

Article

“Fasad, Hijra and Warlike Diaspora” from the Geographic Boundaries of Early Islam to a New *Dar al-Hikma*: Europe

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Abstract: This paper aims to emphasize the influence that “Classic” Islamic Thought had on the contemporary European-Islamic one regarding the conceptualization and action of emigration (*hijra-hajara*) through the geographical and juridical redefinition of the Old Continent as a new “house” (*dar/bayt*) in hosting a Muslim population. The analysis should also be considered in relation to the sectarian and violent phase which followed the peaceful one of the so-called “Arab Spring” and the current deflagration of part of the Middle East. During the proto-Islamic historical phase, the term *muhajirun* was adopted to define those who made the *hijra*, referring to the prophet Muhammad’s followers in 622. They aimed to live according to religious behaviour and started to be different from their polytheist society of origin; the same term was also used to categorize those who partially populated the new conquered territories in the following decades: Syria, Egypt, Mesopotamia, the Iranian plateau, etc., and who decided to take root and become in-urbanized. The contemporary juridical, political, and religious perception, before and after 2011, started to consider a different “emigration” perspective, which, not so differently from the original *hijra* conceptualization, is rooted in abandoning a land of warlike and sectarian violence to reach a geography where individual religious affiliation can be safeguarded.

Keywords: *Hijra*; *Fasad*; *Jihad*; Europe; *Dar al-Islam*; *Dar al-Suhl*; *Dar al-Kufr*; *Dar al-Hikma*

1. Introduction. Qur’an and the Reasons for *hijra*

Due to the increase in war and sectarian violence in some Arab countries today, following the failure of the “Arab Springs” as well as, for a longer period of time in states, such as Afghanistan, Pakistan, Somalia, and lastly, their economic impoverishment since the beginning of the post-colonial era, there has been huge emigration to Europe. The Islamic presence in this continent has reached the relevant number of 25 million inhabitants out of a total population of half a billion.¹

Since the 1990s, different authors with widely varying backgrounds: Yusuf al-Qaradawi, Layla Babes, Tariq Ramadan, Bassam Tibi, Mohamed Arkoun, and the well-known Imams Tareq Oubrou, Dalil Boubakeur, Hawaria Fattah, Sherin Khankan (Hashas et al. 2018), and institutions, such as the European Council for Fatwa and Research (ECFR), have worked to produce an Islamic jurisprudence for Muslim minorities outside the “official” geographical *Dar al-Islam*. According to it,

¹ Pew Research Centre, 2017, these data do not consider Russia (www.pewforum.org/2017/11/29/europes-growing-muslim-population/).

“European Islam” has been turned into a reformist “start-up”, being able to reconcile being a Muslim in a minority with being monotheist in a plurally religious continent.

The analysis of this article aims to consider two aspects, which are both related with violence (*‘anf*), in trying to determine on the one hand the ongoing connection between the early Islamic elaboration of *Hijra* and the reasons why Muslims still emigrate today, while, on the other hand, the redefinition of Europe, not only as a continent of refuge from discrimination and war, but as a place that recognizes human-religious rights. The right to emigrate in searching refuge from *fasad* (a different level of corruption), which is ongoing, affects the great majority of Islamic countries in the world² as well as escaping discrimination based on religious-political and inter-religious fighting (*qital*).

Can we historically and religiously compare the *hijra* of the early *Muhajirin* from Mecca, with the Arab-Muslim emigrants today? Has contemporary Islamic thought been able to produce a clear understanding and assumption of responsibility for the political and religious reasons behind these new forms of *hijra*? Has the European Union done the same?

Why, after the deflagration of Syria, did those who escaped, try to reach Europe and not the Arab Gulf? If, in fact, it is true that the great majority of Syrian refugees are still blocked in the emergency camps in countries, such as Turkey, Jordan, and Lebanon, their requests to return home will probably be unaffordable for the coming decades.³

All of these questions are indicative of an enormous problem of redefining the geographical space of religious coexistence (Albrecht 2018) on the one hand, but also, on the other, the common comprehension that the “populist Islamophobic” risk, although not yet in power in the heart of Europe, is really close to becoming a huge alternative to every kind of proposal of integration.

However, the first step to be considered here is the production of an “original” meaning of *Hijra* through a historical—Islamic studies methodology in a clear attempt to shape a more conformable and dialogical background with European Muslims.

When considering the prophetic phase, it is important to pinpoint from the beginning the most interesting aspects about the relationship between proto-Islam (being a *believer*, *mu’min*, in considering F. Donner’s redefinition of Early Islam)⁴ and emigration (*hijra*/being a *muhajir*), starting from this focal point: the submission to a monotheistic God was directly connected with so strongly believing in the Prophet’s early message that they decided to emigrate from Mecca to Medina in 622: a paradigmatic step that not only “partially”⁵ cut off the relationship of loyalty (*wala’*) and alliance (*hilf*) with their clan of origin, but pushed them to leave most of their belongings in Mecca.

In parallel, according to the Abrahamic roots of Islam, the Prophet’s *hijra* is the last one considering the Islamic “Prophetic tradition” which identified figures, such as Abraham, but also Moses, who emigrated twice during his life: the first alone, the second with the entire “nation of Israel” leaving the land of idolatry and wandering in the Sinai desert for 40 years; David, who, according to 1 Samuel (24:2–7) hid from Saul’s rage, and finally Jesus, who also emigrated twice, once as a child when he was taken to Egypt away from the attempt by the King of Israel to kill him (Crone 1994; Rubin 2003) and after his baptism at the age of 30 around the River Jordan area, wandering for 40 days in the desert to be tempted by the devil. All of these are practically, but also symbolically, Old and New Testament characterizations of *muhajirin* who paradigmatically undertook emigration for religious/prophetic reasons.

² Web source: <https://www.transparency.org/cpi2018>.

