The Ethical Crescent

—Amyn B. Sajoo

"Exploring Islam" is the reverse of searching for a needle in a haystack. In the Muslim world the subject has long been omnipresent, reposing in popular and high culture, in the public square and the most discrete private quarters. In the West, since September 11, 2001, and reinforced by the Iraq crisis, "Islam" is everywhere too—glaring at you in bookstores and at newsstands, or draped suspiciously from your gaze. On television, day and night, there is no escaping it. On streets it seems to be on a thousand faces that are now often subject to more than just ordinary scrutiny, when not being "profiled" by security men.

Ironically, then, Islam has become in the West a "way of life"—the very expression customarily used to characterize a faith tradition that straddles the sacred and secular. That concept has meant that **civic culture** in the history and contemporary experience of Muslim societies has been variously tied—from formal institutional to loosely quotidian ways—to a living Islam. The West defines civic culture very differently, stemming from its experience and understanding of the Modern. It is a quintessentially secular, liberal view with its assumptions about citizens, the State and the public sphere that fall under the rubric of "civil society." Since it's tied to the economic, political and cultural presence of the West in the world, there is no ready escape from its impact, benevolent or destructive; it is there in all its overwhelming weight. This view has harbored an image of the non-Western Muslim Other that in key respects reflects our own discontents, especially about ideas of the public square and the rule of law, rationality, and violence.

"Exploring Islam," if it is to be a serious exercise, is also about exploring our own constructions of the civic, self and society. I propose to uncover from images of the Other some of Islam's own ideas and practices of the civic, and to show that they are driven by an ethics that stems from its complex history and heritages. Indeed, that impetus resonates not only with quests in the Muslim world, but also with those of many in the liberal West, non-Muslim and Muslim alike.

Durkheim remarked a century ago that "God, who was first present in all human relations, pulls out progressively, leaving the world to men and their conflicts."[1] Our brand of secularization today is depicted by Charles Taylor as "post-Durkheimian," after phases in which the individual citizen had a formal affiliation with a *given* institutional religion ("paleo-Durkheimian"), and then came to freely *choose* an affiliation ("neo-Durkheimian").[2] For Taylor, the material difference in our post-Durkheimian age is the replacement of the institutional link between the individual and religion with a strictly personal "expressivist" preference that glories in the label of "spirituality."

In Durkheim's time, Europe was in the throes of consigning substantive ethical discourse to the private sphere linked to religious wellsprings. *Laicité* was enshrined in French law in 1905 to put the Catholic Church in its place—together with public spaces for moral discourse. In America, the religious conscience was deemed subordinate to the authority of the State, even as in matters such as conscientious objection to war.[3] The steady erosion of institutional (as opposed to personal) links with religion in the post-Durkheimian age also means the loss of a connection through religion with the state, since their interplay defines our secularity. That dance was – and often still is outside the West – a tango for two; here it has become a solo performance by the State. The governing ethos is one of individual space, and rights-talk is
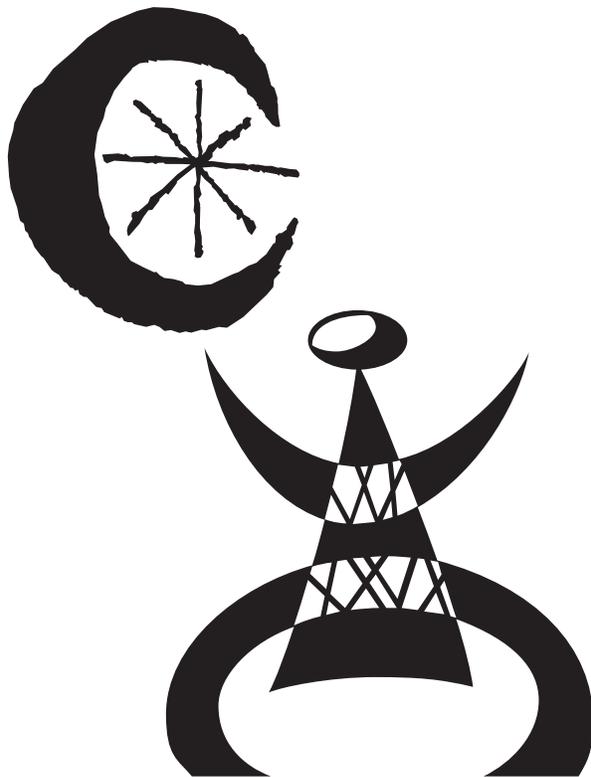
liberalism's civil religion, displacing the aspirations of public moral discourse and competence.

Civil society, whose modern conceivers in the Enlightenment saw it as the edifice of ethics[4]—a status to which it still had pretensions in Tocqueville's America of the 1830s—is effectively being reduced to an edifice of law and equal citizenship. This model enjoys in our time the benefit of export by globalization, foreign assistance or outright force. I shall return to some of its discontents at home, after venturing into the landscape of the Other that serves as the principal counter to our post-Durkheimian vista. The Other in question, "Islam," is seen to lack modernity's vital attachments to the rule of law and privatized ethics, in effect, to civic rationality.

This approach to Islam may appear to endorse the popular polarity that stems from what Samuel Huntington referred to as a "clash of civilizations" in which Islam and Muslims are put in a box destined to collide with the box of the West.[5] The events of September 11 have fuelled that perspective to the point of rendering the staple of portrayals by politicians, the media and prominent scholars of "the stakes at hand." Indeed, the earliest official responses to September 11 insisted categorically that this was all about the integrity of our civilization, which was being subjected to a militant "crusade" (President George Bush's term) which had nothing to do with the content of Western foreign policies.[6]

Officialdom was asserting *not* that the assaults were ethically odious in the extreme and that the proffered rationalizations of those responsible for them could not conceivably justify the acts. That would have been the kind of dignified anger on behalf of the victims— who, incidentally, included some 800 Muslims among the estimated 3,054 killed.[7] Instead, nothing more than the irrational rage of the Other

purportedly inspired the attacks; hence, to question the ethics and wisdom of acts that might have fuelled such rage would be to surrender to its irrationality. In its warped logic and expediency, this posture brings us to a theme that runs right through the Occidental depiction of Islam and Muslims.

