

Whose Secular, Whose Metrics: A Reply to Professor Florian Zemmin

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I approached Professor Florian Zemmin's review of *The Islamic Secular* on the assumption that he was pursuing the same goal that I pursue in my scholarship: an accurate understanding of the issue under review. I soon discovered, however, an approach that thoroughly undermined that objective. Zemmin summarily dismisses (or misapprehends) my stated aims and objectives, disregards my methodology, primary sources and interpretive point of departure, and discounts my positionality as a scholar. In place of this, he imposes (at times explicitly) his own objectives, methodology, sources, positionality and definitions, insisting that the book be read and assessed through the interpretive prism generated by these. The result is a distortion of *The Islamic Secular* through which few would be able to distill the book's thesis, let alone its value. Of course, Zemmin is free to criticize or even reject the Islamic Secular. And to the extent that such criticism or rejection is grounded in sound analysis, the only proper response (at least ultimately) would be gratitude. But, as we will see, Zemmin's impulse to criticize the book routinely overwhelms any commitment he may have had to understanding it.

Zemmin aligns himself with a group of research projects out of Leipzig, largely sociological in orientation, dedicated to studying the secular. The Humanities Center of Advanced Studies published *Multiple Secularities Beyond the West* in 2015. Historical Social Research (*Historische Sozialforschung*) produced a Special Issue, "Islamicate Secularities in Past and Present" in 2019, and The Centre for Advanced Studies in the Humanities and Social Sciences "Multiple Secularities – Beyond the West, Beyond Modernities" published four of its massive seven-volume *Global Secularity: A Sourcebook* in 2024. Zemmin was a co-editor of the latter and published an article in the "Islamicate

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Secularities” Special Issue, his work overall suggesting an interest in modern Muslim reformers. He distills from all this his understanding of “the secular” as “non-religious,” or, as he puts it, as “not categorically locate[d] within religion” (Z, 294), along with a criterion for what he deems to be the proper way to engage with it. While he never explains *why* “the secular” is (or must be) what he says it is, this understanding of the construct presides as touchstone throughout his analysis.

One would think that a scholar who is committed to the idea of “multiple secularities” would have little difficulty accepting a concept such as the Islamic Secular. But the most Zemmin seems willing to concede is the possibility of locating “the secular,” that is, his understanding of the secular as extra- or non-religious, in Islam. His interpretive point of departure is clearly the modern West. And locating anything that purports to be “secular” in Islam that does not reflect what emerges in his thinking as the non-religious prototype of the Western secular will neither register nor be counted as genuine. As recent as 2019, he wrote: “I would suggest that the fascinating and important enterprise of discerning pre-modern non-European articulations of secularity should start with modern concepts used to refer to modern secularity within a particular discursive tradition, and then test how far back these concepts can be traced before they start losing their modern meanings.”¹ One wonders, however, how a construct such as the Islamic Secular, which begins not with modernity but with the pre-modern Islamic juristic tradition, survives the dictates of such an interpretive prism. Zemmin seems to be saying that only as a ward and reflection of a modernity spawned and presided over by the West can Islam produce a concept of the secular that will be recognized as such. Prior to and outside that, Islam has nothing *of its own* to say on the matter, a view, in fairness, at times shared by modern Muslims whose point of departure is often no more grounded in (or no more consciously cognizant of) the Muslim juristic tradition than is Zemmin’s.

For its part, *The Islamic Secular* builds on the thought of some of the most illustrious and authoritative pre-modern thinkers in the history of Islam: al-Bāqillānī (d. 403/1013), al-Juwaynī (d. 478/1085), al-Ghazālī (d. 505/1111), al-Rāzī (d. 606/1210), al-Qarāfī (d. 684/1285), Ibn Taymiyah (d. 728/1328), al-Taftazānī (d. 792/1389), among others. Rather than recognize this database, however, enroute to a fair explication and assessment of the book, Zemmin summarily discounts it and buries it beneath a pile of deflections and innuendo, all grounded in interpretive

1 F. Zemmin, “Validating Secularity in Islam: The Sociological Perspective of the Muslim Intellectual Rafiq al-‘Azm (1865-1925),” *Historical Social Research* 44/3 (2019): 74-100 at 96.

methods, sources and obsessions that are entirely alien to what *The Islamic Secular* identifies as its own. We never learn what exactly the Islamic Secular is but are left with a clear and abiding sense that it is defective if not oxymoronic. Meanwhile, even according to studies that Zemmin endorses, Africans can have perspectives on the relationship between religion and the secular that differ from those of the modern West.² So can the Chinese.³ So can the Japanese.⁴ But Islam it seems, at least according to Zemmin, can neither produce a secular of its own nor see the relationship between religion and the secular except in ways that replicate the perspective of the dominant Western hegemon, or worse, in ways that are disparaged for failing or refusing to do so! We have seen this movie before. How many times must it replay for us to recognize how bad it is?

Given the nature and quantity of Zemmin's criticisms, I shall try, to the extent feasible, given the limitations of space, to follow his ordering in my response, the better to avoid the appearance of ignoring what I find convenient to ignore. I apologize for any unwieldiness this might engender.

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

Zemmin begins by laying out what he sees as the two main problems *The Islamic Secular* sets for itself. The first is "the identification of the secular as exclusively Western." (Z, 289). According to him, my point of departure is that "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*" (Z, 289, italics added). On its face, this seems simple and straight-forward enough. But it conceals subtle and far-reaching distortions. First, I never argued that the secular was exclusively Western but only that the Western provenance of the secular in its modern iteration gave the West a unique purchase on the meaning of the term. I will return to this below. More important, Zemmin does not distinguish here between "secular" as an ideological *construct* and "secular" as a *term* of art. And he assumes that my "problem" is with the former. Yet I state explicitly (and more than once) that my primary focus is on the *word* "secular" and what the Western purchase on that word compels or allows it to convey or not. On the very first page I write: "This book is an attempt to address *this problem*

2 Okot p'Bitek, "African Religions in Western Scholarship (1971)," *Global Secularity: A Sourcebook, Volume 1*, eds. J. Duschka, C. Kleine, M. Wohlrab-Sahr, and F. Zemmin, Berlin/Boston: de Gruyter, 2024, 33-42.

3 Wang Gungwu, "Secular China (2003)," *Global Secularity I*, 286-97.

4 Tamaru Noriyoshi, "The Problem of Secularization (1979)," *Global Secularity I*, 50-8.

of language and the various assumptions, polarities and obstructions it spawns, with specific reference to the term and concept(s) of the secular” (*I.S.*, 1, italics added). A few pages later, I add: “[I]t is not my contention that the reigning definition of secular in the West is wrong. It is that this is not the only way that ‘secular’ can be deployed” (*I.S.*, 4). In other words, *The Islamic Secular’s* primary aim is neither to critique nor displace the Western secular per se. The West is free to retain its commitment to a secular-religion binary and to use the word “secular” to police this boundary. My argument, however, was that as long as the West does so, given its ascendancy in the world, human acts, including Muslim acts, will continue to be seen as *either* secular *or* religious. And if acts beyond the dictates of *shari’ah* or God’s revelatory communiqué —scientific inquiry, culture-creation, development, good governance and the like — are all deemed secular in the sense of non-religious, Muslims will be prompted to embrace the idea that they can engage in such enterprises only as non-religious actors. This is the power the word “secular” presently wields. And it is this power, not the Western commitment to the secular per se, that I sought to address.

By analogy, there are Blackamericans (and others, no doubt) who oppose the term “people of color.” Obviously, they are not against the term’s referent, i.e., people whose skin-pigmentation marks them as non-White. But the term itself implies that, unlike non-Whiteness, Whiteness is not a ‘color’, not a socio-politically or ideologically constructed identity, like Blackness or Brownness. And this oversight sustains the tendency to view White people as simply “people,” prototypical, ‘natural’ phenomena, as opposed to socially and historically constructed humans, like everyone else. In this capacity, White people are able speak for all humanity, while “people of color” can speak only from the perspective of and for their racial group. Yet, as Richard Dyer (who is White) put it, “White people claim and achieve authority for what they say by not admitting, indeed not realizing, that for most of the time they speak only for whiteness.”⁵ Obviously, one can oppose the term “people of color” without opposing *people* of color. Similarly, one can target the term “secular,” because of what it forces, allows or disallows one to see, think or feel, without targeting its referent, even if one disagrees with the latter. Zemmin ignores my discussion of Jeffrey Stout, Ian Hacking and Ludwig Wittgenstein on the difference between the “*meaning*” of a word and its frequency of “*use*” according to a particular meaning and how the *Islamic Secular* is aimed primarily at modifying the *use* of the word “secular,” such that it ceases automatically to denote or connote the “non-religious” (*I.S.*, 4). As I state

5 R. Dyer, *White*, London, New York: Routledge Press, 1997, xiv.

explicitly, “[R]ather than reinforce the meaning of secular according to its dominant Western usage, I want to infuse it with alternative associations, polarities, and functions to enable it to accommodate Islam on Islam’s own terms” (*I.S.*, 30). Of course, were the Western secular to disappear, so would the immediate association between “secular” and “non-religious.” But fostering this demise was simply not my project, as Zemmin seems to assume.

