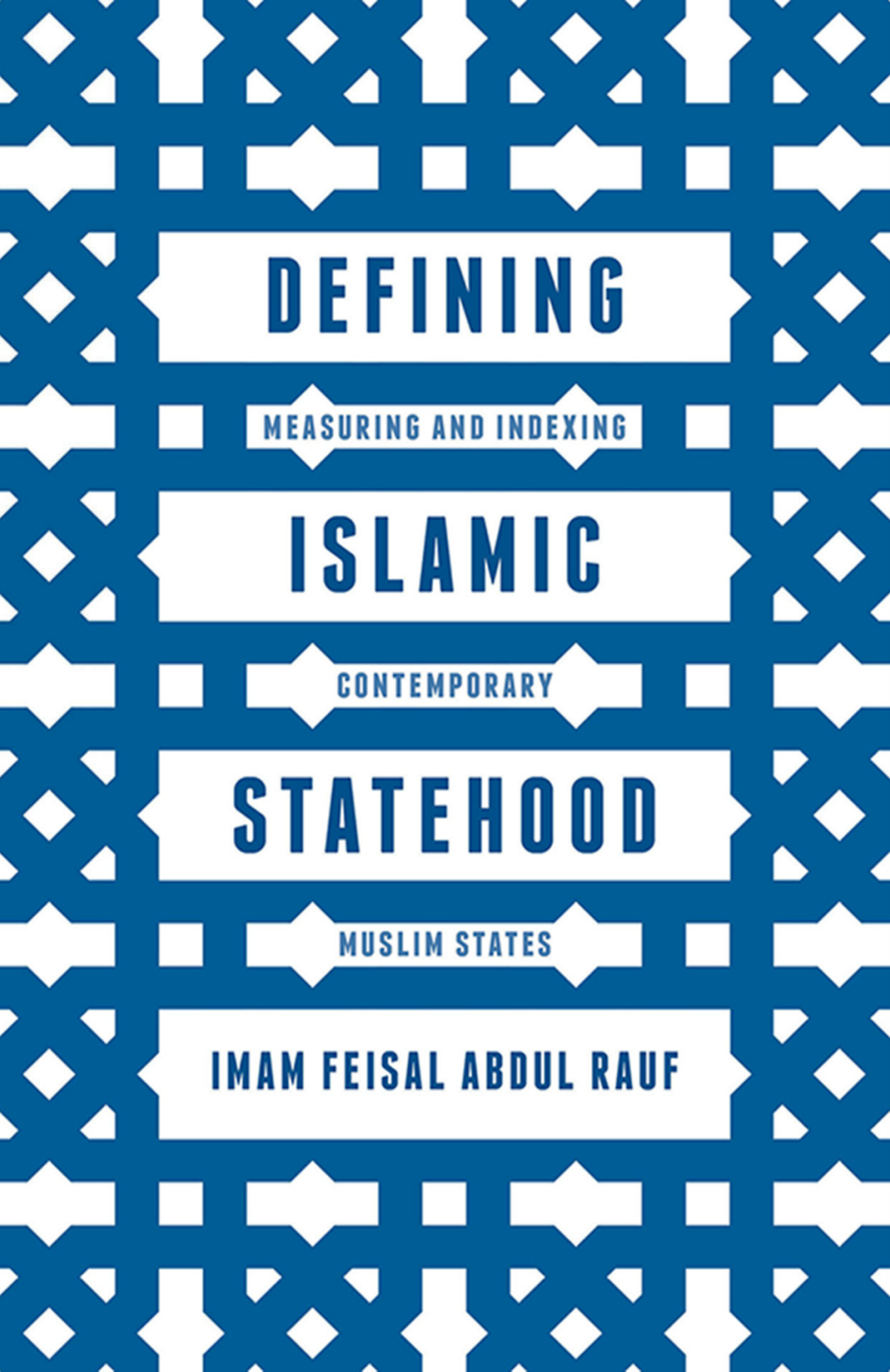




DEFINING

MEASURING AND INDEXING

ISLAMIC

CONTEMPORARY

STATEHOOD

MUSLIM STATES

IMAM FEISAL ABDUL RAUF

Defining Islamic Statehood

Also by Imam Feisal Abdul Rauf

ISLAM: A Sacred Law

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QURAN FOR CHILDREN

WHAT'S RIGHT WITH ISLAM IS WHAT'S RIGHT WITH AMERICA

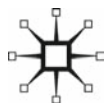
Defining Islamic Statehood

Measuring and Indexing Contemporary Muslim States

Imam Feisal Abdul Rauf

Founder and Chairman, The Cordoba Initiative, USA

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To our patrons, former Malaysian Prime Minister Abdullah Ahmad Badawi and current Prime Minister Najib Abdul Razak. The two have displayed a remarkable and sincere commitment to promoting and championing an understanding of Islam as a moderate, nonviolent religion, and in implementing such an understanding towards laying the foundations for a modern Islamic State. This book is also dedicated to all the scholars who participated in this project. If not for them, this project would not have been possible.

