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In the name of Allah, the Most Gracious, the Most Merciful.

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EDITORIAL

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Towards Establishing an Internal Paradigm for Islamic Scholarship in Europe[1]

نحو إرساء أنموذج لمقاربة داخلية للدراسات الإسلامية في أوروبا

Dr. Tijani BOULAOUALI
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This editorial for the fourth issue of the *Ijtihad Journal for Islamic and Arabic Studies* addresses three important points.

First, establishing a peer-reviewed academic journal that is published regularly is by no means an easy task. Such endeavors are usually undertaken by well-funded research centers and prestigious universities with substantial human, logistical, and financial resources. When we launched this journal

[1] **To cite this article:**

Tijani, BOULAOUALI. "Establishing an Internal Paradigm for Islamic Scholarship in Europe." *Ijtihad Journal for Islamic and Arabic Studies*, vol. 2, no. 4, Ijtihad Center for Studies and Training, Dec. 2025, pp. 13–18.

التجاني بولعوالي، نحو إرساء أنموذج لمقاربة داخلية للدراسات الإسلامية في أوروبا، مجلة اجتهاد للدراسات الإسلامية والعربية، مركز اجتهاد للدراسات والتكوين، بلجيكا، مج. 2، ع. 4، ديسمبر 2025، 13 - 18.

almost two years ago, we were fully aware of the risks involved, as we were embarking on an ambitious project marked by challenges, uncertainties, and difficulties. This initiative emerged in response to a significant gap in Arab and Islamic studies in Europe and the West; namely, the lack of scholarly work that adopts an internal, academically rigorous, and objective approach to Islam. In contrast, the dominant paradigm remains an external, Orientalist, and Islamological approach. Most European and Western universities have centers, departments, or journals dedicated to the study of Islam, however; most address the subject exclusively from an external perspective, one often shaped by traditional Orientalist assumptions and ideological influences. This applies not only to Western scholars, but also to some Arab and Muslim researchers who have followed this methodological path in a largely uncritical and conventional manner. This does not imply a rejection of external approaches to Islam; rather, we maintain that such approaches, when employed in isolation, are insufficient for presenting Islam in a balanced and objective way. In recent decades, there has been a growing call within Western academia for the adoption of an internal approach to Islam in both teaching and research. The methodological orientation chosen by Ijtihad Center and Journal seeks to reconcile internal and external readings of Islam by grounding research in internal sources, concepts, and interpretive frameworks, and subsequently engaging critically and constructively with Orientalist and Islamic studies scholarship, taking advantage of its insights and objectively addressing its limitations and biases.

Second, the mission of the Ijtihad Center extends beyond merely attracting researchers to contribute articles and reviews to each issue of the journal. It carries an intellectual and humanistic vision that we seek to promote through our diverse academic and cultural initiatives. This vision integrates intellectual, spiritual, and methodological dimensions, aiming to make the Islamic and

Arabic juridical, theological, philosophical, and literary heritage accessible to both specialists and a wider audience. In doing so, it challenges reductive Orientalist and ideological representations that portray Islamic culture primarily through lenses of exoticism and mystification. Today, a noteworthy academic current is emerging in the West, seeking to rediscover overlooked aspects of Islamic civilization through rigorous research across the various Islamic sciences, arts, literary traditions, historical figures, and intellectual movements. Within a remarkably short period, The Ijtihad Journal has succeeded in attracting a group of young researchers who combine solid grounding in Islamic scholarship with Western academic knowledge and methodologies. This positions them to offer a balanced approach that neither confines itself to traditional Islamic sciences nor uncritically adopts Western academic findings, but instead engages them through careful analysis and scholarly critique. Several researchers from diverse Islamic disciplines have played a significant role in the journal's continued success, including Mohammed Hashas, Aziz El Bakkali, Mohammed Dahiri, Mimoune Daoudi, Mehdi Berriah, Abdelaziz El Amrani, Hamied Al-Hashimi, Youssef Nouiouar, Abdelhak El Kouani, and others.

Third, despite the fact that less than two years have passed since its launch, and notwithstanding the considerable material, human, and technical challenges we face, the Ijtihad Journal for Islamic and Arabic Studies has managed to maintain its continuity, articulate a clear research vision with well-defined objectives, and publish dozens of high-quality, peer-reviewed articles and reviews in accordance with international academic standards. We have also observed a growing number of citations of the journal's publications, a positive indicator of the quality and impact of its scholarly output. It is worth noting that the journal was originally registered with the Royal Library of Belgium as a quarterly publication in both Arabic and English. However, since

its launch in January 2024, it has been published semi-annually in a print and digital editions, combining Arabic and English contributions, alongside articles in other languages such as French and Dutch. The present issue represents an important milestone, as it inaugurates the publication of a separate English issue, also open to other European languages, to be followed by a dedicated Arabic issue.

*****

The forth issue of Ijtihad Journal includes an editorial and four articles: three in English and one in Arabic, along with tow reviews in English, and one translation from Arabic to English of an article originally published in the journal's second issue.

The editorial is written by the Editor-in-Chief, Dr. Tijani BOULAOUALI, and addresses three key issues. The first concerns the methodological approach adopted by the Ijtihad Journal, which is grounded in an internal perspective on Islam while engaging critically with Western Orientalist and epistemological frameworks. The second issue highlights the journal's success in attracting a new generation of young researchers who are collectively contributing to the emergence of an innovative research current in Europe and the West; one that seeks to reconcile Islamic intellectual traditions with Western academic knowledge. The third issue focuses on the positive development of the Ijtihad Journal, which, in less than two years, has succeeded in publishing a special English issue, with a separate Arabic issue scheduled for publication.

The first article, titled *Ibn Taymiyya as a Hermeneutical Paradigm: Reception and Reactivation of Medieval Islamic Thought in the Jihadist Discourse of Ayman al-Ẓawāhirī*, is authored by Dr. Mehdi BERRIAH from Institut français du Proche-Orient (Ifpo). The article analyzes how Ayman al-Ẓawāhirī reinterprets Ibn Taymiyya's thought as a transhistorical hermeneutical framework. Focusing on *al-Ḥiṣād al-murr*, it demonstrates how

medieval rulings are decontextualized and applied to modern Muslim states through concepts such as *al-ṭāʾifa al-mumtaniʿa*, *al-walāʾ wa-l-barāʾ*, and Jihad, thereby legitimizing political judgment and violence.

The second article, titled *Mapping Reformist Trajectories in Modern Islamic Thought Fazlur Rahman's Islamic Modernism: A Historiographical Analysis of His Intellectual Legacy (1919–1988)*, is written by Tamim RAIHAN from Arizona State University, USA. The article examines Fazlur Rahman's intellectual legacy as a key figure in Islamic modernism. It analyzes his reformist hermeneutics, particularly the Double Movement Theory, tracing the development and reception of his thought while highlighting his enduring influence on modern Islamic theology, education, and contemporary interpretive debates.

The third article, titled *Irregular Migration of Moroccan Minors to Spain: A Sociological Study of Religious and Cultural Identity*, is authored by Dounia SEFIANI from Mohammed V University in Rabat, Morocco. In this study, she examines the irregular migration of Moroccan minors to Spain, focusing on the challenges they face during reception and the erosion of their religious and cultural identity. Using questionnaires and interviews, the article demonstrates how migration processes contribute to identity weakening, thereby addressing a gap in existing academic research.

The fourth article, titled *De mystieke benadering van Abū Ḥāmid al-Ghazzālī en Franciscus van Assisi: Een vergelijkende analyse van de kernwaarden ascese en liefde*, is authored by Marco AGUS and Dr. Tijani BOULAOUALI from the Catholic University of Leuven in Belgium. Written in Dutch, The article compares the mystical approaches of al-Ghazzālī and Francis of Assisi, focusing on asceticism and divine love. Drawing on al-Ghazzālī's *Iḥyāʾ ʿulūm al-dīn* and key Franciscan texts, it demonstrates that al-Ghazzālī emphasizes inner detachment and spiritual purification, while Francis

embodies asceticism through radical poverty and active love. Both scholars view divine love as the ultimate path to spiritual perfection.

This issue also includes two book reviews. The first review, written by Ken AVONTS, examines Declan Henry's *The Lahore Ahmadiyya Movement: The Truth Will Prevail*. The second review, authored by Abdelkarim EL GHAZI, discusses Majda Bouazza's *The Identity of Moroccan Migrants and the Question of Cultural Difference in the German Context: A Sociological Study*. In addition, this issue features an English translation of Dr. Abdelhak EL KOUANI's article, *The Jurisprudential Adaptation of Sham Divorce in the European Context*, translated by Chahida BOUHANOU.

Finally, with the publication of the new issue of the Ijtihad Journal for Islamic and Arabic Studies, we are laying a new brick in the edifice of Islamic academic research in Europe and the West. We hold strong hopes of continuing to offer rigorous and high-quality contributions that examine the jurisprudential, theological, philosophical, literary, and linguistic heritage from an internal perspective, while remaining open, in an objective and critical spirit, to the richness and diversity of Western academic scholarship.

Ghent - Belgium, December 2025

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Ibn Taymiyya as a Hermeneutical Paradigm

Reception and Reactivation of Medieval Islamic Thought in the Jihadist Discourse of Ayman al-Ẓawāhirī

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ABSTRACT

This article examines how Ayman al-Ẓawāhirī (d. 2022) mobilizes the thought of Ibn Taymiyya to construct a hermeneutical framework that transforms medieval doctrinal positions into enduring, transhistorical norms. Focusing on his treatise *al-Ḥiṣād al-murr* (*The Bitter Harvest*), the study demonstrates that al-Ẓawāhirī does not merely invoke Ibn Taymiyya as an authoritative reference. Rather, he reactivates a structured interpretive paradigm originally formulated in the context of the Ilkhanid Mongol threat and the political and religious crises it generated in the region. Al-Ẓawāhirī employs a method of "decontextualization by analogy" that removes Ibn Taymiyya's rulings from their historical context and elevates them into universal principles. The Mongol precedent—especially the concept of a group that claims Islam while suspending the *sharīʿa* (*al-ṭāʾifa al-mumtaniʿa*)—becomes the primary lens through which he evaluates modern Muslim governments, their legal frameworks, and their alliances with non-Muslim states. Themes such as *al-walāʾ wa-l-barāʾ*, political alliances, jihad, and the classification of contemporary rulers as a *ṭāʾifa mumtaniʿa* illustrate this process of reinterpretation. The article concludes that al-Ẓawāhirī's engagement with Ibn Taymiyya represents a conscious attempt to build a comprehensive ideological system that legitimizes political judgment and violence. It also highlights the need for broader research to assess the consistency and evolution of this interpretive paradigm.

KEYWORDS:

Ibn Taymiyya; Ayman al-Ẓawāhirī; Paradigm; Hermeneutics; Decontextualization; *al-walāʾ wa-l-barāʾ*; Jihadism; Jihad.

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ابن تيمية أنموذجا تفسيريا

استقبال وإعادة تنشيط الفكر الإسلامي في العصور الوسطى في الخطاب الجهادي لأيمن الظواهري

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الملخص:

يحلل هذا المقال كيفية توظيف أيمن الظواهري (ت. 2022) لتراث ابن تيمية لبناء إطار تفسيري يحول المواقف العقدية والفقهية الوسيطة إلى معايير تتجاوز سياقها التاريخي. ومن خلال دراسة كتابه "الحصاد المر"، يبين البحث أن الظواهري لا يكتفي بالاستشهاد بابن تيمية، بل يعيد تفعيل منظومة تفسيرية صيغت في سياق الغزو المغولي والاضطرابات السياسية والدينية في القرنين السابع والثامن الهجريين. يعمد الظواهري إلى نزع سياق أقوال ابن تيمية عبر ما يشبه "القياس التحويلي"، حيث تتحول الأحكام المرتبطة بظروف زمنية خاصة إلى قواعد مطلقة يحاكم بها الواقع المعاصر. ويغدو نموذج التتار—خصوصا مفهوم الطائفة الممتنعة التي تدعي الإسلام وتعطل الشريعة—الإطار الذي يطبقه على الأنظمة العربية الحديثة، وتشريعاتها، وتحالفاتها مع القوى غير المسلمة. وتكشف موضوعات مثل الولاء والبراء، وأحكام التحالفات، والجهاد، وتصنيف الحكام ضمن الطائفة الممتنعة، طبيعة هذا التوظيف. ويخلص المقال إلى أن استخدام الظواهري لابن تيمية يشكل مشروعا واعيا لإعادة تشكيل تراث فقهي ليصبح أداة لإنتاج أحكام سياسية وإضفاء شرعية على العنف.

الكلمات المفتاحية:

ابن تيمية؛ أيمن الظواهري؛ أنموذج؛ التأويل؛ نزع السياق؛ الولاء والبراء؛ الجهاد؛ الجهادية.

I. INTRODUCTION[1]

The influence of Ibn Taymiyya (661/1263–728/1328) on contemporary Islam is by no means unexpected. As early as 1939, in his *Essai sur les doctrines sociales et politiques d'Ibn Taymiyya*, Henri Laoust highlighted the doctrinal posterity of the Damascene thinker at a time when access to manuscripts was still limited and before the complete edition of the *Majmūʿ al-fatāwā* in the 1950s by ʿAbd al-Raḥmān b. Muḥammad b. al-Qāsim and his son Muḥammad.[2] Despite the scarcity of studies then available, among which Muḥammad Abū Zahra's work formed the main synthesis,[3] Laoust had already noted that Ibn Taymiyya's influence extended beyond the strictly Hanbali tradition and nourished the reform movements of the modern Muslim world.

In another vein, Alfred Morabia wrote in 1978 that "the theses of the great Hanbali master were adopted only insofar as they could accord with the interests of the moment. They have continued, to this day, to exert, in a latent

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مهدي برياح، **ابن تيمية أنموذجا تفسيريا: استقبال وإعادة تنشيط الفكر الإسلامي في العصور الوسطى في الخطاب الجهادي لأيمن الظواهري**، مجلة اجتهاد للدراسات الإسلامية والعربية، مركز اجتهاد للدراسات والتكوين، بلجيكا، مج. 2، ع. 4، ديسمبر 2025، 21 – 68.

[2] Henri Laoust, *Essai sur les doctrines sociales et politiques d'Ibn Taymiyya (661/1262–728/1328)* (Cairo: Ifao, 1939), 477. Concerning the general influence of Ibn Taymiyya's thought, see Henri Laoust, "L'influence d'Ibn Taymiyya," in *Islam: Past Influence and Present Challenge*, ed. Aldford T. Welch and P. Cachia (Albany: State Univ. of New York Press, 1979), 15-33; Emmanuel Sivan, *Radical Islam: Medieval Theology and Modern Politics* (New Haven and London: Yale University Press, 1990), 100-107; Caterina Bori, "Ibn Taymiyya (14th to 17th Century): Transregional Spaces of Reading and Reception," *The Muslim World* 108, no. 1 (2018): 87–123; Ovamir Anjum, *Politics, Law, and Community in Islamic Thought: The Taymiyyan Moment* (Cambridge: Cambridge University Press, 2012): 173–188; Khaled El-Rouayheb, "From Ibn Ḥajar al-Haytamī (d. 1566) to Khayr al-Dīn al-Ālūsī (d. 1899): Changing Views of Ibn Taymiyya among Non-Ḥanbalī Sunni Scholars," in *Ibn Taymiyya and His Times*, ed. Yossef Rapoport and Shahab Ahmed (Karachi: Oxford University Press, 2010), 305–311; T. F. Michel, "Ibn Taymiyya: Islamic Reformer," *Studia Missionalia* 34 (1985): 213–232.

[3] Muḥammad Abū Zahra, *Ibn Taymiyya: ḥayātu-hu wa-ʿaṣru-hu wa-fiqhu-hu* (Cairo: Dār al-Fikr al-ʿArabī, 1952).

manner, a perceptible influence on the fundamentalist thinkers of Islam."[4] Although dated, this observation remains relevant for understanding how certain contemporary readers appropriate Ibn Taymiyya's thought.

More recently, Yahya Michot (d. 2025) has examined in his work the use of Ibn Taymiyya's writings, especially the so-called Mardin fatwa, by various contemporary authors in their politico-religious analyses of their respective eras.[5] Michot underscores a "fundamental misunderstanding of the meaning of the Mardin fatwa" among these authors, whose political reading of the text led them to be unfaithful to its content.[6] He shows that many current interpretations amount to political and militant reformulations of Taymiyyan verdicts, often detached from their original context.[7] This politicization of Taymiyyan thought, initiated in the 19th century and intensified in the 20th century, forms the backdrop of the present study.

In the Levant, Ibn Taymiyya's intellectual homeland, the rediscovery of his writings unfolded progressively from the late 19th century onward. The Damascene scholar Jamāl al-Dīn al-Qāsimī (d. 1914) played a crucial role in reediting several manuscripts at the al-Ẓāhiriyya library and disseminating his thought among reformist circles.[8] Through his work, Taymiyyan themes reached Egypt and India, notably through figures such as Muḥammad Rashīd Riḍā (d. 1935) and Abū al-Aʿlā al-Mawdūdī (d. 1972). These authors drew

[4] "Les thèses du grand maître hanbalite ne furent adoptées que dans la mesure où elles pouvaient concorder avec les intérêts du moment. Elles n'ont cessé, jusque de nos jours, d'exercer d'une façon latente, une influence sensible sur les penseurs intégristes de l'Islâm." Alfred Morabia, "Ibn Taymiyya, le dernier grand théoricien du jihād médiéval," *Bulletin d'Études Orientales* 30 (1978): 98.

[5] Yahya Michot, *Ibn Taymiyya: Mardin. Hégire, fuite du péché et « demeure de l'islam »* (Beirut: Albouraq, 2004): 28-64.

[6] "Plus encore qu'une sollicitation, c'est en effet une fondamentale mécompréhension du sens du fetwa de Mardin qui fut constatée chez M. ʿA. S. Faraj, ʿA. A. ʿAzzām, M. al-Masʿarī, le shaykh al-Jarbūʿ et Z. Sālim. Entre eux et Ibn Taymiyya s'ouvre ainsi la béance d'un large et profond malentendu." Michot, *Ibn Taymiyya*. *Mardin*, 51. For the discussion, see 47-64.

[7] Michot, *Ibn Taymiyya*. *Mardin*, 47-48, 58. Regarding the use of the so-called anti-Mongol fatwas, see Yahya Michot, *Ibn Taymiyya Against Extremisms* (Beirut and Paris: Albouraq, 2012), XXV-XXVIII (introduction); Yahya Michot, "Ibn Taymiyya's 'New Mardin Fatwa': Is Genetically Modified Islam (GMI) Carcinogenic?," *The Muslim World* 101, no. 2 (2011):130-181**;** Jon Hoover, "Ibn Taymiyya between Moderation and Radicalism," in *Reclaiming Islamic Tradition: Modern Interpretations of the Classical Heritage*, ed. Elisabeth Kendall and Ahmad Khan (Edinburgh: Edinburgh University Press, 2016), 177-203.

[8] On Jamāl al-Dīn al-Qāsimī, see Pieter Coppens, "The 'Mujtahids Incident' According to al-Qāsimī's Memoirs," *MIDÉO* 36 (2021): 63–97; Pieter Coppens, "A Silent Uṣūl Revolution?," *MIDÉO* 36 (2021): 21–61.

from Ibn Taymiyya several theological concepts such as *tawḥīd* (unity of God), *shirk* (associationism), and *Jāhiliyya* (pre-Islamic ignorance), which they reformulated in a modern language of reform and sovereignty. They thus built a bridge between classical theology and the political thought of the modern state, unintentionally preparing the ground for more militant reinterpretations.

It was within this intellectual context that Sayyid Qutb (d. 1966) reworked, in the 1950s and 1960s, a political doctrine of *tawḥīd* and *ḥākimiyya* (divine sovereignty) through his radical critique of modernity, which he called *jāhiliyya.*[9] By extending the notion of unbelief to Muslim rulers deemed unfaithful to the divine law (*takfīr*), Qutb effected a major ideological shift. As shown by Mounia Aït Kabboura in her recently published book *Sayyid Qutb. Architecte de l'islamisme radical*, Sayyid Qutb understands jihad as a two-stage process aimed at establishing the order of *ḥākimiyya*. The first stage is the jihad of *tamkīn*, which consists in gradually Islamizing society through internal action and the discreet infiltration of state institutions, without resorting to violence except when coercive forces obstruct the realization of *tamkīn*. The second stage is the jihad of *ṭalab*, an outward expansion that begins once Muslim societies have been reshaped along Islamist lines and are governed by the regime of *ḥākimiyya*. In his book *al-ʿAdālat al-ijtimāʿiyya fī al-islām* (*Social Justice in Islam*), Qutb gives the concept of jihad a distinctly political charge by linking it organically to the opposition between *ḥākimiyya* and *Jāhiliyya*, making jihad the agent responsible for overturning the materialist order that underpins Western civilization. According to Mounia Aït Kabboura, the continuity of his thought lies in the correlation between identity and alterity, which forms the basis of an "inverted orientalism" through which the order of *ḥākimiyya* must prevail over any identity deemed *jāhilī*.[10]

Yet it was Muḥammad ʿAbd al-Salām al-Faraj (d. 1982), author of *al-Farīḍa al-ghāʾiba* (*The Neglected Duty*) and a leading member of the Egyptian

[9] Sivan, *Radical Islam*, 23-27, 65-66, 85, 89, 117; Sayed Khatab, "Hakimiyyah and Jahiliyyah in the Thought of Sayyid Qutb," *Middle Eastern Studies* 38, no. 3 (2002): 145–170; Sayed Khatab, *The Political Thought of Sayyid Qutb: The Theory of Jahiliyyah* (London and New York: Routledge, 2006), 59-170; Usaama al-Azami, "Locating Ḥākimiyya in Global History: The Concept of Sovereignty in Premodern Islam and Its Reception after Mawdūdī and Quṭb," *Journal of the Royal Asiatic Society* 32, no. 2 (2022): 355-376; Mounia Aït Kabboura, *Sayyid Qutb: Architecte de l'islamisme radical* (Montréal: Les Presses de l'Université de Montréal, 2025), 76-123, in particular p. 116-123.
[10] Aït Kabboura, *Sayyib Qutb*, 77-78.

Jihad group, who put this doctrine into action: he declared Muslim rulers to be apostates for failing to legislate according to divine law and called for prioritizing combat against them. His strategy provided the intellectual and operational framework for the assassination of President Anwar al-Sadat in 1981.[11] To justify this violence, al-Faraj explicitly drew upon Ibn Taymiyya's anti-Mongol positions, assimilating contemporary rulers, Sadat foremost among them, to the Mongol invaders condemned by Ibn Taymiyya. Michot has described this procedure as a "Mongolization" of the enemy, meaning the reconfiguration of the contemporary political adversary into a figure of apostasy that legitimizes armed violence.[12]

Among contemporary figures who situate themselves within this lineage, Ayman al-Ẓawāhirī occupies a singular place. Less publicized than Usāma b. Lādin but more systematic in his approach, he imposed himself as "the chief ideologue and mastermind" of al-Qaeda.[13] His writings are permeated by constant references to the scholarly heritage, from the Quran and the Sunna to authorities such as al-Shāfiʿī (d. 204/820), Ibn Ḥazm (d. 456/1064), al-Qurṭubī (d. 671/1273), Ibn Kathīr (d. 774/1373), and Ibn al-Qayyim al-Jawziyya (d. 750/1351), the last two being disciples of Ibn Taymiyya. Al-Ẓawāhirī also mobilizes Islamic history and its paradigmatic figures, from Nūr al-Dīn al-Zinkī (d. 569/1174) to Ṣalāḥ al-Dīn al-Ayyūbī (d. 589/1193), to give substance to his militant reading of the past. In this respect, he provides a privileged

[11] See Johannes Jansen, "The Creed of Sadat's Assassins: The Contents of the 'Forgotten Duty' Analyzed," *Die Welt des Islams* 25, no. 1/4 (1985): 1–30; Johannes Jansen, *The Neglected Duty: The Creed of Sadat's Assassins and Islamic Resurgence in the Middle East* (New York: Macmillan, 1986); Johannes Jansen, "Ibn Taymiyyah and the Thirteenth Century: A Formative Period of Modern Muslim Radicalism," *Quaderni di Studi Arabi* 5/6 (1987–1988): 391–396; Sivan, *Radical Islam*, 102-103; Caterina Bori, *Ibn Taymiyya: Una Vita Esemplare. Analisi delle Fonti Classiche della sua Biografia* (Pisa/Roma: Supplemento 1 alla Rivista di Studi Orientali, LXXVI, 2003), 11-12; Michot, *Ibn Taymiyya. Mardin*, 105-111; Michot, "Ibn Taymiyya's 'New Mardin Fatwa'," 141, 147-148, 150, 154, 17; David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 106-110; Jon Hoover, "Reconciling Ibn Taymiyya's Legitimisation of Violence with His Vision of Universal Salvation," in *Violence in Islamic Thought from the Mongols to European Imperialism*, ed. Robert Gleave and István T. Kristó-Nagy (Edinburgh: Edinburgh University Press, 2018)," 107.

[12] Michot, *Ibn Taymiyya. Mardin*, 28-29; Michot, *Muslims under Non-Muslims Rule*, 49; Michot, *Ibn Tamiyya against Extremisms*, XXV-XXVI (introduction); Hoover, "Ibn Taymiyya between Moderation and Radicalism," 180-190.

[13] "'idéologue en chef et le cerveau". Stéphane Lacroix, "Al-Zawahiri, Ayman," in *Al-Qaida dans le texte*, ed. Gilles Kepel and Jean-Pierre Milelli (Paris: PUF, 2008), 222.

vantage point for analyzing how contemporary jihadism reinvests the Taymiyyan corpus.

This doctrinal shift, from reformism to radicalization, serves as a prelude to the central question of this study. To understand how contemporary jihadist ideologues appropriate the thought of Ibn Taymiyya, this article examines the case of Ayman al-Ẓawāhirī. How does he appropriate Ibn Taymiyya's ideas and render them operative in the contemporary context? In other words, through which hermeneutical and rhetorical mechanisms does Ayman al-Ẓawāhirī transform Ibn Taymiyya's fourteenth-century writings, produced in the context of politico-religious struggles, into a source of legitimation for modern jihadist movements?

The study adopts both a historical and a hermeneutical perspective. Historically, it traces the intellectual filiations linking Taymiyyan thought to jihadism; hermeneutically, it focuses on the transformation of textual meaning through a process that I call "decontextualization by analogy", whereby circumstantial prescriptions are elevated to universal principles and transferred to situations foreign to their original framework. I introduced this expression within the context of my research project funded by the Bureau central des cultes, and I have used it in several earlier works, though without offering a full formalization until now.[14] I employ it here as an analytical framework to clarify how Ayman al-Ẓawāhirī transposes into the present what can be called, following Taymiyyan tradition, a medieval paradigm of jihad.[15]

[14] Mehdi Berriah, "The Mamluk Sultanate and the Mamluks Seen by Ibn Taymiyya: Between Praise and Criticism," *Arabian Humanities* 14 (2020), §56; Mehdi Berriah, "Ibn Taymiyya's Conception of Jihad: Corpus, General Aspects, and Research Perspectives," *Teosofi* 12, no. 1 (2022): 44.

[15] I have addressed the question of jihad in Ibn Taymiyya on several occasions and in many works. I would first refer to my lecture "Jihad: Ibn Taymiyya and the Historians," delivered on 18 May 2021 as part of the "CEFREPA Islam Series" seminar at the invitation of Abbès Zouache, and available online at the following link: https://www.youtube.com/watch?v=jIIh5ew3Rr4. I have also presented several papers at international conferences that dealt directly with these issues. Among them one may cite, for example, "An Important and Neglected Epistle by Ibn Taymiyya on Jihad: *Qāʿida fī al-inghimās fī al-ʿaduww*," delivered at the conference *Ibn Taymiyya's Thought: Corpus, Reception and Legacy* (MMSH/Aix-Marseille University, 9–10 November 2022), and "The Issue of *al-inghimās fī al-ʿaduww*. Preliminary Remarks and Research Perspectives," presented at the workshop *Fiqh and Jihad in Medieval Islam: Corpus, Concepts and Norms* (University of Strasbourg, 27 May 2022). One should also mention my article fully devoted to this question, "Ibn Taymiyya's Conception of Jihad: Corpus, General Aspects, and Research Perspectives," *Teosofi* 12/1 (2022): 43–70. In these works, especially the online lecture and the open-access article, I drew attention to two treatises by Ibn Taymiyya that had received little scholarly attention in the existing literature on jihad. These are the epistles commonly referred to as *Qāʿida mukhtaṣara fī qitāl al-kuffār wa-muhādanati-him wa-taḥrīm qatli-him bi-mujarrad kufri-him* (*A*

This Taymiyyan paradigm functions as a coherent system of principles shaped by the political, religious, social, and cultural conditions characteristic of the period from the late 13th to the early 14th century. Decontextualization by analogy designates the procedure through which al-Ẓawāhirī extracts these principles from their original environment and reconfigures them as transhistorical norms applicable to contemporary Muslim states. It thus differs from what Michot terms "Mongolization", which is not a hermeneutical mechanism but a polemical strategy for designating the enemy. Decontextualization by analogy operates upstream, allowing this medieval

Concise Principle concerning Fighting the Disbelievers, Making Truce with Them, and the Prohibition of Killing Them Merely on Account of Their Disbelief), and *Qāʿida fī al-inghimās fī al-ʿaduww wa-hal yūbāḥ?*, (*Principle concerning Plunging into the Enemy: Is This Permitted?*). I also explained on several occasions that I was preparing two separate, in-depth studies devoted to each of these texts.

It is therefore rather surprising that a recently published article on *Qāʿida mukhtaṣara fī qitāl al-kuffār* revisits a number of points, analytical as well as documentary and bibliographical, that I had already developed in these earlier works, especially in the 2021 lecture and the 2022 article, without consistently referring to them. The author cites my work only three times: twice for historical information taken from my article "Mobility and Versatility of the *ʿulamāʾ* in the Mamluk Period: The Case of Ibn Taymiyya," in *Professional Mobility in Islamic Societies (700–1750): New Concepts and Approaches*, ed. Mehdi Berriah and Mohamad El-Merheb (Leiden: Brill, 2021), 98–130, and once regarding a minor confusion in a footnote where I inadvertently attributed the edition of *Qāʿida mukhtaṣara fī qitāl al-kuffār* to Ashraf ʿAbd al-Maqṣūd, editor of *Qāʿida fī al-inghimās*. Yet in the bibliography of the same article, I clearly identified ʿAbd al-ʿAzīz al-Zīr Āl Ḥamad as the editor of *Qāʿida mukhtaṣara fī qitāl al-kuffār* (Riyadh, 2004). This isolated slip has no impact on the substance of my argument.

My intention here is not to contest the overall interpretation set out in that study, but rather to draw attention to a more substantial issue. The lecture and the open-access article just mentioned (see especially pp. 62–65), which more than three years before the publication of this piece explicitly underlined the need for a dedicated study of this epistle, are not cited in that capacity. They are mentioned only in relation to the footnote confusion already noted, despite the fact that the correct bibliographical information was also provided. At the same time, several analyses, references, and lines of reasoning in the published article closely parallel points I had already presented, without explicit acknowledgment. The introduction and opening remarks also contain formulations and bibliographical references, cited with the same pagination, that are very close to those appearing in the introduction of another of my studies, "Ibn Taymiyya's Methodology regarding his Sources: Reading, Selection and Use. Preliminary Study and Perspectives," *Filologie medievali e moderne. Serie orientale* 26, no. 5 (2022): 45–81, particularly 46.

All of these contributions, whether articles or the recorded lecture, predate the publication of the article in question. I simply recall the sequence of publications here and leave it to the reader to compare, to see for themselves, and to draw their own conclusions. The study devoted to *Qāʿida fī al-inghimās fī al-ʿaduww* is expected to appear very soon: Mehdi Berriah, "The Theology of Self-Sacrifice in Jihad: A Study of Ibn Taymiyya's *Qāʿida fī l-inġimās fī l-ʿaduww wa-hal yūbāḥ*," *Arabica* 73 (2026). It includes many elements already presented in my earlier lecture and my open-access article, several of which also reappear in the study under discussion. I have taken them up again with deeper analysis and by adding new material. This article on *Qāʿida fī al-inghimās fī al-ʿaduww* will be followed by another, currently in its final stages, on *Qāʿida mukhtaṣara fī qitāl al-kuffār*.

paradigm to become an operational model for judging democracy, political sovereignty, or international alliances in the twenty-first century.

Among al-Ẓawāhirī's writings, *al-Ḥiṣād al-murr: al-Ikhwān al-Muslimūn fī sittīna ʿāman* (*The Bitter Harvest: The Muslim Brotherhood in Sixty Years*), written at the turn of the 1990s, occupies a distinctive place. This text, both polemical and doctrinal, marks al-Ẓawāhirī's rupture with the gradualism of the Muslim Brotherhood and the assertion of a Salafi-jihadist grammar that articulates theology and action. By transposing Ibn Taymiyya's medieval frameworks including the struggle against the Mongols, and the critique of the *yasa*, to modern institutions such as constitutions, parliaments, and positive legislation, al-Ẓawāhirī performs full-fledged analogical decontextualization. Analyzing *al-Ḥiṣād al-murr* thus reveals the transformation of a scholarly authority into an instrument of political mobilization. It shows how the reference to Ibn Taymiyya operates not as a mere citation of authority but as a discursive matrix that produces an obligation to act and redefines religious priorities, from collective duty (*farḍ kifāya*) to individual duty (*farḍ ʿayn*).

To account for this dynamic and follow its doctrinal construction, the analysis proceeds as follows. First, it will show how al-Ẓawāhirī reworks Taymiyyan material relating to sovereignty and legislation in order to ground a critique of the contemporary state and its constitutional apparatus. It will then examine the role assigned to the figure of Ibn Taymiyya, whose voice becomes a central doctrinal reference in the denunciation of democracy and positive law, followed by an analysis of the redefinition of loyalty and disavowal, in which the memory of the Mongols serves as an implicit framework for reading relations between Muslim regimes and non-Muslim powers. The study will also consider the shift of *al-amr bi-l-maʿrūf wa-l-nahy ʿan al-munkar* (commanding right and forbidding wrong) toward the register of political contestation, transformed into an imperative of action for those who possess the capacity. Finally, it will show how the use of Ibn Kathīr and his portrayal of Ibn Taymiyya provides a historical staging of this doctrinal construction and situates contemporary jihad within the claimed continuity of a heroized past.

This study contributes to the growing body of research on al-Ẓawāhirī, who, although less studied than other jihadist figures, has been the subject of recent works such as those of Gohel on his intellectual trajectory and Mendelsohn on

succession challenges within al-Qaeda.[16] It seeks to make visible the Taymiyyan matrix in contemporary jihadist discourse, not as a direct continuation but as a strategic reactivation through analogy.

This research forms part of a broader project entitled "The Taymiyyan Corpus of Jihad: Reception, Decontextualization, and Instrumentalization by Contemporary Jihadist Movements", funded by the Bureau central des cultes (BCC) between 2020 and 2022.[17] This project examines the influence of Ibn Taymiyya on a wide range of modern jihadist ideologues, including ʿAbdallāh ʿAzzām, Usāma b. Lādin, and Abū Mūsʿab al-Zarqāwī. The present article focuses on the case of Ayman al-Ẓawāhirī, particularly through his treatise *al-Ḥiṣād al-murr*, claiming to exhaust the subject; analyses devoted to the other figures formed part of the same project and will, it is hoped, be published in due course.

1. AL-ẒAWĀHIRĪ AND THE TRANSPOSITION OF THE TAYMIYYAN PARADIGM: FROM SOVEREIGNTY TO LEGISLATION

The first occurrence of Ibn Taymiyya in al-Ẓawāhirī's *al-Ḥiṣād al-murr* appears in the introductory chapter entitled "Exposition of the ruling concerning one who does not judge according to what God has revealed" (*fī bayān ḥukm man lam yaḥkum bimā anzala Allāh*), specifically in the section devoted to the "authorization of what is illicit and the prohibition of what is licit" (*istiḥlāl al-muḥarramāt wa taḥrīm al-ḥalāl*). There, al-Ẓawāhirī constructs a normative syllogism intended to delegitimize any political authority that "does not judge according to what God has revealed." His progression is methodical: he begins by framing the debate through Quran 5:44–50, then invokes the exegesis of Ibn Kathīr (d. 774/1373). He next overlays the analyses of contemporary authors such as Aḥmad Shākir (d. 1958) and al-Mawdūdī (d. 1979), who translate this scriptural frame into the modern

[16] Barak Mendelsohn, "Ayman al-Zawahiri and the Challenges of Succession in Terrorist Organizations," *Terrorism and Political Violence* 34, no. 8 (2022): 1826–1845; Sajjan M. Gohel, *Doctor, Teacher, Terrorist: The Life and Legacy of Al-Qaeda Leader Ayman al-Zawahiri* (Oxford and New York: Oxford University Press, 2023).
[17] See: https://tinyurl.com/bdeyyekz

political vocabulary of sovereignty, constitution, and democracy. Finally come the statements of Ibn Taymiyya (followed by those of two other scholars and of Sayyid Qutb), whose voice serves as the final doctrinal arbiter of the entire line of reasoning:

> ثالثاً: قال شيخ الإسلام ابن تيمية رحمه الله: "ومعلوم بالاضطرار من دين المسلمين وباتفاق جميع المسلمين أن من سوغ اتباع غير دين الإسلام، أو اتباع شريعة غير شريعة محمد صلى الله عليه وسلم- فهو كافر وهو ككفر من آمن ببعض الكتاب وكفر ببعض، كما قال تعالى: {إن الذين يكفرون بالله ورسله، ويريدون أن يفرقوا بين الله ورسله ويقولون نؤمن ببعض وتكفر ببعض، ويريدون أن يتخذوا بين ذلك سبيلا، أولئك هم الكافرون حقاً، وأعتدنا للكافرين عذابا مبينا} [النساء ١٥٠، ١٥١).
>
> Third: shaykh al-Islām Ibn Taymiyya, may God have mercy on him, said: “It is necessarily known, by the religion of the Muslims and by the unanimous agreement of the Muslims, that whoever follows a religion other than Islam, or follows a legislation other than that revealed to Muḥammad — peace and blessings of God be upon him — is an unbeliever. He is like one who believes in part of the Book and rejects another part. As the Exalted has said: ‘Indeed, those who disbelieve in God and His messengers and seek to make a distinction between God and His messengers saying ‘We believe in some and disbelieve in others’ and who seek to take a path in between are the true unbelievers. And We have prepared for the disbelievers a humiliating punishment.’” (Q 4:150–151)[18]

Placed at the end of the argumentative chain, Ibn Taymiyya functions as a kind of seal of Islamic orthodoxy: his view, presented as an axiom known by necessity, confers canonical authority on al-Ẓawāhirī’s thesis. The function of the citation is not to demonstrate but to authenticate; it transforms a political reading — the denunciation of democracy as an usurpation of divine sovereignty — into a theological verdict. The denunciation of “positive legislation” is thereby naturalized as equivalent to *shirk* (associationism)*;* political critique becomes a dogmatic axiom.

An examination of the Taymiyyan corpus, however, allows this citation to be situated within its original context. The passage invoked comes from one of Ibn Taymiyya’s three major anti-Mongol fatwas, specifically the second and

[18] Ayman al-Ẓawāhirī, *al-Ḥiṣād al-murr: al-Ikhwān al-Muslimūn fī sittīna ʿāman* (digital version, al-Shamela al-dhahabiyya), 24.

most extensive one. This text examines in detail the obligation to fight the Islamized Mongols and the legal foundations of this obligation.[19] Central among these elements is the Ilkhanid Mongols' use — despite their nominal conversion to Islam — of the Genghisid code, the *yasa*, which they endowed with normative force alongside, or even above, Islamic law.[20] Ibn Taymiyya's ruling responds to this precise situation, characterized by the adoption of a composite legislation drawn from various traditions and by the maintenance of military alliances with non-Muslim powers against Muslims.

Al-Ẓawāhirī cites this passage without mentioning the Mongol context to which it refers. In doing so, he universalizes Ibn Taymiyya's verdict: the critique of the *yasa* becomes applicable to any modern constitution, the struggle against the Ilkhanids becomes a template for judging contemporary states, and the politico-legal conflict of the fourteenth century is transposed into the debate on democracy and positive law. This universalization operates through analogical decontextualization: a judgment issued in a singular conjuncture — Islamized Mongols, a non-revealed law, illicit alliances — is elevated into a timeless principle applicable to Muslim states in the twenty-first century.

[19] Ibn Taymiyya, *Majmūʿ al-fatāwā*, ed. ʿAbd al-Raḥmān b. Muḥammad b. Qāsim and Muḥammad b. ʿAbd al-Raḥmān b. Qāsim (Medina: Majmaʿ al-Malik Fahd, 2004), 28: 509-543.

[20] On the reasons that, for Ibn Taymiyya, justify the obligation to fight the Ilkhanid Mongols despite their profession of Islamic faith, see Sivan, *Radical Islam*, 96-100; Thomas Raff, *Remarks on an Anti-Mongol Fatwā by Ibn Taymīya* (Leiden: Brill, 1973); Yahya Michot, *Ibn Taymiyya: Lettre à un roi croisé* (Lyon: Academia/Tawhid, 1995), 62-69; Michot, "Ibn Taymiyya's 'New Mardin Fatwa'," 130-181; see also the series of excerpts from Ibn Taymiyya's texts relating to the Mongols, translated into French, annotated, and accompanied by substantial commentary notes, published online on the website muslimphilosophy.com under the title "Textes spirituels d'Ibn Taymiyya" numéros XI, XII, XIII et Nouvelle série XXIII; Denise Aigle, "A Religious Response to Ghazan Khan's Invasions of Syria: The Three 'Anti-Mongol' Fatwās of Ibn Taymiyya," in *The Mongol Empire between Myth and Reality: Studies in Anthropological History*, ed. Denise Aigle (Boston and Leiden: Brill, 2016), 283–305; Denise Aigle, "Ghazan Khan's Invasion of Syria: Polemics on His Conversion to Islam and the Christian Troops in His Army," in *The Mongol Empire between Myth and Reality: Studies in Anthropological History*, ed. Denise Aigle (Boston and Leiden: Brill, 2016), 255–282; Denise Aigle, "Mongol Law versus Islamic Law: Myth and Reality," in *The Mongol Empire between Myth and Reality: Studies in Anthropological History*, ed. Denise Aigle (Boston and Leiden: Brill, 2016), 134–156; Denise Aigle, "The Mongol Invasions of Bilād al-Shām by Ghāzān Khān and Ibn Taymīyah's Three 'Anti-Mongol' Fatwas," *Mamluk Studies Review* 11, no. 2 (2007): 89–120; Teymour Morel, "Deux textes anti-Mongols d'Ibn Taymiyya," *The Muslim World* 105, no. 2 (2015): 368–397; Jon Hoover, *Ibn Taymiyya* (London: Oneworld Academic, 2019), 12-18.

The articulation with Ibn Kathīr's exegesis, cited in second position and treating Quran 5:50, which precedes Ibn Taymiyya in al-Ẓawāhirī's sequence, is decisive:

2- ونحن هنا نسرد طائفة من أقوال العلماء في هذه المسألة:

أولاً: يقول ابن كثير - رحمه الله - في تفسيره لقول الله تعالى: {أفحكم الجاهلية يبغون ومن أحسن من الله حكما لقوم يوقنون} [المائدة : ٥٠]. قال: "ينكر تعالى على من خرج عن حكم الله المشتمل على كل خير الناهي عن كل شر وعدل إلى ما سواه من الآراء والأهواء والاصطلاحات التي وضعها الرجال بلا مستند من شريعة الله، كما كان أهل الجاهلية يحكمون به من الضلالات والجهالات مما يضعونها بآرائهم وأهوائهم، وكما يحكم به التتار من السياسات الملكية المأخوذة عن ملكهم جنكز خان الذي وضع لهم الياسق، وهو عبارة عن كتاب مجموع من أحكام قد اقتبسها عن شرائع شتى من اليهودية والنصرانية والملة الإسلامية وغيرها، وفيها كثير من الأحكام أخذها من مجرد نظره وهواه، فصارت في بنيه شرعاً متبعا يقدمونها على الحكم بكتاب الله وسنة رسوله صلى الله عليه وسلم ... ، فمن فعل ذلك فهو كافر يجب قتاله حتى يرجع إلى حكم الله ورسوله فلا يحكم سواه في قليل ولا كثير".

