

## **CLASSIFICATION OF STATES FROM AN ISLAMIC PERSPECTIVE**

Classical jurists had divided the world into Dar Al Islam (the abode of peace) and Dar Al Harb (the abode of war). Dar Al Islam refers to territories in which Muslims are free and secure and Dar Al Harb is the opposite of Dar Al Islam, and refers primarily to non-Muslim territories hostile to Muslims and dangerous to their freedom and security. It can be said that their division was practical in the circumstances of their time because the geo-political reality they faced in the early age of Islam from the surrounding mighty empires, their overall concept of the world could not have been much different than this bi-polarity. Moreover as described by Dr. Tariq Ramadan the division was necessary for at least two reasons:

First, by marking out the Islamic territories, the scholars were able to point out what the essential conditions making a space or a nation Islamic were and what the rulings determining the political and strategic relations with other nations or empire were.

Second, it allowed them to establish a clear distinction, as regard legal issues, between the situation of Muslims living inside the Islamic world and those living abroad or those who traveled often such as traders (and who thus required specific ruling). [To be a European Muslim by Dr. Tariq Ramadan, pp-123, 124]

Apart from these two, another term, Dar Al Ahd alternatively called Dar Al Sulh (the abode of treaty), was coined by Ash-Shafii to indicate non-Muslim territories involved in treaty agreement giving sovereignty to a Muslim state but maintaining local autonomy. [Toward an Islamic Theory of International Relations, by Dr. Abdul Hamid Abu Sulayman, pp-20]

Another term, Dar Al Aman (the abode of security), was also there in the classical fiqh which seems very near to Dar Al Ahd. Dar Al Aman 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 Dar Al Islam, Dar Al Harb and Dar Al Ahd cannot be found either in the Quran or in the Sunnah. Dr Tariq Ramadan writes: “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 adapted to their reality. So it is not at all obligatory for us to uphold these concepts.”[To be a European Muslim by Dr. Tariq Ramadan, pp-130]
2. There was disagreement among classical jurists about the specific parameters that define a Dar (abode). Some scholars gave emphasis to government whereas others emphasized on population. Some other scholars (of Hanafi school, like Sarakhsi) considered the question of security and protection prior to considering nature of law and government. This causes a divergence of opinion among contemporary scholars too. In a Fiqh seminar in 1992 held in Paris, the scholars took various positions in defining the countries that can be called as Dar Al Islam in the current world. Those who refer to population are of the opinion that Muslim countries are still to be considered as Dar Al Islam, whereas others state that, countries with government, which clearly do not respect Islamic teachings, cannot be called Dar Al Islam any longer. On the other hand, Dr. Tariq Ramadan shows that if one takes into account the parameters considered by some scholars of Hanafi school, i.e. those based on safety and security, one may conclude that the appellation Dar Al Islam 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 said to be correct. The reason behind these conceptual confusions and erroneous conclusion is that we are trying to apply old concepts, which seems far removed from our own

time. It is not at all methodologically correct to apply old concepts, which do not fit to contemporary reality. [To be a European Muslim by Dr. Tariq Ramadan, pp-125-127]

3. The concept of Dar Al Ahd may seem to be useful and suitable to the current reality of the world. But Dr. Tariq Ramadan writes: “Even the third concept (abode of treaty or Dar 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 Dar Al Ahd is related to two other concepts (i.e. Dar Al Islam and Dar Al Harb), 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 Dar Al Islam and Dar Al Harb. [Ibid, pp-127, 128]

Dr. Ramadan writes: “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.” [Ibid, p-130, 147]

Dr. Ramadan 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.” [Ibid, page: 148]

Dr. Ramadan writes: “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 civilizations, 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”.” [Ibid, pp-148]

Dr. Ramadan writes: “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. Westernization, the legitimate daughter of pluridimensional globalization, can be far better expressed through the notion of centre (the West and its relay capitals in the South) and periphery (the rest of the planet), than by the representation of two “abodes” living the reality of a “confrontation”.” [Ibid, pp-148]

