

## *Book Reviews*

### **Religion and Politics in the Middle East: Identity, Ideology, Institutions, and Attitudes**

*Robert D. Lee*

*Boulder, CO: Westview Press, 2010. pbk. 352 pages*

### **Democracy, Human Rights and Law in Islamic Thought**

*Mohammad Abed al-Jabri*

*London: I.B. Tauris 2009. hbk. 258 pages*

### **Islam and Human Rights (Collected Essays in Law)**

Abdullahi al-Na'im (Edited by Mashood A. Baderin)

*Aldershot, UK: Ashgate, 2010. pbk. and hbk. (372 pages)*

### ***Reconfiguring Politics, Law, and Human Rights in the Contemporary Muslim World***

In the final decades of the twentieth century, a new strand of Islamic intellectualism began inserting itself into contemporary Muslim discourses on politics, law, and human rights. Not fitting into existing neat categories such as traditionalist, revivalist, and modernist-liberal Islam, its promoters operate on the interstices of established traditions and practices within the Muslim world, as well as the liminal spaces between cultures and civilizations. With the advent of the new millennium, the impact of their alterna-

tive, cosmopolitan or culturally hybrid ways of engaging with the Islamic heritage, or *turath*, is receiving increasing recognition.

In his latest book, *Religion and Politics in the Middle East*, which examines whether religion has primacy over politics or the other way around, Robert D. Lee's focus has shifted from individuals (Muhammad Iqbal, Sayyid Qutb, Ali Shariati, and Mohammed Arkoun) to a quartet of countries (Egypt, Israel, Turkey, and Iran). At the same time, he continues to acknowledge the significance of maverick thinkers such as the Egyptian Nasr Hamid Abu Zayd, Turkey's Said Nursi and Fethullah Gülen, and the Iranian Abdolkarim Soroush and Mohsen Kadivar in questioning, challenging, and transforming the intellectual and political scenes in their respective countries and beyond—although often forced to do so from abroad as exilic intellectuals.

His analysis is guided by a fixed set of notions: identity, ideology, institutions, and political culture. Lee uses these categories to illustrate that calling into question the intertwining of religion and politics is not only a relatively recent phenomenon, but one also very much associated with Western historical experiences—or, more specifically should be the emergence of the nation-state; the shift from oral to written traditions; the invention of the printing press; and growing individual autonomy. All of these have been crucial for the development of the nationalist outlooks in the rapidly changing environment of the modern Middle East where factors like geography, economics, and social structure, but especially technological advances, have impacted heavily on both politics and religion.

Lee's argumentation gravitates around the assumption that only in the short run, religion can be considered what he calls "an independent variant" capable of influencing the course of political processes, whereas from a long-term perspective the opposite is true—turning religion into a variant *dependent* on politics. While at face value this may seem counterintuitive, because of the overriding tendency to "take religion to be a primordial, unchanging aspect of individuals and even of states," in Lee's view, it is important to realize that "there is not a single Judaism, a single Christianity, or a single Islam, not in time and not in space" (10). And yet, even if religion as a short-term force loses in significance as an explanatory factor for long-term developments that does not mean it is unimportant. Working from the premise that analogies flow from politics to religion, it cannot be denied that religion has nevertheless successfully resisted the onslaught of ideologies such as Marxism. But as for the strained relation between a religious tradition like Islam and democratic rule the extent to which Mus-

lim societies succeed in resolving such tensions depends very much upon whether states push religion into the direction of Marxism.

Thus, it becomes apparent that neither the fusion nor separation of religion and politics are workable options. As even the case of France has shown, “the complete separation of religious and political institutions has been fleeting and illusory” (21). Whereas permitting completely autonomous religious organizations to function within a state may constitute a potential threat to the latter’s authority, states themselves have often depended on the services of religious organizations and, therefore, prevented a complete separation by keeping them within their purview through co-optation or incorporation.