2. *We shall cite here a number of scholarly statements on this matter.* First: Ibn Kathīr — may God have mercy on him — says in his exegesis of the Exalted's words: "Is it the judgment of ignorance (al-jāhiliyya) that they seek? Yet who is better than God in judgment for a people who believe?" (Q 5:50): "God censures anyone who abandons the judgment of God, which includes all good and all justice, in favor of anything that contradicts it among the views, desires, and terminologies devised by men without any basis in God's law, just as the people of the *Jāhiliyya* (pre-Islamic ignorance) judged according to the misguidance and ignorance they had invented from their own opinions and desires. Likewise, the Mongols judge according to the royal policies (*al-siyāsāt al-mulkīya*) that their king Genghis Khan instituted for them in a compilation called *yāsāq* [or *yāsā*]. It consists of a collection of laws drawn from various codes borrowed from Judaism, Christianity, Islam, and other religions, as well as many rulings derived solely from his personal reasoning and whims. This compilation has become for them a law to be followed and given precedence over the judgment of the Book of God and the Sunna of His Messenger. Whoever acts in such a manner is an unbeliever, and he must be fought until he returns to the judgment of

> God and His Messenger. No one may be judged in any matter, great or small, except according to Him."[21]

Al-Ẓawāhirī seems to privilege Ibn Kathīr over other exegetes for two reasons. First, Ibn Kathīr was both a disciple and biographer of Ibn Taymiyya.[22] Their juxtaposition creates an impression of Taymiyyan continuity, master and disciple being invoked as two concordant witnesses. Second, Ibn Kathīr himself lived in the era of the Mongol threat and explicitly mentions Genghis Khan and his *yasa*, which he describes as "a collection of laws drawn from various codes borrowed from Judaism, Christianity, Islam, and other religions"; whoever "judges" according to this code rather than according to the Law brought by the Prophet falls, for him, under the rubric of *ḥukm bi-ghayr mā anzala Allāh* (judging by something other than what God has revealed). These remarks by Ibn Kathīr resonate with the extensive discussions that Ibn Taymiyya devotes to the same issue in his writings and with his struggle against the Ilkhanids, both on the battlefield and at the ideological level, which contributed to his renown and made him one of the symbols of Syrian resistance to the invaders.[23]

The addition of Aḥmad Shākir and al-Mawdūdī serves to politicize the demonstration. The former described Egyptian legal codes as "*Jāhiliyya*," while the latter theorized an exclusive sovereignty of God against representative democracy. Once superimposed in this sequence — exegesis, modern authorities, and Ibn Taymiyya — the argument produces a chain effect: the Mongol analogy becomes a political category and positive legislation a sign of public apostasy. The final closure by Ibn Taymiyya, formulated in the register of consensus, completes the transformation of what appears to be a cumulative demonstration into a verdict presented as indisputable.

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[21] al-Ẓawāhirī, *al-Ḥiṣād al-murr*, 23.
[22] Henri Laoust, "La biographie d'Ibn Taymîya d'après Ibn Kathîr," *Bulletin d'Études Orientales* 9 (1942–1943): 115-162.
[23] For more information on Ibn Taymiyya's engagement against the Ilkhanid Mongols, see the works cited in note 19. See also Berriah, "Mobility and Versatility of the *ʿulamāʾ* in the Mamluk Period," 103-107, 113-117.

To assess the scope of this approach, it is essential to recall the complexity of Ibn Taymiyya's thought. The cited passage does indeed have echoes elsewhere in his writings, but the doctrine of *ḥukm bi-ghayr mā anzala Allāh* cannot be reduced, in his thought, to an automatic equation between non-revealed legislation and unbelief. The theological-political perspective he develops — as analyzed by Caterina Bori through Jan Assmann's model of "representative theocracy" — targets systems in which a human authority claims to substitute itself for divine sovereignty.[24] It is within this framework that he critiques the Quranic figure of Pharaoh, the Genghisid *yasa* as a rival legal system, and the Shiʿi doctrine of the Imamate in the *Minhāj al-sunna*.[25] In each of these cases, the grievance concerns the claim to an autonomous legislative authority overshadowing divine law. For him, sovereignty belongs solely to God and His law; any human pretension to constitute the ultimate source of licit and illicit falls under representative theocracy and thus under *shirk*. Reading Ibn Taymiyya through this lens — rather than through detached excerpts — makes it possible to nuance al-Ẓawāhirī's thesis that "whoever does not legislate according to what God has revealed" necessarily falls into unbelief: Ibn Taymiyya's primary target is the claimed substitution of human sovereignty for revealed normativity, not the mere existence of contingent political forms.

The *Minhāj al-sunna al-nabawiyya fī naqḍ kalām al-Shīʿa wa-l-Qadariyya* (*The Path of the Prophetic Sunna in Refuting the Discourse of the Shiʿa and the Qadariyya*) was composed in response to *Minhāj al-karāma fī maʿrifat al-imāma* (*The Path of Nobility in Knowledge of the Imamate*), one of the most famous works of al-ʿAllāma al-Ḥillī (d. 726/1325), written to set out the Twelver Imāmī doctrine and refute Sunni positions on the Prophet's succession. This treatise had been presented to the Ilkhanid sultan Öljeitü, fully named Muḥammad Khodābandeh Öljeitü, who ruled the Mongol Ilkhanate

[24] The theological-political model of representation is, according to Jan Assmann, "the correlation between divine power and political power in the form of analogy, and the consequent unification of political and religious conduct in the hands of earthly representatives" (la corrélation entre pouvoir divin et pouvoir politique, sous forme d'analogie, et l'unification conséquente de la conduite politique et religieuse dans les mains des représentants terrestres), cited in Caterina Bori, "Théologie politique et Islam à propos d'Ibn Taymiyya (m. 728/1328) et du sultanat mamelouk," *Revue de l'histoire des religions* 1 (2007), §46.
[25] Bori, "Théologie politique et islam," §22-24, 47-50.

from 703 to 716/1304 to 1316.[26] Like his brother and predecessor Maḥmūd Ghāzān (r. 694-703/1295-1304), Öljeitü undertook, during the winter of 712/1312–1313, a new campaign in Syria. The offensive failed: the Ilkhanid army, which laid siege to the strategic fortress of al-Raḥba on the Euphrates, proved unable to take the site, could not cross the river, and eventually lifted the siege and retreated. This final attempt to subdue Syria revealed the Ilkhanids' inability to break Mamluk power in a lasting way.[27] When news of the siege reached Cairo, Ibn Taymiyya was still there; an order was issued to prepare an army to relieve the fortress and confront the Mongols. He joined, with other volunteers, the troops that left the capital under Sultan al-Nāṣir Muḥammad. Upon learning of the approaching Mamluk army and facing the resistance of al-Raḥba, the Ilkhanids withdrew. When the army reached ʿAsqalān, it learned of the lifting of the siege and the enemy's retreat; with the threat removed, Ibn Taymiyya returned to Damascus after seven years of absence.[28]

This approach belongs to a refined casuistry. Ibn Taymiyya reasons according to circumstances, the hierarchy of duties, and the expected consequences of each decision. His fatwa on breaking the fast during the campaign against the Mongols on the eve of the battle of Shaqḥab (702/1303) offers a revealing example. Ibn Kathīr reports that Ibn Taymiyya publicly broke the fast in order to encourage the fighters to do the same, considering that preparation for jihad and the safeguarding of the community took precedence, in this specific context, over fulfilling the Quranic fast[29]. The gesture reflects both the depth of his conviction and the strength of his determination: for him, it was a religious obligation of the highest order in light of the circumstances. Preparing for battle, and eating in order to remain physically capable of confronting an army perceived as an existential threat to

[26] For more information see Tariq al-Jamil, "Ibn Taymiyya and Ibn al-Muṭahhar al-Ḥillī: Shi'i Polemics and the Struggle for Religious Authority in Medieval Islam," in *Ibn Taymiyya and His Times*, ed. Yossef Rapoport and Shahab Ahmed (Karachi: Oxford University Press, 2010), 229- 246.
[27] Mehdi Berriah, *L'art de la guerre chez les Mamelouks (1250–1375): stratégies et tactiques* (Leiden: Brill, 2024), 268-269, 305-306, 540, 636.
[28] al-Birzālī, *al-Muqtafī ʿalā kitāb al-Rawḍatayn*, ed. ʿUmar ʿAbd al-Salām al-Tadmurī (Beirut/Sayda: al-Maktaba al-ʿAṣabiyya, 2006), 2/2: 89.
[29] Ibn Kathīr, *al-Bidāya wa-l-nihāya*, ed. ʿAbd Allāh b. ʿAbd al-Raḥmān al-Turkī (Giza: Dār Hajr, 1998), 18: 28.

the Mamluk sultanate and to Islam as a whole, took precedence over observing the Ramadan fast prescribed in the Quran. Ibn Kathīr's narrative corresponds to Ibn Taymiyya's discussion in his *Masʾala fī al-murābaṭa bi-l-thughūr afḍal am al-mujāwara bi-Makkah sharrafa-hā Allāh Taʿālā* (*On Whether Stationing in Ribāṭ on the Frontiers Is Preferable to Residing Near Mecca, May God Exalt It*), where he emphasizes the eminent place of jihad among acts of worship. Drawing constantly on the sacred corpus (Quran, Sunna, and the words of the Companions) he asserts that acts of jihad surpass in merit pilgrimage or pious retreat: participating in combat in God's path is more meritorious than continuous prayer and fasting, and depending on circumstances, jihad may even take precedence over the pilgrimage (*ḥajj*), the fifth pillar of Islam.[30]

Other episodes illustrate this pragmatism. During the Ilkhanid occupation of Damascus, Ibn Taymiyya considered and ordered his companions not to forbid Mongol soldiers from drinking wine, in order to reduce their brutality toward the population.[31] Rather than demanding application of the legal punishment (*ḥadd*) prescribed by Islamic law, he prioritized a contextual assessment of consequences: drunkenness, by rendering these soldiers more harmless and less prone to violence, served a higher good, namely the protection of Muslims and more broadly of civilians. This form of reasoning illustrates the juristic principle of *akhaf al-ḍararayn* (the lesser of two harms), which the theologian invokes on several occasions.[32]

Such pragmatism contradicts the binary reading proposed by al-Ẓawāhirī. Whereas Ibn Taymiyya distinguishes situations of ignorance, coercion, or necessity, and reasons according to the priorities of the moment, al-Ẓawāhirī uproots Taymiyyan extracts from their context and confers upon them an absolute doctrinal value. The analysis of nuances, conditions of application, and teleological aims disappears. Democracy is thus presented as a system mechanically rivaling divine sovereignty, and positive legislation becomes an almost sufficient indicator of political apostasy.

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[30] Ibn Taymiyya, *Masʾala fī l-murābaṭa bi-l-thughūr afḍal am al-mujāwara bi-Makka sharrafa-hā Allāh Taʿālā*, ed. Abū Muḥammad Sharaf b. ʿAbd al-Maqṣūd (Riyadh: Aḍwāʾ al-Salaf, 2002), 31-34, 36-37. See also Berriah, "Ibn Taymiyya's Conception du Jihad," 58-61.

[31] Ibn Taymiyya, *al-Istiqāma*, ed. Muḥammad Rashād Sālim (Riyadh: Dār al-Faḍīla, 2005), 426.

[32] For another example, see Berriah, "The Mamluk Sultanate and the Mamluks seen by Ibn Taymiyya," §53.

As several studies on the modern reception of Ibn Taymiyya have shown, this shift relies on elevating the case of the Islamized Mongols into an interpretive paradigm (non-revealed sovereignty, illicit alliances, hostility toward Muslims) and must be understood as the result of an authority mechanism based on the stratification of voices.[33] The Quran provides the premise. Classical exegesis identifies the phenomenon: obeying human legislators amounts to substituting a rival norm for Revelation. Contemporary doctrinarians transpose this diagnosis into modern political categories. Ibn Taymiyya, finally, concludes the chain in the name of Muslim consensus. Recourse to violence is no longer presented as a strategic option but as the logical consequence of a theological-legal diagnosis framed as consensual. Rupture with constitutional order is no longer discussed as a political choice but posited as a requirement of faith, indexed to the Mongol analogy and to the doctrine of *ḥākimiyya*.

2. IBN TAYMIYYA AS GUARANTOR OF ORTHODOXY AND MATRIX OF A POLITICAL ANTI-POSITIVISM

In the chapter setting out the incompatibility of democracy with Islam (*fī bayān munāqaḍat al-dīmuqrāṭiyya li-l-islām*), al-Ẓawāhirī does not merely denounce democracy as a Western political model; he reclassifies it as heresy by linking it to the longstanding polemic over *ḥukm bi-ghayr mā anzala Allāh*. Within this construction, Ibn Taymiyya occupies a central position, serving as the pivot that establishes an equivalence between modern political authority and certain medieval regimes of impiety, particularly those that substituted human legislation for revelation:

> وقال شيخ الإسلام ابن تيمية - رحمه الله - بعد أن أورد حديث عدي بن حاتم السابق: فقد بين النبي صلى الله عليه وسلم أن عبادتهم إياهم كانت في تحليل الحرام وتحريم الحلال، لا أنهم صلوا لهم وصاموا لهم، ودعوهم من دون الله، فهذه عبادة الرجال، وقد ذكر الله أن ذلك شرك بقوله: {لا إله إلا هو سبحانه عما يشركون}".

[33] See notes 11 and 12 *op. cit*. See also Sivan, *Radical Islam*, 42, 101-102, 104, 127-129, 197, 199, 207; Cook, *Understanding Jihad*, 108-109; Michael Bonner, *Jihad in Islamic History: Doctrines and Practice* (Princeton: Princeton University Press, 2006), 144, 162-163.

> Shaykh al-Islām Ibn Taymiyya — may God have mercy on him — said, after citing the previous hadith of ʿAdī b. Ḥātim: "The Prophet – peace and blessings be upon him – clarified that their worship of them [the monks] consisted in declaring licit what God had prohibited and illicit what God had permitted not that they prayed to them or fasted for them, or invoked them apart from God. This is the worship of men. And God has mentioned that this is *shirk* in His saying: 'There is no deity except Him; exalted is He above what they associate [with Him]'" (Q 9:31).

Here, al-Ẓawāhirī invokes Ibn Taymiyya for his interpretation of the hadith of ʿAdī b. Ḥātim, reported by al-Tirmidhī in his *Sunan*, as he notes on the preceding page. In this hadith, ʿAdī recounts that he came before the Prophet Muḥammad wearing a gold cross. The Prophet instructed him to remove it, then recited verse 31 of sura 9 (al-Tawba): "They have taken their rabbis and their monks as lords apart from God." When asked about the meaning of the verse, the Prophet explained that "worshipping them" did not mean bowing before them, but obeying them when they declared licit what God had prohibited and illicit what God had permitted. The hadith therefore warns against blind obedience to religious authorities when such obedience contradicts revelation and affirms that sovereignty over what is licit and illicit belongs to God alone. Al-Ẓawāhirī offers his own reading of this text, which he then reinforces by placing it alongside citations from various ulama and exegetes, among them Ibn Taymiyya.

This shift entails a semantic displacement. For Ibn Taymiyya, the critique of *ḥukm bi-ghayr mā anzala Allāh* was embedded in a very specific historical context, shaped above all by confrontation with the Ilkhanid Mongols, who had recently converted to Islam but continued to apply the *yasa* and to adhere to certain beliefs incompatible with Islamic doctrine. Ibn Taymiyya had direct confirmation of this during his encounters with Ilkhanid officials at the time of the temporary occupation of Damascus and parts of Syria – an occupation marked by massacres, abuses, and destruction – following the defeat of the

Mamluk army at the battle of Wādī al-Khazindār near Homs on 27 Rabīʿ I 699/23 December 1299.[34]

For al-Ẓawāhirī, by contrast, the same reference serves to reframe the modern state (constitution, parliament, civil code) within the symbolic structure of the *yasa*, thereby reproducing the pattern of the internal enemy already present in Ibn Taymiyya's writings. The process of analogical decontextualisation appears here in full force: the shift in historical scale does not invalidate the reasoning but, on the contrary, grants it a powerful universalising reach.

By placing Ibn Taymiyya's statement at the end of a sequence of Quranic citations (9:31; 5:50) and exegetical authorities (al-Ṭabarī, Ibn Ḥazm, Ibn Kathīr), al-Ẓawāhirī constructs a layered apparatus of authority in which each discursive level reinforces the one preceding it. The result is the impression of an irrefutable coherence: democracy is no longer presented as a possible political option but as a fundamental deviation. Ibn Taymiyya ceases to appear as a theologian engaged in the debates of his own time and becomes the ultimate reference that closes the discussion. Through this hermeneutical device, al-Ẓawāhirī seeks to erase the role of *ijtihād* (independent juristic reasoning). in favour of a fixed doctrinal framework presented as immutable. Behind this construction lies a strategic intention: to dissolve the boundary between religious and political spheres and to delegitimise any normative authority not directly grounded in revealed law. Ibn Taymiyya thus becomes the emblem of an indivisible sovereignty, that of God as the sole source of legislation, and the voice of the Damascene theologian ultimately fixes the argument by marking the dividing line between belief and unbelief, loyalty and betrayal. This procedure is also found in Usāma b. Lādin and Abū Muṣʿab al-Zarqāwī, who likewise invoke Ibn Taymiyya to guarantee the purity of the

[34] Michot, *Ibn Taymiyya. Lettre à un roi croisé*, 35-48; Mathieu Eychenne, "Damas, 1300: Une ville dans la guerre à l'époque mamelouke," in *Guerre et paix dans le Proche-Orient médiéval (Xe–XVe siècle)*, ed. Mathieu Eychenne, Stéphane Pradines, and Abbès Zouache (Cairo: Ifao, 2019), 385-409; Reuven Amitai-Preiss, "The Mongol Occupation of Damascus in 1300: A Study of Mamluk Loyalties," in *The Mamluks in Egyptian and Syrian Politics and Society*, ed. Michael Winter and Amalia Levanoni (Leiden: Brill, 2004), 21-41. On the battle of Wādī al-Khazindār see Reuven Amitai-Preiss, "The Logistics of the Mongol-Mamlūk War, with Special Reference to the Battle of Wādī al-Khaznadār, 1299 C.E.," in *Logistics of Warfare in the Age of the Crusades: Proceedings of a Workshop at the Centre for Medieval Studies, University of Sydney, 30 September to 4 October 2002*, ed. John H. Pryor (Aldershot: Ashgate, 2006), 25-42.

normative reference and thereby ground the legitimacy of jihad waged against contemporary regimes.

The passage from Ibn Taymiyya that al-Ẓawāhirī inserts into the section on the incompatibility of democracy with Islam nevertheless oversimplifies Ibn Taymiyya's positions on what would today be termed "political thought." As Caterina Bori has shown, Ibn Taymiyya's conception of power bears no resemblance to a theocratic model. His most significant thesis in this regard is that the prophetic mission was not primarily intended to establish a political order but to transmit a message of faith and spiritual reform. He supports this claim by noting that the Quran contains no prescriptions concerning the establishment of a state or the form its government should take.[35]

For Ibn Taymiyya, faith (*al-īmān*) precedes any political organisation: the imamate is neither the most fundamental doctrine of the religion nor the most important issue for Muslims. The Companions of the Prophet, he observes, did not concern themselves with defining its modalities; obedience to the Prophet was owed to him as God's envoy, not as a head of state, and this obedience, which remained obligatory after his death, bore no resemblance to that owed to an *imām* whose authority was contingent and temporary.[36]

In a positive sense, Ibn Taymiyya conceives true theocracy as the absence of human domination over humans: authority belongs to God, to His Messenger, and, by extension, to the community to which God revealed His will through the Prophet. According to Bori, this principle entails a requirement of consultation (*shūrā, mushāwara*), grounded in the collective testimony of the community and constituting, at least ideally, the basis of sound governance. In other passages, Ibn Taymiyya emphasises the duty of

[35] Bori, "Théologie politique et islam," §15-17. On Ibn Taymiyya's position regarding the caliphate, see Anjum, *Politics, Law, and Community*, 252-266; Hoover, *Ibn Taymiyya*, 93-96. On contemporary misuses of Ibn Taymiyya's position concerning the caliphate, see Mona Hassan, "Modern Interpretations and Misinterpretations of a Medieval Scholar: Apprehending the Political Thought of Ibn Taymiyyah," in *Ibn Taymiyyah and His Times*, ed. S. Ahmed and Y. Rapoport (Karachi: Oxford University Press, 2010), 338-366. On the non-obligatory nature of the caliphate as a unique form of government, or approaches that relativize its institutional necessity, see Mohamad El-Merheb, *Political Thought in the Mamluk Period: The Unnecessary Caliphate* (Edinburgh: Edinburgh University Press, 2022); Abdul Kabir Hussain Solihu, "Revisiting Khilafah: The Role of Nonpolitical Social Factors in Good Governance," *Islam and Civilisational Renewal* 5, no. 1 (2024): 68-83; Mohammad Hashim Kamali, "Classical Islamic Political Thought and Its Contemporary Relevance," *Islam and Civilisational Renewal* 9, no. 4 (2018): 21–46.

[36] Bori, "Théologie politique et islam," §20-21.

believers not only to obey those who hold authority but also to participate, each at his or her own level, in the conduct of public affairs through "good counsel" (*al-munāṣaḥa*). These elements reflect a political thought attentive to the balance between authority and participation, in which consultation holds both moral and institutional value.[37]

Certain features of Ibn Taymiyya's conception, rooted in his reading of the foundational texts (Quran and Sunna), suggest a proto-democratic horizon in the sense that *shūrā* opens the possibility of communal involvement in governance. All Muslims, regarded as God's vicars (*khulafāʾ*) on earth, thus possess, according to Ibn Taymiyya, the right to delegate their authority to a ruler who governs while taking their opinion into account. Henri Laoust had already identified in this orientation a marked egalitarian tendency inherent in the principle of unity of God (*tawḥīd*): for Ibn Taymiyya, this unity grounds a spiritual equality that broadens, at least in theory, the body entitled to designate the leader of the community from the narrow circle of competent notables to the community of believers as a whole.[38]

3. LOYALTY AND DISAVOWAL (*AL-WALĀʾ WA-L-BARĀʾ*): THE POLITICAL TRANSPOSITION OF THE TAYMIYYAN PARADIGM

Ibn Taymiyya is mobilized once again in the section entitled "The connection between love for the Lord—exalted be He—loyalty to the believers, and fighting in the path of God":

> هـ- العلاقة بين محبة المولى سبحانه وموالاة المؤمنين والجهاد في سبيل الله.
> ونود بعد أن بينا أمر الشريعة بموالاة المؤمنين ومعاداة الكافرين أن تذكر كلاماً نفيساً لشيخ الإسلام ابن تيمية - رحمه الله - في العلاقة الوثيقة بين محبة المولى سبحانه والجهاد. قال ابن تيمية رحمه الله: "والنصوص في فضائل الجهاد وأهله كثيرة، وقد ثبت أنه أفضل ما تطوع به العبد، والجهاد دليل المحبة الكاملة، قال تعالى: التوبة
> {قل إن كان آباؤكم وإخوانكم وأزواجكم وعشيرتكم .. الآية} وقال تعالى في صفة المحبين المحبوبين: المائدة {يا أيها الذين آمنوا من يرتد منكم عن دينه فسوف يأتي الله بقوم يحبهم ويحبونه أذلة على المؤمنين أعزة على الكافرين يجاهدون في سبيل الله ولا يخافون لومة لائم}. فإن المحبة مستلزمة للجهاد، ولأن المحب يحب ما يحب محبوبه، ويبغض ما يبغض محبوبه، ويوالي من يوالي محبوبه،

[37] Bori, "Théologie politique et islam," §30-31.
[38] Laoust, *Essai,* 285-288. See also Victor E. Makari, *Ibn Taymiyyah's Ethics: The Social Factor* (Chico, CA: Scholars Press, 1983), 146-147.

ويعادي من يعاديه ويرضى لرضاه، ويغضب لغضبه، ويأمر بما يأمر به، وينهى عما نهى عنه، فهو موافق في ذلك.

وهؤلاء هم الذين يرضى الرب لرضاهم، ويغضب لغضبهم، إذ هم إنما يرضون لرضاه، ويغضبون لما يغضب له، كما قال النبي صلى الله عليه وسلم لأبي بكر في طائفة فيهم صبيب وبلال: "لعلك أغضبتهم، لكن كنت أغضبتهم لقد أغضبت ربك" فقال لهم: يا إخوتي هل أغضبتكم، قالوا: لا، يغفر الله لك يا أبا بكر.

وكان قد مر بهم أبو سفيان بن حرب فقالوا: ما أخذت السيوف مأخذها، فقال لهم أبو بكر: أتقولون هذا لسيد قريش؟ وذكر أبو بكر ذلك للنبي صلى الله عليه وسلم فقال له ما تقدم، لأن أولئك إنما قالوا ذلك غضباً لله لكمال ما عندهم من الموالاة الله ورسوله والمعاداة لأعدائهما."

* The connection between love for the Lord—exalted be He—loyalty to the believers, and fighting in the path of God

And to complete what we have presented regarding the rulings of the *sharīʿa* concerning loyalty to the believers and enmity toward the unbelievers, let us recall the precious words of shaykh al-Islām Ibn Taymiyya—may God have mercy on him—about the connection between love for God and jihad. Ibn Taymiyya—may God have mercy on him—said: “The texts concerning the virtues of jihad and its people are numerous, and it has been established that the best voluntary act with which a servant draws near [to God] is jihad, and that jihad is the proof of perfect love.”

God the Exalted says: ‘Say: If your fathers, your sons, your brothers, your wives, your clan…’ [the verse] [9:24], and the Exalted says in describing the believers whom He loves: ‘O you who believe, whoever among you turns back from his religion, God will bring forth a people whom He loves and who love Him: humble toward the believers, stern toward the disbelievers, striving in the path of God, and not fearing the blame of any blamer’ (Q 5:54).”

“For love necessarily entails jihad. Indeed, the one who loves, loves what his Beloved loves, hates what He hates, takes as an ally the one He takes as an ally, and opposes the one He opposes; he is pleased with what pleases Him and becomes angry at what angers Him; he commands what He commands and forbids what He forbids. Whoever acts in this manner is in harmony with this.

These are those whom the Lord approves and who become angry over what angers Him, for they seek only His approval and are indignant

> over what angers Him. As in the statement of the Prophet—may God bless him and grant him peace—to Abū Bakr, who was in a group in which were Ṣuhayb and Bilāl: 'Perhaps you have angered them? By God, if you have angered them, you have indeed angered your Lord.' Abū Bakr said to them: 'O my brothers, have I angered you?' They replied: 'No, may God forgive you, O Abū Bakr.'
> And it happened that Abū Sufyān ibn Ḥarb passed before them, and they said: 'Have the swords not taken their due from this nobleman of Quraysh?' Abū Bakr then said: 'Would you say such a thing about the nobleman of Quraysh?' Abū Bakr reported this to the Prophet—may God bless him and grant him peace—and he replied to him what has been mentioned above, for they had said this as an expression of anger for God, owing to what they carried within them of complete loyalty toward God and His Messenger, and of complete disavowal toward their enemies."[39]

The first point to note is that al-Ẓawāhirī makes Ibn Taymiyya the central cornerstone of his argumentation in this section. He cites neither verse nor hadith as a direct source of authority, but relies solely on the words of the Damascene theologian. This is unsurprising: al-Ẓawāhirī finds in Ibn Taymiyya an already complete synthesis of the Quranic and prophetic arguments he wishes to employ.[40]

The opening of the passage is revealing. Al-Ẓawāhirī introduces Ibn Taymiyya with the honorific title *shaykh al-Islām* and announces that he will report his "precious words" (*kalāman nafīsan*). This rhetorical device immediately installs an absolute authority. It grants Ibn Taymiyya's statement normative force, elevating it from the rank of contextual opinion to that of a timeless standard ready to be reactivated in the present.

The formulation of Ibn Taymiyya that al-Ẓawāhirī selects, namely the idea that jihad is "the proof of perfect love" (*dalīl al-maḥabba al-kāmila*) for God, becomes the central principle of the argument. By seizing upon it, al-Ẓawāhirī carries out an analogical transposition: what was, for Ibn Taymiyya, anchored

[39] al-Ẓawāhirī, *al-Ḥiṣād al-murr*, 32-33.
[40] For more information on his methodology regarding sources, see Berriah, "Ibn Taymiyya's Methodology regarding his Sources," 45-81.

in the doctrinal debates of his time and in the context of the Mongol invasions becomes, in his hands, an axiom valid for every era. If loving God entails jihad, then each generation claiming to love God must, by analogy, fight in His path. This constitutes the first step in the telescoping of historical periods: the medieval paradigm becomes a contemporary paradigm and is transformed into a contemporary imperative.

The passages from Ibn Taymiyya's *Tuḥfat al-ʿIrāqiyya* cited by al-Ẓawāhirī, in which love for God and His Prophet is inseparable from the practice of jihad, resonate with other formulations that Ibn Taymiyya develops elsewhere, notably in *al-ʿUbūdiyya, al-Jawāb al-Bāhir fī Zuwwār al-Maqābir* et *al-Istiqāma*.[41] He conceives of jihad against unbelievers and hypocrites as an act of worship alongside prayer, almsgiving, fasting, pilgrimage, kindness toward one's parents, and others. The markers of love for God are adherence to the Sunna and engagement in jihad; neglecting what one is able to accomplish in this domain reflects a deficiency in love for God and the Prophet. Jihad expresses love for what God has commanded and hatred for what He has forbidden; its performance is a form of obedience to God and His Messenger. Ibn Taymiyya supports this by invoking the *bayʿa* (oath of allegiance) of the Companions, which entailed obedience in battle and the prohibition of fleeing, even at the cost of one's life. This perspective was not unique: several Mamluk authors, Ibn Shaddād (d. 684/1285) and Ibn ʿAbd al- Ẓāhir (d. 692/1293) among them, present jihad as a pillar of Islam.[42] My point here is not to suggest that Ibn Taymiyya, like the two authors discussed above, explicitly regarded jihad as a pillar of Islam. To the best of my knowledge, Ibn Taymiyya never states anywhere that jihad is one of the pillars. Yet, in view of what has been shown above about the preponderant place he gives to jihad among acts of

[41] Ibn Taymiyya, *al-ʿUbūdiyya*, eds. Fawāz Aḥmad Zamralī and Fārūq Ḥasan al-Turk (Beirut: Dār Ibn Ḥazm, 2012), p. 95, 164, 166, 192; Ibn Taymiyya, *al-Jawāb al-bāhir fī zuwwār al-maqābir*, ed. Ibrāhīm b. Khālid b. ʿĪsā al-Mukhlif (Riyadh: Dār al-Minhāj, 2011–2012/1433 H), 306 and Ibn Taymiyya, *al-Istiqāma*, 197-202. See also in his *al-Siyāsa al-sharʿiyya*. See Hoover, "Reconciling Ibn Taymiyya's Legitimisation of Violence," 155. For an overview of Ibn Taymiyya's general perception of jihad, see Berriah, "Ibn Taymiyya's Conception of Jihad," 51-61; Mehdi Berriah, "The Theology of Self-Sacrifice in Jihad: A Study of Ibn Taymiyya's *Qāʿida fī l-inġimās fī l-ʿaduww wa-hal yūbāḥ*," *Arabica* 73 (2026): 1-45.

[42] Ibn Shaddād al-Ḥalabī, *Tārīkh al-Malik al-Ẓāhir*, ed. Aḥmad Ḥuṭayṭ (Beirut: al-Maʿhad li-l-Abḥāth al-Sharqiyya, 1983), 317; Ibn ʿAbd al-Ẓāhir, *al-Rawḍ al-zāhir fī sīrat al-Malik al-Ẓāhir Baybars*, ed. ʿAbd al-ʿAzīz al-Khuwayṭir (Riyadh, 1976), 89.

worship, its close connection with certain pillars depending on the circumstances, and its status as one of the most distinctive signs of love for God, one may cautiously suggest that he comes close to treating jihad as a pillar *de facto*, especially in situations of acute threat such as the context of 1299–1303. In these treatises, jihad does not occupy the foreground: it emerges in the course of digressions, through a style of writing in which normative statements appear at the margins of the main discussion.

Al-Ẓawāhirī then shifts the debate to the doctrine of loyalty and disavowal (*al-walāʾ wa-l-barāʾ*), to which he devo ‘tes a separate epistle.[43] By deploying verse 118 of sura Āl ʿImrān (Q 3:118) and verses 51 to 53 of sura al-Māʾida (Q 5:51–53), which prohibit taking Jews and Christians as allies, and by invoking major exegetes such as al-Qurṭubī and al-Ṭabarī (d. 310/923), al-Ẓawāhirī recomposes what he takes to be the “Taymiyyan matrix”: love for God requires exclusive loyalty to the believers and disavowal of others. The shift he introduces, however, is decisive. A Quranic prohibition originally situated within the sphere of military or religious alliances becomes an instrument for politically delegitimizing contemporary rulers accused of complicity with the West. *Muwālāt al-kuffār* (alliance with the unbelievers) is thus elevated to the status of a principal criterion of apostasy in the modern era.

It is only after establishing this scriptural and exegetical foundation that al-Ẓawāhirī introduces his citation from Ibn Taymiyya:

> قال ابن تيمية - رحمه الله - عن التتار: "وكل من قفز إليهم من أمراء العسكر فحكمه حكمهم، وفيهم من الردة عن شرائع الإسلام بقدر ما ارتد عنه من شرائع الإسلام.
> وإذا كان السلف قد سموا مانعي الزكاة مرتدين مع كونهم يصومون ويصلون ولم يكونوا يقاتلون جماعة المسلمين، فكيف بمن صار مع أعداء الله ورسوله قاتلاً للمسلمين."

> Ibn Taymiyya—may God have mercy on him—said regarding the Tatars: “Every one of the amirs who has joined them [the Mongols], the ruling applied to him is their ruling; and it is understood of him a degree of apostasy corresponding to what he has turned away from of the laws of Islam. And the early generations (*al-salaf*) had deemed

[43] *al-Walāʾ wa-l-barāʾ: ʿaqīda manqūla wa-wāqiʿ mafqūd* which may be translated as “Alliance and Disavowal: A Transmitted Belief but a Lost Reality” https://shamela.org/pdf/9bfa1817f9ab8dc094cb3bfd17dada44

> those who withheld the *zakāt* to be apostates, despite their praying and fasting and despite the fact that they were not fighting the Muslim community. So, how then about one who has aligned himself with the enemies of God and His Messenger, fighting the Muslims?"[44]

In this passage, Ibn Taymiyya alludes to certain Mamluk amirs who defected from the sultanate to join the camp of the Ilkhanid Mongols at the end of the 7th/13th and beginning of the 8th/14th century.[45] Although the latter had converted to Islam, particularly during the reign of Maḥmūd Ghāzān, Ibn Taymiyya doubted the sincerity of their conversion. He accused them of hypocrisy, of governing according to the *yasa*, of failing to renounce their former beliefs, and of fighting Muslims with the support of Christian allies, especially Franks, Armenians, and Georgians.[46] This text illustrates the analogical logic characteristic of Ibn Taymiyya: if the *manʿī al-zakāt* (those who refused to pay the *zakāt*) during Abū Bakr's caliphate were deemed apostates despite their devotional practices, then those who join forces militarily with the enemies of Islam fall all the more clearly into the same category. In his argumentation, al-Ẓawāhirī reproduces this Taymiyyan pattern and makes the Mongol precedent the historical axis of his transposition.

For the Ḥanbalī theologian, the Islamized Mongols who governed by human-made norms and allied with non-Muslims constituted a *ṭāʾifa mumtaniʿa* that is, a group claiming Islam while suspending the law, whose combat was therefore licit.[47] Al-Ẓawāhirī transfers this framework to the

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[44] al-Ẓawāhirī, *al-Ḥiṣād al-murr*, 33.

[45] Berriah, *L'art de la guerre chez les Mamelouks*, 321-323, 356-359; Charles Melville, "Sometimes by the Sword, Sometimes by the Dagger: The Role of the Ismaʿilis in Mamlūk–Mongol Relations in the 8th/14th Century," in *Mediaeval Ismaʿili History and Thought*, ed. F. Daftary (Cambridge: Cambridge University Press, 1996), 248-258.

[46] See the works of Michot, Aigle and Hoover cited in note 20 *op. cit*. On the presence of Christian soldiers in the Ilkhanid army, see Aigle, "Ghazan Khan's Invasion of Syria," 255-282.

[47] الحَمْدُ للهِّ، كُلُّ طائِفَةٍ مُمْتَنِعَةٍ عَنْ التِزَامِ شَرِيعَةٍ مِنْ شَرَائِعِ الإِسْلامِ الظَّاهِرَةِ المُتَوَاتِرَةِ؛ مِنْ هَؤُلاءِ القَوْمِ وَغَيْرِهِمْ فَإِنَّهُ يَجِبُ قِتَالُهُمْ حَتَّى يَلْتَزِمُوا شَرَائِعَهُ وَإِنْ كَانُوا مَعَ ذَلِكَ نَاطِقِينَ بِالشَّهَادَتَيْنِ وَمُلْتَزِمِينَ بَعْضَ شَرَائِعِهِ كَمَا قَاتَلَ أَبُو بَكْرٍ الصِّدِّيقُ وَالصَّحَابَةُ رَضِيَ اللهُ عَنْهُمْ مَانِعِي الزَّكَاةَ. وَعَلَى ذَلِكَ اتَّفَقَ الْفُقَهَاءُ بَعْدَهُمْ بَعْدَ سَابِقَةِ مُنَاظَرَةِ عُمَرَ لأَبِي بَكْرٍ رَضِيَ اللهُ عَنْهُمَا. فَاتَّفَقَ الصَّحَابَةُ رَضِيَ اللهُ عَنْهُمْ عَلَى القِتَالِ عَلَى حُقُوقِ الإِسْلامِ عَمَلاً بِالكِتَابِ وَالسُّنَّةِ. وَكَذَلِكَ ثَبَتَ عَنْ النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ مِنْ عَشَرَةِ أَوْجُهٍ الحَدِيثُ عَنْ الخَوَارِجِ وَأَخْبَرَ أَنَّهُمْ شَرُّ الخَلْقِ وَالخَلِيقَةِ مَعَ قَوْلِهِ: {تُحَقِّرُونَ صَلاتَكُمْ مَعَ صَلاتِهِمْ وَصِيَامَكُمْ مَعَ صِيَامِهِمْ} فَعُلِمَ أَنَّ مُجَرَّدَ الاعْتِصَامِ بِالإِسْلامِ مَعَ عَدَمِ التِزَامِ شَرَائِعِهِ لَيْسَ بِمُسْقِطٍ لِلقِتَالِ. فَالقِتَالُ وَاجِبٌ حَتَّى يَكُونَ الدِّينُ كُلُّهُ للهِّ وَحَتَّى لاَ تَكُونَ فِتْنَةٌ. فَمَتَى كَانَ الدِّينُ لِغَيْرِ اللهِ فَالقِتَالُ وَاجِبٌ. فَأَيُّمَا طَائِفَةٍ امْتَنَعَتْ مِنْ بَعْضِ الصَّلَوَاتِ المَفْرُوضَاتِ أَوْ الصِّيَامِ أَوْ الحَجِّ أَوْ عَنْ التِزَامِ تَحْرِيمِ الدِّمَاءِ وَالأَمْوَالِ وَالخَمْرِ وَالزِّنَا وَالمَيْسِرِ أَوْ عَنْ نِكَاحِ ذَوَاتِ المَحَارِمِ أَوْ عَنْ التِزَامِ جِهَادِ

modern period and identifies three features that, according to Ibn Taymiyya, characterized the Mongols: profession of Islam, governance based on legislation other than revelation, and alliance or cooperation with non-Muslims

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الْكُفَّارِ أَوْ ضَرْبِ الْجِزْيَةِ عَلَى أَهْلِ الْكِتَابِ وَغَيْرِ ذَلِكَ مِنْ وَاجِبَاتِ الدِّينِ وَمُحَرَّمَاتِهِ - الَّتِي لاَ عُذْرَ لأَحَدٍ فِي جُحُودِهَا وَتَرْكِهَا - الَّتِي يَكْفُرُ الْجَاحِدُ لِوُجُوبِهَا. فَإِنَّ الطَّائِفَةَ الْمُمْتَنِعَةَ تُقَاتَلُ عَلَيْهَا وَإِنْ كَانَتْ مُقِرَّةً بِهَا. وَهَذَا مَا لاَ أَعْلَمُ فِيهِ خِلاَفًا بَيْنَ الْعُلَمَاءِ. وَإِنَّمَا اخْتَلَفَ الْفُقَهَاءُ فِي الطَّائِفَةِ الْمُمْتَنِعَةِ إِذَا أَصَرَّتْ عَلَى تَرْكِ بَعْضِ السُّنَنِ كَرَكْعَتَيْ الْفَجْرِ وَالأَذَانِ وَالإِقَامَةِ - عِنْدَ مَنْ لاَ يَقُولُ بِوُجُوبِهَا - وَنَحْوِ ذَلِكَ مِنْ الشَّعَائِرِ. هَلْ تُقَاتَلُ الطَّائِفَةُ الْمُمْتَنِعَةُ عَلَى تَرْكِهَا أَمْ لاَ؟ فَأَمَّا الْوَاجِبَاتُ وَالْمُحَرَّمَاتُ الْمَذْكُورَةُ وَنَحْوُهَا فَلاَ خِلاَفَ فِي الْقِتَالِ عَلَيْهَا. وَهَؤُلاَءِ عِنْدَ الْمُحَقِّقِينَ مِنْ الْعُلَمَاءِ لَيْسُوا بِمَنْزِلَةِ الْبُغَاةِ الْخَارِجِينَ عَلَى الإِمَامِ أَوْ الْخَارِجِينَ عَنْ طَاعَتِهِ؛ كَأَهْلِ الشَّامِ مَعَ أَمِيرِ الْمُؤْمِنِينَ عَلِيِّ بْنِ أَبِي طَالِبٍ رَضِيَ اللهُ عَنْهُ. فَإِنَّ أُولَئِكَ خَارِجُونَ عَنْ طَاعَةِ إِمَامٍ مُعَيَّنٍ أَوْ خَارِجُونَ عَلَيْهِ لإِزَالَةِ وِلاَيَتِهِ. وَأَمَّا الْمَذْكُورُونَ فَهُمْ خَارِجُونَ عَنْ الإِسْلاَمِ؛ بِمَنْزِلَةِ مَانِعِي الزَّكَاةِ وَبِمَنْزِلَةِ الْخَوَارِجِ الَّذِينَ قَاتَلَهُمْ عَلِيُّ بْنُ أَبِي طَالِبٍ رَضِيَ اللهُ عَنْهُ.

