

The Secular State: An Epistemological Approach to The An-Na'im's Political Thought

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Abstract:

This article aims to reveal the political thoughts of Abdullahi Ahmed An-Na'im regarding the concept of a secular state. The material object of this study is An-Na'im's political thought in the form of a secular state concept which is reviewed using epistemology as its formal object. The results of this study explain that: first, the basic assumption of An-Na'im's political thought is a post-secularist worldview. Second, the paradigm is anthropocentric positivism. Third, the framework is constitutionalism, human rights, and citizenship. All these three are used by An-Na'im primarily to make sharia relevant to the context of a modern state. Viewed from an Islamic perspective, the epistemology of An-Na'im's political thought is problematic because after all, post-secularism is still rooted in the principle of separation of state and religion. Making post-secularism a basic assumption is a form of confusion in perspective. Making anthropocentric positivism a paradigm also means placing human knowledge as the main truth. Likewise, framing sharia within the framework of constitutionalism, human rights, and citizenship is a step that has the potential to ignore aspects of the maslahat contained in sharia.

[Artikel ini bertujuan untuk mengungkap pemikiran politik Abdullahi Ahmed An-Na'im mengenai konsep negara sekuler. Objek material kajian ini adalah pemikiran politik An-Na'im berupa konsep negara sekuler yang diteropong dengan menggunakan epistemologi sebagai objek formalnya. Hasil kajian ini mengungkap bahwa: pertama, asumsi dasar pemikiran politik An-Na'im adalah worldview post-sekulerisme. Kedua, paradigmanya adalah positivisme antroposentris. Ketiga, kerangka kerjanya adalah



konstitusionalisme, Hak Asasi Manusia, dan kewarganegaraan. Ketiganya digunakan oleh An-Na'im terutama untuk menjadikan syariah relevan dengan konteks negara modern. Ditinjau dari kaca mata Islam, bangunan epistemologi pemikiran politik An-Na'im bermasalah karena bagaimanapun, post-sekulerisme masih berakar pada prinsip pemisahan negara dan agama. Menjadikan post-sekulerisme sebagai asumsi dasar merupakan sebetulnya kebingungan dalam cara pandang. Menjadikan positivisme yang antroposentris sebagai paradigma juga berarti menempatkan pengetahuan manusia sebagai kebenaran utama. Begitu pula, membingkai syariah dalam kerangka konstitusionalisme, Hak Asasi Manusia, dan kewarganegaraan merupakan langkah yang berpotensi mengabaikan aspek maslahat yang terkandung dalam syariah].

Keywords :

Epistemology, Political Thought, Secular State, Abdullahi Ahmed An-Na'im.

A. Introduction

In the discussion about the relationship between state and religion, An-Na'im is known as an influential thinker, especially with the concept of a secular state. One of the factors in the emergence of the concept of an An-Na'im secular state is the existence of modernity. In its journey, sharia is faced with a deadlock in responding to this, so that Islamic reform is needed. An-Na'im argues, "That as long as Muslims continue to adhere to the framework of historical Sharia, they will never achieve the necessary degree of reform which would make Islamic public law workable today." An-Na'im emphasized the urgency of reforming the Islamic methodology so that it could be in accordance with the demands of the times. To overcome this problem, An-Na'im uses reason of public (civic reason) as a reference for the acceptance of sharia by the public in the public sphere.

The view of civic reason or public reasoning that An-Na'im initiated, against the background of the reality that Muslims today are required to adapt their lives to the various rules of life in the modern world. To meet these demands, it is necessary to modify historical sharia aspects so that they do not conflict with existing demands. Because, according to An-Na'im, sharia can only be applied in the public sphere if it has gone through civic reason in aspects of constitutionalism, human rights, and citizenship. Civic reason is interpreted as an open space to assess how acceptable the law is by all civil society circles, rejecting or even making comparisons through the mechanism of public debate without having to worry about being accused of treason, disobedience or apostasy from Islam. Thus, the performance of public reason in negotiating the role of religion in public and state policies

must be protected by constitutionalism, human rights, and citizenship. As a result, state neutrality from religion is needed, this is what drives An-Na'im's argument that Muslims need a secular state in the application of sharia so as not to collide with the rights of adherents of other religions. Because if Islam is used as the foundation of the state, it will affect the legitimacy of the values of political participation, accountability and equality before the law, especially for non-Muslims and women, so reforming the values of Islamic teachings is needed. The need for sharia reform and its methodological tools is based on the assumption that the existing sharia positions and formulations are considered no longer adequate, and even considered contrary to modern legal principles and human rights. So it can be understood that sharia cannot be made public law unless it is updated and guided in accordance with civic reason. As a result, to be able to carry out civic reason, the concept of a secular state is needed to support the neutrality of the state from religion.