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Acknowledgments

Defining Islamic Statehood is the result of a dozen years of work to attain consensus (*ijma`*) among a working group of Muslim scholars and practitioners of Islamic law. This book defines the foundations for a modern Islamic State, and measures and indexes contemporary Muslim countries against this definition.

This project was initially conceived in the course of a discussion I had with Professor Muhammad Hashim Kamali. It gained traction with the help of the late Professor Mahmood Ghazi, who proposed that we convene a small working group of scholars to discuss modern Islamic governance. As the reader will certainly notice, Professor Ghazi's extraordinary scholarship on Islamic law and his political insights permeate the pages of this book. May God bless his soul with His mercy and compassion and grant him the highest reward in Paradise.

The collective wisdom of all of the scholars who participated in this project and their lifetime of study, reflection, struggle, and engagement with their faith shaped the juristic content of this work. In particular, their varied experiences in the diverse Muslim communities all over the world were invaluable in defining the broad foundations of modern Islamic statehood.

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As this book also emanates from my life journey, my final thanks are to my late father, Dr Muhammad Abdul Rauf, through whom I met many of my truest teachers, colleagues, students, and friends. I have learned so much from all of them. And, it is this learning that I have sought to share in these pages. May God shower blessings on them all.

The Participants

Convener

Imam Feisal Abdul Rauf is the founder and chairman of the Cordoba Initiative, a nonprofit organization dedicated to improving Muslim–West relations and promoting moderation. For over 25 years he was the imam of Masjid al-Farah in New York City. He is the author of *What's Right with Islam Is What's Right with America* and *Moving the Mountain: Beyond Ground Zero to a New Vision for Islam in America*. In 2010, he was ranked among the “100 Most Influential People of the World” by *Time Magazine*, “Top 100 Global Thinkers” by *Foreign Policy*, and “Top 50 Arabs” by the *Middle East Magazine*.

Scholars

Ahmad Abbadi is the Secretary General of the League of Moroccan ‘*Ulama*’ (Islamic religious scholars) and recently retired as director of the Moroccan Ministry of Islamic Affairs. He has been Professor of Islamic Thought at Qadi Ayyad University in Marrakesh, Morocco, and at DePaul University in Chicago, Illinois, where he was a Fulbright Fellow.

Jasser Auda is the executive director of the Maqasid Institute, a global think tank based in London and a visiting professor at Carleton University in Canada. Prior to that he was Associate Professor and Deputy Director of the Center of Islamic Legislation and Ethics at the Qatar Foundation. He is a member of the executive board and also a founding member of the International Union of Muslim Scholars, and is one of the world’s foremost experts on the objectives of Shariah. His book *Maqasid al-shari’ah as Philosophy of Islamic Law: A Systems Approach* is used as a central text in graduate programs in Islamic studies around the world.

Dato’ Osman Bakar is Chairman, Professor and Director of the Sultan Omar Ali Saifuddien Centre for Islamic Studies in Brunei Darussalam. He was previously the deputy CEO of the International Institute of Advanced Islamic Studies in Kuala Lumpur, as well as the Emeritus

Professor of Philosophy at the University of Malaya. He is a specialist in contemporary Islamic thought and has written books on the relationship between Islam and science, which have been translated into ten different languages. He has worked as Malaysia Chair of Islam in Southeast Asia at Georgetown University's Center for Muslim-Christian Understanding, and in 1994 was awarded the royal award of "Dato" by the Sultan of Pahang and by the King of Malaysia in 2000.

Anies Baswedan is President of Paramadina, a university in Jakarta as well as the Chairman of *Indonesia Mengajar* (Teaching Indonesia). He was named one of the "Top 100 Public Intellectuals in the World" by *Foreign Policy* in 2008 and was named among the "500 Most Influential Muslims in the World" by the Royal Islamic Strategic Studies Center in Jordan. He was also elected to serve as moderator for Indonesia's historic first presidential election.

Mahmood Ahmed Ghazi, who passed away in 2010, is the former president of the International Islamic University in Islamabad. He also served as a judge on the Federal Shariat Court of Pakistan and as Pakistani minister of *Awqaf* (Islamic religious trusts). He translated the works of Muhammad Iqbal, a Pakistani national hero, into Arabic.

Khanjar Hamieh was the director of the Islamic Legal Institute in Beirut. Since 2007, he has been Professor of Philosophy at the Lebanese University in Beirut. He has published extensively on Islamic law and philosophy, Shi'ism, and Sufism.

