



THE NATION STATE IN MUSLIM SOCIETIES

3RD Framework Speech
18th-19th December 2016



THE NATION STATE IN MUSLIM SOCIETIES

3RD FRAMEWORK SPEECH OF THE ABU DHABI FORUM FOR PEACE

18th-19th December 2016 , Abu Dhabi, UAE

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

Copyright © 2021 Abu Dhabi Forum for Peace
All rights reserved

No part of this book may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without permission in writing from the publisher Abu Dhabi Forum for Promoting Peace, Abu Dhabi, United Arab Emirates.

Abu Dhabi Forum for Peace
PO Box 77847
Abu Dhabi UAE
Tel: 02-6593888 Fax: 02-4412054
www.peacems.com
info@peacems.com
www.allianceofvirtues.com

ISBN 978-1-9164458-3-3 (Paper Edition)

All photographs owned by the Forum
Translated by Habib Bewley
Edited by Peter Welby and Dr Aisha Subhani
General Editor: Zeshan Zafar
Project Directors: Sheikh Al Mahfoudh Bin Bayyah & Zeshan Zafar
Book Design by Sonam Mittal
Printed and Bound in United Arab Emirates

2nd Version Printing: November 2022

ACKNOWLEDGEMENT

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.

“

We don't want a place where Muslims feel safe and other people don't feel safe. We want a land where everyone feels safe.

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

IN THE NAME OF GOD, THE COMPASSIONATE, THE MERCIFUL

We gather to emphasize the importance of peace in this age, an age which has come to be defined by a global situation, the likes of which the world in general - the Islamic world in particular, and the Arab world most especially - has never known.¹ This situation, which existed at the time of the first and the second assemblies of the Forum, has only become worse: the flames of conflict have intensified, blazing higher than before, and the levels of hostility have deepened. Killing and fighting have become the currency and commodity of choice. All one hears about is a bloodbath here or a slaughter there, an explosion in the East or another in the West, the victims of which are almost always innocent souls who have done nothing to merit such treatment. The prophecy has come to pass: “Killers will not know why they are killing, and their victims will not know why they are killed.”²

The world is still reeling from tribulation and violence, and not a day passes without a law being issued or a measure taken against Muslims, whether they are religious Muslims or Muslims in name alone. We cannot fail to hear the public proclamations stoking the flames of religious and racial discrimination—even many electoral campaigns in the great and powerful nations of the earth use the Muslim issue as electoral material, alluding to the “Muslim problem” in order to secure votes. This Forum has decided that it must take to the pulpit and set the record straight with respect to what constitutes a valid State in Islam and allow this troubled region to secure its fair share of peace and security.

In our previous framework speech, we said, “The issues which preoccupy us remain to be fully understood, the values which we uphold remain to be fully assimilated, and the legal texts which we have cited remain 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 partake of its shade, but, for us, their identity is not important. What is important is accomplishing this historic mission.’ It is this very mission that occupies us and that we hope, with God’s help, to complete. Our goal

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 third Assembly of the Abu Dhabi Forum for Peace, Abu Dhabi, 18 December 2016.

² *Sahih Muslim* (2908).

is to spread peace and promote a culture of peace, and—in this context—the end justifies the means.

In order to paint as clear a picture as possible for everyone, the Forum commissioned a number of top researchers to develop a series of booklets, each devoted to a specific topic. And more importantly, since the first assembly of the Abu Dhabi Forum for Peace, the terminology of a culture of peace has started to spread, enabling its concepts to take root in the public consciousness. We must stress, here, that the ideas we promote are not ours alone but belong to everybody.

We convened a conference to discuss certain ill-defined and poorly understood terms and concepts, such as that of citizenship, especially with respect to certain religious minority groups in Muslim-majority countries. We participated in a large number of Arab and international forums, and participated in many global platforms to communicate the message of peace. It is my hope that by doing this, our words will be met by attentive ears and find their home in the hearts of good men and women who believe in the primacy of peace.

What is this Assembly's Topic?

We gather here to continue what we began in our previous assemblies. The Forum has sought to address and clarify a number of important concepts, the misunderstanding of which has been to blame for our current crisis, and to try to return them to their original significance and meaning. It is by correcting these misconceptions, more than anything, that we will be able to break ourselves free from this crisis and find our way out into the wide and open fields of peace.

One might say that these concepts have sprouted and grown up in the wild, untended, beyond the reach of scholarly supervision and control. Some of these are ancient in genus, but new in type, having been applied in a specific historical period and circumstance. But, because those specific human and temporal conditions no longer apply, it has become necessary to regulate them anew, especially concepts such as jihad and abode.

Because of the ongoing situation in the region, we have decided to devote the third assembly to tackling a concept that is of equal importance to those we addressed previously, concepts that we were required to review and redefine in light of the world's changing circumstances in terms of place, time, and people.

The concept for this year is the ‘state’ or the ‘nation state’. We consider this concept to be highly contentious and in need of defusing and reconfiguring given how readily certain people use it as an excuse to justify their aims. These people have sought legitimisation through reference to isolated legal texts without context and through a total and blatant disregard for the methodology of applying rulings and concepts to the real world, as established by the scholars of Islam over the centuries.

If religious legal concepts are tempered by recent concepts, that may well open up a path to social peace. If you like, you could say, as Ibn Khaldun (d. 1406) does, that we must take account of both what is required by the law and what is required by the age.

Our entry point into the topic of this speech will be through a short preface in which we shall address the importance of concept creation. We will then move to the crux of the subject by discussing the issue of the ‘state’ and the state’s relationship with religion and its perception in the West, and then expounding on the ‘Islamicity’ of the State, and finally addressing the caliphate and the nation-state in light of the:

1. Crossover between religious matters and matters of the mundane.
2. Question of whether a caliphate is a religious duty or simply a means to safeguard the common good.
3. Legal framework underpinning these first two issues

We will finish by taking a look at the nation state with a special focus on the centrality of the common good to the management of public affairs in Islam.

What is our Methodology?

In our ongoing effort to realign and correct the fallacies, flaws, and distortions resulting from the misunderstanding of the primary sources of the religion and the ignorance of the temporal and spatial requisites that are crucial to the reformulation of its key concepts, the Forum has relied on two bases: the Sharia (with both its supporting texts and its underlying objectives) and the real-world situation in which people find themselves (evaluating the benefits and harm in the specific circumstances in which a group of people actually live). This approach ties text with reason, using correct foundational juristic instruments derived from our heritage alongside modern means and methods.

These foundational juristic instruments consist of clear texts, explanatory interpretations, and accurate reasoning inspired by the objectives of the Sharia and based on the foundation of universal principles, some of which are intrinsic, others which are extrapolated, and partial analogies, such as on the basis of similitudes or inferring what is absent from what is present and accounted for.

We have spoken about elements of this methodology in our previous assemblies, but perhaps the best encapsulation of it is to be found in the concept paper we delivered at the Marrakesh conference on the rights of religious minorities, which the Forum organized in collaboration with the Moroccan Ministry of Endowments and Islamic Affairs in January 2016 in the Kingdom of Morocco. In this paper, we identified the following eleven points as the key components of our methodology:

1. Working on the basis that the entire sacred law is treated as one cohesive text and that religious legal concepts are inextricably bound to the contents of that text, thereby combatting the methodology and culture of atomisation and fragmentation (*ijtiza*).
2. Researching linguistic possibilities and connotations that prepare texts and concepts for exegesis, interpretation and application.
3. Reconciling texts when apparent meanings appear contradictory.
4. Looking into the symbiotic relationship between universal and particular concepts and texts and offsetting them against each other in order to avoid atomisation.
5. Correlating scriptural injunctions ‘discourse of legal responsibility’ (*khitab al-taklif*) with the environment in which they are to be applied ‘situational injunctions’ (*khitab al-wad*). In other words, it is the discourse of circumstance (causes, conditions, preventatives etc.) that governs how the various different types of discourse of legal responsibility (commands and prohibitions) interact with the real world and all its vagaries and constraints.
6. Re-evaluating concepts in the light of the contextual circumstances of scriptures within which they arise and restructuring them to fit in with the modern world by examining them and ascertaining their *ratio legis*.
7. Considering the relationship between the set of commands and prohibitions and weighing the set of benefits and harms by looking at meanings and putting benefits in order of priority.
8. Taking into account historical developments and the social human context, as

well as contemporary social realities, that are an important factor in formulating rulings, defining concepts, and understanding the ways in which they can practically be applied.

9. Considering outcomes and consequences
10. Viewing the primary sources in a manner consistent with the offices purposes, and positions of the Prophet ﷺ.
11. Keeping in mind our human dimension and membership in the global community.

It is this exact methodology that we shall employ when looking at the concept of the ‘state’. But before we begin doing so, let us to preface our remarks with a short treatise on concept creation, highlighting its importance and its urgency. We are well aware of the fact that it is simply not possible to create a climate conducive to a culture of peace without freeing concepts of the unwanted baggage that has become attached to them and adjusting them in the light of the circumstances of the present day, so that must become our top priority.

Renewing the religious discourse will be achieved by either recreating concepts anew in a fresh and creative way or by taking these concepts and correcting and re-examining them in the light of the foundations upon which they were built, and the results to which they gave rise.

