



## Defending Islam in an Islamic State

### Islamic Nationalist Discourse, Democratic Reform, and the Religious Commitment of the State in the Maldives

In this article I explore the entanglements of Islam, nationalism, and the state in the Maldives. By analyzing a dispute over the condition of Islam in the Islamic Republic that arose in 2011, I scrutinize the assumptions about the conflation of Islam, nation, and state in the Islamic nationalist discourse in the Maldives. I review this against the legal codification of Islam in the six constitutions that have been put into effect in the last century, showing that from the beginning of constitutionalism, Maldivian law combined Western and Islamic normative orders. I then focus on the transformation of state governance in the wake of contemporary democratic reforms, demonstrating that the reconfiguration of state institutions has led to a proliferation of religious regulations with democratization. I argue that studies of religious nationalism need to pay due attention to what I term the religious commitment of the state, which captures the ways the state engages in managing, maintaining, and monitoring religious nationalism.

Keywords: constitutionalism—democratic governance—Islam—Islamic state—Maldivian Islands—religious nationalism

“We stand UNITED FOR ISLAM and the nation!” read a banner at a rally in the Maldivian capital Male’ on December 23, 2011.<sup>1</sup> A crowd of a few thousand people had assembled on this Friday afternoon to voice its concern over the condition of Islam in the Indian Ocean island nation. This rally was the culmination of a campaign that had already staged various small demonstrations under the motto “Defend Islam,” at which protestors had carried placards through the streets of the capital stating avowals like “I love Quran” and “We will defend Islam,” and demands like “Save Quran,” “Say Yes to Islam,” “Fight for Islam,” and “Save Islam, Save Humanity.” The campaign had eventually evolved into an unusual alliance. The umbrella organization of 127 NGOs, called the Civil Society Coalition, had joined forces with six political opposition parties to stage the protest under the motto “Maldivians in defense of Islam.”<sup>2</sup> This union, branded as the December 23 Alliance, had brought together an unlikely mix of actors. Among them were old-regime loyalists, conservatives, and religious fundamentalists as well as resort-owning billionaires, laborers, and democratic reform activists. They were ostensibly united by their apprehension that Islam, a religion Maldivians “have followed for over 800 years” (*Minivan News* 2012), was in danger in the “hundred percent Muslim” (*ibid.*) nation. They alleged that the government led by the Maldivian Democratic Party (MDP) had neglected religious affairs. They claimed that it had even weakened Islam in the Maldives (*ibid.*). In particular, the protestors accused President Mohamed Nasheed of plotting against Islam by allowing other religions in the archipelago. The leader of one of the largest opposition parties, DRP’s Ahmed Thasmeen Ali, pugnaciously declared: “We are gathered here to uphold Islam for the future of the next generations” (*Minivan News* 2011); he then further emphasized, “We will stay forever as an Islamic nation” (*ibid.*).

Meanwhile, the accused government party (MDP) held a rally of its own. Only a few hundred meters down the road from the other protest a crowd of similar size had assembled to counter the accusations put against them. At the gathering, they advocated a “moderate Islam” for the Maldives. In his speech President Nasheed emphasized that Maldivians have accommodated a modest interpretation of Islam for centuries, and that the application of Sharia punishments would not necessarily suit a modern democratic nation:

We can’t achieve development by going backwards to the Stone Age or [by] being ignorant. . . . Should we ban music? Should we circumcise girls? Should we allow

9 year-olds to be married; is art and drawing forbidden? Should we be allowed to have concubines? We have to ask[:] is this nation building? Because we won't allow these things, we are being accused of moving away from religion. (ibid.)

He emphasized that he was in favor of “the middle, tolerant path,” and that he believed “most citizens want to continue our traditional form of Islam” (ibid.). The president’s press secretary Mohamed Zuhair added that the Defend Islam campaign’s “rallying call was based on a lie — that Islam is under threat in the Maldives” (ibid.).

Indeed, for any government in the Maldives it would be very difficult to disentangle Islam from the Maldivian nation, since the new constitution of 2008 (among other provisions) clearly states that the state religion is Islam, that only Muslims can acquire Maldivian citizenship, and that “Islam shall be . . . the basis of all the laws of the Maldives” (Republic of Maldives 2008, 2). The constitution even restricts the validity of itself and other legislation if the application of the legal provisions conflicted with Islam: “No law contrary to any tenet of Islam shall be enacted in the Maldives” (ibid.).

Against the backdrop that the MDP government neither had any intention to untie Islam from the nation nor much legal leeway to do so, it seems contradictory to assert that the conjuncture of Islam and the Maldivian nation could be threatened by it. And yet the Defend Islam campaign justified its activism by proclaiming a substantial threat to Maldivian Islam. For Maldivian political commentators, this was a clear sign of an illegitimate political seizure of religion in which attacking an opponent’s Muslim credentials was part of the quarrels between political factions (see for instance, Rasheed 2011; 2012). Surely, such judgments and critiques have some grounding. This article, however, is not concerned with determining whether or not the political utilization of religion is appropriate, legitimate, or morally acceptable.

Instead, I approach the political use of religion in the 2011 dispute as an opportunity to more fundamentally explore the entanglement of Islam and nationalism in the Maldives. I analyze the dispute as a manifestation of Maldivian religious nationalism to show how presumptions about society and history as well as assumptions about legality and the role of the state inform the discourse. By tracing the genealogy of various elements within the Islamic nationalist discourse, I demonstrate that despite the overtones of a proclaimed threat to Islam, the dispute centers on the configuration, responsibility, and authority of the state in maintaining Islam. Based on this observation, I explore what I call the religious commitment of the state, which captures the various ways in which the state forges, manages, and regulates religion. I show that over the past century the state has increasingly espoused religious life by introducing religious legislation and by creating various institutions like ministries, commissions, and education bodies to manage and monitor religion. From the mid-1990s onward (at the latest), the Maldivian state has de facto monopolized the regulation, management, and promotion of religion to the extent that today the state is at once custodian, facilitator, and administrator of Islamic life. Consequently, this article not only introduces the Maldivian case to the debate about religious nationalisms in South Asia but more importantly it contributes to the growing discussion about the involvement of the state in administering religion (see, for instance, Ahmad 2009; Iqtidar and Gilmartin 2011; Iqtidar 2011; van der Veer 2002).

In view of this special issue's intellectual aim to compare religious nationalisms in South Asia, it is important to outline some particularities about the Maldivian setup, as some key observations and fundamental theorizations about religious nationalism that were developed in view of circumstances elsewhere in the region are not easily applicable to the Maldivian case. This relates first of all to Peter van der Veer's argument that religious nationalisms emerge in reference to an other. For the Indian case he argued that "Hindu and Muslim nationalisms develop along similar lines and . . . one needs the other" (van der Veer 1994, x) to define itself. A significant other religious community is absent in the contemporary Maldives and has been for at least the period since the arrival of the idea of the nation at around the turn of the twentieth century. Hence, the conceptualization of the Maldives' Islamic nationalism necessarily depended and depends on the projection of an imagined other religious community, rather than in reference to a locally existing one.

Second, the emergence of nationalisms in South Asia has been analyzed in the context of colonialism. For instance, Partha Chatterjee discussed the "inherent contradictoriness in nationalist thinking" (Chatterjee 1993, 38) in India by pointing out that "it reasons within a framework of knowledge whose representational structure corresponds to the very structure of power nationalist thought seeks to repudiate" (ibid.). This means that while Indian nationalism appropriated Western nationalist ideas, it imagined Indian nationalism against a significant colonial other. This line of reasoning is again difficult to transfer to the Maldives, because the islands have never been a colony except for a brief twenty-five-year period of Portuguese occupation in the sixteenth century (1558–73). Nevertheless, this does not mean that they were unaffected by colonialism. Between 1887 and 1965 the Maldives were a protected state in the British Empire. This entailed that the Ceylon-based British minded the Maldives' foreign relations but abstained from interfering in internal matters. Hence, in contrast to Indian nationalism, the Maldives lacked the presence of colonial masters against which Maldivian nationalism could have been developed. Still, colonial South Asian nationalisms are likely to have influenced the Maldivian one, not least since the Dhivehi term for "nation"—*qaum*, or in an alternative spelling, *gaum*—is an adaptation from Urdu (Reynolds 2003, 102).

