



Razika ADNANI

MAGHREB: THE IMPACT OF ISLAM ON SOCIAL AND POLITICAL EVOLUTION

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MOROCCO, ALGERIA AND TUNISIA**

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SUMMARY

Between the beginning of the nineteenth century and the first half of the twentieth century, Muslim societies underwent profound social and political reforms enabling them to take an important step towards modernity. The Maghreb countries were not left behind in this reform movement known as the '*Nahda*', but the breakdown of its momentum led to a reversal of the process and the gradual renunciation of its achievements, particularly when it comes to equality and freedom.

The social and political evolution of the Maghreb countries shows a strengthening of religious conservatism that prevents them from freeing themselves from cumbersome traditional practices and values. Popular anger demanding change fails to modernise societies that ultimately impose a reassertion of the influence of religion and the past.

In this renunciation of modernisation, the role of Islam as it is conceived and practised is indisputable. It determines the relationship of Muslims to truth, to thought, to others and to time. It is imperative to question the causes of the renunciation of the Nahda's achievements and of the values of modernity, and to determine how far it can go. The consequences of this renunciation are worrying, not only for the Maghreb countries but also for the Western world, and even more so for countries where Islam is an important religion, such as France and Belgium.



The Fondation pour l'innovation politique has also published Razika Adnani's note in French and in Arabic.



Detail on Maghreb on a portolan by Gabriel Valseca, 1339,
Barcelona, municipal museum
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MAGHREB: THE IMPACT OF ISLAM ON SOCIAL AND POLITICAL EVOLUTION MOROCCO, ALGERIA AND TUNISIA

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INTRODUCTION

This paper is the result of a lecture I gave in September 2021 as part of the sixth *Rencontres Internationales Géopolitiques* in Trouville-sur-mer. At that time, Algeria had just enacted its new Constitution (December 2020) in which, among other matters, freedom of conscience was renounced in order to further protect religion. In July 2022, the Tunisian constitution took a big step backwards in the most modern country in North Africa. This backward-looking phenomenon is a consequence of the rise of Islamism and traditionalism, which concerns all countries where Islam is a majority or important religion, including the West. I wanted to analyse the impact of Islam on the political and social evolution of Muslim countries: why are they unable to move away from ancestral practices and norms, and create change and deep reforms? Why do popular anger movements in Muslim countries lead to more religious conservatism and a reversion to the past?

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The choice to focus on these three countries, Algeria, Morocco and Tunisia, is explained primarily by practical reasons - the ability to give concrete examples allowing us to understand the impact - but also by the historical, cultural, geographical and sentimental ties that exist between their populations and the desire to see them achieve the Maghreb Union required to build the political and strategic force that these countries need. It is also because a large proportion of Muslims in France, but also in Belgium, Spain and Italy, come from these countries. Understanding the impact of Islam on the social and political evolution of North African societies is also an important element in understanding its impact on a large part of European societies. In this paper, I devote my analysis to the period beginning in the early nineteenth century. The aim is to explain the causes behind the return to tradition and religious conservatism in the social and political spheres that characterise Muslim societies today, which are, for this very reason, increasingly distant, in terms of norms and behaviour, from the modernisation sought by the *Nahda*.

In this study, I regularly refer to books or articles I have written when the idea requires further analysis. Also, I often specify, when I refer to Islam, that it is Islam as Muslims conceive and practice it, to make the distinction between Islam as inscribed in the Koran, and Islam as it exists under different human reality which has become theology, law and behaviour. If, according to the Muslim faith, the former is revealed, the latter is created by Muslims. Based on the Koran, of course, but it is not the Koran. Revealed Islam and constructed Islam are two concepts that I have developed in my work to underline the human part in Islam that Muslims practice, which prevents it from being perfect or sacred. Any entity that has a component in it that is not sacred cannot be sacred. This clarification is important to remind us that, if Muslims have built their Islam, or their islams, according to their culture and their era, why should they not have the right today to build another that would be compatible with the era and the values of humanism that are essential to solving the problems posed by Islam in our current societies?

I. ISLAM IN THE MAGHREB

Islam arrived in the Maghreb in the 7th century. Although Islamisation occurred over several centuries, it is from this date that the history of the Maghreb countries, the countries of Berberism or Amazighity, was intimately linked to that of the Muslim and Arab worlds, and that Islam influenced the social, political and religious life of Maghrebi people. The two doctrines, or the two most widespread forms of Islam in the Maghreb, since Islam is multifaceted, are Malekism and Sufism. Malekism, a legal doctrine founded by the jurist Malek ibn Anas (708-796) in Medina, became prevalent towards the end of the 8th century not only in the Maghreb but also in the whole western Muslim world. However, it still coexists with Sufism and has done so since about the 12th century, when the two Islams found common ground. Sufism recognised the *Sharia* as inseparable from Islam, and Malekism turned a blind eye to certain Sufi practices that it considered heretical, and even adopted some of them. This gave the Maghreb a Malekite Islam with Sufi tendencies and a Sufism with Malekite tendencies. From the end of the 20th century, Wahhabism also spread among the Maghrebi populations, favoured by the fact that it is based on the epistemological positions of Malekism and its conception of Islam. Malekism has influenced almost all other theological and legal doctrines of Islam.

Malekism is thus a legal doctrine and advocates an Islam that is inseparable from its legal dimension. As for its epistemological position, its founder wanted the Koranic texts to be the first source of knowledge in the legal field, followed by the hadiths (sayings) of the Prophet. If the legal expert cannot find answers to his or her questions in these two sources, he must refer to the traditions of the Prophet's companions or to the customs of the inhabitants of Medina. According to Malek, these customs faithfully reflect those of the Prophet. Thus, thought comes into play only as a last resort, and seventh-century Medina is a model society for all Muslims. The question of thought and whether it should have a place as a source of knowledge in relation to revelation is fundamental to Muslim thinking. This is what the analysis of the most important questions of Muslim thinking has allowed me to deduce. This epistemological question divided Muslims greatly before the thirteenth century and the emergence of the view that the truth is revealed and must be faithfully transmitted.

The sociologist and historian ibn Khaldûn (1332-1406) relates in his *Muqqadima* that Malek ibn Anas wanted the consensus - the third legal source in which all the ulama participated¹ - to be limited to Medina². For

1. Ulemas, an Arabic term meaning scholars, used in Muslim thinking to designate specialists in religion.

2. Ibn Khaldun, *El Muqqadima. The Prolegomena to Universal History*, trans. William Mac-Guckin de Slane, Berti Publishing, 2003, p. 854.

Malek, this practice by the people of Medina was not a mere consensus of the ulama, but a faithful imitation of the Prophetic tradition³. This decision stemmed from the fact that he wanted Muslims to constantly look to Medina. He thus claimed superiority for the people of Medina, and therefore for the Arabs, over other Muslims. However, behind this religious argument was a political motive. Medina was no longer the centre of political power after the capital of the Muslim empire had been relocated to Damascus and then to Baghdad. For its inhabitants, it was imperative that the Muslims continue to look to Medina and that it did not lose its authority.

In the theological field, Malekism adopted around the tenth century Acharism, founded by Abu al-Hasan al-Ashari (873-935), which advocated literalism, determinism and the thesis of the uncreated Quran. Sufism, too, is based on epistemological principles that are consistent with the given or revealed truth, such as revelation and the theory of saints, which does not encourage intelligence or rational thought. In Sufism, the superiority of the Arabs is also strongly asserted. The veneration of saints, all of whom claim to be related by blood to the prophet, in other words to be Arabs, is very much present. This presentation of Maghrebian Islam, which can also be found in sub-Saharan Africa, provides insights into the religious practice of the Maghrebians and why this practice was marked by rigorism such as that of the Almoravids (1042-1147) and the Almohads (1125-1212). Ibn Khaldun described the Berbers as people who were in an exaggerated practice of Islam, an excess of zeal⁴. He also pointed out the claim of many Berbers to have Arab origins⁵. In my analysis⁶, I have linked this desire to have Arab origins, which is still widespread among the Maghreb populations today, with the overzealousness raised by ibn Khaldun. Both phenomena reveal a feeling of inferiority.

