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SECULARISM  
AND ISLAM:  
STATE, RELIGION,  
AND MODERNITY  
IN THE  
MUSLIM WORLD



E I K O N

București, 2023

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regime was overthrown. As an analysis of all MENA countries in this framework is almost impossible, a selection is absolutely necessary. A profound analysis refers to Egypt, Turkey, Iran, Iraq, and Syria, underlining the dependence of political and secular strategies on countries' religious, social, ethnical characteristics and their pre-established political and ideological dynamics. Saudi Arabia will also be analyzed, for it represents the most visible example of a contemporary political system totally opposed to laicity, defining itself based on the integral application of Muslim norms. Not only does Saudi Arabia prohibit a state secularization, but it promotes an international strategy for limiting secularization across the Islamic space as a whole. The situation of post-revolutionary Iran is so complex that it would require separate dedicated research; as it is not the intent of this book, we will be limiting to demonstrate how radical was the mutation brought by instatement of the Islamic Republic, sustaining an ideological project based on integral Islamization of political, social and juridical fields. Finally, notable absences could be identified in the book, Lebanon firstly, which has had such a complicated historical, geopolitical and conflictual evolution, that its understanding would require countless contextualisations and detailed presentations, oversizing the narrative.

## 1. State, Power, Religion in Islamic Tradition

This chapter is concerned with a synthetic analysis on doctrinaire and historical evolution of relations between state/society and religion in Sunni Islam. Islam has often been referenced not as a theocratic but as a nomocratic religion, in the sense that religious normativity, structured especially in *Shari'a*, gains a holistic dimension, offering principles, rules, meanings that model not only the personal life of individuals, but social, juridical, economic and political fields as well. Obviously, the principles are extremely diversified and include endless historical and cultural particular experiences, specific to different regions of the Muslim World.

### 1.1. Islam: between legal normativity (*Shari'a*) and mystical quest

In order to understand the large adhesion and amplitude of Islam among Muslim population, along centuries and modern period, one must spot the fascination and specificity of this religion. It is defined, contrary to distorted interpretations that the West promotes nowadays (especially through politicized and radical ways of interpretation regarding Muslim themes), as a religion of equilibrium and moderation, of 'the way' as both dogma and ethos. Islam tends to offer values to humans, through which humanity becomes complete and sanctified. Natural aspects of human condition like food, work, family, sexuality, social relations, are accepted and

religiously meaningful. Consequently, life of a follower is ritualized, ordered according to precise norms, each act receives a theological meaning, framed considering five categories: mandatory (*fard* – the five ‘pillars’ of Islam), recommended (*mustahabb*), allowed or lawful (*mubah, halal*), forbidden (*haram*), undesirable (*makruh*). Islam is a religion that does not deny humanity and natural dimension of humans; unlike Christianity, Islamic religion does not place value on ascetic excesses, rejects celibacy and monastic institution. A human being is accepted and prized as an entire, as individual, as member of the family and community. It is therefore explainable that Islam grants a central importance to family, community and society. The individual is not supposed to retire from society, as in ascetic ideals of Christian mysticism, but on the contrary, is obliged to complete himself through the social, communitarian dimension of life, which becomes primordial. Friday collective prayer at the mosque confirms from theological point of view the collective’s sanctity and creates a social and spiritual community. The violence of rejecting apostasy is therefore explainable: it is perceived not only as individual distancing from divinity, but as treason against community as well. The community is therefore entitled and obliged to punish the apostate: punishment varies depending on juridical schools and period, but it resumes usually to execution. Importance and sanctity granted to family explains complex conditionality regarding woman’s status and fidelity in couple. Adultery was largely rejected and even punished when applying *Shari’a* (the case of contemporary Saudi Arabia, Pakistan during Zia ul-Haq, Sudan, Taliban’s Afghanistan, Iran in certain cases).

