# Qur'anic Truth and the Meaning of '*Dhimma*'

BY ABDAL HAKIM MURAD

*Foreword by* Dr Umar Faruq Abd-Allah

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# *Foreword*

*by* Dr Umar Faruq Abd-Allah
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Abdal hakim murad stands out as one of the most learned, enlightened, and honest Muslim voices in the West today. Over the last several years, he has exercised a profound influence on the emerging Muslim communities of the United Kingdom, the United States, and Canada, setting forth courageously the integrity and authenticity of the living tradition of Sunni Islam in the face of ignorance and extremism. This short essay, *'Qur'anic truth and the meaning of "dhimma"'*, is a concise and remarkably rich theological statement exploring the dynamic possibilities of an authentically Islamic universality for our age. Whereas modern globalism tends to annihilate cultural diversity, authentic Islamic pluralism as exemplified in the theological implications of *dhimma* offers to each community the opportunity to develop its own sacred space and express its own uniqueness. This vision of Islamic pluralism would seek to invigorate the world community through enriching communal diversity instead of destroying it. The article touches on a number of other crucial topics such as the meaning of authenticity in tradition, the imperative of morally-based religious interpretation (*ijtihād*), the true valuation of the Other based on the 'Ishmaelite' universalism of the Islamic religious vision, the moral and intellectual dilemma of much contemporary Arab and Arabocentric Salafist thought, the rich potential of the non-Arab legacy within Islam, and the dilemma of modern globalisation. It illustrates the unparalleled theological potential of Islam today to foster a modular alternative to globalism based on what Arnold Toynbee referred to as 'the Islamic tradition of the brotherhood of Man.' ☘

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# Qur'anic Truth and the Meaning of '*Dhimma*'

*by* Abdal Hakim Murad
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Europe could be said to define its boundaries through two genres of sacred theatre. One of these re-enacts for the faithful Christian the self-giving of Christ, the pascal lamb sacrificed Abrahamically. The Oberammergau Passion Play is probably the best-known survival of this genre, in which the miscreants are the incarnate God's Jewish persecutors, who thus incur the blood curse pronounced in Matthew 27:25, which entails their eternal exile from promise and covenant. The other, less well-known, is the *moros y cristianos* genre of Spain and her former American colonies. In these plays, popular mainly in rural communities, white-faced Christians celebrate their expulsion of black-faced Moors. This is, in a sense, a re-enactment of the sacrifice of Ishmael, who is here expelled from European soil, just as the half-Egyptian Ishmael of Genesis was driven forever from the sight of Abraham, and excluded from the promise.

In recent decades, alternative readings of the Bible have radically interrogated and redefined both of these ritual dramas. Late twentieth-century Christian theology made much of those passages in Paul which seem to imply an ongoing divine favour upon Israel. And if the rightful dismissal of the Moriscos is to be a latter-day re-enactment of the expulsion of Hagar and Ishmael into the wilderness, then we will need an explanation of the Genesis text that insists that, in God's words, Ishmael will be the father of 'a great nation' (17:20). In other words, Oberammergau and the Reconquista dramas represent two ancient exclusions which turn out Biblically to be not difficult to oppose. It is a serious re-reading, and no mere assertion of the primacy of liberal reason, which discovers that scriptural antecedents confidently taken for generations as the paradigm of exclusion turn out to hold rich potential for hospitality and inclusion.

One outcome of this re-examination has been the removal from the Oberammergau script of traditional themes which have caused dismay to Jewish believers. The Jewish players no longer wear horned hats to signify their allegiance to the devil; and in 2000 the blood curse itself was deleted.[1] In Spain, and in other parts where the anti-Ishmaelite legend is still commemorated, it is interesting that most local people now volunteer to play

[1] For the controversy see Leonard Swidler, *The Passion of the Jew Jesus: Recommended Changes in the Oberammergau Passion Play after 1984*, Anti-Defamation League, New York, 1984; James Shapiro, *Oberammergau: The Troubling Story of the World's Most Famous Passion Play*, Alfred Knopf, New York, 2001. Hitler had praised the play in 1934. The Blood Curse was also removed, amid some bitterness, from the English subtitles of the 2003 film 'The Passion of the Christ'.

the parts of the Muslims, not of their Christian vanquishers. They prefer the colourful Moorish costumes, it seems; and like the new generation in many modern places, they are able to identify with non-white suffering at the hands of powerful white rulers.[2] Of course, not all these shifts are rooted in a deep theological awareness among Bavarian or Andalusian villagers of the doctrinal movements that have guided their leaders towards a greater hospitality to difference. Yet a sea-change has taken place, and it evidently need not be in a secular direction. Instead, there has been a *ressourcement*, a re-sourcing, a new quarrying, of old, ultimately scriptural stories, to find neglected grounds for the challenging of an ancient exclusion.

It is in this spirit of faithfulness to scripture, I believe, that Muslims need to continue their re-imagining of the Islamic project for a society that satisfies God's demands for morality and justice. We are called to be authentic—such is the valid assurance of Muslim revivalists everywhere—but we are also called to be a visible sign of the Islamic summons to moral living. Most modern Muslim fundamentalist preaching has allowed Islam to veil God, and thus to veil ethics; and clings to signs whose meaning is not morally the same as what it once was. Its vision of history can often seem no more hospitable than that of the old Christian passion plays. In particular, it has failed to see that identity movements, by their nature, cannot defend authenticity, because they remake it in the act of defining it as authentic. The task of Islamic renewal today must be to maintain the *unselfconsciousness* of tradition; and this cannot be accomplished through ideology or through the blind replication of a medieval exegesis which responded to circumstances which are not our own.

