

What Is an American Muslim? Embracing Faith and Citizenship. By Abdullahi Ahmed An-Na'im. New York: Oxford University Press, 2014. Pp. 217. \$27.95 (cloth). ISBN: 978-0199895694.

What is an American Muslim? is the culmination of the Sudanese American scholar Abdullahi Ahmed An-Na'im's ruminations on its topic since 2009. In it, An-Na'im establishes a narrative framework by way of a general description of the socio-historical reality of Muslims in America in order to craft and contextualize a vision of how American Muslims might pursue and successfully realize what he refers to as "religious self-determination." While the meaning of this key term fades in and out of focus, its primary thrust appears to rest on the importance of reconciling Islamic religious identity with American citizenship, such that Muslims might assume a more assertive and self-defining existence, as opposed to merely assimilating into the dominant order. Though clearly writing from the perspective of a first-generation immigrant, An-Na'im is ecumenical in the range of experiences and vantage points he seeks to include. He focuses more on the American state than he does on American society, following his insistence that it is as *citizens* (as opposed to mere residents) that any presumed hierarchy of non-Muslims over Muslims is exposed as false. In this context, An-Na'im's primary mission might be described as explaining how to navigate the American legal and political order, rather than how to come to terms with the dominant American culture.

In chapter 1, "Identity and Citizenship: Beyond Minority Politics," An-Na'im begins by affirming that, by virtue of their common citizenship, all Americans are equal. With this, he challenges the notion of there being a constitutionally relevant "majority" versus a "minority." As he puts it, "I do not accept that there is a uniform, monolithic measure of American identity other than citizenship" (53). Citizenship, then, is the master-identity that unites, equalizes, and, most relevantly for Muslims, empowers. "Minority politics," on the other hand, restricts people to a single aspect of their multiple, overlapping identities. For Muslims, this means overindulging Islam as a source of identity, which, according to An-Na'im, inhibits their ability not only to fulfill their civic obligations but also to "claim their entitlements in the same way other citizens do" (17). Thus, he advocates that American Muslims place a higher premium on their status as American citizens and embrace a more "proactive citizenship" that expels feelings of outsidership or being "lesser" Americans. This, he insists, is necessary for the successful pursuit of "religious self-determination" (20).

From here, An-Na'im lays out his understanding of the relationship between religion, law, and the state, doing so in terms that reflect familiar and long-standing commitments. America is and should be a secular state not simply because of the Constitution's disestablishment clause but because religious disestablishment and free exercise are "*required by*—not merely tolerated or accepted by—Islam and Sharia" (20). For An-Na'im, this rules out the propriety or possibility of *shari'ah* playing any role in American law, though Muslims may seek to negotiate their *shari'ah*-relevant disputes through community-based arbitration (34) (It remains unclear whether An-Na'im believes such arbitration should be backed or recognized by the state.) Rather than concern themselves with state-application of *shari'ah*, Muslims should devote their energies to voluntarily complying with the rules and values of *shari'ah* while negotiating with non-Muslims the general sociopolitical order via what An-Na'im refers to as "civic reason." Through civic reason, Muslims "can make proposals that emerge from their religious beliefs, but they must argue for them in a way that is accessible to those of other faiths (or none)" (23). The advantage of this approach, according to An-Na'im, is that it both reflects and promotes the kind and degree of "overlapping consensus" that can "sustain large-scale social cohesion and political stability" (13).

In chapter 2, “Negotiating Citizenship in the United States,” An-Na’im discusses sociopolitical inclusion and exclusion as problems, specifically where religion is the impediment or cause. He briefly surveys the earlier travails of Catholics, Jews, and Mormons as they negotiated their way to inclusion. The lesson here is that while full inclusion may be difficult to achieve, the American constitutional order makes it possible to pursue it, and American history provides ample precedents to inspire groups along the way. Here, however, as elsewhere, An-Na’im signals a certain uneasiness about too deep a penetration of religion into the political sphere. He notes in this context the distinction between the “republican state,” which seeks to “nurture its citizens, root out corruption and encourage virtue,” and the “liberal constitutional state,” which basically assumes that “a good society can result from the actions of citizens motivated by self-interest alone” (63–64). Robert Bellah has argued that religion is the mediating force between republicanism and liberalism. Against this view, however, An-Na’im voices caution about the “risk of excluding some citizens when religion becomes the nexus of the nation” (64). Of course, depending on the substance and interpretation of the religion in question, such fears may be entirely justified. But as *any* doctrine or ideology that people believe in deeply (such as sexism, classism, eugenics) can promote predatory exclusion, it is difficult to see why religion per se should be so uniquely feared.

