

Religion and Identity: Divided loyalties?

by Sean Oliver-Dee

"This paper is highly relevant to the debates about how Muslims understand their identity and how they relate to Britain today. Its special strength is that, instead of starting from an essentialist position which claims to be able to define the nature of Islam and therefore predict how Muslims are bound to behave (as many Christian and secular writers tend to do), Oliver-Dee recognises the diversity of approaches to political issues among Muslims in the past and describes how these different approaches have worked out in one highly significant context - the Indian sub-continent in the 19th and 20th centuries. This historical background is essential not only for understanding the debates within British Muslim communities today, but also for appreciating what several writers have described as 'the battle for the soul of Islam', the battle that is being waged between moderate and radical Muslims in many parts of the world today."

Colin Chapman, former lecturer in Islamic Studies, Near East School of Theology, Beirut

"A thought-provoking review of issues of multiple loyalty, faith and state, and competing trends in Muslim debate around these matters."

Dr. Usama Hasan, Senior Lecturer, Middlesex University, & Imam, Tawhid Mosque, London

"A well-researched and thoughtful contribution to one of the most important debates of our times. This paper manages to be positive and well balanced - a not inconsiderable achievement in this hotly debated sphere."

Baroness Sayeeda Warsi, Shadow Cabinet Minister for Community Cohesion and Social Action

"This is a most interesting essay which draws very helpfully on the author's research into Islam in 19th century India. It points both to the sources of current tensions within Islam about dual religious and political identity and most importantly to the possibilities for resolving them."

*Guy Wilkinson, National Inter-Faith Relations Adviser
and Secretary for Inter-Faith Relations to the Archbishop of Canterbury*



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foreword

Thirty years ago, on the eve of the Iranian revolution, the one recorded attempt by the Central Intelligence Agency to understand the attitudes and activities of the Iranian Shi'ite scholars was vetoed as mere 'sociology' – intelligence service speak for studies deemed politically irrelevant! Few would now so summarily dismiss the public salience of religion across the world.

However, there remains considerable nervousness as to how the public dimensions of religion are to be accommodated within democratic politics, in particular, whether the different settlements between church and state across Western Europe can be stretched to accommodate the new Muslim presence. Too often the Christian distinction between church and state – which had generated different models of relationship from establishment to complementarity to separation – is interpreted either as sidelining religion or justifying a rigid separation between religion and politics.

As Dr Oliver-Dee makes clear in this timely essay, mainstream Christian reflection argues for what he labels a two-tier system whereby church and state each operate in their distinct but overlapping domains. Each in reality needs the other. Indeed, as Jeffrey Stout argues in his award-winning monograph, *Democracy and Tradition*, contemporary American democracy is unimaginable without the prophetic witness of 19th century abolitionists and the 20th century civil rights movement – both largely driven by Calvinists!

In the present fraught debate about how equitably to incorporate Muslim communities in the West, too often Saudi Arabia, the Taliban regime in Afghanistan or Al Qaeda shape the public imagination about Islam. Here Islam is depicted as essentially theocratic or better nomocratic, with political and religious domains conflated.

Dr Oliver-Dee brings a sober historical perspective to illuminate such issues. Drawing on South Asian history – important since some 70 per cent of British Muslims have roots there – he shows that two different readings of the Islamic tradition exist: one of which is quite compatible with his two tier model.

In indicating that Islam in its South Asian dress has ample resources to enable Muslims in Britain to live at ease with the familiar two tier model, he has contributed to enhancing the religious literacy of politicians and policy makers. Nothing is more urgent than to provide accessible resources to Muslim and non-Muslim alike, to enable an informed, adult debate on such vexed issues. I hope this essay is widely read and institutional spaces multiplied where Christian, Muslim, secularist, indeed all concerned citizens, can contribute to this vital topic.

Dr Philip Lewis lectures in Peace Studies at Bradford University and is Inter-Faith Adviser to the Bishop of Bradford. His latest book is *Young, British and Muslim* (Continuum, 2008).

introduction: the return of religious identities

two speeches, one reaction

On Thursday, 7 February 2008, the Archbishop of Canterbury, Rowan Williams, gave the Foundation Lecture at the Royal Courts of Justice on the place of religious and civil law in the United Kingdom. Earlier that day he had given an interview to Radio 4's World at One in which he had outlined the broad themes of his speech.¹

The Archbishop's desire had been to examine what accommodation might be made for religious conscience within the existing legal framework.² On a broader level, he was interested in opening a discussion on the rights of religious groups within a secular state.³ As an example of that his conclusion focused on the particular place of Islamic law within British Law.

If we are to think intelligently about the relations between Islam and British Law, we need a fair amount of 'deconstruction' of crude oppositions and mythologies, whether of the nature of shari'a or the nature of the Enlightenment.⁴

Although there was support for the Archbishop's remarks, his measured and nuanced argument was quickly drowned out in a 'chorus of disapproval' as many politicians, journalists and clergy condemned what they understood Dr. Williams to have proposed: the accommodation of *shari'a* within the British legal system.⁵

The Prime Minister, Gordon Brown, rejected his comments saying that British Law should be based on British values, although he did not entirely rule out the possibility of 'some accommodation'.⁶ Baroness Warsi, the Conservative spokesperson for cohesion said that the Archbishop's comments were 'unhelpful'.⁷ Libby Purves in *The Times* rejected Williams' views and said that he was out of touch.⁸ The comments of Trevor Phillips, Chairman of the Equality and Human Rights Commission, were along the same lines, characterizing the Archbishop's views as 'muddled and unhelpful'.⁹ Some Muslims such as Khalid Mahmood, the Labour MP for Birmingham Perry Barr criticized the Archbishop's views, saying that 'Muslims do not need special treatment or to be specially singled out. This would not contribute to community cohesion'.¹⁰

Perhaps surprisingly, given the near-universal furore and condemnation, the Lord Chief Justice, Lord Phillips, revisited the topic a few months later and came to similar conclusions. In a talk entitled 'Equality Before the Law' at the East London Muslim Centre, Lord Phillips cited his own grandparents' Jewish heritage and used that as the foundation for arguing that there does need to be some accommodation of minority systems within British Law in order to permit freedom to practice faith and custom. He cited the Archbishop's argument and broadly agreed with the points Dr. Williams had been making.¹¹

Once again, there was strong (if not quite as aggressive) resistance to the argument, with virtually every commentator who remarked on the speech refuting the idea that any exception to British civil law could be made for any group, including Islam.

Charles Moore in *The Daily Telegraph* commented that both Islam and *shari'a* need different treatment to other religions, such as Judaism or Christianity, because neither of these desire to establish religious states in the way that some Muslims do.¹² In a similar vein, Matthew Parris, writing in *The Times* called aspects of Lord Phillips' speech 'a charter for cultural bullying; for peer-group pressurizing; for self oppression...a charter against women and teenagers...a charter for discreet duress.'¹³ Writing in her *Spectator* blog, Melanie Philips suggested that the Lord Chief Justice's comments proved that he was 'ignorant and confused about Islam'.¹⁴

Madeleine Bunting, in *The Guardian*, agreed with Lord Phillips' 'sensible comments' and suggested that the accommodation of *shari'a* within arbitration law would force current *shari'a* courts into a position of more open scrutiny.¹⁵ But she was clearly in a minority.

Religious identity is a feature of national and international affairs today in a way that was unexpected, indeed unimaginable, just twenty years ago.

The reaction to these two speeches showed that many, perhaps most, opinion-formers believed that there is an *inevitable* tension between religious and state identities. This is now a problem because it is undoubtedly true that religion and, more precisely, religious identity is a feature of national and international affairs today in a way that was unexpected, indeed unimaginable, just twenty years ago. The Archbishop's lecture and remarks touched this very sensitive issue and in realising that it was going to have to be engaged with, some of those politicians, journalists and commentators who feared the results of religious/state tension came out of their corner swinging.