"Praise be to God. Every group that refrains from adhering to any of the outward, well-known, mass-transmitted laws of Islam, whether from these people or from others, must be fought until they commit themselves to its laws, even if they pronounce the two testimonies of faith and adhere to some of its laws; just as Abū Bakr al-Ṣiddīq and the Companions, may God be pleased with them, fought those who withheld the *zakāt*. And upon that the jurists after them agreed, after the precedent of ʿUmar's debate with Abū Bakr, may God be pleased with them both. Thus, the Companions, may God be pleased with them, agreed on fighting for the rights of Islam, acting upon the Book and the Sunnah. Likewise, it has been established from the Prophet—may God's prayers and peace be upon him—by ten chains or from ten aspects, the hadith concerning the Khawārij, and he informed that they are the worst of creation and creatures, despite his saying: "You would belittle your prayer in comparison to their prayer, and your fasting in comparison to their fasting." It is therefore known that mere adherence to the name of Islam, while not committing oneself to its laws, does not remove the obligation of fighting. Fighting is obligatory until the religion is entirely for God and until there is no fitnah. So whenever the religion is for other than God, fighting is obligatory. Thus, any group that refrains from some of the prescribed prayers or from fasting or from the pilgrimage or from committing itself to the prohibition of bloodshed or unlawful consumption of property or wine or fornication or gambling or from refraining from marrying those of the forbidden degrees or from committing itself to jihad against disbelievers or from imposing *jizya* upon the People of the Book, as well as other obligations of the religion and its prohibitions, those matters for which no one has an excuse in denying or abandoning them and the denial of whose obligation constitutes disbelief, then that abstaining group is to be fought on account of these matters even if it acknowledges them. And I know of no disagreement among the scholars concerning this. The jurists have differed only concerning the case of a faction that persists in neglecting certain *sunan* (recommended practices), such as the two units of prayer before dawn (*rakʿatay al-fajr*), the call to prayer (*adhān*), or the *iqāma*, according to those who do not consider them obligatory, and other practices of this kind: must they be fought for abandoning them or not? As for the aforementioned obligations and prohibitions and similar matters, there is no disagreement regarding fighting over them. And these people, according to the verifying scholars, are not in the position of rebels (*bughāt*) who rise against the Imām or who depart from obedience to him, such as the people of Shām with the Commander of the Faithful ʿAlī ibn Abī Ṭālib, may God be pleased with him. For those rebels are ones who rise against a specific Imām or rise to remove his authority. But those previously mentioned groups are ones who have departed from Islam, like those who withheld the *zakāt* and like the Khawārij whom ʿAlī b. Abī Ṭālib—may God be pleased with him—fought." Ibn Taymiyya, *Majmūʿ al-fatāwā*, 28: 502.

against Muslims. The reference to the Mongol precedent thus functions as an analogical matrix: rulers who govern by non-revealed laws, conclude military alliances with non-Muslims, and fight Muslims are implicitly assimilated to the groups Ibn Taymiyya regarded as legitimate enemies. This is one of the hallmarks of al-Ẓawāhirī's method: bringing distant situations into proximity in order to generate maximal analogy from minimal resemblance.

These elements surface in the pages where he comments on *al-walāʾ wa-l-barāʾ*, condemns alliances with "enemies," and evokes the Companions' struggle against the *manʿī al-zakāt*. The reader is thereby led to draw the parallel: contemporary Muslim regimes that govern through secular laws and cooperate with the West become, by analogy, the "Mongols" of our time, in continuity with earlier jihadist framings (Anwar al-Sadat being a well-known case), as the works cited above have highlighted.

By reactivating the Taymiyyan paradigm, al-Ẓawāhirī proceeds through decontextualized analogy: a specific episode, namely the cooperation between certain Mamluk amirs and Ilkhanids deemed heretical, serves as a template for thinking about present-day relations between Muslim states and non-Muslim powers. This is not, to borrow Yahya Michot's expression, merely a "Mongolization of the enemy", that is, the assimilation of a Muslim ruler to the figure of the Mongol and thus of the hypocrite or apostate, but a full analogical reconfiguration of reality, in which history functions as a reservoir of verdicts applicable to the present.

The citation of Ibn Taymiyya on the Mongols thus closes al-Ẓawāhirī's scriptural architecture: to the Qurʾanic verses and the commentaries of classical exegetes is added the voice of the celebrated Ḥanbalī theologian of Damascus, which crowns the demonstration with medieval authority. The effect is twofold. Ibn Taymiyya is enveloped in classical legitimacy, and the reading shifts toward a conception of religion as a regime of political affects, in which loving and hating for God translate into active hostility toward enemies. The figure of the "Mongol" thereby ceases to belong to the past and becomes an operative category of contemporary jihadist thought.

4. FROM NORMATIVITY TO POLITICS: THE JIHADIST REACTIVATION OF *AL-AMR BI-L-MAʿRŪF WA-L-NAHY ʿAN AL-MUNKAR*

٨ -الوصول للحكم بالطريق القانوني:

يقول أحمد حسين في مرافعته في قضية مقتل النقراشي دفاعا عن الإخوان المسلمين وأنهم كانوا ضد العنف، وأن حسن البنا - رحمه الله - وقف ضد حوادث تحطيم الحانات وطالب بتغيير القانون بالطريق الانتخابي القانوني:

"وكتب حضرته (أي حسن البنا رحمه الله) بنفس العدد (النذير ٣٣) مقالا آخر بعنوان "حول حوادث تحطيم الحانات" جاء فيه: تحريم الخمر وتعاطيها أمر من اختصاص الإمام، فإذا قصر كان خارجا عن الكتاب والسنة، وعندئذ يجب على العلماء وذوي الرأي أن يقدموا له النصيحة، فإذا أبى وجب على الأمة أن تجاهده حتى تخلعه، ومن هنا نرى الإسلام هو دين نظام، جعل حتى تغيير المنكر للإمام، ولم يعط هذا الحق لكل فرد من أفراد الأمة، وإلا أصبح الأمر فوضى.

فالحكومة هي التي تقوم في عصرنا مقام الإمام، فهي المسئولة عن تحريم المنكرات، فإن لم تفعل وجب على نواب الأمة أن يسحبوا ثقتهم منها، فإذا لم يؤد النواب واجبهم أصبح لزاما على الأمة ألا تمنحهم ثقتها، وتنتخب غيرهم فإذا اجتمع تحت قبة البرلمان نواب مسلمون، أمكن القضاء على كل منكر بقوة القانون وحكم النظام.

هؤلاء هم الإخوان المسلمون في سنة (١٩٣٩)، أي منذ عشر سنوات يكرهون العنف والإخلال بالنظام، حتى أنهم بادروا فأعلنوا إنكارهم الجريمة التي وقعت من غير صفوفهم، وأعلنوا حكم الإسلام فيها، وقد كانت هذه الأقوال هي التي استندت إليها النيابة في ذلك الوقت على هؤلاء المتهمين في تحطيم الحانات.

وهذا الكلام من حسن البنا - رحمه الله - فيه خلط:

فهو أولاً: قد قصر الأمر بالمعروف والأمر عن المنكر على الحكومة فقط، وهذا خلاف ما استقر عليه العلماء أن الأمر عن المعروف والنهي عن المنكر فرض على الكفاية، فإذا قصر فيه الأمراء، كان لكل من قدر على إزالته القيام بذلك .

قال ابن تيمية رحمه الله :

"وكذلك الأمر بالمعروف والنهي عن المنكر لا يجب على كل أحد بعينه، بل هو على الكفاية كما دل عليه القرآن، ولما كان الجهاد من تمام ذلك كان الجهاد أيضا كذلك، فإذا لم يقم به من يقوم بواجبه أثم كل قادر بحسب قدرته، إذ هو واجب على كل انسان بحسب قدرته، كما قال النبي صلى الله عليه وسلم: "من رأى منكم منكرا فليغيره بيده، فإن لم يستطع فبلسانه، فإن لم يستطع فبقلبه، وذلك أضعف الإيمان".

وقال أيضاً رحمه الله:

"وإذا كان جماع الدين وجميع الولايات هو أمر ونهي، فالأمر الذى بعث الله به رسوله هو الأمر بالمعروف، والنبي الذي بعثه به هو النهي عن المنكر، وهذا نعت النبي والمؤمنين،

كما قال تعالى: {والمؤمنون والمؤمنات بعضهم أولياء بعض يأمرون بالمعروف وينهون عن المنكر}، وهذا واجب على كل مسلم قادر، وهو فرض على الكفاية، ويصير فرض عين على القادر الذي لم يقم به غيره، والقدرة هو السلطان والولاية، فذوو السلطان أقدر من غيرهم، وعليهم من الوجوب ما ليس على غيرهم، فإن مناط الوجوب هو القدرة، فيجب على كل إنسان بحسب قدرته، قال تعالى: {فاتقوا الله ما استطعتم}".

وقال أيضاً رحمه الله:

"وقول من قال لا يقيم الحدود الا السلطان ونوابه إذا كانوا قادرين فاعلين بالعدل.

كما يقول الفقهاء الأمر الى الحاكم إنما هو العادل القادر، فإذا كان مضيعا لأموال اليتامى أو عاجزا عنها لم يجب تسليمها إليه مع إمكان حفظها بدونه، وكذلك الأمور إذا كان مضيعا للحدود أو عاجزا عنها لم يجب تفويضها إليه مع إمكان إقامتها بدونه، والأصل أن هذه الواجبات تقام على أحسن الوجوه، فمتى أمكن إقامتها من أمير لم يحتج إلى اثنين، ومتى لم يقم إلا بعدد ومن غير سلطان أقيمت إذا لم يكن في إقامتها فساد فيه على إضاعتها، فإنها من باب الأمر بالمعروف والنهي عن المنكر، فإن كان في ذلك من فساد ولاة الأمر أو الرحمة ما يزيد على إضاعتها لم يدفع فساد بأفسد منه، والله أعلم".

8. Reaching authority through the legal path:

Aḥmad Ḥusayn said in his plea in the case of the assassination of al-Nuqrāshī [d. 1948], in defense of the Muslim Brotherhood and affirming that they were against violence, that Ḥasan al-Bannā — may God have mercy on him — had opposed the incidents of destroying the bars and had demanded that the law be changed through the legal electoral path:

“And his presence (meaning Ḥasan al-Bannā, may God have mercy on him) wrote, in the same issue (*al-Nadhīr* 33), another article entitled ‘On the Incidents of the Destruction of Bars’, in which he said: The prohibition of wine and its consumption is a matter belonging to the competence of the imam. So, if he falls short, he becomes outside the Book and the Sunnah, and then it becomes obligatory upon the scholars and the people of sound opinion to offer him advice. If he refuses, then it becomes obligatory upon the community to strive against him until they depose him. From this we see that Islam is a religion of order. It made the right of changing wrongdoing belong to the imam, and it did not give this right to every individual of the community, otherwise the matter would become disorder. Thus, the government, which in our time occupies the place

of the imam, is responsible for prohibiting wrongdoings. If it does not do so, then it is obligatory upon the deputies of the nation to withdraw their confidence from it. If the deputies do not fulfil their duty, it becomes necessary for the community not to grant them its confidence and to elect others. And if, under the dome of Parliament, Muslim deputies gather, then it becomes possible to eliminate every wrongdoing by the force of law and the judgment of order."

These were the Muslim Brotherhood in the year 1939, that is, ten years earlier: they hated violence and the disruption of order, to the point that they hastened to declare their denunciation of the crime that occurred outside their ranks, and they proclaimed the ruling of Islam concerning it. These statements are the ones the prosecution relied upon at that time regarding those accused in the destruction of the bars. And this statement of Ḥasan al-Bannā — may God have mercy on him — contains confusion.

For first, he restricted commanding right and forbidding wrong to the government alone, and this is contrary to what the scholars have established, namely that commanding right and forbidding wrong is a collective obligation. If the rulers fall short in it, then everyone who is able to remove it must do so.

Ibn Taymiyya — may God have mercy on him — said: "Likewise, commanding right and forbidding wrong is not individually obligatory (*farḍ ʿayn*) upon each person in particular. Rather, it is a collective obligation (*farḍ kifāya*), as the Quran indicates. And because jihad is the completion of this, jihad is likewise so, for it becomes obligatory upon the one who is capable. Thus, it is obligatory upon each human being according to his ability, as the Prophet — peace and blessings be upon him — said: 'Whoever among you sees a wrongdoing, let him change it with his hand; if he is unable, then with his tongue; and if he is unable, then with his heart, and that is the weakest of faith.'"

He [Ibn Taymiyya] — may God have mercy on him — also said: "When the collective essence of religion and of all positions of authority is command and prohibition, then the command with which

God sent His Messenger is the command to what is right, and the prohibition with which He sent him is the prohibition of what is wrong. And this is the description of the Prophet and of the believers, as the Exalted said: 'The believing men and the believing women are allies of one another; they enjoin what is right and forbid what is wrong' [Q 9:71]. And this is obligatory upon every Muslim who is capable. And it is a collective obligation, and it becomes an individual obligation upon the one who is capable when no one else has carried it out. And capability is authority and governance, so those who possess authority are more capable than others, and upon them is obligatory what is not upon others, for the basis of obligation is capability. Thus it is obligatory upon every person according to his capability, as the Exalted said: 'So fear God as much as you are able' [Q 64:16].

And he [Ibn Taymiyya] — may God have mercy on him — also said: "The statement of one who says that none but the ruler and his deputies establish the prescribed punishments is correct only when they are capable and act with justice. As the jurists say, the matter is referred to the judge only when he is just and capable. So, if he is one who squanders the wealth of orphans or is incapable concerning it, it is not obligatory to entrust it to him while it is possible to preserve it without him. Likewise, the ruler, if he is one who neglects the prescribed punishments or is incapable concerning them, it is not obligatory to entrust them to him while it is possible to establish them without him. The fundamental principle is that these obligations are to be performed in the best manner. Thus, whenever it is possible to establish them by means of one commander, there is no need for two. And whenever they are not established except by a number, and by someone other than the ruler, then they are established if this does not result in corruption greater than neglecting them. For this belongs to the domain of commanding right and forbidding wrong. So, if in carrying them out there is corruption, whether in the rulers or in the subjects, that is greater than the corruption of neglecting them, then

corruption is not to be repelled by what is more corrupt than it. And God knows best."[48]

In this passage, al-Ẓawāhirī stages Ibn Taymiyya as a decisive authority tasked with resolving a specific political issue: access to power through legal and electoral means. He begins by dismissing the legalist option by drawing upon contemporary examples, notably the attempts of the Muslim Brotherhood and the Egyptian parliamentary experience dating back to the time of Ḥasan al-Bannā (d. 1949). This opening move is deliberate; it establishes a framework in which the present is judged through the lens of medieval paradigm elevated to the status of normative reference, and in which the failure of "constitutional" procedures calls for a response of a different order.

It is within this framework that Ibn Taymiyya is introduced. Al-Ẓawāhirī draws on passages from his treatises dealing with "commanding right and forbidding wrong" (*al-amr bi-l-maʿrūf wa-l-nahy ʿan al-munkar*) and with sharīʿa-based governance (*al-siyāsa al-sharʿiyya*). He selects those statements that present the suppression of wrongdoing as a duty conditioned by capacity and effective power, emphasizing the shift from a collective obligation (*farḍ kifāya*) to an individual one (*farḍ ʿayn*) whenever some are able to act while others are prevented from doing so.[49] The objective is clear: authority is displaced from a failing state to any group capable of carrying out the divine injunction, even outside institutional structures.

This interpretation rests on a double hermeneutical operation. On the one hand, al-Ẓawāhirī generalizes opinions formulated by Ibn Taymiyya in highly specific contexts (disputes over authority, the practical administration of the *ḥisba*, military threats) and turns them into principles theoretically applicable to any situation in which temporal power (*sulṭān*) fails to enjoin the right. On the other hand, he widens the notion of "wrongdoing" without transition. What originally concerned particular behaviors within the domain of moral policing or social reform becomes, in his reading, the political order as a whole whenever the ruling power "does not judge according to what God has

[48] al-Ẓawāhirī, *al-Ḥiṣād al-murr*, 42-43.
[49] On the nature of *farḍ kifāya* and *farḍ ʿayn* see Adnan Ahmad Zulfiqar, *Collective Duties (farḍ kifāya) in Islamic Law: The Moral Community, State Authority and Ethical Speculation in the Premodern Period* (PhD diss., University of Pennsylvania, 2018), 53-68.

revealed" or allies itself with non-Muslims. This shift grants opposition to the regime the status of a religious obligation for anyone possessing the capacity to act.

Yet this reading is marked by silences. In Ibn Taymiyya's work, these same passages on commanding right are consistently framed by two safeguards: the competence of public authority when it is able to act, and the imperative of proportionality, which prohibits any intervention likely to produce greater harm than it removes. Al-Ẓawāhirī cites the condition of capacity, but he attenuates the restrictive force of *maṣlaḥa* and of consequential reasoning, which Ibn Taymiyya develops at length. Procedural prudence is thereby recast as tactical evaluation, easily fulfilled once the state is deemed "incapable" or "complicit."

In Ibn Taymiyya, the obligation of *al-amr bi-l-maʿrūf wa-l-nahy ʿan al-munkar* operates through a conditional grammar rather than through an undifferentiated imperative. In the *Ḥisba* and the *Siyāsa al-sharʿiyya*, the duty is calibrated to actual means and becomes individually binding only when legitimate authorities fail to act; the elimination of a wrong is permitted only if it genuinely reduces overall harm.[50] One illustrative example concerns the celebration of the mawlid, which was very popular in his time. When addressing those who wish to encourage adherence to prophetic practice, Ibn Taymiyya advises them to guide participants toward a more appropriate form of commemoration while avoiding any intervention that might push them toward an innovation considered more serious. One may infer that he implicitly prefers the continuation of the *mawlid* among the "innovators" rather than seeing them adopt practices he judges more dangerous. He does not name these explicitly, yet several passages suggest that he has in mind certain visits to tombs or sites deemed sacred, which he feared could lead to *shirk*, regarded as the gravest sin in Islam.[51]

[50] Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge: Cambridge University Press, 2000), 153-155.

[51] Ibn Taymiyya, *Iqtiḍāʾ al-ṣirāṭ al-mustaqīm li-mukhālafat aṣḥāb al-jaḥīm*, ed. Nāṣir b. ʿAbd al-Karīm al-ʿAql (Beirut: Dār ʿĀlam al-Kutub, 1999), vol. 2: 125; Mehdi Berriah, "Ambiguity and Confusion around the Celebration of the Mawlid: On Ibn Taymiyya's Position and Its Use in Contemporary Religious Debates," *Revue des mondes musulmans et de la Méditerranée* 155 (2024): 95-100. See also Hoover, *Ibn Taymiyya*, p. 65-67; Raquel M. Ukeles, "The Sensitive Puritan? Revisiting Ibn Taymiyya's Approach to Law and Spirituality in Light of 20th-Century Debates on the Prophet's Birthday (mawlid

Moreover, the execution of punishments and the use of coercion fall primarily within the remit of public authority, while private individuals, in practice, are limited to verbal censure whenever the use of force risks aggravating the harm. As Michael Cook has shown, the obligation to command right and forbid wrong in Ibn Taymiyya's thought is closely tied to effective capacity, to the competence of those holding authority, and to a teleological mode of reasoning: one eliminates a wrong only on the condition of actually decreasing the total amount of harm. In relation to established power, implementation therefore remains confined to speech and does not give rise to a doctrine of insurrection derived mechanically from the interdiction of wrongdoing. Taymiyyan normativity incorporates conditions of exercise that filter and prioritize action, far removed from any binary automatisms.[52]

Beyond these safeguards, political authority, in Ibn Taymiyya's conception, is anchored in a theology of guidance. As Jon Hoover has shown, Ibn Taymiyya conceives the task of government is to lead individuals toward the worship of the one God and to reform their religious practice. Political function thus extends the prophetic mandate: God sent messengers and scriptures, but He also endowed human beings with "iron," the symbol of legitimate coercion, to correct deviations from revelation. The use of force therefore participates in a soteriological purpose aimed at protecting faith and directing souls.[53]

Placed within this framework, the passages that al-Ẓawāhirī employs to transform *al-amr bi-l-maʿrūf wa-l-nahy ʿan al-munkar* into a permanent political obligation lose their appearance of universal judgement. Ibn Taymiyya's primary concern is the explicit substitution of human sovereignty for revealed law, as in the case of the Mongols and the *yasa*, and not the mere existence of contingent political forms or the practical shortcomings treated in casuistry. By neutralizing capacity, proportionality and institutional primacy, which are pillars of the system that Cook rightly highlights, al-Ẓawāhirī converts a hierarchy of priorities into an axiom: democracy becomes almost mechanically the designation of a legislation competing with that of God.

al-nabī)," in *Ibn Taymiyya and His Times*, ed. Yossef Rapoport and Ahmed Shahab (Karachi: Oxford University Press, 2010), 327.

[52] Cook, *Commanding Right and Forbidding Wrong*, 155.

[53] Hoover, "Reconciling Ibn Taymiyya's Legitimisation of Violence," 114. On the role and objectives of public authority according Ibn Taymiyya see Hoover, *Ibn Taymiyya*, 96-103.

The appeal to Ibn Taymiyya thus serves less as exegesis than as legitimation. By detaching opinions from their medieval context and reorganizing them around the single criterion of capacity, al-Ẓawāhirī transforms a body of political jurisprudence into an operational doctrine of overturning established powers. The reference to authority is not ornamental; it reconfigures the hierarchy of duties, subordinates positive legality to religious obligation, and reinterprets electoral failure not as political defeat but as a summons to act.

In sum, al-Ẓawāhirī presents Ibn Taymiyya as the guarantor of a passage from the legal to the legitimate. Electoral legality is deemed incapable of restoring the revealed norm; religious legitimacy shifts to those who "are able," that is, to actors capable of imposing the "commanding right and forbidding wrong" by coercive means. This shift, grounded in a historically imprecise analogy and in a selective use of normative texts, grants al-Ẓawāhirī's discourse its prescriptive tone and its semblance of self-evidence.

5. HISTORY AS PROOF: THE USE OF IBN KATHĪR AND THE TELESCOPING OF ERAS

The citation from Ibn Kathīr at the end of al-Ẓawāhirī's text fulfills a function of rhetorical and historical closure:

> وقال ابن كثير - رحمه الله- في حوادث سنة تسعة وتسعين وستمائة:
> "وفي يوم الجمعة سابع عشر رجب أعيدت الخطبة بدمشق لصاحب مصر، ففرح الناس بذلك، وكان يخطب لقازان بدمشق وغيرها من بلاد الشام مائة يوم سواء، وفي بكرة يوم الجمعة المذكور دار الشيخ تقي الدين بن تيمية - رحمه الله - وأصحابه على الخمارات والحانات فكسروا آنية الخمور، وشققوا الظروف، وأراقوا الخمور، وعزروا جماعة من أهل الحانات المتخذة لهذه الفواحش، ففرح الناس بذلك."

> Ibn Kathīr — may God have mercy on him — said, in the events of the year 699
> "And on Friday, the seventeenth of Rajab, the Friday sermon (*khuṭba*) was restored in Damascus for the ruler of Egypt [sultan al-Nāṣir Muḥammad], and the people rejoiced at that. He would deliver the sermons for Ghāzān in Damascus and elsewhere from the lands of al-Shām for a full hundred days. And on the morning of that

> aforementioned Friday, shaykh Taqī al-Dīn Ibn Taymiyya — may God have mercy on him — and his companions assaulted the taverns and the houses of immorality (*khānāt*). They broke the vessels of wine, split open the gambling instruments, poured out the wine, and administered disciplinary punishment to a group of the inhabitants of the *khānāt*, and drove out a group of the women of the brothels who had taken those places as dwellings."[54]

The citation from Ibn Kathīr that closes al-Ẓawāhirī's passage is not a mere textual ornament; it plays a strategic role in the staging of authority. Ibn Kathīr, a disciple of Ibn Taymiyya, occupies a pivotal position between history, exegesis, and the memory of the master. By quoting his *al-Bidāya wa-l-nihāya*, al-Ẓawāhirī does not simply deploy an additional jurist, but a witness to Ibn Taymiyya's active sanctity. The episode he reports—the destruction of taverns and places of debauchery in Damascus in 699/1300—elevates the figure of the scholar to that of a political and moral actor: Ibn Taymiyya appears not only as a theorist of jihad but as a man of action, arousing popular support and collective fervor.[55]

Ibn Kathīr himself, in the notices he devotes to his master, adopts an admiring tone: he describes the shaykh al-Islām as a man of learning and courage, present on the battlefield and issuing legal opinions that galvanized the city. This historiographical memory, appropriated by al-Ẓawāhirī, becomes a secondary source of authority: it does not create normativity, but authenticates the normativity of the master it celebrates. In other words, Ibn Taymiyya articulates the rule, and Ibn Kathīr narrates its enactment.

The intended effect of closure is twofold: to recall, on the one hand, that political violence may be sanctified through the figure of the scholar; and to show, on the other, that Islamic history itself legitimizes armed action when faith is threatened. Al-Ẓawāhirī thus weaves a vertical link between doctrine, history, and action: Ibn Taymiyya proclaims, Ibn Kathīr transmits, and he himself claims to reactivate. The choice of Ibn Kathīr is anything but incidental: his authority, situated at the intersection of scriptural learning and

[54] al-Ẓawāhirī, *al-Ḥiṣād al-murr*, 43.
[55] On Ibn Taymiyya's role as a social actor, see Berriah, "Mobility and Versatility of the *ʿulamaʾ* in the Mamluk Period," 118-120.

historical memory, offers a form of traditional consensus. The jurist's word and the historian's pen converge in a single truth: the legitimization of struggle.

This use of Ibn Kathīr operates on two levels. On the discursive level, it grants the argumentation a narrative dimension (*qiṣṣa*): where the citations from Ibn Taymiyya laid down legal principles, Ibn Kathīr provides their historical embodiment. The narrative becomes a perceptible proof, emotional as well as rational, transforming duty into example. On the hermeneutical level, this invocation completes the analogical decontextualization: the account of the events of the year 699 AH becomes a mirror for the present, a paradigm of pious resurgence in the face of religious corruption. This echoes a phenomenon found among a minority of modern exegetes, such as the Egyptian Muḥammad Abū Zahra, the Syrian Saʿīd Ḥawwā and the Indonesian Hamka, who, although a minority, interpret some verses with explicit reference to contemporary events, as Johanna Pink has shown in her study of Q 5:51.[56] Al Ẓawāhirī here turns chronicle into norm; the past is no longer merely a reservoir of examples but a living temporal framework reactivated as a moral imperative. In this sense, both historical narration and exegesis can assume, and indeed often do assume, a presentist function.

This narrative from Ibn Kathīr, placed immediately after the words of Ibn Taymiyya, fully participates in al-Ẓawāhirī's appropriation of the master, an appropriation that follows a stable rhetorical pattern. Al-Ẓawāhirī begins with a diagnosis of the failure of legal avenues, moves on to doctrinal citations that make capacity the criterion of obligation, and concludes with an exemplary precedent, in this case the Mongol occupation of Syria during the winter of 699-700/1299-1300, which casts contemporary political action in a heroic register of safeguarding the faith. The framework thus constructed produces an effect of necessity: action outside institutional frameworks appears no longer as an option but as the sole path faithful to religious normativity.

Thus the citation from Ibn Kathīr does more than close a demonstration; it completes a cycle of legitimation. Ibn Taymiyya provides the norm, Ibn Kathīr

[56] Johanna Pink, "Tradition and Ideology in Contemporary Sunnite Qur'anic Exegesis: Qur'anic Commentaries from the Arab World, Turkey and Indonesia and Their Interpretation of Q 5:51," *Die Welt des Islams* 50, no. 1 (2010): 7, 44-45, 50-51, 57.

stages it, and al-Ẓawāhirī draws from it the political conclusion: jihad as historical continuity rather than rupture.

CONCLUSION

The analysis proposed in this article set out to show how Ayman al-Ẓawāhirī reactivates what may be described as a Taymiyyan paradigm, that is, a worldview and a set of normative schemes developed between the second half of the thirteenth century and the early fourteenth century in the Near East, under circumstances marked by the Mongol invasions and the profound political, religious, social and cultural upheavals they produced, which Ibn Taymiyya experienced as an existential threat to Islam.[57] In contemporary jihadist discourse, these schemes tend to be elevated to the status of a medieval paradigm capable of illuminating political situations that have little in common with the context in which they were originally formulated.

The examination of *al-Ḥiṣād al-murr* confirms this shift. It brings to light a recurrent hermeneutical procedure based on decontextualization by analogy, which enables al-Ẓawāhirī to extract Taymiyyan positions from their original grounding and transform them into transhistorical norms applicable to contemporary Muslim states, to their legal systems, and to their external alliances with non-Muslim actors. The analysis of *al-Ḥiṣād al-murr* thus shows how al-Ẓawāhirī reorganizes a Taymiyyan paradigm of jihad, forged in the Mongol context, and turns it into a framework for interpreting contemporary politics and an instrument for legitimizing violence.

It is nevertheless important to recall the preliminary nature of this study. The inquiry has deliberately focused on a single text, selected for its importance and doctrinal density, in order to follow as closely as possible its argumentative mechanisms and its modes of reappropriating the Taymiyyan corpus. A broader investigation encompassing al-Ẓawāhirī's other writings will be necessary to assess the actual coherence of this paradigm and the ways in which it is modulated according to audiences, contexts, and strategic needs. This wider investigation is underway and will be the subject of forthcoming publications.

[57] Michot, *Ibn Taymiyya. Lettre à un roi croisé*, 62-69; Berriah, "The Mamluk Sultanate and the Mamluks seen by Ibn Taymiyya," §11-28.

Contemporary uses of Ibn Taymiyya cannot, moreover, be understood solely through the figure of al-Ẓawāhirī. Other ideologues, from ʿAbdallāh ʿAzzām to Abū Muṣʿab al-Zarqāwī and including Usāma b. Lādin, also appropriate this medieval paradigm, though not always in identical ways. A comparative study will be required to determine whether this constitutes a genuinely shared paradigm or rather a set of parallel appropriations that sometimes converge and at other times diverge. Ongoing research should help clarify this point and refine the hypotheses advanced here.

Finally, the issue extends beyond the doctrinal influence itself. It concerns the processes through which a medieval scholarly corpus becomes, through successive rereadings, a discursive matrix capable of producing political judgment, legitimizing violence, and reconfiguring the boundaries between religion and politics in the contemporary period. By tracing the ways in which al-Ẓawāhirī reshapes and absolutizes this Taymiyyan paradigm, this study opens a broader field of inquiry: that of the contemporary circulation of classical authorities and their instrumentalization in the political imaginaries of jihadism. It is within this wider perspective, attentive to mediations, temporalities, and contexts of use, that the place occupied by Ibn Taymiyya in the ideological reconfigurations of contemporary jihadism may be more precisely assessed.

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Mapping Reformist Trajectories in Modern Islamic Thought

Fazlur Rahman's Islamic Modernism: A Historiographical Analysis of His Intellectual Legacy (1919–1988)

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ABSTRACT

This paper presents a historiographical analysis of Fazlur Rahman's intellectual legacy, situating him as a foundational figure in 20th-century Islamic modernism. Bridging classical Islamic scholarship and modern Western philosophical inquiry, Rahman advanced a reformist hermeneutic that foregrounded contextual and ethical readings of Islamic texts. The study traces the development of Rahman's thought across distinct phases—from his early focus on classical philosophy to his mature advocacy of a neo-modernist, normative approach to Islamic theology. Central to Rahman's methodology is the "Double Movement Theory," which emphasizes the dialectic between historical context and contemporary relevance in interpreting the Quran. Through a comprehensive review of primary and secondary literature, this paper maps the evolving academic reception of Rahman's work, highlighting his influence on Islamic studies, educational reform, political thought, and contemporary hermeneutics. While acknowledging critiques regarding his limited engagement with comparative religion, the paper underscores Rahman's enduring relevance in shaping modern Islamic thought and its intersections with global discourses on religion, identity, and modernity.

KEYWORDS:

Fazlur Rahman; Islamic Modernism; Quranic Hermeneutics; Islamic Reform; Modern Islamic Thought.

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ترسيم خرائط الإصلاح في الفكر الإسلامي المعاصر

الحداثة الإسلامية عند فضل الرحمن: قراءة تأريخية في إرثه الفكري (1919–1988)

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الملخص:

تقدم هذه المقالة تحليلا استعراضيا لميراث فضل الرحمن الفكري، من خلال وضعه في سياقه بوصفه أحد الأعلام المؤسسين للحداثة الإسلامية في القرن العشرين. فقد سعى رحمان إلى بناء جسر بين التراث العلمي الإسلامي الكلاسيكي والفلسفات الغربية المعاصرة، مطورا منهجا إصلاحيا في التأويل يرتكز على القراءة السياقية والأخلاقية للنصوص الإسلامية. ويتتبع البحث المراحل المختلفة لتطور فكره: من انشغاله المبكر بالفلسفة الإسلامية الكلاسيكية إلى بلورته اللاحقة لمشروع ما بعد حداثي" يقوم على بناء منهج معياري في علم الكلام.

ويعد "مبدأ الحركة المزدوجة" محورا أساسا في منهجيته، إذ يربط بين فهم السياق التاريخي للنص واستحضار دلالاته في الواقع المعاصر. ومن خلال مراجعة شاملة للأدبيات الأولية والثانوية، يرسم البحث خريطة لتطور استقبال أعماله في الحقل الأكاديمي، مبرزا تأثيره في الدراسات الإسلامية، وإصلاح التعليم، والفكر السياسي، ومناهج التأويل الحديثة. وإذ يقر البحث بوجود نقد وجه إلى الرحمن، خاصة ما يتعلق بضعف انخراطه في الدراسات المقارنة للأديان، فإنه يؤكد في الوقت نفسه على راهنية مشروعه وأثره المستمر في تشكيل الفكر الإسلامي الحديث، وفي تفاعله مع النقاشات العالمية حول الدين والهوية والحداثة.

الكلمات المفتاحية:

فضل الرحمن؛ الحداثة الإسلامية؛ التأويل القرآني؛ الإصلاح الإسلامي؛ الفكر الإسلامي الحديث.

I. INTRODUCTION[1]

Fazlur Rahman (1919-1988) stands as a pivotal figure in the modern discourse on Islamic thought, particularly in the context of the challenges posed by modernity. Emerging from an era when Muslim intellectuals began critically engaging with Western ideologies, Rahman's contributions sought to bridge the often-divergent worlds of traditional Islamic scholarship and contemporary philosophical inquiry. His work emphasized a nuanced understanding of Islamic principles, advocating for a contextual interpretation of the Quran and Sunnah that resonates with modern societal needs.

By integrating his extensive knowledge of Islamic tradition with insights from Western thought, Rahman sought to redefine the contours of Islamic scholarship, making it relevant in an increasingly globalized world. This historiographical exploration traces the evolution of Rahman's ideas and their impact on Islamic studies, highlighting his significance as a modernist thinker who championed educational reform, independent reasoning, and a dynamic approach to interpreting Islamic texts.

BIOGRAPHICAL OVERVIEW

Fazlur Rahman was a distinguished Islamic philosopher and liberal Muslim thinker of the 20th century. Born in 1919 into a scholarly family, he received his early education under the guidance of his father, Shihab al-Din, a graduate of Dar ul-Uloom, Deoband. By age ten, Rahman had memorized the Quran, which, alongside his father's intellectual influence, profoundly shaped his early

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education. In 1933, at the age of fourteen, he relocated to Lahore to pursue his Dars-i-Nizami degree, immersing himself in the vibrant intellectual environment influenced by Muhammad Iqbal's philosophical and political ideas. In 1938, he enrolled at Punjab University for a B.A. (Hons) in Arabic, graduating with first-class honors in 1940 and completing his master's degree in 1942. In 1946, Rahman received a scholarship to Oxford University, where he completed his doctorate on Avicenna's Psychology in 1949.[2]

Rahman's academic career began at Durham University (1950–1958), where he challenged Western perceptions of Islamic philosophy. In 1958, McGill University appointed Rahman as an Associate Professor at its Institute for Islamic Studies, contributing to a vision of an inclusive academic environment for Muslim and Western scholars. Rahman's tenure at McGill marked a significant shift in his academic focus from Classical to Contemporary Islam, allowing him to engage with modern issues while maintaining a strong grounding in Classical Islamic thought. In 1961, President Ayub Khan of Pakistan invited him to lead the Central Institute of Islamic Research to foster a modern Islamic state.[3]

Rahman's intellectual stance elicited diverse responses, particularly from Traditional Islamists who swiftly opposed his perspectives. This opposition was rooted in philosophical disagreements and skepticism regarding his Western educational background. The controversy surrounding Rahman's ideas permeated Pakistani mass media for approximately a year, culminating in widespread demonstrations and strikes across various regions of Pakistan in September 1968. Agustono and Zain argue that the backlash against Rahman's ideas in Pakistan was not solely rooted in theological disagreement but also reflected broader political tensions, particularly opposition to President Ayub Khan's regime. Beyond the political turbulence under Ayub Khan, traditionalist ulama leveled substantive theological objections to Rahman's project. They criticized aspects of his ijtihad-centered methodology, his emphasis on ethical objectives in law (over literalist applications), and his

[2] Ahad M. Ahmed, *The Theological Thought of Fazlur Rahman: A Modern Mutakallim* (Malaysia: Islamic Book Trust, 2017), 23–26. See also: Boulaouali, Tijani, Islam and Modernity: Transformation of an Intellectual Tradition Fazlur Rahman, Journal of Namaa, Nama Center, Egypt, V 8, issue 4, 2024, 174 - 188.
[3] Ibid., 27–30.

treatment of the Sunnah and Hadith within a historical and contextual framework. For these critics, Rahman's approach risked undermining established hermeneutical authorities and loosening legal continuity with the classical tradition. This view reframes the public controversy as both a reaction to Rahman's modernist interpretations and a manifestation of dissent against state authority.[4]

After leaving Pakistan in 1968, Rahman spent two decades in self-imposed exile, holding positions at UCLA and the University of Chicago. Rahman's scholarly achievements were recognized through various honors, including the Giorgio Levi Della Vida Medal and the Harold H. Swift Distinguished Service Professorship. He also contributed to the American Journal of Islamic Social Sciences. He served as a consultant to the U.S. State Department and the White House, leaving a lasting legacy in Islamic studies that endured until his death in 1988.[5]

MAJOR CONTRIBUTIONS TO ISLAMIC THOUGHT

Scholars have offered different frameworks for periodizing Fazlur Rahman's intellectual development, each reflecting distinct interpretive priorities. Ahad M. Ahmed proposes a four-phase model based on geographic and institutional shifts: the "Initial Pakistan period," the "UK and Canada period," the "Final Pakistan period," and the "American period."[6] This model chronologically traces Rahman's life, linking his locations to his evolving scholarly focus.[7] In contrast, Ihwan Agustono and Naura Safira Salsabila Zain suggest a three-phase framework—formation, developmental, and maturity periods—which categorizes his work thematically based on the evolution of his thought and subject matter. While Ahmed's model is more biographical, emphasizing stages of Rahman's professional journey, Agustono and Zain focus on the intellectual character of his output across time. Presenting both models enriches the historiographical analysis but also invites further synthesis: the

[4] Ihwan Agustono and Naura Safira Salsabila Zain, "Fazlur Rahman's Perspective on the Concept of an Islamic State in the Quran," *AL HIKMAH: Jurnal Studi Keislaman* 13, no. 2 (September 2023): 67, https://doi.org/10.36835/hjsk.v13i02.4042.
[5] Ahmed, *The Theological Thought of Fazlur Rahman*, 37–38.
[6] Ibid., 40.
[7] Juneefa Bilal, "Academic Researches on Fazlur Rahman: An Assessment," *Analisa Journal of Social Science and Religion* 6, no. 1 (July 30, 2021): 47, https://doi.org/10.18784/analisa.v6i01.1288.

thematic phases largely align with Ahmed's timeline, suggesting that the two models are not contradictory but complementary lenses through which Rahman's scholarly trajectory can be understood.

The formation period spanned the 1950s and was characterized by his focus on classical Islamic philosophy, particularly through his scholarly work on Avicenna and the topic of prophecy. His publications during this time included translations and analyses of Avicenna's works, such as Avicenna's Psychology (1952) and Avicenna's De Anima (1959), as well as *Prophecy in Islam: Philosophy and Orthodoxy* (1958), which explored the philosophical and orthodox interpretations of prophetic doctrine. The developmental period of the 1960s, marked by his return from the UK to Pakistan and his subsequent departure to the US, saw Rahman broaden his scope to include methodological and historical analyses of Islamic thought. His work, Islamic Methodology in History (1965), examined the historical evolution and practical application of Islamic thought. During this same period, he authored *Islam*, providing a comprehensive overview of Islam's fourteen-century development.[8]

From the 1970s until his death, the final maturity period witnessed Rahman's tenure at the University of Chicago and the production of his most normative works, including *The Philosophy of Mulla Sadra* (1975), *Major Themes of the Quran* (1980), and *Islam and Modernity: Transformation of an Intellectual Tradition* (1982). Rahman's Works from the first period are primarily historical, while those from the second period combine historical and interpretive elements. In contrast, the third period's publications are predominantly normative. By this stage, Rahman openly identified himself as a spokesperson for neo-modernism, marking a significant shift in his engagement with Islamic thought.[9]

Rahman's significance in Islamic scholarship stems from his position as a "liberal and modernist thinker of the twentieth century." His contributions to Islamic philosophy and scholarship were substantial, characterized by revolutionary literature that has made his thought a compelling subject for academic inquiry. Recognized as "one of the most daring and original voices"

[8] Agustono and Zain, "Fazlur Rahman's Perspective on the Concept of an Islamic State in the Quran," 68.
[9] Ibid., 69–70.

in the discourse on "Islamic reform in the twentieth century," Rahman's work challenged traditional interpretations. It proposed innovative approaches to understanding Islam in the modern context. His intellectual legacy continues to influence contemporary discussions on Islamic thought, underscoring the enduring relevance of his contributions to the field.[10]

Unlike many Muslim scholars who outright rejected Western methodologies, Fazlur Rahman engaged with them critically to develop a contextual understanding of history and truth in Islam that is resilient to Western critique. Several key aspects characterized his approach. He emphasized the depth of the Islamic intellectual tradition, highlighting its strong connections to Western thought. By personally engaging with his Western students, Rahman challenged the perception of an unbridgeable divide between Islam and the West. He employed hermeneutical methods, drawing on thinkers like Hans-Georg Gadamer, to reinterpret Islamic texts. While accepting Western historical evidence regarding Islam, he aimed to integrate it into a broader understanding that reconciled Islamic thought with contemporary intellectual trends. Rahman's work represented a nuanced approach to Islamic identity, avoiding outright rejection and uncritical acceptance of Western scholarship. His significant contributions spanned traditional sources, Islamic philosophy, Islamic statehood, and the modernization of Muslim law, positioning him as a pivotal figure in 20th-century Islamic discourse.[11]

ACADEMIC RECEPTION AND EVOLVING INTERPRETATIONS

Early Academic Reception (1960s–1980s)

This historiographical trajectory reveals a gradual deepening and broadening of scholarly engagement with Rahman's work. The academic discourse evolved from initial reviews and foundational analyses to include critical evaluations, applications to contemporary issues, and examinations of his lasting impact on Islamic thought and practice in various contexts. Rahman's

[10] Bilal, "Academic Researches on Fazlur Rahman," 47.
[11] Earle H. Waugh, "Beyond Scylla and Kharybdis: Fazlur Rahman and Islamic Identity," in *The Shaping of an American Islamic Discourse: A Memorial to Fazlur Rahman* (Tampa: University of South Florida, 1998), 18–20.

scholarly work emphasized "educational reform and the revival of independent reasoning in Islamic thought." Rahman's approach focused on understanding the historical processes that shaped Islam, distinguishing essential principles from contextual formations, and applying these principles to contemporary issues. His scholarly work, particularly *Islam*, garnered significant academic attention during this period. Muin-Ud-Din Ahmad Khan's review in 1967 highlighted Rahman's objective examination of Islamic teachings and the faith's historical evolution.[12]

In 1968, Ismail R. al-Faruqi's review praised the comprehensive nature of Rahman's treatment of Islamic history and thought, while critically engaging with his perspectives on modernity and the transformation of Islamic concepts.[13] Richard M. Frank's review in 1969 noted the apologetic tone of *Islam* and Rahman's efforts to reconcile traditional Islamic beliefs with contemporary issues, emphasizing his insights into Muslims' identity crisis.[14]

Rahman's work began to influence many scholars in Islamic studies. In 1972, Muhammad Yousuf Guraya cited Rahman to support his argument that normativeness is a fundamental aspect of the Sunnah in his work "The Concept of Sunnah: A Historical Study." Guraya aligned his historical analysis with Rahman's conclusion that the concept of Sunnah cannot be separated from its normative implications.[15] In the same year, S. D. Goitein referenced Rahman when discussing revival and reform movements in modern Islam. Goitein appreciated Rahman's critical perspective on the socio-political roles of Islamic sects, noting how Rahman's insights contributed to a nuanced understanding of contemporary Islamic scholarship.[16]

[12] Muin-Ud-Din Ahmad Khan, *Islamic Studies* 6, no. 4 (1967): 407–10, http://www.jstor.org/stable/20832897.
[13] Ismail R. al-Faruqi, *The Journal of Religion* 48, no. 1 (1968): 110–11, http://www.jstor.org/stable/1201909.
[14] Richard M. Frank, *The Catholic Historical Review* 55, no. 2 (1969): 269–71, http://www.jstor.org/stable/25018441.
[15] Muhammad Yousuf Guraya, "The Concept of Sunnah: A Historical Study," *Islamic Studies* 11, no. 1 (1972): 13–15, http://www.jstor.org/stable/20833050.
[16] S. D. Goitein, review of *A New World History of the Islamic Peoples*, by P. M. Holt, Bernard Lewis, Ann K. S. Lambton, and Claude Cahen, *The Jewish Quarterly Review* 62, no. 3 (1972): 209, https://doi.org/10.2307/1453547.

