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CHANGE AND CHANGEABILITY: ETHICS OF DISAGREEMENT AND PUBLIC SPACE IN ISLAMIC THOUGHT

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Abstract: The paper advocates that a middle ground between the many theories attempting to explain Islam and its view on the relationship between politics and religion is provided by the textual and discursive approaches. Islamist and/or Islamic revivalist movements are essentially concerned with the relationship between religion and social reality in the context of 'change'. Worldly politics and the hermeneutics of disagreement also essentially deal with 'change' and 'public space'. What is 'changeable' and what is 'unchangeable' is a question of hermeneutics. Understanding a text is a human enterprise, and as such it is likely to create 'difference' of opinion. But while disagreement triggers conflict, proper understanding and application of a systematic hermeneutics leads to an ethics of disagreement which eventually allows for a *modus vivendi* in the public space. It is thus important for any tradition to have a hermeneutical framework towards an ethics of disagreement. In the particular case of Islam it is not difficult to find such a hermeneutical methodology that allows for differences and otherness to live side by side, towards unity in diversity. It only needs to be reappraised.

Key Words: Ethics, hermeneutics, disagreement, Islam, reflexivity, phronesis, contextualization, historicism, fiqh, ma'roof, maqasid, âdâb al-ikhtilâf, public reason, common good

We live in a fantastic century. Lands across the planet have become our neighbors: China is across the street, the Middle East at our back door. Young people with backpacks are everywhere, and those who remain at home are treated to an endless parade of books, documentaries, and visitors from abroad. As Prof. Huston Smith aptly puts it, we hear that East and West are meeting, but it is an understatement. They are being flung at one another, hurled with the force of atoms, the speed of jets, and the restlessness of minds impatient to learn the ways of others. Looking back on our century, historians may remember it most not as the time of space travel or release of nuclear energy, but as the time when the peoples of the world first came to take one another seriously.¹ In the contemporary world of multi-cultural, multi-religious societies and global interaction, where human lives are becoming increasingly closely linked, it has been, and still is, necessary to eradicate gross misunderstandings, presuppositions and stereotypical views about those who are different from us. The globalization process has made humanity aware of the place of others; it also required a response to ethical questions. Ethics thus becomes in itself a question of hermeneutics, when the 'I' meets with 'the other' in the public space. How sacred literature is used in relation to ethical questions is a hermeneutical question as well.

In the midst of these diverse manifestations of globalization, there is much discussion about the emergence of Islamism, or Islamic revivalisms. In order to better understand the Islamic ethics of disagreement, we need to understand the motivations and rationale of these revivalist movements, to see whether their understanding of public space originates in an 'extremist' agenda or it is a question of internal hermeneutics. Thus, what matters here is our approach in the study of such revivalist movements. There are currently a large number of books and articles on all aspects of political Islam in the Middle East, but it is rarer to see any explicit theorizing aimed at explaining the Islamic revival itself. In many studies there is an implicit assumption that contemporary Islamic revival is a result of relative deprivation, in particular oppressive state policies and social injustice. A general problem with these assumptions is that they may explain the revival in some countries in the Middle East but not in others. At the moment, there seems to be no single theory that can account for the many "faces" of political Islam in such diverse settings as, for example, Turkey (democratic Islamism or Islamic democracy), Iran (Islamic revolution), Egypt (Islamist opposition) and Algeria (the so-called Islamist terror). As well summarized by Knudsen,² there are a range of theories (or rather, theory clusters) which can be grouped under three broad headings: civilizational, social and textual. The first theory cluster is made up of macro-sociological theories aiming at explaining the dynamics of Islamic civilizations internally (dynastic theories), and externally, vis-à-vis an external power (civilisational theories). The second cluster of theories focuses on social processes. They locate the Islamic revival not in

religion, but in the social and political context in which it is embedded (crisis theories, cultural duality theories, state culture theories and resurgence theories). The third theory cluster locates the Islamic revival in Islam's founding texts and doctrine as well as in religious worship. In the first instance, Islam is considered a shared discourse (beliefs, rituals and symbols) that is shaped by local socio-political conditions (discursive theories). Alternatively, the starting point would be that Muslim activists are united by a shared belief in Islam as an alternative to secular ideologies, creating a potent socio-political force (textual theories).

Resurgence theories, discursive theories, and textual theories provide relatively better explanations. The resurgence theory borrows aspects from both crisis theories and state culture theories. The theory starts from the pre-requisite that Islamic revival is first and foremost a reaction to the failure of modernization in Middle East countries.

Moving away from social processes, the discursive theory offers an alternative way to approach the study of Islamic revivals: namely through the symbolic role of religion. This approach is based on Clifford Geertz's definition of religion³ as a "cultural system," and the powerful, evocative potential of religious symbolism. In this approach, Islamic texts and doctrine become secondary to the main question, which is how Islam is played out in the daily lives of Muslims, and especially how Islam is used as a vehicle for political mobilization. The symbolic approach to the study of religion was born out of the conviction that Islam was all about humans, and not religious dogma. This served to legitimize most anthropologists' ignorance of scripturalist Islam.⁴ As mentioned by Knudsen, this ignorance was also based on a pragmatic division of labor between the different disciplines: the orientalist's textual exegeses and Qur'an studies were complemented by the anthropologists' focus on Islamic symbols and popular beliefs. While anthropologists now show a greater concern for history and scripturalist Islam,⁵ the importance of the scripturalist as opposed to popular interpretations persists, as does the tension between Muslim dogma and political life.⁶ Most of the studies undertaken by anthropologists in the Middle East tend to focus on key disciplinary issues such as tribalism,⁷ feudalism⁸ and honor⁹ rather than targeting Islam and its adherents as such.¹⁰ In general, anthropological accounts have been validated by the importance of orthopraxy (correct conduct) rather than orthodoxy (correct beliefs) in the Islamic faith and Muslim religious worship.¹¹

Unlike the discursive theories outlined above, the textual theories seek to find the answer to the growth of the so-called 'political' Islam in religion itself (orthodoxy), that is, in the founding religious texts (Qur'an) and traditions of the Prophet (Sunna, Hadith). Often identified simply as Islamic studies, this approach has been boosted in the current "post 9/11" climate: there is a general tendency in the academia to revert to scripturalist scholarship and textual exegesis as a means of uncovering the

‘hidden’ meaning of the Islamic revival and the roots of the fundamentalist revolt.¹² Among scholars engaged in textual analysis there is currently no consensus as to whether Islamic texts are compatible with “an ideal typical conception of rationalization and political modernization.”¹³ In order to advance textual studies of Islam, Moaddel argues for a broader approach that not only considers the Islamic texts in isolation, but also compares them with those of other cultural traditions (e.g., Western tradition) as well as other literary genres (narratives, legends) found in the Arab world.¹⁴

Nonetheless, in order to move beyond mere “representations” of the Muslim world, in parallel with Fred Halliday,¹⁵ this paper advocates a middle ground between the “textual” and “discursive” approaches in order to uncover the Islamic worldview on the relationship between politics and religion, as well as the “real” Muslim world. Also, there is as yet little serious research on violence perpetrated in the name of religion¹⁶ compared to the many simplistic accounts touting the threat of a “holy war” based on a biased reading of Islam’s founding texts.

Therefore, without going into a detailed analysis of these theories, we shall have to look at the relationship between the notion of worldly politics and hermeneutics of disagreement in Islam through the lenses of the textual and discursive approaches. Disagreement is what triggers conflict. Proper understanding and application of a systematic hermeneutics within a tradition is crucial for arriving at an ethics of disagreement which will eventually lead to a *modus vivendi* in the public space.

Islamist and/or Islamic revivalist movements are essentially concerned with the relationship between religion and social reality in the context of ‘change’. Worldly politics and the hermeneutics of disagreement also essentially deal with ‘change’ and ‘public space’. The question of what is ‘changeable’ and what is ‘unchangeable’ is a question of understanding, ultimately of hermeneutics. Understanding a text – be it religious or of any other type – is a human enterprise, and as such it is likely to create ‘difference’ of opinion. Therefore it is the responsibility of ‘those who attempt to understand’ that their understanding should be understandable and coherent. This means that scholars have a responsibility to take into account that their hermeneutical practice will influence others, who are eager to hear what they have to say. In his work *The Quest: History and Meaning in Religion*, Mircea Eliade points out a significant principle with regard to the hermeneutical aspect of the study of religion, and in particular the History of Religion. He says that:

„The History/study of Religions is not merely a historical discipline as, for example, are archaeology or numismatics. It is equally a total

hermeneutics, being called to decipher and explicate every kind of encounter of man with the sacred, from prehistory to our day. Now by reason of modesty, or perhaps from an excessive timidity (provoked above all by the excesses of their eminent predecessors), historians of religions hesitate to valorize culturally the results of their researches.”¹⁷

Eliade is right in saying that the scholars should openly share their interpretation of a particular case or question in a reflexive way. Anyone who works in the field of religious hermeneutics is entitled, indeed responsible, to contribute to the resolution of conflictual situations, especially those related to the public space, where common good and common sense is crucial. The question is whether any given tradition has a hermeneutical framework towards an ethics of disagreement. As far as the Islamic tradition is concerned, it is not difficult to find a hermeneutical methodology in Islam that allows for differences and otherness to live side by side, towards unity in diversity. The question is whether Muslims themselves need to rediscover their own tradition of ethics of disagreement. But before dealing with the ethics of disagreement, we shall look at how the hermeneutics of disagreement is relevant to ‘change’ and ‘public space’.