This paper hopes to show that whilst this issue does need to be faced, it does not have to be an object of fear, for there is a solution.

the return of religious identity

In 2004, the US National Intelligence Council (NIC) produced a report entitled *Global Architecture 2020* whose purpose was to map the political, economic and cultural shape of the world over the next few years, highlighting key emerging trends.¹⁶ The report included statistical tables showing the current rates of growth for the major world religions, as well as projecting future growth on the basis of the available data. It concluded that religious adherence would continue to increase exponentially across the world, and although it also suggested that Western Europe might constitute an exception to this trend, it recognised that the impact of immigration could alter that.

The NIC's findings provide a useful backdrop to the work of other scholars who have attempted to fill in the NIC's broad-brush picture and to explain the reason for this emerging trend. One such scholar is Jonathan Fox, who has studied the interaction between religion and state globally, highlighting and analysing the responses of individual state actors to religious awakening. Fox has shown that not only is government intervention in religion ubiquitous but that it actually grew between 1990 and 2002. His core argument is that governments have moved towards intervention in religion in order to attempt to control its effects, a sign that the phenomenon is real.¹⁷

Along similar lines, academics David Domke and Kevin Coe have shown that in the U.S. the emergence of religious public identity has brought the language of religion onto political centre-stage, often by invoking quasi-missiological visions of America's global role.¹⁸

The phenomenon is not confined to the far side of the Atlantic. Eric Kaufmann has highlighted the impact of what scholars are terming the Second Demographic Transition Theory which argues that the religious population of the western world, including Europe, is increasing because many of those who are religious are having more children than those who are not.¹⁹ His observation is based upon studying data from ten European countries over a period of twenty-three years, starting in 1981.

Kaufmann's theory is borne out and further refined by the findings of Philip Jenkins in *God's Continent*, where he draws upon an impressive array of data to argue that religious belief is indeed increasing due to birth-rate. However, whilst acknowledging that Islam is certainly growing in Europe through this trend, he cautions that the data does not foretell the widespread Islamization of the continent through demographics as has been suggested by some. Indeed, he suggests that Islam itself could be transformed by Europe.²⁰

This 'de-secularisation through demographics rather than conversion' argument is impossible to either prove or disprove in relation to the UK because of the paucity of

available data. Some statistics suggest that religious adherence is continuing to decline. For example, the British Social Attitudes survey in 2006 revealed that the proportion of those in the UK that considered themselves belonging to Christianity has fallen to 48%, from 66% in 1983.²¹ Others, however, suggest a surprising resilience. The 2001 UK Census revealed that 37.3 million people in England and Wales (over 70%) consider their religion as Christian, despite the question being the only optional one on the census, and respondents being given the option 'none' prominently on the census form.²² As Mark Thompson, Director General of the BBC, remarked in the 2008 Theos annual lecture:

[When] I joined as a BBC trainee in 1979, the assumption [was] that the decline and marginalization of religion was a straightforward corollary of modernism and was inevitable; [and] that it was happening in the West first but was the manifest destiny of the whole world.²³

Few would agree with that analysis today. As Thompson continued, 'quite simply religion is back.'

Of course one reason, and some would argue *the* reason, why it is back is the activities of those Muslims who wish to see a resurgent Islam regain the geo-political power of its Imperial period and are willing to employ violence to do so, broadly termed *jihadis*. Although the events of 9/11 and 7/7 are most readily associated with such activity, it is important to recognize that it is not a new phenomenon. Rather, it is simply that the activities of these *jihadis* over the last decade have vividly brought to global public attention what has been until recently essentially an internal Muslim struggle, a struggle that is fundamentally about notions of religious and state identity.

It is a struggle which has its origins in the loss of the various Muslim Empires in India and the Middle East to the Europeans over the course of the 19th century, but has come to the fore with the inauguration, in 1998, of al-Qa'ida's war against those governments that they believed were not 'properly Islamic', or too heavily Western influenced (whom Osama Bin Laden termed *jahiliyya*).²⁴

Several commentators have observed that Bin Laden's proclamation of war against the United States was only upon the basis that they were supporting governments that were not properly Islamic.²⁵ *Jahiliyya* governments were the real targets of al-Qa'ida's aggression and it was their desire to 'purge' the Muslim world of the 'corrupted' Islam that was in power throughout the Middle East and to create instead a borderless geo-political community of Muslim believers, (called the *ummah*) that became the *casus belli* for al-Qa'ida.²⁶ Western governments still face a direct challenge from this ideology because it argues that identity and belonging are found in allegiance to Islam as a 'state', over and against allegiance to any other state identity, a message that might potentially have an effect on indigenous western Muslim populations.

It was concern about this phenomenon that lay beneath the reaction to Rowan Williams' and Lord Phillips' speeches. Herein lies the source of the apparent conflict between an opinion-forming community that is unused to taking into consideration the views of religious groups (and is generally nervous about any forms of religious loyalty), and newly assertive and publicly confident religious communities.

This tension is thus apparently about how religious and state identities are necessarily competitors with one another, and it is this context into which this essay, and its promotion of a Two Tier theory of identity, speaks.

The essay aims to show that religious and state identities can occupy different spheres or 'tiers' without either sacrificing its integrity.

The essay aims to show that religious and state identities can occupy different spheres or 'tiers' without either sacrificing its integrity. It argues that these tiers can and do overlap and this can result in tensions but it goes on to say that this is all part of the natural politics of a plural society. Ultimately, religious and state identities are perfectly compatible.

It begins by exploring the concept of two-tier identity, arguing that, as we understand it in Britain today, it is a legacy of our Christian heritage. From there, it goes on to acknowledge that there will always be tensions between different identities and loyalties, as we have seen in a plethora of recent court cases particularly relating to employment rights but, again, that these are just what one would expect in plural society. Such tensions aside, Chapter One argues that there is a fundamental compatibility between Christian and British state identities because ultimately each makes a different claim on an individual's loyalty.

The essay then moves on to address the question of whether for us, living in modern, plural and poly-religious Britain, that model remains legitimate. In particular, does it remain legitimate for other religious systems? Addressing the elephant in the room, is it legitimate for Islam?

Chapter Two explores this question. It recognizes that much of the recent tension between religious and state identities is because of a particular Islamic theology of state and it proceeds to argue *that this is by no means the only or right one*. The chapter seeks to harness the opinions of key Muslim thinkers from the Subcontinent, the area of origin for the vast majority of British Muslims, to explore a way forward for the Muslim community under the model that is proposed.

A two tier theory that embraces the concept that religion and state do not have to be divorced from one another but can co-exist peaceably and profitably, will remove a great deal of anxiety from both the religious communities, who can feel alienated, and those who might be termed the 'secular-minded opinion-makers', who are often simply scared.

It is hoped that this essay will be a catalyst for discussion and also a way of obviating that sense of alienation and trepidation.