Mohammad Hashim Kamali is Professor of Law at the International Islamic University of Malaysia. In addition to his professorial duties, he is Chairman and CEO of the International Institute of Advanced Islamic Studies in Kuala Lumpur, Shariah advisor with the Securities Commission of Malaysia, and Chairman of Shariah Board at Stanlib Corporation of South Africa. In 1995 as well as in 1997, Kamali was awarded the Isma'il al-Faruqi Award for Academic Excellence twice. He has served on constitutional review committees in Afghanistan, Iraq, and the Maldives and has been called the most widely read living author on Islamic law in the English language.

Mohammad Javad Larijani is President of the Human Rights Council in Iran and a top advisor to the Supreme Leader Ayatollah Khamenei; he has previously served as deputy foreign minister of the Islamic Republic and as director of the Institute for the Study of Theoretical Physics and Mathematics in Tehran. While he is closely involved with the Iranian

government, he participated in this project in a personal capacity and his comments do not represent the official views of the government of Iran.

Ahmad Syafii Maarif, who studied under the legendary Fazlur Rahman at the University of Chicago, was for many years the Chairman of Muhammadiyah, the second largest Islamic organization in Indonesia. It boasts nearly 30 million members and runs over 14,000 educational institutions, from preschools to universities in that country. He is a senior lecturer in IKIP Yogyakarta and an active spokesperson and writer.

Tahir Mahmood is a leading Professor of Law in India and the author of numerous books. He has been a part of the law faculty at Delhi University and has held various prestigious positions in the government of India. His widely acclaimed writings discuss Islamic law and the progressive interpretation of religion-legal matters, which have been cited by the Supreme Court of India and many state high courts in more than 20 judgments.

Tun Abdul Hamid Mohamad is the retired chief justice of Malaysia, with “Tun” being the highest royal award to a civilian for meritorious service to the country. He is now chairman of the Law Harmonizing Committee of Bank Negara (Central Bank) of Malaysia, a member of the Shari’ah Advisory Council of Bank Negara as well as of the Securities Commission, a member of the Judicial Appointments Commission, and a member of the Shari’ah and Civil Law Harmonizing Committee of Brunei Darussalam. Previously, he was a member of the Court of Appeal of Malaysia and judicial commissioner of the state of Penang. His legal career spans 40 years in which he wrote 567 judgments of the Superior Courts and encompassed nearly every important post in the Malaysian judicial system. Moreover, he is an adjunct professor of the Universiti Tenaga Nasional Malaysia (UNITEN) and the Universiti Utara Malaysia (UUM).

Recep Şentürk is General Director and Dean of Graduate Studies in the Alliance of Civilizations Institute at the Fatih Sultan Mehmet Vakıf University, Istanbul, Turkey, and the head of the Department of Civilization Studies. He is a sociologist and a scholar of the *hadith*, the traditions of the Prophet Muhammad and his companions, and Islamic law. He has been a visiting scholar at Emory University Law School. He is a member of the editorial board of the Turkish *Encyclopedia of Islam*, the founder and president of the Istanbul Foundation for Research and Education (ISAR) and the Center for Sciences and Arts (ISM) in Istanbul.

Public relations specialists

Humayun Gauhar is a marketing specialist in Islamabad and was a close advisor to former Pakistani President Pervez Musharraf, serving as Musharraf's chief writer and editor. He is the president of an engineering firm and a charitable foundation and the editor of a number of influential publications in the field of business in Pakistan.

Ramzi Khoury is the CEO of Strategy Falcons LLC, an independent strategic communications group registered in Dubai, Amman, and Kuala Lumpur that has been engaged in perception management projects all over the world. Khoury began his career in Granada Television in the early 1980s and has since held many positions, including editor-in-chief of daily newspapers, advisor to prime ministers and presidents, and Senior Arab Region Advisor to the United Nations Alliance of Civilizations. Khoury is a Christian, with a deep understanding of Islamic theology and culture.

Introduction

This book tells the story of the Shariah Index Project, a project that sought to define the term “Islamic statehood” in a measurable way and then rate countries according to that definition. This book chronicles the thoughts, concerns, points of contention, and ultimately the agreement of a group of scholars representing the global spectrum of Islamic legal and political thought. It captures their spirit of open and honest debate, as well as their consensus, as they sought to define the fundamental requirements and parameters of a present day Islamic state. Finally, it recounts their efforts to establish a methodology that measures a state’s compliance with that definition, thereby helping concerned authorities to better align their governments with the divine ordinances enshrined in the Qur’an and the Sunnah.

This project was born out of a need to address a piece of the unfinished business of the Muslim world, namely, how to determine the right balance between institutions of political authority and institutions of religious authority, and to do so within the context of modern day governance. Western societies have addressed this issue by effectively “separating” church and state, and since much of Western progress and development came after this separation, most in the West view this separation as a necessary requirement for good governance. But this view is not widely held in much of the Muslim world. The development and apogee of the Muslim enlightenment was launched with the advent of the Prophet Muhammad. Thus Muslims have difficulty separating religion from political discourse, as religion is an essential part of their existential worldview. Muslims’ concept of “the rule of law” cannot be separated from Divine Law. Thus, in 1924, when nation-states were formed from the political breakup of the Ottoman Empire, political movements sprouted throughout the Muslim world seeking to establish

Islamic states. “*Islam is the solution*” and “*The Qur’an is our constitution*” were among the slogans of these twentieth century Islamic political movements.

