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BUILDING ISLAMIC POLITY WITHIN A SECULAR  
FRAMEWORK OF POLITICAL ACTIVITY IN EGYPT,  
TUNISIA AND TURKEY WITH REFERENCE TO IBN  
KHALDUN'S THEORY OF STATE

*Wahabuddin Ra'ees*

**Abstract**

*The emerging tendency among the proponents of political Islam in Egypt, Tunisia, and Turkey is to create Islamic polity within a secular framework of political activity, that is, they are prepared to share power with secularists and preserve the secular nature of the state. The ruling Islamist parties in Egypt, Tunisia and Turkey argue that the religiously pluralistic model of secularity does not contradict the doctrinal sources of Islamic Law (shari'ah). This study assesses the legitimacy of the religiously pluralistic model of secularity with reference to Ibn Khaldun's theory of state. In Ibn Khaldun's frame of civilization, the state is a religious necessity and is purposive, created by men to facilitate attainment of public interest or fundamental human rights ordained by the Law-Giver. This study argues that the religiously pluralistic model of secularity and Ibn Khaldun's religious state or regime of law focuses on the protection and promotion of divine rights of men. The religiously pluralistic model of secularity will cease to be in line with Ibn Khaldun's regime of law if it ceases to protect and promote public interest.*

**Key Word:** substantive approach, institutional approach, religious pluralism, secular frame of political activity, assertive/active secularism, passive/liberal secularism, regime of law, secular/civil state

### Introduction

The debate about building an Islamic polity within a secular framework of political activity has become intense with the coming to power of Islamists parties in Egypt and Tunisia. In the wake of the 2011 Arab Spring, the Turkish ruling Justice and Development Party's decade-long idea of building an Islamic polity within a secular framework of political activity found its voice in Egypt and Tunisia. Like the Turkish Justice and Development Party, the Ennahdha Islamist Party in Tunisia openly expressed its intention to build a secular state. The ruling Freedom and Justice Islamist Party in Egypt states that it will introduce what it calls a civil state. However, they all have argued that the secular state they intend to build is not against the doctrinal sources of Islam, the Qur'an and Sunnah of Prophet Muhammad. This study assesses the legitimacy of the idea of building an Islamic polity within a secular framework of political activity in Muslim political legacy with reference to the theory of state of the 14<sup>th</sup> Century Muslim political thinker and sociologist-cum-historian, Ibn Khaldun. This study answers the question: does the idea of building a secular state within a secular frame of political activity conform to Ibn Khaldun's regime of law or religious state? Structurally, this study is composed of four parts. First, it discusses the new debate among the advocates of political Islam about building an Islamic polity within a secular frame of politics. Second, it discusses Egypt's ruling Muslim Brotherhood movement, Tunisia's ruling Ennahdha Party and Turkey's ruling Justice and Development Party's vision for state and society. Third, it examines Ibn Khaldun's theory of state. Finally, the study discusses the linkage between Ibn Khaldun's theory of state and the secular vision of the ruling Islamist parties for state and society in Egypt, Tunisia and Turkey.

### The debate: building of the Islamic State within the secular frame of political activity

The new debate among the advocates of political Islam on building the Islamic state within the secular frame has given rise to substantive and institutional/traditional approaches to building a state in contemporary Muslim societies. The debate and the

approaches to building an Islamic state within a secular framework focuses on two central issues: (1) the purposes (*maqasid*) the state seeks to attain and (2) the form or institutional set up of the Islamic state. The substantive approach puts emphasis on the purposes the state seeks to attain more than its form. It postulates that the state and its affiliated institutions are purposive and man is entrusted to ensure that it serves divine purposes (*maqasid* of *shari'ah*) for man and society. The way these purposes are attained, although important, is not the primary concern. For instance, the purposive approach does not view the introduction of *shari'ah* courts, the Islamic legal system and the Islamic penal code as the primary purpose of capturing power and governance. It rather focuses on the attainment and promotion of purposes such as political and religious pluralism; democratisation; social justice; human rights; respect for law and human dignity; the freedoms of expression and beliefs; equal opportunity for all; universal political participation; women's rights; rights of minorities and good governance. They argue that these purposes are ordained by the *shari'ah*. The advocates of the substantive approach argue that making the purposes of *shari'ah* the focus of public policy will liberate it from reducing it to historically rigid set of positive juristic rules. It will make *shari'ah* the main source of public policy making and ethical and moral laws and policies legislated by modern Muslim states through democratic processes.<sup>1</sup>

The institutional approach focuses on the form the state can take. It focuses on the institutions necessary for the implementation of doctrinal sources of Islamic law (*shari'ah*). It argues in favour of the codification of religious laws derived from the *shari'ah*, changing the secular nature of national constitutions and legal

<sup>1</sup> Louay Safi "The Maqasid Approach and Rethinking Political Rights in Modern Society", *Intellectual Discourse*, Vol. 18, No. 2, 2010, 212-223, and "The Islamic State: A Conceptual Framework", *American Journal of Islamic Social Sciences* (September 1990), Vol. 7, No. 2, pp. 177-91. For differences between the *shari'ah* (the doctrinal sources of Islam) and positive juristic rules (*fiqh*), see, Muddathir 'Abd Al-Rahim & William H. Brackney (eds), *Human Rights and the World's Major Religions: The Islamic Tradition*, (USA & London: Praeger, Vol. 3, 2005), pp. xv-xviii.

systems, introduction of *shari'ah* courts and the promulgation of *hudud* or the Islamic penal code and coercive enforcement of Islamic law or positive juristic/legal works and the imposition of strict religious rituals.<sup>2</sup> Even though the institutional approach makes reference to the purposes of state and argues that the institutional frame of the state is closely linked to the state's purposes, its primary preoccupation in capturing power is reform of the institutional frame of the state. Putting more emphasis on form than the purposes of the state has often obscured the universal and compassionate basis of the Islamic view on life and existence as it often holds conservative views on gender issues, minority rights and freedoms and subscribe to puritanical interpretations of Islamic rituals.

