

REFORMIST ISLAM AND THE RISE OF
A POLITICAL *THIRD MODEL* IN THE MALDIVES:
ELITE DISCOURSES AND SOCIETAL VIEWPOINTS

by

Azim Zahir

BA, Flinders University, 2008

Master's Degree, University of Sydney, 2011



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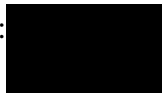
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ABSTRACT

A dominant approach to Muslim politics assumes Islam is inhospitable to democracy. Even many who are critical of this approach assume that reinterpretation of Islam is crucial for democracy. Citing the diversity within Islam, those scholars claim modernist, liberal, or reformist Islam, in particular, is a positive force for democracy. Some who favour this ‘reformist Islam approach’ have argued that most Muslims in many Muslim majority states in fact support democracy, but they prefer a ‘third model’ that is neither secular nor theocratic.

This thesis examines Islam’s relationship to democracy in the island nation of the Maldives, where Islam has existed for more than 800 years. The Maldives made a short-lived transition to an electoral democracy in 2009. Arguably a ‘third model,’ its constitution established Islam in several ways and limited citizenship only to Muslims. How and why did a democracy that institutionalized Islam come about in the Maldives? What role did the elite play in this process? Is the political outcome a reflection of how ordinary Maldivians view the relationship between Islam and democracy? While the thesis extensively engages with the reformist Islam approach, by taking discursive *and* institutional factors into consideration, the thesis adopts a ‘discursive institutionalist’ approach and focused on the period since the Maldives adopted its first constitution in 1932.

Using extensive discursive and institutional analyses, this thesis argues that while democratisation took place via competing discourses in a globalised context, in which the global human rights discourse also played a crucial role, the liberal and illiberal strains internal to nation-building projects by political actors with Islamic modernist orientations, were more decisive for the final outcome. Thus, while on one hand, discourses influenced by Islamic modernism, which have existed in the space of politics since the 1930s, facilitated democratisation, on the other, the *specific* ways in which successive modernising

governments institutionalised Islam and used it for a meta-narrative of national identity constrained democratisation towards a *third model*. Specifically, political actors, including a religious-scholar president, with Islamic modernist orientations had pursued modern nation building without jettisoning Islam, but by institutionalising a liberalised Islam and by functionalising Islam into a public discourse of national identity. Instead of weakening Islam in the polity, these processes transformed Islam into a powerful modern institutional and discursive political religion, while *nourishing* also the rise of oppositional Islamism. The *third model* outcome reflects those institutional and discursive legacies of nation building. Nevertheless, the thesis argues that while *politically decisive*, those legacies are not *discursively hegemonic*. Through a Q methodological study that systematically maps the viewpoints among ordinary people on Islam's relationship to democracy, the thesis shows there is neither one fixed model nor one fixed language – secular *or* religious – for them.

The thesis concludes by offering three generalised suggestions. First, more than any Islamic precepts or oppositional Islamism, the specific ways modern nation building may have transformed Islam could be a greater barrier against political secularism. Second, taking the contextuality of religion seriously, reformist Islam is not an invariably positive force. Instead of negating the reformist Islam approach, this conclusion gives greater precision to it: when religion – reformist or otherwise – is functionalised by the state, it can lead to detrimental consequences for both religion and politics. Third, even though one particular model may be dominant at a given time, contestations across discourses will continue to shape and reshape the religion-state nexus.

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Religion has been a major interest of mine for a long time. It led me to explore Western philosophy on my own, while still a high school student in the Maldives. Although I was initially interested in metaphysics and epistemology, I increasingly found my vocation in political philosophy and political theory thanks to Professor George Crowder, a leading scholar on Isaiah Berlin, while I was an undergraduate at Flinders University. I appreciate Professor Nikolas Kompridis, Australian Catholic University, for allowing me to attend his doctoral seminars in 2011 on religion, secularism and modernity at the University of Western Sydney, while enrolled at University of Sydney for my Master's Degree. The seminars introduced me to the critical and revisionist literature on the subjects of religion, secularism and modernity, and forced me to rethink my positions on religion's relationship to politics. A highlight of those seminars that changed how I saw religion was a systematic reading of Charles Taylor's *A Secular Age*.

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A NOTE ON TRANSLITERATION AND TRANSLATION

Most of the data for this thesis is in Divehi language, including almost all the writings and speeches of the political elites (e.g., Mohamed Amin, Ahmed Kamil and Maumoon Abdul Gayoom), the Q study interviews, and almost all the statutes and constitutions. In translating them to English for this thesis, I have tried to be faithful to the original text as much as possible. For transliteration, I have followed the conventions for Romanization as provided in a Maldivian government regulation issued in 1977, which is also used by the Maldivian National University.

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INTRODUCTION

Contexts and Research Questions

The Theoretical Context: Islam's Relationship to Democracy

There is by now a wide range of literature on Islam's relationship to democracy and Muslim politics. While no academic consensus exists on this relationship, what may be called the 'reformist Islam approach' (henceforth, 'reformist approach') has emerged as an alternative to what is often called the 'civilizational approach' that assumes Islam is inherently inhospitable to democracy. However, even the reformist approach assumes that 'reinterpretation' (or 'reformation' [An-Na'im, 1990], 'reformulation' [Hashemi, 2009, p. 12], 'reorientation' [Hefner, 2005, pp. 6-7], and 'reflexive elaboration' [Casanova 2001, p. 1076]) of Islam is crucial for democracy. Citing the diverse religious interpretations and practices that exist among Muslims, scholars of the reformist approach argue, albeit differently, that modernist, liberal, or civil Islam (henceforth, 'reformist Islam') is a positive, or even a necessary, force for democracy in Muslim majority states (An-Na'im, 1990, 2008; Bayat, 2007; Binder, 1988; Casanova, 2001; Eickelman & Piscatori, 1996; Esposito & Voll, 1996; El Fadl, 2007b; Filali-Ansary, 1996, 2003, 2012; Hashemi, 2009; Hefner, 2000, 2001, 2005, 2011b; Kurzman, 1998, 2011; Moaddel & Talattof, 2002; Piscatori, 1983; Stepan, 2000, 2014).

At the heart of the reformist approach is the assumption that Islam is the dominant language or the main intellectual resource of politics for Muslims. In Eickelman & Piscatori's (1996) words, "it is not an exaggeration...to say that 'Islam' constitutes the language of politics in the Muslim world" (p. 12). Three reasons may be offered why reformist Islam may be necessary for democracy. First, the modernizing 'secular' states and 'secular' ideologies

such as nationalism in the Middle East have failed and, as a consequence, they effected the resurgence of ‘Islamism’ since the 1970s (Akbarzadeh, 2012; Esposito, 2000, pp. 2-9; Esposito & Voll, 1996, p. 6; Feldman, 2008, p. 20; Mirsepassi, 2000). While scholars differ on what exactly Islamist movements entail for politics, the phenomena broadly shows the dominance of Islam and Islamic identity in politics. Hence, Hefner (2001) claims that “the discourse of democracy in modern Muslim societies can take hold only if it responds to the criticisms of conservative Islamists” (p. 499). As far as the more ‘moderate’ Islamists are also concerned, the success of democratisation would depend on how they re-adjust their positions on religion-state relations, as the examples of Tunisian Islamist Ennahda (Stepan, 2012) and Turkey’s Justice and Development Party (AKP) (Kuru, 2013) suggested. Second, and related to the first, is the fact that Muslim *societies* more broadly have not undergone “radical secularization Western theorists had predicted” (Hefner, 2005, pp. 6-7). In other words, Islam is a key marker of identity in Muslim societies. Hence, reformist Islamic rationales would be necessary for democratisation (Casanova, 2001; Hashemi, 2009; Hefner, 2005).

A third reason why a reformist Islam may still be needed for democratisation is related to the findings of survey literature on Muslim public opinions, which has suggested that most Muslims in many Muslim majority states desire democracy (Esposito & Mogahed, 2007). However, it also shows that most Muslims desire shari‘a and Islam to play a public role. Thus, they want a ‘third model’ that is neither secular nor theocratic (Esposito & Mogahed, 2007). A ‘third model’ democracy may be ostensibly a contradiction in terms as “[i]t is generally believed that modern democracies have to be ‘secular’” (Taylor, 2009, p. xi). Admittedly, revisionist literature has deeply problematized the assumption that democracy requires a sharp separation of religion and the state (Stepan, 2000, 2014). According to Alfred Stepan’s ‘twin tolerations’ criterion, what democracy requires is a certain institutional demarcation in which the political establishment and religious

establishment do not impinge unduly on each other's rights (Stepan, 2000, 2014). He has shown that a range of religion-state models is possible that could fulfil this criterion, as has in fact been the case in established democracies (see especially, Stepan, 2014)

Still, it is not clear that a third model as Muslims apparently desire it necessarily underpins the required level of distance between religion and the state under this revised understanding of secularism. That is, in spite of survey literature's contribution to the debate on Islam's relationship to democracy, it is not entirely clear what exactly a third model means for ordinary Muslims *as well as* in practical politics. As Hefner (2011b) stated:

To observe that today's Muslim publics seem drawn to both the shari'a and democracy is not to suggest that public opinion is settled; nor is it to imply that accommodating the two aspirations in a workable constitutional framework is easy or even possible. (p. 4)

Specifically, it is not clear what a workable third model would entail, especially for the situation for women, non-Muslims and Muslim nonconformists (Hefner, 2014, p. 93; 2011b, pp. 23-25). Many scholars have argued that religious freedom, in particular, to be a major problem for Muslim majority countries (Cesari, 2014; Fox, 2014, 2015; Grim & Finke, 2011; Philpott, 2017; Rowley & Smith, 2009). For Cesari (2014), "[t]he protection of religious freedom is the conundrum of Muslim-majority countries" (p. 239). Muslim third model consolidated democracies are also rare in practice. Even Indonesia, the most prominent Muslim third model and the largest Muslim state, with its 'religious-secular hybrid' (Menchik, 2016, p. 30) or 'pious democracy' (Menchik, 2017), limits certain rights on religious grounds. Such rights include those related to religious freedom (Cesari, 2014; Menchik, 2016).

Many who espouse the reformist approach assume that "the influence of certain religious authorities and ethico-legal legacies peculiar to the Muslim world" (Hefner, 2014, p.

93) may be the reasons for limitations on certain individual rights like religious freedom (see also, An-Na'im, 1990; An-Na'im, 2008; Esposito & DeLong-Bas, 2018). Thus, the logical solution would be ethicalised and reformist reinterpretation of the classical shari'a (e.g., An-Na'im, 1990, 2008; Hashemi, 2009; Hefner, 2011a, 2014). It is also this explicit or implicit normative recommendation that lies in the suggestion that the challenge for 'Muslim democrats' would likely be to show to both anti-democratic Islamists and opportunistic politicians that "Islamic law is best understood not as an unchanging blueprint for theocratic governance but as a source for *general principles* and *ethical guidance* compatible with Muslim democracy" (Hefner, 2014, p. 97, my emphasis). The thesis of an emergent 'religious secularity' (Ghobadzadeh, 2013; Ghobadzadeh & Rahim, 2012) or 'Muslim secularism' (Hashemi, 2009) in several places such as Iran, Turkey and Indonesia, that is supposedly derived from and based in reformist interpretations of Islam, also underlies this normative solution.

In sum, under the reformist approach:

- Islam/theological resource is still emphasised as the dominant language or resource of politics.
- Political Islam is assumed as the *other* of the failed 'secular' states.
- Reformist Islam is assumed as a positive force, which may even be necessary, for a workable democracy.
- Democratisation in Muslim majority states is assumed likely to result in a 'third model' democracy.

The Maldivian Context: A Democracy Institutionalising Islam?

Engaging extensively with the above literature, this thesis analyses Islam's relationship to politics, more specifically to democracy, in the tiny Indian Ocean island nation

of the Maldives. The Maldives, with a population of about 378,114 people (National Bureau of Statistics, 2018), has received little attention in the academic literature on Islam's relationship to democracy and reformist Islam's role in politics.¹ However, Islam in its Sunni variety has existed in the Maldives for more than 800 years, and remains the *sole* recognized religion. Contrary to the assumptions of the clash of civilizational thesis, the Maldives experienced an impressive political liberalization process through the years from the late 2003 to 2009. Political parties were allowed in 2005 for the first time. A new constitution was adopted in 2008, with a sweeping Bill of Rights. Out of 46 Muslim states ranked by the number of rights in their constitutions in 2014, the Maldives was placed second, with 72 rights, second only to Albania, with 75 rights (Ahmed & Gouda, 2014, p. 60). Under the 2008 Constitution, multiparty presidential elections and parliamentary elections took place in 2008 and 2009, respectively. The presidential elections brought an end to the 30-year regime of Maumoon Abdul Gayoom on 11 November 2008. The transition seems to have fulfilled the four major requirements for a democratic transition (Linz & Stepan, 1996, p. 3). First, all parties agreed to political procedures to elect a government. Second, free and fair popular elections took place that elected the government. Third, the new government had the *de facto* authority to make policies. Fourth, there was separation of powers between the executive, legislature, and judiciary, which did not legally have to share power with other bodies. In 2010, the international democracy clearinghouse, Freedom House (2010b), listed the Maldives as an electoral democracy for the first time.

¹ The Maldives typically figures in lists of Muslim countries in the relevant literature (Cesari, 2016, p. 153; Kuru, 2009, p. 250). The sections on the Maldives with regard to the state policies on religion, by Jonathan Fox (2008, 2015) are an exception.

This democracy in the Maldives, however, institutionalised Islam in many ways. Islam is enshrined in the 2008 Constitution as one of the main bases of all laws and no laws shall be contrary to any ‘tenet of Islam’ (Article 10 (a) and (b)). When adjudicating justice, judges are required to consider Islamic shari‘a in matters on which the Constitution and law are silent (Article 142). More significantly, the Constitution also explicitly limits citizenship only to Muslims (Article 9 (d)), effectively rejecting religious freedom. Hence, religion is enforced for everyone, *technically* including for the members of minority religions – the key reason why Jonathan Fox (2015, pp. 42-46) has categorised the Maldives as a ‘religious state’ like Saudi Arabia.

The Maldivian state claims to be a 100% Sunni Muslim state. Even though minority religions have not historically existed in the Maldives, there are no reliable estimates on the actual religious affiliations of the people.² There are 134,000 foreign workers in the country, mainly from Bangladesh, India and Sri Lanka. While no statistics exists on their religious affiliations, they are predominantly Muslims, Hindus, Buddhists and Christians (State Department, 2017). They may practice their faith in private. Public congregations and the building of places of worship are illegal. For these reasons, religious freedom in the Maldives largely concerns *intra*-religious freedom and religious freedom of non-citizen foreigners – aspects often neglected in the recent secularism literature that assumes secularism is a response to inter-religious diversity (see Bilgrami, 2014, pp. 33-34; Taylor, 2010; Bhargava, 2009).

Democratisation in the Maldives has of course been fraught with major setbacks. Freedom House (2013) has delisted it as an electoral democracy since its 2013 annual

² The census does not gather this information, ostensibly because the state believes all are Sunni Muslims.

Freedom in the World report. Soon after the democratic transition, deep political turmoil engulfed the country, threatening the transition. For some scholars (e.g., Diamond, Plattner, & Rice, 2015, p. 103) the ‘forcible removal’ of the first democratically elected President, Mohamed Nasheed, halfway into his term ended the democratic transition. Nasheed resigned after sections of the security services mutinied and demanded his resignation, in what many believe to be a coup, on 7 February 2012. His Vice President, Mohamed Waheed, replaced him. New elections took place in 2013, which brought Abdulla Yameen, half-brother of former President Gayoom, to power. Since then, democratic and human rights violations have sharply increased, endangering any democratic gains that may have existed (Amnesty International, 2018; Freedom House, 2017).

Research Questions

Whether a democracy or not *any longer*, the thesis seeks to examine Islam’s relationship to democracy to the extent the Maldives experienced it. Specifically, it seeks to answer the following questions: How and why did a democracy that institutionalized Islam come about in the Maldives? What roles did the elite play in this process? Is the political outcome a reflection of how ordinary Maldivians view the relationship between Islam and democracy?

Using extensive institutional and discursive analyses of the period since the Maldives adopted its first constitution in 1932, this thesis examines how discourses of political actors in specific discursive and political contexts have shaped the religion-state institutional nexus, the self-understanding of religion, and the religious identity of the state and the people, with deep implications for democratisation in the twenty-first century. Furthermore, through a Q methodological study, the thesis systematically maps the key viewpoints on Islam’s relationship to democracy among ordinary Maldivian people so as to understand how the institutional model that emerged through the 2008 Constitution reflected those viewpoints.

While the thesis extensively engages with the reformist approach, by taking discursive *and* institutional factors into consideration, the thesis adopts a ‘discursive institutionalist’ approach (see Schmidt, 2008a, 2008b, 2010, 2015) in seeking to answer the main question.

The Main Arguments

The Key Argument

This thesis argues that the transformations of Islam into what I call a modern institutional and discursive political religion through modern nation building in the Maldives by state actors with *Islamic modernist* orientations, were decisive in shaping democratisation towards a *third model*. Thus, the institutionalisation of Islam and the definition of citizenship on the basis of Islamic faith in the 2008 Constitution reflect the *politicisation* of Islam through modern nation building, rather than oppositional Islamism, recent Salafism, or even fixed Islamic doctrines.

However, the discursive and institutional *politicisation* of Islam through nation building has not foreclosed competing discourses in the broader society. First, democratisation in the Maldives took place through *competing* discursive forces in a globalised context, including the global, universalist human rights discourse, which was taken up by an emergent oppositional public sphere and scaled up by external actors. Second, neither one fixed political model nor one fixed type of reasoning – religious or secular – exists among ordinary people. Instead, they have multiple models, including *different* third models, and multiple ways of reasoning about those models.

This argument may seem counterintuitive to many people who consider reformist Islam a positive force for democracy. Yet, the thesis stresses that the *third model* outcome reflects both the *liberal* and *illiberal* strains internal to modern nation building by state actors with Islamic modernist orientations. Therefore, the thesis highlights: reformist Islam’s positive connections to democracy, its connections to Islam’s politicization through modern

nation building, and the existence of plural discursive resources with orientations beyond religion as well as beyond the existing *third model*.

Reformist Islam's Positive Connections to Democracy

The thesis shows that reformist Islam shaped democratisation. Political actors with discourses influenced by Islamic modernism since the Maldives first attempted a constitution in the 1930s, left democracy-friendly discursive and institutional legacies. The thesis shows that the key intellectual elites behind the first constitutional experiment (which had impact on later institutional developments) were the newly educated actors directly influenced by Islamic modernism, especially in the Indian subcontinent. Their discourses supportive of 'rule of law' (*qanoonee hukoomath*), the pursuit of 'civilisation' (*thahzeeb aai thamadhdhun*) oriented towards the West, and liberal interpretations of the Islamic concept of *shura* (consultation) for constitutionalism, were key resources for constitutional developments since the 1930s.

Second, since the late 1970s, an Islamic modernist religious scholar, Maumoon Abdul Gayoom, educated in one of the Sunni Muslim world's most prestigious universities, Al-Azhar University in Egypt, dominated politics. Gayoom ruled for 30 years since coming to power as President in 1978. Hence, the broader discursive and political context for democratisation was significantly shaped by him. Through an extensive analysis of Gayoom's writings and speeches, this thesis shows that his more scholarly Islamic modernism endorsed certain rights and a certain democracy since the 1980s, both at an intellectual religious level and as a public rhetorical discourse. Also, extensive analysis of Constituent Assembly debates from 2005 to 2008 is used to show that the Islamic modernist discourse *à la* Gayoom was dominant at the Constituent Assembly.

Third, this thesis argues there is a broader connection between reformist Islam and a subtle bottom-up transformation of people's 'lived Islam'. Most ordinary people in the

Maldives support ‘democracy’ (Sharma & Zahir, 2015), and as such their ‘lived Islam’ did not seem to conflict with democracy. Reformist discourses and societal modernisation supported by such discourses since the 1930s indirectly contributed to a subtle transformation of ‘lived Islam’ so that it was hospitable to modern political discourses. However, contrary to the assumptions of scholars such as An-Na‘im (1990, 2008), such a transformation was not necessarily a reformation of shari‘a as such. Such changes in ‘lived Islam’ can best be described as a religious adjustment *in practice* shaped by religious discursive motifs (e.g. *shura*), as opposed to comprehensive reformation of doctrines.

In sum, the long-standing democracy-friendly discursive resources (e.g., discourses of *shura* and ‘rule of law’) and institutional legacies (e.g., successive constitutions with certain individual rights) that those discourses, influenced by Islamic modernism, supported, positively shaped democratisation.

Reformist Islam’s Connections to Politicisation of Islam

As much as reformist Islam positively shaped democratisation, this thesis also shows that modern nation building by state actors with Islamic modernist orientations also completely transformed Islam into what I call a modern institutional and discursive political religion, heretofore unknown in the past. Instead of jettisoning Islam from the polity, Islam’s transformation onto the modalities of the modern nation-state and as a dominant discursive frame of reference of collective identity, was central to nation building by political actors with Islamic modernist orientations.

Islam as a modern institutional political religion.

Islam’s transformation at four specific *institutional* levels is particularly germane towards making Islam a modern institutional political religion in the Maldives. First, as political actors with Islamic modernist orientations favoured the liberal idea of rule of law to be realized through statute or state law and written constitutions, shari‘a law itself was

increasingly liberalised, systematised, and codified into statute law forms. Even though non-religious laws proliferated in the process, instead of jettisoning shari‘a, it was transformed onto the modality of modern law forms.

Second, the judicial office, which was headed by a religious scholar-judge who adjudicated justice based on shari‘a interpreted from religious texts, was bureaucratised and transformed into a modern institution that no longer assumed the ‘religious authority’ of a religious scholar-judge. Modern-educated lawyers, with no command of Arabic or even Islamic jurisprudence, could head the judicial office and deliver shari‘a rulings based on codified laws and written rules. Again, instead of jettisoning Islam, the modern judiciary acquired a new self-understanding of religious authority.

Third, the role differentiation regime that long existed between religious scholar-judge, who in the Maldives was the highest religious authority, and the sultan/president as the political authority, was dismantled in 1968. Religious authority was brought firmly under the political authority of a modern chief executive, who was declared the supreme authority on religion. Religious authority thereby acquired a new self-understanding as it existed by virtue of the force of modern law, not necessarily by virtue of religious knowledge of the chief executive. This move also did not jettison religion as such; rather religion was further transformed onto the modality of modern state power.

Fourth, modern state building was accompanied by a distinctly modern Islamic identity building for the state and people. Symbolically, the establishment of Islam as the state religion in modern constitutions exemplified this institutional identity building. More concretely, the omission of religious freedom in all constitutions and the moves towards defining the modern apparatus of citizenship based on Islamic belonging – first implicitly in naturalization law in 1969, and explicitly in the 2008 Constitution – exemplified the distinctly modern Islamic identity building via law.

These four institutional levels of re-organising the religion-state nexus through modern nation building completely transformed Islam into a modern institutional political religion heretofore unknown in the pre-modern time.

Islam as a modern discursive political religion.

The thesis also argues that a fifth, extra-institutional discursive level constituted Islam's complete transformation into a modern discursive political religion as unknown in the past. The vigorous *discursive* construction of nation and national identity based on Islamic belonging, especially since the 1970s, embedded Islam as a key political discursive frame of reference in the public domain. Hence, Islam as a discursive political religion constitutes a religious nationalist ideology with deep implications, especially for issues of religious freedom.

A pre-existing state meta-narrative of collective identity derived from especially anti-colonial narratives around the sixteenth-century Portuguese maritime empire in the Indian Ocean shaped modern discursive construction of national identity based on Islamic belonging. The official historiography narrated that the Islam was existentially threatened when the Maldivian Sultan Hassan IX was proselytized into Christianity by the Portuguese in India and then later, when they subsequently imposed their rule under the name of the Christian king. However, the meta-narrative of Islamic collective identity was further reconstructed since the late 1940s by a major modernising figure, Mohamed Amin, under his nationalist discourse based on the motif of 'love of nation' (*hubbul wathan*) – a motif taken from the saying "love of nation is part of faith" attributed to the Prophet. Educated in Aligarh University – India's foremost Islamic modernist institution – and influenced by Islamic modernist and nationalist currents in India, Amin was a key elite architect of modern nation building since the time of the first constitution until his death in 1954. He left lasting discursive legacies.

However, the thesis shows that it was only since the late 1970s, under the Islamic modernist scholar president, Gayoom, that the new meta-narrative of national identity connected to Islam acquired a deeply political ideological and public discursive role. Gayoom ‘functionalized’ (Starrett, 1998, p. 9) his scholarly modernist Islam to reconstruct the meta-narrative towards a more exclusionary public discourse of identity, enabled by modern media technologies and through political mobilisations over a period of 25 years. To this end, he reconstructed collective identity based on the powerful new discourse of ‘100% Muslim Nation’ (*sathain sattha muslim qaum*), a motif that had not existed as a political discourse in the past. ‘Islam’ thereby became a major discursive frame of reference in the public domain, thereby transforming religion also as a modern discursive political religion as had never existed in the past.

Dominant discursive and institutional legacies.

The transformation of Islam as a modern institutional and discursive political religion left path dependent parameters within which the discussions for democratization could largely take place in the Constituent Assembly and the political society. The institutionalization of Islam in the 2008 Constitution was therefore directly reflective of those dominant institutional and discursive parameters or legacies. The meta-narrative of the 100% Muslim Nation, in particular, was decisive on questions of religious freedom, citizenship, and individual rights more broadly. Through extensive analyses of the public sphere and Constituent Assembly debates between the late 2003 and 2008, the thesis demonstrates how those path dependent legacies therefore constrained democratization towards a *third model*.

But, how exactly is reformist Islam connected to the transformations of Islam?

Reformist Islam in specific discursive and political contexts.

In this thesis, I emphasise the historicity and sociality of religion (S. Ismail, 2006, p. viii). The reformist discourses and modernization projects of the state actors were themselves

shaped by a pre-existing discursive field. In this respect, the pre-existing meta-narrative of Islamic collective identity influenced by historiography and anti-colonial narratives was a crucial discursive field in which new reformist discourses, influenced by Islamic modernism, emerged. Similarly, the fact that the elite actors who deployed them were state leaders bound by exigencies of power provided a crucial political context. Reformist Islam is not therefore taken to be deterministic of political and discursive outcomes, but it has broader connections with political and discursive outcomes.

Thus, the thesis suggests that the Islamic modernist orientations of seeking modernity (or ‘civilisation’ as Maldivian modernists called it) within an Islamic political framework and a religious collective identity was *consistent* with and facilitated Islam’s institutional and discursive transformations. Classical Islamic modernism that influenced the modernizing elite not only rejected secularism but also sought to show Islam properly understood was fully compatible with modernity and indeed a superior basis for ‘civilization.’

It is worth noting that Islam as a modern institutional political religion as transformed by modernist actors in many ways conformed to the expectations of liberal state-building. They sought a circumscribed and modernised place for shari‘a and Islam through the modality of rule of law via written constitutions, statute laws, and modernised judiciary and centralised state. Hence, the political Islam that emerged did not seek a comprehensive Islamic state as *Islamism* wants. In other words, a significant aspect of Islam as a modern institutional political religion concerns its *form* and *self-understanding*, rather than its specific *content*. Depending on the specific religious interpretations that are dominant at a given time, the content could be modified.

Similarly, the distinctly modern Islamic identity building as national identity was also *consistent* with at least the variety of reformist Islam in the Maldives. ‘Islam’ in the equation of the meta-narrative of collective identity mattered more at the level of *belonging*, as the

meta-narrative served to provide an Islamic *identity*, more than particular ways of *behaving*, *believing*, or *enforcement* of substantive injunctions of shari‘a law. While Islamic modernism upheld liberalised views on religious freedom at the level of beliefs, it was overall committed to Islam at the level of collective *belonging*. Some modernists such as Muhammad Iqbal espoused Islamic identity as a basis for national identity (Masud, 2009). Masud (2009, p. 248) has argued that most South Asian Muslims held the latter position (see also Ansari, 2015). But prominent Islamic modernists such as Jamal al-Din al-Afghani and Indian Muslim thinkers such as Iqbal and Abdul Kalam Azad also espoused pan-Islamism. However, even pan-Islamism with its anti-imperialism arguably contributed to the rise of nationalism (Cesari, 2014; Keddie, 1969; Laffan, 2002, pp. 131-133; Piscatori, 1986, pp. 77-78).

In their contemporary context of the Maldives, where Islam was the only religious tradition, the commitment by Islamic modernism-influenced actors, such as Amin, to a collective identity based on Islamic belonging would not have struck as a project against religious liberty. Such a commitment to Islamic identity rather buttressed their attempts at validating modernity through Islam. As a modernist, Gayoom also theoretically believed in religious freedom, but as part of a *political* project for identity construction, he argued the Maldivian context was unique as it was a ‘100% Muslim nation’ where religious freedom was not only irrelevant but would undermine other Islamic values such as unity and peace.

Indeed, while the 100% Muslim Nation meta-narrative ultimately rejected religious freedom, religious nationalist ideology as modernists constructed in many ways also conformed to their liberal expectations. The most important reason why I suggest it is liberal in many ways is the fact that even under 100% Muslim Nation identity, as modernists constructed it, a citizen can be a fully modern – even a *westernised* – Maldivian without much repercussion. What the modernism *à la* Gayoom expects from a citizen is that his or

her *public* identity to be based on belonging to Islam. The Islam in the equation thus concerns the level of *belonging*, not mainly behaviour or private belief.

In this respect, the pursuit of a national identity defined through belonging to Islam was not a modernising state's compromise in the face of an aberrant form of Islam. It was the very project of a modernist form of Islam that saw Islam and the belonging to Islamic faith as superior bases for the pursuit of 'civilisation.' Yet instead of weakening Islam in the polity, Islam acquired a new, modern political institutional framework, a new self-understanding, and a new political public identity. Those forms of Islam have had deep implications for political secularism, religious freedom, certain individual rights – and even oppositional Islamism.

The rise of oppositional Islamism since the early twenty-first century has been nourished by the fact that Islam already existed in the modern state forms and as a dominant discursive frame of reference in the public domain (as a discursive political religion of identity). Oppositional Islamism contests the liberalised and circumscribed shari'a. It wants a more comprehensive shari'a. While it agrees with modernists at the level of *belonging*, it wants to remake the Islam of the Muslims of the 100% Muslim nation.

For these reasons, this thesis suggests that reformist Islam is not an invariably positive force for democracy, as what reformist Islam means and entails in specific discursive and political contexts matter. Similarly, political Islam as such is not the *other* of the modern state, as the politicisation of Islam as a modern institutional and discursive political religion is an outcome of state building by state actors with Islamic modernist orientations.

This leads to the third broad argument: the politicization of Islam has not foreclosed the emergence of alternative discourses at the elite level or among ordinary people.

Plural Discourses and Beyond the Current *Third Model*

In this respect, the thesis offers two specific arguments. First, it points to the roles played by the global, universalist human rights discourse that emerged in the aftermath of the Second World War, and institutionalised in international instruments, including the Universal Declaration of Human Rights. This global human rights discourse was taken up by an emergent opposition public sphere, and was scaled up by a range of external actors, in the aftermath of the killing of the 19-year-old prison inmate Evan Naseem in September 2003 by prison security. The key actors of the emergent oppositional public sphere and the discourse of human rights as taken up by them were not oriented in religious language. The human rights discourse played three broad roles in democratisation: it acted as a discursive resource for the emergent oppositional public sphere to *pressure* the regime to liberalise; it acted as a discursive *yardstick* for institutional liberalisation (the most important outcome being the 2008 Constitution); and, it acted as a discursive resource for *defining* democracy. While the proponents of this discourse wanted a different, a more liberal, conception of human rights as a key basis for the constitution, human rights discourse was largely institutionalised in the terms of the dominant Islamic modernist discourses and largely within the parameters of the discursive and institutional legacies of politicization of Islam.

The second argument the thesis offers why modern political forms of Islam were not hegemonic is based on an extensive mapping of the viewpoints of ordinary people. Specifically, it employs Q methodology to dig deeper into the subjective viewpoints of ordinary Maldivians on Islam's relationship to democracy. Q methodology based on interviews, analysed using factor analysis, can allow us to go beyond survey research-based interpretations toward a more in-depth understanding of the *range* and *characteristics* of the viewpoints or discourses that exist among a given society. The Q study findings show that

there is no single fixed model, not even one fixed third model, that everyone has settled for even in as homogenous and as mono-religious society as the Maldives.

The findings therefore confirm that even if the current *third model* in the 2008 Constitution may be politically dominant, and the ‘third model’ thinking that underpins the constitution may be dominant, there is no discursive closure among ordinary people. Some desire to go beyond that 2008 Constitution’s *third model*: some towards greater separation between religion and the state, and others towards greater Islamisation of the state. Strikingly, some contest the assumptions of the dominant meta-narrative of the 100% Muslim Nation. They openly embrace religious freedom – a position that did not exist in the Constituent Assembly or in the political society.

These findings show that, as religiously homogenous a society as it is, the Maldives has emerged as a ‘battleground’ of contesting views on Islam’s relationship to democracy and different types of reasoning among ordinary people, with future possibilities for remaking of the religion-state nexus. By implication, we may assume that Muslim viewpoints everywhere, especially in more diverse societies, would be even more complex than fixation on one model of religion’s relationship to democracy.

Researching Religion in the Maldives: Limitations and Literature

Providing a systematic analysis of the literature of the Maldivian elite, the law and the legal system, to understand the evolving religious ideological and institutional changes in the country, posed several challenges and limitations. The lack of a proper archival system in the Maldives made it difficult to obtain the relevant data and literature.³ Another major difficulty

³ For instance, while a profile of Maldivian scholar Hussain Salahudhdheen says he translated the Islamic modernist figure, Jamaluddin al-Afghani’s work, I could not obtain Salahudhdheen’s work in any of the libraries or even from his family members.

is the lack of academic research on the subject of religion and politics in the Maldives.

Among other challenges, this meant research of this nature looking into a period of about 80 years would have limits to the depth of analysis, especially in the more historical chapters.

An important reference on culture, society and history of the Maldives is Clarence Maloney's (2013) *People of the Maldive Islands*, based on fieldwork in the 1970s. While extremely valuable, Maloney's anthropological work does not systematically analyse the *institutional* developments, nor does it take into account the *discursive* aspects of political leaders. Hence, it does not adequately capture the shifting institutional changes to the religion-state nexus and the new self-understandings of the state and religion, even by the time he conducted research. The other major recent work is Xavier Romero-Frías's (2003) *The Maldive Islanders: A Study of the Popular Culture of an Ancient Ocean Kingdom*. He lived in the Maldives for 13 years from the 1980s. Even though largely based on translation of Maldivian folklore and oral tradition, the book makes several observations on religion in the Maldives. Romero-Frías (2003) laments, if not condemns, what he calls the 'Arabisation' of the Maldives since 1979. He characterises Maldivians educated in Islamic studies in the Middle East and South Asia as "Arab wannabes" and "uprooted impersonators" who were "paving the way for a break-up of the moral fabric of Divehi society" (pp. 294-295). Romero-Frías (2003) thus claimed that the 1980s' heralded in a "relentless campaign to promote Islam...and many Maldivians have adopted the Arab way of life and the Arab dress..." (p. 295). While this thesis agrees with the observation that Gayoom's era (1978-2008) significantly emphasised Islam (see Chapter 4 of this thesis), Romero-Frías is contrasting the 1980s with the preceding era of Nasir, when major Westernisation in culture took place (see Chapters 2 and 3 of this thesis). The author does not explain what the alleged 'Arab way' or 'Arab dress' is. Gayoom in fact did not believe the veil was obligatory (his wife and daughters do not don the veil) nor did Gayoom believe in Saudi Salafism. Both Maloney's

and Romero-Frías's work suffers from a lack of proper evaluations of differences in religious interpretations and ideologies in the Maldives, especially at the elite level. Hence, they do not take into account the new modernist Islamic interpretations that informed the nation building projects and constitutional developments since the 1930s.

The research on the developments of the legal system by Maldivian legal expert, Husnu Suood (2014a, 2014b) and specifically to the criminal justice system by Mohamed Jameel Ahmed (2008) are useful background work for this thesis. However, neither takes into account how the shifts in the legal system involved re-organisation of the religion-state nexus and underpinned secularisation and modernisation of Islam.

A more recent work by Emma Fulu (2013), looks specifically at evolving patterns of domestic violence with a focus on the Maldives in a globalised context *vis-à-vis* religious changes. She provides an interesting and provocative argument that globalization, Islamism, and neoliberal economic effects undermined local norms (e.g., flexibility in marriage and divorce) exacerbating domestic violence. She takes into account how the Maldivian interpretations of Islam used to be more supportive of those norms, now increasingly supplanted by 'conservative' Islamism. In her view, "global flows of ideas, discourses, media, capital and people are having an impact on all levels of society" (Fulu, 2013, pp. 2-3). She argues that these processes have exacerbated domestic violence and modernist-influenced laws, such as Family Law 2000, have actually been detrimental to women's status. However, this thesis shows the intent of such laws was actually reforms to align with liberal sensibilities and to be consistent with Islamic modernist orientations as opposed to a conservative Islam status (see Chapter 4 of this thesis).

Conceptual Terrain and Layout of the Thesis

The thesis is fundamentally about Islam's relationship to democracy. However, analysing this relationship in any contemporary society cannot avoid questions of

‘secularism.’ As Taylor (2009) says, “It is generally agreed that modern democracies have to be ‘secular’” (p. xi). What has often been intensively debated is what secularism as a political doctrine means and entails for democracy. Hence, these three concepts – religion (Islam), democracy, and secularism – form the conceptual backbone of the thesis. As may be apparent by now, this thesis takes Islam as what Talal Asad (1986) has called discursive tradition, taking the historical and social contexts in which religion plays out itself. However, following Dryzek & Holmes (2002, pp. 16-17), I also take that discourses (and thus religious discourses) can attain a certain constraining force, a certain persistence, while they can also be contested and sometimes supplanted. Thus, while Islam is not an independent variable that determines political outcomes, Islam – through specific interpretations acting in specific historical, socio-political and discursive contexts – could *shape* both the Islamic tradition itself and politics.

‘Democracy’ itself has to be contextualised, if only because democracy is an ‘essentially contested concept’ (see Esposito & Voll, 1996, pp. 13-14) and exists in varying forms (Keane, 2009). Yet, for the sake of the broader argument, in defining Maldives’ transition to an electoral democracy, this thesis has adopted a widely cited definition of ‘electoral democracy’ by Freedom House: a political system that has “met certain minimum standards for political rights” (Freedom House, 2010a). As explained, it has also adopted an influential criterion of determining a democratic transition, as laid out by Linz and Stepan (1996).

While it therefore agrees with minimalist definitions of democracy, this thesis contests a fixed conception of institutional liberal democracy or even any relativist settlement for a ‘third model,’ as seems to be implied in, for example, ‘Islamic democracy’ (Esposito and Voll, 1996) and ‘pious democracy’ (Menchik, 2017). Instead, this thesis takes democracy as an open-ended project that could be revised beyond the current models, current discourses,

and current preferences of political actors (Dryzek, 1996, p. 4; 2000, p. 28; Dryzek & Holmes, 2002, p. 13). Neither Western liberal democracies nor any non-Western political models are in this sense finished projects of human emancipation (e.g., Dryzek, 2000, pp. 17-18). In this regard, the broader normative impulse of this thesis underpins a critical approach to democracy.

Finally, the thesis avoids a comprehensive definition of secularism but simply takes secularism as a political doctrine (Bilgrami, 2014, p. 4) that seeks to achieve *certain* ideals *vis-à-vis* religion, including crucially the protection of the free exercise of religion. Hence, the lack of religious freedom in the Maldives as a matter of law would clearly imply that the Maldives does not recognise political secularism. However, as critical literature by various scholars (e.g., Agrama, 2012; Asad, 2003; Mahmood, 2016) has argued, secularism as a political doctrine has not been neutral; it has been a project of state power in demarcating the proper places for religion. Thus, secularism assigns new self-understanding to both religion and the modern liberal state. Yet, this thesis differs from their analyses that explain the exacerbation of religious issues and tensions by pointing to ‘secularism.’ This thesis differs from such explanations not because it seeks to save a normative doctrine of secularism, but because the thesis shows how state actors, informed by certain modern discourses, *institutionalised* Islam and *discursively constructed* collective identity based on Islam.

In other words, the thesis does not offer new definitions of religion, democracy or secularism as such, but rather seeks to advance our understanding of how nation building by political actors with Islamic modernist orientations has modernised and deeply politicised Islam, which, in turn, could explain the rise of a *third model* democracy in the Maldives. As such it focuses on Islam’s relationship to democracy and the state and an understanding of how secularism has been a challenge. It contests that political Islam is the *other* of the secular

state. Finally, it hopes to advance, beyond survey literature, our understanding of the complexities of how ordinary people think about the relationship of Islam to democracy.

There are six main chapters in this thesis. Following this introduction, Chapter 1 explicates the main literature, theoretical framework and methodological tools that inform the thesis. Chapters 2 to 4 examine the transformations brought to Islam by successive nation-building governments in the Maldives. I have structured them to bring about both the liberal institutional trends (consistent with extra-institutional discourses influenced by Islamic modernism) as well as institutional and discursive transformations of Islam through those processes.

Chapter 2 focuses on the period from 1932 to 1978, the period that seeded the transformation of Islam into a modern institutional political religion. It examines the broader patterns of institutional developments, focusing on junctures beginning from the first attempts at a constitution in the 1930s.

Chapter 3 examines the extra-institutional discursive forces behind the modernisation reforms between 1932 and 1978. It specifically shows how reformist discourses, influenced by Islamic modernism from the Indian subcontinent especially, unfolding in *specific* political and discursive contexts, including the pre-existing meta-narrative of Islamic collective identity, shaped the religion-state nexus, whereby Islam emerged as a modern institutional political religion.

Chapter 4 focuses on the key period between 1978 and 2003 that preceded political liberalisation and democratisation under President Gayoom. It examines how a more scholarly Islamic modernism under religious-scholar President Gayoom solidified Islam as an institutional political religion as well as transformed Islam into a modern discursive political religion. Chapter 4 also examines the nourishing of the rise of oppositional Islamism in the twenty-first century as an unintended outcome of these prior transformations to religion,

especially the embedding of Islam as a discursive frame of reference in the political public domain. It concludes by pointing to the fragmentation of religious authority and pluralisation of discourses brought in the wake of modernisation and transformations to religion through nation-building.

Chapter 5 shows that, while the overall democratisation process took place through competing discursive forces, the final outcome was decisively shaped by the politicisation of Islam – or the transformation of Islam into a modern institutional political religion as well as a discursive political religion. Through analysis of public sphere developments and an extensive analysis of Constituent Assembly debates, it shows the decisive influences of prior transformations of Islam through the nation building processes. The same analysis also shows how the global human rights discourse competed in the processes of democratisation.

Chapter 6 systematically maps the pluralising discursive context to examine if the specific *third model* in the 2008 Constitution is hegemonic by looking at how ordinary people view Islam's relationship to democracy. It shows while the *third model* thinking favouring the specific institutional outcome may be *politically* dominant, it is not *discursively* hegemonic.

The conclusion summarises the main arguments and offers generalised suggestions that may be relevant for studying democratisation in Muslim contexts.

CHAPTER 1

STUDYING ISLAM'S RELATIONSHIP TO DEMOCRACY

This chapter explicates the literature, the theoretical framework and the methodology that inform this thesis. It argues that what I have termed the reformist Islam approach (henceforth simply, the reformist approach) on Islam's relationship to democracy, has emerged as a major alternative to the civilizational or culturalist approach that posits that Islam is inherently inhospitable for democracy. As much as the reformist approach rightly criticizes the civilizational approach's assumptions of essentialism, the reformist approach sometimes over-emphasizes religious language, religious actors, and, in particular, reformist Islamic resources in politics and democracy.

Some scholars have emphasised the role of the modern *state*, as opposed to the variable of 'Islam' in understanding religion's relationship to politics. In this regard, Jocelyn Cesari's (2014) institutional approach offers an alternative to both the civilizational approach and the reformist approach. However, emphasizing the strengths of the reformist approach, where it assumes that specific religious discourses could matter in politics, and drawing from the institutional approach, this thesis adopts a 'discursive institutionalist' (DI) approach (Carstensen & Schmidt, 2016; Schmidt, 2008a, 2008b, 2010, 2015) in seeking to answer the main research question. While taking into account *institutional* factors (e.g., a state's founding constitution) that may leave dominant institutional legacies, DI stresses the role of ideas or discourses (e.g., a religious nationalist discourse) in specific institutional contexts. DI could, therefore, combine insights from both the reformist approach and the literature that emphasizes the role of modern state and institution building.

The chapter consists of four sections. The first examines the reformist approach. The second explains the key arguments of scholars who have emphasized the role of the *state vis-à-vis* religion. The third section presents the discursive institutional approach. The final section discusses the methodological tools.

The Reformist Islam Approach

As mentioned, the reformist approach on Islam's relationship to democracy and Muslim politics has emerged as a major counter-approach to the civilisation approach, which has been one of the dominant approaches in the academia and outside that has attempted to explain the role of religion in politics in the post-Cold War period.⁴ The civilizational approach generally takes religion as an independent variable and assumes religion is deterministic of socio-political outcomes. Specifically with regard to Islam, claims such as Islam is diametrically opposed to Western values and institutions (Huntington, 1996, pp. 209-218), "Islam is the blueprint of social order" (Gellner, 1981, p. 1), Islam lacks categories such as 'secularism' supposedly required for democracy (e.g., Gellner, 1992, pp. 1-22; Huntington, 1996, p. 70; Kedourie, 1992, 1994; Lewis, 1996, pp. 61-62), or Islam is not favourable to nation-state ideology (Vatikiotis, 2016), fall into the civilizational approach.

The civilizational approach draws our attention to the hitherto ignored role of religion in politics, perhaps under the influence of the secularization theory that assumes the inevitable decline or demise of religion with modernization (Casanova, 1994; Fox, 2015). However, scholars from a variety of disciplines have mounted a wide-ranging critique of the

⁴ Other relevant approaches include rational choice theoretic approach (e.g., Gill, 2001) and modernization theory (e.g., Norris & Inglehart, 2011). For an overview and specific critiques see Kuru (2009, pp. 20-22) and Menchik (2017a) and for a general critique of rational choice approach *vis-à-vis* democracy see Dryzek (2000, pp. 31-56).

civilizational approach (e.g., Fox, 2005; Grim & Finke, 2011; Hefner, 2000, 2001; Katzenstein, 2010; Kuru, 2009; Stepan, 2000; Stepan & Robertson, 2003; Taylor, 2009).

These critiques generally argue that the civilizational approach overemphasizes theology and overlooks other factors, such as the multiple interpretations of religion and the agency of actors (see also Kuru, 2009, pp. 16-20). In other words, the civilizational approach suffers from ‘block thinking’ (Taylor, 2009, p. xv) under which Islam is taken as an essentialist tradition, culture or civilization that constitutes fixed meanings for Muslims.

Hefner (2014), however, observes that:

...if we take the pulse of broader commentaries in policy institutes, academia, and, above all, the mass media, it is clear that there has been surprisingly little progress toward a new consensus on democracy and Muslim politics. (p. 85).

There may never be a new consensus on democracy and Muslim politics; yet, as mentioned, by now an influential body of literature that argues against any inherent incompatibility between Islam and democracy has emerged. This alternative reformist approach is not a monolithic theoretical and disciplinary approach. Strictly speaking, it includes perspectives from a range of disciplinary and theoretical backgrounds (e.g. Casanova, 2001; Esposito & Voll, 1996; Hefner, 2000, 2005, 2011; Piscatori, 1983, 1986; Eickelman & Piscatori, 1996; Stepan 2000; An-Na‘im, 1990, 2008; El Fadl, 2004; Moaddel, 2005; Kurzman, 1998, 2011; Hashemi, 2009; Bayat, 2007; Filali-Ansary, 1996; 2012; Binder, 1988). It can also be both explanatory and normative.

Nevertheless, those perspectives that may be considered under the umbrella of reformist approach share certain assumptions, including the following key assumptions:

1. Islam is multi-vocal and a reformist Islamic strand supportive of democracy has existed in Islam since at least the late nineteenth century.

2. 'Religion' is linked to politics ('Islam is the language of politics'). Reformist Islam is therefore positively linked to democracy.
3. There is no necessary connection of democracy to mainstream secularism, and thus, a third model democracy is possible.

Islam's Multi-Vocality and the Reformist Strand

The first core assumption, addressed against the determinism of civilizational approach, is that religion is 'multi-vocal' (Stepan, 2000); i.e., there are different interpretations, multiple voices and different practices within any religion, some of which have been supportive of democracy and liberal values. No religion, in this sense, is born with an inherent democratic tradition (Hashemi, 2009, p. 11). In pointing to the multi-vocality of Islam, the reformist approach stresses the existence of democracy-friendly interpretations in Islam, dubbed 'modernist,' 'liberal,' 'civil pluralist,' 'progressive,' 'ethicalised,' 'enlightened,' or 'reformist,' Islam. What exactly is this 'reformist Islam'?

Theologically speaking, 'reform' (*islah*) and 'renewal' (*tajdid*) of Islam are persistent themes in Islam (Ramadan, 2009; Voll, 1982, pp. 13-26),⁵ where 'reform/renewal' is about returning to the original sources of Islam and reforming the community in light of the 'true' Islam. The theological case for reform and renewal takes its justification from Qur'an and the Prophetic tradition. Those who are engaged in reform, for example, are seen as doing the work of God and are praised in Qur'an, and renewal is specifically attributed to a Prophetic tradition, which says, "God will send to this ummah (the Muslim community) at the head of each century those who will renew faith for it" (Ramadan, 2009, p. 13; Voll, 1982, p. 33). Such a reading of reform/renewal assumes that the actual efforts of reform/renewal were due

⁵ As early as the twelfth century, Abu Hamid al-Ghazali referred to a related concept, 'revival'/'*ihya*' of religious sciences, in his seminal work, *Revival of Religious Sciences* (cited in Ramadan, 2009, p. 9).

to theological precepts. Sociologically speaking, however, as a discursive tradition (Asad, 1986) that is historically and materially situated, Islam always has had diverse interpretations and practices (Asad, 2003, p. 221; S. Ismail, 2006, pp. 16-17), whether or not they are consciously conceived in a continuing reform/renewal theological imperative.⁶

Those reformist religious discourses first emerged through Muslim religious engagements in the context of modern liberal discourses and associated political and institutional forms. Specifically, they are modern discourses with roots from around the mid-nineteenth century (Hunter, 2008, p. 5; Kurzman, 1998, p. 8; Moaddel & Talattof, 2002, p. 2) or at least the first quarter of the twentieth century (Filali-Ansary, 2003, p. 21).⁷ The late nineteenth-century reformist Islam by Muslim figures such as Sayyid Ahmed Khan (1817-1898), Jamal al-Din Afghani (1838-1897) and Muhammad Abduh (1849-1905), was a reaction in a politically disintegrating Muslim context in the face of challenges from European military, economic, and political domination. In their reactions to modernity, therefore, their overall orientations were different from earlier 'revival/renewal' efforts, which were oriented towards internal issues.

Yet, reformist Islam is not monolithic nor has it had uniform impacts throughout the Muslim world. It has diversified through different intellectual currents with varying effects during a period of more than 100 years.

⁶ Some point out that diversity of interpretations between 'literal' and 'reformist' readings date back to the early caliphate era. See, for example, Ramadan (2008).

⁷ For classic expositions on some of the leading figures in the Arabic world see Hourani (1983) and for South Asia see Ahmad (1967).

Islamic modernism.

Reformist Islam in the late nineteenth to early twentieth century did not question the nature and epistemological status of Islamic doctrines as such. Its goal was to show that Islam, if approached anew through rational eyes, was compatible with many aspects of modernity, including science, rationalism, constitutionalism, and individual rights (Aziz, 1967; Filali-Ansary, 2003, pp. 21-22; Hourani, 1983; Kurzman, 1998, pp. 8-11; Masud, Salvatore, & Bruinessen, 2009; Moaddel & Talattof, 2002; Sharabi, 1970, pp. 24-40). Thus, this movement was known under the rubric of 'Islamic modernism'.

While those who may be categorised as Islamic modernists do not always share the same positions, Islamic modernists generally share certain common views on key issues related to modernity. Moaddel and Talattof (2000, pp. 3-4) summarise the following key features of Islamic modernism:

- Reformulation of Islamic methodology to stress rationalism, in which *ijtihad* (independent reasoning) over *taqlid* is stressed.
- Acceptance of the view that the West had a more advanced civilisation.
- Acceptance of differentiation in knowledge and respect for the modern sciences.
- Support for constitutionalism and democracy.
- Support for greater equality for women.

Such views through reinterpretation of Islam first emerged among the Ottoman intellectuals, but spread to other corners of the Muslim world (Aziz, 1967; Dudoignon, Hisao, & Yasushi, 2006; Federspiel & Aras, 2002; Hourani, 1983; Kurzman, 1998, 2011; Moaddel & Talattof, 2002). One of the earliest systematic reflections on reform through an engagement with European civilization was by the Egyptian scholar Rifa'a al-Tahtawi (1801-1873).

However, Tahtawi did not base his reformist views on the basis of reformism in religion (see Dallal, 2010, p. 141; Hourani, 1983, pp. 69-83). One of the first to talk about reforms on a reformist religious basis was an Ottoman official in Tunisia, Khayr al-Din al-Tunisi (1820-1890) (Kurzman, 2011, p. 96). He advocated constitutional government and reforms to the state and educational system (Black, 2001, pp. 295-299; Hourani, 1983, p. 88-94). More than any other, however, Islamic modernism in the Middle East in this era is associated with Jamal al-Din al-Afghani and Muhammad Abduh. As religious scholars they both used their religious authority to advocate the compatibility of Islam with social and political reforms. While not always consistent, al-Afghani was “one of the first important leaders to try to reinterpret traditional Islamic ideas so as to meet the agonizing problems brought by the increasing incursions by the West into the Middle East” (Keddie, 1972, p. 1). He believed that reason and science were needed for the progress of Muslim societies. The most dominant theme in him, however, is his appeal to Islam as a basis of resistance, solidarity and identity among Muslims, against colonialism. Hence, he is a key ideologist of Pan-Islamism (Keddie, 1972; also Hourani, 1983, pp. 103-129). Abduh, a disciple of Afghani, also supported Pan-Islamism. However, he later moderated his anti-colonial activism. He argued that human reason or *ijtihad* should be used to understand revelation, and used reinterpretations of Islam to show the compatibility of Islam and modernity and to legitimise institutions of the modern nation-state (Al-Azmeh, 1993; Hourani, 1983, pp. 130-160).

In South Asia Sir Sayyid Ahmad Khan was the pioneer of Islamic modernism. Others included, for example, Abu'l Kalam Azad (1888-1958), Chiragh Ali (1844-95), Shibli Nu'mani (1851-1914) and Amir Ali (1849-1928). The end of Muslim supremacy in India, evident in the decline of the Mughal Empire and the failed Sepoy rebellion of 1857-58, provided the context for re-assessment of Islam by figures such as Sayyid Ahmad Khan. In general, these Muslim figures sought to show that Islam, properly interpreted, was compatible

with – or a superior basis for – modernity and civilization. They advocated legal reforms, greater freedoms for women, educational and cultural reforms (see Ahmad, 1967). Through their discourses that engaged with Western thinkers, new discursive motifs, such as ‘civilisation’ emerged in social discourse (J. M. S. Baljon, 1949; Ingram, 2015; Naim, 2011).

There is considerable disagreement on the impact of Islamic modernism (e.g., Gibb, 1947; Kerr, 1966; Layish, 1978). In Layish’s (1978, p. 263) words, Islamic modernism “failed signally” because it failed to adapt Islamic doctrine for the “modern society”. However, what is undeniable is that the discourses of Islamic modernism spread to all corners of the Muslim world. Esposito & Voll (1996) observe that, “Islamic modernism became the dominant mode of theological thought throughout much of the Islamic world by the middle of the twentieth century” (p. 5). Educational institutions, journalism, and networks of intellectuals emerged from the late nineteenth century that spearheaded those discourses (Kurzman, 1998, pp. 9-10). Al-Azhar University in Cairo, and Muhammadan Anglo-Oriental College in Aligarh, India for example were centres of Islamic modernism in this period. These institutions produced graduates from various Muslims lands, who had impacted on their own countries (e.g., Dudoignon et al., 2006; Kurzman, 2011; Noer, 1973). Journals and periodicals by leading Islamic modernists also had a “tremendous reach and influence among educated Muslims” (Kurzman, 1998, p. 9). Politically, modernist Muslims contributed to (short-lived) liberal constitutional developments, such as the Russian revolution of 1905, Iranian constitutional revolution in 1906, Ottoman constitutional revolution in 1908, and elsewhere such as in Indonesia (Ardic, 2012; Dudoignon et al., 2006; Kurzman, 2011; Martin, 1989; Noer, 1973).

Contemporary reformist Islam.

The Muslim reformist thinkers of the later decades and the contemporary times are the “intellectual descendants” of Islamic modernists (Saeed, 2007, pp. 401-403). However, they have a more self-confident orientation towards the West. A key feature of the contemporary

reformist Islam is the distinction it makes between Islam as such and shari‘a so as to historicise and anthropomorphise the latter. While Islam as the revealed religion is considered divine, how Muslims understand Islam based on Qur’an and Sunna is always through human agency in specific historical contexts. As such the human knowledge of Islam is not divine, but a thoroughly human product (An-Na‘im, 1990, p. 11; 2008; Ed Fadl, 2007a, 2007b; Ramadan, 2001, p. 48; 2009, p. 18; Soroush, 2000, p. 31). In the words of Abdulkarim Soroush (2000):

It is up to God to reveal a religion, but up to us to understand and realize it. It is at this point that religious knowledge is born, entirely human and subject to all the dictates of human knowledge. (p. 31)

This distinction and subsequent historicisation and anthropomorphisation are, therefore, necessary epistemological, normative, and, for some, even strategic moves, in order to ensure the reconciliation of Islam with democracy. Epistemologically, if shari‘a is not divine but a human product in given historical contexts, this move enables arriving at new knowledge of Islam based on fresh readings of Qur’an and Sunna. Normatively, through fresh interpretations of Qur’an and Sunna, Islam can be fully consistent with the normative precepts required by modern democracy, including equality and liberty, in the modern nation-state context. The classical shari‘a precepts that are contradictory to modern democratic principles are only contingent features, by no means the universal, general, aspects of Islam or its higher objectives. Key issues in this respect include equality between men and women, Muslims and non-Muslim citizens, and rights of freedom of belief and expression. Strategically, if these aspects of shari‘a were ‘constructed’ by the early Muslims jurists in their specific historical contexts, then contemporary Muslims may accept substantial reforms in the current historical contexts (e.g. An-Na‘im, 1990, p. 11). Thus, influential figures of reformist Islam such as Rahman (1970, 1979, 1982), Soroush (2000, pp. 131-155), An-Na‘im (1990, pp. 11, 13, 14,

185; 2008, pp. 12-15) and El Fadl (2007b) make these moves to show Islam is fully compatible with democracy. It should be noted that there are differences among the reformist thinkers with respect to these epistemological, normative and strategic moves. They differ on what is mutable and what is immutable in the Islamic tradition. They also suggest specific methodologies in their approaches to religion, ranging from Islamic jurisprudential approaches to more extra-religious philosophical approaches.

Reformist Islam may take two positions on the issue of democracy, distinguished by their take on secularism or by how much they combine Islam and democracy. One variant may be called the ‘Islamic democracy’ position and the other the ‘Islamic secular democracy’ position. The first variant – Islamic democracy – acknowledges that a religious reformation is required in order for Islam to be compatible with democracy. It then posits that through such a reformation shari‘a can be made fully compatible with democracy, liberty and equality. Once that is done, shari‘a may be implemented by the democratic state. A number of Muslim intellectuals advocated this variant of the reformist discourse and rejected the secular option (e.g., Al-Ghannouchi, 2000; An-Na‘im, 1990, pp. 42-44; Rahman, 1982, pp. 87-96). An-Na‘im (1990), for example, had argued the secular option “is to deny the Muslims extremely valuable cultural resources necessary for the development of their self-identity” (p. 44; see also, pp. 42-44). As with Muhammad Iqbal (e.g., 1989, p. 142) before him, Fazlur Rahman (1982, p. 140) also cautioned against secularism. Rahman (1986, pp. 87-96) argued for an Islamic reformation so that a form of Islamic democracy may be viable. Methodologically, this variant of the reformist Islam attempts to derive democracy mainly through *ijtihad* (juristic independent reasoning) by reinterpreting certain religious categories. The most important of such religious categories is the Islamic concept of *shura* or ‘consultation’ between the ruler and the ruled (see Rahman, 1981).

The second variant, and now increasingly the dominant discourse, posits that Islam properly understood allows ‘secular democracy.’ This position holds that Islam does not require shari‘a to be enforced as public law by the democratic state (e.g., An-Na‘im, 2008; El Fadl, 2007b; Soroush, 2000). How this discourse becomes ‘Islamic’ is not only that it is being advocated by Muslim religious scholars, but also because secularism is advocated in the name of Islam. Many have observed that “Islamic secularism” (Voll, 2013) or “religious secularity” (Ghobadzadeh, 2013) or “Muslim secularism” (Hashemi, 2009) is an emerging discourse.

Even though this variant of the reformist Islam discourse may argue against implementation of shari‘a as such, it also provides for a public role for Islam. While in different scholars, this role is differently conceptualised, they generally reject a ‘secularism’ that privatises religion. Those scholars argue that religion and religious people could be part of the public sphere contributing to the democratic process by promoting the higher objectives of Islam or ethical values of shari‘a to be reflected in the general laws of the democratic state. What cannot happen, not only from democracy’s point of view or Islam’s point of view, according to reformist Islam, is codification of shari‘a by a group of people and its imposition on the rest.

In sum, the reformist Islam approach to Muslim politics points to the multi-vocality of Islam and emphasises that there is a reformist strand within Islam that has existed since the late nineteenth century that could support democracy and modernity in general.

Islam’s Connection to Democracy: the Observer Perspectives

A number of scholars of the reformist approach assume Islam’s connection to democracy and democratisation. They assume religious language or discourse, religious justifications, religious reforms, or religious actors, as important variables in democratisation. However, there is a broad spectrum among these scholars: from those who assume religion is central to those who only assume a Weberian broader connection between religion and

politics. They also offer different arguments – that assumes Islam’s connection – on how democracy has been or may be possible. Four key arguments underpin this assumption.

First, several scholars who otherwise reject the civilizational approach, still assume that ‘Islam’ or theological resources are *central* to Muslim politics. Thus, although Eickelman & Piscatori (1996, pp. 16-17) are careful to state that Muslims do not think and express through Islam in a fixed way or that doctrines invariably shape action, they claim that “it is not an exaggeration...to say that ‘Islam’ constitutes the language of politics in the Muslim world” (p. 12; also see Piscatori, 1990). In a similar vein, Nader Hashemi (2009) argues that the “main political, cultural, and intellectual resources at the disposal of Muslim democrats today are theological” (p. 1).

Second, they maintain that *reformist* theological resources are crucial for democratisation. There is no shared view on how much reformation is required and how crucial religious resources are. Some assume that it is through a prior reformation or reformulation of shari‘a that Islam can reconcile with democracy, Muslims will accept democracy or democracy can be justifiable to Muslims, and democracy will take root in Muslim states (An-Na‘im, 1990, 2008; Casanova, 2001, p. 1076; Esposito & Voll, 1996; El Fadl, 2007b; Hashemi, 2009; Hefner, 2005, pp. 6-7). In this respect, reinterpretation or reformation is an objective that goes beyond a mere reconciliation of Muslims with democracy. Rather, religiously based grounding for democracy is required for normative, legitimacy and pragmatic reasons as underpinned by the concept of ‘overlapping consensus’ (see Rawls, 2005). This concept proposes that, under pluralism, people with different comprehensive worldviews can come to agree on the basic structure of the society via moral reasons *internal* to their respective worldviews (Rawls, 2005). It, therefore, entails reformation of those worldviews that do not already have the right internal reasons for an overlapping consensus.

An-Na‘im is one of the key advocates of a comprehensive reformation of shari‘a for ‘efficacy’ and ‘legitimacy’ reasons (An-Na‘im, 2008, p. 84). In addition to being a participant in the reformist Islamic discourse, An-Na‘im has also extended his Islamic reinterpretation efforts to theorise about democracy in Muslim states. In his *Islam and the Secular State* (2008), he attempts to lay down a model of a certain secular democratic state within an Islamic perspective. An-Na‘im (2008) argues that not merely democracy but *secular* democracy is required from an Islamic point of view, *inter alia*, because to be a Muslim by genuine conviction, a secular democratic state that does not impose Islam and instead provides for religious freedom, is required (An-Na‘im 2008, pp. 1-44). However, he argues that such a secular democracy is possible only through reform of shari‘a, as certain principles of the latter are inconsistent with such a secular democracy. If this is so, Muslims will find it difficult to accept secular democracy and therefore the best way for promotion of it and related human rights is through ‘internal’ Islamic arguments (An-Na‘im, 2008, pp. 106-139). An-Na‘im (2008) argues that unless such a justification is obtained within Islam, the “moral and emotional impact [of certain problematic principles of shari‘a] on Muslims will severely undermine the ethos of constitutionalism, human rights, and citizenship” (p. 283). An-Na‘im (2008) further states:

By attempting to clarify [secular democratic state based on human rights, principles of constitutionalism and citizenship] from an Islamic point of view, I hope to contribute to promoting its legitimacy among Muslims, who must accept these principles if they are to be effectively applied within Muslim societies. The relationship between Islam and these principles is unavoidable, because Islam directly affects the legitimacy and efficacy of these principles and institutions in present Islamic societies. (p. 84)

Nader Hashemi (2009) also argues that a grounding in religion is required for

successful democratisation in Muslim societies. Based on the assumption that the key intellectual and cultural resources available for Muslims are theological, Hashemi claims a prior reformation of Islam is a necessary process of “indigenisation” and subsequent justification of liberal democracy to Muslims. In this respect, Hashemi (2009) categorically argues for prior reformation of Islam:

Liberal-democratic development does not require a rejection or privatization of religion, but what it does require is a reinterpretation of religious ideas, especially with respect to the moral basis of legitimate political authority and the centrality of individual rights. By engaging in this theological reformulation, religious groups can play a constructive and important role in the development and consolidation of liberal democracy. (p. 12, also pp. 172-173)

Others have also shared similar assumptions for the need for religious rationales and justifications for Muslim democratisation. Casanova (2001) argues that “public reflexive elaboration of Islam's normative traditions” (p. 1076) is required for democratisation. He (2001) unequivocally states: “Democracy is unlikely to grow and thrive in Muslim countries until political actors who are striving for it are also able to ‘frame’ their discourse in a publicly recognizable Islamic idiom” (pp. 1075-1076). Hefner (2005) also argues that while a key feature of Muslim politics is the attempt to remake politics in a “democratic pluralistic mold” the success is contingent on provision of religious justifications. Hefner (2005) therefore claims:

A key requirement for such a reorientation will be the emergence of public intellectuals backed by mass organizations with the social and discursive resources to convince fellow Muslims of the compatibility of Islam with pluralism and democracy. It goes without saying that the formulation of such religious rationales would have been unnecessary had Muslim societies undergone the process of radical

secularization Western theorists had predicted back in the 1950s. But the resurgence of the 1970s and 1980s ensured that contemporary politics in most Muslim societies shows a deep concern with religious powers and discourses. (pp. 6-7)

This idea of finding religious basis is also behind Esposito and Voll's (1996) claim that "there are core [religious] concepts that are central to the political positions of virtually all Muslims" (p. 23). These concepts, according to them, include *tawheed* (Unity of God), *risalat* (Prophethood) and *khilafat* (Caliphate). It is through the "reconceptualization" of them and other related religious concepts that Muslims could have "conceptual foundations" for democratisation (Esposito & Voll, 1996, p. 23). Thus, Esposito and Voll (1996) conclude:

A major issue in democratization in Muslim societies is whether or not scholars and leaders have successfully made the transition from listing 'democratic doctrines of Islam' to creating coherent theories and structures of Islamic democracy that are not simply reformulations of Western perceptions in some Muslim idiom. (p. 31)

Finally, Leonard Binder (1988) also assumes the necessity of reformist Islam when he says that "Islamic liberalism is possible...and without a vigorous Islamic liberalism, political liberalism will not succeed in the Middle East" (p. 19).

A third argument that assumes Islam's centrality to democratisation is based on religious and sociological changes in contemporary Muslim societies. The idea of 'objectification of Islam' as a key concept attempts to explain those changes. For Eickelman & Piscatori (1996), objectification is the process whereby "basic questions come to the fore in the consciousness of a large number of believers" (pp. 37-38). They argue objectification has been driven by multiple modernising changes such as mass literacy, mass education and mass communications developments since the 1970s. In this heightened consciousness of not only one's own religion but also the diversities of beliefs, ordinary Muslims have come to be proponents of religious discourses and debates over Islam, by replacing that authority in

religious scholars, thereby creating a highly participatory religious landscape. As a consequence, there has been a fragmentation of religious authority and a “competition and contest over both the interpretation of symbols and control of institutions, formal and informal, that sustain them” (Eickelman & Piscatori, 1996, p. 5). Consequently, more and more ordinary Muslims, as opposed to religious scholars, are contesting and debating key issues by conscious appropriation of religion.

Objectification of Islam and fragmentation and pluralisation of religious authority do not automatically lead to democracy (Eickelman, 2000; Eickelman & Salvatore, 2002). Eickelman & Piscatori (1996, pp. 44-45) are careful to note that the processes that led to objectification have also led to other variants such as Islamism. However, drawing from perspectives that stress sociocultural factors as the drivers of democracy, several scholars have suggested this pluralised landscape of ordinary people constituting public spheres with networks sustaining ‘social capital’ that prepare the ground for democratisation (Eickelman & Piscatori, 1996; Eickelman & Salvatore, 2002; Hefner, 2000; Casanova, 2001; Eickelman, 2000). ‘Social capital’ exists in networks fostering social cooperation, tolerance, and interpersonal trust, and as such even faith communities can be crucial sites of social capital that promotes and sustains democracy (Casanova, 2001; Hefner, 2000, pp. 22-26; Putnam, 1993, 2000). The optimistic interpretation of Eickelman & Piscatori (1996, pp. 159-162), therefore, suggests that in the Muslim space, the emergence of forms of civic associations (in some countries formal and in others informal) allow greater participation in political arena and possibilities for “less arbitrary, exclusive, and authoritarian rule” (p. 162).

