Ma'arri, 'Umar Khayyam and many others were all mercilessly persecuted and ostracized for their convictions.

The best minds in both Europe and the Orient became increasingly

aware of the dangers that the domination of religious thinking involved for universal progress, and constantly searched for a solution to this most crucial problem. After some time these efforts resulted in the emergence of a scientific and philosophical school that figured prominently among a wide range of scientific theories dealing with problems of humanitarian development.

Our current knowledge demonstrates the considerable progress attained by European science and practice in the research into, and the development of, the question of the separation of church and state. History shows that this advance was largely due to the fact that the predominance of religion in the life of medieval European society became so unbearable and assumed such monstrous proportions that it mobilised people of reason to seek a solution.

In today's world the concept of separating religion (church) from the state is seen to vary from one social group to another and, more importantly, from one country to another. This is borne out, in the first place, by the experience of democratic Europe. The differences are manifest in the culture of organising the relationship between state and religion, and in how people in this or that country see the core of this problem depending on the degree of their religiosity. On the whole, the European experience clearly shows the bankruptcy and absurdity of the assertions whereby the excommunication of religion from secular state affairs leads to the formation of an atheistic state and an immoral society. It is an indisputable fact that European democratic states provide to all of their citizens freedom of conscience and, most importantly, freedom of worship both as a fundamental human right, and as an unqualified recognition of the role that religious institutions play spiritually and morally in man's self-improvement. An integral part of practically every European nation's mentality, such freedom confirms the legitimacy of religious institutions' reluctance to manage secular affairs in the modern world.

In today's Europe one no longer speaks about the need for separating religion from state; in fact, this issue is off the agenda for good. But European science continues to develop its in-depth study of this vital scientific problem, the application of which had considerably grown in importance by the end of the past century. This was largely due to the dynamisation of some processes in the Islamic world, which is estimated to comprise as much as one sixth of the world's population today. European scholarly interest in this undoubtedly critical issue is substantiated by two factors. Firstly, in practically every European country there is a steadily growing number of people of Muslim origin who have their own understanding of the essence and forms of the relation between state and

religion. It should also be noted here that Muslim diasporas in some European countries already number millions of people. Secondly, with the globalisation of international relations now on the increase, any development in the relationship between religion and state in Muslim countries not only becomes immediately known to Europeans, who in their majority belong to Christian culture and have a secular scientific understanding of the core of this problem, but also provokes further consideration of this issue.

The end of the 20th century saw an upsurge of forces in different parts of the vast and spiritually and culturally varied Islamic world that upheld the age-old radical Muslim slogan about the indivisibility of authority and religion in Islam. This activisation was caused by specific factors which gained momentum in this particular period of man's history, the most important of which has to do with the global geopolitical changes resulting from the former Soviet Union's disintegration and the coming of the next phase of the emerging new world order. Without going into detail about the consequences that this epoch-making event entailed we shall indicate only one that is of a spiritual nature. The disintegration of the superpower known under the abbreviation of "the USSR" meant not just the fall of yet another empire. It also signified the loss of spiritual landmarks for a vast majority of the world's population. The final discrediting of communist ideals, which had for decades been inculcated into the minds of people in a vast portion of the globe, sent them into a psychological stupor and left a great spiritual void.

As history shows, such critical moments tend to activate society's most organised forces, advocating ideas that appeal to the broad masses and are often clothed in nationalistic and religious language. This was especially characteristic of the so-called post-Soviet region, which for decades had been accumulating a huge potential for an upsurge of nationalistic and religious sentiments. This highly ideologised empire, bent on a spiritual and cultural unification of different peoples and ethnicities under the supremacy of Russian culture, denied its peoples any opportunity to advance their own political and economic interests. It also limited their possibilities for the spiritual and cultural self-expression of their unique national, cultural, mental and psychological aspects. At the same time, the official atheism that was practiced on the state level throughout this period had a potentially explosive consequence: the peoples' extremely negative attitude toward the state and the enormous hostility that had accumulated in the broad masses against such policies.

The first decade of the sovereign development of NIS countries, especially those with predominantly Muslim populations in Central Asia,

has graphically demonstrated all the power of this double blow. The effect of its force is difficult to gauge. On the one hand, it helped to rapidly recover all the varied features which determine the national identity of any people, to revive their national institutions of statehood and to overcome the negative consequences of long-lived colonial rule. On the other hand, it was exploited by radical elements including religious ones, who were out to accomplish their own ends under the slogan of the indivisibility of religion and state in a truly Muslim society. To achieve their aims they chose the most extreme means and methods, purposeful actions to radicalise and politicise the religious consciousness of whole nations.

The consolidation of these forces' position was made possible due to several external factors. One of them is the flare-up of activities by politicised radical Islamic organisations scattered across the vast Muslim world. It is not an exaggeration to say that since the late 1980s, the new independent states in Central Asia have turned into the main testing ground for intensive religious and ideological activities by these organisations, which have spawned numerous movements clamouring for the formation of all kinds of groups and political parties, including those based on religion which are incompatible with democratic secular pluralistic society. A factor which greatly contributed to such movements was the political and military situation around the Central Asian region, and most importantly, in Afghanistan, during the last quarter of the 20th century.

Thanks to their ancient traditions of statehood and a reputation for a reasonable balance of religious and secular life, the Central Asian states have, however, managed to stem the onslaught of radicalism in all its manifestations, especially the religious one. Moreover, during the first decade of their independent development the Central Asian states, and particularly Uzbekistan, traditionally considered to be the most religious country in the region, acquired valuable experience in forming a reasonable balance between religion and state under the new conditions. In our view, this experience merits careful consideration both scientifically and theoretically. That was partially the reason behind the idea of holding in Uzbekistan a scientific and theoretical symposium involving prominent scholars of Islam from foreign countries. We hope that it will provide a new impetus to the in-depth study of the theoretical aspects of this problem. The selection of Uzbekistan as a venue for holding this symposium was also due to the fact that under these very strenuous conditions it has, nonetheless, the most impressive record. That the symposium's participants were greeted by the President of Uzbekistan Islam Karimov in person once again proves the special significance the state attaches to this vital issue in its overall state policy. The pictures of Uzbekistan's monuments

of Islamic architecture, now fully restored after a long period of neglect before the country gained its independence, also serve to show the formation of a new approach towards the role of religious institutions in the nation's spiritual, cultural and public life.

On behalf of the symposium's organisers we would like to express our huge and sincere thanks to its active participants, first and foremost, to the foreign scholars of Islam for their profound understanding of the relevance of the problem and their commitment to assist personally in the implementation of this scientific idea, which is both noble and theoretically and practically useful. The interested participation in the symposium's proceedings by such accredited authorities as Prof. Gudrun Krдmer, Prof. Rotraud Wielandt, Prof. Tilman Nagel, Prof. Leonid Levitin, Prof. Leonid Sykiдinen, Dr. Stanislav Prozorov and other experts has shown how important it is today to conceptualise the scientific and practical experience gained in tackling the problem of the relationship between state and religion in Islamic countries. This gave rise to the idea of publishing this book in order to make this experience available to as many scholars, specialists and patricians as possible among those dealing in their daily work with this highly sensitive and delicate sphere of state and public development. With this understanding we have proposed to a number of other well known scholars in different countries that they make their own contribution to this scientific work.

In this connection we consider it our pleasant duty to express our profound gratitude to Prof. Shirin Akiner and Dr. Seyfettin Ershahin for their collaboration and the extremely interesting articles they wrote specially for this book. In an effort to make its ideas accessible to the widest readership possible, the book will be issued in six languages: Uzbek, German, English, Russian, Arabic and Persian.

When we embarked upon this difficult project we realised that its success would depend very much on the input of a great number of experts, their willingness to cooperate with us and the degree of their professionalism. Our hopes for highly professional collaboration have been fully justified, and as we submit today the final result of our labors to the reader's attention we would like to express our appreciation to the editors of the book and its translators who may have had a hard time getting the message across in different languages. Our sincere thanks go to all other specialists whose work has been instrumental in bringing this book about.

As we prepared this work for publication we grew more and more convinced of the fact that the in-depth study of the theoretical aspects concerning the relationship between the state and religion is currently very topical. Without a summary of the scientific and practical experience that

has already been accumulated in this sphere it is difficult to create any effective models for building up such a relationship and it is impossible to provide a solid scientific foundation for practical measures contributing to the development of a constructive and socially useful interrelationship between state and religious institutions. In addition, we have become increasingly aware of the complex and many-sided nature of this problem and the exceptional importance of continuing serious research into it by establishing contacts for mutually beneficial collaboration between different world centres of Islamic studies and those of general religious studies, among both long-established institutions and newly created ones. It is hoped that this book will prove to be a stepping stone to the realisation of these ideas.

Prof., Dr. Zahidulla Munavvarov,
Winfried Schneider-Deters

I. ON THE HISTORICAL EVOLUTION
OF THE CONCEPT OF THE SECULAR STATE

Prof., Dr. Tilman Nagel
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The Development of the Secular State in Latin Europe

Quite often one hears that state and religion are inseparable in Islamic culture. This assertion largely corresponds to the historical realities that have developed in the Islamic world during its existence. Such a proposition does not constitute an analysis of the situation, however. The same can also apply to the thesis that the Modern age in Europe so much under the sway of Latin Christianity was characterised by the separation of religion (church) from state. Both arguments aim to call attention to different, if not contradictory, social conditions and their perception by those involved therein. It is clearly impossible to deal with all the issues relative to this subject and all the more so to provide answers to them within the scope of this article. My goal is, therefore, to illuminate only some fundamental points of history and religious history, which in my view will help to gain a new insight into the above issues and to provide a dispassionate analysis of the facts.

Let us first consider the different reasons behind various approaches that Christianity and Islam take towards any manifestation of man's creative activity based on religious and cosmological ideas. In the Qur'an (2: 31) God tells Adam the names of all things; thus, all the knowledge about the created world comes from God. Man is not in a position to extend this knowledge; this point is made clear by, for example, Muhammad 'Abduh (d. 1905) in his comments to the above sura from the Qur'an.[1] As a matter of fact, knowledge is a product of the ever-lasting process of divine creation, which at every given moment defines everything that happens in this world, and covers any place and any period in time. The world thus created is conceived by us to be the cosmos not because of its inherent causality, but only because through his wise and untiring acts of creation God has made it all precisely the way it is now, without revealing his reasons for doing so. Numerous variations underlying this main idea of Islamic cosmology and theology have been voiced throughout

its long history from the times of al-Ghazali (d. 1111) to the present day.

Man is assigned the role of God's vicegerent in this cosmos which is entirely defined by the will of the Creator (Qur'an, 2: 30). What is the meaning of this? There are different answers to this question. Let us first take up the answers which are given by Sufism and the law of the shari'a, as both exert an especially profound influence upon the minds of many people today. Sufism maintains that only he who is able to renounce his own "self" and devote his whole life to the disposition of Providence, will be able to execute the will of the Most High and at some rare and happy moments will even acquire an ability to participate in His creative acts (tashrif). Al-Shatibi, a scholar from Andalusia (d. 1388) who is highly popular among modern scholars, believes on the contrary that man's role as "vicegerent" will be accomplished only when, after a profound examination of the sources of the law, and a strict implementation of the results of this inquiry, man's intentions then coincide with those of God.[2]

Political thought in Latin Christianity rests on a completely different foundation. In the Old Testament God leaves it to man to name all other creatures (1st Book of Moses, 2, 19 and further), and gives him the world in what may be called trusteeship, since God takes a rest on the seventh day. Of course, it is occasionally difficult for man to cope with the task assigned to him, and God has again and again to intervene in the course of events. He directs humanity along the path he has predetermined, punishing man for his mistakes, etc. Despite man's inherent imperfections and sinfulness God shows him his boundless love and sacrifices His son in order to show sinners the road to salvation, making it known to them that they, too, can have hope, if they "will follow Jesus." Jesus compares his deeds with the toil of a sower: most of his seeds will fall on the barren ground and will die, but some will sprout, take root and will yield fruit (Mark, 4, 9). Sowing – a holy act – has already begun; not everybody understands this, but those who have, act without delay. The truth is that many do not know how to respond to God's message. And Jesus says unto those unsure and doubting: "I am come to send fire on the earth; and what will I, if it be already kindled? But I have a baptism to be baptised with; and how am I straitened till it be accomplished! Suppose ye that I am come to give peace on earth? I tell you, Nay; but rather division: for from henceforth there shall be five in one house divided, three against two and two against three." (Luke, 12, 49-52). Thus, it is only thanks to the coming of Jesus Christ that the imperfection of the earthly things man creates becomes visible, and man himself can make decisions about the afterlife. But instead of bringing harmony to the world, this decision will only emphasise the state of utmost confusion in which both believers and unbelievers, the good and the wicked, have found themselves, and in which they will remain until the

Judgement Day. Apparently, Jesus did not hope it would be possible to make life on this planet such as would befit the work of God's vicegerent on the Earth. And his kingdom will not be of this world, although it is present within those who have accepted him.

This central idea of Christ's prophesy was taken up by St. Augustine (d. 430) in his work "De civitate Dei," which was instrumental in the development of Latin Europe's self-image, while in Eastern, Greek Christianity his works remained in obscurity. Augustine defines the state of entanglement and commingling which is an indispensable condition for the co-existence of "the earthly city" ("civitas terrena") and "the city of God" ("civitas Dei") in this world. The earthly community and the heavenly community each stem from a specific source of love. "Civitas terrena" is based on self-love which sometimes turns into the rejection of God, while the adherents of "civitas Dei" sometimes run into the opposite extreme of self-denial in their boundless love for God. Since people practising either kind of love are outwardly indistinguishable from one another and live in the same society, it may be concluded that the earthly state can never become a supreme and perfect form of community. For the state to become an acceptable form of existence for its citizens, it should follow the principle of justice. However, justice is not the sum of actions and deeds that are based on divine law. It implies the recognition of the laws and rules that were agreed upon by all of the state's citizens including atheists. "What are empires without justice, other than big bands of robbers?" Augustine asks in perhaps the most famous passage in his treatise, and answers that bands of robbers are no less than small empires. "All these groups of people are driven by the will of their leader, they are rallied round a mutual conspiracy and divide their spoils in accordance with the laws they have devised. When this band gets bigger in size due to the influx of the scum from all quarters and begins to conquer one country after another, it defiantly assumes the title of 'empire'." Justice itself stems from the concept of legal stability, which is in turn understood to mean the observance of laws established in society. On this basis one can say that legal stability, peace and harmony are the creations of men, and their presence is explained, in the long run, by the ability of a stronger man to impose his will on others to respect the agreements made in his own interests.

In the treatise Augustine wanted to warn the Christians of the common illusion that the Roman Empire had been "civitas christiana" since it was formerly proclaimed Christian under the emperor Constantine (285-337). Augustine denies this in the belief that the existence of a Christian society does not depend on the presence of a secular state; it is connected to it only in as much as people who worship God are also citizens of this state[3]. As was said before, a different viewpoint prevailed in the Byzantium of later times. On the contrary,

Byzantium considered itself to be a Christian empire and raised its emperor to the rank of God's representative on Earth.[4]

Political thinking in Medieval Latin Europe advanced rapidly along the path which had been so clearly indicated by Augustine. It obediently took up the burden of the dual authority of the Emperor and the Pope, secular domination and the Church's claims for power. Without discussing the events of that time in much detail, I'd like to cite the small fact that even such a man as Thomas of Aquinas (d. 1274), whom the Catholic Church honours as one of its outstanding thinkers, was convinced that state authority did not derive from church authority at all. It is only when temporal power affects the sacred interests of Christians, that he concedes to the Pope the right to intervene in events. For his part, the ruler surely had powers to decide on all other matters, based on the force of law, and was in a position to change these rules in accordance with changing circumstances.[5]

Marsilius de Padua (d. 1342/3) occupies a prominent place among mediaeval authors who made a decisive contribution to the development of a secularised community of people. At the beginning of the 14th century he taught briefly at the University of Paris and was involved in major politics at that time, in the struggle between the Pope, the princes and the emperor over the reach of their power. Long before Marsilius began to serve at the Nьrnberg court of King Louis IV of Bavaria, who was crowned in 1328 in Rome, his chief work "The Defender of Peace" ("Defensor pacis") – at first circulated anonymously – became the subject of a heated debate.

Many centuries before him Augustine had come to the conclusion that peace inside a community was based on the agreements that were concluded between members of this community, and on the Prince's ability to bring them about. Marsilius, too, definitely adhered to this view. The Church led by the Pope could not influence events directly to preserve peace, since peace is not a spiritual, but a very worldly condition; it can be described as the stability of the internal conditions of a state. Stability is necessary for people in the community to find paths to one another and thus develop their diverse talents for their own benefit or for that of others. "Thus people united to achieve satisfactory living conditions as they had a possibility... to receive the goods they needed and to trade them between themselves. This association which is perfect and totally self-sufficient is called a state." A community of this world stems not from some supreme heavenly injunction nor is it legitimised by one. If Augustine is willing to accept the self-love that members of the "civitas terrena" practice, believing this quality to be an important component of politics, lest anarchy prevail, then Marsilius is a principled apologist of self-love: for him it means no other than an expression of every reasonable human being's pursuit of "worthy living standards... and avoidance of anything that can prevent

him from attaining them." It would be wrong to think that the Christian Gospel has nothing to do with this state. But God's power over Christendom and human power do not merge at all. God created Christianity, and the benefactions he initiated became visible to people through revelation. This changes nothing in the fact that man orders his life only with the intellect that God bestowed upon him. But in doing so he has only himself to rely on. Faith embraces only those doctrines and rituals for the salvation of the soul that pertain to afterlife and does not give any counsel regarding life on this planet. Consecrated to the holy sacraments, Christ belongs to the Church; however, in his earthly life he is a member of the earthly community, the laws of which rest on the rational interpretation of being. The earthly community appears as an indispensable condition for each individual Christian's connection with the Church, but nevertheless it cannot serve as a sufficient pre-condition for saving his soul.

By liberating man's desire for a satisfactory temporal existence from the stigma of selfishness, Marsilius opens up opportunities to consider the forms and institutions of a positive government, one permitting a human being to use his talents for the common good. He thus pays special attention to the aspect which will later become pivotal in the majority of European doctrines about state: what matters most is not power by itself or its legitimacy, but the challenges the authorities should address and the appropriate means they should use to overcome them. It is abundantly clear that different countries at different times cannot solve these problems in the same way. To put it differently, the state which is oriented towards God-given reason cannot be universal; it is limited to a definite territory, within which relatively uniform living conditions make reasonable a set of laws that apply to all its citizens. Hence, the Christian state finds itself competing with other similar states which are ideally guided by the same criterion of reason and therefore are equally legitimate.[6]

The roots of the modern territorial state that incorporates all of its citizens and governs them according to laws reasonably adapted to suit changes in living conditions, go back to the Middle Ages. It uses rational, pragmatic institutions that are built up in such a way as to limit the scope for their officers' realisation of their own interests and to serve, above all, the interests of the state, as personified by its sovereign. In this model of the state, which first blossomed in numerous variations during the age of so-called absolutism, the sovereign stands above the law, precisely because, thanks to his inside knowledge, he is able to see the whole picture and in so doing can make decisions and change the laws. But these features are not enough to qualify the state as secular. For Marsilius, too, gives us to understand that the justification of the legitimacy of the sovereign's power lies in the subordination of the people's secular life to the spiritual sphere which is under the jurisdiction

of the church. The line Marsilius and other authors draw between earthly power and the spiritual world requires religious substantiation of the ruling sovereign's position of supremacy. That is why one speaks in the 16th-17th centuries about the "divine right of kings," that the monarch was sent by "the grace of God," i.e. that he realised his power, freed from religious pre-conditions, with the express approval of the Almighty. However this logic put on a back burner the issue of the legitimacy of state power,[7] for if the recognised reason for the existence of the state is to develop its citizens' talents and abilities, and also to provide them with creature comforts, the sovereign can be criticised for his actions in these areas. An individual begins to reflect upon the rationality of the existing laws, and tries to see how they suit his own interests. In other words, as power distances itself from the church there arises the problem of an individual's human dignity. This becomes the key issue in all reflections about a human community in which the faith that shows the way to salvation stops being its integrating component.

The postulates about the divine right of kings and their God-given rule indicate that the idea of recognising man's dignity as an ultimate justification of authority was quite advanced. When one looks at these postulates more closely they appear in reality to be a kind of a bastion against a rebellion from the king's subjects, who can imagine that, since their personal good has been proclaimed to be the meaning of their life, then they themselves should be the starting point and the purpose of all the authority's activities. Europe took the transition from the sovereignty of a monarch to that of the people as something revolutionary, though it had been in the making for several centuries already. Therefore in this brief outline of the development of the secular state in Latin Europe we should proceed from the theme of the secularisation of authority to the ongoing process of moulding human dignity as the supreme purpose of the state's activities so that we can attempt to provide a definition of the concept "secular state."

Of decisive importance is mankind's new awareness within the cosmos, an awareness which surfaces during the Renaissance period and finds its historical expression, for example, in Pico della Mirandola's (d. 1494) famous "Oration on the Dignity of Man." Pico considers that man is not absorbed into the cosmos of which he is part; he is not the finished individual that he is predetermined by nature to be, but rather is always in a state of flux, in the process of self-evolution, applying his own talents for creation. "The nature of all other beings is limited and constrained within the bounds of laws prescribed by Us (i.e. by God). Thou, constrained by no limits, in accordance with thine own free will, in whose hand We have placed thee, shalt ordain for thyself the limits of thy nature… We have made thee neither of heaven nor of earth … so that with freedom of choice, as though the maker and molder of thyself, thou

mayest fashion thyself in whatever shape thou shalt prefer".[8] Thus speaks God unto man in Pico's work. The striking optimism of these words was largely lost in the period of religious schisms and wars (16th-17th centuries). But precisely this terrible experience contributed to the completion of the secularisation process.

A return to a community created and controlled by God has long been impossible. So there is nothing else left for man to do but to accept oneself such as he is, not only with his positive features, but also with his negative tendencies. An example of this is provided in "Leviathan" by Thomas Hobbes (d. 1679). Published in 1651, it contains the author's ideas about state law. According to Hobbes, mankind in his natural condition is his own bitterest enemy. It is only the fear of anarchy's disastrous force that causes him to follow reason and to make a tacit agreement with his own kind in which the parties limit each other's freedoms. Foundations are thereby laid of a state, i.e. an institution, which uses force, if necessary, to ensure the goal its existence. Included in the unwritten contract is the subjugation of the individual to the authorised agents of the state.[9]

Hobbes' younger German contemporary Samuel Pufendorf (d. 1694) was one of the thinkers who adopted these ideas and brought them into a system which revolves around the concept of natural law. Natural law is understood to mean the law inherent in the nature of every person, irrespective of the circumstances of his life and religious affiliations, these laws being the basis of the unwritten contract of which Hobbes speaks. Pufendorf treats this natural law, first of all, as everyone's obligation to his fellow citizens to do everything possible for the development of a prosperous community. Here it is necessary to distinguish the concept of statute law, which comprises the arrangements which derive from the realisation of the concluded social contract. In Pufendorf's point of view, statute law should be considered as indirect natural law, because it fulfills the obligation of natural law to work towards the formation of a community. Since every individual is faced with this task, a person's dignity does not consist in his boundless autonomy; the ability, bestowed upon a person to shape his own "ego" is manifest, first of all, in his actions that affect all society. The supreme ideals of this society such as equal rights for all, faithfulness to the agreements concluded, respect for proprietary rights[10] etc., do not require divine injunction.

The religious philosophy of the late 17th-early 18th centuries strengthened the detachment of the state and social order from divine revelation. John Locke (d. 1704), who fathered the concepts of state liberalism, the principle of the separation of authorities and of human rights, also shared the view that revelations do exist, but they can be recognised as such only after being analysed in depth. During Locke's life a religious-philosophical doctrine called

deism appeared first in England, and then spread on to the Continent. This theory is based on the premise that although God created the world, it is not necessarily God the Creator who always makes laws. What man believes to be divine laws are actually, in the deists' judgement, human creations. How else is it possible to explain the bitter disputes that flare up between religions and confessions over the contents of so-called revelations?

Thus, by the early 18th century the scene was set for the concept of a constitutional secular state: all state power should serve its citizens' worldly interests; the citizens, endowed by nature with inalienable rights and indisputable duties, have a final say in defining the laws which they must obey and in accordance with which they would mould their community; this community is territorially limited and in contact with other similarly organised communities; and the rules of a constitutional secular state no longer required direct religious justification. Therefore, the constitutional secular state upholds the ideal of religious freedom and equal voting rights to all citizens irrespective of their religious beliefs and world outlook. Another function of this state is to suppress forces that seek once again under the guise of freedom of speech and religion to channel public discourse into antipluralism by acting on behalf of some specific religious movement.

[1] Nagel T. Geschichte der islamischen Theologie. Mьnchen, 1994, 254 f.

[2] Nagel T. Im Offenkundigen das Verborgene. Die Heilszusage des sunnitischen Islams. Gцttingen, 2002 (Abhandlungen der Akademie der Wissenschaften zu Gцttingen phil.-hist. Klasse, Dritte Folge, № 244), pp. 301, 479, 549; Nagel T. Das islamische Recht. Eine Einfьhrung. Westhofen, 2001, 270 f.

[3] Here I follow an irreproachable summery of St. Augustine's political thought made by Maier in: Maier H. Klassiker des politischen Denkens. Bd. I, Mьnchen, 1968, pp. 87-113.

[4] Ducellier A. Byzanz. Das Reich und die Stadt. Frankfurt / Main, 1990, pp. 40, 270.

[5] Hцffe O. Kleine Geschichte der Philosophie. Mьnchen, 2001, p. 131.

[6] Rausch H. in: Klassiker des politischen Denkens, Bd. I, pp. 172-197. Rausch emphasizes Aristotle's influence on Marsilius; this is an important fact, which I was unable to dwell upon in more detail here; I had also to give up the description of Marsilius' thoughts on the best form of state and the functions that its different branches of power perform.

[7] Krьger H. Allgemeine Staatslehre, 2. Auflage, Stuttgart, 1966, p. 48.

[8] Quoted from: Cassirer E. Individuum und Kosmos in der Philosophie der Renaissance. 6. unverдnderte Auflage. Darmstadt, 1987, p. 90.

[9] Hцffe, a.a.O., p. 162.

[10] Denzer H. in: Klassiker des politischen Denkens, Bd. II, 46 f.

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The First Muslim Community:
the Transition from Religiosity to Secularity

It is well-known, that there is not a single religious (theocratic) state, in the full meaning of the word, in the modern world. The Vatican can scarcely be taken into consideration, being more of a symbolic state, with a population of no more than a thousand. However, the history of this question, which has already become an axiom, goes back to ancient times. We have sufficient grounds to assert that the first historical transition from religiosity to secularity in the framework of the state took place 45 centuries ago in Shumer. I.M. Dyakonov writes: "As we observe, the process of the strengthening of *lugalis* against *ensis* was of course related to the general increase in power of the ruler, who relied upon the economic power both of his own property and of the shrines which he took over, as well as upon the military units personally dependent upon him."[1]

There is also some evidence that a similar development was taking place 26 centuries ago in South Arabia. Religious rulers-*mukarribs* had occupied the top positions in the Sabaean community's social pyramid. Power had a religious character, and therefore every new *mukarrib* had to build a new sanctuary (shrine) or to restore an old one. Sources reveal that one of these rulers – Karibail Vator – received the titles "mukarrib" (620-610 BC) and "king" (610-600 BC). According to a Sirvakh manuscript discovered by E. Glazer, Karibail Vator had not changed his title "mukarrib" for the king's rank; there simply occurred a transition from *mukarribs*' rule to a kingdom within the Sabaean state. In the opinion of A.G. Lundin, a scholar from Saint Petersburg, the functions of the *mukarribs* and the *ensis* to all intents and purposes entirely coincided.[2]

In the period of the first Muslim community's formation, the activity of Muhammad as a receiver of divine revelation consisted first and foremost in his religious leadership of the community. Muslim historiographers acknowledge this fact and believe that this was necessary for the confirmation of Islamic dogma. As Ibn Khaldun (d. 1406) recognises, the socio-political customs of Arabs in the pre-Islamic period predetermined that they would accept authority only of a religious character (the rule of prophets, *walis*, priests etc.).[3]

171

After resettlement in Medina (hijra), the Prophet's activity gained more of a political and administrative character. Regardless of this, the state emerging in Medina was theocratic and based on Islam.

Shari'a – the main law of the initial Muslim community – was established in accord with divine revelation as disclosed to Muhammad, specifically the Holy Qur'an and the Prophet's teaching. According to the Qur'an, only Allah establishes laws; the Prophet merely clarifies them.[4] Allah ordered people to obey the Prophet, because those who obey the Prophet follow Allah.[5]

It is essential to stress that after he made his second pledge in 'Akabat, the Prophet became a member of the Yathrib community. In modern terms, he changed his citizenship from Mecca city to Yathrib city. The Yathrib Muslims were not able to guarantee the Prophet's security until he switched to their community. According to the Qur'an (8: 72; 9: 40; 4: 97), *hijra* became one of Sunna's essential parts. Till *hijri* year 8, that is until the victory over Mecca, the Prophet made it a legitimate civic law of the Yathrib city-state.

In accordance with the social order established in Medina, the community would periodically adopt the so-called "al-Sahifa" text. Some scholars call this text the "Medinian Constitution", which was unquestionably compiled by the Prophet, and gave an explicit name (umma) to the Muslim community. The term *umma* was completely new to the Greco-Roman world. In contrast to that world's dominant "individualism," the establishment of *umma* in Medina became the first step toward the formation of Muslim "universalism." Certainly, corresponding to the religious sense in the concept of "al-Sahifa", the *umma* represented the community of Allah, ruled by the Prophet on behalf of Allah.