In previous assemblies we have focused our attention on a number of concepts, the correcting, rebuilding, and resituating of which we view as being vital in resolving the present crisis in which we find ourselves, and key to ridding our societies of the flawed thinking that has taken hold. If religious legal concepts are tempered by recent concepts, that may well open up a path to social peace. We believe that—rather than turning a blind eye to these misconceptions—we must tackle them head-on and re-examine and reformulate them in the light of the foundational rules and objectives of Sharia. If you like, you could say, as Ibn Khaldun (d. 1406) does, that we must take into account both what is required by the law and what is required by the age.

Preface on Concept Creation

The ideological and juristic crisis of the Muslim mind started in the 7th century AH (13th century CE), brought on by an overly rigid adherence to and reliance

upon the body of work passed down to it by previous scholars. This crisis has been getting worse and worse ever since, exacerbated by the series of calamitous events that befell the Muslim world, at the forefront of which was the fall of al-Andalus in the 9th century AH (15th century CE). Muslim thinkers and jurists had ceased to look at things from the perspective of *tajdid* (renewal within tradition) and exhibited a total lack of ability to apply their concepts to the present and to restore lost wisdom. The lack of these skills among the *Umma* was a mark of the times. Then, in the immediate aftermath of the years of colonialism and the fall of the Ottoman empire in the beginning of the twentieth century, the crisis came to a head.

It was during this period that concepts truly started to become confused and misconstrued, in large part due to a frustration built on the backdrop of a form of scholarship that had no respect for the authentic foundations of our legacy nor any understanding of the changes that the passage of time had wrought on the world, and therefore had developed a superficial view of reality that came to see everything in binary terms: a state is either Islamic or it is secular, either a caliphate or a nation-state, to the extent that these terms and concepts came to dominate the discourse and this binary understanding of them became something akin to scientific fact without ever being subjected to any degree of in-depth analysis.

In the modern era, laws are still inspired by the letter and spirit of Shariah, notwithstanding the diversity of points of reference nor the tendencies and biases of those exercising authority. Based on this, we believe every Muslim state, indeed every state with a majority Muslim population, to be an Islamic state.

It is this that prompted the Forum to tackle a number of concepts, using the methodology it had developed for dealing with them, and it released a series of statements explaining their true significance. These concepts included jihad, citizenship, excommunication (*takfir*), obedience, allegiance and disavowal (*al-wala' wa-l-bara'*), and the connection between the discourse of legal obligation (*khitab al-taklif*) and the discourse of legal conventions (*khitab al-wad*) which represents the advanced formulation of temporal, spatial, and human contextual requisites for the practical application of legal rulings.

Today, we need to look upon these things in a holistic manner, a way which takes note of the new reality and the modern world. Proofs must only be considered in the light of its nuances and details, rulings only formulated after its requirements

are taken into account. Equipping people with the necessary tools—and by that we mean a thorough understanding of principles, concepts, and universal laws—is the most critical step towards them coming up with ideas or issuing rulings in all manner of matters, including those relating to the real world, or to the branch rulings of Sharia, or to the day-to-day affairs of life and the running of society. In view of this, renewing the religious discourse will be primarily achieved by either creating concepts anew in a fresh and creative way or taking the concepts that are relied upon in the targeted areas—and the rulings to which they give birth—and correcting and re-examining them in the light of the foundations upon which they are built and the results to which they give rise. This process will help us modify, develop, qualify, revise or adapt them, for the vast majority of issues that confront jurists are not clear-cut in law, but are instead ambiguous and open to interpretation.

When things of a universal or intangible nature meet a particular set of empirical conditions, it can be highly difficult to understand how they fit together. Most of the frames of reference and underlying bases for law become matters of likelihood, not certainty, and that makes it difficult indeed for the jurist to extract a ruling from them. These bases include such elements as the common good, need, difficulty, undue risk, uncertainty, expedience, and consequence. Thus, every religious injunction must be measured against a scale, comprising all these elements. If it falls near the top of the scale it is brought into effect, if it falls near the bottom, it is not brought into effect. If it falls somewhere in the middle, then it could go either way and is a matter of opinion and preference. It is these rulings about which the jurists differ, and which must be tackled by legal experts, regardless of whether the issue lies with the precise meaning of a technical term, how general its significance, or with a concept that has not been defined by Sharia.

In order to formulate these concepts so that they can be made into practical rulings for the modern world, we need to incorporate what is going on in the real world, just as the philosophers did for new concepts. In this regard, the French philosopher Gilles Deleuze said, “If philosophy is not crafted in response to real-world problems, then its concepts become meaningless and lose their importance.”

Because of this, Deleuze believed that it was a binding duty of philosophers to fabricate concepts in a process he called, ‘concept creation’, but it had to be in response to problems they encountered in the real world. Thus, it was a philosopher’s duty to seek out problems upon which they could then build their concepts, work-

ing on the premise that ideas have a form of a priori existence, somewhat akin to the Platonic view of them.

How do we create these concepts? To answer this question, we must take an in-depth look at the semantic and legal meanings of the word ‘concept’, study the objectives and causes that give rise to rulings, and know the situation and circumstances within which that concept is applied.

The concept is what determines and defines, and the principle is what justifies and explains. The first is a definition and the second an objective. The former may depend on the latter, and that explains why people get them mixed up and confused; and the principle might also need defining, and the thing which defines it is the concept or definition.

The situation with which we are confronted in the Islamic world today is disturbed and unsettled, with the glory of the past balanced precariously against the fears and hopes of the present and uncertainty and trepidation as to the future. In light of this, it can be seen that the manner in which the rightly guided Caliphs implemented the *hadd* punishments or collected the spoils of war had its justifications and causes, and those causes were greatly influenced by the situation and the consideration of the common good. This fact is in itself a proof that the real-world situation is a major factor in deriving and extrapolating legal rulings. For example, we see what Abu Bakr al-Siddiq (d. 634) did when some withheld from him their *zakat*; or what Umar al-Faruq (d. 644) did with the lands upon which the *kharaj* tax (a tax on land) had been imposed, or when he took *zakat* (the poor-due paid only by Muslims) instead of *jizya* (covenant tax on religious minorities); or what Uthman Dhu al-Nurayn (d. 656) did when he prayed the resident prayer instead of the travel prayer on Hajj, or the position he took with respect to *zakat* on hidden wealth; or what Ali Abu al-Hasan (d. 661) did when the Khawarij demanded arbitration. May God be pleased with them and encompass us with them in His abounding mercy.

All of this helps give us a superior, more holistic base from which to deal with different proofs and the nuances of each problem, because an eye on the real world does not mean abandoning the constraints of established proofs in favour of the unhealthy whims of the present time.

The situation with which we are faced is changing and evolving, and this changing situation is ever seeking practical answers to all those various problems in dif-

ferent avenues of life that impact Muslims everywhere, all at the same time. Our primary concern in this is to restore an awareness of the underlying roots and origins of jurisprudential rulings. These rulings represent, for Muslims, the system of laws and acts of worship that governs and directs the patterns and standards of conduct and behaviour at an individual and a societal level as they plot their course through life. But today, the lives of those who live under this system have been transformed almost beyond recognition. This last period has witnessed immense changes and advances at both a micro and a macro level, in every sphere and avenue of life, which manifest themselves in all manner of ways and reach into every corner of the Muslim world. The political, social, economic and financial landscape of the world has been rearranged through scientific discoveries, stronger international relations, the movement of people from different ethnic and national backgrounds, and transcultural exchange of such profundity that it has even left its mark on the way people worship and the things they believe. International organizations and systems of exchange have partially overwritten many local systems, and articles from global charters have worked their way into the constitutions upon which individual nations are founded, as part of a process that has come to be known as globalization.

All this makes it necessary for us to renew our religion through recourse to its foundations, for to rectify the branches, the foundations must be sound. In the words of Abu Hamid al-Ghazali (d. 1111), “One cannot hope to come to a proper and complete understanding of the branches or know what they truly mean until one first lays the foundations and gains a degree of mastery over them. Those who flounder and get lost among the branches do so because they have got lost among the foundations.”

The Issue of the ‘State’

The ‘state’ is considered to be the response to the self-development of the human being and how he interacts with himself and others, as well as the need he has for family and for a social group. An example of this is how access to natural resources developed from being something communally owned in hunter-gatherer societies to being privately-owned as time passed. Other considerations that demanded the presence of a state included the need for mutual cooperation, the need for the settlement of disputes, and means to protect the weak and stave off wars and conflicts. If these things were not present in a social group then its situation would be like that described by the poet:

*They passed around themselves a cup of a drink most bitter,
For among themselves the mighty massacred the downtrodden.*

There was also a prevailing need for judgment-making and a just system for making laws, whether through the wisdom of the wise or the revelations of the Prophets. Perhaps the marble frieze that immortalizes the ten best lawgivers of all time in the US Supreme Court—including prophets, such as Moses ﷺ, and our Prophet Muhammad ﷺ—is indicative of the importance of legislation in the lives of humankind.

