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Remembering the *Umma* in the Confines of the Nation State

Faiz Sheikh and Samantha May

Introduction: Rendering legible Islamic imperial memories

The chapter presents one framework of political formation, the *umma*, understood here as the global community of Muslims, and overlays this historical and contemporary assembly on that of the liberal citizenship of the nation state. It argues that the *umma* disrupts some of the assumptions of liberal citizenship, specifically the role of the individual and the secular characters of that citizenship. Such disruption is achieved through drawing on pre-colonial memories. In relation to the wider discussion on diasporic and transnational understandings of religious culture within established populations, this chapter traces how Muslims who settle in European societies interact with the norms of liberal citizenship found therein. It concludes that notions of citizenship as derived from historical imaginings of the *umma* can nonetheless largely accommodate themselves alongside a framework of liberal citizenship. Transnational Muslim solidarity or community does not entail an actual threat to liberal citizenship with regards to Muslims living in European countries, but it does question the liberal theoretical position regarding how communities are formed, presenting challenges to individualism. The presence of a conscious Muslim diaspora in liberal European countries serves Muslims in distinguishing between obligations towards God (*ibadat*) and obligations to community (*mu'amalat*), in two senses: the community of the transnational *umma* and the community of location or the established communities in which Muslim citizens find themselves. The heart of the chapter tackles the double identification of belonging – in both the local or particular setting and in the transnational sense, in which the *umma* was always intended – essentially investigating the tension between the *umma* as a notion of communal participation and the liberal notion of individualist citizenship. The chapter begins by relating imperial memories of the concept of the *umma* and then proceeds with a discussion of liberal citizenship, before interrogating the two understandings of community and asking whether and how there can be mutually beneficial borrowings and plural accounts of community.

To use the term ‘imperial’ in contemporary political discussion has almost become a form of blasphemy, as it automatically connotes historical European colonialism. Blasphemous or not, this chapter will nonetheless utilise this term, resurrecting the pre-Marxist usage and reclaiming the concept on the basis that not all empires and imperial processes were European or Western. A vast array of historical political assemblages were based on imperial polities, and to shy away from the term due to European embarrassment would be Eurocentric at best, but at worst ignore and render invisible political and communal legacies remembered in the fabric of communities originating outside the Western domain. Thus, the concept of imperialism utilised in this chapter broadens its employment from the economic model dominant in Marxist literature. While economics was a powerful aspect of Islamic imperialism, historically the role of law and religious ethos dominated.

It must be emphasised that using the analogy of imperial memory is not to claim that the *umma* wishes the recreation of an empire. Nor does it necessitate an immovable set of concepts and beliefs. On the contrary, collective memories are malleable and can be re-imagined to meet new conditions, as voiced by Evans and Phillips when they proclaim:

Time is layered upon time so that one buried layer of history seeps through to the one above ... the cumulative impact of these different layers is a past that is permanently present. (Evans and Phillips, 2007, p. 25)

A return to what Michel Foucault describes as a ‘pre-liberal’ voice, here the Muslim *umma* may prove impossible, given the ‘totalizing discourse of Western, capitalist modernity’ (Shani, 2010, p. 210), but the dominance of liberal ideas of citizenship should not blind the onlooker to the existence and value of alternative frameworks that persist in its shadow.

The *umma* rests on collective identity that exists in at least three forms: texts, practices, and memory. Texts range in existing literature from the *Qur’an*, *Hadiths* (sayings and doings of the Prophet), and diverse legal literature to written histories of Islamic empires and Muslim peoples. As Mandaville states, ‘to read is, of course, to *interpret*’ (Mandaville, 2001, p.155). In this way, the reading of the past is contextualised by the needs and conditions in which they are being read. The second enduring legacy of Islam’s imperial past is the continuance of Islamic institutions and practices. These contain the performance of obligations to God (*ibadat*), which include the five pillars and other forms of pious practice that persist across the contemporary world wherever Muslims reside. These practices do not

fit neatly into the liberal nation state structure: they assume solidarities that do not privilege the individual. Islam continues to be practised on a collective, rather than individual, basis. The continuance of Islamic practices, such as *zakat* (obligatory alms), although partly in the 'private' domain, spill over to the public arena, causing problems for secular liberalism. Finally, Islam's historic past remains prevalent in the memories of Muslim peoples. This is not to argue that memories are remembered in the same way by all Muslim people or even in the same way by a Muslim person throughout their lifetime. Aspects of history are emphasised, while others are glossed over or forgotten in relation to present needs, allowing memory itself to assist in the contextualisation of the present (Fortier, 1999, p.46). Texts, practices, and Islamic memory all originated and have developed from the early Islamic polities which emerged within an imperial context. Using the analogy of imperial memory is merely to posit that historical texts, Islamic practices, and rememberings are historically imperial in character and inherently emphasise collectivist and religious practices that work contrary to liberal concepts of individual citizenship.

