

**"The Clash of Civilizations WITHIN Islam:  
The Struggle over the Qur'an between Muslim Democrats and Theocrats"**

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at

**"Mr. Jefferson Goes to the Middle East:  
Democracy's Prospects in the Arab World"**

A Conference sponsored by

The Center for Vision & Values

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**Wednesday-Thursday, April 5-6, 2006**

Revised, 24 May and 05 August, 2006

(change of conference endnotes to footnotes, and some rewording)

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This paper is written for the *encouragement* of Muslims and non-Muslims. It is to show Muslims that there are options for interpreting the Qur'an that are faithful to the text, peaceful and modern. Also it is to show non-Muslims these same encouraging interpretations so as to motivate them to work with modernist and reformist Muslims on projects of mutual benefit.

To accomplish this purpose of encouragement, this study of Islamic hermeneutics contains four sections: (1) The Clash, (2) Typology, (3) Hermeneutics, and (4) Challenges.

**(1) THE CLASH**

With such a scary topic as our title that contains the words "the clash," "struggle," and "Muslim theocrats," all of which will be explained, perhaps we should inject a note of humor about spiritual cowardice before jumping into these serious matters. It takes spiritual courage to critique Islam, or nowadays to engage *at all* in the "political incorrectness" of raising religious factors when discussing politics. We all deal with our religious reluctance or outright spiritual cowardice in various ways. My favorite line on spiritual cowardice is from a friend of mine, Alan Manekofsky, who is an American that has been living in the Netherlands for many years. Get these tensions: he is a Jew, he believes in Jesus, and he is running a business in postmodern Holland, whose population is 16 million, including almost a million Muslims! Recently in a moment of humor on these tensions, and referring to the Biblical encounter of Moses with God at the scene of a burning bush that was not consumed (Exodus 3), he spoke of his own moments

of spiritual cowardice in the Netherlands, by saying of himself: "I am open to a *voice* from a bush that burns and is not consumed...though out of cowardice, I avoid *shrubbery* to be sure!"

But now in all seriousness, note the following two short and amazing paragraphs from Ibn Khaldun (who died in 1406), a pre-modern traditional Muslim theologian and sociologist of great repute, who wrote in his *Muqaddimah* (the "Prolegomenon" or "Introduction"):

In the Muslim community, *the holy war is a religious duty*, because of the universalism of the Muslim mission and (the obligation to) convert everybody to Islam *either by persuasion or by force* [Arabic: *t.aw'a.n 'aw karha.n*]. Therefore, *caliphate and royal authority are united in Islam*, so that the person in charge can devote the available strength to both of them at the same time.

The other religious groups did not have a universal mission, and *the holy war was not a religious duty to them*, save only for purposes of defence [*sic*]. It has thus come about that the person in charge of religious affairs in (other religious groups) is *not concerned with power politics at all*. (Among them) royal authority comes to those who have it--by accident and in some way that has nothing to do with religion. It comes to them as the necessary result of group feeling [*as.abiyya.h*, "solidarity"], which by its very nature seeks to obtain royal authority, as we mentioned before, and *not because they are under obligation to gain power over other nations, as is the case with Islam* [*ka-ma' fiy 'l-milla.ti 'l-'islamiyya.ti*]. They are merely required to establish their religion among their own people.<sup>1</sup>

In that passage, Ibn Khaldun was clearly describing the political theology of his day, either as a partisan in agreement with it, or merely as an observer of what other Muslims were teaching.<sup>2</sup> Either way, what is taught here is a Muslim's *duty of political dominance* over the nations of the world, and the duty to convert them to Islam, be they "*willing or not*" (Arabic

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<sup>1</sup> Ibn Khaldun, *The Muqaddimah: An Introduction to History*, translated from the Arabic by Franz Rosenthal, edited and abridged by N. J. Dawood (Princeton University Press, 1967), 183, emphasis and square brackets added. This passage also occurs, of course, in Rosenthal's unabridged three-volume set, at **1:473**. Ibn Khaldun, *The Muqaddimah: An Introduction to History*, translated from the Arabic by Franz Rosenthal in three volumes, Bollingen Series XLIII (Princeton University Press, 1958; 2nd ed. 1967, reprinted 1980). In the outer margin of this unabridged version, Rosenthal always gives the reference to the Arabic text of *al-Muqaddimah*, which for this passage is **1:415**. The Arabic text used by Rosenthal is that edited by M. Quatremère. Ibn Khaldun, Wali ad-Din Abd-ar-Rahman, [Muqaddimah], *Prolégomènes d' Ebn-Khaldoun*, Texte Arabe par E[tienne Marc] Quatremère, *Notices et Extraits des manuscrits de la Bibliothèque Impériale*, 3 vols. (Paris, 1858; 3 vols. reprinted, Beirut: Maktaba Lubnan, 1970). Note that Patricia Crone, *God's Rule* (see n. 5, below), who also follows Quatremère's Arabic text (see her at 428 *sub* Ibn Khaldun), erroneously lists the Arabic reference as "255" (p. 385, n. 116).

<sup>2</sup> I am grateful to Prof. Charles Butterworth, University of Maryland, College Park, for this partisan-observer distinction, and for his opinion that in Ibn Khaldun's case it is clearly the latter, as observer and sociologist of the cultures of his day (personal email correspondence of 25 April 2006).

*t.aw'a.n'* 'aw *karha.n'*, the language of the Qur'an at 41.11, and similar to *t.aw'a.n'* *wa-karha.n'* at 3.83 and 13.15).<sup>3</sup> A student of mine many years ago read statements such as the above by pre-modern traditional Muslims, and read the texts translated by Bat Ye'or on the treatment of *dhimmi* (Jews and Christians under an Islamic state) in those days. That student then wrote in his final notebook, "Islam is a bully religion."<sup>4</sup> Recently, Patricia Crone commenting on this passage by Ibn Khaldun, said, "There can be no better illustration of the fact that *the Muslims had created a new concept of holy war by fusing religious and political universalism.*"<sup>5</sup> Christians believe in *religious* universalism (namely that they are commanded by Jesus Christ to bring the Gospel to *all* the world), but only Muslims have added to this the notion of *political* universalism (the duty of *political* dominance over all the nations of the world). Note, this is not the same as *legal* dominance, because *dhimmi* were allowed in many respects to practice their own law while under Islamic political dominance.

Ibn Khaldun's statement above on the supremacist duty of universal political dominance, and of mandatory conversion of all to Islam, we called "amazing," not only because of its clarity and boldness, but also because of its contrast with the statements of moderate Muslims of the modern era. A good example of this is His Majesty, King Abdullah II bin al-Hussein (the son of the late King Hussein of the Hashemite Kingdom of Jordan). In Italy, on 12

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<sup>3</sup> The Romanized transliteration system used for the Arabic in this paper is my own. The letters are as follows: ' , b, t, th, j, h., kh, d, dh, r, z, s, sh, s., d., t., z., ' , gh, f, q, k, l, m, n, h, w, y, ' (Hamza). Note that underdot is replaced by afterdot, and macron for vowel-length is replaced by writing out the vowel letters *a'*, *iy*, *uw*, as well as the Hamza chairs ' , (y), (w), all to avoid underdot and macron, neither of which is accessible to all computers or printers. Lastly, predot is used to mark terminal Ta Marbuta.h (.h/t) and the nonlinear Tanwin (.n).

<sup>4</sup> Bat Ye'or, *The Dhimmi: Jews and Christians under Islam*, translated from the French by David Maisel, Paul Fenton, and David Littman (Cranbury, NJ: Fairleigh Dickinson University Press, 1985). All the subsequent works by this erstwhile Egyptian Jewess, whose pseudonymous double surname (Hebrew, "daughter of the Nile") and publisher remain the same, are *The Decline of Eastern Christianity under Islam: From Jihad to Dhimmitude, Seventh-Twentieth Century*, translated from the French by Miriam Kochan and David Littman (1996); *Islam and Dhimmitude: Where Civilizations Collide*, translated from the French by Miriam Kochan and David Littman (2002); *Eurabia: The Euro-Arab Axis* (2005).

<sup>5</sup> Patricia Crone, *God's Rule: Government and Islam, Six Centuries of Medieval Islamic Political Thought* (New York, NY: Columbia University Press, 2004), 385, emphasis added.

September 2005, when he and his wife Rania visited Pope Benedict XVI, he said in regard to terrorists, "we must resist their effort to create *a clash of civilizations*," and that such "cannot be fought by military means alone," but also by "a moral, intellectual, and social effort," and "requires an honest and continuing dialogue between *the West and the Muslim World*." In his subsequent remarks of 16 September 2005 at the United Nations' 2005 World Summit, he said,

Our country [Jordan], our region, and the world, are all affected by the prospects for peace. One critical step is to ensure zero tolerance towards those who promote extremism. Jordan has worked with the International Muslim community to *oppose extremist interpretations of Islam*. Jordan wants *true, moderate, traditional Islam* to replace *fundamentalist, radical and militant Islam*, everywhere in the world, for every single Muslim....In November of 2004 we issued the Amman Message, which sought to clarify *the true nature of Islam*--what it is, and what it is not. Then, last July [2005], over 180 scholars met in Amman. They represented 45 countries, and were supported by fatwas [a fatwa is a formal Islamic legal opinion] from 17 of the world's greatest Islamic scholars. Together, they achieved, for the first time in history, a unanimous consensus on a number of critical issues....First, the declaration recognized the legitimacy and common principles of *all eight* of the traditional schools of Islamic religious law. Second, it defined the necessary qualifications and conditions for issuing fatwas. This exposes the illegitimacy of the extremist fatwas justifying terrorism, which contravene the traditional schools of Islamic religious law and are in clear violation of Islam's core principles. Third, the declaration condemned the practice known as "takfir" (calling others apostates)--a practice that is used by extremists to justify violence against those who do not agree with them.<sup>6</sup>

The "all eight" schools of jurisprudence that the king refers to are the four Sunni schools (Hanafi, Shafi'i, Maliki, Hanbali), the Shi'i school (Ja'fari, the "Twelvers"), and three smaller schools (the Zaydi "Seveners," Ibadi, and Thahiri). The quotations of King Abdullah, above, represent three important themes in this study: (1) "the clash of civilizations" (which is being treated in this section on The Clash), (2) "moderate versus militant Muslims" (which will be treated in the next section on Typology), and (3) "extremist interpretations of Islam" (which will

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<sup>6</sup> The "Amman Message" [November 2004], the "Closing Statement of the International Islamic Conference" (IIC, also at Amman) [July 2005], the "Op-Ed written by His Majesty King Abdullah II" (published in Italy's *Corriere della Sera*, 12 September 2005), and the "Remarks by His Majesty King Abdullah II at the United Nations' 2005 World Summit" (16 September 2005), and our quotations of the King from them (with emphasis added), can all be found at the king of Jordan's [www.kingabdullah.jo](http://www.kingabdullah.jo) website.

be treated in our penultimate section on Hermeneutics). But first, a final introductory word must be given on all three of these themes mentioned by King Abdullah.