Our tradition has many mansions, but finally, it is to be God-oriented and scripture-directed. In this perspective, the process by which the Law is found and interpreted (*ijtihād*) is a theological practice, determined by our understanding of God's purposes, both in the visible world, and in the capacities of the human mind and conscience. Muslims, in their engagement with non-Muslim participants in society, are therefore intensely *mukallafūn*, 'charged' before God to bear witness in the flux of God's creation to the primordial unity and ethical perfection which, like all humanity, they beheld before enfleshment—the day of the *alastu bi-rabbikum*, '*Am I not your Lord?*' (7:172).

In this essay I do not propose to focus on minority-related details of Islamic law (*fiqh al-aqalliyāt*), a task which lies in any case beyond my competence, but rather to raise some larger, metahistorical issues implicit in scripture whose neglect has often barred modern *fiqh* discussions from remaining faithful to the primal Qur'anic vision. Imam al-Ghazālī offers a tract on *bayān mā buddila min alfāẓ al-'ulūm*: 'the scholarly terms which have been changed',[3] and points out how treasonable to itself *fiqh* becomes if stripped of its theological status as, literally, 'understanding'. The one loyal to God is he for whom 'God becomes the hand with which he smites.'[4] Without this inner chivalry, this *futuwwa*, the outward is not even itself; it is simply 'uncomprehending law'; or, as George Chapman put it, the law which is 'an ass.'[5] The Qur'an itself speaks of those purely exoteric beings who '*are like asses, carrying scrolls*.' (62:5)

This should allow us to see that the *ijtihād* project, properly conceived, is the only authentic form of jurisprudential obedience to the God of scripture. The *maqāṣid*, the

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[2] R. Bauman, 'Fiestas de la reconquista en Andalucía y América', *Lamalif*, Almería, 5, December 1992, 17–20.

[3] Abū Ḥāmid al-Ghazālī, *Iḥyā' 'Ulūm al-Dīn*, Cairo, 1347AH, I, 28–34.

[4] For the ambitious classical understanding of this Bukhārī *ḥadīth qudsī* see Abdal Hakim Murad (tr.), *Selections from the Fatḥ al-Bārī*, M.A.T. Papers, London, 2000.

[5] George Chapman (attr.), *Revenge for Honour*, London, 1654, III.ii.

purposes, of God's law, do not change, for they reflect aspects of His eternal nature. There will never be a time in which He does not require the protection of life, family, property, religion, and honour. Hence, Sunni Islam is defined, on the Ghazālian principle, precisely as the context of constant morally-oriented *ijtihād*. It is a theological axiom that this gate has indeed, as Imām al-Suyūṭī insisted, never been closed.[6]

The sign of Islam's enactment of this primordial covenant on earth is Abrahamic, and more particularly Ishmaelite, since the universalizing implications of Ishmael's exile mean that the whole world, Hebrew and Gentile, forms part of an *umma*, which is, at the very least, *ummat al-daʿwa*, the *umma*-in-waiting, the community of those equipped to understand. According to a hadith the Muslims are told: 'Show piety in dealing with the protected peoples, those of the settled lands, the black, the crinkly-haired, for they have a noble ancestor and marriage ties [with us]'. In his *Sīra*, Ibn Hishām adds: 'by "ancestry" the Prophet referred to the fact that the prophet Ishmael's mother came from them.'[7] In the Ishmaelite vision, it seems that even the Kushites, elsewhere despised, are capable of a full and equal understanding.

Hence the striking absence of significant reference to the Arab people in the Qur'an. No Red Sea will divide the faithful from Egypt.[8] Enterprises such as that of John Wansbrough, which seek to read the Islamic scripture as a narrative of election, are far from the mark, for the Qur'an is not the salvation history of a people; on the contrary, it is a universal history, mainly telling the stories of non-Arab protagonists. Alone among major world scriptures, it places the heroes of another *ethnos* at the centre of its story. It demands not a growth into Arab selfhood, but a growth into the monotheism which is mainly practiced by neighbouring Others. So complete is this inversion of older covenantal assurances that it would be possible to say that the significant Other of the Qur'an is its own people: the sons of Ishmael. It is a document of radical prophetic autocriticism. The familiar principle is that of Montaigne:

> Everyone terms barbarity, whatever is not of his own customs; in truth it seems that we have no view of what is true and reasonable, except the example and idea of the customs of the country in which we live.[9]

But for the Qur'an, it is the people itself, not the neighbours, that comprise the *barbaroi*, the most inveterate gentile category. The *jāhiliyya* against which it inveighs is a quintessentially Arab and autochthonous quality; Christians and Jews are not accused of it.

To this we might add the startling fact that while Christian theology developed substantially in polemic against external rivals (the subtitle of Augustine's *City of God* is 'against the pagans'), Islamic theology emerged as a polemic against internal, Muslim error. The

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[6] Jalāl al-Dīn al-Suyūṭī, (ed.) Khalīl al-Mays, *al-Radd ʿalā man ukhlida ila'l-arḍ wa-jahila anna'l-ijtihād fī kulli ʿaṣrin farḍ*, Beirut, 1403/1983; W Hallaq, 'Was the gate of Ijtihad closed?' *International Journal of Middle East Studies* 16, 1984, 3–41. But as Muhammad Hashim Kamali points out (*Principles of Islamic Jurisprudence*, Islamic Texts Society, Cambridge, 2003 New Edition, 516), the *maqāṣid* alone cannot operate without the formal mechanisms of jurisprudence (*uṣūl al-fiqh*). And since the *uṣūl* do not exist externally to the *madhhabs* of their theorists, a *maqāṣid*-based *ijtihād* of the kind currently appropriate must respect the 'rival wisdoms' of the *madhāhib* as an indispensable source of energy, as well as the guarantor of continuity and methodological clarity. Islam's machinery for supporting internal diversity has lessons for the harder task of relating to the external Other: only through full adhesion to the mainstream is a stable and authentic affirmation of difference possible.

