



IN PURSUIT OF PEACE

1ST Framework Speech
9th-10th March 2014



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1ST FRAMEWORK SPEECH OF THE ABU DHABI FORUM FOR PEACE

9th-10th March 2014 , Abu Dhabi, UAE

Opening Speech

H.H. SHAYKH ABDALLAH BIN ZAYED AL NAYHAN

Keynote Speech

H.E. SHAYKH ABDALLAH BIN BAYYAH

Foreword

HAMZA YUSUF HANSON

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Abu Dhabi Forum For Peace and its annual Assemblies are hosted, by God's grace and abundant generosity, in Abu Dhabi, capital of the UAE, the wide and expansive home of Shaykh Zayed Al Nahyan (may he rest in Peace):

*By my life, such a home you are
Whose dwellers are honoured
And afforded your shade, reposing
In the waning of the afternoon,*

We are here through the noble auspices and remarkable concern shown by the leadership of this good country. Their God-given patronage and concern are amongst the principal reasons for the successes of the Forum.

FOREWORD

The pursuit of peace is a most noble human endeavor. The Qur'an states, "Now if they incline towards peace, then incline to it, and place your trust in God, for God is the all-hearing, the all-knowing. And if they mean to deceive you, surely you can count on God" (8:61-62). This verse indicates that one should not avoid reconciliation out of fear that it may only be an enemy's subterfuge. That is not our teaching. We are asked to seek peace and place our trust in God. Such is the preciousness of peace that its mere possibility, however remote, demands our most sincere and faithful efforts. The New Testament also reminds us, in words attributed to Jesus e, "Blessed are the peacemakers, for they shall be called the dependents of God."

Shaykh Abdallah b. Bayyah is a peacemaker and has placed his trust in God. He believes that peace is not simply the starting point but the only point. War, should it arise, is a disruptive suspension of peace, one that all men of intelligence should seek to end by any means necessary. Shaykh Abdallah once said that the only blessing in war is that when it befalls men, they fervently hope for peace. As for those who claim that calling to peace is canceling out Jihad, the converse is true, as Shaykh Abdallah cogently argues: Jihad is not war, and while it does have military applications, Muslims waging war on other Muslims is not one of them. That is called *fitnah*, something our Prophet s shunned so much that he sought refuge from it. Shaykh Abdallah, a master of *uṣūl* - the tools of *ijtihād* - and a man who profoundly understands the time we live in, is uniquely qualified to determine when the military application of Jihad is valid and when it is not. Hence, his call for peace, far from cancelling out Jihad, is itself an act of Jihad.

The pre-Islamic Jahili Arabs knew war all too well, as they lived in societies rife with strife: blood vengeance was their way, and the cycles of violence, like a millstone grinding its grain, constantly ground the bones of their bodies. When Islam appeared as an oasis in the desolate desert where wars were far too common, and Prophet Muhammad s offered another path, the path of peace through submission, the Arabs saw a way out of their wanton violence that invariably left children without fathers and women without husbands. A new world order was born, and though not immune at times to violence, it was one in which learning, science, and commerce prevailed, not war, violence, and vengeance. These became the pursuits of men who went forth to form societies that became some of the most tolerant and peaceful in human history. But that was then: this is now a turbulent time for Muslims. Failed states, senseless violence, and teeming refugees now characterize

large parts of the Muslim world.

Despite these troubles, some Muslims are still calling, like pre-modern physicians, for a bloodletting to cure the social body. But blood leads only to more blood, and the body, far from being healed, is further sapped and drained of its strength. Much like the pre-modern patient whose bloodletting often led to his demise, today's victims of this militant bleeding are drowned in rubble, dazed and confused, wondering when it will all end. Shaykh Abdallah is calling Muslims to end the madness and restore the way of the Prophet Muhammad s, the way of peace and prosperity. He is reminding us by using our own sources – the Qur'an, the Sunnah, and the prescriptions of our pious predecessors – that peace, not war, is the only way out. For those who would believe otherwise, let them contemplate the words our Prophet s repeated throughout his life after each daily prayer: "O Allah, You are Peace, and from You is Peace, and to You returns Peace, so let us live, O our Lord, in Peace."

Shaykh Zayed Al-Nahyan, the Father of the United Arab Emirates, was committed to peace and unity, and it is no surprise that his honorable sons, following in his illustrious footsteps, would be the ones to host and support this powerful initiative from Islam's teaching by the great Mauritanian scholar, Shaykh Abdallah b. Bayyah. With war being waged on peace all around us, Shaykh Abdallah's message is a simple cure: Wage war on war in order to have peace upon peace. For war is not the way: peace is the path. The path is peace.

HAMZA YUSUF HANSON

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To stop the destruction you are invited to think deeply, to share insights, and to take action. First, we will consider peace as a right and an objective that precedes all others.

We will consider the grave dangers of neglecting peace under misguided pretexts such as sectarian and doctrinal divisions, mutual accusations of apostasy, misleading fatwas that legitimize bloodshed and the seizure of rights, or democracies and dictatorships that have led Muslim societies into darkness.

H.E. SHAYKH ABDALLAH BIN BAYYAH
President, Abu Dhabi Forum for Peace

OPENING SPEECH

By H.H. Shaykh Abdullah bin Zayed Al Nahyan, Foreign Minister

Edited by Krista Bremer

In the Name of Allah, the Most Compassionate, the Most Merciful. All praise and thanks is to Allah, the Lord of the Worlds. May the peace and blessings of Allah be upon the Prophet Muhammad, his family, his companions, and his followers.

Your Highnesses, Your Excellencies, Religious Scholars:

The tolerant Islamic Shariah was sent from Allah to promote peace and to preserve human lives. Our religion came to spread love and to unify mankind regardless of religious differences. If Islam came to unify us, then why do some Muslims use it to divide us?

I ask this sombre and urgent question of our Muslim brothers who claim to have God on their side as they fight in different regions of the world. Tempted by promises of salvation, the young are being seduced into fighting one another on behalf of those who desire material and political gains. Our Prophet, Allah's peace and blessings upon him, said, "Cursing a Muslim is immoral, and fighting him is blasphemous." How then can Heaven await those who kill their own brothers and sisters in the name of God?

When we study the Prophet's life and characteristics, we find a huge disparity between his and his immediate successors' behavior and that of many who claim to be following his path today. Inspired by God, the Prophet Muhammad, Allah's peace and blessings upon him, refused to allow the mountains surrounding Mecca to collapse on those who attacked him and called him a liar. If given the same option today, would those who use Islam to justify violence hesitate to crush their enemies?

The main cause of sectarian disputes and wars that tear our nations apart is the absence of a rational voice and the erosion of respect for differences, which are the foundations of society. Poorly educated men in prominent positions issue misguided fatwas, and those with a voice in the media often manage to misinform people with insufficient knowledge of Islam.

Learned religious men who have a keen understanding of the necessities, changes, and requirements of the age in which we live need to guide our nations back to the right path.

One who isolates himself from the reality of his nation, who is unaware of its needs and ignorant of the changes in its society and culture, cannot guide Muslim nations because he is incapable of re-examining issues of Shariah in a rational and balanced manner that is responsive to the present needs of human beings.

The scholars hold the responsibility of enlightening our Muslim community. Since its inception and until the end of mankind, by the grace of Allah, our Islam will remain a religion that calls on humankind to think deeply and to coexist in peace. We deeply appreciate your commitment to extinguishing the fires of sedition, establishing reconciliation, enlightening minds, and encouraging hearts to believe in the principles of peace.

It would be impossible for you to agree on everything, and so we call for mutual respect when differences arise. We ask you to acknowledge the value of diversity and the guarantee of freedom and rights to all without trying to enforce one's views onto others, as Allah has guaranteed each of us the right to think and believe independently.

This gracious gathering has enlightened our community and brought happiness to our hearts. We hope this meeting will differ from others in which speeches are made and topics discussed in a superficial way, after which everyone leaves empty-handed. Instead, we hope and trust that you will emerge from this gathering with new initiatives for reform and a plan to restore peace to regions engulfed in violence. The scholars share this responsibility with the politicians.

We will not interfere in your work, but we will be enlightened by it. We join hands with you in your efforts to spread love and peace to humanity, using the good work that was seeded by the late Shaykh Zayed, may he rest in peace, and that bears fruit everywhere, all the time.

May Allah shower His blessings on this honorable assembly, put mercy in the hearts of people everywhere, alleviate crises and catastrophes, and bring forth blessings through you.

**FRAMEWORK SPEECH FOR
ABU DHABI FORUM FOR PEACE**

9th-10th March, 2014

BY SHAYKH ABDALLAH BIN BAYYAH
President, Abu Dhabi Forum For Peace



With the Constitution of Medina, the Prophet (Allah's peace and blessings upon him) established the foundations of peace among those of different races and faiths. Through treaties and agreements, he extended peace all the way to the borders of the Arabian Peninsula. Islam established the signing of treaties to restore peace. Prior to this practice, wars between Arab tribes could persist for decades. For example, the Basiis War, between the sons of Taghlib and the sons of Bakr, who shared the same father, lasted forty years.

H.E. SHAYKH ABDALLAH BIN BAYYAH
President, Abu Dhabi Forum for Peace

IN THE NAME OF ALLAH, MOST GRACIOUS, MOST MERCIFUL

ACCORDING TO A hadith, the Prophet ﷺ said, “You will not enter paradise until you believe, and you will not believe until you love one another. Shall I not tell you of an act which if done will cause you to love one another: Spread peace, and you will love one another” (*Sahih Muslim*).¹

And so faith is incomplete without love, and love cannot exist without peace.

What is the Purpose of this Conference?

Let us not forget that the circumstances and subject of this conference are momentous. We are here to investigate peace in response to catastrophic events in Muslim society. Death has become a game; scenes of carnage have become commonplace; and peace and prosperity are increasingly beyond reach. Devastatingly, it seems that no other community is as rife with conflict as ours is today, in which people are using pretexts, banners, and slogans for bloodshed that are not permissible under any laws or acceptable to any sound intellect. How can we bridge the chasms that divide us, repair our social fabric, dress the wounds, and heal the heartbreak in our community? A poet once said:

*The hearts, if they are broken
Like broken glass, cannot be fixed.*

How will we extinguish the fires of war and hatred that consume Muslim youth, that kill men, women, and children indiscriminately, and that destroy Muslim societies? How will we salvage what remains and restore wellness to a community that is drowning in the blood of its citizens? How do we shine a light in this darkest of nights?

*O long night, how I long to depart from you
To daybreak, for there is nothing better than daybreak to replace you.*

¹ This is an edited and abridged version of the speech given by H.E. Shaykh Abdallah bin Bayyah at the opening session of the first Assembly of the Abu Dhabi Forum for Peace, Abu Dhabi, 9 December 2014.

How can we Invite Daybreak and Begin the Journey of Peace?

We must answer this question together. But before we begin, we ask the Almighty – who is always near and ready to answer our prayers, and to whom we turn to solve our troubles and save us from calamity – to grant us honest intentions, kind words, and wise counsel, and to open our ears and our hearts to truth, as He opened deaf ears and closed hearts through our Prophet ﷺ.

The Preamble of the UNESCO Constitution states, “since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed.” We must fully engage our intellects as well as our hearts in these efforts.

The scholars gathered here today are performing a religious and humanitarian duty. We aspire to explain the importance of peace, and, taking into account the era in which we live, to carve out a path towards reconciliation. Our hope is that others will heed our counsel and follow our example. Rather than seek justification for oppression and wars of ignorance incited by the inflammatory media, we seek grounds for peace and wellbeing, as we seek refuge in the Almighty from the evil in our souls and the sinfulness of our deeds.

We begin with the obvious: that peace is better for society than conflict. As scholars, our duty is to wage war upon war in order to bring peace upon peace. If our intentions are pure, this effort is the best form of worship and the greatest service to our religion. The senior officials who are here today to support these efforts are also providing a great service to Islam and to the Muslim community. May God accept these most righteous deeds from all of you. Religious authorities have a particularly significant responsibility; none can stand by idly as a spectator while the staggering human and humanitarian costs continue to accumulate. Instead, we must respond to this explosion of violence like firefighters who strive to extinguish a raging fire instead of trying to first investigate who started it. It is a scholar’s religious duty to resolve conflict and extinguish the flames of war as commanded by the Almighty to “keep straight the relationships between yourselves,” and “make peace between them with justice” in Surah al-Hujurat, which includes five commands: “Make peace,” which is found three times; “Be fair”; and “Fight.” This final command to fight is addressed to rulers, while scholars and others dedicate themselves solely to peace and reconciliation as a religious and moral duty. We are here today to perform this duty.