The Western imposition of the nation state did not destroy pre-existing assemblages in Muslim countries, but was superimposed upon existing political and social arrangements. Memories of historic Islamic imperial understandings of sovereignty, just governance, and community formations are being reawakened by a more politically conscious *umma* and diasporic Islamic networks to meet the challenges of the specific temporal conditions in which they operate. The *umma* is problematic to liberal notions of citizenship, as a popular notion exists that Islam is 'repellent and strange ... The notion commonly associated with it is the Sharia ... which would seem to be incompatible with the rules of enlightened reason' (Van Ess, 2006, p. 1). Islam may overlap geographically with liberal 'spheres of influence', especially in the case of Muslim diasporas in Europe, but operates 'relatively independently of the circuits and networks that define the structure of global liberalism' (Adamson, 2005, p. 548).

To identify why liberalism would view the *umma* as 'strange', this chapter employs Scott's notion of spaces of 'illegibility' (Scott J. C., 1998), which are spaces of public life that are not easily accommodated into pre-existing state categorisations, that is, categorisations aimed to simplify and make 'legible' the actions of state citizens.

State simplifications can be considered part of an ongoing 'project of legibility', a project that is never fully realized. The data from which such simplifications arise

are, to varying degrees, riddled with inaccuracies, omissions, faulty aggregations, fraud, negligence, political distortion, and so on. (Scott, J. C., 1998, p. 80)

That which the state cannot simplify is either not ‘seen’ or found to be irreconcilable. The *umma* is but one of many examples where the state’s attempts at simplification render their actual mechanisms ‘illegible’. Attempts to read the lived experiences and community behaviours of the *umma* through the lens of liberal nation state frameworks renders them apparently illegible, or they become a special case in political theory. What follows first outlines that which is seemingly readily legible in the European nation state, the concept of liberal citizenship, and then moves on to the illegible, that is, the *umma* in historical and contemporary articulations.

Liberalism and the notion of individuality

Liberalism is singled out in this discussion not because it is the only location of friction concerning the *umma* but because it is often argued to be the most problematic. Michael Doyle (1986, p. 1152) wrote in the late 1980s, ‘[t]here is no canonical description of liberalism’. Yet, the entire Western political system is founded on its principles, derived from the European Enlightenment (Ramsay, 2004, p. 1). The fundamental pillar of liberalism is the respect for individual autonomy (Haider, 2008, p. 7). This respect leads to a collection of rights pertaining to individuals that are seen to epitomise the liberal state; these include, but are not limited to, ‘equality before the law, free speech and other civil liberties, private property, and elected representation’ (Doyle, 1986, p. 1151). Islam and liberalism are perceived to provide competing discursive opportunities (Adamson, 2005, p. 548). To assess the validity of such positions this section critiques the ontological groundings of liberalism.

According to contemporary liberalism, ‘it is the rights and duties of citizenship which constitute the shared bonds of political community’ (Chandler, 2009, p. 62). The idea of Kant’s sovereign human being, a rational actor fully able to articulate and realise his wants and needs, heavily underpins liberal thought. When free, these individuals can come together and form society later. For Islam, the *modus operandi* is reversed: society is assumed to exist already – an Islamic society, that is – and its aim on the social level is to bring individual Muslims into that society (Labeeb, 2007, p. 72). Maureen Ramsay (2004, p. 32) sees Kant’s ‘abstract individual’ as a fallacy; it is not realistic to believe in the existence of an ‘asocial, atomistic, solitary and self-sufficient individual’. The idea of individuals as ‘sole generators

of their wants and preferences' (Ramsey, 2004, p. 253) is misleading and critiqued by various theoretical paradigms, as individuals are, at the very least, influenced by their surroundings as much as they constitute them. For Ramsey, a liberal theory that pursues individual freedom with such a 'radical conviction' (2004, p. 253) may undermine the cause of justice.

Contemporary debates on liberalism centre on agreement or disagreement with John Rawls' concept in *Political Liberalism* (2005 [1993]). Whether one agrees with Rawls or not, his theory 'dominates the field', as writers on liberalism who disagree with Rawls have to justify why they do so (Kymlicka, 2002, p. 55). For Rawls, access to resources, education, and wealth, for example, affects social justice (Kymlicka, 2002, pp. 299–300). Therefore, some measure of redistribution is required by way of the state, which impinges on an individual's absolute freedoms to provide equity in society. In essence, Rawls' theory aims to provide a 'level-playing field' for all individuals of society, so that those less advantaged might achieve their worth. Consequently, this concept of freedom 'directly derive[s] from views of what constitutes a self, a person, a man' (Berlin, 1969, p. 134). The liberalism typified by Rawls derives its theory of equality not from a transcendental source of rights, but from the rationality of an individual. In this way, Rawls' liberalism moves away from a universalised 'ideal'. Ramsey (2004, p. 253) caricatures Kant's 'solitary and self-sufficient individual', who by some abstract rationality comes to consensus with other abstract individuals. Rather, Rawls engages in a thought experiment that might still be abstract, but accounts for different notions of individuality, grounded in community (not everyone is assumed to have the same rationality when entering into Rawls' thought experiment, but must instead take steps to mitigate their position in society).