³ Web source: <https://www.bbc.com/news/world-43578469>.

⁴ F. Donner (2011). Muhammad and the Believers. At the Origins of Islam, trans. Maometto e le Origini dell’Islam. Torino: Einaudi.

⁵ I use the term partially here, because, as the post-Hijra historical phase will clarify, as the conquest of Mecca in 630, reconciliation will not only be possible, but in many cases desirable (Guillame 1955).

The Qur'an itself in the Medina part, if on the one hand provides little information on the Prophet's sole *hijra* (with Abu Bakr only); on the other hand, it deeply stresses his action and behaviour on the path of God (*fi sabili'llahi*).

"Those who believed and emigrated [to Medina] and struggled (*wajahadu*) for God's cause with their possessions and persons, and those who gave refuge and help, are all allies (*'awliya*) of one another. As for those who believed but did not emigrate, you are not responsible for their protection (*walayatihim*) until they have done so. But if they seek help from you against persecution (*an-nasru*), it is your duty to assist them, except against people with whom you have a treaty (*mithaq*): God sees all that you do. The disbelievers support one another. If you do not do the same, there will be persecution in the land and great corruption. Those who believed and emigrated, and struggled for God's cause, and those who gave refuge and help—they are the true believers and they will have forgiveness and generous provision. And those who came to believe afterwards, and emigrated and struggled alongside you, they are part of you, but relatives still have prior claim over one another in God's Scripture: God has full knowledge of all things". (Q 8: 72–75 (Abdel Haleem 2004))

However, also:

"Those who believe, who migrated and strove hard in God's way with their possessions and their persons, are in God's eyes much higher in rank; it is they who will triumph" (Q 9: 20)

"In His mercy God has turned to the Prophet, and the emigrants and helpers who followed him in the hour of adversity when some hearts almost wavered: He has turned to them; He is most kind and merciful to them. (Q 9: 100, 117).

"The poor emigrants who were driven from their homes and possessions, who seek God's favour and approval, those who help God and His Messenger—these are the ones who are true—[shall have a share] Those who were already firmly established in their homes [in Medina], and firmly rooted in faith, show love for those who migrated to them for refuge and harbour no desire in their hearts for what has been given to them. They give them preference over themselves, even if they too are poor: those who are saved from their own souls' greed are truly successful. Those who came after them say, 'Lord, forgive us our sins and the sins of our brothers who believed before us, and leave no malice in our hearts towards those who believe. Lord, You are truly compassionate and merciful'. (Q 5: 8–10)⁶

All of the above verses emphasized a similar attitude: the importance of emigrating when the level of persecution reached its height, making it impossible for the believers to live in the community where they were born. At the same time, those who have already accepted the Prophet's message, but for different reasons prefer not to emigrate, only have partial responsibility and are only partially protected.

In fact, "[...] only in the case that they ask for help, is there a moral obligation to intervene, but a treaty has been signed with the attackers, they should not be helped, but rather peace attempted between them. Allah knows everything that is done regarding peace and other things". (Abbas and Al-Firuzabadi 2007).

During the prophetic phase, after the *Hijra* (622–32 A.D.), the geographical landscape was identified by a new *Ummah* (a new religious and political community of believers), as shaped through the union between *Ansar* (those who helped the poor emigrants) and the *Muhajirun*, to whom we can

⁶ All the Quranic verses translated into English in this article come from *The Qur'an*, tr. M.A.S. Abdel Haleem (Abdel Haleem 2004).

add those who have signed an agreement of peace with them: some Jews and some clans who were still non-monotheists (Lecker 2001; Arjomand 2009).

The role of the *Ansar* as those with whom a pact was signed are also emblematic, not only in stressing the capability of giving them refuge, but also for having given what was in their breasts (*sudurihim*) to them before themselves. This is something more than being welcoming, because it reflects on the maternal milk that is given to every newborn in the first months of life.

Therefore, the Qur'an clarified some important aspects of emigration, the concrete reasons for performing it as the best possible reply that human beings should give on specific occasions, in particular for those who are fleeing from persecution. In other words, the same as the early community of believers in considering the "small" *Hijra* (614 A.D.) in reaching the protection of the Christian Emperor of Aksum on the other side of the Red Sea (Guillame 1955, p. 143ff).

However, the direct connection between emigration and the following war (*harb, qital*) that will bring the community of the Believers to conquer Mecca eight years later is a logical consequence of the *muhajirin's* incapability of taking their assets with them during the emigration; also in this case, the Qur'an in the above verses clarifies how reciprocal help between the *Ansar* and emigrants was necessary, like the *ghazawat* attitude to refund both of them their lost wealth (see the first battle of Badr in 624 A.D.).

Overlooking this last reflection, the right to emigrate in the Qur'an is clearly considered in relation to evident persecution, as it will be recognized in the *Shari'ah* when the Christians *Reconquistas* imposed conversion to the conquerors' faith, which had a huge impact on the Islamic geographies, such as *al-Andalus* and Sicily or during European Colonialism (Fierro 1991, pp. 11–41; Peters 1979).

2. The Early Islamic "Narrative" on Geography: The Creation of Borders and Ibn Taymiyya's Renewed View

The historical evolution of proto-Islamic conquests, which ended in the first half of the 8th century, will not only implement the need for a frontier imposed as an armed one (Athamina 1987, pp. 5–25; Donner 1996;⁷ Calasso and Lancioni 2017), but for a process to build up the Islamic identity in defining the conquered territories in relation to the new political rulers. However, it is important to highlight how, until the 9th–10th centuries, as for Palestine and Syria until the 11th–12th centuries, the majority of the "conquered" population was not yet converted to Islam, debunking *de facto* the meanings of *Dar al-Islam* vs. *Dar al-Harb* (Friedmann 2003; Donner 2011).