In his third chapter, “Religious Self-Determination for American Muslims,” An-Na’im reiterates the value of “religious self-determination” and adds to this key concept dimensions heretofore unarticulated. Specifically, he refines the primary thrust of religious self-determination to render it more explicitly individualistic. The communal dimension, while not entirely absent, is palpably attenuated by suspicions about the propensity of groups to encroach upon the autonomy and freedom of individuals. This is a major concern for An-Na’im, and at times he appears to express his apprehensions in terms reminiscent of Durkheim’s “cult of the individual.” For example, he states that he “does *not* accept as a high priority the pursuit of ‘unity’ of the community of Muslims (*umma*), whether local or global, religious, or political. Unity is an illusion, one that has been a source of horrendous suffering and bloodshed throughout Muslim history” (104, emphasis original). Of course, conflating “unity” with “uniformity” will almost always court disaster. But, while Muslim history produced its share of violence and bloodshed, it is doubtful that much of this was in pursuit of unity or uniformity. At any rate, An-Na’im implies that unity is dangerous because of the authority that accrues to the unified group. This threatens individuals and their possibilities of realizing religious self-determination. Thus, individuals must be empowered against the community to make all determinations about the meaning of Islam for themselves, including the question of who is or is not a Muslim. According to An-Na’im, a Muslim is “‘any person who self-identifies as a Muslim’—regardless of whether that person’s beliefs and practices are perceived as conforming to or differing from what might be seen as orthodox or mainstream Islam” (71–72). In the end, religious self-determination turns out to have virtually no corporate or collective dimension other than the serendipitous result of autonomous individuals independently striving towards the realization of their own understanding of Islam and how it might be reconciled with American citizenship.

An-Na’im also broadens his lens in this chapter to take in the racial diversity of the Muslim community, most particularly the vexed relationship between “immigrant” and “African American” Muslims, and to question how Muslims in general might negotiate issues of identity with the broader society. Here again An-Na’im suggests that greater appreciation for the value of individualism might move things in the direction of reconciliation. In his usage, however, “individualism” takes on a broader meaning than the term normally brings to mind. According to An-Na’im, rather than surrendering to any single dimension of one’s identity, one’s sense of self and attachment should be more consciously distributed among the multiple collectivities out of which one’s

composite identity is constituted. This, An-Na'im suggests, will spare individuals the indignity of being "too oppressed by one community or another" (105).

It is also in this chapter that An-Na'im surveys the African American Muslim community in an effort to include them in the conversation about religious self-determination. One is a bit puzzled in these pages, however, by his anachronistic focus on the Nation of Islam to the near or complete exclusion of other, more important movements, such as Dār al-Islām, the Salafis, the majority of "unaffiliated" Blackamerican Muslims, not to mention the slight treatment of the late Imam W. D. Muhammad. One is also taken aback by some of the interpretive and literary license An-Na'im allows himself here. In particular, I would suggest that An-Na'im has misrepresented my position vis-à-vis the scholar Khaled Abou El Fadl, but there are other instances where he seems to play loose with scholars' words. For example, on pages 157 and 158, I find that he slices and dices Julie Macfarlane's *Islamic Divorce in North America* to suit his claims.