Between the 7th and 12th centuries, the Maghreb was part of the great Muslim civilisation. When the Muslim world sank into a long period of decadence, it also became part of this history of underdevelopment, from which it too, would not awaken until the beginning of the nineteenth century, with the emergence of the *Nahda*, an Arabic term often translated as 'rebirth' or 'awakening'.

3. *Ibid*, p. 857.

4. Ibn Khaldun, *The History of the Berbers*, trans. William Mac-Guckin de Slane, Berti Edition, 2003, p. 151.

5. *Ibid*, p. 149.

6. See Razika Adnani, *La nécessaire Réconciliation*, UPblisher, France, 2014.

II. THE “*NAHDA*”, A PERIOD OF MODERNISATION

The *Nahda* refers to a modernisation movement that the Muslim world, and specifically the Arab and Maghreb countries, experienced between the beginning of the 19th century and the first half of the 20th century. This modernisation movement concerned all areas: literature, society and politics. It was driven by intellectuals and politicians of Christian, Jewish and Muslim faith, all of whom aimed to bring their countries out of underdevelopment and into the age of modernity. The term *Nahda* should nevertheless be considered with caution as it has been reclaimed by Islamists and conservatives. For the majority of historians, the starting point of the awakening of the Muslim world is Egypt, Napoleon Bonaparte's expedition in 1798 having made the Egyptians aware of how far behind they were. For Bernard Lewis, “the French Revolution was the first great intellectual movement of Western Christianity to be imposed on Islam”⁷ and it was its secular character that gave it legitimacy in the eyes of Muslims. The *Nahda* was an attempt by Muslims to break away from traditions and social and moral rules that were claimed to be divine to build a society according to different rules conceived by human thinking, and capable of embracing the dynamism of society, as opposed to the rigid rules of religion that freeze society.

The Maghreb countries were not left behind in the *Nahda*. They too have undertaken political and social reforms that changed their image in a few years, in an extraordinary way and in all fields. The adoption of the constitutional system was the most significant, but we should also mention the creation of the modern school, separate from the mosque, and the emancipation of women by obtaining rights they had never dreamed of before: to leave the house alone, to not wear the headscarf, to be educated and to work. It was also at this time - and encouraged by the European anti-slavery movement - that the abolition of slavery took place. Tunisia was the first Muslim country to take the step in 1846. The abolition of slavery was a considerable step forward in the emancipation of Muslims from the constraints of the *Sharia* and from those who jealously safeguarded its perpetuation. At the same time, it demonstrated that Muslims were capable of emancipation if there was sufficient will. This should have been a convincing argument for the abolition of other ancient and humiliating Islamic rules, such as those that subject women to discriminatory rules, including polygamy, unequal inheritance and repudiation. This has not been the case. This is evidence of the limitations of the *Nahda*. In the mid-twentieth century, its failure was observed. Today, it is the renunciation of its achievements that is a cause for concern.

7. Bernard Lewis, *Islam*, Gallimard, coll. "Quarto", 2005, p. 891.

III. THE IMPACT OF ISLAM ON THE POLITICAL EVOLUTION OF THE THREE MAGHREB COUNTRIES

In the three Maghreb countries, the first impact of Islam in the political field was the inclusion of the reference to Islam as the state religion in their first constitutional texts. This marks the limits of state modernisation and organisation. From their first constitutional texts (1959 for Tunisia, 1962 for Morocco), Tunisia and Morocco reinforced this reference to Islam with other articles. The Tunisian Constitution states in its preamble that "the State remains faithful to the teachings of Islam", while the Moroccan Constitution emphasises that "the Kingdom is an Islamic State". As for Algeria, although its 1963 Constitution merely states that "Islam is the religion of the State" (Article 4), between 1976 and 2016 it gradually introduced additional articles, all of which are intended to protect Islam.

Thus, these countries that aimed to modernise were unable to free themselves from the traditional system and its norms. The *Nahda* did not allow Muslims to change the conception of Islam desired by the legal experts: a religion inextricably linked to its social organisation, and therefore to politics. This reference to Islam has been the obstacle preventing the construction of constitutional systems in these countries and opposing the achievement of the modern state. It has opened the door through which religion constantly intrude into the legal system and state organisation, leading to political and social development becoming increasingly religiously imbued and marked by a renunciation of the *Nahda*'s achievements.

When a state declares in its constitution that it belongs to Islam - which is also a legal system - this implies that it has other fundamental laws. In this case, either the constitution is not the fundamental law of the state - the one on which all laws are based - or there are two fundamental laws, the constitution and religion. In both cases, there is a failure of the constitutional system. Unless the constitution, in order not to lose its status as a fundamental law, adopts the laws or principles to which it refers. The problem arises more when the principles of the constitution and the rules of Islam are in conflict, as is the case with the constitutions of the three Maghreb countries. They affirm that Islam is the religion of the State and at the same time they are committed to the Declaration of Human Rights, which Islam, as Muslims understand and practice it, does not recognise⁸. Moreover, the rules of Islam organise the life of Muslims from the smallest matter to the largest, which means that the

8. Since July 2022, Tunisia no longer refers to the Declaration of Human Rights in its Constitution

constitution refers to ordinary laws and not to fundamental principles, which moreover no one is aware of since these constitutions do not give any details about the laws of Islam, which itself is the religion of the state.

This gives the legislator a great deal of freedom. It can go from a rigorous and fundamentalist Islam to a flexible and modernised Islam. It also determines which areas it subjects to religion and which to the modern laws of the constitution. The assertion that "Islam is the religion of the state" has meant that the governments of these three countries are ultimately governed by the will of men, the clerics, and not by law, whereas the constitutional system is designed to remedy this, that is, to ensure that governments are governed by law and not by the will of one man or a group of men. The American Constitution of 1787 was thus designed to combat the arbitrariness of parliament and to prevent it from legislating as it pleases. In 2011, the Moroccan Constitution specified that it was a moderate Islam without always giving clear details on the principles of this moderate Islam that would really allow it to be differentiated from other islams. In 2022, Tunisia refers to the "*maqassid* [objectives] of Islam" (art. 5) or "*maqassid* of the *Sharia*" that the state must achieve, but does not say which Islam it is either. Indeed, Islam is vertically multiple: there is an Islam with God, according to the Muslim faith, an Islam inscribed in the Koran and an Islam that Muslims have understood from the Koran. This third level of Islam is in turn manifold on the horizontal level: there is a Sunni Islam, a Shiite Islam, a Sufi Islam and many others.

Ambiguities and inconsistencies

This constitutional situation is also the source of many ambiguities and inconsistencies within the fundamental texts of these countries, which mostly concern two principles of modernity: equality and freedom. They are fundamental in the Declaration of Human Rights, whereas Islam - as Muslims have constructed it based on the Koran - does not recognise them. It is based on two other principles: obedience and inequality between men and women as well as between Muslims and non-Muslims⁹.