For Hamid Haidar (2008), Rawls' liberalism is therefore more tolerant of alternative ideologies, and in particular Shi'a Islam. Haidar asserts that removing the secularism from liberalism helps to reconcile it with Islam. As liberalism is concerned with 'tolerance, individual liberty, and rights' and secularism with 'separating life or politics from religious concerns', a less secular liberalism may be easily reconciled with an Islamic liberalism (Haidar, 2008, p. 21). The dominance of liberal ideals in the notion of citizenship means that the debate is almost always one of either 'how best to raise Islam to a level where by it is compatible with liberalism', or a zero-sum conceptualisation whereby *only* liberalism *or* Islam can exist in contemporary discussions of transnationalism. Such an embrace of teleology, wherein liberalism represents an inevitable stage of advancement for all peoples,

problematically (and ironically) removes notions of pluralism from any such discussion, and imbues Europe and European heritage with a 'pioneering agency' (Hobson, 2012, p. 13) which non-Europeans are destined to emulate, but not innovate.

John Schwarzmantel, by contrast, is very critical of any merging of religion in politics; for him, religion and liberalism are challengers for the same ontological space, incapable of living together as religion offers 'illusionary consolations for poverty and misery in the real world which could in fact be cured by human action' (2008, p. 120). In the teleological world view of liberalism, ever marching on towards progress, religion represents a 'reversal of the modernist Enlightenment project', and something to avoid (Schwarzmantel, 2008, p. 121). Schwarzmantel's preference for secular ideologies rather than religious ones lies in the fact that he sees religion as a particularly divisive form of cultural identification, undermining the unity offered by secular positions (Schwarzmantel, 2008, p. 123). Arguing that we live not in an age of 'post-ideology', but in an age of postmodern rejection of grand narratives, Schwarzmantel maintains that '[a] more accurate view sees such post-ideological diversity as existing within and contained by a more pervasive dominant ideology of neo-liberalism' (2008, p. 168). Such a teleological view of progress is problematic as by singling out religious ideology as being divisive, he does not acknowledge the divisiveness of secular ideologies. Here, we argue rather that the focus of any perceived incompatibility between liberalism and religion can be more correctly attributed to a notion of universal individualism inherent in the liberal ideology, not to liberalism's secular nature. The absolute priority of the individual undermines the cause of social justice, and so Ramsey concludes that '[t]o bring forward the emancipatory project of liberalism once embarked upon, we can retain the respect for the equal worth of each individual, but we must jettison the liberal conception of that individual and all that follows from it' (2004, p. 254).

Imperial memories and alternative citizenship: The *millet*

Historical treatment of minority communities highlights the difference between the individualism practised by modern liberal states and the communitarianism of historical Islamic polities, wherein group tolerance was preferred over individual autonomy. The different minority groups in the Ottoman Empire, for example, were 'permitted to practice their religions and earn their livelihood, as long as they deferred to Muslim authority and kept

a low profile' (Deshen, Shlomo and Zenner, 1996, p. 15), recognising that generally, with some contextual exceptions, only the other Abrahamic faiths, the *ahl al-kitab*, People of the Book, were afforded such a status. Perhaps one of the most striking aspects of contemporary Muslims is the apparent compatibility with loyalties both larger and smaller than that to the nation state; both transnational and local. In part, these compatible loyalties can be explained by a sense of religious solidarity with the *umma* and a shared legal code which transcends nation state boundaries. However, there are also memories of historical imperial political systems that both allowed and encouraged differing loyalties to flourish under one political framework.

The enormous geographic expanse of the Ottoman Empire incorporated many ethnic groups of differing religious orientations. Even those of the same religion had traditions that, in practice, differed substantially from one area to the next. In order to accommodate the vast array of peoples, the Ottomans preserved the existing laws and codes of religious communities called *millets*. In creating the *millet* system, the Ottomans created a dual loyalty to the Ottoman Sultan and the Empire on the one hand while retaining original loyalties to existing religious and geographic groupings on the other (Shaw, 1962, p. 617). The example of the Prophet and *al-rashidun* (the Prophet's immediate successors) served as the basis for the institutionalisation of the *millet* system by Ottoman law, derived from the Constitution of Medina and the contract established between the Prophet Muhammad and People of the Book. Islamic sanctioning of the *millet* system was granted from the *Qur'anic* ruling that People of the Book should be entitled to, and granted, protection (Toynbee, 1955, p. 122). The Ottoman Empire was not the only Islamic assemblage to utilise the precedent of the Constitution of Medina, but as one of the largest and most enduring Islamic empires, the legacy of the *millet* system is profound.

