

Ibn Taymiyya's "New Mardin Fatwa". Is genetically modified Islam (GMI) carcinogenic?

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Qādizāde took one side and Sīvāsī took the other; both going to extremes, and the followers of both used to quarrel and dispute, one against the other. For many years this situation continued, with disputation raging between the two parties, and out of the futile quarrelling a mighty hatred and hostility arose between them. The majority of shaykhs took one side or the other, though the intelligent ones kept out of it, saying, "This is a profitless quarrel, born of fanaticism. We are all members of the community of Muḥammad, brothers in faith. We have no warrant from Sīvāsī, no diploma from Qādizāde. They are simply a couple of reverend shaykhs who have won fame by opposing one another; their fame has even reached the ear of the Sultan. Thus have they secured their own advantage and basked in the sunshine of the world. Why should we be so foolish as to fight their battles for them? We shall get no joy of it."

Kātib Çelebi¹

In a book published in 2004,² I translated into French a fatwa issued by the famous Mamlūk scholar Ibn Taymiyya (d. 728/1328) about the city of Mardin (now in south-eastern Turkey) and the division of the world into two distinct parts: a "domain of Islam" (*dār al-islām*), or "of peace" (*dār al-silm*), and a "domain of unbelief" (*dār al-kufr*), or "of war" (*dār al-ḥarb*). I underlined the importance of Ibn Taymiyya's refusal of such a stark distinction, as the geo-politically complex and religiously diverse reality prevailing in Mardin at the time had led him to attribute a "third", "composite" (*murakkab*), status to this city. I tried to shed light on the real meaning of this original fatwa by translating and analysing three other Taymiyyan texts. Finally, I explored its impact on, and misuse by, a number of modern Islamist authors: Muḥammad 'Abd al-Salām Faraj, 'Abd Allāh 'Azzām, 'Abd al-'Azīz al-Jarbū', *et alii*.

¹ G. L. LEWIS, *The Balance of Truth by Kātib Çelebi (d. 1067/1657)*. Translated with an Introduction and Notes (London: George Allen and Unwin, "Ethical and Religious Classics of East and West", 1957), p. 133.

² Y. MICHOT, *IBN TAYMIYYA. Mardin: Hégire, fuite du péché et « demeure de l'Islam »*. Textes traduits de l'arabe, annotés et présentés en relation à certains textes modernes. Préface de J. PISCATORI (Beirut-Paris: Albouraq, "Fetwas d'Ibn Taymiyya, 4", 1425/2004).

In 2006, an English translation of this book appeared under the title *Muslims under non-Muslim Rule*.³ As in the French version, I spoke of the progressive and balanced nature of Ibn Taymiyya's ideas and of the infidelity to them of several of his modern readers. Concluding my presentation of his Mardin fatwa, I wrote: "Any wolf eager to pounce on Mardin will certainly have been disappointed [. . . Ibn Taymiyya's] fatwa is thus quite the opposite of a green light to the unleashing of general hostilities [. . .] In his conclusion he no longer speaks of Mardin as such, but of its diverse inhabitants, for whom he invites their being treated in light of their merits, according to whether they are Muslims or absconders from the Way/Law of Islam".⁴



Illustration of the homepage of the Mardin Conference website
(<http://www.mardin-fatwa.com/>)

On 27–28 March 2010, Ibn Taymiyya's Mardin fatwa became the object of unprecedented international attention with a conference held in the very city about which he had written it. The conference venue was the recently established Artuklu University. According to the event's home webpage, "a prominent group of Muslim academics, scholars and theologians from across the Muslim world convened in the historical city of

³ Y. MICHOT, *Muslims under Non-Muslim Rule. Ibn Taymiyya on fleeing from sin, kinds of emigration, the status of Mardin (domain of peace/war; domain composite), the conditions for challenging power*. Texts translated, annotated and presented in relation to six modern readings of the Mardin fatwa. Foreword by J. PISCATORI (Oxford-London: Interface Publications, Dec. 2006). The translation of the Mardin fatwa is p. 63–65.

⁴ Y. MICHOT, *Muslims*, p. 26–27.

Mardin to discuss the implications of the ‘Mardin’ fatwa (legal edict) penned by the Ḥanbalite Shaykh al-Islam, Taqī al-Dīn Aḥmad bin ‘Abd al-Ḥalīm ibn Taymiyya* (d. 1328) in particular, and the rules of writing and understanding legal edicts in general. The Conference closed with the signing of a New Mardin Declaration, that among other things, urged the faithful to live up to Islam’s high moral and ethical values, condemned in the strongest terms the vigilantism of radicals and urged all to foster greater peace and conviviality.”⁵ For some observers, this Declaration became the “New Mardin Fatwa”.⁶

The purpose of the present article is threefold: to explore the origins of this Mardin Conference, to review its main objectives and achievements, and to assess its impact. In relation to these three tasks, I will offer complete translations from Arabic of two texts circulating on the internet about this conference: *Reflections about the Mardin Conference (Ta’ammulāt fī mu’tamar Mārdīn)* by the Saudi Shaykh ‘Ā’id b. Sa’d al-Dūsarī,⁷ one of the participants, and *The Clear Refutation of those who took part in the Mardin Conference (al-Radd al-mubīn ‘alā l-mu’tamirīn fī Mārdīn)* by Ḥāmid b. ‘Abd Allāh al-‘Alī (b. 1960), “an influential Salafi cleric in Kuwait, whom the U.S. Treasury has described as an Al-Qaeda facilitator and fundraiser”.⁸ Two English e-texts will also be of particular interest: *The Mardin Conference – Understanding Ibn Taymiyyah’s Fatwa* by Dr. ‘Abd al-Wahhāb b. Nāṣir al-Ṭurayrī, another Saudi participant,⁹ and *Ibn Taymiyyah Reviews* by the Jordanian sociologist and political analyst Akram Muḥammad Sulaymān

* Transliterations from the Arabic appearing in quotations are made congruent with the system used in the rest of the article.

⁵ See <http://www.mardin-fatwa.com/index.php>. The Arabic and English texts of the New Mardin declaration can be downloaded from <http://www.mardin-fatwa.com/about.php?id=4>.

⁶ See for example the post *Scholars declare jihad fatwa invalid — ‘New Mardin Fatwa’* on <http://www.open-speech.com/en/tthreads/534541-Gelehrte-erklaeren-Dschihad-Fatwa-falsch>.

⁷ Shaykh ‘Ā’id b. Sa’d al-Dūsarī (Saudi Arabia) is a specialist of the Islamic creed and interreligious studies lecturing at King Sa’ūd University (Riyadh). On the Mardin Conference website, he is said to have “a strong interest in the heritage of Ibn Taymiyya” and to have written “a number of books and research papers on this and related subjects, including *Ibn Taymiyya and the Other*”; see <http://www.mardin-fatwa.com/speakers.php?id=1&art=13>. See also ‘Ā. AL-DŪSARĪ, *Ibn Taymiyya wa l-Ākbar* ([Cairo]: Maktabat al-Bukhārī, 2d ed. 1428/2007), downloadable in pdf from [www.4shared.com; Hakadba tahaddatha Ibn Taymiyya \[Thus spoke Ibn Taymiyya\]](http://www.4shared.com; Hakadba tahaddatha Ibn Taymiyya [Thus spoke Ibn Taymiyya]) (Beirut: al-Maktab al-Islāmī, 1428/2007), downloadable in pdf from <http://www.archive.org/details/shaikhislamibnt>.

⁸ L. WRIGHT, *The rebellion within. An Al Qaeda mastermind questions terrorism*, in *The New Yorker*, June 2, 2008; see http://www.newyorker.com/reporting/2008/06/02/080602fa_fact_wright?currentPage=all. See also his website: <http://b-alali.net/> and http://en.wikipedia.org/wiki/Hamid_bin_Abdallah_al-Ali. Several other texts criticizing the Mardin Conference can easily be found on the internet. It is not possible to take them all into consideration in this article. A number of them are listed below, p. 157, n. 95.

⁹ ‘Abd al-Wahhāb b. Nāṣir al-Ṭurayrī is a former professor at the Islamic Theological College of Imām Muḥammad b. Sa’ūd University in Riyadh and academic director of the *IslamToday (al-Islām al-Yawm)* website, expert in the sciences of *Shari’a* and Prophetic *Sunna*; see <http://www.alresalah.net/index.jsp?inc=16&id=115>. His *The Mardin Conference* can be read on several websites, including <http://muslimvillage.com/2010/07/07/the-mardin-conference-%E2%80%93-understanding-ibn-taymiyyah%E2%80%93fatwa/>.

Hijāzī (b. 1962).¹⁰ I will conclude with some reflections on the current evocations and relevance of Ibn Taymiyya and what is in effect a power struggle to represent Islamic authority after 9/11, as illustrated by the Mardin Conference and these four texts relating to it.¹¹

According to its website, the Mardin Conference was organized by two non governmental organisations based in the United Kingdom:

1) the *Global Centre for Renewal and Guidance (al-Markaz al-‘Ālamī li-l-Tajdīd wa-l-Tarshīd* – GCRG, London),¹² “an independent educational charity established to carry out research, publish, and collect resources on Islam and for the scholarly training of young Muslims. It is a think-tank committed to the notion that Islam has much to offer our troubled and challenged world”.¹³ The GCRG was launched on Sunday 26 August 2007 by the Mauritanian former minister of justice and well known scholar Shaykh ‘Abd Allāh b. Bayyah,¹⁴ who serves as chairman of its council of trustees and executive president. Also present were his Californian student Hamza Yusuf Hanson as trustee and vice-president, and the leading Saudi religious intellectual Dr. ‘Abd Allāh ‘Umar Naṣīf,¹⁵

¹⁰ On A. HIJAZI, see <http://balagbmouline.wordpress.com/2010/04/11/le-dr-akram-mohammed-hijazi/>. His *Ibn Taymiyyah Reviews*. English trans. (Anṣār al-Mujāhidīn English Forum, 8 Rajab 1431 / 21 June 2010) can be read on several websites, including <http://theunjustmedia.com/Islamic%20Perspectives/June10/Ibn%20Taymiyyah%20Reviews%20by%20Dr.Akram%20Hijazi.htm>. The original Arabic text, *Murāja‘āt Ibn Taymiyya!! Mu’tamar Mārdīn fī l-mīzān*, can be read on <http://www.itibad.org/node/501>.

¹¹ Comments and reactions on these texts can be found on the internet. For reasons of space, it is impossible to take them into consideration in this article.

¹² See his website on <http://www.binbayyah.net/gcr-main>.

¹³ See <http://www.mardin-fatwa.com/about.php?id=2>. On the Mardin Conference website, the presentation of the GCRG continues as follows: “A primary objective of the GCRG is to share the Islamic message of harmony, justice, balance, and humanity — and to harness its civilizing potential. It aims to produce a body of work that is solid in tradition, engaging in spirit, consensual in practice and relevant in context and is made accessible to decision-makers, policy strategists, religious and community leaders, politicians, diplomats, academics and the media by publishing them as research papers”. In a press communiqué jointly released in Arabic by the GCRG, Canopus Consulting and Artuklu University on 22 March 2010, the GCRG is presented as “a leading Islamic world centre engaged in the treatment of world issues and challenges, especially those of them that relate to peace and Islam”; see ‘A. bin Bayyah’s website (<http://www.binbayyah.net/index2.htm>), section “Conference of the GCRG: Mardin, Abode of Peace”, subtitle “Announcement of the Conference” (*al-i’lān ‘an iqāmat al-mu’tamar*) — there is in fact more information about the Conference in this section of ‘A. bin Bayyah’s website than on the official website of the Conference.

¹⁴ See his website on <http://www.binbayyah.net/portal/>. ‘A. bin Bayyah has also been minister of education and minister of religious affairs of Mauritania. Among many responsibilities, he is currently professor at King ‘Abd al-‘Azīz University in Jeddah, vice-president of the *International Union of Muslim Scholars* headed by Yūsuf al-Qaradāwī, and member of the *European Council for Fatwa and Research*. See also J. ESPOSITO & I. KALIN (eds), *The 500 Most Influential Muslims in the World. 2009* (Amman: The Royal Islamic Strategic Studies Centre – Georgetown: The Prince Alwaleed Bin Talal Center for Muslim-Christian Understanding, 2009), p. 74, no 30.

¹⁵ A geologist by training, ‘A. Naṣīf has held important positions in Saudi Arabia and the Islamic world, notably secretary-general of the *Muslim World League* in the 1980s, president of King ‘Abd al-‘Azīz University, president of the *World Muslim Congress* . . .

also a trustee.¹⁶ Two weeks before the Mardin Conference, the GCRG organized in Dubai a *Conference of Peace and Reconciliation of Somalia*.¹⁷

2) *Canopus Consulting*, an “independent organization” based in Bristol and “committed to research and advocacy work to create a greater understanding of the challenges and opportunities facing Muslims in the West in general and in Britain specifically”.¹⁸ According to a brief global terrorism analysis by *The Jamestown Foundation*, “an internet search did not reveal any prior activities of an NGO using the name *Canopus Consulting*, though the name is used by an apparently unrelated software firm,”¹⁹ in Bangalore, India. The Conference programme links *Canopus Consulting* and Aftab Ahmad Malik,²⁰ a visiting fellow at the Centre of Ethnicity and Culture at the University of Birmingham and publisher (Bristol, Amal Press), author of *The Broken Chain: Reflections upon the Neglect of a Tradition* (2001) and editor of various books on Islam, *jihād* and terrorism,²¹ close to the Zaytuna Institute founded by Hamza Yusuf Hanson in 1996.²²

¹⁶ Dr. Mozammel Haque, of the *Saudi Gazette*, compares the GCRG to the Tony Blair Faith Foundation and explains its creation by the fact that “peace-loving people of the world have started thinking about how to heal the scars created after the 9/11 incidents in the United States”. He then reports about a long interview in which Dr. ‘A. Naşif, “Chairman of the Centre”, told him, among other things, that “the main objective of the Centre is to do research and train people and give the true, authentic image of the Middle Way of Islam and the Straight Path which it is to eliminate the narrow-mindedness and fundamentalism which is not wise and not in anyone’s interest. But there is nothing new; it is all from the Qur’ān and *Sunna* and it is all from the life story of the *Ṣaḥāba* (Companions of the Prophet, peace be upon him). We are not claiming that we are introducing new ideas outside of Islam. It really originates from the deep Islamic thought and the *Sīra* of the *Ṣaḥāba*. This is the renewal. We can bring back the things which have become dormant in our society, to make people aware. This is the work of renewal and awareness”. For the full interview, see M. HAQUE, *Introducing global center for renewal and guidance*, on <http://www.saudigazette.com.sa/index.cfm?method=home.regcon&contentID=2008082515395>.

¹⁷ See <http://www.banadir24.com/read-article-273.html>.

¹⁸ See <http://www.mardin-fatwa.com/about.php?id=2>. On the Mardin Conference website, the presentation of *Canopus Consulting* continues as follows: “This shall be achieved, in part, by convening forums that bring together experts to debate, discuss and unpack critical issues that inhibit Muslims from engaging with or becoming integral stakeholders in broader society in addition to clarifying matters relating to faith in the contemporary context. Our consultants comprise a global network of specialists spanning various Islamic disciplines, including theology, law, psychology and education. As an independent organization based in the United Kingdom, Canopus Consulting works alongside government, statutory bodies, educational institutions and grassroots organizations, in its commitment to identify and address the root causes of the dissonance experienced and perceived by young Muslims.” Part of this presentation of Canopus Consulting appears in translation in the 22 March 2010 Arabic press release already quoted.

¹⁹ ANONYMOUS, *Controversial gathering of Islamic scholars refutes al-Qaeda’s ideological cornerstone*, in *Terrorism Monitor Volume 8*, Issue 14, 9 April 2010; see [http://www.jamestown.org/programs/gta/single/?tx_ttnews\[tt_news\]=36248&tx_ttnews\[backPid\]=26&cHash=d9a2cd2442](http://www.jamestown.org/programs/gta/single/?tx_ttnews[tt_news]=36248&tx_ttnews[backPid]=26&cHash=d9a2cd2442).

²⁰ See <http://www.mardin-fatwa.com/program.php>.

²¹ For his CV and bibliography, see http://www.amalpress.com/index.php?l_dis=our_authors&action=open&id=38. A. A. Malik is also the editor of Harun YAḤYA, *Islam denounces terrorism*. Trans. C. ROSSINI & R. EVANS (Bristol: Amal Press, 2002).

²² “Aftab Malik [. . .] has been brought on as a consultant to help steer Zaytuna’s Distance Learning program on a path of growth” (Zaytuna Newsletter, Summer 2008; see <http://www.zaytuna.org/newsletter/education.html>).

According to various press reports, indirect financial support for the Conference came from the British and the Turkish governments.²³

Twelve speakers are listed with short biographies on the Conference website (in alphabetical order):

- 1) Professor Aḥmad 'Ābidī Arānī (Iran), professor at the School of Divinity, University of Qom.
- 2) Shaykh 'Abd Allāh bin Bayyah (Mauritania, b. 1935), already mentioned above.
- 3) Dr. Muṣṭafā Cerić (Visoko, b. 1952),²⁴ the President of the *Council of Ulema* and Grand Mufti of Bosnia-Herzegovina.
- 4) Shaykh 'Ā'id b. Sa'd al-Dūsarī (Saudi Arabia), already mentioned above.
- 5) Shaykh Ḥabīb 'Alī Zayn al-'Ābidīn al-Jifrī (Jeddah, b. 1971),²⁵ a Bā'Alawī Sufi, the founder and general director of the *Tābah Foundation* (Abu Dhabi), and deputy dean of *Dār al-Muṣṭafā for Islamic Studies* in Tarim (Yemen).
- 6) Shaykh Moḥammad al-Mukhtār Wuld Im'Bāllah (Ould M'Balle; Mauritania), adviser to the Mauritanian president and member of his country's Commission of Ulema in charge of the dialogue with Salafists, an "open-minded but rigorous erudite, with a perfect knowledge of the Arabic language and Qur'ānic exegesis"²⁶.
- 7) Dr. 'Abd Allāh Naṣīf (Jeddah, b. 1939), already mentioned above.
- 8) Prof. Dr. 'Arif al-Nāyiḍ (Aref Ali Nayed; Libya, b. 1962),²⁷ the founder and director of *Kalam Research & Media (KR&M)* in Dubai, UAE, and professor of Islamic theology, logic, and spirituality, former professor at the Pontifical Institute for Arabic and Islamic Studies (Rome) and at the International Institute for Islamic Thought and Civilization (ISTAC, Malaysia), senior advisor to the Cambridge Interfaith Programme at the Faculty of Divinity in Cambridge, UK, etc.
- 9) Professor Ahmet Özel (Turkey, b. 1952), associate professor at the Istanbul based Islamic Research Centre (ISAM), author of *The Concept of Territory in Islamic Jurisprudence: Dār al-Islām – Dār al-Ḥarb*.²⁸
- 10) Dr. Hānī 'Abd al-Shakūr (Saudi Arabia), professor of fundamentals of the religion (*uṣūl al-dīn*) at King 'Abd al-'Azīz University.
- 11) Dr. Muḥammad 'Uzayr Shams (India), an expert in Islamic manuscripts and editor of a number of works by Ibn Taymiyya.²⁹

²³ See for example ANONYMOUS, *Controversial gathering*: "The conference received financial support from the Turkish and British governments".

²⁴ See http://en.wikipedia.org/wiki/Mustafa_Ceric; see also J. ESPOSITO & I. KALIN (eds), 500, p. 78, no 39.

²⁵ See his website on <http://www.alhabibali.com/en/>; see also J. ESPOSITO & I. KALIN (eds), 500, p. 77, no 37.

²⁶ From the blog of M. F. BARRADA; see <http://barrada.unblog.fr/2007/09/10/nomination/>.

²⁷ See KR&M's website on <http://www.kalamresearch.com/staff.html>; <http://www.aalabayt.org/ar/cv/cv73.html#>; J. ESPOSITO & I. KALIN (eds), 500, p. 92.

²⁸ A. ÖZEL, *İslâm hukukunda ülke kavramı: Dârulislâm, dârulharb* (Istanbul: İz Yayıncılık, 'İnceleme-araştırma dizisi, 51', 1998); see also <http://www.webhatti.com/sanat/51300-ahmet-ozel.html>.

²⁹ See for example Bakr b. 'Abd Allāh Abū ZAYD (ed.), *al-Jāmi' li-sīra Shaykh al-Islām Ibn Taymiyya kbiḥal sab'a qurūn* [Collection of Biographies of Shaykh al-Islām Ibn Taymiyya during Seven Centuries].

12) Dr. ‘Abd al-Wahhāb b. Nāṣir al-Ṭurayrī (Saudi Arabia), already introduced above.³⁰

These twelve speakers form a surprisingly heterogeneous constellation of “Islamic scholars”. Some are old and others young. Some are traditional ulema and others cyber-shaykhs. They have, or do not have, important political or administrative responsibilities. Some are better known to Western Muslims and Islamic Studies specialists for spiritual charisma or interreligious activism than for academic publications, while others are almost totally unknown to them. Four of them are listed among the 500 most influential Muslims of 2009 and are signatories of the declaration *A Common Word Between Us and You*. Bosnia, India, Iran, Libya and Turkey have one representative each and Mauritania two. Five are from Saudi Arabia, where two others have also studied or are working. No Western specialist of the Mamlūk Shaykh al-Islam is amongst these twelve announced speakers and only two of them, ‘Ā. al-Dūsarī and M. ‘U. Shams, are published Taymiyyan scholars.