The new debate has affected Muslim political thought in complex ways. The Islamist movements in Egypt, Tunisia and Turkey began to raise questions about the legitimacy of the institutional/traditional approach to establishing an Islamic state. At the core of the debate is the claim by the advocates of the substantive approach that an Islamic state can be established within a secular frame of political activity. This leads to numerous interrelated and yet important questions. Who/what defines the purpose the secular state seeks to attain? Does secularism that contradicts the Islamic approach to life and state-building refer to the separating realm of religious activity from the realm of political activity or to a more philosophical issue of detaching life and existence from its Creator? Secularism viewed as separation between religious activity and political activity does not detach life and existence from its Creator. It also does not deprive man from his moral duty and does not reject the public role of religion. However, detaching life and existence from its metaphysical root or origin (i.e. the Creator) ultimately leads to the materialistic view on life and state-building. It raises questions about the nature and origin of life and existence. Man is removed from his true nature, that is, rights and purposes for which he lives and is created. He is also removed from his religious and moral duty and rights.

<sup>2</sup> Ibid.

Eventually, in the absence of a strong relationship between life and existence and the Creator, humans are elevated to determine and define the standards of morality and the moral duty of individuals and the state. This extreme form of secularism attacks religiosity and is bent to destroy individual rights to religious freedoms and the public role of religion. The state is created and the purpose of political activity is to destroy religious freedoms. The state becomes intolerant to religious pluralism.

The discourse on the meaning and application of secularism in the Muslim world has come of age and has resulted in a change in the attitudes and approaches of many Islamist movements to state-building in the Muslim world. In the immediate decades of post-colonial era, secularism was viewed as the attempts of the West to dominate the post-colonial Muslim states. During this period, secularism in all its forms and manifestations was perceived as anti-Islam and was firmly rejected. This perception was reinforced by the state's control of religious freedom and suppression of democratic rights of its citizens throughout the Muslim world such as Turkey, Syria, Egypt, Tunisia, Morocco, Iraq and Afghanistan.<sup>3</sup> Lately, a more rational discourse on secularism has emerged which has significantly influenced the attitudes and approaches of the supporters of political Islam in the Muslim world. Abdul Wahab al-Masiri, Tariq Ramadan, Abdolkarim Soroush and Rached al-Ghanouchi are the leading advocates of the rational discourse on secularism. It has influenced the Tunisian ruling Ennahdha Islamist group, the leadership of the Muslim Brotherhood affiliated to the Justice and Freedom Party, and the leadership of the Turkish AK Party.

States viewed in terms of the secular frame of political activity suggests that they simultaneously defines their moral-base and institutions for attainment of their purpose.<sup>4</sup> The rational

<sup>3</sup> Tariq Ramadan, *The Arab Awakening: Islam and the New Middle East*, (USA: Allen Lane, 2011), pp.81-86.

<sup>4</sup> Abdolkarim Soroush, *Reason, Freedom and Democracy in Islam*, translated, edited and introduction by Mahmoud Sadri & Ahmad Sadri, (New York: Oxford University Press, 2000), pp. 122-155.

discourse on secularism rejects this absolutist description of the secular state. Al-Masiri divides secularism into two: (1) comprehensive secularism (*al-'ilmaniah al-shamilah*) and (2) partial secularism (*al-'ilmaniah al juz'iyah*). He says comprehensive secularism detaches life and existence from its origin, the Creator, and attacks natural human values and fundamental rights. Partial secularism does not remove man's moral duty to life and existence. It only separates the realm of religious activity from the realm of political activity.<sup>5</sup> Ghannouchi joins Ramadan and argues that the secular frame of political activity is of two types. The first is a secular state that practices the French type of 'extreme or assertive/active secularism (*la laïcité*)' which persecuted religious freedom and rights of people and which "entails the state's preference for a secular worldview in the public sphere..."<sup>6</sup> The state has not been neutral to the lifestyle individuals chose. The state does not recognize the public role of religion. Ramadan argues that the states in Turkey under Mustafa Kemal Atatürk and Tunisia under Habib Bouguiba, instead of separating religion from politics, put religion under state control and attacked citizens' rights to freedom of religion and faith.<sup>7</sup> The second type is a secular state that practices 'liberal/passive secularism' and is a religiously pluralistic state "which merely implies state neutrality toward various religions and allows the public visibility of religion."<sup>8</sup>

For Ghannouchi and Ramadan, the core principle of passive secularism is a civil democratic state "that recognizes universal human rights ... (and) defines a clear role between government and religion-government, the state, whose role is not to impose any religion or to forbid any religion."<sup>9</sup> Ramadan argues that in passive

<sup>5</sup> Abdul Wahab al-Masiri, *al-'ilmaniah al-shamilah wa al-'ilmaniah al juz'iyah*, (Cairo: Dar al-Shuruq, Vol. 1, 2002), pp. 16-17.

<sup>6</sup> Korab-Karpowicz, W. J., "Turkey under Challenge: Conflicting Ideas and Forces", *Turkish Policy Quarterly*, Volume 7 Number 1, p. 92.

<sup>7</sup> Tariq Ramadan, p. 82-84.

<sup>8</sup> Ibid., p. 92.

<sup>9</sup> Rachid al-Ghannouchi "Tunisia's Challenge", *Council on Foreign Relations*, November 30, 2011, Washington <[http://www.cfr.org/tunisiast-challenge-conversation-rachid-al-ghannouchi/p26660](http://www.cfr.org/tunisia/tunisiast-challenge-conversation-rachid-al-ghannouchi/p26660)> (accessed 22 august 2012).

secularism it is possible to democratize the public sphere in which political democracy and religious pluralism coexist.<sup>10</sup> Soroush says that the democratic state does not force compliance of a specific religion on its citizens. Religion is a matter of personal choice. Citizens are free to choose whatever religion they want to.<sup>11</sup> The state does not support or fund secular groups against religious groups who do not accept secularism as a way of life. It also does not support or fund religious groups against those who ignore religion and religious practices. Ultimately, the secular character of a state allows tolerance and accommodates existence of diverse life styles with the state having nothing to do with imposing any particular lifestyle or religion on its subjects.<sup>12</sup> The only dividing line between people from across the ideological and religious divide is democracy versus dictatorship, not believers versus disbelievers.<sup>13</sup>

Ghannouchi and Ramadan argue that this model of secularity does not contradict the core principles of Islam. Ghannouchi says "We strongly believe that the state has no business [in imposing] in the name of religion, nor does it have any business to forbid [ ] society in its practice of religion.... Islam was revealed to establish human rights. This is the very essence of Islam. Everything that establishes justice, equality between people, is from Islam, even if we don't find the clear text which says it ... (and) any interpretation of Islam which is against the basic human rights and universal human rights or against [ ] justice is refutable and is not part of Islam, even ... if some people come up with [ ] justification [with] a text. For me, the text is ill interpreted. It

challenge-conversation-rachid-al-ghannouchi/p26660> (accessed 22 august 2012).

