

In Pursuit of the Common Ground



Emphasising the differences that exist between people and picking out peculiarities specific to each group or community, seems to come naturally to human beings. Yet, the hope of finding a resolution to the state of cultural, intellectual, ideological and even physical conflict, lies heavily with those in serious and diligent pursuit of the common ground, the shared values, the beliefs, the aspirations and the concerns, upon whose shoulders.

One would be almost forgiven, having scoured the main news publications of recent weeks, for believing that such a common ground was no more than a mirage. In the West, the presumption that Islam curtails freedoms, rights and privileges while its followers insist on donning garb that excludes them from society, and practicing a faith that sees them ultimately becoming a threat to everyone else, seems to be gradually gaining ground. In the Muslim world, on the other hand, the wide-spread belief in a Western conspiracy to wage war against and maybe even eliminate Islam gains pace and vigour by the day.

Apparently, the chasm could not be greater, and the gap could not be wider.

However, the reality experienced by most of those who come into contact with people from another culture, faith, belief group, ideology and political orientation, mostly find that there is much in common, particularly in terms of hopes and aspirations. I am constantly intrigued by the experiences of friends who travel to far-flung corners of the world on business or pleasure. Out of the fascinating stories of awkward incidents involving language barriers

and culinary events including many others, the story that almost never fails to emerge, is 'how nice and welcoming people were'.

The truth is that people aren't that different once one makes the effort to enquire beneath the surface and beyond the outer layers. In a recent meeting of representatives of a number of faith groups, including Christians, Jews, Hindus, Sikhs and Buddhists, it struck me that whilst we discussed ways to overcome certain challenges we presently faced, we were in agreement on virtually everything that we pointed as being central to our respective faiths.

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We all believed in the Creator and we all believed that the task of humanity is to spread good-will, love, compassion, mercy and peace throughout the world. We all agreed that harming others, let alone causing their deaths or them to live in terror, insecurity or fear amounted

to a great and considerable sin. We also agreed that injustice, tyranny, oppression, subjugation and confiscating the rights and freedoms of people were reasons for the misery of mankind, and constitute violations of the notions of humanity. The respect of other faiths and allowing others to believe and worship freely and openly was unanimously agreed upon as being the doctrine of all faiths present at the meeting. It was only when one of the participants commented on how ▶

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we seem to agree on the most important basics, that this fact became apparent to all.

It is true that the common ground is far greater than what we may initially think. However, it is the pursuit of that area of agreement and the highlighting and emphasising thereof, that seem so difficult for many to carry out.

Despite the advancement achieved on all levels, be it science, technology, medicine, communication and social spheres, it appears that we have also mastered the art of building segregation walls surrounding small pockets of people who share certain attributes or characteristics - hence cutting them off and instigating fear within them from others.

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Conflict and war become so much easier to occur once we become convinced of the importance of those segregation walls, and the threat that may befall us should those walls be torn down. Hence, the acquittal of the BNP leader Nick Griffin of charges of inciting religious hatred and violence, doubled with the statements of the head of MI5 recently that Britain faces a 'Muslim threat' for the coming generation as well as the manner in which the 'veil debate' was initiated and subsequently administered, become

that much more dangerous and of more serious impact on us all. We would all be much better served if those vast areas of commonality and agreement are exploited and utilised in forging together all facets of British life. Consequently, our advancements achieved in so many disciplines and aspects, would be supported by a vital advancement achieved on the humanitarian and civilisational front, and talk of an inevitable clash of civilisations, religions or cultures would be deemed redundant, irrelevant and ridiculous.

Anas Altikriti
Chief Executive
The Cordoba Foundation

The Cordoba Foundation

Founded in 2005, The Cordoba Foundation (TCF) is an independent Public Research, Research and Training unit, which promotes dialogue and the culture of peaceful and positive coexistence among civilisations, ideas and people. TCF aims are to:

- o Promote dialogue and the culture of peaceful coexistence among cultures, ideas and people.
- o Work with decision-making circles for better understanding and clearer comprehension of inter-communal and inter-religious issues in Britain, across Europe and beyond.
- o Provide a new and unique standard of information, allowing decisions and policies to be established upon proper basis and efficient consultation.

As an advocate of dialogue and understanding, engaging with practitioners, researchers, journalists, policy-makers and a host of other stakeholders of society, TCF runs:

- o Structured consultation and advisory services
- o Face-to-face interaction with decision-makers, figures of authority and scholars
- o In-house research and research support on key topics
- o Workshops, seminars and roundtables on pressing issues, including conflict resolution
- o Training and capacity-building – building a pool of expertise, sound knowledge and awareness
- o Event management in the spirit of mutual recognition of the needs and sensitivities of respective parties

The Foundation also participates and cooperates with various local and international conferences and forums, and publishes a periodical as well as various articles on key issues on its website.

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Should the West Dialogue with Islamists?



Alastair Crooke is the founder and director of the Conflicts Forum, an independent, nonprofit organization that hosts professionals united by a common interest in overcoming current barriers between Islam and the West.

Previously Security Advisor to Javier Solana, the European Union High Representative and Head of Foreign and Security Policy, Crooke played a key role in the negotiations to end the Siege of the Church of the Nativity in Bethlehem in 2002 and helped facilitate the Palestinian ceasefires of 2002 and 2003. He was a staff member of the Mitchell Committee that inquired into the causes of the Intifada (2000-2001). Regarded as the foremost international expert on Hamas and its internal workings, Crooke spent years contributing to mediation, hostage negotiations, and resolution of the conflicts in Northern Ireland, South Africa, Namibia, Afghanistan, Cambodia and Colombia. He has penned a prodigious amount of scholarly and popular monographs on the crisis in the Middle East and is currently among the most widely published commentators on the Middle East crisis.

Pausing for a few moments from his busy shuttling back and forth between London and the Middle East, Arches editor Abdullah Faliq managed to sound out Crooke on his understanding of Islamism and whether the West ought to dialogue with Islamists of different persuasions. Present also at the interview was the co-founder of the Conflicts Forum, Mark Perry who is also a military, intelligence and foreign affairs analyst and author of many books including *A Fire In Zion, Inside the Israeli-Palestinian Peace Process*.

Abdullah Faliq: In an article posted on the Conflicts Forum website, you cited findings of a public poll in Egypt which asked a cross-section of Egyptians to name the two political leaders they most admired. Hizbullah's Hassan Nasrallah came top of the list, followed by Iranian President Mahmud Ahmadinejad. Why do you think this is and how does this bode for future stability of Arab governments?

Alastair Crooke: I think it is extremely significant that we have seen in the wake of the Lebanon conflict a poll in the heart of the Sunni Arab world, that is articulating clear support, not only for the winner who seemed to have led the successful defense of the Lebanon, in terms of Hassan Nasrallah. More significantly the number two on this poll, was the president of Iran and I think that is very striking, and particularly that a Sunni country like

Egypt should find its number two spot being occupied by an Iranian

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and an Iranian president. We see from this two things: the significance is first of all a strong sense among the streets of Egypt that there has been a successful challenge to Western hegemony. The psychology of military hegemony has been successfully confronted and broken in the case of Lebanon. That is going to have a long term strategic and important impact on the thinking of not only the Egyptians but people throughout the region.

More importantly, we are seeing the acceptance of a leadership of what I call an "activist wing" of Sunni movements as opposed to a "quietist" model. I am borrowing from a Shi'a terminology, but if you think of movements like the Muslim Brotherhood, Hamas as activist movements, I think the sense of the acceptance of shi'a leadership is not particularly directed towards Iranian leadership but the activist leadership and it is a powerful element for the future and a swing towards activism. No longer you just have to be to accept what is asked of you i.e. accommodation and acquiescence to Western hegemony. So this is a huge strategic change and the poll to certain extent reflects that symbolically. It happens that the activist movement this time is led by Iran but I think for many Sunni Arabs the Shi'a-led struggle does significantly chime with the Arab streets. It's an important change whereby you have, if you like, the

Arab masses walking on one side of the street and certain Arab governments walking on the opposite side.

