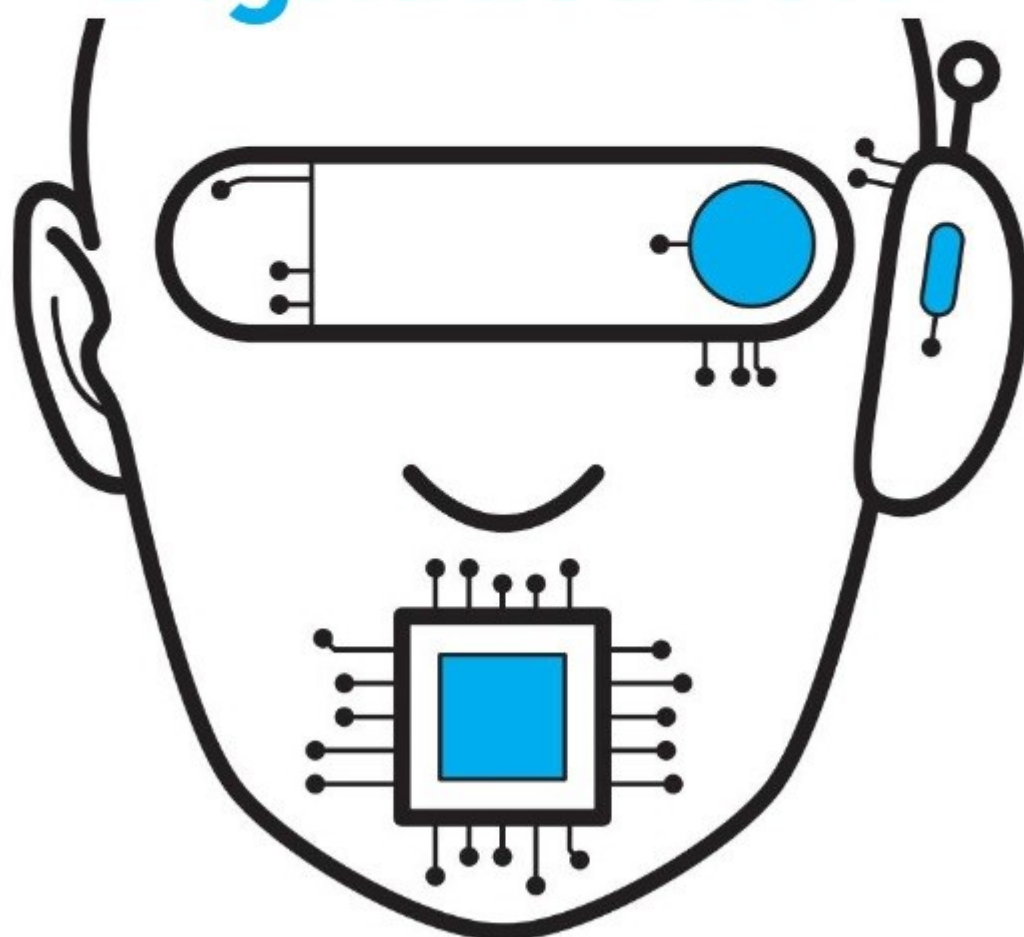


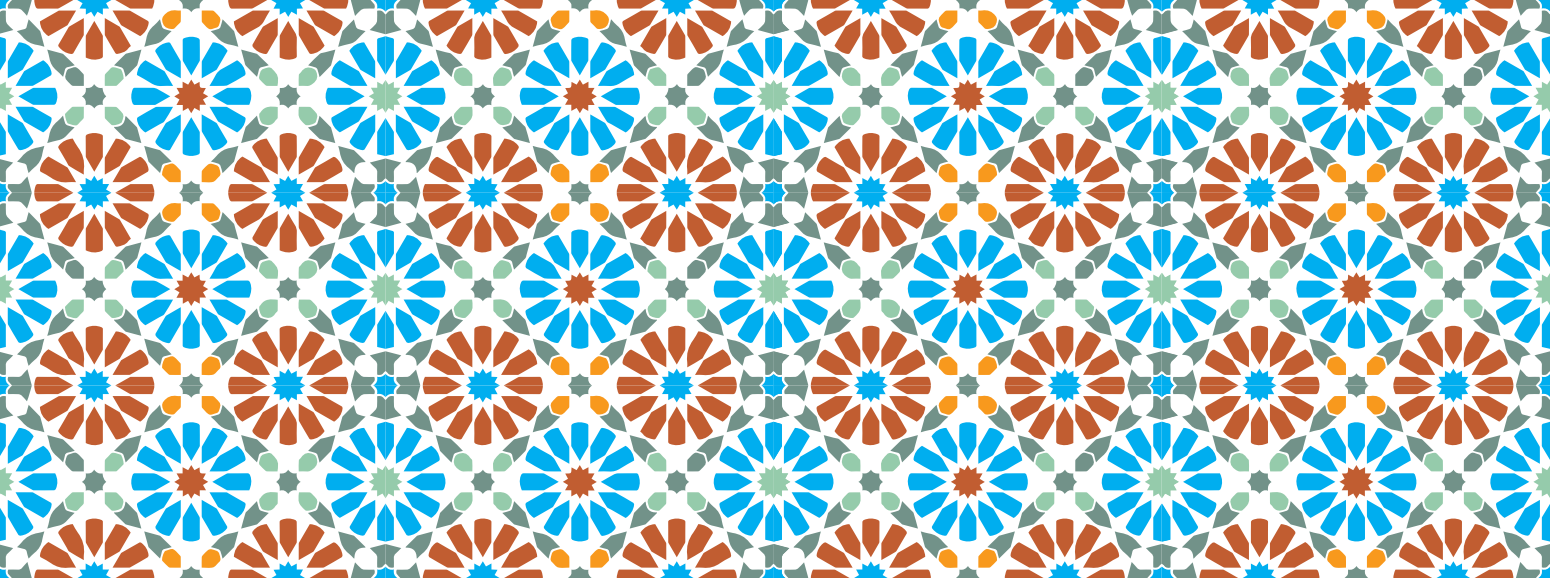