Third, at the time when van der Veer argued for the heuristic value of the concept of religious nationalism it seemed necessary to advocate the idea against the reservations of scholars about the conflation of religion and nationalism, as the dominant view at that time was that "religious nationalism . . . is a contradiction in terms, since the nation state is a secular entity" (van der Veer 1994, 11). This view is in large part derived from scholarship on nationalism in the West, which is of course deeply embedded in European history and influenced by ideas developed in the realms of the Westphalian system, the French Revolution, the Enlightenment, and so forth. However, the very idea of secularism as the basis of the nation state has increasingly been challenged (see for instance Asad 2003), as has the notion of religion as an analytical category (Asad 1997). In the Maldives, the nation state has always been infused with Islam. The Maldives' first constitution of 1932 specified that the state religion is Islam—and this provision has remained a cornerstone in all of the five constitutions that followed it. Hence, from the inception of the nation state in

the Maldives, secularism was never a pillar upon which it was based—to the contrary in fact. In this light, what van der Veer describes as the “radical version” (van der Veer 1994, 23) of nationalism that “takes one religion as the basis of national identity” (ibid.) is not the radical but the standard version of nationalism in the Maldivian case.

In order to understand Maldivian religious nationalism, it is necessary to explore the entanglement of Islam, nationalism, and the state. Examining the 2011 dispute as a concrete contemporary display of apprehensions and assumptions about this entanglement, the article is organized along the lines of the Defend Islam campaign’s reasoning as represented in a pamphlet that was launched at the December 23 Alliance rally. This pamphlet was published by one alliance partner, the Dhivehi Qaumei Party (DQP, Maldivian National Party), and carried the title “President Nasheed’s Devious Plot to Destroy the Islamic Faith of Maldivians” (*Minivan News* 2012).<sup>3</sup> This synthesis of the Defend Islam campaign’s argumentation begins with the claim that the Maldives is a total Islamic society. Consequently, I examine the genesis of the trope. This is followed by a discussion of the legal codification of Islamic nationalism in the history of state formation. I then discuss the argumentation of the Defend Islam campaign, showing how the campaign’s critique centered on the religious performance of the state and the president in particular. In reference to the critique, I then scrutinize the president as a personification of the conflation of nation, state, and Islam. In the final section I discuss the reconfiguration of the state in the wake of the democratic reform process while showing that the factions diverge over the issue of how the state should be involved in maintaining Islam. I conclude that the study of the religious commitment of the state is a useful heuristic to flesh out the ways states are involved in managing, maintaining, and monitoring religious nationalism.

### **The trope of the “hundred-percent-Muslim nation”**

The discourse on Maldivian Islamic nationalism takes recourse to the Islamic legacy in the archipelago. Both the moderate position and the Defend Islam campaign evoke the Islamic history as part of their reasoning. For instance, at the moderates’ rally President Nasheed stated: “This is an old country, people have lived here for thousands of years and we have practiced Islam for more than 800 years” (Moorthy 2011). The Defend Islam campaign’s pamphlet formulates it like this: “It is certain that the religion we have followed without wavering for over 800 [years] is the true religion and the last religion revealed by God Almighty” (*Minivan News* 2012). The reference to the past points to a decisive event in Maldivian history: the conversion of Buddhist king Donei Kalaminja to Islam in 1153, after which he was to be known as Sultan Muhammad al-Adil. Official historiography takes the year 1153 as the date the Maldives converted to Islam from the *tārikh*—the Maldives’ lost historic chronicle of Sultans. But there are doubts about the accuracy of the event’s date. According to Harry Bell (2002, 191) an inscription at a mosque in the most southern Addu Atoll dates the conversion some nine years earlier, either in 1144 or 1145. Maldivian historian Hassan Ahmed Maniku discovered further historical sources that suggest the conversion of the king was either in 1147 or 1148 (1987, 74–75). Despite these doubts it is clear that Islam arrived in the Maldives more than 850 years ago.

Yet not so clear is how and when the conversion of the king affected the Maldivian population. The Maldivian Islamic nationalist discourse has a tendency to equate the conversion of the king with the conversion of his subjects. It builds on the assumption that the conversion of the population occurred all over the archipelago at the same time, and that Maldivians remained Muslims regardless of internal or external influences. The Defend Islam campaign's claim that Islam was "followed without wavering for over 800 [years]" (*Minivan News* 2012, my emphasis) is an example of this assumption. Furthermore, it asserts that the forefathers readily embraced Islam.

Maldivian historians are critical about all of these claims. According to Maniku (1987, 75–76), the conversion was a gradual process that most likely started in the northern atolls because they were closest to the historical transoceanic sailing routes of Arab and South Asian Muslim seafarers. Islam then gradually spread from the north to the south. Archeological finds of copperplate inscriptions in the southern atolls support the hypothesis that "the dates of their [the southern atolls'] conversion at 1195 and 1196 A.D. [reveal] the fact that . . . all the islands did not embrace the religion at the same time" (Mohamed 2002, 3). Historian Naseema Mohamed argued that due to "the distances and difficulties of travel within the atolls, [the] conversion of the entire country took much longer, and until then the existing [Buddhist] customs prevailed" (*ibid.*). Even though the historical sources on this period are scarce, the few available documents already substantiate the thesis of the north-to-south expansion of Islam. Moreover, it is also doubtful that the conversion of the population was a voluntary process. Even the *tārīkh*—the historical chronicle that informs official historiography—states that after the conversion "the Sultan sent to every Island of the Maldives persons who converted all the inhabitants, *whether willing or unwilling*, to the Muslim Faith" (translation of the *tārīkh* quoted from Bell 2002, 203, my emphasis).

From this follows that neither can it be denied that Islam existed in the Maldives in the mid-twelfth century, nor is it certain that the arrival of Islam might have even predated the king's conversion. Yet, it is clear that Islam did not penetrate the entirety of the Maldives at once. This is important to note, because this counters one core claim of the present-day Maldivian Islamic nationalist discourse, namely that a total Islamic society had continuously existed in the Maldives ever since the conversion of the king. Nevertheless, the Islamic nationalist discourse builds on the historicity of the total Islamic society in the Maldives and omits any historic ambivalence.

Moreover, the Islamic nationalist discourse conflates the idea of the total Islamic society with the concept of a Maldivian Islamic nation. For instance, instead of referring to the Maldives' Muslim tradition, the Defend Islam campaign pamphlet speaks of "our over 800 year-old Islamic *nation*" (*Minivan News* 2012, my emphasis). It not only suggests that society was penetrated by Islam for centuries but also that the Maldivian polity was determined by Islam, and that a sense of a Maldivian nation existed. Such a claim projects a contemporary concept of the nation to a medieval past without acknowledging that the very idea of nationalism only emerged much later and certainly did not arrive in the Maldives before the nineteenth century. Ahmad argues that this discourse even asserts that "Dhivehin [Maldivian] history is shown essentially to commence with the conversion to Islam; 1153 being year zero"

(Ahmad 2001, 298). However, the point is that the Islamic nationalist discourse links Islam to nationalism and propagates a historic continuity of this tie.