For Hefner (2000) these changes may be comparable to Habermasian public sphere, minus any assumptions of retreat of religion to the private domain, but buttressed by Putnamian social capital that is generated in civil society associations. Thus, in a detailed social anthropological study on Indonesia, Hefner (2000) points to the rise of what he calls

‘civil democratic Islam’ or ‘civil Islam,’ contributed to by Muslim intellectuals and associated civic organisations in Indonesia, as an important contributor to successful democratic transition in the country in the late 1990s. More generally, Hefner (2011b) argues that while there is no one fixed form that the relationship of religion and politics manifests in Muslim states, in the more open societies, an ‘ethicalised’ or ‘citizenised’ shari‘a is emerging which can co-exist with democracy (pp. 45-46). Similarly, Hashemi (2009) argues reformist Islam has emerged in Turkey, Indonesia, and even Iran, which provides indigenised Islamic justifications for democracy and forms of secularism. Ghobadzadeh (2013) details the emergence of reformist Islam discourse by Muslim religious scholars supporting democracy and secularism in Iran that debunks the prevailing authoritarianism of religious jurists.

Finally, a comparative historical analysis (that assumes religion’s role in politics) seems to inform how, based on sociological changes to Islam, several scholars have attempted to understand Islam’s relationship to democratic and liberal politics. Several scholars therefore point to Christian Reformation as a historical comparison (Browers & Kurzman, 2004, pp. 1-17; Hashemi, 2009). Others (e.g., Hashemi, 2009) specifically refer to the seventeenth century England where the philosophies of John Locke, for example, using theological arguments helped in the rise of liberal democracy. Still others (e.g., Casanova, 2001) have referred to the more recent theological reformulations in Catholicism or *aggiornamento* in the 1960s that gave impetus to the third wave of democratisation as a more comparable history. For Casanova (2001), the changes in Islam are comparable to Catholic *aggiornamento*, and the changes have the potential for democratisation.

Overall, in this scholarship, there is a consensus that there has been a ‘democratization’ of the religious landscape. There also seems to be a consensus that reformist religious movements, reformist religious intellectuals, and reformist religious discourses are *potential* drivers of democratisation. Several scholars have therefore criticized

the limitations of public sphere underpinned by secular biases as often have been conceptualized (e.g., Habermas, 1989, 1996), and they have stressed the *religious* bases and forms of communication of public sphere in Muslim societies (e.g., Eickelman, 2000; Hefner, 2001; Hirschkind, 2001; Hoexter, Eisenstadt, & Levtzion, 2002; Keane, 2009, pp. 134-135; Salvatore, 2006).

Rejection of Mainstream Secularism for a Third Model

From a sociological perspective, the secularisation theory has failed in its prediction of the inevitable decline of religion in the public sphere and its waning and privatisation (Casanova, 1994, 2012; Fox, 2008, 2015; Taylor, 2007). Many scholars have also mounted strong critiques of secularism in general (Agrama, 2012; Asad, 2003; Connolly, 1999; Hurd, 2009; Keane, 1998; Mahmood, 2016), opening space to conceive democratic politics without a fixation on ‘secularism.’ The critical literature on secularism and modernity such as by Asad (2003), Hurd (2009), Agrama (2012) and Mahmood (2016) has deeply problematized the possibility of a ‘secular’ state that does not involve in religion. A key insight from this literature is that secularism is not what is left when religion retreats. Instead, secularism is a *substantive discursive power* that requires a constant drawing of a line between religion and the secular, whereby it necessarily intervenes in religion.

From a comparative politics reading of existing democracies, scholars have argued there are in fact different regimes of state-religion relations that have co-existed in established democracies (e.g., Fox, 2008, 2015; Stepan, 2000, 2011, 2014). In this regard, multiple analytical models have been identified. Broadly, scholars have identified the more religious-friendly American secularism and the less religious-friendly forms found in Europe, especially France. The ‘assertive secularism’ exemplified by France disestablishes religion from the state, and actively seeks to privatise religion from the public sphere. ‘Passive secularism,’ exemplified by the US, seeks to disestablish religion from the state while

allowing it in the public sphere (Kuru, 2009). Other analytical labels that broadly categorise these differences include ‘authoritarian secularism’ vs. ‘secularism as mediation’ (An-Na‘im, 2008), ‘moderate’ vs. ‘radical’ secularism (Modood, 2009, 2010), and ‘benevolent’ vs. ‘invasive’ secularism (Cesari, 2014, p. 119).

In light of the different secular regimes, Alfred Stepan (2000, 2011) and Jose Casanova (2006), among others, have argued that ‘secularism’ as such, is not a necessary requirement of democracy. More specifically, Casanova (2006) points out:

...I am not certain that the secular separation of religion from political society or even from the state are universalizable maxims, in the sense that they are either necessary or sufficient conditions for democratic politics. (p. 21)

Even at the level of concepts, Stepan (2011) argues that “political analysis of democracy...does not necessarily need the concept of secularism” (p. 114). This line of thinking also seems to have historical backing on its side. As argued by John Keane (2009), despite the current conceptions of democracy as secular, “[i]n the history of democracy...fully “secular” or non-religious governing institutions and customs are in fact a rarity” (p. 851).

Normatively, prominent liberal theorists, Jürgen Habermas (2006, 2008) and John Rawls (1997) revised their views on religion’s place in politics. Earlier, both thinkers either largely neglected or entertained doubts on religion’s role in politics (Habermas, 1989; Rawls, 1972). While Habermas (2006) still privileges ‘secular reasons,’ for him, democracy does not foreclose the use of religious reasons as such in the public sphere, because there should not be an “unreasonable *mental and psychological* burden for...religious citizens” (p. 9, emphasis in original). Functionally too, the democratic state has an interest in hearing what religion has to offer because of its potential for “creation of meaning and identity” (Habermas, 2006, p. 10) and as a source of motivation for ‘collective action’ (Habermas, 2010, pp. 18-19).

Many, who may still believe in a *certain* secularism, have therefore come to question the mainstream conceptions of secularism that are supposed to regulate the place of religion in democratic politics (Bhargava, 2014, 1998; Bilgrami, 2014; Calhoun, 2011; Casanova, 1994, 2006, 2001, 2011, 2012; Habermas, 2006, 2008; Stepan, 2000, 2011, 2014; Taylor, 2007, 2009, 2016). Stepan, Taylor and Bhargava, among others, have shifted focus away from ‘separation’ of religion and the state to what democracy seeks to achieve *vis-à-vis* religion. Thus, for Stepan (2000), what is required is an institutional approach to democracy to ensure ‘twin tolerations’ between the state and religion. On one hand, the state should grant complete freedom of religion for individuals and groups to worship privately and to participate in politics and in the public sphere as long as they do not violate the rights of others, commit violence, and undermine democracy and the law. On the other hand, the state should be free to generate public policies within the bounds of the constitution and of human rights. Taylor (2009, 2016) and Bhargava (2009) have argued for a ‘principled distance’ secularism where the focus is on achieving certain values such as ‘liberty,’ ‘equality’ and ‘fraternity.’ The state organises institutional arrangements and makes policies with the aim of achieving those values.

The recent scholarship that has contested the secularisation theory and mainstream models of secularism has provided the space for thinking about alternative democratic models in Muslim countries. Thus, even those scholars of the reformist approach who support a certain secularism, such as An-Na‘im (2008) or Hashemi (2009), have a conception of secularism that is different from mainstream secularism. At a minimum, there is among these scholars a consensus that religion can play a public role in both democratisation and sustaining democracy. In other words, they assume religion can be part of the public sphere and even political society. Hashemi (2009) specifically argues that Stepan’s twin tolerations model is a possibility for Muslim states, which could be achieved via an indigenisation of

‘secularism.’ Again, ultimately, this requires reinterpretation of religion or reformist Islam. An-Na‘im (2008) also rejects separation of religion from politics, but, employing religious rationales, argues that there should be a separation of religion from the state or at the institutional level. While the state cannot apply shari‘a as divine law, religious actors could struggle through the democratic process to enshrine the values of shari‘a in public law. Hefner’s (2000) ‘civil Islam’ model suggests a rejection of an Islamic state based on a “totalizing” shari‘a and a “monopolistic fusion of religious and political authority” (pp. xvii-xviii).

A third model?

In light of the above discussion, we can conclude that the civilizational approach not only has an essentialist reading of Islam, but it also assumes an essentialist reading of democracy, in which it is assumed that democracy requires a separation of religion and the state. Therefore, those who favour the reformist approach typically assume that democracy itself is an ‘essentially contested concept’ and there could be alternative models of democracy which are not secular (Esposito & Voll, 1996, pp. 13-14). Two key reasons, in particular, give force to the argument that democracy in the Muslim majority states would not be secular, but would constitute a third model.

The first reason is the ‘resurgence of Islam’ in the public sphere (Esposito & Voll, 1996, pp. 13-14). A dominant explanation of the ‘Islamic resurgence thesis’ argues that the rise of ‘Islamism’ since the 1970s was a response to the failure of Muslim secular states and secular ideologies, such as nationalism (Akbarzadeh, 2012; Esposito, 2000, pp. 2-9; Esposito & Voll, 1996, p. 6; Feldman, 2008, p. 20; Mirsepassi, 2000). The Iranian Revolution and the added significance of Islamist organisations such as the Muslim Brotherhood in Egypt since the 1970s have led to the view of Islamism as the antithesis of democratic politics, especially secular politics. While there are different interpretations about what the rise of Islamism mean

for democratic politics, the dominant view assumed Islamism “would seem to reduce the likelihood of democratic development” (Huntington, 1984, p. 264; see also Pipes, 1983; Waterbury, 1994). Based on the ideological diversity within Islamist movements and the ‘moderation’ that some groups underwent when included in the electoral political system, others argue Islamism can be compatible with electoral democracy (Esposito, 2000; 2003, pp. 118-151; Feldman, 2008; Wickham, 2004). Still others have pointed to the emergence of ‘post-Islamism,’ which emphasises Islamisation of the society, as a consequence of the ‘failure’ of Islamist political projects in establishing Islamic states (Bayat, 2007; Roy, 1994; Roy & Boubekeur, 2012).

However, even the moderation thesis assumes that the kind of democracy the Islamists, such as Egypt’s Muslim Brotherhood, advocate would have an Islamic hue (Esposito & Voll, 1996; Feldman, 2008). The other constituencies of non-violent Islamists are even more conservative. Thus, according to Hefner, notwithstanding the emergence of ‘civil Islam’ – or what this thesis calls reformist Islam –, “the discourse of democracy in modern Muslim societies can take hold only if it responds to the criticisms of conservative Islamists” (Hefner, 2001, p. 499). Finally, even post-Islamist thesis assumes the continuing influence of Islamism on the state through the spread of its ideas in the larger society (Bayat, 2007; S. Ismail, 2006). Thus, the emergence of Islamism – or even post-Islamism – would suggest that democracy in the Muslim world is likely to be a third model.

The second, and perhaps a more important, reason why democracy would be a third model appears to do with Muslim public opinion. Survey literature has shown that across many Muslim majority countries, most Muslims desire democracy, but at the same time, they also desire a public role for Islam (Esposito & Mogahed, 2007). While most Muslims do not desire religious leaders to have a direct role in crafting their constitutions, they still want shari‘a to be a source of legislation (Esposito & Mogahed, 2007). Esposito & Mogahed (2007,

pp. 35, 63) have therefore argued that most Muslims favour neither theocracy nor secular democracy, but a third model that incorporates democratic values and shari‘a.

Lingering problems.

The large N-surveys suggest that, the barrier for democracy *per se* is not or is *no longer* a lack of any convincing reformist religious rationales. In that sense, the reformist approach in the hands of some scholars seems to overstate the need for religious reinterpretation or religious rationales for democratisation.

However, the third model preference does not show there are no lingering problems for democracy. It is not entirely clear what exactly a third model means for the ordinary Muslims. It is not entirely clear what a workable third model would entail especially for the situation for women, non-Muslims and Muslim nonconformists (Hefner, 2014, p. 93; 2011, pp. 23-25).

Many scholars have argued that religious freedom in particular is be a major problem for particularly Muslim-majority countries (Cesari, 2014, 2016; Fox, 2008, 2015; Grim & Finke, 2011; 2013; Philpott, 2017; Rowley & Smith, 2009). While the majority of Muslims in many Muslim states support religious freedom for other faiths, survey data also suggest there is strong support for enforcing shari‘a laws of apostasy for those who leave Islam especially in South Asia and the Middle East (see Pew, 2013). Even in Indonesia, arguably the most prominent Muslim third model – in which reformist Muslims played a major role – religious freedom and tolerance remains a challenge (Menchik, 2014, 2016).

Therefore, while a third model that for example enforces a ‘twin tolerations’ model of secularism, may be considered *democratic* according to dominant criteria of democracy, the lingering issues such as religious freedom still need both an explanation and resolution. In fact, other revisionist normative theories of political secularism such as the ‘principled distance’ model by Bhargava or Taylor has precisely stressed the values that democracy seeks

to achieve to more than separation of religion and state. It is in this revised sense, that Charles Taylor (2009) has claimed that it “is generally agreed that modern democracies have to be ‘secular’” (p. xi). Thus, a third model may still have to address the question of political secularism in the sense of protection of key values such as religious liberty. That is, while a third model may be non-liberal and may accommodate expansive roles for religion, it still has to be ‘secular.’

While scholars of the reformist approach may be sympathetic to non-liberal third models, they obviously do not condone limits on religious freedom or women’s rights. Those of the reformist approach assume that these problems may have to do with “the influence of certain religious authorities and ethico-legal legacies peculiar to the Muslim world” (Hefner, 2014, p. 93; Esposito & DeLong-Bas, 2018, pp. 224-228; An-Na‘im, 1990; 2008). Thus, the logical solution would be reformist reinterpretation of the classical interpretations of shari‘a (e.g., An-Na‘im, 1990, 2008; Hashemi, 2009; Hefner, 2014). It is this normative recommendation that lies in the suggestion that the challenge for ‘Muslim democrats’ would likely be to show to both anti-democratic Islamists and opportunistic politicians that “Islamic law is best understood not as an unchanging blueprint for theocratic governance but as a source for general principles and ethical guidance compatible with Muslim democracy” (Hefner, 2014, p. 97). The idea of an emergent ‘religious secularity’ (Ghobadzadeh, 2013; Ghobadzadeh & Rahim, 2012) or ‘Muslim secularism’ (Hashemi, 2009) in several places such as Iran, Turkey and Indonesia that is supposedly derived from and based on reformist interpretations of Islam, underlies this recommended normative solution by the reformist approach.

In summary, the reformist approach argues that the obstacle to democracy as such in Muslim states does not lie in a fixed Islam. Yet for several factors, including the centrality of religious language to Muslim politics, Islamic resurgence and the rise of Islamism, and

because of religion's social influence among Muslims, democracy requires a basis in religious language. Such religious language typically underpins a reformist Islam since Islam – or for that matter any other religion – is not born with ideas such as democracy. For these reasons Muslim democracies are also likely to constitute a third model. Any lingering problems, such as the lack of political secularism (understood in its revisionist conception emphasising the values, such as religious freedom, that democracy seeks to achieve), could also be addressed through reformist Islamic reinterpretations.

Critiques Based on the Role of the State and Institutional Approach

The reformist approach assumes that the lingering problems for democracy, such as the lack of political secularism and religious freedom, are due to the Islamic ethico-legal legacies. However, some have argued that the exacerbation of those issues has less to do with Islamic precepts and practices (Agrama, 2012; I. Ahmad, 2009; Cesari, 2014; Mahmood, 2016). Rather, these scholars have argued, albeit differently, that modern state building has been more decisive in production and exacerbation of these issues.

A common starting point for these critiques is the argument by Talal Asad that 'religion' as a set of beliefs and norms distinct from politics and materiality is a modern category that emerged through state formation in Europe (Asad, 1993, 2003; Cesari, 2014, pp. xii; Mahmood, 2016, p. 15). That is, it is the 'secular' sovereign power of the modern state that has transformed religion into such a category. For Asad, 'secularism' is closely bound up with state power and ensuring state unity. Hence, for Asad (2003, pp. 1-2), 'secularism' is not simply about the 'separation' of religion from the state. Separation did exist even in pre-modern Muslim cases (see Lapidus, 1975). Secularism, Asad (2003, pp. 1-2) argues, rather assumes *new* self-understandings of 'religion' and *new* ethical and political sensibilities. Because secularism is about modern state's power to assign the proper place for religion, paradoxically it also entails that the modern state is deeply *involved* in religion (see also

Agrama, 2012; Asad, 2006; Mahmood, 2016). For Saba Mahmood (2016, pp. 1-23), it is therefore not due to a lack of secularism that religious problems have worsened in places such as Egypt. It is precisely the paradoxical nature of secular rationality (i.e. the deep regulation of religious life and construction of religion as a space for non-interference by the state) that has exacerbated religious tensions, hardened religious boundaries and polarised religious differences (see also Agrama, 2012).

While Jocelyn Cesari (2014) agrees with the state's role in construction of religion as a modern category, thereby spurring Islam's politicisation, she emphasises a different genealogy. Combining an institutional approach with norm diffusion, Cesari (2014) argues that while in Western cases, the state's construction of religion as a modern category largely resulted in its 'privatisation,' the opposite happened in many Muslim states formed in the aftermath of the collapse of the Ottoman Empire due to *how* Islam was *institutionalised* in the structures of the modern state. Specifically, in the aftermath of the collapse of the Ottoman Empire, the new states absorbed Islamic institutions (religious clerics, institutions of endowment and learning) and fused Islam with national identity by systematically omitting ethnic, linguistic, and other religious differences. Islam therefore became a religion imposed "on all citizens independent of their religious affiliation, simultaneously leading to the denial of public expression of all religious groups, except the nationalised religious group" (Cesari, 2016, p. 114). The multiple institutionalisations of Islam (in constitutions, laws, administrative bodies, and education systems) led to its rise as a 'hegemonic religion' (Cesari, 2014, 2016; Cesari & Fox, 2016).

Major consequences flowing from preservation of Islam as a hegemonic religion include the discriminatory use of law against religious minorities (who do not define the national identity) and against fellow Muslim citizens through blasphemy and conversion laws. Hence, unlike Mahmood, she argues that Muslim states have failed to properly 'secularise'

because of the failure to implement two principles of equidistance between all religions and even equal protection of all minorities by law (Cesari, 2014, pp. 4-5). Thus, Cesari argues that the so-called ‘secular’ states of Turkey, Tunisia under Ben Ali, and Iraq under Saddam Hussein, did not actually implement secularism, although they attempted to diminish the role of religion in the public sphere. Cesari (2014, 2016) is careful to note three important points: 1) even in Western cases, there are problems of secularism, 2) Islamic tradition per se is not to be blamed for hegemonic Islam, and 3) hegemonic traits exist even in Western democracies and elsewhere such as Sri Lanka and Bhutan (Cesari & Fox, 2016). But, how exactly did Islam become a hegemonic religion?

Cesari (2014) explains the processes that led to this *institutionalisation* of Islam through nation-building based on Amitav Acharya’s (2004) norm ‘localisation’ framework. Specifically, she argues the rise of two movements – pan-Islamism and pan-Arabism – provided ‘narratives of resistance’ during the decline and collapse of the Ottoman Empire. These narratives and the anti-Western campaigns used Islamic terminology to portray European modernization as being in conflict with Arab and Islamic identity. Thus, even the most secularist of leaders could not ignore Islamic norms and references in the new state building processes:

In the case of the nations built on the collapse of the Ottoman Empire, the diffusion of international norms of statehood was decisive in the fabrication of Islam as a political religion. The emergence of new political norms tied to nationalism generally resulted in state narratives that either referenced Islamic terminology or were diversely articulated within an Islamic framework. Localization of these norms occurred as state actors actively reframed them using local vocabulary....both pan-Islamism and pan-Arabism contributed to the broad appeal of independence from Western imperialism. That is why Islamic references were ultimately used to localize the nation-building

process and legitimize state actors and policies. The outcome of such localization was the inclusion of Islam within the new state institutions. (Cesari, 2014, p. 30).

Instead of protecting the Islam-state nexus as it had existed, the architects of modern states nationalised religious institutions, clerics, places of worship, and inserted Islam in the modern public school curriculum. They did this specifically for two reasons: to gain public legitimacy and undercut pan-Islamist threat (Cesari, 2014, p. 30; 2016, p. 142; 2017, p. 33).

Nevertheless, the end result has been the emergence of hegemonic Islam.

While hegemonic religion is not *per se* a barrier for democratic transitions (e.g. Tunisia), Cesari & Fox (2016) have argued hegemonic religion is associated with low levels of democracy. However, hegemonic religion is a particular religion-state configuration, which is not reducible to Islam as such. Hence, Cesari (2014) asserts that the problem for democracy is not that “‘Islam needs to be reformed or modernized,’ as we often hear in political or scholarly circles” (p. 279). Rather the real problem is Islam’s modernization through nation building that has led to its politicisation (Cesari, 2014, p. 279). The particular Islam-state configuration (i.e., hegemonic Islam) has become a ‘habitus,’ which is directly reflected in Muslim acceptance of electoral democracy while they also at the same time desire Islam to play a public role (Cesari, 2014, p. 17). Hence, if Muslim states with hegemonic traits transition to a democracy, it is unlikely they would be secular democracies. Instead, they are likely to be ‘unsecular democracies’ (Cesari, 2014, pp. 237-264).

A Discursive Institutional Approach

The reformist Islam approach and Cesari’s institutional approach provide relevant theoretical context for this thesis. The reformist approach is useful to understand religion’s relationship to politics in general, and reformist Islam’s relationship to it in particular. However, it could over-emphasise religious discourses and religious actors. As Zubaida (2011) has argued, the conception of public sphere in some of this literature largely stresses

the religious components. Zubaida (2005a) argues that with modernization, for many ordinary people, religion “became compartmentalized to particular corners of [people’s] lives” (p. 444). For Zubaida (2005), even in the case of the Islamic Republic of Iran, “[t]he idea that the ‘common people’ can only understand religious language and not secular ideologies is patently false” (p. 442). While religion was not privatised, religion was “part of a plural political and ideological field” in which the public sphere is very porous to secular ideologies (Zubaida, 2005, p. 443; 2011, pp. 166-174; 2012). This suggests that while religious discourses do matter, non-religious discourses and non-religious actors also matter.

There is also a paucity of literature on what specifically reformist Islamic discourses have meant for religion-state nexus and democracy when such discourses may exist in the hands of state actors in specific discursive contexts. The Maldives has seen state actors, including chief executives, with direct influences from reformist Islam.

Cesari’s institutionalist approach rightly alerts us to path dependent legacies of institutionalisation of Islam. However, the concept of hegemonic Islam largely take into account the more *institutional* aspects of how Islam was transformed into a modern religion through national identity building. Thus, Cesari (e.g., 2014, p. 11) defines ‘hegemonic Islam’ through the following *institutional* criteria:

1. Nationalisation of institutions, clerics, and places of worship of one religion;
2. Insertion of the doctrines of that religion in the public school curriculum (beyond the religious instruction, i.e., in history, civic education, etc.);
- 3a. Legal discrimination against other religions in education, public funding, public expression, and so forth; and
- 3b. Legal restrictions of freedom of speech and expression as well as restrictions of women’s rights (marriage/divorce/abortion) based on the prescriptions of that religion.

Cesari (2014) in fact notes that a possible fifth domain of “public discourse by secular leaders” (p. 30) has not been analysed.⁸

It should be noted the extra-institutional discursive level is emphasized when Cesari uses the norm diffusion approach to argue that it was the influences of anti-colonial movements such as Pan-Islamism and Pan-Arabism that explained why Islam first became imbricated when new norms of nation-state emerged in Muslim majority states in the aftermath of the collapse of the Ottoman Empire. However, the institutional approach overlooks how contextually specific historical as well as new extra-institutional discourses may continue to shape and re-shape the institutional religion-state nexus as well as national identity. Thus, while Cesari (2014, 2016, 2017) argues that institutionalization of Islam has transformed it into a modern ‘national ideology’ and ‘religious nationalism,’ she stresses the institutional anchors of religious nationalism and religious national identity.

There is a vast literature on the role of historical narratives and discourses in the construction of nation and national identity (Brockmeier, 2002; Cinar, 2012; Dryzek, 2006; Ram, 1995; Somers, 1994; Wodak, de Cillia, Reisigl, & Liebhart, 2009) and the role of specific discursive practices in constructing religious nationalism (Juergensmeyer, 1993; Laffan, 2002; Menchik, 2014; Veer, 1994).⁹ Both Cinar (2012) and Menchik (2014), for instance, show the contextually specific ‘pasts’ that have influenced national ideologies in Turkey and Indonesia, respectively. Cinar’s comparative study on Turkey and Austria

⁸ This thesis does not focus on the education system except in passing. It is important to note that although the socialisation process of the education system promotes Islam, it would not allow use to understand how students receive that Islam through the curriculum unless relevant research is conducted from their point of view. The Q methodological study in this thesis seeks to understand what ordinary people think about Islam’s relationship to democracy.

⁹ Note that a religious collective identity could precede religious nationalism (see Jakelic, 2010).

specifically focuses on the role of dominant or overarching historical narratives or what she calls ‘meta-narratives’. Her comparative study is sensitive to how *contextual* historical discourses and narratives – as opposed to more generalised ideologies (e.g. pan-Islamism) – mattered in building nationhood. Similarly, Menchik focuses on local history – that is, a contextually specific place, time, and set of discourses – that shape religious actors’ interests and beliefs. Using that strategy, he shows how a specific form of religious nationalism has transpired in Indonesia (Menchik, 2014). These specific historical narratives, discourses and practices may explain contextually specific discrimination and intolerance towards minorities as well as contextually specific politics on citizenship.

A discursive institutionalist framework could take into account the role of religious discourses (that the reformist approach rightly emphasizes), non-religious discourses, as well as the role of institutionalization of religion through state building (as emphasized by scholars such as Cesari stressing an institutional approach). Discursive institutionalism is an ‘umbrella concept’ that subsumes a number of approaches that emphasise the role of ideas and discourses in politics (Schmidt, 2008a, 2008b, 2010, 2015). It complements other ‘older’ new institutionalisms, such as historical institutionalism, but emphasizes that discourses enable or constrain political actions within institutions (Schmidt, 2008a, 2008b, 2010, 2015). Where Cesari combines norm diffusion approach with her institutional approach, Cesari’s work therefore can also be considered a discursive institutionalist approach, albeit she emphasises the institutional aspects of politicization of Islam. With his emphasis on the struggle or competition between secular and religious *ideologies* over state policies on religion, Jonathan Fox’s Secular-Religious Competition Perspective (Fox, 2015, pp. 32-38) can also be considered a form of discursive institutionalist perspective. Similarly, Ahmet Kuru’s (2009) argument that state policies on religion are outcomes of ideological struggles can also be considered a discursive institutionalist approach.

I specifically draw from Dryzek (1996, 2000, 2006), Dryzek & Holmes (2002), Carstensen & Schmidt (2016), and Schmidt (2008a, 2008b, 2010, 2015), in examining the role of discourses (including those influenced by Islam) in examining Islam's relationship to politics. Following Dryzek, I take 'discourse' as a shared framework of vocabularies, concepts, categories, and ideas that is embedded in language and that enables sense making of the world (Dryzek, 1996, p. 32; 2000, p. 18; 2006, pp. 1, 3). Discourses act as *constraints* and *resources* for actors to conceive and shape politics (Dryzek & Holmes, 2002). Hence, while some discourses could be more decisive for an outcome, they are not *deterministic*. As resources and constraints, as Dryzek (2000, pp. 101-103) has suggested, discourses could specifically play the following three roles in institutional developments as well as more broadly in political cultural developments:

- 1) Discourses shape the way people think about issues.
- 2) Discourses can set the terms and vocabularies and framing of common issues
- 3) Horizontally, discourses can effect cultural change (for example, in more democratisation directions).

Discourses form a 'discursive field,' which is "constituted by the positions that actors, often opposing one another, can occupy" (Dryzek & Holmes, 2002, p. 5). The idea of discursive field, based on Bourdieu's (1993) theory of field, is emphasised for two key reasons. First, the constraints and resources in the discursive field apply *beyond* the original exponents of a discourse. Once a discourse is introduced in the field (by local or external agents, through various means) it may take on its own life beyond the original agents. The ideas, vocabularies, discourses that constitute it and are available in it, shape the bounds of political possibilities (see also Kompridis, 2006, p. 173; Kompridis, 2011, pp. 255-54; Rizvi, 2004, p. 162). While political actors of a given discourse may not live up to it, as they often fail to do, the choices open for them to act, to conceive and shape politics, are constituted and

possible *through* discourses. In other words, political reformers must “live with, work within, and draw upon...discourses” available in the discursive field (Dryzek & Holmes, 2002, p. 13; also Schmidt, 2008b, p. 306).

Second, I emphasise the plurality of discourses in this field as well as the dynamic and open nature of this field. This thesis will show that through their institutional and discursive dominance, discourses could attain ‘ideological path-dependency’ (see also Kuru, 2009, pp. 37-38). Ideological path dependency entails that once an ideology (or discourse as I use it) becomes entrenched, it is very difficult for other ideologies to challenge and replace the entrenched ideology. Ideological path dependency does not mean ideological determinism (Kuru, 2009, p. 38; Thelen, 2000). It does not mean they necessarily foreclose alternative discourses in the public sphere. While discourses can be very powerful as Foucauldians assume and can be utilised for hegemonic purpose, as Dryzek & Holmes (2002, p. 17) have argued they are not always discursively *hegemonic*. The Q methodological study to map how ordinary people think about Islam’s relationship to democracy will show there is no such discursive closure in the Maldives. Thus, while “the structure of the discursive field constrains what positions can be taken,” the discursive field is “itself determined by the actions, interactions, and contestations of those taking positions” (Dryzek & Holmes, 2002, p. 5). If the possibilities and impossibilities it presents are a function of discourses, new discourses could expand the boundaries of possibility.

Under conditions of modernisation as explained by Eickelman & Piscatori (1996), the contemporary Muslim societies are characterised by a pluralisation of discourses. As much as Islam has been transformed into an institutional and discursive political religion, contemporary discursive fields are highly fragmented by the plurality of actors (both internal and external) and the plurality of their discourses. The plurality of discourses especially in a globalised context also entails that a disproportionate focus on certain religious actors or

religious ideas would be a mistake. The rise and diffusion of global discourses, such as the human rights discourse, have deeply impacted all societies (Donnelly, 2013; Dryzek, 2006; Harrelson-Stephens & Callaway, 2014; Keck & Sikkink, 1999; Risse, Ropp, & Sikkink, 1999). While religious resources do play an important role in the acceptance of new norms (An-Na'im, 1995), I emphasise that the political institutional outcomes (e.g., a constitution) are through *engagement* and *competition* across *different* – religious and non-religious – conceptions of human rights in all modern societies. It is in this sense, I emphasise that non-religious discourses also matter.

Overall, the discursive institutionalist framework I employ emphasises three specific ways discourses have ‘power’ as theorised by Carstensen and Schmidt (2016):

- Ideational power *through* ideas:¹⁰ the capacity to persuade other actors of the cognitive validity and/or normative value of one’s worldview through the use of ideational elements. For example, through reformist Islamic discourses, political actors may have greater chance (or capacity) to validate political modernization and re-organisation of religion-state relations.
- Ideational power *over* ideas is manifested as the capacity of actors to control and dominate the meaning of ideas. For example, a religious nationalist discourse by the state could suppress an alternative discourse by portraying its proponents as ‘enemies’ of the nation.
- Ideational power *in* ideas exists when discourses enjoy dominance and authority. For example, a meta-narrative of national identity based on Islam, could be such a dominant discourse.

¹⁰ Here I retain their terminology, ‘ideas’; but as Schmidt (2008b, p. 306) says the difference between discourse and ideas as they are used by scholars can be ‘one of emphasis.’

Finally, while discursive institutionalism stresses the role of ideas, it also takes into account institutional factors and institutional path dependency. Hence, the religion-state institutional nexus (which underpins Islam as a modern institutional political religion) represents an institutional configuration of path dependency that constrained democratisation towards a *third model*. Thus, I distinguish between ideological path dependency (e.g., the emergence of Islam as a modern discursive political religion) and more institutional path dependency (e.g., Islam as an institutional political religion). However, given the emphasis on the role of discourses, this thesis also accounts for how institutional change may still occur, especially during critical junctures.¹¹

Methodological Tools

The analytical eclecticism also informs the choice of methodological eclecticism. Following Cesari (2014), I conducted institutional analysis of constitutions, laws and the institutional developments in the legal system, to examine the resulting institutional changes as well as re-organisations of religion-state nexus. This is a more positivist methodological endeavour since it is more objective. To make the institutional analysis of the religion-state nexus more *systematic*, I draw from Bhargava's (2009) three-level framework of religion-state relations.

Religion, according to Bhargava (2009, pp. 86-89), can relate to the state at the level of 1) ends, 2) at the level of institutions and personnel, and, 3) at the level of law and policy. At the first level, a state could identify as its ultimate ends those of a religion's: that is, a state ultimately exists for achieving the ends or objectives identified by a religion. At a second level, a religious establishment or personnel or an institution like a church could directly rule

¹¹ A critical juncture is in general a significant period/moment in which there are favourable structural conditions for political actors to choose policy options for systematic change (see Mahoney, 2001)

a state. Finally, at a third-level, a state could be governed by divine laws or the laws and policies may be derived from or based on religion.

Table 1: Bhargava's framework for state-religion relations

Levels	State and religion nexus
Ends	C or D
Institutions and personnel	C or D
Law and policies	C or D

Note: Based on Bhargava (2009). C = connection and D = disconnection

Bhargava's schema, however, is limited to the possible *links* between religion and state. As discussed above, the revisionist literature has convincingly argued that secularism is more than the institutional relationship (separation) of religion and state at this level. In the modernisation processes, it is not just the nature of the state that changes, but also the categories of religion and shari'a are changed too (Asad, 2003; N.J. Brown, 1997; Cesari, 2014; Hallaq, 2005). If this were the case, focus solely on the 'links' between religion and state as such, and assuming they remain constant, would not give us the full picture of the reconfigurations of those links. For this reason, an adequate analysis must take into account the changes in self-understandings and meanings of these categories. Thus, in the institutional analysis, I carefully elucidate the changing self-understandings of religion and state as a fourth dimension of institutional changes.

The thesis also uses interpretivist discourse analysis to understand the subjective discourses of political actors.¹² Even though it is interpretivist, the more positivist institutional analysis constrained discourse analysis, as the goal is to *understand* the *specific discourses* of political actors behind *specific institutional* changes. Similarly, as the focus is only on a few political elites (in a political system dominated by a few elites) behind transformation of Islam

¹² In this respect I follow Kuru (2006, pp. 37-38).

into a modern discursive and institutional political religion, the discursive analysis of their subjective views based on their speeches, articles, and other literature, are a relatively straightforward analytical endeavour. However, a third method, Q methodology, to understand the subjective viewpoints of ordinary people on Islam's relationship to democracy is more systematic and less interpretivist in its use of statistical techniques. The goal of the Q study is to establish the range and type of viewpoints and background reasoning on Islam's relationship to democracy from the perspective of ordinary people. While the details of the research design of the Q study for this thesis is provided in Chapter 6, I provide below the key methodological explanations.

Q methodology is a well-developed method to understand human subjectivity (Brown, 1980; Dryzek, 1994, 1996; Dryzek & Berejikian, 1993; Dryzek & Holmes, 2002; Watts & Stenner, 2012).¹³ The goal of the researcher is to model the subjective orientation of an individual towards a particular topic (or domain, such as Islam's relationship to democracy) based on how the subject reacts to a set of statements on the domain. Thus, the individual is asked to rank order the statements according to a specified criterion – often 'most agree' to 'most disagree'. The resulting ordering (called Q sort) among several individuals is then correlated and compared to extract the patterns of subjective viewpoints (or discourses) that exist within and across individuals. The statistical technique of factor analysis is used for this purpose of identifying the patterns. I used the PQMethod software for Macintosh (release 2.35) by Peter Schmolck specifically developed for Q methodological analysis.¹⁴ Hence, Q methodology is reconstructive and constrained by objectivist techniques.

¹³ Watts & Stenner (2012) provide an extensive guide on both theory and practice of Q methodology. This thesis follows their instructions to a large extent.

¹⁴ The software is available for free download from <http://schmolck.org/qmethod/>

There are several ways statements for Q sorting may be obtained. These include in-depth interviews, focus groups, ethnographic studies, newspapers, and so forth (Watts & Stenner, 2012). To stay true to its reconstructive aims, the Q study for this thesis collected statements in everyday language of the Maldivian people based on focus groups conducted in the Maldives. There is no universal method of sampling a final Q-sample (statements) for interviews. The key is to ensure that the Q sample is representative of the topic at hand and, as such, to ensure variety and breadth (more details on the focus groups and sampling of statements appear in Chapter 6). A Q sample of 40 to 80 statements is the house standard (Watts & Stenner, 2012).

Unlike surveys, Q methodology also works with a small participant group (known as P Set) as the purpose to map the type and range of discourses within and across subjects. That is, the aim of Q research is not to estimate population statistics but to seek diversity of views. Thus, the key principle in selecting subjects is ensuring the diversity among the subjects in terms of socio-political and demographic backgrounds. If diversity is ensured through strategic sampling, adding more subjects therefore does not necessarily yield different results. Although a ballpark figure of 40 to 60 participants is recommended, even a fewer strategically sampled subjects could be sufficient for a Q study (Watts & Stenner, 2012). This thesis interviewed 32 subjects following a previous Q study on Islam, secularism and democracy in Turkey by Kanra (2009), who used 33 subjects.

A final methodological point is about generalisation. As mentioned, Q methodology seeks to understand the subjective perspectives of individuals, and as such it yields in-depth analysis of a small sample rather than large-N statistical analysis that can generalise to a larger population. However, the patterns (or the types and variety) of viewpoints established through Q methodology are also the patterns of viewpoints that would exist in a larger population (Dryzek & Holmes, 2002, p. 27).

CHAPTER 2

EMERGENCE OF ISLAM AS A MODERN INSTITUTIONAL POLITICAL RELIGION
(1932-1978)

Styled as a sultanate since adoption of Islam from around the twelfth century, and as a British protected state since 1887, the Maldives began attempts at modern constitutional reforms from the early 1930s. The central argument of this chapter is that by the 1970s, the processes of modern nation building seeded Islam as a modern ‘institutional political religion’ through a transformation of the Islam-state nexus as unknown in the pre-modern period. This chapter therefore examines the broad institutional tendencies between 1932 and 1978 that underpinned Islam’s transformation.

This chapter argues that by the late 1970s, two broad institutional tendencies stood out. First, the state adopted modern constitutions incorporating certain liberal and electoral principles: popular sovereignty, rule of law, formal equality before law, certain civil and political rights, and (limited) electoral political mechanisms. Second, instead of jettisoning Islam, the state also attempted to institutionalise Islam into *modern* forms of centralised state political authority, statute laws, bureaucratised judiciary, and collective identity. These processes transformed the status and self-understanding of religious authority, shari‘a law, religious scholar-chief justice’s judicial office and religious identity of the polity and the people. Islam, thereby, emerged as a modern institutional political religion.

Through a detailed analysis of religion-state relations at multiple levels by examining five constitutions, eight amended constitutions and more than 240 laws and policies of successive governments, I suggest that the *overall* institutional outcome of the ostensibly paradoxical developments was the emergence of a modern, hybrid ‘secular-religious state’:

while a certain liberal institutional trend also emerged, modern nation building did not lead to political secularism. Besides institutionalising Islam at the levels of laws, personnel and institutions, the modern state apparatus – that was otherwise secular in many ways – was also striated through a distinctly modern Islamic identity. That is, the Maldives state acquired a distinctly modern Islamic identity, *inter alia*, through the modern arrangement of written constitutions declaring Islam as state religion, through the omission of religious freedom in all constitutions, and through the modern legal arrangement of citizenship that *implicitly* defined national identity through Islamic belonging (e.g., the naturalisation law, *Citizenship Act 1969*). Paradoxically, therefore, the *omission* of religious freedom in all constitutions was also the most *concrete* reflection of how the state built a distinctly modern Islamic identity.

The chapter begins with a schematic outline of the historical benchmarks of religion-state nexus in the Maldives. The three sections that follow examine the institutional developments through analyses of key constitutional periods that transformed Islam into a modern institutional political religion with the overall outcome of a secular-religious state by the 1970s. These periods are around the 1932 Constitution (the first constitution), the 1953 Constitution (establishing the first republic), and the 1968 Constitution (establishing the second republic), respectively. The final section provides a detailed analysis of the nature of the emergent state and the re-organisation of the religion-state nexus by the late 1970s, comparing it with the analysis of the religion-state nexus in the first section.

Religion-State Relations: The Historical Benchmarks

From a Buddhist State to a Muslim State

The pre-modern Islam-state nexus was shaped by the pre-existing Buddhism-state nexus, as the latter seemed to have been moulded into an Islamic political framework.

Buddhism, introduced from South Asia, had been the religion in the Maldives since at least since the third century CE for over a millennium. Sufficient historical data does not exist for a

definitive pre-Islamic history. However, there is sufficient archaeological evidence, including Buddhist ruins, mounds, and relics, in several islands throughout the country, to conclude Buddhism had flourished in the islands (Mohamed, 2000, 2002, 2008, n.d).

Sunni Islam spread from around the twelfth century, with the state claiming 1153 to be the year of conversion to Islam (Bell, 2002; Lister, 2016, p. 62; Maloney, 2013; Mohamed, 2008, pp. 85-100; Romero-Frías, 2003). According to current state historiography, the Maldives converted under Abul Barakat al-Yusuf Al-Barbari, a Sufi saint from Morocco (see Chapter 3 on state historiography). The Maldives' location as a direct route to Malacca and China, the Muslim political influences in India and Ceylon, Muslim trade especially around the west coast of India, and the Maldives' dependence on foreign trade, could account for the adoption of Islam in the Maldives (Bell, 2002, pp. 13, 17; Lister, 2016; Maloney, 2013, pp.98-130; Pyrdard, 1887; Romero-Frías, 2003, pp. 11-14).

Some have argued the introduction of Islam “caused rapid turnover of culture” (e.g., Lister, 2016, p. 15). However, the spread of Islam was not instantaneous as both archaeological and historical evidence suggest (Lister, 2016, p. 254; Mohamed, n.d).¹⁵ Crucially, as an invading Muslim army did not conquer the Maldives and the conversion to Islam appeared to be largely a top-down process by the state, the pre-Islamic practices and beliefs could continue to shape the Muslim state.

The ancient form of the Maldivian dynastic hereditary monarchy and several of its various offices could indeed be traced to the forms and practices of the ancient Sinhalese

¹⁵ Two copper plates (the earliest writings available), known as *Isdhoo Lomaafaanu* and *Dhanbidhoo Lomaafaanu* dating back to the twelfth century prove that the conversion was not instantaneous and was not completely non-violent. The copperplates, which were official edicts providing endowments for mosques, show that the Island of Isdhoo was converted in 1195 and Dhanbidhoo in 1196. The *Danbidu Lomaafanu* also suggests the Buddhist clergy, who refused to convert were brought to Male for execution.

monarchy (see Pyrard, 1887, pp. 210-213). In Sinhalese monarchy succession was hereditary, and under normal and peaceful conditions, the throne passed on from brother to brother (Peebles, 2006; Siriweera, 2002, p. 86). However, monarchical legitimacy was also derived from the support and protection for Buddhism. The order of monks (*sangha*), while separate from high political office, through their male monks (*bhikkus*), served as advisers to the kings. They in turn also received patronage from the king, including resources for building and upkeep of monasteries and material support for the monkhood (Peebles, 2006, pp. 22-23).

The Maldivian post-Buddhist state could be mapped onto the previous state forms that existed during the Buddhist period. After the state adopted Islam, the arrangement was transformed into an Islamic political framework. The Buddhist king was styled as sultan (Divehi, *radhun*) and a Muslim chief justice (*fa'ndiyaar*) and other religious scholars (*dhannabeykalun*, lit. 'religious learned men') replaced the Buddhist clergy at the king's court (M. Nasheed, 2003). Yet non-Islamic 'old customary practices' (*muskulhi aadhakaadha*) also existed along with the new law, the shari'a (Hassan A. Maniku & Wijaywardhana, 1986; Young & Christopher, 1844). Nevertheless, as will be further discussed towards the conclusion, the broader religion-state nexus of this Muslim sultanate and the changes to it through modernisation could also be compared to what had, in practice, obtained in several other Muslim contexts (Cesari, 2014; Hallaq, 2005, 2009; Hefner, 2011a; Lapidus, 1975; Zubaida, 1989, 2003).

The religion-state nexus under this pre-modern state could be examined at four levels: personnel, institutions, laws and identity/character of the state.

Political and Religious Personnel: the Separation Regime

One key feature of the religion-state nexus of this pre-modern state that would transform in the twentieth century was at the level of personnel and institutions. There was a certain differentiation between the religious functionaries and the political head (the sultan).

We may call this ‘the separation regime.’ The chief justice, who was normally the most learned religious scholar, was the highest religious authority. French navigator, François Pyrard de Laval (1887), who spent 1602-1607 in the Maldives after his shipwreck, observed that the chief justice was the “religious superior of all islands” (p. 133) and the “ecclesiastical superior” (p. 199). Young and Christopher (1844), who visited the Maldives in 1834, portrayed him as “head of the church” (p. 70). As both head of religion and judicial functions, the chief justice formally maintained independence from politics (A. Hameed, 1986, p. 3), an observation also confirmed by Pyrard (1887, p. 199). Thus, as in traditional Muslim societies (Lapidus, 1975), the religious authority was in some way differentiated from political authority.

Although well respected, the religious scholars, including the chief justice, were not all powerful either as a separate class or as state religious functionaries. There was indeed no significant separate class of religious scholars outside the overall state structure in the Maldives. This was so even in the late nineteenth century and at the turn of the twentieth century. Hussain Salaahudhdeen (1881-1948) (1944, pp. 83-90), one of the most prominent twentieth century scholars, stated that when he was young there were no more than four religious scholars (*dhannabeykahun*). Religious scholarship itself was therefore highly underdeveloped.¹⁶ The power of the state religious scholars was also itself limited in practice because the religious endowments (*waqf*) system was executed under the name of the state.¹⁷ Through control over endowments and forms of tax appropriations set aside for the upkeep of

¹⁶ Speaking of what he calls “a half scholar,” Vaaruge Ibrahim Didi, Salaahudhdeen (1944, p. 90) makes a sarcastic remark that Maldivians were not in a position to make a difference between him and real scholars, which is indicative of the low level of religious knowledge.

¹⁷ This being said, judges and related religious functionaries also received gifts from private individuals.

mosques and salary of religious and judicial functionaries, the ruler could therefore in practice influence religious matters (e.g., Pyard, 1887, p. 207).

Institutions: Religious Scholar-Chief Justice's Judicial Office

The separation regime also had implications for the institution of the judicial office of the chief justice. The judicial office was a *religious* body for several reasons. As shari'a rules were not codified, they had to be (at least in theory) deduced from Arabic *fiqh* texts and the sources of Qur'an, Hadith and Sunna. This, in turn, required proper religious scholarship, and the command of Arabic (or equivalent other language). It required a qualified religious scholar to be the head of the judicial office. The chief justice, who was the highest authority on religion, headed the judicial offices precisely because of his command of religious knowledge. Therefore, the judicial office itself had *religious* authority, as a *religious* scholar with command of shari'a, *fiqh* (Islamic jurisprudence) and Arabic language headed it. The rulings of the judicial office carried authority not just because it had the sanction of coercive force of the state, but because of their derivation from the *religious* authority of the office. In these senses, it was a *religious* body or more precisely a religious scholar-judicial office.

Law and Policy: Shari'a and Customary Practices (*muskulhi aadhakaadha*)

At the level of law and policy, shari'a law, where it mattered, was associated with the religious scholar chief justice and his offices. They adjudicated disputes based on rulings interpreted according to their understandings of *fiqh* and shari'a. Shari'a was not, therefore, a domain of lay politicians and institutions who discussed and decided it. It was not simplified in codes or written in plain vernacular language. Nor was shari'a all dominant, comprehensive, or consistently applied.

Non-Islamic old customary practices existed along with shari'a and played an important role in the politico-legal system. The oldest copperplate grant, named *Isdhoo Loamafaanu*, for example, shows that parallel to shari'a, a pre-existing legal system continued

to exist post-conversion (Maniku & Wijaywardhana, 1986; Mohamed, n.d.; Young & Christopher, 1844).

Old customary practices sometimes overrode religious ideals and practices (see, e.g., Amin, 2008, p. 23). An interesting case that illustrated how custom functioned was a court case about Hassan Izzudhdheen, son of the Sultan Shamsudhdheen III, in the early twentieth century. Hassan Izzudhdheen was denied proclamation as crown prince following a judicial inquiry into an adultery case involving him and a nobleman's daughter who was allegedly impregnated by Izzudhdheen. Under shari'a, lacking four witnesses, if the man accused of adultery could declare upon oath that he was not guilty, he should be acquitted. Izzudhdheen pleaded innocent, and the *qadi* had no choice but to acquit. However, the Maldivian custom accorded to good *reputation* overrode the effect of shari'a judgement: the acquittal was insufficient in the weight of evidence in the eyes of the 'people,' and Izzudhdheen was denied proclamation as crown prince (for details see The National Archives, n.d.-a)

More certainly, in actual application, shari'a law was never consistently or fully enforced in the Maldives. From the account of Ibn Battuta, who was a *qadi* in the Maldives for a year from 1343 to 1344, to every major visitor who commented on the aspect, the conclusion was that shari'a law was never fully or consistently implemented in the Maldives (Battuta, 1953; Pyrard, 1887, pp. 202-207; Young & Christopher, 1844).

Overall Identity of the State

At the level of ends, these proto-state structures were seen as '*Islamee verikan*' (Islamic government), not necessarily because the head of the state or the highest political office conformed to Islamic *orthodoxy* or because shari'a was comprehensively implemented. It was *Islamee verikan* importantly because it represented itself as the guardian of Islamic faith, purported to implement shari'a, and consulted religious scholars in the state affairs.

The pre-modern state acquired Islamic identity not through its association with a nation and a citizenry defined through Islamic faith. In practice, it acquired Islamic identity through its *manifestation* via a recurring calendric axis of religio-cultural rituals. These religio-cultural rituals were partly derived from what Clarence Maloney (2013) called the ‘old religion’ and partly from the Sufism-influenced beliefs and practices in the Maldives. Some of the rituals, *inter alia*, included:

1. State religious rituals around the stories of the origin of Islam in the Maldives;
2. Marking of the death anniversaries of key historical figures of Islam and of the Maldives through ritual prayers of *fathihaa* and having special banquets and distribution of Islamic charity (*sadhaqaiy*) for the poor;
3. The rituals of saying *solavaiyfulhu* – prayers for the Prophet Muhammad – through special state functionaries, *kiyeveli beykalun*, and having feasts on various occasions such as on the Prophet’s birthday;
4. Elaborate *maaloodh* rituals (rituals of singing and saying prayer for the Prophet) on various occasions;
5. Special state feasts on certain days significant under Islam; and
6. Ritual recitations of Qur’an at the Royal Palace.

One significant set of rituals was around the official representation of Islamic conversion. For example, the tradition of *naibukamaa hingun*, the day of ‘enjoining good, and forbidding wrong’ (*al-amr bil ma’ruf wal nahy ‘an al-munkar*)¹⁸, was celebrated on the 6th of Rajab of Hijri calendar. This elaborate tradition involved a congregation of key religious and enforcement functionaries of the state, including judicial personnel and army leaders. It would

¹⁸ This is a Qur’anic injunction for individual duty to intervene in correcting wrongs and promoting good in others. See, for example, Zubaida (2003, pp. 58-59).

start with the congregation's visitation and prayer at the tomb of Abul Barakat al-Yusuf Al-Barbari, the saint from Morocco officially believed to have converted the country to Islam. Afterwards, the congregation would have a morning feast at the Sultan's Palace, and then would walk to the four *maizaan* (squares) in Male, and read out an official edict (*faiykolhu*) of 'enjoining good, and forbidding wrong' (*al-amr bil ma'ruf*) (Dhonmaniku, 1993, pp. 93-96). This tradition took place throughout the country, led by the relevant delegates (*naibun*) in the islands.¹⁹

A second ritual related to conversion was *naaba jehun*: drumming at the state drumming post, *Nabus Khaanu*, within the Sultan's Palace compounds, after the *maghrib* prayer *adhan* (Divehi, *bangi*). It was practiced three nights a week around a belief that if drumming was not carried out, *Rannamari*, a pre-Islamic era demon, would reappear, threatening Islam (Maniku, 1997, p. 178). Similarly, the ritual of *munaajaa govun*, a long-standing state practice of saying prayer from midnight to dawn at the main mosque, was a state practice related to Islamic conversion.

Another set of rituals that shows religious character of the state included official *faathihaa* (prayers to mark key historical figures), *solavaiyfulu kiyevun* (prayers for the Prophet), and *mauloodh* (elaborate rituals of religious singing and prayers), organised by the state.²⁰ Highest officials of the state would partake in the visitations and recitation of *faathihaa* prayer at the *ziyaaraiy* (shrines) at different places in Male. These included the Habashigefaanu Ziyaaraiy, Ali Rasgefaanu Ziyaaraiy, Medhu Ziyaaraiy and Faaqih Suleiman

¹⁹ For a detailed account of how the ritual is conducted in the island of Fuavahmulah see F. Ahmed (2008).

²⁰ Adam Naseer Ibrahim (2009) has provided a detailed account of *bara vileyreyge bodu mauloodhu* (12th night's big *mauloodh*) celebrating the Prophet's birthday.

Ziyaaraai of the most important *valeeverin* (saints) during the four *hithi* days falling in Ramadan.

In some of the ritualistic acts, the highest political functionaries, including the sultan, participated through elaborate public displays of power, grandeur and pomp. It was through this annual calendric axis of public enactments of rituals that the state most *visibly* manifested to the people. In the pre-modern time, the state's self-understanding and form therefore acquired *religious* character through those elaborate rituals. Some of them, of course, would continue into modern times. But the state would rapidly shed off this embeddedness and manifestation in religious rituals through the processes of modernisation.

Entering Political Modernization: the 1930s

Internal and external context for a new constitution

The Maldives' entanglement in British colonialism especially from the late nineteenth century impacted its internal politics that provided the context for political modernisation. The Maldives lies strategically along the routes from Europe and Africa to India and the Far East.²¹ The British recognised its strategic significance as attested by the maritime surveying of the Maldives in 1835 in the backdrop of British oriental trade expansion. Lying close to the Indian subcontinent, the British wanted to prevent another foreign power in the Maldives. In the context of domestic disputes between elite families over political power in the late nineteenth century, the British government in Ceylon formalised their relationship with the Maldives, by signing a treaty in 1887, making the Maldives a British protectorate (Mohamed,

²¹ There was an interlude of Portuguese-enforced rule from around 1557 to 1573, and several other brief instances of foreign interventions, which I discuss in Chapter 3.

2010, pp. 278-298; Mohamed Nasheed, 1993).²² All external affairs of the Maldives came under the control of the British government in Ceylon. But it also paved the way for significant British influence in domestic politics, especially through taking political sides during power struggles.

Elite disputes over political succession during the late 1920s and the early 1930s provided the context for political reforms and intervention of the British in Ceylon. Formally political authority was under the sultan, who ruled through a chief minister and other few other key administrative departments. In 1930, those departments included the Treasury, the Postal Office, the Judicial office of the Chief Justice, Customs, and the Military (The National Archives, n.d.-a, pp. 4-6). In practice, as had been the case always, few powerful elites from a few families controlled state affairs (see Colton, 1995). In the 1930s, when Chief Minister Abdul Majeed (1873-1952) acted as a virtual dictator, disputes over succession after Sultan Shamsudhdheen III intensified. The British Colonial Office archival documents between 1930 and 1933 confirmed that a faction within the ruling elite actively sought British leverage to

²² The settling of Indian Muslim Borah merchants in Male in the 1860s was significant in creating this context for the treaty and later political modernisation. The Borah merchants replaced Male-based trade and increasingly monopolised trade and commercial policy of the government. Towards the late nineteenth century, the Maldivian government was descending into insolvency due to rising state debt owed to the merchants. Their many disputes with the Maldivian government sometimes to extract concessions increased in the wake of government decision to introduce new revenue measures. But the period was also overshadowed by legitimacy disputes over succession to the throne. Rival political factions, in their part, played up the Borah merchants in these disputes for their own machinations for power. These developments culminated in the burning down of Borah merchant shops in 1887, the banishment of key politicians who were blamed for the trouble, and the interventions of the British government in Ceylon to settle the political disputes in the country. The British government (who may have feared another foreign power may intervene) took the opportunities created by the turmoil to bring the Maldives under its government.

bring political reforms (The National Archives, n.d.-a). On their part, the British suspected that Majeed might declare a Republic and become its President, a development that probably would not bode well for the British colonial interests in the Subcontinent. The Maldivian representative in Ceylon and brother of the Prime Minister, Abdul Hameed Didi, who pushed for reforms, informed the British that anti-British sentiments especially in Egypt had influenced Majeed, who visited several Middle Eastern countries, including Egypt, Syria and Iraq in 1929 (cited in The National Archives, n.d.-a, p. 10).²³

Although the British intervened, they did not consider the Maldives was ready for a modern democratic constitution. This was evident in a British report by Sir Bernard Henry Bourdillon, the Officer Administering the Government in Ceylon, who visited Male in March 1931. Bourdillon (The National Archives, n.d.-a) argued that, “it would be a great mistake to attempt to introduce a complicated constitution.” Instead he recommended that a council of ministers through which the Prime Minister was held more accountable was sufficient (The National Archives, n.d.-a, p. 9). He also justified his argument by pointing to the lack of a clear understanding of what a democracy or constitution was among the elite. He claimed that of all the people whom he had consulted during his four-day trip, those who spoke in Arabic had the most consistent and clear ideas about reforms. Those who spoke English and Urdu, he asserted, resorted to generalities, mentioning “‘democracy’ and ‘constitution,’ of which their understanding was obviously imperfect” (The National Archives, n.d.-a, p. 9).²⁴ The report

²³ In an account on his trip, Majeed in fact says he met with Egypt’s Wafd Party leader, Mustafa al-Nahas, who advised him “to protect the Maldives from foreign influences” (Salaahudhdeen, 1958, p. 135) and King Faisal of Iraq, who advised him “to save the Maldives from non-Muslims” (Salaahudhdeen, 1958, p. 74). Majeed believed an-Nahas’ and King Faisal’s advice was very “wise” (p. 135) and “good” (p. 75), respectively.

²⁴ Clearly, people like Mohamed Amin and Ahmed Kamil, both constitution drafting committee member and educated in India, were well-versed in modern political thinking (See Chapter 3).

concluded that “the less the Maldivians have to do with the outside world the better for them” but “[i]ncreased contact with civilization is bound to come, and is also I fear, bound to have unfortunate results” (The National Archives, n.d.-a, p. 12). Thus, it was on reforms on power sharing and succession arrangements between the elite, and ensuring that the 1887 protectorate treaty was unaffected, that seemed to be the main interests of the British government. Bourdillon therefore proposed and the officials agreed to a new governing structure, whereby the Sultan would rule through a council of cabinet ministers. Effectively, this was an arrangement to curb the Prime Minister’s power and also allow the Sultan to have more effective power.²⁵

However, Bourdillon’s visit further galvanised the elite faction who wanted to bring modern constitutional reforms. Bourdillon held a public forum attended by up to 200-300 people at which he interviewed state officials and other notables numbering about 37 to understand their views on political reforms. Thus, his visit unwittingly seemed to have given an impetus for reforms. Ten days after Bourdillon’s departure, Sultan Shamsudhdeen convened an 11-member Constituent Assembly to draft a constitution on 19 March 1931.²⁶ The Maldives promulgated its first constitution on 22 December 1932.

The 1932 Constitution: liberal reforms within an Islamic political framework

Overall, the 1932 Constitution and the amendments in 1934 reflected liberal principles and norms within an Islamic political framework, setting the stage for Islam’s transformation

²⁵ After the first constitution was effectively repealed in 1933, the British government expressed their initial sentiments: the Maldives was not ready for elaborate constitutional arrangements that prevailed in “advanced democratic countries” (The National Archives, n.d.-b, p. 4).

²⁶ Two more members, Mohamed Amin and Hassan Fareed, were appointed to the Constituent Assembly on February 18, 1931. After Prime Minister Majeed resigned, the Assembly consisted of a total of 12 members.

into a modern institutional political religion. The Sultan's edict to convene the Constituent Assembly laid down the broader parameters for modern nation building. The decree states:

As the state (*dhaulaiy*) of my *vonadhona*²⁷ Maldives does not have specific written laws (*qanoon*), I hereby appoint you to convene, deliberate and make [such *qanoon* that are] non-contrary to Islam, and incorporate the existing old customary practices (*muskulhi aadhakadha*) that are appropriate for modern times. (Constitution, 1932)

The edict paved way for reforms “appropriate for modern times” (*mizamaanah ekasheegenvaa*). In line with the edict, the Constituent Assembly worked on two tracks: one committee that identified and documented the existing old customary practices; and, a second committee that reviewed the new institutional norms and practices to be incorporated.²⁸ Significantly, for this purpose they reviewed the Egyptian constitution of 1923 and British-influenced constitutional principles as the main sources for the constitution (Amin, 1951b, p. 15). Thus, the edict paved way for two broad institutional tendencies: institutionalisation of liberal features and principles, and absorption of Islam and construction of Islamic identity within modern institutional forms.

Liberal Reforms

Article 1 of the 1932 Constitution declared the sultanate as a “constitutional elective monarchy.” Significantly, Article 23 incorporated the modern concept of popular sovereignty, by stipulating that “all powers of the state are derived from the people.” Article 4 incorporated

²⁷‘Vonadhona’ literary refers to the islands’ geographical phenomenon of natural beach/soil erosion and reclamation with the change in seasons.

²⁸ The committee that documented old customary practices included two religious scholars, including the then chief justice, Hussain Salaahudhdheen. The second committee included some of the modern educated younger elites. A third committee then drafted the constitution. I explain more on these aspects in Chapter 3.

the concept of the equality of all citizens before law, and several others enshrined elements of rule of law (e.g., Article 5 on freedom from arbitrary arrest, Article 6 on freedom from any punishment except laid down by law, and Article 92 stipulating constitutional supremacy). To realise popular sovereignty, the constitution provided for limited democratic politics (Article 26) with an elected people's assembly (meant to act as an upper house) (Articles 59 to 62), and a partially elected legislative assembly (Articles 56 to 58).²⁹ Article 80 stipulated the independence of judicial office. Finally, a bill of rights was incorporated, providing for, *inter alia*, freedom of expression (Article 12), freedom of the press (Article 13), freedom of assembly (Article 16), and freedom of association (Article 17).³⁰ Notably, in the 1932 Constitution, these rights were to be limited only as expressly provided for in *law*.

Even if hardly enforced, those reforms set off one broad institutional trend towards incorporation of liberal features and principles and limited electoral features. The other trend was institutionalisation of Islam.

Institutionalisation of Islam

The liberal reforms were incorporated within a broadly Islamic political framework and Islamic identity. The Sultan's decree stipulated an overarching religion-based condition, which says the Constitution and laws have to be *non-contrary* to Islam, which some scholars have called the 'Islamic repugnancy clause' (Ahmed & Ginsburg, 2014). As the decree became part of the Preamble of the 1932 Constitution, it had constitutional import. A version of the Islamic repugnancy clause was institutionalised *in a modern constitution* for the first time in the Maldives, giving a foundational identity for the polity and a limitation to law

²⁹ Of the 28 members of the legislative assembly, 17 to be elected by the People's Majlis, seven to be appointed by the Sultan, five elected from capital Male

³⁰ Some of these provisions were really not rights (e.g. Article 14, requiring learning to recite Qur'an).

making. More specific changes took place at the level of the identity of the polity, the religious personnel, the institution of the judiciary and at the level of laws.

At the level of the very character of the state, the state was given an Islamic identity by establishing Islam as the official religion of the state (Article 2) – a direct incorporation from Article 149 of Egypt’s Constitution of 1923 (Ghali, n.d.). In this respect, the Maldives followed Egypt and emerging states of the Arab East in the aftermath of the collapse of the Ottoman Empire. The Ottoman constitution of 1876 had only implicitly established Islam, but the emerging states of the Arab East more explicitly enshrined Islam as the state religion (Brown & Sherif, 2004, pp. 60-61). During this period, generally, the imbrication of Islam was symbolic. This was the case even in the Egyptian case (Brown & Sherif, 2004, p. 61), where it was unanimously endorsed by the Constituent Committee, which included both Muslims and non-Muslims, although this might be to appease Muslim majority sentiment (see also Mahmood, 2016, pp. 77-79). While this provision acknowledged the majority religion in Egypt, formal religious liberty of the minorities was also enshrined. Article 12 of the 1923 Egyptian constitution stated: “Freedom of belief shall be absolute” (Ghali, n.d.)

However, in the Maldivian case, Islamic collective identity was incorporated into the 1932 Constitution more concretely through the omission of freedom of religion from among the fundamental rights it otherwise provided. Ostensibly the non-existence of religious minorities in the Maldives explained this omission. The establishment of Islam as state religion in a modern constitution along with the omission of religious freedom triggered a distinctly modern Islamic identity-building project for the state and people that had not existed before.

At the level of law and policy, the basis for codification and ‘entexting’ (Hallaq, 2009) of shari‘a was laid through the concept of rule of law based on written *qanun* (statute or public law). The whole move towards a constitution was conceived in terms of achieving rule

of law through written laws. With that, *qanun* increasingly became a major part of the legal system. The new legislative assembly, for instance, passed no fewer than forty laws within the first eight months after the constitution was enacted on 22 December 1932. This does not mean shari‘a was *displaced* or *rejected*. On the contrary, rule of law as statute laws meant that shari‘a itself also had to transform through codification onto statute law forms and other written rules in the vernacular. Among the new laws that were passed within the first eight months, four directly related to religion.³¹ These included a law on adultery (*zina*) by a *muhsin* (an adult, free, Muslim who had previously had a legitimate sexual relationship); a law on theft; a law requiring the learning of Qur’an; and, a law on performing magic (*fatiha*). In other words, the constitution laid the foundation for shifting shari‘a status from its former anchors in the religious scholar-chief justice and his offices, whereby a legislative body and executive branch with lay people would discuss, debate, codify and ‘entext’ shari‘a in vernacular to ‘Islamic law’. While shari‘a was not rejected, modern nation building triggered its transmutation into a new form with a new self-understanding – that is one major aspect of transformation of Islam as a modern institutional political religion.

Likewise, at the level of institutions, the *de jure* independent religious scholar-chief justice’s office saw the first moves towards ‘institutional politicization.’ While the constitution stipulated independence of the judiciary, the new Ministry of Justice was mandated with overseeing the judicial branch. The Chief Justice was to be the Minister of Justice, and under him, a head judge to preside the judicial offices (see also Suood, 2014b, pp. 68-69). The position of the religious scholar-chief justice thereby was defined as part of the executive branch of a modern state. The judicial office saw several liberal shifts through the new norm of *qanun* (statute law) and through new institutions. In terms of *qanun*, first, the

³¹ See Amin (1951, pp. 43-44) for a list of these laws.

judges were subjected to rule of law as they shall not violate *law* (Article 80). This was a new development not because judges could in the past violate shari‘a or customary practices but because *qanun* or *statutory law* not just shari‘a could now circumscribe their powers. Second, written *qanun* itself became a source for adjudicating justice, which laid the foundation for a judicial office that would slowly move away from a religious-scholar chief justice’s office. In terms of new institutions, first, a new body – a legislative assembly – where lay people could make laws, circumscribed the religious scholar-judge’s practices of *fiqh* (Islamic jurisprudence) through which a religious scholar-chief justice interpreted and applied uncodified shari‘a. Second, under Article 84, a totally new arrangement, that of *jury* for major offences, was to be part of adjudication of justice. Again, instead of jettisoning religion in the judiciary, modern nation building started off a process of transforming it into a different mode in the judiciary.

Finally, at the level of personnel, there was no provision regarding the separation regime between the Chief Justice and the Sultan in the constitution. This was surprising both given the long-standing nature of the separation regime. However, the Sultan in his decree promulgating the constitution assigned that authority to the Minister of Justice, setting in a tendency to shift the religious authority towards the political authority of the modern executive branch of the state. While ‘religious authority’ was also not dis-embedded, this triggered its slow transformation to a new modern form, the full institutional effect to be realised in 1968.

Amendments in 1934 and full suspension in 1940.

For a combination of reasons – including the dissatisfaction by certain elites (e.g., former Prime Minister Abdul Majeed) and Borah merchants who monopolised trade over the rapid economic and social reforms spearheaded by those who pushed for constitutional reforms – the 1932 constitution was effectively suspended within less than a year. However, it

was re-enacted with amendments in 1934, which was abolished in 1940 with the advent of World War II.³²

Three notable changes were incorporated in 1934: 1) constitutional restoration of the chief justice's role as the supreme authority on religious affairs (Article 72); 2) restoration of the independence of religious scholar-chief justice as head of the judiciary; and, 3) limitation of fundamental rights by reference to 'shari'a' (Articles 4 to 22). Note in the 1932 Constitution fundamental rights were limited only by reference to 'law.' Although, at the level of personnel and institution, attempts were made to restore the pre-modern 'separation regime' and independent scholar-chief justice's office, these institutions would undergo further institutional politicisation, slowly transforming Islam into a modern institutional political religion, as I will show below.

Finally, with the attempts at political modernisation in the 1930s, both the form of the state and the position of the Sultan also became precarious. Sultan Shamsudhdheen III was impeached in October 1934. Although a new Sultan was appointed in February 1935, the young home minister, Hasan Fareed, became the *de facto* leader until January 1942. These instabilities and challenges to the sultanate created the context for the move towards a Republic in 1953.

³² There are several explanations – ranging from pre-existing anti-democratic institutionalism (Rasheed, 2013) to elite power-struggles (M. Ismail, 1966, p. 6) to the lack of constitutional experience (Amin, 1951b) – that have been offered for its failure. While such a pattern is observable in other Muslim attempts at constitutionalism too (Brown & Sherif, 2004, p. 58). Islamic beliefs did not explain the suspension of the constitution: for example, key religious scholars were supportive of it, and the 1934 amended constitution also broadly followed it.

