

Research Note

Classification of states by Muslim jurists and scholars and its relevance to the present day reality

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Classical jurists had divided the world into *Dār al Islām* (the abode of peace) and *Dār al Ḥarb* (the abode of war). The former refers to territories in which Muslims are free and secure while the latter is the opposite of *Dār al Islām*, and refers primarily to non-Muslim territories hostile to Muslims and dangerous to their freedom and security. It can be said that such a division of states by jurists was practical in the circumstances of their time. Given the geopolitical reality they faced in the early phase of Islam from the surrounding mighty empires, their overall concept of the world could not have been much different from this bipolarity. According to Tariq Ramadan (1999: 123-124), such a division was necessary for at least two reasons. One, by marking out the Islamic territories, the scholars were able to point out the essential conditions making a nation Islamic and the rulings determining the political and strategic relations with other nations or empire. Two, it allowed them to establish a clear distinction, as regards legal issues, between the situation of Muslims living inside the Islamic world and those living abroad or those who travelled often such as traders (and who thus required specific ruling).

A third concept, *Dār al ‘Ahd* alternatively called *Dār al Ṣulḥ* (the abode of treaty), was coined by Al-Shafii to indicate non-Muslim territories involved in treaty agreement giving sovereignty to a Muslim state but maintaining local autonomy (Abu Sulayman, 1987: 20). Another term, *Dār al Amān* (the abode of security), was also there in the classical fiqh which seems very near to *Dār al ‘Ahd*. *Dār al Amān* refers to the states of security and peace with which Muslims had no belligerent relation.

About this classification of the world, the following observations can be made. 1. The concept of *Dār al Islām*, *Dār al Ḥarb* and *Dār al ‘Ahd* cannot be found either in the Qur’ān or in the Sunnah. Tariq Ramadan (1999: 130) writes:

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In fact, they were a human attempt, historically dated, to describe the world and to provide the Muslim community with a gauge to measure the world by adapting it to their reality. So it is not at all obligatory for us to uphold these concepts.”

There was disagreement among classical jurists about the specific parameters that define a *Dār* (abode). Some scholars gave emphasis to government whereas others emphasized population. Some other scholars (of Hanafī School like Muhammad b. Ahmad b. Abi Sahl Abu Bakr al-Sarakhsi) considered the question of security and protection prior to considering the nature of law and government. This caused a divergence of opinion among contemporary scholars too.

In a Fiqh seminar in 1992 held in Paris, scholars took various positions in defining the countries that can be called *Dār al Islām* in the contemporary world. Those who referred to population were of the opinion that Muslim majority countries should be considered as *Dār al Islām*, whereas others looked at the government and were of the opinion that the countries where the governments show respect to Islamic teachings be called *Dār al Islām*. Tariq Ramadan argues that if one takes into account the parameters considered by some scholars of Hanafī school, i.e. those based on safety and security, one may conclude that the appellation *Dār al Islām* is applicable to almost all western nations where Muslims are sometimes safer regarding the free practice of their religion rather than many Muslim countries with strict dictators. But this type of conclusion cannot at all be said to be correct. The reason behind these conceptual confusions and erroneous conclusions is that scholars were trying to apply old concepts which seem far removed from contemporary world situation. It is methodologically not sound to apply concepts which do not fit contemporary reality (Ramadan, 1999: 125-127).

The concept of *Dār al ‘Ahd* may seem to be useful and suitable to the current reality of the world. But as Tariq Ramadan (1999:127, 128) writes:

Even the third concept (abode of treaty or *Dār al ‘Ahd*) introduced by Ash-Shafii is not sufficient to draw us out of the binary vision of the world. This appellation brings to fore that some countries, whilst not Islamic from a political point of view, have nonetheless signed peace or collaboration treaties with one or more Islamic countries.

So it can be said that the concept of *Dār al ‘Ahd* is related to two other concepts (i.e. *Dār al Islām* and *Dār al Ḥarb*), i.e. to involve in an agreement we have to know the nature of the two parties involving in the agreement, which again leads to the confusing concept of *Dār al Islām* and *Dār al Ḥarb*.

It is an era of diversity and complexity and mix which can no longer be encapsulated into a twofold and simplistic vision. ... Today we are witnessing a strong current of globalization; it is difficult to refer to the notion of Dar (abode) unless we consider the whole world as an abode. Our world has become a small village and, as such, it is, henceforth, an open world (Ramadan, 1999: 130, 147).

Tariq Ramadan (1999: 148) further writes:

Muslim population are now scattered all over the world. Migration has been important and, in spite of most restrictive regulations, it seems that population movement are to continue: by now millions of Muslims have settled in the West. Their fate is linked to that of the society they live in, and it is unthinkable to draw a line of demarcation between them and the 'non-Muslims' on the sole considerations of space.

