

Paradigm Shift or Dead End? A Critical Appraisal of Sherman Jackson's *Islamic Secular*

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1. Introduction: The Problem Space I Share with *The Islamic Secular* (TIS)

When facing a problem, there seem to be three basic options: running away, attempting to do away with it entirely, or engaging with it constructively. Professor Jackson in *The Islamic Secular* (TIS)¹ is doing the last, and this not for one, but for two problems. The first is the identification of the secular as exclusively Western. TIS's position on this is clear: the secular is here to stay, and Muslims can neither run away from it nor do away with it completely. Rather, they should engage with it constructively and try to come up with their own version of the secular. Otherwise, they strongly risk the danger of "secularization in the modern Western sense."² An alternative Islamic secular is, of course, what TIS is offering.

It is from within the tradition of *uṣūl al-fiqh* that TIS conceives of (its version of) the secular in Islam—which brings us to the second problem with which TIS is engaging. This problem consists of the over-identification of Islam with law and *sharī'a*. Clearly, TIS is not running away from this problem, either, but takes it head-on. This approach is

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1 I will from here on mostly write "TIS" when referring to arguments Jackson makes in his book. This is for the sake of brevity, but also in order to underline that my engagement is exclusively with the premises, arguments and aims presented in this particular book.

2 Jackson, *The Islamic Secular*, 11; 34f.

made, interestingly, not by highlighting other ways of Islamic meaning-making. Rather, it is *from within* the legal tradition itself that *TIS* argues for its limits and against its conflation with Islam as such. Central to the conception of the Islamic Secular is that it was not (again: unlike in “the West”) imposed upon religion *from the outside*. Instead, it was arguably jurists themselves who validated the secular.

To state my main arguments upfront: Professor Jackson’s conception of the Islamic Secular is a most interesting and peculiar addition to the increasingly frequent attempts to expand secularity beyond the modern West. It should fruitfully enlarge spaces for Islamic contributions to debates about secularity, and to modern society (section 2). The bold terminological coinage of “the Islamic secular” might prompt further probing into distinctions within Islam. At the same time, the concept resembles earlier distinctions more than its novel terminology might suggest. What I am skeptical about is the intended paradigm shift concerning juxtapositions of the religious and the secular (section 3). *TIS*’s focus on the legal tradition should not be taken for granted at all. In the end, and despite its overt validation of “ordinary” Muslims’ secular contributions, *TIS* represents a communitarian perspective that perpetuates the authority of the *fuqahā*’ (section 4).

Whilst *TIS* engages with said problems from a decidedly Muslim perspective, both issues have also been relevant to non-confessional Islamic and Middle East Studies, which I represent. In general, dialogue between both perspectives is certainly possible. Jackson invites such dialogue in his conception of an “Islamic Studies 2.0.”³ In this conception, the normative, confessional perspective appears as an add-on to Islamic Studies 1.0, which consists of the historical groundwork that can be undertaken by Muslims and non-Muslims alike. There is still a ring of positivism in his sketch of Islamic Studies 1.0, although likely unintentionally. Non-Muslim scholars of Islam, too, hold values and interests with which they approach their objects of study. They might even, more or less directly and overtly, play a role in the production of Islamic normativity.

The impact of positionality and normativity is thus not limited to confessional perspectives. Following Max Weber,⁴ we can distinguish three phases in research: a researcher’s initial, value-driven motivation for embarking on a project; the research itself, in which the researcher tries to abstain from value judgements; and the normative implications and evaluation of the eventual results. It is indeed in this initial motivation and last aim that confessional

3 Jackson, *The Islamic Secular*, 11–15, esp. 14.

4 Max Weber, “Der Sinn der ‘Wertfreiheit’ der Soziologischen und ökonomischen Wissenschaften”, 451–502.

and non-confessional perspectives differ.⁵ Therefore, I agree with Jackson in highlighting the shared space of research. I would emphasize the mutual interrogation and possible enrichment of different positionalities in the spirit of respectful yet nevertheless critical engagement that *TIS*, too, pursues.⁶ Such engagement seems especially relevant to the issue of religion and the secular, where normative convictions and self-understandings are indeed at stake for all actors involved, including secular ones.

Of the two problems engaged by *TIS*, it is in the identification of the secular as Western that I have higher stakes. Section two of this article will therefore highlight extant works on the secular in and beyond the West, and especially in Islamic contexts. This survey reflects my own background from which I engage *TIS*, and adds perspectives and insights sidelined in *TIS*. Section three critically assesses *TIS*'s novelty in view of broader transformations in modern Islam. It especially asks whether *TIS*'s coinage of the secular as part of the religious is merely a terminological innovation, and if it is convincing as such. Section four gets to the second problem that *TIS* addresses, namely the identification of Islam with law. The Islamic legal tradition is not my field of expertise, and it will be up to Muslims, especially, to decide how convincing *TIS*'s depiction of that tradition is. Still, the very focus on the legal tradition links up to more general questions of authority. In short: which perspectives and actors are enabled by the Islamic Secular? The concluding section five suggests we shift the problem from differences between particular traditions toward the common conditions underlying and impacting all traditions in modernity and our common present.