The Arabic word for ‘state’, *dawla*, has the linguistic meaning of alternation or a change in fortune. A *dawla* means a ‘turn’, such as it is one’s turn for victory or one’s turn for defeat. And because this is the linguistic meaning attached to it, it is most often used as part of a possessive construct, such as the *dawla* of the Abbasids. The word is used to mean ‘taking in turns’ in God’s words: “*We deal out such days to people in turn. . .*” (Qur’an 3:140) and: “*so that it does not just circulate among those of you who are rich. . .*” (Qur’an 59:7). On the same note, the poet, Farwah ibn Masik al-Muradi, said:

Likewise, the turning of time is a contest,
Sometimes bringing victory and sometimes defeat.

The Western concept of this issue derives from the word, ‘state’. Machiavelli, who was one of the first to conceptualize a theory for the state, used an Italian synonym for the word (*stato*) when he presented his treatise on the ‘state’ to the Italian prince, Lorenzo di Piero de Medici the Magnificent in the fifteenth century CE.

In Western thought, there were two concepts indicated by ‘state’:

1. A political and legal concept: Originally it meant a particular state of being, but it came to be defined as, “A group of people inhabiting a particular area of land falling under a single authority, that could be considered a legal entity: it could refer to an empire, or a nation, or a country, or a force, or a republic, or a kingdom.” It can also be defined as, “a sovereign political authority that enjoys the legal status of a person and to which a group of people are subject.” This is the way it is defined in the Dictionnaire de l’Académie Française (1694 CE). The word ‘state’ is both used to refer to the government of a people living under the

authority of a prince or a republic, and to the populace of that country and the land upon which they live. In this regard, it could be noted that the linguistic meaning of the Arabic word, 'dawla' indicates a concept that is flexible and has the capacity to evolve. It indicates something that cannot be fixed to a particular set of circumstances or a particular form. This legal and political concept evolves and mutates according to the needs and wants of people, so the state takes the form willed by the group, whether that be unitary, federal, or confederal. Islam does not concern itself with outward forms, but instead, seeks to ensure that the contents preserve and protect the common good.

2. Its concept in international law: The Montevideo Convention, signed in Uruguay, South America, in 1933 CE, set out the four qualities that every state must possess:
 1. A defined territory
 2. A permanent population
 3. Government
 4. Capacity to enter into relations with other states

The Issue of the Relationship between Religion and State

The relationship between religion and state in the West—or the relationship between the spiritual and the temporal—has passed through a number of stages and followed a number of different courses, mainly brought on by religious war and conflict of one of two types.

The first type of conflict was that within a single church or doctrine, with the aim of weakening the political influence of the Church or getting it to relinquish certain religious practices and institutions. This type of conflict predominantly occurred between monarchs and the Church.

The second type of conflict was that between two different Christian denominations, such as the centuries-long war between the Protestants and the Catholics. These wars finally came to an end with a truce or a compromise, if it can be called as such, whereby the Church agreed to give up its sovereignty over matters of the mundane, and some countries officially cut off their ties with the religion.

Nonetheless, many countries did continue to be affiliated with religion in some way or other, including countries whose constitutions stipulate the presence of a

state church, such as Denmark, Iceland, and Norway. Indeed, up until 2000, even Sweden had its own state church, officially known as the Lutheran Evangelical National Church of Sweden. Then there is Britain, whose monarch is the ‘Defender of the Faith’, and which reserves at least twenty seats in its House of Lords for bishops, chief of whom is the Archbishop of Canterbury. Likewise, in Latin America, there are many states who declare their state religion to be Christianity, and most of the Swiss Cantons have state churches, funded by taxpayer money. There are also a significant number of Buddhist countries whose laws ratify Buddhism as the state religion. But, despite all this, still, there is only one state in the entire Christian world which is theocratic in nature and that is the Vatican, for the pope is considered to be the successor to St. Peter and the infallible representative of Christ on earth.

Thus, the course that Christianity has followed has been very different from that followed by Islam. The conflict that they experienced was between the priesthood and the worldly authorities or the masses, or between different Christian denominations. But, despite this, the religion and its ethics are still strongly represented in modern-day secular law. For example, the differences of opinion we see in America concerning issues such as abortion or homosexuality stem from differences between Democrats and Republicans in terms of their respective religions, philosophies, and codes of ethics.

The French legal scholar, Jack Bradley, acknowledging the difficulty of defining crime in a social and ethical way, says in his book, *‘Criminal Law: a General Introduction’* that “An act is criminalized based on the conviction of the lawmaker that the act in question is unforgivable in the eyes of the general public and thus merits a tougher punishment.” Then he says, “It is the right of a society to punish those who disturb its peace—this is accepted by all but a few authors. The vast majority of philosophers acknowledge society’s right to impose punishment.” Then, during his discussion of ethics, he says, “There is an intimate and profound connection between ethical principles and legal rules. The history of criminal law mostly shows that the law tends to punish any type of conduct that clashes with the sound ethical underpinnings of the individual or the group, such as an offense against one’s religion, one’s person, or one’s property.”

The French legal scholar, Tone Kerrison claims that “Law and morality can be compared to two overlapping circles—they share a common area while at the same time have their own private and exclusive domains.”

De Kock says in his book *Criminal Law*, “With regard to direct infringements against the social order as we know it, such as offenses against religion or some aspect of public life, a reaction is wired into every form of human society, whether tribal or state-based.” He further says, “Criminal law is an expression of society’s disapproval of the act that has been or is in the process of being committed, and it manifests itself in the process of imposing punishment.”

Religion still has a place in the public psyche in the West. Indeed, there are many groups and factions there who feel strongly about it. And, as for the East, we know that Eastern religions such as Buddhism and Hinduism continue to exert great influence over the societies in which they are present.

The Issue of the ‘Islamicity’ of the State

This particular concept, that of an “Islamic state” is one that came to prominence in the twentieth century, but it is highly confusing and ambiguous. What does it mean to say a state is Islamic? What makes it Islamic, and what constitutes its Islamic nature? And, given that Islam and *’iman* (faith) are attributes of individuals and legally accountable people, relating as they do to the zones of action and belief, how can they be used to describe an entity which at best might be considered an artificial construct? Is it enough for a state to have a majority Muslim population for it to be considered Islamic? Or does it hark back to the well-known issue of ‘abode’ whereby the world was divided up into the ‘abode of unbelief’ and the ‘abode of Islam’? Or is it a concept that relates to the systems and laws adopted by a country? This last has become perhaps the most widely held view of what it means for a state to be Islamic.

We cannot consider the Islamicity of a state to mean the absence of infraction, for, in the case of a person, the public declaration of the testimony of faith alone is sufficient to fully establish his Islam, as Qadi Iyad (d. 1149) and others have stated. So, something equally conclusive is needed to establish that a person has left Islam, as is proven by several Prophetic hadiths. For example, the Prophet ﷺ said, ‘Whoever prays like us, faces our *qibla* and eats our slaughtered animals is under the protection of God and His Messenger. So, do not betray God by betraying those under His protection.’³ A large part of the problem today lies in misunderstanding what is Islamic and what is not. The concept that many have that it lies in following the law or parts of the law, not the populace or the rulers, needs to be re-examined and

³ Transmitted by al-Bukhari (391).

reformulated in the light of a true appreciation of what Islam actually is.

What does it mean to describe a state or region or abode with Islam? The scholars have differed among themselves considerably regarding the concept of ‘abode’ and what constitutes it. Some considered it to refer to the area of land governed by a particular set of laws, whether the laws of Islam or the laws of unbelief, whereas others considered it to simply be the area of land wherein the citizens were able to enjoy peace and security. Amongst those who took this latter view were the followers of Abu Hanifah (d. 767), particularly al-Kasani (d. 1191), although we ourselves have not yet found a reliable source to support this.

Some of the Shafis, such as al-Mawardi (d. 1058) and al-Nawawi (d. 1277), took the view that the existence of a single household in which the main rites and distinguishing practices of Islam were carried out was enough to make a land an abode of Islam. Al-Mawardi also considered it to be permissible for a certain class of government minister to be non-Muslim, namely, the *wazir al-tanfidh*.⁴ This function was sometimes fulfilled by those who were called *dhimmis*, non-Muslim subjects who lived within Muslim lands and enjoyed the protection of the state. We established the nature of the level of citizenship they enjoyed at the Marrakesh conference which resulted in the ‘Marrakesh Declaration on the Rights of Religious Minorities in Muslim-Majority Lands’, basing our thesis on the *Charter of Madina*, which was a social contract guaranteeing the right of citizenship to Muslims and non-Muslims alike, along with a number of other rights and duties. During the course of that conference, we drew attention to the fact that Islam accommodates more than one system, one of which is the system of equal citizenship formulated within the *Charter of Madina*, and one of the sessions of this conference will be set aside to discuss this charter further. There is no contradiction between this system and the system of *jizya* or the system of peace treaties, for each applied within its own temporal and geographic context.

4 Al-Mawardi said, in order to highlight the differences between the requirements that must be met by a *wazir al-tafwid* (a minister who is invested with the full power of state and who is able to act and make decisions independently of the ruler) and those that must be met by a *wazir al-tanfidh* (a minister who executes the decisions and carries out the wishes of the ruler), “Due to these four differences between the two, there are four further areas in which their requirements differ: freedom, Islam, knowledge of the sacred laws and rulings of Islam, and knowledge of matters of war and *kharaj* (land-tax). All four of these are prerequisites for the position of minister of *tafwid* but not for that of minister of *tanfidh*. Thus, there are four ways the two ministries differ from one another in respect of the requirements of appointment and four ways they differ in respect of their realm of jurisdiction. In every other way, their rights and requirements are the same.”

