

**Islam
And the
Separation of
Religion and State**

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INTRODUCTION

Why ask the question of separation of religion and state in the Islam Faith? There are two fundamental reasons for the need to examine this topic. First, in light of the terrorist attacks on September 11, 2001 the subject of Islam has certainly received a high level of attention in the media and society. Unfortunately, this is due to misconceptions that the accused terrorists represent the Islam faith as a whole. In light of Osama Bin Laden's comments to effect that he will not rest until the United States is destroyed, many people seem to believe that Islamic groups are focused on world domination. Later, in this paper, we will discuss the concept of an Islamic World Order, but the Islamic Religion does not teach world domination.

Secondly, in our American Society we look to our First Amendment in the Bill of Rights that states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." In our society, this is *generally viewed* as the *requirement* of separation of religion and state. Our American History has its background in European History that, for much of its history, shares a common history with the Roman Catholic Church. In the early years of the Catholic Church¹ the Christians were persecuted by the Roman Empire but with the conversion of Constantine in 313 C.E. the era of persecution ended with the establishment of Christianity as the state religion. Slowly, the Church and State became one till the fall of the Holy Roman Empire when the Catholic Church became The Power on the European Continent with the Pope appointing kings. This contributed to great corruption in the Church and with the reforms called for by Luther, the Church lost much of its power² with the

¹ Prior to the Protestant Reformation in the 16th Century all Christians were Catholic. It is only after Luther that there is a distinguishment.

² One should not fail to consider in this the role of the kings in that they wanted sole political power and therefore had personal interests in breaking the power of the Pope

people believing that the Church should not have a place in secular matters. Then, this became the beginnings of the modern day separation of church and state today.

For many years, the Christians were then separated from the political state. As a Catholic, I look to the current interpretation of the separation of religion from the state as presented by the Second Vatican Council. The Council called the laity to involvement in the world, that while the Church must remain separated from the State, its people *must* be active in political matters that concern matters of faith (Apostolicam Actuositatem, Paragraph 14).

Finally, when one uses the common phrase, separation of church and state, one must realize neither term is appropriate in the Islamic world. Church is not a term used by the Muslims and their concept of state is very different than ours.

It is in this light that I will examine the separation of religion from state in Islam.

DOES ISLAM SEPARATE RELIGION FROM STATE?

In very simple terms, NO. The Islam Faith teaches religion as a way of life that should be incorporated into everything one does. One should not attend *Salat al Jamma* on Friday to hear a sermon on how one should treat others and then stand idly by while others are oppressed. Islam is taught as a way of life, hence it is, “both *din* and *dawla*, “religion” and “government” (Denny, 211). For Muslims, their faith is to be lived out in everything they do; hence it is in their politics, their schools, etc.

Muslims so view their religion as a way of life that even their science is based on it. Their law is based on the Quran before all other things, followed by the Hadith, consensus (ijma), and analogical reasoning (qiyas) (Esposito, 78). Because of the Islamic approach of total integration of faith into all aspects of life, Esposito sees “Law is the primary religious science in Islam” (Esposito, 74).

However, the question then arises that if one is called to incorporate one's faith into everything, does a Muslim State require everyone to be Muslim? From the very beginning the Muslim Prophet, Muhammad, allowed the existence of Jewish groups as individual ummahs, or communities, within his sphere of political influence.

We must remember Muhammad started a religion, not a government. As the religion grew and became the religion of the majority it became the "government" with Muhammad as its leader. According to history, Muhammad never commanded a particular form of government. Although it occurred at a much faster pace, this parallels the rise of Christianity as a world power. While Muhammad desired to see the whole world convert to Islam he did not wish to take over the world. He taught that religion is a personal choice each individual must make. It is in this spirit that Islam teaches tolerance. Tolerance of others is a very important issue in Islam. Muhammad taught tolerance. It is only in recent years that tolerance in Islam has decreased.

Faruqi says

Perhaps the greatest implication of Islam's confession that there is no God but God (with its tacit assumption that everyone has been endowed by God with natural religion) is its universalism (59).

In Islam, issues of race, complexion, and language are no measures of a person's worth. Allah is the creator of *all* and therefore *all* people have the same rights, in effect there is no *chosen people* in Islam.

