

ISLAMIC FUNDAMENTALISM AND SOCIAL CHANGE

Neither the ‘end of history’ nor a ‘clash of
civilizations’

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Islamic fundamentalist movements are neither new, prevalent nor permanent in Islamic societies. While these movements tend to draw on Islamic sacred texts and historical traditions in articulating their vision for social and political change and strategies of popular mobilization, fundamentalism is not the inevitable outcome of those resources. In my view, this phenomenon should be understood as an indigenous spontaneous response to profound social, political and economic crises, rather than either predominant among Islamic societies at any given point in time, or permanent where it does occur. Like other social movements, Islamic fundamentalism is a product of the interaction of certain internal and external actors and factors, and tends to evolve and adapt over time in response to changes in its local and broader context and re-evaluation of its objectives and strategies. As such, fundamentalist movements should be seen as both products and agents of social change in Islamic societies and communities. These movements emerge as a result of certain configurations of factors and processes in each case, and seek to influence the course of events in favour of their own social and political objectives.

It should be noted from the outset that there are many approaches to studying what I define below as ‘Islamic fundamentalism’. Some scholars seek to understand this phenomenon in a historical context, highlight its policy or security implication, or attempt to predict its demise or decline. I am not seeking to contribute to these types of analysis, whether in agreement or disagreement. Rather, I am concerned here with the normative and empirical issues raised by the claim that Islamic fundamentalism is a

legitimate and sustainable expression of the right of Muslim peoples to self-determination.

The premise of this chapter is that Islamic societies are subject to the same principles of social and political life that apply to other human societies. Whether individually or collectively, Muslims strive to secure the same basic needs for food and shelter, security, political stability and so forth, like all other human beings. They also seek to do so under the same or similar conditions, which prevail among all human societies and communities, including the imperatives of social change and adaptation in response to developments affecting individual and collective lives. It is true that social change in Islamic communities is influenced by prevailing understandings of Islam and its role in the public and private life of believers, but that also applies to other believers in relation to their own religious and cultural systems. While the characteristic features of Islam as a religion will affect the ways in which it is understood and practised by Muslims in different settings, that is not so exceptional as to defy the principles of social and political life of human societies in relation to their own religious or cultural frame of reference. In fact, I suggest, some Islamic communities in the Indian sub-continent, for instance, may have more in common with non-Islamic communities of the region who share the same or similar history, colonial experiences and present context, than with Islamic communities of Sub-Saharan Africa with their different experiences and context.

Accordingly, Islamic fundamentalist movements can and should be understood in the light of insights gained from the experiences of other social and political movements, especially those emerging in the same or similar context. In other words, whatever analyses have been developed and verified in relation to such movements in human societies at large is applicable to what might be called the Islamic variety. However, a general principle that has emerged and been verified in this way is that due regard must be taken of such factors as the nature, rationale, membership and so forth, of the particular movement. As I believe is illustrated by events in Sudan briefly discussed below, tactical adjustments in the declared objectives or strategies of an Islamic fundamentalist movement will probably have lasting significant consequences for its ideology and practice, as has happened with other religious or ideological movements. But what can be concluded or predicted in relation to this movement is relative to its specific nature and context, as is true for other social and political movements around the world. This is the approach I recommend for understanding each Islamic fundamentalist movement in its own specific context, in order to appreciate its underlying causes, internal and external dynamics, as well

as possibilities of transformation, instead of taking its present position and future direction for granted or casting them in terms of one rigid extreme or another.

In particular, as suggested in the title of this chapter, Islamic fundamentalism should neither be dismissed as insignificant in the face of the final global triumph of Western liberalism, nor exaggerated into a manifestation of permanent confrontation between so-called Western and non-Western civilizations.¹ This mediating perspective is critical for understanding the phenomenon in its specific historical context, whether for scholarly or policy purposes. In the present post-colonial context in particular, it is important to view Islamic fundamentalism as an expression of the right of Muslim peoples to self-determination through the strict observance of *Shari'a* (traditional formulations of the normative system of Islam),² whether through its application by the state, or informal communal compliance in social relations and personal life-style. From this perspective, the question is whether Islamic fundamentalism is consistent with its own claims of exclusive representation of Islamic identity, political system and legal order. This is the subject of this chapter, to be addressed from a primarily theoretical perspective, with a brief discussion of the case of Sudan to illustrate my analysis, while emphasizing that final conclusions require closer examination of each specific movement in its own context.

Subject to this caveat about the need for more contextualized analysis, the basic thesis of this chapter is that, despite its strong appeal to disadvantaged or disempowered local populations and the limited success some of these movements may have achieved in a few situations, Islamic fundamentalist movements are counter-productive to the extent that they fail to appreciate the dynamics of social change for their own communities or to develop appropriate responses. To properly appreciate the dynamics of social change, and develop appropriate responses, Islamic fundamentalists would need to drastically redefine and adapt their objectives and strategies in accordance with the present local and global realities of interdependence of all religious and political communities. This is what I call 'framework for constructive interdependence', whereby all religious, ideological, ethnic and other communities cooperate in securing each other's rights through a combination of critical appreciation of the right to self-determination, the protection of human rights at the national level and respect for the rule of law in international relations.

In the next section, I will present a brief clarification of the term 'fundamentalism' as applied to Islamic movements, and an overview of this phenomenon in the history of Islamic societies. In the following

section, I will offer a critical evaluation of these movements as means for realizing the right of Muslim peoples to self-determination in the post-colonial context. The case of Sudan is discussed in the next section to illustrate some aspects of my analysis. The final section will be devoted to an elaboration of a proposed framework of constructive interdependence, and its national and international policy implications.