While it was a rarely used part of the political lexicon for centuries, the term “Islamic state” gained significant momentum at the turn of the twentieth century. In 2011, the aftermath of the Arab uprisings saw renewed interest in the question of Islamic statehood. New governments expressed their commitment to Islamic governance amidst the fears of many that such commitments would lead to the violation of human rights. On 23 October 2011, the Libyan National Transitional Council Chairman Mustafa Abdul Jalil affirmed that, as an Islamic state, Libya would uphold the Shariah as the principal source of legislation. Any law that violated the Shariah would be null and void. Soon after, on 27 October 2011, Tunisia’s Islamic party *Ennahda* won the majority of seats in parliament, declaring that Shariah would be the source of the country’s legislation, yet assuring foreign news sources that “Tunisia is a society of moderation.”

These and other states define themselves as Islamic, but what exactly is Islamic statehood? In the desire to see our religion reflected within our political processes, Muslims treat this term as if it were self-evident. And yet there is no consensus about its meaning. Three definitions have been widely used: the first is that an Islamic state is one that has a majority population of Muslims. This demographic definition was used in the creation of the Organization of the Islamic Conference (OIC, now called the Organization of Islamic Cooperation) in 1969.¹ A second definition, which the Afghan Taliban and the Sudan under Omar al-Bashir adopted and which was announced by the Sultan of Brunei in October 2013, focuses on applying the Islamic penal code, specifically punishments known as the *Hudud*, and outlawing “un-Islamic” practices.² These states define their Islamicity by forbidding crimes and harshly punishing transgressors. A third definition is that an Islamic state is one that is governed by Shariah, perhaps best described as instituting an “Islamic rule of law,” and thereby manifesting the principles of just governance as prescribed in the Qur’an and the Sunnah.

Most Muslim scholars would agree on this third definition. It is not enough to simply have a population with Muslim majority, nor to apply a penal code to define a state “Islamic.” If a state is to bear the name of Islam, it must govern according to the positive principles enshrined in the Qur’an and the practice and teachings of the Prophet Muhammad (*Sunnah*). Most scholars would agree on this principle, and several different approaches to governance based on it have been developed over the past millennium.

Nonetheless, there is no consensus on how to accomplish this in practice – especially in the context of the modern nation-state. Furthermore, no attempt has been made to define means to measure a state's compliance with this definition to enable nations to apply the standard in practice.

The conference of scholars

The Shariah Index Project was born out of a desire to fill this gap. Under the aegis of the Cordoba Initiative, an international multi-faith organization working to improve Muslim-West relations that I founded in 2004, we convened a working group of scholars representing the spectrum of Islamic legal and political thought, including Sunni and Shi'i scholars of jurisprudence. Our scholars hail from across the Muslim world, including from Morocco, Egypt, Turkey, Lebanon, Afghanistan, Pakistan, India, Iran, Malaysia, and Indonesia. We met in Kuala Lumpur seven times over the course of six years, supported by the generosity of the former and current Malaysian Prime Ministers Abdullah Ahmad Badawi and Najib Abdul Razak.

The working group was tasked with two goals. The first was to attain consensus on a definition of the Islamic state in a way that reflected the continuity of Islamic thought and tradition. Accordingly, our sources in defining the Islamicity of a state were God's injunctions as stated in the Qur'an and conveyed by the Prophet Muhammad, and the reflections of 14 centuries of Muslim scholars. Muslims continually strive to comprehend the eternal values disclosed through revelation and to implement them in their varied and changing contexts. The second goal of the Project was to create a methodology and an index that would rate nations on their compliance with the definition. While many scholars have attempted to define Islamic governance, the task of rating states' compliance with such a definition has not been undertaken, and this project is thus a much needed contribution to the scholarly discourse.

As can be imagined, our conversations were lively and included impassioned moments of disagreement. While the differences among our scholars mirrored the differences across the Muslim world, their commitment to achieving consensus from the collective pool of their encyclopedic knowledge was an honor and joy to behold. Each scholar brought not only his individual experience and knowledge, but also the collective experience of his community, gleaned from long efforts to bring each society in line with the divine purpose.

After long and thorough deliberations, all of the scholars agreed that the outcomes of governance must accord with the Qur'anic principles of equity and justice for a state to be Islamic. While some scholars felt that these outcomes were the only indicators of a state's Islamicity, other scholars argued that a state's constitutional declarations, its legitimacy, and the religious qualifications of the ruler were also necessary criteria.