Ethics of Disagreement, Text and Context

Ethics of disagreement is about how to deal with ‘what is changeable and what is unchangeable’ in any given religious tradition. ‘Change and changeability’ is a core discussion topic in contemporary study of religion. At the end of the day, what some call fundamentalism or religiously legitimised political violence is directly rooted in the debate around what is changeable and what is not changeable in religion. So is the case in contemporary Islamic thought and world. Religiously legitimised political violence, whatever religion it may come from, is ultimately grounded in a kind of radical soteriological utopianism based on a certain way of reading, understanding and interpreting the ‘sacred text.’ Therefore, if a given religious tradition does not have properly developed hermeneutics and ethics of disagreement, disagreements shall not remain in the private sphere, but transgress and create turbulence in the public space, as well as the civilisational landscape. Public space is where ‘shared values’ and a minimal *modus vivendi* become significant for living together.

The question of what is ‘changeable’ and what is ‘unchangeable’ is thus critical in any given religious tradition. Violence in the name of any religious idealism is essentially an intellectual in/dis-ability to cope with ‘change’, and a way of imposing a particular worldview on others.

Violence can also be cultural and intellectual. Insulting – in writing or orally – what someone else holds sacred or dear amounts to a form of violence, or psychological and cultural terrorism.¹⁸ Of course this is not a black-and-white issue: drawing a line between what may be counted as freedom of expression and what becomes an insult can be hard. However, when the intention is good, public space can be a place where people of different faiths and ethnicities can live together in unity within diversity. This ‘living in peace’ has both an internal and an external dimension. The external dimension is related to respect for the others’ values. The internal dimension is related to self-criticism and to how one can understand his/her own sacred values in a given situation in such a way as to allow him/her to live in reasonable harmony with the rest of the world. If one cannot find a way to live ‘together’ with what he/she disagrees, the inner disturbance shall surface in the public space. The end result – whether cultural, psychological or physical – might be violent. In other words, ‘violence’ is a manifestation of an essentialist position in one’s worldview, and emerges when one is un/dis-able to relate to someone who is different than him/her-self. Religion is thus the intellectual and spiritual area where ‘differentness’ and ‘otherness’ need to be addressed in terms of their manifestation in the public space. It is in relation to ‘differentness’ and ‘otherness’ that the question of what is ‘changeable’ and ‘unchangeable’ becomes an issue in the public space. Politics is also almost totally related to public space and ‘change’. The religious person has to decide to what extent and in what way his/her beliefs and doctrines should shape or influence the public space and/or remain personal, in the private sphere. It is here that the most critical question for any religious person, especially for a Muslim, emerges: How to decide about the borders (between religious and secular, public and private)? Which principles/teachings/rules of the sacred book and the prophetic tradition are ‘unchangeable’ and which are ‘changeable’? What are the ‘usool’ (methods/criteria) for deciding what is ‘changeable’ and what is ‘unchangeable’? How do I understand that ‘the revelation’ I believe in, or adhere to, does not impose that I force my way on others? When I want others to be ‘religious like me,’ is it because it is God’s will, or is it my neurotic egoistic inner fight and arrogance? When we ask these questions we arrive at the gate of ‘ethics and hermeneutics of disagreement’ as well as at the psychology of religiosity. Because in the final resort, where there is diversity – religious and cultural – in the public space, there has to be an ‘ethics of disagreement,’ which should be based on a form of hermeneutics of disagreement.

This section will not deal with the psychology of religiosity or with the relationship between ‘neurosis’ and ‘religiosity,’ although these are also important matters. Religiosity is potentially prone to be neurotic, unless it is balanced internally (spiritually) and externally (by moral deeds). Once it is spiritually and socially balanced, then it becomes

constructive in the personal as well as in the public space. If not, then religiosity might be in itself a source of tension in the intellectual, psychological or public space. Therefore in order to reach an analytical view of religion in the public space, both the hermeneutics and the psychology of religiosity need to be addressed in various dimensions. This paper will only address the question of ‘ethics of disagreement’ and ‘hermeneutics of disagreement,’ which becomes crucial when religiosity manifests itself in the public space. When religiosity appears in the public space, the first confrontation is in the field of ‘change’. Social life and public space operate on the basis of ‘changeability’ and ‘un-changeability’ of certain values and practices. Who decides, and how does one decide, which is which? This is also a matter of hermeneutics. But before we engage in the question of ‘ethics of disagreement,’ we will have to look at the question of hermeneutics in terms of the relationship between religious ‘text’ and ‘context’.

Hermeneutics starts with text and develops with cotexts and context(s). At the heart of hermeneutics lies a systematic, coherent, well-developed set of principles and procedures governing the textual interpretation of scriptures, whose “historicity” is *a priori* acknowledged. Text and context is an old story. But it is still what we do in ‘humanities’: we are trying to read texts in contexts, whether these texts are written documents, buildings, or religious artifacts. There is still an overwhelming interest in the hermeneutical theory. How much of the text should one relate to the context? has been the question. When we want to understand a text, we begin ‘doing’ hermeneutics. Although ‘hermeneutics’ as a western concept derives from the Greek verb ‘to interpret’ (*hermēneuō*), and may be described as the theory of interpretation, i.e. a branch of philosophy concerned with human understanding and the interpretation of texts, other intellectual cultures, Islam in particular, also have their own types of hermeneutics.

The question now is whether the centuries-long Islamic hermeneutics – jurisprudential (the application of sharia principles, etc.) and theological (the borderline between *imaan* and *kufr*, etc.) – can still provide the Muslim with the necessary tools for dealing with the question of how to live in the constantly changing secular public space while remaining a practicing believer. How does Islamic hermeneutics handle the issue of ‘disagreement’ – ‘*ikhtilaf*’, which is what this chapter addresses: Hermeneutics of disagreement – *fiqh*/philosophy of *al-ikhtilaf*. This also eventually leads to the question of ‘ethics of disagreement’.

The Islamic tradition of humanities has for centuries nurtured the discipline of ‘understanding’ under the name of ‘*usool at-tafseer*’ and ‘*usool al-fiqh*,’ long before Biblical Hermeneutics emerged in the West as a scholarly discipline. Although today the different interpretations of religion largely draw their substance from modern philosophical

hermeneutics, it should be noted that the discussion on the interpretation and understanding of religion has a long history in the Islamic sciences.

If, and when, we take 'text' as the core of the hermeneutical exercise, a hermeneutical understanding of a scriptural text is concerned with three aspects, in order to support its conclusions: 1. the context in which the text was written (in the case of the Qur'an, the context in which it was revealed); 2. the grammatical composition of the text (how it says what it says); and 3. the whole text, its *Weltanschauung*, or worldview. Often, differences of opinion can be traced to variations in emphasis between these three aspects.

Notwithstanding all of the above, we have to be careful about the extent of using 'context' in making sense of the 'text'. Fundamentalists or extremists mostly hold on to the letter of the text. However, in the practice of a modernist, the text is generally stretched between contextualization and contextualism. A moderate mind takes both the text and the context seriously and accordingly. What is the difference between contextualization and contextualism?

Con-textualization, Contextualism and Historicism

The very notion of 'hermeneutics' is considered mostly a task for theologians and philosophers. However, *when something falls into the field of interpretation, it enters into the field of 'probability' and hence 'flexibility', therefore facing the question of 'changeability'*. How are texts understood and related to certain contexts, legitimated or challenged, and grounded in perceptions of meanings which change over time? Text, context and cotext are important in an interrelated framework in Islamic hermeneutics. In an Islamic context, it is the *ijtihad*¹⁹ methodology, or philosophy, that provides the framework for the 'hermeneutical tradition,' as both a method and an approach, especially in the jurisprudential field. In deriving rulings from the 'text,' *ijtihad* utilizes 'context' without going to the extreme of contextualism. Therefore we can safely say that classical-traditional *fiqh* hermeneutics already contains a comprehensive methodological tool/approach for adapting norms to everyday life through contextualization, without, however, making 'context' the most important criteria in interpretation. This is because besides the *asbaab* (the reasons – conditions in which the 'text' was revealed), a Qur'anic text generally has three dimensions: rationale (*illah*), ruling (*hukm*) and purpose (*maqsad*). A fundamentalist or a literalist will not necessarily follow this multilayered understanding.

As sacred text, the Qur'an was revealed in time and space, that is, in history, but it is not limited to history. For the simple believer, the Qur'an is a text with cotext (that is essentially the *hadith*), not with context only. At the same time, the context is, and can only be, 'reconstructed' to determine the situation in which certain passages of the Scripture were

revealed. So, yes for contextualization, no for contextualism. In the case of Islam, the Meccan and the Medinan socio-cultural conditions of the Prophet's time are taken as the primary contexts.

'Contextualization' is the effort to understand and take seriously the specific context of each human group and person on its own terms and in all its dimensions – cultural, religious, social, political, economic – and to discern what the Scripture, in our case the Qur'an and the Hadith, say to people in that context. 'Contextualism,' on the other hand, as a methodology in religious studies, presupposes that events and ideas can only be explained by being set against the context of their occurrence. Why they occurred as they did is to be explained by the revelation of the specific relationships they bore to other events occurring in their circumambient historical space. The contextualist insists that 'what happened' in the field can be accounted for by the specification of the functional interrelationships existing among the agents and agencies occupying the field at a given time.

The difference between contextualization and contextualism is the difference between choosing '*maqasid*' as the main criteria for understanding the TEXT – Qur'anic or Prophetic – or the combination of *sabab/illah*, *hukm*, and *maqasid* altogether as methods for understanding and interpreting the TEXT. It is like the difference between 'modernity' as an inevitable life style and 'modernism' as a chosen worldview.