Both the King of Jordan, and his extremist opponents, are *essentialists* on Islam. I use "essence" here in the sense of *the most characteristic ingredient*, not in the sense of *that which is unchangeable*. For example, the king, typical of most Muslims, holds that Islam is *essentially* non-coercive and peaceful, that "the clash of civilizations" is *not characteristic* of the relationship of Islam and the West. The position of the terrorists and extremist Muslims is that Islam is *essentially* coercive and continually at war with the West, that the "clash" is *characteristic* of the relationship of Islam and the West. The king believes these Muslim extremists are making an effort to "create" a clash of civilizations, and to teach that democracy is a heresy. This paper is *non-essentialist*, and thus will not take a position on whether the "clash" with the West is *characteristic* of Islam or not, which is a question of its origins and its history with non-Muslims, but it does take the position that Islam is changeable, or *reformable*, even though it is *too soon* to tell whether Islam will *actually* reform itself, not knowing what choices Islam will make in the future. On the one hand, based on the radical Islamic terrorism in such places as New York City, Spain, and London, as well as the murder of Theo Van Gogh in Holland, one could argue that the "clash" is being created by "extremist" Muslims (or perhaps, as the late King Hussein of Jordan would often say of them, "This is *not* Islam"). But on the other hand, based on the very *wide-spread* violence that followed the cartoons in Denmark about Islam's prophet, Muhammad, and that followed the prior supposed-desecration of Islam's scripture, the Qur'an, at Guantanamo Bay, one could argue that the "clash" is *characteristic* of the vast majority of Muslims. Time may tell which view will prevail among Muslims. In any case it is our view that this clash of civilizations is true *at least* of the Muslim extremists, so that

there is *at least* a clash WITHIN Islam. This is due not to mere emotion but to *worldview*. Our study here will argue that such is an expression of their Qur'anic hermeneutical methodology.

It is well-known that the "clash of civilizations" expression was popularized in 1996 by Samuel Huntington in his influential and controversial work, *The Clash of Civilizations and the Remaking of World Order*.<sup>7</sup> His book represents the political right end of the "clash" spectrum, which stresses cultural and religious causes of the clash. This is distinct from the left end of the "clash" spectrum, which stresses, among other things, socio-economic causes, such as the book by John L. Esposito, *The Islamic Threat: Myth or Reality*.<sup>8</sup> The centrist position on the clash spectrum, between the Islamic democrats and the Islamic theocrats, which stresses political and legal causes, is the work by Noah Feldman, *After Jihad: America and the Struggle for Islamic Democracy*.<sup>9</sup> Since the jury is still out on the nature and scope of the clash phenomenon, the relationship, or perhaps synthesis, of these emphases is not yet apparent, nor is it clear which kind of Islam is going to prevail into modernity. For an able exposition of all three of these proposed causes, see the scholarly and helpful analysis, and remedies, of Michael Novak, *The Universal Hunger for Liberty: Why the Clash of Civilizations Is Not Inevitable*.<sup>10</sup> Notice his *non-essentialist* subtitle that the "clash" is "not inevitable." Whether the "clash" is *characteristic* of Islam or not, the "clash" is not *unchangeable*, because Islam can change. Islam is *reformable*.

Finally, our introductory remarks about King Abdullah's "moderate versus militant" Muslims, and "extremist interpretations of Islam," can now both be treated together. The best

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<sup>7</sup> Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (New York, NY: Simon & Schuster, 1996).

<sup>8</sup> John L. Esposito, *The Islamic Threat: Myth or Reality*, 2nd ed. (New York, NY: Oxford University Press, 1995). See also his post-9/11/2001 book, *Unholy War: Terror in the Name of Islam* (New York, NY: Oxford University Press, 2002).

<sup>9</sup> Noah Feldman, *After Jihad: America and the Struggle for Islamic Democracy* (New York, NY: Farrar, Straus and Giroux, 2003).

<sup>10</sup> Michael Novak, *The Universal Hunger for Liberty: Why the Clash of Civilizations Is Not Inevitable* (New York, NY: Basic Books, 2004).

source for introducing these two items is Robert Spencer's online article, "The Elusive Moderate Muslim."<sup>11</sup> In this article he mentions his differences with Stephen Schwartz, which are suggestive of many other important issues in Islamic politics.<sup>12</sup> I call this brief exchange "the Schwartz-Spencer debate on Islamic political theology."<sup>13</sup> It raises the question as to what are the hermeneutical systems in Islam that drive its law and politics. The key paragraph in Spencer's two-page online article is this:

Where is moderate Islam? How can moderate Muslims *refute the radical exegesis* of the Qur'an and Sunnah? If an exposition of moderate Islam does not address or answer radical exegeses, is it really of any value to quash Islamic extremism? If the answer lies in *a simple rejection of Qur'anic literalism*, how can non-literalists make that rejection stick, and keep their children from being recruited by jihadists by means of literalism?

I maintain that while the exegetical issue is a hermeneutical one, it is not one of literalism versus figurativism, but (as the section on Hermeneutics will show) it is a choice between two *literal* approaches, namely what I have styled *Restrictivism* versus *Foundationism*.

Spencer begins his article with Imam Siraj Wahaj, the first Muslim to give the invocation to the U.S. Congress, because right after 9/11 he said, "I now feel responsible to preach, actually to go on a jihad against extremism." But Wahaj later said unless the U.S. "accepts the Islamic agenda" it will fall, and also said, "if only Muslims were clever politically, they could take over the United States and replace its constitutional government with a caliphate." Of this erstwhile "moderate" Muslim, Spencer poignantly says, "someone who would like to see the Constitution *replaced* has led a prayer for those sworn to *uphold* it." He adds,

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<sup>11</sup> Robert Spencer, "The Elusive Moderate Muslim," *Human Events*, [www.humaneventsonline.com](http://www.humaneventsonline.com), posted 24Nov2004. Some of Spencer's other works are *Islam Unveiled: Disturbing Questions about the World's Fastest-Growing Faith*, Foreword by David Pryce-Jones (San Francisco, CA: Encounter Books, 2002); *Onward Muslim Soldiers: How Jihad Still Threatens America and the West* (Washington, DC: Regnery Publishing, Inc., 2003); *The Politically Incorrect Guide to Islam (and the Crusades)* (Washington, DC: Regnery Publishing, Inc., 2005).

<sup>12</sup> The views of Stephen Schwartz can be found in his articles for *The Weekly Standard* magazine, and in his book, *The Two Faces of Islam: The House of Sa'ud from Tradition to Terror* (New York, NY: Doubleday, 2002).

<sup>13</sup> For more on this topic, and on many others, see my forthcoming book, *Islamic Political Theology*, currently under preparation.

"Unfortunately, it is not so easy to find Muslim leaders who have genuinely *renounced violent jihad* and any intention, now or in the future, to *impose Sharia on non-Muslim countries*." The reasons Spencer gives for the difficulty in finding moderate Muslims are three.

(1) First are the Islamic doctrines of religious deception. He mentions *taqiyya* [from *taqiyya.h*, "fearing for oneself, self-guarding, protection, dissimulation"] and *kitman* [from *kitma'n*, "concealment"]. The Qur'an does not permit a true believer to deny God, unless two things are true: someone's denial is not heart-felt and "unless someone is under duress" [Q.16.106, '*illa' man 'ukriha*, cf. '*ikra'h*, "coercion, duress" at Q.2.256]. (2) Second, all Muslims must pray in Arabic, but most Muslims do not know Arabic or what the Qur'an says, so these moderates get radicalized when they become prey to those militant jihadist who tell them what the Qur'an says. (3) Third, and most relevant here for our study, moderate Islam is still in an inchoate [beginning/undeveloped] state *theologically*, and the cultural habit of moderation is "ever vulnerable to being overturned by [the] by-the-book radicals." Spencer then takes issue with Stephen Schwartz who denies this, and quotes him as saying there *is* an Islamic tradition of moderation, to which Spencer says, "But it isn't that it's not traditional; it's that it's not *theological*." Jihadists give plenty of verses and commentary on the Qur'an, and this appeal to "pure Islam" has proven to be effective. Spencer then concludes his article with the paragraph quoted above on the need for moderate Muslims to refute the exegesis of the militant Muslims.

I conclude this section on the clash with my own view on the broader Schwartz-Spencer debate. On the question of *historical* Islam, Spencer is more correct than Schwartz who does not stress the *continuum* of militant jihadism within historical Islam, which continuum we saw in the opening quote from Ibn Khaldun, even though Schwartz rightly shows the important role of modern Wahhabism in the current "two faces of Islam." But inversely, on the question of

moderate Islamic political *theology*, Schwartz is more correct than Spencer who does not discuss the considerable advancements in exegesis by moderate Islamic political theology. This question of the Qur’anic *hermeneutics* of contemporary Islamic political theology will be treated in the third section of this paper. The second section, that on Typology, must now be developed, because it lists and analyzes the various types of Muslims that exist today, all of which are either generated, or merely justified, by political exegesis in regard to democracy and violence.

## (2) TYPOLOGY

The most valuable source for contemporary Islamic political typology, giving the entire spectrum or landscape of ideological orientations current among Muslims in the Islamic world, is by far the RAND Corporation's 2004 study, entitled *The Muslim World after 9/11*, which was prepared for the United States Air Force, and whose superb "Overview" was written by Angel M. Rabasa.<sup>14</sup> The following three tables are not in the RAND volume, but they are completely based on the RAND study's data and charts. RAND identified four major types (Secularists, Modernists, Traditionalists, and Fundamentalists) embedding seven particular types.