These ambiguities and contradictions can be observed in the Algerian Constitution, which stipulates its commitment to human rights and equality between the two sexes, which it has enshrined in its text since 1963 (art. 11 and 12). It consolidated this in 1976 by affirming the prohibition of all discrimination based on gender prejudice (art. 39), along with references to Islam. Tunisia too, affirmed its respect for

9. See Razika Adnani, *La nécessaire Réconciliation*, UPblisher, 2nd edn, 2017, p. 43

human rights from 1959 to 2022. However, it remained very ambiguous on equality between men and women, which it only clearly recognised in 2014. However, at the same time it affirmed its commitment to the teachings of the Islamic faith, whose rules are based on the principle of inequality. The same ambiguity characterising the Tunisian constitutional text was accentuated in 2022, as we will demonstrate. The Moroccan Constitution only refers to the Declaration of Human Rights in 1992, which, in comparison with its neighbours, reveals its more conservative nature. As for equality in rights and duties between men and women, it only attested to this in 2011 (art. 19). However, it still insists that Morocco is an Islamic state and that "The King, Amir Al Mouminine (Commander of the Faithful) ensures respect for Islam" (art. 41).

The Tunisian and Algerian Constitutions state that all citizens are equal but, at the same time, that the President of the Republic must be a Muslim. This is tantamount to saying that citizens are not equal, as non-Muslims are not entitled to the position of President, which is another contradiction within the constitution.

Other ambiguities within these constitutions concern the principle of freedom. The latter is fundamental to the Declaration of Human Rights and the democratic system, although Islam does not recognise it. Therefore, these Constitutions assert a right and prohibit it. As a result, it is not clear whether the basic law of the state guarantees freedom, including freedom of belief or not. In 1976, Algeria distinguished itself from its two neighbours by affirming freedom of conscience (freedom of belief in the Arabic version) in its constitutional text. However, it gradually added articles that consolidated the reference to Islam, which - as Muslims understand it - does not recognise freedom of conscience, and finally abolished it in 2020, thus demonstrating that, in the eyes of the legislator, it is not compatible with Islam.

Egypt renounced absolute freedom of belief in 1971, after having promulgated it in its first constitution of 1932 (art. 13). Iraq abolished it in 1958, after having recognised it in its first constitution of 1925 (art. 13). Libya abandoned it in 1969, having recognised it in its first constitution of 1951 (Art. 21). Syria also abolished it after having recognised it in 1930 (Art. 15).

It was in 2014 that Tunisia recognised freedom of conscience in Article 6 of its Constitution, in which it also specifies that the state protects religion. In other words, in the same article, it both acknowledges and does not acknowledge it. The protection of religion is one of the arguments used by Muslims not to recognise freedom of conscience. The Moroccan Constitution, for its part, has never recognised freedom of conscience,

even though, in its preamble since 1992, it has affirmed its commitment to human rights.

It was during the very first centuries of Islam, between the 7th and 10th century, that Muslim legal experts, responsible for establishing the law of the land, decided to deny people the right to freedom of conscience. Despite several Koranic verses that mention and acknowledge it, they found others that legitimised their decision. The legal experts did not legislate because the laws existed in the Koran: they created laws that their society needed and then sought legitimacy for these laws in the Koran. The legislator who denies freedom of conscience today is really just taking over a law that was put in place by Muslims centuries ago. The law reflects the morality and soul of the legislator who conceived it. Anyone who believes in freedom of conscience as a human right would surely have found in the Koran what would have enabled him to see no contradiction between his faith and this freedom.

Many ambiguities and contradictions are present in the constitutions of the three Maghreb countries, so that today it is difficult to know which fundamental laws determine the functioning of the state and which rights of individuals are guaranteed by the constitution. The same problem characterises almost all Muslim countries. Egypt, for example, declares its commitment to the Declaration of Human Rights and at the same time asserts that the principles of *Sharia* law, which recognises neither freedom nor equality, are the main source of law.

Laws and inconsistencies

Inconsistencies in legal systems do not only concern the basic laws among themselves but also the ordinary laws in relation to the basic laws. They mainly concern two values: freedom and equality. For example, the Algerian Constitution guarantees human rights and the equality of male and female citizens in terms of rights and duties, whereas the family code is made up of discriminatory laws, particularly with regard to women. From 1976 to 2020, the Algerian Constitution affirmed freedom of conscience, which is not reflected in ordinary laws. This contradiction was accentuated in 2001 when the legislator decided to add Article 144 bis 2 to the Penal Code, which provides for three to five years' imprisonment for anyone who undermines Islam. Algeria also applies the same family code to all couples, which is in line with *Sharia* law and subjects pupils to the same Islamic religious education regardless of their parents' religion. Those behind this decision acted as if every Algerian was a Muslim, which does not reflect the social reality of the country.

In 1992, in an effort to give the image of a country that is not regressive, Morocco stipulated the respect of human rights as enshrined in the 1948 Declaration. However, at the same time it maintains criminal laws that do not recognise freedom of conscience and individual freedoms, such as Articles 222 and 490. In 2011, the country claimed to prohibit all discrimination against women, but it maintained the family code which is discriminatory against women, granting men privileges at the expense of women. Tunisia is not spared from these contradictions between fundamental and ordinary laws.

Family, where inconsistencies are the most visible

The area where inconsistencies are most visible is family law. When they gained independence, these countries adopted a form of positive legislation, very much inspired by European law, despite certain pieces of legislation in Muslim law which were then taken up by the legislator. *Sharia* law did not therefore appear as an explicit legal norm in their legal systems, with the exception of family law, which was explicitly subjected to the *Sharia*. For the legislator, when it comes to the family, laws must be of divine source. Hence, the modernisation of law is widely accepted except when it comes to the family. A situation whose origins stem from the time of colonisation when France imposed the modernisation of criminal and commercial law but left personal status to the traditions and religion¹⁰. Following independence, these countries continued with the same logic. They did not mind modernising the legal system but did not want to revise the family code, i.e. the status of women. Thus, the Moroccan Family Code of 1958 and the Algerian Family Code of 1984 subject women to the ancestral rules of *Sharia* law. However, the Algerian Constitution has stipulated since 1963 that Algerian men and women are equal in the eyes of the law. The legislator has therefore enacted laws that are not in line with the Constitution, which emphasised in Article 28 in 1989 that it does not accept any discrimination based on gender. The 2005 revision did not put an end to these inconsistencies since the principle of equality is still not respected, leading to a situation where social injustice is allowed by the very law that is supposed to fight it. In 1996, Morocco stipulated respect for human rights and in 2011 it recognised equal rights, without restriction, between men and women, which the legislator has not taken into account with regard to the family despite the revision of the Family Code in 2004.

10. See Decree of 17 April 1889 on the organisation of Muslim justice in Algeria, *Journal officiel de la République française*, n° 114, 27 April 1889, pp. 1976-1980 (www.legifrance.gouv.fr/download/secure/file/SBqss0fQSVYtewEADs0r).

Tunisia has certainly been considerably ahead in the field of family law compared to its two neighbours. However, President Bourguiba, who promulgated the Tunisian Personal Status Code in 1957, was not able to abolish all the inequalities suffered by women in the name of *Sharia* law, and they are still in force, even though the Constitution has affirmed the equality of all citizens since 2011.

The clerics are not the only ones responsible for this situation. The modernists also bear a large part of responsibility for these inconsistencies and discriminations within the legal system, which allows the legislator to refer either to the modern laws of the constitution or to the traditional laws of Islam according to its will. He gets to decide which areas of the law are to be subject to laws derived from reason and which are to be subject to religion. The modernists were steeped in traditions that presented a huge psychological and cultural obstacle for them, preventing them from envisioning a situation where women would be their equals.