Fundamentalism in Islamic history

The term 'fundamentalism' was coined in the United States in the early decades of the twentieth century, to refer to a Protestant group who published a series of twelve pamphlets between 1910 and 1912 under the title, *The Fundamentals: A Testimony to the Truth*. There is much debate about the appropriateness of using this term, as a product of Western Christian experience, to describe various religio-political movements in the presumably very different context of Islamic societies. But the origin of the term should not preclude its application to movements in the Islamic, Jewish, Hindu or other religious traditions, if they share the same salient features and important traits. The following review of the comparative features of the Islamic variety of today is based on its 'ideal model' as envisioned by its founders from the 1920s to the 1960s.³ This ideal model is hard to find today anywhere in the world,⁴ though it remains the essential frame of reference for current Islamic fundamentalist movements. The drastic change in the nature and operation of these movements clearly illustrates one of the points I wish to make in this chapter, namely, the inevitability of the transformation of these movements as products and agents of social change.

The key characteristic of the American Protestant fundamentalist movement was its firm, principled and militant opposition to the inroads that modernism, liberalism and higher biblical criticism were making into the Protestant Churches, and the supposedly Bible-based culture of the United States at large. That movement called for the defence of a certain form of inherited religiosity, which is based on the literal and categorical belief in, and understanding of, the fundamentals of the Protestant faith. Islamic fundamentalists hold sufficiently similar beliefs in relation to Islam and the *Qur'an* to justify using the term 'fundamentalism' to identify their movements. Moreover, Islamic movements in North Africa and the Middle East do use the corresponding Arabic terms *usuli*, as adjective, and *usuliyya*, as noun (fundamentalist and fundamentalism), to describe themselves and their beliefs as part of a historical tradition that goes back ten centuries, and not as a recent translation of the American term. The call to affirm

and implement the ‘fundamentals’ of the faith, as distinguished from its incidentals, is an established and recurrent theme in Islamic theological and political discourse, as can be seen from the title of a book by al-Ash’ari (died 935): *al-Ibanah ‘an Usul al-Diyanah (The Elucidation of the Fundamentals of the Religion)*. Other scholars who emphasized this theme in their work include al-Ghazzali (died 1111), Ibn Taymiya (died 1328) and Ibn Abdel Wahhab (died 1787).

Islamic fundamentalists view themselves as the moral guardians and saviours of their societies, which they condemn as living in a state of apostasy, moral depravity and social decadence. They see Islamic history as one of decline and fall, to be rectified at their hands to achieve complete restoration and fulfilment of the divine design for all of humanity. Islamic fundamentalists also share with fundamentalists of other religions a profound mistrust of all notions of human progress, gradual evolution or historical development, as antithetical to divine action and intervention in the world. As the elect few, they see themselves entrusted with discovering and implementing the will of God through the literal reading of the *Qur’an*, which they hold to be manifestly clear, unambiguous and categorical, irrespective of the contingencies of time and place. In the name of upholding the absolute sovereignty of God on earth, which they claim to know and implement better than other believers, Islamic fundamentalists reject the idea of sovereignty of the people except as the expression of the will of God, as they understand it themselves. To them the state is simply the instrument of implementing the will of God as expressed in the *Qur’an*, not that of the people as reflected in secular constitutional instruments, or political and legal institutions and processes.

The Islamic legitimacy of the state has always been a cause of conflict and civil war since the death of the Prophet Muhammed in 632. The majority of *Sunni* Muslims believe the reign of the first four Caliphs of Medina (the seat of the first Muslim state, in western Arabia) to be an ideal Islamic state and community. But according to *Shi’a* Muslims, the first three of the Medina Caliphs were illegitimate usurpers of the position to which only Ali (the Prophet’s cousin who became the fourth Caliph of Medina) and his descendants from Fatima (the Prophet’s only surviving child) were entitled. Throughout his reign as the fourth Caliph (656–61), Ali was locked in bitter civil war against the *Umayyad* clan and other factions, including some of his own supporters, known as *al-Khawarij* (the breakaway group), who condemned him for accepting mediation with the *Umayyad*. Upon Ali’s assassination by one of the *al-Khawarij* in 661, the *Umayyad* clan established a monarchy that ruled the expanding Muslim Empire from Damascus, Syria, until 750. The *Abbasid* launched

their successful challenge to the *Umayyad* dynasty in the name of Islamic legitimacy, but the *Abbasid* state (750–1258) was also a monarchy that ruled from Baghdad, Iraq, more in accordance with political expediency than *Shari'a* principles. The same was true of the other states of various sizes and duration that ruled Islamic societies ever since: from Spain, North and West Africa, Central Asia to India, including the Ottoman Empire that was finally abolished in 1923–4.⁵

The tension between Islamic legitimacy and political expediency was usually mediated at different phases of history through mutual accommodation between *al-umara* (rulers) and *al-ulama* (scholars of *Shari'a*) whereby the former acknowledged the theoretical supremacy of *Shari'a* and the latter conceded the practical political authority of the rulers. Occasionally, some rulers professed commitment to more rigorous implementation of *Shari'a*, as happened during the early *Abbasid* dynasty, the *Ibadi Khariji* kingdom of Tlemsen, Morocco (761–909), *Almoravid* in Morocco and Spain (1056–1147), and the *Isma'ili Shi'a* Fatimate dynasty in parts of North Africa (969–1171). It is difficult to assess the scope and efficacy of those episodes of *Shari'a* application because of the lack of independent and sufficiently detailed historical sources. But it is reasonable to assume that the decentralized nature of the state and the administration of justice at those times in history would not have permitted a systematic and comprehensive application of *Shari'a* as demanded by Islamic fundamentalists in the modern context.

Recent examples of fundamentalist resurgence prior to the present cycle include what is known as the *jihad* movements of the Sahel region of Sub-Saharan Africa.⁶ These movements initially began in dispersed places, gradually influenced each other, and culminated in regional campaigns to establish Islamic states. Early examples of *jihad* movements in West Africa include those of Nasir al-Din in Mauritania (1673–7), Malik Dauda Sy in Senegambia (1690s) and Ibrahim Musa, who was known as Karamoko Alfa (died 1751) in Futa Jallon. This movement eventually succeeded in setting up an Islamic state in 1776 under the leadership of Ibrahim Sori. The most successful and influential *jihad* movement in this region was the one initiated by Uthman Don Fodio (died 1817), who began his mission in 1774 and achieved significant military success by 1808. His movement went on to control most of what is now northern Nigeria and northern Cameroon by 1830. This movement, known as the Caliphate of Sokoto, spread to parts of southern Nigeria and Chad, in addition to influencing other *jihads* in Senegambia to the west. Other *jihad* movements in the region include that of al-Hajj Umar (died 1864) in the west, and Muhammad Ahmed 'al-Mahdi' (died 1885) along the Nile valley in the east.

