



**Sarah Albrecht.- *Dār al-Islām Revisited: Territoriality in Contemporary Islamic Legal Discourse on Muslims in the West* (Leiden-Boston: Brill, 2018), 490p.**

Throughout Islamic history, the division of the world into a ‘territory of Islam’ (*dār al-islām*) and a ‘territory of war’ (*dār al-ḥarb*) has provoked for strife. Sarah Albrecht’s *Dār al-Islām Revisited: Territoriality in Contemporary Islamic Legal Discourse on Muslims in the West* investigates Islamic legal concepts of territoriality via the analysis of the various engagements of Muslim scholars, intellectuals, and activists in revisiting and reinterpreting the traditional division

of the world into a *dār al-islām/dār al-ḥarb* binary based on conclusions derived from geo-political and demographic realities. What is striking in Albrecht’s study is that she follows a historical perspective that gives her ample opportunities to deal with contemporary Muslim authors’ ways of raising and reforming traditional and pre-modern concepts in order to give explanations for their ideas. Furthermore, Albrecht’s study provides a new spatial perception of Islamic legal discourse, taking into consideration the analysis of a contemporary discourse about religious authority and identity from the perspective of historically embedded concepts of space. ‘Where is *dār al-islām*?’ This is the question posed by the author as an opening to the introduction of her book and the question that she also uses to conclude her work.

What is noteworthy in Albrecht’s study is her attempt to go beyond contemporary Orientalist views of a house of Islam/house of war binary. Indeed, rising questions on the location of the house of Islam from a historical perspective destabilises Orientalists Bernard Lewis’s and Tilman Nagel’s discourses on the existence of an undisputed conception of such binarism. Could the historical approach employed by Albrecht in her book be helpful to reconsider a contextual understanding of the Islamic legal discourse on territoriality? As far as numerous Muslim scholars are concerned, the exceptional existence of Muslims without measure in Western Europe in the second half of the twentieth century pushed these scholars to make traditional categorisations correspond to today’s demographic and political situation. The study gives us a real insight into the large number of territorial concepts that changed into more advanced definitions in particular situations, mentioning the crucial debates that have emerged about the issue of territoriality in Islamic history. In the colonial period, the classification of territories pushed both Muslim scholars and their European colonisers to justify their political and military projects. Interestingly, while militant Islamists, in the mid-XX<sup>th</sup> century, started to show an extreme opposition to their Muslim countries’ governments’ ‘un-Islamic’ attitudes, other scholars explained traditional territorial concepts to find a compatibility of flavours between Islamic and Western international law, affording an opportunity

to the legitimacy of international treaties. Once adjustments made for the territorial position of Western countries around the end of the XX<sup>th</sup> century, the presence of a huge number of Muslims in Europe became legitimate, allowing contemporary Islamic legal discourse on Muslims to burst out.

How present-day Muslim scholars, intellectuals, and activists use traditional Islamic legal discourse on territoriality for particular purposes is very important to be studied in order to know how they categorise Western countries within today's world order. Representatives of Hizb ut-Tahrir, al-Qā'ida, and IS refuse the idea that any Muslim majority country is deemed an 'Islamic territory.' Instead, they, unlike state appointed scholars, ask publicly for the revival of a caliphate which replaces the actual borders of nation-states. These scholars and activists view Western countries as key components of the 'territory of unbelief.'

Unlike the advocates of the dualist model of territories, proponents of minority *fiqh* (*fiqh al-aqalliyyāt*) think quite differently about the tradition of dividing the world into Islamic and non-Islamic territories. The 'territory of treaty' (*dār al-'ahd*) is of paramount importance to categorise Western countries as such to justify their entering into international contracts and to make these proponents' Islamic legal traditional beliefs easily understood to Muslims. Unlike the majority of pre-modern jurists, proponents of this approach like Mawlawī, al-Qaraḍāwī, Bin Bayyah and other scholars conjure up the Western countries as an autonomous third territory and develop perpetual interpretations of *'ahd* as a valid concept. Additionally, the fact that Western countries are in a contractual relationship with *dār al-islām*, these countries cannot be considered as *dār al-ḥarb* because they are not at war. Concerning the Palestinian-Israeli conflict, however, we may find breaches while putting under scrutiny al-Qaraḍāwī and Bin Bayyah's discourses which rank Israel as the sole representative of the house of war, neglecting the significance of certain geo-political problems.

