Scientific and Educational Center of
al-Imam al-Bukhari
Friedrich Ebert Foundation

SECULARITY AND RELIGION IN MUSLIM COUNTRIES: SEARCHING FOR A RATIONAL BALANCE

Edited by
Z.I. Munavvarov & R.J. Krumm

Τασηκεντ–2005

Zahidulla I. Munavvarov, Reinhard J. Krumm (editors)

Secularity and Religion in Muslim countries: searching for a rational balance *(based on materials from the International Scientific-Practical Conference "Secularity and religion in muslim countries: searching for a rational balance", held by the Scientific and Educational Center of al-Imam al-Bukhari, Tashkent Islamic University, National Human Rights Center of the Republic of Uzbekistan & Friedrich Ebert Foundation, 1-3 October 2004, Samarkand, Republic of Uzbekistan)*

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Foreword

I welcome the publication of contributions to the international conference "Secularity and Religion in Muslim Countries: Searching for a Rational Balance", held, with the support of the Centre of al-Imam al Buchari, the Tashkent Islamic University, the National Centre for Human Rights and the Friedrich-Ebert-Foundation, in Samarkand from 1ˢᵗ to 3ʳᵈ october 2004. The subject of the conference was not only well formulated but is also interesting and of great current importance. It was also the first international academic conference which I attended in Uzbekistan after having been appointed German ambassador to this country, in many ways central to Central Asia.

In the West and particularly in Europe we have learnt to be cautious when applying terms of reference out of our cultural context to situations arising from a different history and culture. Also the terms "secularity", "religion" and "rationality" are not just neutral vehicles of thought, but, for instance in Europe, have a long controversial history of meaning. The conference in Samarkand once more reconfirmed that any consensus reached under certain circumstances on the use of these terms must always be reexamined in every new context, as to its content as well as to its relevance.

An explanation of "secularity" which can be offered, with the precautions just mentioned, might point at a certain distance "secular" state and "secular" society keep with respect to the life of the citizens according to their faith, also, as it is the case of Uzbekistan, if a large majority of the population shares the same faith. This distance allows both sides, state and civil society on the one hand, and religious communities on the other, to take their own decisions in their respective fields of competence, of course under the law common for both. State and civil society thus are not burdened with demands for exclusivity which religious communities might address to them, and for religious communities it is easier to live up to freedom of conscience and to the specific responsibility demanded by their faith.

But "secularity" according to this explanation also admits a certain degree of closeness and cooperation between state and civil society and the religious communities, according to traditions or other accepted insights into the necessities of a "rational balance". In Germany we have a rather special history of negotiating this balance. The most important field of cooperation between the religious communities and state and civil society in the German experience, as it may be in other historical and cultural contexts also, is education, where both sides typically have a claim. The German case is special insofar, as education is not provided from both sides separately and in parallel, but under our laws and constitution the representatives of the religious communities are admitted into the educational institutions of the state itself in order to teach religious and cultural subjects, alongside with the teachers of other "ordinary" subjects.

Inquiring into the possibilities and options of cooperation between religious communities, in particular the majoritarian islamic community, with state and civil society in Muslim countries, and in particular Uzbekistan, under the auspices of "secularity" was the very ambitious goal of the conference in Samarkand. Its able and experienced co-organizers granted its success, which in my view plainly justifies thinking of a second conference of similar format going further into the matter.

Hans-Joachim Kiderlen,
Extraodinary and Plenipotentiary
Ambassador of Germany to Uzbekisatn

Introduction

There is no doubt that the overall prosperity of countries with a predominantly Muslim population directly depends upon the establishment and maintenance of a reasonable balance between secularity and religiosity, which serves as a constructive public mechanism, as well as easing threats to national security. Today, after the centuries-long experience of the relationship between religion and the political authorities in Muslim nations, the search for a rational balance in this vital matter has again become an imperative for stable socioeconomic development.

Why "again"? For, in fact, this process has never ceased. Its dynamics have merely changed due to various domestic and external factors: at times, it has become more intensive, particularly in the transformational stages of development of one or another Muslim society; at other times, it has subsided to a certain stage so as to regain new momentum when the reasons necessitating such dormancy disappeared. Moreover, these fluctuations have been typical not only for the modern or most recent history of humankind, but also in the distant medieval ages, as demonstrated in the articles published in this book. No doubt this trend will remain valid in the future, as reasonably pointed out by other articles included in this anthology.

It is a notable fact that the above-mentioned phenomenon is typical for those countries traditionally considered Muslim, i.e. where Islam played an important role not only in the moral realm but was also officially recognized as the source of public and political life. The unprecedented surge in the activity of radical-minded Islamist forces in a traditional Islamic state such as Saudi Arabia is a clear example.

The extremism of Islamists is increasingly taking the shape of outright terrorism aimed not only at followers of other religions working in that country but also against the representatives of the ruling regime that is Islamic in its origin and essence. This phenomenon is evident in the life of Muslim countries which, due to various domestic and external factors, have started moving away from the priority of religion and begun leaning towards introducing positive secular law into public life. The sociopolitical processes unfolding in the last decades in North African countries such as Algeria, Tunisia and Egypt can be named as examples. Radically minded Islamists who are pro-active in these countries, having chosen the path of religious extremism and terrorism, have become a significant barrier in normalizing relations between religious institutions and government institutions that are secular in nature.

Political Islam, as manipulated by some groups and leaders to reach their political objectives, has little in common with the religion of Islam. Instead, it takes on the form of extremism and terrorism. And the definition of "Islamic" merely indicates the religious affiliation of the members of these extremist and terrorist groups. But one thing is certain: their activities have become a significant threat to the national security of not only those Muslim countries mentioned above but to the entire contemporary world.

Furthermore, the cold breath of these destructive actions can be felt in their neighboring countries. Natives of these countries are increasingly coming under suspicion of having ties with religious extremism and terrorism, which have penetrated deeper not only within the Muslim world but also overseas, particularly in the countries of Western Europe and North America. This trend is evident in those countries which won their independence recently and where the majority of the population is Muslim.

Given the unprecedented surge of interest in religious values in the post-Soviet countries with a predominantly Muslim population and the real shift of the place of religion in the public life of these countries, one can easily observe the process of the politicization of Islam and the active penetration of Islamic movements, centers and parties. All of these slow down the course of forming a rational balance between religion

and secularity based on the pluralist approach to sociopolitical development in the new independent states of Central Asia.

It is crystal clear that the quest for equilibrium between religion and secularity unfolding in modern Muslim nations is by no means identical or unique for each country. However, common features are also becoming ever more evident linking these processes in various countries. This unifies them in a process of regional, and perhaps of global, significance. This is manifested primarily by the growth in the role and significance of Islam as a fundamental unifying factor of national and cultural identity. Great hopes are pinned on Islam as a defense against the aggression of values alien to Muslims, which are being propagated a thousand times more actively thanks to new information technologies that leave no place untouched. Indeed, prior to the emergence of modern communications systems, world religions including Islam were localized: links between cultural centers developed slowly and were shaped mainly by trade relations. Today the opportunities for the creation of global religious systems have grown in unprecedented proportions, and unique means have emerged for the interaction of cultural centers previously isolated from each other. But the very same factors have contributed to growing tensions, due to the ambitions of various religious systems in the competitive world environment and various fundamentalist versions of Islam which mutually conflict in their quest for influence and power in specific countries and regions.

Given the clear lag in technical development of the Muslim world from the developed Western nations, the religion of Islam is being regarded as the weapon of choice by those who are zealously striving to retain the moral distinction of being Muslims versus the rest of humanity. This quest sometimes crosses logical boundaries and takes on a somewhat aggressive form, challenging the secure development of not only the Muslim world but also of the entire world community. In turn, all of this leads to greater Islamophobia, particularly in the West. The latter is aggravating fears that a conflict on religious grounds could emerge in the bottom-line, leading to global catastrophe and possibly to the annihilation of all of human civilization.

What should the agenda be in these circumstances? What is to be done to minimize this threat, if not eliminate it altogether? It is absolutely clear that this task is multifaceted and multidirectional. Its fundamental solution requires consideration of a number of specific intra-Islamic and universal parameters. For instance, the image of Islam as completely alien to democracy and moral and political development must in many respects be considered a stereotype. Researchers have shown that the experience of reformist Islam has demonstrated that both in theory and practice there are methods, legitimate from the perspective of Shariah, that make it more flexible and consequently more adaptable to political circumstances closer to the democratic principles of state and public administration.

Within the wide spectrum of factors forming the relationship between the state and religion in Muslim countries, the search to maintain a rational balance between religiosity in society and secular norms of public life clearly has a central role. This is particularly true since many forces opposed to the stable and secure development of Muslim societies, as well as to their relations with other faiths, primarily with Western Christian civilization, primarily arise from within modern Muslim societies. The majority of these countries have suffered from various socioeconomic problems, environmental cataclysms, demographic booms, poverty, etc.

Today one could speak of two approaches to the issue of forming a balance between religiosity and secularity acceptable to Muslim society. However, the problem is that these are not alternative but antagonistic approaches, as they categorically exclude each other.

There is a well-known common truth that not a single community can survive without religion. Based on this, many ask the question: could the practice of any religion pose a

threat to personal, public or state security? Common sense provides an unequivocally negative reply to this question. However, as life has demonstrated, it is not religion itself, nor the right to religious freedom, but rather religious organizations, movements, and centers – whose activities sometimes merge into extremism and even terrorism – that are capable of anything of this kind. It is the radically-minded ideologues of these groups who are the advocates of the first approach, which essentially denies the viability of constructive harmony between religiosity and secularity in the life of a Muslim society. This approach is perilous not only for the development of the Muslim world but also for the secure development of the entire international community. Its advocates try to argue that a partnership between religion and secular norms of public life is, from the perspective of the Shariah, not only impossible but also impermissible. The advocates of this idea, which is stripped of practicality and sustainability, make up only a tiny portion of Muslim society, but due to their radicalism, religious intolerance and militant position they are under the spotlight.

The far greater majority of Muslims clearly recognize the vital necessity of continuing the search for harmony between religiosity and secularity in public life. Advocates of enlightened Islam among the Muslim ulemah and secular Islamic scholars represent this aspiration. They are engaged in major and pro-active intellectual endeavors for the theological and rational scientific justification of not only the possibility but also the expediency of a constructive partnership between religious institutions and the secular political forces in charge in Muslim countries. This group, devoted to Islam and protecting its right to participate in the public life of Muslim society, stands opposed to the coercive implementation of Shariah norms with state enforcement into the life of a modern Muslim society. Advocates of this direction of modernist Muslim sociopolitical and philosophical thinking see the place of religion in future Muslim societies in all realms of public life: from the moral upbringing of the community to matrimonial relations. These positions have even created a new definition of secularity dubbed "Muslim secularity."

In any case, intricate processes are unfolding in the entire Muslim world, manifesting the need for a new perspective on the place and role of religion in public life. These processes are encountering the new wave of religious extremism on the one hand and the globalization trends in the world, particularly in the realm of information technology, on the other. It is especially notable in this regard that the above-mentioned processes are particularly dynamic in those post-Soviet states with a predominantly Muslim population who have recently regained their national independence. This is due to a number of factors. The first is certainly the shift in the real place of religion in the life of these countries. It was precisely the consequences of the official recognition of the role of religion in public life which brought unprecedented opportunities for religious institutions. These opportunities were taken full advantage of by the broad social groups who were tired of the Soviet atheist prohibition against religious life, and who now at last enjoyed virtually unlimited access to the sources of their own religion. The second reason is related to the fact that the return to religious roots was accompanied by the formation of institutions of political Islam in these states with a prime objective beyond religion itself, aimed at changing the form of governance in these countries. The third reason is enshrined in the rapid introduction of these states into the ranks of the international community from which they were isolated for many decades. Communications with the outside world, particularly using the latest communication and information technologies along with other dimensions, has also intensified the influence on the evolution of the religious situation in these countries. This is also clearly reflected in the development of an entire range of factors determining the state's approach to religion on the one hand, and the intentions of religious institutions with

regard to the establishment of partner relations with the political forces in charge of the country on the other hand.

In these circumstances, research on the most important parameters of the system of relations between religion and the state in Muslim countries develops a growing theoretical, and especially practical, significance. As L. Sukiyaynen, a renowned Russian Islamic scholar, has duly pointed out, "the effectiveness of the state's approach in this matter will be boosted if the criteria for Islam's engagement in Russian politics receive a genuinely Islamic grounding, provided this engagement will be substantiated by the positive features of Muslim political and legal culture adapted to the circumstances of secular governance." In other words, the authorities should influence the development of a political concept that would not defy (or even better, that would meet) state interests. Certainly this conclusion holds true for other primarily Muslim-populated countries. The same scholar pointed out that today this task should be addressed within the overall context of countering acts of terrorism and extremism committed in the name of Islam. This idea is the cornerstone in these circumstances, as the strength of the position of Muslim radicals results not only from unaddressed political, socioeconomic, and national problems but also from the fact that they are attempting to justify their actions with Islamic concepts. Undermining the influence of destructive forces is not feasible without the formulation of a truly Islamic alternative idea to counter terrorism and extremism. Our project, now underway for four years, is dedicated to this noble aim as well. This book that we offer to the reader is the outcome of its third stage, finalized in October 2004 in Samarkand at an international conference that has already become a tradition.

Editors

Welcome speech by Mr. Z. Husnidinov, State Counselor to the President of Uzbekistan, Rector of Tashkent Islamic University,
to the participants of the International Scientific-Practical Conference "Secularity and Religion in Muslim Countries: Searching for a Rational Balance" October 2004, Samarkand

Distinguished participants of the conference, dear guests!

The events of the last decades emphasize that the thorough study of Islam and the contemporary processes associated with it are prerequisites for the preservation of civil accord in countries with a predominantly Muslim population. Unfortunately, against the background of relentless attempts by destructive forces aimed at using religious symbols for political ends and turning religion into a mechanism for the destabilization of public accord in some Muslim countries, even in entire regions, non-Muslims have developed a growing mistaken notion of the radical and politicized nature of Islam, of its supposed hostility to the representatives of other civilizations. Well-known developments in Iraq and Afghanistan, as well as inhumane terrorist acts in the U.S., Russia, and other countries, have boosted this biased opinion based partially on the ignorance of real Islam as a religion with a tremendous creative potential and tolerance. In this sense Islam itself is in acute need of defense from the unjust labels which are ascribed to it.

The international conference "State and Religion in countries with a Muslim Population," held exactly a year ago in Samarkand, was the logical follow-up to the international symposium "Islam and the Secular State" held there in 2002. The scientific-practical project begun by the International Fund of Imam al-Bukhari and the Friedrich Ebert Stiftung, well-known in Uzbekistan and dedicated to the study of relations between secular government and religion in Muslim countries, has gained international recognition. Tashkent Islamic University and the National Center for Human Rights of Uzbekistan have joined this initiative. As of today, scholars and analysts from more than 15 countries of Europe, Asia, Africa and America are among its participants. Publication of the results of the initial two conferences in several languages has received widespread notice.

In our view the major success of this conference was in making a substantial contribution to the accurate understanding of Islam as a religion of peace and justice, revealing its potential in the process of building an open civil society and promoting democratic secular governance.

An important logical outcome of the initial two stages of this indeed vital project is the great scientific significance of the advanced search for a rational balance between secularity and religiosity in Muslim countries, proceeding along the path towards building a legal democratic state and a pluralist civil society.

From the first days of independence, the leadership of the Republic of Uzbekistan faced the task of clearly defining its position towards religion in general and particularly towards Islam. The need to retain harmony between religious and secular values in the beginning of the 1990s indeed became a decisive factor in the life of our country. President Islam Karimov gave solid arguments defending the state's position towards religion: "The fact of the stable existence of religion throughout millennia means that it has deep roots in human nature and performs a number of essential tasks. Religion, being primarily the realm of the spiritual life of society, the group, and the individual, has absorbed and reflected universal human norms of morality, has turned them into universally mandatory norms of conduct, with a significant impact on culture, and has contributed to helping man to overcome his isolation and alienation from other people"

(Karimov, I. Uzbekistan on the Threshold of the 21st Century: Threats to Security, Prerequisites and Guarantees of Progress, Tashkent, Uzbekistan, 1997, pp. 34-35).

Hence, the process of forming a new balance between secularity and religion has become a major factor defining the content of the new stage of nation-building. However, this process has not always been smooth amid the building of a democratic secular civic society. Difficulties which arose along the way were primarily due to the targeted activities of certain forces attempting to radicalize and politicize the religious consciousness of the Muslim population. The active propaganda and sabotage work of Hizb-ut-Tahrir al Islami by spreading leaflets among the public was a clear manifestation of these aspirations.

Despite all the attempts by radical-minded religious groups with material and moral support from abroad, the trend towards delineating spheres according to the principle enshrined in Uzbekistan's Constitution – the state has its own functions, religion has its own – became decisive in striking a new balance between secular and religious values.

I hope this conference, which began today and has already become traditional, dedicated to the academic study of the relations between religion and the secular political forces in power in Muslim countries, will become a milestone in the future quest for a constructive partnership between the two components of nation-building and public administration – not only in Uzbekistan but also in other Muslim countries.

Taking this opportunity, I would like to thank our distinguished guests – renowned scholars in overseas countries who have come to this important workshop – and to wish great success to the work of the conference.

Prof. Dr. Gudrun Kraemer,
Free University, Berlin, Germany

State and Religion in the Modern Islamic World:
Introductory Remarks

The status of religion in state and society are debated, and indeed contested, in many parts of the world today, not just the Islamic one. Europe is a prominent example, and so are the United States of America where religion (or Christianity to be more precise) has experienced a remarkable upsurge over the last few years, being openly invoked not just in public debates, but at the highest levels of state power. China or Japan may be among the few countries, or civilizations if you wish, where religion as commonly understood in the United States, Europe and the Middle East does not play a significant role in public affairs, and which for that reason do not have to address the kind of questions we find ourselves faced with. Religion is the public expression of faith. Faith in its turn has much to do with emotions, and indeed passions. It cannot come as a surprise that the question of how society, state and religion should be organized so as to be most beneficial to the greatest number of people should raise not just emotions, but passions. All too often, it has also lead to violence.

There are several domains that we might distinguish when discussing the complex relationship of society, state and religion: first, the domain of values: are they thought to be based in a transcendent order, and God more specifically, or are they conceived of as man and woman made? Second, the nexus between social norms and values on one hand and public order on the other, affecting the field of law in particular. Third, the organization of the state, its institutions and policies: are the rights of citizenship and political participation and/or the rights to benefit from state services tied to religious affiliation, and are state policies in any direct way shaped by religious concerns? All of them have to be analysed individually and in conjunction if the big question guiding us here is to be properly addressed.

Muslim debates on the best (or, as it is often said, the correct) way of accomodating state and religion are generally premised on the assumption that there exists, in Islam, a "special relationship" between religion and the public order, including law and state affairs more narrowly defined. Like the majority of Christians and Jews, most Muslims assume that religion involves more than the mere profession of faith (the *shahada*). Islam is seen as a religion in the proper sense of the word ("binding" humans to their creator), and that it is only fully realised if faith is combined with, and reflected in, conduct. In accordance with this view, Islam has often been described as a specific "way of life" (and this is how the Arabic *din* is frequently translated). Incidentally, classic conceptions of the Islamic way of life, or of "doing things", is very much based on the notion that Islam is essentially a religion of the middle path (*wasatiyya* to use a modern term), of balance, and of moderation. Extremism, fanaticism and exaggeration in anything from devotions to the veneration for individual men and women have been consistently denounced by Muslim scholars as contrary to Islam. Hence the widespread notion of Islam as a religion of peace (which historically speaking cannot be accepted without modification). But we are not discussing Islamic history here, we are speaking about perceptions of Islam that have been vastly influential in the past, and have not lost all influence today. If ("true") Islam is faith *plus* conduct, then it cannot be lived on a purely private basis, and on Friday alone. Like Christianity, or Judaism, or any other faith, it has to be reflected in the day-to-day behaviour of the faithful. It cannot be hidden in a corner and only taken out during Friday prayer, or Saturday and Sunday service. To a certain extent, religion will be public, and be openly displayed in the public sphere. Now the idea of religion being publicly visible, shaping public behaviour, and possibly even public policies, may seem disturbing to committed atheists who reject any kind of religion as irrational, and indeed harmful at both the individual and the collective levels. But it does not confound the majority of citizens in most European and Middle Eastern societies who take it for granted that religion should play a part in public life.

The problem starts with the claim that it is not enough for the individual to practice his or her faith, or to be more precise his or her religion, in the private and the public spheres. It is the claim made by

Islamists as much as their Christian or Jewish counterparts that state and society must be *regulated* by religion. In an Islamic context, the common way to express this assumption is to declare Islam to be religion and state (*din wa-dawla*); to call for the exclusive and comprehensive "application of the Sharia"; and to argue that this requires the establishment of an Islamic state. The claim is as problematic as it is controversial, among both Muslims and non-Muslims. To begin with, Islamists as well as many others commonly conceive of Sharia as being divine in origin and nature, and for that reason unchangeable over time and space, ignoring the necessary distinction between Sharia on one hand and Islamic jurisprudence (*fiqh*) on the other, which most Islamic scholars would not hesitate to make. If at least for the believer, Sharia is the sum total of those norms and values that are immediately identifiable in the Qur'an, and hence in revelation, supplemented by those elements of the Prophetic tradition (the Sunna) that are generally accepted as sound and binding, then it is possible to argue that the Sharia in its essence remains unchanged over time and space (it all depends, of course, on how this essence is being defined). But *fiqh* as the term itself suggests (the Arabic *faqiha* from which it is derived means "to understand"), is the product of human reflection, and humans are not immune from error. Their interpretations of scripture cannot claim the status of immutability, and they are not beyond the reach of public debate and criticism. The second element in this series of claims put forth by Islamists concerns their exclusivist approach: they seem to assume that Muslims can only think and act in Islamic terms, and that contact with the outside world cannot but contaminate their Islamic purity and authenticity. Now this is not just highly problematic in itself, it is also quite removed from reality, How are Muslims today to isolate thenselves against thoughts and practices that are not uniquely and exclusively Islamic? How are they to deal with social, economic and political issues without referring to ideas and practices that are common to humankind today, but perhaps not mentioned in the Qur'an and Sunna (or the Old and New Testament for that matter)? The third issue relates to the value attached to reason and rational thinking at large: it is quite inconceiveable that the Sharia should be applied today, and an Islamic order established on any given territory, without rational, and to an extent even utilitarian thinking being involved. You simply cannot "apply" the Sharia (which as will be recalled has never been codified) to a given place and society without reflecting on the relative weight to be given to specific rules as opposed to others, and the costs and benefits of implementing them within a given context.

The entire idea of uncorrupted purity ("authenticity") and of complete fusion between religion, state and society "in Islam" is manifestly ahistorical. In the historical experience of Muslims, the Sharia has never been exclusively applied, not even at the time of the Prophet. For most of the time, it has been normative in the sense that the majority of Muslims accepted it as valid and ultimately superior to other legal norms and rulings. But there have always been social norms and practices that coexisted with Sharia norms proper, if at times uneasily. Customary law (*urf*, *ada*) is a case in point. Social structures have never completely conformed to (ideal) Qur'anic norms. Legal practices have always been considerably more complex than is thought by those who have little knowledge of legal history. Islam and the state have never been fused. Within the framework of "public administration according to Sharia norms" (*siyasa shar'iyya*), the ruler enjoyed great leeway in organising and regulating public policies. It was his duty to defend the bounds of Islam both at home and abroad, leading the Jihad against unbelievers, and suppressing heresy and illegitimate innovations more generally (which of course remained subject to debate, and were in most cases settled by the most powerful actors in society, not necessarily the ruler himself, in accordance with their own wishes and desires). He was usually able to organise the legal sphere according to his own preferences, patronising certain schools of legal and theological thought over others. But he did not enjoy a monopoly over either legal or theological thinking, and there were always men and women who contested official policies in these fields. What we find, then, is a differentiation between religion (Islam) and politics, or the state, which amounts neither to a complete fusion of the two, nor their complete separation. Secularism only arose as a theoretical concept in the modern age. To project either of them back unto history does violence to the much more varied experience of Muslims over time and space.

In the modern age, society and the state have changed, or been changed, beyond recognition, in the Muslim world as much as elsewhere. On the wide spectrum of possible combinations between religion

(which here always means Islam) and the state, there are two which at first sight might appear to be at extreme ends, while in fact they have much in common: Islamic states on one hand, and secular ones on the other. Both seek to assert maximum control over religion and its institutions in the public sphere, if not beyond. In the Islamic Republic of Islam or in Saudi Arabia, to give just two examples, the state (the ruling elite, the ruling family) have made it their aim to completely control all public expressions of Islam, and religion more generally. Islam is very much on the public agenda there. One might say it is as public as it can get. But only to the extent that it conforms to state expectations. If one is permitted to use metaphorical language, the state here tries to eat Islam up so as to leave as little outside of state control as possible. Secular republics like Turkey, Tunisia or Uzbekistan equally hope to control and model Islam, and all other religions on their territory, according to their own vision of what it should represent (which in the majority of cases is very much the engineer's vision of Islam). In contrast to their "Islamic" counterparts, the secular regimes essentially hope to keep Islam, and religion more generally, out of the public domain. What they both have in common is the authorization, state-centred approach to religion and the public sphere.

Much has been said on secularism which still merits repetition, particularly in an Islamic context. First, secularism means that access to all state ressources, including citizenship, rights to participation and to a share in political rule, as well as the right to benefit from state services, is not tied to religious affiliation, and neither is the personnel of the state, its institutions and its policies, though the latter will always reflect certain values shared by a significant section of society. These values may or may not be based in religion, and in Islam more specifically. Bioethics and family planning are cases in point. Second, secularism means that the Sharia cannot be applied (let alone applied "exclusively and comprehensively") as the law of the land, even though certain principles or values seen as being based in the Sharia, can. The ideal of justice or certain aspects of gender relations come to mind here. Third, secularism does not equal atheism. The two can coincide, but need not do so. Many advocates of a secular order are believers carefully observing the rules of their religion in terms of their private and public behaviour, ranging from dress to food to basic value orientations they regard as central to their belief. Forth, secularism does not equal full state control over religion and religious institutions and the cleansingof the public sphere of all manifestations of religious thought or practice. Religious actors, including organised bodies such as churches and congregations, can be recognised as legitimate actors in the public sphere. Fifth, the role of the state is essentially to act as an arbiter, making sure that all actors, including religious ones, enjoy free access to the public sphere, provided they respect the rules of the game, including first and foremost the renunciation of all violence in their interaction with others, friends as well as critics. To sum it up, secularism means that religion, and this applies to Islam as well as to all other religions, is kept separate from the state apparatus, without being barred from the public sphere. To find a proper balance here is a difficult matter, requiring constant adjustment to changing circumstances. And again this applies not just to Islamic societies.

I. POLITICAL ASPECTS OF THE RELATIONSHIP BETWEEN THE STATE AND RELIGION

**Prof. Dr. Abdullahi Ahmed An-Na'im,
Emory University, School of Law, USA**

**Secularism from an Islamic Perspective: Theoretical Reflections
on the Realities of Islamic Societies in the 21ˢᵗ Century**

Introduction

In this paper, I argue for a coherent theory of the tripartite relationship among religion, state and society for the development of Islamic societies in their present local and global context. This theory is what I call secularism from an Islamic perspective, which is a framework for mediating these relationships to maintain a separation between Islam and the state while retaining and regulating an active role for Islam in politics, as explained below. The context of this constant negotiation of these relationships in present Islamic societies is shaped by profound transformations in the political, social and economic structures and institutions under which Muslims live and relate to other communities as a result of European colonialism (Soviet Marxism in the case of Central Asia) and more recently global liberal capitalism. But it is also conditioned by the internal political and sociological circumstances of each society, including the internalization of externally inspired changes, whereby Islamic societies continued Western forms of state formation, economic, legal and administrative arrangements, education and social organization after political independence. Whether they like it or not, all present Islamic societies now live within territorial states which are totally integrated into global economies, political and security inter-dependence, cross-cultural influence, and so forth.

I will also present here a tentative formulation of the main elements of this theory, subject to further elaboration through a broader study of current discourse around related issues in several locations (in Indonesia, India, Egypt and Turkey). My objective in that study is to achieve a workable level of clarity and coherence in these relationships, rather than to present a systematic study of the history and current development of a specific model. While drawing on some experiences of Islamic societies regarding these relationships in the various locations, that broader study is more conceptual than empirical. That is, I am calling for rigorous and candid appraisal, clarification and re-conceptualization of these relationships, rather than offering a detailed discussion of recent political and legal developments in various settings.

The broader study also includes a comparative analysis of corresponding theories of these tripartite relationships in Western societies – they are always the product of deeply contextual and constant negotiation within each society. The object of that analysis is to demonstrate how secularism everywhere is the constant negotiation of these relationships in each setting. In other words, secularism remains tentative and contested everywhere, and is not a fixed model with predetermined outcomes for direct application or transplantation from one society to another. It is true that certain regional characteristic features of secularism emerge over time, but that is the product of subsequent theoretical analysis of the practical experiences of those societies, rather than the spontaneous or logical outcome of a prescribed doctrine.

Moreover, I argue that the present global context of the negotiation of these tripartite relationships confronts all human societies with similar challenges despite significant differentials in power relations among post-colonial African and Asian societies, on the one hand, and former colonial and neocolonial Western societies, on the other. The recent drastic acceleration of patterns of economic and cultural globalization requires the corresponding entrenchment of constitutionalism and democratic governance, international legality and the universality of human rights in the domestic and foreign policies of all societies. This view, I suggest, is supported by domestic and global developments during the last decades of the 20ᵗʰ century, and has recently been dramatically emphasized by the shared security

threats of international terrorism and military unilateralism. While these challenges face all human societies, Western and non-Western alike, my primary concern is with Islamic societies. From this perspective, I argue that the entrenchment of the values and institutions of the rule of law cannot be realized in Islamic societies without developing a clear theory of the relationship among Islam, state and society for domestic governance and international relations.

As noted earlier, the realities of Islamic societies in the 21st century to which I refer in the title of this paper are not only permanent and structural, but also integral to the domestic as well as global context in which Islamic societies exist today. The nature of the state, political, social and economic circumstances, domestic and foreign relations of these societies today are not simply the result of Western colonial and neocolonial hegemony, which can be overcome by asserting an idealized "Islamic" right to self-determination. These transformations have become so much internalized and integrated into Islamic societies that they have become part of the "self" as well as the conditions under which self-determination can be realized. Even possibilities of regional and global integration can only be achieved through these realities of domestic and international politics and relations. Since "opting out" of the present realities of pluralistic state societies in their global context in favor of an autonomous pre-colonial notion of an Islamic state and society is no longer possible, or desirable in my view, Islamic societies should define their own role in the context of these irreversible realities instead of having it defined for them by others.

Ironically, political activists who call for the establishment of an Islamic state to enforce Shari'ah through legislation and official policies are in fact calling for a European positivist approach to law and a totalitarian Marxist view of the relationship between state and society. This view is inconsistent with the nature of Shari'ah that evolved through consensus among many generations of Muslims, and as such defies codification as a positive law in the modern sense of the term. It is also dangerous to confer the sanctity of Islam on the present state with its extensive power to control and regulate far more of the daily lives of citizens and communities than was ever possible for the pre-modern imperial states or traditional princes who ruled Muslims in the past.[1]

I am therefore approaching this study with a strong sense of urgency because I believe that the failure to clarify these relationships is a major obstacle facing the realization of political stability, economic development and social justice for present Islamic societies. I am not suggesting here that the theoretical clarification of these tripartite relationships is the sole problem facing these societies today, or is taken as a matter of high priority everywhere. But I do believe this to be one of the major issues facing *all* of them to varying degrees and in different ways, with far-reaching and multifaceted implications for domestic as well as foreign policy. I also believe that the need for theoretical clarity is urgent even where the underlying issues are not articulated and debated. In my view, the lack of articulation and debate, as seems to be the case in many Islamic societies including some in Central Asia, is itself a symptom of the need for theoretical reflection, rather than proof that it is irrelevant or unnecessary in any of them.