[7] A. Guillaume, *The Life of Muhammad: A translation of Ibn Ishaq's Sirat Rasul Allah*, Oxford UP, Oxford, 1955, 691.

[8] For the Red Sea as a sign of Jewish apartness see Emmanuel Levinas, *Difficult Freedom: essays on Judaism*, Athlone, London, 1990, 137.

[9] D. M. Frame, *The Collected Works of Montaigne*, Stanford, 1958, 152–3.

*kalām* authors spent some time on the *milal* (rival religions), but their great doctrinal projects were not shaped in argument with them. Islam never heard the voice of a Celsus, and therefore never produced an Origen.

It is no doubt this Ishmaelite universalism that shapes our scriptures' vision of the eschatological ingathering of a diverse humanity to a single Banner of Praise. The Prophet is no stern Pantocrator, the role attributed to a wrathful Christ by the Book of Revelation. In the Bible's vision, humanity flees, crying out 'Hide us from the wrath of the Lamb!'[10] Instead, the Prophet appears as a merciful intercessor, to whom the nations flock, as he pleads with his Lord: *Rabbī sallim, sallim!* 'Lord, save! Save!'[11] A long hadith which has been preserved by Imām al-Bukhārī depicts the nations of mankind, distraught by the *dies irae*, hastening from one prophet to another, so that only the Final Messenger is able to say anything other than *nafsī, nafsī*: 'Myself, myself!' His response to this throng of religiously diverse mankind is to pray for their relief and forgiveness.[12] Considering the hadiths of the Intercession, Imām al-Murtaḍā al-Zabīdī (d.1791) concludes that: *wa-kadhālika bāqi'sh-shafāᶜāt, al-ẓāhir annahu yushārikuhum fīhā baqiyyat al-umam*: 'similarly, with the other instances of intercession, the evident meaning is that the other religious communities share in them.'[13] In this way Islam demonstrates, at the very end of time, its inclusive, Abrahamic embrace of the various religions of the world. It would be hard to imagine a fuller version of what Levinas calls consummation as act, 'the exaltation of the love of alterity.'[14]

If the Blessed Prophet himself is glorified by this divine gift of plural intercession, it should follow that his followers are required to be the sign of a proleptic hospitality on earth. As he says, 'Whoever harms a member of a *dhimma* community shall have me as his adversary on the Day of Resurrection.'[15]

Classical Islamic law, in its provisions for non-Muslims, both within and without the house of Islam, took itself to be the instantiation of the *maqāṣid* in this respect, for the Other as well as for the Self. Often the backdrop was the insistence on the just privileging of the most correct monotheism; and a good deal of implicit snobbery could ensue. The key term *ṣāghirūn* (9:29) may indeed mean 'humbled,' and Islamist and non-Muslim polemicists alike are insisting on this translation; but the term is contested; al-Māwardī himself, perhaps the leading political theorist of classical Islam, allows it to mean simply 'subject to the laws of the Muslim government.'[16] The word *dhimma* is at root an honourable and hospitable one, recalling the honour of the desert chieftain who gives the protection. Its connection with the root *dhamma*, to blame, is that the violation of a *dhimma* compact or covenant is considered blameworthy, *madhmūm*; this is certainly Imām al-Bayḍāwī's interpretation of the word *dhimma* at 9:8: *ᶜahdan wa-ḥaqqan yuᶜābu ᶜalā ighfālih*.[17] Imām al-Būṣīrī makes the following boast in his poem the 'Mantle' (*al-Burda)*:

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[10] Revelation 6:16; see also Rev 14; Mt 25:31–46; Jn 5:22.

[11] Muslim, Īmān, 346. For a further exploration of this contrast between the two founders see Tim Winter, 'Jesus and Muhammad: new convergences', *The Muslim World* 99:1, January 2009, 21–38.

[12] Bukhārī, Anbiyā', 3; for confirmation that his general intercession will include non-Muslims, see Shams al-Dīn al-Qurṭubī, *al-Tadhkira fī aḥwāl al-mawtā wa-umūr al-ākhira*, Cairo, 1352 AH, 247.

[13] Al-Murtaḍā al-Zabīdī, *Itḥāf al-sāda al-muttaqīn bi-sharḥ Iḥyā' 'ulūm al-dīn*, Cairo, 1311 AH, 10, 494.

[14] Jill Robbins, *Is it Righteous to Be? Interviews with Immanuel Levinas* (Stanford, 2001), 229–31.

[15] Aḥmad ibn Ḥanbal, *Musnad*.

[16] Abu'l-Ḥasan al-Māwardī, *al-Aḥkām al-Sulṭāniyya*, Cairo, 1978, 162. For the complex arguments over the meaning and temper of the word, see M. Bravmann, 'A propos de Koran IX, 29,' *Arabica* 10, 1962, 91–5.

[17] ᶜAbdullāh al-Bayḍāwī, *Anwār al-tanzīl wa-asrār al-ta'wīl*, Istanbul, 1329 AH, 248.