We invite all scholars to reflect upon this message and to participate in this initiative, for lessons are learned from sound statements, regardless of who the speaker of those words may be. Perhaps even someone who is negligent in knowledge and deeds, such as me, might speak words of wisdom that would benefit those who are more learned and respected.

The following three questions have been asked about this initiative:

1. Why don't we condemn those who are responsible for these conflicts?
2. Why don't we address the Palestinian issue and the other issues of concern to the Muslim community?
3. Why do we speak of regional peace instead of world peace?

In response to the first question, it ought to be made clear that we are not here to establish a court that passes judgment or issues punishment. In order for us to be able to listen to adversaries, witnesses, and advocates, we simply focus on the call for a just and true peace. In pursuit of this, we have much to learn from scholars as well as precedents set by the principles of Islamic law. It is well known that once the truth becomes clear to him, a judge who is appointed to settle disputes calls for reconciliation in order to avoid bloodshed. We may recall the Maliki school when Ibn 'Asim al-Gharnati (d. 1426) said:

*Reconciliation is required in case of dispute
Through judgment, but not if the truth becomes clear,
Unless there is fear that this might lead
To affliction or dispute between the kindred by blood.²*

Khalil (d. 1365) said, "And reconciliation is ordered between the righteous and those related by blood to avoid aggravating the situation."³ The meaning of "aggravating the situation" is "creating a discord between the parties ruled for and against." The judge's duty is to command reconciliation so as to avoid aggravating the conflict. Someone who is neither a judge nor arbiter can only call for good.

As for the second question, we do not deny the importance of Palestine and

2 Al-Andalusi, Abu Bakr Muḥammad ibn Muḥammad ibn Muḥamad ibn 'Asim, *Tuḥfat al-Hukkam fi Nukat al-'Uqūd wal-Aḥkām* ed. Muḥammad 'Abd al-Salam Muḥammad (N.p.: Dar al-Afaq, 2011), verses: 38-39, p19.

3 Ahmad Jad ed., *Mukhtasar al-'Aallama Khalil* (Cairo: Dar al-Ḥadith, 2005), p220.

other conflicts that pose great threats to the Muslim community. However, firstly and foremostly, we seek to establish peace within our own societies amongst ourselves, for if we cannot first establish order amongst ourselves, we will not be able to achieve any other goals.

As for the final question, regional peace is our priority out of necessity. We believe that regional peace will eventually lead to world peace, but beginning first with our own regions is a necessary prerequisite for achieving this broader aim.

Our maxim is the Qur'anic verse, “O you who believe, enter into submission totally.” (2:208) The advisors to the Muslim community who are gathered here today to support this noble cause can be likened to fire fighters. To stop the destruction, you are invited to contemplate the causes of the problem, to share insights, and ultimately to act.

First, we will consider peace as a goal that precedes all others. We will consider the grave dangers of neglecting peace under misguided pretexts, such as sectarian and doctrinal divisions; mutual accusations of apostasy; misleading fatwas that legitimize bloodshed and the seizure of rights; and democracies and dictatorships that have led Muslim society into darkness.

Peace is a right that precedes all others. Everyone has the right to live free from violence and to settle or roam freely. No one can deny another this right or cause it to be denied.

Delving into an examination of why these catastrophic events have occurred will lead us to explanations such as injustice or blasphemy as opposed to faith, democracy, liberalism, and modernity. We assert that if the call for justice is a necessary part of faith, then the search for peace is even more so. This search will not change the essence of the call for justice, only its means and methods.

For those who have a rightful claim to justice, not all methods are acceptable or justifiable, for peace is a right that precedes all others. Everyone has the right to live free from violence and to settle or roam freely. No one can deny another this right or cause it to be denied. Therefore, peace precedes other alleged or inalienable rights, whether material or moral, individual or collective, religious or worldly. All rights stem from peace, and no branch can thrive without the stability of its core.

Competing religious claims, mutual accusations, and the blurring of truth and falsehood, all of which are fueled by the media, have led scholars into a vacuum of uncertainty, suspicion, and confusion. Three key questions might be asked of the crisis we face: what, why, and how?

This conference will not waste time on the first question, because the reality of rivalry and warfare is obvious. None of the rationalizations or fiery speeches we hear on a daily basis justify mutual annihilation using tools of death invented by humans. As discussed previously, we will also set aside asking “why,” as this question searches for reasons, which must lead to causes; we know these causes are not legal or rational, and there is no benefit in exploring causes that are illegal and irrational. Instead we quote the Almighty: “*You say, ‘where is this from?’ Say (to them): ‘It is from yourselves’*” (Qur’an 3:165).

The Meaning of Peace

Peace as an absolute whole necessarily includes some aspects and excludes others, and the inclusion or exclusion of some aspects may be debated, as explained by Imam al-Ghazali (d. 1111).⁴

The absence of war is peace, which is a minimum requirement based on the Western definition of war as an armed confrontation between two groups, each who seek victory. Warfare destroys absolute peace. Whether peace can coexist with hostilities is open to discussion.

Peace may be defined as a condition where psychological and spiritual tranquillity prevail in society. This permeates individual relationships as well as relationships between individuals and groups. Peace results in the guarantee of the five necessities laid out by the Sharia: the preservation of religion, life, wealth, honour, and intellect.

Peace permeates language, behaviour, and interactions, and excludes violent language, abusive behaviour, and unjust treatment. In a peaceful society, everyone benefits from solidarity and collaboration.

Peace creates an environment of love and security and fosters civic engagement.

⁴ Al-Ghazali, Abu Hamid, *Mi'yar al-'Ilm fi 'Ilm al-Mantiq* ed. Mustafa Dunya (Cairo: Dar al Ma'arif, 1961), p82.

Above all, it requires reconciliation with the self before reconciliation with others. Its value and blessing can be fully appreciated only by those who have experienced war, as ‘Amr ibn M‘ad Yakrib said,

He who experiences war finds its taste Bitter, and is left harsh and rigid.

Or, as Al-‘Asha said,

They tasted the breaths of war, And how hateful is war after peace.

As the philosopher Spinoza once said, “Peace is not mere absence of war, but the union of souls.” His phrase, “union of souls,” teaches us wisdom, as words of wisdom are the lost property of the believer. It implies the establishment of values and virtues that represent peace in the characters of people, which brings about tranquillity and serenity and manifests itself in solidarity, collaboration, empathy, and engagement.

Based on these definitions, we can summarize peace as that which avoids war and seeks friendship and love. Peace can therefore be divided into dynamic negative and positive situations that are reminiscent of Kant’s classifications. His book, *Perpetual Peace*, which is still taught in some European countries,⁵ begins with a chapter about the negative aspects of peace, followed by a chapter devoted to its positive aspects.

We begin by addressing the question “how” before responding to “why” in the same way a firefighter who tries to extinguish a fire does not concern himself with how it began. Extinguishing the flames of war is our urgent duty. Logic dictates that the answer to “why,” which will come at a later stage, may be cancelled out by the answer to “how,” just as it may facilitate understanding it in order to remedy it with the purpose of an everlasting and perpetual peace, as laid out by Immanuel Kant in his book which he wrote over 200 years ago when Europe was in a similar

⁵ As explained by Attiyyat, this is a project that can be placed within the framework of the great Utopian projects in the intellectual history of mankind, starting with Plato’s project for justice in his ideal Republic, through to all the reformist Utopias, all the way to the project for human fraternity as laid out by the philosopher Ernst Bloch in the twentieth century. All of these projects, to a large extent, may be achieved, in reality, under one condition – that the human being becomes a truly rational animal who rises above all desires, interests, benefits, and material objectives. Until that far-away day comes, the Kantian project for peace, like other previous and later projects, will remain no more than an achievable project or dream, as if it is a lighthouse that leads stray ships in a dark and turbulent sea. And until individuals and states learn to be led by this lighthouse, human history will remain rife with brutal and bloody conflicts that are driven by interests, passions, and whims above all else. (‘Atayat Abu Al-Su‘ud, *Kant wa’l Salam al-‘Alami*).

state of perpetual war.

Islam's Historical Contribution to Peace

Without peace, there can be no rights, because the loss of peace is the loss of all rights, including the right to exist. Therefore, peace is the highest purpose and regulates all of the other rights. A careful examination confirms that no purpose is more important than peace. Our proof of this is as follows:

1. "Peace" is one of the Names of the Almighty, as well as the name of His paradise that He has prepared for His believers. It is also His greeting for His believers in this life and the Hereafter. His names include *al Malik*, *al-Quddus*, *al-Salam*, *al-Mu'min* (The Absolute Ruler, The Pure One, The Source of Peace, The Inspirer of Faith), who "*invites to the Abode of Peace*" (Qur'an 10:25). He greets the people in the Garden of Eden with, "*Peace unto you for that which you persevered in patience,*" (Qur'an 13:24) and He says, "*Peace will be their greeting therein!*" (Qur'an 10:10). Prophet Abraham عليه السلام, received the angels with greetings of peace: "*They said, 'Peace!' He answered, 'Peace'*" (Qur'an 11:69); also, he offers words of peace to his father: "*Abraham said: 'Peace be upon you. I will pray to my Lord for your forgiveness, for He is to me Most Gracious'*" (Qur'an 19:47). Prophet Jesus عليه السلام, says that he is surrounded by peace: "*So peace is on me the day I was born, the day that I die, and the day that I shall be raised up to life (again)*" (Qur'an 19:33). The Christian hymn *Gloria in Excelsis Deo* also says, "Glory to God in the highest, and on earth peace, goodwill to all people." Prophet Moses عليه السلام, whose greeting "Shalom" is still used in Hebrew, said to the Pharaoh, "*Send forth, therefore, the Children of Israel with us, and afflict them not; with a sign, indeed, have we come from thy Lord, and peace to all who follow guidance!*" (Qur'an 20:47).

The Maker of Order, the Almighty and Exalted, ordered His worshippers to seek peace: "*But if the enemy incline towards peace, do also incline towards peace, and trust in God: for He is One that hears and knows (all things)*" (Qur'an 8:61). He also ordered the believers to enter the Abode of Peace: "*O you who believe! Enter into Islam whole-heartedly; and follow not the footsteps of the evil one; for he is to you an avowed enemy*" (Qur'an 2:208). He also described his pious worshippers as answering abuse with peace: "*And when the ignorant address them, they say, 'Peace'*"; "*And when they hear vain talk, they turn away therefrom and say, 'To us our deeds, and to you yours; peace be to you: we seek not the ignorant'*" (Qur'an 25:63). We also salute our Prophet ﷺ during our daily prayers with peace. These Qur'anic verses indicate that peace precedes justice and refers to words, behaviour, values, and principles.

2. The life of the Prophet ﷺ teaches us the importance he placed on peace and how he prioritized it over other basic rights, as shown by the following examples: In the Treaty of Hudaibiyya, the Prophet ﷺ and his companions relinquished their duty to perform a pilgrimage to Makkah for the sake of peace, even though they were already in a state of ihram.⁶ His companions were prepared to go to war against the polytheists who prevented them from entering the Holy Sanctuary to perform their religious duty, but he negotiated with them and signed a treaty which most of his companions, including Umar, may God be pleased with him, considered unjust. Ali, may God be pleased with him, who was writing the treaty, was angered when the people of Quraysh objected to the Almighty's Names, "Most Gracious, Most Merciful," and to the description of Muhammad ﷺ as a "Messenger," as they said, "We do not know what is meant by 'in the Name of God, Most Gracious and Most Merciful,' and we do not recognize you as a Messenger; instead, write your name and your father's name." So the Prophet ﷺ told Ali "strike out these words." Ali answered, "I will not be the one to strike them out." The Prophet ﷺ then took the parchment from him and struck out those words with his own noble hands. One of the other conditions stipulated that the Prophet ﷺ should return to the Quraysh any of their people, even if they were Muslim, while the reverse was not the case. Offended by the injustice, 'Umar, may God be pleased with him, said, "Why should we be humbled because of our religion?" This treaty teaches us the importance of peace. The Prophet ﷺ responded to 'Umar, "By the One in whose Hands is my soul, if they (i.e. the Quraysh) ask me anything which will respect the ordinances of God, I will grant it to them" (Sahih al-Bukhari). In his explanation of this hadith, Al-Khattabi says, "The ordinances of God are to avoid fighting in the Holy Sanctuary, to tend towards peacefulness, and to refrain from spilling blood."