<b>Table 1: Democracy</b>	
Contemporary Islamic Political Typology by DEMOCRACY-NONDEMOCRACY	
1.D. DEMOCRACY ( <b>democrats</b> from more to less democratic)	1.N. NONDEMOCRACY ( <b>nondemocrats</b> from less to more nondemocratic)
1.D.1. liberal Secularists 1.D.2. liberal Modernists 1.D.3. Islamist Modernists	1.N.1. modern Traditionalists 1.N.2. conservative Fundamentalists 1.N.3. <b>authoritarian Secularists</b> 1.N.4. radical Fundamentalists

<b>Table 2: Jurisdiction</b>	
Contemporary Islamic Political Typology by Religious PRIVATISM-ACTIVISM	
2.P. RELIGIOUS PRIVATISM ( <b>privatists</b> from more to less privatist)	2.A. RELIGIOUS ACTIVISM ( <b>activists</b> from less to more activist)
2.P.1. <b>authoritarian Secularists</b> 2.P.2. liberal Secularists 2.P.3. modern Traditionalists	2.A.1. liberal Modernists 2.A.2. Islamist Modernists 2.A.3. conservative Fundamentalists 2.A.4. radical Fundamentalists

<sup>14</sup> Angel M. Rabasa, Cheryl Benard, Peter Chalk, C. Christine Fair, Theodore Karasik, Rollie Lal, Ian Lesser, and David Thaler, *The Muslim World after 9/11*, prepared for the United States Air Force (Santa Monica, CA: RAND Corporation, 2004).

<b>Table 3: Moderation</b> Contemporary Islamic Political Typology by VIOLENCE-NONVIOLENCE-VIOLENCE		
3.L. VIOLENT LEFT	3.M. MODERATE MIDDLE ( <b>moderates</b> from less to more moderate)	3.R. VIOLENT RIGHT
3.L.1. <b>authoritarian Secularist</b>	3.M.1. conservative Fundamentalists 3.M.2. modern Traditionalists 3.M.3. Islamist Modernists 3.M.4. liberal Modernists 3.M.5. liberal Secularists	3.R.1. <b>radical Fundamentalists</b>

Note these observations on the above three tables:

**1. RAND.** The RAND Corporation (an acronym for **research and development**), is a think-tank initially on national security, but now also on business, education, health, law, and science. This volume, after the "Overview" by Rabasa, covers by successive chapters the major ideological orientations in the following ten areas of the Muslim world: the Middle East, the Maghreb (northern Africa), Turkey, Iran, Pakistan, India, Central Asia, Southeast Asia, West Africa (Nigeria), and finally, Muslim Diasporas and Networks. A one-page summary and chart of this volume occurs in the *RAND Review* for Spring 2005, which explains how liberal and moderate Muslim sectors can be empowered "in what is essentially *an ideological struggle within the Muslim world*."<sup>15</sup>

**2. Types.** Common to all three of my tables above are the four major political types, which embed the seven particular types of Muslims: Secularists (liberal & authoritarian), Modernists (liberal & Islamist), Traditionalists (modern), and Fundamentalists (conservative & radical). Each of these seven types is aptly named: *Secularists* are politically non-religious (not necessarily anti-religious) Muslims, whether of the liberal or authoritarian variety (except when religion is momentarily advantageous); *Modernists*, those religious Muslims who have embraced

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<sup>15</sup> "News, After 9/11: How Should the United States Deal with the Muslim World?," *RAND Review*, Spring 2005, p. 4, [www.rand.org](http://www.rand.org), emphasis added.

modernity either as liberals, or on the stricter Islamist terms of the necessity of an *Islamic state* that is modern; *Traditionalists* only of the modern variety (since the RAND volume covers only the post-9/11 period), who are different from the pre-modern Traditionalists, not noted by RAND, such as Ibn Khaldun; and *Fundamentalists*, the least apt of terms in the political taxonomy, since fundamentals are the duty of all Muslims, but both conservative and radical varieties are focused on purity, and are thus called "puritans," e.g., by Abou El Fadl.<sup>16</sup> I refer to them as Islamists, or Puritanicalists, so as to distinguish them from the Christian "Puritans" of the past.

**3. Flow.** Note the logical flow of Table 1 (Democracy) and Table 2 (Jurisdiction), which is from left top to bottom, then right top to bottom, and in each table an *incremental coarsening* occurs: Table 1 goes from democracy (1.D) to nondemocracy (1.N.), which is the diminishing role of the people to rule; Table 2 goes from religious privatism (2.P.) to religious activism (2.A.), which is the incremental religious rule in civil affairs. The division of the types is remarkably similar in both Tables 1 and 2 (with some slight differences in sequencing of priorities), except for the dramatic switch of the authoritarian Secularists (**bolded**), who are very nondemocratic, yet, expectedly, very privatist in the civil role of religion, since each of these tenets is due to the strong *ideological* nature of the authoritarian Secularists. Most instructive, however, for our study here is Table 3 (Moderation), where the flow is from both the violent left and violent right toward the moderate middle, which incrementally moderates as it goes from top to bottom in Islamic political thought. This shows clearly that *extremism, whether on the left or the right, diminishes civil moderation and liberty*. Note that while we have some types that are both democratic & nonviolent (which is the best state of civil affairs), and some types that are

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<sup>16</sup> Khaled Abou El Fadl, interviewed by Richard N. Ostling, Associated Press, on Fri04Nov2005, appearing in "CSID in the News," Center for the Study of Islam and Democracy, 30 December 2005, [www.csidonline.org](http://www.csidonline.org).

both nondemocratic & violent (which is the worst state of civil affairs), and a few types that are both nondemocratic & nonviolent (which is the Traditionalist in the modern age), still it is astonishing that there is **no type that is both democratic & violent**, which situation in the Muslim world is directly parallel to that in the modern western world, namely that *constitutional democracies do not war with one another, and are far less violent within, thus maximizing civil moderation and liberty*. In my view, this is the *chief* finding of the RAND study, and the most *encouraging*, namely that *extremism* (whether on the right or the left of the political spectrum), and *democracy* are, respectively, the worst and best of *all* of humankind's social experiments. These political types are generated, or at least must be justified, by hermeneutical ideas.

But before we can move to Hermeneutics, one final source must be mentioned for this Typology section, namely that of William Shepard's chapter, "The Diversity of Islamic Thought: Towards a Typology," in the book edited by Suha Taji-Farouki and Basheer M. Nafi, entitled *Islamic Thought in the Twentieth Century*.<sup>17</sup> Note the following Table 4, again entirely mine, but which adopts the vertical-and-horizontal orientation of Shepard's chapter (which contains no tables). This double orientation allows us to include some data of the RAND study not yet discussed. New here, however, graphically speaking, is the right-justification within several cells, a device to show that such a political type is to the political right of the column categorization in which it occurs. Again, our observations will follow the Table.

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<sup>17</sup> Suha Taji-Farouki, and Basheer M. Nafi, eds., *Islamic Thought in the Twentieth Century* (London, UK: I. B. Tauris, 2004). See esp. chapter 3 by William Shepard, "The Diversity of Islamic Thought: Towards a Typology" (61-103, esp. 81, and 88, n. 5).

<b>Table 4: Islamic Typology</b> <b>The Spectra of Ideological Orientations among Muslims</b> (based on William Shepard's typology, and some data from the RAND study of the Muslim World)		
<b>(NON-)DEMOCRACY</b> ↓ SPECTRUM ↑	<b>(NON-)VIOLENCE</b> ← SPECTRUM →	
<b>MODERNITY</b> (embraces democracy)	<b>ADAPTATIONIST</b> (opposing violence)	<b>REJECTIONIST</b> (embracing violence)
<b>SECULARIST</b> (non-religious, but not necessarily anti-religious)	<b>liberal Secularists</b> (e.g., secular parties in Turkey and Indonesia, liberal or social democratic)	<b>authoritarian Secularists</b> (e.g., Ba'ath Party, power oriented, national socialism or pan-Arabism)
<b>MODERNIST-REFORMIST</b> ("the middle way" [Q.2.143, 'umma.tu.n wasat.u.n] offered by religious Muslims)	<b>liberal Modernists</b> (e.g., Muhammadiyah of Indonesia). <b>Islamist Modernists</b> (e.g. the Qur'an notes of Muhammad Asad). <b>[early-modern Reformists</b> (e.g., 'Abduh of Egypt, d. 1905).]	
<b>TRADITIONALIST</b> (conformity to religious scholars [ <i>'ulama'</i> ], fuse Islamic beliefs with local traditions when permissible)	<b>modern Traditionalists</b> (e.g., mainstream Shi'ites of Iraq, politically moderate, tolerant of non-Muslims, most oppose violence)	<b>[pre-modern Traditionalists</b> (e.g., Ibn Khaldun, d. 1406, as partisan or mere observer of a Muslim's duty to convert infidels by persuasion or force, and to gain political dominance)]
<b>ISLAMIST</b> (called neo-traditionalist as well due to the emphasis on military jihad and being anti-democratic (ineptly called Fundamentalists, since many of them in many regions are democratic or open to such)	<b>conservative Islamists</b> (e.g., Jama'a al-Tabligh of India and Pakistan, seeks supremacy of religious law, missionary minded, violence is situation-contingent)	<b>radical Islamists</b> (e.g., Saudi Salafi-jihadist groups, political Islam, revolutionary, seeks strict Shari'a-based state, democracy is a heresy of the West, most Islamic terrorists are found here, and the remainder are with authoritarian Secularists, above)
<b>TRADITION</b> (opposes democracy)	<b>ADAPTATIONIST</b> (opposing violence)	<b>REJECTIONIST</b> (embracing violence)

**1. Flow.** The first column to the left flows from top (modernity embracing democracy) to bottom (tradition opposing democracy). The remaining column to the right is bipartite, made up of a left adaptationist half (opposing violence) , and a rejectionist half (embracing violence) to its right, and both of these half-columns are to be read in conjunction with the first column, flowing from left to right across the entire table, e.g., from the main Secularist type, to the particular liberal Secularists and radical Secularists types.