2. Secularity in and beyond the West

TIS's basic aim of taking the secular beyond the West to locate it in Islam is not as novel as readers might think. While this section highlights earlier works on the secular beyond the West and in Islamic(ate) contexts, it is not primarily about pointing out gaps in *TIS*. The breadth of literature with which *TIS* engages remains impressive. Rather, this section aims to situate *TIS* in extant debates within the social sciences and humanities. *TIS* "want[s] to challenge, namely, that the modern Western secular is the only secular."⁷ This basic challenge has, however, been tackled before. *TIS*

5 This is also how Islamic Studies and Islamic Theology in the German institutional setting can be distinguished most convincingly. See Agai - Omerika, "Islamic Theological Studies in Germany", 330–58.

6 Most explicitly in Jackson, *The Islamic Secular*, 24, and indeed reflected in the tone throughout the book.

7 Jackson, *The Islamic Secular*, 28.

alludes only to some of this earlier work on the margins, but decided to not fully engage with it. There are two possible reasons for this decision, aside from the possible interest of authors and publishers to emphasize the novelty of a publication. Firstly, most of this earlier work does not aim at a normative coinage of the secular from within the Islamic tradition, but rather represents an external social scientific or historiographical perspective. Secondly, all of this earlier work operated with a distinction, albeit not necessarily an opposition, between religion and the secular, precisely the distinction that *TIS* wants to undermine.

2.1 Secularity in “the modern West”

The distinction between religion and the secular indeed constitutes a main trait of extant understandings of secularity, especially in “the modern West,” which serves as the starting point for the Islamic Secular. Readers might rightfully stumble over repeated allusions to “the Western secular” that suggest a homogeneous version of the secular in “the West.” For one, it is not clear what constitutes this “West.” In our current geopolitical moment, this is a larger question anyway. In the context of secularity, it could be (post-)Christian societies at large (including, e.g., Russia and South America), or more specifically, as Charles Taylor would have it, Latin Christendom or the North Atlantic world.⁸ However delineated, it ought to be clear that understandings of the secular, and even more so its political institutionalization, differ greatly across societies within the West, and over time.

TIS alludes to such differences and schematically distinguishes between “micro and macro modes of the secular,” also within the West.⁹ Scholars of the West might still see injustice done to the diversity of their contexts. Yet even where *TIS* depicts “the Western secular” in a homogenizing manner, this depiction should be read in its function as background foil and counterpoint to the Islamic Secular. Overall, then, *TIS*’s schematic depiction of the secular in “the West” should be granted under its basic aim of criticizing the distinction between religion and the secular, which indeed is built into extant conceptions across the social sciences and humanities.

Less reflective of debates in these fields is the alleged focus on the secular as overall disenchantment or even anti-religion (the “macro secular”), rather than differentiation (the “micro secular”). Jackson writes that, “[g]iven the global diffusion of the notion of the secular as disenchantment, some may see my focus on the secular as differentiation as an attempt at

8 Charles Taylor, *A Secular Age*.

9 Jackson, *The Islamic Secular*, 41.

evasion.”¹⁰ *TIS* appreciates the “secular” in this supposedly original micro-form.¹¹ This approach is also an attempt at rescuing the term, which in the present is arguably mainly identified with the “macro” secular and related to disenchantment as “unbelief” or “anti-religion.”

Such associations might indeed be held by popular understandings. It is, for example, reflected in Arabic associations of ‘*almāniyya* with *ilhād*. Also given these popular associations, the term ‘*almānī* is not an option for *TIS* when rendering the Islamic Secular. On the level of terminology, *TIS* differs from the approach of the Egyptian intellectual ‘Abd al-Wahhab al-Messiri (d. 2008), who tried to rescue partial secularism (*al-‘almāniyya al-juz’iyya*) by distinguishing it from comprehensive secularism (*al-‘almāniyya al-shāmila*).¹² Whilst, terminology aside, al-Messiri’s distinction reminds one of that between the macro and micro secular, it is not mentioned in *TIS*. In Arabic social sciences and historiography more generally, and different from popular associations, ‘*almāniyya* is used in a more nuanced fashion and as primarily referring to social differentiation.¹³ Within these academic fields beyond the Arabic context, the focus on differentiation is central in conceptions of the secular.

2.2 Secularity beyond the West

This focus applies especially to secularization as a *structural* process of differentiation, within but also beyond modern Western societies. *TIS* refers to José Casanova as an eminent sociologist of religion who highlighted differentiation as *the* structural trend of modernity.¹⁴ Differentiation, he argued, was the remaining core of secularization, whereas the two main alternative understandings of secularization would at best be optional trends, namely privatization or decline of religion.¹⁵ Talal Asad critically remarked that this structural trend, too, might be less universal and rather particular to European Christian societies.¹⁶ Casanova subsequently expanded his theory by taking it beyond

10 Jackson, *The Islamic Secular*, 42.

11 Jackson, *The Islamic Secular*, 35; 40; 42.

12 al-Messiri, *al-‘Almaniyya al-Juz’iyya wa-l-‘Almaniyya al-Shamila*.

