

## **Towards a Semiotics of Religious Tolerance: Circulations of Liberalism in Contemporary Islamic Thought**

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Political commentary on the relationship between Islam and democracy often focuses on whether and how Islam can be consistent with liberal principles of democratic procedure. Formulated as such, the debate often interrogates the democratic capacity of substantively Islamic politics. In other words, can Islamic political thought sustain minimal democratic demands like the toleration of religious difference?

Yet what this line of questioning seems not to explore is how it is that liberal rationality works itself into Islamic discourse. Saba Mahmood has recently pointed this out by arguing that whereas Islam is often forced to demonstrate its compatibility with liberalism, liberal political principles are rarely called upon to justify themselves in line with the historical traditions of Islam.<sup>1</sup> Mahmood's observation suggests that the interrelations between liberalism and Islam are constituted by structures of authority and power. Instead of asking whether one can be both Muslim and liberal, we should ask how liberalism circulates into Islamic thought, and with what effect. What, indeed, happens when liberal reason grounds Islamic argument?

In this paper, I explore two very different contemporary Islamic theorizations of religious tolerance- one by Khaled Abou El-Fadl, the other by Ali Bulaç. While both theorists are primarily concerned with theorizing pluralism in a way consistent with Islamic sources, their respective arguments rely on liberal discourses in different ways.

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<sup>1</sup> Saba Mahmood. "Questioning Liberalism, Too." *Boston Review*. Retrieved in November 2003. <http://www.bostonreview.net/BR28.2/Mahmood.html>

To begin, I want to look at the fundamental issue that concerns the two thinkers- how should Islam be positioned with respect to the law? This is also where they most explicitly disagree with one another.

El-Fadl asserts that his goal is to make “a case for democracy presented from within Islam.”<sup>2</sup> As such, his primary concern is how the popular sovereignty of democratic law can be reconciled with the Islamic notion of the sovereignty of God. If the sovereignty of God cannot be supplanted by the sovereignty of the state, then should democracy be advocated, and if so how can it be legitimated?

The answer to both of these questions is the same: democracy and Islam are both defined in the first instance by underlying ethical values and the attitudinal commitments of adherents, and not by the way that those values are applied. For El-Fadl, democracy is the political system that most viably seeks to achieve those values that are in line with true Islamic commitments. Specifically, he claims that three values are central to a Muslim polity: first, the pursuit of justice through social cooperation and mutual assistance; second, the establishment of a non-autocratic, consultative method of governance; and third, the institutionalization of mercy and compassion in social interaction. Democracy, he asserts, is the form of government that most effectively promotes these values, and thus ought to be supported by Muslims.

Democracy thus derives legitimacy from the fact that it seeks to instantiate the values that it shares with Islam. This, however, has not yet resolved the problem of God’s sovereignty being supplanted by democratic statecraft. Refusing to relinquish the ultimate authority of God, El-Fadl argues that the priority of God’s law must be understood as given prior to human action. If this is the case, how can democratic law, constructed through human endeavor, be legitimated?

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<sup>2</sup> Khaled Abou El-Fadl. “Islam and the Challenge of Democracy.” *Boston Review*. Retrieved in November 2003. <http://www.bostonreview.net/BR28.2/abou.html>

To resolve this problem, El-Fadl distinguishes between *sharia* and *fiqh*. While *sharia* is the divine ideal, *fiqh* is the human attempt to understand and apply it. Laws that require human agency for their articulation and application are marred by imperfection. *Sharia*, in this sense, cannot be the law of the state. Therefore he argues, “either the law belongs to the state or it belongs to God, and as long as the latter relies on the subjective agency of the state for its articulation and enforcement, any law enforced by the state is necessarily not God’s law.”<sup>3</sup> El-Fadl thus suggests that *sharia* should instead stand as a “symbolic construct” in an Islamic polity.

There are two points to which I want to draw our attention in El-Fadl’s account. First, religion is treated as a matter of abstract values, or ethical principles. We see this in his assertion that Islam is primarily defined by a set of ethical maxims rather than by its material embodiment at any historical moment. We also find this in his suggestion that *sharia* be treated as a symbolic construct.

The second point is that politics is a matter of state law. In asserting that *sharia* be understood as symbolic, El-Fadl is arguing that it should not- or more strongly cannot- be politically implemented. El-Fadl’s assumption is that the site of political application is the law.

Taken together, these two points form what I will call a *liberal diagram* of religious toleration. Law is the site of the political; ethics the site of religion. Law is materially embodied; ethics is abstracted from the social. Diverse ethical systems of value can thus be tolerated because they do not regulate the material aspects of social life. The weight of this burden is carried by a single secular law that stands above the plurality of religio-symbolic constructs.

