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RELIGION AND POLITICAL CIVILITY

Discussion Paper for the “Long Conversation” at the 2012 U.S.-Islamic World Forum

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INTRODUCTION

More than anything else, the momentous events of 2011 in the Middle East have refocused the world’s attention on the power of people. These were citizen revolutions, driven first and foremost by a desire to create states and societies in which individuals would have greater voice and where governments could be held accountable for their actions. As complex and difficult transitions play out in the region, questions are being raised about how to create new political systems characterized by a commitment to genuine pluralism and social equity. Similar questions about the limits of civility and tolerance also animate debate—and in some cases even violence—in Afghanistan and Pakistan today. And in deeply religious, democratic societies such as the United States, voices across the political spectrum have been asking tough questions about the role of the government in shaping public morality, particularly where religious values are concerned.

As communities revise their basic political rules and shape new political institutions, some of the most complex and

vexing questions regard religion and what role it should play. On the one hand, there is much to be found in the world’s great religious traditions that strengthens and undergirds citizenship and political civility. Notions of tolerance, compassion, and respect for the rule of law and governing institutions are central to all great faiths. But difficult issues frequently arise around the question of religion’s role in politics, particularly in the diverse societies that are increasingly the norm in a globalized world. For example, if faith informs public morality, what space is there for those whose religious beliefs are outside the majority—or for non-believers? And while many would agree that religious values can and should infuse political life, the question of whether religious authority has any superior claim to determine or affirm legislation raises a thorny set of issues. What is the appropriate relationship between the state and religious institutions and other faith-based actors? How can the full rights of all citizens—particularly those in the minority—be ensured and who has the authority to determine the boundaries of citizenship? Given the importance to many of religion and religious values as the fundamental basis for determining right from wrong, what are the respective roles of the state and religious institutions in shaping, implementing, and enforcing

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both religious norms and secular affairs? Who is authorized to define and speak on behalf of religion? And when, as is inevitable, conflicts do arise over different conceptions of morality, authority, and national priorities, where can we turn to find resources and examples for resolving these disputes judiciously and equitably? This paper will engage these questions, among others, with a view to laying the groundwork for a “Long Conversation” on religion, civility, and state-building at the 2012 U.S.-Islamic World Forum.

A ROADMAP FOR THE “LONG CONVERSATION”

Our discussion at the Forum will be structured around the triangular relationship between the state, society, and religion. More specifically we are hoping to discuss questions such as:

- What is the role of religious institutions and authorities in new and transitioning democracies? How can they help to inculcate the values of citizenship and political civility? What other roles can they play?
- What is the role of the state in defining and/or implementing moral values and religious norms? What limits are there on this role for the state in society?
- Should religious institutions, religious authorities, and other faith-based actors in society try to shape social affairs and public life through policy (with respect to issues such as dress, social welfare, etc.)? What are the limits to this role?
- How should these same institutions address the rights and autonomy of individual citizens—men and women alike—particularly when their religious or moral views differ (e.g., religious minorities, nonviolent political dissenters)?
- Who counts as a citizen and who makes this determination? What rights and protections

should be offered to citizens as a matter of course, even if their views and beliefs differ from the majority?

- Who decides who has the authority to speak, on behalf of religion, in the political realm?

It should also be clarified at the outset that the “Long Conversation” approaches these questions in a spirit of openness and without the assumption that easy, “correct” answers are readily available. Rather, we begin from the premise that these are complex questions on which dialogue is needed to identify areas of agreement and disagreement. This paper, therefore, sets out to identify key questions and to frame some of the parameters of our discussion—in other words, to lay out the terrain of the “Long Conversation”—rather than to resolve or achieve closure on any of these complex and multifaceted issues. In that regard, the various examples and experiences that we cite from diverse settings should be seen as fodder for discussion and debate, and not as endorsements or proposals for preferred solutions. The perspectives represented at the Forum are extremely diverse—a hallmark and deeply valued feature of this annual gathering—and it is therefore inevitable that our answers to these questions will be similarly wide ranging. Our objective is not to produce a single, definitive set of prescriptions or policy proposals. We hope first and foremost to achieve a cross-fertilization of ideas and to provide Forum delegates who may be wrestling with some of these vexed questions in their own societies with access to new viewpoints, resources, and potential partners.