It is crucial to stress that the Prophet never put himself in a confrontational position in the age of Meccan and Medinan rivalry. This became apparent during the *saraya*,[6] and in the battles over Badr (624), Uhud (625), the battle of the "Ditch" (627) and the defeat of Mecca in year 630. In fact, in 624 for the first time, the permission to wage *jihad* in Islam was given to Muslims confronted with aggression,[7] for use against enemies under certain conditions. At the same time, the Muslim community received the precept: "Fight in the cause of God those who fight you, but do not transgress limits; for God loveth not transgressors."[8]

The founder of a new faith, Muhammad was an average person, without pretension to some sort of supernatural or mystical capabilities. He left as his legacy a complete religion and the state

built upon it. The main condition for the future development and prosperity of Islam was its transformation into a state religion. Originally, the theocratic-political system which emerged on the Arabian Peninsula in 630-631 was bound to the personality of the Prophet Muhammad, in other words, to personality of the head of the theocratic state, "Allah's messenger" (rasul Allah). Hence, this system was not eternal, as the Prophet himself frequently stressed. Therefore the future rulers of this state, which emerged thanks to religious inspiration, had to use political means to govern. There was no alternative.

The Prophet Muhammad was the first to understand this, which is affirmed in his famous hadith: "In my community the Caliphate will subsist for 30 years after me, and thereafter – an emirate (i.e. secular state)."[9] The well-known Egyptian historian 'Abd al-Wahhab al-Najjar believes that this process, that is the secularisation and loss of religious character of the state ruling system, had started during the lives of the four righteous caliphs (al-khulafa' al-rashidun), who ruled after the Prophet's death.[10] Notably, ever since the caliph 'Umar's governance (634-644) the head of state received the title of *amir al-mu'minin* ("the ruler of devotees"). It is quite illustrative how Mu'awiya, who came to power in 661, declared his son Yazid as *wali al-'ahd*, which deeply irritated the Meccan and Medinan supporters of the Prophet (sahaba), given that Yazid was not religious and educated, but famous for gambling and orgies.

Actually, in comparing the epoch of the righteous caliphs to that of the Umayyads (661-750), the differences are stunning. The righteous caliphs were close to the people and even prayed with them in the mosques, while Umayyad caliph al-Walid ibn 'Abd al-Malik (705-715) expelled all ordinary people during his pilgrimage to the Mosque of the Prophet in Medina. Famous for his cruelty, caliph 'Abd al-Malik (685-705) used to tell his contemporaries: "You ask me for the same virtues as Abu Bakr and 'Umar used to have, but could you live the same way as people did at that time?" To put it briefly, the Umayyad caliphs became secular in the full meaning of the word.[11]

According to divine precepts, the right to rule over Muslims cannot be inherited, as it is not mentioned in the Qur'an. On this issue, the Prophet left the following hadith: "This is Allah's task, he gives (power) to those whom he wishes". It can be surely argued that the Prophet did not choose his successor because he well understood that in the future the Islamic state – the Caliphate – would have to change its religious character to a secular one.

Based on the above-mentioned, we can make the following conclusion: the Islamic theocratic state was created only once in history and its existence was closely related to the Prophet Muhammad's personality. At the same time there emerged a resolute directive, in one of the Prophet's hadithes, declaring that the religious (Islamic) state – Caliphate would never arise again. However, in fact in the Middle Ages and even recently, for instance the "Taliban", clothing themselves in Islamic dogma, continually but unsuccessfully tried to create a theocratic state. The famous 20th century historian A. Toinby in his book remarks the failure or irrelevance of any attempts to build a theocratic state based on Islam or any other religion in the present world: "If the church tries to eradicate worldly authoriry, then it will fail, since the "caesarean" will not disappear, but shift to the church's arsenal. Even if the warring church conquers the world and creates its own framing of the Earth's general structure, it will not reach the perfection which people have awaited so long from the Kingdom of Heaven; it is powerless to solve the world's troubles using purely worldly means."[1 2]

The "Hizb al-tahrir al-islami" party, founded by Taqi al-Din al-Nabhani in the middle of the last century, set as its main objective the creation of a unique Islamic state comparable to a caliphate. This radical reactionary movement, by self-interpreting and distorting the meaning of the Qur'an (Kalam Allah) and the Prophet's Sunna on a global scale, asserts that every Muslim is obliged to live in a caliphate and swear fealty to the caliph. This party attempts to support its argument by using the following words from the Prophet's hadith: "He who dies without swearing an oath will die as a pagan (infidel)" (in the account of Imam Muslim).

However, this hadith does not mean that the Muslim is obliged to swear to the caliph, but refers to his oath of faithfulness to the Prophet himself during his lifetime. Allah in the Holy Qur'an speaks: "Verily those who pledge their fealty to thee do not less than pledge their fealty to God...»[1 3] The oath (that is the vow of faithfulness to the Prophet) was meant for the Prophet, and did not extend to the caliphs. It was considered that the oath to the Prophet also meant an oath to Allah. There is no precept or order in the Holy Qur'an on the necessity of creating a caliphate.

So the attempts of "Hizb al-tahrir" and similar religious extremist parties aimed at the creation of an Islamic state are fruitless. There are words in the Qur'an aimed at people who have taken the road opposite to true Islam: "If anyone rejects the Apostle even after the correct path has been plainly conveyed to him, and follows a path

other than that becoming to men of Faith, We shall leave him in the path he has chosen, and land him in Hell, - What an evil refuge!»[14] Isolation from the Muslim community, the creation of extremist parties, the realisation of covert aims directed against the interests of society – these cannot under any circumstances be considered as the deeds of a true Muslim.

[1] Dyakonov I.M. Obshchestvenn␣y i gosudarstvenn␣y stroy drevnego Dvurechiya. Moscow, 1959, p. 127.

[2] Lundin A.G. Gosudarstvo mukarribov Saba'. Moscow, 1971, p. 196.

[3] M.K.al-Qattan. Ta'rikh al-tashri' al-islami. Al-Riyad, 1996, p. 30.

[4] "And We have sent down Unto thee (also) the Message; That thou mayest explain clearly to men what is sent..." (Qur'an, 16: 44).

[5] "He who obeys the Apostle, obeys God..." (Qur'an, 4: 80).

[6] Sallies of the small armed groups against the Meccanian traders.

[7] "To those against whom war is made, permission is given (to fight), because they are wronged..." (Qur'an, 22: 39).

[8] Qur'an, 2: 190.

[9] See: al-Imam al-Tirmidhi. al-Sunan; al-Imam Ahmad. al-Musnad (CDR).

[10] 'Abd al-Wahhab al-Najjar. al-Khulafa' al-rashidun. al-Qahira (the year of edition is not indicated), p. 469.

[11] Muhammad al-Khudari. al-Dawla al-umawiya. Bayrut, 1998, pp. 398-399.

[12] Toinby A. Postijenie istorii [Understanding of the History]. Moscow, 1990, p. 516.

[13] Qur'an, 48: 10.

[14] Qur'an, 4: 115.

175

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On the Issue of Supreme Authority in Islam

The issue of supreme authority has been and still remains one of the key problems in the theory and practice of Islam. It was precisely this problem of authority that led to the partition of the early Muslim community into Kharijites, Shi'ites, and Sunnites, which had an enormous impact on the formation of the religious-political ideology of Islam and on the political destiny of the entire Islamic world. Various interpretations of the nature of authority (hukm) took shape over time as principally different doctrines of supreme authority. Kharijites insisted on communal rule and the unconditional election of the head of the community; shi'ites supported the divine nature of authority predetermined in the dynasty of caliph 'Ali ibn Abi Talib (656-661); the middle path between collective and divine sources of authority was presented by the theory and practice of Sunnites, who formally recognised the elective nature of the head of the community-state, but limited the circle of candidates to the kin of Prophet Muhammad (Al Muhammad).[2] The history of the Islamic world bears witness to continued attempts to realise different models of supreme rule in practice.

An essential part of the issue of supreme authority in Islam is the correlation between religion and secularism, religious conviction and politics. Due to historical conditions (in particular, the theocratic nature of the rule of the Prophet Muhammad) Islam as a religious system has acquired characteristic features distinct from other religions. Among them is the indivisibility of religion and politics, dogma and law. From this stems the multi-faceted role of Islam in Muslim societies, as well as its structural diversity, apparent in all spheres of social life. The practice of the Prophet Muhammad (Sunna) based on the unity of the religious and secular branches of power has been always manifested as an ideal "Islamic rule" (al-wilaya al-islamiya). The theocratic-authoritarian character of the Prophet Muhammad's rule was expressed through the concentration of all authoritative social functions in his hands. He was not only a prophet, the supreme religious authority providing guidance for spiritual aspects of life in the Muslim community (umma) on behalf of Allah, but also a military commander, arbiter, treasurer, etc. Yet after the death of the Prophet Muhammad, who ruled over the community by the direct order of Allah (through the Revelations – *wahy*), the community was headed by men (khulafa'), who neither possessed nor claimed to possess such divine

guidance. It became clear to the followers (sahaba) of the Prophet Muhammad that worldly affairs would be managed by a civil authority: the ruler-amir. Disputes between the Meccan and Medinan followers of the Prophet – *muhajirs* and *ansars* – concerned only which of them would be chosen amir. The election of Abu Bakr as-Siddiq (632-634) as caliph – "deputy Messenger of Allah" (khalifat rasul Allah) bears witness to this. The division of authoritative functions (court, finance) and their distribution among other mukhajirs also took place at that time.

With the Prophet Muhammad's death (in 632) the prophecy (*nubuwwa*; he – *khatim al-anbiya'*, "The Seal of the prophets") ceased, and with it, theocratic rule. In fact, a division of power occurred.

The image of Muhammad as a prophet and ideal ruler inspired Muslims to collect and interpret information about his words and deeds (hadith) and promoted the study of the divine Revelation (al-Qur'an), which led to the formation of a class of religious authorities – *muhaddiths*, *qaris*, *mufassirs* (Qur'an readers and commentators) and *faqihs*. It was these Muslim theologians and jurists ('ulama'), not caliphs, who formed public opinion on religious matters.

The confrontation between the two branches of power continued throughout almost the enitre history of Islam – theologians attempted to subordinate caliphs, while the latter, on their side, strove to control religious affairs. Formally, caliphs symbolised the unity of religious and secular authority, but in fact they did not have a real impact on the religious aspect of public life. This was proved by the unsuccessful attempts of the 'Abbasid caliphs al-Ma'mun (813-833, with interruption) and al-Qadir (991-1031) to legalise certain systems of dogma in the 'Abbasid Caliphate (750-1258). In spite of the universal Islamic ideal of the unity of religious and secular rule, the paths of religion and state in fact diverged.

The idea of the indivisibility of spiritual and secular authority concentrated in the hands of the Muslim community's leader (amir al-mu'minin) was more consistently defended for centuries by shi'ites, who believed in the divine nature of authority and the divine selection of its possessor. The doctrine of the Imamate as a supreme authority, consisting of the principal regulations of shi'ia dogmas, is preached as well by modern ideologists of "Islamic rule." The latter is considered as a sort of "matrimonial union" of religion and policy, secured and legalised by Allah and therefore indissoluble. In essence, "Islamic rule" is an attempt to introduce an ideal model of theocratic rule, following the example of the rule of the Prophet Muhammad.

Considering the rise of propaganda of the idea of an Islamic "revival" and the establishment of "Islamic rule" in Muslim countries, including Central Asia,[3] it is particularly relevant to note that social stability in these

societies, to no small degree, depends upon a reasonable balance between religious authority as represented by the local traditional clergy ('ulama') and secular authority. The history of Islam bears witness to the fact that forms of interaction between religious and secular authority in different regions of the Islamic world vary due to natural differences in levels of historical self-consciousness among Muslim nations, and in their cultural, social and judicial, including governmental-legal, traditions. A particular feature of Islam is the diversity of its ideological forms, the so-called limited pluralism caused by the very close connection of Islamic culture with the spiritual substratum of Islamicised nations, with their particular religious and cultural traditions, social and legal institutions. Islam has taken root in many large historical and cultural regions in such form, in which it has adapted the religious-ethical ideas, legal norms, customs and cultural traditions of the local inhabitants.[4] Attempts of Islamic "purists" to establish in the Muslim societies of the so-called "peripheral" regions "Islamic" models, formed in other cultural regions under distinct historical conditions, inevitably have a confrontational character. From the scientific point of view, it is unjustified to put "pure Islamic" traditions in opposition to local Islamic customs; moreover, from the general political view it is even fraught with dangerous conflicts, destabilising ethnic-religious relations in Muslim countries with a multiethnic structure of population. The absence of objective criteria in defining the model of "pure" Islam provides an ideological argument for the equivalence and self-sufficiency of regional forms of Islamic practice, including the choice of the form of supreme authority.

An alternative to the ideology of religious political extremism, which can find a breeding ground in the low level of religious knowledge among Muslims, can be the revival of national culture and the dissemination of authentic information about the history of Islam and the different forms of its existence.[4] In turn, this will lead to the growth of historical self-consciousness and self-sufficiency of local traditional forms of Islam, as well as to an increased immunity for Muslims against the ideas of religious-political extremism.

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[2] For more details see: Muhammad ibn 'Abd al-Karim al-Shahrastani. Kniga o religiyakh i sektakh [The book on religions and sects]. Part 1. Islam. Introduction, translation and commentaries of S.M. Prozorov. Moscow, 1984.

[3] Prozorov S.M. From the editor, in: Islam na territorii bῠvshey Rossiyskoy imperii. Entsiklopedicheskiy slovar'. 1st issue. Moscow, 1998, pp. 4-9.

[4] About the forms of existing Islamic practice in Central Asia see: Muminov A. Centralnaya Aziya, in: Islam na territorii bῠvshey Rossiyskoy imperii. Entsiklopedicheskiy slovar'. 1st issue. Moscow, 1998, pp. 102-105; Meskhidze J. Checheno-Ingushetiya, in: ibid, 1st issue, pp. 105-108; Jandosova Z. Kazakhstan, in: item, 3d issue, pp. 47-52; Mukhametshin R. Tatarstan, in: ibid, 3d issue, pp. 100-103; Demidov S. Turkmenistan, in: ibid, 3d issue, pp. 104-107.

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Religion and state in Islam since the 11th century

One night Mahmud al-Ghaznavi (998-1030) was wining and dining in the company of his generals, as was his habit. When day began to break, one of them, being in an advanced state of intoxication, decided to leave the palace and to ride home on horseback. Mahmud tried to dissuade the general, warning that the *muhtasib* might notice his drunken state and punish him in accordance with the laws of the shari'a. However, the general would not listen to the Sultan's advice to remain in the palace until he sobered up, and this led to trouble: on his way home he ran into the *muhtasib*, who had the swaying general removed from his horse and punished at once as prescribed by the shari'a laws. "How did it go?" Mahmud asked his general when he saw him at his court a few days later. In reply the general bared his back and showed the Sultan his wounds. On seeing them the Sultan burst out laughing and exclaimed: "Now swear that you'll never ever again walk through the bazaar drunk!"

The Vizier Nizam al-Mulk (d. 1092) cites this story in his famous "Book on the Art of Government" (Siyasat-nama). However, what interests him most of all in this story is not the exposure of Mahmud's hypocrisy but the remarkable fervor with which his subjects obeyed the Islamic order. "Authority and governance were initially built on a secure and strong foundation, and accordingly Islam was honoured and justice administered" comments Nizam al-Mulk.[1] This seems less strange if we consider the treatise on the essence of Islamic rule written by al-Juwayni (d. 1085) and dedicated to the Vizier Nizam al-Mulk. In it al-Juwayni reflects on how governance should be organised (he is referring to the Imamate) during the times when a caliph, as the heir to the Prophet's leadership, is a powerless figure. Of course, under such circumstances the fact that an imam or a caliph descends from the family of Muhammad actually does very little to enhance his rather limited possibilities to affirm the authority that is formally due to him. Yet the affirmation of authority and the application of the shari'a standards are without doubt the most important challenges facing an Islamic ruler. Moreover, it is possible to assert that the Imamate is a necessary consequence of the existence of the shari'a. Al-Juvaini's reflections show here a fundamental difference from the political thinking of Latin Europe, which conceived authority as an inevitable and subsequently reasonable consequence of secular existence, instead

of deducing it, first of all, from some Divine law, the application of which should become the ruler's mission. Al-Juwayni, on the contrary, argues that the presence of the shari'a demands the necessity of an Imamate, and not just a formal or ephemeral Imamate as known to have existed from the early 10th century in the case of the 'Abbasids. No, al-Juwayni goes on to say, the Imamate should be embodied in a person who is in a position to rule. An Imam must have at his disposal all the necessary means of upholding his power, and he must not delegate his powers to anybody else. For al-Juwayni, actual authority which, in his judgement, consists in the availability of a combat-ready military as well as the presence of forces strong enough to maintain shari'a inside the country, constitutes the decisive factor; while the legitimisation of an Imam through his provenance from the tribe of Quraysh, and his thorough knowledge of the shari'a are of little, if any, significance. For how can they enhance the Imam's military capability? But even in a situation like this everything must be done to guarantee that even an Imam who is most ignorant in questions of the shari'a should always keep in view the purpose of his rule, which is the strengthening of Islam in the broadest sense. The most noble duty of legal scholars is to create such conditions; likewise, a ruler should be obligated invariably to consult with them in matters of the state.[2]

In examining both the anecdote narrated by Nizam al-Mulk and al-Juwayni's theoretical speculations, we will have to ascertain an essential discrepancy between the means and the ends: The means used by a ruler to retain and apply his power may be doubtful from the point of view of the shari'a, yet their goal is conducive to the affirmation of Divine law and consequently justifies them. Feasts arranged in the company of the powers that be enhance their solidarity and their commitment to the Sultan; feasts turn into an essential element of the court ceremonial, and Nizam al-Mulk even devotes a separate chapter to this subject. Thus he emphasises a special rule according to which only a limited number of people can be admitted to such feasts; each of those invited may bring only one servant; and it would be quite improper to come accompanied by one's own cup-bearer, to say nothing of bringing one's own wine or food for the feast. For this unseemly conduct would symbolically question the Sultan's status as lord of the world. On the contrary, Nizam al-Mulk goes on, in terms of etiquette it would be more appropriate if the visitors were given gifts upon their departure to render their subordination more obvious.[3] The observance of these rules, the strict and unswerving adherence to them means precisely what Nizam al-Mulk wants to be understood as leadership (siyasat); he devotes his book to this topic. *Siyasat* is something completely different from the exercise of shari'a authority; *siyasat* is its necessary precondition.

If we look back on the history of Islam prior to the 11th century we'll gain a better insight into the essence of the great change that occurred in those times and brought about new notions of Islamic statehood that have survived along fundamental lines up to the present. The caliphs, who were at first seen as the true holders of authority, and later merely as transmitters of legitimacy to third parties, personified the existence of the single God-ordained community on Earth, which was, according to Qur'an (3: 110), the best that had ever been created for the people. Just as the Prophet, acting on behalf of the Creator, once expressed his firm intent to be not only a technical arbiter of rulership but also an example of the purposeful realisation of the Divine will of the law, so were the caliphs expected in their capacity as "God's Viceroys" (compare: Qur'an, 2: 30 and 38: 26) to serve in their practical lives as examples of compliance with the demands of the shari'a. The means and the ends of the realisation of authority formed one single whole. At least, the first heirs of Muhammad were reputed by the Sunnites to be a case in point. The *muhtasibat* and the shari'a jurisdiction were formed as auxiliary institutions which were required to affirm the rules of "the best of the communities" which also included the caliph among its members. To remove any doubts on this account the idea of governors and their subjects being mutually responsible was propagandised in different forms; God would judge accordingly on Judgement day.[4] An additional glow in the caliph's halo derived from his duty to conduct Friday services, and his general responsibility for the proper administration of the rites, the observance of which offered Muslims an opportunity to claim a place in heaven. In the 9th century the political regionalisation of the Islamic empire did not as yet call into question the caliph's role in salvation but there arose the question of how to treat Muslims who were under the power of usurpers who no longer even formally perceived themselves as performers of the supreme "Imam's" functions in Baghdad. Did they and their subordinates belong to "the very best of the communities?" Apparently not, all the more so since any division was considered to be incompatible with God's religious and political intents (see, for example, Qur'an, 3: 103). In his essay on the Sunnite doctrine on statehood, al-Mawardi (d. 1058) unlike al-Juwayni one generation before him, suggests in his description of the situation at that time that the caliph should legitimise usurpers post factum by appointing them as his viceroys with unlimited powers. "With this act the Caliph establishes with the consent (of the usurper) the Divine order so that the latter… should pass from the state of depravity to that of correctness", al-Mawardi writes. Although this act was far from being completely faultless it would be extremely unwise, the author believes, to give up the opportunity of

upholding the shariʻa even in such a manner.[5] However, with the appearance of the Sultanate the idea of a religious community united not only religiously but also politically begins to fade; as the principle of utility for Islam rose to the top of the political agenda it pushed into the background the "non-Islamic" consequences of the above process, namely, the actual fragmentation of Islamic rule and its rulers' incompetence in the realisation of the Prophet's legacy.

The public manifestation of this new understanding of rulership can be described as follows: there is a certain mutual relationship between those who wield military power and the most prominent experts in the question of "the Islamic sciences." Quite often power is usurped by foreign alliances, with the Seljuqs being an early example. The most graphic example of this type of regime is to be found in the Mamluks in Egypt and in the Near East. Because of their origin and their methods used in recruiting soldiers from among their own younger generation, the Mamluks should be described as a certain caste, closed to the autochthonous population, with military craft as their only raison d'κtre. Both in the Mamluk court ceremonial and in exceptional cases the Sultan was accustomed to surrounding himself with the highest ranking representatives of Islamic erudition; for example, the ʻAbbasid caliph and the supreme *qadis* from the four law schools were obliged to appear before the Sultan in his fortress. Different sources indicate that their word carried much weight with him, especially when the military caste was being torn apart by internal feuds. On their side, the cream of the scholarly community, partially recruited from local noble families and partially selected by the Sultan from loyal immigrants, was rather interested in the stability of military rule. For the Sultan and his top-ranking officers had fertile lands and manufactories, the revenues from which they donated generously to the scholars. Thus, the latter had an opportunity to train the young generation in the madrasahs and to multiply in *khanaqahs* their credits entitling them to God's grace in the next world and benefiting their seminaries. Frequent complaints about the misappropriation by the learned men of the assets placed under their trusteeship indicate the unofficial reason for the ʻulama's interest in the preservation of the Mamluks' rule.

The idea that every righteous government should develop the potential of each member of the community for everybody's benefit could have hardly gained the upper hand under such conditions. This concept was nurtured in some third milieu, namely among the Friends of God (al-awliya'), but under circumstances which will be explained shortly below. But before that I'd like to take a few sentences to describe the academics' functions in the creation and maintenance of "the best community." Before

the 11th century we find experts in the Prophet's commandments and their interpretation who had been entrusted, above all, with the authority to administer justice; they could also perform administrative functions and act as preachers and *muhtasibs*. In other words, they took upon themselves the sovereign functions of the Caliph state, the successor of the ancient Medinan community. This state, however, tended to be rather inconsistent in showing proper care about 'ulama' training, which was organised in private circles headed by uneducated men out to make a living. The Islamization of the public environment was exclusively the *muhtasibs*' duty, and the extent to which the private sphere conformed to the shari'a was, officially at least, out of the authority's control. In his comments to the Qur'an, al-Tabari (d. 923) writes, referring to Qur'an (45: 18) that the shari'a embraced religious duties, Qur'anic punishments, as well as instructions and interdictions – in a nutshell, everything that made the Islamic state different in the perception of the outside world.

All this changed radically in the early 11th century when Islamization interpreted in the broadest possible sense became the purpose of the existence of Islamic rule per sй. The discrepancy between the exercise of power, on the one hand, and its goal, on the other, led quite unexpectedly not to a weakening of the permeation of secular life with Islamic thinking, but rather to a highly palpable stimulation and encouragement of this process. This occurs both at the official level, funded by the government itself, and at the informal one, which remains mainly closed to the rulers' encroachments but is nonetheless of great significance for the stabilisation of their regime. Let us turn at first to the formal level, which is embodied by the madrasah as an institute of professional Islamic scholarship, as a symbol of its obedience to the "raison d'кtre" of Islamic power. The material support of this level, as was mentioned before, is the duty of the power structures. The triumphant progress of the madrasah runs parallel to an unprecedented expansion of the shari'a concept. This no longer indicates the spheres of Islamic law defined by al-Tabari, but is fully equated with the rules of laudable behavior of a Muslim (adab). This is understood to mean the stylisation of the Muslim way of life and its inner visions to the norms handed down in the example of Muhammad's words and deeds. Collections of hadith are compiled in order to provide a Muslim with the opportunity to quote an appropriate maxim of Muhammad in every conceivable life situation, in order to adapt not only the moment of a ritual but also routine affairs to the Righteous way of life of the Prophet. Among the works dedicated to these topics it is al-Imam al-Nawawi's (d. 1277) writings that increasingly gained in popularity and remain relevant today.[6]

Not all madrasah-leavers could count on getting a good job. That is

why many of them would rather dedicate themselves to passing fatwas, particularly – as collections of such judgments attest – on the Muslim way of life. Until the early 11th century scholars considered that practice too risky an endeavor, fearing that one day they would be called to justice by God for mistakes they had made. Al-Juwayni whose father had been active in this field, had a different view on the matter. In an attempt to justify the passing of fatwas in one of his manuscripts he argued that God would forgive a mufti his errors and wrong judgments if the former had passed a subjectively honest judgment and himself observed his own recommendations. Moreover, in his work on the art of governance dedicated to Nizam al-Mulk, al-Juwayni suggests that the Sultan should pay the mufti salaries, for in doing so he would step up the Islamization of public everyday life and thinking in the interests of the state.[7]

The 'ulama', as the guarantors of the Islamic goal of governance and comprehensive islamization, are the sole agents at the first, official, level of providing support for the rulers. Thus al-Imam Taj al-Din al-Subki (d. 1369), authored a book on the tasks of various contemporary social levels and professions in which the academics and experts on the shari'a were naturally the most worthy and noble, requiring the Sultan constantly to look after their interests.[8] Al-Ghazzi (d. about 1610), the author of a well-known biographical reference book embracing the period from the 10th to 16th centuries, took his competitors to task, denouncing them for having included in reference books of their own such lowly people as merchants and craftsmen alongside the mandatory rulers and academics. Al-Ghazzi believed that the only possible reason for such a flaw was the desire of these biographers to have an entry for each letter of the alphabet, necessitating the inclusion of lowly and unimportant people when there was a lack of suitably eminent figures.[9]

Now let us look at the informal level, occupied by the Friends of God (awliya'). The social ideals they embody and express are concentrated in the following two oft-quoted texts, as in the two focal points of an ellipse. The first one, Qur'an, 29: 45, says that the fulfillment of the ritual prayer prevents shameful acts[10], as at this very moment a Muslim faces God – but that of even greater importance is to think constantly of God, also as part of one's secular daily routine. The other text is a *hadith qudsi*. Here God informs the Prophet that a man, through his supererogative efforts in the worship and adoration of God, can approach Him so closely that the Creator shall love him. When such a state is achieved, the one loved by God shall turn into what can be termed as His eye and ear, the hand God uses to castigate, the tongue with which He speaks.[11] A Muslim is not only to meticulously carry out the duties prescribed to him by the shari'a,

he is, throughout his life, also to turn his thoughts and sentiments, as well as acts, towards the single Creator and Lord of the Universe; all his life should be solely devoted to the service of God, according to Qur'an, 51: 56. The *awlya'* succeed in accomplishing this, and by educating other Muslims – as long as these remain loyal to them – in this spirit, they work relentlessly to create the "best community" as demanded by Qur'an, 3: 110. As the former carry out their work, getting rid of any selfish and self-centered aspirations, joining their soul and body with God's uninterrupted determination, they consider themselves as the true "Representatives of God." These basic ideas are a unifying foundation for the non-formal communities (tariqa), which emerged in considerable numbers starting from the 11th century. Turning to the study of the extremely rich written heritage attributed to these circles, one begins to comprehend that the *awliya'* exert an appealing influence on the broad masses as they are able to empathise with the troubles and concerns of the man in the street, certainly not to alleviate his ordeal using – as we would say today – real-life-oriented means, but to teach a Muslim to turn daily hardships into an endless service to God. The *awliya'* pass on to the faithful a certain feeling of spiritual protection, when the fuss and horror of reality, and above all the distressing manifestations of the rulers' *siyasa*, recede into the background. One should bear it all, but the sufferings are meaningless in comparison with the certainty that in the process of incessant praying you become a part of "the best community" and shall find yourself in heaven. At worst, one can hope that the Friend of God (wali), in whom you "believe," shall say a word in your favour against your evil superiors, who will often violate their own rules in order to approach more closely the Only One by means of the spiritual strength of the *awliya'*.

The Islamization carried out by the scholars tends to reveal to the attentive observer those practices of the rulers which may be deemed unworthy by shari'a standards. Hence the relations between the powers that be and the academics on their payroll are sometimes quite tense as will be seen below. The unofficial, public level of the "Friendship with God" somehow manages to relieve the tension by reviving under different circumstances the early Islamic mutual responsibility for Salvation between the leader or *wali* and Muslims. While the "Friendship with God" undermines the relations between the Islamic ruler and his Muslim subjects, at the same time it stabilises them, ultimately denying the ruler his vital role in salvation. The fact that the Ottoman empire both during its heydey in the 16th century and its subsequent albeit protracted decline was fortunate enough to avoid internal revolutionary unrest and cataclysms, should be attributed to the delicate mutual penetration of the formal and informal

levels of Islamization. Significant scholarly representatives worked at both levels and the overlap between the two was extremely high. This most likely explains the fact that the seeds of fundamental criticism of the obsolescent status quo began to surface only at the turn of the 19th century, when foreign policy failures throughout the Islamic world clearly demonstrated Europe's supremacy. Yet even in that situation the Arab world with few exceptions entertained the hope that in order to catch up with the West it would suffice to borrow technological skills and impose western forms of governance.

Thus to complete my speech I'd like to return to the concept of *siyasa*, that is the sphere of the ruler's actions which by disregarding the norms of the shari'a contributes to the preservation of power. This should under no circumstances be understood to mean free reign for purely secular governance. This won't do not least because *siyasa* aims not at developing the talents of the nation's individuals, but, first and foremost, at preserving and strengthening the ruler's power, which in turn is legitimised exclusively through Islam. Numerous experts on shari'a also treat non-shari'a *siyasa* as a sort of a blind spot inside "the best" Islamic "community", which should be obliterated through the use of shari'a principles. Guided by these intentions Ibn Taymiya (d. 1328) wrote his treatise on "the shari'a-based administration of power." He refers to Qur'an, 4: 58: "Allah, indeed, orders thee to return to its owner the property he had entrusted to thee and when thou judge among mortals then pass a fair judgement… Oh you, who have truly believed! Obey Allah and obey the messiah and those who have power among thee…."

