

# COMMITTEE OF THE CIVIL PROJECT

## ISSUE PAPER F-2

### ISLAM, POLITICS AND THE STATE

The question of religion and the state in Sudan is a deeply controversial and divisive issue. This issue paper presents several views about whether religion can be separated from the state, and if so how. The premise of all the views presented here is that the extremist agenda of the National Islamic Front has been proven to be bankrupt. The NIF view will not be defended here.

The first viewpoint to be summarised here holds that religious belief and experience is an intrinsic part of human life, and therefore that the separation of religion from politics can only be achieved by force, and at the cost of denying the rights of believers and impoverishing politics. This view holds that although religion is an intrinsic part of politics, fundamental rights should be awarded to citizens on the basis of citizenship alone, without discrimination according to faith.

A second viewpoint argues that Islam—or indeed any religion—cannot be the basis of politics or the state. A state cannot have a religion. A state that respects human rights must accommodate the rights of all citizens, irrespective of their beliefs, simply because they are citizens. The disastrous experience of Islamist rule in Sudan since 1989 is an inevitable outcome of Islamist politics, although its particular manifestation in modern Sudan reflects the particular character of the NIF programme and interests. This argument implies that it would be futile to try to develop a ‘moderate’ version of Islamic politics. Instead, religion should be confined to the private sphere, and public and political life should be governed by secular standards.

A third viewpoint is an attempt at an alternative position, based on specifically Sudanese values of tolerance and personal faith. This aims to develop a moderate, tolerant version of Islamic politics. Its first step is to reject the current Islamisation of politics and the state as contrary to human rights and contrary to Sudanese traditions.

This paper will begin with attempting to clarify some definitional issues. This will assist in clarity of thinking in this area, an area in which confusion is common.

#### **Defining the Issues**

No set of terms are more controversial than those concerned with religion and politics. We need to be clear on two sets of distinctions, to avoid some of the confusions that may be deliberately or accidentally introduced into the debate.

#### *Religion and the State versus Religion and Politics*

A religious state is a state with a constitution founded on an interpretation of the dogmas of a particular religion. These dogmas may be tolerant—for example, awarding rights and privileges to followers of other religions. Most theoreticians of the Islamic state argue that Islam awards a

wide array of rights to Christians, and in fact that historically Islam led the way in tolerating other faiths. But insofar as non-Moslems have rights in an Islamic state, they have them because of the principles of a religion in which they do not believe, not simply because they are citizens.

A non-religious state can still have religious politics. This is the case in Europe and North America for example. In such a state, the state itself has no religion, but it allows social and political activities to be organised along religious lines or informed by religious beliefs, provided that they remain within the law and the constitution. Similar considerations hold for ethnic mobilisation within a state that awards equal rights to citizens regardless of ethnicity or race. I.e. religious or ethnic programmes are permissible for political parties so long as they do not infringe the basic human rights of any citizens, or attempt to set up a religious or ethnic constitution.

### *Atheism versus Secularism*

Atheism is the belief system of an individual. As such, atheism is not a sin or a violation of human rights. In some specific historical cases, states have adopted atheism as an exclusivist belief system. The USSR is a case in point, especially during the immediate post-Revolutionary era when Lenin and Stalin ordered the destruction of churches and the outlawing of religious activities. An atheist state in this sense is a version of an intolerant religious state, that seeks to impose its own beliefs (in this case, non-beliefs in religion) on the rest of the population.

Secularism is, by contrast, not an alternative to religion. Instead it is a way of finding an equitable solution to the existence of different belief systems among the citizens of a state. Secularism began as a reaction against the religious state in Europe, and is best seen as a process of remedying injustices. Secularism is fully compatible with recognising that a state can derive legislation and legitimacy from spiritual values, as a way of promoting human rights, social values, etc. In Britain for example, Prince Charles has suggested that the Monarch should no longer be regarded as ‘Defender of *The Faith* (i.e. Protestant Christianity)’ but as ‘Defender of *Faith* (i.e. the values shared by different religions).’ Secularism is thus compatible with religious politics, provided that political programmes derived from religions do not enjoin the violation of the rights of citizens.

## **View I: On the Necessity of Respecting Religion in Politics**

A believer is obliged, on account of his or her faith, to follow certain principles in his or her life. For a true believer, these principles do not stop at the boundary of his or her private life, but also extend into the public sphere. In fact, the political life of a community or nation ought to be influenced strongly by the sincere religious beliefs of its members. In this context, there cannot be a simple answer to the question, ‘should religion be separated from politics?’ Instead, we should seek to investigate the different connections between religion and politics, so that the political life of a nation can reflect the religious beliefs of its citizens, in such a way that the fundamental rights of all citizens are respected.

