

House of Lords 20 December 2004

Enlightened Religious Attitudes

For sometime now, President Musharraf of Pakistan has been calling for policies of enlightened moderation, both within the Muslim world and in the response of the rest of the world to Islam. There is, thus, an element of reciprocity in his call: An example of this is the recent exchange between the European Union and Turkey. The EU and others have, for long, been encouraging Turkey towards a greater respect for fundamental human freedoms, including religious freedom, and Turkey's positive moves in this direction have enabled the beginning of talks on accession. Reciprocity is not tit-for-tat. It is about the identification of certain common values, even if they have origins in different belief and cultural systems, for the sake of the peace and goodwill which is a universal seasonal theme at this time. For people of faith, it means a commitment to fundamental freedoms in every part of the world: it is because I have experience of difficulties in building churches in parts of the Muslim world that I support the rights of Muslims and others to places of worship in this country.

Enlightened religious attitudes raise the question about the relation of religion to the state. Religious ideas have often, if not always, undergirded

theories of state and of polity. Today, there are still some who hold that a religion should have coercive power in the governance and law-making of a state. the polity, if not always the practice, of post-revolution Iran is based on this assumption and is at the root of the inability of that country to move towards reform. Some years ago, I engaged in fruitful dialogue with the former Chief Justice of the Supreme Court in Pakistan, Dr Nasim Hasan Shah. Dr Shah was quite clear that the rôle of an Islamic state is not coercive but persuasive. It should enable Muslims to be good Muslims but no one should be compelled to act against their conscience.

Islam is not necessarily theocratic. In fact those who have championed theocracy, like the Kharijites, have found themselves on the margins. There have been important intermediate institutions in Islamic polity such as the Caliphate itself, the jurists, the courts of rulers and the Sufi orders. In addition, there are strong traditions of government by consent, both Islamic and customary. If President Musharraf's programme is to succeed, it is vital that civil society is strengthened and the voluntary sector is encouraged to contribute to policy-making, especially in the areas of welfare, human rights and legal reform.

This brings me to religion and law. This relationship, as the one between morals and law, is not a simple one. Religious ideas about the nature of the world, the dignity, freedom and stewardship of human beings, as well as the Common Good often underlie moral attitudes and these, in turn, have influenced the development of law, even secular law. Three points need to be made: (i) moral awareness is not limited to religious people. People of no faith may be morally more aware than those who belong to a faith but (ii) Religions have often articulated and formalised moral codes (such as the Ten Commandments) by which generations have ordered their lives (iii) if law is to be effective, it must have moral Force and be able to appeal to moral tradition.

In the context of Islam, this means that the interpretations, codifications and implementation of the Sharīʿa by classical schools of law (or madhāʾib) will have to be re-visited. Muslims regard the Sharīʿa as the Way of God for them (Christians also see themselves as followers of the Way). The question is whether their devotion to the Way can be expressed in terms of law which takes account of particular circumstances and changes in human understanding about, for example, penal law. There is a long tradition in Islamic Law of ijtihād, of jurists going to the sources of law and relating

them to the present situation, and of Maslaha, the necessity of taking account of the Common Good. If 'enlightened moderation' is to make its mark, Islamic jurists will need to apply these principles to a number of urgent issues such as apostasy and blasphemy, the legal and social position of women and the status of religious minorities. I am glad that some of these are being addressed in Pakistan and I look forward to further developments.

Both Christianity and Islam have traditions about the justifiability (or not) of armed conflict. As Christians consider afresh how Just War theory may work in a world where there is terrorism and a host of unconventional wars, it is particularly important that the Islamic tradition of Jihād is not hijacked by extremists. Jihād can certainly be understood spiritually or as a struggle against social injustice but, where it relates to armed conflict, it can either be thought of as an aggressive war against the infidel or as a defensive war when Islam is seen to be in danger. In the last two hundred years, most mainstream Islamic thought has seen it in the latter sense. Some urgent dialogue needs to take place between Muslims and Christians on when armed conflict might be justifiable. Any convergence on this issue would be a huge resource for the international community.

The ideologues of terrorism are not from the poor. They are, rather, from the technocrats and the new business 'elite' but, of course, they use the poor to further their ends. This is seen starkly in the madrassas strung along the Pak-Afghan border where children, sent by parents who could not afford any other kind of education, were radicalised and made fodder for the Taliban. The people of Afghanistan and Pakistan and the international Community must not allow this to happen again. Widening the curriculum in the Madrassas, diversifying educational opportunities for the poor, creating employment through micro-enterprise, as well as fiscal and governance reform which allows such issues to be addressed are not only national but global responsibilities.

Finally, it is very important to keep the world in motion: we should not lightly accept a world where travel is a doddle for some and well-nigh impossible for others. There is no surer way of kindling resentment against those seen as privileged. This has implications for policy on tourism, work-permits and family visits but I wish to focus particularly on programmes of exchange: I am glad that in this country they are now being widened to include culture, history and religion. We cannot put all our eggs into the science and

technology basket, especially as this has been shown to be morally neutral at best! Let us encourage exchange, in all directions, so that people come to encounter the beliefs, values and customs of others. These are what really matter and it is better appreciation of these which will move us closer to the enduring peace which we all desire, especially at this time of Christmas.

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