Zemmin also misrepresents me when he claims that my project is motivated by a desire to “come up with” my own version of the secular. In point of fact, unlike the modern Muslim reformers he studies, whose proximate obsession is with the secular as part of the paraphernalia of the colonizing West, my project grew out of my interest in the question of the boundaries of *sharī‘ah* as articulated in Islam’s classical and post-formative periods, an obsession I have nursed for over thirty-five years as a scholar of Islamic law, going back to my first book, *Islamic Law and State* (Brill, 1996), and, before that, my Ph.D. dissertation (1991) on Shihāb al-Dīn al-Qarāfī (d. 684/1285). This is clearly stated on the opening colophon under “Acknowledgments,” in the very first sentence of the book, even before any text proper. Zemmin apparently ignores this, however, and with it a major dimension of my ideational context. Had he not, he may have discerned that the Islamic Secular is not “my” version of the secular but an attempt to excavate and *name* a feature of *Islam’s pre-modern juristic tradition* that imputes limits to what *sharī‘ah* can address authoritatively and to argue that these limits amount to conceptual differentiation and thus a form of ‘secular’ in Islam. It is not a new (and certainly not a modern) but a very old conceptualization in Islam. Even as differentiation, however, this secular is not placed beyond the ubiquitous, adjudicative gaze of the God of Islam, and is normatively not engaged in “as if God did not exist,” as some Western thinkers have described the Western secular. This conscious awareness of the divine gaze renders this secular and its constituents “religious,” potentially no less an object or arena of devotion to God than prayer or fasting. The dominant modern lexicon refers to differentiation as “secular.” But “secular,” according to that lexicon, represents the non-religious side of a religious-non-religious binary. And in that capacity, ‘secular’ cannot represent Islam’s “religious secular.” The aim, as such, in *The Islamic Secular* is to render the term “secular” capacious enough to accommodate conceptual differentiation as constituted in Islam, without seeking to deny others the use of “secular” in whatever capacity they see fit. The Islamic Secular does not aim at Kantian universalism. It is, rather, simply *Islam’s Secular* (*I.S.*, 2), as reflected in my consistent capitalization of “Secular” in the phrase “Islamic Secular.”

One might ask, of course, why the term “secular” is so central to my project and why some other word could not be enlisted to represent my “religious secular.” I raise and answer this question in Ch. 1. And Zemmin subtly misrepresents me, again, when he imputes to me the view that “the secular is here to stay” (Z, 289). It was not the permanence of the secular as a construct that I problematized or sought an alternative to but the West’s permanent monopoly over the *meaning of the term* “secular,” a monopoly that Zemmin, for all his appreciation for “multiple secularities,” seems to want to perpetuate. I wrote,

as long as the word “secular” retains its global authority and the modern West retains its monopoly over its meanings and associations, it will continue to do the work it presently does, including that of forcing Muslims (and non-Muslims) both within and beyond the academy, into what I see as a false choice between the secular and the religious in their conceptualizations, practice, and articulations of Islam (*I.S.*, 30 italics original).

In other words, the word “secular,” as descriptor of the ostensibly dominant mode of being in the modern world, produces a particular outlook on the self and the world even among Muslims who are religious. And this is reinforced by the fact that the West, still the dominant culture and intellectual authority, models this mode of being as normative. But it should be clear that Zemmin is simply wrong when he claims that I invoke “the Western secular” merely “as background foil” for the purpose of “criticizing” the distinction it upholds between the religious and the secular (Z, 292). Of course, I do not agree with that distinction. But pointing out the *difference* between the Islamic Secular and the Western secular is no more a criticism of the latter than describing the difference between *zakāh* and “tithing” would be a criticism of Christian or Jewish charity. It is interesting that Zemmin should interpret me as doing so. One senses here a reactionary, proprietary spirit that is exercised by any perceived critique or ‘distortion’ of “the secular” as Euro-America’s prized and zealously guarded inheritance from the Enlightenment.⁶

The second “problem” Zemmin identifies as *The Islamic Secular’s* target is “the over-identification of Islam with law and *sharī‘ah*” (Z, 289). He finds it “interesting” that I chose *sharī‘ah* as my point of departure, as opposed to “highlighting other ways of Islamic meaning-making” (Z, 289). Beyond

6 A similar sensibility shows up in the project that Zemmin co-edited, where it is claimed that my article, “The Islamic Secular” (which appeared in 2017) positioned itself as a “superior” secular. I do not see where I made any such claim in that article. See J. Duschka, C. Kleine, M. Wohlrab-Sahr, and F. Zemmin, eds., “Prognosis and Projection: Introduction,” *Global Secularity I*, 645-51 at 650.

the questionable characterization of *shari'ah* as “meaning-making,” Zemmin intimates a mildly dyspeptic attitude towards *shari'ah* (and even more so the *fuqahā'*, as we will see). More important for our purposes, whatever one may think of *shari'ah*, it is clearly *my* point of departure. As I announce (again, on the very first page), “My basic argument is that, while the secular, as commonly understood in the contemporary West, connotes a fundamentally dichotomous relationship with the religious, the Islamic juristic tradition, particularly *uṣūl al-fiqh*, points to an alternative understanding of the construct” (I.S., 1). Zemmin insists, however, that my focus on the Islamic legal tradition “should not be taken for granted at all” (Z, 290). In other words, though this is clearly the ground from which I unearth the Islamic Secular, one need not consider it, let alone assign it any priority, in attempting to understand the Islamic Secular. Of course, Zemmin is free to believe that other approaches to or articulations of Islam yield richer, different or more edifying meanings. But he should be above superimposing alien criteria in this way.

To be sure, modernity has generated its share of detractors from Islamic law, as the purported cause of Muslim decline, political violence, mistreatment of women and host of other ills. But, beyond the fact that no *law* can alone guarantee good economic policy, social equity, or superior weapons-systems (a point *The Islamic Secular* tries to underscore), the existence of other articulations of Islam cannot gainsay *shari'ah's* central role and elevated status throughout Muslim history. As Wael Hallaq argues, “Islam...unless eviscerated, stands or falls on Shari'a.”⁷ Earlier, Joseph Schacht (d. 1969) wrote, “Islamic law is the epitome of Islamic thought, the most typical manifestation of the Islamic way of life, the core and kernel of Islam itself.”⁸ My own teacher George Makdisi (d. 2002) used to point out that the *madhhab*, or school of law, is the most permanent institution in Islam. Abū Ḥanīfa died in 150/767. To this day, there remain millions of Muslims all over the world who proudly identify as “Ḥanafis.” Even scholars as far removed from the field of Islamic Studies as Leo Strauss (d. 1973) recognized that pre-modern Muslims (like Jews and unlike Christians) understood “religion” as inextricably tied to “law.”⁹ Clearly, then, in taking the Islamic juristic tradition as my point of departure, I was not asking anyone to take anything “for granted.” I simply assumed that readers would recognize what the most authoritative scholars of Islamic law in the Western academy and beyond have always recognized.

7 W.B. Hallaq, *The Impossible State: Islam, Politics and Modernity's Moral Predicament*, New York: Columbia University Press, 2013, 49.

8 J. Schacht, *An Introduction to Islamic Law*, Oxford: Clarendon Press, 1964, 1.

9 L. Batnitzky, “Leo Strauss's Disenchantment with Secular Society,” *New German Critique*, 94 (2005): 106-26 at 116.

Again, however, Zemmin not only rejects my methodological point of departure, but he imposes his own in its place. He notes that he has “higher stakes” in the issue of the secular being identified as “Western” and that he will introduce works on the secular “in and beyond the West, and especially in Islamic contexts” that challenge this idea (Z, 291). This is odd; for, despite their recognition of distinctions and nuances in various articulations of the secular, scholars are in general agreement that the modern secular was “an invention of the European Enlightenment.”¹⁰ The term “secularism” itself is said to have been popularized by the George Holyoake (d. 1896), founder of the British Secular Union, around 1850.¹¹ Even sources that Zemmin expressly endorses (Z, 295) speak of “the modern Western concept of the secular.”¹² Unless Zemmin is denying outright that there is such a thing as a hegemonic Western secular, I’m not sure I see the point of this exercise.

At any rate, returning to the matter of methodology, Zemmin describes his approach as one that “reflects my own background from which I engage *TIS*; and it adds perspectives and insights that are being sidelined in *TIS*” (Z, 291). He proclaims openly that his aim is to “situate *TIS* in extant debates within the social sciences and humanities” (Z, 291). In other words, to all intents and purposes, he will ignore my juristic ‘background’ and substitute this framing for his sociological-humanistic framing. And he presumes to absolve himself of accountability in this regard by simply proclaiming, “The Islamic legal tradition is not my field of expertise” (Z, 291). But the Islamic legal tradition is critical to an understanding of the Islamic Secular. At the very end of Ch. 1, I write: “The Islamic Secular... insists not only that *shari’ah* (and thus the authority of its representatives) is limited in its jurisdictional scope but that these limits are *self-imposed* and explicitly recognized by the *fuqahā*’-jurisprudents themselves. In fact, *the whole theory of the Islamic Secular stands or falls on the validity of this claim*. It is thus to it that I shall now turn” (*I.S.*, 73, italics added in the penultimate line). The whole of Ch. 2 is dedicated to showing how conceptual differentiation and thus the Islamic Secular derive from my reading of *uṣūl al-fiqh*. Zemmin seems to think, however, that the Islamic Secular can be successfully apprehended in total

10 M. Jurgensmeyer, “The Imagined War between Secularism and Religion,” *The Oxford Handbook on Secularism*, New York: Oxford University Press, 2017, 74. Or more emphatically, A. Yountae, *The Coloniality of the Secular*, Durham and London: Duke University Press, 2024, 8, e.g., where he speaks of “the normative universal of secularism imposed by the West.”