Rulers are given their power, says Ibn Taymiya, only as a deposit, and obviously they are held accountable to God for their administration of it – that is why, in one way or another, they are bound by the shari'a. And only because that is so are they entitled to demand obedience from their subjects. The political pretext which had pushed Ibn Taymiya to such observations was the rulers' efforts to establish peace and order in the state through shady dealings with robbers and rebels. Under no circumstances, however, do the rulers have the right to allow criminals to buy their way out of the punishment set by God, especially in case of such gross violations of domestic peace.

It is precisely the absence of the principle of the secular administration of power in the Islamic world that led the introduction of western-style methods and forms of governance to be interpreted as an improper expansion of the rulers' *siyasa*, serving only to aid the authorities in their grip upon the most remote provinces of their empires and consequently to strengthen despotic tendencies. This conclusion in those times was not at

all groundless. Moreover, it serves as proof of the unbroken continuation of the traditional Islamic concept of statehood by both the ruling circles and the people, and once again, efforts were made to cope with existing difficulties through demanding "administration of power on the basis of the shari'a." This can be observed in the works published in 1931 by 'Abd al-Wahhab ibn Khallaf (d. 1956), an Egyptian ministry official, who endeavours to anchor in the shari'a the constitution, foreign relations, and the financial system of the modern state, citing earlier literary examples.[1,2]

In a similar vein, to be sure without a real understanding of the history of the concept of Islamic statehood, Muslim critics – today even reaching the extreme of terrorism – argue against the political situation in some Islamic lands, whose regimes feel obliged to take appropriate measures to accomodate these critics.

Given the fact that the Islamic world is seriously interested in integrating secular elements into the system of governance, the realm of *siyasa* should be removed from the shari'a context, simultaneously relieving it from the stench of despotism by making concessions in the field of human rights independent of religion. In this particular context it would be useful to revive the Mu'tazila tradition, which has lain dormant for about a thousand years. It accepts a Muslim's ability and right to develop laws for himself, provided that he observes the general conditions of behaviour determined by God. The Hanafite school of law has preserved this possibility enfolded as a buried treasure within parts of its written heritage.[1,3]

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[1] Nizam al-Mulk. Siyasat-nama. Ed. Kцgmen, Ankara, 1976, 45 f.

[2] Nagel T. Gab es in der islamischen Geschichte Ansдtze einer Sдkularisierung? In: Festschrift B. Spuler. Leiden, 1981, pp. 275-288; the same: Die Festung des Glaubens. Munich, 1988, pp. 293-323.

[3] Nizam al-Mulk, op. cit., chapt. 29.

[4] Nagel T. Staat und Glaubensgemeinschaft im Islam. Zurich/Munich, 1981, I, 163 ff., p. 340.

[5] Ibid., p. 363.

[6] I deal with this theme in detail in: Nagel T. Im Offenkundigen das Verborgene. Die Heilszusage des sunnitischen Islams. Gцttingen, 2002 (Abhandlungen der Akademie der Wissenschaften zu Gцttingen, phil.-hist. Klasse, Dritte Folge, Bd. 244), particularly pp. 495-650.

[7] Al-Juwayni. Ghiyath al-umam. Ed. al-Dib, 2. Aufl., Kairo, 1401, p. 246, § 352.

[8] Compare: Nagel T. Das Islamische Recht. Eine Einfьhrung. Westhofen, 2001, p. 151.

[9] al-Ghazzi. al-Kawakib al-sa'ira.

[10] See: Qur'an, 29: 45.

[11] Graham W. Divine Word and Prophetic Word in Early Islam. The Hague/Paris, 1977, p. 173.

[12] Nagel T. Das islamische Recht, pp. 313-317.

[13] An example: Nagel T. Die Festung des Glaubens. Munich, 1988, pp. 179-205, esp. p. 190.

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On the issue of the relationship between
Islam and the state in the countries of the West

The study of the relationship between Islam and the secular state in the modern world is one of the major issues for scrutinising the processes occurring in Islam. The following aspects are quite important in studying this matter:

Firstly, familiarisation with the history of the emergence and development of Islam tells us that from the period of the first Muslim community's formation in Medina, the Prophet Muhammad has been regarded as a figure who combined in himself both religious and state functions. The Prophet was not only the spiritual leader of the Muslim community, but also its political administrator.

Secondly, the actual division of the *umma* into different states started from the early Islamic period. In the modern world these countries differ extensively from each other in their political systems and internal structure. The relations between Islam and the secular state have turned into one of the most important problems for most of them, and the present history of these countries vividly expresses their desire to solve this problem. At the same time this question does not yet have the same urgency for other Muslim countries.

Thirdly, Islam has already branched out from the Near and Middle East – regions of its first expansion and growth – and penetrated the societies of such diverse cultures as Indonesia and sub-Saharan Africa, with their own distinct histories and worldviews. After embracing Islam, they became subjects of the European and international expansion of the 16th century, in which they entered a completely different historical stage.

As part of the Muslim world, each sovereign state has its individual culture and symbolises a unique "crossroad" of diverse historical, cultural, religious, spiritual, political, economic and other mutual influences. As one example, consider Muslim Indonesia, where pre-Islamic culture was shaped by the centuries-old Dutch presence, thus setting it apart from other countries of the Muslim world, such as Afghanistan, Uzbekistan, Mali, or Bosnia and Herzegovina.

Finally, an active migration of people between the ex-colonial powers and their former colonies, now free from their dominance, has been observed since 1945. As a result of this migration process, which has

continued over many decades, Islam has become a strong and important factor in the makeup of most European societies. For example, in France Islam now is the second religion after Catholicism, quite ahead of Protestantism, Judaism and other beliefs.

Certainly every European state is secular, but each of them has built a distinct system of secularity. For instance, the history of separating church from state was different in France than in England. Because of these differences, religion has achieved a different legal status in these countries. Both in England and in France several million Muslims reside, including many who currently live in these countries, but for the present without citizenship. The issue of the relationship between Islam and the secular state has become urgent for these countries. Most contemporary Muslim scholars living in Europe are involved in studying this subject within the framework of European thinking traditions, not rejecting these traditions, but rather being inspired by them. France, for instance, has witnessed the development of the new phenomenon of French scholarship with a Muslim mentality.

Above all it should be stressed that Europe has accumulated a rich body of literature on the issue of the relationship between religion and the secular state. In addition, from the Renaissance France offered the world a brilliant constellation of thinkers who accomplished a huge amount of work and vital philosophic thoughts on the questions of religion, society, state and individual freedom. Among them are such intellectual geniuses as Montesque, Voltaire, Diderot and others.

In European countries most of the non-Muslim population consider the issue of the relationship between religion and the secular state to be resolved. However, nowadays the Muslim communities and Muslim intellectuals of the European countries have returned to this issue once more. It is remarkable that this interest is regarded as more or less positive among the political and cultural circles of the European states.

So, the scope and significance of this issue covers not only the Muslim world, but also exists on the global scale. The reason for this has nothing to do with the fact that the total number of the Muslim population is more than one billion people, but that in nearly all of the western countries there live considerable numbers of Muslim citizens.

In 1991 the ex-Soviet republics with the traditional values of the Islamic religion were again confronted with the issue of the relationship between Islam and the secular state. Today we have many examples and models of how to solve this problem in the contemporary world. Making the right choice is a difficult task.

II. THE PROBLEM OF RELIGIOSITY AND SECULARITY IN TRADITIONAL MUSLIM SOCIETY

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"Islam is religion and state":
on the relationship among religion, law and politics in Islam

Among the most common elements in the modern discussion of Islam, law and politics is the formula that Islam is "religion and state" (al-Islam – din wa-dawla) or from a broader prospective and an earlier, historically substantiated version, "religion and the world" (al-Islam – din wa-dunya). This formula is frequently perceived as an affirmative proposition (that it was originally so and has remained so for some time, despite the fact that this unity can only rarely be found today) or, at least, as a normative declaration (that it would have to be the case even if such unity never actually conformed to the norm, whether in past or present). However, this highly popular formula is in fact nothing less than a postulate (meaning that it ought to be the case no matter whether such unity has ever been implemented in practice, in past or present, except for a brief period of the Prophet's rule in the early 7th century AD); this formula is perceived most adequately if viewed as a battle cry in the current confrontation: it contains an unambiguous rejection of secularism which applies equally to the situation both inside and outside the country. Within the country it is directed against the critics of the indissoluble connection between religious beliefs and the social structure, and outwardly it is aimed against "the West" with all its proclaimed norms and values ranging from tolerance and education to the secular state (in this connection frequently overlooking the socialist community of states, including the Soviet Union and its successor states, which are considered factually to be part of the West as well).

191

The public in some countries, at least in the Near East from Morocco to Pakistan, is aware that the idea of Islam as a strong and indissoluble unity of religion, law and politics is by no means merely the portrayal of a minority of the population. On the contrary, this thinking is shared by a considerable portion of the political community which can be attributed to what is the widespread albeit not always clearly outwardly defined "Islamic movement".[1] "Islamists" (who play a significant but not dominating role among the fundamentalists in the usual sense of this word) are undoubtedly the loudest and most passionate proponents of the unity of religion, law and politics. They always set the tone in discussions and tend to hold sway over public and legal life as well as the constitutional component of the state system in quite a few countries of this region. But at the same time, they run up against much opposition and criticism which in turn provides religious arguments for reaching quite different conclusions from the study of the same normative sources on this issue. Their critics partially take a secularistic stance without troubling to use Islamic tradition to support their views.[2]

Islam as text

In the formula "Islam is religion and state" each component requires explanation, beginning with the concept of "Islam". Scholars are engaged in heated debates over the meaning of Islam, and the acceptability and the rationale of using it in the analysis of public and cultural relations in Muslim society, with the general public occasionally joining the debates. Anyone who wants to avoid being accused of vulgar essentialism and culturalism (in our case better known as "orientalism"[3]), should draw a line between various dimensions of Islamic thinking and Muslim action: first, Islam as a normative tradition set in a historical context (having been created by people, mostly, men); second, Islam as a space-, time- and environment-related practice of Muslims in history and the present, without any strong ties to the normative tradition; and, finally, the varied concepts of the "true" Islamic order and way of life.

But in the present context of the relationships between religion, law and politics it is absolutely clear that what Islam implies is a normative tradition based, mainly, on the Scriptures and literally consecrated by them. It means that the Qur'an is the direct divine word in Muslim understanding and the Sunna is divinely revealed through the words and deeds of the Prophet (hence the frequently encountered translation of this concept into German as "Prophetentradition" – "prophetic tradition").

Both texts are considered by Muslims to be sacred and consequently

inviolable: in the present political climate it is deemed impossible, at least in the Arab world, to engage in public discussions about the status of the Qur'an as God's word and all the more so to attempt to analyse it with the methods of literary criticism.[4] Attempts to treat the Sunna as a set of regulations (partially mandatory in the legal sense) from the Prophet's teachings and acts to be followed by future generations are a little less taboo though still not at all risk-free.[5]

Both the Qur'an and the Sunna lay claims to truth. Both, however, are extremely complex in their composition, and – as largely known to Islamic scholars of the past and present, although ignored by Islamists – require interpretation at every point, even when they appear at first glance to be clear and unambiguous. This applies to both dogmatically and legally relevant questions: when the Qur'an speaks about "the throne" or "the hand of God", theologians come to the forefront to address the threat of anthropomorphic understanding of the Qur'an (or the image of God) and when we read in Qur'an, 5: 38 that a thief had his or her hand cut off, lawyers take over to reconstruct and describe as precisely as possible the circumstances surrounding the theft (in this case "more precisely" means restrictively). (It is basically the same with the Bible's commandment "Thou shall not kill.")

The Qur'an and the Sunna form a basis upon which not only fundamentalists build their faith. They build up a reference framework, simultaneously offering a repertoire of maxims, instructions, images and metaphors that Muslims turn to for their own understanding of Islamic teachings. But there still remains the need for interpretation, which is inevitably connected with the selection and weighing of various normative recommendations contained both in the Qur'an and the Sunna. This is impossible without exegesis. Although we cannot dwell here in depth on the given subject, this raises urgently the question of religious authority and the religious authorities, an issue that was invariably critical in the past but which was seldom answered unequivocally, and which has gained a new relevance in the present age of exapnding educational opportunities and communication, where more and more people study religion-related materials and claim their own interpretive abilities[6].

Islam and the state

Most Muslims are unanimous that Islam is more than a mere recognition of the One God and his messenger Muhammad: faith is a call to action. Islam is the basis for a way of life in which religious values are transformed into worldly acts; religious ethics can and should not exist without a social

effect. All this will invariably find its reflection, one way or another, in politics, which will always be based on certain values and will express certain world outlooks.

Incidentally, the same principle applies to Buddhism, Judaism and Christianity, as well as to historical materialism or any other form of atheistic or agnostic outlook. However, Islamists go further than that. They postulate that the correct norms of life established by God can be realised not on an individual basis, but only within the framework of an "Islamic order" (nizam al-Islam) in which the divine commandments and strictures can be effectively implemented through the state's efforts.[7] They believe Islam to demand "the application of shari'a" as a God-given universal law and set of values. But the application of shari'a presupposes, in its turn, the presence of Islamic rule. Comparing this position with other forms of understanding and practising Islam (incidentally, all of these admit that faith and acts should be clearly interrelated and that all Muslims are obligated, for example, to make ritual prayers several times a day, to fast during Ramadan, to give alms and, if possible, to make a pilgrimage to Mecca at least once in their lifetime), one can not help noticing how in the narrow sense of the word the theological problem of the salvation of the soul retreats into the background and is superceded by efforts towards a complete concentration on secular actions, on individual practice, on law and social order and, finally, on the aspect of authority. This fixation on authority is also repeatedly (critically) mentioned in internal Muslim discussions.[8]

Though Islamists view the presence of the Islamic state as an integral part of Islamic life they do not consider the Caliphate as reflected in history to be necessarily its concrete form. This opinion is shared by, at least, most Sunnite Islamists while Shi'ites following the so-called Imamate theories have created a special system of concepts relating to religious and political authority which differs considerably from that of the Sunnites.[9] It is believed that the Qur'an (which, by the way, says nothing about the Caliphate) should, to use a common slogan, become "the constitution" of the Islamic state: "The Qur'an is our constitution" (al-Qur'an – dusturuna).

Actually, neither the Qur'an nor the Sunna contain any clear indication regarding the form of a political order and thus it can be said that there exists no obligatory Islamic political theory.

Among Sunnites today the dominant view is that the Qur'an and the Sunna provide Muslims with general political guidance, i.e. rule by consultation (shura) which allows for if not democracy, at least participation; the responsibility of the ruler; and the independence of justice. All of these "good governance" principles that international organisations

have for years been trying to help establish, are now being legitimised and Islamicized.[10] The main Islamic principles and values that have been placed in the Qur'an and the Sunna to be "discovered" exclusively by Muslims must, so the argument goes, be adapted in line with changing times and for every new situation. This may take place under a restored caliphate, but is equally possible in an Islamic republic or a monarchy. What we have here is a close interrelation between the indestructibility of the principles and the flexibility of their application.

In this respect politics serve as a means to achieve an end, the goal being to establish an Islamic order based on the shari'a which, with all that it implies, can be considered as "a state of virtue." This approach reflects, as immediately becomes clear, a rather original unpolitical view of politics according to which all such fundamental categories as authority, interest and competition quickly fade out or disappear altogether. They are replaced by religious and moral categories, for instance, right and wrong (haqq and batil), the acceptable and the unacceptable (halal and haram), the good and the bad (ma'ruf and munkar)[11] as well as the concept of the common good built on the basis of religious morals (al-maslaha al-'amma). These are used as a yardstick to measure categories of values and the degree of validity of political convictions, the methods used and the decisions taken: thus, the discourse about morals in many respects replaces political analysis.[12]

Islam and Law or "implementation of the shari'a"

When viewed from this position, the concrete process of forming a political order is of minor importance. What is important is the system of rights and values of an Islamic community. Accordingly the form and function of the shari'a and its ability to be modified come to the forefront, giving rise to acute and heated discussions among scholars and the public at large. Here we can only superficially dwell upon numerous questions that arise from a close scrutiny of this problem. First of all, they concern the interrelation between ethics, morals and law which are considered by lawyers in a different (as a matter of fact more differentiated) way than is done by most modern Islamists, who merely assert their identity.[13]

In fact, the special appeal for "the (integrated) application of the shari'a" lies not least in the expectation that it can realise such values as ethics, morals, dignity and justice, which are so lacking in real life.[14] The same issue is addressed by the seemingly pure academic question as to whether it is possible to consider the shari'a or Islamic law (fiqh) as "general law" in the modern legal sense of the word or whether it is more like a set of

rules to be complied with (this widespread opinion, especially in the first half of the 20th century, was shared by Joseph Schacht, a well-known scholar of Islam who was, incidentally, opposed by Baber Johansen). A careful analysis shows that in the Islamic fiqh, although religiously grounded, ethics, morals and law coincide as little as they do in other legal theories and systems.[15]

The fundamental condition for the understanding of Islamic law is the relation between *the established* divine norm and divine law (shar', shari'a), on the one hand, and *the interpreting and developing* of the legal norm by human beings (fiqh), on the other: according to the doctrine of Islam the shari'a is a divine law in the sense that both its most salient components and its minor details were established firmly and for good by God (or, as is usually less clearly defined, by his messenger Muhammad), either in the Qur'an or in the tradition of the Prophet consecrated by divine revelation, both judicially supplementing each other as normative sources. However, the Qur'an, and the Sunna as mentioned above, are scriptures and consequently they need interpretation. They have been and continue to be interpreted by theologians and lawyers who do not devise rules of law based on their own understanding but instead they only "discover" them in the Holy Writ or "deduce" them from it (the technical term is "istinbat"). Even the so-called independent judicial development (ijtihad) which has played so significant a role in disputes about the renewal of Islam and Muslim society since the 18th century and which has centered around the need to "open" "the gate of ijtihad" allegedly closed in the 10th century, remains bound to the normative sources. It is merely free from any connection to some particular school of law (madhhab) with its specific methods and doctrines, which characterised Islamic law and Islamic jurisprudence for many centuries.[16]

Here again arises the question of "firmness and flexibility" because while the divine will is always valid and indisputable in principle (though it is inevitably made manifest through human beings), its human interpretation cannot be absolutely infallible. It is constantly subject to changes and revisions. Muslims believe any criticism of God's law and will to be inadmissible, but, on the other hand, critique of its interpretation by humans is quite permissible. To be sure, Islamic circles rather rarely consider the possible consequences of such an approach. Instead, they all too often postulate the unambiguity of the divine norms which are clearly and precisely confirmed "by the Qur'an and the Sunna"; and all that is required to do is to translate them into life. Too often we see there is no explanation of what, for instance "the opening of the gate ijtihad" implies, and at which forums and assemblies this could take place in order to develop public

action and to provide a better understanding of human intelligence and freedom.[17]

Finally, it all boils down to the scope of the influence of Islamic standards (and it does not matter whether these should be considered as the shari'a in the sense of the Divine set of norms or as the fiqh in the sense of a human quest for legal truth), or to be more exact, the question of whether they really so comprehensively regulate human conduct individually and collectively, as is asserted by many Muslims (and not only Islamists), or whether they, as others surmise, simply contain general provisions, values and indications to be realised in a flexible way, in line with the changing circumstances of life and expectations. In this respect scholars of the classical period offer a greater variety of comments (including more complex and interesting ones) than many of our contemporaries may think: the attention here is always focussed on the reasoning about the common good (al-maslaha al-'amma), related to individual provisions in the shari'a or the fiqh.[18] Adherence to such general norms and values as justice, freedom, equality, duty and participation (shura) (which sometimes overrule or even cancel the regulations of the shari'a and the traditional fiqh altogether) – these characteristic features of an authentic and, at the same time, adequately modern "Islamic order" deserve by all means the attention of those who study the correlation between Islam, law and politics.[19]

Islam does not equal Islam

Though several aspects of the interrelation between Islam, law and politics are very controversial – and this among Muslims themselves – and though contradictions will undoubtedly continue to exist in the future, these disputes cannot be said to be of no avail. Their results can be expressed in a number of, let us say, un-equations: the thesis "Islam does not equal Islam" is understandable to everyone who is familiar with the apparent diversity of lifestyles and interpretations in Islam but it will be heavily criticised by those who consider Islam, primarily, as a norm-setting tradition, the monolithic nature of which they have always emphasised. The formula "Islam is not equal to Islamism" may sound convincing enough to those who are guided by realities but it is unlikely to suit those followers of the Islamists' creed who find an inseparable and omnipresent connection between religion and policy in Islam. The stance "Islamism does not equal violence" is bound to cause protests from those take a one-sided view of Islam and associate it with certain (militant) groups against which they are struggling politically.

But if Islam, given a common normative source, finds its expression in diverse forms and thus invariably calls for a pluralistic approach, one can

hardly be expected to find universal solutions of a political nature here. The normative sources do not allow for the formulation of a specific Islamic political doctrine. Which in turn reduces to nothing the argument that religion and the state in Islam have been linked to each other from the very start because it has been proved neither that they ought to be inseparably interrelated nor invariably separated from each other. Both theocratic and secular solutions present merely extreme political forms; what we have here are ideal prototypes that could hardly be found to exist in pure form either in the past or the present. This conclusion can be applied equally to the early Caliphate of the Umayyads as to the later Ottoman empire, and to the Islamic Republic of Iran as to the Turkish Republic.[20]

That Muslims can live in a secular state does not need any scientific evidence. It has been proved not only by the experience of the Muslim Diaspora in Western Europe, America and Australia, but also by that of such predominantly Muslim countries as Turkey and Uzbekistan, where, to be true, secular order was established by the will of the state and has been maintained in the face of some resistance. The question, however, is whether Muslims approve of secular order even where there is an "Islamic alternative".[21] There is no general answer to this question. Every situation has to be assessed by taking into account concrete people, groups and communities. In any case, even though Muslims will hardly be expected to give up their faith in Islam as the (only) religious truth, to which they will most likely continue to adhere fervently in the future as do most supporters of a monotheistic religious community, they will probably give up their claim for superiority over other religious teachings and concepts of world outlook, and, subsequently, its legal discrimination against dissidents and agnostics including the prohibition against Muslims' converting to other religions (apostasy).

In the spirit of genuine pluralism the religious and legal recognition of other religions should transcend the Judeo-Christian realm of followers of the monotheistic "Book" religion (ahl al-kitab) and should include other confessions which are conceived by Islam to be pagan and idolatrous. Even "confessional" atheism should be recognised as legitimate. The practical "application of the shari'a" is inconceivable so long as it continues to maintain the principles of the traditionally inherited fiqh that rule out the possibility of such broad recognition and legal equality. Whether such a radically overhauled legal order could still be considered "the shari'a" remains to be seen. None of these developments is out of the question. Neither is any of them a certainty.

[1] The literature on this problem lacks terminological unity; the concept "fundamentalism" which has acquired currency in broad sections of society is perceived by experts to be

negative and essentially inadequate. For more detail about such concepts as Islamism and political Islam see: Krдmer G. Gottes Staat als Republik. Reflexionen zeitgenцssischer Muslime zu Islam, Menschenrechten und Demokratie. Baden-Baden, 1999, specially in Chapter I.

[2] Concerning secularistic positions in the Arab world compare them with the example of Egypt: Steppat F. Sдkularisten und Islamisten. Ein Kategorisierungsversuch in Дgypten, in: Asien, Afrika, Lateinamerika, N 19 (1991), pp. 699-704, and also the works by Alexander Flores, namely, his paper: Flores A. Secularism, Integralism and Political Islam. The Egyptian Debate, in: Middle East Report, N 183 (1993), pp. 32-38.

[3] The scope of this paper does not allow greater detail on the so-called debate about the orientalism originated by Edward Said in his book "Orientalism" published in 1978; the book provoked intensive controversy and made a deep impression, first of all, (but not limited to) on the younger generation of scholars of the regions, scholars of Islam and culturologists. A typical example of the critique of orientalism is to be found in the work by Aziz al-Azmeh: Die Islamisierung des Islam. Imaginдre Welten einer politischen Theorie. Frankfurt, New York, 1996. My position on this problem is very briefly dealt with in my report: Krдmer G. On Difference and Understanding. The Use of Abuse of the Study of Islam, in: ISIM (International Institute for the Study of Islam in the Modern World, Leiden) Newsletter N 5 (June, 2000), pp. 6-7.

[4] For the general outline of this theme see: Bobzin H. Der Koran. Eine Einfьhrung. Мьnchen, 1999; Seidensticker T. Koran, in: Tworuschka U. (ed.). Heilige Schriften. Eine Einfьhrung. Darmstadt, 2000, pp.111-130; Wild S. (ed.). The Qur'an as Text. Leiden usw., 1996. The world public's attention was focussed on an incident connected with Nasr Hamid Abu Zaid, an Egyptian literary scholar who was charged with apostasy in 1990 for writing a critical literary study about the Qur'an. He was sentenced to a prison term and forcibly divorced from his wife and expelled from his university. He had to emigrate to Europe. At least one of his works was translated into German: Nasr Hamid Abu Zaid. Islam und Politik. Kritik eines religiцsen Diskurses. Frankfurt, 1996.

[5] Compare here with: Brown D.W. Rethinking tradition in modern Islamic thought. Cambridge, 1996.

[6] For the coverage of this theme from different positions see: Said Amir Arjomand. The Shadow of God and the Hidden Imam. Religion, Political Order, and Societal Change in Shi'ite Iran from the Beginning to 1890. Chicago, London, 1984; Berkey J.P. Popular Preaching and Religious Authority in the Medieval Islamic Near East. Seattle, London, 2001; Skovgaard-Petersen J. Defining Islam for the Egyptian State. Muftis and Fatwas of the Dar al-Ifta. Leiden usw., 1997, or also: Eickelman D.F., Anderson J.W. (ed.). New Media in the Muslim World. The Emerging Public Sphere. Bloomington, 1999.

[7] This problem is elucidated most precisely in the work by Nazih Ayubi. Political Islam. Religion and Politics in the Arab World. London, New York, 1991.

[8] Compare the treatment of this question with that of: Krдmer G. Die Korrektur der Irrtьmer: Innerislamische Debatten um Theorie und Praxis der islamischen Bewegungen, in: Wunsch C. (ed.), XXV. Deutscher Orientalistentag, Vortrдge, Мьnchen, 8.-13.4.1991, Stuttgart, 1994, pp. 183-191.

[9] Regarding the problem of classical Shi'ite theories of Imam and the doctrine of "domination" or "legal scholars' tutorship (wilayat-i faqih)", a rather controversial topic among the Shi'ite scientific community which was elaborated by the Ayatollah Khomeini and implemented, at least partially, in the Islamic Republic of Iran see: Halm H. Die Schia. Darmstadt, 1988; and by the same author: Der schiitische Islam. Von der Religion zur Revolution. Мьnchen, 1994. Outside Iran the fundamentals of this doctrine were first adopted by the Lebanese Hezbollah movement, but then gradually discarded, which offers an good example of how the Islamist movements normally thought to be "radical" or even „extremist" can adapt themselves and use the knowledge they receive in a different way; see: Rosiny S. Islamismus bei den Schiiten im Libanon. Berlin, 1996. On the issue of the

adaptability and learnability of such Islamic movements also compare it with: Krдмer G. The Integration of the Integrists: a comparative study of Egypt, Jordan and Tunisia, in: Salame G. (ed.). Democracy Without Democrats? The Renewal of Politics in the Muslim World. London, New York, 1994, S. 200-226; and, in more detail: Eickelman D.F., Piscatori J. Muslim Politics. Princeton, 1996.

[10] For more detail on this topic see: Krдмer, Gottes Staat... and the same author, Good Counsel to the King: the Islamist Opposition in Saudi Arabia, Jordan and Morocco, in: Kostiner J. (ed.). Middle East Monarchies: the Challenge of Modernity. Boulder, 2000, pp. 257-287; the potential for combining pluralistic and democratic views on the system and order with Islamic ones is discussed in the book by Moussalli A.S. Modern Islamic Fundamentalist Discourses on Civil Society, Pluralism and Democracy, in: Norton A.R. (publisher). Civil Society in the Middle East, vol. 1, Leiden etc., 1995, pp. 79-119.

[11] Socially and politically relevant, the Qur'an's commandment "to do good and to avoid evil» (al-amr bi-l-maʿruf wa-l-nahy ʿan al-munkar), which often covers the whole range of civism and duty to society up to the point of omnipresent censorship and repressive vigilance is treated in detail by Michael Cook: Cook M. Commanding Right and Forbidding Wrong in Islamic Thought. Cambridge, 2000. For the concept of the common good see more below.

[12] A good example illustrating this topic is an essay by ʿAbd al-Wahhab Bouhdiba, a well-known (non Islamist) Tunisian scholar specializing in social sciences: Bouhdiba A. Political Thought, in: Bouhdiba A. (ed.). The Individual and Society in Islam (Different Aspects of Islamic Culture). Paris, 1998, pp. 273-293.

[13] Similar views, however, are shared not only by Muslims and Islamists; the same position can be quite often observed in obviously non-Islamist authors, see, e.g., the articles in the collection published by Bouhdiba: Bouhdiba A. The Individual and Society in Islam (Different Aspects of Islamic Culture). Paris, 1998.

[14] Regarding the myth about the shariʿa compare it with: Sivan E. Mythes politiques arabes. Paris, 1995, pp. 218-243; for a brief treatment of it also see: Krдмer G. Law and Order: The Application of the shariʿa in the Middle East, in: Middle Eastern Lectures, N 3 (1999), pp. 57-68.

[15] Schacht J. Zur soziologischen Betrachtung des islamischen Rechts, in: Der Islam, № 22 (1935), pp. 207-238; Johansen B. Die sьndige, gesunde Amme. Moral und gesetzliche Bestimmung (hukm) im islamischen Recht, in: Die Welt des Islams, N 28 (1988), pp. 264-282; for concise and readable treatment see also: Scholz P. Scharia in Tradition und Moderne – Eine Einfьhrung in das islamische Recht, in: Jura. Juristische Ausbildung, N 23 (2001) 8, pp. 525-534.

[16] For more detail see: Mohammad Hashim Kamali. Principles of Islamic Jurisprudence. Cambridge, 1991; Wael B. Hallaq. A history of Islamic Legal Theories. Cambridge, 1997.

