



PEACE IN ISLAM:

Foundations, Praxis & Futures

2ND Framework Speech
28th-30th April 2015



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2ND FRAMEWORK SPEECH OF THE ABU DHABI FORUM FOR PEACE

28th-30th April 2015 , Abu Dhabi, UAE

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The Forum for Promoting Peace in Muslim Societies 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.



*Our Shariah is not absurd... rather
it is the full embodiment of wisdom,
justice, and public interest.*

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

IN THE NAME OF ALLAH, MOST GRACIOUS, MOST MERCIFUL

Praise be to God, Lord of the universe, the Source of peace, the Inspirer of faith, who created man, showed him the path of peace, and invited him into the abode of peace. And peace and blessings be upon our master, Muhammad, his family and companions, who made love the means to true faith and spreading peace the path to love. For he ﷺ said, ‘None of you shall enter paradise until you believe, and you will not believe until you love one another. Shall I not direct you to an act which, if done, would cause you to love one another? Spread peace.’ Thus, faith remains incomplete without love, and there can be no love without peace.¹

The *Umma* is confronted by a huge and thorny problem, a problem so variegated and so difficult to understand and treat that no talk of this nature could hope to do it justice. The situation describes itself, since words add nothing when one can see what is happening at first-hand. There is little point in a description that fails to match up to the ugliness, heinousness, and brutality of the reality, no matter how fiery the words and no matter how loudly and forcefully they are uttered.

But what is bubbling beneath the surface? What are the ideologies that gave birth to this? Who, what, why, how, when, and where? All of these questions are in desperate need of answers, because the disease has become deep-seated—but what is the cure?

The events to which the world bears witness every day are abhorrent by every human measure, but even more abhorrent is the fact that they are being carried out in the name of and under the banner of the Islamic religion, heavenly revelation and divine values, defaming the sublime Creator and the Prophet of Mercy ﷺ, and betraying more than one billion people. They have tarnished the religion and reviled the good name of Muslims, creating feelings of revulsion and aversion, even outright hatred and unadulterated resentment, not just against them, the actual perpetrators, but against all Muslims everywhere, and against Islam itself. It is worth noting that these feelings of alarm and disgust are not just confined to the traditional and historic enemies of Islam but have started to bubble up and spew forth like a raging volcano from within the ranks of the Muslims themselves,

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 second Assembly of the Abu Dhabi Forum for Peace, Abu Dhabi, 28 April 2015.

making them at best doubt their religion and tenets of faith, and at worst, leave it completely.

These indescribable events, and the clamour of voices that invoke Qur'anic verses and the Sunnah, boasting that they are the true exponents of the religion, have even made their effect felt on the masses of Muslims who remain committed to their religion and view it as a religion of peace, love, and harmony: the epitome of human civilization, safeguarding peoples, wealth, and honour. Suddenly, their beloved religion has become like a hot coal, burning their hands, and they feel too ashamed to speak out to dispel the gross misinformation. Indeed, they sometimes openly question whether there is anyone in global fora who would even listen to what they have to say.

It is sad to say, but the reality is that so far have things gone and so bad have things become, that these acts of madness have become a defining characteristic of the Muslim people. They cannot be explained on account of some Zionist, Western, or historical conspiracy, though it is impossible to deny the reality of injustices. Conspirators do not need to do anything when those against whom they would conspire do far worse to themselves than they could imagine:

*Enemies cannot hope
To do to the ignorant
The harm that the ignorant
Can do to himself.*

The issues which preoccupy us are yet to be fully understood, the values which we uphold are yet to be fully integrated, and the legal texts which we've cited are yet to be fully implemented. What is most important now is that the tree of peace flourishes, for it needs time to properly take root before it can stand by itself. There will be those in the future who reap its benefits and rest in its shade, but for us, their identity is not important. What is important is accomplishing this historic mission.

That mission is to unmask the extremists by disclosing their methodology as being false. They claim their positions are based on Islamic jurisprudence, but the evidence they cite is only ever partial and completely removed from context, for they disregard the time, place, and people of the source legal text. Similarly, they cite them in isolation and ignore other textual sources which help explain their ambiguities, qualify them, make their application specific, and show how each in-

dividual ruling fits together to form the wider picture. In short, what they do is tantamount to a rejection and abandonment of the sound authentic methodology of the Muslims. Therefore, it is necessary that we identify, in detail, the gaps and mistakes of these people in how they engage with religious scripture.

Unfortunately, some of our scholars, despite having knowledge and rejecting terrorism, find it difficult to dive deep into the depths of true Islamic scholarly methodology, wherein lies the tools and means to dismantle the machinery of the terrorists and expose it for what it truly is.

What is important is accomplishing this historic mission. That mission is to unmask the extremists by disclosing their methodology as being false. They claim their positions are based on Islamic jurisprudence, but the evidence they cite is only ever partial and completely removed from context, for they disregard the time, place, and people of the source legal text.

Generally speaking, those who reject extremists and their claims fall into one of the three following camps, namely those who:

1. Skirt the surface of the issue and make do with generalisations, issuing blanket statements of condemnation but are afraid to tackle underlying issues and concepts.
2. Attempt to refute the partial proof of the terrorists with equally isolated and partial proofs, adopting a similarly partial methodology, thereby accomplishing nothing.
3. Do neither the one nor the other, but instead claim the source legal texts of the religion are not binding, thereby implying that the actions of the terrorists actually do have a basis in the religion of Islam.

In each case, it is the terrorist who emerges as the winner—his proofs remain unrefuted and his *raison d'être* unchallenged and unopposed. He has been allowed to hijack the religion and turn it to his own ends. It is as though the entire *Umma* is astray except for one small misguided—or as they see it, ‘chosen’—group.

For this reason, our Forum has taken upon its shoulders the task of delivering a message of peace that is both scholarly and practical, because such a message will do the following:

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- Illustrate the importance of peace and the values that underpin it, and clarify the correct methodology for engaging with religious texts, for that is the only way to show students of knowledge and the enlightened elite how badly those texts have been misread and misinterpreted;
 - Emphasize and highlight these concepts by explaining them until the true nature of the Sharia becomes evident;
 - Explain and demonstrate how the teachings of Islam cannot be divorced from events on the ground, and how rulings cannot be put into practice without a prior assessment of potential benefit and harm.

Thus, we will uphold peace and supply the means of life. This will stop believers from taking pride in war and distance ourselves from the means of death and destruction. If we do this, then those who engage in killing, destruction, evictions, and declarations of apostasy will no longer have an Islamic basis to justify their acts by referring back to core Islamic legal texts.

Mercy is the starting point, and no contextually-subjective individual legal text should be read except in its light. The Muslim nation will never accept people taking liberties with their religion in this way, for theirs is a religion built on wisdom, justice, mercy, and the common good. Only the pharmacy of Islam can prescribe treatment for the diseases that strike the Muslim nation, only it can provide clear, unambiguous, and proven solutions to the problems that beset it.

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In the framework speech for the Forum's first Assembly, we highlighted the need for peace and how it has become an obligation on us to bring it about, citing the religious legal texts that support this important endeavour. We also expounded on the objectives, concepts, values, means, and tools of peace, as well as emphasising that peace is a legal obligation in view of its being one of the principal objectives of the Islamic Sharia, and that priority should be given to it over all other rights, real

or claimed, material or metaphysical, individual or communal, religious or mundane. And that is because none of them can hope to exist nor remain except when it is present. If peace is lost, then so too are all rights, including the right to exist.

We established the foundation of peace and explained how Islam contributed to it historically, a point that we illustrated through a great number of legal texts, proofs from the book of God and Sunnah of the Messenger of God ﷺ, the juristic reasoning of his companions, and scholarly opinions of the imams of the Muslims. We also highlighted concepts within Islam that support this thesis, showing how a faulty understanding of them can undermine peace and showed the importance Islamic jurisprudence attaches to the jurisprudence of reconciliation, which is the very essence of peace.

