Introduction



The Research Center for Islamic Legislation and Ethics (**CILE**) leads the reform and renewal of contemporary Islamic legal and ethical thought and behavior by contributing a sustainable ethical framework for addressing contemporary global challenges. **CILE**'s initiative is maintained by the production, dissemination and application of Islamic ethical thought and behavior. This is achieved by engaging scholars of text and scholars of context to bring about a transformative ethical school of thought.

Launched in January 2012, **CILE** is a member of Qatar Faculty of Islamic Studies within Hamad Bin Khalifa University of the Qatar Foundation. The Center specializes in Islamic Legislation and Ethics with a focus on applied ethics in the fields of: Methodology, Arts, Environment, Economics, Education, Food, Gender, Media, Bioethics, Politics, Psychology, and Migration and Human Rights.

Hessage Of The Conference

It is no longer possible to silence the ethical questions in today's world in which science is capable of creating profound changes in the human world, and in human beings themselves. The conditions of contemporary life, as it reaches beyond the limits of science and its capacities, continues to pose many deeply rooted ethical issues and dilemmas. These are met with different viewpoints in accordance with different normative authorities and value-systems.

The conviction that struck root over the last decades is that there exists no society that can survive without an ethical authority to guide it. By this conviction the post-modernist tendency, which was predominant in the West for several decades, will be superseded. Post-modernism avoids discussion of ethics, maintaining that this belonged to the old and obsolete project of modernity. This contemporary conviction, which stresses the centrality of ethics, brings us to the core of the

Islamic Sharia which serves to "perfect the noble characteristics", as described in the Prophetic tradition.

However, the ethical questions of today, with all their complexities and ramifications, brings us, as Muslims, to our Islamic tradition. In this, we are charged with numerous problems to resolve. The most conspicuous are the following:

- The difficulty of grasping the function of ethics within the system of Islamic jurisprudence (fiqh). Both jurisprudence and ethics present a system of normative values and beliefs referring to human behavior and defining the rule of action, telling us how to act or to abstain from action. Here, the question imposes itself about the relation between Islamic jurisprudence and ethics; is it jurisprudence that is the foundation of ethics, or is it ethics which is the source of jurisprudence? Indeed, is it necessary that they be separated? The answer to this question will leave its impact on the form of the particular rules of jurisprudence connected to human actions. It will also influence the positions Muslims adopt towards a number of today's issues, like the question of masculinity and femininity, global economy, etcetera. This will bring us back to the task that seems to be absent or marginalized in Islamic Reason today. That is, the task of "moralizing" Islamic jurisprudence in the sense that juristic rulings should be tied explicitly to the moral principles underlying them.
- In addition, there is a cluster of problems connected to the method to be applied and the authority that assumes the task of providing guidance and providing ethical clarity concerning human actions. The articulation of this authority must be understandable for most members of society in order to be accepted and respected and in order to comply in practice with that ethical and juridical authority.

Problems of method and authority bring us back to the questions posed by Scripture and Reason, and to the relation between both. To what extent is it possible to define the role of the Scripture in guiding Reason and the role of Reason in interpreting Scriptural references with relevance to questions of science, economy, culture and society? It also brings us back to the extent of the separation between the cultural and historical on the one hand, and Revelation in an absolute and unrestricted sense on the other hand – as applied, for example, to the field of gender studies.

With these thoughts and questions in the background, the Third International Congress of the Research Center for Islamic Legislation and Ethics (**CILE**) will address the difficulties referred to within four broad applied areas, viz. :

- Islam and Science (the Theory of Evolution)
- Economics and Finance (the Concept of *Riba*)
- Methodology (Authority in Islamic Discourse)
- Issues of Gender (Masculinity and Femininity)

These are leading edge issues in Islamic thought that continue to test our understanding, both from the viewpoints of jurisprudence and from ethics. The vision of the Research Center for Islamic Legislation and Ethics (**CILE**) is based upon a search for perspectives that are common to the different fields and specializations. These views must spring from the authority of the Scripture, while taking into account the necessity of living in the present age and planning for the future. Our minds should be open and receptive to the worlds of knowledge and the products of human thought according to their various inclinations, while looking for a universal ethical structure that preserves the common and unites between the differences.





Opening _____

Time	Item/Session	Task/Participants
09:00 - 9:30 am	Registration	EMN & CILE
09:30 - 9:40 am	Quran recitation	Sulayman van Ael
09:40 - 9:45 am	Housekeeping rules	MC : Fethi Ahmed - CILE
09:45 - 9:50 am	Welcoming speech	Abdelazeem Abozaid QFIS representative
09:50 - 10:00 am	Opening speech	Chauki Lazhar CILE Deputy Director
10:00 - 10:05 am	Intro. Keynote speaker 1	Fethi Ahmed - CILE
10:05 - 10:45 am	Keynote speech 1	Tariq Ramadan CILE Director
10:45 - 10:55 am	Q&A	Audience
10:55 - 11:15 am	Coffee & Tea break	All

Panel 1: Islam and Science

Time	Item/Session	Task/Participants
11:15 - 11:20 am	Moderator's intro	Mohamed Ghaly - CILE
11:20 - 11:35 am	Speaker 1	Muzaffar Iqbal - Canada
11:35 - 11:50 am	Speaker 2	Nidhal Guessoum - UAE
11:50 - 12:05 pm	Speaker 3	M. Naim Yasin - Jordan
12:05 - 12:20 pm	Speaker 4	Damian Howard - UK
12:20 - 1:25 pm	Q&A / Open discussion	Audience
1:25 - 1:30 pm	Concluding remarks	Moderator
1:30 - 3:00 pm	Break & Prayers	All

Panel 2: Economics and Finance

Time	Item/Session	Task/Participants
3:00 - 3:05 pm	Intro keynote speaker 2	Fethi Ahmed - CILE
3:05 - 3:45 pm	Keynote speech 2	David Vines - UK
3:45 - 3:55 pm	Q&A	Audience
3:55 - 4:00 pm	Moderator's intro	Ibrahim Ezayat - Germany
4:00 - 4:15 pm	Speaker 1	Abdullah Y. Al Judai' - UK
4:15 - 4:30 pm	Speaker 2	Kamal T. Hattab - Kuwait
4:30 - 4:45 pm	Speaker 3	Abdelazeem Abozaid - Qatar
4:45 - 6:00 pm	Q&A / Open discussion	Audience
6:00 - 6:05 pm	Concluding remarks	Moderator



Opening _____

Time	Item/Session	Task/Participants
09:00 - 9:30 am	Registration	EMN & CILE
09:30 - 9:40 am	Housekeeping rules &	MC : Fethi Ahmed - CILE
	Intro Keynote speaker 3	
09:40 - 10:20 am	Keynote speech 3	Edwy Plenel - France
10:20 - 10:30 am	Q&A	Audience
10:30 - 10:50 am	Coffee & Tea break	All

Panel 1: Islamic Discourse

Time	Item/Session	Task/Participants
10:50 - 10:55 am	Moderator's intro	Muetaz Al Khatib - CILE
10:55 - 11:10 am	Speaker 1	Ahmed Jaballah - France
11:10 - 11:25 am	Speaker 2	Jonathan Brown - USA
11:25 - 11:40 am	Speaker 3	Larabi Becheri - France
11:40 - 11:55 am	Speaker 4	Heba Raouf Ezzat - Egypt
11:55 - 12:55 pm	Q&A / Open discussion	Audience
12:55 - 1:00 pm	Concluding remarks	Moderator
1:00 - 2:30 pm	Break & Prayers	All

Panel 2: Gender Issues

Time	Item/Session	Task/Participants
2:30 - 2:35 pm	Intro keynote speaker 4	Fethi Ahmed - CILE
2:35 - 3:15 pm	Keynote speech 4	Karen Armstrong - UK
3:15 - 3:25 pm	Q&A	Audience
3:25 - 3:30 pm	Moderator's intro	Muetaz Al Khatib - CILE
3:30 - 3:45 pm	Speaker 1	Jamila Mossalli - Morocco
3:45 - 4:00 pm	Speaker 2	Chauki Lazhar - CILE
4:00 - 4:15 pm	Speaker 3	M. Al Sharmani - Finland
4:15 - 4:30 pm	Speaker 4	Mesfer Al Ghahtani - KSA
4:30 - 5:30 pm	Q&A / Open discussion	Audience
5:30 - 5:35 pm	Concluding remarks	Moderator
6:00 - 6:05 pm	Closing speech	Tariq Ramadan CILE Director







Biography

Dr Tariq Ramadan is H.H. Sheikh Hamad bin Khalifa Al Thani Professor of Contemporary Islamic Studies at Oxford University, teaching in two Faculties of Oriental Studies and Theology & Religion. He is Senior Research Fellow at St Antony's College (Oxford) and Doshisha University (Kyoto, Japan);

Visiting Professor at the Faculty of Islamic Studies, (Qatar); Director of the Research Centre of Islamic Legislation and Ethics (**CILE**, Doha, Qatar), President of the think tank European Muslim Network (EMN) in Brussels and a member of the International Union of Muslim Scholars.