AF: Interesting, but how to explain the apparent dichotomy between the Shi'a-Sunni divide? You have at the global level, Shi'a-Sunni movements and even governments converging whilst at the local level, such as in Iraq, the infighting between Shi'a-Sunni is evermore entrenched?

AC: I think you do have a complete dichotomy here because in a sense the Iranian ability to talk over the heads of Arab governments strike a cord with the Arab streets is very evident, not only in what happened in Lebanon but before that. They have largely been able to avoid what happened in 1981 and after the first Gulf War when they found themselves partly circumscribed and facing an organized Sunni effort to try and circumscribe and contain Iran. So to an extent they have been quite successful in finding a common ground. I think Iraq is an exception to that because Iraqis feel they are now marginalized and excluded from the seat of the table of power. This is possibly because of an alliance between certain Shi'a forces and the United States in Iraq.

AF: I don't know if you are aware but it was interesting and somewhat striking to see recently the former prime minister of Iran, Muhammad Khatami being hosted by the Muslim Council of Britain at the London Muslim Centre, which is predominantly Sunni.

AC: Yes, I think it is a very important and a huge change, a shifting pendulum. It's not that they are Shi'a or that they are Iranian, I believe the predominant characteristic is that they are activist and that they are not willing to simply acquiesce to the inevitability of Western military, political and economic hegemony,

which is distinguishing. This is why we are finding the Sunni Street willing to support them. Although the conflict in Iraq has largely taken a sectarian shape, it is fundamentally about the difference between activist outlook and a quietist approach.

AF: Can I pick up on one or two terms you used to describe different trends within the Islamists. What is the difference between an 'activist' and a 'radical'? Can't an activist also be radical?

AC: Well, I'm not sure there is a great distinction between the two. I think an activist slowly flows into a radical when frustrated.

Although the conflict in Iraq has largely taken a sectarian shape, it is fundamentally about the difference between activist outlook and a quietist approach.

AF: Okay, how would you therefore categorize Islamists here and abroad who actively seek political change in their respective countries?

AC: I don't think there really is a very clear distinction. The division we try and make is what I call "revivalists". These are people who seek to revive Islam and Islamism and bring about real reforms and changes in their society. Those attributes apply to both activists and radicals. I then separate those with what I call "revolutionaries" who are one stage beyond that. The revolutionaries believe that there can be no reform, change or evolution in the system without first completely burning it down. That to me is the most important distinction rather than the terminologies. I have no problem with radicals because they play a very important role in bringing

change in societies and I don't use the term to denigrate them.

AF: The British government repudiates claims of there being any link between British foreign policy and terrorism, radicalisation and extremism within the Muslim community. How do you respond?

AC: I can't say why they take that view but it seems to me that everybody that looks and talks to Muslims, and looks at the polls, clearly find that Muslims themselves see a very strong link between foreign policy. Whether others choose to deny it or say that is wrong or it is a misconception, the reality is the perception that there exists a very strong connection. Muslims are extremely angry at what they see and they have experienced in countries like Afghanistan, Iraq and in terms of policies they have seen in the Sudan, and in Palestine with the election victory of Hamas and so on. All these policies impact hugely on Muslims all over the world. A large proportion of the British population that is non-Muslim feels the same sense of alienation from British foreign policy; there is a huge problem of alienation from British foreign policy that impacts primarily on British Muslims because they see themselves as the victims. But it is apparent in Britain as a whole; there is a much wider problem and it is not only a problem of alienation but there is a real problem of impotence and a sense of failure of democracy taken place. The number of Brits who have come out and said "what do we do about Iraq?" And no matter how many Muslims and non-Muslims come out in their millions to demonstrate against the war in Iraq, there seems to be a cozy understanding between the political parties that sensitive issues like this could simply not appear on the agenda of political discussion. This attitude does not bode well for Western democracy. I think there is huge frustration and

concerns about this which extends well beyond the Muslim population.

AF: A survey carried out recently polled a cross-section of British Muslims, which looked at factors that contribute to the politicization of Muslims in Britain. Allow me to raise one or two of the findings with you, which I found to be rather striking. Over 50% of the respondents believed there to be a new crusade against Islam today such as through the 'war on terror'? Are you surprised by this? Why do you think there is such a strong perception?

AC: I don't think it is surprising at all. Within the Muslim community, I believe there is a real sense of feeling of victims, of being demonized and of being targeted. As a causal observer coming back to London, every time I go down the underground or onto a railway station, you are confronted by a posse of police carrying our stop and search. I have never yet seen the police stop and search anyone that is not Asian or carrying a bag pack; I've never been stopped and searched myself. Muslims feel that their freedom of movement and ability to speak out is being restricted. For many Muslims, they are really concerned about whether they could continue to live here.

The fear is sufficiently real as many people feel there is a slow and concerted effort, to try and make them feel unwell. You see this not only in the way Muslims are treated through the stops and searches but you see this in the way the anti-terrorist police operations are conducted like in Forest Gate, which created enormous anxiety and unease within the community. You see it in the way the government is trying to impose the entire onus on the Muslim community, to be responsible for so called extremists in their midst. Moderate Muslims should take responsibility for those

Muslims the government describes as "acting as perversion to Islam". Moreover, the call on Muslims to report to the police and to act almost like informants is unacceptable. There was a suggestion recently that universities should report to the authorities students considered vulnerable to extremism. All these create a sense that Muslims are under investigation and that they are held to be suspect.

In the general climate on the "war on terror" which is seen to target Muslims as terrorist and making the equation between terrorism and Islam, and the language used by political leaders, suggest that this is a war of civilizations and that our Western values must persevere. What this implies is that the values which are expected not to persevere are implicitly but not explicitly stated are values of Islam and values of Islamist movements. Although this may possibly be a reference to the revolutionaries who are more interested in burning society, the message nonetheless creates anxiety amongst Muslims generally. So I think it is not at all surprising that they feel victimized and persecuted.

AF: So what do you think the Muslim community ought to do as there seems to be an impasse?

AC: I think there is only one thing they need to do, and that is to find - which I don't think they have at the moment - a credible, articulate, forthright and fearless voice for Muslims. I realize this is very difficult for any Muslim leader if he/she does not wish to have travel restrictions. I don't think at the moment they are able to do this because the actual forums and meetings they are invited to express their views, they are in fact told that there can be no discussion or views on foreign policy, because it is considered outrageous to link the feelings of Muslims in Britain to what's happening in Afghanistan and Iraq. Well, if you take that out of the debate, there's

going to be no debate! I think it's rather a paradox in some ways, the only voice that actually speaks out in some strong way for Muslims is George Galloway, although I know in some respects he does not represent the Muslims. In some respect, he is able to articulate something that is deeply felt by Muslims but which is not being expressed through the typical Muslim organizations that find the only way to be accepted is to portray themselves as so called moderates.

AF: How credible is it to suggest that Muslim nations and the third world hate the US and the West generally? This anti-Western feeling is growing, is it not? How could we rectify this situation?

AC: I take issue with this. I think there is a real conflation here between two things. I don't accept this proposition because what Muslims hate is the West's monopoly on the socio-economic implementation of values such as justice, freedom and good governance, which all Muslims share. Muslims don't believe simply that the West is the only model of the implementation of these values, and the only way you can have good governance is to have Western good governance. In fact, they are not sure the West does have good governance in many respects. I think it is a mistake to view a desire to contest Western hegemony over these issues with being hatred towards the West as such. Nor should Muslim criticism of Israeli policies automatically be regarded as anti-Semitic. Yes, there may be few who do hate the West but that is really limited to few people.

Mark Perry: We look at liberty like we look at the light bulb. We invented it so we can export it. Only when the Arabs and Muslims discover liberty, everything will be okay. Following the second Intifada, the National Democratic Party Institute went into the West Bank to teach the Palestinians democracy as

if democracy had not been there already. It was so offensive and I tried to tell people in the United States that the problem is not that the Palestinians do not have democracy, they have too much of it. We have a perception in the West that we invented liberty and democracy, which was passed down on us from the Greeks and now we are passing onto the Muslims and Arabs. The problem here is not with democracy or terrorism or hatred or anything, this is an odd perception. We feel that we need to educate them and that we invented history. This is the problem. Changing this perception is very difficult. The fact that geometry came out of the Arab world, never occurs to the Westerner and it is very difficult to convince people in the West. The question about hatred of the US is that Muslims hate the fact that the West presumes that Arabs and Muslims need to be taught, I think that's what they hate. They don't hate our values, they accept our values. They hate the Hundred and First Airborne being in Kirkuk - that's what they hate.