This rationale draws on a trope that emerged during the era of President Maumoon Abdul Gayoom (1978–2008) and has become common knowledge today. Gayoom’s government had coined the phrase of the “hundred-percent-Muslim nation” (*sattain satta muslim qaum* in Dhivehi) most likely in the early 1980s (Zahir 2011, 37). According to the official biography of President Gayoom this was part of a policy in which the “President made sure a lot of attention was given to Islam, as part of nationalism. It was a revival of the Islamic spirit in the Maldives” (Ellis 1998, 117).<sup>4</sup> Trained as an Islamic scholar at Cairo’s Al-Ahzar University, Gayoom stressed Maldivian nationalism’s dependence on Islam more than his predecessors. For instance, the Maldives’ first president Mohamed Amin Didi (in office between January and August 1953) had propagated a “non-religious notion of *hubbub watan*/love of homeland” (Zahir 2011, 37, emphasis in original) instead.<sup>5</sup> Based on an analysis of presidential speeches, Zahir argued that Gayoom declared in various National Day addresses (for example, in 1982 and 2001) that national self-understanding rested on two pillars: “divehivantakan’ (‘Maldivianness’) and ‘Islam’” (ibid.). Gayoom promoted the notion of the Maldives as a “hundred-percent-Muslim nation” from early on until the end of his presidency. Zahir identified this trope in Gayoom’s National Day speeches of 1980, 1981, 1982, 1983, and 2007 (ibid.). In another speech from 1983 Gayoom explicated his view on society and outlined his political agenda: “we are such a homogenous . . . society based on one national identity, one language, and one faith, that we are convinced that the preservation of this oneness in faith and culture is essential for the unity, harmony, and progress of the country” (Gayoom 1983, quoted in Zahir 2011, 38). Hence for Gayoom national unity depended on religious homogeneity that could only be achieved through exclusionary religious policies.

This conception was propagated during the thirty years of Gayoom’s presidency (1978–2008) to the degree that the contemporary Islamic nationalist discourse adopts and reiterates it unequivocally. The Defend Islam campaign bases its activism on the assumption of the continued prevalence of the hundred-percent-Muslim nation, or as Ahmad puts it, the ceaseless “authentic Islamic existence” (Ahmad 2001, 298). The historicity built into this claim does not require historical accuracy to be effective for political activism, or in the words of Talal Asad: “The selectivity with which people approach their tradition doesn’t necessarily undermine their claim to its integrity” (Asad 2003, 195). The argumentative weight of the sustained total-Islamic-society claim profits from its historical appeal, however selective its view of history may be. Thus, characteristic of the contemporary Islamic nationalist discourse is the projection of contemporary perceptions and configurations of Islamic nationalism to circumstances in the past.

### **The legal codification of Islamic nationalism**

In the Defend Islam campaign’s reasoning, the reference to legal provisions is of great importance. Under the heading “constitutional role of Islam in the Maldives” (*Minivan News* 2012) the pamphlet states: “The Maldives is a nation based on Islamic

principles. Islam is the state religion. Islam is the main basis of Maldivian law. No law contrary to Islam can be enacted in the Maldives. Only Muslims can be citizens of the Maldives” (ibid.). All these are provisions made in the latest constitution of 2008. This constitution is a particularly interesting document because it reflects the tensions in society that had occupied the Maldives in the 2000s when a democratization movement had successfully pushed for constitutional reforms. The drafting of the constitutional manuscript took four years (between 2004 and 2008) and resulted in a legal document that combines democratic liberties and principles of checks and balances with Islamic normativity and doctrine. In comparison to its five predecessors, the 2008 constitution takes the most encompassing and full-fledged approach to regulate Islam and nationalism. This reflects a broader contemporary trend in which states tend to increasingly “bureaucratize” Islamic normative orders (see, for instance Müller 2017; Peletz 2015).

I approach the constitutions as documents that reflect attempts to determine the relationship between Islam, nationalism, and the state because “[w]hat matters is that their imaginative power not be obscured. They do not just regulate behavior, they construe it” (Geertz 1983, 215). The comparison of various Maldivian constitutions allows tracing the genealogy of this relationship. In the South Asian region, the Maldives were only second to Afghanistan in adopting a constitution at all (Falaah 2015, n13). Since the first constitution of 1932, the constitution of the Maldives has been rewritten numerous times, amounting to six constitutions overall until today.<sup>6</sup> For the purpose of tracing the constitutional history of the conflation of Islam, state, and nationalism, I focus on significant changes and continuities in provisions about aspects of religious nationalism in four constitutions—these are the constitutions of 1932, 1968, 1998, and 2008. Each one of these constitutions is situated at significant moments in Maldivian political history: the first constitution (1932) came into being under conditions of colonialism and the monarchy; the 1968 constitution was the first after independence from the British in 1965 and established the Maldivian Republic; the 1998 constitution incorporates significant changes that increased the president’s religious authority; and the 2008 constitution introduced a whole new set of democratic principles and Islamic governance to the Maldives.

From the start until today, Maldivian constitutionalism is characterized by the conflation of various legal traditions and normative orders, something that legal anthropology either refers to as “legal pluralism” (Benda-Beckmann 2002) or “interlegality” (de Santos 2002; Hoekema 2005). After Sultan Mohamed Shamsuddin had by decree established the constitutional assembly, it approached its task to compile the first ever constitution by consulting existing constitutions elsewhere. According to Shamsul Falaah (2015), the constitutional assembly considered the “Egyptian constitution” and the “British constitution,” although it is neither clear which Egyptian constitution has been consulted (it might have been the 1923 or the 1930 Egyptian constitution [ibid., n26]), nor which British legal provisions might have informed the assembly, since at the time the British Empire did not have a codified constitution in the strict sense of the term. Nevertheless, according to official historiography, the Maldivian assembly that drafted the first constitution was advised by the British chief secretary of Ceylon (Republic of Maldives 1990a,

9–10). However, the important point is that from the beginning of Maldivian constitutionalism conceptions of British-inspired law were merged with concepts of Islamic legality. Since Maldivian constitutionalism has always emphasized the combination of normative orders and legal principles it is neither adequate to frame the making of the constitutions in terms of Islamization of Maldivian law nor in terms of a “secularization of Sharia” (Mohamad 2010). Instead, it was a combination from the beginning.

The first striking aspect about the 1932 constitution is that it signals the arrival of the idea of the nation state in the Maldives. Since the twelfth century the Maldives had been a Sultanate in which “the legitimacy of royal governance was evoked in an avowed deference of state power to Islam; and in the circumscription of governmental rule by Shari‘a (Islamic Law)” (Ahmad 2001, 299). In such a polity the Sultan was also “the guarantor of faith, and in this capacity would issue grants . . . for the upkeep of mosques” (ibid.). Apparently, in the 1930s the existing “written and unwritten” (Falaah 2015) customs, norms, and rules no longer sufficed to legitimize the monarch, so that Sultan Mohamed Shamsuddin instigated the compilation of the first constitution. For doing so, the “[d]isplay of royal deference to religion” (Ahmad 2001, 300) was still integral to the Sultan’s authority, which is why the mandate to the first constitutional assembly entailed the assignment to “make the constitution and laws in a manner that is not contrary to the religion of Islam” (Falaah 2015). Thus, when the first constitution of 1932 eventually defined the Maldives as an Islamic state, the novelty was not that it framed the Maldivian polity as Islamic but that it defined the *state* in the logic of nation states through constitutionalism.

Apart from the provision that the state religion is Islam, there are few provisions regarding Islam that have remained unaltered by the subsequent constitutions—although, as we have seen, the religious national discourse suggests otherwise. In fact, the comparison of the 1932, 1968, 1998, and 2008 constitutions shows that over the course of constitutional history not only has the number of Islamic provisions increased, but they became increasingly rigid and normative. The attention to details is particularly important here, because the shifts between the constitutions may seem minor at first glance. But in hindsight they demonstrate the state’s intensified regulative approach toward religious nationalism. This is most apparent in the genealogy of three sets of provisions: first, on the definition of the Islamic polity under various political regimes; second, on the relationship between Islamic and state law, and third, on citizens’ religious obligations and Maldivian citizenship.

First, the 1932 constitution had de jure created a constitutional monarchy. The state was declared an Islamic state simply by asserting that the state religion was Islam. This definition outlived the constitutional monarchy when, after independence, the 1968 constitution established the second republic with a presidential system.<sup>7</sup> It stated that the “Maldives is a composite, sovereign and fully independent Islamic State” (quoted from Ahmad 2001, 300) and that the “Maldives shall be a Republic, its Religion shall be Islam” (ibid.). The significant shift in the definition of the Islamic state came with the 1998 constitution. Article 1 provided: “The Maldives shall be a sovereign, independent, democratic republic *based on the principles of Islam*, and shall be a unitary State, to be known as the Republic of Maldives” (Republic of Maldives

2000, my emphasis). According to Falaah, this “was the first time that a Maldivian constitution had stated that the Maldives was a State based on ‘the principles of Islam’” (Falaah 2015). Moreover, he pointed out that nowhere in the 1998 constitution is the meaning of “principles of Islam” specified, but rather this remains ambiguous. This is also true for the 2008 constitution, which adopted a slight modification of the 1998 version: “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” (Republic of Maldives 2008, 1, my emphasis). So, only with the 1998 constitution did a vague hint to “principles of Islam” become part of the republic’s definition, and this has also been incorporated in the 2008 constitution, which is considered the most democratic of all.