introduction - references

1. The full text of both the speech and his Radio 4 interview can be found at www.archbishopofcanterbury.org/1575.
2. Ibid.
3. The Archbishop's remarks were summarised and explained on his website www.archbishopofcanterbury.org/1581?q=sharia.
4. See footnote 1.
5. An in-depth discussion of the Archbishop's lecture was published in the *International Journal of Public Theology*, Volume 2, Number 4, 2008, by Jonathan Chaplin, (Director of the Kirby Laing Institute for Christian Ethics in Cambridge) entitled 'Legal Monism and Religious Pluralism: Rowan Williams on Religion, Loyalty and Law'. An edited version of this article appeared in *Fulcrum Magazine* and can be found at <http://www.fulcrum-anglican.org.uk/page.cfm?ID=278>.
6. *The Guardian*, 11 February 2008.
7. *The Sun*, 9 February 2008.
8. *The Times*, 8 February 2008.
9. *The Daily Telegraph*, 8 February 2008.
10. *The Daily Telegraph*, 17 February 2008.
11. Lord Chief Justice Phillips, 'Equality Before the Law', East London Muslim Centre, 3 July 2008.
12. As reported by Melanie Phillips, 'A Caledonian Caliphate', *The Spectator*, 25 June 2008.
13. *The Times*, 5 July 2008.
14. www.spectator.co.uk/melaniephillips/page_16, 14 July 2008.
15. *The Guardian*, 4 July 2008.
16. National Intelligence Council, *Mapping the Global Future: Report of the National Intelligence Council's Global Architecture 2020 Project* (Pittsburgh: Government Printing Office, 2004), p.79. The report's findings were subsequently discussed and endorsed, with some additional caveats, by the UK's leading foreign affairs think-tank, Chatham House, in 2005.
17. Jonathan Fox, 'World Separation of Religion and State Into the 21st Century' in *Comparative Political Studies*, Volume 39, June 2006, pp. 537-569. This article has subsequently been expanded into the book *A World Survey of Religion and the State* (Cambridge: Cambridge University Press, 2008).
18. David Domke and Kevin Coe, *The God Strategy: How Religion Became a Political Weapon in America* (New York: OUP, 2007).
19. Eric Kaufmann, 'Breeding for God,' *Prospect*, November 2006, pp. 26-30.
20. Philip Jenkins, *God's Continent: Christianity, Islam and Europe's Religious Crisis* (New York: OUP, 2007), pp. 20 – 22.
21. Published by National Centre for Social Research. www.natgen.ac.uk.
22. 2001 Census statistics are posted online at www.statistics.gov.uk/census2001.
23. <http://campaigndirector.moodia.com/Client/Theos/Files/MarkThompsonSpeech.doc>. For a fuller and longer view of this thesis see Rodney Stark, 'Secularization, R.I.P.', *Sociology of Religion*, Vol. 60, No. 3 (Autumn, 1999), pp. 249-273.
24. An English translation of the fatwa can be found at www.ict.org.il/articles/fatwah.html.
25. See for example M. Bowers and C. Kurzman *An Islamic Reformation?*, (Lanham (MD): Lexington Books, 2004).
26. Although al-Qa'ida are employing violent means to create this 'state', the desire for a 'globalised ummah' is not peculiar to them. Its creation is a central ideological pillar of Hizb ut-Tahrir and the Muslim Brotherhood. See, for example the Hizb ut-Tahrir sponsored website www.caliphate.eu.

two tier theory

'mono-loyalism'

Throughout most of history and around most of the world, state (such as it was) and religion have been entwined, creating a political culture which required a mono-loyalty: a state citizenship which was bound up with the religious. For some, this took the form of a 'god king', such as in the ancient Middle East, where in Egypt the king was an incarnation of Amun-Re, and in Persia, where the king was a deity in his own right.¹ In a different form, such mono-loyalty was seen in the Roman 'Cult of Caesar', in which Augustus began the practice of emperor-deification in order to assert his own authority and provide unity of identity among an otherwise disparate set of peoples.²

For other societies, the elevated status of the ruler was bound-up with his being the direct conduit between God and his people. He was chosen by God and under divine delegated authority he ruled the people. Examples of this would include both the Papacy, at least in its mediaeval incarnation, and the Muslim Caliphate prior to its abolition in 1924.³

It is not simply religious entities that have encompassed such 'holistic systems' however, for the Jacobins of the French Revolution employed a parallel philosophy in which the leader, in this case Robespierre, took on totalitarian powers as the living embodiment of the 'General Will' of the people of France, enacting laws and ruling in their name.⁴

This phenomenon of mono-loyalism has continued into modern times. Today, totalitarian governments and theocracies exist in many differing parts of the world from the Hanbali *shari'a* state of Saudi Arabia to the powerful communist state of China. Even in democratic systems like India, Israel and the UK, which separate other sources of loyalty, not least religious ones, from the state, religion forms an integral part of the state identity and constitutional frameworks are often tied up with religious bodies.⁵

It is clear, therefore, that in the ancient, early modern and contemporary worlds, loyalty to a single authority, which spanned political and religious spheres (which themselves were often coterminous) was and remains common.

In the ancient, early modern and contemporary worlds, loyalty to a single authority, which spanned political and religious spheres was and remains common.

'poly-loyalism' and the 'two tier' theory

This kind of mono-loyalism was not something Jesus himself countenanced. When confronted with the question of loyalty to God versus loyalty to the Roman occupiers, his famous answer was to 'Give to Caesar what is Caesar's and to God what is God's.'⁶

According to William Lane in his commentary on the gospel of Mark, Jesus showed in his response that 'there are obligations to the state which do not infringe the rights of God but are grounded in his appointment.'⁷

In other words, Christians are required to be loyal to the state because they enjoy the benefits of belonging to it, such as protection from aggressors and the maintenance of justice.⁸ This doctrine separated out the role of the state and the role of God, distinguishing their different functions and thereby subverting the idea of mono-loyalism. Instead, a form of 'poly-loyalism' is commended. The two identities, of religion and state, can and should exist together without pulling in opposite directions.

The two identities, of religion and state, can and should exist together without pulling in opposite directions.

This is the principle from which the Two Tier theory is derived; it accepts Jesus' premise that it is possible to have more than one source of loyalty. In doing so, it proposes that it is not just feasible to have both a religious and a state identity, but that such an arrangement can be mutually beneficial for the religious communities, for state authorities and for wider society – providing that each recognizes both the parameters of their own remit and the impact each has on the other.

What does this mean in practice? After all, several books in recent years have encouraged Christians to be more involved in the political world, and others have highlighted what they understand to be the political subtext of the message of Jesus.⁹ A committed Christian will view every aspect of life through the lens of their faith, so can the delineation be made in reality?

The answer is that it can and should, because the practice or outworking of Christian conviction takes place through obedience to and application of the teachings and example of Jesus. Therefore, since Jesus willingly submitted Himself to earthly authority, those who follow Him must do likewise. 'Tier One', relating to an individual's 'eternal' identity is wholly compatible with 'Tier Two', their badge of earthly identity. In this scenario a Christian will define herself as a 'British Christian', just as a Jew might call herself a 'British Jew' and a Muslim a 'British Muslim'. Such terms will be familiar. In the context of the Two

Tier theory, the individual is choosing (which includes opting out of) an identity from Tier One, while also adopting the badge from Tier Two as a mark of submission to and admission of the government's right to rule over *certain*, specified earthly things. There is no sense that the two are incompatible.

the possibility for tension

Given that the Two Tier theory, with its roots in Jesus' own teaching, can and should act as a legitimate way of balancing religious and state identities, it must be acknowledged that there are groups of Christians such as the Theonomists (also known as Dominionists or Reconstructionists) who long to see what they term the 'Law of the Bible' enacted in civil government and for Christians to be government leaders.¹⁰

Their leading theorists, Rousas John Rushdoony and Greg Bahnsen, have advocated the death penalty for homosexuality, witchcraft and public blasphemy and argued that the Torah should become the basis of law in the United States. For Rushdoony, the main enemy of Christianity is democracy. In his reckoning, a system that appears to replace the sovereignty of God with the sovereignty of mankind is unacceptable.

Much as such views haunt the liberal imagination, it is important to recognise that these are not majority movements. In the words of the American journal *First Things*, Christian Reconstructionism 'ranks somewhere between the Free Mumia movement and the Spartacist Youth League on the totem pole of political influence in America.'¹¹ Indeed, not only is the viewpoint not shared by the majority of Christians, but much of the criticism of the Theonomist position has come from within the Christian world itself.¹²

Even outside of groups such as the Theonomists, the Two Tier theory does not imply that there will not be tensions between the views of Christians and of their democratically-elected government on particular policies. The Christian belief in the Fall and the consequential 'fallen nature' of human beings, including those that comprise any state, means that although the Two Tier theory should work in theory, in reality the various players are liable to overstep their marks, with citizens demanding wrong things of the state, and vice versa.

This may be seen in the lives of the earliest Christians. As Nick Spencer remarked in the Theos report '*Doing God*':

As far as Paul's world was concerned the emperor was the saviour...It was the Republic that had underwritten justice...and the Pax Romana that was the guarantor of peace. [Therefore if] Jesus was the world's Lord, Caesar was not.¹³

This created tension. The subsequent persecution of Christians arose from the understanding that this new religious belief attacked people's loyalty to the state.