By him I have a safe-conduct [*dhimma*], having been named Muḥammad; he who is most faithful in safe-conduct.[18]

Even a compact between a Muslim and a non-Muslim, outside the explicit context of *dhimma*, is to be a test of the believer's honour. Commenting on the famous hadith of the three signs of the hypocrite, narrated by Bukhārī and Muslim, which ends *wa-idhā ʿāhada ghadar*, 'and when he enters a compact, he breaks it', Ibn Rajab al-Ḥanbalī comments: 'The breaking of a pledge between a Muslim and another person is forbidden, even if the other party is an unbeliever.'[19]

The 'unbeliever', then, can be one's neighbour, *jār*, a term fraught with intense significance in this culture of hospitality. Where Qur'an 4:36, speaks of duties to 'the near and the distant neighbour', Ibn Rajab confirms the meaning that the two categories to be honoured here are Muslim and non-Muslim neighbours. The unbeliever, too, has *ḥaqq al-jiwār*, the right of the neighbour.[20] And in a sound hadith narrated by Tirmidhī and Ibn Ḥanbal, we learn that when ʿAbdullāh ibn ʿAmr once slaughtered a sheep, the response of the Prophet, was '*hal ahdaytum minhā li-jārina'l-yahūdī*?' 'Have you given some of it as a gift to our Jewish neighbour?'[21] Moreover, on the core issue of forgiveness (*ʿafw*) of non-Muslim others, Fakhr al-Dīn al-Rāzī insists that this is no less Qur'anic a principle.[22]

Anecdotes abound of Muslim popular respect for non-Muslim ascetics, and for Christian ascetics in particular.[23] No doubt this finds its support in Qur'an 5:85, which announces a positive, even a love relationship, between Muslims and Christians, 'because among them are priests and monks, and because they are not proud.' Hence the Muslim worshipper Mālik ibn Dīnār could be respectfully called the '*rāhib* [the monk] of the Arabs'; just as the erudite Companion Kaʿb al-Aḥbār was honoured with the title 'rabbi' (*ḥabr*).[24] Few seem to have been shocked by the story of Ibrāhīm ibn Adham, one of the greatest early Muslim saints, who said, 'I learned the knowledge of God from a monk, whose name was Abba Simeon;' such accounts were deemed perfectly deserving of inclusion in the hagiographies.[25] It is here, rather than in our present-day reaction to *dhimma* codes, that we find a reliable indicator of Muslim respect for the religious other. It is religious quality that should be the basis for our esteem for others, not abstract and soulless conceptions of rights. Again, Levinas puts it well: 'the ethical is the recognition of holiness.'[26]

The honourable defence of the *dhimma* contract formed part of a medieval Ishmaelite vision of globalisation. The Ishmaelite prophet, as genetic heir to Egypt as well as the Hebrew line, is 'sent to all mankind', *buʿithtu li'l-nāsi kāffa*.[27] The great imperial Islamic orders of the past, from the Umayyad to the Ottoman, were in their diverse ways globalising but plural, and the honouring of the protection-covenants of the minorities allowed those minorities to evolve flourishing cultural and spiritual lives of their own. Sephardic

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[18] Sharaf al-Dīn al-Būṣīrī, *Burdat al-madīḥ*, translated by Abdal Hakim Murad, *The Mantle Adorned*, Quilliam Press, London, 2009, 163.

[19] Ibn Rajab al-Hanbalī, *Jāmiʿ al-ʿulūm wa'l-Ḥikam*,Beirut, 1417/1996, II, 347.

[20] Ibn Rajab, I, 261.

[21] Narrated by Tirmidhī and Ibn Ḥanbal; cf. Ibn Rajab, I, 265.

[22] Fakhr al-Dīn al-Rāzī, *al-Tafsīr al-Kabīr*, Cairo, 1934, XXVII, 263, to Qur'an 45:14–15.

[23] Abundant early examples are cited in Tor Andrae, *In the Garden of Myrtles: Studies in Early Islamic Mysticism*, State University of New York Press, Albany NY, 1987.

[24] Ibid., 9.

[25] Ibid., 12.

[26] Levinas cited in Robbins, *Is it Righteous to Be?*, 235.

[27] Bukhārī, Tayammum, 1.

Jewry is one familiar example;[28] another are the Orthodox churches under the Ottoman umbrella, which were protected externally from Latin crusade, while witnessing an enhanced internal authority over their members.[29] Rejecting the Spencerian mirage of a necessary linear progression, Muslim empires did not share the British imperial desire 'to undertake the government of vast, uncivilised populations and to raise them gradually to a higher level of life;'[30] instead, they respectfully allowed them their own integrity. And considering our own modernity,

> Liberal democracy and the free market have at their disposal the resources to impose and defend their belief in their 'fulfilment', thus running the risk of regarding everything which they perceive as being other as archaeological remnants incapable of achieving the post-history nirvana.[31]

Whereas modern globalisation tends towards the annihilation of cultural diversity, the globalisation brought by classical Islam preserved it, and even lent it new energy. Moreover, Islamic globalisation encouraged *dhimma* communities to flower in religious ways, while the modern secular global forces have tended to produce spiritually weak sub-cultures. It is instructive to compare, for instance, Jewish life in eleventh-century Andalusia, to its equivalent after the European enlightenment (Maimonides and Freud are only two icons of this). Secularisation, intermarriage, assimilation, and many of the social forces which most worry traditional Jews, are consequences of the Enlightenment, not of the Qur'an.