AF: Sticking to hatred and the perceived hatred of the West by Muslims, how would you define anti-Semitism and are Islamist organisations like Hamas anti-Semitic?

AC: I certainly do not think either Hamas or Hizbullah is anti-Semitic. I know the language of the Charter of Hamas, which was written in 1987 in somewhat mysterious circumstances, contains language that appear to be hostile towards the Jewish people as opposed to the occupation or to Zionism. The movement moved away from its Charter very quickly and dropped the language and even by few months later by 1988, was making it clear that its quarrel was not with the Jewish people. On the contrary, they drew on the history and the sense of the involvement of the Jewish people in the region over the centuries. They made it clear that

their opposition was only to the occupation of their land and what they described as the growth of Zionism. I have to say that in all the meetings I have had with Hamas and Hizbullah over many years, I have never heard them say anything that I would consider anti-Semitic. They are strongly opposed to many of the policies of Israel but that is not the same as anti-Semitism.

If they feel the local issues should be tackled first, and the foreign policy second, then that's the reality. You can not engineer those.

AF: Can you offer us a short definition of anti-Semitism?

I don't know what the dictionary says, but it seems to me really summed in a hatred for Jewishness or Jewish people per say, rather than the policies and directions of the state of Israel.

AF: Moving on, does politicization of Muslims necessarily lead to Muslim extremism and radicalisation?

AC: I don't believe that it is true. There is a real significant separation between the vast majority of Muslims who are politicized and are in a sense activist, particularly young Muslims. There is a small gap between those who believe that therefore the only way to tackle those is that you can't make any change and therefore you must burn everything down, that you have to bring to end entire colonialism. These people are revolutionaries and they often remind us that "we told you so, look what happened to Hamas. Here is reformist group that won through a legitimate democratic process and look at what the West do it by blocking funds. This is just like Algeria". So I don't think activism and extremism is synonymous, it is separate mental

approach that takes them to the next step, where they feel there is no alternative but to burn everything.

AF: Ninety percent of the respondents in the survey I cited earlier viewed US and UK foreign policy in the Muslim world as the most important international issue/problem that concerns them here in Britain. Is this a misplaced concern and are UK Muslim organizations wrong to highlight international issues like Palestine and Iraq?

AC: It's not surprising, it is to be expected. A denial of this fact only serves to further politicize and give impetus to some Muslims - as discussed earlier - to jump the barrier and become revolutionaries. They don't see any alternative options to change British foreign policy abroad. The problem is that we can't even get people to listen; that is the danger whereby young people get pushed to those extreme positions.

AF: What do you say to the argument that British Muslims who focus too much on international issues are somehow confused and should focus on domestic issues?

AC: Well, what issue is top of the agenda is in reality the issue or problem that affects them most directly. You can't artificially alter this. Others may disagree, saying that British Muslims should be focused on issues to do with schools, but this is the reality in politics; this is the reality in people's emotions. If they feel the local issues should be tackled first, and the foreign policy second, then that's the reality. You can not engineer those. It sounds like the usual government line when everything's going badly the government says 'no, what the people really want us to do is to get down to the real issues like education, the health service etc,' which implies we don't want to

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discuss the sensitive issues like foreign policy and its impact here. This approach never works and it is not going to work with the Muslim community, rather it will only serve to alienate them further.

AF: Through the Conflicts Forum, you advocate Western powers to talk to Islamists who are able to influence events. Are you also advocating talks with the more radical and militant/fringe elements like Al-Qaeda, Al-Muhajiroun etc?

AC: What we always try to portray and project - and it is too certain extent subjective - is that the criteria of who you talk to is those groups or individuals who have legitimacy, credibility and influence within their own people. History shows ultimately you end up talking to those people. Whether you wish it or not, you see this with ANC's Nelson Mandela who Margaret Thatcher described as the 'arched terrorist of his age'. We saw this with the nationalists in Northern Ireland with Shin Fein. I don't think that means you have to talk to every group that uses violence. Many of the groups we see in Iraq today for example do not have legitimacy and credibility but are outright criminals blackmailing the local community. You talk to those groups and forces that have real credibility and reflect the community; ultimately you have to talk them as there is no alternative.

AF: You are on record of saying that "we immobilize ourselves by

turning away from the homegrown political forces [i.e. Islamists] that have the power to resolve these crises". Can you elaborate on this? Can you site examples of how these forces have resolved issues?

AC: I was involved in the Palestinian context, in several efforts to bring about de-escalation of violence with the support of groups like Hamas and Islamic Jihad in order to try and test whether there was any prospect for political progress. Let's not go into the complex reasons of why those processes are failing but I believe there are prospects for the possibility of success. One has to only look at the Muslim world, particularly the Middle East, we have growing crisis all over and no one seems to know what to do about Iraq. We have problems in Iran, problems in Syria, Lebanon is on the brink of severe internal tension. We have Palestine and growing problems in Egypt, Saudi Arabia and Jordan; in Afghanistan and in Pakistan. We talk to fewer and fewer of those countries. How is Europe going to manage all these growing crisis? What are we going to do if we simply confine ourselves to talking to Mr Karzai and Muhammad Abbas to resolve those? We do have to talk to people more widely. But it does not always work, that's the reality. But what is important also is to prepare for such talks, obviously talking is better than fighting but we must also ensure that the environment, the psychology and objectives of talking to such groups is well thought out in order to achieve tangible results. Without preparation, we sometimes merely confirm each side's prejudices to the other and make matters worse. We should be careful not get carried away forever dialoguing for dialogue's sake. Rather we have to create the right psychological framework for dialogue to succeed - dialogue is complicated.

Mark Perry: Setting the right

conditions for dialogue is crucial. We at the Conflicts Forum are not just talking for talking's sake but we are urging people to talk to each other and trying to create the right political condition in which dialogue of substance can take place. That can be very difficult.

AC: One cannot pretend to be King Canute, ordering the tide from coming in. Only when the tide begins to change, can you begin to work with the tide. That's why you have to accept the fact that political process does not necessarily require the end of violence. On the contrary, most political processes have continued whilst violence continued. The prerequisite to have an end to violence, which is the inherent Western conflict resolution, is in our view is complete nonsense. What one aims to do through dialogue is to circumscribe violence but not necessarily to end it.

AF: How has the response been of the Islamists? Have they been receptive and willing to dialogue?

AC: Islam has an extraordinary willingness to talk and a belief in dialogue, which encompasses virtually all Islamists. Most Islamist groups, if you approach them and they feel you are not coming to lecture them and that you are really interested to listen them, will genuinely

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talk to you. I have always found this to be the case.

AF: Many people clearly object to your open-arm approach to dialogue with militant Islamists. You are perhaps giving too much attention to these groups.

AC: Too much attention as opposed to what?

AF: You are giving them legitimacy by talking to them. Shouldn't governments take the principled stand of not negotiating with those who use violence for political aspirations?

AC: It does not give them legitimacy. On the contrary, it does not give them any legitimacy! Do you think they get legitimacy sitting down talking to us? Do you think their standing would increase in the Middle East if they sat down with Condoleezza Rice? It'll just be the opposite. We don't give them legitimacy. These groups have their own legitimacy that comes from their own supporters and from their community. There is nothing I can do to give them legitimacy or take that away from them. We talk to them because you cannot avoid talking to these groups. You cannot have a solution to any political issue amongst the Palestinians that does not include Hamas. So it is absolute nonsense to say that we are somehow giving them legitimacy by talking to them. It is close-minded to actually try and avoid them. Furthermore, by taking this position you promote violence. When you isolate and demonize groups that have support on the ground, what you get is that members and especially the youth of these groups use this isolation and demonisation to reinforce their perception of a West which only understands the language of military strength.