In his *Reflections*, ‘Ā. al-Dūsarī offers the direct testimony of an insider. Preferring to call the Mardin Conference a “meeting” rather than a “conference”, he complains bitterly about its poor organization and severely criticizes the lack of expertise of a number of its participants: “Some eminences and ulema were present. However, a proportion of the participants were not specialized in Ibn Taymiyya, nor in his legacy, or did not even belong to his school.” Most interestingly, he goes further in his criticisms by questioning the impartiality, vis-à-vis Ibn Taymiyya, of a number of people who had originally been invited or actually took part in the Conference: “What should have been done [. . .] was to invite impartial personalities [. . .] Now, this is something that did not happen with the original list and, similarly, in a great measure, with those [actually] present.”³¹

Collected & indexed by M. ‘U. SHAMS & ‘A. b. M. AL-‘UMRĀN (Mecca: Dār ‘Ālam al-Fawā'id li-l-Nashr wa l-Tawzī', 1422/2001), 817 p.

³⁰ These twelve names do not correspond exactly to those announced in the Arabic 22 March 2010 press release already mentioned: A. Arānī, ‘A. bin Bayyah, M. Cerić, Ḥ. al-Jifrī, ‘A. Naṣīf, A. Özel, ‘A. al-Ṭurayrī, “al-Shaykh Ḥamza Yūsuf Hānson, head of al-Zaytūna Institute (America)” and “Qāḍī Shaykh ‘Abd Allāh Wuld ‘Alī Sālim, president of the Supreme Constitutional Council in Mauritania”. As for the programme of the Conference, it mentions the names of A. Arānī, ‘A. bin Bayyah, M. Cerić, ‘Ā. al-Dūsarī, Ḥ. al-Jifrī, ‘A. Naṣīf, ‘Ā. al-Nāyid, A. Özel, ‘A. Sālim, H. al-Shakūr, M. Shams, ‘A. al-Ṭurayrī, plus Dr. Aḥmad Raisouni, Dr. Aḥmad Senduni (Rapporteur), Dr. Muḥammad ‘Abd al-Ghaffār al-Sharīf and Dr. Nāṣir Yaḥyā al-Ḥunaynī, Assistant professor at Imām Muḥammad b. Sa‘ūd University in Riyadh (b. 1389/1969); see <http://www.mardin-fatwa.com/program.php>. According to an internet report on the first day of the Conference, ‘Alī al-Qara Dāghī, “member of the Executive Bureau of the World Union of Muslim Scholars” was also one of the speakers; see <http://www.binbayyah.net/GCRG/mardin1.htm> (‘A. bin Bayyah’s website offers no similar report for the second day of the conference). ‘Ā. al-Dūsarī reports the participation of Prof. Dr. ‘Abd Allāh al-Barrāk, from King Sa‘ūd University, Riyadh; see ‘Ā. AL-DŪSARĪ, *Reflections*, translated below, p. 163–71. Akram Ḥijāzī adds the name of Ḥassān Filimbān (Saudi Arabia); see his *Ibn Taymiyyah Reviews*.

³¹ ‘Ā. AL-DŪSARĪ, *Reflections*, translated below, p. 164. What ‘Ā. al-Dūsarī exactly means by the “original list of invitees” is not clear. He perhaps refers to the list of announced speakers included in the 22 March 2010 press release mentioned above (p. 133, n. 13), in which the name of Hamza Yusuf Hanson appears.

As, according to 'Ā. al-Dūsarī, the idea of the Mardin Conference originated neither among Taymiyyan experts nor in pro-Taymiyyan quarters, where and who did it come from? He sees in the *Global Centre for Renewal and Guidance* "the principal convener and organizer of the Conference". 'A. al-Ṭurayrī is more forthright: "The Conference was convened by the *Global Center for Renewal and Guidance* (GCRG) in cooperation with Mardin's Artuklu University [. . .] The conference was chaired by the eminent scholar Shaykh Abdullah Bin Bayyih. Indeed, the conference was his initiative."³² The reality, however, was probably more complicated.

Shaykh 'Abd Allāh b. Bayyah has authored, among many other publications in Arabic, books and research papers on human rights, tolerance, jurisprudence for Muslim minorities, the meaning of *jihād* and the struggle against terrorism, international cooperation and shared values, and Islam as a religion of love and of the middle way; nothing, however, with a title explicitly mentioning Ibn Taymiyya or relating to the diverse types of domain — of Islam or of unbelief, of peace or of war, etc. — according to the Way/Law of Islam. One therefore wonders what could have triggered in him so much sudden interest in Ibn Taymiyya's Mardin fatwa that he decided to put together a conference about it. For sure, the former Mauritanian minister and founder of the GCRG is well connected, not only to the Saudi political and religious establishment and Islamic finance by his work as professor at King 'Abd al-'Azīz University in Jeddah, but also to neo-traditional Muslims in the United Kingdom and the United States through Hamza Yusuf Hanson, his student, GCRG's vice-president and founder of the Zaytuna Institute, originally announced as a speaker of the Mardin Conference but who finally did not attend it.³³ One must remember moreover that since 2006, in the UK and elsewhere, an English translation of Ibn Taymiyya's Mardin fatwa can be found in *Muslims under non-Muslim Rule*, with a study of its content, historical context and originality, modern Islamist readings and usefulness for our time. Could it be that some Western member of 'A. bin Bayyah's transnational network somehow brought this work to his attention and thereby led him to revisit Ibn Taymiyya's fatwa and have a conference organized about it?

A pivotal role seems to have been played by Aftab A. Malik of *Canopus Consulting* and the Zaytuna Institute. According to a report in the Turkish e-press, at the beginning of February 2010, "a delegation from the Zaytuna Islamic Research Centre, in Central America, paid a visit to the mayor of Mardin, Mehmet Beşir Ayanoğlu. Composed of Haider Ali, Aftab A. Malik, Zeshan Zafer, Hyder Abbasi, Mesud Ahmed Khan, this delegation wanted mayor Ayanoğlu's support for a symposium on the subject 'Mardin, domain of tolerance (*Hoşgörü Diyarı*)' planned to be held in Mardin."³⁴ A few days before the Conference, it is also Aftab A. Malik who explains to *Hürriyet Daily News* the

³² 'A. al-ṬURAYRĪ, *The Mardin Conference*.

³³ See the list of announced speakers in the 22 March 2010 press release already mentioned (see p. 136, n. 30).

³⁴ ANONYMOUS, *Mardin'de "Hoşgörü Diyarı Mardin" konulu sempozyum düzenlenecek*, see <http://www.haberler.gen.al/2010-02-03/mardinde-hosgoru-diyari-mardin-konulu-sempozyum-duzenlenecek/>, 3 February 2010.

reason for choosing to hold a conference in Mardin: “‘This justification for violence, known as the *Mardin fatwa*, has become a tool for radical terrorist groups,’ said Aftab Malik, head of an Islamic Institute in Britain and one of the organizers of next weekend’s meeting. ‘That’s why we have chosen Mardin.’”³⁵

Judging from his statements during an interview on Aljazeera one month after the Mardin Conference, ‘A. bin Bayyah seems to have been particularly preoccupied by the danger of such Islamist uses of Ibn Taymiyya’s fatwa — uses or, rather, abuses, as explained in *Muslims under non-Muslim Rule* in reference to a number of modern texts. Did this book play any part in raising the Mauritanian shaykh’s awareness of such developments and of the importance of a correct understanding of Ibn Taymiyya’s fatwa? It is surely possible that this may have been the case, and consequently have contributed to the genesis of the Mardin Conference idea, after one reads ‘A. bin Bayyah’s answer, during the Aljazeera programme just mentioned, to a question tracing back to Ibn Taymiyya’s Mardin fatwa the terrorist operations perpetrated by some jihādīst movements: “There are some youth, in Europe, who carried out an operation of killing (*‘amaliyya qatl*) and based themselves on the translation [of the Mardin fatwa] into English by the writer Yahya Michot, a Belgian Muslim who did not intend any of this (*mā kān^a yaqṣid^a shay^{‘an}*) but had translated [the text] that he had at his disposal. He translated ‘combat’, i.e. *yuqāṭal^a*. This translation into French and English influenced these young zealots who read it *yuqāṭal^a* and insist that the other should be combated, with the consequence that it is possible for anybody to combat any other person.”³⁶

On this *yuqāṭal^a*, more will be said below. As for our exploration of the origins of the Mardin Conference, it would be difficult to go further without getting a more detailed explanation directly from ‘A. bin Bayyah. One could also ask the Mauritanian shaykh to provide evidence for his claim that some young European Muslim zealot(s) found in my French and/or English translations of Ibn Taymiyya’s Mardin fatwa the green light for some “operation of killing”.³⁷ To be sure, ‘A. bin Bayyah exonerates me from any ill intent; nevertheless his claim is too serious to be left undocumented. The whole argument of *Muslims under non-Muslim Rule*, resting on Ibn Taymiyya’s Mardin fatwa, is a clear and explicit delegitimization of hostilities in complex environments like Mardin.

³⁵ ANONYMOUS, *Islamic Scholars to Rethink Jihad in Turkey’s Mardin*, in *Hürriyet Daily News*, 22 March 2010; see <http://www.hurriyetdailynews.com/n.php?n=islamic-conference-in-mardin-to-correct-centuries-old-8216jihad-fatwa8217-2010-03-22>, reprinted in *Turkish Weekly*, 23 March 2010; see <http://www.turkishweekly.net/news/100182/islamic-scholars-to-rethink-jihad-in-turkey-39-s-mardin.html>.

³⁶ ‘A. BIN BAYYAH, excerpt of interview with ‘U. ‘Uthmān on Aljazeera TV, programme *The Law (sharī‘a) and Life: The Jurists and the Division of the World*, 13 April 2010; video and transcript on <http://www.aljazeera.net/NR/exeres/A2966280-3615-4430-AFFF-55C9BCD17631.htm>.

³⁷ In October 2010, I sent two questions to ‘A. bin Bayyah: 1) Can you please tell me more precisely which “operation of killing (*‘amaliyya qatl*)” you are referring to in your Aljazeera TV interview? 2) As convener of the Mardin Conference, which role, if any, do you consider that my 2006 book *Muslims under non-Muslim Rule* (or its 2004 French version, *Mardin*) played in the genesis of this Conference? I am still waiting for a reply to these queries.

It is very difficult therefore to see how that book could possibly be read to mean the opposite of that, still less inspire someone to take actions which are the opposite of that. But therein lies the problem: did 'A. bin Bayyah read *Muslims under non-Muslim Rule* (or *Mardin*, its French version)? And if he did not read the book himself but just heard about it, what was he told and by whom? One of the personalities hostile to Ibn Taymiyya mentioned by 'Ā. al-Dūsarī? Or someone who realized, from reading *Muslims under non-Muslim Rule*, how anachronistic, unfaithful and wrong the modern Islamist readings of the Mardin fatwa studied therein are and who then used that reading to contrive a media scoop to serve his own ideological agenda and private interest, with very little (if any) respect for the intricacies of historiography, medieval or modern, and no respect at all for the good scholarly habit of acknowledging others' work? Hence this passage of the text introducing the conference on its website: "Little was [Ibn Taymiyya] to know that his fourteenth-century response would find itself being cited to justify indiscriminate violence, insurrection and the excommunication of Muslims in the twenty-first century."³⁸ Hence also 'Ā. al-Dūsarī's amazement, in his *Reflections*, at the "alarmist and inflated language" used in the media about a conference which they "described as an operation of interment of Ibn Taymiyya's fatwa and of prosecution of" its author, although the whole matter was, in his opinion, "closer to being a 'storm in a tea cup'".

At this point, it becomes clear that if the very scholastic *Muslims under non-Muslim Rule* did play a role in the gestation of the Mardin Conference project, it is entirely innocent of the conception of that project as media sensationalism. It is indeed bizarre, even ludicrous, that an academic work expounding Islamist hijackings of Ibn Taymiyya's Mardin fatwa should itself have been hijacked for a performance of anti-Islamist peace and tolerance show-biz.

* * *

According to its website, "this conference was organized [. . .] in order to discuss the rules of issuing fatwas in general and the implications of the Mardin fatwa in particular."³⁹ In a press communiqué on 22 March 2010, Mardin Artuklu University announced that the object of the Conference would be "the discussion of the historic events that took place when the 14th century thinker Ibn Taymiyya issued the Mardin fatwa [. . .] During the Conference, a different approach and view of Ibn Taymiyya's fatwa will be explored, as well as those of the people who use this fatwa to resort to violent actions in the name of Islam [. . .] The Conference will close with all the thinkers signing a collective declaration establishing the right interpretation of the Mardin fatwa, from the viewpoint of the peace which is [central] in the tradition of Islam."⁴⁰ Before the Conference, Aftab A. Malik explained to the Turkish press: "The *Mardin fatwa* is known to be the principal of the

³⁸ See <http://www.mardin-fatwa.com/about.php>. This statement is also left undemonstrated by its author.

³⁹ See <http://www.mardin-fatwa.com/about.php>.

⁴⁰ See <http://www.artuklu.edu.tr/Etkinlikler.asp?Id=20>. This communiqué corresponds to the 22 March 2010 press release already mentioned (see p. 133, n. 13).

religious arguments that radical groups use to legitimize their actions. It has become a fatwa calling the Muslims to wage war against administrations that are not Islamic. We will discuss whether this fatwa is, or is not, valid for today's conditions."⁴¹ In the New Mardin Declaration issued at the end of the Conference, one reads that the participants "gathered in order to collectively study one of the most important (classical juridical) foundations of the relations between Muslims and fellow human beings, namely: the (classical juridical) classification of 'domains' (*diyār*), as Islamically conceived, and other related concepts such as *jihād*, loyalty and enmity [*al-walā' wa l-barā'*], citizenship, and migration (to non-Muslim territories). They selected this juridical conceptual distinction because of its importance in the grounding of peaceful and harmonious co-existence and cooperation for good and justice between Muslims and non-Muslims, provided that it is understood in consonance with normative religious texts and maxims, and in light of higher objectives of Islamic Law." For 'Ā. al-Dūsarī, "the aim pursued by the Conference" was "a guidance (*tarshīd*) [regarding] the Mardin fatwa, presenting the correct reading of it, and influencing the groups who consider Ibn Taymiyya their reference."⁴² For 'A. al-Ṭurayrī, Shaykh 'A. bin Bayyah's "hope for the conference was to take Ibn Taymiyah's Mardin fatwa from the specific geographical focus for which it was intended to a broader global focus and from the contingencies of Ibn Taymiyah's time to a timeless understanding. To achieve this goal, the conference needed to investigate a number of topics: 1) A full conceptual understanding of the fatwa was needed; 2) The correct text of the fatwa had to be determined and errors in transmission identified; 3) A correct understanding of the Mardin fatwa must be determined on the basis of the above; 4) The fatwa's benefits for the present day must be investigated."⁴³

Judging from these documents emanating from its organizers and two participants, there was some fluctuation in the way the aims and objectives of the Conference had been thought of. Different agendas were probably in competition and the deficient historical information of some obviously made things worse. This is particularly manifest in the *Hürriyet Daily News* article of 22 March 2010, already alluded to, in which Aftab A. Malik is quoted calling the Mardin fatwa "this justification for violence". According to this article, "a radical 'fatwa,' or religious opinion, decreed by a scholar in Mardin seven centuries ago will be questioned next weekend in the same city by an international team of top Islamic scholars. More than 20 authoritative clerics [. . .] will discuss why 'jihād', or holy war, should be understood in a more peaceful perspective. The story goes back to the 13th Century, when much of the Muslim Middle East was occupied by Mongols. The latter destroyed many Muslim cities and massacred whole populations, but over time, some of the ruling Mongols converted to Islam. Yet they continued to implement their pre-Islamic 'yāsā,' or law, rather than the *Sharī'a* devised by Islamic scholars. It was Ibn

⁴¹ Quote in N. GÜNEŞ & A. AVUKA, *Mardin fetvası masada*, in *Hürriyet*, 28 March 2010; see <http://www.hurriyet.com.tr/gundem/14241537.asp>.

⁴² 'A. AL-DÜSARĪ, *Reflections*, translated below, p. 165.

⁴³ 'A. AL-ṬURAYRĪ, *The Mardin Conference*.

Taymiyyah of Ḥarrān, a scholar from the strict Ḥanbalī school, who condemned this 'half Islam' and renounced the Mongols as hypocrites rather than real Muslims. He also argued it was a religious obligation for 'real Muslims' to wage jihad on these 'apostates.' In the modern age, radical Islamist groups such as the Takfir wa l-Hijra (Excommunication and Exodus) of Egypt have referred to this fatwa by Ibn Taymiyyah in order to denounce and attack Muslims who disagree with their interpretation of the *Shari'a*. Terrorist groups such as al-Qaeda have also used the same source of justification."⁴⁴



From left, Akram Hījāzī, Hāmid al-'Alī, 'Abd al-Wabbāb al-Ṭurayrī, 'Ā'id al-Dūsarī

In this text of the *Hürriyet Daily News* as in Aftab A. Malik's other various declarations to the Turkish press, there is a manifest confusion between Ibn Taymiyya's Mardin fatwa and his three much more famous anti-Mongol fatwas.⁴⁵ This confusion is most unfortunate for at least two reasons. One, there is no mention of the Mongols in the Mardin fatwa and no mention of Mardin in the anti-Mongol ones. Two, as explained in *Muslims under non-Muslim Rule*, there is a clear difference in tone between the Mardin fatwa and the anti-Mongol ones: here Ibn Taymiyya refuses to consider Mardin as a domain of war; there he calls to armed resistance against the Tatar invaders.⁴⁶ Such a confusion is not new and can be traced back to the poor scholarship of Islamist extremists like the Egyptian electrician Muḥammad 'Abd al-Salām Faraj or of some new orientalists like Steven Simon and Gilles Kepel, in whose writings the same confusion is also found.⁴⁷

The unclear goals of the conference and the distorted, unduly alarmist, presentation of the Mardin fatwa by some of its organizers and the press might contribute to explain why the Head of Turkey's Directorate of Religious Affairs, Ali Bardakoğlu, refused to participate in it. According to *Today's Zaman*, he rejected the Mardin conference project as "incredibly meaningless" from the beginning: "The opinions that the scholars of Islam

⁴⁴ ANONYMOUS, *Islamic Scholars to Rethink Jihad in Turkey's Mardin*.

⁴⁵ These three fatwas are published in IBN TAYMIYYA, *Majmū' al-Fatāwā [MF]*, ed. 'A. R. b. M. IBN QĀSIM, 37 vols. (Rabat: Maktabat al-Ma'ārif, 1401/1981), vol. xxviii, p. 501–553. They are studied and partially translated in Y. MICHOT, *Textes spirituels d'Ibn Taymiyya. XI–XIII: Mongols et Mamlûks: l'état du monde musulman vers 709/1310*, in *Le Musulman*, 24–26 (Paris: A.E.I.F., 1994–1995), p. 26–31, 25–30, 25–30; Th. RAFF, *Remarks on an anti-Mongol Fatwā by Ibn Taimīya* (private publication), Leiden, 1973. See also Y. MICHOT, *Muslims*, p. 49–57.

⁴⁶ See Y. MICHOT, *Muslims*, p. 50–53.

⁴⁷ See Y. MICHOT, *Muslims*, p. 101–107, 34–36.

give have a validity restricted by their own time and conditions of that time [. . .] Just tying everything in the Middle East — bloodshed, violence, tears, terrorism — to the Mardin fatwa is a hapless approach that is truly blind, ignoring the true causes of events by associating Islam and Islamic scholars with negative occurrences such as violence and terrorism and holding Islamic scholars who lived centuries ago responsible for them.”⁴⁸ There was, however, no consensus on the irrelevance of the conference among the Turkish governmental authorities. Ibrahim Kalin, top advisor to the Prime Minister R. T. Erdoğan, is alleged to have given his support to the organization of the event, saying: “This is an important opportunity to show the world that Islam is in fact a religion of peace and tolerance.”⁴⁹

One year after the end of the Mardin Conference, the page of its website announcing “a selection of the transcripts in English, Arabic and Turkish” does not yet display more than one text: *Duties of Proximity: Towards a Theology of Neighbourliness* by ‘Ā. ‘A. al-Nāyid, a multi-use manifesto for mutual compassion and peace, artificially linked to Mardin by flowery language in the first, second and last paragraphs but in which Ibn Taymiyya’s name and the word *fatwa* do not appear even once.