Imam al-Nawawi explains the hadith on the Treaty of Hudaibiyya as follows:

The scholars have said the benefits of this treaty can be seen from its admirable fruits: It led to the Conquest of Makkah and all of its people converting to Islam and embracing God's religion in vast numbers. Prior to the treaty, they did not mix with Muslims and were not exposed to the Prophet's ﷺ teachings. But when the Treaty of Hudaibiyya was signed, they came to Madina and mixed with the Muslims, and the Muslims went to Makkah and offered advice to those who lived there and shared with them details about the Prophet ﷺ, including his miracles, the signs of his prophesy, the righteousness of his behaviour, and the beauty of his way. Their

6 The sacred state which Muslims must enter into before performing a pilgrimage.

souls developed a tendency towards faith, and some embraced Islam in the period between the Treaty of Hudaibiyya and the Conquest of Makkah. The rest embraced Islam on the day of the conquest. When the tribe of Quraysh embraced Islam, the other Arab desert tribes followed suit. The Almighty says, *When triumph comes from God, you will see the people embracing God's religion in throngs. You shall glorify and praise your Lord, and implore Him for forgiveness. He is the Redeemer.* (Qur'an 110:1-3)⁷

Hence, God, the Most Glorious and Exalted, referred to this treaty as a victory.

We have so far established that peace precedes other rights, that the consequences of war are worse than the consequences of concession, and that peace creates opportunities for religious and secular interests that are preferable to the opportunities created by war.

During the Invasion of al-Muraysi', when a man from the *Muhajirin* (Emigrants) struck a man from the *Ansar* (Helpers), and each of them called upon his people to fight, the Prophet ﷺ considered their proclamations to be from the times of *Jahiliyyah* (Days of Ignorance) and said, "Leave it, as it is a detestable thing." Some of the *munafiqun* (hypocrites) said very offensive things: the Almighty says about them, *They say, 'If we return to Madina, surely the more honorable (element) will expel them from the baser.'* But honor belongs to God and His Apostle, and to the Believers; but the Hypocrites know not. (Qur'an 63:8) In a famous story, The Prophet ﷺ then left to avoid this tribulation.

In addition, the Prophet ﷺ called Khalid's withdrawal during the Battle of Mu'ta a victory, as he said, "Finally the flag was taken by one of God's Swords (i.e. Khalid bin al-Walid), and God gave them (i.e. the Muslims) victory."

3. Further proof can be found in the Prophet's ﷺ testimony regarding his grandson, Hasan ibn Ali, may God be pleased with him and his father, when he described him as noble for relinquishing his right to the caliphate for the sake of peace. The Prophet ﷺ said, "This son of mine is a *Sayyid* (noble one), and I hope God may reconcile two parties of my community by means of him" (Narrated by al-Bukhari and others).

The people of Hijaz and Iraq had followed Hasan's father, Ali, may God be

⁷ Al-Nawawi, *Sharh Sahih Muslim* (Cairo: Al-Matba'ah Al-Misriyyah, 1929)

pleased with them both, and pledged their allegiance to him. Hasan remained Caliph over the lands of Iraq and beyond for seven months. But, he made peace with Mu'awiyah and handed him the caliphate, on the condition that it remain in his family following Mu'awiyah's death. The negotiations between them continued until Mu'awiyah sent him a parchment on which to write his conditions, which he promised he would accept. Hasan's companions were eager to fight the people of the Levant, but Hasan famously said, "I swear I would never have taken leadership of Muhammad's ﷺ people if I had known that this would lead to bloodshed."

In addition, no one from the family of the Prophet ﷺ participated in the Battle of al-Harrah against Yazid's army. According to Ibn Kathir, "Abu J'afar Muhammad al-Baqir ibn Ali Zayn al-'Abidin, may God be pleased with both of them, narrated that no one from the families of Abu Talib and 'Abd al-Muttalib participated in the Battle of al-Harrah, and that he was with his father, Zayn al-'Abidin, in Madina for the sake of peace."

4. Islam established the signing of treaties to restore peace. Prior to this practice, wars between Arab tribes could persist for decades; for example, the Basus War, between the sons of Taghlib and the sons of Bakr, who shared the same father, lasted forty years.

The Prophet ﷺ signed dozens of treaties for the sake of spreading peace in the Arabian Peninsula, the last of which was signed in Tabuk to secure the Roman borders without bloodshed. The Prophet ﷺ guaranteed Yuhannah b. Ruba, Prince of Ayla, security at sea and on land in return for peace. He also reconciled with the people of Adhruh and Jirbah without bloodshed according to al-Halabi's account of the Prophet's ﷺ biography.

The Almighty has placed great value on treaties based on transparency and good intentions: *"(But the treaties are) not dissolved with those Pagans with whom you have entered into alliance and who have not subsequently failed you, nor aided any one against you. So fulfill your engagements with them to the end of their term, for God loves the righteous"* (Qur'an 9:4).

With the Constitution of Madina, the Prophet ﷺ established the foundations of peace among those of different races and faiths, and through treaties and agreements, he extended peace all the way to the borders of the Arabian Peninsula.

Throughout history, Muslims followed the example of the Prophet ﷺ by spread-

ing peace through treaties and agreements. Over several centuries, they signed more than a thousand treaties and agreements with Europe, thus contributing to the establishment of world peace. During the Middle Ages, by protecting the Europeans from Mongol conquests and by absorbing attacks from the Mongols before they embraced Islam, Muslims acted as a barrier between East and West.

5. Islam abolished the practice of blood vengeance from pre-Islamic times and established that only rulers and governments had the right to seek revenge or to proclaim jihad. Denying individuals those rights promoted peace.

Islam also established rules that govern familial relationships as well as the relationships between governments and citizens. Examples of this include the religious command that children must obey and honour their parents; that parents must honour children and provide them with a proper education; that citizens must obey their governments; and that rulers must secure justice for the people.

Rather than enforcing humiliation or subservience, these rules establish behavior based on consciousness, awareness, and good character, all of which contribute to dignifying relationships and establishing a cohesive and peaceful society. These rules are based on a spirit of tolerance rather than perpetual struggle as described by Hegel, who argued that conflict is the driving force in the world.

*Since wars begin in the minds of men, it is in the minds of men
that the defenses of peace must be constructed.*
UNESCO Constitution Preamble

Islam established the concept of repelling evil with good deeds as a guiding principle for establishing peace: *repel evil with that which is best*, and *respond to evil with good*. (Qur'an 41:34) This means that you should not only voluntarily relinquish a right but also forgive those who have treated you unjustly, extend yourself to those who have shunned you, and give to those who have denied you.

6. Islamic jurisprudence also lays out a detailed, integral system of rulings for resolving conflict by peaceful and rational means. This can be seen in the chapter on reconciliation, which is an important chapter found in all books of Islamic jurisprudence. Reconciliation has been defined as an agreement by which conflict is resolved. Most scholars consider it a recommended act (*mandub*), whereas the Maliki School considers it obligatory (*wajib*) if there is fear of division or evil, in which case the judge should avoid passing a sentence and call for reconciliation, as previously

discussed.

The legitimacy of reconciliation has been confirmed in the Qur'an, the Sunnah, and through legally binding consensus (*ijma'*) of the mujtahid imams. Al-Zahid al-Bukhari says, "Reconciliation eliminates division between the believers, whether existing or expected, and it often happens at times of conflict. Conflict is the reason for division, and reconciliation eradicates and removes it; hence, it is of the best of deeds." God the Almighty also calls for reconciliation in many of His verses: *In most of their secret talks there is no good, but if one exhorts to a deed of charity or justice or conciliation between men, [secrecy is permissible].* (Qur'an 4:114). The Jurist 'Abu al-Walid b. Rushd explains that this verse applies to blood, money, honor, and everything else that might lead to conflict between Muslims.

Reconciliation applies to individual as well as political conflicts. It applies equally to marital strife, revolutions, and international wars. Scholars have identified five types of reconciliation:

1. With a non-Muslim state that engages in a war with a Muslim state, which is called a truce or covenant in the Qur'an.
2. Between the government and brigands (*khawarij*), which is also mentioned in the Qur'an.
3. Between husband and wife.
4. On criminal issues.
5. On financial issues.

The following definitions are integral to this branch of Islamic jurisprudence:

- *Tahkim* (Arbitration): The passing of a judgment to resolve conflict between two parties. This may be done by a judge or by the parties themselves.
- *Ibra'* (Absolution): When a person relinquishes his right from another person. There are two aspects to the relationship between reconciliation and absolution: First, reconciliation usually occurs after conflict, whereas conflict is not necessary for absolution. Second, reconciliation may include absolution if it includes the relinquishing of rights, or it may not include absolution if reconciliation occurs in exchange for conditions to be met without relinquishing any rights.
- *'Afw* (Forgiveness): In cases of blood rights, the Qur'an says, "*but if any remission is made by the brother of the slain, then grant any reasonable demand, and compensate*

him with handsome gratitude; this is a concession and a mercy from your Lord. After this, whoever exceeds the limits shall be in grave penalty.” (Qur’an 2:178)

These definitions concerning the jurisprudence of peace can be found in most books of *fiqh* in all the schools of law. They result in peaceful resolution of conflict without interference from the judiciary, who govern by rule of law and whose decisions might be more difficult to accept.

Two principles govern the jurisprudence of peace:

- Evaluating effects and consequences.
- Prioritizing averting evil over pursuing interests. When the order of importance is given to pursuing interests and averting evil, the most important is given priority and so forth until the least important are eliminated.

Peace must be established through the expression of Islamic and human values as exemplified in the Sunnah; through comprehensive understanding of the jurisprudence of peace, including its logic, definitions, and rulings; and with the objective of favouring unity and promoting love and harmony. Defamation and demands for *takfir* (excommunication) must cease, and deviant concepts must be challenged through modern means of communication and education. These efforts will lead to a culture of rationality that values individual and collective wellbeing and avoids conflict through righteous behaviour. Such a culture will allow a Muslim to practice his faith without disturbance.

Concepts that Undermine Peace

Concepts are composite constructions of ideas that carry value. To understand how concepts are formed, we must examine linguistic and legal proofs, as well as the reasons behind rulings and the realities of the era in which they were revealed. Concepts are defined and principles are justified; the first is a limit, and the second is a goal. The first may depend on the second: a principle is defined by a concept and a limit.

Through the Prophet of Mercy, Muhammad ﷺ, Islam provided a set of concepts that protect peace, promote life, and are a sign of God’s mercy. Over time, these concepts have been misinterpreted in ways that contradict their original meaning and thus have undermined their original purpose. Mercy has transformed into great suffering that afflicts the innocent as well as the guilty, and the learned as well as the

ignorant in Muslim societies.

Since a concept is a composite construction, if one component is disrupted, then the entire construction loses its integrity. This can be likened to how medicine becomes useless or even harmful with just one incorrect active pharmaceutical ingredient.

The Muslim community is unwell. As Nietzsche said, “Cultures, too, fall ill... and the philosophers are its physicians.” Our culture is sick, and the medicines thus far prescribed are faulty and therefore are hastening its destruction.

In Islamic jurisprudence, the rulings that grant a legal capacity for certain deeds – such as obligation, recommendation, prohibition, reprehensibility, and permissibility, – are measured by scripture, and examining their reasons, conditions, and legal impediments. A valid ruling can then be constructed from both scripture and legal capacity. If we separate between the commands and the impediments – between the conditions that must be met, the reasons that must exist, and the impediments that must be absent – then the rulings are null and in violation of religious law. In the same manner, we cannot sever the connection between objectives, causes, tools, and instruments. Instruments used for evil objectives are also evil; likewise, noble objectives cannot be reached except by noble means. This applies to the following concepts:

- Jihad
- Enjoining good and forbidding evil
- Democracy and modernity
- Application of punishments prescribed by Sharia
- Obedience
- Allegiance and disavowal

Without elaborating on explanations that various scholars have of these concepts, let us examine the errors in the application of these concepts.