The main reason for the apparently deliberate avoidance of these issues in many Islamic societies, it seems to me, is apprehension about undesirable outcomes, whether it is the notion of an Islamic state for some, or an anti-Islamic secular state for others. In my view, both types of apprehension are unwarranted because neither option is a realistic or desirable possibility. Regarding the first apprehension, Islam can neither be enforced by the state as a matter of official policy and formal legislation, nor excluded from the public life of Islamic societies. Since the state is a political institution that cannot have a religious faith, the notion of an Islamic state is conceptually incoherent, and whatever is enforced as Islamic policy and law will necessarily reflect the views and interests of the ruling elite. Seeing the issue in this light immediately exposes the paramount danger of allowing such claims to prevail because they will force Muslims as well as non-Muslims to live by the ideological vision or narrow self-interest of the ruling elite.

As to the second apprehension, the view that Islam can be relegated to the so-called "private domain" is unrealistic because the religious beliefs and values of Muslims will continue to influence their political and economic behavior and social relations. This view is also undesirable because it denies Islamic societies the benefit of the most formative and dynamic sources of ethical reflection and

moral authority in the formulation and implementation of public policy and legislation. While it should not be asserted as the basis of the state and administration of justice as such, Islam is too central to the moral consciousness and social institutions of Muslims to be overlooked or relegated to the purely private domain.

To conclude this Introduction, I wish to emphasize that my concern with these issues has not been prompted by the post-9/11 domestic and global environment of the so-called "war on terrorism." While realizing that perceptions of this connection can cause some resistance or skepticism among those I seek to persuade, I still maintain that the need for theoretical coherence in the relationships of Islam, state and society is urgent, regardless of these developments.

Elements of a Theory of Relations among Islam, State and Society

The fundamental concern of the proposed theory is how to ensure the institutional separation of Islam and the state, despite the organic and unavoidable connection between Islam and politics. The first part of this proposition sounds like "secularism" as commonly understood today, but the second part indicates the opposite. This is a permanent paradox that is part of my thesis, namely, that the relationship among religion, state, and society is the product of a constant and deeply contextual negotiation, rather than the subject of a fixed formula, whether of total separation or complete fusion of religion and the state. The paradox of separating Islam and the state while regulating the organic relationship among Islam, politics and social interaction, can only be mediated through practice over time, rather than completely resolved through theoretical analysis. From this perspective, the question is how to create the most conducive constitutional, social and intellectual framework for this mediation to continue in a constructive fashion, rather than hope to resolve it once and for all.

One controversial aspect of the proposed theory relates to the use of the term secularism, which may be seen as problematic and distracting from my main thesis because it widely viewed as hostile to religion in general. This term is suspect in popular Islamic discourse for its strong association with the Christian experience of Europe, colonialism and post-colonial Western hegemony in general. It also seems to be difficult to dispel the common view that this term inherently and necessarily requires the total exclusion of religion from the public domain. Since my primary objective is to ensure the institutional neutrality of the state regarding matters of religious doctrine, as explained below, it may be wiser to present this proposal as "the religious neutrality of the state" instead of a call for secularism. But the problem with this shift in terminology is that it might hinder constructive comparative analysis on a global scale, which I believe would be most useful for debates around these issues within and among Islamic societies. It should also be noted that some Islamic societies, from Senegal to Turkey to Central Asia, are already willing to accept the term "secularism" in their own domestic constitutional and political discourse. I will therefore use this term and define it as clearly as I can for the purposes of the theory I am proposing here.

<u>Contextual Approach to Secularism as Mediation</u>

To begin with a brief clarification of the term secularism and its deeply contextual nature, as noted earlier: the word secular derives from the Latin word *saeculum*, meaning "great span of time" or more closely "spirit of the age." Later on, the meaning changed to mean "of this world," implying more than one world, eventually translating into a concept of the secular and the religious derived from the idea of the temporal and the spiritual.[2] The term also evolved in the European context from "secularization" as the privatization of church lands, to the secularization of politics and later, art and economics. This line of development is reflected in the Webster's dictionary definition of secularism as "indifference to or rejection or exclusion of religion or religious considerations."[3] The Short Oxford Dictionary defines secularism as "the doctrine that morality should be based solely on regard for the well-being of mankind in the present life, to the exclusion of all considerations drawn from belief in God or in a future state."[4] Similarly, Larry Shiner identified and distinguished between five definitions of secularism as (1) decline of religion, (2) conformity to the present world, (3) disengagement/differentiation of society from religion (separation of church and state), (4) transposition of religious beliefs and institutions (shift from the source of divine power to the

phenomena of human capability and creation), and (5) desacralization of the world and subsequent sacralization of rationality.[5]

From my perspective of deeply contextual understandings of secularism, such views are at best reflections of how the concept has evolved in various European and North American settings, each in its own way. Secularism is in fact a multidimensional concept, reflecting elements of the historical, political, social, and economic landscape of a particular country. In the United States, for instance, it has come to signify a purported "wall between church and state" but what that means remains the subject of intense political contestation and constitutional litigation. Mexican secularism requires such a strict separation of religion and politics that priests are not allowed to vote, while in the Republic of Ireland the Catholic Church wields so much power politically that abortion is still illegal on the grounds that it violates Church doctrine. By the same token, secularism for various Islamic societies must also account for the religious dimension of the lives of local communities, instead of being seen as an effort to impose preconceived notions of the categorical relegation of religion to the private domain. In my view, it is grossly misleading to speak of a complete separation or total union of any religion and the state. Any state, as well as its constituent organs and institutions, are conceived and operated by people whose religious or philosophical beliefs will necessarily be reflected in their thinking and behavior. Yet, the ruling elite cannot effectively impose their religious views on others, though their attempt to do so is bound to lead to serious problems, as can be observed in the current experiences of countries like Iran and Sudan.

Another reason for the importance of the proposed definition of secularism is that to limit this principle to separation of religion and the state is not sufficient for achieving its purpose of safeguarding political pluralism in diverse societies. Secularism in that limited sense is able to unite diverse religious communities into one political community precisely because it makes minimal moral claims on the community and its members. This is not to say that the principle of secularism is morally neutral, as it must encourage people to adopt a certain civic ethos on the basis of some specific understanding of the person in relation to the community and the state. But that normative content needs to remain minimal to achieve and maintain consensus among completing religious traditions. As such, secularism in the sense of categorical exclusion of religion from the public domain fails to inspire or motivate believers. It would therefore seem necessary to seek a religious foundation or justification for the principle of secularism itself.

A related concern is that secularism, as simply the strict separation of religion and the state, is unable by itself to address any objections or reservations believers may have about specific constitutional arrangements and human rights standards. For example, since discrimination against women is often justified on religious grounds in Islamic societies, this source of systematic and gross violation of human rights cannot be eliminated without addressing its alleged religious rationale. Moreover, this must be done without violating the freedom of religion or belief for Muslims, which is also a fundamental human right. While a purely secular discourse can be respectful of religion in general, it is unlikely to succeed in rebutting religious justifications of discrimination against women among Muslims. Adherence to the principle of secularism as defined here can also encourage and facilitate internal debate and dissent within religious traditions. This can assist in overcoming religious-based objections to or reservations about the principle of secularism as defined above, while supporting constitutional arrangements and human rights standards that ensure space for debate and dissent.

In light of the preceding remarks, the first part of the proposition I wish to advance is that the modern territorial state should neither seek to enforce Shari'ah (the normative system of Islam) as positive law and public policy, nor claim to interpret its doctrine and general principles for Muslim citizens. Since effective governance requires the adoption of specific policies and enactment of precise laws, the administrative and legislative organs of the state must select among competing views within the massive and complex corpus of Shari'ah principles and rules. That selection will necessarily be made by the ruling elite but will be difficult for the general Muslim population to oppose or resist when the policy or law is presented as mandated by the "divine will of God." In other words, the inherent

subjectivity and diversity of Shari'ah mean that whatever is enacted and enforced by the state is the political will of the ruling elite, not the religious law of Islam as such.

Moreover, the rationale of all public policy and legislation must always be based on public reason, which all citizens can accept, reject or amend, without reference to any religious doctrine as a matter of individual conscience. Thus, policy initiatives and legislative proposals may emerge from the principles and rules of Shari'ah, and can be implemented or enacted by state institutions, provided they are supported by public reason and not simply asserted as the divine precepts of Islam. To permit the latter view to prevail is to repudiate the equal citizenship of not only non-Muslims, but also of Muslims who have always had significant disagreements about the meaning and implications of Islam. At the same time, Islamic principles should remain available for Muslims who believe in them to observe privately in personal and communal affairs, and not for state policy and legislation. Such principles can also be adopted as official policy and legislation through the political process and subject to constitutional safeguards as emphasized below, but not automatically just because some Muslims believe them to be divine. In other words, Shari'ah principles are neither privileged or enforced as such nor necessarily rejected as a source of state law and policy. The belief of even the vast majority of citizens that these principles are binding as a matter of Islamic religious obligation should remain the basis of individual and collective observance among believers, but is not sufficient reason for their enforcement by the state.

The second part of my proposition is that Shari'ah can and should be a source of public policy and legislation, subject to the fundamental constitutional/human rights of all citizens, men and women, Muslims and non-Muslims equally and without discrimination. This will require reform of certain aspects of Shari'ah, especially regarding the rights of women and religious minorities, as explained next. The point I am emphasizing here is that the total or categorical exclusion of Shari'ah from the public domain is both unrealistic and undesirable. In addition to holding this view as a matter of principle, I also find it helpful for convincing Muslims that secularism does not mean the exclusion of Islam from public life altogether.

The Need for Islamic Reform

My call to acknowledge the political role of Islam and accept the possibility that Shari'ah principles can be a source of state policy and legislation, subject to the safeguards emphasized earlier, is untenable without significant Islamic reform in the present context. As emphasized from the outset, it is critically important for Islamic societies today to invest in the rule of law and protection of human rights in their domestic politics and international relations. This is unlikely to happen if traditional interpretations of Shari'ah that support such principles like male guardianship of women (*qawamah*), sovereignty of Muslims over non-Muslims (*dhimmah*) and aggressive *jihad* are maintained. Since such views are bound to reflect negatively on public policy and legislation, as well as social and political relations at home and abroad, their reformulation is necessary for the proper functioning of the proposed approach. I have elaborated elsewhere what I believe to be a comprehensive and viable methodology of Islamic reform based on the work of the late Sudanese Muslim reformer, *Ustadh* Mahmoud Mohamed Taha.[6] But I am also open to considering any alternative methodology that can achieve the desired outcome.

The main premise of a viable reform process, in my view, is that while the Qur'an and Sunnah are the divine sources of Islam according to Muslim belief, the meaning and implementation of these sources on any given issue of everyday life is always the product of human interpretation and action in a specific historical context. It is simply impossible to know and apply Shari'ah in this life except through the agency of human beings. Any view of Shari'ah known to Muslims today, even if unanimously agreed, necessarily emerged out of the opinion of human beings about the meaning of the Qur'an and Sunnah, or the practice of Islamic communities. Such opinions and practice became part of Shari'ah through the consensus of believers over many centuries, and not by the spontaneous decree of a ruler or will of a single group of scholars.

It therefore follows that alternative views of Islam and formulations of Shari'ah principles are always possible, and can be equally valid if accepted as such by Muslims. Since it is impossible to know whether or not Muslims would accept or reject any particular view until it is openly and freely

expressed and debated, it is necessary to maintain complete and unconditional freedom of opinion, expression and belief for such views to emerge and be propagated. The idea of prior censorship is therefore inherently destructive and counter-productive for the development of any Islamic doctrine or principle. Beyond this basic premise, I remain completely open to any methodology that is capable of achieving the necessary degree of reform in the interpretation of Shari'ah.

Drawing on the preceding remarks, I define secularism as a principle of public policy for the regulation of the relationship among Islam, state and society to ensure constitutional governance, pluralism, stability and development with due regard to the Islamic identity of each society. The underlying idea here is one of balancing these competing demands. This balance may shift back and forth at different times within the parameters of the equal human rights of all citizens, provided the negotiation process is fair, open and fully inclusive of all segments of the population. While assuming a range of possible ways in which this balance can be achieved, this approach does not accept every type or form of relationship among Islam and the state, and Islam and politics. The main parameters of this conception is that it neither permits the enforcement of Shari'ah *as such* by the state, nor excludes it as a possible source of public policy and law. This view can also be called "the religious neutrality of the state," whereby state institutions neither favor nor disfavor any religious doctrine or principle. In this way, constitutionalism, democratic governance and respect for human rights are both ends and means as the standards for regulating substantive content as well as the process of negotiating the relationship among Islam, state and society.

As already noted, various understandings of Shari'ah will remain, of course, in the realm of individual and collective practice as a matter of freedom of religion and belief, but also subject to established constitutional safeguards. What is problematic is for Shari'ah principles as such to be enforced as state law or policy, because once a principle or norm is officially identified as "decreed by God" it will be extremely difficult to resist or change its application in practice. At the same time, the integrity of Islam as a religion will decline in the eyes of believers and non-believers alike when state officials and institutions fail to deliver the promise of individual freedom, social justice and well-being. Since Islamic ethical principles and social values are indeed necessary for the proper functioning of Islamic societies in general, the implementation of such principles and values would be consistent with, indeed required by, the right of Muslims to self-determination. This right, however, can only be realized within the framework of constitutional and democratic governance at home and international law abroad because these are the legal and political bases of this right in the first place. That is, the right to self-determination presupposes a constitutional basis that is derived from the collective will of the population, and can be asserted against other countries because it is accepted as a fundamental principle of international law.

Allowing Shari'ah principles to play a positive role in public life without permitting them to be implemented as such through law and policy is a delicate balance that each society must strive to maintain for itself over time. For example, such matters as dress style and religious education will normally remain in the realm of free choice, but can also be the subject of public debate, even constitutional litigation to balance competing claims. This can happen, for instance, regarding dress requirements for safety in the work place, or the need for comparative and critical religious education in state schools to enhance religious tolerance and pluralism. I am not suggesting that the context and conditions of free choice of dress or religious education will not be controversial. Rather, my concern is with ensuring fair, open and inclusive social, political and legal conditions for the negotiation of public policy in such matters. Those conditions, I argue, are to be secured through the entrenchment of such fundamental rights of persons and communities to freedom of religion and expression, on the one hand, and due consideration for legitimate public interests or concerns, on the other. There is no simple or categorical formula to be prescribed for automatic application in every case, though general principles and broader frameworks for the mediation of such issues will emerge and continue to evolve within each society.

It is sometimes suggested that it is better to allow the idea of an Islamic state to stand as an ideal while seeking to control or manage its practice. This view is dangerous because as long as this notion stands as an ideal, some Muslims will attempt to implement it according to their own understanding of

what it means, with disastrous consequences for their societies and beyond. It is impossible to control or manage the practice of this ideal without challenging its core claims of religious sanctity for human views of Islam. Once the possibility of an Islamic state is conceded, it becomes extremely difficult to resist the next logical step of seeking to implement it in practice because that would be regarded as a heretical or "un-Islamic" position.

Allowing this ideal to stand is also counter-productive because it will preclude debate about more viable and appropriate political theories, legal systems and development policies. Even if one overcomes the psychological difficulty of arguing against what is presented as the divine will of God, charges of heresy can result in severe social stigma, if not prosecution by the state or direct violence by extremist groups. As long as the idea of an Islamic state is allowed to stand, societies will remain locked in stale debates about whether constitutionalism or democracy are "Islamic," or whether interest banking should be allowed or not, instead of getting on with securing constitutional democratic governance and pursuing economic development. Such fruitless debates have kept the vast majority of present Islamic societies locked in a constant state of political instability and economic and social under-development since independence.

A better approach is to accept that constitutionalism and democracy are the ultimate foundation of the state itself, and engage in the process of securing them in practice. To authoritatively establish that the state will not and cannot enforce any religious view of charging or paying interest on loans (*riba*) is to ensure the freedom of all citizens to choose to practice or avoid interest banking as a matter of personal religious belief. Moreover, citizens who wish to avoid such practices can establish their own banking institutions, subject to appropriate regulation by the state and general public supervision, like any other business venture. These are examples of the real issues facing Islamic societies today which cannot be resolved by futile debates about an incoherent and counterproductive notion of an Islamic state which enforces Shari'ah as the automatic basis of public policy and law.

A related argument in support of the notion of an Islamic state that I wish to anticipate is based on the distinction between Shari'ah and *fiqh* (Islamic jurisprudence), namely, the claim that since fiqh is human interpretation, it can be amended and adjusted to fit the current circumstances of Islamic societies, whereas Shari'ah should remain immutable. This distinction is not useful for our purposes here because both Shari'ah and fiqh are the product of human interpretation of the Qur'an and *Sunnah* (or *Hadith*) of the Prophet in a particular historical context. As such, whether a given proposition is said to be based on Shari'ah or fiqh, it is subject to the same risks of human error and influence of ideological or political bias, economic interest and social concerns of its proponents. Moreover, the distinction is not only difficult to maintain in practice, but any attempt to do so will itself necessarily be the expression of a human opinion that is subject to the same risks and limitations. For example, it may be commonly accepted that the prohibition of *riba* (interest on loans) is decreed by Shari'ah, but the definition and application of this term is the subject of fiqh. Since human interpretation of relevant texts of the Qur'an and Sunnah is unavoidable in both aspects of this issue, it is difficult to distinguish the two.

A slightly modified version of the same argument asserts that all that is required is to observe the fundamental objectives of Shari'ah (*Maqasid al-Shari'ah*), while fiqh principles and rules can change from one time or place to another. But the problem with this line of thinking is that the so-called fundamental objectives of Shari'ah are expressed at such a high level of abstraction that they are neither distinctly Islamic nor sufficiently specific for the purposes of public policy and legislation. If and when these principles are presented in more specific and concrete terms, they will immediately be implicated in the familiar controversies and limitations of fiqh. For example, "the protection of religion" is one of the objectives of Shari'ah, but this principle has no practical utility without a clear definition of what "religion" means in this context, and specification of the necessary conditions and limitations of its protection as a matter of state policy and legislation. Does "religion" include non-theistic traditions like Buddhism, or atheism? Can a Muslim adopt another religion or belief? When can freedom of religion be limited in the public interest of the state or the rights of others? Yet, addressing such questions immediately takes the subject into the realm of fiqh.

Regarding objections to any role for Islam in public policy, I argue that such an assertion of strict separation is both unrealistic and misleading. It is unrealistic because it is a negative view of the relationship of religion and public policy, emphasizing the exclusion of religious ethics without

providing an alternative, thereby failing to take into account the moral or ethical foundations of public policy. This view is also misleading because it in fact assumes a partially religious morality in the culture of every society, without saying so. Questions of public policy, like whether or not to legalize abortion or how to adjudicate the custody of children after divorce, necessarily draw on moral and ethical underpinnings which are influenced by religion in any society. This is true, I believe, even of so-called radically or militantly anti-religious regimes like the former Soviet Union or Maoist Marxism in China. It is therefore better to acknowledge and regulate the role of religion in public policy, instead of denying that reality, which raises serious risks of abuse or manipulation.

The preceding clarifications are intended to anticipate resistance from the proponents of the enforcement of Shari'ah by the state as well as those who reject any role for Islam in public life. These and related issues should of course continue to be debated in a fair, open and inclusive process, whereby ideas are accepted or rejected on the basis of their argument and supporting evidence. But it is not an appropriate response to say that my proposal, for instance, is unlikely to be accepted by present Islamic societies without explaining why such objections are reasonable or valid. For one thing, it is not possible to know whether Muslims will in fact accept or reject this proposal until it is presented to them with supporting arguments, instead of assuming that they would be inclined to reject it. Moreover, resistance can be an indication of the need for a proposal of this nature, though not necessarily evidence of its validity or viability. That is, a necessary shift in the popular perception of the issues raised by this proposal is likely to be resisted precisely because it is unusual and challenging for both supporters and opponents of the enforcement of Shari'ah by the state.

Concluding Remarks: Theorizing from Experience

It seems clear to me that some elements of this proposal are already present in the current experiences of Islamic societies, while other elements are clearly lacking. Various Islamic societies today can be seen as being at different stages of the spectrum in accepting or rejecting the proposed understanding of secularism. This characterization is helpful for my purposes in two ways. First, I can draw on these realities to show the contradictions of the official doctrine of the state, whether it claims to be theocratic or secular. Second, the argument I am making should not only be familiar to public opinion, but also be seen as a more systematic and coherent theoretical framework for its own actual practice. At the same time, however, it is also clear that some vocal groups will resist this proposal precisely because they find the ambiguity and contradictions of the present situation useful for their own purposes. I am therefore concerned with "theorizing" out of the experiences of these societies, whatever that may be, rather than pretending to "construct" a theory for them to be implemented. A critical question for the theory I am presenting is therefore how to understand and work with what might be called the "natural flow" of internal transformation, which includes tactical considerations of benefiting from favorable factors in effectively responding to expected resistance.

It is not possible to adequately cover all important aspects of this process, even if one has much more space and time than is available here. Some aspects require much more specific contextual analysis than I can offer, including detailed analysis of the processes of state formation, economic and social development, and the impact of demographic and geopolitical factors. Other aspects that defy prescriptive analysis include matters of local negotiation over time, such as the role of education and civil society organizations in balancing competing claims of the religious neutrality of the state, on the one hand, and freedom of religion or belief, on the other. The dynamic of social and political exclusion and inclusion of women and other marginalized groups can also be seen as a contested process of negotiation that is unfolding over time.

To the extent that the proposed theoretical framework can include strategies for practical advocacy, one should try to understand the role and relative strength or weakness of various elements in the internal dynamics of continuity and change in each society. Relevant questions include: How are the secular realities of life perceived and justified in public discourse, and balanced against religious considerations in formulating public policy? What are the arguments used by opponents of secularism in mobilizing their own political constituencies, and what are the economic or other interests that

underlie their influence?   Moreover, my concern with an Islamic perspective on secularism, as defined above, indicates that I need to formulate an Islamic argument for this principle as an essential principle of public policy for religious reasons as well as for the temporal or worldly concerns of present Islamic societies.

Finally, there is the impact of regional and global geopolitical factors and power relations on the dynamics of internal transformation. As a general rule, it seems to me, societies tend to perceive current issues in terms of historical experiences and regional inter-communal relations as well as broader international relations. The likely resistance to the term secularism among Muslims because of its colonial and neocolonial associations, as noted earlier, is part of this phenomenon. This dimension has been complicated and intensified, in my view, by the present military unilateralism of the United States, especially its colonization of Iraq since April 2003 in collaboration with the United Kingdom, which was the last Western colonial power in the country. Regional geopolitical, religious or ethnic relations can also influence perceptions of the issues or willingness to accept change in underlying political and social attitudes. For instance, one would expect perceptions of power relations between the Central Asian Islamic societies and Russia/Soviet Union to influence possibilities of transformation in this region. Christian/Muslim relations in Nigeria today also seem to affect debates about secularism and the enforcement of Shari‘ah by Northern Nigerian states.   The challenge raised by such considerations is how to present the proposed theory of secularism, as defined above, as an internal priority of Islamic societies, rather than an externally imposed ideology or concession to regional or global "hostile" protagonists.

I am firmly convinced that there are strong factors and forces in favor of the thesis and objectives of this study. In my view, the clear majority of Muslims are open to persuasion, indeed desperately seeking a viable balance between the religious neutrality of the state and public role of Islam. I therefore expect the proposed theory of the tripartite relationship among Islam, state and society to provide much needed support and encouragement to liberal Muslims everywhere who are struggling to reconcile their genuine religious convictions with their commitments to constitutionalism, democracy and the protection of human rights within their own societies.

[1] *Abdullahi Ahmed An-Na‘im, "Shari‘a and Positive Legislation: is an Islamic State Possible or Viable?" In Eugene Cotran and Chibli Mallat, General Editors,* Yearbook of Islamic and Middle Eastern Law, *vol. 5 (1998-1999). The Hague: Kluwer Law International, 2000, pp. 29-42.*

[2] *Asghar Ali Engineer, State in Islam and Religion, Ajanta Books International, India 1994, p.2.*

[3] Merriam-Webster's Collegiate Dictionary, *1056 (Frederick C. Mish ed., 10th ed., Merriam-Webster's Inc. 1994).*

[4] *Asghar Ali Engineer, p.2.*

[5] *Larry Shiner,* The Concept of Secularization in Empirical Research, *Journal for the Scientific Study of Religion (Fall 1967).*

[6] *Mahmoud Mohamed Taha,* The Second Message of Islam *by Ustadh. Syracuse NY: Syracuse University Press, 1987; and Abdullahi Ahmed An-Na‘im,* Toward an Islamic Reformation: Civil Liberties, Human Rights and International Law, *Syracuse, NY: Syracuse University Press, 1990.*

Dieter Bednarz*,
"Der Spiegel" magazine,
Germany

Turkey and the European Union:
The Difficult Quest for International Standards in a Muslim Society

"We see the democratic-social system of Europe as the goal for the civilization of our land." This is the credo of the Turkish prime minister Tayyip Erdogan, which has currently been receiving much international attention. In fact, up to now, no other Muslim land has taken such an obviously Western course as Turkey in its efforts to join the European Union. And no other Muslim land can demonstrate such success in its political reforms as can Turkey.

Still, Erdogan has pointedly added to his affirmation of the "democratic-social system of Europe" the assertion: "We would still support the building of such a system, even if we could not become a member of the EU." The Turkish leader's second statement is a reflection of the tension between Brussels and Ankara. For Turkey, unlike any other Muslim land, experiences very tangibly how difficult it is for the West, on its part, to accept a reform-oriented Muslim society.

In the debate on the reform and democratization efforts of Turkey, skeptical Westerners often argue that Islam, as opposed to Christianity, doesn't even recognize a separation of religion and state. Those with this interpretation portray Islam not as a living faith, which continues to develop in conjunction with social processes; rather they reduce the religion to a certain "Ur-Islam," an unchanging essence, which – independent of social and political circumstances – always manages to prevail, leaving no room for progress either in the faith itself or in the respective society.

This image of a static or even regressive Islam is actually reinforced by the outward manifestations of the faith, which have emerged from Muslim society itself and become known by their catch-phrases "Islamism" and "Fundamentalism." From the point of view of the adherents of such policy, Islamism is the effort to place the state in the service of religion. In actual fact, however, Islam is almost always used as an instrument of power, thereby rendering the prevailing order unassailable – based as it is on the authority of the faith. In both cases, however, religion and the state are tightly bound together.

This blend of faith and politics stands in contrast to the secularity striven for by the West, the exclusion of religion and its institutions – that is to say, in Christianity: the Church – from political power.

With this laicism comes the secularization of society, whereby a religion loses its monopoly on interpretation and explanation.

That a society thinks in a secular fashion is, in turn, the basic pre-condition for the creation of a true democracy. As criticism of the situation in Iran shows, neither formal free elections nor the existence of a parliament are proof of democratic conditions from a Western perspective.

The enormous strains which the above-mentioned steps towards progress exert upon a Muslim society – political, cultural, as well as economic – are felt in no other land in the Muslim world so keenly as in Turkey, with its unique course towards Europe. And it is precisely a conservative Islamic government – some say even an Islamist government – which has brought the country so near to the threshold of the EU.

Turkey has undisputedly the most binding ties to the West of all Muslim countries. Orient or Occident? The founder of the state, Mustafa Kemal, did not even question the political and cultural position of Turkey, which lies with only one corner, the area of the metropolis of Istanbul, in Europe, while distant Anatolia is considered Asia. He steered his country towards Europe: "We must leave behind eastern civilization and turn towards the West." In 1923, in the Republic emerging from the

ruins of the Ottoman Empire, Kemal declare the firm gaze on the ideal Occident as the first duty of every citizen.

Accordingly, the first chief of state, respectfully called Ataturk ("Father of the Turks"), gave the Islamic state a European air: the Arabic script was replaced with the Latin alphabet, men were forbidden to wear turbans and fezzes, women got the right to vote. Religious institutions were exiled from state affairs to the mosques – a revolution. Until 1924 Constantinople, today Istanbul, was the seat of the Caliph, the spiritual leader of the Sunnis, whose faith is professed by 90% of all Muslims.

The Kemalism decreed by Ataturk, with its six "Arrows" – nationalism, secularism, statism, reformism, republicanism and populism – was nonetheless unable to replace the appeal of Islam as an all-encompassing and identity-giving religion for broad swathes of the population. And with the renaissance of the faith, Turkey's ties to the West are under debate. In the end, the Islamist leader Necmettin Erbakan was able to win millions of votes, not least with anti-Western slogans.

Despite – or maybe even because of – the massive demonization of the European Union as a "Christian club" and of Western institutions such as NATO or even the UN ("The Organization of Tyranny"), Erbakan's Welfare Party (Refah) rose to become the strongest parliamentary faction. The campaign against the corrupt West even heaved the Refah leader into the office of Prime Minister – until Ataturk's true heirs, the military, forced him to resign in 1997. But even Erbakan's successor in office, the bourgeois conservative Mesut Yilmaz, called into question the traditional ties of Turkey as a Nato-partner and Euro-ready member. Since the EU national and administrative leaders still refused to grant Ankara a promise of accession, after 35 years of keeping them waiting, the prime minister threatened to terminate those relationships. Even if he later softened his tough stance, the fact that even a modernist would question Turkey's Western orientation strengthened doubts about Ankara's alignment with Europe.

Turkey has no alternative to Europe, neither economically nor politically. The "Islamic Economic Summit" which Erbakan once convened was mocked by the liberal newspaper "Yeni Yьzyil" as the "Club of the Poor." And a break with Europe would hardly be compensated for by a strengthened alliance with the US or Israel, as some Kemalists claim. Turkey could "never fully realize the whole wealth of possibilities in the Near East, the Caucasus and Central Asia without Europe," warned critical observers such as the distinguished commentator Mehmet Ali Birand.

Turkology Professor Petra Kappert of Hamburg was convinced back in the mid-90's, the high point of the Islamists under Erbakan, that Turkey would continue to "reach for the legendary Golden Apple." Even under the Ottomans, the centuries-old myth symbolized European wealth and power and became, according to Kappert, "the embodiment of the irresistible – and peaceful – longing of the Turks for the West."

Thus Ataturk was only continuing the path set out by the Ottomans. They had already hammered out reforms which took the state and economic order of the European powers as a model and for which the Muslim world could offer no examples. To ease the implementation of the reforms, the adoption of European laws and institutions was presented as a fulfillment of religious law. In this way, modernization was supposed to be reconciled with the people's adherence to Islam. As the constitution was established again in 1908, this step was therefore legitimized Islamically – according to Turkologist Gьnter Seufert – with reference to the Koranic principle of "rule after consultation." And the modern constitution, which limited the authority of the sultan and caliph (successors of the Prophet), at the same time confirmed him as the caretaker of religious law and its leading agent. Similarly, the provisions of the first Ottoman code of civil law were founded on the European model, with the tenets of the Hanefite legal school of Islam which prevailed in the empire, as Seufert writes in his excellent study "State and Islam in Turkey."

The founding of the republic meant not only the end of the sultanate, the worldwide authority of the Ottoman dynasty, but also of the caliphate, the spiritual leadership of the sultan. Consequently, Ataturk closed down the religious schools, the madrassahs. In 1928, Islam lost its status as the state religion.

