

# Shr Qur'aniyah

## Reviews

penned by  
**Dr. Akram Hijazi**  
Al-Moraqeb Center

translated by  
**Ansar al-Mujahideen English Forum**



**In the name of Allah, the most Merciful and Compassionate**



**Ansar al-Mujahideen English Forum  
Translation and Languages Department**

**presents**

**An English Translation of  
Al-Moraqeb Center Article**

# **Ibn Taymiyya Reviews**

**penned by**

**Dr. Akram Hijazi**

**-May Allah Protect Him-**

# Ibn Taymiyya Reviews

## Dr. Akram Hijazi

Fifteen scholars from different Islamic countries presented their interpretation of the fatwa by Sheikh al-Islam Ibn Taymiyya at the end of a conference convened in the city of Mardin in south-east Turkey on 27-28 March 2010. The conference was organized by the Global Center for Renewal and Guidance (London) on collaboration with the Canopus Islamic Foundation for Consultations (London) and Artuklu University (Mardin). Taking part in the conference were participants from Turkey, Saudi Arabia, the Emirates, Indonesia, Bosnia, Morocco, Nigeria, India, Albania, Yemen, Senegal, Kuwait and Mauritania. Also in attendance were six Sheikhs from Saudi Arabia, including Abdullah Umar Naseef, Abdul Wahhab al-Turayri, Abdullah al-Borak, Nasser al-Hanini, Ayedh al-Dusari and Hassan Filimban in addition to Sheikh Abdullah Bin Bayah, executive president of the Global Center for Renewal and Guidance, the Mufti of Bosnia, Sheikh Mustafa Ceric, Qadi Sheikh Abdullah Walad 'Ala Salem, president of the Supreme Constitutional Council in Mauritania, Sheikh al-Habeeb Ali al-Jifri from Yemen and others. The main topics discussed in the conference were as follows:

- The Mardin Fatwa: time, place, circumstances and context
- The categorization of an abode in traditional *fiqh* and in the light of modern globalization and communications.
- The importance of the Fatwa in light of Islamic history
- Understanding of Jihad: the conditions of armed conflict and rules of engagement, as defined by Ibn Taymiyya and the United Nations Charter.

Undoubtedly those following reactions will find that most of those who have welcomed the Mardin fatwa are secularists, atheists, rafidites, Sufis, *Qabbouris*, Jews, Crusaders, the Sultans' preachers, those opposed to the global Jihad movement, and even the simple-minded! Are there then those who will justify all this uproar over the conference? And what is the truth about the contents of the closing statement issued by it?

The first thing that attracts attention in the closing statement issued by the conference is the media release about the nature of the conference, its topic, its starting points and its aims.

**Nature of the conference:** The statement called the conference only "Peace Summit Conference."

**Topic of the conference:** “To study the most important foundations of the relations between Muslims and their fellow human beings and classification of abodes in Islamic thought and related issues in defining jihad, loyalty and enmity (*al-wala' wal-bara'*), citizenship and migration (*hijra*).”

**Goal of the conference:** “Achieve peaceful co-existence and cooperation between Muslims and others” in light of “the contemporary reality which binds Muslims to international treaties through which security and peace have been achieved for all mankind and guarantee their wealth, their integrity and their homelands, based upon which Muslims now interact with others in an unprecedented manner in many political, social and economic matters. Muslims are in need of sound Islamic legal vision which does not violate Islamic religious texts, but are in harmony with the aims of *shari'ah* while adapting to the contemporary reality.

**The theme for the conference:** “The fatwa of Sheikh al-Islam Ibn Taymiyya, may Allah have mercy on him, concerning the classification of the city of Mardin in his lifetime. This was the theme for research, because of the exceptional intellectual, cultural and symbolic meaning it holds.”