AF: In an interview with Barak Ravid in Maariv (4/3/2006), you were quoted as saying "Like many other people in the world that recognized the Zionist Narrative, they want to establish a parallel understanding regarding their narrative" i.e. Palestinians. Can you explain what this narrative is?

AC: The Palestinians believe that it is important to be recognized, just as the West recognizes the experience of injustice faced by the Jewish people as a result of events that took

place in Europe. The Palestinians have a sense of their injustice in what happened in 1948 by the destruction of Palestinian villages and towns and the death of many

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Palestinians in the conflict of that period that resulted in many Palestinians being removed into exile and into refugee camps. In that period, there were cases for example when Palestinians were loaded in cattle trucks, not by Israelis I hasten to add actually, but by Arab governments. They were simply sent up the railway line and off-loaded in places and ultimately one particular journey ended in Aleppo, where the Palestinians were put into what were then the temporary nissen-huts erected by the British army in the Second World War. And those Palestinians remained in those temporary barracks abandoned by the British army to this day. That I believe is the sense of injustice and narrative that it is not accepted by the world sufficiently.

AF: You have obviously come face-to-face with many important political and religious figures over the years? Of the Islamist figures of repute, were you able to dissect in their persona and ideas signs of hope for dialogue between civilizations and culture or were they all full of rage towards others?

AC: The Islamic leaders that I have met are extremely open, even ones that have got very good cause to be resentful or indeed hostile to the West. I think the figures like Grand

Ayatollah Fadlallah, who as you know was the recipient of a bomb attack when he was in Beirut, which in fact did not kill him but killed many innocent Lebanese. Also, his house had just been destroyed again during the recent conflict. He has however always argued consistently for an open Muslim, Islamist society, one which is open to dialogue. He has advocated time and time again the need for there to be neutral listening between the West and Muslims but also between Muslims and Christians, and even between Jews and Muslims. What I find particularly distressing is that no one in the West seems to hear when respected leaders like Ayatollah Fadlallah call for talk and dialogue. He is a man who does have legitimacy, unlike some that the West point to as the legitimate figures for Muslim representative. Unfortunately very few in the West hear this. And if they do, there's never an answer.

AF: Oswald Spengler, Toynbee, et al. theorize "the present as a period of decline that will end relatively soon in the collapse or paralysis of Western civilization, in accordance with the pattern followed by all other high civilizations so far..." Do you believe that the "rise and fall of civilizations" implies that religions, too, are doomed to fall?

I think you need to make a distinction: religions either wax or wane, they grow or they decline. I am not sure this is the same as them failing, because quite often once they appear to have gone into decline, they are revived or redefined or reinvented in some form. We have seen that taking place in Islam to some extent. I would not rule this out from happening in the West with Christianity, although I don't see that as being very likely. I noticed that there was recently a debate going on in the Vatican about the question of whether the Catholic Church needed to disassociate itself

from the State, where it is infinitely bound up now such that it is closely aligned with the formal institutions and structures of the state. And the question was, was it possible in a secular Western age to reinvent yourself if you are tied into the state and into the institutional structures of the state? The answer was that they probably needed to withdraw entirely if they wished to provide a function of a revivalist movement, in order to bring values back to Western society; to give Western society ethical underpinning just as Islam has provided in Muslim societies. That also indicates the sense of anxiety that runs through the Western world when faced by movements that are succeeding in actually putting an ethical underpinning in society.

AF: Please elaborate further on the reaction to Islamic resurgence in the West and Oswald Spengler's theory of a declining West.

AC: There is a tendency to try and present, if you like, the Western struggle in terms of a clash of values. I don't think that this is about a clash of values. I believe that much of politicized Islam is about widespread discontent at the world political order. In a sense there seems to be within the Islamic revivalism an element of the civil rights movement. You here this in the

There seems to be within the Islamic revivalism an element of the civil rights movement. You here this in the language, in the language which keeps on coming up: 'respect', 'dignity', 'justice'...

language, in the language which keeps on coming up: 'respect', 'dignity', 'justice' - the same language you here in the American civil rights movement. You here the same thing in the streets of Leicester or in Birmingham: "I like a little respect." "I would like to be valued." "I don't

What we are facing, I believe, is not civilisational conflict but actually an intellectual challenge to the foundations of European thought over the last 300 years.

want to be subjected to every stop and search, to be discriminated against, to be called a terrorist, to be spat at in the street". What we are facing in the West, which we find disconcerting, is a challenge, a deeper challenge which I call a "Westphalian order". There is a deeper challenge to the sense that secular society came about when the caliphate ended and the Treaty of Westphalia broke us up into secular governments that laid the ground work for the so called enlightenment and progress through reason, science and technology. This is being challenged and people are coming out saying "in fact, no, we don't believe that this is the successful world order in the global sense now. And we believe there needs to be change in the global order". This is essentially a challenge to the Enlightenment.

In other words, this is an intellectual challenge to the basis of the last two hundred years of Western thinking, of eurocentrism; of our view of modernity and our view that we have a cultural copyright on the implementation of values of such things as justice and freedom. And others are saying, "Well no, actually your definition of freedom may be fine for you but maybe we have a different perspective. Even if we share the same interpretation of freedom, maybe the implementation of it needs to be different. Maybe our view of justice is not quite the same as yours." So what we are facing, I believe, is not civilisational conflict but actually an intellectual challenge to the foundations of European thought over the last 300 years. And the West

is reacting to this like some young teenager whose asked difficult and awkward questions about his belief system and instead of answering them or trying to cope with them intellectually he reacts negatively with force. To certain extent, that is exactly what we are seeing today in terms of a military action to something that does poke at the very heart of our assumptions that only secular societies can be reasonable. That only secular society can have good governance; that only secular societies can be truly free when people are saying "Well, there are other systems and we're not really sure that you really are free. You may feel it but actually you are as caught up and as tied-down to materialism and consumerism and other desires. You are slaved to some of those aspects, in a way perhaps you cannot actually perceive it." These are intellectual challenges and debates; we need not wage wars over these.

Let us know your views on the issues discussed in Arches.

VIEWPOINTS

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The Place for Others in Islamic Law

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In classical Islamic law, although it was formulated centuries ago and although many of its provisions are considered subject to change, it is possible, without far-fetched interpretations, to find sufficient materials for the solid justification of co-existence with a high level of tolerance between Muslims and non-Muslims. This paper is a summary of a longer piece which dealt with (a) the general Islamic principles and precedents, from what we might call the early normative history of Islam that might serve as a theoretical basis for co-existence in Islam; and (b) those norms of Islamic law concerning non-Muslims. This paper focuses on the latter, which is largely based on the works of some contemporary Muslim writers including Yusuf al-Qaradawi, Fathi 'Uthman, Fahmi Huwaydi and Rashid al-Ghannushi.¹

In what follows is a discussion of the precepts that regulate the status of non-Muslims. Often some of these precepts offend the sensibilities of the modern reader. It should be kept in mind that these precepts were mostly formulated twelve centuries ago, when the rest of the world gave no thought at all to recognition of the other and his rights. Some of these precepts could also be formulated differently, but we have sought to remain true to the terminology of classical Islamic law.

Before proceeding further, an important observation needs to be

made from the outset. The Qur'an sounds very uncompromising in its stance towards aggressive and malevolent non-Muslims. However, it explicitly says that mere difference in belief is not a reason for Muslims not to be "just and good" towards others:

"Allah does not forbid you respecting those who have not made war against you on account of (your) religion, and have not driven you forth from your homes, that you show them kindness and deal with them justly; surely Allah loves the doers of justice. Allah only forbids you respecting those who made war upon you on account of (your) religion, and drove you forth from your homes and backed up (others) in your expulsion, that you make friends with them, and whoever makes friends with them, these are the unjust." (Qur'an, Al-Mumtahanah, 60: 8-9).

The majority of Islamic jurists (Hanafis, Malikis, most Shafi'is and Hanbalis including Ibn Taymiyya and Ibn Qayyim) opine that the reason (manat) for warfare or jihad against non-Muslims (and Muslims) is aggression or attack by the other side, not unbelief.