At the same time, the nation replaced religion as the fundamental fabric of society and common denominator of the population. The Turkish Republic should be a modern nation state and its only "religion civile" was now Kemalism. Foremost among its principles were the concepts of nationalism

and secularism, the separation of church and state. But Turkish secularism was based not only on institutional separation. Ataturk went yet another step further. Legal practice was subsumed under the authority of a state presidium for religious affairs and thereby centralized, bureaucratized and above all controlled. With 88,500 employees, including 53,000 prayer leaders, the religion administration (Diyanet Isleri Baskanlgi) is today one of the largest institutions in the country.

To discuss the undisputed weaknesses and historical misappraisals of Kemalism – as with regards to the Kurdish question – is beyond the scope of this paper. Despite all the justified criticism of the "cultural revolution" of Ataturk, for the director of the German Orient Institute in Hamburg, Prof. Udo Steinbach, the fact remains: "With the foundation of the republic, Turkey had tried to cast off its 'Islamic-European' ambiguity and had become a European state."

That Turkey now stands at the doorstep of the EU is due to a significant extent to the leadership of one man, who a few years ago could confidently be called an Islamist and who vigorously spoke out against the West, yet who now styles himself as a conservative believer and European: Tayyip Erdogan, founder and leader of the Justice and Development Party (AKP).

This much, however, is undisputed: that other governments before have, to be sure, launched reforms. But it was Erdogan with his party, which enjoyed a comfortable majority in parliament, who managed in less than two years to pass a package of land reforms which would have suited any Kemalist regime.

A comprehensive analysis by the International Policy Analysis Unit of the Friedrich Ebert Foundation on "Accession Candidate Turkey" has named the following exemplary reforms of the AKP government:

·   Introducing measures to prevent and combat torture;
·   Allowing re-trials in accordance with the judgments of the European Court of Human Rights;
·   Limiting the evidence which can lead to a ban on organizations;
·   Making it more difficult to ban a party;
·   Expanding the freedom of opinion by rescinding the ban on separatist propaganda and limiting the possibilities for censorship;
·   Limiting the influence of the military by reforming the national security council and enabling civilian control of the military budget;
·   Expanding cultural rights by beaming Kurdish-language broadcasts, also through private broadcasters;
·   Improving the possibilities for property acquisition for religious foundations and for the construction of religious buildings.

If Western standards are applied, these reforms will most likely be insufficient. The progress report of the EU commission in that case refers to a number of remaining deficits:

·   Even though limitations on the freedom of opinion have been removed and the code of law has been modified to lead towards many acquittals, it is still the case that people have been arrested for peaceful expressions of their opinions.
·   The noticeable progress with regards to the freedom to demonstrate and the right to peaceful assembly has not prevented the authorities in some cases from the disproportionate use of force.
·   Despite the easing of the regulations regarding the establishment of organizations, there is still too much red tape. Organizations continue to be persecuted.
·   Civil control of the military has still not been ensured, and the judicial system is not sufficiently independent and efficient.
·   The regulations with regards to the rights of minorities and the freedom of religious expression have been improved, but substantial efforts will still be needed to put these reforms into practice.

Above all, critics in the West like to refer moreover to the all-too-obvious internal strife within Turkey. And in fact, a whole world lies between the glittering metropolis Istanbul on the Bosporous and Diyarbakir deep in Anatolia. Social injustice, the Kurdish conflict, religious struggles over the true path of Islam – the Kemalist slogan "one nation, one homeland, one language and one flag" is nothing more than wishful thinking. In Istanbul, for example, the social ties between the impoverished millions of Anatolia and the perhaps ten thousand new rich elite were severed long ago.

Poverty-ridden quarters such as the Sultanbeyli on the Asian side of Istanbul are separated from the modern center of the tourist magnet by far more than the Bosporous. That city section with its 300,000 inhabitants lies just an hour's drive from the streams of tourists in the Topkapi place or the great bazaar. But the boutiques, discos, bars and nightclubs which so awe the tourists in Taksim square are a generation removed from Sultanbeyli.

Those who live in this gray region, in most cases, possess very little. A lot of immigrants are happy to have made it even as far as the Bosporous, to have managed at the time, above all in the 1990s, to escape the disputed territories of civil war in the south-east of the country. They fled from the conflict between the militant Kurdish Worker's Party and the often no less brutal security forces. A steady job and a car that runs are for them something special. Grim apartment blocks on badly paved streets with deep potholes make up the picture. Many families are only able to find refuge in illegally built houses or shacks, the so-called Gecekondus, the "over-night construction." Precisely this mass housing, left behind during the economic boom of the 1980s, became the home base of the fundamentalists around Erbakan and his protege Erdogan.

Will the new challenges connected with the beginning of EU negotiations in 2005 possibly overwhelm Turkey?

This much is sure: The reforms introduced by the AKP government are so severe for the Muslim country, despite its traditional Western orientation, that resistance is becoming significantly widespread – which could well lead to inner political crises with consequences for foreign policy.

On the one hand, anti-reform forces in the Kemalist camp are becoming more active, seeking to defend the old structures and power relationships. They are somewhat wary of the power of the military and police apparatus to which they belong, oppose the recognition of the Kurds as a minority or fear the softening of the principle of secularism through the creeping Islamism of Erdogan. They stir up resistance by imputing to Erdogan a secret Islamization in the shadow of his approach to the EU. To that end he carries on his "takiye," or disguise, which in the minds of many Muslims is a perfectly acceptable means of reaching a higher goal.

On the other hand, the opposition in the Islamist camp is also becoming more active, fearing exactly the opposite: the selling-out of Islamic values by a government that is at least religiously oriented, in order to reach the political goal of leading the country into the EU. This conservative clientele of the AKP feels betrayed in its votes and places Erdogan under pressure with radical slogans and threats of breaking away.

The dangerous, rocky road the government has let itself be forced down is shown by the conflict over the adultery paragraphs in the reform package of September 2004 for the administration of justice. Into the legal amendment approved by Brussels, the government included a paragraph criminalizing adultery. Government representatives explained this with emphasis on their traditional religious voter clientele, which desired protection of their moral and ethical values. Adultery would be punished with up to three years in prison. With this, Turkey aroused the impression "that the Islamic element has gotten mixed up in the judicial system," accused the expansion commissioner Gьnter Verheugen, criticizing the undue interference, by European standards, in the private sphere – and threatened consequences for entering accession negotiations.

Despite loud protests from the Islamist fringe of his party, Erdogan postponed the adultery-initiative for the time being.

In the European Union, the commotion over the adultery paragraphs inspired mistrust of Turkey. Opponents of Turkey's EU bid saw in this one more example of the backwardness of the country – and thus probably also for the difficulties of reform in Muslim countries in general.

The reactions from Brussels show not only that the judgment of social as well as political situations and developments is difficult, but also questionable. Too often, Western European politicians let their own expectations and experiences – personal as well as political –color their judgments. Prejudices as well as political power plays prevent the fair treatment that a reform-ready Muslim society such as Turkey, which has come so far, for its part expects and also deserves. After the years of Europe's promises to Turkey, the decision of the EU on its future relationship with Turkey also becomes an historical touchstone for the moral integrity of the West in relation to Muslim societies.

*Dieter Bednarz,

b. 1956, has been a political editor at the German newsmagazine Der Spiegel since 1981 and has covered the Near East and Middle East regions in the foreign department since his return from the post of foreign correspondent in Cairo (1991 to 1993).

Prof. Dr. Saidakbar Agzamkhodjaev,
Tashkent Islamic University, Uzbekistan

The Fatwa as an Effective Document
in Settling Religious Matters in a Secular Country

In the course of development of a secular democratic society, the awareness of the need for religious tolerance and freedom of thought, as well as for legal and social safeguards for citizens of divergent perspectives, gradually matures in public thinking. The public conceives democratic and humanistic ideas through the principles of freedom of conscience and religion.

In order to identify the sphere and role of religion in general, and particularly of Islam, it appears necessary – in addition to using administrative and legal mechanisms – to actively employ other methods of religious educational activity. Important religious documents, such as the fatwa, may play an effective role in addressing sociopolitical, cultural and religious issues in a secular state with a Muslim population.

The term fatwa (in Arabic - fatwa) means an official ruling, opinion or interpretation with regard to any religious, legal, political or social matter, issued by a mufti or a few senior clergy of any denomination. A fatwa is issued verbally or in the form of a special document.

Issuing fatwas is an urgent component in the struggle against the religious extremism and terrorism that have nothing in common with the genuine values of Islam. Fatwas currently issued by Arab or non-Arab senior clergy against extremism and terrorism have borne positive results.

On May 28, 2002, a fatwa on the "Inadmissibility of Justification for Terrorism and Extremism in the Norms of the Qur'an and Sunnah" was adopted in a meeting of the Council of Muftis of Russia. It contains reference to the Cairo Declaration of Human Rights in Islam signed in 1990 by virtually all Muslim nations. The Declaration clarifies that "Islam is a religion of freedom of choice. It is prohibited to use any coercion to convert someone to another religion or to impose atheist beliefs."[1]

The above-mentioned fatwa states "the Russian ummah unequivocally condemns terror and extremism, which inflict tremendous moral, psychological and material damage not only to Muslims but to an entire country and its citizens. A terrorist cannot be a Muslim, and a Muslim cannot be a terrorist."

The final section of the fatwa stresses that "extremism and terrorism have no backing in the Holy Qur'an and Sunnah of the Prophet (Peace be upon him). Persons trying to justify their deeds by reference to the Qur'an or Sunnah only aggravate their grave crime by ascribing their personal vice and false views to the Almighty. These people reject the mercy of the Almighty and must be tried as violators of Allah's Law, state law and responsibilities before others."[2]

The International Association of Muslim Clergy (IAMS) established in London in July, including many renowned ecclesiastics under the stewardship of the well-known theologian Sheikh Yusuf Kardavi, also issued a fatwa that inter alia stressed that kidnappings are acts of aggression towards other persons whether they are Muslims or not.[3] This is the type of sinful conduct banned by the Almighty as the Qur'an states: Allah orders justice, virtue and generosity towards one's kin. He condemns abomination, vileness and crime."[4]

The fatwa notes that initiating aggression is not in conformity with Islamic ethics and cannot be considered a typical feature of Muslims. Muslims have the right to counter evil with adequate means but their cause and objective should not be vengeance. They must be led by the goal of ending evil actions not only against themselves but against humanity as a whole. The Qur'an states that the best means of preventing evil and violence is the call to spread the spirit of tolerance and forgiveness: "Virtue and evil cannot be equal. So push away evil by virtue and those with hatred against you will turn into dear friends."[5]

The fatwa underscores that kidnapping people is prohibited in any circumstances except in open warfare when the kidnapped is a prisoner of war.[6]

The most evident example confirming the possibility of using a fatwa as an effective lever is the following:

In September 2004, senior Iraqi Sunni clergy issued a fatwa demanding the immediate release of French journalists taken hostage. The TV channel Al-Jazeera cited Sheikh Mahdi as-Samidi who reported that the religious ruling was issued as a sign of appreciation for the French position towards Iraq. Earlier an Iraqi group, the Islamic Army of Iraq, had demanded that Sunni sheikhs issue a similar fatwa to clarify whether it was legitimate to take hostages from the point of view of Shariah. The group's members stated their readiness to meet the demands of the clergy if such a fatwa was issued.[7] Indeed, after the adoption of the fatwa with the call to release the French journalists, they were released.

Research into the content of fatwas issued recently in countries with a predominantly Muslim population shows that most are related to the performance of burial and commemoration customs as well as to rituals held in wedding ceremonies.

For instance, in February 2004 the Council of the Qozi of the Muslims' Board of the Caucasus issued a fatwa banning rituals of self-torture during Ashura[8] on March 2. A similar fatwa was issued in 2003 but then the afore-mentioned rituals were held privately in some quarters of Baku. The given fatwa notes the prohibition of such practices by the Holy Qur'an and Shariah. In the fatwa, sent to all mosques for implementation, it was hoped that believers would duly understand and meet the mourning day of Ashura of the month of Muharram in full compliance with the requirements of Shariah.[9]

The clergy (ulemah) of Uzbekistan has also made tremendous efforts to rethink the prohibited acts (haram) held in burial rituals and ceremonies such as weddings, circumcisions (khatna toy - sunnat), the birth of a child (beshik toy), etc. The practice of postmortem commemoration events with the recitation of the Qur'an on the 3rd, 7th, 20th and 40th days and a year later were found to be in violation of Shariah. One of the fatwas makes the observation that these useless (burial and commemorative) rituals are common only in the towns and villages of our country and are not practiced in Arabia – the Homeland of Islam. This means that they are inadmissible in the Shariah of our Prophet, peace be upon Him.[10]

A fatwa signed by the Mufti, chairman of the Muslims' Board of Uzbekistan, in August 2003 "On Holding Weddings, Ceremonies and Rituals" is exemplary. The document condemns such vices as pompousness, squandering, boasting and hypocrisy, and welcomes moderation and thrift. The fatwa is grounded in verses of the Qur'an's Surahs and Hadiths. The fatwa provides guidance over the matters of donations after the birth of a child, marriage and commemoration of the deceased. It is distinctly noted that Shariah does not prescribe the ceremonies for circumcision. Meanwhile, for the better achievement of the goal as well as the moral enrichment of the guests, such ceremonies should be held not merely in the form of a feast, but with an equal amount of donation going to needy families, orphanages, senior citizens' shelters, community work and youth education.

The Mufti of Uzbekistan also demanded that Imam-khatibs conduct awareness-raising work among the public and report to the Muslims' Board on the progress made in meeting the provisions of this fatwa.

However, after some time the fatwa began to lose its power. The lack of consistent oversight by the Muslims' Board, a window-dressing campaign and incompleteness have left a negative imprint in the public mind. Perhaps the social and ethnic cultural features of regional development should be taken into account in issuing fatwas.

Another challenge in making the correct decision in issuing a fatwa is also notable. This is the difficulty of drawing clear lines among national and Muslim traditions and customs. Some of them have merged into each other to such an extent that it is not clear what belongs to Islam and what was brought from outside.

It seems that the modernist approach to Islam and the identification of the role of Islam in the secular state requires a search for new mechanisms for the regulation of the social, cultural and religious life of Muslims. In general, it can be concluded that constructive partnership between the state and religion is conducive to enhancing security and stability.

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[1] See: http://www.muslim.ru.
[2] See: http://www.muslim.ru.
[3] See: http://www.islam-info.ru.
[4] The Qur'an, 16:90.
[5] The Qur'an, 41:34.

[6] See: http://www.islam-info.ru.

[7] See: RIA-Novosti, Sep. 6, 2004.

[8] Ashura- Date of commemoration of Shiite Imam Khuseyn killed on Muharram 10, 61 Hijrah.

[9] See: http://www.islam-info.ru.

[10] See for details: Babajanov, B. About SADUM's fatwas against "unIslamic trends". In the anthology: Islam in Post-Soviet Space: Insight from Within. Under the edition of A. Malashenko, Martha Olcott, M.: Art Business Center, 2001. pp. 170-184.

II. STATE AND RELIGIOUS INSTITUTIONS IN MUSLIM COUNTRIES

Prof. Dr. Sonmez Kutlu,
Ankara University, Turkey

The Differentiation Between Religion (Diyanet) and Politics (Siyaset) According to Al-Imam Al-Maturidi[1]

The relationship between religion and politics has always been a problematic issue and the issue of the legitimacy of authority, in particular, has been a matter of dispute. In the West, this issue has been resolved by the acceptance of secularism, which aims to separate religious issues from political issues. In the Islamic world, as a reaction to this new situation, Muslims tried to adopt a different path, but were unable to avoid a Western-style secularism and consequently produced different secularist approches. In Islamic history, there was no conflict between religious scholars and politial institutions, because there is no religious establishment in Islam as is the case in Christianity. Political conflict in Islam was between the two leading Quraysh tribes, the Hashimids and the 'Umayyads. Later, both Sunnis and Shi'is gave unlimited religious, political and legal power to religious authorities, caliphs and imams. By allocating some attributes normally given to God to their imams, the imams become unquestionable authority figures.

The oldest example of a unique secularization project in the Islamic World is the Ottoman experience, which began with the Tanzimat, or Reorganization Rescript, which was established at the foundation of the republic. In modern Turkey, we can talk about a secularism which was adopted earlier than in other Muslim countries. Though this distinction has been supported by some theological, legal and sociological arguments, it has not been fully implemented. On the issue of legitimization, it seems that the view of Sayyid Bey is of considerable importance. Sayyid Bey, the Turkish legal scholar who played a key role in the abolishment of the caliphate in the Turkish Grand National Assembly and emphasized the importance of national independence, though never directly referencing Hanafi-Maturodo's works, is nonetheless clearly under the influence of al-Maturodo religious and legal thinking. In this paper, we will try to analyze some of al-Maturidi's views which influenced Hanafi-Maturidi literature. However, before analyzing al-Maturidi's views, it will be useful to present a very short analysis of the relationship between religion and politics in the religious texts and in political-religious sects before Maturidi's.

If one analyzes Qur'anic verses on the relationship between religion and politics he/she can reach the following conclusion: In the Qur'an, while it is possible to find various verses related to theological, worship, legal and ethical issues, there are no verses related to political matters except those which establish only the most general rules. For instance, the issues related to institutional politics, such as who will succeed the prophet, the conditions of the caliphate, and the form and nature of the state are not mentioned in the Qur'an. The general principals related to political and other issues are as follows: finding solutions through consultation in worldly affairs,[2] judging men with justice,[3] obedience to rulers,[4] rendering your trust to those who deserve it,[5] and a hierarchy among believers based on obedience to God.[6] Contrary to common belief, the terms *khalifa* and *imam*, which were used in the discussion of the relationship between religion and politics, are not used in the Qur'an to designate a man who is in possession of power. The former refers to every man who has free will and is capable of doing good things on his own.[7] The latter, though used in various ways, refers to prophets in the sense of guides and role models for the people.[8] Usage of this term as such indicates the fact that even kinship to the prophet has no benefit to the members of the Prophet's tribe.[9] Those in the Prophet's tribe had no right to claim that being a member of the Prophet's family gave any privileges. Lacking clear instructions from the scriptures, the matter of the caliphate is a political issue rather than a religious one.[10] In other words, the decision was left to the people. The Qur'an left the authority

related to political and legal issues to the people. According to Qur'anic theaching, social affairs need to be organized by society itself in accordance with human experience.[11]

As is the case in other issues, we see that the deeds and advice of the Prophet Muhammad on this issue are also in line with main Qur'anic perspectives. Therefore, the Prophet Muhammad did not nominate anyone as his successor after his demise. One realizes the significance of the Prophet's silence on this issue if one realizes that the Prophet Muhammad gave detailed explanations about every religious issue, including tooth-brushing and other aspects of hygiene. It seems to me that since the Prophet considered the organization of social affairs as something that affected all of society, he thought that society should have the right to elect its rulers. Therefore, the Prophet Muhammad did not bequeath his legal and political rights to anyone. If the prophet had passed on his rights to anyone, the emergence of a class of scholars, such as the Christian clergy, would have become a reality. In fact, the nature of Prophet Muhammad's rule was not theocratic but rather was the result of the socio-political conditions of the society where he lived. In other words, the legitimacy of his rule was based on his managerial skills and his success as a human being. It is known that even before his prophethood he was elected as a judge on several disputed occasions. Due to this fact, some of his companions criticized some of his decisions and proposed remedies. Therefore, neither the Qur'an nor any other Islamic sources named the Prophet as a king,[12] because kings usually come to power by occupation, using unlawful force and other unacceptable methods.[13] In fact the Qur'an clearly states that Muhammad was not a king and warns him not to imitate kings in the use of force.[14] Furthermore, it declares that Muhammad was neither a deputy of the people nor a deputy of Allah.[15]

In spite of the obvious practice of the Prophet on the issue of politics and the election of the ruler, on the occasion of the election of the Caliph Abu Bakr, the saying that "the rulers are from Quraysh"[16] was relevant. This so-called *hadith* played a crucial role in shaping the political life of Muslims and caused political strife between the two leading Quraysh tribes. It also paved the way for the emergence of the Kharijites who rejected the rule of these two tribes and claimed the right of the caliphate for other Arab tribes. Relying on the verse which reads that "there is no authority but for Allah,"[17] Kharijites believed that authority is only for God. In fact, the term "authority" in this verse is not related to political authority in this world but refers only to the fact that God has absolute authority. In the period of the Umayyads and Abbasids, Kharijites caused much trouble which threatened the order of society, because they believed that God's authority existed through Muslim society and saw themselves as the representatives of that society.[18]

Later, believing the authenticity of the above-mentioned hadith, which was recorded in hadith books, Sunni scholars believed that only the Qurayshis had the right to the caliphate. As for the Shi'a, they claimed that the 12 grandsons of the Prophet from Fatima had the right to the imamate (authority). If we leave aside the Kharijite doctrine that the authority of God needs to be given to the community, there are two major political theories in Islamic thought: the theocratic Shi'ite political theory and its Sunnite counterpart which was, in essence, a reaction to the first.

According to Imami-Shi'is, the issue of the imamate is one of the main pillars of Islam and it is impossible to leave such an issue to the choice of the people. As is the case on the issue of the prophecy, it is obligatory for God to send an *imam* in every period of history. All the imams are immune, and they were nominated by name beforehand by the testimony of the Prophet and the scriptures. The number of imams is 12 and they are the descendants of the prophet from Fatima. After the Prophet, they have religious and political authority. The issue of the imamate was one of the pillars of faith, and belief in them was obligatory and a religious duty. Shi'i scholars compiled numerous works and adduced hundreds of Qur'anic verses and prophetic sayings to prove that Ali was the successor of Muhammad. To some extent, Shi'ite political theory can be seen as a theocracy, since they uphold the belief that the right of imamate or authority was bestowed on the imams by God. Such an understanding resulted in the politicization of Islam. Seen from a different angle, it is possible to draw a parallel between Shi'i political theory and its Catholic counterpart, which claims that the Pope is the political and legal representative of God.

According to Sunnite political theory, the right to elect the ruler or caliph was given either to the leading personalities of Muslim society alone or to Muslim society as a whole. Therefore, the rulers or

imams are elected by Muslims with their free choice and their allegiance. But the Sunni idea that imams are from Quraysh is against the equality of Muslims, which is the main tenet of the Qur'an. Furthermore, in the Sunni world, the election of the caliphate was through nomination or through the use of power. Sunni political theory was a reactionary theory against the Shi'is and Kharijites. Therefore, there is no genuine Sunni political theory. They adduce scriptural evidence in support of their idea that the historical order of the first four caliphs is also the order of merit. They say this, although there is no direct scriptural evidence clearly indicating who will be imam. However there are some indications that could be used as indirect testimony for Abu Bakr's caliphate. For them, the Prophet implied that Abu Bakr would be the caliph, though he was not mentioned by name. In short, they tried to legitimize the caliphate of the first four caliphs and to explain that the reign of first four caliphs is the best example to imitate. This was so much that they could not establish a common attitude towards 'Umayyads and Abbasids. Some Sunnis considered them as legimate rulers while others thought otherwise. Later, Sunni scholars such as al-Taftazani, Jalal al-Din al-Dawwani, Sadr al-Sharia and Ibn Taymiyya adopted new terms and concepts such as *Hilafet-i Hakiki* (True Caliphate or Rule) and *Hilafet-i Suri* (Illegitimate Caliphate or Rule) or *Hilafet-i Nubuwwat* (Prophetic Caliphate or Rule) and *Hilafet-i Umma* (The rule of the Umma). The use of this new terminology did not solve the problem.[19] These scholars based this distinction on a hadith (prophetic saying) which reads that "the duration of the caliphate is 30 years."[20] For them, *hilafet-i nubuwwat* has ended. Therefore, we can only talk about *hilafet-i umma*. The idea of hakimiyat-i milliyya was legally theorized by Sayyid Bey in 20th century. For him, to become a caliph, one needs to be elected by the free choice of the people and also needs to be given allegience by the people.[21]

Before this distinction, which aimed to leave aside the concept of Hilafat-i Nubuwwat, al-Maturidi was the first person to initiate serious discussion about the issue of the membership of the caliphs in the Quraysh. This hadith was generally considered applicable in any condition. It was only al-Maturidi who stated that one can reach a different conclusion if one takes into account different premises, namely religious or socio-political ones. Though he dealt with various issues in his work, we do not have many accounts of what al-Maturidi thought about the issue of the caliphate-imamate. What we will do here is explore his views about the distinction between religion and politics which are found in the many quoted passages in al-Nasafi's *Tabs1ra al-ad1lla*. We will only be able to learn his views on political issues from the publication of *Ta'wilat* and from his manuscripts, which were a refutation of the Qarmatis and Shi'i.

The fact that there is no chapter about political theory in *Kitab al-tawhid* is a problematic issue. We do not know whether al-Maturidi preferred to mention these issues in his books about Islamic Law or whether, due to the political conflict between himself and the rulers, he thought it best not to mention these issues at all. Maybe he died before dealing with such issues. If he wrote, why did it not reach us? We do not want to claim that he never mentioned these issues. When interpreting the verse which reads "obey God, his Prophet and *ulu al-amr*"[22] (the rulers), al-Maturidi explained *ulu al-amr* as the commanders and the lawyers. In the same chapter of his book, he severely criticized the Shi'i idea of the imamate and their idea that imams are immune.[23] This leads us to think that he might have given significant information about this issue in his *Ta'wilat* when interpreting the relevant verses. However, it is possible to find some of his original views about the relationship between religion and politics. His views reached us through the extracts by al-Mвturodite scholars from al-Maturidi's lost works, especially from *al-Maqalat*. Long extracts from *Tabs1ra al-adilla* by al-Nasafi is a good example to this effect.

As mentioned previously, Muslim sects held different views regarding the hadith about the Caliph's membership in the Quraysh. Muslim sects, except Kharijites, some Murjiis and the majority of the Mutazilis, used this hadith in support of their idea that caliphs are from the Quraysh. However, to the best of my knowledge, al-Maturidi is unique in his interpretation of this *hadith*. He explains his idea about the distiction between religion and politics as follows: "Membership in the Quraysh is not a religious obligation (*diyanatan*) but rather a political (*siyasatan*) necessity. From a religious point of view (*diyanatan*), the caliph or imam has to be pious, knowledgable and capable of solving people's problems. Such a person is qualified to be elected as a caliph. As God ordered in the Qur'an: "...Verily

the most honored of you in the sight of God is (he who is) the most righteous of you" – such should be the caliph.[24] Those who were trusted and were given power and wealth can manage their duty only with religiosity. To be trustworthy, one must be a pious man. What is important from the diyanat point of view is piety.[25] Thus, on this point the criterion is the religiosity. It seems to me that the requirement of membership in the Quraysh was a socio-political choice rather than a religious obligation. Such a choice is based on two reasons: first, although the imamate has a religious aspect, it is rather a political and managerial affair. Therefore, in addition to religiosity, a caliph has also to be a member of a tribe which is not hated but rather renowned. This is the reason why the caliphate was confined to a tribe which was respected by the others. The fact that the Qur'an was revealed in Quraysh dialect also needs to be taken into account. Bearing in mind the fact that prophecy is given to one tribe while kingship to another, as a consequence, political authority is in the possession of kings and religious authority is in the possession of the prophets. There is a verse in the Qur'an clearly stating that one cannot have these two powers at the same time: "Think of the leaders of the Children of Israel, how they demanded of one of their prophets after (the death of) Moses: Set up for us a king, they said, and we will fight for the cause of Allah." [26]   So, *diyanat/prophecy* is to be given to a man capable of doing it and the *siyasat/politics* to a man renowned for his reputation. On the other hand, it is a well-known fact that a leader who is a member of a respected tribe can encourage people to do good and prevent them doing bad. Such people are more capable of protecting what is entrusted to them. Furthermore, as far as the act of marriage is concerned, Muslim scholars consider a Qurayshi superior to any other. For these reasons, the Prophet treated them in a different way. The same thing applies to the caliphate. There are two more reasons for confining the caliphate to Quraysh: Firstly, it was not fair to ask all other Arab tribes to take political responsibility. By confining the caliphate to the Quraysh, the Prophet made the other tribes free from such a difficult task. Secondly, it is more likely that the Prophet was sure there would be Muslim rulers all the time.[27]

Al-Maturidi's distinction between religion and politics and his view that the former is given only to the Prophets while the latter to the kings is significant compared to other views put forward on this issue. Accordingly, one can say that the *religious/prophetic* duty of the Prophet was given to him by God whereas his political role was not determined by divine authority but rather it was his political choice due to his membership in the Quraysh. One can say that the political mission of the prophet was not divinely ordered but rather his personal choice. Yet, he was not a king. Furthermore, the state he ruled was not wholly institutionalized. The process of institutionalization was completed in the period of the first four caliphs.

Al-Maturidi's distinction on this issue is in line with his general outlook. His distinction between religion and religious law; distinction between belief and action; and his idea on *al-naskh al-ijtihadi* (abrogation based on independent judgement) led him to interpret this hadith in a different way.

Though profoundly affected by Abu Hanifa, al-Maturidi made a great contribution to the discussion on the distinction between religion (*Din*) and religious law (*Shari'a*). He describes faith as religion and belief and, by doing so, he differentiates religion from religious law. Accordingly, he makes a correlation between reason and religion on the one hand, between religious law and revelation on the other. The realm of belief is the heart. The content of the heart is immune from all outside attack and oppression, for no one can interfere in this realm.[28] All the past prophets called people to an absolute and unalterable religion revealed by God: Islam.[29] The main constituents of this religion are the uniqueness of God, the pillars of the faith, moral values and praying to the one true God.

These constituent elements of religion are called *aqliyyat* for they can be understood by reason. In his *Ta'wilat*, al-Maturidi explains *aqliyyat* as "the knowledge of the uniqueness of God, the Prophet and other things, which was obtained through reasoning and search."[30] The abrogation of these issues is impossible since these can be learned by reason and they never alter. But religious laws (Shari'a) consisting of rituals and rules regulating social affairs vary from prophet to prophet.[31] Every prophet has a different *Shari'a*.[32] This establishes the social and changeable aspect of a religion which takes shape in accordance with the conditions of the period and the interests of the society.[33] *Din* (Religion) is related to the heart while the *shari'a (*religious laws) to the rest of the body, generally including what is ordered and forbidden, related to the senses. Therefore, naturally they are different from what reason

has found to be good. There is no change in religion, while change is possible in *shari'a*.[34] One cannot follow the religion brought by a previous prophet.[35] *Shari'a*, which takes shape in accordance with the conditions of a period, has two aspects: divine and mundane. Therefore, al-Maturidi accepts the possibility of abrogation in *shari'a*. This not a *bada'* (change in God's mind) and does not contradict the abolished rule. Rather, this is a revelation of a new rule when the previous one becomes outdated. God reveals new temporary rules when a rule is superseded. He does this sometimes by revealing a new verse, sometimes through his prophets. [36] This is to say that if the reason behind the revelation of a certain rule disappears, the rule itself is cancelled. So, if new conditions emerge, a new rule will follow.[37]

Believing that in the emergence of religious laws, different approaches and a changing socio-political environment play a role, al-Maturidi states that if the *reason* for any religious law has lost its validity, Muslim scholars, using *ijtihad*, can decide that the relevant religious law itself has lost its validity. As an example, he mentions the caliph Umar's cancellation of the policy of giving alms to those who were expected to join Islam. This shows, says al-Maturidi, that when the benefit expected from the application of a verse seems over, a verse can be abrogated by *ijtihad*.[38] Al-Maturidi's use of "*ijtihado naskh* (abrogation based on reasoning)" is unique in Islamic thought. Though there is a discussion about "abrogation based on analogy" in the works on Islamic jurisprudence, many scholars, especially the Mutazilis, rejected it. Thus, al-Maturidi put forward an idea on this issue which was found unacceptable even by the Mutazilis. On the other hand, he states that reason has the ability and authority to decide how and when this type of abrogation is necessary: 'Abrogation is permissible where there is no other rational choice, but if there is a rational way to avoid abrogation then abrogation is not permissible.[39]

This is because, for him, the nature of theology, law and the ethical rules revealed to the Prophets are the same and these are the main components of a religion. Rituals and religious rules regarding social affairs which vary from prophet to prophet form religious law. Allah used people's experiences and some elements of relevant culture in shaping the legal parts of the religion. The rules which are based on people's experiences and cultural situations can be abrogated if these components of religious law have lost their social significance. Al-Maturidi is a unique person who dared to mention the idea of "abrogation based on independent judgement" (*al-naskh al-ijtihadi*). Even the Mu'tazilites, who were known for their rationalism, did not accept *al-naskh al-ijtihadi.*

With his distinction between *iman* and *amal*, al-Maturidi made it impossible to question the faith of any believers. By doing so and by defining iman as consent by the heart, Maturidi also made the realm of belief a safer area and made iman something based on the free choice of individuals. No one, for him, has the right to interfere in the realm of belief. Religious duties or actions are imposed after belief. They are not part of belief. Belief is a reason for an action but not vice-versa. Action is something which is formed after belief. All the Muslims and Mu'mins are equal in their belief. There is no difference or superiority between a Qurayshi and a non-Qurayshi in terms of their belief. People can be superior to one another only in their piety. Referring to one of the tenets of Islam that believers are equal before God, al-Maturidi criticized the idea that membership in the Quraysh is a necessary condition for the caliphate.[40] Furthermore, Abu Hanifa's negative attitude to the 'Ummayyad and the Abbasid rulers who were a sub-group of the Quraysh and imposed their rule by force indicates that there is no social basis for the acceptance of this hadith. Abu Hanifa's attitude led al-Maturidi to interpret this hadith in a different way.

