



**The Recontextualization of *Fiqh* (Islamic Law) and Transformation of the  
Prevailing “Muslim Mindset,” for the Sake of World Peace and  
to Achieve a Harmonious Communal Life for all Mankind**

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**Adopted by the  
National Conference of Nahdlatul Ulama Religious Scholars  
Miftahul Huda al-Azhar Islamic Boarding School  
Banjar, West Java, Indonesia, 27 February – 1 March 2019**

Nahdlatul Ulama welcomes the *Document on Human Fraternity for World Peace and Living Together*, which the Grand Shaykh of al-Azhar, Ahmed al-Tayyeb, and Pope Francis signed in Abu Dhabi on February 4, 2019. This *Document on Human Fraternity*—which is said to be a continuation of and “based upon prior International Documents”—corroborates a number of theological views that were previously developed by Nahdlatul Ulama (NU) scholars and articulated in a series of international declarations, and documents, published between 1984 and 2018. Nahdlatul Ulama appreciates and is greatly heartened to see that ideas developed within the NU environment have contributed significantly to international efforts to foster world peace, up to and including the birth of al-Azhar and the Vatican’s *Document on Human Fraternity*.

Elaborating on the official position of Nahdlatul Ulama, previously stated in point eight<sup>1</sup> of the *International Summit of Moderate Islamic Leaders (ISOMIL) Nahdlatul Ulama Declaration*—which was promulgated in Jakarta, Indonesia, on May 10, 2016—Nahdlatul Ulama specifically wishes to emphasize the significance of a viewpoint [implicitly] expressed in the Abu Dhabi *Document on Human Fraternity*: viz., that the prevailing “Muslim mindset” contains certain views that foster conflict. These views are rooted in specific interpretations of Islamic teaching, which must change if we are to mobilize the Muslim world, to the maximum extent possible, behind efforts to foster world peace. This will entail “recontextualizing” a number of *fiqh* views that are no longer compatible with, nor reflect, the realities of the contemporary world.

As stated in the *Gerakan Pemuda Ansor Declaration on Humanitarian Islam (al-islam lil insaniyyah)*—which was promulgated at Tambak Beras Islamic Boarding School in Jombang,

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<sup>1</sup> Point eight of the *ISOMIL Nahdlatul Ulama Declaration* reads: “The Nahdlatul Ulama regards specific modes of interpreting Islam (*tafsir*) as the most significant factor causing the spread of religious extremism among Muslims.”

East Java, on May 22, 2017—a process of recontextualization needs to occur with regard to a number of *fiqh*-based views widely held by Islamic scholars and the Muslim community at large, as follows:

- Views regarding the rights, responsibilities and status of non-Muslims within society at large, and norms concerning interactions between Muslims and non-Muslims;
- Views regarding what form(s) of government are permitted by *sharī‘ah*;
- Views pertaining to the relationship between Islamic law and state laws created through modern political processes;
- Views concerning how Muslims throughout the world should respond to conflicts that involve various Muslim groups [e.g., in the Philippines, Thailand, Myanmar, Kashmir, Afghanistan, Iraq, Syria, Palestine, Yemen, Libya, the Sahel, Nigeria, etc.]

The dominant view expressed within the *fiqh* (Islamic legal) tradition, regarding these issues, arose within a specific historical context during the Middle Ages, and thus reflects the actual, structural [political, military and socio-cultural] realities facing human civilization during that era. We now live amidst [i.e., within the context of] a completely different civilizational reality, in which a number of fundamental changes have occurred since the emergence of Islamic law over a thousand years ago, within the context of the Middle East. The *Nusantara Manifesto*—which Gerakan Pemuda Ansor adopted and promulgated in Yogyakarta, Indonesia, on October 25, 2018—identifies and examines four major categories of change that have shaped the birth—and dramatically new format—of contemporary global civilization:

#### 1) Transformation of the global political order

- a) In the past, nearly every state or kingdom had an official religious identity [i.e., a state religion]. At present, a majority of nations have—either officially or unofficially—relinquished this religious identity and replaced it with a primary emphasis upon national identity;
- b) In the past, there was no international system in place to guarantee the borders between states. As a result, international relations transpired within the context of actual or potential military engagement. Geographically proximate nations were often trapped in an endless cycle of recurrent warfare, heavily impacted by the lines of their respective military reach, and/or those of hostile powers. At present, due to the existence of an international regime—namely, the United Nations—borders between states are far more secure than was historically the case, and are generally acknowledged as inviolable, demarcating the boundaries of each nation’s sovereign territory.

#### 2) Changes in demography and citizenship

- a) Migration is a manifestation of individual and collective aspirations and the result of economic contacts, which often drive or induce human beings to cross international

borders in search of opportunity and/or a new life. This has produced a very heterogeneous demographic portrait in various parts of the world, including the growth of significant Muslim communities in regions which, in the past, had virtually no Muslim inhabitants, such as northern and western Europe, the Americas, Australia, etc.

