Religious Freedom and Religious Minorities and the State

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Bismillah Hir Rahma Nir Rahim (I begin with name of God the Most Kind the Most Merciful). I greet you with the greetings of Islam (Assalamu Alaykum wa Rahmatullah wa Barakathu (May God's blessing and peace be with us all.)

I am honoured to be asked by the Universal Peace Federation (UPF) for inviting me on this very timely and important conference, to speak to you on the issue of Minorities and Religious Freedom from the Islamic Perspective. Form the very outset, I brought greetings from Farooq Murad the current Secretary General of British Muslim's most representative umbrella body Muslim Council of Britain (MCB) and the previous Secretary Generals Sir Iqbal Sacranie OBE, Yousuf Bhailok and Dr Abdul Bari OBE. Religious freedom and the freedom to change ones religion to or from Islam or to be a believer or not has been given by God Almighty.

The Holy Qur'an (the word of God Almighty (Subhanhu wa taala and *Izzu wa Jal*) and the Sunnah (proven practices`) of the Holy Prophet (Peace and Bless of God be with hin 0OBUH) are undisputed two main sources of Islam. The Holy Qur'an support complete freedom of choice and prohibit any degree of coercion of non-Muslims. For Example see below The Holy Qur'an Chapter 16: Verse 125; and 18:29: See Below

The Holy Qur'an says, "**Let there be no compulsion in the religion**: Surely the Right Path is clearly distinct from the crooked path." (**The Holy Qur'an** Al Baqarah, 2:256).

"Those who believe, then disbelieve, then believe again, then disbelieve, and then increase in their disbelief - Allah will never forgive them nor guide them to the path." (**The Holy Qur'an** Surah An-Nisa', 4:137).

For example, the Holy Qur'an says: "Let him who wishes to believe, do so; and let him who wishes to disbelieve, do so." (**The Holy Qur'an** Al-Kahf: 18: 29)

The quotation from the Holy Qur'an Surah An-Nisa' 4:137, shown above, seems to imply that multiple, sequential apostasies are possible. That would not be possible if the person were executed after the first apostasy.

From the above verses it can be argued that religious freedom and the absence of compulsion in religion requires that individuals be allowed adopt a religion or to convert to another religion without legal penalty. Hence the death penalty is not an appropriate response to apostasy.

The former Chief Justice of Pakistan, SA Rahman, has written that there is no reference to the death penalty in any of the 20 instances of apostasy mentioned in the Holy Qur'an.

The Holy Qur'an does not mention any Penalty for an Apostate

It is a significant fact that the Book of God does not prescribe any punishment for apostasy. Many Muslims would immediately say, The Holy Qur`an does not tell us everything. We need to go to the Hadith to find guidance on matters not touched by the Holy Qur`an. But while this is true of matters of detail, this is not true of fundamental issues. God knew that while the Holy Qur`an would be preserved faithfully, the authenticity of ahadith will remain subject to doubts in most cases. Therefore, he would make sure that all the basic teachings would be included in the Holy Qur`an while leaving some details to ahadith so that the size of the Qur`anic text remains manageable for memorization. Looked in this way the absence in the Holy Qur`an of any punishment for apostasy becomes very significant.

The punishment for apostasy is not a detail that we can expect God to leave for ahadith, especially if that punishment is <u>death</u>, since taking the life of a person, if done without a just cause, is regarded by the Holy Qur`an as tantamount to killing all human beings ( The Holy Qur`an 5:32). Even lesser penalties for theft (cutting of hands, Holy Qur`an 5:38), illicit sexual intercourse (100 lashes, Holy Qur'an 24:2), and unsubstantiated accusation of adultery (80 lashes, Holy Qur'an 24.4) were not considered by God as matters of details to be left to the ahadith. Therefore there is no reason why God would consider the more serious penalty of death for a more serious sin of apostasy as a matter of detail to be left to ahadith.

It is also significant that the Holy Qur`an refers to apostasy several times (The Holy Qur`an 2:217, 3:86-90, 4:137, 9:66, 9:74, 16:106-109, 4:88-91, 47:25-27) and yet does not prescribe any punishment for it. Had the Holy Qur`an not mentioned apostasy at all, we could have perhaps argued that there was no occasion for the Qur`anic revelation to deal with this subject and it was therefore left for the Holy Prophet to deal with. It may also be noted that almost all the verses that refer to apostasy are found in surahs said to be belonging to the Madinan period when the Islamic state had been established and penalties for crimes could be prescribed and applied. Only 16:106-109 appears in a surah identified as Makkan.

It is thus a natural conclusion to draw that the absence of any legal penalty for apostasy in the Holy Qur`an means that God never intended any such penalty to become part of Islamic Shari'ah.

The Death Penalty for an Apostate contradicts with the teaching of the Holy Qur'an. The evidence against any legally prescribed penalty for apostasy in Islam does not rest only on the fact that the Holy

Qur`an does not prescribe any such penalty while referring to the subject of apostasy many times. We can go further and state that:

a) There is no mandatory death penalty in the Holy Qur`an for <u>any</u> crime.

b) The death penalty for apostasy in fact conflicts with the Holy Qur`an.

The truth of the above statements can be seen by examining the verses: The **Holy Qur`an 5:32-33, 45, 2:178 , 4:88-91 and 5:32-33.**

In the Holy Qur'an 5:32, after relating the story of the murder of H*abi*l by his brother Q*abi*l, God says:

"On that account We ordained for the Children of Israel that if any one slew a person - unless it be for murder or for spreading mischief in the land - it would be as if he slew the whole humanity: and if any one saved a life, it would be as if he saved the whole humanity. Then although there came to them Our Messengers with clear (guidance), yet, even after that, many of them continued to commit excesses in the land". (The Holy Qur'an 5:32)

Religion continues to be an important identity marker for communities, especially when they are in a minority context. To be a minority is not always a very pleasant experience, and that is why minorities sometimes are found in a struggle to become the majority or at least to grow in number as much as they can. Our respective communities constitute the majority of the world's population; therefore instead of going into debating how they got this status we shall focus on the present demographics of our religious communities in a minority context.

Presently, more than one third of the world's Muslims are living as minorities in non-Muslim countries, a fact that has posed challenges not only for the host countries, but also for the Muslims themselves. Most Muslims perceive Muslim minorities as an integral part of the larger Muslim community, or ummah. Many insist that Muslims must be governed by Islamic law, often that of the country of origin. Home countries are expected to offer human, political, and financial resources in order for minorities to live Islamically. This perception is quite problematic. It implies that while the Muslims have been living in these countries for three generations, their presence is transitory – it cannot conceive of Muslims living permanently under non-Muslim rule. This perception also tends to imagine Muslim minorities as colonies of the Muslim world. Apart from the question of whether Muslim countries are in a position to play the role described above, other serious questions are raised on the future of the Muslim minorities.'[1]

More than one hundred million non-Muslims are presently living in countries with a Muslim demographic majority. The population of Muslim countries comprises three quarters of the world's 1.26 billion Muslims. Most of these countries have an overwhelming Muslim majority and Islam as a state religion. Non-Muslim communities in Muslim countries are shrinking in their relative size and in some places in absolute numbers. These communities are affected by a process of Islamization, understood as an increase in the percentage of Muslims. Most Christians living in these countries are not immigrants; rather they are living there for a long time well before the rise of Islam.

The problems experienced in the West by Muslims and those by Christians in Muslim majority contexts are evidently different in nature. In the West, it could be said that secular and anti-religion voices are escalating, often giving a hard time to religious communities who seek to maintain their religious value and traditions whilst being part of the larger society. The Archbishop of Canterbury in his Eid message on

9 September 2010 said,

'At the present time our religious communities face many challenges and many provocations. In this country there are those who speak maliciously about religion in general and often against Islam in particular; demonstrations in many of our cities are intended to provoke; and in other parts of the world the threat to desecrate scriptures is deeply deplorable and to be strongly condemned by all people.'[2] (The Archbishop of Canterbury's 2010 Eid message).

On the other hand, Christian minorities in Muslim majority countries are experiencing growing problems because of the religious groups. This is the major difference that needs to be addressed.

Archbishop Rowan in his article 'A truly Islamic state would protect Christians - Times Article' on Monday 7th March 2011 said:

"What needs to change? There needs to be a rational debate in Pakistan, and more widely, about the blasphemy laws that are at the root of so much of this. And this is likely to happen only if the international Islamic intelligentsia can form a coherent judgment on the level of abuse that characterises the practice of the blasphemy laws in Pakistan. Most Muslim thinkers are embarrassed by supposedly "Islamic" laws in various contexts that conceal murderous oppression and bullying. Their voices are widely noted; they need to be heard more clearly in Pakistan, where part of the problem is the weakening of properly traditional Islam by the populist illiteracies of modern extremism."[3]

What does it mean to be a minority? Different people would have different answers, but it is important that how we interpret our religion and perceive our religious. One of Jesus' sayings, the golden rule for communities and individuals, does not indicate reciprocity but implies a social source of change from us to others.

"Treat Others as You Want to Be Treated"[4] (Matthew 7:12**)**

Golden Rule

www.tanenbaum.org/sites/default/files/TheGoldenRule_English.pdf

Baha'i:

And if thine eyes be turned towards justice, choose thou for thy neighbor that which thou choosest for thyself. --- Lawh'i 'Ibn'i Dhib, "Epistle to the Son of the Wolf" 30

Buddhism:

Hurt not others in ways you yourself would find hurtful. -- Udana-Varga, 5:18

Christianity

In everything do to others as you would have them do to you; for this is the law and the prophets. -- Matthew 7:12

Confucianism:

Do not unto others what you do not want them to do to you. -- Analects 15:13

Hinduism:

This is the sum of duty: do naught unto others, which would cause you, pain if done to you. - The Mahabharata, 5:1517

Islam:

Not one of you is a believer until he loves for his brother what he loves for himself. -- Fortieth Hadith of an-Nawawi 13

Jainism

A man should wander about treating all creatures as he himself would be treated. -- Sutrakritanga 1:11:33

Judaism:

What is hateful to you, do not do to your neighbor: that is the whole of the Torah; all the rest of it is commentary. -- Talmud, Shabbat 31a

Native American:

Respect for all life is the foundation. -- The Great Law of Peace

Sikhism

Treat others as thou wouldst be treated thyself. -- Adi Granth

Taoism:

Regard your neighbor's gain as our own gain and your neighbor's loss as your own loss. --T'ai Shang Kan Ying P'ien

Zoroastrianism

That nature alone is good which refrains from doing unto another whatsoever is not good for itself. -- Dadistan-I-Dinik, 94:5

Faith in the United Kingdom: Christianity has been a major factor in shaping our society's religious, cultural and legal heritage, although throughout past centuries some people of other faiths have also been present in these islands. For example, the Jewish community has had a longstanding presence. In contemporary British society there are now, alongside Christians and Jews, also substantial numbers of British Buddhists, Hindus, Muslims and Sikhs, along with significant smaller religious groups, such as Baha'is, Jains and Zoroastrians, and many other religious movements too. As well as people with a religious faith there are many who are not committed to any religious tradition. These include people who would define themselves as being entirely secular or as atheist, but also those who might describe themselves as not being formally 'religious' but would nonetheless see life as having a spiritual dimension.