People of the Book could expect the right of protection and autonomy within their *millet* on the proviso that they carried out their duty of respecting the laws of the empire outwith their individual communities and paid their due taxes to the sultan's government. The *millet* system comprised non-territorial autonomous groups, intermingled geographically throughout the extensive territory of the empire. It is important to note that the *millet* system did not offer equality. Different rights and obligations existed for Muslims and non-Muslims. Within the *millet* system the fusion of religion and politics was evident. The religious leaders of the various *millets* were recognised in the Ottoman capital as political rulers of their

communities. This imperial memory contains within it a blueprint for legal pluralism, but one which is hierarchically structured. The hierarchy evident in Islamic legal pluralism may seem to contradict the egalitarian assumptions of liberal pluralism, although arguably the latter too contains a silent hierarchy¹, whereby the individual is privileged over the collective group and the secular deemed more 'rational' than the publicly religious practitioner. The form of group tolerance shown by the *millet* system did not privilege the rights of the individual; while autonomy was granted within groups legally and culturally, the individual *had* to be affiliated to a community. If a person denied all faith and thus became *kufir* (an unbeliever), it was a crime punishable by death. In this regard Will Kymlicka describes the Ottoman method of rule over minorities as 'antithetical to the ideals of personal liberty' (2002, p. 231). However, a degree of historical symmetry is neglected by Kymlicka. Regarding the equality of persons and personal liberty in the *millet* example, it is clear that the egalitarian nature of Islam is as chequered as that of political liberalism. While Islam freed people of the Middle East from the authority of kings hundreds of years before Europe did the same, it quickly reverted back to hereditary royal authority. Likewise, Islam provided an unheard-of level of women's and minority rights at its inception, although these rights are often perceived as stagnant and insufficient with the advent of social or democratic liberalism. Until the advent of the twentieth century, however, they still remained far greater than those offered by Europe in relation to property and divorce.

To hold up the record of historical Islamic governance against that of modern-day liberalism is a fallacy, as liberalism too has its dark periods (not least the Jewish pogroms, European witch-hunts, colonisation, racial segregation, and women's subordination). Domenico Losurdo points out, for example, that '[s]lavery is not something that persisted despite the success of the [eighteenth- and nineteenth-century European and American] liberal revolutions. On the contrary, it experienced its maximum development following that success' (2011, p. 35). Political liberalism has matured over hundreds of years, yet even now is argued by Mark Duffield to have maintained large zones of exception across the world, which ensure 'our' liberties by denying 'theirs', whoever they may be (Duffield, 2007, p. 192), much in the same way that 'exception clauses' (Losurdo, 2011, p. 342) have allowed for 'liberal' slavery and 'liberal' colonialism. The notion of the individual so venerated in the liberal tradition was historically a limiting term that did not cover various peoples, from non-white peoples to women, to those who did not own property. In short, despite the place of *dhimmi*s as subordinated under Islamic rule, Islam has a strong egalitarian current that

maintains that '[m]ost noble among you in God's eyes is he who fears God most (*Qur'an*, 43:13). This Qur'anic verse is often used to show that there is no social distinction between Muslims, except that of piety.

Approaching an Islamic citizenship through the *umma*

For many, the *umma* is simply a body of pious believers distinct, and separate, from temporal political practice and thought. Yet, in an era of globalisation, issues concerning identity and community formations spill into the political domain both intentionally and unintentionally. It is salient to note Juergensmeyer's account of Western nationalism as espoused by theorists Kohn and Emerson:

When Kohn and Emerson used the term *nationalism* they had in mind not just a secular political ideology ... but a particular form of political organization: the modern European and American nation-state. In such an organization individuals are linked to a centralized, all embracing democratic political system that is unaffected by any other affiliations That linkage is sealed by an emotional sense of identification with a geographic area and a loyalty to a particular people and identity (Juergensmeyer, 1994, p. 14)

Striking is the assumption of supreme loyalty to the territorial nation state. The individual is presumed to be incorporated into one political assemblage which is 'unaffected by any other affiliations' (Juergensmeyer, 1994, p. 14). The concept of the *umma* therefore adds confusion into the heart of theoretical frameworks that take for granted supreme loyalty to the state. Despite the apolitical stance of many Muslims, the *umma* is deemed a political 'problem' in relation to liberal citizenship and transnationalism, and thus the community of believers becomes a political issue regardless of whether the community wishes it to be so. This issue has become even more pronounced over the last several decades with the rise of Islamism.