It is difficult to say that al-Maturidi's views were fully understood and developed by his followers. Only such thinkers as Ebu'l-Mu'in al-Nasafi(508/1114), Abu Ishak al-Saffar al-Buhari (534/1139), 'Omer al-Nasafi (537/1142), al-Sarahsi (571/1176), Sadr al-Shari'a eal-Sani (747/1346), Ibn Humam (861/1457) and some other jurists and theologians seem to be influenced by his views in passing. Of these scholars, Ibn Humвm in particular had a profound effect on Sayyid Bey's thinking. The former's description of the caliphate, from a legal perspective, is as follows: "the caliphate is the right to rule the Muslim community."[41] It seems that he rejects al-Taftazani's theological definition that "the caliphate, as a successor to Muhammad, is to lead the worldly and religious affairs of the Muslim community." Al-Maturidi himself and other Hanafi-Maturidi scholars were also scholars of Islamic Law and this was

the reason behind their legal approach to this issue. Modern scholars who want to establish a distinction between religion and the state have benefited from this leagl approach.

In the discussion of the relationship between religion and politics, an issue which began to be discussed at the end of the Ottoman Empire, the arguments found in the works of Maturidi, who was an exponent of rationalist-civic (hadari) understanding of religion were used. Therefore, it is not suprising to see direct or indirect effects of Hanafi-Maturidi legal and theological texts in the discussion of this issue. Even when the influence of these texts is not evident, there is, at least, paralellism. As an example, we can mention Ziya Gokalp's sociological approach, Sayyid Bey's legal approach and Ali Abdurrazik's theological approach.

According to Ziya Gokalp's sociological approach, there is a direct link between the emergence of crafts and business sectors and the development of a society. Through the division of labour, there emerged various fields of speciality. The rule of division of labour in other fields is similiar to that of religion and services.[42]   In addition to this, other than religious *walaya* there is also political and cultural *walaya*.[43] In developed societies, the *walaya* embraces legal, material and political institutions, which is unacceptable. Therefore, the distinction between religious and legal spheres (*diyani-kazai*)[44] needs to be seriously reappraised. Because, "in the formative period of Islam there were religious scholars who explained religion and at the same time there were also judges to pass verdicts."[45] Gokalp tries to legitimize this distinction by referring to Abu Hanifa's distinction between a scholar of Islamic Law and a judge. Since he did not accept the unification of these two posts, he rejected the Abbasid offer of chief qad1 post even when they threatened him with death. For Gokalp, the issues related to the religious sphere, such as rituals, are to be left to the *mufti* while the issues related to social affairs should be left to a judge (kazi). The primary source for the judges is common law which is changeable. Relying on Abu Hanifa's idea of tradition ('urf) and *istihsan*, Gokalp claims that common law may change in accordance with changes in tradition.[46]

It seems that Gokalp used Hanafi-Maturidi arguments in support of his distinction between religion and politics or state. In a way, his religious-legal (*diyani-kazai*) distinction resembles Abu Hanifa's distinction between religion and politics in that, for Gokalp, *diyana* includes only rituals and belief but excludes moral values. But for al-Maturidi, these three are parts of *diyana*. Both Maturidi and Gokalp think that the sphere of *diyana* is immune from any outside interference but rather is a personal sphere. They also think that there are changeable and unchangeable aspects of religion and that the changeable part may change depending on changes in society. For them, the traditions or social conditions of a society are very important. Gokalp thinks that to decide which will change depending on which must be left to the judges, while al-Maturidi would leave this to the religious scholars.

It is impossible to discuss here every detail of Sayyid Bey's distinction between religion and politics. We will only deal with his views on the issue of religion and politics which were informed by Hanafi-Maturidi's texts. For him, the election of the head of government was left to Muslim society since there is no clear account in the Qur'an on this issue and the Prophet did not nominate his successor. He thinks that Islam is a religion which embraces both religion and politics and the Prophet Muhammad has both the duty of prophecy and leadership. This political duty is the imamate which stems from the prophecy. He did not only preach the religion but also applied its rules. This is the political aspect of Islam.[47]

However, the Prophet's authority as a law-giver was not transferable to anybody. Therefore, what needs to be understood by imamate/caliphate is government, not the successor of the prophet or his deputy.[48] Furthermore, the laws passed by the rulers or the scholars of Islamic Law cannot be considered religion, divine orders or religious laws.[49] Thus, he accepts Ibn Humam's legal definition mentioned earlier. In this definition, *khilafa* designates "the right to implement the rules on Muslims," which is called, in Islamic Law, *walayat amma*. This authority was only given by the nation. This authority and independence is the right of the nation alone. The nation transfers this right to the caliph through allegiance.[50] For him, this transference of the right to the caliph is a contract similiar to a *wakala* contract and is based on mutual consent. Only the nation has the right to transfer power. Therefore, the source of authority or power in the caliphate is the nation.[51] Those to whom this power was transfered can use it only for the benefit of the people, not against their interests.[52]

For Sayyid Bey, there is no strict rule on this issue because the Muslim experience has varied throughout history. These experiences can be divided into two categories: the Legitimate Caliphate and the Illegitimate Caliphate. The former lasted 30 years after the death of the Prophet while the latter, illegitimate caliphate, emerged after the first 30 years, a period which was full of tyranny, oppression and illegal rule.[53] The conditions seen as necessary in this type of caliphate lost their validity. For instance, being a member of the Quraysh was a necessary condition at that period. The reason for this was the power and credibility of the Quraysh as compared to other Arab tribes. As the Quraysh lost power and authority due to changing conditions, one could no longer assert that being a member of the Quraysh was a necessary condition of the caliphate.[54] Because Islam does not give the authority to rule to anyone specifically, one can only take power if the people give their allegiance.[55]

As I have shown, Sayyid Bey does not base his legal argument about the relation between religion and politics on al-Maturidi's works. However, in line with Hanafi-Maturidi legal and theological texts, he states that the caliphate is, in a way, an act, and this can be made only through mutual acceptance. He goes on to assert that, legally, in our time, the caliphate can be understood as a national authority. His idea that the Prophet had two kinds of power, the power of prophecy as well as political power, is against what al-Maturidi says on this issue. However they have similiar ideas on the issue of membership in the Quraysh. Al-Maturidi sees the personal attributes of the caliph as important but does not emphasize the election of the caliph by the public. On the other hand, for Sayyid Bey the election by the public is important and the real source of power is the public. Scholars such as al-Sarakhsi (d. 571/1176), Sadr al-Shari'a al-Sani (747/1346) and Ibn Humam (861/1457) had a profound effect on Sayyid Bey.

Ali Abdurrazik is another person who contributed to the discussion of the relation between religion and politics. His view on this issue is significant in that he questioned the relation of religion and politics and also questioned the relation of prophecy and political authority in the personality of the Prophet. By doing so, he points to a problem which had only previously been raised by al-Maturidi. Ali Abdurrazik begins with this striking question related to the personality of the Prophet[56]: Is the Prophet Muhammad both a prophet and the founder of a state at the same time? In other words, is the Prophet Muhammad president of a government and leader of a religious community? His answer to this question is as follows: Prophecy is totally different from kingship. There is no connection between the two, for the status of prophecy and kingship are different. There were many prophets who were not kings and there were many kings who were not prophets. The majority of the Prophets were only Prophets.[57] The calling to religion means a calling to a belief in God. The kernel of this call is to explain religion in a clear way. What we need is humaneness towards those who are not yet Muslims. There is no place for using force and hatred, for no prophet can call people to his religion by using the sword. The main premise in the mission of the Prophet Muhammad, as was the case for the others, is to use the method of persuasion rather than to use force. The fact that the Prophet Muhammad never used force indicates that his aim was not to establish a kingdom or an Islamic government. Needless to say, kingdoms and governments are established by using force.[58] The Prophet Muhammad never intended to establish a government. He is a Prophet of a religious mission and brought only religion. His mission is nothing to do with the enthusiasm for establishing a kingdom.[59] Some of his activities which can be considered political and his establishment of a prophetic authority are out of his prophetic mission on the one hand and are not part of those which were revealed by God.[60] Ali Abdurrazik's comparison of prophecy to political power is as follows: "The authority or power of the Prophet Muhammad as a messenger of God is different from the authority or power of a ruler. The Prophet's power comes from his religious authority over believers and its source is belief in the heart. The power of the political authorities is based on wordly rules and has nothing to do with the heart. The authority of prophethood is used to guide people to the truth while the authority of political rulers is directed towards worldly affairs and to the material well-being of the people. In other words, the former is for God and religious authority while the latter is for the people and political authority.[61]

Ali Abdurraz1k's theological ideas on the distinction between prophecy and politics are similiar, in many respects, to those of al-Maturidi concerning *diyana* (religion) and *siyasa* (politics). It is difficult to determine by whom Abdurrвz1k was influenced. However, given the fact that he read Sayyid Bey's

work in Arabic, one can say that Sayyid Bey had an effect on his thinking. However, it is surprising to find some passages where Abdurrazik uses some statements very similiar to those of al-Maturidi. He might have learnt al-Maturidi's ideas through al-Nasafo's *Tabs1ra al-ad1lle*. We do not claim that he directly used al-Maturidi's ideas. Yet we want to draw attention to the fact that both of them are in agreement that politics is not a part of the prophetic mission, that Prophethood and kingship were not combined in the Prophet and that the Prophet did not have a mission to establish political authority on earth.

To summarize, the distinction made by al-Maturidi and the modern thinkers is not a distinction between physics and metaphysics nor religion and the world but rather between religion and politics. Therefore, it can be understood in a secularist framework. For these thinkers, however, the main problem is that the origin of authority is not the public and that the legal opinions of Muslim scholars are considered equal to divine orders. These legal rules were based on the personal ideas of Muslim scholars and they are not immune to error. These legal opinions may change in time. Because Islam has no institutions equal to the Christian church and clergy, who can claim the final word on every issue, it is already, by nature, a secularist religion and does not need to be secularized. Therefore these distinctions are unique and are to some extent different from the secularist experience in the West. The secularist experince in the West can be described as the secularization of religion. As far as secularization in the Islamic world is concerned, it is the secularization of the state, as is the case in Turkey. Otherwise, it could result in a type of secularization in which society is demystified and made irrelevant to religion. Ultimately, this may mean that society rejects religion altogether, as is the case in the West. What needs to be taken into account in the West is that secularism emerged as a reaction against the political tyranny of the church. As far as the Islamic world is concerned, one can say that if a western-style secularism is imitated and applied, this will lead to the emergence of a church-like institution or clergy. This, in turn, will cause more complicated problems for Muslims. When redefining the relation between religion and politics in the Islamic world, one must take into account the unique structure of Islam and the religious culture in the Islamic world which evolved through history. One reason for the success of the Turkish experience is Sayyid Bey's and Ziya Gokalp's justification of the distinction between religion and politics through the use of Hanafi-Maturidi's legal texts. We believe that this justification became influential in persuading the members of the Turkish Grand National Assembly to accept such a distinction at that time.

[1] *I want to express my thanks to Prof. Dr. Abdullahi Ahmad an-Naim, who made some suggestions and contributions, edited my draft text and made the text clear in English.*

[2] *42. Shura, 38; 3. Al-i Imran, 159.*

[3] *4. Nisa, 58.*

[4] *4. Nisa,59.*

[5] *4. Nisa, 58.*

[6] *49. Hucurat, 13.*

[7] *See: 2. Bakara, 30; 6. An'am, 165.*

[8] *"And remember that Abraham was tried by his Lord with certain Commands which he fulfilled: He said "I will make you an Imam to the Nations" He pleaded: "And also (Imams) from my offspring!" He answered: "But My Promise is not within the reach of evil-doers." 2. Bakara, 124.*

[9] *See: Hatibolu, Mehmet Said, "Hilafetin Kureysliligi", AUIFD., XXIII(1978), pp. 136-7.*

[10] *Sayyid Bey, Hilafet ve Hakimiyet-i Milliyye, Ankara 1923., p. 2; Sayyid Bey, Hilafetin Mahiyet-i Ser'iyyesi, Buyuk Millet Meclisi Matbaas1, Ankara 1924., p. 10. (This is the edited version of the speech he gave in the Grand National Assembly, 3 March 1340.)*

[11] *Cf.: Akbulut, Ahmet, "Kur'an'1 Kerim Acisindan Egemenlik Meselesi", Islami Arastirmalar, vol: 8, no: 3-4, Summer-Fall 1995, 151; Figlali, Ethem Ruhi, Din ve Devlet Iliskileri, Mugla 1997, p. 37.*

[12] *See: an-Nashi al-Akbar, Masailu'l-Imama, Ed.. Joseph Van Ess, Beyrut 1971, p. 49.*

[13] *an-Nashi al-Akbar, Masailu'l-Imama, 49; Cf. Seyyid Bey, Hilafetin Mahiyet-i Ser'iyyesi, p. 19.*

[14] *88. Gashiya, 22.*

[15] *39. Zumar, 41; 17. Isra', 54.*

[16] *For some versions of this statement see, al-Buhar (256/870), al-Cami' as-Sahih, Istanbul 1992, VIII, p. 105, VIII, p. 105; IV, p. 155; Ahmad b. Hanbal (241/855), al-Musnad, Istanbul 1992, IV, p. 129, p. 183, p. 421; al-Darim, Sunen, Istanbul 1992, I-II, p. 557.*

[17] *6. An'am, 57; 12. Yusuf, 40.*

[18] *See, Akbulut, " Kur'an'1 Kerim Acisindan Egemenlik Meselesi", Islami Arastirmalar, vol: 8, 3-4, Summer-Fall 1995, p. 150.*

[19] *Sayyid Bey, Hilafet ve Hakimiyet-i Milliyye, p. 13 ff.*

[20] *For some versions of this statement see, Ahmad b. Hanbal, al-Musnad, I, p. 116; Abu Davud, Sunan, Istanbul 1992, III, p. 676.*

[21] *Sayyid Bey, Hilafet ve Hakimiyet-i Milliyye, p. 14.*

[22] *4. Nisa', 59.*

[23] *For detail, see.: el-Maturidi, Muhammad b. Muhammad b. Mansur (333/944),* Ta'wilat, *Topkapi Sarayi Madina Bolumu, Nu: p. 180, f. 110 a-112a.*

[24] *49. Hucurat, 13.*

[25] *This is a quotation by al-Nasafo from al-Maturidi's work,* al-Makalat, *which did not reach us. See, an-Nasafo, Ebu'l-Mu'in Meymun b. Muhammad (508/1114),* Tabsira al-adilla fi Usuli'd-Din, *thk. Huseyin Atay-Shaban Ali Duzgun, Ankara 2003, II/437.*

[26] *2. Bakara, 246.*

[27] *Al-Nasafi, Tabsira al-adilla, II/437-439. This quotation from al-Nasafo was translated from Arabic into English by me. For al-Maturidi's view on the responsibility and authority of the caliph, see,* Tabs1ra al-adilla, II/439-440.

[28] *al-Maturidi,* Kitab al-Tawhod, *thk. Bakir Topaloglu- Muhammad Aruci, Ankara, 2003, p. 377.*

[29] *al-Maturidi, Ta'wilat, Hac1 Selim Aga Ktp., Nu: 40, ff. 26b-27a, 471a, 564a; Te'wilat, Topkapi Sarayi Muzesi Ktp., f.174b, 412a-b, 507a, 610b, 646a. Krs., Ozdesh, Talip,* Imam Maturidi'nin Te'vilatu Ehl-i Sunne Adl1 Eserinin Tefsir Metodolojisi Acisindan Tahlil ve Tanitimi, (PhD thesis), Erciyes Universitesi Sosyal Bilimler Enstitiusu, Kayseri 1997, p. 169.

[30] *el-Maturidi, Ta'wilat, Topkap1 Saray1 Muzesi Ktp., f. 62b.*

[31] *el-Maturidi, Ta'wilat, Topkap1 Saray1 Muzesi Ktp., f. 128b, 147b, 572a, 609b, 704b.*

[32] *el-Maturidi, Ta'wilat, Topkap1 Saray1 Muzesi Ktp., f. 609b, 704b.*

[33] *Cf., Ozcan, Hanifi,* Maturidi'de Dini Cogulculuk, *Istanbul 1995, p. 55.*

[34] *al-Maturidi,* Kitab al-Tawhid, *p. 235.*

[35] *al-Maturidi, Ta'wilat, Topkapi Sarayi Muzesi Ktp., f. 174b., 609b, 704b.*

[36] *al-Maturidi, Ta'wilat, Topkapi Sarayi Muzesi Ktp., f. 22b-23.*

[37] *For more information about the differentiation of Din and Shari'a according to al-Maturidi, see: (Sonmez Kutlu ed.),* Imam Maturidi ve Maturidilik (Ankara 2003), Giris (Introduction), pp. 39-45.

[38] *Al-Maturidi, Ta'wilat, Topkapi Sarayi Muzesi Ktp., f. 251a.*

[39] *Al-Maturidi, Ta'wilat, Topkapi Sarayi Muzesi Ktp., f. 260a. Also see: Ozdes, pp. 174-175.*

[40] *For more information on how al-Maturidi was affected in his thoughts on belief by Murjia', see: Kutlu, Sonmez,* Turklerin Islamlasma Surecinde Murcie ve Tesirleri, *Ankara 2003, II. Baski, pp. 277-283.*

[41] *Ibn Humam,* Kitab al-Musayara, *Istanbul 1979, p. 253.*

[42] *For detail, see, Ziya Gokalp, " Diyanet ve Kaza", IM., Istanbul 1915 (1331), Number: 35,756 ff.;" Hilafetin Hakiki Mahiyeti", in* Hilafet ve Milli Hakimiyet , Ankara 1923 (1339), p. 5.

[43] *Ziya Gokalp, " Dinin Ictimai Hizmetleri-1", IM., Istanbul 1915 (1331), vol: II, 34, p. 742.*

[44] *"Hukumler, ahkam-1 diyaniyye ve ahkam-1 kazaiyye olmak uzere ikidir. Bunlardan ahkam-1 diyaniyye, kuvve-i mueyyidesi munhasiran uhrevi olan tekalif-i diniyyedir. Ahkam-1 kazaiyye ise, dunyevi bir kuvve-i mueyyideye malik olan tekalif-i diniyyedir. Binaenaleyh ahkam-1 kazaiyye dino ahkam cinsi dahilinde ise de diyan ahkam nevinin haricinde mustakil bir nevidir. Ahkam-1 kazaiyye bugnku 1st1iaha gore hukuk nami verdiimiz kaidelerdir. O halde Islamiyyette hukuk, ahkam-1 diniyye'den ma'dud ise de, ahkam-1 diyaniyye'den ma'dud deigildir." Ziya Gokalp, "Ittihat ve Terakki Kongresi-1", IM., Istanbul 1916, Number: 48, p. 977.*

[45] *Ziya Gokalp, "Diyanet ve Kaza",IM., Istanbul 1915 (1331), Number: 35, p. 757.*

[46] *See: Ziya Gokalp, "IctimaoiUsul-u F1kih", in the book of Ziya Gokalp ve Din (Ed.: Orhan Metehan, Kamer publication, Istanbul 1994), pp. 23-27; " Orf Nedir ?", pp. 31-43.*

[47] *Sayyid Bey, H1lafet ve Hakimiyet-i Milliyye, pp. 7-8.*

[48] *Sayyid Bey, H1afet ve Hakimiyet-i Milliyye, p. 8. "Islamiyette ne halifenin ne mufti ve seyhulislamin, ne de mezhep muessisleri buyuk muctehidlerin, hulasa hicbir kimsenin boyle vaz-1 seriatta tahlil ve tahrim hususunda zerre kadar selahiyeti yoktur. Binaenaleyh Islamiyette Hristiyanl1kta oldugu gib ruhaniyyet ve ve vaz-1 seriatta niyabet cari deildir. Islamiyette oyle Hristiyanliktaki gibi teskilat-1 diniyye de yoktur. Muftuluk, seyhulislam1ik din-i Islam'1n vaz ve tesis ettigi teskilattan degildir. Mesalih-i cariye'de halka ahkam-1 seriyyeyi bildirmek maksad1yla sonradan ihdas edilmis menes1b-i resmiyyedir. Muftuluk, ilim ve iktidar1n bahs ettii bir selahiyyet-i ilmiyyedir. Alim olmak sart1yla herkes muftu olabilir." (See, Sayyid Bey, Hilafet ve Hakimiyet-i Milliyye, p. 9).*

[49] *"Fukahan1n istinbat ettikleri ahkam-i f1khiyeye Ahkam-1 Ictihadiyye denur. Hiзbir zamanda Ahkam- ilahiyye denmez. Ahkam-i Ilahiyye diye ancak Nusus-i Sariha-i Ser'iyye ile sabit olan ahkama denilir. Ahkam-i Ilahiyye'de ihtilaf olmaz. Ve ona kimse muhalefet etmez. Ahkam-1 Ictihadiyye ise, Fukahan1n rey ve ictihad1ndan mutevellid oldugu cihetle ihtilafla doludur. Hicbir hukmu ictihadi gosterilemez ki onda iki veya uc muctehid ihtilaf etmemis olsun. … Ahkam-i ictihadiyyeye dense dense Ahkam-i ser'iyye denebilir. Fakat Seri'at denmez. Cunku Seri'at Cenab-i Sari'in vaz' ve tebyin buyurduu Ahkam-1 mansusadir. " (Sayyid Bey, Hilafet ve Hakimiyet-i Milliyye, p. 11.)* 50 *Sayyid Bey, Hilafet ve Hakimiyet-i Milliyye, p. 36.*

[51] *"Hilafet, Fikih ve Hukuk-i Islamiyyeye gore millet ile halife aras1na adeta icab ve kabul ile mun'akid bir akiddir. Hem de akd-i vekalet nev'indendir. Nas1l ki bir kimse kendisine tevfoz edilmedikce vazife-i vekalet-i hod be hod ifa edemezse kim olursa olsun hicbir ferd, millet taraf1ndan kendisine tevfoz-i umur edilmedikce re'sen ve kendiiinden vezaif-i hilafeti ifa edemez. Halifenin ifas1yla mukellef oldugu vezaif, esasen ve haddi zatinda doruda doruya milletin kendi isidir. Umur-i mustereke-i milliyedendir. Millet bu isi, suret-i mahsusada ehil ve munasip gorecegi bir zata icab ve tevfiz eder, o zat da kabul ve deruhte eylerse, iste ol vakit o zat halife olmus olur. Ve bu icab ve kabul ile mun'akid olan akde de hilafet denir. Akd-i vekalet de bundan baska bir sey deildir. Cunku Ilm-i Fikihta vekalet, bir kimse kendi isini baskasina tevfiz etmek ve o iste ani kendi yerine ikame eylemektir, diye tarif olunur. (Bkz.: Mecelle, 1449. madde) Iste hilafet bu suretle bir nev-i akd-i vekalet mahiyetinde oldugu icindir ki, Cumhur-i Ehl-i Sunnet, hilafetin in'ikadinda umde mesverettir. Yani bilmusavere intihab ve bey'attir, diyorlar." (Sayyid Bey, Hilafet ve Hakimiyet-i Milliyye, pp. 25-26.)*

[52] *He based his idea on the Hanafi legal scholar al-Sarakhso. "Imamu'l-Maslimin, millet-i Islamiyye'nin hukuk-i istifa'da onlarin naibidir. Muslumanlarin hakki ise, kendilerine nef'i olan seydedir. Binaenaleyh Imamu'l-Muslimin, katili bilabedel kisasdan avf etmek hakkina malik degildir. Zira musaren ileyh hukuk-i muslimini istifa ichun makam-1 imamete nasb olunmustur. Yoksa onlarin hukukunu ibtal ichun deil." See: es-Serahsi, el-Mebsut, Beyrut trz., XI, pp. 4-5 (in the Chapter of Lakita, this part has not been seen as the same as Sayyid Bey said.). Cf.: Sayyid Bey, Hilafet ve Hakimiyet-i Milliyye, p. 31.*

[53] *Sayyid Bey, Hilafet ve Hakimiyet-i Milliyye, p. 15.*

[54] *Sayyid Bey, Hilafet ve Hakimiye-ti Milliyye, p. 23. Sayyid Bey based his idea on the Hanafi legal scholar Sadr al-Sharia's views. See: Ta'dil al-'Ulum, Antalya Tekeli Ktp, Nu: 798; f. 283a.*

[55] *Sayyid Bey, Hilafet ve Hakimiyet-i Milliyye, p. 25.*

[56] *Ali Abdurrazik, al-Islam va usul al-Hukm, M1s1r 1925, III. Edition, p. 47.*

[57] *Ali Abdurrazik, al-Islam va usul al-Hukm, p. 49.*

[58] *Ali Abdurrazik, al-Islam va usul al-Hukm, pp. 51-52.*

[59] *Ali Abdurrazik, al-Islam va usul al-Hukm, p. 64.*

[60] *Ali Abdurrazik, al-Islam ve usul al-Hukm, pp. 54-55.*

[61] *Ali Abdurrazik,* al-Islam ve usul al-Hukm, *p. 69.*

Prof. Dr. Ashirbek Muminov,
Tashkent State Institute of Oriental Studies
Uzbekistan

The 'Ulama' and the Radicalization of Islam

Religious leaders ('Ulama') can play a key role in building stable relations between the state and the religious community. It is well-known that Islamic studies have been developed in the various stages of history by many generations of 'Ulama' – persons with any religious education who were representatives of civil society. In Medieval Muslim societies the authorities did not have the prerogative to develop religious doctrine as a check against these individuals.

Over time, the authorities have learned to regulate intricate and complicated religious matters through the 'Ulama'. Very often a discussion of issues of faith could turn into a public confrontation and a source of social instability. The preaching of pro-government 'Ulama' in public venues – Friday mosques, local mosques or markets – became a popular method of overcoming social excesses in the early period of Islam. Often such an action would backfire, the public would turn away from this figure, and he would lose his public authority. However, new clergy would replace him.

Historical research demonstrates that from the very beginning of Islam's establishment in Central Asia in the first half of the 8th century, any Islamic program undertaken by the 'Ulama' had a dual, religious/social context. In the social sphere, this program could indirectly express the inherent interests of any groups (primarily before the authorities). Islam became a means for safeguarding their socioeconomic interests and an expression of social protest. The 'Ulama' could play the role of public leaders in this situation.

Another effective method used by the authorities was the effort to create something resembling a hierarchy, as well as a targeted financing of the religious educational system. Even under the rule of "infidels" (Qara-Qitays, Mongols; 1137-1370) these activities of the state did not cease. The mechanism for a peaceful resolution of conflict-prone issues was retained. Dialogue, observing mutual interests, and tolerance were the guarantees of public stability for a long period of medieval history.

With the appearance of the Russian empire, a force totally new for Central Asia, the traditions which had developed over centuries started to crumble. This was demonstrated in the policy known as "neglecting Islam," a policy that was enforced by tsarist governor-generals and initially left in place by the Soviet authorities. However, such "ambiguity and indecisiveness" towards Islam on the part of Orthodox Christian Russia, and later atheist Soviet Union did not mean the absence of repressive policies. The authorities suppressed Islamic religious education by nationalizing *waqfs* (charity), ending state financing of religious institutions, and persecuting Sufis and Sufism after the 1898 uprising in Andijan. These unilateral policies of imperial Russia led to missed historical opportunities for dialogue with the local 'Ulama'. Within the territory of the Turkestan general-governorship such steps ran against the logic of conventional tradition, creating an atmosphere of distrust among the 'Ulama', and gradually driving them from the camp of potential allies into potential foes.

Most researchers regard Soviet policies towards religion as repressive.[1] By and large this assessment is accurate. Throughout the existence of Soviet power (1917-1991), constant pressure on religion and its advocates (the 'Ulama' and believers) was the main constituent of a totally antireligious policy.[2] However, new research and newly discovered evidence testify that there were distinct stages and specific moments within this general repressive policies—concerted actions aimed at imploding national, local, and popular Islam from within.

Two issues that have not been widely studied, Islamic socialism and Jadidism, are coming under the spotlight in our times.[3] The theory of Islamic socialism was essential for suppressing domestic resistance after the elimination of the Bukhara emirate and Khiva khanate, which had been quasi-independent protectorate states under the Czar. The ideas of the Jadidists, initially treated by tsarist authorities as suspicious, also contributed to the weakening, and eventually the total abolition, of Islamic religious education. The work of Munavvar-qari Abdurashidkhanov (executed 1931) and the Main Waqf Department under the People's Commission for Education (1923-1926) demonstrates this

quite well. It is notable that both of these theories were by-products of the ideas of utilitarian and progressive Islam, (*taraqqiparvar*), and the introduction of secular disciplines into the religious educational system. However, we would like to touch upon the emergence and dissemination of the ideas of Islamic fundamentalism in this region during the Soviet period, a phenomenon that is closely linked to the name and work of the renowned scholar Shami-damulla.

Sa'id ibn Muhammad ibn 'Abd al-Wahid ibn 'Ali al-'Asali al-Tarablusi al-Shami al-Dimashqi , known as Shami-damulla, was an emigre ecclesiastic from the Arab provinces of the Ottoman Empire. He was born sometime between 1867 and 1870 in the Lebanese town of Tarablus and died in Khorezm in 1932. He was an Islamic scholar traveler renowned for the longevity (15-20 years) of his missionary activity in Eastern Turkestan.[4] He arrived in Tashkent from Beijing on February 14, 1919. Apparently he moved to the capital of Western Turkestan because of his good relations with the Russian consul in Kashghar.