Based on the explanation that has been described previously, this paper will discuss the concept of a secular state by Abdullahi Ahmed An-Na'im as an effort to negotiate sharia in the state, and then give a critical appreciation of it. The focus of the study is on the concept of a secular state, where the concept rests on the performance of civic reason in the application of sharia as a public law, which is supported by constitutionalism, human rights and citizenship in order to be accepted by civil society, so that the state must be neutral from religious values. Therefore, it is necessary to ascertain whether the concept of an An-Na'im secular state is in accordance with the needs of Muslims or vice versa. Because An-Na'im believes that through a secular state, Muslims will become better. For this purpose, this paper will begin with a brief discussion of the genealogy of An-Na'im's thought followed by the definition of Islam and the state as well as the relationship between the two. After that the discussion turned to the concept of the secular state of An-Na'im. Furthermore, the discussion will close with the presentation of the concept of the state in an Islamic perspective and an assessment of the urgency of the secular state of An-Na'im for Muslims.

B. The Secular State as The Basis for An-Na'im's Political Thought

Abdullahi Ahmed An-Na'im is basically an expert in the field of law and human rights. He was born in Sudan, in North Khartoum to be precise in 1946. He built his expertise since he entered the undergraduate level at

Khartoum University and graduated in 1970. After that, an-Na'im continued his studies in the same field at Cambridge University and finished in 1973. His expertise matured after he earned a Philosophy of Doctor degree at Edinburgh University in 1976. In his development, an-Na'im's career and academic expertise grew brighter after he was trusted to become a lecturer at several well-known universities, including the University of California (US), from 1988-1991; University of Saskatchewan (Canada), from 1991-1992; Uppsala University (Sweden) from 1993-1995; and Emory University (US) from 1995 to the present.

Nevertheless, an-Na'im also has a great concern for Islamic political thought. This is reflected in his notion of the relationship between religion and the state. His seriousness in this theme was shown by an-Na'im by writing and publishing a book entitled 'Islam and the Secular State.' The main idea of the book is that only a secular state can guarantee the continuity of sharia. The supporting ideas can be found in an-Na'im's other works, including 'Toward an Islamic Reformation' and 'Islamic Law, International Relations and Human Rights.' An-Na'im's political thoughts were then responded to by many academics in various forms. Some refuse and some accept. This shows that an-Na'im has a contribution worth considering in the field of political thought.

As stated in the title of the book he wrote, the basis of an-Na'im's political thought was centered on the idea of a secular state. To make it easier to explain the concept of an-Na'im secular state, this section will be divided into three points: (i) secular meaning as meant by an-Na'im, (ii) secularism as a separator between religion and politics, and (iii) civic reason as the main pillar of a secular state.

1. Secular: Separation Between State and Religion

Before discussing al-Na'im's concept of a secular state, it is necessary to search for the meaning of the word secular in the state used by him. The word secular which later developed into secularism was first popularized by George Jacob Holyoake (1817-1906) in 1851.¹ He used the term secularism to refine the worldview of atheism.² These efforts elicited mixed responses, especially from German theologians who distinguished between secularism

¹ Phil Zuckerman and John R. Shook, *The Oxford Handbook of Secularism* (New York: Oxford University Press, 2017). p. 2-3.

² Todd H. Weir, "Germany Amd the New Global History of Secularism: Questioning the Postcolonial Genealogy," *The Germanic Review: Literature, Culture, Theory* 90, no. 01 (January 2015). p. 12.

and secularization. Friedrich Gogarten (1887-1967), for example, defines secularization as a consequence of the Christian faith.³ Likewise with Dietrich Bonhoeffer (1906-1945) who interprets secularization with the secular discourses of God and has implications for non-religious interpretations of Biblical concepts.⁴ These two opinions were then synthesized by Harvey Cox (1929-now) who divided the three dimensions of secularization from the Bible, namely: (i) disenchantment of nature, (ii) desacralization of politics, and (iii) deconsecration of value.⁵ From the explanation above, it can be understood that the term secularism is interpreted as an effort to liberate humans from the protection or control of religion and metaphysics, as well as diversion from other realms to this world. Thus, if secularism is applied to the state, the state and its people will become neutral by separating political affairs from religious values.