This is the central Qur'anic statement on the question of the place of the other in Islam. Commenting on the

meaning of the word "dealing kindly," the influential Maliki jurist Shihab al-Din al-Qarafi enumerated the following:

"Kindness to the weak among them, and satisfying the needs of the poor among them, and feeding the hungry among them, and clothing the naked among them, kindness in speaking with them-out of consideration and mercy towards them, and not because of fear or meekness-and praying to God that He might guide them, and make them be of those that are happy, and advising them in all matters, religious and worldly, and not gossiping about them, and safeguarding their property, and family and honour, and all their rights and interests, and helping them to right injustices done to them, that they might realize all their rights..."²

Based on this and other texts and examples from early Muslim coexistence with non-Muslims, the majority of Islamic jurists (Hanafis, Malikis, most Shafi'is and Hanbalis including Ibn Taymiyya and Ibn Qayyim) opine that the reason (manat) for warfare or jihad against non-Muslims (and Muslims) is aggression or attack by the other side, not unbelief.³ In other words, a person is not to be killed for unbelief but for aggression against Muslims or non-Muslims. Let us now look at some specific norms of Islamic law relating to non-Muslims.

● The General Rule: Same Rights and Obligations for All

It is a general rule of Islamic law that non-Muslims and Muslims have the same rules and obligations, except in situations where different rules and obligations are justified. The reason for different obligations and rights is most often respect for non-Muslims' freedom of religion. The following sayings and rules go to support these two claims. The fourth caliph, 'Ali bin Abi Talib, once stated: "They (the non-Muslims) pay jizya that their possessions might be (protected) just as ours are, and that their blood might be (protected) just as ours is."⁴

● Protection from Aggression and Injustice

The first norm deriving from that rule is that the life of a non-Muslim enjoys the same protection as the life of a Muslim. Attacking a non-Muslim is forbidden and a major sin, says the prophet of Islam: "He who kills a non-Muslim under an agreement (who is not in a military conflict with Muslims) will not feel the fragrance of Paradise, and its fragrance can be felt from the distance of forty years [of walking]."⁵ Although many Islamic jurists have thought otherwise,⁶ the murderer of a non-Muslim should be executed, according to Abu Hanifa, Al-Sha'bi, Al-Naha'i, Ibn Abi Layla, 'Umar ibn 'Abd al-'Aziz, and others.⁷

Islamic jurists explicitly state that Muslims are obliged to protect non-Muslims from external aggression as well. Thus, for instance, in a work belonging to the Hanbali madhhab (the school that is considered the most conservative) we read: "It is incumbent on the imam to protect non-Muslims under an agreement of protection (dhimmis), and to hinder those who disturb them, and to free them from slavery, and to disable anyone who wishes them ill, if they are on our territory, even if the place under attack is entirely non-Muslim." The reason for this is, as the book says, "that the precepts of Islam

apply to them and that their agreement of protection is lasting, so that the Islamic authorities have the same obligations in this regard as they have towards Muslims."⁸ The Maliki jurist al-Qarafi in his renowned work *Al-Furuq* records that Ibn Hazm said: "If a non-Muslim has an agreement of protection (dhimma) and an enemy from the dar al-harb (enemy territory) tries to attack him, it is our duty to go into armed battle against the latter and die on that path, thus protecting the one who is under the protection of Allah and the Messenger (pbuh), for surrendering them is a violation of the agreement of protection."⁹ Al-Qarafi further asserts that there is consensus on this among the Muslim scholars.

The next case from Muslim history is of particular importance, because one of the participants was one of the greatest Islamic authorities, Ibn Taymiyya, who is often accused of being a forerunner of modern Islamic extremism. When the Mongols occupied Syria, and took many Muslims and non-Muslims captive, Ibn Taymiyya went with a delegation to Kutlu Shah to negotiate the freeing of the prisoners. After long talks, the Mongol commander agreed only to free the Muslim prisoners. Ibn Taymiyya did not assent to this outcome, but insisted on the freeing of all the prisoners, including Jews and Christians, for they had an agreement of protection with the Muslims, he maintained. When he saw Ibn Taymiyya's determination, Kutlu Shah agreed to free all the prisoners.¹⁰ The Umayyad caliph 'Umar ibn 'Abd al-'Aziz acted in a similar way at the end of the first century of Islam,¹¹ and a fatwa to the same effect was issued by the early Egyptian jurist Al-Layth ibn Sa'ad.¹²

On the same grounds, Muslims are obliged to prevent the doing of injustice or the violation of the rights of non-Muslims from within. There are numerous verses of the Qur'an

Ibn Hazm said: "If a non-Muslim has an agreement of protection (dhimma) and an enemy from the dar al-harb (enemy territory) tries to attack him, it is our duty to go into armed battle against the latter and die on that path"

and Hadiths that speak of the general prohibition of injustice. Beside these general texts, which apply both to Muslims and non-Muslims, there are also Hadiths that specifically prohibit injustice against non-Muslims under an agreement of protection: "If someone does injustice to a non-Muslim under an agreement (mu'ahid), or denies him his right or burdens him beyond his capacity, or takes something from him against his will, I will be his accuser on Judgment Day."¹³ Or: "If anyone bothers a non-Muslim under an agreement of protection (dhimmiyyan), I will be his opponent, and I will prevail over him whose opponent I am on Judgment Day."¹⁴ Or: "Whoever bothers a dhimmi has bothered me. And whoever bothers me has bothered God."¹⁵ Some Muslim legal scholars, the Hanafi jurist Ibn 'Abidin, even go so far as to say that *zulm* (oppressive injustice) against a non-Muslim is a worse sin than *zulm* against a Muslim, for the former are the weaker party in a Muslim society, and *zulm* against the weak is a greater sin.¹⁶

Therefore, pious Muslim rulers were particularly concerned with respecting the rights of their non-Muslim subjects. Abu Yusuf in his work *Al-Kharaj* (15-16) records that 'Ali (d. 661) wrote to one of his deputies: "When you come to them (the non-Muslims), do not sell their clothes either in the winter or in the summer, nor their food, nor the animals they use (to pay their dues to the state). And do not ever beat them for a dirham, and do not abuse them for a dirham and do not sell off any of their goods for the payment

of *kharaj*, for it is prescribed for us to take from their surplus. If you do not respect my instructions, Allah will punish you even if I do not, and if I hear that you do not do so, I will dismiss you." The deputy replied: "Then I would return to you the same as I left you." To this, 'Ali replied by confirming his instructions: "Even if you return the same as you left." 'Umar told his deputy Abu 'Ubayda ibn al-Jarrah: "Prevent the Muslims from doing *zulum* and harm to them, and from illegally consuming their property." Furthermore, the great 'Umar on his dying bed (where he was dying from the wound inflicted on him by a non-Muslim, the Persian Abu Lu'lu' al-Majusi) left the following testament for his still-unknown successor: "I charge my successor with the trust of looking after the non-Muslims, respecting the agreement we have with them, defending them from enemies and laying no burden on them beyond their capacity."¹⁷ Imam Al-Tabari records in his *History* (4: 218) that when delegations came to 'Umar from the various parts of his realm, he would inquire particularly about the situation of his non-Muslim subjects.

We will illustrate this with one of many similar examples. By far the best known and most cited in Islamic writings is the case of an Egyptian Copt and son of 'Umar's deputy in Egypt, 'Amr ibn al-Ass. According to this tradition, 'Amr's son competed in a race against a Copt and lost the race. Angered by his defeat, he struck the man with his whip saying that he, 'Amr's son, was "descended from people of note" (in other words, how dare the man defeat him?). The Copt then complained to Caliph 'Umar. 'Umar required the presence of 'Amr and his son, and allowed the Copt to return the blow, even asking the Copt to strike his deputy as well, since the latter's rule had made possible his son's conduct. The Copt declined, saying that the score had been settled. And then 'Umar

addressed his well-known words to 'Amr: "Who gave you the right to make slaves of people when their mothers bore them in freedom?"¹⁸ In accordance with the prohibition of any injustice towards non-Muslims the Islamic jurists concluded, for instance, that gossip about non-Muslims is just as forbidden as gossip about Muslims.¹⁹

● Social Justice and Security

Non-Muslims also enjoy equal rights with regard to social security. Thus, at the time of the first caliph, Abu Bakr, the military commander Khalid ibn al-Walid, representing the Muslims in the treaty with the non-Muslims of Hira (Iraq), took on obligations to exempt social cases among the non-Muslims from *jizya* and giving them aid from the state treasury.²⁰ This happened in the time of Abu Bakr and with his knowledge, as well as in the presence and with the knowledge of a large number of Companions, none of whom expressed disagreement. In Islamic law, this is considered silent consensus.

