

The East meets the West: the Intellectual Solidarity of Abdullahi Ahmed An-Na'im, Naser Ghobadzadeh, and David Hollenbach on Religion and the State

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What should be the legal relationship of the Church—or the Mosque, or the Synagogue—to the State? In the West, this question has been largely resolved in two broad ways: in the first case, there is a separation of church and state along the lines of the First Amendment of the American Constitution; in the second, the church is deemed subordinate to the state but endowed with various privileges, e.g., the Evangelical Lutheran Church in Scandinavia, the Anglican Church in England, the Orthodox Church in Greece, and the Catholic Church in Liechtenstein, Monaco, and Malta. The Catholic Church, of course, belatedly but nonetheless significantly changed its teachings on this matter at the Second Vatican Council by renouncing its commitment to the ideal of a Catholic State and embracing religious liberty. The question remains one of the most significant issues in the world today, however, because of its pertinence in Muslim lands.

In this paper, I will explore the work of two contemporary Islamic thinkers—the Sudanese-American Sunni thinker, Abdullahi Ahmed An-Na'im, and the Iranian-Australian Shi'ite scholar, Naser Ghobadzadeh—who wish to separate religion, specifically the development and enforcement of Shari'a (religious law), from the state. Both An-Na'im and Ghobadzadeh advocate a "secular" state. But, as they admit, this term tends to imply in a Muslim context the exclusion of religion from public life. To help meet this charge, I will try to show how a Western thinker—the Catholic ethicist, David Hollenbach, S.J.—might shed some light on the efforts of these Islamic scholars.

Hollenbach argues that religion can help people to get engaged in a positive way in their communities and thus contribute to the broader common good. But he does not envisage a "theocracy" in which the church—or any other religious body—constitutes the state or plays an established or direct role in affairs of state. Rather, he upholds a separation of church and state, as taught at Vatican II, whereby the church, like the other bodies of civil society, influences the state *indirectly* through lobbying, contributing to debates, etc.

Thus Hollenbach's distinction between the state (which is deemed "separate" from religion) and society (which is clearly not separate from it) allows him to articulate the positive ways in which religious actors may influence the state (albeit in an indirect manner) and help to build the common good. Seen in this light, the vision of An-Na'im and Ghobadzadeh appears less "irreligious" than some fellow Muslims tend to think.

Working in the tradition of Rashid Rida and Ali Abd al-Raziq, An Na'im contends that the state is a political rather than a religious institution and cannot therefore codify or enforce Shari'a principles. In his view, Muslims must be able to live their own belief in Islam instead of being

coerced by the state. But this does not mean Islam should be excluded from the formulation of public policy or from public life in general. For public policy should reflect the beliefs and values of citizens, including religious values, provided this is not done in an exclusive manner, which might favor the views of those who control the state. Akin to Hollenbach, then, An-Na'im maintains a clear distinction between religion and the state while regulating the connectedness of religion and politics.

Drawing on the work of Abdolkarim Soroush, Ghobadzadeh likewise challenges the legitimacy of the Islamic state. His argument incorporates "two corresponding components": first, Iran's experience demonstrates that the Islamic state transforms religion into a political instrument to justify state policy; and, second, despite the clergy's claim of divine sovereignty, Islam is compatible with the secular democratic state, which offers believers a more conducive environment in which to cultivate their faith.

Where Hollenbach calls for religious convictions to play a prominent public role as part of an "overlapping consensus" regarding moral principles, and An-Na'im calls for religion to be subject to the requirements of civic reason (i.e., consensus and compromise), Ghobadzadeh calls for a democratic state rooted in popular sovereignty in order to capture the true spirit of religion: justice. He calls this vision "religious secularity." It reflects not only an emerging discourse in Iran regarding the appropriate political role of religion, but also, to my mind, an affinity with the work of Hollenbach.

Key words:

Catholicism, Islam, Shari'a Law, Religion, the State, Society.

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