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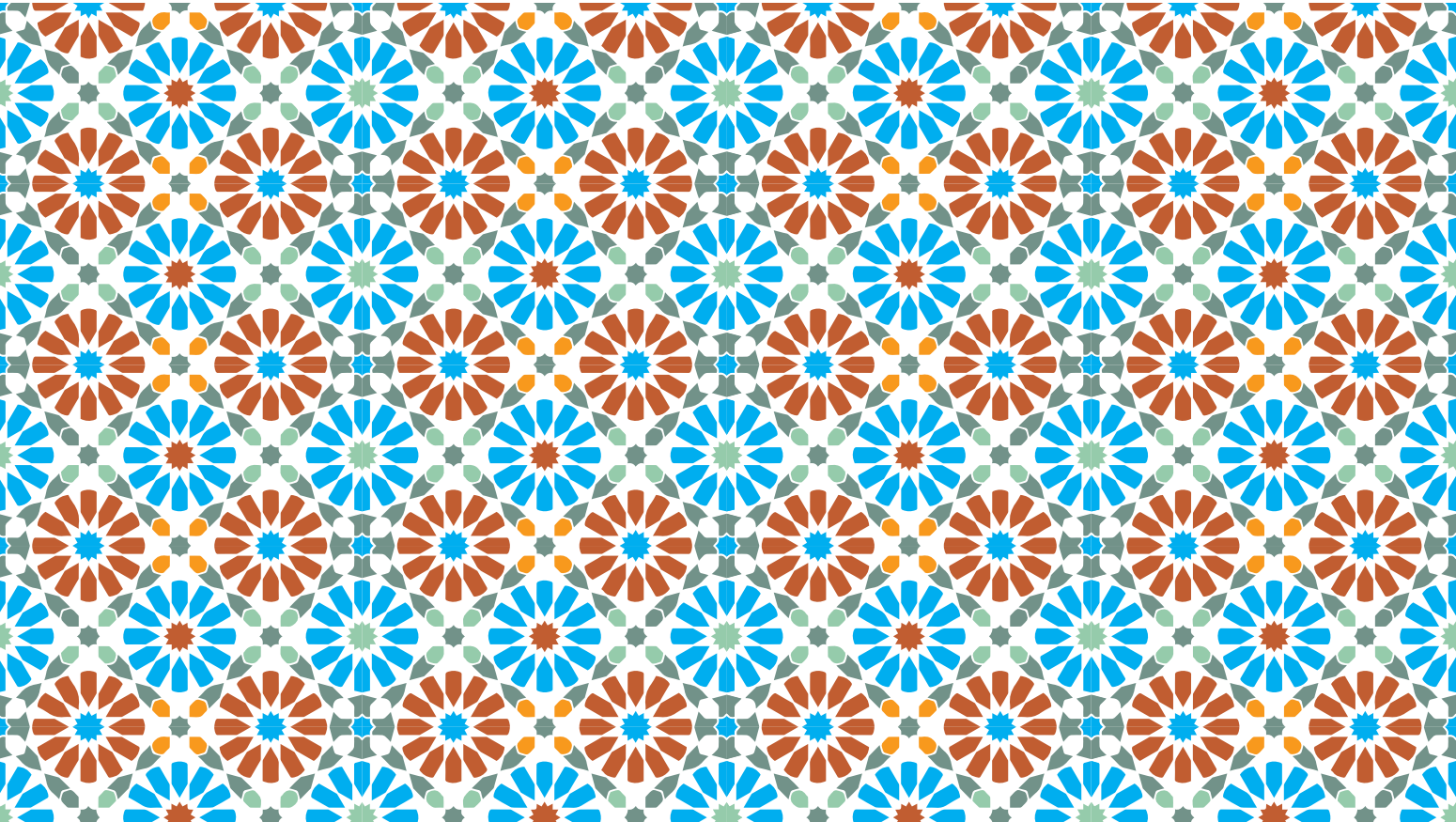