Second, the provisions on the relationship between Islamic and state law have also been significantly reworked in the constitutions. Prior to the 1998 constitution none of the constitutions included a definition of law (Falaah 2015). The absence of a definition of law reflects the point made earlier that Maldivian constitutionalism until then has been a fusion of normative orders because, apparently, the lawmakers of the times saw no contradiction in kind between Islamic and common law that needed to be spelled out. The 1998 constitutional definition of law, in contrast, is explicit about this. In article 156 it states the following:

Law means acts passed by the People’s Majlis and the People’s Special Majlis and assented to by the President . . . and the practices of the government. In this constitution the word “law” also includes the norms and provisions of Shari’ah established by the Noble Quran and the traditions of the Noble Prophet, and the rules derived therefrom. (Republic of Maldives 2000)

The interesting aspect about this definition is that it conceptualizes Shariah and Quran norms and principles along the same lines as the constitutional provisions derived from British-inspired common law.

This changed profoundly with the 2008 constitution. On the one hand it distinguished between Islamic- and British-law-derived normative orders more clearly, and on the other hand it defined the religion of Islam as the source of Maldivian law and elevated Islamic law over common law. The key provision is stated in article 10: “Islam shall be the one of the [sic] basis of all the laws of the Maldives” (Republic of Maldives 2008, 2). This formulation was altered with the first amendment to the 2008 constitution in 2015. It now states: “Islam shall be one of the primary sources of Maldivian law” (Republic of Maldives 2018). Despite this reformulation the foundational importance of Islam for Maldivian law is heightened in comparison to previous constitutions in the sense that Islam is no longer merely the state religion but a source of legislation. The 2008 definition of law as “those statutes enacted by the People’s Majlis and assented to by the President, and those regulations which are authorized by, and which fall within the ambit of, those statutes” (Republic of Maldives 2008, 96) may evoke a common-law appeal. But since Islam is supposed to be the primary source of Maldivian law, Islamic legality is—by definition—built into the derived law. To be clear, I am not suggesting that all law in the Maldives is based on

Islamic legality. Instead, the 2008 constitution proclaims that Islam should at least be one source for Maldivian law.

There is another important conception that has been applied in the 2008 constitution more frequently and more specifically than in previous constitutions. This concerns the repugnancy clause that limits the applicability of the constitution and other laws: “No law contrary to any tenet of Islam shall be enacted in the Maldives” (ibid., 2). This clause is inserted widely in the constitutional text. For example, the parliament can pass any legislation unless it “contravenes any tenet of Islam” (ibid., 20), the constitution guarantees citizens’ rights and freedoms if they are “not contrary to any tenet of Islam” (ibid., 3), and everyone can “communicate opinions and expression in a manner that is not contrary to any tenet of Islam” (ibid., 7). The meaning of “tenet of Islam” is defined as “the Holy Qur’an and those principles of Shari’ah whose provenance is not in dispute from among those found in the Sunna of the Noble Prophet, and those principles derived from these two foundations” (ibid., 95). This definition builds on the following definition of Sharia, which “means, the Holy Qur’an and the ways preferred by the learned people within the community and followers of the Sunna in relation to criminal, civil, personal, and other matters found in the Sunna” (ibid.). These definitions in the 2008 constitution are a major refinement to the previous constitution of 1998 that included no definition of Sharia and instead stated in article 156: “Propagation of the tenets of Islam means the administration of the faith, beliefs and the doctrines of Islam and the facilitation of the practice of the same” (Republic of Maldives 2000). Although constitutions before 2008 also included a version of the repugnancy clause—it has in fact been part of constitutions since 1932 but “without a blanket limitation based on Islam or Islamic Shariah” (Falaah 2015)—the novelty in the current constitution is that it “limits the law-making power” (ibid.). Hence, the relationship between Islamic and state law has never been as refined, as encompassing, and as determinant as it is in the constitution of 2008.

Finally, the religious obligations of Maldivian citizens have also been subject to the constitutions from the start, and they have also changed over the course of constitutional history. Ever since 1932, the constitutions obliged citizens to learn how to recite the Quran and to read and write in Arabic. For Falaah (2015), the inclusion of this stipulation clearly indicates that the first Maldivian constitution drew from the Egyptian constitution. However, the 1998 constitution eradicated this or any similar provision, and the 2008 constitution reintroduced it in article 67, according to which “it is the responsibility of every citizen . . . to preserve and protect the State religion of Islam, culture, language and heritage of the country” (Republic of Maldives 2008, 18). This is again a significant shift. Before the 2008 constitution, citizens were required to study the Quran, whereas now their duty is the preservation and protection of the religion of Islam.

Surely the weightiest alteration in the determination of the relationship between the state, nationalism, and Islam regards the provisions on Maldivian citizenship. The 2008 constitution was the first to link Maldivian citizenship to the Muslim faith. Article 9 provides that “a non-Muslim may not become a citizen of the Maldives” (ibid., 2). Against the widespread common perception, however, the constitutional

provision does not specify that Maldivians need to be *Sunni* Muslims unless they aspire to high offices in the state's administration (I will detail this in the following paragraphs). Although the 2008 constitution was the first constitution to include this provision, there were two acts that had already linked Islamic faith and Maldivian citizenship. These were the 1994 Religious Unity Act and the 1995 Maldivian Citizenship Act, which had been issued during the Gayoom era and together present the legal iteration of Gayoom's "hundred-percent-Muslim nation" doctrine that I discussed earlier in the article. Since both acts predate the 1998 constitution, it is somewhat surprising that their provisions had not already been incorporated in it. However, as a matter of legal fact, today Maldivian citizenship is exclusively tied to the Islamic faith so that in legal terms all Maldivian citizens are Muslims by definition.

In view of the article's thematic focus on the entanglements of Islam, the nation, and the state, I will synthesize some broader observations of the historical trajectory of the legal codification of Islamic nationalism. The commencement of the first constitution of 1932 reflects the arrival of the nation state concept with the introduction of the constitutional monarchy. It added the idea of the nation to a preexisting Islamic polity. The shift from constitutional monarchy to republic with the 1968 constitution affected the configuration of the conflation of the state, nationalism, and Islam less than the following two constitutions. The proclamation of Islamic principles as a defining feature of the Maldivian state is a novelty in the 1998 constitution. The 2008 constitution includes by far the most full-fledged, detailed, and strict provisions about religious nationalism ever in Maldivian constitutional history. Thus, religious nationalism has never before been as legally defined, enshrined, and regulated in Maldivian law as it is today. In effect, there are now high legal hurdles for anyone to challenge or even undo the entanglement of Islam and the nation state. And yet, this is exactly the concern of the Defend Islam campaign.

### **The Defend Islam campaign's reasoning: Endangered Maldivian Islamic nationalism**

Thus far, I have laid out the vantage point of the Defend Islam campaign. It took the "hundred-percent-Muslim nation" trope for granted and set out to defend the total Islamic society. It legitimized its activism by reference to the legal provisions made by the 2008 constitution that stress the conflation of Islam, the state, and nationalism. On the basis of this posture, the Defend Islam campaign alleged that "[s]ince assuming office Nasheed has been working ceaselessly to weaken the Islamic faith of Maldivians, allow space for other religions, and make irreligious and sinful behaviour common" (*Minivan News* 2012). To substantiate this allegation the Defend Islam campaign formulated a critique by presenting a number of issues that to the campaign signaled the endangerment of Maldivian Islam. By engaging with the Defend Islam campaign's reasoning, this section demonstrates how the perception of the condition of Maldivian Islamic nationalism is connected to the state's performance and that of its office holders.