## General Discussion

### Political Agenda

According to his statements made to Islam Today on 4<sup>th</sup> of April 2010, Sheikh Abdullah bin Bayah said: “A meeting of the different (parties) across the Islamic spectrum is an expression of the attempt to find a common view on matters which concern their fate which are issues of internal struggle”, while adding: “We in the International Center have invited groups who specialize in the Sheikh of Islam from different schools and philosophies, in order to achieve unity regarding issues of the Ummah, so that some of us can be convinced by the others, just like the Mardin University.” However, all of those attending the conference belonged to one political school; standing directly and unambiguously in the corner of the existing political and international regimes. Their fatwa is subsequently more political in nature than religious. And so? What has gathered together those who belong to ideological schools that are supposedly contradictory and competitive in their beliefs such as Salafism, Sufism, Shi'ism and secularism other than their common interests and goals in targeting the movements of resistance and jihad? What right permits them to have dogmatic differences on its importance and at the same time reach an agreement on leaving behind Ibn Taymiyya's fatwa!!? Have they all one day arrived at the same distance from Ibn Taymiyya!!!?

As for calling the conference “The Peace Summit Conference”, it is not devoid of indications that the conference was convened in accordance with an international agenda or directly complies with Western initiatives, especially since in the words of one observer, there was coordination between the British and Turkish governments before it was convened.

The strange thing is that none of the scholars from the countries or peoples being occupied, oppressed or threatened with extinction attended the conference and they were not represented in it from near or far. It was as if they were not part of the Ummah or that their countries have been forgotten or ripped away from human existence. Among those absent and missing were scholars from East Turkestan, Palestine, Afghanistan, Chechnya, Jammu and Kashmir, Thailand and Nigeria. Rather those who had planned the conference had already scripted its goals and outcomes previously.

## **Second: Peaceful Co-existence**

The Fatwa of Ibn Taymiyya was not itself the goal of the conference even though it had announced it was based upon his works and thought. Rather the goal was to demolish the idea of dividing the Islamic world into two abodes (the abode of Islam and the abode of war; *Dar al-Islam* and *Dar al-Harb*). This is not an idea produced by Ibn Taymiyya alone, but it is integral to the Islamic creed. But the conferees believe, according to the final statement, which states: "The classification of abodes in Islamic jurisprudence is an *Ijtihadi* (juristic) classification dictated by the circumstances of the Islamic Ummah and the nature of international relations as prevalent then. However, the change in circumstances now and the existence of recognized international treaties, the criminalization of wars based on other than a response to aggression and resistance to occupation, and the emergence of the civil states which guarantee on the whole, the rights of (different) creeds, ethnicities and nationalities; has necessitated declaring the entire world a place of mutual toleration and peaceful co-existence among all faiths and sects in the framework of establishing common good and justice among people, wherein they enjoy safety and security with respect to their wealth, their habitations and their dignity. This is what *shari'ah* affirmed and called for since the Prophet, blessings of Allah and peace be upon him, emigrated to Medina and concluded the first treaty guaranteeing peaceful co-existence among all parties and ethnicities in the framework of justice and common interests. Shortcomings and violations perpetrated by certain states that corrupt or scar this process should not be used as a pretext for denying its validity and fabricating conflict between it and Islamic *shari'ah*."

Therefore, changes that have occurred in mankind have necessitated making the entire world a place of mutual tolerance and peaceful co-existence! Subsequently, international political regimes, international law and all its organizations are correct, legal, recognized and agreed upon between peoples and the United Nations! This mutual toleration, peaceful co-existence, justice and security has clearly appeared in Somalia, Iraq, Palestine, Sudan, Algeria, Lebanon, Pakistan, Afghanistan, Bosnia, Chechnya, Eastern Turkestan, Thailand, Kashmir, the Philippines and Nigeria. As for the failure or violation of this co-existence only certain countries have done this like the United States, which invaded Iraq along with 32 other countries without a Security Council resolution. Western Europe, some Asian countries, Ethiopia, Israel, Russia, the Nigerian police who massacred thousands of Muslims in the streets, and China who have oppressed the peoples of East Turkestan for more than 200 years to the point where the country has almost been exterminated. This violation does not effect the situation of peaceful co-existence and mutual toleration.