What else did the Conference achieve? According to its website, “the following issues were examined: 1) Understanding the Mardin fatwa in context: the era and its ambiguities; 2) The historical significance of the fatwa; 3) The categorization of an abode from an historical viewpoint and in light of globalization and modern communication; 4) Understanding *jihād*: the conditions of armed combat and its rules of engagement — as defined by Ibn Taymiyya and the UN Charter; 5) Concepts of peace and coexistence in Islamic thought.”⁵⁰ In the absence of published proceedings, one could consult the numerous media reports to review what was actually said and discussed in Mardin. Coming from a participant, ‘Ā. al-Dūsarī’s testimony already referred to above can however be assumed to be superior to those of journalists and it comes with an implacably negative judgement: “In my personal view, the Mardin Conference does not rise to the level of a ‘conference’ as it was lacking the conditions the fulfilment of which is required in a conference. Or even, I would not exaggerate by saying that it fell short of being a ‘scientific colloquium’. It would be possible to say that it was a cultural, journalistic, public meeting, lacking depth and scientific foundation.”⁵¹ Moreover,

⁴⁸ Quotations in R. DAVENPORT, *Bardakoglu: Mardin anti-terrorism conference “meaningless”*, in *Today’s Zaman*, 2 April 2010; see <http://www.todayozaman.com/tz-web/news-206145-bardakoglu-mardin-anti-terrorism-conference-meaningless.html>.

⁴⁹ Quotation in ANONYMOUS, *Islamic Scholars to Rethink Jihad in Turkey’s Mardin*.

⁵⁰ See <http://www.mardin-fatwa.com/about.php>.

⁵¹ ‘Ā. AL-DŪSARĪ, *Reflections*, translated below, p. 164. The few glimpses given in Arabic on ‘A. bin Bayyah’s website (<http://www.binbayyah.net/GCRG/mardin1.htm>) about the talks delivered during the first session of the Conference seem to confirm ‘Ā. al-Dūsarī negative judgement: ‘Abd Allāh Naṣīf “presented the GCRG and its goals aiming at discussing the ideas and conceptions resulting in the behaviour from which we suffer in the Islamic world.” Al-Ḥabīb al-Jifri “alluded to the importance of this Conference in reason of its time and place. In this time, the *Umma* suffers from the fact that many lean on this kind of fatwas without perceiving and realizing [what is at stake]. This place, the city of

‘Ā. al-Dūsarī “noted a clear incapacity to answer the sensitive and complex questions of some of the attendees, which led some of them to leave angry, and others to complain about the [speakers] eluding to answer clearly and unambiguously.”⁵²

That said, one must acknowledge that the Mardin Conference concluded with the publication of an impressive-sounding document in Arabic and in English: the “New Mardin Declaration”. This New Declaration rightly celebrates “the significant intellectual, civilizational, symbolic meaning” and the “exceptional” nature of a fatwa whose author went beyond the categories of the jurists of his time and provides a model to emulate by modern ulema. On the other hand, it condemns all appropriations and uses of Ibn Taymiyya’s Mardin fatwa that call to, or justify, anathematization (*takfīr*) of fellow Muslims, political rebellion and any kind of terrorism. Somehow, the New Mardin Declaration thus develops along the same lines as, and gives a wider echo to, conclusions reached a few years earlier in *Muslims under non-Muslim Rule*. It nevertheless also does something else as it strives for broadly tolerant, irenic statements that have more to do with an anti-Islamist ideology than with a sober academic exploration of Ibn Taymiyya’s Mardin fatwa.⁵³ This is probably a consequence of, not only the competing agendas that led to the Conference project, but also the light scholarship that made some of its organizers, just like a number of Islamist militants and

Mardin, takes us back to the circumstances and the environment in which this important fatwa [was issued].” ‘Alī al-Qara Dāghī “rendered his judgement about the fatwa and how it had been concretely applied in a wrong way, which has led to catastrophic results. He asked that only ulema rooted [in knowledge] touch on this kind [of topics], and that fatwas be collective concerning such dangerous issues.” ‘Abd al-Wahhāb al-Ṭurayrī “presented the history of this great country — Turkey — and the sublime ways that it has served Islam. He praised the idea of the Conference and said that it was the opportunity to revisit our scientific legacy as people seeking inspiration, loving and correcting, not as people hating, taking vengeance and abolishing.” ‘Abd Allāh bin Bayyah “showed that the Mardin fatwa concerning the [concept of] domain (*dār*) was one of the Taymiyyan fatwas relating to Mardin but related to the attribute of domain and had its singularity and specificity. Indeed, in that time, according to the well known typology, a domain was either a domain of Islam, or covenant, or war. The Shaykh al-Islām, on the basis of what he had noticed in the composition of this domain [of Mardin] — the existence of an intermixing between the two types — judged that it was a domain possessing [various] aspects, due to the existence of Islamic institutions and Muslims.” Nothing is said about the papers delivered during the following sessions of the Conference.

⁵² ‘Ā. AL-DŪSARĪ, *Reflections*, translated below, p. 165.

⁵³ In his *Ibn Taymiyyah Reviews*, Akram Ḥijāzī considers that “the Fatwa of Ibn Taymiyya was not itself the goal of the conference even though it had announced it was based upon his works and thought. Rather the goal was to demolish the idea of dividing the Islamic world into two abodes (the abode of Islam and the abode of war; *Dār al-Islām* and *Dār al-Ḥarb*).” About the “mutual toleration, peaceful co-existence, justice and security” called for by the New Mardin Declaration, he remarks: “This tiresome co-existence among creeds, ethnicities and nationalities ignore the vicious wars against Islam and the Muslims, the defamation of their reputation and image, the attack on their Prophet, the prohibition on building mosques and minarets, the ban on *niqābs*, the war on the *ḥijāb*, firing upon and hacking the glorious Qur’ān, tearing the flesh of Muslim women and slaughtering innocents. This kind of co-existence is not reflected in the statement, and is not recognized in it, and it does not hold to account any international law or aggressor nation for any kind of responsibility, rather this word is not reflected in the statement in the first place.”

mediocre orientalists, confound Ibn Taymiyya's Mardin fatwa and his three famous anti-Mongol ones. This is particularly manifest in the first conclusion of the New Mardin Declaration, which states that "... leveling the charge of *kufr* (unbelief) against fellow Muslims, rebelling against rulers, deeming game their lives and property, terrorizing those who enjoy safety and security, acting treacherously towards those who live (in harmony) with fellow Muslims or with whom fellow Muslims live (in harmony) via the bond of citizenship and peace [...] the fatwa deems all of that unlawful" (*ḥarrama*). The truth is that, unlike what he does in his anti-Mongol fatwas, Ibn Taymiyya, in his Mardin fatwa, speaks neither of anathematization (*takfīr*) nor of rebellion (*kburiy 'alā*) against rulers. In the latter, it would also be difficult to find many of the other points that, according to the New Mardin Declaration, are prohibited therein.⁵⁴

Although there is no mention of it in the New Mardin Declaration, a point achieved during the Conference is given enormous importance by its convener — 'A. bin Bayyah — and others: the correction, in the last sentence of Ibn Taymiyya's fatwa, of a textual mistake found in its printed editions, i.e. the establishment of the supposedly original, authentic, right wording of the Mardin fatwa. For 'Abd al-Wahhāb al-Ṭurayrī, "if the Mardin Conference achieved nothing other than to bring this error to light and correct it, then this would have been accomplishment enough."⁵⁵ This takes us back to the term *yūqāṭal*^u that I mentioned in the first pages of this article.

In *Muslims under non-Muslim Rule*, the end of the Mardin fatwa is translated as follows: "Rather, [Mardin] constitutes a third type [of domain], in which the Muslim shall be treated as he merits, and in which the one who departs from the Way/Law of Islam shall be combated as he merits."⁵⁶ The Arabic text of the Saudi edition of Ibn Taymiyya's fatwas on which this translation is based indeed gives: *bal biya qism^{um} thālith^{um} yu' āmal^u*

⁵⁴ According to Akram Ḥijāzī (*Ibn Taymiyyah Reviews*), "the final statement for the conference believes that 'Responsibility falls upon the scholars of the *Umma* to clearly and explicitly condemn all forms of violence-to-change or protest inside or outside Muslim societies and state the truth without obscurity or ambiguity.' As for what pertains to 'Fighting in the Cause of Allāh': 'The law and authority to execute and implement it is entrusted first to those who lead the community (heads of state) as a political decision with weighty consequences derived from that.' Therefore, 'It is not permitted for the individual Muslim or a group of Muslims to declare war or engage in combative *jibād* of their own accord. This (restriction) is to prevent much evil and to truly uphold religious texts on this matter.' " He then adds: "No doubt that this language was not drafted with any connection to the Ibn Taymiyya fatwa worth mentioning."

⁵⁵ 'A. AL-ṬURAYRĪ, *The Mardin Conference*.

⁵⁶ Y. MICHOT, *Muslims*, p. 65. In his *Understanding Jihad* (Berkeley: University of California Press, 2005, p. 64), David Cook gives the following translation of the end of the fatwa: "The Muslim in it acts according to the level that he is able, and fights the outside [presumably the Mongols] on behalf of the *sharī'a* of Islam according to what he is able." Based as it is on a confusion between the first and third verbal forms of the root 'ML, '*amila*, "to act", and '*āmala*, "to treat", and reading the two passive verbs *yū' āmal^u*, "shall be treated", and *yūqāṭal^u*, "shall be combated", as active ones (*yū' āmil^u* and *yūqāṭil^u*), D. Cook's translation is bound to have been completely wrong. Similarly wrong is the translation of A. Ḥijāzī, *Ibn Taymiyyah Reviews*, Appendix 2: "Rather there is a third classification in which the Muslim appropriately acts, and battles those who are outside the *Sharī'a* of Islam as befits him";

l-muslim“ *fī-bā bi-mā yastahiqqu-h*“ *wa yuqāṭal*“ *l-kbārī*“ ‘*an sharī‘at*‘ *l-islām*‘ *bi-mā yastahiqqu-h*“.⁵⁷ According to ‘A. bin Bayyah, *yuqāṭal*“ (“shall be combated”) should be corrected into *yu‘āmal*“, the translation then becoming: “Rather, [Mardin] constitutes a third type [of domain], in which the Muslim shall be treated as he merits, and in which the one who departs from the Way/Law of Islam shall be *treated* as he merits.” In his Aljazeera interview already quoted, the Mauritanian scholar explains how he was led to make this correction and its importance: “If you allow me, I will tell you that this mistake is a serious mistake. Indeed, in this fatwa, Ibn Taymiyya mentions that in this domain [of Mardin] two things are found and that it is necessary that the Muslim be treated as he merits and that the one who departs from the Way/Law of Islam be treated as he merits and combated. What happened? The mistake is that, in printed copies of Ibn Taymiyya’s fatwas, one finds ‘. . . the one who departs from the Way/Law of Islam shall be *combated* as he merits.’ The truth is that when I read this, I did not deem it proper and I said that the way the sentence is composed and the threat did not demand it: rather, this *yuqāṭal*“, ‘shall be *combated*’, is *yu‘āmal*“, ‘shall be *treated*’. Indeed, how would you say ‘. . . shall be *combated* as he merits’? There are no degrees in combat. One combats and is combated. Moreover, the thread indicates the existence of cooperation and *convivencia* between the two sides. This is the thread of his fatwa and this is why we said: it is *yu‘āmal*“, ‘shall be *treated*’ [. . .] In *yuqāṭal*“, ‘shall be *combated*’, there is great danger. Some people have snatched it and it was unfortunately translated into some foreign languages. It was said *yuqāṭal*“, ‘shall be *combated*’. Who shall be combated (in the passive)? Moreover, who shall combat? Also, what is the degree of departing from the Way/Law that shall lead to combating each other? And how shall one merit to be combated? What is this ‘merit’? These are serious problems.”⁵⁸

‘A. bin Bayyah found support for his emendation of Ibn Taymiyya’s fatwa in various sources. The most ancient one is the Ḥanbalite qāḍī Shams al-Dīn b. Muflīḥ (d. 763/1362),⁵⁹ one of the Shaykh al-Islam’s disciples, who quotes the last paragraph of the Mardin fatwa in his treatise of canonical ethics, *al-Ādāb al-Shar‘iyya*, and has *yu‘āmal*“, “shall be *treated*”.⁶⁰ During his Aljazeera interview, ‘A. bin Bayyah moreover showed himself confident that the Damascus manuscript of the Mardin fatwa would confirm the validity of his intuition and “make the truth evident concerning this

see <http://theunjustmedia.com/Islamic%20Perspectives/June10/Ibn%20Taymiyyah%20Reviews%20by%20Dr.Akram%20Hijazi.htm>.

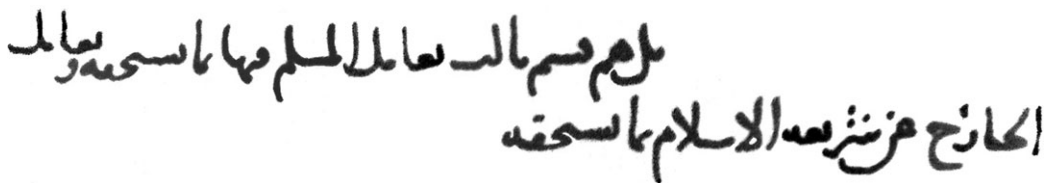
⁵⁷ IBN TAYMIYYA, *MF*, vol. xxviii, p. 241.

⁵⁸ ‘A. BIN BAYYAH, Aljazeera TV, programme *The Law (sharī‘a) and Life*, 13 April 2010, transcript.

⁵⁹ See H. LAOUST, *Essai sur les doctrines sociales et politiques de Taqī-d-Dīn Aḥmad b. Taymīya, canoniste hanbalite né à Harrān en 661/1262, mort à Damas en 728/1328* (Cairo: I.F.A.O., 1939), p. 495–496.

⁶⁰ See IBN MUFLIḤ, *al-Ādāb al-Shar‘iyya*, ed. Sh. AL-ARNA‘ŪT & ‘U. AL-QAYYĀM, 3 vols. (Beirut: Mu‘assasat al-Risāla, 1419/1999), vol. i, p. 212. ‘A. bin Bayyah and ‘A. al-Ṭurayrī also mention *al-Durar al-Saniyya fī l-Ajwibat al-najdiyya*, vol. 12, p. 248, and Muḥammad Rashīd Ridā without more precision; see ‘A. BIN BAYYAH, Aljazeera TV, programme *The Law (sharī‘a) and Life*, 13 April 2010, transcript; ‘A. AL-ṬURAYRĪ, *The Mardin Conference*.

question". The manuscript alluded to is the ms. *Zāhiriyya* 2757 preserved in the Syrian National Library (*Maktabat al-Asad*). It contains the fifth part of the *Egyptian Fatwas* (*al-Fatāwā l-Miṣriyya*) of Ibn Taymiyya. Its colophon (f. 208r) is signed by Aḥmad b. Muḥammad b. Aḥmad al-Shushtarī al-Ba'ī al-Ḥanbalī, who finished copying it on 19 Jumāda I 774 / 16 Nov. 1372. The text of the Mardin fatwa is on ff. 191v 192r. Most of the diacritical dots are missing, as apparent in the following facsimile of the last sentence. It nevertheless seems quite clear that, in the two parts of this sentence, concerning the person departing from the Way/Law as concerning the Muslim, it is indeed the one same *yu'āmal*⁶¹ that must be read. That the "thread" of the fatwa, as 'A. bin Bayyah calls it, supports that reading is indeed confirmed by how I had understood the passage in *Muslims under non-Muslim Rule*, which I cite again here: "In his conclusion [Ibn Taymiyya] no longer speaks of Mardin as such, but of its diverse inhabitants, for whom he invites their being treated in light of their merits, according to whether they are Muslims or absconders from the Way/Law of Islam".⁶¹



End of the Mardin fatwa, MS. Damascus, Zāhiriyya 2757, f. 192r.

'A. bin Bayyah's emendation of the last sentence of Ibn Taymiyya's Mardin fatwa once again illustrates the uncritical nature of the current editions of his *Majmū' al-Fatāwā* and is a welcome reminder that one needs to be more circumspect in using them.⁶²

As for seeing in the misreading of *yu'āmal*⁶¹ as *yuqātal*⁶² the main reason why extremism and violence developed in modern Islam and hoping that its correction will put an end to such developments, this is naïve if not farcical. The Mauritanian scholar and others nevertheless seem deeply convinced of the seriousness of the danger presented by the printed versions of the Mardin fatwa, as well as of the primordial importance of the change initiated by his emendation. The link that he establishes between my French and English translations of the Mardin fatwa and Islamist terrorism in Europe has already been alluded to. In his Aljazeera interview, he also mentions earlier cases of extremism allegedly inspired by Ibn Taymiyya's fatwa: "In truth, there is a very serious danger in *yuqātal*⁶². This danger had influential consequences in the beginning of the seventies, especially in some of the writings that speak about the [concept of] domain like the writings of Muḥammad Khayr Haykal, who speaks about

⁶¹ Y. MICHOT, *Muslims*, p. 26–27.

⁶² For another example of important emendation to Ibn Taymiyya's *MF*, see Y. MICHOT, *Textes spirituels XIII*, p. 25, n. 7.

the [concept of] domain and says that all the domains of Islam are now domains of unbelief and not domains of Islam."⁶³ For 'A. al-Ṭurayrī, "the corrupted text of the Mardin fatwa has become the basis for the legitimization of many violent and militant groups within Muslim society. Among those who used the fatwa in this manner was Abdussalam Faraj in his book *al-Farīdat abl-Ghā'iba* (p. 6) [*sic!*], which has become a manifesto for militant groups." Interestingly, 'A. al-Ṭurayrī adds: "The reason why militant groups rely upon the Mardin fatwa to legitimize their behavior is because of the corrupted phrase '... while the non-Muslims living there outside of the authority of Islamic Law should be fought.' This phrase can be seen to imply two things: 1. The directive to fight is given in the passive voice, without stating who is to carry out the fighting. Militant groups have used this as license for them to assume for themselves the role of taking up arms against people from within Muslim countries and communities. 2. The phrase 'outside of the authority of Islamic Law' becomes ambiguous in the context of the corrupted rendering of the text. It could be interpreted to mean almost anyone, starting from those who commit minor sins to those who commit major violations. This has given militant groups a wide scope of interpretation for acting against others. Once the authentic wording of the text is known, however, what the militant groups rely upon disappears entirely. The understanding of the fatwa is completely different."⁶⁴

This is not the place to investigate the soundness of 'A. al-Ṭurayrī's understanding of *al-khārij* 'an *sharī'at* *al-islām* as "the non-Muslims living there outside of the authority of Islamic Law".⁶⁵ Just as questionable, but more directly relevant for our argument here is bin Bayyah's and al-Ṭurayrī's attribution of a pivotal, almost exclusive, importance to the corrupted version of the end of the Mardin fatwa as the inspiration and legitimizing basis of modern violent Islamic militancy. As if, on the one hand, Ibn Taymiyya's refusal to consider Mardin a *dār al-ḥarb* in the first part of his fatwa did not irremediably undermine any Islamist attempt to see today's Muslim countries as domains of war . . . As if, on the other hand, 'Abd al-Salām Faraj and his peers were not referring also or, even,

⁶³ 'A. BIN BAYYAH, Aljazeera TV, programme *The Law (sharī'a) and Life*, 13 April 2010, transcript. 'A. bin Bayyah does not indicate which of M. Kh. Haykal's writings he actually has in mind. This scholar (Syria, b. 1941) is particularly famous for his monumental *al-jibād wa l-qitāl fī l-siyāsāt al-sharī'iyya* [*Jibād and Combat in Legal Policy*], 3 vols. (Beirut: Dār Ibn Ḥazm, 1417/1996), in which he analyses in detail the concepts of *dār al-islām* and *dār al-kufr*: Nowhere in these pages (vol. i, p. 649–692) does he however refer to Ibn Taymiyya or his Mardin fatwa.

⁶⁴ 'A. AL-ṬURAYRĪ, *The Mardin Conference*.