When one goes to extreme in contextualization, the end result is contextualism as a worldview. The underlying principle of contextualism is historicism, which leads to, or derives from, a cultural and moral relativism that leaves the 'truth' outside the door, or places it in brackets in the name of phenomenology. Then interpretation becomes a question of position. The context reflects position in the face of a particular truth-claim. Contextualization in Islamic studies predominantly operates as a 'modernist' methodology and in the end tends to turn into contextualism. This is exactly what 'non-modernist' scholars of Islamic studies criticize. According to them, contextualization is also a question of 'position.' The study of religion itself becomes a question of position. A position, such as phenomenology, which seems to deny the link between 'religious phenomena' and 'meaning' is, for example, necessarily a critical position regarding religion.

Historicism is a principle underlying the 'modernist contextualist' approach and position. The term 'historicism' emerged in 19th century European hermeneutics. Although it can be traced back to the idea of 'progress' in the Enlightenment, it eventually became a significant way of understanding 'given texts,' although the text's grammar remained important. The idea of progress as the core principle of history proposes that what matters is what emerges as NEW, and anything in the past belongs to the past. This historicism is different from historicity. Historicism has also been an essential component of Biblical

hermeneutics, and can be traced back to the post Reformation Protestant hermeneutics represented by European Protestant theologians such as F. D. Schleirmacher (1768-1834), Wilhelm Dilthey (1833-1911) and Martin Heidegger (1889-1976).²⁰ Contemporary Protestant Biblical textual criticism has essentially emerged from a historicist-contextualist hermeneutics, which is based on European Enlightenment philosophy that does not ultimately recognize the truth-claim of any Revealed Text. However, I must point out that there has also always been a risk of misunderstanding or selectively understanding these European Protestant theologians of hermeneutics as well.

One example to warn us is Schleirmacher's very significant viewpoint of hermeneutics. He says that "Hermeneutics as art of understanding does not exist yet generally, but only in several hermeneutical practices."²¹

From this perspective, we can agree with Schleirmacher on the multiplicity of hermeneutics. Yet the problem lies in where and when Schleirmacher reduces the text to context. According to Schleirmacher, every oral or written text is a subjective act of speakers, but at the same time it is embedded in an individual, objective, linguistic context. This is exactly where Schleirmacher becomes the classic of historicist hermeneutics.²² It would be interesting to note that in Germany leftist political quarters favored Schleirmacher's views, as he linked Christianity to history and experience, rather than faith and truth. Therefore there is no one single universal hermeneutics. We all know that hermeneutics is based upon general principles (that pertain to philosophy) and induces special trends, according to the philological or exegetical treatment of texts handed over by tradition. There are various hermeneutics which derive from certain principles and worldviews. There is Islamic hermeneutics, and there is Western Hermeneutics. Dilthey for example, in a more psychological fashion, says

Understanding and interpretation is the method used throughout the human studies. It unites all their functions and contains all their truths. Understanding opens up the world. Understanding of other people and their expressions is developed on the basis of experience and self-understanding and the constant interaction between them. Here, too, it is not a matter of logical construction or psychological dissection but of an epistemological analysis. We must now establish what understanding can contribute to historical knowledge.²³

Although Dilthey explicitly denied all charges that he was a 'historicist' or someone committed to historical relativism, Edmund Husserl criticized his historicism on phenomenological grounds.²⁴

On the Muslim side, historicism is a crucial area of debate. What Muslim modernists are attempting to do by 'historicizing' the *ahkaam* is not much different from the Biblical hermeneuticist who historicized the Bible through demythologization, and finally ended by arguing about the historical truth of Jesus.²⁵ Historicism, whether in its idealistic or materialistic form, must also be distinguished from the approach of a historian of religions. While religion is a decidedly historical phenomenon, it must not be reduced to history. Historicism makes religion a mere moment in a dialectic that essentially transcends it. In addition to these historical forms of reductionism, there are sociological and psychological approaches to religion which are reductive as well. Whatever the particular form, however, all forms of reductionism have in common an appeal to a univocal conception of religion located within a preconceived frame of reference in history which is transferred into a debate on contextualization.

A central debate among contemporary Islamic revivalists is related to the question of how public space will be shaped politically in respect to tradition, yet allowing for 'change' to occur. When it comes to the field of politics, relevant texts about which there is disagreement need to be contextualized without limiting them to a particular historical time and space. Now let us look at Islam and politics.

Islam and Politics: Religion and Ethics in Public Space

As mentioned earlier here, politics too is about change. Islam strongly emphasizes that change in worldly life will be led and organized by human beings (which perhaps might mean that a certain level of secularity – not 'ism,' as in worldview – is in operation as part of the Divine plan). Islamic teachings do not define a messianic salvation, salvation is through both faith (*iymaan*), and deed (*'amal*), which prepares the destiny of human beings and 'attracts' the divine design, intervention or manifestation. Many Muslim scholars quote, for example, the following Qur'anic verses, to show that God keeps human beings accountable for their deeds, which means human beings need to take action to maintain a 'righteous' life:

Whenever we bless the human being with mercy from us, then remove it, he turns despondent, unappreciative. Whenever we bless him, after adversity had afflicted him, he says, "All adversity has gone away from me;" he becomes excited, arrogant. As for those who steadfastly persevere, and lead a righteous life, they deserve forgiveness and a generous recompense. (The Qur'an, 11:9-11)

One of the central texts of the Qur'an underlines that the core of 'change' lies in human decision. "...Thus, GOD does not change the condition of any people unless they themselves make the decision to change..." (The Qur'an, 13:11) This verse has been used almost like a motto in the Islamic world, in Friday sermons and preaching. The idea of man's role in change is ultimately a well known and strong theme in Muslim cultures. Yet when the question is taken up to the level of interpretation of the main sources-texts, critical issues emerge. First of all, as mentioned before, the relationship between various Qur'anic texts and the Meccan as well as the Medinan context, alongside the relationship between various Qur'anic and Hadith texts, become major areas of debate.

When the idea of 'change' is transferred to the political arena, and when the Islamic view is reviewed in the light of the contemporary debate on public space and religion, we have to first remember a few fundamental issues. First of all, the study of the life of the Prophet Muhammad and the caliphate, and of the Muslim juristic, political, literary and philosophical theory, has reinforced the notion that Islam does not have a church institution, that Islam encompasses all domains including law and the state, that the state and the religious community are one. This is still the common view of many western and Muslim scholars of Islam. Consequently, Muslim societies are said to be fundamentally different from western societies. The European societies are presumed to be built upon a profound separation of state and religious institutions. This view, however, ignores the variety and complexity of the European cases. It ignores the numerous examples of state control of religion, the phenomenon of established churches (such as the Anglican Church in England), and the concordats in Italy. It ignores the integral connection between religious and political nationalism in such countries as Ireland or Poland. It ignores the close identity between religious affiliation and nationality in Holland and Spain. Finally it ignores the connection between religion and activist political movements, such as the liberation churches in Latin America. Nonetheless, this presumed difference has commonly been used to account for the differing historical development of western and Islamic societies. Western societies, with their inherent separation of secular and sacred, church and state, civil and religious law, are said to have promoted an autonomous domain of secular culture and civil society, which are the bases of modernity. Conversely, Islamic societies, lacking a differentiation between secular and sacred as such, have been tied to binding religious norms, which inhibited their potential for secularization (not laicization necessarily) and development. This fact should however be remembered alongside the traumatic effect of colonialism in Islamic lands. We also have to take into account that the formation of national states in the western fashion has led to a marked secularization of public life, if not secularization of minds. Secular educational and judicial institutions and legal codes have replaced Islamic

education and Islamic justice. Contemporary Islamist voices call for a return to a state that will enforce an Islamic life. It is a fact that the historical and doctrinal evidence shows that there is no single Islamic model for states and religious institutions, but several competing ones with ambiguous understandings concerning the distribution of authority, functions, and relations among institutions.

Therefore we need to look back again to the theory of hermeneutics since we cannot arrive at a conclusive answer through historical evidence only.

In Islam, it is the ontologically determined epistemology based on a theocentric cosmology that provides a specific type of political justification and legitimacy. It is almost impossible to understand Islamic political culture or Muslim political consciousness without first understanding the Islamic *imago mundi*. The political consequences should be evaluated within this holistic framework of Islam. The basic principle of Islamic theocentric cosmology is the belief of *tawhid* (*La ilaha illa Allah*) and its conception of Allah. The principle of *tawhid* is the main channel from theory to practice, from belief to life, and from ideal to reality in the holistic Islamic *Weltanschauung*. This principle implies that Allah is one in His essence (*dhât*) i.e. not composed of parts; one in His attributes (*sifât*), i.e., not having two powers, two types of knowledge, etc.; one in His works (*af'âl*), i.e., not being influenced in any way by anything other than Himself.