The Rational is tied to secularity as a hallmark of modernity, defined by post-Enlightenment experience. Rejection of that secular modernity unavoidably yields a judgment of the irrationality of the Islamic Other. There is no redemptive value to this particular embrace of irrationality, with its benighted universe where women are trampled on as second-class citizens, adulterers are stoned, petty thieves have their hands amputated, and despotic sultans build palaces and armies from an oil wealth that eludes toiling subjects. Civility is at the mercy of anger in the streets.

Violence is a pervasive characteristic of this Irrational Other, whether in the confines of the private sphere or the public square or the domain of external relations. Samuel Huntington invokes this "violence propensity" in his book as evidence of Islam's incompatibility with Western civilization—the very civilization that has given us intercontinental ballistic missiles, advanced chemical and biological weapons, two world wars and the
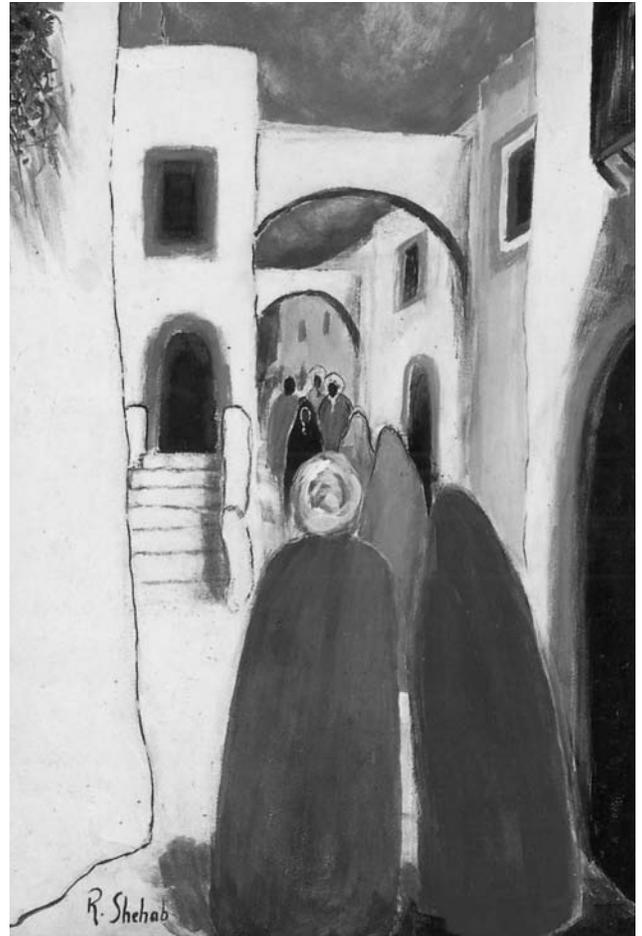
Holocaust, the genocide of native populations in grand colonial ventures, Hiroshima and Nagasaki, and urban violence whose casualty rates can rival those of wartime.

The term "propensity" is telling. It suggests a disposition, tendency, reflex— responses that can only be devoid of rationality. No inquiry ensues about what these are responses to, such as grievances about political and economic hegemony, colonial occupation, the brutality of secular rulers whose power is underwritten by Western establishments, and expressions of the crudest racism in words and acts. Nor does the generalization allow for pluralism within the universe of 1.2 billion Muslims whose cultural heritages are among the most complex of any faith tradition.

The flipside is Huntington's plaintive lament about excessive diversity within Europe and America which he fears is sapping their strength. "When Americans look for their cultural roots, they find them in Europe," he says; the more than one-third of American citizens with roots in Africa, Asia, the Middle East and South America don't count. For its part, Europe must cultivate politico-cultural unity with America or risk becoming "an inconsequential landmass at the extremity of the Eurasian landmass." Recall that this analysis came *prior* to September 11, the "war on terrorism," and the Iraq crisis. It requires little imagination to see how useful it has since become in the rhetoric and calculus of "Othering."

There is, however, a deeper layer of Muslim identity in which the propensity to violence has been located by scholars like Bernard Lewis, Daniel Pipes and Martin Kramer, before and since September 11. Lewis commands special attention as an "authority" on Islam, despite the fact that his corpus of writings have a proclivity to lazy generalizations that would seldom pass the test of serious scholarship on Jewish and Christian traditions and their implications. His latest book, *What Went Wrong*,[8] seems as popular as Huntington's *Clash of Civilizations* and purports to offer a sophisticated appraisal of historical and political currents in the Muslim world. There have been spin-offs from this slim volume in the mainstream media to "educate" the public on what lies behind September 11, including a lecture by Lewis broadcast on CBC Radio under the title "The Revolt of Islam,"[9] —a variation on his article in *The New Yorker* magazine, "Islam in Revolt."[10]

Now the "rage" and violence propensity are said to stem from the doctrine of *jihad*, claimed to justify aggressive behavior by Muslims since the time of the Prophet Muhammad. This

perspective is something that one encounters routinely in the popular media, where *jihad* is becoming shorthand for any kind of violent tendency associated with religion or even political causes.

Yet a cursory acquaintance with Muslim scripture and teachings would indicate that *jihad* is first and foremost the striving against *nafs* or baser instincts, the tussle of conscience and spirit at the heart of any religion. Lewis reduces this to *jihad*-as-warfare, then treats it as a dominant thread that supervenes theology, culture, law and ethics. For
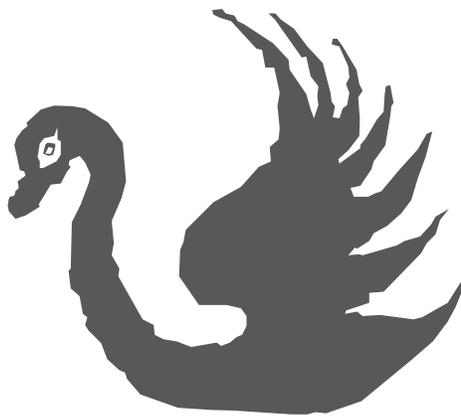
him, Muslims are attached to a millennium-old division of *dar-al harb* (the territory of war) and *dar-al-Islam* (the territory of Islam or peace), with constant warfare between the two. Where then in this paradigm would he fit the over 25 million Muslims living in the *dar-al harb* of the West ? When Lewis acknowledges that Muslim discontent has *bona fide* socio-economic causes, he subsumes them under the "failure of modernization." The bottom-line is a religiously sanctioned terrorist response to that failure.[11]

In other words, we are back to the clash of civilizations. Even a scholar like Wilfred McClay, co-editor of an important recent book, *Religion Returns to the Public Square*, quotes Lewis in support of the proposition that

"intransigent" Islam has difficulty adapting from texts to secular modernity because of "a rigid, poorly developed understanding of the world, and of its relationship to the ultimate."[12] McClay is apparently innocent of the allure of other-worldly texts to legions of influential Christian fundamentalists in his own country—or of the *Sufi* understandings of ultimate realities and the world that continue to attract thousands of ordinary Christian and Jewish Americans.