However, an-Na'im does not interpret the secularism that exists in the West as the foundation of the secular state that he initiated. Because in essence, the secularism referred to by al-Na'im is the separation of Islam and the state, not Islam and its people.⁶ The meaning of secularism also implies pluralism, with the argument that basically secularism is needed for the realization of pluralism in a practical and sustainable manner in the state. So, both secularism and pluralism both require the neutrality of the state from religious values. So that the use of the word secular state by al-Na'im aims to emphasize that secularism is carried out only in the realm of the state and not in society.⁷ This is intended so that sharia can be run side by side with the values of modernity, because this will not be realized without the concept of a secular state. For further discussion, it is necessary to know how al-Na'im views the relationship between Islam, the state, and society in the concept of a secular state.

Abdullahi Ahmed An-Na'im mentions the difference between Islam, sharia, and the state. *First*, Islam is a monotheistic religion that was conveyed

³ Friedrich Gogarten, *Christ the Crisis: Basic Questions Concerning Christology*, trans. R.A. Wilson (Virginia: SCM Press, 1970). p. 104.

⁴ Dietrich Bonhoeffer, *Prisoner for God: Letters and Papers from Prison*, trans. Reginald Fuller (New York: The MacMillan Company, 1959). pp. 123-158.

⁵ Harvey Cox, *The Secular City: Secularization and Urbanization in Theological Perspective* (Princeton: Princeton University Press, 2013). pp. 22-26.

⁶ Abdullahi Ahmed An-Na'im, *Islam and the Secular State: Negotiating the Future of Sharia* (Cambridge: Harvard University Press, 2008). p. 8.

⁷ An-Na'im. pp. 8-9.

by the Prophet Muhammad between 610 – 632 AD, sourced from the Quran and Sunnah in guiding mankind to believe in Allah.⁸ *Second*, sharia is the door or corridor to become a Muslim which is believed to be the result of human interpretation of religious texts in certain historical contexts.⁹ *Third*, the state is defined in the words of An-Na'im, "The state is not an entity that can feel, believe, or act by itself. It is always human beings who act in the name of the state, exercise its powers, or operate through its organs."¹⁰ From the three definitions presented by An-Na'im, it can be understood that there is disintegration between Islam, sharia, and the state. This disintegration can be seen from the previously stated definition, namely Islam is seen as a form of religion only, sharia is believed to be the result of human interpretation of the text, and the state is a neutral tool. Therefore, the unified meaning of these three things will have implications for the confusion of relations between Islam, the state and society if they go hand in hand.

2. Secularism as A Mediator

Regarding the problem of conflict between sharia and the state, An-Na'im views that secularism is the solution. An-Na'im reasoned that secularism has the ability to mediate and unite diverse societies, regardless of differences in philosophical and religious views in determining the moral claims that apply to a community. So, because civil society has diverse backgrounds and interests in the state, the domination of Islam is something that is difficult for him to accept. As a result, secularism is needed to eliminate the domination of certain religions from the state, or in other words, secularism plays a role in neutralizing the state from any one religion. Furthermore, An-Na'im affirmed that state neutrality is needed to support the application of universal values for all citizens.

From this, it can be understood that for An-Na'im, the neutrality of the state from religion is important to be able to practice more universal values. The neutrality of the state ensures that not only the rules of one religion are practiced. Because, it is not necessarily the right rule of one religion to be applied to all members of society who adhere to other religions. In fact, it can cause discrimination for adherents of other religions in a country. An-Na'im gave an example, the rules of guardianship of women in Islam and the control of Muslims over non-Muslims are two things that are no longer

⁸ An-Na'im, pp. 26-27.

⁹ An-Na'im, p. 10.

¹⁰ An-Na'im, p. 11.

compatible in a plural modern context. Therefore, a state that is not bound by certain religious rules is something that is needed for all citizens.

Nevertheless, An-Na'im cannot deny the existence of a harmonious and mutual relationship between religions, in this case Islam and secularism. He explained,

“Secularism needs religion to provide a widely accepted source of moral guidance for the political community, as well as to help satisfy and discipline the non-political needs of believers within that community. In turn, religion needs secularism to mediate relations between different communities (whether religious, antireligious, or nonreligious) that share the same political space or space of civic reason.”¹¹

From this explanation, it can be understood that in An-Na'im's view, Islam and secularism have close ties. Thus, making secularism a mediator in the polemic of the application of sharia in the public sphere is the right thing.¹²

3. Civic Reason as A Principle

In a secular state, sharia is indeed separated from religion, but that does not mean it cannot be applied. The application of sharia in a secular state can be done through the mechanism of public reasoning. Without public reason, the application of sharia in a secular state is problematic. Furthermore, An-Na'im explained that sharia cannot be applied without public reasoning because a secular state has basic tools in the form of constitutionalism, Human Rights, and citizenship. The relationship between these three things with sharia in the state needs to be bridged through public reasoning. This is the argument that An-Na'im said to emphasize the need for public reason as the basis for accepting sharia before it is implemented as state law. Therefore, it is important to know more about the workings of public reason as meant by An-Na'im.