[17] The basics of the liberal Islamic approach which deals with these problems albeit briefly, are contained in, for example, the analysis of Leonard Binder: Binder L. Islamic Liberalism. A Critique of Development Ideologies. Chikago, London, 1988. A good example of such liberal interpretation which is based on normative sources and is named "ijtihad", is provided by the lawyer Mohammad Hashim Kamali living in Kuala-Lumpur: Kamali M.H. Freedom of Expression in Islam. Cambridge, 1997.

[18] More about in: Hallaq, A History of Islamic Legal Theories, especially pp. 162-206; also: Kamali, Principles of Islamic Jurisprudence.

[19] For more detail see: Krдмer, Gottes Staat, in particular chapters III and VI.

[20] For a completely different point of view see: Lapidus I.M. The Separation of State and Religion in the Development of Early Islamic Society, in: International Journal of Middle East Studies, N 6 (1975), pp. 363-385; Marx Weber-oriented study by: Dabashi H. Authority in Islam. From the Rise of Muhammad to the Establishment of the Umayyads. New Brunswick, London, 1989; Sonn T. Secularism and National Stability in Islam, in: Arab Studies Quarterly, N 9 (1987) 3, pp. 284-305; or see: Schulze R. Islam und Herrschaft.

Zur politischen Instrumentalisierung einer Religion, in: Lьders M. (ed.). Der Islam im Aufbruch? Mьnchen, 1992, pp. 94-129.

[21] In this connection compare it with: Johansen B. Staat, Recht und Religion im sunnitischen Islam - Kцnnen Muslime einen religionsneutralen Staat akzeptieren? In: Der Islam in der Bundesrepublik Deutschland. Mьnster, 1996 (=Essener Gesprдche zum Thema Staat und Kirche 20), pp. 12-60. The Central council of German Muslims, one of several competing major Muslim organizations, adopted in February, 2002 a (remarkable) "Islamic Charter" which supports "non-violent legitimate democratic form of government", including the right to change religion (point 11); the Council recognised the German judicial order (points 10 and 13), but resolutely rejected a clerical religious state (point 12). The Central Council's statement does not make it clear whether the Muslims it represents, will identify themselves with a different legal or constitutional system under differing state and public conditions; however, this is immaterial to the German political setup.

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Is the unity of religion and state
a *sine qua non* condition in Islam?

To what degree am I, a non-Muslim scholar of Islam, entitled to express my opinion on this question, as requested by this symposium? First of all, it is imperative to realise that it is only up to Muslim people to decide what Islam can dispose of and what it should retain. What is acceptable to Islam and what is not and how Muslims should define the relationship of their religion to the state in their wish to remain Muslims, are outside the competence of those scholars who belong to other confessions or who do not, for that matter, practice any religion altogether. For such statements should be based on a certain "criterion of righteousness" that can be solely determined by a believer acting on the strength of his or her faith.

Nevertheless, every scholar, regardless of whether he or she professes Islam, is equally capable of observing and contemplating the ways and means in which Muslims have perceived the postulates of their faith and practiced this religion in their lives until now. In turn, by analysing the changes the Muslim perception of statehood has undergone and by examining the actual state life they have realised under given historical conditions, we can obtain valuable information regarding two key questions. The answers to these questions will be instrumental in assessing future prospects for a reconciliation between the Muslim faith and the secular state. First, what problems does the principle of the separation of religion and state entail under the specific conditions of the Muslim tradition? And, second, are there any preconditions for adopting this principle that already exist inside this tradition, and if there are, what are they? Let us deal with these two issues in as much detail as is possible within the space of this article.

Looking at the world today, the question as to whether the principle of the unity of religion and state is inviolable within the framework of Islam appears to have long been overtaken by reality. For example, Indonesia, which has more Muslims than any other country in the world (185 million), is not a specifically Islamic state. Its statehood is based on the famous five principles of the Pancha Shila, which include faith in God, but not in Islam as such and not the application of Muslim law. India, with its

considerable Muslim minority of about 115 million people, is a secular democratic state. Islam still has infinite vitality in these countries where it took root many centuries ago. The Turkish Republic, whose population is 98 % Muslim, has observed the principles of the secular state for 75 years now, without any loss of religion among its citizens. In addition to this, secular states in Europe, as well as in North and South America, have a million-strong Muslim Diaspora, and neither these Muslims themselves and their coreligionists in the Islamic world, nor the predominantly non-Muslim population around them question their faith in Islam. Under the existing conditions they have a possibility to practice their religion freely and some of them do so with even more zeal and fervor than they or their parents did before in their native countries, the constitutions of which proclaim Islam as the state religion.

Thus the fact that Muslims can also remain loyal to their religion outside a specifically Islamic state is borne out by practical experience. In fact, it has been long recognised by a part of traditional Islamic law. Whether a Muslim may live for a long time in a non-Muslim-controlled territory that does not practice shari'a or whether, yielding to the demands of his religion, he should emigrate to a country with an Islamic form of government (hijra), has already been discussed by scholars in connection with the Crusades and the Reconquista[1], the reconquest of Islamic Andalusia by Christians. The Hanafite school of law held that under such circumstances emigration was not obligatory, for it was also possible to remain Muslim in the full sense of this word outside an Islamic country, though with some constraints[2]. The Shafi'ites adhered to the same point of view with the only reservation being that believers should have the possibility to openly practice their religion and to discharge their religious duties without hindrance[3].

Therefore, Muslims can refer to the opinions voiced by a significant number of authoritative Islamic legal scholars of the past, in accordance with which there is practically nothing that stops Muslims from adapting to life in a country with no specific Islamic institutions. To be true, the Muslim scholars of earlier times who subscribed to this point of view considered only the situation in which a Muslim minority residing in a country with a non-Islamic government is prevented for very serious reasons from emigrating to the Muslim-controlled territories in which life would be preferable. Such scholars[4] could never have foreseen such an example as the Turkish Republic, a Muslim-majority state with a secular constitutional structure, or the processes that are now taking place in Europe and North America, where members of Muslim minorities are willingly embracing citizenship in the secular states to which they or their parents came as immigrants. Therefore, against the background of the

views held by the Hanafite or Shafi'ite schools of law, one need not question the very idea of a Muslim being able to live under the conditions of a secular state. Yet it is still an open question whether a secular form of government can be anything more than a temporary solution, borne by practical necessity until residence in an Islamic state can be achieved. In other words, the question is whether Muslims on the basis on their tradition can consciously accept and approve of the principle of state secularism as such.

Muslims who challenge this principle are generally known as Islamists. They believe that the ideal of a secular state is incompatible with Islam. To prove their point they usually refer to the slogan "Islam is both religion and state" (al-Islam – din wa-dawla). However, this brief formula is of very recent coinage, used as a battle cry by the forces which attempted to oppose the increased secularisation of their state in the name of the Islamic religion[5] . Furthermore, the above formula fails not only to reflect precisely the historical realities of the past, but also to determine on a theoretical level the proportion between the concepts of religion and state with enough clarity to define the limitations in using secular elements to understand statehood.

The historical realities of Islamic countries demonstrate that the political structures and current laws have never been determined by Islamic norms only. In part, pre-Islamic models of state structure that originated from different sources continue to exist under the aegis of Islam. Suffice it to recollect how the early Caliphate absorbed pre-Islamic forms of local government or how different forms of local common law ('urf) were preserved. In addition, rulers or legal scholars often formulated their own rules according to the requirements of the day, the common good, political expediency or their own interests – in other words, as rules of secular origin. Besides, the history of the Islamic world as elsewhere witnessed partial secularisation in terms of increased differentiation between the affaifs of religious life and those of the state[6] . One such instance was the development of leading offices for religious services on the one hand and for the management of political and administrative affairs on the other. The accuracy with which the Islamic legal tradition specified the functions and sphere of jurisdiction of state power over its subjects further allows us to determine the religious and secular components within it[7] .

There is no denying the fact that after his hijra the Prophet Muhammad became both the head of the religious community and that of the state. But what conclusion can be drawn from this fact regarding the question of how Muslims today can and ought to influence the order of things in their own country? The model of the unification of the monarchic state rulership

with that of the religious community, which existed in Medina at the time of the Prophet Muhammad and continued in the early period of the Caliphate, is not necessarily practical in later times under changed conditions, nor must it be implemented for the long term according to the will of Allah as expressed in the Qur'an. This approach is questioned not only by supporters of secular statehood in the Islamic world, but also by most modern Islamists, i.e. by those who demand the creation of the so-called Islamic state. Most of them no longer make demands for the restoration of the Caliphate; instead, they favor the concept of the state proposed by Ibn Taymiya (d. 1328) and uphold the view whereby Islam calls for no particular form of state government. Whatever its structure, any state may be considered Islamic as long as it ensures the compliance of its people with shari'a law.

Shari'a law is generally understood by Muslims to be based on the Qur'an and hadith. Undoubtedly, both these normative sources contain detailed injunctions that pertain to the most important spheres of law and form a constituent element in the communal life of people in any state. But does this imply that every Muslim, simply because he believes the Qur'an to have been revealed by Allah and wishes to be guided in his life by the Prophet's words and deeds, must also consider it imperative for traditional shari'a to be enforced by the state?

This conclusion need not be logically inevitable, and many modern Muslims would strongly oppose it. First of all, it is necessary to ask the following question: which of the elements of shari'a formulated many centuries ago by traditional Islamic schools of law on the basis of the scriptures preserve their invariable compulsion, and, conversely, which of them may and, if necessary, ought to be revised today because of changes in social and cultural conditions? Many Islamists attempted to address this issue by asserting that the legal injunctions based on the direct verbatim formulas in the Qur'an and hadith remain forever binding, whereas all additional norms not found therein but formulated by Muslim legal scholars throughout history may and should be modified through new interpretations to meet the demands of modern life.

However even some moderate Islamists admit that this model, too, does little to help solve the following question: which of the norms retain their invariable compulsion in the legislative practice of the state, and which of them are bound to be interpreted and formulated anew depending on the circumstances of time and human understanding? The fundamental texts of the Muslim religion, including the most clearly worded passages in the Qur'an, appear at a closer examination to provide no comprehensive and final explanation of how they should be understood nor of how binding

their injunctions should be in the long term. Among other things these texts as such fail to provide a comprehensive exposition of all cases of their applicability since the variety of life situations, to which they may be brought to bear over time, are theoretically boundless. It is impossible to fully enumerate and describe these situations given the limited space assigned to them in the sacred texts. So, for example, caliph 'Umar (634-644) is known to have decreed that the punishment *hadd* which the Qur'an demands for larceny should be abolished during a famine, because his own sense of reason told him that the injunction about this punishment could not apply in this situation because the text of the Revelation did not specifically provide for such a contingency. In other words, a seemingly clear wording of the sacred text never reveals itself outside man's interpretation and, conversely, it acquires validity only by being interpreted. Hence, an uninterpreted text of the legal injunctions in the Qur'an and hadith cannot be invariably binding. But then what is that inherent compulsion all about? How is it possible to reveal it concretely and to make it significant from the point of view of state law?

The Egyptian Muhammad 'Ammara, one of the most authoritative moderate Islamic authors today, holds that in addition to the prescriptive norms of religious observation, the indispensable injunctions in shari'a also include the basic ethical values of individual and public life, given as a divine revelation. Precisely these values should be embodied in a country's formal legislative procedure so that a majority in its elected representative body (parliament) could share the interpretation of these values and decide what is to be done under the present historical conditions in keeping with their spirit. 'Ammara specifically underlines the "civil" character of this national representative body, which for him means the following: Islamic religious teachers should not enjoy any special privileges in it whereas non-Muslims[8] should enjoy equal rights to vote. Another well known Egyptian author, Khalid Muhammad Khalid who turned from a secularist into a moderate Islamist by the end of his career, says the transformation of the Qur'an's teachings into concrete laws is to be achieved on a majority basis by an elected parliament. The decision-making power belongs to the "people", who through expressing the understanding of Allah's will realise their own self-determination[9]. Like 'Ammara he believes that such majority decisions will bring about a legal system compatible with shari'a, and, consequently, a genuinely Islamic state.

It is necessary to note that this concept of Islamic state structure and law-making procedure, as well as the values they are based on, does not substantially differ from the demands for a secular state by Muslim supporters who identify strongly with their religion: despite their demand

for the separation of religion and state, they also maintain that parliament's majority-based legislative decisions should conform to the fundamental Islamic values as set forth in the texts of the Qur'an and hadith, and, first and foremost, in the legal injunctions contained therein.

But if the position occupied by moderate Islamists is so close to that of the Muslim supporters of a secular state structure in terms of its procedures and objectives, why do the former fail to reconcile themselves to the principle of the separation of religion and state? There are several explanations for this. First, the officially proclaimed "Islamism" of their state is deemed by them as symbol number one of their cultural identity and political independence, which the West threatens to dominate and to which they must therefore hold fast. On the other hand, they are often apprehensive lest the refusal to support religion with special state structures should limit its significance entirely to the sphere of private life and thus deny religion the possibility of exerting any influence over society. The experience of European secular democracies as well as that of India and Japan, however, shows these apprehensions to be groundless, for neither society nor state can do without common ethical values which function as a link to connect the two, with the religious communities acting as a guardians and disseminators of these values[10].

The gradual implementation of the concept of the separation of religion and state will be unfeasible so long as the basic ethical values to be embodied in state legislation are identified with "the objectives of the shari'a" (maqasid al-shari'a) in keeping with ancient Islamic legal methodology. This is because "the five goals of the shari'a" in their classical understanding as formulated, in particular, by the Malikite legal scholar Abu Ishaq Ibrahim al-Shatibi (d. 1388) include, in addition to the protection of life, offspring, property and the intellect, i.e. universal values lying outside religion, also the protection of religion. Traditionally, this implied the Muslim religion; its protection was naturally understood by legal scholars of the past to mean Islam's domination in public life and the implementation of shari'a through state power and a bureaucratic apparatus. The secularist notion of the state naturally does not tally with this institutionalised position of privilege for the Islamic religion, allowing it to be protected and maintained by the power structures of the state to the detriment of other religions or viewpoints.

However, from a modern perspective, the basic ethical values of shari'a and the methods proposed for its realisation should in no way be construed to signify in every detail the same interpretation as in the doctrine of "the goals of shari'a" many centuries ago. That this is no longer possible was established by Fazlur Rahman, a Pakistani-born scholar who later taught

at Chicago university[1 1]: on the one hand, the legal statutes contained in the Qur'an referred to a very specific historical context; on the other hand, man's understanding of the ultimate ethical goals, which Allah constantly sought to realise through these regulations, and also people's awareness of the best ways to accomplish these goals, depend on the concrete historical situation in which those who read or hear the revelations in the Qur'an find themselves.

A number of other modern Muslim authors share this fundamental position and draw on its basis the conclusion that in our time Muslims can also quite easily live at peace with their faith in a secular state which is not designed specially to protect the Islamic religion to the extent deemed to be necessary in the past. One of those scholars is Mohamed Talbi/ Muhammad al-Talibi[1 2] a Tunisian expert on the history and philosophy of religion. Like Fazlur Rahman he proceeds from the fact that, on the one hand, legal statutes in the Qur'an referred basically to the historical situation that developed during the life of the Prophet, and, on the other hand, that the human perception of the supreme divine goals behind these postulates and their inherent compulsion have always been connected with a specific historical situation. Talbi teaches, however, that it is necessary "to read the Qur'an and the Sunna, in addition, with the eyes of the living and not those of the dead"[1 3]. Based on such reading he maintains among other things that it is necessary to guarantee absolutely equal rights to all citizens of the state irrespective of their confession or outlook, and to renounce the spread of the Islamic religion through state coercion in those countries where today Muslims make up the majority of the population. The use of military force against the infidel during the time of Muhammad and the fact that Islamic law provides the death penalty for apostasy, is explained by him with the help of the argument that at an early stage of its development Islam needed to defend the very existence of its nascent and small community of coreligionists so that it could bear sufficient witness of the divine Revelation to the outside world. Conversely, under modern conditions, where there is no longer any threat to the Islamic *umma*, precedence should be given to the central principle in the Qur'an whereby "there is no coercion in religion" (2: 256), i.e. Muslims must get other people to accept the revealed truth only through persuasion. In his judgement, this corresponds to the true intention of Allah concerning religion and people: he wants obedience in faith based on free choice rather than coercion, the latter being opportunistic and basically insincere, only outwardly complying with his demands. The faith that does not rest on free will is not faith. Therefore, Talbi underlines, Allah himself refuses to impose belief in himself and his will. On the contrary, he is prepared to

have people reject him and brush away his commandments. In this approach Talbi takes it for granted that no state should have the right, in Allah's place, to coerce its subjects into observing the standards of the true religion[14].

In advancing these arguments, Talbi, a very pious Muslim who observes all religious injunctions, arrives at the same time at a very important conclusion: religion in a secular state is not necessarily the loser.

First and foremost, religion can act by persuasion in a secular state, too. In a democracy this can be done by political means inasmuch as defenders of the faith manage to rally a majority in support of their objectives. Similar views have been expressed by some other Islamic proponents of a secular state including, among others, Muhammad Sa'id al-'Ashmawi, an Egyptian lawyer who occupied various high-ranking judicial positions in his country. He holds that there is nothing within the framework of a secular constitution that impedes the realisation of the underlying provisions contained in the Revelation. Some provisions of the law that was revealed by Allah in the Qur'an do not express divine designs as such: they simply map out a path or a method that Allah intended to use in order to implement them in the times of Muhammad. Under the present and substantially changed conditions the duty incumbent on Muslims is to continue this path or this method according to one's own understanding by using the procedures of democratic law according to today's requirements[15].

Moreover, Muslim thinkers like Talbi and al-'Ashmawi, who are positive towards a secular state, have repeatedly indicated that religion will only stand to gain by giving up its privileged position which allows it to assert itself by means of political power. It can be assimilated to a greater degree on a personal level and in doing so become more authentic, for once there is no more pressure from the state, religion is more likely to be perceived and practiced by people of their own accord and on the strength of their own decision, and all the more convincingly will people act in its name. Conversely, the desire by the weak-willed to become adepts of this faith out of sheer hypocrisy will diminish. In addition, the separation of religion and state decreases the danger that minor fanatical groupings may impose their specific understanding of Islam on the majority of believers by using state structures as an instrument for this purpose, as has often been noted by Muslims inclined in favor of secular state. The texts of the Qur'an and Sunna, as has been noted above, always act only through interpretation by particular people. Consequently, it is impossible to ensure in the so-called Islamic state the exact execution of Allah's will without its being interpreted by some people in a way that is detrimental to others. People

are not infallible, and are apt under certain circumstances to err in the direction of extreme positions. Should this happen it would be far easier in an Islamic state than in a secular one to mobilise an uncritical part of the population into supporting the radical interpretation of Islam by a minority and then into imposing it on the majority. At the same time, the absence of direct institutional support for a particular form of Islam in a secular state opens up prospects for a truly creative development of the faith, since open discussions are not stifled by the supporters of a dogmatic understanding of religion under the auspices of the state.

At the same time, step-by-step secularisation of the state frees religion from being regulated by state agencies, and diminishes the danger of its being used by any forces for their own political ends. It creates a more favorable milieu for religion to develop and improves its flexibility in response to changing conditions instead of creating a climate of repressive uniformity, whatever good intents and plausible justifications it might try to use. The secular state, as its Muslim supporters are very well aware, opens up wider prospects for believers in Islam, allowing them to meet the most pressing demands of their religion in a way they consider to be correct. Based on these considerations, Tunisian theologians took part some years ago in the proceedings of an initiative group which openly urged that the provision proclaiming Islam a state religion be removed from the country's constitution in the interests of Islam itself.

Most Muslims who believe that full-blooded religious life is possible in a secular state, and, more importantly, that such a state is by far a more favorable place for religion to exist in, will, certainly, agree that the disappearance of traditional links between state and religion and the transformation of their mutual relationship under Muslim assumptions cannot proceed as they did in the European countries historically shaped by Christianity. This is impossible because, in the first place, Islam has no independent religious institution similar to that of the Christian church, which could manage its religious affairs irrespective of the state in the case of a starker differentiation between political and religious spheres. Under the existing initial conditions of Islamic countries it is difficult to imagine such radical laicization[16] as that in France, which strictly separated church and state. Indeed, even in Europe, the examples of secular states differ greatly from one another, as well as in their formal relations with religion or religions. Some of these models, undoubtedly, may be more easily adapted to meet the needs of Muslim countries than the French one.

However, whether the population of Islamic countries adopt one of the European patterns as a model to follow or attempt to develop a different

one, all their own, one thing is clear: if a state is really secular, it cannot maintain long-term control over its citizens' religious consciousness and practice. For the secularism of a state and the freedom of worship are not only inseparable, they are interdependent. Therefore, from a long-term perspective a secular state should be in a position to give religions a chance to manage their own concerns. This presupposes a certain degree of institutional independence of religion from the state. It is questionable whether it has been possible to achieve this objective in the type of laicization that has now gained a firm foothold in the Turkish Republic. In fact, religion has no right under the Turkish constitution to interfere with politics but conversely the state controls religious affairs. The possibility of creating a satisfactory model of the relationship between the secular state and Islam by granting greater institutional independence to religion[17] has been occupying the minds of Muslim thinkers for some time now.

[1] See also: Meier F. Ьber die umstrittene Pflicht des Muslims, bei nicht-muslimischer Besetzung seines Landes auszuwandern, in: Der Islam 68 (1991), p. 65–86; Muhammad Khalid Masud. The Obligation to Migrate: The Doctrine of hijra in the Islamic Law, in Eickelman D.F., Piscatori J. (eds.) Muslim Travelers: Pilgrimage, Migration and the Religious Imagination. Los Angeles 1990, с. 29–49; Abdel-Magid Turki. Pour ou contre la lйgalitй du sйjour des musulmans en territoire reconquis par les chrйtiens: justification doctrinale et rйalitй historique, in: Lewis B., Niewцhner F. Religionsgesprдche im Mittelalter (Wolfenbьtteler Mittelalter-Studien 4). Wiesbaden, 1992, pp. 305–323; Lewis B. Legal and Historical Reflections on the Position of Muslim Population under Non-Muslim Rule, in: Lewis B., Schnapper D. Muslims in Europe. London, 1997, pp. 1–8; Hagemann L., Khoury A.T. Dьrfen Muslime auf die Dauer in einem nicht-islamischen Land leben? Altenberge, 1997, pp. 70–83.

[2] See also: Khoury A.T. Islamische Minderheiten in der Diaspora. Mainz, Mьnchen, 1985, p. 59; Hagemann and Khoury, Dьrfen Muslime ...? (see note 1 above), p. 70; and in more detail: Johansen B. Staat, Recht und Religion im sunnitischen Islam – Kцnnen Muslime einen religionsneutralen Staat akzeptieren? In: Marrй H., Stьting J. (ed.) Der Islam in der Bundesrepublik Deutschland (= Essener Gesprдche zum Thema Staat und Kirche 20). Aschendorf, 1986, p. 19 and next one.

[3] Khoury, Islamische Minderheiten in der Diaspora, pp. 56-59; Hagemann und Khoury, Dьrfen Muslime … , pp. 75, 82 and the next.

[4] Similar cases could not be considered in the classical compendia of Islamic law schools for the simple reason that at the time of their compilation there were no secular state in the modern sense of the word anywhere in the world.

[5] Muhammad Sa'id al-'Ashmawi. al-Islam as-siyasi. Kairo 1987, p. 157 discovered the first mention of the slogan, although in the following wording «al-Islam dawla wa-din», in an article, published by 'Abd al-Razzaq al-Sanhuri, a well-known Egyptian law scholar in the October 1929 issue of the journal "Majallat al-muhamat al-shar'iya". Only future will show if it will be possible to find earlier sources.

[6] See also: Lapidus I.M. Separation of State and Religion in Early Islamic Society, in: International Journal of Middle East Studies 6 (1975), pp.363–385; Nagel T. Gab es in der islamischen Geschichte Ansдtze zu einer Sдkularisierung? In: Studien zur Geschichte und Kultur des Vorderen Orients, Festschrift fьr Bertold Spuler zum 70. Geburtstag, Roemer H.R., Noth A. (ed.) Leiden, 1981, pp. 275–289.

211

⁷ Valuable information on this question is given in the paper by Johansen B. Secular and Religious Elements in Hanafite Law - Function and Limits of Government Authority in: Gellner E., Vatin J.-C. (ed.) Islam et politique au Maghreb. Paris, 1981, pp. 281–303.

⁸ This view by 'Ammara is to be found in many other publications of his. By way of illustration suffice it cite the following excerpts from his two books: al-Dawla al-islamiya bayna-l-'almaniya wa-l-sulta al-diniya. al-Qahira, 1409/1988, pp. 53–68; Hali-l-Islam huwa-l-hall? Limadha wa-kayfa? al-Qahira, 1415/1995, pp. 57–85; al-Dawla al-islamiya bayna-l-'almaniya wa-l-sulta al-diniya. al-Qahira, 1409/1988, pp. 53–68.

⁹ al-Dawla fi-l-islam. al-Qahira, 1401/1981, p. 57 and next, and also p. 63.

¹⁰ For more detail on the phenomenon of the non-acceptance of a secular state by moderate Islamists contrary to the fact that their views on state being tend to coincide with the notions by Muslim followers of a secular state   See: Wielandt R. Zeitgenцssische дgyptische Stimmen zur Sдkularisierungsproblematik, in: Der Islam, №. 22 (1982), pp. 129–133.

¹¹ His hermeneutic exegesis of the Qur'an will be discussed in detail in another article which is incorporated in this collection. See also: Wielandt R. Neue Ansдtze in der muslimischen Koranhermeneutik [New Approaches towards the Islamic hermeneutics of the Qur'an], p. XXX.

¹² About a decade ago Talbi, already well advanced in his years, expressed in detail once again his point of view on the question of Islam and politics in the book: Munayf Wannas, Shukri Mayhut, Hasan b. 'Uthman (ed.). Ma'a Muhammad al-Talibi: 'Iyal Allah, afkar 'adida fi 'alaqat al-muslim bi-nafsih wa bi-l-akharin. Tunis, 1992 (1ˢᵗ edition); 2000 (2ⁿᵈ edition), pp. 86–121. In this publication which is a transcript of an extensive interview Talbi gave he avoids being negative about modern Islamic political movements and doesn't rule a possibility of creating an «Islamic» state in some form. He emphases however, that he does not support Political Islam (p. 104) and pays special attention to the fact that a Muslim in London under the Margaret Thatcher's government can stay Muslim whereas in some states with an Islamic mode of government this is conversely impossible (p. 101). He makes a point of explaining that the decisive criterion of a form of government which is favorable to a Muslim is the guarantee of freedom and respect for his religious beliefs and outlooks of both Muslim and non-Muslim population (p. 101). Thus he indirectly refutes the Islamic state which is an ideal of modern Islamists.

¹³ Interview in «Le Nouvel Observateur», N 1965 dated July 4, 2002.

¹⁴ See e.g.: Muhammad at-Talibi. Religionsfreiheit – eine muslimische Perspektive, in: Schwartlдnder J. (ed.) Freiheit der Religion. Christentum und Islam unter dem Anspruch der Menschenrechte. Mainz, 1993, p. 58 and next, p. 65 and next, also p. 76; the same author. Religionsfreiheit – Recht oder Berufung des Menschen? ibid., pp. 253-259.

¹⁵ See for instance: Muhammad Sa'id al-'Ashmawi. Jawhar al-islam. Bayrut, 1984, p. 20 and next, pp. 23–25, 29, 35; Usul al-shari'a. al-Qahira, 3ʳᵈ edition, 1992, pp. 54–57, 62, 70–75.

¹⁶ Laicization, an anticlerical movement for the separation of church from state.

¹⁷ See in particular, the Turkish expert on state right Ali Fuat Badgil's widely published book: Badgil A.F. Din ve lвiklik: Din nedir? Din hьrriyeti ve lвiklik ne demektir? Istanbul, 1954; or the opinion of Muhammad al-Sharfi, a Tunisian lawyer and former minister of general and higher education which was briefly outlined in his article: Muhammad aљ-Љarfi. Die Menschenrechte im Bezugsfeld von Religion, Recht und Staat in islamischen Lдndern, in: Schwartlдnder J. (ed.) Freiheit der Religion, pp. 115–118.

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Muslim Legal Culture and the Secular State
(in the case of Russia and the Central Asian States)

Islamic law – shari'a, fiqh[1] – is the most important constituent part of the Islamic civilisation and way of life. The Qur'an and Sunna (the collection of narratives (hadith) on deeds and sayings of the Prophet Muhammad embodying the divine revelation) are the sources of shari'a. At the same time, the common definition of shari'a as a set of orders addressed to the people and revealed to them through the Prophet has been established in Islamic literature. Nevertheless the question arises: which orders exactly are intended by shari'a? Does it consider exclusively religious matters or does shari'a cover a wider range of meanings? In answering this question it is necessary to proceed from the character of Islam as a whole.

The law occupies a special place in Islam, which is not restricted to religion only. Islam is both a dogma and a law. This becomes apparent in the normative basis of shari'a, which is not limited to worship and religious issues predetermining the internal world of Muslims and their religious conscience. Not less, and perhaps even more emphasis is given to everyday life, to Muslims' behavior in their relationships, their contacts with authorities and people of other religions, – i.e. the problems of secular life, which is usually a legally regulated sphere. Islam is not only a religious ethical teaching, but also a distinct culture, including a legal one. Rejecting the principle "Therefore, give back to Caesar the things that are Caesar's, and to God the things that are God's", it aims both at solving worship and dogmatic issues, and at regulation of the behavior of Muslims as believers and at the same time as common people, instituting their way of life in general. That is why Islamic law should be regarded as an integral part of Islam – but Islam as a culture and a way of life, not as a religion.

