

The Islamic Secular: A ‘Realm’ of Assessments, Not Topics: A Reply to Professor Rachel Scott

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Professor Rachel Scott places her review of *The Islamic Secular* against the backdrop of a fascinating excursus on the Moroccan mellāḥ, the walled (and sometimes unwalled) quarters to which Jewish communities were consigned pursuant to their status as *ahl al-dhimmah*, or ‘protected religious minorities’. Her focus spans the period from 1438 CE, when the first mellāḥ was commissioned, up through the early twentieth century, with the nineteenth century taking pride of place. Her treatment of the mellāḥ takes up a sizeable portion of her review and is largely historical in orientation. This places a significant part of her analysis beyond the scope of my response. Scott also puts forward, however, thematic questions and comments about the relationship between Islam-cum-*sharī‘ah* and the status and treatment of religious minorities, and whether, how and to what extent the Islamic Secular as a theory can be called upon to negotiate this relationship. Of particular interest to her is the boundary that allows us to distinguish what is *shar‘ī* from what is non-*shar‘ī*, given that the Islamic Secular is founded on that very distinction and the degree of discretion with which we can negotiate this or that feature of the *dhimmah*-arrangement is directly tied to whether we identify it as *shar‘ī* or non-*shar‘ī*. This applies both to how we understand the mellāḥ of the past and how we think about the status of religious minorities in Islam today and moving forward. These questions and comments will be the focus of my response.

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There are places where I think Professor Scott misapprehends my thesis. Some of this is likely due, however, to a certain ambiguity in my description of the Islamic Secular in various places and contexts. From the opening pages, I intimate that my focus is on *sharī'ah* not simply as a body of rules but also and perhaps more importantly as a “metric of assessment” (I.S., 5-6). My argument is that this metric, whose mandate is to inform Muslims of the salvific value, the *ḥukm shar'ī*, attaching to acts or occurrences, cannot provide Muslims with all they need to instantiate Islam as praxis on the ground. This is the most important sense in which I speak of *sharī'ah* as being bounded, even if *sharī'ah* is also bounded in the sense of not providing certain quotidian rules (e.g., how far tanneries must be from residential or commercial areas, or, in a modern context, whether we must drive on the right or left side of the road). In both contexts, however, I speak of the Islamic Secular as a “domain” or “realm” “beyond the *ḥukm shar'ī*.” And this can give the impression that the Islamic Secular is a hermetically sealed ‘area’ that *includes* all non-*shar'ī* issues or topics and *excludes* all *shar'ī* ones. This obscures, however, the fact that an issue can be *shar'ī*, as a clear dictate of *sharī'ah*, yet depend on non-*shar'ī* deliberations to ensure its proper or optimal instantiation. In the case of *jihād*, for example, what is included specifically in the ‘realm’ of the Islamic Secular is not *jihād* as a topic but the battery of questions, deliberations and negotiations connected with how efficiently, economically or quickly *jihād* can be executed. These are questions to which *sharī'ah* as a metric of assessment cannot speak authoritatively, as “efficient,” “economical,” and “speed” are not *shar'ī* metrics. Of course, *jihād* in this case, as a dictate of *sharī'ah*, is the proximate concern, questions of efficiency and the like arising only in connection with this *shar'ī* command. Yet the *shar'ī* and non-*shar'ī* here do *not* function as mutually exclusive, hermetically sealed realms. Rather, they overlap and interpenetrate. Indeed, even more obviously mundane issues such as traffic regulations are ultimately subject to the basic *shar'ī standard* of permissibility, even if *sharī'ah* cannot supply the actual *substance* of these regulations. None of this negates the existence of a boundary or distinction between the *shar'ī* and non-*shar'ī*. But if one is looking to classify an issue such as *jihād*, or healthcare or arrangements for *dhimmīs* as exclusively *shar'ī* or non-*shar'ī*, as exclusively belonging to one ‘domain’ of the other, this will rarely (if ever) prove to be the case.