Other scholars also engaged with Rahman's work during this period. Detlev H. Khalid's "Theocracy and The Location of Sovereignty" (1972),[17] Ahmad Hasan's "Modern Trends in Ijma" (1973),[18] and Nur Yalman's "Some Observations on Secularism in Islam: The Cultural Revolution in Turkey" (1973)[19] all referenced Rahman's contributions to Islamic thought. This period marked a significant shift in academic attention towards Rahman's broader contributions to Islamic thought, moving beyond his earlier work on Pakistan's political structure. The growing scholarly discourse centered on Rahman's *Islam* and other works signaled his emerging influence in shaping contemporary understanding of Islamic principles and their application in modern contexts. In 1983, Mazheruddin Siddiqui's work, "Islam and Human Reason," examined the compatibility of reason and faith in Islam, echoing Rahman's own emphasis on the rational interpretation of Islamic principles.[20]

Following Rahman's death in 1988, several tributes highlighted his significant contributions to modern Islamic thought. Muhammad Khalid Masud, Ali Raza Naqvi, and Seyyed Hossein Nasr's "In Memorium: Dr. Fazlur Rahman (1919–1988)" outlined Rahman's role in shaping contemporary interpretations of Islam.[21] The Middle East Studies Association of North America published "In Memoriam Fazlur Rahman" by Kenan Heise, which highlights Rahman's life, scholarly work, and influence on Islamic studies, particularly his advocacy for the contextual interpretation of Islamic texts.[22]

Rahman’s integration of reason and revelation has profoundly shaped contemporary Islamic thought, particularly among scholars seeking to reconcile tradition with modernity. His double-movement hermeneutic (often termed the “Double Movement Theory”) operationalizes this aim through a

[17] Detlev H. Khalid, “Theocracy and the Location of Sovereignty,” *Islamic Studies* 11, no. 3 (1972): 187–209, http://www.jstor.org/stable/20833070.
[18] Ahmad Hasan, “Modern Trends in Ijmaʿ,” *Islamic Studies* 12, no. 2 (1973): 121–53, http://www.jstor.org/stable/20846877.
[19] Nur Yalman, “Some Observations on Secularism in Islam: The Cultural Revolution in Turkey,” *Daedalus* 102, no. 1 (1973): 139–68, http://www.jstor.org/stable/20024113.
[20] Mazheruddin Siddiqui, “Islam and Human Reason,” *Islamic Studies* 22, no. 1 (1983): 11–22, http://www.jstor.org/stable/20847227.
[21] Muhammad Khalid Masud, Ali Raza Naqvi, and Seyyed Hossein Nasr, “In Memorium: Dr. Fazlur Rahman (1919–1988),” *Islamic Studies* 27, no. 4 (1988): 390–400, http://www.jstor.org/stable/20839922.
[22] Kenan Heise, “Fazlur Rahman,” *Middle East Studies Association Bulletin* 22, no. 2 (1988): 310, http://www.jstor.org/stable/23060709.

two-step procedure: first, the interpreter moves from a present, concrete problem to the Qur'an's original socio-historical context to discern its purposes and governing moral principles; second, those principles are brought back to the present to generate context-sensitive norms that remain faithful to the Qur'an's objectives. This method encourages balanced interpretation and underwrites efforts toward religious moderation.

Rahman's *Major Themes of the Quran* (1980) quickly became a touchstone for this approach. Patrick D. Gaffney's 1982 review in *The Journal of Religion* offered an early critical assessment of Rahman's thematic reading, noting his attempt to articulate the Qur'anic message in a register accessible to modern readers without compromising its theological integrity—an appraisal that helped frame subsequent debate over Rahman's method and legacy.[23]

Reassessments and Thematic Applications (1990s–2000s)

The 1990s marked a significant shift in the academic reception of Rahman's work. Mona Abul-Fadl's 1990 chapter "The Historical Parameters Redefined" engaged with Rahman's ideas, suggesting that his emphasis on Islamic perspectives could contribute to redefining historical understandings of the Middle East.[24] This period also saw a more critical examination of Rahman's hermeneutical approach, as evidenced by Amhar Rasyid's 1994 thesis, which scrutinized Rahman's interpretation of Quranic legal texts.[25] Mary Catherine Jesse's 1991 thesis represented a foundational analysis of Rahman's work, focusing on integrating reason into Islamic thought and key concepts such as the Unity of the Quran and the Living Sunnah. This early scholarship laid the groundwork for understanding Rahman's innovative approach to Islamic studies and set the stage for more nuanced analyses in subsequent years.[26]

As academic interest in Rahman's work grew, scholars began to apply his ideas to contemporary challenges. Basit B. Koshul's 1994 article revisited Rahman's "Islam and Modernity," examining his interpretation of Islamic

[23] Patrick D. Gaffney, *The Journal of Religion* 62, no. 1 (1982): 88–90, http://www.jstor.org/stable/1203392.
[24] Mona Abul-Fadl, "The Historical Parameters Redefined," in *Islam and the Middle East: The Aesthetics of a Political Inquiry* (Herndon, VA: International Institute of Islamic Thought, 1990), 9–40, https://doi.org/10.2307/j.ctvkc67bq.5.
[25] Bilal, "Academic Researches on Fazlur Rahman," 51.
[26] Ibid., 50.

thought in the context of modern issues.[27] Ali Mabrook's 1998 work further explored Rahman's views on the interplay between Islam and modernity, particularly in post-colonial discourse in South Asia.[28] The impact of Rahman's thought extended beyond theoretical discourse, as evidenced by Earle H. Waugh's 1999 study on "The Legacies of Fazlur Rahman for Islam in America." This work highlighted Rahman's significance in shaping contemporary Islamic discourse and identity among American Muslims, demonstrating the practical applications of his scholarly contributions.[29]

The late 1990s and early 2000s marked a significant diversification in the historiography of Rahman's work. Fatimah Rahman's 1997 study explored Rahman's philosophical thought.[30] Mohamed Shaid Mathee's 2004 work examined his concept of the "Living Sunnah," reflecting a growing interest in the nuances and implications of Rahman's ideas across various aspects of Islamic studies.[31] This period saw scholars delving deeper into specific aspects of Rahman's intellectual contributions, moving beyond general overviews to more specialized analyses.

Donald L. Berry's 2003 book marked a pivotal moment in Rahman's scholarship, as it contextualized his thought within the broader framework of religious traditions grappling with modernity. Berry's work provided a model for diverse readers and offered valuable insights for non-Muslim audiences, suggesting how Rahman's conclusions could inform non-Islamic approaches to modernity and biblical interpretation. This cross-cultural application demonstrated the broader relevance of his work beyond Islamic studies.[32]

Bernard K. Freamon's reference to Rahman's "Islam and Modernity: Transformation of an Intellectual Tradition" (1982) in his work "on post-Enlightenment Quranic hermeneutics" highlighted the enduring influence of

[27] Basit B. Koshul, "Fazlur Rahman's 'Islam and Modernity' Revisited," *Islamic Studies* 33, no. 4 (1994): 403–17, http://www.jstor.org/stable/20840179.
[28] Ali Mabrook, "من الاستعارة إلى الاستعادة: الإسلام والحداثة عند فضل الرحمن / From Borrowing to Retrieving: Fazlur Rahman's Islam and Modernity," *Alif: Journal of Comparative Poetics*, no. 18 (1998): 157–80, https://doi.org/10.2307/521902.
[29] Earle H. Waugh, "The Legacies of Fazlur Rahman for Islam in America," *American Journal of Islam and Society* 16, no. 3 (October 1, 1999): 27–44, https://doi.org/10.35632/ajis.v16i3.2116.
[30] Bilal, "Academic Researches on Fazlur Rahman," 52.
[31] Ibid., 52.
[32] Donald L. Berry, *Islam and Modernity Through the Writings of Islamic Modernist Fazlur Rahman* (Boiling Springs, NC: Gardner-Webb University, 2003), https://digitalcommons.gardner-webb.edu/fbg/8/.

Rahman's emphasis on scholarship in addressing contemporary issues within the Islamic tradition. This engagement with Rahman's ideas in the context of hermeneutics and education underscored the continued relevance of his work in shaping Islamic discourse.[33]

Safet Bektovic's 2016 study, "Towards a neo-modernist Islam: Fazlur Rahman and the Rethinking of Islamic Tradition and Modernity," further cemented Rahman's position as a foundational figure in Islamic reform discourse. Bektovic's exploration of Rahman's contributions to hermeneutics, contextual Quranic interpretation, and critiques of traditionalist approaches demonstrated the ongoing relevance of his ideas in contemporary discussions about Islam and modernity.[34]

Contemporary Engagements (2010s–2020s)

More recent scholarships have sought to contextualize Rahman's reformist ideas within contemporary challenges. Katharina Voelker's 2017 thesis and Ali Akbar's 2020 work exemplify this trend, highlighting Rahman's continued relevance in modern discussions on Islamic thought. Voelker's comparative study of “Fazlur Rahman, Muhammad Arkoun, and Nasr Hamid Abu Zayd” offered valuable insights into Rahman's distinct approach, particularly his more traditional acceptance of the Quran's infallibility and divine nature, as well as his optimism regarding its direct applicability to modern challenges. His optimism regarding the Quran's direct applicability to modern challenges and support for state-led Islamic education set him apart from his contemporaries who favor more secular approaches.[35]

Recent scholarship underscores Rahman's pivotal role in modernizing Islamic theology. In 2017, Ahad M. Ahmed utilized Rahman's theological framework to explore contemporary Islamic thought, positioning Rahman as a central figure in this modernization process. Ahmed's analysis focused on Rahman's contributions to kalam (Islamic theology), the concept of God, and

[33] Bernard Kenneth Freamon, “Some Reflections on Post-Enlightenment Quranic Hermeneutics,” *Michigan State Law Review* (2006), Seton Hall Public Law Research Paper No. 1107032, https://ssrn.com/abstract=1107032.
[34] Safet Bektovic, “Towards a Neo-modernist Islam,” *Studia Theologica – Nordic Journal of Theology* 70, no. 2 (July 2, 2016): 160–78, https://doi.org/10.1080/0039338x.2016.1253260.
[35] Katharina Voelker, *Quran and Reform: Rahman, Arkoun, Abu Zayd* (University of Otago, 2017), 179–80, https://ourarchive.otago.ac.nz/handle/10523/2245.

the concept of prophethood. He emphasized his contextualist approach to the Quran and his ethical worldview, which aligned with themes of liberation theology.[36] Navin G. Haider Ali's 2018 work, "Concept of Shura in Fazlur Rahman's Political Ideas at Practical Level," explored the concept of Shura (consultation) in Islamic political thought through Rahman's ideas. Ali examined how this concept evolved in response to Pakistan's socio-political conditions in the 1960s, using Rahman's critiques of both traditionalists and modernists to argue for adapting Islamic principles to modern democratic values. Ali contrasted Rahman's views with those of other thinkers, such as Maududi, particularly regarding community representation in governance, and emphasized the importance of social justice and ethical governance in shaping an Islamic state.[37]

In 2019, Ali challenged the notion of Rahman's alignment with elitist perspectives within Islamic resurgence, instead emphasizing his advocacy for democracy and the people's right to rule. Ali highlighted Rahman's belief in Shura as a political institution, arguing that Rahman interpreted Quranic principles as supporting a participatory approach to governance. This analysis positioned Rahman as a proponent of democratic values within the Islamic context, countering conservative thinkers who distrusted the general populace's capabilities.[38] Ali Akbar's 2020 work comprehensively examined Rahman's impact on modern Islamic scholarship. Akbar emphasized how Rahman's innovative “hermeneutical approach” to the Quran has inspired various Muslim scholars, including Abdolkarim Soroush, Arash Naraqi, Abdullah Saeed, and Amina Wadud. Rahman's emphasis on the historical context of revelation and the ethical foundations of the Quran has been instrumental in shaping new interpretations that address contemporary issues, particularly in feminist exegesis and Islamic liberation theology.[39]

[36] Ahmed, *The Theological Thought of Fazlur Rahman*, 12.
[37] Navin G. Haider Ali, “Concept of Shūra in Fazlur Rahman’s Political Ideas at Practical Level,” *Journal of Islamic Thought and Civilization* 8, no. 2 (December 1, 2018): 110–26, https://doi.org/10.32350/jitc.82.07.
[38] Navin G. Haider, “Islamic Resurgence and Fazlur Rahman’s Case for Democracy,” *Islamic Studies* 58, no. 3 (2019): 423–38, https://www.jstor.org/stable/26899431.
[39] Ali Akbar, “Fazlur Rahman’s Influence on Contemporary Islamic Thought,” *The Muslim World* 110, no. 2 (June 1, 2020): 130, https://doi.org/10.1111/muwo.12334.

In the past five years (2020–2024), scholars have continued to engage with Rahman's ideas, exploring their relevance to contemporary Islamic discourse. Humaira Ahmad's 2023 study examined "neo-modern and postmodern Quranic interpretations,"[40] utilizing Rahman's hermeneutical framework to address modern issues in Islamic thought. Juneefa Bilal's 2021 work comprehensively assessed academic research surrounding Rahman, underscoring his significant influence on Islamic studies.[41] Muhammad Yusuf, Nahdhiyah, and Anwar Sadat (2021) focused on Rahman's "Double Movement Theory," discussing its relevance for interpreting texts in relation to contemporary socio-historical contexts and its potential contribution to religious moderation.[42]

LEGACY, INFLUENCE, AND METHODOLOGICAL CRITIQUE

Influence on North American Islamic Studies

Fazlur Rahman's contributions to Islamic Studies in North America were multifaceted and transformative, as highlighted by Donald L. Berry. Rahman's unique intellectual background, combining "Sunni Islamic traditionalism, progressive Islamic modernism, and Western scholasticism," allowed him to offer nuanced insights into Islamic thought. His courage in challenging both traditional Islamic attitudes and Western interpretations of Islam set him apart as a transformative scholar, willing to critique orthodox views despite facing significant controversy. Rahman developed an interdisciplinary methodology that demanded a holistic, multi-dimensional approach to studying Islam, encouraging students to examine Islamic contexts through various lenses. His gentle demeanor and intellectual prowess enhanced the receptivity of his work, helping to dispel preconceived notions about Muslim scholars. Perhaps most significantly, Rahman's enduring legacy is evident in his academic descendants, who continue to shape Islamic Studies across North American

[40] Humaira Ahmad, "Mapping Neo-Modern and Postmodern Qurʾānic Reformist Discourse in the Intellectual Legacy of Fazlur Rahman and Mohammed Arkoun," *Religions* 14, no. 5 (May 1, 2023): 595, https://doi.org/10.3390/rel14050595.
[41] Bilal, "Academic Researches on Fazlur Rahman," 52.
[42] Muhammad Yusuf, Nahdhiyah Nahdhiyah, and Anwar Sadat, "Fazlur Rahman's Double Movement and Its Contribution to the Development of Religious Moderation," *IJISH (International Journal of Islamic Studies and Humanities)* 4, no. 1 (March 1, 2021): 51, https://doi.org/10.26555/ijish.v4i1.2667.

institutions, bridging traditional and modern understandings of Islamic thought.[43]

Critical Reflections from Religious Studies

However, Rahman's work is criticized for not fully integrating Islamic studies with comparative religious studies. Richard C. Martin, in his appraisal, notes that Rahman's scholarship often remained confined within the boundaries of Islamic studies, lacking the necessary dialogue with other religious traditions to establish a more unified field of religious studies. Despite these critiques, Rahman's legacy continues to exert significant influence through the enduring relevance of his texts in academic curricula and his impact on subsequent generations of scholars. His unique approach to interpreting Islamic texts distinguished him from many Orientalists. He engaged deeply with theoretical and hermeneutical issues in interpreting religious texts, addressing these concerns more comprehensively than most scholars in Islamic studies. This nuanced understanding of Islam has inspired many to explore the complexities of religious identity in contemporary contexts.[44]

Martin's "critical assessment" of "Rahman's contribution to Religious Studies" begins with acknowledging his limited personal interaction with the scholar despite his deep respect for Fazlur Rahman. While recognizing his significant contributions to Islamic Studies, Martin presents a nuanced critique of Rahman's impact on the broader field of Religious Studies. He argues that Rahman's focus was primarily on interpreting Islam for the modern world and understanding Islam in light of modernity rather than religion as a broader study category. This specialized approach, while valuable, did not significantly contribute to the theoretical foundations of Religious Studies as a discipline. Although Rahman's work undoubtedly enriched the field of Islamic Studies, Martin suggests that it did not directly address the comparative and theoretical aspects central to the Study of Religion. Martin posits that Religious Studies could have benefited from Rahman's philosophical acumen and clear thinking to establish theoretical connections between various religions and the concept

[43] Donald L. Berry, "Dr. Fazlur Rahman (1919–1988): A Life in Review," in *The Shaping of an American Islamic Discourse: A Memorial to Fazlur Rahman*, 40–42.
[44] Richard C. Martin, "Fazlur Rahman's Contribution to Religious Studies: A Historian of Religion's Appraisal," in *The Shaping of an American Islamic Discourse: A Memorial to Fazlur Rahman*, 246–47.

of religion itself. However, he notes that Rahman's intellectual environment, shaped by a focus on specialized disciplines, may have hindered his engagement with these broader theoretical questions.[45]

Over time, Rahman's writings have addressed the complexities of religious identity in a non-religious world, appealing to Muslim and non-Muslim audiences. His personal struggle with identity, particularly as a Muslim intellectual in the West, has resonated with many as he navigated the challenges of establishing his identity after moving from South Asia to Great Britain. This dual perspective has made his work relevant, bridging the gap between Islamic thought and Western academic discourse. Although framed in an Islamic idiom, Rahman's methodology was deeply influenced by Edmund Husserl's phenomenology, which emphasized the role of context in shaping meaning. This philosophical underpinning of his work, articulated on non-sacred intellectual grounds, has made his theoretical position open to productive scholarly debate.[46]

Philosophical Methodology and Hermeneutics

Rahman distinguished himself from postmodern scholars by advocating for a holistic rereading of the Quran, emphasizing the recoverability of meanings intended in language, which he believed were essential to understanding religious texts. His methodology, particularly his hermeneutical principles, has influenced subsequent scholarship. Tamara Sonn, for instance, has explored how Rahman's hermeneutical principles can be applied to Islamic feminism. Rahman emphasized the importance of interpretation (hermeneutics) in understanding religious texts. He argued that religious texts, including the Quran, require contextual and critical analysis to reveal their deeper meanings. His methodology aimed to reconcile traditional Islamic interpretations with modern philosophical inquiry, demonstrating how Islamic teachings remain relevant in contemporary discourse. One of Rahman's significant contributions lies in his exploration of Islam's role in the modern world. He articulated the need for Muslims to engage critically with modernity while remaining true to their religious identity. *Islam and Modernity*, among his seminal works,

[45] Ibid., 248–49.
[46] Ibid., 245, 247–48.

challenges both Muslims and non-Muslims to reconsider Islam's relationship with contemporary society.[47]

CONCLUSION

This article demonstrates that Fazlur Rahman's intellectual legacy has not only endured but also expanded across diverse academic contexts. Since the early 1990s, his hermeneutical approach has become a focal point of debate—especially around the integration of reason in Islamic thought and the operational roles of the Quran and the Sunnah—underscoring the continuing relevance of his method in contemporary discourse. Equally significant is Rahman's capacity to translate between Islamic and Western intellectual vocabularies, a contribution that reshaped Islamic and Religious Studies in North America and made complex concepts accessible to broader audiences.

The historiography mapped here clarifies the internal logic of Rahman's development. Read together, Ahmed's four-phase model and Agustono–Zain's three-phase scheme converge on a common arc: from early work on classical philosophy and prophecy to a mature, neo-modernist, normatively oriented project. Key hinge texts—*Islamic Methodology in History*, *Major Themes of the Quran*, and *Islam and Modernity*—anchor this trajectory and crystallize the "double movement": moving from present problems to the Quran's historical horizon to recover purposes and principles, then back to the present to derive context-sensitive norms faithful to scripture.

Reception patterns further illuminate the scope of his influence. Early assessments (1960s–1980s) tested the coherence and reach of his proposals, with Gaffney's 1982 review framing later debate about thematic interpretation. In the 1990s–2000s, scholarship diversified—reassessing method, situating Rahman within post-colonial and hermeneutical discussions, and demonstrating practical uptake in North American contexts. Since the 2010s, studies have extended his framework to new problem-fields (e.g., democratic theory, feminist exegesis, pedagogy, and religious moderation) and traced lines of influence on thinkers across the Muslim intellectual landscape. Together,

[47] Tamara Sonn, "Fazlur Rahman and Islamic Feminism," in *The Shaping of an American Islamic Discourse: A Memorial to Fazlur Rahman*, 123.

these waves of engagement corroborate both the durability and adaptability of Rahman's approach.

At the same time, critiques from Religious Studies highlight a productive horizon for future work: Rahman's project, though methodologically rich, rarely engaged comparative religion as such. Addressing this gap would involve testing the portability of double movement in explicitly comparative settings and in domain-specific case studies (such as law, finance, and bioethics), while continuing to refine its philosophical underpinnings. Pursued along these lines, Rahman's legacy remains less a closed chapter than a research program—one that equips scholars to negotiate continuity and change with intellectual rigor and ethical clarity, and to articulate a modern view of Islamic understanding grounded in the Quran and the Sunnah.

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Irregular Migration of Moroccan Minors to Spain

A Sociological Study of Religious and Cultural Identity

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ABSTRACT
Irregular migration is one of today's most complex social phenomena and has recently attracted significant media attention. Among its most urgent manifestations is the irregular migration of Moroccan minors to Spain, driven largely by geographic proximity and the search for better living conditions for themselves and their families. This phenomenon calls for an in-depth examination of the challenges these minors face upon arrival in the European context, particularly during their reception in Spain.

This study analyzes the erosion of religious and cultural identity among Moroccan minors during the reception period and investigates the main factors that contribute to weakening their attachment to the foundations of Moroccan religiosity. Migration is not merely a geographical shift but a social act involving numerous variables, including the risk of identity loss.

The research draws on questionnaires administered to minors who experienced irregular migration and resided in Spanish reception centers, as well as interviews with officials and specialists working in these institutions. Because this topic remains insufficiently studied in academic literature, the present work aims to fill part of this gap by highlighting overlooked dimensions of how irregular migration affects the religious and cultural identity of Moroccan minors in Spain.

KEYWORDS:
Irregular Migration; Minors; Religious Identity; Cultural Identity; Moroccan Religiosity.

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الهجرة غير النظامية للقاصرين المغاربة إلى إسبانيا

دراسة سوسيولوجية للهوية الدينية والثقافية

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الملخص:

تعد الهجرة غير النظامية من أكثر الظواهر الاجتماعية تعقيدا في الوقت الراهن، وقد حظيت خلال السنوات الأخيرة باهتمام واسع في التقارير الصحفية ووسائل الإعلام. ويبرز من بين تجلياتها الأكثر إلحاحا ملف هجرة القاصرين المغاربة إلى إسبانيا، مدفوعين بقربها الجغرافي من المغرب وبسعيهم لتحسين ظروف حياتهم ومعيشة أسرهم. ويستلزم هذا الواقع دراسة معمقة للتحديات التي يواجهها هؤلاء القاصرون عند وصولهم إلى السياق الأوروبي، لاسيما خلال فترة الاستقبال بإسبانيا.

يهدف هذا البحث إلى تحليل تآكل الهوية الدينية والثقافية لدى القاصرين المغاربة خلال مرحلة الاستقبال، مع تحديد أبرز العوامل التي تسهم في إضعاف ارتباطهم بمقومات التدين المغربي. فالهجرة ليست انتقالا جغرافيا فحسب، بل فعل اجتماعي معقد تتداخل فيه متغيرات عدة، من بينها خطر فقدان الهوية.

يعتمد البحث على استبيانات وجهت إلى شباب خاضوا تجربة الهجرة غير النظامية وأقاموا في مراكز الاستقبال الإسبانية، إضافة إلى مقابلات مع مسؤولين ومتخصصين يعملون داخل هذه المراكز. ونظرا لقلة الدراسات الأكاديمية التي تناولت هذا الموضوع، يسعى هذا العمل إلى سد جزء من هذا الفراغ عبر إبراز الجوانب المهملة لتأثير الهجرة غير النظامية في الهوية الدينية والثقافية للقاصرين المغاربة في إسبانيا.

الكلمات المفتاحية:

الهجرة غير النظامية؛ القاصرون؛ الهوية الدينية؛ الهوية الثقافية؛ التدين المغربي.

INTRODUCTION[1]

This article derives its uniqueness, relevance, and scientific substance from the graduation research submitted for the completion of the master's degree in Religion, Culture, and Migration at Mohammed V University in Rabat by the researcher Dounia Sfiani. The study focused on examining the experiences of Moroccan youth who passed through irregular migration pathways, specifically those who lived in accommodation centers for minors in the Cádiz region in southern Spain. The specificity of the topic and the sensitivity of the target group required adopting a dual methodological approach that combines both quantitative and qualitative tools, in line with the nature of the phenomenon and in pursuit of building a more comprehensive and in-depth understanding.

At the quantitative level, the research relied on an online questionnaire administered to a sample of Moroccan youth aged between 18 and 26, all of whom had previously lived in Spanish accommodation centers for minors. All responses were received from male participants, at a rate of 100%, which constitutes an important sociological indicator reflecting the nature of irregular migration and its predominantly male character within this age group.

At the qualitative level, semi-structured interviews were conducted with a number of educators and staff working in accommodation centers for minors, given that Spanish regulations do not permit conducting direct interviews with minors. These interviews enabled a closer understanding of the institutional environment of the centers, the care system, and the daily dynamics that structure the relationship between the supervisors and the minors.

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دنيا سفياني، **الهجرة غير النظامية للقاصرين المغاربة إلى إسبانيا: دراسة سوسيولوجية للهوية الدينية والثقافية**، مجلة اجتهاد للدراسات الإسلامية والعربية، مركز اجتهاد للدراسات والتكوين، بلجيكا، مج. 2، ع. 4، ديسمبر 2025، 91-119.

This methodological combination of quantitative and qualitative data made it possible to construct a more balanced and accurate perspective on the trajectories of these young people, their perceptions, and the challenges they encountered both inside and outside the accommodation centers. It ultimately provides the study with analytical and scholarly value that aligns with the requirements of academic research specializing in contemporary migration issues.

Since the late 1990s, the phenomenon of illegal migration, also referred to as clandestine migration or more recently as irregular migration has emerged as a complex social, economic, political, and cultural reality. Dr. Abdellah Boussouf, Secretary-General of the Council of the Moroccan Community Abroad, defines migration as a constantly renewed form of creativity that reflects human agency in its diverse and positive negotiations with realities and circumstances. Migration, in his view, is necessarily the locus of multiple expressions of creativity that unfold in the lives of individuals and communities, manifesting across spaces, cultures, intellectual, and social structures in various ways that both captivate and convince. Migration is inherently linked to creativity, as it represents experimentation, inquiry, and continuous engagement with the self, the other, and the world. It also embodies socio-cultural resistances and expressions through which the migrant rewrites the histories of places, times, persons, relations, and structures[2].

In recent years, irregular migration from Morocco to Europe, particularly Spain has intensified, due to its geographical proximity to Morocco and as a result of a set of factors that will be addressed in the first chapter of the theoretical framework of this study. This chapter examines the issue of irregular migration, the reasons and factors contributing to illegal mobility, which oscillate between push factors concerning Morocco as a country of origin and pull factors concerning Spain as the host country.

The choice of irregular migration as the subject of this research stems from the noticeable increase of this phenomenon in the last two decades, with a particular focus on the case of unaccompanied Moroccan minors migrating to

[2] Al-Marzouq, Abdelkarim, Abderrahim Al-Atri, and Jamal Boutib, editors. *Migration Dynamics and Socio-Cultural Expressions: Texts and Approaches*. Konrad Adenauer Foundation and Ibn Khaldoun Center for Migration and Citizenship Studies, 2022, p. 9.

Spain. This specific category has witnessed a sharp rise and is subject to multiple forms of hardship and exploitation that directly impact their identity, lifestyle, and socio-legal conditions, factors that could negatively influence their future.

The research questions are as follows: How does irregular migration of Moroccan minors to Spain during the period of institutional accommodation affect the loss of their religious and cultural identity? Furthermore, what are the contributing factors behind this identity loss and the weakening of their connection with the foundations of Moroccan religiosity?

I. LITERATURE REVIEW

1.1 Theories Explaining the Phenomenon of Irregular Migration

Before delving into the analysis of the theories explaining irregular migration, it is essential to emphasize that, to date, there is no single universally agreed-upon theory among migration studies scholars that fully explains migration in its comprehensive definition and scope. Each theory of migration relies on one or more specific factors associated with migration, focusing primarily on analyzing the extent of their impact. Moreover, every theory addressing irregular migration stems from a particular specialization within the social sciences. Consequently, these theories do not provide an integrated perspective capable of analyzing the complex phenomenon of human migration as a whole. Migration studies, however, have long benefited from being a multidisciplinary field intersecting with anthropology, sociology, geography, demography, economics, and political science. Although comprehensive theories of migration are lacking, the migration literature remains rich with theoretical approaches that attempt to explain and analyze this phenomenon, from Ravenstein's well-known "Laws of Migration" up to the present day[3].

1.1.1 Ernst Ravenstein's Theory

Ernst Ravenstein's theory represents one of the earliest and most significant contributions to the development and renewal of migration theory. Ravenstein, a British statistician, presented his ideas in a paper entitled "Laws of

[3] Zohry, Ayman. *Introduction to Migration Studies (Moqaddima fi Dirasat al-Hijra).* The Anglo Egyptian Bookshop, 2023, p. 51.

Migration". In this work, he highlighted several key principles: migration between locations decreases as the distance between them increases; migration flows are generally directed toward larger urban centers; and each migration stream is often accompanied by a counter-stream of returning migrants.

Ravenstein also noted that technological development is a major factor increasing migration rates. Most migrants travel short distances, urban residents migrate less frequently than rural inhabitants, and females migrate more than males within the United Kingdom. The majority of migrants are adults, and it is rare for entire families to migrate outside their county of origin. Large cities grow more through migration than through natural population increase, and migration volumes rise with industrial and commercial development and improvements in transportation. The main migration direction tends to be from agricultural areas to industrial and commercial centers, with economic motives being the predominant driving factors.[4]

Ravenstein is considered a pioneer among migration theorists. He relied on population statistics from England and Wales to develop his theory of the "laws of migration" in 1889. He was the first to introduce the concept of push and pull factors, which explains that unfavorable conditions in countries of origin, such as unjust laws, unsuitable economic policies, and scarcity of employment opportunities push people to migrate, while countries with better economic conditions and improved living opportunities attract them.

Ravenstein also identified several key principles of migration: the importance of favorable economic conditions and better life opportunities in destination countries; the decline of migration with increasing distance; the staged nature of migration rather than a single long-distance move; the occurrence of migration in two directions; and the influence of migrant characteristics, such as gender, age, and social class, on migration patterns. Notably, Ravenstein revealed an intriguing fact: women are often more willing

[4] Fayad, Hashim Nimah. "Theoretical Concepts in Population Migration: A Comparative Analytical Study." *Omran for Social Sciences*, vol. 7, no. 26, Arab Center for Research and Policy Studies, Autumn 2018, p. 17.

to undertake the risks of migration than expected, sometimes even surpassing men in mobility.[5]

1.1.2 Push and Pull Factors: Everett Lee's Theory

Everett Lee revisited Ravenstein's Laws of Migration and introduced several important enhancements and additional insights. He expanded on Ravenstein's work by observing that the volume of migration varies positively with the diversity of welfare or recreational opportunities in a region, the diversity of population structure particularly professional, ethnic, and racial composition, economic fluctuations, technological development, and the level of regional development.[6]

The push and pull theory provides a model to explain migration patterns by identifying the factors that drive individuals to leave their home country (push factors) and those that attract them to a more developed location (pull factors). This theory highlights how certain conditions, such as economic hardship or conflict in the country of origin, can compel people to migrate, while opportunities for employment or better living conditions elsewhere can attract them.

Understanding this theory helps differentiate between forced migration and voluntary migration, as well as evaluate the broader impacts of migration on both sending and receiving regions. Proposed and developed by sociologist Everett Lee in 1966, this theory analyzes why people migrate and how various factors influence their decisions. Push factors often include adverse conditions such as natural disasters, economic instability, or persecution, whereas pull factors may include better living conditions or improved educational opportunities[7].

Lee's theory emphasizes that migration is not solely dependent on individual choice but is influenced by external circumstances. It provides a

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[5] Author(s). "Title of the Chapter." *Why Arab Youth Migrate? Research on Migration and Youth Prospects in the Region*, edited by Morad Diani, Arab Center for Research and Policy Studies, 2020, p. 56. Doha.

[6] Fayad, Hashim Nimah, p. 17.

[7] "Lee's Push–Pull Theory." *Fiveable*, 2025, https://tinyurl.com/FiveablePushPull-push-pull-theory. Accessed 6 May 2025.

framework for understanding both voluntary migration, where individuals move in search of better opportunities, and forced migration, where individuals flee due to coercive factors such as violence or conflict. Lee's theory has been widely applied in migration studies and policies, helping guide government strategies related to migration and refugee assistance.[8]

1.1.3 Abdelmalek Sayad's Theory

Abdelmalek Sayad focused on all sources that could provide a comprehensive understanding of migration as a social phenomenon, addressing the various issues that emerged gradually in the field of migration studies since the early 1960s. Sayad marked a break from previous studies and approaches that treated migration unilaterally, often based on ethnic-centered perspectives, which resulted only in superficial and partial analyses. Such approaches neglected the original circumstances of migrants and provided a fragmented view of migration phenomena, largely framed by ethnic considerations. Sayad replaced this biased unilateral study with a dual approach, examining the trajectory of migrants from their country of origin to the host country, and also within it, taking into account both their cultural heritage and the new, different culture they encounter. This perspective emphasizes understanding migration as a dynamic process shaped by the interaction between migrants' backgrounds and the social, cultural, and structural realities of the receiving society.[9]

Abdelmalek Sayad emphasizes through his studies that it is difficult to erase the original identity of migrants, particularly those belonging to the first generation. The social identity of the migrant raises questions about cultural pluralism, and host countries have made significant efforts to achieve comprehensive inclusion of diverse communities. However, with the demographic increase of migrants and the insufficient integration that prioritizes the cultural and identity dimensions of migration, specially the weak cohesion in terms of religion and culture, social cohesion has deteriorated, and bridging national identities has become challenging. This has given rise to a

[8] Ibid.

[9] Group of Researchers. "The Migration Phenomenon According to Abdelmalek Sayad: From Historical Context to the Sociological Model." *Insaniyat: Algerian Journal of Anthropology and Social Sciences*, no. 62, 2013, pp. 25–38. Algiers.

new set of issues, including racism and the political instrumentalization of migration by various political actors across Western European countries.[10]

The sociologist Abdelmalek Sayad offered a critical perspective on all existing literature and theories concerning migration, noting that they were largely governed by a unilateral viewpoint, primarily that of the host society. Sayad distinguished between two types of literature: the first focuses exclusively on the economic dimension of migration, examining migrants as a labor force and analyzing the costs and benefits of migration from the perspective of the receiving society; this literature primarily addresses economic aspects. The second type emphasizes the social dimension, focusing on the "integration" of migrants, first in terms of employment, then social, trade union, and political activities. Sayad also criticized the conceptual misuse of the term "migration"[11], which is sometimes used ambiguously to refer either to emigration or to migration itself. He argued that a radical shift in migration studies is necessary, one that accounts for factors often neglected by the dominant literature. To illustrate this approach, Sayad examined Algerian migration to France. Understanding this phenomenon in all its stages requires a thorough comprehension of the origin society in all its social, economic, and especially cultural aspects that is the Algerian rural society and its history[12].

2. The Challenge of the Moroccan Minor's Transition from a Moroccan Context to a European Spanish Context

Child migration is as old as human history; what is new is its political prominence. The concept of childhood as a stage of innocence requiring protection first emerged after World War II and became firmly established in the following decades with the creation of the United Nations Convention on the Rights of the Child. Furthermore, the protection of minors is recognized under customary international law[13]. Regarding unaccompanied minor

[10] Brody, Hajar. "Migration and the Identity Crisis: The Relationship between Identity and Migration Issues." *Al-Ma'rifa Journal*, no. 15, May 2024, p. 41, Bahrain.

[11] Belghrass, Abdelwahab, and Sidi Mohamed Mohmedi. "Presentation." *Insaniyat: Revue algérienne d'anthropologie et de sciences sociales*, no. 62, 2013, p. 32.

[12] Ibid.

[13] Vives, Luna. "State Violence at the Border: Unaccompanied Migrant Children in Spain." *Spatial Justice / Justice Spatiale*, no. 18, 2023, p. 5.

migrants, international law defines them as individuals under 18 years of age who are outside their country of origin and separated from their parents or any other adult relatives legally or customarily responsible for their care. However, the concept of the unaccompanied minor migrant poses complex challenges and is difficult to apply in practice.[14]

In this context, Professor Aziz Ahlou, a sociologist at Mohammed V University in Rabat, discussed the phenomenon of unaccompanied minor migration, describing it as one of the most complex social issues facing many countries. He explained that this phenomenon, which spans multiple continents, primarily reflects deep-rooted problems ranging from poverty and marginalization to social and cultural changes affecting societies. Professor Aziz emphasized that Moroccan minors themselves decide to migrate to Europe, primarily to countries such as France and Spain, motivated by the desire to achieve a better life[15].

The number of Moroccan minors migrating irregularly to Spain reached approximately 1,805 out of 3,419 minors from various other nationalities, distributed across reception centers for minors in Spain. These minors arrived in Spain irregularly, without their families, primarily from the city of Tangier. Mr. Mohamed Ben Issa, Director of the North Observatory for Human Rights, explained that these figures only include children apprehended by Spanish authorities; the majority are accommodated in centers in Andalusia, Catalonia, Madrid, as well as in the occupied cities of Ceuta and Melilla. Regarding their fate after crossing the Moroccan-Spanish border and being trafficked by irregular migration networks, Al-Bajouki stated: “Most minors are aware that European laws protect them. Nevertheless, these NGOs report a legal vacuum in dealing with such cases and a lack of reception infrastructure that safeguards the rights of the minors.”[16]

In general, the phenomenon of Moroccan minors migrating to Europe, and Spain in particular, can be analyzed and interpreted by linking it to the

[14] Ibid.

[15] Al-Tato, Mohamed Adel. “Morocco and Spain Agree on Measures for the Return of Moroccan Minors and Combating Migrant Smuggling Networks.” *Al3omk*, June 2023, https://cutt.ly/Al3omk847346. Accessed 18 May 2025.

[16] Najdi, Adil. “Renewed Moroccan Migration by Swimming to Ceuta Despite the Risk of Death.” *Al-Araby*, 2025, https://tinyurl.com/mur4cbxw. Accessed 29 May 2025.

intersection of multiple economic, social, political, and cultural factors within a sociological framework. Minors' migration constitutes an important component of the broader phenomenon of irregular migration, which encompasses many social groups. Regarding the procedures for placing minors in Spanish reception centers, these are generally carried out in accordance with the interests of the judiciary, the Civil Guard, and the police. Children leave these centers either upon returning to Morocco, being deported, being transferred to other centers, or sometimes by escaping.

Concerning programs aimed at supporting Moroccan minors in reception centers, these initiatives are designed to foster positive interaction with the children and involve various activities, including organized visits to different locations, city tours to familiarize them with schools, and daily Spanish language lessons alongside Arabic language instruction. Religious events are also celebrated to maintain the children's connection to their cultural and religious identity[17]. However, despite the availability of these rights and benefits under international laws and conventions, the harsh reality often reveals a different and troubling picture, exposing certain forms of unethical and harsh treatment inflicted upon the minors[18].

The phenomenon of Moroccan children who attempt to leave their families and render themselves "unaccompanied" in order to be considered eligible for migration highlights broader issues of inequality and underdevelopment in relation to mid-level global economies, as well as the impact on North-South relations. On one hand, integration policies within the European Union create opportunities for certain individuals to meet membership conditions, which are typically linked to wealth or EU citizenship. However, the same integration efforts simultaneously generate exclusion. By constructing both geographic and legal borders, EU states seek to establish buffer zones that are wider than ever between Europe and its peripheries. While Europe aims to facilitate internal mobility, as exemplified by the Schengen Area, which Spain ratified in 1991, alongside commitments to democracy, human rights, and child

[17] Ibid.
[18] Ibid.

protection, and by expanding its borders eastward, it simultaneously produces what has been termed a "Fortress Europe."[19]

Professor Aziz Ahlou pointed out that the phenomenon of unaccompanied minor migration is not limited primarily to Morocco but extends to other regions, such as North and South America, where the issue of minor migration arises within political debates on border control. Furthermore, academic failure and difficulties accessing the labor market constitute major factors that make these minors feel that their future is constrained by limited options, prompting them to seek alternatives abroad through irregular migration. Ahlou also linked this trend to major social transformations experienced by Moroccan families, which have led to emotional, ethical, and educational disconnections between generations, resulting in a lack of alignment in ideas, desires, and aspirations regarding the future. He emphasized that the current youth's aspirations differ significantly from those of previous generations, as they are more connected to the world of the internet and social media networks and seek new models of social success. These aspirations often ultimately lead them to decide to migrate, particularly under the country's challenging economic conditions[20].

Among the key factors contributing to the marginalization of youth is their cultural level, whether within institutional or non-institutional frameworks, compounded by the absence of a conscious cultural policy that understands and addresses the concerns, interests, aspirations, and value-based, intellectual, ideological, and civilizational challenges faced by young people. Such a policy is expected to raise youth awareness of their social position and leadership role, to strengthen their ideological capacity for positive participation, and to enhance their understanding of their circumstances, duties, and social realities[21].

Abdelaziz Dahmani, a researcher in public law, argues that the migration of unaccompanied minors to the occupied enclaves and subsequently to Europe

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[19] Empez Vidal, Núria. *Social Construction of Neglect: The Case of Unaccompanied Minors from Morocco to Spain*. Max Planck Institute for Demographic Research, Feb. 2007. p. 4.