The threat to democracy

Freedom and equality, which are integral to the Declaration of Human Rights and the foundation of the democratic system, are the values that pose a problem for the constitutions of the three Maghreb countries, and this is also the case for almost all Muslim countries. These contradictions and ambiguities reflect the fact that these peoples, especially the Algerians and Tunisians, aspired to democracy at the time of their independence. However, in a culture where obedience is a virtue, expecting those who take power, who are part of this same culture, to have a democratic policy where the right to expression is respected is almost a paradox.

Under different modalities, the constitutions of these countries all guarantee equality and individual freedoms. Is this not proof that the state is aware that its role is to guarantee these founding principles of the modern state? However, for the state to respect the rules of Islam that were put in place centuries ago means giving up those values of modernity that Islam as Muslims understand and practise it, does not acknowledge. Declaring Islam as the state religion prevents the state from fulfilling itself as a proper state. In order to become a public power, the state must be the state of all. However, by declaring that it belongs to Islam, or to any other religion, the state admits that it belongs to a part of the population, that belongs to this particular religion. It promotes and protects the religion of one part of the population to the detriment of the others.

Revisions and reversals

Any basic or ordinary law can be subject to revision or amendment. It is the product of reflection, which is never perfect, and what seems right today may not be tomorrow. However, constitutions in the Maghreb countries are subject to too many revisions as well as multiple amendments, meaning that they lack the stability that any fundamental law should have, and that they are not safe from the whims of governing rulers. Bouteflika wanted to be president for life, which the constitution did not allow him to do, so he decided to change it. Tunisia has just promulgated a new constitution barely eight years after the previous one. These multiple revisions indicate that these countries have not yet been able to establish the basis for the organisation of their state.

However, the evolution of these constitutions is not going in the direction that would allow them to be fulfilled. Unlike Morocco, which recognised human rights in 1992 and then, in 2011, equality between men and women - even if it has not been able to respect them or to put an end to the ambiguities and contradictions in its legal texts - Algeria and Tunisia have taken an explicit step backwards in terms of individual freedoms. Gradually, the influence of religion on the political and legal evolution of these countries led to a reversal of the achievements of the *Nahda* and the efforts of the modernists.

An analysis of the Algerian Constitution from 1963 to 2020 shows that Algerians have lost whole swathes of freedoms that form the basis of the Declaration of Human Rights and democracy. In 2020, the Constitution purely and simply abolishes freedom of conscience. In the chapter on rights and freedoms, the expression 'human rights' is replaced by 'fundamental rights', a vague and subjective expression. Today, the Algerian Constitution only mentions the Universal Declaration of Human Rights in the preamble and only guarantees freedom of worship. On the other hand, it maintains the articles that refer to Islam and those that limit freedom of opinion.

This renunciation of freedoms by the Constitution reveals the stranglehold of the Islamists and a traditionalist conception of Islam on the drafting of the fundamental law. The role of a modern state is not to protect the interests of God, but the freedoms of individuals as a condition of human dignity. This is the very meaning of the state's existence and the purpose of the social contract. Looking after the spiritual life of individuals or the interest of God is not what citizens expect from the state. God is the perfect Being. He has no need of the state to defend or protect him. The claim of a state to be concerned with the affairs of God borders on blasphemy.

Of all these constitutional revisions, the one undertaken by Tunisia in 2022 makes the most significant return to religion in the constitutional history of the three Maghreb countries, including in terms of terminology. The reference to human rights as enshrined in the 1948 Declaration is totally abandoned. Instead, the Constitution affirms its attachment to the “humanistic values of Islam” and its objective to achieve the “*maqassid* [objectives] of Islam”. This expression is typical of Muslim law dating back to the 14th century Andalusian legal scholar Ach-Chatibi, who actually refers to “*maqassid* [objectives] of the *Sharia*”. It thus joins Saudi Arabia, which declares in its Constitution that “the State shall protect human rights in accordance with the Islamic *Sharia*” (art. 26). The Tunisian text does not use the term *Sharia* or the expression “declaration of human rights in Islam”. A *taquiya* perhaps, but one that will only accentuate the ambiguity and confusion within the country's fundamental law. It should be noted, however, that the Tunisian Constitution did not delete the article guaranteeing equality between men and women, nor the one affirming the respect of freedom of conscience. The problem is that this equality and freedom are not recognised by the *Sharia* and its rules as established by jurists. The proof is that no Muslim-majority country, except those that have separated politics from religion such as Turkey and Albania, recognises equality between men and women, nor freedom of conscience, nor religious freedom, nor even freedom of thought. By claiming to want to achieve the objectives of Islam or its general principles, the Tunisian Constitution affirms Muslim law, i.e. *Sharia* law. If the principles of a legal system are Islamic, the rules of law must also be Islamic. Thus, Tunisia, the most modern country in North Africa, is the one whose constitution most clearly renounces modernisation.

The failure to build a modern state

Why did the democrats and modernists - who came to power when these countries gained independence - introduce references to Islam into their constitutions when the legal rules of religion, which had been established in the early centuries of Islam, stood in the way of the modernisation of the state and society? They were certainly pressured by the clerics, for whom this reference was a guarantee that the state would not be separated from Islam. It allowed them to have control over the areas of law and society, or to take it over if necessary. This was a political objective related to the control of power. But there was another objective, which was also political. Arab Christians in the Middle East were very active in the *Nabda* movement. For Muslims, including the most democratic ones, specifying that Islam was the religion of the state, i.e. that the state was Muslim and that the president had to be Muslim, was

a way of preventing non-Muslims from gaining power and ending up with a Jewish or Christian president of the Republic. But was this the real reason? Indeed, in a democratic system where decisions are made at the ballot box, the chance of religious minorities coming to power is minimal. There was therefore another power to be safeguarded, that of men over women, more important than that of Muslims over non-Muslims. Whatever the modernists' fascination with modernity, it was not enough to accept equality between women and men. Intellectuals and politicians who wanted to modernise their societies decided that the family should remain outside this process. It was the bearers of change and evolution themselves who refused to let modernity include the family. It should be noted that at the beginning of the 20th century, the idea of women's emancipation, presented as a condition for escaping from underdevelopment, was accepted, but that the idea of equality between men and women was never on the table.

Absurd arguments

The arguments given for keeping the family in the traditional sphere were always the same: the family is the fundamental unit of society and as such must be the guarantor of traditions. However, traditions were not only about family, and legislators did not see any problem in breaking away from traditions in other areas. Moreover, in the mid-twentieth century, these countries were in a process of modernisation and logically it was difficult to envisage the modernisation of society if its primary component was to remain traditional.

A second argument concerned religion: these were Muslim societies and it was therefore normal for the family to be organised according to divine, sacred and unchangeable laws. This argument is unfair and absurd at the same time. Indeed, on the one hand, Muslim law does not only concern the family sphere and, on the other hand, the same legislator did not take over other laws from Muslim law. In the middle of the twentieth century, when the laws concerning family matters were promulgated, these countries did not hesitate to abandon other Koranic recommendations without much problem, such as those concerning slavery, corporal punishment, such as that of the severed hand, or *dhimmitude*. Why, when it comes to family, do we refuse what we accept in other areas?

It is not enough for a rule to be written in the Koran for it to be applied and enforceable. Muslims have always abrogated recommendations from some verses while retaining others. For example, verse 43 of Sura 4, Women, which allows the consumption of wine, or verse 173 of Sura 2, The Cow, which allows the consumption of pork in case of necessity, are

also disregarded by Muslims. However, things get complicated and the argument of religion is used when it comes to amending discrimination against women. The reason is that the rules governing the family give men privileges at the expense of women. Thus the reason for subjecting the family to *Sharia* law is not religion, but male domination and the desire to preserve it on the part of men who still have power.