Attempts towards a Republic (1940s-1950s)

The late 1940s and 1950s saw wide-ranging political modernisation reforms under the young modernising figure, Mohamed Amin (1910-1954) that culminated in adoption of a Republic in January 1953. The reforms took place with the backdrop of the modernisation changes in other parts of the world frequented by Maldivian elites, including Egypt, India and Ceylon. Amin, a nephew of former Prime Minister Abdul Majeed, and educated in Ceylon and in India, became the *de facto* leader as the home minister in 1942. He had already been a member of the first Constituent Assembly and served in the previous governments. His *de facto* position was formalised in April 1942 when a new constitution was promulgated. Article 5 of the constitution stipulated the Sultan and the Prime Minister would have the highest political authority, to be executed through the home minister. Since becoming the *de facto* political leader, Amin dominated politics, and undertook major reforms (e.g., education for women), paving way for the abolition of the long-standing monarchy and adoption of a Republic in 1953. A new constitution was drafted with the advice from the influential British constitutional lawyer, Ivor Jennings, who had earlier advised constitutional reforms in Ceylon (Jennings, 1951; 1956, pp. 47-48), and was adopted on 1 January 1953. Amin was elected as the first president.

The modernisation changes between 1942 and 1953 further materialised the institutionalisation of Islam in modern forms. I will first focus on the political reforms under the 1953 Constitution, before analysing how Islam was institutionalised.

Towards Electoral Politics

The most significant modernising reforms by Amin were provisions for certain electoral politics in the 1953 Constitution and attempts at practising electoral politics. Even though the 1932 Constitution provided for a limited popular participation in politics, it was

the 1953 Constitution that provided universal adult suffrage and direct election of the head of state. The 1953 Constitution provided for:

- An elected president and elected vice president (Article 8 [a]) through adult suffrage (Article 9 [a]);
- A bicameral legislature, with the lower house (named *rayyithunge ge* [‘house of citizens’]) that is popularly elected (Article 18) through adult suffrage (Article 19); and
- An upper chamber of 18 members (named ‘senate’), nine to be appointed by the president and nine by the elected lower chamber (Article 20).

Significantly, the moves to adopt a Republic and elect Amin as president were via a public referendum participated in women and men of the capital of Male and those from other islands who were present in Male. The Constitution gave the franchise to women for the first time (Article 19), and women were also elected to the parliament. In the lower house, ten out of 47 were women, and in the senate, five out of 18 were women. The moves to adopt a Republic therefore saw the first real attempts in popular electoral mobilisations in politics (Jennings, 1956, p. 48).³³ Amin introduced party politics by establishing *Muthaqadhdhim Party* (People’s Progressive Party) in 1951, which one contemporary commentator argued was to pave way for “direct participation of people” in politics “through party-based democracy” (Shihab, 1992c, p. 50).

However, the adoption of a Republic was not necessarily a move towards democratic politics. The Constitution did not provide for strong checks and balances and separation of powers. The judges were to be directly appointed by the president (Article 29). Similarly,

³³ Earlier in 1952, Amin was however also elected as a prime minister through a vote (see Waheed, 1988).

while elected, the president could dissolve the parliament (Article 22). The 1953 Constitution also departed from the 1932 Constitution as it lacked a Bill of Rights chapter. For this latter reason, some Maldivian commentators have argued that Amin had not accepted Jennings' advice (Maniku, 1997; Shihab, 1992a). Yet the lack of a Bill of Rights precisely reflected Jennings' constitutional thinking and it did not show Amin necessarily theoretically rejected individual rights. As a constitution maker, Jennings was known to have had consistently argued against inclusion of a Bill of Rights as part of constitutions (Schonthal, 2015, p. 155). Jennings was quoted by the legal historian S. A. de Smith as saying "an English lawyer is apt to shy away from [fundamental rights] like a horse from a ghost" (cited in Schonthal, 2015, p. 152). More generally, in the 1940s the idea of bills of rights as part of constitutions was not well received among British Crown constitution makers, and they were not part of modern English law, and they were seen to conflict with parliamentary sovereignty (Schonthal 2015, pp. 152-153).

As Amin was deposed through a coup d'état within less than seven months of the adoption of the Republic, and a different constitution was adopted in 1954, it is difficult to assess what the full consequences of the 1953 Constitution might have been. In sum, while the 1953 Constitution therefore did not enshrine liberal principles as in the 1932 Constitution, it was a move towards a politics in which a modernising figure could dictate major social reforms (see also next chapter).

A Crossroads for Islam under Amin?

The nation building in the 1940s and early 1950s appeared to be a major crossroads for the religion-state nexus. The most notable feature of the 1953 Constitution with respect to religion-state nexus was its minimal references to Islam, an observation Amin's critics did not fail to note (Shihab, 1992a, p. 188). However, instead of jettisoning Islam from the state, the Constitution was framed through an overall Islamic identity. And, Islam was in practice

further transformed as modern institutional political religion at the levels of personnel, institution of judiciary and law and policy.

Specifically, at the level of identity, there was an emphasis in translating the modernisation reforms within a new Islamic identity. Islam was established in the Constitution as the religion of the country. The wording of the relevant article differed from previous constitutions. It says, “The religion of the Maldives shall be Islam” (Article 4). It is not entirely clear the replacement of ‘state’ with ‘Maldives’ was intended to convey a different self-understanding of religion-state nexus. This phrasing was not unique to the Maldives. Adopted in 1959 and amended in 1988, Article 1 of the Tunisian constitution states: “Tunisia is a free, independent and sovereign state. Its religious is Islam, its language is Arabic and its type of government is the Republic” (cited in Cesari, 2014, p. 42). As in the Tunisian case, this changed wording still signified the state’s recognition of the country as a Muslim nation and underpinned Islamic identity construction through the constitution. This stress on Islamic identity existed in another symbolic way too. Instead of using the term ‘president,’ the constitution in the original Divehi uses the Qur’anic referent, ‘*wali ul-amr*’ (‘those with authority’ referred to in 4:59). This was preferred while the Dhivehi equivalent ‘*raees*’ for ‘president’ was available.

More significantly, at the level of policies, Amin began the attempts to construct a modern national identity based on Islamic identity. These policies and traditions included: the ‘invention’ of a *national* hero, Muhammad Thakurfaanu, who ‘defended Islam’ by fighting a ‘*jihad*’ against the ‘Christian Portuguese’ in the sixteenth century; the ‘invented tradition’ (Hobsbawm & Ranger, 1983) of celebrating a National Day in his name since 1946; and, the establishment of a national anthem steeped in motifs of Islamic identity and its deployment in official functions. Thus, while the 1953 Constitution curtailed references to Islam, the

distinctly modern Islamic identity building emerged. (Chapter 3 elaborates on this construction of national identity.)

At the level of personnel, the 1953 Constitution did not have a provision for the separation regime, which left the separation regime precarious *de jure*. Under Amin, there were attempts at bureaucratisation of religious personnel and executive control over religious authority. Amin's *stated* policy was to leave religious matters to the Chief Justice. For example, introducing a multi-year development plan in 1949 (the first of its kind), he stated that the plan had no programme for religion because he wanted the Chief Justice to propose such a plan (Amin, 1949b, pp. 9-10; see also Amin, 2007, pp. 118-127). However, Amin seemed to have attempted to control the religious policy and the manner in which the religious personnel functioned. A case that clearly illustrated the attempt at bureaucratisation and executive control over religious affairs was around a nation-wide programme of preaching proposed by the Chief Justice in 1948. When it was proposed, Amin responded that he had no problem with the programme, but every sermon must have the signature of the president of the Committee on Preaching established by Amin. When the Chief Justice suggested that instead of the president's signature, the Chief Justice should sign off the sermons, Amin agreed but made a regulation on preaching. Among other things, the regulation stated: "Instead of summoning people through ward offices to attend sermons, there shall be an announcement and people shall be free to attend of their own accord" (Prime Minister's Office, 2005, pp. 46-47). While the freedom given to people suggested Amin's liberal outlook, the regulation showed the shift towards bureaucratisation and politicisation of religious matters. Strikingly, the Chief Justice Jalaaludhdheen was also involved in attempts at modern party politics by Amin (e.g., Shihab, 1992c, p. 58). The fact that the people who protested against Amin's regime on August 21, 1953 (leading to the coup against him) also demanded the removal of Jalaaludhdheen as Chief Justice itself suggests how politicised the

office became (see "Jumhooree hayaathuge", 1954, p. 36). He was sent in exile to the southernmost atoll.

At the institutional level, Amin undertook the first major attempts to bureaucratise and modernise the judicial offices so that the office would further shift away from a religious scholar-chief justice's office. Article 29 (a) stipulated the establishment of a 'courthouse' (*fandiyaaruge*) consisting of the Chief Justice and any number of judges determined through law. However, the former *de jure* requirement for the Chief Justice to be a religious scholar and the provision for his independence were removed. Article 29 (b) simply stated the president shall appoint the Chief Justice and the judges without providing for their qualifications. Amin established a separate office of attorney general and the training of lawyers based on a syllabus set by Amin himself. These steps contributed towards establishing what Maldivian legal expert Husnu Suood (2014b, p. 73) called a modern "legal profession" in the Maldives. There were several other specific reforms. In 1939 four pieces of legislation were established in this regard. They included:

1. *Act on Disciplinary Punishments for Judicial Officials*
2. *Act on Conflict of Interest of Presiding Judges*
3. *Act on Attorney General's Responsibilities*
4. *Act on Investigation of Cases of Violence*

Another law in 1943 established an oversight administrative position for the judicial offices who would report to the government, required application of Shafi'i school and required deliberations with an advisory committee before judgements on crimes that carry the death penalty and exile. There were further bureaucratisation measures in 1950. These included a Procedure for Filing Lawsuits and Rules of Procedure for Judiciary and Attorney General (which established an attorney general's office independent from the judicial office), and a Law on Appointment of Judicial Representatives (*naibun*). The reforms to the judiciary

further reconfigured the office of the religious scholar-chief justice. Now lawyers with simplified training in Divehi could argue on legal and shari‘a points at trials which the religious-scholar judge would have to consider in his own adjudication of justice.³⁴ Amin’s remarks following the establishment of a separate office of attorney general pre-empted the implications of these reforms in reconfiguring the role of religious scholar-judges. In a meeting with the Chief Justice and others, Amin (cited in Official Records, n.d.-a) pointed out:

Establishment of an office of attorney general will help Chief Justice and his office. My wish is for the judicial office to reform further. The lawyers we send will also further help the work [of judges]. Under no circumstances they will interfere with the judgements. (pp. 633-34)

³⁴ The highly prominent case of one Ruqiyya accused of adultery in 1952 testified the emerging changes to the judiciary and court proceedings. Ruqiyya was one of the students brought for education by the government from an outer island. Her case of adultery (she was pregnant outside wedlock) initially started as a routine case of *hudud* at the Mahakamathul Shar’iyya (court). She had already pleaded guilty, but the accused man pleaded innocent. However, the Home Ministry, with the chief justice’s permission, (claiming it was the responsible government office for the student) started an investigation. Soon, the proceedings were opened to the public. The Attorney General intervened because of the ‘special nature’ of the case, but allowed Mohamed Amin and Ibrahim Shihab to represent Ruqiyya as private lawyers. Amin presented a doctor’s examination to argue Ruqiyya was actually raped, and argued the doctor believed there was a possibility she had missed periods for three months due to the damages caused to her uterus after the rape. Amin argued it was one Aadhanu who had raped her. Aadhanu later pleaded guilty. Ruqiyya was given 100 lashes under the offence of fornication (*zina*) because she had pleaded guilty to having had sex (although it was forced on her) (Official Records, n.d.-b, pp. 799-800; n.d.-c, pp. 801-803). While the chief justice decided to pass *hudud* punishment, this case illustrated the new changes to handling of court cases.

Similarly, the written standards and procedures further prepared the grounds for modern trained judges who were not necessarily religious scholars to preside over cases. Indeed, the increasing numbers of written laws and greater codification of shari‘a further shifted the judicial office from its anchors in the religious scholar-chief justice’s office.

At the level of law and policy, statute laws increasingly became a major part of the legal system and shari‘a became further codified and étatised. *The Divorce Act 1944* (Kureege *Qaanoonu thah [old laws]*, 2008, pp. 154-155) and *The Girls Marriage Act 1951* (Kureege *Qaanoonu thah [old laws]*, 2008, p. 158) are instructive in both codification tendency and the attempt at liberalisation of shari‘a. *The Girls Marriage Act* was an attempt at restricting the age for marriage. While it does not specify a minimum age, it states “girls should have *thasarrufu* [capacity] for spousal relations and living with a husband” before they are married. ‘*Thassarufu*’ could mean ‘puberty’ or ‘capacity’ or even ‘fifteen years of age’ in Divehi. However, in this context, the more precise word, ‘*baalighuvun*,’ for ‘puberty’ is not used, indicating the ‘*thasarrufu*’ here carried its somewhat metaphorical connotation of ‘capacity’.

The Divorce Act 1944 was even more telling. Under shari‘a, divorce is a right of the husband (and under certain conditions available to the wife) at any time and any place. But the new law required that divorce could only be authorised at the judicial offices. An article published on 15 January 1945 in the Government gazette, *Sarukaaruge Khabaru*, pre-empted the possible shari‘a objection that the state cannot interfere in a discretion given by God under shari‘a, which the regulation essentially took away. The response that the article gives to this hypothetical objection showed the modernist impulse behind the law:

The law is in public interest, which is a discretion God has given to the state. Indeed, if the meaning and purpose of *halaal* [what is allowed in shari‘a] is undermined, the government has the power to address that in a manner and to an extent it wishes.

("Nikaah", 1944)

Amin also attempted codification of some aspects of shari‘a criminal laws. For instance, a *Theft Act 1953* stipulating that “theft would carry the punishment prescribed under shari‘a,” was enacted in 1953 (*Kureege Qaanoonu thah [old laws]*, 2008, p. 134). Three people’s hands were amputated. He also implemented the death penalty on three people who were accused of having conspired to kill Amin through black magic. Some Maldivian commentators believed these steps were part of Amin’s consolidation of power (Jameel, 2008, p. 94). The law on theft was repealed in 1954 to uphold the existing practices, and no execution has taken place since then.

To summarise, overall the 1953 constitution and President Amin’s policies were major moves to incorporate modern state forms and electoral politics. Significantly, his era saw the first real attempts towards popular electoral participation and women’s rights. While the 1953 Constitution had minimal references to Islam suggesting a secular impulse, Islam was not jettisoned. Instead, Islam was established in the Constitution to assert the foundational Islamic identity of the polity. Religious authority of the Chief Justice tended to become a more politicised authority. Religious scholar-chief justice’s judicial office became more bureaucratised and modernised, which further laid foundations for non-religious scholars to adjudicate justice based on written laws in the vernacular. Finally, with continued emphasis on written laws, shari‘a itself further underwent codification and étatisation.

Amin’s moves were countered by some, who accused him of authoritarianism and anti-Islamic policies. When Ibrahim Shihab, an influential contemporary politician, claimed that “I could not find in [the Constitution] any concern for Islamic principles and Divehi

conventions” (Shihab, 1992a, pp. 188), he was echoing a key sentiment during the period.³⁵ Amin’s radical policies towards women also played in this rhetoric. The harsh post-war economic realities also created public sentiments against him (e.g., Jennings, 1956, p. 47). Amin was ousted from power in a coup within eight months of adopting a Republic, while overseas in Ceylon, on 21 August 1953, and was later beaten by a mob on 31 December 1953. He died in January 1954 from the injuries sustained.

The 1954 Constitution that replaced the 1953 Constitution reverted essentially back to the 1932 Constitution as amended in 1934, which set off trends towards liberal political reforms and transformation of Islam into a modern institutional political religion.

Major Re-Organisations of the Religion-State Nexus (1960s-1970s)

The period from 1968, when a Republic was re-adopted with a new constitution, further seeded the broad institutional tendencies towards incorporating liberal principles and institutionalisation of Islam, re-organising the religion-state nexus as unknown in the pre-modern period. These institutional changes took place through the continuation of the political and legal modernisation, state centralisation, and nation-building trends started under Amin.

The 1970s, in particular, heralded a major modernising juncture, enabling consolidation of modern state forms. The period saw the participation of the country in the emerging global system: the Maldives gained formal independence from Britain in 1965, and was admitted to the United Nations as a nation-state for the first time in the same year. It opened up to the expanding capitalist system through shipping (introduced in 1958) and

³⁵ The special edition of government’s news magazine, *Sarukaruge Khabaru* that was published on 10 August 1954 to celebrate the anniversary of the ‘revolution’ against Amin has many essays that carried these sentiments.

through introduction of tourism in 1972. The proceeds of these developments enabled conditions for extensive centralisation and modernisation of the state forms.

The Re-Adoption of a Republic

The modernisation in the 1960s and especially the 1970s took place under again a young modernising figure, Ibrahim Nasir (1926 - 2008), who was educated in Ceylon. He became the Prime Minister in 1957 under the monarchy that was adopted after Amin's short-lived Republic. Nasir's efforts to secure formal political independence from Britain paved the way for his political dominance.

The British had built an air base in the southernmost Addu atoll of the country for use in the Second World War. While the Maldives was still a British protected state, they negotiated a controversial 100-year lease of the base in 1956. Politicians such as Nasir saw this as a step towards further assertion of the British control in the post-war de-colonisation context. The resistance led by Nasir particularly around the issue set in motion negotiations that led to full independence of the Maldives in 1965 (see Maniku, 1997, pp. 119-140). Buoyed by his role in negotiating the independence agreement, Nasir found the political space to consolidate power. Like Amin, Nasir held a public referendum to abolish the monarchy and re-adopt a Republic on March 15, 1968 and a new constitution on November 11, 1968. More than 81% of the people favoured a republic; Nasir received 97% of the vote (NCLHR, 2006b, p. 110) and was sworn in as the new President on 11 November 1968, remaining in power until 1978.

Adopting Modern State Forms with Liberal Features

The 1968 Constitution provided for minimalist electoral politics and certain liberal principles and features. It adopted a presidential system but did not provide for multi-candidate presidential elections; instead, the parliament would nominate a candidate, who would then be elected in a 'Yes/No' public referendum (Article 26 [a]).

It also enshrined popular sovereignty in Article 23 and established formal equality before law as in the 1932 Constitution. A rights chapter similar in wording to the amended 1934 Constitution was also included. Even though it provided for a 54-member unicameral legislature that was elected by a direct vote by the people (Article 64), the president controlled the judiciary through the direct appointment of judges (Article 90). As in the 1953 Constitution, the 1968 Constitution also gave the franchise back to women (Article 72).

Re-Organisation of the Religion-State Nexus

A Maldivian Atatürk moment?

Nasir pursued several policies that were similar to the Kemalist reforms in Turkey (on the latter see Kuru 2009, pp. 216-224). Reforms that may be compared to the secularising reforms in Turkey, included the adoption of the Roman alphabet and the Western calendar, closing down of shrines and tombs, and social and cultural modernisation. Nasir modernised the education system and introduced English language medium in 1961. Modern subjects in the sciences, mathematics, humanities, and languages, were introduced. The curriculum was designed for British examinations. Non-Muslim teachers from Sri Lanka were brought in to teach at the schools. Religious education still existed, but was de-emphasised (Maniku, 1997, p. 153). Building on Amin's policies, Nasir also allowed greater freedom for women in the public life. In response to a letter by a group of women, the Nasir government asserted a policy in 1959, stating the government had no ban on women going out and about for shopping anywhere (cited in Maniku, 1997, p. 151).³⁶

Modern forms of entertainment imported from Hindi cinema and the West became part and parcel of the popular culture. Music (e.g. *boduberu*) and singing and dancing (e.g.,

³⁶ Following this announcement, women went out for shopping in the main market area for the first time (see Maniku, 1997, pp. 151-152).

due Eid festivals) were always part of the popular culture of the Maldives. But they largely manifested in festivals in which the community as a whole had a stake. As such there was no separate entertainment sector. Nasir, more than any other, established a separate, modern entertainment and leisure sector. A cinema for Bollywood and Hollywood films was opened in the capital. Nasir promoted music and singing for both men and women. Pop music groups such as the Olympians emerged. Radio, which was introduced in 1962, became an important medium of spreading these forms of entertainment. Hindi cinema songs and local songs were widely broadcast. The country's participation in the international arena following political independence as a nation-state in 1965, and Nasir's opening up of the country to foreign tourism and international travel since the 1970s, further galvanised these policies. Overall, the modernising and secularising state policies partly led to varying levels of differentiations of subsystems (educational and cultural sphere).

It is in light of those policies that Maldivian historian, Abdul Hakeem Hussain Maniku (1997, p. 167), likened Nasir to Kemal Ataturk of Turkey. However, Nasir's policies did not mean religion was purged from public life and the polity. While he modernised education, for example, Nasir sent Maldivian students to Cairo's Al-Azhar University for religious education (Maniku, 1997, pp.154-155). Religion found new spaces too: Qur'an was translated in the local language under Nasir, and became widely available for the first time via state radio. More important, unlike Ataturk or Kemalists, Nasir certainly had no explicit ideology of secularism. It is more accurate to say that Nasir attempted to centralise and bring religion under the control of the modern state, transforming it as a modern institutional political religion.

Statute laws and shari'a.

At the level of law, the rapidly centralising and modernising policies of Nasir required greater simplification and codification of laws. Testament to President Nasir's modernisation

orientation, the enactment of the Penal Code of the Maldives in 1961 was the first major effort to import foreign law (Suood, 2014b, p. 116). It borrowed from Sri Lanka's Penal Code, which, in turn, borrowed from the Indian Penal Code (Suood, 2014b, p. 116). The Maldivian penal code did not codify shari'a law aspects of *hudud* and *qisas*. Article 2 stipulates: "Except the penalties provided under Islamic shari'a or another law, the penalties prescribed under the Penal Code shall be applicable."

However, while non-shari'a laws proliferated and dominated the legal system (see next section), shari'a was not once again jettisoned from the legal system. Instead, it underwent greater codification through statutes or greater specification in rules written in the vernacular. Thus, even if left uncoded as statutes, shari'a criminal offences tended to be written into rules issued by the court and the Ministry of Justice (Suood, 2014b, p. 117). Those rules and the judicial practices tended to institutionalise a liberalised shari'a in some respect so that the more flexible interpretations under shari'a were followed (see Jameel, 2008, pp. 102-103). For example, amputation for theft, death penalty for apostasy, or stoning, did not exist. However, shari'a punishment of flogging for unlawful sexual activities (e.g. homosexuality, adultery and incest) continued to exist in the rules. While the Penal Code theoretically provided for death penalty under shari'a, the death penalty was also not executed in practice. There was therefore a progressive tendency to codify shari'a law and specify it in the vernacular, as well as to institutionalise a liberalised shari'a.

The demolition of the separation regime.

The most radical re-organisation of the state-religion nexus during this period was at the level of personnel and institutions, whereby religion became more under the control of the political authority. In this respect, the most significant transformation was the demolition of the long-standing 'separation regime' that existed between the political head and religious scholar chief judge, and to bring religious authority under the President. The 1954

Constitution had stipulated that “Chief Justice shall have the authority on all matters of religion” (1954 Constitution, Article 72). However, the 1968 Constitution gave this authority to the head of state for the first time in Maldivian history, bringing an end to the ‘separation regime’. Article 36 stipulated: “The President shall be the supreme authority to propagate all slogans of Islam in the Maldives.” The provision therefore formalised the trend that existed towards institutional politicisation of the religious authority of the Chief Justice.

End of religious scholar chief justice’s office.

The second key religion-state re-organisation was the transformation of the religious scholar-judges’ office into a bureaucratised judiciary equipped with modern trained judges. Nasir abolished the position of the Chief Justice in 1967 and brought the judiciary under a Minister of Justice accountable directly to the President.³⁷ This change was later consolidated in the 1968 Constitution. Article 90 simply stipulated: “Administration of all matters of justice shall be undertaken by officials appointed by the President.” With this change, the explicit constitutional requirement for the head of judiciary to be a pious religious scholar qualified in *fiqh* of Shafi’i school of law came to a formal end (e.g. 1954 Constitution, Article 74 [4]).

The era also saw further standardisation and bureaucratisation of the judiciary and the legal system, started by Amin. Among other laws, Act on Evidence, Act on Women’s Testimony, Act on Filing Lawsuits, and Act on Testimony via Proxy, were established.

³⁷ Nasir abolished the position following disagreements with the then Chief Justice Sheikh Muhammad Jameel Didi who claimed Nasir’s government interfered with the work of the judicial office (NCLHR, 2006a, p. 40). The 1953 Constitution that existed for about 8 months already attempted to control the institution when it stipulated under Article 29 that the judges would be directly appointed by the president. It also removed the provisions that required the chief justice to be a religious scholar.

Throughout 1960s and 1970s major internal organisational and administrative rules were also established (Suood, 2014b, pp. 68-69). Notably, Appeal rules were introduced beginning from the 1960s (Suood, 2014b, p. 82) and bureaucratisation through creating special divisions took place in 1966 (Suood, 2014b, pp. 85-88). Carrying further what Amin started, a Divehi-language syllabus was introduced for training modern judges. In the words of historian Abdul Hakeem Hussain Maniku (1997), Nasir attempted to replace all “Arab sheikhs with modern judges” (p. 184).

Distinctly modern Islamic identity building.

The re-organisation of the religious-state nexus at the levels of law, personnel and institutions, went hand in hand with distinctly modern Islamic identity building. As in other constitutions, the 1968 Constitution also omitted religious freedom in the rights chapter. The 1968 Constitution also established Islam in Article 3 which states: “The Maldives is a republic. Religion is Islam. Official language is Divehi. The capital is Male.”

This symbolic identification of the Maldives as a Muslim nation was a reflection of a more concrete modern Islamic identity building for the people through the legal arrangement of citizenship as unknown in the pre-modern time. In 1969, the state enacted a *Citizenship Act* for the first time. Subsection 2 (a) of the *Citizenship Act 1969* stipulated that for a non-Muslim foreign to become a citizen, he or she must convert to Islam. This stipulation provided an implicit definition of Maldivian citizenship based on belonging to Islam.

Strikingly, the distinctly modern Islamic identity building was also accompanied by the state shedding its former religious character. As explained in the first section, the pre-modern state acquired a religious character through its public religious ritualistic embodiments and displays. Even after the Maldives attempted borrowing Western political and institutional forms since the 1930s, the highest authorities of the state continued to embody and perform religious ritualistic acts in a highly ritualistic and elaborate manner. One

therefore finds in official chronicles of the affairs of the state, for example, published in a series called, *Dhivehirajjeyge eki eki kankan hi'ngi goiy* [records of various matters of the Maldives](Official Records, n.d.), this calendric axis of rituals around which the state was very much organised even up to the early mid-twentieth century. But with modernisation there was a progressive tendency towards *disembedding* the state from these rituals.

By the 1970s, a number of such rituals were brought to an end. President Nasir abolished the long-standing set of rituals around beliefs on Islamic conversion. He stopped the elaborate tradition of *naibukaamaa hin'gun* (the day of 'enjoining good, and forbidding wrong') that took place on the 6th of Rajab of Hijri calendar, and abolished the ritual of *naaba jehun* (state drumming). Similarly, the ritual of *munaajaa govun* (practice of saying prayer from midnight to dawn at the main mosque) was also stopped. He disbanded the special functionaries called *kiyeveni beykalun* employed by the state for saying *solvaiy fathihaa*.³⁸ Nasir also dismantled several *ziyaara iy* (the shrines or tombs of saints and key historical figures).³⁹ He also brought an end to the attendance of the highest officials of the state, through visitations and recitation of *fathihaa* prayer at the *ziyaara iy*.

But these changes were already underway through the rise of public law since the 1930s and political modernisation. These rituals were taken-for-granted age-old *practices* based on rules of customary practices. However, with the rise of laws that that were outcomes of discussion and debate, these rituals became more objectified, rationalised, and systematised and codified. As such, modern law tended to restrict, modernise, and overall de-sanctify the rituals. An analysis of laws since 1933 to 1978 shows that there were no fewer than 17 pieces

³⁸ Hassan Hameed (n.d.) has mapped how the ritual of *solvaiyfulu kiyevun* completely faded away in the last few decades.

³⁹ Dismantling of *Lonuziyarai Magaamufulhu* and building a park in there is a prominent example.

of legislation on matters relating to these rituals, all of them between 1933 and 1945 (see Table 2).

Table 2. *Laws regulating religio-cultural rituals and custom*

Law	Year
Law on several rituals the state partakes	1933
Law on fines for violations at state ceremonies and rituals	1933
Law on firecrackers at <i>hithi</i>	1933
Law on <i>hithi</i> ritual	1933
Law on <i>samaa</i> (religio-cultural celebrations of royal births,	1933
Law on <i>mauloodh</i> (<i>baara mauloodh, ran mauloodh, hiyarakaiy</i>)	1934
Law on official reciters (<i>kiyevenin</i>)	1934
Law on death anniversaries of key figures marked by the state	1934
Law on <i>mauloodh</i> in the month of Muharram	1935
Law on <i>hithi</i> ritual rules	1935
Law on <i>olhikievun</i> (recitation of Qur'an after important people die)	1935
Law on <i>gandu mauloodh</i>	1938
Law on official gun salutes, including at certain rituals	1939
Law on royal visits to ships, <i>badihelun, hithi</i>	1939
Law on official greetings, including at rituals	1939
Law on certain rituals (<i>mauloodh</i> on Prophet's birthday, 7 Rajab <i>hithi</i>)	1945
Law on protocols, etiquettes, etc., including at certain religious rituals	1945

Note: These pieces of legislation are available in *Kureege Qaanoonu thah [old laws]* (2008).

An analysis of these laws shows that some of the laws brought a halt to certain rituals, some restricted certain aspects or rites of them, and stopped or restricted state funds for some. Overall, to use the language of one of the first major pieces of legislation on several rituals in 1933, the aim was to make them more “acceptable for the modern times” (*Kureege Qaanoonu thah [old laws]*, 2008, p. 10). Thus, there was a tendency towards making the state more modern through statutory law. Shed of these rituals, the state assumed a more modern form. As part of the overall modernisation drive, Nasir also renamed state offices using English terminologies. Even court divisions were renamed in English (e.g. Mercantile Division; Property and Ownership Division; Criminal Trial Division) (Maniku, 1997, p. 184). This modern forms and appearance of the state nevertheless assumed a distinctly modern Islamic identity built into the constitution and modern legal regime of citizenship.

Islam as an Institutional Political Religion

Even if the nation building efforts since the 1930s failed to properly institutionalise liberal principles, instead of jettisoning Islam from the polity, those efforts decisively bought a re-organisation of the religion-state nexus, transforming Islam into an institutional political religion as unknown in the past. In this form, while it is dominant *in* the state system, Islam is not a religion that dominated *over* the state system, for example, as Islamism seeks to enforce an Islamic state. Islam as a modern institutional political religion acquired a new self-understanding and existed increasingly as a liberalised, circumscribed, and politicised force in the polity. This section provides greater analysis of this transformation through the three key periods by comparing with benchmarks analysed in section one.

Rule of Law based on Statute Law and Codification of Shari‘a

At the level of law, an unwritten shari‘a was conceived in terms of statute laws and rules made by the modern state. Beginning in 1932, statute laws and more broadly the notion of rule of law became a dominant aspect of the state and legal system. Thus, between 1933 and 1978, at least 242 pieces of law were enacted (see also *Kureege Qaanoonu thah [old laws]*, 2008). Of these laws, about 75% had no direct bearing on religion. Of the 25% that had a direct bearing on religion, about 33% had shari‘a law-based provisions (see Appendix 2 for a list). Of this latter category, some laws had more liberal or reformist provisions compared to stricter provisions available under shari‘a, such as restricting the age for marriage and restricting divorce.

The claim here is not necessarily an empirical observation that shari‘a was more *or* less dominant compared to the pre-constitutional times, although it may very well be the case that with modernisation, ‘shari‘a’ became more dominant in the space of politics. Rather, through the trend towards legislation, shari‘a law emerged as an institutional political aspect of the modern state through statutes and written rules by the legislative and executive

branches. This trend towards codification and étatisation would reach a culmination in the twenty-first century when the state would codify shari‘a law into a very extensive and comprehensive penal code (Robinson, 2006; Robinson et al., 2006).

This transformation of shari‘a therefore entailed a different status and self-understanding of shari‘a compared to the pre-modern times. First, the rise of statute law system resulted in internal *differentiation* of ‘law’ whereby non-shari‘a law now occupied a major part of the space occupied previously by shari‘a (and customary practices). Second, when shari‘a was codified in statute laws and written in rules in vernacular, whereby it was systematised, simplified, and became removed from its former anchors in a religious scholar-chief justice, it acquired a new self-understanding. Existing in the modern forms, shari‘a did not presume or require the guardianship of a religious scholar for its interpretation. Codified in vernacular, it also did not require a command of Arabic on the part of judges. Talal Asad’s (2003) observation in the context of law reform in Egypt could be relevant here. Asad (2003) argued that “when the *shari‘a* is structured essentially as a set of legal rules defining personal status, it is radically transformed,” and “is rendered into a subdivision of legal norms (*fiqh*) that are authorised and maintained by the centralising state” (p. 227). Although shari‘a was not confined to personal status in the Maldives or confined it to the private sphere, the codifications entailed and effected a ‘transmutation’ or ‘transformation’ of what hitherto shari‘a had, *in practice*, been. What shari‘a is also is what it is *practically* imagined, interpreted, embodied, expressed, and applied, to be by its practitioners (see also N.J. Brown Brown, 1997; Hallaq, 2005, 2009).

Shifts in the Religious Scholar-Chief Justice’s Office.

The bureaucratisation and modernisation of the judicial offices also entailed shifts in the status and self-understanding of the religious nature and religious authority of the religious scholar-chief justice’s office. The self-understanding of the judicial office of the

religious scholar-chief justice assumed *religious* authority because he was normally expected to command a high scholarship of Islamic jurisprudence. His shari‘a rulings carried authority not simply because they had the sanction of the coercive force of the state, but also because they are backed by religious authority. The religious nature of the office was also because the chief justice was normally expected to be a religiously highly pious person. This requirement for a highly pious person was formalised in the 1934 amendment to the 1932 Constitution in Article 73 (2).

But by the 1970s, several institutional factors, which were already underway since the 1930s, converged to transform the office and its self-understanding. First, the push towards statute law and rules and codification of shari‘a prepared the ground for non-scholar judges to interpret and apply law. This would mean a large part of the law and rules could theoretically now be interpreted and applied by non-religious scholars. Second, simplified and Divehi medium training for legal personnel and judges also laid the ground for non-scholar judges with no command of Arabic to head the judicial office. Third, especially from 1939, there were several measures towards bureaucratising and modernising the judicial institution. Fourth, various measures of centralisation, including setting salaries and benefits for the judicial functionaries, took place. Starting with the 1933 law that attempted to systematise benefits for judicial officials, and, in cases involving debt issues, to ban taking one twelfth of the debt or property divided by judicial officials (which is a crucial source of funds for the judicial officials), the centralisation of benefits culminated in the government’s direct payment of salaries to all judicial officials under Nasir (Suood, 2014b, pp. 68-94). Bureaucratisation and modernisation also meant greater reliance on the state budget by the judiciary, making it more vulnerable to political control. These four factors transformed the religious scholar-judges’ judicial institution whereby it no longer would be a religious institution at least in its pre-1930 sense. Notably, the 1953 Constitution removed the *de jure*

requirement for the chief justice to possess a high command of *fiqh*, and the 1968 Constitution also followed it in that respect. The full implications of these new self-understandings of the judicial office and changes would be realised in the 1980s and 1990s when common law trained lawyers and judges with no command of Arabic appeared. The full *constitutional* culmination of these changes and associated understandings was also realized. According to Article 149 (c) of the 2008 Constitution, a person with no command of Arabic and trained in non-Islamic law could *constitutionally* assume the highest judicial position (see Chapter 5).

End of the Separation Regime and Transformation of Religious Authority

Arguably the most significant transformation to the religious-state nexus was the end to the separation regime. One may interpret the conflation of political and religious authority in 1969 as an act of de-secularisation. However, this re-organisation of the religion-state nexus also involved transformation of the nature of religious authority. The authority of the position of Chief Justice as the religious head was a *religious* authority derived significantly from his *religious scholarship* not simply from his position in the state. In this respect, religious authority entails the “the aspiration, effort, and ability to shape people’s belief and practice on recognizably ‘religious’ grounds” (Zaman, 2012, p. 29, my emphasis). Here ‘religious’ is meant to entail what people in specific contexts take to be ‘religious.’ Zaman (2012) further clarified important considerations related to authority in this respect. Following legal philosophers John Finnis and Joseph Raz, ‘authority’ ideally entailed that those subject to it are guided towards a particular, coherent end (Finnis cited in Zaman, 2012, p. 30), without having to “second-guess the wisdom or advisability of the authority’s directives” (Raz cited in Zaman, 2012, p. 30). The idea of *taqlid* or acceptance without questioning within Islamic schools of law (*madhhab*) has this connotation of authority. Although questioned in practice, an authority such as this would only be acquired through much time and work, as was the case with the founders of Islamic schools of law. While the related

authority of a *mufti* is recognised in the Islamic tradition to exist within bounds that allow people to question (for example, in the senses the opinions are not binding or because alternative opinions may be sought), in real life, people would often settle for the opinion of a mufti through the trust they have in one or another *mufti's abilities* (Zaman, 2012, pp. 30-34). As An-Na'im (2008, p. 51) argued, such trust, however, depended on the recognition of their *piety* and their *knowledge*, not necessarily of their *political* position. Therefore, there is a clear difference between abilities to shape people's beliefs and practices via possession of religious piety and knowledge as opposed to possession of the coercive apparatus of the state (see also An-Na'im, 2008, pp. 50-52).

In the Maldives, the chief justice was a religious scholar and normally the most knowledgeable in religious scholarship. While different chief justices had different levels of religious knowledge, each of them was normally the most learned during his time as chief justice (Dhivehi Naadhee, 1986, p. 16). His religious authority was therefore derived primarily from his religious knowledge, not from his state position. However, the president could theoretically or legally be a layperson and the qualifications for the president do not require religious scholarship (1968 Constitution, Article 27). Nasir himself was not a religious scholar. The president's authority on religion was therefore not derived from *religion* but achieved simply through the *coercive* power of secular law. Crucially, this authority acquired merely through the sanction of law would not be *perceived* as having acquired *proper* religious authority. In that respect, the mere constitutional stipulation of religious authority for the president entails a different self-understanding for religious authority. Political authority thereby acquired a *politicised* form of religious authority. As such this form of religious authority circumscribed and enacted through modern law presumes a modern political self-understanding of religion itself.

Distinctly Modern Islamic Identity Building

The state that emerged by the late 1970s shed off several rituals and customs that gave it a concrete religious character. However, this transformation into a modern centralised state went hand in hand with a distinctly modern Islamic identity building for the state. All Maldivian constitutions established Islam as state religion thereby recognising the country as a Muslim nation. But this symbolic identity building also accompanied more substantive provisions. Thus, all major constitutions except the 1953 Constitution required the people to learn reciting Qur'an (e.g. Article 14 of the 1932, 1934 and 1951 constitutions; 1954 Constitution, Article 17; 1968 Constitution, Article 16). More significant, it was reflected in the non-provision of religious freedom in any constitution. Although the first constitution – which informed the subsequent constitutions – was based on Egypt's 1923 constitution that provided for religious liberty, there was no such provision. This omission is no doubt a reflection of the state's self-understanding that *all* Maldivians were Muslims. However, this omission was accompanied by actively building a collective Islamic identity through constructing a national identity based on Islam since Amin's time. The state also explicitly defined naturalisation based on Islamic faith in 1969, thereby implicitly defining Maldivian citizenship based on belonging to Islam. Therefore, the state also undertook distinctly modern Islamic identity building for the polity and the people.

A Generalised Comparison

The specific transformations with respect to shari'a status, religious scholars and religious institutions and Islamic identity that I have analysed are not unique to the Maldives. They may be compared to broad trends observable in several other Muslim majority states (Cesari, 2014; Hefner, 2011a; Zubaida, 1989, 2005a, 2005b, 2011). Summarising the different stories in several Muslim majority states, Robert Hefner (2011a, pp. 21-22) clarifies those broad trends: First, shari'a law lost its former anchors in 'a community of scholars, trained in

autonomous educational institutions, and adjudicating disputes according to their understanding of law' (Hefner, 2011a, p. 21). Instead, law – religious and secular – became superimposed onto modern statute law forms, codified, and étatised (Hefner, 2011a, p. 11; Zubaida, 2003, pp. 121-157). Second, the judges who interpreted shari'a therefore no longer had to be religious scholars. That is, non-scholar judges could head judicial offices. Second, as a result, shari'a also lost its former independence from the state whereby the state acquired greater control over it (Victor cited in Hefner, 2011a, p. 21; also see Zubaida, 2003).⁴⁰ To these two broad trends of absorption of Islam into modern institutional forms, we may add a third broad trend: Islam was also fused with national identity and public norms in several Muslim majority states (see Cesari, 2014).

This chapter therefore suggests that the transformation of Islam into a modern institutional-political religion involves four broad processes of state building: i) *étatisation* of shari'a, ii) *institutional politicisation* of religious scholars through conflation of religious authority and political authority or by bringing the former under the latter's control; iii) *bureaucratisation* of religious scholar-judges' office into modern-trained non-scholar-judges office; iv) modern Islamic *identity building* by the state.

The four processes further corresponded to, and took place at, the three levels of religion-state relations that Bhargava (2009) uses to categorise states along the religious-secular spectrum. As explained in Chapter 1, according to Bhargava (2009), religion can be connected/disconnected with the state at three levels: 1) ends; 2) personnel and institutions; and, 3) law and policy. Thus, the étatisation of shari'a corresponded to the third level

⁴⁰ Hefner (2011a) also makes a third observation: the engagement of ordinary people in law in the wake of mass education in several Muslim states. I discuss a similar emerging trend in the Maldives in especially Chapter 6.

(law/policy); institutional politicisation of religious personnel and bureaucratisation of judicial institution to the second level (personnel/institutions); and, Islamic identity building to the first level (ends), which concerns the very character of the state. These processes and levels are summarised in Table 3.

Table 3: Transformation of Islam into an institutional political religion

Process	Religion-state relations
Islamic identity building	Ends (first level)
Institutional politicization of religious authority	Personnel (second level)
Bureaucratization of religious scholar-judge's office	Institutions (second level)
Étatisation of shari'a	Law (third level)

In spite of institutional politicisation of Islam at all three levels of religion-state relations, based on this schema, the state that emerged by the 1970s was not a theocratic state given complex differentiations that existed especially at the level of law and institution, and given the modern self-understanding that religion acquired. It was not purely a secular state either, not just because of the absorption of Islam, but also because of the distinctly modern Islamic identity building. By non-recognition of religious liberty, it also denied political secularism. It is best described as a modern hybrid where both the secular and the religious were entangled and interpenetrated in distinctly modern ways. I call it a 'secular-religious state'.

For those reasons, a category such as 'religious state' (see Kuru, 2009, p. 259; Fox, 2015, p. 44) applied to the Maldives belies the complex differentiations between religion and the state as well as the interpenetrations of the religious and the secular that underpinned new self-understandings for shari'a religious personnel, and religious institutions. Yet, as Jocelyn Cesari has argued in the context of several Muslim majority states (Cesari, 2014), political modernisation in the Maldives did not go hand in hand with political secularism. The most symbolic yet also the most potent way the secular-religious state connected to Islam was at

the level of *identity* and Islamic *belonging*: the *identification* of the country as a *Muslim* state by establishing Islam as the state religion. In different Muslim majority states, this foundational state connection with Islamic *identity* may translate into different degrees of constraints for political secularism. In the Maldives, it translated into complete omission of religious freedom in the constitutions and the modern formula of citizenship defined by Islamic faith.

Conclusion

Political modernisation and nation building in the Maldives between 1932 and 1978 not only attempted to incorporate modern institutional forms and liberal principles. It also involved institutionalisation of Islam into modern state forms, transforming Islam into what I called a modern institutional-political religion. First, in a legal system where liberal rule of law understood as statute laws and written rules dominated, shari‘a law became increasingly codified into statute law forms and rules. Second, religious scholar-judge’s judiciary became bureaucratised and shifted towards an institution that no longer assumed the necessity of a religious scholar to head it and interpret shari‘a using methods of *fiqh*. Instead trained judges with no religious scholarship as such, could adjudicate justice based on codified shari‘a laws and rules written in the vernacular. Third, the role differentiation regime in which the religious-scholar judge assumed religious authority came to an end, whereby a modern chief executive, by sheer force of law, assumed religious authority. Fourth, and finally, a distinctly modern Islamic identity was built into modern state forms. Those institutionalisations of Islam re-organised the religion-state nexus as unknown in the pre-modern past.

This outcome is not unique to the Maldives; it could be observed in several other Muslim states (e.g., Cesari, 2014). However, the four-level framework for analysing religious-state nexus allowed a nuanced understanding of the nature of the emerging state. While it institutionalised Islam, the transformations also involved secular shifts. The overall

institutional outcome of the processes of modern nation building created a hybrid secular-religious state. This paradoxical state, especially the seeding of Islam as an institutional political religion instead of dis-embedding it through modernisation, raises the question of what religion-based discursive forces were behind the outcome. The next chapter takes up this question.

CHAPTER 3

MODERNIST ISLAM AND NATION BUILDING (1932-1978)

The modern nation building processes that led to the emergence of Islam as an institutional political religion in the Maldives did not take place in a discursive vacuum. The main argument of this chapter is that the emergence of Islam as an institutional political religion is an outcome shaped by new reformist discourses within a prevailing ‘meta-narrative’⁴¹ of Islamic collective identity, championed by political actors with Islamic modernist influences and orientations. The analysis of the reformist discourses and the background of their key proponents show their links to Islamic modernist currents, especially in the Indian subcontinent, in the early twentieth century.

Specifically, two broad factors shaped Islam’s emergence as a modern institutional political religion through modernisation: one is related to the very orientations of the reformist discourses, and the other to a pre-existing meta-narrative of Islamic collective identity. Central to reformist discourses was the idea that ‘Islam’ properly understood was not only compatible with modernization but also a superior foundation for it. Hence, political actors with Islamic modernist orientations employed reformist discourses supporting what they believed ‘civilization’ (*thahzeeb aai thamadhdhun*) within a broad Islamic political

⁴¹ By ‘meta-narrative’ I simply mean a very dominant narrative that is largely based on historiographical narratives. The definition parallels the idea of meta-narrative or ‘dominant’ or ‘overarching’ historical narrative by Cinar (2012, p. 1, n.1) and ‘master commemorative narrative’ by Zurbavel (cited in Cinar, 2012, p. 1, n. 1). Ran Hirschl (2010) uses the term ‘national metanarrative’ to suggest that in many Muslim majority states, ‘Islam’ is taken as the “metaphorical pillar, of the national metanarrative” (p. 3). But he does not elaborate on it.

framework. Instead of jettisoning Islam, their modernist orientations therefore favoured Islam's transformation into modern institutional forms in many ways consistent with their liberal sensibilities. Their reformist discourses also pursued 'civilization' for a *Muslim nation*, building a distinctly modern Islamic identity for the state and people. 'Islam' in this equation therefore mattered at the level of *identity* for the modern state and for the people.

However, the specific pre-existing discursive field also shaped their own reformist discourses and modernization projects. In this respect, a pre-existing meta-narrative of Islamic collective identity influenced by historiography was crucial. It was specifically constructed through official historiography especially around the sixteenth-century colonialism of the Portuguese in the Indian Ocean. It upheld that Islamic faith was one of the two 'biggest blessings' (*niumaiy*) of the country, which was inextricably linked to its self-rule (the second blessing). Modernist actors took this meta-narrative for granted. But consistent with their own Islamic modernist orientations emphasizing religious identity for nation building, the meta-narrative was reconstructed as the basis of national identity since the late 1940s.

In sum, therefore, the emergence of Islam as a modern institutional political religion was an outcome of the pursuit of 'civilization' for a *Muslim nation*, spearheaded by political actors with Islamic modernist influences within specific political and discursive contexts.

This chapter has three sections. The first section examines the pre-existing state narratives on Islamic collective identity that set a defining discursive context for political modernization. The second section examines the reformist discourses behind political modernization. The final section analyses how the meta-narrative of Islamic collective identity shaped constitutional reforms and how it underwent further reconstruction in the 1940s as a meta-narrative of *national* identity.

The State Meta-Narrative of Islamic Collective Identity

The attempts at adopting modern political forms in the 1930s did not take place on a *tabula rasa* outside a prevailing political imaginary and discursive field. A foundational state self-understanding or a meta-narrative of collective identity informed and acted as a constraint for political reforms. The meta-narrative of collective identity upheld that ‘Islamic faith’ along with ‘self-rule’ were inextricably connected and constituted the ‘greatest blessings’ of the country. According to the meta-narrative, the very legitimation of the state, therefore, depended on the protection of those blessings.

This meta-narrative of collective identity was deeply contextual. It was largely derived from historiographical narratives around conversion to Islam but especially around specific experiences of threats from the sixteenth century colonialism in the Indian Ocean.

‘History’ Relevant for Historiography

As mentioned in Chapter 2, Islam spread in the Maldives from around the twelfth century. The Maldives’ dependence on external trade and Muslim travels and trade in the area during the period could explain Islam’s spread in the country (Maniku, 1986). There was certainly no invading Muslim army. Historical records in the form of copperplates suggested the conversion process was a top-down process by the state that took a while for supplanting the pre-existing Buddhist religion.

Since then there were generally no significant external threats to the Islamic faith of the people. The main exception (De Silva, 2009) was the Portuguese’ maritime empire in the Indian Ocean in the sixteenth century (Chaudhuri, 1992). Their arrival starting from the fifteenth century in the Indian Ocean factored in the domestic power struggles in the Maldives, leading to a period in which a Maldivian sultan, Hassan XI, converted to Christianity. From around 1505, the Maldives’ strategic significance increased because Muslim ships from Southeast Asia replenished their supplies at the Maldives instead of the

Malabar coast (De Silva, 2009, p. 174). The Portuguese, who came to the Indian Ocean in 1498, came to know about the Maldives around this time. Their main interest in the Maldives was its indigenous product of coir and money cowry used as currency from China to Africa (De Silva, 2009; Lister, 2016). From the late fifteenth century, the Mappila Muslim traders of Cannanore had secured a monopoly on Maldives' export in exchange for their support for one political faction over the other in the power struggles in the Maldives (De Silva, 2009, p. 174). But from the early sixteenth century, the Portuguese increasingly played this role. Documentary evidence suggests there were several expeditions against the Maldives and its interests by the Portuguese between 1502 and 1649 (De Silva, 2009, pp. 174-187). They set up their first post in Male in 1518, but they seemed to have secured effective domination only from 1558.

While coir was the main interest of the Portuguese, there was also a religious aspect to their colonialism. De Silva (2009) suggests that by 1530s "conversion became an important index for the provision of Portuguese military assistance" (De Silva, 2009, p. 8). The religious aspect was evident in the case of Sultan Hassan IX, who was converted to Christianity as D. Manuel in Cochin, India (pp. 426-427). Following internal power struggles over the throne, Sultan Hassan IX fled to Cochin in 1551, where he sought the support of the Portuguese. Earlier he had agreed to deliver to the Portuguese 600 *bahar* of coir, as confirmed by a letter from the Portuguese governor of India to the king of Portugal dated 21 February 1550, in exchange for Portuguese support for his claim over the throne. After three Portuguese expeditions (in which two sultans were killed), the Maldives came under effective Portuguese domination between 1558 and 1573 under the titular Christian Sultan Hassan IX in Goa (De Silva, 2009, pp. 173-180; Mohamed, 2010, pp. 101-106).

The Portuguese interlude came to an end following revolts led by Muhammed Thakurufaanu (r. 1573-85) and after there was an agreement on the right of Hassan IX to

collect revenues from the Maldives. A letter dated 1587 by King Philip I of Portugal suggests that even after the end of this period, the Maldives therefore continued to pay tribute to the Portuguese (De Silva, 2009, p. 179). However, there were several more attempts by the descendants of Hassan IX to intervene, the last one being in 1649. The Maldives seemed to have repulsed those interventions and other expeditions by the rulers of Mappila Muslim traders.

The Maldives had by then secured a tributary relationship with the Dutch, who replaced the Portuguese as colonisers in the mid-seventeenth century. The Dutch in Ceylon however did not intervene in domestic affairs of the Maldives. When the British replaced the Dutch in Ceylon in 1796, the Maldives continued the tributary relationship with the British. As explained in the last chapter the British signed a treaty in 1887 which formalised the relationship as a protected state. Especially with the treaty, while based in Ceylon, the British directly intervened in domestic politics until the Maldives gained formal independence in 1965.

While one or other elite faction always sought the British interventions, it is evident many did not like the British interferences and shared anti-colonial sentiments expressed in Islamic terminologies. The Maldives had little choice but to sign a treaty with the British, the pre-eminent colonial power in the Indian Ocean. However, the Chief Justice Naibu Thuththu strongly protested against the treaty, and expressed his sentiments in the form of traditional poetry, *raivaru*:

Rivethi ko re balaa

Girimentu kulha eh misaa

Dhiri mihen emmen thibaa

Hiriya dhashun fathuraa

Sirifavathi in vigellamulhi

Birikulhayan mala mulhi

According to Mohamed Ismail (1963), the *raivaru* means: “Think well how [the British got] the Sultan to sign the agreement while everyone is alive! All the prestige, all the goodness of this place has been violated.” Similarly, it is evident that elites such as the Prime Minister Abdul Majeed, who headed the government during the crucial juncture when the first Constitution was made, shared the anti-colonial Islam-based sentiments. In this, Majeed was also influenced by anti-colonial currents in the Middle East. During his extensive travels to the area in 1929, he met with Egypt’s Wafd Party leader, Mustafa al-Nahas, who reportedly advised him “to protect the Maldives from foreign influences” (Salaahudhdheen, 1958, p. 135) and King Faisal of Iraq, who advised him “to save the Maldives from non-Muslims” (Salaahudhdheen, 1958, p. 74). Majeed believed al-Nahas’ and King Faisal’s advice was very ‘wise’ (Salaahudhdheen, 1958, p. 135) and ‘good’ (Salaahudhdheen, 1958, p. 75), respectively.

While therefore no foreign power *colonised* the Maldives, since the sixteenth-century, colonialism provided a context for collective Islamic identity building in the Maldives. In this regard, official historiography written since the eighteenth century played a major role in the construction of a meta-narrative of collective identity.

Official Historiography’s Construction of Collective Identity

The Maldivian government’s official historiography relies, among others, on two key sources: the first official written history, *Tarikh Islam Diba Mahal (The Islamic History of the Maldive Islands)* and the accounts by Muslim traveller Ibn Battuta (Battuta, 1953). The official history was first written by the religious scholar and chief justice Hassan Thaajudhdheen at the request of Sultan Imaadhudhdheen in the early eighteenth century. Following Thaajudhdheen, his nephew Muhammad Muheebudhdheen and grandson Ibrahim Siraajudhdheen continued to write this history. Notably all the authors of *Tarikh* were

religious scholars. They interpreted history using a religious interpretative framework and religious terminologies, situating their accounts within the broader Islamic history and through an interpretative framework of what they believe was Islamic governance (*Islamee verikan*). The first part of it provides a general treatise on Islamic governance. The second part provides an overview of a history of the prophets of Islam and a general history of Islam down to the Abbasid Caliphate. It is in the third part that the history of the Maldives begins, as it does, from the conversion to Islam.

As mentioned, the second key sources for official historiography are the accounts by Muslim traveller Ibn Battuta (Battuta, 1953), a Berber Muslim scholar from Morocco, who visited the Maldives between 1343 and 1344 and was a *qadi* for two years. Since the late 1950s, the state particularly promoted Ibn Battuta's account of conversion to Islam when the government history committee in 1957 preferred it to alternative versions. Known as *Rannamari story*, it recounts that a sea monster, *Rannamari*, tormented the islanders every month, and to appease it and spare others a virgin girl was sacrificed the first day of every month. As days went on, a saint from Morocco (from where fortuitously Ibn Battuta himself was born), by the name of Abul Barakat Yusuf al-Barbari, visited the country. After coming to know about the situation, he offered to help and defeat the monster. On the night the monster was supposed to appear, Barakat substituted himself for the appointed virgin girl. To their shock, the next morning the islanders found Barakat alive, and reciting Qur'an. The monster had retreated back into the ocean after hearing his recitation. When he repeated the same the next month, convinced by his powers, the Buddhist king and the islanders converted to Islam. Since then, the monster never haunted the islanders (Battuta, 1953, p. 203).

While this account became the more popular official version, Taj al-Din's history recounted a different version in *Tarikh*. According to *Tarikh* the saint who converted the Maldives to Islam was from Persia, by the name of Shaykh Yusuf Shams al-Din Tabrez,

possibly a Dervish Sufi. After finding out that the Maldivian islanders were living an ‘idle’ (*ghaafil*) life and under ‘ignorance’ (*jahaalath*), he called on the king and the people to embrace Islam. However, the king and his subjects initially refused to renounce their Buddhist religion. They were finally inspired by the saintly powers of *karamat*⁴² of Shams al-Din in producing a beast as tall as the sky. Instead of the defeat of *Rannamari*, it is the Sufi miraculous powers of Shams al-Din in producing a beast.

Both accounts legitimised an Islamic foundation for the state (Ahmed, 2001). The accounts justified this foundation by depicting the pre-Islamic past as one of disorder: the haunting by a sea monster according to *Rannamari* legend, and ‘ignorance’ (*jahiliyya*) and ‘idleness’ (*ghaafil*) according to *Tarikh*. They suggest neither the Buddhist faith nor the Buddhist state was able to protect people from this disorderly past. It was only the powers of the Muslim saints and the king’s conversion and enforcement of Islam that saved the people from this disorderly past (Ahmed, 2001, pp. 298-299). The origin stories thus de-emphasise, if not dismiss, pre-Islamic Buddhist history. Especially in Thaajudhdheen’s *Tarikh*, through historical memory accounted from the date of Islamic conversion and historical forgetting of pre-Islamic Maldives, juxtaposed as it is within broader Islamic history, an exclusive Islamic identity is constructed for the country. This construction is reinforced by stressing that Islam became and remained the sole religion in the country after the king’s conversion.

However, more than the official historiographical narratives on the conversion, it was the official historiographic accounts around the Portuguese colonial period and the conversion of sultan Hassan IX to Christianity in the sixteenth century that play the crucial role in the construction of the meta-narrative of Islamic identity. *Tarikh* and latter historiography

⁴² *Karamat*, literally ‘favour,’ is a concept found in Islamic Sufi literature that underlies the miraculous powers of Sufi saints (Nicholson, 2008, p. 75).

interpret the events as essentially a conflict between Islam and Christianity, between ‘Muslim Maldivians’ and ‘Christians’ (*nasraneen*). In *Tarikh* the periods that preceded and included the Portuguese domination in the Maldives are interpreted as periods of great corruption and threat to Islam in the Maldives (cited in De Silva, 2009, pp. 200-201). The coming to power of Sultan Muhammad with the help of Malabar Muslim leaders around 1513-14 is interpreted as the source of this corruption. *Tarikh* asserts that his sultanate was:

a source of corruption and disquiet in religion, which remained with his children and descendants...It [caused] a great decline in religion and was a bigger calamity [for] Islam and the Muslims than [the machinations] of those godless infidels [Portuguese].
(cited in De Silva, 2009, p. 200)

However, *Tarikh* narrates that it was the coming to power of Muhammad’s grandson, Sultan Hassan IX, that ultimately pitted the ‘Muslim Maldivians’ against the ‘Christians.’ According to it, after two years and nine months in power, he changed his religion “to the foreign despicable Nasranis [Christians]” (De Silva, 2009, p. 201). The ensuing conflict is interpreted as a struggle between Muslims and Christians, between ‘unbelievers’ and ‘believers,’ and of martyrdom. Explaining the battle that led to the domination of Portuguese-enforced rule, *Tarikh* (cited in De Silva, 2009) says:

Their captain, Adiri Adiri, took over the government of the sultanate. This unbeliever then sent emirs from among his [co-religionists] to the provinces of Diba Mahal [Maldives], and the Muslims became servile and humiliated under the control of the Nasranis [Christians], subjected to their rule for however [long] God should so wish...After this those unbelievers continued victorious over the sultanate of the Maldives until their oppression grew worse, their violence increased and their tyranny became more intense. They wrought havoc on land and sea by their shedding of life,

seizure of property, and their widespread adulterous conduct with Muslim women, both unmarried and married, and all the Muslims were subject to their insults.

Those irreligious unbelievers [brought about] one of the greatest disasters in [the history of] Islam, and [caused] the severest weakness in religion and a great sedition, in which the hearts of the slaves of [of God] pined away, and its harm encompassed both town and country. (pp. 202-203)

The struggle by Maldivians against the Portuguese is then interpreted as a '*jihad*' led by the greatest Maldivian hero Mohammed Thakurfaanu against *Christian* Portuguese and the Maldivian *Christian* sultan who had betrayed his people:

Then, when they had reached the heights in their harassment of the slaves of God, the Muslims...God the Sovereign, the Omnipotent, the One, the Subduer wished to extend his compassion towards [the Muslims] by bringing about eradication of the might of those evil Christians from this land, extinguishing their state and repelling their hurt from His slaves who testify to the Divine Unity.

[Accordingly] he inspired his brave and courageous slave Khatib Muhammad al-Uthimi, son of Khatib Husain, who is now known as Muhammad Takurufanu the Great (may God clothe him with his mercy and favour and refresh his soul with the perfumes of refreshment and sweet basil), to rise up and execute the obligation of jihad, to snuff out the lantern of this infidel and obdurate people who believe in [the Trinity] and have no religion and [thus] to make Islam supreme in this land...(cited in De Silva, 2009, p. 203)

Through *Tarikh*'s interpretation, the loss of self-rule became inextricably linked to the conversion of the Sultan to Christianity. Thus, the '*jihad*' was both to regain self-rule and to maintain Islamic faith which was under threat of total obliteration.

Official historiography therefore played a crucial role in how subsequent narratives have been written in the dominant state self-understanding. The impassioned remark by a contemporary author, Fathimath Muneera (1958) summarises the dominant self-understanding as influenced by official historiography:

[Maldivian] Muslims dwindled to such an extent that there was only one Muslim out of every 100 people in some parts [of the country], and the whole country was dominated by them and their objective was to wipe out Islam. (p .89)

If this episode has been seen as the lowest point in Maldivian history, the revolts against the Portuguese-enforced rule in 1573 were also officially represented as the greatest point in Maldivian history since it became a Muslim state. This heroic triumphalism is again linked to religion. To use one historian's words, "Maldivian Muslim ...[decided]...to fight Christians to defend Islam until the last man" (A. Moosa, 1994, p. 12).

Tarikh's historiography of interpreting the Portuguese colonial period through a religious identitarian lens therefore left a path dependent legacy.

State Meta-Narrative and Modernisation

The state used the historiographical anti-colonial narratives and those on conversion for active construction of a meta-narrative of collective Islamic identity, which acted as a constraint for constitutional reforms. It was clearly reflected in Sultan Shamsudhdeen's (1981; also see The National Archives, n.d.-a) address in proclaiming the Constitution:

In Hijra, 548 A.H. [1153], we were given a great and true religion and shown the right way to the Islamic Faith. We have been kept true to that Faith during the past 803 years, and our Kingdom has been kept in continued independence. These are extremely great blessings.

The Maldives is a Kingdom which has been paying tribute to the great British Government and enjoyed its protection against foreign enemies.

We owe to the kindness of God the protection we have enjoyed against external enemies, as also to the help of His Prophet Muhammad, to the *karamat* by the great Saint Maulana Al Hafiz Abul Barakathul Barbari to the conversion of the people of this Kingdom by him...

From among [all the past] Sultans, Sultan Ghazi Muhammad Thakurufanu the Great Sri Savaa Dheeththa Mahaa Radhun and our ancestor Sultan Ghazi Hassan Izzudhdheen son of Vazier Muhammad Famuladheyri Manikufanu Sri Kula Ranna Miba Kashri Bawana Mahaa Radhun, who founded the Hura Dynasty, and whose honesty of purpose, chivalry, religious fervour, and nobility of character are well known to the people of this Kingdom whom we owe inestimable praise and prayers.

The liberation of this Kingdom from the innumerable misfortunes affecting the preservation of independence and Islamic Religion is due to the said two Rulers.

Is it not a great blessing that this Kingdom should be of the Islamic Faith? Surely so, for no other religion is as liberal and just whether it be for this world or the world to come.

Is it not a great blessing to remain an independent Kingdom? Even in this age, people of several big nations are sacrificing their lives in order to secure this freedom.

Those two blessings on remaining independent and in the Islamic Faith we have enjoyed for generations past. Try and preserve them with your might! Try and preserve them with all your might! Try and preserve them with your might. We and all of you should be one in preserving these two

assets before the Divine Justice of God, for we also in reality are one of you.

(pp. 37-38)⁴³

In this passage, the influences from the official historiography are obvious. There is no reference here to *Rannamari*, but there is the allusion to the origin story, or the ‘powers of *karamat*’ by Abul Barakathul Yusuf Al Barbari. Crucially, Islamic faith is inextricably linked to the idea of an independent Kingdom. This link is made especially through the story of Muhammad Takurufanu’s fight and ‘religious fervour’ against the Portuguese in the sixteenth century. Strikingly, the linking of self-rule to Islamic faith is also made existentially relevant in the contemporary era, through allusion to contemporary colonialism. While the duty to protect and preserve the two blessings lies with everyone, in this meta-narrative the state is the real guarantor of Islamic faith (and self-rule). The official response to the sultan’s address on behalf of the people delivered by modern educated Kamil (1981) agrees with this meta-narrative and state’s role in safeguarding the country’s Islamic faith:

Besides God Himself, the strongest force to preserve self-rule (independence) and Islamic faith is you [Sultan]. If you are steadfast in [preserving them] we the people will remain steadfast too. (p. 96)

In summary, the state meta-narrative of collective Islamic identity therefore includes the following elements:

1. Islam and self-rule are the two biggest blessings (*niumaiy*) of the country. They are also inextricably linked and inter-dependent. If one is lost, the other is threatened.

⁴³ In making this translation, I have followed translation provided in British archival documents (The National Archives, n.d.-a) as well the original Divehi text.

2. The state based on self-rule is represented as the guarantor and protector (next only to God) of Islamic faith.
3. Political loyalty was asked from people on the basis of people's commitment to the biggest blessing (*niuma'iy*) – Islam – and state's role as the guarantor of it.

I therefore suggest that this meta-narrative of collective Islamic identity, to be guaranteed by the state, played a crucial role in ensuring Islam to be part of modern nation building. It informed the state actors and ensured that the state would continue to be the protector of the Islamic collective identity for both itself and the people. While the establishment of Islam as state religion no doubt was taken from Egyptian constitution of 1923, the contextual meta-narrative made such an establishment not only relevant but a political necessity. The meta-narrative, however, especially concerned the issue of religious liberty. While Islamic precepts may have played crucial roles in the matter, with the meta-narrative that saw Islamic faith as one of the two biggest blessings of the country inextricably linked to the state's very survival, it is unthinkable that even modernist actors would have entertained the idea of religious liberty for the constitution.

In other words, the meta-narrative constituted the prevailing broader discursive field for political modernization. As I will show below the reformist discourses behind political modernization emerged in this discursive field. The proponents of those discourses not only took it for granted, but further reconstructed it as a meta-narrative of modern national identity consistent with their discourses influenced by Islamic modernism.

Reformist Discourses of Political Modernisation

In his autobiography, Ahmed Kamil (1892-1961), a key political and intellectual elite behind constitutional modernisation, claims that 'civilisation,' (*thamadhun*) 'culture,' (*thahzeeb*) 'ethics,' (*akhlaq*) 'philosophy,' (*falsafaa*) 'progress' (*tharaqee*), or similar terms, did not exist in people's discourse prior to the 1920s (Kamil cited in Nadhuwee, 2012a, p.

23). The absence of these motifs in public discourse did not of course signify non-existence of a *civilised* society. However, those concepts entailed specific projects (e.g. an aspiration to appropriate Western political modernity) for specific people (e.g. Islamic modernists who aspire to validate modernity within Islamic tradition) at given times. They provide therefore discursive resources for their proponents to undertake specific political actions. Indeed, specific discourses related to some of the motifs emerged from the 1930s and 1940s.

Three related discourses in particular shaped political modernisation during the period from the 1932 to 1978 that acted as major resources for political actors who attempted political and social modernisation. The key discourses are:

- Discourse of rule of law (*qanoonee hukoomath*)
- Discourse of civilisation (*thahuzeeb aai thamadhdhun*);
- Discourse of liberalised *shura* (consultation).

Interconnected as they were, those discourses were first championed by the newly educated elites, such as Kamil and Mohamed Amin, who were behind constitutional modernization. But they became taken-for-granted political discursive motifs by others and dominant motifs of the political discursive field, providing resources for political modernisation beyond their original proponents.

While this line of inquiry on discursive resources has not been systematically done before, some Maldivian thinkers have recognised the role played by the newly educated elites on political modernisation. The prominent author and poet, Aminath Faiza (1997), for example, observed that “the idea for a constitution first emerged among the [newly] educated elites”. The list included Ibrahim Ali Didi (1889-1975; educated in Ceylon, India, and Egypt), Moosa Mohamed Didi (1905-1945; educated in India), Hassan Fareed (1904-1944; educated in Ceylon) and Mohamed Amin (1910-1954; educated in Ceylon and India). Hassan Ahmed

Maniku (1980, pp. 12-13) also argued the political movements in India and constitutional reforms in Ceylon in the first quarter of the century had influenced the Maldivian political elites.

However, I argue that the specific discursive resources (including their underpinnings) available to those actors, and through them, to other political actors, shaped constitutional modernisation. The claim is not their ideas and discourses *determined* institutional changes. Rather, their ideas, related discourses, and the discursive field constituted by those discourses, acted as resources (and constraints), and therefore overall *shaped* political institutional developments. Ahmet Kuru (2009) has argued that the “establishment of new ideological dominance generally requires a long historical process” (p. 238). I suggest that in a political system controlled by a few elites, such dominance could be rapid. As observed by Elizabeth Colton (1995, p. 272) in the late 1970s, the Maldivian political system was “controlled by the elite” and a few families at that.⁴⁴ Figures like Amin, Kamil and Ibrahim Shihab (1922-1988), not only belonged to powerful families who deeply influenced politics, but they themselves had enormous influence in the political discursive field through their literature and speeches. In such personalised politics, we could expect that the ideas and discourses of few elites could have disproportionate yet rapid influence in the system.

⁴⁴ As an anthropology student at London School of Economics and Political Science, Colton did her doctoral research on the elite of the Maldives, and conducted fieldwork in the late 1970s and early 1980s.