He holds an MA in Philosophy and French literature and PhD in Arabic and Islamic Studies from the University of Geneva. In Cairo, Egypt he received one-on-one intensive training in classic Islamic scholarship from Al-Azhar University scholars (*ijazat* teaching license in seven disciplines). Through his writings and lectures Tariq has contributed to the debate on the issues of Muslims in the West and Islamic revival in the Muslim world.

His research interests include the issues of Islamic legislation, politics, ethics, Sufism and the Islamic contemporary challenges in both the Muslim-majority countries and the West. He is active at both academic and grassroots levels.

He is the author of Au péril des idées with Edgar Morin; The Arab Awakening: Islam and the New Middle East; The Quest for Meaning: Developing a Philosophy of Pluralism; Radical Reform: Islamic Ethics and Liberation; In the Footsteps of the Prophet: Lessons from the Life of Muhammad; and Western Muslims and the Future of Islam.

Website: http://www.tariqramadan.com

Keynote Speech Title

Global Ethics and Applied Ethics.

Abstract

Ethics plays a central role in the Islamic tradition. Before discussing both the necessary dialogue between religions and cultures and the applied ethics in different scientific fields, it is critical to come back to the Islamic teachings and try to understand how ethical values and principles are produced from within. This introductory lecture will discuss the three main sources of Islamic ethics: law (figh), philosophy-theology (kalâm, falsafa) and sufism (tasawwuf). Relying on this first part, we will address the question of Universal Ethics (or "global ethics" as Hans Kung put it) and the ways towards an efficient implementation of ethics in human or experimental sciences (applied ethics).



Haren Armstrong

Biography

Karen Armstrong is the author of numerous books on religious affairs – including A History of God, The Battle for God, Holy War, Islam: A Short History, The Great Transformation, The Bible: the Biography, The Case for God, and Twelve Steps to a Compassionate Life. Fields of Blood: Religion and the History of

Violence will be published in the fall. She has also written two memoirs, *Through the Narrow Gate* and *The Spiral Staircase*. Her work has been translated into over fifty languages. She has addressed members of the U.S. Congress on three occasions, lectured to policy makers at the U.S. State and Defence Departments; participated in the World Economic Forum; addressed the Council on Foreign Relations in Washington and New York, is an ambassador for the UN Alliance of Civilizations, and speaks regularly in Muslim countries, most notably in Pakistan, Malaysia, Singapore, Turkey and Indonesia.

In 2007, Dr. Armstrong was awarded a medal by the Egyptian government for her services to Islam, under the auspices of the prestigious Al-Azhar madrassah, the first foreigner to have been awarded this decoration. She was presented with the Four

Freedoms Medal for Freedom of Worship by the Franklin & Eleanor Roosevelt Institute and the Dr. Leopold Lucas Prize at Tubingen University, in 2009. In 2013, she was the inaugural recipient of the British Academy Nayef Al-Rodhan Prize for improving transcultural understanding, and received the Gandhi/King/ Ikeda Prize for Community Builders in the Martin Luther King Memorial Chapel in Atlanta in 2014. She is a Trustee of the British Museum and a Fellow of the Royal Academy of Literature. In February, 2008, she was awarded the TED Prize for her vision of a Charter for Compassion (www.charterforcompassion.org), which was crafted by leading thinkers in six of the world's religions as a cooperative effort to restore not only compassionate thinking but, more importantly, compassionate action to the centre of moral and political life. The Charter for Compassion is now being implemented practically, realistically and creatively in countries, cities, schools and religious communities throughout the world.

Keynote Speech Title

The Significance of Hijrah.

Abstract

The lecture will examine the creative and innovative dynamic that is so evident in early Muslim history and explore its relevance to our current predicament. What did it mean for the Prophet Muhammad (peace be upon him) to utter the word of God in a world torn apart by violence, cruelty and injustice? I will also explore the notion of religious reformation and revival. What did reform mean in the premodern world? What were its objectives and its limitations? And what should reform mean today?





Biography

Dr. Vines obtained his BA in Economics and Mathematics from Melbourne University, and an MA and PhD in Economics from the University of Cambridge. His initial work on international macroeconomics and global economic governance was carried out from 1978-1985 in Cambridge

with the Nobel-Prize winner James Meade. From 1985 to 1992, he was the Adam Smith Professor of Political Economy at the University of Glasgow and from 1992 until 2011 he was Adjunct Professor of Economics at the Australian National University. Between 1994 and 2000 he was also Director of an ESRC Research Programme on Global Economic Institutions, and from 2008-2012 Research Director of a European Union Framework Seven Research Program, PEGGED, on the European Dimension of the Politics and Economics of Global Governance. In 2003 Dr. Vines was appointed Houblon-Norman Fellow at the Bank of England. He has been a member of the Board of Channel Four Television and a Director of Analysys, a pre-eminent European telecoms consultancy firm. In 1999 Dr Vines published (with A. Montefiore) Integrity in the Public and the Private Domains (Routledge). In 2014, (with Nicholas Morris) he edited Capital Failure: Rebuilding Trust in Financial Services, published by Oxford University Press. He is currently a Professor of Economics and Fellow of Balliol College at Oxford University, where he is also the Director of the Ethics and Economics Programme in the Institute for New Economic Thinking at the James Martin School, and a Research Fellow of the Centre for Economic Policy Research.

Keynote speech title

Restoring Trust in the Financial Services Industry.

Abstract

Financial intermediation is an essential part of a well-functioning society. Individuals, and families, need to save money to pay for the education of children,

for housing, for health expenditures, and for pensions in retirement. Productive firms need to obtain these savings, and to use them to finance their investment, enabling these firms to grow. Financial intermediaries, and fund managers, once helped their clients to do these things, and they earned their fees from doing this. But now they simply look for people from who they can make money. So they now act at the expense of their clients, rather than acting to help them. As a result, people who work in finance are no longer trusted. In this they are very different, say, from, doctors. How did this happen? How can it be reversed? What can we do to make financial corporations once more useful to society? Professor Vines will provide some answers to these questions in his talk. He will discuss the need for individuals in the financial services industry to show greater professionalism, and the need for corporate governance to support such increased professionalism. He will also provide concrete examples of what needs to be done.





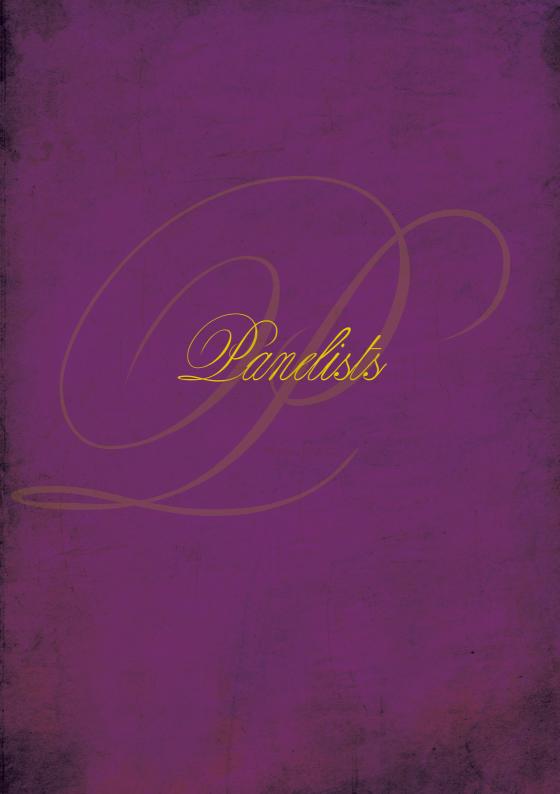
Biography

Edwy Plenel was born in 1952 in Brittany (France). He spent his childhood in the French West Indies and his youth in Algeria. He has been a journalist since 1976. He worked for the daily newspaper *Le Monde* for twenty-five years (1980-2005) and became its chief editor. He is currently the president

and cofounder of *Mediapart*, an independent web-based subscription journal created in 2008. He has written over twenty books, of which the latest are *The right to know* (2013), *Saying no* (2014) and *For the Muslims* (reissued following the 2015 Paris attacks with a *Letter to France*).