The prophet said that entire world is a mosque and pure. So wherever a Muslim, says shahada and is able to perform religious duties in freedom and security, he/she is at home. Dr. Ramadan says that reformist scholars and thinkers like Al Afghani, Abduh, Iqbal and Al-Banna were also in support of this opinion. This opinion can be taken as a ground for taking a new look at the world to meet the current reality. [Ibid, pp-144]

Dr. Taha Zabir Al Alwani opined that this division of world into immutable regions of war and peace diminishes the possibility of a genuine civilizational dialogue. [“Globalization: Centralization not Globalize”, The American Journal of Islamic Social Sciences, IIIT, US, Vol. 15, No. 3, Fall 1998, p vii] 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 all facilitate dialogue between civilizations.

From the observations above it is quite evident that old concept does not fit our reality. The world has taken into 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 the world.

Some minority scholars uphold the traditional division. On the other hand the great majority of scholars use the term Dar Al Ahd and Dar Al Islam. Dr. Tariq Ramadan writes: “The majority scholars use the Shafii concept of Dar Al Ahd (the abode of

treaty) or Dar 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 majority as Dar Al Islam 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 dar al-Islam with a hope of reform. This opinion is supported by numerous scholars like well-known Dr. Yusuf al-Qardawi, Mustafa Az-Zarqa, Abdul Fattah Abu Ghuddah. [Ibid, pp-141, 142]

But some other scholars are interested to 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 Ad Dawah." [Quoted by Dr. Tariq Ramadan in "To be a European Muslim", pp-143]

Dr. Taha Jabir al Alwani suggested to move us away from the traditional division of the world into three separate realms of peace (Dar Al Islam), war (Dar Al Harb) and treaty (Dar Al Sulh). He said, "Instead, we must identify with Fakhr Al Din Al Razi, who divided the world into two realms: Dar Al-Ijabah (the land of acceptance, where people accepted Islam and Islamic values are practiced) and Dar Al Dawah (the land of invitation, to which Dawah 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." ["Globalization: Centralization not Globalism", The American Journal of Islamic Social Sciences, IIIT, US, Vol. 15, No. 3, Fall 1998, p vii]

Dr. Tariq Ramadan used another term dar ash-shahada in defining the Western countries. He writes: "Called Dar Ash Shahada, 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 Shuhada Al An Nas (witnesses before mankind), as the Quran 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." [To be a European Muslim, by Dr. Tariq Ramadan, pp-149, 150]

All these modern contributions are useful and represents progress of realistic thought by Muslim scholars in the field of International Relations (As Siyar). The classification "Darul Ahad - Darul Islam" (for Muslim and non-Muslim countries) or the classification "Darul Ijaba- Darud Dawah" or "Darul Islam-Darush Shahada" are acceptable in the Islamic and present day perspectives. However, I find the terms Darud Dawah or Darush Shahade relate to one function only of Muslim citizens in non-Muslim countries, they do not express the status of the state in a comprehensive sense, these terms do not explain fully how the state deals with all kinds of citizens including religious minorities.

I, therefore, propose the following classification which takes into consideration the spirit of all the recent conceptualizations in the field but also expresses the status of the states, Muslim and non-Muslim, in a comprehensive way. I have not used the word Dar and it is not necessary that we have to use this word.

#### **Proposed Classification**

1. Muslim states which accept Islam as basis of their policy and also ensure civil, political and human rights (including religious rights) of all citizens.
2. Muslim states which do not acknowledge Islam as basis of their policy and Muslim states which do not fully ensure human rights ( including religious rights )of all citizens.

3. Non-Muslim states who grant human rights (including religious rights) to Muslims and other minorities.
4. Non- Muslim states who do not fully grant the human rights (including religious rights) to Muslims and other minorities.

In a just international order in the light of Islam, States in the 2nd category (Muslim states which do not acknowledge Islam as basis of their policy and do not ensure human and religious rights of all citizens) and 4th category (non-Muslim states who do not guarantee the human and religious rights to Muslims and other minorities.) have to be asked (through the UN system and requirements of international and multilateral protocols and conventions) to comply with human and religious rights of all citizens. Any action against defaulting state has to be taken only under the international system. I consider the above as Islamic and Just.