Internal and External Jihad

Linguistically, the Arabic word *jihad* can be taken to mean “striving” or “making an effort.” It is a key virtue and the pinnacle of good deeds in Islam. But what are the requirements, conditions, and impediments of jihad? Who is authorized to issue these, and to perform jihad itself?

Jihad is not synonymous with fighting, though there are correlations between the two words. It must be realized that not all jihad is fighting, and not all fighting is jihad; fighting may be one form of jihad in specific contexts, but it is not the inherent meaning of the term. If we examine the texts of the Sharia, we will see that jihad includes all forms of worship. Obeying one's parents, for example, is a form of jihad: the hadith says, "Then your jihad will be with them (i.e. in looking after parents and being at their service)." Obeying God the Almighty is a form of jihad: Imam Ahmad and Abu Dawud narrate on the authority of Fadalah bin 'Ubayd who heard the Prophet ﷺ say, "The *mujahid* (i.e., person who performs jihad) is one who strives against his own soul to obey God the Almighty."⁸

There is also a weak hadith narrated by al-Bayhaqi on the authority of Jabir, who heard the Prophet ﷺ say upon his return from his last battle at Tabuk, "We have returned from the smaller jihad to the greater one." By 'greater jihad' he is referring to the internal striving or struggle that believers endure against their base desires and animalistic urges which hinder spiritual progress. This internal struggle against base desires is what is known as the greater jihad.

Ibn Taymiyya defined jihad as such: "It includes all acts of worship, both the outward and the inward, including loving God, being sincere towards Him, relying on Him, submitting one's destiny and fortune to Him, having patience, practicing *zuhd* (asceticism), and remembering God the Almighty. Some types of jihad are performed by the hand, some by the heart, and others are performed by calls for action by proof, words, opinions, measures, actions, and wealth."⁹

Ibn Khaldun identified four types of war based on their motives. He said, "Two are wars of outrage and sedition: wars of competition (expansion), and wars of hostility waged by savage nations. The other two are wars of justice: wars to defend God and His religion, which are considered jihad, and wars against seditionists," which he described as wars to defend the king.

Only legitimate political leaders have authority to wage wars of justice, fight aggressing countries abroad, or defend against seditionists internally. As al-Qarafi says in his *Furuq*, when describing the actions of the Prophet ﷺ, "this kind of action is not permitted for individuals but may be performed only by the ruler."

⁸ This is a sound hadith (*hasan*).

⁹ Al-Ba'li, *Al-Ikhtiyarat Al-Fiqhiyya*, (Riyadh: Dar Al-Asima, 2005) p. 532.

Fighting as a form of jihad is permissible only under certain conditions. Muslims may fight to defend freedom of faith in situations where their right to do so has been severely threatened. The Qur'an says, *"To those against whom war is made, permission is given (to fight), because they are wronged; and verily, God is most powerful for their aid."* (22:39) Fighting is also permissible in defense of the weak. The Qur'an says, *"And why should you not fight in the cause of God and of those who, being weak, are ill-treated"* (4:75) - with "ill-treated" here also denoting those who are oppressed - *"Men, women, and children, whose cry is 'Our Lord, rescue us from this town, whose people are oppressors, and raise for us from Thee one who will protect, and raise for us from Thee one who will help.'"* (Qur'an 2:190) Self-defence is also permissible: The Qur'an says, *"Fight in the cause of God those who fight you, but do not transgress limits; for God loves not transgressors."* (2:190) The basis of the Muslim's relationship with those of other beliefs is peace.¹⁰ Likewise, the impetus of jihad in Islamic jurisprudence is to establish enduring peace, which is why all believers are commanded to embrace peace: *"O you who believe, enter into peace wholeheartedly"* (Qur'an 2:208). Believers are also required to accept any initiatives for peace: *"But if the enemy inclines towards peace, do also incline towards peace"* (Qur'an 8:61).

These verses were revealed at a time when the only means of spreading Islam were through military expedition, when borders were secured by force, and when treaties, constitutions, and weapons of mass destruction did not exist. Now that all of these realities have changed, only a Muslim with an unsound intellect and heart - ignorant of both the teachings of his religion and the realities of the world - would call for the invasion of another nation.

As scholars, our duty is to wage war upon war in order to bring peace upon peace. If our intentions are pure, this effort is the best form of worship and the greatest service to our religion.

Scholars must utilise their knowledge of scripture and the early history of Islam to demonstrate that the concept of jihad was originally established for the purpose of promoting peace and mercy, in the context of the individual believer's personal "striving" towards piety just as much as in their wider environment. They must also acknowledge and let it be known by others that the concept of jihad, with its modern connotations of violence, has been decontextualized and used in such a

10 Abdallah b. Bayyah, *Al-Irhab: Al-Tashkhis wa'l-Hulul (Terrorism: Diagnosis and Solutions)* (Riyadh: Al-Obeikan: 2006)

way that wholly contradicts its original meaning and purpose. This unleashes great suffering that is unacceptable according to both the Islamic law followed by Muslims and rational intellect.¹¹

Enjoining Good and Forbidding Evil

The enjoining of good and forbidding of evil are paramount in the pursuit of spreading peace in Muslim societies. During the days of the Prophet ﷺ and his Caliphs, this principle was not enacted by force; it depended on individual conscience and on cooperation and solidarity in maintaining public order. The Almighty says in the Qur'an, "*Let there arise out of you a band of people inviting to all that is good, enjoining the good and forbidding evil: They are the ones to attain felicity.*" (3:104) This command is obligatory for Muslims and must be justified according to conditions, reasons, and impediments.

Communities that resort to physical violence to eliminate what they consider to be wrong behaviour fail to adhere to jurisprudential requirements and responsibilities. Ibn al-Qayyim explains, "Forbidding what is wrong may take four different forms: removing it and replacing it with its opposite, reducing it but not removing it completely, replacing it with something similar, or replacing it with something worse. The first two are legitimate, the third is subject to *ijtihad* (independent reasoning), and the fourth is forbidden."¹² According to the judge, 'Abd al-Jabbar, "The chapter on enjoining good and forbidding wrong is connected to the chapter on political leadership because most actions related to enjoining good and forbidding wrong can be performed only by political leaders and rulers."¹³

Ibn 'Abbas narrates a hadith about a man who went to the Prophet ﷺ and asked, "How can I enjoin good and forbid wrong without violating God's will?" The Prophet ﷺ responded, "It is not your duty but the duty of the Sultan" (Narrated by Abu Ya'la ibn al-Farra').

In certain cases, forbidding wrong may require the use of force. However, the Qur'an and the hadith grant the permission to do so only to those who satisfy the five conditions, the three levels, and the four degrees. Ignoring these conditions and classifications results in creating strife rather than maintaining peace. Once

11 Abdallah b. Bayyah, *Al-Irhab: Al-Tashkhis wa'l-Hulul* (Terrorism: Diagnosis and Solutions) (Riyadh: Al-Obeikan: 2006).

12 Ibn al-Qayyim, *'Ilam al-Muwwaqi'in 'an Rabb al-'Alamin*, (Beirut: Dar al-Fikr: 1991) Vol. 3 p. 6.

13 Abd al-Jabbar, *Sharh al-Usul al-Khamsah*, 749.

again, it is only in specific contexts and under specific authorities that these measures can be taken.

The Application of Punishments Prescribed by Sharia

The orders of Sharia are obligatory, and everything that God commands is true and just until the Day of Judgment. A problem arises, however, when people fail to recognise that there are various possible interpretations and applications of the Sharia. The application of the limits and penalties varies depending on whether they concern individual requirements (such as the obligatory prayer), group requirements (such the funeral prayers), or other duties with specific legal requirements that can be performed only by the ruler.

Individual obligations are called *fard al-‘ayn* and are defined as obligations whose benefits reflect on their performer. Obligations that concern society as a whole are called *fard al- kifaya* and are defined as duties that result in immediate benefits that go beyond their performer. This second type of obligation may be further divided into two categories: those that are permitted for the general public, such as funeral prayers or gaining knowledge beyond that which is required as an individual obligation, and those that are strictly reserved for leadership and government, such as applying the penalties prescribed by Sharia, passing judicial sentences, or declaring war and peace between nations, in addition to various issues that concern society as a whole, including naming judges and appointing officials to collect funds.

Rather than seek justification for oppression and wars of ignorance incited by inflammatory media, we seek grounds for peace and wellbeing.

Imam al-Haramayn al-Juwayni says, “The meting out of discretionary punishments is the responsibility of the imam or his deputies.” He also quotes Imam al-Shafi’i in his book *al-Ghiyathi*: “The imam may choose to forgive, if he so wishes, or to pass the sentence, if he so wishes, based on the benefits he sees in his decision.” Imam al-Juwayni also says that the application of penalties prescribed by Sharia is the imam’s duty, yet the imam does not have the choice on whether to apply them or not.

A Muslim is required to follow all aspects of the Sharia that are accepted by consensus without deviation or renunciation. In the Qur’an, the Almighty says, “We

appointed you to establish correct laws; you shall follow this, and do not follow the wishes of those who do not know.” (5:49) The Qur’an also warns, “And beware lest they divert you from some of God’s revelations to you.” (5:49)

In order to better understand how to follow the Sharia, we must first understand it. The conventional and linguistic definitions of the Sharia may be summarized as this: It refers to faith (beliefs) and (practical) rules.

Proof for the first half (i.e. faith) is that God says in the Qur’an, “*He decreed for you the same religion decreed for Noah, and what We inspired to you, and what We decreed for Abraham, Moses, and Jesus: ‘You shall uphold this one religion, and do not divide it. The idol worshipers will greatly resent what you invite them to do.’” (42:13)* What was “decreed” here refers to universal beliefs.

Proof for the second half (i.e. rules) is that God says in the Qur’an, “*For each of you, We have decreed laws and different rites.” (5:48)* The laws here refer to practical rules, which include two categories. The first is believing in certain constants, which means believing in everything that has been attributed to the Prophet ﷺ with definite attestation and proof. Definite attestation refers to that which has been mentioned in the Qur’an or a rigorously authenticated hadith narrated by diffuse congruence (*tawatur*); definite proof means that it is interpretive, according to the Hanafis, or a clear text, according to the other schools of law, that cannot be misinterpreted. The second category concerns practical rules and laws, which must be viewed within the context of what the scripture lays out from reasons, conditions, and impediments, as well as legal capacity. The lack of application of these laws does not mean rejection of one’s faith, as long as that person does not deny or reject what has been clearly established in religion, as has been the opinion of scholars of the past and present.

The application of the penalties prescribed by Sharia falls within the second category of laws, unless it is a matter of belief rather than practical application, for how can the application of these penalties be performed correctly and with good intentions while avoiding division and sin?

Ibn al-Qayyim provides one of the most informative passages on this issue in *I’lam al-Muwaqqi’in* under the title, “Changing fatwas with the changing of times and places.” The places he refers to here denote enemy territories, where the application of the penalties may be delayed or suspended, as inferred from the Sunnah, the actions of the companions of the Prophet ﷺ in addition to the consensus of the

scholars (*ijma'*) and deductive analogy (*qiyas*).

An example from the Sunnah is the hadith narrated by Busr ibn Artā who said, "I heard the Messenger of God ﷺ say, 'Hands are not to be cut off during battles.'" (Narrated by Abu Dawud, Ahmad, and al-Darimi.) Ibn al-Qayyim says, "This is a penalty prescribed by God, and it was suspended for fear of its consequences of angering and antagonizing non-Muslims, which might be worse to God than delaying its application or suspending it." (As narrated by 'Umar, Abu Darda', Hudhayfah, and others.)

Ahmad, Ishaq, al-Awza'i, and other scholars of Islam have ruled that the penalties prescribed by Sharia must not be applied in enemy territory. Abu Qasim al-Kharqi mentioned this in his treatise: "The penalties prescribed by Sharia are not to be applied on a Muslim in enemy territory."¹⁴

This implies that a ruler who takes into consideration worldly and religious benefits is permitted to suspend punishments and penalties if he sees that they would result in a greater evil, which is what 'Umar, may God be pleased with him, did during the Year of the Ramada (Year of Ashes) when he suspended the penalty for theft, as dictated by Sharia. In regards to the son of Ghalman Hatib bin Abi Balta'a, he said "Were it not that you starve, I would have applied the punishment on them." 'Umar instead doubled the fine that the perpetrator had to pay. He also suspended the exile of those condemned of moral crimes for fear that they would forsake Islam. In the same manner, 'Ali, may God be pleased with him, delayed punishment until there was agreement, while Sa'd ibn Abi Waqqas revoked Abu Mahjan al-Thaqqafi's punishment for drinking alcohol.