¹¹ An-Na'im, p. 41.

¹² Under Sharia rules, some human rights are at serious risk. Had Muslims not temporarily abandoned public sharia during secular rule, there would have been massive violations of the most basic of human rights. Muslims currently live in the midst of Western hegemony and reject the pure secularism it has developed, therefore, An-Na'im initiated a model of 'Islamic secularism' that can coexist with Islamic values and not eliminate everything from the realm of law and state life. See: Abdullahi Ahmed An-Na'im, "Islamic Law, International Relations, and Human Rights: Challenge and Response," *Cornell International Law Journal* 20, no. 2 (1987). pp. 328-333.

Public reasoning works by combining them with public reasoning. While public reasoning is the product, public reasoning is a process by which every citizen can openly express views on matters of public concern, taking into account the norms of decency and mutual respect. Through this statement, An-Na'im emphasized that legislation and public policies, including in this case sharia, must be supported by a combination of public reasoning and reasoning that is open to all citizens. Thus, certain laws or public policies must reflect the values and beliefs of the people.¹³

In a more technical context, a particular public policy to be implemented needs to meet at least two requirements, namely: (i) acceptance and appreciation from the community, and (ii) appreciation from the community in the process. An-Na'im wrote,

“... Where different social actors can seek to influence public policy and/or legislation, but in a manner that does not place the autonomy of the state at serious risk. Other elements of this concept include effective procedural safeguards for free and fair access and participation, guidelines for the content and manner of public debate, and educational and other measures to enhance the legitimacy and the effectiveness of such requirements... That is, the public at large must accept the concept of civic reason in principle and appreciate its various elements and how they work for this process to be effective in realizing its objectives of securing the legitimacy and autonomy of the state.”¹⁴

Therefore, after these two conditions are met, the emphasis on the application of public reasoning needs to be considered so that the balance of state policy making is maintained.

C. The Epistemological Foundation of An-Na'im's Political Thought

In this section, Abdullahi Ahmed An-Na'im's political thought will be reviewed from an epistemological aspect. As explained by Mohammad Muslih, the construction or building of a thought can be known through its constituent framework which includes (i) basic assumptions, (ii) paradigms, and (iii) frameworks.¹⁵ These three points are in line with what was

¹³ Busyro, “Abdullahi Ahmed An-Na'im Dan Konsep Pemikiran Hukum Liberalnya,” *Jurnal Al-Hurriyyah* 15, no. 2 (2014). p. 55.

¹⁴ An-Na'im, *Islam and the Secular State: Negotiating the Future of Sharia*. p. 92.

¹⁵ Mohammad Muslih, *Falsafah Sains: Dari Isu Integrasi Keilmuan Menuju Lahirnya Sains Teistik* (Yogyakarta: LESFI, 2017). pp. 178-180.

formulated by Imre Lakatos regarding the research program, namely (i) hard-core, (ii) protective belt, and (iii) a series of theories.¹⁶

First, the basic assumptions. As mentioned in his works, An-Na'im has a basic view that in principle, state and religion are two different things. Therefore, state and religion should not be mixed in one container and must be separated. As mentioned in the previous section, An-Na'im tends to interpret religion as an institution whose territory is theological, while the state is an institution whose territory is social. Likewise with Islam, it is a pure religion that does not recognize certain political institutions of power. As someone in charge of spreading religion, Muhammad was merely a messenger of God, not a political leader who implied the obligation to establish a religious state. In this case, An-Na'im has the same thought with Ali Abdur Raziq (1888-1966).

The principle believed by An-Na'im is also in line with what is believed by Khalil Abdel-Karim (1930-2003). In his view, Islam in a pure sense does not teach what is called a civil state. The reason is because in the texts of the Quran and Sunnah, there is no direct indication that requires Muslims to establish or form a state. This is reinforced by historical facts which show that the Companions did not use the Quran and Sunnah as arguments for the establishment of the state in a moment of meeting at Tsaqifah Bani Sa'idah. In addition, even if the Prophet required the establishment of a state, of course there would be technical instructions or regulations that were more specific in nature.¹⁷ An-Na'im added that, in the history of classical Islam, there was no state that stood mixed with religion. This statement is built on one fact, that the concept of an Islamic state is a product of colonialism which has no precedent in history. The concept of an Islamic state as a post-colonial discourse is based on the European model that applies public policy and law as an instrument of social engineering by the ruling elite.¹⁸

However, even though An-Na'im said that religion cannot be combined with religion, he also said that Islam cannot be separated from politics. This

¹⁶ Mohammad Muslih, "Sains Islam Dalam Diskursus Filsafat Ilmu," *Kalam* 8, no. 1 (June 2014). pp. 16-19.