Despite the role of tolerance in Islam, a class system did develop. Esposito describes the following classes that have evolved:

1. Arab Muslims, with special status as the personal companion of Muhammad. These were the people who the original Muslims.
2. Non-Arab Converts who were people of the book which eventually including Buddhists and Hindus.
3. Slaves, no Muslim, Christian, or Jewish slaves and rules on how they had to be treated. (39).

The concept of an Islamic world order was briefly mentioned in the introduction. In Western Political Thought a state is described as having borders, a common people, a formal government, and that government must have the power to enforce the laws. While there are Islamic political states with political borders the *Islamic State* is considered to include all of creation. Faruqi describes the Islamic State as such

The Islamic state is thus not an exclusively Muslim state, but a federation of ummahs of different religions and cultures and traditions, committed to live harmoniously and in peace with one another (64).

Such is the role of tolerance in Islam. Everyone Muslim wishes for everyone to convert to Islam but are willing to live in peace with all until such time as when the world can be converted.

Therefore, the Islamic State as a world order, *dar al-Islam* (abode of Islam) constitutes an ideology that has the backing of the Islamic political states. Here, one must consider the position of such groups as the Al Qaeda (terrorists). They have removed the ideal of tolerance from the world order. They seek to encompass the world by converting the world with force. For Islam to live outside *dar al-Islam* is to live in the *dar al-harb* (abode of warfare) (Esposito 66).

Muhammad did not establish a government but in light of his view of tolerance he would establish what we would today call a pluralistic society. According to Denny

There is no prescribed form of Muslim government, either in the Quran or the Sunna; there are only guidelines and principles that can be followed as Muslims peoples do their best to order society wherever they may be (208).

While Muhammad taught tolerance of others, as time went on tolerance lost importance in Islam. For many centuries, the Muslims were a people of power, much as the United States is today. However, by the 16th Century, their position as a world power was diminishing. It is interesting to note that early in the 16th Century (1517) the Catholic Church underwent the Great Schism with the nailing of Luther's Theses to the church door, which resulted in the Catholic

Church loses its political power. Even though the Islamic World has not experienced the same philosophies as the Western World, this would tend to support an argument that the decline of power for Islam and Catholicism was not just a religious event but corresponding to a change in Western Philosophy. This is the time period of the change from Renaissance Philosophy to Modern Philosophy. A large part of this change was the new focus on self rather than society which led to the deemphasis of power, starting in Europe but then spreading to the Islamic World.

Since then, many groups have sought to revitalize the Islam practices. With the westernization of the Middle Eastern Culture, many felt these changes were the reason for the demise of Islam. So many have/are seeking to return the Islamic religion to what (they believe) it was in the days of Muhammad, which has lead to Islamic Fundamentalism.

As Islam began to establish itself, soldiers went out and began spreading the Islam sphere of influence. As Esposito describes, “As Muhammad was both head of state and messenger of God, so too were the envoys and soldiers of the state the envoys and soldiers of Islam, its first missionaries” (33). They were to spread the religion of Islam, not just their political influence.

Even in the political conquests of the Islamic People, tolerance still had its place. Under the tolerance taught in the Islam religion conquered people were offered three options. The first option was, of course, to convert to the Muslim Faith. However, they were *not* required to convert. The conquered people were allowed the option of continuing to practice their own religion, while living under Muslim Rule and paying taxes to the Muslim government. For those who could not accept Muslim Rule they were left with the third option, to die by the sword in battle³.

³ To die by the sword hardly is an attitude of tolerance but Islam is certainly not the only religion to kill in the name of its God.

While religion and state are one in Islam, most Muslims, known as the Sunni, believe that Muhammad died without establishing a government or naming a successor. By the time Umar was Caliph, the leader of the Islamic people, he established an election procedure to pick the new caliph. In contrast, the Shiites believe the ruler of Islam must be of the line of Muhammad.

While the caliph has fallen out of place in Islam, several groups still consider the Imam to be Divinely inspired, possessing divine guidance to achieve salvation and hence is called to propagate by force if necessary the message and sphere of Islam.