11 P. Zuckerman and J.R. Shook, “Introduction: The Study of Secularism,” in in *The Oxford Handbook of Secularism* (New York: Oxford University Press, 2017), 2.

12 M. Dressler - A. Salvatore - M. Wohlrab-Sahr, “Islamic Secularities: New Perspectives on a Contested Concept,” *Historical Social Research*, 44/3 (2019): 7-34 at 8.

isolation from all this. Thus, of the more than sixty citations he makes from *The Islamic Secular*, only two (in the same note, incidentally) come from Ch. 2.

Meanwhile, we are asked to believe that my approach “sidelines” certain “perspectives and insights,” while Zemmin’s does not. I will grant that sociology is an established discipline. But it does not and cannot speak from some Archimedean location of nowhere and thus everywhere with absolute comprehensiveness and objectivity, in presumed contradistinction to all other disciplines. Nor should its ability to capture, explain and theorize on the sociological ‘Is’ be conflated with an acumen for defining or pronouncing on the religious or theological ‘Ought’. If Zemmin can say “The Islamic legal tradition is not my field of expertise” and expect to be granted certain considerations on that basis, why can’t I say, “Sociology is not my field” and be granted the expectation that my work will not be assessed solely through a sociological prism? Or is sociology now the functional equivalent of Adolph von Harnack’s (d. 1930) Christianity: “Whoever does not know this religion knows none, and whoever knows it and its history knows all”?¹³

2. Secularity in and Beyond the West

Among the major points in this section (repeated throughout) is the claim that *The Islamic Secular* aims at producing something “novel.” This allegedly prompts me to include and exclude sources based on their perceived service to that goal. Zemmin insists that my thesis is “not as novel as readers might think” (Z, 291). And over the next two subsections he sets out to throw this charge into relief by pointing to “debates within the social sciences and humanities” (Z, 291) that speak to “the secular” outside the West, including in Islam. Interestingly, he acknowledges that the literature he points to “does not aim at a normative coinage of the secular from within the Islamic tradition” and that “all of this earlier work operated with a distinction (whilst not necessarily opposition) between religion and the secular, a distinction that *TIS* precisely wants to undermine” (Z, 292). One wonders in such light (but only for a second) why Zemmin is so comfortable taking this material as a basis for his critique.

At any rate, given Zemmin’s admitted distance from Islamic legal studies, and specifically *uṣūl al-fiqh*, I am not sure *how* he could judge *what* is “novel” about *The Islamic Secular* in the ideational context in which the book places itself. What he must mean, then, is “novel” in the context of the field and metrics of assessment *he* values. More important, Zemmin’s imputation

13 Cited in D. Pals, *Eight Theories of Religion*, New York: Oxford University Press, 2006, 4.

of the motive of “novelty” suggests that something other than scholarship was my aim. This is simply out of bounds. Marx and Gramsci produced novel work. But few would argue that they cared more about being novel than about the causes they championed. Why deny that consideration to me? Here, again, however, Zemmin assumes the authority to ventriloquize *The Islamic Secular* by superimposing his own obsessions and ignoring what the book explicitly states. I said nothing about the “novelty” of locating “the secular” beyond the West. Nor did I claim that the idea that the Western secular is not the only secular is new. In fact, I openly indicate my awareness of other articulations of the secular (*I.S.*, 28, 387, 388, 392), especially among Indian thinkers. What I said regarding “novelty” was, “My hope is that *The Islamic Secular* will be read as a *new paradigm for conceptualizing Islamic thought*.” (*I.S.*, 23, italics added). And among the benefits I hoped would accrue to this paradigm was that, instead of obsessing over whether Islam as “religion” has ‘encroached’ upon politics, economics, science or culture, we could ask what aspects of Islam’s involvement in these enterprises are *shar’i* and what aspects non-*shar’i*, and then recognize the possibilities of negotiation this opens up, given the critical distinction I identify between *shar’i* and non-*shar’i* authority (*I.S.*, 79-80). Zemmin may or may not see any of this as “novel.” But wouldn’t it be more appropriate to assess the book’s “novelty” based on this clearly stated ambition rather than superimpose an aim that is entirely alien to the text?

Meanwhile, why would I want to present the Islamic Secular as “novel,” given the negative meanings Muslims routinely attach to the word “secular” and the Damoclean charge of *bid’ah* (unsanctioned innovation) looming over any such association? Tellingly, however, the Islamic Secular is *not* novel from Zemmin’s perspective because he and, according to him, others (e.g., Muslim reformers) had already found ways to locate “the secular” in Islam. He sees all these ‘discoveries’ as predecessors to the Islamic Secular that clearly ‘beat it to the punch’. Again, however, this reflects a basic misunderstanding of my thesis, as it is emphatically and explicitly *not* my aim to locate “the secular” in Islam.

Zemmin opens section 2, however, precisely with the claim that my “basic aim” is to take “the secular beyond the West and to locate it in Islam” (Z, 291). Now, “the secular” here is not a univocal phrase. The definite article could be the functional equivalent of Arabic’s *alif lām al-’ahd*, in which capacity it would refer to a specific, known concretion of the secular? Or it could be the functional equivalent of *alif lām al-istighrāq*, in which capacity it could refer to an abstract category that can stand for any articulation of what purports to be secular, including a “religious secular.” Zemmin clearly has the former in mind, a very specific and concrete notion of “the secular” as the non-religious side of a secular-religious

binary. As he puts it, “the distinction between religion and the secular... constitutes a main trait of extant understandings of secularity” (Z, 292), the two constituting “a conceptual pair” (Z, 299). This is consistent with his use of “the secular,” or “secularity” in his other writings.¹⁴ And this is the way he uses it throughout this critique.

But if “the secular” is a realm (mental or physical) that is separate and distinct from the religious, why would I want to “locate” this in Islam? After all, part of my basic argument is that there is no religious/non-religious dichotomy in Islam. As I state openly, the “conscious awareness of the divine presence and gaze [of the God of Islam] renders the whole of life religious. And from this perspective, there are no ‘areas free from religion.’” (I.S., 52). Zemmin seems to take his cue, however, from modern reformers he has studied in or from the Muslim world, of which he assumes me to be a species. But, contrary to his view that modernity is a “common condition,”¹⁵ modernity and its attendant secularism have not generally held the same significance for Blackamericans that it has for Muslims struggling through a colonial and post-colonial reality. As Cornel West points out, “The paradox of Afro-American history is that Afro-Americans fully enter the modern precisely when the postmodern period commences” (I.S., 463, nt. 225). In other words, much of the epistemic and affective dislocation wrought by the Enlightenment(s), according to which men and women could now believe, think or feel certain things and no longer believe, think or feel others, largely passed Blackamericans over, in contradistinction to the Muslim world, especially among the educated. Clearly, in such light, just because Muslims of one historical experience prioritize an approach does mean that all Muslims do.

I am a Blackamerican convert to Islam, a fact *The Islamic Secular* seeks neither to conceal nor privilege. And for Blackamerican converts (and Western converts in general, in fact, even for many second and third generation immigrant Muslims) it is not simply Western modernity that they must confront but perhaps more proximately the hegemonic deployments of understandings of Islam by Muslims in and from the Muslim world (which Zemmin’s approach ultimately reinforces), including healthy doses of Islamic miseducation based on the tendency to equate olive skin (compared to black or white skin) with religious learning. This has

14 See, e.g., F. Zemmin, “Validating Secularity,” 74: “Secularity denotes a basic distinction between religion and a secular realm.” See also Zemmin, “Florian Zenmin: Secularism, Secularity and Islamic Reformism (2019),” *Global Secularity I*, 169-88 at 169: “‘Secularity’ denotes a situation in which religious and secular aspects are distinguished.”

15 F. Zemmin, “Florian Zemmin: Secularism, Secularity,” 171.

brought converts such as myself to recognize the importance of accessing and gaining facility in the Islamic religio-intellectual tradition -- *fiqh* and its accoutrements, especially *uṣūl al-fiqh* as the basis of negotiating *fiqh* -- the better to be able to stand up to these understandings and deployments and become self-authenticating in their own right. I laid this dynamic out in detail some twenty years ago in my *Islam and the Blackamerican* (Oxford, 2005), and I adumbrated it in *The Islamic Secular*, where I mentioned, for example, the tendency among some immigrant Muslims to equate Islamization with Arabization or Pakistanization (*I.S.*, 54-6). But Zemmin seems to privilege the perspective of Muslim “reformers” (primarily Arabs) in and from the Muslim world (the Swiss-born Tariq Ramadan being technically an exception¹⁶). And he insists on reading me through that lens.¹⁷ But why, again, given my reality and positionality in the world, would I attach any priority to locating modernity’s secular in Islam? How would that serve me and mine?