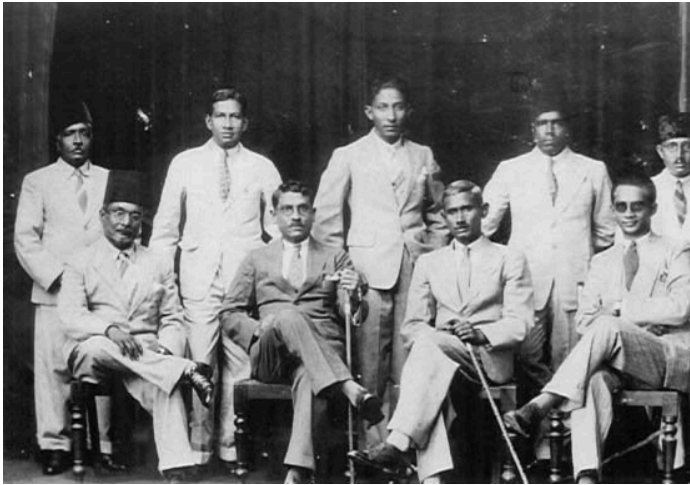


Figure 1. Some key political elites, 1933 (taken in Ceylon after the 1932 Constitution was effectively suspended. From left to right (seated): Minister of Justice and Chief Justice Hussain Salaahudhdeen; Home and Education Minister, Ahmed Kamil; Minister of Religious Endowment.⁴⁵ Adopted from Maldivian Royal Family, 2008 (Retrieved from http://www.maldivesroyalfamily.com/maldives_photo_10.shtml)

What are the specific sources of influence on their discourses? And, what exactly did they aspire to achieve? How did they shape political modernisation? And, what are their limits? Before I analyse the discourses and how they shaped institutional changes, I first explore the connections to Islamic modernism through an account of the background of the key figures.

Maldivian Islamic Modernist Connections

An analysis of the new discourses and the background of their key champions suggest their Islamic modernist connections, as well as influences from the nationalist currents, especially in the Indian subcontinent. As discussed in Chapter 1, Islamic modernism since the nineteenth century is a religious, intellectual and political response to modernity. Its broader impulse was to show the compatibility of Islam with modernity (see Masud, 2009, pp. 237-260; Kurzman, 1998; Moaddel & Talattof, 2000). However, not all who may be categorised

⁴⁵ I highlight the most important figures mentioned in this thesis.

as Islamic modernists have exactly similar positions on these specific issues, including among the Islamic modernist thinkers in the Indian subcontinent (see Ahmad, 1967). Yet Islamic modernists generally have similar orientations on certain key issues. Moaddel and Talattof (2000, pp. 3-4) therefore summarise that Islamic modernism in general i) accepted the view that the West had a more advanced civilisation, ii) accepted the differentiation in knowledge and respected the modern sciences, iii) favoured democracy and constitutionalism, iv) was favourable towards women's status, and v) reformulated Islamic methodology to stress rationalism.

The movement based on these general orientations had influence across Muslim lands reaching “the apogee of their power in the first two decades of the twentieth century” (Kurzman, 1998, pp. 9-10). This influence was spread through institutional bases of educational centres, journalism and international networks of Muslim intellectuals (Kurzman, 1998, pp. 9-10). South Asia and Egypt, among others, were the most important sites of Islamic modernism during the period. Aligarh University and the Aligarh movement were the most important Islamic modernist educational institutional sites in South Asia (Ahmad, 1967). Examples of the sources of modernist journalism in South Asia include Abu'l-Kalam Azad's *al-Hilal (The Crescent)* and Sayyid Ahmed Khan's *Tahzib al-Akhlaq (Refinement of Morals)*. The most prominent Islamic modernist intellectuals in India included the preeminent Indian Islamic modernist Sayyid Ahmad Khan, Chiragh Ali, Shibli Nu'mani, 'Abul Kalam Azad, and Ameer Ali. In the Middle East, Al-Azhar University was the most influential educational institute. The Islamic modernist intellectual figures included Sayyid Jamal al-Din al-Afghani, Muhammad Abduh, and Qasim Amin, and the influential journals included *al-'Urwa al-Wuthq* of al-Afgani and Abduh.

It should not be therefore surprising that Islamic modernism would have directly and indirectly influenced the Maldives during this period. Maldivian elites often travelled to the

Indian subcontinent and Egypt during the late nineteenth and early twentieth centuries. Indeed, some of the major educational institutions, journalism, literature, and Islamic modernist intellectuals had direct influence on some key Maldivian elites behind the new ideas promoting modernisation since the 1930s. I will focus in particular on Kamil and Amin, both members of the first Constituent Assembly, who were educated in modernist institutions in India. By suggesting links to India, my claim is not that this is the only discursive genealogical root of the new discourses. The political modernising developments in Ceylon and the British connection, as well as the developments especially in Egypt and broader Muslim lands in the aftermath of the Ottoman Empire had also impacted on Maldivian elites. As clarified in the last chapter, the 1932 Constitution itself was partly modelled on the 1923 constitution of Egypt. Maldivian elites such as Amin and Kamil were also deeply familiar with the developments in the wider Muslim world. In this respect, Kamil's extensive profiling of Mustafa Kamal in the journal of *al-Islah* (The Reform) showed his deep familiarity with the modernising developments in the aftermath of the fall of the Ottoman Empire (Kamil, 1933a, 1933c, 1933d). It also shows the positive tone with which he saw Ataturk, suggesting an enthusiasm for political modernisation.

Their discourses, background, their literature, and thinking underpinned clear Islamic modernist influences, without providing a comprehensive Islamic modernist work on religion, theology, or politics. Amin was not a religious scholar (*dhannabeykaleh*) and did not consider himself one. However, Maldivian author Nadhuwee labelled Kamil a "true scholar" and an intellectual of the highest calibre (Nadhuwee, 2012a, 2012b; see also A. Shafeeg, 1994). Historian Ahmed Shafeeg (1994) claims Kamil was "one of the two or three most influential figures behind the first constitution and among the biggest advocates for it" (p. 17). Kamil's writings clearly show the emergent reformist spirit based on the discourse of rule of law. He was the Home Minister and Education Minister of the first constitutional government –

positions that showed his influence according to Shafeeg (1994). He was the editor of the first printed magazine, *al-Islah* (The Reform), launched right after the promulgation of the 1932 Constitution, which embodied the broad reformist orientation of the period. While a few articles in the six issues that were published dealt with constitutional issues directly, one of its stated aims was creating awareness of the new constitutional reforms among the people.

Amin was a more dominant champion of modernisation during the period since 1942, as explained in Chapter 2. Amin shaped those modernisations through the explicit discourse of civilisation and love of nation. He has been described as ‘the leader of civilisation’ in the Maldives (Fiaza, n.d, p. 23).

Both Kamil and Amin had direct intellectual connections to the larger Islamic modernist and nationalist movements during the period. Kamil was educated in Lucknow’s Nadwat al-‘Ulama for four years, before returning to the Maldives in 1916. Nadwa was an education institution launched towards the end of the nineteenth century with a vision to create a new generation of Muslim ‘*ulama* to lead the Muslim community by being able to meet modern challenges (Zaman, 2002, p. 69-71). As a student, Kamil was engaged in the modernist and nationalist currents in India. He attended lectures of Abul Kalam Azad, Mahatma Gandhi, and Mohamed Ali Jinnah, among others. He regularly read modernist literature such as *Al-Hilal* weekly, a newspaper established by Azad. Kamil was an avid reader who was influenced by both Muslim and non-Muslim thinkers. Mazzini, Spencer, Tolstoy, Tagore, Plato, Imam Al-Ghazali, George Washington, Ibn Khaldun, Ibn al-Qayyim, Ibn Taymiyya, Abul Kalam Azad, Shah Waliullah, and Sayyid Ahmed Khan had the most influence on him (Nadhuwee, 2012b, p. 12). His writings also show he was familiar with several other thinkers. Kamil (1982, p. 66) for example, mentions prominent Islamic modernist Mohammed Abduh’s *Risalat al-Tawhid* in his Dhivehi novel, *Rivaayathu Moosa*

wa Zulaikha. Kamil also translated, *The Spirit of Islam*, by the eminent Indian Shia modernist thinker, Ameer Ali (1849-1928) (A. Shafeeg, 1994).

In India, he was also a student of the modernist thinker, Mawlana Shibli Nu‘mani. Shibli, as one of the more conservative modernists, had a more critical orientation towards the West (D.W. Brown, 1997, p. 266). While Shibli blurred the “boundaries between modernism and revivalism” (D.W. Brown, 1997, p. 265), he is “among the most important exponents of the modern revival of Mu‘tazilite thought” (D.W. Brown, 1997, p. 266; see also Hasan, 1978). Moaddel (2005) pointed out, “his writings, far from being traditionalist, reflected historical methods and normative criteria in vogue in Europe” (p. 71). Such apologetic and conservative tendency may be evident in some of Kamil’s writings (e.g., Kamil, 1993). Yet Kamil’s orientation towards rationalist methods and appreciation of the differentiation of knowledge is quite evident in his writings, as I will show in the analysis of specific discourses.

Amin’s Islamic modernist influence is equally evident. Following his education in Ceylon, he went to study at Aligarh University, India, in 1928 for about a year. Aligarh was founded in 1875, originally as Muhammadan Anglo-Oriental College, by the preeminent Islamic modernist figure in the subcontinent, Sir Sayyid Ahmed Khan. This institute exemplified Khan’s intellectual project to “craft an Islamic theology in consonance with European rationalism” (Irfan Ahmad, 2012, p. 28). Aligarh therefore aspired to prepare Muslim graduates equipped with modern, English education. Aligarh was a more outward looking institute than Nadwa. Amin deeply admired Sir Sayyid and the institute as he eulogises him in his autobiography for his “vision for the institute” (Amin, 2003, p. 111). Perhaps, Amin’s more direct connection to Aligarh and his earlier student life at Ceylon’s St. Joseph College, a private Catholic school, and St. John’s College, a private Protestant college,

partly explained his less ambiguous enchantment with the West, his open espousal of modernist Islam and rationalism, as explained below.

These Islamic modernist influences shaped the emerging reformist discourses behind political modernization in the Maldives. The religious, epistemological and ethical underpinning of those discourses will further demonstrate those influences.

Discourse of Rule of Law

In an influential revisionist argument, Noah Feldman interprets the contemporary calls for shari‘a as a yearning for an Islamic form of rule of law, which allegedly shari‘a had realised in the past under an independent class of religious scholars (Feldman, 2008). In a strongly worded response to Feldman, Said Amir Arjomand (2008) says:

If Professor Feldman had studied modern constitutional history of the Middle East, he would have known that the mottos were ‘the rule of law (*qānun*),’ ‘limited government (*mashrutiyya[t]*)’ and ‘government limited by law (*qānun*).’ The key term in the nineteenth and early twentieth century was Qanun, public law or state law (the same Greek word ‘Canon’, is used for church law in the West), and not Shari‘ah or divine law.

It is exactly this discourse of *qanun* or statute law and constitutional rule, with the belief in its capacity to deliver rule of law, justice, and mutual benefit that acted as one of the key discursive resources for political modernisation in the Maldives. The newly educated elite believed a written constitution and statute laws were necessary to catch up with modern times. Thus, while Sultan Shamsudhdheen praised how the previous sultans had ruled, he claimed that a constitution would allow conducting politics as in “other good kingdoms of the world” (Shamsudhdheen, 1981). Therefore, the whole political modernisation in adopting a written constitution and statute laws during the 1930s was seen and articulated as the beginning of an era of rule of law (*qaanoonee hukoomath*). In the succinct characterisation of Constituent

Assembly member Amin (1951b, p. 52), “the pages of rule of law” were opened with the new constitution.

This discourse of rule of law and cognate idea of constitutional rule, why it was necessary and important, and its underlying assumptions, were clearly articulated in two texts by Kamil in the new magazine *al-Islah* (The Reform). His article entitled, *Some Remarks on the New Constitutional State*, in the first issue (1933), was a defence and justification of the constitution and statute law. Kamil’s explanation of the idea of constitutionalism, rule of law, and the purposes and benefits of them, show its liberal underpinnings:⁴⁶

When constitutional rule (*dhasthooree verikan*) is achieved, the blessings (*niuma'iy*) from it and to be achieved are limitless: citizens’ (*rayyithun*) rights are protected; justice (*adhlu insaaf*) exist in all transactions and matters; people’s property cannot be violable; all matters regarding citizens are decided through consultations (*mashwara*) with educated and capable people; trials are to be decided only by those that have their jurisdiction and major trials with the considerations of several good people⁴⁷ ...and, no one shall be punished except only as decided through justice (*insaaf*). (Kamil, 1933b, pp. 12-13)

Kamil (1933b) further argued that when the affairs of the people are adjudicated through statute law made by the state, there would be ‘equal treatment’ for everyone (p. 130). If the state were based on law, Kamil (1933b) continued:

Whatever the state does, the state will consider the benefit (*faidhaa*) of both the citizens (*rayyithun*) and the state. Whether it is the King or Prime Minister, they cannot act as they wished. (p. 13)

⁴⁶ ‘*Qanun*’ is a word derived from Latin canon and shows its non-shari‘a origin.

⁴⁷ Here Kamil is probably referring to the new jury system introduced in the 1932 Constitution

The references in the above quotes are to: 1) political and civil rights; 2) limited government; 3) separation of powers; and, more broadly to 4) equality before law. As explained in the last chapter, a number of sections in the new constitution incorporated these principles. Kamil then defended the value of statute laws and constitutional rule by arguing that within the short span of time, the newly enacted statute laws were able to settle several existing issues through '*insaaf*' (justice), '*sulha*' (peace), '*adhulu*' (equity), and '*faidhaa*' (profit) (Kamil, 1933b, pp. 13-18). Kamil's overall argument therefore suggested that the many achievements of the constitutional government had to do with statute laws and a modern written constitution. The stress on *qanun* as opposed to shari'a as it had existed is also noteworthy in that at least in the first constitution, the political and civil rights were to be limited by law (*qanun*) not by shari'a as such. And, certainly, the *presumption* of this discourse was that what both an unwritten shari'a and customary practices had hitherto played was not sufficient in achieving the objectives that the statute laws and modern constitution sought to achieve. It also presumed that *qanun* that was debated, written and agreed to by people (including people other than religious scholars), could now occupy the space in which shari'a as interpreted and applied by the state religious scholars, the long-standing customary practices (*aadhakaadha*), and political decisions of the sultan and ministers had hitherto occupied.

The Islamic modernist impulse of this constitutional and legal reformism was further evident in the new epistemological outlook favouring 'scientific' outlook that was required for modern political statecraft. The context of this argument by Kamil was the emerging conflict in the legislative assembly over the new policies. In this respect, Kamil attempted to defend the constitution and written laws on the basis of differentiation of knowledge. In his article, Kamil (1933b) argues that knowledge of political science (*siyasathu ge ilm*) was crucial for the proper evaluation of the constitution and the laws. This science was not

‘religious knowledge’ (*dheenuge ilm*) for Kamil. In the second issue of *al-Islah*, he argued that all knowledge fell into three categories (Kamil, 1933a, p. 15):

1. Knowledge about human relationship with God;
2. Knowledge about human relationships with other humans; and
3. Knowledge about the reality of humans, animals, and the world.

Of these, he pointed out, all types of religious knowledge fell in the first category; all types of knowledge about governance, human progress, nations, civilisation, into the second category; and, finally, the third constituted science (Kamil, 1933a, pp. 15-16). Placing political science within the second category, and not strictly religious knowledge, Kamil recommended the command of either English, Urdu, or Arabic to acquire proper knowledge. For him, a person could not be said to be properly educated if they did not study at least a little bit of all these types of knowledge (Kamil, 1933a, p. 16). What this new epistemological outlook *implied* was that the traditional religious scholarship was not sufficient to appreciate and evaluate constitutionalism.

However, this discourse did not assume, much less aimed for, the displacement of Islam or shari‘a. The discourse itself was validated through a religious framework that suggested the proponents did not aim to jettison Islam. Kamil (1933b) indeed legitimized the reforms within a religious discursive framework when he said: “Thursday, 23th Sha’ban of last year [22 December 1932, the day the constitution was promulgated] was the holiest and the most blessed day of Maldivian history” (p. 11) because it was the day, “with God’s blessing, the Maldives and all its inhabitants got constitutional government (*dhasthooriyya verikan*) and equality of freedom, culture, civilisation, education, and equality of civil rights” (p. 12). Such validation through religious tradition and terminology was a feature of Islamic modernism (e.g. Masud, 2009, p. 246).

More importantly, in line with their Islamic modernist orientation, the presumption of this discourse was that shari‘a itself could provide rule of law through its transformation onto the modality of modern rule of law. In fact, in line with their Islamic modernism, they argued Islam actually provided for rule of law. Thus, elsewhere, Kamil (1993), for example, argued that the caliphate of Umar practiced a republican system in which equality before law and rule of law existed:

[Caliph] Umar did not interfere in adjudication of justice. What is evident is from the beginning of Islam, the judiciary (*sharu’ee inthizaam*) was independent from the civil sphere (*madhanee inthizaam*). Now the British are praised for this separation. But I must say that this perfect system was practiced by the biggest republican ruler the world has ever seen, Caliph Umar, which he had perfectly implemented thirteen-hundred years ago. Without doubt Umar implemented justice equally without any discrimination. He himself was subject to law (*qanoon*). (p. 239)

Hence, while the discourse acted as a resource for liberal reforms, it also allowed the emergence of Islam as a modern institutional political religion.

Rule of law became a taken-for-granted discourse.

This discourse of rule of law and constitutionalism – with its Islamic modernist and liberal underpinning – became a taken for granted and a dominant discourse in the space of politics and the broader political discursive field, impacting on subsequent institutional developments. The idea of ‘law,’ understood as enactments by the state, tended to subsume shari‘a law. That is, shari‘a law became known as *one* of the sources of law, as clearly expressed by others such as a prominent Attorney General, Adnan Hussain (e.g., 1958, p. 4).

This discourse became so influential that except for the period between 1940 and 1942 (in the context of the Second World War), all successive governments at least paid lip service to a written constitution and rule of law. Even though the 1932 Constitution was effectively

suspended in less than a year after promulgation, instead of going back to pre-constitutional ways, the constitution was amended and re-enacted in 1934. Likewise, not everyone believed the repealing of the constitution in 1940 was a step forward. Amin (1949a, pp. 39, 99) for instance, in retrospect, observed that it was a wrong decision and therefore he adopted a new constitution in 1942. In fact, for any major political crisis, seeking a solution through amending constitutions or through a new constitution became a dominant aspect of the political culture in the Maldives. As a consequence, by 1978, five new constitutions were promulgated (1932, 1942, 1953, 1954, 1968), and they were amended at least eight times (the first constitution in 1934 and 1937; the second in 1951; the fourth in 1964 and 1967; the fifth in 1970, 1972 and 1975). The rapid proliferation of statute laws (as shown in the last chapter) directly reflected the dominant hold of this discourse. No fewer than 50 laws were passed by the first legislative assembly within eight months and the number rapidly increased between 1932 and 1978 (Chapter 2).

Similarly, while modernising actors did not seek to displace shari‘a, the tendency was to systematise and codify shari‘a onto the modality of statute law forms and rules. This trend culminated in the twenty-first century when the state attempted to liberalise and codify the penal aspects of shari‘a law into the forms of a modern penal code with the help of an American law professor, Paul Robinson, in 2004 (see Chapter 4). Thus, the trend of codification of shari‘a itself reflected the influence of rule of law based on statute law.

Discourse of Civilisation

A more wide-ranging discourse that became more prominent especially since the 1940s to conceive, legitimise, and promote political modernisation was based on ideas of ‘civilisation’ and ‘culture’ (*thahzeeb aai thamadhdhun*). The need for constitutionalism and rule of law itself became part of this broader orientation towards what the political elites saw as ‘civilisation.’ This motif of ‘civilisation’ therefore emerged already in the 1930s. In the

article defending the new constitutional government, Kamil (1933b, p. 12), for example, pointed out that the day the Maldives promulgated a constitution was the day it achieved ‘civilisation’. However, this motif became a more encompassing elite discourse since the 1940s under its most articulate proponent, Mohamed Amin. His reforms were expressed and legitimised through explicit discourse that was oriented towards catching up with what it believed was ‘civilisation.’

The discourse’s modernist connections.

While Amin did not provide direct references to his discourse of civilisation, there is evidence the discursive motif of ‘civilisation’ had direct linguistic and discursive influences from the Indian Islamic modernist currents. The Divehi words, ‘*thahzeeb*’ and ‘*thamadhdhun*’ were derivatives from their Urdu counterparts. According to Urdu scholar Choudhri Mohammed Naim (2011, p. 196), the concept of ‘*tahzib*’ possibly emerged in the second half of the nineteenth century, as a reaction to colonial authorities’ projection of the superiority of their civilisation as testified in their success in India. Similarly, Naim (2011) suggested that ‘*tamaddun*’ “entered the language of social discourse in Urdu in 1896, when Syed Ali Bilgiram published his masterly translation of Gustave LeBon’s *La Civilization des Arabes*, and called it *Tamaddun-i-‘Arab*” (pp. 196-197). In other words, discourses on ‘civilisation’ emerged largely through North Indian Muslims’ engagement with Orientalist critiques of Islam and India (Ingram, 2015, p. 406).

Muslim modernists such as Sayyid Ahmad Khan, Shibli Nu’mani and Abul Kalam Azad significantly contributed towards making these motifs popular in social discourse during the late nineteenth and early twentieth centuries (Naim, 2011; Ingram, 2015). For Islamic modernists such as Sayyid Ahmad Khan, civilisation is associated with the West but Muslims could also attain it. After his trip to England in 1869-70, Khan therefore established his reformist periodical, *Tahzib al-Akhlaq (The Refinement of Morals)* to facilitate the progress of

Indian Muslims along the “lines of refinement and civility (*tahzib-o-tamaddun*) of Europe” (Johannes Marinus S. Baljon, 1958, p. 25; Ingram, 2015, p. 408). Khan identified the periodical’s aim “to make the Muslims of India desirous of the best kind of civilisation, so that it will remove the contempt with which civilized peoples regard Muslims...” (cited in Baljon, 1958, p. 25). For him, Muslims were capable of attaining civilisation because when Islam is properly understood, it is not opposed to Western civilisation, but could provide the “ultimate source and inspiration” for civilisation (Parray, 2011, pp. 83-84). He believed that the major reasons why Muslims had declined included their custom and habits. Khan (Ingram, 2015, pp. 410-411) argued, that custom was opposed to “human progress” everywhere and Indian Muslims have been subjected to the pernicious impacts of custom. Thus, education, rational examination of custom, freedom of opinion, are recommended for the path towards ‘civilisation’ (Ingram, 2015).

These linguistic connections to Islamic modernists, the overall orientations of civilizational discourses’ orientation towards the West, and the critique of custom could be found in Amin’s discourse of civilisation. According to *Radheef*⁴⁸, *thahzeeb* has three meanings: development; changes brought about according with the times; and, good and proper manners/ways. *Thamadhdhun* means urbanisation of an island or a country or civilizational progress. However, both terms in the common usage translated to ‘civilisation’. The English word ‘civilisation’ was also sometimes used as an equivalent for ‘*thahzeeb aai thamadhdhun*’ (Amin, 2008, p. 30; Aminath Faiza, n.d, p. 14). As in the case of the usual Urdu usage of ‘*tahzib-o-tamaddun*’ (Naim, 2011, p. 194), in the Divehi phrase, the pair is also often used together where ‘*tamaddun*’ (Divehi, ‘*thamadhdhun*’) often is the second word in the pair.

⁴⁸ A Divehi language dictionary published by the government, available from <http://radheef.com/>.

The clearest exposition of the discourse is in Amin's contribution to a collection of essays published in 1943. The articles were commissioned to present the visions of some of the leading political elites for the Maldivian capital, Male. But the conceptual ideas in Amin's essay are also general and not simply applicable to Male. As 'civilisation' was an aspirational goal for Amin it is an excellent source to understand Amin's discourse of civilisation:

Should the vision for [capital] Male be based on the British capital London, which is the paragon of justice and courage? Should it be based on New York belonging to the Americans who possess prosperity and liberty? Should it be based on Paris of those who are fond of sports and desires? No, no, the future edifices shall be built on a foundation somewhat more suitable for our island...yet, there is no doubt that civilisation's powerful footsteps will increase their marks in Male. The marks of tradition and the ways of custom must give way for progress. There will be a day the light of knowledge and liberty will overtake ignorance and enslavement. On that day, knowledge and civilisation will rule in Male. (Amin, 2008, pp. 29-30)

Note that the passage was steeped in binaries: 'tradition/custom vs. progress,' 'ignorance vs. knowledge' and 'enslavement vs. liberty/freedom,' with 'progress,' 'knowledge' and 'liberty' constituting what Amin considered to be civilisation. This discourse therefore had striking parallels with the modernist critique against custom by Sir Sayyid Ahmad Khan to attain 'civilisation' as discussed above. As with modernists such as Sayyid Ahmad Khan, Amin had a deep affinity for the West. For Amin the main bastion of civilisation/culture is the West – America, France, and Britain. Its assumption that the West was at the pinnacle of civilization was a view that Islamic modernists shared (Moaddel & Talattof, 2002, p. 3).

However, like modernists, Amin not only believed Islam properly understood was compatible with 'civilisation' but Islam was a more superior basis for it. For Amin,

‘civilisation’ should not displace religion from people’s lives. He argued the “real key of civilisation in the world is Islam” (Amin, 1953b). While he acknowledged that the West was advanced in civilisation, he suggested it had gone astray from “the straight path” laid by God (Amin, 2007, pp. 8-9). This stance that Islam could be a more superior basis for ‘civilisation’ was more evident in Kamil, who in a series of articles on the subject argued that Islam was the ‘biggest force’ of ‘civilisation’ (Kamil, 1993).

As Islamic modernists, therefore, as part of this discourse, Amin openly favoured a more modernist Islam, and was critical of certain religious scholars. In the same article, Amin (2008) pointed out that the Islam he favoured “is not the religion followed by some Azhar [University of Azhar] sheikhs and Hindustan’s *katu* [‘uncivilised’] mullahs. It is a religion based on *freedom, justice, and rationality*” (p. 32, my emphasis). His Islamic modernism therefore also favoured a new ethical and epistemological outlook. For ethics, he emphasised self-autonomy and in terms of knowledge, he emphasised rational thinking and supported science. While asserting that a “proper ethics is *necessary* for civilisation” (Amin, 1946, p. haa, my emphasis)⁴⁹, he departs from prevailing self-understanding of ethics by his emphasis on self-autonomy and rationality.

In a textbook on ethics, Amin (1946) argued the ethical basis lied in having a virtuous character. This notion of virtuous character placed an emphasis on reason and self-autonomy and covered virtues not normally under prevailing religious ethics texts. As for the first, a virtuous character, Amin says, could only be achieved through asserting the ‘brain’ (*sikundi*) over the ‘heart’ (*hiy*) and the ‘rule of rational thinking’ (*budhdhee ge mahakamaa*) over ‘passions’ (Amin, 1946, p. 2). There is therefore an emphasis on ‘rational thinking’ (*budhdhi*) over ‘deference’ (*dekolhunuhedhun*) in accordance with his ‘rational’ religious outlook.

⁴⁹ Amin’s book’s pagination is odd. The first pages are ‘numbered’ with Arabic alphabet

'*Budhdhi*' according to *Radheef* has the following meanings: i) the capacity to judge, ii) the capacity to comprehend, iii) the capacity to think, and, iv) the quality that distinguishes humans from other living things. And the 'thinking person' or 'thinker' is '*budhdhibo*' or '*budhdhiveriya*' and 'to think properly' is '*budhdhikurun*.' The concept of *budhdhi* possibly predated Islam in the Maldives, and possibly came from its Vedic Sanskrit, '*buddhi*.' The latter also means "observation, intelligence, understanding, intellect, mind, wisdom, judgement, discernment, the power of forming and retaining conceptions and general notions" (Monier-Williams, 2005, p. 733).

With his ideas on *budhdhi*, Amin's affinity to Mu'tazilite rationalism is evident. But unlike Muslim modernists, Amin's notion of *budhdhi* was not explicitly within the Islamic concept of *ijtihad* or independent juristic reasoning. He did not discuss a religious notion of *ijtihad*, in either its narrow meaning of independent juristic reasoning or in the more liberal modernist Islamic rendering, although what he had to say was similar to the latter. Amin (1946, p. 5) pointed out that as rational thinking was the greatest gift from God, it entailed using one's *budhdhi* to identify what was right and wrong as one could understand (*fahum*) the Qur'an and Hadith.

A discourse for rapid modernisation.

Amin arguably was the most important modernising figure in the twentieth-century Maldives, laying major foundations for modern nation building. The discourse of civilisation acted as a major discursive resource for Amin's wide-ranging political and social reforms, after he became the political leader for all practical purposes in 1942. As explained in Chapter 2, Amin's political reforms culminated in the adoption of a Republic and a new constitution in 1953, ending the long-standing sultanate. True to his civilizational discourse and modernist orientations, without hesitation he argued the system was found in the West. Amin (1953a) thus approvingly stated that Abraham Lincoln was "the father of the republican form of

government” and added that Lincoln had defined “republican government is by the people for the people” (pp. 86-87). Amin (1953a) further approvingly added that “America represents the best republican system” (p. 87), but “Britain implements the best values of it” (p. 88). Thus, the move towards adopting a republic was an attempt at conscious appropriation of political principles as found in Britain and the US, the key sites for his civilizational aspirations.

The areas that the discourse of civilization subsumed include not just political and constitutional modernisation, but also social and cultural reforms. Amin was the first major champion of greater gender equality in the Maldives. His radical reforms include giving opportunities to women to participate in politics, including the suffrage. Amin often used the motif of ‘civilisation’ to argue for the cause of women’s rights (Amin, 1933; Amin, 1949a, pp. 340, 369; Amin, 2007, p. 109). As early as 1933, he, for example, advocated greater equality for women, by asserting that a country could not advance without women’s role. Amin (1933) defended women’s greater equality by arguing that the patriarchal view that “women are weak and created by God for men to treat whichever way they desired” would decline as “there will be a day *civilisation*’s powerful footsteps will inevitably wipe out such views” (p. 49, my emphasis). He was also a major advocate for modern education and women’s education and used civilizational discourse to this end (Ali, 2017; Amin, 1949b, p. 369; Amin, 2007, p. 149). Amin (1949a) therefore argued, “A country will attain civilisation to the extent its children get education. A nation will advance when its women are provided education in an equal footing as its men” (p. 369). Other areas that this discourse concerned included economic progress and prosperity (Amin, 2007, pp. 108-109, 168); cultural aspects such as art, poetry, clubs and societies, exhibitions (Amin, 2007, pp. 102, 109); and, sports (Amin, 2007, p. 143). Under Amin a public literary culture (confined, though, to few elites) also emerged. There was an immense push to create a new ‘spirit’ (*roohu*) and identity for the

people in line with this discourse through sports events, lectures, debates, exhibitions, literary circles, poetry, clubs, formal education, and so on.⁵⁰

Through political activism, literature, and the education system, the discourse of civilization also infiltrated into the political discursive field. A significant step that symbolised the discourse and promoted Amin's civilizational aspirations was the establishment of *Naadhee Aththamaddhun* ('civilisation club') in 1945.⁵¹ Such an establishment named literally 'civilisation club' promoted the discursive motif in the public domain. Amin also established the first library at the Club building. After it was established, on the Club's objectives, the Government gazette, *Sarukaruge Khabaru*, stated that *Naadhee Naadhee Aththamaddhun* along with the library were the "foundation for the path for civilisation" and the library was "necessary for any country that desires civilisation" (Sarukaruge Khabaru, 1945, p. 1). The Club became a key centre of social and political activities. Such activities included hosting debates, literary competitions, deliberations, marking important events and occasions, social gatherings, official conventions and meetings, and even the sittings of the parliament. Examples of the literature that promoted the motifs of 'civilisation' include Amin's own numerous writings (e.g., those analysed for this thesis). He was in fact one of the most prolific contributors to public discourse in the period. He was also an educator and his book on ethics was a textbook taught at the school.

This discourse infiltrated into the political discursive field beyond Amin, as was evident in the literature and policies by successive governments since Amin's rule came to

⁵⁰ *Eki Eki Kan Kan Hingi Goiy* Vols. 1-10 (Official Records, n.d.), among others chronicle the wide-ranging activities and measures in these respects.

⁵¹ For 'naadhee' *Radheef* has two meanings: i) a centre where people gather for recreational purposes and educational debates, and ii) club.

end in 1953. For example, an analysis of the special edition of government news bulletin, *Sarukaaruge Khabaru*, published in 1954 to mark one year of ‘real independence’ (i.e., the day Amin was deposed), while broadly critical of Amin, took his discourse of civilisation for granted at a fundamental level. One contribution, Mohamed Zaki (1954) clearly repeated Amin’s civilisation discourse:

The path to tread on to achieve civilisation is wide and long. The reason is when compared to other free nations of the world, we are far behind...if we want to achieve meaningful freedom it is necessary to open widely the path of progress. (p. xx)

Another contributor, the Education Minister, Ibrahim Fareed (1954) also assumed Amin’s discourse, saying that “civilisation...can only be achieved through strong education and ethics” (p. x). A prominent Maldivian linguist, Abdullah Sodiq’s views also illustrated the point about the discourse’s infiltration in the political discursive field. Sodiq’s (1954) criticism of Amin was not the seeking of ‘civilisation’ as such, but the alleged superficial manner in which Amin attempted ‘civilisation.’ Sodiq (1954) therefore implored the new government to ensure the future generations would not say “the Maldives was decorated with civilisation only in its shell as was in the previous era” (p. 47).

The major modernising figure after Amin was Ibrahim Nasir, who came to power in 1957. Nasir reverted the country back to a Republic in 1968, and he further modernised the state system and introduced major institutional reforms. There is no evidence of *direct* influence of Islamic modernism on Nasir from outside. He was sent to Ceylon for education by Amin (Maniku, 1997, p. 19). While he undertook major social reforms that westernised the society, Nasir was not an outright secularist. Instead, he attempted to modernise and centralise religious personnel and institutions. While Nasir was not a man of explicit ideology or discourse, like Amin he was deeply oriented towards the West as his many social reforms

showed. On balance, Amin's discourse of civilisation within an Islamic framework in the broader political discursive field, shaped his policies.

The discourse of civilisation itself was in fact deployed by others to assess and legitimise Nasir's reforms. About eight months before Nasir retired from politics, a senior official of Nasir government, Adnan Hussain (1978) assessed the many achievements of the Nasir government but stated: "As our Amin Didi has said, many are the changes that need to be talked about...many are the reforms that have to be introduced..." He then invoked the motifs of the discourse of civilisation: "A deep association with the *civilisations* of other nations" was required toward that end (my emphasis). Others also deployed the discourse to articulate and justify the modernising changes by Nasir. A number of essays by historian Abdul Hakeem Hussain Maniku in the newspaper, *Viyafaari Miadhu* (Commerce Today), sponsored by the Nasir government, essentially deployed Amin's discourse of civilisation to defend Nasir's reforms. For instance, on education, (Maniku, 1997) argued "the main aspect of civilisation was to follow the diktat of science and economics" (p. 89). On women's rights, Maniku (1997) claimed "every civilised person loves women's freedom" and that in a "society that was advancing towards civilisation, women would be free from ignorance and be able to participate in the society" (p. 86). Maniku (1997) appealed to the same motifs to defend urban centralisation (pp. 96-97), personal freedoms (pp. 88-89), and cultural changes (pp. 84-85).

In sum, the discourse of civilisation that supported modernisation to catch up with other 'civilised nations' acted as a major discursive resource for political modernization. However, as suggested it did not seek to displace religion, but rather was oriented towards 'civilisation' within a broadly Islamic framework and terminologies. In other words, I suggest, it became a dominant political discursive resource that validated constitutional modernisation adopting liberal principles and features (and other social modernisation) while

also institutionalising Islam. As I will show, the pursuit of ‘civilisation’ was more broadly validated through further religion-based discourses, including the discourse of liberalised *shura* and nationalism based on Islam.

Liberalised *Shura* Discourse

The invocation of the Islamic concept of *shura* based on liberal interpretations since the 1930s, suggested the overarching modernist Islamic political framework that validated political reforms in the Maldives. The concept of *shura* is a central idea behind modern Muslim political thought and its importance to Islamic systems of rule is “widely recognised” (Esposito & Voll, 1996, p. 27). It plays a particularly important role for justification of democracy (El Fadl, 2007b; Kurzman, 1998, pp. 19-20; Saeed, 2013, p. 148). The concept is based on two verses of Qur’an (3:159; 42:38). The verses enjoin the Prophet to consult with the believers on public affairs (3:159) and describe the believers as a community that manages their affairs through mutual consultation (42:38) (An-Na‘im, 1990, p. 79; Saeed, 2013, pp. 148-149).

Abdullah Saeed (2013, pp. 155-156) has, however, argued the concept of *shura* did not have a strong political interpretation among the pre-modern interpreters of Qur’an. Similarly, according to An-Na‘im (1990, pp. 78-79), the concept was not comprehensive in scope nor binding in practice.

Even though *shura* may not have had strong political interpretation in the pre-modern period, the idea of *shura* in a political sense is found especially in the pragmatic Muslim political thought in the advice genre political literature (Ardic, 2012, pp. 107-108). The advice genre developed between the twelfth and the thirteenth centuries and reflected Perso-Islamic political ideas. They spread widely throughout different parts of the world (Black, 2001, p. 8). This literature produced more pragmatic Islamic political thinking (Black, 2001, p. 108), reflecting “historical necessity, political expediency, and practical utility” (Alvi, 1989, p. 8).

In some of this literature, the Islamic concept of *shura* was interpreted in general political terms as consultation in state affairs. Nizam al-Mulk (2002), for example, interprets the verse 3:152 (“Consult them in affairs”) in general political terms, and says:

Each person will say what comes to his mind and the king’s opinions will be compared with what everyone else says. When they all hear one another’s words and opinions and discuss them, the right course will stand out clearly, and the right course is that which all intellects agree to be imperative. (p. 92)

Here he essentially justifies the king’s “duty to take counsel” through deliberation’s inherent potential for delivering the “right course” of action.

***Shura* and Muslim pragmatic political thought in the Maldives.**

The pragmatic political thought with its themes on consultation in state affairs had influenced political theology in the Maldives at least since the eighteenth century, and seemed to have continued into the twentieth century. Maldivian scholar Hassan Thaajudhdheen’s eighteenth century text entitled, *Risalat fi al-Rutbath-ul-Fakhirat fi Sultanat ud-Dunya wa’l-Akhirat*, as part of his work on official history was an advice genre treatise.⁵² As did this genre in general, Thaajudhdheen’s treatise stressed ‘justice’ and ‘consultation’ in state affairs, while accepting the prevailing political structures. According to Thaajudhdheen, it is through consultation with religious scholars that a Muslim ruler could achieve justice: “the ruler should consult religious scholars on issues faced by the state, and upon that, leave aside those that conflict with religion, and implement those that agree with religion.”

As the author of the first official written history, *Tarikh*, we could assume that his views would have had some influence on the elite. The committee appointed by the state in

⁵² Here my interpretation of this treatise, which is written in Arabic, is based on an unpublished full Divehi translation at Dhivehi Bahuge Academy done by Mohamed Waheed Naduwee.

the early twentieth century to write a history in Divehi based on *Tarikh* was headed by Chief Justice Naibu Thuththu and under him his disciple Hussain Salaahudhdheen, who became the Chief Justice when the attempts at political modernisation began in the early 1930s. Thus, not only was Salaahudhdheen familiar with Thaajudhdheen's work, but also Salaahudhdheen's own political theological views suggested he broadly followed the medieval pragmatic Muslim political thought (e.g., Salaahudhdheen, 2008, n.d).⁵³

Modern reinterpretation of *shura*.

The discourse of liberalised *shura* emerged in the debates of the first Constituent Committee (1931-1932) and was reinterpreted for modern political reforms. The 1932 Constitution began with the following sentence: "God the Exalted has said: And conduct their affairs through consultation." The fact that the framers chose this Qur'anic verse on *shura* after debate (Amin, 1951b, p. 28), suggested the central framing role *shura* played in the whole exercise. But in the process, *shura* was reinterpreted and liberalised to validate modern constitutional reforms. Thus, the Sultan Shamsudhdheen's address promulgating the first constitution stated:

As in other good kingdoms of the world, now I have decided to run this kingdom...through people's participation, based on a constitution, and in accordance with the verse of Qur'an which says *wa amruhum shura baynahum* [and conduct their affairs through consultation]. (Shamsudhdheen, 1981, pp. 89-90)

⁵³ A member of the Constituent Assembly convened to draft the 1932 Constitution, he was a key figure and supportive of constitutional reforms. The British representative, Bourdillon (The National Archives, n.d.-a), who was sent to push for political reforms in 1931, for example, reported that Salaahudhdheen "agreed with the need for a change." Upon Bourdillon's departure, Salaahudhdheen indeed wrote to the Sultan urging reforms.

He also attempted to legitimise popular consent and democratic accountability through the Prophetic saying, “Every one of you are leaders, and you will be asked to be responsible upon your leadership” (p. 89). The liberalised *shura* became a validating discourses for subsequent reforms too.

Liberalised *shura* was also a legitimising discourse for President’s Amin’s radical attempt at a Republic in 1953. While he believed the republican system was founded in the West, Amin (1953a) argued the idea of “government by the people and for the people” was also essentially what Islamic *shura* was about (pp. 86-87). Amin’s associate, Ibrahim Shihab, another influential ideologues of the period, educated in India and Egypt, also used the discourse of *shura* to legitimise Amin’s reforms as well as later political modernization, including ‘democracy.’ Shihab (1992b) argued that a Republic with universal suffrage to elect a president was also an “Islamic government as well as democracy based on the verse ‘and conduct their affairs through consultation’” (p. 179). Significantly, through the concept of *shura*, he also addressed one of the most sticking issues for democracy especially among Islamist thinkers: sovereignty of God vs. popular sovereignty. Shihab (1992d) argued although sovereignty in principle belonged to God, sovereignty was implemented in this world through people, based on *shura*. The subsequent hold of the discourse of *shura* in political imagination is reflected in the continued adoption of the Qur’anic verse, “and conduct their affairs through consultation,” as the motto of the parliament since 1932.

To recapitulate, new and inter-related reformist discourses, that had influences from Islamic modernist currents, acted as resources for political modernization in the Maldives since the 1930s. These discourses did not seek outright secular modernity, but sought ‘civilisation’ within an Islamic framework. Instead of jettisoning Islam, they supported institutionalizing Islam into modern forms, thereby transforming Islam into a modern institutional political religion, as investigated in Chapter 2.

Indeed, beyond these specific reformist discourses, the modernizing actors, including Amin, also promoted a broader discourse of distinctly modern Islamic identity under their nation building projects.

Transmutation of the Meta-Narrative into a Nationalist Discourse

As indicated, the reformist discourses of the newly educated political elite emerged in a political discursive field in which the prevailing meta-narrative of collective identity, derived largely from anti-colonial narratives, existed. Those discourses have taken the meta-narrative for granted. For example, the official response to Sultan Shamsudhdheen's address to promulgate the first constitution in 1932, delivered by modern educated Kamil (1981), stated:

Besides God Himself, the strongest force to preserve self-rule and Islamic faith is you [Sultan]. If you are steadfast in [preserving them] we, the people, will remain steadfast too. (p. 96)

Similarly, Amin (2007) also took the meta-narrative for granted:

The biggest *niuma*y [blessing] we have here on Earth is our remaining to be committed to Islam, which has been the case for eight hundred years [since conversion to Islam in 1153]. That is our clearest pride and greatest honour.

Now look at *hurriyaa* [freedom], which has been our right. What is the biggest reason that today the oceans have become murky? What is the biggest secret countries are stirring? It is the mourning of several nations shackled by colonisation that are struggling to breathe the air of independence...However, except for two brief occasions, it has been more than a thousand years that the flag of independence has been hoisted at the fortresses of the Maldives...we all wish and our prayer is to ensure we did not lose these *two blessings* but for them to last forever. (pp. 10-12, my emphasis)

More crucially, however, having taken this meta-narrative for granted, Amin used it as the basis for a modern nationalist discourse, seeding the conflation of Islamic identity and modern national identity. As explained, even though Amin's discourse of civilisation had a deep affinity towards the West, in line with Islamic modernists, he believed Islam when properly understood could be a truer foundation for 'civilisation.' More than any, it was constructing an Islamic identity that provided this foundation.

'Love of Nation' and the Meta-Narrative of Collective Identity

Like his ideas on civilisation, Amin's nationalist ideas were shaped during his time at Aligarh University, and had religious connections. According to Amin (2003):

The spirit of *hubbul wathan* ["love of nation"], that was buried in me, started to awaken, [and I] started to think that loving the nation is a beautiful thing during that time [in India]. Is there any need to tell the reasons and secrets behind this? Yes, in different manners, I started to see the invaluable children [of India] who were ready to sacrifice for their nation. I got the opportunity to hear speeches full of national spirit.

(p. 113)

Amin (2003, p. 114) identified figures such as Gandhi, Nehru, Azad, Jinnah, Muhammad Ali and Shaukat Ali, among others, who lectured at Aligarh University at the time.

While '*wathan*' could mean 'homeland,' Amin used it interchangeably with '*qaumu*' or 'nation.' The key concept in Amin's nationalist discourse revolved around the notion of '*hubbul wathan*' or 'love of nation' (Amin, 1949b; Amin, 1951a, 1951c; Mohamed, 2013a, 2013b). This motif itself already established a certain connection between nationalist discourse and religion, as it was taken from a saying attributed to the Prophet: "To love the homeland is part of faith" (*hubbul watan minal iman*). Rifa'a al-Tahtawi, in one of the first statements on nationalism in the Middle East, for example, alluded to this hadith (Enayat, 2005, p. 112; Hourani, 1983, pp. 78-79; Kurzman, 1998, p. 34). This motif was also current

among Indian Muslims (see Hassnain, 1968; Shah, 2002, p. 37). Amin (1946, p. 16) directly alluded to this tradition, when he said, “to love homeland is part of faith” in a chapter introducing nationalist discourse in the textbook on ethics, *Harudhamaa Akhlaageh Libigannaanee Kihineh?* [*How Can One Acquire Good Ethics?*].

However, in order to love the *nation*, a *nation* must first exist, which in turn requires a nationalist ideology or discourses (Dryzek, 2006, p. 35; Wodak et al., 2009). Construction of nation and national identity requires construction of difference and uniqueness (Wodak et al., 2009). In other words, it requires an ‘other.’ While nationalist discourses in India drew on colonial experiences, there was no immediate colonial ‘other’ against whom the ‘*dhivehin*’ or ‘Maldivians’ could construct a nationalist discourse.

Strikingly, Amin discursively constructed the *other* from the sixteenth-century colonialism through the meta-narrative of Islamic collective identity. That is, the Portuguese, who the historiography narrated posed an existential threat to Islamic faith and self-rule in the Maldives, became the main ‘other’ of the Maldivian nationalist discourse. As mentioned in Chapter 2, Amin therefore started to celebrate an annual National Day since 1946, on the 1st of Rabi’ al-awwal, which is believed to be the day Muhammad Thakurufaanu forced the Portuguese from the Maldives. Muhammad Thakurufaanu himself was declared the hero of the National Day (see Amin, 2001, pp. 14-17). With this ‘invented tradition’ (Hobsbawm & Ranger, 1983), Islamic faith and self-rule became the most important motifs of nationalist discourse. Amin created further national symbols for this transmuted meta-narrative that buttressed the links to ‘Islam’ and ‘self-rule.’ He launched a national anthem replete with Islamic symbolisms. The national anthem reads:

Minivankama madhaniyyathaa libigen mi aalamuga,

Dhinigen hithaamathakun thibun edhigen kureeme salaam

[With independence and progress in this world

Wishing to remain without sorrows, (we) salute (the nation)]

...

Dheenaai verinnah heyo hithun hurumaiy adhaa kuramun,

Seedhaa vaafatherikan mathee thibegen kureeme salaam

[With sincere respect for religion and the leaders

With full loyalty, (we) salute (the nation)]

During Amin's time, this reconstructed metanarrative as nationalist ideology was also taught at government schools (Saniyya and Majeedhiyya) in the ethics subject through the textbook, *Harudhanaa Akhlaageh Libigannaanee Kihineh? (How Can One Acquire Good Ethics?)*, authored by himself. The book devoted three chapters (5, 22 and 23) specifically to Amin's nationalist ideology that underpinned the reconstructed meta-narrative. It was also transmitted through nationalist poetry, a genre that emerged with Amin. 'Islamic faith' and 'self-rule' with Amin, therefore, could now be seen as the greatest blessings of the *nation* or *qaum* of the Maldives, where *national* belonging and belonging to *Islam* started to emerge as two sides of the same coin.

This discursive construction of national identity based on Islamic collective identity therefore further ensured institutionalization of an Islamic identity for the polity and the people, as reflected in successive constitutions and latter legislation. Despite President Nasir's more secularising orientation, the state under him also subscribed to the meta-narrative based on its two key motifs. Thus, the 1968 Constitution, which abolished the monarchy once and for all, still conceived itself essentially through this meta-narrative. The preamble says: "The Maldives has always enjoyed autonomous self-rule. It has been 815 years since the people of the Maldives chose the sacred religion of Islam." As all previous constitutions, it established Islam as the state religion and omitted religious freedom. More crucially, under Nasir,

Citizenship Act was enacted in 1969 that implicitly defined citizenship based on Islamic faith as it required Islamic faith for naturalisation.⁵⁴

Believing, behaving, belonging and politics.

‘Islam’ in the equation of the meta-narrative of collective identity mattered more at the level of *belonging*, as the meta-narrative served to provide an Islamic *identity*, more than particular ways of *behaving*, *believing*, or *enforcement* of substantive injunctions of shari‘a law. The building of a meta-narrative of national identity based on Islamic identity was not necessarily inconsistent with Islamic modernism. Islamic modernism is admittedly ambiguous on nationalism. While Islamic modernism upheld liberalised views on religious freedom at the level of beliefs, it was overall committed to Islam at the level of collective *belonging*. Some modernists such as Iqbal clearly espoused Islamic identity as a basis for national identity (Masud, 2009; Masud et al., 2009). Masud (2009, p. 248) has argued that most South Asian Muslims held the latter position (see also Ansari, 2015). But prominent Islamic modernists such as Jamal al-Din al-Afghani and Indian Muslim thinkers such as Iqbal and Azad also espoused pan-Islamism. However, even pan-Islamism with its anti-imperialism arguably contributed to the rise of nationalism (Cesari, 2014; Keddie, 1969; Laffan, 2002, pp. 131-133; Piscatori, 1986, pp. 77-78).

In their contemporary context of the Maldives where Islam was the only religious tradition, the commitment by Islamic modernism-influenced actors, such as Amin, to a collective identity defined through Islamic belonging would not have struck as a project

⁵⁴ Yet, there was a short-lived attempt to delink National Day from association with the official historiography. Under Nasir, National Day was briefly changed to 26 July to celebrate the Maldivian full independence from the British in 1965. Nasir’s government decided to celebrate 1st Rabi’ al-Awwal as ‘Independence Day from the Portuguese’ as purely a ‘religious’ observance (MOHA, n.d.-a).

against religious liberty. Such a commitment to Islamic identity rather buttressed their attempts at validating modernity through Islam. In this respect, the pursuit of a national identity defined through belonging to Islam was not a modernising state's compromise in the face of an aberrant form of Islam. It was the very project of a modernist form of Islam that saw Islam – and belonging to Islamic faith – as a superior basis for the pursuit of 'civilisation.' However, clearly the specific pre-existing discursive field also shaped the discursive construction of national identity. The pre-existing meta-narrative of Islamic collective identity influenced by historiography was crucial. In this respect, the *specific* reconstructed meta-narrative is an outcome of their modernist orientations within a specific historical context.

Conclusion

The discursive resources and constraints under which political modernisation took place since the 1930s in the Maldives could explain why modern nation building resulted in Islam's transformation into a modern institutional political religion. The reformist discourses on rule of law, the pursuit of 'civilisation' and liberalised *shura* by the newly educated actors with Islamic modernist orientations, acted as major resources for political modernisation. This is a conclusion that supports a dominant academic view that says Islamic modernism is a positive force for modernity. However, their orientation towards modernity or 'civilisation' within a religious political framework and Islamic identity was one reason why Islam was not jettisoned from the state, but institutionalised into the modalities of the modern state and as collective identity.

Nevertheless, the specific discursive context mattered in this equation. A pre-existing meta-narrative of Islamic collective identity shaped by official historiography around especially the sixteenth century colonialism in the Indian Ocean ensured that the state continued to be the guardian of an exclusive Islamic identity for the polity and the people.

The meta-narrative saw Islam as one of the biggest blessings of the Maldives that the state must guard. While it constrained all political actors to ensure that the state was the guardian of an exclusive Islamic faith for the Maldives, the views of the modernists (that Islamic identity is a superior basis for 'civilisation' and its inclination to connect nationalism with Islam) were in synergy with the meta-narrative. That was why Amin used the pre-existing meta-narrative of collective Islamic identity as the basis for the modern discourse of national identity (*hubbul wathan*), further ensuring that the state institutionalised an exclusive Islamic identity for the polity and people. The most concrete outcome related to this collective Islamic identity was the omission of religious freedom in all constitutions and the implicit definition of citizenship based on Islamic faith under the *Citizenship Act 1969*.

In other words, the emergence of Islam as a modern institutional political religion was an outcome of modern nation building that had a broader connection to Islamic modernism. The specific institutional forms (e.g. citizenship based on Islamic faith) were results of specific discursive and political contexts in which modernist discourses emerged.

CHAPTER 4

CONSOLIDATION OF ISLAM AS A

MODERN INSTITUTIONAL POLITICAL RELIGION

AND EMERGENCE AS A DISCURSIVE POLITICAL RELIGION (1978-2004)

A year before Shia Islam was institutionalised at the highest political level in the form of the *velayat-e faqih* ('guardianship of the jurist') in Iran in December 1979, Sunni Islam was embodied at the highest political level in the Maldives in November 1978. The 1968 Constitution had designated the president as the supreme authority on all expressions of Islam, bringing an end to the long-standing 'separation regime' between the sultan (political authority) and the chief justice (religious authority) (Chapter 2). Thus opened the institutional space for Islam's embodiment at the highest political level in the Maldives. This chapter focuses on the role played by the religious scholar-president, Maumoon Abdul Gayoom, who assumed the presidency in November 1978 and stayed in power until November 2008. It will show that Gayoom, educated at one of Sunni Islam's most prestigious universities, Al-Azhar University in Egypt, did not espouse Islamism – the political project for a comprehensive Islamic state and society – but a form of Islamic modernism.⁵⁵ Unlike his predecessors, Gayoom deployed a more scholarly and comprehensive Islamic modernism in the space of

⁵⁵ Some contemporary observers had recognised his modernism: following Gayoom's election in 1978, a cable from the American Embassy in Colombo (1987) quoted "knowledgeable sources" as saying "that though [President Gayoom] is an expert on Islam, he is not orthodox in his religious beliefs and practices, and may make the Maldives government even more secular than [it] has been."

political power for 30 years – the period that also created the main political and social context for democratization since the late 2003.

This chapter goes beyond the two previous chapters that established the broader connection between discourses influenced by Islamic modernism and political modernization, leading to the emergence of Islam as a modern institutional political religion in the Maldives. It argues that under Gayoom, through the institutional space for Islam in the 1968 Constitution, Islam was not only consolidated as a modern political institutional religion, but also emerged as what I call a modern ‘discursive political religion’ by the early 2000s. On one hand, Gayoom’s Islamic modernism argued that Islam was compatible with modernity, justified constitutions with certain individual rights, and validated ‘democracy’ through a scholarly interpretation of Islam. On the other hand, his modernist Islam supported institutionalising Islam into modern political forms and finding the ‘Islamic way’ for modern problems, explicitly rejecting secularism.

Of these, the most potent nation building project under Gayoom was his ‘functionalisation’ (Starrett, 1998) of Islam to reconstruct the meta-narrative of Islamic collective identity into a powerful *public* discourse of national identity based on the new discursive motif of ‘100% Muslim nation’ (*saththain saththa muslim qaum*). Gayoom used religious interpretative techniques, including *ijtihad* (juristic reasoning) based on the ‘context’ for this functionalization. Through all the social systems the government dominated (e.g., the law, the media, and public mobilizations), Gayoom promoted the new meta-narrative of ‘100% Muslim Nation,’ effectively as an ideology of political power and legitimation. As a consequence, ‘Islam’ emerged as a dominant political discursive frame of reference in the public domain as unknown in the past – which constituted what I call discursive political religion.

Paradoxically, it was Islam's consolidation as an institutional political religion and emergence especially as a dominant discursive frame of reference in the public domain that unwittingly nourished the rise of oppositional Islamism as well as contestation of religious authority and pluralisation of religious discourses in the twenty-first century.

This chapter consists of three sections. The first section explains the key aspects of Gayoom's Islamic modernism, followed by an examination of how Islam was consolidated as a modern institutional political religion. The second section examines how Islam transformed into a discursive political religion through Gayoom's reconstruction of the meta-narrative of Islamic identity building as a public discourse. The third section examines the unintended outcomes of transformation of Islam: oppositional Islamism, the fragmentation of religious authority, and pluralisation of discourses.

Consolidation of Islam as an Institutional Political Religion

Gayoom's Political Rise as a Religious Scholar

Gayoom rose to political prominence as a religious scholar. Born in 1937, he was sent to Egypt by the government for education in 1950.⁵⁶ Unlike his predecessors he was not from a ruling elite dynasty. However, his father was a judge at the time, who had studied under Chief Justice Salaahudhdheen. Gayoom came to Egypt at the age of 12, and spent the next seventeen years in Egypt, graduating with a Master's degree in Islamic shari'a from Al-Azhar University. He came top of his cohort at Al-Azhar's Faculty of Islamic Law and Studies, receiving the award from Egyptian president Gamal Abdel Nasser (Ellis, 1998, pp. 67-68). He also studied law and philosophy and a further post-graduate course at the American University in Cairo. There he worked as a research assistant under Professor Marsden Jones, a

⁵⁶ He left for Ceylon in 1947, and remained there for two and half years before going to Egypt due to political circumstances in Egypt and because of the Arab-Israeli conflict in 1948

scholar on Islamic movements in Egypt. Gayoom applied and was admitted at Al-Azhar to do a doctorate on the topic of *'The theory of the state in Islam'* but lack of sufficient funding and family commitments prevented his pursuit of the doctorate (Ellis, 1998, p. 76). His political activism had also contributed to his religious views.

As a teenager, Gayoom was engaged in Egyptian student movements against the British and King Farouk's government at a crucial period in Egypt's modern history. Significantly, he was initially involved in Muslim Brotherhood activism. He attended its rallies in which the Islamist ideologue, Sayyed Qutb, among others gave speeches. However, as he "questioned the call to Holy War and felt it was not right to use religion as a political tool" (Ellis, 1998, p. 43), he soon changed his mind about Muslim Brotherhood. His biography stated, although "Maumoon considered it a privilege to be able to hear Sayyed Qutb, a respected scholar," he stopped attending the rallies by Muslim Brothers when they took a violent turn. It was from then on his "own ideals of non-violence, of Islam as a religion of *moderation* and also *modernisation*, began to develop...in contrast to what he heard at the meetings" (Ellis, 1998, p. 43, my emphasis). Gayoom was however intellectually engaged in the broader developments in the region and closer to home. Decolonisation, Arab revolutions, the politics of left-wing nationalist governments in the Middle East, and the non-aligned movement led by leaders of emerging nation-states such as India, coloured Gayoom's overall nationalist intellectual outlook (Ellis, 1998, pp. 40-72).

After coming back to the Maldives in 1971, he worked as a schoolteacher and joined President Nasir's government as a bureaucrat. His public profile as a religious scholar was established when he was banished for four years for "instigating resentment against the government" in May 1973 (Ellis, 1998, pp. 81-83). Gayoom denied the charges though he had discussed in private with his associates "how in Islamic law there were restrictions" that applied to the emerging tourism industry (cited in Ellis, 1998, p. 82). It is widely believed he

had talked about shari‘a restriction on specifically alcohol, which was imported for the tourism sector (Hamdhoon, 2018). The episode ironically established his public profile as a religious scholar (besides his previous work as a school teacher). By then he was also “very popular among the common people...for his sermons at Friday Mosque prayers” (Colton, 1995, p. 227). He was unexpectedly released in less than seven months. In his post-banishment time in Male, he worked as an imam and regularly conducted sermons in mosques. This further established his religious profile. He was again soon employed by the Nasir government under simmering popular discontent against Nasir’s government. In 1974, a major protest against Nasir took place because of a combination of reasons, including the rising food prices. Gayoom, among several others, was suspected to have been behind it. Gayoom was again arrested and detained for 50 days. After release, Nasir employed him again. He rose through various bureaucratic positions to become the Maldives’ Permanent Representative at the UN in 1976. After his recall in 1977, he was finally appointed as Cabinet minister.

He was elected president in 1978. As mentioned in Chapter 2, under the 1968 Constitution, a president was re-elected every five years without term limits. The election procedure had two stages: first, the parliament nominates a name through a secret vote, and then it sent the nominee for a public referendum. Although the parliament nominated Nasir for a second-term, he decided not to run due partly to the simmering discontent, which Gayoom shared with his newly educated associates. This opened the way for the parliament to choose another name. Through political manoeuvrings with relatives and close friends, and having established his religious credentials, Gayoom became the favoured contender. He received 27 votes out of 48 in the parliament, and in the public referendum, he received 92.96% of the votes, with a voter turnout of more than 80% (Ellis, 1998, p. 112).

He was sworn in as president at midnight on November 11, 1978. By coincidence, it was also Eid al-Adha – the Muslim auspicious, celebratory occasion after Hajj. After his midnight inauguration, Gayoom himself led the Eid mass prayers the next morning (Ellis, 1998, p. 112) – a symbolic moment of conflation of political authority and religious authority. Yet Gayoom upheld a modernist form of Islam.

Gayoom as an Islamic Modernist Scholar

Like President Amin and Ahmed Kamil before him, Gayoom also espoused a version of reformist Islam, in the variety of Islamic modernism. Even though educated in Egypt, Gayoom was also familiar with Islamic modernists in the Indian subcontinent. He received an honorary doctorate from Aligarh University in 1983, an occasion he used to praise the university and its founder and India's most prominent Islamic modernist figure, Sayyid Ahmed Khan. Gayoom (1983d) praised Sayyid Ahmed Khan, by saying the institute was a “noble venture”. However, unlike that of Kamil or Amin, Gayoom's Islamic modernism was a more comprehensive and scholarly Islam.

His Islamic modernism could be categorized as what some scholars identify as ‘classical Islamic modernism’ (e.g., Saeed, 2007; Shepard, 1987). Abdullah Saeed (2007, p. 401) explained that in the cause of progressive social reform, classical modernists held the following five propositions:

1. Reappraisal of the intellectual heritage of Muslims and rejection of blind imitation (*taqlid*);
2. Possibility of flexible interpretation of Islam and its sources so that institutions commensurate with modern conditions may be developed;
3. Compatibility between Revelation and Reason and revival of Islam's rationalist philosophical tradition;

4. Adoption of scientific knowledge to catch up with the West through reform of Islamic education' and
5. A return to Islam, as it was originally practiced, so that Muslim societies will have the intellectual dynamism required to catch up with the West.

We could simplify these five propositions to three broad aspects of Islamic modernism:

1. Methodological/interpretative approach (1 and 2): *ijtihad* (independent reasoning) over *taqlid* (imitation);
2. Normative orientations (5): finding Islamic solutions;
3. Substantive positions (3 and 4): modernisation (e.g., science, politics and education)

An analysis of the three broad aspects of Gayoom's views through some of his key literature shows his affinity with Islamic modernism.

Methodological approach: *ijtihad* and 'flexibility' of shari'a.

A key feature of classical modernism is its emphasis on *ijtihad* to arrive at solutions for modern problems by being faithful to the basics of Islam (Saeed, 2007, p. 401). In its technical sense, *ijtihad* means "exercising independent juristic reasoning to provide answers when the Qur'an and Sunna are silent" (An-Na'im, 1990, p. 27). Many Muslim scholars of the more 'traditional' background believed the 'gates of *ijtihad*' were closed since the tenth century following the development of the Islamic legal system (An-Na'im, 1990, p. 27). This was a theological position. Anthropologically speaking, in practice, as Talal Asad (2003, pp. 219-222) pointed out, Islam as a discursive tradition, *ijtihad* was more expansive and always exercised. With modernists, however, *ijtihad* "was made to mean the *general* exercise of free reason, or independent opinion, directed against *taqlid* (the unreflective reproduction of tradition) and in the cause of progressive social reform" (Asad, 2003, p. 219, my emphasis).

Methodologically, Gayoom strongly believed in the ‘flexibility of Islamic law’ (e.g., Gayoom, 1985). He therefore supported and made use of the interpretative tool of *ijtihad*. A key text that laid out in detail Gayoom’s methodological approach is the paper titled, *The Role of Ijtihad in Maintaining the Flexibility of Islamic Law*, which he delivered in Kuala Lumpur at a seminar on the *Flexibility of Islamic Law* in 1985 (Gayoom, 1985; see also Gayoom, 1993c).⁵⁷ He explained *ijtihad* as a religious basis for reinterpretation of shari‘a to meet modern-day problems. In line with Islamic modernists, Gayoom (1985) rejected the ‘closing of the doors of *ijtihad*’ and supported Islamic modernism that had emerged in the late nineteenth century:

The so-called closing of the door of *ijtihād* has been criticised by many later scholars as a circumstance quite alien to the spirit of Islam and its encouragement of scientific and intellectual research and the attaining of knowledge in all fields. And in the wake of the beginning of the Islamic re-awakening in the Middle East and the associated call for modernization in the latter part of the nineteenth century, the number of Muslim intellectuals who have been demanding the re-opening of the door of *ijtihād* has been steadily on the increase. In fact, all well-known Muslim scholars of today are in agreement on the necessity of making full use of *ijtihād* in order to make Islamic law responsive to the changing social and economic conditions of the Muslim Ummah. (p. 10)

Gayoom (1985) acknowledged that “Conservatives among Muslim scholars may feel apprehensive about the outcome of *ijtihad*” but claimed it was “the only way present-day Muslim scholars can give us the verdict of Islam on contemporary practices” (p. 10)

⁵⁷ This paper is in English and quotations here are taken from it.

The context for *ijtihad*, Gayoom (1985) argued, was the “wide range of complex political, social and economic problems, the likes of which the Muslim Ummah or mankind, has not known in the past” (p. 5). But if *ijtihad* could take on this task, it must presume the extensive ‘flexibility’ of shari‘a:

The term ‘flexibility’ refers in my opinion to the fact that Islamic law is not stagnant or static, and that it has the capacity to evolve and develop in order to meet the ever-growing demands of changing conditions. For the message of Islam was never meant to be limited to the confines of a backward nomadic community of fourteen centuries ago. Islam, indeed, is universal in character and its ideals and values have the inner strength and the versatility to be capable of directing the progress of mankind in all ages. (p. 8)

This flexibility and universality of Islam for Gayoom also meant that the scope of *ijtihad* applied to matters already covered by previous jurists for two main reasons. First, every legal solution through *ra’y* (opinion) was a *human* interpretation, and as such, it would not be binding on other jurists. Second, the *context* (or ‘situation’/‘circumstance’) in which previous issues arose was not the same context in which contemporary issues have arisen. Thus depending on the context, both new legal theories and new rulings were possible (Gayoom, 1985, 2007a). Gayoom (1985) observed that contemporary Muslim scholars have used *ijtihad* to address new problems, but he found their *ijtihad* problematic precisely because they “appear to depend largely on the juridical concepts and theories put forward by early Muslim legal authors” (p. 12). Instead, a fresh look at the main sources of Islam is needed because early Muslim jurists had theorised “under circumstances that were totally different from the present-day conditions” (Gayoom, 1985, p. 12).

He justified these arguments on *ijtihad* on religious grounds using the stock arguments employed by other reformist Muslims (see, for example, An-Na‘im, 1990, pp. 27-28; 2008).

Gayoom (1985), for example, interpreted the Hadith which says, “He [God] is silent on certain things, not out of forgetfulness, but out of His Mercy upon you,” to argue this silence was deliberate so that “human beings were free to conduct their affairs in a manner that would be suitable to the needs of prevailing circumstances” (p. 13). Gayoom (1985, pp. 6-8) also backed *ijtihad*'s employment based on historical precedents: Caliph Abu Bakr had fought those who refused to pay *zakat* (alms) based on his personal *ijtihad* while Caliph ‘Umar did not apply the rules of war spoils (*ghanima*) on the farmlands of Iraq and Syria by arguing it was in the best interest of Muslim community to leave those lands to their owners. Finally, Gayoom (1985, p. 14) also stated that al-Imam al-Shafi‘i practiced different strands of his school of law in Iraq and Egypt, respectively, on the basis that different conditions prevailed in those two places.

However, *ijtihad* was not theoretically limitless either: there were two areas where *ijtihad* does not apply: 1) aspects of “purely a religious nature” such as articles of faith (*eemaan*) and obligatory rites of worship (*ibadhaath*); and, 2) injunctions in Qur’an and Sunna with “explicit and unambiguous terms”. The second, in turn, has two broad categories. The first category includes, for example, laws of marriage and divorce (personal status rules) (Gayoom, 1985, pp. 11-12). However, for Gayoom, in practice at least, even the clear injunctions might not readily apply depending on the *context*. A case in point is punishment by the death penalty under *qisas* (retaliation), provided for in shari‘a: in 2008, in the run up to the presidential elections, Gayoom (cited in raajjelive, 2008, September 21) claimed that “Maldivians and the international community would not accept it.” In making this argument, Gayoom applied his own contextual *ijtihad* on *qisas*'s applicability in the Maldives.

The other component of the second area where *ijtihad* would not apply as such included the “*general directives* of a binding nature such as the principles of good government and those governing the administration of justice, the protection of human rights

and various types of civil and other contracts” (Gayoom, 1985, p. 11, my emphasis). Two things are noteworthy. First, *ijtihad* applied in areas of government, administration, social and criminal justice, human rights and contractual law. Second, *ijtihad* cannot violate, but instead must use, the *general directives* and the ‘the spirit of shari‘a’ and its ‘aims’ (Gayoom, 1985, p. 6).

In sum, while shari‘a is divine for Gayoom, it is subject to significant flexibility in its human understandings and *ijtihad* is the methodological device to interpret specific rules through this flexibility. His views on the methodological approach of *ijtihad* therefore define him as an Islamic modernist.