Having beaten Shah-Maqsud-qari, a locally renowned 'Ulama', in open public debates in 1919, Shami-damulla became the leading religious figure in Tashkent.[5] Now he could move from a minor mosque in the Uzbek mahalla (neighborhood) where he initially settled to Dasturkhanchi madrasa in the central Degrez quarters in Khadra. He openly criticized the teachings of the Hanafite denomination and Sufism as well as various displays of popular Islam (the customs of visiting sacred sites, burial rituals, weddings, ceremonies, etc.). The Soviet authorities were quite pleased with this critical view of local Islam and used it in their campaign against religion and the local 'Ulama'. Shami-damulla's thinking was a fundamentalist one. He rejected the legacy of the medieval 'Ulama' and called for a return to the original sources of Islam – the Qur'an and the reliable (sahih) Hadith of the Prophet – for developing new solutions. He issued fatwas on many issues of modernity by using the both sacred sources of Islam (Qur'an and Hadith).

The Hadith became his prime weapon in the struggle against the representatives of local Islam. It is sufficient to cite His holy words toward the pure wives and mothers of true believers, may the Almighty be content with them, where he[6] said: "Remember what is recited of the Verses of Allah – the sign of wisdom", i.e. the Qur'an and the Prophet's Sunna as well as his words from the Hadith, may Allah welcome and bless them: "the Book was sent down and its likeness along with it, i.e. Qur'an and Hadith. What is not mentioned in the Qur'an is cited in the Hadith."[7] And these are His (the Prophet's) words, Allah blessings upon Him and welcome: O Almighty! Be lenient to my successors! It was said: "Who are your successors, o Allah's Messenger?" He replied "Those who will follow me, narrate my Hadith and convey them to other persons." Or, as He said, Allah's blessings and welcome upon Him, he called for the blessing of Muhaddithes in this Hadith, made them his successors (Khulafa'), emirs and deputies (Nuwwab) in communicating the knowledge of Shar'iah and preserving it from deviation, changes and replacement, and provided them more honor than to caliphs, emirs, and governors.[8]

Ahl al-Hadith. In Tashkent, a traditionally secondary religious center that was soon to become the religious capital of all of Central Asia, the authority of Shami-damulla was exceptionally high. His influence over future events was guaranteed by the strong students he managed to train. Among them were Jamal-khʷaja Ishan (executed in 1937), Sayyid Abu Nasr Mubashshir al-Tarazi (1896-1977), Mulla Yunus Hakimjanov (1893-1974), 'Abd al-Qadir Muradov (1893-1976), Ziyautdin Babakhanov (1908-1982, deputy, 1943-1957, then Mufti of SADUM, the Muslims' Board of Central Asia and Kazakhstan, 1957-1982),[9] Ibrahim-qari (Shaykhim-qari) Ishaqov, Shah-Ikram Shah-Islamov, Mulla 'Abd al-Samad (executed in 1937 at the age of 26) and Zayn al-Din-qari (deceased 1983).

After Shami-damulla's arrest and exile from Tashkent in 1932, the Ahl al-Hadith community he had founded continued its activity. It was known for its fundamentalist ideas and for neglecting the existence of denominations (madhhabs). It indirectly affected the development of SADUM's strategy,[10] particularly in the implementation of the following objectives:

·   Combating local Muslim customs and rituals declared un-Islamic[11]

·   Propaganda of Ahl al-Hadith ideas by publication of the Qur'an (in original and Uzbek translation) and Hadith collections, holding jubilees (al-Imam al-Bukhari, al-Imam al-Tirmidhi), public statements, etc.

· Weakening of the traditionally strong positions of the Hanafite denomination, particularly by disorienting confessional specialists (Soviet clercs) trained through the newly established system of religious education.

Ahl al-Qur'an. Mulla Sabircha-damulla is thought to be the founder of this religious movement. Sabircha-damulla was educated in the 1930-40s in Tashkent by 'Ulama' of the fundamentalistic orientation such as Hasan-hazrat,[12] Mulla 'Abd al-Samad, and Wadud-hazrat. Sabircha-damulla distanced himself from the Ahl al-Hadith community because of his extremely ascetic views. This ascetism included rejection of the "Soviet lifestyle" and dislike of official clergy. Furthermore, he started questioning the credibility of most Hadiths. Members of the group he founded relied on the Qur'an, particularly on its Uzbek translation since most had poor knowledge of Arabic. Their understanding of the Qur'an, and the Islamic practices they derived from it, much of which was without any basis in sources and texts, shocked other Muslims by its unconventional, strange, even savage nature. Ahl al-Qur'an flatly rejected the views of other denominations.

Akramites. The further logical development of these trends is visible in the teachings of the Akramites that emerged in the Ferghana valley in 1998. This group began claiming that the modern "unfriendly" period for Muslims corresponded to the Mecca period of early Islamic history. Therefore, only those provisions derived from Qur'anic Verses of the pre-Medina period (610-622) were valid for the lives of believers.[13]

Discord among Central Asian 'Ulama'. After the ban on religious education in the 1920s, the Hujra[14] – an illegal religious educational network – came into being and became widely popular in the Ferghana valley. This retained the traditions of the old religious schools of the Hanafite madhhab. It provided a relatively high level of training for 'Ulama' in comparison with SADUM's academic institutions (madrasas Mir-I 'Arab, Baraq-khan, al-Bukhari Institute). The form and content of education in the Hujra system remained traditional and was conservative by nature.[15]

Shami-damulla's ideas indirectly affected the thinking of 'Ulama' in the Ferghana valley. One of his students – Shah-Rahim-qari Kamalov, who died in 1963 at the age of 68, returned to Kokand. Another 'Ulama' who was closer to the schools of Ahl al-Hadith and Ahl al-Qur'an was working there. On the other hand, due to the many years of work by SADUM, openly traditionalist and fundamentalist modes of thinking influence the re-Islamization of a new generation of 'Ulama' during the Soviet period.

Among Hujra activists in Ferghana, a younger group began to emerge that sought greater independence and self-expression. These talented and active young 'Ulama' became the leaders of religious movements. Criticism of the conformist positions of the conservatives was essential for their advancement. The already well-developed and widely-known fundamentalist ideas of Ahl al-Hadith and Ahl al-Qur'an became convenient for their use. The new fundamentalist movement in Ferghana was called Wahhabism.[16]

Fundamentalist ideas turned out to be very convenient for the expression of discontent against the official clergy by groups of dissident ecclesiastics, and for the expression of broader social protests by public groups. The inclusion of Mulla Hindustani (1892-1989) a leading Hanafite-conservative, and his opponents, headed by Rahmat Allah 'Allama ibn Rasuljan (died in 1981), into this dispute led to growing tension.[17] The confrontation of principles began to take starker shape in these disputes than was the case with Tashkent groups. The contradictions between local and Arab, religious and secular, old and new, loyalist and oppositionist reached their apogee. These developments created a breeding ground for the spread of Islamist ideas from various parts of the Muslim world, primarily from Arab nations. In the post-Soviet period, the introduction of political Islam signaled the end of the classical period in the new history of Islam in Central Asia.

[1] Keller Sh. To Moscow, not Mecca: the Soviet campaign against Islam in Central Asia, 1917-1941. Westport, Conn.: Praeger, 2001.

[2] Bennigsen A. and Broxup M. The Islamic Threat to the Soviet State. New York: St. Martin's Press, 1983; Bennigsen A. and Wimbush S.E. Mystics and Commissars: Sufism in the Soviet Union. Berkeley: University of California Press, 1985.

[3] Babadjanov, B.M. From Colonization to Bolshevization: Some Political and Legislative Aspects of Molding a "Soviet Islam" in Central Asia // Central Asian Law: An Historical Overview. A Festschrift for The Ninetieth Birthday of Herbert Franke. Edited by Wallace Johnson, Irina F. Popova. Topeka, Kansas: Society for Asian Legal History, 2004, pp. 153-171.

[4] An Islamic Biographical Dictionary of the Eastern Kazakh Steppe. 1770-1912. Qurban-'Ali Khalidi. Edited by Allen J. Frank and Mirkasyim A. Usmanov. Leiden, Boston: Brill, 2005, p. 70; Mulla Musa ibn Mulla 'Isa khʷajah Sayrami. Ta'rikh-i hamidi. Peking: Millatlar nashriyati, 1986, cc. 669-702.

[5] Hadith were the subject of debates between them. Shah-Maqsud-qari could not cite on the demand of Shami-damulla a single Hadith in classical methods, i.e. did not refer to complete chain of links (Isnad) and text of Hadith from the criterion of reliability (Sahih). Then Shami-damulla publicly ridiculed him, pushing his turban ('imama, salla) – a symbol of scholarly status – with his stick. From this day on, all scholars attending Shami-damulla's courses left their turbans at home and attended wearing duppi-caps (narrated by 'Abd al-Jabbar 'Azimov, born 1933, Tashkent, 2003).

[6] i.e. the Prophet.

[7] Sa'id ibn Muhammad ibn 'Abd al-Wahid ibn 'Ali al-'Asali al-Tarablusi al-Shami al-Dimashqi, al-Jumal al-mufida fi sharh al-Jawhara al-farida (Helpful essay in commenting on "Sole Treasure"). Translated from Arabic by Asal Abbasova (being prepared for publication), p.13.

[8] Ibid, p.14

[9] See for details: Babajanov, B. Babakhanovs // Islam in the Area of the Former Russian Empire. Encyclopaedic Dictionary. Editor S.M. Prozorov. Fascicule 4. Moscow, 2003. cc.12-14; Babajanov B., Olcott M. SADUM // Ibid, pp.69-72.

[10] Ro'i Y. Islam in the Soviet Union: From the Second World War to Gorbachev. United Kingdom: C. Hurst and Co. Ltd., 2000.

[11] See, Babajanov's article: About SADUM's fetwas against un-Islamic customs // Islam in the Post-Soviet Space: Insight from Within. Under edition of A. Malashenko and M.B. Olcott. Moscow, 2001, pp.170-184.

[12] Tatar 'Ulama' Hasan-hazrat Ahmadyarovich Ponomarev al-Qiziljari (died in prison hospital in Tashkent in 1937) was born in the town of Petropavlovsk (Qizil-Jar) and was exiled to Tashkent in 1933. Hasan-hazrat was the follower of Shihab al-Din Marjani (1818-1889) and like his teacher negatively treated the scholarly legacy of the medieval Hanafite 'Ulama' of Central Asia. He spoke of Abu Hanifa (died 767) in a derogatory manner and used to say that the Qur'an and Hadith do not mention Khʷaja Baha' al-Din Naqshband (died in 1389). He earned his reputation from his knowledge in the interpretation of the Qur'an. He became close to the members of the Ahl al-Hadith group: he became the follower of Jamal-khʷaja Ishan. Mulla 'Abd al-Samad was in close relations with him.

[13] Islam. Encyclopedia. Tashkent, 2004, pp. 22-23 (in Uzbek).

[14] Hujra – means cell or classroom. This network was a follow-up of the traditional form of religious education (maktab, madrasah, qari-khana). It began to form under the tsarist policies of ignoring local educational institutions and was based on local theological schools. Under Soviet rule it managed to survive only in the area of the Turkestan general-governorship thanks to its adaptation to Russian rule.

[15] Babajanov, B. and Muminov A., Olcott M., Muhammadjan Hindustani (1892-1989) and religious medium of his times (preliminary thoughts about the making of "Soviet Islam" in Central Asia) // Vostok, # 5 (2004), pp. 43-59.

[16] Anyone studying Hadith is dubbed a Wahhabist in the Ferghana valley (narrated by Hakimjan-qari Vasiev, born 1905, town of Marghilan, 2003).

[17] Babadjanov B., Kamilov M. Muhammadjan Hindustani (1892-1989) and the Beginning of the "Great Schism" among the Muslims of Uzbekistan // Islam in Politics in Russia and Central Asia (Early Eighteenth to Late Twentieth Centuries) / Edited by Stephane A. Dudoignon and Komatsu Hisao. London, New York, Bahrain: Kegan Paul, 2001, pp. 195-219.

Dr. Habiba Fathi,
Socio-anthropologist,
IFEAC-Tashkent, Paris, France

Islam in France and Uzbekistan: two cases[1] of secularity

The role of Islam in contemporary secularized societies appears to be a pressing issue in both France and Uzbekistan. If this issue is a subject of lively polemics, then it must be admitted that it causes debates relevant to religious, cultural and political spheres at the same time. I became interested in the issue of relations between secularity and Islam during the research work devoted to the role of religion in Islamic societies of contemporary Central Asia that translated into the book that just recently was published in Paris in French[2]. In the context of my research work in IFEAC, I continue to work on Islam as a religion, identity, and culture in secularized areas. This article represents thoughts of a socio-anthropologist and a Frenchwoman with background in Muslim culture (I specify that I am an Algerian by birth); it is not restricted to specific French context but aims to leave the scope of French context in order to fit into a wider field relying on experience of another country – Uzbekistan, a country that did not originate from Christian culture like France but has its roots in Islamic tradition.

Whether it is in France or Uzbekistan, everywhere there is a legal question on the role of religious factor in contemporary societies that consider themselves as secular societies and in which a faith, whether it is Christianity, Islam or Judaism, according to the law on separation of religion from the state enforced in both countries appears to be especially private and individual matter. The question on the role of religion in these two different contemporary societies gains nowadays an exceptionally important significance. And this is so indeed, we live in era when there are new questions and all kinds of controversial situations concerned with various religious manifestations, which can cast doubt on secularity that the French society considers as one of its fully materialized and fundamental principles. Therefore, it appears that Western public opinion is anxious about growth and power of Islam not only in Muslim countries but also in Europe, including in its radical and terrorist forms. French intellectuals and politicians are still pondering on the subject whether the wearing of headscarf must be considered as "obvious religious sign" or not, whether to forbid or permit to wear it in secondary schools, whether to allow or prohibit to have a photograph of woman with covered head on official personal identity document[3]. Officials and Muslim religious figures are anxious whether to allow or not Muslim women enter the official religious institutions such as, for example, a mosque[4]. And finally, how should the attitudes of people with secular views in respect of the religion of their families be considered? It is worth to remind that the funeral of Franзois Mitterrand, the head of the French state, socialist, and agnostic was held solemnly according to Catholic Church ceremony. As many questions arise right in the heart of public and they demonstrate how difficult it is to perceive and understand the religion in light of modernity, to identify the role of religious factor in social areas and the meaning of faith returning to our contemporary societies. Practically speaking, now it seems difficult to evaluate the changes that our societies were exposed to; it also applies to the role of religion. At the same time this issue appears to be a political one as it takes a central place in today events, especially after terrorist acts on September 11, 2001 in New York City; moreover, it is a subject of heated debates that are often presented in the Western media using fascinating but superficial means. Whether it is in France or Uzbekistan, or even in the USA[5], the relations between religion and politics are much more complicated than they seem to be.

This paper does not aim to provide solutions to the issues touched upon here or shed light on the above-mentioned examples. It will rather try to provide certain guidelines that would be able to shed light on new issues faced by contemporary societies regardless of whether these societies originated from monotheist cultures or not. I intend to examine two cases of secularization process using the methods of comparative survey of religious situations in France and Uzbekistan. Why did I choose these two so different countries? And how can we compare their experience of secularization?

The secularization experience in France and Uzbekistan

Primarily as both France and former Soviet Uzbekistan had maintained in the course of many years that religious world was obsolete and believed that religious question had been finally addressed with the help of secularization. However, today we observe the return of religiousness amongst many confessions co-existing for many years in each of these two countries. Whether there is a discussion about evolution of Islam in France or evolution of Christianity in Uzbekistan, we note that each evolution is interesting as it has emerged in secular and multi confessional country. In both cases presented here, we state that debates on God and spiritual quests, striving for confidence as well as personal or collective spiritual experience are increasingly appealing to the public, and its evidence is the increasing number of religious converts and sects on global scale[6]. There is no doubt that these two countries have their divergent historical accounts, each of them experienced its particular secularization experience, and they now face almost similar problems in terms of debates on different manifestations of religiousness and day-to-day practice.

The term of "secularity" may be interpreted as a process of "exodus from religion", which is the expression adopted from the French sociologist Marcel Gauchet[7] and at that time it was used with respect to the Christian world. I would like to remind that since France was for the most part a Catholic country, the French sociology of religions relied mainly on problems peculiar to Catholicism up to the extent that they were imposed on specialists in Protestant and Judaic religious minorities[8], and recently – even on specialists on French Muslims. Historically, the term of "exodus from religion" is connected to leaving the church-dominated world and expropriation of church wealth by the state. More precisely, it points out the historical process as a result of which the religion in Western societies lost its ability to structure the society, in particular, the political form of such a society[9]. In case of Islam, where emergence of clergy to clerics of Catholic Church comparable was not observed in the contemporary era, it is difficult to juxtapose a religious institution against a secular area. As we state that the authorities of these Muslim countries always strived to retain their control over religious sphere with the help of religious institutions that they were establishing themselves. In all Muslim world the word "secularization" is usually used more frequently; it is more preferable than the "secularity"[10] term.

Meanwhile, in both concerned countries the process of secularization does not mean "exodus from religion". More often we are observing the increasing number of requests from followers of different religions concerning the establishment of communities. The causes of such phenomena can be accounted for economic crises, unemployment, switch to temporary work, and particularly, failure of contemporary ideologies illustrated by the collapse of Communist Bloc – unprecedented historical shock, which undoubtedly had a significant effect on mentality and psychology of people regardless of whether they are Christians, Muslims, Jews or Buddhists … Thus, the religion is present everywhere: in international reality, concerning terrorist violence; in French political debates regarding the wearing of headscarf or Europe's future; in disputes about "clash of civilizations" as well as in considerations related to Islamic factor in new Central Asia.

Secularity in France and secularity in Uzbekistan: which secularity are we talking about?

The problem of secularity reappeared in France almost a year ago in connection with the call of various politicians to revise the law on separation of church from the state. All complexity of the French context has crystallized around the issue of wearing of headscarves[11] in the schools that became a subject to disputes in 1989 and re-emerged since then. In 2003, a statutory act on secularity in general, and on religious symbols in particular - namely, concerning wearing hijab – drew the bulk of French public opinion. I would like to remind that the French Republic is based on principle of secularity. All democratic states adhere to freedom of conscience and principle of non-discrimination. These countries are aware of different forms of distinction between political and religious spheres. However, France has put secularity into the same line with other fundamental values, and nowadays it is a matter of consensus. And despite the fact that it is being referred by everybody, nowadays it once again is put in doubt.

The French secularity relies on three integral values: freedom of conscience, equality of spiritual and religious opinions before the law, and neutrality of political power. The freedom of conscience allows every citizen to choose for themselves either spiritual or religious life. Equality before the law prohibits any kind of discrimination or compulsion, and state does not prioritise any option. And, finally, the political power has its bounds and restrains itself from any interference in religious sphere. Meanwhile, the French experience in secularity is very original. And if according to Jean-Paul Willem, who heads the group on sociology of religions at CNRS (National Centre of Scientific Research), "the French case is special, and it happens not only because of difficulty with translation of the term of "secularity" but by virtue of historical experience that forms the foundation for it"[12]. Hereto he adds that "the autonomy of public and religious spheres was achieved as a result of conflict with dominant (Catholic) religion"[13]. Political identity of France depends on relationship it maintained with confession on its land. The model of close-cut separation of church from state slightly softened since 1905, and if France expresses its distrust to religious factor, that case is not as isolated as it seems to be. There are new emerging difficulties in countries with strict separation of religion from the state, and among them is development of Islam and numerous sects. The French polemics on religious symbols would be met with surprise in countries like the UK and Netherlands where different religions co-exist as well but multicultural and communal phenomena are not being considered as danger. And therefore wearing of a headscarf does not cause any debates there.

As far as Uzbekistan is concerned, the notion of "secularity" or "secularization" dates back into history, or more precisely, to its recent Soviet past. And indeed, the political modernity as it was interpreted by Bolsheviks was inseparable from that form of secularization inspired by the French secularity model referred to by Lenin[14], who as early as in 1918 outlined the principle of separation of church from the state. The establishment of Soviet power came simultaneously with secularization of family law that deeply changed the morals and manners in the whole region especially a sregards the status of Muslim woman[15]. After Uzbekistan gained its independence, secularity was not put in doubt, was not revised and considered as an achievement of contemporary political reality. In new Constitution adopted on December 8, 1992, Islam is not declared as an official state religion. Despite the fact that it serves as a prevailing religion, it has the same official status as other minor religions of the country. The religions are under the jurisdiction of the Committee on Religious Affairs, which is itself under the jurisdiction of Uzbek government. Hence, the Committee on Religion Affairs manages all religious activities in the country in accordance with the "Law on Freedom of Conscience and Religious Organizations" revised in 1998. The difference between the Soviet and independence era secularity is in that in the first case it was forcibly directed against the religious sphere. Likewise in France in 1905, the secularity emerged from struggle, since the religion at that time was associated with obscurantism, vandalism and etc. Today the faith is not any longer exposed to accusations and is in full compliance the legislation, which sets the equal place for all confessions that exist in independent Uzbekistan.

We talk about the term of secularity in the case when contemporary societies consciously distance themselves from the patronage of religious traditions. The term of "secular society" means that public life is no longer subservient to the laws dictated by religious institutions. It means that religion does not any longer impose to individuals or groups of people the set of norms, values, cultural and symbolic references that allow them to exist as such. In contemporary societies a religious tradition does not any longer constitute the content code dictated to everyone. We state that even in societies with experience in secularization imposed from above or, in other words, undertaken by the order from authorities, many officially secular people try to live in harmony with religious laws that are believed to rule the society[16]. It would be a mistake to believe that Muslims scrupulously and meticulously follow compulsory religious instructions that include: having faith (*shahada*), regular five prayers a day (*salat*), pilgrimage to Mecca (*hadj*), fasting during the Ramadan month (*sawn*). It is rather to say that they want others to see that they follow the rules. Here is, for example, an episode that I witnessed in one of the cities in Uzbekistan during the month of Ramadhan; similar episode could happen in any capital of Muslim world and it is very demonstrative in that meaning. Two Uzbek Muslims are in the same office during the Ramadan month; they do not know each other well enough to ask whether the

other keeps the fast or not. Their third colleague, who does not keep the fast and frankly demonstrates it, sets his table for lunch, eats it and invites his two colleagues to join him. But neither of his two colleagues even touches the food and nor takes a cup of tea since both believe that another may blame him. Everyone behaves in accordance with what the other expects from him. This phenomenon is based on "code game" idea and leads to ability of religious tradition to get transformed in the course of public evolutions. This aspect was described by the French anthropologist Georges Balandier[17].

Does it mean that religion and modernity mutually exclude each other and do not have anything in common with each other? In fact, everything is much more complicated. The great paradox here is that contemporary societies continue to be ruled by cultural representatives that draw information for themselves from the sources in religious layer. In France some scientists involved in religious research more than even before ask themselves the question concerning the true place of religions in the republic and their new relationships with modernity[18]. Such wealth of questions discloses the large number of unsolved problems at the same time. Practically speaking, the secularization process did not result in complete separation from religion after adoption of the law on separation of religion from the state in 1995 but rather resulted in loss of religious influence on society that expressed its desire to secure its autonomy from the religious sphere. Nowadays one can choose faith and religious practice: it is a private matter for every person, it depends on individual consciousness, and no religious or political institution is allowed to impose it. Just as religious views and faith of an individual can not be a subject of their exclusion from public, professional or political life, unless it prejudices legal norms controlling one or another sphere. This difference is based on separation of public sphere from private sphere, which is the aspect related to political life of contemporary societies.

The contradictions of secularized societies

"Return" to religiousness or "Revenge of God"[19] discovers the appearance of new spiritual movements, the development of pilgrimage and the abundance of works of esoteric nature in bookstores. As it is being explained by the French sociologist of religions, director of the Centre on interdisciplinary religious factors at EHESS (Paris) – Ms. Daniйle HERVIEU-LEGER, such phenomena loosely uncover the contradictions in terms of faith[20]. On one hand, the religious institutions discover inability to regulate the religious practices and faiths. Thus we state that the believers aim to build their religious acts outside the official institutes and require own autonomy as the subjects. It is where the rapid formation of different groups, networks, communities comes from, and where the believers share their spiritual experience with each other and get united around various religious associations, established both inside and outside the large religious confessions. Thus one French researcher-sociologist after a long survey discovered the pluralistic dimension of French Islam and demonstrated that French Muslims develop their activities not inside the mosque but try to add their activities full of ethics and spirituality in to the civic consciousness sphere[21]. On the other hand, the same modernity appeared as a result of secularization is favourable to the development of faith since it gives rise to utopia. While being well fed from this desire aimed to rule the whole people's lives, the faith becomes legitimate for the most zealous believers[22].

Multicultural identities and various faiths in secularised areas

"Return to religiousness" keeps step with the appearance of self-identification of regional, linguistic or ethnical type. It would be a mistake to think that France or Uzbekistan is being considered as a homogeneous state. The ideal country picture compact in cultural, ethnical and religious terms is frequently refuted by its actual diversity. Religious laws established by authorities demonstrate that daily it becomes increasingly difficult to control the religious sphere, which is relentless in the pursuit to demonstrate itself in public area. In both countries we maintain that the state must be prepared to the problems of religious control by referring to the reserve of legal and cultural fundamentals that it inherited from the history. In France this new situation appeared at the moment when the country discovered that it became multicultural and multireligious. Community identities appear on the basis of

democratic principles in new public context; they strive to transform the whole definition of national identity along with the whole set of religious to political relationships fitting in the historical perspective. It is worth to remind that the formation of the French identity from the Revolution period is based on idea that the state must stay above the community membership and define common national "WE", where everyone can orientate themselves outside any differences. This identity development becomes henceforth the matter of profound changes affecting religious, cultural, public and political dimensions in France. Specifically, it means the diversity of religious national landscape that appeared just recently. There is no doubt that previous religious minorities (Jewish and Protestant) continue to play an important role in French national life. However, a new element is the existence of more and more multitudinous Muslim community. It opens a completely new form of debates concerning the issues of diverse communities and the idea of the French identity developed in the course of ages under the banner of minority assimilation.

French Islam: cultural exception or minority religion?

Islam is the second religion in France after Catholicism, and according to the Ministry of Internal Affairs, which at the same time is the Ministry of Cults[23] (from 2000), has 4-5 million people, most of whom are of North African origin. Every three of four Muslims are of Magreb origin (Algeria – 37%; Morocco – 25%; Tunisia – 9%). According to the Ministry of Internal Affairs, annually 30 000 people adopt Islam, 300 people adopt Judaism, 500 people adopt Protestantism, and 12,500 people convert to Catholicism. According to the census of the same Ministry there are 1,536 mosques in France, and ten of them were specially built for this practice. The first theology college was opened in Oberville in 2001, and two more projects are in the process of completion in Vilpent and Kurnev. According to the authorities of Paris mosque, thirty more mosques are to be built. Rona-Alp is the second largest Muslim region in France after Paris with approximately 400 thousand Muslims living there, most of whom are concentrated in towns. Officially there are 128 mosques in Rona-Alp region, excluding the rooms for prayers, arranged in the basements of apartment houses and hostels for immigrant workers. French Islam is becoming more and more active; it attracts youth and is being financed through donations from believers and also by city administrations and some foreign states, such as Algeria and Saudi Arabia. These mosques are in the centre of the real economic system, directly or indirectly connected with religious practice: halal meat market, repatriation of dead Muslim bodies to motherlands, pilgrimage to Mecca and etc.

On December 17, 2003, the president of France Jacques Chirac expressed his opinion regarding the adoption of the law aimed to ban the wearing of "obviously emphatic" religious symbols in school establishments. The text of the law was planned to be adopted, and put in force before the beginning of academic year in September 2004. At that moment, when some values of the Republic were under threat the head of the French state delivered a speech in order to calm the French society. In 6 days after the submission of the report to Stazi commission, the President in his speech declared a law for banning the wearing of "obviously emphatic" religious symbols in schools in protection of secularity. He also confirmed his desire not to change the balance of the 1905 law on separation of church from the state that was hardly achieved. He noted that in particular the difference constitutes the wealth of the French model: "Our flag, our language, our history: everything tells us about these values, about tolerance and respect to each other, about struggle for that, about that diversity that constitute the greatness of France". He highlighted the great principles that, according to his opinion, France stands by: "Undoubtedly, the law is needed" to prohibit the wearing of "obviously emphatic" religious symbols such as, for example, headscarf, kippa or large cross, and this will happen, as he noted, from September 2004 when the new school year starts. The wearing of not striking and unnoticeable symbols such as small cross, David's star, Fatima's hand "of course is allowed".

The polemics in French society around the law concerning the wearing of religious symbols in schools took the form of heated debates and uncovered the set of internal discord. Everything started in January 2003 when two local elected representative of Paris region (Pierre Bedie and Jean Franзois Cope) touched upon a question of secularity calling upon to review the 1905 law on separation of

church from the state. For them, basically, the question related to impossibility of financing the construction of mosques from the public funds. Concurrently with this question, the question of the wearing of headscarves in lyceums, especially in Lyon schools, raised the debates on secularity. It induced the French Prime-minister Jean-Pierre Raffarin to appear on television on April 3, 2003: he expressed his opinion against the wearing of headscarves in "public space, particularly, in schools". And on April 19, 2003 in Bourga, with the appearance of the Minister of Internal Affairs Nicolas Sarcozi at the annual meeting of the Union of Islamic Organizations of France (UOIF) the situation at the venue became heated. Under the whistle and hooting of the crowd, the Minister of Internal Affairs reminded of the ban of the headscarves to appear on photographs assigned for personal identity documents. In the following days there were also the debates on the topic: is there a need in the law to ban the wearing of headscarves in schools?

The majority of the French people become irritated because of quite sensitive question: the status of woman in Muslim environment and the wearing of headscarves. As it was already mentioned, the French model integrates, assimilates the appearance, ethnical origin and religious affiliation but adapts itself to cultural expression of diversity. While according to French law a woman and a man have equal rights, in Muslim societies a woman is in subordinate position and discriminated, roots whereof are not in Islam but in patriarchal traditions and use of religion by supporters of radical or political Islam for their political ends. As for the wearing of a headscarf, where some French people see the indication of humbled position of women, then as a result of sociological surveys by the National Centre of Scientific Research it was discovered that it mostly appears to be an individual choice. The research conducted at the beginning of 90s by two sociologists: the Frenchman of Iranian origin - Fahrad Khosrokhavar, and a woman of secular culture - Franзoise Gaspart[24], allowed young ladies and women wearing the headscarves, i.e. those who were in the centre of heated debates in 1989 and 1994 to express their opinions. The authors highlight that the wearing of headscarf has an ambiguous meaning and those who wear it can be divided into three categories: elderly women of traditional mentality, teenager girls, and the third category consists of girls and young women from 18 to 25 who study in the French schools and pass through school acculturation. The first category demonstrates affection towards their ancient traditions. As for teenager girls, the headscarf lets them to leave home, and the school gives them an opportunity to proceed from "traditional" to "contemporary" on the assumption that they will not be alienated by excessive tolerance since it is often associated with radical Muslim groups of Islamite Iran or Algeria. As for the third category, a headscarf might be required for women who are already integrated into the French society with the help of their studies or professional status; the headscarf is the way for them to strengthen their identity in the French society that does not recognize them, to inform about their disparateness, and, at the same time about their presence in public space. Both authors insist that among hundreds of questioned women they did not meet any militant Islamist woman connected, for example, with Algerian Islamic Salvation Front (FIS). The importance of this research is that both authors recreate the problem within the French political and historical framework; they highlight that the issue of wearing the headscarves in secular and democratic state should not be analyzed using the same approach as if it was in Muslim country where the struggle of Islamist people to compel women to wear the headscarves (sometimes even by force) rather refers to political struggle where the government is not guided by democratic principles (Algeria, Iran).