But what, one may inquire, gives an idea like *jihad*—the militant version—such an enduring claim for Muslims ? Why would the likes of Osama bin Laden command the loyalty of his far-flung al-Qaeda organization and its terrorist cohorts? The formal response from Lewis and Huntington and others of their ilk can be captured in a word— *shari'a*. To quote Lewis, for example: "Because war for the faith has been a religious obligation within Islam from the beginning, it is elaborately regulated"—by the *shari'a* or religious law, that is. And for bin Laden, "this is a religious war, a war for Islam and against infidels."[13] Huntington's *Clash of Civilizations* informs us that the "underlying problem for the West is not Islamic fundamentalism" but "Islam, a different civilization" in which "a concept of nonviolence is absent from Muslim doctrine and practice." The whole matter of violence and *jihad* relate finally to religious law.

The assumption is that Islam enshrines rules and norms of conduct in its *shari'a*, which has the binding force of law for all believers—and that this legal tradition is itself a defining feature of the faith and its civilization. This perception is standard in Western accounts, finding its way into daily media reports. *Shari'a* is scriptural, hence its binding force and rigidity. If punishments like the amputation of hands for theft and the stoning of adulterers still hold, the

underlying code of law must surely be fixed *ad infinitum*. This returns us to the view that Islam is wedded to tradition and defiant of rationality, stemming not only from a blind avowal of tradition but from the nature of religious law. As Len Goodman puts it, Islam gives us an ethos in which God's commands are ends in themselves, opening "the door to anti-rationalism" typical of scriptural legal systems.[14]

To seal the modern fate of Muslims, that irrational/anti-rational law is replete with concepts like *jihad*-as-war and other denials of reason, nonviolence and pluralism. After all, there are verses like the following in the Qur'an to support this logic: "slay [enemies] wherever you find them!" (4: 89), "Warfare is ordained for you, though it is hateful unto you;" (2:216), and "Fight against those who—despite having been given revelation before—do not believe in God nor in the last day" (9:29). And didn't Muhammad proclaim, "Fight in the name of God and in 'the path of God"? Pulled out of the wider text and the context in which these injunctions are embedded, they appear to sanction militancy without end.

It requires only a moment's informed reflection to see that the Qur'an and the Prophet *were not licensing but limiting* the grounds upon and the manner in which even defensive warfare could be waged. There is an absolute prohibition on "compulsion in religion" in the Qur'an (2:256), capped by the argument, "If your Lord had so willed, all those who are on earth would have believed; will you then compel mankind against their will to believe?" (10:99). When fighting "in God's cause against those who wage war on you do not transgress limits for God

The object here is not to set up a normative or historical contest among the ethical traditions of Christianity, Islam and Judaism. Rather, it is to argue that judgments about the locus of ethics and fidelity to them is complex in all faith traditions; and seizing upon a particular episode or historical phase as emblematic or conclusive in this regard is an exercise in ideological manipulation. Yet it has potentially serious consequences inasmuch as the manipulation can influence not only the drift of general scholarship in the humanities and social sciences, but also the opinions of establishment elites that shape public policy and the general public whose support they seek.

loves not the transgressors." (2:190). There are injunctions about harming noncombatants as well as women and children, granting safe passage, preserving religious sanctuaries, and the treatment of prisoners (47:4, 8:67, 2:217, 9:6)—remarkably akin to modern humanitarian norms. The quote from Muhammad on fighting "in the path of God" comes from a *hadith*—an attested report—in which he sets forth the need

for integrity and honor even in adversity, to the point of physical protection for unbelievers if they pay their taxes, and not vainly giving pledges of peace.[15]

War is a last resort, a child not of virtue but necessity: "The requital of evil is an evil similar to it: hence whoever pardons and makes peace, his reward rests with God … If one is patient in adversity and forgives, this is indeed the best resolution of affairs" (Qur'an, 42:40-43). Scholars like Sohail Hashmi, James Turner Johnson and John Kelsay have shown that the ethics of warfare as they evolved in Islam are parallel to the just war doctrines of Christianity.[16] Kelsay regards Bernard Lewis's reading of Muslim doctrine as contrary to the clearest evidence.

It is worth noting as well that the Qur'anic references to conflictual violence pale in comparison with those in Jewish and Christian scriptures. The Book of Joshua lyrically narrates the serial slaughter of "every living creature" by a compliant prophet in the name of Yahweh's vision of Israel (10:28-40, 11:14). The Book of Deuteronomy ordains, "You shall destroy all the peoples ... showing them no pity." (7: 16), and "You shall put all its males to the sword. You may, however, take as your booty the women, the children, the livestock, and everything in the town—all its spoil—and enjoy the use of the spoil of your enemy which the Lord your God gives you" (20:14-15). Christians and Jews have on occasion taken such verses at face value against the doctrinal counter-provisos and contexts at hand.