Normative orientation: ‘Islamic way’.

Gayoom’s Islamic modernism’s normative orientation maintained finding *Islamic* solutions to modern problems, including politics, a view shared more broadly by reformist Muslims. Scholars such as Fazlur Rahman (1970) and Abdullahi Ahmed An-Na‘im (1990), believed that a comprehensive reformulation of Islamic shari‘a is required as a basis for example, for modernisation and democracy. Gayoom intellectually upheld this broader normative orientation, and to varying extents, put it into practice. Gayoom (1985), for instance, argued the recourse for *ijtihad* to address contemporary problems arises because “present-day Muslims adopt one of two attitudes”:

Some people who are mainly influenced by Western education, Western values and culture, tend to dismiss Islamic law as antiquated and of no relevance to the modern age. They are more or less prepared to accept Western concepts and attitudes however un-Islamic they may be. On the other hand, the majority of Muslims in many countries are not happy with Western solutions to many current problems, particularly as they seem to run contrary to Islamic values and principles.

This suggested that neither the ‘anti-shari‘a attitude’ nor the totally ‘anti-Western attitude’ was satisfactory for Gayoom. Therefore, Gayoom (1985, p. 5) assumed there was a third option: the ‘Islamic way’ to solve contemporary problems. The ‘Islamic way’ for modern problems was possible because Islam’s “message is not limited to the confines of a backward nomadic community of fourteen centuries ago” (Gayoom, 1985, p. 8). But for Gayoom, as argued, to be able to do find the ‘Islamic way,’ Muslims must make use of *ijtihad* based on the ‘context.’

Substantial positions: modernisation and democracy.

The two grounds – methodological tools of *ijtihad* and finding solutions in Islam – alone may not be sufficient to establish one’s Islamic modernism. Muslim revivalists such as Salafists also use *ijtihad* and call for a return to proper Islam for addressing modern problems. However, Islamic modernism’s substantial position, among others, on *progress* as a good thing in itself sets modernists apart from revivalists (Kurzman, 1998, p. 25; Rahman, 1982, p. 136; cf. Shepard, 1987, pp. 15-16). This attitude applies not only to social and economic modernization, but also applies to political principles such as democracy and constitutionalism (see Kurzman, 1998).

Gayoom exhibited Islamic modernism on the substantial positions he took with respect to modernization (e.g., Gayoom, 1983b, 1983d; Gayoom, 1985, 2007b). Gayoom (1985) argued:

Islam does not exclude a reasoned and diligent attitude to change; it does not instruct us to impede the flowing stream that is essential to human nature and its development. It emancipates the soul, the mind and the heart and in so doing, proves its great gift to the human race. (p. 17)

Gayoom (2007b) would reinterpret his modernist Islam in 2007 to reject any essential conflict between Western civilization and Islam, saying that Samuel P. Huntington's influential 'clash of civilisations' thesis was patently false (see Chapter 5).

At a theoretical level, Gayoom's Islamic modernism always supported a *certain* democracy. His tome, *Islamee nizaamuge maigandu baithah* [*The Main Areas of Islamic System*] (2007) has a detailed chapter on politics where he identified 'governance' or 'statecraft' as a main area covered by what he calls the 'Islamic system'. The chapter argued that Islam provided only general directives, principles, objectives and spirit of shari'a in the area of governance. As such, for him, Islam is silent on the details. For this reason, Gayoom (2007a) argued that *ijtihad* applied in politics. Gayoom (2007a, pp. 286-292) claimed that an Islamic government should be, *inter alia*, based on the principles of 'consent' (*ruhun*) of the governed and 'deliberation' (*shura*). These are also the key concepts that underpin theories of the modern liberal, especially the deliberative form of democracy (e.g., Sen, 2009, pp. 321-337). Observing that no specific details existed in Islam on how to realise those principles in practice, Gayoom (2007a, p. 287) argued the method to realise 'consent' was fundamentally election (*inthikhaab*). Gayoom (2007a) asserted the rule of the first four caliphs was essentially *elective*, although how it was conducted then was different. That is, during the time of the first caliphs, 'those who bind and loosen' (*ahlul hall wal aqd*) – the leading Muslims in the community – would first give their *bai'y* (allegiance) to a leader, which constituted 'consent,' and then the rest of the community followed suit (Gayoom, 2007a, p. 287). However, given that modern day context is totally different, consent could be achieved through modern mechanisms, such as through people's elected representatives and representative assemblies (Gayoom, 2007a).

Gayoom (2007a) reinterpreted the second principle – *shura* – to validate democracy in a scholarly fashion, by arguing that *shura* was stressed in Qur'an and Sunna and the early

Muslim caliphs implemented it. To this end, Gayoom (2007a, pp. 289-290) cited verse 3:159, which enjoins the Prophet to consult believers in public affairs, and verse 42: 38, which describes believers as a community that conducts its affairs through consultation among themselves. Again, Gayoom (2007a, pp. 290-291) pointed out that Islam was silent on the details on: 1) the procedure for conducting consultation, 2) who exactly are to be consulted, and 3) the manner of consultation. Thus, he concluded that Muslims would require *ijtihad* based on context to device mechanisms to put the principle into practice.

Gayoom (2007a) further argued that the reasons why Islam was silent on these aspects of Islamic government were for human convenience as circumstances changed:

When *shura* is implemented taking into account human progress, and as acceptable to the times, and as suitable for specific contexts, it would be sufficient as per Islam.

Hence, the concept of ‘those who bind and loosen’ does not apply now. (pp. 290-291)

However, Gayoom’s conception of democracy fits within an Islamic framework: for him, Islamic government did not separate religion from the state. It did not recognise the idea of “render unto Allah what is Allah’s, and unto Caesar, what is Caesar’s” (“*Allah ah vee bai Allah ah dheysheve. Qaisar ah vee bai qaisarah dheysheve*”) (Gayoom, 2007a, p. 291). In Islam there were no two separate spheres and “all matters should fundamentally conform to God’s commandments” (Gayoom, 2007a, p. 292). Elsewhere, Gayoom (1990a) argued that how the “republican system was interpreted in the West was different from how it is done in Islamic theory” (p. 11). Theoretically,

The concept that says ‘power belongs to people’ is differently interpreted in Islam, as all power belongs to God. Although people can exercise the powers to administer justice and make laws, such powers should be within limits set by Allah. (Gayoom, 1990a, p. 11).

Is this a peculiar Islamic modernism? Modernist attempts of reform of Islamic tradition were underpinned secularisation in practice (see, e.g. Asad 2003, pp. 206-256). In Chapter 2, I suggested that re-organisation of Islam-state nexus and consequent transformation of Islam did involve secular shifts. Some offshoots of the modernist movement also included explicit advocacy of separation of religion from the state. The most prominent example of the latter is Egypt's Ali Abdel Razek. He argued that Islam did not mandate a religious or Islamic state. The Prophet's leadership was purely religious, not political. And, the caliphates were actually secular institutions. In his words: "What a distance lies between them – between religion, on the one hand, and politics, on the other!" (Razek, 2012, pp. 85). However, others did not accept secularism. For all his later endorsements of secularism, for example, the contemporary Muslim reformist, Abdullahi Ahmed An-Na'im had advocated for reforming shari'a and for an application of the reformed Islamic law as an *alternative* to both secularism and classical shari'a. An-Na'im (1990) argued: "While fully accepting that many aspects of Shari'a are untenable and unworkable today, I do not believe that secularism is the answer" (pp. 48, 10). Specifically on political secularism, the prominent Islamic modernist, Fazlur Rahman (1982), argued that although "an important problem that had plagued Muslim societies since the dawn of democracy in them is the peculiar relationship of religion and politics and the pitiable subjugation of the former to the latter," secularism – as was opted by Ataturk – "is not the answer" (pp. 139-140). Similarly, another pre-eminent Islamic modernist, Muhammad Iqbal (1989, p. 123), who had a complex view of secularism, nevertheless rejected "separation of Church and State". Iqbal (1989) believed it was a "dualism which does not exist in Islam" (p. 123). These examples suggest that although Islamic modernism is supportive of progress and modernity, the rejection of secularism was within the Islamic modernist line of thinking (see also Filali-Ansary, 2003). Considering these examples, Gayoom's Islamic modernism was not peculiar.

Religion-State Institutional Nexus under Gayoom

In line with his Islamic modernism, Gayoom did not fundamentally alter the religion-state nexus. He did not attempt a comprehensive Islamisation of the state or even the society. On the contrary, he aimed for a liberalised and circumscribed Islam that was built into the institutional structures of the modern state. Even though religious authority was embodied at the highest political level under Gayoom, it would be inaccurate to characterise his regime as a theocracy. He consolidated Islam as an institutional political religion that in many ways conformed to liberal expectations, but did not constitute a liberal state. This was done through the following three key ways:

1. Institutionalising an Islamic identity for the polity and people (foundational identity level);
2. Personal takeover of the role of propagating Islam as its highest authority, whereby immensely politicising Islam (the personnel level);
3. Increasing liberalisation and codification of shari‘a into statutes and other rules (the level of law); and
4. Bureaucratisation of religious scholar-chief justice’s judiciary towards an institution that no longer assumed the necessity of a religious scholar as chief justice (the institutional level).

Religious identity.

Consistent with Gayoom’s Islamic modernist support for democracy, the 1997 Constitution for the first time explicitly identified the state as a democracy. The preamble alluded to *shura* to validate the constitutional arrangement within Islam. But in line with his Islamic modernism’s views of democracy within an Islamic framework, Article 1 of the 1997 Constitution also institutionalised a *broad* Islam-based identity for the polity:

The Maldives is a sovereign, independent, democratic Republic based on the principles of Islam, and is a unitary State, to be known as the Republic of the Maldives. Any reference to ‘the Maldives’ is a reference to the Republic of the Maldives.

The above provision clearly embodied the Islamic modernist orientation of seeking modernisation within an Islamic political framework. Note that the stress here is on *principles* of Islam, rather than specific shari‘a laws. Muslim modernists typically favour the position that shari‘a is not a fixed code, and stress the general principles of Islam as guidance for action (e.g., Hefner, 2011a, p. 7). Gayoom as we saw upheld this broad position. It also reflected Gayoom’s rejection of political secularism.

The personnel level: religious authority.

At the level of personnel, the 1968 Constitution had dissolved the long-standing separation regime between the Sultan (political authority) and Chief Justice (religious authority). Through the coercive power of law, religious authority was transferred to the president. This ‘conflation regime’ was directly incorporated into the 1997 Constitution. Article 38 of the 1997 Constitution stipulated: “The Presidential shall be the supreme authority on expressing and implementing all religious affairs.” In Article 156, the 1997 Constitution defined this power to mean: “Undertaking all matters of Islam and paving way for all citizens to observe religion.” With this formula for the modern nation-state to control religion, there was a new self-understanding of religious authority (and thus religion itself). This is so because 1) that authority was achieved via the force of the state, and 2) religious authority was not acquired necessarily via religious knowledge as it had existed under the separation regime. The shift was consistent with the modernist orientation of transforming Islam into modern institutional forms. It thereby constituted Islam’s transformation into a modern institutional political religion.

Under Gayoom, Islam *consolidated* as an institutional political religion at the level of personnel. Ostensibly, however, as a religious scholar, Gayoom's rise entailed (at least theoretically) an embodiment of 'proper' religious authority. However, the exigencies of political power only *politicised* religious authority under Gayoom. In other words, the exigencies of power led to a political *monopoly* over religion.

One key area Gayoom restricted was freedom of expression in religious matters. As early as November 1978, Gayoom (1978a) made a distinction between 'religious' and 'non-religious' expressions, and claimed only 'qualified people' should express 'religious opinions.' Nine days after coming to power, on 20 November 1978, his government proscribed translation of verses of Qur'an by people without approved qualification. The reason given was that in publications, there were inaccurate translations of Qur'anic verses. A new policy issued on 28 November 1983 stated that strict action would be taken against anyone who planned and did anything against Islam. The government decided to confiscate the land of those who are found engaged in such actions. In 1984, Gayoom (1993d) reiterated his positions that only those "who know religion should speak on religious matters" (p. 18).

But, at this point a seemingly insurmountable question arises. Does not the politicisation of religious authority show that, after all, Gayoom is not an Islamic modernist? I suggest it does not because what politicization of religious authority shows is that when Islam – reformist or otherwise – is serviced in the space of state power, it could lead to detrimental outcomes for religious authority. In other words, reformist, modernist or liberal Islam does not *determine* political outcomes. As mentioned, the *politicisation* is an outcome of the *exigencies* of power. However, also note the inclusion of Islam in the polity by its transformation into modern institutional forms is *consistent* with modernist Islam's normative orientations and substantial positions (as it existed in the Maldives). It pursued political modernization within an Islamic framework without dis-embedding Islam from the state.

Those pursuits in specific context of the Maldives (e.g., the separation regime) transpired in specific outcomes (e.g., the conflation regime that politicised religious authority). This transfer of religious authority to political authority was indeed precisely to remake Islam into a modernist form of Islam. Nasir's societal modernizations demonstrate that. But Gayoom did not reverse them either and even Gayoom attempted to propagate largely a modernist form of Islam.

While a number of re-Islamisation processes took place, Gayoom therefore also paved way for *societal* modernization and even secularisation. Admittedly, there were extensive activities, publication and policies to increase 'religious vitality' (i.e. individual beliefs and behaviour (see Herbert, 2003, pp. 7-8). The annual religious lecture series under *the Programme to Revive the Spirit of Ramadan*, launched by Gayoom in 1980, for example, is a major highlight of religious awareness and preaching. This awareness programme was first conducted at the Official Residence of the President. Gayoom himself, among others, delivered lectures. Similarly, even in his first five years as president, 24 mosques were opened. A number of other policy measures were taken even during his first two terms:⁵⁸

- December 1978: banned sports activities at sports arenas under government five minutes before the prayer times and banned anyone being present in these places for 15 minutes from prayer times.
- January 1979: Restarted the practice of *munaajaa* (a long-standing special prayer practice at the main mosque every night, which was stopped by the former president Nasir).
- 1979: Introduced Qur'an as a subject at key schools

⁵⁸ Sources that give this information include the special publications every five years detailing the achievements of Gayoom (e.g., Gayoom, 1983c; 1993d).

- 1980: Started meeting with Maldivians going to Hajj and personally gave religious talks
- 1982: Facilitated Hajj *via* chartered direct flights between Male and Jeddah.
- 1982: Started special training courses for prayer leaders
- 1983: Established a National Council for Mosques
- 1983: Established a special office collection and distribution of Zakat.
- 1983: Banned tourist guesthouses on inhabited islands.
- 1984: Banned Maldivians working at bars/shops selling alcohol for tourists.
- 1985: Certification examination for Islamic studies at the levels of year 10 (secondary level) and year 12 (high school) were introduced.
- 1988: Stopped co-education from level six to instil Islamic character and Islamic way' (from a 12-year old).

Gayoom also opened the first Arabic medium education institute, *Mauhadhul Dhiraasaathul Islaamiyya*, in 1980 and an Arabic medium primary school, *Madharusathul Islaamiyya* (Islamic Madrasa) in 1987.

The Islamisation efforts did not however aim to 're-convert' people into a conservative form of Islam. Policies that suppressed religious opinions largely targeted those who subscribed to non-modernist, non-Shafi'i views. They especially included Salafi figures and those educated mainly in Saudi Arabia and Pakistan (see I. H. Ibrahim, 2006). Reliable figures on the number of people arrested, prosecuted and/or tortured under these policies were not available. Anecdotal evidence suggests that a large number of religious figures and ordinary people were arrested and/or tortured for their religious views and practices that differed from the state-sanctioned Islam. A declaration in 2008 signed by 44 religious figures, largely from Salafi backgrounds, claimed that Gayoom had had many of them harassed or

jailed and tortured during his rule (Declaration, 2008). A well-known case was the prominent Salafi scholar, Mohamed Ibrahim. Educated at the University of Medina, he had significant influence in the late 1980s and early 1990s, in spreading Salafi views. Ibrahim was jailed, reportedly tortured, and later held under house arrest for his religious views for a long period (I. H. Ibrahim, 2006). Gayoom suppressed even relatively minor differences from the state-sanctioned Islam. For instance, the issue of *qunooth* (a supplication, especially during the Fajr or dawn prayer) was a case in point: until 2005, the government had attempted to take action against the Salafi religious figures and others who believed it was a *bid'a* (religious innovation without basis in Islamic sources) and therefore refused to say it during prayer. In the early 2000s, the government and educational institutions increased the suppressive measures against young people from both Salafi backgrounds and from more secular backgrounds. Such actions included forcing students to shave their beards, forcing them to attend preaching by state-sponsored religious figures, and, more seriously, harassing and intimidation by the police.

In suppressing conservative forms of Islam such as Salafism, Gayoom's government aimed at what may be called a 'modernist piety.' Thus, for example, while people cannot eat in public during Ramadan, other religious observances such as prayers were to be enforced. Maldivians could also be 'modernized' and even 'Westernized' Muslims. Gayoom largely allowed the increased availability and consumption of Indian and western popular cultural products. Western novels and literature, Hollywood and especially Bollywood films, Hindi television soap operas, Bollywood and western music, songs and fashion became part and parcel of the Maldivian popular culture. Sports, Divehi cinema, music and song, drugs, and other commodities of gratification also increased. Although two Arabic medium schools were opened, in line with his modernist Islam, Gayoom promoted the British curricula-based education and opened the first English-medium secondary school, Science Education Centre,

in 1979. Even with regard to activities aimed for personal piety, if the radio broadcast would start with Qur'an recitation, another programme of music and songs would follow it. If religious products became more available in the media of state television and radio, the non-religious Western and Indian cultural products dominated it. Even religious observance such as fasting was penetrated by increased entertainment (songs, soaps, sports), now brought to people's homes via television and radio. In those respects of societal secularization, the Maldives conformed with many other Muslim majority contexts as observed by Sami Zubaida (2005a, 2011). But as Zubaida (2005a) observed, none of these secularisation efforts actually meant people necessarily abandoned Islam. It is perhaps more accurate to say that religion was "compartmentalized to particular corners of their lives" (Zubaida, 2005, p. 444).

On balance, under Gayoom, religious authority was deeply politicised and institutionalised into political authority. Paradoxically, that religious authority was illiberal by attempting at a liberal form of Islam.

The level of law: liberalisation and codification of shari'a.

At the level of law, in line with Gayoom's Islamic modernism, there were no significant conservative re-Islamisation reversals in statutory lawmaking. On the contrary, non-shari'a laws continued to emerge, and shari'a law itself was further liberalised, sometimes circumscribed, and codified into statute law modality. The commercial and related laws are examples of shari'a circumscription, and the family law and the criminal laws are examples of liberalisation and codification, indicating that shari'a was not displaced, but was consolidated into modern forms.

The commercial laws in the Maldives, introduced from 1988 onwards, were based on English law. Judges had previously applied general shari'a rules on transactions. But with the rapid entry of the Maldives into the global capitalist system since the 1970s, the need for more systematised commercial laws arose. Since the 1988, codification of commercial law

based on English law relating to commerce began. In 1991, three statutes including *The Contract Act*, *The Sale of Goods Act* and *The Negotiable Instruments Act* came into force. These laws were drafted with the assistance of foreign legal experts and “were based on English law with little or no alteration” (Suood, 2014b, p. 119). Similarly, in 1996, *The Companies Act* and *The Partnership Act* based on English law were enacted (Suood, 2014b, p. 119). But this did not displace shari‘a either.

Where shari‘a could apply, the modernist orientation aimed at its liberalisation and codification into modern forms. A prominent example is the *Family Law 2000* (which came into force in 2001) that attempted liberalisation of shari‘a rules on marriage. The Maldivian *Family Law 2000* was based on Malaysian *Islamic Family Act 1984*. The procedural aspects of the Malaysian law ‘were heavily influenced by the family law of England’ (Suood, 2014b, p. 118). The *Family Law 2000* did appropriate shari‘a concepts (e.g., different types of divorces including *ruju*, *khul*, and *faskh*). However, the objective of the law was liberalisation of shari‘a and improving women’s equality, whatever the actual effects might have been (see Marcus, 2012). The law aimed at stricter rules for divorce, restriction of polygamy, and greater state involvement in marriage, in order to limit the flexibility available under classical shari‘a. The law notably increased the minimum age of marriage to 18 years and laid down strident rules on polygamy. Hence, the family law was not, as Fulu (2013) has argued, an attempt to “redefine the institution of marriage in the stricter confines of Islam” (p. 75). Such attempts at codification of shari‘a family law aspects were also not without precedent. While not nearly as comprehensive and liberalised as the Family Law, laws to restrict marriage (e.g., by setting the minimum age for marriage) and divorce (e.g., by requiring confirmation of divorce by a judicial official) were first enacted under Amin. *The Divorce Act 1944* required to present oneself at a judicial office to confirm divorce, while the *Girls Marriage Act 1951* required a girl to reach an age of proper capacity for marriage before she is married. These previous laws

were also partly aimed at enhancing women's equality as acceptable to liberal sensibilities (see Chapter 2).

The story of the criminal justice system testifies Gayoom's Islamic modernism and attempt at a liberalised and codified/written shari'a. Unlike Muslim leaders such as Pakistan's General Zia al-Haq (Yasmeen, 2017, pp. 20-21) or Sudan's Ja'far Nimeiri (Makinda, 1993) or Iranian revolutionary ruler Ayatollah Khomeini (Baktiari, 2011), who attempted Islamisation of criminal laws, Gayoom did not attempt to enforce shari'a criminal rules beyond the limited enforcement that had existed in the Maldives. On areas where shari'a criminal aspects could still apply, Gayoom's administration issued written circulars for the courts to restrict their applicability. The Regulation on Trials (*shari'aiy kurumaa behey qavaidhu*) is an example of those circulars (see M. J. Ahmed, 2008, p. 32). According to Mohamed Jameel Ahmed (2008), a former judge of the Criminal Court under Gayoom, those written rules "restrict the punishments that are [sic] otherwise implemented without any flexibility" (p. 32). He concluded that "his pragmatic approach towards the shari'ah may have been the key reason that shari'ah or Islamic law has not created fear among the population of the Maldives" (p. 32).

Thus, even though the shari'a criminal punishments such as flogging continued to exist, they were also being systematized into written guidelines. Crucially they represented a circumscribed shari'a generally. This is first because punishments such as the amputation of hands, the death penalty for *qisas*, stoning to death for adultery, were not executed. Second, even those that existed were theoretically restricted in their applications. This trend towards transforming shari'a into a liberalised modern institutional shari'a (or 'Islam') culminated in the regime's attempt at codification of shari'a penal aspects into a modern penal code since 2004, which was approved by the parliament in 2014.

The codification attempt represented an eminent example of the transformation of Islam into a modern institutional political religion, consistent with Islamic modernist orientations. It was drafted by a non-Muslim American, Professor Paul Robinson of the University of Pennsylvania, and sponsored by the United Nations. Gayoom's Attorney General, Hassan Saeed, who exemplified a new generation of reformist Muslims in the Maldives,⁵⁹ headed the project as part of broader liberalization. Saeed's office, the Attorney General's Office (2004), stated that the aim of making a new penal code was to "introduce a Penal Code that delivers justice fairly and effectively in conformity with the principles of shari'ah as well as universal norms and standards" (p. 10). In line with this goal, to address the tensions between shari'a law and international norms, the draft code either restricted shari'a offences or made them practically impossible to be applied (Robinson et al., 2006, pp. 20-22). For *hudud* offences such as fornication (*zina*), the proposed code attempted to render the shari'a punishment merely symbolic. In the case of flogging, for example, it was proposed to make it symbolic "by striking the offender's back with a short length of rope in a manner not designed to cause bodily injury" (Robinson et al., 2006, p. 22). In the case of *qisas*, Robinson et al. (2006) suggests, that the underlying goal was to make its application "essentially impossible" (p. 21). This was through the stipulation which says the type of murder for which the death penalty could apply is "the most egregious imaginable form of purposeful killing of another person in the most cruel and heinous manner" (Robinson et al., 2006, p. 21).

⁵⁹ He had earlier co-authored a book, *Freedom of Religion, Apostasy and Islam*, on shari'a laws on apostasy with his reformist Islamic scholar brother, Professor Abdullah Saeed, based in Australia. Through reinterpretation of Islamic shari'a, Saeed & Saeed (2017) argued apostasy laws could not apply in contemporary times.

Nevertheless, these attempts to draft a new penal code did not jettison Islam.⁶⁰ What they did was transformation of shari‘a into the modality of modern statute laws that in many ways conformed to the expectation of modernist (liberal) sensibilities.⁶¹ However, by doing so, Islam was consolidated into a modern institutional political religion.

Institutional level: judiciary away from religious scholars.

At the level of institutions, the judicial office was further bureaucratised and modernised under Gayoom as a non-religious scholar judges’ institution. The 1997 Constitution granted the president the highest judicial authority under Article 39. In this respect, the Article further buttressed the president’s political and religious authority at the level of personnel. However, the constitution did not require the chief justice to be a religious scholar, only the person to be qualified as deemed by the President (1997 Constitution, Article 113 (e)). While religious scholars were also appointed as judges, lawyers trained in common law with non-shari‘a backgrounds with no command of Arabic appeared and were employed as judges during Gayoom’s time (Suood, 2014b, pp. 94-98). By the 2000s, most lawyers seemed to have been trained in common law countries (Suood, 2014b, p. 150). Most senior judges in 2008 were trained in the Middle Eastern countries (M.J. Ahmed, 2008, p. 43).

In practice, where written laws do not exist and where relevant to a subject matter before court, including interpretations of law, the courts also extensively borrowed general principles of law recognised by non-Islamic jurisdictions (Suood, 2014b, p. 149). These

⁶⁰ Notably, also, the final Penal Code 2014 did away with a number of the recommendations to ‘reconcile’ shari‘a with international norms initially agreed between the government and Robinson.

⁶¹ Not all Islamic reformists would agree with such a project: for example, Abdullahi Ahmed An-Na‘im (2007) penned a strongly-worded comment against codification in the Maldives.

principles include the principle of equity, good faith, and obligation to comply with what was agreed upon (*pacta sunt servanda*), and constitutional law principles such as the principle of legality, supremacy of the constitution, rule of law, the principle of constitutionality, and other administrative law principles. The courts also increasingly relied upon foreign judgements of non-Muslim jurisdictions, especially common law countries (see Suood, 2014b, pp. 149-150).

The increased codifications of shari‘a rules such as the *Family Law 2000* also further enabled adjudication by non-religious scholar-judges. That is, increasingly there was no longer a need for judges to refer to Arabic-language *fiqh* books and deduce rulings through their own interpretations (see also Suood, 2014b, p. 118). Thus, overall, the judicial office moved further away from a religious scholar-judge’s office with increasingly diminished religious authority.

Between a theocracy and a secular liberal state.

The rise of a *religious* scholar as president did entail a *de facto* embodiment of religious authority at the highest political level. Ostensibly, the regime signified the rise of a theocracy. I disagree. Rajeev Bhargava observes that a theocracy exists when religion is conflated with the state at the three levels of ends of the state, institutions and personnel, and law/policy (Bhargava, p. 85). That is, a “state that has a union with a particular religious order is a theocratic state, governed by divine laws directly administered by a priestly order claiming divine commission” (Bhargava, 2009, p. 85; Hirschl, 2010, p. 2). Bhargava (2009) believed that “Iran as Khomeini aspired to run it is an obvious example” (p. 85). Hirschl (2010, p. 2) gave the examples of the seventh-century Islamic state envisioned by the Prophet Muhammad and the nineteenth-century Mahdist state.

The conflation of religious authority and political authority therefore is only one aspect of a theocracy. Even then, as I have argued the nature of religious authority in it was

very different and acquired a modern self-understanding. It was not only a politicised religious authority, but also under Gayoom, religious authority translated into mixed policies (e.g., the other secularization of the society). More crucially, the conflation regime alone did not strictly qualify the Maldives as a theocracy. First, there were complex differentiations at other levels of state-religion relations. Third, Islam, as an institutional political religion overall assumed new self-understandings that in many ways conformed to liberal sensibilities and expectations. Islam therefore became a powerful force through attempts at liberalisation and consolidation into a modern institutional political religion. Even if religion was liberalised, it would not be a *liberal* state as such.

Emergence of Islam as a Discursive Political Religion

If Islam as a modern institutional political religion was in many ways consolidated under Gayoom, Islam also emerged as a modern discursive political religion under him as unknown in the past through the reconstruction of the meta-narrative of national identity and its promotion as powerful political public discourse.

Gayoom's official biography, *A Man for All Islands*, observed that when Gayoom came to power, the threat to national identity was "one area that was particularly worrying to him" (Ellis 1998, p. 135). For Gayoom, "culture...Islamic customs...very way of life, was under threat" (cited in Ellis, 1998, 136). This theme of a threat to religion and national identity was a key refrain in several songs sponsored by Gayoom's regime to indict the Nasir government after he resigned from power (Dhivehi Digest, 2015, pp. 6-35):

Baeh maadhiyyathah alhukan kuraa

Kaleh kamugai mudhaa edhigen balaa

Wathan feyren ekamuge dhifaa'ugaa

Dhalunthemi uthuriley jehevindhugaa gaumu othee (Song 4, p. 11)

[They worship materialism
 Think material goods are God
 To prevent robbing the nation
 Nation is (ready)...]

Vikkaa dheenaai gaumiyyathu kuree viyafaari hey
Kollaafai zaalimey aniyaa salaamaiy vaanehey (Song 5, p. 12)
 [After selling religion and nationhood...
 Having done that could the criminal escape...]

Dhivehi farudhun vanee dheyn jaanu wathangaa...
Ummathah dheenakah nethi dhevey hurumatheh (Song 6, p. 13)
 [Maldivians must sacrifice life for the nation...
 No respect for the nation and religion...]

Hiyfuridhaaneyhey vikkaa dheenaa sagaafaiy
huskohgenai dolarun (Song 11, p. 23)
 [Will [his] heart be fulfilled by the dollars
 through selling religion and culture?]

Tha'uleemun islaamee lobuvethi muvaathinun
Mah'room kollee dhen gaumugaa rayyithun (Song 13, p. 27)
 [Prevented the beloved people
 From Islamic education...]

Tha'uleemaa gaumiyyathu seedhaa fun'dufun'dukollee

Mulhi dheenaa dhivehiyyathu gaemun thiya naththaalee (Song 16, p. 29)

[Dismantled education and nationhood

Destroyed the whole religion and Maldivianess]

Gayoom's associate, Ibrahim Rasheed Moosa (1979) summarised the overall perception during this period:

[Nasir's government] tried to alienate religion from us. [He] acted in ways to show that religion was not necessary for government. [He] proscribed expression of religious opinion, and stopped religious education for children just when they reached the age they could think about religion. (p. 7)

The new power holders therefore saw the period as a crossroads for the Maldives: "not sure whether to go the way of the West, with a Western culture, or to opt for a moderate path" (cited in Ellis, 1998, p. 116). This threat, Gayoom believed, was aggravated because of three factors: spread of English in the country; the advent of tourism and the influx of tourists; and, the exposure of Maldivians to other cultures and religions through their travels (Ellis, 1998, pp. 135-136).

This may be Gayoom and his associates' diagnosis. However, the solution Gayoom sought was not through reversing the secularising trends, as already argued. The main cure was largely through re-asserting Islamic identity through a reconstruction of the meta-narrative of national identity. Gayoom (cited in Ellis, 1998) believed: "Since all Maldivians are born Muslim, the roots were there" (p. 136). Thus, creating a national identity by preserving the "religious and cultural unity of the country" became a key policy agenda of Gayoom after coming to power (cited in Ellis, 1998, p. 136).

Re-Construction of the Meta-Narrative as ‘100% Muslim Nation’

Gayoom discursively reconstructed national identity in a more exclusionary and ‘Islamised’ direction. He consolidated Islamic identity and national identity as two sides of the same coin. To do that, Gayoom took up the national identity meta-narrative from where the modernist Amin had left it. Recall Amin had already transmuted the pre-existing meta-narrative of Islamic collective identity as the basis of a new national identity (Chapter 3). This had already started to conflate religious identity with national identity. Gayoom took it to a discursively new level in two prominent ways: through the new motif of 100% Muslim Nation and through sophisticated scholarly functionalisation of Islam.

Two conditions of national identity: ‘Maldivianess’ and ‘Islam.’

Gayoom (1982) theorised that the Maldivian ‘nationhood’ (*qaumiyyath*) was based on two ‘necessary conditions’ (*rukun*): ‘Maldivianess’ (*dhivehivanthakan*) and ‘Islam.’ ‘Self-rule’ (or independence) was still a key motif, but it was contingent on Islam. ‘Maldivianess’ included “the fact that Maldivians come from one origin, the fact that we all speak one language, the fact we share the same history, the fact we share the same culture, and the fact we live in one land” (Gayoom, 1982). Gayoom (1980a) emphasised this condition using the neologism, ‘*dhivehiyyath*’ (‘Maldivianism’). It underpinned the *unique* nation of the Maldivians (*dhivehin*): the unique language of Divehi, Divehi traditions and custom, the long history stretching back to pre-Islamic era with its own civilisation and independence (Gayoom, 1980a). This stress on Divehi language was informed by the spread of English in the country (see Ellis, 1998, pp. 135-136).

While more two-millennium long existence of *dhivehin* (Maldivians) and their history were also acknowledged (e.g., Gayoom, 1982, 1983b, 1983d), Gayoom de-emphasised the pre-Islamic aspects and instead privileged the long-standing Islamised historiography. ‘Islam’ – the second condition – therefore acquired more significance. In emphasising the official

historiography, Gayoom built on Amin's meta-narrative of national identity. Like Amin, Gayoom connected Maldivian national identity to the Portuguese colonial period, emphasising the struggle of Muhammed Thakurufaanu to free the Maldives from the Portuguese rule. Gayoom (e.g., 2000) reiterated official historiography that represented the pre-Islamic era as one of 'ignorance' (*jaahiliyya*) and the struggles against foreign interventions as '*jihad*' (see also Gayoom, 1980a, 1981, 1982). But he also added his own readings in two ways that functionalises Islam as a basis for national identity. First, he came up with the idea that 'nation' came into existence with Islamic conversion in 1153. Gayoom (1983b) claimed that although there were Maldivians in pre-Islamic Maldives, it was only Islamic conversion in 1153 that enabled the Maldivians to see themselves as a *nation*:

[I]t is doubtful whether the Maldives ever functioned as a state with a specific national identity before the people of this country embraced Islam in the 12th century. The history of the Maldives before Islam remains lost in obscurity, but a wealth of information about the various kings and queens who ruled the country after that momentous event in 1153 is on record which probably shows that the people of this country recognized themselves as citizens of a sovereign state and regarded themselves as one nation only after conversion to Islam.

In this re-reading of history, Islam was also rendered as a necessary condition of the very statehood of the Maldives. Gayoom repeatedly promoted this discourse (see also Gayoom, 2000)

The second re-reading by Gayoom was about the Islamic history around the Muslim month of Rabi' al-awwal. Muslims believe the Prophet's birthday falls on the 12th of Rabi' al-awwal. It is an auspicious occasion of prayer and celebration for many Muslims. Amin began to celebrate the Maldivian National Day on 1st Rabi' al-awwal since the official historiography claims Muhammad Thakurufaanu defeated the Portuguese on that day.

Gayoom added to this: by often saying that as the ‘sacred day’ of the Prophet’s birth is in the month of Rabi’ al-awwal, it added Islamic significance to the Maldivian National Day (e.g., Gayoom, 1980a, 1981, 1982). Gayoom (1982) claimed that the Maldivian National Day and the Prophet’s birthday being celebrated in the same month was not a historical coincidence:

I do not believe it is a historical coincidence that the month in which the Prophet, who brought the light of Islam to the world, was born and the month in which Maldivian National Day is celebrated are the same month.

These were not historical coincidences “because of the strong link between Islam and the Maldives” (Gayoom, 1982).

‘100% Muslim Nation.’

The re-readings of Maldivian historiography and Islamic history were not the most potent way Gayoom reconstructed the meta-narrative. The single most potent discursive innovation that Gayoom deployed for the reconstruction was the discursive motif of national identity as ‘100% Muslim nation’ (*satheykain satheyka muslim qaum* or (later more prominently, *saththain saththa muslim qaum*). No state actor before Gayoom’s presidency publicly had used the discursive motif of ‘100% Muslim nation’. Even though the political elites would have believed every Maldivian was of Islamic faith, this discursive construct did not exist in their meta-narrative of Islamic collective identity or national identity discourse. Even though it is not possible to conclusively establish the fact, Gayoom likely was the first figure who publicly used the discursive motif of ‘100% Muslim nation’ as a basis of Maldivian national identity. Just over a year into office in January 1980, Gayoom (1980a) articulated this motif in his National Day speech:

As our nation is a 100% Muslim Nation (*satheykain satheyka muslim qaum*), [the National Day] is a very special day. Therefore, our National Day comes as a symbol

of the relationship between love of the nation and respect for religion, as a symbol that represents nationalism and religiousness.

From that time, this concept became frequently used in the context of national identity. In the same year, after inaugurating the first ever Arabic medium education institute, Mauhaadh, Gayoom (1980b) invoked the concept to point out: “It is a loss to the country that there has not been such an institute for religious education in this *satheykain satheyka muslim qaum* [100% Muslim Nation of the Maldives].” Gayoom (1982) also argued the ‘100% Muslim nation’ status was a matter of unique pride:

The Maldives is a 100% Muslim nation, a fact we all take pride in. The Maldives comes at the top in this regard among Muslim countries. The Maldives has remained as a 100% Muslim nation for the last 850 or so years or nine centuries since its conversion to Islam.

The discursive motif of ‘100% Muslim nation’ also allowed Gayoom to undertake a more religious reinterpretation of Islamic texts through his *ijtihad* to validate the ‘100% Muslim Nation’ meta-narrative and reject religious freedom. Ostensibly, the rejection of freedom of religion is in tension with Islamic modernism. However, as an Islamic modernist, Gayoom’s own substantial position was indeed that Islam gave religious liberty and Islam called for non-discrimination on the basis of religion:

The real essence of Islam...is that it is non-discriminatory. Its tolerance of other beliefs and religions is clearly established in the Holy Qur’an, “There is no compulsion in religion. The right direction is henceforth distinct from the erroneous” (Gayoom, 1983b, 1983d, 2007b).

Gayoom went beyond Qur’anic injunctions to adopt a radical position on tolerance. In 1983, Gayoom (1983d) argued that tolerance was required because other religions also essentially guide to the same path:

All religions guide to the path of God – the path of love, understanding and peace. No religion preaches hatred, jealousy or animosity. Religious intolerance which inevitably leads to friction and conflict, and more often than not to bloodshed, is therefore an unforgivable departure from the path of God.

As a modernist, Gayoom was ostensibly therefore hypocritical in denying religious freedom in the Maldives. However, he used his modernist Islam's methodological flexibility of *ijtihad* based on 'context' to re-interpret Qur'an to reject religious freedom. This rejection, in turn, validated and reinforced the meta-narrative as 100% Muslim Nation. The Maldivian context, as Gayoom (Gayoom, 1983b) interpreted it, was very unique: a '100% Muslim nation,' with one ethnicity, one language, one culture, and even with one *madhab* (Shafi'i Sunnism). Therefore, for Gayoom, the question of religious freedom in this context was not just irrelevant. It also could be overridden by other values of Islam: 'unity,' 'harmony,' and 'progress'. In a speech to an international audience gathered in the Maldives for a seminar on *Call for Islam in Southeast and South Asia*, in 1983, Gayoom (1983b) thus re-interpreted Qur'an to make this point and functionalised it for the meta-narrative:

Maldivians...hold freedom of belief as sacred and...abhor discrimination...on any grounds whether of creed, colour or race...[but because] we are such a homogenous...society based on one national identity, one language, and one faith...we are convinced that the preservation of this oneness in faith and culture is essential for the unity, harmony, and progress of the country.

Under his meta-narrative, religious oneness or homogeneity (*ebbaehvanthakan*) was therefore essential as it guaranteed unity, harmony and progress for the country. While religious freedom was also sacred, the uniquely uniform context of the Maldives for Gayoom meant other Islamic values – unity, harmony, progress – were more important in that context.

In a speech in 2000 – over 20 years into his presidency – Gayoom further functionalised Islam for the meta-narrative through sophisticated re-interpretations of Qur’an. This re-assertion was in the context of ‘negative influences’ of globalisation (Gayoom, 1978b, 2000, 2006). Gayoom (2000, p. 12) built the functionalisation of Islam based on verse 3: 103, which says:

Uphold firmly Allah’s religion all together, and do not become divided. And remember the favour of Allah upon you - when you were enemies and He brought your hearts together and you became, by His favour, brothers. And you were on the edge of a pit of the Fire, and He saved you from it. Thus does Allah make clear to you His verses that you may be guided.⁶²

Gayoom (2000) argued that according to this verse, adherence to and practice of Islam must be done as a community (*jama’iy*) not simply as individuals. His speech drew parallels between the pre-Islamic era of Arabia – which he pointed out the verse referred to – and the Maldives’ pre-Islamic situation. The pre-Islamic Arabia was characterised by enmity, conflict, wars, while the pre-Islamic time of the Maldives was also one of disunity. Gayoom’s argument effectively functionalised these re-readings of the Qur’an to legitimize the meta-narrative of 100% Muslim Nation: just as Islam brought the hearts together of pre-Islamic people who were ‘enemies’ to one another and were ‘divided,’ so did Islam “made Maldivians united, as one nation” (Gayoom, 2000, p. 5). He also went on to functionalise re-reading of verse 3:105, which says, “And do not be like the ones who became divided and differed after the clear proofs had come to them. And those will have a great punishment.” Gayoom (2000, p. 14) argued that if the people whom God has given the favour of brotherhood, friendship, and unity, rejected those values and created divisions, they would be

⁶² Translations of the verses from <https://quran.com/3>

rejecting a divine favour, and would face punishment on the Judgment Day. Gayoom (2000, p. 4) buttressed these reinterpretations and functionalization with re-readings of other verses, including 3:19 (“The Religion before Allah is Islam”) and 3:85 (“If anyone desires a religion other than Islam, never will it be accepted of him; and in the Hereafter He will be in the ranks of those who have lost.”)

Re-readings of Islamic tradition based on the meta-narrative of 100% Muslim Nation also allowed Gayoom to justify a singular intra-religious identity into national identity. Again, in line with his modernist Islam, Gayoom (2000) argued that there were several valid interpretations and several valid schools of thought (*madhhab*) in Islam, which were outcomes because “by nature humans were prone to disagree”. However Gayoom (2000) argued:

The Maldives from a very long time back already followed Shafi’i *madhhab*. If all madhhabs were equally valid, it was neither necessary nor desirable to leave that *madhhab* for another *madhhab*. It was not necessary because Shafi’i *madhhab* was a totally valid *madhhab*; and it was not desirable because if the Maldives accepted other *madhhabs*, that would lead to divisions and strife (p. 11).

Hence, these re-reading of the context of the Maldives and Islamic traditions were then functionalised to legitimize maintaining not just 100% *Muslim* nation, but also 100% *Shafi’i Sunni* Islam. This effectively rejected *intra*-religious tolerance and freedom too.

To recapitulate, Gayoom reconstructed the distinctly modern Islamic identity building by total conflation of religious belonging with national belonging. With him, the meta-narrative of collective identity transmuted into a more exclusionary meta-narrative of 100% Muslim Nation, which has the following elements:

- Maldivian national identity has two conditions: ‘Islam’ and ‘Maldivianess’.

- Maldives is a unique nation because it is the only 100% Muslim nation with one language and one ethnicity. This uniqueness must be a matter of pride.
- This uniqueness of being a 100% Muslim nation (homogeneity) is the key/secret to national unity, harmony, sovereignty, independence, and progress. It is therefore of utmost importance to maintain that 100% Muslim nationhood.
- As a 100% Muslim nation, religious freedom does not apply in the Maldives. The provision of religious freedom will override other values of Islam: harmony, unity, and so on.

Implementation: Institutional Level

Gayoom institutionalised the meta-narrative of 100% Muslim Nation through new policy and legal instruments. The most significant was the *Religious Unity Act 1994*. The Act essentially legislated the 100% Muslim Nation meta-narrative into law. The Act, with just eight sections, incorporated the meta-narrative into Article 1:

Whereas all citizens of the Maldives are followers of the sacred religion of Islam and, as a policy, have followed only one *madhhab* and one national identity, the protection of the religious unity is a necessity in order for protecting the Maldivian independence, sovereignty, harmony and peace, [and] it is a duty of the State and all citizens to maintain this religious unity.

Not surprisingly, the 1997 Constitution also omitted religious freedom. But unlike other constitutions, as discussed before, it further identified the country as a Muslim state.

Implementation: Through Public Discourse

More than those institutional means, Gayoom used all public discourse through speeches and statements over a period of 25 years to promote the meta-narrative. For instance,

almost all National Day speeches/statements by Gayoom between 1980 and 2003 carried the meta-narrative of national belonging as Islamic belonging (see Table 4 for a selected analysis). Five out of the 13 speeches analysed directly invoked the meta-narrative of 100% Muslim Nation as the basis of the meta-narrative. Others, such as the key speech in 2000 (Gayoom, 2000) on the Maldives' Conversion to Islam Day, also carried the meta-narrative.

Table 4: 100% Muslim Nation meta-narrative in Gayoom's National Day speeches

Year	Selected quotes
1980	As our nation is a 100% Muslim Nation, by that fact also today [National Day] is special. Our National Day symbolizes the relationship between love of nation and Islam. An occasion that symbolizes Islamicness and nationalism. (Gayoom, 1980a)
1981	Everyone knows the link between our national identity and Islam... It is in this month that Muhammad Thakurfaanu defend the Maldives through a jihad... We will be able to prevent foreign interference by strengthening the relationship between our nation and Islam...(Gayoom, 1981)
1982	As we all are proud, the Maldives is a 100% Muslim nation. Compared to all Muslims, we top the list in this respect. Since conversion...we have remained 100% Muslim nation... It is no historical coincidence that the Prophet was born in a day in a Rabi' al-awwal and our National Day falls in the same month. It shows the link between Islam and our nation... Our national identity is based on two conditions: one is Maldivianess, and the other is Islam (Gayoom, 1982).
1984	As we celebrate National Day, it is a special day in several ways. First, we opened a centre [Islamic Centre] that represents our Islamic personality. It is

named after National Day hero, Masjidhul Sulthan Muhammad Thakurufaan al-Auzam...

I do not need to tell the deep connection between our national identity and Islam...the link between Islam, Maldivianess, and national identity is made out of the blood sacrificed on this land...(Gayoom, 1984)

1989 Unlike other nations, the Maldives does not have different ethnicities. There are no people with a different religion...(Gayoom, 1989)

1990 ...why are there signs of damage to the love that exists between the people of our 100% Muslim nation?...Our National Day symbolises the sacrifices of our forefathers for Islam...It calls for the defense of our nation and our religion...(Gayoom, 1990b).

1993 Tonight [National Day night] our hearts are overjoyed not just with national feelings. Before that we are filled with the feelings of the light of Islam...it is a good omen that we got independence in this blessed month (Gayoom, 1993a).

1994 No Maldivian will deny that the biggest foundation of Maldivian national identity is Islam...We have been able to defend our independence and self-rule because of Islam (Gayoom, 1994).

1996 It is paramount to be proud of Islam and our Maldivianess...we must before everything be determined to protect our Islamic faith and Maldivian independence and our self-hood...(Gayoom, 1996),

1997 As we celebrate National Day...we must value the sacrifices that Muhammad Thakurufaanu made for Islam and our independence... (Gayoom, 1997).

1999 As today is the 1st of Rabi' al-awwal, we must consider that day not just as our National Day. As Maldives is a 100% Muslim nation, the connection between the month and the special occasion of Islam [Prophet's birthday] linked to our hearts and our soul...Islam is our biggest blessing. The link between our

-
- national identity and Islam is a historic link which can never be de-linked... (Gayoom, 1999a).
- 2001 As we celebrate National Day today, we must remember our biggest blessing is Islam...(Gayoom, 2001),
- 2002 As our National Day comes in Rabi' al-awwal, which is the month of the Prophet...it shows the link between our national identity and our faith. The link between Islam and Maldivianess is a strong historical link, which will never change. We must remember our independence and our sovereignty is inextricably tied to the Maldives being a 100% Muslim Nation... I pray to Allah that he keep the Maldives as a 100% Muslim nation (Gayoom, 2002).
-

The government promoted Gayoom's discourse of 100% Muslim Nation through its control over all the social systems. As mentioned the legal system enacted it. Others included political mass mobilisations, the television and radio, and the newspapers, religious sphere, and educational institutions. Unlike his predecessor Nasir, Gayoom personally sought mass mobilisation in politics. Celebrations of public holidays such as the National Day became mass public events. Gayoom also personally travelled throughout the country to mark public holidays, such as National Day. The marking of Conversion to Islam Day as a public holiday since 2000 is also noteworthy in this respect. One of the official reasons was to maintain "Maldivian religious unity as the Maldives was a 100% Muslim nation" and Maldivian national identity (Gayoom, 2000; MOHA, n.d.-b). On the first occasion of the Conversion to Islam Day, Gayoom, for example, delivered a watershed speech asserting the meta-narrative at the iconic mosque-centre, Masjidhul Sulthan Muhammad Thakurufaanu al-Auzam, in Male. In this speech, he functionalised Islam through sophisticated religious arguments to

defend an exclusivist 100% Muslim national identity for the Maldives. As these occasions are public holidays, they registered the national significance of the days and captured national level attention. These events in fact were held throughout the country concurrently. Entire communities and schoolchildren would be mobilised by the state for those occasions and Gayoom's events. Even though it is beyond the scope of the thesis, as in many other countries (see Cesari, 2014), the education system, through the school textbooks, spread this meta-narrative (see also Ahmed, 2001).

Through state control over communications technologies, Gayoom's speeches and state events on public holidays, such as the National Day and Conversion to Islam Day, were also broadcast widely via radio and television. During Gayoom's time, mass communication, including radio, television, and print media, became more widely available. Introduced in 1962, radio has been the oldest form of communication and it is universal (Riyaz, 2009, pp. 37, 80). According to the 2006 Census, 85% of the households had a television set (see also MPND, 2006, pp. 40-42; Riyaz, 2009). The government also influenced the main newspapers, such as *Haveeru*, *Aafathis* and *Miadhu*, prior to political liberalisation since late 2003 (next chapter). Through these means, therefore, Gayoom's discourse was widely available in the public domain. The Internet became increasingly available since 1996. Today, any quick Internet search with the phrase "*sathain satha*" would produce hundreds of references to the meta-narrative of 100% Muslim Nation, suggesting its wide availability as a public discourse.

Islam as a Discursive Political Religion

'Islam' as a dominant political discursive frame of reference in the political public domain was absent prior to the late 1970s. However, "Islam" emerged as a dominant discursive frame in the political public domain by the early 2000s. The meta-narrative of the 100% Muslim Nation and its discursive deployment effectively as a political ideology largely,

embedded “Islam” as an objectified, dominant discursive frame of reference in the public domain.

Objectification of ‘Islam’.

Clarence Maloney (2013, p. 227) and Elizabeth Colton (1995, pp. 176-177) both observed that even in the late 1970s, Islam in the Maldives was largely a matter of practice rather than a topic of philosophising, debate or examination. Maloney (Maloney, 2013) states, “theological questions do not trouble people, because Islamic tradition is something done more than something philosophised” (p. 227). A religious scholar was quoted by him as saying: “People never have heard of these things [different sect and interpretations], they have only been taught washing, praying [and] fasting – these three things” (cited in Maloney, 2013, p. 220). Similarly, Colton (1995) observes:

Religion in Maldives is not ostentatiously practiced. People seldom discuss it, especially with foreigners. Little is made of it, except that people go quietly about the daily observance of their faith. (pp. 176-177)

Such confinement of religion as largely a practice is not unique to the Maldives. A process of “objectification” of Islam emerged since around the mid-1970s (Eickelman & Piscatori, 1996, p. 38). Eickelman & Piscatori (1996) define “objectification” as the process whereby “basic questions come to the fore in the consciousness of a large number of believers” (pp. 38; 37-45). In this heightened consciousness of not only one’s own religion but also the diversities of beliefs, ordinary Muslims have come to be proponents of religious discourses and debates over Islam, by replacing that authority in religious scholars, thereby creating a highly participatory religious landscape. The increased mobility, rise of mass media and communications, and mass literacy, are credited as enabling factors for this process (Eickelman & Piscatori, 1996, pp. 37-45). In this sense, objectification is very much a modern phenomenon. As Saba Mahmood (2005, pp. 53-54) has argued, reflection and conscious

deliberations were always part of Islamic tradition, although, among other things, the practical conditions (e.g., mass education), the objects/ends (e.g., new modern problems), and participants (e.g., more women) of these processes have changed. Mahmood's observation applies to the Maldives too.

Even though religion was largely a practice at the ordinary level as observed by Maloney and Colton, Islam did exist as part of *elite* political discourse prior to the 1970s, as discussed in Chapter 3. This slowly intensified with political modernisation. In particular, the emergence of printing since the printed journals, such as *al-Islah*, set in motion a gradual process of open reflection and deliberation on religion at the elite level. The elite literature that appeared in vernacular in magazines such as *Dheenee Roohu* (Religious Spirit), *Shoola*, and several others increasingly since the 1970s added to these processes. The journal of *Amaz*, spearheaded by associates of President Gayoom, since the 1970s was also a crucial publication for different perspectives on religion, and its subjection to modern problems and discourses. But these were still limited to elites.

Mass education especially since the 1980s, and the rise of information communications technologies, and associated flow of ideas provided the *conditions* – the language, the religious concepts, cognitive capabilities of reading and thinking for themselves – that Eickelman and Piscatori argue, led to the process of objectification of Islam. Islamic studies itself became more widely available as one subject under modern curricula in the formal education system from primary to the secondary levels (see, for example, Ali, 2014, p. 230). As argued, the public preaching or *da'wa* of Islam, led by the state, also became more intensified during the period under Gayoom.

However, the functionalisation of Islam for the meta-narrative of 100% Muslim Nation, and its promotion as a public discourse through media technologies and political mobilisations (enabled also through modern transport), are key processes that objectified and

embedded “Islam” in the public domain as a major discursive frame of reference. Even though Amin reconstructed the meta-narrative linking it to colonialism in the sixteenth century, the limited availability of the conditions (e.g., mass literacy and communications means) limited its spread as a public discourse. With Gayoom, through the availability of those means, the meta-narrative, and thus ‘Islam’ emerged as a dominant discursive frame of reference.

It also specifically became a *political* discursive frame of reference.

100% Muslim Nation: a political ideology.

The 100% Muslim Nation meta-narrative became effectively a *political ideology* for Gayoom’s political legitimation. Its political ideological deployment therefore further embedded Islam as a *political* discursive frame of reference in the public domain. We could interpret the deployment of Islam through the meta-narrative as a political ideology via a generalised interpretation of Antonio Gramsci’s idea of ‘hegemony.’ The concept of hegemony by Gramsci has been interpreted in different ways. In general terms, it explains how consent for a ruling class or group in a capitalist society is generated, through “intellectual and moral leadership,” as opposed to the use of coercion or “domination” (Fontana, 2006; Gramsci, 1971, p. 57). The intellectual and moral leadership could be acquired through ideology. Thus, hegemony stresses the *ideological* aspects related to leadership. It is not difficult to see how a religious nationalist discourse could function as such an ideology. In the Muslim majority context of Bangladesh, Ali Riaz (2003), for example, has specifically drawn from Gramsci’s concept of hegemony and its relation to ideology to argue the nationalist discourses by different ruling parties functioned as political ideologies for legitimation of power. This interpretation could directly apply to Gayoom’s deployment of the meta-narrative.

Unlike leaders such as Amin and Nasir, Gayoom, the religious-scholar president, rose in politics through the ideological deployment of 'Islam' against perceived Westernization and secularization. It was through a diagnosis of the period of the 1970s as one of Westernisation and secularisation that Gayoom sought the cure in distinctly modern Islamic identity building. In this respect, his project may have some parallels to collective identity building *vis à vis* the West in contexts such as Iran by turning Islam into an ideology of identity. However, there was nearly no comprehensive discursive 'othering' as underpinned by Jalal al-Ahmad's 'Westoxification' (see Arjomand, 2002, pp. 720-722; Gheissari, 1998, pp. 88-89). The diagnosis of the period and construction of identity were done through highly public means from the very beginning of his regime. A notable harbinger in the political ideological deployment of Islam in the public domain using modern media technologies and mobilisations were the many songs against Gayoom's predecessor, Nasir, discussed before. Those songs were broadcast through state radio and public mobilisation after Nasir resigned. As discussed, several of those songs accused Nasir of having jettisoned Islamic identity in the name of modernisation.

The political ideological deployment of religion was intensified through the strategy of construction of 'ontological insecurity' (Kinnvall, 2004; Rich, 2016), whereby Islam was further embedded as a discursive political frame of reference. Kinnvall (2004) defines 'ontological security' as the "security of being, a sense of confidence and trust that the world is what it appears to be" (p. 746). She argued that globalisation of economics, politics and human affairs has made individuals and groups more ontologically insecure and existentially uncertain. In such a context, one main response to reduce insecurity and anxiety was through reaffirmation of one's identity. A combination of religion and nationalism is a powerful way of asserting identity for this purpose (Kinnvall, 2004). However, such threats to ontological security do not have to be necessarily real or specifically related to globalisation. As Ben Rich

(2017) argued in the context of Saudi Arabia, the state itself could also contribute to the *construction* of ontological insecurity. Gayoom and his associates alleged there were external enemy others (the West) and internal ‘enemy others’ with ideas and agendas that threatened the 100% Muslim nation status thereby threatening peace, harmony, unity, and security of the country (e.g., Gayoom, 1990a, 1993a).

One prominent threat to Islamic faith Gayoom and some of his associates believed flowed from ‘secularism’. Early in his presidency, ‘secularism’ was demonised as a threat to Islamic faith. An article by Gayoom’s associate, Ibrahim Rasheed Moosa, published in 1979 on the subject of ‘secularism’ in the magazine, *Amaz (Target)*, edited by Gayoom, was a clear example. After indicting the Nasir regime of having attempted to secularise politics, education, and society, Moosa (1979, p. 8) argued that the attempts at a “secular government” were made by “enemies of Islam” to spread “atheism (*ilhad*) and apostasy (*shirk*)” in the country. Gayoom (1990a, pp. 11-12) also equated ‘secularism’ to *laadheene* (Arabic, *ladini*; literally ‘non-religious’) and being ‘un-Islamic,’ and described ‘secularism’ as an external idea coming from “enemies of the Maldives who are jealous” of the religious unity in the country. Such constant construction of ontological insecurity was a recurring theme in Gayoom’s narrative that intensified in the twenty-first century. On the occasion of Conversion to Islam Day, Gayoom (2000), for example, claimed:

As we are a 100% Muslim nation, some foreign elements have been trying to destroy our religious unity. [They] are trying to spread religions other than Islam. You have also heard of a radio programme aimed at this purpose...so we must be vigilant against this [threat to Islamic unity]...if any religion other than Islam has even a small space, the harmony, peace, security of the Maldives will be gone...our independence will be gone...that is because the Maldivian independence has been maintained because of Islam.

After his regime came under increasing external and domestic pressure for liberalisation since the early 2000s, Gayoom frequently deployed the meta-narrative 100% Muslim Nation to discredit his political and religious challengers as threatening Islam in the Maldives.

The functionalisation of Islam for the meta-narrative as 100% Muslim Nation, is spread as an extensive public discourse, and its intense deployment effectively as a political ideology, embedded 'Islam' as a dominant political discursive frame of reference in the public domain. 'Islam' thereby emerged as an objectified, modern 'discursive political religion' in the public domain, as unknown in the pre-political modernization period.

Islamic modernism in specific contexts.

While the move to functionalise Islam for national identity may be broadly consistent with aspects of the specific variety of Islamic modernism Gayoom espoused, the *specific* outcome of an exclusionary national identity was crucially shaped by the *contextual* discursive field and the political spaces in which Islamic modernism existed. First, the recourse to *ijtihad* was based on a discursive construct: 100% Muslim Nation. The latter itself was shaped by pre-existing meta-narrative and historiographical narratives. Second, and more crucial, the specific meta-narrative of 100% Muslim Nation was also a *political project* that was enabled when *ijtihad* was tied to *political power*. What the project then shows is that when *ijtihad* is tied to political power, it could lead to detrimental outcomes. As Abdullahi Ahmed An-Na'im (2008, p. 14) has argued:

To concede [the] authority [of *ijtihad*] to any institution or group, whether it is official or not, is dangerous, because that power will likely be manipulated for political or other reasons.

This was also not an outcome unique to the Maldives. This chapter began with an allusion to the rise of 'guardianship of the jurist' system in Iran. Several scholars (e.g., Ghobadzadeh, 2013; Zubaida, 2003) have argued that when Islam became tied to political

power in Iran, the outcome was an ‘expedient *fiqh*’ (expedient jurisprudence) in Iran. Based on the concept of utility (*maslaha*), Grand Ayatollah Khomeini overlooked Islamic principles in the service of politics. Strikingly, this was also the case under Gayoom: he rejected the well-established value of religious liberty based on discursive constructs (such as 100% Muslim Nation and its necessity for peace, harmony and unity).

What the experience of the Maldives crucially shows is that even when the individuals, institutions or groups otherwise uphold Islamic modernism, when the hermeneutic authority is monopolised in the space of politics, negative outcomes may be possible. In other words, Islamic modernism does not automatically *determine* political outcomes.

Gayoom of course did not aspire for Islamism of the Khomeini variety (see Barlow & Akbarzadeh, 2012). ‘Islam’ in the equation of the meta-narrative concerns the level of *belonging* more than *behaving* and *believing*, as argued in Chapter 2. Gayoom therefore did not attempt to transform the Muslims of the 100% Muslim Nation into an Islamist or conservative mould. The critique of ‘the other’ (the West) was an ideological trope at the level of *belonging*, rather than rejection of ‘the other’s’ cultural, intellectual, and modernization resources. Consistent with Islamic modernism, as mentioned, the Muslims of the 100% Muslim Nation could be Westernized Muslims in their behaviour and lifestyle in many ways, without significant negative repercussions. What the 100% Muslim Nation required from a citizen was a projected *public identity* as a *Muslim* – not a pious Muslim. These sociological developments are consistent with the Islamic modernist projects: what Islamic modernism largely pursued was ‘civilisation’ (*thahzeeb aai thamadhdhun*) or ‘modernization’ (*tharaqqee*) for a *Muslim nation*.

However, the unintended outcomes of that pursuit of paradoxical modernizations have threatened the projects themselves, which also had implications for democratization. In the last section, I take up a brief examination of those unintended outcomes.

Unintended Outcomes of Islam's Transformation

Nourishing of Oppositional Islamism

A major unintended outcome of the consolidation of Islam as an institutional and, in particular, Islam's emergence as a discursive political religion was the *nourishing* of the rise of oppositional Islamism in the twenty-first century. Oppositional Islamism emerged in the context of political liberalisation since late 2003 (next chapter). But the functionalization of Islam as part of the nation-building project unleashed the discursive conditions for the nourishment of oppositional Islamism. In other words, they found exactly the right *language* to be already available in the political discursive field in which they could fight their own battles.

This nourishing of oppositional Islamism as a result of a statist project of Islam's functionalisation for the meta-narrative may be compared to the Egyptian experience of the rise of the 'Islamic Trend' (Starrett 1998). Starrett (e.g., 1998, pp. 218-219) argued the functionalisation of Islam by the state, among other ways, in the education system for political purposes embedded religious discourse in the public domain, which made what he calls the Islamic Trend's oppositional tendencies possible and more intensified. The intention of public education was to inculcate rationalised Islam which can be useful for creating a modern society where there was political stability and a pacified citizenry. But in the functionalisation process, religion became deeply embedded in public domain:

[I]t is not the paucity of Islamic culture that accounts for the growth of oppositional tendencies of the Islamic Trend, but rather its bounty. Each new attempt to correct

mistaken ideas by furthering the penetration of Islamic discourse in public space creates an intensification of the conflict between parties seeking to control the discourse (Starrett, 1998, p. 219).

Starrett (1998) clearly explained how the Islamic Trend then became a strong force:

[I]n becoming hegemonic, Islam (like political economy, or evolutionary theory, or Marxism, or any of a half-dozen other comprehensive ideological systems) is forced by necessity not only to provoke limited counter-languages, but to become itself the language in which cultural and political battles are fought by the vast majority of interested parties (p. 219).

These insights could be applied to the Maldives to explain how Islamism and Salafism spectacularly emerged in the public domain in the twenty-first century. But unlike Starrett's study of Islam's functionalisation in the socialisation process, I have examined how the functionalisation of Islam for the discursive project of nation building and its effective deployment as a public discourse and political ideology embedded Islam as a discursive frame of reference in the public domain.

To be sure, therefore, the suggestion here is not that the Islamic modernist project of Gayoom *caused* their emergence. Their ideological roots go back to at least the 1970s and to their education and exposure, in especially in Saudi Arabia and Pakistan. And the immediate genesis of the oppositional Islamism was in the attempts by hitherto largely suppressed religious figures to discuss their future in the context of political liberalisation. Some pushed for a top-down approach of insertion into political society and the state. Others wanted a more bottom-up civil society-based approach. In the end, some decided to form a political party in the form of Adhaalath Party (AP), registered in 2006. Others decided to operate within civil society. The most prominent example is the Salafi NGO, Jamiyyathul Salaf (JS), registered in 2006. The new generations of religious figures educated in places such as Saudi Arabia,

Pakistan and Malaysia, since especially the 1970s, were prominent in those organisations. Some came from Salafi Islamic backgrounds (e.g., the President of JS, Abdullahi bin Muhammad, a graduate of Medina University) and from Islamist backgrounds *à la* Maududi variety (e.g., former leader of AP, Hussain Rasheed Ahmed, educated in Pakistan). Thus, they did not come from monolithic religious backgrounds. Neither is their Islamism monolithic. For example, ideologically, the JS President, Ibrahim (2008, October) did not see democratic voting to be in principle acceptable. Ibrahim (2008, October, p. 5) saw democracy in principle to be a system of '*kufur*' (un-Islamic). The senior figures of AP rejected this extreme position in principle (Shaheem, 2006).

'Islamism' usually refers to activities of individual actors, organisations, or movements through explicit deployment of symbols from Islamic tradition with an ultimate goal of establishing an Islamic state (I. Ahmad, 2009, pp. 4-5; cf., S. Ismail, 2006, p. 2). Such a definition of Islamism has its shortcomings without qualifications. Even modernist Muslims and non-religious parties at a rhetorical level in the Maldives ultimately supported the idea of an 'Islamic state' and deployed Islam as a political discourse. However, the new oppositional Islamism in the Maldives differed from the institutional and discursive political Islam shaped by Islamic modernist projects. They are deeply critical of the liberalised, modernized, and sometimes circumscribed, forms in which Islam exists as an institutional and discursive political religion.

While oppositional Islamism agrees with Islamic modernist actors at the level of Islam as *belonging*, it is deeply critical of Islam in this equation to remain a vacuous identity. Thus, the critique: "What have we achieved by being a 100% Muslim nation...?" (e.g., Asim, 2013). Oppositional Islamism therefore differs from modernist Islam at the level of *behaving*, *believing*, and *enforcement*. At the level of *behaving*, it seeks stricter *othering* of non-Muslim identities. Thus, for example, it is critical of Western forms of entertainment and music

(Shafiu, 2014). It is therefore also critical of the circumscribed place for religion in the education system dominated by Western textbooks for subjects as it seeks to remake Muslims of the ‘100% Muslim nation’ through the socialisation processes. It also challenges the more liberal substantive positions of modernists, such as gender equality (Shaheem, 2006). It therefore seeks new ways of *believing*, as well.

Politically, perhaps oppositional Islamism’s most distinguishing feature is with regard to shari‘a law. While Islamism follows Islamic modernist orientation of *including* shari‘a in the state, it is deeply critical of the liberalised, and circumscribed, manner in which shari‘a is enforced. Thus, JS president Abdullah bin Mohammed Ibrahim (2008, May) indicted successive governments with the question: “Which leader in the Maldives will enforce shari‘a in the Maldives?” In other words, it seeks a more *comprehensive* enforcement of shari‘a, including its criminal laws. Thus, JS claimed the new Penal Code (drafted by Paul Robinson) “violated Islamic shari‘a” (M. Naseem, 2015, April 12). Finally, Islamism deployed a more comprehensive and public critique of secularism as ‘the other’ of Islam (e.g., Naseem, 2004 July; Shaheem, 2006). Table 5 summarises the key features of modernist Islam and Islamism in the Maldives.

Table 5: Modernist Islam vs. Islamism in the Maldives: key features

	Modernist Islam	Islamism
Belonging	100% Muslim Nation: resigned to <i>de facto</i> secularization of society and individuals	100% Muslim Nation: deeply critical of <i>de facto</i> secularization of society and individuals

Behaving	Relaxed towards religious piety and observance	Stricter observance and public piety (worship, dress code, life styles such as music, etc.)
Believing	Supports gender equality and democracy in principle	Critical of gender equality and to varying levels more critical towards democracy
Enforcement	Liberalized and circumscribed shari'a	Comprehensive shari'a, including all <i>hudud</i> and <i>qisas</i> punishments

Intense 'objectification of Muslim consciousness'.

The rise of Salafi and Islamist discourses in the public domain *intensified* the effects of objectification of Islam. The 'objectification of Muslim consciousness' leads to a *critical* consciousness about Islam on the part of a large number of people, whereby they make basic queries about Islam (Eickelman & Piscatori, 1996, p. 38). While mass education and mass communication enabled the *conditions* of objectification of Islam in the Maldives as mentioned, these conditions did not automatically lead to intense *examination* and *debate* over fundamental *doctrinal* questions. Fundamental questions about Islam at the level of *believing* and *behaving* and *enforcement* became more vigorously asked after the rise of alternatives to the state modernist Islam in the forms of Salafi and Islamist discourses. With the rise of those forms of Islam, basic questions about Islam have intensified in the public domain: What are the correct beliefs of Islam? How should those beliefs guide behaviour? What are the correct ways to worship? What are the correct ways to dress? Should full shari'a, including the death penalty, be implemented? Is *jihad* obligatory? Should there be religious freedom? Is secularism good?

Fragmentation of Religious Authority and Pluralisation of Discourses

The rise of alternative forms of Islam consequent intense objectification of Islam have led to a revolutionary shift in the state-society relationship with regard to Islam. The religious authority that has been conflated with political authority became publicly contested. The state no longer has a monopoly on religious authority. Others, including Islamists and Salafists compete to claim authority on religious matters. In the wake, the religious discourse itself has undergone significant pluralisation.