In light of current realities, we must carefully consider the degree of anxiety and restlessness in most Muslim countries. We must take into consideration how prepared the people are to accept physical punishment, and if its imposition will cause them to lose their faith altogether.

The conditions in some Muslim countries may be unstable enough for us to justify averting prescribed punishments based on the Sharia's desire to avert them, as stated in the hadith narrated by Hakim: "Avert punishments as much as possible."¹⁵

14 Ibn al-Qayyim, *'Ilam al-Muwwaqi'in 'an Rabb al-'Alamin*, (Beirut: Dar al-Fikr: 1991) Vol. 3 p.17.

15 Al-Bayhaqi, *Al-Sunan Al-Kubra (The Grand Hadith Compendium)*, *Kitab al-Hudud (The Book of Legal Penalties)*, Chapter: "Averting punishment in case of doubtful evidence," narrated by al-Tirmidhi and al-Dar-

In another hadith, a man came to the Prophet ﷺ and said, “O God’s Messenger, I have committed a legally punishable sin; please inflict the legal punishment on me according to God’s laws.” The Prophet ﷺ said, “Haven’t you prayed with us?” He said, “Yes.” The Prophet ﷺ said, “God has forgiven your sin,” or he said, “God has forgiven your legally punishable sin.”¹⁶

One must also consider the various hadiths about covering one’s misdeeds and the misdeeds of others, such as the Prophet ﷺ saying, “Hazzal, had you veiled him with your cloak, it would have been better for you.”¹⁷

‘Umar ibn ‘Abd al-‘Aziz sent a letter to some of his governors asking them to refer any issues relating to the penalties of crucifixion or the severing of limbs to him personally.¹⁸ He, may God be pleased with him, said, “Punishments against people should be equal to the level of evil they commit.” He also said in another letter, “Avert the prescribed punishments as much as you can through doubtful evidence; it is better to err in forgiveness than it is to err in punishment.”¹⁹

Peace precedes other rights; the consequences of war are worse than the consequences of concession. Peace creates opportunities to secure religious and secular interests alike.

There is no argument about the obligation of applying the penalties prescribed by the Sharia under normal circumstances. Admitting and acknowledging this fact is part of faith; however, applying these penalties falls within the category of practical application, and decisions pertaining to this are the sole responsibility of the ruler. Shaykh Taqi al-Din ibn Taymiyya says, “This is a *fard kifaya* (communal obligation); it is even a form of jihad. It is a communal obligation to be performed by those with the capacity to perform it, and capacity here refers to rule and leadership. Therefore, the duty of applying penalties as prescribed by the Sharia is the responsibility of rulers and their deputies.” He also said, “The application of

qutni.

16 This hadith is agreed upon by Bukhari and Muslim.

17 *Muwatta* Book 41, Hadith 1505

18 Ibn Qayyim, *Ahkam Ahl al-Dhimma*, (Al-Damman: Al-Ramadi Li ‘l-Nashr, 1997)

19 Ibn al-Jawzi, *Sirat ‘Umar ibn ‘Abd al-Aziz* (The Biography of Umar ibn Abd al-Aziz). (Beirut: Dar Al-Kutub al-Ilmiyyah, 1984)

punishments as prescribed by the Sharia can only be done by force and rule.” The responsibility to perform this obligation belongs to those who are responsible for nations and their citizens, and not necessarily to learned jurists who may not be fully aware of extenuating circumstances, internal issues, and external pressures, which are essential considerations when making national decisions.

We must keep in mind, however, the rule that states, “The failure of that which is difficult does not mean the failure of that which is easy.” Proof of this can be found in the Qur’an: “*Revere God as much as you can.*” (64:16) This means that failure to perform part of a punishment does not mean failure of the whole punishment, and whatever aspect of it can be performed should be implemented.

Ruling authorities must address this very important issue, because muftis or jurists do not necessarily have access to all the facts or fully understand the consequences of actions they might take. Only by taking into account current circumstances and human realities can we avoid turning the Sharia – God’s concept of applying punishments in order to achieve peace – into a gateway for wars and violence.

The achievement of this objective requires considering the whole situation, which may only be apparent to some observers. It may require achieving a balance between an evil and a benefit, or between two evils or two benefits, in which case one must choose the lesser of two evils or the best of two benefits, or determine that warding off evil is preferred to gaining benefit.

Democracy and Modernity

It has been said that democracy is the best of the worst. Our purpose here today is not to discuss its benefits and disadvantages, but to consider if democracy is capable of resolving fundamental differences in the absence of common ground in our communities. After our experiences with wars that have taken the lives of millions, should we explore different solutions for Muslim societies?

Scholars everywhere must condemn conflict and exclusion, and commit themselves to peace. Without abolishing the concept of democracy, which gives a voice to every individual, we must establish a number of fixed guarantees within a framework of democracy so that it serves the end of peace rather than conflict.

Much praise has been given to democracy as a system that recognizes and protects

individuals. It has also been said that democracy is determined by its enemies more than by the principles it defends. Democracy should no longer be defined as the triumph of the universal over the particular, but as a set of institutional guarantees that make it possible to reconcile the unity of instrumental reason with the diversity of practical experience, and to bring together social exchange and political freedom.²⁰

The French philosopher Alain Badiou has argued that “Democracy did not manage to decrease the extent of violence within Western societies except by channeling this violence outside these societies.” He supported this claim with reference to the wars that have been waged by Western democratic countries, asserting that it would be a lie to say that democracy has made societies less violent: democracy has not ended violence, but merely exported it abroad owing to the fact that if a capitalist democracy wants to survive, it must secure resources.

The German philosopher Leo Strauss said, “The pervading evil of democracy is the tyranny of the majority, where the majority, even if by a small percentage, consolidates wealth and power, while the minority is left poor and oppressed. This could last a very long time since the ruling party will resort to any means to remain in power.”

Is it not our right and obligation to find a better political solution than democracy and to establish a system based on the principles of consultation (*shura*) and higher justice? When we speak of democracy and *shura*, we are referring to the true forms of these systems rather than the hypocritical ones we have seen with the corrupt elections in some Arab states.²¹

The Prophet’s life, Allah’s peace and blessings upon him, teaches us the importance he placed on peace and the priority he gave it over other basic rights.

Our approach must employ transparency and goodwill. No party should use victory to inflict financial, moral, religious, or worldly damage on another party. There should be no monopolization, and guarantees must be provided for coexistence, compromise, and mutual concessions. Vengeance, claims of absolute truth, and distorted historical and religious interpretations must be avoided to ensure har-

20 Alain Touraine, *What is Democracy?* trans. David Macey (London: Routledge, 1997).

21 See: Abdallah bin Bayyah, *Hiwar an Bud hawl Huquq Al Insan Fi al-Islam (A Dialogue about Human Rights in Islam.)* (Riyadh: Al-Obeikan, 2006.)

mony and accord.

In societies that are not ready for an immediate transition to democracy, a call for it is essentially a call for war. Since the human and financial costs of establishing democracy may be very high in societies which do not have a common ground of shared values and interests underpinning them, justice in its Islamic sense must first be established as a foundation for peace and security. This foundation of justice must be one that preserves the five objectives of Sharia; provide protection from tyranny and injustice, promote integrity and good character, cultivate individual and collective peace, and improve living conditions. Our Sharia goes to great lengths to avoid bloodshed and to maintain harmony and serenity, and our tradition teaches us that reform is preferable to revolution, as revolution brings destruction without offering solutions. History has taught us that damage to humans is very different from damage to structures. Reform is also more familiar to Arab and Islamic cultures.²²

Democracy should be approached with reservations, and it must never take the place of religion. However, concepts of democracy and modernity and our relationship to them must be reconsidered. Modernity does not have to be tantamount to Westernization and moral decline; rather, it is possible to accept being modern whilst remaining faithful to our origins, in such a way that engages the present era with the inherent unity and solidarity of our *din* (faith) rather than with rivalry and confrontation.

Obedience

Scholars interpret the concept of obedience in light of sound hadiths, established texts, and unanimously agreed goals and principles, the most important of which are preventing harm, avoiding bloodshed, ensuring peace and stability, promoting good, and repelling evil. Obedience may be expressed by Implementing the law, and this cannot be denied. However, obedience may also be expressed by waiving one's rights, as the Qur'an says, "*Repel evil with that which is best.*" (41:34) This second option, waiving one's rights, is a strong moral position and must not be confused with defeat. It earns the admiration of others and forces them to reconsider their positions. As the prophets and saints demonstrate, this is a sublime and honorable

²² That is, a reform or revival of the Islamic tradition itself is more sympathetic to the history of Muslim culture than a revolution in which tradition is dismantled and replaced with ideologies born outside of its own historical development.

position to take. It must not be misunderstood as surrendering to injustice for the sake of peace, for one who makes this choice seeks peace by more just and merciful means and seeks also to reform the oppressor who is regarded with pity as a victim of his desires. By waiving one's rights, one chooses reform over discipline. Whoever dismisses this second type of obedience fails to take five issues into consideration:

1. Evidence from the various hadiths, primarily from *Sahih Muslim*, which was consented upon as narrated by al-Hafiz ibn Hajar and others.
2. The importance placed on avoiding bloodshed in Islam. The preservation of the collective interest of society, which takes precedence over avoiding evil, as can be seen when Harun عليه السلام said to his brother Musa عليه السلام, “*I was afraid that you might say, ‘You have divided the Children of Israel and disobeyed my orders’*” (Qur’an 20:94).
3. The unknown consequences of inciting tribulations (*fitan*).
4. The understanding that peace offers more opportunities to address issues of concern than war and conflict do.
5. That there are two types of obedience: the practical aspect, which includes obedience only to what is good; and the possible aspect, which is unlimited, except in matters of obvious disbelief (*kufr*), defined as an armed insurrection against the state. In this case, the oppressed becomes an oppressor against others and himself and threatens society with greater injustice. Volatile situations such as these must be approached calmly and with compromise by following the example of the Prophet ﷺ who said, “Do not get angry.”

Allegiance and Disavowal

Those who engage in declarations of apostasy today distort the concept of allegiance and disavowal (*wala' wa al-bara'*), which was once used as a tool for peace and consolidating allegiance in the Muslim community. Today, this concept undermines communities because those who use it fail to understand its conditions and restrictions or to take into consideration verses in scripture that call for being kind and just with others. The Qur'an says, “*God does not forbid you from befriending those who do not fight you because of religion and do not evict you from your homes. You may befriend them and be equitable towards them. God loves the equitable.*” (60:8) They also overlook the classification of levels of allegiance by scholars, such as Fakhr al-Din al-Razi and Ibn al-'Arabi al-Maliki, and the guidance of Imam Ahmad, who said, “Allegiance is a heretical innovation, and disavowal is a heretical innovation, so beware of them,” as narrated by al-Astakhri. We have explained this in our book, *The Craft of Issuing Fatwas and Minority Fiqh*.

The Fiqh of Peace

Harmony and cohesion in a society are directly proportional to its adherence to shared moral values. A society that does not adopt common values and turns away from a higher moral path becomes self-centred, and, as a result, experiences deterioration both internally and in relation to others. It may also adopt a negative value system based on an absence of individual limitations, leading to a society where individuals take their own personal preferences and judgements as absolute and where no restrictions apply to their behaviour, be those restrictions set by scripture, consensus, general principles and axioms, or the common good. Such a society can wage unlimited war, which is the very definition of fundamentalism, regardless of the belief system that drives the aggression. The values of reason, justice, and moderation promote love and nourish humanity. It is our duty to revive the values of reconciliation and forgiveness and to commit ourselves to peace instead of conflict.

While some try to justify conflict in Islamic terms, these values are not Islamic. They are Hegelian values, for it was Hegel who believed that “Destruction is the basis for construction” and that society consists only of the struggle between slave and master. Destruction, which is an expression of ignorance and intolerance, has never been an Islamic value. Our tradition teaches us that trust and love are the basis for coexistence.