⁶⁵ Other texts of Ibn Taymiyya indicate that it is not the "non-Muslims" that he means by this expression, but nominal Muslims not fulfilling their religious obligations; see for example his distinction of two types of enemies of God coming out of (*māriq min*) the religion, in his letter to the sultan al-Nāṣir. The first type are "the Tatars and their like: every individual who departs from the prescriptions of Islam (*khārij* 'an *sharā'at* *al-islām*) despite keeping attached to the two testimonies of faith (*al-shahādātān*) or to some elements of the political system (*siyāsa*) of Islam" (IBN TAYMIYYA, *MF*, vol. xxviii, p. 399; translated in Y. MICHOT, *Rashīd al-Dīn et Ibn Taymiyya: regards croisés sur la royauté*, in *Mobaghegh Nāma*. Collected papers presented to Professor Mehdi Mohaghegh on his 70th birthday. Supervised by B. KHORRAMSHĀHĪ and J. JAHĀNBĀKHSH, 2 vols. (Tehran: Sinānegār, 2001), vol. ii, p. 111–137; p. 135.

more frequently and more thoroughly, to Ibn Taymiyya's famous anti-Mongol fatwas and other classical sources . . . 'Ā. al-Dūsarī shows a more learned and more nuanced perception of the matter when he writes, about what he calls the "Gospel of Terrorism", i.e. *The Neglected Duty (al-Farīdat al-ghā'iba)* of Muḥammad 'Abd al-Salām Faraj (1954–1982):⁶⁶ "As a witness of what he wants to say, the man cites Abū Ḥanīfa, Abū Yūsuf, Muḥammad b. al-Ḥasan, plus as a fourth one, Ibn Taymiyya. His reliance on the words of the three first ones is greater than his reliance on the words of Ibn Taymiyya, which he needs to interpret and take into a particular direction."⁶⁷ He is of course also right when he writes: "When, by negligence or with an evil intention and design, some affirm that 'these anathematizing groups are based on the Shaykh al-Islam Ibn Taymiyya, his thought and his legacy', I say: 'Isn't saying so among the greatest means to bestow a Legal credit upon these groups, when what is necessary is only to dissociate them and to dissociate their legitimacy from these imāms?'"⁶⁸

In the media and on the web, the special relation alledgedly existing between the Mardin fatwa and Islamist violence has been magnified beyond all proportions. For Mustafa Akyol, writing in the Turkish newspaper *Hürriyet*, Ibn Taymiyya "gave a '*jihād* fatwa', saying that Mardin 'constitutes a third type [of domain]. . . in which the one who departs from the Law of Islam shall be combated.' In the 20th century, this fatwa was rediscovered by radical groups in the Arab world who saw their ruling classes as Ibn Taymiyyah saw the Mongols: tyrannical hypocrites. Hence came the violent *jihād* on secular Arab regimes, a war that was later diverted by al-Qaeda, quite ambitiously, from the 'near enemy' to the 'far enemy', i.e., the United States."⁶⁹ According to a blog on *Reuters*, "Osama bin Laden has quoted Ibn Taymiyya's 'Mardin fatwa' repeatedly in his calls for Muslims to overthrow the Saudi monarchy and wage jihad against the United States."⁷⁰ Apparently confusing Ibn Taymiyya's three anti-Mongol fatwas and the Mardin one, Asghar Ali Engineer writes that the Shaykh al-Islam "issued a set of four fatwas known as Mardin fatwas." Then, plagiarizing *Reuters'* blog just cited, he adds: "Osama had quoted this Mardin fatwa repeatedly in his calls for Muslims to overthrow the Saudi monarchy and wage jihad against the United States."⁷¹ These authors have obviously not read *Muslims under non-Muslim Rule*, in which a footnote states: "As Usāma b. Lādin

⁶⁶ See J. J. G. JANSEN, *The Neglected Duty: The Creed of Sadat's Assassins and Islamic Resurgence in the Middle East* (New York: Macmillan – London: Collier Macmillan, 1986).

⁶⁷ 'Ā. AL-DŪSARĪ, *Reflections*, translated below, p. 171. The allusion is to the passage of *The Neglected Duty* translated in Y. MICHOT, *Muslims*, p. 101–107.

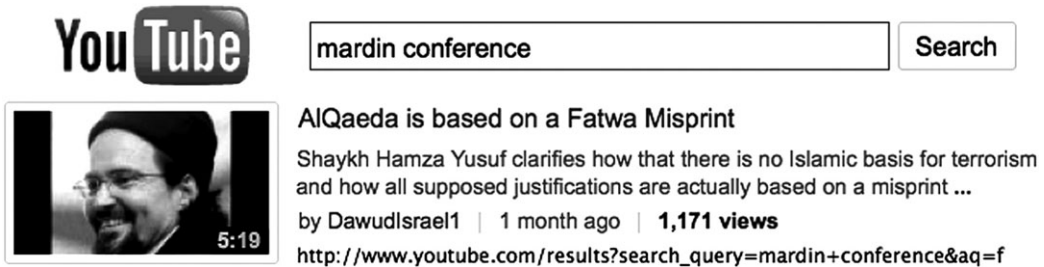
⁶⁸ 'Ā. AL-DŪSARĪ, *Reflections*, translated below, p. 171.

⁶⁹ M. AKYOL, *Revisiting jihad in the New Turkish Republic*, in *Hürriyet Daily News*, 30 March 2010; see <http://www.hurriyetdailynews.com/n.php?n=revisiting-jihad-in-the-new-turkish-republic-2010-03-30>.

⁷⁰ T. HENEGHAN, *Muslim scholars recast jihadists' favourite fatwa*, on *Reuters. FaithWorld. Religion, faith and ethics*, 31 March 2010; see <http://blogs.reuters.com/faithworld/2010/03/31/muslim-scholars-recast-jihadists-favourite-fatwa/#comment-24063>.

⁷¹ A. A. ENGINEER, *Ibn Taymiyyah and his fatwa on terrorism*, 19 April 2010; see http://twocircles.net/2010apr19/ibn_taymiyyah_and_his_fatwa_terrorism.html.

refers regularly to Ibn Taymiyya, I hoped to have been able to find some mention of Mardin among his writings. However, the search has been in vain."⁷²



M. Akyol, A. A. Engineer and their like are in fact very sober in their statements compared to the peak of story-telling extravagance, pseudo-knowledge and ridiculous reductionism reached by a close disciple of 'A. bin Bayyah, originally expected to be one of the Conference speakers. In a search for "Mardin Conference" on YouTube in August 2010, the first title to appear is "*AlQaeda is based on a Fatwa Misprint*", a five minute recording of the end of a public talk by Hamza Yusuf Hanson at the University of Oxford.⁷³ It is worth transcribing here in full:

"The problem is not extremism. Extremism is a human problem but it's always been there and it will always be there. The problem is violence in a civil society. And this is what we need to address: the problem of violence. And at essence, Islam is an irenic religion, it is a peaceful tradition. Our Prophet was not a war-monger. He did not like war. He disdained war. He said: 'Never hope to meet your enemy, but if you are forced to meet them, be brave in the battlefield!' He prohibited . . . (*Applause*) He prohibited the killing of civilians. He prohibited the killing of women and children. In the Mālikī fiqh that I studied, if you . . . the only time that you can fight a woman is if she is a combatant on the other side. The Mālikī jurists were so troubled by that. Even they said: 'If you see a woman on the battlefield, run away from her!' (*Laughing*) because they didn't want you to fall under that *ḥadīth*, because it is a *mutawātir ḥadīth*, it is a factual *ḥadīth* that has the same strength as a verse in the Qur'ān. Now, I want to close and end this by saying that one of the greatest problems we have is we have what I call 'shaykh Google', weekend muftis. (*Laughing*) We have now a loss of authority in our tradition. This has led to people like what they call 'shaykh bin Laden' . . . Some people called me up on a recent Arabic programme and said: 'What do you think of shaykh Osama bin Laden?' And I just said: 'First of all . . . , what do you want from the question? Do you want me to be, if I answer 'Oh, he is a great guy!', to be in Guantanamo Bay tomorrow? (*Laughing*) Is that the idea? Or what about the idea that he is terrible?' (*Laughing*)

⁷² Y. MICHOT, *Muslims*, p. 30.

⁷³ Hamza Yusuf Hanson delivered this keynote address at the *Rethinking Islamic Reform* conference organised by the Oxford University Islamic Society on 26 May 2010, with the participation of Tariq Ramadan. See http://rethinkingislamicreform.co.uk/transcript#question_2.

But . . . , who made him a shaykh? Really, who made shaykh Osama bin Laden shaykh? Osama bin Laden is an accountant. (*Laughing and applause*). Ayman al-Zawahiri was a paediatric surgeon, and these people are giving fatwa from caves in Afghanistan, telling people to kill . . . euh, people. Now, their fatwa is based on a famous fatwa from Mardin. The fatwa that killed Anwar El Sadat is the same fatwa. My shaykh and teacher, shaykh ‘Abd Allāh bin Bayyah, recently held a conference in Turkey, in the city of Mardin, which is where the fatwa was . . . was euh . . . The fatwa was addressing an issue in that city, the fact that the ruler of that city was a Muslim but not applying Islamic Law and he was under the influence of the Mongols who were . . . euh, not Muslims at that time. He was asked: ‘Is this an abode of war, or an abode of peace?’ He said: ‘It is neither one or the other. It is a hybrid because it doesn’t have the qualities of the abode of war, it doesn’t have the qualities of the abode of peace.’ And then he said something very interesting. He said: ‘Therefore, the believer should be treated in accordance with the fact that he is a believer, and the disbeliever should be fought: *yūqātīlu* [sic!] *al-khārijū ‘an al-Sharī‘a bi-mā yastahiqquh*.’ The disbeliever should be fought, because he’s left the *Sharī‘a*, and as he deserves to be. Now, shaykh ‘Abd Allāh bin Bayyah, when that fatwa was read in Mardin, he said: ‘That can’t be right . . . The text.’ The ‘ulamā’ who were in the audience, some of them some of the biggest ‘ulamā’ in the Muslim world, all said: ‘Shaykh, don’t change the fatwa! If Shaykh al-Islam says *yūqātāl*, we can address the problem of the fatwa, but don’t change the text of the fatwa!’ Shaykh ‘Abd Allāh bin Bayyah insisted. He said: ‘No, something is wrong with that text. It doesn’t . . . it doesn’t work in the Arabic language like that.’ When he got back to Jeddah, he went to another text and found that it did not say that the one who left the *Sharī‘a* should be fought. It actually said, instead of *yūqātālū*, it said *yū‘āmalū*: he should be treated in accordance with him being a disbeliever. In other words, there are many rules that relate to disbelievers. Then he asked for the oldest copy in the Zāhiriyya Maktaba in Damascus and it came back saying, in fact, that, he should be treated, not killed, or fought. That fatwa was published a hundred years ago and has been replicated in countless editions of these fatwas, saying: ‘They should be fought’. That was the basis of ‘Abd al-Salām Faraj’s fatwa to kill Anwar El Sadat. It was the basis of bin Laden’s fatwa to kill the Americans, and also to overthrow the house of Sa‘ūd in Saudi Arabia. It’s . . . it’s a misprint. They’ve based an entire . . . philosophy on a misprint in a text that occurred a hundred years ago. This is the crisis of our community, the crisis of authority: who can read these texts and who can determine what they mean? Thank you very much.” (*Applause*)⁷⁴

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⁷⁴ This performance is not a one-off but seems to have become part of a repertoire. Hamza Yusuf Hanson for example told a very similar “Mardin” story during the annual Convention 2010 of the Islamic Society of North America (2–5 July, Rosemont, IL): “I just want to bring your attention to something that, when . . . , when I found this out, I was so flabbergasted. My own teacher shaykh ‘Abd Allāh bin Bayyah had a conference in Mardin. Mardin is a city in Turkey, in which Jews, Muslims, Christians, all lived together. There was a period of time when it . . . , the Mongols had a, euh, Muslim ruler who was just a titular head but he was ruling under Mongol rule. Ibn Taymiyya was asked what he thought about a

‘Ā. al-Dūsarī noticed “the poor attendance” at the Mardin conference.⁷⁵ As for its immediate impact beyond Artuklu University where it was held, one can rightly speak of a mediatic success. For Roberta Davenport, writing in *Today’s Zaman*, “the Mardin conference and declaration have continued to attract the attention of the international press, making newspaper and television headlines in Turkey, the US, the UK, Canada, India, China, Indonesia and more.”⁷⁶ T. Heneghan, on his *Reuters* blog, is however less positive: “Outside the Muslim world, declarations like these risk the fate of trees that fall in the forest when nobody’s listening. This conference was held in Mardin, a medieval town near the Syrian border, and the media present were mostly Turkish and Arabic speakers. It got good coverage in the Turkish press and Al-Jazeera television ran extensive footage in Arabic. But getting the message out to the rest of the world, including the majority of Muslim who speak neither Arabic nor Turkish, means getting it out in English.”⁷⁷ One could argue that it would perhaps also be useful to get the message out in Urdu, *Bahasa* Indonesia, Persian, French, etc., but this is not the most

place where they were not applying the rules of Islam even though they were Muslims, and he wrote a famous fatwa which is called *Fatwa Mardin*. In this fatwa he said that this *dār* is *murakkaba*, it is a compounded *dār*, it is an abode that is neither abode of Islam nor an abode of war. And so he said something very interesting. According to the published editions that are in Saudi Arabia today, in many many Muslim countries, according to the published editions, it says: ‘*fa-l-mu . . . , fa-l-muslimūn yu’āmalūna bi-mā yastabīqqūna wa l-kbāriju ‘an al-Sharī’ati yuqātalu bi-ma . . . , bi-mā yastabīqqu*,’ that the believers should be treated according to them being believers and those who don’t apply the *Sharī’a*, *al-kbāriju ‘an al-Sharī’a*, should be fought, *yuqātalu bi-mā yastabīqqu*, according to what they deserve. Shaykh ‘Abd Allāh bin Bayyah, when this fatwa was read . . . , in Mardin, he said: ‘There is something wrong with that fatwa’. And people got very upset. Some of the ‘ulamā’ that were in the gathering were upset and they said: ‘Shaykh, *lā tughayyir fatwa Shaykh al-Islam* — Don’t change the fatwa of Shaykh al-Islam!’ — ‘*Nunāqish al-fatwa, wa lā tughayyir al-fatwa*!’ — We can discuss the fatwa but don’t change the fatwa!’ Shaykh ‘Abd Allāh said: ‘The wording is not right . . .’, because he is ocean of the Arabic language and he knew that the wording wasn’t right based on his knowledge of the Arabic language, on *balāgha*, on the idea of *tibāq* and *muqābala*. He knew that it wasn’t right. When he got back to Jeddah . . . , and this is a copy of the oldest manuscript of the fatwa. This fatwa which is in the Zāhiriyya in Damascus, is the oldest manuscript of Shaykh al-Islam’s fatwa of Mardin and he does not say: ‘*yuqātalu* [sic!] *bi-mā yastabīqqu*’. He says: ‘*yu’āmalu bi-mā yastabīqqu* — He should be treated in accordance with what he deserves’. This fatwa based on *yuqātalu* was used to kill Anwar El Sadat. This very fatwa was used to kill Anwar El Sadat, the president of Egypt, because if you read the text that they . . . This is the fatwa that was quoted. This is the fatwa that Osama bin Laden used in justifying the attacks on . . . euh . . . in the United States. This is the fatwa that they have used for opposing all of the rulers in the Muslim lands because they don’t implement the *Sharī’a*, and it’s all based on a misprint! It is based on a misprint! This is an incredible tragedy in our community, that this is the level of scholarship . . . has fallen to such a level that people are killed based on misprints in books. And this is why we need sound scholarship”; see the video *ISNA Annual Convention 2010 — Session 9A — Part 16*, on http://www.youtube.com/watch?v=Xsio3legF_0.

⁷⁵ ‘Ā. AL-DŪSARĪ, *Reflections*, translated below, p. 165.

⁷⁶ R. DAVENPORT, *Mardin anti-terror conference sparks debate over fatwas*, in *Today’s Zaman*, 4 April 2010; see <http://www.todayozaman.com/tz-web/news-206347-mardin-anti-terror-conference-sparks-debate-over-fatwas.html>.

⁷⁷ T. HENEGHAN, *Muslim scholars recast jihadists’ favourite fatwa*, 31 March 2010.

important. In order to assess the impact of an enterprise like the Mardin Conference, it is indeed not enough to count how many people heard or read about it and where. One must also inquire whether they found its achievements convincing. Ḥāmid al-‘Alī formulates the problem very bluntly when he says his disinterest in the details of what was discussed in Mardin: “99% of the Muslims will not read it [anyway] and those who oppose the hegemonic project of the West will not care about it.”⁷⁸

Earlier on, we saw how the highest religious authority in Turkey, Ali Bardakoğlu, had opposed the whole project of the Mardin Conference from the outset. After the event as before it, other oppositions arose that were of a more geopolitical nature, as remarked in a report of the Jamestown Foundation: “Elements of Turkey’s Islamic press derided the conference as an example of U.S. efforts to undermine the Islamic world and create a new form of Islam compatible with U.S. interests.”⁷⁹ For the outspoken Akram Ḥijāzī, “the strange thing is that none of the scholars from the countries or peoples being occupied, oppressed or threatened with extinction attended the conference and they were not represented in it from near or far. It was as if they were not part of the *Umma* or that their countries have been forgotten or ripped away from human existence. Among those absent and missing were scholars from East Turkestan, Palestine, Afghanistan, Chechnya, Jammu and Kashmir, Thailand and Nigeria. Rather those who had planned the conference had already scripted its goals and outcomes previously.” “As for calling the conference ‘The Peace Summit Conference’, it is not devoid of indications that the conference was convened in accordance with an international agenda or directly complies with Western initiatives, especially since in the words of one observer, there was coordination between the British and Turkish governments before it was convened.” “What has gathered together those who belong to ideological schools that are supposedly contradictory and competitive in their beliefs such as Salafism, Sufism, Shī‘ism and secularism other than their common interests and goals in targeting the movements of resistance and *jibād*? What right permits them to have dogmatic differences on its importance and at the same time reach an agreement on leaving behind Ibn Taymiyya’s fatwa!!?” “Most of those who have welcomed the Mardin fatwa are

⁷⁸ Ḥ. AL-‘ALĪ, *Clear Refutation*, translated below, p. 172.

⁷⁹ ANONYMOUS, *Controversial gathering*. See for example B. TERKOĞLU, *Bu toplantı çok konuşulacak* [This meeting will be the object of much talk], ODA TV, 26 March 2010 (<http://www.odatv.com/n.php?n=bu-toplanti-cok-konusulacak-2603101200>): During the Mardin Conference, “work will be done to shatter the theoretical ground on which the radical Islamist currents that are in a state of war against the United States, Israel and England in the Middle East are based. This enterprise [. . .] is supported by Western countries. All this being put together, even if we see cancelling Ibn Taymiyya’s fatwa 700 years later as something a bit comical, it can also be considered equivalent to a symbolic aim. There is however no doubt that this aim is to bring radical Islam to a tone that will be in harmony with the West. It is not known whether this enterprise will be successful but to think that Ibn Taymiyya is the cause of the radical opposition growing nowadays in the Islamic world against the policies of the United States and Israel is, to say it politely, ‘childish.’ ”

secularists, atheists, rāfiḍites,⁸⁰ Sufis, *Qabbouris*,⁸¹ Jews, Crusaders, the Sultans' preachers, those opposed to the global *Jibād* movement, and even the simple-minded!"⁸²

Ḥāmid al-'Alī's *Clear Refutation* translated below also provides a most elaborate and damaging critique. Quoting the Swiss sociologist and human rights activist Jean Ziegler, the Kuwayti Salafī cleric accuses the "good and virtuous" shaykhs who convened in Mardin of having been "instrumentalized in the project of the centre and the periphery": "The [Mardin] Conference simply added [a few] drops of oil to facilitate [the movement of] some small wheels during the rotation of the enormous mechanism of the new colonialist imperialism which wants to dominate the world and crush peoples without mercy while hiding behind the slogans of world peace, human rights, peaceful coexistence, etc." He invites his readers to "notice this monster (*waḥsh*) destroying mankind: the leaders of the Western countries — the allies of Zionism, the most serious violator of international laws and treaties — who embrace the strategy making the West, or the North, remain the master of the world and its centre. It exhausts the wealth of the countries of the periphery — especially the Islamic world — plunders its resources and makes it remain dependent, weak. It throws all the real human values overboard whilst simultaneously also endeavouring, in its hypocrisy, to call for the respect of the universal charters, the sovereignty of nations, human rights and the freedom of peoples!" Against this monster, Muslim scholars have duties which Ḥāmid al-'Alī reminds them of: "What is obligatory for the ulema is not to hide these realities and to defend the means to hegemony that the Westerners have put in place so as to dominate the world. On the contrary, what is obligatory for the ulema, today, is to lead the project of an Islamic renaissance founded on three bases" which he then develops in some detail. His conclusions are also explicitly militant: "Amongst the greatest obligations today there is standing in total clarity with all the projects of resistance, to embrace them and to support them by all means." Also: "To renovate (*tajdīd*) [things], in the religion, is to revivify it in the community (*umma*) and to make the latter turn back to holding fast to its religion, to pride itself in it, and to repel what the enemies of the community conspire against it. To renovate is not to replace the religion (*tabdīl*), nor to change its rules, in order to satisfy those who hate what God, Exalted is He, has sent down!"⁸³

The political connotations of the Mardin Conference could not be condemned in clearer and stronger terms than those of Akram Ḥijāzī and Ḥāmid al-'Alī. Their language might be considered hard but the fact remains that for Muslim critics of Western interventionism in the Middle East, be it military or economic, political or ideological, the event offered another example of collaborationism with the "enemy" by those who should be leading the *Umma* against it. On his *Reuters* blog, T. Heneghan remarks pertinently: "The [Mardin] Declaration is the latest bid by mainstream scholars to use

⁸⁰ I.e. Shī'ites.

⁸¹ I.e. worshippers of graves.

⁸² A. Ḥijāzī, *Ibn Taymiyyah Reviews*.