Taken on its own terms, *The Islamic Secular* would be more accurately read as an attempt *not* to locate the secular in Islam (and certainly not Zemmin’s “the secular”) but to excavate an autochthonous form of conceptual differentiation that empowers Muslims (wherever they may be) to disaggregate all pronouncements made in the name of Islam into *shar’i* (divinely mandated) and non-*shar’i* (divinely sanctioned) elements such that overblown claims to religious authority can be domesticated and the divinely sanctioned can assume its rightful place, especially among ‘laypersons’, which converts are overwhelmingly assumed to be. At the same time, rather than perceiving of Islam and *sharī’ah* as coterminous, such that only those material pursuits that are dictated by or directly derivable from *sharī’ah* are seen as “religious” or “Islamic,” introducing the non-*shar’i* as also a religious constituent of Islam can inoculate Muslims (especially converts) from the common assumption of an inherent contradiction between Islam and the pursuit of material interests, as well as the perception of themselves as lacking religious-cum-Islamic value because their knowledge and gifts are not *shar’i* in orientation. Of course, this all requires a modern vocabulary through which it can be successfully conveyed. *The Islamic Secular* located this in the word “secular,” this time, however, as representing

16 See F. Zemmin, “Integrating Islamic Positions into European Public Discourse,” *Journal of Religion in Europe*, 8 (2015): 121-46.

17 Interestingly, in their Introduction to my article “The Islamic Secular,” the editors (including Zemmin) wrote: “While his first two books fall within the fields of Islamic jurisprudence and theology, he has devoted more recent publications to current political questions, primarily questions of Islam and Blackness in America.” *Global Secularity I*, 720.

a mode of conceptual differentiation that is *not* non-religious, let alone anti-religious.

Zemmin repeats in this section his critique of my alleged claim that “the modern Western secular is the only secular” (Z, 291). Again, given the ideational frame and basic aim I set for my project, it should be clear that my point here was that the *meaning* the West commonly imputes to the term “secular” is not the only *meaning* it can have, not that only the West has put forth an understanding of the secular as a construct. The full sentence from which Zemmin pulls this quote reads: “But to abandon ‘secular’ on that basis would endorse precisely the view that I want to challenge, namely, that the Western secular is the only secular and that the history that produced that secular can be universalized to the point of foisting upon anyone who uses *the term* in relation to Islam the wholesale mapping of the Western meaning of ‘secular’ onto Islam” (*I.S.*, 28, italics added). Again, my reference to such thinkers as Ashis Nandy, André Béteille, and T.N. Madan (*I.S.*, 34, 392) attests to my recognition of the “secular” outside the West.

But what, ultimately, is the point of Zemmin’s critique in this section? If it is that *The Islamic Secular*’s claim to novelty is false, this is a claim that Zemmin reads into *The Islamic Secular*, not one it makes for itself. If it is that I was not as expansive or concrete enough in treating the secular as a global phenomenon, that was never my aim, stated or implied. I suspect, however, that what Zemmin is really saying is that I *should* have been more expansive and concrete in discussing the various seculars across the globe, as this would have likely driven me to the Leipzig studies that he considers to be “required reading.” I will return to this in Section 2.2 below.

2.1. Secularity in “the modern West”

In this section, Zemmin critiques my use of “the West,” “Western,” or “the modern West” as too loose, “popular,” and imprecise, bordering on a caricature. According to him, “it is not clear what constitutes this ‘West’” (Z, 292). And “In the context of secularity,” “in our current geopolitical moment,” “it could be (post-)Christian societies at large including, e.g., Russia and South America” (Z, 292). I would suggest, however, that, in “the context of secularity” or any other context, Samuel P. Huntington (d. 2008), Bernard Lewis (d. 2018), and even Bishop Desmond Tutu (d. 2021) would turn over in their graves at the sound of such reductionism. And all those Muslim critics of the “intellectual invasion” (*al-qhaww al-fikri*), the “cultural invasion” (*qhaww al-thaqāfi*) and “Westoxification” (*gharbzadegi*) would greet it with equal derision, as would any number of contemporary scholars writing on decoloniality. So too, I imagine, would South America’s

Nicholás Maduro! This nuancing of ‘the West’ is a later development in the trajectory running from *Multiple Secularities Beyond the West* (2015) to *Global Secularity* (2024). In the latter’s Introduction to the Series, the editors take to placing scare-quotes around “the West” every time they use the term. As we can see in the very title of the former, however, no such qualification is deemed necessary. Meanwhile, throughout the latter collection, the scholars included use “the West” without reserve. But Zemmin adopts the editors’ 2024 practice and raises it to the status of a new, universally binding standard. What is strange in all this is that while he (and his colleagues) ostensibly recognizes multiple *secularities* and multiple *modernities*, no such scare-quotes are placed around “secularity,” “secular” or “modernity.” What is it about “the West” that requires this gesture?

There are those who would see this as simply an attempt to re-write history, such that accountability for the modern condition, including secularization, is more widely distributed, and Euro-America is no longer the sole or primary target of decolonial or Islamist critique or resistance. Such reductionism, they would say, is designed to throw us off the scent, “the secular” now manifesting as a foreign imposition, now as an outgrowth of indigenous forces. Of course, the fact that I was poor when you met me neither negates nor minimizes the impact of the forms of poverty you continue to impose on me. Nor does it diminish the value or propriety of my critique or resistance. In the end, therefore, it is doubtful that Zemmin’s reductionism will arrest the belief, especially in the global South, that “the normative universal of secularism imposed by the West signifies, essentially, a transmutation of the hegemonic Western (Christian) worldview,” or the idea of an “inextricable connection between colonialism and secularism.”¹⁸ Zemmin cannot have it both ways. He cannot speak of “Global Secularity” as opposed to “Global Secularities” and then claim that the West as progenitor is indistinguishable from the non-West as imitator or adjuster.

Zemmin also suggests in this section that my association of disenchantment with “unbelief” or “anti-religion” reflects not a scholarly but a “popular” understanding of the construct, which is also reflected in the popular tendency to associate the Arabic *‘almāniyah* with *ilhād* (Z, 293). He suggests that my refusal to employ “*‘almāni* / *‘almāniyah*” in my Arabic translation of “the Islamic Secular” (which is *islām mā warā’ al-ḥukm shar’ī* or *al-islām khārij al-ḥukm shar’ī*) is based on my reliance on these popular understandings. He points to scholars such as the Egyptian ‘Abd al-Wahhāb al-Messiri (d. 1429/2008) as having rescued “*‘almāniyah*” from this “popular” understanding by recognizing a “partial secularism (*al-‘almāniyya al-juz’iyya*)” and “distinguishing it from comprehensive secularism (*al-‘almāniyya*)”

18 A. Yountae, *The Coloniality of the Secular*, 8, 10.

al-shāmila)” (Z, 293). He argues further that al-Messirī’s distinction here parallels the distinction I draw between the macro- and micro-secular. I presume the point here is that on a less “popular” understanding of disenchantment, “*almānī*”/ “*almāniyah*” would have remained an option in translating the Islamic Secular into Arabic (i.e., *al-‘almānī al-islāmī*). And this would have narrowed the distance between Zemmin’s “the secular” and the Islamic Secular’s ‘secular’, rendering the latter less unique and less justified.

Al-Messirī’s two-volume *al-‘Almāniyah al-Juz’iyah wa al-‘Almāniyah al-Shāmilah* (1423/2002) is a serious piece of scholarship from which one can derive much benefit. On my reading, however, Zemmin has essentially misunderstood both al-Messirī and me. Al-Messirī’s “comprehensive secularism” is an all-encompassing structure of thought that pervades and essentially colonizes the faculties and leaves no room for the religious or sacred. “Partial secularism,” by contrast, carries this same germ but on a level on which one may not be consciously aware of its impact. In other words, if one is simply dealing with modern “politics” or “economics,” oblivious to the epistemic workings back of all this, one might not recognize that secularism as a comprehensive structure of thought is operative. Al-Messirī explains:

“Partial secularism” is a partial perspective on life which applies to the world of politics and maybe economics and is often expressed as the “separation of Church and State,” the Church generally being the ecclesiastical institution. As for the State, this refers to the various State institutions. And some expand this to cover the separation of religion (and religion only) from the State, or public life in some respects. We call this arrangement “partial secularism.”¹⁹

As for “comprehensive secularism,”

We could also call it “naturalist/materialist secularism” (*al-‘almāniyah al-ṭabī’iyah/al-māddiyah*) or “negative secularism” (*al-‘almāniyah al-‘adamīyah*). This is a comprehensive perspective on the world at all levels and in all spheres, not only separating religion from the State or some aspects of public life but, first, separating all religious, moral and human values from every aspect of public life and then ultimately separating these from private life, to the point of stripping sacredness entirely from the world (man and nature)²⁰

19 ‘Abd al-Wahhāb al-Messirī, *al-‘Almāniyah al-juz’iyah wa al-almāniyah al-shāmilah*, 2 vols. (Cairo: Dār al-Shurūq, 1423/2002), II, 471.

20 Al-Messirī, *al-‘Almāniyah*, II, 472.

Al-Messiri's comprehensive secularism turns out thus to be identical with the "popular" disenchantment that Zemmin claims it transcends. More important, its juxtaposition with partial secularism bears no relationship whatever to my macro- micro-secular binary. The micro-secular carries *none* of the macro-secular's 'disenchantment', denial of religion, the sacred or divine presence. Moreover, whereas the macro-secular cannot, by definition, be religious, my micro-secular absolutely can, in clear contrast with al-Messiri's "partial secularism," which carries the same germ as "comprehensive secularism." It would have been easier and more academically sound for Zemmin simply to admit that my association of disenchantment with atheism and anti-religion was no more "popular" than Charles Taylor's referring to it as "the unbelief of the elite" (I.S., 42). But that would have implied that "the secular," as the "non-religious," was rightfully, and not as a "popular" over-reaction, dissociated from the Islamic Secular as a "religious secular."