As states apparently need the support of religious groups to ensure stability while the latter depend on state goodwill and protection, the religious and political spheres must bargain to find modes of cohabitation and collaboration. For this reason, using an argument eagerly employed by detractors of the modernization theory, it is impossible to make any univocal statement regarding religion as a causal force. In the course of 1970s and 1980s, their criticism led to the collapse of the modernization theory as an explanatory model—not least by overwhelming empirical evidence against the validity of the closely associated modernization-secularization thesis.

Inspired by the work of Donald Eugene Smith, Lee proposes the notion of political development—even though it evolved from the modernization theory—as a useful alternative to the latter’s singular and linear trajectory toward modernity, because it allows for a dialectical understanding of the interaction between the religious and political spheres and a plurality of outcomes: “Politics, religion, and social mobilization should thus be seen as interactive variables, sometimes independent, sometimes dependent” (42). On the basis of a survey of the vast literature on religion and politics produced by scholars from a variety of academic disciplines, *Religion and Politics in the Middle East* sets out to test a total of no less than twenty-five hypotheses.

Taking religion as an obstacle to political development, the first set is grouped inversely under the earlier identified categories of political culture, institutions, ideology, and identity. Aside from proponents, which include other scholars associated with the ideas of Weber, Durkheim, and Parsons, such as a later repentant Peter Berger, Lee also gives room to the contrarian voices of Marcel Gauchet and Ernest Fortin, who deny the claim that, because religious doctrines are necessarily authoritarian, they need

to be radically transformed into ideologies in the service of democracy. Empirical evidence supporting such challenges is the rejection of human sovereignty by Islamist ideologues like Mawdudi and Sayyid Qutb, and the hegemonic Islamization policies of the Pakistani and Malaysian governments. However, there are also positives: as examples, Lee points to “rational types” of religion weaning people off superstitions and guiding them toward individual initiative through education. Thus, religion can be used to instil a sense of morality, develop trust among the citizenry, and nurture faith in democracy.

This invites a speculative dialectic whereby the politicization of religion results in a pluralization of religious groups, which in turn “may eventually contribute to pluralism in the political arena” (68). On a more practical level, religion can be employed to promote common welfare and work as a vehicle to extend the state’s reach. Finally, Lee introduces three neutral hypotheses on which hinges the central thesis of the book—namely, that religion is not very relevant for politics, and that “politics shapes religion much more than religion shapes politics” (73). However, Lee concludes that, despite his argument for the primacy of politics, this “does not negate the possibility that religion also affects political development” (76). To illustrate the complexity of this interplay, he tests the detailed set of hypotheses through an assessment of the ways in which four Middle Eastern countries have dealt with religion in the political arena.

In the case of Egypt, the intertwining of religion and politics with social and economic changes has shown that “neither sphere can realistically contemplate victory” (114). Even though Islam has had a huge impact on the interaction, the dynamism comes “from the forces of social and economic change. At the same time, the significance of religion for Egyptian political identity has resulted in state intervention, “producing a tight embrace that solidifies the regime’s authoritarianism” (115). Also in the case of Israel, Lee maintains that although Israel has an entirely different religious tradition with its own peculiar political trajectory, “while religious doctrine and practice has indubitably affected the state of Israel . . . political opportunities and necessities have shaped religious thinking in more profound ways” (161). Turkey, meanwhile, is less an example of the complete separation of religion and politics than an instance of the state exercising control over the religious realm through the Kemalist ideology. Lee insists that in more recent years, the country has shown itself again exceptional in the ways a government controlled by a party with unabashed Islamic credentials explores the advocacy of a central role for civil society, the democratization

of the political process, and an active and high profile role in international diplomacy. In that sense it is not unlike the United States, with which it shares an “agrarian” attachment to religion, and this is considered quite extraordinary for a post-modern industrial state. Even in Iran, despite deceiving appearances, it is not so much religion dictating the political course as politics refashioning religion, whereby a passivist minority stance has been recast into a “batch national identity” (213). Also here, religion is not sufficient to explain the chain of events in modern Iranian history leading up to the revolution of 1979 and the developments transpiring in its wake.