[20] Al-Tato, Mohamed Adel. "Morocco and Spain Agree on Measures for the Return of Moroccan Minors and Combating Migrant Smuggling Networks."

[21] Dachmi, Abdessalam, and El Mostafa Haddiya. *Youth and Integration Challenges (Insertion des jeunes et problèmes d'identité).* Publications of the Faculty of Arts and Humanities, Mohammed V University, 1996, p. 34.

has recently become a widespread and tragic reality in the city of Nador. He considers this phenomenon a challenge to the state's policies aimed at mitigating this critical situation, questioning whether effective measures truly exist to address it. Dr. Dahmani adds that any discussion of solutions to this phenomenon must first examine the underlying causes. Simply reviewing the latest report by the High Commission for Planning on the situation of children in Morocco inevitably shocks the observer with the catastrophic conditions affecting childhood in the country[22].

In general, the factors driving the migration of unaccompanied minors can be traced to social causes, such as poverty and vulnerability, on the one hand, and profound dissatisfaction with the social, economic, and political conditions in their country of origin, loss of hope for the future, and lack of trust in the homeland on the other. These sentiments are clearly reflected in the narratives of youth and minors who have migrated from various regions of Morocco. Additionally, there are calls, often from unknown sources on social media, encouraging attempts to reach Ceuta. The second factor relates to the pull of destination countries: the European dream dominates the imagination of these children, reinforced by stories of success from other families, neighborhood peers, or acquaintances who have undertaken similar journeys. This is further strengthened by the legal protection offered to Moroccan minors in Spain, which prevents their deportation if they enter Ceuta or Melilla. The third factor is contextual, linked to environmental and situational conditions. For example, natural conditions such as fog surrounding Ceuta and calm sea states reduce the effectiveness of security monitoring, facilitating clandestine crossings[23].

3. Migration Policy Strategies to Curb Unaccompanied Minor Migration

The phenomenon of Moroccan children who strive to leave their families and make themselves appear neglected in order to belong to a category accepted for migration reflects very broad issues of inequality and underdevelopment in the face of middle-income global economies, as well as their impact on North–

[22] NadorCity News Team. "Madrid Decides to Transfer Unaccompanied Moroccan Minors from Melilla and Ceuta to Spain." *NadorCity*, 2025, https://tinyurl.com/ycyf8444. Accessed 19 May 2025.
[23] Najdi, Adil. "Renewed Moroccan Migration by Swimming to Ceuta Despite the Risk of Death." *Al-Araby*,

South relations. On one hand, this creates an aspect of integration through European Union policies, which set membership conditions that some individuals can fulfill conditions often linked to wealth or EU citizenship. However, the same efforts toward integration also produce exclusion. By establishing geographical and legal borders, EU countries aim to create buffer zones that are wider than ever between Europe and its peripheries. While Europe seeks to facilitate internal mobility, as exemplified by the creation of the Schengen Area, which Spain signed in 1991 alongside principles of democracy, human rights, and child protection, and by expanding its borders eastward, it simultaneously creates what has been called the "Fortress Europe."[24]

To curb the phenomenon of irregular migration, numerous meetings have been held between Moroccan officials and their Spanish counterparts to establish a comprehensive program aimed at containing this issue. This is carried out within the framework of a permanent committee between the Ministries of Interior of both countries, which convenes regularly. Additionally, the Moroccan National Observatory on Migration has been tasked with developing a national strategy in this context. The Observatory focuses on collecting relevant migration-related data, informing administrative bodies of research findings regarding current challenges, and proposing measures to improve methods for combating the risks associated with the irregular migration of Moroccan minors. The strategy emphasizes the preparation of television and radio programs, recognizing the influence of media on children. Civil society also plays a significant role, as organizations active in the field of child welfare can contribute to preventing irregular migration among minors through awareness-raising and educational campaigns[25].

Morocco and Spain have also agreed on the repatriation of Moroccan minors to their home country, as well as on strengthening mechanisms for coordination and information exchange regarding human smuggling networks,

[24] Empez Vidal, Núria. *Social Construction of Neglect: The Case of Unaccompanied Minors from Morocco to Spain*. p. 4.

[25] Maghress Editorial Team. "Morocco: Parliament Discusses Tougher Penalties for Encouraging Minor Migration." *Maghress*, 2025, www.maghress.com. Accessed 19 May 2025.

which often operate violently. Legal, regulated migration has also been reinforced. To address these shared challenges, particularly those arising from the increasingly violent activities of smuggling networks, both countries decided to enhance coordination and information-sharing mechanisms. This includes renewing joint operational procedures at police cooperation centers, through liaison officers, and via joint patrols[26].

Morocco has accelerated its cooperative efforts through various initiatives, including the African Migration and Development Alliance presented to the United Nations General Assembly, reflecting shared regional responsibilities. This complements the national action plan on democracy and human rights[27]. Regarding the evaluation of Morocco's migration policy since 2014, although this assessment is not comprehensive, it is based on the eleven programs that formed the core of this public policy, classified into four main axes: the legislative framework, regularization of migrants' status, social rights, and institutional governance.

This policy is grounded in six guiding principles: a humanitarian approach, a holistic approach, respect for human rights, adherence to international law, renewal of cooperation foundations, and shared responsibility. It is noteworthy that the "National Strategy on Migration and Asylum" emerged from the convergence of agendas of several national and international actors concerned with migration issues, including the National Human Rights Council, associations representing migrants in Morocco, organizations defending their rights, as well as international partners such as the European Union and the United Nations system concerned with migration and asylum, along with donor entities. This policy was introduced in response to a favorable window of opportunity, implemented a few months before its official announcement. Between September and December 2017, a rapid political momentum was observed, culminating in public initiatives targeting migrants. Furthermore,

[26] Al Hamidi, Marwan. "Sociologist Analyzes Reasons Why Moroccan Minors Are Attached to the Dream of Migration." *Al3omk*, 29 Aug. 2024, https://cutt.ly/Al3omk960823. Accessed 6 June 2025.

[27] Dalouh, Mouna. "Governance of Irregular Migration Management in Morocco: Achievements and Expectations." *MIPA Institute*, 2024, https://tinyurl.com/yc7metj6. Accessed 6 June 2025.

this strategy sent strategic messages to Morocco's partners across Africa, particularly following its return to the African Union[28].

The National Strategy for Migration and Asylum includes 11 programs, comprising 7 sectoral programs and 4 cross-cutting programs. The sectoral programs cover education, culture, youth and recreation, health, housing, humanitarian assistance, vocational training, and employment. The cross-cutting programs address migration flow management, combating human trafficking, international cooperation and partnerships, as well as the legal, regulatory, governance, and communication frameworks. This strategy was further detailed into 27 specific objectives and 81 practical measures, highlighting the importance of governance through the establishment of multiple organizational bodies, including a joint ministerial committee chaired by the Prime Minister, a central steering committee, three committees dedicated to sectoral programs, and one committee for cross-cutting programs. Despite the ambitious nature of this strategy, the speed with which it was adopted by public authorities without ensuring the conditions necessary for its implementation led to its practical suspension, leaving it confined to official documents with little tangible impact on the ground[29].

The migration of children is as old as human history; what is new is its political prominence. The idea of childhood as a stage of innocence requiring protection first emerged after World War II and became firmly established in the following decades with the creation of the United Nations Convention on the Rights of the Child. Moreover, the protection of minors is part of customary international law.[30]

III. METHODOLOGY

To equip this research with multiple theoretical and procedural concepts that illuminate the stages of its implementation and demonstrate the coherence between the research hypotheses and results, the following methodology and tools were adopted:

[28] Al-Muaizzi, Salah Eddine. *Migration Policy in Morocco: Between European Pressures and Moroccan Maneuvers*. Racines AISBL, 2022, p. 14.
[29] Ibid.
[30] Vives, Luna. p. 5.

Descriptive-Analytical Method: This method will be used to describe and track the motivations behind irregular migration of minors to Spain and to identify the various contexts responsible for this phenomenon. The analytical component will help explore the main effects and implications of irregular migration for minors, particularly the loss of religious and cultural identity and the weakening of ties with Moroccan religiosity.

Quantitative Method: The quantitative approach focuses on breadth by collecting a small amount of information from a large number of individuals. This allows for results based on precise and comprehensive tracking. Statistical data and figures will be employed to study irregular migration of Moroccan minors to Spain in a comprehensive manner, capturing the phenomenon across multiple dimensions and levels.

Qualitative Method: Complementing the quantitative approach, the qualitative method emphasizes depth, collecting extensive information from a smaller number of individuals. Semi-structured interviews were conducted with officials and educators at minors' reception centers to obtain accurate and realistic insights, particularly regarding the behavioral differences of Moroccan children before and after integration.

Deductive Method: This study also employs a deductive approach, which involves reasoning from one or more premises to reach a conclusion according to logical rules. This does not necessarily imply moving from general to specific, but rather from established premises to inferred results.

This multi-method approach ensures a robust analysis of irregular migration among Moroccan minors to Spain, capturing both statistical trends and lived experiences within the Spanish context[31].

Questionnaire: Electronic questionnaires were distributed, consisting of 25 questions related to the context of minor reception centers. These questionnaires were administered to 22 Moroccan participants to obtain accurate and realistic results from within the studied context.

[31] *Al-Muʿjam al-Falsafī: Arabic Language Dictionary*. General Authority for State Printing, 1983/1403 AH, p. 12. Cairo, Egypt.

Type of Questions: The questionnaire included both closed and open-ended questions. Most questions were closed, covering demographics such as gender, age, and some personal information. Closed questions also included response options like "Yes," "No," or "Sometimes." Open-ended questions were included to allow participants to express their answers in their own words, comprising only four questions. Overall, the questions were direct and understandable, taking into account the varied educational levels of the participants.

Interviews: Four semi-structured interviews were conducted with educators and administrators at minor reception centers in Spain. These interviews aimed to enhance the quality of the research by gathering detailed information from a smaller number of individuals, providing deeper insights into the reception environment. Respondents answered spontaneously and sincerely, helping to clarify the reality of the situation and move beyond common stereotypes.

- Type of Questions: The interview questions were semi-structured, largely aligned with the main research themes, and open-ended to allow respondents to answer freely. Each interview lasted up to an hour and included 10 questions, ensuring continuity and coherence in the research process.

Sample: A dual sample was chosen within the same context:

1. Young people who experienced irregular migration from Morocco to Spain.
2. Educators and administrators at minor reception centers in Spain.

This dual sample was approached integratively to provide a comprehensive understanding of the phenomenon.

Questionnaire Sample:

A small sample of 22 Moroccan youth who had experienced irregular migration and residence in minors' reception centers was selected. The sample was chosen randomly from a specific area, with the questionnaires distributed among young people who had stayed in minors' reception centers in the region of Cádiz.

Sample Criteria:

- Each participant must have migrated irregularly from Morocco to Spain.
- Participants' ages range between 18 and 25 years.
- All participants must have experienced residence in a minors' reception center in the region of Cádiz.

Interview Sample:

This sample consists of a number of officials and educators working in minors' reception centers in Spain. A total of four officials were interviewed by phone as a complementary sample to the main one represented by the questionnaires.

Overall Study Population:

The broader population of this research, as indicated from the outset, is Moroccan unaccompanied minors. The study focuses on the issue of preserving religious identity, given its significant role in the life of every individual, whether minor or adult, especially within a European context that is open and markedly different from the original cultural setting.

Specific Study Population

The electronic questionnaires were distributed to young Moroccans who had previously resided in minors' reception centers in the region of Cádiz. Since it was not feasible to cover all individuals across Spain, focusing on this region was considered a practical and effective solution to obtain reliable results. Moreover, this choice was motivated by the difficulty of reaching Moroccan minors currently residing in Spain's reception centers. Therefore, targeting young people who had already experienced these centers in Cádiz allowed us to gather precise data based on their personal experiences.

IV. FINDINGS

The extent of the minor's commitment to prayer prior to migration

Figure 1: It illustrates the commitment of young people to performing prayers prior to their migration to Spain.

The figure 1, presents the percentages related to whether the minor maintained his regular religious practices, specifically prayer, before migrating from Morocco. This was examined in order to obtain findings concerning the preservation of religious identity. As shown, 68.2% of the respondents (15 out of 22) reported that they were committed to prayer in their home country, a relatively high proportion indicating that the majority of the sample maintained this practice. In contrast, 22.7% of the respondents (5 out of 22) indicated that they prayed only occasionally. Finally, 9.1% (2 out of 22) stated that they did not practice prayer regularly in Morocco.

The extent to which juvenile reception centers respect privacy and diversity

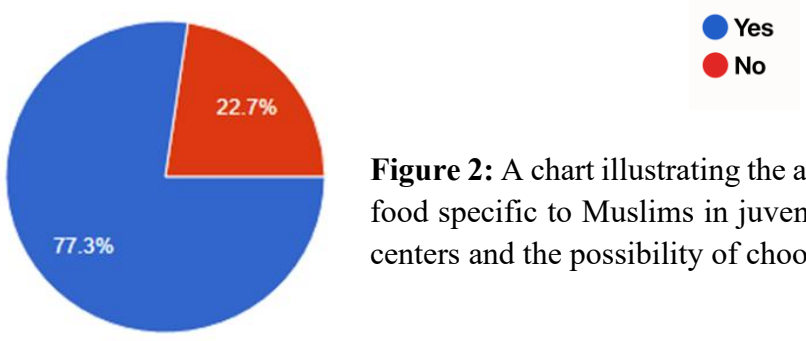

Figure 2: A chart illustrating the availability of food specific to Muslims in juvenile reception centers and the possibility of choosing meals.

The chart above shows that 77.3% of the sample selected Yes, indicating that they had access to halal food options in juvenile reception centers. This percentage corresponds to 17 out of 22 respondents, who reported that choosing meals in accordance with their dietary requirements was possible. In contrast, 22.7% of the respondents (5 out of 22) stated that such an option was not available.

The type of training provided to minors during their stay in juvenile reception centers

Figure 3: Illustrates the type of training provided to unaccompanied minors during their stay in the reception centers.

The above chart shows that the majority of respondents selected vocational training, accounting for 72.7% (16 out of 22 individuals). Another portion of the sample, 13.6% (3 out of 22), opted for social training. Those who chose academic training represented 9.1% (2 out of 22), while the smallest group, 4.5% (1 out of 22), selected sports training.

V. ANALYSIS AND DISCUSSION

It is not possible to evaluate whether a minor can maintain their religious and cultural identity unless they bring that identity with them from their country of origin. To address this, we asked the sample whether the minors were observant in prayer before migrating. The results show that the majority,

68.2%, maintained regular prayer, 22.7% responded "sometimes," and 9.1% responded "no." This indicates that religious identity can be preserved when it is rooted in the country of origin, providing insight into how this identity can be maintained in a new European context, specifically Spain.

The results also show that a large proportion of minors were able to maintain their routine religious practices, such as prayer and fasting, with 95.5% affirming this. The remaining minority responded negatively. Interestingly, the difference between these figures and the previous question suggests that the presence of Moroccan Muslim mentors or peers significantly influences a minor's ability to uphold religious practices. Such mentors represent an authentic example of Moroccan Muslim identity and values, which helps reinforce these practices.

Regarding the availability of culturally and religiously appropriate meals, 77.3% of respondents indicated that minors' centers provide halal food, suggesting the presence of at least one Moroccan Muslim mentor or cultural intermediary. The remaining 22.7% reported the absence of such provisions, implying that some centers lack Muslim personnel, which affects the preservation of the minor's religious and cultural privacy. This highlights the critical role of Muslim mentors in ensuring that minors maintain important religious practices.

Concerning the type of training offered to Moroccan minors during their stay in reception centers, the results indicate a strong focus on vocational training, aimed at ensuring a stable professional future upon leaving the center. Academic, social, and sports training are also provided, but the primary emphasis across most centers is vocational preparation. This approach aims to equip minors with professional skills that can later connect them to companies or factories corresponding to their training.

Discussion of the Quantitative Results:

The results obtained from the questionnaire can be summarized as follows:

- **Preservation of Prayer:** Maintaining prayer practices appears highly feasible, largely depending on the peer group to which the minor is integrated within the center. For instance, some participants who were not observant in Morocco reported being able to maintain their prayers during their stay in the reception center. This highlights the significant

role of positive peer influence within the center, which can either support or hinder religious practice. Overall, 95.5% of respondents maintained their prayer routines in the new reception environment.

- **Religious and Cultural Privacy:** Some reception centers actively strive to respect the religious and cultural needs of Muslim minors, particularly regarding food, with 73.3% of respondents confirming access to halal meals. Conversely, other centers do not adequately consider these aspects of religious and cultural privacy.
- **Type of Training Provided:** Vocational training is the predominant form of education offered to Moroccan minors in reception centers, accounting for 72.7% of responses. This approach aims to guide and prepare minors for their future professional life.

Content from One Interview:

The factors motivating minors to undertake irregular or unauthorized migration to Spain cannot be attributed solely to geographic proximity. Sociologists, however, identify both push and pull factors operating in the country of origin and in the destination context.

Push factors include primarily social and economic conditions related to the minor's situation in Morocco. This represents a strong and fundamental determinant. Another key push factor is the minor's relationship with peers, especially those who have already migrated to Europe, particularly Spain. Connections with family members or acquaintances who have undertaken migration serve as a form of encouragement and motivation for the minor to follow a similar path.

Pull factors are numerous. One significant pull factor is the legal framework in Spain, which provides protection and care for minors, ensuring decent living conditions. Family ties in Spain constitute another pull factor, as minors may be attracted by relatives or acquaintances who can support their integration. Additionally, the broader legal protections and freedoms available to minors within Spanish law contribute to the attractiveness of migration.

In general, the migration of Moroccan minors to Spain is largely driven by economic reasons. Most migrating minors come from disadvantaged social and economic backgrounds, particularly rural areas ("Morocco deep") and urban centers such as Tangier and Tetouan, with a smaller proportion from

Casablanca. Some minors are also influenced by observing the perceived success of relatives or neighbors who have returned from Spain with improved economic conditions, creating an aspirational image of Spain as a land of opportunity. While these emotional motivations exist, economic hardship remains the primary driver of migration.

Qualitative Analysis and Discussion of Interview Results:

The interviews revealed a consistent pattern in the responses of all participants. They indicated that a Moroccan minor migrating to Spain does not necessarily lose their religious or cultural identity, provided they receive proper guidance in the reception center from Moroccan staff and facilitators. Moreover, the child's upbringing and education within their family prior to migration play a crucial role. It raises an important question: did the child bring a religious and cultural identity from their home country to maintain in the new European context, or did they arrive without such awareness? Therefore, the preservation of identity, particularly religious identity, is closely tied to family socialization and education.

The interviews also highlighted that the factors driving the migration of Moroccan minors fluctuate between push factors in the country of origin and pull factors in the destination context. This underscores the importance of employing Moroccan staff and facilitators within Spanish reception centers to create a familiar cultural environment, especially during religious holidays and ceremonies. Such guidance is essential for providing religious and cultural orientation. The absence of Moroccan facilitators can leave minors vulnerable to identity loss, particularly in centers characterized by religious and cultural diversity and potential experiences of discrimination or prejudice from peers of other nationalities. This raises a critical concern: in what kind of environment will the minor live, one that accepts diversity or one marked by high levels of racism?

Abdessalam referred to the idea that many Moroccan minors migrating to Spain have detached from the components of Moroccan religiosity; some turned to Salafism, while others joined various Islamic movements and currents. However, the majority of minors retained the Moroccan style of religiosity. This situation is very complex because the minor cannot distinguish between different styles of religiosity, even though they are aware of diversity

and plurality. When a minor is placed in a group with a different style of religiosity, entering a community with its own structure, principles, and sources, it naturally affects their identity and detaches them from the components of Moroccan religiosity.

Nevertheless, most children maintain their Moroccan religiosity due to two main factors that safeguard the minor in this regard: the first is the emotional, organic, and intellectual connection with their mother and father; the second is that there are 2.5 million Muslims legally residing in Spain, with over 1.5 million of them being Moroccan. This means that most Islamic institutions, organizations, and religious centers are managed by Moroccans. Consequently, the minor does not differentiate between Moroccan religiosity and the principles of religion per se, but rather knows how to defend the Moroccan style of religiosity without necessarily understanding it as the correct form of religion. From the above, it becomes clear that a minor can lose their religious and cultural identity in the following cases:

- Severing communication with the parents, mother and father, or their guardians.
- Absence of Moroccan Muslim supervisors, officials, and educators in the minors' reception centers.
- High religious and cultural diversity in some centers.
- Lack of guidance and upbringing by the child's family before migration.
- Association with groups having a different style of religiosity.
- Detachment from family and friends in Morocco through severed communication.
- Failure to practice habitual religious practices such as prayer and fasting.
- Feeling of loneliness and exposure to racism and discrimination by peers of different nationalities.

Otherwise, the identity of the Moroccan minor migrating to Spain cannot be erased, and it became evident that the first research hypothesis was correct. These findings can also be supported by the first, third, fourth, and fifth hypotheses.

VI. CONCLUSION

This study focused on highlighting the issue of irregular migration from Morocco to Spain, particularly concerning Moroccan minors due to the geographical factor. This phenomenon is considered both a social and humanitarian issue, having witnessed a significant increase, especially in the recent period between 2022 and 2025. This phenomenon revealed a complex problem, which lies in how the irregular migration of Moroccan minors to Spain during the period of sheltering may affect the loss of their religious and cultural identity, and what factors contribute to the erosion of this identity and the disconnection from the components of Moroccan religiosity. This phenomenon presents significant challenges at both the international and national levels.

Our research addressed various aspects of this phenomenon, including the factors and reasons contributing to minors' decisions to migrate, which fluctuate between push and pull factors. Specifically, the pull factors related to the future context and the push factors related to the origin or source context were identified. Given the apparent importance of this topic and considering that we study a vulnerable age group, we deemed it necessary to address certain aspects that previous researchers had not explored in this specific area concerning Moroccan minors. It can be summarized that Moroccan minors decide to migrate for several reasons, the most important of which is to improve difficult family conditions by achieving a better standard of living, as well as reasons related to family breakdown, parental unemployment, marginalization, extreme poverty, and others.

Given the proximity of Spain to Morocco, Moroccan minors find no obstacle in risking and sacrificing their lives to achieve their goals and those of their families. We then examined the issue of the Moroccan minor's transition from the context of their country of origin to a new European context, concluding that this transition significantly contributes to changes in certain forms of religiosity among Moroccan minors in the absence of Moroccan specialists and supervisors in the new context to guide and instruct them. The study also addressed the issue of religious and cultural pluralism in Spanish shelter centers for minors, which creates a form of conflict between groups, each seeking to defend its beliefs by rejecting or criticizing those of other

groups. Consequently, this conflict sometimes leads to confusion and loss of identity among Moroccan minors regarding the preservation of their identity.

The study further summarized findings related to the challenges faced by Moroccan minors in practicing certain religious rituals such as prayer and fasting, particularly since these centers lack designated places of worship. Although Spanish law does not prohibit the practice of religious rituals and everyone has the right to practice their religion freely without harming others, another issue arises from the groups and factions created by minors within the center, which result in conflicts manifested in violence, racism, and sometimes intolerance toward others. In such cases, the problem of losing religious and cultural identity and disconnecting from the components of Moroccan religiosity occurs.

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De mystieke benadering van Abū Ḥāmid al-Ghazzālī en Franciscus van Assisi

Een vergelijkende analyse van de kernwaarden ascese en liefde

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SAMENVATTING

Mystiek vormt binnen zowel de islam als het christendom een weg naar de ervaring van Gods nabijheid. Deze studie vergelijkt de mystieke benadering van Abū Ḥāmid al-Ghazzālī (d.1111 CE) en Franciscus van Assisi (d.1226 CE), als twee religieuze denkers die, ondanks hun verschillende geloofstradities, een gedeelde zoektocht naar het goddelijke vertonen. Aan de hand van een literatuurstudie worden de kernbegrippen ascese en liefde geanalyseerd in *Iḥyāʾ ʿulūm al-dīn* van al-Ghazzālī en in de geschriften van Franciscus van Assisi, waaronder de Regel en het Zonnelied. Secundaire literatuur wordt betrokken om deze begrippen theologisch en historisch te contextualiseren.

De analyse toont aan dat al-Ghazzālī ascese begrijpt als een innerlijke houding van onthechting, gericht op de zuivering van het hart en de verwerving van ware kennis van God. Vanuit deze innerlijke zuivering ontstaat de liefde tot God als hoogste spirituele staat. Franciscus daarentegen belichaamt ascese voornamelijk in een concrete levenspraktijk van radicale armoede en navolging van Christus. Zijn liefde voor God krijgt gestalte in een actieve verbondenheid met de mens en de schepping. Hoewel beide mystici liefde tot God als het hoogste doel beschouwen, benadrukt al-Ghazzālī innerlijke transformatie, terwijl Franciscus de nadruk legt op geleefde, universele liefde.

KEYWORDS:
Mystiek; Ascetisme; Goddelijke liefde; al-Ghazzālī; Franciscus van Assisi.

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The Mystical Approach of Abū Ḥāmid al-Ghazzālī and Francis of Assisi

A Comparative Analysis of the Core Values of Asceticism and Love

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ABSTRACT

Mysticism constitutes, in both Islam and Christianity, a spiritual path toward experiencing divine proximity. This study compares the mystical approaches of Abū Ḥāmid al-Ghazzālī (d. 1111 CE) and Francis of Assisi (d. 1226 CE), two religious figures who, despite their distinct theological and historical contexts, shared a profound quest for God. Through a comparative literature-based analysis, the study examines the central concepts of asceticism and love in their thought, focusing on al-Ghazzālī's *Iḥyāʾ ʿUlūm al-Dīn* and key Franciscan texts, including the Rule and the *Canticle of the Creatures*. Relevant secondary scholarship is employed to situate these concepts within their broader theological and historical frameworks.

The analysis demonstrates that al-Ghazzālī understands asceticism primarily as an inner state of detachment, essential for attaining love of God through purification of the heart and true knowledge of the divine. Francis of Assisi, by contrast, embodies asceticism in a concrete lifestyle of radical poverty and imitation of Christ. His love of God extends outward to humanity and creation, expressed through simplicity, peace, and universal brotherhood. While both figures regard divine love as the ultimate goal of spiritual life, they emphasize different dimensions: inward spiritual transformation in al-Ghazzālī and active, lived love in Francis. The study concludes that asceticism and love are mutually reinforcing paths toward spiritual perfection in both traditions.

KEYWORDS:
Mysticism; Asceticism; Divine Love; al-Ghazzālī; Francis of Assisi.

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المنهج الصوفي عند أبي حامد الغزالي وفرانسيس الأسيزي

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الملخص:

يشكل التصوف، في كل من الإسلام والمسيحية، مسارا روحيا يهدف إلى تحقيق القرب من الله واختبار حضوره. تسعى هذه الدراسة إلى إجراء مقارنة بين التجربتين الصوفيتين لكل من أبي حامد الغزالي (ت. 1111م) وفرانسيس الأسيزي (ت. 1226م)، وهما شخصيتان دينيتان تنتميان إلى سياقين لاهوتيين وتاريخيين مختلفين، غير أنهما اشتركا في السعي العميق إلى معرفة الله ومحبته. وتعتمد الدراسة مقاربة مقارنة قائمة على تحليل النصوص، من خلال التركيز على مفهومي الزهد والمحبة في فكر الغزالي، كما وردا في كتاب *إحياء علوم الدين*، وفي النصوص الفرنسيسكانية الأساسية، مثل *القانون* و*نشيد المخلوقات*، مع الاستعانة بالدراسات الثانوية ذات الصلة لوضع هذه المفاهيم في إطارها التاريخي واللاهوتي الأوسع.

وتظهر الدراسة أن الغزالي ينظر إلى الزهد بوصفه حالة باطنية من التجرد، تعد شرطا أساسيا لبلوغ محبة الله عبر تطهير القلب والمعرفة الحقة بالذات الإلهية. في المقابل، يتجسد الزهد عند فرانسيس الأسيزي في نمط عيش عملي يقوم على الفقر الاختياري والاقتداء بالمسيح. وتمتد محبة الله لديه إلى الإنسان والطبيعة، وتتجلى في البساطة والسلام والأخوة الكونية. وتخلص الدراسة إلى أن الزهد والمحبة يشكلان، في كلا التقليدين، مسارين متكاملين نحو الكمال الروحي.

الكلمات المفتاحية:

التصوف؛ الزهد؛ الحب الإلهي؛ أبو حامد الغزالي؛ فرانسيس الأسيزي.

I. INLEIDING[1]

Mystiek binnen het christendom en de islam vormt een rijk, gelaagd en interdisciplinair onderzoeksveld dat zowel theologie, religiewetenschappen, filosofie als geschiedenis omvat. Mystici in beide tradities streven niet alleen naar geloof in God, maar vooral naar een onmiddellijke, existentiële ervaring van Zijn Nabijheid; een ervaring die de grenzen van taal en rationele conceptualisering overstijgt. Deze zoektocht gaat doorgaans gepaard met spirituele ascese, morele zelfdiscipline en een radicale heroriëntatie van het menselijk verlangen weg van het materiële en naar het goddelijke.[2]

Binnen dit brede mystieke landschap nemen Abū Ḥāmid al-Ghazzālī (1058–1111) en Franciscus van Assisi (1181/82–1226) een unieke en exemplarische plaats in. Al-Ghazzālī, een van de meest invloedrijke moslimtheologen, juristen en mystici, wist op een ongeëvenaarde manier orthodoxe theologie (*Kalām*), soennitische rechtstheorie en soefische spiritualiteit met elkaar te verbinden.[3] Hij wordt in de islamitische traditie beschouwd als *mujaddid*, de hervormer van zijn tijd. “Zijn leven werd getransformeerd door een spirituele crisis en de wens om te reageren op wat hij beschouwde als onjuiste interpretaties en praktijken die indruisten tegen de

[1] **To cite this article:**

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ماركو أخوس، التجاني بولعوالي، **المنهج الصوفي عند أبي حامد الغزالي وفرانسيس الأسيزي: دراسة تحليلية مقارنة للقيمتين المؤسستين: الزهد والمحبة**، مجلة اجتهاد للدراسات الإسلامية والعربية، مركز اجتهاد للدراسات والتكوين، بلجيكا، مج. 2، ع. 4، ديسمبر 2025، 121-137.

[2] SCHIMMEL, Annemarie. *Mystical Dimensions of Islam*, University of North Carolina Press, 1975, 3–15.

[3] GRIFFEL, Frank. *Al-Ghazali’s Philosophical Theology*, Oxford University Press, 2009.

islamitische orthodoxie."[4] Franciscus van Assisi, de charismatische stichter van de franciscaanse beweging, belichaamde op zijn beurt een radicale vorm van christelijke armoede en liefde voor de schepping die hem tot een iconische figuur binnen de Westerse spiritualiteit maakte.[5] Hoewel beide mystici ontstonden in verschillende religieuze, culturele en historische contexten, vertonen hun spirituele trajecten opvallende convergenties, met name in hun nadruk op ascese en goddelijke liefde als centrale wegen tot innerlijke transformatie.

Ondanks het groeiende academische werk over zowel al-Ghazzālī als Franciscus, blijft een systematische vergelijking tussen deze twee figuren beperkt. Bestaande studies richten zich meestal op één traditie of behandelen mystiek in brede, abstracte termen, waardoor de concrete parallellen en verschillen in hun spirituele praxis onderbelicht blijven.[6]

Deze studie wil deze lacune opvullen door een diepgaande vergelijking te maken van hun visie op twee fundamentele deugden: ascese (*al-zuhd* / de evangelische armoede) en liefde (*maḥabba* / caritas).

Methodologisch steunt dit onderzoek primair op al-Ghazzālī's *Iḥyā' ʿulūm al-dīn*, aangevuld met passages uit *al-Munqidh min al-ḍalāl* voor autobiografische context, en op de geschriften van Franciscus van Assisi, waaronder *de Regula*, *het Zonnelied*, en *het Testament*. Daarnaast wordt gebruikgemaakt van secundaire literatuur uit de islamitische mystiekstudies, franciscaanse spiritualiteit en vergelijkende mystiek. Het onderzoek erkent ook specifieke beperkingen, zoals verschillen in tekstuele tradities, conceptuele kaders en de uiteenlopende historische contexten waarin beide figuren hun spiritualiteit vormgaven.

Door deze interreligieuze vergelijking beoogt de studie niet alleen een beter begrip van de mystiek van al-Ghazzālī en Franciscus, maar ook een bijdrage te leveren aan het bredere debat over spiritualiteit, ethiek en godservaring binnen

[4] Rosmizi, Mohd, and Salih Yucel. "The Mujaddid of His Age: Al-Ghazali and His Inner Spiritual Journey." *UMRAN – International Journal of Islamic and Civilizational Studies*, vol. 3, no. 2, 2016, pp. 1–13.

[5] THOMPSON, Augustine. *Francis of Assisi: A New Biography*, Cornell University Press, 2012.

[6] See: RIZA, A. Kemal. "Asceticism in Islam and Christianity: With Reference to Abu Hamid al-Ghazali and Francis of Assisi." Teosofia: Indonesian Journal of Islamic Mysticism, vol. 1, no. 1, 2012, pp. 51–80, https://doi.org/10.21580/tos.v1i1.618. Accessed 10 Dec. 2025.

de Abrahamsreligies. Hun gedeelde nadruk op innerlijke zuivering, radicale ascese en alomvattende liefde biedt een belangrijk venster op hoe verschillende religies de menselijke zoektocht naar transcendentie conceptualiseren en belichamen.

De conclusie van dit artikel wordt voorafgegaan door een situering van de twee deugden binnen het kader van beide religies, een verwijzing naar wat de bestaande literatuur over het onderwerp vertelt en een toelichting op de primaire bronnen. Tot slot worden daarin ook de beperkingen van dit onderzoek aangehaald.

MORELE EN SPIRITUELE RAAKVLAKKEN TUSSEN AL-GHAZZĀLĪ EN ASSISI

Beide sleutelfiguren worden sterk geassocieerd met de mystieke dimensie van hun geloofstraditie. Vanuit de christelijke context is de mysticus iemand die God aanbidt, maar ook wenst te ervaren en verstaan. Zijn doel is God liefhebben en werkelijk kennen.[7] Islamitische mystiek wordt vaak aangeduid met de term soefisme.[8] Deskundigen geven verschillende definities aan die term maar het doel van het soefisme is gelijkaardig aan dat van mystiek in het christendom. Het draait om een omvorming van de mens, met als doel helderheid te scheppen over de weg die tot Gods nabijheid leidt.[9] Franciscus geldt als een christelijke mysticus door zijn persoonlijke ervaring van Gods nabijheid. In zijn geschriften probeerde hij anderen stapsgewijs te begeleiden naar het pad der innerlijke zuivering, gericht op diezelfde ervaring.[10] Ook al Ghazzālī spreekt over een gelijkaardige experiëntie die de beperkingen van de rede overstijgt.[11]

De twee fundamentele waarden binnen de mystieke visie van de spilfiguren worden in meerdere boeken en artikels behandeld. Al-Ghazzālī onderscheidt, volgens N. Adam, drie stadia van *az-zuhd* ten opzichte van het wereldse leven.

[7] Thomas. “Christelijke mystiek in de godsdienstles.” Thomas, KU Leuven, 1 Apr. 2024, www.kuleuven.be/thomas/page/christelijk-mystiek-in-de-godsdienstles/. Accessed 10 Dec. 2025.
[8] CHITTICK, William C. *Soefisme, een kennismaking*, trans. Marc Colpaert, Waarbeke, Uitgeverij Synthese, 2019, p. 9.
[9] William C. *Soefisme, een kennismaking*, p 14-15.
[10] BISSCHOPS OFS, Hubert J. *Franciscus van Assisi: mysticus en mystagoog*, Van Gorcum, 2008, p. 262.
[11] AL GHAZĀLĪ, Abū Ḥāmid. *Verlost van onzin*, trans. Cornelis VAN LIT & Gerko TEMPELMAN, Boom Uitgevers, 2021, p. 118.

Het eerste stadium betreft personen die geen liefde voor deze wereld hebben, omdat zij beseffen dat het aardse leven tijdelijk is. Het tweede stadium omvat degenen die zich onthouden van wereldse genoegens en van wie de harten niet gehecht zijn aan materiële rijkdom. Zij menen dat het wereldse genot niet te combineren valt met dat in het hiernamaals. Het derde stadium beslaat mensen die uiterlijk een ascetische houding aannemen, maar innerlijk nog gehecht zijn aan deze wereld. Die personen worden door al-Ghazzālī beschouwd als *mutazāhidīn* (zij die zich bevinden in een voorlopige fase van *az-zuhd*).[12]

In het kader van liefde zegt Binyamin Abrahamov in zijn boek *Divine Love in Islamic Mysticism: The Teachings of Al-Ghazālī and Al-Dabbāgh* dat al-Ghazzālī in meerdere van zijn werken schreef over *mahabbatu Allah* (liefde voor God). Het is echter in zijn boek *Iḥyā' 'ulūm al-dīn* dat hij een gedetailleerde uiteenzetting geeft over dat onderwerp. Volgens hem is de liefde voor God de hoogste status die bereikt kan worden. Verder presenteert hij in dat werk de betekenis van liefde voor God, de voorwaarden om die te verkrijgen en de motieven ervan.[13] Het is duidelijk dat al-Ghazzālī's opvattingen inzake liefde van religieuze aard zijn, aangezien liefde zo goed mogelijk gericht moet worden tot God.[14]

In het artikel *Returning Every Good to the Lord: The Ascetic Exemplarity of Francis of Assisi* van Krijn Pansters wordt de ascetische houding van Franciscus hoofdzakelijk besproken. De auteur vermeldt dat Franciscus van Assisi zich bewust afkeerde van de wereld door bezit, status en comfort op te geven. Hij wenste een leven in afzondering en armoede om zich volledig te richten op God. Zijn onthouding van het wereldse was geen doel op zich, maar een weg naar innerlijke zuiverheid en navolging van Jezus Christus. Het artikel benadert ook de liefde van Franciscus van Assisi. Specifiek wordt in het deel *Openness* (Openheid) ingegaan op hoe Franciscus zich openstelde voor Gods leiding en hoe zijn liefde voor Hem zich uitte in vreugde en dedicatie. Een voorbeeld daarvan is zijn gebed waarin hij vroeg om goddelijke leiding en

[12] N. ADAM *et al.*, *Therapy of Zuhd Based on Al- Ghazali Spiritual Theory Through Kitab Al-Arbain Fi Usul Al-Din*, in *International Journal of Academic Research in Business and Social Sciences*. 10 (11) 1298-1304 (2020) p. 1303.
[13] ABRAHAMOV, Binyamin. *Divine Love in Islamic Mysticism: The Teachings of Al-Ghazālī and Al-Dabbāgh*, Londen, Routledge Curzon, 2003, p. 42-43.
[14] ABRAHAMOV, Binyamin. *Divine Love in Islamic Mysticism*, p. 85.

kennis. Die vorm van aanbidding leidde tot een diepe vreugde en een onmiddellijke bereidheid om Gods woorden te implementeren in zijn leven.[15]

Al-Ghazzālī's *Iḥyā' 'ulūm al-dīn wordt gezien* als het meesterwerk van Al-Ghazzālī. Van Lit en Tempelman omschrijven het werk als "een handboek dat de kennis aanreikt over hoe men moet handelen om te kunnen wandelen over het pad naar het hiernamaals".[16] Het boek is opgebouwd uit vier grote delen, elk bestaande uit tien hoofdstukken. De vier delen zijn *al-'ibādāt* (De aanbiddingen), *al-'ādāt* (De omgangsvormen), *al-muhlikāt* (De vernietigende zaken) en *al-munjiyāt* (De zaken die tot verlossing leiden). De aangehaalde begrippen in het boek worden door al-Ghazzālī gedefinieerd en zorgvuldig onderbouwd met verwijzingen naar de Koran, uitspraken van de Profeet Mohammed, en gezegden van mystieke denkers. *Iḥyā' 'ulūm al-dīn* bevat verder ook al Ghazzālī's eigen redeneringen, bovenzinnelijke ervaringen en conclusies. De onderwerpen armoede en ascese worden in hoofdstuk vierendertig besproken en liefde in hoofdstuk zesendertig uit het deel *al-munjiyāt.* Al-Ghazzālī plaatst het onderwerp armoede bij de deugde van ascese en verbindt in zijn uitleg beide thema's aan elkaar.

Wat Franciscus van Assisi betreft, toont hij in zijn teksten zijn gezag als leider en komen zijn sterke inzichten in de geestelijke noden van zijn broeders tot uiting.[17] Franciscus' meest uitgebreide werk is de *Regel*. Dat werk werd in 1221 geschreven en bevat de besluiten die zijn volgelingen gezamenlijk met hem hadden genomen. De voorlopige *Regel* werd later verder uitgewerkt aangezien men nog niet tevreden was met het resultaat. In 1223 zondert Franciscus zich enige periode af in Fonte Colombo om een herziene versie neer te pennen. Op 29 november 1223 wordt die bewerking als definitieve *Regel* door de toenmalige paus goedgekeurd. Sindsdien vormt het de basis voor het leven van de minderbroeders. Franciscus reist in 1125 naar verschillende gebieden. In die periode schreef hij, ondanks zijn oogziekte, zijn bekende *Zonnelied* wat een weerspiegeling is van zijn diepgewortelde liefde voor de schepping. Wanneer hij uiteindelijk verblijft in het bisschopspaleis van Assisi voelt hij dat zijn einde nabij is. Er wordt aan hem gevraagd om zijn wensen te

[15] PANSTERS, Krijn. *Returning Every Good to the Lord: The Ascetic Exemplarity of Francis of Assisi*, *Jewish Thought* 3 (2021) p. 56-60.
[16] AL GHAZĀLĪ, *Verlost van onzin*, p. 38.
[17] VAN ASSISI, Franciscus. *De geschriften*, trans. G.P. FREEMAN *et al*., Gottmer, s.d., p. 14.

dicteren in zijn Testament.[18] Franciscus getuigt in dat testament ook over zijn lotsbestemming en missie, en spreekt over zijn leven en de Goddelijke begenadiging.