We might consider the case of France as one example of the exclusivist modern understanding of pluralism. In the name of the Republic's internal *mission civilatrice*, the Islamic ideal of the modular society, a tapestry of self-regulating communities, is officially fought in the name of a single paradigm of French citizenship. The totalitarian implications are not far to seek. Here, for instance, are the disturbing words of Simone Weil, responding to plans to create a distinctive Jewish minority (what Ottomans might call a *millet*) in Vichy France:

> It is dangerous to consider the accepted premises as stable and to make them correspond to a stable *modus vivendi*. The existence of such a minority does not represent a good thing; thus the objective must be to bring about its disappearance, and any *modus vivendi* must be a transition towards this objective. In this regard, official recognition of this minority's existence would be very bad because that would crystallize it.[32]

Weil here, arguing against her own people in the hour of their need, upholds the Enlightenment ideal of convergent identity as the necessary foundation for a stable nation state. Charles Pasqua's legislation against *ḥijāb* and other symbols of religious identity in

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[28] Benjamin Disraeli, that 'damped Jew', was in the eyes of Victorian England instinctively pro-Muslim. See E. T. Raymond, *Disraeli: The Alien Patriot*, London, n.d. [1925], , p.35: 'For a moment we find him 'resolved' to join the Turkish army then fighting in Albania. The fancy of becoming an inverted Byron passed, but not the sympathy for the Moslem, an inheritance from his ancestors.'

[29] 'The millet system of the Ottoman Empire, which replaced Byzantium, enhanced the Orthodox Church's power as ruler over its subjects'. This was one reason for the Church's opposition to the Greek War of Independence. Adamantia Pollis, 'Eastern Orthodoxy and Human Rights,' *Human Rights Quarterly* 15:2, May 1993, 346.

[30] Lord Hugh Cecil, cited in Jeremy Paxman, *The English: A Portrait of a People*, Penguin Books, London, 1998, 69.

[31] Rusmir Mahmutćehajić, *Bosnia the Good: Tolerance and Tradition*, Central European University Press, Budapest, 2000, 15. See also his 'With the Other', *Sophia: Journal of Traditional Studies* 9:2, 2003, 25–76.

[32] Simone Weil, 'What is a Jew?', letter to the Vichy minister of education in November 1940; cited in Robert Coles, *Simone Weil: A Modern Pilgrimage*, Addison-Wesley, Reading, Mass., 1987, 48.

French schools and other republican spaces resembles a latter-day instantiation of this. The same ideal, intentionally, or, more usually, incidentally, currently presides over a global abolition of diversity hardly less striking than the loss of natural habitats. Of the six thousand languages currently spoken, fewer than three hundred may survive a century hence.[33] Distinctions of dress, dialect, cuisine, body language, architecture, music, and folk idioms of a thousand subtle and vulnerable kinds: all are giving way to the logic of globalisation, which is corrosive of difference in practice, even where it affirms it in principle.

The verse most often cited by Muslims, of course, is '*And we made you peoples and tribes that you might know one another.*' (49:13) But there is also a rich Qur'anic invocation of diversity as a sign of God, invoking not only the diversity of nature, but of mankind: '*And of His signs is the creation of the heavens and the earth, and the diversity of your languages and colours.*' (30:22) Such diversity, redolent of a celebratory sense of God's gift, was explored and sharpened by the rise of the ecumenical Islamic world, as shown by the immense flourishing of Turkish, Persian, and other literatures following their accession to Islam. (Ironically, the only poetry which was not qualitatively enhanced by Islam was the Arabic.) While V. S. Naipaul and other weavers of chauvinism condemn Islam as 'Arab imperialism', and propose a deep malaise in the souls of convert descendents, the reality suggests that Islam invigorated rather than destroyed the nations it slowly transformed. Compare Ḥāfiẓ, for instance, to Avestan hymns; compare, too, the Isfahan mosques to the barren, inhuman royal glories of Persepolis.

If we use Aref Nayed's hermeneutical term 'ayatology', we will conclude that classical Islamic globalisation enhanced the legibility of God in the world, while modern globalisation blurs it.[34] True, late modernity and postmodernity strain every nerve to announce the principle of diversity. Yet the content of such valorising of the Other is ambiguous. If only the West's values are 'universal values', and they are expected to be applied throughout the world, then can there be any valid public, as opposed to merely private, difference? Further, can private difference, in individuals and social groups, flourish where public difference is discounted? Rooted in an attitude to the Bible as categorically supersessionist, authored by a God who has announced a new and much better type of salvation, itself a principle intensified by an Aristotelianism whose linear view of history and of the primacy of the rational self against the barbaric Other had already thrown up the empire of Alexander, Western views of linear progress have frequently invited a view of other cultures as picturesque ('Oriental') remnants, at best, or as atavistic throwbacks to superstition. In this context, Rawls can make a small space for a non-liberal religious polity,[35] but even this tentatively pluralistic liberalism is widely attacked by those who believe that a

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[33] For the massacre of the languages, see George Steiner, *After Babel: Aspects of Language and Translation*, Oxford University Press, London and New York, 1975, 52ff.

[34] For more on Aref Nayed's concept of 'ayatology', see his 'Ayatology and Rahmatology: Islam and the Environment', in Michael Ipgrave (ed.), *Building a Better Bridge: Muslims, Christians and the Common Good*, Georgetown University Press, Washington, DC, 2008, 161–173; 'Compassion and Understanding in Islam', *Islamochristiana* 33, 2007, 137–148; and *Growing Ecologies of Peace, Compassion and Blessing: A Muslim Response to 'A Muscat Manifesto'*, Kalam Research and Media with the Cambridge Inter-Faith Programme, Dubai & Cambridge, 2010.