Accordingly, contrary to considering the *Hijra* as something that emerged later in *Hadith*, *Sira*, and *Maghazi* literature, it is the Qur'an itself that stressed the importance of this paradigmatic praxis. However, many questions still remained unanswered in this debate: starting from the canonization process of the Islamic revelation that literature has increasingly placed in the same historical period as when early "Islamic" writings emerged.

In parallel, Villano (2017, pp. 142–43), like Vercellin (2002, p. 22), considered that the "Prophet Muhammad himself in performing the *Hijra* came out from a space to enter another one" in a sort of fixed rigidity and antithetic of Fred Donner, R. Hoyland, Chase Robinson's awareness of the early "Islamic" century.

Villano and Vercellin wonder about a "narrative" of contrast that will emerge in Tabari's age in recognizing the *Dar al-Islam* vs. *Dar al-Kufr* a juxtaposition, with the *Dar al-Harb* not as synonymous, but as consequent. It is clear that the Quranic moral-ethical dichotomy in making the *Hijra* is prominent, even when only considering the "narrative" that Muhammad, after the conquest of Mecca, decided to return to Medina, to be buried there in the "city of the Prophet".

⁷ See Fred Donner, "The development of the concepts of Dar al-Islam and Dar al-Harb", Draft paper 3/13/96; I am grateful to Fred Donner for providing a copy of this paper.

Nevertheless, the community of early “believers” was probably so morally plural that to consider the *Hijra* from the beginning with such a “strong” religious identification in a still Bedouin society is a conceptual and historical hazard. It is clear, on the contrary, that the 9th century Islamic narrative (Donner 1998), which would like to emphasize the *Hijra* praxis by identifying any “believer”, from the beginning, as, already, a Muslim.

On the contrary, the end of the Arab conquering campaigns (first half of the 8th century), as well as the construction of different militarized borders in Anatolia, the Khorasan region and northern Spain, clarified a political-military need, strongly dissociated from the inter-religious, plural, and still Islamic minority status which affected these geographies (Denaro 2017; Donner 1996, p. 2), even though politically led by new Muslim authorities within a hierarchical Caliphate structure. There is a clear dissociation from assuming a terminology as *Dar al-Islam*/*Dar al-Harb* at the end of the 9th century beginning of the 10th and giving them a religious meaning: the *siyar*, *jihad*, *maghazi* new hegemonic literature that came out at the beginning of the ‘Abbasid age in the works of Abu Yusuf (d. 798): *Kitab al-Radd ‘ala Siyar al-Awza’i*, Malik Ibn Anas (1981): *Kitab al-Jihad* in the *Muwatta’*, Al-Shaybani (1966, d. 805): *Kitab al-Siyar al-Saghir*, and finally that of Fazari (1987), *Kitab al-Siyar*, is (the literature) more generally prone to considering a geography of *ard al-muslimin* (the land of the believers) that opposed the *ard al-‘aduww* (the land of the enemy) than to give an already clear “religious” identification.

This emblematic interpretation is well supported by a plurality of historical factors as sources.

Starting from the former, the un-religious identification of the *ghazawat* is not only linguistically linked with the neutral figure of the *Ghazi*, the warrior, as identified by the pre-Islamic anthropological Arab praxis of raids (Chabbi 1997), but when the Arab conquering campaigns began to fail, attributed to the absence of a propulsive force and to the first huge defeats by Carolingians and Byzantines (the second siege of Constantinople in 717 A.D., but also the battle of Akronion in 740 A.D.), the stabilization of a frontier became a political-strategic need on which many authors have already spent time (Bonner 1996, 2006; Gleave and Kristo-Nagy 2015–2016) and on which a new “narrative” was shaped in close connection with the creation of a first Islamic religious identity.

It is during the early ‘Abbasid age that the new Khalifas started to play a significant role in showing their Islamic leadership as political-religious rulers: al-Ma’mun’s attempt to reconcile the Banu ‘Abbas, the caliphate, with the Banu Hashim, the Imamate, like his leading role in the *Mihna* (the inquisition), are symptomatic of this caliph’s intention to play a major political as well as religious role (Gutas 1998; Cooperson 2005; Demichelis 2012). The assumption of what Bonner stressed in defining Harun al-Rashid, al-Ma’mun, al-Mu’tasim as the first *Ghazi*-Caliphs in parallel with the destruction of some churches as well as considering the Christians who lived on the border with Byzantium, an inner fifth column, who worked for a Constantinople re-occupation of the *Jazira* area, was amplified in Byzantine sources (Michael the Syrian, the Chronicle of 1234, the Chronicle of 813, Theophanis Chronographia) more than on the Islamic side.

However, it is in this historical phase that juridical literature, as reported above, started to slowly propose defining itself as *Dar al-Islam* instead of *balad al-Muslimin*, *ard al-Islam*, *balad al-Islam*, and in defining the *Dar al-Kufr* instead of *ard al-‘aduww*, *balad al-Harb* etc. (Abu Yusuf 1938–1939, pp. 1–2, 19–21).

Nevertheless, this passage is limited in the *Kitab al-Jihad* of Ibn al-Mubarak as in Shaybani’s *Siyar*, or Malik’s *Muwatta’* for different reasons: the first was a pietist traditionalist who, despite being a member of the court, was one of the first *mujahid* who decided to live a coherent Muslim life as well as stressing his inner-soul in being a Muslim believer; the others were *muhaddithun*, who shaped the first “Islamic” warlike literature probably without ever even having seen the *Thaghur* (the militarized frontier).