Despite the nation state framework dominating many theories on Islamist ideologies and practices (Esposito, 2002; Kepel, 1994; Kramer, 1996; Roy, 2004), an imperial paradigm may be more appropriate. Islamist movements repeatedly refer to the Islamic imperial framework through references to the model of the first Islamic polity formed by the Prophet and the early Islamic community:

They call for a return to Islam. Behind this call was the belief that it was Islam that had united the tribes under Muhammad, inspired the early expansion and conquests, informed the glories of Islamic empires and civilizations, and served as a motivating force in revivalist reforms ... the lessons of faith and history were clear Coping with modernity did not require new, foreign-inspired alternatives when the community (*umma*) had a tried and true faith and way of life. (Esposito, 1998, p. 161)

If the *umma* ‘had a tried and true faith and way of life’, what then might it look like, as inspired by the Prophet and his earliest followers? And, more pressingly for the discussion at hand, why is it perceived as antithetical to liberal citizenship?

Majid Khadduri describes a dual agreement amongst the Muslims of Medina to explain the transition of sovereignty from the Prophet Muhammed to his successors. He explains:

Under Muhammad not only the executive, but also the legislative and judicial functions of Allah were united ... In more precise terms we may argue that only the possession of sovereignty resided with Allah, while its exercise was delegated to Muhammad. (Kadduri, 1955, p. 10)

During the Prophet’s lifetime, a single contract sufficed to justify a Muslim’s loyalty to the Prophet. As Muhammed’s authority was synonymous with God’s, granting sovereignty to Muhammed was tantamount to granting sovereignty to God. With the death of the Prophet, those who had interpreted their contract to lie with Muhammed sought to reject the authority of Medina, the capital of the nascent Islamic polity. Those who interpreted their contract to lie with God were left to appoint a successor to Muhammed, ‘entrusted with the execution of the divine commands which were still binding upon the Muslims’ (Khadduri, 1955, p. 10). Using an example derived from imperial memory, the *riddah* wars fought under the *caliph* Abu Bakr between 632 and 634 set the precedent for punishment for apostasy as death (Ayoub, 2004, p. 74). Importantly, punishment was not immediately executed and allowed a period for repentance (Peters and De Vries, 1976–1977, p. 6). This example demonstrates the importance of the contractual agreement with God.

Khadduri identifies the two contracts used to delineate sovereignty in the period of the *rashidun*, following the death of the Prophet and the end of a singular contract. These were as follows: first, a contract between the Muslims and God and Muhammed, represented by submission to Islam, the declaration of faith, *shahadda*; and second, a contract between the

Muslims and the Caliph (or approximate leader), the Muslims empowering the Caliph to enforce the divine law (Khadduri, 1955, pp. 9–12). These two contracts, and the inference that a Muslim polity necessarily enforces divine law, lie at the heart of what makes overlaying the imperial assembly over the notion of liberal citizenship so problematic. There can be no space in liberal citizenship for the enforcement of divine law if that enforcement undermines the autonomy of the individual. Equally, it underlines tensions within liberal theory. If the right of the individual, including the right to personal religious freedom, is to be taken seriously, then the right to practise religious law collectively, at least in the private domain, has to be accommodated.

Abdul A'ala Maududi, the founder of Jamaat-e-Islami in British India in the 1940s, identified a distinction between a 'Muslim' and 'Islamic' state (Ayubi, 1991, p. 128). These two concepts coincide with Khadduri's two contracts, but Maududi articulated them in the form of two different kinds of sovereignty, political and legal. 'Political sovereignty thus naturally means ownership of the authority of enforcing legal sovereignty' (Maududi, 1960, p. 18). Here, Maududi introduced a hierarchy to the dual contract. The one pertaining to legal sovereignty is superior to the one pertaining to political sovereignty. Legal sovereignty is also referred to as the 'Divine Code' or *hakimiyya* ('the sovereignty of God') by Maududi, and in this way he finds space for God, through the *shari'a*, to legislate in the state. The political sovereignty he describes is that of a 'vicegerent of God', and therefore, 'the scope of its activities will naturally be restricted within the limits ordained by the Almighty Himself' (Maududi, 1960, p. 27). In this way, he does not contradict the Qur'anic injunction in chapter 2, verse 229, '[t]hese are the limits ordained by God; so do not transgress them' (*Qur'an*, 2:229).

If Muslims, by virtue of their *shahadda*, automatically abide by the first contract with God and the prophet Muhammed, then does this ensure that the Muslim diaspora, in feeling a sense of solidarity with other Muslims through the *umma*, must pose a threat to liberal citizenship? Not necessarily. Referring to imperial memory once again, the authority of the *rashidun* was 'indistinguishable from the public body' (Rahman, 1979, p. 79) in their time, but under the Umayyad dynasty of the seventh and eighth centuries, authority became distanced from civil society. The death of the Prophet and an end to direct access to divine guidance for Sunni Islam meant that the need for a second contract to legitimate authority in the Islamic polity was evident (a legitimation achieved in Shi'ism through the Imams).