This tiresome co-existence among creeds, ethnicities and nationalities ignore the vicious wars against Islam and the Muslims, the defamation of their reputation and image, the attack on their Prophet, the prohibition on building mosques and minarets, the ban on *niqabs*, the war on the *hijab*, firing upon and hacking the glorious Quran, tearing the flesh of Muslim women and slaughtering innocents. This kind of co-existence is not reflected in the statement, and is not recognized in it, and it does not hold to account any international law or aggressor nation for any kind of responsibility, rather this word is not reflected in the statement in the first place.

As for Ahmad Ozul, a lecturer in the Islamic Studies Institute in Istanbul, he was blunt when he indicated in an interview with the newspaper *Tawadi Zaman* that “The final statement of the conference addresses the Western world more than the Islamic world.” This was also expressed by the actions of the Turkish journalists in immediately translating the works of the conference to the English language and distributing it to different Western media sources. And if we read the statements of Mustafa Ciric, the Mufti of Bosnia, whose people were massacred in the recent past, let them clarify the picture more and eliminate astonishment. What did he say: “We do not have to look at secular liberalism as an enemy of Islam, rather we must push in the direction where the western secular model absorbs more religious values in everyday social life.” And his Excellency added: “There no longer is any meaning to the term Islamic state on the evidence that Muslims largely find religious rights and freedom in Western nations, much more so than is the case in any Islamic country. There is no distinction between an Islamic state and non-Islamic states, rather the distinction is between countries that offer justice, freedom and security and those that do not.” Enough! This is the reality of the conference, and there is no need to talk about Caliphate and Islamic rule, on Muslims and non-Muslims, or if a call was harmed or aided, or whether a method is correct or if it is futile. The struggle with the West now proceeds in the framework of searching for loopholes for relations with it based upon appeasing it, and accepting its ideology in exchange for its embracing the Muslims.

### **Third: Bringing Down Jihad**

The final statement for the conference believes that “Responsibility falls upon the scholars of the Ummah to clearly and explicitly condemn all forms of violence-to-change or protest inside or outside Muslim societies and state the truth without obscurity or ambiguity.” As for what pertains to “Fighting in the Cause of Allah”: “The law and authority to execute and implement it is entrusted first to those who lead the community (heads of state) as a political decision with weighty consequences derived from that.” Therefore, “It is not permitted for the individual Muslim or a group of Muslims to declare war or engage in combative Jihad of their own accord. This (restriction) is to prevent much evil and to truly uphold religious texts on this matter.”

No doubt that this language was not drafted with any connection to the Ibn Taymiyya fatwa worth mentioning. Many have preceded them in saying this and this has no significance for the fatwa. Everything in this matter, from first

to last, has been said previously by the Organization of the Islamic Conference which eliminated the definition of Jihad from the work schedule of its annual summit, beginning with the summit in the Senegalese capital Dakar on December 23, 1991, which convened the day after the end of the second Gulf War. In our second article in the series of “The Stormy Autumn of Gaza – Eliminating Jihad and Raping the Resistance”, from January 21, 2009, we paused at the official position on Jihad and all forms of resistance and we said that the decision of the Dakar conference to drop Jihad meant that Arab and Muslim rulers:

- They will not announce it one day, because it no longer exists on their political agenda. And, because they are not committed to it even theoretically and subsequently what need is there to commit to it practically.
- If they had risked Jihad as a religious obligation and vacated the legal ruling on the Palestinian situation officially, what will prevent them from risking resistance as a popular choice which equates to nothing when compared to a religious doctrinal choice?
- They will try to put in place the culture of “peace” in the official Arab political mind, along the American path, in a fundamental manner to replace the culture of resistance let alone the culture of Jihad.
- They will not accept any Jihadist movement to the extent that they will assign to it all causes of condemnation and failure if it is not connected to their policies.
- They will evade recognizing any flag of Jihad or resistance while on the contrary any American intervention in the region against Jihadist groups will be welcomed, (because) they have become terrorist groups!
- They will take extreme measures against every dogmatic culture beginning with banning preaching against the Jews and Crusaders on the way to cleansing the mosques of “provocative” preachers and lecturers, harassing them and even throwing oppositionist scholars into prison or marginalizing them and encroaching upon their educational program and ending the granting of government license permitting satellite preaching.