The justification of state as a socio-political institution through interpretations of the origin of the socio-political system in Islamic political imagination and theorization is directly attached to the Qur'anic terms of *'ahd*, *'aqd*, and *mithaq* – all meaning 'contract.' A social contract to establish a socio-political system has been, and could only be, justified through the meta-historical covenant between Allah and man. This meta-historical covenant was a declaration of obedience by man to Allah. The establishment of political authority on earth, and obedience to it, has been accepted as an extension of this meta-historical covenant for the realization of the set of axiological presuppositions revealed by Allah through the mission of prophecy. The usage of the concept of *khalifah* both for man as vicegerent of Allah and as a political authority on earth is an interesting indication of this holistic link between the ontological and political spheres. The belief in absolute truth, originating from the divine being through one chain of prophecy, implies a certain divinely-responsible man who had not been created in vain, but with a serious end (Qur'an, 44:38) determined by the meta-historical covenant. As the vicegerent of Allah on earth, the human being has taken a divine responsibility of trusteeship (*amanah*) on earth that must be fulfilled (Qur'an, 33:72). Thus, *'ahd*, *'aqd*, *mithaq*, *amanah*, *wilayah*, *ummah*, *khalifah*, and *wali al-amr* constitute a semantic, imaginative, and theoretical set for the linkage of the ontological and political spheres to justify a necessary

socio-political organization.²⁶ The Qur'anic 'socio-political' terms and the prophetic Sunnah/practice can be interpreted in terms of social contract theory: a covenant between a prophet and his followers created a *millah*, and a covenant between God and His devotees laid the foundation-stone of a moral order (*din*) among human beings, but a social contract among different religious communities gave birth to the *ummah*. There is no reason why contemporary public space cannot be perceived by the Muslim in terms of a social contract where and through which an idea of moral order – *ma'roof* – is agreed upon by diverse communities and groups. In this case, where public space is arranged according to the social contract (*mithaq and ma'roof*), society becomes nevertheless a secular-worldly society in sociological terms. This is necessarily different from a society which follows 'laicism' as a religious worldview.

In order to understand the relation between Islam and politics, it is also important that we understand Islam's basic values of humanity and how politicization of religion can prevent the manifestation of these humanitarian values. The phenomenon of a 'political Islam' characterized by the formalization of sharia has sparked debates in the last few decades. The main question is "Should Islam be uplifted by enforcing the sharia, understood narrowly by political Islamists as a set of laws codified a millennium ago with barely significant transformation, or should its humanitarian values be internalized and reflected in the Muslims' political behavior?"

According to majority Muslim scholars, Islam is basically a source of ethics and morality, and not a political force. None of over six thousand verses in the Qur'an and the Prophet's tradition (Hadith) mentions a particular form of Islamic state or political Islam. The Qur'an is clear that Prophet Muhammad was a bearer of the Message and had no rights over his people except that of delivering the Message. He was not granted with sources of legitimization for kingship, as mentioned in the Qur'an, "*I am only a bearer of warnings and bringer of happy news for those who believe*" (Qur'an 7:188). Muslim scholars frequently refer to the fact that when Prophet Muhammad established and ran the Medina state, he consulted his followers on worldly matters, and said that "*You know better about your worldly matters.*" The Prophet did not consult his followers on matters of religion. The Prophet clearly advised that the earthly (secular) life has to be maintained in its own due rules or necessities, yet within the 'fundamental' ethical parameters of Islamic revelation.

Here comes the crucial question for contemporary Islamic thought: What, then, is changeable and what is unchangeable in Islam as far as the public space is concerned? A primary issue to address is the definition of the principle of 'enjoining GOOD and preventing EVIL' (*amr bi'l-ma'roof and nahy al-munkar*). One conflictual debate among Muslims on this matter occurs around the question of who the authority to do the 'enjoining GOOD and preventing EVIL' is. Another question that kept the Muslim

theologians (*motakallemeen*) and jurists (*fuqaha*) busy was the definition of GOOD (*al-ma'roof*) and EVIL (*al-munkar*). Without going into the details of academic quotations, one can say that at the end of the day the question has been whether one can define *ma'roof* in terms of the most common universal good that many people can agree on regardless of religious and ethnic boundaries, or the 'good' that is defined in sharia-specific terms.

Hermeneutics of disagreement thus starts with the definition of *ma'roof*. What is 'common good' (*ma'roof*) in the Islamic public space?

Human Rights, and The *Fiqh al-Ma'roof* in Public Space

'*Al-Ma'roof*' is one of the central concepts of Islamic ethics. The idea of *ma'roof* is directly relevant to the human rights debate. It is with the concept of *al-ma'roof* (understood as common good) that Islamic teachings actually provide a profound ground for basic human rights (vaguely translated as '*hoqooq al-'ibaad*: the rights of God's servants). In Islam, ethics is based on a 'revelational worldview.'

Religious extremism comes to life when adherents of any religion isolate and confine their own moral and legalistic principles to their own faith members, and are disinterested in finding 'common good' or 'common sense' in the public space. Religious extremism, or whatever way we may term it, is something all major world religions warn against in their sources. Religious extremism holds on to the letter of the text regardless of the context and cotexts, hence not allowing itself open to change and changeability. This attitude results in the emergence of a radical level of disagreement in the public space. The question of how to shape public space in religious terms becomes critical for 'extremists' who are in favor of indoctrination and enforcement of what they believe upon others. In the Islamic context, the most debated area in this matter is the issue of '*amr al-ma'roof* and *nahy 'ani'l-munkar*' that is, as previously mentioned, 'enjoining the good and preventing the evil'. Who has the authority to do this is the next question. If and when an individual believer started seeing himself as the authority called to implement the rule of religion, instead of the public authority, there the public space might face radicalism, confrontation and violence. Here comes also the question of whether the teachings of a particular religion are translatable to, and accessible in, and from, a contemporary context.

The Islamic tradition has developed its tools and methods for the translatability of its teachings in the face of change and changeability. This is, again, the previously mentioned *ijtihad*²⁷ method and approach. The *ijtihad* approach provides the ground and the frame to handle the issue of disagreements, which is at the core of the debate on the public space and religion. The *ijtihad* method provides a profound ground for 'ethics' in Islamic thought.

The question of change and the tension between extremist and moderate religious attitudes manifest themselves in the public space especially when revivalist movements begin proposing changes in the public space. Islamic revivalist movements in Muslim countries all have 'projects' to shape the public space one way or another. The border line between extremism and moderation originates from the differences between the ways Muslims understand '*amr al-ma'roof* and *nahy 'ani'l-munkar*', that is, 'enjoining the good and preventing the evil', in the public space. If this Islamic principle is essentially understood as enforcing the Islamic teachings on a diverse public space, then we have a case of extremism at hand. The problem arises from the definition of *al-ma'roof* and *ani'l-munkar*, which are generally translated as 'good' and 'evil.' However, the concept of *al-ma'roof* especially is best translated as 'common good,' as the word itself comes from the root word '*urf*', which means 'what a society holds as common tradition,' in other words, 'customs.' '*Urf*' as a noun is derived from its Arabic root '*arafa* (to know)', and literally means 'that which is known.' This means that '*urf*' is something that is commonly known and recognized by people. '*Urf*' thus means 'customs,' not culture. This is important in further defining *al-ma'roof*, because some customs are cultural, and others are part of a distinct civilisation. The word '*urf*' is associated with the word *ma'roof* (understood as common good) in the Qur'anic text. In this sense, the debate is about whether *al-ma'roof* is purely what the sharia considers to be good, or what human reasoning (public reason) or prevalent practices consider to be good. Practically speaking there seems to be no reason why we cannot define *al-ma'roof* as 'the common good,' which does not essentially contradict the Islamic morality that teaches no more than common universal moral principles. The idea of 'common good' in the sense of such basic moral principles as freedom to live, freedom of expression, freedom of religion, and fundamental human rights, do give us a common ground in public spaces where religious and ethnic diversity forces us to live together. If *ma'roof* is defined as what any particular school of *fiqh* (jurisprudence) or sect defines as good, then we risk facing conflict in the public space.

It is the argument of this paper that Islamic teachings already have a stable ground and the tools to promote a public space based on an *ethics of ma'roof - common good*: the *ijtihad* method is the hermeneutical approach to create a public space where religion lives in, and through, without imposing itself on others. The idea that *al-ma'roof* provides the fundamental ground for 'common good' is also supported by two other concepts: *istihsan* and *maslaha*.

Istihsan literally means to approve, or to deem something preferable. It is a derivation from *hasuna*, which means being good or beautiful. According to the scholars, *istihsan* is a method of exercising personal opinion (*ra'y*) in order to avoid any rigidity and unfairness that might result from the literal application of law. An example of *istihsan* is the

decision of Umar Bin Khattab not to enforce the *hadd* penalty of the amputation of the hand for theft during a widespread famine. This example is extended to many other social and psychological circumstances in traditional Islamic jurisprudence, in the sense of providing 'ease' and 'comfort' in the public space.

Maslaha on the other hand literally means benefit or interest. It can also refer to unrestricted public interest. It is synonymous with *istihsan*, which is also called *maslaha mutlaqah* (absolute welfare) on account of its being undefined by the established rules of the shariah.

Together with *istihsan* and *maslaha* the concept of *al-ma'roof* allows for recurring practices which are acceptable to people of a sound nature. *Al-ma'roof* based on *istihsan* and *maslaha* provides 'public reason' by allowing liberties to be maintained, yet from a responsible position of *sadd al-dharai*, which according to the scholars means "blocking the means of evil." The concept of *sadd al-dharai* is founded on the idea of prevention of evil before it materializes. An example of *sadd al-dharai*: Allah says in the Qur'an: "And insult NOT those whom they (disbelievers) worship beside Allah, lest they insult Allah wrongfully without knowledge." (Qur'an 7: 108) This verse (also taken as a source of warning against insulting the sacred of the others) addresses public reason and common sense, which is also related to *al-ma'roof*.