As can be expected, *jihad* movements of the Sahel region of Sub-Saharan Africa varied greatly in their scope, intensity and consequences. Some movements lasted for several decades and succeeded in establishing centralized and effective Islamic states in parts of present-day Nigeria, Volta region, Ivory Coast and Guinea, while others were more in the nature of religious revival with little political or military success. The Islamic orientation of these movements also varied, as Islam for some of them was more of a mobilizing force than a religio-political programme. Some, like those of al-Hajj Umar and Samory Ture (died 1900) forbade dancing and the use of tobacco, alcohol and charms, prohibited pre-Islamic ceremonies and worship, and appointed Muslim scholars to enforce *Shari'a* even in non-Muslim areas under their control. But many *jihad* movements were uprisings of Muslim religious teachers and their followers against local military or landowning elite. While usually driven by local political, economic and security considerations, these *jihad* movements were also confronting the initial stages of European colonialism throughout the region. Like earlier cycles of Islamic fundamentalism, these African movements emerged in the context of societal crisis due to a combination of internal and external factors.

Despite the history of *jihad* movements and present crisis, there is little indication of fundamentalist resurgence in post-colonial Sub-Saharan Africa except in Sudan and Northern Nigeria. However, some Islamic societies may still produce fundamentalist movements in response to their own crisis, and in the name of the collective right of Muslims to self-determination. What does this mean, and can Islamic fundamentalist movements be effective agents of self-determination for their respective societies in the modern context?

The basic difficulty that has frustrated efforts to establish an Islamic state to effectively implement *Shari'a* has been the lack of political and legal institutions to ensure compliance by the state. While the *ulama* were supposed to be the guardians of *Shari'a*, they had no resort except appealing to the moral and religious sentiments of the rulers. Another factor was that the *ulama* were too concerned with safeguarding the unity of their communities and the maintenance of peace and public order to forcefully press their demands on rulers, especially in times of internal strife and external threat.⁷ The few scholars who expressly addressed constitutional and legal matters in their writings, like al-Mawardi (died 1058) in *Al-Ahkam al-Sultaniya (Principles of Government)*, and Ibn Taymiya in *Al-Siyasa al-Shari'iya (Islamic Public Policy)* confined themselves to elaborations of what ought to happen, in the form of advice to the ruler, without addressing what should happen when the ruler failed to comply

with the application of *Shari'a* as an obligation of the state. Consequently, those episodes of aspirations to an ideal state that would faithfully and impartially implement *Shari'a* as a total way of life were continuously frustrated by the realities of political expediency and security concerns. When the balance tilted too much in favour of the latter considerations, however, the intensity of demands for the application of *Shari'a* would rise, usually in the form of a local or regional fundamentalist movement.

Islamic fundamentalism as self-determination in the modern context

In this section I will elaborate on a few inter-related propositions regarding Islamic fundamentalism as self-determination. First, in my view, Islamic fundamentalists certainly have their own right to self-determination, and to propose themselves to lead their societies in this regard, but that cannot be at the expense of the rights of others, Muslims or non-Muslims alike. The right to self-determination can only be exercised within the framework of the protection of human rights at home, and in conformity with international law abroad. Therefore, to the extent that the ideology or practice of any Islamic fundamentalist movement is inconsistent with these principles, that movement would have to adapt to and comply with these requirements or lose its claim to exercise its own right to self-determination, let alone lead others in that regard. But the manner and dynamics of that internal transformation must be left to the movement itself, in accordance with their right to self-determination. In other words, what is at issue is how to mediate among competing claims to self-determination, and encouraging transformation within social movements themselves in order to facilitate such mediation.

Whatever may be the potential for resurgence of Islamic fundamentalism anywhere in Africa and Asia today, it is clear that the internal and external context within which claims of Islamic identity and self-determination are made today is radically different, in each case, from what it used to be in the pre-colonial era. A primary underlying cause of this transformation of local context in each case is that all Islamic societies are now constituted into nation-states, which are part of global political and economic systems.⁸ They are all members of the United Nations and subject to international law, including universal human rights standards. None of these states is religiously homogeneous, politically insulated or economically independent from the non-Muslim world. Even countries that claim to be purely Islamic, like Saudi Arabia, are in fact parties to global economic, security, technological or other forms of inter-

dependence with non-Muslim countries. While the precise consequences of this transformation of local context vary according to the specific circumstances of each society, the fact of its being radically different from what it used to be in the pre-colonial era is common to all of them.

A key element of this transformed context is the principle of self-determination, whether exercised within an existing state or through secession and the establishment of a separate state. As stated by the highly authoritative Declaration of Principles of International Law by the General Assembly of the United Nations:

By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right to freely determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter . . .

Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States *conducting themselves in compliance* with the principle of equal rights and self-determination of peoples as described above and *thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.*⁹

Therefore, the two sides of the coin of self-determination are non-interference in the internal affairs of sovereign states, provided that the state respects the right of its own people to equal rights and self-determination, as indicated in the emphasized part of the Declaration of Principles quoted above.