Ali Bulaç adopts a position quite distinct from El-Fadl. Bulaç examines the Medina document, which was a contract that Muhammad drew up together with the non-Muslim groups in

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<sup>3</sup> El-Fadl, “Islam and the Challenge of Democracy.”

Medina to allow for tolerant co-existence.<sup>4</sup> Bulaç argues that this document provides a blueprint for instituting plural governance today.

The basic problem is thus quite similar to that taken up by El-Fadl: how can religious difference be tolerantly governed? Bulaç's resolution to this issue, however, violates several of El-Fadl's most fundamental points. To begin with, Bulaç claims that a truly tolerant form of pluralism would allow not simply for the flourishing of different religions, but also for the existence of multiple political systems. Each religious community would be able to govern itself with its own legal apparatus, educational and economic systems, and health services. He points out that a single government that stands above all of the different communities would be necessary, but with sharply restricted duties of taxing, defense, and the settling of disputes between individuals from different religious communities.

In at least one way, Bulaç is in agreement with El-Fadl: both argue that *sharia* should not be the law of the state, operative over the entire populace of a diverse polity. Bulaç asserts, "Islam is a religion binding only on Muslims."<sup>5</sup> The difference between the two thinkers is the nature of "the bind" that Islam holds over Muslims. For Bulaç, in contrast to El-Fadl, the bind entails a political embodiment. Moreover, if politics concerns the regulation of social life, then it is not exhausted by law; politics also includes educational, economic, and medical institutions.

But why, it must be asked, must Islam be politically embodied? El-Fadl, recall, wanted to render *sharia* a symbolic construct, sundered from the political regulation of the social. By contrast, Bulaç insists that Islamic ethics is immanent in social practice. "Muslims," he claims, "learn how to live in accordance with God's pleasure from the holy *sharia*, promulgated and concretely shown to them by the Prophet. *Sharia* is the manuscript of Divine Law, and the sum total of the principles

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<sup>4</sup> Ali Bulaç. "The Medina Document." In *Liberal Islam: A Sourcebook*, ed. Charles Kurzman. New York: Oxford University Press, 1998.

<sup>5</sup> Bulaç. "The Medina Document," p 175.

and laws of living in accordance with the divine will.”<sup>6</sup> Islam, in Bulaç’s reading, is not simply an abstract set of ethical maxims, but rather enters into the materiality of social practice. As such, it is always embedded in the institutions that regulate society. The prospect of “living in accordance with divine will” is contingent on the institutional forces that direct social action. Political embodiment thus makes possible a form of life dependent not merely on abstract principles, but on their materialization in the practices that constitute social life.

Bulaç’s insistence on the political embodiment of Islam could easily be read as the conflation of politics and religion, and as such would present a view that El-Fadl expressly opposed. But I want to argue that Bulaç is not, in any simple sense, promoting the viewpoint that El-Fadl condemns. Instead, I suggest that Bulaç is challenging the very categories of the liberal diagram that El-Fadl takes for granted. The liberal diagram encountered in El-Fadl located politics in the domain of law and religion in the domain of ethics. I want to argue that Bulaç is also willing to separate legal regulation from ethical principles, but he does not represent this divide in terms of politics and religion. For Bulaç the law is but one apparatus in the total body that governs the Muslim community. The law does not regulate all aspects of social life, and is thus not the sole site of politics. Some aspects of social organization fall under the jurisdiction of other institutions, like the educational, economic, and medical apparatuses. The political is thus actualized in institutions that are diffused across a wider range of social life. Far more than legal proscription regulates the practices of daily life.

Moreover for Bulaç ethics is not constituted simply by an abstract and minimal series of values- what El-Fadl calls “religion.” In contrast to El-Fadl, Bulaç insists that Islam is socially embodied, and is thus entrenched in the institutions that politically govern people’s everyday actions. In other words, the ethical is not defined by “religion,” in El-Fadl’s sense of a symbolic construct.

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<sup>6</sup> Bulaç. “The Medina Document,” p 177.

What I am trying to point to is that the legal and the ethical are distinguishable for Bulaç, but on grounds completely different than those we have seen with El-Fadl.

From El-Fadl's perspective, modern statecraft is faced with one of two options: either we can insist on a separation of politics and religion and *therefore* a separation of law and ethics; or we can follow the Islamic puritans, to use his label,<sup>7</sup> and conflate the political and the religious. The result of this second option is the mapping of a particular ethical system directly on to the law, and the establishment of an intolerant Islamic state that imposes *sharia* indiscriminately across a diverse populace. El-Fadl's presumption is that religion can affect social practices only when it acts as a legal constraint. If indeed we choose option one, which El-Fadl supports, religion is kept apart from politics, legal demands remain independent of ethical imperatives, and *sharia* becomes a disembodied, symbolic construct.