The 2001 Census recorded 7.9% of the UK population as coming from minority ethnic groups. On the

basis of the age structures of different groups this proportion can be expected to have increased by the time of the Census in 2011 and to continue to do so. In response to a question in the 2001 Census 76.8% of people in the UK indicated that they had a particular religious identity. 71.6% identified themselves as Christians and 5.2% identified themselves as being of other faiths. 42 million people identified themselves as Christians, 1.6 million as Muslims, .56 million as Hindus, .37 million as Sikhs, .27 million as Jews, .15 million as Buddhists and .18 million described their faith as 'Other'. Diversity is at its greatest in cities such as Birmingham, Glasgow, Leicester and London. For example, 45% of the ethnic minority population of the UK recorded in the 2001 Census lived in Greater London, where around 30% of the total population came from minority ethnic groups, and 17.35% identified themselves as belonging to minority faith groups.

Unlike most other Liberal western Societies, Britain, or rather England has long given Christianity a central place in the structure of the State, As a part of a historical religious settlement, England has a established church, and a law which protects Christianity against blasphemous attacks. As an established church, the Church of England enjoys a number of rights. Twenty six Anglican Bishops have an ex-officio seat in the House of Lords (upper House of British Parliament); the church of England alone has right to officiate at such state ceremonies as coronations, royal weddings, and to perform pastoral duties in the armed forces, prisons, hospitals, the reigning monarch is the "defender of the Faith", and he/she or his/her children can marry only the Protestants. In return for these privileges enjoyed by the Church of England, the monarch or the government of the day enjoys several rights. The Prime Minister appoints senior bishops, bishops have to take oath of loyalty to the monarch; the government has the right to intervene in the internal affairs of the Anglican Church; and so on. The present Government has established faith Units at Foreign Commonwealth Office (**FCO**), at Home Office and at Department of Trade and Industry (**DTI**), and established Inner Cities Religious Council (**ICRC**) at the Deputy Prime Minister office in Environment Department.

Freedom to practice our faith*:** Everyone in the UK has "the right to freedom of thought, conscience and religion"; and "freedom, either alone or in community with others, and in public or in private, to manifest his religion or belief in worship, teaching, practice and observance". While the right to freedom of thought, conscience and religion is absolute, the right to manifest a religion or belief is a qualified one *. Nevertheless, these freedoms ensure that all British citizens can play an active role in contributing to the common good and helping shape our shared public life, motivated by their particular convictions and bringing to bear the perspectives of different faiths and beliefs.

*This right is guaranteed under Article 9(1) of the European Convention on Human Rights, incorporated into UK law through the Human Rights Act 1998. However, Article 9(2) says that "freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others". These rights are also subject to Article 29 which says that everyone has duties to the community in which alone the free and full development of his personality is possible; in the exercise of his rights and freedoms, everyone shall be subject only to such limitations are as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society; these rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Religious Diversity in the UK: The most recent census of the UK population in 2001 asked people to indicate their religion and 95% of people completed this information on the census form. The results showed that the dominant faith in the UK is Christianity with 72% of people saying they were Christians. But, only 6% attend church services regularly. Religious identity is not about practising religion. They celebrate Christmas or Easter in a commercial way, buy presents, take time off work or school but do not

always celebrate with prayers and religious services. The UK is mainly a secular society.

'Yes to Equal Citizenship, No to Double Standards'

British Muslims in Census 2001 British Muslims: At a glance

More than 50% of the Muslim population British Born and are below the age of 24

There are 1,600 mosques in Britain. Half of Britain's Muslims are under 25.

Britain has more than 5,000 Muslim millionaires with more than £ 3.6 billion collective liquid assets.

In 2002, 5,379 Muslim men were in prison compared to only 430 Sikhs and 256 Hindus.

While they excel in cricket, boxing and rugby, there are no British Muslims in football's Premier League.

The Muslim population:

1.6m the number of Muslims in Britain (1.54 million in England and Wales and 40,000 in Scotland)

43 per cent originate from Pakistan, 17 per cent from Bangladesh and 9 per cent from India

36 per cent of Tower Hamlets' population is Muslim, the highest concentration of any part of the UK

2/10 Pakistani or Bangladeshi women are active in the job market, compared to 7/10 black Caribbean and white women

£150 a week is the average amount that Pakistani and Bangladeshi men earn less than white men

30 per cent of pupils of Pakistani origin gained 5 or more GCSE grades A-C in 2000, compared with 50 per cent of the total population

1in3 Muslims has no qualifications, the highest for an ethnic group in Britain. They also have the lowest proportion of degrees or other higher qualifications

9 per cent is the number of Muslim prisoners in England and Wales. The number rose in 1994-2004 from 2,513 to 6,571

2004 In this year Muslims had the highest male unemployment rate in Britain, at 13 per cent, about three times the rate for Christian men (4 per cent)

31 per cent of working age male Muslims were economically inactive, the highest level in the country, in 2004

[1] *Islamic Law and Muslim Minorities by Dr Khalid Masud,* This paper was first published in the ISIM Review 11/02, (ISSN 1 388-9788) and is reprinted here with the kind permission of the author and The International Institute for the Study of Islam in the Modern World (ISIM) . The ISIM Review is available online at www.sistersinislam.org.my/baraza/khalid%20masud.pdf

[2] The Archbishop of Canterbury's 2010 Eid Al-Fitr message
www.archbishopofcanterbury.org/2984?q=The+Archbishop+of+Canterbury%C3%A2%C2%80%C2%99
s+2010+Eid+message

[3] This article can also be viewed at The Times Online website:
www.thetimes.co.uk/tto/opinion/columnists/article2936120.ece

www.archbishopofcanterbury.org/3154

[4] Matthew 7:12

Religion	England	Scotland	Wales	Northern Ireland	UK Total	UK %
Buddhist	139,046	6,830	5,407	533	151,816	0.3
Christian	35,251,244	3,294,545	2,087,242	1,446,386	42,079,417	71.6
Hindu	546,982	5,564	5,439	825	558,810	1.0
Jewish	257,671	6,448	2,256	365	266,740	0.5
Muslim	1,524,887	42,557	21,739	1,943	1,591,126	2.7
Sikh	327,343	6,572	2,015	219	336,149	0.6
Other religions	143,811	26,974	6,909	1,143	178,837	0.3
Total all religions	38,190,984	3,389,490	2,131,007	1,451,414	45,162,895	76.8
No religion	7,171,332	1,394,460	537,935		9,103,727	15.5
Not stated	3,776,515	278,061	234,143		4,288,719	7.3
All no religion or not stated	10,947,847	1,672,521	772,078	233,853	13,392,436	23.2

Source: Office for National Statistics, London; General Register Office, Scotland; Northern Ireland Statistics and Research Agency. Collated by the Inter Faith Network, 2003.

Diversity is at its greatest in cities such as **Birmingham, Glasgow, Leicester and London**. For example, 45% of the ethnic minority population of the UK recorded in the 2001 Census lived in Greater London, where around 30% of the total population came from minority ethnic groups and 17.35% identified themselves as belonging to minority faith groups. The local authority area in Britain with the highest proportion of its population from ethnic minorities was the **London Borough of Newham** with 60.6%. **The London Borough of Harrow** was the local authority area in Britain with the highest proportion from minority faiths, with 47.71% identifying themselves as Christian and 34.2% as being of other faiths. The extent of ethnic and religious diversity differs markedly from one geographical area to another. Some authorities are very diverse whereas others are not. However, the handling of diversity in appropriate ways within our national society is, of course, relevant to people regardless of how diverse the area is in which they live.

In December 2003 a government minister* outlined the public philosophy underlying such developments: 'In Britain we have a proud tradition of supporting free speech and allowing people to follow their own beliefs. The British way is to support religious freedom. It is tolerant and adaptable. Britishness today is not homogeneous. It is evolving and is as rich as the different people in Britain. British Muslims have consistently shown how it is possible to be British, Muslim and proud. 'Throughout the country, Muslims, with their strong commitment to community development, and with enterprise and dedication, are playing a vital role in building a strong and vibrant society.

There has been a long running controversy in France both within the state education system and nationally about symbols and the role of faith in a secular society. This is a debate we had a long time ago, and with our very different traditions and with sensitivity displayed by all faiths, we have been able to find within our own culture a way of celebrating diversity without controversy. For example, a British woman can wear the hijab comfortably in public or in a school. That diversity is something that as a Government we value and why we are developing work on inter-faith dialogue and the importance of understanding of each other's cultures and respect for one another's traditions and values. **(*Speech by Home Office Minister Fiona Mactaggart, 18 December 2003. The wider context for her speech included the hijab controversy in France. Well-publicised statements deploring developments in France were made by Robin Cook, the former Foreign Secretary, and Dr Rowan Williams, the Archbishop of Canterbury.)**

Diversity in the World: Through my reading of the sacred text of the Holy **Qur'an and Sunnah**, I have come to conclusions that are relevant to the application of the Holy Qur'an to contemporary society, particularly with regard to democracy and pluralism. First, one of the core principles of Muslim belief is **shura**, which means consultation. This was how the Prophet consulted with his companions on making decisions for his society. In the Qur'an, shura is mentioned twice, as a fundamental belief, just like prayer, and as a practice, according to the time in which one lives. In our times, genuine shura means genuine pluralism of points of view, and democracy. Second, this view of shura changes the concept of Jihad, which we hear so much about from the fundamentalists.

The foundations out of which an Islamic perspective on any topic should arise are nothing less than the authentic sources of Islam, the Qur'an and the traditions of the Prophet Muhammad (Peace Be Upon Him). Both the Qur'an and the Hadith embrace and affirm **Ikhtilaf**, i.e. differences in belief, perspectives and viewpoints, as being natural and an essential part of the human condition. A denial of the right of others to hold beliefs and views, which are different and incompatible to one's own, is tantamount to a denial of Allah himself. In the Holy Qur'an, chapter 10, verse 99, Allah, the Sublime, declares:

"If your Lord had so desired, all the people on the earth would surely have come to believe, all of them; do you then think, that you could compel people to believe?"

And again in Qur'an, chapter 11, verse 118, Allah, the Sublime, declares:

"And had your Lord so willed, He could surely have made all human beings into one single community: but (He willed it otherwise, and so) they continue to hold divergent views."

Both of these verses establish the principle of freedom of belief and thought in Islam. At the conclusion of the first verse, the Prophet Muhammad (PBUH) is himself reproved for transgressing this principle by being over-enthusiastic in convincing others with regard to the truth of Islam. Thus the Qur'an stresses that the differences in beliefs, views and ideas of humankind is not incidental and negative but represents an Allah-willed, basic factor of human existence. The challenge which the principle of freedom of belief and thought in Islam holds for us is to develop clear ethics and find mechanisms to manage and deal with the differences of beliefs and theologies that exist. This is the challenge that religious pluralism holds for us. The Holy Qur'an repeatedly points out that its core message is not new and the relations between Muslims and "the followers of earlier revelations" are one of the same in essence. Islam is the same religion from the same God, the creator of Adam and the God of Abraham, Isaac and Jacob**. "Say: We believe in God and that which God revealed to us, and that which was revealed to Abraham, Ishmael, Isaac, Jacob and tribes and that which was given to Moses and Jesus and to the other prophets from their Lord; We make no distinction between them, and we have surrendered ourselves to the will of God."** (The Holy Qur'an 3:85).