# Preserving Social Harmony:

Lessons from the **Marrakesh Declaration** for  
Minority Muslims Living in Non-Muslim Countries

BY USTAZ DR MUHAMMAD HANIFF HASSAN



## THE MARRAKESH DECLARATION

The Marrakesh Declaration is a culmination of an initiative led by the Forum for Promoting Peace in Muslim Societies under the leadership of Sheikh Abdullah Bin Bayyah and the sponsorship of the United Arab Emirates (UAE) government.

Sheikh Bin Bayyah is a prominent and respected contemporary Muslim scholar. He is widely seen as an eminently learned voice of moderation and peace. He was invited as a distinguished guest by the Islamic Religious Council of Singapore (MUIS) to speak to Singapore leaders and communities in March 2017.

Sheikh Bin Bayyah founded the Forum for Promoting Peace in Muslim Societies in 2014 as a response to conflicts and anarchy in the Muslim world after the Arab Spring (2010-2013). The Arab Spring precipitated the outbreak of civil war in Syria, Libya and Yemen. In Egypt, the democratic protests against President Mubarak deteriorated into low-intensity armed conflict after a military *coup-d'état* that brought down President Morsi. All of which further destabilised ongoing conflicts that beset Iraq and Afghanistan since post-9/11.

The Marrakesh Declaration was made after a conference held from 25 to 27 January 2016 in Morocco. Heads of state, over 250 Muslim religious leaders and scholars, in addition to over 50 non-Muslim religious leaders, took part in the three-day summit in Marrakesh entitled, *The Rights of Religious Minorities in Predominantly Muslim Majority Communities: Legal Framework and a Call to Action*.

The conference was organised with very specific objectives – to address the contemporary status and rights of non-Muslim minorities in Muslim countries. This issue arose after various reported incidents of abuse and persecution against non-Muslim minority groups, such as being targets for bombings and political violence due to the ongoing conflicts.