Bulaç, I suggest, refuses these options because he expands the notion of the political beyond the limits of the law and because he insists that religion is socially embodied rather than merely symbolic. In other words: even though not all ethical practices fall within the jurisdiction of the law, they are still objects of political concern insofar as they are materially embodied and thus regulated by the extra-legal, institutional apparatuses of the state. Bulaç can therefore maintain a separation of law and ethics, while still insisting on the political embodiment of Islam- a configuration that El-Fadl's liberal diagram would render incoherent.

What I have tried to argue, thus far, is that the question of whether or not Islam can foster tolerant governance is not sufficient. The political stakes of tolerance turn on the grammar of the concept of "religion." In comparing El-Fadl with Bulaç, I argue that liberal renderings of "religion" make it difficult to think about the ethical regulation of society as anything but a demand for an authoritarian politics. By contrast, Bulaç's non-liberal separation of ethics and law suggests that a

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<sup>7</sup> Khaled Abou El-Fadl. *The Place of Tolerance in Islam*. Boston: Beacon Press, 2002, p 7.

politics supporting the material commitments commanded by an Islamic ethic issue from an insistence on plural tolerance, where plurality is now concerned with social forms as they are lived in the world.

How one formulates the problem of religious tolerance depends on whether one accepts the liberal diagram with El-Fadl or cuts against it with Bulaç. If we follow Bulaç's understanding of *sharia* as materially embodied in discourses and practices that extend through but also beyond the law, then the objects of tolerance are not abstract ethical systems, but are ethical forms that are actualized in the real-time of social interaction. Tolerance does not simply require an attitudinal commitment to the flourishing of difference- as El-Fadl suggests- but rather a structuring of political institutions that materially embody social forms of life.

I have, to this point, described how Bulaç's project of plural governance is driven by a non-liberal understanding of law and ethics. I have not yet explained how he describes the toleration of different groups. Turning to this next step, Bulaç formulates a theory of religious difference. It is here, I suggest, that the liberal paradigm breaks into his work, offering a site for the exploration of the effects of a circulation of liberal discourse within Islamic argument.

The Medina document, on which Bulaç models his theory of tolerance, was produced and consensually signed by Muhammad and the leaders of different participating groups, which Bulaç refers to as "distinct *ummas*."<sup>8</sup> "*Umma*," he explains, "as a technical term, corresponds to a political unit."<sup>9</sup> Thus each community is an identity of a recognizable form.

Bulaç later expands this idea, more explicitly discussing the toleration of non-Muslim groups: "Just like those non-believers who entered into a contract with the Prophet in Medina, those who do not want to be Muslims- they can be Jewish, Christian, secular, atheist, and so on- choose their own

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<sup>8</sup> Bulaç. "The Medina Document," p 176.

<sup>9</sup> Ibid.

religion, worldview, ideology or some other thought system, and declare what kind of a legal system they foresee in accordance with their religion or secular system.”<sup>10</sup>

To be sure, this theorization is still quite different from El-Fadl’s, primarily because Bulaç remains committed to the political embodiment of Islam and other such discursive traditions. However, I suggest that the concepts used by Bulaç in this passage are suddenly quite familiar to El-Fadl’s text. Islam, Judaism, Christianity, and Secularism have all become “thought systems.” Indeed, whether we call them religion, ideology, or worldview, each of these labels designates different tokens of the same type, different particularities of the same form. Islam, Judaism, Christianity, and Secularism are all horizontally equivalent, abstract ethical systems. “Religion,” in El-Fadl’s sense of a value system abstracted from practice, has quite surreptitiously punctured Bulaç’s text.

“Religion” is a concept heavily weighted with a history, and its emergence in Bulaç’s text is not without consequence. Indeed, conceptual forms are material historical forces that carry social political mandates in their structures of use. Bakhtin eloquently suggests that “each word tastes of the context and contexts in which it has lived its socially charged life.”<sup>11</sup> Bulaç’s description of religion as a thought system is not simply a denotational proposition, representing an a-historical truth whose discursive coherence is politically inconsequential. Rather, following Talal Asad, this notion of religion can be traced back to the political history of Latin-Christendom with the rise of the modern state.<sup>12</sup> The capacity of Islamic beliefs and practices to be cognized as “religion” is not a semantically foregone conclusion. The coherence of this conceptual translation results from the forceful imposition of an entire conceptual apparatus into the text through the invocation of the

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<sup>10</sup> Ibid, p 177.