### *The Impossibility of Separating State and Religion*

The idea of separating religion and the state emerged in Enlightenment Europe, in reaction against the political dominance of the Roman Catholic Church and the doctrine of the ‘Divine Right of Kings.’ But the philosophers and enlightened politicians who opposed the reactionary power of the Church did not seek a complete secularisation of politics, but rather a pragmatic balance between religion and state, and between religion and politics. In reality, churches and religious organisations remain very powerful in supposedly ‘secular’ western societies. Their influence is all-pervasive, and all the greater because it is subtle. In Britain, the Queen is both head of State and Church, while the House of Lords, which is part of the legislature, includes a representation of Anglican bishops. Many powerful western political parties are ‘Christian’ democrats, or have close links with churches. And even in the most avowedly secular state, the United States, the political clout of religious organisations is considerable. For example, the Republican Party owes much to the powerful support of Christian fundamentalist groups.

Modern movements for human rights and democracy have taken much inspiration from religious ideals and practices. The civil rights movement in the United States was led by Martin Luther King, who used religious ideals and church organisations to help mobilise and inspire his constituency. The campaign for nuclear disarmament was led in part by religious leaders who argued that Christianity cannot condone the mass murder brought about by the use of nuclear weapons. The churches played an important role in bringing down Communism in Eastern Europe, and restoring democracy and human rights. How can religion be separated from politics?

The State consists of people, territory, and powers: executive, legislative and judicial. The State has to recognise the religious beliefs of people. The State has to legislate to regulate some aspects of national religious communities, and the courts have to adjudicate in such matters. Constitutional legal and judiciary procedures involve extensive oaths, which have a religious content, and so on. Religion must form an integral part of political life.

Sincerely-held religious beliefs influence the political opinions and principles of citizens. Those who argue that religious beliefs should cease to function when one enters public life must either have no beliefs themselves, or must have double standards. Such an approach is not a question of separating religion and politics, but of discarding religious beliefs.

This is the fundamental problem with secularism. As a philosophy, secularism confines and restricts the worldly significance of religious beliefs. Secularism in its mild form consists of resisting the forcible imposition of religious beliefs on a community or nation, and arguing for religious tolerance. In the modern world, all democrats must be secularists in this mild sense. But in the stronger sense of completely separating religion from politics, secularism debar the faithful from allowing their beliefs to influence public life—it is a form of political atheism.

In conclusion, while politics and religion are not identical—and can only be made identical by tyrannous rule—neither can the two be separated.

### *Background of the Islamic State*

Moslems consider Islam as the third and last revelation in the trail of Abraham. The Quran recognised other religions in the Abrahamic tradition as peoples of the Book (though its recognition is different from how those religions recognise themselves and can in some cases contradict some of their important beliefs—for example the Quran and Bible contradict each other on the crucifixion of Christ). The Quran recognised human worth as such. Recognition of human worth as such, along with religious plurality, established the basic tolerance of Islam, in

which revelation and reason complement each other. Islam therefore favours a theo-rationalism or a theo-humanism. Consequently, it was possible for Moslem thinkers and sages, without recourse to ecclesiastical authority, to develop various Moslem schools of thought through *kalam* (theosophy). Moslem philosophers developed the schools of Greek philosophy, and elaborated idea-systems to reconcile the truths of revelation and reason. Moslem mystics (sufis) acquainted themselves of the Pantheistic concepts of Eastern religious insights (particularly Indian), and injected them into the Islamic world-view. At another level, Moslem theologians applied the injunctions of the Holy texts to social reality, and elaborated various schools of Islamic jurisprudence. Islamic civilization both influenced other world civilizations, and was influenced by them.

Islam's famous tolerance during the medieval era was relative to the generally high degree of intolerance practised at the time. In those days, if a victorious army allowed its vanquished enemies to keep their faith on reasonable conditions, this was regarded as the epitome of tolerance. Today this would be seen in a different light.

In reality, the practice of Islamic rulers tended to depart from the theologians' philosophical precepts, and instead adapted itself to the systems established by other civilisations. After a brief initial period, the most prevalent system of government in the Islamic world became monarchical rule, while the prevailing economic system became a mixture of feudalism and capitalism, and international relations were governed by *realpolitik*. Many Islamic idealists protested against the emergence of these pragmatic practices

Islam does not dictate any particular system of government, nor any system of economy. Instead there are certain Islamic political principles, including *shura* (participation), justice, and certain economic precepts such as providing for the poor and fair distribution of wealth, which should guide Moslems' participation in political affairs. The failure of successive Moslem rulers to respect these principles provided much material for Islamic idealists and reformers.