He opined further that "in our world, it is no longer a matter of relations between two distinct abodes." It is rather a question of relations between human beings belonging and referring to different civilisations, religions, cultures and ethics. It is also a question of relations between citizens, in continuous interaction with the social, legal, economic or political framework, which structures and directs the space they live in. This complex process, which is a feature of globalization, over-rides the factors which previously made it possible to define the different "abodes" ... "The old binary geographical representation, with two juxtaposed worlds which would be face to face, in relative balance, no longer has anything to do with the reality of hegemony and areas of influence regarding civilization, culture, economy and subsequently of course politics" (Ramadan, 1999: 148).

So wherever a Muslim says *shahadah* and is able to perform religious duties in freedom and security, he/she is at home. Reformist scholars and thinkers like Jamal al-Din al-Afghani, Muhammed Abduh, Muhammed Iqbal and Hassan al-Banna were also in support of this opinion which can be taken as a ground for taking a new look at the world to meet the current reality. Dr. Taha Jabir Al Alwani (1998: vii) argued that this division of world into immutable regions of war and peace diminishes the possibility of a genuine civilizational dialogue Truly those terms always tend to refer to a state of conflict or at least to a temporary banishment of conflict (by treaty) which not at all facilitate dialogues between civilizations.

From the observations made above, it is evident that old concepts do not fit the current reality. The world has taken a new shape, which has led the contemporary scholars to reconsider the issue in accordance with the new reality. But there is no consensus among the scholars in identifying and defining the present world. Some minority scholars uphold the traditional division. On the other hand, the great majority of scholars use the term *Dār al ‘Ahd* and *Dār al Islām*. Tariq Ramadan (1999: 141-142) writes:

The majority scholars use the Shafii concept of *Dār al ‘Ahd* (the abode of treaty) or *Dār Al Amn* (the abode of security) in defining the Western countries, stating that these are the most appropriate terms to define our current situation when we are witnessing treaties between nations (directly or through the United Nations) and the fact that fundamental Muslim rights are protected in these Western countries. However, they continue to consider those countries where Muslims are in majority as *Dār Al Islām* even if their governments are illegitimate and dictatorial and even if Islamic teachings and rulings are neglected.

They hold that those countries should be considered as *Dār Al Islām* with a hope of reform. This opinion is supported by numerous scholars like well-known Dr. Yusuf al-Qaradawi, Mustafa Az-Zarqa, Abdul Fattah Abu Ghuddah and others.

Some other scholars use completely new terms. For example, Faysal Mawlawi writes:

We are not, in the West, in the abode of war, but we are either in the abode of treaty or in the abode of Dawah to God. If we want to keep the (traditional) fiqh classification of the world with the abode of Islam, the abode of War, and the abode of treaty, thus, we are in the West, in the abode of treaty. If, on the other hand, we state that old Fiqh classification is no longer applicable to our current situation—and this is the opinion we prefer—then we say based on this, that we are in Dar Ad Dawah as the Prophet and the Muslims were in Makkah before the Hijra. Makkah was neither Dar Al Islam nor Dar Al Harb but a Dar Ad Dawah and the entire Arabian Peninsula was, in the eyes of Muslims, Dar Al Dawah” (Quoted in Ramadan, 1999:143).

Dr. Taha Jabir al Alwani (1998: vii) suggested moving away from the traditional division of the world into three separate realms of peace (*Dār al Islām*), war (*Dār al Ḥarb*) and treaty (*Dār al Ṣulh*). He suggested instead to identify with

Fakhr al- Din al Razi, who divided the world into two realms: *Dār al-Ijābah* (the land of acceptance, where people accepted Islam and Islamic values are practiced) and *Dār al Da'wah* (the land of invitation, to which Da'wah is presented and its people are invited to Islamic values and practices). This view of the world removes the potential for conflict and emphasizes the role and possibilities of cooperation, understanding, and dialogue between countries. Tariq Ramadan used another term *Dār ash-Shahāda* in defining the Western countries. He writes:

Called *Dār ash Shahadah*, space of testimony, Western countries represent an environment within which Muslims are sent back to the essential teachings of Islam and promoted to ponder over their role: considering themselves as *Shuhadā Al An Nās* (witnesses before mankind), as the Qur'ān puts it, should lead them to avoid the reactive and overcautious attitude and to develop a feeling of self-confidence, based on a deep sense of responsibility” (Ramadan, 1999:149, 150).

All these old and modern contributions are useful and represent the progress of realistic thought by Muslim scholars in the field of International Relations (*As Siyār*). The classification *Darul Ahad-Darul Islam* (for Muslim and non-Muslim countries) or *Dārul Ijāba-Dārud Da'wah* or *Dārul Islām-Dārush Shahāda* is a good contribution to the field of Fiqh. However, I feel that in the present international reality, these are not relevant. Such classification is not necessary. In the contemporary world, after the rise of the United Nations (UN) system and extensive development of international law in all respects, all states are equal and must be dealt with accordingly. Islam per se is not against this. As all human beings are *Khalīfah* and as such have basic equality, so there is no harm in accepting equality of states and in fact Muslim states are following this. Islamic scholars do not think it un-Islamic. Of course, Muslim states have special affinity for other Muslim states on the basis of Ummah consideration, as all Muslims are part of the Muslim Ummah (Muslim ideological nation).

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