Keynote Speech Title

For equality, against hatred. ■



Panelists: Islam and Science



Auzafar Iqbal

Biography

Dr. Iqbal received his Ph.D. in chemistry (University of Saskatchewan, Canada, 1983), but left the field of experimental science to fully devote himself to study Islam, its spiritual, intellectual and scientific traditions. Born in Lahore, Pakistan, he has lived in Canada since 1979. He has held academic and

research positions at University of Saskatchewan (1979-1984), University of Wisconsin-Madison (1984-85), and McGill University (1986). During 1990-1999, he was the Director of the Organization of Islamic Conference (OIC) Committee on Scientific and Technological Cooperation (COMSTECH). He is the editor of Islamic Sciences, a semi-annual journal of Islamic perspectives on science and civilization and the general editor of the seven-volume Integrated Encyclopedia of the Qur'an. Dr. Iqbal has written, translated, and edited twenty-three books and published nearly one hundred papers on various aspects of Islamic spiritual and intellectual traditions, the relationship between Islam and science, Islam and the West and the history of Islamic science. His publications include God, Life and the Cosmos: Christian and Islamic Perspectives (co-ed., Ashgate, 2002), Science and Islam (Greenwood Press, 2007) and The Making of Islamic Science (IBT, 2009). Several of his works have been translated into Chinese, Turkish, Urdu, and Persian. He is also the Series Editor for Islam and Science: Historic and Contemporary Perspectives (Ashgate, 2012), a four-volume work on Islam and science. He co-translated volume VII of Tafhîm al-Qur'ân, an influential twentieth century tafsîr (Islamic Foundation, 2001). Dr. Iqbal is the founder-president of Center for Islamic Sciences (Canada) and co-founder of the Muslim Education Foundation in Canada.

Title

Islam, Muslims and the challenge of Evolutionism.

Abstract

It is a truism that all scientific theories have inherent ideological content; the scientific version of the theory of evolution is no exception to this general rule. Theory of Evolution – in both the theistic and atheistic varieties – has an irreducible meta-scientific content that is directly linked to religious beliefs about the origin of cosmos and life, as well as to religious understanding of the varieties of life forms. Where did they come from ? How ? What are the mechanisms through which various life forms survive or perish? These questions have been the focus of human thought since the beginning of known history, but their anchorage in modern science in the nineteenth century led to eventual shedding of most of the inherent metaphysical content and the reduction of discourse to a material plane, while simultaneously elevating the "scientific answers" to the centuries-old questions to a level of wide acceptability.

The Muslim world encountered modern evolutionism at a time when almost all regions of the traditional Muslim lands were under colonial rule and there was hardly any scientific activity anywhere. Darwin's initial formulation of evolutionary theory was thus brought into a scientifically vacuous culture, a colonized polity, and a social milieu suffering from low self-esteem and ruled by Western or westernized local minority. Reading Darwin in Arabic, Urdu, Persian, or any of the languages spoken in the Muslim world in the nineteenth century was, therefore, not a simple act of reception of pure scientific content; rather, it was a complex process involving - among other things - translation, missionaries, channels of information which were inherently not free, and a firmly established mental submission to Western science. Since those early days of Muslim encounter with evolutionism, there have been three kinds of response: rejection, acceptance, and acceptance with the addition of fundamental Islamic beliefs within the framework of evolutionism. All three have been heavily borrowed, the last response is often a caricature of Christian responses. This paper outlines fundamental challenges the theory of evolution poses to Islam and Muslims, surveys the variety of Muslim responses, expounds on the question of origins on the basis of primary religious texts in order to pinpoint areas of major conflict arising out of the evolutionary and Qur'anic views of life and its origins. It also presents a brief outline of the Qur'anic cosmology in order to anchor discussion on origin and propagation of life forms within a sacred cosmology, which helps to clarify and explore the nature of challenges posed by evolutionism to Muslim beliefs.





Biography

Dr. Guessoum is an astrophysicist. He attended the Lycée Amara Rachid School in Algiers and went on to earn a B.Sc. in Theoretical Physics from the University of Science and Technology of Algiers, Algeria in 1982. His earned his M.Sc. and Ph.D. degrees from the University of California, San Diego.

From 1990-1995, Dr. Guessoum worked at the University of Blida, Algeria. In 1995, he moved to the College of Technological Studies, Kuwait where he stayed until 2000. He holds memberships with the International Astronomical Union (IAU), the International Society for Science and Religion (ISSR), and the Islamic Crescents Observation Project (ICOP). He was also a research associate at NASA Goddard Space Flight Center. In addition to his research work on astrophysics, he has published numerous articles and books about Islam and science and is a passionate advocate of re-instilling the scientific methodology in the Muslim culture. In 2010, he authored *Islam's Quantum Question: Reconciling* Muslim Tradition and Modern Science. He argues that modern science must be integrated into the Islamic worldview, including the theory of biological and human evolution, which he maintains does not contradict Islamic tenets and ethos. More recently, Dr. Guessoum has published Islam and Science: How to Reconcile the Quran and Modern Science (Dervy, 2013) and Islam, the Big Bang and Darwin (Dervy, 2015). He is currently Professor of physics and astronomy and Associate Dean of the College of Arts & Sciences at the American University in Sharjah, United Arab Emirates.

Title

Must Muslims accept the theory of evolution?

Abstract

Surveys that have been conducted in recent years indicate that about 60% of Muslims consider evolution as "an unproven theory" and often refuse to have

it taught, while Theodosius Dobzhansky, one of the most eminent biologists of the 20th century (and a believer) stated that "nothing in biology makes sense except in the light of evolution." Further exploration reveals that Muslims consider evolution more from a religious than a scientific angle. In parallel to this, a strong anti-evolutionary campaign has been conducted among young Muslims in recent years, particularly by the Harun Yahya group, both in the Muslim world and in Europe, distributing free books and videos in many languages, often using completely spurious arguments and methods, thus making discussions very difficult, both on scientific and theological levels.

In my presentation, I will first insist on the distinction to be made between evolution as a phenomenon that we observe in nature and in the laboratory, and evolution as a theory, parts of which are stronger than others. I will cite several pieces of solid evidence for evolution: from the fossil record and the "missing links", including in human evolution, as well as from genetics, comparative anatomy, the universal biochemical organization, and examples of mutations occurring today. I will also briefly explain the difference between the Darwinian theory of evolution and non-Darwinian theories of evolution. Finally, I will present "theistic evolution", i.e. the way a number of believing thinkers (Muslims and Christians) understand and accept evolution. I will conclude with some key remarks.



Hohamed Naim Yassin

Biography

Dr. Yasin specializes in Comparative *Fiqh* and Islamic Politics. He has published many books, including *Al-Iman* (Faith), *Abhath Fiqhyyah fi qadaya tibbyyah* (Juridical research in Contemporary medical issues)

and more recently *Mabâḥith fi al-ʻaql* (Philosophy of Mind). He has written more than 40 research papers on medical issues and contemporary *zakat* and worked in different educational institutions such as University of Jordan, Kuwait, Qatar and the University of Islamic Sciences.

Title

Problems that Evolutionism presents to Muslim Perceptions.

Abstract

So far as the Islamic perception is concerned, it is conclusively absolute that God is the Creator of all things, a fact beyond denial or hesitation. Darwin argues that all species of organisms arise and develop from one of four origins. During his earlier investigations, he believed that it is difficult to attribute species to anything other than omnipotent and omniscient wise Creator. Latterly however, he doubted this understanding since he considered it impossible to prove by evidence. Hence he believed that human beings are free to believe or disbelieve in the Creator. It seems that Darwin considered that faith has nothing to do with evolutionism or the genesis of man and creation, even if it is the most important circle of evolution, because it formed the beginning. Anyway, Darwin's view that faith in the Creator is speculative comes into full conflict with the Islamic faith.

For Darwin, all species are involved in a struggle for survival in the process of natural selection based on the emblematic phrase "survival of the fittest", which denotes that the influential elements in survival are all inevitably occurring without the Creator's intervention. Evolution is automatically taking place and one particular event follows another by self-powers originated in nature. This understanding is in stark conflict with the belief in divine predestination. It contradicts the decisive Islamic perception, because the claimed evolution is not a part of the Creator's plan for the creation. It is not enough for Darwin to remove this conflict by simply acknowledging God as the first origin, if he deistically meant that He created this origin and did not intervene in the creation affairs.

Generalizing the theory to include man is also problematic, for the Islamic perception believes conclusively that Adam was created by God from two elements: The spirit breathed by God formed their basis and this spirit is only breathed into a body of a specific formation, which is fit to receive and obey the spirit's orders. Meanwhile, the conclusive texts prove that Adam was not created on the earth. Instead, he was sent here after being made fully into human being by God's creation. I do not think that Darwin opens his theory to include the heavens!

The "survival of the fittest" claims are in open conflict with the Quranic texts, which declare that God may help the weak and destroy the strong; a fact that

is well-demonstrated in the stories told by all the prophets. Darwinism is thus impossible to apply to man in the Islamic perception, unless it implies that God may give precedence to one species over another for certain wisdom that He knows and such wisdom may be unveiled to us. Truly, this is a critical factor. The concept of the "fittest" thus changes the causes of survival when this perception is introduced to the structure of Islamic doctrines.