There has always been religious diversity in the UK and some sections of the population have long established communities. Immigration to the UK in recent years has increased the numbers of people with diverse religions. After Christianity, Islam is the most common faith with 1.6 million followers (3% of the population). Note that 23% of people in the 2001 census declared no religious affiliation. Some communities have very lively festivals that are enjoyed by people from all walks of life and the radio and TV reflect the religious diversity in their programming.

The Role of Faith: Religion can be defined as a system of faith and worship, based on belief in the existence of a benevolent God, usually expressed by believers living according to its doctrine (principles, rules of behaviour, customs). **Religion** is the adherence to codified beliefs and rituals that generally involve a faith in a spiritual nature and a study of inherited ancestral traditions, knowledge and wisdom related to understanding human life. The term "religion" refers to both the personal practices related to faith as well as to the larger shared systems of belief.

In the larger sense, religion is a communal system for the coherence of belief—typically focused on a system of thought, unseen being, person, or object, that is considered to be supernatural, sacred, divine, or of the highest truth. Moral codes, practices, values, institutions, traditions, and rituals are often traditionally associated with the core belief, and these may have some overlap with concepts in secular philosophy. Religion can also be described as a way of life.

Religion brings joy and hope to millions of people in the world. Religion is a social force that can be harnessed to build bridges or manipulated to erect walls. Living and working together in today's multicultural, multi-religious and multi faith society is not always easy. Faith communities have huge human and financial recourses. Religion motivates its followers for doing good deeds such as raising funds for good causes, helping elderly and needy people in our communities and motivating their followers to tackle many social issues in our society.

Religion harnesses deep emotions, which can sometimes take destructive forms. Where this happens, we must draw on our faith to bring about reconciliation and understanding. The truest fruits of our faith are healing the wounds of the past and being positive to construct trust and fellowship between different people.

We have a great deal to learn from one another, which enriches us without undermining our own identities. Together, listening and responding with openness and respect, we can move forward to work in ways that acknowledge genuine differences but build on shared hopes and values.

The role of faith communities: Faith communities also have a responsibility to build and maintain good relations with each other. On the whole, inter faith relations in this country are good. Indeed, they are more highly developed than elsewhere in Europe or in many other countries further afield. Within the UK, there is now in place a wide range of inter faith organisations at UK wide, national, regional and local level, although more work still needs to be done to increase their effectiveness and to make more resources available to help in this.

Inevitably, difficult issues can arise from time to time between different communities as a result, for example, of conflicts overseas; aggressive proselytising; or situations where there is competition between different groups for limited economic resources. Sensitive issues of this kind can be tackled more effectively where good working relationships have already been put in place. These good relations always need to be constantly sustained through continuing engagement.

All people of different faiths and beliefs have an important role to play in engaging actively with one

another to build bridges of mutual understanding and trust within our society. But engagement and dialogue is needed not only between people of different faiths, but also between those who have a religious commitment and those who do not. Too often exchanges between them sound more like a heated argument than a constructive dialogue. Dialogue between people of different religious traditions both theistic and non-theistic has established areas of common ground, alongside the distinctive beliefs which they hold. Similarly, there is reason to hope that a more respectful dialogue between those who have a religious faith and those who do not see themselves as religious could help to create a firmer foundation for our shared society, through the recognition of values which are held in common, even though these values will be derived from varied sources of authority and will have different rationales. On this basis, we could then more easily work together, with greater confidence and mutual understanding, for the common good of our society.

The Necessity of Inter-religious Co-operation: In my faith tradition the Holy Qur'an commands believers for interfaith co-operation **"to come to common grounds" (**Holy Qur'an **3:64).** As a Muslim I have been ordered to build good relations with all people of the world (Holy Qur'an 49:13 **& (16:40)**; work for peace everywhere and whenever possible with others (Holy Qur'an **2:208) & 8:61);** cooperate with others in furthering virtue and God–consciousness (Holy Qur'an **5:2);** seek and secure human welfare, promote justice and peace (Holy Qur'an **4:114)**; do good to others (Holy Qur'an **28:77)** and not to break promises made to others (Holy Qur'an **16:91)**. The Holy Qur'an tells believers that those who do good deeds and help others are the best creation **(98:6). The Holy Prophet of Islam made it clear that "Religion is man's treatment of other fellow-beings" (Bukhari & Muslim); and "the best among you is he who does good deeds in serving other people" (Ahmad & Tabrani).**

The Prophet of Islam (May the peace of God be upon him) practiced this ideal for interfaith dialogue himself while talking to Jews, Christians and other faith traditions, as well as people with no faith on issues concerning life, death and relevant matters. The Prophet of Islam confirmed this in writing explicitly in the Charter of Medina in 622 CE. The Holy Qur'an not only recognized religious pluralism as accepting other groups as legitimate socio-religious communities but also accepting their spirituality. The preservation of the sanctity of the places of worship of other faiths is paramount in Islamic tradition **(**Holy Qur'an **22:40)**. The Holy Qur'an is full of many examples but time does not permit me to dwell on this.

The need of Inter-religious Dialogue: The famous German theologian Prof Hans Kung once said, "No peace among nations without peace among religions, and no peace among religions without dialogue between the religions". In the document **the Caux 2002 Dialogue: An honest conversation among concerned Muslims and non-Muslims on Peace, Justice and Faith I added,** "No peace without justice and no justice without forgiveness and compassion". Among many prerequisites of meaningful dialogue are active listening, honest conversation, accepting the other's vision whether agreeing or disagreeing, and acknowledging the other's pain.

In today's world there is a dire need of inter-religious dialogue. There are common values that human beings share irrespective of religion, nationality or ethnicity. These values include the sanctity of life, freedom, equality, respect for human rights, international humanitarian law, commitment to cultural and religious diversity, human dignity, human development, democracy, the rule of law, and equitable access to the earth's resources and equitable distribution of power.

Respecting Individual Freedom of Belief and conscious: The war has never been the instrument of the Islamic state to propagate Islam and extend its territory. The question one needs an answer now: "Does Islam recognise individual freedom of conscience i.e., are people free to accept or reject Islam?" The answer to this question is an emphatic yes. The principle of the freedom of belief has been unequivocally established in two Qur'anic verses: If it had been the Lord's will, all those who are on earth would have

believed will you then compel mankind, against their will, to believe? (The Holy Qur'an 10:99) Let there be no compulsion in religion: Truth stands out clear from error. (The Holy Qur'an 2:256) . The first verse (The Holy Qur'an 10:99) was revealed in Makkah before Hijrah, while the second was revealed in Madinah after Hijrah. As al Qurtubi mentioned in his Qur'anic commentary, and some commentators claim that the second verse (The Holy Qur'an 2:256) has been abrogated by the verses of Surah Bara'ah (Tubah)-Repentnece, which permitted the Muslims to fight the "People of the Book", while others ascertain that it has not been abrogated. Al Qurtubi quotes Abu Ja'far's interpretation of this verse: "The meaning of **'let there be no compulsion in religion' is that no one is to be forced to accept Islam**. The **al** has been added to the world din so that their combination **al-din** would indicate Islam."

Religious States: Today there are at least three major conceptions of religious states – Jewish, Islamic and Hindu. Israel strongly identifies itself as a Jewish state; Nepal is a Hindu state and India under the growing influence of Hindu Nationalism is toying with the idea of *Ram Rajya* – Hindu statehood. Iran, Pakistan, Saudi Arabia, Malaysia, Sudan and Afghanistan under Taliban claimed to be Islamic states.

Religious states face a significant challenge from diversity. They seek to advance and establish a specific normative social agenda. In order for these states to be successful it is important that the population share the ideological beliefs of those who hold power. The presence of diversity and difference of opinion between the populace makes it necessary for the state to privilege one element of the citizenry over others thereby institutionalizing discrimination and intolerance.

Religion and State: Muhyiddin Bin Arabi, the famous Andalusian Muslim mystic-scholar who lived in the fifth century of the Islamic era, (twelfth century of the Christian era), wrote the following statement in his voluminous work, **Al-Futuhat al Makkiyyah** [Makkan Insights]:

None of the conceptual knowledge is acquired by pure reason. For acquired knowledge is but relating one concept to another. Indeed, relating [one concept to another] is in itself a conceptual knowledge. Therefore, when it appears that acquired knowledge is conceptual, this is because when one understands the meaning of a coined term, one must already be familiar with the referent of that term. When one inquires about a term whose meaning is not apparent, a satisfying answer must relate the term to something known [to the inquirer]. The inquirer will fail to understand the meaning if the term cannot at all be related to something already familiar. It follows that all meaning must be first internal, before it becomes luminous bit by bit.

The above statement points in particular to one important dimension of knowing and understanding, viz. that understanding the meaning of a term presupposes an experience of a sort of the object to which the term refers. **The relationship between knowledge and experience gives rise to a series of questions with regard to understanding of the two grand concepts of "religion" and "politics," and the way one relates to the other.**

In the light of the above statement about knowledge, one may wonder whether social knowledge is ever possible apart from the social experience it presupposes. Can a person who has never had to endure poverty, one may ask, appreciate the pain of deprivation? Can an honourable person understand treason? Can an honest individual understand wickedness? Can a child understand sexuality? Can a living human being understand death? Can a person who has never experienced affection understand the meaning of compassion? Can a self-righteous community ever recognize the equal freedom of others? Or can a people who never fought tyranny understand the meaning of democracy?

What I am referring to above is not simply the problem of incommensurability among different worldviews, but the issue of process and maturation as well. Can a person mature without going through adolescence? Is interdependence possible prior to independence? Can there be a true unity prior to

plurality?

I am not suggesting here that Muslims and western secularists cannot understand each other without sharing an identical consciousness. Nor am I claiming that Muslim Society must arrive at political participation or economic development by emulating western experience. I am rather saying: terms such as religion, state, and politics are not fully interchangeable across cultures and civilizations, and misunderstanding results from extrapolating one's experience across cultures. I am also saying that superimposing the experience of a historically determined being on another--be it an individual or a community--is bound to stifle or even destroy the latter's chance to develop and mature.