However, in this respect Roman fears were misguided, for the apostles were not attacking people's reliance upon, gratitude to or even duty towards the state, but rather challenging the quasi-religious 'Tier One' cult of Caesar. The challenge was not to the state's right to rule, but the state's claim to divinity.

In spite of the Christendom settlement reached in the fourth century, the tensions and hostilities between the church and the state so evident in the early years of Christianity did not disappear. Church history is littered with examples of clerics who had fundamental disagreements with the philosophy or direction of their rulers, disagreements which have sometimes resulted in their 'victory', as with Pope Gregory VII over Holy Roman Emperor Henry IV, or their death, as with Thomas Becket at the hands of Henry II, or Thomas More at the hands of Henry VIII. More recently, the Barmen Declaration of 1934 witnessed the most iconic modern declaration of Christian opposition to an unlawful state.¹⁴

None of these examples advocated violent overthrow of the government, but each was clear in its opposition to state actors that were deemed, for various reasons, to be behaving illegitimately.

Such tensions and confrontations remain today, albeit in a very much attenuated form, in cases such as those of Lillian Ladele,¹⁵ Andrew McClintock,¹⁶ PC Graham Cogman,¹⁷ Catholic adoption agencies,¹⁸ the four Catholics who dug graves outside the Ministry of Defence on 28 December 2004 to protest against the Iraq war, and many other examples.

Such examples highlight the possibility of tension between state and religion, one that goes back centuries. But they are also simply examples of the normal battles, fought not just by Christians or religious people but by a host of advocacy groups, campaigners, lobbyists and members of the public who feel strongly about a particular issue. Such engagement in the public square is simply a normal part of a functioning plural democracy.

conclusion

The possibility of the Two Tier theory, and the reasons for tensions within that should serve as a warning to politicians who see the re-assertion of 'state identity' as an antidote to the present wave of Islamic radicalism. They appear, on the evidence of this discussion, to be focusing their attention on the wrong battle.

No single nation, not even the United States, can hope to compete with religious loyalty for the full affection of its people. That emphatically does not mean that states do not have a right to demand *some* loyalty. The question is how much and to what ends.

The Two Tier theory allows and aims for religious people to call themselves ‘British Christians’, ‘British Jews’ or ‘British Muslims’, the ‘British’ element signifying a recognition and submission to the authority of the state, all the time insisting that it does not make unreasonable demands on the loyalty of religious people.

If that makes it seem as if the burden is being placed solely upon the state to meet theological demands, it is important to emphasise that religious adherents need to acknowledge and value the contribution that the state makes to their life. Whether they can and will do this is, of course, a contentious issue, inextricably linked to the fact that a significant part of a religious person’s belief is shaped by their cultural context.

The way that religious people view and interpret the scriptures of their faith is informed by their home culture. For example, Muslim commentators such as Tariq Ramadan have suggested that much of the way that Islam is going to develop theologically over the next century is going to be based upon the doctrinal discussions coming out of Europe and other Muslim minority areas.¹⁹

A similar dynamic can be seen in the Christian world where Western Christian interpretations of certain Biblical passages are very different to those of fellow Christians in Africa and Asia due to the nature of the societies in which they are formed. Thus the terms ‘British Christian’, ‘British Muslim’ or ‘British Jew’ will not only establish a believer’s geographical location but will also say something about the religious convictions they profess. The successful application of the Two Tier theory requires religious communities to recognize that, acknowledging a dynamic that already exists.

The Two Tier theory stands as a viable and valid formula for the alleviation of religious–state tensions in modern Britain.

The Two Tier theory stands as a viable and valid formula for the alleviation of religious–state tensions in modern Britain, requiring both constituencies to acknowledge dynamics that are already present and to work within their respective remits for the ultimate benefit of society as a whole.

Thus far discussion has focused mainly on a Christian perspective. This is not surprising as it is both the religion of the vast majority of the UK population who profess a religious affiliation, and the theoretical foundation for the model being proposed. The key question is whether this model could legitimately apply to other religions active in Britain today, in particular, Islam. That is the question to which we now turn.

chapter 1 - references

1. The ancient understanding of Pharaonic divinity is described in I Engnell, *Studies in Divine Kingship in the Ancient Near East* (Oxford: Blackwell, 1967). The Persian concept of the “god-king” can be seen in the book of Judith, chapter 6, verse 2 in which the Ammonite leader Achior is asked by Holofernes, general-in-chief of the Assyrian army, “And who is God if not Nebuchadnezzar?”
2. Duncan Fishwick explores the developing “cult of Caesar” in Western Europe thoroughly in *The Imperial Cult in the Latin West: Studies of the Ruler Cult of the Western Provinces* (Leiden: Brill, 1987).
3. The development and nature of the Papacy have been examined in J-MR Tillard, *The Bishop of Rome* (London: SPCK, 1983), whilst the classic work on the Caliphate remains Thomas Arnold’s *The Caliphate, with a Final Chapter by S Haim* (London: Routledge and Keegan Paul, 1965).
4. See C Haydon and W Doyle, eds., *Robespierre* (Cambridge: CUP, 1999) pp. 40-46.
5. The exact nature of the relationships between religion and state in each of these cases varies, although there can be little doubt that, in each of the cases mentioned, the legitimacy and definition of the state would be difficult without recourse to religious identity.
6. Mark 12:13-17.
7. WL Lane, *The New International Commentary on the New Testament: The Gospel of Mark* (Grand Rapids, Michigan: William B Eerdmans Publishing Company, 1974), p. 424.
8. This doctrine was developed by Paul and Peter in their New Testament letters. See Romans 13:1-7, 1 Timothy 2:1-6, Titus 3:1, and 1 Peter 2:13-17.
9. Alan Storkey’s book *Jesus and Politics: Confronting the Powers* (Grand Rapids, Michigan: Baker Academic, 2005) is a good example of this, whilst Jim Wallis’ timely and best-selling *God’s Politics: Why the American Right Gets it Wrong and the Left Doesn’t Get it* (Oxford: Lion Hudson PLC, 2005) has become the classic rallying call both for Christians to get involved in the political arena and for politicians who are invoking religious imagery to use it correctly.
10. See Robert Bowman, “The New Puritanism: A Preliminary Assessment of *Christian Reconstruction*”, in *Christian Research Journal*, Vol. 10, Issue 3 (1988), pp. 23-27.
11. Ross Douhat, “Theocracy, Theocracy, Theocracy,” *First Things*, August/September 2006, quoted in Nick Spencer, *Neither Private nor Privileged: The role of Christianity in Britain today* (London: Theos, 2008).
12. The main thrust of the criticism has focused on the fact that the views of the Theonomists are based upon the re-creation of a unique historical state, Ancient Israel. The wholesale transfer of ancient culturally specific laws into the modern state is thus not only anachronistic and unworkable, but not even properly Christian. See GL Durand, “Judicial Warfare: Christian Reconstructionism and its Blueprints for Dominion”, www.crownrights.com/store/reconstruction_six.php.
13. Nick Spencer, *Doing God: A future for faith in the public square* (London: Theos, 2006), p. 36.
14. A full text translation can be found at www.crivoice.org/creedbarmen.html.
15. The registrar who refused to marry gay couples, as reported in *Daily Mail*, 13 January 2008.
16. The Magistrate who sued the Government over placing adopted children with gay couples, as reported in *The Daily Telegraph*, 25 November 2006.
17. The policeman who took his own force to an employment tribunal claiming harassment over his religious views on homosexuality, as reported in *The Daily Telegraph*, 21 July 2008.
18. This came into conflict with the government over its Sexual Orientation Regulations, as reported in *The Catholic Herald*, 13 June 2008.
19. See Tariq Ramadan, *To Be A European Muslim* (Leicester: Islamic Foundation, 2003).

