
Professor Abdullahi An-Na’im’s most recent book *Islam and the Secular State: Negotiating the Future of Shari’ā* is likely to become one of the most important studies in this field by virtue of its honesty, determination and comprehensiveness in addressing contentious topics of Islam and secularism from a personal Muslim perspective. It is refreshing to see the clarity with which An-Na’im states his objectives and the approach he takes in writing this book, an account which is not the result only of an academic endeavour but also part of his religious conviction. The book, as An-Na’im himself indicates (p. vii), is aimed primarily at a Muslim audience but is certainly also published with the hope of engaging non-Muslims in debates relating to the public role of Shari’ā. The main objective of the book as An-Na’im states is “to promote voluntary compliance with Shari’ā among Muslims in their communities by repudiating claims that these principles can be enforced through the coercive powers of the state” (pp. 3–4). To that end, An-Na’im calls throughout the book for the institutional separation of Islam and the state whilst accepting a role for Shari’ā in public life. However, this is a role that needs to be regulated since the state needs to safeguard minority rights as well as guard against any form of religious coercion. Crucial to An-Na’im’s argument is the acknowledgment that the ideal of a secular state can actually be defended from an Islamic perspective: “By its nature and purpose, Shari’ā can only be freely observed by believers; its principles lose their religious authority and value when enforced by the state. From this fundamental religious perspective, the state must not be allowed to claim the authority of implementing Shari’ā as such” (p. 4). Chapter 2 places the relationship between Islam and the State in a historical perspective so as to further invalidate the many prevailing misconceptions surrounding “the Islamic state”. As An-Na’im rightly asserts, it is only when a state is religiously neutral, in the sense that it does not favour one religion over another and where it does not enforce a single religious doctrine on the people, that individuals have the complete freedom to practice and debate their beliefs. An-Na’im’s bold but important statement (p. 2 and Chapter 2) of an Islamic state being nothing but a dangerous illusion is in line with his earlier works where he
challenged the notion of divinity of Islamic law: Islamic law once enforced as positive law cannot be regarded as divine as it has been subjected to human agency.

The distinction between separation of religion and state on the one hand and separation of religion and politics on the other is of course not new, yet the relevance and ramifications of this crucial distinction have certainly never been elaborated upon to the extent An-Na‘im has in this book. The separation between Islam and state is beyond question for An-Na‘im as that is the only guarantee against religious coercion by the state. It is neither necessary nor desirable, however, to eradicate religion from public life: “legislation and public policy should reflect the beliefs and values of citizens, including religious values, provided this is not done in the name of any specific religion…” (p. 3). Given the interconnectedness of Islam and politics and the need for maximisation of fundamental notions of human rights, constitutionalism and citizenship, the key challenge predominantly Muslim societies are faced with is how to maintain a separation of Islam and the state whilst regulating the role of Islam in the political arena. It is within this area of tension that An-Na‘im arguably makes the most novel contributions, particularly by developing and elaborating on his notion of “civic reason” as a method of mediating policy conflicts (his discussion of civic reason is mainly interwoven with the debate on “Constitutionalism, Human Rights, and Citizenship”: Chapter 3). The notion of civic reason does not preclude the possibility of suggesting and framing a law or regulation based on religious incentives yet it poses certain fundamental conditions to the legislative system: anyone who suggest a certain idea or ideal, be it religious or secular, must provide “civic reasons through a civic reasoning process in which all citizens can participate without reference to religion” for it to be acceptable as potential state law (p. 93). It is thus clear that a religious rule or duty cannot be turned into state law by simply positing the fact that the population predominantly adheres to the religion in question. In other words, “the rationale and the purpose of public policy or legislation must be based on the sort of reasoning that most citizens can accept or reject” (p. 7). An-Na‘im’s civic reason requirement is useful, realistic and important as it seeks to tackle the problem that stems from the fact that those who are in a position to design laws are not neutral and also because it takes minority rights very seriously and explicitly avoids the pitfall of equating democratic rule with—potentially tyrannical—majority rule.

An-Na‘im further elaborates and tests his theory on Islam and the secular state by presenting three case studies (Chapters 4–6). An-Na‘im concludes in this context that: (i) Indian secularism has not sufficiently elaborated on the distinction between separating the state from religion on the one hand and separating politics from religion on the other; more concretely, state neutrality is not applied in a consistent fashion which has seriously blurred the separation between state and religion (pp. 140–181); (ii) current human rights concerns regarding Turkey