**2. Types.** My "Islamist" type here is the same as the "Fundamentalists" of our previous tables, sometimes called "puritans" (or by me "Puritanicalists"), and "neo-traditionalists." There are two new types added here in square brackets to the table for historical completeness: the *early-*

modern Reformists, and the *pre*-modern Traditionalists. It appears that their historical sequence would be the pre-modern Traditionalists (such as Ibn Khaldun, whom we quoted at the beginning of this study), then early-modern Reformists (such as ‘Abduh), who later developed into liberal Modernists, and some into either liberal Secularists or radical Secularists. Most recently, these last two secular types witnessed a radical and violent reaction to their secularism by the emergence of radical Islamists. Ian Buruma, in a 2004 online article documents that *secularism is the major cause of radical Islamism*, and that *religious participation is the best hope for democracy*.<sup>18</sup> In this respect he is in line with Noah Feldman's *After Jihad* book,<sup>19</sup> and with Reuel Marc Gerecht's "Devout Democracies" article<sup>20</sup> (rather than in line with the secularist advice of Bernard Lewis and Daniel Pipes). Finally, what is the difference between "liberal Islam" and "political Islam"? In Table 4 above, political Islam is called Islamism, which insists on the need for Muslims to have an Islamic state. More specifically, the book by Diamond, et al., entitled *Islam and Democracy in the Middle East*,<sup>21</sup> would say that with liberal Islam you have the Islamization of politics, but with political Islam you have the politicization of Islam. With either political type, you have the close relationship of Islam and politics (cf. the "devout democracies" by Gerecht, above).

**3. Jihad.** The radical Islamists in Table 4 (the radical Fundamentalists in Table 3), are called radical jihadist, namely those who believe that holy war is a required means for the expansion of Islam. Andrew G. Bostom's 2005 book, *The Legacy of Jihad*, which surveys the entire history of

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<sup>18</sup> Ian Buruma, "An Islamic Democracy for Iraq?," *New York Times*, nytimes.com, December 5, 2004. This is an excellent 6-page exposition of secularism as the major cause of radical Islamism.

<sup>19</sup> See n. 9, above.

<sup>20</sup> Reuel Marc Gerecht, "Devout Democracies: Self-rule in the Middle East will have a religious component, but that doesn't mean it won't work," *The Weekly Standard*, Volume 011, Issue 16 (01/02/2006).

<sup>21</sup> Larry Diamond, Marc F. Plattner, and Daniel Brumberg, eds., *Islam and Democracy in the Middle East* (Baltimore, MD: The Johns Hopkins University Press, 2003). See esp. chap. 26 by Radwan Masmoudi, *The Silenced Majority*.

jihad, is key here.<sup>22</sup> Very instructive also is Dean Barnett's review of it in *The Weekly Standard* online.<sup>23</sup> Barnett says Andrew Bostom, a Rhode Island physician, got into the study of Islam on 9/11/01. On reading his book Barnett says, "...whether the war-like interpreters of Islam '*hijacked*' a peaceful religion *or not*, their presence has been a near constant menace for well over a millennium," and it was "each Muslim's duty to spread the faith by war." The alternative to conversion was death or slavery (for pagans) or taxes (for dhimmis). These offensive (as opposed to defensive) jihadists have been almost constant throughout the history of Islam, and such thinking has even expanded in modern times. Bostom quotes Ayatollah Khomeini's own sobering words on "the religion of peace" idea: "All those who study jihad will understand why Islam wants to conquer the world....Those who know nothing about Islam pretend that Islam counsels *against* war. [They] are witless!" Those radical Muslims, says Barnett, would see John Esposito as "witless" in limiting armed jihad to merely the *defense* of the Muslim community, and such is ahistorical, since the spread of Islam by war was mostly offensive rather than defensive. I observe, in conclusion, that the highest political value in the West is liberty, and in pre-modern traditional Islam it has been conformity [*taqliyd*]. Today, Islam's typological landscape extends from democrats to theocrats, which I graph as follows:

**Secularist Muslims & Modernist Muslims vs. Traditional Muslims and the Islamists**

(*dawla.t 'ad-dunya'*, "a State of this world" vs. "a Shari'a-law State," *dawla.t 'ad-diyin*)

**(3) HERMENEUTICS**

A hermeneutic is a system of textual interpretation, and this section on Islamic hermeneutics will briefly survey the large field of the systems of interpretation used by Muslims

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<sup>22</sup> Andrew G. Bostom, *The Legacy of Jihad: Islamic Holy War and the Fate of Non-Muslims* (Amherst, NY: Prometheus Books, 2005).

<sup>23</sup> Dean Barnett, "All Jihad All the Time: What Andrew Bostom's *The Legacy of Jihad* tells us about the history of Islam," *The Weekly Standard* online for 30 January 2006, <http://weeklystandard.com>.

to understand and apply the text of the Qur'an to the development of their political worldview. For other Muslims, these systems will be used merely to justify the worldview they already have. But either way, in the Muslim world, especially in the Arab Muslim world in which religion is like breathing, a Muslim must ground or justify his political worldview by an appeal to the Qur'an. To my knowledge, such a hermeneutical *survey* has not been written, neither the full scope of views nor the *terminology* to describe them.<sup>24</sup> I will attempt an overview now, using my own outline and terminology, which of necessity will somewhat reflect the experience of the Judeo-Christian West with the text of the Bible. But it is my teaching experience that such terminology is necessary anyway to make Qur'anic hermeneutics intelligible to students in the West, especially to those of us who want to see the different Biblical and Qur'anic peoples cooperate, rather than war, so as to further religious cooperation, human rights, and international harmony and prosperity. To date I have found that the numerous varieties of political theology as expressed in their hermeneutical methodology can be intelligibly subsumed under just two heads, namely *Restrictivism* and *Foundationism*, and that these two sets embed a total of five subsets. See the following outline, and subsequent commentary, that I made for my courses: Qur'anic Law, and Islamic Politics. These sets and their subsets are used, consciously or not, by everybody from Muslim democrats to Muslim theocrats in their struggle over the Qur'an to defend their place in the typology we have just previously surveyed, and used to diminish or to augment the "clash" between Christendom and Islamdom presented in the first section of this study. What follows is my numeric outline of Islamic hermeneutics.

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<sup>24</sup> The most helpful source towards some of the elements needed for the scope and the terminology of surveying the hermeneutical systems of Islamic political theology is chapter 21, "Muslims and Non-Muslims" (358-392) of Patricia Crone, *God's Rule* (see n. 5, above).

1. **RESTRICTIVISM:** The **Restrictive** Hermeneutic (largely of **militant** Muslims)
  - 1.1 **abrogation:** incremental restrictivism.
  - 1.2 **particularization:** *dhimmi* restrictivism.
  - 1.3 **spiritualization:** internalized restrictivism.
2. **FOUNDATIONISM:** The **Expansive** Hermeneutic (largely of **moderate** Muslims)
  - 2.1 **periodization:** dispensational foundationism.
  - 2.2 **contextualization:** moral foundationism.

The best way to illustrate how each of these systems works is to quote the Qur'an at the first part of verse 256 in surah 2, and to show how the Islamic hermeneutical sets and subsets are applied. **Q.2.256(A), our exemplar verse**, says, "There shall be no coercion in matters of faith," as Muhammad Asad,<sup>25</sup> signaled by the (A) after the reference, translated the Arabic (*la' 'ikra'ha fiy '(l)d-diyn*, which literally is "[There is] no coercion in religion"). Restrictivism restricts the religious toleration of this exemplar verse, and Foundationism expands the religious toleration of the same verse. What follows is how this verse is interpreted by each hermeneutical subset.

1. **RESTRICTIVISM:** The Restrictive Hermeneutic (largely of **militant** Muslims)
  - 1.1 **abrogation:** incremental restrictivism.

At Q.2.106(HiK) we read, "Whatever a [*sic*] verse (revelation) do We abrogate or cause to be forgotten, We bring a better one or similar to it," as Hilali and Khan,<sup>26</sup> signaled by the (HiK) after the reference, translated the Arabic (*ma' nansakh min 'a'ya.ti.n*, "Any message which We annul"). What this means to the abrogational restrictivism, is an abrogation (*naskh*) of a verse or revelation (*'a'ya.h*), such as an **earlier peace(ful) verse**, that gets abrogated (*mansuwkha.h*) by a **later war(like) verse** that is the abrogator (*na'sikha.h*) of it. The Wahhabist

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<sup>25</sup> Muhammad Asad, *The Message of the Qur'an: the Full Account of the Revealed Arabic Text Accompanied by Parallel Transliteration [and with Index]*, translated and explained by Muhammad Asad (Bristol, UK: The Book Foundation, 2003). The previous edition of *The Message of the Qur'an* by Muhammad Asad, without transliteration or index, is that of Gibraltar, UK (Dar al-Andalus, 1980).

<sup>26</sup> Muhammad Taqi-ud-Din al-Hilali, and Muhammad Muhsin Khan, *Interpretation of the Meanings of The Noble Qur'an in the English Language: A Summarized Version of at-Tabari, al-Qurtubi, and Ibn Kathir with Comments from Sahih al-Bukhari, Summarized in One Volume [with Qur'anic text in Arabic and English]* (Riyadh, Saudi Arabia: Darussalam, Publishers and Distributors, 15th rev. ed., December 1996). This 15th ed. is the last edition, as far as I know, that has the appendix on Jihad ["Appendix-IV, The Call to Jihad (Holy Fighting in Allah's Cause) in the Qur'an"], 1224-1245.

translation and notes of HiK from Madinah, Saudi Arabia, lists Q.2.62n(HiK) as the first verse in its printed Qur'an to be abrogated, namely by Q.3.85, the later overruling the earlier, and so incrementally throughout the Qur'an (for both of these verses, see the first block quotation, below). Going through all of the notes in HiK, I have found a total of eight abrogations: [1] 2.62 (by 3.85), [2] 2.109 (by 9.29), [3] 2.184 (by 2.185), [4] 2.217 (by 9.36), [5] 2.219 (by 5.90), [6] 2.240 (by 4.12), [7] 4.15 (by 24.2), and [8] 5.69 (by 3.85). The first two of these abrogational examples will suffice to show *the incremental coarsening* that abrogation incurs (emphasis here added in italic):

[1] **Q.2.62(HiK):** Verily, those who believe and those who are Jews and Christians, and Sabians, whoever believes in Allah and the Last Day and does righteous deeds *shall have their reward with their Lord*, on them shall be no fear, nor shall they grieve. **Q.3.85(HiK):** And whoever seeks a religion other than Islam, *it will never be accepted of him*, and in the Hereafter he will be one of the losers.