The second contract is an explicitly political contract compared to the first, which is overtly religious in nature. The second contract relates to life in the temporal world. The distinction between the temporal and the transcendental is one that recurs in Islamic discourse. Much of the ambiguity about political guidance in Islamic source texts centres on temporal and transcendental aspects of the *shari'a*. The first contract is grounded in religion and is an authority that 'will be useful for life in both this and the other world' (Rahman, 1979, p. 79). The second is an authority that is based on an 'intellectual (rational) basis' (Rahman, 1979, p. 79) and is only of benefit to this temporal world. When Muslim contractors agree to the second contract, they are agreeing primarily to prevent anarchy that would lead to the demise of humanity. As an ideal, they are empowering the Caliph to enforce the divine law as agreed in the first contract. This second contract is built on the first, in the hierarchy that Maududi alludes to. The first, *shahadda* contract, binds Muslims to the law, and '[t]he law ... precedes the state: it provides the basis of the state' (Khadduri, 1955, p. 16). Does the *shari'a* restrict the ability of the polity to function, or of Muslim citizens in European countries to be part of a liberal citizenry should they wish?

Here, it is argued that in certain circumstances the Muslim contractor, in agreeing to the second political contract, is not necessarily advocating or asserting the enforcement of divine law. In such circumstances, the political authority has perhaps succumbed to the evils that can result from it, 'such as tyranny, injustice, and pleasure-seeking' (Ibn-Khaldun, 1958, p. 391). If such a case was not possible, then for what reason does Ibn Khaldun, a Muslim proto-sociologist of the fourteenth century, expound upon a taxonomy of the various authorities in Muslim lands? In fact, there is a difference between a caliph (or 'imam', which Ibn Khaldun uses as an approximate term) and a sultan or mulk (king). The former satisfies *both* contracts with the Muslims and the latter only the second in its purely temporal nature. Both are possible, and it is conceivable for Muslims to consent to both types of authority. If a Muslim is able to practise their faith, then the first contract is upheld. That the second contract is not used to its full advantage, to uphold and enforce Islamic values in a given territory, does not mean that its lesser function, that of maintaining government, is not of value. Upholding government is necessary for Muslims to practise their faith.

A second argument countering the blending of religion with politics is contained within the work of Piscatori, who uses Qur'anic verse and historical precedent to show how Islam endorses a pluralistic political life, thereby nullifying the universalism of the *faith* in

the realm of the *political*. Among many verses used by Piscatori to this end³, the most poignant is chapter 42, verse 8, which states, '[i]f God had so willed, He would have made them one community'. This verse lays the foundations for ideological and political divisions in Muslim territory, where law, politics, and territory need not be contiguous. On historical precedent, Piscatori references the pacts made by Muhammed with the Jews of Medina (as in the *millet* system), the Christians of Aqaba and the polytheists of Mecca. After the period of *al-rashidun* he points to the Umayyads' relationship with the Byzantines, where one caliph established truce and tribute with the Byzantines and another accepted aid from them to decorate the Prophet's Mosque and the Great Mosque in Damascus. 'The Abbasids rather more routinely concluded treaties with foreigners' (Piscatori, 1986, p. 49), and during the Crusades several formal treaties were established between the Muslims and the European, Christian kings. Piscatori concludes that, against the perceived universality of Islamic politics, 'Muslim rulers found no difficulty at all in having formal diplomatic dealings with non-Muslims when it was necessary to do so' (Piscatori, 1986, p. 49). Despite the current dominance of the nation state system which presumes a singular centralised political system, past and present political assemblages allow for the possibility of multiple political configurations to exist in the same place simultaneously for reasons of expediency. Therefore, if Sunni Islamic social contract does not *always* demand that political authority apply the *shari'a* at state level, so long as that authority does not impinge on Muslim rights to adhere to the primary tenets of *shari'a* on a personal level, then from this reading the ideological, political, and territorial universality of Islam are not as absolute as we might believe.

There is one further reason to contest the idea that it is the potential mixing of religion and politics within Islam that is problematic to liberal citizenship. Mohamed Arkoun makes reference to 'secular religions' like Marxism and Fascism and believes that secularism and religion have common features (Arkoun, 1998, p. 218). John Gray elaborates on these common features and comments on the similarities between the religious fundamentalism of al-Qaeda and other Western, secular, political ideologies. It is not, for Gray, religion that causes what is considered 'irrational' behaviour, but rather the characteristics of political modernity that do so. Al-Qaeda's assertion that they can create a perfect order on earth is a peculiar myth shared by Nazism, Communism and liberal positivism (Gray, 2003, pp. 1–4). The only difference between religious brutality in the past and contemporary religious or ideological brutality is that previously damage was done to individuals and society for the

sake of life after death, whereas now it is done for the sake of an idealised utopia that can be realised in the here and now (Gray, 2003, p. 117).