With the fall of Islam as a world power many Muslims found themselves living in lands controlled by non-Muslims. According to Esposito (126-127) there have been three basic responses to this. First, many Muslims have begun to advocate for separation of religion and politics, with religion being a matter of private life. However, many find this in conflict with the basic concepts of Islam. They find themselves living in the *dar al harb*, the abode of warfare. In response to those who favor separation of religion and state, one finds that is when Islam begins to separate religion and state that Islam as a world power began to decline (Esposito, 151). As such, they believe they should follow the example of Muhammad, either as an armed struggle as jihad to take control of the land or hijra as Muhammad migrated from Mecca to Medina seeking to live peacefully under Muslim control. The third type of response are those who believe Islam needs to return to its roots through *ijtihad*, going back to the original teachings of Muhammad under which Islam prospered and spread. People such as Rashid Rida believe the only way to correctly live the Islamic law is under an Islamic Government (Esposito, 133).

In the spirit of tolerance, one must realize that in democratic Islamic countries that only the head of state must be Muslim. If a significant portion of the state is of another religion that religion can be represented by a member of their own faith if they can gather the votes necessary

to be elected. (Esposito 169, 243) . There is no requirement for the entire government to be Muslim as long as Islamic principles are followed. This of course becomes part of the issue – can a non-Muslim agree to pass laws in accordance with Islamic principles?

Regarding the issue of tolerance it is interesting to note most societies as intolerant of others when the religion starts but become more tolerant as the religion falls. In Islam, the opposite is true; the religion was very tolerant under Muhammad but became less tolerant as the religion began to fall as others blamed the fall of Islam on the influence of others on the Islamic practices. (IslamiCity.com – Tolerance in Islam).

According the IslamiCity.Com (IslamiCity.com - Religious Obligations of an Islamic State) some of the intertwining of religion and state require that mosques be under the control of the government, Friday Prayer, Salat al Jamma should be lead by the heads of state. This would require that the head of state be an Imam. And finally, when the state is under Islamic control the state should be responsible for the collection of the zakat.

While one may expect the state leader to be an Imam one must not forget the importance of consensus as found in the Hadith where Muhammad says that – when all of my people agree on something they cannot be in error.

FORMS OF ISLAMIC GOVERNMENTS TODAY

Islam is undergoing a resurgence today due to many factors, not the least of which is a sense of failure that society is not working. Under Modernism the role of family, religion, and morality are no longer important for many. This has resulted in many seeking a return to the *fundamental* values of Islam in Muhammad's time and the period thereafter when the Islamic nations were a world power.

Perhaps keeping some people from embracing this resurgence is the failed Islamic political systems in Africa in the countries where independence from colonial rule occurred only in the 20th century but these systems were corrupt and may not have had the means for success (Islamic Fundamentalism).

With this resurgence in Islamic values leaders such as Libya's Qaddafi and Pakistan's Zia ul-Haq sought to embrace Islam to strengthen their power. In other countries with a strong Islamic presence such as Afghanistan, Egypt, Iran, and Saudi Arabia it was the opposition forces that embraced the Islam faith in order to legitimize their movements (Islamic Fundamentalism).

Many of these movements fall under the category of fundamentalism. One of the most successful of these opposition movements was in Iran where the opposition forces succeeded in obtaining power in 1979 and they in turn supported protests in other Islamic countries. Islam has been the official religion of Iran since the 16th Century. Unlike, most Islamic countries, the Shitties are the dominant branch in Iran.

In Egypt this included the assassination of Anwar Sadat giving the Fundamentalists the reputation of being radicals. Because of activities such as this assassination *and* the attention they receive in the media, many people outside the Muslim faith have come to associate all of Islam with the Radical Fundamentalists. But as with many radical groups the reality is that the radical fundamentalists represent only a small portion of the entire Islamic people.

In the last 25 years Turkey, Malaysia, and Indonesia, which incorporate varying degrees of democracy, Islamic leaders have been elected to hold political office (Islamic fundamentalism). Turkey no longer considers Islam the state religion but 99% of its people are Muslims.⁴

⁴ This and the following demographic information is taken from various articles of the Online Encarta Encyclopedia for the respective countries.

In Algeria, the government has through several forms since 1976 when it became a socialist republic. Currently, it has a democratic structure with Muslim Fundamentalism holding many of the political seats. Islam is the official religion with its membership including most of the population

Egypt's government continues to become more Islamic with time but it also continues to remove the influence of the radical fundamentalist. 94% percent of the Egyptians are Sunni Muslims. It is a socialist state based on a constitution passed in 1971 with the primary power residing in the presidency.