Then we moved on to a brief discussion of a cluster of core concepts, the misunderstanding of which has today brought in its wake chaos, bloodshed, and a breakdown of Muslim society, albeit to varying degrees. We spoke about jihad, excommunication, obedience, allegiance and disavowal, commanding the right and forbidding the wrong, and democracy and modernity, as they are all today the focus of conflict and contention between opposing parties and components of Muslim societies. Some of these are still on our agenda today.

What is the agenda of the forum?

Ultimately, everything that might be said about it comes back to a single point: *our work is to continue to establish foundations for peace and make connections*. We establish these foundations through reference to the texts of revelation and the objectives of the Sharia.

What are our goals?

We do not want the Abu Dhabi Forum for Peace to be a media demonstration, a PR campaign, or a series of lectures and talks. Rather, we want it to be a space for scholars and thinkers to discuss ways of dealing with the phenomenon of the ceaseless conflict that has engulfed the region and brought it to an almost complete standstill, resulting in senseless war and murder that is perpetrated in the name of Islam or on the basis of some crazed ideology.

In the light of this, our stated aims are putting out fires, rescuing those in distress,

and reconstructing defenses of peace in hearts and minds by declaring war against war. As for today, our aim is to put two forms of discourse against each other. The first is a discourse based on law, reason, and wisdom against a discourse based on distortion and loose interpretation. This will demonstrate how important reason and wisdom are. There is no doubt that they lie at the heart of Islam, and it is upon them that its principles and values are built. We also seek to propose as an alternative to the discourse of destruction, radicalism, and violence, a discourse that wakes people from their slumber, shakes them out of their complacency, rescues them from insanity, and brings them back to the right way. It used to be said in ancient times:

*Before this age, those of clemency
Suppressed their anger without recourse to the staff.
And man was only given Knowledge
So that he may impart it.*

As for what we seek, we have said it before, and we will say it again: we are looking for the bases of wellness rather than justifications for trouble or engaging in baseless wars. We are looking to put an end to wars and appealing instead to reason, the law of Islam, its objectives, and common interest. In other words, we seek to cleanse souls from the disease of a stubborn arrogance that propagates annihilation and suicide.

What are our means? What are the foundations of our methodology?

Much of our attention will be focused on discussing how one interprets the legal texts and derives rulings from them, for therein lies both the problem and its solution. The problem at heart is a problem of discourse. The discourse should be one of renewal for it is that which should pave the way for peace. You may call it what you will: a renewal or revision, or a revolution, awakening, or revival, but the essence of the matter is the same; the entire religious discourse must be formulated anew. It must be taken back to its foundations, and from them, concepts can be reconstructed that are true at the level of language, reason, and the public interest.

Minds must be reprogrammed and wills directed towards building rather than destroying, production rather than privation. Proofs must be fought with proofs in order to liberate their minds by means of the religion, and justify the religion by means of their minds. There is no disparity or contradiction in this. By means

of a methodology whose language may be new but whose foundations are ancient and classical, a methodology that comes forth from the womb of Islam and whose roots lie deep in the soil of Islamic and human knowledge, a new discourse will be generated, one which will deal with present-day issues in the light of timeless principles, and whose legal causes will be dependent on time-specific prerequisites and take human obstacles and impediments into account. These were the means. As for the bases of our methodology, there are three: removing obstacles, pointing out and correcting the flaws that stand in the way of renewing the Islamic discourse, and reaffirming the concepts of peace.

The first flaw: a fragmented approach

When we say ‘fragmented’, we refer to the following two approaches:

The first is reading passages from the Book or the Sunnah in isolation from other related passages, for those other passages may be necessary to properly understand its significance, qualify what it appears to suggest is absolute, specify what it appears to suggest is general, or show which of a number of possible interpretations should be chosen. All this is well known to those well-versed in the science of jurisprudential principles, but completely impossible for those who adopt the fragmented approach.

In the words of Ibn Ali al-Farisi, narrated by Ibn Hisham in his *Mughni*:

The whole of the Qur’an is but one continuous chapter and that is why an issue may be brought up in one chapter while the answer is only provided in another, like when God says, “*They say, ‘Receiver of this Qur’an! You are definitely mad.’*” (Qur’an 15:6) and says, “*You [Prophet] are not, by [receiving] God’s grace, a madman.*” (Qur’an 68:2)²

In other words, for the purpose of deriving legal rulings, the source texts for Islamic law must all be considered as one, as an indivisible whole. So, until a person has become familiar with them all and gathered all the various strands together, he cannot hope to understand any text’s true significance.

Therefore, we find proponents of this fragmented methodology going about ob-

² Ibn Hisham al-Ansari, *Mughni al-labib an kutub al-a‘arib*, 2 vols in 1 (Beirut: Dar al-Fikr, 1405/1985), 1:328.

scuring all evidences that call for peace, and instead highlighting passages from the context of war, claiming that those passages that indicate peace have been abrogated, and that the others are the ones that remain in effect today. But, by doing this, they utterly fail to follow the correct methodology for reading source texts, which is to first see if there are ways to reconcile their apparently contradictory meanings (*jama*). Instead they jump straight to striking down one text by means of another. Indeed, sometimes, they even elevate a hadith over the text of the Qur'an. An example of that is when they justify their position with the hadith, "I am commanded to fight people until they say 'There is no god but God'". On the basis of their fragmented understanding of this hadith—in other words, an understanding which ignores all other texts, makes no effort to see if its ruling is qualified, and disregards context completely—terrorists declare war on the entire world and declare it obligatory for every Muslim to take up arms against the rest of mankind.

But were they to have adopted a sound methodology for dealing with religious texts, taking context into account as well as looking to see if there was anything which qualified its ruling, they would have found that every single word in this particular hadith is not just open to interpretation, but must be interpreted in such a way that its meaning be reconciled with other source texts. Such a procedure is necessary, for otherwise we would be forced to either dismiss texts completely or tamper with them, and that is impossible given that these texts are of the highest authenticity. One such text is the words of God,

Say [Prophet], 'What I am commanded to do is to serve the Sustainer of this town, which He has made inviolable. Everything belongs to Him; I am commanded to be one of those devoted to him; I am commanded to recite the Qur'an' Whoever chooses to follow the right path does so for his own good. Say to whoever deviates from it, 'I am only here to warn.' Say, 'Praise belongs to God: He will show you His signs so that you will recognise them.' Your Lord is never unmindful of what you all do. (Qur'an 27:91–93).

Then who are the people that he was commanded to fight [in the hadith]?

The word *nas* can linguistically be used to indicate an individual, a group, or all people: *Those whose faith only increased when people (nas) said, "People (nas) have gathered against you, so fear them," and who replied, "God is enough for us: He is the best protector." (Qur'an 3:173); Or do they in fact envy [other] people (nas) for the bounty God has granted them? (Qur'an 4:54); Say, 'I seek refuge with the Lord of people (nas), the Controller of people (nas), the God of people (nas), against the harm of the slinking whisperer—who whispers*

in the hearts of people (nas)—whether they be jinn or people (nas). (Qur'an 114:1–6)

There is no doubt that this [hadith] is not meant to be understood in general terms but rather in a very specific one, despite the way it is worded. The proof of this is found in Qur'anic verses, such as that which establishes the ruling of *jizya*³, “until they pay the tax (*jizya*) promptly and agree to submit. (Qur'an 9:29); or that which establishes the ruling for peace treaties, *If they incline towards peace, you [Prophet] must also incline towards it, and put your trust in God.* (Qur'an 8:61).