Darwinism's limitless application to man and the future of humans, conflicts with the Islamic creed about the end of human life in this world and the existence of the Afterlife with eternal reward devised by God's Command. His theory claims endless sequences of evolution and the rise of species. Drawing on the "survival of the fittest", the current man of our time will be worst, while the superman expected to soon assume God's position is yet to come, God forbid! Incredibly, some well-known and long-established understandings, supported by some Quranic verses, state that the Last Hour will strike the worst of mankind, not the fittest of mankind.





Biography

Dr Howard is an English Jesuit priest. He studied theology at Trinity College, Cambridge and at the Centre Sèvres in Paris and philosophy at the London School of Economics. He went on to read Islamic

studies at the School of Oriental and African Studies of the University of London, before gaining his doctorate in contemporary Islamic thought from the University of Birmingham. In October 2010 he was invited by Pope Benedict XVI to take part in the Extraordinary Assembly of the Synod of Bishops on the Middle East and is regularly in demand at the Holy See and elsewhere as a speaker and broadcaster. In addition to academic work, Dr Howard has served in a variety of Jesuit works including secondary schools (St Ignatius College, Enfield, St Aloysius College, Glasgow), a parish (Corpus Christi in Brixton) as well as a social centre in Brussels (OCIPE – Jesuit European Office) and also in the formation of

novices. He has collaborated extensively with the African Jesuit AIDS Network. He regularly writes for and is on the editorial committee of the British Jesuit on-line journal, *Thinking Faith*. He is the author of *Being Human in Islam: The Impact of the Evolutionary Worldview*, (London: Routledge, 2011). He is currently a lecturer at Heythrop College (since September 2010) and Vice-Director of the Bellarmine Institute of Theology and Philosophy (since 2014).

Title

Creation, Evolution and Belief: Muslim-Catholic Considerations.

Abstract

The paper attempts to garner insights from Catholic and Muslim engagements with evolutionary theory. Both religions are theologically committed to the absolute freedom of the Creator in creating, a conviction which should persuade them to distance themselves from naïve readings of cosmogonic mythology. This leaves them free, it is argued, to engage critically with contemporary evolutionary theory even if the evolutionary worldview is somewhat emblematic of the ethos of occidental modernity. The most fertile domain for exploration is likely to be an already well-established post-Darwinian "anthropology of action".

Panelists: Economics and Finance



Abdullah AL JUDAI

Biography

Dr Al-Judai received his Ph.D. in Islamic Economics and is one of the leading Islamic scholars in the world today. Born in al-Basra, Iraq in 1958, he received *Ijaza* from the leading scholars of Iraq. He was a founding member of the European Council for

Fatwa and Research where he served as its General Secretary from 1998-2000,

his roles – among many – included being an Imam & Khateeb of Al-Nijada Masjid in al-Basra (1976-1978); head Imam & Khateeb of Al-'Uqaila & Amr Ibn 'As Masajid in Kuwait (1979-1986); and a senior Islamic Studies teacher in Dar al-Qur'an in Kuwait (1986-1988). Combining a broad knowledge of Islamic sciences and using modern day tools and information technology, he served as a research consultant for Al-Sakhr Technologies in Kuwait and Saudi Arabia (which introduced the first Arabic PC) where he edited most of the initial software programs on Hadith and other Sciences. Sheikh Abdullah published his first book at the age of 18 and has since has published almost one hundred books on a wide range of topics and issues. He has received commendations from the leaders of Islamic Fiqh and Hadith around the world. He is currently the head of Al-Judai' Centre for Research and Counselling, a religious consultant for Leeds Grand Mosque, and a teacher of *Usul Al-Fiqh* at the European Institute of Human Sciences, Wales.

Title

Riba: Concept and Consequences.

Abstract

If the conclusive Sharia rulings are to be taken for granted, it is true that rulings surrounding *riba* are, without doubt, not open for further study or consideration. The Quranic text closed all possible ways to further interpretations, "[God has] *forbidden riba*" (the Quran 2/275) with the consequence of serious threats of punishments for those who deal with *riba*.

However the area that is acceptable to study further and apply interpretive consideration to is the definition of *riba* itself. What exactly is it; is it confined to the literal meaning of the term *riba*, as revealed in Arabic form in the Quran? If we accept the possibility of being allowed to fathom out the definition of *riba*, then we can consider to what extent the literal meaning of *riba* is harmonious with the objectives of Sharia, which, in principle, argue for the permissibility of all financial transactions. For example, in accordance to the Sharia objectives, money is the wheel and backbone of life and as human beings, we are permitted to practice all possible means expected to benefit mankind both in this life and the Afterlife. The Sharia sets out universal rules covering every detail and it endorses general laws for preservation of its overall objectives. All monetary

transactions are therefore permissible and very few cases exist which have proved an exception to this rule. Such cases are those where the practices of man have breached particular standards of justice.

There is no doubt that each particular declaration of the Sharia addresses a specific, decisive meaning from the period of the revelation. Since the declarations were made at the time of the revelation, they were free from any future confusion; otherwise, they would have been accompanied by further explanation and elucidation because it is recognized by Muslims that it is completely unacceptable to direct people to do anything through an abstruse language which is beyond their ability to understand. It is also invalid to delay the legal clear declaration beyond the time of need.

This brief introduction makes it clear that when Islam forbade *riba*, it was referring to a customary common behavior regarding an exact and indisputable concept. The texts on the prohibition of *riba* were revealed before the Prophet's death. It is inconceivable that *riba* needed any further clarification or that the Prophet died before he could provide further explanation thus leaving the Muslim Community in a state of confusion, because he was sent with the principal goal of bringing people from darkness to light; God made it the Prophet's mission to clarify the Revelation. Indeed such a hypothesis regarding the possibility of leaving behind confusion contradicts the perfection of the Sharia and so is unthinkable.

The key question that this paper attempts to address is: What exactly is the decisively forbidden *riba* that the Quran forbids and is it possible to perceive the wisdom and rationale underlying this forbidden *riba* so as to abide by them in word and deed? This paper also explores the impacts of any conclusions regarding *ijtihad* (independent legal reasoning); the huge differences widely tackled in the literature of Islamic *fiqh* (jurisprudence) and the original rules employed for analogical conclusions by contemporary scholars who are specialized in the issues of Islamic economy. We look in particular in the context of interpreting certain specific concepts, such as consumption versus development/production bank loans and raise the question if they actually fall under the category of *riba*. If yes, what alternatives are there? What are the effects on contemporary financial transactions, particularly because they are so common and in many circumstances an absolute necessity? How do we understand these issues in the context of the Sharia's higher objective of securing easiness and removing hardship?

This paper will also consider the premises of criticizing the current economic system within the framework of Islamic rulings, in whose context *riba* is forbidden, with particular focus on the development of *riba* as concept and its interpretation in the fields of economics and law. The paper will briefly clarify the relationship between *riba* and interest and whether they different or identical? We will consider what are the common elements in their relationship, if any? And what is the *ijtihadi* vision of Muslim jurists in their reading of the concept of "interest" and the resulting banking system described as "Islamic" which, empowered by Islamic legitimacy, is an alternative to perhaps replace the current traditional system.

In God do we seek Help and in Him do we Trust



Kamal Tawfiq Hattab

Biography

Dr. Hattab gained his PhD in Islamic Economics at Ummalqura University, Saudi Arabia, in 1990 following his MSc in 1986 and BSc in 1981 from the same university. His area of specialization is in

Islamic Economics and Banking, with a particular focus on the *fiqh* of modern financial transactions. He has more than 20 years experience of teaching graduate and undergraduate levels between Jordan, Pakistan and Malaysia and Kuwait, supervising over thirty masters and doctoral theses in Islamic economics and banking and *fiqh* of financial transactions. Between 1993-1995 he was head of the Islamic Economics Department at the Islamic University in Pakistan; between 2005-2007 he was head of department of Islamic Economics and Banking at Yarmouk University, Jordan; 2007-2010 professor of economics at the same department; and between 2010-2012, he was Deputy of University for Academic Affairs, at Al-Madinah International University (MEDIU) in Malaysia. He has more than fifty research papers published in peer-reviewed journals and presented to national and international conferences. In 2013 he published *Daleel al-Bahitheen ila al-Iqtisaad al-Islami wal masarif al-Islamiyyiah fi al-Urdun 1974-2010* (Researchers' Guide to Islamic Economics and Banking

in Jordan 1974-2010, Washington, IIIT, 2013). He is currently (since 2012) a visiting professor at Kuwait University, College of Sharia, Kuwait.

Title

Riba and Interest between Islamic Jurisprudence (Figh) and Economics.