Islamic jurisprudence lays out a detailed, integral system of rulings for resolving conflict by peaceful and rational means. This can be seen in the “Book of Reconciliation,” which is a great chapter found in all books of Islamic jurisprudence. Reconciliation has been defined as an agreement by which conflict is resolved. Most scholars consider it a recommended act (mandūb), whereas the Mālikī School considers it obligatory (wājib) if there is fear of division or evil, in which case the judge should avoid passing a sentence and call for reconciliation.

The Prophet ﷺ did not demolish the Ka‘ba. He left it untouched so that he could rebuild it on the foundations laid by Abraham ؑ, all while winning the favor of Quraysh. When the ‘Abbasid caliph wanted to demolish it and rebuild it on the location of *Maqam Ibrahim* (Ibrahim’s station), Imam Malik, may God have mercy on his soul, forbade him from doing so and said, “Do not let this House (of God) be a toy for princes.” In addition, neither the Prophet ﷺ nor any of his successors ever

demolished any churches, synagogues, or fire temples, as Ibn al-Qayyim discusses.

When the pious caliph, ‘Umar ibn ‘Abd al-‘Aziz, assumed the caliphate, the understanding of the Sharia was already in decline, and yet he wrote to his governors, “Do not demolish any church, synagogue, or fire temple.” Demolition and destruction are not Islamic values; they are values that grew out of ignorance and intolerance.

The following hadith demonstrates the benefit of society working in solidarity: “The example of the person abiding by God’s order and restrictions in comparison to those who violate them is like the example of those persons who drew lots for their seats in a boat. Some of them found themselves with seats in the upper part, and others in the lower. When the latter needed water, they had to go up to bring water (and that troubled the others), so they said, ‘Let us make a hole in our share of the ship (and get water) saving us from troubling those who are above us.’ So, if the people in the upper part left the others to do what they had suggested, all the people on the ship would be destroyed, but if they prevented them, both parties would be safe.”

Learning about differences leads to an open mind. As Al-Maqqari advised, “Learn about differences in order to open your mind, for he who learns about the differences between scholars and of their knowledge and opinions will surely have an open mind.” We must navigate our differences without resorting to arrogance or abusive language, with an open mind and the intention of discovering truth rather than winning an argument for its own sake. We can learn from the example set by Imam al-Shafi‘i, as described by Yunus al-Sadafi: “I have never seen anyone more reasonable than al-Shafi‘i. I debated with him once on a matter, and then we parted ways. He met me again, took my hand, and said, ‘Abu Musa, is it not right that we remain brothers even if we disagree?’”²³

Imam al-Shafi‘i also said, “I have never debated people without praying to God to grant that the truth manifest in their hearts and on their tongues so that they may follow me if I am right and that I may follow them if they are right.”

Giving others the benefit of the doubt means assuming their best intentions, as did the Mother of Believers, Our Lady ‘A’ishah, may God be pleased with her, and

²³ Al-Dhahabi, *Siyar ‘Alam al-Nubala’*, 10:16.

Ibn ‘Umar, may God be pleased with him, who said, “Abu Abd al-Rahman did not lie; perhaps he just forgot or made a mistake.”

Distinguishing among the categories of prohibitions and obligations means understanding that there are degrees of prohibition: what is prohibited may be *haram* (prohibited) or *makruh* (disliked). The same applies to obligations, as we explained earlier.

In summation, our Islamic values are as follows:

1. Cooperation and solidarity: “*You shall cooperate in matters of righteousness and piety; do not cooperate in matters that are sinful and evil*” (Qur’an 5:2).
2. Maintaining good relations: “*And keep straight the relations between your selves*” (Qur’an 8:1).
3. Brotherhood and mutual understanding: “*O people, We created you from the same male and female, and rendered you distinct peoples and tribes, that you may know one another. The best among you in the sight of God is the most righteous. God is Omniscient, Cognizant*” (Qur’an 49:13). These are the bases of relationships, and not the Hegelian argument that is based on constant struggle in what he described as the “master and slave” theory.
4. Wisdom: “*And whoever attains wisdom has attained a great bounty. Only those who possess intelligence will take heed*” (Qur’an 2:269).
5. Righteousness: “*Never shall We cause the reward of the righteous to perish*” (Qur’an 7:170).
6. Justice: “*God calls for justice, charity, and giving to relatives. And He forbids evil, vice, and transgression. He enlightens you, that you may take heed*” (Qur’an 16:90).
7. Mercy: “*We have not sent you except as mercy from Us towards the whole world*” (Qur’an 21:107).
8. Patience: “*Those who patiently persevere will truly receive a reward without measure*” (Qur’an 39:10).
9. Tolerance: Being open-minded, assuming the best of others, and distinguishing between the various categories of prohibitions and obligations.
10. Love: Love means loving God the Almighty, who is the source of all blessings; loving His Prophet ﷺ upon whom He bestowed the blessings of mercy and generosity; and loving people and wishing the best for them, including those in tribulation. A hadith states, “None of you is a true believer until he loves for his brother what he loves for himself,” and, according to another narration, “... until he loves for people what he loves for himself.”

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11. Dialogue: Muslims established the etiquette of debate because without a culture of dialogue, individuals become selfish and narrow-minded, and society becomes fractured. A hadith also mentions this: “But if you see overwhelming stinginess, desires being followed, this world being preferred (to the Hereafter), every person with an opinion feeling proud of it, and you realize that you have no power to deal with it, then you have to mind your own business and leave the common folk to their own devices.”
 12. Moderation: This includes individual behaviour, scientific moderation, and moderation between literal and anomalous interpretations of scripture. Moderation is a form of relativity and is integral to all life in the universe, as described by al-Shatibi.

Declarations of Apostasy, and Fatwas as Causes of Tribulation

Two factors in particular lead to tribulation (*fitna*) in Muslim societies: rampant declarations of apostasy (*takfir*) and the improper issuing of fatwas.

The Almighty strongly warns us against making declarations of apostasy; that is, issuing a legal ruling declaring a person or a group to be infidels. The Qur'an says, “Do not say to one who offers you peace, ‘You are not a believer,’ seeking the spoils of this world.” (4:94)

Numerous rigorously authenticated hadiths strongly warn and condemn those who declare others apostates. Al-Bukhari and Ahmad both narrate, “Whoever accuses a believer of disbelief, then it is as if he killed him.”²⁴ “Whoever calls his brother a ‘disbeliever,’ then it will have settled upon one of them.”²⁵ The grave consequences of apostasy include the legalization of taking lives and wealth; the dissolution of marriages; and the prohibition of inheritance, funeral prayers, or burial in Muslim cemeteries.

Scores of scholars have strongly warned against declarations of apostasy because of the severity of the consequences. Imam al-Subki said, “As long as a person believes and declares that there is no god but God, and that Muhammad ﷺ is the Messenger of God, then it is highly dubious to declare one an apostate.”

²⁴ Part of a hadith that starts with, “Whoever swears by a religion other than Islam, then he is as he says.” *Fath al-Bari*, 8:32.

²⁵ An agreed upon hadith by Bukhari and Muslim. *Fath al-Bari*, *ibid*, and *Muslim*, 1:79.

Imam Abu Hamid al-Ghazali went as far as to prohibit declarations of apostasy on all groups when he said, “These issues require independent reasoning and diligence, which means avoiding declarations of apostasy whenever possible, for it is wrong to legalize the seizure of life and property of those who pray towards the *qiblah* (prayer niche) and believe in the oneness of God.”

In *Jami' al-Fusulayn*, Imam al-Tahawi says, “A man does not reject his faith except by denying faith. Whatever is firmly established as apostasy can be judged as such, and whatever is established by doubt cannot be judged as such. Firmly established faith cannot be cast out by doubt. A scholar should approach these matters with great care and not be quick to judge one an apostate, even to the extent of affirming a person's faith who has been forced into it.”

Ibn Mazah states his *Al-Fatawa al-Sughra*, “Apostasy is a very grave matter, so I will not declare a believer an apostate if there is any account attesting otherwise.” Al-Ghazali writes in *Al-Khulasah*, “If some factors require declaring apostasy, and only one factor prohibits it, then the mufti must lean towards the factor of prohibition in order to always assume the best about a Muslim.” Al-Kardi, the author of *Al-Fatawa al-Bazaziyyah*, writes: “mitigating assumptions are possible so long as the person does not openly declare themselves to be an apostate.” Ibn al-'Ala states in *Al-Fatawa al-Tatarkhaniyyah*, “A person may not be excommunicated on the basis of likelihood and probability, for as apostasy is a crime the punishment for which is final, it must also be final and beyond any doubt that a person has perpetrated the crime, and there is no finality in mere probability.”

Shaykh Taqi al-Din ibn Taymiyya says in his book of fatwas, “The Companions and all the various imams of Islam have agreed that not all who speak sinfully may be declared apostates, even if what they speak is against the Sunnah, for declaring every sinner an apostate is the opposite of binding consensus. However, there has been disagreement on the issue of apostasy, which has been discussed elsewhere. Denominations following a certain shaykh or imam may not declare those who do not follow them to be apostates, for the Prophet ﷺ said, ‘Whoever says to his brother “disbeliever,” then it will have settled upon one of them.’”²⁶

In the *Musnad* of al-Bazzar, 'Iyad al-Ansari narrates that the Prophet ﷺ said, “The declaration that there is no god but God is precious to God, for he who declares it

²⁶ Ibn Taymiyya, *Majmu' al-Fatawa*, (Al-Madina Al-Munawwarah: Matba'at al-Malik Fahd, 2004) Vol. 7, p. 685.

truthfully is rewarded with Paradise by God, and he who says it with deceit suffers with his life and wealth, then meets God to face his judgment.”

We must be extremely cautious about declarations of apostasy, especially those that are mutual, because these declarations invite evil by legalizing killing and dis-possession. Sound hadiths use the metaphors of bodies and structures to describe a united and cohesive society in Islam. According to one hadith, “The similitude of believers in regard to mutual love, affection, and empathy is that of one body: when any limb of it aches, the whole body aches, because of sleeplessness and fever.” Another hadith states, “‘A believer to another believer is like a building whose different parts enforce each other.’ While (saying that), the Prophet ﷺ clasped his hands, by interlacing his fingers.” Where declarations of apostasy are prevalent, society will deteriorate or collapse.

We are warned against declarations of apostasy because all souls are safeguarded, and no individual has the right to attack them. Actions that appear to contradict this truth apply only to cases of crime and self-defense and apply equally to Muslims and non-Muslims.

The Issue of Fatwa in the Age of Tribulation

The Arabic word, *fatwa* means, “clarifying the law (i.e. the Sharia), based on evidence, to those who ask.”²⁷ Al-Qarafi said, “It is the communication of God’s will, for a mufti is a translator.” Al-Zaqqaq²⁸ defined it as “an explanation of a legal ruling by one who is known to possess the required knowledge, with its importance equal to that of the ruling.”²⁹

Because they carry the Prophet’s ﷺ duty to clarify God’s will, those who issue fatwas hold a powerful and important position in Islam. Those who issue them with sound knowledge and authority deserve great honor and reward, but those who issue fatwas without these prerequisites are a grave danger to Muslim society. The Prophet ﷺ warned us about this in the hadith narrated by al-Darimi on the

27 *Al-Mawsu‘a al-Fiqhiyya al-Kuwaytiyya (The Kuwaiti Encyclopedia of Fiqh)*, (Kuwait: Dhat Al-Salasil: 1983) Vol.20, p.32, and Mansur Al-Buhuti, *Sharh al-Muntaha* (Beirut: Muassassat Al-Risalah, 2010) Vol.3, p.456.

28 ‘Ali ibn al-Qasim al-Tajibi al-Maliki (d. 1329) and his book *Al-Manhaj al-Muntakhab* where he summarizes the principles of al-Maqqari, which, in turn, are based on Al-Qarafi’s school of thought.