DE KERNWAARDEN ASCESE EN LIEFDE: EEN VERGELIJKENDE ANALYSE

Ascese volgens al-Ghazzālī

Enkele synoniemen voor soefi's zijn asceten, verzakers en armen.[19] Al die begripsverwanten tonen dat er een essentiële connectie is tussen de onthechting van liefde voor het wereldse en spirituele progressie. Al-Ghazzālī geeft in *Iḥyā' 'ulūm al-dīn* een verhandeling over de inhoud van *al-faqr* (armoede). Hij stelt dat iedereen in realiteit arm is en dat enkel God als rijk beschouwd kan worden. Vervolgens geeft hij een vers uit de Koran weer waarin die uitspraak wordt bevestigd. Daarin zegt God namelijk dat de mensen arm zijn en Hij de rijke is.[20]

Met betrekking tot bezit deelt hij de mensen op in zes categorieën. Het hoogste niveau daarvan is dat van *az-zāhid* (de asceet). Die persoon heeft een afkeer voor geld en wil daar zo weinig mogelijk mee te maken hebben. De tweede categorie behelst een persoon die niet zozeer blij wordt van het materiële, maar het ook niet haat. Die persoon noemt hij *ar-rādī*, (een tevreden persoon). De derde categorie omvat een persoon die geld verkiest boven de afwezigheid daarvan in zijn leven. Indien hij dat op een makkelijke wijze kan bezitten is hij blij, maar wanneer daar inspanning voor nodig is, laat hij die na. Zo iemand is *al-qāni'* (iemand die innerlijk vervuld is). *Al-hāris* (waker) is degene die omwille van een bepaalde reden niet in staat is om geld te verzamelen maar dat wel wenst te bezitten. De voorlaatste categorie is *al-mudtar*, een persoon die, door overmacht, geen geld bezit om zijn basisbehoefte te dekken. Tot slot spreekt al-Ghazzālī over *al-mustaghnī*. Zo wordt een persoon genoemd die onverschillig staat tegenover rijkdom of

[18] Thomas. "Franciscus van Assisi." Thomas, KU Leuven, 1 Jan. 2014, https://www.kuleuven.be/thomas/page/franciscus-van-assisi/. Accessed 10 Dec. 2025.
[19] W. C. CHITTICK, *Soefisme, een kennismaking*, trans. Marc Colpaert, Milinda Uitgevers, 2019, p. 31.
[20] AL GHAZĀLĪ, Abū Ḥāmid. *Ihyā 'ulūm al dīn*, 2de ed., Dar al salam, Cairo, 2005, p. 1535.

armoede. Alle rijkdom behoort, in zijn ogen, toe aan de Schepper.[21] De eerste categorie, namelijk de asceet, kan dus wel rijkdom bezitten, maar hecht er geen waarde aan in zijn hart. Na die ontvouwing definieert hij ascese als "het verlangen voor iets doen wegkeren naar datgene beter is." In relatie tot het geloof in een hiernamaals houdt dat in dat iemand het wereldse laat omwille van de beloning in het hiernamaals.[22]

Al-Ghazzālī geeft daaropvolgend een hele uiteenzetting over een ascetische staat betreffende de noodzakelijkheden van het wereldse. Die beslaan voeding, kleding, huisvesting, meubels, het huwelijk, aanzien en geld. Hij meent dat voeding noodzakelijk is voor het verrichten van aanbidding, maar het niet nodig is om veel te eten of om voedsel langer dan een jaar te bewaren. Wanneer een persoon meer dan twee keer per week vlees eet, wordt hij, volgens al-Ghazzālī, niet beschouwd als een asceet. Bekomend moet een asceet, volgens hem, slechts een kledingstuk bezitten dat aangepast is aan het klimaat en de ledematen, die volgens de islamitische voorschriften niet gezien mogen worden, bedekt. Wanneer het op onderdak en meubilair aankomt zou een persoon genoegen moeten nemen met het essentiële wat oppervlakte en aantal betreft, zonder overbodige luxe. Slechts dan behoort hij, in die categorie, tot de asceten.

In de islam is er geen celibaatsverplichting en behoort het huwelijk tot een van de aanbevolen zaken. Al-Ghazzālī acht het, voor een gelovige, noodzakelijk om zich in volledige hoedanigheid te richten tot God, zonder afleidingen. Wanneer die de voorkeur geeft aan een celibatair leven om zich niet te laten afleiden van het gedenken van God, kan het gezien worden als ascese, op voorwaarde dat die toestand niet leidt tot onzedelijkheid. Wanneer een huwelijk wordt verkozen boven een vrijgezellenleven en het geen afleiding is van de toewijding aan God, valt die staat ook onder ascese. Met 'aanzien' bedoelt al-Ghazzālī dat een persoon intendeert om een plek op te eisen in iemands hart zodat hij beroep kan doen op diens goedheid. Wanneer dat niet bereikt kan worden met aanzien, dan zou geld voor een dergelijke dienst moeten zorgen. Wanneer de gelovige tot de asceten wenst te behoren mag hij geen aandacht geven aan roem en aanzien. Net zoals bij het stockeren van

[21] AL GHAZĀLĪ, *Ihyā 'ulūm al dīn*, p. 1535.
[22] AL GHAZĀLĪ, *Ihyā 'ulūm al dīn*, p. 1565.

voedsel, is al-Ghazzālī van mening dat de asceet niet voor meer dan een jaar geld opzij kan zetten. [23]

Liefde volgens al-Ghazzālī

In *Iḥyā' 'ulūm al-dīn* spreekt al-Ghazzālī over spirituele stadia zoals het bereiken van een berouwvolle, geduldige en ascetische staat. De status van liefde voor God wordt, volgens hem, voorafgegaan door al die vermelde rangen. Voorts meent hij dat liefde voor God en de Profeet Mohammed op de eerste plaats moet komen. Om zijn woorden kracht bij te zetten haalt hij verschillende verzen aan uit de Koran. Een vers dat bevestigt dat liefde voor God op de eerste plaats moet komen is het volgende: "...en degenen die geloven zijn sterk in hun liefde voor Allah..".[24] Een oorzaak voor de toename van liefde voor God is het verbreken van gehechtheid aan het wereldse en het verwijderen van liefde voor iets anders dan God uit het hart. Een andere oorzaak is het verkrijgen van grondige kennis over God. Die kennis zal verkregen worden nadat het hart werd gezuiverd van wereldse verleidingen.[25]

In *Kimyā' al-sa'ādah* (De alchemie van het geluk) vermeldt al-Ghazzālī op een bijkomende manier om diepere kennis over God te verkrijgen.[26] Het aanschouwen en het overpeinzen van de schepping zou voldoende moeten zijn voor de gelovige om te beseffen dat de Schepper volmaakt is in Zijn macht en niet gebrekkig is. Er is niets wonderbaarlijker dan het scheppen van de mens uit onbeduidend water, zoals de Koran vermeldt. God bezit dan ook alomvattende kennis wat Hem in staat stelt om zo een wonderbaarlijk schepsel als de mens te creëren. Verder moet men inzien dat Gods liefde en genade alle overige creaties omvatten wat zichtbaar wordt in de schoonheid van de fauna en flora.[27] Wanneer de gelovige werkelijke liefde verkreeg voor God, ervaart hij die in zijn hart en is die merkbaar in zijn spraak en handelingen. Zijn

[23] AL GHAZĀLĪ, *Ihyā 'ulūm al dīn*, p. 1580-1591.
[24] AL GHAZĀLĪ, *Ihyā 'ulūm al dīn*, p. 1650-1651.
[25] AL GHAZĀLĪ, *Ihyā 'ulūm al dīn*, p. 1674-1675.
[26] *Kimyā' al-sa'ādah* is de Perzische versie van *Ihyā °ulūm al dīn* die later ook werd samengevat in het Arabisch. G. F. HOURANI, *The Chronology Of Ghazālī's Writings*, p. 300.
[27] AL GHAZĀLĪ, *Kimyā' al-sa'ādah*, Caïro, Al Muqattam, 2010, p. 43.

omgang met de schepping zal dan ook conform de Goddelijke tevredenheid zijn. God houdt namelijk van de weldoeners. [28]

Ascese volgens Franciscus van Assisi

Het doel van Franciscus was het navolgen van zijn Heer en leraar, Jezus Christus.[29] Wanneer hij in 1208 leert over de wegzending van de apostelen vindt hij zijn roeping. Jezus legde zijn volgelingen op om geen goud, zilver, geldbeugel en stok te bezitten. De apostelen moesten ook hun sandalen uitdoen. Die instructies paste Franciscus letterlijk toe. Hij liep blootvoets, droeg kledij die kenmerkend is voor de armen en weigerde bezit.[30] Wat hij bezat gaf hij weg aan de armen. Hij legde zijn volgelingen op om hetzelfde te doen. De minderbroeders moesten leven in gehoorzaamheid, in kuisheid en zonder eigendom. Richtlijnen die gebaseerd waren op de woorden van zijn Heer: "Als je onverdeeld goed wilt zijn, ga alles verkopen wat je hebt en geef het aan de armen en je zult een schat in de hemel hebben." Het was voor de broeders dus ook verboden om geld aan te nemen. De *regel* stelt:

> "Daarom mag een broeder, waar hij ook is of waar hij ook gaat, op geen enkele wijze geld of munten meenemen, ontvangen en laten ontvangen, niet voor kleren of boeken en niet als loon voor een karwei, kortom in geen enkel geval."[31]

Liefde volgens Franciscus Van Assisi

In zijn brief aan de gelovigen schrijft Franciscus:

> "U zult de Heer uw God liefhebben met heel uw hart en heel uw verstand en uw naaste als uzelf."[32]

Uit deze woorden blijkt dat liefde voor God centraal staat in zijn boodschap. Daarnaast zijn er ook regels aangaande de mensheid. De gelovigen moeten niet alleen hun geloofsgenoten liefhebben, maar horen alle mensen als broeders en zusters te beschouwen. De niet-christenen waaronder de moslims waren voor

[28] AL GHAZĀLĪ, *Kimyā' al-sa'ādah*, p 1690.
[29] F. VAN ASSISI, De geschriften, p. 43.
[30] Thomas. "Franciscus van Assisi." Thomas, KU Leuven, 1 Jan. 2014.
[31] F. VAN ASSISI, De geschriften, p. 51.
[32] F. VAN ASSISI, De geschriften, p. 135.

hem broeders en zusters.[33] Zijn volgelingen werden, door hem, bevolen om niet in conflict te geraken met de genoemde Saracenen.[34] Wanneer het nodig was om de minderbroeders te vermanen, diende dat ook op een liefdevolle manier te gebeuren. Het voorschrift luidt: "De broeders die minister en dienaar zijn van de andere broeders, moeten hun broeders opzoeken en inspireren en hen nederig en liefdevol terechtwijzen zonder hun iets te bevelen wat tegen onze regel is."[35] Liefde voor de andere schepselen komt tot uiting in zijn *Zonnelied*. Daarin prees hij God en maakte hij zijn liefde voor de natuur, die hij als een goddelijke gunst zag, kenbaar.[36]

VERGELIJKING EN SYNTHESE

Hoewel Abū Ḥāmid al-Ghazzālī en Franciscus van Assisi behoren tot verschillende religieuze achtergronden en historische contexten, vertonen hun standpunten over ascese en liefde opvallende overlappingen en duidelijke verschillen. Beide mystici beschouwen ascese niet als een doel op zich, maar als een noodzakelijke weg om de liefde voor God te bereiken. Deze liefde wordt gezien als het hoogste morele en spirituele doel.

Bij al-Ghazzālī krijgt ascese in de eerste plaats een innerlijke en geestelijke betekenis. In *Iḥyāʾ ʿulūm al-dīn* benadrukt hij dat ware armoede (*al-faqr*) fundamenteel is voor elk mens, aangezien alleen God werkelijk rijk is. Ascese bestaat volgens hem niet noodzakelijk in het ontbreken van bezit, maar in de onthechting van het hart. De asceet kan rijkdom bezitten, zolang hij er innerlijk geen waarde aan hecht. Deze innerlijke houding wordt verfijnd door al-Ghazzālī's classificatie van zes categorieën mensen in relatie tot bezit, waarbij *az-zāhid* het hoogste spirituele niveau vertegenwoordigt. Op deze manier wordt ascese door hem gedefinieerd als het afkeren van het verlangen naar het wereldse ten gunste van datgene wat beter is, namelijk de beloning in het hiernamaals.

Daarentegen belichaamt Franciscus van Assisi het ascetisme bovenal in een concrete en zichtbare levenspraktijk. Zijn ideaal van radicale armoede is

[33] Gerard Pieter FREEMAN & Erik KERKHOFF, *Een jaar met Franciscus van Assisi*, Lannoo, 2012, p. 9.
[34] De geschriften, vert. G.P. Freeman *et al.*, Haarlem, Gottmer, s.d., p.58.
[35] De geschriften, p. 84.
[36] Thomas. "Milieu – zorg voor de schepping." Thomas, KU Leuven, datum onbekend, 1 mei 2016, https://www.kuleuven.be/thomas/page/milieu-zorg-voor-de-schepping/. Accessed 10 Dec. 2025.

rechtstreeks geïnspireerd door de evangelische oproep tot navolging van Christus. In tegenstelling tot al-Ghazzālī laat Franciscus weinig ruimte voor innerlijke onthechting zonder uiterlijke consequenties. Hij weigert bezit, geld en comfort, loopt blootsvoets en verplicht zijn volgelingen tot een leven zonder eigendom. Waar al-Ghazzālī nuances en gradaties introduceert in de omgang met materiële zaken, kiest Franciscus voor een strenge en letterlijk uitgevoerde ascese als teken van totale overgave aan God.

Bovendien vertonen beide mystici in hun visie op liefde zowel overeenkomsten als verschillen. al-Ghazzālī beschouwt liefde voor God als een hoog spiritueel stadium dat voorafgegaan wordt door berouw, geduld en ascese. Liefde ontstaat door de zuivering van het hart en door diepgaande kennis van God. Het verbreken van gehechtheid aan het wereldse en het overdenken van Gods schepping leiden tot inzicht in Zijn volmaaktheid en barmhartigheid. Deze innerlijke kennis resulteert uiteindelijk in een liefde die zichtbaar wordt in het handelen van de gelovige en in zijn zorgzame omgang met de schepping.

Voor Franciscus staat liefde centraal, maar dan in een uitgesproken relationele en universele dimensie. Liefde voor God is onlosmakelijk verbonden met liefde voor de naaste en voor de hele schepping. Zijn brieven en regels benadrukken broederschap, vrede en geweldloosheid, zelfs jegens niet-christenen.

Uit deze vergelijking kan gesteld worden dat al-Ghazzālī en Franciscus ascese en liefde beschouwen als onderling verbonden wegen naar spirituele volmaaktheid. Al-Ghazzālī legt de nadruk op innerlijke zuivering en kennis als fundament van liefde, terwijl Franciscus deze liefde vooral belichaamt in een radicaal geleefde praxis van armoede, broederlijkheid en verbondenheid met de hele schepping. Beide benaderingen tonen hoe mystiek, ondanks verschillen in vorm en accent, gericht blijft op eenzelfde doel: de nabijheid van God.

CONCLUSIE

Uit het intellectuele nalatenschap van al-Ghazzālī en Franciscus van Assisi concluderen we dat beiden het belang van ascese en liefde benadrukken, maar dat elk doen vanuit verschillende religieuze contexten. Er is ook een duidelijk verband tussen de twee deugden. Ascese is volgens al-Ghazzālī grotendeels

een innerlijke staat die leidt tot liefde voor God. Wanneer een persoon die liefde heeft ervaren zal die merkbaar zijn in zijn barmhartige houding tegenover de schepping. Voor Franciscus is ascese niet slechts een innerlijke ingesteldheid, maar een doordachte en uiterlijke levensstijl. In zijn radicale navolging van Jezus Christus zette hij zich af tegen elke vorm van bezit of comfort en beval hij zijn volgelingen om hetzelfde te doen. Het is bekend dat al-Ghazzālī zelf periodiek afstand nam van zijn roem en bezit. Dat deelde hij mee in zijn autobiografie wanneer hij over zijn levenswijze als kluizenaar tijdens zijn *sabbatical* sprak.[37] Het is echter niet bekend dat hij, net als Franciscus, iedere vorm van bezit weigerde en dat ook verkondigde aan zijn studenten.

Ten aanzien van liefde is het aannemelijk dat beiden de liefde voor God tot hun doelstelling namen. Zowel al-Ghazzālī als Franciscus van Assisi leggen de nadruk op liefde voor God als het hoogste doel. Voor al-Ghazzālī komt ware liefde voort uit zuivering van het hart, kennis over Gods eigenschappen, en het laten van wereldse gehechtheid. Die liefde heeft een effect op het innerlijk en uit zich in goede daden. Franciscus benadrukt eveneens dat liefde voor God centraal moet staan, maar verbindt die direct met liefde voor de medemens en de hele schepping. Waar al-Ghazzālī meer de nadruk legt op innerlijke zuivering en kennis van God, legt Franciscus meer nadruk op universele broederliefde en vrede met anderen. Volgens beide visies is liefde geen abstract begrip, maar een levenshouding die zichtbaar wordt in gedrag. Al-Ghazzālī geeft in zijn werk een diepgaande uitleg over liefde waardoor zijn geleerdheid duidelijk merkbaar is. Franciscus is daarentegen directer en eenvoudiger in zijn benadering. Zijn adviezen zijn minder theoretisch en diepgaand, maar eerder praktisch en gericht op een leven vol liefde voor God, de medemens en de schepping.

In dit artikel wordt stilgestaan bij twee kernwaarden van al-Ghazzālī en Franciscus die voor hen van groot belang zijn, namelijk: ascese en liefde. Andere belangrijke thema's, zoals vertrouwen op God, kwamen niet aan bod. Er werd ook geen vergelijking gemaakt tussen een liefdevolle broederlijke omgang onder de geloofsgenoten van beide tradities, volgens de visie al-Ghazzālī en Franciscus. Hun opvattingen over het goddelijke zelf werden ook

[37] AL GHAZĀLĪ, *Verlost van onzin*, p. 114-120.

buiten beschouwing gelaten, omdat dit niet tot de kern van dit artikel behoort. Dergelijke onderwerpen kunnen echter wel als uitgangspunt dienen voor verder verdiepend onderzoek.

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REVIEWS

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Faith, Division and Persecution

Review of The Lahore Ahmadiyya Movement: The Truth Will Prevail by Declan Henry

الإيمان والانقسام والاضطهاد

مراجعة لكتاب حركة الأحمدية في لاهور: الحق سينتصر لدكلان هنري

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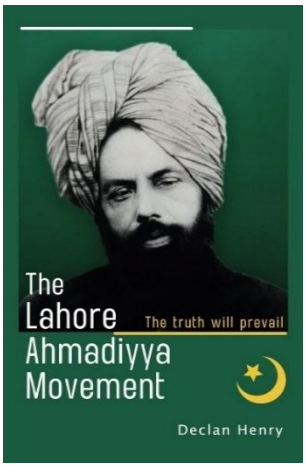
INTRODUCTION[1]

Declan Henry is an Irish author living in the UK. He has published over 10 books on different subjects.[2] He has an academic background (Goldsmiths and King's College, London) and has written about a wide range of topics, such as mental health, suicide, refugees and trans people.[3] He wrote about Islam in his books *Voices of Modern Islam*[4] and *The Open Mosque*[5]. His book *The Lahore Ahmadiyya Movement: The Truth Will Prevail* was published in 2023 and contains xiv + 112 pages.[6] In this book he discusses the smaller branch of the Ahmadiyya movement; the *Ahmadiyya Anjuman-i-Isha'at-i-Islam Lahore* (Lahore Ahmadiyya Movement for the Propagation of Islam), based in Lahore, Pakistan. He addresses Ahmadiyya theology and the persecution of its adherents, primarily living in Pakistan.



This book makes an important contribution to the literature on the Ahmadiyya movement, into which relatively little research has been done. The limited research there is, generally

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[2] Henry, Declan. "Declan Henry Author," accessed October 30, 2025, www.declanhenry.co.uk.
[3] Henry, Declan. *The Lahore Ahmadiyya Movement: The Truth Will Prevail*. Independently Published, 2023, vii.
[4] Henry, Declan. *Voices of Modern Islam: What It Means to Be Muslim Today*. Jessica Kingsley Publishers, 2018.
[5] Henry, Declan. *The Open Mosque.* Cape Town. N.p., 2025.
[6] Henry, *The Lahore Ahmadiyya Movement*.

focuses on the larger branch of the movement, the Ahmadiyya Muslim Community, headquartered in London. For this book Henry has based his research on translations of Mirza Ghulam Ahmad's books and on the many interviews he had with Ahmadi Muslims, both living in Great-Britain and in Pakistan. He spent much time with Ahmadi Muslims in Great Brittain and in Lahore, Pakistan. Regarding this, the author says:

> "I had the immense pleasure of spending time with them at their headquarters in Lahore. This time enabled me to freely associate with members of their community and obtain first-hand accounts of their beliefs, struggles and hopes for the future."[7]

The writer states that he wishes to inform both Muslims and non-Muslims about this community and its theology, which diverges from mainstream Sunni and Shia Islam.[8]

SUMMARY

In the short introduction of the book, a clear picture is being drawn of the two branches of the Ahmadiyya movement, namely the *Ahmadiyya Anjuman-i-Isha'at-i-Islam Lahore* (AAIIL) and the Ahmadiyya Muslim Community (AMC). To both branches belong followers of Mirza Ghulam Ahmad. Members of the AAIIL, also known as *Lahori* Ahmadis, "hold steadfast to the belief that the Prophet Muhammad was the last and final prophet and that he sealed prophethood for eternity, as mentioned in the Qur'an (33:40)"[9]. They align themselves with the Hanafi school of thought and consider themselves Sunni Muslims.[10]

He then continues with a biographical overview of the founder of the movement's life, Mirza Ghulam Ahmad (India, 1835-1908). This biography of 50 pages accounts for nearly half of the book. Mirza Ghulam Ahmad was born in Qadian, Punjab, into a noble family. He was homeschooled and studied Urdu, Persian and Arabic. His father wanted him to become a law clerk, but Mirza Ghulam Ahmad preferred to study the Quran.[11]

[7] Henry, *The Lahore Ahmadiyya Movement*. ix.
[8] Henry, *The Lahore Ahmadiyya Movement*. ix–x.
[9] Henry, *The Lahore Ahmadiyya Movement*. 1.
[10] Henry, *The Lahore Ahmadiyya Movement*. 3.
[11] Henry, *The Lahore Ahmadiyya Movement*. 4–6.

Knowledge of the religious, social, and political context of India at the time is important to better understand the early history of the movement. Mirza Ghulam Ahmad wanted to defend Islam against attacks from Hindus and Christian missionaries. He started to attract followers and was called the *muǧadid*[12] (reformer) of that age.[13]

Mirza Ghulam Ahmad started having an abundance of revelations from 1876 onwards. In 1890 he re-interpreted the story of Jesus in the Quran and declared himself to be the promised Messiah and Mahdi. Most Muslims believe Jesus was saved from crucifixion and bodily ascended to heaven, from where he will return. According to Mirza Ghulam Ahmad, Jesus was crucified but survived this. After recovering, Jesus travelled towards Persia and India and died in Kashmir. Mirza Ghulam Ahmad claimed that all messianic and eschatological expectations of different religions were combined in one person, i.e. himself. After this claim, he received considerable opposition from the traditional *ʿulemāʾ*, some of them declaring him a *kāfir*.[14]

Henry explains that AAIIL-members read and interpret the Quran and Hadith in a more metaphorical sense, as opposed to the literal reading of most Sunni Muslims.[15] The founder's claim to be the Promised Messiah sparked controversy over his status as a prophet. The theological debate on this resulted in the split of the Ahmadiyya movement in 1914. The author discusses a number of arguments in general and understandable terms.[16]

From the 1880's onwards, Mirza Ghulam Ahmad wrote several books, of which *Barahin-e-Ahmadiyya*[17] is the most famous. In 1889 he founded the Ahmadiyya movement and accepted *bayʿa* (oath of allegiance) from his followers.[18]

[12] All transliterations follow Pim Rietbroek, "Brill's Simple Arabic Transliteration System," Brill, 2010, https://brill.com/fileasset/downloads_static/static_fonts_simple_arabic_transliteration.pdf.
[13] Henry, *The Lahore Ahmadiyya Movement*, 8–11; 16–17.
[14] Henry, *The Lahore Ahmadiyya Movement*, 20–28.
[15] Henry, *The Lahore Ahmadiyya Movement*. 26.
[16] Henry, *The Lahore Ahmadiyya Movement*. 28–32.
[17] Ahmad, Mirza Ghulam. *Barahin-e-Ahmadiyya: Arguments in Support of the Divine Origin of the Holy Quran & the Prophethood of the Holy Prophet Muhammad*. Vols. 1–2, Islam International Publications, 2014.
[18] Henry, *The Lahore Ahmadiyya Movement*, 32–33.

In the next chapter Henry describes the split within the movement. Since the passing away of Mirza Ghulam Ahmad, the movement was led by Maulana Hakim Nur-ud-Din, known by both branches as the *ḫalīfat al-masīḥ* (caliph or successor of the Messiah). Nur-ud-Din then passed away in 1914. At that time, two opposing groups had emerged. On one hand, the group led by Mirza Bashir-ud-Din Mahmood Ahmad believed the founder of the movement to be a (subordinate) prophet. The other group, on the other hand, led by Muhammad Ali, remained closer to mainstream Islam and believed Mirza Ghulam Ahmad to be the promised Messiah and Mahdi, but not a prophet in his own right. In 1914 Mahmood Ahmad was elected to become the second caliph of the movement. After this Muhammad Ali left for Lahore and founded the AAIIL and became its first *ʾamīr*.[19]

The prophetic status of Mirza Ghulam Ahmad was not the only point of contention between both branches. The question of *kufr* was raised for all those who denied the Promised Messiah. For the AAIIL it was clear that all who declared the *kalima* are Muslims and cannot be called *kāfir*. Another issue was the way the movement should be led: by a caliph or by an elected body. In general, the AAIIL has a negative view of its counterpart, the AMC.[20]

The persecution of Ahmadi Muslims is present throughout the book and is also the focus of the next chapter. In 1974 a law was approved in Pakistan declaring Ahmadi Muslims *kāfir*, based on the belief that all Ahmadi Muslims deny the finality of prophethood. Since 1984 it has become illegal for Ahmadi Muslims to "pose as Muslims", e.g. greeting each other with *al-salāmu ʿalaykum* or celebrating *ʿīd*. State sponsored persecution and harassment doesn't differentiate between members of the AAIIL and the AMC.[21] This resulted in the diaspora of Ahmadi Muslims into the West.

Henry visited the AAIIL headquarters in Lahore, Pakistan. He describes his travels and impressions and on the final pages lets several members of the movement speak. These testimonies evoke compassion and understanding for the dire situation in which many Ahmadi Muslims find themselves.[22]

[19] Henry, *The Lahore Ahmadiyya Movement*. 55–56.
[20] Henry, *The Lahore Ahmadiyya Movement*. 56–66.
[21] Henry, *The Lahore Ahmadiyya Movement*. 71–75.
[22] Henry, *The Lahore Ahmadiyya Movement*. 76–100.

In his conclusion Henry pleads for thorough research into the writings of Mirza Ghulam Ahmad, hoping this may shed a new light on the diverging interpretations of both branches.[23]

ANALYSIS

Henry doesn't speak any Urdu, hence he had to base his research on translated literature. Many of Mirza Ghulam Ahmad's books, as well as numerous early articles and pamphlets of the movement, have not been translated into English. Additionally, the author doesn't cite academic literature on the Ahmadiyya movement in his book. His research is primarily based on literature published by the AAIIL itself, on interviews and on informal contacts with members of the AAIIL.

These interviews and informal interactions also form the strength of this book. More significantly, Henry's personal visit to the community in Lahore provides an insight into a frequently misunderstood community.

Henry's research does not offer any new insights into the theological complexities of the movement. For readers new to these theological issues, Henry explains them understandable terms. He doesn't expect his readers to be theologians or religious scholars.

Henry consistently calls the members of the Ahmadiyya Muslim Community *Qadiani* Muslims, to distinguish them from the *Lahori* Ahmadis of the *Ahmadiyya Anjuman-i-Isha'at-i-Islam Lahore*. *Qadiani* refers to the birthplace of the founder and the first headquarters of the movement, i.e. Qadian, in Punjab, India. Since the 1940's this name has carried a pejorative meaning among the members of the Ahmadiyya Muslim Community.[24] The author should have known this fact and he should have avoided the use of pejoratives.

In a book on the AAIIL, it makes sense that its members often speak. They criticize the viewpoints of the opposing AMC on many occasions. Because of this, the book seems to pick the side for one branch over the other. Moreover,

[23] Henry, *The Lahore Ahmadiyya Movement*. 103.
[24] Smith, Wilfred Cantwell. "Aḥmadiyya." *Encyclopaedia of Islam, New Edition Online (EI-2 English)*, edited by Peri Bearman, Brill, 2012; Khan, Adil Hussain. *From Sufism to Ahmadiyya: A Muslim Minority Movement in South Asia*. Indiana University Press, 2015, 201.

I had the impression that the author wasn't always impartial. However, Henry did clarify his Roman Catholic background and that the opinions he describes are not necessarily his own.[25] In 2024 he was invited by the AMC to discuss some of the criticisms in his book, which resulted in a 55-minute podcast on YouTube.[26] This podcast, along with the previously noted clarification, balances my view of the author's impartiality.

Nevertheless, the contribution of Henry is important, especially since so little research has been done on the AAIIL. The community counts approximately 30,000 members, making it by far the smallest branch of the movement.[27] According to Henry the AAIIL has approximately 100,000 members.[28] This is still a small number compared to the AMC, which is thought to have approximately 12 million members.[29]

There's a lot of ignorance on this subject among Muslims who are not Ahmadi. It was the author's aim to inform Muslims and non-Muslims alike and in this he succeeded. He draws a positive picture of the community, hoping to create an atmosphere of understanding and dialogue.

CONCLUSION

This book is easy to read. The author uses clear terms and is able to summarize very complex issues into understandable language. It offers an insight into the lives and beliefs of the members of the *Ahmadiyya Anjuman-i-Isha'at-i-Islam Lahore*.

Regarding the research into the Ahmadiyya movement, people who do not master Urdu often face a language barrier. Moreover, not all sources have been translated into English. The book does not add substantially to the academic debate on Ahmadiyya theology and history, and doesn't always offer a neutral point of view.

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[25] Henry, *The Lahore Ahmadiyya Movement*, x.
[26] MKA UK, director. *Exclusive Podcast: Islam Ahmadiyya Questioned*. YouTube, 2024, www.youtube.com/watch?v=id_gweRtpHE.
[27] Valentine, Simon Ross. *Islam and the Ahmadiyya Jamaʿat: History, Belief, Practice*. Columbia University Press, 2008, 60.
[28] Henry, *The Lahore Ahmadiyya Movement*, 3.
[29] Gregory, Shaun R., and Simon R. Valentine. "Pakistan: The Situation of Religious Minorities." *Writenet/UNHCR*, 2009, 25, www.refworld.org/reference/countryrep/writenet/2009/en/70321.

Among mainstream Muslims, there are a lot of misconceptions about the Ahmadiyya movement. There is also a great deal of animosity and misunderstanding between both branches of the Ahmadiyya movement. Therefore, this book is a valuable contribution to a field of research into which little research has been done so far.

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The Identity of Moroccan Migrants and the Question of Cultural Difference in the German Context

A Sociological Study by Majda Bouazza[1]

هوية المهاجرين المغاربة وسؤال الاختلاف الثقافي في السياق الألماني

دراسة سوسيولوجية لماجدة بوعزة

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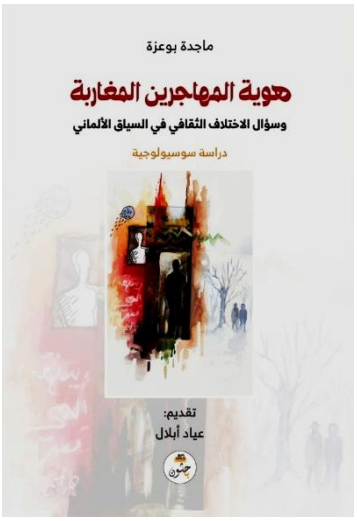
INTRODUCTION[1]

The concept of "identity" has become one of the most prominent topics and pressing issues attracting the attention of researchers in the social and human sciences, particularly within contemporary sociological and cultural debates. This urgency is closely linked to the increasing waves of migration and the geopolitical transformations taking place in Europe, as well as the profound questions these migrations raise concerning religion, belonging, integration, and cultural difference. Such complex issues require rigorous academic inquiry and field-based studies to understand these phenomena within their real-life contexts.



In this framework, identity can no longer be understood as a fixed or stable concept, but rather as a dynamic process that is continuously reshaped through interaction with the Other, within spaces marked simultaneously by conflict and recognition. Identity has thus become a subject open to constant negotiation and reconfiguration across transnational contexts, whether temporal (intergenerational differences) or spatial (geographical displacement).

Within this perspective, Majda Bouazza's book, *The Identity of Moroccan Migrants and the Question of Cultural Difference in the German Context: A*

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عبد الكريم الغازي، **هوية المهاجرين المغاربة وسؤال الاختلاف الثقافي في السياق الألماني دراسة سوسيولوجية لماجدة بوعزة**، مجلة اجتهاد للدراسات الإسلامية والعربية، مركز اجتهاد للدراسات والتكوين، بلجيكا، مج. 2، ع. 4، ديسمبر 2025، 149-153.

Sociological Study, offers an open sociological approach to the Moroccan migration experience in Germany. In fact, this experience has received far less scholarly attention compared to Moroccan migration in other European contexts such as France, Belgium, or Italy, whether in Arabic or foreign-language studies.

The importance of this book lies in its ability to fill a double knowledge gap. On the one hand, it focuses on the German case, which is often overlooked in Maghrebi and Arab academic literature. On the other hand, it examines Moroccan migrant identity at the intersection of gender, public policies, and media discourse, thereby providing a complex and multidimensional analytical framework. Overall, the book seeks to deconstruct the Moroccan migrant experience in Germany by focusing on how identity is constructed and negotiated between the self, the community, and the host society.

The book begins with a historical overview of Moroccan migration to Germany since the 1950s, when guest workers (*Gastarbeiter*) were recruited to work in industry and services. It then analyzes the transformations of this migration, particularly with the emergence of family migration and the growing presence of second and third generations. The author emphasizes that the transition from temporary migration to permanent settlement brought about profound changes in migrants' self-awareness and modes of belonging.

The book also devotes detailed attention to the situation of Moroccan women, highlighting the dual challenges they face. On the one hand, German society imposes different expectations regarding work and social participation; on the other hand, women are still expected to preserve traditional roles within the family and their community of origin. This duality makes the female experience a crucial entry point for understanding the complexity of Moroccan migrant identity, which cannot be adequately grasped through abstract or purely theoretical studies detached from lived realities.

In addition, the book examines the impact of German public policies, including residence and citizenship laws, as well as political and media discourses on Islam and migration. The author concludes that these policies directly or indirectly shape Moroccan migrants' self-perception and reinforce representations held by the host society.

Bouazza's study highlights five key elements that constitute the core of the research and its fieldwork-based depth, combining theory, analysis, and conclusions:

1. Migration as a phenomenon oscillating between dream and reality within Moroccan society.
2. Identity and cultural difference as negotiable and constantly evolving components within the German context.
3. Religion and values as formative factors in shaping a dynamic concept of identity, working together in the reconfiguration of Moroccan migrant identity.
4. The experience of Moroccan migrant women as a central element of migration, situated between the culture of origin—maintained through language, religion, and customs—and the culture of the German host society, which imposes new patterns of living, work, and social relations.
5. The role of language in strengthening or threatening Moroccan identity. Arabic and Amazigh function as strong ties to the homeland, preserving collective memory and cultural belonging, while German is essential for integration in work, education, and social life. For children, language may become a site of identity conflict, as weak proficiency in Arabic or Amazigh can lead to feelings of cultural disconnection.

The study thus presents language as a dual factor:

- A reinforcing factor of identity when linguistic balance is achieved.
- A threatening factor when linguistic adaptation turns into complete cultural assimilation.

The theoretical framework of the book conceptualizes identity as a relational structure continuously reshaped through interaction with the Other. This aligns with contemporary approaches in cultural sociology, such as those of Stuart Hall and Zygmunt Bauman. Identity is not a fixed essence but an open process intersecting religion, language, gender, and public policies. In this sense, the author rejects essentialist views that regard identity as homogeneous or immutable. However, this framework would benefit from stronger comparative analysis with other European contexts.

The author adopts a qualitative methodology based on interviews and lived experiences of Moroccan migrants, allowing access to detailed aspects of daily life and social relations. This approach facilitates an understanding of how migrants construct meaning within multicultural realities.

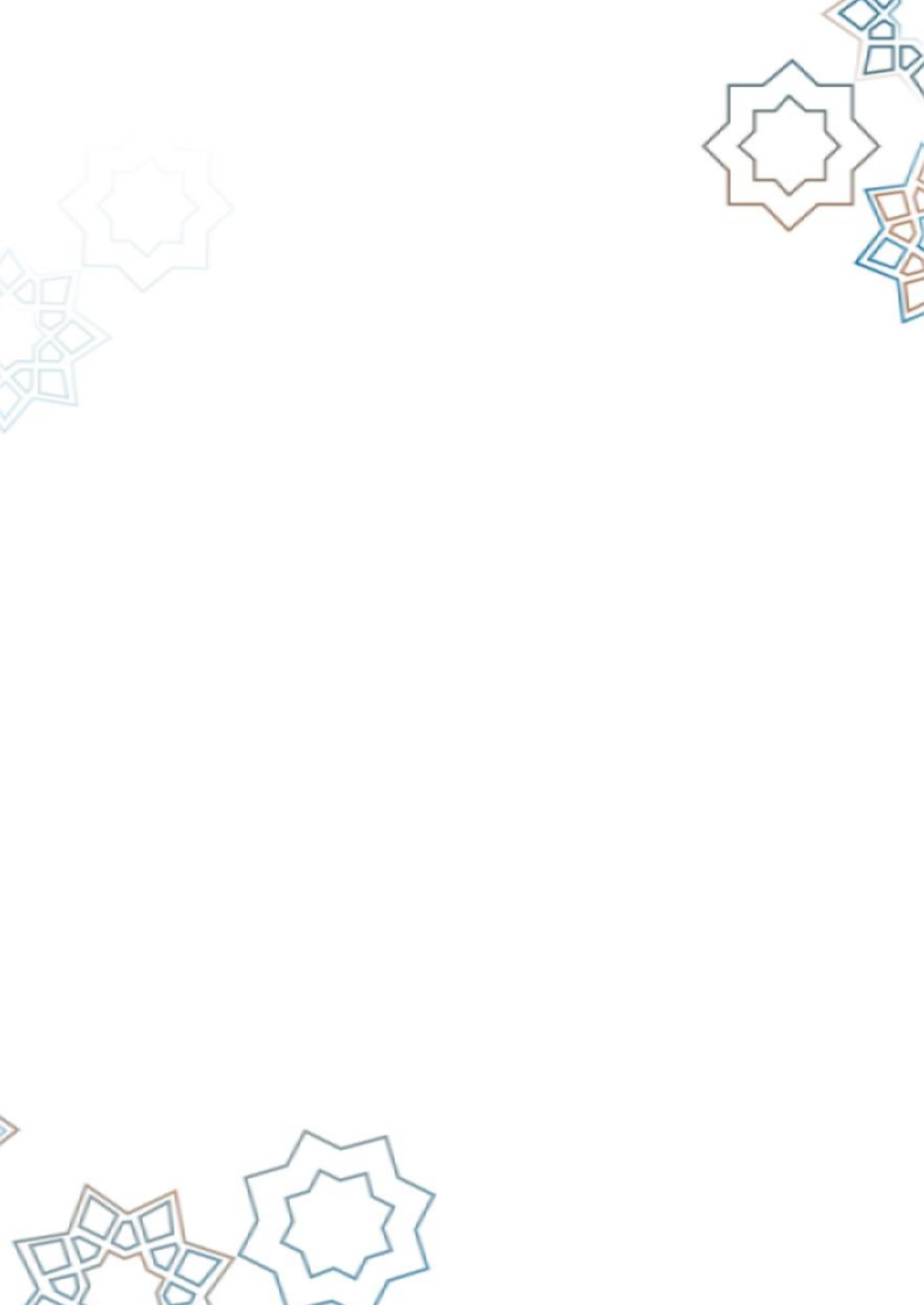
The book stands out for addressing a relatively new topic in migration studies by focusing on the German context, which has long been marginalized in academic research compared to other European settings. It also highlights the importance of the gender dimension, placing migrant women at the center of identity construction—an aspect rarely emphasized in previous studies. Moreover, the research combines historical analysis with contemporary transformations of identity, offering a comprehensive view of Moroccan migration in Germany. The findings also provide valuable insights for public policies on integration and multiculturalism.

Despite its clear contribution, the book presents some limitations:

a. Methodological limitations: reliance on qualitative methods without sufficient quantitative data to strengthen empirical findings.
b. Comparative limitations: absence of comparison with other migrant communities in Germany, such as Turkish or Tunisian migrants.
c. Internal diversity: insufficient attention to generational differences and regional origins within the Moroccan community.
d. Socioeconomic dimensions: limited analysis of economic and social factors, despite their central role in identity formation.

In conclusion, *The Identity of Moroccan Migrants and the Question of Cultural Difference in the German Context* by Majda Bouazza represents a significant contribution to migration and identity studies. It enriches scholarly debate on Moroccan migration in Germany, a context that has received limited academic attention. Despite certain methodological and theoretical gaps, the book remains a key reference that opens new research horizons on migrant identities and integration policies. It sheds light on the tensions between belonging and difference, recognition and adaptation, making migrant identity a vital lens for understanding the challenges of cultural pluralism in contemporary Europe, particularly in Germany.

TRANSLATIONS



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The Jurisprudential Adaptation of Sham Divorce in the European Context

Dr. Abdelhak EL KOUANI

التكييف الفقهي للطلاق الصوري في السياق الأوروبي

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ABSTRACT

This study examines the phenomenon of "sham divorce," which has become increasing common among Muslims living in European countries and has generated significa jurisprudential debate. The research aims to define the concept of sham divorce and its relate terms, analyze its underlying causes within the European context, and assess the positions contemporary Muslim jurists regarding its legal status. Based on these discussions, the stuc seeks to offer a coherent legal framework that can guide Muslims in Europe and provide the with informed jurisprudential advice.

Particular attention is given to the issue of divorces pronounced by non-Muslim judges in European civil courts, a matter that raises complex legal and religious questions. The study is structured into four sections: a conceptual definition of sham divorce; an examination of its causes and manifestations in Europe; a review of contemporary juristic opinions on its ruling; and the author's reasoned position on the issue. Methodologically, the study adopts an analytical and comparative approach, consistent with established practices in comparative Islamic jurisprudence.

KEYWORDS:

Sham Divorce; European Context; Non-Muslim Judge; European Courts; Jurisprudential Characterisation.

الملخص:

تتناول هذه الدراسة ظاهرة "الطلاق الصوري" المنتشرة بين المسلمين المقيمين في الدول الأوروبية، والتي أثارت العديد من التساؤلات الفقهية.ويسعى البحث إلى تحديد مفهوم الطلاق الصوري والألفاظ المرادفة له، واستعراض أسبابه المتعددة في هذا السياق، وتقييم آراء الفقهاء المعاصرين في حكمه الشرعي. وفي ضوء ذلك، يهدف البحث إلى تقديم رؤية شرعية واضحة لهذه المسألة، ما يسهم في توجيه المسلمين المقيمين في أوروبا وتقديم الاستشارات الشرعية لهم في هذا الشأن، فالبحث يركز بشكل خاص على دراسة حكم الطلاق الصادر عن قاضٍ غير مسلم في المحاكم الأوروبية.

وقد جاءت هذه المقالة لتسهم في معالجة هذه المسألة عبر أربعة مباحث؛ تناول المبحث الأول التعريف بالطلاق الصوري. أما المبحث الثاني، فخصص لدراسة أسبابه وصوره في السياق الأوروبي.وعرضت في المبحث الثالث أقوال الفقهاء المعاصرين في حكم الطلاق الصوري في السياق الأوروبي، وفي الأخير، خلص المبحث الرابع إلى الرأي الأنسب في الطلاق الصوري في السياق الأوروبي. وقد انتهج في البحث منهجا تحليليا ومقارنا؛ ملتزما بالإجراءات البحثية المتبعة في الدراسات المقارنة.

الكلمات المفتاحية:

الطلاق الصوري؛ السياق الأوروبي؛ القاضي غير المسلم؛ المحاكم الأوروبية؛ التكييف الفقهي.

INTRODUCTION[1]

The family holds paramount importance in the construction of human society in general and Islamic society in particular. Islam emphasizes the establishment of a solid family foundation and a successful family life. The noble Sharia pays meticulous attention to the family, both in its creation and dissolution; it organized it through foundational and structural principles, and granted it special consideration, particularly through numerous legislative provisions that ensure its establishment upon Islamic concepts in thought, emotion, and as a way of life.