[35] John Rawls, *The Law of Peoples* (Harvard University Press, Cambridge, Mass, and London, 1999), especially 75–8, where he outlines the constitution of an imaginary 'Kazanistan', as an example of a non-liberal but stable polity where Rawlsian definitions of justice are not satisfied, but where decency nonetheless prevails. A liberal international order, Rawls believes, should tolerate the existence of such states. This model promptly came under attack from universalists who hold that the only acceptable expression of decency is that enshrined in 'universal human rights' ideas; cf. Patrick Hayden, *John Rawls: Towards a Just World Order*, University of Wales Press, Cardiff, 2002.

single model, the 'Jeffersonian', has emerged victorious from a blind Darwinian struggle that began with African Eve.

Postmodernism, of course, exists in part to dismiss such Anglo-Saxon vainglory with a Gallic shrug. One recalls Michel Foucault, in *The Order of Things*, roaring with laughter when reading Borges describe a Chinese categorisation of animals.[36] The laughter begins as Occidental amusement at the Other's rejection of the linear, and ends, once Foucault has launched his postmodern project, as self-mocking irony. Neither, however, will do morally, and therefore Islamically. The most substantial religious manipulations of postmodernism, in Levinas and de Certeau, are perhaps weakest where they seek to valorise the moral integrity of the Other, apparently insisting only on the duty of respect, in awe of the void of understanding that Fascism, that unsurprising culmination of the linear Promethean project of the Enlightenment, thought itself qualified to overcome. Other, more thoroughgoing postmodernisms, while asserting a radical pluralism (Lyotard), appear as axiomatically hostile to the Other in that they cannot allow the Other to be itself, unless that Other announce its own self-understanding in entirely non-kerygmatic terms. Without realism, we enter only into a series of relationships with ourselves, and pluralism becomes merely an interesting way of being monistic.[37]

How helpful is the pre-modern Muslim social model as a rival to such relativism? It is certainly the case that the *dhimma* contract allowed non-Muslims (originally monotheist scriptuaries, but ultimately other groups such as Hindus) an effective religious inviolability.[38] Quasi-autonomous modules within a Muslim matrix, or, more usually, within the matrix of an opportunistic ruler's power which also extended over a Muslim module which it legally privileged, these units maintained the full integrity of their own sacred spaces and laws; this is the sense in which Louis Gardet praises *dhimma* as a 'form of generosity, a participation in sacred hospitality'.[39] Sharīʿa courts had jurisdiction over cases which crossed religious boundaries; but such was their reputation that there are many cases recorded in Ottoman archives, for instance, of non-Muslims choosing to have recourse to them for disputes internal to a *dhimma* community.[40] Public spaces privileged Ishmael, but did not repress other Abrahamic modules by denying them all right to a public authority.

The model, however, while pluralistic in the sense that modernity and post-modernity cannot supply, namely, allowing multiple public sanctities, and guaranteeing the perpetuation of sacred difference, is not pluralistic in the modern rights-code sense of equality. There is an idealising tendency in modern Middle Eastern writing on 'Islam and Human Rights' which, while missing the chance to probe deeply into Islam's theology of difference, offers triumphant lists of Islam's anticipations of various international human rights charters.[41] This characteristic symptom of the complacency of much modern Arab self-

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[36] Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences*, Tavistock, London, 1970, xv.

[37] See C. Insole, 'Why Anti-Realism Breaks Up Relationships,' *Heythrop Journal* 43, 2002, 20–33.

[38] For the inclusion of Hindus, see Yohanan Friedmann, 'Islamic Thought in Relation to the Indian Context', in Richard M. Eaton (ed.), *India's Islamic Traditions, 711-1750*, Oxford University Press, New Delhi, 2003), 51–3.

[39] Louis Gardet, *La Cité musulmane: Vie sociale et politique*, J. Vrin, Paris, 1954, 58.

[40] Kemal Çiçek, 'Living Together: Muslim-Christian Relations in eighteenth-century Cyprus as reflected in the Shari'a court records', *Islam and Christian-Muslim Relations* 4:1, 1993, 47: 'the dhimmis constantly used the shari'a court even to solve disputes and simple matters between themselves. Even the monks came to the shari'a court to solve their disputes.' For the theoretical basis of the Ottoman vision of pluralism see Recep Sentürk, 'Toward an Open Science and Society: Multiplex Relations in Language, Religion and Society—Revisting Ottoman Culture', *Islâm Arastırmaları Dergisi* 6, 2001, 93–129.

[41] For instance, ʿAbd al-Salām al-Tarmanīnī, *Ḥuqūq al-Insān fi'l-Islām*, Beirut, 1968; ʿAlī ʿAbd al-Wāḥid Wāfī, *Ḥuqūq al-Insān fi'l-Islām*, Cairo, 1967, translated as *Human Rights in Islam*, Riyadh, 1998.

perception is rooted in a reification of the *turāth*, the Heritage, which in practice nullifies the *maqāṣid* and minimises both the urgency and the possible scope of *ijtihād*. This is a good instance of the tendency discussed by Muḥammad ʿĀbid al-Jabrī, who perceptively sets out the Arab intellectual dilemma as the sterile polarisation of two reified and irreconcilable forces: modernity, monopolised by the historic adversary in the West; and the *turāth*, defined in a peculiarly essentialising and Arabocentric way. Given the hopelessness of a synthesis between a medieval theism and modern secularity, such Arabs retreat into fantasy and utopia, whether Baʿthist, Marxist or Islamist. The gulf between dream and tragedy results both in political failure, and in what he sees as the peculiarly distraught temper of the modern Arab soul.[42]

Jabrī's solution lies in the Derridean reading of history. Instead of positing Islam and modernity as two radically disaggregated stories, he wishes to examine the genealogy of both. Critical reading may disillusion, or even, in Weberian terms, disenchant, but the sword cuts both ways. Neither past is properly represented through idealisation.