It is established that the sovereign rulers had not previously declared Jihad based on the Mardin or other Fatwa, and they had not previously voided (Jihad) based on them! We do not understand how Jihad can be dependant upon the leader of the community (the sovereign ruler) when he is the one who legally and politically voided it in all forms, including nationalist. In so far the fatwa speaks originally of co-existence, peace and security, it is natural that the conferees would resort to connecting Jihad to the responsibility of the ruler. Meaning the fatwa is in perfect harmony with the official position which

abandons Jihad and resistance. This alone is enough to void the legality of the fatwa, because in its basis it only takes into consideration the current political calculus.

Then which ruler is meant? And what is his creed? What is the extent of his legitimacy? What if he was a fabrication of the enemy in the first place? What about his policies and clientage to the West and his assistance to them? What is the legal position when Paul Bremer, the first American civilian ruler of Iraq was regarded by some sheikhs and scholars as the sovereign ruler to whom fell the victory and to whom obedience was a duty? What is the position on Jihad if the ruler is an occupying invader? And what is the situation if the country is ruled by the laws of occupation and its constitutions? What is the official position on what some other sheikhs might consider a duty if the occupation (forces) were raiding homes? When does Jihad become a duty?

The infallibility which the Mardin jurists have bestowed upon the sovereign ruler and stripped away from his rivals does not take into consideration the conditions of sovereignty, and does not mention at all any of the legal situations in which the Ummah is obligated to depose the ruler and strip him of his sovereignty. The ruler can commit treason or apostasy and form alliances with enemies. There are many examples of this in Islamic history. So what is the judgement on him? Then what is the position of the Mardin scholars on the ruling against Arab leaders whom previous scholars had judged guilty of apostasy and *kufir*. Did the Mardin fatwa duplicate those rulings? Does not this logic make even the Pharaohs legal sovereign rulers!

If it is the duty of the scholars to condemn all forms of violence-to-change and protest, and condemn every group that revolts against the sovereign ruler in declaring Jihad, and regard Ibn Taymiyya's fatwa as non-applicable for this time, then what about the violence which the sovereign ruler is able to practice against the general public internally and externally? Was the Salvation Front which won the elections in Algeria in 1990, for example practicing bloody violence when the military launched the coup against them and were they devoting themselves to murdering society? What is the legal ruling on those who conducted the coup? Were they compelled to launch the coup by some great misdeed? Amazing!!!

If every action of the sovereign ruler falls within the Islamic framework then what is the ruling on the opposition when they make alliance with a foreign, non-Muslim enemy and one day summon foreign forces to remove (the ruler) as happened in Iraq? What is the legal ruling on the ruler and those who oppose him among those who have sought foreign aid against others? What is the true state of the victorious faction? Is its existence or non-existence conditional upon the ruler? There is an astounding contradiction in the Mardin announcement which does not go beyond the present moment lived by the ruler strictly speaking. It provided no (legal) foundation to the extent that it provided political positions.



## Fourth: Loyalty and Enmity

The Mardin jurists have renounced *al-wala' wal-bara'* (loyalty and enmity) "unless it is connected to a *kuffar* belief", and it is not mentioned in any situation according to the statement; to five obligatory judgements which are "permissible, recommended, not recommended, non-permissible and required", which is nothing but acceptance of international law, treaties, national relations and the rights and duties about which the final statement speaks. It is therefore natural that the definition degrades to its lowest level in order to reinforce the call for peace and confine Jihad in the hands of the sovereign ruler.

Even though we know that the most prominent of contemporary scholars have issued fatwas regarding international law and all man-made laws as *kaffir* laws, but according to the statement they are "recognized"! So who established its legitimacy? And who, other than Sheikh Abdullah bin Bayah and his supporters, said that: "There is no great disparity between international pacts and Islamic law with regards to the law of war and peace...the situation now is distinguished by the existence of treaties which govern the entire world?" Who, other than Doctor Hassan bin Muhammad has abandoned the division of the Islamic world into the Abode of War and Abode of Peace: "There is nothing in Islamic law", and "The root of establishing relations between nations is peaceful ties, and this is what accords with the peaceful program set forth by the Messenger, peace and blessings of Allah be upon him, by corresponding with kings and rulers of contemporary nations for the establishment of the Islamic State in Medina al-Munawwara, calling them to peace and security, and informing them of the establishment of the Islamic State." To whom then was addressed the messages which included the famous phrase "Embrace Islam and you shall have peace?"