¹⁷ Khalil Abdul Karim, *Al-Islam Bayna al-Dawlah al-Diniyyah Wa al-Dawlah al-Madaniyyah* (Cairo: Sina Press, 1995).

¹⁸ Zulkifli, *Pemikiran Abdullah Ahmed An-Na'im Tentang Relasi Islam Dan Negara* (Tangerang: Pustaka Pedia, 2020). pp. 124-125.

point is the point of intersection between An-Na'im and Raziq, where while Raziq rejects the application of Islam in the state at all, An-Na'im still wants Islam to be implemented in the state through a certain mechanism which he calls civic reason.¹⁹ According to him, regardless of the circumstances, the secular state still needs religion to provide a moral basis and guidance that is widely accepted by society. He wrote,

“Secularism needs religion to provide a widely accepted source of moral guidance for the political community, as well as to help satisfy and discipline the non-political needs of believers within that community. In turn, religion needs secularism to mediate relations between different communities (wether religious, antireligious, or non-religious) that share the same political space or space of civic reason.”²⁰

From the quote above, it can be understood at the same time that according to him, not only secular countries still need religion, but religion also has a need for secularism. That is, the two basically have a fairly close relationship and need each other.

In addition, An-Na'im also emphasized that, although religion cannot be combined with the state, religion cannot be separated from its citizens. In its concept, secularism is not meant to separate religion from the people of a country. In other words, An-Na'im's secularism model also does not agree with the idea of privatizing religion and removing it completely from the realm of public policy. However, according to An-Na'im the role of religion in the public sphere must also be acknowledged or responded to positively. Through this position, there are advantages that can be obtained, namely on the one hand the state remains guaranteed its neutrality, and on the other hand the community can still practice their religion in a diverse society.²¹

Second, paradigm. As already mentioned, An-Na'im's concept of a secular state is an attempt to respond to modern thought in the Islamic world. In modern thought, the dominant paradigm is positivism. Positivism was first introduced by Auguste Comte (1798-1857). He explained that in terms of knowledge and thought, society has passed through three stages: theology, metaphysics, and positivism as the final stage. In the context of social science, the positivism paradigm emphasizes the empirical aspects

¹⁹ Muhammad Imarah, *Al-Islam Wa Ushul al-Hukm Li Ali Abdur Raziq: Dirasah Wa Wasa'iq* (Beirut: Mu'assasah al-'Arabiyyah, 2000).

²⁰ An-Na'im, *Islam and the Secular State: Negotiating the Future of Sharia*. p. 41.

²¹ An-Na'im. p. 24.

that can be scientifically proven as well as rejects ways of interpreting human life with theology and metaphysics, "positivism rejects the metaphysical doctrine of the sovereignty of the people."²² This indicates that instead of being theocentric, positivism tends to be anthropocentric which, as Protagoras said, makes man the measure of all things.²³

In this regard, although An-Na'im still mentions the theological dimension, the positivism paradigm seems to be more dominant. There are a number of descriptions that demonstrate this point. Among these are, *first*, the use of traditional political approaches and institutional normative frameworks. Both of these approaches are included in the anthropocentric social humanities scientific group. Positivism can even be read clearly from the way An-Na'im reads the history of classical Islamic politics as in the case of the leadership of Abu Bakr, where his policies regardless of the value of right or wrong are seen as a political decision, not and not related to religious doctrine. *Second*, the formulation of the concept of public reason. In the concept of public reason, religious communities do not base religious reasons in an effort to negotiate religious interests in public policy, but are based on general and rational reasoning that can be accepted by all citizens.

Third, the framework or framework. To frame his thinking about a secular state, An-Na'im uses three things as a framework, namely: (i) constitutionalism, (ii) Human Rights, and (iii) citizenship. Regarding constitutionalism, An-Na'im sees that it is one of the important elements in the state, because it is a legal system that overshadows the complex needs of society. In this case, historical sharia is seen as no longer compatible to be applied in the context of a modern state, because this would be contrary to the principle of self-determination, human rights, and citizenship in particular. Taking into account the existing situation, An-Na'im argues that the principles of constitutionalism can bridge the tension between Islam, the state and society, by updating existing historical sharia such as shura into a modern one. An-Na'im argues,

“Human rights and equal citizenship principles are necessary, not only for evolving this modern concept of shura, but also for the proper implementation of the ensuing constitutional theory, which

²² Auguste Comte, *A General View of Positivism*, trans. John H. Bridges (Cambridge: Cambridge University Press, 2009). p. 141.