As it is often associated with claims of minorities to secede from an existing state and establish their own state, much of the policy and scholarly discussion of this principle tend to focus on the legitimacy and viability of claims of secession. As one author put it

the right to secede is seen as a remedy of last resort for serious injustices, not a general right of groups. . . . Chief among the grievances I identify as providing primary justifying grounds for secession are these persistent and serious violations of individual human rights.¹⁰

The basic implication of these principles, according to another author, can be seen in terms of

degrees of self-determination, with the legitimacy of each [claim] tied to the degree of representative government in the state. . . . If a government is at the high end of the scale of democracy, the only self-determination claims that will be given international credence are those with minimal destabilizing effect. If a government is extremely unrepresentative, much more destabilizing self-determination claims may well be recognized.¹¹

In this light, it is clear that the right to self-determination cannot mean that people are completely free to do as they please in their own country. As explained and illustrated below, the right of one people to self-determination is limited by the right of other peoples to their own self-determination as well. It is neither legally permissible nor practically viable for a group of Muslims to force even fellow Muslims, let alone non-Muslims, to accept and implement a specific view of *Shari'a*, whether as a matter of state policy or informal communal practice. This is particularly true due to growing objections to that understanding of *Shari'a*, because it fails to secure complete equality for women with men as a foundational human rights norm. But I will focus in this chapter on the broader issue of self-determination because I take it to include the protection of the human rights of women. Let us consider the negative implications of Islamic fundamentalism for the right of Muslims themselves to self-determination, followed by the more obvious case of non-Muslims.

As mentioned earlier, profound political and theological differences have divided Islamic communities from the beginning in the Arabia of the seventh century, resulting in a series of civil wars within a few decades of the Prophet's death in 632. Those early stages of Islamic history also witnessed the emergence of significant disagreement among Islamic communities over the interpretation and implementation of Islamic sources, leading to the emergence of distinctive religious factions and theological schools of thought (*madhhab*, plural *madhahib*). It should be emphasized here that such clear and significant disagreements among Muslims about major aspects of what subsequently became known as *Shari'a*, were true of the earliest generations of Muslims, and did not emerge later in history as a result of religious decline. In other words, significant disagreement about the content and application of *Shari'a* is inherent to the system itself as understood and practised by believers from the beginning.

Such disagreements are to be expected and celebrated, rather than denounced and denied as Islamic fundamentalism tends to do. Since the *Qur'an* was revealed in an Arabic language, and *Sunna* is believed to represent the ideal model set by the Prophet, who lived in a particular community with its own specific context, there is bound to be disagreement in the interpretation and application of those textual sources in different contexts. In fact, disagreement is logically integral to the authenticity and validity of religious experience itself. One cannot truly and honestly believe unless he or she is also able to disbelieve, and/or change his or her view of what they do believe in.

While this has always been true of Islamic communities, it is likely to become more intensified and widespread under modern conditions of education and communication. As more Muslim men and women are educated enough to know and consider the *Qur'an*, *Sunna* and Islamic history for themselves, and able to communicate with others in different parts of the world about theological and political issues of common concern, there are more opportunities for disagreement as well as agreement. Fundamentalists tend to denounce and deny significant disagreement among Muslims, especially of the earliest generations, because that would repudiate the possibility of a pristine and categorical understanding of Islam, which they claim to know and seek to apply today. Yet, given this historical – now increasing – diversity of views among Islamic juridical and theological schools of thought, as well as popular opinion that may be independent of any of those schools, serious disagreement about the precise principles and policies to be implemented as *Shari'a*, is inevitable. To impose the views selected by the leadership of a fundamentalist movement as a matter of law and official state policy, even if against the beliefs of other Muslims, is a violation of the right of Muslims themselves to self-determination.

The inevitable violation of the right to self-determination of non-Muslims of the same country by Islamic fundamentalist 'ideology' is more obvious because it repudiates the right of non-Muslim citizens to be governed according to their own beliefs, and violates some of their fundamental rights. Both objections arise from the substance of traditional understandings of *Shari'a*, as advocated by fundamentalists, which discriminates against non-Muslims and women. Discrimination on grounds of religion is more drastic for those who are deemed by *Shari'a* standards to be non-believers, like the adherents of traditional African religions in Sudan today, than for People of the Book (mainly Christians and Jews) who are accepted as believers, though not of the same standing as Muslims. But since even People of the Book are not treated as fully equal

to Muslims as citizens, their collective right to self-determination and individual rights as citizens of their own country are also violated.¹²

It may be argued that the actual practice of fundamentalists may depart from their ideological claims, but these objectionable aspects of their practice are evident in the official policies of self-proclaimed fundamentalist regimes, like those of Afghanistan, Iran and Sudan. Even if it is true that practice is not consistent with theory, the problem would then be the wide discretion such a policy permits opens the door for selective abuse of power and corruption. If the decision whether or not to discriminate against non-Muslims is left to individual officials of the state in their own discretion, there will be great temptation to abuse that power for corrupt purposes or to settle personal scores, and so forth. Regardless of whether and how that power is used or abused, the potential victims of discrimination will live under constant fear of it befalling them any time. In other words, if fundamentalists are reforming their position on these issues to be more respectful of religious diversity, for instance, then that should be clearly and publicly stated for their own followers to act accordingly, and for non-Muslims to know what to expect.

On the pragmatic side, the human rights of all peoples, including their collective right to self-determination, are sanctioned by a variety of legal, political and other mechanisms, at both the national and international level. At the normative level, the national constitutional and legal systems of the vast majority of Islamic countries guarantee the human rights of all citizens, without distinction on such grounds as sex or religion. Where these systems are lacking in the protection of these fundamental rights at the domestic level, international treaties and institutions provide an independent alternative source of the obligation of the state to respect and protect these rights. In practice, therefore, these arrangements are supported by political and other mechanisms, including protest and even rebellion at home, and economic, security and other pressures abroad. It is clear that existing national and international mechanisms are not working properly in most parts of the world, but they are working enough to be felt and responded to by even the most supposedly insulated Islamic countries like Saudi Arabia. However, the point I wish to emphasize here, for further discussion in the next section of this chapter, is the need to invest in the credibility and efficacy of these national and international mechanisms because they are the best available means for mediating competing claims to self-determination.