The Role of Religion:

Various Religious symbols, including (**first row**) Christian, Jewish, Hindu, Baha'i, (**second row**) Islamic, tribal, Taoist, Shinto (third row) Buddhist, Sikh, Hindu, Jain (fourth row) Ayyavazhi, Triple Goddess, Maltese cross, pre-Christian Slavonic

1.   Christianity 2.1 billion (see below)

2.   Islam 1.4 billion (see below)

3.   Non-Adherent (Secular/Atheist/Irreligious/Agnostic/Nontheist) 1.1 billion

4.   Hinduism 900 million (see below)

5.   Chinese folk religion 394 million (see below)

6.   Buddhism 376 million

7.   Primal indigenous ("Pagan") 300 million

8.   African traditional and diasporic 100 million

9.   Sikhism 23 million

10. Juche 19 million

11. Spiritism 15 million

12. Judaism 14 million

13. Bahá'í Faith 7 million

14. Jainism 4.2 million

15. Shinto 4 million (see below)

16. Cao Dai 4 million

17. Zoroastrianism 2.6 million

18. Tenrikyo 2 million

19. Neo-Paganism 1 million

20. Unitarian Universalism 800,000

21. Rastafari movement 600,000

- Christianity encompasses many different denominations but the statistics in the source for this document consider most of them all together for the purposes of analysis (except Unitarians and Rastafarians). The detailed country-by-country figures given by the primary source for this section en.wikipedia.org/wiki/Religion - _note-17 sum to a range lower than the 2.1 Billion total cited in the summary "Major Religions of the World" list (itself derived from the *World Christian Encyclopedia*).

- The high end estimate for Islam from the source for the table above is 1.4 billion.

The Role of Religion: Religion can be defined as a system of faith and worship, based on belief in the existence of a benevolent God, usually expressed by believers living according to its doctrine (principles, rules of behaviour, customs).

Religion is the adherence to codified beliefs and rituals that generally involve a faith in a spiritual nature and a study of inherited ancestral traditions, knowledge and wisdom related to understanding human life. The term "religion" refers to both the personal practices related to faith as well as to the larger shared systems of belief.

In the larger sense, religion is a communal system for the coherence of belief—typically focused on a system of thought, unseen being, person, or object, that is considered to be supernatural, sacred, divine, or of the highest truth. Moral codes, practices, values, institutions, traditions, and rituals are often traditionally associated with the core belief, and these may have some overlap with concepts in secular philosophy. Religion can also be described as a way of life.

Religion brings joy and hope to millions of people in the world. Religion is a social force that can be harnessed to build bridges or manipulated to erect walls. Living and working together in today's multicultural, multi-religious and multi faith society is not always easy. Faith communities have huge human and financial recourses. Religion motivates its followers for doing good deeds such as raising funds for good causes, helping elderly and needy people in our communities and motivating their followers to tackle many social issues in our society.

Religion harnesses deep emotions, which can sometimes take destructive forms. Where this happens, we must draw on our faith to bring about reconciliation and understanding. The truest fruits of our faith are healing the wounds of the past and being positive to construct trust and fellowship between different people.

We have a great deal to learn from one another, which enriches us without undermining our own identities. Together, listening and responding with openness and respect, we can move forward to work in ways that acknowledge genuine differences but build on shared hopes and values.

In Islam, belief in and submission to God is the origin or mainspring from which benevolence emanates. For among the most frequently mentioned words in the Holy Qur'an is the Name of "God" and "Belief" (iman) and its derivatives such as "they believed" and "believers". Addressing "those who believed" has been mostly linked with those who "work(ed) righteousness". This proves that iman is the source of reinforcing and expanding the scope of goodness or righteousness in individual as well as community life.

However, this does not mean that good and beneficent deeds not based on belief in God or Islam are of no value or consideration. Because what is known today to be general human values is in reality the aggregate of what humanity has learned from former religions and from the experience of prophets and reformers in the difficult road towards perfection. The human soul's attachment to the sublime values such as love and practice of benevolence is, like *iman* (Faith or belief system), a value per se. It is possible to combine both, which is precisely what Islam wants for humanity.

The Role of State: A **state** is a set of institutions that possess the authority to make the rules that govern the people in one or more societies, having internal and external sovereignty over a definite territory. The state includes such institutions as the Sovereignty, Government (Legislature, Judiciary, Executive) including armed forces, civil service or state bureaucracy, courts, and police. By Max Weber's influential definition, a state has **a "monopoly on the legitimate use of physical force within a given territory."** The state remains the basic political unit of the world, as it has been since the 16th century. The state is therefore considered the most central concept in the study of politics, and its definition is the subject of intense scholarly debate. Political sociologists in the traditions of Karl Marx and Max Weber usually favour a broad definition that draws attention to the role of coercive apparatus. Political theorists such as **Thomas Hobbes, John Locke, Jean-Jacques Rousseau**, and Robert Nozick pondered issues concerning the ideal and actual roles of the state.

The rise of the modern state system was closely related to changes in political thought, especially concerning the changing understanding of legitimate state power. The broad Enlightenment claim that authority should be subject to reason undermine the absolutist doctrine of divine rule and served to intensify calls to relocate sovereignty from the monarch to the people. This idea found full expression in Jacques Rousseau's theory of popular sovereignty.

Political Scientists attributed certain to the doctrine of sovereignty. It is comprehensive, permanent, inalienable, indivisible and original. The European scholars assert that these attributes of sovereignty have come to be recognised with the rise of the modern territorial states. During the Renaissance and Reformation period of European History, the kings of England, France and Spain began to claim that they were sovereign in their own domains. Internally no feudal lord or Baron would share power with them and externally they avoided taking orders from Pope or the Emperor of the Holy Roman Empire. Rousseau in the opening paragraph of his *Confessions* used Sovereign Judge for God.

The Concept of Islamic State:

In Islam God alone, and none else is the Sovereign of the whole Universe. Islam demands that God alone must be acknowledged as the Sovereign in moral, social, cultural, economic and political sphere of life. As God the Sustainers and the Ruler, His will must prevail in all aspects of human life. God is Sovereign and His Will should be supreme Law of the land. The attributes of God Sovereignty are implied in His excellent names, which are innumerable and out of which 99 are famous. *Al-Wahid* and *Al-Ahad* means the One, *Al-Samad* means the Sovereign, *Al-Malik* means the Master, Al-Jabbar means the Supreme, *Al-Muhaimin* means the Guardian, *Al-Qahhar* means, the Almighty, and so on. This shows that the Sovereignty of God is absolute, all comprehensive, permanent, inalienable, indivisible and original.

People are the representatives of political and legal Sovereignty of God on earth. It is inherent in the very concept of Sovereignty that te authority of the Sovereign power should neither be limited by any power other than Its free will nor bound by any law imposed from outside. Thus human beings position is an agent or vicegerent of God. The Vicegerent are the *de jure* and *de facto* Sovereign of God Almighty. The Qur'anic text of Sura 24 Al-Nur, verse 55 that **"God has promised to those of you who believe and do good that He will most certainly make them His vicegerents on the earth..."** is quite clear on this point. According to this verse, every good Muslim is fit to hold the position of His vicegerents. It is this

aspect of Islamic system of government distinguishes it from a kingship, an oligarchy, and a theocracy. According to the Holy Qur'an, the commandments of God and the Prophet of Islam constitute the Supreme Law and the Muslims as such cannot adopt any attitude other than that of complete submission to it. A Muslim is not allowed to follow his own independent decisions in matters which have been finally and unequivocally decided by God and His Apostle. To do that is a negation of faith.

The concept of Islamic sovereignty central to Islamic political theory and that concept are often presented as a barrier to any form of democracy. The Qur'anic concept of sovereignty is universal (that is non-territorial), transcendental (beyond human agency), indivisible, inalienable, and truly absolute. God the sovereign is the primary law-giver, while agents such as the Islamic state and the Khalifa (God's agents on earth) enjoy marginal autonomy necessary to implement and enforce the laws of their sovereign. At the theoretical level, the difference between the modern and Islamic conceptions of sovereignty is clear. But operational implications tend to blur the distinction.

The Purpose of Islamic State: This State comes into being for two main purposes. First, that justice and equity should be established in all human affairs, and, secondly, that, the powers and resources of the State should be harnessed for the welfare of the whole people (Muslim and non Muslim alike, i. e., for promotion, for them, of all that is good and eradication of all that is evil. [The Holy Qur'an 12:41]

"O believers, be you securers of justice, witness for God. Let not detestation for a people move you not to be equitable; be equitable that is nearer to God-fearing" (Al-Qur'an 5:8)

The constitution of an Islamic State mentioned in the Holy Qur'an shall be based on the following principles:

(a) "O ye who believe! obey Allah, and obey the Apostle and those of you vho are in authority; and if you have a dispute concerning any matter, refer it to Allah and the Apostle if ye are (in truth) believers in Allah and the Last Day. That is better and more seemly in the end." [The Holy Quran 4:59]

This verse elucidates five constitutional points:

(1) That obedience to God and His Apostle must be given priority to every other obedience.

(2) That obedience to those who are in authority is subject to the obedience to God and His Apostle.

(3) That the Head of the State must be from amongst the believers.

(4) That it is possible for the people to differ with the government and its rulers.

(5) That in case of dispute the final authority to decide between them is the Law of God and His Apostle.

(b) The Holy Qur'an does not give us any hard and fast rules about the method of election and consultation. It lays down only broad-based principles and leaves the problem of their practical implementation to be decided in accordance with the exigencies of time and the requirements of society.

(c) In those matters about which clear injunctions have been given or definite principles laid down or limits prescribed by God and His Apostle, the legislature has only the right to interpret them, or to frame

bye-laws and rules of procedure to bring them into practice. As for those matters about which the Supreme Law is silent, the legislature is allowed to legislate for all purposes and needs of the society keeping in view the spirit and the general principles of Islam. The very fact that no clear injunction exists about them in the Qur'an and Sunnah is sufficient to show that the Lawgiver has Himself left it to the good sense of the believers.

(d) The judiciary must be free from every pressure and influence to adjudicate impartially without being carried away by the public or the people in authority. Its foremost duty is to give verdict strictly in accordance with the law and requirements of justice without being swayed either by the passions or prejudices of its own members or those of others. [The Holy Quran 4:58]

All citizens of the State, whether Muslims or non-Muslims must be guaranteed the following fundamental rights, and it is the bounden duty of the State to safeguard them against all types of encroachment:

(a) Sanctity of life and Security of person.

(b) Protection and Security of property.

(c) Protection of honour.

(d) Right of privacy.

(e) The right to protest against injustice.

(f) The right to enjoin what is good and forbid what is evil. This includes the right of criticism.

(g) Freedom of association, provided it is used for good ends and does not become an instrument for spreading dissensions and creating fundamental differences in the society.

(h) Freedom of faith and conscience.

(i) Protection against wrongfully hurting one's religious susceptibilities. The Holy Qur'an has clearly laid down in this connection that in matters of religious differences an academic discussion can be held, but it must be conducted in a fair and decent manner.

(j) Limiting the responsibility of every person only to his or her own deeds.

(k) Security from action being taken against anyone on false reports about his or her crime.

(l) The right of the destitute and the needy to be provided with basic necessities of life by the State.

(m) Equal treatment of all its subjects by the State without discrimination.

An Islamic State has the following rights against its citizens:

(a) That they must submit to its authority. (b) That they must be law-abiding and should not disturb the public order and tranquillity. (c) They must give full support to the State in its rightful activities. (d) They must be prepared to sacrifice their life and property for the defence of the State.