²³ Plato, *Protagoras*, trans. Jowett Benjamin (New York: The Bobbs Merrill, 1956). p. xxi.

must be inclusive of all men and women, as well as Muslims and non-Muslims alike, as equal citizens of the state.”²⁴

Regarding the second point, An-Na'im adheres to the recognition and application of the Universal Declaration of Human Rights as a normative standard for fulfilling the human rights of citizens, because although the concept of human rights comes from the West, in fact it can be integrated with the culture and context of a society, including Islam. So, willingly or unwillingly, a Muslim must implement the modern human rights model that has been established today. However, An-Na'im argues that Islam is very supportive and in harmony with all human rights principles, except for certain parts such as the law of riddah for example. An-Na'im views that the death penalty for an apostate from Islam violates universal human rights principles and restricts religious freedom. Therefore, An-Na'im proposes to eliminate the doctrine of apostasy from Islam, to show that Islam has an approach to protect human rights and religious freedom. In this case, An-Na'im argues, "The best way to promote freedom of religion, and by extension other human rights is to present an internal Islamic argument for protecting these rights among Muslims.”²⁵

As for the third point, An-Na'im puts the urgency of implementing human rights in the context of citizenship in today's Islamic society. This has implications for the application of the concept of equal citizenship, and this will not be achieved if it is still shrouded in religious tendencies. Nevertheless, the concept of citizenship still requires religious, philosophical and moral principles on the one hand, in order to build moral sensibility among certain religious and philosophical traditions on the other. When viewed from the point of view of human rights, this is faced with the problem of implementing human rights in an established concept of citizenship, such as the concept of *dhimmi* in Islam for example, because, for An-Na'im, the concept of traditional *dhimmi* in Islam is no longer in harmony with current conditions. Thus, An-Na'im emphasized the need for Islamic reform and reinterpreting the *dhimmi* system in order to reduce the existing tension between sharia and citizenship, as An-Na'im said, "This tension calls for the support of transitions to citizenship through methodologically sound and politically sustainable Islamic reform.”²⁶

²⁴ An-Na'im, *Islam and the Secular State: Negotiating the Future of Sharia*. pp. 110-111.

²⁵ An-Na'im. p. 123.

²⁶ An-Na'im. p. 134.

D. Analysis of The Construction of An-Naim's Political Thought

This section will contain notes and comments on the construction of An-Na'im's political thought. The comments will be referred to in order as before, starting with the basic assumptions, then the paradigm, and finally the framework.

First, the basic assumptions. The assumptions that form the basis of An-Na'im's political thought indicate that he is post-secularist. Post-secularism is an ideology or style of thought which, although it criticizes secularism, still separates religion and politics. It can be said, post-secularism is a response to secularism which is considered no longer compatible in dealing with contemporary public moral issues. Therefore, religion needs to be accommodated and given the freedom to take part in the public sphere in order to carry out its emancipatory role. This is in line with what Jurgen Habermas (1929-now) said that in a secular state, democracy also depends on moral convictions originating from pre-politics, for example from a religious way of life.

“Democracy depends on moral stances which stem from pre-political sources, for example from religious ways of life. They play an important role for democracy as a background and a source of motivation, even though they cannot serve as normative guidelines for the democratic procedures.”²⁷

Post-secularism, for example, views that society needs to recognize the survival of religion which plays an active role in determining the direction of the country's development. As described in the previous section, this pattern is reflected in An-Na'im's thinking.

However, post-secularism basically cannot be separated from secularism, the ideology it criticizes. What post-secularism criticizes is the starting point of secularism which is connected with empirical social reality. The basis remains the same, namely the separation of religion from the state. In fact, post-secularism is an attempt to continue secularism by filling the void.²⁸ Regarding secularism as the foundation of the state as believed by An-Na'im,

²⁷ Michael Reeder and Josef Schmidt, “Habermas and Religion,” in *An Awareness of What Is Missing: Faith and Reason in Post-Secular Age*, by Jurgen Habermas (Cambridge: Polity Press, 2010). p. 7.

²⁸ Zulkifli Abdurrahman Usman and Baiquni Hasbi, “Neo-Sekularisme Dalam Pemikiran Abdullahi Ahmed An-Na'im: Studi Tentang Relasi Islam Dan Negara,” *Politea Jurnal Pemikiran Politik Islam* 05, no. 1 (2022). p. 81.