In chapter 4, "Legal Dimensions of Religious Self-Determination," An-Na'im rehearses the standard apologia for the modern, secular, liberal state as the legal framework within which religious self-determination is to be pursued. This includes, inter alia, brief excursions on the separation between religion and state, civil religion, civic reason, religious beliefs versus religious actions, and the overall constitutional framework protecting freedom of religion. These excursions often include interesting and informative examples of how American courts have adjudicated religious disputes. While it would be unreasonable to expect An-Na'im to be exhaustive here, his choices do raise questions. For example, he cites the famous *Reynolds v. United States*, 98 U.S. 145 (1878), case in which the Supreme Court ruled against the Mormon practice of polygyny. But the equally famous case, *Employment Division v. Smith*, 494 U.S. 872 (1990), where the Court ruled against the Native American religious practice of smoking peyote, is passed over in silence. While An-Na'im does cite cases where the court ruled against religious claims (such as, *Goldman v. Weinberger*, 475 U.S. 503 (1986); *Lyng v. Northwest Indian Cemetery Protective Association*, 485 U.S. 439 (1988)), one wonders if *Smith* too painfully exposes how badly religion can fare in our secular courts, an insight perhaps obscured in the *Reynolds* case by the fact that there the Court ruled against a religious practice that is also the bête noire of many Muslim liberals.

This chapter also includes brief allusions to issues of employment, prison accommodations, and education, alongside a longer discussion on Muslim family law and American courts. An-Na'im reiterates his assertion that American courts cannot apply *sharī'ah*, since, "According to Sharia's own standards, American judges are neither competent nor authorized to enforce Sharia norms" (142). Here it would have been interesting (and perhaps more balanced) for An-Na'im to explore the implications of the well-known view upheld by the likes of al-Māwardī and Abū Ya'lā, for whom non-Muslims can serve as *wazīr al-tanfīdh* (executive vizier) because they only exercise executive as opposed to interpretive authority. In other words, according to these classical authorities, non-Muslims can implement *sharī'ah*-rules, even if Muslims themselves should not grant non-Muslim *interpretations* of Islamic law any religious authority. Also questionable, meanwhile, is An-Na'im's contention that there are no calls among American Muslims for American courts to enforce the family-law provisions of *sharī'ah* (142, 157).

In the final chapter, "Imagined and Re-Imagined Communities: Looking Forward," An-Na'im starts out by gesturing towards the value of community. He notes, for example, that, "all persons affirm and experience their identities in community with others" (159). This is quickly offset, however, by the admonition that, "acting as a community carries certain risks. One is that elites may appropriate the collective voice and will of a community" (159). Another relates to "the marginalization of women and the repression of religious and cultural dissidents and members of heterogeneous groups who self-identify as Muslims" (159). There are some questionable characterizations

of Islamic family law in this section (for example, that children always go to the father, grandfather or other male relative) (172). At any rate, these and related concerns bring An-Na'im to reiterate the priority of the individual, who, again, must be protected against the authority and abuses of community. Of course, such misgivings about the potential abuses of community are not at all far-fetched. As An-Na'im astutely observes, "The problem today may be that present-day Muslims do not appreciate the human nature of the earlier process [of *sharī'ah*-interpretation] and tend to mystify it beyond the possibility of human reconsideration" (174). Elsewhere, I myself have noted that this kind of myopia can bind contemporary Muslims to the sociocultural and other quotidian preferences of their ancestors in the name of transcendent texts. Still, it is not entirely clear why communities should be any more prone to interpretive or executive malfeasance than are individuals and why the authority the Qur'ān grants to Muslim communities (*Let there be among you an ummah that commands right and forbids wrong* [3:104]) should be revoked for fear of misuse but not that of individuals.

In this final section An-Na'im makes perhaps his most explicit reference to the importance of culture as the foundation of American rights and freedoms. He does not explain the relationship between culture creation and individualism. As such, one is left to puzzle whether the enjoyment of the rights and freedoms he alludes to is enough to insulate "American culture" from substantive critique. At any rate, having clarified the role and nature of *sharī'ah*, the importance and centrality of American citizenship to American Muslim identity, and the normative relationship between the American Muslim community and the American Muslim individual, An-Na'im comes to his conclusion: "an American Muslim is a citizen of the United States who happens to be a Muslim There is no competition or incompatibility between religious identity and citizenship," and "There is only interdependence and mutual support between religion and citizenship" (176). This is what he calls upon his Muslim co-religionists to recognize, as it will both encourage them to uphold the values of justice and equality and aid them in their quest for religious self-determination.