We have, for instance, this eyewitness testimony of the Provençal Raymund of Aguiles on the aftermath of the First Crusade in Jerusalem, when in the space of three days in mid-July 1099 an estimated 30,000 Jews and Muslims were slaughtered:
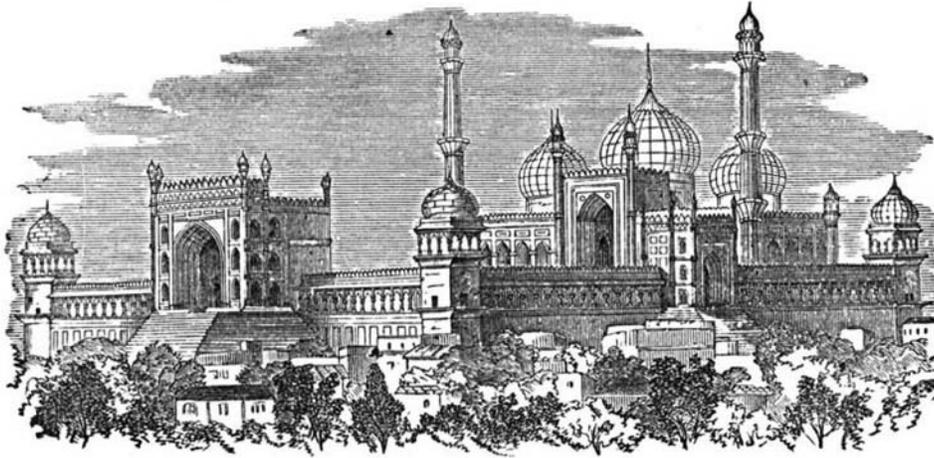
Piles of heads, hands and feet were to be seen … In the Temple and the Porch of Solomon, men rode in blood up to their knees and bridle reins. Indeed, it was a just and splendid judgment of God that this place should be filled with the blood of unbelievers since it had suffered so long from their blasphemies. After there were no infidels left to kill, the Crusaders washed and sang hymns—crowned by the recital of liturgy around the tomb of Christ… "This is the day that the Lord hath made, let us rejoice and be glad therein," for on this day the Lord revealed himself to his people and blessed them.[17]

Muslims, as we know, were to have an opportunity to reciprocate and display the "violence propensity" and *jihad*-as-warfare spirit that Huntington and Lewis credit them with. But in *Jerusalem: One City, Three Faiths*, Karen Armstrong records otherwise: "when Saladin led the Muslim reconquest of Jerusalem on October 2, 1187, not a single Christian was killed, in keeping with the conqueror's undertaking to rich and poor alike." Saladin refused even to confiscate the ostentatious wealth of Patriarch Heraclius; "Christians everywhere will remember the kindness we have done them," he insisted.[18]

Jews were welcomed back into the city from which the Crusaders had excluded them, pouring in from North Africa and as far away as Andalusia. Still, a narrowness tinged their gratitude: Jerusalem was their city, in which Muslims and Christians had made a home. Judah Halevi and Maimonides, men of learning who had known the pluralism of Muslim Andalusia, insisted that Jerusalem was sacred to the Jews alone and the proper site of a "reclaimed" Kingdom with the Temple Mount as its heart.[19]

No doubt many would be inclined to dismiss all this as so much water under the bridge. Jewish and Christian ethics have since metamorphosed into a radically different mold, it might be argued. That is not, however, the interpretation offered in our own time by Yitzhak Shamir before he became prime minister of Israel:

Neither Jewish ethics nor Jewish tradition can disqualify terrorism as a means of combat … We are very far from having any moral qualms as far as our national war goes. We have before us the command of the Torah, whose morality surpasses that of any body of laws in the world: "Ye shall blot them out to the last man."[20]

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There are two related elements at work here in the process of depicting the Other. First, as already stressed, there is the insistent construction of a tradition wedded to a rigid legal code, resistant to civility and pluralism as virtues of modernity. Second, there is the assumption which holds that image together, linking Muslim tradition with contemporary behavior in a determinism—conscious or not—about the impact of Tradition on those somehow "programmed" or "wired" to passively follow it. Together, these two elements bring us to the central argument: that the *content* of the image of the Irrational Other that comes out of the post-Durkheimian West belies the play of ethics and reason in Muslim scripture and historical experience. I will conclude by considering some of the

civic implications of this alternative appreciation of Islam.

The opening words of the Qur'anic revelation, dating to 610 C.E., enjoin the Prophet—and by extension all who encounter the text—to "Read" in the name of a God "who teaches humanity by the pen … that which it knew not" (96: 1-5). Thereafter, the text repeatedly exhorts the reader with phrases like "What! Would you not reason out?" or "They might perchance reflect!" or "Perhaps you may exert your mind!" Argument abounds in the verses or *ayat*, as they are called. And the term *ayat* also means "signs," a double meaning that is no accident. For the act of reading the Qur'an was to be an exercise in discerning the signs of the divine, unraveling the truths in the *ayat*. The invitation to "Read," then, was emphatically not the kind of exercise to be pursued without the fullest acuity or proper engagement of the human intellect.

For Muslims, scripture and its attendant civilization from the outset signaled that aesthetics, ethics, human and physical sciences, no less than philosophy and theology, were exercises in discerning "the signs," *ayat*, in a myriad encounters with the Divine Intellect. The game is played by a text filled, to quote George Hourani, with "semantic depth, where one meaning leads to another by a fertile fusion of associated ideas." As such, the scripture is less a doctrinal or juridical text than "a rich and subtle stimulus to religious imagination."[21]

An example of the dialogical, ironic and ethical at the same time is the *ayat* from Medina when Muhammad and his community, or *umma*, faced the practical burdens of fostering a civic and not just a religious community. The text

Amid political factionalism and the splintering of once-dominant dynasties in the Near East and Central Asia, conservative doctrines that opposed innovation and creative legal reasoning gained ground. Yet to dismiss the free thinkers as spurts in a history of anti-rationalism, or to claim as Lewis does that for Muslims (and Christians) "tolerance is a new virtue,"[31] is to willfully misconstrue history. In Muslim-ruled Andalusia—as in Fatimid Cairo and Ottoman Istanbul—the scope of accomplishment from architecture to medicine to philosophy was matched only by the culture of pluralism that allowed Christians, Jews and Muslims to forge a genuine social synthesis.

reads: "We offered the trust of the heavens, the earth, and the mountains to the spirits and the angels, but they refused to undertake it, being afraid. But the human being undertook it—humankind is unfair to itself and foolish" (33:72). We have a cosmic narrative from which is derived the concept of human vicegerency or custodianship of nature (*khalifat Allah fi'l-ard*), a trust that makes rigorous demands in perpetuity. For willingly taking this burden on where

angels fear to tread, the verses offer a "tender rebuke" to humans who let pride get the better of wisdom.[22] The moral and intellectual capacity to fulfil that trust is also, of course, a divine gift. Frailty, courage and humility are conjoined in this custodianship, which becomes a foundational principle in the development of Muslim ethics.