2.2. Secularity beyond the West

Here the contribution of the Leipzig studies to Zemmin's assessment of *The Islamic Secular* emerges most clearly. He notes the book's 'failure' to consult these studies, "even though [they] would have seemed to be relevant to its endeavor" (Z, 294), as they speak to secularity beyond the modern and pre-modern West, including in the Islamic world. He points out that four of the slated seven volumes of the *Global Secularity* series have already been published, including one on the Middle East and North Africa. And he asks rhetorically, why *The Islamic Secular* "decided not to engage with this endeavor" (Z, 294). He then proposes a would-be answer: this material "might have complicated its [*The Islamic Secular's*] arguments or diminished its novelty" (Z, 294). From here, he goes on to point out how these studies "locate the secular within Islam," almost suggesting that in so doing they render my study superfluous. As we will see, however, this turns out to be both confusing and gratuitous, in that he tells us nothing about what these studies would have brought in concrete terms to *The Islamic Secular*, positively or negatively.

We see this lack of relevance in the case of Casanova and Taylor, whom Zemmin claims *The Islamic Secular* failed to follow into the expanded versions of their theories (Z, 294). While he intimates that the book is thus defective, he provides not a single concrete example of how such following would have contributed to or detracted from my argument.²¹ Indeed, he seems to think that I am (or should be) a *muqallid* of Casanova

21 He ignores, incidentally, my engagement with the debate between Casanova and Asad, with which he claims I did not engage (Z, 6; I.S. 187-88).

or Taylor who must follow them in everything if I follow them in anything. But I am no such *muqallid* (and this is not how *taqlid* works, anyway). And my appropriation of them is no different from Marx's of Hegel or Gramsci's of Marx.

As for the *Global Secularity* project, Zemmin claims that, while he writes as a member of this effort, his "primary aim is not self-promotion" (Z, 294). The fact, however, that *The Islamic Secular* could not have consulted this study, as it appeared in the same year as the latter, might suggest otherwise. More to the point, Zemmin gives the impression that this series consists of a group of scholars coming together from around the world and engaging with each other in a single space to distill the best explanations, understandings and deployments of "the secular." But this is not at all what this publication represents. It is a collection of articles, excerpts and translations from various scholars brought together 'between two covers', introduced and commented on by the editors and others. These scholars do not engage with each other directly, enroute to producing a "going opinion." In fact, the editors (which include Zemmin) state openly in the Introduction to Volume 1 that, in bringing these studies together, "Secularity'... serves as a heuristic tool, and not as a pre-fabricated concept."²² In other words, each scholar goes about his or her research as an individual and reaches whatever conclusions his or her investigations lead them to. These are then brought together and considered in light of the secular as a heuristic tool or "floating signifier," as they put it.²³ In criticizing *The Islamic Secular*, then, for not engaging with this material, Zemmin holds me to a standard to which none of the scholars in the series itself were held! In fact, it is not clear that Zemmin's critique here is faithful to the project itself. The project was open-ended and comfortable with casting its "heuristic tool" or "floating signifier" as far it could be reasonably cast, taking in a wide range of "seculars" or "securities," which could include a "religious secular," as evidenced by the fact that my 2017 article, "The Islamic Secular," appears in Volume 1!²⁴ But Zemmin seems to have decided to distill a more concrete definition and criterion for the secular — his "the secular" — and to read and assess *The Islamic Secular* through this lens. Here the metric of

²² "Global Secularity: Introduction to the Series," *Global Secularity* 1, XVII.

²³ "Global Secularity: Introduction to the Series," *Global Secularity* 1, XV.

²⁴ "Our general premise is that the diversity of secularities (multiple secularities) is rooted in different configurations of problems and interests, varying forms of encounters with the hegemonic powers of 'the West,' and distinct cultural imprints and historical path dependencies. As a result, diverse highly complex conditional structures have emerged in different societies, each resulting in unique, often controversial, and sometimes fragile forms of secularity." "Global Secularity: Introduction to the Series," *Global Secularity* 1, XV.

assessment is arbitrarily switched, from recognizing *multiple* secularities to the search for multiple manifestations of a *single* secularity — Zemmin’s “the secular.”

A similar description applies to Volume 2 of *Global Secularity*, on the Middle East and North Africa. The entries under the section “Pre-Modern Debates: Politics and Religion” consists largely of translated excerpts from pre-modern writers along with brief comments on them. I found nothing here even approaching a full-blown *theory* of the secular derived from Islam. Four of the nine Muslim scholars profiled are jurists: al-Māwardī, al-Ghazālī, al-Qarāfī and Ibn Khaldūn. *Pace* Zemmin, *The Islamic Secular* engages with *all* of them, on what many would consider to be a more intimate basis. Meanwhile, in their Introduction to my article “The Islamic Secular,” the editors write: “Jackson’s conception of how an explicit rejection of secularism as full-out separation can still be regarded as an instance of secularity. Yet even a denunciation of secularism, or the claim to an intrinsic connection between religion and the secular presumes a conceptual distinction between these two spheres.”²⁵ This is not an accurate depiction of “The Islamic Secular.” I do not “denounce” secularism. And the distinction they describe is not simply a “conceptual distinction” but *the* binary juxtaposition of “religion” and “non-religion.” This description is even less applicable to *The Islamic Secular*. As I write on the second page of the book: “This contradiction [between the secular and the religious] only exists, however, on the prior assumption of an oppositional relationship between the ‘secular’ and the ‘religious’ as one’s point of departure” (*I.S.*, 2). In both cases, at any rate, the aim is to impose upon my thesis a starker distinction between the secular and the religious to bring it more in line with “the secular” as adopted by Zemmin. I will return to this below.

In the meantime, we see this imposition of Zemmin’s understanding again in his claim that the *Multiple Secularities* project anticipates *The Islamic Secular* in locating “the secular” in Islam (Z, 295). He claims that I do not refer to any of what I describe as those “rare” discussions where Islam-cum-sharī’ah is taken as the point of departure in discussing the secular. This may be because he ignores my discussion of Marshall Hodgson (d.1968) and what he terms “the Shar’ī vision” (*I.S.*, 60, but see the whole discussion, *I.S.*, 59-63). I should add in this context that “Islamicate Secularities: New Perspectives on a Contested Concept” the Special issue of *Historical Social Research*, in which Zemmin publishes an article and cites as an “important publication” (Z, 295, note 21) openly proceeds on the basis of Hodgson’s frame of the “Islamicate,” which I pointed out was

25 “Introduction,” *Global Secularity II: The Middle East and Africa* (Berlin/Boston: de Gruyter, 2024), 2.

an inadequate frame for the Islamic Secular because it viewed the secular as non-religious.²⁶ At any rate, Zemmin goes on to argue in this context that I fail to consider “different points of departure.” Oddly, he actually highlights my reason for doing so, which would appear to undermine the whole point of his critique: “the extant works on locating conceptions of the secular in Islam do proceed with a basic distinction between religion and the secular that *TIS* rejects” (Z, 295).

And here we have it. My reason simply does not count. Zemmin has decided that “the secular” is “non-religious,” that his and the Leipzig studies establish this as fact, and that any theory of the secular in Islam that says otherwise is simply unworthy of consideration, a “dead end”. Lamentably, this reflects that “Yalta-like division of the world between the global North, where theory is done, and the ‘Rest,’ which is the kingdom of ethnography. The primary function of the marginalized geographies in this imperial cartography of reason is ‘to produce data and to serve as the test sites of the theory mills of the North’.”²⁷ *The Islamic Secular’s* crime is that it broke the rules by propounding an independent *theory* of the secular, autonomously and counter-intuitively arguing for a “religious secular.” And this it seems, as Churchill might put it, is “something up with which Zemmin simply cannot put.” By insisting, by contrast, that I immerse myself in the Leipzig literature, it is anticipated that my faculties would have been calibrated to seeing things as Zemmin sees them.

Zemmin also claims that Rushain Abbasi’s distinction between *dīn* and *dunyā* represents an example of “locating the secular in Islam” that I conveniently “brushed aside in a footnote” (Z, 295). I assume he read Abbasi’s article and that he noted the central role al-Ghazālī played in Abbasi’s argument. But if al-Ghazālī ultimately held that *dunyā* is *not* “secular” in the sense of non-religious, pointing this out should be enough to register the main point of my disagreement with Abbasi. He was not “brushed aside” with a footnote but engaged with directly in the body of the text (*I.S.*, 37-8). I trust that Professor Abbasi appreciates my minimalist approach to voicing dissent here, even if Zemmin does not.

But Zemmin uses strong language here: “brushed aside in a footnote.” I was initially mystified by this, until I discovered that Abbasi’s position is also Zemmin’s. In his article, “Validating the Secular in Islam: The

26 See “Islamicate Secularities,” 7-34 esp. at 12: “Hodgson’s concept of Islamicate is of interest to our project since it constitutes an influential scholarly intervention in the field of Islamic Studies that (1) introduces a conceptual distinction between religious and non-religious aspects of Islam at large...”