[Abu Bakr] ibn al-Arabi draws attention to the fact that the position that fighting can only be brought to an end by a people entering into Islam is but one of three options given to the Muslims by the Lawgiver, depending on context and circumstance: for He also gives us the option of *jizya*, and the option of a peace treaty, when He says, ‘If they incline towards peace, you [Prophet] must also incline towards it.’ Ibn al-Arabi adds, ‘Even if this Qur'anic verse is specifically addressed to the Prophet ﷺ, its ruling remains applicable⁴ until the end of time and applies when the leader of the Muslims sees it as being in the best interests of the nation. . .’⁵

In the *Jami* of Tabari, Abu Jafar says: “As for that which Qatadah and others have asserted that this verse has been abrogated, such an opinion has no legal basis in the Qur'an, Sunnah, or rational thought.”⁶ The truth is that the choices indicated by Ibn al-Arabi are choices that are to be made on the basis of what is in the best interests of the nation, and that depends on time and place. If the time is one in which there are no peace treaties and in which people have no freedom to practice their religion, one in which the only way to maintain one's borders and protect the lives of one's citizens is through force of arms, then the only option is to fight. But if peace is offered and is readily available, then the option that must be chosen is that of the peace treaty, for peace is the basis and the starting point.

Then to whom is the command to fight people addressed?

3 Editor's note: A covenant tax imposed upon non-Muslims subjects of historic Muslim empires, establishing a contract of protection between them and the state, and in place of (and often less than) the *zakat* which was required of Muslim subjects.

4 Translator's note: *muhkama*: clear in its meaning so not subject to figurative interpretation (*ta'wil*), change, or amendment.

5 Malik ibn Anas and Abu Bakr ibn al-Arabi al-Ma'afiri, *al-Qabas fi sharh Muwatta Malik ibn Anas*, 2 vols in 1 (Beirut: Dar al-Gharb al-Islami, 1413/1992), 1:588

6 Abu Jafar Muhammad ibn Jarir al-Tabari, *Jami al-bayan an tawil ay al-Qur'an* (Cairo: Dar al-Ma'arif, n.d.), 14:41.

It is addressed to the chosen representative of the Muslim Community, the one with sovereign authority, since fighting is a sovereign responsibility and under the jurisdiction of the leader. Juwayni indicates this when he says, Jihad is the jurisdiction of the caliph. . . he is the representative of all the Muslims.⁷ There is in the words of Juwayni an indication of a clear flaw that has beset contemporary Islamic discourse, for certain groups and movements are gradually coming to view the term ‘*Umma*’ as their exclusive domain, and then accusing erstwhile members of the *Umma*—in other words, Muslims outside of their group—of being guilty of violating the laws of Islam. Historically, this act of claiming to be the sole and exclusive embodiment of the *Umma* has always been one of the peculiar characteristics of kharijite thought, as Ibn Taymiyya noted when he said,

It was the *Khawarij* alone who did this: they set themselves apart from the rest of the *Umma* by appointing their own caliph, establishing their own *Umma* and setting up their own abode. They designated this abode of theirs as ‘the abode of *hijra*’ and designated the lands of rest of the Muslims as the ‘abode of war’ or the ‘abode of unbelief’. . . But, it was among the *Khawarij* themselves that all true signs of corruption were to be found: the indiscriminate shedding of blood, the misappropriation of property and taking up arms. It is no wonder, therefore, that we find so many hadith condemning them and commanding that they be fought. Indeed, so numerous are these hadith that the *Ahl al-Sunnah* [Sunni Muslims] have given the classification of *mutawatir* [mass transmitted].

The truth is that a ruler who fails to uphold his duties isn’t necessarily required to be removed from office. This is not to say that we embellish and excuse the ruler and justify his mistakes or absolve him of his responsibilities. However, distinguishing between the aspects of discourse and the one who has been entrusted to ascertain the *ratio legis* of the law (*tahqiq al-manat*) is one of the most important foundations for a sound and juristically principled methodology, as Qarafi clarifies in his book, *al-Ihkam fi Tamyiz al-Fatawa min al-Ahkam wa Dhikr Tasarrufat al-Imam*. The one who is being addressed by the words, “I have been commanded to. . .” is the Prophet ﷺ in his capacity as caliph, so it is not possible for anyone other than his authorised representatives to fall under these words. For fighting has been prescribed to repel an external threat or enemy or to put down internal rebellion, both

7 Abu al-Ma’ali Abd al-Malik ibn Abdullah al-Juwayni, *Ghiyath al-umam fi Itiyath al-zulam* (N.p.: Maktabat Imam al-Haramayn, 1401/1980), 210.

of which are exclusively the domain of government.

As for the words in the Qur’anic verse, “*What I am commanded to do is. . .*” (Qur’an 27:91), it is again the Prophet ﷺ who is being addressed, but this time in his capacity as a caller to God, a capacity inherited from him by every Muslim, not just those in authority over them. To disregard a ruling that is obviously universal in favour of one which is clearly specific is the height of stupidity, for it can result in nothing but chaos and anarchy, in which reason and sacred law are put to one side.

The second type of ‘fragmented’ approach is to make do with a particular individual ruling and ignore the underlying universal principle that lies behind it; it is to fail to understand the precise and delicate symbiotic relationship between the two of them. The Sharia is not the homogenous system that some suppose—it is not just a collection of individual proofs and rulings, and it is not just a set of universal laws or values. The two aspects must be combined—individual rulings should only be looked at in the light of universal laws, and universal laws should not be given any weight unless they are backed by individual rulings.

The approach that best lends itself to dealing with crises is the universal holistic one. It was this approach that was adopted by the Imam Juwayni, when confronted by a state whose treasury was almost empty. Given that the circumstances were extraordinary, he ruled that they could deviate from the normal individual ruling for such cases in favour of the approach adopted by the Companions when confronted by new unprecedented cases not yet covered by the limited number of textual sources and rulings that had been made up to the point.

The Second Flaw: Decoupling the Discourse of Legal Responsibility (Khitab al-Taklif) from the Discourse of Circumstance (Khitab al-Wad)

This is that legal rulings are dependent, after revelation, on the existence of a ‘particular’, namely, an existence that is external and compound, composed of what it means to be human in its capacity and limitations, abundance and scarcity, necessities and needs, and development of processes. Thus, legal rulings are restricted by what restricts that ‘particular’, and made specific by what makes it specific. Therefore, the discourse of circumstance—meaning the causes, conditions, impediments, legal dispensations, and stronger legal opinions—regulates the relationship between the discourse of legal responsibility in its various categories (requests for things to be done, requests for things to not be done, and declarations of permissi-

bility) and the reality of the case in its compliances and constraining factors.

In other words, the discourse of circumstance is the methodological environment into which legal rulings are sent down: it gives shelter to the discourse of legal responsibility and protects it. Thus, one might say that the discourse of circumstance sits in wait for the discourse of legal responsibility, so that it can qualify its generalities and specify its universality. It is not enough for a ruling that its causes be fulfilled, its preventatives must also be negated and its preconditions met, regardless of whether they be preconditions of obligation, or preconditions of soundness. In other words, ascertaining the *ratio legis* is imperative to determine whether the circumstances fully correlate to the ruling and the ruling fully correlates to the circumstances, for the connection between legal cause and effect only establishes partial correlation not full correlation. Legal correlation is not the same as rational correlation, for it may sometimes be the case that a branch ruling remains in effect even after the original cause is nullified. An example of this is found in one of the laws relating to inheritance, for inheritance can remain applicable even when family lineage is not proven.⁸

This firm methodology of tying the discourse of legal responsibility to that of circumstance is clearly understood from the hadith of Nu'aym ibn Hammad, which is narrated by Tirmidhi: 'Truly you are in an age where whoever of you omits even one-tenth of what has been commanded shall perish. But a time will come where whoever acts upon as little as one-tenth of what has been commanded shall be saved.'⁹ The explanation of this hadith is that the one who does just a tenth has not abandoned nine tenths because he has fallen short in what is obligatory for him, but rather because either the conditions for those nine tenths are lacking, or obstacles prevent him from doing them. This is why the word 'omits' is used in the case of the first person and 'acts upon' in the case of the second—the first perishes on account of his omission and the second is saved on account of his action.

Accordingly, it cannot be said—when a person's intention is correct—that his failure to put into practice certain laws of the religion is grounds to declare him guilty of apostasy, heresy, or immoral behaviour.

The ignorance and failure of the extremist mindset to grasp this symbiotic re-

8 Salih al-Abi al-Azhari and Khalil ibn Ishaq al-Jundi, *Jawhar al-Iklil* (Beirut: Dar al-Kutub al-'Ilmiyyah, n.d.), 2:208.