At the beginning of the 20<sup>th</sup> century, anxiety among many Moslems about their political predicament was renewed. The Caliphate, however imperfect, was perceived as a guardian, but it was abolished in 1924. Abu al Ala Al Mawdudi was particularly anxious about Moslems being overwhelmed by Hinduism in India, and developed a political theory according to which, belief in God means belief in His Omnipotence, which in the political sense translates into His Sovereignty. Hence power, legislation, and all temporal authority, belong to God alone. Believers in this cause are the party of God, while others are the party of Satan. In Egypt, the Moslem Brotherhood movement came into conflict with the revolutionary authority of president Gamal Abdel Nasser. Twice it was subjected to decisive suppression. Some of its leaders, notably Ustaz Sayed Qutb, under the bitter and frustrating circumstances of coercion, developed a radical protest attitude, and leaned heavily on Mawdudi's ideas. Meanwhile, in Iran, in opposition to the radical secularist programme of Shah Rida Khan and his son Mohamed, the Shia establishment organized resistance. This culminated in the radical Islamist ideology of Ayatollah Imam Khomeini, which took power in 1979.

These three militant philosophers, Mawdudi, Qutb and Khomeini, became the prime sources of militant Islamic theocratic ideology. Henceforth, Islamic protest movements drew their ideology from these sources. The National Islamic Front in Sudan, during its formative period, drew its inspiration from moderate Moslem brotherhood sources, from communist example in organization of modern social forces, and also from Sudanese sectarian parties. Its pragmatism served it very well, and the NIF developed into a well-organized and successful political organization. Initially, it was relatively liberal and non-violent. Gradually, it was

influenced by the radicalisation of Islamic protest movements, which pervaded the Moslem immigrant communities in the West. This radical agenda resulted in the June 1989 coup d'état and dictated the political programme of the 'National Salvation' regime, which the NIF established. They demanded that the Moslems of Sudan surrender to their particular vision of the future of Sudan and the political programme it entailed, or be described as enemies of God and suppressed. Non-Moslems had to accept the new regime and its extremist policies, or be the targets of Jihad. The disastrous results of this approach are plain to see.

### *Islam and the State in Sudan*

Religion has played a central role in Sudanese history. The archaeology of the ancient kingdoms of Sudan in Meroe and Nabata shows that these civilisations were built around certain religious beliefs and practices. Subsequent historical states, both the Christian Kingdoms of Nubia and the Moslem Sultanates of Dar Fur, Funj and Tegali (among others) were also built around the unity of state and religion. The Mahdist religious revolution in the 1880s was driven partly by the violations against religion perpetrated by the Turko-Egyptian regime that had been controlling Sudan.

After the military defeat of the Mahdist state in 1898, the British rulers of Sudan were anxious to preserve the existing Moslem religious authorities. The British exercised indirect rule through tribal and sectarian leaders, and prohibited Christian missionary work in most Moslem-dominated parts of the country. This ensured that even though British imperial rule was essentially secular (in fact it was strongly influenced by certain Christian precepts), it allowed the specifically Islamic character of Sudanese public life to remain intact. At independence, Sudanese identity reasserted itself in terms of the policies of the political parties, most of which had religious identity as a major element. From the outset, religious intolerance and conflict characterised independent Sudan. The first military regime (1958-64) cracked down on Christian missionary activity, but its aggressive promotion of Arab and Islamic identity only antagonised Southerners and encouraged them to identify with Christianity—a pattern that has been repeated ever since.

Sudanese political opinion began to appreciate the need for an agreement to accommodate religious plurality. This was a recurrent theme in the 1960s, 70s and 80s. Just when a constitutional conference was envisaged in September 1989 to settle the issue among others, the June 1989 coup d'état put the clock back to the days of bigotry in the name of religion.

The Sudanese are a deeply religious people. Even those political movements that start with an anti-religious position, soon move in the opposite direction. For example, the SPLA expressed strong Marxist-Leninist tendencies at the beginning and was vigorously anti-clerical. SPLA soldiers 'smoked the Bible'—they used pages from the Scriptures to roll their cigarettes. However, at a later date, in 1992, Dr. John Garang took a positive attitude to religion and called the New Sudan Council of Churches 'The spiritual wing of the movement.' In other respects too, the SPLA has been ready to align itself with certain Christian fundamentalist organisations, and to concur with foreign missionaries who like to see the civil war as a struggle of Christianity against Islam.

Christian fundamentalism in Southern Sudan is fueled more than anything else by the radical Islamist programme of the National Islamic Front. This programme culminated in the

proclamation of an Islamic Constitution in 1999. The draft constitution drawn up by the National Constitutional Commission is a much superior document to the Constitution actually adopted, but it is unmistakably Islamic.