This is how traditional Islamic hermeneutics is still capable to adapt to the changing conditions of contemporary society. Just like public reason is value-laden, so is the concept of *ma'roof*. *Ma'roof* proposes a framework of morality, yet it cannot impose 'values' or 'rules' for the whole society.

Having said that we also have to remember that in Islamic hermeneutics the concept of *maslaha* (which here is taken as public welfare) is directly relevant to the idea of *maqasid* (ultimate purposes) in the Islamic sharia. In Islamic hermeneutics, *maslaha* and *maqasid*, with *urf* and *istihsan* behind them, are the windows to moderation and liberties. The idea of *maqasid* is interesting and crucial in understanding the Islamic perspective of public space. This has become a systematic discussion since the 11th century, through the writings of such scholars as al-Juwaynî (d. 1085), al-Ghazâlî (d. 1111), al-Âmidî (d. 1233), al-Qarâfî (d.1285), al-Shatibi, and al-Shawkânî (d. 1834).

Maqasid al-Sharia, or the goals and objectives of Islamic law, are evidently an important and yet somewhat neglected theme of the sharia. Generally the sharia is predicated on the benefits of the individual and of the community, and its laws are designed so as to protect these benefits and facilitate improvement and perfection of the condition of human life on earth. The Qur'an is expressive of this when it singles out the most important purpose of the Prophethood of Muhammad in such terms as: "We have not sent you but a mercy to the world" (21: 107). This can also be seen perhaps in the Qur'an's characterization of itself, in that it is "a healing to the (spiritual) ailment of the hearts, guidance and mercy for the

believers" (and mankind) (10: 57). The two uppermost objectives of compassion (*rahmah*) and guidance (*huda*) in the foregoing verses are then substantiated by other provisions in the Qur'an and Sunnah that seek to establish justice, eliminate prejudice, and alleviate hardship. The laws of the Qur'an and Sunnah also seek to promote cooperation and mutual support within the family and the society at large. Justice itself is a manifestation of God's mercy as well as an objective of the sharia in its own right. Compassion (*rahmah*) is manifested in the realization of benefit (*maslaha*), which the 'ulamâ' have generally considered to be the all-pervasive value and objective of the sharia. The Qur'an is expressive, in numerous places and a variety of contexts, of the rationale, purpose and benefit of its laws so much, that its text becomes characteristically goal-oriented. This feature of the Qur'anic language is common to its laws on civil transactions (*mu'amalat*) as well as on devotional matters (*'ibadat*). Thus when the text expounds the rituals of *wudû* (ablution for prayer) it follows on to declare that "God does not intend to inflict hardship on you. He intends cleanliness for you, and to accomplish his favour upon you" (5: 6). Then with regard to the prayer itself, it is declared that "truly *salâh* obstructs promiscuity and evil" (29: 45). With reference to *jihâd* the Qur'an similarly proclaims its purpose in such terms that "permission is granted to those who fight because they have been wronged" (22: 39). The purpose, in other words, of legalizing *jihâd* is to fight injustice (*zulm*) and the purpose of *salah* is to attain spiritual purity and excellence, which is accomplished together with physical cleanliness through ablution before prayer. With reference to the law of just retaliation (*qisas*), the text similarly declares that "in *qisas* there is life for you, oh people of understanding" (2: 179); and with regard to the poor-due (*zakah*), the Qur'an validates it "so that wealth does not circulate only among the wealthy" (57:7). According to another text, the believers are under duty to lower their gaze in their encounter with members of the opposite sex, "for this will help you to attain greater purity" (24: 30).

One can add many more examples of the law which show how the Qur'an and the Sunnah are expressive of their 'goal justification,' 'cause' and 'benefit' in the affirmative sense, just as one finds numerous references to evil conduct and crime, which is reprimanded and made punishable, in the negative sense, in order to prevent injustice, corruption and prejudice. In the area of commerce and *mu'amalat*, the Qur'an forbids exploitation, usury, boarding and gambling, which are harmful and jeopardize the objective of fair dealing in the market-place. The underlying theme in virtually all of the broad spectrum of the *ahkam* is the realization of benefit (*maslaha*), which is regarded as the *summa* of the *maqasid*. The *masalih* (plural of *maslaha*), thus become another name for the *maqasid*, and the 'ulama' have used the two terms almost interchangeably.

The 'ulama' have classified the entire range of *masalih-cum-maqasid* into three categories, in descending order of their importance, beginning

with the essential interests, *masâlih*, or *daruriyyat*, followed by the complementary benefits, or *hajiyyat*, and then the embellishment, *tahsiniyyat*. The essential interests are enumerated as five, namely faith, life, lineage, intellect and property. These are, by definition, essential to normal order in society as well as to the survival and spiritual well being of individuals, so much so that their destruction and collapse will precipitate chaos and the collapse of normal order in society. The second class of interests, known as *hajiyyat*, or complementary interests, are not an independent category, as they also seek to protect and promote the essential interests, albeit in a secondary capacity. These are defined as benefits, which seek to remove severity and hardship that do not pose a threat to the very survival of normal order. A *maslaha* of the second class is elevated to the rank of essential *maslaha* when it concerns the public at large. In the event of a conflict arising between the various classes of interests, the lesser may be sacrificed in order to protect a higher interest. When there is a plurality of conflicting interests and none appears to be clearly preferable, then prevention of evil takes priority over the realization of benefit. This is because the sharia is more emphatic on the prevention of evil, as can be seen in the Hadith where the Prophet has reportedly said: “When I order you to do something, do it to the extent of your ability, but when I forbid you from something, then avoid it (altogether)”.

The third class of *masâlih*, known as *tahsîniyyât*, are in the nature of desirability, as they seek to attain refinement and perfection in the customs and conduct of people at all levels of achievement. The overall benefit is the attainment of beauty and perfection in all areas of human conduct.

This last category of interests is perhaps of special importance as it is pervasive and relates to all other *masalih* (public interests/welfare). The *maqasid* are undoubtedly rooted in the textual injunctions of the Qur’an and the Sunnah, but they look mainly at the general philosophy and objectives of these injunctions, often beyond the specialties of the text. The focus is not so much on the words and sentences of the text as on the goal and purpose that is advocated and upheld. By comparison to the legal theory of the sources, the *usul al-fiqh*, the *maqasid al-sharia* is not burdened with methodological technicality and literalist reading of the text. As such, the *maqasid* integrates a degree of versatility and comprehension into the reading of the sharia that is, in many ways, unique and rises above the vicissitudes of time and circumstance.²⁸ Understood this way, in Islamic hermeneutics the principle or theory of *maqasid*, derived from the overall principle of *al-ma’roof* (common good) with its components of *istihsan*, *maslaha* and *sadd al-zaraayi*, provides a theo-ethical equilibrium for a peaceful public space. It allows for a space for liberties and yet restricts ‘evil’ in the name of public/common good, *al-ma’roof* and *maslaha*.

As theo-ethical equilibrium and profound ground for common sense in public space, the theory of *maqasid* in Islamic hermeneutics is directly relevant to our contemporary debate of human rights. There are different ways of looking at the question of 'human rights.' The discourse on rights is peculiarly modern and uniquely western in origin. Talk of rights can be linked historically to the decline of the feudal order, the emergence of national states and market economies, and to the invention of the autonomous individual in the European imagination at the origins of modernity.²⁹ The ancient Greeks had no language for the 'rights' of individuals, much less a language for 'human rights' extending beyond the privileges of citizenship in the polis. Generally speaking, formative or classical Hindu, Buddhist, Jewish, Christian and certainly Islamic sources refer more typically to religious duties than to human rights. Such traditional duties are still liable sometimes to be cited to justify blatant violations of what in the Universal Declaration of Human Rights are heralded as inalienable. Given this record, one may ask if traditional religious communities would seem to be infertile ground in which to try to cultivate an ethos of universal human rights.³⁰ Or, should we be questioning the question itself? I mean, if the modern concept of human rights has its own failures and fault lines. The idea of human rights we deal with in our current context has essentially been a western and European construction. In recent years, a number of writers in religious ethics have attempted to show not only that traditional religious values are compatible with a strong commitment to human rights but that the world's religious communities themselves possess resources for human flourishing, which either anticipate or correct modern understandings of human rights and responsibilities. As aptly put by John Clayton, for a student of religion and modernity this phenomenon is noteworthy for at least two reasons: on the one hand, the very fact that those who contribute to the debate about human rights and religious values can look for, and find, positive 'human rights' embedded in the traditional moral discourses of diverse religions rooted deep in a pre-modern past, which lacked the linguistic and conceptual apparatus to speak of 'human rights', itself shows that the reception of traditional religious values in the present has not been left untouched by the spirit of modernity. On the other hand, the fact that these same scholars typically also insist that the major religious traditions offer resources to correct some of the perceived deficiencies of the modern discourse on 'rights' in the public domain shows that this process of reinterpretation is not mere acquiescence in the spirit of the times. Something hermeneutically more complex than that is going on in the revision of traditional religious values to accommodate the modern discourse of human rights.³¹ The act of drawing on the resources of the past in order to come to terms with the issues of the present is the means whereby the spirit of every time creates itself anew. It is not difficult to discover elements in the world's religions that would con-

tribute to the enrichment of life in a global context, even while the adherents of these religions may not have all the answers, or live up to their own professed ideals. This is exactly where the '*fiqh* of *ma'roof*' (hermeneutics of common good) is much needed, and it already exists in Islamic hermeneutics albeit for Muslims to rediscover too.