The main characteristic of Islamic law is the interaction between the sacred and secular, religious and judicial principles, that is expressed through its specific origins and historical evolution, its sources, structure, operating mechanisms and the mode of legal thought of Muslim jurists, its relation with the state and with positive (secular) legislation. Shari'a consists of three key parts – religious dogma, Islamic ethics, and so-called practical norms, which are also divided into religious instructions, which establish the order of religious duties, and into norms regulating all other aspects of Muslims' behavior,

including their worldly relations. Surely, any aspect may turn critical in reflecting on shari'a's content. So, an emphasis on dogma and ethics will illustrate the character of shari'a as a religious ethical teaching directed to Muslims' conscience; on the other hand, analysis of its integral rules of behavior will present it as a comprehensive system of socio-normative regulation. It is necessary to highlight that the normative basis is not just an extra part of Islamic dogma and ethics; in fact it is its key part – the pivot. It is not by coincidence that some respected researchers believe that theology occupies a subordinate position to law in shari'a, or even that shari'a contains only those instructions which regulate the external behavior of man, regardless of his religious conscience and internal motivation for conduct. If the origins of Islamic legal theory are mostly religious in nature, then in Islamic law itself, as a system of effective judicial norms, rational aspects are evidently predominant. Furthermore, throughout many centuries the historical trend has become visible not only in the increasing emphasis on the judicial rational origin of the socio-normative regulation of Islamic law in a narrower sense within the overall Islamic system, but also in its consequent isolation from the latter.

The dogmatic postulates and moral requirements of Islam have remained virtually unchanged for centuries, and depend little on the peculiarities of the different regions of its expansion. Religious and ethical aspects of shari'a are entirely stated in reliable sources, and addressed only to Muslims who perceive them as everlasting.

Unlike these religious and ethical directives, the rules of behavior are practically countless. Most of them are subject to the influence of local traditions and are not universal throughout the Islamic world. Each trend of Islamic legal thought sticks to its own view, which is often different from positions of other schools of Islamic law. Some of such norms apply even to non-Muslims. Besides, shari'a's adaptability to the requirements of life is related precisely to this normative basis.

It is widely accepted that shari'a is an all-penetrating and thorough system of rules of behavior, regulating every step of the Muslim believer without leaving any freedom of choice. This opinion is not shared by every respected Islamic scholar. According to the opposite point of view, the normative part of shari'a consists of several types of instructions. Some of them are wholly meaningful and clearly understandable provisions of the Qur'an and Sunna. These provisions are religious in nature, and their execution is usually considered as obligatory for all Muslims as a part of their religious status.

Another type of provisions in the Qur'an and Sunna also has a religious nature, but is characterised by vague meanings, or establishes general outlines and guidelines rather than definite rules of behavior. Most of such

provisions deal with issues concerning relationships among people.

Islamic scholars give different opinions about the contemporary role of shari'a. Some of them believe that shari'a contains ready answers to all existing questions and it is enough to turn to the medieval tracts on Islamic law to solve any contemporary problem. Others suppose that the shari'a's core does not generate ready answers, but provides just the general guidelines and legal principles, which allow arising problems to be solved in the spirit of the current time and in contact with the rest of the world.

The rational use of shari'a's positive potential in its relation to reality and to a dynamically changing way of life appears quite perceptive, as does the search on this basis for common points with universal human values, to the formation of which shari'a has also contributed. Its contemporary role and fate depend upon whether emphasis will be placed upon those elements of shari'a which correspond with our time, and thus respond to the interests of modern man and reflect ideas close to both Muslims and other nations.

Islamic law is a prominent part of world culture, one of the largest self-regulating legal systems of modernity. Nowadays there is no Muslim state outside of the CIS with a legal system which has not been influenced by Islamic law (Turkey is the only exception in a sense). However, at present Islamic law is not the only system of effective legal norms operating in any of the above-mentioned states.

In the last few decades a number of Muslim countries have been witnessing the process of active formation of "modern" Islamic law, the basic source of which is a statute (legislation in the wider sense), whereas in the traditional Islamic law this role was given to doctrine – the works of respected legal scholars. Deviation from the strict religious principle of action and casual formulation of norms to the benefit of general abstract rules of behavior is typical for "modern" Islamic law. The rules of correlation of Islamic law with the state and positive legislation have been changing; implementation of the principles and norms of Islamic law in the majority of Islamic countries has been gradually becoming dependent upon their correspondence with the common principles of a legal system generally oriented towards western legal models, not to an Islamic one. In general, one of the most important features of "modern" Islamic law is its close interaction with western legal culture.

Islamic and European legal cultures not only positively interact, but also compete with each other. It is apparent on the level of implementation and interpretation of legislation based on a particular legal model by jurists of diverse legal cultures, as well as on the level of legal conscience. Particularly, it seems that the professional legal conscience in the majority

of Muslim states inclines to European legal culture, whereas the popular one continues to keep its orientation towards traditional Islamic values.

The practice of "modern" Islamic law in many countries proves that it is possible to successfully develop a legal system based on the combination and interaction of elements deriving from different – Islamic and European – legal cultures. Concurrently, the foreign experience confirms that "modern" Islamic law, to a degree, is positive secular law in a strict judicial sense. That is why the integration of its elements into the modern legal system, based wholly upon European traditions, by no means denies the secular character of the state and its separation from the religion. For Russia and a number of Central Asian states this point is very important for overcoming distorted perceptions of Islamic law and for validating its compatibility with the European legal culture. Along with this, the possibility of inclusion of shari'a legal elements into legislation should not be considered as an unavoidable harm; on the contrary, it is a natural process of revival of a serious legal culture with centuries-old local traditions and is a significant contribution to world legal development.

The actuality of Islamic law for Russia is determined by the fact that Islam is an integral part of its history and culture, one of the most important aspects of a way of life for millions of Russian Muslims. In our opinion, the most significant concern for Russia lies not in the sphere of Islamic faith, dogma and cult, which remain relatively static and stable, but in the sphere of secular issues with which the Muslims and Islamic institutes have to deal. Using the terminology of Islamic jurists, we may assert that the major problem for Russian Muslims remains not in the domain of Islam as a religion, but in the sphere of secular relations, Islam as a state, or "secular Islam."

To resolve this problem it is necessary to familiarise ourselves with the true Islamic culture, to support creativity and to establish a new intellectual tradition, which would allow, independently and in the spirit of Islam, the search for answers to the questions posed to Muslims by Russian reality, that is, in Islamic legal language, to establish a distinct school of *ijtihad*[2]. Yet, the current socioeconomic, cultural, political, national and other problems – these are primarily the area where Islam does not have specific ready answers. Here the problems are formulated on the basis of *ijtihad* dependent on the specific circumstances and differences in lifestyle of Muslims in one or another country. Unlike the religious cult and the basis of Islamic dogma, which can be accepted in their finished form, the secular problems arising from their lifestyle should be solved by the Russian Muslims themselves. Yet, *ijtihad* is not a mechanic reproduction of others' experience, but a creative approach to nonstandard problems based on

an understanding of the meaning, core and objectives of Islam with all its spiritual heritage and, above all, Islamic legal culture.

The relatively independent status of Islamic law in the general context of Islamic culture consists in the principal possibility of using its potential beyond the religious aspect of Islam, which is proved by different forms of interaction between Islamic and European legal cultures. They can cooperate within the framework of a single legal national system only if they have something in common – namely, the legal principles, which, above all, are mutually compatible in a certain technical and judicial sense. The argument for the principal possibility of a legal national system's operation based on a combination of European and Islamic legal cultures is quite essential for Russia and Central Asia. All the more so, given that the legal systems of most of the Islamic states in their European segment gravitate towards the continental legal tradition established in Russia and Central Asia.

The emphasis on the legal culture of Islam is essential also because the general perspectives of Islam in Russia and Central Asia will significantly depend on the degree to which its spiritual and cultural potential will be requested and included in the process of the creation of an intellectual and spiritual basis of society and state. It is clear that we mean here not the religious aspect of Islam, but its rational achievements, which can be perceived by the secular tradition. First and foremost, Islamic jurisprudence can meet this criterion, and mainly that side of it which deals with worldly, secular problems. Certainly, dealing with issues arising from such an approach is more difficult and takes more time, efforts and knowledge, than simple translation of foreign propagandist brochures about Islam. However, without this approach it is hard to expect any radical changes in the position of Islam in Russia, as well as to enter into modern Islamic civilization, avoiding the vulgar politicization of Islam or its use as a means of defending interests quite far from true Islamic values. To some extent, Islamic legal culture can play a significant role in achieving interethnic and interreligious consensus on the principal issues of political and legal development in Russia and Central Asia. Besides that, Islamic legal principles and values will contribute to the neutralisation of Islamic extremism.

An alternative to defiant radicalism and terrorism acting under Islamic banners can be found in objective knowledge about Islam, an acknowledgment of genuine Islamic legal culture, and the study of modern civilised and enlightened Islam and Islamic law. The real Islamic culture is not an enemy, but an ally of democratic reforms and the secular states in

217

Russia and Central Asia. In order to shape the adequate perception of Islam in these countries it is principally important not so much to explain its dogma, and to strive for guaranteeing Muslims' right to freedom of faith and religious commitment, but to reveal its rational aspects and values, which can be accepted by everyone and which express the interests and expectations not only of Muslims, but also of society as a whole. Only that part of Islamic law which regulates secular relations among people (mu'amalat) based on principles and norms which are, as a rule, quite compatible with other legal systems and universal moral and legal principles, satisfies this criterion. Such original principles of Islamic law should be regarded not only as an Islamic heritage, but also as a contribution to world legal practice.

[1] Term "fiqh" denotes both the doctrine of Islamic law and its norms. The roots of fiqh (usul al-fiqh) are closely attached to the normative instructions of shari'a and fulfill the role of a source of Islamic rules of behavior. Some of them (Qur'an and Sunna) have been considered as the divine revelation and for that reason holy, and others – as pure rational means elaborated by the Muslim jurists (rational ways of interpreting unclear passages of Qur'an and Sunna and dealing with issues which are not mentioned there at all). For more details see: Syukiyaynen L.R. Shariat i musul'mansko-pravovaya kul'tura, in: Acad. Topornin B.N. (ed.) Novoye v yuridicheskoy nauke i praktike [Series "New in juridical science and practice"]. Moscow, 1997.

[2] Ijtihad (liter. "efforts", "diligence", "persistence") is a search for rules of behavior using rational interpretation of general postulates or vague provisions of Qur'an and Sunna, on the basis of which the majority of norms regulating the relationship of the people are being formulated. See: Syukiyaynen, Shariat i musul'mansko-pravovaya kul'tura, pp. 8-11.

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The secular and the religious in the interpretation of 'ulama' in medieval Central Asia

The study of the correlation between the secular and religious, and the main periods of its formation and modification in the diverse concrete societies which together form the so-called Muslim world is a topical problem. As to an analysis of the influence of actual sociopolitical events on the formation and development of a comprehensive understanding of secularity and religion on the basis of Central Asian material, it arouses a certain scientific interest.

Several periods can be emphasised in considering the history of this question in Mawarannahr. The period of the Umayyads' rule (661-750) in Mawarannahr was characterised by the existence of a dual system of authorities: the Arab conquerors retained pre-Islamic dynasties in governing the local population. Therefore locals regarded the struggle for power in the Caliphate as the Arabs' internal affair. It is known that at that time the opposition acted under the slogan of "To the Book of Allah, Sunna of His Prophet and favor to everyone from Muhammad's family" (ila Kitab Allah wa-sunnat nabiyih wa-ila-l-rida min al Muhammad), which exhibits the initially communal character of authority in Islam.[1] However, already the activists of the al-Harith ibn Surayj (734-746) movement in Eastern Khorasan and Mawarannahr perceived as a "caliph good for all" a person who would appoint kind and worthy people from local notables to be his governors.[2]

The same slogan brought victory for Abu Muslim's movement (747-749) and promoted the 'Abbasids (750-1258) to power. The major results of Abu Muslim's actions were the slaughter of the higher notable personalities of Mavarannahr (local pre-Islamic rulers and their supporters) who had retained some independence at that time, the promotion of new Islamicised notables mainly from Khorasan, and a more intensive integration of the region in the processes of the Muslim world.[3] But, after the deceitful murder of Abu Muslim in 755, "'Abbasids became unpopular in this region till the end of the 10th century."[4] Since then the majority of leaders of the movement against the 'Abbasid Caliphate linked their activities with Abu Muslim's name.

For example, al-Muqanna' (776-780) declared himself "the deputy of Abu Muslim" (wali Abi Muslim).[5]

The further evolution of this issue in Mawarannahr is related, on the one hand, to the process of state formation, independent of the Caliphate, and, on the other hand, to the emergence of local religious scholars ('ulama').

The Samanids (874-999) established a huge independent state and made Bukhara its capital. Accordingly, the role and significance of the new local administrative and spiritual elite in the country's life quite increased. In the capital the ascetics (zuhhad), Hanafites and traditionalists (ahl al-hadith) exercised strong influence over the different strata of the local population. Ascetic groups were related to the poor stratum, Hanafites to the middle class, and *ahl al-hadith* to the wealthy groups of the population.

Among the religious scholars of Mavarannahr, the ascetic groups represented the most ancient and popular element. They negatively regarded the activity of the Samanids as secular rulers (amir, sultan) and expressed their radical views on political issues within theology ('ilm al-kalam). According to their teaching, the sultan was a tyrant (ja'ir), and any person who used violence (jawr) became an unbeliever (kafir).[6] The secular state, theoretically without any legislative power in the spiritual sphere, could use one group of religious scholars against another. It is known that beginning in 888-89, with official permission, Muhammad ibn Nasr al-Marwazi (died in 907 in Samarkand), a traditionalist-agitator, started his activity in Samarkand under the direct protection of Isma'il al-Samani (892-907). His son Isma'il ibn Muhammad al-Marwazi (d. 944-45) was appointed as *qadi* of Samarkand in 930-31 and remained a long time in this post.[7] In 902 the Samanids ordered Abu-l-Qasim al-Hakim al-Samarqandi (d. 953), the representative of the conformist wing of Hanafites, to create a symbol of faith – "al-Sawad al-a'zam" – with the aim of destroying the "harmful influence" mainly in the sphere of theology.

In 943 the movement of the qarmati-isma'ilits was suppressed, with the aim of establishing a Shi'ite state. From that time the "struggle with qarmats" became a good excuse for the government to settle scores with its political opponents. This also stimulated the emergence of the studies of conformist legal scholars – *ahl al-sunna wa-l-jama'a*. These placed priority on such tenets as loyalty to political rule and the state; hence the number of theological questions greatly diminished.[8] As a result, this brought initially stagnation, then theological crisis to Mawarannahr.

In such conditions the discussion of social issues shifted from the sphere of theology to the sphere of Muslim jurisprudence (fiqh). Hanafite faqihs during the 11th and 12th centuries actively participated in developing the provisions of the Hanafite madhhab. Shari'a elaborated by them can be regarded, with accepted reservations, as the ideology of townspeople, the moral and organising force in their passive and active struggle in society. Free trade and craft within the framework of the material and moral obligations imposed by shari'a was the ideal for which they fought. Hanafites regarded the Qarakhanids (999-1212) as the sultans of Allah's land (sultan ard Allah) and the governors of Allah's countries (malik bilad Allah).[9]

The Monghol conquest and rule (1218-1370) radically changed the socio-political situation in Mawarannahr. Its main result was the diminishing role of city-centers and hence of the significance of Hanafite faqihs. The importance of the nomadic population (of Turkic and Turkic-Monghol origin) of Mawarannahr, which later became known as "chaghatays," increased. Consequently, the influence of the "rural community clergy," traditionally recognised amongst nomads, also increased. At precisely that time began the theoretical substantiation of the spiritual practice of charismatic shaykhs, "rural" clergy, by turning to the legacy of classic Sufism. In this way, for example, the teachings of the Naqshbandiya brotherhood appeared. The Sufis' authority assumed power over the thoughts of the population, including urban citizens, and they became the real leaders of sociopolitical activity. With the support of tribal leaders, the heads of city communities and guild corporations, the shaykhs became the leading political force of post-Mongholian Central Asian society. *Waqf* property, significantly multiplied at that time, served as the economic base of their power. In the complex of Sufi teaching which they elaborated, the genre of recommendations to rulers (nasihat al-muluk) occupied an important place. The main purpose of such advising was the shaykh's spiritual instruction in guiding the sultan along the path of Allah. Such interference into state affairs during the years of a sultan's weakness occasionally helped to solve the problems of interstate relations, succession to the throne, taxation issues, etc.

Sultans attempted to free themselves from the shaykhs' guardianship. For example, after the physical removal of the 'Abbasids (in 1258) the majority of khans included the epithet "khalifat al-Rahman" into their title. The major activity in this direction was the sacralisation of the khans' rule. In this sphere, compared to the pre-Mongolian period, a radical change was made.

It is well-known and widely acknowledged in scientific circles that the Samanids, in struggling with 'ulama' attempted to make their rule sacred: they declared themselves heirs of the Sasanids (224-651). The fact that the aristocrats of Mawarannahr considered themselves as successors of the old elite (dihqans) played a key role in that process. Only in the post-Mongolian period were *dihqans* as an aristocracy replaced by the Central Asian successors of the Arabs-Qurayshits (khwaja, sayyid). It is known that the Qarakhanids declared the mythic founder of the dynasty – Satuq Bughra-khan – to be a follower of Abu Nasr al-Samani, and thus regarded themselves as the legal heirs of the Samanids' throne.

In the post-Mongholian period there has been observed a dual system of the sacralisation of power: 1) khan, chingizid; 2) sayyid. In the first case the rulers declared themselves as the direct heirs of Chingiz-khan or his relatives. In the second case the rulers become the descendants of Prophet Muhammad. In the latter case the fact that the aristocracy and spiritual elite were represented by the local sayyids and khwaja played an important role.

Considering the above-mentioned we can draw the conclusion that the relationship between the secular and the religious in Muslim Central Asia has its own unique features. This is related mainly to the presence of existing unique traditions in the sphere of state and national culture.

In formulating a platform on this matter the leading role is assigned to the interested parties – the state and the religious scholars. The legal scholars actually accepted the secular character of authority. This can be observed even from the fact that during the rule of non-Muslim governors (Qara-Khitay, the Monghols, the Russian emperor) the Friday preaching (khutba) usually was dedicated to the name of the governor-nonbeliever. In different Islamic teachings elaborated by several groups of legal scholars (ascetics, traditionalists, Hanafites, Sufis) the pressure on government in this question was aimed at protecting the social, economic and political interests of the population which they represented. Protecting its own interests, the state attempted to use various methods of pressure on the religious scholars: administrative actions against the most aggressive ones, setting one group or clan against the other and establishing its own net of religious schools (madrasas). However, the major state activity in this policy was directed towards the elaboration of its own version of the sacralisation of rule. In this the existing system of values in the actual society was taken into account.

The secular authorities were predisposed to separate the secular

and religious spheres from each other. However, in the people's perception the power of rulers was being sacralised. Emergence of the cult of the "Seven Sultans" in Central Asia, in which the figures of Isma'il al-Samani (892-907), Mahmud al-Ghaznawi (998-1030) and Sultan Sanjar (1097-1157) also appeared, can be offered as an example. From the early Islamic period the local administration (dihqans) also began to study the religious sciences and in the post-Mongholian period became integrated into the khwaja. Great numbers of the population and their representatives – 'ulama' continued to support the idea of the indivisibility of religion and politics.

[1] Gryaznevich P.A. K voprosu o prave na verkhovnuyu vlast' v musul'manskoy obshchine v rannem islame, in: Islam. Religiya, obshchestvo, gosudarstvo. Moscow, 1984, pp. 161-174.

[2] "Istoriya" at-Tabari. IzbrannⅠye chasti. (Transl. from Arabic by V.I. Belyayev. Supplemented to transl. by O.G. Bol'shakov and A.B. Khalidov). Tashkent, 1987, pp. 294, 297.

[3] Karev Yu.V. Politicheskaya situatsiya v Maverannakhre v seredine VIII veka, in: Tzentral'naya Aziya. Arkheologiya, istoriya, kul'tura (The materials of international conference dedicated to the 50 years' celebration of G.V. Shishkina's scientific activity). Moscow, 2000, pp. 205-218.

[4] Descriptio Imperii Moslemici autore Al-Moqaddasi, in: Bibliotheca Geographorum Arabicorum. Edidit M.J. de Goeje. Pars tertia. Editio Secunda. Lugduni Batavorum, 1906, p. 323

[5] Kochnev B.D. MonetⅠ MukannⅠ, in: Arkheologiya i khudojestvennaya kul'tura Tzentral'noy Azii (The thesis of reports). Tashkent, 1995, pp. 32-33.

[6] Ahmad ibn Musa al-Kashshi. Majmu' al-hawadith wa-l-nawazil. Istanbul, the SⅠleymⅠniye library, fund of "Yeni Cami", manuscript N 547, F. 277b.

[7] Abu Hafs al-Nasafi. Kitab al-qand fi dhikr 'ulama' Samarqand. Teheran, 1999, pp. 66, 68-69.

[8] Sifat al-sunna wa-l-jama'a, in: Muhammad ibn Ibrahim al-Hasiri. Al-Hawi fi-l-fatawa. Istanbul, the SⅠleymⅠniye library, fund of „HekimoⅠlu 'AlⅠ Ⅰ ", manuscript N 402, F. 252a.

[9] Ibrahim ibn Isma'il al-Saffar al-Bukhari. Risala fiha masa'il su'ila 'anha al-shaykh al-Saffar fa-ajaba 'anha. Paris, the National Library of France, fund of Arabic manuscripts, manuscript N 4808, F. 57b.

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The Jadidist Political Parties of Turkistan on the Secular State (1917-1920)

The relationship between religion and the state in Muslim societies has changed over the centuries. In the modern era the interrelations between religion and the state became the subject of sharp debates in different centres of the Islamic world. After the disintegration of the Russian empire (February, 1917) and the weakening of Russia's influence in Central Asia, a heated discussion about the idea of the formation of a national state and the place of Islam in society arose among the native Muslim intellectuals.

Two main approaches to the problem of the relationship between religion and the secular state existed in the social and political thought of Turkistan.[2] The first trend was presented by conservative Qadimists; the second – by Jadidists, whose main policy was the renovation of all spheres of social life in Turkistan. This article is devoted to an analysis of the approaches taken by the four main Jadidist political parties to the issue in question.

Shura-yi Islamiya

In April of 1917 the Jadidist-reformists established their first political body: "Turkistan Musulman Markazi Shurasi" (the Central Muslim Council of Turkistan) in Tashkent. Soon, however, the Jadidist movement divided into two political groups: "Shura-yi Islamiya" (the Islamic Council) founded by liberal Jadidists, and "'Ulama' Jam'iyati" (the Society of Theologians), which the conservative Qadimists joined under the leadership of Ser-'Ali Lapin.[3] On the 17-26th of April 1917, "Shura-yi Islamiya" organised a congress (Turkistan Musulmanlari Birinchi Qurultayi) to discuss the future of Turkistan. It was decided that "the type of government will be a republic, a peoples' republic."[4] A demand was put forward for a democratic and federal constitution, according to which all peoples of Turkistan would achieve equal rights.

For their part, "'Ulama' Jam'iyati" also proposed its own vision of the future of Turkistan. Its position was stated in the newspaper "Turkestanskiy Kur'yer" of 11 November, 1917 as follows: "The Turkistan Federative Republic will have its own parliament. Legislative activities of the parliament are to be conducted in accordance with the constitution of Russia and

shari'a. In addition to this, there will be a legislative parliament "Mahkama-yi shar'iya" (Court of shari'a law) in Tashkent presided over by shaykh al-islam; its members will be elected by the people for a five-year term."[5]

To all appearances, the leaders of "'Ulama' Jam'iyati" proposed the formation of a constitutional federal state, which was to be guided by the constitution and by Islamic law (fiqh).

While "Shura-yi Islamiya" advocated an autonomous republic in Turkistan, "'Ulama' Jam'iyati" conceded the possibility of autonomy, but only in accordance with the norms of Islamic law.

The development of the general political situation in the state compelled the different political groups to search for a compromise. Thus, the 4th Congress of Muslims of Turkistan, convened in Khoqand in November, 1917, declared the formation of a union of political forces in Turkistan.[6] Both above-mentioned parties occupied common positions opposing the Soviet of Tashkent, and supported the attempt to create an independent Muslim government in Khoqand.

Turk Adami Markaziyat Partiyasi

One of the main political parties in Turkistan in the first years after the Bolshevik revolution was the centrist "Turk Adami Markaziyat Partiyasi" (The Federalist Party of Turkic Man – FPTM).[7] FPTM's approach to the issue under discussion was expressed in its programme "Maram-nama."[8] The following points were stated in the section of the programme about religion:

"In order to supervise religious affairs, the central "Mahkama-yi shar'iyya", its regional branches and also qadiyats in every city and village are being established.

In order to resolve the religious problems of all Muslims of Russia, regardless of their ethnicity and mazhab, "Hay'at-i diniya" (Spiritual Board) is being established, which is to be presided over by an elected shaykh al-islam and will consist of representatives of all Muslim communities and peoples. Representatives of non-Turkic Muslim peoples can participate in this board as well.

The number of representatives is to be determined proportionally to the Muslim population of each territorial administrative unit."[9]

The aspiration of FPTM's members for Turkic and Islamic unity in Russia was clearly expressed in the programme of the party. The establishment of an "All-Russian Turkic Council for national and cultural affairs" and "All-Russian Muslim Spiritual Board" presided over by an elected shaykh al-islam[10] was also proposed.

"Maram-nama" declared the equality of all citizens before the law, regardless of their religion, the freedom of conscience and the equality of all religions.[11] At the same time, the programme contained rather contradictory provisions about shari'a. For instance, it emphasised that courts should be subordinated to both civil law and shari'a.[12] Guaranteeing equal electoral rights for all citizens, it noted that Muslim women's suffrage was to be additionally conditioned by "shari'a law."[13] In conclusion "Maram-nama" declared that in order to achieve their aims, the members of the party trusted in God and their Muslim compatriots. At the end of the document there is a list of its fourteen co-authors. Some of them were religious figures.[14] While permitting the application of shari'a as one of its legislative sources, "Maram-nama" proposed the establishment in Turkistan of a democratic and secular state.[15]

Turkistan Susyalistlar Tudasi – Erk

"Turkistan Susyalistlar Tudasi – Erk" (The Party of Socialists of Turkistan – the Freedom)[16] was established in 1919. The party stood for the separation of the secular and the religious. It advocated full freedom of conscience. The state must guarantee the freedom of religion, protect the social order and forbid any religious propaganda, which might be used for political purposes, becoming "a weapon in the hands of internal and external enemies of progress and of the national independence of Turkistan."[17]

It may be noted that the above-mentioned principles obeyed to the letter and spirit the Bol'shevik Decree "On the Separation of Church and State", issued in 1918.[18]

Yash Bukharaliklar

The secret society "Yash Bukharaliklar" (Young Bukharans) was founded in 1909 in Bukhara by a group of radical Muslim intellectuals.[19] The ideology and political program of "Yash Bukharaliklar" were not clearly formulated. It was more of a pan-Turkic organisation, blending Tatar reformism and the ideology of Young Turks with a radical revolutionary emphasis. The influence of Russian socialism was, at least in the beginning, weak.

In 1917 "Yash Bukharaliklar" proclaimed a reform programme. In their programme, it becomes clear that they considered Islam as an official religion, and Shar'iah as one of the sources of law.[20] "Yash Bukharaliklar" recognised the priority of traditional Islamic courts (qadiyat) in finding

solutions to many judicial problems.

After they assumed power in Bukhara (1920), "Yash Bukharaliklar" adopted the constitution of the Bukhara People's Soviet Republic, which proclaimed adherence to Islamic principles. For instance, article 26 of the constitution stated: "no one law of the republic can come in contradiction with the fundamental principles of Islam."[2] [1]

Considering the main approaches of the Jadidists to the problem of the relationship between Islam and the state, one should take into account, first of all, the factor of external influence. The Russian Muslims (Tatars of the Volga and Crimea, and Azerbaijanis), as well as other peoples of the Islamic world, considerably influenced the ideology of the Jadidists. The local official clergy confirmed the idea of the inseparability of religious and secular authorities. The population believed that the traditional Muslim state was called upon to keep the priority of shari'a in social and civil affairs and should be the guardian of the social order and social conduct which Islam prescribes for the faithful. In practice, however, the secular authority (the rule of the sultan) and the religious one (official clergy and authorities) were divided.

Summarising the above, it can be concluded that two main approaches to the issue of the relationship between the secular and religious spheres of social life existed among the Jadidist-reformists. "Turk Adami Markaziyat Partiyasi" and "Turkistan Susyalistlar Tudasi" proposed the idea of the development of secular state; "Shura-yi Islamiya" and "Yash Bukharaliklar" had no clear idea or unequivocal opinion on the matter. However, the latter attempted to reform the socio-political system of the state. The socio-political model they suggested was principally new for the Islamic world. In the 1920's this model was realised in its most completed form in Turkey.

[1] The author of this article has conducted a number of studies on Islam in Central Asian countries in the new and the modern time: Erşahin S. Turkistan'da Islam ve Muslumanlar-Sovyet Donemi. Ankara, 1999.

[2] Here Turkistan means the territories of Turkistan, which were under the rule of Russian governor-general (general-gubernatorstvo), and the former protectorates of Russian empire – the Khanates of Bukhara and Khiva.

[3] Benningsen A., Wimbush S.E. Muslim National Communism in the Soviet Union. A Revolutionary Strategy for the Colonial World. Chicago, 1979, p. 221; A'zamkhojayev S. Shura-yi Islamiya, in: Fan va Turmush, N 5-6 (1992), pp. 18-19.

[4] Faydi H. Uktabir Inqilabi Kunlarida 'Ulamalar, in: Khudasizlar, N 10 (1929), pp. 14-15.

[5] Sadiqov H. Hurriyatdan Mukhtariyatgacha, in: Fan va Turmush, N 3 (1991), p. 10.

[6] Komatsu H. The Program of Turkic Federalist Party in Turkistan (1917), in: Central Asia Reader. The Rediscovery of History. Paksoy H.B. (ed.). London, 1994, p. 118.

[7] Ghulamov Y. and the others. Uzbekistan SSR Ta'rikhi. Tashkent, 1958, p. 510;

Rajabova R.V. and the others. Uzbekistan Ta'rikhi. Tashkent, 1994, p. 19.

[8] Turkistan Khalq Jumhuriyati, "Turk Adami Markaziyat (Federalist) Firqasining Maram-namasi" was adopted on August 23, 1917, published as a pamphlet in Tashkent and reprinted in the Cyrillic alphabet by Ahmadjan Madaminov and Sayyid Murad in "Fan va Turmush", N 7 (1990), pp. 6-8. See the translation and evaluation of this document by Komatsu H. The Program..., pp. 117-126.