In conclusion, I would like to say that this review of religious landscapes in France and Uzbekistan gives us an approximate and incomplete idea about great number of questions that can arise in relation to religious factor and its place in contemporary societies. It must be remembered that the geopolitical context is being fed by the religious context. Whatever form it appeared in - peaceful or cruel – it always stimulates unprecedented international response.

[1] The first version of this article was presented in the form of the report at Tashkent State Institute of Oriental Studies in the context of the round table organized by the French Institute for Central Asian Studies on the subject of "Modern religions and societies in Central Asia and Europe". Materials of the round table will be published in the near future in Russian in *IFEAC Operational documents* series.

[2] Habiba FATHI, *Femmes d'autoritü dans l'Asie centrale contemporaine. Quete des ancetres et recompositions identitaires dans l'islam postsovietique,* Paris, Maisonneuve & Larose/IFEAC, 2004 (*The women of authority in Contemporary Central Asia. The search of ancestry and identitar rearrangements in post-soviet Islam*). This work, prepared as a result of long-term research work conducted during field investigations from 1996 to 1999 in various regions of Central Asia, aims to conceive the religion as the memory medium thus emphasizing the special successive relations established among the believers of changing each other generations. This aspect in Christian religion was investigated by Daniele Hervieu-Leger, in *La Religion Pour memoire (Religion for memory), Paris, Le Serf, 1993*

[3] From 2004 such photographs of Moslem women are allowed on personal identity documents in Russia where there is a large Muslim community.

[4] In October, 2004, the President of Tajikistan Emomali Rakhmonov made a recommendation to Moslem women not to visit mosques but to pray at home. This attitude can be considered as discriminatory if we take into consideration the issue of gender equality that is the fundamental principle mentioned in the Constitution of the country, where there are both Christian and Muslim traditions.

[5] The American political life is impregnated with religion, and there is an evidence of it in numerous speeches of President George Bush, where there is no lack of references to God and the Bible. See Denis LACORNE, *La Crise de I'identite americaine. Du Melting-pot au multiculturalisme (The crisis of American identity: From the melting pot to multiculturalism),* Paris, Gallimard, 2003.

[6] In secular and republican France, thousands of native French people but not the emigrants from some Muslim country adopt Islam: some of them do it because of getting married, others enter the Islam community because of solidarity. For some newly-converted Moslems, the switch to Islam is accompanied by purely political engagement, when they voluntarily join the transnational groups with radical reputation such as, for example, Tabligs and Salafists. And vice versa, in all Central Asian countries from the moment of their independence we observe the conversion of people of Muslim culture into Christianity.

[7] Marcel GAUCHET, *Le Desenchantement du monde. Une histoire politique de la religion (The Disenchantment of the World: A Political History of Religion),* Paris, Gallimard, 1985.

[8] Daniǔle HERVIEU-LEGER, *Le Pelerin et le Converti. La Religion en mouvement (The pilgrim and the convert. Religion in a movement),* Paris, Flammarion, 1999. I would like to specify, that this article partially takes as a basis the observations presented in the books of this French author and sociologist of religions at Advanced Research School on Social Sciences (EHESS) in Paris.

[9] *Idem.,* page 77.

[10] The question concerning the terms "secularity" and "secularization" as applied to Muslim world was discussed in the context of the International colloquium organized in Paris where I participated in "Secularization, democratization and Muslim world, change processes" session under the directions of S. Vaner (Research Centre on International Relations, Paris) and A. Kazansigil (UNESCO, Paris), Actes du colloque international pour l'etude de la Mediterranee orientale et du monde turco-iranien, Institut Norvegien des Relations Internationales, UNESCO, 25-25 novembre 2002, Paris.

[11] We intend neither to talk about the importance of covering in Islamic societies nor to present different forms of its name from the Islam-inception time (veil, felt cloak, turban, paranja, himar, etc.). We will restrict ourselves with Arabic term "hidjab", which has passed into Persian and Turkic languages.

[12] Le Monde, December 17, 2003.

[13] *Ibid*.

[14] About the analogy of French revolutionary ideas and Russian October revolution in 1917 see Tamara KONDRATIEVA, *Bolsheviks et Jacobins, Itineraires des analogies (The Bolsheviks and the Jacobeans. The analogy paths.)*, Paris, Payot, 1989.

[15] On this topic see my article: "The Otins, The Unknown Muslim Women Clerics of Central Asian Islam", *Central Asian Survey*, 16 (1), 1999, p.17-43.

[16] Daniele HERVIEU-LEGER, *op.cit.*

[17] George BALANDIER, *Le Desordre, Eloge du movement (The disorder, praise to movement),* Paris, 1998.

[18] About Islam see Malek CHEBEL, *Manifeste pour un islam des Lumieres (Manifesto For an Enlightened Islam),* Paris, Hachette, 2004.

[19] Gilles KEPEL, *La Revanche de Dieu: chretiens, juifs et musulmans a la conquete du monde (The Revenge of God: The Resurgence of Islam, Christianity and Judaism in the Modern World)*, Paris, Seuil, 1992.

[20] Daniele HERVIEU-LEGER, *op.cit.,* p. 41-42,

[21] Leпla BABES, *L'Islam positif. La Religion des jeunes musulmans de France (Positive Islam. The religion of young Moslems in France)*, Paris, l'Atelier, 1997.

[22] Daniele HERVIEU-LEGER, *op.cit.*

[23] It should be emphasized that there are no any official sources in France dealing with religion issues (religious affiliation, practice, visits to synagogue, mosque or church). It can be explained by secularization of French administration and elimination of these columns in the civil status and national census documents so to adhere to freedom of conscience and personal privacy principles.

[24] Francoise Gaspart, Fahrad Khosrokhavar, Le Foulard et la R*epublique (The headscarf and the Republic),* Paris, La Dec   ouverte, 1995.

III. THE ROLE OF THE LAW ENFORCEMENT SYSTEM IN THE EVOLUTION OF THE RELATIONSHIP BETWEEN THE STATE AND RELIGION IN MODERN MUSLIM COUNTRIES

Prof. Dr. Akmal Saidov,
Director, National Human Rights Center
of the Republic of Uzbekistan

Dr. Eugeny Abdullaev,
Human Rights Adviser, UNDP

The Implementation of Religious Freedom Standards into Election Law: International and National Experience

Due to an old tradition, elections and the rights related to elections are rarely viewed by lawyers and legal scholars in light of the freedom of conscience (freedom of religion). Indeed, even if the right to vote and the right to religious freedom belong to the same cohort of rights (namely civil and political rights), the internal distinction between them is clear. The freedom of religion is related to the activities of religious – i.e. public and non-political – organizations; election rights and freedoms – to government bodies.

Nevertheless, it appears that standards of religious freedom are important in the implementation of the constitutional election rights of citizens and in drafting the law on elections, whereby this case involves the quintessential issue of relations between religion and state. As noted in the "Guiding Principles for the Review of Legislation Related to the Freedom of Religion and Beliefs" recently adopted by the OSCE, religious freedom standards "stem not only from the provisions of international documents dedicated to the freedom of religion and beliefs" but from "other provisions related to the freedom of association, of expression,[1] and so on."

In this regard, let us view how these standards are intertwined:

First, in international instruments (in the case of the International Covenant on Civil and Political Rights adopted in 1966);

Secondly, in regional instruments (OSCE Commitments, documents of the Council of Europe and CIS);

Thirdly, in national legislation (in the example of legislation of the Republic of Uzbekistan).

Universal international instruments: freedom of religion and election law

The International Covenant on Civil and Political Rights of 1966 (ICCPR) has two provisions pointing to the relationship between standards in religious freedom and election law.

First, it is Article 2(1) that states, inter alia:

"Each State party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as ...religion…"

The principle of non-discrimination reflected in this Article implies that States-Parties to the ICCPR shall ensure equal voting rights for their citizens regardless of the religion they profess as stipulated in Article 25 of the Covenant:

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

The second provision of ICCPR linking the right to vote with the right to religious freedom is Article 20(2) of the Covenant that states, inter alia:

"Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."

This provision clearly complements the principle of non-discrimination embedded in Articles 2 and 25, as not only does it mention the unacceptability of state discrimination against citizens in exercising their rights (including right to vote) but also requires the states to ban any incitement to discrimination on the grounds of religion. Such incitement may be present, for instance, in the programs of political parties or their nominees as well as in their pre-electoral campaigns and means of campaigning.

Hence, it can be concluded that the general provisions of UN universal founding documents such as the ICCPR concern the principle of non-discrimination against citizens on the grounds of their religious affiliation as they exercise their right to vote. Beyond the ICCPR's norms, important issues remain, such as the invariance of the principle of non-discrimination regardless of whether a state is theocratic or secular, whether any religion is regarded as official, whether clergymen are entitled to be elected for public legislative bodies, etc.

Regional international instruments: freedom of religion and election law

Regional instruments, particularly those drafted with the participation of the representatives of former Soviet states, provide a slightly more detailed picture of this issue. From this perspective even the well-known OSCE Copenhagen Document on the Human Dimension of 1990, usually referred to as the founding text in the OSCE area, and containing the most detailed international commitments of the Participating States with regard to conducting elections, still does not point to any relationship between the commitment to hold democratic elections and the standard of religious freedom. This is not surprising, as the countries of the former Socialist bloc had barely relieved themselves of the atheist dictatorship at the moment of drafting and signing this document. It is enough to recollect that the Central Committee of the CPSU ordered the preparation of a "Long-term Program of Academic Atheist Education of the Population of the U.S.S.R" in 1988. It is notable that the subsequent OSCE documents did not touch upon the issue of implementation of standards of religious freedom in election law.

In the meantime, the post-socialist countries of CIS and Eastern Europe experienced a peculiar "religious boom," a "resurgence" of religious traditions, which led to the certain politicization of a number of religious organizations and groups. Therefore, greater space is given to the issues of interaction of religious freedom and election law at least in two documents related to elections that emerged in this area. They include:

·   First, the Convention on Democratic Elections Standards, Electoral Rights and Freedoms in the CIS Participating States adopted in 2002;

·   Second, the Draft Convention on Electoral Standards, Electoral Rights and Freedoms, adopted on September 26-28, 2002, presented to the Parliamentary Assembly of the Council of Europe, CoE Doc. 9646, December 20,2002.

Both documents were drafted almost concurrently and replicate each other in many respects, as they were developed on the initiative of Russia. The Convention on Democratic Elections Standards, Electoral Rights and Freedoms in the Participating States of the Commonwealth of Independent States was signed on October 7, 2002 in the meeting of the Council of the Heads of Participating States in Chisinau (Republic of Moldova) by the Presidents of Armenia, Georgia (with reservations), the Kyrgyz Republic, Moldova, Russian Federation, Tajikistan, and Ukraine (with reservations).

In addition to the principle of non-discrimination (Article 2), inter alia, Article 8 of the Convention states:

"No candidate, no political party (coalition), nor any other public association or public organization shall be entitled to employ the methods of religious compulsion."

This provision appears to be slightly vague as it is not clear what is to be understood as "religious compulsion." Attempts of the participants of the election process to affect their members or voters through a religious organization? Nominating a clergyman as a candidate? The use of images and calls of a religious nature in the pre-election campaign?

The provisions contained in Article 13 (Clause 6) and implied in Article 20(2) of the ICCPR appear to be more definite:

"The abuse of freedom of speech and freedom of media in election campaigning shall not be permitted, including calls…inciting…religious hatred and enmity."

However, a question arises in the comparison of this provision with the one related to the impermissibility of religious compulsion: can the use of calls of a religious nature in pre-election campaigning be considered legal in the first place? It appears no simple answer can be given to this question at all. The use of such slogans in countries where the population practices exclusively one religion (certainly, provided they do not call for criminal actions) may be permissible. The situation is different in countries with significant numbers of members of minority religions. In this case the use of any religious slogans by members of both the religious majority and minority can be interpreted as "inciting religious enmity." Actually, the vast majority of CIS countries, with only the exception of Armenia, belong to the second multi-religious group.

In this respect, Clause 1 of Article 18 of the Convention (actions not to be construed as discriminatory) where authors of the document attempted to include the rights of minorities seems very ambiguous and disputable. Let us cite this clause in full:

1. The above-listed electoral rights and freedoms of citizens may be limited by the constitution and laws and should not be considered discriminatory if they provide for: a) special actions to be taken to ensure adequate representation of any group of the country's population, including national minorities and ethnic groups, who indeed because of political, economic, religious, social, historical, and cultural preconditions were deprived of the opportunity to enjoy equal status along with the rest of the population as regards political and election rights and freedoms."

In our view this provision contains a clear contradiction. First, it is crystal clear that if any minority is deprived of "the opportunity to enjoy equal status along with the rest of population as regards political and election rights and freedoms," then provision for "adequate representation" for this group will remain an empty phrase until the provision of the equal right to vote and the opportunity for its implementation. Secondly, it is still unclear through which "religious circumstances" minorities could be deprived of opportunities to enjoy equal status as regards the right to vote.

Let us refer to the text of the Draft Convention on Electoral Standards, Electoral Rights and Freedoms adopted on September 26-28, 2002, by the Association of Central and Eastern European Election Officials (ACEEEO) and presented for review to the Parliamentary Assembly of the Council of Europe on December 20, 2002 (CoE Doc. 9646). Enshrining the principle of non-discrimination in Article 8, the authors of the Draft make significant reservations in Article 20(5):

"There are statutory limitations for the compatibility of an MP mandate or having an elected position with the status of a military servicemen, clergyman, executive body official, judges, and prosecutors."

It is notable that this reservation is based on limitations for candidates often found in national legislations. For instance, this applies to civil servants in the U.K, and to officers of the prosecutor's office and police, as well as to governors in Algeria. This appears to be well-grounded from the viewpoint of the separation of powers. The presence of clergymen in this list is due to another principle, that is, the separation of religion from the state. We propose to review the application of this principle with regard to elections, turning to national legislation (in the example of the respective legislative acts of the Republic of Uzbekistan).

National legislation: religious freedom and election law

The principle of the separation of the state from religion is enshrined in Article 61 of the Constitution of the Republic of Uzbekistan:

"*Religious organizations and associations are separate from the state and equal before the law. The state does not interfere into the activities of religious associations.*"

The same principle is specified in Article 5 (Separation of religion from the state) of the Law of the Republic of Uzbekistan "On Freedom of Conscience and Religious Organizations":

"*Religions are separated from the state in the Republic of Uzbekistan. Introduction of any privileges or limitation of any religion or denomination shall not be permitted.*"

It is notable that this provision of the Law on Freedom of Religion and Religious Organizations complements constitutional provisions: whereas the Constitution bans direct violation of the principle of separation of religion from the state (interference), the Law outlaws indirect forms (introducing privileges/limitations).

Consistent implementation of the principle of separation of religion from the state in the election legislation of Uzbekistan is noteworthy. The Law of the Republic of Uzbekistan "On Elections of the Oliy Majlis of the Republic of Uzbekistan" (new edition), except for the principle of non-discrimination (Article 3, Equal Rights to Vote[2]), bans the propaganda of religious enmity in the campaign programs of parties and candidates for MPs (Article 27, Pre-election Campaigning), as well as the registration of candidates for MPs who are professional clergymen of religious organizations and associations (Article 25, Requirements for Candidates for MPs).

As pointed out above, the limitations on clergymen to register as candidates for MPs are present in the legislation of many countries and reflected in the Draft Convention on Electoral Standards, Election Rights and Freedoms Article 20(5). Nevertheless, ODIHR/OSCE Expert Opinion on the Law on Election of the Oliy Majlis published in May this year notes that the ban on professional clergymen of religious organizations and associations to be nominated as candidates "violates the principle of religious freedom."

In our view, this is a case not of the violation but of the limitation of religious freedom that stems not only from the principle of separation of religion from the state but also from the provision of equal opportunities to all candidates (Article 11(8)), as a clerical title may create advantages for winning an MP's mandate.

Furthermore, the principle of separation of religion from the state is enshrined in the statutory acts regulating the activities of the subject of the electoral process – political parties and movements. Article 18(4) of the Law of the Republic of Uzbekistan "On Public Associations in the Republic of Uzbekistan" adopted February 15, 1991 (edited on April 30, 2004 # 621-II) states:

"*Political parties and mass movements pursuing political goals shall not be permitted to receive financial or any material assistance from… religious organizations.*"

An analogous provision is present in Article 15 of the Law "On the Financing of Political Parties":

"*Providing contributions to political parties in the form of funds, the transfer of property, the provision of services, work...by religious organizations [shall not be permitted].*"

Finally, Article 3 of the Law "On Political Parties" contains a ban on

"*the establishment and work of political parties...propagating… religious enmity; … with national and religious features*".

Hence both election law and the legislative acts that regulate the activities of the participants of the electoral process contain certain limitations on the principle of religious freedom, stemming from another constitutional principle – the separation of religion from the state and of the state from religion, i.e. the principle of secular governance. We acknowledge the legitimacy of this limitation, yet we assume that the complete alienation of religious organizations from the legislative branch may create a certain imbalance, where all powers to regulate the relations between the state and religion are delegated to the executive branch represented by the Committee for Religious Affairs under the Cabinet of Ministers and Ministry of Justice. In this regard, a proposal was made to establish "a special committee for legislative and legal issues related to religion or inclusion of these issues in the authority of one of the existing committees" under the Oliy Majlis.[3]

It is common knowledge that on April 23, 2004 the Cabinet of Ministers of the Republic of Uzbekistan adopted Resolution # 196 "On Further Improvement of the Activities of the Committee for Religious Affairs under the Cabinet of Ministers of the Republic of Uzbekistan." In accordance with the Resolution, the Public Council for Denominational Affairs under the Committee for Religious Affairs was established with the membership of the leaders of seven religious organizations: the Muslims' Board of Uzbekistan, the Central Asian Eparchy of the Russian Orthodox Church, the Roman Catholic Church, the Lutheran-Evangelical Church, the Association of Evangelical Christian Baptists, the Jewish Communities of the City of Tashkent, and the Center of the Christians of the Complete Gospel.

We assume the creation of this Council does not fully address the issue of the functions of the legislative branch in the process of regulation of relations between state and religion. The limitation of the number of religious organizations represented in the Council to seven denominations (of eighteen registered by the Ministry of Justice), specifically those whose status in Uzbekistan is sufficiently stable and not related to any problems, leads to the thought of the expediency of a wider and more flexible representation of religious organizations. Possibly this kind of representation in the form of a standing or ad-hoc working group or another form may be envisioned within the reformed legislative branch of Uzbekistan.

[1] Guidelines for Review of Legislation Pertaining to Religion or Belief. Prepared by the OSCE Advisory Panel of experts on Freedom of Religion or Belief in Consultation with the European Commission for Democracy through Law (Venice Commission). Warsaw, 2004.

[2] Citizens shall have equal rights to vote…regardless of …religious affiliation.

[3] See: Abdullaev, E. The Vienna Declaration of 1993 and the issues of legal safeguards for religious accord in Uzbekistan//Vienna Declaration on Uzbekistan and Human Rights and Action Plan (Materials of the conference dedicated to the 10th anniversary of Vienna Declaration and Action Plan). – Tashkent: National Human Rights Center of Uzbekistan, 2004. p.178.

Prof. Dr. Anvar Kadirov,
Academy of the Ministry of Internal Affairs,
Uzbekistan

The Radicalization of the Religious Consciousness of the Muslim Population and the Role of Law Enforcement Bodies in Preventing Religious Extremism

The reasons for the radicalization of the Muslim population of Uzbekistan in the post-Soviet period stem from the emergence of a distinct moral and religious, or to be more exact, an ideological vacuum that emerged after the collapse of the Communist regime. After 70 years of the persecution of religion, the religious consciousness of the Muslims of Uzbekistan finally sighed with relief – people started actively embracing the moral and religious values of Islam. A vast flow of various religious ideas poured into the religious and moral vacuum formed after the collapse of the Soviet political system. Already by the mid-1990s a contradiction had begun to emerge between the secular orientation of the government and the religiosity of a segment of the Muslim population.

It is hard to agree that devout Muslims make up 70 or 80 percent of Uzbekistan's population. The Russian colonial system and the Bolshevik regime with its over seventy years of atheist ideology managed to create a generation of people whose belief in Islam and its ideology is not firm. Therefore, the claims that almost the entire native population of Uzbekistan is religious do not correspond to the reality.

In reality the advocates of radical Islam under the influence of extremist ideas and views encompass only that segment of the population that historically maintained anger and hatred not only towards the official atheist ideology but also to everything secular symbolizing political power. The emergence of a social atmosphere and medium conducive to unhindered religious practice, enshrined in legislation, created the breeding ground for the radicalization of the religious consciousness of a certain segment of the population. The gloating delight of some overseas political elements with regard to the growing extremist religious consciousness of Uzbekistan's population is actually without basis or future, since the prevailing majority of country's citizens support secular development. Examining the investigative actions of crimes related to extremist and terrorist activities provides clear evidence of this. It is a proven fact that the terrorist acts committed on February 16, 1999, March 30-31, and April 1, 2004 in Tashkent and the Bukhara region caused popular outrage. The criminal actions of terrorists aimed at creating panic and disturbances were decisively dismissed by the people of the country. Isolated cases of indifference to the unfolding events stemmed from the lack of patriotic motives and civil duty of some citizens.

In these circumstances, law enforcement bodies are facing a challenging and important task: to separate the wheat from the chaff, that is, to bring to criminal justice those who despise secular development, who overtly call for the resurrection of the medieval caliphate, and who propagate irrational political ideas.

This requires highly professional training and knowledge of the basics of religion in order to take a differentiated approach towards the persons involved in terrorist acts to various extents, and to conduct preventive strikes against the weak links of extremist religious organizations and groups trying to get a foothold in the republic.

Uzbekistan is a multi-faith republic. Islam is a religion propagating peace, friendship, tolerance and equality. The profound humanism of Islam and its common nature with other world religions is manifested here. The extremism in media speculations, including in the Western media, has nothing in common with genuine Islamic values.

Taking advantage of people's religious sentiments, as attempted by some extremists unhappy with the secular orientation of the country, only undermines the authority of the faith, and sows discord among believers. It is notable that in the beginning of the 1990s some political forces with the goal of destabilizing the Central Asian region attempted to play the "nationalist card" in the "Great Game", trying to set entire nations against each other. No success back then. Now they are using the "religion card" to inflame tension in the region.

The task of the law enforcement bodies of Uzbekistan and neighboring countries in these circumstances is to resist extremist or nationalist provocations as well as to identify, prevent and neutralize the extremist infection in a precise and professional manner, without letting it strike innocent people, as was the case in North Ossetia, for instance. The law enforcement bodies of Uzbekistan possess the necessary potential to prevent any manifestations of religious extremism and terrorism.

The radicalization of Islam in Uzbekistan results from the fact that while national statehood is in the process of being formed, a democracy still remains vulnerable to the bureaucratic and authoritarian excesses inherited from the former political system. In our view only the reinforcement of democratic institutions in society may weaken the process of the radicalization of Islam.

An analysis of the political aspects of the crimes aimed at undermining the constitutional foundation of the current political system and of the open calls for the overthrow of the secular government leads to the thought that one of the reasons for the radicalization of Islam is related to the lack of a constructive political opposition that could serve as a "check" for the government. As a rule, political parties, public organizations, and various associations and unions independent of government institutions serve as a "check" on the government.

The logic of social life is such that shifting the balance between the government and society always entails a risk of various social excesses, including the radicalization of religion and the emergence of an illegal opposition.

Timely identification and assessment of any forms of deviant conduct, and the development of preventive and precautionary measures have certain value in terms of rapid response. This requires law enforcement officers to have an understanding of the role of religion in the modern world, in addition to professional knowledge and skills. As demonstrated in recent practice, blind enforcement of in-service guidelines and instructions, without regard for state policy towards the status of religion in society, much less the requirements of international humanitarian law and universal human rights and liberties, leads to a situation which discredits the regime.

This is impermissible, as the strategic policy of independent Uzbekistan is aimed not at infringing religious freedom but at legitimizing religious consciousness along with secular perceptions.

Observing human rights and liberties is a priority of Uzbekistan government policy. The new edition of the Law "On Freedom of Religion and Religious Organizations" adopted in May 1998 is actually meant to serve that purpose. The adoption of the State Program "On the Reinforcement of the Struggle against Religious Extremism and Terrorism" in 2000 and the Law of the Republic of Uzbekistan "On Combating Terrorism" are the logical follow-up to the concrete implementation of this policy.

It is notable that the legitimization of relations between the state and religion ensures religious freedom, and defends it from repressive elements. This thought is clearly elaborated by Professor Rotraud Vilandt, who underscores that "a consistently secularized state relieves religion from the regulation of state bodies, reducing the threat of its being used by any forces for their own political ends."[1]

The mission of law enforcement bodies in light of these ideas is that preventive actions against religious extremism should always be accompanied by educational work within the law enforcement system, as practice has demonstrated that many criminal cases involving extremist activities are related to the poor knowledge of officers about the essence and purpose of religion in the spiritual life of the society. These flaws in the law enforcement system are diplomatically acknowledged by some officials. For instance, Alisher Sharafutdinov, head of the Main Investigations Department of the Ministry of the Interior, summing up certain drawbacks in the investigative practice for penalizing persons involved in "extremist" activities noted that "decisive actions have been taken in the republic in the last few years to address certain flaws in the work of law enforcement bodies."[2]

Behind all of this is the government policy for the humanization and democratization of the law enforcement system, releasing it from repressive trends, and turning it into a mechanism for the protection of personal rights and liberties, and for legitimacy in society.

The amnesties of August 29, 2000, August 22, 2001, December 5, 2002, and subsequent ones are examples of the consistent effort in the law enforcement system to safeguard human and civil rights

and liberties in full conformity with the principles and norms of international humanitarian law and other political documents protecting democratic freedoms and personal rights.

[1] Vilandt, Rotraud. Is the unity of religion and state an essential prerequisite of Islam? //Islam and secular governance. Under joint edition of Z. Munavvarov and V. Schneider-Deters, T., 2003, p.74.

[2] Sharafutdinov, Alisher. The role of law enforcement bodies of the Republic of Uzbekistan in combating religious extremism.// State and religion in the countries with Muslim populations. Jointly edited by Z. Munavvarov and R. Krumm. Tashkent, 2004, p.99.

Dr. Erkin Abzalov,
Director, The Center of the Issues of Enhancing Legitimacy
and Training of Prosecutorial and Investigation Officers
of the Office of the Prosecutor General of the
Republic of Uzbekistan, State Justice Counselor, III class

Legislation and Prosecutorial Supervision in TheRelationship Between The State and Religion
(in the case of the Republic of Uzbekistan)

Introduction

Thirteen years have passed since the date that the independence of Uzbekistan was announced. This is a short period for nation-building. Hence, it is difficult for us to claim that we have gotten rid of the negative legacy of our Soviet past in legislative, judicial, and prosecutorial practice. In the meantime, much work has been done to create the prerequisites essential for effectively safeguarding the rights and liberties of citizens. In this sense, one could refer at the very least to the new laws and legislative acts being introduced in the Oliy Majlis in virtually every session. This demonstrates that the years of independence are passing beneath the banner of ensuring civil rights and liberties. However, it has not been an easy path.

In this article I would like to turn your attention to the legislative aspect of our policies in religious matters. But first I will refer to certain historical and political preconditions that define the particulars of the religious state of affairs in the country. I will also attempt to debate those who are unwilling to notice the positive changes in our legislative practice who prefer to engage in irrelevant and biased criticism. This criticism primarily relates to one of the, let us say, most "delicate" issues of ensuring the rights of citizens to freedom of religion. But herein we should bear in mind the following:

First, an insight into the recent history of our society is essential to understanding the essence of transformation related to the democratization of society and to ensuring the constitutional rights of citizens, particularly with regard to religious practice. In the dawn of Soviet rule, the Bolsheviks flirted with religion. But as soon as they had secured firm control, they launched a massive attack against the clergy. Thousands of clergymen were executed, banished, or exiled from the country.[1] Throughout 75 years of a totalitarian Communist regime the Soviet government consistently conducted policies infringing the natural right of citizens to practice a religion. Representatives of religious organizations were subjected to persecution. It even reached the point where state officials could face persecution for conducting religious rituals at the burial of their relatives.

Secondly, from the time of the so-called "perestroika" of Gorbachev, religion was granted some freedom. However, religious education could not be restored all at once. Religious tuition could not keep up with the pace of re-Islamization of society. These circumstances led to a split among the senior clergy and the growing influence of foreign ideologues of Islam.[2] Therefore, from the first days of independence our government and legislative bodies have attached great importance to legal safeguards of the right to seek religious education, at the same time attempting to shield Muslims from the malicious influence of political Islam.

Thirdly, along with the process of the resurgence of Islam and its values, we have become witness to a few poorly educated religious activists raising the issue of the political resurgence of Islam as a state religion, ideology and source of legislation. We are well aware of what this has led to, for instance, in Tajikistan: religious advocates played their part in inciting a civil war, in which they then actively participated, causing the deaths of thousands of people and economic havoc in the country. Our government managed to retain control of the situation. However, are we aware what colossal efforts it took? There was an immense burden of responsibility on the President, the government and law enforcement bodies to keep hold of the situation, to prevent the "Tajik scenario" from being replicated here, and to protect the citizens from those who paved the way for an "Islamic revolution" with the funding of foreign sponsors.

The situation, already worsened by the unraveling economic problems of the transition period, was heated to the boiling point. Nevertheless, we did not follow the old path and did not return to atheist

policies. I would like to remind you that the majority of Uzbekistan's population and even its deeply and sincerely religious segment has chosen the secular path of development with due respect to religious traditions. This notion has been reaffirmed by referendum.

Legislative dimension

The Constitution of the Republic of Uzbekistan and its amendments introduced in line with the outcome of the referendum in January 2002 ensured tangible safeguards for civil rights and liberties through judicial and other means of protection. Special provisions were allotted for the private rights of citizens, including the rights of religion, observing rituals, etc. in the Constitution. Inter alia, Article 31 states that "freedom of conscience is guaranteed for everyone. Everyone has the right to profess any religion or not to profess any. Forcible propagation of religious views is forbidden." Behind this succinct wording is the paramount responsibility, clear understanding of the background, and respect for the traditions of the people.

The parliament adopted a new edition of the "Law on Freedom of Conscience and Religious Associations," which elaborately regulates the issue of the interaction of the state and religion. The goal of the law is to ensure the right of everyone to freedom of conscience and religion, and to regulation the relations connected with the activities of religious organizations.

This law fully meets international standards. It contains detailed delineation of the powers of state bodies and self-governance bodies of citizens connected with religious organizations. In particular, the coordination of relations of state bodies with religious organizations and control over the implementation of legislation on the freedom of conscience of religious organizations is delegated to the Committee for Religious Affairs under the Cabinet of Ministers of the Republic. The Council of Ministers of the Republic of Karakalpakstan, local authorities of regions, districts and towns as well as civil self-governance bodies will be responsible for enforcing legislation on the freedom of conscience and of religious organizations in their respective territories.

The activities of religious institutions and the functioning of religious academic institutions are regulated, and other steps are taken to ensure that the free observation of religion has been established.

Not through declarations but by making appropriate amendments to the Civil Code, the Code of Administrative Liability and the Criminal Code, the state has thereby ensured the judicial and legal safeguards of citizens from encroachments on the freedom of conscience by legislative means. In particular, Article 145 of the Criminal Code of the Republic of Uzbekistan provides for criminal liability of respective officials for hindering the legitimate activities of religious groups.

Chapter XXIV of the Constitution of Uzbekistan is dedicated to the bodies of the prosecutor's office, and Article 118 states that the Prosecutor General of the Republic of Uzbekistan and his subordinate prosecutors shall supervise accurate and uniform implementation of legislation in the territory of the Republic of Uzbekistan.