29 Ahmad Al-Manjur, *Sharh al-Manhaj*, (Riyadh: Dar Al-Shinqiti, n.d.) p.614.

authority of ‘Abd Allah ibn Ja‘far: “Those who issue fatwas with ease also approach Hell Fire with ease.”³⁰

Due to the grave dangers of issuing fatwas, scholars have established a guarantee, i.e., on wealth and health, for the non-*mujtahid* who has been placed in the position of mufti. Al-Zurqani said in his commentary on *Khalil*, “No guarantee is extended to a qualified mujtahid (i.e., wealth and life that is lost in others due to his fatwas) if it is expended due to his trade of issuing fatwas, but there is guarantee for another (i.e., an unqualified person). [Nonetheless] there are two opinions regarding this matter. The ruler should castigate the non-mujtahid, and it is the ruler’s right to do so, except if the ruler has offered him another position, in which case the non-mujtahid should not be castigated and should simply cease to issue fatwas.”³¹

Abu al-Faraj ibn al-Jawzi, may God have mercy on his soul, said, “The ruler must ban them (the issuers of fatwas) as Bani Umayy did, for they are worse than a person who gives directions when he knows not the way, or a blind person who points to the qiblah, or a person who acts as a doctor when he knows nothing of medicine. Just as a ruler bans those who are ignorant of medicine from treating people, we must also ban those who are ignorant of the Qur’an and the Sunnah and did not study sacred law on issuing fatwas.”³²

Understanding the contextual reality in which prior legal rulings exist is critical, as Ibn Qayyim argues, so that these historical rulings can be effectively applied to contemporary realities. In order to achieve our objectives, we must understand the present era as the ground on which we stand.

Each historical moment includes its own benefits to be acquired and evils to be avoided, and these factors must always be taken into consideration in seeking the greater good, as encouraged by the Sharia.

Ignoring this context through negligence or ill will leads to grave consequences, including contradicting and undermining the original purpose of the Sharia to ease hardship on mankind, while conforming to the requirements of deduction and

30 Abu Muhammad Al-Darimi, *Sunan al-Darimi*, (Riyadh: Dar Al-Mughni, 2000) Vol1 p. 258. Hadith no. 159

31 Abd al-Baqi al-Zurqani, *Sharh ‘ala Mukthasar Khalil*, (Beirut: Dar al-Kutub al-Ilmiyyah, 2002) Vol.6, p.138.

32 Ibn al-Qayyim, *‘Ilam al-Muwwaqi‘in ‘an Rabb al-‘Alamin*, (Beirut: Dar al-Fikr: 1991) Vol. 4, p.167.

reasoning.

Fatwas may fall into three categories:

- Issues, such as prayer and fasting, that are known to most Muslims because they are the foundation of the religion.
- Modern, complex issues, such as those relating to financial transactions and corporate structures. Rulings on these issues are left to specialized committees.
- Issues relating to communal obligations (*fard al-kifaya*), especially those which scholars consider the responsibility of rulers, such as jihad, war and peace, and systems of government. Due to the grave risk of damage and disruption of peace, rulings on these issues can be made only by organizations of fiqh or official authorities entrusted by the states. (See Abdallah bin Bayyah, *The Craft of Issuing Fatwas and Minority Fiqh*)

In response to conflict and a prevalence of bloodshed in the Muslim community, we have attempted to define and understand peace and its related circumstances.

Religious authorities have a significant responsibility. None can stand by as a spectator while the staggering human and humanitarian costs continue to rise. Instead, we must respond to this explosion of violence like firefighters who strive to extinguish a fire instead of asking who started it.

We have defined peace as peace of mind and soul, peace in words and actions, and peace in the home and in the community. Peace is when souls bear no malice, evil words are not spoken, and hands bear no weapons. It is tranquillity, harmony, and love. The communal obligation (*fard al-kifaya*) of scholars and religious authorities is to make peace and call for reconciliation.

We choose to focus on how to establish peace rather than fixating on why conflicts exist; bringing peace into our societies now is our most pressing priority. Like a firefighter who strives to extinguish the blaze instead of asking who started it, we must first extinguish the flames of war before we can accomplish other goals.

We invite scholars everywhere to join us in this effort. We are not here as judges or jurors; we are here simply to call for peace and urge others to do the same, for

we believe that both religious and rational points of view indicate that peace is our ultimate objective. Peace is a right that precedes all other inalienable, alleged, individual, and collective rights.

For each assertion made, we sought proof in the Qur'an, Sunnah, the biography of the Prophet ﷺ the actions of his family and of the caliphs after him, and the words of the imams. We began by showing the centrality of peace in Islam. Salam (peace) is one of the Names of the Almighty, His chosen greeting, the name of His paradise, and His command to His worshippers.

The Treaty of Hudaibiyya and the other concessions made for the sake of peace and avoiding bloodshed demonstrate that peace presents opportunities for religious and worldly benefits that far outweigh those presented by war, which leads only to destruction. We can also learn from al-Hasan, who relinquished his rights as a ruler in order to make peace between two Muslim factions. His noble example demonstrates that the benefits of relinquishing a right may be greater than the benefits of fighting to preserve them.

Islam brought treaties to Arab tribes that had previously lived in a state of perpetual war. One example is the story of Taghlib and Bakr, both sons of Wa'il, who fought between themselves for forty years:

*They drank from a cup that ran bitter in their mouths,
The honest and the dishonest amongst them killing each other.*

Throughout history, Muslims made many treaties and agreements to avert war. Islam established internal peace through the Constitution of Madina and external peace by signing more than a thousand treaties and agreements with Europe throughout the Middle Ages. Islam also abolished the practice of blood vengeance from pre-Islamic times and established that only rulers had the right to seek revenge or proclaim jihad.

Islam also established social morals, such as honouring parents, obeying adults and rulers, ensuring justice for the ruled, and providing proper education to children. Rather than enforcing subservience or humiliation, these behaviours dignify human relationships and contribute to social cohesion. We do not subscribe to Hegel's belief that conflict is the driving force in society, that a constant struggle for control is inevitable, and that destruction is a prerequisite for construction. As

Ricoeur argues, Hegel's intellectual framework shaped modern Europe, explaining why antagonism is the basis of European relationships: women and men are pitted against one another, transgendered persons are against both of them, workers are against employers, and struggle permeates all relationships. It is also worth mentioning that Marx was essentially Hegelian, and that Hegel's idea of the "other" contributed to the waging of wars in Europe.

Islamic values and the *fiqh* of peace are based on reconciliation and forgiveness, not antagonism. The original purpose of the Sharia was to serve peace, but ignorant and distorted interpretations of the Sharia are now used to serve violence. Also, Sharia rulings belong to specific historical and societal contexts, which must be taken into consideration when applying historical rulings to modern realities.

Through the Prophet of Mercy, Muhammad ﷺ, Islam provided an infrastructure for the protection of peace and the promotion of life. These concepts, which were a sign of God's mercy, have been misinterpreted and now manifest in forms that radically contradict their original meaning, and thus undermine their original purpose. Mercy has been replaced with great suffering that afflicts the guilty as well as the innocent, and the learned as well as the ignorant in Muslim societies. Concepts which have been distorted include jihad, Sharia, enjoining good and forbidding evil, and allegiance and disavowal. Declarations of apostasy and misinformed fatwas are the worst of all evils that undermine Muslim society today.

In conclusion, we offer the following:

1. Conflicts that invoke religion may be caused by cultural, political, or economic factors. They may exist between different religious denominations, or even between people of the same religious denomination who have different interpretations of their faith or different stances on modernity.
2. Religion sometimes fuels secular or political conflicts.
3. The Muslim community is torn between a call for modernity that rationalizes moral decline and rejects traditional teachings, and an equally misinformed religious call that, under the guise of faith, declares apostasy, proclaims jihad, and applies Sharia punishments without the requisite knowledge and understanding, thereby undermining Islam.

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4. We must recognize that the Hegelian model of antagonism and continuous struggle does not reflect Islam nor suit Muslim societies. We must seek to establish peace so that our communities can benefit from a more humane and less destructive approach.
 5. We must also recognize that a society without any established common ground cannot transition to a democracy without seeking mutual compromises that would appease everyone. Exclusion under any pretext will only lead to conflict and hatred and will result in great and unacceptable suffering.
 6. It is unacceptable and incomprehensible for our Muslim community's current catastrophic conditions to remain as they are, for the grave consequences may be of an evil unknown, except by He who manifests all the mysteries in the heavens.
 7. Peace and love are at the center of our religion, as evidenced by scripture and history.
 8. Secular or religious civil war is unacceptable in Islam under any conditions. The Prophet ﷺ warned, "Do not revert to disbelief after me by striking (cutting) the necks of one another."
 9. Our religion and our heritage are rich with tools for resolving conflicts, so we have no need to resort to violence.
 10. Our heritage includes one of the richest legal and ethical systems humanity has ever seen. Its approach to reconciliation includes discussion, compromise based on guarantees, and all the necessary tools for condemnation or exoneration. This system is capable of addressing every form of individual and collective conflict from marital disputes to international war.
 11. It is not acceptable to achieve goodwill or noble intentions through hatred and warfare. A noble objective can be achieved only by noble means and may never be used as an excuse for evil actions.
 12. The *fiqh* of peace does not seek to deny rights but rather to achieve them by more rational and beneficial means. If the energies our society spent in conflict and war had instead been devoted to a more rational pursuit of peace in the spir-

it of “repelling evil with that which is best,” we would have achieved mutually satisfactory results that might have satisfied God, the Almighty and Exalted, by preventing bloodshed, protecting lives and souls, and bringing hearts closer together. The individual and collective opportunities created by peace are far greater than the spoils of war, which is usually counterproductive. Those who fight to eliminate corruption usually worsen it, and wars often lead to the loss of all rights when the citizens who survive find themselves surrounded by destruction, without a home or a nation, perhaps even losing the Hereafter in addition to his world. We seek refuge in God from such a loss.

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For those who have a rightful claim to justice, not all methods are acceptable or justifiable, for peace is a right that precedes all others. Everyone has the right to live free from violence and to settle or roam freely. No one can deny another this right or cause it to be denied. Therefore, peace precedes other alleged or inalienable rights, whether material or moral, individual or collective, religious or worldly. All rights branch from peace, and no branch can thrive without the stability of its core.

H.E. SHAYKH ABDALLAH BIN BAYYAH
President, Abu Dhabi Forum for Peace



BIOGRAPHY OF H.E SHAYKH ABDALLAH BIN BAYYAH

H.E. SHAYKH ABDALLAH bin Bayyah is recognized by Muslim scholars around the world as perhaps the greatest living authority on the Islamic legal methodology known as *Usul al-Fiqh* (Principles of Jurisprudence). Beyond that, he is known for his scholarship drawing on scripture and traditional texts across all four major Sunni schools of jurisprudence to address the crucial contemporary concerns of Muslim communities. In recent years, he has been the driving force behind the establishment of the Abu Dhabi Forum for Peace, which seeks to unite Muslim scholars around the world in pursuit of peace, and to address the crises facing Muslim communities worldwide.

Born in eastern Mauritania in 1935, the Shaykh grew up in a family known for its grasp of the Mauritanian classical curriculum. His father, Shaykh Al-Mahfoudh bin Bayyah was a senior judge and chosen twice as the head of Ulema (religious scholars) of Mauritania upon the country's independence. From an early age, the Shaykh demonstrated his exceptional memory and understanding of the Mauritanian texts.

Under his father's tutelage, he developed an advanced understanding of Arabic grammar and rhetoric, and knowledge of pre-Islamic Arab poetry. He also developed an advanced understanding of the Qur'ānic sciences: legal theory, syntax, language, orthography and the ten forms of Qur'ānic recitation. He specialized in the Maliki school of jurisprudence, and was qualified to give authoritative legal opinions (fatwas).

In his early 20s, he was selected as part of a group of scholars to go to Tunisia for training in modern legal systems, which were to be introduced to Mauritania. He graduated at the top of his group, and on his return to Mauritania was appointed a judge, rising to become Minister of Justice, Minister of Islamic Affairs, and eventually Vice President.

When some government officials criticized his lack of fluency in French, he taught himself the language by listening to French radio with a dictionary in hand. He later surprised his critics by addressing a ministerial meeting in the language. His mastery of French has allowed him to study European thought and the history of ideas. He is rare among contemporary Muslim scholars for his knowledge of the work of Western philosophers and social theorists.

In the 1980s, Shaykh joined King Abdulaziz University in Jeddah, Saudi Arabia, where he taught several subjects, including Qur'anic studies, jurisprudence, and advanced level of Arabic, for over three decades. This allows him to combine the study of the scriptural sources of Qur'ān and Hadith, the various schools' approaches to *Usul al-Fiqh* (the principles of jurisprudence), and *Maqasid al-Sharia* (the purposes of Islamic law). This breadth of study has allowed the Shaykh to develop a universal framework in which Islamic jurisprudence can be adapted to local contexts while maintaining its essential principles and purposes and ensuring its continued relevance in the lives of an increasingly diverse global Muslim population.