Working on the assumption that it is constitutions and laws that provide the basis for statehood, by what standard can a charter be measured to determine whether a state is Islamic?

In the time of the Prophet ﷺ religion and state were fully and seamlessly integrated. In other words, the state relied exclusively upon religious sources, and its authority derived directly from God and was infallibly embodied in the person of the Prophet himself.

But, after the Prophetic age came to its end, the authority passed to the rightly-guided Caliphs, all of whom were scholars. They exercised their authority without a direct divine mandate. In other words, they did not issue rulings in the name of God, nor did they act directly on His behalf, but instead they strove to keep as close as possible to the spirit of His Divine teachings, so that the role of ruler might later be separated from the role of jurist. Nonetheless, even though they came to be separated, still the state could not do without jurists, for their presence within the apparatus of state was needed to deal with matters relating to the issuing of legal judgments and legal opinions. In the modern era, laws are still inspired by the letter and spirit of Sharia, notwithstanding the diversity of points of reference nor the tendencies and biases of those exercising authority.

There is no established, immutable form to which the state must comply in Islam. On the contrary, as the state is inextricably linked to reality on the ground, its form is dictated and shaped by factors relating to time, place, and people in the real world. The same is true of the form of governance Islam knows from its history: the rightly-guided Caliphate.

Based on this, we believe every Muslim state, indeed every state with a majority Muslim population, to be an Islamic state. It is not our purpose here to say that it is justifiable for laws to go against the Laws of Islam, nor are we here to pass judgment, for such matters are dependent upon whether the conditions and causes exist for Islamic legal texts to be enacted and the obstacles and preventatives thereof are absent. These matters fall beyond the scope of our research, since they depend on capacity, place and the state of the people concerned. And it makes no difference here whether they are enshrined in the constitution of a land or not, so long as the reverse is not stipulated.

Even if a ruling has its basis in some law that is in agreement with or at variance

with Sharia, still, before it can be brought into effect on a person, its legal applicability must be determined through recourse to a secondary system called the discourse of circumstance (*khitab al-wad*). This is the system that ensures that all the necessary prerequisites are met, causes are in place, preventatives are negated, and the relationship between *rukhsas*⁵ and *azima*⁶ is properly understood.

In principle, the testimony of faith is enough to establish the Islam of a legally-accountable person. Whatever a person does after that is part of the zone of action and separate entirely from the zone of doctrine and belief. It is narrated by al-Amash on the authority of Abu Sufyan that a man asked Jabir, ‘Did you ever call a man who prayed towards the *qibla* an idolater?’ Jabir replied in a horrified voice, ‘God forbid!’ So the man then asked him, ‘Did you ever call anyone among you an unbeliever?’ Jabir replied, ‘No.’⁷

The ruling on leaving Islam is something that applies to individuals, so no nation can be said to have left Islam without first ascertaining that to be true of all the individuals that make up its people. As for individuals themselves, the well-known rule for determining whether a person has left Islam is to ascertain whether or not he has rejected an indisputably established fact of Islam. Al-Hafiz Abu Umar ibn Abd al-Barr (d. 1071) said:

Scholars are in agreement that passing unjust rulings is a major wrong action if done deliberately and with premeditation. The first Muslims mentioned grave consequences for those who commit such an offense, and God says, “*Those who do not judge according to what God has sent down are rejecting [God’s teachings]. . . [they] are doing grave wrong [. . . [they] are lawbreakers.*” (Qur’an 5:44, 45, 47) These verses were revealed about the People of the Book, but still, both Hudhayfah and Ibn Abbas said, “The meaning is general and applies equally to us.” They went on to say, “The *kufri* that is referred to here is not that which takes a man of this community outside the parameters of his religion if he does it. It only does that if he rejects God or His angels or His Books or His Messengers or the Last Day.” Statements to the same effect have been narrated from a number of the scholars of Qur’anic exegesis, including Ibn Abbas, Tawus, and Ata. God says, “*But those who go wrong (qasitun) will be fuel for Hellfire.*” (Qur’an 72:15

5 A relaxation of the primary ruling due to special circumstances; a concessionary ruling.

6 The full original requirement of a ruling, as it was originally intended; the ‘strict’ ruling.

7 Abu Ya’la, *Al-Musnad* (Beirut: Dar Al-Ma’mun, 1989)

The Issue of the Caliphate and the Nation State

It is not our aim here to debate or discuss technical terms and titles, such as caliph, imam, wali amr, or amir, for even though all these terms can be found in the hadith literature where they were used according to their linguistic meaning and not as terms of worship. Instead, our aim is to look at the meaning which is common to all of these terms and the higher purpose that they represent. Namely, managing the affairs of the people and looking after their best interests. This meaning is beyond dispute, and it can only be achieved through the formation of a governing authority which has power over the affairs of people through the issuance of commands and prohibitions. This is a primary necessity for every society, from the smallest village to the largest empire. But, as regards the shape or form of this authority, or the nature of its powers and the extent of its mandate, or whether the office of government is hereditary or elected, there is no concrete requirement that it conform to a particular model. The only requirements are that it look after the welfare of the people and protect them from harm, keep their customs and traditions alive, maintain the peace, and protect the regime, ensuring that its rulings and judgements remain as close as possible to the spirit of Islamic law.

The Sharia has undoubtedly heeded reality in terms of scripture and rulings. However, it has left the intellect to determine wherein lies benefit and the public good, for that is something that only the intellect can truly discern. The five universal necessities that must be preserved (religion, life, intellect, wealth, and dignity), as well as the three levels of objectives (necessities, needs, and luxuries), which order the affairs of life and govern one's relationships within society, are further proof of this holistic vision.

The Ottoman caliphate fell in the 1922, but before that point, the West had been sending forth its armies and had colonised a great number of Muslim lands. It was this that was the impetus for the appearance of a number of new international entities whose overriding goal and concern was to break free of the shackles of colonialism and turn themselves into functioning nation states. Ultimately, this was achieved by various means, in different circumstances, and under diverse systems of government varying between royal, princely, republican, and presidential. The form chosen owed heavily to historical legacy and cultural, political, and geographical community interactions. These factors and the unique set of geographical and temporal circumstances within each locale created wide variations in the cultural and legislative forms they adopted, although there were certain features and consid-

erations that they shared with one another, such as religion and language in the case of the countries of the Arab region. But still, the geographical, political, and societal differences caused each nation to develop in its own peculiar way, according to its own wisdom, heritage, locale, and the relationship it enjoyed with its immediate and distant surroundings, but not without it having to first overcome the usual obstacles to growth and come to terms with unavoidable obligations towards near and distant neighbours.

Nonetheless, a number of factors, including abiding resentment about colonial rule, economic underdevelopment, a high incidence of poverty, and inadequate educational curricula, led to high levels of social discontent and feelings of wounded pride. This in turn created doubts in the minds of some as to the legitimacy of the Muslim nation state. Indeed, some others even went so far as to openly declare its illegitimacy, knowing full well what would ensue from such a declaration: open disregard for the importance of nations and the sanctity of human life, destruction of property, and distracting the *Umma* away from the things that really matter.

This group called for the return of the caliphate, declaring it to be the only valid system of government in Islam, basing this position on the fact that the classical texts referred to government by that name. They took to the books of history to provide legitimacy to their narrative, selectively plucking from it examples of the caliphate in its most glorious pomp and disregarding the rest, thereby giving a completely distorted and inaccurate picture of how it actually was. They took this idealized image and tried to impose it on a set of circumstances far different from its historical context, invoking concepts such as ‘caliphate’, ‘the abode of Islam,’ and ‘jihad’ to justify this, despite the violence that would inevitably ensue and develop into open warfare against everyone to the detriment of all.

The idea of the ‘caliphate’ to which this group clings—the imperial state that they seek to restore and which they invoke as justification for all their despicable acts—must, in their eyes, meet two important requirements:

1. It must have a complete monopoly on legitimacy, meaning that the entire *Umma* must unite under its banner.
2. There must only be one ruler, and anyone who does not accept his authority is to be fought.

These form the religious pretext to declare a caliphate, based on the assumption that religious considerations always take precedence over mundane ones, especially

when it comes to the system and form of government. But such an assertion gives rise to two very important questions:

1. Is there a separation between the religious and the mundane in terms of selecting the system for managing public affairs?
2. Is the caliphate a matter of religious devotion or simply a means to looking after the common good?

