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Recently, a spate of legislation was passed throughout Western Europe and North America aimed at responding to the increasing number of Muslims residing within Western nation-states.¹ In November of 2009, Switzerland approved a constitutional referendum banning the construction of any new minarets.² France leveraged its long tradition of *laïcité* in order to bar women from wearing the *burqa* or *niqāb* in public, some regions going so far as to challenge the rights of women to cover themselves fully at the beach or while swimming. The Netherlands considered banning kosher and halal methods for slaughtering animals. State Question 755 of Oklahoma, which forbids international law or *sharī'a* as serving as a source for state law, passed with 70 percent of the vote.³ Throughout the United States, debates about the construction of Islamic centers and mosques raged from metropolises like New York City to small cities, such as Temecula, California. In addition to formal legislation, Angela Merkel, Nicholas Sarkozy, David

¹ According to most estimates, there are approximately 20 million Muslims now living in Western Europe, which makes it the second largest religion in Europe. Moreover, “This expansion, while boosted initially by immigration, is likely to be significantly enhanced in the twenty-first century by the higher birth rate of Muslims compared to non-Muslim Caucasian majority.” Rex Adhar and Nicholas Aroney, “The Topography of Sharī'a in the Western Political Landscape,” in Rex Adhar and Nicholas Aroney, *Sharī'a in the West* (New York: Oxford University Press, 2010), 12.

² For an analysis, see Todd Green, “The Resistance to Minarets in Europe,” *Journal of Church and State* 52 (2010), 619–643.

³ Nadia Marzouki, *Islam: An American Religion*, translated by C. Jon Delogu (New York: Columbia University Press, 2017), chapter 3.

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Cameron, François Fillon, and Viktor Orbán have publicly questioned the capacity of Muslims to integrate or assimilate into Germany, France, Hungary, and the United Kingdom. The January 2015 attacks on the office of *Charlie Hebdo* in Paris and the copycat attack on a free speech meeting in Copenhagen in February of the same year only heighten Western Europe's questions about Islam and Muslims.⁴ The increasing rise of populist nationalist candidates, such as Donald Trump, Viktor Orbán, Marie Le Pen, and others, has traded on anti-Muslim rhetoric and appeal to cultural rivalry and difference.⁵ Undergirding much of European debate over migration are spoken and unspoken worries around Muslim integration into political liberalism.

Debates are not limited to Western societies; questions of the relationship between public law, religious law, and ethnic or religious minorities have also been at the forefront of recent debate within Muslim-majority societies. Indonesia, the most populous Muslim country, continues to struggle with how to balance its constitution's promise of freedom of religion and civil law with the demands for both customary laws and *sharī'a*. Malaysia has recently passed legislation that would allow only Muslims to use the term "Allah," while the 2017 elections in Indonesia for the Jakarta governorship was marked by debates about blasphemy and the propriety of a Christian leading a Muslim majority population. The March 2011 assassination of Shahbaz Bhatti, Pakistan's Minorities Minister, appeared directly related to his calls for reforms to Pakistan's blasphemy laws. The rise of the Justice and Development Party (AK Party) is increasingly challenging Turkey's own long-standing *laïcité*, even as Turkey lauds its secular credentials

⁴ For a study on the rise of anti-Muslim rhetoric in Western Europe and North America, see Todd Green, *The Fear of Muslims: An Introduction to the Problem of Islamophobia in the West* (Minneapolis: Fortress Press, 2015).

⁵ See Joshua Ralston, "Bearing Witness: Reframing Christian-Muslim Encounter in Light of the Refugee Crisis," *Theology Today* 74 (2017): 22–35.

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as it presses for admission into the European Union. Post-Mubarak Egypt brought to the surface long-simmering tensions between Coptic Christians, Islamists, and various other Muslims. How the demands of a majority religion for formal recognition will allow for equal legal protection of minorities is an ongoing debate, one that has taken on even more urgency after the revolutions and wars of 2011. At the center of many of these debates are questions about the relationship between *sharī'a*, the historical concept of *dhimmī* (protected minority status for non-Muslims), and national law. In a more radical fashion, ISIS/Da'esh's proclamation that it has established a universal caliphate that properly enforces Islamic law and rejects human law is central to its political theology. In fact, the tenth edition of its monthly magazine, *Dābiq*, provides a programmatic vision that claims that the only proper way for Muslims to follow the divine *sharī'a* is for it to be enforced by an Islamic polity.