My discussion of the Defend Islam campaign's critique focuses on three issues: first, the erection of commemorative statues in the Maldives during the seventeenth

summit of the South Asian Association for Regional Cooperation (SAARC); second, the speech delivered by the United Nations High Commissioner for Human Rights, Navanethem Pillay, in the Maldivian parliament; and third, the official relations between the Maldives and Israel. The campaign's argumentation in all of these issues follows a two-step pattern: initially the campaign identifies an issue that in the campaign's view indicates the threat to Maldivian Islam, and then it establishes a link that situates the responsibility for the issue with the MDP government, and President Nasheed in particular.

The Maldives had hosted the seventeenth SAARC summit in a newly built convention center in the Maldives' most southern Addu Atoll on November 10–11, 2011. To celebrate and commemorate the occasion each of the eight participating South Asian nations had sponsored a statue presented to the Maldives. The statues were crafted to depict significant national symbols of all the participating nations and had been approved by all the donors. Then the statue of Pakistan became the locus of a local controversy. It depicted the country's founder Muhammad Ali Jinnah, and on its base it had ten plates featuring motifs derived from the ancient Indus Valley civilization.<sup>8</sup> Some locals interpreted these motifs as religious depictions, which in their view violated the Islamic ban on divine imagery. Despite the fact that the statue had been approved by the Islamic Republic of Pakistan, they argued that it was not a commemorative monument but an idol meant for worship. The consequence was iconoclasm: a group vandalized and destroyed the statue completely.

The Defend Islam campaign took up the issue in its reasoning as one indication of the threat to Maldivian Islam. It proclaimed that the monuments were idols: "The idols imported to the Maldives in the name of the SAARC summit are not children's toys or items in tourist shops. The idols are representations of god or objects used for worship. God reveals in the Holy Quran that idols are unclean" (*Minivan News* 2012). Subsequently, the campaign linked the construction of the monuments to the president: "Nasheed's government erected numerous idols in Addu atoll for the SAARC summit. These things were brought from various SAARC countries and placed upon request of Nasheed's government the way they asked for" (*ibid.*). The interesting aspect about this line of reasoning is not the doubtful validity of this claim but that the erection of the statues in the realm of an international political summit indicated the endangerment of Islam in the Maldives to the Defend Islam campaign. Hence, the argumentative strategy of the campaign was to define the statues as idols, to attribute their construction solely to the president's responsibility, and to then claim that this reveals something about the condition of Islam in the Maldives. The same argumentative logic is also apparent in the second issue.

A fortnight after the SAARC summit, on November 24, 2011, the United Nations High Commissioner for Human Rights, Navanethem Pillay, delivered a speech at the People's Majlis as part of her official visit to the Maldives. In her speech, entitled "Responding to the Past while Safeguarding the Future: The Challenge of Protecting Human Rights in the Context of Democratic Transition" (quoted from Naish 2011), she eulogized the achievements of the democratic reform process in recent years that had facilitated "a culture of dialogue, tolerance and mutual respect" (*ibid.*). Pillay, who had held numerous positions as a judge in South African as well as in a

number of international courts, praised the “new and very progressive constitution” that had put an end to the “decades of oppression and systemic human rights violations” (ibid.). She said that the Maldivian constitution was “proof that Islam is not incompatible with human rights and democracy,” that “the congruence between rights guaranteed by Islam and universally recognized human rights” was possible, and that the Maldives have “pioneered a democratization process that is both modern and Islamic” (ibid.). Nevertheless, she still saw some scope to further “reconcile international human rights standards and Islamic law” (ibid.). In particular, she identified the rights of females as one aspect that could be improved. Pillay argued that the practice of “flogging of women found guilty of extra-marital sex . . . constitutes one of the most inhumane and degrading forms of violence against women, and should have no place in the legal framework of a democratic country” (ibid.). Therefore, she urged the Maldivian Parliament “to discuss the withdrawal of the remaining reservation to the Convention on the Elimination of all forms of Discrimination against Women concerning equality in marriage” (ibid., my emphasis).

Right after Pillay’s plea to reconsider the application of punishments on women, religious conservatives staged a small protest in Male. Activists carried signs through the streets of the capital that read: “Digest Islam or Leave Maldives,” “Save Islam, Ban UN,” “United Nations Don’t Be a Dictator,” and “Arrest Pillay.” The protestors held that Pillay’s remarks presented an illegitimate interference with Islamic Sharia. The Defend Islam campaign’s rendition of Pillay’s speech reiterates this critique. It alleged: “UN human rights representative Pillay . . . called for omitting the article in the constitution that requires all Maldivians to be Muslims, allowing space for non-Muslims and omitting punishments clearly stated in Islamic Shariah during a visit in November this year” (*Minivan News* 2012, my emphasis). As we have seen, Pillay did not only not question the constitutional provision that links Maldivian citizenship to Islam, but she in fact applauded the successful integration of Islamic and common law in the Maldivian constitution. Moreover, she did not “call for” the abolition of Sharia punishments, but she urged the Maldivian parliament “to discuss” the matter. Nevertheless, because the Defend Islam campaign viewed her statement as a call to nullify Sharia punishments, it attacked the president for not responding adequately: “When UN human rights representative Pillay who visited in November this year said she does not accept Shariah punishments like flogging fornicators, instead of condemning it as head of state [Nasheed] supported her statement” (*Minivan News* 2012). Hence, because Nasheed did not object to Pillay’s plea to the parliament to discuss the appropriateness of Sharia punishments for a modern democratic state, the Defend Islam campaign saw another indication of the demise of Islam in the Maldives.

The third issue that the Defend Islam campaign identified as a threat to Maldivian Islam concerned the Maldivian relations with Israel. The backstory to this issue already commenced in May 2011 when the Israeli aviation company El Al applied for a landing permit from the Maldivian Transport Ministry. Since the granting of landing permits is subject to international agreements and regulation, such as those provided by the International Civil Aviation Organization, the Transport Ministry had issued a license to El Al in September 2011. This caused a major political dispute in the coalition between the Maldivian Democratic Party and the Adhaalath Party

(AP, Justice Party) that was in government at the time. While the decision was still pending, the Adhaalath Party announced that it was going to quit the coalition government, “because Israel is the biggest enemy of the whole Muslim community, a country that has stolen the holy lands of Muslims, a country that is committing violence against the people of Palestine and as Israeli flights are targets of terrorist organizations, it raises security concerns” (Adhaalath Party statement, quoted in Nazeer 2011b). In September, after the license had been issued to El Al, the Adhaalath Party left the coalition and became a driving force in the Defend Islam campaign because it objected to the “strengthening [of] relations with such a cruel state” (quoted in Nazeer 2011a). Apparently, for the Adhaalath Party, the granting of a landing permit to El Al was equal to supporting the State of Israel.

The Defend Islam campaign picked up the issue and reproduced the Adhaalath Party’s reasoning: because “Nasheed’s government has also authorized Israeli flights to land in Maldives . . . it is likely that with the commencement of flights from Israel the country will face unimaginable security risks, great dangers and devastation of the country’s tourism” (*Minivan News* 2012). From this point onward, the campaign extended its argumentation to a much broader accusation: “after coming to power Nasheed’s main priority was fostering ties with Jews” (*ibid.*). It alleged that “Nasheed’s government has decided to give numerous plots and uninhabited islands to Israel” (*ibid.*), and that “family members of Nasheed and some senior members of Nasheed’s government have business ties with Jews” (*ibid.*). This argument is not only vague but flawed. For instance, the campaign alleged that “Nasheed’s current Foreign Minister ‘Kerafa’ Naseem is a person who voted on behalf of the Maldives at the UN to [recognize] Israel as an independent nation” (*ibid.*). The accused foreign minister, Ahmed Naseem, responded: “I was not even born then [in 1948] . . . but the Maldivian public do not know . . . when the state of Israel was created” (Robinson 2012), which, in fact, predates the independence of the Maldives in 1965. However, the Defend Islam campaign took the argument another step further: “While on the one hand establishing closer ties with the biggest adversary of Muslims, Nasheed’s government was turning hostile towards Muslim nations” (*ibid.*). Hence, the Defend Islam campaign argued that the granting of the landing permit to El Al signaled not only the Nasheed government’s support for Israel but also its hostility against Muslim nations. This means that for the Defend Islam campaign, its own version of the government’s foreign policy signaled a threat to Maldivian Islam.