There is wisdom, and brutal realism, in this assessment; yet it seems unclear how it can serve to deliver an authenticity that is more than sentimental. It resolves the antinomy between Islamic past and scientific present by a disguised triumphalism of the latter; and hence becomes little more than a variant on a subaltern project. More hopeful would be a re-reading of Jabrī which stepped outside his self-critical Arabocentrism, and considered the Islamic universalism discussed earlier. The Arab world appears presently turned in on itself; not only does it fail to respond with enough nuance to the ideas of modernity, it is also largely oblivious to the eighty-five percent of Islam which flourishes outside the Arab League. And it is among the *ʿajam*, the non-Arabs, that we may frequently find the more faithful Ishmaelites; faithful we may say not in terms of piety, which is unmeasurable, but in terms of a willingness to see the revelation in a way that does not concretise the Arab cultural achievement as the only possible implementation of the Qur'an. Hence, for instance, the greatest Islamic poetic engagement with modernity comes mainly from Indians (Muhammad Iqbal), for the novel, from the Turks (Necip Fazıl); and for film, from the Iranians (Majidi). And in areas of *ijtihād*, particularly in areas of minority rights which are salient in many *ʿajam* territories, the non-Arabs seem to be at the forefront of developments. In Turkish divinity faculties the issues raised by religious dialogue are dealt with in an increasingly sophisticated way. In Indonesia the study of comparative religion began in a scientific way long before it did in any Arab institution, with the creation of an academic department for its study by Mukti Ali, a Javanese Qur'an-school student who, after a spell in Karachi, studied in Montreal under Wilfred Cantwell Smith.[43] Through his influence, and that of thinkers of both the Muhammadiya and the Nahdhatul Ulema tradition, a lively local platform of inter-religious theology developed, which contributed significantly to the establishment of multi-party democracy in Indonesia and to other aspects of the nation-building process.[44] Indonesian theology and *ijtihād* is simply more advanced than that of the Arabs; it is certainly not without voices that are unduly liberal, or too literalist, or too uninformed; but it is, by and large, superior, and has demonstrably borne fruit.

The non-Arabs have an advantage, one might suggest, in that they are not the direct heirs

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[42] Muḥammad ʿĀbid al-Jabrī, *al-Khiṭāb al-ʿArabī al-Muʿāṣir*, Beirut, 1982.

[43] Ali Munhanif, 'Islam and the struggle for religious pluralism in Indonesia; a political reading of the religious thought of Mukti Ali', *Studia Islamika* 3:1, 1996, 79–126.

[44] Douglas E. Ramage, *Politics in Indonesia: Democracy, Islam and the Ideology of Tolerance*, Routledge, London and New York, 1995.

of the Abbasid cultural magnificence which, for most of the twentieth century, was coterminous with the glorious *turāth* for Arab nostalgics. The greatness of non-Arab Islam, which is no less spectacular, is later: it is Mogul, Hausa, Ottoman, and Malay. For scholars raised with such memories, greatness is more recent than it is for the Arabs; and the idea of an ongoing Islamic success becomes therefore less alien. In addition, there is the fundamentalism factor: Salafism is Arabocentric by definition, reducing the *ʿajam* to client status, and offering few reasons to respect their cultural achievements. This may be one reason why Salafist readings of scripture are less prevalent in the majoritarian, non-Arab *umma*.

Salafists may claim that the response to Jabrī's diagnosis will be to de-reify the Abbasids, and to appeal solely to the apostolic generations as the blueprint for Islamic reform. But the denial of real religious value to the 'late-comers' (*khalaf*) is implictly a devaluation of the early Muslims (*salaf*) themselves, suggesting that they failed to plant successful seeds, producing only a crop of deviance and heresy. Pluralism is ruled out by such pessimism, which is therefore a poor basis for current *ijtihād* (if God allowed the entire Ottoman religious establishment to be in error, in law, spirituality, and even monotheism, then where is the Qur'anic God of providence?). Shaykh Saʿīd Ramaḍān al-Būṭī has usefully examined this anti-plural, methodological error of Salafism, in his book *al-Salafiyya*.[45] To devalue a thousand years of Muslim expertise, and an unfolding of learned reaction to an evolving world, is equivalent to denying higher mathematics in the name of the principle of number itself. As Enes Karić, currently dean of Sarajevo's Theology Faculty, puts it:

> No time, no matter how distant it may be from the first generation of recipients of the Qur'an, can be deprived of its own comprehension and perception. Traditional Islam views Islam as a river that flows equally for all those drinking her water and considers that they all have the same right to that river. While the modernists search for other rivers, the revivalists consider that it is good to drink the river water only at its spring. Unlike the modernists and the revivalists, traditional Islam follows the continuity: the whole river with all its tributaries is a single entity, and it is legitimate to drink its water at any point.
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> […] In Islam, the source of religion is in the form of the divine word, not in the shape of a resurrected person appearing at one point in history. It also means that the divine word, given that it is a word, flows continuously and never stops flowing. The first generation did not put a dam on the course of this river, this word; the first generation of Muslims did not channel this course in a binding direction, nor did it put a stamp on one final understanding and reception.[46]

Let me give only one practical example of how this traditionalist Qur'anic reading—and it is a traditionalism, not a fundamentalism or a modernism—might serve to render the

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[45] Saʿīd Ramaḍān al-Būṭī, *al-Salafiyya: marḥalatun zamāniyyatun mubāraka lā madhhab Islāmī*, Beirut, 1980.

[46] Enes Karić, *Essays (on behalf) of Bosnia*, El-Kalem, Sarajevo, 1999, 239-40.