⁸³ Ḥ. AL-'ALĪ, *Clear Refutation*, translated below, p. 181.

age-old Muslim texts to refute current-day religious arguments by Islamist groups. A leading Pakistani scholar issued a 600-page fatwa against terrorism in London early this month. Another declaration in Dubai this month challenged the religious justification for violence used by Islamist rebels in Somalia and calling for peace and reconciliation there.”⁸⁴

In light of that, it is difficult, when assessing the impact of the Mardin Conference, to disagree with the opinion of R. Davenport in *Today's Zaman*: “The New Mardin Declaration’s condemnation of ‘all forms of violent attempts to change or violent protest, within, or outside, Muslim societies’ has thus been carried to prominence along with the voices of those disagreeing with the conference’s organization.”⁸⁵ One more question deserves to be raised: leaving politics aside, and notwithstanding the unclarity surrounding its end, did the Mardin conference really have any chance of success? Speaking of its participants, ‘Ā. al-Dūsarī wonders: “How could one ask those to discuss the legacy of Ibn Taymiyya in order to reach a solution that would convince the armed or extremist Islamic groups that are claimed to rely on Ibn Taymiyya as their reference? The opinion of many of those people has no weight in the eyes of those who are specialized in Ibn Taymiyya’s legacy and the Salafī school. Moreover, the interpretation of Ibn Taymiyya’s fatwas emanating from those people adds more support to the position of these groups in their misuse of Ibn Taymiyya’s fatwas.”⁸⁶ Akram Ḥijāzī’s *Ibn Taymiyyah Reviews* also offers a good illustration of the same thing. Similarly for Ḥāmid al-‘Alī’s *Clear Refutation*. The contrast between the latter’s understanding of the concept of domain and that of, for example, ‘Ā. al-Dūsarī is indeed revealing. Whereas the latter, quoting some of the Taymiyyan texts also used in *Muslims under non-Muslim Rule*, rightly explains that “the Shaykh al-Islam tends to consider that the basis (*manāt*) for judging a domain is the actions of its inhabitants,”⁸⁷ Ḥ. al-‘Alī reaffirms the politicized Islamist version of the traditional view that “if Islam rules (*kānal-ḥukm li-l-islām*), they are a domain of Islam; if not, they are a domain of unbelief.”⁸⁸ Moreover, developing an exegesis of the Mardin fatwa quite similar to that of Muḥammad ‘Abd al-Salām Faraj in *The Neglected Duty*, he adds: “This is the meaning of the Mardin Fatwa. Its meaning is neither that the Muslims would not raid Mardin — in that time — because there was in it a number (*‘ā’ifa*) of Muslims, nor that those who were in it, of those who departed from (*khārij ‘an*) the

⁸⁴ T. HENEGHAN, *Muslim scholars recast jihadists’ favourite fatwa*, 31 March 2010. On the 600-page fatwa, see Muḥammad Ṭāhir al-Qadrī, *Introduction to the Fatwa on Suicide Bombings and Terrorism*. (<http://www.minhajbooks.com/english/bookid/376/Fatwa-Suicide-Bombing-and-Terrorism-by-Shaykh-ul-Islam-Dr-Muhammad-Tahir-ul-Qadri.html>). On the Dubai conference, see above, p. 134.

⁸⁵ R. DAVENPORT, *Mardin anti-terror conference sparks debate over fatwas*, in *Today's Zaman*, 4 April 2010; see <http://www.todayzaman.com/tz-web/news-206347-mardin-anti-terror-conference-sparks-debate-over-fatwas.html>.

⁸⁶ ‘Ā. AL-DŪSARĪ, *Reflections*, translated below, p. 164–65.

⁸⁷ ‘Ā. AL-DŪSARĪ, *Reflections*, translated below, p. 167.

⁸⁸ Ḥ. AL-‘ALĪ, *Clear Refutation*, translated below, p. 177.

Way/Law of Islam, were absolutely safe from a raid by the Muslims. Its meaning is rather that, if Mardin was raided, the one departing in it from (*khārij* 'an) the Way/Law of Islam would be combated as he merited, whereas the lives of the Muslims would be preserved."⁸⁹

Religiously speaking, the Mardin Conference and its New Mardin Declaration obviously did not convince the peers of Ḥ. al-ʿAlī and A. Ḥijāzī, and indeed could not be expected to convince them, for at least two reasons. First, the type of "soft" Islamic spiritual schools to which their main conceptors and actors may be thought to belong. Two, the lightweight arsenal of religious proofs and the weak scientific methodology that they deployed during their Mardin mediatic show, as also underlined by ʿĀ. al-Dūsarī. On the other hand, as pointed out by R. Davenport, "fatwas may not convince militants, but they can help keep undecided Muslims from supporting them, the scholars say. Because Islam has no central authority to define the faith in all its details, militants who hijack it by twisting texts for their own purposes need to be confronted by moderates who cite chapter and verse to refute them."⁹⁰ But there exactly lies the problem: could one say that the Mardin Conference, without even looking at the issue of its political neutrality, reached the minimal level of academic quality and canonical seriousness also required to convince "undecided Muslims"?

To the new Mardin "fatwa and subsequent statements of its patrons", Akram Ḥijāzī objects: "If it is required to abrogate the judgement of *takfīr* from Islam and no one remains except believers on earth and international agreements, then what is the value of religions? What is the benefit of sending Messengers and Prophets? What is the value of the believer if there is no such thing as an unbeliever? Who then are the *kāfīrs* about whom the Glorious Qurʾān speaks? How were they *kāfīr*? If Allāh, the Almighty, created Paradise for the believers, for whom did He create the Fire? So, on what basis are the people of the Global *Jihād* described as *takfīriyyīn* when *kāfīrs* are ignored, as is rejecting their *kufīr*?"⁹¹ On hearing this, one must wonder why it is that such questions, both directly relevant to the issue of the status of domains and theologically fundamental, are raised by a strong opponent of the Mardin Conference rather than by one of the "soft" ulema who took part in it. Moreover, why is it that to numerous believers who are in no way militants or activists, extremists or terrorists, but just simple, honest, Muslim people, such questions will undoubtedly always make sense? God only knows.

* * *

Post-9/11 revamping the image of Islam is a big challenge and a big industry. Saudi Arabia, the country with which the nineteen terrorists had the closest ties, is still in great

⁸⁹ Ḥ. AL-ʿALĪ, *Clear Refutation*, translated below, p. 178. Compare with the passage of *The Neglected Duty* translated in Y. MICHOT, *Muslims*, p. 103–104.

⁹⁰ T. HENEGHAN, *Muslim scholars recast jihadists' favourite fatwa*, 31 March 2010.

⁹¹ A. ḤIJĀZĪ, *Ibn Taymiyyah Reviews*.

want of rehabilitation in the West. Determining the best way to sterilize the ideological culture generating Islamist cells — without or, according to some, even at the cost of, annihilating the Muslim societies' immunity system — remains an open question. Selling this GMI — Genetically Modified Islam — to Muslim and non-Muslim public opinions requires new marketing strategies. For such an enterprise, the Mamlūk Shaykh al-Islam Ibn Taymiyya appears to have accrued an incontrovertible importance. Rather than just resting quietly in a library of medieval theology or jurisprudence, a number of his writings have become central components of the most active contemporary debates in Islam. Not only is he considered the ancestor of Wahhābism but militant extremists and jihādists are known regularly to quote several of his fatwas — the anti-Mongol ones and others — to justify their actions.

Against Islamist terrorism, the promotion of some form of irenic Sufism has sometimes been considered the best antidote, as if spiritual diabetes was the most appropriate cure for spiritual cancer⁹² — and as if, between the hard and soft extremes of a religion, there was no room for a reasonable understanding and practice of it, *en honnête homme*. The novelty with the Mardin Conference, despite the unclarities surrounding its beginnings and ends, is the development of a new way to administer the drug, and this by a rather surprising team of medics. As appropriately noticed by 'Ā. al-Dūsarī, “the original list of invitees included a group of people considered as adversaries of Ibn Taymiyya.”⁹³ Some of those who actually took part in the Conference project and its implementation are actively involved in the *Common Word* initiative, 9/11 wounds healing, New Age Islam, al-Ash'arī and al-Ghazālī studies, neo-traditionalism or neo-Sufism. From such quarters, it is often deliberate disinformation, caricatures and insults that people are used to see coming about the Damascene scholar. But now, all of a sudden, as if by a blow of magic wand, these good ulema and activists come from all over the planet to tell us in Mardin that the great baddy is in fact not so bad but misunderstood by many, and use his name and patronage to promote their own GMI agenda . . . A. Hījāzī speaks of “revisionism” and fears that things will get worse: the Mardin Conference “summoned the scholars of the *Umma* from history to subject them to revisions of a unique kind. Not only this, but the call for revisionism includes other jurists and scholars such as al-'Izz b. 'Abd al-Salām, al-Shāṭibī and others. And in the not distant future we will see reviews of Ibn Kathīr, al-Bukhārī, Muslim, Ibn Hishām, Ibn Qayyim al-Jawziyya, al-Dhahabī, al-Ṭabarī and even the imāms of the four schools,

⁹² See for example S. SCHWARTZ, *The Other Islam: Sufism and the Road to Global Harmony* (New York: Doubleday, 2008). On spiritual diabetes and cancer, see Y. MICHOT, *IBN TAYMIYYA. Les saints du mont Liban. Absence, jihād et spiritualité, entre la montagne et la cité*. Cinq fetwas traduits de l'arabe, introduits et annotés. Préface de N. EL-BIZRI (Beirut: Albouraq, “Fetwas d'Ibn Taymiyya, 5”, 1428/2007), p. 5*. For A. Mawdūdī (d. 1979), a Muslim must abstain from Sufi excesses “just as a diabetic is warned to abstain from sugar”; see the quote in M. GABORIEAU, *Criticizing the Sufis: The Debate in Early Nineteenth-Century India*, in F. DE JONG & B. RADTKE (eds.), *Islamic Mysticism Contested: Thirteen Centuries of Controversies and Polemics* (Leiden: Brill, 1999), p. 452–467; p. 453.

⁹³ 'Ā. AL-DŪSARĪ, *Reflections*, translated below, p. 164. On this original list, see above, p. 136, n. 30.

eventually arriving at a review of the Glorious Qur'ān under the pretext that some of the *āyās* are not considered appropriate for contemporary language!"⁹⁴

Is globalization finally making the *Grand Œuvre* a reality? Middle-Eastern oil money, British or Californian web engineering and showbiz know-how, a few turbans, fez and keffiyehs, much talk, some Islamic scholarship, partly borrowed from an earlier academic work . . . On 27–28 March 2010, the alchemy of these elements concocted together, *alla Turca*, produced a novel anti-cancer therapy with the brand of Mardin. Although its development must have been quite expensive — to the benefit of some of those involved in it — it may turn out to be so much snake oil. Apart from its usefulness for short-term cosmetic purposes, its side-effects may even be serious as we have already been told by one of its reluctant developers, 'Ā. al-Dūsarī, and as exemplified by H. al-'Alī's *Clear Refutation* and A. Hījāzī's *Ibn Taymiyyah Reviews*.⁹⁵ The future will tell us whether the money of its Middle-Eastern and Western sponsors was spent entirely in vain. How many of the seven ambitious recommendations accompanying the New Mardin Declaration will ever be actually implemented? Like a number of post-9/11 Islamic websites, will the Mardin Conference one (www.mardin-fatwa.com/) remain an attractively designed shell devoid of much substance?

⁹⁴ A. Hījāzī, *Ibn Taymiyyah Reviews*.

⁹⁵ All sorts of hardline condemnations and other critiques of the Mardin Conference circulate on the internet. Here are a few samples:

– Shaykh Abū Ayyūb AL-ANṢARĪ, *Mu'tamar Mārdīn wa fadā'ih al-mujrimīn* [*The Mardin Conference and the Infamies of the Criminals*]. Revised by Shaykh Abū Aḥmad 'Abd al-Raḥmān AL-MIṢRĪ (Sariyyat al-Ṣumūd al-'Ilāmiyya, Jumāda I 1431 / April 2010), 17 p.; pdf downloadable from <http://www.majabden.com/vb/showthread.php?t=2967>.

– Ḥusayn BIN MAḤMŪD, *Nabsh al-dafīn min ramād mu'tamar Mārdīn* [*Exhuming the Buried from the Ashes of the Mardin Conference*], 26 Rabi' II 1431 [11 April 2010], on <http://majles.alukah.net/showthread.php?t=55608>.

– ANONYMOUS, *Waqfāt ma'a mu'tamar "Mārdīn dār al-salām"* [*Standpoints concerning the Conference "Mardin, Abode of Peace"*] (*al-Durar al-Saniyya* website, 4 Jumāda I 1431 [18 April 2010]), on <http://www.dorar.net/art/472>.

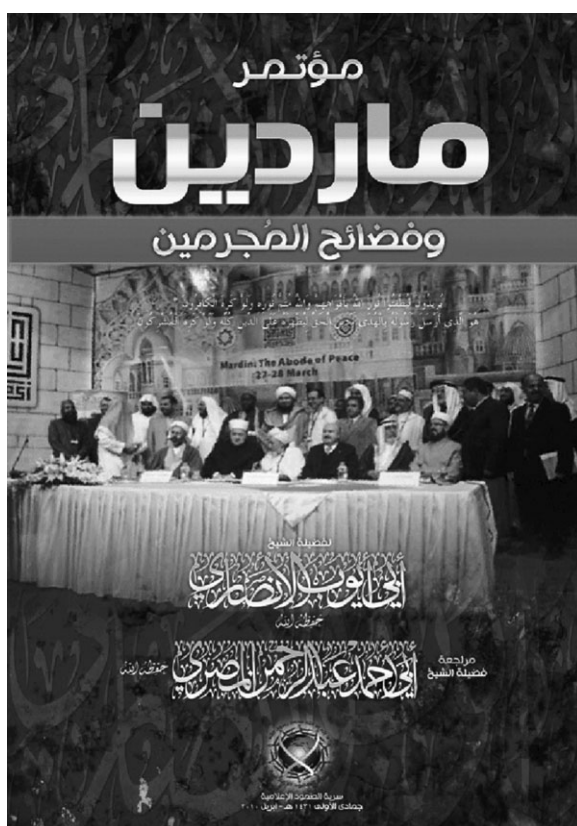
– Luṭf Allāh b. Mullā 'Abd al-'Azīz KHŪJAH, *Mu'tamar Mārdīn 2010, dirāsa wa munāqasha* [*The Mardin Conference 2010: Study and Discussion*] (Ṣayd al-Fawā'id website, n.d.), on <http://www.saa'id.net/Doat/kbojab/97.htm>.

– 'Abd al-'Azīz b. Muḥammad ĀL 'ABD AL-LATĪF, *Mu'tamar Mārdīn al-salām . . . wa l-dīn al-mubaddal wa l-mu'awwal* [*The Mardin Conference . . . when the Religion is Replaced by Other Things and Interpreted*] (*Jund al-Islām* website, n.d.), on <http://www.jondislam.com/vb/t11246.html>.

– Muḥammad RIYĀP, *Fatwā Mārdīn wa l-la'ib bi-l-dīn* [*The Mardin Fatwa and Playing with the Religion*] (*Waṭan* website, 6 June 2010), on <http://www.watan.com/articles/476>.

Shaykh Yūsuf AL-QĀDIRĪ, *Mu'tamar Mārdīn . . . mādbā warā'a l-akima?* [*The Mardin Conference . . . What is there more to it than meets the eye?*] (*Jam'iyyat al-Ittiḥād al-Islāmī* website, 5 May 2010), on <http://www.itihad.org/node/531>.

– ABŪ FĀTIN, *Sarāb al-tarāju'āt wa asrāb al-mutasāqitīn* [*The Mirage of Retreats and the Dens of those Falling down*] (*Fursān al-Sunna* website, 2 June 2010), on <http://www.forsanelbaq.com/archive/index.php/t-166034.html>.



*Cover of the booklet The Mardin Conference
and the Infamies of the Criminals*

Also, and more importantly, are we, Muslims and non-Muslims alike, dull to the point of really thinking, as we are told by some salesmen for the new Mardin panacea, that “AlQaeda is based on a Fatwa Misprint”? Who is fooling whom by dumbing down things in that way? The most important teachings of the Mardin Conference are two. One is the appalling intellectual and canonical mediocrity of some ulemas, shaykhs and other Muslim authorities and activists. The second is that GMI is no solution to the current crisis of the Muslim world. Of course, one can never repeat often enough that problems of sheer injustice — dictatorship, military occupation, plundering of resources, etc. — still need proper political solutions. As for those who think that religion, theology and canonical jurisprudence can contribute to an improvement of the post-9/11 situation, let them first ponder the concluding observations of both A. Ḥijāzī and ‘Ā. al-Dūsarī. “Certainly,” A. Ḥijāzī writes, “we are not opposed to [the] reviewing [of] (our) heritage by acknowledged scholars of the *Umma* whenever that is necessary, in a way that accompanies the times and answers independent judgements on questions posed [. . .] It is amazing that it is we alone who review. It is more amazing that when we review, we

do not return to where we started, but to where the Western and political regime wants us to be. This is a collapse and not a review, and it is no *ijtibād*.”⁹⁶ For ‘Ā. al-Dūsarī, the questions discussed in Mardin “must unavoidably be treated objectively, with Legal proof and demonstration, so as to make the argument more compelling and suited to barr the way to the armed groups. On the contrary, to float the issues or to deny them, or to say that the division of the domains, or [the concepts of] loyalty and disavowal (*al-walā’ wa l-barā’*), are an innovation, this is not really treating the question, inasmuch as it is an unacceptable renunciation of Legal responsibilities; unless the aim is simply to please the West or to make fun of it, and then to affect ignorance of the real problem and solution!”⁹⁷

AFTERWORD

In October 2010, the Mardin Conference controversy became an American affair when the two most infamous American Islamists publicly rejected the New Mardin Declaration. The first condemnation came from Anwar al-Awlaki (b. 1971) as a long article in the second issue of Al-Qaeda *Inspire* magazine;⁹⁸ the second one, signed by Adam Yahiye Gadahn (b. 1978), took the form of a forty-eight minute video message.⁹⁹ These two condemnations were released too late to be examined in the present article alongside the texts of ‘Ā. al-Dūsarī, Ḥ. al-‘Alī, ‘A. al-Ṭurayrī and A. Ḥijāzī. They are however of such importance as to justify the addition of a few reflections in this afterword.

The New Mardin Declaration is now the object of two extreme judgements on the wide spectrum of American Muslim understandings of Islam. At the soft end of this spectrum, it is promoted and praised by the neo-traditionalist Hamza Yusuf Hanson. At its hard end, it is called “a disgrace”, “not worth the ink and the paper it is written on”

⁹⁶ A. Ḥijāzī, *Ibn Taymiyyah Reviews*.

⁹⁷ ‘Ā. AL-DŪSARĪ, *Reflections*, translated below, p. 171.

⁹⁸ A. AL-AWLAKI, *The New Mardin Declaration: An Attempt at Justifying the New World Order*, in *Inspire*, no 2 (Al-Malahem Media, Fall 1431/2010), p. 33–40. Also on *Islamic Awakening* website, [13 October 2010], on <http://forums.islamicawakening.com/f18/imam-anwar-al-awlaki-new-mardin-declaration-39004/>. Anwar al-Awlaki, an American of Yemeni descent, is regarded by U.S. officials as a very dangerous Al-Qaeda militant. This former imam and successful lecturer has indeed inspired or condoned various terrorist attacks against his country. In April 2010, the White House approved his inscription on the CIA target list. His article was originally written in April 2010. See http://en.wikipedia.org/wiki/Anwar_al-Awlaki.

⁹⁹ A. GADAHN, *The Arabs and Muslims: Between the Conferences of Desertion . . . and the Individual Duty of Jihād* (As-Saḥāb Media, Shawwāl 1431 / [Sept.–Oct. 2010]); see <http://jihadology.net/2010/10/23/as-sa%E1%B8%A5ab-media-presents-a-new-video-message-from-adam-gadahn-the-arabs-and-muslims-between-the-conferences-of-desertion-and-the-individual-duty-of-jihad/>. Raised as a Protestant, Adam Pearlman converted to Islam at 17 and joined Al-Qaeda in Pakistan. He has inspired, and himself featured in, several videotapes of the terror organization. He is now charged with treason in the U.S. See http://en.wikipedia.org/wiki/Adam_Yahiye_Gadahn.

by A. al-Awlaki, and seen by A. Gadahn as only serving “the interest of the Zio-Crusade against the Muslims’ realms and its proxies and allies”.¹⁰⁰

For some analysts, the fact that the two American terrorists feel the necessity to condemn publicly the Mardin Conference demonstrates that it “is a thorn in the side of Al-Qaeda since it delegitimizes the foundation of much their theoretical work and *raison d’être*. This is the epitomy of the so-called ‘war of ideas’ [. . .] They most likely feel threatened by its message and clarification of Taqī ad-Dīn Ibn Taymīyyah’s *fatwā* (legal opinion/decreed) at Mardin.”¹⁰¹ Maybe. But what about, then, the number of other refutations of the Mardin Conference circulating on the internet and which, as we have seen above, are surely not all coming from Al-Qaeda’s senior leadership? A more correct and fruitful understanding of the standpoints of the two US-born jihādists could therefore be the following: for them, joining the choir of condemnations of the Mardin Conference or, in other words, becoming part of an anti-Mardin consensus, would mean a gain in authority in the eyes of many Muslims aware of the nature of what had been promoted during that Conference. It was an opportunity not to be missed to demonstrate their religious legitimacy and, consequently, to contribute to their own de-marginalisation.

