In contemporary Western society, there is a fierce debate about what constitutes the best strategy for locating Islam. Some, President George W. Bush included, seek to present Islam as a “religion of peace.” This approach suggests that there are no significant differences between the Islamic tradition and other Western traditions, and situates militant Muslims outside the true religious tradition. As they are forced into the religious hinterland, it is hoped that militants will be abandoned by their fellow Muslims. Another approach, often deployed by certain conservative Christians and neo-conservative political theorists, locates Islam as an expression of reductive, abnormal, legalistic fanaticism. In the “clash of civilizations,” advocates of this position warn us, one is either for or against Western civilization. Locating Islam as contrary to Western culture allows Western civilization to recognize its enemy and treat it accordingly.

Assuming either one of the above strategies immediately forecloses upon the possibility of arguing against Islamic militancy. Whether the line is drawn between the West and the rest, or between good, peaceful Islam and evil, militant pseudo-Islam, both strategies assume that Islamic militants fall beyond the pale. For this reason, both of these strategies are problematic. The clash of civilizations strategy immediately cedes non-militant Muslims to its militant opponents, thus creating a self-fulfilling prophesy concerning the homogeneity of Islam. But the Islam-as-peace strategy does little better inasmuch as it renders itself unable to engage the arguments from militants that many non-militant Muslims continue to find palatable.

In *Arguing the Just War in Islam*, John Kelsay provides an alternative strategy for locating Islam. Here Islam has its own form of moral rationality, in which Islamic militants seek to participate. This rationality is distinct from other Western traditions of moral thinking, but in it one also finds echoes and parallels of other Western moral discourses. By locating Islam in this way, Kelsay is able to show the reader that there are good arguments within the Islamic tradition against militant Islam. He is also able to show that careful attention to these arguments may send American foreign policy in directions neither of the above strategies would suggest.
While Kelsay is one of the distinguished scholars of Islam in the United States, his account does not assume that his reader has any sustained engagement with Islamic tradition. When dealing with such a contested subject, it is best to start at the beginning. As such, Kelsay provides an account of the origins and meaning of Islam itself. The account of Islam provided is sympathetic. Kelsay wishes to show his reader that the foundational claims of Islam make sense. As the natural religion of humanity, Kelsay relates, Islam is a name for the ordering of human life in continuity with the structures of human nature created by the one true God. One might say, although Kelsay does not, that the word “Islam” can function, in the Muslim tradition, as a parallel for the word “justice” in much of Western discourse. Knowledge of Islam is universally available, but often obscured due to the misguided anxieties of humanity. As such, God provides occasional prophets to reeducate humanity. Muhammad was the last of these prophets, and the first leader of a political project designed to spread this order to all of humanity.

Muhammad’s political project was massively successful. But as the world was opened to the expanding force of God’s ideal social order, Muslims had to face new questions. What are the limits on Islamic rulers? How should Muslims treat those who do not accept Islam? How should Muslims define who is inside and outside the community? How should the law of Islam be applied in shifting contexts? To address questions like these, Muslims developed the practice of what Kelsay calls “sharia reasoning.” (43-96) This reasoning is constituted by a process of “fitting” authentic accounts of social precedents or models in Islamic history (especially, but not exclusively, from the Qur’an and the sunna) with contemporary contexts in a way that provides guidance for life and action in the present. Done right, Kelsay suggests, sharia reasoning is a labor intensive process. Arguments can arise concerning the authenticity of the precedent case, the interpretation of the case, the moral principles behind the case, or the adequacy of the “fit” between the precedent case and the contemporary context.

This tradition of moral reasoning developed slowly during the spread of Islam, and (in the Sunni tradition) reached a golden age in the mid-ninth to mid-tenth centuries CE after the systematic study of the law provided by al-Shafi‘i. For a long period following this, the ulama, the elite law scholars of Islam played a central role in debating, informing, and legitimating authorities and policies in the Muslim world. There were always a plurality of opinions provided by these lawyers, but their
thought was held together by the tradition in which they were all taking part.

Moral thought about war (military \textit{jihad}) in the Islamic tradition is found in the tradition of sharia reasoning and debate. The foundational precedent cases are drawn first from the actions of Muhammad and the earliest caliphs in the Islamic political movement. Here the identification of Islam with naturally just order and the story of early Muslim expansion set the stage for considerations of just cause for war. All people, in this scheme, have the right to be liberated from tyranny, to live under the just order provided by the Islamic state. (102) The just war is inseparable from the war for Islamic order. This war, however, is not without limits. Muslim warriors ought to fight only for this religious purpose, and not for reasons of interest, revenge, etc. Resort to violence in the spread of this order ought to be a last resort, undertaken only when those outside the order refuse to accept it voluntarily. This war should be led by a legitimate authority in the Islamic state. Finally, non-combatant classes, including women, children, and Muslims, should not be directly targeted in battle. In many ways, Kelsay suggests, the criteria here parallel the Western just war tradition.