The case of Sudan

The present situation in Sudan clearly illustrates the basic point of the preceding analysis, namely, the need to appreciate the reality of the normative and pragmatic limitations of one's right to self-determination by the rights of others. Having been united for the first time through Turco-Egyptian conquest in the 1820s, Sudan was independent between 1885 and 1898, before becoming an Anglo-Egyptian Condominium, in which Britain was the superior partner as it occupied Egypt itself at the time, until independence in 1956.¹³ The country was governed as a multi-party parliamentary democracy on the British model, under the 1956 Transitional Constitution, until the first military coup of November 1958. That first military regime, led by General Aboud, was overthrown through the popular civilian uprising of October 1964. The second phase of democratic rule under the 1964 Amended Transitional Constitution was once again interrupted by the 1969 military coup led by General Numeiri. That second military regime transformed itself into a single-party state under the 1973 so-called 'Permanent' Constitution that lasted until April 1985 when it was overthrown, again by a popular revolt that prompted the army to seize power. A transitional government ruled under the second Transitional Amended Constitution of 1985 until it handed power over to an elected government in April 1986. Three years later, the third military coup of June 1989 brought the National Islamic Front (NIF) to power to rule the country as a single-party state, until the regime announced its plans to permit multi-party politics under the 1998 Constitution.

The main issue that has dominated political and constitutional developments in Sudan is the protracted and extremely destructive civil war that has raged in the southern part of the country since 1955, except for 1973–83, when the Addis Ababa Peace Agreement of 1972 was implemented by the Numeiri regime. The current phase of the civil war resumed in 1983, when President Numeiri gradually repudiated that agreement and imposed *Shari'a*. The Sudan People's Liberation Army and Movement (SPLA/M) claims to represent all the marginalized and disadvantaged peoples of Sudan, in the east, north and west, as well as the southern part of the country. But the SPLA/M is also part of the National Democratic Alliance (NDA), together with the main northern political parties, trade unions and some new democratic movements. Some of these northern partners in the NDA have launched their own, limited, military operations in eastern Sudan.

While many direct and indirect causes and factors no doubt contribute to the persistence of the civil war, they can all be seen as reflecting

competing visions of the national identity and ideological orientation of the country. Subject to differences within each region, these visions are usually presented as the presumed Arabic–Islamic vision of the North versus an African-secular vision that is attributed to the South. The country's chronic state of transition and instability has not permitted sufficient national deliberation over the meaning and implications of these competing visions, and/or exploration of ways of reconciling and forging them into a unified national identity. However, since 'Arabized' Muslims constitute about two-thirds of the total population and dominate the political and economic life of the country as a whole, any degree or form of national deliberation and/or reconciliation will have to address the constitutional, legal and political role and implications of *Shari'a*.

Earlier plans to adopt an 'Islamic Constitution' were aborted twice by the military coups of 1958 and 1969. Former President Numeiri managed to stay in power during the early 1970s through shifting alliances with various political factions, but eventually decided to declare a unilateral National Reconciliation with all his political opponents in 1977. The Unionist Party refused to accept that initiative, and the *Umma* Party remained ambivalent, but the NIF embraced the opportunity and integrated itself within Numeiri's single ruling party (the Socialist Union). Seeking to pre-empt the mounting threat of the NIF within his own political and governmental institutions, President Numeiri suddenly declared Sudan an Islamic state and sought to impose *Shari'a*, as the primary source of the country's legal system in 1983. That move did not diminish the political isolation of the Numeiri regime, while enhancing the position of the NIF by declaring its own ideology as the official policy of the state.

Numeiri's arbitrary imposition of *Shari'a* as the basis of the legal system of the country proved to be politically impossible for the two main political parties (*Umma* and Democratic Unionist) to reverse when they came to power after the general elections of 1986. This is not surprising in view of the strong Islamic identity of the constituencies of these two parties. While they had managed to claim an Islamic rationale and agenda without implementing *Shari'a* when they were in power during earlier democratic periods, the leaders of these two parties were unable to come out openly against its continued application once it had been imposed by Numeiri. The NIF also played a critical role in pressuring those two main parties into maintaining *Shari'a* rule by representing itself as the 'Islamic alternative'. The NIF was able to play that role by being an active participant in the democratic phase of 1986–9, including being a member of a coalition government in 1988, until it decided to seize exclusive control of the country through the military coup of June 1989. The primary underlying

rationale of that coup was declared to be the consolidation and promotion of the application of *Shari'a*, as the sole basis of the country's legal system, and official policy of all other state institutions.

I am not suggesting here that this is the sole motivation of the NIF in seizing power, or the primary reason for its ability to resist all efforts to dislodge its regime since 1989. Indeed, the premise of my whole analysis is the complexity of the causes and dynamics of such developments. It is clear to me that the relative success of the NIF can be better understood in terms of such factors as the personal political ambition of its leaders and their ability to build a stronger, better-funded and more efficient organization than those of other political parties, and the timing of their rise to power in a national and regional context. Nevertheless, I will focus here on the claim of this Islamic fundamentalist movement to implement *Shari'a* because of its relevance to my argument in this chapter, without denying or under-estimating the role of those other factors.

From this perspective, I suggest, the problem is that the implementation of *Shari'a* is inherently incompatible with the unity and stability of the country. As noted earlier, *Shari'a* grants limited rights to People of the Book and none to those it deems to be unbelievers, like the several million Sudanese who adhere to traditional African religions. To implement *Shari'a* is to deny equality of citizenship rights to Christian Sudanese, and any degree or form of citizenship to those who adhere to traditional African religions because they do not qualify as People of the Book, who are recognized as legal persons though not equal to Muslims. Moreover, Muslims are not expected to openly oppose the application of *Shari'a*, as that may be deemed by the state authorities to constitute the *Shari'a* crime of apostasy, punishable by death under section 126 of the 1992 Sudan Penal Code. By excluding non-Muslims from contribution to any debate over the application of *Shari'a*, and intimidating Muslims who may have different views on the matter, the NIF leaders sought to render the application of *Shari'a* an irreversible national reality. However, the persistence of strong national political opposition and continuation of the civil war in the South are apparently frustrating the realization of that objective.