Abstract

This paper attempts to explain and clarify the concept and nature of riba with particular focus on the differences between *riba* and bank interest. It also explores the effects of approaching bank interest as either riba. The paper is also in an attempt to explain and support the Sharia-based rulings that relate to interest-based deals in which Muslim, especially those living in foreign countries or overseas, get engaged in. The study begins by clarifying the concept of riba, citing the opinions of Muslim jurists and Quran exegetes on the forbidden riba in the Quran and Sunna and then the legal and economic definitions of interest in order to examine if *riba* is identical to interest. The paper will highlight the consequences of riba in this world and in the afterlife. Reference will also be made to the views of contemporary scholars on banking interests in Muslim-majority and non-Muslim countries. The paper also examines contemporary fatwas issued for Muslims living as religious minorities where the opinions of scholars on darurah (legal necessity) and *maslahah* (good/welfare) are given considerable importance. The paper considers whether darurah or maslahah are valid Figh instruments and whether Figh rules may change in accordance with them. The main conclusions of this paper are as following:

- Riba and interest are identical
- Riba is, in principle, also forbidden between Muslims and non-Muslims
- Currently, there is no difference in the forbiddance of bank interest in Muslim-majority and non-Muslim countries. However, since Muslims living in non-Muslim countries may suffer abuse, discrimination and exceptional laws (different from those in Muslim-majority countries), interest-based deals may be tolerated for individuals, but only under certain conditions and in line with the regulatory rules of "hardship begets facility"; "necessity renders prohibited things permissible"; and "urgent need is equal to necessity in effect for both private or public use" so as to relieve Muslims

from any sin and strengthen and protect them. These contracts should only exist on a temporary basis, whilst the compelling conditions are present.

Introduction

Throughout history, mankind has expressed no greater consensus regarding any issue as it was the case with *riba*. Plato discouraged *riba* in his work "Laws" in the ancient times of the Greeks; Aristotle cursed *riba* and those who dealt in it and he turned the phrase, "money never begets money". By the medieval ages, Thomas Aquinas warned against *riba* and so did Nicholas Oresme. The church was also strict in banning *riba* (see, *al-Masri*, 1981, p. 74; Abu Zahra, 1970, p. 12).

The pre-Islamic Arabs were no exception to this general rule; they were averse to accept *riba* and understood its ill-gotten gains. The literature of the Prophet's biography refers to this point in the context of rebuilding of the Ka'ba after the flood had demolished it, such that the following policy was issued by the Arabs: "Do not use in the building any profit of iniquity, illicit gains from harlotry, usurious sale or injustice committed against any man" (Harun, Dar al-Fikr, undated, p.44).

God never threatened to fight against any human being except in cases of consuming usury about which He says: "O you who believe! Be afraid of Allah and give up what remains [due to you] from riba [usury], if you are really believers. And if you do not do it, then take a notice of war from Allah and His Messenger but if you repent, you shall have your capital sums. Deal not unjustly [by asking more than your capital sums], and you shall not be dealt with unjustly [by receiving less than your capital sums]" (the Quran 2/278-279).

This is indicative of the gravity of the sin that usurers and usurious dealers commit. Riba was one of the last forbidden matters declared by the Quran. Yet despite the unanimous agreement of Muslim scholars on the prohibition and dangers of *riba*, somewhat varied differences do exist on *riba* cases, types of usurious commodities and other analogically added cases, and the common *'illa* (effective cause) shared by the usurious commodities as well as the details of subtle *riba*.

Some recent scholars have also disputed the ruling on bank interest, especially in non-Muslim countries. What is the ruling on bank interest in non-Muslim countries? What are the rulings on mortgage loans, student loans and other new cases of relevance in our contemporary society? What is the decisively forbidden *riba*? Is there any difference between *riba* and bank interest? What is the concept of interest in law and economics? How does it differ from *riba*? These

are the key and most critical questions this paper will attempt to address in the following sections:

- 1. Riba: Concept, Types and Effects;
- 2. Interest in Economics and Law;
- 3. Purposes of Forbidding Riba and Interest;
- 4. The Conclusion on whether Muslims Can Deal in Interest or its Derivatives. ■



Abdelazeem Abozaid

Biography

Dr. Abozaid holds a Masters and PhD in Islamic financial law. He also holds three BAs: in Islamic law, Arabic language and English Literature; two higher studies diplomas in Islamic law and Human

sciences. He has extensive teaching experience as a Lecturer at Damascus University since 1998, then at the International Islamic University in Malaysia, specializing in Islamic Financial Law. He was subsequently employed as a Shariah expert and trainer at the Emirates Islamic bank and became a Shariah board member and consultant for Islamic financial institutions, including RHB Islamic bank in Malaysia as well as Mithaq Takaful in Abu Dhabi and Five Pillars Associates in Singapore. In 2012 he became the head of the Shariah department at the Oman Arab Bank in Muscat, Oman. He has conducted workshops and training courses in numerous Islamic banks, financial institutions and universities. Dr Abozaid has contributed to the writing of new Shariah standards adopted by Islamic financial institutions. He has published in many international refereed journals and newspapers, and presented papers at many international finance conferences. His expertise in Islamic Finance has been recognized by the publication of four authoritative books. In particular, Figh Al-Riba was published in 2005 (632 pages) and is his masterwork. He is currently Associate Professor in the Islamic Finance Program at the Qatar Foundation in Doha.

Title

What is the Forbidden Riba?

Abstract

Sharia texts forbid *riba* and deny claims of its permissibility within earlier societies, because it is a form of unjust consumption of people's money¹. The concept of *riba* in Islam is no different from its understanding within other religions in their original versions. However, Islamic Sharia widens the concept of *riba* and introduces a new form which was wholly unknown in earlier times, the sale's *riba*. This expansion of the concept of *riba* aims only to achieve the essential purpose of forbidding *riba*, that is to say, to prevent unjust consumption of people's properties.

For Muslims, Islam is the final revealed message from God whose laws are constantly valid and effective for all human developments until death in this worldly life. The Wise Lawgiver knows that human financial transactions will go through considerable developments and improvements that are entirely different from earlier times in history, because people will always be inventing new contracts and strategies for exploiting one another and abusing societies and economies – it is human nature. The Islamic conceptual development of forbidding *riba* balances such human developments. This differs from the understanding of *riba* in other religions and covers all socially-harmful contracts that the lawgiver knows will cause harm to people and markets.

Contemporary times have uncovered the Lawgiver's wisdom underlying the prohibition of sale's *riba*, even though it was not so clear at the time of the Companions and the early jurists to the extent that 'Umar bin al-Khattab, being unable to grasp the wisdom of sale's *riba*, hoped that the Prophet had clarified some cases of *riba* before his death. Even Ibn 'Abbas understood this prohibition as an approach only to block the means to usury-based loans².

The usury-based loan is widely known to be forbidden in all religions with no difference between them. Scholars are unanimous in their agreement that this includes all forms of usury-based loans, whether the creditor is an individual or an institution and regardless of the purpose of a debtor; he borrows for consumptive or productive needs, and irrespective of the interest rate³.

Riba was not forbidden in various laws because of simple formalities or apparent means, but because of meaning and essence. Similarly, consumption of wine was not forbidden for its color, taste, smell or name, but because of its intoxication properties and the associated capacity to induce a whole range of harmful effects. Islam thus forbids *riba*, because of its evils, its exploitive nature and the various consequent harms of this.

Legally speaking, reaching the ends of *riba* contracts is impermissible, and as such, any mode that individuals or financial institutions adopt to reach the same end is prohibited. Followers of the earlier monotheistic religions, for example some Shariah texts report that the Jews practiced several indirect ways of exchanging cash with an increase in repayments and because of this, they were damned and punished⁴.

Having said that the essence of *riba* in its two kinds of debts and sales, and irrespective of forms and types (little or much, see later within this paper) is prohibited, Sharia does exempt exceptional cases of necessity of *riba* from sin within certain specific restrictions and conditions that fulfill the legally-considered norms necessity within the Sharia.

For example, these necessities may include the food, clothes and housing. It should also be noted that from the perspective of Sharia, these legal necessities never form a permanent effective law. They are only temporary and exceptional in nature and thus will pardon the debtor-in-need but never will do this for the usurious creditors even if he is dealing with people who need money for fulfilling the necessities of their life. The legal principles never tolerate usurious (direct or indirect) gains on the part of institutions⁵.

This paper also explores the concept of "little" and "much" *riba*. Unlike some other religions and sects, for example some churches permit the little *riba* and call it interest while prohibiting the much *riba*, Islamic Sharia does not permit either *riba*; it makes no difference, little or much. Again, unlike the Jews who forbade lending with interest and permitted lending to non-Jews with increase in repayment, *riba* in Islam is indiscriminately forbidden among all, whether the other party is Muslim or not.

