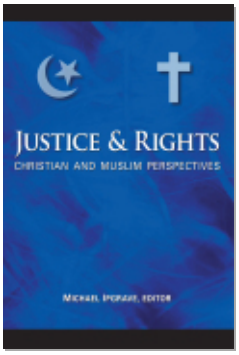
Justice and Rights

Ipgrave, Michael



Published by Georgetown University Press

Ipgrave, Michael.
Justice and Rights: Christian and Muslim Perspectives.
Georgetown University Press, 2009.
Project MUSE.muse.jhu.edu/book/146.

Chapter 4

Religious Orthodoxy and Religious Rights in Medieval Islam: A Reality Check on the Road to Religious Toleration

Vincent J. Cornell

Allah, Allah!
Save the Muslim way of life!
The accursed enemy has overcome us
And Qarmaṭī propaganda has spread throughout the land!

According to several historical sources, this urgent plea was sent in 1058 CE by the ʿAbbāsid caliph al-Qāʾim bi-Amrillah to the Turkish warlord Tughril Beg (d. 1063), the founder of the Seljuq dynasty of sultans. It refers to the capture of Baghdad by forces loyal to the Fāṭimid caliph al-Mustanṣir (d. 1094), a Shīʿite Muslim of the Ismāʿīlī sect, who ruled Egypt, part of the Arabian Peninsula, and a significant portion of the Levant. Upon their conquest of Baghdad, the Ismāʿīlī forces mandated the Shīʿite call to prayer and proclaimed the name of the Fāṭimid caliph in the Friday sermon. The vizier of the ʿAbbāsid caliph and many of his officials were executed in a gruesome manner. More than a century later, ʿImād al-Dīn al-Kātib al-Iṣfahānī (d. 1201), the personal secretary of the Ayyūbid sultan Salāḥ al-Dīn, who eliminated the last vestiges of the Fāṭimid state, wrote of these events: "The *sunna* of [the Fāṭimid general] was a hideous one, and almost extinguished the divine light. This was because he insisted on calling people to follow the bastard in Egypt."[1]

The capture of Baghdad by a Shīʿite army is important because it led to Tughril Beg's reconquest of the city and the establishment of the Seljuq sultanate, which dominated Iran and Iraq for nearly a century. The Seljuq period is important for Islamic political history because it witnessed the legitimation of the

sultanate, which became the dominant form of the Islamic state from the eleventh century until modern times. It is also important for economic history because it witnessed the spread of the *iqta'* (parcel) system of land tenure that dominated the rural economies of the Muslim world until modern times. Finally, it was a key period in the establishment of the ideology of Sunnī orthodoxy, which remains important to this day. Although both Muslim and non-Muslim scholars have claimed that there is no orthodoxy in Islam, the concept of Sunnī orthodoxy was central to Seljuq ideology. State (*dawla*), political order (*niẓām*), and religion (*dīn*) were all interconnected under the Seljuqs, and the defense of Sunnī Islam provided a major rationale for Seljuq rule. In Arabic, the term *sulṭān* literally means "holder of power." Typically, a sultan was a person who came to power by force of arms. Hence the office of sultan enjoyed less legitimacy than that of caliph or imam. This is why sultans before the fall of the ʿAbbāsid caliphate in 1258 had to be sanctioned by the caliph and why, even after the fall of the caliphate, the Mamlūk sultans of Egypt kept ʿAbbāsid descendants on hand in Cairo to legitimize their rule. Histories of the Seljuq state make it clear that the sultan was expected to provide five functions in return for his power: (a) to be obedient to Sunnī Islamic principles; (b) to express loyalty to the ʿAbbāsid caliph; (c) to promote social order throughout the realm and protect Muslim lives and property; (d) to patronize Sunnī religious scholarship; and (e) to put down heretics and social deviants, who followed "bad religion" (Persian *bad-dīn*).[2] Historians of the Seljuq period are nearly unanimous in noting that the Seljuq rulers were required to maintain "pure religion" (Persian *pāk-dīn*) and a concept called in Persian *niku-iʿtiqād*, literally "*ortho-doxa*" or "right belief." The historian Mustawfi Qazwini (d. before 1339), who wrote in the Mongol period and looked back on the Seljuq period nostalgically, compared the creedal purity of the Seljuqs with their predecessors and with certain of their successors, whose morals and religion he described as *mulawwath*, literally "sullied."[3] He even described Tughril Beg, who in reality had only a bare minimum of religious knowledge and did not speak Arabic, as "pure of belief and pure of creed" (*iʿtiqād-i pāk wa safa-yi ʿaqidāt*).[4]