In spite of all these very different trajectories, the four case studies are presented to confirm a similar pattern. Although he admits that with his book he has joined “the stampede to study religion,” Lee seeks to establish a comparative perspective, which is appreciative of the fact that religion is not an abstraction and should therefore not be treated in that way (268). In the examples he has used, liberalization and democratization remain secondary to the question of law and its enforcement by the state. The concomitant disjunction between the theorized ideal of divinely revealed law, or Shar‘iah, and positive law as the outcome of political processes guided by pragmatic considerations goes a long way in explaining the discords between Islamist activists and Muslim states.

This dichotomy is also at the center of the late Mohammed Abed al-Jabri’s *Democracy, Human Rights and Law in Islamic Thought*. A leading contemporary Arab thinker from Morocco, who passed away in May 2010, he is primarily known as a philosopher of knowledge, but his epistemological concerns have political repercussions as is reflected in this collection of his more engaged essays. Presented in one book, it consists of two volumes dedicated to the interrelations between religion, state, and the application of the Shari‘ah, and the connection between democracy and human rights respectively. In his introduction, al-Jabri describes the Shari‘ah debate as “a belligerent discourse . . . of equivocation and refutation” (3). He also criticizes attempts toward a contemporary rereading as lacking in grounding in religious texts or historical experience. His own epistemological preoccupation is illustrated by his view of the unacceptable conflation of the cognitive and ideological dimensions of the issues regarding the state, which he considers a “serious methodological fallacy” (3). Like Robert Lee, Mohammed al-Jabri regards the application of Shari‘ah more as a political than a religious issue, requiring an accurate understanding of the question of authority.

To this end, al-Jabri distinguishes the historical Arab-Islamic experience encapsulated in the conduct of the Prophet and his Companions as the basic authoritative cultural referent (*marja'iyah*) used by the jurists to devise the rules and foundations (*usul*) regulating the interpretative process (*ijtihad*) of their discipline (*al-fiqh*). The challenge they face is to tease out the guiding principles underlying the practice of the first generations of Muslims, *al-Salaf al-Salih* (Righteous Ancestors) not yet privy to *usul al-fiqh*, and apply these to the very different needs and concerns of present-day Muslims. In his call for a “deferment of previous interpretative judgments and resorting directly to ‘the conduct of the Companions,’” al-Jabri shows himself a modernist Muslim reformer (5).

Working from the premise that neither Qur'an nor the Traditions of the Prophet provide a clear definition of the relation between religion and state in Islam, al-Jabri says that the earliest practice was guided by the basic principle of the public good (*al-maslahah al-'amah*) and the derivative methodological principles of abrogation (*naskh*), occasions of revelations (*asbab al-nuzul*), and intents of Islamic Law (*maqasid al-Shari'ah*). These are not only at the foundation of the close relation between law and the development of humanity (pointing up Ibn Khaldun's influence on Jabri's legal-political ideas), but also retain their relevance in the understanding of human rights. For this reason, al-Jabri argues against the deification of the historical Caliphate and has no qualms about pointing out its “constitutional flaws,” and the enormous tensions between ideology, power, and Islamic ethics throughout history (37ff.).

Al-Jabri's humanist views serve as an explanation for his willingness to consider the way the relation of church and state is conceived in what he calls the “Renaissance Authoritative Referent” (47). As discussed in one of the later chapters, in spite of its European historical origins, it bears a close affinity with the Qur'anic understanding of humankind. This demonstrates the fallacy of the alleged dichotomy between religion and politics in modern thought. To al-Jabri's mind, that relationship is more accurately understood in terms of democracy and rationality than within the ideological framework of secularism. Again resonating with Lee's argumentation, he suggested that “eliminating the falsehood created by this dichotomy lies, above all, in separating the issue of the relation between religion and state from the issue of revival and progress. We have to look at each as an independent issue subject to several variables” (50). The parallel between Lee and al-Jabri continues: the latter agrees with the former on the primacy of the political process, insisting that “the relation between religion and

state should be addressed in the light of the facts in each Arab country separately” (51).