His, peace be upon him, message to Khosru, King of Persia:

***"I am the Messenger of Allah to all people, let all living be warned and bear to the infidels the truth of the words, surrender to Islam and you shall have peace, if you plot, the sins of the Maji are upon you."***

His message to al-Muqauqis of Egypt:

***"I call you to Islam. Submit and you shall have peace. Allah will reward you twice."***

His message to Heraclius, Emperor of Byzantium:

***"I call you to the message of Islam. Submit and you shall have peace, Allah will reward you twice, if you refrain, upon you are the sins of the Arisiyin".***

If the fatwa and subsequent statements of its patrons was based upon a clear gap from which the Ummah is suffering, we would have said that the group was justified and possessed of rare courage and that they speak frankly to the Ummah. However, on the contrary, it came as a frantic effort to bypass the legal ruling at a time when Sheikh Abdullah bin Bayah has accused the adherents of Ibn Taymiyya of taking his words out of context or subtracting or adding to them, in applying shari'ah rulings.

The problem with those Islamic groups with an international bent who have discarded Ibn Taymiyya's fatwa or stripped it of legality - as al-Turayri says! - is that their view of *takfiri*, terrorist and heretical groups is considered as nothing but a cover for the abandonment of religion and appeasement of the West. However, it will become action to discard the legitimacy of the remaining groups, and this is occurring in any case, and from there it will lead to abandonment of the basic principle and elements of religion. Then there will be no *kuffar* and no *takfiriyeen*. We have heard official sermons which view the Jews and Christians as Believers and we are aware of fatwas by scholars who think that they are Believers to a certain degree! We have monitored crazy protests against a ruling of *kufr* upon those who uttered it. We have read writers who praise *kufr* and attack Allah, the Almighty; their books and stories are distributed in Arabic countries, but the Mardin jurists did not say such as these were *kufr* and did not come to mention them as examples of common cases in the Ummah. Then why this affected ignorance, because they were not the targets of the conference. If it is required to abrogate the judgement of *takfeer* from Islam and no one remains except Believers on earth and international agreements, then what is the value of religions? What is the benefit of sending messengers and prophets? What is the value of the Believer if there is no such thing as an unbeliever? Who then are the *kaffirs* about whom the Glorious Quran speaks? How were they *kaffir*? If Allah, the Almighty created Paradise for the Believers, for whom did He create the fire? So on what basis are the people of the Global Jihad described as *takfiriyeen* when *kaffirs* are ignored, as is rejecting their *kufr*? Rather it is a triumph for them under the pretext of innovation and freedom of expression!!? Is there a greater infamy than this?

## Finally

The Mardin fatwa calls to mind the wave of studies of prisons for detainees from the Salafist-Jihadist movements. Even though this method has been exhausted by its authors and promoters it bears witness we still observe an escalation of this matter, this time on the part of scholars, who have summoned the scholars of the Ummah from history to subject them to revisions of an unique kind. Not only this, but the call for revisionism includes other jurists and scholars such as al-'Izz bin Abdul Salam, al-Shatabi and others. And in the not distant future we will see reviews of Ibn Kathir, al-Bukhari, Muslim, Ibn Hashem, Ibn al-Qayyem al-Jawziyah, al-Zahabi, al-Tubra and even the imams of the four schools, eventually arriving at a review of the Glorious Quran under the pretext that some of the *Ayas* are not considered appropriate for contemporary language! This has previously occurred on the part of many of the atheists about whose ideas we read and became informed at any early age. This, however was not Salafist-Jihadist or anything else.

Certainly, we are not opposed to reviewing (our) heritage by acknowledged scholars of the Ummah whenever that is necessary in a way that accompanies the times and answers independent judgements on questions posed, and stops short of the great Revelations which the Ummah scholars of old found it difficult to discover or predict. However, we will not accept reviews surrounded by thousands of questions and suspicions, while there are legal rulings and independent judgement that render them superfluous. It is amazing that it is we alone who review. It is more amazing that when we review, we do not return to where we started, but to where the Western and political regime wants us to be. This is a collapse and not a review, and it is no *ijtihad*.