“One has to wonder,” A. al-Awlaki writes, “as to why there was a great emphasis placed on the *fatwa* of Ibn Taymiyyah on Mardin by the issuers of this declaration. The *fatwa* of Ibn Taymiyyah was in-line with the opinions of the scholars before him and after him. So to believe that somehow the mujahidin are so dependent on this *fatwa* and are basing their jihad on it is not the case. Many, if not most, of the mujahidin have never even heard of it.”¹⁰² A. Gadahn says similarly: “The Mujahideen who have gone out to defend their religion, brothers and countries against that campaign and its agents haven’t relied in that on one fatwa from one ‘Alim (learned man) but rather, have depended on numerous fatwas, and moreover, on numerous proven consensuses about the obligatory nature of Jihad on individual Muslims in a number of scenarios [. . .] To emphasize the previous point about the matter not being related to one fatwa or one ‘Alim, I would like to point out that many of those carrying out the obligation of Jihad today aren’t among those who imitate or follow Ibn Taymiyyah in the first place.”¹⁰³

For the same analyst already quoted, Gadahn “undermines his argument when he discusses the importance of Ibn Taymīyyah to the Al-Qaeda movement.”¹⁰⁴ That is not

¹⁰⁰ A. GADAHN, *Arabs*.

¹⁰¹ ANONYMOUS, *Thoughts and Analysis on Gadahn’s new video* (Jihadology, 23 October 2010); see <http://jihadology.net/2010/10/23/thoughts-and-analysis-on-gadahn-s-new-video/>. See also Th. JOSCELYN, *Analysis: Anwar Awlaki’s message to Inspire readers*: “The Mardin declaration represents a threat to Awlaki’s and AQAP [Al-Qaeda in the Arabian Peninsula]’s approach” (*The Long War Journal* website, 21 October 2010, on http://www.longwarjournal.org/archives/2010/10/analysis_anwar_awlak.php).

¹⁰² A. AL-AWLAKI, *Declaration*, p. 39.

¹⁰³ A. GADAHN, *Arabs*.

¹⁰⁴ ANONYMOUS, *Thoughts*.

certain. These statements of both A. al-Awlaki and A. Gadahn can simply be understood as echos of the sensationalist, and historically inaccurate, claims concerning a privileged link between Ibn Taymiyya's Mardin fatwa and modern Islamist radicalism and terrorism made by Aftab A. Malik¹⁰⁵ and other concepteurs, participants or promoters of the Mardin Conference. Rather than concluding that "one can see that the Mardin Conference caused Gadahn to enumerate *apologética* for his and Al-Qaeda's understanding of Islām,"¹⁰⁶ and similarly A. al-Awlaki, it might be more correct and fruitful to admit that it helped them scoring easy points against what A. Gadahn calls the "contemporary surrender movement" among Muslims. For sure, "the question is who is winning this battle of ideas, the classically trained 'ulamā' or the global jihadist 'ulamā'?"¹⁰⁷ Academically speaking and also, I would argue, for many Muslims, A. al-Awlaki's and A. Gadahn's relativisation of the importance of Ibn Taymiyya and of his Mardin fatwa in the arsenal of canonical proofs at their disposal to justify their jihādism looks more serious, and makes more sense, than, for example, Hamza Yusuf Hanson's new pro-Mardin mantra that Al-Qaeda is based on a fatwa misprint. Quoting A. Gadahn, it could even be judged that this is one of these "obvious facts which young men recognize before old men and laymen recognize before 'Ulama'!"¹⁰⁸ And anyway, as underlined by A. al-Awlaki, "the reality of the matter is that the 'New Mardin Declaration' is probably more relevant at scoring points for its signatories with the West, as is apparent by the Western media hailing it, than causing any change on the course of the modern jihad movement".¹⁰⁹

In a forum devoted to Anwar al-Awlaki's refutation of the New Mardin Declaration, an admirer of "Imam Anwar" wrote around mid-October 2010 a post explaining how "a book on the Mardin fatwa" published by "orientalist scholar Yahya Michot" had "served as the root of the Mardin meeting headed by bin Bayyah . . . In Michot's account he looks at the way jihadists have used the fatwa to call for rebellion against the regimes and claims they misunderstood the Shaikh [Ibn Taymiyya . . .] Saudi Salafis consistently refer

¹⁰⁵ See above, p. 138. See also the explanations given by M. Cerić, the Grand Mufti of Bosnia-Herzegovina, in a video recording inserted by A. Gadahn's in his video message *Arabs*: "So Shaykh al . . . Ibn Taymiyyah said, or so he said, 'It [Mardin] is neither a realm of peace nor a realm of war, but rather is a composite: between the two.' So this fatwa issued seven centuries ago was adopted by some extremists, who said, 'This fatwa gives us the right to make war on all those who oppose us for our opinion.' So this fatwa stirred up a huge issue in the world. We went to Mardin to expose this fatwa."

¹⁰⁶ ANONYMOUS, *Thoughts*.

¹⁰⁷ ANONYMOUS, *Thoughts*.

¹⁰⁸ A. GADAHN, *Arabs*. See for example the reaction of "Pluma" (*Islamic Awakening* website, October 2010), *Re: Imam Anwar Al-Awlaki "The New Mardin Declaration"*, post # 37: "I remember reading the new Mardin declaration, it's just a un-islamic bad joke. It should be called 'circus of Mardin'. What are they saying exactly? That because this fatwa was corrupted, the other fataawaa of I[bn] T[aymiyya] about fighting one who does not follow the shari'a does not exist anymore?" See <http://forums.islamicawakening.com/f18/imam-anwar-al-awlaki-new-mardin-declaration-39004/index4.html>.

¹⁰⁹ A. AL-AWLAKI, *Declaration*, p. 39.

to Michot's work as well as he pronounces Ibn Taymia properly as 'severely misunderstood.' Picking right up where he left off, the [Mardin] 'delegation' attempts to do so as well."¹¹⁰

I would like to set the record straight: the hijacking of *Muslims under non-Muslim Rule* into the Mardin show-biz performance happened without me knowing anything about it and, a fortiori, being in any way involved in it. YounusAbdullahMuhammad is nevertheless almost certainly right to see in this book "the root of the Mardin meeting". The way he speaks about it in his post is quite unclear. Yet, he rightly perceives how it goes against absolute, inconsiderate, unrestricted jihādism. In doing so, this hardliner shows a sounder comprehension of *Muslims under non-Muslim Rule* than the "soft" ulema 'A. bin Bayyah in his undocumented claim that my translations of Ibn Taymiyya's Mardin fatwa inspired some Islamist "operation of killing (*ʿamaliyya qatl*)" in Europe. Does it help to read a book before speaking about it?

In ideal Islamic societies, religious scholars and spiritual masters are expected to play a role of guidance, counsel and, if need be, admonition and reproof of the authorities in charge (*ūlū l-amr*), loyalty and obedience going hand in hand with "saying — or assuming — the Truth wherever one may be and not being afraid, in respect of God, of the blame of anyone," as stated in the famous *ḥadīth* of allegiance to the Prophet.¹¹¹ When ulema and shaykhs withdraw from the public arena and do not fulfill this obligation, vis-à-vis local, national or global unjust powers or violent policies, they become partly responsible for the evil which they do not try to prevent. A fortiori when, rather than keeping silent and condemning wrongdoers in their hearts, they openly align themselves with them, promoting GMI and other adulterated goods, they become their auxiliaries and accomplices. When, in conjunction with the *démission* of clerics or their political recuperation, radical movements appear that resort to force and terrorism in order to oppose betrayal of the religion or injustice, it becomes manifest that spiritual diabetes is not an antidote to spiritual cancer but contributes to its inception and lethal spreading.

This diagnostic was already suggested above about the whole Mardin Conference. It is remarkably confirmed by the passage which A. al-Awlaki starts by writing that the New Mardin Declaration "calls for a blanket condemnation of '*all* forms of violent attempts-to-change or violent protest, within, or outside, Muslim societies'" (italics mine). A. al-Awlaki is of course right, then, to remind his readers that "this might be the way of Gandhi or Martin Luther King, but it is not the way of Muhammad, God pray over him and grant him peace, who said: 'I was sent with the sword before the Day of

¹¹⁰ YounusAbdullahMuhammad (*Islamic Awakening* website, October 2010), *Re: Imam Anwar Al-Awlaki "The New Mardin Declaration"*, post # 9; see <http://forums.islamicawakening.com/f18/imam-anwar-al-awlaki-new-mardin-declaration-39004/>.

¹¹¹ See in particular AL-BUKHĀRĪ, *Ṣaḥīḥ*, 9 vols. (Bulaq: al-Maṭbaʿat al-Kubrā l-Amīriyya, 1311–1313 [1893–1895]), *Aḥkām*, vol. ix, p. 77; MUSLIM, *Ṣaḥīḥ*, 8 vols. (Constantinople, 1334[1916] — Anastatic reprint: Beirut: al-Maktab al-Tijārī li-l-Ṭibāʿa wa l-Nashr wa l-Tawzīʿ, n.d.), *Imāra*, vol. vi, p. 16.

Judgment.¹¹² Islam does recognize changing through force and that is what fighting *fī sabīlillāh* is." This truism is unfortunately followed by another of A. al-Awlaki's statements, this time as absolute as the one of the New Mardin Declaration that triggered its criticism in the first place: "Today we cannot expect Palestine, Iraq or Afghanistan to be freed again *except* by force. Israeli and American aggression cannot be met with pigeons and olive branches but *must* be met with bullets and bombs"¹¹³ (italics mine).

In other words, an extreme view has sparked off its contrary, without consideration (*tadabbur*) of any other parameter. Among American Muslims as in the Middle East, hyperglycemia is carcinogenic.

ʿĀṬ B. SAʿD AL-DŪSARĪ

Reflections about the Mardin Conference¹¹⁴

(28 April 2010 / 14 Jumāda I 1431)

I have read with great amazement what some newspapers and media have published about the fatwa of the Shaykh al-Islam Ibn Taymiyya to the people of Mardin, and this, on the occasion of the Mardin Conference that was held in Turkey, in the city of Mardin, on Saturday and Sunday 27–28/3/2010. What caused my surprise was this alarmist and inflated language with which some of these media dealt with the Conference, as well as the defamatory insinuations that accompanied it about the Shaykh al-Islam Ibn Taymiyya and his fatwa, in the sense that the Conference was described as an operation of interment of Ibn Taymiyya's fatwa and of prosecution of Ibn Taymiyya and his fatwa, this fatwa being described as the root (*murtakaz*) of the groups practising anathematization (*jama'āt al-takfīr*) . . . and other journalistic statements that, as usual for them, did not seek to be precise and scientific. Because of this alarmist and inflated [language], I almost thought that they were speaking about another conference, different from the one that I had attended and to which I had contributed a paper!

As I was one of the participants in this Conference and delivered therein a paper about this fatwa, its circumstances, its temporal and local contexts, and its content, I would like to present some reflections about the Mardin Conference and fatwa, inspired by the Conference and inspired by this paper which I delivered to the Conference; and this as follows:

¹¹² See IBN ḤANBAL (d. Baghdad, 241/855), *al-Musnad*, 6 vols. (Cairo: al-Bābī l-Ḥalabī, 1313/[1896] — Anastatic reprint: Beirut: al-Maktab al-Islāmī, 1403/1983), vol. ii, p. 50, 92.

¹¹³ A. AL-AWLAKI, *Declaration*, p. 36.

¹¹⁴ I read ʿĀṬ al-Dūsarī's *Ta'ammulāt fī mu'tamar Mārdīn* in July 2010 on <http://www.almisq.net/news-action-show-id-2669.btm>. It can also be found on a number of other websites, like <http://islamlight2.ccell.mobi/index.php?option=content&task=view&id=18635&Itemid=37>; <http://www.lojainiat.com/index.cfm?do=cms.con&contentid=38415>.

A) REFLECTIONS ABOUT THE MARDIN CONFERENCE

1) In relation to me, personally, there was a great positive benefit in attending this meeting. It was to meet some eminent people and some personalities whom I did not know previously. The meeting was the opportunity to make the acquaintance of some of them and to get to know the true scientific caliber of others.

2) In my personal view, the Mardin Conference does not rise to the level of a “conference” as it was lacking the conditions the fulfilment of which is required in a conference. Or even, I would not exaggerate by saying that it fell short of being a “scientific colloquium”. It would be possible to say that it was a cultural, journalistic, public meeting, lacking depth and scientific foundation.

3) In this meeting I noticed the absence of the required [standards of] arrangements and coordination which good scientific conferences come up to. At my personal level, I had been invited to deliver a paper titled *Ibn Taymiyya's stand vis-à-vis opponents*. Then, when I arrived in the city of Mardin, I was informed that it was not wanted from me that I speak from this paper at this meeting!

This is why I was forced to change it while I was in Mardin, in order to speak about the subject that had been indicated under my name, i.e. *The Mardin Fatwa: its time and place, age and circumstances*. And this paper had been [announced] under the name “Iyād al-Dūsarī”! The time originally allocated for my paper was 30 minutes; then, a few minutes before delivering it, I had the surprise [to learn] that this time had been reduced to 15 minutes!

4) The person responsible for choosing the participants for the meeting should have chosen personalities having some scientific weight and specialized in Ibn Taymiyya and his legacy. The Mardin meeting, I believe, was clearly lacking impartiality. This is manifest from the original list of persons [expected to be] present. What should have been done, in order to hold a conference about the Shaykh al-Islam Ibn Taymiyya, was to invite impartial personalities, having some scientific weight, to discuss this scientific subject. Now, this is something that did not happen with the original list and, similarly, in a great measure, with those [actually] present.

5) To make this clearer, neither my participation, nor the participation of Prof. Dr. ‘Abd Allāh al-Barrāk, nor Dr. Nāṣir al-Ḥunaynī, was [indicated] on the original list, as we were informed about the Conference [just] a number of days before it. Also, originally, the invitation was not addressed to us by the *Global Centre for Renewal and Guidance*, which, it appears to me, was the principal convener and organizer of the Conference.

6) During my stay [in Mardin], I found that the meeting was lacking scientific personalities specialized in this field. Some eminences and ulema were present. However, a proportion of the participants were not specialized in Ibn Taymiyya, nor in his legacy, or did not even belong to his school. The original list of invitees included a group of people considered as adversaries of Ibn Taymiyya. How could one ask those to discuss the legacy of Ibn Taymiyya in order to reach a solution that would convince the armed or extremist Islamic groups that it is claimed rely on Ibn Taymiyya as their reference? The opinion of many of those people has no weight in the eyes of those who are specialized in Ibn Taymiyya's legacy and the Salafi school. Moreover, the interpre-

tation of Ibn Taymiyya's fatwas emanating from those people adds more support to the position of these groups in their misuse of Ibn Taymiyya's fatwas.

7) There is a clear contradiction, it appeared to me, between the list of original invitees and the aim pursued by the Conference, i.e. a guidance (*tarsbīd*) [regarding] the Mardin fatwa, presenting the correct reading of it, and influencing the groups who consider Ibn Taymiyya their reference.

8) I noticed the poor attendance at this conference. Similarly, I noted a clear incapacity to answer the sensitive and complex questions of some of the attendees, which led some of them to leave angry, and others to complain about the [speakers] eluding to answer clearly and unambiguously.

9) Therefore, the alarmist [atmosphere] which accompanied and enveloped this meeting had no objective reason. On the contrary, it was closer to being a "storm in a tea cup", as the meeting was lacking scientific depth and specialisation.

10) Until today, Wednesday 14/5/1431 of the Hijra, corresponding to 28/4/2010, I have not seen the final communiqué of the meeting; and this, because of my absence at Mardin University when the communiqué was read. So, I have not seen any copy of it until this moment. An eminent person surprised me [by telling me] that my name was indicated on the list of signatories of this final communiqué; although — as I have already said — until this moment I do not know what is in it and I was not asked for my authorization about this. And if indeed I had been asked for my authorization — which would have been more in line with scientific integrity — I would not have agreed, for two reasons. The first is my refusal, as a general principle, to sign any collective communiqué: I absolutely refuse the principle of public and collective communiqués. In the past, I have absolutely not added my name on any collective list and, with God's permission, I will not do it in the future. The second [reason] is that to approve something is a judgement; now, a judgement derives from a [mental] representation (*taṣawwūr*) but, until this moment, I do not know the content of the communiqué, because I have not seen it. I don't even know whether my name is actually indicated on it. A minimal right, in proper etiquette (*ḥaqq adabī*), would have been that I be asked for my authorization about this, and I know that there is one other person whose name is [also] indicated on the communiqué without his authorization.¹¹⁵

B) REFLECTIONS ABOUT THE MARDIN FATWA

At this point, I will present a summary of some of the points which were in the paper that I prepared, the day of the Conference, about the Mardin fatwa and part of which I delivered during that meeting, as follows:

1) In the first point that I delivered during the meeting, I mentioned that the division of domains into domain of Islam and domain of unbelief is [something]

¹¹⁵ Probably Dr. Nāṣir Yaḥyā al-Ḥunaynī, who has expressed publicly his reservations about the Mardin Conference and declared that his name had been added to the list of signatories of its final declaration without his consent; see his *Clarification (Bayān)* on <http://www.almisq.net/news-action-show-id-2632.htm>, 27 Rabī' II 1431 [12 April 2010].

established by authentic reports. It is a division that has a Legal, authentic, origin. It is not one of the inventions of the jurists, even if they differ about its details.

2) The views of the ulema have varied as they were differing about the basis (*manāṭ*) of a judgement that a domain [is this or that]. What is the thing that makes a domain a domain of unbelief or a domain of Islam? What is meant by “the appearing of the institutions” (*ẓuhūr al-aḥkām*): the domination (*ẓuhūr ‘alā*) of a Muslim power (*sultān*) over the domain? Or, what is to be understood by the expression “the appearing of the institutions”? Is it the appearing of the cultic practices (*shā’ā’ir*) of Islam at the hands of its Muslim inhabitants? The ulema have moreover differed about this: is it possible for a domain of Islam to become a domain of unbelief? They said five things that it is not the place here to detail.¹¹⁶

3) On the divisions of domains there are regulative prescriptions, general and theoretical, about which the ulema speak as they endeavour to expound the basis (*manāṭ*) for judging that a domain [is this or that]. Now, the situation of Mardin was a concrete situation which the jurists faced practically in the time of the Tatars. Ibn Taymiyya, may God have mercy on him, noticed about this situation that it was composite (*murakkab*): an unbelieving occupant and Muslim inhabitants. He therefore called this situation a “composite domain”.

It is worth signaling that it may be understood from an earlier juridical text that such a thing had already been said before Ibn Taymiyya. There is for example the formulation reported by Ibn ‘Ābidīn about the conditions set by Abū Ḥanīfa concerning that whereby a “domain of Islam” becomes a “domain of war”.¹¹⁷

4) In what the Shaykh al-Islam Ibn Taymiyya said about Mardin, there are important and substantial [elements] that barr the way to what the armed groups infer [from it]; and this, in [the following] matters:

Primo: [Ibn Taymiyya] did not consider [Mardin] a domain of war and considered its inhabitants Muslims.

Secundo: he did not make it obligatory to emigrate (*hijra*) from it.

Tertio: he textually said, about the inhabitants of Mardin: “There is an interdiction against [any assault on] the lives and property of Muslims wherever they may be, in Mardin or anywhere else.”¹¹⁸ He also said, about them: “It is not lawful to insult them in a general manner, nor to accuse them of hypocrisy.”¹¹⁹

Quarto: what appears from the words of the Shaykh al-Islam Ibn Taymiyya is that he thinks that what is meant by the islamicity of a domain is the appearing of the Legal prescriptions (*sharā’i’*), not the appearing of a Muslim power (*sultān*). The Shaykh al-Islam says: “Whether a land is a domain of unbelief or a domain of faith or a domain of perverts is not an attribute necessary concomitant to it. It is, rather, an accidental

¹¹⁶ See M. Kh. HAYKAL, *al-jihād wa l-qitāl*, vol. i, p. 665.

¹¹⁷ See M. Kh. HAYKAL, *al-jihād wa l-qitāl*, vol. i, p. 662–663.

¹¹⁸ See IBN TAYMIYYA, *MF*, trans. MICHOT, *Muslims*, p. 63.

¹¹⁹ See IBN TAYMIYYA, *MF*, trans. MICHOT, *Muslims*, p. 64.

attribute, correlative to its inhabitants. Every land whose inhabitants are the believers, who fear [God], is, at that moment, a domain of the Friends of God. Every land whose inhabitants are the unbelievers is, at that moment, a domain of unbelief. Every land whose inhabitants are the perverts is, at that moment, a domain of perversity. If others than those whom we have mentioned [come to] dwell in a [land], and if it is transformed by those others, it is their domain."¹²⁰

He also said: "Whether a place is, or is not, a frontier stronghold (*thaghr*) of the Muslims is amongst the attributes that are accidental to it, not amongst those that are necessary concomitants to it. This is equivalent to its being a domain of Islam, or a domain of unbelief, a domain of war or a domain of peace, a domain of knowledge and faith or a domain of ignorance and hypocrisy. That differs correlatively to the differing of their inhabitants and of their attributes."¹²¹

These words make us perceive that the Shaykh al-Islam tends to consider that the basis (*manāṭ*) for judging a domain is the actions of its inhabitants.¹²²

5) In my paper, during this meeting, I also said that I consider this fatwa as one of the manifestations of the intelligence (*fiqh*) of the Shaykh al-Islam, of his justice (*ʿadl*) and of his tolerance (*tasāmuḥ*). Despite considering that the occupant was an unbeliever, he did not think that the domain had been transformed into a domain of war or unbelief, in contradistinction to other outstanding ulema such as the Imām of the Two Sanctuaries al-Juwaynī, al-Haytamī, al-Ramlī, al-Sarakhsī, and many others who considered that the situation of Mardin was [that of] a pure domain of war.