The historical experiences of contemporary Arab states are such that they can no longer only rely on the lessons from the *salaf*. Since the Arab world no longer stands on its own, there is nothing wrong with learning from the experiences of other nations, in particular those “that have imposed their civilization today as one for the whole world” (69). Arab Muslims should adopt their rationality to deal with economics, politics, social relations, and critical outlook in engaging with nature, history, thought, culture, and ideology.

Al-Jabri is careful in defining both the scope and the procedures for such a reform. He accuses the contemporary radical Islamists of overconcentrating on the sphere of Islamic law, while the extremists of old were concerned with issues of the creed (*‘aqidah*). The reason for this difference is that, while in the past there was a multiplicity of religious and intellectual systems, there was only one social system. The social reality of contemporary Muslims has been shaped by a confrontation between Islamic society and the systems of modern European civilization. Consequently, the current “disagreement in Islam . . . is a process of acclimatization and adjustment to incoming intellectual systems” (76).

On the procedural level, this had led to a methodological crisis. It is here that al-Jabri’s epistemological preoccupations come to the fore. While the modern Arab Awakening rejected Westernization and called for a renewal (*tajdid*) of Arab-Islamic thought, there still is a dire lack of intellectuals who are “methodologically and conceptually” equipped to exercise *ijtihad*, which in al-Jabri’s view is a method (*manhaj*) before anything else, as well as “first and foremost a mental/conceptual effort” (77). Although elsewhere he usually refers to the imposing figure of Ibn Rushd, in the present context, al-Jabri frequently invokes the contributions to the rerooting of *usul al-fiqh* by another Maliki jurist from Andalusia, al-Shatibi (d. 1388) in order to “restructure the methodology of jurisprudence” (81). A revision of the norms and basic principles for contemporary Islamic conduct requires a similar radical regrouping of original sources, based on *Maqasid al-Shari‘ah* rather than the historically conditioned underlying causes (*‘ilal*) of specific rulings, especially the controversial *hudud* penalties.

The second volume, dealing with the relation between democracy and human rights, is preceded by an introductory essay dating back to the earliest years of al-Jabri’s career. Instead of following the usual procedure

of “logically and chronologically” delaying the writing of both introduction and conclusion, al-Jabri decided to republish this text from 1964, in order to show his “stand towards democracy has not changed” (108). It evinces a philosophical understanding of democracy—again, less preoccupied with technicalities such as elections than with fundamental questions concerning choice as freedom and will. His view of political democracy is decidedly negative in the sense that it has neither achieved its own circumscribed objectives nor the goals of the people “summed up in the desire to create conditions in which they can live free from anxiety or misery” (113). While political democracy offers the opportunity to raising the awareness of the masses to their plight, a solution to social crises can only be reached by changing the conditions under which people live. Accordingly, “this mission cannot be accomplished except where civil liberties—political democracy—are guaranteed.” For al-Jabri, this means placing “political and social democracy in a dialectical relation: neither can be achieved without the other” (115).

The problem with the way democracy has historically been featured in the Arab-Islamic world is that the idea was carried by a modern urban elite, which was disconnected from the masses. Apart from lacking what al-Jabri characterizes as an “organic relationship” with the rest of society, the modern elite has also ignored the traditional intellectual elite of religious scholars who, like their “fundamentalist” brothers-in-arms, have remained “organically connected with the masses,” and are thus in an advantageous position to continue to “legislate for the future, even if by calling for a return to the past” (121). Interestingly, al-Jabri discourages not only equating democracy with the ancient Greek-Roman or modern European and American models; he also does not advocate taking recourse to the traditional Islamic concept of *shura* (consultation), because both its lexicographical meaning in the Qur’an and its historical application by rulers do not indicate the sense of obligation associated with the democratic concept of human sovereignty. Moreover, the jurists did not consider consultation a condition for the Caliphate, nor does it feature prominently in the *fiqh* literature.