Therefore, we need to stop the review of Shar'ia foundations that enjoy consensus, to renew the legal position concerning issues that have long departed as points of interpretation and contention, as is often the case, such as Muslim abodes, Western values, reconciliation with Israel and not with Jews, alliance with the enemies and seeking their help, international law and its agencies, ruling regimes, sovereignty of the ruler, Jihad, military bases in our countries, plundering the wealth of the Ummah, playing with its resources, lassitude, weakness, false rumors, meticulousness, distortion, innovation, superstitions, political chicanery, the economy, commerce, development, culture, relations with other civilizations and nations, the war on Islam, the killing and pursuit of sinless Muslims, the defamation of Islam and the Muslims, oppressing them, racism, attacks upon the Faith and Messenger of Allah, the peace of Allah be upon him, and insolence to Allah.

# Appendix 1

## Text of the Closing Statement of the Mardin Conference

*In the Name of God, Most Gracious, Most Merciful*

### The Declaration of Mardin, Abode of Peace

*All Praise be to Allah, Lord of the Worlds and Peace and Salutations be upon Muhammad, who has been sent as a Mercy unto the Worlds, his family and all of his companions.*

A Peace Summit Conference (Mardin: The Abode of Peace), was convened in the Turkish city of Mardin at the Artuklu University campus on Saturday and Sunday (27-28 March 2010), under the auspices of the Global Center for Renewal and Guidance (GCRG – based in London), in cooperation with Canopus Consulting (based in Bristol), and sponsored by Artuklu University.

Participating in the conference was a group of renowned Muslim scholars, from across the Muslim world, who brought with them diverse and relevant specializations. They gathered in order to collectively study one of the most important (classical juridical) foundations of the relations between Muslims and fellow human beings, namely: the (classical juridical) classification of ‘abodes’ (*diyar*), as Islamically conceived, and other related concepts such as *jihad*, loyalty and enmity, citizenship, and migration (to non-Muslim territories).

They selected this juridical conceptual distinction, because of its importance in the grounding of peaceful and harmonious co-existence and cooperation for good and justice between Muslims and non-Muslims, provided that it is understood in consonance with normative religious texts and maxims, and in light of higher objectives of Islamic Law.

The organizers chose as the main research theme for the conference the legal edict (*fatwa*) passed by Sheikh al-Islam Ibn Taymiyya concerning the classification of the city of Mardin during his lifetime. The edict was chosen, because of the significant intellectual, civilizational and symbolic meaning that it holds.

The point of it is that Ibn Taymiyya, in his classification of the city of Mardin – through his deep understanding of the Shari’ah and keen insight and awareness of the context in which he lived – went beyond the classification that was common amongst past Muslim jurists: Dividing territories into an *Abode of Islam* (in which the primary state is peace), an *Abode of Kufr* (Unbelief) (in which the primary state is war), and an *Abode of ‘Ahd* (Covenant) (in which the primary state is truce), amongst other divisions (that they had stipulated).

Instead of the classification common in his age, Ibn Taymiyya came up with a compound classification by virtue of which civil strife amongst Muslims was averted, and their lives, wealth, and honor safeguarded, and justice amongst them and others established.

His fatwa is one that is exceptional in its formulation and that, to a large degree, addresses a similar context to our time, a political state of the world that is different from the one encountered by past jurists, and which had formed the basis for the particular way in which they had classified territories.

It is such a changed context that Ibn Taymiyya took into consideration when passing his fatwa, and that now makes it imperative that contemporary jurists review the classical classification, because of the changed contemporary situation: Muslims are now bound by international treaties through which security and peace have been achieved for the entire humanity, and in which they enjoy safety and security, with respect to their property, integrity and homelands.

Consequently, Muslims are interacting with others in unprecedented ways: politically, socially and economically.

Contemporary jurists also need to review the classical classification of abodes, because there is a real need for a sound Islamic and legal vision that does not violate Islamic religious texts, but is in harmony with the higher objectives of the Shari'ah, and engages our contemporary context.