In a graphic 10th century Arabic fable from the spiritual and intellectual fraternity known as the *Ikhwan al-Safa* (Brethren of Purity), a company of animals asks whether human beings are superior to them, and if so, then why. They put this question to the King of the Spirits—whose verdict is that human beings are indeed superior but only for their higher burden as Allah's regents and nature's custodians:

> 'Let man not imagine . . . that just because he is superior to the animals they are his slaves. Rather it is that we are all slaves of the Almighty and must obey His commands . . . Let man not forget that he is accountable to his Maker for the way in which he treats all animals, just as he is accountable for his behavior towards his fellow human beings. Man bears a heavy responsibility. . . .'[23]

The Qur'an's constant challenge to apply intellect and faith to reading and acting on its passages spawned an empowering ethos in which Muslims were encouraged to see themselves not as pawns but as players in a cosmic game. When the early community finds itself surrounded by tribal practices that violate the dignity of the individual—ranging from female infanticide and the *lex talionis* of blood revenge for killing, to the taking of unlimited wives, hierarchies of caste, and usury—Islam's response could not be one of putting up and letting be. That would be a travesty of the lofty motives attached to faith. A social conscience was part and parcel of the larger

custodianship of the individual because social justice—the sense of fair play and balance—was simply the flipside of natural justice, the norms of harmony with the cosmos.

This argument was taken to its logical conclusion by Muslim theologians as early as the eighth century, when the Mutazili school began to argue that the tenets of justice, both natural and social, were universal and preceded revelation itself. Indeed, the Mutazili philosophers saw no conflict between reason and revelation: they were intertwined in God and his creation, including the mind of man.[24] The intuitive sense of right and wrong —*taqwa* in the Qur'an, which summons time and again—required rationality as much as piety. This is manifest in the hundreds of books authored by Al-Kindi (795-866), al-Farabi (878-950) Ibn Sina or Avicenna (980-1037), Hamid al-Kirmani (d. 1068), and the greatest of the neo-Aristotelians, Ibn Rushd or Averroes (1126-98), who gave birth and ascendancy to an intellectual culture that shaped law, ethics, the sciences and arts. Europe was indebted to them for reviving Greek learning and casting it in a light that fuelled the Renaissance.

A potent illustration of the impact of this age on rational ethics comes from Ibn Tufayl's (d. 1184) allegorical tale *Hayy ibn Yaqzan*, in which a child is marooned on an island without humans. Through his relationships with animals and nature the boy constructs a set of norms about appropriate behavior— and proceeds eventually to develop acute philosophical insights about the interplay of the human and divine intellects.[25] Tufayl doesn't stop there: the boy's physical isolation mirrors a spiritual loneliness and spurs a longing for the divine, in keeping with the ideals of the *Sufis*. When he finally makes contact with the outside world, it turns out that their ethics are largely congruent; the world even has lessons to learn from the boy's intuitions. Tufayl's

allegory made quite an impression on Daniel Defoe, the author of *Robinson Crusoe.*

Muslim ethics had become a distinct and elaborate discipline by the time Ibn Tufayl wrote his allegory, in the hands of Miskawayh (d.1078), al-Mawardi (d.1058) and Ghazali (d.1111)—all influenced in one or another by neo-Platonist thought as refracted by Arab commentators. And Nasir al-Din Tusi (d. 1274) was to follow with his Persian-language text in the Shi'a tradition that had imbibed even more fully both the *Sufi* and the rational philosophical spirit; Tusi's work became a common text for religious institutions.[26] The values of integrity, generosity, solidarity and forbearance (*hilm*) defined the ideal *umma* as both religious and civic association impelled by humane reason.

Among the greatest beneficiaries and proponents of this rational culture were men of science, from al-Khwarizmi (780-850) who gave us algorithms, al-Battani (858-929) who first wrote of annual solar eclipses, and Ibn Haytham (965-1039) who virtually established optics as a proper field of study in the Mediterranean, to Ibn Sina with his *Canon of Medicine* and Ibn al-Nafis (d. 1288), who elaborated on the principles of pulmonary blood circulation long

before William Harvey.[27] The results included the world's first hospitals, the introduction of paper-making to the Mediterranean that allowed Gutenberg to develop his printing press in the 15th century, Arabic numerals drawing on Indian innovations, and the earliest systems of commercial credit [28]. Enormous libraries fed this quest, from Andalusia to Cairo and Baghdad, enjoying special status in Islamic culture under the ethical precept of *waqf*, or endowment for public purpose. When European collections had at best between 500 and 700 books, Cordoba needed a 44-volume catalogue for a library of 400,000 books.[29] That figure is dwarfed by the collections of the Fatimids in Cairo, which in 1171 amounted to 1.6 million books, with over 18,000 on the sciences alone.

No history of civilizations, of course, is without counter-currents. The freethinking Mutazili school inspired the Asharis, conservatives who denounced philosophical speculation in favour of a literalist theology. Still, their greatest figure, Ghazali (1058-1111), wrote not only the *Incoherence of the Philosophers* but also a sophisticated ethical tract, the *Balance of Moral Action* and a splendid commentary on Aristotle logic.[30] Amid political factionalism and the splintering of once-dominant dynasties in the Near East and Central Asia, conservative doctrines that opposed innovation and creative legal reasoning gained ground. Yet to dismiss the free thinkers as spurts in a history of anti-rationalism, or to claim as Lewis does that for Muslims (and Christians) "tolerance is a new virtue,"[31] is to willfully misconstrue history. In Muslim-ruled Andalusia—as in Fatimid Cairo and Ottoman Istanbul—the scope of accomplishment from architecture to medicine to philosophy was matched only by the culture of pluralism that allowed Christians, Jews and Muslims to forge a genuine social synthesis. Hroswitha of Gandersheim, a Saxon writer visiting Cordoba in the 10th century, called it "the

ornament of the world"—the title of Maria Rosa Menocal's acclaimed recent book on the subject.[32]

Another illustrious visitor to that kingdom was the Tunisian whom we recognize among the originators of the empirical method in history, Ibn Khaldun (1332-1406). His ability to see the social dialectics of his own faith tradition in the struggles of centres and peripheries within the larger dynamics of civilizational ups and downs tells us that what makes his *Muqaddima* a classic also reflects the maturity of critical Muslim social thought by the 14th century. Al-Farabi had envisioned in his 10th century work, *The Virtuous City*, a civil society that captured some of the elements in his own milieu, whose ideals were fired by Plato's *Republic* yet encased within a religious imagination. Khaldun the empiricist was hard on the abstractions of the philosophers; but like the island boy Hayy Ibn Yaqzan, he allowed his astute analysis to sip liberally from the wellsprings of esotericism, because he was also a *Sufi*.[33] The mix of critical reason and faith is not abandoned in a "professional" historical work like the *Muqaddima*.