A declaration signed by 44 oppositional religious figures in 2008 condemning Gayoom spectacularly signalled the state-society shift with regard to religious authority, fragmentation of religious authority, and the ever increasing pluralisation of discourses. The declaration condemned Gayoom for his religious positions, among other things, on the death penalty, the veil, and his methodological approach to understanding Qur'an (Declaration, 2008). Such a declaration would be unimaginable during the first decade of the twenty-first century.

Conclusion

Through the institutional space created in the 1968 Constitution that brought an end to the 'separation regime,' Islam was not only further consolidated as an institutional political religion under Islamic modernist scholar-president, Gayoom. Islam was also transformed as a modern discursive political religion, as unknown in the past.

Gayoom did not use his religious authority to turn the state into a theocracy, but used that authority to consolidate Islam as an institutional political religion. He thus ruled through the pre-existing constitution for nearly 20 years. He enacted a new constitution in 1998, which continued to incorporate certain liberal principles and features: it explicitly declared the state to be a democracy for the first time. Instead, modernist institutional projects aimed at transformation of Islam through its institutionalisation into modern state structures and forms:

religious authority became an instrument of the modern state; shari‘a was further liberalised and codified into the modality of statutes or written into rules; and, the judiciary was transformed and moved further away from a religious scholar judge’s institution. Islam was not jettisoned from the polity. Religion-state nexus was re-organised. Islam was thereby consolidated as a modern institutional political religion. And, Islam acquired new self-understandings.

However, Gayoom intensified the distinctly modern Islamic identity building project. To this end, he functionalised his scholarly Islam to reconstruct the meta-narrative of Islamic identity based on the innovative motif of ‘100% Muslim nation’. The reconstructed meta-narrative of 100% Muslim Nation was deployed as a powerful public discourse and political ideology, embedding Islam as dominant political discursive frame of reference in the public domain. Islam thereby emerged as a modern discursive political religion heretofore unknown in the past.

As counter-intuitive as it is, these were outcomes for which he applied his Islamic modernism based on its rejection of secularism, normative orientation of finding ‘Islamic solutions,’ and methodological approach of *ijtihad*. Thus, Islamic modernism is not invariably a positive force, as it does not *determine* outcomes. Crucially, the specific outcomes were enabled by the *contextual* project of national identity building for which modernist Islam was functionalised in specific discursive and political contexts.

Last but not least, this chapter argued the transformation of Islam as a discursive force in the public domain nourished the rise of Islamism. Islamism as opposed to the pre-existing forms of political Islam, is critical of the liberalised and circumscribed manner in which Islam exists in the state and society. While it agrees with 100% Muslim Nation meta-narrative, it seeks new ways of *believing* and *behaving* and *enforcement* of religion. But their rise

themselves intensified fragmentation of religious authority under the state and pluralised public religious discourse.

CHAPTER 5

THE RISE OF A *THIRD MODEL* DEMOCRACY (2004-2009)

This chapter examines the unprecedented political liberalisation developments that engulfed the Maldives from the late 2003, leading to an electoral democracy in 2009. On one hand, the constitution that delivered this democracy incorporated an extensive list of human rights and wide-ranging democratic and liberal features. On the other, it institutionalised Islam in several ways: it required that all citizens shall be Muslims, effectively denying religious freedom, declared the polity shall be based on “principles of Islam,” established Islam as “one main source of law,” stipulated that no law shall be contrary to any “tenet of Islam,” and limited human rights by stipulating that human rights shall not be contrary to any “tenet of Islam.” How, and why, did this ostensibly *third model* democracy outcome come about?

Bringing together the analyses from the previous chapters, this chapter seeks to demonstrate that while democratisation took place via competing discursive forces in a globalised context, the transformation of Islam as a modern institutional and discursive political religion defined the parameters within which democratisation took place. This chapter therefore elaborates on this argument.

First, it will show that modernist Islam along with an emergent universalist human rights discourse had positive connections to democratisation. The liberal strains internal to the reformist discourses of political actors with Islamic modernist orientations since the 1930s, and especially by Gayoom, played both long-term and immediate positive roles in democratisation. As argued in previous chapters and further elaborated in this chapter, these discourses validated democracy within an Islamic political framework. Under Gayoom, in

particular, a scholarly Islamic modernist discourse supportive of democracy emerged. This chapter will, however, show that alternative *non-religious* discourses supportive of democracy also emerged, especially in the twenty-first century globalised context. Significantly, the universalist human rights discourse in a globalised context also acted as a crucial discursive resource for democratisation. Abetted by external actors, the key domestic actors of an oppositional public sphere to Gayoom's regime, which emerged since late 2003, subscribed to this global discourse in their demands and activism for liberalisation. Neither the human rights discourse nor its key proponents in the oppositional public sphere were primarily oriented in religious language and religious identity.

Second, this chapter seeks to show that the transformation of Islam through modern nation building left politically dominant institutional and discursive legacies that constrained democratisation. The meta-narrative of 100% Muslim Nation – the most potent form in which Islam existed as a discursive political religion – in particular, immensely constrained the public and empowered spaces (Dryzek & Niemeyer, 2010, pp. 137-140) in which the discussions for a new constitution could be held. In other words, the political transformation of Islam through modern nation building by state actors with Islamic modernist orientations – not Islamic doctrines or even primarily oppositional Islamism – was more decisive for a democracy that rejected political secularism.

An extensive review of the debates in the broader public sphere (e.g., available in party newsletters, manifestos, and news articles) and the debates of the Constituent Assembly from 2005 to 2008 (with a focus on 68 key sessions on the main features of the constitution, fundamental freedoms, judiciary, and the legal system) will demonstrate how exactly the discursive and institutional politicisation of Islam acted as constraints under which the constitution was made. The institutional analyses of the 2008 constitution that reflect the legacies of modernist nation-building will further buttress them.

The chapter consists of three sections. The first section explores modernist Islam's connection to democratisation. The second section analyses how the modern universalist human rights discourse contributed to democratisation. The final section seeks to demonstrate how the legacies of transformation of Islam through modern nation building constrained democratisation towards a *third model*.

Democratisation and Modernist Islam

Political Liberalisation: An Overview

Just as the spark for the Arab Spring began when Mohamed Bouazizi self-immolated on 17 December 2010, in protest against the harsh treatment by local officials in Sidi Bouzid, Tunisia, the spark for major political liberalisations began in the Maldives when on 19 September 2003, the security personnel in the Maldivian Maafushi Island Prison tortured to death a 19-year-old prisoner, Hassan Evan Naseem. Naseem's death triggered a prison riot, during which the security personnel opened fire on prisoners indiscriminately. A total of 20 people were shot. One prisoner died immediately. Two others died while being treated in Sri Lanka. Naseem's death also triggered spontaneous riots throughout the capital, Male. Protesters damaged and torched several government buildings and vehicles. Such riots and violence were unprecedented in the tightly controlled regime of Gayoom. By then, he had been in power for nearly 25 years. A deeply shocked government declared a state of emergency and arrested several people to bring the situation under control. However, under both domestic and external pressure, the regime undertook major political liberalisation measures, leading to a new constitution in 2008.

The constitution specifically provided for: 1) freedom of association, 2) freedom of expression, 3) right to vote, 4) eligibility for public office, 5) right to compete for support and votes, 6) alternative sources of information, 7) free and fair elections, and 8) institutions for making government action depend on votes and other expressions of preference. It therefore

provided for Robert Dahl's double dimensions of democracy – *participation* and *contestation* – which have been two “persistent dimensions” for indicators for democracy (Coppedge, Alvarez, & Maldonado, 2008), and for Dahl's eight institutional guarantees required for democracy (or ‘polyarchy’) (Dahl, 1971, 1989). The constitution paved way for the first democratic transition in the Maldives.

Applying an influential criterion spelled out by Juan J. Linz and Alfred Stepan (1996, p. 1) that is used to assess if a country has made a democratic transition, the Maldives appeared to have made a transition to an electoral democracy by May 2009. According to Linz and Stepan (1996, p.1) a democratic transition must fulfil the following four conditions:

- 1) Having reached an agreement about political procedures to produce an elected government;
- 2) A government having come to power through the direct result of a free and popular vote;
- 3) The new government *de facto* having the authority to generate new policies; and
- 4) The executive, legislative and judicial power of the new democracy not having to share power with other bodies *de jure*.

The new constitution provided for multiparty presidential and parliamentary elections. New electoral laws were approved to enable such elections. The first ever multiparty presidential elections took place in October 2008. The MDP candidate, Nasheed, defeated Gayoom, ending his thirty-year regime. The first ever multiparty parliamentary elections took place in May 2009. Those elections were stamped credible by international electoral observers such as the Commonwealth Observer Group and non-partisan domestic observers (Transparency Maldives, 2008, 2009). The new constitution established an independent judiciary. Gayoom peacefully transferred power after Nasheed was sworn in as president on

November 11, 2008. In 2010, the international democracy clearinghouse, Freedom House (2010b), enlisted the Maldives as an electoral democracy for the first time.

How did this democratisation happen? While the thesis does not aim for a full explanation of how democratisation took place, I argue that both modernist Islam-related resources and the global universalist human rights discourse played crucial roles.

Modernist Islam's Positive Connections to Democratisation

The reformist discourses influenced by modernist Islam, that first emerged in the space of politics since the 1930s and became more publically available under religious scholar-president Gayoom, helped in democratisation since late 2003, in three major ways:

- 1) The reformist discourses constituted the dominant religious discourse on politics in the political *discursive field*.
- 2) They had facilitated certain liberal *constitutional legacies* (e.g., availability of certain rights) supportive of democracy.
- 3) They facilitated a subtle bottom-up transformation of people's *lived Islam* so that it was in practice hospitable to democracy and modern human rights discourse.

Modernist Islam and the discursive field.

When political liberalisation took off since the late 2003, as a religious discourse, it was the modernist religious discourses supportive of at least a certain democracy and individual rights that were dominant in the political discursive field. In other words, while there was no functioning democracy, discursive resources supportive of at least a certain democracy and of individual rights became dominant, especially under Islamic modernist scholar president, Gayoom.

Beyond intellectual level, Gayoom always promoted the discursive rhetoric that his government was a democracy – in fact a superior ‘unique democracy’ (Ellis, 1998, 194).

Rhetoric by particular individuals can be powerful ways of creating the terms of a discourse

and gaining support for a position (Dryzek, 2000, pp. 50-55). Dryzek analysed the influence of rhetoric as a potential way of transmitting a discourse from the civil society or public sphere to the state. In Gayoom's case, it was a powerful religious scholar's rhetoric transmitted top-down, from the state to the public. The discursive rhetorical support for democracy was transmitted at highly public events and via public speeches, which were also widely and repeatedly broadcast through the government media outlets. The public occasions included the election campaign and inaugural periods and major crises, whereby the discourse acquired significance and galvanised public attention.

'Democracy' was a constant discursive rhetoric throughout Gayoom's rule. Even in his first inaugural address on 11 November 1978, he adopted the rhetoric of democracy: Gayoom (1978b) stated that the smooth change of power from president Nasir to himself was a "good example of the principle of democracy." In the second inaugural speech, Gayoom (1983a) pointed out the reason why his first five years were "successful" was because, among other things, "Maldivians respected the principles of democracy." The discursive rhetoric was amplified during periods of crises. As mentioned, Gayoom's regime faced an unprecedented surprise armed attack from the sea on 3 November 1988. Led by a group of Maldivians abroad with the help of 80 mercenaries from Sri Lanka's People's Liberation Organisation of Tamil Eelam (LTTE), the armed attack was designed to oust Gayoom. The attack deployed in the early hours of November 3rd did not receive any sympathies from the Maldivian population or the army. The army instead attempted to defend key buildings and provide safety for Gayoom and his officials. It finally was quickly quashed with the help of the Indian army. But the attack left Gayoom deeply shocked, so he increased the rhetoric of democratic reforms. Following this episode Gayoom (1988) emphasised the attack was against the "democratically formed legitimate government." In 1990, while opening the parliament for that year, Gayoom announced: "The Maldivian people need to begin a new era of democracy"

(cited in Ellis, 1998, 212). Similarly, in the early 1990s, one of his re-election campaigns (although he would not need a campaign as there was no opposition) was based on the rhetoric of '*for a better democracy.*' In 1993, he faced another political crisis when his own brother-in-law Ilyas Ibrahim sought to challenge him. Ibrahim secured 18 votes to 28 for Gayoom from the parliament that nominated the single name for a Yes/No public vote to elect a president. Unaccustomed to any opposition (in the previous two presidential elections he secured a unanimous nomination), Gayoom saw it as a major blow. The early 1990s therefore became a key period that popularised the language of 'democracy' among the public. The 1993 presidential campaign was widely publicised through the rhetoric of '*We need to build a better democracy*' made available on posters and t-shirts. In his inaugural speech after winning the election, Gayoom (1993b) announced that he wanted more democratic reforms, and explained what he meant by democracy:

According to political thinkers a democratic system is a form of government by the people, of the people, and for the people. The most significant feature of a people's government should be to increase people's participation and conduct state affairs through the preferences and views of a majority of the people. In other words, to decide matters with the people's say. I have always respected these [democratic] principles. God willing, I will sincerely work to further strengthen these principles in the new term.

One of the measures for democracy he announced in 1993 was allowing anyone who wanted to contest presidential elections to propose his name to the parliament for nomination. The procedure was that the parliament was to nominate a name by itself. With this rule under the new constitution enacted in 1998, there was again a heightened discursive rhetoric of democracy by Gayoom. Gayoom (1998) therefore pointed out, "the new constitution has strengthened democratic principles, and strengthened the foundations of republic system".

The whole episode was discursively represented as “historic” and “political liberalisation in line with modern changes” (Gayoom, 1998). Specifically linking democracy to Islam, Gayoom (1998) argued: “Islam is a religion that calls for modernisation and progress. It is a religion that establishes equality and unity among citizens. It is a religion that paves the way for democratic principles.” Gayoom’s *2020 Vision* policy document announced on July 26, 1999, marking the Independence Day, also contained the discursive rhetorical support for democracy. Its objectives included making the Maldives “one of the top-ranking middle-income” countries, enjoying “stable democratic governance” and “gender equality” (Gayoom, 1999b). While ‘democratic governance’ was not elaborated, it pledged that the government would implement policies for “the active participation of men and women in political, social and economic activities on an equal footing” (Gayoom, 1999b).

When the pressures for liberalisation emerged in the wake of Hassan Evan Naseem’s death in September 2003, Gayoom’s religious discourse was still the politically dominant religious discourse in the political discursive field. There was yet no powerful religion-based *counter* discourse that rejected democracy as such. Islamist discourses, as argued in Chapter 4, were only beginning to emerge in the public political discursive field. Furthermore, as mentioned above, Gayoom also reinterpreted his discourse to embrace the modern discourse of human rights and democracy. In London in 2007 Gayoom (2007b) argued against “‘clash of civilisations’ – [the idea] that modern ‘universal’ values are a product of the Judeo-Christian traditions of the West, and hence, incompatible with the teachings of Islam.” He rejected the idea by saying:

Our experience in the Maldives has shown [the “clash of civilisations”] claim to be false. The Maldives is fast becoming a very modern country, embracing the principles of true democracy... Yet, our people remain steadfast in their faith, and that faith

reinforces our efforts as we work for the better protection of human rights, individual freedoms and social equity.

In line with his Islamic modernism's more liberal positions, Gayoom also proposed to remove the gender bar in becoming president in the constitution bringing gender equality more in line with human rights standards. Having already pursued a progressive policy on women's rights (e.g., the state became party to Convention on the Elimination of All Forms of Discrimination against Women in 1993), Gayoom (2004a) proposed that a new constitution must remove the gender bar for becoming a president that existed in the previous constitution as part of the reforms announced on June 9, 2004. The Maldives made two reservations to CEDAW, including Article 7(a), which provides for the right "to be eligible for election to all publicly elected bodies" and Article 16, which concerns marriage equality. Gayoom's proposal would mean the first reservation made to CEDAW would be lifted in the 2008 constitution. Using his modernist Islamic position, Gayoom (2007b) argued that there were misconceptions about women's status in Islam:

That is, perhaps, because extremist interpretations of gender relations have, in fact, restricted women's rights in some Muslim countries and communities. The global media has also played a role in perpetuating Islam as oppressing women. Qur'anic injunctions and the example of the Prophet's life prove that Islam established spiritual and moral equality between men and women. Indeed, Islam did not oppress women, but ensured their rights and dignity at a time and age when they had been treated as less than human. Islam put an end to female infanticide, gave greater rights to women in marriage and divorce. It also guaranteed women the right to inherit and bequeath property.

Thus, such reformist religious discourses by Gayoom *validated* and *facilitated* political liberalisation and democratisation in the immediate context. In addition to its influence in the

larger discursive field the political dominance of the modernist discourse was translated into the 2008 Constitution through especially the political actors aligned with the regime who upheld the modernist discourse in the Constituent Assembly (see section below).

Modernist Islam related institutional legacies.

Reformist discourses by political actors with Islamic modernist orientations also left democracy-friendly institutional resources. The institutional availability of certain rights, liberal principles, and electoral politics, in successive constitutions – endorsed by the modernist discursive resources – acted as resources for democratisation. Although the institutional availability of certain rights was often denied by successive governments, it is exactly the hypocritical disjunction between the institutional resources and their being denied in practice that partly made the oppositional democracy campaign since late 2003 so powerful (see next section). As observed by some scholars, the gap between promises of individual rights by authoritarian regimes and their denial in practice “could itself be turned to good use by human rights activists attempting to make the state practice what they preached” (Dryzek, 2006, pp. 14-15). The oppositional actors in the Maldives exploited this hypocrisy to good use, as they often indicted the regime for violating even the rights that were available in the existing constitution (see next section).⁶³ Finally, those institutional legacies also meant liberalisation did not have to be a totally new institutional learning processes for democratic actors.

Subtle transformation of ‘lived Islam’.

Reformist religious resources, I suggest, also had a more significant broader connection to people’s ‘lived Islam’ in the long run, facilitating democratisation. The ‘lived

⁶³ This indictment, for example, appeared in the following the MDP Newsletters: Numbers 2, 6, 7, 12, 16, 17, 18 and 22 (see Appendix 3).

Islam' did not appear to be in conflict at least with electoral democracy for most ordinary people. Based on World Values Survey's standard questions, survey findings in the Maldives show that the mass support for democracy is fairly strong (Sharma & Zahir, 2015). Sixty-two per cent believe democracy is the best system. A standard question that measures the level of support for authoritarianism showed only 14 per cent believe that a strong leader who does not have to bother with parliament and elections was good. Similarly, more than 75 per cent of the people believe that having a democratic political system is good (Sharma & Zahir, 2015, p. 11).

For most ordinary Maldivians, being part of politics through peaceful and competitive elections fought by political parties (or electoral democracy) did not appear to be in conflict with Islam. Their Islam posed no dissonance with participatory multiparty electoral politics. Political liberalization since June 2004 saw ordinary people, in large numbers, engaged in political gatherings, rallies, and protests. Thirteen political parties that accepted the constitutional framework and worked within the electoral political system came into existence by 2008, having been so allowed since 2005 (see Table 6 for a list).

Table 6: Political parties registered between 2005 and 2008

<i>Political Party</i>	<i>Date</i>
Maldivian Democratic Party (MDP)	June 2005
Dhivehi Rayyithunge Party (DRP)	July 2005
Adhaalath Party (AP)	August 2005
Islamic Democratic Party (IDP)	December 2005
Maldivian Social Democratic Party (MSDP)	December 2006
Maldivian National Congress (MNC)	December 2007
Peoples Party (PP)	December 2007
Social Liberal Party (SLP)	May 2008
Jumhooree Party (JP)	August 2008
Peoples Alliance (PA)	August 2008
National Unity Alliance (Gaumee Iththihaadh or	September 2008

Poverty Reduction Party (PRP)	September 2008
Dhivehi Qaumei Party (DQP)	December 2008

The total membership of these parties represented half of the total electorate (more than 100,000 people). Similarly the voter turnout for the first multiparty presidential elections in 2008 stood at 85% and first multiparty parliamentary elections at 79% (Commonwealth Secretariat, 2008; Transparency Maldives, 2008, 2009).

Modernist Islam arguably had brought about a subtle bottom-up transformation of the lived Islam directly through reformist discourses and indirectly through societal and institutional modernisation that those discourses had long facilitated. Discursively, through broader discursive motifs such as *shura* – instead of a comprehensive theological reformation of shari‘a (*à la*, An-Na‘im, 1990, 2008) – people’s lived Islam found no essential conflict with democracy. In terms of societal modernisation, exposure to new ideas and consumption of new cultural products also effected a bottom-up subtle transformation of Islam. As argued in the last chapter, even though Gayoom promoted religious piety, in line with his liberal orientations, foreign cultural products became part and parcel of everyday life. Being accustomed to cultural changes, lived Islam was no barrier for new ideas. Institutionally, although neither free nor fair, rituals of electoral politics took place every five years in which ordinary people participated in high numbers. Therefore, a certain electoral politics became part of the ‘social imaginary’ (see Taylor, 2007).

As mentioned, these discursive, societal and institutional practices shaped by modernist Islam, I suggest, brought about what Bilgrami (2014, p. 219) would call a transformation of Islam as a *practice*, as opposed to a theological reformation of shari‘a (*à la* An-Na‘im, 1990, 2008) for ordinary people. That is, the support for democracy and human rights was not based on comprehensive or even explicit theological doctrinal and shari‘a

reinterpretations. This seems to be more evident in the case of those at the forefront of the oppositional public sphere that emerged since late 2003 (next section). As will be argued, those actors did not orient their discourse of human rights in religious language. The subtle bottom-up transformation of their lived Islam as a practice and their lived experiences allowed human rights to be relevant without an accompanying religious or theological language. This does not mean Islam was abandoned either. In espousing non-religious discourses and orientations, religion was “compartmentalized to particular corners of their lives” (Zubaida, 2005, p. 444). In this sense of transformation of religion as a practice, one may suggest those actors had undergone what Bilgrami (2014, pp. 219-220) called ‘*de facto* secularity.’ Such a secularity is not necessarily a turning away from religious doctrines, but a distancing of the reach of them in the polity.

In sum, modernist Islam did not determine democracy. Modernist Islam existed in the space of politics since the 1930s without democracy. A modernist Islamic scholar also ruled for more than 25 years without democracy. However, modernist Islam helped democratisation in the Maldives through a Weberian broader connection to democracy. As John Anderson (2006) points out, while religions may not determine outcomes, “in Weber’s terms, at any point in time there may be a dominant discourse or practice that may render them more or less supportive of certain patterns of political development” (p. 205).

Human Rights Discourse’s Role in Democratisation

In Chapter 4, I showed that the transformation of Islam especially as a modern discursive political religion nourished the rise of oppositional Islamism. However, it was not only religious actors and their discourses that emerged in the society. Alternative non-religious actors and non-religious discourses subscribing to a universalist language of rights existed at least since the late 1980s.

The global universalist human rights discourse, taken up by an emergent opposition public sphere, and scaled up by a range of external actors, especially in the wake of Hassan Evan Naseem's death in 2003 played crucial roles in democratisation. The key actors of the emergent oppositional public sphere and the discourse of human rights as taken up by them was not based in religious language. Specifically, the global human rights discourse played three broad roles for democratisation: i) it acted as a discursive resource for the emergent oppositional public sphere, scaled up by external actors, to *pressure* the regime to liberalise; ii) it acted as a discursive *yardstick* for institutional liberalisation (the most important outcome being the 2008 Constitution); and, iii) it acted as a discursive resource for *defining* democracy.

Rise of an Oppositional Public Sphere and Human Rights Discourse

A public sphere as the politicised aspects of the civil society oriented towards the activities of the state (Dryzek, 2000, p. 23; 2012) began to emerge only since the late 2003. One major reason was that successive regimes were characterised by pervasive political suppression. Even though the right to association was generally constitutionally available since the 1932, political parties were not allowed. President Mohamed Amin experimented with a political party, *Dhivehi Rayyithunge Muthaqadhdhim Party* (The Maldivian Progressive Party) in the run up to adopting a republic in 1953. After the coup d'état against him, the party ceased to exist. Another prominent attempt to form a party occurred in 2001, when 42 people, including women, lawyers, intellectuals, and businessmen, petitioned the government to form a political party (M. A. Shafeeg, 2011). The government rejected that attempt, saying the constitution was not designed for a multiparty system – a position that contradicted Gayoom's earlier claim in 1990 when he had said if people wanted, they could form parties in the Maldives (cited in Ellis, 1998, p. 189). As explained in Chapter 4, while the constitution provided for limited electoral politics, under the existing rules, only one

candidate, nominated by the parliament, could contest the presidential elections. In the absence of competition politics, Gayoom (nominated by a parliament packed with regime loyalists) typically won the elections with more than 90% of votes. Thus, while rituals of political *participation* existed every five years, no *opposition* existed – which constitute the two dimensions that define a democracy (Dahl, 1971, 1989).

Similarly, although the minimal constitutional rights of freedoms of expression, the media, association, and assembly were also generally provided in successive constitutions, the state dominated over society, blocking the emergence of an oppositional public sphere. This is not to say numerous civil society organisations (CSOs) did not exist. However, even following liberalisation, an overwhelming majority of CSOs focused on areas such as sports, leisure, arts, and music, or social development that had little to do with the activities of the state (UNDP, 2011, pp. 37-39). This remained the case because “[d]iscussion on any themes with overtly political themes could attract adverse attention from the state with possible serious repercussions” (UNDP, 2011, p. 38). The regime had always suppressed the episodic moments of oppositional political voice. However, several factors and events converged that facilitated the emergence of an oppositional public sphere starting in the late 2003.

Conducive conditions.

Four specific conducive conditions for the rise of an oppositional public sphere may be identified: 1) economic modernisation; 2) high literacy rates and urbanised segments with modern education; 3) increased access to information and communications technologies and the Internet; and, 4) popular cultural resources related to ‘politicking.’

It has long been argued that modernisation is positively related to democratisation (Boix & Stokes, 2003; Geddes, 1999; Huntington, 1991; Lipset, 1959, 1994). In Christian Welzel’s (2009) words: “As of today, the fact that modernisation operates in favour of democracy is beyond serious doubts” (p. 81). From the 1980s to the 2000s, GDP per capita in

the Maldives increased substantially (Rasheed, 2013, p. 33). The per capita Gross National Income stood at \$2,120 in 2002, the highest in South Asia (The World Bank, 2004). But even by 2009, when the Maldives transitioned to an electoral democracy the Maldives was still a lower middle-income country. Hence, in terms of modernisation related conditions, the Maldives may not have been in a very favourable position for a democracy. However, several other conditions existed that made the population ever more exposed to and permeable to new ideas and lifestyles, facilitating the emergence of an oppositional public sphere.

One of the conducive conditions for emergence of an oppositional public sphere was the high literacy rates: in 2003, the adult literacy rate was more than 97%. The primary and secondary education sector had also significantly expanded. By 2004, primary education was universally available in all 199 inhabited islands (UNESCO, 2011). Similarly, while there were only 90 students studying abroad in 1971 (Ostheimer, 1975, p. 143) and in 1977 there were only 56 university graduates (Phadnis & Luithui, 1985, p. 51), by the early 2000s, at any given time, there were 1000 to 1500 Maldivian students seeking higher education abroad (Muhsin, 2005). Most of them sought university education in the United Kingdom, Australia, Malaysia, India and Sri Lanka (Muhsin, 2005). These are still very low numbers: the Census 2006 concluded that “the overall education status of the population is not high” and only about 15% of the population had attained the ‘O’ level (Year 10) and a mere 1% had attained university level education (MPND, 2006). However, many key actors at the forefront of the oppositional public sphere came from the more highly educated and urbanised backgrounds. The 42 signatories to register the first political party in 2001 also suggest this point. Sixteen people (35.7%) out of the 42 signatories had at least a university degree (see M. A. Shafeeg, 2011, pp. 22-23). Similarly, high literacy rates facilitated communications and the spread of ideas through the various media outlets that sprang up since late 2003.

Other conducive factors for an opposition public sphere included the expansion of electronic communications. Household access to television increased from 28% in 2000 to 85% by 2006. There was also a 45% increase in the availability of satellite television between 2000 and 2006, with about 50% of the households having access by 2006 (MPND, 2006). A 2013 survey showed television was the most popular means for political information, with 58% saying television was their main source for information. Mobile phone penetration stood around 40% of the population in 2004 (MPND, 2005). Internet was introduced in 1996, but by 2002, it penetrated more than 5% of the population (Ahmed, 2004, p. 2) that mostly included key urbanized segments in the capital, where the opposition operated.

Finally, although mass political organisations did not exist, the popular cultural resources had always created people's interest in politics and allowed political communications even under extreme suppression. In an interesting but all too brief observation, Maloney, who did an anthropological research in the Maldives in the late 1970s, points to the existence of a 'vibrant political atmosphere' of 'whispered gossip' even under the pervasive political suppression:

It is supposed to be illegal to criticise the government, and also illegal not to report such criticism if heard. But any visitor to [the capital] Male who gets to know the people perceives in this hive of whispered gossip the *vibrant political atmosphere*. The feature of Divehi society has long tradition behind it. Indeed, it is an adaptive feature, for life on such tiny islands can get deadly tedious. The two chief social mechanisms for release of tension are *politicking* and divorce (Maloney, 2013, pp. 206-207, my emphasis).

Beyond these remarks, Maloney does not explain the metaphor of 'political atmosphere.' He does not elaborate on where and how the 'vibrant political atmosphere' exists, its bases or participants, and what it constituted other than another unexplained concept of 'politicking'.

Politicking in the Maldives is an aspect of *popular* culture. It is not a form of *public* critique of politics, but a form of *popular* critique of politics. Because of the extreme suppression that existed, these forms of expressions necessarily existed as a *popular non-open* form of critiques. In this regard, they existed in popular stories, legends, parodies, jokes, and ironies. Romero-Frías (Romero-Frías, 2003), for example, recounts the popular story of *Oditan Kalege*, who is a mythical sorcerer and a central figure of Maldivian folklore, as an example of popular derision of corrupt political leaders. In this story *Oditan Kalege* tries to convince the people of the King's Island (capital Male) that the king actually was a monster, so he mobilizes people to perform a grand act of sorcery to catch the monster and kill it so that a real benevolent human could take over politics.

It is noteworthy that such stories, legends, jokes, and parodies, were not necessarily oriented in religion or religious language. Similarly, their proponents and participants were not necessarily religious figures; nor were their avenues religious places.

However, through small-circle encounters where people could trust one another, such forms of communications could rapidly multiply. At the island level, areas where people could meet one another such as the *holuashi* (meeting places typically near beachfronts of the islands), shade of the tree, open verandas of houses, or during fishing trips in boats, were occasions where these popular forms of expressions could be communicated. They were clearly 'private' as opposed to 'public' places in the sense they were not spaces of open and free political communication.

Nevertheless, they did not constitute a fully 'private sphere' either: they were 'public' in a sense because of their open accessibility to people who could trust each other in politicking. In this respect, spatially the rise of 'public' spaces of *sai hota* (tea shops) in the capital Male since the 1970s, enabled a politicking culture. Stacked with tables usually for a

small group of people, they provided a vibrant atmosphere for communications. These spaces usually excluded women, and were not often frequented by political elites.

Maloney dismissed politicking as functioning only as a release of tensions. However, in functional times, a politicking culture created ordinary people's *interest* in political matters and their *awareness* of political matters. In other words, a politicking culture existed as a popular vibrant atmosphere of political *engagement*, albeit non-effectual. The politicking culture provided the resources of *interest* and *awareness* that contributed to the emergence of the public sphere. Where most may still not have access to the Internet, what was available from the Internet and television could be rapidly spread horizontally through popular cultural resources.

Immediate context.

The unrest and riots in prison and in Male following the death of prison inmate Hassan Evan Naseem catalysed *organised* pressure 'from below' by domestic actors and pressure 'from above' by external actors that aimed to unravel Gayoom's grip on power and force political liberalisation. I first examine the local actors and their discourse. I then explain how external actors scaled up the former's demands for political liberalisation. Within two months' of the brutal killing of Evan Naseem, five individuals came together to establish a political organisation, *The Maldivian Democratic Party* (MDP) in exile in Sri Lanka on November 10, 2003. The five were Mohamed Nasheed, Ahmed Naseer, Mohamed Latheef, Ahmed Mausoom and Ahmed Shafeeg Moosa. The first four were on self-imposed exile in Sri Lanka. The last was on self-imposed exile in the United Kingdom.

The MDP became the main machine for the oppositional public sphere. According to John Dryzek (2000, p. 100), the ideal of a democratising public sphere based in civil society is, however, self-limiting in its eschewing of state power. If this common public space is categorised as a 'public sphere,' the inclusion of the MDP as key actor may be problematic.

But, under the authoritarian context with no public space or institutional avenues for functioning political parties, the MDP's primary task was to claim the public space and conditions for both a functioning civil society and political society. The MDP at the political liberalisation stage could therefore also be described as a quasi-civil society organisation. They were crucial to the emergence of an oppositional public sphere since June 2004.

On June 9, 2004 Gayoom announced major liberalisation measures in a watershed national address. Notably, Gayoom called for a free public debate on political reforms. In response to the call, people associated with the MDP launched a series of public forums called *Minivan Bahus* (Freedom Debates) on June 29, 2004. These deliberative forums were open to everyone, including women. While broad agendas were set (because Government permission was still required), they had minimal ground rules. The forums conducted energetic debates on a range of political reforms, such as human rights (M. A. Shafeeg, 2011).

Those deliberative forums strictly signalled the emergence of an oppositional public sphere for the first time. The forums rapidly became very popular, with the number of participants increasing with each forum (Shafeeg, 2011). The regime outlawed them after the sixth forum on July 15, 2004. It began to arrest the oppositional figures. However, the attempt now to suppress the public space for political communications only created further resistance. The first of the series of open rallies against Gayoom took place on August 5, 2004. They led to the hitherto largest anti-regime protest from August 12 to 13, 2004 in the main public square, Republic Square. The two-day protest initially called for the release of political prisoners who were recently arrested. But it quickly grew into a full-blown anti-regime protest calling for Gayoom's resignation. The government forcibly dispersed the protesters, arrested hundreds of people, and imposed a state of emergency. The day became known as 'Black Friday.' The suppression was only a temporary solution.

The emergent oppositional public sphere continued to take on its own life. It was energised and networked by the growth of several communications outlets. Scholars have pointed to the important role the Internet and social media played in the Arab Spring (Farrell, 2012). Seven years before the Arab Spring, the Internet acted as a conduit for political communications for the new Maldivian political activists (Didi, 2008, pp. 95-99). Before the rise of the networked social media such as Facebook and Twitter, in what was to be a precursor to the use of social media in the Arab Spring, a flurry of websites, web blogs, web forums, and the MSN Chat, became crucial for the flow of ideas and news and to instigate political mobilisations efforts in general in the Maldives. The *Divehi Observer* website, established in 2004, for example, acted as a popular oppositional source of information and a medium of criticism against the regime for the opposition.⁶⁴ More generally, with political liberalisation, there was a sharp increase in the Internet-based communications platforms. The exponential growth of the Maldivian blogosphere during the period, as visualised in chart in Figure 2 (below), is one indicator of the rise in communication spaces more generally, enabled by the Internet.

Where most still did not have access to the Internet, they could still be part of the larger conversation in other ways, such as through ‘politicking’ and through new print media. There was a sharp increase in publications that contributed to the oppositional public sphere. By 2006, six daily newspapers and 11 other publications emerged. The newspapers and weeklies such as *Minivan Daily*, *Adduvas*, *Haama*, *Minivan Daily*, *Udhares*, *Fiyes*, *Manas and Jazeera*, provided platforms of critical political communications for the emergent oppositional public sphere. As a report by a leading group of international media and press

⁶⁴ The editor of *Divehi Observer* claimed the Maldives achieved “democracy via internet” (Ahmed S. I. Moosa, 2010).

organisations stated, some of these new magazines contributed to “pioneer[ing] journalism of an investigative and critical nature” (International Press Freedom and Freedom of Expression Mission to the Maldives, 2006).

Visualization: chart showing blog adoption trends

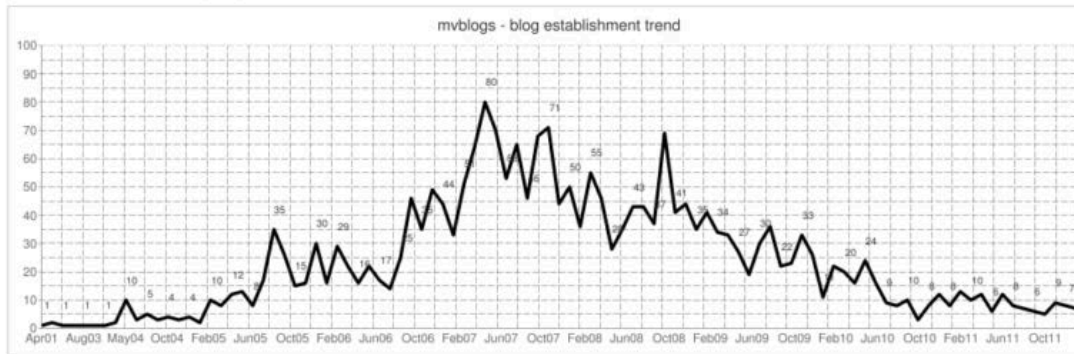


Figure 2: The blog adoption trends in the Maldives between April 2001 and October 2011. Adapted from ‘Mapping of the Maldivian Blogosphere,’ by S. Ilyas (2006) (<https://shaheeilias.com/project/mvblogosphere/>). In the public domain.

New civil society organisations also contributed to the oppositional public sphere. There was an exponential growth of civil society organisations, with some estimating up to 700 registered between 2003 and 2008 (2009, p. 8). They included a new category of activist human rights and democracy NGOs creating pressure for liberalisation and democratisation. The Maldivian Detainee Network, formed in late 2004 (but registered in 2006), was one of the first NGOs that openly focused on human rights by orienting against the regime. Other NGOs that defined their activities towards greater human rights and democracy included Hama Jamiyya (registered in 2005), Madulu (registered in 2006), Strength of Society (registered in 2006), Rights for All (registered in 2007), and Rajje Foundation and Maldives Aid (registered in 2008).

To be sure, this emergent oppositional public sphere was a far cry from how some normative theories explain public sphere and democratic exchange of communications. This emergent space, still under the authoritarian context, was not always characterised by the

exchange of arguments between equal and free people. Its forms of communications were more than the Habermasian communicative rationality (Habermas, 1989, 1996) or Rawlsian public reason (Rawls, 1997). Its boundaries were highly amorphous, fractured, and interpenetrated by various discourses and actors. It hosted a wide range of forms and types of communications. Storytelling, poetry, essays, public debates, online forums, commentaries, investigative journalism, rhetoric, jokes, gossip, symbolic expressions, were all part of it. Its actors were varied too in terms of demographic and religious backgrounds. But a crucial discourse for the key activists and organisations to pressure the regime towards liberalisation was the global human rights discourse.

The global human rights discourse.

Key leading oppositional figures and the emergent oppositional organisations did not orient themselves and the human rights discourse they espoused in primarily religious language and religious identity. This does not mean that actors with religious identity and religious language were absent. Such actors, such as scholars from Salafi backgrounds, also participated in the emergent oppositional public sphere, as they had been victims of the regime. Similarly, the opposition increasingly adopted religion-based policies under the constraining politics of religion, unleashed by the politics of the meta-narrative of 100% Muslim Nation.

However, the key oppositional figures who were at the forefront of the MDP were not religious intellectuals but secularly educated figures. This includes oppositional leader and co-founder of the MDP, Mohamed Nasheed, who would later become the first democratically elected president in 2008, and Ibrahim Ismail, who played a key role in the Constituent Assembly as the chair of the Drafting Committee. Nasheed was educated in the United Kingdom and Ismail in Australia. None of the founders of the MDP or its first council for that matter was a religious scholar or religious intellectual.

Testament to the non-religious orientation of the MDP's key leaders, the MDP's draft Rules of Procedure dated 15 April 2004 (which was drafted while it was still an emergent organisation) did not have any mention of 'Islam' (Maldivian Democratic Party, 2004a). It also stated the party would aim to eradicate discrimination among people based on 'faiths.' The *Aims, Values and Objectives* of the party included:

- 3.1 The MDP shall be a [social] democratic party. It believes that the key to prosperity and development is the empowerment of the people through participation in democratic structures which operate on the basis of transparency and accountability.
- 3.2 The MDP shall be an all-inclusive dynamic political party with a truly national base and which shall seek to win political power and form a government of the people through free, fair and direct elections.
- 3.3 The MDP shall seek the mandate of the people to govern the Maldives and work for:
 - (a) A dynamic economy built on the principles of a mixed market economy with a strong social conscience.
 - (b) An open democracy, in which national government is accountable to the people through the devolution of power and decision-making to the provinces and local institutions and structures.
 - (c) A just society in which the weak and poor are assured of a decent standard of living and equitable social services such as in the field of health and education and in which equal opportunities are available to all people.

- (d) Respect for the individual through provision and protection of fundamental human rights.
- (e) A sustainable environmental and natural resources policy in which the environment is protected and held in trust for future generations.
- (f) The eradication of all forms of corruption.
- (g) The eradication of all forms of discrimination including gender, place of origin, and beliefs.
- (h) Respect for and recognition of, cultural diversity within a united society built on the principle of national integration and eradication of negative cultural practices.
- (i) The equitable and fair distribution of the Maldives's national resources among regions.

3.4 The MDP believes in the principle of active civic participation in public affairs and shall in pursuit of this principle work with trade unions, business and employers' organisations, human rights organisations and other civic groups in the formulation of national policies.

It is significant to note that the MDP saw itself as the continuation of the earlier attempt to form a party in 2001 (under the name of Maldivian Democratic Party), when a group of 42 people, in which Nasheed played a crucial role, petitioned the government for to register their own party. The documents prepared for that party also eschewed religious identity and language. A draft manifesto proposed for that party stated that its aim was to "build a united, non-racial, non-sexist and a secular democratic society" (2003). The rules of procedure for that party also had no mention of 'Islam.' According to it, the objectives were to:

1. Promote policies beneficial to the Maldivians;

2. Create political awareness;
3. Inculcate unity among people;
4. Encourage greater transparency and participation in governance; and
5. Encourage a government that maintain justice and equality.

Although the 2004 Rules of Procedure for the MDP also had no mention Islam, the 2004 draft Manifesto for the MDP did mention ‘Islam.’ The relevant article, however, was very vague and pointed to the social role of Islam. It stated the MDP would “facilitate the progressive protection and promotion of the Islamic faith that will strengthen the moral fabric of the society and create civility amongst the peoples” (Maldivian Democratic Party, 2004b, p. 1). Hence, the key oppositional actors acknowledged Islam, but Islam was not at the centre-stage of their political orientation and political identity.

Besides their overall non-religious identity, their discourse of human rights was not oriented in religious language either, but employed non-religious discourses of individual rights with Western origins. Their non-religious discursive political motifs, including human rights, could be traced to the late 1980s and the beginning of the 1990s, in the context of the third wave of democratisation in the Philippines, South Korea and Taiwan, and the ‘Autumn of Nations’ of 1989 in Central and Eastern Europe. Several people, such as Nasheed and Ahmed Naseer, who were behind the MDP in 2003, had contributed to a new magazine, *Sangu*, critical of the regime. It was launched in 1990 when Gayoom briefly opened up the political space after the major attempted coup d’état against him in 1988 (as described above), coinciding with the third wave people power revolutions.⁶⁵

⁶⁵ *Sangu* started with 500 copies but increased to 8000 copies, which would sell within hours of publication. There would be long queues of people to buy the magazine, which was indicative of the hunger for alternative discourses to what was prevailing. *Sangu* was shut down after its fifth issue.

A review of the five issues of *Sangu*, that the regime allowed before it was forced to close down, shows that the writings by the MDP figures, such as Nasheed, discursively positioned in the context of the people power struggles and universal motifs of civil and political rights (e.g., Naseer, 1990; Mohamed Nasheed, 1990). Although the third wave of democratization was a ‘Catholic Wave’ (Huntington, 1991), the religious aspects of those revolutions were muted in the *Sangu* issues. The first editorial by Mohamed Shafeeg (1990) set the tone by claiming that 1989 was the year of revolutions and 1990 will be the year of “people’s governments through free and fair elections” (p. 1). In the same issue, Nasheed (1990) focused on the subject of political freedom and revolutionary possibility based on the lessons from the French Revolution, and argued that the French Revolution was a key origin of political freedom, and it had a deep impact on states throughout the world, forcing many to change the way they ruled and to grant political freedom. He then asserted there were lessons from the French Revolution to the Maldives, by implicitly suggesting there were some parallels that existed in France and the Maldives. He argued the alliance between the monarchy and Catholic Church was one of the reasons for the revolution, an implicit reference to how political authority and religious authority existed under Gayoom (Mohamed Nasheed, 1990). What is obvious from Nasheed’s article is that his concept of political freedom was derived from his readings about the French Revolution. Another piece that translated the entire French Declaration of the Rights of Man and the Citizen, by Ahmed Naseer (who was one of the five founders of MDP along with Nasheed), gives further evidence of their non-religious orientations influenced by Western discourses. In an explicit reference to the universalist language of rights, Naseer (Naseer, 1990) explained that “the origin of human rights was the human person and without human rights, the human being would be destroyed” (p. 16). The article suggested it was timely the Maldivians thought about

their future, and the French Declaration could be a basis to claim rights (Naseer, 1990, pp. 3, 16).

The MDP took up those themes along with the more diffuse global human rights discourse in the twenty-first century context to *pressure* the regime into liberalisation and democratisation. An analysis of the 22 MPD Newsletters in the first year of its formation between November 2003 and October 2004, shows that the ‘human rights’ discursive motif explicitly appeared in each one of the newsletters (see MDP Newsletters 1-22).⁶⁶ ‘Human rights’ was mentioned at least 170 times. ‘Islam’ was mentioned 37 times in 9 issues. However, ‘Islam’ appeared as topic mainly to point out Gayoom’s use of religion as a ‘tool’ for politics (e.g., MDP Newsletter 5; MDP Newsletter 12; MDP Newsletter 20) or to indict Gayoom for his alleged Islamic ‘fundamentalism’ (e.g., MDP Newsletter 21).⁶⁷ What exactly was the human rights discourse for the MDP?

While MDP believed that the successive constitutions provided for fundamental rights, it interpreted individual rights through the global human rights discourse. Central to the global human rights discourse are the basic rights to which all individuals are entitled as confirmed in the Universal Declaration of Human Rights adopted by the United Nations in 1948 and other UN instruments and mechanisms that emerged after the end of World War Two (Khor, 2013, pp. 1-6). The MDP appealed to this global discourse.

The 2002 draft manifesto explicitly stated the proposed party would strive for a new constitution that recognised “a strong Bill of Rights containing all fundamental freedoms and rights currently secured in international human rights treaties” (Maldives Culture, 2003). The MDP also wanted to interpret the rights that were already available in the 1997 Constitution

⁶⁶ Reference list of the newsletters is provided in Appendix 3

⁶⁷ This analysis was done using NVivo.

(but denied in practice) also as “basic human rights as stated in any liberal constitution” (e.g., MDP Newsletter 15). The very first MDP Newsletter stated that the MDP was “in contact with the international community to seek assistance and support from different countries and organisations committed to the ideals of democracy and civil liberty.” They developed links with European and British lawmakers and transnational advocacy networks such as Amnesty International. The MDP in particular established links with the UK’s then opposition party, the Conservative Party. By coincidence, the Conservative Party also established a new human rights commission in 2005 to promote human rights through foreign policy. The MDP developed close links with those associated with the commission (Didi, 2008). From early on, the MDP also linked up with the UN human rights system, including the UN Human Rights Commission. The MDP’s spokesperson Latheef, for example, was invited for the 60th Session of the UN Human Rights Commission in April 2004, just four months after the MDP was established (M. A. Shafeeg, 2011, p. 25). In its Newsletter 2, MDP more fully outlined their orientation towards the international human rights regime. In an open letter addressed to the newly created Human Rights Commission of the Maldives, Latheef (who was one of the five founders of MDP and its spokesperson) called on the commission “to ensure that at least the bare minimum standards specified in the *Paris Principles* are adhered to in the composition, mandate and the functioning of the Commission” (my emphasis). The Paris Principles were adopted by the UN General Assembly in 1993 to provide international standards for national human rights institutions.

The universalist human rights discourse is strongly associated with liberalism and liberal democracy (e.g. Langlois, 2003). While liberal democracy was not as prominent a theme as human rights discourse in the MDP newsletters (the word ‘liberal’ was mentioned 20 times in 11 newsletters), the key leaders of the MDP conceived of democracy as *liberal* democracy, further suggesting they had a liberal conception of human rights. The MDP

spokesperson, Latheef, for example, stated the MDP's "intention is [to bring] liberal democracy and we believe liberal participatory politics is important for good governance" (cited in Newsletter 16). Newsletter 9 asserted: "the party is an association of Maldivians who came together to work by legal means to establish a contemporary law-based liberal state." Newsletter 21 reiterated this position: "The party's existence is precisely to introduce liberal democracy, political pluralism and good governance to the country". Furthermore, the draft MDP Manifesto 2004 stated that the MDP was based on 'liberal-social ideology' and sought 'liberalism for all' and a 'constitutional democracy' based on 'rule of law' and 'equality of all citizens' (Maldivian Democratic Party, 2004b)

In addition to the MDP, several other key actors that demanded and facilitated political liberalisation also eschewed an overt religious identity and religious language. Thus, the newly established democracy NGOs, such as Transparency Maldives and Maldivian Detainee Network, subscribed to globally available discourses of anti-corruption, transparency, accountability, and international human rights. Even the emergent Human Rights Commission also eschewed religious language. According to Shahid and Yerbury (2014), "at the time of the introduction of the Human Rights Commission in 2006 (sic), a secular interpretation of human rights was in place, with an emphasis on the tenets of the Universal Declaration of Human Rights" (p. 298). While a state body, at the liberalisation stage, it included members known for their sympathies with the emergent oppositional public sphere. Its president Ahmed Mujtaba and member Madulu Mohamed Waheed and secretary general Rasheeda Ali who, for example, participated even in the first open debate on political reforms organised by the opposition June 29, 2004 (Shafeeg, 2011, pp. 46-47).

The emergent oppositional public sphere appropriated the global human rights discourse into the very praxis of their unprecedented movement of political activism. As mentioned, their political activism to pressure the regime into liberalisation took a variety of

forms, including forums, walks, and protests. The series of protests, for example, that the MDP organised in 2006 were creatively branded and framed through human rights language. Thus, they organised ‘Women’s Rights Protest,’ ‘Fishermen’s Rights Protest,’ ‘Housing Rights Protest,’ ‘Workers’ Rights Protest,’ ‘Freedom of Assembly Protest,’ and ‘Human Rights Day Walk’ (Shafeeg, 2011, pp. 177-201). Other actors such as the Human Rights Commission and the new NGOs also engaged in dissemination of human rights through forums and publications. The Human Rights Commission held the first ever public forum on human rights in June 2005. However, these efforts from the very beginning were scaled up by external actors.

International Dimensions and Human Rights Discourse

Human rights diffusion by transnational advocacy networks (Keck & Sikkink, 1999; Risse et al., 1999) played a crucial role in political liberalisation in the Maldives (see Shahid & Yerbury, 2014). Transnational advocacy actors such as the Amnesty International had focused on the Maldives’s human rights issues long before the 2000s (e.g., Amnesty International, 1993). However, such pressure ‘from above’ through information dissemination, naming, and shaming, were largely ineffective to bring reforms because there was no pressure ‘from below’ by domestic *organised* activism. With pressure from below, external linkages and leverage (Levitsky & Way, 2006) in especially the 9/11 context converged to ensure the regime stay true to its promises of implementing human rights.

A range of transnational advocacy actors and countries exerted pressure on the regime to liberalise and protect human rights (see Table 7). Khaulath Mohamed Didi (Didi, 2008, pp. 100-103) has argued that the European Union, Amnesty International, Asian Human Rights Commission, United Nations, The British Commonwealth and the United States created immense pressure on the regime. Amnesty International had, by coincidence, released an extensive report on the regime’s human rights abuses in July 2003, about two months before

Hassan Evan Naseem's death (Amnesty International, 2003). The Amnesty International report focused on arbitrary arrests, unfair trials, and long-term imprisonment of Gayoom's critics. The BBC followed upon the report and published a news article item titled, 'Amnesty blasts "holiday paradise,"' which quoted government officials as saying the Amnesty report was "false and baseless" (The BBC, 2003). The unprecedented riots on September 20, 2003 following Naseem's death – less than two months' after the Amnesty report – were a major act of 'symbolic politics' (Keck & Sikkink, 1999) that exposed the regime. The international media, including the BBC, ran stories focusing on the human rights abuse of the regime. MDP was formed shortly. It started to lobby the UN Human Rights system and international human rights NGOs immediately. Basing itself in Sri Lanka was strategically useful as most foreign embassies accredited to the Maldives were based in Sri Lanka. MDP was regularly able to provide information and scale up pressure through regular contacts with these embassies. Opening another office in the UK (after harassments in Sri Lanka), MDP was also able to link up with British parliamentarians and MEPs. As already stated, the UK's Conservative Party in particular supported the MDP's cause.

The European Union had significant leverage in the Maldives. It was one of the main trading partners of the Maldives and the main source of tourists to the Maldives. By 2002, the Maldives' exports to EU amounted to Euros 38 million and the EU had a cooperation budget of 2 million Euros for the Maldives in 2003. The EU countries contributed three quarters of total tourist arrivals in the Maldives in 2003. European Parliament debated on the Maldives' lack of human rights in May 2004. After the government cracked down on an unprecedented two-day protest against the government on August 12 and 13, 2004, the European Union sent a fact finding mission on 22 August. In September 2004, the European Parliament passed a resolution against the regime, with the threat of withdrawing a Euro 2 million aid package to the Maldives.

Table 7: A non-exhaustive list of external actors in the liberalisation process

<i>External Actors</i>	<i>Highlights</i>
Amnesty International	Several reports since 1990s and fact-finding visit in 2005
United Nations Development Programme	Among others, dispatched a constitutional expert since 2004
UN Office of the High Commissioner for Human Rights	Among others, dispatched a human rights advisor
International Committee of the Red Cross	Conducted jail inspections in 2004, following allegations of torture and ill-treatments
National Democratic Institute of International Affairs, United States	UNDP sponsored delegation arrived in November 2004 to assess the situation and called for major democratic reforms. Released report, <i>Assessment of the Opportunities and the Challenges to the Development of Political Parties in the Maldives</i> , 2004
The Inter-Parliamentary Union	Statements on the Maldives
The Commonwealth	Among others, dispatched a special envoy for cross-party talks, 2006
Commonwealth Human Rights Initiative	Reports and statements. E.g., submitted a report to the Commonwealth's Ministerial

	<p>Action Group to place pressure for respecting human rights, on 25 September 2004.</p>
Commonwealth Parliamentary Association	<p>Statements on the Maldives</p>
The British Conservative Party	<p>E.g., pressure via British Parliament and MEPs</p>
The UK, The USA, Australia, India and Sri Lanka governments	<p>UK and US embassies in Sri Lanka helped secure space for MDP to operate in Sri Lanka after they faced initial harassment. Sri Lankan government gave explicit permission in March 2004 (Shafeeg, 2011, p. 25). These governments continued to exert pressure via statements and bilateral engagements.</p>
European Union	<p>Among others, sent a fact-finding mission in 2004</p>
European Parliament	<p>Key resolution calling for human rights and ceasing all non-humanitarian aid, 2004; First EP-Maldives parliament meeting in the Maldives in 2005</p>
Article XIX, Reporters without Borders, International Media Support, International	<p>Report: <i>Vibrant Media Under Pressure: An Independent Assessment of Press Freedom in the Maldives, 2006</i></p>

<p>Federation of Journalists, South Asia Press Commission</p> <p>Asian Centre for Human Rights</p>	<p>E.g., <i>Maldives: The Dark Side of Life</i>. 50-page report detailing human rights situation, released in a press conference in New Delhi on 30 March 2005, to coincide with the same day Gayoom held a press conference in New Delhi.</p>
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The external leverage came to a climax with the unexpected tragedy of the Indian Ocean tsunami on December 26, 2004. The tsunami claimed 82 lives and resulted in damages estimated to be 60%-80% of the GDP. Reconstruction costs were estimated to require about US\$393 million from the donor community. The tsunami presented what democratization scholars, O'Donnell and Schmitter (1986, p. 3) called a *fortuna* or unexpected event that could shape political transitions. It provided a perfect opportunity for the opposition and advocacy actors to call on the donor community to link aid to political reforms (e.g., Pettifer, 2005). Gayoom released political detainees, who had been arrested during the unprecedented protests in August 2004. The key opposition leader, Nasheed, returned to Male in April 2005, ending his self-imposed exile. He appointed more liberal-oriented soft-liners to the Cabinet (Shaheed and Upton). Gayoom allowed political parties in June 2005. Since then MDP spurred constant pressure on the regime through a range of avenues (e.g., rallies and protests).

Democratisation as Spread of Human Rights: Outcomes

As a UN member state since 1965 the Maldives was no exception to the norms enshrined in the Universal Declaration of Human Rights. Even though it had been party to a

few human rights conventions (e.g., CEDAW), there was no prominence given to the human rights discourse. It had not ratified core conventions such as the UN Convention against Torture and other Cruel, inhuman or Degrading Treatment or Punishment (CAT), International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (see Shahid & Yerbury, 2014, p. 282). The regime had what Khaled Abou El Fadl (2014) called the ‘apologetic orientation’ towards human rights, which claimed the “inherent compatibility with international human rights, or even claimed that Islam constituted a fuller and more coherent expression of human rights” (p. 306). This apologetic orientation emerged very early in his presidency. For example, an extensive essay in a government publication on human rights in 1982 argued that Islam had provided rights enshrined in UDHR 1400 year ago (I. R. Moosa, 1982). Some school textbooks also highlighted that the Prophet’s last sermon already had provided for rights in a more superior way before the UDHR. Thus, in reality, modernist Islam did not seriously engage with the modern human rights discourse and did not reconsider its theology of rights. However, over the period from 2003 to 2008, there was a sharp spread of the human rights discourse both vertically and horizontally. This spread broadly constituted what I call the liberalisation process towards a democracy.

The vertical rise of human rights discourse was dramatic. After the death of prisoner Naseem, in Gayoom’s inaugural address on November 11, 2003, he (2003) announced “consolidating democratic institutions and processes of governance, and protecting and promoting human rights (*insaanee haqqu*)” as one of the five ‘strategic areas’ for his next five years.⁶⁸ Thus, for the first time, the language of *human rights* appeared in a presidential

⁶⁸ Others included “establishing a government that listens and works with the people,” “streamlining and reducing the size of the public service,” “modern management practices, and re-orienting government

inaugural address. Even though all previous inaugural addresses save in 1993 mentioned ‘rights’ (Gayoom, 1978b, 1983a, 1988, 1998), the concept was not interpreted based on the international human rights regime. It was limited to the national legal framework. Hence, the addresses typically used the phrase ‘citizens’ rights (*rayyithunge haqqu*).

One of the first institutional reforms in the wake of Naseem’s death and the ensuing pressure for liberalisation was the establishment of a Human Rights Commission on December 10, 2003 – the UN Human Rights Day that celebrates adoption of the Universal Declaration of Human Rights. Until then, the government had never marked Human Rights Day. 10 December was marked as the Fishermen’s Day. The HRCM was established with a “commitment to make the body fully compliant with the Paris Principles” of the United Nations, which suggested the orientation to the international human rights regime (2006). In February 2004, Gayoom (2004b) announced that the constitution needed to be amended for “democratic governance” and announced a Constituent Assembly would be elected the same year. A briefing paper signed by Gayoom for the Constituent Assembly defined democracy as a system that “protects human rights to the fullest” (The President's Office, 2005). A Judicial Action Plan that included enacting a new penal code drafted by an American law Professor, Paul Robinson, was launched in December 2004. Political parties were allowed to operate for the first time in June 2005. A package of bills to pave way for media freedom was submitted to the parliament in February 2006, and was approved on various dates. In May 2006, the government introduced rules protecting the right to protest. It also acceded to core human rights instruments, including the CAT (in April 2004), the Optional Protocol to the CAT (in September 2005), ICCPR, and ICESCR in 2006. During the period, it also engaged with key

departments to be more result-oriented,” and “strengthening the role of the family in the society, and on promoting greater participation of all sectors of society in nation-building” (Gayoom, 2003).

human rights organisations, inviting Special Procedures Rapporteurs of the United Nations Human Rights Commission to visit the Maldives.

Adoption of a new constitution.

The most important outcome facilitated by the spread of the human rights discourse vertically was the adoption of a new constitution on August 8, 2008, leading to an electoral democracy in 2009. The constitution gave an extensive Bill of Rights. Out of 46 Muslim states ranked by the number of rights in their constitutions, the Maldives placed second, with 72 rights, just below Albania with 75 (Ahmed & Gouda, 2014, p. 60). It is the extensive list of rights that led Shahid & Yerbury (2014, p. 290) to conclude the human rights discourse was “mainstreamed and institutionalised” at the stage of 2008 Constitution.

The human rights discourse was also available horizontally and many people associated democracy itself with human rights. A baseline survey in 2005 indicated the actual ability of people to articulate individual human rights was limited: when prompted to name any three human rights only 27% of the people were able to do so. Yet 45% self-assessed themselves as having “some knowledge of human rights” (Human Rights Commission of Maldives, 2005). Similarly, a second survey in 2011 shows that 45% of people were able to name at least five rights, although the number of people unable to name any increased (from 42% in 2005 to 44.5% in 2011) (Human Rights Commission of Maldives, 2011).

Significantly, a random survey conducted in 2013 shows that the human rights discourse formed an important way for ordinary people to conceive democracy. Among the 77% of Maldivians who stated democracy was good for their country (with only 15% saying it was bad), most associated democracy with certain freedoms and rights (Sharma & Zahir, 2015, p. 12). Seventy-four percent reported that freedom of speech accurately defined what democracy was and 65% reported that democracy was marked by freedom of assembly (Sharma & Zahir, 2015, p. 12). Thus, although people may not be able to articulate a long list of human rights

when prompted, there is a widespread *idea* of human rights and its perceived link to democracy.

In sum, the global human rights discourse was one central discourse supportive of liberalisation, leading to an electoral democracy. What was this human rights discourse about? I have argued the key actors of the oppositional public sphere did not *primarily* orient human rights through a religious discourse. On the contrary, for them, human rights discourse was associated with a liberal conception as available in the international human rights regime.

Nevertheless, as the next section seeks to demonstrate, the discursive and institutional politicisation of Islam through nation-building also left dominant legacies that decisively constrained democratisation towards to a *third* model. The next section takes up this argument.

Democratisation towards a *Third Model*

Discursive Political Religion and the Public Sphere

Even though the key actors of the emergent oppositional public sphere subscribed to a non-religious human rights discourse, and some even had a conception of liberal democracy, religious freedom was never among the rights they publicly upheld or included in their official documents. The dominance of the meta-narrative of 100% Muslim Nation – the most potent way Islam manifested as a discursive political religion – in the larger discursive field especially established the parameters in which public discussions for democratisation took place. Its dominance in the public sphere especially constrained the possibilities for advocacy for religious freedom.

Crucially, the silence on religious freedom on the part of the opposition was replaced by progressive incorporation of the meta-narrative into the very policies of the MDP itself under the power *in* the meta-narrative. As a consequence, religious freedom was not part of oppositional demands for liberalisation, facilitating a *third model* democracy. As mentioned

in Chapter 4, after the regime came under increasing external and domestic pressure for liberalisation, the state more vigorously deployed the meta-narrative of 100% Muslim Nation to discredit the emergent oppositional public sphere. The opposition leaders were frequently demonised as agents of Christian missionaries attempting to destabilise the country and destroy Islamic unity. From early 2004, Gayoom (see e.g., MDP Newsletter 12) insinuated that the opposition had links with foreign agendas to introduce other religions in the Maldives, an accusation he repeated following the unprecedented protests on August 12 and 13, 2004. In his National Day speech on April 10, 2005, Gayoom (2005) publicly alleged the opposition had an agenda to undermine religious unity in the Maldives, and directly invoked the meta-narrative:

The Indian media recently reported that several people had protested during my recent visit to India calling for permitting [their] religion in the Maldives. Although they were Indians – and not Maldivians – the episode shows the agenda of those who are against the government. The 100% Muslim citizens of our country must be very vigilant.

At his party's rally on May 19, 2006, Gayoom (cited in Minivan News, 2006) claimed that the anti-regime activism had roots in a government decision to deport 'foreign missionaries' in 1998:

The same movement is still in full swing because they see the power of Islam and wish to wipe out Islamic religious beliefs from the minds of our people. Their aim is very clear, they wish to replace Islam with their religion. There is a concentrated and well-funded work being done to convert Maldivians to their religion.

The constructions of ontological insecurity and negative framing of the leaders of the emergent oppositional public sphere by the state led to an outbidding of each other's credentials in protecting the Islamic identity. In other words, the intensification of Islam as a

discursive religion forced 'Islam' to become the very language in which the opposition progressively used to fight its own battles. This is the logic of functionalisation of Islam that Starrett (1998, p. 219) has observed in Egypt, and similar to the *logic* of progressive Islamisation elsewhere, such as Malaysia (Rahim, 2013) (Rahim 2013, p. 8) and Pakistan (Yasmeen, 2012). The opposition, just beginning to establish itself, saw Gayoom's allegations as "serious" and constituting "a new and dangerous level" (Newsletter 12, 15-31 May 2004). Their responses were confused: at times, they portrayed Gayoom as a religious 'fundamentalist' (e.g., MDP Newsletter 21, 1-15 October 2004) but other times they accused him of being a real threat to the 100% Muslim nation status. A high profile incident illustrated the influence of the meta-narrative on the opposition. When the British billionaire Sir Philip Green celebrated his birthday in one of the tourist resorts by throwing a lavish party in 2007 (the height of political liberalisation), which "allegedly featured topless dancers, a giant Buddha statue and copious amounts of champagne," in an interview to the BBC, the opposition condemned Gayoom by saying "this party was completely over the top" (cited in The BBC, 2007). Oppositional figures also alleged it was Gayoom who wanted to introduce religious freedom. An editorial in the key opposition website, *Dhivehi Observer*, accused Gayoom as the "key threat to religious unity" because allegedly Gayoom allowed the "first ever Buddhist temple" in the country (Moosa, 2007). Another report in the same website accused Gayoom of trying to "wipe out Islam" as was attempted in Turkey and accused:

The big *iblis*, *golhabo* [a derision to refer to Gayoom] has started a project of wiping out Islam...and dividing the 100% Muslims of the 100% Muslim nation bequeathed to us by the ancestors by introducing other religion... ("Thurukee vilaathun", 2007)

The functionalization of religion to outbid each other's credence to protect 'Islam' in this manner is what I call the 'functionalist vicious cycle'. It led to progressive discursive politicisation of Islam. It further legitimised the meta-narrative of Islamic identity. As a

consequence, it progressively constricted the discursive space for religious liberty, facilitating a *third model*. The progressively declining space for religious freedom was nowhere more evident in the MDP's own progressive incorporation of the meta-narrative in its policies and incorporation of religious functionaries in the party. Even though at the initial stages, the party's constitution did not have a mention of 'Islam,' the party's constitution which was approved in 2005 stated the party "will not allow any other religion in the Maldives except Islam" (Maldivian Democratic Party, 2005). While the party's manifesto document in 2004 only vaguely mentioned a policy of progressive strengthening of Islamic faith in which it would build 'civility' and 'moral fabric,' the 2008 Manifesto proposed extensive measures to promote Islam (Maldivian Democratic Party, 2008). The MDP ironically also formed a religious council in 2005, headed by figures with Salafi and Islamist views. Admittedly, as a party under pressure to establish itself, the MDP welcomed members from all backgrounds, including Salafi backgrounds, which no doubt contributed to the policy outcomes. Yet no other party expressed their policy of protecting 'Islam' in such express and defensive language. For a party that led the emergent opposition based on an otherwise non-religious human rights discourse, there was a higher premium to appear to be more credible in protecting the 100% Muslim Nation identity under the discursive influence of the meta-narrative and the logic of the functionalist vicious cycle.

The discursive dominance of the meta-narrative – as opposed to religious precepts – on deciding religious freedom existed more pervasively as illustrated by a high profile intervention in 2007 by prominent international Islamic scholar Hashim Kamali. Professor Kamali, a constitutional advisor sponsored by the UNDP visited the Maldives in 2007, and proposed that religious freedom should be provided for in the future constitution. Kamali advised that Islam provided for religious freedom for people of other faiths, the new constitution should provide for such tolerance. However, all political parties were in

consensus in rejecting Kamali's position and indirectly or directly appealed to the 100% Muslim Nation meta-narrative (Minivan, 2007). A representative from Gayoom's own party repeated Gayoom's long-standing position: "We know that Islam provided for religious freedom for people of other faith [...] But we respect the way it is has always been [in the Maldives]" (cited in Minivan, 2007). Other parties' representatives, including from MDP, Adhaalath Party, and Islamic Democratic Party, concurred with this position (cited in Minivan, 2007). Even Salafi figures essentially invoked the meta-narrative to reject Kamali's proposal. The intervention by Adam Naseem (2008, March), the president of the opposition MDP's Religious Council, argued against Kamali's call for religious freedom for non-Muslims, saying that the Qur'anic provision – 'there is no compulsion in religion' – was irrelevant since the Maldives was a '100% Muslim nation' (see also Minivan, 2007). In sum, therefore, the dominance of the meta-narrative – a key legacy of nation building – constrained the public space especially on the issue of religious freedom, thereby facilitating democratisation towards a *third model*.

Analyses of the debates in the empowered space of the Constituent Assembly and the content of the 2008 Constitution will further show how both the institutional and discursive legacies of Islam's transformation as a political religion constrained democratisation towards a *third model*.

Islam as a Discursive and Political Religion in the Empowered Space

The Constituent Assembly, known as the People's Special Majlis, was dominated by members affiliated with the regime. It consisted of 108 members: 42 members who were directly elected to the Constituent Assembly, 50 members of the parliament, eight members

appointed by the President and all members of the President's Cabinet.⁶⁹ Only about 25 members were affiliated with the opposition. The partisan divisions in the Constituent Assembly however did not neatly correspond to discursive divisions on Islam's place in the polity.