[2] **Q.2.109(HiK):** Many of the people of the Scripture (Jews and Christians) wish that if they could turn you away as disbelievers after you have believed, out of envy from their own selves [*sic*], even after the truth (that Muhammad is Allah's Messenger) has become manifest unto them. *But forgive and overlook*, till Allah brings His Command. Verily, Allah is Able to do all things. **Q.9.29(HiK):** *Fight against those who (1) believe not in Allah, (2) nor in the Last Day, (3) nor forbid that which has been forbidden by Allah and His Messenger (Muhammad), (4) and those who acknowledge not the religion of truth (i.e. Islam) among people of the Scripture (Jews and Christians), until they pay the Jizyah with willing submission, and feel themselves subdued.*

While Hilali and Khan (HiK) do not mention our exemplar verse of Q.2.256 ("no coercion") as being abrogated, other abrogationists do (thus viewing it as temporary or ad hoc, but not a Muslim's current duty), as noted by al-Sayyid al-Khu'i in his *Prolegomena to the Qur'an*, being also the best refutation of the abrogationist exegesis in print.<sup>27</sup> See also the long note of Muhammad Asad in his notes to the Qur'an at 2.106n against this abrogation

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<sup>27</sup> al-Sayyid Abu al-Qasim al-Musawi al-Khu'i, *The Prolegomena to the Qur'an*, translated [from the Arabic 1st ed. of 1974] with an Introduction, by Adulaziz A. Sachedina (New York, NY: Oxford University Press, 1998). See his thorough refutation of "abrogation" (*naskh*), 186-253, esp. 205-206 on Q.2.256.

hermeneutic (as well as at 18.27n and 41.42n), and for the view that what is being abrogated is not previous verses of *the Qur'an*, but rather previous revelations, meaning that the Qur'an is speaking of the abrogation of *Jewish and Christian Scripture*, which he characterizes as the "supersession of the Biblical dispensation by that of the Qur'an."

### 1.2 **particularization:** *dhimmi* restrictivism.

With this scheme, our exemplar Q.2.256 is restricted to religious toleration for *dhimmis* only (i.e., Jews and Christians under an Islamic regime), who are free from the coercion to convert to Islam, but such a privilege is not free, being subject to the *dhimmi* tax (*jizyah*), which is not offered to pagans.<sup>28</sup>

### 1.3 **spiritualization:** internalized restrictivism.

With spiritualization of our exemplar Q.2.256, the immunity from coercion in religion is internalized, i.e. religious toleration is restricted to internal conviction [*'i'tiqa'd*], not to external conformity [*taqliyd*]. Adherents to this view see it as fitting the career of Muhammad himself. This is best described by Patricia Crone in her recent book, *God's Rule*:

*As pure spirituality, Islam was exemplified by the period in Mecca, where Muhammad and his followers had lived under a pagan regime. God and Caesar here had separate domains, as one would have said if there had been a Caesar in Mecca. But in Medina, Muhammad had created a new law and polity in the name of Islam so that henceforth both the inner and the outer lives of the Muslims were governed by the same set of rules. God had filled the place of the absent Caesar [hence Crone's title, God's Rule, JNK]. What the Christians saw as two separate departments, the religious and the secular, now had to function as two levels within the same department of religion.*<sup>29</sup>

It was expected that *after* the external coercion of conformity, the internal conviction of love for God would gradually follow, and that the converted would then be grateful for having escaped eternal damnation. This spiritualized restrictive view of Q.2.256 formed a stark *contrast* between Jesus and Muhammad. Whereas both of their religious movements began under a

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<sup>28</sup> See Crone, 379, and al-Khu'i, 205.

<sup>29</sup> Crone, 378, emphasis added.

pagan regime, Jesus actually *taught* the jurisdictional separation of church and state in his distinction between taxes and tithes when he said in regard to the imperial coin, "Give to Caesar what is Caesar's, and to God what is God's" (Matthew 22.21), but Muhammad taught, by this view, that external religious conformity could be coerced, but not the internal (Q.2.256).

## 2. **FOUNDATIONISM:** The Expansive Hermeneutic (largely of **moderate** Muslims)

In terms of our exemplar verse (Q.2.256, "no coercion"), foundationism expands religious toleration. The concept of foundationism can be best illustrated by the expression of Jesus when he spoke of "the weightier matters of the law" (Greek, *ta barutera tou nomou*), whereby he embedded the lighter things, such as tithing, under the heavier heads of justice, mercy and faith (Matthew 23.23). Muhammad Asad expressed foundationism in the introduction to his Qur'an when he spoke of "...always subordinating the *particular to the general* and the *incidental to the intrinsic*" (Q., p. xii), where both "general" and "intrinsic" express the foundational, from which flow in an *expansive* manner all principle-based casuistic moments. This is similar to Biblical contextualism (cf. Latin, *analogia scripturae*, "the analogy of scripture [with scripture]"), which is as old as the church itself.

### 2.1 **periodization:** dispensational foundationism.

The best term I can think of for this minority Islamic hermeneutic is that used by some Christians to describe their own periodization of redemptive history, namely the term "dispensational" or "dispensationalism," whose basic time-unit for such a polity phase is a "dispensation" (which other Christians embracing covenant theology would call a "covenantal epoch"). A Muslim dispensationalist (the best Arabic equivalent I can think of would be a *zamaniy*, "a periodist") would say that there was a temporary later dispensation or polity phase of martial jihad revealed by Allah at Medina to protect infant Islam, which has now been replaced

by the earlier, *foundational*, now normative and permanent, dispensation of pluralistic tolerance revealed at Mecca. For this view see the work of Mahmoud Taha, *The Second Message of Islam*, translated by Abdullahi Ahmed An-Na'im, now of Emory University, who was a follower of Taha in the Sudan.<sup>30</sup> Taha, oddly, called the *later* jihad revelation from the subsidiary texts of the Qur'an "the *first* message," and called the *earlier* pluralist and tolerant revelation of the primary texts of the Qur'an, which is normative for today, "the *second* message." Sadly, Taha was executed on 18 January 1985 by President al-Numeiri of the Sudan for "apostasy," but the real reason was that he challenged al-Numeiri's cruel interpretation of Islamic Shari'a law.<sup>31</sup> A year later, every January 18th was declared to be "Arab Human Rights Day" by the Arab Human Rights organization, which is headquartered in Cairo, showing that his influence far exceeds his hermeneutical method.<sup>32</sup>

## 2.2 **contextualization:** moral foundationism.

This hermeneutical method views our exemplar text of Q.2.256 as declaring that all religious coercion is *immoral*, and those holding to this position in the past have always thought that "nothing done under duress carried any moral meaning."<sup>33</sup> Religious liberty is a moral issue. The hermeneutic of contextualization is the method whereby the context determines a text's meaning and central purpose, and other texts are expansive of these basic principles. A good example of this in Christian exegesis is where Jesus spoke of turning "the other cheek" in non-life-threatening interpersonal assaults (Matthew 5), whereas in the expansive sense the civil

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<sup>30</sup> Mahmoud Mohamed Taha, *The Second Message of Islam*, 5th ed., translated with Introduction to 3rd, 4th, and 5th eds, and Preface, by Abdullahi Ahmed An-Na'im (Syracuse, NY: Syracuse University Press, 1987).

<sup>31</sup> See the heart-breaking description of the execution of this seventy-six year-old Muslim reformer, Mahmoud Taha, in Judith Miller, *God Has Ninety-Nine Names: Reporting from a Militant Middle East* (New York, NY: Simon and Schuster, 1996), 11-13.

<sup>32</sup> For a treatment of Taha's book (through An-Na'im), see chapter V (107-153) of the M.A. thesis of my former student: Tawnia L. Wilson, *The Reform of Islamic Shari'a Law* (Virginia Beach, VA: School of Public Policy, M.A. thesis, 1991), and see p. 111 for the significance of January 18th.

<sup>33</sup> Crone, 380.

government, "who bears not the sword in vain," is the instrument of God's public justice (Romans 13). The interpersonal persuasion in the jurisdiction of sin (the sword of the Spirit) is jurisdictionally different than, but not contradictory to, the expansive public civil coercion in the jurisdiction of crime (the sword of steel).

Islamic moral foundationism is equivalent to our western "original intent" or "original circumstance," whereby the original intent or design or purpose (singular *maqs'id*, plural *maqas'id*) is sought for democratic ends in socio-political and legal terms, such as jihad (*jihad*, religious struggle: personal effort, societal reform, and defensive martial struggle), *adl* ('*adl*, justice, equality for everyone), *shura* (*shuwra(y)*, consultation, council, the moral equivalent being the modern legislature), *ijma* ('*ijma'*, consensus of legal authorities, the modern analogy being public consent, opinion, and elections), and *maslahah* (*mas.lah.a.h*, what is governmentally beneficial or utilitarian, the public interest).

The four sources ("roots") of jurisprudence ('*us.uwl 'al-fiqh*) are QSIQ, i.e. the Qur'an ('*al-qur'a'n*), the Sunna ('*al-sunna.h*, the traditions of what Muhammad did or said as reported in the *h.adith* literature), Ijma ('*ijma'*, consensus of legal authorities on the Qur'an and Sunna), and Qiyas (*qiya's*, analogy or inference from Qur'an, Sunna and Ijma). These four constitute jurisprudential "conformity" (*taqlid*). But there is more to legal foundationism, and that is *ijtihad* ('*ijtiha'd*, effort to reinterpret, exercise of independent reasoning, rational interpretation), which Khaled Abou El Fadl describes as "The process of exerting one's utmost to deduce laws from sources in unprecedented cases. Novel or original legal solutions, the effort of a jurist in searching for and deducing the correct law."<sup>34</sup>

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<sup>34</sup> Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority and Women* (Oxford, UK: Oneworld Publications, 2001), 301.

Some reformist Muslims appeal to the foundational Charter (pact, constitution) of Medina (*s.ah.iyfa.t 'al-madiyna.h*), or simply the Declaration (*kita'b*), which Muhammad made (622-624 A.D.) between Muslim believers and their civil dependents (Jews and Christians, cf. Q.9.29 quoted above on *dhimmiy*, dependent, and *jizya.h*, dhimmi tax) as a single community (*'umma.h*) in Medina (earlier called Yathrib, in Arabia), but after 627 the three main Jewish clans were expelled or killed: Qaynuqa (*qaynuqa'*), an-Nadir (*'a(l)n-nad.iyr*), and Qurayza (*qurayz.a.h*). For Asad's understanding of this War of the Confederates, see Q.33.9-27n(A). For the full English text of this Charter, see W. Montgomery Watt, *Islamic Political Thought*,<sup>35</sup> and Abdulrahman Kurdi, *The Islamic State: A Study Based on the Islamic Constitution*.<sup>36</sup>

There are numerous Muslim democrats who, as authors, use some form of the moral foundationist or contextualist hermeneutical method, and several of the techniques discussed above. Here is a sampling of them with a few of their works.