Islam and state identity

Repeated polls of small numbers of Muslims in the national press, particularly in the wake of the 7/7 attacks, have been used to imply that there is an imminent and potent threat living within the UK in the shape of a heavily-radicalized Muslim minority.¹ Whilst the numbers polled cannot represent an accurate basis upon which to argue that the majority of Muslims in this country have become radicalised, it is clear that there is a tiny minority of Muslims for whom violence does represent a way forward towards the goal of a Muslim state.²

This chapter is therefore offered as a think-piece to those who wish to combat the ideology behind the desire to violently overthrow the current state apparatus and replace it with a 'Muslim state'.³ It is hoped that it will present a Muslim solution from Muslim thinkers who provide a valid Islamic theology of citizenship which is consistent with the Two Tier theory outlined above.

Since 9/11, there has been a plethora of books from Muslim and non-Muslim journalists and academics that have attempted to engage with the question of Islamic political theory. As a whole, they have tended to address issues of Islamic political theory on its own terms without engaging in how that theory impacts relations with non-Muslim governments.⁴ Curiously enough, much of the discourse and analysis in the field has come from those with anthropological or social science perspectives.⁵ These contributions have certainly been valuable but sometimes fail to pay sufficient attention to the significance of an *authentically Islamic theological* perspective on the issue.

This chapter ventures into this territory, trying to derive from Islamic scriptures and the writings of eminent Muslim scholars a faithful and viable way forward for Muslims over this sensitive ground.

teaching in the Qur'an

Given its position as the authoritative word of God, mediated through the agency of the Archangel Gabriel, it is important to begin our search for answers within the Qur'an.

Perhaps surprisingly, the Qur'an has relatively little to say on the subject of earthly authority. The clear message contained within it concerns the absolute authority of Allah himself. This is expressed in numerous places with such consistency and frequency that, as a doctrine, the sovereign authority of Allah in Islam is incontestable:

And whatever is in the heavens and whatever is in the earth is Allah's; and to Allah all things return. (Q3:109)

He is Allah, besides Whom there is no god; the King, the Holy, the Giver of peace, the Granter of security, Guardian over all, the Mighty, the Supreme, the Possessor of every greatness; Glory be to Allah from what they set up (with Him). (Q59:23)⁶

However, beneath this doctrine, the question of who is given authority by Allah to rule *on earth* is less immediately clear. Prophets, including Muhammad himself, Abraham, Moses and Noah are invested with divine authority when they are bringing their messages to individuals or groups.

And certainly We sent Musa [Moses] with Our communications and a clear authority. (Q11:96)⁷

Often their authority is authenticated through miracles. Prophets also seem to be given the authority to inform people of Allah's choice for king as in Q2:247:

And their prophet said to them: Surely Allah has raised Talut to be a king over you. They said: How can he hold kingship over us while we have a greater right to kingship than he, and he has not been granted an abundance of wealth? He said: Surely Allah has chosen him in preference to you, and He has increased him abundantly in knowledge and physique, and Allah grants His kingdom to whom He pleases, and Allah is Amplegiving, Knowing'

The question of who is given authority by Allah to rule on earth is less immediately clear.

This is consistent with the wording of the injunction to 'Obey Allah, Obey the Messenger...' that appears in over forty ayahs (verses).⁸

Q3:26 broadens the scope of divinely delegated authority by specifying that any earthly government has been given its authority by Allah:

Say: O Allah, Master of the Kingdom! Thou givest the kingdom to whomsoever Thou pleasest and takest away the kingdom from whomsoever Thou pleasest, and

Thou exaltest whom Thou pleasest and abasest whom Thou pleasest in Thine hand is the good; surely, Thou hast power over all things.

The delegation of authority to rule over the earth is given to mankind in general in the story of Adam and Iblis in Q2:30. However, the same word for the delegation of authority by Allah to mankind in general, 'Caliph' is also applied as a title in one place, to the Prophet-King David in Q38:26. Thus, the Qur'an appears to be content to leave the question of who His authority is delegated to in the hands of the interpreter.

Of greater concern when grappling with the implementation of the Two Tier theory is the fact that none of these ayahs provides a sure basis for answering the key question: whether Muslims should also see non-Muslim authority as acceptable to Allah and, as a consequence, to submit to its authority.

Only one ayah in the Qur'an itself provides some clue and, as one might expect, its interpretation is heavily contested between the *jihadi* ideologues and their more moderate co-religionists. That ayah is Q4:59.

O you who believe! obey Allah and obey the Messenger and those in authority among you; then if you quarrel about anything, refer it to Allah and the Messenger, if you believe in Allah and the last day; this is better and very good in the end.

It could be said that any Muslim's answer to the question of whether a Muslim can obey non-Muslims will centre around how they interpret this ayah and in particular, upon the interpretation of its vital phrase *and those in authority among you*.⁹ Consequently, what follows in this chapter is an analysis and critique of two sets of Muslim reformers who, broadly speaking, interpret this phrase one of two ways.

First, there are those who have been styled 'Visionary Separatists' because they interpret the ayah to mean that it is only Muslims who should rule Muslims and, therefore, all Muslims have a duty to work to enable that to happen. These are the ideologues of the *jihadi* movement and their ideology poses a direct threat to the Two Tier theory as well as to the security of any state in which they exist.

The second group have been termed the 'Development-Based Philosophers' because they interpret the ayah to mean that a Muslim can, indeed should, obey even non-Muslims in authority over them and are, therefore, willing to live out their Islam within the confines of the current geo-political situation. Their views are not well-known and, since they represent a stream of thought that would enable Muslims to engage positively and authentically in the Two Tier theory, it is appropriate to publicize such views, both for their own sake and also as a critique of the 'Visionary Separatists' that comes from within Islam itself.

As one might expect, the literature from both camps is considerable. It is for this reason, as mentioned in the Introduction, that this paper has decided to focus upon the writings of South Asian Muslims, rather than Middle Eastern or Southeast Asian Muslims.¹⁰ In addition, many of the writings of reform-minded South Asian Muslims have become the ideological pillars upon which much of the modern *jihadi* as well as the 'moderate' discourse have been built.

Thus, in choosing to analyze the literature to emerge from this particular ethnic group, there is an opportunity to examine the writings of some of the most eminent Muslim ideologues from both the *jihadi* and 'moderate' sides of the debate. This literature therefore has the advantage of direct cultural relevance for the vast majority of the Muslim population in Britain, insofar as all of the writers were living under non-Muslim rule; either under the Raj or Independent India.

the Visionary Separatists

There are few modern Muslim ideologues who have had a greater impact on reformist Muslim thinking than Maulana Abul a'la Maududi (1903 – 79). A journalist before he founded the still influential Jamaat-i Islami, he authored several books, some of which whilst in prison in his native Pakistan for his political activities. His largest single work was a translation and exposition of the Qur'an into Urdu in order to explain how its message was still relevant for Muslims today. It was on the basis of this work that he later gave a series of sermons on what the 'Islamic state' should be. Those sermons were collected together and published under the title *Let Us Be Muslims*, section five of which contained Maududi's answer to the question of whether a Muslim should obey anyone, including a non-Muslim, in authority over them. Much of what he says in that section is the outworking of the principles that he lays down throughout the rest of the book, but it is here that the political principles that are implicit in the rest of the book are made explicit, particularly in the chapters entitled 'Renewal of Society', 'Meaning of Jihad' and 'Central Importance of Jihad', where he explains why he believes that Muslims in a non-Muslim nation should fight for a *shari'a* state.¹¹

Maududi defines the terms he is to base his argument on at the beginning of his section on the 'Central Importance of Jihad', where he argues that, whatever political system becomes your ruler, the subject or citizen is seemingly reduced almost to the level of slavery.¹² In other words, obedience had to be given to an all-encompassing system. Maududi clearly saw no possible separation between personal faith and temporal rule, after the fashion of Western democracy, in spite of the fact that he had seen that principle operating at close hand in the British Rule of India.¹³

Under the terms he lays out initially, the validity of what he goes on to say cannot be doubted, for he specifies that either one is under Allah's sovereignty (and therefore *shari'a*) or under the '*din*' of a nation or people.¹⁴ Maududi sees no possibility of both faith and secular citizenship:

You can see that it is impossible for you to follow more than one Din at a time. Of various rulers only one can rule your lives: of various systems of law, only one can be the law of your lives.'