Article 6 of the draft constitution employs Mawdudi's concept of sovereignty belonging solely to God. This concept is only one step away from theocracy, because it allows humans to speak on behalf of God, and exercise that sovereignty. No believer would challenge a statement about the cosmological fact of God's Omnipotence. However, sovereignty is a *political* concept, which should be vested in the people. (Interestingly, the great historian al Tabari, narrates an incident in which the first Moslem king, Muawiya, was challenged by a famous companion of the Prophet Mohamed (S.A.A.W.S) not to describe public finances as God's, but as the peoples'.)

The application of Mawdudi's concept of sovereignty is fundamentally flawed and inappropriate, especially in a country such as Sudan. But this does not entail abandoning an association between religion and politics. Sovereignty should reside with the people, but should be exercised with regard to the religious faith of the people and ethical principles inherent in that faith.

Article 84 of the draft constitution specifies *Shari'a* and custom as the sources of legislation. This should be made comprehensive by broadening the sources to include all revealed truth, appropriate human developed jurisprudence, and custom, as sources of legislation. Such a broad view of the sources is acceptable in terms of Islamic principles, as well as reason. This allows us to establish a Sudanese state in which citizens' religious beliefs can be reflected in the political, constitutional and legal order, but which is not in danger of becoming an instrument of intolerance or a theocracy.

### *Implications*

The arguments developed in this section suggest that it is neither possible nor desirable to separate religion and politics. On the contrary, politics without religion is bound to be dictatorial and sterile, while religious faith that is excluded from public life is hypocritical. But this does not mean that any one set of believers has the right to exclude or oppress another, and nor does it mean that the rulers of the state have the right to exercise God's sovereign powers.

The challenge facing Sudanese democrats who are believers is to allow for a relationship between religion and politics that allows all Sudanese citizens to be full members of the political community. This requires a number of steps.

1. To recognize Sudan's cultural and religious pluralism, to guarantee the cultural rights of all Sudanese communities and to establish mutual recognition and coexistence between the cultural communities.
2. To ensure that development plans, the media, and educational programmes should recognize the cultural diversity of the Sudan, encourage cultural development, and accommodate the different cultures in a balanced way.
3. Cultural policy should be decentralised to make room for regional cultural identities without compromising the principle of citizenship as the basis for constitutional rights and duties, and without violating rights and obligations to the national state.

4. Inherited cultures are not and should not be conceived as static. They are dynamic, and open to change and progress. Recognising the importance of cultural identity should not mean the rejection of cultural contact and exchange.
5. Certain universal principles and values should be assimilated by all cultures, they are democracy, social justice, the pursuit of knowledge, scientific knowledge, and the values common to civilizations.
6. To encourage the enlightened expressions of Islam and Christianity, to avoid all compulsion in religious matters, to encourage dialogue between the faiths, and to make room for African spiritual values which give great concern for relations between human beings and the natural world, between the rational and the instinctive, and between contemporary and past generations. The regulation of friendly contact between the faiths, and proselytisation to take place in a climate of tolerance and voluntary choice.
7. The recognition of Arabic as the national language and lingua franca. Recognition of regional languages in their respective regions. Recognition of English as the first foreign language to facilitate teaching, training, research, and contact with the outside world.
8. To encourage inter-African cultural exchanges, Afro-Arab cultural cooperation, and friendly dialogue between cultures and civilizations.

In summary, what we are seeking is not a reduction of religion, but an elevation of citizenship as the basis of Sudanese identity, and protecting the concept of citizenship from the encroachment of any extra-citizenship considerations. Hence the following principles are fundamental:

1. Citizenship alone is the basis of constitutional rights and duties.
2. No political party, which seeks power to the exclusion of others on religious grounds, should be permitted.
3. There shall be no discrimination on grounds of religion, race, gender, or culture.

Citizens should be free to pursue their religious beliefs so long as they do so democratically, and seek no political or constitutional advantage for themselves as believers, and recognize the principle that the nation and state are for all citizens, without discrimination. What we shall seek to establish and protect, are the rights of believers, the citizens of Sudan.

## **View II. On the Impossibility of Islam as a Basis for Politics or the State**

An alternative, secularist approach to religion and the state argues that no modern state can simultaneously respect human rights and draw its constitution and penal code from the precepts of Islam. This approach argues that both history and political theory indicate that any attempt to found a political programme on a religion is doomed to failure—and worse, to serious abuses of human rights perpetrated in the course of pursuing the illusion of a religious state or a religious politics. It argues that a non-religious state is essential, and fully compatible with the religious beliefs of citizens, and organisation of social and political activities on the basis of religion, provided that they do not in any way contradict fundamental human rights.