Although the “call for democracy in the Arab nation is getting stronger and has been increasing since the 1980s,” it has still a long way to go before it can be transformed within the Arabs’ collective conscience into an “unshakeable conviction” (155). Misgivings regarding the viability of genuine democratic practice in the Arab world are the result of frequent experiences with the corruption of electoral processes or the deferment of

democracy on the pretext of the more important national struggles toward independence. Consequently, the political process in the Arab world has put democracy under the surveillance of the state at the expense of civil society. Successive generations of elites have continued to be culpable of this offense the moment they attain political power.

In spite of this sad state of affairs, al-Jabri insists that “democracy should not be viewed as a process that may be applied in one society or another, but as an essential process to be established”; it is the “only acceptable legitimacy; there is no alternative to it” (169). Al-Jabri is adamant that “democracy requires, first and foremost, the respect for human rights” (156). The remainder of the essays in this collection are concerned with that relationship.

Al-Jabri first discusses how modern human rights are a “cultural implantation” into the collective Arab psyche (173). Their place in the modern world order is indeed fraught with difficulty—as they have been manipulated as a weapon during the Cold War era, while their global validity was also questioned and criticized on grounds of the “Western form” in which they were promulgated through the Universal Declaration of Human Rights (UDHR), and other instruments of international law (175). This points to what al-Jabri identifies as the main feature of the current human-rights discourse: the tension between the claim to universal validity and the relativizing perspective of cultural particularity. He seeks to resolve this by highlighting “the universality of human rights in both European and Islamic cultures, to show that both are based on the same philosophical principles” and that “particularity and universality are not two opposite attributes but two integral ones” (177).

By way of illustration, al-Jabri draws a parallel between the concepts of the correlation between nature and reason, the “natural state” and “social contract” developed in eighteenth-century European Enlightenment philosophy, on the one hand, and the Islamic notion of *fitra*, which is already found in the Qur’an, on the other. In response to the challenge that such a comparison is flawed because of the incommensurability between secular modern European thought and Islamic religious thought, and that the specificity of legal rulings flies in the face of ideas of freedom and equality, he counters that European thought is not opposed to religion as such but to the way it was practiced by the Church, and that the rationale underpinning Islamic jurisprudence is only “relative, not permanent or unchangeable” (192). For a more detailed argumentation, he returns again to the *usul al-fiqh*, *Maqasid al-Shari’ah*, and *asbab al-nuzul* in order to demonstrate that

they provide a way out of the dilemmas surrounding the issue of religious freedom and apostasy, slavery and women's rights.

Aside from these legal technicalities, in his exploration of ways to "enhance awareness of human rights in Islam," al-Jabri also notes the importance of recognizing the underlying fundamental philosophical question (207). At this point, he returns to the epistemological concerns that have occupied him for the best part of his working life as an academic philosopher. "The methodological question which must be settled first" is how present-day human rights can be related to "a type of thought based on ideas and views that belong to a cultural field which is an inseparable part of the Middle Ages" (209). The issue at stake here is of an entirely different order than the ideologically-charged political and legal issues. In al-Jabri's perception, the interpretative scope of *ijtihad* is still open. In words that resonate with the terminology developed by Mohammed Arkoun, the French-Algerian historian of Islam who also recently died, al-Jabri suggests:

The 'intents of the *fuqahā*' are the 'incentives' of today, i.e. the aims and objectives behind the issue [of human rights]. In modern philosophical terms, occasions of revelation and intents, in their interconnection and integration, would be called 'what is thought of'. Both the 'thought of' and the 'thinkable' in a certain age had occasions of revelation and intents, but what had neither is termed as 'what is not thought of' and could also be 'unthinkable.' (210)<sup>1</sup>