Maududi's words here appear to bear out the criticisms that Professor Mohammad Mujeeb, of the prestigious Jamia Millia Islamia at Aligarh, levelled at Maududi's philosophy:

Maulana Maududi categorically rejects the Western view of life, and the moral, social and political views it claims to represent. His reasoning is apparently sound, and would convince anyone who knew the west only from hearsay and did not feel the need to understand Muslim and Indian history or face the facts of contemporary life.¹⁶

Maududi was certainly not alone in his views. His theocratic absolutist sentiment was almost precisely mirrored by Maududi's associate, the journalist and later Pakistani government advisor Ghulam Ahmad Parwez (1903 – 85) in his writings.¹⁷ He argued that an Islam that is purely based upon the implementation of Islamic Law, rather than *shari'a* (ie western-style laws made in a state where Islam is the official religion) is a parody of Western democracy, and that true Islam can only be found in the total immersion of every aspect of social, religious and legal life in its scriptures as well as its law.¹⁸

The author and political thinker, Kalim Saddiqui (1931 – 88) cites this principle as the reason that Maududi founded the Jamaat-e Islami in 1941, opposing the Muslim League and their apparent desire to create an Islamic state using Western Democracy as its political system.¹⁹ Thus, when Maududi later called for struggle to create governments that are 'properly Islamic' it flowed naturally from the philosophical position he had already expounded:

The Din of Allah, like any other Din, does not allow that you merely believe its truth and perform certain worship rites. If you are a true follower of Islam, you can neither submit to any other Din, nor can you make Islam a partner of it. If you believe Islam to be true, you have no alternative but to exert your utmost strength to make it prevail on this earth: you either establish it or give your lives in the struggle.²⁰

These same principles on the question of Muslim rule by non-Muslims are seen in *Refutation of the Materialists* by the nineteenth century Ottoman ambassador and Pan-Islamic advocate Jamal ad-Din al-Afghani (1838 – 97).²¹ Obedience to rulers was, for al-Afghani, limited purely to Muslim leadership of the state. This was based on the perception that Qur'anic ayahs such as Q4:59 and early Muslim works upon political theory carried the implicit understanding of Muslim headship within them. However, what al-Afghani failed to acknowledge was that, as soon as Muslim rule was threatened by the Mongols in the thirteenth century, those interpretations altered to allow for the pragmatic considerations of the time.²² This fact is important to bear in mind in the circumstances in which Muslims find themselves in the West, and is the foundation of the alternative views expressed by the 'Development-Based Philosophers' discussed later.

One man in the end-colonial period who also expressed similar ideas to Maududi was the poet and politician Muhammad Iqbal (1877 – 1938), who also expressed why he felt that Muslims need a 'Muslim government':

Is religion a private affair? Would you like to see Islam, as a moral and political idea, meeting the same fate in the world of Islam as Christianity has already met in Europe? Is it possible to retain Islam as an ethical ideal and reject it as a polity in favour of national politics in which religious attitude is not permitted to play any part?²³

Perhaps this question was even more pertinent for him, as with Maududi, since he had seen the secularizing programme that Ataturk had undertaken in Turkey, effectively removing Islam from life outside the Mosque.²⁴ Whatever the reasons that led him to his views, he went on to elucidate his concerns in one of the most fluent passages on the issue in modern Islamic writing on the subject, explaining the need for an Islamic state:

[Islam] is individual experience creative of a social order. Its immediate outcome is the fundamentals of a polity with implicit legal concepts whose civic significance cannot be belittled merely because their origin is revelational. The religious ideal of Islam, therefore, is organically related to the social order which it has created... Therefore, the construction of a polity on national lines, if it means a displacement of the Islamic principle of solidarity, is simply unthinkable to a Muslim.²⁵

Here, it is important to interpret Iqbal's final sentence, for it can easily be mis-interpreted. He is not saying that the creation of an Islamic state which would break up the subcontinent would be anathema to a Muslim, for he is not concerned about the solidarity of Indians as a people. Instead, he is saying that the creation of a nation state (independent India) would not allow Muslims to be Muslims properly because they would be absorbed into a larger whole. His conclusion is that Muslims on the subcontinent require a separate homeland to be 'fully Muslim'.

As with his fellow 'Visionary Separatists', Islam to Iqbal is an all-encompassing social system, not merely a private faith, which could not function without the implementation of a divine law which would require some form of state apparatus to implement it.

Therefore, based on the opinions examined above, the essential conundrum for those living in non-Islamic countries is the extent to which *shari'a* needs to be the law of the land as well as the ethical code of Muslims in order to facilitate Muslims in the faithful practice of their beliefs. For Maududi et al the answer was clear: it is never satisfactory for a Muslim to live under the rule of a non-Muslim, and a Muslim in such a situation needs to actively work to institute Muslim rule, under *shari'a*.

The essential conundrum for those living in non-Islamic countries is the extent to which *shari'a* needs to be the law of the land as well as the ethical code of Muslims.

the Development-Based Philosophers

The writings of the Persian Noble and Muslim Reformist Sayyid Ahmad Khan (1817 – 1898), who founded the Aligarh University in India, provide the basis for the rebuttal to the 'Visionary Separatists'. His response to the 1871 publication of a book by Dr William Hunter, which strongly questioned the loyalty of Muslims as subjects of the British Crown, is deeply rooted in both location and historical context. He uses the concept of *Dar al-Harb* and *Dar al-Islam*, to defend his position. *Dar al-Harb* and *Dar al-Islam* mean 'abode of War' and 'abode of Islam' and are terms which are used to define which geographical (and sometimes metaphysical) areas are already under Islamic control and which are under non-Muslim control, which therefore need to be contested. Maududi does not address these notions in his discussion of *jihad* in *Let Us Be Muslims*. The concept is an important one, so it is worthwhile taking some time to examine Khan's argument.

Dr. Hunter's book, circulating widely in India in the 1870s, claimed that Wahhabi missionaries were stirring up Indian Muslims to rebel against the British. This claim found a receptive audience in the light of the murder of Chief Justice Norman by a Muslim a year before the book was published, and reflected a natural suspicion of Muslims in general, whom many British felt were behind the rebellion of 1857-58. Sir Sayyid's desire was to quell this vicious rumour as quickly as possible before it had a chance to take root in public consciousness. In the course of his argument therefore, he systematically destroys the fear of a widespread Indian Muslim plot to overthrow the British government by showing Dr. Hunter's errors in fact and understanding. In the course of his article he explains the beliefs of the Wahhabis, with whose doctrines he identifies himself, agreeing with Dr. Hunter's definition of Wahhabism as 'a system which reduces the religion of Mahomed [sic] to a pure Theism', before adding:

This is quite true; I would merely remark, however, that this is exactly what Mohamedanism was in the days of Mohamed, before it was encrusted with its present forms and ceremonies by medieval and modern Mohamedans.²⁶

This is important, for he identifies himself with a revivalist group, showing his desire for the resurgence of Islam, even though he argues against a struggle to revive its political hegemony.

What is of greater import from the point of view of the Muslim living in a non-Islamic country is his explanation of the terms *Dar al-Islam* and *Dar al-Harb* and the consequential actions that flowed from each of those labels. His aim was to show that India is not *Dar al-Harb*, as Dr. Hunter is proposing, but in fact *Dar al-Islam*. Having decided upon this difficult line of argument, Khan deploys some of the senior Indian Islamic clerics and scholars of the day, the North Indian *ulama*, to lend weight to what he says. These stated that India was not *Dar al-Harb* but, in fact, was *Dar al-Islam*, and therefore did not create the conditions under which rebellion against authority was lawful.²⁷

The reasons given for India not being *Dar al-Harb* were that Islamic practice continued to survive and there was religious freedom. The eminent Sufi scholar Ahmad Riza Khan (1856 – 1921), agreed with Sayyid Ahmad Khan and the other Muslim clerics who said that India was not *Dar al-Harb*, however, his basis for doing so was founded specifically upon *shari'a* precedent, rather than the broader concept of religious freedom.