First, it is hard to overestimate the value of the writings of Muhammad Asad (1900-1992) for the formative Islamic democracy movement. I would classify Asad (who was profoundly influenced by the writings of early-modern Reformist Muhammad 'Abduh of Egypt, d. 1905), as an Islamist Modernist--Islamist because Asad worked to birth Pakistan as an Islamic State, and Modernist because he wanted a total reform of Shari'a law and a democratic form of government. This is clear in two of his books: *The Principles of State and Government in Islam* (1961), and *This Law of Ours, and Other Essays* (1987). Of wide and enduring influence is his Qur'an, arguably the best translation of the Arabic Qur'an into English, not to mention his

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<sup>35</sup> W. Montgomery Watt, *Islamic Political Thought* (Edinburgh, UK: University Press, 1968). See an English translation of the complete text of "the Constitution of Medina," 130-134, and the discussion of it at 4-6.

<sup>36</sup> Abdulrahman Abdulkadir Kurdi, *The Islamic State: A Study Based on the Islamic Holy Constitution*, East-West University Islamic Studies, Ziauddin Sardar, series editor (London, UK: Mansell Publishing Limited, 1984). This is a study of the Declaration (Constitution) of Medina, whose full English text is 131-137.

learned and moderate notes to this Qur'an, which translation and notes in one volume he called *The Message of the Qur'an* (1980, 2003).<sup>37</sup>

Most prominent among contemporary Muslim democrats is Radwan Masmoudi, founder and executive director of the Center for the Study of Islam and Democracy (CSID), a Washington, DC-based, nonprofit think tank. He is also editor-in-chief of the Center's quarterly publication, *The Muslim Democrat*. CSID is busy holding conferences in the U.S. that try to convince Muslim Traditionalists and Islamists of a point of view that is based on a liberal or reformist understanding of the Qur'an, and is currently writing and translating into Arabic some teaching materials on democracy education, holding several conferences a year in Arabic with such materials throughout the Arab world. For a sample of his ideas, see his article on "The Silenced Majority," and his fascinating interview of Taha Jabir Alalwani on the concepts of an Islamic state (which he holds to be an Islamist error that falsely equates Muhammad with Moses who had a nationalist implementation of the sovereignty of God), and of majority rule.<sup>38</sup>

Here is a sampling of some other Muslim democrats who use some form of the moral foundationist or contextualist hermeneutic: Abdulaziz Sachedina, *The Islamic Roots of Democratic Pluralism* (2001);<sup>39</sup> Abdullahi An-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law* (1990), and note that An-Na'im is seeking a transformation in Islamic law, whereas many Muslims want merely a reform of it, or a

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<sup>37</sup> Muhammad Asad, *The Principles of State and Government in Islam* (Kuala Lumpur, Malaysia: Islamic Book Trust, 1961 (1980, 1999), and from the same publisher, *This Law of Ours, and Other Essays* (1987, 2000). For his Qur'an, *The Message of the Qur'an* (1980, 2003), see n. 25, above.

<sup>38</sup> Radwan Masmoudi, "The Silenced Majority," chap. 26 (258-262), in Larry Diamond, Marc F. Plattner, and Daniel Brumberg, eds., *Islam and Democracy in the Middle East* (Baltimore, MD: The Johns Hopkins University Press, 2003). This chapter 26 was reprinted as chap. 18 (218-222) in Larry Diamond, Marc F. Plattner, and Philip J. Costopoulos, *World Religions and Democracy* (same publisher, 2005). Both of these chapters are a reprint from his essay in the April 2003 issue of the *Journal of Democracy*. For Radwan Masmoudi's interview of Taha Jabir Alalwani, see "No More Simplistic Answers" (82-88) in Michael Wolfe, ed., *Taking Back Islam: American Muslims Reclaim Their Faith* (n.p.: Rodale Inc., and Beliefnet, Inc., 2002), which is excerpted from *The Muslim Democrat* ([www.islam-democracy.org](http://www.islam-democracy.org)), January, 2002.

<sup>39</sup> Abdulaziz Sachedina, *The Islamic Roots of Democratic Pluralism*, Foreword by Joseph V. Montville, Center for Strategic and International Studies (New York, NY: Oxford University Press, 2001).

renaissance of Islamic *politics*;<sup>40</sup> Khaled Abou El-Fadl, *Speaking in God's Name: Islamic Law, Authority and Women* (2001), *Islam and the Challenge of Democracy* (2004), and *The Great Theft: Wrestling Islam from the Extremists* (2005);<sup>41</sup> Louay M. Safi, *The Challenge of Modernity: The Quest for Authenticity in the Arab World* (1994);<sup>42</sup> and Stephen Schwartz (this Jewish Sufi mystic and scholar is a strong defender of moderate and democratic Islam), *The Two Faces of Islam: The House of Sa'ud from Tradition to Terror* (2002).<sup>43</sup> Reza Aslan in his *No god but God* (2005),<sup>44</sup> is clearly on the Schwartz side of the Spencer-Schwartz contrast as I have portrayed it here, diminishing the continuity of violent jihad in Islamic history (I think wrongly) and emphasizing moderation within Islam and its capacity for reformation (I think rightly), both of which run counter to the research of Spencer and Bostom, as portrayed earlier in this paper. So much does he see the "clash" as *within* Islam (as does this paper) that he says the 9/11/2001 attack on America was "nothing short of another Muslim civil war--a *fitnah*...."<sup>45</sup> Finally, to bring our survey of the literature of Muslim democrats to a close, see the following two important Muslim democratic websites for several important papers and books: Imad-ad-Dean Ahmad, president of the Minaret of Freedom Foundation (Bethesda, MD), at his [www.minaret.org](http://www.minaret.org) website, and Muqtedar Khan at his [www.ijtihad.org](http://www.ijtihad.org) website.

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<sup>40</sup> Abdullahi Ahmed An-Na'im, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law*, Foreword by John Voll (Syracuse, NY: Syracuse University Press, 1990).

<sup>41</sup> Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority and Women* (Oxford, UK: Oneworld Publications, 2001); *Islam and the Challenge of Democracy*, a Boston Review Book, edited by Joshua Cohen and Deborah Chasman (Princeton, NJ: Princeton University Press, 2004); *The Great Theft: Wrestling Islam from the Extremists* (New York, NY: HarperSanFrancisco, a division of HarperCollinsPublishers, 2005). For an opinion as to whether Abou El-Fadl is a reformist or a revisionist, see Andrew G. Bostom, Institute for the Secularisation of Islamic Society (ISIS), "Khaled Abou El Fadl: Reformer or Revisionist?" at his website (<http://www.secularislam.org/articles/bostom.htm>).

<sup>42</sup> Louay M. Safi, *The Challenge of Modernity: The Quest for Authenticity in the Arab World* (Lanham, MD: University Press of America, Inc., 1994).

<sup>43</sup> Stephen Schwartz, *The Two Faces of Islam: The House of Sa'ud from Tradition to Terror* (New York, NY: Doubleday, 2002).

<sup>44</sup> Reza Aslan, *No god but God: The Origins, Evolution, and Future of Islam* (New York, NY: Random House, 2005).

<sup>45</sup> *Ibid*, 266.

For some well-known and important **non**-Muslim defenders of Modernist and Reformist Islam, see the following: John Esposito, *The Islamic Threat: Myth or Reality*, 2nd ed. (1995), and *Unholy War: Terror in the Name of Islam* (2002);<sup>46</sup> Noah Feldman, *After Jihad: America and the Struggle for Islamic Democracy* (2003);<sup>47</sup> Paul Marshall, ed., *Radical Islam's Rules: The Worldwide Spread of Extreme Shari'a Law* (2005);<sup>48</sup> and Michael Novak, *The Universal Hunger for Liberty: Why the Clash of Civilizations Is Not Inevitable* (2004).<sup>49</sup> For two sourcebooks or readers on Modernist and Liberal Islam, see Charles Kurzman, ed., *Modernist Islam, 1840-1940: A Sourcebook* (2002), and *Liberal Islam: A Sourcebook* (1998).<sup>50</sup> Finally, for keeping up to date country by country on reform in the Middle East, see the Carnegie Endowment for International Peace (<http://www.ceip.org>), especially its *Arab Reform Bulletin* (ARB) and its free subscription, edited by Amy Hawthorne.

Having surveyed the techniques and significantly large literature of the growing hermeneutical type here named moral foundationism, we are now prepared to complete this section on Hermeneutics by returning to the question of jihad. Militant jihadism was seen as central in our Clash section, and militant Islamists (RAND's "radical fundamentalists") were discussed again in the Typology section, but now what must be answered is how moderate Islam interprets the Qur'anic passages addressing *martial* jihad (fighting). Consistent with the subtitle of this study, namely "The Struggle over the Qur'an between Muslim Democrats and Theocrats,"

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<sup>46</sup> John L. Esposito, *The Islamic Threat: Myth or Reality*, 2nd ed. (New York, NY: Oxford University Press, 1995), and from the same publisher, *Unholy War: Terror in the Name of Islam* (2002).

<sup>47</sup> Noah Feldman, *After Jihad: America and the Struggle for Islamic Democracy* (New York, NY: Farrar, Straus and Giroux, 2003).

<sup>48</sup> Paul Marshall, ed., *Radical Islam's Rules: The Worldwide Spread of Extreme Shari'a Law*, Foreword by R. James Woolsey, Freedom House's Center for Religious Freedom (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2005).

<sup>49</sup> Michael Novak, *The Universal Hunger for Liberty: Why the Clash of Civilizations Is Not Inevitable* (New York, NY: Basic Books, 2004).

<sup>50</sup> Charles Kurzman, ed., *Modernist Islam, 1840-1940: A Sourcebook* (New York, NY: Oxford University Press, 2002), and by the same publisher, *Liberal Islam: A Sourcebook* (1998).

and because of space constraints, the Qur'an references will be limited to that of Muhammad Asad (A), an early Muslim democrat, with occasional contrasting references to the radical Islamist Qur'an of Hilali and Khan (HiK).