The irony that also seems to support the analysis presented in this chapter is that efforts to implement *Shari'a* have persistently failed in Sudan under successive governments dominated by Muslim Sudanese, who constitute more than two-thirds of the population. In other words, the country is suffering from a protracted and devastating civil war partly because of an agenda that cannot be achieved in any case. Even the NIF, which claims to have seized power through a military coup on 30 June 1989 for the explicit purpose of implementing *Shari'a*, as the sole law of

the land, has failed to do so. In particular, neither the brute force of oppression that has been used by the NIF since 1989, nor the political appeal of their propaganda, has succeeded in dispelling strong opposition to this objective by Muslim as well as non-Muslim Sudanese. After more than eight years of exclusive NIF rule, the regime has now found it necessary to enact a Constitution in 1998 which purports to guarantee the human rights of all Sudanese, including non-Muslims who are not entitled to those rights under *Shari'a*, as noted above. The realization of the NIF leadership that their ideologically driven political agenda cannot be realized in any sustainable manner is also clear from their acceptance to negotiate a peaceful end of the civil war on terms that are totally inconsistent with their earlier claims.

It is both difficult and problematic to attribute such a major and complex development to specific causes. For example, what would be the basis of selecting one set of factors or another as a 'cause' of the NIF decision to open up the national political process? How to assess the role or relative importance of one factor or cause, in relation to others? Nevertheless, one can appreciate at least the correlation between this decision and some obvious considerations. It is reasonable to assume, for instance, that it is politically difficult for the NIF to justify the high number of casualties of the civil war, without being able to promise how or when it is likely to end. The huge financial costs of this war constitute a tremendous strain on the national economy, with consequent hardship to the general population. The ideologically driven policies of the NIF, including the manner in which it is fighting the civil war, have resulted in the international isolation of the country. For the first time in its history Sudan was subjected to sanctions, by the Security Council of the United Nations, for being implicated in acts of international terrorism, such as the attempted assassination of President Mubarak of Egypt during a visit to Ethiopia in 1995. This isolation seriously hampered the NIF regime's ability to secure favourable trade terms, development assistance, or to even obtain arms for its side in the civil war. It is also clear that the SPLA and NDA cannot continue to maintain effective military and political opposition to the NIF regime, let alone hope to overthrow and replace it, without considerable international support. That support is unlikely to be forthcoming or sustained at the necessary level if these groups appear to be intransigent or extreme in their demands. These and related factors illustrate the sort of mutual limitations of the right to self-determination for both sides that contribute to the framework of *constructive interdependence* in the present Sudanese context, as discussed below.¹⁴

It can be argued that the apparent opening up of the national political

process is merely a tactical move, intended to confuse the opponents of the NIF regime, both at home and abroad. However, regardless of the 'true intentions' of its leaders, I suggest this publicly declared shift in the NIF position will have lasting ideological implications and practical political consequences for the movement itself in the direction suggested by my analysis. On the one hand, the fact that the NIF regime needed to declare its commitment to human rights, even if only tactically, indicates an appreciation that this is necessary for security and political stability at home, as well as for normal international relations abroad. This concession is also an admission that the strict ideological agenda of the NIF is untenable in practice. Whatever the leadership of the NIF is willing to admit about the ideological implications of this move, its inconsistency with the movement's rationale and objectives will be clear to the majority of its own members. In other words, it will not be possible for the NIF leadership to assert a credible commitment to the application of *Shari'a*, after having abandoned that demand, even if only for the sake of political expediency. This conclusion is supported by comparative reference to the experiences of other social movements with different ideological orientation, as most dramatically illustrated by the collapse of communist regimes in the former Soviet Union and Eastern Europe. Tactical adaptations there for political and economic expediency eventually led to transformation of the whole system. Since Islamic societies are subject to the same social and political life that applies to other human societies, as emphasized at the beginning of this chapter, the nature and dynamics of Islamic fundamentalist movements like the NIF should be understood in a comparative perspective.

In light of the preceding discussion of the realities of normative and pragmatic limitations on the right to self-determination, I will now conclude with an elaboration of the proposed framework of constructive interdependence for mediating such competing claims. Questions to be addressed in the following discussion include: Who defines and implements the balance between competing rights today? Why should Islamic fundamentalists accept that regime, and how can they influence it in favour of their views? How can Islamic fundamentalists exercise their rights to freedom of belief, expression and association, participation in the government of their own country, and so forth, if the content and application of their beliefs have to be negotiated with external forces? In other words, does the regulation of what they can advocate for their own community negate the right of Islamic fundamentalists to self-determination? The reasons for my answer in the negative to this question, and responses to the other questions, are set out in the next section.

Framework for constructive interdependence

To summarize my argument so far, Islamic fundamentalists should not seek to implement *Shari'a*, because that is inconsistent with the protection of the human rights of all the citizens of the country, including the collective right to self-determination of Muslims themselves, which is supposed to be the basis of the demands of these movements. Moreover, this objective cannot be achieved in practice because it will be resisted by Muslim and non-Muslim citizens of the country, as well as the international community at large. Despite the limitations it imposes on Islamic fundamentalists, the proposed framework is in fact consistent with their nature and dynamics as social movements in their own context. But since my argument is premised on what I call a framework for constructive interdependence, let me begin by explaining what this means and how it works in practice.

The point of departure for this framework is the reality of growing global economic, political and security interdependence, with consequent greater possibilities for cross-cultural influence and cooperation. By calling for acknowledgement and addressing this reality, I am not suggesting that it is working fairly and properly for all peoples of the world. On the contrary, I emphasize this reality and its possibilities of struggles for human dignity and social justice as a necessary step towards improving its operation for all concerned. But demands for improvement cannot be taken seriously unless they come from those who accept the legitimacy of the existing system in the first place. It is therefore necessary for Islamic fundamentalists to accept both the reality of interdependence and possibilities of cross-cultural influence, before they can call for some reforms in the actual operation of the system as a whole. Addressing the injustice of the current operation of this global system also needs to be founded on a clear understanding of its nature and consequences. A critical factor in the initial formation and subsequent development of the present global system is, in my view, European colonialism and its dissolution under the principle of self-determination, as it has evolved after the Second World War.