This is important because the decrees of so eminent a group of scholars would naturally have immense authority within the Muslim community and the fact that they found a basis for obedience in religious freedom as well as legal precedent is important for the Muslim community living in this country and elsewhere in Europe.

In this connection, it is worthwhile examining the work of Syed Abid Husain (1896 – 1968) here, for he was the founder of the 'Islam and the Modern Age Society', which sought to revive the fortunes of the religion in the Subcontinent through attempting to build bridges into mainstream Hindu society rather than through the politics of separatism and competition. His end goal was to see Islam as a respected and valued participant in society.

Even though Husain was talking specifically about India, it is important to examine his ideas because they contain the key components of the successful integration of Muslims into the Two Tier theory: the desire to build upon what has passed and the need to create out of that a uniquely British Islam.

In his book *The Destiny of Indian Muslims*, Husain attempts to pull Indian Muslims away from the isolationist mindset that he believes they had, into full participation in mainstream Indian life. His concern is to allay Muslim fears about living as Muslims in a country that did not impose *shari'a* or even have a Muslim leadership.²⁹

The thrust of his argument is to differentiate between what he terms 'scientific secularism' and 'political secularism'. In the former, according to Husain, the scientific and religious communities separate amicably with mutual benefit in the stimulation of opposing viewpoints. In the latter, science and religion are at odds with each other, trying to prove each other wrong. Here Husain notes that, even under this assault, religion in Protestant countries has been able to adapt.³⁰ His underlying message is that Islam need not have a 'siege mentality' that seeks to shut out all non-Islamic influences from the surrounding culture. It should not be afraid of the intensive scientific mindset of the West because the two together will, in the end, produce a fresh and dynamic Islam which will be of enormous benefit to the religion itself.

His central point comes at the end of this section in which he talks specifically about the Indian constitution.

As it is the constitution of a democratic state, it gives to Muslims, as Indian citizens, the right and opportunity to try and change anything in the national constitution or national life which appears to them to be in conflict with Islamic values and to advocate the adoption of more Islamic values.³¹

This point is echoed by the politician and scholar Syed Shahabuddin.

Muslims are not the only religious minority, for every religious minority and every linguistic group faces a minority situation in one or more states of the Indian Union... India is a land of minorities and needs a national norm to deal with minority situations at various levels of administration. The Constitution, therefore, provides many safeguards for the protection of minorities.³²

Husain therefore appears to be advocating a democratic struggle, rather than a violent one.³³ Nevertheless, the ultimate end result could mean the democratic institution of full *shari'a* law, if enough people would vote for it. Clearly, this would be unlikely due to the religious make-up of the state, but it remains a theoretical possibility. In its favour is the implication that non-Muslims would have to be persuaded of the usefulness of *shari'a* law over the current system and the debates that would emerge could be very stimulating indeed.

He is, however, at pains to point out that an India with a secular constitution is, in his view, perfectly compatible with Muslim life. Moreover, Indian Muslims should be grateful that,

given the great Hindu majority, India is indeed a secular, rather than a religious state.³⁴ Should India have been a 'Hindu state' by law and constitution, as there was a danger of it becoming in the 1990s, then life would have been infinitely more difficult for Muslims (indeed for any religious minority) living there. Essentially, Husain is encouraging gratitude for what they have, rather than complaints about what they haven't.

What is most fascinating about Husain's views are the reasons that he gives for urging full Muslim participation in everyday secular society. Gone is the 'siege mentality' or the 'desire for the recapturing of past Islamic glory', replaced instead with an encouragement to accept what is around them and to develop the cause of Islam by full, integrated participation in the life of the new nation state.³⁵ This is pragmatic advice for the advancement of Islam based on a present reality, not a yearning for a recaptured glory, impossible to achieve without untold violence and suffering.

Husain's message is one of exhortation to Muslims to embrace the freedom inherent within the culture and to use it for the benefit of the religion by permitting investigation in order to produce a newly refined set of beliefs.

Whilst Islam is in a minority situation politically, it needs to adopt the approach of Muhammad himself.

More recently, the former Prime Minister of Pakistan, Benazir Bhutto (1953 – 2007), took the foundational principles of engagement outlined by Husain and refined them into a way forward for Muslims. She suggested that, for Muslims living under non-Muslim rule, the best way to understand and practice their faith whilst in the minority in the West would be through following the early Meccan surahs and downplaying the later Medinan ones.³⁶

This is due to the fact that Muhammad was in a minority situation at the time and consequently sought to build bridges with the Jews, Christians and Pagans present within Meccan society. The tone and style of his revelations during that period tend to be conciliatory and peaceful, in contrast to the later surahs from the Medinan phase, when he achieved political ascendancy and began to assert the power of Islam over other faiths.³⁷

The relevance of Bhutto's message could not be clearer: whilst Islam is in a minority situation politically, it needs to adopt the approach of Muhammad himself. This concept has the advantage that it also fits with the ideology of the *jihadi's* who also take the Sunnah (example of Muhammad) as one of their core doctrinal reference-points.

conclusion

This survey of South Asian writers has shown that, for the Two Tier theory to work in relation to Islam, Muslims need to embrace the opportunities that the freedom to worship and a culture of critical investigation afford in order to develop a British Islam, in the same way that Muslims have done in whatever culture they have arrived in previously. The codes and practices of Muslims in North Africa, South Asia and Southeast Asia are different because they developed over time as they lived amongst the cultures in which they found themselves. 'Western Secularism' is another one of those cultures. Engaging with and participating in the life and ethos of toleration and freedom inherent in the UK does not mean giving in to a secular mindset in which any form of behaviour has to be seen as acceptable. Members of other faith communities would also reject that notion.

What is required is that, given that the same conditions of freedom to worship and practice exist in the UK as within India under the British Empire, there is no reason under *shari'a* law for Muslims to be working to *undermine* the state. Building a British Islam would mean accepting the overarching sovereignty of God and accepting that He has raised up, for the moment at least, non-Muslim leaders as Q3:26 says. In that light, it is important to interpret the place of *shari'a* as a personal code, and to allow scientific investigation of the religion along with encouraging participation in wider society. Should that happen, a new, uniquely British Islam will emerge, one that builds on the past and does not try to return to it.

Over recent years new groups such as the Quilliam Foundation and more established groups such as the Muslim Council of Britain have begun to explore and embrace this notion of a developing British Islam. Whether they shall succeed in creating popular support is a matter of conjecture. For the sake of future community cohesion in this country, it is certainly hoped that they do.