6) I expressed my astonishment that a conference be held about such a fatwa "in order to investigate the problem [present] therein". It is indeed a remarkable and mature fatwa, expressing the intelligence, knowledge and objectivity of the Shaykh al-Islam. As for the problem — if indeed there is a problem — it resides only in the position of the other jurists, different from Ibn Taymiyya, who think that Mardin had been transformed into a pure domain of war by the victory of the unbelievers over it. During the meeting itself, I took as an example the fatwas of the chairman of the Conference, Shaykh ʿAbd Allāh b. Bayyah, may God give him success in the best achievements. He indeed has a fatwa about the situation of Islam today, no 46620, dated Tuesday 4/5/2004, answering a question about the definition of the domain of Islam, the domain of unbelief and the domain of war. He mentions the division of domains which is well known amongst the jurists and reckons the countries that do not declare war against the Muslims but have hostile tendencies vis-à-vis them as equivalent to the domain of war. This is textually how he expresses himself, may God give him success, after mentioning the division [of domains]: "As a matter of fact, there is something else, i.e. hostile ambitions or tendencies in some countries; however, despite these hostile tendencies, they do not declare being

¹²⁰ See IBN TAYMIYYA, *MF*, trans. MICHOT, *Muslims*, p. 73–74.

¹²¹ See IBN TAYMIYYA, *MF*, vol. xxvii, p. 53–54; trans. in Y. MICHOT, *IBN TAYMIYYA. Les saints du mont Liban*, p. 108.

¹²² See Y. MICHOT, *Muslims*, p. 22.

at war with Islam. With the existence of hostile tendencies in some countries relatively to some Muslims or relatively to some Islamic countries, this country having hostile tendencies relatively to them shall be considered a domain of war.”¹²³

7) The judgement of the Shaykh al-Islam [concerning Mardin] is a judgement that came in particular temporal and local circumstances, against particular people, i.e. the Tatars. Ibn Taymiyya indeed believed [two things about] them:

[Primo], they had attacked the Muslims and killed them, raped and captured their women, plundered their properties, occupied their homes and ruined their possessions — [all] things that are well known and notorious.

Moreover, they used to believe in matters that made [their] Islam defective. They were for example giving preeminence to the pagan and other religions over Islam, or they were judging them equal. They were also giving preeminence to the rulings of the Age of Ignorance over the Way/Law (*sharīʿa*). They were giving importance to magic, magicians and idolaters. Among their chiefs, there were some who used to believe that the Prophet, God pray over him and grant him peace, was a believer satisfying [God] without Islam. Among them, there was also one who used to treat as equals the Prophet Muḥammad, God pray over him and grant him peace, and Genghis Khān. He used to believe that they are all right. “Their doctrine and the religion of Islam,” Ibn Taymiyya said, “do not join together”.¹²⁴

8) I have expounded that this fatwa is not directed at the individuals, in order to have them implement its rulings. Rather, it is one of the questions of political jurisprudence and it is originally directed at the imāms, the authorities (*wulāt*) and the emirs. To justify combating the one who departs from the Way/Law of God in the domain for which the manifestations of unbelief and of Islam contend as [described] in the fatwa of the Shaykh al-Islam Ibn Taymiyya does not belong to individual people but, rather, to those who possess the authority.

9) I mentioned that the Shaykh al-Islam Ibn Taymiyya, for us, is not infallible (*maʿṣūm*): some of the things that he says shall be taken up and others shall be rejected. That which corresponds to what is correct, we accept it; that which opposes it, we reject it. We nevertheless acknowledge and admit that he is one of the outstanding personalities of Islam and that he is amongst the greatest jurists and the brightest *mujtahids*. The matter must therefore inevitably be one of these two situations: either the way the Shaykh al-Islam represents the Tatars is valid and his judgement is valid, or the way he represents and describes them is invalid and his judgement is consequently of the same type. A judgement is indeed derivative from a [mental] representation.

This is why, when Ibn Taymiyya was asked about these Tatars, the judgement [of God on them] and the position [to adopt] concerning them and their barbaric and murderous actions, by which they attacked the Muslim countries, especially Syria, he said, God have mercy upon him, in his answer which manifests an incomparable

¹²³ For the complete text of this fatwa, see <http://islamtoday.net/fatawa/quesshow-60-46620.htm>.

¹²⁴ See IBN TAYMIYYA, *MF*, vol. xxviii, p. 552.

scientific and academic methodology: "This is based on two principles. One is the knowledge of their state; the second, the knowledge of God's judgement on their like. As for the first, anyone who has had direct contact with these people knows their state while anyone who has had no direct contact with them knows it through the recurrent informations and informations of truthful people that have reached him. We will mention most of their affairs after we make clear the other principle, whose knowledge the people knowing Islamic Law are alone in possessing."¹²⁵

I will give you a sample of the visual observations and words of Ibn Taymiyya about them. "It is known," he said, "that this people came over to Syria for the first time in the year 699 H. They granted the inhabitants an assurance of security (*amān*), which they proclaimed from the pulpit [of the Umayyad mosque] in Damascus. They nevertheless captured [a number] of the children of the Muslims that is said to have been hundred thousand or more. In Jerusalem, the al-Ṣālihiyya mount, Nāblus, Ḥums, Dārāyā and elsewhere, they committed acts of murder and taking captives [in numbers] that are known by nobody but God! It has even been said that they captured near to hundred thousand Muslims. They indulged in debauchery with the best of the wives of the Muslims in mosques and other places, like the al-Aqṣā mosque, the Umayyad mosque, etc. Also, they leveled the mosque (*jāmi'*) which is in al-'Uqayba. We have observed the military of this people. We saw that the majority of them were not praying. Among their military, we saw neither a muezzin nor an imām. The possessions and the children of the Muslims which they took, the Muslim houses which they destroyed, nobody knows their [number] but God! With them, in their empire (*dawla*), there was nobody but people who were among the worst creatures."¹²⁶



*Genghis Khān, Hūlāgū and Ghāzān Maḥmūd*¹²⁷

[Ibn Taymiyya] also relates what was said [to him] by their leader. " 'These two,' he said, 'are two great signs that came from near God: Muḥammad and Genghis Khān.' This is the closest that the greatest of their commanders comes to the Muslims: to treat as equals the Messenger of God, the noblest of the creatures for Him, the master of the

¹²⁵ See IBN TAYMIYYA, *MF*, vol. xxviii, p. 510; trans. MICHOT, *Textes spirituels XI*, p. 29.

¹²⁶ See IBN TAYMIYYA, *MF*, vol. xxviii, p. 519–520; trans. MICHOT, *Textes spirituels XI*, p. 30–31 (with footnotes identifying the places mentioned by Ibn Taymiyya).

¹²⁷ Illustrations from Aḥmad KAMĀL Efendī, *Sabḥat al-akbbār* (Burdur, 1289[1872]), p. 23–25.

children of Adam, the Seal of the Envoys, and an infidel, an associator, who is among the greatest of the associators in the matter of infidelity, corruption and hostility, someone of the type of Nebuchadnezzar and his like . . . And despite that, they make him the greatest Messenger for God, by revering what he prescribed to them as way (*sanna*) and law (*shara'a*), according to his opinion and whim . . . They consider lawful [to shed the blood of] whoever opposes the way that was prescribed (*sanna*) to them by this cursed infidel, this enemy of God and of His Prophets, of His Messenger and of His servants, the believers. After converting to Islam, this one of their commanders and his like, the furthest they would go was to assimilate Muḥammad to this cursed [individual].”¹²⁸

10) One must unavoidably take into consideration the fact that the fatwa came in a time of war between the state of the Mamlūks, of which Ibn Taymiyya was a subject, and the Tatars to whose attacks, destruction and killing, plundering and looting, Damascus had been exposed time and again. Ibn Taymiyya's fatwa was to combat them because they were combating the Muslims and seizing their homelands. They were led into this by their belief that they were a state and a nation (*qawmiyya*) with its own existence (*kiyān*), opposed to [that of] the Muslims. Ibn Taymiyya himself undertook to have a conversation with one of them, which manifested in his Tatar [interlocutor] an independentist, secessionist feeling vis-à-vis the Muslim society and his contempt for the Muslim Mamlūk authority (*walī l-amr*).¹²⁹

11) The anathematizing (*takfīrī*) and terrorist groups that are, unjustly for him, related to Ibn Taymiyya are searching for Legal justifications — texts of the Book and the *Sunna*, or sayings of the ulema — to ground [views] that are [already], fundamentally, established in their [minds]. The matter is thus not a demonstration springing from an absolute void of ideas but, rather, a quest of support and aid for [views] that are [already] fixed in their [minds] because of political, psychological or social reasons.

The citation as witness of the Shaykh al-Islam or of any other of the outstanding imāms by the anathematizers is not a proof amounting to a demonstration that the man [himself] was an anathematizer or a shaykh of [such people]; and this for [the following] reasons.

First, the anathematizers cite as witnesses the Qur'ān and the *Sunna*. Will any rational person then say that the Qur'ān and the *Sunna* are the sources of extremism and anathematization? Or that this means that they found in both of them things fitting their

¹²⁸ See IBN TAYMIYYA, *MF*, vol. xxviii, p. 521–522; trans. MICHOT, *Textes spirituels XII*, p. 25.

¹²⁹ See IBN TAYMIYYA, *MF*, vol. xxviii, p. 542–543; translated and analyzed in Th. RAFF, *Remarks*, p. 47–48. In reality, after Ghāzān's conversion to Islam in 694/1295, the Mongols of Iran saw themselves as both Muslims and heirs to Genghis Khān's imperial ideology; see Y. MICHOT, *IBN TAYMIYYA. Lettre à un roi croisé* (al-Risālat al-Qubruṣiyya). Traduction de l'arabe, introduction, notes et lexique (Louvain-la-Neuve: Academia – Lyon: Tawhid, 1995), p. 28–34. See also R. AMITAI-PREISS, *Ghāzān, Islām and Mongol Tradition: a View from the Mamlūk Sultanate*, in *Bulletin of the School of Oriental and African Studies*, 59 (1996); *Mongol Imperial Ideology and the Ilkhanid war against the Mamluks*, in R. AMITAI-PREISS & D. O. MORGAN (eds.), *The Mongol Empire and its Legacy* (Leiden: Brill, 1999), p. 57–72.

whims — God save us from that! Moreover, the anathematizers also cite as witnesses the imām Abū Ḥanīfa, the imām al-Shāfi‘ī, the imām Mālik and the imām Aḥmad b. Ḥanbal, al-Qurṭubī and many other imāms. Is it possible that the mistake be in these imāms, or in the deficiency of the conceptions of the anathematizers?

During the Mardin meeting, I gave as an example a text from the “Gospel of Terrorism” which I had taken with me, i.e. the book *Jihād. The Neglected Duty* by Muḥammad ‘Abd al-Salām Faraj, in which the latter speaks about the division of the domains. As a witness of what he wants to say, the man cites Abū Ḥanīfa, Abū Yūsuf, Muḥammad b. al-Ḥasan, plus as a fourth one, Ibn Taymiyya. His reliance on the words of the three first ones is greater than his reliance on the words of Ibn Taymiyya, which he needs to interpret and take into a particular direction.¹³⁰

Secondly, the Murji’ites¹³¹ also cite the words of Ibn Taymiyya as witness and argument. And those are the opposite of the anathematizers. Was Ibn Taymiyya [then] one of the Murji’ites?

No, the man, God have mercy on him, was neither one of these nor one of those. Rather, his path was a middle way (*wasat*) between excess and neglect, i.e. the path of the people of the *Sunna* and the communion (*jama‘a*).

12) It has been established, by study and thorough examination, that the conclusions drawn by these groups from the texts of the Book and the *Sunna* are not devoid of arbitrariness and distortion, re-reading and solicitation. Similarly, the conclusions which they draw from many of the words of the ulema, including Ibn Taymiyya, come up in this [same] fashion. What is necessary is a thorough examination of such justifications and conclusions, before judging that the person from whom these ideas are said to derive is as good as these groups. [Doing] this does indeed enable them to acquire a foundation and a credibility which they aspire to and crave for. When, by negligence or with an evil intention and design, some affirm that “these anathematizing groups are based on the Shaykh al-Islam Ibn Taymiyya, his thought and his legacy”, I say: “Isn’t saying so among the greatest means to bestow a Legal credit upon these groups, when what is necessary is only to dissociate them and to dissociate their legitimacy from these imāms?”

13) These questions must unavoidably be treated objectively, with Legal proof and demonstration, so as to make the argument more compelling and suited to barr the way to the armed groups. On the contrary, to float the issues or to deny them, or to say that the division of the domains, or [the concepts of] loyalty and disavowal (*al-walā’ wa l-barā’*), are an innovation, this is not really treating the question, inasmuch as it is an unacceptable renunciation of Legal responsibilities; unless the aim is simply to please the West or to make fun of it, and then to affect ignorance of the real problem and solution.

¹³⁰ Theological school identifying faith with inward adherence or utterance of the *shabādatān*, without giving importance to deeds; see W. MADELUNG, *Encyclopaedia of Islam*. New ed. (Leiden: Brill, 1965–2009), art. “Murjī’a”.

¹³¹ See the pages of *The Neglected Duty* translated in Y. MICHOT, *Muslims*, p. 101–107.

HĀMID B. 'ABD ALLĀH AL-'ALĪ

The Clear Refutation of those who took part in the Mardin Conference¹³²

Praise to God! Prayer and peace on our Prophet, Muḥammad, on his family and on his Companions!

To those who took part in the Mardin Conference, I recommend that they study Jean Ziegler's book *The New Masters of the World*¹³³ in order to learn how they are instrumentalized in the project of the centre and periphery!

In short, and keeping away from the details of what they have said — which 99% of the Muslims will not read [anyway] and which those who oppose the hegemonic project of the West will not care about — our shaykhs are good and virtuous but the[ir Mardin] Conference simply added [a few] drops of oil to facilitate [the movement of] some small wheels during the rotation of the enormous mechanism of the new colonialist imperialism which wants to dominate the world and crush peoples without mercy while hiding behind the slogans of world peace, human rights, peaceful coexistence, etc.

"We are in the centre of the circle, and we want to remain in the centre. The United States of America have to lead the world" (Jesse HELMS, chairman of the Senate Foreign Affairs Commission, 1995–2001, quoted in *The New World Masters*, p. 32).¹³⁴

The countries of the centre, according to the Western conception, are America and its Western allies, whereas the Islamic world lies in the lowest part of the periphery.

"The masters extend their power on the world by means of the ideologies which they invite to and, also, by means of the economic and military pressure which they exert. As for the ideology which leads their practices, it bears an innocent name: the *Washington Mutual Understanding (tafāhum)*" (*The New World Masters*, p. 47).¹³⁵

¹³² I read Hāmid al-'Alī's *al-Radd al-mubīn 'alā l-mu'tamirīn fī Mārdīn* [R] on <http://www.muslm.net/vb/showthread.php?t=384523>. It can also be found on several other websites.

¹³³ Jean ZIEGLER, *Les nouveaux maîtres du monde et ceux qui leur résistent* (Paris: Fayard, 2002).

¹³⁴ See Jean ZIEGLER, *Nouveaux maîtres*, p. 44: "L'arrogance de l'empire américain est sans limite. Écoutons sa proclamation : « Nous sommes au centre et nous entendons y rester [. . .] Les États-Unis doivent diriger le monde en portant le flambeau moral, politique et militaire du droit et de la force, et servir d'exemple à tous les autres peuples » (Jesse Helms, « Entering the Pacific Century », discours publié par la Heritage Foundation, Washington DC, 1996; cité par *Le Monde diplomatique*, juillet 2001)". Senator Jesse Helms chaired the Senate Foreign Relations Committee between 1995 and 2001. Here are his original statements, as published on the website of *The Heritage Foundation*: "... we remain uniquely positioned, not only geographically, but strategically, politically, and economically at the center. The United States thus remains the world's anchor. And that is where we must stay [. . .] I am convinced that we cannot be the best nation in the world unless we are willing to lead the world. We cannot lead by being the world's policeman, nor the world's babysitter, but by being what we have been for most of the 20th century — the standard-bearer of moral, political, and military might and right, an example towards which all others aspire" (<http://www.heritage.org/Research/Lecture/Entering-the-Pacific-Century>).

¹³⁵ See Jean ZIEGLER, *Nouveaux maîtres*, p. 64: "Les maîtres règnent sur l'univers autant par leurs énoncés idéologiques que par la contrainte économique ou la domination militaire qu'ils exercent. La

PNAC are the letters that summarize the project through which America has granted itself the right to overstep all international treaties and to violate all human rights in order to reach its aim of hegemony over the world. It is what is called *The Project for the New American Century*,¹³⁶ i.e. the project of the American century. It aims at *American leadership is good both for America and for the world; and that such leadership requires military strength, diplomatic energy*,¹³⁷ i.e. the realization of America's leadership of the world, which is good for America and for the world; and this leadership requires military strength and diplomatic efforts.

This is why America has adopted the path of preemptive war, i.e. starting with a military strike, and of the occupation of countries — just as it has occupied Iraq and Afghanistan — in order to eliminate any obstacle preventing the realization of the project of the American century.

"The United States have for a long time persisted in preferring preemptive actions to counter the threats against the national security." "The United States of America will carry out preemptive actions when necessity requires it." These two texts are from the charter of the American National Security.

"Some day, I will go to war with you. At the present moment, I enjoy strength whilst you are in need of it. This is why I will launch the war now" (Graham ALLISON, one of the theoreticians of the concept of the American preemptive war).¹³⁸

Concerning the treaties of English colonialism during the past century, the poet said:

The treaty between the English and us is like a treaty between a sheep and a wolf.

Who has ever seen the wolf of the wolves shake hands in friendship with one of the lambs?

They nevertheless feared the loosening of our shackles and made them more sure with locks.

They wrote for us these treaties and thereby only put a lock made of chains.

May the hands of their two signatories be paralysed! May the curse of the [future] generations be upon them!

figure idéologique qui guide leur pratique porte un nom anodin: « Consensus de Washington ».» On the *Washington Consensus*, see *ibid.*, p. 63–65.

¹³⁶ In English in the original text.

¹³⁷ In English in the original text.

¹³⁸ For the original text of Graham Allison's statement, see David SANGER, *Beating Them to the Prewar*, in *New York Times*, 28 Sept. 2002, B7: "The logic goes something like this, says Graham Allison of Harvard's Kennedy School of Government. 'I may some day have a war with you, and right now I'm strong, and you're not. So I'm going to have the war now. That, of course, was Japan's thinking, and in candid moments some Japanese scholars say — off the record — that the country's big mistake was waiting too long.' But Mr. Allison notes that historically, preventive war has been regarded as illegitimate, because if countries act simply because rivals are getting relatively stronger, you end up having a lot of wars." (<http://www.nytimes.com/2002/09/28/arts/beating-them-to-theprewar.html?scp=1&sq=September%2028,%202002,%20beating%20them%20to%20the%20prewar&st=cse&pagewanted=2>)

Admitting that they are safe from a loosening of our shackles, will they be safe from an inversion of situation?

Important remark: the first lesson concerning world politics is what follows: there are two things to notice on the political map of the world.

[First,] notice this monster (*waḥsh*) destroying mankind: the leaders of the Western countries — the allies of Zionism, the most serious violator of international laws and treaties — who embrace the strategy making the West, or the North, remain the master of the world and its centre. It exhausts the wealth of the countries of the periphery — especially the Islamic world — plunders its resources and makes it remain dependent, weak. It throws all the real human values overboard whilst simultaneously also endeavouring, in its hypocrisy, to call for the respect of the universal charters, the sovereignty of nations, human rights and the freedom of peoples!

All the international institutions that [this monster] controls — especially the Organization of the United Nations — the pacts, the alliances, the military bases that the West sets up — especially in our Islamic countries for a century — are only means towards the realization of its objectives. To say anything else is scandalous ignorance of the facts, let alone ignorance of the rulings of the Way/Law (*ahkām al-sharīʿa*).

The second thing to notice is the spectacle of these revered elites and unofficial juridical institutions — and the truth is that most of them are also in the West — who try in vain to stop this monster.

“The misery of the world spreads even to the doorstep of the White House and, by an amazing malediction, the empire is unable to hide completely from the eyes of the world the countless number of victims which it produces every day. Like the waves of a cursed ocean, these victims come to manifest themselves at a distance of some feet from the Capitol” (*The New World Masters*, p. 213).¹³⁹

What is obligatory for the ulema is not to hide these realities and to defend the means to hegemony that the Westerners have put in place so as to dominate the world. On the contrary, what is obligatory for the ulema, today, is to lead the project of an Islamic renaissance founded on three bases:

1) To stimulate (*istinbād*) all the Islamic energies and to cooperate with the non-Muslims in order to break down the project of the centre and periphery, and to make America and the West fall and loose [their] leadership of the world, so as to remove injustice from humans, the Muslims and the others.