In the mid-twentieth century, women were very active in their struggle to end the discrimination they were suffering. This was the most important factor pushing men to introduce the reference to Islam as the religion of the state in the constitution, to protect their privileges and domination over women, and to remind them that the state was Muslim and that they had to submit to the divine will. This is common to modernists, clerics and conservatives. Those who wanted equality were not sufficient in number to impose their voice.

IV. THE IMPACT OF ISLAM ON THE SOCIAL EVOLUTION OF THE THREE MAGHREB COUNTRIES

Religious exhibitionism

The struggle of Islamists to forget the achievements of the *Nahda* and 're-Islamise' Muslims not only had an impact on political developments in the Maghreb, but also on social developments. One of the most important consequences is religious exhibitionism or exaggeration in the way one displays one's religion. This can be observed, for example, in the dissemination of the Koran in public places or during the offerings of the Koran as a gift during public ceremonies. It can also be seen in language through an overzealous use of religious formulas and expressions. Every sentence spoken is thoroughly embellished with them, including in the field of science. For example, an engineer, in order to start a machine, begins by saying, "In the name of God, if God so wills". Yet, as an engineer, he knows that the machine will start if the parts that make it up are working properly, and if there is the right harmony between them. Religious feeling, while important in people's lives, should not spill over into all other areas of society, especially not in science.

The Koran is the sacred book of the Muslims, and disseminating it in any public space when people are busy with their daily affairs or offering it like any other object can only harm the Koran, especially as it goes against

its recommendations: “And if the Koran is recited, listen to it carefully and keep silence. Mercy may be granted to you”, says verse 204 of Sura 7, The Walls, or the statement: “Let only those in a state of purity touch it”, as says verse 79 of Sura 56, The Event. Religious exhibitionism is therefore not a sign of piety or religiosity, but rather the use of religion to impress others and to ensure good judgement on their part in order to achieve a social interest or personal goal.

Superstition

In the Maghreb, superstitious practices are at their peak at the beginning of the 21st century. They concern all strata of society. Television channels that propose superstitious practices and encourage the magical spirit are proliferating. Doctors who advise their patients on 'alternative medicine' such as *rokya* or *hidjama* are commonplace. The praise of Sufism and the rehabilitation of Sufi brotherhoods as a means of countering Wahhabi fundamentalism and terrorism are significant factors in this resurgence of superstition. Sufism is based on epistemological principles such as unveiling and the theory of saints, which do not encourage intelligence or rational thinking, but instead promote magical thinking and superstition. Many of the actors of the *Nahda* wanted to replace the spirit of magic with that of science and rationality. The return to these practices is another proof of the failure of their movement.

The school and the mosque

The creation of a modern school separate from the mosque was another fundamental project of the *Nahda* to build a modern society. A century later, in Algeria, Morocco and Tunisia, religion is omnipresent in the school. It has become so closely linked to the mosque that it is often difficult to distinguish between them. However, there are a large number of mosques where children can go to learn about Islam. The many mosques that have been built in recent years in these countries provide another indication of the strengthening of religiosity. The problem is that several mosques can exist in a neighbourhood that lacks the hospital facilities, cultural, sports and leisure centres that would allow young men and women to flourish in their country instead of dreaming of leaving it. But people seem to be more concerned with preserving their souls in the afterlife than with relieving the suffering of others here on earth.

The decline of law

Another reality that marks the failure of the modernisation of Muslim societies is the decline of law and of respect for the law since the 1970s. According to Hannah Arendt, it is when law no longer has any authority that society turns to tradition to organise itself. In Muslim societies, in a reverse process, the return to tradition and the strengthening of religious discourse have caused law to recede. More and more individuals claim to impose the rules of religion and the authority of traditions, even when they go against the law, convinced that they are more legitimate and that it is their duty as believers to do so in accordance with the Islamic principle of "commanding the proper and forbidding the blameworthy", which is constantly recalled by religious discourse.

The denial of origins

The denial of their origins is one of the characteristic phenomena of Maghrebi populations, which can also be found in sub-Saharan Africa. A significant part of these populations rejects the ancient history of their country as well as their Amazigh or Berber origins. The latest Tunisian Constitution makes no reference to the country's Berber history. This problem of identity was raised by ibn Khaldun in his History of the Berbers, while he himself could not resist the desire to claim Arab origins.

Generally speaking, the more rigorously a person practises religion, the more he or she claims Arab origins and even blood ties with the prophet. Although Berber-speaking fundamentalists acknowledge the ancient history of their country, they feel uncomfortable talking about it, as if they are still ashamed of their ancestors who fought against the Arabs who brought Islam. The link between Malekism, adopted by the Berbers, which claims superiority for Arab Muslims, the inhabitants of Medina, over non-Arab Muslims is easy to establish¹¹. But there is also the social and political power factor. Having Arab origins allowed, especially in the early centuries of Islam, to have the required legitimacy.

The weakening of feminism

The privileges granted to men to the detriment of women are the first impacts of Islam on Muslim societies that never took the step to becoming more fair. After the 1970s, it was feminism that was greatly weakened. Today, the strengthening of conservatism and the return to traditions that have not spared women have made them fight less and less for their right

11. See Razika Adnani, *La Nécessaire Réconciliation*, op. cit.

to be treated equally with men before the law and before society. Even when they are academically educated, they accept discrimination based on religion. For them, the inequalities they face are enshrined in the Koran and must therefore be enforced. In reality, this argument, as we have seen, is absurd as Muslims do not implement all the rules of the Koran. Just as the rules concerning slavery, corporal punishment, *dhimmitude* and others are no longer taken into account by legislators despite being enshrined in Koranic verses, neither should those discriminating against women.

"Islamic Modernism"

"Islamic modernism" is a new movement claimed today by a large majority of Muslim intellectuals who want change and even modernity, but claiming that it is a change and modernity that is inscribed in the Koran. For them, there is no problem with Islam, only with the erroneous interpretations of the Koran and the prophetic tradition by the ancients. The solution, according to them, lies in reinterpretation. The best-known names in this movement are Muhammad Shahrour (1938-2019), Margot Badran (born 1938), Zeina el-Tibi (born 1954) and Asma Lamrabet (born 1961). The latter three claim to be "Islamic feminists".

By claiming that the Koranic text is not problematic in today's world, even though it was addressed to a seventh-century Arab society and takes into account its culture, as the Koran itself states,¹² "Islamic modernists", just like the fundamentalists, deny the historical dimension of the Koranic text. While some Koranic rules have a universal dimension, many others concerning society and politics do not. Thus, the "Islamic modernists" propose new interpretations that are in reality nothing more than rhetorical ploys that fail to prove the soundness of their discourse or to convince Muslims.

"Islamic feminists" have done much harm to women's rights struggles, especially since the 1970s. By claiming Islam as the source of legitimacy for their struggle and as the framework for its scope,¹³ they claim that they only demand what is validated by Islam. However, they have never been able to prove to conservatives that the inequalities that exist in the Koran are not inequalities, as they claim. This explains why Muslim women who call themselves feminists today accept the legal inequalities that discriminate against them.

12. "We sent no messenger who did not speak the language of his people", verse 4 of Sura 14, Abraham.

13. See Razika Adnani, "Islamic feminism: an intellectual imposture", marianne.net, 7 June 2021 (www.marianne.net/agora/tribunes-libres/le-feminisme-islamique-une-imposture-intellectuelle).