All these rules, applied normative rather than factual, had the role to permanently make the believer aware of his Muslim condition and integrate him in a world of religious values, meanings and norms. Obviously, the phenomenology

of Muslim behavior varied infinitely, depending on region, urban or rural environment, individual’s social and intellectual condition and so on. What generally defined and still defines Muslim communities is the profound conditionality exerted by Islamic values and identities upon individuals. Islam is a religion of order, knowledge and balance: the Muslim has no doubts, he is not dominated by the conscience of original sin, like in Christianity, his mistakes are not representing a definitive and almost irrevocable suffering, requiring a superior sacramental instance to attenuate it or intermediate between believer and divinity. Clergy is completely missing from Islam, in the sense of an institution and instance to manage the sacred and mediate between human and transcendent. Theological relation occurs always between believer and divinity directly and is practiced through the five ritual obligations and especially ritual prayer. The act consisting of daily prayers (*salat*) is meant to integrally project a Muslim towards divine, mentally, spiritually and physically, make him aware daily of humans’ absolute dependence on their Creator. Both individual and collective prayers are fundamental. The latter sanctifies collectivity, social structure and interdependencies created between individuals. In Sunni Muslim tradition, a sovereign that doesn’t lead Friday mosque prayer is accused of apostasy and legitimizes community’s attempts to overthrow him. On the other side, political power was recognized and legitimized through a sermon given after the prayer (*khutbah*) in sovereign’s name.

Consequently, Islam has a positive perception on human condition; in Islam, the human is not a decayed being always subjected to temptation and sin, as in Christianity, but rather an intelligent one (*‘aql*), endowed with discernment. Human surrender (*Islam*) to divinity results from the very existential, moral, spiritual awareness and assumption of the fact that humans are divinity’s creation and dependence on the Creator

is ontological<sup>1</sup>. Islamic religion is focused on prophetic vision, according to which, after Creation, humanity's spiritual history is marked by successive apparition of prominent personalities mediating between divinity and humans. Among prophets, the most important ones have the task to introduce a new divine Law (*Shari'a*): in Muslim prophetic tradition they are called Messengers (*Rasul*). By bringing a new Law (*Shari'a*) to humanity, they recall every time values and paths of knowledge through which humans get close to divinity and fulfil their condition, i.e. revert to unity of being. The first Prophet-Messenger was Adam himself, followed by Noah, Abraham, Moses, Jesus and Muhammad. The cycle of prophecy ends with Muhammad: divinity sends its last and absolute message, final Truth, the *Qur'an*. There are significantly different approaches regarding prophetic development in Sunni and other Islamic branches like Twelver or Isma'ili Shi'a. For last mentioned branches, prophetic cycle (*nubuwwah*) is continuing with the spiritual initiation cycle (*walayah*), through which Imams assume the task of explaining spiritual meaning of revelations described in *Qur'an*. Imams are successors of prophets as both spiritual and political authorities, leading and guiding the believer and entire community towards salvation<sup>2</sup>. According to Muslim religious anthropology, and stated in the *Qur'an*, Primordial Man, first Adam, was built as the supreme being of Creation according to Islam; he is humanity's perfect archetype, what every human desire to become spiritually and ethically when plenary assuming the Muslim condition. According especially to theologians and legal experts (*ulama*, *fugaha*), this completion is achieved by respecting divinity's prescriptions and indications, designated generally by the term *Shari'a*, the religious Law. This exoteric and ritualistic Islam,

<sup>1</sup> Fritjof Schuon, *Să înțelegeți Islamul. Introducere în spiritualitatea lumii musulmane*, Humanitas, 1994, pp. 9-48.

<sup>2</sup> Henry Corbin, *Istoria filosofiei islamice*, Herald, 2008, pp. 47-94.

both individual and collective norm for all Muslims, has been frequently complemented by countless patterns of mystical Islam, assumed individually and in its corporate form represented by Sufi brotherhoods. The latter does not necessarily insist on the exterior, ritualistic compliance with *Shari'a*, but mostly on divine Truth's (*haqiqa*) internalization, existentially and spiritually. However, both *Shari'a* and *Tasawwuf* (Sufi mystical way) aim similarly: to maturate in the best way possible human condition's essence and help individuals to complete themselves as beings created after divinity's model. The purpose of human life on Earth is re-establishment of unity, cancellation of distance separating humans from the Unique Allah, return to divine uniqueness (*tawhid*).