2) To support, in all the Islamic countries, the movements of resistance which resist occupation with weapons and which resist despotism (*istibdād*) with projects of reform, to stand at their side and to defend those who are persecuted (*muḍṭabaḍ*) in the prisons of the tyrans because they stand for the truth and justice.

¹³⁹ See Jean ZIEGLER, *Nouveaux maîtres*, p. 274: “La misère du monde s’étale jusqu’au seuil de la Maison Blanche. Par une étrange malédiction, l’empire ne parvient pas à cacher tout à fait les victimes innombrables qu’il fabrique chaque jour. Comme les vagues d’un océan maudit, elles viennent battre à quelques pas du Capitole.”

3) To launch the attack against the Western policy and to uncover the vicious plans that it makes to wage war against Islam under the motto of the war against terrorism, to uncover how this policy exploits this counterfeit terminology and to warn against complying with this vicious policy.

As for your question concerning the topic of the division of countries into domain of unbelief (*dār al-kufr*) and domain of Islam (*dār al-islām*), we will say [what follows], with God's assistance.

The ulema are agreed on that God, Exalted is He, has only brought on the religion of Islam in order to institute a rule (*ḥukm*) over humans through the extolling of God's word, i.e. His Way/Law, and this is amongst the most important fundamentals of Islam. The Most High said: "With them He sent down the Scripture with the Truth, to rule between mankind about that wherein they differed."¹⁴⁰ The Most High said also: "Indeed We have sent Our Messengers with the clear evidences, and with them We sent down the Scripture and the Balance, so that mankind may keep up equity (*qist*), and We sent down iron, in which there is awesome force and uses for mankind, and so that God may know those who help Him and His Messengers in the unseen. Verily God is Powerful, Almighty."¹⁴¹

Ibn Kathīr, God have mercy on him, said:¹⁴² "I.e.: 'We have made iron a deterrent for whoever refuses the Truth and opposes it stubbornly after the justification (*ḥujja*) [of it] has been presented to him.' This is why the Messenger of God, God pray over him and grant him peace, resided in Mecca, after [the beginning of his] prophethood, during thirteen years during which the Meccan suras were revealed to him. Now, all [these suras] consist of discussions with the unbelievers and expounding, clarification of the proclamation of God's oneness (*taḥḥīd*), evidences and proofs. When the justification [of God] had been presented to those who used to oppose the Way/Law (*sharʿ*) of God, the hegira [took place] and he commanded them to combat with the swords and to strike the necks, and the heads, of whoever opposes the Qurʾān, calls it a lie and resists it stubbornly. Imām Aḥmad [b. Ḥanbal] and Abū Dāʾūd have reported as a *ḥadīth* from ʿAbd al-Raḥmān b. Thābit b. Thawbān, after Ḥassān b. ʿAṭiyya, after Abū l-Munīb al-Jarshī the Syrian, after Ibn ʿUmar, that he said: 'The Messenger of God, God pray over him and grant him peace, said: "I have been sent with the sword before the Hour so that God alone shall be worshipped without having any associate. My subsistence has been placed under the protection of my lance, humiliation¹⁴³ upon whoever opposes my command. Whoever imitates (*tashabbaha*) people is one of them." ' " ¹⁴⁴

¹⁴⁰ Qurʾān, *al-Baqara*, 2: 213.

¹⁴¹ Qurʾān, *al-Ḥadīd*, 57: 25.

¹⁴² See IBN KATHĪR (d. Damascus, 774/1373), *Tafsīr*, 4 vols. (Beirut: Dār al-Jīl, 1410/1990), vol. iv, p. 315.

¹⁴³ Ibn Kathīr's version adds "and belittlement" (*wa l-ṣighbār*).

¹⁴⁴ See IBN ḤANBAL, *Musnad*, vol. ii, p. 50, 92; ABŪ DĀʾŪD (d. 275/889), *al-Sunan*, ed. ʿABD AL-ḤAMĪD, 4 vols. (Beirut: Dār Iḥyāʾ al-Sunnat al-Nabawiyya, n.d.), *Libās*, vol. iv, p. 44, no 4031 (the last part of the tradition only).

This is why God, Exalted is He, has imposed *jibād* on this community and has threatened in the strongest terms whoever abandons it, saying: "If you march not forth, He will torment you with a painful torment and will replace you by other people."¹⁴⁵ Indeed, if [this community] abandons *jibād*, it forsakes the trust (*amāna*) of extolling God's word, Exalted is He, of fortifying the religion on the earth and of defeating its enemies. This is why a consensus came about on the duty of *jibād* because it is the means towards this objective. Ibn Ḥazm, God have mercy on him, has said:¹⁴⁶ "*Jibād* is mandatory on the Muslims. When someone wages it who repels the enemy, raids them within their domain itself and protects the frontier strongholds of the Muslims, the duty of it lapses for the rest of them; if nobody wages it, it does not [lapse]. God, Exalted is He, has said: 'March forth, whether light or heavy, and struggle on the path of God with your wealth and your lives.'¹⁴⁷

As the community used to fulfill this duty, this was followed by a division of the countries surrendering to the rule of *jibād* into two types: the domain of war (*dār al-ḥarb*) and the domain of Islam (*dār al-islām*). The domain of war is the one which it is obligatory for the imām to make surrender to the rule of Islam. The domain of Islam is the one following the rule of Islam.

The relation of countries to those who control them¹⁴⁸ is mentioned in the sublime Qur'ān. The Most High said: "And those who disbelieved said to their Messengers: 'Surely, we shall expel you from our land, or you shall revert into our confession (*milla*).'¹⁴⁹ He said also, Praised is He: "The Council of those who were arrogant among his people said: 'Surely, we shall expel you from our town, O Shu'ayb, and those who have believed with you, or you shall revert into our confession.'¹⁵⁰ He said also, Exalted is He: "I shall show you the domain of the perverts."¹⁵¹ And similar verses . . . This is also found in the *Sunna*. In al-Bukhārī, there is this saying of 'Abd al-Raḥmān b. 'Awf to 'Umar, God be pleased with both of them: "Proceed slowly till you reach Madina. It is indeed the domain (*dār*) of migration and of the *Sunna*."¹⁵² In al-Nasā'ī, [it is said] about Madina before Islam: "It was a domain of associationism (*dār shirk*)" (in a *ḥadīth* traced back to a Companion, Ibn 'Abbās, God be pleased with both of them).¹⁵³

As for the jurists' division of countries into a domain of unbelief and a domain of Islam, even if there is no [scriptural] text speaking of that, the reason why they invented this division is what derives from each of these two as rules particular to them; for

¹⁴⁵ Qur'ān, *al-Tawba*, 9: 39.

¹⁴⁶ IBN ḤAZM (d. Manta Līsham, 456/1064), *al-Muḥallā*, ed. M. Kh. HARĀS, 11 vols. (Cairo: Maṭba'at al-Imām, [1964]), *Jibād*, question 920, vol. vii, p. 339.

¹⁴⁷ Qur'ān, *al-Tawba*, 9: 41.

¹⁴⁸ 'alay-hā: ilay-hā **R**

¹⁴⁹ Qur'ān, *Ibrāhīm*, 14: 13.

¹⁵⁰ Qur'ān, *al-A'raf*, 7: 88.

¹⁵¹ Qur'ān, *al-A'raf*, 7: 145.

¹⁵² See AL-BUKHĀRĪ (d. 256/870), *al-Ṣaḥīḥ, I'tisām*, vol. ix, p. 103–104.

¹⁵³ See AL-NASĀ'Ī (d. 303/915), *al-Sunan*, 8 vols. (Beirut: al-Maktabat al-'Ilmiyya, n.d.), *Bay'a*, vol. vii, p. 145.

example, the rule relating to the [protection, or not, of] the lives of their inhabitants as well as of their property, the rule relating to those of the Muslims who are killed in their ranks and whose situation [vis-à-vis Islam] is unknown, the rule relating to the minor found (*laqīl*) there . . . and similar Legal rules that all proceed from the declaration of an offensive *jibād* against such [a domain] by the imām — if it is a domain of unbelief — when the interest (*maṣlaḥa*) [to do so] is preponderant.

The most valid of the two things said [by jurists about the status of places] is that ruling that some countries are a domain of unbelief depends on how [much God's] word is apparent (*ẓuhūr*) in them. If Islam rules (*kāna l-ḥukm li-l-islām*), they are a domain of Islam; if not, they are a domain of unbelief.

Similarly, the caḍi Abū Ya'la¹⁵⁴ has said: "Every domain in which the rules of unbelief prevail, not the rules of Islam, is a domain of unbelief."

Al-Mardāwī has said in *al-Inṣāf*: "The domain of war is the one in which the rule of unbelief prevails" (iv. 121).¹⁵⁵

In *al-Sayl al-jarrār* of al-Shawkānī, God have mercy on him, one finds: "What is to be considered is [how much God's] word is apparent. If [giving] commands and prohibitions, in a domain, belongs to the people of Islam, so that those of the unbelievers who are [living] therein are not able to let their unbelief appear, except because it is¹⁵⁶ permitted to them to do so by the people of Islam, this is a domain of Islam and there is no harm in the characteristics of unbelief appearing therein because they are appearing neither with the power of the unbelievers, nor with their despotism (*ṣawla*), as is visible in the case of the people under our protection (*ahl al-dhimma*): the Jews, the Nazarenes and those with whom we are bound by treaty (*mu'ābad*), who reside in the Islamic cities. If it is the opposite, the domain is the opposite [i.e. a domain of unbelief]" (iv. 575).¹⁵⁷

It must however be remarked that this only follows, as we have said, offensive *jibād*, and the consequence thereof is that it is obligatory for the imām to assail the countries in which the rules of unbelief predominate, in order to make them surrender to the rule of Islam, even if there are Muslims [living] in them.

This nevertheless does not mean an authorization [to attack] the lives of the Muslims in the countries in which it is unbelief which is apparent. In this situation, [these countries] rather become like the [countries] composed (*murakkab*) of a domain of Islam because of the Muslims [living] therein and of a domain of unbelief and war because of the unbelievers [living] therein.

¹⁵⁴ Muḥammad b. al-Ḥusayn b. al-Farrā', better known under the name of qāḍī Abū Ya'la (380–458/990–1066), Ḥanbalī theologian of Baghdad; see H. LAOUST, *EF*², art. "Ibn al-Farrā'".

¹⁵⁵ 'Alī b. Sulaymān AL-MARDĀWĪ (d. Damas, 885/1480), *al-Inṣāf fī ma' rifat al-rājiḥ min al-khilāf*, ed. M. Ḥ. AL-FIQĪ, 12 vols. (1374/1955), *Jibād*, vol. iv, p. 121; pdf downloadable from <http://www.waqfeya.com/book.php?bid=2376>.

¹⁵⁶ li-kawni-hi: li-kawti-hi **R**

¹⁵⁷ Muḥammad b. 'Alī AL-SHAWKĀNĪ (d. 1250/1834), *al-Sayl al-jarrār al-mutadaffiq 'alā ḥadā'iq al-azbār* (Beirut: Dār Ibn Ḥazm, 1425/2004), p. 976.

This is similar to the obligation, for subjects, to combat a ruler in whom blatant unbelief appears, according to the text of the *ḥadīth* [found] in the two *Ṣaḥīḥs*: “. . . unless you see a blatant unbelief (*kufṛbawāḥ*) about which you have, from God, a proof (*burhān*).”¹⁵⁸ The status of someone helping [such a ruler] in his unbelief shall be similar to his status, whilst those who are under his rule, i.e. the Muslims, their lives and their properties are to be protected (*maʿṣūm*).

In this *ḥadīth*, there is a proof that it is obligatory to combat in order to make Islam rule. This is the most important of the objectives of the *jihād* on the path of God, Exalted is He. There is also, therein, a proof that it does not necessarily follow therefrom that the status of domain of unbelief is applied to the Muslims [found] in that place. A fatwa of the Shaykh al-Islam Ibn Taymiyya, God have mercy on him, relates to something similar to this. Answering a question concerning Mardin, he indeed said: “All praise is due to God! There is an interdiction against [any assault on] the lives and property of Muslims wherever they may be, in Mardin or anywhere else. To give assistance to those who depart from (*khārijʿan*) the Way/Law (*sharīʿa*) of the religion of Islam is also forbidden, whether it be the people of Mardin or others. If the one resident [in Mardin] is unable to put his religion into effect (*iqāma*), it is obligatory for him to emigrate. If that is not [the case], it [remains] preferable [but] is not obligatory . . .

Is [Mardin] a domain of war or of peace? It is a [city of a status] composite (*murakkab*), in which both the things signified [by those terms are to be found]. It is not in the situation of a domain of peace in which the rulings (*aḥkām*) of Islam are implemented because its army (*jund*) is [composed of] Muslims. Nor is it in the situation of a domain of war, whose inhabitants are unbelievers. Rather, it constitutes a third type [of domain], in which the Muslim shall be treated (*yuʿāmal*) as he merits, and in which the one who departs from (*khārijʿan*) the Way/Law of Islam shall be combated (*yuqātal*) as he merits” (*Collection of Fatwas*, xxviii, 250).¹⁵⁹

This is the meaning of the Mardin Fatwa. Its meaning is neither that the Muslims would not raid Mardin — in that time — because there was in it a number (*ʿāʾifa*) of Muslims, nor that those who were in it, of those who departed from (*khārijʿan*) the Way/Law of Islam, were absolutely safe from a raid by the Muslims. Its meaning is rather that, if Mardin was raided, the one departing in it from (*khārijʿan*) the Way/Law of Islam would be combated as he merited, whereas the lives of the Muslims would be preserved. It should not be said that, because they are in the domain of unbelief, [to attack] their lives and their properties is authorized, as well as implementing against them the rulings [relating to] the domain [of unbelief where they are].

The shaykh Sulaymān b. Ṣaḥmān,¹⁶⁰ God have mercy on him, said about this:

¹⁵⁸ See AL-BUKHĀRĪ, *Ṣaḥīḥ*, *Fitan*, vol. ix, p. 47; MUSLIM (d. 261/875), *Ṣaḥīḥ*, *Imāra*, vol. vi, p. 17; IBN HANBAL, *Musnad*, vol. v, p. 314.

¹⁵⁹ See Y. MICHOT, *Muslims*, p. 63–65.

¹⁶⁰ Saudi religious scholar (Province of Abha, 1266/1849 – Riyadh, 1349/1930).

Because of the unbelievers, the rules of their religion were not implemented on [Mardin]'s inhabitants but unbelief occurred in it.

Therein the two sides were [however] not equal, and Taqī l-Dīn [Ibn Taymiyya] said about that place:

"The Muslims shall therein be treated according to their rights; and to the one with unbelief what he deserves of action."

Do thus not issue a status of unbelief from all side, nor a status of Islam to what someone deviating says!

If the people of a place (*balad*) apostatize, the status of their domain becomes that it is a domain of unbelief and it is obligatory to combat them.

Ibn Qudāma, God have mercy on him, has said: "When the people of a place (*balad*) apostatize and their rules are implemented therein, they become a domain of war as for taking their properties as booty, reducing to slavery their children born after their apostasy. It is incumbent on the imām to combat them. Indeed, Abū Bakr the truthful combated the adherents of apostasy, with the communion of the Companions and because God, Exalted is He, had commanded to combat the unbelievers in [various] passages of His Scripture. These [apostates] are those of them who deserve the most to be combated because their abandonment [of the religion] might incite their like to imitate them and to apostatize with them. Because of them, there would thus be much harm . . . This was said by al-Shāfi'ī."¹⁶¹

All that which we have mentioned here is the object of a consensus (*mujma' alay-hi*), on the whole, despite some secondary divergence that has no impact on the interpretation of [the terms] "domain of unbelief" and "of Islam". Such Legal rulings, it is possible to nobody — whoever it might be — to annul them. Even if they were joining together from the [various] regions of [the globe], they would not be able to annul the Way/Law of God, Exalted is He! It will indeed remain until the rising of the Hour, whereas whoever opposes it is evanescent and does not last but an hour.

To conclude, we will draw attention to four important matters:

1) Those who, misunderstanding the division [of countries] into domain of unbelief and domain of Islam, have declared lawful [to assault] the lives and property of¹⁶² Muslims in the countries of the West are a very small faction and have no impact worth mentioning. As for the attacks on the countries of the West by some groups, their rationale is a completely different rationale — although we have reservations about it from another viewpoint. It is a military rationale whose objective is to make a change happen in the balance of the conflict, or to realize an equilibrium of terror, or to achieve political points, etc. Now, many of the fighting organizations offering resistance to the West do this, not just the Islamists, and the space for initiative (*ijtibād*) in this respect follows from the rules

¹⁶¹ 'Abd Allāh b. Aḥmad IBN QUDĀMA (d. Damas, 620/1223), *al-Mughnī*, ed. M. Kh. HARĀS, 10 vols. (Cairo: Maṭba'at al-Imām, n.d.) vol. viii, p. 554.

¹⁶² — : ghayr **R** of the non-Muslims.

of *jibād*, for the reason that they combat an enemy who — even if he feigns the opposite — fundamentally acknowledges neither treaties, nor the international law, nor the international declaration of human rights, but instrumentalizes them in the service of his objectives. There is no need for us to mention [here] two recent examples. The first is what happened about Gaza during the latest war: a complete alignment of the West with the Zionist aggression against it.¹⁶³ The second is what the Zionist entity did by murdering the martyr al-Mabḥūḥ,¹⁶⁴ God have mercy on him, and the Western disregard of that crime, except by throwing ashes in the eyes. And the examples are very numerous.

2) Today, the *jibād* of the community (*umma*) is a defensive *jibād*. Thereby, the *jibād* fighters are combating in order to cleanse the countries of Islam from the Zionist-Western brutal, aggressive occupation which targets the community (*umma*) civilizationwise and plans its tearing up. Amongst the greatest obligations today there is standing in total clarity with all the projects of resistance, to embrace them and to support them by all means.



Maḥmūd al-Mabḥūḥ – Al-Qadhdhāfī tearing apart the Charter of the United Nations

3) The most important violator of international law, of international treaties and charters, and of human rights, is the Zionist-Western alliance. It is well known that the highest institution of international charters, i.e. the United Nations, is nothing but a nest of spying and an instrument for the execution of the ambitions of this alliance. Before losing all respectability with regard to the Way/Law (*sharīʿa*) of Islam, it loses it by its being an instrument of the ambitions of this alliance. Really, al-Qadhdhāfī himself, when he tore apart the Charter of the United Nations during its yearly session, was more intelligent than anyone inviting to respect it.¹⁶⁵

¹⁶³ The three-week Israeli war on Gaza between 27 December 2008 and 18 January 2009.

¹⁶⁴ Maḥmūd ʿAbd al-Raʿūf al-Mabḥūḥ (b. Gaza, 1960), Palestinian military commander assassinated in Dubai on 19 January 2010.

¹⁶⁵ On 23 September 2009.

4) To renovate (*tajdīd*) [things], in the religion, is to revivify it in the community (*umma*) and to make the latter turn back to holding fast to its religion, to pride itself in it, and to repel what the enemies of the community conspire against it. To renovate is not to replace the religion (*tabdīl*), nor to change its rules, in order to satisfy those who hate what God, Exalted is He, has sent down!

The great scholar Ibn al-Qayyim, God have mercy on him, has said: "The Way/Law (*sharī'a*) [embodies] God's justice amongst¹⁶⁶ His servants and His mercy amongst His creatures. It is His shade on His earth and His wisdom, which proves Him and proves the veracity of His Messenger, God pray over him and grant him peace, in the most complete and truest manner. It is His light by which He makes those who have insight see, His guidance by which those who are well guided are well guided, His complete healing in which there is the medicine for every patient, His straight road which is such that every person who travels along it¹⁶⁷ travels on the right road. It is the joy of the eyes, the life of the hearts, the pleasure of the spirits. Life, nourishment, medicine, light, healing, protection from error depend on it and, in what exists, every good proceeds only from it and is obtained through it; whereas the reason for every deficiency, in what exists, comes from neglecting it. If there were no remaining traces [of it], this world would be in ruins and the universe would fold up. It is what protects people from error and what the universe subsists by. It is by it that God keeps the heavens and the earth from coming to an end. When God, Praised and Exalted is He, wants to ruin this world and to fold up the universe, He removes [back] to Himself what remains of its traces. The Way/Law with which God has sent His Messenger is the pillar of the universe and the pole of success and happiness in this world and in the hereafter."¹⁶⁸

And God knows better! He suffices us. In Him we trust and let the believers trust in Him!

¹⁶⁶ bayna 'ibādi-hi: bin'ibādi-hi **R**

¹⁶⁷ fa-qad: fi **R**

¹⁶⁸ IBN QAYYIM AL-JAWZIYYA (d. 751/1350), *I'lām al-muwaqqi' in 'an rabb al-'ālamīn*, ed. M. M. D. 'ABD AL-ḤAMĪD, 4 vols. (Cairo: Maṭba'at al-Sa'āda, 1373/1955), vol. iii, p. 14–15.