[9] Maram-nama, p. 7; Komatsu H. The Program..., p. 123.

[10] In a meeting in March, 1906 in Tashkent Muslims also demanded religious freedom and, above all, the creation of a Muslim religious administration (Musulman Diniy Idarasi). D'Encausse H.C. Islam and the Russian Empire. Reform and Revolution in Central Asia. London, p. 77.

[11] Maram-nama, p. 7; Komatsu H. The Program..., p. 123.

[12] Maram-nama, p. 7; Komatsu H. The Program..., p. 125.

[13] Maram-nama, p. 7; Komatsu H. The Program..., p. 122.

[14] Mulla Kamal al-Din Qadi-damulla, Rahman-birdi ughli of Khoqand, mulla Muhyi-l-Din Makhdum A'lam, mulla Muhammad of Andijan, mulla Baqi Akhund, damulla 'Adil-bay ughli of Andijan, mulla Nur al-Din A'lam Yuldash-khoja Ishan ughli of Andijan, Munawwar Qari 'Abd al-Rashid-khan ughli of Tashkent, mulla Mahmud-khoja Bihbudi – mufti of Samarqand, Muhammad-Amin Afandi-zada – 'ulama' from Caucasus, mulla Mir 'Abd Allah, mulla Shah-Mirza Akhund ughli - talaba from Tashkent. Their names can be found on the list of leaders of two opposite political groups and also the most eminent nationalist leaders in Turkistan. Maram-nama, p. 7.

[15] Maram-nama, p. 7; Komatsu H. The Program..., p. 123.

[16] The idea of such party appeared simultaneously, but independently, in the spring of 1919 in Bashkiriya and Tashkent. In November, 1919 some Muslim socialist leaders from Tashkent, Bukhara, Kazakhstan, and Bashkiriya met in Moscow and decided to unite their efforts in order to found the Muslim socialist party. They drafted a program of twelve points. In the spring of 1920, when it became obvious that the RCP (b) would never tolerate the Muslim socialist party as an autonomous member of Komintern, the same leaders decided to found their own party, completely independent from both the RCP (b) and Komintern. During the congress of Baku in September, 1920 they drafted a statute of the party. Only three founders of the clandestine group can be positively identified: Zaki Walidi (Toghan) of Bashkiriya, 'Abd al-Hamid 'Aripov of Bukhara, and Januzaqov of Turkistan. The Kazakh leaders Ahmad Bay-Tursun and Bukeykhanov, and the Uzbeks Fayd Allah Khojayev and 'Uthman Khojayev probably were among the founders as well. On 7-10 January, 1921 in Bukhara it was decided to change the name of the party to "Turkistan Susiyalistlar Tudasi" (Group of Turkistan Socialists). In April, 1920 a secret congress of the party held in Bukhara reduced the program to nine points. In early 1926 the name was changed once more to "Turkistan Susiyalistlar Erk Firqasi" (Turkistan Socialist Party - Erk). Zeki Velidi Togan. Bugunki Turkili Turkistan ve Yakin Tarihi, Istanbul, 1982, pp. 413-414; Bennigsen/Wimbush, pp. 166-167, 215-216; d'Encausse, p. 181.

[17] Zeki Velidi Togan. Bugunki Turkili Turkistan, pp. 410-414; Togan. Hatiralar. Istanbul, 1969, p. 372; Bennigsen/Wimbush. The Program of the ERK Party, Appendix E, in: Muslim National Communism, p. 176.

[18] Erşahin, Turkistan'da Islam, Ankara, 1999, pp. 134-140.

[19] Some of its leaders had been educated in Istanbul. Among the leaders of the organisation figured 'Abd al-Ra'uf Fitrat, 'Abd al-Qadir Muhyiddinov, Fayd Allah Khojayev, Akmal Ikramov, Mahmud-khoja Bihbudi, Munawwar Qari and others. In March, 1918 „Yash Bukharaliklar" tried to seize power in Bukhara with the help of a Soviet expedition launched from Tashkent. The endeavor failed, and „Yash Bukharaliklar" had to flee the Emirate of Bukhara to Tashkent. The second attempt made in May, 1920 was successful. The Red Army took Bukhara, and „Yash Bukharaliklar" formed the first government of the Peoples' Soviet Republic of Bukhara. In 1923 the major part of „Yash Bukharaliklar" were admitted

into the Communist Party.[20]

[20] The program, particularly, declared: "The man who has a profound knowledge of the commentaries (sharh) and laws of shari'a is to be appointed in Bukhara as the high judge (qadi-yi kalan). He fulfils the functions of a justice minister. The minister can not direct judicial affairs himself. Bukhara will be broken up into two or three judicial divisions. The minister of justice nominates judges (qadhis) at the level of province (qurghan), regions (ilbeklik) and districts (tuman). The judge together with two assistants - muftis constitute a court, which judges such disputes and conflicts as may arise among the population. A higher judicial instance (istinaf) is also to be established". Reform Program for Bukhara. Drawn up by the "Young Bukharian Party". See: App. 4, in: d'Encausse, Islam and the Russian Empire, pp. 199-206.

[21] D'Encausse, Islam and the Russian Empire, p. 168.

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Political Islam: Remarks on the Political Islamic model

The phenomenon of political Islam or rather the movement of political Islamic rejuvenation has a number of political, social and intellectual dimensions that need to be revealed, studied and analysed. The movement was formed as the result of activities by groups which appeared in Egypt at the end of the 1920s. The initial movement was represented by the Muslim Brethren, followed by other groups that emerged in the late sixties, under the name "al-Jihad" or the Islamic group, as well as other small dissident and independent groups.

This paper contains several observations on particular issues which can help to clarify this complicated phenomenon. These can be summarised as follows:

- the social roots of the contemporary political Islamic movement, mainly from the perspective of the Egyptian experience;

- the impact of the Iranian model upon the ideology of this movement;

- the position of political Islamic groups on the issue of democracy in the Islamic world.

It is common knowledge that the middle class, in essence, created the modern history of Egypt and produced various intellectual trends, organisations, parties and political movements, ranging from the most liberal to the most leftist wings, including even the so-called "rage", "political rejection", and "violence" movements. These controlled Egyptian life for many years.

Yet while reviewing the political history of the Egyptian middle class, it is worth alluding to some significant facts. Chief among these is the fact that this class has long suffered instability as it has always been engaged in a state of incessant social movement. Its central concerns have been mainly the issues of modern education, professional promotion and the improvement of living standards. It is typical that the more legal the methods of social struggle, the more stable the middle class felt and the more able to enter all levels of socio-political life. And, conversely, the more illegal these methods became, the more social motion became impeded, and the more strongly this class felt

angry and depressed. The middle class sometimes gave vent to this anger and depression in the form of rejection and rebellious movements and, other times, in terrorism and violence. This is characteristic of the political behaviour of all radical Islamic movements, whatever their organisational hierarchy.

Regardless of the difficulties and crises it endures, the middle class still represents the main pillar of stability in society. Occasionally, however, it challenges this stability, as in the late sixties, for example, when a strong movement emerged from the middle class in rebellion against the political system after the setback of the 1967 war.

The middle class constituted the social basis for such populist movements as the Nasserite, Ba'thist and other Arabic national tendencies of the 1950s and 1960s. Members of the middle class belonging to extremist Islamic groups also became the leaders of violent groups in the 1970s.

The political Islamic project was also capable of attracting broad support from the middle social ranks in many Muslim societies, including Egypt and Iran.

The Iranian revolutionary Islamic model is one of the forms of the political Islamic project, put forward as a political alternative to the former Iranian system. It has existed for almost twenty years, yet even among Iranian political forces there is a lack of clarity in its interpretation. In the post-revolutionary period, substantial discrepancies have been revealed between the stances of the Iranian ruling circles and oppositional forces.

The Iranian political project, in spite of its Shi'ite origins, has had a noticeable influence upon generations in the Islamic political movement all over the world, especially the radical groups. The Islamic revolution in 1979 marked a turning point in the political course of these groups. The Iranian system managed to create a model that went beyond the bounds of Shi'ite doctrine. This is not a religious project in the conventional sense, but rather a political social project that makes use of Islam as a revolutionary ideology. Many researchers consider it a political Utopia that fills the hole left by the loss of justice in society and offers an alternative to the policy of Westernisation.

This model found support among those sectors of the middle class in Muslim societies which experienced the negative consequences of the modernisation of their own countries. In fact, the majority of Muslim countries which took the path of modernisation faced serious socio-political, economical and moral problems, such as the increasing stratification of society and deepening contrasts between village and

town. The negative effects of these changes affected mostly the interests of the middle class. In connection with this, political extremist organisations and groups began to emerge, drawing into their ranks members of the middle social sectors.

The appeal of the revolutionary Iranian model for political Islamic groups in the Arabic world lies in its ability to mobilise and activate the factors of dissatisfaction with society.

The distinguishing characteristic of the Islamic revolutionary model is the principle of "wilayat al-faqih".[2] The political controversy which has unfolded in Teheran has brought to the surface the contradictions in the understanding of this principle. Not only the Iranian ruling elite but also liberal political trends and various social groups have entered into the polemic. Even religious leaders have been caught up in the arguments and disagreements.

The changes in Iran with all of their implications imply a substantial revision of the conventional image of the political Islamic project. This in fact proves the impossibility of implementing in the real world some kind of perfect system based on the theocratic principle. The attempts to realise the idea of Islamic rule reveal that it does not contain any guarantees for the creation of an ideal system.

The Iranian experience in the realisation of the Islamic project proves that the calls by radical Islamic groups for a Utopian Islamic state are futile. Practical experience has shown that these groups are not able to assume any constructive role in society. These movements are incapable of providing either an effective political alternative or an authentic model for state building and social development. Nor do they enjoy sufficient strength to enable them to achieve authentic governmental independence. They also provide no guarantee that they could create a free and just civil society. Their capability for destruction and violence by no means implies any talent for constructive action.

There are two main trends in the political Islamic movement with reference to democracy.

1. The absolute rejection of democracy constitutes the core political convictions of the extremist Islamic tendencies which advocate violence. The extremist tendencies completely refuse to recognise the concept of democracy, regarding it as a Western intellectual invention. They refuse to acknowledge the legitimacy of existent state systems and use illegal methods of struggle against them.

2. The second trend inside the Islamic movement declares its formal agreement with the principles of democratic practice, but its activities in fact reveal the inconsistency of this stance. Formally

acknowledging such democratic principles as the unrestricted formation of parties, the integrity of public elections, the freedom of the press and of speech, they, at the same time, do not agree with the principles of religious equality, tolerance, genuine pluralism and an open society.

Their belief in the indivisibility of politics and religion, as well as in the exclusive role of the Islamic religion in all spheres of social life, prevents them from a full understanding and acceptance of democracy. The basis for the establishment of the principles and conventions of democratic practice would be a resolution of the conflict between religion and politics and a clear definition of the roles and spheres for each of them. The freedom of religion and worship is in fact an important right, guaranteed by all democratic systems and stipulated in the world declaration of human rights. This concept is intended, on the one hand, to protect religion from attempts to use it for political purposes, and, on the other hand, to defend it from allegations of fanaticism and stagnancy.

There is also a unifying perspective in the positions of political Islamic movements with regards to the socio-political system of society. The central issue remains the idea of a caliphate. This is expressed in the refusal to accept the principle that the nation is the source of authority, as well as in the call for the cancellation of modern civil laws and legislation. From their point of view, these should be substituted by the application of the Islamic shari'a, according to their own vision and interpretation. This concept contains the rejection of pluralism, unless it occurs within the framework of religious unitarianism. However, practical experience has shown that such unitarianism leads neither to social accord nor to any decrease in the bloody conflicts and schisms among the different trends and groups that belong to the political Islamic movement itself. We can cite as an example the conflicts and civil wars in Afghanistan and Algeria.

We can thus conclude that the Islamic movement has not yet overcome the contradiction between its formal acceptance of democracy and its actual inability to understand and accept democratic ideas, principles and rules of practice.

Reality shows that democracy is incompatible with the totalitarian ideas of theocracy and religious unitarianism, as well as with the practice of forcing particular principles and lifestyles upon civil society as a whole.

The democratic transformation process in the Islamic world evokes many disputes and contradictions in traditional societies. As a reaction

against this process, political Islamic movements grow. The time has come for them to form a new way of thinking, characterised by tolerance, openness and pluralism.

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[2] According to Article 5 of the Constitution of the Islamic Republic of Iran, "in the epoch of absence of the hidden Imam the administration and guidance over the umma in the Islamic Republic of Iran is laid upon that faqih – the just, pious, educated according to the requirements of the time, courageous and wise – which is recognised by the majority of people as its leader…".

III. THE SEARCH FOR A RATIONAL BALANCE BETWEEN RELIGIOSITY AND SECULARITY IN THE POST-SOVIET MUSLIM STATES

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Islam in Post-Soviet Central Asia

Post-Soviet Islam

When the Central Asian states gained independence at the end of 1991 there was much speculation, within the region and abroad, as to the possible impact of the "Islamic factor" on politics and society. The outbreak of civil strife in Tajikistan in 1992 seemed to many to be proof positive that a wave of rampant "Islamic fundamentalism" had been unleashed in the region. The opposing Tajik factions were described as "Islamists" and "neo-Communists", and the conflict was depicted in terms of a religious war. As the situation unfolded, however, a more complex picture emerged. Islam was undoubtedly a factor, but by no means the sole cause of the conflict. Rather, it was an aggravating feature in the struggle for power that broke out between the different regional groupings as soon as Moscow's grip weakened[2]. Despite fears of an over-spill effect, the experience of Tajikistan was not repeated in the other states.

Nevertheless, the theory that the "Islamic factor" is the key to the politics of Central Asia is still widely held. Yet any serious debate of the issue is greatly impeded by the fact that very little concrete information is available. In the few instances where field research has been carried out, it has been based on relatively small samples. There are huge regional variations in the historical experience of Islam, as well as in contemporary socio-economic indicators (for example, levels of urbanisation, rates of demographic increase, educational standards, geographic mobility and ethnic heterogeneity). Consequently, it would be misleading to make sweeping generalisations on the basis of such a narrow range of evidence.

To complicate matters further, researchers who have worked in the same

area, at approximately the same period, often come to very different conclusions. Given these problems, it is virtually impossible to gain a comprehensive overview of the situation. Nevertheless, some common trends can be identified, though they vary in scope and intensity from state to state, and also from area to area within a single state. They represent an evolution of the tendencies that emerged in the 1980s, but in a more intense and segmented form. They fall into three main categories; these can be described as "traditional" Islam, "government-sponsored" Islam and "radical" Islam.

The term "traditional" Islam is used here to describe the conservative, overall rather passive attitude to religion that continues to characterise the outlook of the great majority of Central Asian Muslims. As most observers would agree (including fellow Muslims from abroad), Islam here is still perceived more as an ethnic definition than as a religious allegiance. There is a strong sense of obligation "to maintain the traditions of forefathers". This may be expressed in a variety of ways, encompassing different degrees of religious observance. For a few, it involves a strict performance of the prescribed rituals. Others tend to affirm their Islamic identity in a more cursory, symbolic fashion. Moreover, there is still great attachment to popular practices which, though understood as being Islamic, are contrary to orthodox teachings. Yet whatever the level or form of active participation in religion, the emphasis tends to be on preserving continuity rather than searching for enlightenment, or for a deeper understanding of the faith.

This situation may be changing, albeit slowly. In the immediate aftermath of independence there was a great upsurge of enthusiasm for mosque construction. In Kyrgyzstan, for example, there were only 34 mosques open for worship in 1987, but about 1000 in 1994; in Uzbekistan, in the same period, the number rose from 87 to 3,000[3]. The same phenomenon was to be observed in the other Central Asian states. Moreover, many Muslim schools and madrasas were opened and courses were provided for children and adults in the study of Arabic, the Qur'an, and related religious topics.

The physical closeness of places of worship encouraged people to attend services on a regular basis and in the early 1990s mosque congregations grew rapidly. By about 1994, however, the novelty was beginning to wear off and a marked drop in attendance was to be observed throughout the region. Since then, there appears to have been a gradual recovery, particularly in the south. Some researchers claim that this is happening mainly in villages, among males in the 17 to 25 year-old age group. Others insist that it is more typical of traders and businessmen in urban areas, i.e. the emerging entrepreneurial class. University students are also said to be showing an interest in the faith[4]. There are no corroborated statistics available on this trend, so it is

impossible to judge how strong or how widespread it is, but that there is some shift in this direction seems to be beyond dispute.

Government-sponsored Islam

"Government-sponsored" Islam in post-Soviet Central Asia is a continuation of the attempt to co-opt religion to serve the needs of the state that marked official policies towards Islam in the late 1980s. Today, the Constitutions of all the Central Asian countries enshrine the principle of the division of religion and state. Yet throughout the region Islam has been elevated to a status akin to that of a state ideology. This seems to have been prompted by the conviction that unless urgent action was taken to fill the ideological vacuum left by the discrediting of Marxism-Leninism, anarchy would follow. Consequently, in all the Central Asian states an immediate campaign was set in motion to emphasise the role of Islam as an integral component of the national heritage, and likewise of the ethical foundation of the national state. This message was conveyed through the teachings of Muslim clerics, as well as through the pronouncements of senior political figures, and editorial and documentary features in the mass media.

Since independence, new laws on religion and on religious associations have been passed in the Central Asian states. The law adopted in Uzbekistan in 1998 is regarded as the most restrictive. However, the draft amendments that are currently under consideration in Kazakhstan and Kyrgyzstan propose measures that are almost equally as severe. Political parties of a religious orientation are proscribed everywhere except in Tajikistan, where in mid-1999, in the run-up to parliamentary elections, the Islamic Rebirth Party, outlawed in 1993, was again legalised.

The form of Islam favoured by the Central Asian governments of today is based on the teachings of orthodox Sunnite Islam of the Hanafite school of jurisprudence. However, the sphere of application is strictly limited. There is little question, for example, of introducing elements of shari'a law (Muslim canon law) into the legal framework of these states.

Whereas under Soviet rule there had been a unified, overarching administration for all the Muslims of the region (the Muslim Spiritual Board of Central Asia and Kazakhstan), separate national administrations, each headed by a Mufti, were established in the early 1990s[5] . The Muftiat is responsible for administering Muslim affairs within the state, and maintaining formal contacts with Muslims abroad. The work of the Muftiat is monitored by a Committee for Religious Affairs, a body that serves as the interface between the government and the religious organisations. The interests of Muslims as well as adherents of the other established faiths - chiefly Orthodox Christianity and Judaism -

are officially represented in this body. The "non-traditional" faiths such as Bahais, Pentecostals, Jehovah's Witnesses, are regarded with suspicion and have little opportunity for official representation. In Turkmenistan, the Muftiat and the Committee have virtually merged into a single entity, as the Chairman of the latter body is the Deputy Mufti, while the Mufti is Deputy Chairman of the Committee.

Radical Islam

The third trend in Central Asian Islam, here categorised as "radical", embraces a loose grouping of activists who want to purge Islam of the distortions that have been introduced over time. They are referred to as "Wahhabis", a term that today, as previously, is a generic expression of abuse rather than a adequate description of religious affiliation of these groups. The purging of radical elements from the state-controlled Muslim bodies has broken the tacit alliance that existed at the end of the Soviet period between the "purists" ("Wahhabis") and the official religious hierarchy. This has left the former in a very vulnerable, isolated position. They have reacted by adopting a stance that is aggressively antagonistic, their ire targeted equally against folk interpretations of Islam as well as compromised government-sponsored Islam. For its part, the official hierarchy is now implacably ranged against the radicals. By contrast, the traditionalists are regarded with greater equanimity. Thus, since independence there has been a tactical realignment amongst the Muslims, with the traditionalists and the representatives of government institutions reaching a degree of accommodation, united by their opposition to the radicals.

In the last few years the radicals have attained considerable notoriety. It is impossible to set a figure either to the number of individuals who are involved, or to the number of separate groups. It is equally impossible to gauge how much popular support they enjoy, but to the extent that publicly expressed opinions can be trusted, the prevalent attitude towards them in the society seems to be extremely negative. Names of some of these groups appear in the press from time to time, but with almost no background information. Most seem to be relatively new (scarcely any are mentioned in sources prior to 1994). However, where it is possible to trace the biographies of the leaders of these groups, and likewise the genealogy of their ideas, it is obvious that they emanate from Soviet-era revivalist circles[6].

The two groups that are currently mentioned most frequently are the "Hizb al-tahrir", and the "Islamic Movement of Uzbekistan".[7] The former is an international organisation established in 1952/53 in Jerusalem[8]; it is now active in the Russian Federation and other parts of the CIS. The latter is a local group, based predominantly in the Ferghana Valley (eastern Uzbekistan and

bordering regions of Tajikistan and Kyrgyzstan). It is impossible, given the dearth of reliable information, to establish the degree to which they are linked. Initially, they seem to have been quite separate organisations, but there are rumours that by the end of the 1990s some degree of rapprochement had taken place. "Hizb al-tahrir" seems to be the larger group; such evidence as there is suggests that it has a regional membership of several thousand. It also appears to have a fairly strong, cell-based organisational structure, an energetic recruitment policy, and a strategic training programme.

Problem of terrorism

The main geographic centre of activity has been Namangan, a densely populated Uzbek province in the Ferghana valley with a reputation, even during the Soviet period, for being a bastion of Islam. During the presidential elections of 1991 several peaceful demonstrations were held here calling for the establishment of an Islamic state. A party of Islamic activists called "'Adalat" ("Justice") was created that same year, chiefly, as it was alleged, with the aim of combating crime. The party received some support from the authorities at this time. Within a few months, however, the main ringleaders had been arrested.

On 16 February 1999 there was an attempt on the life of President Karimov in Tashkent, the capital of Uzbekistan. Within hours of the incident, 'Islamic fundamentalists' were being blamed for the outrage. This time, however, accusations of plotting to kill the president were also levelled at the leaders, now living abroad, of "Erk" ("Freedom") and "Birlik" ("Unity"), opposition parties.

The possibility that the terrorists who carried out the attack were fired by a desire to establish an Islamic state in Uzbekistan should not be ruled out.

Violent incidents continue to proliferate. The most serious clash to date was in the summer of 1999. Armed fighters crossed into Kyrgyzstan in August of that year, with the aim, according to official sources, of invading Uzbekistan "in order to establish an Islamic state". Estimates of the size of this troop vary greatly, but it seems likely to have numbered somewhat under 500 men. There were similar armed clashes in the same area in mid-2000, though on a smaller scale. Contrary to expectations, however, there were no such assaults in 2001 or 2002.

The August 1999 insurgency was a new departure, a ratcheting up of pressure from isolated acts of terrorism to a sustained, relatively large-scale operation. There is no information as to why such an attack was launched at precisely this juncture. Ostensibly, the action was prompted by the Tajik government's decision to expel some 700-1000 Uzbek guerrillas, allegedly members of the Islamic Movement of Uzbekistan, from bases that they had

established in Tajikistan. It may, too, have been retaliation for the repression that followed the February bombing in Tashkent. The possibility that field commanders and/or foreign sponsors judged that the men had reached a sufficient level of combat readiness for it to be feasible to mount such an operation should also not be excluded. By some accounts, the combatants were armed with sophisticated modern weapons[9].

External influences

It has sometimes been suggested that the Islamic revival in the Central Asian states is inspired and supported by Muslims in other countries. There is some element of truth in this. Some of the finance for the building of mosques and madrasahs, as also for the restoration of Islamic monuments, has come from abroad, from private sources, as well as from government funds. Students from Central Asia have gone in quite large numbers (a few hundred a year) to study in countries such as Turkey, Egypt and Pakistan. Since independence many thousands of Central Asians have performed the pilgrimage to Mecca, some already two or three times. In the early 1990s the travel expenses of several thousand pilgrims were covered by the Saudi monarch, and again in 1999. All the Central Asian states have now joined the Organisation for Islamic Conference (OIC), hence there are also institutional links with the Muslim world.

The main foreign influence, however, has come from missionaries. Following the collapse of the Soviet Union they flocked to Central Asia from many parts of the Muslim world to preach and to open schools. At first they were warmly welcomed. Gradually, though, the mood in the region began to change. On the one hand, the "traditionalists" – the mass of ordinary believers - objected to being told that some of their most respected customs (for example, those connected with burials) were not authentic and should be replaced by more orthodox procedures. On the other hand, the state authorities also became uneasy that the missionaries were encouraging "independent Islamic thought". Uzbekistan was the first to impose restrictions on Muslim missionaries from abroad. In 1992-93 some 50 Saudi preachers were expelled. Other expulsions followed and since then the activities of foreign Muslims have been very carefully monitored. A similar tendency is to be observed in the other states.

Foreign commentators initially expected that Iran would play the lead role in the re-Islamicisation of Central Asia. In fact, Iranian clerics have been conspicuous largely by their absence. After the collapse of the Soviet Union delegations from Iran began to visit the Central Asian states and to acquire firsthand familiarity with the region. They soon realised that an Islamic revolution along the lines of the Iranian model was not a realistic prospect for Central

Asia; this was partly because of the very low level of knowledge of Islam among the population at large, but also, and very importantly, because of the lack of a trained, independent-minded 'ulama'. The fact that the Iranians represent the Shi'a tradition also placed them at a disadvantage. By contrast, Sunnite Muslim missionaries were active from the first years of independence. Turkish Muslims have played the most prominent role. Proportionately, they are more numerous than any other ethnic group. In Kyrgyzstan, for example, in 1999, according to official statistics, they numbered 55, a third of all the foreign Muslim missionaries in the country; missionaries from Pakistan, the second largest group, accounted for less than 40[10].

The great majority of the Turkish missionaries are Nurcus, followers of Bedi'ьzzaman Sa'id Nurso (1876-1960), and of his disciple Fath Allah Gьlen[11]. The Nurcus opened many schools and commercial enterprises in all the Central Asian states. They appeared to be propagating a moderate, modernised version of Islam. Their teaching programs concentrated on scientific subjects and technical skills. However, on a more informal level, through extra-curricula contacts and through the distribution of translations into the local languages of the "Risala-yi Nur" ("The Epistle of Light"), the corpus of teachings of Sa'id Nurso, they seem to have been disseminating a more radical message. There are increasing concerns that their ultimate political project is the creation of an Islamic state. They are also accused by some of having a pan-Turkic agenda. Because of such suspicions, their newspaper "Zaman" ("Time") was banned in Uzbekistan in 1994; several teachers were expelled at about the same time. In other Central Asian states a similar sense of unease is emerging regarding the activities of this group and consequently, their work is now being more closely monitored.

Another way in which Turkish influence has been significant is in the revival of Sufism. Great Sufi orders such as the Naqshbandiya and Qadiriya were influential in Central Asia in the past, but even before the Soviet era they had for the most part been reduced to the level of Ishanism (a syncretic, popular form of mysticism, centred on local, often hereditary, spiritual leaders)[12]. In the twentieth century this form of worship continued to attract adherents, but was far removed from the esoteric doctrines and practices of classical Sufism. In the early 1990s, adepts from Turkey began to re-introduce Sufism to the region, focusing their efforts mainly on Uzbekistan and southern Kazakhstan. Initially, this was welcomed by the secular authorities in Uzbekistan, who professed admiration for Sufi philosophy.

Later, however, the Uzbek government's attitude towards this trend changed. Sufism continued to be revered as a historical and cultural phenomenon, but attempts to revive Sufi brotherhoods were firmly repressed.

Fears that foreign Muslims are fomenting religious extremism and militancy in

241

Central Asia continue to grow. The enthusiasm for sending students to Islamic institutions in Turkey, Egypt and other Muslim countries is now being tempered with concerns that once abroad, they will be exposed to radical ideas. The Uzbek authorities were the first to react to this perceived threat, going so far as to accuse Turkish Islamists of using these students as a fifth column. It was alleged that while in Turkey several of these students underwent 'terrorist training'. Other governments in the region have also become suspicious of the education offered by foreign Muslims. In October 2000 President Nazarbayev ordered the recall of all Kazakh students studying in Islamic institutions abroad[13].

When trying to assess the vitality of Islamic movements in post-Soviet Central Asia it is important to consider the extent to which there is a competition of ideas and influences. Certainly, these states are no longer as isolated as they once were. Improved communications and information technologies, as well as opportunities to work and study in other countries, are broadening horizons, particularly for the younger generation. Moreover, a diversity of faiths and denominations are now represented in the region. These include organisations such as the Aga Khan Development Network, which, among its various projects provides training for Isma'ili Muslims (traditionally based in Badakhshan), as well as non-sectarian educational opportunities for the wider Central Asian population. On a smaller scale, Ahmadiyya groups seek converts to their version of Islam (which orthodox Muslims regard as heretical).

There are also many dynamic Christian missions; several of the evangelical Protestant sects are financially well-endowed. In Kyrgyzstan in 1999, for example, there were 402 registered Christian missionaries, over twice the total number of Muslim missionaries; well over half the Christians were from Korea[14]. Some of the ethnic Central Asians, particularly Kyrgyz and Kazakhs, are converting to these sects in substantial numbers. New faiths such as Hare Krishnaism, Scientology and the cults of various Indian gurus are also attracting followers. Thus, there is today a greater degree of religious heterogeneity than was the case a decade ago. Yet Islam in Central Asia is not only a religion, it is also a cultural and social identity; hence, at the popular level, apostasy is often greeted with anger and bewilderment. The state authorities, too, are suspicious of foreign proselytisers, regarding their activities as akin to a threat to national security.

Wider Trends

Attitudes and responses to Islam in post-Soviet Central Asia have been shaped by a traumatic history of fracture and rupture, beginning with the introduction of Tsarist colonial rule in the nineteenth century, followed by seventy years of Soviet rule and intensive secularisation in the twentieth century,

and culminating in sudden independence on the eve of the twenty first century. These experiences have created a complex pattern of cultural and social transformations. In some ways this legacy is unique. Yet, when considered within the context of the larger Islamic world, it emerges that many of the dilemmas that face Central Asians today are by no means unfamiliar elsewhere. It is beyond the scope of this paper to make detailed comparisons between the Central Asian states and states with Muslim majorities in other parts of the world. However, there are points of similarity that are worth noting.