Note the following radical jihadist defense of martial jihad, defending both defensive *and* offensive holy war, from the Wahhabist Qur'an of HiK (Appendix IV, p. 1227), being fully consistent with the incremental coarsening of its abrogational restrictivist hermeneutic [the brackets and bolding in this quotation are mine]:

As is now obvious [from the survey of pp. 1225-1227], at first 'the fighting' was **forbidden** [on p. 1225, jihad forbidden, years 610-622, cf. Q.2.256, though not referenced], then it was **permitted** [on p. 1226, jihad permitted against aggressors, Q.22.39] and after that it was made **obligatory** [p. 1226, jihad obligatory against aggressors (*defensive*), Q.2.190, and against infidels, Jews & Christians who refuse to embrace Islam (*offensive*), Q.9.5,29].

Holy war is even deemed to be a form of redemption (Q.HiK, Appendix IV, p. 1228), since it says to one engaging in holy fighting, "He [God] will forgive you your sins, and admit you into Gardens" (Q.61.12).

So, which will be the Muslim's hermeneutical "referee"? To pun on "ref," will the "ReF" be **R**estrictivism or **F**oundationism? Will the Qur'an's earlier peace verses be *restrictively* interpreted in light of its later war verses? Or, will the Qur'an's later war verses be interpreted in light of its earlier and *foundational* peace verses? **Which is the weightier matter of the law-- war or peace?** Whether Islamic rhetoric be a secularism, secular democracy, devout democracy, or anti-democracy rhetoric, one's political rhetoric in the Islamic world, especially in the Arab Muslim world, must be generated, or at least justified, by an appeal to the Qur'an of Allah.

Asad definitely interprets the Qur'an's later war verses in light of its earlier peace verses, which form the moral foundation for his understanding of war. At Q.2.190n(A), in support of defensive war only, Asad says that according to all available traditions, Q.22.39

"constitutes the *earliest* (and therefore *fundamental*) Qur'anic reference to the question of *jihad*, or *holy war*" (which text states that "permission to fight is given to those against whom war is being wrongfully waged"). "That this early, fundamental principle of self-defence [*sic*] as the *only possible justification of war* has been maintained throughout the Qur'an is evident from 60:8, as well as from the concluding sentence of 4:91, both of which belong to a *later* period than the above [22:39] verse" (emphasis added). Note that this statement of foundationism is the exact opposite rationale to that of abrogation.

Here are Asad's comments on the following war verses in textual sequence, all interpreted as defensive war *responding to aggression*. Q.2.190n(A), fight those who fight you, do not be aggressive. Q.2.191n(A), "slay them wherever you may come upon them," is "within the context of hostilities *already in progress*." Q.2.193(A), "fight against them until...all worship is devoted to God alone" (2.193//8.39), means, says Asad, until "none is compelled to bow down in awe before another human being" (2.193n). Note that Asad does not see this text as addressing the proper worship being compelled *by* Muslims, but improper worship being compelled *against* Muslims. Q.2.224n(A), fight, then, in God's cause, i.e., "in a just war in self-defence [*sic*] against oppression or unprovoked aggression" (cf. 2.190-194). Q.2.251(A), "And if God had not enabled people to defend themselves against one another, corruption would surely overwhelm the earth: but God is limitless in His bounty unto all the worlds." 8.56n(A), war is permissible if the covenant is broken by a hostile party to it. Q.9.36-39n(A), divine punishment for not going to war, is here a defensive war, as Asad explains in his note to 9.38, a verse on Muhammad's campaign to Tabuk ("about half-way between Medina and Damascus," i.e. at the northern border of Arabia), but since the Byzantines had withdrawn, so too Muhammad had to withdraw because war may only be waged in self-defense. Q.9.123n(A), Asad says this war

verse must be seen in light of defense against aggression, and cites 2.190-194, 22.39, 60.8-9, and his notes to 9.5. Q.22.40n(A), "For, if God had not enabled people to defend themselves against one another, [all] monasteries and churches and synagogues and mosques--in [all of] which God's name is abundantly extolled--would surely have been destroyed [ere now]." Asad adds in his note to this verse, "The implication is that *the defence [sic] of religious freedom* is the *foremost cause* for which arms *may--and, indeed, must--*be taken up."

Asad's treatment of Q.9.29 is detailed, which commands Muslims to (1) fight against Jews and Christians, (2) until humbled by war they pay the exemption tax [*jizya.h*] as protected ones [*dhimmis*] in a Muslim state. In regard to (1), Asad again makes the assumption (cf. 2.190-194) that the Jews and Christians must have committed "unprovoked aggression" against the Muslims, because defensive war is the only kind of war allowed to defend the truth of Islam. Asad quotes Muhammad Abduh (d. 1905) approvingly, "*All the campaigns of the Prophet [Muhammad] were defensive* in character; and so were the wars undertaken by the Companions in the *earliest* period [of Islam]." In regard to (2), Asad says Jews and Christians are, once humbled by war, made members of an Islamic state, and since it is a religious/ideological state, all Muslims have the duty to fight in its wars. But Jews and Christians, not being Muslims, do not have such a duty, and must pay the exemption tax [*jizya.h*] in lieu of military service, and instead of the purifying dues [*zaqa'h*], which dues are a Muslim duty, and greater in amount than the exemption tax. So jihad is a collective duty (cf. Q.42.39n above under war consultation) and a religious duty. I would add here that many Jews and Christians, from their own vantage point, see the *jizyah* as protection money to a protection racket, namely paying money **to** Islam for protection **from** Islam, which can be likened to the "protection" given by the mafia (see in the beginning of this study my reference to Bat Ye'or, *The Dhimmi*). Finally on his own anti-

coercion view, Asad says at Q.2.273n(A), "*charity--or the threat to withhold it--must never become a means of attracting unbelievers to Islam: for, in order to be valid, faith must be an outcome of inner conviction and free choice.*" More recent voluntarists agree with Asad on 2.256: Patricia Crone<sup>51</sup> reminds us that this verse is parallel to 10.99, which says if God had so willed that everyone believe, they would have, and then do you think "you could compel people to believe?" ['*a-fa-'anta tukrihu '(l)n-na'sa h.atta(y) yakuwnuw' mu'(w)miniyna*]; and several Muslim scholars have argued that Q.2.256 and 5.48 show that "*pluralism is inherent in Islam.*"<sup>52</sup>

Note these other, widely varied but relevant, sentiments by Asad. On non-combatants, Asad says, Q.2.194n(A), "attack him just as he has attacked you--but remain conscious of God," which means "when fighting, abstain from all *atrocities*, including the killing of *non-combatants*." On hermeneutical subjectivism, at Q.2.169n(A), he says, "subjective methods of deduction" put forward as God's law, are an "attribution of religious validity to customs sanctioned by nothing but ancient usage" (see also verse 2.170). Based on Q.42.39n(A), he says consultation [*shuwra(y)*] is necessary for the oneness of the ummah [the worldwide Muslim community], and for all communal business. Even the prophet is required to take consultation of the ummah, 3.159. I would add this also implies that war must be a *collective* duty, not an individual one, contrary to individual extremists, or groups of them, issuing fatwas and declarations of war. On slaves gotten by war, Asad says, based on Q.2.177n(A), "sudden abolition would have been economically impossible." Further on slavery, he refers to 8.67, saying that to achieve eventual abolition of all slavery "henceforth only captives taken in a just war (*jihad*) may be kept as slaves," which slaves of war, should then be *released* after the war is over (as 47.4 says). "[This] amounts to a prohibition of slavery as a 'social institution'." Finally,

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<sup>51</sup> Patricia Crone, *God's Rule*, 381, n. 99.

<sup>52</sup> *American Journal of Islamic Social Sciences: Debating Moderate Islam*, Muqtedar Khan, guest editor, vol. 22, no. 3 (Summer, 2005): 175.

on ecumenism, Q.2.114n(A) mentions mosques, churches and synagogues (see 22.40n), and Muhammad's treatment of the Christian Najran, who are allowed by Muhammad to use his mosque, even those Christians that adore Jesus as the Son of God and Mary as the mother of God. Consistent with this ecumenism, where Q.2.256n(A) says, "There shall be no coercion in matters of faith" (the passage that served as our exemplar above for each hermeneutical type), Asad adds, "forcible conversion is under all circumstances null and void and that any attempt at coercing a non-believer to accept the faith of Islam is *a grievous sin*: a verdict which disposes of the widespread fallacy that Islam places before unbelievers the alternative of 'conversion or the sword.'" We have already seen earlier in this study, that it was really conversion or death or taxes (Q.9.29), and the "widespread fallacy" is perpetrated by *Muslims themselves*, such as with the Qur'an of HiK just quoted above, and with the full Ibn Khaldun quote beginning this study.

So what happened to Asad after he finished his Qur'an in 1980? Sadly, according to Hasan Gai Eaton, who wrote the Prologue to the 2003 reprinting of Asad's Qur'an (which adds Romanized transliteration and an English index), fundamentalist Muslims reacted to Asad's view of purely defensive jihad, and other doctrines, with hostility. Eaton says (Prologue, p. v), "The hostility of what are commonly described as 'Fundamentalists' cast a shadow over his later years and led to his self-imposed 'exile' from the Muslim world [Morocco]. He died in Spain..." but later Muslims of very different persuasions came to see the great value of his Qur'an and notes.

#### (4) CHALLENGES

Muslims, and those of us who seek to help them in their political development, can each be greatly encouraged by addressing and implementing the following seven challenges:

**1. radical Islamism.** The West needs to know its worldwide strategy. Paul Marshall has well summarized the strategy of radical Islamists in his new book, *Radical Islam's Rules*:

Most Islamist terrorist groups have the overall goal of the restoration of a unified worldwide Muslim political community, the *ummah*, ruled by a centralized Islamic authority, the caliphate [*khilafah*], governed by a reactionary version of Islamic law, *shari'a*, and organized to wage war, *jihad*, on the rest of the world. Islamists share at least the first three goals.<sup>53</sup>

A few years ago I appeared on a panel on Islamic politics at an American Political Science Association (APSA) meeting. After the panel Paul Marshall rightly expressed the view to me that more germane than Islamic *politics* to the question of the Clash is the question of Islamic *law*. I now see that the issue of Islamic hermeneutics is still more basic, and generative, for both of these (politics and law), and thus I decided to write a book on Islamic political theology, of which this study here on its hermeneutics is an installment.