At the end of the conference, the organiser and participants agreed to make the declaration that enshrined the following key points:

- Islam's recognition of the idea of social contract between fellow citizens and between citizens and government as

explicitly and implicitly understood also in the idea of citizenship of a modern nation state;

- Sanctity of all social contracts that have been agreed upon, or would be agreed upon from time to time as the basis for national development and social harmony;
- The binding of Muslims and non-Muslims as equal members of one *ummah* (community or nation) similar to the concept of a nation regardless of faith, ethnic and culture under one nation state;
- Non-Muslims' entitlement to equal rights with fellow Muslim citizens in Muslim polity *i.e.* freedom to practise religion and equality in law and justice;
- Peace and harmony are the bases of Muslim and non-Muslim relations because both are the essence of Islam, not war and conflict; and
- Commitment to peace and non-violent means to achieve social and political aspirations is a virtue in Islam and peace should be regarded as the high objective of its *shari'ah* today because none of the five existing agreed-upon high objectives of the *shari'ah* (*maqasid al-shari'ah* *i.e.* preservation of religion, life, intellect, wealth, and family) could be fulfilled without the preservation of peace.

## THEOLOGICAL BASIS OF THE MARRAKESH DECLARATION

Muslim scholars, intellectuals and leaders who attended the conference based all points in the Marrakesh Declaration on a treaty related to the Prophet (*peace be upon him*) known as the Charter of Madinah.

The Charter of Madinah was an agreement made between migrant Muslims of Mecca (*Al-Muhajirin*) and inhabitant Muslims of Madinah (*Al-Ansar*) and Muslims, various Jews and non-Muslim Arab tribes. It is historically recognised as among the first things done by the Prophet (*pbuh*) after his migration (*hijrah*) from Mecca. The agreement bound Al-Muhajirin and Al-Ansar and Muslims and non-Muslims in Madinah as one *ummah* (nation); sharing the same rights – such as equality in rights to practise personal faith, be protected by law and be treated fairly and justly. It also exemplifies responsibilities such as a duty to defend Madinah from foreign hostilities, preserve internal peace and provide financial contribution for common good when necessary.

It is noteworthy that the Charter of Madinah was neither a post-conflict solution nor a post-conquest imposition of the victors upon the vanquished people. In fact, it was a solution formulated for the prevention of social conflict between the new emerging Muslim community and non-Muslim inhabitants of Madinah, and between migrant and fellow local Muslims. This underscores the Prophet's commitment to a peaceful approach to managing social and political situations within a multi-religious, ethnic and cultural society.

The participants of the conference in Morocco affirmed the validity of the Charter of Madinah was based on historical study and, thus, is considered as a valid reference and basis for the following theological standpoints:

- Muslims are to uphold social contract, being a key pillar of the modern nation state, because it is compatible with Islam;
- Muslims are obligated to uphold the constitution of state where they belong to because citizenship is a contract similar to the Charter;
- All non-Muslim citizens of Muslim countries should be regarded as equal members of modern state's nation similar to the Charter's recognition of Jews and non-Muslim Arabs as one *ummah* together with Muslims;
- All non-Muslim citizens of Muslim countries should enjoy the same civic rights of fellow Muslim citizens and be protected from discrimination or persecution similar to the Charter's terms of agreement; and
- Muslims are to commit to peaceful and non-violent means to address any domestic social and political issue similar to the process taken by the Prophet Muhammad (*pbuh*) to effect the Charter of Madinah.

## IMPORTANCE AND SIGNIFICANCE

The Marrakesh Declaration is highly significant and relevant with regard to Islamic law and its contemporary application.

Firstly, the Marrakesh Declaration allows the reconciliation of Islamic law with the modern concept of citizenship, where all citizens of a state are fundamentally equal regardless of their personal faith.

This is a groundbreaking rethinking and review of the dominant traditional position in Islamic law where non-Muslims are regarded as *Zimmis* via *Al-Zimmah* Treaty.

Although the *Al-Zimmah* Treaty recognises non-Muslims as subjects of Muslim polity, thus guaranteeing them with security and protection, they are not regarded as a member of the *ummah* and do not have equal status with Muslims on the basis of Islam's superiority above all other religions. It is up to the discretion of the ruler whether to restrict the rights and freedoms of their non-Muslim citizens. Due to the absence of a written constitution and the subsequent institutional protections at the time, the prevailing sentiment of rulers was that the position of Islam and Muslims should be one of supremacy.