In another case, Caliph 'Umar went over to a Jew who was begging, and asked him why. When he learned that the man was no longer able to provide for himself and his family due to age and illness, he took him to the treasurer of the state treasury (*bayt mal al-muslimin*) and ordered him to pay this Jew and to others like him what they needed to enable them to live in dignity, saying: "We are not being just to him if we take *jizya* from him in his youth and let him be humiliated when he grows old."²¹ When, on another occasion, he received a tax official from Damascus, he passed by a group of Christian lepers, to whom he immediately assigned a share of the collected alms (*sadaqat*), and ordered that they should be assigned a permanent and sufficient income from the state treasury to meet their needs. Based on the above and on the practice of the Messenger himself, Islamic jurists

also allow spending the *zakah*, the Muslim religious tax, on poor non-Muslims.²²

In his encyclopaedic work *Al-Minhaj*, the Shafi'i jurist Al-Nawawi says that the collective duties of Muslims (*furud kifaya*) include relieving the misfortunes of Muslims, including clothing the naked, feeding the hungry, freeing slaves and so on, if *zakah* and the state treasury cannot fulfill these needs. A commentator on this work, Shams al-Din al-Ramli al-Shafi'i in his *Nihaya al-Muhtaj ila Sharh al-Minhaj* says that *dhimmi*s and Muslims are equal in this regard.²³

● Protection of Property

Beside their lives, the property of non-Muslims, too, is protected, including possessions that are not allowed to Muslims, such as alcohol and pork. Alcohol and pork, according to Islamic jurists, cannot be objects of sale or purchase by Muslims, for they have no use value, and therefore are not treated as property. Classical Islamic jurists therefore hold that if someone were to spill the alcohol of a Muslim, there would be no obligation to pay compensation for the "damage." Indeed, he would be rewarded for the deed. Hanafi jurists, however, hold that a Muslim must pay compensation for similar damage done to a non-Muslim, for their religion allows the consumption of such products, and Islam allows them to trade in them, on the condition that they do not sell to Muslims, and that they do not sell them publicly in a Muslim environment. In accordance with the equal rights of Muslims and non-Muslims, the Shari'a penalty for theft is the same, whether the stolen property belongs to a Muslim or to a non-Muslim.

● Freedom of Religion

Beside the right to life and property, non-Muslims under Islamic law enjoy the freedom of belief and the freedom to confess their belief, as we

have already seen in part. The key Qur'anic statement in this regard is the divine commandment: "There is no compulsion in religion!" In addition, one may not insult non-Muslims and say rude things about their convictions and sacred things: "And do not abuse those whom they

Al-Qaradawi recently issued a fatwa that Muslims are allowed to celebrate 'Eid in a church or synagogue given to them for that purpose by Christians or Jews, on the condition that they do not intend to turn the building into a mosque

call upon besides Allah, lest exceeding the limits they should abuse Allah out of ignorance. Thus have We made fair seeming to every people their deeds..." (Al-An'am, 6: 108). Non-Muslims are expected to show the same sensitivity to Muslim feelings.

Islamic jurists also clearly find that Jews may not be ordered to work on the Sabbath, nor Christians on Sundays, if they believe that this is forbidden, based on the saying of the prophet Muhammad: "Only you Jews are not allowed to work on the Sabbath."²⁴

● Protection of Shrines

Islam further protects the shrines of non-Muslims. Many agreements made in the first centuries of Islam between Muslim conquerors and the local Christian inhabitants have a clause on the protection of churches. The historian Al-Tabari notes that the charter granted to the inhabitants of Jerusalem by 'Umar when he was given the keys to the city inter alia says that 'Umar "guarantees for their lives, property, churches, crosses... that none shall live in their churches, and that they will not demolish nor desecrate them, nor take anything from them, nor take away the crosses, nor anything that belongs to them..."²⁵ Some events from the earliest history of Islam are hard to grasp in

the light of the recent experience with the destruction of houses of worship in Bosnia. Muslim historians record and Islamic jurists cite an event that took place after Caliph 'Umar entered Jerusalem in 636 and the Patriarch gave him the keys to the city. When he was invited to pray in the Church of the Resurrection, 'Umar declined, not because of any ban on prayer in a church, but as he said, out of fear that later Muslims might use the fact that he had done so as an excuse to turn the church into a mosque. In the same vein, Al-Qaradawi recently issued a fatwa that Muslims are allowed to celebrate 'Eid in a church or synagogue given to them for that purpose by Christians or Jews, on the condition that they do not intend to turn the building into a mosque.²⁶ Khalid ibn al-Walid granted the inhabitants of 'Anat a charter entitling them to "...ring the bells at any time they like, by day or by night, except at Muslim prayer-time, and that they have the right to carry crosses in their holiday processions."²⁷ This may be less than what human rights advocates want but it far exceeds what both Muslim and non-Muslim minorities have today in the majority of plural societies.

Regarding the building of new churches in cities that Muslims have taken by force (anwatan), the majority of jurists hold that non-Muslims do not have the right to build churches. A minority (the Zaydis and Ibn al-Qasim among the Malikis) holds that they may do so with permission from the authorities (as is the practice with regard to mosques today). Although this was a minority opinion, it appears to have been applied through history. Thus Al-Maqrizi in his work *Al-Khutat* mentions a large number of churches among the buildings of Cairo and says there is no doubt that they were built after Islam came to Egypt.²⁸ In any case, the division of lands into those taken by force and others is irrelevant today.

It would of course be senseless and ridiculous to say that there was no oppression. Oppression existed, both towards Muslims²⁹ and against non-Muslims. Still, that oppression was most often not religiously sanctioned, and therefore, it was often righted sooner or later. Thus, the historian Al-Baladhuri records that the Umayyad caliphs tried various ways to gain the goodwill of the Christians that they might allow them to demolish the Cathedral of St. John to expand the Umayyad Mosque. The Christians rejected all the offers, whereupon Al-Walid ibn 'Abd al-Malik tore it down by force, though the Christians had told him that he would come to an evil end if he did so. When 'Umar ibn 'Abd al-'Aziz came to power, the Christians turned to him asking for the church to be restored. 'Umar ordered his administrator to do so if they could not be satisfied any other way. Still, he managed to reach an agreement so that the mosque was not destroyed.³⁰ Ann Elizabeth Mayer, summing up the Orientalist historiography in this regard, notes: "Despite incidents of mistreatment of non-Muslims, it is fair to say that the Muslim world, when judged by the standards of the day and the European record, generally showed far greater tolerance and humanity in its treatment of religious minorities."³¹

The Messenger himself allowed Christians to perform their prayers in his mosque in Medina, which is the second holiest place in Islam, though other Muslims went to stop them.³² On these grounds, even the most conservative Islamic jurists, such as Ibn Qayyim, allow the People of the Book to enter mosques and to perform their prayers there, on the condition that this does not become a custom.³³

● Freedom of Movement, Residence & Right to Work

Non-Muslims are also guaranteed the right of movement, work and

residence. The exception to their freedom of movement is the Hijaz region of Saudi Arabia, which in Islam is considered a holy area, and their freedom to work does not include charging interest and selling alcohol to Muslims in their neighbourhoods. In any case, both Muslims and non-Muslims deserve better treatment than what some nationalities experience in the free world of visas, which violates human rights and humiliates people in the crudest way.

● Non-Muslims in Public Office

Non-Muslims may take part in government, and according to the classics of Islam, the only posts they cannot fill in an Islamic state are those that combine the worldly and the spiritual, such as the caliphate or state presidency. According to these authors, a non-Muslim could reach the position of a minister (*wazir al-tanfidi*), the third highest post in the Islamic state after the caliph and the premier (*wazir al-tafwid*). In this regard, Islamic law does not differ from e. g. English law, which requires the king or queen to also be the head of the Anglican Church. The same logic applies to the post of supreme military commander, for he is considered to be the first *mujahid*. Historically, Baghdad, Cairo, and other Muslim capitals had a large number of non-Muslims in their governments, sometimes more than in many modern democratic countries where Muslims have a significant presence.