9 Tirmidhi (2267), book of sedition, chapter on the prohibition of cursing the wind.

lationship between the two kinds of legal discourse has led its proponents to take legal rulings at face value, completely disregarding whether or not causes are in place, obstacles are lacking, and relevant preconditions have been met. And so their literalist or superficial methodology leads them to legitimise the spilling of Muslim blood.

The Third Flaw: Divorcing Commands and Prohibitions from the Assessment of Benefit and Harm

One of the most important manifestations of the madness that has gripped the Muslim world is that a great many Muslims no longer give any thought to considerations of benefit or harm. It is as if the Sharia, one of the highest tools for preserving public interest, has been turned into something absurd, calling on mankind to pointlessly destroy itself and its wealth. The four values upon which the entire structure of the Sharia is built—wisdom, justice, mercy, and public interest—have atrophied, and instead we see people engaging in acts of the most extreme recklessness, iniquity, ugliness, and corruption, claiming that they are part of the religion. They do this on the basis of a superficial literal understanding of divine revelation that completely disregards context and outcome. Shatibi's description of this type of flawed thinking is particularly apt. He said:

Viewed purely in linguistic terms, all orders and prohibitions are equally important and applicable. Generally-speaking, there is no linguistic way to differentiate between recommendation and command, or discouragement and prohibition, except in a few rare instances. The only way to differentiate between them is by following the meaning to its logical conclusion and taking into consideration what brings most benefit. The level of request (i.e. command, recommendation, permission, discouragement or prohibition) is determined not just by the grammatical mood of the word by a semantic inductive analysis of it. Were we to consider grammatical mood alone, we would be obliged to consider there to be but one category of command and one category of prohibition in Islamic law and that is clearly not the case. And this is true of Arab speech in general—one must always take into account the context of the statement in order to determine the meaning of the words. If this is not done, then their statements become ridiculous and nonsensical. Have you not considered their words, 'So-and-so is a lion', or, '...a donkey' or '...great in ash' or '...a coward of a dog' or '...a person of low-hanging earrings'? Were these phrases to be taken pure-

ly at face value, their true meaning would remain obscure. So how much more should that be the case with the speech of God and his Messenger?!

Our Sharia is not absurd, such that it would task those legally responsible with actions which objectively make no sense. Rather, it is the full embodiment of wisdom, justice, and public interest. Islam itself is a mercy (*rahma*), which is an attribute of God Most High. For God is the Most Merciful (*al-Rahman*), the possessor of a mercy which is timeless and eternal, constant and unchanging, complete and comprehensive, belonging to Him alone; and He is the Compassionate (*al-Rahim*), acting with compassion towards His creatures and bestowing all manner of mercy upon them. The importance of mercy within Islam is shown by the fact that every action begins with the *basmala* ('In the name of God') and every encounter with the greeting of peace. Any time we say or do anything, we invoke mercy, whether that be recitation of the Qur'an, study of hadith, any form of worship, or any type of day-to-day activity, such as eating and drinking, entering and exiting one's house, embarking and disembarking, or turning lights on and off.

Islamic Shariah is not the homogenous system that some suppose—it is not just a collection of individual proofs and rulings, and it is not just a set of universal laws or values. The two aspects must be combined—individual rulings should only be looked at in the light of universal laws, and universal laws should not be given any weight unless they are backed by individual rulings.

Since Islam is the byword for mercy, mercy must be one of the qualities of its *muftis* (jurists). They must show compassion to their fellow believers and to the rest of mankind. It cannot be right for them to push people onto the path to destruction by making the religion more and more difficult for them, claiming that they are simply being circumspect or scrupulous, or taking a strict interpretation of the religion. There is no basis for viewing circumspection as more scrupulous than prioritizing ease; it depends entirely on the underlying proof and evidence. Look at the rulings the caliphs made in response to the unfolding real-life situation before them. Instead of taking things at face value and following a literal approach, they gave a great deal of consideration to what was meant by the original ruling. In fact, they often completely ignored the apparent literal meaning in order to effect a public interest or avert an evil, such as when [Abu Bakr] Siddiq's declared war on those who withheld their *zakat* or appointed 'Umar as his successor. Moreover, the measures that Umar put in place are numerous and accord with this firm method-

ology, including when he took charity (*zakat*) instead of covenant tax (*jizya*) from the Christian Arab tribes of Banu Taghlib, Bahra', and Tanukh, and likewise from the Homerite Jews and Zoroastrians of Tamim. For 'Umar, with an eye on the future and understanding the vagaries of Arab culture, saw that forgoing *jizya* in favour of *zakat* would ultimately be in their best interests. He understood that there was ample room for juristic reasoning (*ijtihad*) in this matter despite the *jizya* being explicitly legislated by God Most High's Words ". . .until they pay the tax (*jizya*) promptly and agree to submit." (Qur'an 9:29).

Umar had understood that the options with which he was presented should only be chosen and made into law once potential benefits had been weighed against potential harms and possible future consequences taken into consideration (similar to what was done in the case of land tax). So, he had no problem in ignoring the apparent meaning of the source legal text and instead making his judgment on the basis of what was in the best interests of the Muslim *Umma*.

Jizya is a frequently misunderstood concept, for some people of knowledge study the subject in a highly flawed way, building their understanding of it through isolated, partial legal texts, while ignoring the universal objectives of the Sharia and the effect of context and the real world. The truth is that *jizya* is only one of a number of options given by the Sharia. The principles according to which those of a different religious persuasion should be treated can be found, in brief, in the following four statements from the legal source texts of the religion:

1. 'I have been commanded to fight people until they testify that there is no god but God' (rigorously authenticated hadith);
2. '. . .until they pay the *jizya* promptly.' (Qur'an 9:29);
3. 'If they incline towards peace, you [Prophet] must also incline towards it. . .' (Qur'an 8:61);
4. 'The Jews of the Banu Awf tribe are a nation (*Umma*) alongside the believers' (*Charter of Madina*). Shafi'i (God have mercy upon him) said: 'I don't know of a single scholar who opposes the view that, when he arrived at Madina, the Messenger of God ﷺ made peace with all the Jews without imposing the *jizya* on them.'

The first of these four refers, according to the Qur'anic exegetes, exclusively to the Arab idolaters (we are here merely mentioning the subject without going into any details).

The second refers to the Byzantine Empire in the Levant and Persian Empire in the East, who at the time were bent on annihilating the new religion.

The third is the general principle of ‘peace for peace’ when circumstances are such as to allow the drawing up of a peace treaty, as shown by the Treaty of Hudaibiyya with the Quraysh. Abu Bakr ibn al-‘Arabi mentioned these three options in his book *al-Qabas*, and considered this last option to be unrestricted, in contrast to those who declare it to have only been applicable at one particular juncture of time during our history. In his view, any offer of peace should be met with peace.

However, the fourth is an example of contractual citizenship governed by a charter or constitution, as is evident from the words:

The Jews of Banu Awf are a nation (*Umma*) alongside the believers; the Jews have their religion and the Muslims theirs; the Jews are responsible for their own expenditures and the Muslims theirs; both parties will aid each other against any enemy who declares war against the members of this charter.¹⁰

This charter formed the basis for an inclusive multi-ethnic Islamic state, whose citizens enjoyed equal rights and bore the same responsibilities, all of which were defined in a just constitution, confirming that they were one nation.

Most juristic studies in this area are devoted to the first three of these statements, which relied heavily on certain historical practices and which were revealed into a world that was very different to ours in every way—in terms of time, place, and type of people. And what these three statements had in common is that they were the result of fighting and war, but that is not true in the case of the fourth statement. This fourth statement, which affirms freedom of religion and the unity of the nation in a multi-religious domain, is scarcely studied at all, despite its huge importance. And that is largely because it describes the normal state of affairs in a multi-religious society wherein each individual and each group was free to choose their religion.