Aside from the echoes of Mohammed Arkoun's rethinking of the Islamic heritage, aspects of al-Jabri's treatment of human rights can also be found in the work of the Sudanese legal scholar Abdullahi Ahmed an-Na'im. Political developments in his home country have forced this leading Muslim human rights specialist into academic exile in Europe and North America, where he is currently a professor at Emory University in Atlanta, Georgia. An-Na'im's writings eloquently articulate both the philosophical and legal hermeneutics required for a successful reconciliation between Islam and human rights, and their integration into the political and legal constellations of the Muslim world.

To this end, an-Na'im has developed a "theory of 'synergy and interdependence' of religion, human rights and secularism" (xxi). Laid out in two earlier books, entitled *Islam and the Secular State* (2007) and *Toward an Islamic Reformation: Civil Liberties, Human Rights and International Law* (1990), an-Na'im's general philosophy of Islam and human rights consists

of three elements (according to Mashood Baderin, a Nigerian legal scholar associated with the School of Oriental and African Studies and editor of the present edited volume, which brings together an-Na'im's essays of the last twenty-five years). First of all, the general validity of human rights as encapsulated in the UDHR, in spite of their Western origin, must be understood through an-Na'im's "philosophy of cross-cultural universality" (xvi). Secondly, the reconciliation between modern human-rights standards and Shari'ah can be achieved through a "philosophy of internal reformation of Islamic law" (xviii). Finally, as freedom of belief and political action is generally more securely guaranteed in secular states in the West, there is a need for "a philosophy of reaffirming secularism for Muslim states" (xx).

Like al-Jabri, an-Na'im sees the "stark choice between the 'divine' law of God and the 'anti-religious' law of man" as a false one: "*Shari'a* is neither as divine as its advocates claim nor secularism as anti-religious as its opponents allege" (9). In his first elaboration, he follows the same trajectory as al-Jabri, moving from a discussion of the historical Shari'ah developed within the Islamic state and its restricted understanding of human rights toward a solution for opening up these limitations. Although most of an-Na'im's discussions are coined in a much more technical juristic jargon than al-Jabri's, his legal thought did not develop in a philosophical and religious vacuum. On the contrary, time and again, an-Na'im refers to the inspiration he has drawn from his intellectual and spiritual mentor Ustadh Mahmoud Mohammed Taha (1910–1985), who was executed by the Nimeiry regime in the Sudan just before the Islamist *coup d'etat* later that year.

Although the honorific *Ustadh* foregrounds the scholarly credentials of this important Sudanese political opposition leader and cofounder of the outlawed Republican Party, Taha's charisma was in no small measure also based on the spiritual authority he exercised. I suggest that his highly original rereading and radical reinterpretation of the Qur'an, translated into English by an-Na'im himself and published as *The Second Message of Islam*, constitutes a modern Qur'an interpretation that can be simultaneously be read as a politically-charged *tafsir* and Sufi *ta'wil*. For an-Na'im, it forms the moral compass with which he navigates towards a "kinder, gentler Islam" (33) and plots the course for his labors as a Muslim legal scholar.

With that in mind, in the same vein as Lee and al-Jabri, an-Na'im also recognizes that "[w]hatever the historical self of Islamic peoples may have been it is neither possible nor desirable to redeem it in the modern intensely

interdependent and interacting world of nation-states and sharp international boundaries” (35). In such a world order, it becomes all the more imperative to “maintain that Shari‘a is not the whole of Islam, but rather a historically conditioned interpretation of the fundamental sources of Islam” (40). This requires a revision of the very concept of interpretation or *ijtihad* itself. Like al-Jabri, an-Na‘im is concerned with a “novel reform methodology,” reasoning—with reference to Taha—that