The Defend Islam campaign formulated demands toward President Nasheed on the basis of their versions of these three issues: the campaign urged him to tear down the statues erected during the SAARC summit, as they were idols meant for religious worship; it demanded him to condemn Pillay’s statements because her request to abolish flogging undermined the Maldives’ Islamic legal foundation; and finally it insisted that Nasheed must repeal relations with the Muslims’ biggest enemy, Israel, and prohibit El Al from operating in the Maldives. If the president would not meet these demands, then this would prove his conspiracy against Islam in the Maldives.

In sum, the Defend Islam campaign’s line of reasoning to substantiate its claim about the threat to Maldivian Islam alleges that it is the result of a complicity between internal and external political elites, and that the endangerment of Islam happens at

the level of management and monitoring of religion rather than in religious practice. This displays two underlying assumptions about the conflation of state, nation, and Islam: first, that the state is responsible for maintaining Islamic nationalism; and second, that the president plays a pivotal role in this.

### **Critique of the president in light of the 1998 and 2008 constitutions**

The centrality of the president in the Defend Islam campaign's argumentation is not only apparent in the issue-based critique but also in the way the campaign attacked the president's behavior. For instance, the campaign accused President Nasheed of drinking alcohol and of inappropriate dancing, thereby "[m]aking sinful behaviour common" (*Minivan News* 2012): "Nasheed and senior officials of his administration show in words and deeds that alcohol is good and that it is something Maldivians should accept" (*ibid.*), and also that "Nasheed is someone who commonly dances at events . . . [t]he purpose of his actions are to make Maldivians believe that these are the sort of 'modern' things that even the ruler of this Islamic state must do" (*ibid.*). Hence, the campaign accused President Nasheed not only of neglecting his official religious responsibilities and conspiring against Maldivian Islam but also of leading and showing an un-Islamic lifestyle and propagating this way of life.

The Defend Islam campaign's attack focused on the president due to his extraordinary position within the nation state. This makes the president a particularly interesting figure for the discussion of religious nationalism in the Maldives. By definition the president is the personification of the conflation of Islam, the state, and the nation. The president is not only the most power-laden but also the most defined and regulated Maldivian citizen. Therefore, this section considers the Defend Islam campaign's assumptions about the religious capacities and responsibilities of the president against the provisions made by the 1998 and 2008 constitutions. I will discuss both constitutions, because the provisions about the president have changed significantly between them. In effect the configuration of state, nation, and Islam in the transition to the democratic political system have been altered. As mentioned already, I approach the constitutions as documents that reflect presumptions about and propositions for society. The 1998 and 2008 constitutions display the changing imperatives according to which Maldivian society was imagined and modeled during the height of the Gayoom era and after the democratic reforms.

The first point is that both constitutions distinguish between the office of the president—the presidency—and the person eligible to hold the office, a distinction frequently diffused in the discourse. Both constitutions stress the separation of powers in a presidential system of governance where the executive powers are vested in the president. He or she is the head of state, head of government, and commander in chief. The president's legislative period is set to five-year terms with no limit on the number of terms in the 1998 constitution and a maximum of two terms in the 2008 constitution. This is the first significant difference between the two constitutions.

In terms of powers allocated to the office of the president, the differences are much more profound. Put simply, the 1998 constitution models the president as an omnipotent ruler who has the power to appoint most of the important posts in the

state administration, including the entire cabinet, the vice president, a third of the parliamentarians, the chief justice, the speaker and deputy speaker of parliament, the attorney general, the auditor general, the elections commissioner, and the atoll-level chiefs and judges. In contrast, the 2008 constitutional version of the president is much more subject to checks and balances. He only appoints the cabinet and diplomats, and all the remaining important posts are filled through parliamentary procedures, elections, or through finding commissions. In some cases, the president still has the right to veto but cannot appoint important positions at will like before. The 2008 president is still the most power-laden office in the state apparatus, but many of his or her responsibilities have been shifted to other governmental bodies, and he or she can be held accountable in a number of ways, unlike the 1998 president, who was granted extensive immunity.

For the discussion pursued here the provisions on the responsibilities and powers of the president in religious matters are the most relevant. Article 38 in the 1998 constitution defined the president as the “supreme authority to propagate the tenets of Islam in the Maldives” (Republic of Maldives 2000), effectively granting him the ultimate power over religious issues. Moreover, article 43 on the executive authority of the president states that the “powers of the President shall be exercised subject to Shari’ah and the Constitution. Nothing shall be done in violation of Shari’ah or the Constitution” (ibid.). In contrast, the 2008 constitution has no provision that grants the president religious authority or makes him or her specifically subject to Islamic legality. Article 106 of the 2008 constitution provides that “the President shall uphold, defend and respect the Constitution, and shall promote the unity of the State” (Republic of Maldives 2008), and “The President shall exercise Executive authority as provided for in the Constitution and law” (ibid.). Hence, a significant difference between the 1998 and the 2008 constitutions is that the 2008 president is no longer the supreme Islamic authority in the republic that the 1998 president was.

The 2008 president is still somewhat responsible for religion, but not more than any other Maldivian citizen. This is because the 2008 constitution distributed religious responsibility to the dedicated Ministry of Islamic Affairs, an expert council of Islamic scholars, and, importantly, to all Maldivian citizens. Article 67 states that “it is the responsibility of every citizen . . . to preserve and protect the State religion of Islam, culture, language and heritage of the country” (ibid.). Hence, it is the president’s duty as a citizen to preserve and protect Islam, but this is no different to any other Maldivian citizen and no longer exclusively a presidential affair. The new Maldivian solution to give every citizen responsibility toward the national religion is an alternative realization of the much-discussed issue of the privatization of religion (Casanova 1994), a debate that often viewed this development as characteristic of nation states’ secularism. Yet, contrary to most cases the privatization of religion in the Maldives does not entail an individual free choice of religion but obligation to Islam by every citizen. The important point is that the president no longer has privileged authority and responsibility toward Islam.

Seen in this light the Defend Islam campaign appears to frame its critique against the provisions made in the 1998 rather than in the 2008 constitution, as it assumes that the presidency is still vested with supreme authority and responsibility

toward Islam. When, for instance, the campaign stated that “Nasheed had a golden opportunity to . . . change the way religion was treated before, strengthen Maldivians’ Islamic faith and spread the bright light of Islam all across the country” (*Minivan News* 2012), it presupposes that the president has the means to craft religious policy at his will. But according to the 2008 constitution this is not unequivocally the case. This demonstrates the campaign’s assumption about the president’s omnipotence and reflects the idea of the prevalence of big-men-driven politics, a subject I have discussed more in detail elsewhere (Wille 2018).

Let me now consider the constitutional specifications about the person eligible to become president. Some provisions for the qualifications and personal properties of presidential candidates are the same in both constitutions: a candidate must be a Maldivian citizen by birth to Maldivian parents. The person cannot be a citizen of another country, must be at least thirty-five years of age, and must be “of sound mind” (Republic of Maldives 2000, article 34; Republic of Maldives 2008, article 109).<sup>9</sup> Other provisions that changed between the 1998 and 2008 constitutions were, for instance, that the grandparents of the candidate must also be Maldivian citizens, that the candidate must be male, and that he cannot be married to a foreign national; these provisions were abandoned in the 2008 constitution. A new provision in 2008 was that a candidate must “not have an undischarged decreed debt” (Republic of Maldives 2008).

There are two more provisions about the qualifications of presidential candidates that need to be pointed out. First, both constitutions require candidates to be Muslims of Sunni following (this requirement also applies to other high-profile administrative posts like judges, parliamentarians, and attorneys). This provision seems somewhat tautological in the 2008 constitution because, as mentioned before, citizenship already requires Muslim religious commitment. Yet here the provision is even more specific in defining that he or she must be a *Sunni* Muslim, a qualification the provision on citizenship does not state (although Maldivians commonly assume that). So only a *Sunni* Muslim can become president.