Indeed, the contemporary cultural context provides Muslims with an ideal opportunity to put forward this charter as an authentic model for citizenship. It is

¹⁰ *Charter of Madina*, Article 5

the best solution for addressing the situation of non-Muslim minorities in Islamic countries. For the contract that applies to them would be new in form but ancient in nature, respecting their privacy and granting them the freedom to practise their religion, while including them in the management of non-religious matters in accordance with civil rights and responsibilities set out in a fair and reasonable constitution that guarantees balance, happy coexistence, the rule of law, and the resolution of political problems in a manner that is just and fair.

When we speak of religious freedom, we should also address the question of the erection and preservation of places of worship according to a particular society's set of needs. . . We see that the Prophet ﷺ and his successors never demolished a place of worship. The safety of such buildings is guaranteed in Islam. Umar ibn Abd al-Aziz wrote to his governors telling them to never demolish a church, synagogue, or fire temple. These were the only three religions known of at the time in the Islamic world.

In our history we have shining examples of tolerance: Imam Awza'i in the second century protected the Christians in Lebanon; Imam Zarruq did likewise with the Jewish minority in Morocco, who had played a role in bringing about the end of the Marinid dynasty; and Imam al-Izz ibn Abd al-Salam protected the Copts of Egypt during the Crusades.

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It is our duty, today, to take the initiative and foster a culture of coexistence. We must establish citizenship charters at both a domestic and foreign level. A domestic charter is basically the constitution of a particular land which, in effect, is a contractual agreement between all the citizens of that land. As for the foreign or international charter, that is represented by the United Nations Charter and its Amendments, including the Universal Declaration of Human Rights and various international treaties.

The constitution which we mentioned above, must be a just one, one which pre-

vents injustice to minorities without infringing the rights of the majority in that they live their lives on the basis of the principle, ‘There is to be no harm nor any reciprocation of harm’ — a principle taken directly from a sound (*hasan*) hadith. Such a constitution should have a human dimension which isn’t at odds with the religion and marries with the intellect and universal values.

The Fourth Flaw: Omitting Context and its Impact on Understanding Jihad

Amongst the flaws of the defective ideology, through whose rectification only can a renewal of Islamic discourse take place, is giving no consideration whatsoever to context when formulating rulings and tackling concepts. Proponents of this ideology basically take a snapshot of a ruling being applied in an original set of circumstances, and transplant it whole to a new and completely different set of circumstances, making no attempt to adjust it and ignoring its *ratio legis*; thereby turning concepts on their head and contradicting their original objectives.

One of the clearest examples of this is how they view the concept of jihad, a topic we touched upon briefly last year during our speech at the Forum’s first assembly. We mentioned the fact that it is actually a peaceful concept which has been subverted and transformed into its opposite, and explained how ‘jihad’ is not a synonym for ‘fighting’ and that wars in Islam are of two types: (i) wars of aggression, sedition, and expansion; and (ii) just wars for the sake of God or to defend the lands against sedition and rebellion. The essential point is that it is only this second type of war which may correctly be called ‘jihad’. And, anyway, only legitimate political leaders have the right to declare war. No individual and no group can declare jihad without the permission of the person of authority.

Our point of departure, here, is the same as it was in the first assembly of the Abu Dhabi Forum for Peace, namely, the transmitted texts regarding jihad as found in the Qur’an and Sunnah, but here we look from the perspective of the flaws that lie at the heart of their understanding. In other words, our focus will be on context and how important it is for understanding texts, for every command of God takes place within a particular context and set of circumstances outside of which it could not be properly understood. And if a ruling is taken out of that context, it loses its meaning and significance.

Jihad, as a legal concept, is addressed in various legislative texts and cannot be understood without this principle being applied. By ‘this principle’ we mean the

principle of taking account of context. There are two types of context that must be taken into consideration when analysing legislative texts: the first is the general context (the overall climate and situation of the Muslim nation when the text was revealed); and the second is the specific context (the particular set of circumstances which prompted or caused the text to be revealed) (*asbab al-nuzul*). So let us first read the source texts relating to jihad in the light of their general context. When we look at the overall climate within which they were revealed, we immediately notice something remarkable about the Arab peninsula: there was no centralised rule of any sort nor any contractual system in place for guaranteeing peace. Instead, each tribe enjoyed a certain degree of authority and sovereignty based on pre-existing social customs and traditions. As for inter-tribal relations, they were focused largely on a never-ending battle for supremacy. War, not peace, was the norm, as the books detailing the period before Islam clearly show. People did not need much reason to declare war, often losing a horse race or a camel wandering into the wrong tribal pasture was sufficient.

Indeed, considering the context of the subject matter of jihad in the Noble Quran leads us to an important conclusion; namely, that armed jihad is only ever legislated to preserve peace, to subdue the bands of robbers that roamed the Arab peninsula seeking to terrorise the safe, and to break the resistance of those who actively sought to prevent the call of Islam from reaching the ears of the people. In the language of the age, it could be said that Islam set the precedent for the United Nations and its formation of UN peacekeepers, since Muslim armies were always in service of establishing and upholding lasting peace.

It was also common in pre-Islamic times for the strong to take advantage of the weak. All of you know the story of the Yemeni man from Zabid whose goods were wrongfully taken from him by al-As ibn Wail Sahmi, an event that led directly to the creation of the Alliance of Virtue (*hilf al-fudul*), an alliance which was highly praised by the Prophet ﷺ for he later said: ‘I was witness to a pact in the house of Abdullah ibn Jud’an that was more beloved to me than a herd of red camels, and were I to be invited to be a party to it now in the time of Islam, I would accept.’

Things only began to change when some of the people of Madina became Muslim and the Messenger emigrated to them. This led to the formation of the first civic society in which Muslims and others lived alongside one another. Islam came

promising a new era of peace and security, as is seen from the hadith of Adi ibn Hatim, transmitted by *Bukhari*, in which the Prophet is narrated as having said, “God will make your victory so complete that a lady will be able to travel between Yathrib and [the city of] al-Hirah, or even further without fear of being robbed.’ But, so farfetched did this degree of peace and security sound to Adi, that he would say to himself, ‘Where then will the robbers from the tribe of Tay be?!’ For he had been brought up in a climate in which security was just a pipe dream, an age in which peace treaties were largely unknown. Peace was not part of their culture.

Furthermore, it was an age in which there was no religious freedom. Anyone who left the religion of his people would be labelled a *sabi*’, which simply meant one who abandoned or renounced. So, those who embraced Islam in Makkah faced torture and persecution in order that they return to idol worship, and many of them were killed, as is known to anyone who has read the books of Prophetic biography.

Conflicts that appear to be of a religious nature may be due to multiple, differing factors; they may be cultural, political, or economic, or even arise within a single religion between differing sectarian groups, or indeed within a single sectarian group based on different intellectual sensitives and attitudes towards modernisation. Religion sometimes provides the fuel for conflicts that are, at their core, secular and political in nature.

These are but some of the features of the climate of the time within the Arab peninsula, and it was within this context that permission was given to fight jihad, using the language of the sword. Looking at things in this light, it quickly becomes apparent, therefore, that jihad was originally legislated as part of the ongoing search for peace and mercy, not as it is used today, as a pretext for killing and destruction. This is a complete perversion of the concept and goes against its founding principles. Their actions, bereft of any legal nor rational basis, only serve to spread great corruption in the earth.

Now, let us read these texts in the light of their specific context (the individual reasons which motivated their revelation). If we look at them objectively, and abstract the command for jihad, we will find that the related Qur’anic verses and hadiths, including the ‘verses of the sword’, which some scholars hold to have abrogated the verses enjoining patience, are all tied to highly specific contexts. The

claim that they abrogate verses of patience, reconciliation, goodness, and treating practitioners of other religions well, is one for which there exists no legal proof. And, anyway, one only moves on to abrogation when there is no way to reconcile the meanings of two texts. This is why Zarkashi said:

Many scholars of Qur'anic exegesis are fond of saying that the verses commanding ease (*takhfif*) have been abrogated by the verses of the sword, but this position is weak. Rather, it is simply postponement, in the sense that every command that has been transmitted must necessarily be obeyed at a given time, when the reason which made that legal ruling applicable exists. Then, if that reason ceases to exist, one moves on to a different ruling.