In response to the first question, we say the following: the relationship between the religious and the mundane in Islam has left many researchers confused and bewildered, and that is only to be expected considering their lack of specialisation in subjects such as *usul al-fiqh* (the foundations of jurisprudence) and *maqasid al-Sharia* (the objectives of law), or their lack of understanding of the role that the temporal and human context has to play in determining whether a ruling is to be implemented or not. So, they draw all their conclusions solely on the basis of the apparent literal meaning of texts without considering objectives, and they deduce rulings without referring to ultimate principles and how they translate into each unique scenario, putting themselves at odds with every new situation that arises. Al-Qarafi says in his book *Al-Furuq*, when describing the twenty-eighth distinction between the principle of verbal custom, whereby the customary interpretation of a word's meaning takes precedence over the dominant or literal meaning and qualifies it, and between the principle of actual practiced custom, whereby the customary interpretation of a word's meaning does not take precedence over the dominant or literal meaning and does not qualify it:

Fatwas must always be given in accordance with this law. If something new becomes part of the customary practice of a land, you must take it into consideration, and if something ceases to be part of the customary practice, then you must disregard it. Do not spend your life rigidly adhering to what you find written down in books. Rather, if a man comes to you from some other land asking for a fatwa, then do not give him an opinion based on the customs of your land, but instead ask him about the customs of his own land and make that the basis of your opinion, not what is done in your land or written in your books. This is the clear truth. As for always rigidly adhering to what you find in the transmitted texts, that is religious misguidance and betrays an ignorance of the objectives of the generations

of Muslim scholars that have passed.⁸

This free interchange between the religious and the mundane leaves the undiscerning with the mistaken notion that things are either purely religious or purely mundane, and it is this view that is largely responsible for their misunderstanding Islamic texts, abusing the real life situation and failing to see what lies in the best interests of the people.

The first generations of Muslims realized that there was no contradiction between the religious and the mundane, or intellectual reasoning and textual evidence, or human interests and religious values, and so they set out to promote growth and prosperity on earth, and perform good deeds for the sake of the Hereafter. This is something we clearly find in many of the positions adopted by the Companions, for whenever something happened to them about which the Prophet ﷺ had issued an instruction, they would approach him and ask, ‘Is this revelation or is it your opinion?’ If he told them it was revelation, they followed it to the letter, but if he told them it was a matter of opinion, they would do whatever they saw as being in the best interests, not considering it to be part of the judgment of God. One of the pieces of advice the Prophet ﷺ gave to his military commanders, was, ‘When you besiege a fort and the besieged want you to let them out on the basis that you will judge them according to the judgment of God, do not let them come out on the basis you will judge them according to His judgment, but rather bid them come down on the basis that the judgment that will be used will be your own, for you cannot say whether any judgment you pass upon them will be in line with God’s judgment or not.’⁹

When Umar ibn al-Khattab saw that a scribe of his had written, “This is the opinion of God and the opinion of Umar”, he said to him, “What a terrible thing to write! No, instead, say, ‘This is the opinion of Umar. If correct then from God, if incorrect then from Umar.’”¹⁰

When the Haruris (who are also known as the Muhakkamah group, or Muslims who rejected arbitration between Ali ibn Abi Talib and Muawiyah at the Battle of Siffin in 37 AH (657 CE) arrived at their decision, Ali said, ‘What do they say?’

8 Al-Qarafi, *Al-Furuq* (Riyadh: Wizarat Al-Awqaf, 2010) Vol. 1 p.176-177.

9 *Sahih Muslim* (1731).

10 Al-Bayhaqi, *Al-Sunan Al-Kubra* (The Grand Hadith Compendium)

When he was told, ‘They say that judgment is for God alone,’ Ali replied, “Judgment is for God, and on earth there are rulers. Nevertheless, they say there can be no political authority, but people must have political authority, under the umbrella of which believers can act and unbelievers and the wicked can enjoy themselves for a time, until God brings it to its end at its appointed time.”¹¹

Ali is reported as having said, “This Qur’an is but written words on a page. It does not itself speak, rather it is men who speak it.”¹²

Alongside what has been transmitted from the first generations, the Qur’an itself has spoken of the procedures that must be followed when it comes to dealing with disputes and transgressions. God says, concerning the sanctified pilgrim who violates his state of sanctity by killing game, that he should be, “. . . *judged by two just men among you*. . .” (Qur’an 5:95). And He says in the case of marital conflict, “. . . *appoint one arbiter from his family and one from hers*. . .” (Qur’an 4:35).

All the above-mentioned texts, and many more besides, emphatically prove that the early Muslims were fully conscious of how much scope Islam gives to the intellect when it comes to matters relating to managing the affairs of people and looking after their best interests.

In view of this, we come back to the second of our branches, which posits that there must be one unified political system for the Muslim people called the ‘caliphate’, and those Muslims who stand outside it should be fought until they agree to become a part of it and fall under its sway—and ask: is it really necessary for the *Umma* to be united under one ruler? Is it a religious obligation that there be only one unified ‘Islamic state’? And is it an act of religious devotion to fight people until they agree to become part of it? This last question is the second of the two important questions we referred to earlier.

Any inquiry into caliphate and whether it is obligatory to have a unified state and a single ruler takes one into the realm of faith, for the sect that clings fast to this concept consider this to be a doctrinal matter. But their doctrinal proofs and justifications do not hold up to critical scrutiny or to any objective weighing up of the pros and cons. There are a range of religious proofs we can cite to prove that, including the following:

11 Ibn Abi Shayba, *Al-Musannaf* (Cairo: Dar al-Faruq, 2008) 15 Vols.

12 Al-Tabari, *Tarikh al-Tabari* (Beirut: Dar al-Ma’arif, 1967) 11 Vols.

-
1. The Prophet ﷺ vouched for the justness of the Negus, the king of Abyssinia, and affirmed him in his kingship, despite the fact that he was Muslim while the rest of his subjects remained Christian. Then when the Negus died, the Prophet (peace and upon him) prayed the absentee funeral prayer over him, as is mentioned in the hadith, and never once during the course of his life had he commanded him to emigrate nor come and live under the political rule of the Prophet. Instead, he bade him remain where he was, ruling over those under him and accepted his Islam.
 2. The books of the jurists bear witness to the fact that ‘caliphate’ does not fall under the category of things which are definitive and categorical in the religion and is not something about which there is any degree of certainty. To highlight this point, we will take two statements from Imam al-Haramayn, al-Juwayni (d. 1085). In the first, he says: ‘Imamate is not considered part of the tenets of faith, rather it constitutes an all-inclusive, general mandate. Most of the things that are said concerning leaders and general and specific forms of leadership are open to inquiry and investigation.’¹³ And in the second, he says, ‘Most of the matters relating to Imamate are not definitive at all and completely lacking in legalcertitude.’¹⁴

These two statements establish the basis for opening the door to independent reasoning with respect to this matter, and allow us to look at it from the perspective of the common good. And it becomes clear that the reason behind governance is directly related to safeguarding the best interests of people—it is not a matter of religious devotion. Thus, people cannot be coerced at sword point to join a single state.

The jurists have long debated the matter of Imamate and the appointment

13 This is not just the position of al-Juwayni but of a great many other Imams and scholars who followed the same course as him. For example, al-Amidi al-Shafi'i said in '*Ghayat al-Maram fi 'Ilm al-Kalam*', "Know that talking about the issue of Imamate is not one of the roots of religion, nor one of those things that are so essential that no legally accountable person should disregard it or fail to know about it." (p. 363); and al-Iji al-Hanafi said in his *Mawaqif*, "In our view, it is one of the subsidiary branches of the religion. The only reason we mentioned it in the context of the doctrines of faith is to show respect to those who came before us." (p. 395); and Imam al-Ghazali said in his book, Abu Hamid al-Ghazali, *Al-Iqtisad fi al-Itiqad* (Jeddah: Dar al-Minhaj, 2006), "Know that looking into the matter of Imamate is also not something important. It is not a matter of doctrine or belief, but rather a matter for jurisprudence." (p. 234); and al-Taftazani said in *Sharh al-Maqasid*, "There is no disagreement that discussions concerning Imamate would be better suited to books dealing with the branches of jurisprudence." (2/271)

14 Al-Juwayni, *Ghiyath al-Umam* (Jeddah: Dar Al-Minhaj, 2012)

of an Imam over Muslims, and many have reported there to be a consensus on the matter, including Imam al-Haramayn al-Juwayni. However, the consensus on the matter of Imamate mentioned by al-Juwayni depends upon its actual occurrence and on the views of scholars who came after the first generations. And, as far as we can see, this consensus was that there be an Imamate of some sort, namely, a government to manage and coordinate the affairs of the community. The other things connected to this matter, however, such as the *Umma* being united in a single state under a single ruler, or for the leader to be of the tribe of Quraysh, did not necessarily fall under this consensus. Indeed, their occurrence in history was endorsed by the Muslim scholars on the basis that meeting such requirements is basically a practical impossibility. Imam al-Haramayn talks about this himself when he says, ‘The best way to look after our best interests in this world and the next is to place all areas of authority under a single authority if it is feasible and possible. If it is too difficult to accomplish such a thing or is not feasible, then it falls to men of standing in the lands and abodes of Islam to ensure the rulings of God reach His worshippers.’¹⁵

Another indication that this particular understanding is valid and correct can be found in the fact that Imam al-Haramayn draws a direct contrast between the consensus position on Imamate and the position of Ibn Kisan al-Asamm (d. 816), who held the opinion that people should be left disunited and to their own devices, without a system of governance to manage their affairs. According to this position of al-Asamm, it is not obligatory for there to be rule of any kind. The opposite position to this would be that it is obligatory to have rule, regardless of whether it is in the form of a unified single government or multiple governments, and regardless of whether or not the rulers are descendants of Quraysh.

Likewise, the Najdat sect of the Khawarij held the opinion that it was not obligatory for a ruler to be appointed if the people were at peace. In this respect, they resemble anarchists and Marxists in their early stages.