I draw attention to this, and have been dwelling on historical currents, because there are pointers here to critiques of modernity. It is tempting to presume that the intimate and painful encounter with colonial Europe, and then America, has had the effect of provoking a catch-up attitude where technology and political organization are concerned, and also a retreat into the refuge of religious tradition as the badge of individual identity. What other refuge can there be, one may ask, when nationalism and regionalism and socialism failed abjectly? The answer for many Western observers has been "Islamism."

This is precisely the thrust of civic reform movements across the Muslim world, in campaigns for gender equality in Nigeria and Pakistan, for accountable government rather than clerical dominance in Iran, for tolerance of dissent in Egypt and Syria, for the right to express religious affinities in public spaces in Turkey and the ex-Soviet republics of Central Asia. While orthodox revivalists (fundamentalists/Islamists) invoke the *shari'a or fiqh* as a criterion that governments must meet, and secular politicians respond by stifling human rights, the middle ground is increasingly occupied by activist intellectuals and their associates who invoke civic ethics.

True, there has been plenty of ideological Islam going around in defensive reaction to the assaults of Western ideological criticism. Yet in the writings of Muhammad Iqbal (1877-1938), Fazlur Rahman (1911-88), Abdullahi An-Na'im and Abdolkarim Soroush, for example, one finds deeply interlocking fidelities both to modernity and to Islamic rationalism.[34] It is well to

remember how far in history the antecedents go in this vein, that not all is reducible to a mere reacting to the West. It is no less significant, surely, to locate the tides of pluralism, civility and rational innovation that swept through the history of Muslim civilizations long before the modern encounter with the West—and the likes of Kemal Ataturk in post-Ottoman Turkey felt the need to don a Western mask.

Historical retrieval shows, as the late Fazlur Rahman argued so cogently, that in the cross-currents of liberal and conservative forces, Muslim ethics has failed to receive the attention that it merits as the "essence" of scripture and the civilizational endeavors flowing from it.[35] After all, Muhammad is pointedly reminded in the Qur'an that he is one of a line of prophets in the business of delivering a universal message—*hudan li'l nas*—in which the key moral concept is *taqwa*, the sense of right and wrong. The ethical imperative is distinguished by its pluralism, religious and civic, as in the oft-quoted verses, "We have made you into nations and tribes that you may know one another" (49:13), for "If God had pleased He would have made you a single people" (5:48).

Over and over again it draws specific moral lessons from universals, and universal inferences from the particular. In recalling the allegory of Cain and Abel, it warns, "Whoever kills a human being it is as if he has killed all of humanity. And whoever saves a life, it is as if he has saved all of humanity" (5:32). This was never lost on Muhammad. Once when he witnessed a funeral procession while seated with his companions and respectfully stood up, one of the others remarked that the deceased was a Jew. "Is he not a human soul?" was the Prophet's reply.[36] Christians and Jews were part of the civic *umma* that Muhammad formed in Medina in 622 C.E., under what is arguably the world's first formal constitution, accompanied by

mechanisms of implementation through consultation (*shura*).

It is vital to recognize that the supposedly distinct and rigid corpus of law—often wrongly termed *shari'a*, which simply means "the proper path"—is actually a set of ethical guidelines.[37] Neither the language nor the structure of the vast and highly pluralist norms developed from the verses of the Qur'an and Prophetic guidance would serve as "law" in the sense of enforceable juridical rules. More specific and practical injunctions traditionally acquired the status of *fiqh*, practical rules that served the rapidly expanding realm of Islam that needed a rule of law.[38] The mix of morality and law gave legitimacy and higher motivation to those who lived by these norms. But as noted, conservative tendencies came to underplay the role of creative reason that drove the early development of this tradition. Law and the wider *shari'a* often became political instruments, whether for rulers or clerics—the *ulama* —seeking to assert independence from State control. Such as it was, law overshadowed ethics.

Which doesn't mean that the humanistic reason underpinning any ethical system worth the name was lost. Outside the formal bounds of *fiqh*, ordinary men and women, as individuals and communities, faced the daily challenge thrown up by the Qur'an to all believers to perform that which is transparently good (*ma'ruf*) and to abjure that which is harmful (*munkar*) (3:104). As an obligation that was social and personal, this spurred rich discourses and critiques—including critiques of the behavior of establishment elites, political and clerical, that controlled the corpus of law.[39] Whatever fossilization may have curtailed the development of modern rights and obligations in the framework of traditional law, the springboard of ethics has remained to contest tradition. As Ann Elizabeth Mayer puts it in *Islam and Human Rights*,

[T]he Islamic heritage comprises rationalist and humanistic currents that is replete with values that complement modern human rights such as concern for human welfare, justice, tolerance, and egalitarianism. These could provide the basis for constructing a viable synthesis of Islamic principles and international human rights ...[40]

This is precisely the thrust of civic reform movements across the Muslim world, in campaigns for gender equality in Nigeria and Pakistan, for accountable government rather than clerical dominance in Iran, for tolerance of dissent in Egypt and Syria, for the right to express religious affinities in public spaces in Turkey and the ex-Soviet republics of Central Asia. While orthodox revivalists (fundamentalists/Islamists) invoke the *shari'a or fiqh* as a criterion that governments must meet, and secular politicians respond by stifling human rights, the middle ground is increasingly occupied by activist

intellectuals and their associates who invoke civic ethics. Consider the popular call by Syria's Muhammad Shahrur for independent reason in reading the Qur'an and for modernizing the rules that purport to be derived from it. His 1990 book on the subject—an adamantly pluralist critique that lends itself to liberal demands against governments and clerics alike—became a bestseller for a readership in secular as well as theocratic regimes.[41]