<sup>10</sup> Tariq Ramadan, p. 82.

<sup>11</sup> Abodolkarim Soroush, p. 143.

<sup>12</sup> Ahmet T. Kuru, "Secularism in Turkey: Myths and Realities" *Insight Turkey*, Vol. 10 / No. 3 / 2008, pp. 101-103.

<sup>13</sup> Rachid al-Ghannouchi, "Tunisia's Challenge", *Council on Foreign Relations*, November 30, 2011, Washington <[http://www.cfr.org/tunisiast-challenge-conversation-rachid-al-ghannouchi/p26660](http://www.cfr.org/tunisia/tunisiast-challenge-conversation-rachid-al-ghannouchi/p26660)> (accessed 22 august 2012).

cannot be part of Islam."<sup>14</sup> Islam is a universal religion. Its audience is not only Muslims and Islamists, but the whole of mankind. Islam does not forbid Muslim to live and coexist with followers of other denominations. We are equal and should organize ourselves regardless of our religion and color to promote fundamental human values.<sup>15</sup> By establishing a civil democratic state, the Islamists in the Muslim world hopes to remain "faithful to Islam while at the same time enjoying the justice, freedom and other human rights that can only be effectively upheld and only guaranteed in democratic and not authoritarian regime of whatever description they may be...."<sup>16</sup>

However, Mohd Kamal Hassan cautions against the usage of the term religious pluralism used by Ghannouchi and Tariq Ramadan with reference to state and politics in contemporary Muslim societies. In Mohd Kamal's view, religious pluralism is antithetical to the Islamic approach. It suggests equalization of all religions. It also suggests that there is nothing exclusive about Islam. This amounts to denial of Islamic ideals and history. He says that the term religious plurality and not religious pluralism reflects the true spirit of Islamic ideals and history and religious tolerance and freedom advocated Islam and practiced by Muslims.<sup>17</sup>

#### **Building a state within a secular framework: the case of Egypt, Tunisia and Turkey**

The Egyptian Muslim Brotherhood (EMB) movement, its political arm, the Freedom and Justice Party (FJP), and its affiliated Tunisian Ennahdha Party and the ruling Justice and Development

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Muddathir 'Abd Al-Rahim & William H. Brackney (eds), *Human Rights and the World's Major Religions: The Islamic Tradition*, (USA & London: Praeger, Vol. 3, 2005), p. 104.

<sup>17</sup> Interview with Prof. Dr. Mohd Kamal Hassan, the former Rector of the International Islamic University of Malaysia, on "Secularism and Religious Pluralism" on 3 December, 2012, International Institute of Islamic Thought and Civilization (ISTAC), Kuala Lumpur, Malaysia.

Party (AMP) have expressed their intention to establish an Islamic polity within the secular framework of politics. They have collectively argued that their primary purpose in capturing power and control of state institutions is not to change the secular nature of national institutions and legal systems. They have argued that they are bent on pursuing the promotion of fundamental human values and norms as the ultimate purpose of the exercise of power, and they will do that within the frame of Ghanouchi's model of secularity. The discussion below focuses on EMB, Ennahdah and AKP's vision for state and society.

The Egyptian Muslim Brotherhood (EMB) of Hassan al-Banna, established in 1928, is often described as an umbrella Islamist socio-political movement with its branches spreading all over the Middle East and the Muslim World. EMB is believed to be the world's most influential Islamist socio-political movement. The Tunisian Ennahdha Islamist Party co-founded by Rached al Ghannouchi, AMP and its predecessor, the Turkish Virtue (*Refah*) Party of Necmettin Erbakan, the Syrian Muslim Brotherhood Party established by Mustafa as-Sibai, *Jama'at-e-Islami* of Pakistan, founded by Abul al-'Ala Maududi, etc. are groups and movements that broadly share the ideological platform of EMB. The EMB has "become the ideological grandfather of more than eighty-five other Islamist groups in dozens of countries well beyond the Arab world."<sup>18</sup> Neither the EMB nor its affiliated Islamist parties of respective Muslim nations are monolithic. The members of all EMB affiliated Islamist groups range from hardliners, reformers, moderates and centrists, and are divided over issues of political participation, interpretation of and approaches to state-building and establishment of a norm-based or law-based state. However, a distinctive feature of the EMB and its affiliated Islamist parties is that they are political movements with religious affiliation. All of them aspire for capturing power to establish Islamic polity or an Islamic state.

<sup>18</sup> Sameer Shehada, "Egypt: The Founder", Robin Wright (ed.), *The Islamists Are Coming: Who They Really Are*, (USA: The U.S. Institute of Peace Press, 2012), pp. 21-30.



Since its establishment, the EMB has been politically persecuted and has suffered under the yoke of all secular military regimes. However, it has never wavered in its commitment to political engagement. It has remained firm, but pragmatic in its resolve to influence political development in Egypt and infuse Islamic values "as the sole reference points for ordering the life of the Muslim family, individual, community and state, and to base the delivery of justice on *shari'ah*",<sup>19</sup> the main source of Islam. In Egypt, the 2011 Arab Spring swept the EMB's political arm, the Freedom and Justice Party into power. Despite the fact that Article 2 of the amended Egyptian Constitution states *shari'ah* as the source of law in Egypt, the EMB controlled government has adamantly rejected that it would implement Islamic law or establish an Islamic state.<sup>20</sup> "The turning point" in EMB history "was marked by the 1969 publication of *Preachers, Not Judges* by Hassan al Hodeiby, the General Guide of the movement. Hodeiby rejected *takfir* (blasphemy), the idea of declaring some Muslims infidels, and rejected violence as a method of political change."<sup>21</sup>

The EMB dominated Freedom and Justice Party (FJP) Government that was swept to power after the 2011 Arab Spring claims that it wants to establish a civil state with an Islamic reference. The leader of FJP, President Mohamed Morsy described the civil state the FJP aspires to build in Egypt as a state that practices democracy and constitutionalism.<sup>22</sup> President Morsy views associating the civil state FJP plans to build with the old religious states that were founded during the Middle Ages as a historic misconception and argued that "we are here not talking

<sup>19</sup> Ferry de Kerckhove, *Egypt's Muslim Brotherhood and the Arab Spring*, Canadian Defence & Foreign Affairs Institute CDFAI, May, 2012, p. 1.