The great vizier and organizer of the Seljuq state, Niẓām al-Mulk (d. 1092)—literally, "Organizer of the Kingdom"—was noted for being of "pure religion" and for having a "Muslim heart" (*musalman-dil*).[5] He established madrasas, such as the great Niẓāmiyya madrasas of Nishapur and Baghdad, for the propagation of Shāfiʿī jurisprudence and patronized the Sufis, who were useful to him in spreading Shāfiʿī law, Ashʿarī theology, and Sunnī principles among the public. The first vizier of the Seljuqs, ʿAmīd al-Mulk ("Support of the Kingdom") al-Kundurī (d. 1064), was noted for his doctrinal partisanship (*ta'assub*). He asked Tughril Beg to have Shīʿite Islam cursed from the pulpits of Khurasan. He also asked that a

curse be made from the pulpits against Ashʿarī theologians. As a methodological sectarian of the Ḥanafī rite, he was strongly biased against Shāfiʿī jurisprudence. For a time, he succeeded in having both Shāfiʿī jurists and Ashʿarī theologians banished from Khurasan.[6] After the assassination of the pro-Shāfiʿī vizier Niẓām al-Mulk in 1092, the Ḥanafī of the Seljuq regime launched another inquisition that led to the purge and execution of many Shāfiʿī jurists. The famous Sunnī theologian, Abū Ḥāmid al-Ghazālī (d. 1111), was a product of this environment. The sectarian conflict between Sunnī Muslim and Sunnī Muslim led him to write *Fayṣal al-tafriqa bayn al-Islām wa al-zandaqa* ("The Sword of Discrimination between Islam and Heresy").[7] Despite the fact that the Seljuq era was one of the most influential periods of Islamic history in the development of law, theology, and Sufism, one could still be persecuted or killed for belonging to the wrong faction, having the wrong theology, or following the wrong school of law.

The point of this introduction to the politics of religion in the Seljuq period is to demonstrate that theology and law both matter in Islam and that theological issues cannot be artificially separated from legal and political conflicts. The determination of whether one's religion was "pure" or "soiled" was all too often an issue of policy that was overseen by jurists. This is why the Ḥanbalī jurist and theologian ibn Taymiyya (d. 1328) felt so strongly that religious doctrine should not be adjudicated in courts. When discussing traditional Islamic resources for pluralism, it is important to remember that few if any of the premodern theories of the just state in Islam were realized and that such models represented the hopes and dreams of their authors more than the reality on the ground. Models of the state that corresponded more or less to reality, such as al-Ghazālī's apologia for the sultanate, tended to be exercises in realpolitik that sought to make the best of a bad situation. In the medieval Islamic world as in medieval Europe, rulers were often mercurial, judges often served the interest of their patrons more than the general interest, and officials such as *muftīs*, who were ostensibly independent, could lose their jobs or even their lives if they questioned the system. Islamic history is replete with examples of the misfortunes that befell jurists and religious leaders who became too independent.

The stark and often embarrassing realities of Islamic history are an important corrective to two types of anachronism. The first anachronism is fundamentalism, which artificially collapses the distance between the religious present and the religious time of origin. A typically fundamentalist approach is to take modern concepts such as civil society or human rights and project them back onto the scriptural sources of Islam without regard for accuracy or for institutional developments that would call the anachronistic use of such concepts into question. The sign of the fundamentalist approach is a reified statement about normative religion, such as "Islam supports human rights." Besides ignoring the question

of how the concept of right is expressed in the Qur'ān, the Sunna, and Islamic history, such a statement presumes there is a "correct" Islam that is discernible in the scriptures and that the "wrong" Islam of the historical tradition can be ignored. One does not need to read Foucault to realize that this modern version of the Seljuq notions of *pāk-dīn* and *bad-dīn* is a tool of authoritarianism and a product of the politics of knowledge.

The second type of anachronism is apologetics, which similarly takes modern Western concepts such as pluralism or freedom of expression and seeks to find examples of these notions in the writings and practices of the historical tradition of Islam. For example, an apologist could counter my description of sectarian intolerance in the Seljuq period by pointing out that in Mamlūk Egypt a petitioner could consult Ḥanafī, Mālikī, Shāfi'ī, and Ḥanbalī jurists one after the other and follow the decision of whichever jurist one wanted. This is true, but this counterexample does not prove the existence of the Western concepts of pluralism or freedom of expression in Mamlūk Egypt. The same state that maintained tolerance among the schools of Islamic law allowed the exoteric theologian ibn Taymiyya to be persecuted at the behest of the Sufis. Before discussing whether the "right" to religious freedom was present in medieval Islam, one must first understand what the concept of "right" means (both then and now) and how the differences between the medieval Islamic and modern notions of right affect the application of the concept today.