Are there specific standards that could make a territory 'Islamic'? In contrast to *dār al-'ahd*'s proponents such as al-Qaraḍāwī, Bin Bayyah, Mawlawī, among others, thinkers like Ṭāhā Jābir al-'Alwānī, Feisal Abdul Rauf, Jasser Auda, Scheherazade Rehman, Hossein Askari and other advocates, developed sceptical approaches towards the validity of labelling all Muslim countries Islamic. How 'Islamic' are Western countries then? The participants in the Shariah Index Project and the 'Economic Islamicity Index,' whose approaches oscillate between the use of Islamic legal terms and the employment of political science terminology, affirm that Western countries rank among *dār al-islām*, refusing to label most of Muslim countries 'Islamic' territory. Furthermore, against the view of the traditional binary and its inferences about jihad, provisions that are necessary to meet Muslims' particular needs to live in safety and practise their religion in Western societies have pushed scholars like al-'Alwānī, Auda, Abdul Rauf, among others, to be pleased about the West. Is there a hidden agenda behind this Western attitude?

Interestingly enough, a call for reinterpreting and abandoning the traditional territoriality of *dār al-islām* seems to gain ground over traditional views that seek to adapt the concept of the 'territory of Islam' to the XXI<sup>st</sup> century context. Does

this really mean that the traditional territorial concepts discussed earlier have become useless and ‘bear,’ to take Murad Wilfried Hofmann’s words, ‘no relation to Muslims’ everyday reality’ (282)? Tariq Ramadan, Tareq Oubrou, and Aref Ali Nayed remain among the most important advocates whose ways of seeing, although they slightly differ from each other, pertain to establishing an epistemological rupture with reproducing traditional geo-political boundaries. Terms like *dār al-shahāda*, a new ‘geothology,’ and ‘interior abode of peace’ start edging their ways to these proponents’ thoughts.

The last two decades of the twentieth century saw Muslim scholars’ debates on construing Islamic standards in a way that legitimise Muslims’ residence in the West. Following a pragmatic approach, advocates like al-‘Alwānī, Auda, Mawlawī, Oubrou, Ramadan, and Abdul Rauf see the West as a legitimate home; however, Ṣalāḥ al-Ṣāwī, Anwar al-Awlaki and Asif Khan, among others, consider Muslims’ residence in Western countries an illegal one. While the theme of migration in its physical meaning, especially the topic of Muslims’ first movement to Abyssinia, constitutes the central premise of many scholars’ opinions, others go beyond that, claiming that for the purpose of achieving a real *hijra* Muslims should get rid of their sins. Still, although the proponents of *physical* and *spiritual* emigrations believe it is legitimate for Muslims to dwell in the West, these authors oppose the way Muslims are subjected to non-Muslim law. Accordingly, minority *fiqh* seems to be an alternative approach to find an agreeable solution in terms of facilitating life for Muslims residing in the West. Against the creation of a certain *fiqh* separate from the whole range of Islamic jurisdiction, Ramadan sees that Muslims in the West do not differ from the ones in the rest of the world and that what must be done is to adopt contextual interpretations of the *shari‘a*, whenever and wherever Muslims exist.

Our dynamic and unstable world has played an important role in the progress of online communication and transnational mobility. Wherever they reside, Muslims, in Canada or US, Scandinavia or the farthest corners of Australia, are able to get *fatwas* from muftis worldwide. This poses a question about ‘Who is in a position of authority to draw the boundaries of *dār al-islām* and decide whether Europe, or a Muslim majority country like Morocco, can be equated with *dār al-ḥarb* for the sake of justifying particular interpretations of Islamic norms’ (394)? Undoubtedly, all the authors studied in Albrecht’s book show the feeling that they enjoy the authority to help Muslims in the West understand the *shari‘a*. Al-‘Alwānī, Oubrou, and Ramadan, however, support the view that the muftis who live in the West are the only people who can produce *fatwas* for Muslims who inhabit the lands of the Christians. For these advocates, by freely fulfilling their religious tasks in a Christian society, Muslims engage in constructing their religious identity alongside the different identities they could manifest and legally enjoy like the rest of the purely Western natives.

*Dār al-Islām Revisited* is a well-written book about contemporary Islamic legal discourse on Muslims in the West. Revisiting the issue of territoriality has given deep insight into vivacious approaches about the perception of the binarism of *dār al-islām* and *dār al-ḥarb*, bringing about the continuing arguments on Islamic normativity, identity, and authority in Western countries. By drawing an outline to the

origins and rise of these territorial concepts in Islamic history, Albrecht has tailored a starting point for more enquiries about Muslims in the West. The book is well worth reading. Its great merit is manifest in its flexibility to mobilise debates inside and outside scholarly spheres and excludes the traditional territorial paradigm's perpetual opposition pertaining to anti-Muslim activists and Orientalists' trendy assumptions.

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