Since the Mahdist revolution of the 19th Century, the implementation of *shari'a* has been at the heart of the Islamist project in Sudan. In analyzing the National Islamic Front (NIF) as the most consistent and staunchest socio-political force pressing for the revival and adoption of *shari'a* it is important to stress the continuities and discontinuities with this Mahdist legacy on the one hand and the feasibility of a *shari'a*-centred system on the other. The NIF shares with Mahdism its revivalist perspective, grounding its discourse and legitimation on the claim that it is only by going back to the Prophetic model as embodied in the Medina state that Islam and Moslem societies can be regenerated. However, the modern and post-colonial context of the NIF (and the Moslem Brothers' movement, the NIF's parent movement) played a significant role in shaping its discourse. The NIF, along with other Islamist movements, is chiefly a 'nationalist' political movement that mainly operates within the boundaries of a post-colonial nation-state. As such its policies (despite the ideological claims) are state-centred rather than *umma*-centred.

This crucial aspect raises the question of whether it is possible to base polity (and other activities) on an Islamist ideology in a country characterised by stark religious and cultural diversity. Moslems did not raise the problem in the context of early and medieval Islamic polity because the Islamic state, once establishing itself and attaining a position of hegemony, treated non-Moslems as second-class citizens. Likewise, the Sudanese Mahdist state envisaged no problem in this respect as its ideology simply denied diversity and insisted that all citizens accept its version of Islam.

The discourse of the NIF is far more complex than Mahdist discourse and displays an 'ambivalence' that is induced by its modernist context. Because of this 'ambivalence', the NIF finds itself in the paradoxical position of embracing the pre-modern *shari'a* perspective and system while reconciling itself to some aspects of modernity that will undoubtedly undermine *shari'a* in the long run. Following the Islamist coup d'état of June 1989, the NIF found itself, and for the first time in the history of a modern Islamist force in Sudan, in the unique position of imposing its programme wholesale. In connection with the post-1989 (and current) situation we need to focus on three issues:

1. What is the nature of the Islamist project?
2. How has the Islamist project fared since June 1989?
3. Can a consensus be built around a programme of fully-fledged democratisation and sustained development?

Islamism is based on certain premises and features and an interrelated socio-cultural dynamism that has tended to launch it into political activism. The major premises and features of Islamism may be summarized in the following points:

1. Human history is a salvation history that has reached its culmination with the prophetic mission of Mohamed.
2. It is incumbent upon Moslems to revive the divine plan communicated by Mohamed and hence their post-prophetic history (till the 'end of time') is in essence an attempt to recapture the 'prophetic moment'.

3. Islam, unlike other religions, is a comprehensive system that does not address only the issues of the 'hereafter' but also provides for 'this world'.
4. As a universal system of salvation, Islam enjoys a unique position vis-à-vis historical time and space: it is appropriate for all times and climes.
5. The Islamist vision is Islamo-centric and does not recognize any knowledge- or belief-system outside its ideological construction.
6. In realizing their revivalist objective, Islamist movements perceive of themselves as 'vanguard movements' and arrogate to themselves the absolute right to use all means including violence to bring about the prophetic moment.

Both the general context of our world and the specific context of modern Moslem societies militate against the ideological premises of Islamism and its exclusivist nature. There is no evidence that the premises of Islamism are shared by vast sections of ordinary Moslems (as Islamists tend to insist) and this is particularly true in the case of Sudan. The Islamist movement has on the whole remained elitist and seizing power has all but reinforced this elitist nature.

It is however important to remember that seizing power and succeeding in retaining it since June 1989 has been the major achievement of the modern Islamist movement in Sudan since its inception in the mid-1940s. Yet the more important issue is: What has the Islamist movement done with this power? We can summarise this in the following points:

1. The Islamist regime still lacks legitimacy. Following on the footsteps of the military governments of Abboud and Nimeiri, the Islamist regime has passed its own constitution and set up its institutions. This, however, has not resolved the legitimacy crisis at the heart of the country's political life since June 1989.
2. Though the Islamist movement has historically projected *shari'a*, and in particular the harsh punishments of the penal code, as the *raison d'être* of its political activism, it has undergone a change of heart since 1989. *Shari'a* is no longer the centrepiece of the Islamists-in-power-programme. Since 1989, the Islamist movement has been consumed by the prodigious effort of keeping itself in power and since *shari'a* has always been a controversial issue it has apparently decided that it would be judicious to steer clear of it.
3. The Islamist movement lived up to its promise of waging an all-out war against the South. It engaged in an unprecedented campaign of mobilisation changing the nature of the war to a religious one and involving hundreds of thousands of Northern civilians for the first time. However, this has not led to the realisation of the Islamist promise of a final victory over the SPLA and its allies but only to the escalation of the war and the intensification of its accompanying misery.
4. Though the Islamist movement has always seen the Ansar force as its natural ally and the Khatmiya force as a potential ally, it has so far failed in winning them over to a formula that would give birth to a 'pan-Islamist alliance' committed to Northern religious and cultural hegemony. Though the discourse of the NIF has stressed an anti-*ta'ifiyya* position, its

political practice has invariably been at variance with this posture—always seeking alliances with *ta'ifiyya* forces.