However, if the land of the enemy (*‘aduww*) was not already religiously identified, its status is clearly more open and the warlike attitude in fighting the enemy also needs to be more neutral: for that reason, al-Shaybani’s *Siyar*, like the *Kitab al-Jihad* in the *Muwatta*, for example, discipline, for the first time, an internal and foreign Caliphate policy regarding war: (1) in spreading Islamic hegemony in the politically led Islamic land, (2) in making the *Dhimmi* respectful of the Islamic jurisprudence over

them, a huge problem that will continue to be highlighted by al-Jahiz in his *Radd 'ala al-Nasara* in the 9th century, and (3) in fighting the Muslim rebels, the brigands, as well as the apostates, in particular, those who lived in the territories of the Caliphate: (Kelsay 2003) a clear juridical-state perspective.

Ibn al-Mubarak's attitude (Ibn al-Mubarak 1972, no. 13, 15, 16), on the contrary, heavily maintains "being-acting as a Muslim" in, as Donner said, a "paranaetic" inner praxis, which nevertheless contains an innovative aspect in stressing that being a better Muslim includes *Jihad* as a basic duty (Salem 2016, chp. 4; Melchert 2015, pp. 49–69). This is an aspect that is completely absent from other Islamic literature on this topic.

The *Kitab al-Jihad*'s absence of the dualistic distinction between *Dar al-Islam* vs. *Dar al-Harb*, for an author who fought on the border still remains problematic, in particular for the use of *ard ar-Rum*, Byzantine territory, without adopting a religious identification. However, if Ibn al-Mubarak's *Kitab al-Jihad* is also to be related to his pietistic *Kitab al-Zuhd*, where there is no section on *Jihad*, it is therefore important to highlight how at the beginning of the 'Abbasid era, the identification of the enemy was partially dissociated from a concrete religious identification in a *Dar al-Islam*, where Islam was certainly still a minority. As reported by Tottoli (2017), we need to wait until the age of al-Tabari to consider the concept of *Dar al-Islam* as corresponding to geographical territory in which Muslims were the majority and where Islamic jurisprudence was also predominantly having an impact on the new religious minority. However, when al-Tabari focused attention on *Dar al-Kufr* in his *Tafsir*, he identified the land of war (*Harb*) against the Meccan's unbelievers in his attempt to shape the assumption of the existence of a more religiously founded Islamic identity from the beginning, from the early Prophetic age.⁸

It is then evident how the *Hijra* assumed from the beginning an "Islamic narrative": a paradigmatic role in emigrating from the *Dar al-Kufr* to a new geography where being and practising as a believer is more promising.

In parallel, this 9th–10th century "narrative", which was to be adopted in enforcing the Islamic religious identity, is the same one that will perform a dualistic dichotomy, forgetting the inter-religious plurality of the first believers, as indirectly admitted by M. Ibn Hanbal (Sizgorich 2009). The founder of the Hanbalite school is the first to recognize the early proto-Islamic community as religiously plural, the first to consider Ibn al-Mubarak's *jihad* not univocally violent, but as a form of *Hijra*, and also the first to consider "the best jihad a word of truth in the face of a tyrannical ruler" (Abu Dawud, n. 4344).

However, this juridical dichotomy, which was adopted for the reasons above described, would have been subsequently attenuated for economic but also logical-rational justifications. The Qur'anic origin of the *Dar al-Ahd*, or *Dar al-Sulh* (the land of truce) in 4: 90, clearly reflects on a scenario of war: "But as for those who seek refuge with people with whom you have a treaty (*mithaq*), or who come over to you because their hearts shrink from fighting against you or against their own people, God could have given them power over you, and they would have fought you. So, if they withdraw and do not fight you, and offer you peace, then God gives you no way against them". It would also have been adopted for other reasons: such as the economic ones in allowing for reciprocal trade, even during historical phases of war such as the "Crusades".

The most interesting aspect to consider is Ibn Taymiyya's moral and logical reflection (Ibn Taymiyya 1980, d. 1328) many centuries later, in classifying a territory as Islamic or "non-Islamic" in relation to the level of faith, sin, and belief of the population and of its rulers, independently of whether they were Muslims or not (Albrecht 2018, p. 70ff.). In his famous *Majmu' Fatawa Shaykh al-Islam Ahmad Ibn Taymiyya*, Ibn Taymiyya, in failing to consider the converted Muslim Mongol rulers of Mardin as real Muslims, he asked the question of what makes a Muslim a real one and what identifies a territory that is formally under Islamic rule the contrary. Here, it is prominent to consider the composite status of the territory in relation to the individual-collective status of its inhabitants

⁸ In the following centuries, Islamic jurisprudence will also adopt the geographical definition of *Dar Kufr ghayr Harb*, the land of unbelief without war in enriching the case studies on the subject.

(Michot 2004), a paradigmatic passage that leads Ibn Taymiyya to consider the *Ummah* in a different way. In the famous Mardin *fatwa*, the Hanbalite *mujtahid*, legitimized, as many before him, the residence of Muslims under a non-Islamic jurisdiction on the condition that they could continue to practice their religion. In another *fatwa*, in assuming that the Christian King of Abyssinia, after the minor Hijra 614 A.D.), secretly converted to Islam, without publicly clearly declaring it or implementing Islamic policies, Ibn Taymiyya affirmed: “We know definitely that he could not implement the law of the Qur’an in his community because his people would not have permitted him to. Despite that, the Negus and all those who are similar to him found their way to the pleasure to God in eternity although they could not abide by the laws of Islam and could only rule using that which could be implemented in the given circumstances” (March 2009, p. 248). In this case, the Hanbalite author supports the idea that it is also possible to please God, even without Islamic Law being the juridical base of the country.