[47] *Dhimmīs* are, of course, exempted from the *zakāt*. The burden of the *jizya* in early Islam has not been possible to determine; but Wellhausen was convinced that it was a small amount (Julius Wellhausen, *The Arab Kingdom and its Fall*, London, 1925, 176.) The administration of the *jizya* was, in the first century, and particularly during the reign of Umar I, a substantially *ad hoc* affair. See Daniel C. Dennett, *Conversion and the Poll Tax in Early Islam* (Harvard University Press, Cambridge, Mass., 1950), e.g. pp.38, 115, 120 for the *jizya* levied on converts to Islam. Ismail Faruqi suggests that *jizya* was less onerous than the *zakāt*, see his *Islam and Other Faiths,* The Islamic Foundation, Leicester, 1998, 146.

[48] M. Grianaschi, 'La valeur du témoignage des sujets non-musulmans (dhimmi) dans l'empire ottoman,' *Recueils Société Jean Bodin* 18,1963, 211–323; Gudrun Kramer, 'Dhimmi ou citoyen: réflexions réformistes sur le statut des non-musulmans en société islamique', in A. Roussillon (ed.), *Entre réforme sociale et mouvement national: identité et modernisation en Egypte (1882-1962)*, CEDEJ, Cairo, 1995.

*dhimma* regulations more visibly conformable to the *maqāṣid*. The *dhimma* privileges are hedged around with a set of legal disabilities, including the *jizya* tax,[47] and most notably, restrictions on bearing witness directly against Muslims in court.[48] Yet it needs to be pointed out that these provisions originated in a particular context in apostolic Islam, where the non-Muslims were identified with combatant or ex-combatant nations.[49] The *salaf* were happy to exempt Christian Arabs from the *jizya*, when they participated in the *jihād*. In the modern context of nation-states emerging from colonial rule, the minorities can no longer be considered members of conquered peoples; indeed, like the Arab tribes of Byzantine Syria, they actively participated in the struggle for national liberation. In such a context, the reimposition of the *dhimma* strictures, unless specifically sought by the minorities themselves, cannot be viewed as a faithful recreation of the practice of the early Muslims.[50]

This is not to say, however, that the classical *dhimma* legislation has little to teach us. We might want to ponder the possibility that a minority is paradoxically better treated when subject to mild legal disabilities. That may be the case in the United Kingdom, for instance, where a number of legal measures are in place to privilege Christianity as the majority religion. Under U.K. jurisdiction, a non-Christian cannot become head of state. Each session of Parliament opens with prayers of a Christian nature. The established Anglican Church enjoys automatic representation in the House of Lords, in the shape of an influential bench of bishops. The bishops themselves are state appointees. Until the year 2008, the blasphemy laws covered only offenses against Anglican sensibilities. And the 1996 Education Act requires state schools to hold faith-based morning assemblies, providing: 'The collective worship required in the school […] shall be wholly or mainly of a broadly Christian character.'[51] It may not be coincidental that Britain has not yet produced the powerful neo-Fascist parties that campaign against Muslims in many other European states. On the whole, one detects little Muslim resentment of these legal disadvantages; in fact, many Muslims would rather live in a state which preserves at least some forms of theocratic certainty and privilege, to the French model in which secularism becomes a *de facto* state religion presiding over a society of individuals, with the various religious modules in society enjoying little or no official acknowledgement or public rights, however much they may wish for them.

To conclude: the Muslim record is built upon on a set of hospitable scriptural texts that recurrently produced a sustainable environment for non-Muslim faith. As Gardet and Massignon insist, the *dhimma* tradition was based on principles of honour and hospitality, and did not accord to minorities the status of second-class citizens.[52] Yet the contemporary Muslim tendency to idealise past instantiations of the Sharī'a has blinded us to aspects of the *dhimma* legislation which minorities today, by appealing to the *maqāṣid*, can understandably reject. The response, however, is not to claim that Western models are always appropriate and respectful when imposed upon cultures with non-Western roots; but rather to deploy the instruments of *ijtihād* to re-imagine *dhimma* in a new and more

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[49] Benjamin Braude and Bernard Lewis (eds.), *Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society*, Holmes & Meier, York, 1982, p.5 of the editors' introduction: 'what began as security restrictions became legal and social disabilities.'

[50] This understanding is developed in Fatḥī 'Uthmān, *al-Fikr al-Islāmī wa'l-taṭawwur*, Cairo, 1961. For those who recognised the jurisdiction of the Caliph, the *dhimma* laws were in any case largely abolished by Abdulmecid's *haṭṭ-i humāyūn* of 1856.

[51] Education Act 1996, chapter 56, paragraph 386.

[52] Gardet, *La Cité musulmane*.

authentic way. Muslim strategies for achieving this will differ; but we may reasonably hope that given the past record of our civilisation, a true pluralism will flourish more easily in Islamic soil than in places where the deep culture is historically more xenophobic.

Arnold Toynbee's immense erudition, coupled with his horror at the collapse of pluralism in mid-20th century Europe, allowed him to make the following remarks in his Reith Lectures for 1952:

> Now, in a world in which distance has been 'annihilated' by the progress of Western technology, and in which the Western way of life is having to compete with the Russian way of life for the allegiance of all mankind, the Islamic tradition of the brotherhood of Man would seem to be a better ideal for meeting the social needs of the times than the Western tradition.[53]

The inauthenticity of modern Islamism, as represented by Khomeini, Quṭb and others, is demonstrated here more clearly than on any other issue. ♣

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[53] Arnold Toynbee, *The World and the West*, London, 1953, 30.

## Abdal Hakim Murad

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