<sup>20</sup> Jayshree Bajoria, "Egypt's Muslim Brotherhood", *Council on Foreign Relations*, June 25, 2012 available from <<http://www.cfr.org/africa/egypts-muslim-brotherhood/p23991>> accessed on 16 September 2012).

<sup>21</sup> Sameer Shehada. For example of outgrowth of al-Qa'eda radical group against EMB and its affiliates in the Muslim world, see Meir Hatina, "Redeeming Sunni Islam: Al-Qa'ida's Polemic against the Muslim Brethren" *British Journal of Middle Eastern Studies*, May 2012: pp. 101-113.

<sup>22</sup> *Al-Masry Al-Youm* (Egyptian Daily), 12 October, 2012.

about a theocracy, but rather a country governed by the people through an elected parliament."<sup>23</sup> Grand Mufti Ali Gomaa in an interview with *Al-Masry Al-Youm* "stressed that the concept of a civil state doesn't contradict Islamic law, but conforms to it. In Egypt, a civil state means a modern nationalist state that is compatible with Islamic provisions."<sup>24</sup> According to Gomaa, "Egypt's Islamic identity does not clash with its civil system, which defends citizens' rights regardless of their faith (and) ... the rights of Egypt's Coptic Christians will be protected and that religious diversity will be respected. The unity between Egypt's religious sects is a unique historical experience. That harmony is impregnable."<sup>25</sup>

The essential principles of the civil state FJP advocates are: equality for all Egyptians; political and religious pluralism; religious dialogue; tolerance and respect for religious differences; social justice; human rights, respect for law and human dignity; the freedoms of expression and beliefs; equal education and healthcare opportunity for all; popular sovereignty/universal political participation and fair distribution of national resources; women's rights; employment; transparency and accountability; good governance; and *shari'ah* as a source of legislation.<sup>26</sup> It is committed to clean up decades-long problems of authoritarianism, corruption, and mismanagement in Egypt. The EMB believes that it can share power with secular political and religious groups and movements committed to the promotion and protection of fundamental human values. It has often sought alliances and cooperated with political forces across the Egyptian political spectrum. For instance it formed alliance with Wafd Party in 1984 and with Labor and Ahrar Parties in the 1987 parliamentary elections.<sup>27</sup> It is evident in the statements of its leaders that the

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Annika Folkesson, pp. 141-142. See also, *Al-Masry Al-Youm* (Egyptian Daily), 10 and 12 October, 2012.

<sup>27</sup> Sameer Shehada, p. 25.

EMB de-emphasizes the introduction and implementation of Islamic criminal laws. However, Robert S. Leiken and Steven Brooke, Middle East experts, have argued that the EMB's use of democratic strategy has been tactical.

In Tunisia, the dominant Ennahdha Islamist Party government was swept to power after the 2011 peaceful popular revolt that toppled the oppressive regime of Zine al Abidin Ben Ali. It ended a decades-long dictatorship in Tunisia. Ennahdha dominates the national assembly and the executive and is an active member of the civil society groups in Tunisia. However, it has committed itself to a power-sharing frame with other secular nationalist and leftist groups and parties. Ennahdha is part of the ruling troika, a coalition government composed of Ennahdha, and two secular parties, the Congress for the Republic and Ettakatol. The coalition government is open to recruit minority and smaller political parties and religious groups into the national unity government. Ennahdha neither calls for implementation of Islamic law nor Islamic state. It resisted attempts by extreme Islamists to amend/rewrite the constitution and to make it more Islamic.<sup>28</sup>

Rachid al Ghannouchi, has attributed the success of the peaceful popular revolt to its *secular* nature. According to him, the Tunisians across the ideological and religious divide found a common secular platform whose core principles are establishing a civil democratic government, recognition of "universal human rights, including the rights of women as defined by the Personal Status Code in Tunisia",<sup>29</sup> and political and religious pluralism where the role of government and religion are clearly defined in a manner that state does not impose or forbid any religion.<sup>30</sup> He argues that the Ennahdha dominated state will not interfere in personal religiosity of citizens or impose its version of religious

<sup>28</sup> Annika Folkeson, 152-153.

<sup>29</sup> Al-Ghannouchi, "Tunisia's Challenge", *Council on Foreign Relations*, November 30, 2011, Washington - <<http://www.cfr.org/tunisia/tunisiachallenge-conversation-rachid-al-ghannouchi/p26660>> (accessed 22 august 2012).

<sup>30</sup> Ibid.

choice on the people.<sup>31</sup> Ghannouch has argued that the Ennahdha party openly declared fundamental human rights ordained by God and not the Islamic law or more specifically the implementation of the Islamic penal code to constitute the basis of the constitution in Tunisia.<sup>32</sup>

Christopher Alexander says "The combination of words and deeds suggested that Ennahdha ... sees Islam as a source of cultural identity and personal belief as well as the source of Ennahdha's commitment to ethical government. [Therefore] Tunisia's Islamist experience may hold the best prospects for a democratic transition in the Arab world. From its early roots in the ideas of the Muslim Brotherhood, Ennahdha has evolved into an influential exemplar of a moderate, pragmatic Islamism that pledges to support human rights, pluralism, and democracy. It has developed ties to secular organizations that battled authoritarian rule. It is also attuned to the realities of Tunisian society and politics and, compared to movements elsewhere, is less wedded to a strict universal ideology."<sup>33</sup>

Turkey's ruling Adalet ve Kalkima Partisi or (AKP) is a moderate Islamist party. AKP is the offshoot of the Welfare/Virtue (*Refah*) Islamist Party banned in 1998 and was formed in 2001 by reformist members to succeed it.