I try to clarify this over the course of the book. I point out, for example, that the Islamic Secular, as a differentiated, non-*shar'ī* realm, is “not an independent, self-subsisting domain that can be concretely identified or pointed to as such” but a “residual realm, a contingent construct whose parameters emerge out of the asymmetrical relationship between the range

of values, virtues and interests identified with Islam as religion... and the nature of what the *ḥukm shar'ī* can be legitimately called upon to tell us as a *juristic* assessor of human acts" (I.S., 80, italics original). I also note how the *shar'ī* and non-*shar'ī* routinely interpenetrate, *all shar'ī* rules requiring some measure of non-*shar'ī* deliberation enroute to application (I.S., 131, 236). But, again, my reference to the Islamic Secular as a "domain," or "realm," even where what was meant was not the rightful or exclusive home of a specific topic (or topics) but the domain of non-*shar'ī* assessments that *shari'ah* cannot provide, could give the impression that certain issues or topics were by 'nature' entirely *shar'ī* and others entirely non-*shar'ī*, the former being excluded from, the latter included in, the 'domain' of Islamic Secular. On this understanding, one could reasonably ask if a particular arrangement for *dhimmi*s, for example, is "*shar'ī*" or "non-*shar'ī*."

The idea that *shari'ah* and the Islamic Secular constitute mutually exclusive, hermetically sealed realms clearly informs Professor Scott's understanding of my thesis. And this presumption appears in turn to inform almost all the major questions and critical comments she poses over the course of her review. Again, my manner of speaking undoubtedly contributed to this in no small measure. But once this misperception is cleared up, the responses to many of Scott's questions and comments are thrown into relief.

Among the first questions Scott raises is "whether the *mellāḥ* is part of what Jackson identifies as the *shar'ī* realm or whether it is part of the non-*shar'ī* realm" (S, 258). It should now be clear, however, that my answer is simply — and meaningfully— "both." Scott recognizes the *mellāḥ* as the instantiation of *shari'ah*-rules connected to *dhimmah*, *jizyah*, *ahl al-kitāb* and the like. But the precise modality of this instantiation is steeped in Islamic Secular concerns and metrics, such as efficiency, (Jewish) safety, preservation of the Muslim ruler's — indeed, the Muslim community's— reputation and the like. Of course, without these concrete, non-*shar'ī* acts of instantiation, there is no *mellāḥ* as a standing institution. And part of what the Islamic Secular wants to emphasize is the possibility of disaggregating rules and institutions into *shar'ī* and non-*shar'ī* elements and the avenues this opens for negotiating concrete specifics, given the critical distinction I point out between scripture-based, *shar'ī* authority and discretionary, non-*shar'ī* authority (I.S., 128-56). Scott recognizes this in theory but wants to know how this disaggregation can be achieved in the absence of a clear, justiciable boundary between the *shar'ī* and non-*shar'ī*.

She asks, thus, regarding the *shar'ī* and non-*shar'ī* realms "where one ends and the other begins" (S, 258). Of course, as a general inquiry about conceptual boundaries, this question is not unique to the Islamic Secular.

All legal systems face it. The bedrock principle of precedent, or *stare decisis*, for example, in American law seems straightforward enough. But what is a precedent? Is it what a prior court lays down and declares to be such; or is it what a subsequent court identifies as such? When does a precedent begin, and when does it (or its authority) end? The same applies to various aspects of Islamic law. What exactly, for example, separates a reliable *ḥadīth* (which is not necessarily the same as a “sound” one) from an unreliable *ḥadīth*? In the same way that we cannot expect scientifically testable answers to such questions, we can expect no more in the case of the Islamic Secular. In the most basic sense, however, my response to Professor Scott would be that the *sharʿī* ends where the *sharʿī* sources identified in *uṣūl al-fiqh* as the legitimating agents for views purporting to represent the salvific status (read: divine reward and punishment) of human acts ends. For example, there being no Qurʾānic verse, Prophetic statement or practice, analogy or precedent from Islam’s sacred history to back 55mph as a speed limit that subjects one to reward and punishment in the Hereafter means that speed-limits could only be set based on non-*sharʿī*, Islamic Secular discretionary authority.