3. It was part of the historical practice of the Muslims to have multiple states and multiple rulers, and there is nothing to indicate or prove that any of them ever tried to use doctrinal justifications to unite all the various lands under a single banner. Yes, they did sometimes try to unify the Muslims for political, military or denominational reasons, but never on the basis that it was an obligatory part

15 Al-Juwayni, *Ghiyath al-Umam* (Jeddah: Dar Al-Minhaj, 2012)

of our belief system for there to be a caliphate and a single ruler.

During the time of the Abbasid caliphate, there were independent Muslim states in the Maghreb which had their own rulers, as well as other Muslim states in al-Andalus, and none of the scholars of the time spoke out against this. The only thing they forbade was for there to be more than one leader in a single land. Some of the scholars of the Maghreb, such as al-Maziri (d. 1141) and Ibn Arafah (d. 1401), took it further and openly declared that the multiplicity of lands made a multiplicity of governments and states permissible.

Al-Maziri (may God have mercy on him) said, “The appointment of two separate leaders during the same time period is not allowed. Some of the later *usuli* scholars have indicated, however, that if the lands in which the Muslims live are geographically distant from one another, or the land is so huge that news from the ruler does not reach those living on the edges and he is unable to adequately manage their affairs, then it is permissible for them to appoint their own ruler to see to their needs.”¹⁶

Ibn al-Azraq al-Gharnati al-Maliki (d. 1344) said, “The requirement of there being just one unified leader and no other in the same time period ceases to be binding when it becomes a practical impossibility.”¹⁷ Ibn Arafah said, as narrated from him by al-Ubayy, “If the distance between the leader and a far-off Muslim land is so great as to make his rulings unenforceable, the appointment of a different person to rule over that land becomes permissible.”

Al-Qurtubi (d. 1273) said, “If lands are geographically and culturally far apart, such as al-Andalus and Khorasan, then [the appointment of another ruler] becomes permissible.”¹⁸

Ibn Kathir (d. 1373) said, “Imam al-Haramayn narrated on the authority of his teacher, Abu Ishaq, that the appointment of two or more rulers was permissible if the lands were far apart and there was a tremendous expanse of territory between them. But Imam al-Haramayn himself was undecided on this matter. I say, this is very similar to the situation when there was an Abbasid caliph in

16 Al-Maziri, *Al-Mu'lim bi Fawa'id Muslim* (Tunis: Bayt al-Hikma, 1987)

17 Ibn al-Azraq, *Bada' I al-Suluk* (Cairo: Dar al-Salam, 2011)

18 Al-Qurtubi, *Al-Jami Li Ahkam al-Qur'an* (Beirut: Dar al-Fikr, 2005)

Iraq, a Fatimid caliph in Egypt, and an Umayyad caliph in the Maghreb.”¹⁹

Al-Qinnauji said, “I see no problem with the appointment of several caliphs or sultans, and each of them must be obeyed after receiving the oath of allegiance from the people of the provinces over which they rule.”²⁰

Al-Shawkani (d. 1834) said, “It is well-known that after Islam spread and expanded to cover a massive area and the frontiers became separated by huge distances, each area fell under the rule of its own caliph or sultan, and that caliph’s commands and prohibitions only held sway in his own area under his authority, not in any of the others. There is no problem with the appointment of several caliphs or sultans, and each of them must be obeyed after receiving the oath of allegiance from the people of the provinces over which they rule.”²¹

These statements all prove that there is no way that Muslims can be coerced at sword-point to unite into a single nation under a single ruler—even if it is the ideal to which we all aspire and which best serves our religious and mundane interests—because it must be voluntary and not compulsory. Avoidance of harm takes precedence over reaping of benefit in the Sharia. Given the extent that the conditions, time, place and situation have changed, the legitimacy of nation states is no longer even in question, and this means that the same degree of obedience must be given to the leaders and laws of these states as was given to those Muslim states of the past.

The Centrality of Maslaha (the Common Good) in the Management of Public Affairs

The ‘state’ originally emerged from an intellectual necessity and the need for legitimate avenues to exercise power. It is part of the common good and is considered obligatory by the Sharia on this basis, for it is the means by which the affairs of creation are managed and the earth looked after.²² Since this is related to what was mentioned earlier in our discussion on the cross-referencing of the religious and

19 Ibn Kathir, *Tafsir al-Qur’an al-Azim* (Riyadh: Dar Ibn al-Jawzi: 2015)

20 Siddiq al-Qinnauji, *Al-Rawda al-Nadiyya* (Beirut: Dar Ibn Hazm: 2009)

21 Muhammad al-Shawkani, *Al-Sayl al-Jarrar* (Damascus: Dar Ibn Kathir: 2007) .

22 The vast majority of scholars take the opinion that it is obligatory to establish a state, with only a few exceptions, such as Ibn Kisan and some of the Mu’tazila.

the mundane, we must make it clear that, in all the space afforded to the intellect by the religion in matters pertaining to the management of public affairs, the very center of it is given over to the consideration of the common good, for it is only the intellect that can truly discern and determine what brings benefit.

The ideological and juristic crisis of the Muslim mind started in the 13th century CE, brought on by an overly rigid adherence to and reliance upon the body of work passed down to it by previous scholars. Muslim thinkers and jurists had ceased to look at things from the perspective of renewal, and the inability to create workable concepts to restore lost wisdom and skills was a mark of the times.

The jurists who specialized in Islamic governance were clearly conscious of this fact, for when they wrote their treatises on the state and its plans, they looked at them primarily from the point of view of the common good. Given that this particular matter was one of scholarly reasoning and interpretation, with the circumstances and grounds varying from case to case, the scholars did often differ with one another; but these differences were always circumstantial, and not essential. A simple comparison of the positions of al-Mawardi and al-Juwayni proves this, when we take into account that the former was a judge in the time of the Buyid dynasty, and was a friend of Jalal al-Din al-Buwayhi (d. 1365), often acting as a go-between between him and the Abbasid Caliph, while the latter was an advisor to the great Sunni Seljuq vizier, Nizam al-Mulk. The view of each of them was coloured by the time and situation in which they lived, and the difference between those two sets of circumstances is readily apparent to anyone who looks through the books of history.

From this, it becomes clear that governance does not fall within the sphere of religious devotion, but instead is at heart a matter of the common good, something to which great consideration is given in the Sharia. Indeed, it is the duty of every scholar to make it the basis for his positions and rulings, using a precise and disciplined methodology through which a concept and model of the State can be created that both reflects the realities and norms of the age and stays within the confines and bounds of the Sharia.

That the common good must be taken as a primary religious and intellectual consideration when approaching the topic of the nation state can be ascertained by a cursory glance at any number of statements made by scholars on the matter; this

ought to remove and overcome all differences concerning conclusions whose connection with the religion and legacy of Islam might seem problematic.

Al-Shatibi (d. 1388) said, “The enduring principle in matters such as these is for a distinction to be drawn between acts of worship (*ibadat*) and social transactions (*muamalat*). With respect to acts of worship, it is not enough for something to not contravene; it must be specifically indicated, for worship is the primary purpose of such acts and the meaning behind them is of no more than secondary purpose. The basic position is for acts of worship to only be done when explicit permission has been given for them, for inventing acts of worship falls outside the scope of human intellect. And the same applies to the preconditions attached to those acts. As for mundane matters, it is enough that they simply do not contravene the Sharia, for it is their meaning that is of primary concern, not their ritual form. The default position for all such things is that they are permissible unless evidence can be found to the contrary, and God knows best.”²³

However, some others considered the relationship between the intellect and the common good to be the cornerstone of the entire matter, including al-Izz ibn Abd al-Salam (d. 1262) and al-Tufi (d. 1316). For example, al-Izz said, “Most mundane benefits and harms are known through the intellect, and the same is true of most religious laws.”²⁴

Al-Izz also said, ‘Whoever wants to know how to distinguish between benefit and harm and determine which one outweighs the other, must submit matters to the test of reason, assuming, of course, that they are not directly mentioned in the Sharia. Then let him build his rulings on that basis, for few are the rulings that fall outside the scope of the intellect, except in the case of those acts by means of which the slave worships his Lord, and for which considerations of benefit and harm are left unspecified.’²⁵ However, elsewhere in his book, he ties the intellect to the Sharia, saying, ‘Whoever follows the objectives of the Sharia, in terms of promoting benefit and preventing harm, will come to believe or know, as a result of those studies, that such a benefit should not be ignored and such a harm should not be approached, even if there is no legal consensus, nor textual evidence nor specific analogy concerning that issue. An understanding of the essence of the Sharia ne-

23 Al-Shatibi, *Al-Muwafaqat* (Cairo: Dar Ibn Affan, 2010)

24 Izz al-Din Ibn Abd al-Salam, *Qawa'id al-Ahkam fi Islah al-Anam* (Damascus: Dar al-Qalam, 2000)

25 *Ibd.*

cessitates this. An example of this might be someone who spends a lot of time in the close company of a wise, astute, educated man and comes to understand what he likes and dislikes in every type of situation. Then, one day, he is confronted with an unprecedented situation about which he has never heard that man say anything. But, because he is so familiar with how the man acts and his approach to life, he is able to work out if the man would promote it on the basis of benefit or avoid it on the basis of harm.’