13 To give two prominent examples: al-Azmeh, *al-‘Almaniyya min Manzur Mukhtalif* represents a universalist understanding of secularism that is also applicable to modern Arab societies. See al-Azmeh, *Secularism in the Arab World* for the English translation. Bishara, *al-Din wa-l-‘Almaniyya fi Siyaq Tarikhi*, works out the particular characteristics of the secular, and, concomitantly, of religion in European-Christian and Arab-Islamic contexts.

14 Jackson, *The Islamic Secular*, 39ff.

15 Casanova, *Public Religions in the Modern World*.

16 Asad, *Formations of the Secular: Christianity, Islam, Modernity*, 181f.

Europe.¹⁷ With contextual modifications, institutional and functional differentiation remains a trait of modern societies both within and beyond Europe (leaving aside here the role of colonial power in producing these commonalities). *TIS* does not take up this expansion of Casanova's theory, even though it would have seemed relevant to its endeavor. The same goes for Charles Taylor's *A Secular Age* "beyond the West."¹⁸

The Humanities Center of Advanced Studies' *Multiple Secularities: Beyond the West, beyond Modernities* project forms a significantly more comprehensive effort to locate secularity in non-European and pre-modern contexts, including the Islamic world.¹⁹ Housed at the University of Leipzig, over the course of eight years the project included close to a hundred researchers working on secularity around the globe and across time. One major output consists of a series of seven sourcebooks on secularity. Four of these have already been published, including the volume on the Middle East and North Africa.²⁰ Whilst I am writing this as a member of said project and co-editor of said volume, my primary aim is not self-promotion. Rather, it is to share the context from which I read and in which I situate *TIS*. And one could ask why *TIS* decided to not engage with this endeavor – or, again, with the expansion of Casanova's and Taylor's theories. Were these approaches irrelevant to *TIS*, or rather so similar that they might have complicated its arguments or diminished its novelty?

Multiple Secularities and *TIS* seem to share a fundamental premise: the modern Western conception of the secular is hegemonic, but not universal. Rather, both affirm, we should look at alternative formations of secularity, understood as both structural differentiations and conceptual distinctions. As a heuristic tool, "secularity" is decidedly set apart from "secularism" as a political ideology. In a sense, it is predominantly interested in the "micro-secular." A common aim between *TIS* and *Multiple Secularities* is to show that in pre-modern, non-European contexts, very much including Islamic contexts, not everything was equally religious.

On this common basis, two major differences come in: firstly, *Multiple Secularities* does not aim to develop its own overt normative understanding

17 For Casanova's response to Asad and the latter's reply, see their contributions in David Scott and Charles Hirschkind, eds., *Powers of the Secular Modern: Talal Asad and His Interlocutors* (Stanford: Stanford University Press, 2006). For subsequent work, see Casanova, *Global Religious and Secular Dynamics*.

18 Künkler - Madeley - Shanker, *A Secular Age Beyond the West* is not mentioned in *TIS*, unlike Taylor's book itself, which is referenced repeatedly.

19 Kolleg-Forschungsgruppe "Multiple Secularities - Beyond the West, Beyond Modernities," Leipzig University, <https://www.multiple-secularities.de>.

20 Zemmin - Yavari - Dressler - Stadler, eds., *Global Secularity*.

of the secular. Secondly, it would not categorically locate the secular within religion, even though it does not consider religion and the secular as necessary opposites and very much allows for interfaces between both. This approach very much goes along with *Multiple Secularities'* location of the secular within Islam and in Islamic contexts, again on the levels of both conceptual distinctions and structural differentiations. *TIS* is less interested in the structural dimension. After all, it is not a work of social history, but rather represents a normative effort at reconceptualizing the secular from within an Islamic tradition. Thus, the level of conceptual distinctions is what is relevant.

On this level, too, *Multiple Secularities* as well as related efforts have been locating the secular in Islam.²¹ *TIS* actually briefly alludes to other works when specifying his own approach: “[A]cademic discussions of the secular in Islam rarely take Islam-cum-*shari’ah* as their point of departure.”²² However, *TIS* makes basically no mention of these “rare” discussions, let alone of works on the secular in Islam with different “point[s] of departure.” Rushain Abbasi’s highlighting of distinctions between *din* and *dunya*²³ is mentioned, but brushed aside in a footnote.²⁴ The main reason for this brevity seems clear: the extant efforts to locate conceptions of the secular in Islam proceed with a basic distinction between religion and the secular that *TIS* rejects.

This observation leads to two questions to be discussed in the following section: firstly, to what extent are we dealing with a word game? That is to say: is *TIS* referring to similar distinctions to those in earlier conceptions—e.g., between revelation and reason—while merely naming them differently—i.e., as distinctions within religion, rather than between religion and the secular? Secondly, is this novel terminology convincing?