These terms are stipulated in greater detail in Article 2 of the Law "On the Prosecutor's Office" and accordingly, the mission of the prosecutorial bodies of the Republic of Uzbekistan will be to ensure the rule of law, enhancing legitimacy, safeguarding the rights and liberties of citizens, protecting state and public interests by law, upholding the constitutional order, and taking preventive and precautionary measures against offenses.

It is common knowledge that observing human rights and liberties is a prioritized dimension of government policy in the Republic of Uzbekistan. The Prosecutor's Office is the quintessential legal lever of this policy, as it is meant to uphold state guarantees of citizens' rights and interests. The Prosecutor's Office promptly responds to violations of the law and ensures the restoration of violated rights and liberties of citizens, legal entities, society and the state.

The axiom of international law not only maintains that the rights and liberties of believers should be restored but also provides for penalties for the violation of this statute. Above we discussed the liability of law enforcement and state bodies responsible for actual implementation of this law. The President and Constitutional Court are the first guarantors, who promptly respond to such violations, bearing in mind certain complexities in the religious realm.

But the law holds liable not only those who are in charge of its implementation. Identical measures of liability are delegated both to the subject and object of the law. In other words, an offender from the ranks of believers will also be responsible for illegal actions. The law, regardless of its quality or level of flawlessness, is to be observed. Everyone is equal before the law. I have to remind us of these legal axioms to preempt criticism on the part of some rights advocates.

Thus, as a lawyer, I call on us to tame our emotions and to think only from the legal viewpoint of the accountability of each and every one of us before the law. Our opponents have pushed the activities of the notorious extremist organization Hizb-ut-Tahrir into the spotlight. Let us take it as an example.

National criminal legislation stipulates criminal liability for genocide (Article 153 of Criminal Code – "creation… of circumstances aimed at full or partial extermination of a group of persons, including on the grounds of religious affiliation"), for inciting religious enmity (Article 156 of Criminal Code), and the violation of tuition of religious dogma (Article 229-2 of Criminal Code). As a number of authoritative international experts[3] have proven, the activities of this political-religious party can without doubt be qualified as anti-Semitic and as inciting religious enmity (against Judaism, Christianity, Buddhism, etc.), in that it calls for worldwide Jihad "against unbelievers," including direct attacks against the governments of the regional states, etc. This means a lawyer is entitled to interpret these acts as a violation of the above-mentioned Articles, which provide for concrete punishment for this kind of violation. However, according to the logic of some "rights advocates" we should only believe the declarations of this party which claim that it is a "peaceful" party and does not call for violent action.

A majority of specialists both here and overseas have long identified the "dual standards" of this party – distancing itself from terrorist actions in statements and declarations, while in practice calling on Muslims to commit terror and suicide acts in public places. Articles, leaflets and other literature illegally published by this party openly call for Jihad against everyone not sharing their position. Hence, this provides the legal reasoning to identify the said party as a terrorist organization by any interpretation of international law.

The creation, stewardship and participation in religious extremist, separatist, fundamentalist or other banned organizations is also considered a criminal offence (Article 244 (2)). Which one of the specialists researching the activities of this party is in a position to claim this provision of law cannot be applied to Hizb-ut-Tahrir? Any lawyer will identify the actions of this organization as of a terrorist nature, as its calls are based solely on resorting to violence. It is noteworthy that Hizb-ut-Tahrir did not make any efforts to become registered with the proper authorities. It has consciously taken an illegal and anti-constitutional position, deeming the popularly and legitimately elected government to be illegitimate. How am I, a lawyer and a prosecutorial officer, supposed to interpret this position?

It is known that prior to the collapse of U.S.S.R. the situation in the country remained extremely tense. In addition to the said party, a number of overtly extremist organizations were actively working in the country as a legacy of Soviet times. The highest stage of extremism in Uzbekistan started to manifest itself in 1989-1991 when anti-constitutional and armed groups like "Adolat uyushmasi" (Community of Justice), Islom lashkarlari ("Warriors of Islam"), Yosh jihodchilar uyushmasi ("Community of young Jihadists"), and Jihodchilar (Jihadis) were established in the Ferghana valley. The above-mentioned organizations strived to replace law enforcement bodies, assuming the authority to combat crime but in reality aimed at seizing political power. Things escalated to the point when in May 1991 armed members of these groups took over the building of the regional committee of the Communist party, and inflicted bodily injuries to the employees of government agencies.

In these circumstances, the government and law enforcement bodies promptly responded to the rising wave of terror and lawlessness – even more so, as credible evidence was found of these groups uniting, establishing ties with the terrorists of neighboring countries and Arab nations, purchasing arms, and conducting military training for misled young men.

Thanks to the decisive actions of law enforcement bodies, their attempts to organize mass protests and resort to violence for their goals did not succeed. Failing to quickly change the status-quo in the country, the leaders and ruling circles of the Jihadis ceased open protests against the legitimate

authorities. They concentrated on underground work to foster the groundwork and circumstances aimed towards the future implementation of their plots.

Particular efforts were made for the creation of female militant groups and en-masse recruitment of youth for a military vanguard to act in neighboring countries. The terrorist acts in Tashkent on February 16, 1999 and military operations in the Angren district of Tashkent region, and in the Uzun and Denau districts of the Surkhandarya region, as well as the bombings in Bukhara and Tashkent regions and the capital in 2004, were committed as a follow-up.

The prosecutor's office has irrefutable evidence that all Islamist and terrorist organizations are being financed from overseas militant groups acting under the pretence of Islamic slogans.

Thus it can be maintained that from the moment of declaration of independence, Uzbekistan has been subject to the non-stop interference of international religious extremist and terrorist organizations acting abroad, including in the territory of neighboring countries.

Conclusion

Uzbekistan historically has been a part of the region of the traditional spread of Islam, which makes a deeper analysis of the so-called "Islamic factor" a necessity. Islam does not propagate violence like the other world religions; quite the opposite, it summons its followers to peace and philanthropy. At the same time, as the events of the last few years have demonstrated, it may be used as an ideological weapon and potential threat to the constitutional order of Uzbekistan; we already have such a negative experience. All this places a tremendous burden of responsibility on law enforcement bodies, primarily on the prosecutor's office.

We realize that combating religious extremism and terrorism can be effective when the external and internal factors of the radicalization of religion in Uzbekistan are removed. However, inaction while waiting for the removal of these factors means sentencing millions of our citizens to lawlessness, violence and terror.

[1] See, for more details: Babajanov, B.M., Muminov, A.K., Olcott, M.B. Muhammadjon Hindustani (1892-1989) and the Religious Environment of his Epoch (preliminary thoughts on the forming of "Soviet Islam" in Central Asia)//Vostok (Orient), #5, 2004, p.63.

[2] As above, p.72.

[3] See the anthology of articles supported by a number of international organizations, including the Friedrich Ebert Foundation: "State and Religion in Countries with Muslim Populations" (edited by Munavvarov, Z. and Krumm, R.). Tashkent, 2004. See, articles by Olcott M.B., Babajanova B. M. (pp.23-40/163-173 – English translation), Baran, Z. (pp.74-94/198-206 – English translation), etc.

IV. THE ROLE AND TASKS OF EDUCATION AND RELIGIOUS ENLIGHTENMENT WORK IN STRIKING A RATIONAL BALANCE BETWEEN THE STATE AND RELIGION

Dr. Saodat Olimova,
Prof. Dr. Muzaffar Olimov,
Republic of Tajikistan

Religious Education in Tajikistan: the Reality and Problems

Introduction

Addressing the issue of religious education is a vital aspect of achieving an Islamic-secular compromise in Tajikistan. This includes a wide spectrum of issues: elementary theological education of children and teenagers, religious education of adult believers, training of clergymen and teachers, advanced degrees and research in theology, and the publication of theological textbooks and other study materials such as audio, video, computer materials, etc. The main challenge in addressing the issues above is the lack of a general approach among the clergy, state officials, and Tajik society as a whole regarding the form of religious education, those responsible for running it, its sources of financing, and the role of the state in the religious education of citizens. Still the question of not only theological education but also religious upbringing remains an open question.

Tajik law provides for the separation of the state educational system from religion. Citizens have the right to receive a theological education at religious academic institutions. Teaching religious dogma to children is permitted with written parental consent only after they have reached the age of 7, and from the age of 16 – by their consent at a time free of schooling.

Practice has demonstrated that despite having defined general principles of theological education, the legislation does not yet encompass the entire spectrum of issues emerging in the process of the establishment and functioning of theological academic establishments in Tajikistan. This is not unusual considering that first, the system of theological educational was obliterated in Soviet times and functioned only in the form of illegal religious schools – hujrah, and secondly, the times require the modernization of the entire educational system, including religious education, thereby raising many issues onto the agenda, to which neither the state nor the clergy can find rational answers.

We encountered a wide spectrum of opinions on these issues while preparing this review. They can be summarized in three general positions:

First. As the Constitution of Tajikistan stipulates the separation of religion from the state and public education – deeming it the private affair of citizens – education, enlightenment, and culture are secular in nature. Theological education and upbringing should be the competence of religious organizations and charity. The government should not meddle in the academic process. Disciplines taught at academic religious institutions should match the tradition evolved in the region, i.e. national traditions. The majority of officials and highly educated people support this view.

Second. Muslims account for more than 90 percent of Tajikistan's population; therefore Islam should be included in the curriculum, whereas atheism and Darwinism should be excluded from school disciplines.

Third. School should not be the place to teach children to pray. There are better equipped institutions – mosques and madrasahs. However, the government should provide financial support to

religious academic institutions and supervise the content and style of teaching of children by the mullahs.

Disputes and discussions around the issue of theological education as well as the diversity of perspectives on these issues pushed us to turn to public opinion. Thus public survey data became the primary source in the preparation of this work.

The records of the Shuroi Ulamo (Clerical Council), press materials, interviews, and data kindly provided by Mr. Abdullo Rahnamo, a member of a Tajik-German working group, and data of public opinion polls on religious matters conducted by "Sharq" Center in 2000 (national representative poll with 2,000 respondents), in December 2001 (national representative poll with 1,000 respondents), in August 2003, (national representative poll with 800 persons) constituted the backbone of this review. Materials from focus-group discussions among youth held in 2000 were also used in the review.

The Attitude towards Religion and State Policy in Religion

Before turning to an analysis of the approach of Tajikistan to religious education, let us briefly look into public opinion on religion and government policies towards religion in general.

According to the data of a survey conducted in August 2003, 95.3 percent of respondents named themselves as devout Muslims. A majority of those polled approve and support the government's policies towards religion. For instance, 30.5 percent of respondents unconditionally support government policies towards religion. 5.8 percent do not agree on many points. 1.3 percent believe the government's approach towards religion is absolutely unacceptable. 23.5 percent are indifferent and 8.6 percent do not have an opinion on this issue.

Difference in the extent of support for the actions of the state towards religion among various age groups is visible. Persons over the age of 50 expressed the highest level of support for the government. Young people between the ages of 18 and 29 expressed the greatest indifference. Among the group aged between 30 and 49 the number of those indifferent was the smallest. These are serious mature people with a higher sense of responsibility towards developments in the country. On the one hand, they demonstrated a high level of support for the government – 65 percent; on the other hand, there were many people in this age category (9.5 percent) who were against the state's actions towards religion.

In viewing the level of support for the state's actions towards religion in a regional focus, then it is evident that RRP residents (76.1 percent) and Khatlon residents (66.7 percent) are most supportive of the government's policies towards religion. The level of support for the government's policy towards religion is significantly lower in the Soghd region (43.7 percent). The number of those indifferent towards the government's actions to religion is also the highest in this region (36.3 percent vis-a-vis 14.8 percent of indifferent in the Khatlon region).

Dushanbe is distinct in having both residents staunchly supporting the government and its policies towards religion as well as its outstanding opponents. The highest level of discontent and protest against the government's activities in the religious realm was identified in the city – 11.4 percent.

In general Tajikistan's population is fully content with the standards of religious freedom it has and supports the government's treatment of Islam and other religions. The level of support is also significantly lower in the Soghd region where a few conflict-prone issues in religious freedom, i.e. arrests of Hizb-ut-Tahrir's advocates, discontent spurred by the closure of some mosques, demands that the students of general educational establishments remove their head scarves. Nevertheless, the number of those indifferent to these issues of religion is so high that it ameliorates any tension in religious realm.

A balanced attitude towards religion in general and Islam in particular may be observed in the vision of the role of religion in the future of Tajikistan. More than half of Tajikistan's population is discontent that religion has taken an unreasonably greater role in the public life of the country in their opinion. For instance, in December 2001, 51.9 percent of the population believed that religion should have a smaller role in society and 35.5 percent believed that religion should play a growing role in Tajik society. 12.6 percent of the surveyed did not have an opinion on this issue.

The Attitude towards Islam

The prevailing majority of the Tajik population has faith in God and practices Islam, which is regarded primarily as a tradition, maternal culture, and lifestyle. For instance, 70 percent of the surveyed persons stated they considered themselves Muslims primarily because their parents were Muslims, and 15.4 percent believe Islam is an integral part of their national culture. The latter stated that all Tajiks must be Muslims. 7.5 percent of the surveyed, with newly converted Russians and Germans among them, have studied Islam and adopted it consciously as the only true religion. 6.4 percent never actually questioned why they were Muslims.

Tolerance Level

91.4 percent of respondents believe that Islam is a religion that embraces peace and mutual understanding. Only 1.4 percent believes that Islam is a religion which permits violence. Others have no interest in this issue. However, along with these data, it emerged that 28.3 percent of surveyed Muslims believe Islam should be the only religion and all followers of other religions and atheists are sinners (kafirs- disbelievers). Residents of the Khatlon region have the most rigid position, with 54.1 percent of the surveyed believing that Islam should be the only religion in Tajikistan and all followers of other religions should be regarded as kafirs. There are fewer proponents of this position in other regions of Tajikistan: 10.5 percent in RRP, 17.2 percent in the Soghd region, 1.5 percent in Dushanbe, and 30 percent in Gorno-Badakhshan Autonomous Oblast (GBAO).

A significant difference is observed in the level of tolerance among regions: from 71.3 percent of the surveyed in Dushanbe down to 27.4 percent in the Khatlon region believe that all religions in Tajikistan have the right to exist. Hence, the tolerance level in the capital and adjacent areas is relatively high, while in the other regions, especially in the Khatlon region and to a lesser extent in GBAO, Muslims take a relatively rigid position towards followers of other religions and atheists.

Religious Education in Contemporary Tajikistan

The prevailing majority of youth in Tajikistan study at public general education schools, colleges, vocational colleges and higher academic institutions, where religion is taught very superficially. Throughout the last few years, the Committee for Religion under the Government of Tajikistan has developed a course in religious studies and a relevant textbook.

The Official System of Religious Education

The official system of religious education of Tajikistan includes the Islamic University, twenty Islamic madrasahs, one school of Qur'an reciters, and two training units.

Higher Religious Education: the Islamic University

The only Islamic university in Tajikistan is located in Dushanbe. It is located in the premises of the central mosque of Hoji Yaqub. The university (institute prior to 1997) was established in 1990 by the Muslims' Board of Tajikistan – Qaziyat of Tajikistan under the stewardship of Hoji Akbar Turajonzoda and has been named after Imam Termiziy from the moment of establishment. In 1997 the Institute split from the system of the Muslims' Board of Tajikistan and as an independent organization requested that the Committee for Religious Affairs under the Government of Tajikistan grant it the status of an Islamic University. This request was met.

Currently the total number of students and attendees of the university's training courses has reached 1,300. 700 of them, including 85 girls, are enrolled at the university. 300 girls are enrolled at the female seminary functioning at the university. The rest are enrolled in training courses. Annually 120-

130 specialists graduate from the university. 800 students have graduated since it was established. The rector is the head of the university. Its institutional structure includes two faculties and three departments.

As legislation forbids state budget appropriations for religious organizations, the university is self-financed and does not have a sustainable financial base. The sources of its financing include tuition fees, private or corporate donations, and foreign charity assistance not prohibited by law.

In these circumstances, the average compensation of university faculty remains relatively low. Senior teachers receive 30-35 somoni (10 U.S. dollars), a regular teacher or a docent earns 20-25 somoni (7 U.S. dollars), and an assistant -15-20 somoni (5 U.S. dollars) per month.

The university curriculum is approved by the Council of Ulema (clergy) with the direct involvement of the Committee for Religious Affairs under the Government of Tajikistan, and includes a range of mandatory liberal arts disciplines taught at all higher educational establishments of Tajikistan in addition to theological disciplines in accordance with the respective curriculum of the Bukhara madrasahs. Political science and physical training are excluded from the curriculum for unknown reasons.

The problems and difficulties of the religious educational system are reflected in poor logistical support, lack of modern literature, textbooks and training materials and outdated educational techniques. The latter may include, for instance, the lack of interactive methods of teaching and the poor computer skills of students. In general, the Islamic University suffers from all the ailments typical to higher education in Tajikistan.

The employment of graduates is a serious issue. Vacancies for imam-khatibs emerge very rarely. In the meantime, the graduates of the Islamic University only qualify for clergy service. They may not be accepted to other positions. Some of the most dynamic and outstanding students find a solution in concurrently studying at secular universities and obtaining the respective qualifications.

The employment issues of the Islamic University graduates must be addressed. There are proposals that while concurrently mastering theological disciplines, students should also get training in other areas, for instance, as teachers of languages, literature, or history. But this idea requires scrupulous supervision, since in this case the education of children will certainly have a religious/Islamic flavor at schools where a theologian is a teacher of social sciences.

Secondary Religious Establishments: Islamic Madrasahs

A madrasah (Arabic "Madrasah" – place of study) in Tajikistan means a secondary religious school or theology college at the level of a full-time vocational college. This is the most widespread form of religious educational institution. The madrasah is the main official channel for training the clergy and specialists in Tajikistan. 9 out of 20 Islamic madrasahs are located in the Soghd region, with the rest in the southern regions of Tajikistan.

A madrasah in Tajikistan is a small educational establishment with 40-60 students and minimal assets. For instance, 40 students are enrolled at Khujand's madrasah (an additional 40 girls on two-year courses), and 40 students at the madrasah of Asht.

More detailed information on the Khujand madrasah: it is located in the city center in the yard of "Sheikh Muslikhiddin" mosque. The small two-floor madrasah behind the grand mosque has 4 classrooms, a small dormitory, and two rooms serving as a chancery. The canteen is in the basement. The student dormitory is on the second floor of the building. A free meal a day, lunch, is provided to the students and faculty.

40 students are enrolled at the madrasah. 40 girls are enrolled at the two-year female seminary, which is a part of the madrasah. The building of the female seminary is located separately to the right of the new mosque.

The curriculum of Islamic madrasahs is planned for four years. It is developed and approved by the regional Councils of Ulema (Clergy). Hence, study in nine madrasahs in the Soghd region is conducted under the single curriculum approved by Kh. Musazoda, the Chairman of the Council of the Ulema. The curriculum includes study of the Qur'an, recitation of the Qur'an, Tafsir of the Qur'an, Hadith,

Fikh (Islamic law), Arabic, basic theology, and other Islamic disciplines as basic courses. Humanities, including Farsi and English, geography, environmental studies, philosophy, teaching methodology, history, including history of Tajikistan, history of Tajikistan, history of literature and other disciplines are also taught.

Poor financing, inadequate logistical and technical maintenance of the madrasah, a shortage of qualified teachers, the profoundly traditional nature of education methods, lack of curricula, literature, especially of good textbooks and uniform study materials for the whole country: these are problems of all madrasahs. Physical education and sociology are missing from the curriculum. There are issues of professional career planning by the students – which profession the graduates should choose. A significant part of the students are planning to obtain a secular profession, viewing the madrasah education as merely an essential part in the general education of a true Muslim.

The Private Religious Educational Network

There is a widespread network of private mid-size and small religious schools where one instructor, usually a clergyman well-known for his knowledge, is the teacher. This is a deeply traditional system of religious education that has barely changed in the millennia of its existence.

The network of private religious education in Tajikistan encompasses dozens of private schools, courses and extracurricular classes. The number of students at such schools may reach 150-200 depending upon the reputation of the teacher.

Private religious education reached the peak of its development in the 1980s-90s. A relatively substantial number (on average 50 or more) of private home-based religious schools were functioning in 1980-1992 in central Tajikistan alone. The most renowned of these were the school of Mawlawi Muhammadjon Hindustani in the Shelkokombinat quarter of Dushanbe (for details, see: M. Olimov, S. Shokhumorov. *Muhammadjon Hindustani: Life and Activities* in the book *Islamic Leaders: Social Role and Authority*. Dushanbe, 2003. pp. 83-102); Domullo Eshonjon in the "Yushniy" quarter in Dushanbe; Mullo Abdugaffor in the Pestel quarter in Dushanbe; Makhsumi Sadruddin in Telman township; Mullo Tokhir in the DOK quarter; Eshoni Imomuddin and his sons in Gazimalik, etc.

The religious educational system in the north of Tajikistan was historically more developed than in other parts of the country. It survived the Soviet-era repressions and retained its traditional spirit and form while underground. Currently private religious schools in the north of Tajikistan are called hujrah (Arabic - room) and are more organized than in the center and south of the country. The hujrah of Domullo Naimjon in Isfara, Eshoni Mirzo Yusuf in Match, Domullo Mahmadsharif in Chalovsk, Domullo Abdurashid in Qal'acha village of Ganch district are considered as the major hujrahs.

Traditional private religious schools were practically the only feasible means of obtaining profound religious knowledge. Their significance and role in the religious resurgence of Tajikistan is reflected in the fact that leading ecclesiasts and clerics of the nation such as Eshoni Abdukhaliljon, Eshoni Turajon, Domullo Khikmatullo Tojikobodi, Said Abdullohi Nuri, Muhammadsharif Khimmatzoda, Eshoni Abdulquddus, Makhsumi Ismail Pirmukhammadzoda, Eshoni Nuriddin, Eshoni Mahmudjon, Domullo Abdulkhay, Domullo Muhammadi, Domullo Mahmadali Panji, Amonullo Nematzoda (chairman of the Council of Ulemah) and many others received their religious education from private teachers. This fact itself points to the special role of this educational network in training religious leaders and its defining influence on the religious medium.

Acknowledging the high effectiveness of the traditional system of religious education, however, one should note that this form of education may only serve as an additional link but not as the main form of religious education. These private schools typically suffer such drawbacks as constraints, the mixture and disparity of knowledge provided by various teachers, profound traditionalism and archaism in educational methods and content of academic process, the lack of programs and plans, and, consequently, the lack of opportunities to require qualifications from those enrolled at these institutions and applying for a position. Furthermore, it is these schools where extremist groups may emerge with a complete lack of state control.

The Religious Education of Tajik Citizens Abroad

Students from Tajikistan are studying abroad – in the religious academic establishments of Egypt, Syria, Saudi Arabia, Iran, Pakistan, Turkey, India, etc. Currently more than 3,000 people are studying at religious academic establishments beyond Tajikistan. As a rule, graduates of well-known Islamic universities have better training (particularly in language fluency, computer literacy, knowledge of original sources of Islam) than the graduates of the Islamic University in Dushanbe. However, very often graduates of overseas Islamic universities become the proponents of those religious views dominant in the places of their study. Upon their return home they encounter misapprehension from colleagues and common believers. On their side, they have a poor understanding of the realities of life in Tajikistan, reject local traditions, and attempt to create their own schools, thereby contributing to the growth of the potential for conflict in the religious environment.

Conclusions

The system of private religious education in Tajikistan is extremely underdeveloped. Religious madrasahs at mosques and the Islamic University in Dushanbe are poorly equipped and lag behind in methodology and content of teaching. In these circumstances home-based schools remain as a main link in religious education. In general the system of religious education preserves the profound traditional and archaic nature of religious education, contributing to the reinforcement of traditionalism and archaism in the conscience of believers and in the mass conscience of Tajik society. State-imposed limitations contribute to this. There are problems of legislative safeguards of the work of religious academic establishments, a lack of qualified teachers, good textbooks, etc. Currently the publication of religious literature is becoming gradually streamlined but the low purchasing power of the population hinders the expansion of its spectrum and enhancement of its quality.

Clearly the existing religious educational institutions of Tajikistan cannot meet the needs of Muslims in religious education and enlightenment. The current state of religious education reflects contradictions in approaches to Islam and religion in Tajik society in general and the lack of a comprehensive state strategy towards Islam.

Uygun Gafurov,
Tashkent Islamic University,
Uzbekistan

Islamic Theological Education in Uzbekistan: Past and Present

The Establishment and Functioning of the SADUM Islamic Educational Network (1943-1991)

The jurisdiction of the Central Asian Muslims' Board (SADUM), established in the autumn of 1943, encompassed the 5 Central Asian republics of the former U.S.S.R. However, Uzbekistan was the arena where the main processes related to theological education unfolded.

The only legal academic institutions for the training of clergy for all four Religion Boards of the former U.S.S.R and which were accessible to Soviet Muslims in the post-war decades were the Mir-i-Arab madrasah (known from 1540, re-established in 1945) in Bukhara and Barak-Khan madrasah (1956-61) in Tashkent. The currently active Tashkent Islamic Institute (Al-ma'had) named after Imam al-Bukhari was established in the place of the latter in 1971.

A family of SADUM muftis – the Babakhanovs: Ishan Babakhan Abdulmajidkhanov (1943-1857), Ziyautdinkhan Babakhanov (1957-1982), and Shamsiddinkhan Babakhanov (1982-89) left a significant impact on the establishment of the above-listed academic institutions in those new circumstances.

In May 1945 SADUM adopted a resolution on "The Establishment of Two Madrasahs in the Cities of Tashkent and Bukhara" with 90 students in total and a length of study of 9 years. The academic cycle consisted of two stages: *ibtidai* (5 years) and *rushdi* (4 years).

After lengthy correspondence with Moscow, on October 10, 1945, the Council of People's Commissioners (Sovnarcom, SNC) of the U.S.S.R ordered the establishment of two Islamic theology colleges in Tashkent and Bukhara.

The teaching of 30 students started at the Mir Arab madrasah on October 1, 1946. According to SADUM's decision, the academic year started on October 2 and lasted till May 1, i.e. 6 months, with a winter break (1960). From the academic year 1962-63, the length of the academic year was extended to 8 months (from September 1 to May 1).[1]

Abdulkhamid Takaev was appointed as the Director of MirArab. Khojiakbarkhon Muhitdinov (chief mudarris, teacher of Arabic, sarf, nahv, qiroat, tajvid) and Gulyam Izamov (teacher of the Uzbek language, sarf, nahv, husnihat, hisab) were the first instructors.[2]

But the opening of the Barak-Khan madrasah was delayed and only in 1956, with the assistance of the Representative of Councils in the UzSSR,[3] was a final decision made to open the second madrasah in Tashkent. According to Protocol #4 of the General Meeting of the Praesidum of SADUM on May 22, 1956, grades 6-7-8 of the MirArab madrasah were transferred to the Barak-Khan madrasah, while grades 1 to 5 remained at the Mir Arab madrasah.

Fazilkhoja Sadikhujaev, Deputy Chairman of SADUM was appointed Director of Barak-Khan, Sirajuddin Ziyautdinov as an academic registrar[4]. Later (1959) Ismail Sattiev, Deputy Chairman of SADUM, was appointed director, and Shaikram Shaislamov (1962) the academic registrar. Fozilkhuja Sadikkhodjaev, Muhiddin Babakhadjaev, Sulaymon-Qori Hamidov and Muhammad-Amin Abdurakhmonov and others taught here.

On November 1, 1956, classes began in the hotel building of Tilla-Shaykh mosque in Tashkent and 34 students attended 2 grades at Barak-Khan (16-18), 23 of them from Uzbekistan, 4 from Tajikistan, 4 from Kyrgyzstan, 2 from Kazakhstan and 1 from Karakalpakstan Autonomous Republic.

Back then 13 disciplines were taught at both academic institutions, including 4 in theology (Tafsir, Hadith, Nustalakh al-Hadith – the terminology of Hadith, Fikh), and 7 in linguistics (syntax, literature, and rhetoric of Arabic, word combinations in Arabic, the Russian and Farsi languages) and 2 secular disciplines, such as economic geography and history of the U.S.S.R. Mudarris and teachers assessed the knowledge attained by the students. Interim exams were usually held in 5 disciplines: Tafsir, Hadith, Fikh, syntax (Nahv), and rhetoric (balagat).[5]

Persecution of Islam and other religions started anew in the Khrushchev era (1953-1964). In 1960 a resolution of the Central Committee of the CPSU and the Bureau of the Central Committee of Communist Party of Uzbekistan "On Actions to Halt Violations of Soviet Legislation by the Clergy" was adopted, as well as the decision of the Council of Ministers of UzSSR "On the Closure of 'Sacred Sites' and Cemeteries," subsequently transferring these sites to the jurisdiction of the Committee for Protection of Sites of Material Culture under the Council of Ministers of UzSSR. Thereby one of the main sources of revenue for SADUM was closed.

In 1961 Barak-Khan madrasah, among others, was closed as an illegally operating institution, whereas Mir Arab, with a total 40 students, remained the only Islamic academic institution.[6]

The number of hours for study of theological disciplines was significantly reduced, while some courses, for instance, history of Islam, were excluded from the curriculum. The main attention was given to the study of Russian and secular disciplines (Soviet Russian literature, political economy, history of the peoples of U.S.S.R., history of the Oriental people, and Political and Economic Geography of Asian and African countries).[7]

The Tashkent Islamic Institute Named after Imam al-Bukhari

The decision to create this higher religious academic institution was made by the Council for Religious Affairs of the U.S.S.R. in 1969 but the institute began operating only in 1971.

The curriculum envisioned 5878 academic hours for four years of study, including 2812 (46.2 percent) – for theological disciplines and 3066 (53.8 percent) for secular disciplines. The curriculum consisted of 21 disciplines, including U.S.S.R. geography, U.S.S.R. Constitution, U.S.S.R. History, sport science, and basics of state and law.[8]

Extracurricular activities were a matter of special focus in the education and upbringing of the students. Lectures on urgent matters of the international arena and important events were held regularly to enhance the "cultural and political awareness" of the students.

More than 25 Soviet-wide and republican periodicals and newspapers were subscribed to (journals like "Nauka i zhizn (Science and life)", Nauka i religia (Science and religion), Sovetsky Soyuz, Pravda, Izvestiya, Komsomolskaya Pravda, Sovet Uzbekistoni (Soviet Uzbekistan), etc). Daily viewing of the central television newscast "Vremya" became mandatory. Loudspeakers were installed in every cell. Group tours to a theatre or cinema were organized once a month.[9]

The requests of the students to increase the number of theological disciplines were disregarded. The comments of foreign clergymen visiting the U.S.S.R would boil down mainly to the low standards of teaching theological disciplines and Arabic, and the small number of students.

The state of Islamic education in the given period depended on the approach of both central and local authorities. The clear distinction of new Soviet theological educational institutions as compared to traditional ones was in the transformation from individual classes to group lessons. The quality of mastering the materials and assessment of knowledge were lost at this stage. The curriculum had a clear breakdown of disciplines into two groups: secular and theological, while the secular disciplines – native history, geography, Russian, and others – began to prevail over the theological disciplines for the first time, even in comparison with the curriculum of the new-style religious academic institutions.

Significant changes were introduced to the methods of teaching religious disciplines as well. The first thing was the rejection of the traditional system of teaching from old classical textbooks of medieval authors. Their replacement caused two trends: 1) The rejection of the ideological dogma of the traditionalist school; 2) The aspiration to imitate Arab Islamic Universities. The internships of SADUM's senior employees at Islamic universities of the Arab world played a major role here.