The pivotal role of the family in nurturing the individuals and addressing their material and emotional needs is conspicuous. It serves as the foundation of the good societal model and is the fundamental determinant of intellectual, political, and behavioural orientations within the broader social context. It is no exaggeration to assert that one of the positive opportunities available to Muslim minorities to introduce Europeans and the Western world to the beauty of Islam lies in presenting a successful model of a cohesive, dynamic family, committed to fulfilling its role in civilizational witnessing, which aligns with Allah (SWT)'s statement: ﴿And so We have made you ˹believers˺ an upright community so that you may be witnesses over humanity and that the Messenger may be a witness over you.﴾[2]

This role of the Muslim family becomes even more significant when living in the Western society, where Islamic concepts are absent from social life. In

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شهيدة بوهنو، **ترجمة مقالة التكييف الفقهي للطلاق الصوري في السياق الأوروبي لعبد الحق الكواني**، مجلة اجتهاد للدراسات الإسلامية والعربية، مركز اجتهاد للدراسات والتكوين، بلجيكا، مج. 2، ع. 4، ديسمبر 2025، 157-190.

[2] Al-Baqarah: 143. Translator: The translation is taken from https://quran.com/2?startingVerse=143

such settings, the familial environment serves as the primary substitute for Islam's absence from the social sphere.

What prompts us to devote greater care and attention to the family is the widespread prevalence of familial problems and the disintegration of the family system in Western societies. Among the most notable manifestations of this in the European context is the phenomenon of "sham divorce", pursued for the purpose of obtaining certain immediate benefits. In light of this phenomenon, shaped by the prevailing conditions and governing systems in the European context, this study aims at clarifying the true nature of sham divorce and addressing the issues and questions it raises.

The central issue of this study revolves around the extent to which a sham divorce, which is obtained through a divorce decree issued by European courts and pronounced by a non-Muslim judge, is considered valid, particularly when the husband intends to maintain and continue the marital contract. This issue gives rise to several subsidiary questions: Are rulings based on purposes and the underlying meanings, or are they determined by wording and structures? Consequently, are the effects of a sham divorce enforceable, or the husband's verbal declaration of divorce shall be taken into consideration? Furthermore, is a sham divorce merely a dead letter, holding no validity in Islamic law? Does the European context, where the divorce decree is obtained from non-Islamic courts and pronounced by non-Muslim judges, influence the ruling? Finally, are the reasons underlying such divorces in the European context sufficient to render them permissible?

In this research, we adopt an analytical and comparative methodology. We presented the causes and motives behind sham divorce in the European context, outlined its forms, and then analysed its jurisprudential ruling by reviewing the opinions of Islamic jurists, bringing their evidence, and discussing their arguments. We traced the origins of their rulings back to the rulings of classical jurists and identified the most preponderant ruling after conducting a jurisprudential adaptation of the issue and reaching the motive for its practical application. Our study adheres to the standard procedures of comparative research, including documentation from the works of jurists while acknowledging their differences, attributing opinions and perspectives to their

references, as well as referencing Qur'anic verses and Prophetic Hadith from its reliable sources.

With regard to prior studies, we had previously provided a brief analysis of the jurisprudential ruling on sham divorce in our doctoral dissertation titled "*Contemporary Jurisprudential Issues of Muslims in Europe: Foundations and Applications*"[1]. However, we chose to dedicate a separate, detailed study to this topic due to its importance and sensitivity, the necessity of providing an in-depth clarification of its ruling given the frequent questions it generates, and the discovery of additional motives, causes, and forms that were not addressed during the preparation of the doctoral research.

We did not come across any academic research specifically addressing divorce within the European context. However, we did find studies that examined sham divorce in a general sense, such as:

First: Dr. Haila Al-Yabis's study titled "*Sham Divorce: Its Reality and Ruling in Islamic Jurisprudence*", a valuable work published by the Center of Excellence in Contemporary Jurisprudential Issues at Imam Muhammad bin Saud Islamic University (1437 AH / 2016). Although Dr. Al-Yabis highlighted the relevance of this topic to Muslim minorities, stating in her research's significance: "Sham divorce is a contemporary issue that has emerged in Islamic societies in general and particularly among Muslim minorities in non-Muslim countries, necessitating prompt scholarly examination of its ruling".[2] However, a thorough reading of her study reveals that it addresses only a single motive related to the reality of Muslims in the West, which is: "To obtain residency in a non-Muslim country that prohibits polygamy, one divorces their first wife in appearance only, in order to marry a foreign woman and thereby secure residency rights".[3]

The study primarily focused on the ruling of sham divorce within the context of countries governed by a Muslim ruler, as evidenced by her statement: "The eighth evidence: initiating a sham divorce to circumvent regulations constitutes disobedience to the Muslim ruler, and disobedience to

[1] It was published under the title: *Contemporary Jurisprudential Issues of Muslims in Europe: Foundations and Applications.*, by Dar Abi Raqraq in Rabat, in the year 1439 AH – 2018 CE.
[2] Haila bint Abdulrahman Al-Yabis, *Sham Divorce: Its Reality and Ruling in Islamic Jurisprudence*, Center of Excellence for Research in Contemporary Fiqh Issues, 1437 AH – 2016 CE, p. 7.
[3] Ibid., p. 26.

the Muslim ruler is prohibited in Islamic law."[1] Although she briefly addressed its ruling in non-Muslim countries, stating: "Falsely showing a divorce without intending it is considered deceit, fraud, and a circumvention of regulations, as well as disobedience to the ruler. All of these are prohibited in Islamic law, and the husband is held accountable for them, even in a non-Muslim country, as long as he resides there under its protection"[2], she did not address the core issue. Specifically, she did not explore the fact that in European countries, divorces are issued by non-Islamic courts and by non-Muslim judges.

Second: Dr. Amir Sharibet's study titled *"Sham Divorce: For Personal Interests,"* published in *Al-Manhal Journal,* Volume 7, Issue 02, 2021, pp. 251–276.

Third**:** Dr. Tawfiq bin Ali bin Ahmed Al-Sharif's study titled *"Sham Divorce in Islamic Jurisprudence,"* published in Issue 63 of the *Journal of Islamic Studies and Academic Research.* This study merely presented the jurisprudential opinions on the ruling of sham divorce, linking them to classical jurists' views on the rulings of the jestful's divorce[3] and false acknowledgment of divorce. However, it only touched on sham divorce in the European context briefly under the section titled *"The Jurisprudential Harms of Sham Divorce".* In this section, quoting Dr. Haila Al-Yabis, he mentioned the motives behind sham divorce as follows: "To obtain residency in a non-Muslim country that prohibits polygamy, one divorces their first wife in appearance only, in order to marry a foreign woman and thereby secure residency rights".[4]

Fourth: The Study by Dr. Mohammed Mahmoud Hassan Mohammed, Titled "*Sham Divorce: A Contemporary Jurisprudential Analysis*" Published in the *Journal of the Faculty of Sharia and Law* at Al-Azhar University, Assiut, Issue 33, January 2021, part two. In the introduction, the author outlines his focus on specific cases of sham divorce such as divorce undertaken to obtain a pension or to evade military service. These cases, however, bear no relevance to the experiences of Muslims in the European context.

[1] Ibid., p. 37.
[2] Ibid., p. 59.
[3] [That who divorces his wife, verbally, in jest.]
[4] Amir Sharibet, *Sham Divorce for Personal Interests* ,Al-Manhal Journal, vol. 7, no. 2, November 2021. p. 265.

What sets this study apart from previous research is its analytical approach to sham divorce within the European context. In this study we explore the jurisprudential adaptation of sham divorce, its ruling in Sharia, and its evaluation through the framework of *maqāṣid sharīʿa* (The Objectives of Islamic law). Sham divorce is granted by non-Muslim judges in countries where religion does not inform legal systems, as these nations have historically chosen to separate religion from the state, law-making, and judiciary processes. The study also sheds light on the distinctive motives and reasons for sham divorce in Europe, which diverge from those prevalent in Islamic countries.

To achieve the aforementioned objectives, the research is structured into four sections. The first section examines the concept of sham divorce, while the second focuses on its underlying motives and manifestations within the European context. The third section analyses the perspectives of contemporary jurists regarding the ruling on sham divorce in the European context, and the fourth evaluates the most appropriate opinion for application in this context. The study concludes with a conclusion that encompasses the key findings and recommendations.

THE CONCEPT OF SHAM DIVORCE

Definition of Sham Divorce in Terms of Its Components

First: The Definition of *"Talaq"* (Divorce) Linguistically and Terminologically.

In linguistic terms, *"Talaq"* (Divorce) refers to liberation, release, the removal of restraint, and discontinuance.[1] The "Talaq" of a woman denotes the dissolution of her marital bond to her husband[2]. Terminologically, Talaq, as in the norms of Islamic jurists, is defined as "the termination of the marital bond either immediately or eventually through a specific utterance."[3] The Kuwaiti Encyclopedia similarly defines it as "the termination of the marital bond either immediately or eventually through a specific utterance or its equivalent"[4].

[1] Zain al-Din al-Razi, *Mukhtar al-Sihah*, entry (T-L-Q), critically edited by Yusuf al-Sheikh Muhammad, Al-Maktabah Al-Asriyah, 5th edition, Beirut – Sidon, 1420 AH – 1999 CE.
[2] Ibn Manzur, *Lisan al-Arab*, entry (T-L-Q), Dar Sader, 3rd edition, Beirut, 1414 AH.
[3] Ibn Abidin, *Radd al-Muhtar 'ala al-Durr al-Mukhtar*, Mustafa al-Babi al-Halabi & Sons Library, 2nd edition, 1386 AH – 1999 CE, vol. 3, pp. 226–227.
[4] *The Kuwaiti Encyclopedia*, Ministry of Awqaf and Islamic Affairs edition, Kuwait, vol. 5, p. 29.

Second: The Definition of *al-Ṣūrī* (Sham) Linguistically and Terminologically.

The term *al-Ṣūrī* (sham) "is derived from the word *ṣūra* (image), which signifies imagery"[1]. Muhammad Rawwas explains, "To image something is to give it a shape or representation; thus, *al-Ṣūrī* relates to the concept of image"[2].

Terminologically, a sham contract is defined as "a contract that lacks legal existence despite its apparent form and presentation"[3]. Muhammad Rawwas Qal'aji, in his Dictionary of Jurists, defines it as "a deliberate display of one action while concealing another, with the intention of executing the concealed action"[4].

Third: *al-ṭalāq al-ṣūrī* (Sham Divorce) as a Compound Term.

The North American Council of Islamic jurists defines *al-ṭalāq al-ṣūrī* (sham divorce) as "a divorce executed by some individuals to achieve specific interests, such as marrying a second wife in a country that prohibits polygamy or securing certain legal benefits"[5]. Dr. Haila Al-Yabis defines it as "the apparent dissolution of a marital bond, or a part of it, while secretly maintaining it"[6].

The researcher defines sham divorce as "an agreement between spouses to formally dissolve the marital bond for administrative purposes, with the intention of achieving personal benefits, such as worldly gains or legal advantages, by circumventing governing systems and regulations, while secretly intending to maintain the marital relationship".

This phenomenon is referred to by various terms, including: formal divorce, paper divorce, or divorce on paper, interest-based divorce, administrative divorce, civil divorce, and deceptive divorce[7].

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[1] Al-Rafi'i, by Al-Allamah Al-Fayoumi, *Al-Misbah Al-Munir fi Gharib Al-Sharh Al-Kabir*, Al-Maktabah Al-Asriyah, 2nd edition, 2000, p. 350.
[2] Muhammad Rawwas Qal'aji, *Mu'jam Lughat al-Fuqaha'*, edited by Hamid Sadiq Qunaybi, Dar al-Nafa'is for Printing, Publishing, and Distribution, 2nd edition, entry (S-W-R).
[3] *Mu'jam al-Lugha al-'Arabiyya al-Mu'asira*, vol. 2, p. 1334.
[4] Muhammad Qal'aji, *Mu'jam Lughah al-Fuqaha'*, entry (S-W-R).
[5] The Assembly of Fiqh Scholars of Sharia in America, held in Copenhagen in cooperation with the Islamic League, from 4–7 Jumada al-Awwal 1425 AH, corresponding to June 22–25, 2004 CE.
[6] Haila bint Abdul Rahman Al-Yabis, *Sham Divorce: Its Reality and Ruling in Islamic Jurisprudence*, Center of Research Excellence in Contemporary Fiqh Issues, 1437 AH – 2016 CE, p. 17.
[7] Amir Sharibet, *Sham Divorce: Achieving Personal Interests*, p. 4. *Sham Divorce: Its Reality and Ruling in Islamic Jurisprudence*, p. 16.

SHAM DIVORCE IN THE EUROPEAN CONTEXT – ITS CAUSES AND MANIFESTATIONS

Causes of Sham Divorce in the European Context

Based on the previously outlined definition of sham divorce, it becomes evident that the primary motivation driving some Muslims in European countries to engage in this practice is the desire to circumvent legal systems and regulations for personal gain, such as securing a specific benefit or avoiding a potential detriment. The process entails obtaining a divorce from the official authorities in a sham manner while maintaining the actual marital relationship, and those involved believe they can simultaneously achieve two advantages at the same time. The main reasons for resorting to this form of divorce can be summarized as follows:

First: The Desire to Obtain Legal Benefits: acquiring citizenship or residency.

Second: Financial Gains: In the European context, this may involve obtaining social assistance, evading taxes, or receiving monetary compensation for a sham marriage.

Third: The Pursuit of Personal Interests: the desire to practice polygamy, which is prohibited under European law.

Below is a detailed analysis of the causes and motives observed through inquiries received at Islamic centres across Europe:

First: Facilitating Polygamy Despite Legal Restrictions in Europe; in this case, a man may pursue a sham divorce from his first wife, whether residing in Europe or their country of origin, to provide evidence of divorce. This allows him to marry a second wife and later reinstate the first wife in his care.

Second: A man who is already married to two wives in his country of origin may seek to bring them both to Europe under family reunification policies. He may initially apply for one wife's residency, and once she secures official documents, he divorces her in a sham manner to enable the second wife to join him.

Third: Gaining Residency or Citizenship; A man married to a woman who lacks European citizenship might divorce her in a sham manner to facilitate permanent residency or citizenship. He may subsequently marry a woman who holds European citizenship to expedite the process.

Fourth: One might seek a sham divorce to obtain financial benefits provided exclusively to divorced individuals by European social welfare institutions.[1]

Fifth: This practice is often pursued by business owners and professionals with high incomes for tax evasion purposes. By divorcing their spouses on paper, they reduce their tax burden and reclaim tax benefits from tax authorities because of the alimony paid to their officially divorced spouse.

Sixth: Some individuals use sham divorce to offer marriage contracts to women seeking residency or citizenship in exchange for financial compensation. Unfortunately, this has become a profitable trade for some, so a married couple divorce on paper and turn sham marriages into a lucrative trade.

Seventh: Those who have entered the European lands as refugees may resort to sham divorce to ensure that each partner can independently qualify for additional financial support and social welfare benefits.

Eighth: In cases where a husband secures a residence permit but cannot apply for his wife's reunion due to low income, for example, a sham divorce might be arranged. The wife then marries another individual with citizenship who meets the financial requirements, expediting her entry into Europe. Once reunited, the wife resumes her relationship with her original husband.

Manifestations of Sham Divorce in the European Context

First Manifestation

Sham divorce occurs when the spouses complete all the legal procedures for divorce, including filing a petition in court, signing it, and appointing a lawyer to handle the necessary formalities on their behalf after the husband verbally pronounces the divorce. However, the husband has no intention of dissolving the marriage and is determined to maintain the marital relationship.

[1] Yahya Abu Zakaria, *The Phenomenon of False Divorce in Sweden!,* on elaph.com. I say: and it is the prevailing practice in most or all European countries, according to my personal observations.

Second Manifestation

It occurs when the spouses complete all the legal procedures for divorce, including filing a petition in court, signing it, and appointing a lawyer to handle the necessary formalities on their behalf. However, in this case, the husband does not verbally pronounce the divorce, nor does he intend to dissolve the marriage, as he is determined to preserve the marital relationship.[1]

Third Manifestation

In this case, the spouses initially register their marriage in an Islamic country, then proceed to conduct another civil marriage contract in a European country. Subsequently, they carry out all the necessary procedures to obtain a civil divorce in the European country while keeping the marriage contract issued in the Islamic country intact. They refrain from validating the civil divorce or registering it in the Islamic country. This manifestation includes the following scenarios:

- Scenario One: The marriage contract is first conducted in an Islamic country and later officially registered in a European municipality.
- Scenario Two: The civil marriage is first conducted in a European country and then validated in the Islamic country.
- Scenario Three: The marriage is conducted in an Islamic country without validation in Europe, or it is conducted in Europe without authentication in the Islamic country.

Fourth Manifestation

Muslim spouses who arrived in Europe under asylum claims may falsely assert that they were married in an Islamic country and later divorced there. However, they claim that they were unable to obtain official divorce documentation due to the war conditions in their home country.

ANALYSIS OF CONTEMPORARY JURISTS OPINIONS ON THE RULING OF SHAM DIVORCE IN THE EUROPEAN CONTEXT

Contemporary scholars have differed on the ruling of sham divorce, falling into five main views:

[1] Dr. Haila mentioned both manifestations—the first and the second as well—in her study, *The Ruling on Sham Divorce in Islamic Jurisprudence*, p. 29.

First Opinion

Non-Occurrence of Divorce. This view holds that divorces issued by European courts on cases related to personal status are not valid in Islamic law. Proponents argue for the necessity of obligating Muslim communities to "fulfil the role of arbitration and reconciliation while establishing a precise system adhering to Islamic rulings"[1]. They base their opinion on several evidences, including the principle: "What is attainable should not be forsaken because of what is unattainable".[2] This opinion was adopted by researcher Khalid bin Abdulaziz bin Awad Al-Shahri in his study *"The Recourse of Muslims to Non-Islamic Laws in Personal Status Matters"*[3].

Critique of This Opinion

The following points challenge this view:

- **First:** divorce is typically within the authority of the husband; however, he has the right to delegate this authority to his wife or another party, according to the majority opinion of Islamic scholars[4]. Furthermore, the person to whom this authority is delegated is not required to be a Muslim.[5]
- **Second:** Based on the Hanbali school of thought, any condition that is not explicitly invalidated by textual evidence (from Quran and Sunnah) is considered valid and binding, especially if it is associated with the marriage contract. This view is supported by the prophetic hadith: "The conditions that are most deserving of fulfilment, are those by means of which the private parts become allowed to you."[6] By agreeing to conduct their

[1] *International Adjudication and Arbitration in Islamic Sharia*, The Scientific Journal of the European Council for Fatwa and Research, Issue 3, p. 136.
[2] [refers to the principle in Islamic jurisprudence that if it is not possible to fulfill a command in its complete and ideal form as prescribed by the Sharia due to an inability to do so, but it is possible to fulfill part of it -provided that it is divisible- then one is obligated to perform what is within their capacity. The entirety should not be abandoned merely because part of it is difficult to achieve.]
[3] Khalid bin Abdulaziz bin Awad Al-Shahri, *The Recourse of Muslims to Non-Islamic Laws in Personal Status Matters*, Master's thesis in Islamic Jurisprudence, pp. 63–64, 151.
[4] Al-Fatawa Al-Hindiyya, 1/391. Alish, Manh al-Jalil, 4/158. Ibn Hajar Al-Haytami, Tuhfat al-Muhtaj, 8/23. Al-Buhuti, Sharh Muntaha al-Iradat, 3/91.
[5] Fayçal Mawlawi, *The Ruling on Divorce Issued by a Non-Muslim Judge*, The Scientific Journal of the European Council for Fatwa and Research, Issue 1, pp. 75–88.
[6] Reported by Al-Bukhari, Book of Conditions, Chapter on Conditions Regarding the Dowry in the Marriage Contract, Hadith No. 2721. Translator: The translation is taken from https://sunnah.com/nasai:3281

marriage in accordance with European laws, the spouses are effectively committing to the conditions of these laws. The provisions of such laws, therefore, function as conditions appended to the marriage contract and are subject to the rules of contractual conditions. Consequently, the Hanbali position, being one of the recognized schools of thought and the most facilitative for Muslims in this context, is preferred.[1]

- **Third:** The Principle of Preventing Harm. This principle is a key argument for the opinion that favours accepting the rulings of non-Muslim judges regarding divorce. Sheikh Faisal Mawlawi states: "Enforcing judicial rulings, even if issued by a non-Islamic authority, is permissible when it serves the purpose of attaining benefits and avoiding harm..."[2].

Second Opinion

This view holds that divorce does not take effect unless the husband explicitly pronounces the words of divorce. Merely signing the court documents or accepting the court's ruling is insufficient. Scholars supporting this opinion include Dr. Mohammed Al-Kadi Al-Amrani[3], Sheikh Muhammad Nasir al-Din Al-Albani[4], and Sheikh Suleiman Al-Asqah[5], among others[6]. Their reasoning is based on the condition that the husband's explicit verbal pronouncement is required for a valid divorce, which is absent in such cases[7].

They further draw an analogy between sham divorce, in case it is explicitly pronounced by the husband, and the jestful's divorce, citing the hadith of the Prophet ﷺ: "There are three things which, whether undertaken seriously or in

Reported by Muslim, Book of Marriage, Chapter on Fulfilling Conditions in Marriage, with the wording: "The most deserving of conditions to be fulfilled are those by which you make intimacy lawful." Hadith No. 1418.

[1] Fayçal Mawlawi, *The Ruling on Divorce Issued by a Non-Muslim Judge*, Issue 1, pp. 82–86.

[2] Ibid., p. 88.

[3] Mohammed Al-Kadi Al-Amrani, *Fiqh of the Muslim Family in Migration*, Dar Al-Kutub Al-Ilmiyah, Lebanon, 1st ed., 1422 AH – 2001 CE, vol. 2, pp. 196–198.

[4] Transcription of the Al-Huda wa Al-Noor Series, Tape No. 624, on the website of the late Sheikh: www.alalbany.me.

[5] His Fatwa No. (24,886), titled: *Sham Divorce* Issued, dated: 11/11/1436 AH, on the website: www.almoslim.net/node.

[6] Fatwa No. (43626), Fatwa No. (152637), Fatwa No. (8656), and the following fatwas: (28042/8632/15814), on the website: fatwa.islamweb.net. See also: the Islam Today website.

[7] This is explicitly stated in Fatwa No. (43626) and Fatwas (28042/8632/15814) on the website: fatwa.islamweb.net.

jest, are treated as serious: marriage, divorce and taking back a wife after a divorce which is not final"[1].

Basis for Their Argument: The Prophet ﷺ ruled that divorce uttered in jest takes effect, and sham divorce resembles the jestful's divorce in the absence of a genuine intent behind the pronouncement, the jestful's divorce is valid though he means the utterance without the ruling.

Critique of This Opinion

The claim that divorce does not occur in the absence of verbal pronouncement is not accepted. Scholars have differed on the ruling of divorce initiated through written statements (as will be detailed in the third opinion). In reality, spouses often explicitly confirm their intent to divorce during interactions with lawyers and in court sessions before the judge when the ruling is pronounced. This practice will be further elaborated in the third opinion and addressed in detail in the final subsection of this study.

The Third Opinion

According to this opinion, if divorce is issued in writing without verbal pronouncement, it is not considered valid unless accompanied by the intent to divorce. This aligns with the Maliki school, as stated by Khalil: "[Divorce is valid] through writing if intended"[2]. This view is supported by Dr. Salah Al-Sawy[3] and has been adopted by imams of mosques along the western coast of the United States[4]. Their reasoning is that when a husband signs a sham divorce document in court, it falls under the category of written divorce, which is not explicit and therefore requires intention to be valid[5].

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[1] Ibn Majah, *Sunan*, Book of Divorce, Chapter on Irrevocable Divorce, Hadith 1603.
Abu Dawud, *Sunan*, Book of Divorce, Chapter on One Who Divorces, Marries, or Takes Back His Wife in Jest, Hadith 2039.
Al-Tirmidhi, *Sunan*, Book of Divorce, Chapter on Divorce in Jest, Hadith 2194.
[2] Khalil ibn Ishaq, *Mukhtasar Khalil,* ed. Ahmad Jad, 1st ed., Dar al-Hadith, Cairo, Egypt, (1426 AH – 2005), p. 117.
[3] His Fatwas No. (2308), titled *Sham Divorce in American Courts*, on his official website: el-wasat.com.
[4] Also in the text of the recommendations of the First Training Session for Mosque Imams on the West Coast of the United States, titled *Contemporary Family Issues for Muslims in American Society*, held in Sacramento, California, on 26–28 Safar 1425 AH (April 16–18, 2004), on the official website of Dr. Yusuf al-Shubayli.
[5] His Fatwa No. (2308), titled *Sham Divorce in American Courts*, on the official website: el-wasat.com. And Fatwa No. (152637), issued on Thursday, 18 Rabi' al-Thani 1432 AH (March 24, 2011), on IslamWeb: fatwa.islamweb.net.

Critique of This Opinion

The response to this argument is that the issue under discussion differs from the original matter to which it is being compared. The original dispute among scholars pertains to cases where a man has not verbally declared divorce, but it appears in his handwriting. Some Islamic jurists hold that a clearly written statement of divorce—one that remains legible after being written—is as valid as verbal pronouncement; and they differ on whether or not the genuine intention is a condition. This view is held by Ahmad, a narration from *Al-Shafi'i,* as well as by Al-Nakha'i, Al-Sha'bi, Al-Zuhri, Al-Hakam, and the Hanafis regarding explicit writing[1]. They assert that divorce through clear writing occurs just as it does through speech, with or without intention, since writing is one of the two types of discourse. *The Malikis* and *Hanafis,* however, stipulate that unclear writing requires intention[2].

The Fourth Opinion

This opinion holds that sham divorce is valid and counts toward the number of divorces judicially but not religiously. It is based on the view of the majority of scholars, including the Hanafis, Malikis, Shafi'is, and a view from the Hanbalis regarding divorce falsely admitted by the husband, that it is enforced in judicial rulings not in religion[3]. This opinion is endorsed by the Assembly of Muslim Jurists of America (AMJA). In its final statement from the second conference, AMJA stated: "If divorce is recorded in writing without verbalization, it is considered valid in judicial rulings because writing is a

[1] Al-Mawardi, *Al-Hawi al-Kabir fi Fiqh Madhhab al-Shafi'i*, ed. Ali Muhammad Mu'awwad and 'Adil Ahmad 'Abd al-Mawjud, 1st ed., Dar al-Kutub al-Ilmiyah, Lebanon – Beirut, 1419 AH – 1997, vol. 10, p. 167.
Al-Insaf, vol. 8, p. 472.
Al-Mughni, vol. 7, p. 486.
Jamal al-Din al-Rimi*, Al-Ma'ani al-Badi'ah fi Ma'rifat Ikhtilaf al-Sharia*, vol. 2, p. 253.
Ala al-Din al-Kasani, *Bada'i al-Sana'i*, 2nd ed., Dar al-Kutub al-Ilmiyah, Beirut, 1406 AH.
[2] *Bada'i al-Sana'i*, vol. 3, p. 100.
Minah al-Jalil, vol. 1, p. 486.
[3] Ibn al-Humam, *Fath al-Qadir*, Dar al-Fikr, Lebanon – Beirut, vol. 4, p. 7.
Muhammad ibn Ahmad ibn Muhammad Alish, *Fath al-Ali al-Malik fi al-Fatwa ala Madhhab Malik*, Abu 'Abd Allah al-Maliki, Dar al-Ma'rifah, vol. 3, p. 294.
Al-Juwayni, *Nihayat al-Matlab fi Dirayat al-Madhhab*, vol. 14, p. 157.
Al-Mughni, vol. 10, p. 378.

primary means of evidence and documentation in contemporary reality. However, from a religious standpoint, it is only valid if accompanied by intention, according to the preferred scholarly view"[1].

A key piece of evidence to their view is the hadith of the Prophet ﷺ: "I am only a human being and litigants with cases of disputes come to me, and maybe one of them presents his case eloquently in a more convincing and impressive way than the other, and I give my verdict in his favor thinking he is truthful. So if I give a Muslim's right to another (by mistake), then that (property) is a piece of Fire, which is up to him to take it or leave it"[2].

The reasoning behind this evidence is that judicial rulings are based on apparent evidence and proof, the judgment, then, follows the strongest evidence without consideration of hidden intentions. However, this does not render the religious status of permissible acts as forbidden or vice versa.

Critique of the View That Sham Divorce Is Judicially Binding but Not Religiously

A rebuttal to this opinion is that individuals who officially sign divorce documents are often required to affirm the divorce verbally in multiple settings, such as tax offices and municipal registries and others. Whether they do so through direct statements or in response to official inquiries, the divorce is enforced both in outward legal terms and internally, as an explicit verbal declaration of divorce is binding regardless of intent.

The Fifth Opinion

This perspective maintains that sham divorce is binding in terms of the number of divorces both judicially and religiously, regardless of the reason behind it or the form it takes. Once a court issues a divorce ruling, it is legally effective regardless of the couple's true intentions. This view is derived from the Hanbali

[1] Resolutions and Recommendations of the Conference of the Academy, held in Copenhagen, Denmark, in collaboration with the Islamic League, from 4–7 Jumada al-Awwal 1425 AH (June 22–25, 2004), pp. 67–68.

[2] *Sahih al-Bukhari*, Kitab al-Hiyal, Chapter on If a Slave is Seized and It Is Claimed That She Died, and the Value of the Deceased Girl Is Ordered, Then She Is Found Alive, She Belongs to Her Owner, and the Value Is Refunded, but the Value Is Not Considered as Her Price, Explanation of Hadith No. 6967. Translator: The translation is taken from https://sunnah.com/bukhari:7185

position on falsely admitting to divorce. The book *Al-Furu'* states: "If a man is asked, 'Did you divorce your wife?' and he replies, 'Yes,' or if he is asked, 'Do you have a wife?' and he responds, 'I have divorced her,' even if he intends to lie, the divorce is nonetheless valid"[1]. This opinion is supported by Dr. Ahmad Hajji al-Kurdi[2] and Dr. Shawqi Allam, the Grand Mufti of Egypt[3].

The scholars who support this view based their argument on a group of evidences:

First, sham divorce is a form of tampering with God's sacred boundaries, which is explicitly forbidden in the Quran: ﴿Do not take Allah's revelations lightly﴾[4]

Allah Almighty has forbidden tampering with and mocking His rulings. The marriage contract is a covenant and a solemn contract, so it is not permissible for anyone to make it a means for selfish desires[5]. The pronouncement of a sham divorce, both in appearance and in reality, preserves the sanctity of this contract and protects it from manipulation and tampering.[6]

Second, "fundamentally, speech must be interpreted according to its apparent meaning, especially in forbidden Sharia contracts. If a husband declares divorce -verbally or in writing- it is binding regardless of his internal intent"[7].

Analogy can be drawn to *taḥlīl* marriage[8] in terms of the misuse of divorce for purposes other than those for which it was legislated. Just as the *muhallil*[9] is treated contrary to his intention, "so too is the case with one who divorces a sham divorce. His divorce, which he officially documents and acknowledges as having taken place -while not intending thereby to render the marital relationship dissolved but rather to ensure its continuity-is deemed valid and

[1] *Al-Mughni*, vol. 7, p. 306.
[2] Fatwa No. (14970), and Fatwa No. (62396), issued on April 23, 2013, on the website: www.islamic-fatwa.com.
[3] See the website Masrawy: https://www.masrawy.com/islameyat/.
[4] Al-Baqarah: 231. Translator: The translation is taken from https://quran.com/2?startingVerse=231
[5] Fatwa by Hussam al-Din Afanah, without reference, cited from the website: islamport.com.
[6] Cited from *"Sham Divorce: Its Reality and Ruling in Islamic Jurisprudence",* p. 57.
[7] Ibid., with modifications, p. 60.
[8] [Tahleel marriage refers to the practice in which a woman, following a triple talaq divorce from her husband, enters into a new marriage with another man, consummates the union, and subsequently divorces, enabling her to remarry her former husband.]
[9] [The facilitator of tahleel marriage, that who marries the three-times divorced woman and divorces her so that she can remarry her ex-husband.]

binding. This parallel arises from the fact that both cases involve the formalization of a legal contract (In Sharia) with the deliberate intent of achieving the opposite of its intended legal purpose"[1].

Thirdly: the assignment of legal rulings to their causes is a matter determined by the Lawgiver (Allah Almighty), and it is not for an individual to engage in a cause that necessitates a legal ruling while intending to evade its consequences. Thus, if a husband acknowledges the cause, he is bound by its ruling and subject to its legal effects[2].

Fourthly: a fortiori analogy can be drawn with the ruling on *talji'ah* (coercion or pretense) in marriage and divorce[3]. According to Muslim jurists, its scenario occurs when two individuals agree to enact a contract that they do not genuinely intend but are coerced into due to fear of an oppressor or similar circumstances. This concept is discussed by the Hanafis and Hanbalis in the context of marriage, and by the Malikis in the context of acknowledging a marriage. The Hanafi jurists state: "If a man says to a woman that he intends to testify before witnesses that he has married her for one thousand dirhams as a dowry in a null and coercive manner *talji'ah,* and the woman agrees to do so in this manner in the presence of witnesses, and then the man formally testifies that he has married her, and the woman acknowledges this, then the marriage is valid and binding upon them. The prior testimony clarifies that their intent in this contract was jest, not seriousness"[4]. Similarly, the Malikis state: "If a woman says to her husband: 'Testify that you have divorced me three times, even though it is not real,' and he does so, then the divorce is binding upon him. This is because marriage, like divorce and manumission, is inherently

[1] Ibid., pp. 59–60.
[2] Ibid., p. 59.
[3] Al-Talji'ah in language: AlJa'ahu ila Kada wa Laj'ahu if he forced him and coerced him. Al-Talji'ah means compelling you to do something whose inner meaning is contrary to its apparent meaning. Al-Talji'ah is coercion... such as bearing witness to something whose apparent meaning contradicts its inner meaning. See: Burhan al-Din al-Khawarizmi al-Maturidi, *Al-Mughrib fi Tartib al-Mu'rib*, Chapter on Al-Lam with Al-Jim (L-J-A), Dar al-Kitab al-Arabi, *Lisan al-Arab*, Al-Hamzah, Section on Al-Lam, Entry (L-J-A).
[4] Al-Sarakhsi, *Al-Mabsut*, Dar al-Maarifah, Beirut, 1414 AH – 1993, vol. 18, p. 123.

serious"[1]. The Ḥanbalis further affirm: "If one enters into a marriage contract in jest or as *talji'ah,* it is nevertheless valid"[2].

Fifthly: The enforcement of sham divorce serves to uphold rulings[3] and prevent frivolous manipulation. Rejecting the validity of such divorces -despite the existence of official documents proving their occurrence- leads to significant legal and social harms, such as: preventing inheritance between the spouses, the possibility of the woman officially marrying another man, and the psychological distress experienced by both parties. Additionally, the prevalence of such deceptive practices among Muslims in non-Muslim societies tarnishes the image of Islam. It fosters misconceptions about Islam and may serve as a barrier to faith for non-Muslims[4]. In this regard, the Quran warns: ﴿Our Lord! Do not subject us to the persecution of the disbelievers. Forgive us, our Lord! You ˹alone˺ are truly the Almighty, All-Wise.﴾[5]

Sixthly: Circumventing legal systems and regulations in non-Muslim countries contradicts the obligation to uphold covenants and agreements. Faithfulness to such commitments is more virtuous, fitting, and in harmony with Islamic principles. European nations -as attested by those who have resided in them- generally strive for justice in their judicial systems, ensuring the enforcement of rights regardless of nationality, religion, ethnicity, or skin colour. The most accurate characterization of these countries would be as "lands of justice and rights" rather than merely "lands of security" or "lands of pledge" rather than "lands of war".

THE MOST APPROPRIATE OPINION ON SHAM DIVORCE IN THE EUROPEAN CONTEXT

The Ruling on Resorting to European Courts in Family Matters

[1] See Ibn Abi Zayd al-Qayrawani, *Al-Nawadir wa al-Ziyadat ala ma fi al-Mudawwana min Ghayriha min al-Ummahat*, ed. Abd al-Fattah Muhammad al-Halu and others, Dar al-Gharb al-Islami, 1st ed., (1999), vol. 9, p. 231.
[2] Ibn Qudamah al-Maqdisi, *Al-Kafi fi Fiqh Imam Ahmad*, Dar al-Kutub al-Ilmiyah, vol. 3, p. 21.
[3] Haila al-Yabis, *Sham Divorce: Its Reality and Ruling in Islamic Jurisprudence*, p. 61.
[4] Ibid., with modifications, p. 61. See: Resolutions of the Fifth Session in the Book of Resolutions, pp. 18–49. And Resolution: 15(5/3).
[5] Al-Mumtahanah: 5. Translator: The translation is taken from https://quran.com/60?startingVerse=5

Contemporary scholars have expressed divergent views on the permissibility of referring family matters to European courts. These views can be summarized as follows:

The First Opinion

This view holds that it is absolutely permissible to resort to a non-Muslim judge, whether the case pertains to personal status matters or otherwise. This position was affirmed by the European Council for Fatwa and Research during its fifth session, which took place from 4th to 7th May 2000, in decision 3/5. It was also endorsed by the Islamic Fiqh Academy in its ninth conference (April 1 to 6, 1995 AD/ 1 to 6 Dhul Qi'dah 1415 AH) held in the United Arab Emirates (decision 95/8/D.9).

They based their ruling on several key arguments, including:

- The principle of preventing harm and securing benefits, arguing that refusing to resort to European courts may lead to greater harm.
- The understanding that ruling by what Allah Almighty has revealed is conditional upon two factors: choice and ability. As Imam al-Izz ibn Abd al-Salam states: "If one is assigned to perform an act of obedience but is capable of fulfilling only part of it while being incapable of the rest, he must fulfill what he is capable of, and he is excused from what he cannot do... This is also the view of the Zahiri school"[1].

The Second Opinion

This position asserts that European court rulings should not be recognized in personal status cases specifically. Instead, the Muslim community should "assume responsibility for arbitration and reconciliation and establish a well-structured system that adheres to Islamic law"[2]. Proponents of this view cite numerous evidences and principles, including: The principle: "What is attainable should not be forsaken because of what is unattainable". This

[1] Al-Izz ibn Abd al-Salam, *Qawa'id al-Ahkam fi Masalih al-Anam*, vol. 2, pp. 6–5.
[2] *International Arbitration and Judicial Settlement in Islamic Sharia*, The Scientific Journal of the European Council for Fatwa and Research, Issue 3, p. 136.

position is notably supported by researcher Khalid ibn Abdulaziz ibn Awad al-Shahri[1].

The Third Opinion

This view completely prohibits resorting to European courts, regardless of whether the matter concerns personal status or other legal disputes. Proponents argue that such courts do not rule by what Allah Almighty has revealed, and they cite various Sharia texts that mandate adjudication according to divine law and prohibit referring disputes to non-Islamic legal systems, including: the saying of Allah Almighty in the Quran: "Have you ˹O Prophet˺ not seen those who claim they believe in what has been revealed to you and what was revealed before you? They seek the judgment of false judges, which they were commanded to reject. And Satan ˹only˺ desires to lead them farther away."[2] and also in the Quran: "But no! By your Lord, they will never be ˹true˺ believers until they accept you ˹O Prophet˺ as the judge in their disputes, and find no resistance within themselves against your decision and submit wholeheartedly"[3].

Given the absence of choice and ability in fully adjudicating according to Islamic law within the European context, the more Preponderant stance appears to be the permissibility of resorting to European courts for securing legal rights and preventing tangible or anticipated harm. This position is supported by the following considerations:

First: The Prophet ﷺ explicitly permitted resorting to non-Muslim rule when necessary. He said regarding Najashi: "Indeed, in the land of Abyssinia, there is a king under whom no one is wronged. So migrate to his land until Allah grants you relief from your affliction"[4]. His statement "under whom no one is wronged" implies recognition of adjudication under his rule. It is well known that Najashi at that time was not a Muslim, yet his fairness as a ruler was

[1] See: *The Recourse of Muslims to Non-Islamic Laws in Personal Status Matters*, A supplementary thesis submitted for the Master's degree in Islamic Jurisprudence by researcher Khalid ibn Abdulaziz ibn Awad al-Shahri, pp. 63–64–151.
[2] An-Nisa: 60. Translator: The translation is taken from https://quran.com/4?startingVerse=60
[3] An-Nisa: 65. Translator: The translation is taken from https://quran.com/4?startingVerse=65
[4] Abu Muhammad Abdul Malik ibn Hisham, *Sirah al-Nabi Muhammad* Peace Be Upon Him, vol. 1, p. 408.

mentioned. This indicates that referring cases to a non-Muslim judicial authority is permissible when necessary to remove or mitigate harm.

Second: Resorting to courts in non-Muslim countries is often essential for preventing tangible or anticipated harm, demanding and securing rights, and also the most urgent necessity to resolve disputes. A blanket prohibition on resorting to European courts would leave Muslims vulnerable to financial exploitation, violations of personal rights, and legal injustices. This is inconsistent with the fair objectives of Islamic law.

Third: based on the principle of securing benefits and preventing harm, Imam al-Izz ibn Abd al-Salam states: "If non-Muslims take control of a vast territory and appoint judges to oversee the public interests of Muslims, then it is apparent that these rulings should be upheld to secure general benefits and avert widespread harm. It is far from the mercy of the Sharia and its concern for its adherents that it would allow the disruption of public interests and the endurance of widespread harm"[1].

Fourth: Hanafi jurists affirm the validity of rulings issued by non-Muslim judges over those residing in their lands. The book Al-Fatawa al-Hindiyya states: "Islam is not a condition for the ruler who is being followed, as mentioned in the book Fatawa Tatarkhaniya"[2].

Fifth: prohibiting resort to European courts particularly in family matters leads to numerous harms including:

1. Some husbands may refuse to verbally divorce their wives, arguing that court rulings are un-Islamic. This obliges wives to bear what is unbearable sometimes, or they may be coerced into paying exorbitant sums for Khula (divorce requested by the wife, in exchange for a compensation given by her).
2. A husband's refusal to recognize a civil divorce ruling could be interpreted as abuse under European legal systems. If he insists on

[1] *Qawa'id al-Ahkam fi Masalih al-Anam*, vol. 1, pp. 121–122.
[2] A committee of scholars from India, chaired by Nizam al-Din al-Balkhi, *Al-Fatawa al-Hindiyyah*, vol. 3, p. 295.
Imam al-Sarakhsi, *Al-Sharh al-Kabir ala al-Sayr al-Kabir by Muhammad ibn al-Hasan al-Shaybani*, vol. 1, p. 169.

treating his wife as still married while disregarding the court's decision, he may be considered under laws against coercion or sexual violence[1].

3. Civil divorces are granted only when one spouse petitions for separation due to the other's failure to fulfill marital obligations. If one spouse is unwilling or unable to fulfil his or her duties in the marriage, seeking divorce becomes permissible for the harmed party because the marital relationship should be based on maaruf (kind treatment). Therefore, it is prohibited for a husband to refuse to acknowledge a legally issued divorce while simultaneously mistreating his wife. This contradicts the essence on which the marital contract is founded, which is staying together with mutual kind treatment or separation on a gracious manner.
4. If there is no other way to protect a woman from harm except through the ruling of a civil court, then it is permissible in Islamic law to accept such a ruling as a means of removing harm, which is a fundamental principle of Islamic jurisprudence. The Sharia principles that support this are numerous.

Divorce Procedures in the European Context

To accurately conceptualize the case at hand and determine its applicable framework, it is essential to understand the divorce procedures in the European context. For this purpose, I will present a model illustrating how divorce proceedings are conducted in German and French courts as an example. Generally, European countries share similar procedures for divorce.