Indeed, the relationship between these verses is not one where one absolute and unqualified ruling is abrogated by another, but rather one of postponement, such that the ruling of the first verse is deferred and set to one side until that particular set of circumstances which allow it re-emerge. The postponed verse only comes back in effect when a qualified scholar (*mujtahid*) decides that the time is ripe, based on his understanding of the underlying principles of Islamic law and a careful weighing up of benefit and harm. Imam Tahir ibn Ashur said in his book, *al-Tahrir wa al-Tanwir*, that it would have been better to say that God's words, "*There is no compulsion in religion*" (Qur'an 2:256) abrogated all legal rulings relating to fighting for religious ends, for this particular message is strongly emphasised and mentioned time and again throughout the Noble Qur'an. The reality of the invitation to Islam is that it is a call to mercy for all mankind, a call to the Oneness of God and the renouncement of idol worship; and the only means to achieve this is by exhortation and reminder through recitation of Qur'an. The call has never deviated from this methodology, and it was only the hostility of the environment that made the use of arms necessary in order to protect this call and provide a peaceful environment for those who wanted to accept peace.

So, we must persist and continually proclaim the truth that Islam is a religion of mercy and peace, not a religion of conflict and war. In its legal texts and established values, we have all the clear evidence we need. War in Islam is only ever an exception, as we have already explained through reference to the context in which the call appeared and jihad came to exist.

Indeed, considering the context of the subject matter of jihad in the Noble Qur'an leads us to an important conclusion; namely, that armed jihad is only ever

legislated to preserve peace, to subdue the bands of robbers that roamed the Arabian peninsula seeking to terrorise the safe, and to break the resistance of those who actively sought to prevent the call of Islam from reaching the ears of the people. In the language of the age, it could be said that Islam set the precedent for the United Nations and its formation of UN peacekeepers, since Muslim armies were always in service of establishing and upholding lasting peace.

The Fifth Flaw: A Superficial Perception of History

The proponents of this defective ideology fail to understand that the movement of history is based on universal laws and governed by divine laws contained in the Qur'an itself. These laws have applied as much to the history of Islam as the history of all other peoples, for the history of the Muslim *Umma* which was addressed by these verses wavered between periods of expansion and periods of decline, periods of strength and periods of weakness, times of triumph and times of loss. In light of this, one cannot adopt a selective romanticized approach when examining the past of this *Umma* and the stages through which it has passed.

The literature of extremist movements attests to the fact that they live in a deluded historical fantasy, which has no basis in historical correctness or events of actual fact. They imagine a history which is conceivable only in their mind. They view Islamic society with an idealism that bears no relation to human nature, and this idealism makes them imagine that such a society could never suffer setbacks or ever go wrong. In their view, simply by the fact they were imperial, the imperial states of our past (the Umayyads, the Abbasids and the Ottomans amongst others) become living examples of the perfect state. It is in this state of delusion that they live their lives.

However, the deeper we delve into the history of such Islamic empires, the more we find that this idealism vanishes, leaving room for a complex nuanced human history intertwined with successes and failures alike. We see enlightened examples of societies that sought peace and believed in the value of reconciliation and peace treaties, not continual war. We see that Islamic civilisation was not established on the back of military glory and triumph. In the minds of these people, it is as if the cultural channels that were opened up between nations through trade, translation and other peaceful means never existed.

It is inconceivable to such people that a Muslim might accept military defeat

for the sake of God, in order to minimise the harm that might result from them stubbornly holding their position. But this happened even in the lifetime of the Messenger of God ﷺ. He lifted the siege of Taif and retreated with the Muslims when the siege became protracted and started to harm the Muslims, and did not see what he had done as being shameful in the slightest. The same could be said of the Treaty of Hudaibiyya. Every religious rite through which sanctities are extolled and bloodshed spared is required by the Sacred Law, regardless of cost, for, as we established earlier, legal rulings are made on the basis of what is actually in the public interest not what is imagined to be of harm.

You see these people endlessly talking about *jizya* and how it must be imposed on the People of the Book, but they disregard the fact that Abd al-Malik ibn Marwan (65/685–86/705), at a time when Islam was at the height of its power, agreed to pay tribute to the Byzantines in exchange for them respecting the borders of the lands of the Muslims. Similarly, they fail to distinguish between the national and imperial state and the contexts in which each exists, and so declare every Muslim nation that does not share their religious understanding or their vision for the creation of an imperial caliphate to be illegitimate. For they consider caliphate to be the sole legitimate form of government, and believe that no state can truly be Islamic unless it rallies behind of the banner of a caliph.

However, were they to look at history with objective eyes, they would learn that governance is a matter for *ijtihad* (juristic reasoning), as Imam al-Haramayn has said, and not something that can be standardised and uniformly applied in every age and situation. Were they, at the very least, to reflect on events of recent history, they would see what happened to Germany when it formed a nation state in the middle of the last century based on an ideology of nationalism and racial purity; or to the former Soviet Union when it based on territorial expansion into the lands of the neighbouring Islamic republics, fuelled by its proletarian revolutionary ideology, whose goal was to realise the dream of a creating a socialist bloc of countries. What happened to these states? Germany was defeated and divided, and the Soviet Union collapsed and split up into its constituent parts. And the states they created were consigned to the dark history of the human race.

Do not misunderstand us. We do not seek to pass negative judgement on our history. We are not trying to criticise its symbolic importance to a nation whose sense of self-worth has been badly shaken. We do not even want to deny anyone the right to dream or fantasise. No, all we want to do is point out the deep flaws in that ide-

alist, superficial understanding of history, wherein the Muslims' triumphs all came about through war and no consideration was given to the complicated balancing act of weighing benefits against harms. This selective way of reading history is one of the deepest flaws of contemporary Islamic discourse, and it must be dealt with and rectified. They must be taught the true causes which lead to the rise of nation and that are universal laws at work in creation based on values of wisdom and the common good.

Moreover, another major crisis arises out of this defective ideology, namely the claim made by groups of this ilk that they are the sole embodiment of the *Umma*. They limit the *Umma* to their group, in much the same way mentioned by Shaykh al-Islam Ibn Taymiyya, creating for themselves a defined realm, setting up an Imam, and fighting and killing people at his directive. This claim of theirs leads them to not recognise regional or national states, since they do not recognise the rights of any non-Muslim to be a citizen of a Muslim country, even though this citizenship is a right guaranteed to non-Muslims under the charter, Contract, and Constitution of Madina. And thus, we see them mistreating minorities in the areas they control, an act which is completely contrary to the provisions and objectives of the Sharia.

Everything we have put forth suggests that the extremists and adherents of this defective ideology do not believe in universal laws and their impact on the establishment of nations, even though God says, "*God's ways have operated before your time*" (Qur'an 3:137). Learning about these laws is a legal obligation, for it is only in the light of them that one can truly see history and properly analyse the significance of historical events. Neglecting these laws results in short-sightedness and negatively impacts a person's ability to assess the outcomes and future consequences of events on the Muslim *Umma*.

Before bringing this speech to an end, I must first make some mention of one of the main factors in the spread of unrest and sedition in the present age, and that is the widespread prevalence of excommunication (*takfir*).

Excommunication and the Need to Make it a Criminal Offence

Excommunication is to legally declare a person, or a group, to be a non-believer, regardless of whether that entails declaring them never to have been Muslim or declaring them to have done something that takes them out of Islam. God Himself warns us against it, saying: *And do not say to him who offers you a greeting of peace, "You are not a believer," simply out of desire for the chance gains of this life.* (Qur'an 4:94).

Numerous rigorously-authenticated hadiths of the Prophet strongly warn and condemn those who accuse others of being apostates. Bukhari and Ahmad both narrate: ‘Whosoever accuses a believer of unbelief it as if he has killed him’ and ‘When a man says to his brother “O unbeliever”, the charge returns back to one of them.’ Hadiths to this effect are many, and that is only because of the serious consequences entailed by excommunication, including the taking of life and property, annulment of marriage, withholding of inheritance, not being prayed over [at death], not being permitted burial in the cemeteries of the Muslims, and other such disasters and calamities from which we seek refuge in God.