"The AKP is a political party with clear Islamic roots."<sup>34</sup> However, it calls itself a secular party with socially conservative platform and Muslim values....<sup>35</sup> Prime Minister "Erdoğan, who founded the party, actually rejects defining the AKP in religious terms. In 2005, he said that "We are not an Islamic party, and we also refuse labels such as Muslim-democrat."<sup>36</sup> The AKP leader instead calls the party's agenda a 'conservative democracy'. Hence, AKP's agenda combines the local Islamic conservative

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Christopher Alexander, "Tunisia: The Best Bet", Robin Wright. pp. 39-48.

<sup>34</sup> Ömer Taşpınar, "Turkey: The New Model?" Robin Wright. p. 127.

<sup>35</sup> Annika Folkeson, p. 153.

<sup>36</sup> Ömer Taşpınar, p. 128.



values with modern democratic values into a new synthesis.<sup>37</sup> Ahmet T. Kuru argues that AKP is secular party and calls for establishing a secular state. It does not want to establish an Islamic state in Turkey. It practices liberal/passive secularism and opposes a Kemalist version of assertive/active secularism "which aims to remove religion from the public sphere."<sup>38</sup> W. J. Korab-Karpowicz argues that "The AKP's leadership rejects the assertive concept of secularism which they claim discriminates against individuals and which they regard as undemocratic and in contradiction to human rights and freedoms....(It supports) liberal (or passive) secularism, according to which religious veiling does not violate the secular character of the public sphere, but is a matter of individual preference and should be allowed as a matter of free expression."<sup>39</sup> Kuru says that "Apart from marginal groups, there is an overall consensus on secularism in Turkey. [Therefore] the real debate [in Turkey] occurs between the supporters of different interpretations of secularism."<sup>40</sup> AKP's attempts to oppose secularism as a worldview while insisting on the secular character of the state has given rise to criticisms by its critics that it harbors an Islamist agenda.<sup>41</sup> While it is undeniable that AKP possesses an Islamic orientation and bent upon Islamization of the Turkish society, it does insist to pursue its Islamist agenda within a secular framework of social activity.

#### **Ibn Khaldun's theory of state: meaning, purpose and nature**

Ibn Khaldun is a Muslim historiographer and historian. He was responsible for the development of modern historiography, sociology, jurisprudence, economics and political science with

<sup>37</sup> Korab-Karpowicz, "Turkey under Challenge: Conflicting Ideas and Forces", *Turkish Policy Quarterly*, Volume 7 Number 1, p. 94.

<sup>38</sup> Ahmet T. Kuru (2008), p. 101.

<sup>39</sup> Korab-Karpowicz, p. 92.

<sup>40</sup> Ahmet T. Kuru, "Reinterpretation of Secularism in Turkey: The Case of the Justice and Development Party", M. Hakan Yavuz (ed.), *The Emergence of a New Turkey: Democracy and the AK Parti*, (Salt Lake City: University of Utah Press, 2006), p. 2.

<sup>41</sup> Annika Folkeson. p. 153.

reference to Muslim society and doctrinal sources: the Qur'an and Sunnah. It is essential to observe that Ibn Khaldun's analysis of state and politics has been influenced by his world view. According to Muddathir Abdel Rahim, Ibn Khaldun's reference to Islam's doctrinal sources sheds light on his world view. Muddathir argues that Ibn Khaldun's views on nature/universe; human reason; and faith constitute the foundations of his worldview.<sup>42</sup> He says that Ibn Khaldun was able to integrate these constituent elements into a coherent whole harmoniously and dynamically. In Ibn Khaldun's scheme of knowledge, these three elements complement each other. Ibn Khaldun, Muddathir argues, believed that God had created both man and the natural world, and, in his view, divinely charged with responsibility of developing the world ethically.<sup>43</sup> For man to be able to fulfill his responsibility of developing the world including building the state and civilization, God has gifted man with intelligence ('aql) to discover and manage the divinely instituted laws (*mustaqir al-'ada* or *sunnah of Allah*) in accordance with which nature functions.<sup>44</sup> Muddathir argues that in Ibn Khaldun's worldview, man's divinely given rationality does not contradict faith and revelation which was brought through the medium of prophecy in order to enhance God-conscious ability to act ethically. Equipped with divine gifts of reason, dignity and physical ability and ethical guidance, man embarks on the development ('*umran*) of earth, including the building of states and political institutions.<sup>45</sup>

<sup>42</sup> Prof. Dr. Muddathir 'Abd Al-Rahim has expressed his views on Ibn Khaldun's worldview in the Keynote Address he delivered on 17 October, 2012, in the "International Conference on *Ibn Khaldun: Theoretical and Empirical Relevance*" jointly organized by the Academy of Islamic Studies, University of Malaya, National University of Singapore (NUS), International Institute of Advanced Islamic Studies (IAIS): 17-18 October, 2012.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid. For discussion of Ibn Khaldun's belief-system and its influence on his theory of state and civilization also see, Wahabuddin Ra'ees, "'Asabiyyah, religion and Regime Types: Re-reading Ibn Khaldun" *Intellectual Discourse*, Vol, 12, No. 2, pp.

Ibn Khaldun, in his outstanding work, the *Prolegomena (Muqaddimah)*, provides a rigorous and scientific discussion of why the state is a religious necessity and how it is created. According to him, the state is a social/human construct sanctioned by religion. It "is concerned with the administration of home or city in accordance with ethical and philosophical requirements, for the purpose of directing the mass toward a behaviour that will result in the preservation and permanence of the (human) species" on earth as well as salvation in the Hereafter.<sup>46</sup> Ibn Khaldun argues that the state as the frame of civilization is an urban institution. Humans create states to achieve certain clearly stated purposes; either defined by Lawgiver (i.e. divine) or philosopher (i.e. humans). However, in pursuit of those purposes, the state is ruled over by a ruler.<sup>47</sup> Hence the ruler possesses political power that is, the ability to control or what he called "royal authority". According to Ibn Khaldun, royal authority refers to the art of government and 'restraining authority' exercised by the ruler to dominate and control other members of society,<sup>48</sup> and the "royal authority ... belongs only to those who dominate subjects, collect taxes, send out (military) expeditions, protect the frontier regions and have no one over them who is stronger than they."<sup>49</sup>

Ibn Khaldun therefore argues that the elements of (1) urban institutions, (2) political power, (3) the ruler(s) and (4) the subjects collectively constitute the state. These four dimensions of the state are coextensive and closely interconnected. The state can serve its purposes if its constituent elements are viewed in interrelationship. Hence, the state is a set of urban administrative institutions ruled over by a ruler possessing royal authority and the ability to maintain law and order, protect peoples' life and property and plans for physical, economic, psychological and social

<sup>46</sup> Ibn Khaldun. (2005). *The Muqaddimah: an Introduction to History*, (1st. Princeton Classic edn.) translated and introduced by Franz Rosenthal. Princeton: Princeton University Press, p. 39.