In stressing the possibility of emigrating from the abode of War to the abode of Islam and faith, this is obvious, in particular, if, in the land of unbelievers and hypocrites, allowing what God ordered is not respected; however, in stressing the attention on Ibn Taymiyya’s thought:

“That a territory might be an abode of unbelief or of faith of sinners is not a necessary attribute, but rather a contingent attribute depending on its inhabitants. Any territory in which the inhabitants are believers and pious is at the moment the abode of the friends of God. And any territory in which the inhabitants are unbelievers is at that moment the abode of unbelief. And any territory in which the inhabitants are sinners is at the moment the abode of sin. And so, it is with any others we have not mentioned that their inhabitation of a territory makes it their abode”. (*Majmu’al-Fatawa*, v. 18, pp. 281–82, quoted from March 2009, p. 307)

The Hanbalite’s conclusion clarifies that emigration from an Islamic/non-Islamic society is directly connected with the status of belief and unbelief and to deal with the political, institutional, and demographic-geographic factors.

The presence of sin and corruption is the objective situation that matters for Ibn Taymiyya, quite independently of whether we are dealing with a Muslim or non-Muslim society.

In his un-historicized interpretation of the early meaning of *Hijra*, which, at the beginning of the Islamic age, has more a political than a religious function, Ibn Taymiyya highlights, in the 14th century, that emigration is a form of repudiating evilness, a devotional form of piety in avoiding sin, stressing the departure from a land of corruption (*fasad* and *fitna*).

When considering the above excursus, actualizing this previous analysis in the contemporary period is now relevant. According to eminent Islamic religious scholars who still use pre-Modern Islamic literature, it will be easier for them to follow my methodological approach and to consider it in re-defining the European continent as a host land for Muslim minorities.

3. Muhajirun in the Contemporary Age and the New Definition of Europe

Since the end of World War II, emigration to Europe from Islamic countries was made possible in relation to the previous Anglo-French colonial rule, economic and educational reasons, as well as employment: once, “economic migrants”, in particular in French agriculture, were more necessary than President Macron would like to admit today. At the same time, in the Arab-Islamic world, internal migration affected the Gulf in the 1960s and 1970s from poorer Arab states, deteriorating in the last decades from Muslim countries of South East Asia and from the Indian subcontinent for the architectural verticalization of these newly established desert towns (Shami 1996, pp. 3–26; Errichiello 2012, pp. 389–413).

Finally, in the last decades of the 20th century, as well as at the beginning of the new one, Muslim emigration also began to be directed towards countries that had been countries of emigration until the 1960s (and still are, in different ways): Italy and Spain, for example, which being the southern frontier of the European Union (EU) are more geographically accessible and offer job opportunities that the natives are no longer willing to do.

Therefore, it is important here to focus the entire discourse on the questions asked at the beginning of the article considering three distinctive aspects:

1. Can we historically and religiously compare the *hijra* of early *Muhajirin* from Mecca, with the Arab-Muslim emigrants of today? Can we consider the existence of similarities between the early and the contemporary reasons for emigration?⁹
2. Has contemporary Islamic thought been able to elaborate a clear understanding and assumption of responsibility for the political and religious reasons behind these new forms of *hijra*? Did the European Union do the same in relation to its foreign policy or worse, its absence in being able to reply to increasing Islamic migration to the old continent?
3. How are European Islamic intellectuals redefining the European landscape?

1. In this case, the comparative approach needs to be plural and inclusive in considering the real historical reasons behind Muhammad's *Hijra*, then the consequent "Islamic narrative", which must absolutely not be denigrated but contemplated as shaping an "Islamic identity". If the "historical" version stressed the Prophet's political evaluation, more than the religious one, in the opportunity to work out his own "community" of reference as he freely developed the "*awha*", God's inspiration on him (Q 16, 68; 28, 7); the "Islamic narrative" emphasizes that the new religion was already in existence from the beginning, from the Prophetic's phase and the *Hijra* was his first concrete "public" policy. Nevertheless, it is historically evident that Muhammad's return to his hometown, eight years later, more than a conquest, was a political-religious confirmation of strength, inclusiveness, and perspicacity. It is evident that today (since post-colonialism), the great majority of the Arab-Islamic population has lived and it is still living in countries where freedom of speech is not contemplated and a part of them emigrated to Europe due to them being unable to "speak" or "act" as free men or women. According to that, it is important to also stress a double assumption: the inability of the huge majority of the Arab-Islamic states to be democratic after their process of self-determination (1962), the unwillingness of the "new" democratic world, even though previously colonialist, to support their attempts at democracy after the process of self-determination, as well as afterwards, during the recent "Arab Springs". The last reason is clearly complicated, almost an impossible step due to the previous European colonialist past, their inclusion in the Cold War, and their attempt to still control the lost colonial empire (the Anglo-French 1956 war against Egypt clarifies the assumption just as the Arab perception of the creation of Israel). At the same time, it is also relevant to consider that a majority of the millions of Arab-Islamic emigrants to Europe decided to leave their countries of origin for economic reasons and to provide a better future and opportunities to their children. This generalization today has been adopted to describe them with the denigrative designation of "economic migrants". However, it is hard to negate, as, for many centuries, many European citizens too emigrated in the "New World" for the same political-economic reasons. The Qur'an, like the *Sira an-Nabawiyya* (Guillame 1955, pp. 145ff., 212ff.), stressed the need to make the *Hijra* in relation to clear political and religious persecution, as well as the impossibility of economically maintaining the family. Today, in the West Bank, there are entire villages that are only populated for a few months of the year, because the majority of their inhabitants have decided to emigrate to the West for political-economic reasons but preserving their rights in coming back to maintain domains and properties against Israeli settlement policies and legislation. It is historically evident that, even after many centuries, emigration in Islam has been adopted as a defensive policy, during colonialism (Peters 1979), and more recently to discharge discrimination or more dangerous actions: it is the case of leading Muslim figures, such as R. Khomeini and Rashid Ghannouchi, for example, Syrian Sunnite people who escaped from Hafez al-'Asad's regime in the early 1980s and Turks after every military coup since the 1950s, but also Arab

⁹ The relevance in stressing this comparative approach is related to the still ongoing methodology used by the majority of the scholars of the ECFR; the possibility of updating led by *ijtihad* reflects the concretization that the base of the *Hijra* at the beginning of the Islamic age is not so dissimilar for the same reasons that are still affecting Muslims citizens today.