These concerns and perspectives, and the resulting degrees of consensus among the scholars are captured in Chapters 2 and 3 of this book, after an introduction to Shariah and the objectives of Islamic law in Chapter 1. The next two address such questions as: Does the Qur'an require Muslims to establish a state? How did the term "Islamic state" arise? Can we prescribe a comprehensive definition of an Islamic state? Is a state Islamic because it declares itself as such, or its political leader has certain qualifications, or is it Islamic because it produces a society based on the principles of the Qur'an and the Sunnah? Quotations from the scholars' conversations provide the basis for the narrative, interspersed with short extracts from our dialogue to give the reader a sense of the diversity of opinions present in our discussions. These chapters reflect the process we went through in reaching consensus on a working definition of Islamic governance, and in using this working definition as a basis for developing a methodology by which we can measure the Islamicity of a state.

Measuring Islamicity

While looking around the room during one of our meetings, one of the scholars, Ahmed Abbadi, remarked that simply gathering such a group and having them work together was a significant accomplishment. While convening the scholars and reaching consensus was challenging, developing a means of measuring compliance proved still more difficult. How are we to quantify the theoretical definition of an Islamic state that the scholars agreed on? The task required us to synthesize the science of Islamic jurisprudence with the indexing methods of the social sciences. What components of a state should be measured in order to determine its Islamicity? Should we engage in polling, or rely upon data that are already available? Our finite financial and human resources forced us to make hard and imperfect choices in developing methods and testing them. But the process through which we developed the measures and the insights we gained in engaging with the challenge is the subject of Chapters 4 and 5.

We do not claim that this index is a perfect measure of a state's Islamicity – achieving that will require many more iterations and more

comprehensive and accurate data. We do claim, however, that we have accomplished an important milestone. We have created a powerful tool that can transform the discourse as Muslims seek to bring their societies in line with what they regard as Divine Intent. While, for reasons that will be explained in Chapter 5, we do not consider the index an accurate final measure of state fulfillment of the *Maqasid*, we stand firmly behind our jurisprudence and our methodology. More comprehensive and current data, and further iterations of this initial effort, will continue to improve the quality and accuracy of the index.

This book is divided into three parts. Each part captures the narrative of a necessarily ongoing work in progress. In Part I, we tell the story of accomplishing an initial milestone in achieving consensus among an international group of Muslim scholars on how to define an Islamic state. The story of this project then bifurcates into two tracks. Part II further describes our efforts in seeking to measure this first-step working definition. We briefly skim through our failed efforts and why they failed and describe in greater detail our success in achieving the important milestone of developing a measurement methodology. We emphasize that further iterations and acquisition of reliable and relevant data is necessary to develop an index that will meet the rigorous requirements of this science. In Part III, our contributors relate their stories on how they each understood and sought to apply the principles of their faith in their arenas of work, which fall into three areas: the political and the judiciary – being the main arenas of statehood and governance – and academia, which informs, comments on, and shapes what happens in politics, the judiciary, and governance. In learning about their work, the reader will gain a much deeper understanding of the jurisprudence, the challenges, and the intersection points of law, politics, and governance; the spaces in which statehood is defined and shaped.

We have also, following the “Arab Spring,” shared summaries of this work with the Interim Government of Egypt in the hope that this jurisprudence can inform their discourse on what Islamic governance and an Islamic rule of law essentially means and bridge the divide between the Islamic and secular political parties in Egypt, and hopefully in the Muslim world. For if this divide is not successfully bridged, I fear that the Muslim world can see a second political ideological split, akin to the political divide that created the Sunni-Shia split, of global proportions. I say this because over the past century, from Morocco to Indonesia, and in both Sunni and Shia communities and nations, we have witnessed the sprouting of Islamic political parties and political movements – some of which have established “Islamic states” – all of which have this

Islamic-secular divide that to various degrees has deeply fragmented these nations.

And that, of course, is the ongoing and unfinished story of both tracks of this project. It is our hope that this volume, and future indexes that rate nations, will prompt further, dispassionate, and sober discussion about the characteristics and construction of the ideal Islamic state. The insights that leaders, academics, activists, and others can draw from this work will help improve the lives of millions across the globe. We see the project as making an important contribution to ensuring that the governing systems in nations with Muslim majorities and in member nations of the OIC produce the just and principled societies envisioned by God and His Messengers.

Conversation: why is the Shariah index project important?

The scholars highlight some of the key and specific aims of the project:

1. to revitalize Islam and its role in the world
2. to delineate what the Shariah says about the state and governance
3. to benchmark an Islamic state for the twenty-first century
4. to reduce malaise among Muslims who worry that they are not living in an “Islamic” state
5. to clarify for individual Muslims how to better fulfill both their spiritual and temporal obligations
6. to mitigate polarization within the Muslim community
7. to assist current governments in administering according to Islamic principles
8. to reshape perceptions in the West about Islam and Islamic governance

Imam Feisal: Professor Ghazi, how would you describe the primary goals of this project?