Panelists: Islamic Discourse





Biography

Dr. Jaballah was born in Tunisia in 1956, but has lived in France since 1980. He received a Bachelor of Theology from the Faculty of Islamic Law and Theology at the University of Ez-Zitouna in Tunis in 1979. He completed his Masters from the Department of Islamic Studies at Sorbonne

University in Paris in 1982, followed by his doctorate from the same department in 1987. Dr. Jaballah holds a number of scholarly positions, including the directorship of the Parisian Section of the European Institute of Human Sciences in Paris. He is a member of the International Union for Muslim Scholars; on the Board of Trustees of the International Organization of Muslim Scholars and a member of the International Organization of Islamic Education - both at the Muslim World League in Mecca. He is Vice-President of the European Council for Fatwa and Research and on the board of COFFIS (Le Conseil Français de la Finance Islamique – the French Council of Islamic Finance); and a member of Religions Pour la Paix (Religions for Peace) in France. Dr Jaballah has participated in several academic and missionary seminars and conferences in Europe and around the world, as well as appearing in several Arab and French Satellite television programs. He has lectured widely and published numerous papers and essays on various areas of Islamic thought and Muslim reality in Europe. He is currently professor of Higher Studies at the European Institute of Human Sciences in Paris.

Title

Religious Reference in Islam: Determiners and Formation Elements.

Abstract

Studying the Islamic religious reference has a special significance to Muslims in the past, present and future. Man's relationship with religion and ideas generally draws on being connected with a reference that personifies the notion, and grants followers with a reference that they can consult and trust, particularly helpful for example during difficult times or when issues of confusion arise as a person faces new and perplexing questions in their daily lives. It is a truism that reference considerably affects human thought, behavior and action, and thus it is necessary to know the facts, determiners and elements of that reference. With this in mind, the focus of this paper will consider the following issues and points:

1. Islamic Reference: Definition and Characteristics

Characteristics of Religious Reference: The Quranic texts inspire us with the desired general characteristics that are necessary for Islamic referential authorities to whom people may resort for religious consultation and enlightenment. These are:

- Knowledge: "So ask the people of reputable knowledge, if you know not" (the Quran 16/43)
- Experience: "Ask now of the Wise concerning Him" (the Quran 25/59)
- Capacity: To be able to understand the texts, extract the laws and apply them to real cases: "If only they had referred it to the Messenger or to those charged with authority among them, the proper investigators would have understood it from them [directly]" (the Quran 4/83). Applying the laws necessitates an in-depth knowledge of texts and contexts, that is to say, to be fully aware of all that is helpful, means to understand the text and apply to the reality.

2. Religious Reference: Need and Importance

The religious reference is undoubtedly of considerable significance. Islam does not recognize the role of a "clergymen" as an intermediary in the relationship of man with religion and sanctity. The reference to clergyman is more rather only for guidance and direction, pointing towards the position and role of a scholar in eyes of followers as, to use the term Ibn al-Qayyim used in his work, "*I'laam al-Muwaqqi'een 'an Rabb al-'Alameen*", a scholar with the power to sign a legal decision in the name of the Lord of the Creation.

3. Types and Qualifications of References

- Types of Religious References :
 - 1. Reference in sharia and figh
 - 2. Reference in da'wa and education
 - 3. Reference in administration and politics
- The religious reference between the Sunni and the Shiite
- The religious reference: Devotion contrasted with political employment
- Iftaa position and mufti qualifications
- A legally competent Muslim : Responsibility to choose the religious reference and decision of imitation
- Imam Muslim reported that Muhammad Ibn Sireen said, "Indeed, this knowledge [of religion] is religion, so carefully consider the sources from whom you take your religion". Ibn Nujaym also said, "Even the layman, who is not restricted by a specific school of law, must follow the scholarly fatwa of his mufti"

4. Elements that form Islamic Reference in Reality

- Scholarly formation
- Communicative skills
- Use of media
- Religious employment or position

5. The Religious Reference in the European Context

The European religious references have several categories:

- · Local reference in mosques, association and local cities
- National references: Individuals or bodies of national effect within the same country, such as the councils of imams and special bodies of fatwa
- European reference, as embodied in the experience of the European Council for Fatwa and Research
- International reference, such as the international academies of *fiqh* and other famous institutions of *fatwa*

6. Common Challenges to Islamic References

These are a number of current challenges facing the Islamic religious references, of which the most considerable are:

- The "electronic reference" challenge: This reference provides a variety of sources and is easily accessed and available to all
- The level of religious awareness among common Muslims this becomes translated into the election of a reference who is then consulted for advice in religious affairs
- The reference between the authority of texts (referring to Allah and the Messenger) and the moral authority of guidance given to a scholar
- Islamic reference : Individual (a scholar or apreacher) or Collective (council or fatwa body)
- Islamic reference and integration: Sharia sciences should be integrated with human, social and natural areas of specializations
- Islamic reference : Sharia requisites and legal requirements in reality
- Islamic reference: Pluralism of *ijtihad* and approach and needs to unity in fatwa and religious guidance on public issues
- Islamic reference: Universality and Realistic Specificity.



Jonathan Brown

Biography

Dr. Brown received his BA in History from Georgetown University in 2000 and his doctorate in Near Eastern Languages and Civilizations from the University of Chicago in 2006. He has studied and conducted research in Egypt, Syria, Turkey, Morocco, Saudi Arabia, Yemen, South Africa, India, Indonesia

and Iran. His book publications include *The Canonization of al-Bukhari and Muslim : The Formation and Function of the Sunni Hadith Canon* (Brill, 2007), *Hadith : Muhammad's Legacy in the Medieval and Modern World* (Oneworld, 2009), *Muhammad : A Very Short Introduction* (Oxford University Press, 2011) and *Misquoting Muhammad : The Challenges and Choices of Interpreting the Prophet's Legacy* (Oneworld, 2014), which was named one of the top books on religion for 2014 by the Independent. He has published articles in the fields of Hadith, Islamic law, Salafism, Sufism, Arabic lexical theory and Pre-Islamic poetry and is the editor in chief of the *Oxford Encyclopedia of Islam and Law*. Dr. Brown's current research interests include modern conflicts Islamic legal reform and a translation of *Sahih al-Bukhari*. Dr. Brown is currently the Alwaleed bin Talal Chair of Islamic Civilization in the School of Foreign Service at Georgetown University, and Associate Director of the Alwaleed bin Talal Center for Muslim Christian Understanding.

Title

What Makes a Fatwa Compelling? Evidence and Authority in an Age of Political Controversy.

Abstract

This paper addresses the question of how religio-scholarly authority is currently conceptualized and understood amongst Muslims in the West, with a particular focus on *muftis* and the elements of *fatwas* that make them compelling for audiences. The paper will also address the role of the state and state endorsement of *muftis*. \blacksquare





Biography

Dr Ezzat earned her BA (Honors), MA (Honors) and PhD in Political Science from Cairo University where she was Coordinator of the Civil Society Program for Research and Training and Foreign Relations, Coordinator of the University's Center for Political Research and Studies and Foreign Relations and

Academic Events Coordinator of the Program for Dialogue between Civilizations in the University's Faculty of Economics and Political Science. Dr Ezzat has been a visiting researcher at the Centre for Democracy of the University of Westminster in London and at Oxford's Centre for Islamic Studies; a visiting fellow at UC Berkeley (2010) and Georgetown University (2012). Dr. Ezzat is widely published in both English and Arabic on subjects related to Islam, women and politics as well as on citizenship, global democracy, global civil society and Islamic epistemology. She authored a background paper on Gender Equality in the Arab World for the 2006 UN Development Programme's *Arab Human Development Report*. Her recent (2015) publications in Arabic include two titles: "*The Political Imagination of Islamists*" and "*Towards a New Civility*". Dr. Ezzat is currently Assistant Professor in political theory at Cairo University and the American University in Cairo, and a visiting fellow at London School of Economics (2015-2016).

Title

Beyond the Islamic State: Democracy's Discontents and the Future of the World.

Abstract

This paper addresses the rise of the notion of Islamic state since the Iranian revolution, and the different models that were under criticism from the liberal democratic discourse in the Arab world and beyond. Though the Muslim Brothers shifted their conceptual tools and established their discourse rather on "applying

Sharia" more than "establishing Khilafa" or Islamic state, their political imagination was founded on the model of the Westphalian nation state.

After the Arab uprisings the notion of an Islamic state came under criticism, accusing the rising influence of Islamists as hijacking the revolution. With the outset of the first elected Egyptian president after one year of resuming power by a military coup supported by millions of protestors against the Muslim brother-hood the notion of Islamic state came under attack. Interestingly the new ruling elite tried to establish their legitimacy on religious pillars though claiming to be secular. With the rising threat of ISIS the notion became linked to excessive violence or terrorism.