3. What’s in a word? The secular, Islam, religion, and law

3.1 The “secular” in Islam avant la lettre

The very coinage of an “Islamic secular” is most interesting in itself. It is a wording that would have been inconceivable only a few decades

21 One important publication preceding the mentioned series of sourcebooks is a Special issue of *Historical Social Research*. For the introduction to this, see Dressler - Salvatore - Wohlrab-Sahr, “Islamicate Secularities”, 7–34.

22 Jackson, *The Islamic Secular*, 2.

23 Abbasi, “Did Premodern Muslims Distinguish the Religious and Secular?”, 185–225.

24 Jackson, *The Islamic Secular*, 391f, n. 58. Abbasi’s article does note that the *dunyawi*, whilst distinct from the *dini*, can be subjugated to the latter. I am convinced of this performative, rather than categorical, distinction, but will not dwell on it here, especially as Abbasi himself contributes to this special issue.

ago. Coining it now reflects the perception of the secular having become unavoidable in contemporary societies. This perception, as mentioned in the introduction, is the explicit starting-point of *TIS*, which then sets out to formulate a claim to the secular. *TIS* is also explicit on the aim of authenticity: the secular must not be forced onto the Islamic tradition, but should be reconstructed as an authentic and original version.²⁵ In general, if a member or representative of a particular tradition wants to criticize the present, they would depict the latter as a deviation from true tradition. An example from Christianity is *Radical Orthodoxy*.²⁶ In turn, to claim the present means to narrate it as a product of one's own tradition, as Taylor's *A Secular Age* does. Given European-Christian hegemony in modernity and the present, such narratives of either decline or transformation seem to be available to Christian more than to Islamic thinkers. Rather than a *continuous narrative*, a mode more readily available to the latter is to sustain or criticize the present based on the supposed fundamentals, dominant trends, or at least available resources of the Islamic tradition.

The problem space of secularity became pressing to Muslim intellectuals in the late nineteenth century, when they were substantially confronted with claims to a self-sufficient secular realm. Central fields of debate in this regard were the relations between religion and reason (science) and religion and power (politics). One prominent response to claims of politics or science being autonomous from religion was that of Islamic reformism. It is to that response which *TIS* can link up most, and compared with which its novelty is to be assessed. After all, if we take the common ideal-typical tripartition of Islamic trends in relation to (Western) modernity, *TIS* would not affiliate itself with secularist Muslim intellectuals who endorse the separation of religion and politics, nor with traditionalists who would retreat from the challenge of secularity.²⁷

Typically, Islamic reformists reject the existence of autonomous and self-sufficient spheres outside of the scope of Islam, whilst highlighting distinctions within Islam. This approach in a sense amounts to the argument that Islam does not need (Western) secularization, because at its core it always has been secular, in its own sense. In the Christian context, reason had to emancipate itself from oppressive religion, the argument would go; in Islam, it was allegedly the opposite: the more Islam

25 See especially Jackson, *The Islamic Secular*, 1; 5; 20.

26 Mentioned briefly in Jackson, *The Islamic Secular*, 388, n. 23. The programmatic work of *Radical Orthodoxy* still is Milbank, *Theology and Social Theory*.

27 For a critical discussion of this common tripartition, see Zemmin, *Modernity in Islamic Tradition*, 155–60.

was realized, the freer reason was. Islam is the very religion of reason (*dīn al-'aql*). Similarly – to continue with my very schematic depiction of complex intellectual debates – politics had a basis in Islam but was distinct from religious doctrines.²⁸ The making of “the modern essentialist image of Islam”²⁹ at the turn to the twentieth century thus went along with integrating the secular into Islam. Coining at that time the slogan *Islam dīn wa-dunyā* testifies to this categorical integration-yet-distinction of religion and the secular in Islam.

As one eminent means to elaborate this integration-yet-distinction, technical terms of Islamic jurisprudence were transformed into broader concepts to deliberate about questions of modern society in the public sphere in an Islamically authentic manner. This transformation went along with highlighting the contingency of most earlier norms, prominently by categorically distinguishing human-made *fiqh* from universal principles of *sharī'a*. Typically, it was the sphere of *ibādāt*, of concrete religious practices, that was said to be unchanging and discernible directly from scripture. In turn, in the sphere of *mu'āmalāt*, of social interaction, *sharī'a* for the most part provided basic principles, the concrete realization of which was historically contingent and required rational effort via the exercise of *ijtihād*. The increasing role and space for human reason also show in transformations of the concept of *maṣlaḥa*,³⁰ as did the emphasis on knowledge of social realities and empirical sciences. Modern Muslim intellectuals thus tended to emphasize the importance of contextual, rather than scriptural, sources of Islamic knowledge, and restricted the concrete dictates of God's revelation whilst expanding the latter's principal relevance. Is this tendency not, in its basic positioning and thrust, in alignment with *TIS*, representing maybe even an “Islamic secular” *avant la lettre*?