One issue is government control of Islamic institutions. This is common practice in many member states of the OIC. Moreover, in some of these states, leaders consciously draw on Islamic rhetoric and symbolism to validate their regimes. Thus, manipulation of Islam, far from being a Central Asian phenomenon, is very much within the experience of the modern Islamic world.

A second issue is opposition to incumbent regimes from Islamic movements. This is a widespread phenomenon, not only in OIC states in the Middle East, but also in south and south-east Asia and in Africa. In some countries, incumbent governments have been prepared to accommodate a degree of dialogue with such organisations (for example, in Jordan and Malaysia). However, successful examples of power-sharing within the Islamic world are few. In most places, the response has been one of harsh repression (as, for example, in Egypt and Algeria).

A third, and related, issue concerns divergent interpretations of Islam. Within the spectrum of contemporary Islamic thought there are two main strands. One is represented by those who believe that Islamic values and principles need to be re-interpreted so as to be relevant to modern life, the other by those who insist on a full and literal implementation of the precepts of the Qur'an and the traditions of the Prophet (Sunna). These strands are referred to here as "reformist" and "radical" respectively[15].

In Central Asia, too, these strands are emerging[16]. The reformist strand is very weak, indeed, scarcely perceptible. The chief proponent is President Karimov. He is conscious of a need to emphasise the fundamental values of Islam[17]. The radical strand conforms to a pattern of behaviour that is typical of Muslim radicals elsewhere. This is characterised by withdrawal from a society that they see as decadent and ignorant of Islam (jahiliya), and by the waging of a "righteous struggle" (jihad) against those they regard as "religious hypocrites" (munafiqun) and "unbelievers" (kafirun, kuffar).

Islamic Literature

For the overwhelming majority, Islam is sacred and immutable, not to be subjected to rational inquiry or argument. There are no home-grown Muslim

thinkers expounding a coherent vision of Islam. Equally, there is virtually no awareness of the existence of contemporary thought in other parts of the Islamic world. The writings of Muhammad Arkoun, Rashid al-Ghannouchi, Taha Husayn, Abu-l-'Ala' Mawdudi, Sayyid Qutb, Fazlur Rahman, Ziya' Sardar and 'Ali Shari'ati, to mention but a handful, are unknown. Admittedly, such works are not readily available in libraries or bookshops in Central Asia; also, for many there would be a language barrier, as very little of this material (in Arabic, English, French and Persian) has been translated into Russian, still less into any Central Asian language. It is, however, noteworthy, that even educated Muslims show an almost total absence of curiosity regarding modern debates on Islam.

Literature that is available is that which is produced by "Hizb al-tahrir". The authorities in Kyrgyzstan and Uzbekistan report that large consignments of the party's journal "al-Wa'y" ("Consciousness"), as well as leaflets and books, have been circulated in recent years. Titles of confiscated material include "Islam nizami" ("The Islamic Order"), "Hizb al-tahrir tushunchalari" ("Concepts of "Hizb al-tahrir") and "Siyasat va khalqara siyasat" ("Politics and International Politics"); these texts are sometimes in Arabic, sometimes in competent Kyrgyz or Uzbek translations. Several underground printing presses have been discovered. Local editions of such works are said to have been produced in print runs of 1,000 or so. Distribution of such material was mostly covert: typically, copies were scattered in public places under cover of night, or handed out by casual hired labour[18]. Thus, it is very difficult to judge how much, if any of it, is actually read by the population at large.

Conclusions

The brief comparison given above of trends in the Islamic world indicates that although the Central Asian situation has particular characteristics, it is not unique. The fundamental challenge for Muslims here, as elsewhere, is how to reconcile Islam with modernity – a modernity that is rooted in a non-Islamic philosophy, and overwhelmingly dominated by the achievements, needs and ambitions of Western powers[19]. It is a challenge that today is made all the more immediate by such pressures as the globalisation of economic interdependence, the internationalisation of concepts of good governance and the ubiquitous reach of a popular culture that undermines traditional values. Yet it is not a new phenomenon: for well over a century Muslim thinkers have been seeking to resolve this dilemma. Some have tried to overcome the perceived weakness and backwardness of Muslim societies by advocating a limited synthesis of Islamic and Western norms in such fields as education and law. Others have sought to generate a more comprehensive "transformation

of a (Muslim) intellectual tradition"[20], an equivalent of Western Europe's historic experience of Reformation and Enlightenment.

Whatever successes this accommodating and assimilatory approach might have had, it did not significantly improve conditions for large sections of the population. There was continuing social and economic underdevelopment, with widespread poverty, corruption, exploitation, injustice and lack of access to basic social services. By the mid-twentieth century, some Muslims, disillusioned by what they regarded as "Westoxification" – the poisonous effects of Western influence – began to seek salvation in an idealised, ahistoric vision of "authentic" Islam. The Central Asians were isolated from this trend at that time. Now, they, too, are facing these same issues. The process is all the more painful here, in that during the Soviet period they achieved a level of development that was significantly higher than in most other parts of Asia. Since then, they have seen standards of living plummet. This, added to the sudden loss of an entire ideological system, has created a deep sense of disorientation. The high hopes of the first years of independence have for the most part not been fulfilled. In these conditions, it is not surprising that people crave guidance, certainty and above all, a faith that holds out the promise of a better future.

Much of the commentary on Islam in Central Asia today focuses on the security implications of the emergence of a radical movement: might this be a threat to stability? have particular governments exaggerated, or alternatively, underestimated the seriousness of the situation? is there a nascent "arc of conflict" from China to the Black Sea? Such questions concentrate attention on individual events, but the lack of reliable information, makes it impossible to gauge the importance of such incidents with any degree of assurance. Meanwhile, there is little attempt to identify underlying trends. Yet it is these trends that are shaping the future. Arguably, one of the most significant developments of the 1990s has been the intensifying politicisation of Islam. This is not solely owing to the activities of radical groups: governments, too, have engaged in the contestation of Islamic legitimacy. This has placed Islam in the centre of the political arena. The discourse of opposition is now cast in doctrinal terms. Consequently, virtually all forms of political disaffection are subsumed under the umbrella of radical Islam. It might have been supposed that this would lead to a dilution of the purely religious content of the agenda. On the contrary, it appears to be assuming a yet more powerful role. Likewise, the involvement of criminal elements does not appear to be mitigating the fervour of the "righteous struggle".

There are other factors that might affect the course of events. One is economic recovery. This would undoubtedly help to alleviate some of the tensions. Nevertheless, it will not happen overnight. Moreover, if there were

245

to be an improvement in the economy, it is by no means certain that all sectors of the population would benefit; were it to lead to greater inequalities in standards of living, greater societal fragmentation, this would surely deepen the crisis. Another factor that might help to create a benign momentum is the training that is being provided through international aid and development programmes. Such schemes make a positive contribution to the creation of more open, tolerant societies. Yet it would be premature to expect that they will make an impact in the near future. Most of these programmes are quite small in scope, duration and catchment area. Thus, it will take some considerable time to achieve critical mass. It will also take time for graduates of such schemes to reach positions of sufficient seniority to enable them to influence policy-making. A third factor that could eventually contribute to the creation of a more favourable environment are the projects on conflict prevention and conflict resolution that are being funded by international organisations. However, these are even more limited in scale than other training programmes, and in addition, are often not properly implemented owing to problems on the ground, such as obstructive officials and cumbersome bureaucratic procedures. More seriously, such projects are not always well designed and sometimes reveal little understanding of local conditions.

It is difficult to avoid the conclusion that, at least in the short term, the Central Asian states will continue to experience severe societal stress. Economic collapse is triggering a process of de-modernisation and de-skilling, especially in rural areas (where the great majority of the indigenous population still live). It is not surprising that in these circumstances people welcome the comfort and the direction of religious faith. Nevertheless, it is important to keep the dimensions of this process in perspective. The great majority of the population continues to espouse a passive, traditionalist approach to Islam. They accept – or acquiesce in – the guidance of the official religious hierarchy.

The radical Muslims are still very much a minority, both numerically, and in terms of geographic spread. Within the last three or so years they have fanned out from their original base in eastern Uzbekistan (Ferghana Valley) and now have a sizeable presence in the adjacent regions of the other four states. This process may well continue, but it will nevertheless be difficult to win over a substantial mass of the population. A separate, though possibly related phenomenon, is the emergence of a militant element. This involves even smaller numbers of individuals (probably hundreds rather than thousands), operating seasonally within a fairly narrow corridor from the Afghan border to eastern Uzbekistan. Doubtless they could expand their activities, especially if they are funded by drug trafficking and are receiving logistical and ideological support from extremist movements in Afghanistan, Pakistan and other parts of the Islamic world. However, they would find a formidable foe in the joint armed

forces of Uzbekistan and the other Central Asian states[2][1]. Thus, although the incidence of violence might increase, it is unlikely that the present balance of power would be significantly altered in the foreseeable future.

[1] The author of this article is a lecturer at the Royal School of Oriental and African Studies, University of London. The article was written in October 2002. Some sections of this paper have previously appeared in print in: the Harvard International Review. Spring 2000, Cambridge, Mass., pp. 62-64; also in: Strasser A., Haas S., Mangott G., Heuberger V. (eds.) Zentralasien und Islam. Deutsches Orient-Institut, Hamburg, 2002, pp. 73-101.

[2] The signing of the peace treaty between the warring Tajik factions in June 1997 did much to restore order to the country, though at the time of writing the situation remains fragile and a lasting settlement has yet to be achieved. See: Politics of compromise: the Tajikistan peace process. Edited by Abdullaev K., Barnes C. Series: Accord 10, Conciliation Resources. London, 2001; also: Akiner S. Tajikistan: Disintegration or Reconciliation? Royal Institute for International Affairs, London, 2001.

[3] Trofimov D. Friday Mosques and their Imams in the Former Soviet Union, in: Religion, State and Society: the Keston Journal, vol. 24, N 2-3, June-September 1996, pp. 193-219. By 2000, the number of mosques in Uzbekistan had fallen to 1,700 (communication by Deputy Mufti of Uzbekistan, Vienna, 2000). However, all these estimates are approximate and should be treated with caution.

[4] Seminar discussions at the UNESCO International Symposium "Culture and Religion in Central Asia", Bishkek, 13-15 September 1999, in particular contributions by Anara Tabyshalieva (Institute of Regional Studies, Bishkek) and Erkeaim Zhorobekova (Osh University). See also Olimova S. Politicheskiy islam i konflikt v Tadzhikistane, in: Tsentral'naya Aziya i Kavkaz, N 4 (5), 1999, esp. pp. 136.

[5] In Tajikistan the office of Mufti was abolished in 1996, following the murder of Mufti Fath Allah-khan Sharif-zada; the work of the Muftiat was also reorganised at that time. The chief Muslim authority is now the Chairman of the Council of 'Ulama' (currently Qari Aman Allah Ni'mat-zada).

[6] The best known figure is Jum'a-bay Hajiyev, usually called "Jum'a Namangani" or "Taji-bay". Born in 1969, in the Namangan province of Uzbekistan, he served with the Soviet army in Afghanistan in 1988-89; on his return to Uzbekistan he became an active member of the Islamist movement. He fought in the Tajik civil war, undergoing a brief spell of military training in northern Afghanistan, then in Pakistan; he also visited Saudi Arabia. In 1997 he became the "commander in chief" of the so called "Islamic Movement of Uzbekistan".

[7] Other groups include the "Akramiya" (named after their founder, Akram Yuldashev), also known as the "Imanchilar" ("Believers") or "Khalifatchilar" ("Caliphate Supporters"), the "Tawba" ("Repentance") movement, and "Islam lashkarlari" ("Warriors of Islam").

[8] The founder was a leading Palestinian, Shaykh Taqi al-Din al-Nabhani (1909-1978), who, prior to partition, was a judge in the shari'a court, Haifa; he later moved to Nablus. The party was banned almost immediately. Originally based in Jordan, it soon attracted members elsewhere in the Middle East and North Africa.

[9] Personal communications to the author by Uzbek and Kyrgyz military-security personnel at a conference held in Tashkent, May 2000, under the auspices of the George Marshall Center for European Security and the Uzbek Ministry of Defence.

[10] Personal communication by N. Shadrova, Deputy Chairman of the Kyrgyz State Committee on Religious Affairs, Bishkek, September, 1999.

[11] Sa'id Nurso and Fath Allah Gьlen have played an ambiguous role in Turkish politics. They and their followers have had close links with some Turkish politicians, but have been regarded with suspicion by others; they have, on occasion, been prosecuted. For a study of Nurso's life and teachings, see Mardin Sh. The Case of Bediьzzaman Said Nurso: Religion and Social Change

in Modern Turkey. State University of New York Press, Albany, 1989.

[12] See further Akiner Sh. Islam, the State and Ethnicity in Central Asia in Historical Perspective, Religion, State and Society, in: The Keston Journal, vol. 24, N 2-3 (1996), pp. 91-132, especially p. 95.

[13] According to a press statement made by the Deputy Mufti of Kazakhstan, Serik Oraz, there were at this time about 100 students in Turkey, 80 in Egypt and 25 in Pakistan; these had been sent under the aegis of the Muftiat. Additionally, several students had gone abroad under other, private schemes.

[14] Personal communication by N. Shadrova, Deputy Chairman of the Kyrgyz State Committee on Religious Affairs, Bishkek, September, 1999.

[15] There is great terminological confusion over the designation of contemporary trends in Islam. There are also widely differing analyses. One of the most lucid discussions is provided by Choueiri Y.M. Islamic Fundamentalism (revised ed.). London, Washington, 1997. This is the model that is used here. He identifies the main trends thus: "Islamic reformism … a modern movement which came into being in the wake of European supremacy and expansion", its main operative concepts including a rejection of medieval Islam and a reinterpretation of Islam as a code of modern laws; and "Islamic radicalism … a politico-cultural movement that postulates a qualitative contradiction between Western civilisation and the religion of Islam" (pp. 19, 122 respectively). For a different approach, using different terminological categories, see: Jansen G.H. Militant Islam. London, Sydney, 1979.

[16] Or more precisely, the reformism trend is re-emerging: there was an embryonic reform (Jadidism) movement in Central Asia in the late nineteenth-early twentieth century; however, its development was arrested with the imposition of Soviet rule.

[17] His comments on Islam are made in response to particular occurrences. See: Karimov I. Uzbekistan on the Threshold of the Twenty-First Century. London, 1997, pp. 85-94, where he sketches out his thoughts on "the revival of spiritual values and national self-awareness". More revealing, perhaps, are his efforts to encourage the parallel study of secular subjects and Islam, as for example, in the new state "Tashkent Islamic University".

[18] Warning G. Propaganda und Prozesse gegen Hizbut-Tahrir, in: Erk info (e-mail distribution), 25 February 2001; Botobekov U. Hizb al-tahrir Challenges the Central Asia Ruling Regimes, in: Times of Central Asia, vol. 3, N 9, 1 March 2001.

[19] Sadiq al-Mehdi, a former Prime Minister of Sudan, summed it up thus: 'The modernisation which we witness today is called Western, yet its genesis involves an important contribution from the World of Islam, In the process of that evolution the phenomenon lost all or most of its spiritual and moral bearings. Today, backward and deprived, we face an economic and military giant with the moral and spiritual scruples of a flea. It is not a pleasant encounter". See: Gauhar A. (ed.). The Challenge of Islam. Islamic Council of Europe. London, 1978, p. 119.

[20] Fazlur Rahman. Islam and Modernity: Transformation of an Intellectual Tradition. London, Chicago, University of Chicago Press, 1982.

[21] The Uzbek and Kyrgyz armed forces have recently undergone major reorganisation so as to improve their ability to repulse insurgencies such as those of 1999 and 2000. They have also received military aid from a number of foreign governments (including China) that are anxious to curb the spread of Islamic militancy.

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The Secular State and the Renaissance of Islam in post-Soviet Central Asia — Political Consequences

After 70 years of repression, Islam in former Soviet Central Asia is experiencing a renaissance. "Western values" could not fill the spiritual vacuum that resulted from the implosion of the communist system in the "post-Soviet zone."

Of course, the revival of Islam in Central Asia is nourished not so much from the spiritual heritage of this region, but is rather fed by ideas which stream into this spiritually barren region from the "Islamic world," from which the "Russian Orient" was cut off for three generations.

In the middle ages Islam was enriched by thinkers from "Mawarannahr," the region beyond the river Jayhun from the perspective of the Arab conquerors. An example here would be the teachings of the Hanafite scholar Abu Mansur Muhammad ibn Muhammad al-Maturidi from Samarkand. Maturidite theology reconciled divine revelation with human reason; this seems of even greater significance today, with the spread of irrational forms of religiosity not only in the Muslim but also in the Christian world, as in the time of al-Maturidi.

Beneath the ideological debris left behind in this region by the Soviet regime, one can find a positive legacy: the secular character of the former Central Asian Soviet Republics. While hybrid states were formed throughout the distant parts of the Islamic world after the colonial period, in the new independent states of Central Asia the secular order is anchored in the constitution: religion – specifically, Islam – is separate from the State.

The doctrine which has been imported from the Islamic world into post-Soviet Central Asia since the collapse of the Soviet Union is challenging the secular state. Although religiously based, it is a worldly doctrine of salvation, that promises "Justice" not only in heaven but on earth. This "Islamism" is a religious-political totalitarian ideology, which has as its goal the abolition of the secular state and the foundation of an Islamic Order.

Not only ideal motivations propel the Islamic movement: in Central Asia, Islam is above all an ideological vehicle in the struggle for political power. Poverty – combined with social injustice – makes the traditionally devout population particularly in the south of the region susceptible to a political Islam. Religious agitators find an audience here for an interpretation

of Islam that promises not a heavenly reward for a God-fearing life on Earth, but demands a change of the earthly circumstances even by use of violence – in this sense, therefore, an "Islamic liberation theology."

Economic growth – and a "just" distribution of the fruit of this growth among the population as a whole – can safeguard against militant Islam; in Central Asia, therefore, good economic policy is also good security policy. Economic development pulls the rug out from under religious extremism; all the same, this problem must be dealt with not only economically but also theologically. Effective opposition to militant Islam demands an answer to the question of why Islamist terrorists find in Islam a religious justification for the use of violence. Instead of postulating a priori that the fundamental values of Islam – in a "true understanding" – are in harmony with the tenets of a tolerant society, those doctrines of Islam which allow interpretations incompatible with the principles of a secular society, and which Muslim exremist positions take over and turn to militant action, must be analysed.

By clarifying the character of Islamism, the secular state can reduce the susceptibility of the Muslim population to the religiously formulated but actually worldly promises of Islamism, and, as it were, ideologically immunise the population against the Islamist virus: Education is the most effective defense of the secular order against the temptations of Islamism.

Without doubt, militant, violent Islamism is a very real threat to the secular state, yet the fixation upon Islamist terrorism blinds one to the latent danger of the non-violent undermining of the secular order in Central Asia. The secular state can counter Islamist violence with state violence, that is to say, with police or even military force, if necessary – without being able to offer complete security against terroristic acts. It is in the nature of terrorism, especially suicidal terrorism, that there can never be absolute security against it. But in the long term, in countries with a Muslim majority, it is the gradual strategy of "moderate" political Islam that is the more serious challenge to the secular state. Gradual Islamism attempts to win over the majority of the population through coversion to the establishment of an Islamic Order; it seeks political power through a democratic "regime change" in the secular state; it strives, so to say, for an undemocratic end by democratic means.

The democratic secular state can meet the challenge of non-violent, peaceful, "democratic" Islamism only with spiritual means. The conceptual problem for the development of an adequate defensive strategy of the secular state with an argumentative justification of the secular principle of the separation of religion and state is the fact that Islamism is not merely

politicised – or politically instrumentalised – religion: the ideological essence of Islamism is precisely the integrationist idea of the unity of religion and state, of faith and politics.

The religious basis of Islamism is fundamentalist; Islamic fundamentalism, however, is – as opposed to Christian fundamentalism – integrationist. This means not only a religious return to fundamental scriptures and the purification of Islamic doctrine from "falsifications" which occurred over the ages, but also a political return to an idealised early period of Islam, a return to the "Golden Age" of the first four "righteous" caliphs, in which the ideal of justice on earth was supposed to have been realised. In factual terms, this means the virtual restoration of the Medinan unity of religion and state, as in fact practiced by the Prophet Muhammad.

The spiritual conflict between secular society and Muslim integrationism requires the support of Islamic scholarship. The participation of European scholars in this discourse is desirable: the impartial view of non-Muslim Islamic scholars can encourage Muslim Islamic scholars to reexamine hitherto unquestioned positions. What is helpful is not the dialog *between* religions, but rather the discourse *about* Islam between scholars from Europe and Central Asia as well as from the "Muslim world."

A comparison of the spiritual history of the "occident" and the "orient" can be enlightening. The modern secular state originated in Western – Latin – Europe. Its intellectual development began with Augustinus, whose dualistic view had its origins in the Christian representation of God *and* the World[1]. In the Islamic East a development took place which theoretically proceeded from the idea of a theocratic state but in actual fact practiced a "separation of powers" between the religious and secular authorities. After the death of the four caliphs, the religious and secular powers began to differentiate; at different times and in different regions of the expanded Islamic world, religiosity and secularity existed in a changing relationship[2]. The conflict between fundamentalism and secularity, between the powers that want to realise the ideal of early Islam in the present and those who wish to regulate changing worldly affairs without subjecting them to religious postulates, continues even to the present.

Of decisive significance for the relationship between Islam and the secular state is the question of whether the unity of religion and state in Islam ("al-Islam – din wa-dawla") is irrevocable, if this integrationist postulate is essential for Islam. To answer this question requires an unconventional, "modern" exegesis of the Qur'an, which can currently be published uncensored only outside of the Islamic world[3].

The connecting link between religion and state is the law. In the view of Islamists, only the exclusive "application of shari'a" – as their battle-

cry goes – can constitute an Islamic order. To the laity, the distinction between shari'a and fiqh, between invariable, "God-given" and variable, man-made parts of Islamic law[4] – a distinction which Islamists strictly reject – appears highly relevant for the delimitation of the position of Islam in a secular state; this distinction can offer an approach to the reformation of Islamic law which is religiously legitimate from the Muslim point of view.

Even a secular society requires a moral orientation, which goes beyond the laws established by the state. It is the moral strength of Islam which must be deployed again in the society of Central Asia to counteract particularly the violent forms of Islamism. The secular state can secure recognition again for the moral potential of Islam without endangering the secular order.

In this region with its Sufi tradition, there is also the question of whether the renewal of a spiritual Islam in the secular states of Central Asia has a realistic chance. It is enlightening to consider the potential for a renaissance of the autochthonous religious orientations which played a role in this region before its Sovietisation, such as Naqshbandiya and its slogan "dil ba-yar – dast ba-kar", which, loosely translated as "ora et labora," recalls the maxim of a Christian order. Can the revival of the spiritual – Sufi – traditions of Central Asia contribute to the moral recovery of society in this region?

Finding a place for "religious Islam" in a secular state means seeking a reasonable relationship between secularity and religiosity – "diniya wa 'almaniya": as part of this, the secular state must define the borders of its religious tolerance with respect to gradualistic Islam; the spiritual leaders must accept the regulation of changing worldly affairs by the secular state, i.e. relinquish the desire to subject them to religious norms.

If Central Asia succeeds in creatively organising the relationship between religiosity and secularity, then this region can become an example for the entire Muslim world. This part of Central Asia – Mawarannahr – can again become a centre of Islamic scholarship, as in the past, which not only imports foreign ideologies but also produces again its own ideas. This region suffered in its earlier history under communist state terrorism, the product of European totalitarian ideology; but at the same time – also via Russia – internalised progressive European ideas. In this sense, post-Soviet Central Asia is "Eurasian" also in an intellectual sense. It is desirable that this positive European legacy, the secular concept of the separation of religion and state, now supply the impulse for the renewal of Islam – not for a regressive "renewal" in the sense of a fundamentalist step backwards, but in the sense of a progressive enlightenment.

Islam is a real factor in Central Asia; without the integration of Islamic

social values and fundamental elements of Islamic law into the state order, long-term stability in the region cannot be achieved. Yet the separation of politics and religion is the precondition for the development of society, for its sustained capability for inner reform. Without this, it will stagnate and finally collapse, as we have seen in the collapse of the socialist system. Only the secular state can meet global challenges which every land faces from the technical and economical developments presently taking place throughout the world. The fundamentalist return to the early historical age of Islam robs Muslim society of its future. For this reason, a "secular consensus, " i.e. a consensus in society about the secular order of the state, must be maintained in the Central Asian states.

[1] See an article by Prof., Dr. Tilman Nagel in this book: Nagel T. The Development of the Secular State in Latin Europe.

[2] See an article by Prof., Dr. Z. Munavvarov in this book.

[3] See an article by Prof., Dr. R. Wielandt in this book.

[4] See an article by Prof., Dr. G. Крдmer in this book.

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The formation of a new balance between secularity and religiosity in the Republic of Uzbekistan

The concept of the separation of religion and state is originally based on the idea of freedom of thought and on the development of secular rational thinking. Yet, in the countries of the Muslim East, including Central Asia, until recent times it was not considered as purposefully as was the case in the West throughout the centuries.[1] This vital scientific problem, which for centuries has occupied a key place in the general spectrum of the main trends of European socio-political science, has gained a particular relevance for the countries of Muslim East only on the threshold of the third millennium. Its actualisation for the states of Islamic world, caused, first of all, by the global geopolitical shift which occurred in the world in the last part of the 20th century, and by the newly begun process of building the so-called "new world order", has completely changed the attitude of the scientific community towards this problem, pushing it into the ranks of the most intensively studied scientific problems as demanded by the times themselves. This fact is based, all else aside, on the psychological effect produced by the geopolitical changes and manifested in part in the activisation of different forces with their political, ideological and other ambitions.

However, the lack of specialised research on the issue of the formation of the rational balance between religiosity and secularity in the scientific heritage of Islamic scholars by no means implies the absence of this problem in the life of traditional societies in the Muslim East. In actual fact, this issue has always occupied an important place in the process of the practical organisation of life in a traditional society such as Central Asia. In other words, in practically all the states of medieval Central Asia a constant invisible struggle was waged between those political forces which asserted a limited role for the Muslim clergy restricted to the sphere of spiritual life and moral-ethical questions, and those who fought for the overwhelming role of religion in the organisation of life in traditional society.[2] This is attested to by numerous facts from the life of the states of this region and even the empire established by Amir Timur (1370-1405) in the last decades of the 14th century.

254

As the founder of one of the most powerful centralised states of the Middle Ages, Amir Timur, particularly at the dawn of his political activity, faced pressure from the clergy represented by Sufi leaders, which exerted their influence on the tribal aristocracy, for instance in one of the main religious centres of that epoch – Termidh. This, in part, spurred him to a conscious close relationship with the highly respected Shaykh Sayyid Baraka (d. 1403-04), well-known in history as a spiritual teacher of Amir Timur. The sources mention that the most influential representatives of the clergy had unconditionally recognised the superiority of Sahibqiran's decisions and publicly blessed practically all his initiatives, including war campaigns.[3] This fact can be seen as one of the well-considered tactical-strategical steps which relieved tensions between secular authorities and the 'ulama' (clergy), established a rational balance between secular and religious forces in socio-political life and, consequently, strengthened the power of his state.

Observing the history of Mawarannahr in the Middle Ages and the new time, it becomes clear that whenever a reasonable consensus was reached between the political forces in power, on the one hand, and the clergy, which had assumed indisputable authority over the military-tribal and urban aristocracy, on the other hand, the rate of general progress in the state increased. It is also important to note that such periods, tentatively speaking, were marked by the superiority of the secular political forces, responsible for decision-making on issues of secular or worldly character. One of the most convincing examples of this can be found in the time of Amir Timur's rule. The proviso "tentatively" is used here to stress that, with regard to that epoch of the region's history, as, by the way, with regard to the rest of the vast Islamic world, it seems to be very difficult to define the exact boundary between the domains of the secular and of the religious/spiritual authorities.

Yet, whenever the balance between these two constituents was upset and the clergy's influence on political issues became stronger, this caused socio-political chaos, which sometimes even led to the physical elimination of rulers.[4] Evidence of this can be found in the socio-political situation in the region at the end of the 15th-beginning of the 16th century, when the influence on socio-political life of the Naqshbandi Sufi brotherhood, headed by such authoritative religious leaders as Khwaja 'Ubayd Allah Ahrar (d. 1490), Makhdum-i A'zam (d. 1542), Mawlana Lutf Allah Chusti (d. 1571) and Khwajas of Juybar (16th-17th centuries) reached its apogee. In that period of Central

Asian history all the negative consequences soon became apparent of the gradual transformation of Islam into a religion whose ideology was predominantly determined by the clergy. This furthered the intensification of subjectivism in interpretations of the fundamental provisions of Islam, as well as their transformation into a delicate social mechanism reacting to all more or less serious changes in socio-political and socio-economical life. We can judge this from the rapid development in this period of a special literary-philosophical genre, dedicated to providing rulers with recommendations on various questions regarding the governance of a state.[5]

One of the characteristics of that historical epoch of Mawarannahr was the intensification of the process of its socio-political fragmentation, which led, in turn, to a noticeable worsening of the socio-economical stagnation in the region. The main reasons behind that process, of course, lay in somewhat another dimension and were connected mainly with conquest campaigns carried out by invaders of Mawarannahr, particularly nomadic Uzbek tribes headed by Muhammad Shaybani-khan (1500-1510) and, later, by the Iranian ruler Nadir-shah Afshar (1736-1747). In fact, since the end of the 18th-beginning of the 19th century, the factor of external influences, which played a disintegrative role in the socio-political life of Mawarannahr and all Central Asia, was significantly increased due to the contest between Russia and Great Britain for control over the region and the strengthening of military-political expansionism in the foreign policy of Russian czarism towards this part of the world. However, the intensified involvement in this period of the clergy, represented by influential shaykhs and the 'ulama', who were often manipulated by certain forces aspiring to achieve their own aims in political affairs, also played its unconstructive role, furthering internecine strife. Finally, in the 18th century those processes led to a political schism in Mawarannahr and the emergence of three small state formations on its territory – the khanates of Bukhara, Khiva and Khoqand.