27 Yountae, *Coloniality*, 6.

Sociological Perspective of the Muslim Intellectual Rafiq al-‘Azm (1865-1925),” which appeared in “Islamicate Secularites,” Zemmin claims that al-‘Azm (who was not a trained jurist) successfully integrated the secular into Islam. According to him, the “terminological pair, *dīn* and *dunyā* or ‘*ibādāt* and *mu‘āmalāt* served to distinguish and at the same time hold together religion and the secular within Islam.”²⁸ In other words, Islam comprises both *dīn* and *dunyā* or ‘*ibādāt* and *mu‘āmalāt*. And as *dīn* and ‘*ibādāt* are religious and *dunyā* and *mu‘āmalāt* are secular, Islam can be seen as reconciling itself with and validating, the secular. I have already dealt with *dunyā*. As for *mu‘āmalāt*, what exactly makes them “secular” in the sense of extra- or “non-religious” (See also *I.S.*, 465 note 32)? Is the command to avoid *ribā* (?interest) less “religious” than the command to pray, even as they issue from the same God who explicitly attaches divine reward or punishment to each, literally declaring “war” (*ḥarb*) on those who violate the prohibition on *ribā*? What makes prayer in this context “religious” and loans “secular,” or non-religious, except the Kantian notion that true religion, *viz.*, Christianity, is ‘spiritual’ while all religious law and practice are just so much husk that can be discarded with no harm to the true essence of religion?²⁹ Who in the Islamic mainstream held such ideas before the dislocations wrought by modernity? And is such a notion of “the secular” in Islam in any way antecedent to the Islamic Secular?

Zemmin clearly does not like the Islamic Secular. And he seems more intent on shrouding it in mystery than in explicating it in a manner that would empower readers to arrive at a fair assessment of either it or his critique. So, let me offer here a quick thumbnail sketch of the Islamic Secular that goes to the heart of that with which Zemmin seems unable to come to terms.

There is little disagreement that the distinction I describe Muslim jurists making between the *shar‘ī* and non-*shar‘ī* qualifies as a mode of conceptual differentiation. Not even Zemmin challenges this. What the Islamic

28 Zemmin, “Validating Secularity,” 85.

29 See Y. Jansen, “Beyond Comparing Secularisms: A Critique of Religio-Secularism,” *The Oxford Handbook of Secularism* (New York: Oxford University Press, 2017), 379: “Kant distinguishes religion as a universally singular category, one accessible to everyone in principle, from the religiosity of particular ‘cults.’ Those cults are religious traditions replete with holy books, religious laws, and religious practice, which Kant regards as merely the exterior vehicles for an inner, moral, and universal religion. The more cultic, the less serious the religious core matters; religion concerns ‘meaning’ not ‘practice.’ Protestantism is, according to Kant, closer to true religion than Catholicism — and much closer than Judaism and Islam. Kant notoriously claimed that the “yoke of external observances” to which the Jews submitted should be cast off.” I won’t ask, incidentally, why Zemmin “decided not to engage with” this encyclopedic source.

Secular as a thesis adds to this, however, is the ubiquity of the divine gaze of the God of Islam. There are numerous verses in the Qur'an that we could cite confirming this. But perhaps the shortest route would be simply to point to that plethora of references to God as "All-Hearing," "All-Seeing," "All-Knowing." In other words, even beyond the realm of what God commands and prohibits explicitly, nothing falls outside the circumference of God's adjudicative gaze. This is what makes the secular that I locate in the jurists' commitment to differentiation "religious," indeed, "Islamic." Zemmin repeats several times throughout his critique that I reject and want to undermine any distinction between the religious and "the secular" as "non-religious." What he fails to appreciate (or perhaps accept) is that this is not my personal position but the position of Islam, as reflected in the Qur'an's relentless assertion of God's ubiquitous gaze: "*They said to their skins, 'Why did you testify against us?' They replied, 'God, who causes everything to speak, caused us to do so, while He is the one who created you initially, and to Him shall be your return.'*" *You did not try to hide yourselves such that your hearing, sight and skins would not testify against you. Rather, you thought that God did not know much of what you did. This vain thought about your Lord has brought you to ruin. And now you are among the losers*" [41:22-3]. As I repeat several times throughout the book, the pre-modern jurists from whose writings I derive what I describe as differentiation never normalized a platform of proceeding "*as if* God did not exist." Such an idea, an actual portal to "the secular," would gain currency in the Muslim world only with modernity ("Religion belongs to God, while the nation belongs to everyone" (*al-din lillāh wa al-waṭan li al-jamī'*)), modernity, incidentally, being the main thrust of the Leipzig studies.

Zemmin ends this section by asking if *The Islamic Secular's* novel terminology is convincing. I would ask "convincing to whom"? To those who see "the secular" as necessarily non-religious? Or to the Muslim oncologist who emailed me out of the blue to thank me for enabling him to see the religious and Islamic value of his professional exploits?

3.1 The "secular" in Islam *avant la lettre*

Zemmin repeats here his earlier claim that *The Islamic Secular's* aim is to locate "the secular" in Islam but adds that I want to authenticate this move by grounding it in Islamic tradition. He goes on to make comparisons with Christian efforts that, quite frankly, I did not understand. He also repeats the notion that my aim is to "criticize the present based on the supposed fundamentals, dominant trends or at least available resources of the Islamic tradition" (Z, 296). From here he enters a discussion on how modern "Muslim intellectuals" sought to come to terms with the secular as a self-sufficient realm. This is all interesting and informative. But it

distorts the argument of *The Islamic Secular* by throwing its ideational context out of focus. I state explicitly that, in crafting the *theory* of the Islamic Secular, I will not venture into the modern period even as early as the Ottomans, precisely because, “I wanted to highlight the fact that the Islamic juristic tradition’s recognition of the Islamic Secular is not an early modern, reactionary phenomenon but, rather, has deep roots in the pre-modern classical and post-formative tradition” (I.S., 22).

Zemmin’s attempt here to superimpose modern meanings, presuppositions and obsessions onto *The Islamic Secular* ultimately produces a caricature. For example, he notes how politics came to be seen in Islam as having a basis that was “distinct from religious doctrines” (Z, 297). But what do we mean by “religious doctrine”? The whole point of the Islamic Secular is that religious doctrine has a *shar’i* and a non-*shar’i* component and that it matters very much which one of these is being invoked. Similarly, he notes how “Islamic reformists” distinguished “human-made *fiqh* from universal principles of *shari’a*” (Z, 297). Fair enough. But the Islamic Secular’s argument is that neither *fiqh* nor *shari’ah* as a metric of assessment (I.S., 5-6) whose mandate is to identify the *salvific status* of acts can speak authoritatively to matters that call for different metrics of assessment — effectiveness, profitability or beauty, these values being as germane to the instantiation of Islam as praxis as the dictates of *fiqh* / *shari’ah*. On this understanding, the difference that modern reformers insist on between *shari’ah* and *fiqh* simply misses the point, as both *fiqh* and *shari’ah* consist of *shar’i* and non-*shar’i* elements. And neither *fiqh* nor *shari’ah*, man-made or not, can speak authoritatively to matters outside their mandated task. Zemmin insists, however, that in confronting the challenge of *ijihād*, “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” (Z, 297). He then asks, “Is this tendency not, in its basic positioning and thrust, in alignment with *TIS*, representing maybe even an ‘Islamic Secular’ avant-la-lettre?” (Z, 297). The answer here is simply “No.” First, the Islamic Secular explicitly does not seek to “restrict the concrete dictates of God’s revelation” (I.S., 111). Second, while the Islamic Secular clearly establishes revelation as the fundamental ground of salvific rules (*aḥkām shar’iyyah*/ sg. *ḥukm shar’i*), the factual determinations necessary to the latter’s instantiation may *not* (and routinely *are not*) arrived at by simply “expanding revelation’s principal relevance.” When the Qur’an commands Muslims to prepare militarily to meet their enemies, arriving at knowledge of how to fulfill this command, e.g., what kind of weapons-system to develop, is not a function of simply “expanding scripture’s principal relevance.” Third, the Islamic Secular

sees a clear distinction between the authority of the revelatory and the non-revelatory. Al-Khawārizmī's (d. 3rd/9th C) algebraic formulae may be true and practical. But a Muslim is under no obligation to believe or adopt them, in anticipation of divine reward or punishment, in clear contradistinction to the dictates of revelation. Fourth and finally, what economic, national healthcare policy or speed-limit could be arrived at in its specifics by simply "expanding revelation's principal relevance"?

Zemmin maintains that while the Islamic Secular contrasts *sharī'ah* as a bounded entity with Islam as an unbounded construct, modern reformers do not restrict *sharī'ah* to God's concrete dictates but often see it as a basic orientation that reclines upon such abstract principles as justice (Z, 298). On this understanding, he argues, *ijtihād* can proceed based on "contextual knowledge" beyond the would-be sources of *sharī'ah* yet within the circumference of Islam (Z, 298). In this light he writes, "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" (Z, 298). Now, by "modern reformers," Zemmin seems to have in mind the likes of Rafiq al-'Azm, not al-Ṭāhir Ibn 'Āshūr (d.1393/1973), 'Allāl al-Fāsī (d. 1394/1974) 'Abd Allāh Bin Bayyah, Su'ād Ṣāliḥ, Ṭaha Jābir al-'Alwānī (d.1437/2016), the late Yūsuf al-Qaraḍāwī (d.1444/2022), or any of the jurists and "intellectuals" connected with the various *fiqh* academies (*majma' fiqhī*)? But by what authority do we discount "modern reformers" for whom *sharī'ah* remains grounded in concrete, formal sources in favor of those for whom *sharī'ah* is an open-ended philosophical discourse around such principles as "justice"? How is this "justice" to be communally adjudicated? (*Whose Justice, Whose Rationality?*). Will it empower men to absolve themselves of the obligation to pay *mahr* (bridal gift) on the argument that women do not have to do so? Can women claim the right to polyandry on the argument that men have the right to polygyny? Are revelation and "abstract principles of justice" of equal authority? How much authority does this "contextual knowledge" confer upon Muslim states relative to Muslim communities? And with what shall these communities fight back? Indeed, is what Zemmin describes here just another step towards that Kantian arrangement that privileges the 'essence' of religion and recasts religious law and practice as just so much dead snakeskin with which we can dispense?