Right to participate in the Affairs of State:

"**And their business is (conducted) through consultation among themselves.**" (The Holy Qur'an Ch. 42: verse 38)

The "Shura" or the legislative assembly has no other meaning except that the executive head of the government and the members of the assembly should be elected by free and independent choice of the people.

The Qur'an gives the following important directions about the foreign policy of the Islamic State:

(a) Sanctity of treaties and pledges. (b) Honesty and integrity in all transactions. (c) International justice. (d) Respect for the rights of neutrals in war. (e) Love of peace. (f) Non-participation in the efforts directed to self-aggrandizement and oppression in the world. (g) Friendly treatment to all non-hostile powers. (h) Fair deal with all those who are good and honest in their dealings. (i) Retaliation in proportion to the high-handedness of others and no more.

The Formative Principles of the Madinan State: The notion of the Islamic state advanced today by populist writers is, as I tried to show above, a mixture of the nationalist structure of the modern state with the communal structure of historical Shari'ah. The concept of the state that emerges as a result is in a complete contradiction with the nature and purpose of the polity found by the Prophet, or developed historically by successive Muslim generations. A quick review of the guiding principles of the first Islamic polity reveals the disparity between the two. The principles and structure of the early Islamic polity are epitomized in the Compact of Madinah (Sahifat al-Madina) that formed the constitutional foundation of the political community established by the Prophet. (To review the full text of the Compact of Madinah, please refer to Ibn Hisham, Al-Syrah al-Nabawiyah [The Biography of the Prophet], (Damascus, Syria: Dar al-Kunuz al-Adabiyah, n.d.), vol. 1, pp. 501-2).

The Constitution of Madinah established a number of important political principles that, put together, formed the political constitution of the first Islamic state, and defined the political rights and duties of the members of the newly established political community, Muslims and non-Muslims alike, and drew up the political structure of the nascent society. The most important principles included in this Compact are as follows:

First, the Constitution of Madinah declared that the *Ummah* is a political society, open to all individuals committed to its principles and values, and ready to shoulder its burdens and responsibilities. It is not a recluse one, whose membership rights and securities are restricted to a select few. The right to membership in the *Ummah* is specified by accepting the principles of the Islamic system, manifested in the commitment to adhere to the moral and legal order; declaring allegiance to the system, through practical contributions and struggle to actualise the objectives and goals of Islam. Thus, allegiance and concern for public good are the principles determining the membership of the *Ummah* as defined by the first article of the document: "This is a Compact offered by Muhammad the Prophet, (governing the relations) among the believers and the Muslims of Quraish and Yathrib (Madinah), and those who followed, joined, and laboured with them."

Second, the Constitution of Madinah delineates a general framework that defines individual norms and the scope of political action within the new society, but preserved the basic social and political structures prevalent then in tribal Arabia. The Constitution of Madinah preserved tribal structure, while negating tribal spirit and subordinating tribal allegiance to a morally based legal order. As the Constitution

declared that the nascent political community is "an *Ummah* to the exclusion of all people," it approved a tribal division that had already been purged of tribal spirit epitomized by the slogan "my brethren right of wrong," subjecting it to the higher principles of truth and justice. The Constitution of Madinah therefore declared that the emigrants of the Quraish, Banu al- Harith, Banu al Aus, and other tribes residing in Madinah, according "to their present customs, shall pay the blood wit they paid previously and that every group shall redeem its prisoners."

Islam's avoidance of the elimination of tribal divisions can be explained by a number of factors that can be summarized in the following three points. (1) The tribal division was not mere political divisions but also social divisions providing its people with a symbiotic system. Therefore, the abolition of the political and social assistance provided by the tribe before developing an alternative should have been a great loss for the people in society.(2) Apart from its being a social division, the tribe represented an economic division in harmony with the pastoral economy prevalent in the Arabian Peninsula before and after Islam. The tribal division is the ideal division of the pastoral production as it provides freedom of movement and migration in search of pasture. Any change in this pattern requires taking an initiative first to change the means and methods of production. (3) Perhaps, the most important factor that justified the tribal division within the framework of the *Ummah* after the final message had purged the tribal existence of its aggressive and arrogant content, is the maintenance of the society and its protection from the danger of central dictatorship, that might come into existence in absence of a secondary social and political structure and concentration of political power in the hand of a central authority.

Third, the Islamic political system adopted the principle of religious tolerance based on freedom of belief for all the members of the society. It conceded to the Jews the right to act according to the principles and rulings in which they believed: "The Jews of Banu Auf are one community with the believers. The Jews have their religion and the Muslims theirs." The Constitution emphasized the fundamentality of cooperation between Muslims and non-Muslims in establishing justice and defending of Madinah against foreign aggression. "The Jews must bear their expenses and the Muslims their expenses. Each must help the other against anyone who attacks the people of this Constitution. They must seek mutual advice and consultation." It prohibited the Muslims form doing injustice to the Jews or retaliating for their Muslim brothers against the followers of the Jewish religion without adhering to the principles of truth and goodness. "To the Jew who follows us belongs help and equality. He shall not be wronged nor shall his enemies be aided."[i][12]

Fourth, the Constitution stipulated that the social and political activities in the new system must be subject to a set of universal values and standards that treat all people equally. Sovereignty in the society would not rest with the rulers, or any particular group, but with the law founded on the basis of justice and goodness, maintaining the dignity of all. The Constitution emphasised repeatedly and frequently the fundamentality of justice, goodness, and righteousness, and condemned in different expressions injustice and tyranny. "They would redeem their prisoners with kindness and justice common among the believers," the Constitution stated. "The God-conscious believers shall be against the rebellious, and against those who seek to spread injustice, sin, enmity, or corruption among the believers, the hand of every person shall be against him even if he be a son of one of them," it proclaimed.

Fifth, The Constitution introduced a number of political rights to be enjoyed by the individuals of the Madinan State, Muslims and non-Muslims alike, such as (1) the obligation to help the oppressed, (2) outlawing guilt by association which was commonly practiced by pre-Islamic Arab tribes: "A person is not liable for his ally's misdeeds;" (3) freedom of belief: "The Jews have their religion and the Muslims have theirs;" and (4) freedom of movement from and to Madinah: "Whoever will go out is safe, and whoever will stay in Madinah is safe except those who wronged (others), or committed sin."

Religion and the State in Historical Muslim Society: Adhering to the guidance of revelation, the

Ummah has respected the principle of religious plurality and cultural diversity during the significant part of its long history. The successive governments since the *Khulafa Rashidun* period have preserved the freedom of faith and allowed non-Muslim minorities not only to practice their religious rituals and proclaim their beliefs, but also to implement their religious laws according to an autonomous administrative system. Likewise, the Ummah as a whole has respected the doctrinal plurality with both its conceptual and legal dimensions. It has resisted every attempt to drag the political power to take side with partisan groups, or to prefer one ideological group to another. It has also insisted on downsizing the role of the state and restricting its functions to a limited sphere.

Any one who undertakes to study the political history of Islam would soon realize that all political practices, which violated the principle of religious freedom and plurality, were an exception to the rule. For instance, the efforts of the Caliph al-Mamoon to impose doctrinal uniformity in accordance with the Mu'tazili interpretations, and to use his political authority to support one of the parties involved in doctrinal disputes, were condemned by the *ulama* and the majority of the *Ummah*. His efforts to achieve doctrinal homogeneity through suppression and force eventually clashed with the will of the *Ummah,* which refused to solve doctrinal and theoretical problems by the sword. This compelled Al-Wathiq Billah, the third caliph after al-Mamoon to give up the role assumed by his predecessors and abandon their oppressive measures.

Obviously, Muslims have historically recognized that the main objective of establishing a political system is to create the general conditions that allow the people to realise their duties as moral agents of the divine will (*Khulafa*), not to impose the teachings of Islam by force. We, therefore, ascribe the emergence of organizations working to compel the *Ummah* to follow a narrow interpretation, and calling for the use of the political power to make people obedient to the Islamic norms, to the habit of confusing the role and objectives of the *Ummah* with the role and objectives of the state. While the *Ummah* aims to build the Islamic identity, to provide an atmosphere conducive to spiritual and mental development of the individual, and to grant him or her the opportunity to realize his or her role and aims of life within the general framework of the law, the state makes efforts to coordinate the *Ummah*'s activities with the aim to employ the natural and human potentials and possibilities to overcome the political and economic problems and obstacles that hinder the *Ummah*'s development. Differentiating between the general and particular in the Shariah and distinguishing between the responsibilities of the *Ummah* and the state, is a necessity if we want to avoid the transformation of political power into a device for advancing particular interests, and ensure that state agencies and institutions do not arrest intellectual and social progress, or obstruct the spiritual, conceptual, and organizational developments of society.

Differentiating Civil Society and the State: Separation of church and state is a political doctrine which states that government and religious institutions are to be kept separate from each other. The concept has been a topic of political debate throughout history. The belief that religious and state institutions should be separate covers a wide spectrum, ranging between one extreme which would secularise or eliminate the church, and theocracy, in which the government is an affiliate of the church. Some secularists believe that the state should be kept entirely separate from religion, and that the institutions of religion should be entirely free from governmental interference. Churches that exercise their authority completely apart from government endorsement, whose foundations are not in the state, are conventionally called "Free" churches.

A *secular* government does not cite a specific religious institution for the justification of its authority. However, some secular governments claim quasi-religious justifications for their powers, emphasizing the relationship mainly for ceremonial and rhetorical purposes. This is done for the general welfare and the benefit of the state, does not necessarily favour any specific religious group, and the state does not conform to any doctrine other than its own. This arrangement is called *civil religion*. Some secularists would allow the state to encourage religion (such as by providing exemptions from taxation, or providing

funds for education and charities, including those that are "faith based"), but insist the state should not establish one religion as the state religion, require religious observance, or legislate dogma.

Some countries embrace a middle position, a compromise between secular and religious government. In these countries the state uses the powers of government to directly support a specific religious institution or established church. In Turkey, for example, despite it being an officially secular country, the Preamble of the Constitution states that *"There shall be no interference whatsoever of the sacred religious feelings in State affairs and politics."* In order to control the way religion is perceived by adherents, the State pays imams' wages, and provides religious education in public schools (article 24 of Turkey's Constitution). The State has a Department of Religious Affairs (article 136 of the Constitution), directly under the Prime Minister bureaucratically, responsible for organizing the Muslim religion - including what will and will not be mentioned in sermons given at mosques, especially on Fridays. Such an interpretation of secularism, where religion is under strict control of the State is largely at odds with the Free Exercise Clause of the First Amendment of the U.S. Constitution, and is a good example of how secularism can be applied in a variety of ways in different regions of the world.

A theocracy exists when a religion establishes the government and religious law is applied to state policy under the direct authority of the religious institution. In a theocracy, the courts or officials of the religion direct policies of the civil government. Other democracies, such as some of those comprising the United Kingdom, have a constitutionally established state religion but are inclusive of other faiths as well. In countries like these, the head of government or head of state or other high-ranking official figures may be legally required to be a member of a given faith. Powers to appoint high-ranking members of the state churches are also often still vested in the worldly governments. These powers may be slightly anachronistic or superficial, however, and disguise the true level of religious freedom the nation possesses.