Syed Muhammad Naquib al-Attas (1931-now) stated that the separation of religion (Islam) from the state meant removing sacred values from the state and limiting the perfection of Islamic teachings. This is because Islam is the *deen* that summarizes all the guidelines of life as a whole, including political affairs without any element of separation.²⁹

Judging from the thought of al-Attas, the use of the term secular in the concept of 'secular state' An-Na'im is a form of confusion in the worldview caused by the biased understanding of Islam by the influence of Western thought. Therefore, al-Attas then emphasizes the internal unity of ideas and thoughts (worldview), which is expressed in Islamic intellectual and spiritual coherence, only then can what is called external unity manifested in society as communal and national solidarity be achieved.³⁰ This description is in line with what was conveyed by Mahmud Shaltut (1893-1963) regarding the nature of Islam which includes not only *aqidah*, but also *sharia*.³¹ Also with Louay M. Safi who emphasized that Islam is a unity between aspects of belief and practice of life, including *siyasa* (politics) related to the state.³²

Second, paradigm. The positivism paradigm in the building of An-Na'im's thought is a derivative of its basic post-secularist assumptions. The positivism paradigm is increasingly visible in the methodology adopted. In this case, An-Na'im uses modern social sciences as an approach. In terms of framing Islam through the constitution, for example, An-Na'im uses a modern legal and political philosophy approach. Then in terms of reviewing the dynamics of religion and politics in several countries, An-Na'im uses a modern historical approach. Likewise, in terms of the relationship between religion and the state as two social components that have their own autonomy, An-Na'im uses a modern socio-anthropological approach. The application of these methods and approaches indirectly affirms the orientation of positivism and anthropocentrism at the same time in An-Na'im's thinking.³³

²⁹ Syed Muhammad Naquib al-Attas, *Islam and Secularism* (Kuala Lumpur: ISTAC, 1995). pp. 75-76.

³⁰ al-Attas. p. 29.

³¹ Mahmud Shaltut, *Al-Islam Aqidah Wa Syari'ah* (Cairo: Dar al-Syarq, 1968). pp. 9-10.

³² Louay M. Safi, *Al-Aqidah Wa al-Siyasah: Ma'alim Nadzariyyah 'Ammah Li al-Dawlah al-Islamiyyah* (Virginia: IIIT, 1996). pp. 51-58.

³³ Usman and Hasbi, "Neo-Sekularisme Dalam Pemikiran Abdullahi Ahmed An-Na'im: Studi Tentang Relasi Islam Dan Negara." p. 79.

In Islam, as stated by al-Jalil, the anthropocentric attitude that places humans excessively is considered an unfair attitude. Fulfillment of rights in Islam must be balanced, between humans and humans and humans and God, not leaning to one side and leaving the other.³⁴ Because in truth, humans are servants of God who were created from nothing to exist, then they should interpret religion (*al-din*) as a state of being who realizes and surrenders in a state of debt, that is, always realizes that he owes his existence, mind, and power. to God as the Creator.³⁵ Thus, the application of sharia as a public law through the mechanism of civic reason as a manifestation of the positivism paradigm is considered not in line with Islam. Although he argued that this would be against the principle of volunteerism which is the basis of Islamic law, in reality An-Na'im forgot that Islam is not only a horizontal religion, but also a vertical one. Therefore, from this point of view, An-Na'im's positivistic-anthropocentric paradigm of thought is considered inappropriate.

Third, the framework. An-Na'im's efforts to frame sharia through constitutionalism, human rights, and citizenship are frameworks that arise from basic assumptions and paradigms as believed by him. Based on his basic assumptions of secular thinking and positive paradigm, An-Na'im made constitutionalism, human rights, and citizenship the pillars of building the idea of a secular state. In this case, An-Na'im said that sharia or Islamic law needs to be framed in these three things through a systematic which he calls civic reason if it is to be applied in a pluralistic society. For this purpose, the path taken by An-Na'im is to reinterpret or reform Islamic law and contextualize it so that it is more tolerant.

For An-Na'im, without these efforts, sharia would actually be a barrier to the upholding of the pillars of constitutionalism, human rights, and citizenship. He gives examples, for example (i) the application of traditional shura, (ii) the application of the death penalty for someone who apostates from Islam, and (iii) the application of the concept of *dhimmi* as a non-Muslim citizen. For An-Na'im, the application of traditional shura is no longer effective because it is not in line with constitutionalism, the application of the death penalty is clearly contrary to the right to life as stated

³⁴ Abdul Aziz Nasser al-Jalil, *Wa Kadzalika Ja'alnakum Ummatan Wasathan* (Riyadh: Dar al-Thayyibah, 1425). p. 166.