Second, both constitutions provide that a candidate cannot have been convicted of a *ḥadd* (or *ḥudūd*) offense (crimes considered in Islamic jurisprudence as offenses against the rights of God, like theft, apostasy, illicit sex, unproven accusations of illicit sex, intoxication, and robbery). This is noteworthy, not only because it connects Islamic legal principles to the state’s office holders, but because the inclusion of this clause in the new constitution appears somewhat tailored in view of specific candidates for the first presidential election under the 2008 constitution.

A member of the assembly that had drafted the current constitution between 2004 and 2008 explained to me in an interview that there had been an unsuccessful initiative to erase this clause. The significance of this, the member elaborated, is best understood in light of the presidential elections of 2008, where Mohamed Nasheed was a serious contestant to Maumoon Abdul Gayoom. Nasheed had previously been convicted of a *ḥadd* offense, which would technically exclude him from contending. In the interpretation of the assembly member, the incorporation of this clause was a strategic maneuver by the Gayoom faction to stop Nasheed from running for president. The fact that Nasheed was still allowed to contest was the result of

a controversial Supreme Court ruling. In strictly legal terms, he did not meet the requirements of the new constitution. But neither did Gayoom, as he had already surpassed the limit of two presidential terms (at the time he had already governed for six terms). The Supreme Court appeared to have weighed the pros and cons, eventually overruling the new constitution by allowing both contestants to run. However, the important point for this discussion is that a presidential candidate—the person—needs to meet the requirements of being a Maldivian citizen and a Sunni Muslim.

In the light of the constitutions the critique raised by the Defend Islam campaign intermingles the responsibilities and capacities of the office of the president with the properties and behavior of the person holding the office. For the campaign it is not the president's "body natural," to borrow Ernst Kantorowicz's terms (1957), that dances, but the president's "body politic": "Nasheed and senior officials of his government [participated] in mixed sex dancing and singing. He did not remember . . . that he was the *head of state* of a 100% Islamic nation. . . . This is the example the *commander-in-chief* shows to the younger generation" (*Minivan News* 2012, my emphasis). Moreover, the campaign's critique conflates the 1998 with the 2008 constitutional provisions on the president. It rests on the assumption that the religious authority and responsibility still lie with the presidency as was the case in the 1998 constitution. The campaign is silent about the fact that these provisions have been shifted away from the presidency in the new constitution.

In any case, the campaign's line of reasoning displays the perception that the state is not only responsible to uphold and manage Islam but also that its office holders are expected to exhibit due Islamic behavior. In the campaign's understanding of the religious commitment of the state, the president is the central guardian of Islam, which entails that he or she uses the assets of his or her office to protect the religion while at the same time showcasing pristine Islamic behavior. Thus, a characteristic of the Defend Islam campaign's version of the religious commitment of the state is the focus on the president in whose hands the maintenance, propagation, and protection of Islam are concentrated. This line of reasoning omits that the state was significantly reconfigured in the new constitution.

### **Democratic reforms and the reconfiguration of the Islamic commitment of the state**

The Defend Islam campaign's claim that Islam is under threat depended on two argumentative points: it rested on the assumption that the president has superior authority and responsibility toward Islam, and it hinged on the omission of the fact that the new constitution shifted the religious responsibilities away from the presidency. In this line of reasoning the president was bound to perform poorly with regard to Islam, because it was no longer within his mandate to administer and cater for religion. Instead, the responsibility for, the authority over, and the management of Islam were reorganized within the state apparatus. Since the Nasheed government was the first to be elected according to the 2008 constitution, it was its task to implement the changes established by it. This entailed that the institutions of the state had to be reconfigured and new regulations had to be crafted. Because the new constitution

shifted the religious responsibilities away from the presidency, an entirely new institutional set-up was required. In this section I will discuss how the new impetus on democratic governance influenced the reconfiguration of state institutions.

In its manifesto, called “Aneh Dhivehi Raajje” (The other Maldives; Maldivian Democratic Party – Alliance 2008), the MDP-Alliance had mapped out its priorities and goals for its first term of government. Under the heading “Protection of the Islamic Faith” (ibid., 56) it detailed its religious aims. There were two key policies: first, the establishment of novel state institutions, among which was “an independent Islamic Advisory Commission consisting of Sunni Muslims to deliberate on and decide on all religious matters” (ibid.); and second, the expansion of religious education including “the study of the (Dhivehi) translation of the Quran as an essential component of the school curriculum” (ibid., 57), the establishment of “mosques as centres of religious learning rather than solely for the purpose of prayer” (ibid.), and to “[g]enerate tools for religious education and allow for the free use of these tools within the bounds of the tenets of Islam” (ibid.). These policies were designed to “promote the virtues of Islam” (ibid.) and to “facilitat[e] religious unity in the country” (ibid., 56), while “emphasiz[ing] the need for respectful dialogue when propagating the faith” (ibid.).

Once in office, the MDP-led coalition (at the time this included the Adhaalath Party and the Jumhooree Party, both of which later took part in the Defend Islam campaign) began to implement these policies by rearranging the state’s institutions. First was the creation of the Ministry of Islamic Affairs in 2008. The ministry was formed out of the previously existing Supreme Council for Islamic Affairs, an advisory body to the president, that had been established in 1996 after the Religious Unity Act of 1994. The new Ministry of Islamic Affairs was mandated to oversee all aspects concerning Islam, including advising the government on religious matters, maintaining and funding the Islamic center and the country’s mosques, keeping the Islamic calendar, approving religious texts and Friday prayers, managing the *hajj*, and so forth.

Next was the establishment of the Fiqh Academy in 2010. Within the new administrative setup the Fiqh Academy was put in place to advise and regulate the Ministry of Islamic Affairs by providing Islamic legal expertise (see Government of Maldives 2009b, 9; 2009a, 203), and it was mandated to issue legal opinions. This was the first time that the Maldivian State institutionalized a body within which Islamic legal experts were able to dispute Islamic matters and to make recommendations based on Islamic scholarly reasoning. The application of the Arabic notion of *fiq* (jurisprudence) indicates that this new institution was designed to enable officially recognized debates over the interpretation of divine Islamic law. It acknowledged the equivocality of the interpretation of Sharia and Hadith and institutionalized mechanisms to contrive scholarly informed positions on Islamic legal matters in the Academy. The creation of the Fiqh Academy as a space for deliberation reflects the democratic impetus on discussion and compromise in the decision-making that the new constitution was meant to facilitate. In contrast to the old order where the president had the supreme authority and hence the final say over religious issues, the new administrative setup was designed to involve multiple actors, voices, and opinions. This is further illustrated by the policy of incorporating and consulting other stakeholders within the state, like the Ministry of Education, the Ministry

of Health and Family, and the Ministry of Home Affairs, as well as domestic and international nongovernmental organizations in decision processes (Government of Maldives 2009a, 203–4). Hence, the reorganization of the institutional framework was a significant reconfiguration of the religious commitment of the state.

Another important change consisted in the crafting and implementation of new regulations. In 2011, only a few months before the SAARC summit, the Nasheed government formulated the “Regulation on protection of religious unity among Maldivian citizens” (Republic of Maldives 2011). The document details the procedures and conditions under which Islamic sermons and lectures can be held and information on religious principles can be disseminated. It regulates that permissions need to be obtained from the Ministry of Islamic Affairs and specifies which qualifications domestic and foreign persons wanting to deliver sermons need to hold in order to obtain permissions. It also provides regulations about the content of religious sermons. They cannot “engage in talk that contradicts anything mentioned in the Koran . . . the Sunnah (actions) of the Prophet (Mohamed) [and] the Prophet’s Hadith (sayings)” (ibid.). Moreover, sermons cannot

engage in any talk that may create hatred and anger among the people[,] that may be interpreted as racial and gender discrimination [and] that flaunts human dignity. . . . When explaining issues contested among scholars [licensed preachers must] clearly [explain] each scholar’s individual stand on the contested issue; and if the licensed preacher takes a personal side on the issue, clearly explaining to his/her audience why and based on what criteria and evidence he/she is basing his/her personal judgment on that particular issue. (ibid.)