But even this is complicated by the fact that different schools of law recognize different *sharʿī* sources. A Mālikī may recognize a *mursal ḥadīth* (where the narrator is known not to have seen the Prophet) that a Shāfiʿī summarily rejects. In this sense, the *sharʿī* might theoretically end for a Shāfiʿī before it ends for a Mālikī. There is, in other words, what Thomas Bauer refers to as “ambiguity” here, where mutual claims to reasonableness or even certainty are offset by a collective ability and willingness to recognize contradictory or at least mutually different meanings as equally valid.¹ In this context, we may recognize that *in theory* there are ‘limits’ beyond which *sharʿī* sources cannot be pressed, even if in practice these limits defy mutual agreement, again, no different from *stare decisis* or the definition of a reliable *ḥadīth*. For its part, the Islamic Secular does not depend on the precise location of this boundary or the complete eradication of “ambiguity.” Rather, its mandate is simply to establish the *theoretical existence* of such a boundary and with this the possibility of disaggregating, even if in relative terms across the schools of law, indeed, across the community, the *sharʿī* from the non-*sharʿī* in all claims to the salvific status of acts or policies, rendering all such claims subject to principled deliberation-cum-negotiation. *Pace* Scott, there need not be unanimous agreement on precisely where the boundary lies but only on the fact that there is a boundary, which itself provides the basis for principled debate, not unlike numerous other aspects of Islamic law.

1 See T. Bauer, *A Culture of Ambiguity: An Alternative History of Islam*, New York: Columbia University Press, 2021.

This question of where the *shar'ī* ends and the non-*shar'ī* begins informs a running critique-cum-inquiry across Scott's review. "Was leaving non-Muslims to their own devices a discretionary act, something that was the result of pragmatic governmental decisions, or was it a positive religious injunction based on the *shari'a*" [sic] (S, 260). "While the mellāḥ can be seen as part of the Islamic secular [sic], fully identifying the area that the Islamic secular [sic] inhabits requires identifying what the *shari'a* stipulations are for non-Muslims" (S, 263). "Jackson's argument that the *shari'a* was bounded, opening a space for flexible, deliberation, does raise the question of the extent to which that open space is flexible or whether it is constrained, in this case by the power differential inherent in the *shari'a* position on non-Muslims" (S, 264). "Yet, the mellāḥ's connection to the provision of protection in return for the payment of tribute raises the question of the extent to which what happens in that open space is determined by the *shari'a* and whether that open space is as flexible and as discretionary as Jackson implies" (S, 271).

On the one hand, Scott recognizes and apparently agrees with the argument of *The Islamic Secular* that there is a *shar'ī* /non-*shar'ī* boundary, as reflected in her recollections of various *historical* incidents (riots, looting, robbing of Jews, and other concerns) that give rise to the issuance of mellāḥ-policies by the sultan (S. 265, 266). Indeed, she acknowledges as a general matter of fact the non-*shar'ī* historical contingency of various features of the mellāḥ as well as the treatment of non-Muslims as a whole: "The mellāḥ was a specifically Moroccan phenomenon... In most other parts of the Islamic world, Jewish quarters grew more informally and organically" (S, 262). "Certainly, the reason the sultans decided to establish the mellāḥs was not so much to enforce any kind of *shari'a*-mandated segregation, but rather to govern the population and address specific government challenges" (S, 263). "The reason for the establishment of the mellāḥ in Fez was ostensibly to protect Jews from violence" (S, 265). But Scott is suspicious of what she sees as my tendency to relegate everything problematic in connection with *dhimma*, *jizyah*, the mellāḥ and the treatment of non-Muslims generally to the non-*shar'ī*, discretionary policies of the government to the exclusion of the *shar'ī* dictates of *shari'ah*. Similarly, even when discretion can be rightly identified as the basis of a policy, she wonders if this discretion is as broad and as flexible as she understands me to claim it is.

First, I made *no* attempt to absolve *shari'ah* from discriminatory rules or policies, especially since such rules and policies run both ways. *Jizyah* is discriminatory; but so is the fact that *shari'ah* exempts Jews from punishment for drinking wine or from their interest-bearing (*ribawī*) contracts being nullified in court, while none of this applies to Muslims.