The overt ambition of *TIS* is to present not only a new terminology, but a new epistemology, decidedly differing from and going beyond earlier efforts. Most fundamentally, *TIS* argues against the categorical distinction between *sharī'a* and *fiqh*, and instead understands them to be coterminous. Relatedly, the scope of the *sharī'a* itself is restricted, freeing space for the non-*shar'i*, that is, for the Islamic Secular. “The basic assumption of the Islamic Secular is that, while the divine gaze of the God of Islam is universal and totalizing, God's concrete communiqué, in the form of *sharī'ah* is bounded.”³¹ Restricting the scope and authority of the *sharī'a* also means liberating it from the responsibility of ensuring

28 For a seminal debate, see Magout, “Faraḥ Anṭūn and Muḥammad ‘Abduḥ”, 2:203–15.

29 Jung, *Orientalists, Islamists and the Global Public Sphere*.

30 See Emon, *Islamic Natural Law Theories*.

31 Jackson, *The Islamic Secular*, 2.

the salience and success of Islam in all spheres and aspects of life. It is not through more *ijtihād*, *TIS* argues, that the supposed “decline” of Islam could be corrected. Rather, it is necessary to acknowledge the central importance of the Islamic Secular for sustaining Islam as a whole, including its *sharʿī* component.³²

I am still wondering if this framing does not basically amount to a different naming of similar components: distinctions are made within Islam rather than within the *sharīʿa*. For *TIS*, Islam is universal and totalizing; for earlier reformists, the *sharīʿa*, too, was universal. Yet, in the latter understanding, unlike in *TIS*, *sharīʿa* is not restricted to God’s “concrete dictates.”³³ It also, and often predominantly, represents a basic orientation (obeisance?) or abstract principles such as justice. The *ijtihād* needed to realize these principles requires and validates contextual knowledge as much as the Islamic Secular. I fail to see the novelty of emphasizing the basic need to go beyond revelation, whilst considering this move to remain within and indeed be required by Islam. In fact, *TIS* itself mentions that *in practice* Islamic reformists like ‘Abduh appreciated and deployed non-*sharʿī* reason in a manner that “reflect precisely the logic and calculus of the Islamic Secular.”³⁴

3.2 The conceptual universe and terminology of *TIS*

What does strike me as novel in *TIS*, in addition to its usage of the term “secular,” is its very systematic and technical argument for categorical distinctions within Islam, effected by drawing on the Islamic legal tradition. I have no stakes in deciding to what extent *TIS*’s reading of this tradition is authentic. Such a decision would be for (Muslim) specialists of the tradition to deliberate. My impression is that *TIS* sincerely tries to do justice, evident in its discussion and weighing of different positions, including counter-arguments to its own favored views. Where I have doubts is the extent to which *TIS*’s Arabic rendering of “the Islamic secular,” namely “*Islām mā warāʾ al-ḥukm al-sharʿī* (Islam of the region beyond juristic ruling),” would have resonated with those classical *fuqahāʾ* who supposedly vouch for the authenticity of the Islamic Secular. Despite the intended avoidance of presentism, this expansive usage of “Islam,” along with the categorical differentiation of the secular therein, might reflect a modern epistemology.

32 Jackson, *The Islamic Secular*, 123; 169; 184.

33 Jackson, *The Islamic Secular*, 2.

34 Jackson, *The Islamic Secular*, 224; see also 173.

Questions of authenticity aside, I wonder whether the very specific employment of terms and concepts in *TIS* will resonate outside of its own conceptual universe today. *TIS* is certainly correct in stressing the flexibility of terms. Its author, moreover, is well aware of how “counterintuitive” the supposed location of the secular within religion is,³⁵ and of how difficult it is to achieve the paradigm shift for which *TIS* aims. I have experienced this difficulty myself when trying to share the book’s argument with colleagues who had not yet read it. The issue I continue to perceive myself decidedly does not lie in locating a secular realm in Islam, as the reference to extant works in the previous section should have made clear.

Rather, it results from *TIS* identifying Islam as religion, and then distinguishing between religiosity in the “*shar’i*, or religious, *in the proper, the religious, sense*”³⁶ and a non-*shar’i* or “religious secular” realm within the religion of Islam. Malleable as words may be, “religion” and “the secular” do constitute a conceptual pair. There is no secular without the religious, and vice versa. How, then, could one locate one side of that pair within the other? And to locate that pair in an overarching concept of Islam jars with identifying the latter as religion. At some places, *TIS* identifies Islam not as religion, but as “civilization”³⁷ or as representing a “*nomos*” or “plausibility structure”³⁸ of its own. The *nomos* of Islam, supposedly characterizing pre-modern Muslim societies, might be intended to capture the supposedly natural embeddedness in transcendence. The very employment of “religion” and “the secular,” and here I agree with Shahab Ahmed,³⁹ does however undermine the attempt to reconstruct that *nomos* from within our (post-)modern present.