The totality of Islam of Islam should be seen in light of an important fact: it had to fill the needs of a specific community of Muslims of seventh-century Arabia at the same time that the eternal and universal principles of justice and human dignity were being formulated. Owing to this duality of purpose the sources of Islam inevitably contained a rather contradictory set of principles. . . . Islam consists of two messages, one transitional in nature and localized in application and the other eternal in nature and universal in application. (42)

The only legal environment that can ensure such a radical, intellectually honest and perfectly legitimate reinterpretation respectful of self-determination and internal cultural integrity is a secular one. This means that the “commonly presumed incompatibility between Islam and secularism needs to be reevaluated” (47). A more appropriate way of conceiving religious and secular attitudes is to see them “on a continuum rather than a strict dichotomy” (51).

A similar vision underlies an-Na‘im’s refashioning of the issue of particularity vs universality in the human-rights debate in terms of synergy and mutual influence, which could also be detected in al-Jabri’s integrated understanding of these attributes. Moreover, reflecting Lee’s understanding of the interaction between religion and politics as dominated by politics and reducing the religion to a dependent variable, an-Na‘im insists that “this debate should be expanded, to include the role of the local and global, social, economic and political factors, instead of focused on purely theological analyses of the relationship between religion and human rights” (57). The successful implementation and application of modern human rights standards can only be the outcome of a genuine reconciliation between sociopolitical conditions and scriptural imperatives (67ff.). On the same grounds, the only way civil rights can be guaranteed in the context of the Islamic constitutional tradition is by recognizing its historical conditioning and the need for the sustenance of shared ideals under divergent regimes (105ff.).

Citing the leading Syrian-German political scientist Bassam Tibi, “there is no universal Islam, but a variety of local Islamic cultures,” an-Na‘im stresses that “the question is always about people’s understanding and practice of their religion, not the religion itself as an abstract notion” (130–31). Such an observation reflects an appreciation of creative human agency. Within the present context, this means that “the relationship to human rights is always about how people negotiate power, justice and pragmatic self-interest, at home and abroad” (205). Therefore, his conclusion is:

This contextual framing of the issue is necessary for focussing on Muslims as human beings and societies in their internal and external relationships like all other people and societies. . . . I am thus concerned with the Islamic traditions (in plural, to indicate its diversity) as well as with the humanity of Muslims. (206)

Sharing the same anthropocentric perspective, an-Na‘im singles out the very same themes as al-Jabri where the challenges to the Muslim shortcomings in recognizing the true universality of human rights are most acute: freedom of religion and apostasy; the position of religious minorities in the Muslim world; and the rights of women. To this, he adds a plea for the abandonment of the *jihad* doctrine.

The only way to redress these inequalities and injustices is through a “radical revision and reformulation of the techniques for deriving legal rules from basic Islamic sources (‘*osul al-fiqh* [sic!])” along the revolutionary lines of Mahmoud Mohammed Taha (238). Even though he remains cognisant of the contingency of human rights and has even argued that the enculturation of human rights will ensure their vitality and dynamism, an-Na‘im also insists that there are limits to “cultural relativism” if that implies discriminatory practices, which violate the general standards of basic rights to which all human beings are entitled. This is exactly the same point where the views of the philosopher al-Jabri and the jurist an-Na‘im converge: that the UDHR may be of Western provenance, but “the genesis of the same norms . . . can be found in almost all major cultural traditions,” including Islam (249).

These remarkable parallels between a Moroccan neo-Averroist philosopher and a Sudanese legal scholar and Sufi disciple reflect the cultural hybridity and intellectual symbiosis characterizing the cosmopolitanism of the *Turath* thinkers emerging in the final decades of the twentieth century

who are leaving an indelible imprint on new ways of thinking about Islamic heritage in the globalizing world of the third millennium.

### **Endnote**

1. For a more detailed discussion of Arkoun's "unthought" and "unthinkable," cf. Carol Kersten, *Cosmopolitans and Heretics: New Muslim Intellectuals and the Study of Islam* (New York: Columbia University Press, 2011).

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