<sup>11</sup> M.M. Bakhtin. “Discourse in the Novel.” In *The Dialogic Imagination*, trans C. Emerson and M. Holquist. Austin: University of Texas Press, 1981, p 293.

<sup>12</sup> Talal Asad. “The Construction of Religion as an Anthropological Category.” In *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam*. Baltimore: Johns Hopkins Press, 1993.

concept itself. The textual emergence of “religion” constitutes an effective and consequential act, a performative moment that successfully tows a discursive structure in its wake.

This emergent conceptual apparatus heralds a newly figured idea of the political. Because Bulaç previously refused the abstraction of “religion” in favor of socially embodied Islamic practice, the concept of the political did not represent a domain of social life that could be held apart from other domains such as, for example, “the religious domain.” Instead, inasmuch as politics involved the regulation of material forms for Bulaç, it served as a condition for the possibility of Islamic sociality. Politics was not a separate aspect of social life; rather it made possible a form of life. Yet now, in the above quoted passage, the religious and the political are conceptually distinct and discrete. They are domains, in other words, that only now can either be held apart or brought together. Thus in his attempt to suture the domain of the political with that of religion, Bulaç has meta-discursively invoked the liberal diagram.

More strongly put, the liberal diagram has emerged as a point of reference that can be presupposed in order to authorize his schema of governance *as tolerant*.

Why is it that in the midst of a non-liberal project Bulaç submits to the imperatives of liberalism? And what sorts of consequences does this have?

I argue that the authority of liberalism is not enforced simply through the repression or restriction of Islamic expression. Rather, its authority derives from the way it circulates through and comes to ground Islamic argument. This of course is not to say that Bulaç, or El-Fadl for that matter, is any less authentically Muslim. Instead, the point is that these Islamic arguments about tolerance dialogically forge a hinge with liberal discourse, such that the latter authorizes their theorizations.

But why does it matter anyway? Why should we care if liberalism grants the warrant for a theory of tolerance, so long as the result is that difference can flourish?

Thus we finally come to the thesis of this paper: the circulation of liberalism through Islamic discourses does not simply promote difference; rather it establishes the form that difference can take, and thus imposes the boundaries of coherence that non-liberal social forms are compelled to respect.

Bulaç, for example, initially seeks to develop a theory of tolerance that can sustain the idea of Islam as a tradition of discourse and practice that has material effects on the forms that constitute social life. As such the “religion” to be tolerated consumes space and limited resources that exist *in the world*. Islam, in this sense, is a material artifact that cannot but impinge on other social forms. Yet at that moment when he turns to a discussion of difference, Bulaç finds, so persuasively ready at hand, a liberal vocabulary for describing alterity as a “religion, worldview, ideology, or some other thought system.” The authority of this description is so unthinkingly obvious that it does not demand elaboration. And yet the invocation of this “thought system” immediately shifts the “footing” of the argument- to use Erving Goffman’s celebrated notion.<sup>13</sup> Now, suddenly, religion and politics operate as aspects of social life, and Islamic ethics can be rendered disembodied, as symbolic principles. The socially inhabited forms of Islamic discourse that Bulaç originally sought to secure are now placed at risk by the very concepts that make his theory tolerant. This is more political tragedy than irony: it is precisely those concepts that projects of democratic pluralism cannot do without that, in their iterations across contexts, impose the limits of coherent sociality.

I do not mean to suggest that this is a logical flaw in Bulaç’s text. Instead, I want to suggest that the concept of religious tolerance is so strongly overstructured by liberal discourse that to theorize tolerance in this context entails being brought into the dynamic that identifies Islam with abstract principles that have no hold on the world, that do not engage the material structures of social organization. The political dilemma of tolerance- and thus of democracy- is not an

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<sup>13</sup> Erving Goffman. “Footing.” In *Forms of Talk*. Philadelphia: University of Pennsylvania Press, 1981.

epistemological problem, resolvable by coming up with more accurate representations of different social forms; nor is it a problem of moral disposition, for which an attitudinal proclivity to respecting difference would be sufficient. The political issues at stake are revealed more clearly once we understand how the liberal diagram has come to establish the very grounds on which Islamic argument must be sanctioned. The power of liberalism to stand as the authorizing diagram of non-liberal Islamic projects, symptomatically betrays the ontological commitments of democratic tolerance. Such a configuration of religious difference demands that socially embodied commitments be abstracted to an ethical system of values. It compels non-liberal social forms to abide by liberal conditions of intelligibility, all the while presenting itself as the outcome of logical persuasion. Tolerance is made to appear as a problem of knowledge rather than as a problem of force.