Christian minorities from the entire Middle East (Moussalli 2001, p. 129ff) as well as *au rebours*, people who emigrated after Islamic regimes imposed their new rulership in Iran, in Egypt, during the time of Sadat and Mubarak, like the Egyptian Nasr Hamid Abu Zayd and the Iranian Abdolkarim Soroush, etc. (Miller; Sachedina 2001, p. 102ff.). Even when considering the clear differences between the *Hijra* performed by early believers in the 7th century and 20th century Muslim emigration to the West today, a discrimination policy remained an important reason to act and, as reported by Ibn Ishaq: “[...] then God gave the permission to his prophet to undertake the *Hijra* [...]”, because “the unbelievers plotted against you (Muhammad) to confine you or to kill you or to expel you, they plotted and so God did: He is the best of the schemers” (Q 8: 30).

2. Why, after the deflagration of Syria, those who escaped, tried to reach Europe, and not the Arab Gulf, is a provocative and very *naïve* question that is based on an evident assumption: when the level of war, like *fasad* and *fitna*, has reached its apex, *hijra* is performed towards the territory that has the best guarantee of a life in peace and justice. However, there is a dual ethical-political and religious problem in stressing the assumption of responsibility for this contemporary situation. The level of collusion in the Islamic world, generally speaking, between political power and religious hierarchies is so eminent that, without considering Salafist-Fundamentalist views Islamic inculturation, politicization, and secularization (Roy 2008), are losing every kind of moral authority, even only when talking about the level of corruption of the majority of the Arab-Islamic regimes: the current conflict between the Egyptian President ‘Abd al-Fattah al-Sisi and al-Azhar university is a Pirandello-like game of the parties, like the Saudi Arabian Mufti’s defence of Muhammad Bin Salman after the murder of Kashoggi. In the last CBS 60 minutes interview of the Egyptian president, on 6 January 2019, the huge number of public lies that were told by the first citizen of the country was so embarrassing that it is hard to contemplate any kind of inner possible reform starting from civil society or religious institutions. The higher the level of internal *fasad*, without considering any clear political-religious persecution, the more the reasons exist to emigrate for those who can afford it. In considering Ibn Taymiyya’s *Majmu’ Fatawa*, but also more recently, Shah ‘Abd al-‘Aziz (d. 1824) *fatwa* of 1803: “Does *Dar al-Islam* become *Dar al-Harb* or not?” the reply is clear. In *al-Durr al-Mukhtar*, he states that the *Dar al-Islam* can only become *Dar al-Harb* by three things: “by the enforcement of the rules of the polytheists, by being contingent to *Dar al-Harb* and by the fact that no Moslem or *Dhimmi* remains protected on the strength of their original *aman*”.

This opened a huge debate during European colonialism in stressing the possibility of making the *hijra* in order to try not living under Western occupation: in India, Algeria, Tunisia, Libya etc. The debate stressed the production of *fatawa* which showed a clear inconsistency in proposing war and nonviolent-resistance and civil disobedience in relation to different approaches. It is therefore evident that this inability to highlight a common attitude today, as during colonialism, is the plural expression of a religious hermeneutical interpretation mixed with political, ideological and geographical reasons. However, in considering on the one hand Sayyid Ahmad Khan’s thought in not performing any kind of *hijra* as long as the colonial-occupational power allows you to still accomplish your Islamic daily duties: the same position assumed by Ibn Taymiyya four centuries earlier (Hunter 1974; Peters 1979); different efforts were made at developing opposing positions such as that of the Algerian ‘Abd al-Qadir, at the beginning of the French occupation, who stressed the attempt to obtain juridical responses favourable to a declaration of *Jihad* as the impossibility of living under non *shari’atic* prescriptions (Shinar 1965).

A conclusive reflection needs now to ponder on whether the incapability in defining, during Colonialism, all the occupied Islamic lands as *Dar al-Sulh* or *Dar aman* was in relation to the rulership of non-Muslims, because the Qur’anic verses, which proclaim:

“When the angels take the souls of those who have wronged themselves, they ask them, ‘What circumstances were you in?’ They reply, ‘We were oppressed in this land’, (*mustad’afin fi al-ard*) and the angels say, ‘But was God’s earth not spacious enough for you to migrate to some other place?’ These people will have Hell as their refuge, an evil destination, but not so the truly helpless men, women, and children who have no means in their power nor any way

to leave—God may well pardon these, for He is most pardoning and most forgiving. Anyone who migrates for God’s cause will find many a refuge and great plenty in the earth, and if anyone leaves home as a migrant towards God and His Messenger and is then overtaken by death, his reward from God is sure. God is most forgiving and most merciful.” (Q 4: 97–100)

are very clear on this, in stressing the fact that you need to be a *mustad’af fi al-ard* (an oppressed on the earth) and have the chance to emigrate: two aspects that are closely connected in the Islamic revelation.

3. Finally, when assuming that, in different Arab-Islamic countries, the level of *fasad* and *fitna* is so high as to make them *Dar al-Kufr*, is it evident that there is the possibility of emigrating to an: “*Ard Allah wasi’ata fatuhajiru fiha?* An earth of Allah spacious enough for you to emigrate therein?”, as it clearly says in the Qur’an. If it is hard to find an Islamic religious authority that is willing to define Syria, Egypt, or post-Ghedaffi Libya as *Dar al-Harb*, due to the direct responsibility of some Arab Islamic but also Western countries; the need to redefine the geography reached by millions of Muslims is an important assumption in which the political dimension needs to be considered independent, but also possibly connected with the religious and the economic one. If we do not want to fragment Muhammad’s concrete political reasons in performing the *hijra*¹⁰ from the more religious “Islamic narrative” that will emerge in the 9th century only to start considering an “Islamic identity”, this passage is *de facto* obligatory in assuming that Europe is a better place to live than the Arab-Islamic world at the moment.