The opposite end of the spectrum from secularisation is a theocracy, in which the state is founded upon the institution of religion, and the rule of law is based on the dictates of a religious court. Examples include ancient Israel, Saudi Arabia and the Vatican. In such countries state affairs are managed by religious authority, or at least by its consent. In theocracies, the degree to which those who are not members of the official religion are to be protected is decided by professors of the official religion, and ordinarily the civil rights, or restrictions of rights of the un-favoured group, are defined in terms of the official religion.

The separation of church and state is similar to the concept of freedom of religion, but the two concepts are not the same. For example, the citizens in a country with a state church may have complete freedom of religion. And citizens in a country without a state church may or may not enjoy the freedom to practice their religion. In the United States, the structure and wording of the First Amendment with both the Establishment Clause and the Free Exercise Clause, demonstrates this difference. Both clauses have evolved an important body of case law from the U.S. Supreme Court as well as lower federal courts.

While many states or nations permit freedom of religious *belief*, no country allows completely unrestricted freedom of religious *practice*. National laws, when they reflect important or fundamental governmental interests, may prohibit certain acts which some citizens may claim represent the free exercise of their religious belief.

In the United States, state laws can prohibit practices such as bigamy, sex with children, human and occasionally animal sacrifice, use of drugs, or other criminal acts, even if citizens claim the practices are part of their religious belief system. However, the federal courts give close scrutiny to any state or local laws that impinge upon the *bona fide* exercise of religious practices. The courts ensure that genuine and important religious rights are not impeded, and that questionable practices are limited only to the extent

necessary. The courts usually demand that any laws restricting religious practices must demonstrate a fundamental or "compelling" state interest, such as protecting citizens from bodily harm.

Modern Secular State and Islam: Islam holds that political life can only function properly within the context of Islamic law. To such believers, since God's law is universally true and beneficial to all people, any state law or action opposed to God's law would be harmful to the citizens, and displeasing to God. Many Muslims consider the Western concept of separation of Church and State to be rebellion against God's law. There is a contemporary debate in Islam whether obedience to Islamic law is ultimately compatible with the Western secular pattern, which separates religion from civic life.

Historically, legislative functions in Muslim society were not restricted to state institutions. Rather there was a wide range of legislations related to juristic efforts at both the moral and legal levels. Since the major part of legislation relating to transactional and contractual relations among individuals is attached to the juristic legislative bodies, the judicial tasks may be connected directly with the *Ummah*, not with the state. **The differentiation between civil society and the state can only be maintained by dividing the process of legislation into distinct areas that reflect both the geographical and normative differentiation of the political society**

The importance of the differential structure of the law is not limited to its ability to counteract the tendency of centralization of power, which characterizes the western model of the state. Rather, it is also related to guarantees extended to religious minorities. The Islamic model should maintain the legislative and administrative independence of the followers of different religions, as the sphere of communal legislation does not fall under the governmental authority of the state. On the other hand, the majoritarian model of the democratic state deprives religious minorities of their legal independence, and insists on subjugating all citizens to a single legal system, which often reflects the doctrinal and behavioural values of the ruling majority.

The early Muslim community was cognizant of the need to differentiate law to ensure moral autonomy, while working diligently to ensure equal protection of the law as far as fundamental human rights were concerned. Thus early jurists recognized that non-Muslims who have entered into a peace covenant with Muslims are entitled to full religious freedom, and equal protection of the law as far as their rights to personal safety and property are concerned. Muhammad bin al-Hasan al-Shaybani states in unequivocal terms that when non-Muslims enter into a peace covenant with Muslims, "Muslims should not appropriate any of their [the non-Muslims] houses and land, nor should they intrude into any of their dwellings. Because they have become party to a covenant of peace, and because on the day of the [peace of] Khaybar, the prophet's spokesman announced that none of the property of the covenanter is permitted to them [the Muslim]. Also because they [the non-Muslims] have accepted the peace covenant so as they may enjoy their properties and rights on par with Muslims**." [Abu al-Ala al-Mawdudi, Nazariyat al-Islam wa Hadiyah (Jeddah: Dar al-Saudiah, 1985), p. 47).**

Similarly, early Muslim jurists recognised the right of non-Muslims to self-determination, and awarded them full moral and legal autonomy in the villages and towns under their control. Therefore, al-Shaybani, the author of the most authoritative work on non-Muslim rights, insists that the Christians who have entered into a peace covenant (*dhimma*) – hence became *dhimmis* – have all the freedom to trade in wine and pork in there towns freely, even though such practice is considered immoral and illegal among Muslims

Islam adopted a political system, based on the concept of the one *Ummah* as an alternative for the divisional tribal system and upheld the tribal division having cleared it from its aggressive elements. It left the question of changing the political structure to gradual development of economic and production structures. Although Islamic revelation avoided any arbitrary directives, aimed at immediate abolition of

the tribal division, it criticized openly tribal and nomadic life.

Secularism is the religion of humanity; it embraces the affairs of this world; it is interested in everything that touches the welfare of a sentient being; it advocates attention to the particular planet in which we happen to live; it means that each individual counts for something; it is a declaration of intellectual independence; it means that the pew is superior to the pulpit, that those who bear the burdens shall have the profits and that they who fill the purse shall hold the strings. It is a protest against theological oppression, against ecclesiastical. Secularism believes in building a home here, in this world. It trusts to individual effort, to energy, to intelligence, to observation and experience rather than to the unknown and the supernatural. It desires to be happy on this side of the grave.

Secularism means food and fireside, roof and raiment, reasonable work and reasonable leisure, the cultivation of the tastes, the acquisition of knowledge, the enjoyment of the arts, and it promises for the human race comfort, independence, intelligence, and above all liberty. It means the abolition of sectarian feuds, of theological hatreds. It means the cultivation of friendship and intellectual hospitality. It means the living for each other and us; for the present instead of the past, for this world rather than for another. It means the right to express your thought in spite of popes, priests, and gods. It means that impudent idleness shall no longer live upon the labour of honest men. It means the destruction of the business of those who trade in fear. It proposes to give serenity and content to the human soul. It will put out the fires of eternal pain. It is striving to do away with violence and vice, with ignorance, poverty and disease. It lives for the ever present to-day, and the ever coming tomorrow. It does not believe in praying and receiving, but in earning and deserving. It regards work as worship, labour as prayer, and wisdom as the savoir of mankind. It says to every human being, Take care of yourself so that you may be able to help others; adorn your life with the gems called good deeds; illumine your path with the sunlight called friendship and love.

Separation between State and Religion: The word secular means "of this world" in Latin and it is the opposite of religious. Secularism is a philosophy which forms its ethics without reference to religious dogmas and which believes in the promotion of the development of human art and science. "Secularism" is defined by Webster's encyclopaedic unabridged dictionary as: **1)** secular spirit or tendency, especially a system of political or social philosophy that rejects all forms of religious faith and worship; **2)** the view that public education and other matters of civil policy should be conducted without the introduction of a religious element." As to the meaning of the word "secular", we see, among a host of interconnected definitions, "of or pertaining to worldly things or things that are not regarded as religious, spiritual or sacred."

From an etymological point of view, the word "secular" derives from the Latin expression "secularist", whose lexical meaning is "worldly, temporal (opposed to eternal)". Thus, we cannot see the least hint of any purpose in the words "secular" or "secularism". The short-sightedness and lack of definite noble purpose of its philosophy are manifested even at the level of lexical definition. The ethics of secularism is almost synonymous with immediate material interest. Ultimate accountability in front of the Almighty is completely absent in the secularist's worldview, and consequently, relativism becomes the core of his worldview.

The roots of secularism have been variously identified as emanating from Hellenic rationalism, the civil and communal values of Greco-Roman life, the Renaissance, the Reformation and most prominently the moral and empirical philosophies spawned by the Enlightenment. Regardless of which of these developments we view as being pivotal in the development of secularism, we must return to one salient fact: Secularism constitutes open rebellion against Allah.

We are informed that the rationale for the creation of the human being is to worship Allah, and that the

Islamic polity and the principles, which underlie it, are instituted to facilitate that worship. Hence, Islam is fundamentally anti-secular. Allah informs us in the Holy Qur'an:

I have only created the Jinn and Humans that they worship Me. (The Holy Qur'an 51: 56)

God Almighty also informs us that the rejection of that worship involves grave consequences. God says in the Holy Qur'an:

Whoever turns away from My Remembrance will have a wretched life and

We shall resurrect him blind on the Day of Judgment. (The Holy Qur'an 20: 124)

Whoever rejects the Remembrance of his Lord, He [Allah] will lead him

into a severe, unbearable punishment. (The Holy Qur'an 72: 17)

Having thus defined secularism, we turn to secularism's changing face. If we understand that secularism initially involved a struggle between its advocates and the European Church, we can see that it has indeed undergone significant changes. The first major change occurred during the latter 19th Century when the struggle between secularism and the church was replaced by a struggle between two competing versions of secularism: the Marxist/Socialist version and the liberal version. With the victory of the liberal version, a victory finalized by the falling of the "Iron Curtain" and the subsequent demise of the Soviet Union, a set of circumstances was created which led to the return of the debate between secularism and religion. Secularism was to indeed change faces, or more precisely to reveal a new manifestation of an old face.

In the new debate between secularism and religion, **Islam emerged as the standard bearer of religion.** The reason for this is that Islam is, as admitted by Ernest Gellner, Zbigniew Brezinski and other leading scholars and intellectuals, the last true or normative religion. The current secularist assault against Islam is thus assuming the intensity that characterized the earlier attack on Christianity. It is our contention that the origin of this assault lies in the rebellion of Satan against Allah, and his subsequent declaration of war against the descendants of Adam. The Holy Qur'an describes that Satanic declaration in the following words:

Because you have caused me to stray, I'm going to lie waiting to ambush them [humankind] along your Straight Path. I'm going to assault them from in front, from behind, from the right and from the left; and you won't find most of them thankful [for you blessings]. (The Holy Qur'an 7: 16)

For Muslim societies, the acceptance of secularism means something totally different; i.e. as Islam is a comprehensive system of worship (`ibadah) and legislation (Shari`ah), the acceptance of secularism means abandonment of Shari`ah, a denial of the divine guidance and a rejection of Allah's injunctions; It is indeed a false claim that Shariah is not proper to the requirements of the present age. The acceptance of a legislation formulated by humans means a preference of the humans' limited knowledge and experiences to the divine guidance: "Say! Do you know better than Allah?" (**The Holy Qur'an 2:140**). For this reason, the call for secularism among Muslims is atheism and a rejection of Islam. Its acceptance as a basis for rule in place of Shari`ah is downright riddah. The silence of the masses in the Muslim world about this deviation has been a major transgression and a clear-cut instance of disobedience which have produces a sense of guilt, remorse, and inward resentment, all of which have generated discontent, insecurity, and hatred among committed Muslims because such deviation lacks legality. Secularism is compatible with the Judeo-Christian concept of God which maintains that after God had created the world, God left it to look after itself. In this sense, God's relationship with the world is like that of a watchmaker with a watch: he makes it then leaves it to function without any need for him.