These recent events reinforce long-standing anxieties in Western Europe and North America about Islam, its relationship with liberal values, and Muslims' capacity to live within Christian or secular states. While medieval anti-Islamic rhetoric is well known, exemplified by the twin events of the Crusades and the Reconquista, early modern political thinkers show strong concern about the compatibility between Islam and the emerging political culture of Western Europe. Take, for instance, John Locke's seminal text, *A Letter Concerning Toleration*:

It is ridiculous for any one to profess himself to be a Mahometan only in his religion, but in everything else a faithful subject to a Christian magistrate, whilst at the same time he acknowledges himself bound to yield blind obedience to the Muftī of Constantinople, who himself is entirely obedient to the Ottoman Emperor and frames the feigned oracles of that religion according to his pleasure. But this Mahometan living amongst Christians would yet more apparently renounce their government if he acknowledged the same

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person to be head of his Church who is the supreme magistrate in the state.⁶

Locke judges Muslims, as well as atheists, Jews, and Roman Catholics, to be ipso facto incapable of living in his proposed political community.⁷ The problem according to Locke is that Muslims cannot maintain allegiance to their Islamic convictions and also loyally reside under a non-Muslim political authority; ultimate allegiances lie elsewhere and thus threaten the stability of the political community. The emergence of international law and the law of nations in the seventeenth to nineteenth centuries also shows evidence of contradistinctions around claims to universality, on the one hand, and questions about Muslim belonging, on the other. Jennifer Pitts's *The Boundaries of the International* charts how important political and legal thinkers such as Gentili, Leibniz, and Grotius appealed to natural law and inherent equality through “resolutely universalist language,” even as they also made distinctions between “law abiding Europeans and Muslims.”⁸

These worries crystallize today around the issue of state-enforced *sharīʿa*, whether in the constitutions of Muslim majority societies or in the increased demands for Western accommodation to Muslim immigrants. The intertwined realities of globalization and migration only heighten debates. For instance, what might once have been a largely intra-Muslim or at least regional negotiation regarding the relationship between *sharīʿa* and national law in the new constitutions of Egypt, Iraq, Tunisia, or Libya now features prominently

⁶ John Locke, *A Letter Concerning Toleration*, edited by John Horton (New York: Oxford University Press, 1991), 32.

⁷ Within Locke studies there are numerous debates about how to interpret Locke's apparent exclusion of Catholics, Jews, and Muslims. See John Perry's *The Pretenses of Loyalty: Locke, Liberal Theory, and American Political Theology* (New York: Oxford University Press, 2011), part II.

⁸ Jennifer Pitts, *Boundaries of the International: Law and Empire* (Cambridge, MA: Harvard University Press, 2018), 23.

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in Western policy discourse. In turn, members of the Muslim Brotherhood in Egypt defend their Islamic position with recourse to terms that have global currency such as human rights, minority protection, and democracy.⁹ Even highly authoritarian governments in the Arab world continue to maintain their power and control over dissent and society, in part by promoting their own roles in fostering “religious tolerance” to Western powers and contrasting this with the threat of Muslim political parties. The complex and rapidly changing political and social realities in Mesopotamia, the Levant, and North Africa have only heightened questions regarding the relationship between tolerance, law, religious diversity, and the nature of the state.¹⁰

Moreover, Western secular states find Muslim citizens and immigrants challenging their political systems by demanding accommodation and recognition of their Islamic identity by invoking the principles of religious freedom and human rights. As evidenced by the litany of public legislation, Western nation-states have increasingly developed political and legal responses to Muslim immigration and the accompanying demand for some forms of accommodation to *sharīʿa*. In February 2008, Rowan Williams, then Archbishop of Canterbury, in a provocative lecture on *sharīʿa* in the United Kingdom, caused one of the most public controversies related to these questions. The lecture also hints at the complex ways that rhetoric around Christian and secularism, on the one

⁹ “Islamism is a work in project. The Brotherhoods’ discourse has been penetrated by democratic language. It has partly moved way from a vision of religious supremacy in favor of religiously backed democracy.... The Brotherhood stands at a crossroads. It has nuanced its view of the relation of the state to the divine enterprise. Its younger members increasingly recognize that the state, though important, is not revealed by God.” Paul L. Heck, *Common Ground: Islam, Christianity, and Religious Pluralism* (Washington, DC: Georgetown University Press, 2009), 174.

¹⁰ For many, Da’esh (or the Islamic State in Iraq and Syria) is the quintessential example of the problem and challenge of *sharīʿa*. Here is a purported caliphate that justifies the mass execution of political prisoners, the crucifixion of dissidents, and the destructions of mosques and temples in the name of *sharīʿa*.