- b) Because virtually every nation or kingdom had an official state religion in the past, their inhabitants' civil status—i.e., rights and responsibilities—were inextricably linked to their religious identity, and whether this corresponded to, or deviated from, the [doctrines, dogma and practice of the] state religion. Those who did not adhere to the state religion tended to be persecuted or, at a minimum, treated as second-class citizens. At present, due to the separation of state and religion in many parts of the world, most nations tolerate a diversity of religious identity among their citizens.

### 3) Evolving societal norms (*'urf*)

Practices that violate human rights, which were widely tolerated in the past—such as slavery, colonialism, discrimination against ethnic or religious minorities, and/or outright persecution—are now generally viewed as crimes against humanity, according to the standard norms of 21<sup>st</sup> century civilization.

### 4) Globalization

Globalization—driven by economic exchange and the development of technology—is steadily eroding the constraints imposed by physical (i.e., geographic) and political barriers in determining social dynamics. Technological developments have dramatically bridged physical distance, to the point that any event that occurs anywhere in the world may potentially have global consequences.

Kyai Haji Achmad Shiddiq—who was elected Chairman of the Nahdlatul Ulama Supreme Council at the 27th NU Congress (*Muktamar*) in Situbondo, East Java, in 1984—created an historic document when he established an authoritative religious framework that explicitly affirmed human equality on the basis of: 1) the fraternity of Muslims (*ukhuwwah islamiyah*); 2) the fraternity of those who dwell within a single nation (*ukhuwwah wataniyah*); and 3) the fraternity of all human beings (*ukhuwwah insaniyah*, or *ukhuwwah basyariyah*). During the 27<sup>th</sup> Congress, the NU also declared that the Unitary State of the Republic of Indonesia (NKRI), based on Pancasila and the 1945 Constitution (UUD-45), is the legitimate and final form of the Indonesian nation state, established through the efforts of Indonesian Muslims themselves [and may not be theologically challenged by those who wish to establish an Islamic state and/or caliphate]. In other words, Nahdlatul Ulama provided authoritative theological legitimacy to the existence of a modern nation state, whose constitution and legal system are derived from modern political processes.

During the 32<sup>nd</sup> NU General Assembly held in Makassar, on the island of Sulawesi, in 2010, Nahdlatul Ulama explicitly affirmed that the struggle for world peace is an integral part of its religious orientation and mission. This, in turn, means that whenever and wherever conflicts occur—both those that involve Muslim groups battling each other, and those in which

Muslims are fighting non-Muslims—it is a religious duty, incumbent upon other Muslims, to foster conflict resolution, justice and peace, rather than take sides and join in the violence in order to defend or support one of the warring parties.

One of the gravest threats to the stability and continuity of contemporary global civilization is the “universalization of conflict,” whereby groups that claim a universal identity, ostensibly binding upon all their members—such as religion, [ideology] and/or ethnicity—seek to compel all members of their group to engage in a universal conflict, which pits them against anyone and everyone throughout the world who is regarded as having a different, and inherently hostile, identity.<sup>2</sup>

In the past—when the international order was still characterized by religiously supremacist political entities—conflict between religious groups generally occurred in the form of warfare between specific nations, and primarily involved military forces from these nations battling over specific terrain. Muslim states, such as the [Umayyad, Abbasid and] Ottoman Empire[s], fostered specific cultural and religious norms that promoted hostility and vigilance—by Muslims towards non-Muslims—and characterized these norms as *qaṣd shar‘ī* (fulfilling the aims of *sharī‘ah*). These norms were deliberately cultivated to defend Muslims, as citizens of the state, from the military threat posed by adjacent non-Muslim kingdoms, at a time when royal armies were deployed along every border to guard against an attack that might come at any moment.

Most contemporary societies face an entirely different set of domestic and geopolitical challenges. Given the enormous demographic changes that have occurred, with hundreds of millions of Muslims living side-by-side with non-Muslims, in societies governed by non-Muslims, religious enmity and violence can quickly spiral out of control, and shatter societal cohesion in religiously diverse communities throughout the world, as one can readily see from developments in Europe, the Middle East and elsewhere.

The *Document on Human Fraternity* signed in Abu Dhabi represents an historic milestone in efforts to safeguard the world and preserve humanity from the threat of a universal inter-religious conflict. The views expressed in the *Document on Human Fraternity*—concerning the elimination of religious enmity; the right to full citizenship and equality before the law, regardless of one’s religious or other “primordial” identity; and the vision of Muslims and non-Muslims joining hands to strive for peace, establish justice and defend the weak—are profound insights, which must become a fundamental guide and way of life for religious communities throughout the world.

Formalized and adopted by al-Azhar and the Vatican through the signatures of Grand Shaykh Ahmad al-Tayyeb and Pope Francis, the *Document on Human Fraternity* carries strong authority among religious believers [particularly Sunni Muslims and Roman Catholics]. The *Document on Human Fraternity* may also be viewed as the embodiment of an agreement

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<sup>2</sup> Examples of this phenomenon include the behavior of ISIS, al-Qaeda and other Islamist groups, whose worldview is rooted in obsolete and problematic tenets of Islamic orthodoxy; the Chinese Communist Party, which seeks to mobilize ethnic Chinese worldwide to support its geopolitical agenda, by claiming that they owe fealty to the Chinese government; identity politics as currently practiced in the West; and, during the past century, Marxism-Leninism.

between religious communities to mutually renounce and abjure religious enmity, and to nullify all justifications for conflict in the name of religion—everywhere, and forever.