There is one other central term in *TIS*’s conceptual universe whose usage I find to be ambivalent and somewhat confusing, namely that of “law.” Sometimes “law” *tout court* refers to God’s law or *shar’i* law; at other times, it refers to Islamic law well beyond *shari’a*.⁴⁰ Concerning “Islamic law” in the expansive sense, it moreover is not fully clear what accounts for its Islamic character: is it the alleged fact that this “law” reflects the overarching “plausibility structure” of Islam? Or does it become Islamic when the *fuqahā’* have sanctioned a secular practice as legitimate *shar’an*? Is there, then, a difference between historical cases of Islamic states in which *fuqahā’* held official authority and contemporary Muslim communities?

35 Especially Jackson, *The Islamic Secular*, xii; 23.

36 Jackson, *The Islamic Secular*, 374

37 Jackson, *The Islamic Secular*, 10.

38 Jackson, *The Islamic Secular*, 156.

39 Ahmed, *What is Islam?*, 431; discussed in Jackson, *The Islamic Secular*, 63f.

40 Especially Jackson, *The Islamic Secular*, 133f.

Relatedly, when does “law” refer to legally enforceable norms and when does it refer to moral obligations and ethical guidelines? I do not see the difference between both types of norms and the relation between them adequately addressed. Does *TIS* actually intend to evoke legally enforceable norms when speaking about “law” in relation to contemporary Muslim communities? If so, who would be the authority to enforce these norms? This last brings us to the question of who is authorized to work out Islamic normativity—and who is empowered by *TIS*.

4. Who is empowered? Political implications and consequences

4.1 The authority of the *fuqahā*’ after all

One supposed aim of *TIS* is to empower Muslims who invest their energies in secular activities, while also ensuring they strengthen the community by explicitly considering their secular work to be Islamic. Jackson gives the example of an Imam who showed “hostile indifference to a major development project by another group of Muslims,” denouncing it as void of religion (*dīn*).⁴¹ “Remedying such misrecognition is among the fundamental concerns of the Islamic Secular.”⁴² Indeed, a major thrust of *TIS* is to value secular activities as Islamic and religious (in the sense of obeisance, not obedience), arguing moreover that they are an essential component of Islam. For *TIS*, secular activities are also necessary for sustaining the religious in the narrower sense, which it calls the *shar‘ī*.⁴³ Clearly, *TIS* refutes norm-focused and Islamist positions that assert that revelation and scripture are the sole and comprehensive basis for all Islamic positions and Muslim activities.

Remarkably, *TIS* sets out to take this assertion apart from within the legal tradition itself. The over-identification of Islam with law is the second problem that *TIS* takes head-on, as mentioned in the introduction. We can here leave aside the question of how large that problem actually is, that is, how many Muslims would share the over-identification of Islam with law that Jackson criticizes. The ambivalent effect of his strategy is that legally-minded, scripture-focused positions are undermined and perpetuated at the same time. There would, of course, have been other strategies for provincializing such positions within Islam or showing the factual impossibility of the exclusive reliance on scripture. The one alternative contemporary approach challenging the identification of Islam with law that *TIS* does mention is that of the late Shahab Ahmed.

41 Jackson, *The Islamic Secular*, 11

42 Jackson, *The Islamic Secular*, 11.

43 For example, Jackson, *The Islamic Secular*, 156; 164.

Whilst *TIS* rightfully sees itself aligned with Ahmed in expanding the sense of what should be considered Islamic beyond *fiqh*,⁴⁴ its difference from Ahmed is much more fundamental. Ahmed expands the matrix of revelation, valuing different approaches and epistemologies as ways of accessing the same transcendent, godly Truth. He thereby decidedly goes against the modern focus on scripture. Central examples from his pre-modern “Balkans-to-Bengal complex” are philosophers and Sufis who consider reason and experience, respectively, as the primary means for attaining Truth, superior even to scripture, which however is appreciated as revelation of the same Truth. His is a generous and self-assured understanding of Islam. In it, the reality of transcendent Truth, of God, is an ontological given. Even non-Muslims can share in this Truth, and are hence Islamic without considering themselves Muslims. In turn, *TIS* strikes me as a defensive argument. It seeks to justify the overarching relevance of Islam in the face of its possible decrease. The repeated wording of “the God of Islam,”⁴⁵ rather than “God”—let alone “the Truth” *tout court*—can even be read as provincializing Islam. What *TIS* most certainly does is to perpetuate and solidify the primacy and superiority of the Text, and even of legal reasoning.