RELIGION AND SOCIETAL TRANSITIONS

Given the tectonic changes occurring today in the Middle East—with new constitutions being written and social contracts renegotiated—we are naturally led to wonder about the role religion can play in helping nations through complex and fraught periods of transition and upheaval. One pattern that is clear throughout modern history is the empowering role that religion and religious institutions have played in supporting, and in some cases

leading, popular movements for democracy, civility, and positive social change. From the role of Iranian *'ulama* in that country's Constitutional Revolution in the early 1900s, to anti-colonial activism in South Asia in the 1930s and 1940s, to the Latin American Liberation Theology movement of the 1970s, Bishop Desmond Tutu in 1980s South Africa, and Buddhist monks in Burma a few years ago, religious actors and leaders have served consistently as the conscience of nations and as moral compasses pointing the way toward social justice and political civility.

In “third wave” democratic transitions in Latin America and Eastern Europe from the 1970s through the 1990s, churches and other religious actors served as crucial voices of opposition to authoritarian regimes—as forums for community discussion and mobilization—and helped to maintain social cohesion through complex processes of political, social, and economic upheaval. Religion can therefore be seen to strengthen and consolidate transitions to democracy. Similarly, in many recent cases of civil war and social conflicts from Latin America, to Europe, to Sub-Saharan Africa, and South Asia, religious leaders have served as peacemakers—often willing to bear considerable risk and sacrifice to find common ground where others had given up.

One of the baseline assumptions, then, is the idea that religion and religious values can be rich contributors to the proper functioning of tolerant and democratic societies. In the context of complex processes of political transition—such as those we see today in parts of the Arab world—it is vital for the transitioning society to consider explicitly the specific role that religious ideas and institutions can play in supporting fledgling political institutions, promoting tolerance and a sense of communal responsibility, and enabling a robust and active citizenry. Where and how should religious actors fit into the writing of new constitutions? How do religious values relate to the essential democratic value of individual liberty? How can a society achieve a balanced equation where politics will not dictate religion, nor religion dictate politics—but where both can coexist to mutual

benefit, the pursuit of the public good, and the enrichment of society?

STATE, RELIGION, AND CIVILITY

We can begin to get at these crucial issues surrounding religion, new democracies, and transition by asking a very basic question. **How have different societies defined the relationship between religion and the state?** Traditions and practices here vary widely around the world, ranging on the one extreme from highly secular countries, such as France, that try to enforce a strict firewall between the temporal realm of public life and matters of faith seen to fall within the private domain, to nations such as Saudi Arabia or Iran in which governance is seen to derive directly from religious mandate and divine law. Even among countries that stipulate a direct relationship between religion and the state, we find divergent customs at work. The British monarch is technically chief defender of the Church of England—the official religion of state—but the state does not legislate on the basis of Church teachings and much of Britain's society and political culture are highly secular. In recent decades, the Egyptian government has enforced a largely secular order—banning political parties based on religion—even though the Egyptian constitution has stipulated since the 1970s that “Islam is the main source of legislation” and personal piety is highly salient for most citizens. Even in societies whose political cultures are supposedly very similar, there can be important differences in how and where religion connects with public life. The examples of the United States and France—nominally both secular, liberal societies born of the European Enlightenment—illustrate this point particularly well. French candidates running for high political office who talk openly about their religious beliefs would be regarded as talking out of turn, while in the United States, presidential candidates have little hope of getting elected unless they both have, and are comfortable talking about, faith.

In many societies, religion is an important aspect of national cohesion and identity. It is not uncommon for constitutions to indicate an official religion of state in

order to emphasize the centrality of a particular faith tradition to a national people's sense of history and cultural identity. Even in the United States, where there is a purported separation of church and state, God is central to the American self-image, and religious symbolism is pervasive in its civic culture. American coins testify that "in God we trust," and the U.S. pledge of allegiance is to "one nation under God."

These contrasting experiences leave us considerable latitude to consider various options and approaches. So we must ask **whether the state should have authority to regulate religious institutions and the religious lives of its citizens.** And if so, how much authority and what are its limits? In practice, the answer to this question has often depended very much on the character and historical origins of particular states. Where governments have been dominated by ideologies that seek to de-emphasize religion's role in society, modern states have tended to maximize control over religious institutions. Turkey's Directorate of Religious Affairs (*Diyanet*), which licenses all mosques and educational facilities for training imams, is one example. It is even responsible for determining the text of the *khutba* (sermon) given during congregational prayer each Friday in the thousands of mosques under its jurisdiction. Similarly, although in a less heavy-handed manner, the Egyptian state, from the 1950s onward, progressively asserted authority over major religious institutions such as Al-Azhar—integrating the institutions' management into the state bureaucracy. But in other settings, hierarchies of power between the state and religious institutions are less clear-cut. In Poland, for example, the Catholic Church has tended to enjoy considerable autonomy in terms of its ability to shape public views and intervene in policy debates even as it receives high levels of financial support from public funds.