At present, the Veil is a means with which to measure the success of Islamists and fundamentalists, a "veilometer" to assess the reinforcement of the religion as the ancients thought and practiced it, including in the West. Islamic feminists have played an important role in this phenomenon of the return of the Veil. They have encouraged many female academics and managers to wear it as a sign of emancipation: to be feminist, but in accordance with the recommendations of the Koran. But the Veil is fundamentally discriminatory. It discriminates against women in relation to men and against non-veiled women in relation to veiled women¹⁴. But it must be emphasised that many women also wear the veil in an act of religious exhibitionism.

V. THE PAST AS THE ULTIMATE VALUE

Muslim history is marked by backtracking. It is like a rule: with every development or step towards the future, conservatives try to make Muslims backtrack so that they never move away from the past, preventing them from evolving in terms of values, morals and behaviour. For the Moroccan thinker Mohammad Abed al-Jabri (1935-2010), the past fascinates Muslims so much that even when they think about the present and the future, they do so through the past.¹⁵ The past of the seventh century, of the religious discourse that glorifies and exalts it and presents it the way they want it to be, not the historical reality.

Daech, the ISF, Boko Haram, Aqmi and the Taliban have also dreamed of this fantasised past and wanted to realise their dream. They reinstated slavery, stoning and other corporal punishments as enshrined in the Koran. They wanted to erase fourteen centuries of human evolution. They shocked the world, including Muslims. A shock that was not strong enough, at least for the majority of them, to prompt them to engage in self-criticism, to question their way of conceiving religion and society as well as their relationship with others, and to ask themselves about the causes that led them in the twenty-first century to want to live according

14. See Razika Adnani, "Why the burkini protest in the name of equality is nonsense", marianne.net, 5 September 2019 [www.marianne.net/agora/humeurs/pourquoi-la-revendication-du-burkini-au-nom-de-l-egalite-is-non-sense].

15. Mohammad Abd Al-Jabri, *Nahnu wa al-turāth. Qirā'āt mu'āsira f turāthinā al-falsafī* ["Facing our heritage. Contemporary readings of our philosophical tradition"], Beirut-Casablanca. Al-Markaz At-taqāfi al-Arabī, 1981, p. 12.

to the social, political and moral norms of the seventh century, and to understand why, after so many efforts to evolve humanly, they have returned to the age of barbarism. What prevented them from making this self-criticism was their fear of creative and rational thought. They were unable to emancipate themselves from all the theories and concepts that were put in place around the ninth century, that were designed to prevent the expression of thought and prevent the use of reason in order to protect Islam as the elders had intended it.

Malekism and Sufism, two theories from the past

One of the habits of the Maghrebians is to present Malekism, but also Sufism, as the solution to all the problems that arise within religion, notably Islamism and fundamentalism. This is perfectly in line with the Salafist view that truth and salvation can only come from the elders, especially from Arabia, as both doctrines date back to the 8th century. Obviously, an idea does not have to be old to be bad or new to be right or good. However, as we have said, Malekism is a legal and therefore political doctrine. If Islamism is the political form of Islam, then Malekism is an Islamism, and an Islamism cannot be a remedy for Islamism. Malekism does not only claim the legal dimension of Islam, it wants its rules to be those that organised Medina in the 7th century. It is in this sense a Salafism and it is paradoxical to believe that a Salafism can be a solution against Salafism. While Muslims' negative stance towards thought as a source of knowledge is at the root of all the problems within Islam, Malekism not only does not value thought, but is also the first doctrine to take a stance against thought in Islamic history.

Sufism is also not the solution to fundamentalism and Islamism, as it does not value thought as the noble aspect of being human¹⁶, but it has come to recognise the legal dimension of Islam. Al-Ghazali (1058-1111) is the best representative of the compromise between Sufism and the jurists. Sufi and jurist, of Shafiite and Acharite obedience at the same time, he wrote on literalism: "The lawfulness of indulging in an interpretation is subordinated to the logical impossibility of a literal explanation of a text."¹⁷ As for Eric Geoffroy, he remarks about ibn Taymiyya, who was a theologian but also a jurisconsult: "This Syrian sheikh, who, let us not forget, was a Sufi".¹⁸

16. On this topic, see Razika Adnani, *Islam: what problem? The challenges of reform*, UPblisher, 2017.

17. Abû-Hâmid Al-Ghazâlî, *Epistle of Tolerance*, trans. Hassan Boualeb, Albouraq, 2017, p. 45.

18. Éric Geoffroy, *L'islam sera spirituel ou ne sera plus*, Seuil, 2009, p. 110.

The failure of Muslims to emancipate themselves from the past is due to the fact that the reform of Islam - even though it controls society, politics and thought - has not been carried out. Any work in the field of society and politics that is not preceded or at least accompanied by a reform of Islam is bound to fail.

Reforming Islam, a project of the *Nahda*

In Muslim thinking, the idea of reforming Islam was imposed as early as the twentieth century, when politicians and intellectuals realised that there was no way out of archaism and underdevelopment for their societies without modernising Islam and making it more compatible with new values. However, despite many attempts, the *Nahda* did not succeed in reforming Islam. While the conservatives bear a great deal of responsibility for this failure, the reformists are no less responsible. Their biggest mistake was failing to understand that, to reform Islam, they had to start by reforming the representation of thought in their own thinking. They did not rehabilitate free, creative and rational thought after its defeat by revelation around the 12th century. Their reform was under conditions constantly imposed on thought. They wanted to ensure that it did not undermine revelation. They excluded from the *idjtihad*, to which they appealed, what they considered to be explicit verses and immutable rules. Yet it was precisely these that were problematic and in need of reform. The limits imposed on the work of thought were obstacles to the reform. The reformers were also unable to change the concept of Islam imposed by jurists, while the modernisation of politics was not possible without a new representation of Islam as a religion rather than a political entity.

The *Nahda* could not propose other answers to the two main questions of Muslim thought: that of thought as a source of knowledge and the place it should or should not have in relation to revelation, and that of the nature of Islam: is it purely a kind of spirituality or both a spirituality and a social organisation? The *Nahda* reiterated the same positions that Muslims opted for around the thirteenth century and that eventually led to the decline of Muslim civilisation.

The political and geopolitical factors of the twentieth century, such as colonisation, the creation of the State of Israel in 1948 and the military defeat of the Arab countries in 1967, were not the causes of the *Nahda*'s failure. However, they did provide unexpected arguments that Islamists and conservatives used in their battle against the modernists.

The post-*Nahda* reformists

The post-*Nahda* 'reformists', women and men, or those who present themselves as such, have not done any better than those of the *Nahda*. They approach reform with the same Salafist epistemology and with the same conditions to which they subject thought. Some, whom I call 'Salafi modernists', defend new ideas such as democracy, equality and even the separation of politics and religion, such as the Jordanian Shaker al-Nabulci (1940-2014), while trying to prove that these ideas were already known by the early Muslims. Their principle is still Salafi: an idea is only true if it was known by the elders.¹⁹

Others, whom I refer to as 'Islamic modernists', see themselves as reformists, because they fight for a reform of Islam and society, and defend certain ideas belonging to modernity, such as equality. They do not look for proof of their legitimacy in the books of the ancients, but only in the Koran and thus in prophetic society. They blame any problems on commentators who have misinterpreted the Koran. Change and even modernity, which they claim, are Islamic because they come from Islam and precisely from the Koranic texts. This movement, which includes the 'Islamic feminism' I mentioned earlier, for which reinterpretation would solve all problems, has created long disputes over interpretation, where everyone wants to prove that their interpretation is the right one, but has never been able to provide reliable answers to the problems posed by Islam in our current societies, for the simple reason that it denies them.