On these questions, it is easy to imagine reasons for retaining *sharī'ah*'s attachment to concrete, formal sources of adjudication. And in that light, the significance of the Islamic Secular emerges not in its "novelty" but in its ability to provide a formal basis for distinguishing divine, *sharī'*

authority from human, non-*shar'ī* authority in the negotiation of Muslim public and private life.

As for the example of 'Abduh that Zemmin adduces in this context, while he views 'Abduh from the perspective of modern reformers, the ideational context of both citations (*I.S.*, 224, 173) is of 'Abduh as a defender of *sharī'ah* as an extension of the pre-modern *fiqhī* tradition. Against the argument of Wael Hallaq, my claim in that context was that 'Abduh was not abandoning *sharī'ah* in favor of an open-ended philosophical excursus but simply recognizing, as did pre-modern jurists such as Shihāb al-Dīn al-Qarāfi, that even on the understanding of *sharī'ah* as grounded in concrete, formal sources, "Good is broader than the legal ruling" (*al-ḥasan a'amm min al-ḥukm al-shar'ī*). This, and not the notion that *sharī'ah* can be reduced to open-ended philosophical debate is what is being reflected in 'Abduh's approach, quite consistent with the thesis of the Islamic Secular.

3.2. The conceptual universe and terminology of *TIS*

Zemmin raises three basic points in this section. The first has to do with how authentically my Arabic translation of the Islamic Secular, *islām mā warā' al-ḥukm al-shar'ī*, would resonate among classical *fuqahā'* (Z, 298). I appreciate the thrust of this question, especially as one who seeks to ground his modern articulations in the pre-modern tradition. Substantively speaking, however, I think it ultimately amounts to a false question. I am not writing *to* the classical *fuqahā'* but rather in a sense '*from*' them. My target audience is not a classical one but a modern one, embedded in realities the classical *fuqahā'* never faced, including that of not being members of the ascendent civilization. What matters most, in other words, is how authentic my *modern* audience deems my argument to be. Regarding the classical *fuqahā'*, I am confident that they could engage with my arguments, understand them and recognize themselves in them. And this is all the recognition of authenticity from them that I need to be able to presume. Whether or not they would agree with my modern applications is a separate issue, especially since they do not know the reality to which they are being applied. I do think, however, that reminding them of a premise they themselves embrace, "differences in expressions do not always constitute difference in meaning" (*ikhtilāf al-mabānī lā yaqtadī dā'iman ikhtilāf al-ma'ānī*) would go a long way in assuaging misgivings. As for whether my articulations represent a "modern epistemology" as Zemmin suggests (Z, 298), while the West's modern ascendance is simply a fact, it is also a fact that Muslims have been adjusting to and re-shaping 'modernities' for over fourteen hundred years. Thus, for a Muslim to respond to a particular modernity, based on his or her own criterion, does not necessarily spell unwarranted capitulation.

Second, Zemmin seems to be arguing in this section that “religion” and “the secular” are ‘natural’ binaries, like life and death. As he puts it, they “constitute a conceptual pair,” and “There is no secular without the religious, and vice versa” (Z, 299). “How then,” he asks, “could one locate one side of that pair within the other,” as the Islamic Secular claims to do (Z, 299)? First, there *can* be religion without the secular, as we see in the categorical rejection of the secular by many modern Muslims. More to the point, however, rather than ask what the secular is, Zemmin simply asserts what one would hope he would prove, namely, that the secular *is* in fact non-religious. As long as one accepts this arbitrary premise, there is little hope of escaping the dilemma he poses. But whatever the secular might be, what if it is *not* religion’s binary counterpart? What if that counterpart is *Kufr* (willful denial/ rejection) — with a capital “K,” as it were, that is, not simply a rejection of Islam but of the idea of owing any debt to God, period. And what if, on this understanding, religion’s relationship with the secular is not one of contradiction or negation, like that between life and death, but simply of difference, like the relationship between “law” and “morality”? On this understanding, in the same way that law is different from morality while also capable of encompassing the latter, religion can be different from the secular while also including it. What religion *cannot* include is *Kufr*, which is why, to repeat my earlier point, the Islamic Secular does *not* seek to locate “the secular,” in the form of the macro-secular, in Islam.

Finally, Zemmin asks about my use of the term “law.” Sometimes I use “law” to refer to “God’s law or *shar’i* law” and other times to “Islamic law well beyond *shari’a*” (Z, 299). And, according to him, it is not always clear what “accounts for ... the Islamic character” of Islamic law in this expansive sense. I discussed this in both the section on the meaning of “Islamic” in Chapter 1 (I.S., 54-73) and in Chapter 3 (I.S., 128-75). These arguments are too detailed to rehearse here, but, in a nutshell, where officials such as the Caliph, Sultan or even *muhtasib* (marker inspector) identify what they deem to be interests (*maṣāliḥ*/ sg. *maṣlaḥah*) that do not revert concretely to the sources of *shari’ah* but serve the Community and then pursue the instantiation of these interests in a spirit of obeisance, *taqwā* and *qurbah*, the result is “Islamic,” whence “Islamic law,” in contradistinction to “*shari’ah*.” As for Zemmin’s question “when does “law” refer to legally enforceable norms and when does it refer to moral obligations and ethical guidelines” (Z, 300), the relevant distinction here is two-fold: 1) between rules that are subject to the legal process (read: courts) where adjudication is backed by a worldly sanction, e.g., contracts, theft, divorce and the like, and which rules that are not, e.g., the prohibition on eating pork or disrespecting one’s parents; and 2) between the legal statuses “obligatory” (*wājib/farḍ*) and forbidden (*ḥarām*) and the remaining three

categories (“recommended” (*mandūb*), “discouraged” (*makrūh*) and neutral (*mubāh*), these latter not being enforceable by courts.³⁰

4.1. The authority of the *fuqahā*’ after all

Here Zemmin returns to what he identified in his Introduction as the second main problem *The Islamic Secular* seeks to address, “the over-identification of Islam with law and shari‘a” (Z, 289, 300). He compares my approach with that of the late Shahab Ahmed, noting that Ahmed “expands the matrix of revelation” while also considering “reason and experience ... as the primary means for attaining Truth, superior even to scripture,” a conception of Truth in which “Even non-Muslims can share” (Z, 301). The *Islamic Secular*, by contrast, strikes him in this context as “a defensive argument,” ultimately “provincializing Islam,” as it repeatedly refers to “the God of Islam,” rather than “God,” let alone “the Truth’ *tout court*” (Z, 290). Space will not allow us to unpack all this here, but, hopefully, the following will suffice for now.

I feel a strong pull in Zemmin’s critique here towards Kant’s ‘universal religion’ pitted against the ‘cults’ of “law” and “practice” described in note 29 above. But what a Christian, Jew or Muslim experiences as ‘Ultimate’ is ultimately specific to these traditions, however much shot-through they might be with the results of negotiations with other influences over the course of history. No Catholic or Protestant experiences polygyny or reading the Qur’ān as religious acts or eating pork as a violation of religion. And no Muslim experiences divorce as an affront to God or praying to Jesus or the virgin Mary as God-pleasing acts. The non-descript deistic God of religious ‘everyone-ism’ may comfort modern secularists (or “non-confessional[s]” (Z, 290). But many continue to see through this substitution, now as in the past. The contemporary Protestant theologian Stanley Hauerwas warns that appeals to religious everyone-ism has caused Christians to “fail to notice that the god we worship is no longer the God of Israel.”³¹ Much earlier, the Catholic mathematician Blaise Pascal (d. 1662) famously declared: “23 November 1654: From about half past ten in the evening until half past midnight. Fire. The God of Abraham, the God of Isaac, the God of Jacob, and not of the philosophers and men of science.”³² In such light, it may be Muslims who call to the God of ‘everyone-ism’

30 See my *Islamic Law and the State: The Constitutional Jurisprudence of Shihāb al-Dīn al-Qarāfi* (Leiden: E.J. Brill, 1996), 192-210.

31 S. Hauerwas, *A Better Hope: Resources for a Church Confronting Capitalism, Democracy and Post-modernity*, Grand Rapids: Brazos Press, 2000, 29.

32 See the implicit colophon of Keith Ward’s *Pascal’s Fire: Scientific Faith and Religious Understanding*, Oxford: Oneworld, 2006.

not those who call to the “God of Islam” who are playing defense. As for the question of “Truth,” Zemmin overlooks a major insight of the Islamic Secular, namely that religion, or at least Islam, is not simply all about Truth (I.S., 70). What is the “Truth” of a successful economic policy or of the development of weapons-systems that protect Muslims from being bombed at will by their adversaries?

