

## SECULARISM IN THE APPLICATION OF ISLĀMIC FAMILY LAW IN THE PHILIPPINES

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### *The Meaning of Secularism*

This study deals with the effects of secularism in the application of Islāmic family law in the Philippines. However, before dealing with the effects of that principle of secularism, it seems necessary to present in brief the meaning of the term secularism. The term secularism is derived from the Latin word *saeculum* which conveys a dual connotation of time and space.<sup>1</sup> According to Western world philosophical thought, secularism is an ideology which disenchanted nature, desacralized politics and deconsecrated values.<sup>2</sup> The disenchantment of nature involves the freeing of nature from its religious overtones and the dispelling of animistic spirits, gods and magic from the natural world so that nature is no longer regarded as divine entity in which man is free to act upon.<sup>3</sup> The desacralization of politics means the abolition of sacral basis of political power and authority as a prerequisite of political and social changes in the evolutionary process.<sup>4</sup> The deconsecration of values implies the consideration of all cultural creations as transient and relative so that every value system including religion and worldview are open to change on the basis

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<sup>1</sup> This definition was provided by Syed Muhammad Naquib al-Attas in his *Islām and Secularism* which is the earliest and most comprehensive account by a Muslim scholar on the historical and philosophical meaning of the terms secular, secularization and secularism. For further reading, see Syed Muhammad Naquib al-Attas, *Islām and Secularism* (Kuala Lumpur: Muslim Youth Movement of Malaysia (ABIM), 14-49, hereafter cited as *Secularism*.

<sup>2</sup> Ibid., 17.

<sup>3</sup> Ibid., 16.

<sup>4</sup> Ibid.

of the evolutionary process.<sup>5</sup>

In otherwords, secularism denotes the disappearance of religious symbols of political and social aspects of life.<sup>6</sup> It is a Western concept whereas secularization is a process that is located in the West.<sup>7</sup> However, it is important to note that such a secular ideology being developed in the Western world on the basis of Western philosophical thought is not exactly suitable in an Islāmic society due to some conflicts and contradictions between that secular principle and the Islāmic worldview.<sup>8</sup> However, when the Philippines adopted such a secular ideology in its Constitution, it became the guiding principle of all laws to be enacted and enforced within the country.<sup>9</sup>

### *The Muslim Minority in the Philippines*

The Muslim minority in the Philippines who constitutes the largest minority in the country<sup>10</sup> possess legal system and cultural practices which are different from the rest of the cultural traditions of the Filipino peoples. Such a legal system was an amalgam of Islāmic and 'ādāt (customary) laws which was developed

<sup>5</sup> Ibid.

<sup>6</sup> Ibid., 15

<sup>7</sup> Ibid., 18.

<sup>8</sup> For the unsuitability of the principle of secularism to an Islamic society, see Ibid., 23-4.

<sup>9</sup> For instance, the Constitution states "No law shall be made respecting an establishment of religion." See The Constitution of the Republic of the Philippines (1987), Article 3, Section 5.

<sup>10</sup> See Cesar A. Majul, *The Contemporary Muslim Movement in the Philippines* (Berkeley: Mizan press, 1985), 11, hereafter cited as *Contemporary*; also Macapado A. Muslim, *The Moro Armed Struggle in the Philippines: The Nonviolent Autonomy Alternative* (Marawi City: Mindanao State University, 1994), 40, hereafter cited as *Non-violent*; also W. K. Che Man, *Muslim Separatism: The Moros of Southern Philippines and the Malays of Southern Thailand* (Singapore: Oxford University Press, 1990), 19, hereafter cited as *Che Man*; also Rajinder Singh Chauhan, *Muslims in South East Asia: A Study in Minority Problem* (Delhi: Kaniska Publishing House, 1991), 8, hereafter cited as *Rajinder*.