This dominant position is found in many classical works on Islamic law of government which are still regarded as the reference for regulating non-Muslims in Muslim polity today; despite the contextual differences during which the *Al-Zimmah* Treaty was formulated and applied in the past.

Examples of contemporary application of these rulings include the strict restrictions on non-Muslims in new places of worship, public celebration of religious festivals, public display of religious symbols and proselytisation activities among Muslims.

Secondly, the Marrakesh Declaration signifies that the superiority of Islam above other religions should not necessarily be understood as Muslim superiority over non-Muslims in a Muslim polity. Therefore, non-Muslims can enjoy the same rights as Muslims.

Thirdly, the Marrakesh Declaration openly challenges the dominant idea among Muslims that the concept of *ummah* is exclusive to Muslims. Denying non-Muslims from being an equal member of an *ummah* is not consistent with the terms of the Charter of Madinah.

Fourthly, the Marrakesh Declaration rectifies the idea found in Islamic tradition that conflict and hostility or presumption of both are the basis in regulating the relationship between Muslims and non-Muslims. One must recall that the

Charter of Madinah was not preceded by conflict and hostility between the signatories. What differentiates the Charter of Madinah from *Al-Zimmah* Treaty and rulings that came after it was due to the breach of the Charter of Madinah by some Jewish tribes. Henceforth, this notion of conflict and hostility became the norm in Islamic tradition and later be applied to non-Muslim communities who were defeated militarily.

### LESSONS FOR MINORITY MUSLIMS

Although the Marrakesh Declaration's main concern is Muslims' obligation towards minority non-Muslims in Muslim countries today, it has relevance to minority Muslims living in a secular country like Singapore.

Many lessons could be deduced for minority Muslims too, which Sheikh Bin Bayyah highlighted in his keynote speech in a convention after the pronouncement of the Marrakesh Declaration held from 11 to 13 December 2017 in Abu Dhabi.

He asserted that Muslim minorities living in non-Muslim countries are his concern too, even though the forum headed by him is named the *Forum for Promoting Peace in Muslim Societies*. He is confident that all initiatives and means to promote peace by the Forum in Muslim countries are relevant for promoting Islam in any society in the world today.

The Marrakesh Declaration champions the theological basis for minority Muslim communities to actively participate and contribute to promoting peace and social harmony in non-Muslim countries where they reside.

Firstly, Muslims, regardless of their status as citizen, permanent resident, or visitor must recognise, commit and uphold the established social contract in the country where they reside, in keeping with the spirit of the Charter of Madinah.

Secondly, the Marrakesh Declaration emphasises commitment to the secular articles enshrined in the local constitution and laws as a symbiotic part of the social contract enjoined by Islam.

There may be parts of the constitution or laws in non-Muslim countries that are incompatible to Islam. Muslims are not

commanded to be passive in such situations. In fact, it is part of a Muslim's duty to strive for change. Muslims must be committed to peaceful and non-violent means in all matters such as the ability to exercise their rights, or correct injustices imposed on them, or as they strive to achieve their individual aspirations (social, political and economic).

The right of civilians to effect societal or political changes is enshrined in all democratic countries. Democratic institutions provide a safe space for all citizens and civil society to express their views and beliefs as long as they are done in accordance with the laws of the land.

Above all, the Marrakesh Declaration urges Muslims to always give preference to peaceful means, consultative or consensus building process with relevant stakeholders and avail themselves to all legal channels. Until the change could be effected by such means, Muslims must respect the order of the day and be patient with the less-than-ideal situation.

*This article was first published in Malay under the title, "Membangun Keharmonian Sosial: Pelajaran Dari Perisytiharan Marrakesh", by Suara Istiqamah, no. 1, December 2020, which is available at <http://haniff.sg/wp-content/uploads/2020/12/perisytiharan-marakesh-combined.pdf>* ■

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