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hand, and Islam, on the other, are juxtaposed and contrasted. Williams proposed that the United Kingdom consider legally allowing Muslims to have recourse to *sharīʿa* under the broader umbrella of English and Welsh law. “There’s a place for finding what would be a constructive accommodation with some aspects of Muslim law, as we already do with some other aspects of religious law.”¹¹ Newspapers throughout the United Kingdom ran reports on the archbishop’s comments, and numerous opinion pieces offered searing observations of the lecture’s proposals. Critique came not simply from the tabloids, news media, or ardent secularists opposed to any discussion of established religion. Some members of parliament condemned the argument as disastrous, legally incoherent, and a return to pre-Enlightenment religious barbarism. Numerous high-ranking church officials, including the previous Archbishop of Canterbury, George Carey, and the Bishop of Rochester, Michael Nazir-Ali, offered negative assessments with some implying that he should consider resigning his post.¹² Williams’s mere suggestion that forms of Islamic legal practice around family law might be legally recognized, insofar as they are fit within a broader and overarching commitment to the primacy of the state’s law, was made tantamount to endorsing and encouraging an Islamist vision of state-enforced *sharīʿa*. The public and ecclesial outcry over the mere mention of *sharīʿa* was highlighted – possibly even predicted – in the opening paragraphs of the lecture. Williams discussed how often non-Muslims view *sharīʿa* as if “what is involved in the practice” is essentially “a pre-modern system in which human rights have no role” and where women and non-Muslims are treated in barbaric ways.¹³ Without denying that *sharīʿa* is not the

¹¹ Rowan Williams, “Civil and Religious Law in England: A Religious Perspective,” in Adhar and Aroney, *Sharīʿa in the West*, 298.

¹² For more on the controversy, see Mike Higon, “Rowan Williams and Sharia: Defending the Secular,” *International Journal of Public Theology* 2 (2008): 400–417.

¹³ Williams, “Civil and Religious Law in England: A Religious Perspective,” 293.

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same as modern legal systems, Williams presented a much more nuanced and rich vision of *sharīʿa* and various Muslim-majority juridical and political arrangements. The internal diversity of Islamic jurisprudence was noted; critiques and questions were raised of dominant Islamic traditions; and a strong distinction was drawn between Williams’s vision for Muslim family courts in Britain and Islamist accounts of a *sharīʿa* state like those proposed by Sayyid Quṭb. This nuance mattered very little in the subsequent uproar – which fixated on essentialist visions of both *sharīʿa* and British law marked by inherent rivalry and difference.

That *sharīʿa* would elicit controversy and not critical conversation, out-right rejection and not considered critique is unsurprising. Christian worries about *sharīʿa* are not new but have a long genealogy in both political theology and Christian-Muslim dialogue and polemics. From at least John of Damascus’s early depiction of Islam as a heresy to the Latin translation of “The Apology of al-Kindī,” Christians have regularly described Islamic views of God and the law as demonic and dangerous.¹⁴ The Damascene ends his appraisal of the Ishmaelite heresy with a series of critical observations on Muslim practices around divorce and remarriage, dietary practices related to food and wine, as well as circumcision. Taken together, these legal and religious practices offer additional evidence of the deceptiveness of Muḥammad and the heresy of Islam. The searing riposte by the ninth-century Arab Christian al-Kindī depicts *sharīʿa* as akin to the “law of Satan,” contrary to both the divine law given through Jesus and natural law rooted in creation and reason.¹⁵ In an extended discussion filled with rhetorical questions, al-Kindī presses his reader to view Muḥammad’s military victories as

¹⁴ For the textual and historical debates around “The Apology of al-Kindī,” see P. S. van Koningsveld, “The Apology of Al-Kindī,” in Theo L. Hettema and Arie van der Kooj, *Religious Polemics in Context: Papers Presented to the Second International Conference of the Leiden Institute for the Study of Religions* (Assen: Van Gorcum, 2004), 69–84.

¹⁵ N. A. Newman (ed.), *The Early Christian-Muslim Dialogue: Translations with Commentary* (Hatfield: Interdisciplinary Biblical Research Institute, 1993), 443.

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indicative of the violent nature of *sharīʿa*. What is even worse in al-Kindī's reading of Islam and law is that it usurps Christ's grace and finality – substituting a false prophet for the goodness of God revealed in Jesus. Themes of violence, sexual deviance, and theological legalism continue in later Western readings of *sharīʿa*. In his letter “War with the Turks,” Martin Luther regularly compares the practices of the Turks to the works righteousness of Rome and condemns the sexual licentiousness of Muslims around marriage and divorce. He even explicitly states that “robbing and murdering, devouring and destroying more and more . . . is commended in their law as a good and divine work.”¹⁶ While Luther does not seem aware of the term *sharīʿa* or *jihād*, the deep problems of Muslim politics and piety are all connected to wrong ideas about law.