I agree with An-Na'im's foundational premise that Americans qua Americans are so by virtue of their citizenship, not their race, religion, or country of origin. Beyond this, however, there is much to debate in this book. To begin with, while its title implies a *description* of what American Muslims aspire to, this book presents its author's *prescriptive* views of what he thinks American Muslims should aspire to. Second, in language, instinct, frame of reference, basic constructs, and ethos, An-Na'im's book is essentially a re-articulation of Rawlsian liberalism. By refusing, however, to engage any of the well-known critiques of Rawls, An-Na'im forfeits the opportunity to empower his community to think more critically on the issues he raises. For example, if there really is no competition or incompatibility between religious identity and citizenship, why do Muslims need to disguise their true religious commitments via some third language called "civic reason." Third, in the age of the Patriot Act, National Security Agency surveillance, drones, Freddie Gray, and Citizens United, one wonders about the propriety of emphasizing the dangers of religious community, while seemingly treating the state as an entirely benign entity from which we have nothing to fear. How does An-Na'im's concept of religious self-determination grounded in civic reason and committed to individualism avert the domestication of Islam, whereby it can only applaud and never challenge the state or the dominant culture? What can privatized religion contribute to the restoration of what Peter Berger refers to as religion's "plausibility structure," in the context of which Islam in America might resume a relevance and "presence" beyond personal morality and the therapeutic needs of individuals?

Fourth, An-Na'im contends that once the state—any state—applies a rule of *sharī'ah*, that rule ceases to be *sharī'ah*. But a state is not a rarefied entity entirely distinct from society; it is a collection of human beings upon whom the community has conferred political authority, the same

human beings one encounters at the gym or gas station. An-Na'im seems to think, however, that if non-state humans apply a rule (e.g., via community-based arbitration) it can be *shari'ah*; but if humans who represent the state apply the same rule, even fairly and accurately, it ceases to be *shari'ah*. Of course, An-Na'im might argue that I have attributed too much to his allowance of community-based arbitration, namely that even these rulings cease to be *shari'ah* to the extent that they entail any coercion. But this would imply that *shari'ah* remains *shari'ah* only as long as it is not applied by anyone to anyone other than oneself. Is Islamic law really a law without binding sanctions? If so, how does it constitute law? If not, *who* is to enforce its binding sanctions? Can an individual be entrusted to bind himself to pay money he contractually owes another individual? Related to An-Na'im's contention that state-application spoils a rule's religious authority and status as *shari'ah*, does the fact that the American state punishes murder and theft negate the status of an American Muslim's conscious avoidance of these crimes as a bona fide expression of sincere, religious commitment to *shari'ah*?

Fifth, An-Na'im often appears to lapse reductionist when the topic is *shari'ah*— that is, we cannot apply it because we cannot know what it really is or how to apply it fairly, since there is so much ambiguity and disagreement. None of this is invoked, however, on equally ambiguous topics such as “human rights,” “civic reason,” “overlapping consensus,” “equality,” or even “justice.” Sixth, An-Na'im may be a bit too hasty in discounting the value of minority status, failing to see the power that often lurks on the sociopolitical margin. Blackamericans and Jews, for example, are certainly minorities, but they are hardly “outsiders” whose critiques automatically raise charges of disloyalty or sedition, and official and unofficial assaults on their person routinely capture the national spotlight. Speaking of minorities, An-Na'im appears to give short shrift to the impact of race on questions of Muslim exclusion/inclusion. All of the religious groups he highlights in chapter 2 either were or eventually became white. As this is not likely to obtain in the case of Islam in America, one wonders about the propriety of focusing so heavily on formal, constitutional rights and freedoms, while virtually ignoring or taking an agnostic approach to the quotidian impact of race on the experiences of non-white-non-black American Muslims. Finally, one wonders what An-Na'im's religious self-determination might mean for American Muslims who do not share his Rawlsian commitments but whose ultimate, though by no means only, commitment is to God rather than the state. After a long career writing about religion and the state, the late Robert Bellah wrote, “I [now] see my first loyalty as to the church, not to the nation.” Would An-Na'im's religious self-determination include the value of enabling American Muslims to express themselves similarly?

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