The important debate of secularism and religion has led to blood shed, social and political conflicts over the past few decades. Governments and states have fallen for its sake without the discussion reaching any clear-cut result despite the gravity and sensitivity of the subject. Introductory points to note in discussing such a relationship include the definition of 'Islam' and 'secularism'; the context of the debate - whether general, theoretical, constitutional, legal, scientific or historical. Islam's commandments do not stop at the individual's or community's compliance with ordinances and rites. In fact, the Muslim is charged with transmitting the message of the Holy Qur'an through invitation (dawah), explanation, preaching and guidance without any compulsion or constraint: "Let there be no compulsion in religion: Truth stands out clear from error".

The perfection of these meanings was clearly embodied in the Medinan society established by the Holy Prophet Muhammad (pbuh) through his actions, who put these meanings into practice in matters of contract, allegiance (bay'ah), appointment or assumption of power, judicature, right of self-defence and sanctity of life, whether one was Muslim or not, and the right of the latter to practice one's own religion. The Prophet made alliances and concluded contracts with the people of Medina who included Christians, Jews, polytheists, hypocrites and others.

The corner stone of the Muslim community is that their common belief and common life is based on voluntary agreement among themselves to act in accordance with the tenets of Islam, as well as agreement with others to work for the public welfare. Thus, the Muslim Ummah has sovereignty over understanding Islam that makes it bound to its laws and public life (Shia Muslims accept this premise when the infallible Imam is absent). It is also responsible for observing the clear-cut limits prescribed by God in the Holy Qur'an as representing the minimum which the Ummah has to abide by and respect in terms of the rights of mankind and his inherent dignity.

Acting in accordance with the Holy Qur'an in public life depends on the conception agreed to by the Ummah. Like other public life contracts, such as bay'ah (allegiance), investiture of power and Shura (consultation) this contract is left for the Ummah to define. Differences among Muslims with regard to acting in accordance with Islam in their public life are like the differences about the definition and organisation of their interests and discretion. Their disagreements in scientific matters does not necessarily imply a difference in acceptance or rejection of a revelatory (wahy) text but a difference in the revelation's understanding, interpretation and explanation, or in how and to what extent it can be applied. For this reason, differences in schools (madhahib) and diversity of the Sahabah (the Prophet's companions) and Imam's actions are binding to those who believe in them and agree to act in accordance with them; otherwise they are not binding on a community that does not approve of them. Far away from linguistic, scientific or Shari'a terminology, and regardless of history and its impact on societies, Muslims today disagree about understanding religion as canon law and the method of practising it. It is only natural that, in regulating differences of opinion, Muslims depend on several criteria or principles, such as working for public welfare and protection of fundamental individual and societal rights. They also have to define the authorities, which they go back to in their differences, whether relating to the concept of Revelation, denotation of its text or practical application.

Commitment to such principles is also built on contract and agreement and not on imposition through a religious or civil power. Differences among Muslims are treated in the same way as differences with others. Thus, it is the duty of the Ummah to observe mankind's divine right to choose and differ, although this may result in divided Muslims and non-Muslims. Moreover, it is mandatory for the community to respect an individual's right to choice and belief. The Muslims faced the first test after the Holy Prophet's demise in filling the vacuum of the right to ifta (deliverance of formal religious opinion) and government. Most resorted to discretion or independent judgement (ijtihad) in practising Shura (consultation). With the end of the first four caliphs, the office of the ruler has been made distinct from that of the jurist-scholar;

thereby competent authority or responsible agency in Ifta became distinct from that of government, caliphate, and execution of divine ordinances and protection of the frontiers (authority).

With all the respect we may accord to Muslim history, we cannot regard it as a sacrosanct basic reference. However ardently we may defend the Muslims' present condition, they are unsatisfactory and distant from Islamic concepts in general with regard to the establishment of the Muslim state in the proper sense of the term. Islamic history does not necessarily - nor inevitably - reflect Islam but was the outcome of discretions and differences pertaining to several generations; there is no referential or competent authority of *ifta* or power textually prescribed among the vast majority of Muslims; the Ummah has suffered from those in power or from introvert and narrowly literate scholars dealing with Prophetic Tradition (*Ahadiths*). It is impossible to make sound comparison between the structure of modern societies and states and that of ancient ones; it is difficult to present today's problems in the light of the Medinan community.

Taking these points and others into account, we have to overcome such problems through learning and reason and by means of openness and continuous dialogue.

In reality, if we want to evaluate the suitability, or unsuitability, of secularist plans vis-a-vis Muslim countries, a careful revision and scrutiny is necessary for Muslim problems in a way that is altogether different from dealing with those known to Europe.

Does secularism mean rejection and prohibition of religion, as is the case with communism? Or does it mean rejection of religion and its judgements? In this latter case, civil laws are derived from science and social experience and what complies with the majority opinion, including religious legislations and judgements. On the other hand, secular regimes in power are different in terms of practical application. Accordingly, if secularism means a precondition that excludes religion, this is unacceptable and is contrary to both religion and reason because it runs counter to absolute freedom as advocated by secularism itself. But if secularism is secularism without a precondition excluding religion, it will then mean pluralism, acceptance of the other's point of view and taking into account what is and is not in society's interest while taking religion into consideration. There is no objection to that and it is not contrary to religion and it is practised now in most Islamic countries.

In other words, the components comprising the modern (secular) civilisation are many such as the achievements in experimental science; precise social organisation; establishment of human relations based on public welfare and 'survival of the fittest'". These constituents contain good and evil, but their evil should not make us deprive ourselves of their good. Some of this is in agreement with the material side of an Islamic Islam, which implies acceptance of scientific achievement and thorough organisation through Qur'an, Sunnah and jurisprudence (*fiqh*). Conversely, the moral side of this civilisation contradicts with - and rejects - Islam. However, this does not preclude interlocution and cooperation between Muslims and non-Muslims, giving preference to public interest, social stability and allowing everybody his/her due rights.

Secularism may be accepted in a Christian society but it can never enjoy a general acceptance in an Pure Islamic society. Christianity is devoid of a Shari`ah or a comprehensive system of life to which its adherents should be committed. The New Testament itself divides life into two parts: one for God, or religion, the other for Caesar, or the state: **"Render unto Caesar things which belong to Caesar, and render unto God things which belong to God" (Matthew 22:21).** As such, a Christian could accept secularism without any qualms of conscience. Furthermore, modern Christians, have good reasons to prefer a secular regime to a religious one. Their experience with **"religious regimes" - as they knew them - meant the rule of the clergy, Theocracy, the despotic authority of the Church, and the resulting decrees of excommunication and the deeds of forgiveness, i.e. letters of indulgence.**

For Muslim societies, the acceptance of secularism means something totally different; i.e. as Islam is a comprehensive system of worship (Ibadah) and legislation (Shari`ah), the acceptance of secularism means abandonment of Shari`ah, a denial of the divine guidance and a rejection of Allah's injunctions; It is indeed a false claim that Shariah is not proper to the requirements of the present age. The acceptance of a legislation formulated by humans means a preference of the humans' limited knowledge and experiences to the divine guidance: "Say! Do you know better than Allah?" (The Holy Qur'an 2:140).

For Muslims believe that Allah (SWT) is the sole Creator and Sustainers of the Worlds. One Who "…takes account of every single thing) (The Holy Qura'n 72:28); that He is omnipotent and omniscient; that His mercy and bounties encompasses everyone and suffice for all. In that capacity, Allah (SWT) revealed His divine guidance to humanity, made certain things permissible and others prohibited, commanded people observe His injunctions and to judge according to them. If they do not do so, then they commit kufr, aggression, and transgression."

The Challenge of Diversity: It is believed that Muslim states inevitably treat non-Muslim citizens as less than equal curbing their access to power and religious freedom. Even in Israel, which is a democracy, religious minorities face discrimination. In 1976 when Israel captured Jerusalem, 28% of its population was Christian and now only 2% of Jerusalem's inhabitants are Christians. Christians may become extinct in their own holy city and the primary reason for this is the religious importance of Jerusalem to Jewish state. This is a sobering example of how in spite of democracy a religious state can marginalize religious minorities.

Malaysia is an example where religious ideology and democracy mix very well. Malaysia is 65% Muslim and strongly identifies itself as an Islamic state. It is a very active member of OIC (Organization of Islamic Conferences). In spite of its Islamic identity, Malaysian Muslims share power and wealth with Christians, Buddhists and Hindus who are all equal citizens of the country and have equal rights and duties.

But religious minorities in some Muslim states, such as Afghanistan under the Taliban, suffer institutionalized discrimination because of these states' legalist orientation and their obsession with the Islamic jurisprudence. Some of the legalist positions in Islamic states are so strict that non-Muslim minorities find it a challenge to live normal lives. Blasphemy laws and apostasy laws are well known for the problems they cause minorities. Narrow interpretation of the role of women in Islamic societies has also restricted the scope of possibilities for non-Muslim women.

The Objectives of an Islamic Society: The *Maqasid al Shariah* (the objective of the Islamic law/way) are *falah* (welfare) and *hayat-e-tayyabah* (good life) for the members of the community. But when contemporary Islamists operationalize this divine vision of the Islamic state, they define the Islamic state as that which implements the Islamic law. Islamic law is divine in its origin, and since God does not need the consent of his creation, Contemporary Islamists insist on imposing Islamic law even without consent. Due to colonization, and prior to it, due to the decline of Islamic intelligentsia, Islamic legal tradition remains fossilized and is still struck in the middle ages. Islamic state therefore becomes a reduced to a coercive institution seeking to enforce a system of laws that were deduced from Islamic sources several centuries ago.

The irony of this reality is that in seeking to impose Islamic law and create an Islamic state, Islamists are actually in direct opposition to the spirit and letter of the Quran. The Quran is very explicit when it says "there is no compulsion in religion," (Quran 2: 256). Elsewhere the Quran exhorts Jews to live by the

laws revealed to them in the Torah. In fact The Quran expresses surprise that some Jews sought the arbitration of the Prophet of Islam (peace be upon him) rather than their own legal tradition (The Holy Qur'an 5:43). The Quran also orders Christians to live by their faith; "So let the people of the Gospel judge by that which Allah has revealed therein, for he who judges not by that which Allah has revealed is a sinner," (The Holy Qur'an 5:47). From these verses it is abundantly clear that an Islamic state must advocate religious pluralism even to the extent of permitting multiple legal systems.   Democratic polities are much better at dealing with minorities who do not subscribe to state ideology because they are based on constitutional guarantees of human rights conceived at the level of the individual – the smallest minority. In a sense on some issues, such as the bill of rights in the American system – the individual over rules even the majority opinion. Contemporary Islamic states have yet to develop a legal framework that ensures that there is no compulsion in religion and no discrimination against religious minorities even though the above-identified sources provide a clear Quranic foundation for guaranteeing religious freedom beyond even the scope of the American bill of rights.