An analysis of the 68 sessions⁷⁰ that took place between 2005 and 2008 shows that three broad discursive positions can be seen with respect to Islam's place in the polity in general and with respect to shari'a law and individuals rights in particular. For heuristic reasons, I call them the modernist position, the liberal position and the Islamist position.⁷¹ The most dominant position was the modernist position, which was shared generally by the bureaucrats, modern-educated lawyers and professionals, who were or had been working for the regime.⁷² It reflected President Gayoom's Islamic modernist position of modernisation within an Islamic framework, by preserving the dominant position of Islam as a liberalised institutional political religion and national identity. While it was oriented towards statute law as rule of law and codification of a liberalised shari'a, the modernist position wanted to

69 The number increased to 113 in 2005 after an increase in the number of members in the Cabinet (see Shafeeg, 2011, p. 11)

70 List provided in Appendix 4

71 These categories are meant to capture the comparative differences between the positions with respect to Islam's position in the polity, rather than totally distinct comprehensive ideological positions corresponding to liberalism, Islamic modernism and Islamism.

72 For example, Dr Hussain Rasheed Ahmed (a tourism sector expert and former official of the Gayoom regime) and Husnu Suood (a Common Law background lawyer and a former judge in the Gayoom regime) aligned with the opposition and presidential appointees to the Constituent Assembly Azima Shukoor (a Common Law background lawyer), Dhiyana Saeed (a Common Law background lawyer), Mohamed Nasheed (a Common Law background lawyer and Gayoom's Cabinet member), and Mohamed Anil (a Common Law background lawyer) who were proponents of the modernist position.

maintain a liberalised shari‘a as an independent source of law for adjudication of justice even where shari‘a law may not have been codified. While trying to achieve those goals at the level of law and Islamic identity, the modernist position otherwise wanted to institutionalise a very progressive agenda of rights and liberties. Thus, it rejected a secular interpretation of human rights, wanted to place certain religion-based limitations on individual rights, and rejected religious freedom.

The liberal position was a minority position shared by a few but vocal members (who were also western educated).⁷³ The Drafting Committee chair, Ibrahim Ismail, who was a senior figure of the MDP, was the most articulate proponent of the liberal position. The liberal position wanted to incorporate human rights without religion-based limitations. It wanted greater *circumscription* of religion in the state and sought to prevent an unlegislated shari‘a as an independent source of law for adjudication of justice. However, it agreed with the modernist position at the level of a broader Islamic identity for the state. Significantly, it also did not advocate for religious freedom. The proponents of the liberal position were labelled as ‘secularists’ in the Constituent Assembly. But, that said, they did not seek to dis-establish Islam from the state. Finally, the Islamist position – again a minority yet a very vocal viewpoint⁷⁴ – sought a more comprehensive enforcement of shari‘a and a more substantive

⁷³ Ibrahim Ismail (educated in the education area with also a background in philosophy), who was a senior figure of the opposition and MDP’s first president, was the most vocal proponent of the liberal position. Dr Ahmed Shaheed (educated in in political science), who was the foreign minister for Gayoom and a key reformist in the regime (who would later become the UN Special Rapporteur on Freedom of Religion), also expressed the liberal position.

⁷⁴ The most vocal members include: Sheikh Ilyas Hussain Ibrahim (trained in Islamic theology, logic, philosophy at Medina University) was the most vocal proponent of the Islamist position. A long-time Gayoom critic, he has written numerous articles on various subjects also show influences from the ideologies of Islamist

Islamic identity through the constitution. It vehemently advocated for religion-based limitations on human rights and rejected religious freedom.

Impacts of discursive and institutional politicisation of Islam: an overview.

Even though three broad discursive positions competed in the Constituent Assembly, the impact of the transformations of Islam into a modern institutional and discursive political religion through nation-building decisively favoured the modernist position and constrained the others. The analyses of 68 sessions of the Constituent Assembly specifically show the constraints from the prevailing secular-religious state institutional framework (where Islam existed as an institutional political religion) and the meta-narrative of 100% Muslim Nation (where Islam existed as a discursive political religion) under which the constitution was made. In general, as a word frequency search of the 68 sessions suggested, “Islam” was a dominant discursive frame of reference in the Constituent Assembly: “Islam” was among the 100 most frequently used references, with at least 1,208 references in 56 sessions. The meta-narrative of 100% Muslim Nation was invoked directly or indirectly to demonise the liberal position and to defend the Islam-based provisions in general. In the 68 sessions reviewed, the key motifs (i.e., ‘100% Muslim nation’) of the meta-narrative was *directly* invoked at least 65 times in 27 sessions to defend religion-based limitations on various issues and institutionalisation of Islam (see Table 8).⁷⁵ As a result, the final outcome institutionalised Islam in several ways, as constrained by the legacies shaped by those with Islamic modernist orientations: 1) ‘principles of Islam’ provided the *broad identity* of the state; 2) shari‘a was established as *one source* of

groups such as the Muslim Brothers (e.g., I. H. Ibrahim, 2006). Other most vocal members included Uz. Hussain Ibrahim, a lawyer trained in shari‘a, and Ibrahim Shaheed Zaki, a regime bureaucrat.

⁷⁵ These figures are conservative estimates based on coding using the NVivo software, as Divehi transcripts do not always use standard spellings and renderings.

law-making and adjudication of justice; 2) ‘tenets of Islam’ *limited* law-making and individual rights; and, 4) Islamic belonging *defined* citizenship, effectively rejecting religious freedom. The following subsections elaborate on this argument.

Table 8: Direct invocations of the 100% Muslim Nation meta-narrative in the Constituent Assembly debates (a non-exhaustive list).

Session, date	Issue	Reference
51, 1 November 2005	Foundational identity	As Maldives is a 100% Muslim nation, constitution should establish Islam as state religion in a way it will not allow other religions.
	Freedom of religion	
52, 6 November 2005	Foundational identity	As Maldives is a 100% Muslim nation, we must be proud of it and enshrine Islam as the religion of the state and the Maldives.
	Freedom of religion	Must protect our 100% Muslim nation...by ensuring the constitution does not give no room for any other faith.
53, 8 November 2005	Shari‘a law	As Maldives is a 100% Muslim nation, the constitution must reflect the rulings and principles in Qur’an.
59, 15 November 2005	Freedom of religion	The constitution must enshrine that the Maldives is a 100% Muslim nation and as such there will be no opportunity for any other religious faiths.
98, 3 July 2006	Shari‘a law	As we are a 100% Muslim nation, the legal and judicial system must not conflict with shari‘a and tenets of Islam.
	Judiciary	

101, 17 July 2006	Shari‘a law	As we are a 100% Muslim nation, we have another constitution [i.e. Qur’an]; so if we make a constitution based on it, we will have [good] constitution.
102, 23 July 2006	Shari‘a law	As a 100% Muslim nation, we can’t proceed without passing the proposal which stated, to make a provision prescribing shari‘a laws on <i>hudud</i> .
121, 13 November 2006	Quota system for women	As men and women have been created differently with different roles to play, we must question the validity of a constitution that deviates from the assigned role for women in religion. We are 100% Muslims.
178, 9 October 2007	Human rights Foundational identity	Although Maldives is 100% Islamic nation, the four chapters that have been drafted so far and the fundamental rights chapter do not reflect Islamic principles and Maldivian culture. As we are a 100% Muslim nation, Islam must be our biggest priority. But the whole draft constitution, especially [the rights] chapter, has little Islamic colour.

179, 10 October 2007	Human rights	As we are a 100% Muslim nation, we must be determined to ensure all articles have Islamic character and no secular feature.
	Human rights	Although we are a 100% Muslim nation, while there is [constitutional advisor Douglas] Schmeiser, it is a sad fact there is no religious expert to advise the drafting process.
180, 16 October 2007	Human rights	I support the spirit of the article on freedom of action...but we are a 100% Muslim nation and we are proud of that...so that must be reflected in the article...
181, 17 October 2007	Human rights	We are a 100% Muslim nation, and today as a part of the global village, the country faces influences from other countries, civilisations, and expressions. Therefore, it is paramount to establish shari'a limitations in the constitution...
181, 17 October 2007	Human rights	As we are a 100% Muslim nation, we must consider...to conform [rights] to shari'a...but we are now seeing many secular people amongst us and we must think with courage about this...otherwise we can't our 100% Muslim nation status.

181, 17 October 2007	Human rights	As we are a 100% Muslim nation, it is very important to include Islam [as a limitation for the rights]...
181, 17 October 2007	Human rights	We all believe we are 100% Muslims...so we do not need to debate that...so the current constitution reflects that and the next constitution would too.
181, 17 October 2007	Human rights	As we are 100% Muslims we, when we include shari'a limitations [on the rights], we must be careful that a leader could use Islam as a stick.
186, 27 October 2007	Human rights	This whole draft has little mention of religion...and as 100% Muslim nation, we cannot give freedom of conscience...
	Religious freedom	Even though some want to import freedom of conscience to our 100% Muslim nation, we would only accept what we can...
186, 27 October 2007	Human rights	As this constitution is for our Maldivian 100% Muslim society, [we cannot accept]
	Religious freedom	freedom of conscience...
186, 27 October 2007	Human rights	The constitution of a country is the document that defends the faith and
	Religious freedom	religion...if our constitution cannot do that,

what is the point of making it? Our Dhivehi identity would also be lost. This draft has not included a provision to require all Maldivians to be Muslims...Muhammad Thakurufaanu sacrificed his blood to make all of us Muslims. He fought the Portuguese for that goal...I condemn the involvement of foreigners in this process [of making the constitution] ...I want those like Muhammad Thakurufaanu...I want 100% Muslim status be protected through the constitution...

188, 29 October 2007	Human rights	The fundamental rights chapter requires redrafting because we are a 100% Muslim nation
189, 30 October 2007	Human rights /right to education	Under right to education, an amendment to require that education system follows Islamic principles...otherwise remove the entire provision from a constitution for our 100% Muslim nation...
189, 30 October 2007	Human rights /right to education	Why should the constitution of our 100% Muslims make provisions [for promoting respect for] other religions and ethnic groups?

	Foundational identity	Even though the British influenced 1932... people like [Chief Justice] Hussain Salaahudhdheen made a constitution that Maldivians wanted appropriate for our 100% Muslims...
	Freedom of religion	All Maldivians want to remain 100% Islam. They don't want any other religion. So the constitution need not protect other religions...
190, 30 October 2007	Human rights/right to work	Right to work has been a right people have fought for since humans started to live...the drafting committee has drafted it in the most modern way as in liberal democracy...but liberal democracy teaches us the adult daughter to dance with her father...to feed foreigners in this 100% Muslim nation...after a while we will have to allow churches in the Friday mosque yard...that is what [modern democracy] teaches us. That poison has its teachings [in this constitution]...but when this liberal democracy is passed, Maldivians will be bartenders. If we make this constitution this way [without reference to Islam], our 100% Muslim nation status will be gone.

191, 1 November 2007	Human rights/right to participate in cultural life	The draft assumes we are a 100% Muslim state...the draft [on right to participate in cultural life] must ensure the constitution stipulates culture and civilisation is Islamic civilisation and culture...the Canadian professor [Schmeiser] sent here through the UN funding had advised constitution making in many places and had incorporated many cunning strategies [in those constitutions]. If he is able to make provisions for other civilisations in the constitution of this 100% Muslim nation, he would get UN's highest standing.
194, 5 November 2007	Human rights/right to education/religious tolerance	The draft article on promoting tolerance through education "need not mention [promoting respect towards] other religious faiths...We must all consider that we are a 100% Muslim nation...there are projects with various names to [destroy] our Islamic unity and there are projects to try to build churches here...Joshua Project or another project...I'm not saying this draft aims to convert Maldivians to other religions...but one implication of this draft is that...it does not prohibit building places of worship

		such as churches in the name of accepting religious differences of those who live here.
	Human rights	As the rights chapter stands now, if a woman cannot stand as president in this 100% Muslim land, or if two men cannot marry each other, or they cannot do some other thing this modern democracy allows...then they could go to an international court and the judge in such a court could rule in their favour. The problem is we all defend our 100% Muslim status...but can it be a solution when 100% Muslim identity is only left to our conscience?
	Human rights	We need not protect the rights of those [foreigners] who are here in this land 100% Muslim land of our forefathers to earn money.
196, 6 November 2007	Human rights	I am against Article 40 (c) and (b) [which says rights could only be limited through
	Shari'a law	law by parliament]...[because] as we are a 100% Muslim nation, we have a shari'a and

the parliament cannot be given all powers to decide on shari'a...

When we decide that it is the parliament that will decide all matters of shari'a, that is too much...I therefore propose we revoke our 100% Muslim nation status...and all can be free to live according to their conscience...

197, 8 November Judiciary
2007

I propose an amendment to add shari'a [along with laws and Constitution] to Article 1 (b) of the chapter [on judiciary]...as it needs greater perfection since are we are 100% Muslims...the word 'only' in the article [which says judges will adjudicate only according to the law and Constitution] has been included with strategic thinking...there are people [with an agenda] to insert such clauses...when constitutions are made especially in Third World countries, there are efforts to separate Divine shari'a from the Constitution. Whether by intention or not, we are doing the same...in the US there is an organisation called Open Society that

has been trying to promote this agenda...they spent so much money to inject this poison into the republics after the collapse of the Soviet Union...we [take example] from the Kalhuofummi revolution by Muhammad Thakurufaanu...I stand by that revolution and we must protect Islam here.

198, 8 November Judiciary
2007

The draft chapter on judiciary has no mention that the justice system will adjudicate based on Islamic shari'a...as a 100% Muslim nation [that is not acceptable]...if we are proud to be a 100% Muslim nation and want to maintain that identity, we must respect more Islamic shari'a...

199, 18 November Judiciary
2007

If we want to maintain 100% Muslim nation status of the Maldives and if are proud of that, the justice system must give greater emphasis to Islamic shari'a and we must respect Islamic shari'a more.

Foundational identity

I don't find any reason we should not change the Maldives name to Islamic Republic. We are a 100% Muslim nation

	and even in Pakistan, a Muslim majority state, its official name is Islamic Republic...same goes for Afghanistan.
Judiciary	I note with sadness that the draft [chapter on judiciary] has not tried to protect our 100% Muslim nation status.
Judiciary	Our situation is not similar to the Prophet's time...our country is a 100% Muslim nation...when we are a 100% Muslim nation, why are we hesitant to include the word [Islamic shari'a in the chapter on judiciary].
Judiciary	In this whole South Asia, the Maldives is the only 100% Muslim nation and we have one ethnicity. Can the Speaker show to the Chair of the Drafting Committee that the Maldives is the only 100% Muslim nation in South Asia?
Judiciary	As the Maldives is a 100% Muslim country, as you [members] feel we want to damage religion, you should not have trusted and kept us in the Drafting Committee...

200, 11 November 2007	Judiciary	As we are a 100% Muslim nation, it is not a defect to stipulate that the judges will adjudicate based on Islamic shari'a...
	Judiciary	As we are a 100% Muslim nation, the constitution should stipulate that the persons nominated [as judges] must be Muslims...
	Judiciary	As we all claim we are a 100% Muslim nation, if the draft stipulates, 'The Judicial authority lies with the Supreme Court, High Courts, lower courts in a manner non-contrary to Islamic shari'a, the Constitution, and laws,' there will be no controversy in this Majlis.
	Judiciary	We are a 100% Muslim nation...and we believe that. So I support to amend the draft to include Islamic shari'a, Qur'an, Sunna, and even religious scholars.
	Religious personnel/authority	As we are a 100% Muslim nation, and in order to strengthen our faith, I propose to establish an independent Islamic Council free from government influence, to adjudicate on matters that are in dispute...
	Judiciary	We are a 100% Muslim nation...even Saudi Arabia is a 100% Muslim state...but they have celebrated their win in

football...whereas in Afghanistan have killed someone who played football...we all claim to be a 100% Muslim nation...but we also sell alcohol...so when we amend the draft we should ensure it does not lose independence.

203, 13 November Foundational identity
2007

[The proposal from me] says the Constitution must not contradict Islamic shari'a. All laws must conform to the Constitution...those who drafted this constitution have a certain agenda...so my minimalist proposals aim to defeat their agenda to bring Islamic colour to it as we are a 100% Muslim nation...

211, 18 November Citizenship
2007

I proposed an amendment to Article 9...[stipulating that] to only a Muslim shall be a Maldivian citizen. There are many reasons I submit this proposal. We are a 100% Muslim nation...since we embraced Islam, we have remained 100% Muslim. So if we have no cautionary measure like this [proposal] other religions will come into existence and people of other religions will come and they will demand freedom...and whatever government there is will be forced to allow their right to build churches

		and protect their religious freedoms....as we are a 100% Muslim family, to protect Islam means to block other religions...
213, 19 November	Citizenship	
2007		As we are a 100% Muslim nation, and we are 100% Muslims, we must consider [passing the proposal to require all citizens to be Muslims...
229, 30 November	Judiciary	
2007		As we are a 100% Muslim nation, our justice system must adjudicate according to Islamic shari'a.

The foundational identity of the state.

The prevailing institutional framework in the 1997 Constitution that defined a *broad* Islam-based identity for the polity underpinned the modernist position and constrained others.

Hence, Article 2 of the 2008 Constitution repeated verbatim Article 1 of the 1997

Constitution, which says:

The Maldives is a sovereign, independent, democratic Republic based on the principles of Islam, and is a unitary State, to be known as the Republic of the Maldives. Any reference to 'the Maldives' is a reference to the Republic of the Maldives.

The above provision succinctly embodies the Islamic modernist orientation of seeking modernisation within a broadly Islamic political framework. Note that the stress here is on *principles* of Islam, rather than specific shari'a laws. As argued in Chapter 4, Muslim modernists typically favour the position that shari'a is not a fixed code, and stress the general principles of Islam as guidance for action (e.g., Hefner, 2011a, p. 7). As argued in chapter 4,

this was the position of modernist scholar president Gayoom, which was embodied in the 1997 Constitution made under his full control. At the Constituent Assembly, the modernist position defended its *preference* for the clause ‘principles of Islam’ instead of ‘Islamic shari‘a’ as such. For example, Lubna Zahir Hussain, argued that there was “a lot of controversy among religious scholars as to what shari‘a really constitutes, whereas there was greater agreement on the principles of Islam” (Session 212, 18 November 2007). Thus, the broader religion-based institutional framework and Islamic modernist orientations left a lasting legacy. The establishment of Islam as state religion in the 2008 Constitution, as in the previous constitutions, is a symbolic acknowledgement of this broad religion-based identity of the polity, as favoured by successive modernist leaders.

While the liberal position in the Constituent Assembly wanted to minimise reference to Islam in the future constitution, it also assumed this broad Islam-based institutional legacy. For example, the most vocal proponent of the liberal position, Ibrahim Ismail, who was the chair of the Drafting Committee, stated: “This [Article 2] is an important article...as this article gives the character to the nation...it entails that all the actions of the state will be based on Islamic principles...” (Session 212, 18 November 2007). The Islamist position also agreed with the Article, but wanted a more substantive religious basis and more defined religious identity. Ibrahim Shaheed Zaki, who leaned toward the Islamist position, summarised the Islamist position: “There is no reason why the official name of the Maldives must not be changed to Islamic Republic of Maldives” (Session 199, 8 November 2007). Some with the Islamist position wanted to replace ‘principles of Islam’ with ‘Islamic shari‘a’. In the end, however, the institutional legacy constrained all: seventy-eight members out of the 82 present voted for Article 2.

Shari‘a as a source of law and Islam as a limit on law-making.

The 2008 Constitution for the first time explicitly enshrined that “Islam shall be a main source of law” (Article 10(b)) and that “no law shall be contrary to any tenets of Islam” (Article 10 (c)). Article 70 (c) also stated: “The People’s Majlis [parliament] shall not pass any law that contravenes any tenet of Islam.” Some scholars have called those clauses the ‘Islamic supremacy clauses’ (Ahmed & Ginsburg, 2014, p. 6).

While they were new provisions to the Maldivian constitution, they were reflective of the *existing* institutional practices. Sultan Shamsudhdheen III’s edict convening a Constituent Assembly in 1931, which became part of the preamble to the 1932 Constitution, stipulated that the law shall be non-contrary to Islam (see Chapter 2). Although that provision did not explicitly exist in subsequent constitutions, the historical institutional practices *presumed* that laws would not contradict Islam, as interpreted by successive modernist states. But here ‘Islam’ mattered more as *principles* of Islam as opposed to a *fixed* and *comprehensive* shari‘a. As such, the principles of Islam, as interpreted by modernists, could justify liberalised shari‘a laws as well as non-religious laws, which increasingly dominated the legal system (see Chapter 2 and 4). Reflective of this institutional orientation, the 2008 Constitution defined ‘tenet of Islam’ in a broad way stressing the broader principles of Islam:

‘Tenet of Islam’ means those *principles* that are among the matters prescribed in shari‘a from Qur’an and Sunna of the Noble Prophet, whose validity is not in dispute and the principles interpretable from those two sources.⁷⁶

⁷⁶ My own translation. The unofficial translation available from government sources does not accurately reflect the original Divehi: “ ‘tenet of Islam’ means, the Holy Qur’an and those principles of Shari ‘ah whose provenance is not in dispute among those found in the Sunna of the Noble Prophet, and those principles

It is this Islamic modernist stress on principles of Islam that, as I argued above, was also enshrined in Article 2 of the 2008 Constitution based on Article 1 of the 1997 Constitution as discussed above. Likewise, shari‘a also in practice existed as *one* independent source of law under the prevailing institutional framework of the secular-religious state. However, as the general institutional orientation was towards rule of law through statute laws and written rules, shari‘a – as a source of law – was increasingly liberalised and codified into written laws and rules.

The modernist position in the Constituent Assembly reflected exactly those institutional orientations, in which, while the preference was for legislated laws and a legislated shari‘a, shari‘a was still recognised as a separate source of law that could be used for adjudication of justice. Notably, far from an Islamist, a Common Law background lawyer and former criminal court judge under Gayoom, Husnu Suood, with the modernist position, submitted the proposals to the Constituent Assembly. Although Suood aligned with the emergent opposition, he was one of the most vocal proponents of the modernist position. As he confirmed, the aims of the proposals were giving more precision to shari‘a law status in the legal system and greater precision to the establishment of Islam as state religion in successive past constitutions (personal communication, 15 December 2017; see also Session 221, 18 November 2007). Note that his proposal was that shari‘a should be *one* of the main sources of law, not the *sole* or even the *main* source of law as in places like Egypt. As such, the provisions underlined the prevailing Islamic modernist orientations towards rule of law, precision to law, étatisation of a liberalised shari‘a, and a legal system without jettisoning Islam. The proposals were approved with a majority of 73 votes without much substantive

derived from these two foundations.” This translation suggests Qur’an itself is a tenet, whereas the reference is to principles based on Qur’an that are not disputed.

debate, which indicated the influence of the legacy of shari‘a law status in the historical secular-religious state framework.

Islam as a limit on individual rights.

While the proposals to include Islamic supremacy clauses were approved without significant debate, the debates on the Bill of Rights and the chapter on the judiciary more clearly illustrate the influences of the institutional as well as discursive legacies of nation building, which were reflected in the modernist position. The liberal position wanted to institutionalise fundamental rights and freedoms as available in the international human rights regime with minimalist reference to Islam. It wanted any limitations on rights through only statute laws passed by the elected parliament. In accordance with the liberal position, the Drafting Committee Chair, Ibrahim Ismail, clarified:

The only freedoms and rights available in international [human rights] conventions that the [Drafting] Committee decided not to incorporate in the Constitution were those that clearly prohibited in Islamic shari‘a and religious freedom. Even though other [Islamic] countries provide religious freedom, our draft constitution excluded it.

(Session 177, 9 October 2007)

However, other than excluding religious freedom and freedoms related to sexual orientations, the draft chapter had no reference to Islam. As a result, heated debates broke out, which show the immense discursive and institutional constraints on the human rights discourse.

The modernist position also supported individual rights and their limitation in principle through law. However, it wanted the constitution to reflect the existing institutional legacy where individual rights had been circumscribed by reference to a liberalised shari‘a. The Islamist position wanted greater substantial limitations based on shari‘a. Yet instead of simply theological arguments (which the Islamist position typically took up), the discourses central to the meta-narrative of national identity acted as constraints under which the relevant

articles were debated. Several members invoked the meta-narrative of 100% Muslim Nation itself to warn that a rights chapter without mentioning shari‘a law limitations was a threat to the Islamic identity of the nation (e.g., Session 178, 9 October 2007; Session 178, 9 October 2007; Session 179, 10 October 2007; see Table 8 above for quotations). Ilyas Hussain Ibrahim, the key proponent of the Islamist position, for example, retorted:

As we are a 100% Muslim nation, Islam must be our biggest priority. But the whole draft constitution, especially this chapter, has little Islamic colour. The heat of our blood and our Islamic passion and our Maldivianess to wipe out Zionists from the world. They work day and night to paint our constitutions with their colours. [The draft] shows their plans to cut down the base [Islam] through the citizens themselves... (Session 178, 9 October 2008).

Such invocations were accompanied by narratives central to the 100% Muslim Nation meta-narrative. Several members alleged that the Drafting Committee chair, Ismail, had a ‘secularist’ and ‘anti-religious’ agenda to damage the religious character of the state (e.g., Session 181, 17 October 2007; Session 181, 17 October 2007; Session 181, 17 October 2007; Session 178, 9 October 2007).⁷⁷ Gayoom’s brother-in-law and long-time figure of the regime, Abbas Ibrahim, for example, invoked the dominant modernist narrative on secularism and ontological insecurity to argue against the proposed draft. He alleged:

⁷⁷ Overall, there was a negative view of ‘secularism.’ The English word ‘secularism’ and the Arabic term ‘almaniyya’ were used in reference to ‘secularism’ in the debates. But both were taken to mean in the following senses: ‘disrespect for religion’ (e.g., Session 58, 4 December 2005), challenging Islam, or being ‘anti-religious’ (*ladheenee*) (Session 179, 10 October 2007). If one were accused of subscribing to ‘secularism’ that would therefore be a serious accusation.

The draft constitution reflected anti-religious (*laadheenee*) principle, or secularism's principles...it smelled of those principles...Because of the foreign influences, we are afraid to mention the name of Islam. I proposed amendments [to include Islam-based limitations] for the security of our nation... There are people with funding who want to bring other sects and other religions into this country. Those people would be happy today. (Session 181, 17 October 2007)

Ilyas Hussain, with the Islamist position, retorted there was an agenda, "to destroy religion through anti-religiousness and secularism and through orientalist produced by Western education" (Session 181, 17 October 2007). As one member of the Drafting Committee, Mohamed Nasheed (Mohamed Nasheed, 2007) summed up such accusations assumed there was "a patent intent to...covert the Maldives into a secular state."

Although the modernist and Islamist positions invoked the discourses central to the meta-narrative to limit human rights by 'shari'a,' unlike Islamist position's calls for a more substantive shari'a, modernists wanted a circumscribed and liberalised shari'a, reflecting the prevailing institutional legacy under the secular-religious state framework. Azima Shakoor, a lawyer educated in the United Kingdom, and appointed to the Constituent Assembly by Gayoom, succinctly summarised this position. When the draft article stipulating that everyone shall be free to engage in any conduct or activity not expressly prohibited in *law*, Shakoor explained that she agreed with the *spirit* of the proposal. She, however, argued that the article could constrain the reach of shari'a law in cases where offences that might not have been yet codified were committed. She therefore suggested 'shari'a' should be included along with 'law' as a limitation, but clarified what that meant:

Even if we mention shari'a in the article [along with law], it does not entail that comprehensive shari'a will be enforced...when some talk about shari'a it sounds as though we want to implement stoning to death (*rajam*) or amputation...If a person

was committing a shari‘a offence, it could be *stopped* even if it is not written in law...but that does not mean they will face a *punishment that is not written in law*...(Session 181, 17 October 2007, my emphasis)

Shakoor’s intervention summarises the modernist impulses towards rule of law (e.g., codification of shari‘a) based on liberalised shari‘a and validation of rights and democracy based on a liberalised Islam. An earlier proposal to include a provision for enforcing Islamic shari‘a’s *hudud* punishments had in fact been defeated, receiving only 26 votes (Session 104, 30 July 2006). Thus, reflective of the balance of the discursive forces and institutional legacy, an amendment that stated the rights and freedoms shall be guaranteed “in a manner that is not contrary to any tenet of Islam,” proposed by Suood (who supported the modernist position) was approved as an overarching limitation on all rights (Suood, Session 178, 9 October 2008). Suood rehearsed the modernist position by saying that he believed that basic rights could only be limited through laws passed by the parliament, yet they also should not contradict Islam (Session 178, 9 October 2008). Several other amendments, as proposed typically by modernists, to enshrine shari‘a-based limitations were added to the Bill of Rights (e.g., Article 27 on freedom of expression; Article 36 (c) on right to education; Article 19 on freedom from restraint). The discursive and institutional legacies that were decisive for shari‘a status were also seen during the debates on the judiciary.

Shari‘a as a source for adjudication of justice by the judiciary.

The institutionalisation of shari‘a as one source of law for adjudication of justice also reflected the institutional trend in which the judiciary moved away from a religious scholar-judge office into a non-religious scholar-judge’s institution without jettisoning Islam but by transforming its status within the judiciary. The transformation involved bureaucratisation and standardisation of the judiciary through, among other things, liberalised and codified shari‘a laws and procedures written in the vernacular (see, e.g., Chapter 4). The 2008 Constitution

prescribed a fully independent judiciary based on a modern appellate system (a Supreme Court, a High Court, and lower courts). Article 142 reflected the modernist impulse towards rule of law, while also not jettisoning Islam: “The Judges are independent, and subject only to the Constitution and the law. When deciding matters on which the Constitution or the law is silent, Judges must consider Islamic shari‘a.” This emphasis on *law* made by an elected parliament presumed the institutional trend towards codification of shari‘a. Article 149 (c) embodied the institutional trend in which the non-religious scholar-judges could head the judiciary: “A person appointed to be a Judge of the Supreme Court....must be educated in Islamic shari‘a *or* law” (my emphasis). The debates again show the same discursive and institutional constraints, as discussed above, under which the relevant articles were made.

When the Constituent Assembly had earlier debated in 2006 on what should go into the chapter on judiciary during drafting stage, a proposal to include shari‘a law as one source for adjudication of justice was approved with 60 votes (see Session 104, 30 July 2006). The proposal was submitted by Mohamed Saleem, a member appointed by the President to the Assembly, and reflected the modernist position. However, the Drafting Committee presented a draft chapter in 2007 without any reference to shari‘a (see Session 196, 6 November 2007). The Drafting Committee chair, Ismail, with the liberal position, explained the rationales behind the chapter. Ismail appealed to liberal motifs to explain that the chapter was drafted in a manner to ensure ‘rule of law’ and ‘principle of legality’ through an ‘independent judiciary’ based on the principles of ‘separation of powers’ in order to protect ‘fundamental rights’ of the people (Session 198). Predictably, most members disagreed. At the heart of the deep disagreements was absence of any reference to shari‘a. The modernist position agreed with the rationales behind the liberal position, but wanted to include shari‘a as a source of law that the judges must consider, especially where the laws were silent. For example, Gayoom’s brother-in-law, Abbas Ibrahim, with the modernist position, argued that ‘as Article 2 states

the state is based on principles of Islam...the judiciary must be also be established on principle of Islam' (Session 196, 6 November 2007). He, like several others, therefore proposed that shari'a should be a source for adjudication of justice. The Drafting Committee then re-submitted articles that had to reflect the modernist position.

The final Article 142, which states judges will refer to shari'a where laws are silent, therefore reflects the institutional legacy where non-religious laws and codified shari'a laws increasingly became the norm. The article was approved with a majority of 66 votes. Similarly, Aneesa Ahmed, a presidential appointee and long-time associate of President Gayoom, with the modernist position, proposed that the judges of the Supreme Court should have a qualification of either law or shari'a. This proposal reflected and formalised the institutional legacy in which the judiciary transformed into an institution where non-religious scholar judges could be the highest authority. The Islamist position wanted a more substantial embodiment of shari'a in the judiciary and to prioritise Qur'an and Sunna to law. The proposal that stated 'the judges shall adjudicate based on Holy Qur'an, the Sunna of the Noble Prophet, the Constitution and laws' by Mohamed Waheed Ali illustrates this position (Session 230, 3 November 2007). The proposal received 38 votes (see Session 230, 3 November 2007). Likewise, the Islamist position wanted to include qualifications such as 1) being a man, 2) versed in Qur'an and Hadith, 3) qualified to exercise *ijtihad* (juristic reasoning), 4) knowledgeable about *ijma'* (matters in which jurists have a consensus), 5) qualified in the interpretation of Qur'an, and 6) competent in Arabic language (Session 231, 1 December 2007). This proposal received only 19 votes.

As Table 8 shows, the meta-narrative of 100% Muslim Nation was vigorously invoked throughout the debates to demonise the Drafting Committee. Ilyas Hussain, for example, argued:

I propose an amendment to add shari'a [along with laws and Constitution] to Article 1 (b) of the chapter [on judiciary]...as it needs greater perfection since we are 100% Muslims...the word 'only' in the article [which says judges will adjudicate only according to the law and Constitution] been included with strategic thinking...there are people [with an agenda] to insert such clauses...When constitutions are made especially in Third World countries, there are efforts to separate Divine shari'a from the Constitution. Whether by intention or not, we are doing the same...in the US there is an organisation called Open Society that has been trying to promote this agenda...they spent so much money to inject this poison into the republics after the collapse of the Soviet Union...We don't want to take example from those revolutions. We [take example] from the Kalhuofummi revolution by Muhammad Thakurufaanu [National Day hero]...I stand by that revolution and we must protect Islam here. (197, 8 November 2007)

Such accusations of an agenda to undermine Islam and separate Islam from the state put the liberal position on the defensive. The Drafting Committee members, such as Mariya Ahmed and Ibrahim Ismail, were forced to defend their religious and nationalist credentials. Ahmed's apologetic response itself reflected the 'power *in*' the meta-narrative: "As the Maldives is a 100% Muslim country, and as you [members] feel we want to damage religion, you should not have trusted us and kept us in the Drafting Committee" (Session 199, 18 November 2007). Ismail responded that their aim was not to remove shari'a from the legal system, saying and he accepted Suood's proposal that where laws were silent, judges could consider shari'a (Session 200, 11 November 2007). In the end, therefore, the Articles 142 (that says shari'a is a source for adjudication where laws were silent) and 149 (c) (that says judges should be either qualified either in law or shari'a) reflected the constraints from the institutional and discursive legacies of modern nation building.

Religious freedom, religious identity and citizenship.

I have already argued that as a direct consequence of the meta-narrative of 100% Muslim Nation, religious freedom did not exist in the agenda of any party, including the opposition. The omission of religious freedom and the definition of citizenship based on Muslim belonging, effectively rejecting religious freedom, in the 2008 Constitution, also illustrate how in particular the meta-narrative of 100% Muslim Nation in the Constituent Assembly constrained democratisation towards a *third model*. During the very first sessions of the Constituent Assembly when members debated on the basic features of the constitution, the meta-narrative of 100% Muslim Nation was directly invoked to warn against freedom of religion in the future constitution (e.g., Session 51, 1 November 2005; Session 52, 6 November 2005; Session 53, 8 November 2005; Session 59, 15 November 2005). Moosa Nizar (Session 52, 6 November 2005) for example, argued:

As we are a 100% Muslim nation, we must frame the constitution in a way to defend that identity... We can see currents against this. I note that there are sentiments among some people that can give the opportunity [for religious freedom]. We must all believe some people are trying that. So when we make the constitution, it must clearly have provisions against any opportunity for any other religion, any other faith.

Some also invoked the motifs and assumptions of the meta-narrative when they brought up the topic of religious freedom. For example, Lubna Mohamed Zahir (Session 190, 31 October 2007) argued: “Maldivian people for sure would not want to implement article on freedom of religion in the Universal Declaration of Human Right because we have from long accepted Islam.”

While there was no debate on a draft proposal on religious freedom, the debate on a draft proposal on freedom of conscience further demonstrated the ‘power *in*’ and ‘power *through*’ the meta-narrative. Those against the proposal argued that freedom of conscience

entailed freedom of religion under the international human rights regime. They alleged it was a proposal by another name to pave way for religious freedom in the Maldives and rejected it. Thus, for example, Maseeh Mohamed (Session 186, 27 October 2007), with the modernist position, invoked the meta-narrative to argue that: “Although other Muslim countries provided for religious freedom, this constitution is being made for our Divehi 100% Muslim society.” He went on to warn against it by alleging there had been campaigns to spread Christianity in the Maldives. Others with the modernist position, such as Common Law background lawyers, Husnu Suood and Mohamed Nasheed, clarified that under international human rights provisions freedom of conscience, entailed religious freedom, and therefore they argued against it (see Session 186, 27 October 2007). The rejection of freedom of conscience by such figures who were otherwise very positive towards human rights suggested that the meta-narrative was operative in their thinking, even when they may not have invoked it directly. The Islamist position agreed with the modernist position. Ilyas Hussain Ibrahim (Session 186, 27 October 2007), for example, vehemently argued against the proposal, pointing out that “freedom of conscience was not for our 100% Muslims” and its purpose was to “wipe out Islam” in the Maldives.

Perhaps the discursive power through the meta-narrative of 100% Muslim Nation most significantly manifested on the issue of defining citizenship based on belonging to Islam. Even though some members had in the sessions on basic features of the constitution had proposed that the future constitution should require all citizens to be Muslims (e.g., Session 52, 6 November 2005; Session 53, 8 November 2005), no such proposal was passed for Drafting Committee’s consideration. The Drafting Committee had no such provision in the relevant draft articles. The condition for all citizens to be Muslims was then proposed by Abdulla Naseer, leaning towards the Islamist position, on the floor of the Constituent

Assembly. Naseer (Session 211, 18 November 2007) justified the proposal explicitly based on the meta-narrative:

I proposed an amendment to Article 9... [on citizenship stipulating that] only a Muslim shall be a Maldivian citizen. There are many reasons I submit this proposal. We are a 100% Muslim nation...since we embraced Islam, we have remained 100% Muslim. So if we have no cautionary measure like this [proposal] other religions will come into existence and people of other religions will come and they will demand freedom...and whatever government there is will be forced to allow their right to build churches and protect their religious freedoms....as we are a 100% Muslim family, to protect Islam means to block other religions.

While some with the modernist position did not want such an explicit provision, others did want, by essentially appealing to the meta-narrative. For example, Hussain Rasheed Ahmed (Session 212, 18 November 2007), with the modernist position, acknowledged that even the Prophet had given religious freedom in Medina, but then invoked the meta-narrative to support defining citizenship based on Islam because, according to him, the Maldives was different: “In Maldives the problem is related to democracy. The Maldivian people do not want people with other faiths as citizens.” As already mentioned, this invocation of ‘the people’ was central to the validity of the 100% Muslim Nation meta-narrative. Strikingly, again, modern educated members, including those with the Common Law background, supported such a definition essentially invoking the motifs of the 100% Muslim Nation meta-narrative by Gayoom. Gayoom’s appointee and lawyer Lubna Mohamed Zahir Hussain (Session 212, 18 November 2007), with the modernist position, for example, argued:

There are Maldivians born to Maldivians married to foreigners, who are not Muslims. Yet they are Maldivian citizens...I cannot accept they have the Maldivian passport although they are not Muslims. Thus, I support the provision that to be a Maldivian

citizen, one has to be a Muslim because the reason why the Maldives is peaceful and harmonious is because of Islam.

The proposal to include that provision was put for vote after the article on citizenship was already passed. While some members tried to circumvent it by appealing to the Constituent Assembly's rules of procedure, many intervened to support a vote on the clause even when they believed it could violate the rules. Thus, one member intervened: "I don't believe we can take a vote on this proposal, but as we are 100% Muslim nation, we can consider this proposal" (Session 213, 19 November 2007). The transcript of the session shows that no member argued against it on its substance. Significantly, even members who took a different position based on technical issues, also expressed their support for the proposal. Shaheen Hameed (Session 213, 19 November 2007), a prominent lawyer, argued such a proposal could not be put for vote since the citizenship section was already passed. But he quickly added: "I think the requirement for all citizens to be Muslims is a good proposal." While Abbas Ibrahim (Session 213, 19 November 2007) said that he agreed that there was a "higher objective behind the proposal," "there are non-Muslim Maldivians abroad with dual citizenship who may lose their Maldivian citizenship because of the proposal." This admittance, by a long-time associate of Gayoom and his brother-in-law, of the existence of Maldivians who may not be Muslims, and at the same time the support for citizenship based on Islamic belonging, is a clear example of how the meta-narrative operated, for the meta-narrative's assumption that all Maldivians were Muslims was a discursive *construction* of an exclusivist *identity* rather than a statistical fact about how many Maldivians actually believed in Islam. At the end, the proposal was passed with 78 votes out of 83, which included key proponents of the human rights discourse.

Secular-Religious Democracy via Discursive Democratisation?

The overall democratic outcome ultimately reflected the relative weight of multiple discourses in the broad public sphere. In this regard, it also showed that new discursive resources, especially underpinned by lived experience, shaped democratisation. Therefore, the democratic outcome, I suggest, followed a *certain* ‘discursive democratisation’ route via competition across multiple discourses. This suggestion does not assume the theory-heavy normative assumptions behind discursive democratisation (Dryzek, 2000; Dryzek & Niemeyer, 2010), but points to the various roles competing discourses played in the democratisation process.

The spread of human rights discourse horizontally into public discourse and its use by ordinary people to conceive democracy itself suggested how human rights helped democratisation (i.e. through political cultural change). Similarly, the global human rights discourse, to a crucial extent, set the terms and vocabularies of liberalisation, becoming an institutional yardstick for the regime and those in the Constituent Assembly. While individual rights were limited by reference to ‘tenets of Islam,’ incorporation of an extensive list of rights that was incorporated into the constitution showed the influence of the human rights discourse. As a key regime member in the Constituent Assembly, Mohamed Nasheed (Session 60, 11 December 2005) pointed out: “Even though the Universal Declaration on Human Rights is not binding, because it is about human dignity, human honour, human progress, and human liberty, today it is deeply connected to our hearts.” Human rights discourse, Nasheed (Session 186, 27 October 2007) acknowledged, as represented in the United Nation’s conventions, “provides a target for democracies to achieve.” Thus, the Janus-faced section on individual rights captures not just the influence of the modernist position, but it also has the vocabularies from the human rights discourse as Article 16 (a) stipulates:

This Constitution guarantees to all persons, in a manner that is not contrary to any tenet of Islam, the rights and freedoms contained within this Chapter, subject only to such reasonable limits prescribed by a law enacted by the People's Majlis in a manner that is not contrary to this Constitution. Any such law enacted by the People's Majlis can limit the rights and freedoms to any extent only if demonstrably justified in a free and democratic society.

While 'tenet of Islam' is a limitation, any limitation in practice must also be "demonstrably justified in a free and democratic society." This proportionality test was adopted from Section 1 of *Canadian Charter of Rights and Freedoms 1982* and shows the influence of the global human rights discourse.

Another important example of the influence of new discourses was the dissolution of the conflation regime in which the highest religious authority existed under the president since the 1968 Constitution. Significantly, the 2008 Constitution did not give that religious authority to any state institution or personnel. The abolition of the conflation regime ostensibly questions my argument about the effects of the transformations of Islam into an institutional and discursive political religion. However, institutional path dependency does not mean institutional determinism (Thelen, 2000). Similarly, discourses may be very powerful, but they are not deterministic (Dryzek & Holmes, 2002). A fortuitous overlap of discourses informed by the *lived experience* of abuse of religious authority under Gayoom appeared to have played a major role in bringing the conflation regime to an end. A dominant criticism levelled against Gayoom by Islamist and Salafi actors (see Chapter 4) as well as the opposition was his abuse of religious authority. The Islamist position in the Constituent Assembly was critical of the conflation regime, and they preferred an independent religious council (see Session 200, 11 November 2007). The main Islamist party, Adhaalath Party, was at the time campaigning for such a religious council as 'the fourth power' of the state (cited in

2005). While the liberal position was not in favour of an independent religious body, they shared the Islamist position's criticism on conflation regime. The MDP criticised Adhaalath Party's proposal likening it to what they called the 'Shi'a model.' Some holding the liberal position at the Constituent Assembly wanted the propagation of religion be delegated to non-state actors. The Drafting Committee chair, Ismail (Session 238, 14 January 2008, argued:

Propagating the messages of Islam is not a matter for just one individual. It is something that all citizens and all religious scholars should work hard to do...If the president is assigned that role there may be problems. If the authority is only with the president, it may be difficult for anyone else to explain anything about Islam that is different from what the president believes...in reality this [propagating Islam] is a matter for the civil society...If it is assigned to the president, there is a chance for the state to function in a different way in the name of Islam.

The modernist position also believed that the exercise of religious authority could be made more independent from the president. Hence, there was a proposal to salvage the institutional legacy, by proposing that the President shall exercise religious authority through a council of religious scholars. Suood (Session 236, 13 January 2008), a key proponent of the modernist position, argued:

I believe religion and state cannot be separated. And I believe it is the duty of the head of state to defend and promote religion...since the 1932 (sic) this responsibility has been with the head of state. So we should keep as it has been...so I have submitted a proposal that the president shall have the duty to protect and propagate Islam via religious scholar.

But this proposal was also defeated, bringing an end to the conflation regime at the constitutional level. Finally, the removal of the long-standing gender bar for women to contest the presidency itself owes to the synergy between reinterpretation by modernist religious

discourse and the global human rights discourse. These outcomes therefore suggest that discourses could shape and reshape the religious state-nexus.

But for now, the mixed outcomes – extensive liberal and democratic features as well as institutionalisation of Islam – through contestation across discourses consolidated the overall secular-religious state framework that emerged with political modernisation. As I have tried to argue, while Islam did limit liberal and democratic features and principles in successive constitutions, Islam was dominant in the polity as liberalised and circumscribed institutional political religion. Unlike Islamism which aims to dominate *over* the state, this liberalised Islam was a dominant aspect *of* an otherwise secular institutional state apparatus. Provisions such as ‘principles of Islam,’ ‘tenets of Islam,’ ‘Islam as a source of law,’ and shari‘a’s applicability where law is ‘silent’ in the 2008 Constitution, all represented the liberalised manner in which Islam existed. As such, institutional political Islam also very much conformed to the expectations of the liberal legal principles (e.g., rule of law) and ethical sensibilities (e.g., rejection of extreme punishments). Given these mixed features, we may categorise the democracy a ‘secular-religious democracy’ – a *third model* that rejected political secularism but that nevertheless blurred the boundaries of ‘the secular’ and ‘the religious.’

Conclusion

The rise of a *third model* democracy – which rejected political secularism and institutionalised Islam as a liberalised religion and national identity but also blurred the boundaries of ‘the secular’ and ‘the religious’ – reflected the liberal and illiberal strains internal to modern nation building by those with Islamic modernist orientations.

Discourses shaped by Islamic modernism supportive of a certain set of liberal and democratic principles constituted the main liberal strains. They acted as resources through their influence in the broader *discursive field* supportive of democratisation, through

institutional legacies (e.g., constitutions that enshrined rights), and through a *subtle transformation of lived Islam* hospitable for human rights discourse and democratic politics. However, the transformation of Islam as a modern institutional political religion as well as a discursive political religion through nation building – which constituted the main illiberal strains – also left dominant legacies that constrained democratisation towards a *third model*.

The *progressive* decline of the institutional and discursive space for religious freedom is the most concrete outcome of the *progressive* dominance that Islam as a modern institutional and discursive political religion acquired in the polity. From the mere omission of religious freedom in the 1932 Constitution to a law requiring naturalisation based on Islam in 1962 to the constitutional definition of citizenship through Islamic belonging in 2008 clearly illustrate the declining institutional trajectory. From the political literature in the 1930s that, for example, could openly positively profile as secular a figure as Ataturk to the outright demonization of any one who may support a non-religious basis for even individual rights not specifically related to religion showed the declined discursive space.

Thus, the rejection of political secularism and religious freedom owed less to fixed Islamic precepts or oppositional Islamism. The rejection owed more to the specific discursive and institutional formations of modern nation building, shaped directly and as unintended outcomes by *certain* interpretations and functionalisation of religion in the space political power by those with Islamic modernist orientations. While this conclusion may be counterintuitive to many people who believe that reformist Islam is a positive force for democracy, the conclusion actually does not necessarily negate the reformist Islam approach to democracy. What it rather suggests is that we must take the contextuality of religion – liberal or otherwise – more seriously. That is, modernist or liberal Islam is not a uniformly and invariably positive force for democracy.

Finally, the specific context of contemporary society, including being ever more exposed to global discursive forces, also meant that it is not just religious discourse, let alone modernist discourse, that existed in the space of politics. The global human rights discourse proved to be crucial as a discursive basis to *pressure* the authoritarian regime to liberalise, as an institutional *yardstick* for liberalisation, and as a discursive resource for ordinary people to *define* democratic life. While many, including those with modernist orientations, may interpret and understand human rights through religious language, others wanted a more liberal foundation for human rights. The emergent Islamist discourse is another force. In other words, contemporary public sphere is home to both multiple religious and non-religious discourses. As a consequence, democratisation in the Maldives was ultimately also an outcome that reflected the relative weight of *competing* discourses. While the dominant ones, shaped by modernist religious discourses, no doubt were politically more decisive, others, that especially drew on crises related to lived experience, also had impacted on the democratic outcome (e.g., dissolution of the conflation regime). In other words, while one set of discourse may be dominant, the Maldives' democratization has shown its public sphere has emerged towards what Jonathan Fox (2015, p. 38; 32-38) has called the 'battle ground' of competition to shape and reshape religious-state nexus.

Is this pluralisation of discourses among the more elite political level shared by ordinary people and the larger society? And, is the *third model* outcome a reflection of how ordinary people think about Islam's relationship to democracy? I take up this question in the next chapter.

CHAPTER 6

BEYOND A FIXED *THIRD MODEL*:

HOW ORDINARY PEOPLE VIEW

ISLAM'S RELATIONSHIP TO DEMOCRACY

The analysis of the democratization processes has shown the modern Maldivian political sphere has emerged as a battleground of competing discourses. They broadly underpin competing visions for Islam's place in the polity. However, so far the thesis has focused on the discourses of the elite and influential thought leaders who have shaped institutional developments. The question remains if pluralisation of discourses exists at the larger society level, among the ordinary people. How exactly do ordinary people think about Islam's relationship to democracy? Is the *third model* political outcome a reflection of their thinking? And, what reasons do they offer for their viewpoints? This chapter will aim to answer these questions.

Specifically, it employs Q methodology to look into the subjective viewpoints of ordinary Maldivians on Islam's relationship to democracy. Q methodology based on interviews, which are analysed using the statistical technique of factor analysis, can allow us to go beyond survey research-based interpretations towards a more in-depth understanding of the *range* and *characteristics* of the viewpoints or discourses that exist among a given society. While the viewpoints established via Q methodology may not be generalizable across the population, we can, with confidence, say the *patterns* that exist in a small group are also the patterns that exist across the larger population (Dryzek & Holmes, 2002, p. 27; Dryzek, 1996, p. 127).

The Q study findings show that there is no single fixed model, not even one fixed third model, that everyone has settled for even in as homogenous and as mono-religious society as the Maldives. The findings confirm that even if the current model provided in the 2008 Constitution may be politically dominant, or the *third model* thinking that underpins the constitution may be dominant, there is no discursive closure among ordinary people. Some desire to go beyond the *third model* that is provided in the 2008 Constitution: some towards greater separation between religion and the state, and others towards greater Islamisation of the state. Strikingly, some contest the assumptions of the dominant meta-narrative of the 100% Muslim Nation. They openly embrace religious freedom – a position that did not exist in the Constituent Assembly or in the political society. They want varying levels of differentiation between religion and the state.

Follow-up interviews further show that people offer a variety of background reasoning for their viewpoints: they are influenced by religious, secular, and lived experience-based sources. These include external sources, such as contemporary reformist Muslim thinkers (e.g., Khaled Abou El Fadl), showing how porous the contemporary public sphere has become. Others subscribe to secular ideologies such as liberalism. However, others go beyond the secular/religious binary: crises related to ‘demotic’ lived experiences have also shaped people’s thinking. The intensification of functionalisation of religion in politics in the liberalisation and post-transition period seems to have been a strong factor for some to want varying levels of separation of religion from politics.

This chapter has three main sections. The first section gives an overview of the post-democratic transition context of unfolding societal debates on Islam’s relationship to democracy. The second provides an overview of the Q study design and techniques. The third section presents the viewpoints that exist among ordinary people on the relationship of democracy to Islam, followed by detailed interpretations.

Post-Democratic Transition Context

The post-democratic transition period in the Maldives has increasingly seen further fragmentation of public discourses on religion and increased religion-related tensions. On one end of the fragmented landscape, individuals with outright secular views have emerged. They express their preference for secularism and religious freedom. However, in terms of their social bases, these discourses appear to be limited to individuals largely operating through the social media. For example, a Facebook group operating under the banner of ‘Secular Maldives’ (see <https://www.facebook.com/SecularMaldives/>) clearly calls for secularism in the Maldives

Others resorting to religion to support religious freedom and even ‘secularism’ have also increasingly emerged, again in the civil society. Helped by external actors and external reformist religious scholars, they do so largely as a *strategy* to promote human rights. An example of this is the NGO Maldivian Democracy Network that has attempted – in a very limited way – to promote ‘secularism’ by showing its benefits, including its protection of the sanctity of religion. This is an emergent discourse that is similar to the ‘religious secularity’ discourse (Ghobadzadeh, 2013, 2014) in that it appeals to religion to justify secularism. A clear limitation of this emergent trend is their lack of open backing by local religious scholars.

As argued in Chapter 4 and 5, the more mainstream or well-known Salafi and Islamist groups do not attempt revolutionary changes to the political system, but have forged a *de facto* reconciliation with electoral democracy. However, on the opposite pole to secularist views, ideologies that outright reject democracy as un-Islamic and even justify violent means to that end, have also emerged in the society. While they appear to have few supporters and have so far not been able to pose a threat to mainstream politics, the reported steady flow of Maldivian fighters in Syria and Iraq to join the Islamic State (ISIS) and Al Qaeda-affiliated groups is indicative of the increase in such individuals.

Significantly, there have been increasing religion-related tensions that suggest a deepening fragmentation of discourses in the society. One such incident followed an unprecedented sit-in protest by a small group of Maldivians in 2011, supporting religious freedom. They were almost immediately attacked by a group of individuals. Some of those protested were questioned by the police and/or since fled the country. Another unprecedented incident was the open confession by a Maldivian man, Mohamed Nazim, that he was not a Muslim at a religious lecture by Indian preacher, Zakir Naik, in the capital, which was attended by over 10,000 people. He was jailed but soon recanted on public television.

Religious tensions preceded and followed the sudden resignation of the first democratically elected president, Nasheed, in February 2012. A number of non-religious factors, including socio-economic, political-cultural, as well as authoritarian turns on the part of the government, arguably led to the context for his sudden resignation (Zahir, 2016). However, the opposition to Nasheed also prominently used Islam-based discourses to mobilise protests against Nasheed, who was demonised as a ‘secularist’.

More morbid symptoms of deep fragmentation of discourses followed the sharp de-democratisation since then. The brutal murder of the relatively more modernist religious scholar, Afrasheem Ali, who was critical of Salafi actors, in 2013, is a case in point. The disappearance of Ahmed Rilwan, a journalist and blogger, in 2014, and the brutal murder of another blogger, Yameen Rasheed, in 2017 – both known for their support of religious freedom – were only the latest troubling incidents (Zahir, 2017).

As otherwise a largely mono-religious society as it is, the contemporary Maldivian society appears to be home to increasing pluralisation of discourses, both religious and non-religious, beyond the more formal public sphere. These discourses broadly also entail different implications for Islam’s relationship to the state. It is in this pluralising context and the rise of a *third model* democracy, as well as taking into account the broader literature that

emphasizes religious discourses and the survey findings suggesting Muslim preference for a third model that this thesis conducted a Q study to look deeper into the viewpoints of ordinary Maldivian people.

The Q Study Research Design: An Overview

Q methodology is a highly effective method that allows establishing the subjective *patterns* that exist across individuals using factor analysis on any topic (Brown, 1980; Watts & Stenner, 2012). Q methodological research is typically conducted through interviews using statements on a given domain. Participants are asked to rank-order the statements from their individual point of view, often using a quasi-normal distribution (see Appendix 5 for a sample template).

The Maldives' Q study

The fieldwork for the Q study was conducted between December 2015 and February 2016. Q methodology does not rely on randomised sampling. It requires participants from diverse backgrounds. This study was based on face-to-face interviews with 32 participants, a number adequate for Q methodological research (Watts & Stenner, 2012). To ensure that the maximum number of viewpoints is found, purposeful sampling was coupled with snowballing techniques that allowed further background variety. Table 12 shows demographic data for the 32 participants selected for interviews. Interviews were conducted in two settings: the capital Male and the island of Maafushi. Male is home to about 38% of the Maldivian population. While it is the main urban centre, it hosts a large rural population, including a moving population from the other islands. Thus, while Male alone could provide significant diversity in demographic backgrounds, as required for a robust Q study, I also further ensured greater diversity by conducting four interviews on Maafushi island.

As mentioned, Q study is conducted using statements that participants rank order according to a condition of instruction. While there are different ways to gather statements in

Q methodology, to ensure they were contextually driven and relevant, all statements except two were from three informal discussion groups conducted in the Maldives on the topic of Islam's relationship to democracy specifically.⁷⁸ Participants in the discussion groups were also recruited in a purposeful and strategic way to ensure diversity of backgrounds and age groups. Each group had six to eight participants. The first group consisted of people who may have broadly secular positions on the topic. The second group included people who may have broadly religious views. Finally, the last group comprised people of both secular and religious views. This strategy was adopted following Bora Kanra's (2009) study in Turkey, in order to facilitate more open and free discussions (the first two groups) and elicit challenges and responses (the third group).

Somewhat surprising to me, all participants in all groups very freely and extensively discussed the topic of Islam's relationship to democracy. As intended, the last group with people of mixed views in fact was quite interesting in their exchange of debate and breadth of issues discussed in a very free and mutually respectful manner. Discussions touched on a range of sub-themes, including political secularism, freedom of religion, shari'a reformation, enforcement of a comprehensive shari'a. The discussion group meetings lasted from between one and half hours to three hours. The total discussion time for three groups was about five hours. These five hours of discussions were transcribed and checked for their accuracy. The discussions produced about three hundred statements on the topic⁷⁹ constituting a wide-ranging concourse on the topic of Islam's relationship to the Maldives. When at the end of

⁷⁸ I selected two statements from a Friday prayer sermon published on the Maldives' Ministry of Islamic Affairs website.

⁷⁹ Statement here does not necessarily mean single sentences, but a meaningful point or an argument that may constitute one or more sentences.

actual Q interviews, I specifically asked participants if there was anything that they felt needed to be included that would further represent their views, the typical answer was that the statements were wide-ranging and comprehensive.

For a Q study to be effective, comprehensiveness of the Q sample is important. While Q methodology can rely on a rough-and-ready approach to select statements, in order to increase objectivity in selection and representativeness of the statements, I adopted the 4X4 discourse-analysis matrix used by Dryzek & Holmes (2002) and adopted by Kanra (2009, p. 59) for this purpose (Table 9).

Table 9: Discourse-analysis matrix.

	Ontology	Agency	Motives	Relationships
Definitive				
Designative				
Evaluative				
Advocative				

Note: adapted from Dryzek & Holmes (2002)

The categories in the matrix represent characteristics or features that may be present in any given statement. Following Toulmin's (1958), the first dimension of the matrix by Dryzek & Holmes (2002, pp. 25-26) concerns statements with the following characteristics:

1. Definitive: concerning the meaning of terms
2. Designative: about questions of fact
3. Evaluative: concerning the worth of something or some matter
4. Advocative: concerning something that should or should not exist

The second dimension also concerns the elements of a political discourse:

5. Ontology: set of entities whose existence is recognized (e.g., religion is an independent force)

6. Agency: the capacity to exist, which may be denied or ascribed to some (e.g., a cynical discourse that sees religious actors as controlled by the rich)
7. Motives: statements that highlight motives such as self-interest
8. Relationships: statements that concerns the relationships that may exist between different entities

As effective Q studies can be conducted using 40 to 80 statements (Watts & Stenner, 2012), a final number of 64 statements were selected for this study. To do this, I randomly selected four statements in each grid in the matrix that comprised the final 64 statements. In the first stage of statement selection, I reduced the number of statements by removing statements that were clearly not relevant to the topic. Even then, at the end, there were about 150 statements that clearly had a bearing on the topic. In the second stage, the more than 150 statements were selected using the discourse-analysis matrix. The discourse-analysis matrix for statement selection was very demanding with respect to ensuring variety. Although the discourse analysis matrix ensured variety, it may be blind to the content in terms of substantive subtopics covered in the statements. Therefore, there would be some probability for a statement with interesting content to be missed when statements are finally randomly chosen. Therefore I re-checked if the final 64 statements that were selected were also representative of the sub-topics, including secularism, religious reform, religious freedom, implementation of shari'a , and equal citizenship. The statements were also found to be in balance of broadly 'religious' and 'secular' views expressed in the discussion groups.

The subjects ordered or 'sorted' the sixty-four statements according to the condition of instruction 'most agree' to 'most disagree' in a quasi-normal distribution. A coding of +6 represented 'most agree' and -6 represented 'most disagree,' with 0 indicating indifference. It took between one and half hours to three hours for sorting by subjects. Some subjects found the process very intensive, although almost all statements used were from discussion groups

among Maldivians. However, the statements, combined with their sheer number (64 statements), registered profoundly for participants in general, but particularly for some participants. This should not be surprising for such complex issues as religion and politics. Those who found the sorting challenging spent more time in the process. At the end, they all agreed that the sorting represented what they overall thought about the question.

However, statistically speaking, slight differences in sorting at the very high or very low ends of the scale could result in significant loading shifts, resulting in somewhat mixed views. To further ensure interpretation that is robust, follow-up interviews were used to clarify their positions. There were also three subjects who believed that there were more statements they agreed with than those they disagreed. This was potentially a limitation as a coding of '0' where they placed some such statements (that they would have placed in the positive) represented 'indifference.' These potential limitations should be acknowledged and they were taken into account during analysis and interpretation. The follow-up interviews immediately after the sorting processes were thus found to be extremely valuable for the interpretation stage.

Analysis and Interpretation

I used statistical pointers and analytic and qualitative aids to ensure the analysis and interpretation minimised subjectivity. This methodological robustness aided by statistical and qualitative considerations, is recommended for Q method in which statistics alone cannot decide meaningful factors or viewpoints (Brown, 1980, p. 40; Watts & Stenner, 2012). In this respect, at the first stage of analysis, I tried a range of factor extractions, including the maximum of seven factors available in the PQMethod software package. Following that, I closely examined the resulting factors for: i) statistical aids such as eigenvalues, ii) number of significantly loading sorts, and iii) and meaningfulness of the resulting viewpoints. Based on these considerations, a total of four factors were extracted, which included one 'bipolar'

factor (i.e., with two opposing viewpoints), for the final interpretation. A significant factor loading for the $p < 0.01$ significance level was calculated using the equation $2.58 \times (1/\sqrt{\text{no. of the statements in the Q set}}) = 2.58 \times (1/\sqrt{64}) = 0.32$.

In the initial stage of interpretation, the significantly loading distinguishing statements and the most positively and negatively loading statements helped for an ‘eyeball’ analysis of the factors. However, to ensure it was not a simple process of taking statements with extreme scores and significantly loading statements, these statements were then considered in relations to other statements. In fact, a factor or discourse is only meaningful and coherent when all statements are considered in a holistic way. Thus, systematic use of crib sheets as explained by Stenner & Watts (2012) for interpretation of factors facilitated this holistic approach.

Factor arrays computed for these factors were used as the basis for interpretation. A factor array shows an idealised Q sort, representing how a hypothetical subject loading 100 per cent with that factor would have ordered the 64 statements. Table 11 below shows the factor arrays with the scores for these idealised Q sorts for each factor.

Q Study Findings: A Variety of Viewpoints and a Variety of Reasoning

An Overview of the Findings

The findings show that there is no one single model or even one single ‘third model’ everyone has settled for even in as homogenous and as mono-religious a society as the Maldives. The Q study, somewhat surprisingly, found that at least five nuanced viewpoints on the relationship of Islam and democracy exist among ordinary Maldivians. I identify these five viewpoints as:

1. Strong Secular View (SSV)
2. Islamist State View (ISV)
3. Demotic Politics View (DPV)
4. Religious Secular View (RSV)

5. Islamo-Nationalist View (IND)

Strong Secular View (SSV) wants a clear separation between Islam and the state and even politics, a view that did not exist in the Constituent Assembly. Its polar opposite is the Islamist State View (ISV), which wants a very strong religious basis for the state and comprehensive shari‘a, although in practice it is resigned to the democratic constitutional framework – a view that existed in the Constituent Assembly. It is one of the third model views. The Demotic Politics View (DPV), another third model view, appears to be based more on lived experiences. It is disaffected by what it believes politicization (*dheen siyaasee kurun*) of religion and wants an independent religious body. It supports democracy as a procedure and supports greater enforcement of shari‘a law. It does not necessarily believe in the 100% Muslim Nation meta-narrative, but does not support religious freedom through law. While those who outright abandon Islam should be punished, it could *de facto* tolerate religious difference.

The Religious Secular View (RSV) is distinguished by its strong belief in the compatibility of Islam and democracy and human rights, along with its full support for religious freedom – a view that did not explicitly exist in the Constituent Assembly. It supports separation of religion from the constitutional level and supports shari‘a principles law if it does not contradict human rights. Finally, Islamo-Nationalist View (INV) also supports democracy but to be limited by the strictures of the meta-narrative of 100% Muslim Nation. This is a viewpoint closest to Gayoom’s. It is closest to the *third model* provided in the 2008 Constitution. These viewpoints are summarised in Table 10.

Table 10: Viewpoints on Islam's relationship to democracy among ordinary people.

	Strong Secular View	Islamist State View	Demotic Politics View	Religious Secular View	Islam-Nationalist View
Characteristics	Secularist view: suspicion towards religion in politics.	Mirror image of Strong Secular View.	Based on lived experiences.	Strong support for religious freedom, diversity, and compatibility of Islam and democracy.	Conservative religious nationalist view.
	Supports:	Strong dislike towards secularism.	Does not demonise secularism as such, but seeks greater enforcement of shari'a.	Support for separation of religion from the constitutional level.	'Nation' can even trump 'religion.'
	-Privatization of religion.	Shari'a cannot be reformed.	Unhappy religion is 'partisanized', so wants an independent religious body.	Open towards Islam's role at the level of law and policy.	Supports 100% Muslim Nation.
	-Separation of religion at the institutional, personnel, and legal/policy levels of the state.	Supports full implementation of shari'a.	Supports democracy without contradicting Islam.	Strong support for religious freedom and diversity in the public sphere.	Rejects secularism.
	-Freedom of religion.	Supports democracy as a procedure in practice and critical in theory.	Does not support religious freedom by law but could tolerate people with other faiths in practice.		Does not support comprehensive shari'a.
	Contests 100% Muslim Nation meta-narrative.	Rejects religious freedom.			Democracy and individual rights to be qualified.

Reasoning	Based on variety of reasoning, including (but no religious reasons as such):	Provides reasoning based on Islamic tradition (including Qur'an and Hadith)	No fully articulated theoretical reasons.	Based on variety of reasoning, including:	Appeals to contextual motifs of 'nation', 'community,' and 'Islamic unity,' and 100 Muslim Nation meta-narrative.
	Secular worldviews, such as liberalism.		Appeals to lived experiences such as 'partisanization' or 'politicisation' of religion (<i>dheen siyaasee kurun</i>).	Islamic modernism and contemporary reformist Islamic discourse	
	Everyday lived experiences (e.g., experiences with gay people and people with different religious views).			Universal human rights discourse and secular political liberalism.	Lived-experience (e.g., having to live with foreign tourists, finds no problem with diversity)

Three specific findings are particularly significant for democratisation beyond the current constitution. First, alternative viewpoints supportive of religious freedom and varying levels of political secularism (viz., SSV and RSV) exist among ordinary Maldivians. While the 100% Muslim Nation discourse may be the dominant meta-narrative of national identity, there are competing visions. However, the findings still do suggest the meta-narrative of 100% Muslim Nation is a strong discourse among ordinary Maldivians. Two of the five viewpoints (INV and ISV) directly share the meta-narrative and another (DPV) at least shares its *de jure* rejection of religious freedom. However, the remaining two views (SSV and RSV) do not agree with the meta-narrative. Therefore, although the 100% Muslim Nation meta-narrative was promoted as a hegemonic discourse, it is not (or no longer) a hegemonic discourse that has foreclosed alternative discursive possibilities.

Second, there appears to be an emerging overlapping consensus of dissatisfaction over politicization of religion: across several viewpoints, people expressed concern over what they call, ‘exploitation of religion as a political weapon’ (*dheen siyaasee hathiyarakah hedhun*). We may call this dissatisfaction over ‘partisanization’ of religion. SSV, RSV, DPV, and even INV appear to converge on this issue. This interpretation also got strength from the follow-up interviews, in which several subjects refer to their dissatisfaction with partisanization of religion. The crises of partisanization of religion with political liberalisation and especially post-transition seems to have therefore played a major role in shaping people’s views on the religion-state nexus.

However, the viewpoints differ on their preferred solutions for achieving ‘de-partisanization.’ The Religious Secular View (RSV), and more so Strong Secular View (SSV), seek to separate religion and the state in varying ways. The INV, and more so DPV, want an independent body for religious affairs without secularism or religious freedom as anti-dote to partisanization.

Finally, the findings also show that ordinary people offer a variety of background reasons – what may be called secular, religious, and lived experience-based reasons – for their viewpoints. INV, which defends the meta-narrative of 100% Muslim Nation, provides *contextual* reasoning appealing to the motifs of the meta-narrative more than shari‘a-based rationales. The RSV, on the contrary, offers religion-based rationales for issues like religious freedom and varying levels of separation between religion and the state. This is a significant finding because religion-based rationales may play a more effective role among competing discourses given especially the intensification of ‘politics of language’ (Eickelman & Piscatori, 1996, p. 12; Piscatori, 1990) with liberalisation. Beyond the secular/religious binary, some offer reasoning based on their everyday lived experiences. As mentioned, many cite partisanization of religion for different levels of separation between religion and politics. A social worker could support religious freedom or sexual rights due to their experiences with such people. And, a guesthouse owner may support tolerance for different faiths after his or her experiences with foreign tourists in their islands.

Detailed Interpretations

A detailed interpretation of these viewpoints based on the factor arrays computed using the PQMethod software (Table 11) is provided below which shows the complexities of the viewpoints among ordinary people. As mentioned, these viewpoints are established through factor analysis of the Q sorts of the 32 subjects. Table 12 provides the loadings of the 32 subjects on the five factors and the background characteristics of the subjects. These two tables form the bases for the interpretation of the five factors.