Uprisings that do not lead to reforms

During the *Nahda*, the modernisation of Muslim societies was extraordinary in many ways, but it ultimately failed and its achievements are now being rolled back. The reason for this is that Islam, as understood and practised by Muslims, remained in its traditional version, developed between the 7th and 10th centuries. It has not kept pace with the profound changes in societies, even though it controls all spheres of society and shapes the way people think and reflect.

This lack of reform of religion is also the reason why popular revolts fail to revolutionise Muslim societies, whether in the social, political or human spheres. With each popular protest, a revolution is announced, and people marvel at the new world that is being born. However, the term "revolution" soon fades and disappears from common language. Not only does popular anger not lead to progress, but it leads to a reaffirmation of religion and traditions, and more backward steps.

19. On this subject, see Razika Adnani, *Islam : quel problème ?...*, op. cit, p. 178.

If “reform is the true spirit of revolution”,²⁰ then reform that revolutionizes needs new ideas to exist. This is where the situation has stalled in Muslim societies. Looking to the future is still frightening, unless it is a future that is seen as a continuation of the old or a return to the past. One principle still haunts people’s minds: that all innovation is misguidance. Fundamentalists ended up imposing it around the tenth century and many attribute it to the prophet. It makes creativity a sin. The change that people want does not generate the new ideas needed to bring it about. Muslims do not allow themselves to conceive change outside of the paths laid out by the ancients. They take to the streets, even shouting their desire for equality and freedom, but they are afraid to project themselves into a future that does not conform to the past or to conceive new social and political norms. They do not have a project for society. Only the Islamists and the conservatives conceive projects for society, but they are all based on the past. Each time they impose more religion in the legal and political sphere and, consequently, more renunciation of the achievements of the *Nahda*, of modernity and its values, equality and freedom, in other words, more return to the past.

In reality, no society makes a complete and absolute return to the past. Human beings cannot totally escape from their time. The Maghreb societies of today are not those of yesterday, and even less so those of the seventh century. The return to the past is about the moral and social norms and values that are reflected in individual and collective behaviour. Today, if in Muslim societies women work and go to university, if couples go to restaurants and if the use of social media has become widespread, nothing has changed concerning the equality of rights between men and women, the respect of people’s privacy or their freedom of conscience.

In a video shot in Morocco, young people, seemingly very trendy, argue that an apostate should be killed. The result of the religious discourse is that although Muslims are evolving materially and economically, they remain in the past when it comes to values and norms. The more emancipated among them, especially in the West, claim freedom and equality, but these terms have taken on another meaning in their discourse, the one that Islamists have given them. Therefore, equality between men and women would be a spiritual equality, in other words before God, but never a social nor legal equality. Islamists defend the freedom that allows them to impose their norms in the public space even when these same norms do not recognise such freedom.

20. See Cynthia Fleury, *Les Pathologies de la démocratie*, Le Livre de poche, coll. 'Biblio essais', 2005, p. 54.

VI. RENUNCIATION, BUT TO WHAT EXTENT?

How far will the renunciation of modernity go? The question is worth asking, given that the rejection of the achievements of the *Nahda* is constant and persistent. Tomorrow, what will remain of the equality and freedoms won over archaism? These are the two values that Muslims reject even though they are the foundations of modernity. From the outset, the position of Muslims towards them has oscillated between the reticence of the modernists and the categorical refusal of the fundamentalists and Islamists. The former wanted a modernity that do not, precisely in the area of the family, run counter to their traditional values; as for the latter, who were as much clerics as doctors, engineers or writers, they purely and simply demonised it. For example, the Algerian physician Ahmed Aroua (1926-1992) stated that modern democracies are not “superimposable on the Islamic ideal, for the obvious reason that they are the product of a civilisation dominated by material values”.²¹ It is astonishing that respect for individual freedoms and the view that human beings are equal in humanity and rights is seen as an expression of material values...

It is legitimate to worry about this regression, because renouncing modernity means returning to the time when the primitive side of human beings prevailed. The time of slavery, of *dhimmitude*, of women's lifelong confinement and humiliating low status. When it comes to human behaviour, modernity is not tied to time or equated with the 'now' or the 'recent'. It is the adulthood of humanity. Indeed, only those who have reached a certain level of maturity can think of the principles of modernity, freedom and equality, and only those who can control their instincts can take them as rules for their individual and social behaviour. Only those who can subdue their egoism, their desire for domination and their inclination towards barbarism can consider the other as equal to themselves in dignity and rights.

How far will the renunciation of the evolution of our humanity go? The question deserves to be asked, given the pace at which we are retreating. Will women in the Maghreb be locked up again? Will they be forbidden to go out, to travel or even to get an education? Will slaves be sold again on the markets of Algiers, Tunis or Rabat? Will corporal punishment and *dhimmitude* be reinstated? These concerns are not unjustified after Daech, the Taliban and the mullahs have been able to impose their practices, and the West itself is not spared from this regression.

21. Ahmed Aroua, *Islam and Democracy*, Éditions Maison des livres, 2003, p. 16.

The West is not spared from regression

Since *The Decline of the West* by Oswald Spengler (1880-1936), a book published in 1918, many have predicted the decline of the West. Today, reality increasingly reveals that the West is incapable of defending its values,²² weakened by the war in Ukraine, economic difficulties, new deviant ideologies coming from the United States, corruption, uncontrolled immigration, lack of integration, the rise of Islamism, etc. A good example is the Council of Europe's 2021 campaign to promote the veil, which is the most oppressive and discriminatory visible practice for women. The West, which has long been the locomotive in the field of protecting women's freedoms and rights, is trampling on its own values.

In the past, the role of Western civilisation in the emergence of the *Nahda* and the modernisation of Muslim societies was indisputable; today, countries practising a very retrograde Islam are gaining more and more influence and imposing their norms by using their financial power, in Muslim countries but also in the West. The International Federation of Football Associations (Fifa), which has entrusted Qatar with the organisation of the 2022 World Cup, is turning a blind eye to the discrimination against women in this country in the name of *Sharia* law, as well as to the lack of respect for individual freedoms. Countries such as Iran and Saudi Arabia, which discriminate against women, sit on UN human rights institutions. As soon as the Taliban returned to power in Afghanistan, they again imposed their ancestral rules that undermine human dignity, without considering what the international community or the UN Commission on Human Rights had to say.

Equality between all human beings, especially between women and men, is the most noble and precious gift of Western civilisation to humanity. Today, countries exporting radical Islam are increasing their efforts to convince the world that men are inherently superior to women. When they talk about equality, which they claim to defend, they say that women will have all their rights, according to what the *Sharia* grants them, and according to what they deserve, which corresponds to their nature, as stated in Article 25 of the Mecca Charter, signed in May 2019 by 1,200 participants, representatives of Muslim countries, all of them male, at a symposium organised by the Muslim World League in Saudi Arabia. If humanity renounces the equal rights and dignity of all human beings, it will be renouncing an entire part of its evolution towards maturity.

22. See Razika Adnani, "Le voile : l'Occident ne savent plus défendre ses valeurs", published by Fildmédia, razika-adnani.com, 19 November 2021 (www.razika-adnani.com/le-voile-locident-ne-sait-plus-defendre-ses-vales/).

However, the West is not being pulled back into the past solely by the Islamists, who have admittedly become well established, but also by its own fundamentalism. In June 2022, in the United States, under pressure from the most conservative Christian right-wing representatives, the Supreme Court announced the annulment of the "Roe vs Wade" decision, which had guaranteed abortion as a constitutional right since 1973.