Nevertheless, with regard to the process of state formation on the territory of Central Asia in general, it is obvious that the predominant feature of the evolution of the interrelation between religiosity and secularity in questions of governing traditional Central Asian society remained the steady strengthening of the role and significance of secular political forces, on the one hand, and the constant narrowing of the sphere of influence exerted by religious circles mainly to questions of spiritual and moral character, on the other hand. The

256

fact that the history of Mawarannahr in the Middle Ages and in later periods did not witness an emergence of states inclining to theocratic methods of rule bears eloquent testimony to this. Thus, without diminishing the role of religion, namely Islam, in the organisation of social life in Central Asia, it can be concluded that although it is always significant, this role never becomes dominant.

Russia's conquest of Central Asia led to a substantial change in the position and role of Islam in socio-political life. Essentially, it resulted in the maximum possible exclusion of Islam from the socio-political scene. The colonial authorities tried to achieve their aim mainly in two ways: firstly, completely ignoring the Muslim clergy and gradually ousting them from social life; secondly, undermining their economic basis. For the second aim, particularly, large-scale campaigns were carried out that provided for the reduction of the *waqf* property of Islamic organisations. For all that, in their relationship with the Muslim clergy the colonisers conducted themselves cautiously, avoiding any open confrontation.

The Soviet epoch was to some extent different from the czarist time. Its main characteristic was a strong tendency to minimise the role of religion in social life. This aspiration was realised by the methods of miltant atheism, a total offensive against the clergy and religious institutions, and the denial of any positive potential of religion in general. The attempts of the Turkestanian Jadidists to urge the use of Islam's educational potential were also rejected. The pressure put on the clergy and the religious institutions grew steadily stronger: the illusions of building an atheistic community turned out more and more persistently to be the reality. Yet, such a policy, of course, could not guarantee the eradication of religion from the life of the Muslim community, which had been formed over the centuries: despite the physical liquidation of a significant part of the 'ulama' and the destruction of the absolute majority of Islamic institutions, the Islamic factor did not disappear from the social scene; its role merely changed – it became highly particular. In consequence of those policies, religion went partly underground, transforming into an oppositional force. This tendency did not weaken even after the period during World War II when the Soviet authorities, under the pressure of specific historical circumstances, were forced to permit some indulgences in the religious sphere, as manifested, for instance, in the establishment of the Spiritual Board of Muslims of Central Asia and Kazakhstan (1943-1992).

Moreover, the underground movement of the radical part of the Muslim clergy, which considered itself an oppositional force, steadily

gained strength. It became a dangerous political factor posing a threat to the future well-being of the ruling regime itself. The movement, known in the Western countries as "parallel Islam," became fertile soil for radical religious activists. From the end of the 1980s, when it finally became apparent that the process of the disintegration of the former Soviet Union had become inevitable, some of them began openly to lay claim to the role of spiritual leaders of the nation. This revealed the absence of a classical hierarchical structure in Islam – a fact that created favourable conditions for the initiatives of these activists pursuing their particular goals. The experience of the independent development of the Central Asian states in the last decade confirms that it soon develops into a striving of certain forces towards the establishment of political parties and organisations with a religious tint. They aspire to exert their influence over new territories, as widely as possible. The degree of influence of the ideas disseminated by such parties and organisations steadily increases due to the socio-economical problems and weakness of democratic institutions in these countries – problems that are typical for transitional periods.

In this way, by the beginning of the 1990s, an urgent need for restoring the harmony of religious and secular values, without any exaggeration, became one of the decisive and fateful factors in the life of our country. Since the first days of independence, the leadership of the Republic of Uzbekistan has faced the need for a distinct and principled formulation of its approach to the religion. Convincing argumentation for the new attitude of the state towards religion has been provided by President Islam Karimov as follows: "The fact of the stable existence of religion, including Islam, through the centuries is testimony to the fact that it has deep roots in human nature and fulfils a number of inherent functions. Religion, being above all a sphere of the spiritual life of society, group and individual, has absorbed and reflected universal human moral norms, transforming them into generally obligatory rules of behaviour, has substantially influenced culture, and has contributed and continues to contribute to overcoming man's isolation and his alienation from the other people."[1] The task of forming a new relationship between secular and religious values, responding to general national interests, has become one of the main elements in the process of the revival of the national values in Uzbekistan in the course of building a newly independent state. The evolution and content of this process have been defined by the combined effect of a whole range of objective and subjective factors. We can point out the main ones:

- The restoring of the genuine role of religion in spiritual and social life as a result of the fundamental change of the state's attitude toward religion. This factor has manifested itself in the sharp increase in the number of mosques and religious educational institutions, state support for Muslims in organising hajj and 'umra, and the official recognition of religious feasts, which before were categorically forbidden.

- The unprecedented burst of activity of radical religious activists and the nationalistic forces behind them. The politicization of their activity became apparent as early as the beginning of 1990s, when militarised organisations began to emerge, shrouded beneath the masks of Islam and humanity ("Islam lashkarlari" – "Warriors of Islam", "'Adalat" – "Justice", "Adamiylik va-insaniylik" – "Humanness and humanity" etc.).

- The noticeable activisation of different foreign religious ideological centres towards all of Central Asia, particularly Uzbekistan. This has been reflected particularly in the attempts of the Party of Islamic Revival to establish a branch in Uzbekistan and in the efforts of "Hizb al-tahrir al-islami" (The Party of Islamic Liberation) to involve our country in the sphere of their activities. One can name other organisations of this kind. Activists of such organisations have contributed much to undermining internal political stability and have caused inter-ethnic and inter-religious tensions in society.

In circumstances marked by the radicalisation of religious consciousness under the influence of purposeful campaigns launched by certain forces, which have turned in some cases to violent means and methods of a terrorist nature, the acute need has been felt for the introduction of a number of practical measures in the legal sphere. One such measure was the adoption of "the Law on Freedom of Consciousness and Religious Organisations" in June, 1991. It was the first legal document of this kind in the modern history of Uzbekistan and guaranteed real freedom of conscience. Yet the developments in the field of spiritual religious life in the first half of the 1990s, particularly the strengthening of the politicization of some forces acting under cover of religious slogans, created a need to bring some provisions of the Law into conformity with the demands of the times. Therefore, in May, 1998 a new edition of the Law was adopted, which stipulates criminal and administrative responsibility for any attempts to use religion for political purposes, as well as for stirring up inter-ethnic and other hostilities.

Thus, the formation of the new balance between religiosity and

secularity in the conditions of building a civil society in Uzbekistan has not always gone smoothly. Along the way, complications have arisen, chiefly as a result of the vigorous purposeful activity of certain forces engaged in the radicalization and politicization of the religious consciousness of the Muslim population. One of the concrete manifestations of this tendency around the turn of this century was the diversionary propaganda tactics of "Hizb al-tahrir al-islami" by means of the dissemination of leaflets among the population of the larger cities in the country and, especially, its capital – Tashkent.

Despite all the attempts of the radical religious groups, which have received moral and material support from external sources, the decisive force in the deepening process of the formation of a new balance between secular and religious values is now the tendency towards the separation of functions according to the principles formulated in the Constitution of Uzbekistan: the state has its individual functions, religion – its own.[2] With this, modern Uzbek society in its predominant majority supports and welcomes the wholesome role of religion in the education and upbringing of the highly righteous and noble man.

[1] Although some researchers consider that initially the ideas of the freedom of thought were adopted by medieval Western Europe, which had been oversaturated by religiosity and spiritualism and obviously felt the lack of a secular philosophic worldview, namely from the Islamic world. See, e.g., preface by A. Sagadeyev to the Russian edition of the book: Watt M. Vliyaniye islama na srednevekovuyu Evropu. Moscow, 1976, p. 16; as well as the research itself: the same source, pp. 43-50

[2] It should be noted that this aspect of the political history of the Islamic world, including Central Asia, remains one of the less studied themes and represents one of the current problems for researchers. First steps in this direction have been already taken. Some aspects of the problem are considered in works done by Uzbek specialists (see: Babajanov B.M. Politicheskaya deyatel'nost' shaykhov naqshbandiya v Maverannakhre (pervaya polovina XVI veka). Avtoreferat dissertatsii na soiskaniye uchyonoy stepeni kandidata istoricheskikh nauk. Tashkent, 1996) and foreign researchers (see, e.g.: Laoust H. La pensйe politique d'Ibn Khaldun, in: Rйvue des йtudes islamiques. No XLVIII (1980), pp. 135-153, provided with a rather detailed bibliography). Significant contribution to the study of some details of the problem is made by Russian orientalists (see, e.g.: Islam. Religiya, obshchestvo, gosudarstvo. M., 1984; Dukhovenstvo i politicheskaya zhizn' na Blizhnem Vostoke v period feodalizma. Moscow, 1985; Islam: problemi ideologii, prava, politiki i ekonomiki. Moscow, 1985; Islam i sotsial'niye strukturi stran Blizhnego i Srednego Vostoka. Moscow, 1990 etc.). However, they pay practically no regard to the experience of the formation of the new balance between religiosity and secularity in Central Asia and consider some aspects of the problem mainly in view of the countries of Near and Middle East.

[3] See: Nizam al-Din Shami. Zafar-nama. Tashkent, 1996, p. 165.

[4] One of the examples is the murder of Ulughbek (1409-1449), a ruler of Mawarannahr, by his oldest son 'Abd al-Latif (see, e.g.: Abu Tahir-khwaja. Thamariya…, Tashkent: Kamalak, 1991, p. 25) under extreme provocation from the

fanatic part of the Muslim clergy.

[5] The book written by Makhdum-i Aʻzam Kasani "Tanbih al-salatin" ("Admonishions for rulers") can be considered one of the examples of this genre.

[6] Karimov I. Uzbekistan na poroge XXI veka: ugrozᵾ bezopasnosti, usloviya i garantii progressa. Tashkent, 1997, pp. 34-35. (See also: Karimov I. Uzbekistan on the Threshold of the Twenty-First Century. London, 1997).

[7] Article 61 of the Constitution of the Republic of Uzbekistan proclaims the separation of the religious system from the state.

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Islam in Post-Soviet Tatarstan

At the end of the 1980s the "Islamic" factor began a transformation into a significant phenomenon in the sociopolitical life of Tatarstan. Initially, apart from the revival of Islam itself, this was caused by the emergence of national sociopolitical movements considering Islam as the main component of national self-awareness, and the "Islamic" factor as a necessary attribute of the struggle for the sovereignty of Tatarstan. The first religious organisations emerged as a result of the vigorous activity of these movements. In 1992, as the manifestation of the national Tatar movement, the Spiritual Department of Muslims of the Republic of Tatarstan (DUM RT) was established. The period 1988-1992 can be termed the period of legalisation – the first stage of the Islamic revival in Tatarstan.

The further restoration of Islam and its increasing significance in the sociopolitical life of Tatarstan may be conditionally divided into several stages. This includes the period from 1992-1998, the time of the strong process of the institutionalisation of Islam in Tatarstan:

1. The re-establishment of Muslim communities. This process, which had started earlier, reached its peak at precisely this time. Thus, if in 1988 there were only 18 Muslim communities in Tatarstan, then in 1992 this number had increased to over 700. Later, however, this increase slowed significantly: in 2000 the number of Muslim communities reached 950, and the next year - 1000. In fact, these numbers had levelled off by the beginning of 2002.

2. The emergence of the first Muslim schools. In 1992 there were over 15 Muslim schools. The madrasah "Muhammadiya", the madrasah "Millennium of acceptance of Islam" (Kazan) and "Yoldiz" (Naberezhnye Chelni) are among the biggest and most authoritative ones.

3. The restoration of the institution of Muslim clergy. Mostly, this process consisted in legalising the activity of unofficial and illiterate rural community mullahs and including them in an officially registered clergy. Nevertheless, we can say that the clergy occupied a distinct social stratum in Tatarstan, which in terms of numbers included about three thousand members. But it was too early to speak about some sort of global approach or customary stereotypes of the Tatar clergy,

as it was not yet a monolith. Young people who studied in religious schools in Muslim states, primarily in Saudi Arabia (in the beginning of the 1990s there were over 100 such students) were represented in the Muslim clergy in small numbers and did not occupy leading positions.

4. The emergence at the same time of the major elements of the Muslim communities' governing structures (*mahalla – muhtasib – DUM RT*).

The next period includes 1998-2002. This can be termed the organisational period, as it was characterised by the active development of operational systems of governance over Muslim communities and other institutions of Islam. DUM RT became the only supreme republican clerical body of Muslims. It established structural subdivisions – *mukhtasibats* — through all 45 districts of Tatarstan, which would be involved in the spiritual life of the Muslims of each region accordingly.

Throughout this period all Muslim schools became subdivisions of DUM RT, which set up certain educational standards for them. These standards prevented the spontaneous formation of religious schools. Nowadays there are 8 schools in Tatarstan, in which one thousand *shakirds* (students) study on full and part-time bases, excluding the attendees of Sunday classes. This fully meets the need in preparing imams for the Muslim communities of Tatarstan.

Currently an effective central body of spiritual rule (DUM RT) operates in Tatarstan, which, except in a few cases, supervises the religious situation of the localities.

February 2002 marked the start of the provisionally-termed period of "internal mobilisation", when the second congress of Muslims of Tatarstan summed up the structural and organisational transformations in the religious sphere and focused on the internal needs of the Muslim community of the republic. The following processes characterised this period:

1. Preparing religious figures to be attentive to local needs, aware of the centuries-long traditions of the Muslims of the Middle Volga and capable of organising work directly in the localities within the framework of the Hanafite mazhab traditional for Tatars.

2. The use of the internal useful assets of Muslim communities, the use of economic levers (in the form of different taxes), the creation of an extensive network of charities, and the active use of property granted to the Muslims of Tatarstan (*waqf*).

The Muslim communities of Tatarstan cannot yet afford to pay for

clergy and schools, nor for the construction and restoration of mosques and madrasahs. We can thus conclude that, even after officially registering, the Muslim communities could not become self-regulating units. Therefore, in 2002 during the second congress of the Muslims of Tatarstan, it was announced as a priority to establish fully functional Muslim communities. However, even after the congress, the question of the basics of their functioning in the present time have still remained. In fact the actual Tatar Muslim community is the product of a traditional agrarian society. At present the process of the revival of such communities toward industrial or industry-oriented society is taking place. Still we have to keep in mind that in industrial societies people are driven by ideological aims and symbols, rather than by traditional personal relationships and the affiliated religious community. Modern Islam is not perceived any longer in a familial or communal way. It has become an essential part of an ethnic and national mentality, and an important element of the ideological viewing of modern reality.

Religious figures of modern Tatarstan do not have ready answers for existing problems. There is, however, a consensus that these problems should be resolved from within, without invoking a psychology of dependence among Muslims. Today the Muslim society of Tatarstan has turned toward its original spiritual and religious traditions with its historic experience of establishing a Muslim community operational in a multireligious atmosphere. The attempt to reform the system of Muslim education within the traditions of new methodic (Jadid) schools is vivid proof. This is promising, as on the threshold of the 19th-20th centuries Jadidism became the cornerstone of a new vision and behavioural stereotypes in the process of the establishment of an industrial society in Tatarstan. That is why at present it is important to use the Jadid traditions in forming Islamic institutions adapted to the present requirements.

In this regard, the term "Euro Islam", which in fact is synonymous to "neojadidism," poses interest. In modern literature this term is often criticised. This apparently occurs from a misunderstanding of its true meaning. Most Muslims' attitude toward Jadidism (and Euro Islam) is cautious, as they incorrectly presume that these trends are aimed at reforming Islam from within. In this case, however, Jadidism and Euro Islam are merely forms for revealing new intellectual and other potential possibilities of Islam and creating optimal models of its adaptation to the needs of modern industrial society. It cannot be considered as an interference or an attempt to change the basic principles of Islam. On the contrary, we may say that these trends are aimed at revealing the

tendencies in Islam which are of principal importance for its preservation in the value system of modern society. The intellectual life of the Tatars at the end of the 19th and beginning of the 20th centuries clearly fixed the role of Jadidism in the system of spiritual values of these people. In regenerating Tatar society there were no alternatives.

Nowadays the Muslim community of Tatarstan is going through an important stage in its foundation. In organisational and structural matters it is already established, though it is still in search of ideological landmarks and operating principles. The importance of this period is that modern Tatar Muslim society feels the need for stronger intellectual efforts in order to clearly define the future horizons of the Islamic revival in Tatarstan. This depends mostly on how quickly and actively the Muslims of Tatarstan can become involved in the process of the creation of a full-fledged civil society.

Shoazim Minavarov
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On the issue of the religious educational system in Uzbekistan (experience, problems, proposals)

The current world situation compels all fair-minded people to contemplate humanity's fate and to urge governments, international organisations, political leaders and religious representatives of all faiths towards an immediate search for a means of eradicating the causes of religious intolerance and fanaticism.

Nowadays, numerous skilled experts and religious activists are involved in certain studies of this problem. We fully agree that various political and socio-economic problems, including the difficult economic situation and the ignorance of an overwhelming part of the population in developing countries are identified as causes of religious intolerance and fanaticism. In our opinion, most reports, measures and observations in this area have one common flaw: they do not study the state of contemporary religious education. The last UNESCO meeting in Dakar, dedicated to the issues of education, did not scrutinise this problem extensively. However, at present international organisations raise the question of religious education more often. For instance, the participants of International Consultative Conference on the issues of school education, organised by the UN High Commissioner for Human Rights in Madrid in 2001, stressed the need for improving the quality of education and learning as an instrument to counter extremism and religious intolerance.

Progress in education and growth in the spirit of religious tolerance significantly depends upon the advancement of the religious educational system. The essence and organisation of religious and spiritual education development in Uzbekistan can serve as an example.

Religious education has been rooted in Uzbekistan for many centuries. The extensive network of madrasahs, where religious and natural (worldly) sciences were being taught, already existed in early medieval ages. In essence, the madrasah served as a system of intermediate, special middle and high education, until the emergence of native Russian (new methodological) schools, and the schools of the Jadids. The whole world recognises the names of such great scholars as al-Biruni, Ibn Sina and Ulughbek, who greatly contributed to the development of science. The entire Islamic and theologian world

knows and studies the works of such theologians and 'ulama' as al-Imam al-Bukhari, al-Tirmidhi, Abu-l-Layth al-Samarqandi, al-Imam al-Maturidi, who raised the learning of Islamic sciences to the level of a scientific discipline, as recognised by modern Muslim theologians. Each of these beacons of religious and other sciences received his basic education in a madrasah.

132 madrasas existed in the Khiva khanate, 336 in the Bukhara emirate, and 348 on the territory of Turkestan. At the beginning of the 20th century, such new disciplines as foreign languages, physics, chemistry, math, methodology, psychology, hygiene, agronomy, economics, accounting and commerce were incorporated into the educational programmes of madrasahs by the efforts of Jadidist-educators.

The establishment of Soviet atheistic rule led to the virtual abolishment of the system of religious education on the territories of the existing Central Asian republics, including in Uzbekistan. Former Soviet republics could restore it only after gaining their independence.

The history of religious education in Muslim countries illustrates how certain governments and leaders repeatedly attempted to unite and mobilise people to solve vital socio-political issues with the aid of Islamic doctrine. Even recently this tendency has existed in several countries. Unfortunately, secular education in most of these countries has been damaged considerably by the process of rapid "nationalisation", in some cases, even "arabisation" of the national system of secular education, and by the rapid development of the religious educational system, neglecting the features of national thinking, political, social and economic aspects. Moreover, the ideas of Islamic fundamentalism quickly filled the ideological "vacuum" which emerged during their national transition period. Slogans calling for "Islamic equality", appeals for the use of shari'a laws for the sake of justice, and also pledges to improve welfare by establishing a "single caliphate" attracted many people, who were suffering from the hopelessness and depression caused by the social-economic situation. For such politicised extremist organisations as "Muslim brothers" (Egypt, Syria), "Islamic liberation front" (Algeria), "Hizb al-tahrir al-islami" (Jordan) this was an ideal opportunity. Their activity caused enormous chaos, terrorised peaceful populations, and endangered peace and stability in different corners of the world.

Pakistan chose a medieval form and content for their model of religious education. As a result, the Pakistani system of religious education fell under the influence of the watchdogs of radical Islamic

organisations. This system facilitated the establishment of the Taliban regime in Afghanistan, which did not adhere to particular religious and secular state norms, and merely deeply troubled the Afghani people, also endangering peace and stability in the region as a whole.

Some other former Soviet countries went through an almost analogous stage in developing their religious educational system. Let's consider some facts.

By the middle of the 1990s, in the quest for religious education, more than 2500 young people were sent to Saudi Arabia, Pakistan and other Muslim countries from Daghestan alone (part of the Russian Federation). For the last few years hundreds of students from Tatarstan, Bashkortostan, Kazakhstan, Kyrgyzstan and other republics received religious education abroad. Only after witnessing conflicts in mosques, the emergence of such radical villages as Chopan Makhi and Kara Makhi in Daghestan, and clashes among the believers of different ages, did many independent republics, and also regions of the Russian Federation decide to call back those students who were studying religion abroad. Moreover, this decision was taken in accordance with the recommendation from the spiritual boards of the Muslims of these republics. The main reason for this was that students abroad were presented Islam from the point of view of the doctrine of these countries, without taking into account the historical, national and religious traditions of their respective countries, and in some cases even witnessing intolerance toward traditional forms of Islam, not to mention other religions.

In the first years of independence numerous Mosques and madrasas were being opened regardless of need, where various "imams" and international missionaries, lacking any theological knowledge or intellect, attempted to teach the origins of religion. In the education process they used textbooks published in Turkey, Iran, and the Arab countries. As a consequence, by the midst of the 1990s a small but significant number of young people came upon the scene, putting themselves in a confrontational position and interpreting Islam from a fundamental point of view. The creation of an "Islamic state", a return to medievalism, and the declaration of "jihad" against all non-believers and "lost" Muslim brothers became their maxim. By the efforts of the state and active participation of the Board of Muslims of Uzbekistan the threat from propagation of such negative ideas was neutralised.

Based on the foreign countries' experience, and the decades-old history of the new religious educational system in Uzbekistan, we can make a conclusion that among the causes of politicised Islam, religious

extremism and fundamentalism may be a discrepancy between secular and religious education, and the development of the latter exclusively on the basis of medieval dogmas, regardless of national religious and spiritual values.

The system of religious education in Uzbekistan has been significantly restructured, taking into account all of the above issues. Nowadays it includes the Tashkent Islamic Institute of al-Imam al-Bukhari, 10 madrasas (spiritual high schools) under the Board of Muslims of Uzbekistan, one seminary of the Russian Orthodox Church and one protestant community seminary. These institutions serve more than 2000 students.

Only high school graduates may apply to religious schools. In all religious schools both religious and secular disciplines are taught. The ratio of religious to secular subjects is 60:40.

Highly educated teachers in religious matters, understanding the need to educate young people in the spirit of religious tolerance, lecture in the schools. The best tutors from the state universities teach the secular sciences. The graduates of the religious schools work for religious organisations and state agencies in need of religious staff. Religious schools are furnished with new equipment and supplied with books written by scholars of the republic.

True, peaceful and tolerant knowledge of Islam is being taught in religious schools, and clarified on Friday sermons in the mosques. The Board of Muslims of Uzbekistan is on the way to regaining the former glory of our land as a theological centre, traditionally promulgating tolerant and peaceful Islam.

The experience of Uzbekistan in preparing religious staff is of great interest to the spiritual Muslim boards of other republics. The Board of Muslims of Uzbekistan has already received a number of proposals for cooperation in this sphere.

UNESCO, and some other international organisations and commissions which deal with the issues of culture and spirituality, must focus their attention upon the state of the religious educational system in different countries, including in the newly independent states.

Appeal of the participants of the international scientific symposium "Islam and the Secular State" to the people of Uzbekistan

We, the participants of this symposium, earnestly express our gratitude to the people of Uzbekistan and to President Islam Karimov for their consideration and hospitality.

We, the participants of the International scientific symposium "Islam and the Secular State" – representatives of the countries of Europe, Asia and Africa, realising the necessity and importance of defining the role of religion in modern secular society, and having listened to the scientific reports of senior scholars of religion and oriental studies, as well as theologians, have come to the following conclusions:

· Religion has become one of the most important factors of sociopolitical life;

· Recognising the importance of the moral-enlightening aspect of religion, its politicization should not be permitted;

· In considering the mixture of nationalities and religions characterising contemporary society, there cannot be any alternative to the legal democratic state, which guarantees equal rights and freedoms to all members of society, regardless of their nationality and faith.

Our symposium was held in Samarkand, on the fertile soil of Uzbekistan, which over the millennia has served as a centre for the interrelationship and coexistence of various religions, cultures and customs. From ancient times in Uzbekistan various cultures such as Muslim, Christian, Jewish and Buddhist and even more ancient ones not only peacefully coexisted, but also enriched one other. In the 21st century, as well, different religions are widely represented in Uzbekistan.

Uzbekistan has a rich history and experience in building mutual relations between the state and religion. We are confident that the experience of harmonising general human and national values, with which the participants of the symposium have become familiar, may become the model for the countries of the Muslim world.

**Samarkand,
Memorial Complex of al-Imam al-Bukhari
June 6, 2002**

RECOMMENDATIONS
adopted by the International Symposium
"Islam and the Secular State"
held on 5-6 June, 2002 in the Memorial Complex of al-Imam al-Bukhari (Samarkand province, Republic of Uzbekistan)

At the boundary of the millennia the world is witnessing a growing interest towards Islam - one of the greatest world religions. Unfortunately, this interest is excited by the politicization of certain forces within the Islamic movement and by the strengthening of extremist tendencies which are unjustly attributed to Islam. Above all, this endangers the well-being of the Muslim world itself, hinders the normal development of democratic processes within it, and deepens tensions in inter-religion and inter-civilisation relations; in other words, it undermines the basis of global security.

One of the major claims brought out by the forces which aspire to the deliberate politicization of Islam and the radicalisation of the religious consciousness of Muslims, is the idea, insufficiently analysed in the Islamic world, of the eternal indivisibility of the religion Islam and the Muslim secular state. This faulty opinion is also backed up by the fact that modern Islamic research on the Middle Ages and the New Time is based on secondary sources which have been collected primarily by religious authors ('ulama'). Meanwhile, the centuries-old practice of the organisation of daily life in Muslim societies presents the opposite evidence: an actual separation of the state from religion took place at the dawn of this society's formation. However, new forces are appearing which aspire to reanimate the idea of the "theocratic state," establishing in this way political parties, movements and organisations, especially on a religious basis.

In this light, the Symposium considers it necessary to emphasise the following points:

- The danger of political religious organisations is not limited to their ability to cause tensions and instability in certain countries and regions. The main threat lies in this activity taking the form of the realisation of a well-thought-out long-term plan, aimed at altering the way of thinking of whole nations towards radicalisation.

- The radicalisation of the Islamic religion and of the religious consciousness of the Muslim population most often accompanies the

aggravation of the social and economic conditions of the most destitute strata of society, through the increase of unemployment, the worsening of demographic problems and the uncertain prospects for young people. The globalisation process facilitates the rapid dissemination and transfer of radical ideas throughout the world.

- The weakness of democratic institutions in many countries, which are eager to build a civil society and lawful state, leave broad opportunities for the activation of radical Islamic organisations and the growth of their influence over the socially vulnerable strata of the population, especially among the youth. Along with this, in order to achieve the maximum effect, they use concrete provisions of Islamic teachings, which they interpret either in light of their one-sided radical thinking or for mercenary purposes.

- The mistaken belief that the industrially developed countries are presumably guilty for the destitution of whole nations has gained strength. This belief is widely used by certain political forces, which put on a religious mask and aspire to achieve their selfish goals through non-legitimate means. Such a situation, in turn, leads to a strengthening in the position of those forces which predict the inevitable clash of civilisations.

- Of particular significance today is, first of all, the active development of theoretical and applied studies of religion, with the intention of promoting the circulation of scientific knowledge which supports an adequate, not distorted, understanding of the essence of Islamic teaching. Secondly, these studies can become a reliable scientific base for the organisation of rational control over the processes in contemporary Muslim societies, as well as for the deepening of inter-confessional and inter-civilisation understanding.

- Under new conditions, there has been a sharp increase in the significance of the already formed and newly established centres of Islamic studies in Europe, North America, Far East and Central Asia.

Taking into consideration the above-mentioned and other realities, the Symposium recommends:
- To activate research devoted to the more profound study of the so-called at-risk social groups, which are the main targets of the influence of the radical intellectual forces which form the ideology of political religious organisations;

- To pay particular attention to research devoted to the deep study of those doctrines and regulations of Islam which are often used for

the politicization of this religion and the radicalisation of the religious consciousness of the Muslim population;

- To activate profound critical scientific study of works by modern Islamic ideologists, particularly those who are radically oriented;

- To recommend the elaboration and implementation of complex governmental programmes to co-ordinate efforts aimed at preventing the politicization of religion and the radicalisation of religious consciousness on national and regional levels;

- To call on Islamic religious figures to strengthen their activity in revealing the creative potential of Islam, its spiritual and moral values, and the humane ideas of the Qur'an and Sunna;

- To foster in every way the unity of the efforts of the leading centres for Islamic studies of the West and East. On the one hand, this heightens the effect of their activity; on the other hand, this avoids the duplication of research. To activate the search for common interests between the Western and Eastern schools of Islamic research, and to develop and strengthen co-operation between them;

- To promote the establishment and development of close contacts and creative co-operation between young researchers of the West and the East, especially among students and post-graduate students;

- To take measures for the radical improvement of the informational basis for Islamic research, providing all the necessary literature, including scientific periodicals, modern electronic informational systems and other sources of information;

- To extend religious educational activity; to elucidate more deeply religious issues, inter-confessional and inter-civilisation dialogue, and the relations between religion and the state in the mass media, including television; to draw into the discussions different groups of the population; to constantly provide qualified international informational exchange in this sphere;

- To encourage the organisation of a series of special scientific and practical working meetings, seminars and discussions with the purpose of improving public awareness of Islam and rendering practical assistance to reduce the level of Islamophobia among people;

- To study profoundly the experience of the new independent Muslim states of Central Asia, particularly the Republic of Uzbekistan, in the establishment of a rational balance between secularity and religiousness in the conditions of building a legal civil society oriented towards democratic values.

The participants of the Symposium believe that the implementation of the recommendations listed above will assist in an objective understanding of the true reasons behind the politicization of Islam, and in the creation of adequate measures for its prevention; this will stop the growth of Islamophobia, particularly in Western countries, and help to ease tension in inter-religious and inter-civilisation relations, as well as to restore the true image of Islam as one of the great religions of peace, justice and tolerance.