The lack of a specialized methodical body and skilled methodologists bore its negative results. Curricula were designed by the teachers (mudarris) themselves by skimming the surface: no textbook was published in the entire period of SADUM's work. The overarching mission of the academic institution was the training of loyal-minded cadres for Soviet governance without a strong background in religious disciplines. In reality, many students would spend their time within this institution with a

sole purpose – to legalize the religious education which they were receiving privately (in a hujrah-cell or family).

"Perestroika" started the liberalization of the attitude towards religion and believers. Such a liberalization was unexpected, particularly for the government bodies in the first place. The uncontrolled process started with the collapse of the Soviet Union. The construction of mosques and madrasahs started in virtually every small populated area, and in every neighborhood in larger populated areas and cities. Their exact number is not known. While there were only 89 mosques in 1989, their number exceeded 3,000 by 1993. "Koran study schools" or other types of schools were launched at virtually every mosque. It was then that the legalization of underground religious academic institutions began.

The openness of society created a new phenomenon: the start of the intensive penetration of various Islamic organizations into the territory of Uzbekistan, and the import of huge volumes of Islamic literature. Jamoat-i- Tablig, Hizb-at-Tahrir al-Islami, Turkish, Iranian, and Saudi organizations displayed themselves as the most active of these groups.

This and other trends that began in the years of "perestroika" were given a new boost in the post-Soviet period.

Islamic Theological Education in the Years of Independence

After achieving independence, the government took a new approach to religion. Two principles are observed in policymaking towards religion in independent Uzbekistan: the secular nature of governance and its tolerant, faith-emphatic and equal approach towards all religions, with the aspiration to develop constructive cooperation with religion.

State re-registration of all religious organizations, including religious academic institutions, became an important step in establishing order in religious affairs. For instance, the total number of madrasahs in Uzbekistan exceeded 100 in 1992. Only 20 of them were under the direct administration of the Muslims' Board of Uzbekistan (UMU).[10]

It is noteworthy that many of these madrasahs lacked any curricular documentation. Classes were led by unqualified specialists. As opposed to Soviet times, the main focus was on mastering religious disciplines. Meanwhile, the personal positions of teachers and graduates significantly differed.

The government has made significant efforts to assist the UMU in establishing order in the activities of religious academic institutions. In a legal sense, this was manifested by the tightening of legislation for registration and licensing.

Changes in the religious sector allowed a sufficient number of clergymen to be trained. Today Tashkent Islamic Institute and ten special secondary Islamic academic institutions, including two female colleges, are operating.[11]

The resolution of the Cabinet of Ministers adopted on August 22, 2003 is particularly noteworthy. According to this resolution, in light of the fact that both theological and secular disciplines are taught, diplomas issued to the graduates of Tashkent Islamic Institute and special theological academic institutions shall be equal in status to state-attested documents.

Secondly, religious sites (mosques and madrasahs) registered by the state as sites of cultural legacy shall be transferred to the Muslims' Board of Uzbekistan for utilization.

Thirdly, henceforth religious organizations shall pay for utility fees as individuals, not as legal entities. The funds saved as well as charity proceeds will be earmarked for maintenance and reconstruction of mosques, improvement of academic and logistical foundation of religious academic institutions, and as financial stimuli for activities of Imam-Khatibs and Mudarris-teachers.[12]

Four groups of disciplines are taught at Tashkent Islamic Institute: liberal arts, social, and economic disciplines (first group), math and natural sciences (second group), general professional disciplines (third group), and special (fourth group) disciplines.

Uzbek language and literature, foreign languages, history, basics of religion, basic state law, sociology, pedagogy, psychology, esthetics, geography, physics, chemistry, astronomy, biology, math,

and computer sciences are taught at all secondary Islamic academic institutions under the "general disciplines" group.

The history of religions, Arabic, history of Islam, theology, Islamic law, hadith studies, Qur'an recitation, and tafsir are taught under "special disciplines". Furthermore, in addition to the tuition of fine arts, extra-curricular calligraphy and ornament classes are also available. Athletics is a special priority. Starting from the academic year 2000-2001, athletic contests among religious academic institutions within the framework of "Barkamol avlod" (Mature generation) have become a tradition.

Faculty training has been put in place for the further development of educational methodology and enhancing the effectiveness of the academic process. Distinguished ecclesiastics, scholars, professors and academicians teach at training courses under Tashkent Islamic University.

Students of religious academic institutions are also taught artisanship and applied arts, such as wood carving, ornaments, gold embroidery, carpet weaving, calligraphy, tailoring, sewing, etc.

Academic institutions have their own libraries equipped with essential religious, scientific, political, and religious textbooks, materials, and other literature. More than 32,000 books, including 22,000 of religious content, are kept in the libraries.

The utilization of technology in the educational process, as well as better financial and logistical support, is among the priorities. Computer classrooms have been established at every academic institution, allowing students to master computer technologies.

An Olympiad was conducted in the academic year 2002-2003, boosting student interest in academic and scholarly disciplines.[13]

[1] Information about the start of the academic year at Mir Arab madrasah - theology college in Bukhara – Central State Archive of Uzbekistan, Fund # 837, List # 39, Case # 1319, p. 18 (13.09.1962).

[2] List of administration and staff members of Mir Arab madrasah in Bukhara – Central State Archive of Uzbekistan, Fund # 2456, List # 1, Case # 92, p. 104 (1945).

[3] He was dismissed on Feb.04, 1960 for connivance, assistance, and support to Muslim clergy and a serious warning record made into his personal employment card. Inagomov's case was discussed in the Bureau of Central Committee of Communist Party of Uzbekistan on Nov. 18, 1960, and Inogomov was expelled from membership of CPSU.

[4] Information about the start of the academic year 1960 at the college of Muslims' Board of Central Asia and Kazakhstan - Central State Archive of Uzbekistan, Fund # 2456, List # 1, Case # 725, p. 2.

[5] Curriculum of Mir Arab madrasah - Central State Archive of Uzbekistan, Fund # 2456, List # 1, Case # 92, p. 105 (1945).

[6] Letter # 150 on 12.07.1961 of A. Ivanov to Deputy Representative of the councils on Religion Affairs under the Council of Ministers of UzSSR Deputy Chairman of Council of Ministers of UzSSR - Central State Archive of Uzbekistan, Fund # 837, List # 39, Case # 900, p. 104 (1945).

[7] Information about the start of the academic year at Islamic theology colleges – Central State Archive of Uzbekistan, Fund # 837, List #39, Case # 1319, p. 19 (13.09.1962).

[8] Statement of the activities of Islamic academic institutions operating in the Uzbek SSR – Central State Archive of Uzbekistan, Fund # 2456, List #1, Case # 589, p. 20.

[9] Statement of the activities of Islamic academic institutions operating in the Uzbek SSR – Central State Archive of Uzbekistan, Fund # 2456, List #1, Case # 589, p. 20.

[10] Number of madrasahs under jurisdiction of the Muslims' Board of Movarounnahr – Archives of the Unit for Religious Education of the Muslims' Board of Uzbekistan.

[11] Data of Ministry of Justice of Uzbekistan on registration of religious organizations, 01.10.2004.

[12] Khalq Suzi newspaper, Sep. 23, 2003 issue.

[13] Muslims' Board of Uzbekistan (in Uzbek, English, Russian, Arabic), Tashkent, 2003, pp. 35-38.

Dr. Gunter Mulack,
Ambassador,Berlin
Representative for the Dialogue of Cultures,
Foreign Ministry

The Importance of Religion in the Dialogue of Cultures
and in the Struggle against Terrorism

Germany has for years attached a particular significance to the dialogue of cultures. In our globalized world, which has grown ever more interconnected through modern technology and particularly through the worldwide spread of satellite media, it's becoming more important than ever to engage and come to terms with other cultures, peoples and religions.

The attacks on September 11, 2001 in New York and Washington, and the subsequent unbroken wave of terrorist attacks, have led in the relationship between the West and the East – or between the Christian and Islamic worlds – not to understanding but to the sudden opening of new rifts of mistrust and fear. For many in the West, since the fall of communism, "militant Islam" has now become the new bogey-man. Likewise, many in the Islamic world see American policy as the symbol of a renewed dominance of the West over the Islamic world. If we want to avoid a scenario of "Jihad" versus "Crusade," or the clash of cultures (Huntington), then we must determinedly make use of opportunities for intercultural dialogue. The role of religion in the political conflicts of the present has become evident. Many of the terrorists responsible for the attacks, whether in Istanbul or Saudi Arabia (Al Khobar), refer to religion, attack the symbols of other religions and see themselves as warriors in the name of Islam. On the other hand, it is also no secret that US President George Bush is very closely bound with the fundamentalist circles of the protestant movement in the so-called "Bible Belt" of the United States of America and also sees himself on a mission from God. We are all challenged to emphasize the peacemaking power of religion and to stigmatize war in the name of religion as its perversion.

Inter-religious dialogue works well, as I have been able to determine from many conferences and meetings with religious leaders. The most important foundation is the mutual acceptance of the dialogue partner in the sense of religious tolerance. Religious tolerance includes the acceptance of the existence of other religious interpretations, which one perhaps does not follow oneself. Religious tolerance does not necessarily mean agreement about the contents of the religions, but rather a person-to-person connection with one another despite the differences. This tolerance is a precondition for inter-religious dialogue, the goal of which is not to bring about a unity of religions, but rather to contribute to improved mutual comprehension, to tear down misunderstandings and to find a path to peaceful coexistence. This requires mutual respect and tolerance, understanding for other forms of religious conduct, but also openness and criticism, including self-criticism.

An important principle for all sides is the regard for religious freedom. Mutual respect and tolerance are the basic preconditions for a peaceful relationship among different religious communities.

In Germany, we pay heed to the separation of state and religion. However, we grant religions a secure place for self-development. This includes the school system.

If one follows the media image of our world, one sees that it consists of prejudices and misunderstandings on all sides. While in the West – and by this I mean not only the USA but also include Europe and Germany – Islam is seen increasingly as a violence-affirming religion and threat, in the Islamic world, in turn, the West is feared as a morally decadent social order which threatens the traditions of its own societies and strives only for world domination.

Islam is one of the largest world religions, with an extraordinarily convincing power for many people. This is acknowledged also in the West. In the Second Vatican Council, it was said of the relation of the Catholic Church to Islam that: "God's Holy will encompasses also those who acknowledge the Creator, including above all the Muslims, who claim to have the faith of Abraham and who, along with us, pray to God as the one and only, the merciful, the one who will judge mankind on

Judgment Day."   In this sense, it is possible to conclude an inter-religious dialogue between the followers of the Abrahamic religions and thereby to understand one another in such a way that both sides feel understood. Then we need no longer fear one another or view each other as the enemy. The Koran begins in almost every Sura with the formula: Bismillahi arrahmani arrahim. As in Christianity, it is God the merciful to whom we pray, not the God of wrath and violence to whom, unfortunately, the many extremist Islamist groups pledge their allegiance. We must act decidedly against this climate of hate and violence. And this is what is usually missing: a clear condemnation of violence and terror in the name of Islam. This is where we require the moderate influence of religious leaders.

There are certainly also in the Christian religion, as well as in Hinduism and Buddhism, not just in the Islamic world, groups and voices which not only lack tolerance, but actively marginalize and disparage other religions. This form of religious interpretation can lead to the negative influence of religion on current political conflicts. The claims to exclusivity of the great world religions are even used by some to instigate such conflicts. It is therefore vital to work out and recognize in inter-religious dialogue the mutual ethical tenets of the Abrahamic religions, which provide different ways for mankind to approach God. This is particularly difficult for the fundamentalists. Fundamentalism is not at all a phenomenon only of Islam; rather, the word was coined in the 19th century with regard to particular manifestations of the Protestant church in the United States of America. Fundamentalists believe that only they possess the genuine truth and are therefore usually intolerant. This greatly complicates any dialogue.

With respect to inter-religious dialogue, one must, to be sure, also clearly recognize its limitations. The western world in Europe and also in Germany is increasingly worldly and non-religious. The majority of people in Germany no longer belong to a church and organize their lives on secular and individual principles. In this respect, an inter-religious dialogue is also no longer representative of the West. Thus we must enter into a socio-political dialogue. Naturally our society in the West has been and remains influenced by our Christian-Occidental cultural heritage. The world views derived from this heritage remain the foundation of our social life. This social culture is based not on religion, however, but on free democracy, constitutional principle, the spirit of tolerance and the protection of human rights and the rights of minorities. These principles are thus a more important basis for a dialogue of cultures and a socio-political discussion also with our Muslim fellow citizens in Germany, a socio-political dialogue that is far more comprehensive than simply an inter-religious dialogue between religious representatives.

The dramatic events precisely in the Near East and the Islamic world – I am thinking here of the still-unresolved conflict between the Israelis and the Palestinians, as well as the situation in occupied Iraq, but also the continuing war against the Taliban and Al Qaeda in Afghanistan – have not made the search for understanding and dialogue any easier. If we want to ensure a peaceful living together of peoples in the future, a sound and lasting understanding between the different cultures and civilizations is required. This is particularly the case in the shattered relationship between Islamic and Western civilization.

As a member of the German foreign office, I am responsible for the dialogue of cultures and dedicate myself particularly to the dialogue with the Islamic world. From my many travels and conversations I have learned one thing: one can only have a dialogue when one is credible and open and tries to understand the other side. At the same time, however, a dialogue is also only possible with those states whose societies also enjoy open dialogue. This is unfortunately not the case in the majority of Arab states, for example. Undemocratic systems, restrictions on the freedom of opinion, permanent human rights violations and dictatorial regimes allow no pluralism and no open dialogue within those societies. For all that, there exist, even in repressive societies, groups within the civil society that strive for more freedom and pluralism. It is most important to seek a dialogue precisely with these groups, and to help them on their own initiative to develop greater freedom. A further problem in the dialogue of religions and cultures is naturally the fact that Islam, in its own conception, concerns not only religion but also the system of government (din wa-daula = Turkish: din ve devlet). It thereby contains as well a political-ideological message, a call to action. In Germany and in most other European states,

on the other hand, there is a strict separation between state and religion and a farthest-reaching secularization of political and cultural life.

Dialogue must take place not only with our partners abroad, but also within Germany. As you all know, there are currently some 3.2 million Muslims living in Germany, mostly of Turkish origin. They have the right to be respected and tolerated in their religious convictions. As fellow citizens, who live for the greatest part peacefully in our society, they show a great steadfastness in their religious convictions, which – as you know – can also be very different.

Mutual understanding and the dialogue of religion are indispensable for a peaceful life together. I see here particularly the danger that the bloody conflicts, the struggle of terrorist groups against the West, also reflects on our relationship with our Muslim fellow citizens. For this reason we must come to an intensive and open dialogue on these issues also in Germany. This is the responsibility not of the foreign office, but rather of the Home Office and of other offices, and also of the churches, which have a particularly important role to play. They all want to enter the dialogue, with both the relevant Islamic organizations of Germany and with the local mosques and religious communities. In this dialogue, important questions and disagreements should not be ignored. Of particular significance are the positions of Islam on religious freedom and on changing one's religious affiliation, violent proceedings against unbelievers and also the pressure on adherents of other faiths and the human rights situation in Islamic countries.

Let me state openly: Wahhabist Islam, as lived in Saudi Arabia and promoted throughout the world, is – because of its intolerance to other religions and even to other groups in the Islamic world – a hindrance to peaceful understanding and coexistence between the West and the Islamic world. When in the bloody events in Al Khobar the killers singled out non-Muslims and then executed them, this was a gruesome example of religious hate and intolerance, which is the consequence of the decades-long effect of Wahhabist preachers on Saudi youth, with the tacit approval of the government. That fact that Christians in Saudi Arabia are not allowed to pray together and that no churches exist testifies as well to an intolerance that does not make it particularly easy to initiate a dialogue. Even worse is the fact that this intolerance of the Wahhabists, which we also find in many groups in Pakistan, for example, negatively affects our perception of Islam. When Shiites and Sunnis kill each other in Pakistan, and Sunni-Wahhabist circles have no qualms about the cold-blooded murder of Shiites in mosques, then this is seen by many in the West as a sign that Islam is violent and not ready for tolerance and dialogue. A clear distancing and condemnation of such bloody acts by the majority of the Islamic population in the states of the Arab world would help us to overcome these stereotypes and enemy images and open a path to better understanding.

Uzbekistan is a country that acknowledges and strictly adheres to the principle of secularity. This is a land with an overwhelmingly Muslim population, which has rediscovered Islam as a foundation for its identity, not always without tension. One can make the comparison here also with other states, nominally secular but experiencing an awakening of interest in Islam. This is particularly the case in Turkey. The new ruling party, the AKP, firmly acknowledges Islam as the foundation of its policies.

I believe that Turkey can play a positive role here as a bridge in the understanding between Europe and the Orient: as a land which follows a secular policy yet nonetheless has an Islamic culture, and has implemented many reforms on its path towards Europe, further changing and modernizing itself. Turkey could and should also play a role as an example of religious tolerance. For many, Turkey is a role model of a modern, secular state with a Muslim population. If one were to expand this model even further to other Islamic countries, and to intensify dialogue in this area with Turkey's neighboring states, then this could serve our common goal of resolving existing conflicts through dialogue and peaceful reconciliation and of preventing future conflicts. This is made more difficult, to be sure, by the fact that the memories of the Ottoman Empire are very negative in the Arab world, and many Arabs would find it difficult to accept the Turkish model. In Central Asia, however, there are positive points of contact. I believe that Turkey is, also for Uzbekistan, an interesting example of how a secular state can get along with Islam.

The recognition of the cultural diversity of our different cultures is important. Precisely this multi-cultural variety gives our cosmopolitan world its appeal. It would be terrible if all people were

uniformly dressed in exactly the same way, if all clothing as well as hair and beards were dictated. Such uniformity is rather a sign of a lack of pluralism and democracy and contradicts our cultural acceptance of the individuality of the person within the framework of a democratic legal structure.

The traditional societies in the Islamic world, with their high regard for honor and dignity, often feel threatened by modernity. It will become increasingly important for the challenges of globalization to be seen also as an opportunity, and for these challenges to be open to free competition. Comprehensive education, knowledge of foreign languages and mobility are also key to this. The 21st century is the age of the knowledge society, which is a particularly strong challenge for the Arab world. As both of the UNDP reports on human development in the Arab world show, the gap in this area particularly has grown significantly greater in the past few years. In almost all areas, the Arab world is lagging behind with regards to teaching, science, education and the use of modern technology. The assertions of these reports can also be applied to other states with an Islamic population. The writers of these reports, who by the way all come from the Arab world, are united in their opinion that it is ultimately the lack of freedom and creativity which is responsible for this negative tendency and this stagnation of research and instruction. In this respect, the basic idea of reforming and modernizing the Islamic world is correct. Just bear in mind – democracy and pluralism can perhaps be held up as examples, but not exported like Coca Cola and jeans. It is the task of the governments and civil institutions in the region to develop their own pluralistic, liberal and efficient societies. Along the way, we can provide assistance and should actively do so. Only through greater development in economic, social and societal spheres, through better government leadership, the struggle against widespread corruption and the provision of better equal opportunities, will we be able to contribute as well to the alleviation of the frustrations of the younger generation. 60% of the people in the Islamic world, and in the Third World in general, are under 25 years old. They, too, wish to find their place in society, to have occupational and social opportunities. As long as we fail to work more strongly on these fundamental issues, the rush of frustrated young men towards extremist groups in all regions of the Third World, particularly the Islamic world, will continue. The exploitation by unscrupulous and often Mafia-like power elites, the corruption, repression, human rights violations and denial of equal rights to women, the social injustice – these are all points which lead to the frustration and confusion of youths and ultimately radicalize them. It is not only external factors such as colonialism, western domination and arrogance which provide fertile ground for the terrorists, but also the internal conditions in many of these states, whose young populations are going through an existential identity crisis and looking pessimistically at an uncertain future. There are also a whole number of factors that encourage an inclination towards extremism and lead to hate and violence. If we do not attack the roots of terrorism, this phenomenon, with its destructive effects also on the relationship between culture and religion, will occupy us for many decades to come. In this respect, I can only call once again for more to be done to achieve a better understanding between culture and religion, and also for more to be done to remedy the deplorable state of economic and social affairs so that together, in peace, we can provide for a stable and peaceful world in our 21st century.

Dr. Malika Normukhammedova,
Director, Khadichai Kubro
Female Islamic Special
Secondary Academic Institution, Uzbekistan

The Role and Objectives of Religious Education
in Striking a Rational Balance in the Relationship
between the State and Religion (in the case of female Islamic special secondary academic institutions)

It is notable that for centuries Muslim women in Central Asia could not receive a formal education at higher and secondary educational establishments. After independence, religious education in Uzbekistan began to develop based on the experience of the Tashkent Islamic Institute and the Mir Arab madrasah, where only young men could be educated. The weakness of the system of religious education became one of the reasons for the improper activities of various extremist groups acting under the pretense of Islamic slogans.

After independence, the young Uzbek state shifted its approach to religion altogether, regarding it as one of the means of reviving national identity. Effective government policies in the religious realm created favorable grounds for the study of the religious legacy of the Uzbek people by Muslim women and their active participation in the study of religious values.

A variety of forms and means of cooperation between state and religious institutions has emerged in the process of democratization of public life. Particularly, a network of educational establishments, including female institutions, has made a surge forward in development.

The religious institutions of the country are facing the task of training a highly qualified cadre which has equally mastered secular and religious knowledge. Today the Muslims' Board of Uzbekistan administers ten Islamic special secondary academic institutions, including three female institutions. They include Khadichai Kubro in Tashkent, Juybori Kalon in Bukhara and Khoja Bukhoriy in Kitob (co-ed). Over 300 girls are enrolled therein. In addition to the 90 students enrolled for 1-4 years of study at the academic institution Khadichai Kubro, another 100 students are enrolled in foundation courses, and another 60 students at educational courses for women over the age of 35.

52 female students are enrolled at the academic establishment in Bukhara, and 24 female students study along with young men in Kitob.

The basic objective of the above-named academic institutions is to provide students with knowledge and practical skills in the area of religious studies, with the qualifications of a teacher of behavioral culture and basic Arabic.

Tuition is based on the approved educational standards of Islamic special secondary institutions. They are equivalent to the state standards of vocational colleges.

Curricula are approved by the Muslims' Board of Uzbekistan and agreed with the Ministry of Higher and Special Secondary Education, the Ministry of Public Education and the Committee for Religious Affairs under the Cabinet of Ministers of the Republic of Uzbekistan.

Graduates of secondary schools who have chosen this profession voluntarily make up the bulk of the student body. Daughters of imams who have studied the Qur'an from childhood and been brought up in the spirit of Islam stand out among them.

The main objective of female Islamic special secondary academic institutions is to train specialists with a profound knowledge of religion who are well-educated in the history of world religions, particularly Islam. Along with theological disciplines, students also study chemistry, physics, astronomy, biology, math, computer science, Arabic, Russian and other foreign languages included in the curricula of state colleges.

As in any educational establishment, the academic and research excellence of the faculty is crucial. In 1997 14 teachers from the female Islamic academic institution Khadichai Kubro graduated from Tashkent Islamic Institute and became the first women in Central Asia with a higher religious

education. From their first years of education in these establishments, students are trained in additional qualifications such as sewing, computer science, culinary skills, medicine, etc. This provides graduates further opportunities to actively participate in public life.

Over one thousand girls have graduated from female Islamic educational establishments and are working in public education, including kindergartens, schools, colleges and high schools across the country. Our graduates were the first students of Tashkent Islamic University. In the last two years since graduation some of them have been working at government institutions, while others are enrolled in graduate study. This is evidence that the link between religious academic establishments is growing stronger each year.

Female graduates of Islamic educational establishments teach the history of religion, Arabic and behavioral customs and work as religious counselors. Furthermore, the mastery of the students enables them to participate in international contests of Qur'an recitation. For instance, Ms. Mutabar Khaydarova and Ms. Mukhlisa Ergasheva, students of Tashkent Islamic secondary special educational establishment Khadichai Kubro, participated in international contests of Qur'an recitation in Malaysia.

The availability of modern equipment, the necessary technical facilities for education, and textbooks and literature in Uzbek, Russian, Arabic and other foreign languages at academic establishments creates favorable grounds for educating new generations of Muslim women, thereby making a substantial contribution to the enhancement of rationalism in the relations of secular governance and religion.

One of the objectives of female Islamic special secondary establishments is the training of highly educated Muslim women able to counteract the spread of radical ideologies. By the same token, not only traditional Islam but also various radical religious movements are studied in lectures, seminars, colloquia, workshops and extracurricular classes. The presence of ecclesiastic scholars at Tashkent Islamic University, Tashkent Islamic Institute and dozens of Islamic special secondary academic institutions helps to neutralize religious extremist movements.

The timely publication of textbooks, study materials, and literature of the above-mentioned Islamic educational establishments, as well as the publication of numerous religious texts for the public in general contribute to this cause. The media are actively propagating the religious education of all levels of the population. "Ziyo" Youth TV studio at Tashkent Islamic University is strongly involved in female religious education along with many other urgent issues of religious education.

In the meantime, there are forces interested in the politicization of Islam, the spread of extremist religious sentiment. Hence, for the purpose of preserving peace and stability, female Islamic educational establishments are training students for the struggle against religious extremism, fundamentalism, and fanaticism.

Educating young Muslim women in secular and religious disciplines and raising them in the spirit of respect for representatives of other religions enables them to widen the circles of their public engagements. Graduates of secondary Islamic educational establishments are ready to propagate the idea that religion and secular governance can not only co-exist but also constructively collaborate in public policy.

Issues arising from the emergence of religious extremism are interspersed in every aspect of educational work. Renowned ecclesiastics, scholars, statesmen and clergy are invited to give lectures on pressing matters in extracurricular hours in addition to providing lectures, workshops and seminars.

A number of political religious organizations, primarily Hizb-ut-Tahrir al Islami, are striving to establish illegal religious propaganda among Muslim women through the distribution of leaflets and other extremist literature. The ultimate objective of these underground groups is to prepare the ground for a coup d'etat. HT members are particularly pro-active here. Not only do they recruit new members among young men and women but they also train them in underground courses, particularly girls without solid ideological views. The more intelligent and knowledgeable girls are less vulnerable to such recruitment. Leaders of extremist centers seek to involve in terrorist activities those women and children whose husbands and fathers are in correctional facilities.

Cases of Muslim women becoming suicide bombers have become more frequent in the modern world. But the involvement of women in militant extremist groups is a phenomenon entirely alien to

Islam and Shariah, and there are no analogues in the centuries-long history of our religion. Suicide is a major sin from a religious perspective. As our Prophet said "There is no Islam where violence is present."

Today is the time to strike a mutually beneficial balance between secularity and religiosity in the life of the Uzbek woman. The underlying principle of state policy towards religion is the non-interference of religion with politics. The extremist activities of isolated fundamentalist women essentially have no relation to our sacred religion, although for many these are associated with the religion of Islam. These elements acting in the pretense of Islam are demanding the political and social transformation of the society.

Despite the major work done in striking a rational balance between state and religion, religious educational bodies are still facing major unaddressed issues, including the following:

The government and Muslims' Board have provided the ground and conditions for the religious education of Muslim women. But thirteen years of experience from religious educational establishments has demonstrated the need for boosting them with experienced ecclesiastic scholars. A Shariah norm – the impermissibility of tuition by male educators – is a barrier. We have succeeded in organizing twice-weekly classes by ecclesiastics for female faculty members of Islamic educational establishments.

Most of the students of female educational institutions are residents of Tashkent. This demonstrates the necessity of increasing the enrollment of provincial girls.

The many years of working experience of the Tashkent female educational establishment Khadichai Kubro in educating Muslim women over the age of 35 in educational courses demonstrates the need to establish analogous courses in other towns throughout the country. The position of counselor to the chairman on matters of religious and moral education has been introduced at all mahallas (local community councils) nationwide in implementation of the Decree of Islam Karimov, President of the Republic of Uzbekistan. There is much to be done to develop their professional skills.

We are facing the challenge of finding employment for our graduates, as many of them are temporarily unable to work in their profession due to childbirth.

Much remains to be done to improve the professional knowledge and political awareness of our students.

It is clear in the example of religious educational work among Muslim women that all the pre-requisites are in place to enhance rational relations between the state and religion in Uzbekistan amid the democratization and liberalization of public life.

The participants of the international conference "Secularity and Religion in Muslim Countries: Searching for a Rational Balance" held on October 1-2, 2004 in Samarkand, having discussed the wide spectrum of issues related to the various aspects of relations between ruling political groups and religious institutions, state:

First: The issue of the relations between the state and religion in contemporary Muslim nations is a multifaceted process unique in each country. The common feature of its manifestation is the relationship between the state and religion, which has become an imperative defining the progress and essence of state and public development of countries with a primarily Muslim population.

Second: The evolution of relations between the state and religion is proceeding along with the accelerating globalization processes, including in the information technologies sector, a fact which has become a mixed blessing for the development of relations between ruling political groups and religious organizations.

Third: The evolution of relations between the state and religion in the newly independent states that emerged in the place of the former Soviet Union is distinguished by a number of distinct features, inter alia:

- its course has coincided with the buoyant resurgence of religious, particularly Islamic, values;

- it is proceeding in line with efforts to build legitimate democratic states and open pluralist civil societies;

- it is accompanied by the politicization of Islam and the radicalization of the religious conscience of a segment of the Muslim population.

The synergetic effect of the above-mentioned and other factors that directly and indirectly impact the course of development of relations between the state and religion turn them into an extremely intricate and multifaceted phenomenon.

Fourth: The growing influence of inadequately educated and radical-minded young advocates of civil society on the discussion of urgent matters related to religious life and the socioeconomic sector can be observed. This growing trend in some countries of the Muslim world has even led to the issuance of fatwah – religious decrees, in which theological grounds and vital discretion are replaced by the fancy slogans typical of radical political Islam.

In light of the above, the conference believes it is expedient to recommend the following actions:

First: To enhance scholarly research on issues related to the relations between the state and religion, in order to assist the establishment of the spirit of constructivism helpful in the quest for an acceptable balance between secularity and religiosity in the life of contemporary Muslim societies.

Second:

· To seek the overhaul of the quality of training in religious education, improving teaching standards and curriculum development.

· To assist the development of theological discipline on a national level, focusing the efforts of religious scholars on addressing pressing matters in Islamic studies.

· To enhance the role of prudent clergymen in public life and to improve the quality of the fatwah-religious rulings they make.

<u>Third</u>: To support by all means the efforts to expand religious educational activities and to improve their quality, regarding this as the prime means of combating religious extremism, radicalism and fanaticism. To provide effective support for the promotion of relevant success stories in contemporary Muslim nations.

<u>Fourth</u>: To continue practical efforts related to the further improvement of the legal field, in which religion operates as an effective actor in the processes taking place in the life of modern Muslim nations. To assist the efforts aimed at the dynamic transformation of the role and place of law enforcement bodies as an instrument for the prevention and early warning of violations in religious life.

<u>Fifth</u>: To organize and hold a round-table at a research institution or a higher educational institution in Tashkent with the participation of leading specialists and representatives of law enforcement bodies for further discussion of this problem and for designating the topic of the next conference dedicated to the relations between the state and religion in Muslim countries

З.И. Мунавваров, Р.Й. Крумм (отв. ред.)

**Светскость и религия в мусульманских странах:
поиск рационального соотношения**

(По материалам международной научно-практической конференции "Светскость и религия в мусульманских странах: поиск рационального соотношения", проведённой Республиканским научно-просветительским центром Имама Бухари, Ташкентским исламским университетом, Национальным центром Республики Узбекистан по правам человека и Фондом им. Фридриха Эберта. 1-3 октября 2004 г., Самарканд, Республика Узбекистан)