The full impact and implications of colonialism for all concerned societies will remain the subject of much scholarly and political controversy. But it is already clear that colonialism succeeded in imposing the European nation-state model throughout the world, including the application of European conceptions of international law. During the late nineteenth and early twentieth centuries, European powers ensured the dominance of their view of the nation-state as the essential framework for national politics and international relations by imposing their own normative standards

and practical determination of the 'recognition' of political entities as 'sovereign' states. Through bitter experience, including two devastating world wars in the first half of the twentieth century, it became clear that this international system is in fact premised on the national unity and political stability of its members. Experience has also shown that national unity and political stability cannot be sustained without the protection of fundamental human rights for all persons and groups within each country.

From this perspective, the protection of human rights, whether as fundamental constitutional rights or international norms, should therefore be seen as integral to the practical working of the present system of national politics and international relations, rather than simply the product of the moral impulse of so-called Western countries. Article 55 of the Charter of the United Nations, which is a treaty ratified by all Islamic countries, provides:

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: . . . (c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.

According to Article 56, 'All Members pledge themselves to take separate action and in co-operation with the Organization [UN] for the achievement of the purposes set forth in Article 55.' Despite nominal protests against this view of national politics and international relations in the name of cultural relativism or contextual specificity, all governments seek to either show their compliance with these requirements, or justify what they represent as a 'temporary' failure to comply. All peoples of the world, including Muslims everywhere, have no choice but to organize their internal affairs and vital international relations through this system.

The idea of human rights is also critical to the concept of the nation-state, in the European sense that has been universalized through colonialism. As experience has shown, the citizens of any state need not only domestic protection of their fundamental rights, but also international safeguards against the failure of their nation-state to provide sufficient protection. Indeed, as noted earlier, the protection of the internal right to self-determination of their citizens is a condition for respecting a state's claim to exclusive territorial jurisdiction.¹⁵ Since Islamic fundamentalists have accepted the present nation-state system, and in fact seek to seize control of the state in order to use its powers to their own advantage,

they are required to accept its limitation by constitutionalism at the national level, and international law for the sovereignty of their state to be accepted by others abroad. This system is certainly not working well for many societies for a variety of reasons, and may indeed be totally transformed or replaced in the future. But whether the objective is reform, transformation or replacement, it can only happen from within the system, over time.

Subject to the caveat that familiarity with a model tends to inhibit one's ability to imagine an alternative to it, I am convinced that the present system is sound in principle, credible in practice, and consistent with the right of all, including Islamic fundamentalists, to self-determination. People everywhere have always gathered into political and social institutions in order to protect their vital individual and communal interests. Over time, they have either consolidated specific forms of association that they find conducive for their purposes, or modified and adapted those forms of association if they did not work. Among the wide variety of such institutions known to different human societies, past and present, the nation-state model appears to suit conditions of life in this age of massive urbanization, industrialization and global international relations. This system is also flexible and open to change by the totality of the population of the state in question.

But this process can only work for one group if it works for all others. From the perspective of this chapter, for example, Muslim persons and groups can expect the system to work for them only if they are willing to contribute to its working for others. For the system to work for as many persons and groups as possible, there is need for normative and institutional resources that people can use in pressing their own claims, and/or in seeking remedy for any wrong done to them. This mediation of competing claims to self-determination can happen within the normative and institutional resources of constitutionalism and human rights.

Conclusion

The analysis and proposal made in this chapter may appear to concede the underlying rationale of the 'end of history' or 'the clash of civilizations' theses, namely, the superiority of liberal conceptions of the state and society, or the inevitability of clash among the world's major cultural systems. This is not true, in my view, because capitalist liberalism is not the only valid and viable philosophy of the state, and a clash of civilizations thesis assumes too much uniformity within Western as well as non-Western cultures. I reject the first thesis as imperialistic and hegemonic,

and the second as an invitation to mutual hostility and destruction. But I am not concerned here with refuting these misguided theories, though there are obviously good reasons for doing that. Rather, my purpose is to encourage Islamic fundamentalists to re-define and pursue their objectives within the framework of constructive interdependence precisely in order to successfully resist hegemonic elements in the present liberal paradigm, without sliding into a destructive clash with non-Islamic civilizations.

According to the approach proposed in this chapter, the present, admittedly Western, liberal paradigm should be seen as the product of past experiences of all human societies, and remain completely open to their perspectives today. In other words, Islamic fundamentalists cannot be expected to accept the limitations of global interdependence unless they are also allowed to contribute to its construction. Conversely, since the nature and future direction of the nation-state anywhere in the world today are the product of the contributions of all its citizens, Islamic fundamentalists have as much a right as other citizens to make that contribution from their perspective. As already emphasized, however, that can only be with due regard to the rights of others to make their contributions from their respective perspectives. In other words, Islamic fundamentalists must concede equal rights to all others, men and women alike, because that is a prerequisite condition for their own claim to equal rights. But as the preceding section has shown, Islamic fundamentalists would need to transform their ideology and practice if they are to pursue their equal rights to self-determination.

For Islamic fundamentalists, I suggest, such transformation needs to occur at a theological level before it can materialize among their communities, but the specific context of each community is also integral to the possibilities of theological change. Regarding the first requirement, theological transformation is necessary because of the inherently religious rationale of fundamentalist perspectives. But given the role of human agency in the interpretation and application of Islamic sacred sources, as emphasized earlier, the methodology and outcome of any possible theological transformation need to remain relevant and viable in the material circumstances of each community. If it is to have realistic prospects of success, a proposed methodology must be understood and accepted by a community, and believed to present a credible response to the needs of its members for peace, stability, development and protection of human dignity. In other words, the necessary transformation of the ideology and practice of Islamic fundamentalists must reflect the synergy between the theological dimension and material conditions of all Islamic communities around the world today.