The Shaykh has developed theories of Islamic jurisprudence in secular or non-Muslim societies, called the Jurisprudence of Minorities (*fiqh al-aqalliyyat*). He is also an outspoken critic of terrorism, authoring several articles and books exploring Islamic responses to the issue. He has applied this work practically, not least in the successful efforts to secure the release of French war correspondent Florence Aubenas, and her translator Hussein Hanun, in Iraq in 2005.

Over the past 25 years, the Shaykh has taught students who have become some of

the most prominent scholars in the Middle East and North Africa. In the late 1990s he started to visit the West, particularly teaching British and American students, gaining a following amongst prominent Western Muslim leaders. He has written several books and hundreds of articles and essays, mostly in Arabic, which are used by scholars around the world.

The Shaykh's work has not been focused on scholarship for its own sake, but on applying it to address some of the most pressing issues facing global Islam. In 2008, he became the founding President of the Global Centre for Renewal and Guidance (GCRG), a London-based think tank that applies scholarship to strategic solutions to pressing intellectual and spiritual issues facing global Islam. This reflects the Shaykh's belief that ideas can only be defeated by ideas, and that Islamist extremism must be answered by sound reasoning drawn from orthodox, accepted sources of Islamic jurisprudence.

This approach was applied in Mardin, Turkey, in 2010, when his organisation convened a conference to examine a fatwa issued by the 14th century scholar Ibn Taymiyya. His Mardin Fatwa is widely used by jihadi groups to justify attacks on both non-Muslims and Muslims who do not follow their understanding of Islam. The 2010 Mardin Conference revealed that a transcription error had been introduced in a 1909 edition of Ibn Taymiyya's fatwa, turning the verb "to treat" into the verb "to fight" and that jihadi groups were relying on the incorrect version. Under the Shaykh's leadership, the conference published a report entitled, *Challenging the al-Qaida Narrative: The New Mardin Declaration*, correcting the jihadi understanding of the fatwa. Three separate spokesmen of al-Qaida responded to this threat, attacking Shaykh Abdallah bin Bayyah by name.

In 2014, the Shaykh established the Abu Dhabi Forum for Peace (ADFP) in Abu Dhabi, under the patronage of Sheikh Abdallah bin Zayed, the Minister of Foreign Affairs and International Cooperation of the United Arab Emirates. The vision of the ADFP is to address the crises facing global Islam from a framework of Islamic tradition and legal theory, applied to local contexts. Over 1,000 of the world's leading Muslim scholars from a variety of traditions, as well as academics and thought leaders, attended the ADFP's launch. The ADFP is the first global gathering of scholars designed to provide a response to extremism, sectarianism and terrorism.

Since the 2014 Forum, the Shaykh has travelled widely to advance its work, in North Africa, the Middle East, Far East and the West. This included a conference

with the African Union on tackling the religious conflict in the Central African Republic, and the release of the Chibok girls by the Nigerian jihadi group Boko Haram. He has led Imam training initiatives in the US, UK and Europe, and spoken widely on the issue of global peace, including at the World Economic Forum in 2015 and 2017, and at the UN Countering Violent Extremism Summit in 2015. In 2014, the Shaykh's work and that of the ADFP were referenced by President Barack Obama at the UN General Assembly. Shaykh Abdallah bin Bayyah thus became the only Islamic scholar ever to be publicly quoted by a sitting President of the United States.³³

In January 2016, the Shaykh convened the Marrakesh Declaration, as the culmination of an effort running since 2011 to address the issue of violence and oppression against minorities in Muslim majority countries. The Declaration applied traditional Islamic texts, and in particular the Prophet Muhammad's ﷺ *Charter of Madina*, to affirm the Islamic principle of equal citizenship as prescribed by the Prophet ﷺ. It was signed by scholars and politicians from across the Muslim world.

In February 2018, following the Shaykh's initiative, hundreds of American religious leaders, scholars and politicians, as well as others from around the world gathered in Washington, D.C., to discuss the 'Alliance of Virtue for the Common Good'. This conference promulgated *The Washington Declaration*, calling on the leaders of the Abrahamic faiths to join together in a new Alliance of Virtue, using their shared values to promote the global commonweal.

In 2019 the Shaykh launched *The Charter of the New Alliance of Virtue*, a voluntary document that seeks to bring together religious leaders of good-will for the benefit of humanity. It is an effort across religions to enable their members to live side-by-side in peace and happiness and cooperate on the basis a theology of God-given human dignity that actualizes virtue and benefit for all. In 2020, the Shaykh used this document to press for an attitude of 'the Spirit of the Ship's Passengers' which is a Prophetic metaphor for the status of human beings as the passengers of single ship with a common destiny. The Shaykh continues to argue that this is the only possible means for facing the challenges of war, pandemics, and climate change that threaten humanity.

The Shaykh has received multiple awards recognizing his work and serves in the

33 The White House Archives, 2014. See: <https://obamawhitehouse.archives.gov/the-press-office/24/09/2014/remarks-president-obama-address-united-nations-general-assembly>

leadership of many organizations seeking peace, including as one of four Executive Co-Presidents of Religions for Peace, the largest interfaith organization in the world.

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As the philosopher Spinoza states, “Peace is not mere absence of war, but the union of souls.” His phrase, “union of souls,” teaches us wisdom, and words of wisdom are the lost property of the believer. It implies the establishment of values and virtues that represent peace in the character of people, which brings about tranquillity and serenity, and manifests itself in solidarity, collaboration, empathy, and engagement.

H.E. SHAYKH ABDALLAH BIN BAYYAH
President, Abu Dhabi Forum for Peace

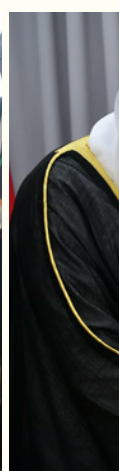


ABOUT THE ABU DHABI FORUM FOR PEACE

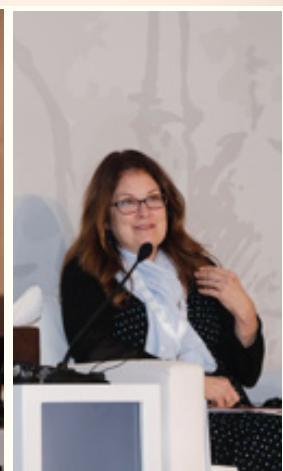
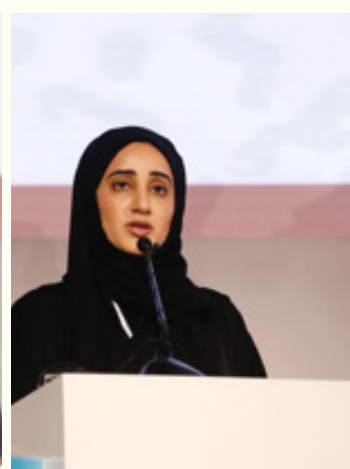
THE ABU DHABI Forum For Peace, under the patronage of H.H. Sheikh Abdullah bin Zayed Al Nahyan, Minister of Foreign Affairs and International Cooperation of the United Arab Emirates was established during the pinnacle of social strife in the Muslim world following the Arab Spring. The Forum works earnestly to bring an end to conflict and establish peace through facilitating spaces for dialogue and the dissemination of a discourse of moderation. It strives to allow its participants to put behind them the differences of the past and focus on a secure, peaceful societies future together.

The Forum takes an academic and theological approach to the problem of violence, holding that any violent act begins as ideology before emerging as action. Wars are waged in the realm of ideas before they devastate the physical world. Shaykh Abdallah bin Bayyah, the Forum's founder, teaches that we must construct defenses of peace in the heart and mind and inculcate a correct understanding of Islam. This is one of the primary roles of the scholarly elite and religious leadership in our time.

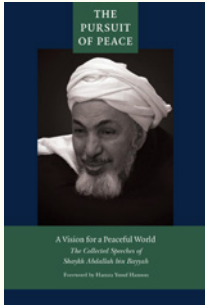
Likewise, the Forum focuses on securing the rights and safety of religious minorities living in Muslim lands. *The Marrakesh Declaration* launched in 2016, calls on Muslim states to accord the rights of equal citizenship to all minorities in their midst on the basis of *The Charter of Madina* and the Islamic values of benevolence, solidarity, human dignity, peace, justice, mercy and the common good. Most recently, the Forum has focused on elevating interreligious cooperation from the discourse of shared rights and responsibilities to the heights of a common conscience and genuine loving kindness towards the other. This is profoundly showcased in the promulgation of the 2019 *Charter for a New Alliance of Virtue* and the 2021 Abu Dhabi *Charter of Inclusive Citizenship*.



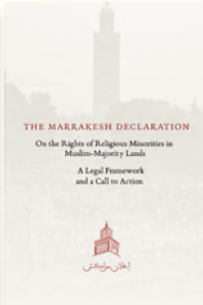




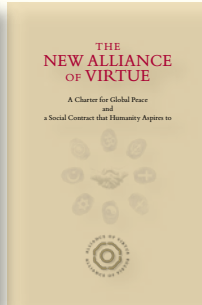
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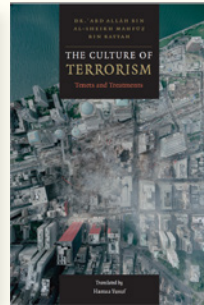
The Pursuit of Peace
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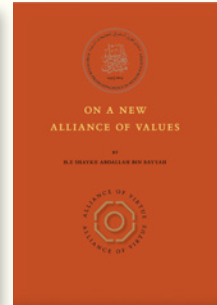
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January 2016



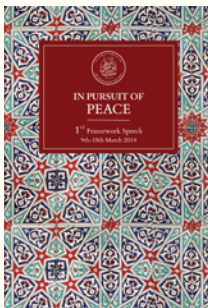
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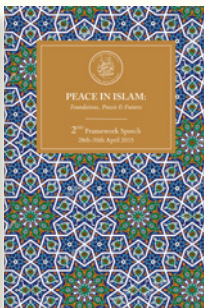
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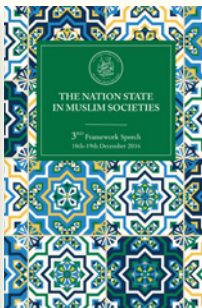
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October 2007



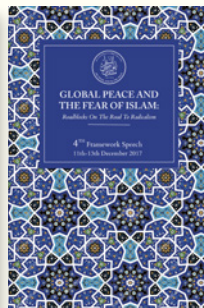
1st Assembly
In Pursuit of Peace
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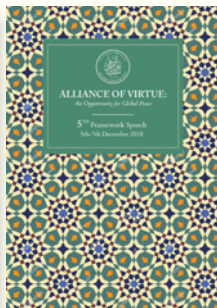
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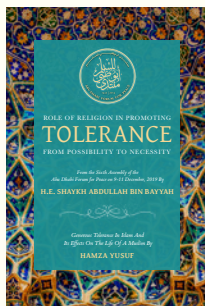
3rd Assembly
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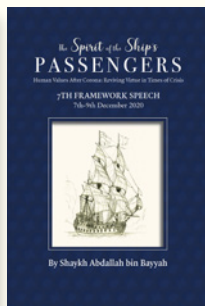
4th Assembly
Global Peace And
The Fear of Islam
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5th Assembly
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An Opportunity for
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2018



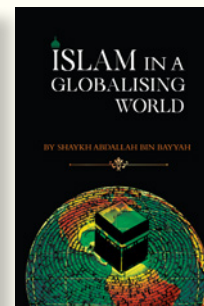
6th Assembly
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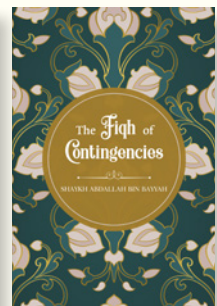
7th Assembly
The Spirit of the
Ship's Passengers
2020



8th Assembly
Inclusive Citizenship:
From Mutual
Existence to Shared
Conscience 2018



Islam in a Globalizing
World



The Fiqh of
Contingencies
2020