<sup>47</sup> Erwin I. J. Rosenthal, *Political Thought in Medieval Islam: an Introductory Outline*, (Cambridge University Press (first published in 1958), 1962), p. 87.

<sup>48</sup> Ibn Khaldun. (2005), p. 154.

<sup>49</sup> *Ibid.*, p. 152.

development of life and the well-being of its subjects. Ibn Khaldun argues that the purposes a state seeks to attain are closely associated with it, but they are not its constituent elements. It is so because the state is created to attain those purposes, and what is pursued (i.e. purposes) cannot be part of the instrument (i.e. state). The distinction between the state and its purposes is essential and helpful in explaining the institutional and substantive approaches, discussed above, to the creation of the Islamic state within a secular framework of political activity.

The ultimate purpose the state seeks to attain is promotion and protection of *maslaha* (*masalih* for its plural) or public interest/welfare intended by the Lawgiver, not philosopher. The state "serves the public interest [that is] ... the interests of the Muslim nation in both ... [its] worldly and ... religious affairs."<sup>50</sup> The state is established "to satisfy man's need for food, clothing and housing ... defence ... [and] the provision of the necessities of life is followed by a desire for its comforts, and so the stages of food-gathering and cattle raising are supplemented by the arts and crafts which provide better and more varied food, more comfortable houses and elegant clothes in the cities."<sup>51</sup> Therefore, the elements of public interests include all those practices and norms that are religiously required and are necessary for life and existence. They are justice, public welfare, right to or preservation of life and property, human dignity, the provision of the basic means of survival and other human needs such as economic development, business and trade, wealth creation, education, investment, public welfare activities, sustainable development, civil liberties, the absence of government interference in the economy and control of private businesses, prevention of aggression and violations of basic human rights, etc.<sup>52</sup>

<sup>50</sup> *Ibid.*, p. 169.

<sup>51</sup> Erwin I. J. Rosenthal, p. 87.

<sup>52</sup> Ibn Khaldun. (2005), pp. 41, 47, 96, 156-157, 237-240. Also see, Mohammad Tahir Sabit Haji Mohammad, "Principles of Sustainable Development in Ibn Khaldun's Economic Thought", *Malaysian Journal of Real Estate*, Volume 5, Number 1, 2010, pp. 1-18.

Ibn Khaldun says that religion and state are closely connected. The construction and existence of the state is a religious and not merely a rational necessity. He argues that the state is a human invention, but with a unique character. He emphasized the experiential character of state that is the state constructed by humans through experience, yet this humanly accumulated experience should reflect and conform to religious guide or what he called 'outsider/divine light'.<sup>53</sup> Hence, Ibn Khaldun's theory of civilization is based on the assumption that "religion" must be politicised. By politicization of religion, Ibn Khaldun neither meant to put religion in the service of politics nor use religion to legitimize political activities. In Ibn Khaldun's approach, the state is a human invention, an instrument of realization of divine will and design for life and existence. Therefore, all political activities including the state, must pursue purposes defined by the Lawgiver and can be perfected through and by reference to Divine Law.<sup>54</sup> In other words, all the above purposes of state must reflect divine intention for mankind and civilization. The state whose purposes are not defined with reference to divine design for mankind is absolute and amenable to corruption and decay.

Ibn Khaldun's obsession with the religious basis of the state and its purposes forced him to classify the state into a regime of law or religious state (*siyasaḥ shar'iyah/siyasaḥ diniyyah*) and a rational regime or state (*siyasaḥ 'aqliyyah*).<sup>55</sup> Both, the regime of law and the rational regime, are experiential. However, the regime of law is distinguished from rational regime in that the Lawgiver (i.e. divine) defines the purposes the regime of law seeks to attain while the purposes a rational regime seeks to pursue are defined by philosopher (i.e. humans). Obviously, Ibn Khaldun argues that the purposes of the state are provided by religion or divine law. A state whose purposes are defined by human reason without the light of God to help it is devoid of divine light and hence is a rational state

<sup>53</sup> Ibn Khaldun. (2005), p. 156-157.

<sup>54</sup> Wahabuddin Ra'ees. 167.

<sup>55</sup> Ibn Khaldun, Abd al Rahman (1992), *Tarikh Ibn Khaldun*, vol. 1, (Beirut: Dar al-Kutub al-'Ilmiyyah), vol. 1, pp. 104-128.

and not a religious state. It may not be incorrect to argue that Ibn Khaldun's theory of state does not advocate a secular state that separates political activities and religion, but it sanctions a religiously pluralistic state in which adherents of multiple religious denominations can co-exist. Therefore, Ibn Khaldun's views suggest that a constitutional framework of a Muslim state as a frame of civilization should recognize this religiously pluralistic character of its subjects.

Closely connected is the issue of the form or institutions a state may evolve into in a particular historical period. The emphasis of Ibn Khaldun's theory of state has been on attainment of a divine design for life and existence; it does not suggest a historically valid rigid approach to state formation and institution-building. For Ibn Khaldun, expediency and legitimacy of state formation and institution-building is judged by its purposes and is legitimised on the basis of its conformity with the ethical or moral intentions of the Lawgiver or divine law. Ibn Khaldun's theory of state, by emphasizing the substance for which institutions are created and not the institutions the state evolves into, suggests that the rulers and holders of power could abolish obsolete institutions and create new ones that could be viewed expedient for the attainment of the purposes of the state.