More directly confrontational has been the dissent of Hashem Aghajari, the reformist Iranian academic who risked the death penalty for declaring, "We are all capable of interpreting the Qur'an without the help of the clergy."[42] Aghajari has compared the excesses of the "ruling class" with the worst excesses of the Catholic papacy. Like Shahrur, he locates his critique in the ethical fold of Islam, in this case Shi'i. Also in a recent critique of the theocratic narrowing of liberal thought in Iran, Abdolkarim Soroush appeals to the ethos of "an art-loving God" against political tyranny,[43] which also reminds us how important Iranian cinema has become as a vehicle for a liberating cultural ethos, and the search for a post-revolutionary identity.[44] Abbas Kiarostami, Majid Majidi, Bahman Farmanara and Mohsen Makhmalbaf are internationally celebrated auteurs with their incisive yet subtle portrayals of repression and longing; official constraints on viewing their films in Iran are subject to the challenges of a thriving market in pirated videos.

A populist trend is also visible among Turkish activists like Fethullah Güllen and the Nurcu movement founded by the late Bediüzzaman Said Nursi (1873-1960), stressing themes of independent religious thought, tolerance and civic engagement.[45] In a country that is living down Ataturk's legacy, it is not fundamentalism that appeals but a homegrown, quite liberal Islam. That is what the Nurcu and Güllen have long

offered, and what the newly elected Development and Justice Party (AKP) represents. Even the headscarf (*türban*) campaign that had earlier been waged in a robustly religious vocabulary and met no success in the courts or the legislature, has come to grips with a human rights discourse as an extension of religious affinity.[46] Again, that affinity is finding expression (and is integral to the AKP's agenda) in a rational ethics of social tolerance, not in a demand for "religious law" to be enacted.

A similar trend developed in Jordan, when a group of civic activists sought to put a stop to the "honor killing" of women, which the country's legal system effectively condoned by imposing light punishments, if it prosecuted the killers at all: fully a quarter of all homicides in Jordan have been ascribed to honor killings.[47] The campaign appealed not only to human rights law but also to the ethics of accountability and of "self-educated" citizenship.[48] The activists made a point of not registering themselves in order to emphasize their political and legal autonomy, yet managed to get royal attention and support—as well as international media and activist interest in a cause that remains a major issue in Jordan.

The appeal to civic ethics is stronger still in war-torn societies, especially where religious extremism is a factor in the conflict. In post-civil war Tajikistan, Aziz Niyazi and Daulat Khudanazarov have been at the forefront of cultural and intellectual renewal to foster a modern civic identity in which the country's diverse Muslim groups can share. Khudanazarov (an ex-presidential candidate) happens also to be a writer and filmmaker. In a country where the rule of law remains frail, ethical tenets rooted in cultural identity, I was often told, urgently needed to be propagated in schools and mass media—a conclusion endorsed by a leading scholar, Shirin Akiner, as the main hope for civil society.[49] Akiner has also

pointed to the success in the autonomous Badakshan region in creating civic institutions "unique" in their sustained commitment to self-reliance and volunteerism.[50] Meanwhile in Afghanistan, where the rule of law has but a tenuous hold, there is again dependence on ethical norms both to uphold order and to anchor commitments to nonviolent change. Activists like Sima Samar and Nasrine Gross have been speaking up not only for women's autonomy but also for a broader liberal culture.

None of the public intellectuals or movements discussed stand for a merging of church or mosque and state, despite their summoning of faith-based public ethics. Nor are they exclusive in a social, ethnocultural or religious sense. And in response to the question, "What does it mean to be a Muslim?" it is improbable that any would offer a response that would have been recognizable a mere three to four decades ago. Quite aside from the dynamics of post-colonial and post-Cold War identity, the impact of globalization and the new media is evident virtually everywhere.[51]

Muslim identities three or four decades ago would also have been significantly different from what they were a century ago, at least in urban areas. Responses to new colonial and hegemonic Western encounters that were making themselves felt at the dawn of the twentieth century were products of different mindsets on the part of the individuals and communities concerned. This may seem axiomatic, yet the larger point is that it wasn't only the social choreography or imaginings that had evolved but "Islam" itself in terms of what it means to Muslims. The content of *shari'a* and *fiqh* may be stable but the understanding of what they mean and how they influence the experience of modernity and tradition, is hardly an *idée fixe*. Rather, it's contextual, a function of time, space and circumstance.

To speak of "Islams and modernities" is not only to underscore the experiential and confessional diversity of Muslims but also to acknowledge the reinvention of tradition itself through history.[52] This means rejecting stock images of Muslims being tied to a rigid law, or as permanently removed from their heritage of humanistic reason. Nowhere
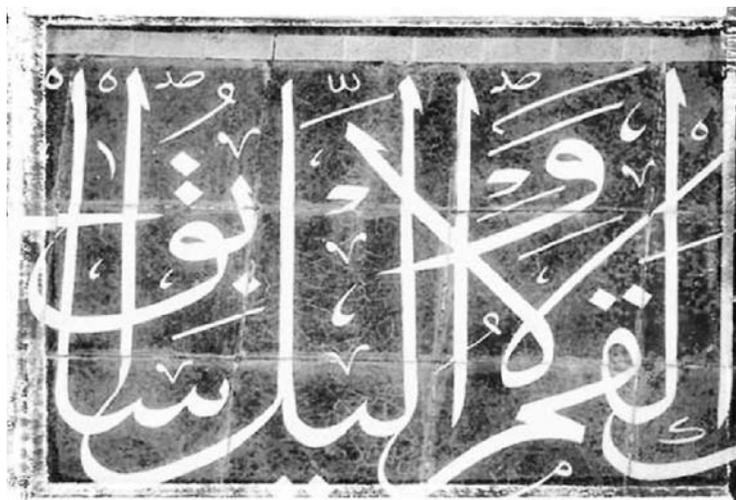
is a deterministic perspective on Islam less persuasive than in the West, where Muslims are a conspicuous feature of the landscape. Issues of diaspora identity and public religion have influenced and been influenced by the law, political economy and sociology.[53] Globalization and the Internet allow the diaspora to interact more than ever with ancestral communities as part of what Gary Bunt calls the "digital umma."[54] Greater access to communications technology means that the diaspora has a vast presence in cyberspace, on satellite television channels, on radio airwaves. The diaspora itself is as diverse as the Muslim world, and inhabits secular environments that are not uniform in expressions of public religion and civil society. There is the extraordinary level of public religiosity in the United States, including a leadership that articulates its foreign policy in "Judeo-Christian" terms. Jose Casanova argues that the "process of the Americanization of Islam is already taking place," including symbolic expressions such as the presence of imams at state and federal functions; a Muslim chaplain is even attached to the armed forces.[55] Yet there is also the perspective that Muslims are an "out" group, especially in relation to perceived national security concerns. A further complication, to cite Casanova again, is that "Islam has perhaps resisted better than any other religion the modern colonial logic of racialization" with all its "corrosive" effects on the formation of religious identity among immigrants. Muslim arrivals don't fit into a fixed geo-ethnic box or two: they're Afghan, Albanian, Bosnian, Chechen, Indo-Pakistani, Iranian, Iraqi, Lebanese, Palestinian, Somali, Sudanese, among others—along with large clusters of indigenous African-American and other converts.