5. The Islamist regime surpassed all former regimes in the scale and intensity of its human rights violations. The regime's military nature and the religious and exclusivist nature of its ideology (particularly in the light of the fact that the dominant Sunni expression of Islam does not tolerate opposition) have combined to bring into being a context that has been conducive to some of the grossest human rights abuses since Independence.
6. The economic thought of Sudanese Islamists has always tended to ally itself with a capitalistic interpretation of Islam (partly in reaction against the Sudanese Left and in particular against the Sudanese Communist Party). Since 1989, this has been translated into a policy of unregulated capitalism characterized by wholesale privatisations benefiting the NIF's neo-capitalists and a systematic dismantling of subsidised public services. The regime's economic mismanagement and widespread corruption compounded by the ever escalating cost of the civil war have all led to unprecedented economic degradation and an ever widening gulf between rich and poor.
7. The institutions of civil society have always been subjected to systematic suppression under military regimes in Sudan but their plight under the Islamists has been far worse. Trade unions and human rights and women's associations were among the regime's prime targets in its persecution onslaught.

The period since 1989 has not only led the country to an impasse but has clearly demonstrated the total failure of the Islamist programme. What remains of the country is still likely to labour under the shadow of Islamism unless a firm commitment to the privatisation of Islam is made—i.e. the removal of Islam from the political sphere, and its confinement to the sphere of personal faith and individual practice. The domination of Islam as a religion and/or as a political ideology of public and legal space can only lead to a condition of totalitarianism. Despite the claim of divine provenance, Islam has historically been a 'construction' of what Moslems have wanted it to be (this is why it would in fact be more accurate to speak about 'Islams' rather than 'Islam'). Some modern Moslems have been engaged in what may be described as a 'secularist reconstruction' of Islam. Many believe that such a reconstruction will eventually establish itself as an expression of a new *ijma'* (consensus).

### *A Secular State in Sudan*

A secular state is the only solution to the challenge of creating a Sudanese state that respects the rights of its citizens. This is not only because of the large number of Sudanese who are not Moslems, nor even because of the many Moslems who adhere to different interpretations and schools of Islam. It is also because citizenship should be the only foundation for rights. An individual, of whatever religious belief or non-belief, should enjoy human rights solely and simply because that individual is a human being, and not because those rights are inscribed in a religious text.

A secular state will tolerate believers in the world religions, noble spiritual believers, and non-believers. A secular state may draw guidance in its laws and practices from the traditions of

religions. A secular state may permit social and political organisation on the basis of religious beliefs, provided that any practices and programmes of such organisations do not violate any human rights of any citizens, or advocate their violation.

In the case of Sudan, it can also be argued that it is in practice impossible to have religiously-based parties without these advocating an Islamic state and advocating legislation and programmes that would infringe internationally-recognised human rights. This is not a point of principle but a point of practice. Against this, it can be argued that prohibiting any form of religiously-inspired parties is an infringement of freedom of association.

The role of the Sudanese and international human rights community is crucial not just in terms of advocating a firm commitment to human rights norms and monitoring human rights abuses but also in critically addressing the issues of Islamist totalitarianism. The Sudanese human rights community has been the more effective because of its unwavering commitment to the universality of human rights. It is important for the Sudanese (and international) human rights community to insist that the norms and values of universal human rights be at the heart of the country's political life and practice in the post-NIF era.

### **View III. Towards an Indigenous Cultural Alternative**

An alternative to both an Islamic politics and a secular state is an indigenous cultural alternative, which incorporates some specific characteristics of Sudanese Islamic traditions into politics. Secular democracy can be an intermediate stage on the road to the development of such an alternative. An Islamic state cannot play this role, particularly in a country such as Sudan where, since independence, Islam has throughout been a source of conflict and a means of domination in Sudan.

The indigenous cultural alternative approach is well-represented in the political philosophy of the Republican Brothers. This is an important philosophical approach to the challenges of Islam in modern Sudan.