Despite the overt validation of secular activity, it is the *fuqahā'* who in the first and last instance hold authority. After all, central to the Islamic Secular is that limits to *sharī'a* were “self-imposed and explicitly recognized by the *fuqahā'*-jurisprudents themselves,” rather than imposed from the outside.⁴⁶ *TIS* emphasizes this point in order to show that the *fuqahā'* themselves acknowledged the secular. Such acknowledgement logically goes together with their determining what cannot be considered secular, but rather falls under their authority. And whilst the main emphasis of *TIS* is on the boundedness of *sharī'a*, at some places it shares in the view that *potentially* all phenomena could come under the purview of *sharī'a* and *fiqh*.⁴⁷

In practice, drawing the *sharī'*'s limits was and will be a continuous process of negotiation. *TIS* wants to open up space for this negotiation.⁴⁸ Yet, if the limits of the *sharī'* are set from within scripture-based reasoning, as *TIS* stresses, then it is the jurisprudents who preside over the soundness of that reasoning and hence over said limits. Although *TIS* does not want to conflate the Islamic Secular with the legal category of *mubāḥ*

44 Jackson, *The Islamic Secular*, 73.

45 See, for instance, in direct relation to Ahmed's *What is Islam?*, Jackson, *The Islamic Secular*, 67.

46 Jackson, *The Islamic Secular*, 73.

47 For example, Jackson, *The Islamic Secular*, 77f; 85; or, more implicitly, 165.

48 Jackson, *The Islamic Secular*, 119.

(the permissible),⁴⁹ the difference between the two is not fully clear: *TIS* repeatedly stresses that non-*shar'i* reasoning comes in (only) when this is permitted *shar'an*, i.e., when a phenomenon falls into the normative category of the permissible.⁵⁰

When it comes to views or even decisions on what is properly Islamic, *TIS* would seem to empower norm-focused Muslims after all. On the basic epistemological level, *TIS* identifies *shari'a* with *fiqh*. The “law of God” would thus seem to always (only) be the *fuqahā*’s attempt to try to grasp that law and put it into practice.⁵¹ Again, this stance already privileges one approach to revealed scripture over others. What is more, this basic epistemological consideration recedes into the background behind the repeated mentioning in *TIS* of “God’s concrete *shar'i* directives,”⁵² “concrete divine dictates,”⁵³ or “God’s concrete dictates in the form of *shari'a*.”⁵⁴ To contemporary readers, these wordings certainly suggest a sense of unchanging godly norms to be obeyed, rather than a more contingent human attempt to grasp the will of God.

In the sphere of the non-*shar'i*, a central point is what constitutes the Islamicity of concrete practices. *TIS* highlights *taqwā*, *qurbah*, and obeisance, instead of obedience, as characterizing the religious secular.⁵⁵ This characterization locates the Islamicity of an act in the believer’s awareness of acting under God’s gaze and their intent to draw closer to God. From one angle, the choice makes sense. After all, most (all?) secular fields in modern differentiated societies are shared between Muslims and non-Muslims. Shared playing field; shared rules. As these rules are human-made and agreed upon, they can be modified. References to religion in constitutions and political practice are an example. Fundamentally different Islamic alternatives of the same practices have, however, hardly materialized. This lack already shows in political institutions where the common force of centralizing nation-states, with their monopoly of law and power, trumps any overtly particular references to Islam. It is even more clear in the field of science. Attempts at Islamizing the sciences can by now be considered to have failed.⁵⁶ From this angle, then, locating the Islamicity of a practice in the believer’s awareness and intent makes sense.

49 Jackson, *The Islamic Secular*, 165.

50 For example, Jackson, *The Islamic Secular*, 167; 210; 224; 238.

51 Jackson, *The Islamic Secular*, 270.

52 Jackson, *The Islamic Secular*, 41.

53 Jackson, *The Islamic Secular*, 2.

54 For example, Jackson, *The Islamic Secular*, 53.

55 Jackson, *The Islamic Secular*, especially 52f.

56 For the social sciences, see Hanafi, “The Islamization of Knowledge”, 93–120.

This position, however, buys into the problem of acknowledging problematic practices, too, to be Islamic—that is, practices that one rejects on Islamic normative grounds, *shar'ī* and non-*shar'ī*. Bringing in ISIS here is not my polemics, but an example that *TIS* itself gives for practices that should be considered Islamic due to the practitioners' intent of drawing closer to God. Inasmuch as this consideration is meant in a descriptive sense only, it is the logical consequence of the nominalism that *TIS* employs consistently. However, *TIS* explicitly credits Muslim practices it considers wrong on normative grounds as deserving half of the reward still.⁵⁷ Should a normative conception of Islam not be able to reject such practices more clearly? The fact that it does not do so might reflect the strong investment of *TIS* in strengthening Islamic civilization and, especially, Muslim communities, whence no Muslim should be excluded.

4.2. Islamic civilization and Muslim communities

The most general level is addressed when *TIS* speaks of “global civilizational competition.”⁵⁸ Here, the supposed civilization and *nomos* of Islam is to be strengthened, which would go along with the possibility of an Islamic state, as argued against Wael Hallaq.⁵⁹ The central concern of *TIS* is, however, with Muslim communities in non-Muslim societies. *TIS* puts quite significant emphasis on community autonomy, alluding to earlier historical models of supposed pluralism in imperial times.⁶⁰ Muslims should thus consider secular activities to decidedly be contributions to their particular community. There nevertheless remains the issue of the central role and eventual authority of the *fuqahā'* within the community.