The scholars have long differed over the legal questions of excommunication, and these parties have exchanged views on what constitutes a legitimate charge of it or not. However, on account of the severity of the warning against it in the source texts, a significant group of them strongly warned against it, amongst whom was Imam Subki, who said: ‘As long as a person believes and testifies that there is no god but God and Muhammad is the Messenger of God, excommunicating him is extremely difficult.’

We are not trying to criticise the symbolic importance of history to a nation whose sense of self-worth has been badly shaken. We do not even want to deny anyone the right to dream or fantasise. No, all we want to do is point out the deep flaws in that idealist, superficial understanding of history, wherein the Muslims’ triumphs all came about through war and no consideration was given to the complicated balancing act of weighing benefits against harms.

Imam Abu Hamid al-Ghazali went even further and rejected the excommunication of any group or party, saying: ‘The status of such people is a matter of independent juristic reasoning, but, even so, every effort must be taken to avoid excommunication, for it is a grave mistake to make lawful the blood and wealth of those who pray towards the Kaaba in Makkah and publicly affirm the Oneness of God.’

In *Jami‘ al-Fusulayn*, Tahawi narrates: ‘The only thing that takes a person out of Islam is publicly rejecting that which brought him into Islam in the first place. Only when something is clearly apostasy is it to be judged as such. If there is any degree of doubt, then it is not, for an Islam that has been confirmed may not be removed by doubt, to say nothing of the fact that Islam is a thing of an exalted nature. So, when matters of this nature are brought before scholars, no one of them

should hasten to excommunicate any of the people of Islam, even if that means he affirms the validity of the Islam of a person 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.” The author of *Al-Fatawa al-Bazaziyyah*, Al-Kardari, 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 mentions in his *Al-Fatawa*: ‘The Companions and all the Imams of the Muslims unanimously concur that saying something wrong is not necessarily enough cause to excommunicate a person, even if what he says appears to directly contravene the Sunnah. So, excommunicating all wrongdoers goes against the consensus of the Muslims. Yes, there is some difference of opinion among the people of knowledge regarding certain issues relating to excommunication which I have gone into at length elsewhere, but my purpose here is simply to stress the fact that it is not right for groups of people following a particular imam or shaykh to declare those who are not with them to be unbelievers, for we find in the *Sahih* [of Bukhari], that the Prophet ﷺ said: “When a man says to his brother ‘O unbeliever’, the charge returns back upon one or the other of them.”’

It is narrated in the *Musnad* of Bazzar from Iyad al-Ansari that the Prophet ﷺ said: ‘The statement that ‘there is no god but God’ is something most dear and precious to God: the one who says it truthfully will be admitted by Him into the Garden, and the one who says it falsely will have his wealth and blood protected, although when he goes to meet God tomorrow, he will be taken to account.’

We must think long and hard on this problem of excommunication. It is most important that religious scholars and thinkers come together to discuss all matters relating to it, especially the issue of mutual excommunication, because it is the key to Pandora’s box, opening the way to all manner of evil and iniquity, leading people to legitimise bloodshed, pillaging, and violating the honour of others. Any

country in which the disease of such accusations spreads will have its entire body crushed and the walls of its edifice come tumbling down.

The body and edifice both symbolise a society in Islam which is close-knit and cohesive, [as in the following two hadiths]: ‘The similitude of the believers in their amity, respect, and harbouring of affection for one another is that of the body: if any part of it suffers, the rest of the body responds to it with sleeplessness and fever’ and ‘The believer for his fellow believer is like an edifice: fortifying one another’—and he ﷺ brought his hands together and interlocked his fingers.

Whatever we have said here concerning the gravity of excommunication applies just as equally to the issuing of fatwas declaring unbelief, for the scholars of sacred law have advised that the sovereign ruler has the authority to overrule people who have no knowledge of a topic from giving fatwas on it. Abu al-Faraj ibn Jawzi (God have mercy upon him) said:

It behoves the sovereign ruler to overrule would-be muftis, just as the Umayyads did, for such people are like someone who gives directions without knowing the way, or a blind man who points people in the direction of the Kaaba in Makkah, or someone who has no knowledge of medicine offering medical assistance. Nay, such people are worse by far than them all, and if it is incumbent on a ruler to prevent someone who has no proficiency in medicine from treating the sick, then how should the matter be concerning someone who has no real knowledge of the Book and Sunnah, and no understanding of the finer points of the religion?

And when those pronouncements of unbelief themselves result in people’s lives being put at risk, it becomes even more important for rulers to overrule them and put a stop to them! In this modern era, they can accomplish this by enacting laws that make excommunication a criminal offence, on the basis that not only is it unlawful in the Sacred Law—as evidenced in the hadiths cited above—but it also leads to the legitimisation of bloodshed.

The fact that we hereby warn against excommunication does not mean that we somehow deem the life and wealth of non-Muslims to be permissible for the taking; rather, all human life is sacrosanct, and no one has the right to infringe upon it. And whatever has been related that seems to indicate the contrary only relates to responses against aggression and criminal behaviour, and, in that, Muslims and

non-Muslims are treated the same.

To conclude, our findings can be summarised in the following points:

1. This comprehensive architecture of peace, based as it is on Islamic jurisprudence, values and concepts, does not make aim to suppress or deny any rights but rather to achieve through more rational, more correct, and more direct means. At the very least, if the time that was squandered in waging wars and fighting were to be used rationally in the spirit of 'Repel evil with what is better' (Qur'an 41:34), then remarkable results would be achieved, agreeable to all parties involved and winning the supreme pleasure of God Exalted and Most High, for peoples' lives, property, and honour would have been protected, while hatred diminished and hearts reconciled. There is no way that the individual, communal, societal, and national opportunities afforded by peace can ever be offset by the gains made through conflict and warfare. Indeed, fighting is generally counterproductive, and even when it is done to set something right, it often results in the situation only getting worse and the corruption spreading. Indeed, sometimes it results in a total loss of rights, and the loss and partition of one's homeland, leaving droves of stateless citizens knowing nothing but devastation and destruction. They lose their portion of this world and perhaps even lose their portion of the Next. We seek refuge in God from such loss.
2. Conflicts that appear to be of a religious nature may be due to multiple, differing factors; they may be cultural, political, or economic, or even arise within a single religion between differing sectarian groups, or indeed within a single sectarian group based on different intellectual sensitivities and attitudes towards modernisation.
3. Religion sometimes provides the fuel for conflicts that are, at their core, secular and political in nature.
4. The model of constant fighting and conflict is not one which suits Muslim societies. A different more humane approach would be far appropriate, one in which human and social costs are less.
5. We must recognize that it is not possible for a society which does not have a shared sense of community that overlooks ethnicity and allows for at least some level of coexistence to transition into a pluralist democracy without first making some concessions that are acceptable to everyone. But on no account should any attempt be made to cancel rights, whatever the pretext, even if it is

mutually agreed, for that will inevitably result in a total loss of national identity, and the citizens developing feelings of hatred and mistrust for another. These feelings will soon morph into conflict, and a never-ending all-out war will ensue that will bring in its wake unspeakable devastation to religion and the world in equal measure.