According to this view, there can be no prospect of a solution to the Sudanese civil war without addressing the problem of Islam and the state. Shari'a and an Islamic state are simply unacceptable to Southerners (among others). Currently, Southerners put their case before the international community as one of self-determination. Ironically, the Islamisation projects themselves are rationalised by their respective parties as a self-determination option of the Moslem majority. The Moslem majority here is taken for granted by these parties—none of them has been ready to put the claim to the test, to see whether this majority would really opt for Shari'a democratically. The drive for Islamisation is basically based on emotions, simplistic slogans, and vague half-baked ideas. It is not based on a solid and comprehensive ideology of reform that would face up to the social, cultural, intellectual and ethical challenges posed by modernity. Sudanese Islam lacks a reform ideology that guarantees, safeguards, and secures the human rights of all citizens. As a result, Islamist parties have so far failed to convince the Sudanese, Moslems and non-Moslems alike, that the Islamisation projects will not infringe on their fundamental and human rights. The practical experience of the NIF in government has demonstrated to the Sudanese Moslems to what extent the slogans of Islamisation are false, for they resulted in the cruellest, harshest and most inhumane regime in the 20<sup>th</sup> century history of Sudan. Through its experience in government, the NIF has stained the name of Islam, and portrayed it as inherently authoritarian and discriminative. Thus it needs a great deal of hard

work by humanist Moslems in order to change such a negative publicity, present an alternative to the NIF's project, and persuade the Sudanese people to choose it democratically.

On the basis of this, one can see a secular democratic political order in Sudan, as the only way out that would help to secure the unity of the country, and guarantee the rights of its citizens. Religion should be separated from the state. The constitution should mirror the multi-cultural identity of the country. Shari'a should not be used as a source of legislation. Freedom of thought and freedom of expression should be guaranteed by the constitution, and protected by the laws of the land. The educational system should undergo a radical reform in order to remove the extremist ideology that taints it, especially the religion curricula. In other words, religion should be removed from the political arena, and be left to the organisations of the civil society.

But nevertheless, secularism can remain only a short-term solution. We can opt for it not because it is perfect, but because it is effective, and probably the only possible option that could work during a future transitional period. But for Sudanese Moslems, secularism cannot possibly be the final word, because it leaves unanswered many questions pertaining to cultural legitimacy, alienation, and the nation's role in the world. Despite the NIF's abuses carried out in the name of Islam, these questions are nevertheless legitimate that are waiting to be answered.

The actual experience in the world of Islam has showed that there is a problem with reforms based on secularism. Many believe that these reforms are usually like an alien intrusion, superficial and rootless, always under attack and thus vulnerable to reversal. People do not relate culturally to these reforms. They may live with them, but they will not live them. Reforms can only be sustained if cultures embraced them. As the communist bloc experience has shown, an imposed ideal cannot be sustained. Secularism in Turkey is yet another example; after nearly eighty years in power, its reforms still need the power of the gun to secure their continuity. People's consciousness is that secular ideas and systems originated in alien cultures, and they were imported or borrowed from abroad. Unless these reforms are indigenised—that is, they obtain cultural legitimacy, they will not last. This implies the complex task of discovering and developing indigenous cultural resources of democracy, freedom and universal equality

Indigenous Sudanese cultures evolved for thousands of years, and adapted themselves to many outside influences, among which are Christianity and Islam. Islam later became one the major components of the indigenous culture of Northern Sudan. What is special about Islam in Sudan is that it spread mainly through Sufi personalities, or holy men. Sufi leaders are the masters of indigenisation of reform. They demonstrated that they had great knowledge of the human 'psyche' and human societies. Their main characteristic is tolerance of modes of behaviour that are incompatible with their system of beliefs and co-existence with the other and the different. They influenced the societies they lived in without disturbing them. Thus these societies adopted Islam, and indigenised it through the centuries.

Sufi Islam generally continued to lack legitimacy in the mainstream *fiqh*-oriented Islam. The conflict between the *fuqaha* and the *sufiyya* within Sunni Islam never ceased, despite the effort of Abu Hamid al-Ghazali who tried to bridge the gap between the two conflicting interpretations of the sources of the religion. Whereas Sufis stress the spiritual aspect of the religion, the *fuqaha* stress the legal aspect. The *sufis* emphasize practice '*amal*, as the way of obtaining knowledge and the *fuqaha* emphasize theoretical knowledge that can be attained by reading and reciting. *Sufis* stress *taqwa*, piety, and humbleness, in dealing with people and the *fuqaha* tend to be arrogant and they place themselves above the people.