Pakistan moved to an Islamization of the state under General Zia ul-Haq, from 1979 to 1988 but with these has come increased conflict between the Sunni Muslims and Shii Muslims. In recent years Pakistan has tried to establish a parliamentary form of government but it is currently under a martial law form of government. Pakistan became a training ground for Islamic terrorists during the Soviet Union occupation of Afghanistan. About 97% percent of the people are Islamic with 80% of them being Sunni.

Afghanistan came under the rule of the Taliban in 1996 who have lead "holy wars" to subdue their opponents in Afghanistan. The Taliban have come to advocate their movement as a jihad, acting in defense of Islam. Almost all of the people are Islamic with about 84% of them being Sunni.

The Saudi Arabian government is based on Sharia, Islamic Law. It is a monarchy with a king but it is not a hereditary kingship. The king is chosen in consultation with religious leaders and the royal family. The role of Islam is a foundation in Saudi Arabia (Saudi Arabia). Virtually all the people are Muslim with most of them being Sunnis.

The Iraq government is a dictatorship with Islam declared as the state religion but the constitution calls for tolerance of all religions. Almost all of the people (97%) are Islamic but note around 60% are Shitties.

CONCLUSION

In our American Society, the separation of religion and state has gone too far. The Islamic faith attempts to keep the two united. I believe the best option lies in finding a balance between the two extremes. The Church as institute must be separate from the State, but we must not separate our religious and political beliefs. All people should engage politics in the name of their religious beliefs. For example, abortion is considered contrary to the Catholic (Christian) faith so the Christian people cannot not stand idly by while the State legislates laws regarding matters pertaining to their faith. We must be active in promoting the morality of our faith. One of the best things Islam teaches in tolerance but it seems to lose this in its political structures. There seems to be tolerance only until it conflicts with Islam. Then, you lose your freedom.

When one religion is in power because it is the official religion it automatically gains superiority over the other religions, thus diminishing the tolerance of the other religions. However, when there is no official religion, the majority religion can still receive proper emphasis. For example, things such as which holidays are legal holidays but also proper consideration in law making. However, since no one religion has the official power, the beliefs of all religions can be given proper consideration

If one must follow Islamic beliefs in all political matters, a monarchy lead by the Imam would be fine for all moral matters because everyone would vote the same anyways. But we must allow for elements of individual conscience.

RECOMMENDATIONS

How then, can a country allow freedom of religion yet also allow religion to be incorporated into the law of the land? Let us consider the governmental structure in Malaysia. It is a constitutional monarchy with a two-house legislature. The Head of State, known as the Yang di-Pertuan Agong, is selected for a five-year term from among hereditary sultans. This would not appear to be democratic except that the executive power is actually held by the prime minister who is chosen by the majority party.

One house in the legislature is democratically elected directly by the people. The Senators in the second house are appointed by the state legislatures (local government) and the head of the state appoints the remainder.

In Malaysia, Islam is the official religion with most of the people being Muslim but there are significant numbers of Buddhists, Confucists, and Daoists.

In an attempt to find a balance in the separation of religion and state I would consider the following:

1. The head of state should be of same ethnicity and religion as the majority of the people, thus he/she would represent the religion in politics.
2. The prime minister should remain as such.
3. Both houses of the legislature should be popularly elected by district. The districts should be divided according to geography and population but where possible should also be divided as to allow the minority religions an opportunity to elect members of their faith to the legislature. This assumes that people of the same religion live in the same neighborhood. It is not intended here to divide districts by religion. The boundaries must be geographical.
4. There should be no official state religion.

This structure would allow the majority religion to have its views expressed by the head of state yet also allow, in the legislature, each religion to have its voice heard. It is then up to each individual legislator how to incorporate their own religion into their work. And then the people, in a democratic election system are free to vote someone else into office if they believe the incumbent is not following the precepts of their religion.

The problem here is this form of government is not significantly different, except the head of state, from our United States government where separation of religion and state is “absolute.” Therefore, I believe one additional modification should be considered. The executive branch needs to be headed by one person for unity in control. However, we could create a cabinet of five to ten people who would be represents of each faith to serve as an advisory board mainly to the executive branch but also to the legislature. These leaders would be chosen by the people of each religion as those who they believe will represent their own beliefs.

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