● Legal Autonomy

It is widely acknowledged that multi-religious societies are very difficult to manage without endangering the freedom of religion of the members of various religious groups. Modern societies have solved this equation by expelling religion from the public sphere, that is, by secularization, legal monism, and law-making on rational grounds without regard to the wishes of groups of citizens or religious communities. From the viewpoint of Islamic law and

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experience, this is not the best solution, as has also recently been recognized by theorists of political liberalism who attempt to theoretically justify so-called multicultural citizenship, which takes into account so-called collective rights as well as individual ones.³⁴ In modern political terms, the Islamic model for the management of multi-religious societies might be called a federation of religious communities (rather than territorial or administrative-territorial federalism).³⁵ Let us answer with Kymlicka the objection that something like that is hard to achieve: Saying it is hard does not mean that it is impossible. As for the objection that legal pluralism is expensive, we can only note that printing an official gazette in three languages that everybody understands (as in Bosnia) is also expensive, that the Icelandic language is expensive ... and nevertheless none considers doing away with these things.

Classical Islamic law provides for particular norms for non-Muslims only in situations where their equal treatment with Muslims would hurt their religious feelings. For instance, they are not expected to pay *zakah*, which is a form of religious tax, but they are expected to pay other taxes and duties. Nor are they expected to serve in a Muslim army which considers service in the country's defense to be a religious duty, *jihad*. In return, non-Muslims that are fit for the military are expected to pay *jizya* as a compensation for their exemption from military service.

However, if a non-Muslim wishes to serve in the army of a Muslim country, he is exempt from paying such taxes. Further, a non-Muslim cannot administer justice, i.e. be a judge in those areas of law that Muslims consider to be in the domain of the *Shari'a* in the narrow sense of the word (e. g. marriage and inheritance law). Conversely, Islam does not seek to impose on non-Muslims laws they do not identify with, especially in the field of family law and the law of endowments. Historical Muslim states, including the Ottoman state, were run on this model of legal pluralism.

● Collective Punishment

Islamic law also does not allow the collective punishment of non-Muslims, even though such practices even today are habitual among "civilized" peoples. Crimes and misdemeanours by individual non-Muslims do not affect the contractual relations between Muslims and non-Muslims, which according to Islamic jurists are agreed indefinitely or, as they say, once and for all. Hanafi jurists record that the Messenger instructed his envoys to Najran (where Christians lived) "not to punish one of them for the crime of another."³⁶ In practice, there certainly were attempts to the contrary, vigorously opposed by the 'ulama'. Thus we read in Muslim annals of history how the Syrian jurist Al-Awza'i reacted to acts of the Abbasid governor in Lebanon, Salih Ibn 'Ali ibn 'Abd Allah ibn 'Abbas, who chased away all the inhabitants of a Lebanese mountain region because of the revolt of a group of Christians against his tax-collector. Al-Awza'i wrote him a long letter, in which he asked the governor: "How can they all be punished for the sins of individuals, and how can you drive them from their homes and their properties, when Allah has laid down that 'No bearer of burdens shall bear the burden of another!' (53:38) and when the Prophet has said: 'If anyone does injustice to a non-Muslim under an agreement or

burdens him beyond his capacity, I will accuse him on Judgment Day?" The letter concluded: "They are not slaves for you to move from place to place at will. To the contrary, they are free men with whom we have an agreement."³⁷

A couple of centuries later, Muslim historiography recorded a similar conflict between the Shaykh al-Islam, Ali Efendi Zembili, and the Ottoman sultan Selim I, who wanted to force the Christians of his empire into Islam as revenge for the expulsion of Muslims from Spain. The Shaykh al-Islam threatened to issue a fatwa relieving him of office if he did so. It is hardly necessary to point out what consequences the sultan's plan would have had for the present-day demographic map of the Balkans if it had been carried out.

● Muslim and Non-Muslim Private Relations

Islamic texts allow for the possibility that a Muslim might have private, everyday relations with non-Muslims. A Muslim might have a non-Muslim parent, uncle, grandfather, grandmother, wife, business partner,³⁸ teacher, etc. He is obliged to respect, care for, and listen to his non-Muslim parents, except if they turn him away from the path of Allah. Once, in Medina, Asma was visited by her non-Muslim mother. Unsure how to react, she asked the Messenger what to do. The Messenger told her to take care of her mother. When some Muslims started to doubt the rightness of providing for their relatives and neighbors who persisted in not accepting Islam, God revealed the Qur'anic verse: "(As for) those who spend their property by night and by day, secretly and openly, they shall have their reward from their Lord and they shall have no fear, nor shall they grieve." (Qur'an, Al-Baqara, 2: 274).

A Muslim husband must give his non-Muslim wife the opportunity to go to church and to confess her

religion without hindrance. A Muslim is expected to visit his non-Muslim neighbour when he is ill, for so did the Messenger. He is also to give a part of the qurban sacrifice to his non-Muslim neighbor. The pious and learned Ibn 'Umar ordered his servant to carry part of the qurban meat to his Jewish neighbor and was asked why he insisted so strongly on this. Ibn 'Umar explained his behavior by the general statement of the Messenger: "Jibril (Gabriel) spoke so much to me about neighbours that I thought there would come a command that neighbours should inherit each other."³⁹ When Umm al-Harith ibn Abi Rabi'ah, a Christian woman, died, she was buried by the Companions of the Messenger of God.⁴⁰ Some learned people of the second Muslim generation (tabi'un) gave alms (sadaqat al-fitr) to Christian monks and some (Ikrima, Ibn Sirin, Al-Zuhri) thought that they could even be given zakah.

Still, there are certain reservations. The Qur'an explicitly prohibits a Muslim woman from marrying a non-Muslim. The Qur'an also calls for caution in relations with non-Muslims. It warns the believers not to take non-Muslims who have shown themselves to be their enemies as their intimate friends, for then they would be acting to their own detriment, which is unacceptable. This is the light in which one should interpret Qur'anic verses that forbid making friends with non-Muslims (e.g. Aal-Imran, 3: 118). These verses certainly are not general in scope, for then it would be unthinkable for a Muslim to marry a non-Muslim woman.

● Obligations of Non-Muslims

Besides rights and liberties, non-Muslims have obligations towards society and towards Muslims. This includes above all reciprocal respect for the religious feelings of Muslims and respect for the constitutional order, which is also a Muslim obligation. Like positive constitutions

and laws, the Shari'a too expects loyalty to its moral and legal foundations from the citizens of a society where it forms the constitutional and legal framework or the moral system. Such loyalty is expected of Muslims in all details, and of non-Muslims in all regards that do not conflict with their religious convictions.

● Conclusion

This Islamic acceptance of the other is not a reluctant concession to the reality of a plural and interdependent world. To the contrary, Islam recognizes and accepts the other out of principle. This paper concludes with the assertion that the Islamic sources leave no room for religious indifference, agnosticism, or moral relativism in its extreme forms, but that Islam has that dose of relativism that is necessary for the normal functioning of multi-religious societies. Therefore, claims that Islam is an exclusivist religion are entirely unfounded, since we have seen that Islam allows a Muslim quite legitimately to have non-Muslim parents, wives, business partners,

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neighbours, teachers, rulers, and so on; and that it requires him to behave justly towards all of them, and recommends benefaction. What perplexes many people and leads them to pass harsh judgment on Islam is the Qur'anic self-assurance of possessing the truth, which usually leads to the conclusion that nothing but political absolutism could come of this theological absolutism. As we have seen, this is not the case. The fact that European pluralism is largely based on epistemological as well as moral relativism and agnosticism, and that the Islamic

form is not, has confused many people.