## 1.2. Juridical schools (*madhahib*) in Sunni Islam, formation of Muslim Law (*Fiqh*) and *Shari'a*

At social level, Islam has tried from the very beginning to sanctify and theologically interpret almost the entire field of human behavior: individual, familial, social, moral, economical and so on. Thus, the fundamental role of canonical Law (*fiqh*), led to development of *Shari'a*, a legislation system generally applicable, that encodes not only the juridical system itself, but human and behavioural norms as well, in the name of religious legality. The law in Muslim societies until 19<sup>th</sup> century is essentially religious, contributing permanently to diffusion and preservation of religious meanings associated with individual and public spaces.

Apparition of Islamic jurisprudence has to be searched primarily in the fundamental normative role assumed by the *Qur'an* and entire ethos developed around Muhammadan epic. From the very first moments after Muhammad's disappearance in year 632, his followers ('companions' - *as-sahaba*)

tried to provide a final written text of the *Qur'an* and formalize religious, ethical norms and rules as basis for the Islam. Considered the expression of divine truth, the *Qur'an* was vital and the new community tried to find here solutions to all aspects of individual, social and political life. Besides the divine text, Muhammad's life was considered another central inspiration source: as Prophet, he becomes a model, an archetype for other believers. Finally, companions' circle, especially the first four Rightly Guided Caliphs (Abu Bakr, Omar, Uthman, Ali), and other prominent personalities, are considered the third central inspiration source for elaborating religious, ethical and juridical systems of values in the period to come.

The formation period of Muslim Law (*fiqh*) is still insufficiently known and rises disputes among contemporary specialists concerning first century after Prophet's disappearance<sup>3</sup>. Until the apparition of first elaborated and rationalized theoretical developments on juridical codes, at the end of Umayyad Caliphate and beginning of Abbasid Caliphate, the region was dominated by customs and rules from pre-Muslim Arabia, along with a series of ad-hoc laws imitating Prophet's

<sup>3</sup> A development of specialised and well documented literature regarding Muslim Law and Sunni juridical schools has been noticed lately. Among classical works, there are a few that deserve to be mentioned, like Joseph Schnacht's *An introduction to Islamic Law*, Claredon Press-Oxford, 1982 (first edition in 1964). In the same period N.J. Coulson published *A history of Islamic Law*, Edinburgh University Press, 1964. From recent specialists, Wael Hallaq should be mentioned as author of more reference works, like *The origins and evolution of Islamic Law*, Cambridge University Press, 2005, and *An introduction to Islamic Law*, Cambridge University Press, 2009. Finally, the work of Sami Zubaida, *Law and power in the Islamic World*, I.B. Tauris, 2003, is one of the most clear and explicit analysis on formation of Muslim systems and juridical authorities, relations with political authorities, from creation of Islam until nowadays.

and first caliphs' acts, and interpretations of fragments from *Qur'an*. The fundamental problem was and remains: *Qur'an* is not a juridical text and there are too few precise indications on norms and principles that should govern community's social and political life, with its infinite particular aspects. Due to this reason, Islam's first decades were marked by a continuous provisory state and pragmatic adaptation to leaders' personality and authorities, that interpreted back then subjectively the ways through which juridical aspects and behavior norms should be settled. First caliphs, ruling over an empire in formation and expansion, were assuming themselves the judging role and in most cases tried to imitate or inspire themselves from Prophet's examples, complemented with traditional tribal codes (*Urf*) preceding Islam. But as new territories were conquered and needed proper government, a system of administrative courts was successively developed, where judges (*qadi* - *cadi* or *kadi*) are entitled to exercise justice. In first decades of Islam, the judges were originally from Medina or Mecca, as representatives of aristocracy or Prophet's followers (over 10.000 in Medina). The masses of Arabs converted to Islam succeeded in rapid conquest campaigns and consequently received key functions in conquered regions (Egypt, Maghreb, Spain, Syria, Iraq, Persia). Lacking a juridical education in its full meaning, the persons delegated for justice affairs (also leading or administrating regions or cities in most cases) were either ruling in a personal manner or inspiring themselves from Prophet's acts, *Qur'an* and related texts, old tribal juridical traditions and jurisprudence elements from advanced conquered regions like Byzantine Empire and Persia. But starting with Umayyad Caliphate, a power and administrative centralization process begins, integrating and converting to Islam the most significant part of Byzantine juridical and socio-political norms and values. The traditional image of Umayyad Caliphate is associated