chapter 2 - references

1. See articles such as Anthony King, "One in Four Muslims Sympathises with the motives of the Terrorists," *The Daily Telegraph*, 23 July 2005. The numerous polls that were conducted among the Muslim population in 2005 were collated and analysed by Peter Riddell in his guest editorial entitled "Themes and Resources in Christian Muslim Relations," *ANVIL*, Vol. 23, No. 2, (2006).
2. For example, see Sam Harris Lectures found at www.videosift.com/video/Sam-Harris-lectures-on-the-dangers-of-both-religious-fundamentalism-and-religious-moderation, posted July 2007.
3. Clearly the term 'Muslim State' can conjure many conflicting visions of state structure from the relatively Western Democratic models of states such as Egypt, to the Pastun-*shari'a* state of Taleban Afghanistan. For the purposes of this paper, the term signifies a state in which the official religion of the state is Islam and which is ruled through one of the *shari'a* schools, (probably Hanbalite as it is the favoured code of the *jihadi/salafist* elements) by a Caliph and/or religious council. Models for such can be found at such websites as the Hizb-ut Tahrir sponsored www.caliphate.eu.
4. Amongst the best known are Malise Ruthven's *Islam in the World*, 3rd Edition, (London: Granta, 2006); Olivier Roy's, *Globalised Islam: The Search for the New Ummah* (London: Hurst and Company, 2004) and Gilles Kepel's *Jihad: The Trail of Political Islam* (London: IB Tauris, 2006).
5. See, for example, Peter Mandaville, *Transnational Muslim Politics* (London: Routledge, 2001); Nelly Lahoud and Anthony Johns, eds., *Islam in World Politics* (London and New York: Routledge, 2005); John Esposito's many books, including his work with Francois Burgat, *Modernising Islam: Religion in the Public Sphere in the Middle East and Europe* (London: Hurst and Company, 2003); Dale Eickelman and James Piscatori, *Muslim Politics* (Princeton and Oxford: Princeton University Press, 2004).
6. See, for example, Q2:107, Q3:189, Q5:17, Q5:40, Q5:120, Q7:158, Q9:116, Q24:42, Q35:13, Q42:49, Q67:1.
7. See Q4:114, Q5:44, Q8:64, Q9:67, Q22:52, Q33:45, Q43:6.
8. According to Watt, the vast majority of the ayahs containing this injunction were given in the period around and following the Battle of Badr in 624 when Muhammad was in the process of asserting his political authority. WM Watt, *Islamic Political Thought* (Edinburgh: Edinburgh University Press, 1968).
9. This phrase comes at the opening of the verse, following in the chain of command that precedes it: '*O Believers, Obey Allah, Obey the Messenger and those in authority among you...*' Over the last century, as translations of the Qur'an into vulgate languages have begun to proliferate, translators have increasingly attempted to remove any ambiguity from the original Arabic text by the insertion of bracketed words such as 'from' or the more explicit 'Muslim' between the words 'authority' and 'among'. This effectively removes the possibility that the Qur'an might have been enjoining obedience to non-Muslim authority – a translation, therefore, with huge political ramifications.
10. Census information reveals that approximately 70% of Muslims in this country are from the South Asian region. See Philip Lewis, *Young, British and Muslim* (London: Continuum, 2007), p. 19.
11. Sayyid Abul A'la Maududi, *Let Us Be Muslims*; K. Murad, ed., (First Printed 1940. Leicester: Islamic Foundation, 1985), pp. 273-302.
12. Maududi, *Muslims*, p. 295.
13. The Proclamation of Religious Freedom made by Queen Victoria as the government took over rule of the subcontinent after the 1857-58 rebellion specifically guaranteed religious freedom for all Imperial citizens. Despite this, Maududi still describes British Rule and the Indian Penal Code as an impediment to a faithful life. Maududi, *Muslims*, p. 299.
14. Maududi's definition of 'din' is more contested than his confident assertion here suggests. See L Gardet, 'Din', *Encyclopaedia of Islam 2nd Edition*, Vol. 2, pp. 293-296. A broad definition could be given as 'way of life'.
15. Maududi, *Muslims*, p. 296.

16. M Mujeeb, *Indian Muslims* (George Allen and Unwin Ltd, 1967), p. 401.
17. A brief biography of his life and work are included in A Rippin, *Muslims: Their Religious Beliefs and Practices*, 3rd edn. (Abingdon: Routledge, 2005) p. 221.
18. GA Parwez, *Islam: A Challenge to Religion* (Lahore: Indara-Tulu-e-Islam, 1968) p. 357.
19. Z Bangash, comp. and ed., *In Pursuit of the Power of Islam. Major Writings of Kalim Saddiqui*, (London: The Muslim Institute, 1996) p. 172. Saddiqui is the author of *Stages of Islamic Revolution* (London: Open Press, 1996), which advocated the Islamisation of all UK institutions.
20. Maududi, *Muslims*, p. 300.
21. In her discussion of al-Afghani's ideas, Nikki Keddie says that al-Afghani's main concern in going to India was to try to remove the influence of Sayyid Ahmad Khan and his followers, whom he believed were far too close to the British. NR Keddie, *An Islamic Response to Imperialism: Political and Religious Writings of Sayyid Jamal ad-Din "al-Afghani"* (Berkeley and Los Angeles: University of California Press, 1968) pp. 47-51.
22. See D Sourdel and AKS Lambton's 'Khilafah' entry in *Encyclopaedia of Islam 2nd Edition*, pp. 939-953.
23. M Iqbal, *Struggle for Independence: 1857-1947* (Karachi, 1958) app. IV, pp. 14-18, as quoted in J Donohue and JL Esposito, *Islam in Transition* (Muslim Perspectives) (New York, London: OUP, 1982) p. 91.
24. Schulze summed up Atatürk's work thus: "Every policy now became state apologetics – the principle that the state incorporated the absolute sovereignty in society..." R Schulze, *A Modern History of the Islamic World* (London: IB Taurus and Co. Ltd, 2000) p. 68.
25. Donohue and Esposito, *Transition* p. 91.
26. Malik, *Profile*, pp. 273-274.
27. Malik, *Profile*, pp. 306-308.
28. Sanyal, *Devotional Islam*, p. 273.
29. Muslims have, however, been in all National governments since independence, something that Sayyid Ahmad Khan would have encouraged.
30. Sanyal, *Devotional Islam*, p. 251.
31. Husain, *Destiny*, p. 253.
32. S Shahabuddin and TP Wright Jr, 'India, Muslim Minority Politics and Society' in JL Esposito, ed., *Islam in Asia: Religion, Politics and Society* (New York, Oxford: OUP, 1987), p. 155.
33. A route that Muslims appear to be increasingly aware of according to Saleem Kidwai. See S Kidwai, 'Muslim and Indian Democracy' in MA Andrabi, ed., *Islam in India Since Independence* (Srinagar: Iqbal Institute, University of Kashmir, 1988) pp. 39-44.
34. Husain, *Destiny*, pp. 251-252.
35. Husain, *Destiny*, p. 151.
36. B Bhutto, *Reconciliation: Islam, Democracy and the West*, (New York: HarperCollins, 2008), pp. 275-318.
37. See Watt, *Muhammad*, pp. 33-38.

conclusion

This paper has argued that there is no need for religious and state identity to be in conflict. However, in order for the two to co-exist free from (significant) tension two dynamics need to be present.

First, the state needs to articulate what it demands of its citizens, without overstepping the mark. There needs to be open recognition that multiple identities and loyalties are a natural part of an individual's and group's composition and that religion is not a 'competitor identity'. Religion comprises the first tier of the Two Tier theory; state authority the second.

The state has a duty of care over its citizens, which forms the basis of its legitimacy and the foundation of a citizen's loyalty to it. But that duty of care should not shade into demanding loyalty which is properly focused on God.

The state has a duty of care over its citizens, which forms the basis of its legitimacy and the foundation of a citizen's loyalty to it. But that duty of care should not shade into demanding loyalty which is properly focused on God or other religious beliefs. Where precisely that dividing line is, is itself a matter of contention, and will therefore be a cause of tension. Nonetheless, it is real and needs to be watched vigilantly.

Second, religions need to recognize the validity of this Two Tier theory. This may be a challenge to each of the major religions but it poses a particular challenge to Islam today. As the discussions of the

Development-Based Philosophers showed, it is a challenge for which Islam has the resources to make a legitimate and viable response, through choosing a theology of 'development' over a theology of 'reconstruction'.

If the Two Tier theory could be implemented, with both sides taking the responsibilities outlined above, then the benefits for wider society could be immense. The recent Commission on Integration and Cohesion report, *Our Shared Future*, commissioned by the government and published in December 2007, highlights that there is a thirst for religious groups to become involved with civil society once again.¹ Under the Two Tier theory,

there is reason to believe that present tensions and fear of the effects of religion could be significantly moderated and a beneficial partnership for government, secularists and religious groups could be formed.

The Community Cohesion Report found that:

Faith groups are the most numerous, ubiquitous and socially comprehensive of any voluntary bodies in Britain today, though are easily overlooked;...in any consideration of community cohesion, their importance should be recognized...Faith groups make a critical contribution towards the promotion and sustaining of those values [outlined earlier in the report] that are essential for building, maintaining and safeguarding cohesive communities.²

The message is clear. If we can end the culture of opposition on both sides, then the potential benefits, not least in improving levels of community cohesion, could be immense.

conclusion - references

1. Commission on Integration and Cohesion, *Our Shared Future*, p. 8.
2. Commission on Integration and Cohesion, *Our Shared Future*, p. 8.

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Sean Oliver-Dee is an Associate Research Fellow at the London School of Theology

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