Tariq Ramadan’s “Space of Testimony” is an interesting idea that is still rooted in al-Ghazali’s 12th century definition of *maslaha* (public welfare) in preserving the objective of the Law (*Shar’*): religion, life, reason, progeny, and property (Ramadan 2008). However, as argued by A. March, Islamic Law in a non-Islamic geography is a “vanishing mediator” because it is dissociated from the historical European juridical tradition based on Common Law or Roman Law, as well as the formal impossibility of discrimination in relation to religious affiliation, which is also one of the main reasons for migration from the Arab-Islamic world to Europe in recent decades. Ramadan’s re-updating of al-Ghazali’s definition of *maslaha* in contemporary terms argues that freedom to manifest faith and spirituality; freedom to worship individually and collectively; physical security; freedom to educate others about Islam; and, freedom to participate in the social, political, and economic life of one’s community (Ramadan 2004, 2010) are the forerunners in defining Europe differently as a geography where Muslims and non-Muslims can coexist.

However, this approach that leads Ramadan to define Europe: *Dar al-Shahada*, the space of testimony, still needs to be included in considering Ibn Taymiyya’s individual awareness of the complex plurality of a territory, its complexity in being able to show belief as unbelief, but also in independently considering the first five points that are reported above.

Can a territory of which unbelief, synonymous with atheism (the creed about the absence of God) is a part, be antithetical to the freedom manifested in promoting faith and spirituality, individual, and collective worship; physical security, etc.?

This “space of testimony” should also be able to consider that Muslims’ freedom from government intrusion on their religious beliefs and practices, like freedom to teach about Islam, act politically, etc. (Tampio 2011, p. 619), is the outcome of a lengthy historical process in which the option of being or becoming an atheist, is taken into consideration not as an “un-religious Truth”, but as a human being’s individual possible choice.

Bassam Tibi’s Islamic humanist approach in relation to “Early Islamic history” reflects on the assumption that contemporary *shari’atization* of Islam, certainly a defensive approach by the ‘ulema

¹⁰ The political dimension is also historically assumed by the same early Islamic sources as the *Sira an-Nabawiyya*; contrarily, it would be impossible to explain the reasons why few members of the early “believers” community in Mecca were allowed to emigrate to Aksum (614 A.D.), while Muhammad did not emigrate until after the death (619 A.D.) of his guardian uncle, Abu Talib. (Guillame 1955, p. 191ff.) The political reasons considering this fact emerged as prominent.

against European colonialism, has created “civilization fault lines on a global scale, while the tradition of Islamic humanism provides a cross-civilization bridging” (Tibi 2009, 2012).

Tibi’s secularizing approach, which opposed individual rights and pluralism against Islamic Supremacy or *Kalam* and *Falsafa* against *Fiqh* and *Shari’ah*, is quite sectarian as a result of the Islamic Occidental view¹¹ (Buruma and Margalit 2004). Just starting from the fact that Islamic Law is a creation of human beings, so is the plurality of Islamic theology, of Sufism and *Falsafa*; for this reason, a society as a territory cannot be juridically defined when supposing the level of faith and unbelief of its citizens, only God knows, and any human approximation is defective.

If Bassam Tibi’s accusation of T. Ramadan focuses on his proselytizing ethnic ghettoization and alienation of the European Islamic community from society, the Syrian-German author argues that multi-culturalism is rooted in cultural-religious relativism (Tibi 2007), which is different from “cultural pluralism”. In other words, European Muslims cannot consider this continent as *Dar al-Islam*, because it will never be a continent populated by an Islamic majority, just as *Shari’ah* can never be compared with Common Law; nevertheless, Tibi’s definition of Euro-Islam:

“The major features of Euro-Islam would be *laïcité*, cultural modernity, and an understanding of tolerance that goes beyond the Islamic tolerance restricted to Abrahamic believers (People of the Book, *ahl al-kitab*). In addition, by acknowledging cultural and religious pluralism, Euro-Islam would give up the claim of Islamic dominance. Thus defined, Euro-Islam would be compatible with liberal democracy, individual human rights, and the requirements of a civil society. It would also contrast sharply with the communitarian politics that result in ghettoization. To be sure, the politics of Euro-Islam would not allow complete assimilation of Muslims. Yet it could enable the adoption of forms of civil society leading to an enlightened, open-minded Islamic identity compatible with European civic culture”

is quite complicated without an integrative process of Euro-Islamic histories and narratives. However, before reaching this conclusive passage, it is relevant to stress another step that takes inspiration from L. Babes and T. Oubrou’s debate of *Can Islam be French?* (Oubrou and Babes 2013): Babes defends the natural rights of women-men, clings to the universalists’ interpretation of human rights, and seems, as Bowen remarks too, to be asking Muslim citizens to choose between the two sources of law, Republican and Scripturalist/Islamic, while Oubrou tries, through his approach, to ask citizens to reconcile them, which is quite tricky and unable to reach any concrete outcome without a previous step. *Can Christianity be French* after the “desolation” allowed by two hundred years of post-Enlightenment-Republican ideology? If Islam is to be identified with a State, argued Oubrou (2012), at least in Europe, a state-ideology cannot negate the individual religious affiliation of its citizens, in particular, if this aspect, contrary to: *liberté, égalité, fraternité*, is so far away as to be concretely existent in France and in other European countries. It is difficult to talk about loyal citizenship, women’s equality, and the abolition of polygamy, on which Oubrou generally agrees, or uniform gender inheritance, when French national assimilationist policy is unable to consider the personal history of part of its citizens: the important role that they played in both World Wars, for example, as military forces of liberation in De Gaulle’s army or on the front of La Somme and Verdun in the previous conflict.