Of course, all religious traditions are in a weak sense unique, but some religious groups claim for themselves uniqueness in a stronger sense: namely, they claim that their code only provides a reliable guide to good life, by virtue of its authority as revealed law. Its code is claimed to have universal validity, even if its authority is not acknowledged beyond the membership of the community. What sort of strategy might be adopted by religious communities to deal with a tension that emerges between its code of life and the so-called 'universal human rights'?

Various, often overlapping, strategies have found advocates amongst those writing on the positive role religions might play in defining, undergoing and implementing human rights.

1. Some hold that the concept of 'human rights' is a kind of shared universal value, arrived at by different cultural routes, but expressing, nonetheless, a kind of *consensus gentium*. In terms of this strategy, the main contribution of religious communities to the issue of human rights has typically less to do with setting standards than with providing motives for adopting and implementing independently established standards.³² One could search the base-texts of some religious tradition, for instance, by selecting those passages that seem to commend behavior or attitudes similar to those engendered by the modern discourse of human rights as "human rights." When dissonance is registered, harmony is restored if possible by reinterpreting the traditional text. But in cases of irreconcilable conflict between the traditional moral practices of some religion and the modern norms of human rights this strategy suggests that old, established custom should be restyled to accommodate modern tastes. Again *ijtihad* in Islam is to be remembered here.
2. Whereas advocates of the first strategy allow 'universal' reasons to trump 'local' ones, advocates of the second strategy reverse the direction, insisting that group-specific reasons be given priority over general ones. Both the concept and practice of human rights are measured by criteria that have been established by some authoritative religious standard. What are allowed as rights and what count as their grounds are derived from resources uniquely available to some religious tradition, not from some 'universal' or 'independent' concept of rights.

3. Advocates of a third strategy promise a way between the first two by insisting that the underlying principles of human rights are universal, whilst allowing that the language of rights varies according to local preference. In line with the first strategy, religions are viewed as providing motives to implement the relevant international legal instruments; in line with the second, however, there is recognition that particular rights might be given different priorities according to the demands of local circumstance. The main difficulty facing this strategy arises whenever an attempt is made to explicate the common principles that are supposed to underlie the variety of moral discourses that function in different religious and cultural contexts. It then becomes evident that different kinds of construction are supported by different sorts of foundations.
4. Whereas the third strategy assumes common underlying principles for diversely formed human rights, a fourth uncovers differently laid foundations to support a limited set of core rights that transcend their local provenance and achieve universal consensus. These core rights, however few in number, are often treated as self-evident and generally as 'non-negotiable.' The problem confronting this fourth option, however, is similar to that which faces the third. When people attempt to agree on a list of core rights, it becomes all too clear that consensus is less universal than might be thought. Can one identify a single 'core right' that would win universal support? Different foundations of human rights support different kinds of value structures. Even a right such as the right to life, which may be reasonably expected to appear on virtually everyone's list of 'core rights,' will not be understood by everyone to have precisely the same entailments. There is no consensus about when 'the right to life' actually begins (at conception or at birth or at some moment in between?), nor about its proper bearers (individuals only or also groups?), nor about the circumstances, if any, in which it may be justifiably infringed (combatants in battle?) or lawfully forfeited (capital punishment?) or even perhaps voluntarily relinquished (euthanasia?). And a Buddhist or a Hindu would want to insist that the right to life extends beyond the limits of the species-specific discourse on narrow human rights.
5. This type of problem has led other scholars to slightly draw back and maintain only that there is some degree of overlap, falling short of consensus, about what counts as core rights. The dilemma, in the form stated above, presumes that the secular rights discourse is in some strong sense universal and neutral and

that the competing moral discourses of determinate religions are local and partisan, being confined to the communities of interest that embrace them. Yet the secular discourse of 'rights' (including 'human rights') is itself a construction of a specific historical and cultural circumstance, as is the concept of the autonomous self as rights-bearer. And the idea of rights encoded in such discourse is also tied to the place in which it is formed or gains endorsement. Human rights are historical constructions, not natural kinds.³³

We all know that there are basic but major problems concerning the interlinking of rights with responsibilities that are common across social and cultural divides. These problems arise in all modern societies which purport both to respect the freedom of the individual and to value a social order which is truly civil. 'Human rights' becomes an issue when one engages in an active or passive interaction with another human being, and comes to the point of decision-making. Decision-making is essentially an ethical action, or a thinking process. Therefore I believe that the 'human rights' issue is an ethical question, in the sense that different religious worldviews may have different approaches to it. In fact, the question of 'human rights' is not just any ethical question but a meta-ethical and normative ethical question as well as an applied ethical question. 'Meta-ethics' centers on questions relating to the nature and origin of moral concepts and judgments. Philosophers in meta-ethics have taken markedly different positions on this matter. There has also been much disagreement over whether moral judgments are objective or subjective, absolute or relative.

Since it is reasonable to argue that there are basic but major problems concerning the interlinking of rights with responsibilities that are common across social and cultural divides,³⁴ as both an ethical and a worldview question, the issue of 'human rights' becomes in its turn a paradigmatic worldview. Different spiritual orientations, different values, in short different paradigms of human predicament, are at the hub of the socio-cultural diversity that is likely to create problems of co-existence, in particular for the understanding and interpretation of the universal concept of 'human rights.' It is the different focus of socio-cultural concern that underlies the basic variations: the sense that people make of their life and death, and the ways in which they cope with the latter, give that concern its spiritual orientation.

In a study on the human predicament and its changing image throughout history, we can identify four basic paradigms, each of which became the characteristic mark of a particular socio-cultural area. The territorial impacts of these paradigms were modified, cross-bred, extended or contracted, or faced mutations.³⁵ This is how the process of change in civilization occurs:

1. the anthropocentric (man-centered) paradigm in Euro-America,
2. the theocentric (god-centered) paradigm in Dar-al-Islam,
3. the psychocentric (soul-centered) paradigm in Hinduland and in the adjacent Buddhist orbit,
4. the cratocentric (rule-centered) paradigm in Confuciania.

Euro-Asia (where Turkey belongs) is at present in a state of transition. Its new paradigm may be a kind of crossbreed.

Obviously, the anthropocentric paradigm, that is the Euro-American paradigm, has been the most conducive to preoccupation with the co-existence of humans on a more or less equal basis, where reciprocity and contract have played the key roles. A comparatively wide scope for personal freedom, though often limited to differently assorted elites, and acceptance of other possible paradigms as complementary value systems, were the by-products of this anthropocentric orientation. Anthropocentrism, however, never was, and perhaps can never be, the exclusive focus of any socio-cultural orientation. During the European Enlightenment period the anthropocentric legacy received a new impetus. It was indeed the Enlightenment that initiated a comprehensive socio-cultural mutation. The resulting change in the paradigms can be outlined as follows: There are natural rather than supernatural forces that mould the destiny of human beings. Faith ceased to be the linchpin of man's mental orientation. In the pursuit of knowledge reliance came to be vested in the scientific approach. As far as ethics is concerned, it was a contractual type of morality, 'do as you would be done by,' which was destined to gain acceptance. On the communitarian plane, ethnic and party political loyalties came to be more relevant than belonging to particular religious bodies.

The whole process, usually described as secularization, made of religious allegiance a private matter. The dominant ideology is no longer of transcendental nature; its supreme norm is the man-based concept of human rights, rights of the individual to self-realization and self-assertion. Although originally conceived as bestowed on human beings by God, in practice the concept of human rights came to be legitimized by the vote of the elected representatives of the people or by international agreements of the governments of the day. Eventually, God's (or the Supreme Being's) sanction disappeared from the formula, and with it also the prospect that human rights might be enjoyed only within the limits given by a particular religious code. On the other hand freedom to choose and practice a particular religion became one of the basic human rights.

Whilst the equality of all human beings before God can still be considered as the key element in human rights, all conceptions of God or of the Supreme Being have become equally valid objects of worship for man. Yet not on all these points did the Enlightenment leave us a clear-cut legacy. Apart from the variations concerning Christian beliefs, the main

contrast to emerge was that between those who favored equality and self-assertion throughout the whole social fabric and those who wanted to remain within the confines of a new intellectual and moral construct such as the general will or the laws of history.

Thus two contrasting paradigms of the human predicament crystallized from the mental ferment induced by the Enlightenment. These two paradigms may be called the paradigm of human rights, on the one hand, and the paradigm of social engineering, on the other. This contrast still continues and more so in relation to the debate on public space.

Without going into the Confucian Far East, or the Brahminic and Buddhist renaissance in India, we can directly say that Islamic civilization has been the most striking example of the paradigmatic differences and changes. Islamic civilization, with its birthplace and focus in the Middle East, covers the ground which, before Muhammad's days, was divided into two socio-cultural orbits, the Christian West and the Zoroastrian East. Neither of these was totally theo-centric. The institutionalized legacy of the son of God in Christianity, and the elevated role of the Devil in orthodox Zoroastrianism, gave the paradigms of the human predicament in the two civilizations a complex flavor. Muhammad's message adopted the Abrahamic tradition but conceived it far beyond what this tradition meant to Christianity and to Judaism. In attributing unrestricted and undeveloped power to a unique God, without any further attributes such as the Trinity or a Chosen People, it linked the tradition of Judeo-Christian monotheism. The Qur'an, like other religious scriptures, does not give the believers any clear-cut counsel as to what extent it is their free will, and how much it is God's predestination, that fully determine their life course. Nevertheless, the fact that the mainstream Islamic orthodoxy consists in a method for resolving legal issues rather than any fixed declarations of faith, and that this method allows for some variations, gives the qualified interpreter a certain margin for free judgment. This margin is where we place the *fiqh of ma'roof*, which allows us to think of a common good and public reason in line with one another.