Ghazi: There’s a real and genuine interest among the Muslim masses to have an “Islamic state” and a “revival of the Shariah.”³ In some cases, there are Muslim governments who are sincere in their own understandings and are trying to restore the Shariah. Yet, their perception differs from the masses.

Therefore, first and foremost, there is a need for consensus on what is meant by “Islamic state” or “implementation of the Shariah” in the Muslim world. In addition, Western observers are sensitive about the

desire to have an Islamic state. They feel that if Muslim desires are realized, this may have a negative impact on Western culture and civilization; therefore, they oppose it tooth and nail. So, secondly, there is a need to clarify what is denoted by an Islamic state and to illustrate the great contributions that could be gained from the revival of an Islamic state. Thirdly, the perceptions on the principles of an Islamic state differ in various countries with Muslim majorities. I can provide you with an example: Mullah Omar [the then spiritual leader of the Taliban at the time of this meeting] has a genuine and sincere perception of the Islamic state as does Pervez Musharraf [who, at the time of this conversation, was the President of Pakistan], but their ideas of an Islamic state differ in many ways. However, there is always a common set of points on which they can agree. They can accept that this common set of points is the Islamic state and that this is how they can join their hands to reach that objective.

To achieve these three goals, we need to develop an Islamic index whereby we can judge the Islamicity of different states. In order to create such an index, first, we need to create an environment of positive competition in the Islamic states. Second, we need to provide a common basis so all stakeholders can pool their resources to realize a common objective. Finally, we need to reestablish Islam into a unifying force as it was in the past; unfortunately, it has become a dividing force in many Muslim countries. Today, the more you mention Islam in the public and political sphere, the more you contribute to dividing the rank and file of Muslim communities.

Therefore, in order to achieve these goals, we should in this first meeting develop the parameters of a Shariah index for the Islamicity of states by confining ourselves to three basic parameters. First, we should ensure the continuity of the Islamic intellectual tradition by producing new ideas and interpretations that would be accepted by the majority of Muslim scholars and the popularly acknowledged representatives of the Shariah.

Second, we should not lose sight of the requirements of modern times, because we cannot present ourselves as outdated. Of course, we recognize that combining the past with the requirements of the present is a challenging task.

Third, we should not present to the Muslim masses, the West, and Muslim leaders an index that consists of disputes and defensive opinions. We should confine ourselves to what is agreed upon among Muslims, and if there is a disagreement, it should be of the type that can be easily removed without offending the point of view of a certain group. For

example, we will say that “such and such an issue” will be judged by the prevalent *madhhab* in the area. This procedure is fair because we can accommodate the different *madhahib*. If this becomes problematic, then we should acknowledge the issue by saying that Muslims differ on this issue.

At the same time, the traditional Islamic *fuqaha'* sitting in the famous Islamic institutions, whether Zaytouna, al-Azhar, Qarawiyyin, Nahdat ul-Ulama of Indonesia, or Nadwat ul-Ulama of India, will feel that this reflects the tradition of Muslims that began from the days of the *sahaba* [the Prophet's Companions] to our time. And hopefully, we will ensure the product will be available in Arabic, English, and other languages, so it will be positively hailed in the Shi'a community of Iran and Lebanon as well as the *'ulama'* of Saudi Arabia, the Indian subcontinent, and elsewhere. Our aim is to provide a realizable first step toward positive transformation in such countries by providing a “roadmap” that would guide leaders in governing according to the principles of Islam.

Hamieh: We're here to understand what the Shariah says about the state, and thus we need to have the sources of Shariah in front of us. In the Glorious Qur'an and sacred Sunnah, the Shariah is very clear about the principles upon which a state should be run if Muslims are ruling. It also talks about the qualities of the ruler in the Islamic state. I think before we propose the principles of the Islamic state and the primary qualifications of the ruler, it's beneficial to understand the Shariah first. The Shariah doesn't ignore these issues. Of course, Sunnis and Shi'is have different views about a state that are both in accordance with the Shariah. In fact, there are even differences within the same school of thought, but there are also issues that they all have agreed upon. Within the revealed text of the Qur'an, Allah has allowed for multiple opinions, due to jurists' multiple understandings of a particular verse or *hadith*, which made many Muslim scholars and jurists agree on some issues and disagree on others. My contention, as Professor Ghazi has just said, is that we should focus on what they have agreed upon.

Imam Feisal: Our basic aim here is *islah* (reform) and to reduce the confusion in the *ummah* about an Islamic state. Our main focus and aim is to clarify what the Shariah says about the state to the interested reader. And it is our hope that those involved in legislation may use these ideas as guidance as they seek to establish laws for their Islamic state.