In the United States, religious debates are very much in the public square today. One example is the ongoing and often heated politics around such issues as abortion, the teaching of evolution, and prayer in schools. One of the more recent episodes in the U.S. debate occurred when the federal government moved to mandate that

all employers in the country—including religiously affiliated schools and hospitals—must provide contraceptive services as part of the health care plans they offer to their employees. Some faith-based organizations argued that they should be exempt from this requirement since it amounted, in their view, to the government forcing them to take actions incompatible with their religious values—"forced secularization," as some put it. This episode, along with President Barack Obama's recent remarks in support of gay marriage, rekindled a wider debate in the United States about the relationship between the state, society, and the religious lives of citizens.

INFUSION WITHOUT COMPULSION

So we should perhaps ask a more fundamental question: **what should be the role of the state in implementing and/or enforcing religious beliefs and teachings?** This question raises a crucially important issue. It invites us to ask whether the state, beyond its function of implementing and enforcing laws, has a role to play in prescribing and policing the morality necessary for democracy. In other words, should governance involve the state serving as an arbiter of right and wrong? If so, under what circumstances should it do so, and what are the limits to this role—does it apply only to certain issues? Should the state reflect the values of the majority or should it mediate between dissenting visions of morality? In some societies there are certain issues that are seen to fall within the private domain, or where the state's regulatory capacity is seen to be limited—such as matters of personal religious belief including the freedom to change religion, questions of dress, sexual behavior, etc. In some cases, of course, religion addresses these issues quite directly (although interpretations of those religious teachings often vary considerably). What is the division of labor between the state and religious institutions in providing guidance and regulating such issues? For example, U.S. norms around religious freedom tend to view laws in Turkey and France that ban the wearing of headscarves in certain public institutions as unduly restrictive. At the same time, the American emphasis on individual freedoms sees laws requiring the wearing of headscarves as equally inappropriate.

And then there is the question of whose morality is being enforced. If the state takes on the role of reflecting and enforcing the moral values of the religious majority, what impact does this have on the social position and well-being of citizens who do not belong to the majority faith or who interpret it differently? Does such a role for the state undermine the equality of citizenship? For example, some who advocate that the state should enforce shari'a law claim that it would only apply to Muslims, but many non-Muslims express concern that they would effectively become second-class citizens under such arrangements. Although Islamic values will inevitably inform politics and law in a Muslim-majority society, there are still wide variations in their application under the law, both in theory and practice. Moreover, there are still important questions to ask about who gets to determine Islamic values. Likewise, in the United States, many citizens express support for the idea that their country is and should be a Christian nation, while holding very diverse views about what that means in practice with regard to the role of the state in either regulating or making space for the concrete expression of religious values in policy or law.

Another complicating factor around the question of **what it means for the state to implement religious law** lies in the fact that, for example, even among supporters of shari'a, there seem to be multiple conceptions of what the law actually requires in practice. While opinion polls across much of the Muslim world suggest high levels of support for shari'a in the abstract, it is clear that opinions vary considerably when people are asked about specific requirements and practices that supposedly derive from shari'a. This same data also suggests that, while many Muslims support shari'a, they equate that term first and foremost with broad notions of morality, justice, and the rule of law, rather than with the idea that the state should legally mandate specific behavioral requirements for its citizens. This point again raises the question of how citizens and state institutions should think about what shari'a means in practice and what it would mean to create a political order based on shari'a. While direct application and state enforcement of the Islamic personal status code is one way to think about implementing shari'a,

there are other approaches that have been proposed. One tradition of thought, encompassing both historical figures such as the Egyptian shari'a judge Ali Abdul Raziq (1888-1966) and contemporary thinkers such as the Sudanese scholar Abdullahi An-Na'im, emphasizes the idea that shari'a should not be thought of as a separate and closed body of law wholly distinct from laws whose origins lie outside religion. For them, any law, regardless of its ultimate sources, can be deemed shari'a compliant so long as its content embodies the principles and values of Islamic morality. Thought of in this way, it becomes possible to think of shari'a and secular legal systems to be not only compatible, but virtually identical.

WHOSE RELIGION?