Can the *umma* and liberal citizenship be compatible?

Having explored two frameworks of citizenship, one liberal and the other Islamic, this final section explores the way in which the two historical systems, when placed alongside one another, need not be perceived as entirely conflicting arrangements, although important differences remain. Liberal and Islamic notions of citizenship equally derive from an embrace of the value of pluralism, necessitating a truncating of both liberal individualism and the Muslim call to the ‘oneness’ (*tawheed*) of the Islamic message in the practice of politics. An overemphasis on the universalism of both liberalism and Islam leads to the conclusion that the two positions are necessarily the basis of ‘clash’-based politics (Huntington, 1996, p. 253). Conversely, an understanding of the pluralism also embedded in liberalism and Islam can help to conceive of them as spaces to move within, rather than fixed points to clash over (al-Ghannoushi, cited in Esposito, 2001, p. 174).

Michael Walzer’s communitarian argument in *Spheres of Justice* argues for an inherent plurality in the notion, or better put, *notions* of justice (1983, p. 4). Speaking directly to the atomism of liberalism, he claims that ‘[w]e cannot say what is due to this person or that until we know how these people relate to one another through the things they make and distribute. There cannot be a just society until there is a society’ (Walzer, 1983, pp. 312–313). However, Walzer’s communities and societies are idealised, generally culturally homogenous ones that deny the historical and contemporary violence needed to create them as such (Bader, 1995, p. 217). There is a conspicuous lack of recognition that societal structures sometimes perpetuate themselves not through consenting agents, but rather through ‘mirror[ing] the balance of power of the various groups within them and the conventions and customs of the economic and political practices in which their members are engaged’ (Bellamy, 1992, p. 249). Veit Bader (1995) highlights that Walzer is over-reliant on the state to provide a sense of ‘closure’ to his community and to prevent the splintering of people into smaller and smaller groups. The state, for Walzer, is ‘necessary and legitimate to defend shared meaning, values, and ways of life’ (Bader, 1995, p. 213). Such an argument, however, ‘clings to the superposition of ethnic, cultural, and national identities and citizenship’ (Bader,

1995, p. 213). This notion sits uncomfortably with the concept of the *umma* which is perceived to exist *despite* the individual units of territorial states and not because of them.

So, on the one hand liberalism's universalism denies cultural or 'lived' truths, while on the other hand a communitarian perspective alludes to a community that bears little resemblance to multicultural realities. If it is true that '[j]ustice is relative to social meanings' (Walzer, 1983, p. 312), then operationalising that dictum is proving difficult in the contemporary world. For example, when an individual considers a practice within the community, they are a part of unjust, does that imply that the individual is – or should be – no longer part of that community? Such a view would see a gradual splintering of 'community' into 'a thousand petty fortresses' (Walzer, 1983, p. 39). The notion of Islamic citizenship through the *umma* can circumvent this problem by the emphasis on a dual contract between the individual and government, which can be applied specifically in circumstances that would otherwise lead to community friction and fragmentation.

Recalling the dual contract following Majid Khadduri, one contract is between Muslims and God through the declaration of faith (*shahadda*) and a second between the Muslim and a temporal authority. Arguably there is a third contract. The *shari'a* distinguishes between explicit obligation to God (*ibadat*), which entails the performance of the five pillars and obligations and duties towards the community, and to humanity as a whole (*mu'amalat*). The *mu'amalat* refers to the broad range of activities and behaviours that are commanded, forbidden, and allowed within society. A plethora of activities and behaviour is subsumed in this contract, including the forbidding of murder, the duties of economic welfare, and proper conduct towards animals and the environment. It is therefore unnecessary for Muslims fully to succumb to liberal ideas of citizenship in order to be active and participating citizens of society: the practice of *mu'amalat* already ensures this. Such a separation of sovereignty allows for Muslims who live in non-Muslim territory, as long as the temporal authority does not impede upon the individual's ability to fulfil the first contract. Likewise, employing this reading, in Muslim territory any method of government is acceptable and does not contravene God's sovereignty, insofar as the Muslim temporal power respects the commitment to the first agreement.