Thus *fiqh*-oriented Islam is in certain ways alien to the Moslems of Sudan. While *Sufi* Islam evolved for more than five centuries, *fiqh*-oriented Islam was introduced by individual

graduates from al-Azhar of Cairo, and it represents in a certain way an alien body in the indigenous cultural matrix of Northern Sudan. Since that time sustained, rather than sporadic, attacks on indigenous Islam started. The conflict between the Mahdi and the *Ulama* represents another landmark of this conflict. Institutions such as *al-ma'had al-'Ilmi*, and the Islamic University along with graduates of al-Azhar, represented the springboard of the assault against indigenous Islam. These institutions later became the cradle that nurtured the movements of the Moslems Brothers, later the NIF, and the *Wahabiyya*, both imported from Egypt and Saudi Arabia respectively. Both view the people's Islam as adulterated and in need of being corrected. The only political group that based its reform ideology on the indigenous *sufi* Islam is the Republican Brothers movement (RB), founded by Ustadh Mahmoud Muhammad Taha. In the light of this, Taha's reform ideas could be proposed as a long-term indigenous alternative.

The NIF is alien on three counts; first it did not grow in Sudan. It originated Egypt, and still holds the Egyptian trademark in many aspects. Second, its contents are antithesis of the local understanding of the religion. Third, it looks down upon the local culture as inferior to their imported epistemologies and knowledge system. (Turabi has repeatedly said that the Sudanese are on the whole weak in their religiosity.) The Republican movement, on the other hand, is considered indigenous on three counts. First, it is a pure Sudanese product. Second, its contents embody the Sudanese local *sufi* Islam. Third, it values and respects the local culture and intends to universalise it.

To take some examples:

1. The Republicans visit the Sufi centers in Sudan, and participate in their religious activities such as *dhikir*, *inshad*, etc. (Other Sudanese political and religious movements share this approach.)
2. They respect the Sudanese toub garment as a reflection of the indigenous Sudanese response and adaptation of the dictates of Shari'a for women.
3. The Republicans propagate their cause in peaceful manner. They do not impose their views on people, and do not intimidate them, for instance by threatening them by hell in the Day of Judgement.
4. The Republicans follow the methods of adaptation and evolution of cultures to call for the evolution of Shari'a, in order to embrace and indigenise the best achievements of human heritage. They attempt to utilise the cultural sources of Northern Sudan to construct a model of government that combines democracy, socialism, and universal equality.

In conclusion, the Republican version of reform can philosophically represent the light at the end of the tunnel, as it seeks to provide existential as well as epistemological answers to the challenges posed by modernity.

### *Critique*

The Republican approach to the question of religion and politics is humane and philosophically coherent. However, it is open to two lines of criticism.

First, there is the question of whether the Republican approach will truly lead to a separation of religion and the state. Does it not open the door to the Islamisation of politics with all the consequences that follow? Traditional Sufist orders in Sudan today are not as

philosophically sophisticated as their founders were in the Arab countries where the orders originated. Although they spring from a different source from the *fiqh*, many small Sufi orders in Sudan were in reality the most ardent supporters of the 1983 September Laws. For many ordinary Sudanese, the sophisticated Republican views are just as alien as foreign secular philosophies such as liberalism or Marxism.

The Republicans were not alone in trying indigenous cultural approaches. For example the NIF permitted group membership to their party in order to accommodate Sufi sects within its ranks—with some success. This transformed the NIF from an elitist organisation to one with a genuine constituency in parts of rural Sudan.

Second, there is the political question of the actual constituency that exists in support of these ideas. Sadly, since the execution of Ustaz Mahmoud Mohamed Taha in 1985, the Republican Party has not reorganised, and does not represent a significant political force in Sudan.

## Conclusion

The three contributions above reflect different viewpoints. But all acknowledge the importance and validity of international human rights standards, and the fact that religious faith and religious values are important in their own right and for the standards of that they bring to personal, social and political life. The three viewpoints differ with the consequences of their analysis and the recommendations that they come with, both on points of principle and practice. These differences are all compatible with the NDA Asmara Declaration, which affirms both universal human rights and the importance of values drawn from Islam and Sudanese cultural traditions. Hence the Asmara Agreement and similar political agreements do not resolve the basic problem of the role of religion—specifically Islam—in Sudanese political life.

The Committee would like to conclude with three observations.

1. Politics is not the fulfillment of religious duties, and the state cannot have a faith. The function of politics and the role of a state are to negotiate power and the checks on the use of power, between different people, with different classes, cultures, religions and interests, in a way that is compatible with the rights of all.
2. Every group and individual are entitled to their fundamental rights, and will enjoy these in a secular state that respects internationally-recognised standards of human rights. The state of Sudan is signatory to most international human rights instruments from the Universal Declaration of Human Rights onwards. The question of how to reconcile these fundamental human rights, to which everyone is entitled solely on the basis of their humanity, with religious beliefs is a task for believers.
3. A non-religious state does not preclude religion having a role in politics. In a secular state, political parties and political programmes can still be inspired by religious beliefs, provided they do not infringe the rights of others. The separation of religion from the state does not entail an atheistic politics.