A parallel development on the regional scene was the decay of the model of the territorial nation state in Iraq, Lybia, Syria and Yemen.

On the global level recent research has been raising the crisis of the Westphalian model of the nation state. Is the problem we are facing the "islamicity" of the state or the corrosion of the model of the sovereign state?

The paper approaches these inter-linked debates and issues to go beyond the assessment of the feasibility of the modern state to the new forms of political order that pose challenge on the sovereign state as well as civility in essence.





Biography

Dr. Becheri received his PhD from the Department of Oriental Studies, AIX University with a thesis entitled: *Analogy According to Al-Ghazali*. He is a member of the European Council for Fatwa and Research (ECFR) and a member of the World Union of Muslim Scholars. For the past 20 years, he has

been Professor of *Fiqh* and Jurisprudence and Graduate Studies professor at the European Institute of Human Sciences in Chateau-Chinon (EIHS). Dr. Becheri is currently Scientific Director of the European Institute of Human Sciences in Chateau-Chinon, France. ■

Panelists: Gender Issues



Hesfer AL GHAHTANI

Biography

Dr Al Ghahtani obtained his PhD in *Usul al-fiqh* (Principles of Islamic Jurisprudence) and MA in *al-Siyasa al-Shar'iyyah* (Sharia theories of Government). He serves as an expert at the Islamic Fiqh Academy of the Organization of Islamic Conference (OIC) and at the International

Humanitarian Law of the Red Crescent Organization of the OIC, and is a visiting professor at the European Institute of Humanitarian Studies, France. He sits on a number of boards of scientific and social associations, including the Trustees of World Assembly of Muslim Youth (WAMY) and the scholarly committee of the Human Rights Commission, KSA. Dr Al Ghahtani has published more than twenty research papers in peer-reviewed periodicals and international journals in addition to other co-authored studies. He has participated in more than seventy international conferences and more than forty national and international seminars. He is a regular writer in al-Hayat international newspaper, al-Turath and has published many articles in magazines, newspapers and websites as well as radio and television appearances. His most recent publication is Islah al-Mal: drasah fi al-Dawabit al-fiqhiyyah lil-mu'amalaat al-Maliyyah al-Mu'asiarh ma'a muqaddimah fi al-Iqtisad al-Islami (Reform of Finance: A study of the juristic rules on modern transactions with an introduction to Islamic Economics, Dar al-dhakaer, al-Khubar, 2014. Dr. Al Ghahtani is currently professor of the Islamic and Arabic Studies Department at King Fahd University of Petroleum and Minerals (KFUPM), Dhahran, KSA and Executive manager of Prince Abdul Mohsin Bin Jalawi Centre for Islamic Research and Studies, Dammam.

Title

Gender: Critical Ethical Approach.

Abstract

The issue of the biological differences between males and females is sensitive and belongs to a long-standing debate born in company with the contemporary universal call to maintain absolute equality among men and women. Most equality and anti-discrimination international charters rely on this absolute principle of egalitarianism.

In truth, exploring gender differences from an ethical perspective should be approached with great care and depth, and be grounded in absolute comprehension and an awareness of measured qualification. The ethical dimension is complex and includes several contemporary philosophical attitudes that are advocated by a number of different schools of thought, each with their own viewpoint. Consideration of the biological differences is better explained as the scientific reasoning of a social and ethical issue in which the last word has yet to be said.

This paper presents a viewpoint that contributes to the drawing of an acceptable ethical map regarding the differences and commonalities among men and women.





Biography

Chauki Lazhar (b. 1980, Belgium) is currently the Deputy Director of the Center for Islamic Legislation & Ethics (**CILE**) at Hamad Bin Khalifa University, Qatar. He is also a member of the International Union of Muslim Scholars (IUMS) and lecturer

in Applied Islamic Sciences at CIET Institute in Gent,

Belgium and at Ibn Taymiyah Institute in France. He did Islamic Studies in France at the European Institute of Human Science in Chateau Chinon and Paris from 2003 until 2010 where he also memorized the full Qur'an. He got his bachelor degree in Sharia and Theology with cum laude and his Master degree in *Fiqh* and *Usul al Fiqh* with summa cum laude, and he is currently a doctoral researcher in Jurisprudence and the Higher Objectives of Sharia. Lazhar was lecturer in

several institutes in Belgium and France since 2007. In 2012, he was lecturer in Islamic Sciences at Group T; international University College Leuven, Belgium. Lazhar taught a wide range of courses including Islamic Law, Theology, Quranic Exegeses (*Tafsir*), Principles of Islamic law and Jurisprudence (*Usul al-Fiqh*), Maqasid al Sharia, Quran and Hadith studies. Lazhar developed a wide range of research interests within the field of Islamic Studies including Islamic Theology, Spirituality, Law and Thought.

Title

The Gender Issue: Towards an Alternative Islamic Discourse.

Abstract

Gender issues received scant attention in early Islamic thought, indeed it is difficult to find any specialized work that addresses gender issues, let alone issues relating to masculinity and femininity. Early scholars of Islam did not need to theorize or form ideological foundations for many of their real life situations because their understanding and absorption of the principles, values and tenets of their faith made them react very naturally to these situations. Of further significance is that their perspective on gender issues and those of masculinity and femininity was naturally influenced by time-honored traditions rather than Islamic values and teachings. Religious texts were frequently employed to justify these traditions and apply the dominant visions and conceptions about man and woman to these Islamic texts.

Although Islamic thought has dominated many issues and facts that were firmly rooted in historical reality by having them restructured and harmonized with Islamic values and principles, that same Islamic thought was also dominated itself by gender issues. Consequently, the historical reality of man and woman was not founded on Islamic principles that are related to their issues; but rather it is the Islamic thought on gender issues that was founded on the postulates of this reality. This view resembles one maintained by Malek Bennabi regarding political thought in Islamic heritage. Similarly the issue of slavery and other issues were more influenced by established historical practices than by religious thought and discourse.

Efforts of contemporary scholars and intellectuals were supposed to be channeled into carefully examining the legacy of the Islamic thought on this issue so as to

distinguish genuine thought from others. It was also essential to re-scrutinize the scriptural texts so as to re-establish the foundations of religious discourse and crystallize the principles and values that set the framework for understanding gender issues. All this had to be based on a solid methodology. Yet, contemporary Islamic thought has continued to follow other courses to a point where it has now become split into three trends: The modernist trend that uses a new type of approach, applying the postulates of the new reality to the religious texts even if this necessitates interpreting these texts out of their context, or more regrettably criticizing and disregarding them for no legitimate reason. The second is the traditional trend that defends early readings of the religious text. The third is the justificatory trend which extols Islam and criticizes Western modernity without presenting a new authentic and comprehensive reading of the text. These efforts, aimed at producing a firmly rooted alternative religious discourse, have so far been unsatisfactory.

Significant effort to construct a new discourse is therefore absolutely critical. This cannot be achieved by merely abandoning some early readings of the text or coming up with new thoughts or reflections. Rather, this requires serious revision of the entire corpuses of Islamic jurisprudence (Figh), and Qur'an exegeses in particular, and the critical interpretation of those texts that deal with gender issues in general. An alternative Islamic discourse must include both the history and the legal texts for two reasons. First, any alternative Islamic discourse cannot be constructed without the re-reading of the scriptural texts in light of a comprehensive approach and without referring to the intellectual heritage of Islam. This is justified by the fact that no discourse can be labeled as 'Islamic' unless it is founded on the texts of Islam and that reading of heritage is always based on a systematic approach that gives consideration to the denotative, synthetic and structural nature of the text. The second reason is that any new discourse that replaces the traditional discourse is likely to fail unless it effectively addresses the vast quantity of texts that are used as a source of reference in male-oriented readings. Any approach that violates, ignores, or misinterprets the text cannot be regarded as a persuasive alternative Islamic discourse, excluding perhaps in certain narrow academic circles. So far as methodology is concerned, none of the patriarchal readings of the heritage was based on the established norms of the Islamic legal theory or exegetical rules which constitute an integral part of the traditional approaches of ijtihad. It is impossible to find a single example for any of the norms of Islamic legal theory that resulted in the production of male-dominated views and ways

of thinking that encroach upon the rights of woman. Rather disregarding these norms to make such concepts dominant was the main reason for producing many such readings. Accordingly, the starting point of the alternative reading approach does not aim to disintegrate the systematic traditional approach, as some may claim. But rather it aims first to apply the norms of Islamic legal theory and then to supplement the systematic traditional approach so as to go beyond the current fragmentary approach. This will contribute to a much more comprehensive approach, one that is capable of addressing the specifics of any issue by reference to its doctrinal, objective and scholarly frameworks. This paper will highlight some of the fundamentals of this alternative reading approach.