According to John Rawls in *A Theory of Justice*, a conception of right "is a set of principles, general in form and universal in application, that is to be publicly recognized as a final court of appeal for organizing the conflicting claims of moral persons."[8] Although it has sometimes been asserted that premodern Islam did not have a theory of rights, a concept of right can be found in the Qur'ān. One place where such a concept can be found is in the following verse: "Oh humankind! Respect your Lord, who created you from a single soul, and created its mate from it and from which issued forth many men and women. So respect God and the wombs, by which you ask recompense of one another" (al-Nisā' 4:1). In other verses, the concept of right, which is designated by the Arabic term *ḥaqq*, is more explicit, as in the following: "Do not take a human life, which God has made sacred, other than as a right (*illā bi-l-ḥaqq*); this He has enjoined upon you so that you might think rationally" (al-An'ām 6:151). Moral philosophers and legal theorists agree that the concept of right does not stand alone but that it also involves the concepts of duty and obligation. All three of these notions—right, duty, and obligation—are found in the Qur'ānic treatment of rights. The Arabic term *ḥaqq* can mean "right," "truth," or "justice." The idea that all created things possess rights as part of their ontological nature is fundamental to the Qur'ānic conception of justice. As such, the rights that are mentioned in the Qur'ān call forth specific obligations as corol-

laries to the acknowledgment of their status as a right. The semantic range of *ḥaqq* involves both a *right to* a particular good and a *right against* someone in the pursuit of that good. Both of these notions are implicit in the concept of *'adl*, another term for justice in the Qur'ān. The Qur'ānic meaning of *'adl* corresponds closely to the Aristotelian notion of justice, which carries the connotation of "fairness" or "equity."[9] In a previously published article, I suggested that the Qur'ān affirms the God-given natural rights of life, dignity, and freedom of choice, along with the corollary duty of mercy and the reciprocal obligation of justice.[10]

However, as Jeremy Bentham stated, "Right is with me the child of the law. . . . A natural right is a son that never had a father."[11] Rights in practice do not exist in a vacuum; each right that is enjoyed by a person requires a specific obligation from another. In addition, the granting of a right to a person implies the restriction of the rights of the other—at least to the extent that the other is prevented from violating the rights of the right holder. The mere fact that the concept of right exists in the Qur'ān does not necessarily mean that it has been employed adequately in Islamic practice. Nor does it necessarily mean that the concept of right in Islam means the same thing that it does in Western political philosophy. To make a proper comparison, one must first look at the concept of legal rights in the West, where most of the pioneering philosophical work on rights has been done. A greater understanding of the philosophical notion of legal rights can shed light on apparent contradictions and ambiguities in the treatment of the right of religious dissent in Islam.

For the purposes of this discussion, let us look at just one example of how a philosophically clearer understanding of legal rights can sharpen our understanding of the right of religious freedom in Islam. In the Anglo-American legal tradition, one of the most influential definitional treatments of legal rights can be found in the work of Wesley N. Hohfeld.[12] According to Hohfeld, the phrase "P has a right to X" has four possible meanings. These possibilities are logical possibilities and are not considered culture bound. In contemporary legal theory, they are called Hohfeldian categories:

1. A right may be a *privilege*, or a *bare liberty*. In the context of the right to religious freedom, this means that a Christian subject of an Islamic state has no duty not to go to church on Sunday, or that a Shī'ite subject of a Sunnī state has no duty not to include the phrase "Ali is the Friend of God" in his call to prayer. This is the minimal category of legal rights.
2. A right may be a *claim-right*. In the context of religious freedom, this means that officials of the Islamic state have a duty to allow Christians and Jews to worship as they please. Legal philosophers

further distinguish between claim-rights *in personam* and claim-rights *in rem*. Claim-rights *in personam* are duties that are assignable to particular persons because of a stipulated right, such as the duties incumbent on a signatory to a contract. A treaty or compact that allows Christian subjects of an Islamic state to build churches or sell pork in their own butcher shops is an example of a claim-right *in personam*. Claim-rights *in rem* are duties that are incumbent in principle on everyone. Religious freedom as a claim-right *in rem* would mean that the Islamic state would have an obligation to actively assist Christians or Jews in the practice of their religion. This might include providing state funds for the construction of churches or synagogues or the prosecution of Muslim subjects for desecrating Christian or Jewish places of worship. In Western societies, violations of claim-rights are often punishable by law in this way.