with sovereigns not interested to assume the religious and legislative roles implied by their position, i.e. caliphs, and less involved in developing detailed Islamic jurisprudence. Yet, even if the agents exercising justice now appeared to become autonomous and positioned themselves as critics or even against Umayyad political power, the dynasty mastered a real process of systematization and Islamisation regarding juridical norms. At the end of Umayyad Caliphate there was an officially established juridical system, under state's rule, in which co-existed courts and semi-autonomous juridical-religious authorities, the latter considering themselves legitimized to preach and manage ethical and juridical values of communities, according to Muslim criteria. For some specialists, doctrinaire formalization of Islamic jurisprudence codes was accelerated by the Umayyad power pulling away from Muslim values. This rupture favored revolt of traditional circles and those attached to Islamic spirit and values, that hurry now to update the Islamic message, especially by promoting a systematic and official set of oral teachings (*hadith*) and acts of the Prophet and his Companions (designated as *Sunna* – the Tradition). Consequently, the dogmatic structure of certain unified and exhaustive jurisprudence systems was condition by establishing in the first-place value of the Tradition. First important theologians and jurists were called Traditionalists, i.e. the ones concerned with research and validation of tens of thousands of reports about the words and deeds of the prophet Muhammad. *Hadith* were separated in 'authentic' (*salih*), 'good' (*hasan*), 'weak' (*da'if*) and 'fabricated', 'forged' (*maudu'*).

Disappearance of Umayyads and instauration of Abbasid Caliphate in year 750 accelerated and facilitated this process. New caliphs claimed legitimacy by assuming Islamic values and leded in their first decades all doctrinaire and juridical systematisation processes towards an official Islam. The

movement was called Sunnism and was used not only for establishing own state and authority, but for limiting increasing influences from other Muslim currents as well, like Twelver Shi'a, Zaydi Shi'a, Isma'ili Shi'a, and numerous heterodox sects, some of them very violent and subversive, like Qarmatians. Consequently, starting with second part of 8<sup>th</sup> century and continuing in 9<sup>th</sup> century, great scholars appeared, trying to unify all jurisprudence norms and prescribe legitimate criteria based on which a valid jurisprudence system could be built.

This systematization and Islamization of juridical corpus's, coinciding with the development of new rationalist philosophies, characterizes the all major Islamic currents from this period, Twelver Shi'a especially (the sixth Shi'a Imam, Ja'far al-Sadiq, 702-765, offered a Shi'a version of Islamic jurisprudence *fiqh*, that prevailed subsequently as the Ja'fari school of thought). In the Sunni area, under political and spiritual authority of Abbasid Caliphate, appeared more schools (or rites) of jurisprudence (*madhhab*), grouped around important personalities that wrote treaties and built masses of followers assuming their teachings, continuing and systematizing them. In this period, 8<sup>th</sup> and 9<sup>th</sup> century, numerous Sunni theological-juridical schools were founded, from which only four will remain until nowadays: Hanafi, Maliki, Shafi'i and Hanbali schools. Another two schools were important for mentioned age: Zahirite and Jariri, but they gradually disappeared. The four Sunni *madhhab* originate from the writings and personal character of their founding imams (they are called imams in Sunni tradition, although not in a Shi'a sense), but ideas and directions for each school were continued and developed until 11<sup>th</sup> century, when doctrinaire construction period is finished. From now on, all schools consider that their jurisprudence systems are finalized. The right to innovate and bring additions, the liberty of *ulama* to exert innovative thinking (*ijtihad*), to interpret *Shari'a*, are more and more substituted by the