If the state takes on the role of applying or enforcing religious values, does this degrade or undermine the spiritual authority of religious institutions and leaders? **Who has the authority to speak on behalf of religion and to define religious norms in the context of statecraft?** Contrast, for example, the Roman Catholic Church, which possesses a single, undisputed central authority in the figure of the Pope who presides over a clear clerical hierarchy, with Sunni Islam in which there is no single, universally recognized locus of authority. In Islam, religious knowledge and authority has tended to be thought of in relation to a body of sources and traditions rather than a centralized "church" structure. These sources are subject to multiple and in some cases conflicting interpretations on the part of the experts charged with elucidating their meaning. While some issues produce a strong measure of consensus (*ijma'*) among leading religious scholars, others generate fraught debate—with no clear mechanism available to resolve these conflicts authoritatively. Some have seen value in this diversity of viewpoints. One prominent thinker, Shaikh Rached Ghannouchi from Tunisia, has argued that one possible approach to reconciling democracy with divine rule would be to allow citizens to choose—even in the form of voting—from among the multiple interpretations and perspectives of leading religious scholars, trusting in the collective will of committed, believing Muslims to

achieve something approaching *maslaha* (public good). In this view, religious authorities and institutions help to lay out the parameters of the debate on public morality, and the mechanism of democratic politics becomes the arbiter of which religious interpretations will be accepted as authoritative by the state. Some, however, may view this as a subjection of divine will to secular authority, or an infringement on religious liberty.

Another difficulty surrounding the question of who possesses the authority to speak on behalf of religion relates to the fact that distinctions between “religious” and “non-religious” actors are not always so clear-cut. While some forms of Christianity possess recognizable clergy and ecclesiastical structures, Buddhism has its monastic tradition, and Islam and Judaism have a widely acknowledged class of religious scholars and juristic specialists, many alternative voices in society and politics today claim a role in bringing their respective societies into closer conformity with religious teachings. Sometimes these “lay” religious actors and movements are at odds with traditional religious institutions and authorities, even where they ostensibly share a common goal of emphasizing the role of religion. And in some cases, some parts of society do not recognize, let alone accept, the religious authority of the religious leaders of other parts of society (e.g., Iraq, Bahrain, Syria, Pakistan, etc.). Moreover, we find partisan political groups claiming that their specific political preferences are religiously authoritative and therefore demand allegiance. Others, such as Christian Evangelicals in the United States, prefer to work through special interest groups and political lobbying efforts to bring elected officials around to their point of view. Some Salafis have now formed specific political parties to contest for power. The challenge is therefore not one simply of deciding a division of labor between the state and a self-evident and clearly delineated set of religious actors and institutions, but the need to recognize that religious voices in the world today are highly diverse. Religious actors often differ widely in kind, and in their understandings of the content and role of religion in society—even within the same faith tradition.

COMPLEX CHALLENGES, CREATIVE APPROACHES

So what options do we have for answering these questions in a real world full of real problems? Societies have to confront multiple and often conflicting views on these questions within their citizenries. Many Muslims, for example, will be dissatisfied with a conception of shari’a that equates to a rather amorphous notion of “being ethical.” Likewise, religious minorities are likely to remain skeptical of the idea that they can enjoy full rights within a legal system based on the direct application of majority religious law. So then **how can citizens from these two divergent perspectives agree on rules for their shared polity?**

Any conversation focused on the question of the relationship between religion, civility, and citizenship needs to inquire about the nature and boundaries of that latter category. How “citizen” is defined, whether religious identity should play a role in that determination, and how to ensure equality among citizens of different faiths are all vexing questions. That a citizen enjoys full rights under the law may seem self-evident, but it is not always so straightforward in practice. Even setting aside the question of immigrants or temporary residents who do not hold citizenship, societies have long had to deal with groups whose claims to full belonging and enfranchisement have been questioned. For many years in the United States, African Americans fell into this category. In many countries, religious minority groups viewed as heterodox, such as the Ahmadiyya in Pakistan, Alevis in Turkey, Shi’a in Saudi Arabia, Mormons in the United States, and Christian Scientists in Germany have long functioned as political lightning rods in this regard, not to mention objects of frequent persecution and violence. There have been ongoing debates, for example, about whether members of such groups should hold equal franchise, especially the right to hold high political office. There is also the question of whether laws expressing religious values held by the majority have the effect of degrading the citizenship of individuals who do not share the majority faith. South Africa offers perhaps the best example today of a society that has gone through a

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traumatic process of trying to move beyond a system that categorically devalued and disenfranchised large portions of its population based on race. Its post-apartheid constitution-writing process may hold many valuable lessons for other societies looking to avoid having social divisions result in unequal citizenship.

While it is unlikely that our “Long Conversation” in Doha will conclusively settle any of these complex questions, there is enormous potential for us to set in motion

discussions that can be carried back with us after the Forum and continued at home. Of course, in many settings in the Middle East, the United States, and beyond, these very questions are already the stuff of vociferous debate. Our goal is not to provide pre-packaged solutions or to impose policy prescriptions. Rather, it is the hope that as we interact, citizen to citizen, we can discover ideas, resources, and experiences that can inflect ongoing debates in our respective walks of life in constructive new ways and open new avenues of possibility.

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