3. A right may involve the ability or *power* of an individual to alter existing legal arrangements. Rights that involve powers are usually powers of office, as in the U.S. president's right to cast a veto, or rights of trusteeship, in which one has the right to act contractually in the interest of another person. In the context of premodern Islamic society, this right may include the power of the sultan to renegotiate the terms of the agreement between the state and the Jewish or Christian *millets,* internally autonomous religious communities. Within a millet, it refers to the power of designated religious leaders to determine the affairs of their followers. In Western democratic societies, this right may potentially come into conflict with rights of individual autonomy, such as freedom of expression.
4. A right may constitute a type of *immunity* from legal change. In the context of religious expression in premodern Islam, this right was most consistently applied with regard to Qur'ānic provisions that allowed the worship of the People of the Book (*ahl al-kitāb*). Interestingly, it was less consistently applied with regard to ḥadīth accounts that mandated respect for the People of the Book and related prohibitions against molestation. Rulers who disrespected the rights of their Muslim subjects tended to treat this right lightly as well, up to Qur'ānic limits.

The claim-right is most commonly regarded as the Hohfeldian category that is closest to the notion of an individual right in political philosophy. A difficulty with Hohfeld's schema, however, is that it is narrow in scope and does not spec-

ify the place of moral duties within the concept of legal rights. For example, a well-known verse of the Qur'ān states with regard to religious freedom, "There is no compulsion in religion; true guidance is distinct from error; he who rejects false deities and believes in God has grasped a firm handhold that will never break. God is All-Hearing and All-Knowing" (al-Baqara 2:256). Muslim apologists frequently overlook how ambiguous this verse is. There is no compulsion in religion; however, because true guidance is distinct from error, the believer in an incorrect religion might be expected to find guidance eventually. What happens if she does not do so?

In most interfaith discussions, the phrase "there is no compulsion in religion" is defined as implying a claim-right *in rem*. In this understanding, every Muslim has a moral duty to let a Christian or a Jew practice her religion. However, is this really a claim-right? There is no stipulation as such in the text of the Qur'ān. Furthermore, the remainder of the verse strongly implies that God expects Christians and Jews to see the light and become Muslims. Therefore it is just as logical to conclude that this verse implies a mere privilege or a bare liberty and not a claim-right. Unlike a claim-right, which obliges Muslims to actively support Jews and Christians in the practice of their religion, a bare liberty requires nothing but minimal tolerance or indifference: Christians and Jews are free to practice their religion, but Muslims have no obligation to help them do so. Even more, worship may be construed as the only practice they are entitled to perform. A bare liberty confers no right to build churches or to accommodate religious minorities in specific ways.

The effects of such ambiguities can be viewed historically in the different approaches toward religious minorities in premodern Islamic states. It can also explain the variety of interpretations of the concept of *ahl al-dhimma* (protected or exempted groups) by Muslim jurists. The Ḥanafī jurist Abū Yūsuf (d. 808), who was legal advisor to the caliph Hārūn al-Rashīd and who viewed the rights of *dhimmīs* as claim-rights, was unequivocal in requiring that Jewish and Christian subjects of the 'Abbāsid state be treated with respect and leniency. The later Mu'tazilite Qur'ān commentator Zamakhsharī (d. 1144), however, saw the right of Jews and Christians to practice their religion as a bare liberty. Not only did he counsel against the use of state resources in constructing and maintaining churches and synagogues, but he also advised treating *dhimmīs* with contempt when they paid their *jizya* taxes, hoping that "in the end they will come to believe in God and His Messenger, and thus be delivered from this shameful yoke."[13] The view of the Muftī of Granada, ibn Lubb (d. 1381), appears to follow Zamakhsharī's logic.[14] For ibn Lubb, too, the right of Jews to practice their religion appears to be a bare liberty and not a claim-right. He differs, however, from Zamakhsharī mainly in being more disengaged. Seeing the infidelity of the

Jews as unlikely to change, he seems unconcerned with their eventual conversion to Islam and instead falls back on the formula of the Qur'ān: "To you your religion and to me mine" (al-Kāfirūn 109:6).