Therefore, the state Ibn Khaldun had in mind may neither resemble monarchy, kingship or imperial or even a democratic form if they do not lead to the attainment of the purposes of the state. The desirable form of the state is the one that can promote state purposes desired by the Lawgiver. Observed as essential in Ibn Khaldun's theory of the state are the purposes of the state. Therefore, any form of state is religiously sanctioned and may resemble the Great Imamate (*al-imamat al-kubra*) founded by the Rightly-Guided caliphs if its institutions reflect and aim to attain the purposes for which the Divine has made it imperative upon men to create a state.<sup>56</sup> However, Ibn Khaldun's regime of law is closer to a democratic form of state. He argues that religious laws give equal power (courage and fortitude) to both rulers and the

<sup>56</sup> Ibn Khaldun (2005), p. 15.

man's behaviour."<sup>59</sup> The visions outlined by JFP, Ennahdha and AKP ruling Islamist groups in Egypt, Tunisia and Turkey respectively attempt to maintain the linkage between theological and empirical understanding of state found in Ibn Khaldun's theory of state. They do so, on the one hand, by putting emphasis on the purposive nature of the state and exercise of politics and, on the other hand, by asserting that the state does not define its own purposes or morality.<sup>60</sup> The standard parameters of morality in Ibn Khaldun's typology of the religious state are prescribed by the Lawgiver. The state that defines its own morality is a rational state devoid of divine light. In a rational state the philosopher (humans and not divine) define a state's ends. When the leaderships of these Islamist groups argue that a religiously pluralistic state (i.e. passive secularism) does not contradict *shari'ah*, indeed they imply that a religiously pluralistic state is a divinely-sanctioned one. Therefore, based on Ibn Khaldun's theory of state, the promotion of public interest or fundamental human rights empirically envisioned by JFP, Ennahdha and AKP ruling Islamist groups in Egypt, Tunisia and Turkey are purposes whose content and substance is divine. They argue that fundamental human values such as freedom of religion and peaceful coexistence of adherents of different religions are often wrongly described as secular states of affairs. To argue that God has created men with intrinsic rights to freedom of religion is one thing, but to think that the intrinsic right to freedom of religion is human innovation and hence, men do not need God for its correct understanding is quite another. They argue that these are divine rights of men that the state must observe, protect and promote. The authoritarian regimes, for instance, of Hosni Mubarak (Egypt) and Ben Ali (Tunisia) violated these divine rights of men. They argue that a religiously pluralistic state appears to be the best to promote these divine rights of men. In this way, the

<sup>59</sup> Mansoor Moaddel, "The Study of Islamic Culture and Politics: An Overview and Assessment", *Annual Review of Sociology*, 28: 359-386.

<sup>60</sup> Barbara Freyer Stowasser, "Religion and political development: Some comparative ideas on Ibn Khaldun and Machiavelli" (Occasional papers series / Center for Contemporary Arab Studies, Georgetown University), p. 5.

state is effective, strong and lasting and the link between the state and religion becomes unbreakable. Hence, even though the state in passive secularism envisioned by the Islamist parties in Egypt, Tunisia and Turkey may appear as an autonomous secular activity and apart from religion capable of making its own morality, the state is still closely linked to religion and can conform to Ibn Khaldun's regime of law.

Furthermore, Ibn Khaldun emphasized the experiential character of the state (religious and rational included). This means that both, religious and rational types of states, are constructed by and are the result of accumulated human experience. Ibn Khaldun argues that experientialism does not suggest historical validity of either form of state in time and space. Since the legitimacy of state institutions in Ibn Khaldun's thought is judged by the moral purposes they seek to attain, the approaches adopted to state-building stand to be perfected, altered and its institutions abandoned so the new approaches may be adopted for the attainment of public interest. Therefore, for Ibn Khaldun, it is immaterial to adopt substantive or institutional approach to state-building, since, what is important for Ibn Khaldun is the attainment of the purposes for which the state and political institutions are created. The utility of the political institution lies in the purposes it attains and not in its form. Here, the Islamist parties' preference of substantive approach over institutional approach of state-building in Egypt, Tunisia and Turkey becomes an acceptable practice in Ibn Khaldun's theory of state, in so far as the state and institutions they construct lead to the realization and promotions of the divine rights of men.

In Ibn Khaldun's thought, religion is always relevant and is an important guide for life. A state which is devoid of religious light decays. Scholars and intellectuals are then taken to task to figure out approaches, modalities and formulas that may establish constructive linkages to overcome the dichotomy between religion and the state or the religious and secular spheres of human activity. In search of a constructive relationship between religion and state, Ibn Khaldun's theory of state suggests that it may be best to, first, understand the divine purpose for sending religion. Only then,

ruled to defend and promote purposes of the state. He says the ultimate purpose of state power is no longer defined by religious laws when the ruler attempts to use his position and instills in his subjects the fear of his authoring and domination. The state, in this instances, ceases to promote justice and the basic rights of men. The primary purpose of the state then becomes to hold onto power or stay in power by all means. In such a situation the rulers may oppress their subjects, threaten them by punishment and violate the basic rights of subjects (courage and fortitude). Here the ultimate purpose of the state is defined by the rulers in terms of the pursuit of domination and control. The ideal situation in Ibn Khaldun's thought is when the rulers and the ruled are engaged in a symmetric power relationship.<sup>57</sup>

#### **Relevance of Ibn Khaldun's theory of state to contemporary Muslim societies: an analysis**

The discussion of Ibn Khaldun's theory of state and the currently ongoing experiments of building Islamic polities within secular frames of political activity in Egypt, Tunisia and Turkey point at least to three closely interrelated and fundamental issues. However, prior to discussing the relevance of Ibn Khaldun's theory of state with the experiments of these countries, a word of caution is in order. This study does not make a mere parallel between Ibn Khaldun's theory of state and the experiments of building Islamic polity within a secular frame of politics in Egypt, Tunisia and Turkey, that is, this study does not merely focus on Ibn Khaldun's description of state and then compare it with the experiments of these states. The danger in focusing on Ibn Khaldun's description of state alone is to ignore its dynamic character. Therefore, the two aspects (description and dynamism) of state in Ibn Khaldun's theory of state are interrelated and the reader should keep this interrelationship in mind in relating his theory of state with a given political development. While Ibn Khaldun argued that the state was dynamic and changes from a regime of law into a rational regime

<sup>57</sup> Ibn Khaldun. (2005), pp. 96-108.

and vice versa, such a change can be only seen through changes in the material conditions or features of the state.