Auki Al Sharmani

Biography

Dr. Al-Sharmani trained as an anthropologist and received her doctorate degree from Johns Hopkins University, USA in 2005. From 2005 to 2010, Dr. Mulki was a research and teaching faculty at the American University in Cairo, Egypt. From 2010 to 2011, she was a research fellow at Helsinki

Collegium for Advanced Studies, University of Helsinki. She is currently working on two Academy of Finland research projects titled: 'Islamic Feminism: Tradition, Authority, and Hermeneutics' and 'Transnational Muslim Marriages in Finland: Wellbeing, Law, and Gender.' Dr. Mulki's field of research covers two overlapping areas. One is the relationship between Islamic interpretive tradition, modern Muslim family laws, and Muslim gender norms. Her work in this area examines how Islamic interpretive tradition is understood, contested, and drawn on in modern processes of law making, legal practice, and in the shaping of dominant religious discourses. Since 2011, her work developed to investigating epistemological projects undertaken (collectively and/or individually) by selected Muslim women scholars/activists from different countries in the Global North and South; these projects engage critically with Islamic religious sciences, tackling

the two questions of gender and methodological reform. Dr. Mulki's other area of research is modern diasporas and transnational family life. She investigates how the 'transnational' is constituted and experienced in migrant family life; and how marriage and family life become social fields where religious and cultural norms are negotiated and refashioned. She is currently an Academy of Finland research fellow and a lecturer at Faculty of Theology, University of Helsinki, Finland.

Title

Revisiting the Relationship between the 'Ethical' and the 'Legal' in Muslim Gender Norms.

Reflections on Family Laws and Islamic Interpretive Tradition.

Abstract

In a current study (2013-2017) that I am conducting on the marriage norms and practices of Muslim migrants in Finland, young female informants, who are engaged in a personal quest of religious learning, talked about the need for religious laws regulating spousal duties and rights to fulfill what is ethical, which they traced to the Qur'an and their understanding of God. They also talked about linking spousal relations to the religious duty of every Muslim to cultivate a self that embodies Quranic ethical values.

In an earlier ethnographic research (2007-2011) that I conducted on Egyptian Muslim personal status laws, I also noted many informants' grappling with the disconnect between the ethical and the legal in regard to religiously-based laws governing spousal duties and rights. And the same concern was also voiced by informants in a multi-sited research on women's experiences of *qiwamah* and *wilayah* in ten countries, which I coordinated as part of a research project led by the movement *Musawah*.

The concerns of these above-mentioned ordinary women from different contexts echo the questions that guide the work of a group of Muslim women scholars who are critically engaging with Islamic interpretive tradition, and who are the focus of my present five year study (2013-2018). These scholars are driven by the question of gender and methodological reform, and are seeking to produce alternative religious knowledge that reclaims the underlying principles of Quranic ethics. One example of such scholars is Ziba-Mir-Hosseini (2015) who interrogates

classical *fiqh* construction of marriage and its underlying premises about women and men and their gender roles. Another is Omaima Abou-Bakr who, in a recent study, has undertaken a genealogical reading of the concept of *qiwamah* in the *tafsir* literature over 10 centuries. Abou-Bakr systematically unearths the assumptions about gender identities that shaped the exegetes' interpretive work, analyzes their interpretive methods, and traces the historical process through which they created a cumulative patriarchal construct of *qiwamah*. The common thematic thread in the works of these scholars and many notable others is that Qur'an-based ethical principles need to be reclaimed as the necessary building blocks for reformed Islamic gender norms.

In this paper, I engage with the vexed relationship between the legal and ethical in contemporary Muslim gender norms. Drawing on the findings of the above-mentioned studies, I examine how the question of gender in Islamic legal tradition (and its modern manifestations in family codes and prevalent gender norms) epitomizes the disconnect between the ethical and legal. I shed light on the problems caused by this gap on the level of the lived realities of women and men, as well as on the level of dominant religious discourses and interpretive knowledge. My aim is to suggest ways in which 'gender' can be rethought within an Islamic framework, again drawing on the experiential knowledge of the informants and the interpretive insights of the studied female scholars.





Biography

Dr Mossalli gained her doctorate in the field of Islamic History and Civilization and has a Graduate Diploma of Thought and Civilization. She is a politician affiliated with the Islamist Party of Justice and Development, which is leading the current government following its victory during the last

legislative elections. Dr Mossalli has been a long-term advocate for women's rights. In Morocco, she is a member of the Forum "Al-Zahraa" that works to enhance

awareness among women and advocates for their participation in Morocco's economic, social and political spheres; a founding manager of the Centre Al Wiam pour l'Assistance Familiale (Al Wiam); a member of the National Commission on Implementing Women's Representation Support Fund, the Moroccan Commission on National Dialogue, the Executive Office of the Moroccan Parliamentarians Against Corruption, the Association of Writers of Renewal (Amman), and a former Member of Committee on Equality and Non-Discrimination, Parliamentary Assembly of the Council of Europe. She has authored numerous publications concerning the family and women's involvement in politics and social development, including the book: Almosharakah as-siasyyah li-almara'h bayn alwaqi'wal mamoul (Political Participation of Woman between Reality and hope), published in 2009 by the Al Wiam Center; and Albrkah alnsaa'iah fi almghrb alma'asr; etjahat wkdhaya (Feminism in Contemporary Morocco), Al Jazeera Centre for Studies in 2013. She is currently a Member (from 2002) as well as Secretary and Speaker (from 2011) of the Moroccan Parliament, and a visiting professor at the Faculty of Law, Mohammed V University.

Title

The Men-Women Relationship from an Islamic Perspective.

Abstract

The research rationale behind this paper is based upon four considerations:

- 1. The need to build bridges among civilizations;
- 2. The understanding that Islamic values are humanitarian and universal;
- 3. The negative stereotypical image of Muslim women in western communities;
- 4. And the man-woman relationship as a provocative 'Gender Issue' in modern communities.

The paper will consider four research premises before going on to present some conclusions and recommendations. The first premise relates to gender issues from the perspective of the universal and constituent principles and concepts of the Quran and Sunna. Islam provides a conceptual framework for the Islamic perception of human being, universe and life, with the aim to set the foundation

of epistemological theory and of behavioral theory within Islam. This conceptual framework includes the concepts of stewardship; human dignity (for men and women); human egalitarianism; universal reform; and human monolithic origin. Over time, some concepts have become independent principles and laws forming the Islamic viewpoint on social issues. This includes in particular questions relating to family, such as the principles of marriage, of equality, of autonomy, of the role and function integration among spouses, of love and mercy, of gentle treatment. There are also questions pertaining to the encouragement to marriage; and questions relating to two particular rules, that of:

- 1. Marriage being based on generosity, not selfishness;
- 2. Marriage draws on benevolence before fulfilling the standards of justice.

The second premise explores the need to invest all the mechanisms available in the Islamic fundamental methodologies, especially the methodologies of the renewal school in the modern Muslim thought. Islamic Laws and Legislations are interdependent and coherent. Branches and cases should be referred to the universal rules, objectives and legal principles.

The third premise, particular concepts such as *qawama* need to be further explored, so as to re-build the image of the Muslim woman in the Islamic discourse from the perspective of the Quran and Sunnah. Original concepts in the Quranic discourse can only be deduced by virtue of somewhat universal and sophisticated views of the epistemological paradigms dispersed in the universal contexts of the Quran and Sunnah.

The fourth and final premise is in the acknowledgement that the first Muslim generation was exemplary. It is essential to be aware of and to acknowledge the role of women in the manifestations of the first generation of the Prophet's Female Companions. These women gave their pledge of allegiance to the Prophet during the difficult times before Islam became more widespread and powerful. It was a time when women guarded borders and paid the ultimate sacrifice for their beliefs during the Prophet's era and the beginnings of Islam. These women proved their awareness of their important role in life. The man-woman relationship during that early period was also governed by value order and a system of public ethics that developed the framework of the community in true simplicity, one free from pretentious artificiality. In this context, the Islamic perception of the man-woman relationship should abide by the following methodological principles:

- 1. Distinguishing the variable *ijtihad* from the invariable Sharia principles: The juristic opinions on women suffered several repulsive hyperboles and misunderstandings under some specific social and political contexts that gave rise to some *fatwas* (legal advice). During these eras of cultural decline, the process of *ijtihad* came to a standstill and Muslims failed to understand the mission of Islam and their role as human beings to bring about the universal reform of the world.
- 2. Drawing clear lines between Islam and realities of Muslims.
- 3. Laws referring to women should be collectively explored without partitioning: It is not possible to understand the legislations regarding women's issues and gender relationship adequately when they are studied as separate units. More rather, they form an orderly and syncretic structure in an integral system noted for its self-interpretation. As a principle, Islamic law draws on the fact that legal laws are not applicable separately and thus they should be integrally and comprehensively understood.

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