In light of the above, the participants presented and discussed research papers at the conference, and the following are the conclusions and recommendations reached:

### **First Conclusions:**

**1.** Ibn Taymiyya's fatwa concerning Mardin can under no circumstances be appropriated and used as evidence for leveling the charge of *kufr* (unbelief) against fellow Muslims, rebelling against rulers, deeming game their lives and property, terrorizing those who enjoy safety and security, acting treacherously towards those who live (in harmony) with fellow Muslims or with whom fellow Muslims live (in harmony) via the bond of citizenship and peace. On the contrary, the fatwa deems all of that unlawful, notwithstanding its original purpose of supporting a Muslim state against a non-Muslim state. Ibn Taymiyya agrees with all of this, and follows, the precedent of previous Muslim scholars in this regard, and does not deviate from their position. *Anyone who seeks support from this fatwa for killing Muslims or non-Muslims has erred in his interpretation and has misapplied the revealed texts.*

**2.** The classification of abodes in Islamic jurisprudence was a classification based on *ijtihad* (juristic reasoning), that was necessitated by the circumstances of the Muslim world then, and the nature of the international relations prevalent at that time. However, circumstances have changed now: The existence of recognized international treaties which consider as crimes wars that do not involve repelling aggression or resisting occupation; the emergence of civil states which guarantee, on the whole, religious, ethnic and national rights; have necessitated declaring, instead the entire world as a place of tolerance and peaceful co-existence between all religions, groups and factions in the context of establishing common good and justice amongst people, and wherein they enjoy safety and security with respect to their wealth, habitations and integrity. This is what the Shari'ah has been affirming and acknowledging, and to which it has been inviting humanity, ever since the Prophet (peace and blessings be upon him) migrated to Medina and concluded

the first treaty agreement that guaranteed mutual and harmonious co-existence between the factions and various ethnic groups in a framework of justice and common interest. Shortcomings and breaches perpetrated by certain states that happen to scar and mar this process cannot and should not be used as a means for denying its validity and creating conflict between it and the Islamic Shari'ah.

**3.** Amongst the priorities of Muslim scholars and Islamic academic institutions should be the analysis and assessment of ideas that breed extremism, *takfir* (labeling fellow Muslims as unbelievers) and violence in the name of Islam. Security measures, no matter how fair and just they may happen to be, cannot take the place of an eloquent (scholarly) elucidation supported by proof and evidence. Therefore, it is the responsibility of the Ummah's religious scholars to condemn all forms of violent attempts to change or violent protest, within or outside Muslim societies. Such condemnation must be clear, explicit, and be a true manifestation of real courage in speaking the truth, so as to eliminate any confusion or ambiguity.

**4.** Muslim scholars throughout the ages have always stressed and emphasized that the *jihad* that is considered the pinnacle of the religion of Islam, is not of one type, but of many, and actually fighting in the Path of God is only one type. The validation, authorization, and execution of this particular type of jihad is granted by the Shari'ah to only those who lead the community (actual heads of states). This is, because such a decision of war is a political decision with major repercussions and consequences. Hence, it is not for a Muslim individual or Muslim group to announce and declare war, or engage in combative jihad, whimsically and on their own. This restriction is vital for preventing much evil from occurring, and for truly upholding Islamic religious texts relevant to this matter.

**5.** The basis of the legitimacy of jihad is that it is either to repel aggression

***(“Fight in the cause of Allah those who fight you, but do not transgress limits; for Allah loveth not transgressors” — Surah al-Baqarah, 190), or to aid those who are weak and oppressed (“And why should ye not fight in the cause of Allah and of those who, being weak, are ill-treated (and oppressed)?” — Surah al-Nisa', 75), or in defense of the freedom of worshiping (“To those against whom war is made, permission is given (to fight), because they are wronged; — and verily, Allah is most powerful for their aid” — Surah al-Hajj, 39).***

It is not legitimate to declare war, because of differences in religion or in search of spoils of war.