Larijani: This project was created to address a specific challenge and we should understand this challenge. It's simple: in a number of Muslim communities, the idea of creating an Islamic state has become fashionable. While Muslim intellectuals, youth, and others are speaking about the need for an Islamic state, the harsh response from the Western community is that Islam doesn't have any concept of state. Until 1989, the West said that the only good state was a Communist state or liberal democratic state based on a secular mind-set. They told the world that the best way to live together was by the ideals formulated and diagnosed by Western liberal democracies. After the fall of the Soviet Union, they said that liberal democracies were the *only* way. So Muslims and the Islamic *ummah* are confronted with that powerful claim through the media and propaganda. As a result, Muslims are wondering whether Islam, which we believe is a comprehensive religion, actually addresses issues related to the social life of how to live together. One of the most important aspects of our social life is the creation and the management of a polity. Secular liberals say that Islam is silent in these areas and that Islam is only for the private life and for issues like praying. In matters pertaining to social existence, they argue one should be secular.

In response to this enormous challenge, some have advanced naïve, simple-minded, and even dangerous answers. The emergence of the Taliban and al-Qaeda are examples of this. When we lack a vision for creating an Islamic community, these groups and others are able to pronounce their version of Islam as correct. Our project, therefore, can shed some light for a huge number of Muslims; it can give them guidelines. One of the benefits of our discussion is to find a more rational and reasoned answer that is based on Islam. People are looking for such an answer. The Islamic Revolution in Iran, for example, was one response to this challenge. So this is very important.

Khoury: The question "What is an Islamic state?" is on the mind of every Muslim, as Dr. Larijani noted. And in my opinion, if we were able to read the minds of the majority of Saudis, their answer would be very different from the majority of Pakistanis, Jordanians, or Iranians, for example. At the end of the day, the issue is less whether one is Sunni or Shi'a; rather, it's an issue of perception and what has been created in people's minds. Definitions of an Islamic state are different within a state or even within a movement; for

example, within the Muslim Brotherhood movement there are debates and differences of opinion regarding this issue.

The fact is that all Muslim governments have tried to find solutions to this question. Consider the established political systems we have in the Muslim world today. Those that claim to be Islamic all say they derive their legitimacy from the Shariah. So at the end of the day, they are all attempting to find a solution to the problem they are facing. The solution is in the Shariah and this is what we are doing. We are going deep into the Shariah and saying, okay, this is what an Islamic state looks like.

I wish to stress that if this index is not accepted as a product *by Muslims*, then we will fail. This is an Islamic index and it must be accepted by the Muslim world first. In this sense, Professor Larijani's comments are extremely important. We must address the need within the Muslim community and we have to create the necessary elements to make sure this product is acceptable to the vast majority of Muslims. As Dr. Hamieh said, we must source every single thing from the Shariah. This is a detailed and time-consuming process.

We must be clear about our goals. What do we want to achieve with this index? The Shariah index is an Islamic governance index. How do we want it to be used? We must take into consideration the need to influence and positively change perceptions if it is going to be useful.

Imam Feisal: Basically, we want to enhance the discussion on the subject of an "Islamic state." We want to reframe people's understanding of this issue and to raise the level and caliber of the discussion in a manner that's useful for anyone concerned about this subject. The current discourse on the Islamic state is more passionate than coherent, and we want to add coherence. That's a meta-objective of this project. This will reduce polarization within the Muslim *ummah* and the non-Muslim *ummah*. Jamaat Islamiya and other groups like the Taliban or Hamas, which you mentioned, all seek to establish an Islamic state, a "*dawlah islamiyyah*." Yet, there's no coherent understanding among the *ummah* on what this actually means. This is dangerous for the *ummah*. We can change the realities on the ground by dealing with how people use these terms today. So when Hamas, for example, wins an election and says they want an Islamic state; this is a reality on the ground, and our product should be relevant to such situations. We don't want this to be a mere theoretical exercise.

Kamali: I think that once we've identified our set of goals and the essential principles of Islamic statehood, then we can address the existing realities. Yes, we want everyone to listen to our framework, but we cannot take it for granted that everyone will agree with it.

Mahmood: To continue with that thought, I want to point out that there have been several Muslim governments that insist they're already Islamic states. However, their claims are doubted by some Islamic scholars on varying grounds. The Taliban regime in Afghanistan, for example, insisted that it was a true replica of *Khulafa' al-Rashidun*. This claim was doubted by many in the Muslim world. The Saudis also claim that they are a genuine Islamic state, even though this is not endorsed by many genuine Islamic scholars; similarly, the claim of Pakistan that it is a modern Islamic state is also disputed by many Islamic scholars on solid grounds. Undoubtedly, in all these cases, the claim was based on solid grounds but so was the disputation. It's very difficult to dispute the original claim or to dispute the disputation.