In German courts, there are two main ways to initiate divorce proceedings[2]. The first is when one spouse files for divorce at the family court nearest to the residence of either party. In such cases, both parties, or at least one of them, must be represented by a lawyer in court. The court then notifies the other spouse of the request, allowing them to decide whether they agree to the

[1] *Fiqh al-Usrah fi al-Mahajir*, vol. 2, p. 235.
[2]Article 250 of the French Civil Code states: "The divorce application is submitted by a lawyer for each party or by a jointly chosen lawyer". The French Civil Code in Arabic, p. 302.

divorce[1]. The second case occurs when both spouses jointly submit a request for divorce; in this case legal representation is also mandatory[2].

In both scenarios, the family court reviews the request[3] and sends it to the other spouse for a response. Simultaneously, the court provides both spouses with forms that must be completed to assess pension rights that need to be divided between them[4].

To prevent hasty decisions in such a serious matter, German law mandates a "separation year" (Trennungsjahr), during which the spouses must live separately. This period allows them to experience life independently and reconsider their decision before proceeding with the divorce[5].

Once the separation year has passed, the court schedules an official divorce hearing. Both spouses and their respective lawyers must be present at this session[6]. The spouses must bring their identification documents, passports, and family records. During the hearing, the court settles any outstanding disputes between the spouses. If reconciliation efforts fail[7], the court officially declares them divorced and issues a "divorce decree" (Scheidungsbeschluss)[8].

Divorce proceedings in family courts are held privately, not in public sessions. The duration of the process depends on the length of the marriage and the financial assets of each party[9].

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[1] Adapted with modifications from: https://handbookgermany.de/ar/divorce.
[2] Ibid.
[3] The second paragraph of Article 250 of the French Civil Code states: "The judge examines the request with each spouse separately, then brings them together and subsequently summons the lawyer or lawyers". The French Civil Code in Arabic, p. 302.
[4] Adapted with modifications from: https://handbookgermany.de/ar/divorce.
[5] Article 296 of the French Civil Code states: "Physical separation of spouses is granted upon the request of one of them". The French Civil Code in Arabic, p. 356.
[6] Article 2522 of the French Civil Code states: "When attempting to reconcile the spouses, the judge must first speak separately with each of them before bringing them together in their presence. The judge then invites the lawyers to attend and participate in the discussions. If the spouse who did not file the request is absent from the session or is unable to express their will, the judge speaks with the other spouse and asks them to reflect". The French Civil Code in Arabic, p. 304.
[7] Article 252 of the French Civil Code states: "An attempt at reconciliation is mandatory before judicial proceedings and may be renewed during the trial. The judge works to reconcile the spouses regarding both the principle of divorce and its consequences". The French Civil Code in Arabic, p. 304.
[8] Article 232 of the French Civil Code states: "The judge approves the agreement and grants the divorce if convinced that each spouse's intent is genuine and that their consent is free and clear". The French Civil Code in Arabic, p. 292.
[9] Adapted with modifications from: https://handbookgermany.de/ar/divorce.

If both spouses agree on asset distribution and child custody, or if they have limited financial means or a short marriage duration, the divorce may be finalized within no less than four to six months. However, if disputes arise over assets, pension entitlements, or custody rights, or if the marriage has lasted for a long period, the process may take a year or more[1].

The jurisprudential Adaptation of Sham Divorce Cases in the European Context

From the preceding discussion, it is evident that "sham divorce" manifests in three forms:

The Jurisprudential Characterization of the First Form

In cases where both spouses complete all legal procedures including: signing documents, filing the case in court, appointing a lawyer to finalize the process, and verbally pronouncing the divorce; the ruling is as follows:

Claiming that divorce does not take effect due to the absence of intention is contrary to the view of the majority of scholars, in the past and present, who do not consider intention a prerequisite for a valid divorce once it has been pronounced. Ibn Rushd summarized the opinions of Muslim jurists in this regard, stating: "As for the consensus, Malik, Al-Shafi'i, and Abu Hanifa agreed that if a husband explicitly pronounces divorce to his wife by saying, 'You are divorced,' his claim that he did not intend divorce is not accepted. This also applies to separation or dissolution according to Al-Shafi'i. The Malikis have made an exception: the cases where there is evidence that prove he is right, such as if she –the wife -asked him to release her from some sort of bondage and he responded with 'You are divorced.' (in the meaning of 'you're released')".

According to Al-Shafi'i and Abu Hanifa, divorce does not require intention. While Malik is known for requiring intention in divorce, in this case, Al-Shāfiʿī did not consider the absence of intention in cases involving suspicion. Mālik's position is grounded in the principle of adjudicating on the basis of suspicion in order to block the means to potential wrongdoing. This is where Al-Shafi'i and Abu Hanifa disagreed with him. Therefore, according to the opinion of

[1] Ibid.

those who require intention in the verbal pronouncement of divorce but do not rule based on suspicion, it is obligatory to accept the husband's claim if he asserts that he did not intend divorce"[1].

Hence, the majority of scholars from the Hanafi, Maliki, Shafi'i, and Hanbali schools affirm the validity of divorce pronounced in jest, even without intent[2]. Ibn Al-Mundhir reported a consensus on this matter: "All scholars whose opinions are preserved agree that both earnest and jesting divorces are equally valid"[3]. However, scholars like Al-San'ani and Al-Shawkani dissented, ruling that a divorce pronounced in jest does not take effect[4].

Jurisprudential Adaptation of the Second Form

In cases where both spouses complete all legal procedures, signing documents, filing the case in court, and appointing a lawyer to finalize the proceedings, without verbally pronouncing divorce, the prevalent opinion among jurists is that divorce through clear written documentation is as valid as verbal divorce, regardless of intention, because writing is one of the two types of discourse as a number of Islamic jurists view[5].

It has been suggested that this form differs from cases where written divorce is deemed conditional on intention. Here, both spouses willingly approach legal authorities or a lawyer to file for divorce, explicitly expressing their desire to end the marriage. This process often spans several sessions in court to address post-divorce matters like custody and finances. Can it be reasonably argued that such explicit statements and repeated affirmations in court are insignificant? Is the continuous court attendance meaningless, especially when both parties are repeatedly asked if they wish to divorce and respond affirmatively?

Asserting that such statements and actions do not constitute a valid divorce contradicts Sharia texts and logic, and implies an endorsement of deceit and manipulation, which are strictly prohibited in Islamic law. The Prophet

[1] Ibn Rushd, *Bidayat al-Mujtahid wa Nihayat al-Muqtasid*, Dar al-Hadith, Cairo, 2004, 2/492.
[2] *Bada'i al-Sana'i*: 9/463. Al-Hattab, *Mawahib al-Jalil Sharh Mukhtasar Khalil*, 4/44. *Mughni al-Muhtaj*, 3/239. *Al-Mughni*, 7/135. See also: Ibn Taymiyyah, *Majmua al-Fatawa*, 33/106-107.
[3] Ibn al-Qattan, *Al-Iqnaa fi Masa'il al-Ijmaa*, Dar al-Faruq al-Hadithah, 1st ed., 1424-2004, 2/31.
[4] Al-San'ani, *Subul al-Salam fi Sharh Bulugh al-Maram*, Dar al-Hadith, 3/176. Al-Shawkani, *Nayl al-Awtar Sharh Muntaqa al-Akhbar*, Dar al-Hadith, Egypt, 1st ed., 1993, 6/235
[5] *Bada'i al-Sana'i*, 3/100. *Al-Insaf*, 8/472. *Al-Mughni*, 7/486.

Muhammad ﷺ said: "Truth leads to piety and piety leads to Jannah. A man persists in speaking the truth till he is recorded with Allah as a truthful man. Falsehood leads to transgression and transgression leads to the Hell-fire. A man continues to speak falsehood till he is recorded with Allah as a great liar"[1]. This is entirely incompatible with Islamic legal texts and overarching objectives.

Additionally, official written divorce documents, clearly written and signed, transform the action from implicit to explicit, unequivocally indicating the intention to divorce.

Jurisprudential Adaptation of the Third Form

This form involves obtaining a civil divorce without registering or endorsing it in the Islamic country, thereby keeping the marriage contract issued in Islamic jurisdictions legally valid. This scenario aligns with the previous form: initiating civil divorce proceedings, whether verbally or through written documentation, renders any delay or omission of supplementary legal procedures irrelevant, as the divorce is already valid and established. The Prophet Muhammad ﷺ stated: "There are three things which, whether undertaken seriously or in jest, are treated as serious: marriage, divorce and taking back a wife after a divorce which is not final"[2].

Jurisprudential Adaptation of the Fourth Scenario

The fourth scenario pertains to a situation where spouses claim that they have not divorced but were unable to obtain an official divorce certificate due to wartime conditions. This scenario brings up the issue of false acknowledgment of divorce, which is a controversial matter in jurisprudential discourse as previously addressed. The Maliki and Hanafi schools of thought assert that divorce is valid judicially but not religiously, whereas the Hanbali school holds that it is valid both religiously and judicially. Ibn Qudamah al-Maqdisi stated: "Al-Kharqi said: If he were asked, 'Do you have a wife?' and he replied, 'No,'

[1] Reported by Al-Bukhari, *Kitab al-Adab* (The Book of Manners), Chapter on the Saying of Allah, the Most High: "O you who have believed, fear Allah and be with those who are true" and on the prohibition of lying, Hadith No. 5743. And by Muslim, *Kitab al-Birr wa al-Silah wa al-Adab* (The Book of Virtue, Relations, and Manners), Chapter on the Repulsiveness of Lying and the Virtue of Truthfulness, Hadith No. 2607. Translator: The translation is taken from https://sunnah.com/riyadussalihin:1542

[2] Previously cited. Translator: The translation is taken from https://sunnah.com/bulugh/8/130

intending to lie, no consequence would befall him. However, if he said, 'I have divorced her,' intending to lie, the divorce would be binding"[1].

The Researcher's View and Justifications

In my view -and Allah knows best- sham divorce within the European context should be considered valid both religiously and judicially upon issuance by European courts, regardless of whether the husband verbally pronounces divorce or merely complies with judicial divorce procedures. This ruling is based on the concept of talji'ah and the Hanbali position regarding false acknowledgment of divorce. It is also supported by various Sharia texts, juristic principles, and the objectives of Islamic law, which I summarize as follows:

First Evidence: Denying the validity of sham divorce trivializes the acts of marriage and divorce and reduces them to a mere game, which contradicts the sanctity that Islamic law accords to marriage and divorce. Among the signs of this divinely ordained reverence is that Allah Almighty has made marriage a sign *aya'h*, a garment *libās*, and a solemn covenant *mithāq ghalīẓ:* ﴿And how could you take it back after having enjoyed each other intimately and she has taken from you a firm commitment? ﴾[2]. Moreover, the Prophet ﷺ emphasized that both jest and seriousness in marriage and divorce carry legal consequences: "There are three things which, whether undertaken seriously or in jest, are treated as serious: marriage, divorce and taking back a wife after a divorce which is not final."[3].

Scholars have stressed the importance of caution in the contract that is deemed dignified by Sharia due to its profound implications related to establishing a family, which is the nucleus of a righteous Muslim society.

Second Evidence: Dismissing the validity of sham divorce constitutes mockery of Allah's signs and verses, which is categorically forbidden by consensus. Allah Amighty says: ﴿Do not take Allah's revelations lightly[4]﴾.

[1] *Al-Mughni*, 8/285.
[2] Surah An-Nisa:21. Translator: The translation is taken from https://quran.com/4?startingVerse=21
[3] Previously cited.
[4] Al-Baqarah :231. Translator: The translation is taken from https://quran.com/2?startingVerse=231

Allah says in the Quran also: ﴿Say, "Was it Allah, His revelations, and His Messenger that you ridiculed?"[1] ﴾.

On the same matter, Ibn Taymiyyah comments: "The Lawgiver prohibited using Allah's signs, including contracts, in jest. A person should speak of these contracts only with seriousness, intending their implications in Sharia. Thus, jesting and talji'ah are prohibited, just as sham marriages *taḥlīl* are forbidden."[2].

Third Evidence: Refusing to recognize these legal or civil sham divorces would open the door to various legal tricks and manipulative practices that contradict the aims of Islamic law. This includes the proliferation of sham marriages[3], thereby turning marriage and divorce into means of pursuing worldly interests.

Fourth Evidence: Allah Almighty has placed marriage and divorce under a framework of Sharia rulings due to their connection with sexual relations, which Islam treats with utmost reverence and caution. This is because sexual relations pertain to preserving lineage and honour, which are two key objectives that Islamic law came to preserve and take care of.

Fifth Evidence: The principle of preventing harm and detriment requires recognizing the validity of sham divorces, as their invalidation could lead to severe consequences for spouses and society, including:

In a sham marriage, if the husband dies, the wife would be deprived of her rightful inheritance. This could cause public harm in society as it allows for taking the Sharia rulings lightly. One of the cases that we have witnessed is: when a woman who has obtained a legal civil divorce remarries, her former husband falsely claims that she remains his wife since he did not intend the divorce.

[1] At-Tawbah: 65. Translator: The translation is taken from https://quran.com/9?startingVerse=65

[2] Ibn Hajar, *Al-Fatawa Al-Kubra Al-Haythami*, with marginal notes by Fatawa Shams Al-Din Al-Ramli, edited by Abdul Hamid Ahmad Hanafi, 6/65.

[3] A report by a German crime statistics office revealed that in 2017, approximately 202 cases of suspected "sham marriages" were detected through applications submitted by foreigners seeking residence permits. Additionally, 191 other cases were uncovered in which foreigners obtained entry visas to Germany through sham marriages. In 2016, authorities identified 408 cases of "white marriages". Suspected cases are often detected through employment centers or foreign registration offices. See: https://www.dw.com/ar.

Sixth Evidence: The prohibition of sham divorce is further reinforced by considering its broader consequences and the harm it causes to the image of Islam and Muslims, particularly when those Muslims who obtain sham divorces for deceitful purposes are detected in non-Muslim societies. In these Western contexts, people often judge Islam only through what they receive from the media and by observing the behaviour of Muslims living amongst them. Positive behaviour gives them a good insight on Islam and Muslims and it may even lead them to embrace the religion of Allah; whereas if they witness evil or wrongdoing, it will become a cause for their aversion and turning away from the religion of Allah. This is because they will not say, "So-and-so made a mistake", but rather, "This is Islam, and Islam calls for such behaviour." Thus, through his crooked conduct, he becomes a cause for people to be driven away from the call to Allah and Islam.

In reality, a Muslim living in these European lands should make himself a caller to Islam and a defender of it, ensuring that no harm or misrepresentation of the faith arises from his actions. This is the true essence of sincere advice for the sake of Allah, His religion, and the general body of Muslims, which is an obligation that Allah has imposed upon every Muslim.

CONCLUSION

Sham divorce within the European legal context is a serious matter, distinct , in many ways and for many reasons and in terms of who rules it, from sham divorce in Muslim countries.

The most appropriate and consistent ruling is to favour the opinion that the divorce is valid both judicially and religiously. This is based on the reasoning of those who consider divorce under compulsion *(taljīʾah)* valid, an opinion held by the majority of Muslim jurists, as well as those who uphold the validity of a divorce admitted by acknowledgment both religiously and judicially. This ruling is grounded in the Sharia texts that prohibit deception, forgery, and fraud and obligate the sincere fulfilment of contracts.

Furthermore, the message-related and representational impact of the fatwa should not be overlooked, keeping in mind that other rulings might lead to harmful misrepresentations of Islam and its image. As Allah says: ﴿Our Lord!

Do not subject us to the persecution of the disbelievers. Forgive us, our Lord! You ˹alone˺ are truly the Almighty, All-Wise[1]﴾.

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[1] Al-Mumtahanah: 5.

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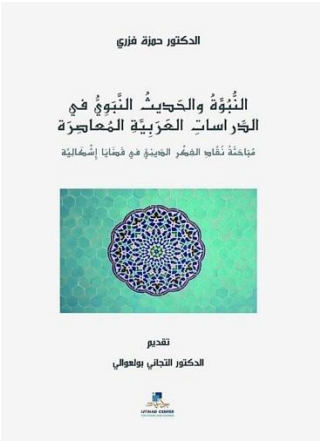

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Date: 20 September 2025

Speakers:

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Tijani Boulaouali (Belgium)

PANEL DISCUSSIONS

Topic:
The Role of Islamic Organisations in Education Supporting
Speakers: Tijani Boulaouali and Mohammed Mansouri
Date: Mai 17, 2025
Organizers: Ijtihad Center and Al-Jisr Center in Waregem

PANEL DISCUSSIONS

Topic: The Role of Islamic Organisations in our Multicultural Contemporain Society
Speakers: Mouloud Kallai, Saids El Kaouakibi, Tijani Boulaouali and Mohammed Mansouri
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1st *The Question of Hell in Islamic Doctrinal and Philosophical Exegesis*

Lecturer: Jamie B. Turner (England)

Moderator: Sara El Hadi (Morocco)

Date: 26 October 2025

2nd *The Position of the Translator and Their Role in Shaping Research Objectives in Islamic Studies and Western Comparative Religion*

Lecturer: Dr. Abid Naeem (Pakistan)

Moderator: Hassan Ait Ennasser (Morocco)

Date: 12 December 2025

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CALLS FOR PAPERS AND CONTRIBUTIONS

4th issues of the *Ijtihad Journal for Islamic and Arabic Studies*

Submission Deadline: 30 October 2025

Organizer: Ijtihad Center for Studies and Training (Belgium)

Call for Papers

International Academic Conference on: *The Situation of the Muslim Family in Europe and the West: A Study of Values, Contexts, and Socio-Cultural and Political Transformations*

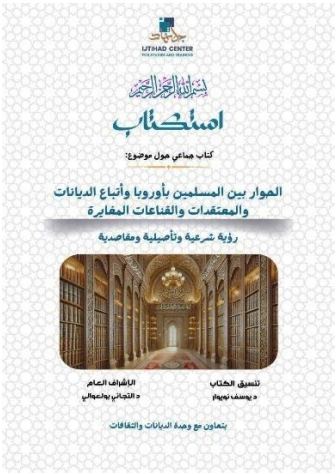
Coordination: Dr. Tijani Boulaouali

Conference Date: February 2026

Organizer: Ijtihad Center for Studies and Training (Belgium)

Call for Papers

Edited Volume on: *Dialogue Between Muslims in Europe and Followers of Other Religions, Beliefs, and Worldviews: A Jurisprudential, Foundational, and Maqāṣid-Based Perspective*



Editors: Dr. Youssef Nouiouar (Morocco) and Dr. Tijani Boulaouali (Belgium)

Organizer: Ijtihad Center for Studies and Training (Belgium)

Call for Papers

Edited Volume (English) titled: *Belonging in the Digital Age: Muslims in Europe and the Use of New Technologies*

Editors:

Dr. Mimoune Daoudi (Morocco) and Dr. Tijani Boulaouali (Belgium)

Organizer: Ijtihad Center for Studies and Training (Belgium)

EDUCATIONAL PROGRAMS

Islamic Studies Program

Language: Dutch

Courses: Islamic sciences and the Arabic language.

Quran Sciences, Hadith Sciences, Fiqh, Sira, etc.

Academy Year: 2025-2026

PUBLICATIONS ON ISLAM IN THE WEST

Publications section compiled by:

Dr. Mohammed Karrouk KERKICH

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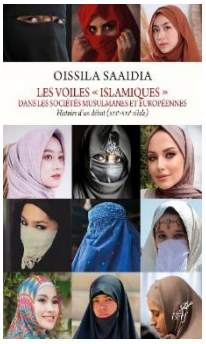
Islamic Veils in Muslim and European Societies

Oissila Saaïdia, Islamic Veils in Muslim and European Societies, Editions du Cerf, Paris, France, 2023, 236 PP, ISBN: 9782204139342



This book is written by the historian Oissila Saaïdia, of Arab origin, a professor at the University of Lyon 2 in France, specializing in contemporary history. The book tackles a unique topic in the contemporary era, namely the Islamic veil in Arab and European societies. The issue of the veil, linked to matters of school and secularism, has become a significant societal issue. To understand how a simple piece of clothing has sparked controversy at the level of many Western countries and dominated the media scene for a century, Oissila Saaïdia rethinks the chronology and geography of this issue, starting from Muslim societies and moving to Western societies. Specifically, from the perspective of the main stakeholders - veiled women - as well as from the perspective of time periods, places, environments, and political, social, and economic contexts. The book provides a comprehensive overview of various types of veils throughout history from an unbiased perspective, making it an important work and reference on the issues of the Islamic veil between East and West.

الحجاب الإسلامي في المجتمعات المسلمة والأوروبية

أويسيلا سعيدية، الحجاب الإسلامي في المجتمعات المسلمة والأوروبية، دار نشر سيرف، باريس، فرنسا، السنة 2023, 236 صفحة، الرقم التسلسلي الدولي: 9782204139342

هذا الكتاب من تأليف المؤرخة أويسيلا سعيدية ذات الأصول العربية، الأستاذة بجامعة ليون الثانية بفرنسا، والمتخصصة في التاريخ المعاصر، وتتناول فيه موضوعا فريدا في الحقبة المعاصرة، وهو الحجاب الإسلامي في المجتمعات العربية والأوروبية، حيث تبرز كيف تحولت مسألة الحجاب، المرتبطة بمسائل المدرسة والعلمانية، إلى قضية مجتمعية هامة، لفهم كيف أن قطعة ملابس بسيطة أثارت جدلا على مستوى العديد من الدول الغربية، واحتلت صدارة المشهد الإعلامي على مدار قرن من الزمان، إذ تعيد أويسيلا سعيدية هنا التفكير في التسلسل الزمني والجغرافي لهذه القضية بداية من المجتمعات الإسلامية مرورا بالمجتمعات الغربية، خصوصا من وجهة نظر المعنيات الرئيسيات - النساء المحجبات - وأيضا من منظور الفترات الزمنية والأماكن والبيئات والسياقات السياسية والاجتماعية والاقتصادية، كما يقدم الكتاب لمحة شاملة عن مختلف أنواع الحجاب عبر تاريخ طويل من منظور غير متحيز، فهو مؤلف ومرجع مهم حول قضايا الحجاب الإسلامي بين التصورات العربية الإسلامية والغربية الأوروبية.

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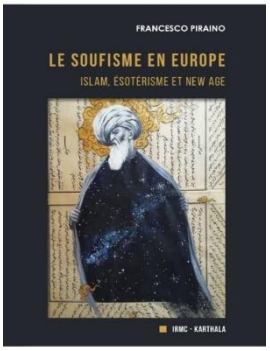
Sufism in Europe: Islam, Esotericism, and New Age

Francesco Piraino, *Sufism in Europe: Islam, Esotericism, and New Age*, Editions Karthala and IRMC, Paris/France, 2023, 408PP, ISBN: 9782384090853



The book, by the sociologist and specialist in religious anthropology, Francesco Piraino, provides a precise and specialized insight into the development of Islamic Sufism in Western Europe, particularly in France and Italy. Through detailed and empirical research based on field interviews and participant observation, the book focuses on four Sufi orders that have taken root in Paris and Milan: the Alawiyya, the Budshishiyya, the Naqshbandi-Haqqani, and the Shadhili-Darqawi. From a reflective perspective and using a social anthropological approach to religion, the author attempts to analyze the tension present in contemporary Sufism between mystical knowledge that focuses on direct experience of the divine, allowing for a degree of spiritual creativity, and sacred knowledge as a tradition based on sacred texts that reproduces the spiritual order of Islamic law. The author also examines the forms of hybridization between Islamic Sufi traditions and Western esoteric discourse, particularly new forms of rituals and doctrines. Additionally, the book discusses the political options of Sufism in Europe and the elitist political practices towards it.

الصوفية في أوروبا: الإسلام، الغنوصية والعصر الجديد

فرنسيسكو بيريانو، الصوفية في أوروبا: الإسلام، الغنوصية والعصر الجديد، دار نشر كارطالا، باريس، فرنسا، السنة 2023، 408 صفحة، الرقم التسلسلي الدولي: 9782384090853

الكتاب للسوسيولوجي والمتخصص في الأنثروبولوجيا الدينية فرنسيسكو بيريانو، يقدم رؤية دقيقة ومتخصصة ترتبط بتطور التصوف الإسلامي في أوروبا الغربية، خاصة في فرنسا وإيطاليا، من خلال بحث مفصل وتجريبي مبني على المقابلات الميدانية وعلى الملاحظة بالمشاركة، وخصوصا لأربعة طرق صوفية إسلامية تغلغلت في كل من باريس وميلانو، وهم؛ الطريقة الصوفية البودشيشية، والعلاوية، والنقشبندية الحقانية، والشاذلية الدرقاوية، من منظور انعكاسي ووفق مقاربة أنثروبولوجية اجتماعية للدين، بحيث يحاول المؤلف تحليل التوتر الموجود في التصوف المعاصر بين المعرفة الصوفية التي تركز على التجربة المباشرة للإلهي، والتي تسمح بقدر من الإبداع الروحي، وبين العلم المقدس كتقاليد ترتكز على النصوص المقدسة التي تعيد انتاج النظام الروحي للشريعة الإسلامية. كما يدرس المؤلف أشكال التهجين بين التقاليد الإسلامية الصوفية والخطاب الغنوصي الباطني الغربي، وخصوصا أشكال الطقوس والعقائد الجديدة أو المعاصرة. كما يناقش الخيارات السياسية للتصوف في أوروبا، والممارسات النخبوية السياسية تجاهه.

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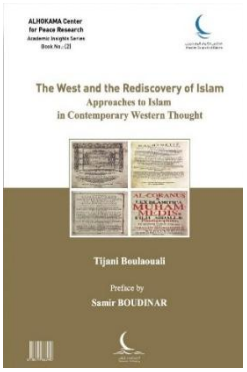
The West and the Rediscovery of Islam

Tijani Boulaouali, The West and the Rediscovery of Islam; Approaches to Islam in Contemporary Western Thought, Alhokama Publishing, Rabat,2024, 354 PP, ISBN: 9786144883440

This publication is authored by Moroccan thinker Tijani Boulaouali, a specialist in issue s of Islam and the West, and a professor at the Faculty of Theology and Religious Studies at the University of Louvain in Belgium. The book consists of three main sections; the first delves into the concepts of Islam and the West based on comparative analysis, with chapters highlighting the nature of differences between them in a dialectical and historical context. The other section paves the way for open discussions attempting to encompass contemporary Western intellectual approaches to Islam, through its growing presence in Europe on one hand, and North America on the other, looking at the image of Islam within these different and distinct contexts governed by approaches and models that the author attempts to highlight through various approaches. The final section opens an in-depth intellectual debate surrounding the fundamental models that have historically, philosophically, and sociologically governed the West and its perceptions in relation to Islam.



الغرب وإعادة اكتشاف الإسلام: مقاربات الإسلام في الفكر الغربي المعاصر

التجاني بولعوالي، الغرب وإعادة اكتشاف الإسلام: مقاربات الإسلام في الفكر الغربي المعاصر، مركز الحكماء لبحوث السلام، الحكماء للنشر، الرباط، السنة 2024، 354 صفحة، الرقم التسلسلي الدولي: 9786144883440

هذا الإصدار من تأليف المفكر المغربي التيجاني بولعوالي، المتخصص في قضايا الإسلام والغرب، والأستاذ في كلية اللاهوت والدراسات الدينية بجامعة لوفان ببلجيكا، وهو كتاب يتكون في مجمله من ثلاث أقسام أساسية؛ بحيث يعمق النظر في مفاهيم الإسلام والغرب اعتمادا على التحليل المقارن، مع فصول تبرز طبيعة الاختلافات بينهما في سياق جدلي وتاريخي متغير. فيما يعبد القسم الآخر الطريق لمناقشات مفتوحة تحاول الإحاطة بالمقاربات الفكرية الغربية المعاصرة للإسلام، من خلال حضوره المتزايد داخل أوروبا من جهة، وأمريكا الشمالية من جهة ثانية، مع النظر إلى صورة الإسلام داخل هذه السياقات المختلفة والمتميزة التي تحكمها مقاربات ونماذج يحاول المؤلف إبرازها عبر مقاربات مختلفة. فيما يفتح القسم الأخير سجالا معرفيا معمقا يحيط بالنماذج الأساسية التي تحكم الغرب وتصوراته تاريخيا وفلسفيا وسوسيولوجيا في علاقته بالإسلام.

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The Italian Islam Manifesto

Francesca Bocca-Aldaqre, *The Italian Islam Manifesto*, Series Eterotopie, Editions Mimesis, 2024, Italy, 158 pp, ISBN: 9791222308937

Francesca Bocca-Aldaqre, the book's author, is a theology professor at the Italian Institute of Islamic Studies and Arab Culture at the Academy of Humanities in Milan. The book explores the Islamic community's experiences and identity demands in the Western context, shedding light on historical, philosophical, and social aspects often overlooked in Italian public discourse. It addresses pressing issues such as the veil, integration, terrorism, and minority rights, which have hindered the development of Islamic continuity in Italy. The author critiques the interactions between Islam and Italy, from interfaith dialogue to political advocacy, and envisions a future where culture serves as a bridge for genuine integration. By offering a fresh perspective, this book seeks to promote mutual understanding between Italian society and its Muslim population, ultimately helping Italian Muslims forge a cohesive cultural identity that allows them to feel a deep sense of belonging in Italy.

بيان الإسلام الإيطالي

فرانشيسكا بوكا الدقر، بيان الإسلام الإيطالي، سلسلة هيروتوبي، دار نشر ميميسس، إيطاليا، السنة 2024، 158 صفحة، الرقم التسلسلي الدولي: 9791222308937.

مؤلفة الكتاب الدكتورة فرانشيسكا بوكا الدقر، أستاذة اللاهوت في المعهد الإيطالي للدراسات الإسلامية والثقافة العربية في أكاديمية الإنسانيات بمدينة ميلانو، حيث يعرض في تفاصيله تجربة المجتمع الإسلامي ومطالباته المتعلقة بالهوية داخل السياق الغربي، ومن خلال عناصر تاريخية وفلسفية واجتماعية لا تزال غائبة عن النقاش العام الإيطالي اليوم. كما يتناول مجموعة من القضايا الرئيسية: من الحجاب إلى الاندماج، ومن الإرهاب إلى حقوق الأقليات. وهي قضايا أعاقت تشكيل الاستمرارية الاسلامية في شبه الجزيرة الإيطالية، كما تطرح المؤلفة نقاط الضعف في مختلف المقاربات التي يتعامل بها الإسلام وإيطاليا مع بعضهما البعض، من الحوار بين الأديان إلى المطالب السياسية، متخيلة آفاقا جديدة تكون فيها الثقافة مفتاحا لاندماج حقيقي. يساعد هذا الكتاب القارئ الإيطالي على النظر إلى المسلمين بطريقة جديدة، والعكس صحيح، فهو يهدف إلى مساعدة المسلمين الإيطاليين على خلق إطار ثقافي متماسك يمكنهم من خلاله تطوير هوية جديدة قادرة على الانتماء بعمق داخل النسيج المجتمعي الإيطالي.

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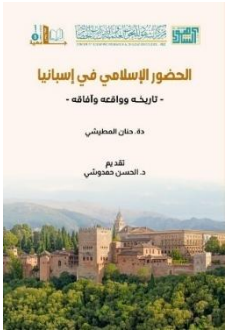
Islamic Presence in Spain

Hanan El Mtichi, Islamic Presence in Spain: History, Reality and Prospects, AL-Shuhud Center, Fez – Morocco, 2025, 180 pp, ISBN: 6-660-24-9920-978

The book is authored by researcher Hanan EL-Mtichi, a specialist in Islamic thought, doctrine, and religions. This work attempts to shed light on the historical Islamic civilizational legacy in Spain, past, present, and understand its extended impact on Spanish and European identity. The book consists of an introduction, a conclusion, and three chapters. The first chapter discusses the history of Islamic presence in Spain, starting from the Andalusian civilization and its flourishing, followed by its decline, and then the return of Islamic presence after the deterioration through political changes, the resurgence of Andalusian nationalism, cultural transformations, and the emergence of Arab studies. The second chapter focuses on the contemporary presence and challenges, explaining the reality of Muslims in Spain: freedom of religion, the 1992 agreement, and internal and external challenges in managing religious affairs, addressing the phenomenon of Islamophobia. The third chapter explores the prospects of Islamic presence in Spain and the Western world, envisioning its future, the role of Islam in promoting human values and coexistence, and its potential contributions to the development of Spanish society and other Western countries.



الحضور الإسلامي في إسبانيا: تاريخه و واقعه وآفاقه

حنان المطيشي، الحضور الإسلامي في اسبانيا: تاريخه وواقعه وآفاقه، مركز الشهود، فاس-المغرب، السنة 2025، 180 صفحة، الرقم التسلسلي الدولي: 978-9920-24-660-6

الكتاب من تأليف الباحثة حنان المطيشي، المتخصصة في الفكر الإسلامي والعقيدة والأديان، وهو مؤلف يحاول استجلاء الإرث الحضاري التاريخي الإسلامي في اسبانيا، وفهم تأثيره الممتد على الهوية الإسبانية والأوروبية. فهو كتاب يتألف من مقدمة وخاتمة وثلاثة فصول؛ تناول الفصل الأول تاريخ الحضور الإسلامي في إسبانيا، بدءا من الحضارة الأندلسية وازدهارها ثم انحدارها، مرورا بعودة الحضور الإسلامي بعد التدهور من خلال التحولات السياسية وانبعاث القومية الأندلسية، والتحولات الثقافية وظهور الدراسات الاستعرابية. وركز الفصل الثاني على الحضور المعاصر والتحديات، موضحا واقع المسلمين في إسبانيا: حرية الدين، اتفاقية 1992م، والتحديات الداخلية والخارجية لتدبير الشأن الديني، مع معالجة ظاهرة الموروفوبيا. أما الفصل الثالث، فتناول آفاق الحضور الإسلامي في إسبانيا والعالم الغربي، مستشرفا مستقبله، ودور الإسلام في تعزيز القيم الإنسانية والتعايش، وإسهاماته المحتملة في تطوير المجتمع الإسباني وبقية الدول الغربية.

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Thanks to Islam

Franco Cardini, *Thanks to Islam*, Editions Paper first, Roma, Italy, 2025, 265 pp.
ISBN: 9791255431114

The book is regarded as one of the most important works published in Italy by Franco Cardini, a prominent historian specializing in medieval history, the humanities, and social sciences, and currently an honorary professor at the University of Pisa. In this influential study, Cardini examines the shared historical foundations of Eastern and Western civilizations and the long-standing interactions between the Islamic and European worlds. He deliberately distances himself from condescending and exclusionary Eurocentric narratives grounded in assumptions of Western superiority. The book presents Islam as a civilization deeply rooted in Hellenistic-Mediterranean culture and Abrahamic monotheism, portraying it as a continuation of Jewish and Christian traditions and a vital link in the historical transmission of science, philosophy, and knowledge. Cardini argues that Europe owes a substantial debt to Islam, rejecting portrayals of Islamic civilization as inherently violent or exploitative. Instead, he emphasizes its enduring contributions to mathematics, logic, astronomy, cartography, geography, medicine, engineering, trade, and university education—contributions that shaped Europe after the Middle Ages and formed an essential part of global intellectual and scientific development.

شكرا للإسلام

فرانكو كارديني، شكرا للإسلام، دار بيبر فيرست للنشر والتوزيع، مدينة روما، إيطاليا، السنة 2025، 265 صفحة، الرقم التسلسلي الدولي: 9791255431114

يعتبر الكتاب واحدا من أهم الكتب التي صدرت في إيطاليا، للمتخصص في التاريخ الوسيط والعلوم الإنسانية والاجتماعية والأستاذ الفخري بجامعة بيزا حاليا فرنكو كارديني، وهو مؤلف فريد يتناول التاريخ المشترك بين حضارات الشرق والغرب، كما بين العالم الإسلامي والأوروبي، بعيدا عن النظرة الدونية أو الإقصائية القائمة على الهيمنة الغربية. فالكتاب يتناول بالتدقيق الإسلام وجذوره العميقة التي تمتد إلى الثقافة الهيلينستية - المتوسطية والتوحيد الإبراهيمي؛ وباعتباره استمرارا للدين اليهودي والمسيحي، وحلقة أساسية لاستمرارية العلم والفلسفة، على اعتبار أن الحضارة الإسلامية بعد انتقالها إلى روما وبيزنطة، فتحت أفاقا جديدة لأوروبا والغرب. لذلك يعتبر محرر الكتاب أن أوروبا مدينة للإسلام بالكثير، وأنها ليست حضارة حرب أو عنف أو تخلف، خصوصا أنها حضارة أعطت الشيء الكثير للرياضيات، المنطق، الفلك، رسم الخرائط، الجغرافيا، الفيزياء، الطب، التجارة، التعليم الجامعي، الهندسة وغيرها، والتي انتقلت إلى أوروبا بعد العصر الوسيط، لذلك تعتبر امتدادا وحلقة أساسية للتراكم العلمي والمعرفي والاقتصادي الذي يعرفه العالم.

STANDARDS FOR PUBLICATION

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General Standards

- Writing original and innovative research for the journal.
- The research should not have been previously published or agreed upon with any other publishing party.
- The research can be a translation of another work published in another language, provided that the researcher declares this.
- The research should not be derived from a university thesis or dissertation, but rather the results of previous research can be invested in a new article or chapter.
- The research submitted for publication does not conflict with the general vision adopted by the Ijtihad Center for Studies and Training and the Ijtihad Journal of Islamic and Arabic Studies.
- Researchers should provide qualitative additions that take into account the goals set by the Center and the Journal.
- Researchers should provide deep insights inspired by Islamic values of a common universal nature, while being open to positive secular, pluralistic, and modernist values.
- Researchers should contribute to formulating an objective approach based on the inside Islamic perspective while benefiting from objective Orientalist studies.
- Researchers adhere to the methodological, technical and linguistic standards adopted in academic research. (See the writers' guidelines on the center's website and the journal).
- The journal adheres to rigorous academic and ethical standards concerning scholarly integrity, plagiarism, and the use of artificial intelligence. These standards apply not only to the article evaluation process (including internal review, double-blind peer review, and final review) but also to the verification of articles' originality and credibility through plagiarism-detection software such as Turnitin and Grammarly.

- Researchers write in a clear and authentic academic language (Arabic, English, French, Dutch...).
- The possibility of future translation offers valuable research if appropriate financial support is available.
- The journal has the right to republish the materials or translate them independently or into a book.
- The published materials do not necessarily express the opinion of the journal.
- The journal does not grant any financial reward for research due to the lack of financial capabilities.
- The journal charges an appropriate financial reward for publication in order to cover the expenses of review, printing and publishing.
- The journal grants participating researchers and reviewers some privileges, such as granting free membership, granting a certificate, granting some copies of the work, and nominations to participate in seminars, trainings, and research activities of the Ijtihad Center or of the centers collaborating with them.

Types of Articles

Peer-reviewed articles are subject to the following methodological standards:

- Article title (main/sub).
- The researcher's full name and the institution to which he belongs.
- An English and Arabic summary of the article (about 300 words).
- Five keywords.
- A general introduction, which includes the research problem and the purpose of the study, with reference to the most important previous literature related to the subject, and the type of approach adopted.
- The content of the article, including defining concepts, introducing theories, interpretations and visions, and discussing and analyzing the research results in depth.
- The article concludes with research conclusions and recommendations.
- List of bibliography used in the article.
- The length of the article ranges between 5,000 and 10,000 words.
- Each article is subject to the first internal reading by the

journal's editorial board, and if it meets the initial conditions, it is referred to the reviewing commission.
- Each article is subject to double-blind peer review.

Peer-reviewed chapters are subject to the following methodological standards:

- Chapter title (main/sub).
- The researcher's full name and the institution to which he belongs.
- An English and Arabic summary of the chapter (about 300 words).
- Five keywords.
- A general introduction, which includes the research problem and the aim of dealing with it, with reference to the original work (dissertation, book, monograph) from which it was derived, with an explanation of the importance of publishing it in a separate chapter, and the type of approach adopted.
- Chapter content, including defining the central concepts, presenting theories, interpretations and visions, discussing the research results and analyzing them in depth.
- The chapter concludes with the most important conclusions of the research.
- List of bibliographies used in the chapter.
- Chapter size ranges between 5,000 and 10,000 words.
- Each chapter is subject to the first internal reading by the magazine's editorial board, and if it meets the initial conditions, it is referred to the reviewing commission.
- Each chapter is subject to double-blind peer review.

In-depth critical reviews subject to the following methodological standards:

- Main review title.
- A subtitle that includes the title of the reviewed work and its author.
- The researcher's full name and the institution to which he belongs.
- An English and Arabic summary of the review (about 300 words).
- Five keywords.
- A general introduction, including a brief overview of the author of the work, his most important publications and intellectual and academic works, the reasons for writing

this review, the importance of the reviewed work, the research problem for this review, and the nature of the adopted approach.

- The content of the review, which includes the basic concepts in the work, presenting the author's theory and vision, discussing the results of the review and analyzing them in depth.
- The review concludes with research conclusions and recommendations.
- List of bibliography used in the review.
- A table of the most important information about the reviewed work: title, author, date of publication, place of publication, publisher, language of the book, etc.
- The cover of the reviewed work and a photo of its author.
- The length of the review ranges between 4,000 and 7,000 words.
- Each review is subject to the first internal reading by the journal's editorial board, and if it meets the initial conditions, it is referred to the reviewing commission.
- Every critical review is subject to a double-blind peer review.

Introductory reviews are subject to the following methodological standards:

- Main review title.
- A subtitle that includes the title of the reviewed work and its author.
- The researcher's full name and the institution to which he belongs.
- A short introduction, including a brief overview of the author of the work, his most important publications and intellectual and academic works, and the importance of the reviewed work.
- The content of the article, in which the reviewer summarizes the most important contents of the work, either in a sequential manner according to the order of the chapters, or in a thematic form in which he presents the most important issues addressed by the author.
- A brief conclusion with the researcher's most important impression after reading the work.
- A table of the most important information about the referenced work: title, author, date of publication, place of

publication, publisher, language of the work, etc.
- The cover of the reviewed work and a photo of its author.
- The length of the review ranges between 1,500 and 2,000 words.
- Introductory reviews are subject to internal reading only in order to evaluate them linguistically and methodologically.

Academic interviews are subject to the following methodological standards:

- Main interview title.
- A subtitle that includes the name of the interviewed person, the title, the origin.
- The interviewed person must be a researcher, expert, or academic specializing in Islamic and Arabic studies or in a field related to it, such as theological and religious studies, interfaith dialogue, comparative religion science, Islam in the West, and others.
- The interviewer's full name and the institution to which he belongs.
- A short introduction, including a brief overview of the interviewed person, his/her most important publications and intellectual and academic contribution, the reasons for holding this interview, and its importance for the journal.
- Clear, deep, and precise questions, including general questions related to the personality of the interviewed person, his/her interests, specialty, with the aim of bringing readers closer to his qualitative contributions and their value to research and society.
- The covers of the works of the interviewed person, publications, photographs, quotes, etc.
- The length of the interview ranges between 3000 and 5000 words.
- Interviews are only subject to internal reading with the aim of evaluating them linguistically and methodologically.

Translations are subject to the following methodological standards:

- The title of the translated article.
- The author's full name, his specialty and his origin.
- A brief summary of the author of the translated article placed

in the form of a referral at the bottom of the page.
- The translator's full name and the institution to which he belongs.
- A summary of the translated article in Arabic and English (about 300 words).
- Five keywords.
- Information about the original translated article (author, title, publication information (publisher, date, pages...) placed in the form of a referral at the bottom of the page.
- List of bibliographies used in the chapter in addition to any references approved by the translator.
- The length of the translation ranges between 3000 and 5000 words.
- Each translation is subject to the first internal reading by the journal's editorial board, and if it meets the initial conditions, it is referred to the reviewing commission.
- Every translation is subject to a double-blind peer review.

Citations and bibliography of articles written in English or other European languages must be documented according to the MLA style.[1]

[1] See: https://mlahandbookplus.org/pages/quick-guides

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