**6.** The issue of fatwas in Islam is a serious one. It is for this reason that scholars have drawn up stringent prerequisites for the Mufti (the authority issuing fatwas). Of these requirements is that he must be fully qualified in scholarly knowledge. The conditions specific to the fatwa itself is having established the proper object of application (*manat*) according to time, place, circumstance, person and future outcome.

**7.** The notion of loyalty and enmity (*al-wala wal-bara*) must never be used to declare anyone out of the fold of Islam, unless an actual article of unbelief is held. In all other cases, it actually involves several types of judgement ranging

according to the juridical five-fold scale: (permissible, recommended, not recommended, non-permissible, and required). Therefore, it is not permissible to narrow the application of this notion and use it for declaring a Muslim outside the fold of Islam.

## **Second Recommendations:**

The participants in the conference suggested the following recommendations:

- Convening an annual conference in Europe to research and explore, the Islamic conception of peace, and peaceful co-existence, between nations and religions.
- Establishing the Mardin Center for Research in Islamic Political Theory.
- Creating research units and departments at Islamic universities and postgraduate institutions concerned with research, training, and qualifying of potential candidates, in the area of formulating and issuing fatwas on public issues pertaining to the entire Muslim Ummah.
- Encouraging theoretical and practical studies concerned with the historical conditions and circumstances effecting the issuing of religious edicts and opinions.
- Encouraging academic and scientific studies that focus on the historical circumstances and conditions in which the edicts of great scholars were issued in the past.
- Making more effort in revising, editing, and exploring the legacy of Sheikh al-Islam Ibn Taymiyya - may Allah have mercy on him - and the legacy of the exemplary scholars, with respect to their impact on the Muslim world and what is hoped to be gained from a sound and correct understanding of their respective legacies in terms of guiding and directing both the general public and specialists.
- Referring the declaration to the various *fiqh* (juridical) academies in the Muslim world for the purpose of enriching it, deepening discussion around it and extending its benefit (to a wider audience).

**In conclusion**, the organizers and participants wish to extend their heartfelt gratitude and appreciation to all those who contributed to the success of the conference, and first and foremost amongst them the Governor of Mardin, the President of Artuklu University, and the Mufti of Mardin.

May God send his peace and salutation upon our master, Muhammad, his family and his Companions, and all Praise be to God through Whose bounty and favour righteous works are completed.

## Appendix 2

### Text of the Fatwa of Ibn Taymiyya

He, may Allah have mercy upon him, was asked about the country of Mardin, was it the Abode of War or the Abode of Peace? Must any Muslim dwelling there emigrate to Islamic countries or not? And if he must emigrate, but does not emigrate, and he helps the enemies of the Muslims with his person and his money, does he thereby commit a sin? Does the one who insults him and accuses him of hypocrisy sin or not?

He answered:

"Praise be to Allah. The blood and wealth of Muslims are forbidden whether they are in Mardin or elsewhere. Aiding those who have deviated from the *Shari'ah* of the Religion of Islam is forbidden whether they are the people of Mardin or others. If a (Muslim) residing there cannot establish his Religion then migration is a duty, otherwise it is recommended but not fulfilled.

Assisting the enemy with their persons or their wealth is forbidden to them. They must refrain from that in any possible way, by omission, demonstration or cooperation. If this is not possible except by migration then this is incumbent upon them.

It is not permissible to curse them generally or to charge them with hypocrisy. Rather the curse and the charge of hypocrisy falls along the characteristics mentioned in *al-Kitab wal-Sunnah*, thus some of the people of Mardin and others will fall under this.

As for its being the Abode of War or of Peace, the two definitions are fixed upon it: It does not have the status of Abode of War whose people are infidels, and it does not have the status of Abode of Peace where the rulings of Islam are implemented, because its soldiers are Muslims (meaning its soldiers are not Muslims). Nor does it have the status of Abode of War whose people are infidels (for there are many Muslim residents); rather there is a third classification in which the Muslim appropriately acts, and battles those who are outside the *Shari'ah* of Islam as befits him". Here ends his words, may Allah have mercy on him. (**Fatwa 28: 240-241**)



Don't Forget Your Brothers at

**Ansar al-Mujahideen English Forum**

**<http://ansar1.info>**