6. It is neither acceptable nor rational to believe that the catastrophic situation of our *Umma* will remain the same, because the various directions it takes, rising and falling, are known only to He who knows every hidden thing in the heavens and earth.
7. This religion of ours is a religion of peace and love, and the proof for that is found in both religious texts and the historical practices of our forefathers.
8. Civil war is not sanctioned by Islam, whatever its impetus and motivations, be they religious or worldly.
9. Our religion and heritage have the tools to resolve disputes and reach settlements, without any need for warfare and division.
10. The Islamic heritage comprises a system of dialogue that is perhaps one of the richest legal and ethical systems ever devised. It utilises dialogue to achieve compromise and help bring about reconciliation. Reconciliation is achieved through a contract that provides written guarantees. This system uses many different means and tools, such as arbitration, exoneration, and concession, to tackle every known type of disagreement—from marital disputes to full-blown war—and resolve them in the best possible way.
11. Even were we to suppose that their intentions were noble and their goals lofty, still warfare and hatred could never be acceptable as means to an end. A noble end can never be used to justify means that are evil, and that is even more true when the end is only noble in the eyes of the one seeking to excuse his actions.
12. We do not claim to be a comprehensive authority that issues fatwas for every country, bypassing their national authorities and government legislations and taking away the legitimacy of any given government, and thus creating a trans-national fatwa body. Such a move would be ill-advised, even if it were state-led or led by a political party or reputable international organisation, for there is a very real danger that it would lead to religion being sold out for politics.

We must think out of the box and weigh up the benefit and harm to the collective before coming to any decision. We must revive the branches of *fiqh* relating to

mediation, reconciliation, concession, and arbitration, and make the values of wisdom, love, and tolerance the basis for all our actions. We must first put the affairs of the house of the *Umma* in order, and then, by doing that, we will be able to present the world with a workable model of reform.

In the light of this, the following recommendations suggest themselves. We must:

- Cooperate fully with governments, even if by doing so, we will be perceived as meddling or identifying with governments;
- establish ministries of peace and reconciliation;
- pressure countries to allocate a certain portion of their budget towards peace;
- consolidate a culture of peace by amassing and compiling religious texts that promote peace;
- restore the jurisprudence of peace, along with its principles and objectives;
- spread a culture of peace, by popularising its code of ethics and behaviour and circulating its literature far and wide;
- clarify its concepts, values, benefits, and objectives;
- introduce the study of it into educational curricula;
- encourage mediation, arbitration, and reconciliation processes;
- produce studies comparing peace in Islam with the views of Western philosophers, especially those of Kant and Russell;
- encourage dialogue between young people and the scholars of religion;
- organise lectures, seminars, and discussions on issues relating to peace in universities and other intellectual centres;
- organise field trips to areas of sectarian or ideological tension;
- establish a peace forum for the youth, paving the way for peaceful activism, and spreading it across the youthful ranks of the *Umma*;
- Reform the underlying system of ideas to restore correct conceptual understandings in the light of reason, public benefit, wisdom, and the Sacred Law, thereby bringing peace and harmony.

It is my hope that these suggestions can allow us to work together, hand in hand, to find a way to coexist and do what is in all our best interests.

“

*The legitimate danger of
excommunication is that it's
a form of moral murdering.*

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

“

*All human life is sacrosanct,
and no one has the right
to infringe upon it.*

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'anic sciences: legal theory, syntax, language, orthography and the ten forms of Qur'anic 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.¹¹

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

11 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.



*A selective way of reading
history is one of the deepest flaws
of contemporary Islamic discourse*

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

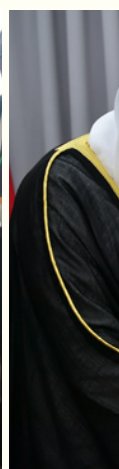


ABOUT THE ABU DHABI FORUM FOR PEACE

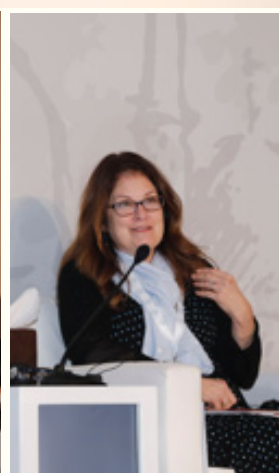
THE ABU DHABI Forum For Peace, under the patronage of H.H. Sheikh Abdullah bin Zayed Al Nahyan, Minister of Foreign Affairs and International Cooperation of the United Arab Emirates was established during the pinnacle of social strife in the Muslim world following the Arab Spring. The Forum works earnestly 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.

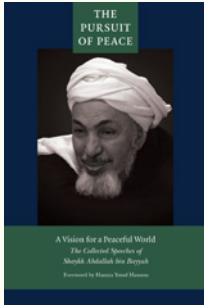
Likewise, the Forum focuses on securing the rights and safety of religious minorities living in Muslim lands. *The Marrakesh Declaration* launched in 2016, calls on Muslim states to accord the rights of equal citizenship to all minorities in their midst on the basis of *The Charter of Madina* and the 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*.



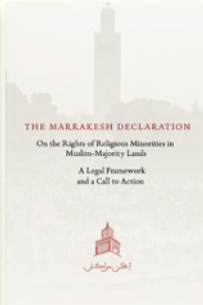




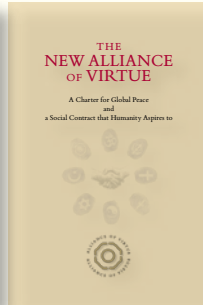
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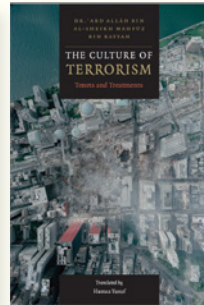
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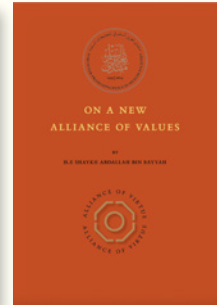
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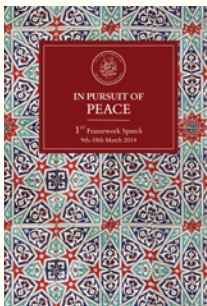
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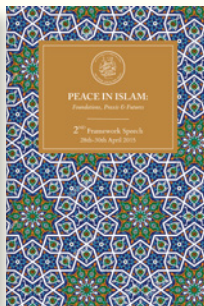
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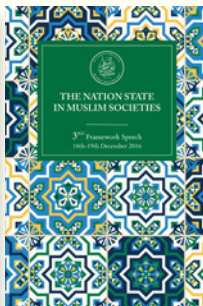
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Alliance Of Values
October 2007



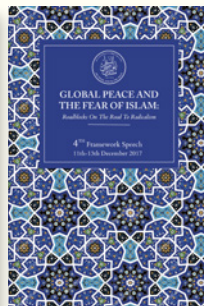
1st Assembly
In Pursuit of Peace
2014



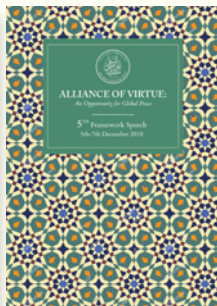
2nd Assembly
Peace In Islam:
Foundations, Praxis
and Futures
2015



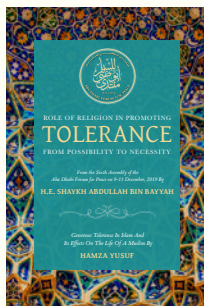
3rd Assembly
The Nation State in
Muslim Societies
2016



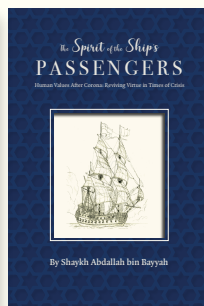
4th Assembly
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2017



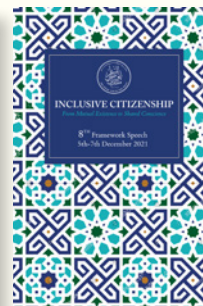
5th Assembly
Alliance of Virtue:
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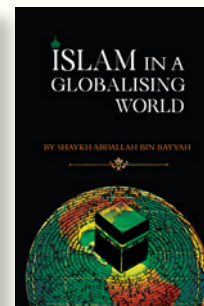
6th Assembly
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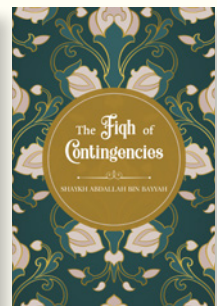
7th Assembly
The Spirit of the
Ship's Passengers
2020



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



Islam in a Globalizing
World



The Fiqh of
Contingencies
2020