My argument was not that *shari'ah* was not discriminatory but that, while Muslims aspired to applying *shari'ah* widely, this did not approach “the universalizing, homogenizing impulse of the modern state” (*I.S.*, 287) with its one-size-fits-all-legal monism indiscriminately (in the ideal) applied across the board. Even with the best of intentions, faced with plural populations with disparate moral or practical visions, homogenized legal systems inexorably entail discrimination. I argued further that, while a Jew’s or Christian’s *religion* might exempt him or her from certain aspects of *shari'ah* (as just noted), this would not exempt them from the general application of public policies (zoning laws, or ordinances on weights and measures or exchange-rates), all significantly grounded in state discretion (read: the Islamic Secular) (*I.S.*, 289). My point in all this was that non-Muslims were more affected (at least quantitatively speaking) by non-*shar'i*, discretionary policies, from which they could not claim exemption, than they were by *shari'ah* rules, from many of which they were exempt. And yet, because the former were grounded in discretionary authority, they were more subject to negotiation and change in response to changing moods and circumstances on the ground, which might result in *more* or *less* hostile attitudes towards religious minorities. My argument was *not*, as Scott seems to imply that “discriminatory manifestations were [exclusively] part of ... the Islamic secular [*sic*] realm” (S. 264). Again, Scott herself points out that later discriminatory practices “such as dress restrictions, were applied to Jews in Morocco, although not consistently” (S, 264). When analyzing such a phenomenon as historical fact, one can conclude either that *shari'ah* itself was not applied consistently, which would raise questions about the Jews’ *dhimmi* status itself, *or* that there were certain discretionary, non-*shar'i* *add-ons* that were not consistently applied, in part precisely *because* they were non-*shar'i* *add-ons*. Concluding the latter need not be interpreted as an attempt to exonerate *shari'ah*.

As for the degree and value of the flexibility afforded by the Islamic Secular’s non-*shar'i* discretionary authority, Scott seems to have in mind a particular, dare I say “liberal,” outcome which she invokes as her basis for judgment. When she asks if the “open space” of the Islamic Secular (and I do not recall mentioning an “open space”) is “constrained ...by the power differential inherent in the *shari'a* position on non-Muslims” (S, 264), the real question seems to be whether the Islamic Secular could bring about formal equality between Muslims and non-Muslims. Fair enough. But what would that mean: that Jews and Muslims have the same rights and obligations? Whom would that satisfy? That Muslims, even as the overwhelming majority, enjoy no more power than Jews? How convincing is that? Should Muslims and Christians expect to have the same rights and obligations and enjoy the same magnitude of power

as Jews in a Jewish state? What makes such a state Jewish, then? Or should there be no Jewish, Christian or Islamic state? I suspect that we have become so marinated in the mythical narratives of the modern state — *liberté, égalité, fraternité* — especially when it comes to judging non-Western states and even more so non-Western states of the 'past'— that these narratives routinely bypass our critical faculties, even as the power-differential between majorities and minorities, haves and have-nots, in-groups and out-groups remains a glaring fact of modern life, the modern menu representing no more than a seductive *misrepresentation* of the modern meal. Meanwhile, we can recognize confessional arrangements such as that of pre-modern Islam as discriminatory but not the one-size-fits-all arrangement of modern states' legal monism, despite the massive religious, racial, ideological, class and cultural diversity percolating within these states (especially the US) and the fact that Jews, Christians, Muslims, atheists, majorities and minorities may want and need things that a one-size-fits-all arrangement cannot accommodate.

Regarding Scott's question about whether granting Jews communal autonomy was "a value... linked to a kind of benevolent tolerance and forbearance based on a graded theological supersessionism" (S, 271), I would caution against too close an association between "supersessionism" (if we may use such a term) in the context of pre-modern Islam and the same concept and its deadly consequences in Europe. As a more direct response, however, assuming an empire-state where Muslims are the central power, *shari'ah* would simply *not* be in the business of legislating them out of their power-advantage. For all the modern criticism directed at the *dhimmi*-system for being discriminatory, pre-modern Muslims lived in world where they generally did not see others extending to them anything approaching *dhimmah*-status. As Shihāb al-Dīn al-Qarāfi (d. 684/1285) put it, "It is in their nature to hate us," and "If they gain the upper hand over us, they will annihilate us and seize control over our bodies and our property" (I.S., 337). Whereas our tendency regarding non-Muslims in pre-modern Muslim society is to idealize them as "good citizens" (unlike Muslims in modern Western societies) this was not the perception that pre-modern Muslims always had of them. At any rate, here again we see Islamic Secular considerations playing at least as relevant a role as interpretations of *shari'ah*. As for a modern democratic state, one can imagine interpretations of *shari'ah* that recognize constitutional arrangements or processes that theoretically open the path to power to all. But we should not imagine that this renders everyone (or anyone) neutral regarding the value of power. If there is to be a disbursement of "benevolent tolerance and forbearance," everyone would agree that it's better to give than to receive.