From here Zemmin moves to the claim that, despite its best intentions, the Islamic Secular ultimately over-empowers the *fuqahā’* and leaves them in charge. His argument is that, since I hold that it was the *fuqahā’* who placed limits on *sharī’ah*, they must maintain a monopoly over what those limits are. This too, however, entails a subtle misreading of the Islamic Secular. *Sharī’ah* can be properly thought of as a body of rules. But it can also be thought of as a *metric of assessment*, its mandate being to assess the salvific value, in terms of obligation or permissibility, of human acts. This is what the *ḥukm shar’ī*, or individual rule, does. Now, the limits the *fuqahā’* impute to *sharī’ah* are predominantly from the perspective of *sharī’ah* as a *metric of assessment* (I.S., 5-6). In other words, they recognize that engineering, economics or aesthetics are not disciplines for the regulation of whose *substance* we can rely on *sharī’ah*. *Sharī’ah* can tell us if an economic policy is permissible (e.g., it does not entail *ribā*, *gharar* or anything otherwise exploitative). But it cannot tell us if it will be effective. For the latter, other experts and determiners of fact will emerge as authorities. The point of the Islamic Secular is that Muslims need to know how likely their economic policies are to be effective, just as they need to know whether or not they are permissible. And once the *fuqahā’* acknowledge the limits of *fiqh/sharī’ah* as a metric of assessment, they cannot simply take this back. There may be wrangling over such questions as how much non-*shar’ī* expertise is required to assess a matter economically, aesthetically or in terms of how durable a building’s materials are. But this hardly amounts to leaving the *fuqahā’* in charge. Indeed, *most* factual determinations of this type will remain outside the jurisdiction of the *fuqahā’ qua-fuqahā’*.

Here I would like to offer an alternative to the value that Zemmin sees me imputing to the *fuqahā’*. *The Islamic Secular* does not over-empower the *fuqahā’*. As Chapter 2 clearly lays out, the *fuqahā’* are just as much a target of being policed by the limits imposed on *sharī’ah* as are non-*fuqahā’* regarding the limits of their respective domains of knowledge. What *The Islamic Secular* values in the *fuqahā’* in particular is the “discursive tradition” they developed and maintained, which allows for *disciplined* negotiation across a massive spectrum of issues (often deeply contentious) and an equally massive geographical expanse. This tradition laid the foundation for both

agreement (*ijmāʿ*) and agreement to disagree (*ikhtilāf*), as an alternative to mutual snubbing or “Wars of Religion,” all based on generally mutually recognized sources and principles. At the same time, it placed limits on the scope and degree of dissent, again, based on these same sources and principles. Such ‘rules’ of civic engagement, which is what this amounted to, are sorely missing among Muslims today. Instead, mutual snubbing and knee-jerk suppression of dissent looms large, as a result of the which state power is routinely looked to as the most expedient protector of the public order. When viewed from this perspective, whatever blame we may want to assign to pre-modern *fuqahāʾ*, I think we should be more charitable in recognizing this heroic achievement of theirs, especially when compared with the efforts of their modern descendants.

Zemmin sees a problem in this arrangement, however, at least as he sees me depicting it. He points to the example of ISIS (*I.S.*, 71), and my argument that they can be “Islamic,” on the presumption that their efforts are grounded in *taqwā* and *qurbah* and that, in this capacity, they may even earn half a reward. He asks, “Should a normative conception of Islam not be able to reject such practices more clearly?” (Z, 303). Of course, as I state clearly in *The Islamic Secular*, ISIS (and others) can be condemned as absolutely wrong, as not every effort that is “Islamic” in orientation necessarily results in “Islam” in substance (*I.S.*, 71-2). But what exactly does Zemmin mean here by “more clearly”? That they be excluded from Sunnī orthodoxy, as occurred with the Khārījites earlier? Or that something more definitive (violent?) be done to put them down? There is nothing, *ceteris paribus*, in the *Islamic Secular* that would preempt excluding ISIS from Sunnī orthodoxy, though I might caution that those we favor may not always preside over the definition of “orthodoxy.” As for putting their violence down, I see no more an impediment here than exists regarding unquestionably Sunnī rebels (*bughāh*), terrorizers of the public space (*muḥāribūn*) or everyday common criminals.³³

4.2. Islamic civilization and Muslim communities

Zemmin claims here that “The central concern of *TIS* is ... with Muslim communities in non-Muslim societies” and that this is complicated by “the central role and eventual authority of the *fuqahāʾ* within the community” (Z, 303). He notes that I assume a communitarian point of departure and a critical posture towards liberalism, assigning priority to my “own community” in a manner that he sees as jeopardizing the integrity of the larger whole. He is particularly exercised by my invocation of Carl

33 See, e.g., my “Domestic Terrorism in the Islamic Legal Tradition,” *The Muslim World*, 31/ 3-4 (2001): 293-310.

Schmitt's "*das Volk*" and the "bonds of love" that hold communities together, as these tropes might be invoked by "powerful supremacist groups, including movements like MAGA or the right-wing extremists of the AfD in Germany" (Z, 304). He suggests that instead of centering one's own group that we shift our focus to a common humanity and "work in solidarity for the equal rights of others" (Z, 304). The communitarian ethos, as he sees it, is simply too risky, "certainly ... in Germany with its history of fascism in the name of the *Volk*" (Z, 304).

These are noble sentiments. But in the limited space I have remaining, let me just say the following. First, Zemmin does not consider my discussion of whether individualism is as genuine an option for racial minorities who are invariably associated with some broader collective than it is for Whites as bearers of the lone 'invisible race' (I.S., 345). Second, he seems to assume that a communitarian posture is a unilateral *choice* on the part of Muslims. I argue, however, that while the Qur'an addresses individuals in their individual consciences, it also addresses Muslims as members of an *ummah* who have explicit, collective responsibilities in that capacity (I.S., 257-58). Third, by recognizing the reality that people are naturally attracted to 'their group', *The Islamic Secular* does not negate the value or possibility of cooperation or even love beyond one's group. The fact that we cannot love everyone *equally* does not mean that we cannot love everyone or anyone other than our own (I.S., 368). And even not loving a person or group does not condemn us to hating them: loving and hating are not our only options (I.S., 368). Meanwhile, the identity of "one's group" will differ depending on the positionality from which one is operating—race, gender, class, religion, even sect. And "Organic, supra-group empathy, solidarity and cooperation are cultivated neither by [liberalism's] public reason... nor by a *hukm shar'i*" but by something closer to Vico's *sensus communis* and the sustained fact and art of living together (I.S., 368). Ultimately, *The Islamic Secular's* position is that we can no more ignore the importance that people attach to group identity than we can ignore the value of individuals qua-individuals. Group identity is real. Even Zemmin describes himself not as a "White human" but as a "white German" (Z, 304). How to reconcile these identities with broader affiliations is among the major challenges we face in modern society. And much of the ire evinced by various groups is grounded precisely in liberalism's (or its dominant version's) refusal to recognize the collective side of their identity (I.S., 350-52). I understand Zemmin's worries regarding Germany. But individuals are certainly as capable of evil as are groups. And in both cases, part of the solution must reside in our ability to develop and invest in technologies of the self that can heal and spiritually educate the inner human, just as we have technologies to heal

the outer person. As for the question of equal rights, which also relates to the question of group-identity, in the experience of so many people across the globe today, dominant perceptions of “common humanity” and “equal rights” somehow always manage to end up as wards of a White, Western gaze, even as we deny the validity of “particularist claims” (Z, 304). We see this in the general absence of race from the entire secular/secularity/secularism complex, alongside the perpetuation of the misrecognition of race as a modern problem. I suspect that Turks living in Germany may have some sense of my meaning here. Meanwhile, Zemmin’s reference to “the equal rights of others” apparently does not extend to Islam’s right to proffer its own “religious secular.”

Conclusion (His and Mine)

Part of the argument of *The Islamic Secular* is that “the West holds no copyright on the term ‘secular’” and that Muslims can imbue this term with meanings of their own (I.S., 5). In his concluding remarks, Zemmin expresses what should be able to accommodate this position: “If the present — or any particular 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” (Z, 305). The problem here, as I see it, begins with the seeming inability on the part of many in the West to recognize *their* tradition as a “particular tradition”. This mindset can imagine the “all” to whom Zemmin refers (“belongs to all”) to be secular liberals with an immediacy with which it *cannot* imagine them to be Muslims or simply “religious.” Still, I have a prediction. In America and other parts of the West, there have been challenges to the secular-religious distinction,³⁴ including those who see the emergence of non-traditional modes of ‘spirituality’ and ‘religion’ and even voices that argue that “secular liberalism should be considered a religion.”³⁵ If and when this transmutation becomes normalized in the global North, the land of theory’s rightful progenitors, the Islamic Secular, as a “religious secular,” will cease to be an anomaly or a paradox (though in the West the secular will likely host the religious rather than the other way around). In the meantime, Professor Zemmin’s critical engagement both forced and allowed me to throw numerous aspects of *The Islamic Secular* into relief. I thank him for his thoughtful provocations and for the seriousness with which he engaged with my work.

34 See, e.g., F. Zemmin, “Integrating Islamic Positions,” 125, esp. note 15.

35 J.E. Fay, “‘Religious’ Secularism and Legitimacy in American Democracy”, *Columbia Journal of Law and Social Problems*, 57/2 (2024): 215-62 at 215.