This represents an enormous step forward, on a civilizational scale, which humanity has long awaited. More specifically, the *Document on Human Fraternity* answers a call issued by Gerakan Pemuda Anzor at the First Global Unity Forum—held in Jakarta on May 11, 2016—to end conflict in the name of religion and recontextualize those elements of religious orthodoxy that can be used to justify it.<sup>3</sup>

The *Document on Human Fraternity* also represents a de facto response to the *Nusantara Statement*, issued by Gerakan Pemuda Anzor at the Second Global Unity Forum—on October 25, 2018 in Yogyakarta, Indonesia—which states: “We call upon people of good will of every faith and nation to join in building a global consensus to prevent the political weaponization of Islam, whether by Muslims or non-Muslims, and to curtail the spread of communal hatred by fostering the emergence of a truly just and harmonious world order, founded upon respect for the equal rights and dignity of every human being.”

The next big challenge will be the effort required to transform the actual mindset of countless religious adherents, whether Muslim or otherwise, whose outlook is, in reality, still colored by problematic views. Concrete steps to transform this socio-cultural and religious reality [in which many religious adherents view others with enmity] requires a global consolidation of like-minded individuals, institutions and governments, by inviting—as the *Document on Human Fraternity* explicitly states—people of good will of every faith and nation to join in this effort. A truly reliable and effective strategy is also required.

The *Gerakan Pemuda Anzor Declaration on Humanitarian Islam* offers a five-fold strategy:

*First, identification and containment of the threat.* Religious views that are problematic—because they no longer reflect, and are not compatible with, the context of contemporary reality—must be accurately identified and addressed, in order to prevent a generalized depiction of religion [e.g., Islam] that may lead to phobia towards that religion and its followers. The widespread expression and [theological/socio-cultural] reinforcement of these problematic views must be opposed, to prevent their continued dissemination among members of the religious [i.e., Muslim] community.

*Second, conflict resolution.* The existence of ongoing conflicts in various regions of the world is invariably employed by certain Muslim groups to justify, and perpetuate, problematic religious views. The international community is obliged to be more diligent in seeking to resolve these conflicts, by building bridges for dialogue and, as needed, applying global pressure on the responsible parties to end their respective conflicts.

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<sup>3</sup> The relevant text in the 3-page *Declaration* issued at the First Global Unity Forum, which is paraphrased above, reads: “**The GP Anzor Call:** Certain that Islam was revealed to the Prophet Muhammad (saw.) as a ‘blessing for all creation,’ and as a means to perfect noble character and virtue, the Anzor Youth Movement calls for an end to conflict in the name of religion, and for qualified *ulama* (Muslim religious scholars) to carefully examine and address those elements of *fiqh* that encourage segregation, discrimination and/or violence towards those perceived to be ‘non-Muslim.’”

*Third, develop alternative discourse.* Religious discourse that fosters peace must be consistently and systematically developed, in order to exert pressure upon, and ultimately displace, modes of religious discourse that incite conflict. In this regard, the *Document on Human Fraternity* represents a significant manifestation of an emerging “alternative discourse,” whose promulgation must be followed by the development of further discourse and its widest possible dissemination among religious adherents.

*Fourth, reform systems of religious education.* [Within the Muslim world], religious education impacts not only children, but also adults. Efforts to reform religious education should begin immediately, so they may directly influence the general mindset of the Muslim community at large. Among the primary elements of the educational curriculum requiring adjustment are the introduction of new perspectives on history, and raising awareness about changes that have occurred in the reality facing Islamic and global civilization, so that students and the Muslim community at large may grasp the true values of religion, which must always receive the attention required to manifest as *rahmah*, or universal love and compassion, within the ever-changing context of reality.

*Fifth, social movements.* Both Muslim and non-Muslim communities need to be mobilized in a systematic and coherent manner, through the development of broad social movements that seek to establish and/or maintain social harmony; foster peaceful co-existence between different religious groups; and counteract the potential for division, including certain state and non-state actors’ deliberate efforts to provoke conflict.

With this, Nahdlatul Ulama affirms its full support for the *Document on Human Fraternity*, and its resolve to join al-Azhar and the Vatican in a joint effort to realize the *Document’s* noble vision. This commitment is part and parcel of the resolution expressed in point 16 of the *International Summit of Moderate Islamic Leaders (ISOMIL) Nahdlatul Ulama Declaration*, viz.: “The Nahdlatul Ulama will strive to consolidate the global *ahlusunnah wal jamaah* (Sunni Muslim) community, in order to bring about a world in which Islam, and Muslims, are truly beneficent and contribute to the well-being of all humanity.”

Banjar, West Java, Indonesia, 1 March 2019