Scott argues that the issue of Jewish autonomy (and of non-Muslim autonomy in general) is “the central concept Jackson envisions as the foundation for a future Islamic political order” (S, 267). She notes, however, that “While Jackson seems to argue that the concept lies in the realm of the Islamic secular [sic], an argument could be made for it being intrinsic to *sharī‘a*” (S, 267). Once again, the possibility of the *sharī‘i* and non-*sharī‘i* simultaneously impinging on an issue seems to escape her. I do not argue that non-Muslim autonomy “lies in the realm of the Islamic secular [sic]” exclusively. In fact, I point explicitly to such jurists as the Mālikī al-Lakhmi (d. 478/1085) who argued that *sharī‘ah*, not state discretion, was the basis of non-Muslims’ right to “maintain their way of life” (I.S., 289). How this right should be honored and policed on the ground, however, is where the Islamic Secular comes in. But rather than consign the matter entirely to the non-*sharī‘i* ‘realm’, the argument of the Islamic Secular is simply that changes in policy regarding non-Muslims will be determined far more by non-*sharī‘i*, Islamic Secular deliberations than they are by revisions to the relevant *aḥkām sharīyah* / sg. *ḥukm sharī‘i* governing this matter.

This takes us into Scott’s discussion of the Islamic Secular as a basis for contemplating “a future Islamic order” (S, 271) and the role and status of non-Muslims therein. In my view, Scott overstates matters when she depicts me as, on the one hand, “advocating” for (presumably) non-Muslim communal autonomy and then, on the other hand, turning “non-committal about what kind of system he is advocating” (S, 271). The quote she cites in support of this charge (S, 271) summarizes the various attitudes that Muslims might take toward the modern state and is from Chapter 4 and my engagement with Wael Hallaq’s *The Impossible State*. There the point was not to advocate for any particular form of governance or political arrangement but simply to note that the modern state can assume numerous instantiations and, depending on which of these Muslims choose, the Islamic State may prove to be *less* “impossible” than Hallaq argues. It was never my aim to put forth a full-blown political theology, political philosophy, or combination of the two. I am also not sure I agree with Scott when she claims (oddly immediately after this) that “Jackson, however, posits some kind of alternative involving a decentralization of power and a political order driven by community interests” (S, 272). Her reference here is to my discussion of empire-state-pluralism in Chapter 5. And the problem she sees with this is its communitarian ethos that is susceptible in her view to becoming the ground of “religious nationalism,” under which religious minorities are bound to suffer, in fact, currently do suffer (S, 272).

I should preface my response here by restating my earlier point that *The Islamic Secular* is *not* a utopian vision that looks to establish any particular,

concrete political arrangement. Like Reinhold Neibuhr (d. 1971), I tend to think that all utopias tempt idolatry. Even a commitment to an Islamic State could not ignore the countless non-*shar'i*, discretionary features that partly constitute this state but could not be anticipated prior to the circumstances and negotiations that produce and ultimately normalize these features. Indeed, to ignore the need for the non-*shar'i* discretionary on the idea that only the *shar'i* can be religious is effectively to apotheosize these human contributions. When Professor Scott asks, then, "how does Jackson envisage communal autonomy being implemented" or "in what areas should non-Muslims have communal autonomy?" (S. 273), these questions require "mixed," *shar'i*/non-*shar'i*, practical answers that fall beyond the theoretical reach of the Islamic Secular. Instead, the Islamic Secular's proximate interest is in reinstating, at least in broad outline, the achievement of the classical *fuqahā'* and their "discursive tradition," in the context of which such deeply contested issues can be debated in a principled manner and even the absence of consensus can give way to a mode of agreeing to disagree that invites something other than mutual snubbing, dereliction, apathy or violence. The Islamic Secular's *shar'i* / non-*shar'i* distinction is critical to this enterprise. For it enables Muslims to recognize, embrace and act upon the distinction that political scientists such as Mark Lilla point to between "political theology," where all political questions are solved by direct reference to divine commands, and "political philosophy," where non-revelatory sources, including 'reason', are recognized as legitimate bases for deliberating and negotiating the socio-political order.²

As for Professor Scott's reference to the "decentralization of power," I'm not sure I get her meaning here. Even the examples she points to of India and Israel, which I had adduced as modern states that retain aspects of an 'empire-state-pluralism' (I.S., 294), remain highly centralized. I suppose, however, that "decentralization" can mean many things; so, I'm not entirely sure how to respond here. As for the more substantive question of how individuals relate to their respective religious communities, Scott points to the example I give involving Copts in Egypt on the issue of divorce and re-marriage and argues that while the Coptic Church may support a move away from equality before a secular Egyptian law that violates Coptic doctrine, "a number of individual Copts chafe at the Church's increased power and wish to appeal to equality before the law" (S, 272).