“Were we to examine the objectives of the Qur’an and the Sunnah, we would find that God commands good, no matter how great or how small, and forbids evil, no matter how great or how small. So, good is an expression of promoting benefit and preventing harm, while evil is an expression of preventing benefit and promoting harm.”²⁶ This brings us to what al-Tufi said in his commentary on *Mukhtasar Al-Rawda*:

Know that to divide the common good (*maslaha*) into categories such as upheld (*mu’tabarah*), unsanctioned (*mulgha*), necessary (*mursala daruriyyah*), and unnecessary (*mursala ghayr daruriyyah*) is arbitrary and overly complicated, for there is a far easier and more general way of deciding whether or not something is in the common good, and that is by acknowledging that the Sharia itself takes into consideration in a general way whether something is of benefit or of harm. On this basis, one might say that if an action is wholly of benefit, it should be affirmed, and if it is wholly of harm, it should be rejected. But if it is of benefit from one perspective, but of harm from another, and both appear equal in our eyes, then we must simply make our choice and go with it, as in the case of someone who can only find enough clothing to cover one of his two private areas. Does he cover his backside because it is more indecent to leave it exposed, or cover his frontside because it is facing the qibla? Or is he completely free to choose since the benefit of one matches the harm of the other and vice versa? If the two options are not equal, however, and either the realization of benefit has greater legal weight or the avoidance of harm, then we must follow the course that has greater legal weight, for that is incumbent upon us according to the Sharia. It is in the light of this principle that every one of the categories for common good mentioned by the scholars of religious law be considered.

As for what is upheld (*mutabara*) in the Sharia, such as analogy, it is either

²⁶ *Ibid.*

wholly of benefit or mostly of benefit.

As for what is unsanctioned (*mulgha*), such as taking steps to prohibit people from growing grapes, or ban people from cohabiting in a single home, it is because while there are both benefits and harms to doing that, the harms far outweigh the benefits. So, it is better to not take such steps, especially in light of the fact that the benefits of growing grapes or sharing housing are real and tangible, while the harms attached to them—of wine being produced or fornication coming to pass—are imagined and conjectural. And even were we to suppose that there was indeed a high chance that this feared harm would come to pass, so long as it is not certain and the benefit against which it is offset is certain, still it would be better to bring about that benefit with the corresponding harm than vice versa. Moreover, the harm mentioned here is specific while the corresponding benefit is general, and it is better to incur a specific—and therefore smaller—harm for the sake of gaining a general larger benefit than the other way around.

Let us explain by using our example of grapes. The benefits of grapes are many: they can be eaten in their unripe form or ripe form, they can be cooked, they can be made into juice, and they can be made into raisins and sultanas. This is five benefits—and there may well be even more—while, on the flip side, there is only one thing that is forbidden to do with them and that is making them into wine. This is why some of the people of inner meaning say, utilizing the language of law, “Son of Adam, yours is the fruit of the vineyard: sour grapes, sweet grapes, juice, and raisins. All these four are yours, but leave for Me the fifth: the ‘helper’ (i.e., wine): ‘Know that one-fifth of your battle gains belongs to God’ (Qur’an 8:41).’ It is better to obtain all these permissible benefits of growing grapes than to abandon their growing to avoid a single forbidden harm.

As for singling out fasting as the only acceptable way an affluent man can make expiation for deliberately breaking the sanctity of Ramadan, that is not particularly outrageous if the ruling has been arrived at by a sufficiently competent and well-versed scholar capable of independent reasoning and judgment, and cannot be considered an example of a law being made on the basis of personal opinion. No, on the contrary, it is a decision that has been arrived at through independent reasoning after a careful weighing of benefit, or an example of the specification of a general rule, as can be

gathered from the Prophet ﷺ not demanding further details in the hadith of the desert Arab. Weak general rulings of this type may be made more specific by suitable independent benefit-based reasoning. There is wide scope to make general rulings more specific and, indeed, the Sharia often distinguishes between those who are wealthy and those who are poor. So, let this be one of those places.

As for benefits that fall into the sphere of complementary needs (*hajat*) or conveniences (*tahsinat*), such as the legal guardian personally taking part in the contracting of the marriage, or him alone being empowered to give his young daughter's hand in marriage, these are things which are purely beneficial and there is no harm attached to them whatsoever. And for that reason, those benefits must be realized.

As for necessary benefits (*darurat*), such as preservation of religion, intellect, lineage, honour, and property, even if these are offset by harms - such as loss of life in the case of the apostate or murderer when they are killed, or loss of a hand (when it is cut off) in the case of the thief, or physical pain and suffering in the case of the drinker, fornicator, and slanderer when they are whipped - still the denial of this harm is outweighed when compared to what is gained by obtaining the corresponding benefit, and so the obtaining of the benefit is stipulated and required.

The same applies to the selling of mosques which have fallen into disuse or disrepair or endowed horses which are no longer capable of serving the purpose for which they were endowed. There is benefit in doing this, because by selling it and replacing it with another, the intended benefit of the endowment can endure into the future; and there is harm, because it entails the waiving of the right of God from an entity that was confirmed as being dedicated to Him. Here, we give precedence to the obtaining of benefit, while others give it to the prevention of harm.

It is in this way that rulings can be reached for matters in which benefits are offset by harms or matters in which only one [benefit] is apparent. There is no need for us to resort to dividing things into categories that have no reality or substance, for such a course of action inevitably leads to disagreement and disunity. If people of intelligence properly examine this methodology, they will not be able to deny it and their intellects will be

compelled to follow it. And, by the grace of God, disagreement will turn to agreement and discord to accord.’²⁷

Al-Tufi was even more explicit on this point in his commentary on *Al-Arba’in al-Nawawiyya* (Nawawi’s *Forty Hadith*), saying, “As for everyday transactional matters (*muamalat*) and the like, primary consideration should be given to the public good, as established earlier. This public good sometimes conforms to the other forms of legal proof, and sometimes conflicts with them. If it conforms, then there is no issue and it should be applied immediately. If it conflicts with them, however, then an attempt must be made to reconcile it with them. If this is not possible, then the public good should take precedence over all other considerations, based on the words of the Prophet ﷺ, ‘No harm should be inflicted nor reciprocated’. . . which is a specific instruction to keep harm at bay in the interests of the public good, and thus must be given absolute priority, especially given that looking after the welfare and common good of the people is the objective and the reason why laws are established and enacted in societies in the first place. The legal proofs of the religion are but a means to that end, and objectives must always take priority over means.”

That the common good must be taken as a primary religious and intellectual consideration when approaching the topic of the nation state can be ascertained by a cursory glance at any number of statements made by scholars on the matter.

We do not mean to disparage our history—the caliphate fulfilled its function admirably in Islamic history and gave a great many wonderful things to the Muslim people—but times have changed so much that what was a benefit in the past may well have become a harm in the present. In other words, forcing people to unite in the present era goes against the objectives of the religion and brings harm in its wake. They have not paused to weigh up the benefits of a single state. Bismarck tried to achieve this very thing in Germany, but what people came to realize was that a state of unity could only last if people went into it willingly and with their eyes open.

We are here in the United Arab Emirates, where the founders freely and willingly joined together, with our eyes wide open and wise to the consequences. Such is also the case with the Gulf Cooperation Council (GCC); an endeavour that we hope

27 Najm al-Din al-Tufi, *Sharh Mukhtasar al-Rawda*, (Beirut: Mu’assasat al-Risalah, 2010)

can continue to remain in existence, for it is enterprises such as this that can help realise the goal of Islam to encourage people to come together and unite.

Following this lengthy discussion of the matter of caliphate, the issue of unifying the Muslims into a single state under a single leader, the cross-referencing of religious and mundane, and the relationship between benefit and intellect within the domain specified by jurisprudence, we say:

1. There is no established immutable form to which the state must comply in Islam. On the contrary, as the state is inextricably linked to reality on the ground; its form is dictated and shaped by factors relating to time, place, and people in the real world. And the same is true of the form of governance Islam knows from its history: the rightly-guided caliphate. Its form, too, was dictated by the nature, needs, components, and constraints of the age into which it came into existence. The proof for this lies in the fact that the rightly-guided caliphate did not just have a single form or governing methodology—indeed, there were a number of different means by which the rightly-guided caliphs took power, including acclamation, appointment in writing, and appointment by committee.
2. Even though the Sharia places greater emphasis on revelation and sacred text than the circumstances of the human condition, it does not deny that the intellect has its place. Indeed, it gives it tremendous scope and leaves it to make the determination of what is in the best interests of mankind, as al-Shatibi and others have attested. The issue of the state and the form that it should take fall within its jurisdiction.
3. Many of the religious instructions relating to leadership or governance—including hadiths such as the statement of the Prophet ﷺ, ‘If someone obeys me, he has obeyed God and if he disobeys me, he has disobeyed God. If someone obeys the leader, he has obeyed me, and if he disobeys the leader, he has disobeyed me’—do not necessarily refer to caliphate, but refer rather to even the most minimal form of authority.
4. There is a difference between the Sharia’s demands that there be governance—and there is no doubt that it does that through statements, deeds, and tacit approval—and between the religious texts that give a particular form to that governance.

-
5. There is a difference between the form of government and the responsibilities and powers given to it to safeguard the religion and look after worldly affairs as well as the powers it has over the public and composite rights of its people.
 6. The nation-state in all its shapes and forms in the Islamic world is a valid and legitimate system of government. And so long as it is built on the principle of promoting benefit and avoiding harm—the axis around which all the laws of Islam revolve—it can be considered no less legitimate than the major Muslim empires of the past. Hence, the unification of the *Umma* should not entail bloodshed. Instead, peace must prevail.