Table 11: Factor arrays for the four factors.

	Statement	Factor			
		1	2	3	4
1.	No part of shari'a can be reformed as it is the code of conduct by Allah for human beings.	2	6	3	5
2.	It is secular states that permit evil practices such as homosexuality.	-4	-4	0	0
3.	Democracy in reality is running the state according to the wishes of the citizens. However, even rights of the few also exist in democracy.	4	3	3	3
4.	It seems how people understand words like <i>democracy</i> affects how they receive them. However, <i>democracy</i> is for sure not a foreign concept.	0	-2	2	3
5.	Shari'a is very broad. Matters relating to transactions change and can be changed depending on the time and context. In shari'a , different opinions are in reality an outcome of the sect and the interpretations of scholars in a particular place.	-2	-3	5**	-4
6.	In shari'a or even in other laws, extreme punishments such as <i>hudud</i> punishments are	2	-2**	4	2

	implemented under strict conditions. A person cannot be put to death just like that.				
7.	Politics should not contravene true Islam. I believe Islam and politics cannot be separated. Democracy should exist within religion.	-5**	0	-1	4**
8.	Religion is a divine revelation. Democracy is not. Democracy is majority rule. So if majority wants, they can do anything. But in religion, that cannot be happening, however many people want that thing. So one way or other, religion conflicts with democracy.	-2	-2	-4	1*
9.	Even if an injunction of religion is implemented in name, it's not because politicians love religion. They just want to appeal to people's sentiments to achieve political ends.	5	1	1	2
10.	The problem with secularism is even if alcohol and pork and fornication are forbidden, secularism allows such things.	-2*	-4	0*	-6
11.	In Muslim countries, secularism is not only separation of religion from the political system. It is separating religion from the whole human life.	-2	-5	-5	-3

12.	Maldives is a 100% Muslim state and therefore there are some who are against that.	-3	2	-2	2
13.	Islam we saw in the past did not contradict with democracy. That Islam is very different from today's Islam. Back then, Islam was a personal matter, it is about self-discipline, about ethics. Now Islam is about what is seen from outside, it is about how to dress, talk, about relationships with others. This Islam conflicts with democracy.	3	1	-2**	2
14.	Those who say Islam contradicts with democracy do not realise that Islam provides for <i>shura</i> (consultation). So I don't see Islam contradicts democracy.	0	0	5**	-2
15.	In my view, Islam does not contradict at all with democracy as in our religion everything is provided, including how government, electing rulers, and consultation. Even if there is a parliament and people elect, it is within religion.	-6	5	4	-4
16.	In secularism, there is no particular religion of the state. The constitution is also not based on religion. As a Muslim I don't support secularism.	-5	-6	-5	0*

17. If democracy does not contravene Islamic principles, it is good. But, there should be human rights, minority rights, and respect for majority decision-making.	-1	3**	-1	0
18. Democracy is in itself the best system to rule.	6**	1	3*	-1
19. Islam is not Hanafi <i>madhhab</i> , it is not Shafi'i <i>madhhab</i> , it is not Maliki <i>madhhab</i> , or it is not Hanbali <i>madhhab</i> . It is the sum total of all these <i>madhhabs</i> . So if shari'a is codified, we are codifying just one <i>madhhab</i> , just one way. So shari'a loses flexibility. You're forced to obey it. That is the problem with codification.	2*	-3*	-1	-1
20. The problem is shari'a has not been reformed. The reality is shari'a is not static, that is [my] experience, and what [I] have seen. Shari'a is very flexible and elastic. Different people practice it differently. The difficulty is some people say it is a divine revelation. That is a big problem when trying to reform shari'a.	0	-1	-2	-4
21. I wish if it was written in the Constitution that Islam was not the state religion, instead,	2**	-2**	5**	-5**

	allow children to become Muslims through understanding Islam.				
22.	I believe codification of shari'a as law will take away its flexibility and therefore that will be a problem.	1	3*	0	-1
23.	When religion is mixed with politics, [people] will be suppressed. When there's the stipulation that to be a Maldivian, one shall be a Muslim, minorities [of other religions] cannot say they are Maldivians. That is a loss of one of the basic human rights. State takes away their national identity.	4	0	2	-1
24.	Islam asks to chop off the heads of those who leave Islam.	-1	1	-5**	-2
25.	Islam or Islamic government accommodates non-Muslims. So, as Muslims, it is not the best thing to say, that government should be secular.	-4*	2	-1	0
26.	The ruler [president] should not be concerned about religious matters, he or she should govern the country. To that level, there should be separation of religion and politics.	3**	-3	-1	-3
27.	When the Constitution was drafted, those who did that were our elected representatives.	-3	-1	-3	1**

	For that time, it might have been the right decision.				
28.	The stipulation that to be a Maldivian, one has to be a Muslim, is in reality an extremely politicized one. It was a decision of a dictator under a dictatorship. That is just politics as Islam does not force anyone to be a Muslim.	5	2	2	-2**
29.	I do not believe there should be an Islamic ministry as I think it is an institution to oversee people's lives by government. If our lives are regulated that way, it is like slavery. Religion is a private matter, so Islamic ministry is a body to violate people's dignity.	2**	-4	-4	-3
30.	When the whole system is taken into account, when tradition or how things have been is taken into account, or from a collective societal point of view, it is not a problem to stipulate that to be a Maldivian, one has to be a Muslim. If it is only my own opinion, I believe there should be freedom [of religion]. As a national, if we give full freedom, there will be extremism.	-4	-2	-3	4**
31.	As a Muslim I believe the right thing is to have Islam as the official religion because it	-5	-3	-3	-2

	is not a significant injustice for non-Muslims				
	even if it says State religion is Islam.				
32.	I believe it is better not to mix religion with politics.	4	0	-2**	2
33.	Shari'a has provisions for a good society. Democracy has also principles that do not contradict shari'a. If a penal code is based on those areas that overlap between Shari'a and democracy, I do not think it is a problem to implement a penal code based on shari'a.	0	0	1	-2*
34.	All religions have an ethical code such as honesty or not killing people. The problem arises when shari'a as is applied now as it was 1400 years ago.	1	2	0	3
35.	American Declaration of Independence states that human rights are unalienable rights from the Creator. That is exactly how it is in Islamic shari'a too.	2	3	1	-1
36.	Even if there are many <i>madhhabs</i> in Islam, not all of them are true. Only one is true.	0	2*	-6**	0
37.	There is no compulsion in Islam, especially none can be forced to become a Muslim.	-2*	4*	6*	1*
38.	Democracy is even a requirement to live as a real Muslim.	-1	-1	0	-4**

39.	Religious perspectives evolve. If someone has a particular view, he/she would promote that view. Those [scholars] who interpret are just humans. So different people would have different views.	3	2	1	-1*
40.	Man-made laws provided for under Islam can change, for public necessity, such laws can be changed. But that does not prove Islam can be changed.	-1	-1	3*	6*
41.	It cannot be denied that there are different beliefs. As long as those beliefs are expressed/practiced alone in their own rooms, there is freedom to do that. That is the freedom under Islam. The moment he or she brings it out, spreads it in public, that amount to creating strife (<i>fithuna</i>). That is when problem starts. So, what is done within the confines of closed door is their freedom.	-3	-4	-4	-2
42.	There is no conflict between Islam and democracy. Or there should not necessarily be any conflict. So draw that line, though.	2	1	2	-5**
43.	Reform assumes there is a problem. The question is whether there is a problem with shari'a to reform it. I believe there is no	-6**	3	3	4

	problem with shari'a. The only issue is that people without proper knowledge talk about shari'a. It is a problem of the people, not shari'a.				
44.	Islam does not say to violate human rights. Shari'a exists to protect human rights. <i>Hudud</i> punishments like flogging for rape or fornication, are there only to protect the perpetrator and society from such things.	-2	4**	0	0
45.	When making policies, those in power will always try to see the most convenient ways to administer, to control, and how best to remain in power for the longest time. Islam is being used for those reasons.	0	1	2	1
46.	I believe there are some matters democracy and Islam conflict with each other. That may be because we focus on certain matters of religion like death penalty for murder. I do not agree with such matters. That does not mean I am violating religion. That is just my opinion.	1	-3	-1	-2
47.	Matters like people's faith can never be totally separated from politics.	-1	-1	0	3*

48. When we grew up, we always talked about religion. Politics came much later, and talk of democracy after 25 years. So it is difficult to assess the relation between religion and politics.	1	0	-3*	0
49. Political systems are man-made. But if you look at religion, it stresses personal responsibility. One has to take responsibility for one's soul in the Judgement Day. One cannot say, in the Judgement Day, "I did this as it was what state asked me to do, or what my mother asked me to do."	1	5	-1	5
50. In every country, and every state, there will be people of different faiths. So if one practices one's own religion but respects the majority religion that should create no problem.	-3	1	1	-3
51. Religious extremism is an outcome because of lack of regulation and lack of standards. So, there should be a body, an institution, to ensure the true Islam.	0	2	0	2
52. In a perfect democracy, in a country with Islam widespread, it is automatic that when electing someone or making laws, Islamic	4	-2	-2	2

	perspectives will be included. So there is no need for an Islamic ministry.				
53.	The Constitution says President has to be a Sunni Muslim. The problem is that Islam allows not only Sunni Muslims. There are denominations, sects, Shi'ites, Sufis. So why should there be only Sunni?	3*	-1	1	1
54.	Islam gives two paths. People who choose the right path can live according to it. Others could choose the other path. What happens will happen in the Last Day. So there is freedom in Islam. So even in the Maldives or any other place, Islam has given freedom. That freedom must be in Maldives.	-1	-1	2*	-3
55.	Shari'a does not need to be implemented in its pure form. An appropriate model can be developed for the country.	1**	-5	-4*	-6
56.	Religion emphasizes community freedom more than individual or minority freedoms so I support the provision that to be a Maldivian one has to be a Muslim	-3**	0*	-6**	6**
57.	Everyone should have the freedom to choose a religion they want. That is not a matter for the State.	5	-2*	2	-5*

58.	We need an independent Islamic commission, one that can regulate religious affairs. Then there'll be no problem. Islamic ministry is a political portfolio.	0	6**	-3**	3
59.	In the Maldives, religion is entangled very much in political affairs. But what we want to say is religious people should remain as they are, to preach in the right ways of religion, to disclose truth for citizens, without going to extremism.	3	4	4	-1*
60.	There should be shari'a but not under a judiciary where judgements can be bought. Under the judiciary we now have, judgements can be bought.	-2**	5	4	5
61.	Overwhelming majority of Maldivians are Muslims. So to pave ways for practicing religion, Islamic ministry should exist. We cannot say it should not exist. Religion is a significant matter for people, an important one.	-1	4**	1	1
62.	Even if people reject religion, or do whatever, nothing should happen to his or her citizenship, just because it is the country of their birth.	6	-5**	6	4

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63. The question is whether to allow or not religious freedom under (Qur'anic injunction) "there is no compulsion in religion." And, then to provide minority rights according to democratic system by repealing the article that says to be a citizen one has to be a Muslim. Would not that create strife? So for public necessity and welfare of the public, that article must exist. -4 -6 -2 0
64. Islamism should be monitored and controlled under some principle of democracy without violating people's freedom of expression. So even in a democracy, for the big picture, it is very important to intervene in these matters or take measures. 1 0 -2* 1
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Note: *Distinguishing statements at $P < .05$ level and **distinguishing statements at $P < .01$ level.

Table 12: Factor loadings for 32 interview subjects and characteristics of the subjects

SUBJECTS	FACTORS (VIEWPOINTS)			
	1 (bipolar)	2	3	4
1 M54LIUniUr	0.7483*	0.0589	0.1463	0.1313
2 M55DIBaR	0.1631	0.2131	0.2111	0.1517
3 M27-ISeR	0.1540	0.4957*	-0.2542	0.0931

4 M48DIBaUr	0.2211	0.1162	0.3877	0.3224
5 F24DISEr	-0.1657	0.1748	-0.0478	0.5713*
6 M30DISEr	-0.0275	0.0741	-0.4444	0.4627
7 F51CIUniUr	-0.4187	0.2335	0.0617	0.3456
8 M59DIBaR	0.0934	0.4457	0.0741	0.3542
9 M30LSPrUr	0.5487	-0.0560	0.6057	-0.1014
10 M32DIUniUr	-0.2306	0.4661*	0.1370	0.0849
11 M31DISEr	0.2474	0.3397*	0.0331	0.0559
12 F51DIBaUr	-0.1527	0.4397*	0.0660	0.0706
13 F30DIUniUr	0.5829	-0.0149	0.4911	-0.0331
14 F45DIUniUr	0.0055	0.0620	0.5581*	-0.1095
15 F33DIUniUr	0.3970	0.0330	0.4019	0.1144
16 F54DIUniUr	0.6749	0.1086	0.4474	-0.0573
17 F50DIUUr	0.0487	0.3060	0.1842	0.2651
18 F31DIUniUr	0.2142	-0.0599	0.4412*	0.3005
19 M40DIUniUr	-0.5880*	0.1759	0.0751	0.3024
20 M40LSUniUr	0.5028*	0.0774	0.2454	0.1390
21 M26LSUniUr	0.4285	-0.1779	0.5024	0.0985
22 F31LSUniUr	0.7624*	0.1142	0.1170	-0.0110
23 F44DIBaR	0.0131	0.5212*	0.2315	0.1241
24 F27DIUniUr	0.0475	0.3125	0.6125*	-0.0985
25 M35DISEr	0.0908	0.3974	0.2074	0.4535
26 F31DISEr	0.1052	0.3588*	-0.0471	0.3020
27 F33DISEr	-0.0458	0.5532*	-0.0010	0.0549
28 M49LIUniUr	-0.0979	0.1979	-0.0180	0.5419*
29 F22DSUniUr	0.4888	-0.0284	0.6215	-0.0510

30 M36DIUniUr	-0.5729	0.0004	-0.0849	0.4038
31 M41DIUniUr	0.0037	0.2289	0.6483*	0.0085
32 M32DIUniUr	0.2453	0.0969	0.5357*	0.2121

Note: *Pure loaders (those who significantly loaded on just one factor, who were flagged to calculate the factor arrays). Loading significant at the 0.01 level.

F=female; M=Male, followed by age; D=Democracy; C= Conservative; L=Liberal; I=Islam; S=Secular; Ba = basic education; Se = secondary education; P = primary education; Uni + university education; Ur =Urban; R =Rural.

Strong secular view (SSV) (factor 1).

Strong Secular View (SSV) was clearly in favour of democracy as the most effective governing system in itself (statement (S) 18: (rank) +6). This viewpoint has a clear position on religion's relationship with democracy. In this relationship, there should be a clear separation of religion from politics, with religion relegated to the private sphere, *tout court*. Overall, the view strongly disagrees with the statement that Islam cannot be separated from politics (S7: -5). At the level of Constitution, it strongly disagrees Islam should be the state religion (S31: -5). At the personnel level, the head of state or president should not be concerned with religious matters (S26: +3). Similarly, this viewpoint contests the 2008 Constitution's stipulation that requires the President to be a Sunni Muslim. It agrees that there are other groupings in Islam and a president does not have to be Sunni (S53: +3).

At the institutional level, there need not or should not be an institution like Islamic ministry regulating religious matters (S29: +2). At the level of laws, it disagrees shari'a should be enforced by the state even if the judicial system is just (S60: - 2). In fact, even where shari'a provisions are consistent with democratic principles, it is ambivalent whether shari'a principles should be incorporated in a penal code (S33: 0). Overall, therefore, this view supports secularism and does not associate negativity with it (S2; S10; S11). Thus, it strongly believes that when religion enters politics, people will be suppressed (S23: +4).

While SSV does not support religion to be part of democratic politics, it nevertheless strongly supports religious freedom. This religious freedom includes the freedom to believe in no religion, and in fact believes there is no need for a single religion for co-existence (S57: +5). This is closely related to the discourse's contestation of the constitutional restriction of citizenship by religious qualification (S63: -4). It sees the citizenship clause as a political imposition by an authoritarian regime (S28: +5). Therefore, whatever people do with their religious faith, their citizenship should not be affected (S62: +6). It also believes that when religion is mixed with politics people will be suppressed (S23: +2). SSV also believes politicians are insincere in their appeals to religion and they want to achieve political ends (S9: +5).

The viewpoint disagrees Islam taken *substantively* is compatible with democracy (S15: -6). But it also agrees Islam does not necessarily contradict democracy (S42: 2). This apparent tension dissolves when its overall position on religion's place in the polity is taken into account. That is, Islam does not contradict with democracy when Islam is privatised. It is suspicious of the possibility of religious freedom under Islam and disagrees with the statement that there is no compulsion in Islam (S37: -2). Alternatively, it strongly disagrees that shari'a is problem-free (S43: -6). The discourse's views on the possibility of reform are somewhat ambiguous, but this is consistent with its overall suspicion towards religion in politics. It is hesitant to endorse the possibility of shari'a reform when it is taken to be divine (S1: 2; also S5: -2).

Background reasoning. An examination of the interviews with the subjects who loaded on this factor revealed two significant findings. First, those who identified their religious view as 'Islam' defended this viewpoint not through reformist Islamic reasoning as such. They simply downplayed what they saw as contradictory elements of the religion, which may suggest a *de facto* transformation of religion in practice. Some of them resorted to

secular worldviews, including liberalism to explain their positions. Second, while secular reasoning was prominent among some subjects, there was also reasoning that transcended the secular/religious binary, appealing to everyday lived experience. Below are some examples to illustrate.

Subject 1, who identified his religious view as ‘Islam’ supported separation of religion from politics because “even if there was secularism, it does not mean it will violate Islam.” In his views, it is not secular democracy that contradicted Islam, but what people may do with secular democracy. However, he argued there were “inhumane” *hudud* punishments in shari‘a that contradicted democratic values. There was, he continued, no solution to this except not implementing shari‘a, because as shari‘a was divine it could not be reformed:

[Shari‘a injunctions like *hudud*] cannot even be reformed, because these are injunctions of religion. We can’t resolve these matters within religion. Shari‘a is given. We can’t even question it. If we question it, then one can become an apostate.

The resolution is just not implementing these injunctions.

Thus, his view was based on selective rejection of aspects of shari‘a through intrinsic appeal of liberal motifs, and was not through reformist Islamic reasoning as such.

Subject 13, who identified herself as religious and worked for a civil society organisation, upheld evidently the global human rights discourse. She argued that democracy was not just about majority, but also about “equal rights for minorities.” She believed that religion was not static and could be reformed and that there were aspects of Islam that contradicted with democracy, but she simply rejected those aspects.

Subject 20, who identified his religious view as ‘secular’ subscribed to a form of secular liberalism. He argued that even if people held “ridiculous beliefs” they “should have that freedom as long as they don’t harm the other.” He went to argue, if a person was deprived of his or her citizenship, he or she would become “stateless” and “there is no

guarantee another state will accept that person as a citizen. Citizenship is one of the most basic things”. If one religion was imposed for “national or cultural reasons,” he asserted, “it is very dangerous” because it amounted to “tyranny of the majority.” However, besides such liberal motifs, he also pointed out, “a strong reason” why he supported religious freedom was the experience of other countries with multiple religions: “Most countries have multiple religions and there is harmony in many of them. So we do not need just one religion for that as such.”

Subject 22, a female, subscribed to what she called a “postmodernist view.” She listed that Michel Foucault and Marxist philosopher, Slavoj Žižek, along with some Sufi Muslim scholars among those who influenced her in this way of thinking about religion and politics. She said there was “no single true way of living, but multiple ways.” She based her reasoning for separation of religion from politics based on the notion of “the reality of multiple realities.” She asserted: “There are different ways that people actually existed at the micro-level.” Thus, she argued, the entanglement of religion in politics would result in suppression of this possibility and in the social control of people. She then justified this view in terms of ‘rights’: “mixing religion and politics will result in suppression of people’s rights to belief.” Beyond this, she argued that the *experience* in recent years in which “religion played a very negative role in democratisation” in the Maldives, confirmed her beliefs.

Subject 16, who self-identified as very religious, prayed regularly, donned the veil and was a psychosocial support worker, provided a different type of reasoning that went beyond the secular/religious binary:

Religion should be a very personal matter. State can’t impose religion. It’s my core belief. I came to this conclusion through my lived experience (*thajuribaa*) with people I have worked with, because of having to have worked with vulnerable groups. The state doesn’t provide adequate services to these minorities because of non-Islamic

label or the second-rate citizen status given to them...At the moment I have three young men who are gay and two young women who are lesbians and two who are female sex workers. One of the three gay men is also a drug user. There is another who openly says he is an atheist. There is another struggling with his religious beliefs. They could be you or me... They are skilled. They are suffering a lot because of government policies. But it is not just them [who suffer]. They live with families. We value families. So their situation is affecting their families too. So I came to the conclusion that religion should be separated from the state.

Her strong support for separation of religion from politics was therefore not based on either Islamic beliefs or secular worldviews as such. Strikingly, the everyday lived experience as a psychosocial worker shaped her support for separation of religion from the state.

Islamist state view (ISV) (factor 1's bipolar factor) .

Factor 1 is a 'bipolar' factor – that is, there were subjects who also significantly negatively loaded on this factor. Interpreting factor 1 from the opposite pole therefore gave what I call the Islamist State View (ISV) – a mirror image of the Strong Secular View (which positively associated with this factor). To interpret, a mirror image of factor 1 was created by changing the signs (+/-), as explained by Watts and Stenner (2012, p. 166).⁸⁰

⁸⁰ An artefact of the bipolar factor when signs were changed was that there were some paradoxical results. For instance, the Strong Secular View disagrees with the statement that Islam is compatible with democracy (S15: -6). When the sign is changed, it would suggest the Islamist State View believes Islam is compatible with democracy. This shows that factor interpretation in Q methodology must be a *holistic* matter taking into account all statements, and guided by follow-up interviews. In fact, the follow-up interview and the individual sort of the pure negative loader for this factor immensely helped in the interpretation of this factor.

A *holistic* interpretation shows that ISV is characterised by its strong dislike towards ‘secularism’ and its doubt towards democracy. It also strongly rejects religious freedom and wants comprehensive implementation of shari‘a. Notably, it does not believe shari‘a can be reformed. Follow up interviews suggest where it supports democracy it does so in a very limited sense, as a pragmatic procedure.

The pure loading subject with this view, subject 19 (male, 40-year-old), identified his political views as ‘religious democracy’ and specified his religious view as ‘very Islamic.’ He had received education from a Middle Eastern country and a shari‘a law degree in the Maldives. His high education perhaps explains why he was very articulate with religious reasoning for his position on various themes. This subject strongly criticised ‘secularism’ and the West, and blamed them for what is happening in Muslim states. He also criticised democracy but said voting can be acceptable because:

Voting is in effect giving witness as in Islam. You are saying this person is better than that person. In Islam giving a witness statement is obligatory, not doing so is a sin. Scholars say voting is a witness...but majority rule has its limitations. Look at current President Yameen. He was elected through a majority. And now so much social development is regressing.

He therefore seemed to have accepted democracy only in its procedural sense with caution:

There are clashes between Islam and democracy, but *shura* exists in both democracy and Islam. But there can be no *shura* on issues of worship. But even in democracy, there are matters that cannot be negotiated. For example, we can’t have a discussion to sell the country.

Demotic politics view (DPV) (factor 2).

Of all factors, Demotic Politics View (DPV) was the most difficult to interpret.

Besides seemingly contradictory position, most subjects who loaded on this factor did not

fully *articulate* further explanations for their positions beyond certain experiences. Of all factors, the share of the subjects from rural backgrounds and with pre-university education was highest in this factor. Five of the seven pure loading subjects came from rural backgrounds and six had pre-university level education.

DPV is significantly correlated (0.34) with the Islamo-Nationalist View (below). However, DPV more openly declares Islam and democracy could co-exist even if shari‘a was implemented. This not only shows democracy was largely a procedure for it, but also suggests it has a less theoretically formed position on the issue. Thus, it disagrees Islam and democracy conflicted even if majority rule decided whatever it wants (S8: -2). But it is clear this compatibility is contingent on democracy existing within Islam and where shari‘a is enforced (S17: +3). It does not see that the enforcement of shari‘a, including its *hudud* punishments, violates human rights (S44: +4).

Interestingly, while it supports shari‘a, it also believes shari‘a should not be codified (S22: +3). This seems to be an internally consistent position. One explanation, based on lived experience, was that this position would believe parliament was partisan and its decisions were politicised. This was its position on Constituent Assembly decision on restricting citizenship by Islam.

Its view on religious freedom is also deeply shaped by lived experience. Its apparent contradictory positions could be resolved when this experience is taken into account. Like INV (below), it believes ‘because the Maldives is a 100% Muslim Nation, there are some who are against that’ (S12: +2). However, it is less enthusiastic to defend restriction of religious freedom based on *cultural* or *nation*-based arguments. It disagrees with one of most distinguishing positions (S30: -2) of the INV:

When the whole system is taken into account, when tradition or how things have been is taken into account, or from a collective societal point of view, it is not a problem to

stipulate that to be a Maldivian, one has to be a Muslim. If it is only my own opinion, I believe there should be freedom [of religion]. As a nation, if we give full freedom, there will be extremism.

It disagrees with the statement even if people left Islam, their citizenship should not be affected (+62: -5). However, as in INV, it acknowledges Islam provided for religious freedom (S37: +4). Although theoretically it believes in punishment against those who left Islam (S24: +1), it is clear it believes that there are in reality people of different faiths in practice and that freedom should exist (S50: +1). While it does not therefore support full freedom, it could *de facto* accept the status quo where some Maldivians may already not be Muslims (as one follow-up interview showed).

Consistent with its dissatisfaction with partisanization of religion (S9: +1), it disagrees with the citizenship clause in the 2008 Constitution (S27: -1; S63: -6). In other words, while it does not support religious freedom through law, and may support punishment for those who abandon Islam, it does not support the citizenship clause because it is a *politicised* one (S28: +2). In short, there should not be legally provided religious freedom, nor should citizenship be restricted by Islam, but the status quo in which non-Muslims existed could be tolerated. This again shows the demotic lived-experience of being aware of fellow citizens with different views that seems to be shaping this viewpoint.

The lived experience, especially the recent political experience, came to the fore on the themes of ‘secularism’ and role of religion and religious scholars in politics. It was clear both from the sorting on this factor and follow-up interviews, this view was deeply dissatisfied with ‘religious scholars’ (*dheenee ilmuverin/sheykhun*) and partisanization of religion. Follow-up interviews suggested some of the subjects had problems with 1) Islamic ministry being partisanized, 2) religious scholars being ‘inconsistent’ (*dhefaharu dheythi kiyun*) on their positions depending on the political platform, and 3) accusations that

democracy would bring evils. Thus, DPV believes Islam is very much entangled in politics and is used for political power (S59: +4; S45: +1; S9: +1). The DPV does not buy the view that democracy would automatically result in ‘un-Islamic’ outcomes, and does not accept what one subject called the ‘conspiracy about secularism’. Therefore, this view does not demonise secularism (S2: -4; S10: -4; S11: -5; S16: -6).

This view’s overall position on secularism and partisanization may be made clearer by considering the political affiliation of the subjects. Eight out of nine subjects were affiliated with the MDP. In the post-democratic transition period, the MDP, which was in power from 2008-2012, was increasingly demonised as being anti-religion (*laadheenee*). Thus, while these subjects did not want ‘secularism’ they seemed to have reacted to statements on ‘secularism’ as a defensive reaction against partisanization of religion. The solution for partisanization that this position sought (unlike the Strong Secular View or, to some extent, Religious Secular View) was not therefore separation of religion and the state. The solution was neither the disestablishment at the constitution level (SSV and RSV) nor privatisation (SSV), of religion. The solution it sought was another mechanism where religion was not partisanized: independent state religious body. Thus, one of its distinguishing statements was its strong agreement with the need for an independent commission for Islamic affairs (S58: +6).

Background reasoning. The demographic backgrounds may further help explain the dominance of lived experience-based reasoning provided by the subjects, more than theoretical ideas based on human rights, reformist Islam, or liberalism, and so on. As mentioned, a prominent experience seems to be partisanization of religion for political purposes (*dheen siyaasee kurun*). As subject 11 (male, 31-year-old, secondary education, rural), who did not support implementing all shari‘a punishments, said:

In my view democracy is a different thing from religion. Religion is how we should live. Democracy is about how we build a nation. So even if we support democracy, people need not change their religion. [Some who say otherwise] use religion to achieve their ends...religion in the Maldives is being exploited for selfish interests.

Another subject (3, male, 27-year-old, secondary education, rural), who supports implementation of shari‘a *hudud* punishments, pointed:

Hudud punishments may contradict human rights, but that is what Islam says. Islam and democracy do contradict in some respects. But there are religious scholars from different countries...and I see some of them at *boduberu* [a form of Maldivian traditional music] shows...so, it is difficult to accept what they say. But there is no problem in voting and giving the power to citizens...I really don’t know what this democracy thing is.

Perhaps subject 12 (female, 51-year-old, basic education, urban) exemplified the many forces that act on their everyday experience. The interview was conducted at her place. She was uncomfortable with recording the follow-up interview, so only notes were taken. The first thing I noticed was both the radio and the television were on. On the radio, placed at one end of the living room, a religious programme was being broadcast. On the television, facing the centre, an Indian soap opera was being shown. She believes:

Shari‘a cannot be reformed, because it is in Qur’an. Democracy should exist within shari‘a...but that does not mean they contradict...we cannot deny citizenship to a Maldivian...because this is the country where they were born...They are politicising religion...for such things.

Subject 10 (male, 32-year-old, university education, urban) did provide comprehensive reasoning, but again highlighted the lived experiences:

Islamic ministry is a political office. Islamic ministry take undue advantage. So we want an independent Islamic commission. It is not good to give it to one party with one ideology. President can appoint anyone he wants....secularism's negative views are really a conspiracy. It is not about removing religion from people's life...US is a secular state, but it is very conservative...but here we cannot support it, but religion also not should be politicised and politicians.

In short, everyday lived experiences (e.g., partisanization of religion) shaped this view and provide rationales for it.

Religious secular view (RSV) (factor 3).

The Religious Secular View (RSV) strongly believes in the compatibility of Islam and democracy (S14: +5; S13: -2; S8: -4). This compatibility means, RSV strongly supports religious freedom, and believes that Islam provides for it (S37: +6; S54: +2) and strongly disagrees Islam stresses community rights and not individual rights (S56: -6). Similarly, it rejects that Islam commands death penalty for those who leave Islam (S24: -5). Therefore, it also believes state should not impose a religion (S57: +2). As a consequence, RSV very strongly contests the constitutional restriction of citizenship by religious qualification (S63: -6). Related to this strong support for religious freedom is its support for diversity. It strongly disagrees only one sect is true (S36: -6). It also disagrees that 'Islamism' needs to be monitored by the government (S64: -2).

If its beliefs in the compatibility of Islam and democracy and support for religious freedom are clear, its stand on 'secularism' is complex. At the level of constitution, it strongly wishes that Islam were not established (S21: +5). It also believes that when religion is mixed with politics, people will be suppressed (S23: +2). However, it clearly believes there is a public role for Islam and disagrees with the statement that says religion should not be part of the government (S32: -2). At the level of law and policy, it is agreeable to apply shari'a

when it does not contradict human rights and democracy (S33: +1) and believes extreme shari‘a punishments can only be implemented under strict conditions (S6: +4). At the level of institutions, it disagrees with the statement Islamic ministry should not exist (S29: -4). This view sees that religion is politicised and being abused for power (S45: +2). SSV also believes religion is being partisanized: politicians are insincere in their appeals to religion and they want to achieve political ends (S9: +1).

This view is positive towards certain reformation of Islam, especially at the level of transactions (*mu’amalaath*) (S5: +5; S40: +3). While the idealised factor shows this view does not agree with a comprehensive reform of shari‘a, some of those who significantly loaded on this factor individually also held much stronger reformist Islamic views on shari‘a. This includes the views that shari‘a has issues, that it is not necessarily divine, and that it is subject to interpretations. These nuances add to the complexities of this factor.⁸¹ Overall, this view also does not associate too much negativity with secularism (S2: 0; S10: 0; S11: -5).

Background reasoning. Based on follow-up interviews, we get complex and varied background reasoning among the subjects again. These included reasoning based on explicitly formed classical Islamic modernism, contemporary reformist Islamic discourse, human rights discourse, lived-experience, and secular political liberalism. Subject 31 (male, 41-year-old, university education, urban) provided the most theoretically rich reasoning for this view. He argued:

⁸¹ This also may suggest that there can be a variant of this factor that stresses more reformist Islamic views on shari‘a and emphasizes greater separation between Islam and the state. It was, however, decided to retain a total of five factors (including the bipolar factor) as, upon interpretation, no meaningfully distinguishable factors were found beyond nuances on some themes. This judgment to retain only distinctly interpretable factors is also based on a work on democracy by Dryzek (1996, p. 161, n. 13).

There is no fundamental disagreement between democracy and Islam. Qur'an and Sunna stressed religious freedom. While Islam is a perfect and complete religion and shari'a was divine, there was also room for different interpretations in applying specific rules...shari'a should be therefore accommodated and shari'a law should be part of the state enacted as laws through the parliament.

Subject 14 (female, 45-year-old, university education, urban) and subject 32 (male, 32-year-old, university education, urban), and subject 24 (female, 27-year-old, university education, urban), also pointed out Islam and democracy were essentially compatible. Subjects 14 and 24 appealed to popular motif of *shura*, while subject 32 also appealed to popular devices such as the Prophet's tolerance of non-Muslims and the belief that Islam was not propagated by 'sword' (*kandi*) to show religious freedom existed in Islam. All agreed shari'a had possibility for different *applications* (which, they insisted, did not mean shari'a was reformed). All agreed shari'a should be in principle implemented, but not under current circumstances in the Maldives.

Subject 18 (female, 31-year-old, social worker) argued more explicitly based on human rights discourse and contemporary reformist Islamic language. However, she stressed she was not a secular person, but she believed there are many verses in Qur'an that can fully endorse democracy and religious freedom. Emulating the reformist Islamic strategy, she pointed out "moderate scholars must refute" the anti-human rights claims based on Islam.

Unlike the pure loaders, among the five subjects who confounded but loaded more on this factor than any other, there were three subjects who identified their religious view as 'secular'. All three confounded with SSV (factor 1). While in their personal views they identified as secular, they were more accommodative of shari'a in politics, provided it is reformed. Subject 9 (male, 30-year-old, NGO worker) explicitly appealed to contemporary reformist Islamic views, specifically Khaled Abou El Fadl, as shaping his views on the

relationship of Islam and democracy. Similarly, subject 21 (male, 26-year-old, NGO worker) appealed to contemporary reformist Islamic discourse. Subject 29 also in less explicit terms argued shari‘a should be and can be interpreted as even if “shari‘a is divine, interpretations are human” to stress human rights was more important.

Subject 15 (female, 33-year-old, former pilot), who identified as having become very religious, appeared to have compartmentalised her personal religious views and her public political position on religion *vis-à-vis* democracy. She argued:

Whatever religion said there were things like death penalty and *hudud* punishments that should not be implemented. These punishments exist but they should not be implemented. I am not knowledgeable about shari‘a, but this is my perspective because even if I personally do not like homosexuality or other such things, we need tolerance.

Finally, subject 4 (male, 48-year-old, basic education, rural background) showed how again sociality of Islam through lived experience could shape contextual religious adjustment. He described himself as a ‘moderate Muslim’ who practiced Islam. He claimed there was no conflict between Islam and democracy because “both are about rights of the people” and “Islam in reality provided more rights [than democracy].” However, as an “Islamic government exists in the Maldives, religious leaders should be concerned with their work, and let political leaders rule. There is also no need for a separate Islamic ministry.” The reason for this distinction, he told, was his dissatisfaction with “instrumentalisation of religion” and with the inconsistent opinions by religious leaders and even the Islamic ministry: “They say different things on the same matter on different occasions.”

Everyday lived experiences in other respects also shaped his views without having being exposed to textual reformist Islamic discourses or even secular worldviews. Subject 4 thus went on to talk about his recent local tourism business, under a policy promoted by the

Nasheed government in 2008. Under this initially controversial policy, guesthouses for tourists were for the first time widely allowed on inhabited islands. Until then, tourism was predominantly confined to uninhabited islands. Subject 4 ran a highly profitable retail tourist shop that served tourists from various national and religious backgrounds, who sunbathed in bikinis on a beach a few metres away from his shop. He explained how the initial reservation of people towards local tourism gave way to complete acceptance of it by now.⁸² The subject in fact pointed out “respect towards diversity was necessary for local tourism to be successful,” and people “no longer believe local tourism will negatively affect Islam.” The beach area for tourists was initially fenced as per the government regulation. But when this research was conducted on the island, the fence had already started to fall down, and anyone walking near the area could see foreign tourists in bikinis. This did not cause any apparent concern among local community, who welcomed tourists with great fanfare during my stay in the island. Tourists indeed freely roamed around in the island, which has guesthouses built throughout residential areas. This context where locals mingled with foreign tourists therefore seemed to be pertinent in understanding the views of the subject. His views, to be sure, had allegiance to Islam, but were now shaped by the complex experiences of a fast urbanising context effected through local tourism and recent political developments. This experience combined with reasoning based on contextual issues of politicisation of religion and inconsistencies shown by religious leaders, more than any textual reinterpretation of religion, gave the subject reasons to believe there should be some ‘de-partisanization’ of religion and

⁸² In an informal discussion with me, this was also an observation made by another entrepreneur who ran a successful marketing business for local tourism. He informed me he had been travelling to several islands for some years and he noticed how people’s reservations towards local tourism on religious/cultural grounds gave way to acceptance of it due to the economic benefits it brought to the communities.

separation from politics. Thus, his view was not based on secular human rights or any sophisticated reformist Islamic interpretation of religion, but was informed by contextual experiences and principles.

Islamist-nationalist view (INV) (factor 4).

Islamist-Nationalist View (INV) is a conservative, religious nationalist viewpoint, closest to the 100% Muslim Nation meta-narrative. While at a personal level this view may support religious freedom, one of the key features is its stress on uniformity of belief. It strongly disagrees with the statement that it is not a matter for the state to impose a religion (S57: -5). This is partly justified by appealing to a constructed non-religious narrative about nation. Thus, it strongly agrees with S30: +4, which succinctly sums up the core of this viewpoint:

When the whole system is taken into account, when tradition or how things have always been is taken into account, and from a collective societal point of view, it is not a problem to stipulate that to be a Maldivian, one has to be a Muslim. If it is only my own opinion, I believe there should be freedom [of religion]. As a nation, if we give full freedom, there will be extremism.

However, this view also takes religious views into account. For example, it strongly agrees with the statement that Islam stresses community rights over individual rights (S56: +5), which is one of its distinguishing statements. Yet, in theory, INV appears to accept Islam allows religious freedom. It therefore disagrees Islam required chopping off the head of someone who left Islam (S24: -2) and believes there is no compulsion in Islam (S37: +1). Thus, the main motive for restricting religious freedom is its religious nationalist ideology. Interestingly, it therefore strongly agrees that even if people reject Islam or do whatever, nothing should be done to their *citizenship* (S62: +6). Its view on restriction of citizenship by religious qualification therefore may appear contradictory but this view is more complex.

Follow up interviews show the position not to take away citizenship is fully consistent with the support for uniformity in religion and tying it with citizenship. The reason that stripping citizenship is not the appropriate response is exactly because of the INV's strong basis in 'nation'. Thus, as one subject clarified, "If he or she is Maldivian, then we can't take away that identity," and therefore suggested that instead of removing citizenship some other solution must be found.

For this view, there can be limited reform of shari'a in areas where Islam provided for manmade laws (S40: +6). But this did not show shari'a as such can be changed, as it is divine law (S1: +5). It disagrees with the statement that there is no conflict between Islam and democracy (S38; S42). But follow-up interviews clarified that this view accepted democracy when limited by protection of 'tradition,' 'community,' and 'nation.' This view does not associate secularism with all the negativity recently advocated by Islamist groups or ISV. So it disagrees secularism automatically meant forbidden practices (S10: -6) or amounted to separation of religion completely from human life (S11: -3). However, this does not mean it supports separation of religion from politics. It strongly agrees religion cannot be separated from politics (S47: +3; S7: +4). However, it also seems to think it was best not to mix religion with politics (S32: +2), an allusion possibly to partisanization of religion. It therefore agrees, for example, politicians are insincere in their appeals to religion as they want to achieve political ends (S9: +2). Follow-up interviews also clarified that those in this group contested democracy "that was wreaking havoc with our value system" as one subject put it. The interviews confirmed this view supported Islam's establishment but supported shari'a enforcement in a limited way: Islam should be state religion and shari'a should exist but all its punishments need not be implemented.

Background reasoning. Subject 28 (male, 49-year-old, senior employee at a major business) provided a sophisticated account of this view. He argued that democracy as

“procedure, as a system is good,” but it must be limited to protect “community and national interests.” Identifying his personal views are ‘liberal’ but the “view from my own conscience is not the same I want to promote to maintain this nation as a nation,” he argued:

From my own personal view, I have no problem if someone is not a Muslim, if they did not pray, if they practiced another religion, or even if they had no religion at all. But to maintain this nation as a nation, only one religion has to be practiced publicly. So I have no problem with democracy in other respects, especially as a process or a system.

Subject 5 (female, 24-year-old, administrative staff) also provided similar reasoning, saying that citizenship should not be stripped even if someone left Islam as “this is also their nation.” But she added, there should be no religious freedom. She argued Islam and democracy conflicted in some areas, and Islamic values should be prioritised in those instances. Although religion should be “a big part of democracy,” she also highlighted, “politicisation of religion was a major problem.” “When one politician does something, it can be bad for religious scholars, but when another does exactly the same thing, it is not bad.” She therefore added that although she was no supporter of Nasheed government, “I did not support it when religious scholars protested against the government in 2012.”

The confounding subject 7 (female, 51-year-old, university educated, urban), who identified as ‘conservative’ in her political ideology and ‘Islamic’ in religious view, elaborated the conservative bent of the view and dissatisfaction with political and social changes:

I have this view because of our social values, our commitment to community values. We have lost these values and parents should take responsibility. What kind of democracy are these people talking about? Globalisation in the name of democracy is wreaking havoc in Muslim countries. As a Muslim nation the state has now decided

we want this country to be 100% Muslim nation. So there is no undoing of that. I also believe with globalisation and changes, we have young people who have left Islam.

But I think that is because they have not been given proper guidance.

While she supported shari‘a law, it was clear that did not mean she would support its full implementation, as there were ‘strict conditions’ that needed to be met before shari‘a punishments may be implemented:

There are different interpretations of verses. But there are some verses which are very clear. An examples is the verse on *qisas*. But even these verses when you implement them, one has to be certain. So a judge or an authority can’t just decide on these matters. So we can’t defame shari‘a just because there are such matters [death penalty]. Islam is complete through Qur’an and Sunna. The elected leader can’t implement them without establishing them beyond doubt.

Subject 6 (male, 30-year-old, secondary education, rural background) also expressed dissatisfaction over the political changes and argued he believed, “considering a 100% Muslim nation, now everything is too extreme.” He added: “People take advantage of freedom from democracy. People don’t respect each other. So when they say it is democracy I don’t agree with that.” He continued this line of reasoning: “I support PPM [Progressive Party of the Maldives of president Gayoom] because it supports peaceful society (*amaan veshi*).”

Explaining the position on religious freedom, he argued: “This is a 100% Muslim nation so I support the clause [to restrict citizenship by Islam].” But then expressed doubt about it: “Now we can’t even say that [this is a 100% Muslim nation]...Islam does not really allow to leave it.” However, he also expressed distrust in religious figures: “I think there are too many disagreements between sheikhs.”

Subject 25 (male, 35-year-old, secondary education, rural background, guesthouse worker), who identified his political views as ‘democracy’ and religious view as ‘Islam’ supported democracy, but argued it should be within limits, because “community rights are more important than individual rights.”

Overall, it may be concluded that the reasoning for this viewpoint was contextually based and was informed by motifs of nation, community, and Islam, as expressed by former President Gayoom through his 100 Muslim Nation discourse. This view is also disaffected by the political and social changes that it believed were damaging the social values.

Interestingly, the view now doubted whether the Maldives could be identified as a 100% Muslim nation. Subject 25, explicitly said: “We can no longer say this is a 100% Muslim nation,” a position acknowledged by some others (e.g., subjects 7 and 6).

Conclusion

The Q study findings have shown that as homogenous and mono-religious a society as the Maldives is, ordinary people do not have one fixed model or even a single fixed third model on Islam’s relationship to democracy. Although the 2008 Constitution has incorporated liberal democratic features within a distinctly modern Islamic identity and institutionalisation of Islam in other ways, not all ordinary Maldivians agree with that *third model*. Some want to go beyond that: some towards varying levels of political secularism while others towards a more Islamised direction.

Ordinary people also have varied rationales for their viewpoints. Some specifically use religious arguments. However, others appeal to secular ideologies and philosophies. Beyond the secular/religious binary, several speak based on their everyday lived experiences. Here as Salwa Ismail (2006) has argued the sociality of religion mattered, as their lived experiences influenced their interpretation of Islam’s relationship to democracy.

The Q study results do not, of course, allow generalisation across the population at large. However, given the pluralisation of viewpoints in a globalised context and their increasing contestations, I suggest, two things are certain:

- First, the religion-state nexus will continue to be shaped and re-shaped – sooner or later.
- Second, however, no change to this nexus will happen without contestation (sometimes deep contestations) across competing discourses.

CONCLUSION

The *Third Model* as an Outcome of Islam's Transformation as a Modern Religion

This thesis has attempted to unravel the rise of a *third model* democracy – an electoral democracy with impressive liberal and democratic features as well as Islam-based limitations – in the Maldives. Specifically, it examines the discursive and institutional forces behind the *third model*, the nature of the *third model*, its implications and what it means for ordinary Maldivians. This thesis argues that, as counterintuitive as it is, the *third model* outcome in the Maldives was decisively shaped by legacies of the discursive and institutional politicisation of Islam through modern nation building by state actors with *Islamic modernist* orientations.

Modern nation building in the Maldives.

Modern nation building by state actors with Islamic modernist orientations transformed Islam into a modern religion in two primary ways. First, instead of jettisoning Islam from the polity, Islam was institutionalised into modern institutional forms – constitutions, codified laws and rules, centralised state authority, a bureaucratised judicial system. The resulting Islam can be termed modern *institutional political religion*. Second, Islam was also transformed into an extra-institutional public political discourse of collective national identity, which constituted what this thesis calls Islam as a modern *discursive political religion*. Both forms of statist political Islam in many ways conformed to the liberal expectations and sensibilities consistent with religious modernist orientations. A key modernist orientation was showing that Islam, properly understood, was compatible with modernity (or ‘civilisation’ as the first generation of Maldivian modernists called it). Thus, as an institutional political religion, Islam was increasingly liberalised and confined to the specific institutional spaces and forms within the modern state that modernists desired. The

resulting Islam was therefore, to a large extent, consistent with a range of liberal principles such as rule of law and an extensive number of individual rights. Similarly, as a discursive political religion of national identity, it also did not prevent the citizens and their popular cultural spaces from becoming fully modern – and even *Westernised*. What it requires is their national identity to be tied to Islamic belonging.

Dominant institutional and discursive legacies.

However, these institutional and discursive transformations of Islam have left path dependent legacies limiting the *level* of democracy and certain individual rights. As demonstrated through institutional and discursive analyses, including an extensive analysis of the Constituent Assembly debates from 2005 to 2008, those legacies of statist political Islam created the dominant parameters within which discussions for democratisation took place, constraining democratisation towards a *third model*. In other words, the non-recognition of political secularism was decisively shaped by those dominant legacies. The most potent outcome being the progressive decline of the space for religious freedom in the Maldives and the explicit definition of citizenship based on Islamic belonging. While Islamic doctrines such as classical laws on apostasy were crucial for religious freedom, the modern institutional and discursive projects of religion-nation-state re-configurations have been more decisive for the limitations on religious freedom.

Overall, therefore, this thesis shows neither oppositional Islamism, nor recent Salafism, nor even Islamic doctrines as such primarily explain the emergence of a political *third model* and associated limitations on individual rights. Rather, the major conclusion is that the prior transformations to Islam through modern nation building by those with Islamic modernist orientations have been more decisive for the *third model* and its associated institutionalisations of Islam, limiting certain individual rights like religious freedom.

Political Islam is not the *other* of the state.

The institutional and discursive politicisation of Islam through modern nation building by state actors with modernist orientations show that ‘political Islam’ is not the *other* of the modern state. Nor is such political Islam an outcome of an ‘aberrant’ form of religion. However, political Islam as it exists in the statist forms – as modern institutional framework (e.g., Islam as a source of law and adjudication of justice) and as a political discursive framework for national identity – in the Maldives is not equivalent to *Islamism*.

Yet, the thesis shows Islamism has actually been unwittingly *nourished* by those forms of political Islam in the polity, as it finds the right ‘language’ already embedded in the polity. While oppositional Islamism agrees with the modalities of these forms of political Islam, it deeply contests the *content*, as it were, of them. Oppositional Islamism wants more substantive institutionalisation of Islam and more substantive religious identity for the people, threatening even the liberal aspects of statist political Islam.

For these reasons, the thesis also suggests the increasing societal religious tensions and religion-related intolerance (e.g., violence against those calling for religious freedom) in the Maldives, cannot simply be explained by ideologies of oppositional Islamism or Salafism, as the deeper problem for those issues lies in the pre-existing entanglements of Islam with the state and collective identity.

Obviously, this argument cannot be generalizable to other contexts without comparative research. However, it suggests that, while Islamic precepts may be crucial for limitations on certain individual rights such as religious liberty and equality, the modern institutional and discursive re-configurations brought to religion-state and religion-collective identity nexus, may be far more decisive in the exacerbation of those issues. The argument also suggests that extra-institutional modern discursive orientations towards making Islam compatible with, and useful for, modernity, shaped those re-configurations. In a generalised

way, the conclusion therefore also behooves us to further explore how the traditions of reformist Islam since the late nineteenth century may have had greater impact on institutional and discursive developments in the Muslim contexts, and how contemporary Muslims think about politics than hitherto has been recognised.

Beyond the Current Models

This thesis also shows that while a certain third model view may be politically dominant, the discursive and institutional legacies behind that model have not foreclosed other possibilities. Going beyond research based on survey literature and ethnography, using Q methodology, this thesis has demonstrated that even in as religiously homogenous society as the Maldives, ordinary people's views on Islam's relationship to democracy are not settled. In other words, for ordinary people, there is no one fixed political model – not even one fixed third model. While some do prefer the current *third model*, others want varying levels of differentiation between Islam and the state. They could also support religious freedom. Crucially, the Q study also shows that there is no one fixed type of reasoning – religious or secular – among ordinary people. In other words, while religion may be a dominant language, it is not the only language of politics. What, then, does pluralisation of discourses mean for democratisation?

Most observers of Muslim politics do agree that “Islamic tradition in the very recent past has undergone an unprecedented process of pluralization and fragmentation of religious authority” (Casanova, 2001, p. 1059; see also Hefner, 2005, pp. 1-36; Eickelman & Piscatori, 1996). There is no academic consensus on what pluralisation of Muslim discourses means for democracy. However, in their rejection of the triumphalism of secularization theory and essentialism of civilizational approach, as Sami Zubaida (2011) suggests, many scholars seem to have taken side with the assumptions of ‘multiple modernities’ thesis, which critiques the Western-centrism of the concept of modernity. The talk of ‘pious democracy’

(Menchik, 2017), ‘Islamic democracy’ (Esposito & Voll, 1996), or ‘third model’ democracy (Esposito & Mogahed, 2011), seems to underpin the normative assumptions of multiple modernities thesis.

While I agree that democracy varies according to specific cultural and social contexts, given the plurality of extra-institutional discourses and ways of reasoning as established through Q study, the views of those scholars (e.g., Dryzek, 1996, p. 4; Dryzek & Holmes, 2002, p. 13) who suggest democracy must be taken as an open-ended project also merit attention. As an open-ended project, a critical approach to democratisation applies as much to secular liberal democracies (thus to the assumptions of secularisation theory and civilization approach) as to other forms of democracies. What this thesis therefore stresses is that while a particular ‘model’ may have the dominant preferences behind it, given the pluralisation of viewpoints and different ways of reasoning, current preferences are open for revisions through contestation across viewpoints sooner or later. There is no point in a fixation on current, imperfect models, a claim that applies to Western democracies as it does to Muslim states.

Whither the Reformist Approach?

The thesis has argued that the reformist approach, which emphasises reformist Islamic recourses for democracy, has emerged as a major alternative to the civilizational approach. The thesis affirms certain insights from the reformist Islam approach, but suggests greater nuance to it. While the *third model* outcome limited the level of democracy and certain individual rights, it is also in many ways very *liberalised*, which owes to the liberal strains internal to nation building influenced by reformist Islam. In other words, the reformist discourses that had existed since the 1930s and the democracy-friendly institutional legacies which those discourses supported also positively shaped democratisation in the twenty-first century.

Instead of negating the reformist approach, what this thesis therefore shows is that reformist Islam is not an invariably positive force for democracy. While modernisation of Islam was consistent with the strands of reformist Islam that existed in the Maldives, the thesis has emphasised that the *specific* religion-state-nation re-configurations that shaped democratisation towards a *third model* also transpired because reformist Islam was deployed in specific political spaces of *power* and specific pre-existing discursive fields. What the Maldivian experience confirms is that even when it is reformist Muslims who are in the seats of political power, Islam may be functionalised for outcomes that are detrimental for both politics and Islam itself. It further confirms the arguments by scholars such as An-Na'im (2008) that when *ijtihad* is monopolised by state actors, *ijtihad* could lead to detrimental outcomes for Islam and politics itself.

In other words, reformist Islam may be a less ambiguous force for democracy when Islam is disembedded from the spaces of state power. This is not a normative suggestion for secularisation towards a sharp separation between Islam and the state, but a certain distance given that even when those in the seat of political power are reformist Muslims, there is potential for functionalisation of Islam for ends that are detrimental for both religion and politics.

Similarly, reformist Islam is just one discourse among other extra-institutional discourses in the contemporary public spheres in Muslim societies. The thesis therefore suggests that discourses as resources and constraints must be taken in a wider sense so that both religious and non-religious discourses could be seen to play roles in (de-)democratisation. Hence, a more capacious discursive institutionalist and critical approach on democratisation may be more useful for the study of democratisation.

Secularism, Institutions and Discourses

Finally, by looking at a comparatively more religiously homogenous society, the thesis demonstrates that issues of religious freedom are not unique to societies with inter-religious diversity. As such, the thesis shows there are modular implications for religious freedom flowing from making religion a modern institutional framework and discursive formation of identity irrespective of religious diversity. While problems for secularism may be aggravated under religious diversity, the root causes for religious freedom and religious tolerance seem to lie with the state centralisation of religion and homogenization of identity shot through a particular religion.

A theoretical implication for the study of secularism flowing from this thesis therefore is that, political secularism may be a relevant response to even (largely) mono-religious societies. As such, the thesis challenges recent suggestions advanced by scholars that political secularism is a response to *diversity*. In Charles Taylor's (2011) word, for example, political secularism is a "response of the democratic state to *diversity*" (p. 310, my emphasis). With this reformulation, 'diversity' is seen as the core issue that secularism aims to address. As Akeel Bilgrami (2014, p. 33) suggests, stated this way, political secularism is tied to *actual* diversity with the implication that where there is no diversity, secularism may not be a relevant political doctrine. However, the Maldives' case points to three normative ideals that are not captured by actual diversity.

First, the ideal of prevention of abuse of the single religion, or protection of the sanctity of the single religion, may be a relevant ideal for Muslims. The Maldives case shows that conflation of religious authority and political authority even under enlightened forms of Islam led to adverse consequences for religion. Secularism could directly speak to this ideal. Second, even in mono-religious contexts, the marriage of religious authority and political authority is a potential formula for partisanization of religion to suppress *intra*-religious

disagreement. Finally, there is perhaps a greater ideal that a certain secularism could try to achieve in significantly mono-religious contexts like the Maldives: what may be called democracy's 'potential pluralism' – that is, the ever-present possibility for future pluralism. Protecting potential pluralism can address political projects of *active* religious homogenisation and domination even in the absence of much diversity.

Some scholars, such as Cesari (2014), nevertheless, have proposed institutional solutions as a way forward for deepening democracy in contexts of less diversity. She argues that, specifically in societies such as Tunisia, Egypt, and Turkey with “a greater cultural homogeneity, *legal* protection of religion and freedom of expression are the ways to foster democratization. In both options, the *state* is a prerequisite for nation building and remains key to the management of democratization” (Cesari 2015, p. 272, my emphasis).

However, as John Dryzek (2000, p. 27) points out, getting constitutions and laws right is “half the battle” as there may exist extra-constitutional agents of distortion – including ideologies and discourses – that can constrain democratic politics. This thesis not only shows the major role extra-institutional discourses have played in the institutional developments, but also shows that without getting certain powerful discourses (e.g., the 100% Muslim Nation meta-narrative) restructured, institutional solutions will be ineffective – if possible at all. That is, for example, even if the Maldivian state today changed its constitution, religious freedom would be a major challenge in practice, unless and until the powerful extra-institutional meta-narrative is restructured.

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APPENDIX 1: KEY CONSTITUTIONS (1932-2008)

1932 Constitution

1932 Constitution First Amendment (1934)

1942 Constitution

1953 Constitution

1954 Constitution

1968 Constitution

1997 Constitution

2008 Constitution

APPENDIX 2: LEGISLATION ANALYSED FOR CHAPTER 2

Customs Act 1933

Firecrackers Act 1933

Alpaka Cloth Act 1933

Law on Punishments for Importing Illegal Items 1933

Police Act 1933

Law on Offences by Merchants 1933

Law on Government Cargo Ship between Ceylon and Maldives 1933

Jury Act 1933

Law on Leprosy 1933

Emergency Measures Act 1933

Law on Allowances to Havaru (Army Divisions) 1933

Law on Assault through Sharp Objects 1933

Law on the Rituals the State Participates and Funds 1933

Defamation Act 1933

Law on Traders Based in Male 1933

Law on Travelling Overseas 1933

Law on Sama [Religio-cultural celebrations of Royal births, circumcision, etc.] 1933

Law on Areca nuts 1933

Law on Populating Uninhabited Islands 1933

Law on Foreign Labourers 1933

Law on Weighing at Shops 1933

Law on Customs Duty Increasing 1933

Illegal Goods/Items/Animals Act 1933

- Law on fines for Violations at State Ceremonies and Rituals 1933*
- Elections Law for People's Assembly under the 1932 Constitution 1933*
- Special Measures Following Dissolution of the Constitutional Government 1934*
- Bicycle Law 1934 [?]*
- Law on Fines for Violating Bicycle 1934[?]*
- Law on Faivaanfulhu Dhekkevun (Official Audience with the Sultan) 1934 [?]*
- Law on Trial Cases Involving Maldivians and Foreigners 1934 [?]*
- Export Duty Act 1934 [?]*
- People's Assembly Act 1934*
- Law on Travelling Overseas 1934 [?]*
- Law on Sighting Moon 1934 [?]*
- Law on Allowances for Prayer Leaders 1934 [?]*
- Law on Foreigners in Male 1934 [?]*
- Law on Inviting Foreigners to Houses 1934 [?]*
- Re-Exporting Imported Goods Act 1935*
- Law on Mauloodh in the Month of Muharram 1935*
- Law on Sultan's Bicycle 1935*
- Law on Terminating Salaries for State Officials who have no Official Jobs 1935*
- Law Hithi Rituals Rules 1935*
- Law on Olhikievun (Recitation of Qur'an After Important People Die) 1935*
- Law on State Honour 1936*
- Law on Banning Bicycle 1936*
- Law on Restricting State Honour 1936*
- Law on Bicycle 1936*
- Law on Delegates Who Elect Parliament Members 1936*

Law Banning on Wearing Non-Divehi Dresses except with Permission 1936

Law on Seawall Refurbishment 1936

Waqf Act 1937

Law on Disciplinary Punishments for Offences Committed by Judicial Officials 1939

Law on Import of Staple Food and Goods 1939

Sale of Staple Goods Act 1939

Official Greeting 1939

Official Gun Salutes Act 1939

Law on State Honour 1939

Attorney General's Responsibilities Act 1939

Law Investigation of Cases of Violence 1939

Law on Teaching 1939

Law on Importing Books, Magazines and Newspapers 1939

Law Repealing the Constitution 1940

Law on Import of Tobacco, Cigarettes, etc. 1942

Elections Law for Members Elected by People to the Parliament 1942

Amendment Act to the 1942 Constitution 1942

Amendment Act to the 1942 Constitution 1943

Law on Waiving Varu Tax [n.d.]

Law on Charges on Importing Exported Items [n.d.]

Law on A'idha Regulation [n.d.]

Law on Kudi (Minor) Gun Salutes [n.d.]

Immigration Law for People Coming From Abroad [n.d.]

Law on Import and Sale of Medicines [n.d.]

Law on Conflict of Interest of Judicial Presiding Officials [n.d.]

Amendment Act to Medical Services Law [n.d.]

Law on Women's Dresses [n.d.]

Customs Law on Re-Exporting Imported Items [n.d.]

Law on Restriction of Sales of Certain Items during the War [n.d.]

Law on Sale of Fish to the Government [n.d.]

Law on Sale of Staple Foods during Wartime [n.d.]

Law on Duty on Coconut Oil [n.d.]

Port Security Act [n.d.]

Law on Sale of Gold and Silver [n.d.]

Law on Allowance for Judicial Representatives (Naibun) In Islands [n.d.]

Law on Government Sale of Certain Goods until World Food Crisis is Resolved

Law on Appropriations from Coir Rope [n.d.]

Law on Fish Export to Ceylon [n.d.]

Law to Follow 1942 Constitution 1943

Law on Rules of Procedure for Trials 1943

Divorce Act 1945

Coins Act 1945

Law on Repealing the Tobacco Law 1945

*Law on Certain Rituals (Mauloodh on Prophet's Birthday, 7 Rajab Naibukamaa
Hin'gun, and Hithi) 1945*

Law on State Protocols, Etiquettes, Etc. 1945

Law on Food Control 1946

Law Giving Power to Home Minister to Run State Affairs 1947

Amendment to the Constitution (After 1948 Agreement With Britain) 1948

Law on Controlling Smoking 1948

Law on Increasing Export Duty 1948

Law on Appointment of Judicial Representatives (Naibun) At Island Level 1950

Law on Ambergris 1950

Law on Planting Trees 1950

Law on Tobacco Price Control 1950

Law on Rules for Judicial Office and Attorney General 1950

Law on Restricting Business Interests of Senior State Officials 1950

Girls Marriage Act 1951

Law on Tuberculosis Patients 1951

Law on Royal and State Protocols and Etiquettes 1951

Law Banning Import of Tobacco 1951

Law on Increasing Export Duty 1951

Law on Deporting Temporary Island Residents in Male 1952

Law on General Health 1952

Law on Nishan-Amin Award 1952

Law for Women's Entitlement to Majlihah Erun [special honour] 1952

Law on Price Control on Certain Items Available In the Maldives 1953

Law Establishing Municipalities in Male 1953

Tobacco Import and Smoking Ban Act 1953

Theft Act 1953

Law Establishing Island Level Municipalities 1953

Law Repealing Laws on Theft, Establishment Of Municipalities, Tobacco And Smoking Ban, Majleehah Erun, Nishan-Amin Award 1954

Law on Planting Trees 1954

Law on Fishing In The Lagoon 1955

Fisheries Act 1955

Distribution of Wood under Ministry of Awqaf 1955

Export of Fish by Maldivian Boats to Ceylon 1955

Fisheries Development Act [?]

Increasing Export Duty 1955

Easing Rice Restriction 1955

Import of Illegal Goods/Items/Animals 1955

Allowance for Judicial Representatives (Naibun) In Islands 1955

Appeals Act 1955

Law on Appropriations from Fish and Toddy Sugar 1955

Amendment Act to the General Rules of the State 1956

Penal Code 1961

Official Matters Act 1968

General Laws Act 1968

Transfer of Ownership Act 1968

Citizenship Act 1969

Revenue Stamps Act 1970

Law on moving People at Government Request 1970

Women's Testimony Act 1972

Law on Illegal Items for Import 1975

Law on Wills and Debts after Death 1975

Loans Act 1976

Government Service Act 1976

Law on Selling Private Property Registered with the Government 1976

Evidence Act 1976

Government Debt Collection Act 1976

Act on Becoming Party to the IMF, World Bank and IBRD 1977

Price Regulations Act 1977

Law on Submission of Bills to the Parliament 1978

Law on Health and Safety of Cafes 1978

Law on Burial Leaders 1978

Law on Magazines and Newspapers 1978

Carnivals and Fairs Act 1978

Law on Foreign Fishing Boats Trespassing Maldivian Waters 1978

Regulating Removing Sand, Corals, and Rocks from Inhabited Islands 1978

Law on Shops, Cafes, and Canteens 1978

Law on Import of Medicines and Contraceptives 1978

Law on Maldivians Travelling Overseas 1977

Act Relating to Uncollected Transfers 1977

Narcotic Drugs and Psychotropic Substances Abuse Act 1977

Act on Detention 1978

Act on Filing Lawsuits 1978

Act on Testimony via Proxy 1978

Amateur Transmitting Station License Act 1978

Ship Station License Act 1978

Fixed Transmitting Station License Act 1978

Communications Frequency Registration Act 1978

Outward Clearance Act 1978

Customs Control Act 1978

Visiting Vessels Act 1978

Law on Lighting in Vessels 1978

Ports Charges Act 1978

Act on Vessels 1978

Pedestrians Act 1978

Airport Service Charge Act 1978

Law on Travelling to Hulhule 1978

Port Health and Safety Act 1978

Maldivian Passport Act 1978

Boat Yard Act 1978

Construction and Subdivisions Act 1978

APPENDIX 3: MALDIVIAN DEMOCRATIC NEWSLETTERS ANALYSED

(1 DECEMBER 2003 – 15 DECEMBER 2004)

MDP Newsletter 1, 1-14 December 2003

MDP Newsletter 2, 15-31 December 2003

MDP Newsletter 3, 1-15 January 2004

MDP Newsletter 4, 15-31 January 2004

MDP Newsletter 5, 1-15 February 2004

MDP Newsletter 6, 15-29 February 2004

MDP Newsletter 7, 1-15 March 2004

MDP Newsletter 8, 5-31 March 2004

MDP Newsletter 9, 1-15 April 2004

MDP Newsletter 10, 15-30 April 2004

MDP Newsletter 11, 1-15 May 2004

MDP Newsletter 12, 15-31 May 2004

MDP Newsletter 13, 1-15 June 2004

MDP Newsletter 14, 15-30 June 2004

MDP Newsletter 15, 1-15 July 2004

MDP Newsletter 16, 15-31 July 2004

MDP Newsletter 17, 1-15 August 2004

MDP Newsletter 18, 15-31 August 2004

MDP Newsletter 19, 1-15 September 2004

MDP Newsletter 20, 15 -30 September 2004

MDP Newsletter 21, 1-15 October 2004

MDP Newsletter 22, 15-31 October 2004

MDP Newsletter 23, 1-15 November 2004

MDP Newsletter 24, 15-30 November 2004

MDP Newsletter 25, 1-15 December 2004

APPENDIX 4: CONSTITUENT ASSEMBLY SESSIONS ANALYSED

(25 OCTOBER 2005 – 15 JANUARY 2008)

Session 49. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 25 October 2005.

Session 50. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 30 October 2005.

Session 51. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 1 November 2005.

Session 52. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 6 November 2005.

Session 53. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 8 November 2005.

Session 54. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 15 November 2005.

Session 55. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 20 November 2005.

Session 58. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 4 December 2005.

Session 59. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 6 December 2005.

Session 60. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 11 December 2005.

Session 61. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 13 December 2005.

Session 62. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 25 December 2005.

Session 63. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 27 December 2005.

Session 97. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 2 July 2006.

Session 98. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 3 July 2006.

Session 99. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 9 July 2006.

Session 100. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 16 July 2006.

Session 101. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 17 July 2006.

Session 102. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 23 July 2006.

Session 103. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 24 July 2006.

Session 104. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 30 November 2007.

Session 118. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 30 October 2006.

Session 119. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 6 November 2006.

Session 120. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 6 November 2006.

Session 121. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 13 December 2006.

Session 122. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 19 November 2006.

Session 123. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 20 November 2006.

Session 128. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 10 December 2006.

Session 177. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 3 October 2007.

Session 178. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 9 October 2007.

Session 179. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 10 October 2007.

Session 180. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 16 October 2007.

Session 181. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 17 October 2007.

Session 182. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis

21 October 2006.

Session 183. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 21 October 2007.

Session 184. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 22 October 2007.

Session 185. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 22 October 2007.

Session 186. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 27 October 2007.

Session 187. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 28 October 2007.

Session 188. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 29 October 2007.

Session 189. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 30 October 2007.

Session 190. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 31 November 2007.

Session 191. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 1 November 2007.

Session 192. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 1 November 2007.

Session 193. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 4 November 2007.

Session 194. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 5 November 2007.

Session 195. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 5 November 2007.

Session 196. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 6 November 2007.

Session 197. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 8 November 2007.

Session 198. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 8 November 2007.

Session 199. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 8 November 2007.

Session 200. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 11 November 2007.

Session 201. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 12 November 2007.

Session 203. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 13 January 2007.

Session 212. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 18 November 2007.

Session 213. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 19 November 2007.

Session 214. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 19 November 2007.

Session 217. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special
Majlis: 25 November 2007.

Session 228. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 29 November 2007.

Session 229. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 30 November 2007.

Session 230. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 30 November 2007.

Session 235. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 13 January 2008.

Session 236. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 13 January 2008.

Session 237. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 14 January 2008.

Session 238. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 14 January 2008.

Session 239. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 15 January 2008.

Session 240. *Khassa Majleehuge yaumiyyaa [constituent assembly debates]*. People's Special

Majlis: 15 January 2008.

APPENDIX 5: Q-SORT TEMPLATE FOR 64 STATEMENTS

Most disagree

Indifferent

Most agree

-6	-5	-4	-3	-2	-1	0	1	2	3	4	5	6
-6	-5	-4	-3	-2	-1	0	1	2	3	4	5	6
	-5	-4	-3	-2	-1	0	1	2	3	4	5	
		-4	-3	-2	-1	0	1	2	3	4		
			-3	-2	-1	0	1	2	3			
				-2	-1	0	1	2				
					-2	-1	0	1	2			
						0						