2 See M. Lilla, *The Stillborn God: Religion, Politics and the Modern West*, New York: Vintage Books, 2008. Predictably, Lilla sees Muslims as being bound exclusively to political theology. *Stillborn God*, 318.

I do not doubt this. But, first, the Coptic Pope Shenoudah III (d. 2012) did not deny Coptic Christians access to secular law; he simply insisted that this was not, nor could they claim it was, the law of the Church. Second, Scott's point about individual Copts demonstrates that it is not only states or "religious nationalism" under which religious individuals may suffer but the collective will of their own religious community. And yet, many Copts (like many Jews and Muslims) remain as concerned about Coptic Christianity (or Judaism or Islam) as a 'collective brand' as Nike and Mercedes Benz are about theirs. In the same way that individuals can threaten these commercial brands through individual actions, such as misusing their emblems or selling "knock-offs," individuals can threaten the collective brand of their respective religious affiliations by seeking to normalize what has long been recognized as violations, or vice-versa. The fact that we are more prepared to recognize and accept this as a valid concern in the case of commercial corporations should not detract from the reality of this dimension of religion as a collective identity. Indeed, Scott herself points to the possibility that "some Coptic Christians see such communal spaces as an opportunity to thrive" (S, 274).

To my mind, what all this suggests is that these competing interests present us with an intractable problem that may be more likely and effectively *managed* than *solved*. And by highlighting the distinction between what is *shar'i* and what is non-*shar'i*, the Islamic Secular contributes to our management capabilities, by invariably domesticating the tendency to make overinclusive claims to unassailable religious (read: *shari*) authority. Scott is right that religious minorities "suffer under the grip of religious nationalism" (S, 272) (they also suffer under the grip of secular nationalism, as do some religious majorities, as we see in the Muslim world). But it may be a stretch to equate communitarianism with nationalism or to see it as necessarily leading to the latter. For, communitarians often see the state, especially the liberal state with its liquifying effect on all particularist collectivities, as a challenge if not a threat to community. Here, again, however, the Islamic Secular's *shar'i* / non-*shar'i* distinction adds to individuals' ability to negotiate with the state and their respective religious communities by empowering them to separate *shar'i* from non-*shar'i* authority.

Scott ends in a sense where she began, with the question of "the substance of *shari'a* regulations on non-Muslims" and "the precise nature of the *shari'a*'s boundedness and what is open to discretionary governance" (S, 274). She also reiterates her earlier concerns about the "power differential between Muslims and non-Muslims inherent in the idea of submission and protection" (S, 274). Again, Scott's appeal appears to be intimately

tied to the vision of liberal democracy in its ideal form. But I'm not sure what a society that is entirely devoid of power differentials would look like. Nor is it clear to me why we are so slow to recognize the ways in which secular, liberal democracy invariably discriminates against anyone whose primary commitments are religious in a non-Kantian sense that includes concrete laws and practices. Again, these are intractable problems for which the Islam Secular does not provide a prefabricated solution, any more than did John Rawls's "political liberalism", for example. Maybe the kind of *ijtihād* mentioned in my response to Professor Fadel will produce concrete alternatives to the kind of discrimination that Professor Scott highlights. Or maybe it will not. Even if it does not, however, the massive and inexorably expanding 'area' of the Islamic Secular, where Muslims and non-Muslims can negotiate non-*shar'ī* matters *on an equal footing*, precisely because they are non-*shar'ī*, should neither be overlooked nor devalued. Incidentally, I never said that the non-*shar'ī* realm is "not subject to the concrete communiqué of God" (S, 259). Indeed, it too, as a minimum, must fall within the bounds of permissibility (*mubāḥ*). My argument, rather, has been that "permissibility" as a *shar'ī* metric does not exhaust the full range of considerations that are pertinent to negotiating the socio-political order.

Professor Scott's analysis, especially her excursus on the *mellāḥ*, was highly informative. Her questions and comments about *The Islamic Secular* were deeply relevant, probing and spoke to key issues that I will likely continue to contemplate. In particular, her review brought to my attention ways in which my articulations at times may have been misleading and the cause of confusion or the misapprehension of my thesis. I thank her for this and for the obvious seriousness with which she engaged with my work.