Subject to the need for deeply contextual analysis for each movement, I believe that a clear appreciation of the role of both internal and external actors and factors is necessary for the transformation of Islamic fundamentalist movements in general. At the internal level, a religious community is unlikely to engage in self-critical reflection and theological innovation if it perceives that to constitute a serious threat to its collective identity and security. Such perceptions, in turn, may emerge from a combination of internal and external factors. For example, internal factors include the lack of social and political tolerance of dissent, without which there is no room for self-critical reflection and theological innovation, while Western colonialism and post-colonial domination of Islamic societies are commonly perceived as an external threat to collective identity and security of these societies.

These two types of factors can also be seen as the internal and external dimensions of the proposed framework of constructive interdependence. Agents of internal transformation are insiders who are responding to their own concerns as well as to pressure from outside. In the case of Sudan, briefly discussed above, internal concerns include the needs of the country as a whole for peace, political stability, development and the protection of human dignity of all its population. External pressures include the opposition activities of the NDA, and SPLA in particular, as well as the costs of increasing isolation at the international level. All these concerns must be addressed by the NIF, as well as by their opponents at home and abroad.

In conclusion, I am not suggesting that Islamic fundamentalist movements will succeed in achieving the proposed transformation. Rather, I am arguing that they must achieve this transformation if their claim to being a legitimate and sustainable expression of the right of Muslim peoples to self-determination is to be taken seriously. I also wish to emphasize that my analysis does not assume Islamic fundamentalists to be either all-powerful and invisible or helpless victims of external actors. Indeed, my aim includes acknowledging that they do have a choice for action themselves. In the final analysis, social movements, including Islamic fundamentalists, can vindicate their claim to represent the right of their communities to self-determination by learning to exercise that right within its legitimate normative and pragmatic limitations. Failure to do so will be tantamount to conceding the imperialist hegemony of 'end of history' or mutual destruction of 'clash of civilizations'.

Notes

- 1 Reference here is to these claims as presented, respectively, by Francis Fukuyama, *The End of History and the Last Man*, New York: Free Press, 1992; and Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order*, New York: Simon and Schuster, 1996.
- 2 On the origins, sources and development of *Shari'a*, see Abdullahi Ahmed An-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights and International Law*, Syracuse: Syracuse University Press, 1990, Chapter 2.
- 3 The following outline of the basic profile of an 'ideal' model of Islamic fundamentalism is drawn from Richard Mitchell, *The Society of the Muslim Brothers*, London: Oxford University Press, 1969; Johannes J.G. Jansen, *The Neglected Duty: The Creed of Sadat's Assassins and Islamic Resurgence in the Middle East*, New York: Macmillan, 1986; Rifa'at Sayyed Ahmed, *The Armed Prophet: The Rejectionists*, London: Riad al-Rayyes Books, 1991a; Rifa'at Sayyed Ahmed, *The Armed Prophet: The Revolutionaries*, London: Riad al-Rayyes Books, 1991b; and Sadik J. Al-Azm, 'Islamic fundamentalism reconsidered: a critical outline of problems, ideas and approaches', Part I, in *South Asia Bulletin*, vol. 13, nos 1 and 2, 1993, pp. 93–121, and Part II, in *South Asia Bulletin*, vol. 14, no. 1, 1994, pp. 73–98.
- 4 See, for example, Olivier Roy, *The Failure of Political Islam*, Cambridge, MA: Harvard University Press, 1994.
- 5 For an overview of this history see, generally, Ira M. Lapidus, *A History of Islamic Societies*, Cambridge: Cambridge University Press, 1988.
- 6 The following brief review is based on I.M. Lewis, *Islam in Tropical Africa*, 2nd edn, Bloomington: Indiana University Press, 1980; and J.S. Trimingham, *The Influence of Islam upon Africa*, 2nd edn, Harlow: Longman, 1980.
- 7 Joseph Schacht, *Origins of Muhammadan Jurisprudence*, Oxford: Oxford University Press, 1959, p. 84; S. Vesey-Fitzgerald, 'Nature and sources of the *Shari'a*', in Majid Khadduri and Herbert Liebesny (eds) *Law in the Middle East*, Washington, DC: Middle East Institute, 1955, pp. 85–112, at p. 91.
- 8 See, generally, James Piscatori, *Islam in a World of Nation States*, Cambridge: Cambridge University Press, 1986.
- 9 The Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations, GA Res. 2625 (XXV), 24 October 1970 (my emphasis). For elaboration and analysis of these issues see, for example, Martti Koskeniemi, 'National self-determination today: problems of legal theory and practice', *International and Comparative Law Quarterly*, vol. 43, 1994, p. 241.
- 10 Alan Buchanan, 'Self-determination, secession and the rule of law', in Robert McKim and J. McMahan (eds) *The Morality of Nationalism*, New York: Oxford University Press, 1997.
- 11 Frederic Kirgis, Jr, 'The degrees of self-determination in the United Nations era', *American Journal of International Law*, vol. 88, 1994, p. 306.
- 12 See An-Na'im, *Toward an Islamic Reformation*, Chapter 4, on the nature and scope of discrimination against the non-Muslim population of a country ruled by traditional formulations of *Shari'a*, as advocated by Islamic fundamentalists.

- 13 The following overview of the recent history of Sudan is drawn from the following sources: Muddathir Abd al-Rahim, *Imperialism and Nationalism in the Sudan*, Oxford: Clarendon Press, 1969; Mansour Khalid, *The Government They Deserve: The Role of the Elite in Sudan's Political Evolution*, London: Kegan Paul International, 1990; Matin W. Daly and Ahmad Alawad Sikainga (eds) *Civil War in the Sudan*, London: British Academic Press, 1993; and Francis M. Deng, *War of Visions: Conflict of Identities in the Sudan*, Washington, DC: The Brookings Institution, 1995. For the most recent developments, see *Horn of Africa Bulletin*, published every second month by the Life and Peace Institute, Uppsala, Sweden.
- 14 Abdullahi A. An-Na'im and Francis Deng, 'Self determination and unity: the case of Sudan', *Law and Society*, vol. 18, 1997, pp. 199–223.
- 15 Buchanan, 'Self-determination', p. 301.

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