Imam Feisal: That's where we come in. We're seeking to build consensus among the scholars on what an Islamic state is. Some groups, for example, define it by the implementation of the *Hudud* penal code only.⁴ As I tell people in the United States, that's like saying if you apply the American Penal Code, an American-style democratic state will naturally follow. As a result, another objective is providing a counter position to the misimpression that the Islamic state is driven solely by the application of the penal code within certain quarters of the Muslim *ummah*.

The concept of an Islamic state and Islamic governance has been addressed by many, including most of you who are experts on this topic. One objective of this project, its unique added value, is to extract that information and develop a process by which we can create modern day *ijma'*, or consensus, on it. We're creating a roadmap to establish agreed upon benchmarks for a twenty-first century Islamic state.

Ghazi: The idea is to sell the concept of a model Islamic dispensation that is viable for today's context and realities. If we're concerned with the rising tensions and fissures in the Muslim world, then we should try to bring people together through this project. We all respect and venerate Mawlana Jalaluddin Rumi, and he said, "*Tu barayi vasl kardan amadi, na barayi fasl kardan amadi.*" "You have

come to join people; you have not come to divide people." So, we are here for *wasl* (joining) and not *fasl* (separating).

Mahmood: This is true. The purpose of Islam is to unite and this is the message of Rumi's poem. I think our exercise can minimize and mitigate differences on the definitions of an Islamic state; it can create consensus in the Muslim world.

Larijani: Another goal is to nullify the association of Islam with violence and terror. This false perception that doesn't hold water has been impressed upon the Western audience. While our primary focus is to produce an index that is relevant to our current situations in Muslim countries, it should also be understood by the Western community to play a role in cleaning up some of the ambiguities and false impressions about the Islamic world.

Khoury: It's true that the image of Islam in the West is a huge source of divide between the Muslim world and the West today. Of course, this is a perceptual divide. I think the Shariah Index Project can be a fantastic tool to help bridge the divide. One line of action should simply be to establish what is Islamic and what isn't Islamic. If I go back to the Shariah Index Project, for example, I should be able to find that murdering innocent people is not Islamic. This will help.

Hamieh: The misunderstanding in the West concerning Islam, Muslims, and the Islamic state is very dangerous and poses a genuine threat to our communities.

Abbadi: There is also this anxiety among Muslim youngsters and the people of the *ummah* in general about whether they are really living in legitimate states and, if not, then how can they do so.

Imam Feisal: I'm glad that you raised this point, Professor Abbadi, as the issue of governmental legitimacy is of prime concern. My hope is that this project will help clarify for both citizens and political leaders what a government must provide in order to qualify as legitimate in an Islamic sense.

Larijani: Informing Muslims of their Islamic responsibilities – and I'm thinking specifically of Muslims living as minorities – constitutes another objective. To show how a Muslim can base his life and activities, socially and individually, on the teachings of Islam, how he should behave, what he should expect from the community, and so on, is critical, even within a non-Muslim community.

Imam Feisal: Yes, we're seeking to educate Muslims on how they can, within their own realities either as a majority or a minority, fulfill their individual and communal obligations. The issue of

harmonization is important in both states with Muslim majorities and states with Muslim minorities. For example, one of the issues being discussed right now in Canada and the United States is in the area of personal status laws, laws pertaining to marriage, divorce, inheritance, etc. The question is whether or not a space can be created for state legal authorities to accept Shariah personal status law for Muslims as legally binding so they can deploy the enforcement mechanisms of the state to enforce these judgments. In the mind of the devout North American Muslim, the more he or she is complying with Allah's will, the more he or she feels satisfied emotionally.

Abbadi: This is true, but I would also say that, in fact, we're *not* living up to our duties as an *ummah*. This is a collective problem. We aren't really connected to each other and we aren't positively participating in shaping our world. In many ways, we've just submitted; we're merely reactive. We must have clear visions to be positive and proactive in shaping history, and we need to be at the international table of consultation. I think that such an index would serve this purpose because it would be a move toward integration and productive engagement.

This project can also provide confidence and a model for change to our contemporary states. We must positively set this index to serve as a motor to promote development, self-confidence, openness, and peace in our countries by saying "look, all of our nations can be Islamic states, but we need to make further efforts to be better." If we can shape this index to promote these positive ideas, then a state of self-confidence and positivity would prevail. This would drive the *ummah* to live up to its duties and aspirations.

Imam Feisal: That's an excellent example of how this project can have a positive impact on empowering Muslims to constructively participate in shaping our world. It reminds me of a conversation I had with a scholar in Bahrain. The question asked was, "Can we arrive at a definition of what makes one a Muslim?" As we all know, for an individual, whoever says the *shahadah* is a Muslim. This is the minimal requirement (*al-hadd al-adna*) for a person to be Muslim, although we also have the maximum or peak requirement (*al-hadd al-āqsa*). Therefore, we have the different *maqām* or levels, from the minimum Muslim to the complete Muslim, each of whom must perform certain things and behave in certain ways.