At this point, Kelsay has provided an account of the distinctive yet familiar shape of Islamic reasoning about war. From here on, by means of outlining the shape of contemporary sharia reasoning about war, Kelsay develops a double edged criticism of Islamic militancy and American foreign policy. First, Kelsay shows that the discourse of Islamic militants like Osama Bin Laden is not simply a manifestation of unspeakable evil or fanatic irrationality. It is a mode of sharia reasoning, albeit a uniquely modern one. Kelsay does this to show the precise ways in which one can \textit{argue on sharia grounds} that the actions of militant Muslims are unacceptable. As it turns out, there are significant grounds on which the majority of the \textit{ulama} do criticize Islamic militants. Foremost among these is the failure of Islamic militants to discriminate between combatants and non-combatants in their attacks.

This argument could, Kelsay suggests, be taken farther. One might also critique Islamic militants for undertaking armed struggle without the support of legitimate authorities. Unfortunately, the argument from legitimate authority becomes problematic in the context of contemporary society. This is because the majority of the \textit{ulama} appear to agree with the militant argument that there are currently no legitimate political authorities in the Islamic world. The picture of legitimate authority that they embrace requires that the state must be explicitly Islamic in
character and should reject compromising interactions with non-Islamic states. Since no such state exists, Islam is seen as existing in a state of emergency such that the criterion of legitimate authority does not hold.

In order to get the argument about legitimate authority off the ground, Kelsay appeals to another strain in contemporary sharia reasoning: arguments for Islamic democracy. Several Islamic theorists in the West have used sharia reasoning to argue for the legitimacy of democratic polity. Focusing on passages from the Qur’an that prohibit the spread of religion by coercive measures and drawing on sharia precedents for the separation of religious and political institutions, these figures argue that the form of liberation envisioned by Islam is best instantiated today by democratic societies. These Islamic democrats are then free to argue that the corruption of conduct manifested in the attacks of Islamic militants is reflective of the lack of justice in their intent. The problem with Islamic militants, these Muslims aver, is that they are insufficiently dedicated to the openness and dialogue necessary to true sharia discernment.

The upshot of this analysis is a picture of the diversity of Islam in the midst of a crisis of sharia reasoning. Modern industrialization has created a class of non-ulama who are educated enough to participate in sharia reasoning. But when they take part in this process they let loose de facto anarchy within the process itself. With the historically central ulama split in their assessments, Islamic democrats and Islamic militants fight to define the direction Islam will take. Who will come out on top? It is here that American foreign policy becomes important. Just as the Islamic democrats have raised questions about the intent of the Islamic militants by pointing to the lack of justice in their actions, so Islamic militants challenge the morality of democracy by pointing to the purported injustice of American actions. Democracies claim to defend human rights and international justice. But in practice they ignore the rights of detainees at Guantanamo, surreptitiously allow torture by the practice of rendition (if not more directly), and use deception to legitimate unjust and unnecessary wars in the Middle East. So long as such perceived injustices continue, the militants have powerful support for their own claims within the Islamic tradition.

Kelsay thus relocates Islam in a way that allows for a much more vibrant engagement with the arguments of the Islamic tradition, and calls for a potential rethinking of American foreign policy. This discursive strategy is not without problems. Kelsay assumes an authoritative, descriptive tone in this volume, such that his normative choices in defining the Islamic tradition are often obscured. They are
there nonetheless. Though he mentions that there are other forms of moral reasoning within the Islamic tradition, these are not treated in any depth. There are some self-defined Muslim progressives who propose critiques of their own tradition in ways that raise questions about the practice of sharia reasoning itself. Kelsay’s treatment suggests that their rejection of sharia reasoning weakens their case for reform. (175-181) His position may have the effect of marginalizing these voices, thus missing the resources they represent. Kelsay also occasionally overstates the extent to which the moral tradition that he has uncovered overlaps with other forms of Western moral thought. For instance, the absence of “secular” just cause; and the important place of Islamic affiliation in determining whether persons are valid targets in war in Islamic thought suggests that there are significant differences between Islamic and other Western just-war traditions. Kelsay’s model downplays such differences.

Still, Kelsay’s strategy for locating Islam does offer an account of Islam that has distinctive advantages over some of its rivals. Every model comes with some costs, and the benefits of this model for conceiving of Islam are bountiful. America, thus far, has found itself bereft of models adequate to the task of understanding or responding to the dynamics of its conflict with militant Islam. Kelsay’s work provides a usable map of the moral terrain in which the United States treads. It is to be hoped that accounts like this will help America to find its footing in this terrain before, in its ignorance, it proves to be its own worst enemy.

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