In other words, it is unfair and unequal to continue asking the Muslim minority in Europe to attend religious celebrations in churches or in a public space every time that a terrorist attack of Islamic matrix affects the old continent without assuming any responsibility for the devastation that Western foreign policies have caused and have been causing in the entire Islamic world since 9/11.

¹¹ The adoption of a Western narrative on a non-Western civilization, religion, etc. can assume a form of new-Colonialism. *Fiqh* and *Kalam* are both necessary in contemporary Islam and sometimes Tibi’s approach is not so useful because it is divisive. Baruma and Margalit stressed, in their pamphlet how Islamic revanchism in the past decades has adopted the same Western vocabulary and target used during Colonialism. Stressing that Islam needs more philosophy and less jurisprudence is clear, but not with the same approach as the Orientalist Renan. As this article shows, the attitude still needs to be religious and historically based.

4. Conclusions. ECFR and European Continent as *Dar al-Hikma*

Alexandre Caiero's article (Caiero 2010): *The power of European Fatwas: the minority fiqh project and the making of an Islamic counterpublic*, is important in defining the real target of the ECFR, which was created in 1997 and based in Dublin, as an institution able to promote an approach of *al-indimaj bi-la dhawaban*, "integration without assimilation". Only partially partaking this assumption, the concrete risk today is Tibi's hypothesis of increasing the ghettoization of Muslims minorities in European geography, which is already hugely scattered by *banlieue*.

The main problem is not assimilation if there is complete integration, the problem emerges if the balance between these two aspects is unstable: to consider freedom in relation to a dress code and afterwards, to promote the abolition of the *Hijab* (except for security reasons) is symptomatic of this incoherence. ECFR is an important attempt to institutionalize Islam in Europe; however, the evident risk in relation to their *fatawa* (consider the Final Statements¹² since 2001–2016, which continue as though the majority of the Muslim-European population live in an Islamic country and without considering the previously described positions by Ibn Taymiyya) is not to implement any integration at all for the conservative and defensive approach that its advisory board is promoting, in trying to preserve a dualistic geography: that of *fatawa* proclaimed in a nominal *Dar al-Islam* with those for the different territory of a *Dar al-Ahd* or *Dar al-Sulh*. In other words, if the majority of the ECFR's members, such as Yusuf al-Qaradawi, continue to support the idea that Europe is *Dar al-Sulh* (Kazemipur 2017, p. 23), more than integration without assimilation, it proclaiming ongoing segregation with the hope that in the future, the majority of them, will return to their countries of origin (which is completely illusory) looks likely. The main problem is still the inability to recognize how "Islamic" the West is, just as, on the contrary, how non-Islamic Europe is: a problem that emerged on both sides. As argued by Mohammed Hashas, the ECFR seems "to consider European Muslims as a minority that has to protect itself from melting in the mainstream society which is generally not religious" (Hashas 2013), which is humanly comprehensible if the institution itself continues to only consider the *Fatawa* without the Research, in stressing its own acronym.

It is time for Europe to become a *Dar al-Hikma*; a place where research and hermeneutics have been able to reconsider how important Islamic history has been for the West and how important Western history has been for the Islamic world. Contrary to Oubrou's Geo-theological approach (Hashas 2014), like Aref Nayed's theology of neighborliness, which are both important ideas, the most significant step before these is the re-appropriation of a shared Islam-European history and the Old Continent a laboratory for it.

Bidar (2008, 2012, 2015) in reforming Islam through European modernity and enlightenment is still too assimilationist from my point of view: the early form of Liberation is not what can be hermeneutically interpreted from the Qur'an, but what human beings in Islam-Christian history can exchange with each other. Therefore, it is important that on the one hand, the "critical" discourse needs to affect Islam and Qur'an from the beginning, from the creation of an "Islamic narrative" in a huge geography not least Islamic and with a Muslim minority population. On the other hand, Europe and all the main European countries—France, Spain, Italy, Germany, and England, each in a different way—need to deconstruct the positivist, post-Enlightenment—Orientalist approach in integrating the history of the Muslim minority in European history, from *al-Andalus* and *al-Siqilliyya* to the contemporary age. The most significant aspect is to balance integration with assimilation; this historical methodological approach needs to be included in European textbooks, not only as a preventive deradicalizing approach, but also as one of real integration. Only afterwards can the entire European Islamic community properly understand a geo-theological method. The praxis is not to go through the elimination of significant aspects of European history or its protagonists, but their comparative integration with the Arab-Muslims actors of their time: Charlemagne and Harun

¹² (European Council of Fatwa and Research n.d.).

al-Rashid, François 1er of France and Suleiman the Magnificent, the historical period of the Crusades but also the treaty of Jaffa (1228), etc.

The process of integration and assimilation towards a non-Eurocentric critical historical approach goes through the recognition that both Europeans and Muslims in Europe have something to learn from each other. In some cases, the process has already started, such as the creation in Germany and in Austria of Faculties of Islamic Theology, even though, at academic level, as in Spain, courses on Islam in state schools, are a first step; on the contrary, the creation in France and in the United Kingdom (UK) of Islamic Schools, even though of a higher level is certainly problematic (Van de Kerchove 2018), because they are evidently associated with a segregationist policy that a public system cannot intellectually support.

Paraphrasing Bassam Tibi, if the Islamic world has lost its Humanism (Tibi 2012), it is prominent that the Islamic diaspora in Europe could contribute *ad maximum* to emphasizing a reversal trend starting from the integration of their historical background in it. The willingness of people should naturally meet the willingness of politics, education ministers, teachers, and publishers in a common project, in which the narrative of the “clash of civilizations”, “war of religions”, and “sectarian nationalism” can finally be abandoned, after the disasters of the 20th century.

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