For the understanding and interpretation of the universal concept of 'human rights,' what Muslims need today is a *fiqh of ma'roof* which, in interpreting the text, takes into account the context, but does not fix or limit the meaning to the context. 'Ma'roof' as a Qur'anic category meaning 'common good' indicates that Muslims can live in a diverse society in which different 'sides' recognize what is commonly known as good (*khayr* and *birr*).

For such common *fiqh of ma'roof* to be possible in the public space, we need to develop or reinvent an ethics of disagreement and diversity.

The Way Forward: Ethics of Disagreement and Reflexivity for Moderate Religion in Public Space

Disagreement can only be dealt with if there is a proper ethics of disagreement in a particular worldview or religious tradition. The Islamic tradition calls it *âdâb al-ikhtilâf* (manners/norms/ethics of disagreement).

Understanding, recognizing and allowing for differences and disagreements require a certain level of reflexivity for a moderate presence of religion in public space. No doubt that human understanding is always shaped by the interpreter's location and experience, which may be quite different from the location and experience that one seeks to understand. Understanding means 'standing under' something one wants to understand. Understanding is an approximation. One cannot understand 'truth' in its fullness. This naturally requires humbleness/humility before the subject we want to understand. Here is where the challenge of disagreement lies. We need an ethics which allows us to live our religiosity in the midst of disagreements and diversity.

An ethics of disagreement is much needed for living in the midst of complex and diverse globalization processes in which, with the emergence of independent nations in a post-colonial era, there has also been a resurgence of the major world religions. They form a crucial part of the ideologies which reinforce modern nationalism and cultural identities. Islam, for example, functions as a major aspect of Middle Eastern anti-western polemics. But Islamic fundamentalism also plays a central role in intra Islamic conflicts in the Middle East, and increasingly in Africa. Hinduism, too, is a key element in contemporary Indian politics. Traditions of Hindu tolerance now clash with Hindu nationalist extremism. Irish Catholic nationalists remain embroiled with Protestant loyalists. Aboriginal spirituality has become a central focus of an emerging national Aboriginal identity. Jewish religious fundamentalism – in both its messianic and Haredi forms, let alone the increasing number of *posek* (*Poskim*) [the rabbis who issue rulings on inconclusive matters] – poses a serious threat to peace in the Middle East and within Israel itself. It is known that Jewish fundamentalist attitudes towards Jewish heretics are generally much worse than attitudes towards non-Jews (the "law of the pursuer" – *din rodet* – and the "law of the informer" – *din moser*). Conflict not only between, but also *within*, the adherents of religions will remain a feature of the contemporary religious scene in the new century. No chance of Utopia here. Borders are still there. In order to keep the two, or more, sides of the border together, what we need to do is 'listen to the other.' Listening to the other requires a sense of 'reflexivity' which will pave the way towards the reinvention of an ethics of disagreement.

What is this reflexivity that will help us reach an ethics of disagreement, besides the hermeneutics of disagreement? Reflexivity is a practice of observing and locating one's self as a knower within certain

cultural and socio-historical contexts. Reflexivity leads to self-awareness, scholarly accountability, and recognition of a range of human truths. Modern life provides multiple choices for reflexivity in the way we live our lives. From sociological perspective, to quote Anthony Giddens' definition, "the reflexivity of modern life consists in the fact that social practices are constantly examined and reformed in the light of incoming information about those very practices, thus constitutively altering their character ... only in the era of modernity is the revision of convention radicalized to apply (in principle) to all aspects of human life, including technological intervention into the material world."³⁶ At this level, what defines modernity in Giddens' view is this reflexivity, and this is the crux of the contrast he finds between traditional and modern societies. He sees traditional societies as relatively unchanging, with little routine examination and transformation of established beliefs, institutions and practices. This 'unchangingness' is a barrier in front of reflexivity:

the past is honored and symbols valued because they contain and perpetuate the experience of generations ... in pre-modern civilizations reflexivity is still largely limited to the reinterpretation and clarification of tradition, such that in the scales of time the side of the 'past' is much more heavily weighed down in favor of the 'future.'³⁷

However, Giddens' analysis utilizes two distinct notions of reflexivity: institutional reflexivity and self-reflexivity. The former examines the ways in which knowledge about social life is used in aspects that organize or transform social life. It appears that this notion of reflexivity is grounded in, or is a development of, certain aspects of Giddens' earlier notion of "double hermeneutics – where social scientific knowledge about society may "re-enter society," leading to changes in people's actions."³⁸ Now, however, things are not as easy as Giddens presents them. 'Unchangingness' is not a question of difference between traditional and modern societies only. It is also a question of hermeneutical (changeable and unchangeable, *ma'roof* and *masaaleh*) and ethical (*âdâb*) nature, in modern societies as well as well within given traditions. We need, therefore, to promote 'reflexivity' towards establishing an ethics of disagreement which will prevent any form of cultural or intellectual imperialism. Reflexivity is thus 'practical wisdom' (*al-hikmah al-amaliyyah*), that is, a reasoned capacity to work toward human ends (*maqasid/masaaleh*) in life. This is what the Islamic Sufi masters and philosophers called '*irfân*' centuries ago, and what Aristotle called '*phronesis*', out of which emerges '*akhlâq*,' the good deeds of life. Fârâbî, in his *Al-Fusûl al-Madanî* [Aphorisms], for example, calls *phronesis al-hikmah al-amaliyyah*, that is, practical wisdom.³⁹ *Irfân* is the virtue/excellence of

thought that deals with human choice and human action in relation to how one should best live one's life not only in private but also in public space. Reflexivity is also expressed as *tafakkor* (practical thoughtfulness on what is going on around us) in Islamic spiritual conceptualization. With this 'phronetic' approach to public space and common good, there is a chance to develop a type of 'living together' based on an ethics of disagreement. The Qur'anic word that is closest to such a concept of reflexivity is *ta'arrof*, deriving from the same word 'urf' that is the root of *al-ma'roof*, common good. This is what we look for in public space in our contemporary conditions.

One of the essential tasks of theology and religious studies in the Muslim as well as in western academia should thus be to develop a meaningful but contemporary discourse on the 'ethics of disagreement'. What needs to be done is to work towards a contemporary discourse of reflexive and multicultural (con)textualizations of common good/sense (*al-ma'roof*) in Islamic studies, without going to the extreme of contextualism.

Having said all these, one can safely conclude that what Muslims need today is a *fiqh* of *ma'roof* (hermeneutics of common good) which, in interpreting the text, takes into account the context, but does not fix or limit the meaning to the context. *Ma'roof* as a Qur'anic category meaning 'common good' indicates that Muslims CAN live in a diverse society in which different 'sides' recognize what is commonly known as good (*khayr* and *birr*), which can also be translated as 'public welfare.' The traditional concept/theory of *maqasid* as developed by al-Ghazzali, al-Shawkani and al-Shatibi can still provide us with enlightening hermeneutical guidance to the future. How much I wish that Ricoeur, Gadamer and others could have read and understood al-Ghazzali, al-Shatibi, and al-Shawkani. Perhaps then they could have offered better theories of hermeneutics for us all. The responsibility, however, falls first and foremost on the shoulders of Muslim scholars. Today's readers, including Muslims themselves, should read al-Ghazzali or al-Shatibi in the context of contemporary hermeneutics. It is only by doing this that conflict within Islam, not only between Islam and other civilizations, can be prevented, and the global public space could then benefit from a strong spiritual and intellectual input from the richness of the Islamic tradition.

Therefore Muslims need to allow their modern social and political rhetoric to be enriched with a parallel process of reinventing the classical tradition of living together with differences in front of the challenge of the globalization against the nation-state system instead of focusing on an imaginative theorization of a model of 'Islamic state' as a modernist attempt in itself.

It seems that the search for truth in text and context will continue until we have managed to develop true hermeneutics and ethics of disagreements. At the end of the day, as the Sufi master Rumi says,

“every horse has its stable,
every beast its pen,
every bird its nest.”⁴⁰

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Notes

¹ Huston Smith, *The World's Religions: Our Great Wisdom Traditions* (San Francisco: Harper, 1991), 7.

² Are Knudsen, "Political Islam in the Middle East", *CMI Reports* (Bergen: Michelsen Institute, 2003), 16-19, <http://www.cmi.no/publications/?cmi-reports&view=2003>.

³ Religion is: "A system of symbols which acts to establish powerful, pervasive, and long-lasting moods and motivations in men by formulating conceptions of a general order of existence and clothing these conceptions with such an aura of factuality that the moods and motivations seem uniquely realistic", Clifford Geertz, "Religion as a cultural system," in *The Interpretation of Cultures*, ed. Clifford Geertz (New York: Basic Books, 1973), 87-125.

⁴ Charles Lindholm, "Kissing cousins: Anthropologists on Islam," in *Interpreting Islam*, ed. Hastings Donnan (London: Sage, 2002), 110-129.

⁵ See Charles Lindholm's book *The Islamic Middle East: An Historical Anthropology* (Oxford: Blackwell, 1999).

⁶ Charles Lindholm, "The New Middle Eastern Ethnography," in *Journal of the Royal Anthropological Institute* 1 (1995): 815.

⁷ See Ernest Gellner's book *Saints of the Atlas*, The Nature of Human Society Series, III (Chicago: University of Chicago Press, 1969).

⁸ See Michael Gilsenan's book *Lords of the Lebanese Marches: Violence and Narrative in an Arab Society* (London: I.B. Tauris, 1996).