The 2011 regulation also includes directives on “Non-Muslims’ expression of their religious slogans and conducting of their religious activities” (ibid.), declaring that it is illegal to carry out non-Muslim religious practice in public, engage Maldivians in non-Muslim practices, and display non-Muslim religious symbols and slogans. The regulation notes punishments in cases of violation of these rules, which may result in the revocation of a person’s license or in deportation. And, finally, the regulation includes a catalog of thirty-six universities, colleges, and centers whose degrees are recognized by the Ministry of Islamic Affairs. Among these religious educational institutions are schools located in India, Pakistan, Malaysia, the Middle East, one in the United Kingdom, and another in South Africa. The crucial point about this list is that it requires persons wanting to give sermons to hold degrees from a set of accredited educational institutions. Although the 2011 Regulation includes many more detailed provisions, the quoted extracts suffice to demonstrate the novel emphasis on formalization, qualification, and protocol that characterizes the reconfiguration of the religious commitment of the state after the inception of the 2008 constitution.

In sum, the shift of responsibility for and authority over religion away from the presidency was realized by two maneuvers: first, religious responsibility and authority was distributed among multiple state institutions; and second, procedures were specified, detailed, and fixed in regulations that established protocols and defined the relationships between the various responsible institutions. The reconfiguration of the religious commitment of the state reflects the impetus on democratic governance. It

was guided by the idea to establish frameworks within which disputed religious issues could officially be discussed, negotiated, and compromised upon. Thus, decisions were no longer made by a single supreme governmental entity—the president—but by a conglomerate of actors in the state apparatus. The presidency was explicitly excluded from this institutional setup. Moreover, the democratic reforms increased not only the number of constitutional and regulatory provisions on Islamic matters, but the new administrative approach specified procedures in unprecedented detail.

## Conclusion

There are two sets of conclusions to draw from the preceding discussion. The first concerns the contours and development of religious nationalism in the Maldives. From its beginning, Maldivian nationalism has been connected to Islam. In contrast to most other places in South Asia, Maldivian Islamic nationalism was neither embedded in a context of religious or ethnic diversity nor in a struggle against colonial domination. Instead, Maldivian Islamic nationalism evolved out of the Islamic polity to which the concept of the nation state was added, as signaled by the arrival of constitutionalism in the 1930s. From its inception the connection of Maldivian nationalism to Islam has involved the state and continues to do so. In fact, the integration of the Maldivian nation state and Islam has been intensified and refined from the 1980s onward. This is when the trope of the Maldives as a hundred-percent-Muslim nation emerged. The trope appropriated the 850-year Islamic tradition and turned it into an exclusionist narrative by exclusively linking Maldivianness to Islam. In the mid-1990s, the state formalized this linkage through legal codification, according to which Maldivian citizenship was tied to the Islamic faith, the nation state was defined as based on Islamic principles, and the president was established as the supreme authority over Islam. With the democratic reforms in the 2000s, the integration of the Maldivian nation state and Islam was amplified and refined even further. The new legislation included more detailed, more encompassing, and more restrictive provisions on religion than ever before. This resulted in a proliferation of stipulations and regulations on religious matters, including the definition of standards for accreditation and religious content. A consequence of the establishment of official procedures and protocols was the expansion of the religious administration apparatus. In sum, over the last century, the entanglement of Islam, nation, and state developed into a configuration in which the state has become the principal facilitator, guardian, and regulator of religion.

The second line of conclusions concerns the heuristics of investigating the religious commitment of the state. The discussion of the 2011 dispute over the condition of Islam in the Maldives demonstrated the importance of scrutinizing the role of the state in managing, maintaining, and monitoring religious nationalism. The configuration of institutions; the establishment of regulations, administrative procedures, standards, and protocols; as well as the determination and assignment of responsibilities and authorities over religious matters are all measures through which the Maldivian state engaged with Islam. As we have seen, the Maldivian state increasingly formalized and institutionalized Islamic matters, which in this case

entailed a more differentiated and transparent approach to the administration of Islam that was also more restrictive. However, the religious commitment of the state may in other cases also consist of establishing frameworks to manage religious diversity or to promote freedom of religion. The state's interference with religion may thus be characterized either by its prepotency or by its absence. In any case, the observations in the Maldives raise questions over states' commitment to religion elsewhere, such as: At which levels do states interfere in religious life and how? What work do states do to forge or disentangle religion and nationalism? How do states mediate between religious and other normative orders? What administrative work do states do for religion? How do states enforce or abstain from enforcing religious regulations? These are important questions to address in times of abundant religious politics.

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#### AUTHOR

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#### NOTES

1. This article has benefitted greatly from the criticism of numerous colleagues. I want to thank the organizers, Frank J. Korom and Jan Magnusson, and the participants of the "South Asian Nationalisms Compared" workshop held at Lund University in 2018, for their engaging comments. I also want to express my gratitude to my colleagues in the Indian Ocean Studies Group at Martin Luther University, Halle-Wittenberg for their insightful criticism. And finally, I thank Shamsul Falaah for sharing his expertise on Maldivian legal matters.
2. The parties participating in the Defend Islam campaign were the Adhaalath Party (AP, Justice Party), Dhivehi Qaumeey Party (DQP, Maldivian National Party), Dhivehi Rayyithunge Party (DRP, Maldivian People's Party), Jumhooreey Party (JP, Republican Party), People's Alliance (PA), and Progressive Party of Maldives (PPM).
3. The pamphlet was originally published in Dhivehi, the Maldivian vernacular. In my discussion I use the English translation provided by *Minivan News* (2012).
4. Gayoom showed his commitment to Islamic issues as part of Maldivian nationalism right from the start of his presidency. This is exemplified in the case of the heritagization of the Kaluvakaru Mosque that I discuss elsewhere (Müller and Wille 2019). The seventeenth-century mosque had been sold and shipped to a tourist resort in the 1970s. The Gayoom government acquired it back and reconstructed it as part of a heritage ensemble at the National Museum, turning the mosque into an edifice of national religious significance.
5. The Arabic loanword *waṭan* may also be translated as "nation," but as far as I could find, the term *qom* (derived from Urdu) is rather used in Dhivehi to designate "nation." Thanks to Melanie Sindelar for pointing out the alternative translation of *waṭan* to me.

6. The available sources are inconsistent on the Maldivian constitutional history. For instance, the introductory note to the Maldives in the *Oxford Constitutions of the World* database refers to six constitutions in Maldivian legal history, including constitutions from 1932, 1953, 1954, 1968, 1998, and 2008 (see Grote 2008). The *Encyclopaedia of World Constitutions* omits 1954 (Robbers 2007, 567–70). An online campaign by Maldivian lawyers, the Knowledge on Law Initiative, mentions nine constitutions: 1932, 1934, 1942, 1944, 1953, 1954, 1968, 1998, and 2008 as well as sixteen amendments (Knowledge on Law Initiative 2017). However, in a personal correspondence with me, Maldivian legal scholar Shamsul Falaah confirmed the *Oxford Constitutions of the World* database version, that there have indeed been six constitutions in the Maldives so far. In any case, there have at least been changes to the constitution (amendments and major rewrites) in 1932, 1934, 1942, 1944, 1953, 1954, 1968, 1970, 1972, 1975, 1998, 2008, and 2015 (see Ahmad 2001; Falaah 2015, 2018; Grote 2008; Knowledge on Law Initiative 2017; Republic of Maldives 1990b, 1990a, 2018).

7. In January 1953 the Maldives abolished the Sultanate for the first time and replaced it with the first Republic. The first president, Mohamed Amin Didi, only held office for a few months, and in August the same year the Sultanate was reinstated. The Sultanate then lasted until 1968 when the second Republic was established.

8. An image of the monument can be found online, via Sun Media Group (<https://en.sun.mv/950>; last accessed November 29, 2018).

9. In 2015, with the first amendment to the 2008 constitution, the provision on the age of the presidential candidates was changed to: “A person elected as President shall have the following qualifications . . . be at least thirty and at most sixty-five years of age” (Republic of Maldives 2018, article 109(c)).

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