In conclusion, we call on everyone to strengthen their efforts, intellectually and practically, and cast aside convictions that do a disservice to the quest for peace. And as for those who take up arms against their own people, we remind them of the sound hadith of the Prophet ﷺ, “Whoever takes up arms against us is not one of us.”

This free interchange between the religious and the mundane leaves the undiscerning person with the mistaken notion that things are either purely religious or purely mundane. This view leads to misunderstanding Islamic texts, abusing the present situation, and failing to see what lies in the best interests of people.

The solution to our situation does not lie in making a clean break with our history, nor does it lie in becoming imprisoned by the past and launching an all-out war against innovation and modernity. It is by using the set of deductive tools provided for by the religion with expert hands, open minds, and firm religious conviction, without doubt or hesitation, that we can strive for what is in the best interests of humanity. We will achieve this by targeting two main objectives: the first to help us better understand our religious texts, and the second to help us work out the temporal context and geographical circumstances that must exist for rulings to be applied. By objectives here we refer to a process of *tali*²⁸ predicated on the principle of obtaining benefit and avoiding harm, which in our present situation will be through the restoration of domestic peace and the ending of senseless war and bloodshed. In this way, some degree of accord can be reached between the commands and prohibitions of the religion on the one hand and the fluctuating state and circumstances

28 The search to identify the effective legal causes of rulings.

of the people on the other. These circumstances include their degree of freedom or constraint, expansion or contraction, and triumphs and set-backs. This constitutes the second precursor to the practical application of rulings, looking first at the real-world context situation—the time, the place, and the people concerned—and then, carefully considering what is possible against what would be ideal. Or, to put it another way, putting the Muslim’s conscience at ease by balancing the demands of faith against the demands of the time in which they live.

There are no ready-made formulas; there are no perfect prescriptions to resolve this intellectual, ideological, and jurisprudential crisis. A remedy must be painstakingly prepared to cure this disease. You are the doctors, and you must lead by example. Nietzsche was not far wrong when he said, “Civilisations fall sick, and its doctors are philosophers.” But we say that its doctors are intellectual scholars possessing insightful vision and prudent opinion.

Distress cannot be averted. Minds that have fallen into disuse must be reactivated. They must be shown how to remove sacred texts, religious objectives, legal rulings, and principles from the realm of theory and bring them into the realm of practice. They must be made aware of the facts on the ground and the situation in the real world. Three types of ignorance must be tackled: ignorance of sacred texts, ignorance of religious objectives, and ignorance of the real world and expected consequences.

Perhaps some experts might occasionally make note of deviation on my part from the methodology and from the Cartesian method. My excuse is that I am dealing with a situation not with a topic, similar to many researchers in the field of the laws of Islamic governance, such as al-Mawardi and al-Juwayni. Arguably, Ibn Khaldun’s critique of al-Tartushi (d. 1127) may well hold true for me when he said about the latter’s work, “his book reads like preaching.”



After the Prophetic age came to its end, the authority passed to the rightly-guided Caliphs, all of whom were scholars. They exercised their authority without a direct divine mandate. In other words, they did not issue rulings in the name of God, nor did they act directly on His behalf, but instead they strove to keep as close as possible to the spirit of His Divine teachings, so that the role of ruler might later be separated from the role of jurist. Even though they came to be separated, still the state could not do without jurists, for their presence within the apparatus of state was needed to deal with matters relating to the issuing of legal judgments and legal opinions.

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



*We need thinkers and leaders to become healers
and doctors of modern society by replacing the
jurisprudence of hate with jurisprudence of peace.*

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'an 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.²⁹

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

²⁹ 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.



*Nobody regrets being patient, but everyone
regrets doing things in a state of anger.*

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



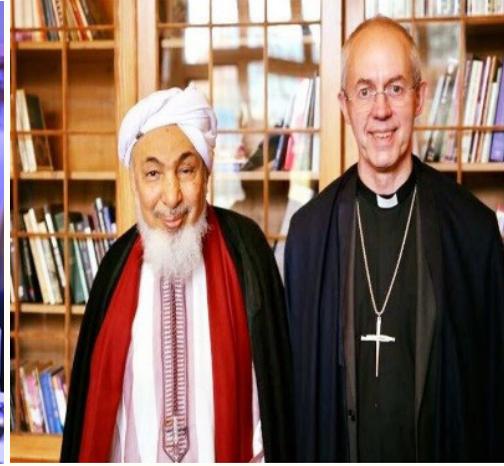
ABOUT THE ABU DHABI FORUM FOR PEACE

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.

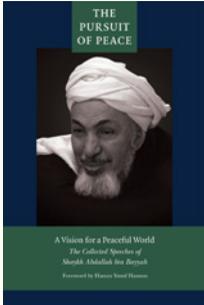
Likewise, the Forum focuses on securing the rights and safety of religious minorities living in Muslim lands. *The Marrakesh Declaration* launched in 2016, calls on Muslim states to accord the rights of equal citizenship to all minorities in their midst on the basis of *The Charter of Madina* and the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



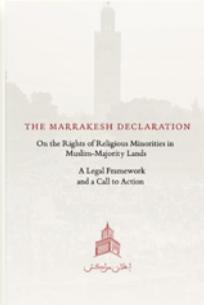




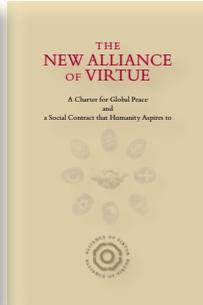
OTHER PUBLICATIONS



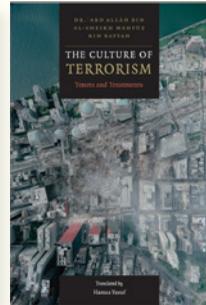
The Pursuit of Peace
June 2022



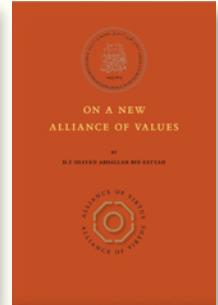
The Marrakesh Declaration
January 2016



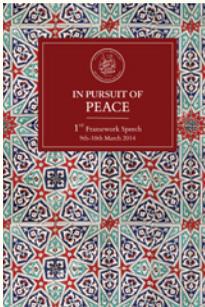
The New Alliance Of
Virtue: A Charter
For Global Peace
28th September 2019



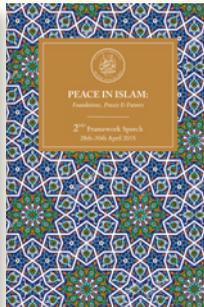
The Culture Of
Terrorism: Tenets &
Treatments
November 2014



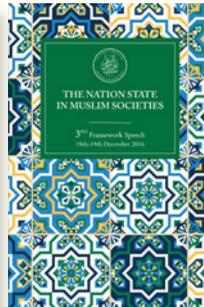
On A New
Alliance Of Values
October 2007



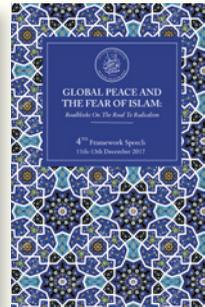
1st Assembly
In Pursuit of Peace
2014



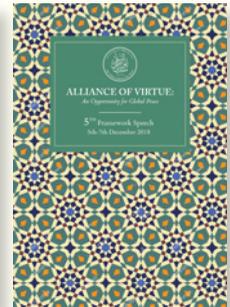
2nd Assembly
Peace In Islam:
Foundations, Praxis
and Futures
2015



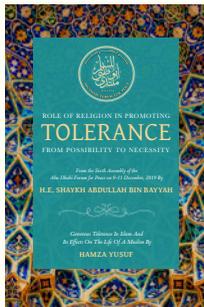
3rd Assembly
The Nation State in
Muslim Societies
2016



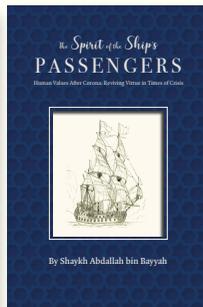
4th Assembly
Global Peace And
The Fear of Islam
2017



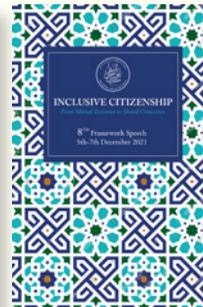
5th Assembly
Alliance of Virtue:
An Opportunity for
Global Peace
2018



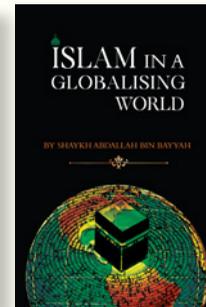
6th Assembly
Role of Religion in
Promoting Tolerance
2019



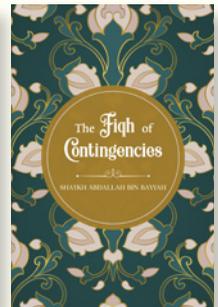
7th Assembly
The Spirit of the
Ship's Passengers
2020



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



Islam in a Globalizing
World



The Fiqh of
Contingencies
2020