⁹ See Janet L. Abu-Lughod's book *Veiled Sentiments: Honor and Poetry in a Bedouin Society* (Berkeley: University of California Press, 1986).

¹⁰ But one can compare these two books: Hastings Donnan, ed., *Interpreting Islam* (London: Sage, 2002) and Michael Gilsenan, *Recognizing Islam: Religion and Society in the Modern Middle East* (London: I.B. Tauris, 1990).

¹¹ Lindholm, "Kissing cousins," 113.

¹² A typical example of 'essentialist-orientalist' approach is Bernard Lewis' book *What Went Wrong? Western Impact and Middle Eastern Response* (New York: Oxford University Press, 2002).

¹³ Mansoor Moaddel, "The Study of Islamic Culture and Politics: An overview and assessment," in *Annual Review of Sociology* 28 (2002): 380.

¹⁴ Knudsen, 20.

¹⁵ See Fred Halliday's article "'Islamophobia' Reconsidered," *Ethnic and Racial Studies* 22 (1999): 892-902.

¹⁶ However, one significant work, whether one agrees with it or not, is Mark Juergensmeyer's *Terror in the Mind of God: The Global Rise of Religious Violence* (Berkeley: University of California Press, 2000).

¹⁷ Mircea Eliade, *The Quest: History and Meaning in Religion* (Chicago: University of Chicago Press, 1984), 57.

¹⁸ This can be best seen in the case of famous Danish cartoon crisis. On 30 September 2005, the Jyllands-Posten, a Danish newspaper, published various

cartoons and depicted the Islamic prophet Muhammad in ways that Muslims perceived as offensive. One of the by now (in)famous cartoons of Mohammad portrayed the Muslim Prophet carrying a lit bomb in his turban. Despite the strongly held beliefs by both sides, there are no saints and sinners in this crisis. Both sides should engage in deep reflection on what they have done to allow for the emergence of this crisis. One of most troubling aspects of this dispute is how some in Europe, Canada, and the United States have used a liberal value – the freedom of speech and freedom of the press – for illiberal purposes, sending to Muslims living in these societies the message that they are outsiders and unwelcome. The violent response by some Muslims was a losing strategy. Instead of revealing the anti-Islamic bullying for what it is, such acts reinforce the message of the bully: that Islam is fundamentally incompatible with – indeed hostile to – the most cherished values of the west. In such a crisis, one would rather not like to see ignorant and prejudiced demagogues positioning themselves as defenders of liberal values, employing those values to promote intolerance; but that appeared to be the situation in the Danish case. Secular liberals should be just as offended as Muslims to see the olive branch used as a bludgeon. Therefore a civilized liberal mind can ask: Is it tenable for us to live in the same neighborhood and ignore the sentiments and wisdom of large segments of humanity? Is it wise for us to temper the open debate that the virtues of freedom of expression allow? Is it reasonable to allow for the continuation of a one-way street in the passage of ideas from West to East? The Danish cartoon crisis provides an opportunity for self-reflection.

¹⁹ Literally, *ijtihād* means striving, but technically it means exercising independent juristic reasoning to find answers when the Qur'an and the Sunnah (the prophetic tradition) are silent. Islamic jurisprudence dealt with questions of religion and acts of worship, but also with legal transactions, and all the provisions, rules, and particulars derived from them. That is why jurists in Islam were at once men of religion and jurisprudence. They were called "scholars" (*'ulamā'*) because their field of study included all domains of ancient knowledge. As a result, Islamic jurisprudence played a significant role in the history of Islamic thought as well as in all aspects of Muslim life. It is known that Islamic jurisprudence is based on two sources: the Qur'an and the Sunnah. There are various methods accepted by the majority of the jurists for deriving rules from these two sources. *Ijmā'* (consensus of opinion) and *qiyās* (analogy) are the two major ones. There are also other methods, which are acknowledged by some schools, but refuted by others. These are based on necessity, custom and equity. So are, for instance, *istihsān* (appropriateness) in the Hanafi School, *al-masāleḥ al-mursalah* (excepted interests) in the Mālikī School and so on. Jurists brought all these sources and methods, known as evidence (*adillāh*) of the law, together, in a special branch of knowledge called *'ilm al-usūl* (science of basic sources and methods). They began trying to extract legal solutions from such sources and evidences. This sort of activity was, and is, referred to as *ijihād* (endeavour or interpretation). It was a cause for, and at the same time an approach to, expanding legal provisions to comprise new cases. As such it was a strong factor in the development of Islamic law, in keeping with each country's needs and the conditions of changing times. If questions arose about the meaning of a Qur'anic text, or tradition, or revelation, about which early Muslim practice was silent, jurists applied their own reasoning through these methods in order to interpret the sources. *Ijtiḥād* essentially consists of an

inference (*istinbât*) that amounts to a probability (*zann*), thereby excluding the extraction of a ruling from a clear text. The laws, or rulings, are provided by clear texts from a specific framework called *al-ma'lûm min ad-dîn bid-darûra*, meaning that they are part of the fundamental essence of Islamic jurisprudence and, if rejected, they lead to the negation of Islam. Nevertheless the great majority of the Qur'anic verses and the Prophet's traditions are not of this very strict nature. The Qur'an is authenticated per se (*qat'î ath-thubut*) but the majority of verses containing legal rulings (*âyât al-ahkâm*) are subject to analysis, commentaries and interpretations (*zannî*) as is the case for the Prophet's traditions (*ahâdith*), which are for the most part open to speculation regarding both their authenticity (*thubût*) and their meaning (*dalâla*). *İjtihâd* as a whole (as both a source and approach), has in fact been considered by many 'ulamâ (scholars of Islam) as the third chief source of Islamic Law, in which one will find *ijmâ'*, *qiyâs*, *istihsân* along with all the known subdivisions of the so-called supplementary sources of Islamic law. The various methods of Islamic law that feature next to the Qur'an and Sunna are all manifestations of *ijtihâd*, albeit with differences, which are largely procedural in character. In this way, consensus of opinion, analogy, juristic preference, considerations of public interest, etc., are all inter-related under the heading of *ijtihâd* (For further details, see Hashim Kamalî, M., (2000), *Principles of Islamic Jurisprudence*, Cambridge: the Islamic Texts Society).

²⁰ Walter H. Capps, *Religious Studies* (Minneapolis: Fortress Press, 1995), 223-226.

²¹ Friedrich Schleiermacher, *Hermeneutics: The Handwritten Manuscripts*, trans. James Duke and Jack Forstman, (Montana: Missoula, 1977), 75.

²² Schleiermacher, 86-103.

²³ Wilhelm Dilthey, "The Construction of the Historical World in the Human Studies," in *Dilthey: Selected Writings*, ed. and trans. H. P. Rickman, (Cambridge: Cambridge University Press, 1976), 219.

²⁴ Charles R. Bambach, *Heidegger, Dilthey and the Crisis of Historicism* (Ithaca: Cornell University Press, 1995), 173.

²⁵ Robert Morgan, "Historicism," in *A Dictionary of Biblical Interpretation*, eds. Coggins, R.J. & Houlden, J.J., (London: SCM Press, 1990), 290-291; see also Werner G. Jeanrond's book *Text and Interpretation as Categories of Theological Thinking* (New York: Crossroad, 1988).

²⁶ Ahmet Davutoglu, *Alternative Paradigms - The Impact of Islamic and Western Weltanschauungs on Political Theory* (Maryland: University Press of America, 1994), 98-100.

²⁷ See footnote 19.

²⁸ For further details, see Hashim M. Kamalî's book *Principles of Islamic Jurisprudence* (Cambridge: the Islamic Texts Society, 2000).

²⁹ For a partial history of a crucial period in the development of the language of rights, see Arthur P. Monahan's book *From Personal Duties towards Personal Rights: Late Medieval and Early Modern Political Thought, 1300-1600* (Montreal: McGill - Queen's University Press, 1994).

³⁰ John Clayton, "Universal Human Rights and Traditional Religious Values," in *Human Rights and Responsibilities in a Divided World*, ed. Jaroslav Krejčí, (Prague: the Institute of Philosophy of the Academy of Sciences of the Czech Republic, 1996), 29-30.

³¹ Clayton, 30.

³² See Bas de Gaay Fortman, "Human Rights, Entitlements Systems and the Problem of Cultural Receptivity," in *Human Rights and Religious Values - An Uneasy Relationship?* eds. Abdullahi A. An-Na'im, Henry Jansen, Jerald D. Gort and Hendrik Vroom, (Amsterdam/New York: Rodopi BV, 1995), 62-77.

³³ For further discussion see Clayton, 35-40.

³⁴ Richard Roberts, "Religion, Rights, Responsibilities and the Idea of Global Citizenship," in *Human Rights*, 47.

³⁵ For further discussion of civilisational paradigms, see Jaroslav Krejčí, "Socio-cultural Diversity – Human Rights Issue," in *Human Rights*, 11-18.

³⁶ Anthony Giddens, *The Consequences of Modernity* (Cambridge: Polity Press, 1990), 38.

³⁷ Giddens, 37, 39-40.

³⁸ Anthony Giddens, *Central Problems in Social Theory* (London: Macmillan, 1979), 162.

³⁹ Al-Farabi, *Fusul Al-Madani* (Aphorisms of the Statesman), trans. Douglas M. Dunlop, (Cambridge: Cambridge University Press, 1961).

⁴⁰ Albert J. Arberry, *Discourses of Rumi* (Ames: Omphaloskepsis, 2000), 431.