Connecting the discussion of liberalism and communitarianism to the citizenship of the *umma*, it is noted that the first agreement, between the Muslim and God, resembles the universalism of liberal notions of justice in two ways. First, just as liberalism is a broad and

contested tradition, a Muslim's concept of what constitutes his or her agreement with God in his or her declaration of faith is also contested beyond the five pillars. Second, both liberalism and the *shahadda*, while contested, assume a certain agreement in what constitutes the *core* tenets of those terms. The extent of this agreement may well be thin and certainly does not extend to separate 'doctrines', be they between the market liberalism of Friedrich Hayek and the communitarian liberalism of John Rawls (Bellamy, 1992, p. 218), or the Sunni-Shi'a divide. The significance of both a commitment to liberalism and the Muslim's declaration of faith lies in the shared universalist tendency that tries to give both concepts meaning detached from the social context in which they are used. The second of Khadduri's contracts, between the Muslim and the temporal ruler, resembles the communitarian commitment to deriving meaning from social context. As Muslims need not be bound under Khadduri's second contract by any transcendental commandments about the institutional practice of the economy⁴ or governance, it is up to human ingenuity to develop a model for the pragmatics of politics.

There is, however, a great difficulty in trying to accommodate both the universalism of the *shahadda* and the specificity of the different cultural and religious practices of Muslims. Islam can be interpreted to rest on certain truths, broadly understood as the universal pretensions of Khadduri's first contract (with God), in other words, divine truths that exist independent of social context. On the other hand, the interpretivism of Islamism and the different communities within which Muslims find themselves living broadly maps on to the cultural specificity of communitarianism and is inherently bound to and reliant upon social context. While separating the two notions in a dual contract allows the resolution of this tension theoretically, in practice these Muslim contractors are asked simultaneously to embrace universalism and particularism and to keep the two conceptually separate as they go about their lives. Such a situation is not without precedent in the imperial assembly, a legacy from *al rashidun*. Local custom and law were accommodated in the expansion of the nascent Islamic polity, so long as they did not contradict the pillars of Islam.

Conclusion

The history of alternative political assemblies in the Muslim world is one that is carried by Muslim diasporas as they settle in regions of the world, like Europe, that do not share their heritage. However, the feeling of community with other Muslims, the transnational *umma*

identity that Muslims can access, creates a conundrum for the secular, liberal identity of state citizenship. When we examine the place of the individual in liberal citizenship, we see that the notion of deriving values abstractly and applying them universally does not adequately account for the communal construction of those values. In this respect, the *umma* sits on the other end of this spectrum, insisting on the presence of community before establishing the values that constitute the basis of that community. Taking another unit of analysis as the base point of society – the community rather than the individual – is not unique to Islam and is inherent in many religious and non-religious paradigms (Durkheim, Marxism, feminism, post-postivist theories). In some ways there is a clear basis to the *umma*, the Muslim's declaration of faith, but if the Muslim's duties to the *umma* are defined as *mu'amalat* (obligations to the community), then what is less clear is how to articulate these duties in a de-territorialised, uncentralised *umma* that shares its members with the nation state.

Using the historical foundations of Islamic imperial rule, this chapter has demonstrated how the notion of community has played a historical role in the formation of Muslim identity and its values. Muslim memories of this 'alternative' practice of citizenship, explored through the *millet* system of the Ottoman Empire, centred on communal tolerance, rather than individual freedoms and thus may be seen as incompatible with liberalism. Comparing the imperial system with contemporary liberal citizenship suggests that there may be a beneficial exchange between members of a transnational diaspora and the particular communities they live in. For members of the Muslim diaspora, accommodation to aspects of liberal citizenship can help distinguish between those aspects of the faith that are transcendental and those aspects that are subject to re-interpretation in different geographies and temporal settings. In this respect, the experience of the European Muslim living within the contemporary confines and obligations of the nation state, while simultaneously embracing the memory of alternative (religious and communal) forms of citizenship, works to undermine the notion of a 'monolithic' Islam that is singular in purpose and meaning, and always at odds with liberalism. It also challenges liberalism to take seriously the individual right to religious freedoms and to confront the contradictions within itself.

Notes

<en-group type='endnotes'>

<en><label>1</label> All are equal so long as the division between public and private is maintained, thus ensuring liberal secular notions remain dominant. </en>

<en><label>2</label> The authors note the difficulty of defining ‘Islamism’ but utilise it here to broadly describe a variety of differing movements that have arisen in response to the challenges of secular modernity, and specifically the decline and eventual abolition of the Caliphate. Islamism is not a monolithic movement so crucial difficulties arise in utilising a singular category to describe movements with divergent aims and strategies, and yet the familiar link between them all is the consciously held ideological position that Islam requires political expression, thus providing an overt rejection of secularism. Contemporary Islamism has its roots in the eighteenth century, but the number of groups advocating Islam as the political solution to modern challenges has increased particularly with the rise of globalisation from the 1970s onwards. </en>

<en><label>3</label> See *Qur’an*, 49:13, 4:59 and 42:8, and Piscatori, 1986, pp. 45–46. </en>

<en><label>4</label> Certain economic commandments are contained within the first contract, such as zakat, but the institutional practice of this differs across Muslim polities and communities. </en>

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