The political aim of *TIS* to further a Muslim communitarianism comes out most strongly and explicitly in its criticism of liberalism.⁶¹ One argument for this criticism is that empathy comes in degrees, an assertion for which the empirical evidence is indeed ample. Should the consequence, however, be that one focuses on and strengthens the bonds of one's own community? *TIS* mentions the potential downside to such bonds all too passingly as “the tragic consequences of love,”⁶² whilst extensively criticizing the inconsistency and biases of liberal individualism. Certainly,

57 Jackson, *The Islamic Secular*, 71; reading this passage as arguing against any reward for such normatively wrong action would run counter to the *ḥadīth* quoted in that very passage.

58 Jackson, *The Islamic Secular*, 302.

59 Jackson, *The Islamic Secular*, ch. 4.

60 Jackson, *The Islamic Secular*, 285–94.

61 Jackson, *The Islamic Secular*, chs. 5 and 6.

62 Jackson, *The Islamic Secular*, 351.

TIS itself values community bonds within a shared pluralist societal framework. And inasmuch as it represents a Black American Muslim perspective,⁶³ it would be mistaken and, coming from a white German author, ridiculous to criticize it for empowering one's own group against others or suggesting it to be superior.

And yet, the same principle of restricted "bonds of love" can also inform powerful supremacist groups, including movements like MAGA or the right-wing extremists of the AfD in Germany. *TIS* itself evokes, albeit without naively embracing, the Schmittian notion of *das Volk*⁶⁴ resurrected by the AfD today. The insight into degrees of empathy should not prompt a focus on those toward whom one is empathetic anyway, but rather should, on the premise of common humanity, motivate efforts to be empathetic toward *others*, too, and to work in solidarity for the equal application of rights. Thus even the communitarian God of *TIS* commands.⁶⁵ Still, and even in the face of the ever-more evident examples of bias and hypocrisy within supposedly universal liberalism, communitarian "aggregates of love" with their side effects do not strike me as the alternative, certainly not in Germany with its history of fascism in the name of the *Volk*, and maybe not in the "community of communities"⁶⁶ that *TIS* envisions for the US, either.

5. Conclusion: Re-Statting the Problem

Departing from contemporary life-worlds rather than intellectual traditions points to experiences of shared values among individuals across regions and communities, to the point that the intellectual justification or framing of these experiences seems secondary. The slogan of Islam being the solution (*al-Islām huwa al-ḥall*) has run its course no less than that of secularism being the solution. For what is the difference between being oppressed and tortured by a secularist military regime and by an Islamic one? On the positive side, human and civil rights can also be sustained from within secular, Islamic, and other traditions. The agreement on what these rights should contain appears to actually be far-reaching across traditions.⁶⁷ Next to supremacist ideology, it is the trivial pursuit of power and riches that appears to be the main obstacle to the universal realization of these widely shared human values and rights.

63 Especially Jackson, *The Islamic Secular*, 344ff.

64 Jackson, *The Islamic Secular*, 351.

65 Jackson, *The Islamic Secular*, 367.

66 Jackson, *The Islamic Secular*, 353.

67 See, for instance, on human rights, Bassiouni, *Menschenrechte zwischen Universalität und islamischer Legitimität*.

Linking the political dimension to the epistemic and theoretical level again, the experience of shared values in the present should undermine all particularist claims on and narratives of the present. If the present—or any singular aspect of it, such as secularity—belongs to all, it should not be narrated as the exclusive outgrowth or property of any one particular tradition. This narration is, of course, much easier said than done, given the force of narratives in creating meaning and identity and in these latter necessarily being particular. Still, as analytical observers not representing one particular tradition or narrative, we should prioritize entangled genealogies of the shared present over particularist stories of origins. Such a priority, in the end, pushes us toward paradigms of common emergence, rather than divergence or convergence.⁶⁸

Based on these considerations, I welcome *TIS* inasmuch as it is a potential means to challenge Western exclusivist claims on the secular (and on the shaping of contemporary societies more broadly) and to facilitate Muslim participation in and Islamic contributions on the shared playing field of the secular. This reading and potential effect of the book does however stand in tension with its communitarian impetus and its perpetuation of the primacy of scripture and legal reasoning after all. In view of the latter especially, I doubt *TIS* will bring forth the paradigm shift it ambitiously aspires to.

Still, rather than leading into a dead end directly, *TIS* should prove fruitful in questioning trodden paths and assumptions, and in stimulating the search for yet more novel paths. These paths could lead into the directions of Islamization and of secularization both, depending on how readers take up the book. In this fundamental ambivalence, too, *TIS* resembles modern Islamic programs of reform that did not terminologically speak of an “Islamic secular” but equally sought to integrate religious and secular aspects under the aim of re-asserting the relevance of Islam in and for modern society.

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⁶⁸ Jung, *Islam and Global Modernity*.

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