A different interpretation is provided by ibn Taymiyya, who concentrates on the contractual relations between the Islamic state and the *dhimmīs*. In his legal opinions on the subject of religious minorities, ibn Taymiyya takes as a precedent the seventh-century "Covenant of the Caliph 'Umar" with the Christians of Syria. According to the terms of this covenant, the *dhimmīs* of Syria were granted security of their persons, their families, and their possessions, although they did not enjoy the same rights as the Muslims. This stress on the contractual nature of the relations between the Islamic state and its religious minorities suggests that for ibn Taymiyya the primary right of the Christians of Syria was a right of immunity from legal change. In other words, subsequent rulers of Syria were contractually bound by the Covenant of 'Umar and thus lacked the power to change the legal position of the Christians of Syria even if they wanted to do so. But this was not all: The provisions of the contract of immunity also included two specific claim-rights *in personam.* One was the right to demand from the state the ransom of Christian and Jewish prisoners of war along with the ransom of Muslims. This duty of the state was seen as a "most serious obligation" (*'azam al-wājiba*) by ibn Taymiyya, who negotiated with the Tatars to ransom *dhimmī* prisoners as full subjects of the Mamlūk state of Syria. Another claim-right *in personam* was the right of the *dhimmīs* to free themselves from the Covenant of 'Umar and claim equal status with the Muslims if they enlisted in the army of the state and fought alongside the Muslims in battle. This last right was highly unusual for ibn Taymiyya's time and illustrates the close attention that Ḥanbalī jurists like ibn Taymiyya paid to the letter of the law with regard to contractual obligations.[15]

However, ibn Taymiyya was no liberal. He was extremely worried about the effect of religious freedom on the Muslim public and the influence of Christianity on Islam. This can be seen in the following statement by Victor Makari, who summarizes ibn Taymiyya's views on religious minorities as they are expressed in his letters and *fatwās*:

> [The Christians] managed to abscond from dutiful taxation; they intermingled with the rest of the population; they blazed about in an insolent light. They succeeded in occupying positions of power within the high places of government, of financial administration and of national security. They put their experienced skills for profit, and their crafty amiability to work for their self-enrichment to the detriment of the Muslims. . . . The Jews, too, sell wine to the Muslims in Cairo. In the public ceremonies of their cult, they jostle

> one another ostentatiously where the banners of Islam are unfurled. Their religious practices, and even their edifices which were becoming increasingly numerous, were dangerously encroaching.[16]

In short, ibn Taymiyya was caught between his fear of *dhimmī* influence and his respect as a jurist for the claim-rights of the Christians and Jews of Syria in personam. He personally agreed with the caliph 'Umar, who said of the *dhimmīs*: "Humiliate them, but do no injustice to them" (*adhilluhum wa lā tazlimuhum*).[17] This would imply a bare liberty with respect to religious freedom. However, he could not bring himself to overlook the agreement drawn up between 'Umar and the Christians of Syria. The Prophet Muhammad said of such agreements: "As for one who oppresses a covenanter (*mu'ahidan*), diminishes his right (*intaqasahu ḥaqqahu*), charges him with a burden he cannot fulfill (*aw kallafahu fawqa taqatihi*), or takes something from him without his consent, I will be the proof against him on the Day of Judgment."[18] According to the principles of Ḥanbalī jurisprudence followed by ibn Taymiyya, the opinion of the Prophet trumps the opinion of the caliph 'Umar. However, the Sunna of the Prophet did not trump the opinion of 'Umar to the extent that ibn Taymiyya advocated the claim-rights of *dhimmīs in rem*. Relations with *dhimmīs*, he said, were to be held strictly to the limits of their contract and no further. There was no question of the Mamlūk state's supporting religious minorities, even to the extent that they had done so far.

Ibn Taymiyya's moral dilemma brings us back to the problem of religious difference among Muslims discussed at the beginning of this essay. For ibn Taymiyya blames the "insolence" of the Christians on the Fāṭimid Shī'ites, who gave them unwonted power in the first place. He blames the entry of *dhimmīs* into the most important circles of governmental and economic life on the Fāṭimid caliph al-Mu'izz (r. 953–75), the founder of Cairo, who consulted with advisers of Christian origin.[19] Using a classic example of the "slippery slope" argument, ibn Taymiyya maintains that indulgence toward the Christians by the Fāṭimids, and other religiously lax regimes, promoted the undermining of Islamic values by allowing the adoption of Christian religious practices in Islam, such as celibacy, monasticism, and pilgrimages to the tombs of saints. These practices were picked up by the Sufis, who unwittingly acted as a fifth-column element that diverted Muslims away from the teachings of the Prophet Muhammad. Such innovations weakened Islam and made it susceptible to the dangers it now faced from the Tatars and other external enemies.[20] Similar arguments are made by Salafī and Wahhābī reformists today, who still rely on ibn Taymiyya's *fatwās*. Arguments of this type are also made by Muslim modernists, who otherwise have little to do with ibn Taymiyya.