Therefore, understanding of change of one type of state into another type of state requires knowledge of what characteristics of the state have changed and what characteristics of the state have not so that it can be classified as either a regime of law or a rational regime. This requires description of what a state is and what are its constituent elements. In other words, what is a state, and its classification into regime of law and rational regime requires description of the material conditions or the essential features of a particular type of the state as change from one type of state (e.g. regime of law) into another type of state (e.g. rational regime) can only be observed through changes in the material conditions or features of the state. This study, based on Ibn Khaldun's description of the state, while not losing sight of its dynamic character, explains whether building an Islamic state within a secular frame of reference can be described as Ibn Khaldun's regime of law or rational regime. It is also important to note that in Ibn Khaldun's thought what is the state, and how does the state come into existence are analytically two different processes. Ibn Khaldun has used *'asabiyyah* and religion as determinants of state creation and state formation and classification of the state.<sup>58</sup>

The three issues that connect Ibn Khaldun's theory of state with experiments of state-building within a secular frame of politics in Egypt, Tunisia and Turkey are: **first**, Ibn Khaldun's theory of state combines theological and empirical understandings of state. Mansoor Moaddel notes that "The problem that motivated Ibn Khaldun and his prominent Muslim antecedents was the tension in Islamic social thought between "ideal and actuality, the spiritual and the temporal, virtue and power, God's command and

<sup>58</sup> For the role of *'asabiyyah* and religion in state creation and state formation and classification of state, see Wahabuddin Ra'ees, "*'Asabiyyah*, religion and Regime Types: Re-reading Ibn Khaldun" Intellectual Discourse, Vol, 12, No. 2, pp. 159-180.

scholars may investigate appropriate types of state institutions and the form they may acquire. The nature and types of state institutions and forms are ever-changing to attain a divine plan of action and no rigid form of state is historically valid.

The addition, the visions outlined by the EMB's JFP, the Ennahdha in Tunisia and Turkey's AKP for exercise of politics do not support secularism as a way of life or ideology. They all collectively oppose secularism as an ideology which entails the state promoting secular worldview in the public sphere and the secularization of the people in which the state does not remain neutral towards various religions and does not allow public visibility of religion. The visions therefore of these political parties focus on passive secularism and the creation of a religiously pluralistic state only. Given the centrality of religion and the purposive nature of state in Ibn Khaldun's theory of state, the practice of passive secularism and religiously pluralistic state means nothing more than the co-existence of adherents of various religious denominations under a constitutional frame that guarantees all its subjects equality before law, religious freedoms and tolerance. Religiously pluralistic state functions as an instrument of realization of public interest or the divine rights of men (substantive approach) which, according to Ibn Khaldun, are broadly defined by the religion of Islam. It follows that the religiously pluralistic model of secularity and Ibn Khaldun's regime of law focus on protection and promotion of divine rights of men. By making religious pluralism a divinely sanctioned institution, Ibn Khaldun's theory of state has been able to at once reject assertive secularism that is the detaching of politics from its Creator as well as the imposition of one's belief on the rest through force and exercise of state coercive powers.

### Conclusion

Building Islamic polity within the passive secular frame of political activity has become a new trend in contemporary Muslim societies. It has become the voice of the moderate Islamist groups throughout the Muslim world. The rational discourse on secularism has changed the attitudes and approaches of the ruling Islamist groups

in Egypt, Tunisia and Turkey and has become a powerful force in Syria. The change as such is evident in the visions the ruling Islamist groups in Egypt, Tunisia, and Turkey hold. They argue to safeguard the fundamental human values within the secular frame of politics and insist that establishing of the civil democratic state does not contravene the principles of Islam's doctrinal sources: the Qur'an and Prophets Traditions. However, only time will tell if the ongoing democratic and constitutional experiments in the Muslim world could lead to respect for freedom and other human rights as "the failure of constitutionalism and parliamentary institutions [is often attributed to] the absence of the sociocultural preconditions necessary for the successful growth and development of the said systems and institutions, the tendencies of the leaders and politicians ... to transform democratic institutions into virtual oligarchies, the absence of Islamic validation for" passive secularism.<sup>61</sup> Notwithstanding this, the discourse divides secularism into assertive and passive types of secularity. The assertive secularism detaches life and existence from its creator and advocates state control of religion and oppression of religious and political freedoms. Passive secularity focuses on religiously pluralistic polity and respect for democratic rights of citizens. The assertive-passive scheme of secularity has given rise to the substantive and institutional approaches to building of the Islamic state. Substantive approach emphasizes on the purposes the Islamic state seeks to attain while institutional approach focuses on the introduction of state institutions such as constitutions, the legal system and the courts. The model of passive secularity appears to have broad legitimacy in Ibn Khaldun's theory of state. According to Ibn Khaldun, the existence of the state is a religious necessity. Ibn Khaldun, unlike the advocates of institutional approach, does not advocate a specific form or set of political institutions that are historically valid. In Ibn Khaldun's thought, the legitimacy of the type of the state depends on the purposes it seeks to attain and the

<sup>61</sup> Muddathir 'Abd Al-Rahim & William H. Brackney (eds), *Human Rights and the World's Major Religions: The Islamic Tradition*, (USA & London: Praeger, Vol. 3, 2005), p. 106.



values it promotes. The state is rational if it detaches life and existence from its creator and attacks citizens' rights to religious and political freedoms. The state conforms to the principles of the regime of law if it seeks purposes defined by the Lawgiver and does not put religious and political freedoms under the control of the state institutions. The substantive approach to building the Islamic state provides greater flexibility to state-building in Muslim societies in pursuit of divine rights of men. The approach of passive secularity and emphasis on the pluralistic character of state by Islamists has opened the possibility of cooperation and dialogue between the Muslim world and the West. The West in the interest of world peace must engage the Islamists. The fundamental principle of this engagement, however, should be the understanding that there will never be in Muslim countries "a Western style of full separation between the state and religion..."<sup>62</sup> The difference has to be made between partial/passive secular arrangements and comprehensive secularism. The latter is an ideological position whereby the former is meant to maintain the pluralistic nature of polity.

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<sup>62</sup> Ferry de Kerckhove, pp. 3-4.