One recalls that multicultural policy in Canada, as in most of Western Europe, is also based primarily on ethno-cultural pluralities rather than religious ones. Modern democracies face a pluralist challenge beyond merely that of ensuring that legal and political frameworks meet the appropriate human rights standards of equality on grounds of colour, race and creed. In France with its *laicité* and the Netherlands where officialdom takes a similar position, there is the issue of how secular spaces will accommodate expressions of public religion that are different from those of the mainstream.[56]

A lesson from the nature of public religion in the U.S., where the evangelical right strongly impacts politics (including violence at abortion clinics, and a Middle East policy driven by theological convictions that deny Palestinian rights), is that separation of church and state alone is not a guarantee against fundamentalist extremes.[57] If this is true of a "mature democratic culture, it must give pause to those who assume that institutional walls are a universal panacea for social peace. Equally, the vibrant Christian-democratic parties in Europe are a reminder that formal engagement by overtly faith-inspired actors is consistent with secular democratic culture. However, assorted human rights protections from "theo-political coercion" in the public square are vital, beyond the tenets of mere equality.

The discourse of human rights and civic culture has found fresh respect among Muslims who must depend on the empowerment of citizenship for equality and equity in the diasporas of the West—but clearly also in Jordan, Turkey, Iran, Pakistan, Nigeria and beyond, where ethical discourse meets demands for the rule of law. So much for the rhetoric of orthodox revivalists who dismiss human rights as an "alien" idea, until of course they require its protection against secular tyrants. Or the claims of relativists and Orientalists who ascribe to an imagined, monolithic Islam a rejection of anything modern, from human rights to civil society.

To be sure, there are limits to what the rights to equality and free conscience and expression can accomplish in constraining theo-political coercion. Moreover, the secular, liberal rights ethos has been subjected to a range of sobering criticism from within—above all, for polarizing the individual and society in the quest for liberties that must ultimately be shared if they are to have meaning, and which can't mean everything in and of themselves. The discontents include voices across the ideological spectrum—Stephen Carter, John Gray, Gertrude Himmelfarb, Robert Putnam, Michael Sandel, Charles Taylor, Margaret Visser, Michael Walzer, to name a few. To these must be added the present Chief Justice of Canada, Beverly McLachlin, who delivered the annual LaFontaine-Baldwin lecture on March 7 in Halifax, entitled "The Civilization of Difference."[58]

The obsessive determination to ignore our similarities as individuals and communities and stress the minutest differences, McLachlin argues, comes

from "the inescapable human need to construct one's identity within a social context." So we "discover our distinguishing attributes—those elements in ourselves, our history, and our culture that we value," and "bind ourselves to others who share these attributes and values." But groups necessarily exclude when they include— which is why we require human rights to create a "protected space for difference within society; a space within which communities of cultural belonging can form and flourish under the broad canopy of civil society." In Canada's experience the structure that protects difference is "not merely law" or some other imposed order. "Inclusion and equality cannot be achieved by mere rights" but by "a nation's values… accepted as a means of brokering our differences and finding accommodation." To which we can add "attitudes of tolerance, respect and generosity."

McLachlin's is an appeal in which individual and collective dignity is sustained not only by law but also by commitments to civility and solidarity. The claim she articulates to a "universalized ethic of respect and accommodation" is meaningful because it finds expression not just in formal institutions and norms but in a myriad acts by citizens in varied contexts. The public spaces in which this accommodation occurs can't be defined by discrete categories of "secular" and "religious;" they fail to capture the intertwining purposes and motivations of active citizenship that generates the social capital of civil society. Nor during heightened political tensions have rights alone protected citizens or societies from arbitrary exercises of power by

ostensibly accountable governments— as Muslims know first-hand in the diaspora and in the Islamic world.

A landscape that recognizes the intertwining of secular and religious, the ethical and the legal, resonates with the ideals of leading Muslim activists and intellectuals. But it will not come about by default or accident; it will be realizable only if a pluralist ethic of inclusion and rational civic dialogue is consciously pursued. The ethical content of this type of discourse is surely an appropriate antidote to theo-political coercion, in emergent and advanced democracies.[59] "Discourse" here is used advisedly: it establishes a link to a reflective ethics, regardless of the particular secular or faith tradition, anchored in more than arbitrary claims of absolute moral choices.[60] This in turn recalls the importance of the individual's civic and institutional moorings, especially in the post-Durkheimian order of liberal individualism.

For all intents and purposes, it is becoming untenable to speak of "Islam and the West," much less "Islam versus the West." The plurality of Islams and modernities demands that we speak of "Islam in the West" compared with, say, "Islam in Central Asia" or "Islam in South

Africa." Equally, we ought to recognize that it is Muslims we actually refer to when we speak of "Islam" in context— individuals and communities, not ciphers or automatons, whose identities and aspirations are as pluralist as the world itself. This may not please the clash of civilization warriors or those who persist in clinging to fixed images of the Other. But it would be ethically—as opposed to politically—correct.

NOTE: A complete list of endnotes cited within the text, but not included here, is available from the editor; e-mail grahama@sfu.ca

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