Lessons from the Islamic State of Medina: Unlike the present day Islamists, Prophet Muhammad (pbuh), when he established the first Islamic state in Medina – actually a Jewish-Muslim federation extended to religious minorities the rights that are guaranteed to them in the Holy Qur'an. Prophet Muhammad's Medina was based on the covenant of Medina, a real and actual social contract agreed upon by Muslims, Jews and others that treated them as equal citizens of Medina. They enjoyed the freedom to choose the legal system they wished to live under. Jews could live under Islamic law, or Jewish law or pre-Islamic Arab tribal traditions. There was no compulsion in religion even though Medina was an Islamic state. The difference between Medina and today's Islamic states is profound. The state of Medina was based on a real social contract that applied divine law but only in consultation and with consent of all citizens regardless of their faith. But contemporary Islamic states apply Islamic law without consent or consultation and often through coercion.

It is a sad commentary on contemporary Islamists that while democracy is a challenge to contemporary Islamic states, it was constitutive to the first Islamic state in Medina established by the Prophet of Islam.

"You are a model community (Umma) of the middle way, so that you may be witnesses before Humanity." (The Holy Qur'an Chapter 3: verse 104)

Religious Minorities and Freedom of Religion: For Example Egypt is a predominantly Sunni Muslim country with small numbers of Shiites. Among Sunnis, there are considerable   numbers of Salafists and Sufis.There are three main Christian religious groups/communities that are recognized in Egypt. Each community comprises different denominations or rites. These are: The Orthodox Community, including Coptic, Greek, Armenian, and Syrian denominations; The Catholic community, including   Coptic, Greek, Armenian, Syrian, Maronite, Chaldean, and Latin denominations; and the the Protestant community, which include many denominations all considered as belonging to the same religious community.There are also two Jewish communities, the Qaraitic and

Rabanic, as well as a community of Baha'is. The percentages of the different adherent of different religions are a debated topic, and there are no official government statistics readily available. Estimates of the percentage of Christians range from 10%-15%.   But some estimates put them at lower levels, such as 5-6%. The percentage of Muslims is estimated at about 90%.

Minorities, linguistic, ethnic, and religious—and these categories quite often overlap—have been, and are regarded as, both a threat and a challenge. This varies from context to context, synchronically and diachronically. In many Western contexts, some legislative measures, such as the United Kingdom's Race Relations Act of 1976; 2000, and the Religious Education Clause of the 1988 Education Act, represent responses to the challenge of integrating minorities into the mainstream. The granting of public funding to

an Islamic school earlier this year, also in the United Kingdom, begins to bring these minority schools into the mainstream, along side Christian and Jewish schools which already receive state support.

Democracies recognize individuals and groups rights to maintain different cultural and religious identities, but they also recognize that without safeguards and legal mechanisms, problems will arise. The creation of such mechanisms is part of the challenge of nurturing healthy pluralist, democratic societies. The British foreign secretary, introducing the European Communities Amendment Bill, which enrolls Britain in the European Social Chapter, stated:

Britain has one of the largest groups of ethnic minorities anywhere in Europe. It is, therefore, in our national interest to ensure that members of these minorities should be protected against discrimination, when they exercise their right under the treaty to travel or to work on the continent.

Yet, these same minorities are regarded by some as a threat or, if not as a threat, as a burden—an economic burden. Perhaps invited to migrate during a period of economic prosperity, when recession comes, these once welcomed migrants will be perceived as occupying jobs, and as enjoying welfare provisions which ought to be reserved for members of the majority community. This is when ethnicity, the concept of a link between race and land, comes into play. The migrant, even if second, third, or fourth generation, and therefore technically not a migrant at all, will be regarded as lacking what we might call native title. Racism in France, Germany, and Britain fits this description.

Of course, racism and religious discrimination or intolerance, are not the same, but in many instances, they do overlap. The migrant minorities in question tend to be of a religion or religions different from the majority. Historically, here in Europe, they were Jewish. Even when, as in contemporary France, Britain and here in Germany, the majority are themselves no longer Christian in any meaningful way, the national image—that is, what it means to be a German, what it means to be British, etc.—may still embrace a Christian identity.

In India, where the majority is Hindu, the currently dominant right wing perceives the Muslim and Christian minorities, especially, as a threat. They are regarded as not belonging. Muslims ought to be in Pakistan. Christians ought to be in the West. There, few of the minorities differ racially from the majority. All are Indians. No one came much later, or much earlier than anyone else, although their religions did. It is the identification of 'Indianess' with 'Hinduness' that must reduce the non-Hindus to subservient status. The charge here is of cultural betrayal. The perception is that Muslim and Christian loyalties lie elsewhere, just as the loyalties of Catholics in England was perceived as belonging to Rome, and not to the Crown.

As one writer put it, "nationality is a fiction." It is a story people tell themselves about who they are, where they live, and how they got there. My own thinking about the minority-majority relationship has focused on the status of religious minorities in two quite different contexts: 1) in the traditionally Christian West; and 2) in traditionally Muslim parts of the world. In the former, European context, religious minorities are not all together new. There have been Jews and various sub-groups of the Christian tradition over the centuries. Generally, minorities suffered disabilities and handicaps.

Such tests, of course, have been imposed, not only in Britain, but in countless other contexts as well. In fact, in the United Kingdom, despite the Toleration Act of 1688, which allowed dissenting groups—but not Roman Catholics—freedom of worship, other tests and disabilities remained in place until as late as 1871. These restricted certain offices to Anglicans, who also received rates (a type of tax) from all, regardless their religious affiliations. Without signing the Thirty-nine Articles of the Church of England, no dissenter, Jew or Catholic, except those of noble birth, could graduate in theology from Oxford until early this century.The majorities were quite sure of their rightness, and anyone who differed from them

must be suspect. The logic of this was probably never examined. It was assumed that belonging and conformity were blood brothers, blood sisters.

What we have experienced in the Western countries is, I think, a radical mind shift. Conformity is no longer especially important. Since World War II, we have more minorities and greater variety than ever before. In fact, there are so many worldviews and lifestyles on the high street, that it is difficult to label the majority with a single religious description. Most actually think that, for the majority, religion is a private, domestic affair, and as long as you don't disturb or cause a nuisance to others, you can be whatever you want to be, and do whatever you want to do. You can attempt to persuade others that your religion is best, or ought to be tried out too, provided that this evangelism is invitational, not heavy-handed or coercive. Generally, religious freedom is not an issue for the majority. It is taken for granted.

What is an issue here is media freedom—and I fully support a free media—to depict some groups as dangerous and subversive. Some, who see themselves as totally supportive of religious freedom, regard the Unification Church and the Church of Scientology, for example, as movements that somehow ought to be banned. Removal of legal status, of course, only drives you underground.

What is emerging is a discussion about definitions. What groups ought to be included? What, if any, excluded? Who decides who is, and who is not, authentically religious? Using what criteria? A secular judge, or a commission representing faith communities? If so, how will discrimination against minorities within communities, and against new religious movements independent of what might be called a parent tradition, be avoided? I do not think that the question of definition can be resolved quickly or easily. Recent draft legislation in Britain has attempted a type of definition, and I have spoken about that in my earlier paper today.

I am going to move on to say something about minorities in Muslim contexts. Much has been much written about minorities within the Muslim world. This literature divides quite neatly into two genres. The first is literature that praises the Muslim dhimmi system as a mechanism for tolerance and protection unrivaled elsewhere in the world. Dhimmi is normally translated as a protected minority. In this view, Christian and Jewish minorities in the Muslim world were better off than were their counterparts in the Christian world, at least until the end of disabilities, and the beginning of our modern liberal democratic states. Zakaria in his 1988 study, tends toward the "all is well in the dhimmi camp" view.

The other genre of literature condemns Islam for virtually enslaving minorities, for denying them equal justice and equal opportunities for citizenship. Islam, it says, has systematically destroyed minority cultures, their sense of personal worth and self-esteem. Minorities in Muslim countries are persecuted, oppressed, and suffer from constant denial of human rights. It is argued that Islam does not recognize human rights, since its law is divine law and overrides any code or ethic of human origin. Islam, it is argued, is inherently intolerant. Christians and Jews, who stubbornly refuse to recognize Mohammed's mission and cling to outmoded beliefs, must be humiliated. They may persist in these beliefs, but every effort will be made to make this difficult for them and every encouragement will be given them to join Islam.

The truth probably lies between these two extremes. At times, minorities in the Muslim context have flourished. Qur'an suras, which endorse tolerance, have been stressed. At times, minorities have been conveniently scapegoated, or targeted by the over zealous. At these times, text and interpretations, which appear to support a more aggressive attitude toward minorities, have been stressed. Indeed, the non-Muslims were quite often not a minority, but the majority politically subject to Muslim rule.

The problem is that of making valid comparisons between different political systems, and between different chronological periods. Arguably, Europe and the Muslim world were very different, just as then

and now are very different. Yet, there were similarities. Both systems were feudal. People were not citizens, but subjects, and, except for those at the very top, everyone belonged to somebody else. Minorities had to be fitted in to that scheme. It really is not, I think, surprising that conquering Muslims imposed conditions upon the people whom they conquered, just as conditions were imposed on Indians in America, on Aborigines in Australia, on the peoples of India, and so on, by conquerors or by settlers— imperialists all.

By way of a conclusion, minorities, religious and otherwise, have been and are, perceived both as a threat and a challenge. Yet in few, if any, instances can the threat be real. Minorities, even if wealthy, are just that: minorities. They can rarely win any contest against the majority. Psychologically though, minorities represent something that disturbs majorities or, rather, they disturb those who wish to maintain monocultural or monoreligious identities. Such people fear minorities because their very existence and persistence suggests that alternatives are conceivable. As societies become more diverse, the threat element will diminish. The challenge will be to create mechanisms that protect pluralism. The danger is that the mechanisms we create will allow some to flourish, while marginalizing others.

The claim that links exists between certain peoples and certain pieces of land must, I passionately believe, be challenged. It is, I believe, a myth invented to support an exclusive land-link concept of citizenship and belonging. This, of course, will be problematic when a claim to that special land-link relationship is theological as well as historical. It is my view—however, that all of our ancestors were migrants and, if special bonds do exist between pieces of God's earth and certain peoples—then these must not be used to deny others the right of occupancy, or the right to practice a faith that differs from the majority. What we need to develop are notions of belonging, which value participation in economic, social, and political life over and above ethnicity, religion, or place of birth. Any other definition of belonging, of citizenship, is restrictive and must be challenged. We might note that, as they stand, the citizenship laws of a number of European countries would not pass the test. Thank you.

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"Symposium on Religious Freedom and the Rights of Minorities in Islam" by **ACMCU** PRO (Monday 14 May 2012)
http://guevents.georgetown.edu/event/symposium_on_religious_freedom_and_the_rights_of_minorities

Cosponsored with The Islamic Society of North America, scholars and academics of Islam discussed the historical legacy of religious minorities in Muslim-majority societies, and how concepts of pluralism and minority rights can be examined in a contemporary context, particularly following the dramatic developments of the Arab Spring. This symposium provided an opportunity for academics, government officials, diplomats, and other experts based in Washington, DC to engage in these discussions.

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