³⁵ Syed Muhammad Naquib al-Attas, *Risalah Untuk Kaum Muslimin* (Kuala Lumpur: ISTAC, 2001). p. 29.

in universal human rights, and the application of the concept of dhimmi will eliminate the principle of equality in a pluralistic society.

More technically, An-Na'im formulated several new methods of interpretation so that the Islamic law in question could be generally accepted. *First*, the *naskh-mansukh* theory. *Naskh* means deletion or cancellation of text. If a text is deemed no longer in accordance with the context of a certain era, then the text must be re-elaborated and replaced with another text that is more contextual.³⁶ *Second*, the *makkiyyah-madaniyyah* theory. An-Na'im understands that the *makkiyyah* verse is not only a verse that was revealed to the Prophet before his hijrah, but also a verse whose content is more universal. *Makkiyyah* verses have a theme of content and vision that is fundamental and eternal. Likewise, these verses are addressed to humans regardless of race or color. As for the *madaniyyah* verses, An-Na'im understands them as specific verses revealed to the community and a certain period. Then, with the *naskh* theory, An-Na'im generalizes where the *madaniyyah* verses are cancelled by *makkiyyah* verses.³⁷ *Third*, the meaning of gender-based texts. For An-Na'im, the Quran is a holy book whose spirit is to free people from all forms of slavery and oppression. Therefore, the reading of the revealed text must be based on its spirit. All forms of injustice, including against women, are basically not because of the Quran itself, but because of the understanding and interpretation of the scholars in the past.³⁸ So, the Quran needs to be reinterpreted to fit the current context. These three points are the efforts made by An-Na'im to place sharia in the frame of constitutionalism, human rights, and citizenship.

An-Na'im's attempt to frame sharia into the principles of modern thought, as he himself admits, is deconstructive. An-Na'im's idea was more or less influenced by Mohamed Thaha, a contemporary Muslim thinker who is also his teacher. One thing that needs to be considered in the deconstruction of sharia is that there is a dualistic attitude, separating text and benefit. In fact, basically the two things cannot be separated from each other. As stated by al-Syanqithi (1325-1393 H), the existence of sharia is not only to be a law for humans, but also to direct it to the *maslahat* (benefits)

³⁶ Abdullahi Ahmed An-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law* (New York: Syracuse University Press, 1990). pp. 58-60.

³⁷ An-Na'im. p. 54.

³⁸ An-Na'im. p. 44.

and avoid it from *mafsadat*.³⁹ From this, it can be seen that An-Na'im's deconstructive opinion suggests a denial of the benefits contained in the historical shura, the concept of *dhimmi*, *riddah*, and inheritance.

E. Conclusion

Referring to the previous explanation, the author concludes that epistemologically, Abdullahi Ahmed an-Na'im's political thoughts contained in his idea of a secular state are based on a neo-secularist perspective. This perspective can be seen from its basic assumption which states that religion needs to be separated from elements of the state, but in some aspects, such as teachings about morality, religion can still be accommodated through several strategies. Neo-secularism as the epistemological basis of an-Na'im's political thought is also strengthened by its paradigm in the form of positivism. In this case, for sharia to be accepted by the public, it must be adapted to public reasoning. Likewise, in terms of framework, an-Na'im uses institutionalism, human rights, and citizenship approaches. The consequence of this is that sharia needs to be adjusted and deconstructed. Some of the cases exemplified by An-Na'im are, (i) the replacement of historical shura with a modern constitution, (ii) the abolition of the riddah law and the mainstreaming of human rights, and (iii) the reinterpretation of the concept of dhimmi, and (iv) the contextualization of the concept of inheritance.

This conclusion reinforces previous findings which state that, instead of accommodating and guaranteeing the existence of sharia, a secular state actually makes sharia's position even more marginalized. Therefore, even though it seems to give a new color to the discussion of Islamic politics, an-Na'im's thoughts still need a lot of consideration and adjustments if they are to be implied practically in the political life of Muslims. The use of neo-secularism as an epistemological basis also unconsciously strengthens the Western perspective in terms of political thought. In fact, ideally Islamic political thought must be built on an Islamic perspective. This point is also a recommendation for future researchers to develop political thinking based on an Islamic worldview. [.]

³⁹ Muhammad al-Amin al-Syanqithi, *Al-Muhadharat* (Mecca: Dar 'Ilm al-Fawa'id, 1426). pp. 65-66.

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