VII. THE CHALLENGE AHEAD WITHIN ISLAMIC SOCIETY

History teaches us that no reform or development is immune to setbacks. That is why vigilance must be great and permanent. However, when a civilisation is based on such an important element as religion, and when religion controls all areas, evolution is even more difficult, and backtracking becomes more threatening if the religion itself does not evolve. As far as Islam is concerned, it is necessary to work from within to stop the backward movement and the renunciation of the achievements of a century and a half of efforts and struggles by the actors of the *Nahda*, in order to avoid the downfall of the human being.

One cannot tell more than one and a half billion people in the world not to be Muslims anymore, but one has the duty to tell them that another way of being Muslim is possible. Muslims never put all the Koranic recommendations into practice, and they could not do so even if they wanted to, because many of them contradict each other²³. Throughout their history, they have neglected those that do not fit their culture, needs and political interests and have retained others. Why would those of today not do the same? They would neglect the verses that are problematic for them and that do not fit in with current values, and emphasise those that are universal in scope. If Muslims have not been able to carry out this reform, it is not because it was unfeasible, but because they lacked the will to do so.

Reforming Islam therefore consists in building, from the Koran, a new Islam adapted to the values of humanism: equality and freedom, which are the prerequisites for fulfilling human dignity. For this, it is necessary to free thought from the grip of the elders, their epistemology and their

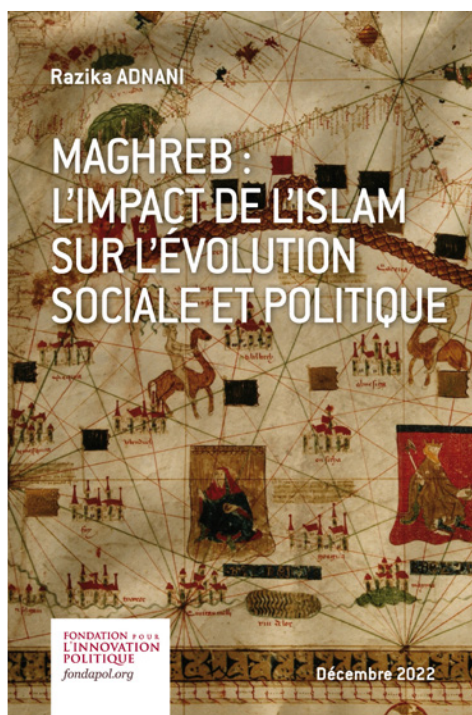
23. See Razika Adnani, "Les musulmans ne mettent en pratique toutes les recommandations Coraniques", *Algérie Culture*, 22 March 2022 (www.razika-adnani.com/les-musulmans-ne-mettent-pas-en-pratique-toutes-les-recommandations-coraniques/).

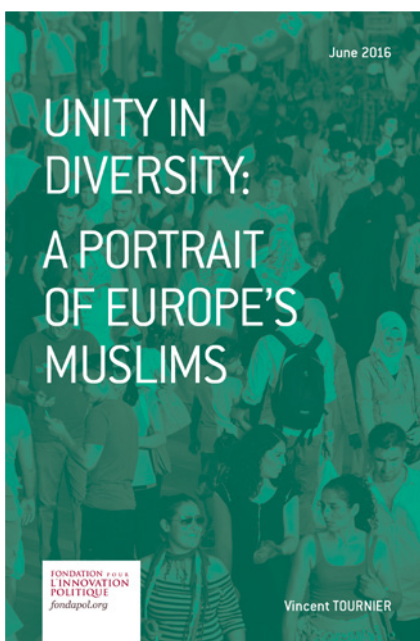
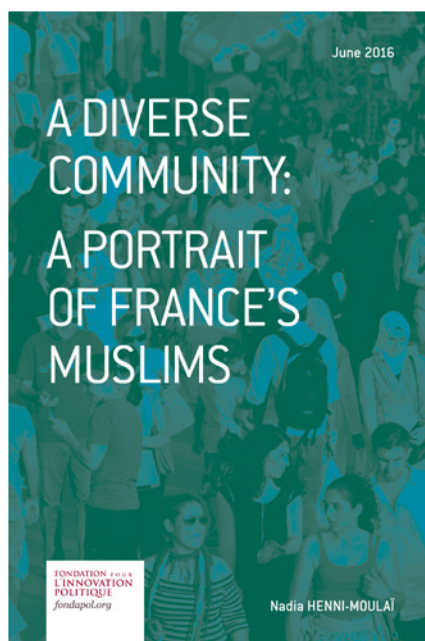
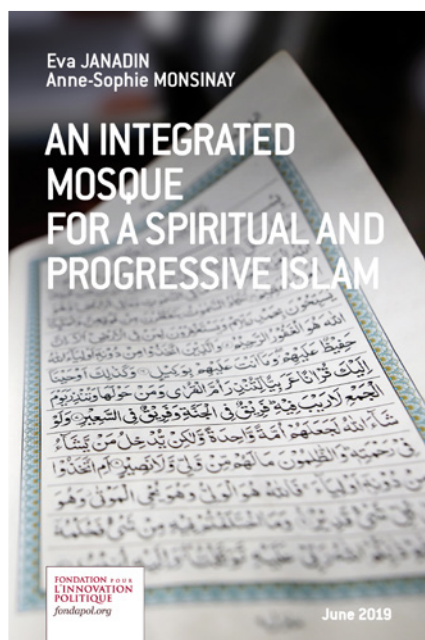
theology. The aim of this reform is not to allow *Sharia* law to continue to govern society, but for believers to be able to live their religion without coming into conflict with the laws of their country, which are based on reason. This is why this reform must first of all ensure that Islam is a religion and not a policy. This is the *sine qua non* if the modern state is to be built, i.e. a state that responds to the needs of individuals and not to those of the divine. This is the very meaning of the state's existence and the purpose of the social contract. Political reform is the emancipation of the state from the grip of religion. Confusion between religion and politics also prevents religion from evolving and flourishing; the principle that “Islam is the religion of the state” is not beneficial to either the state or Islam²⁴.

Algerians, Moroccans and Tunisians, men and women, who remain committed to the values of modernity and human rights must rely on themselves. Not only because the West is itself threatened by a backward slide, but because they must be the bearers of new ideas capable of bringing about reforms that will in turn be capable of revolutionising society, politics and the human race. For Muslim societies, the reform of Islam is the foundation of all other reforms.

In order for Muslims to engage in social and political reform, to change their reality and destiny, it is essential that the reform of Islam as a religion goes hand in hand with the evolution of society and politics.

24. See Razika Adnani, *Pour ne pas céder. Textes et pensées*, UPblisher, 2021, p. 185.







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MAGHREB: THE IMPACT OF ISLAM ON SOCIAL AND POLITICAL EVOLUTION

By Razika ADNANI

Between the beginning of the nineteenth century and the first half of the twentieth century, Muslim societies underwent profound social and political reforms enabling them to take an important step towards modernity. The Maghreb countries were not left behind in this reform movement known as the 'Nahda', but the breakdown of its momentum led to a reversal of the process and the gradual renunciation of its achievements, particularly when it comes to equality and freedom.

The social and political evolution of the Maghreb countries shows a strengthening of religious conservatism that prevents them from freeing themselves from cumbersome traditional practices and values. Popular anger demanding change fails to modernise societies that ultimately impose a reassertion of the influence of religion and the past.

In this renunciation of modernisation, the role of Islam as it is conceived and practised is indisputable. It determines the relationship of Muslims to truth, to thought, to others and to time. It is imperative to question the causes of the renunciation of the Nahda's achievements and of the values of modernity, and to determine how far it can go. The consequences of this renunciation are worrying, not only for the Maghreb countries but also for the Western world, and even more so for countries where Islam is an important religion, such as France and Belgium.

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