In conclusion, what lessons can be learned from the preceding discussion? First, the example of the Seljuqs and the moral dilemma of ibn Taymiyya demonstrate that doctrinal and legal issues cannot be separated in the search for strategies of toleration in Islam. The problem of acceptance with regard to other religions is closely related to the problem of the acceptance of diversity within the House of Islam itself. Theology does matter, although it tends to be ignored by many contemporary Muslim intellectuals. I disagree with a senior colleague from the Dar al-Islam Center in New Mexico, who said, when referring to the subject of Islamic reform, "It is all about the Sharī'a." Much is indeed about the Sharī'a in Islam, and notions of the Sharī'a have an undeniably major role to play in Islamic reform. However, Islam is also about theology, as it always has been. In the premodern period, Sufis in North Africa and Muslim Spain were expected to produce formal statements of doctrinal orthodoxy (*'aqīda*) to prove that they remained within the pale of Sunni Islam. *Uṣūlī* reformists in Morocco, who are closer to Sufism than are other Salafī Muslims, are fond of saying, "It is all about *'aqīda*." The concept of *'aqīda* is at the intersection between law and theology. It is a reminder that both are relevant to the direction that Islamic thought will take in the coming years. Law and theology are the checks and balances of Islamic discourse. Theology protects Islamic thought from legal casuistry, and the law prevents theologians from second-guessing God.

Second, you will probably have guessed by now that I also disagree with our friend and colleague Tariq Ramadan, who said in his latest book, "There is no theology in Islam." I believe that attention to Islamic theology is particularly important because, with respect to the right to dissent and the right to religious freedom, the record of Islamic law (i.e., the tradition of *fiqh*) is so equivocal. It is not sufficient to respond, like the Muslim Brotherhood, that the historical tradition of *fiqh* does not follow "real" Islam. At worst, such a statement is guilty of the fundamentalist fallacy; at best, it falls into the fallacy of emotivism, where claims and counterclaims are made with insufficient grounds to back them up. If religious intolerance is not part of "real" Islam, then it is incumbent upon Muslims to make this statement true by reinterpreting Islam in a way that condemns intolerance specifically. Such a project requires new hermeneutical strategies. I propose that such strategies may be more easily found in the theological traditions of premodern Islam than in its legal traditions.[21]

Third, I believe that Muslims need to devote much more time than they have so far to the study of Western moral philosophy. I have tried to show how useful this can be by focusing on just one way of sharpening our understanding of the concept of rights. We need to know what rights are before we can talk about them meaningfully, and we need to know how concepts of rights differ conceptually and over time before we can compare them. Otherwise, we fall prey

to ideologues like Sayyid Qutb, who defined "freedom of conscience" as "freedom of consciousness"—that is, the "right" to be conscious of the ideology of Islam as he saw it.[22] In fact, I would go so far as to say that, today, the study of Western legal and moral philosophy is more important for Muslims than the study of classical Islamic philosophy. For me, Jeffrey Stout's *Ethics after Babel* is more relevant to the place of Islam in a world of pluralism than is al-Farabi's *Views of the Inhabitants of the Virtuous City*.

Finally, I remain a strong believer in the virtues of Islamic tradition when it comes to issues of worship and spirituality. I am more pessimistic, however, with regard to the chances of finding traditional Islamic solutions to the social and political problems of our times. Muslims should be concerned about authenticity and should do their best to find resources in the traditions of the past to help them solve the problems of the present. However, when such resources are not available, Muslims should be empowered to find new sources outside of Islamic tradition or create them themselves. If Sharīʿa and *fiqh* are to have continued relevance today, Muslims may need a new school of Islamic jurisprudence to guide their methodologies of legal practice. If Islam is to have a meaningful theology, pace Tariq Ramadan, Muslims need new theological approaches to supplement the efforts of figures such as Ashʿarī or Māturīdī. Only thus can Muslims develop an Islamic theology of toleration that is more than merely emotive.

This page intentionally left blank