These critical comments, marked as they are by varying degrees of knowledge about Muslim practices and Islamic legal traditions, continue to reverberate in many Christian discussions, both popular and academic, about Islam and law today. Moreover, in societies in the West shaped by Christianity, political liberalism, and secularism – even if these three are not the same and have a complex relationship – Christianity is increasingly invoked even by non-Christians as a positive alternative and bulwark against Islam and migrants. There remains a deep-seated unease among most Christians and other non-Muslims in the West with the very notion of *sharīʿa*. For many non-Muslims, *sharīʿa* is largely associated with theocratic government, limits on personal freedom, punishments of amputation and stoning, and patriarchy. For Christian theologians, especially those shaped by Augustinian readings of Paul that distinguish strongly between law and grace or the letter and the spirit, Islam's apparent fixation on law is both theologically and politically dangerous. Such concerns about Islam's relationship to the public arena persist to this day, characterized in the oft-repeated dictum

¹⁶ Martin Luther, “On War with the Turks,” in *Luther's Works*, vol 46, edited by Helmut Lehmann and Robert C. Schultz (Philadelphia: Fortress Press, 1967), 178.

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that Islam recognizes no distinction between religion and politics. Typically, these observations are quickly followed by condemnation. Summarizing this dynamic, William Cavanaugh notes how “contemporary liberalism has found its definitive enemy in the Muslim who refuses to distinguish between religion and politics.”¹⁷ In fact, Joseph A. Massad has recently argued that Islam is central to the ideology, identity, and historical construction of Western liberalism. “Liberalism as the antithesis of Islam has become one of the key components of the very discourse through which Europe as a modern identity was conjured up.”¹⁸ Over half a century ago, the American Christian ethicist Reinhold Niebuhr argued that the demise of the Ottoman Empire and the waning of Islamic power were due to its “own inner corruptions . . . The Sultan of Turkey found it ultimately impossible to support the double role of political head of a nation and spiritual head of the Islamic world.”¹⁹ While Niebuhr’s claim about Islam’s demise is certainly dated given its global resurgence since the Iranian Revolution, his overly simplistic diagnosis remains widely held.²⁰ Muslims’ perceived inability to integrate into the West, adopt liberal democracy, or protect minority rights commonly is attributed to Islam’s insistence on merging the spiritual and political. Islam in general and *sharī‘a* more specifically has long been, in the words of Gil Anidjar, Christianity’s “theological enemy.”²¹

¹⁷ William T. Cavanaugh, *The Myth of Religious Violence* (New York: Oxford University Press, 2009), 5.

¹⁸ Joseph A. Massad, *Islam in Liberalism* (Chicago: University of Chicago Press, 2015), 11.

¹⁹ Reinhold Niebuhr, *The Irony of American History* (Chicago: University of Chicago Press, 2008), 128.

²⁰ Critical examination of thinkers who hold such a view of Islam can be found in chapter 4 of Cavanaugh’s *The Myth of Religious Violence* and throughout Elizabeth Shakman Hurd’s *The Politics of Secularism in International Relations* (Princeton: Princeton University Press, 2008).

²¹ Gil Anidjar, *The Jew, the Arab: A History of the Enemy* (Stanford: Stanford University Press, 2003).

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One need not deny the complex way that appeals to enforce *sharī'a* function in Muslim majority politics or the violent acts done in its name to challenge the tendency by Christian theologians and committed political pluralists to avoid any discussion of *sharī'a* in Islamic political theology whatsoever. The choice should not be between outright polemics or essentializing apologetics of *sharī'a*. What is needed is an approach that engages in honest, nuanced, and critical ways with the diverse debates and visions that Muslims and the Islamic legal-theological traditions themselves have and are having on *sharī'a*, sovereignty, justice, and the rule of God. Regardless of non-Muslim opinions, the fact remains that *sharī'a* is a central component of most Muslim practice and piety, a key aspect that shapes diverse living practices across time and space, as well as a powerful force in the Islamic imagination of a just world and societies. Yes, there is a danger of considering Islam as reduced to *sharī'a*, but at the same time it is also impossible to engage with Islam without *sharī'a*. To reject *sharī'a* tout court – as inherently theocratic or barbaric or a works-based view of salvation that is incompatible with either Christian or liberal values – is to fail to engage in honest Christian-Muslim exchange, to collapse back into a dominate secular paradigm, and to evade one of the central political theological debates of the past century.

Lost in the uproar against Williams's lecture were the deeper questions that his argument sought to raise. In the conclusion of his lecture, Williams noted that engagement with *sharī'a* demands clearer reflection about the "theology of law" and also a "fair amount of 'deconstruction' of crude oppositions and mythologies, whether of the nature of *sharī'a* or the nature of the Enlightenment."²² What is the use of the law? Is the secular as neutral as it claims to be? What exactly is *sharī'a*? How do we

²² Williams, "Civil and Religious Law in England: A Religious Perspective," 303.