**2. a just defense.** Muslims need to work on their doctrine of war, especially in defining what "defensive" war means. With the rapid growth of foundationist hermeneutics, and the traditional and still-faster growth of restrictive hermeneutics, it is imperative that moderate Islam model for the West, and for militant Islam, what defensive war is. To us in the West, there seems, even in enlightened Asad's works, to be some confusion about the distinction between sin and crime. For example, at Q.8.60 the text's "God's enemy and your enemy," brings forth his note that every enemy of God "(i.e., everyone who deliberately opposes and seeks to undermine the moral laws laid down by God) is *eo ipso*, an enemy of those who believe in Him." He does not explain if this would justify a "defensive" strike. Is this sin a *casus belli*? Worse to mention is the mentality of the militant Muslim who believes that a rejection of an offer to convert to Islam may "lawfully" be interpreted as an affront to Islam that calls for a "defensive strike" to "defend" Islam's honor from the infidel's rejection of it.

**3. self-criticism.** Muslims need to be more self-critical so as to recognize and reform the differences within Islam, and not be so quick to judge their critics in the West as those who

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<sup>53</sup> Paul Marshall, xi, see n. 48, above.

"misunderstand" Islam. A good way to illustrate this is Asad on Q.9.5, which verse has at least the appearance of *holy* war to ensure religious conformity, ended only by repentance. Here is the verse in full (emphasis added):

And so, when the sacred months are over, *slay those who ascribe divinity to aught beside God* wherever you may come upon them, and take them captive, and besiege them, and lie in wait for them at every conceivable place. Yet if they *repent*, and take to *prayer*, and render the *purifying dues*, let them go their way: for, behold, God is much-forgiving, a dispenser of grace.

To this verse Asad has a long and important note. Consistent with his Foundationist position, he says this verse "must, therefore, be considered in conjunction with several *fundamental* Qur'anic ordinances," and then he lists them as *non-coercion* in matters of faith (2.256), *non-aggression* and *self-defense* (2.192). He explains that the context here is *defensive* warfare, not offensive. Verses 9.1-3 are seen as a disavowal or cancellation of the covenants of the Muslims with idolaters [*mushrikiyn*], because of the latter's breach of them. This is further shown by verse 9.4 that says the disavowal does not apply to idolaters who have kept covenant with the Muslims. So why the reference to repentance [return to the *shaha'da.h?*], establishing prayer [*s.ala'h*], and paying the purifying dues [*zaka'h*]? Asad says that these three things, i.e. Muslim religious practice, "is no more than one, and by no means the *only*, way of their 'desisting from hostility'" (a reference to 2.192). So far his interpretation is consistent. But then in an artificial exercise of a deflecting and untruthful apologetics he adds that this reference to Muslim religious practice in 9.5 and 9.11 "certainly does not imply an alternative of 'conversion or death', as some **unfriendly critics of Islam** choose to assume." These "unfriendly critics of Islam" are quoting *other Muslims*, the Muslims who are Asad's enemies, whom he is loath to criticize. All one has to do is just look at two sources of jihadist and intolerant Islam: (1) HiK (1996) on 9.5, 2.193, and Appendix IV (p. 1227, as was done in this study), and (2) Ibn Khaldun (d. 1406) and his

*Muqaddimah* (also quoted at the beginning of this study). Asad's "unfriendly critics" are his coreligionists that are on the radical right, who oppose his hermeneutical Foundationism with their hermeneutical Restrictivism and abrogation. Besides, it is not "conversion or death," but conversion or death or slavery for pagans, and conversion or taxes for the people of the Book (9.29)!

**4. radical secularism.** Muslims need to teach the West the dangers that radical secularism poses to it, and to Muslim nations on whom the West imposes it. This point was highlighted by the four tables I created for the RAND data in this paper, and the comments on the destructive nature of radical secularism for Islamic societies. For them, secularism is the major cause of radical Islamism, and religious participation is the best hope for democracy.

**5. mutual support.** Muslims and non-Muslims need to support the Muslim moderates who are wedged between two *Islamic* enemies--the radical secularists on their left and the radical Islamists on their right. Where do we start? Radwan Masmoudi, president of CSID (mentioned in this paper) speaks to this with great plausibility: "The reformation of Islam will require freedom and democracy, and right now, the only place where we have them is in the West. It is for this reason that I believe reformation will begin in the West."<sup>54</sup>

**6. religious toleration.** Muslims need to work harder for religious toleration. This is well illustrated by Patricia Crone<sup>55</sup> who points out that arguments did develop *against* holy war over time, so that it could be said, "one was rewarded morally for withstanding and enduring such hardships, not by killing the people who embodied them." This was a powerful argument, one which "denied that coercion carried any reward for either the agents or the victims." It embodied the idea that "erroneous views were meant as a test of Muslim fortitude and thus had

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<sup>54</sup> Radwan Masmoudi, in Diamond, 2005, p. 223, see n. 38 above.

<sup>55</sup> Patricia Crone, *God's Rule*, 381, emphasis added.

to be *withstood rather than removed*. Learning to tolerate the intolerable formed part of one's moral education." This is the *prima facie* and modern meaning of the Q.2.256 text for many Muslims today. If religious toleration tells us what governments *can* require (their natural capacity), religious liberty tells us what governments *may* require (their lawful duty), to which we now turn in conclusion.

**7. religious liberty.** Muslims need to understand that the religious liberty goal can only be achieved by *jurisdictional* separation of the institutionally religious and institutionally non-religious spheres of social calling. Here is where the West must be most patient with Islam, given our own Christian experience in America in the debate about disestablishmentarianism. Much of the democratic education and persuasion rings hollow to Islamists in secularist France when democratic France forbids in public buildings the wearing of the Islamic female headdress [*h.ija'b*], the Jewish yarmulke [*kippah*] or the Christian cross [*s.aliyb*], confirming to them that democracy is **incompatible** with Islam, which conclusion American Muslims living in freedom can contradict. This radically secular draconian measure of the French jams the Islamic modernists and reformists between two opposing forces: a bully Islamism on the right, and a bully secularism on the left, because reformists have already accepted the Tocquevillian (Alexis de Tocqueville, d. 1859) view of the compatibility of religion and democracy. The emerging cooperation between secularists and reformists in the U.S. is now being threatened, and traditional Muslims in France are now becoming radicalized. This is a different issue from the Hamtramck, MI, dispute over the amplified broadcasting of the Call to Prayer (*'adha'n*) from the minaret (*ma'dhana.h*) by the muezzin (*mu'(w)adhhdhin*) five times a day, seven days a week, in the hearing of all, relentlessly.

For the background to these religion-state issues among the nations of Europe, see the Peace of Westphalia (1648), which ended the Thirty-Years War, and opted for **religious establishment** of state-churches according to the formula of the Peace of Augsburg (*cuius regio eius religio*, "someone's region [is] his [i.e., the king's] religion"), from which France moved into a more **radical secularism** with mere religious *toleration*. Fortunately for Muslims in the U.S., America with its federal Constitution (1787) in the First Amendment (adopted 1789, effective 1791) opted for federal nonestablishment, the jurisdictional separation of church and state, *a free church in a free state*, with religious *liberty*. Superb here is the debate between George Mason (the principal draftsman of the Virginia Declaration of Rights, June 1776) for **religious toleration**, and James Madison (the principal draftsman of the U.S. Constitution, 1787) for **religious liberty**, for which see the research of Daniel Dreisbach in *The Virginia Magazine of History and Biography*, 2000.<sup>56</sup> Note that the debate was still being waged by Christians just days before Independence Day on 4 July 1776, after many centuries of Christian political experimentation in Europe and America, which calls for patience toward others with less political experience. Madison's argument won in America, and after a generation or two all of the States had disestablished themselves--a full horizontalization of authority spheres.<sup>57</sup>

Islam, in contrast to disestablishmentarian Christianity, is largely *establishmentarian and communitarian*, as seen in the constitutions of Afghanistan and Iraq where Islam is the official religion of those countries. But establishmentarianism is not absolutely essential to Islam, as can be seen by secular (i.e. disestablishmentarian) Turkey and Indonesia. In no Muslim state, however, does secularism guarantee separation of "mosque and state," since the religious

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<sup>56</sup> Daniel L. Dreisbach, "George Mason's Pursuit of Religious Liberty in Revolutionary Virginia," *The Virginia Magazine of History and Biography*, 2000, vol. 108, no. 1, pp. 5-44.

<sup>57</sup> John Witte, Jr., *Religion and the American Constitutional Experiment*, 2nd ed. (Boulder, CO: Westview Press, 2005), 109, 114, 265-269.

institutions are under state control, strictly so in Turkey. The liberal Secularist and liberal Modernist scholars in Islam are further examples, such as Abdullahi An-Na'im. He was on a panel at the American Association of Law Schools (AALS) meeting in Atlanta, 2004. In response to my question of each member of the panel about religious constitutional clauses, he stated that there should be **no religious clauses** in the constitutions of Islamic countries. (See his website at [www.law.emory.edu/aannaim](http://www.law.emory.edu/aannaim) .) A very strong, perhaps idiosyncratic, Muslim response to a Muslim state, is that of Abou El-Fadl, himself an Islamic law scholar at UCLA: "Even more, [many Islamic scholars] espouse the establishment of an Islamic state, which rules in God's name and enforces Shari'ah law as the will of both God and the state. I do not believe in such a state, and even more, I consider such a state a form of *idolatry*."<sup>58</sup> To him, only God can be sovereign, not a state, and the *caliphate of humanity* (see Q.2.30) makes every man God's vicegerent.<sup>59</sup> Abou El Fadl's liberal view on this, with whom we end this study, is almost as strongly variant as can be imagined from that described by Ibn Khaldun with whom we began it. *So the struggle for the soul of Islam continues*, and this clash *within* Islam will determine what kind of Islamic civilization will prevail into the future, whether one that is characterized by constitutional democracies, or one that seeks to rule the nations by violent jihad and imposed Shari'a law. For those wanting to further religious cooperation, human rights, international harmony and prosperity, we offer this prayer: may those claiming to be in the Abrahamic faith, and their civilizations, be at peace with one another, and with Abraham's God.

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<sup>58</sup> Khaled Abou El Fadl, *Islam and the Challenge of Democracy*, 120, see n. 41 above.

<sup>59</sup> *Idem*, 6.