We have also noted in this paper that in some cases the norms of Islamic law need not be taken as given once and for all. According to many Islamic jurists, Islamic law too is evolving in many of its aspects, though not all. The influence of social and political circumstances on legal thought in that process is not negligible. Keeping in mind that Muslim and the Christian worlds have spent most of the past centuries at war, the norms on non-Muslims that the classical Islamic jurists defined during that period should sometimes be compared with the emergency laws occasionally introduced by democratic societies in the case of war. In a world of entirely different internal and international circumstances, we witness the turning away from wartime law towards peacetime Islamic law. An example of this transformation is the view of a growing number of modern Islamic jurists and thinkers that non-Muslims in an Islamic political system, if they take on the same obligations in their country's defense as Muslims do, are not required to pay the special tax-jizya that has raised so much controversy, and that they do not necessarily have to be ahl al-dhimma, protected people, but can be full-fledged citizens of such a state. To show that this is not view of marginal thinkers

and jurists, let us note that this it is shared by Yusuf al-Qaradawi, Tawfiq Shawi, Muhammad Salim 'Awwa, Fahmi Huwaydi, and others. The first two, at least, are widely read and popular adherents to the largest revivalist movement in today's Muslim world, the Muslim Brotherhood. Al-Qaradawi a few decades ago wrote that the dhimma is a permanent agreement between Muslims and non-Muslims, in which God, His Messenger and the Muslims guarantee the security of the other side. Today, he says, this is citizenship.

The principles and norms cited above form only part of the "liberal ethos of Islam," as professor Muna Abu al-Fadl puts it. It is true that we do not believe that Islamic sources leave space for religious indifference, agnosticism, and moral relativism in its extreme forms. Nonetheless, Islam possesses that dose of relativism that is necessary for the normal functioning of a multi-religious society.

Notes:

- ¹ The full text could be read at www.bosanskiislam.com
- ² Al-Qarafi, Al-Furuq, 3: 15 in Yusuf al-Qaradawi, Ghayr al-Muslimin fi al-Mujtama' al-Islami (Beirut: Muassasat al-Risalah, 1985), 38.
- ³ Wahiba Al-Zuhayli, Al-'Aqaqat al-Dawliyya fi al-Islam: Muqarana bi al-Qanun al-Dawli al-Hadith (Beirut: Muassasa al-Risala, 1981), 25.
- ⁴ Ibn Qudama, Al-Mughni, 8: 445, Al-Bada'i, 7: 111 from A. Zaydan, Ahkam al-Dhimmiyyin wa al-Musta'minin, 89. See al-Qaradawi, Ghayr al-Muslimin, 11.
- ⁵ Sahih al-Bukhari, Musnad Ahmad, Sunan al-Nasa'i, Sunan Ibn Maja. See: Al-Qaradawi, Ghayr al-Muslimin, 12.
- ⁶ See our note on the conditions under which Islamic law developed.
- ⁷ Al-Qaradawi, Ghayr al-Muslimin, 12-13.
- ⁸ Matalib uli al-Nuha, 2: 602-603 (a Hanbali work).
- ⁹ El-Furuq, 3: 14-15; 119. See Al-Qaradawi, Ghayr al-Muslimin, 9-10.
- ¹⁰ Al-Qaradawi, Ghayr al-Muslimin, 10; Fahmi Huwaydi, Muwatinnun la Dhimmiyyun (Cairo: Dar al-Shuruq, 1990), 114.
- ¹¹ Muhammad Hamidullah, "Tolerance in the Prophet's Deeds at Medina" in Islam, Philosophy and Science: Four Public Lectures

- Organized by UNESCO, June 1980. Paris: The UNESCO Press, 1981, 23.
- ¹² Huwaydi, Muwatinnun, 114.
 - ¹³ Sunan Abi Dawud and Al-Bayhaqi, Al-Sunan al-Kubra, 5: 205.
 - ¹⁴ Al-Khatib with a good isnad.
 - ¹⁵ Al-Barabari in Al-Awsat with a good isnad.
 - ¹⁶ Al-Qaradawi, Ghayr al-Muslimin, 11.
 - ¹⁷ Al-Bukhari in Sahih, Yahya Ibn Adam in Al-Kharaj, p. 74 and Al-Bayhaqi in Al-Sunan 9: 206. Although this and most of the other reports we mention here are found in some of the earliest and most reliable Islamic sources, these sayings of the Messenger, his Companions and Muslim rulers are of value even if not authentic, for they are recorded in the books that Muslims consider the most authoritative second only to the Qur'an and because generations of Muslims have been raised on them. It is only thanks to such texts that Muslim history has not seen genocides, systematic massacres, persecutions of non-Muslims (with the possible exception of the Armenians in the First World War). In this sense it is correct to claim that only Islam saved the non-Muslims from the Muslims. This applies also to the Catholics and Orthodox Christians in the Balkans.
 - ¹⁸ Al-Qaradawi, Ghayr al-Muslimin, 27.
 - ¹⁹ Hashiya Ibn 'Abidin 'ala al-Durr al-Mukhtar (Istanbul), 3: 344-246. See: Al-Qaradawi, Ghayr al-Muslimin, 16.
 - ²⁰ Abu Yusuf, Al-Kharaj, 144; See: Al-Qaradawi, Ghayr al-Muslimin, 16.
 - ²¹ Abu Yusuf, Al-Kharaj, 144. See: Al-Qaradawi, Ghayr al-Muslimin, 16.
 - ²² Abu Ubayd, Al-Awwal. Al-Qaradawi, Ghayr al-Muslimin, 47.
 - ²³ Al-Qaradawi, Ghayr al-Muslimin, 17.
 - ²⁴ Sunan al-Nasa'i and Sunan al-Tirmidhi. Al-Qaradawi, Ghayr al-Muslimin, 43.
 - ²⁵ Al-Qaradawi, Ghayr al-Muslimin, 19.
 - ²⁶ See Al-Qaradawi, Min Hady 'Islam, 2: 668, 670.
 - ²⁷ Al-Qaradawi, Ghayr al-Muslimin, 19.
 - ²⁸ Al-Qaradawi, Ghayr al-Muslimin, 20.
 - ²⁹ There were times when Muslims prayed to God for "their" rulers to treat them as they treated non-Muslims. See Al-Qaradawi, Ghayr al-Muslimin, 65.
 - ³⁰ Futh al-buldan, 171-72. (Al-Qaradawi, Ghayr al-Muslimin, 29)
 - ³¹ Ann Elizabeth Mayer, Islam and Human Rights: Tradition and Politics (Boulder: Westview Press, 1999), 136. In accordance with the best Islamic tradition regarding the building of houses of worship, the Islamic Community in Bosnia-Herzegovina has decided to demolish a mosque in Bradina, south of Sarajevo, built on Serb land during last war 1992-1995.
 - ³² Ibn Ishaq in the Sira. Al-Qaradawi, Ghayr al-Muslimin, 47.
 - ³³ Ibn Qayyim, Al-Hady al-Nabawi. Al-Qaradawi, Ghayr al-Muslimin, 47.
 - ³⁴ See Will Kymlicka, Multicultural Citizenship (Vil Kimlika, Multikulturalno gra'anstvo: liberalna teorija manjinskih prava, Novi Sad: Centar za multikulturalnost, 2001).
 - ³⁵ Will Kymlicka, "Zapadna politika teorija i etničke relacije u istočnoj Evropi", Odjek 60 (Summer/Fall 2002), no. 3-4, p. 77.
 - ³⁶ Abu Yusuf, Kharaj, 72-73.
 - ³⁷ El-Baladhuri, Futh al-buldan, 222; Abu Ubayd, Al-Awwal, 170-71; Al-Qaradawi, Ghayr al-Muslimin, 28.
 - ³⁸ Al-Bukhari records in his Sahih that when the Messenger died, he pawned his armor with a Median Jew as a security for the food and clothes he had bought for his family on credit. The Messenger's biographers think he could have borrowed from some of his companions, who would have done anything for him. However, but that the Messenger borrowed from a Jew in order to teach his followers that they could do so without religious obstacles.
 - ³⁹ Al-Qaradawi, Ghayr al-Muslimin, 37.
 - ⁴⁰ Al-Qaradawi, Ghayr al-Muslimin, 47.

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CULTURES IN DIALOGUE