



Islamic Jurisprudence for a Global Civilization

Establishing a *shari'ah* basis for the nation state and a rules-based international order, which guarantees the equal rights and dignity of all

“Through these discussions on Islamic jurisprudence (fiqh) for a global civilization, NU is creating a future characterized by a strong and beneficent nationalism. For civilizational fiqh obliges all citizens to prevent their nation from being undermined, either from within or without.”

~ Senior Nahdlatul Ulama scholar Shaykh KH. Abdullah Kafabihi Mahrus

KEDIRI, East Java, Indonesia — On the morning of 21 January 2023, over 300 *ulama* (Muslim scholars), seminarians, and academics gathered at one of Indonesia’s largest and most influential Islamic seminaries, Pondok Pesantren Lirboyo, in preparation for the first International Convention on Islamic Jurisprudence for a Global Civilization, which will be held on 6 February 2023 in Surabaya, East Java.

The event at Lirboyo represents the culmination of a series of 231 *halaqoh* (“study circles”) launched in August 2022, at which leading Nahdlatul Ulama (NU) scholars discussed and popularized the subject of Islamic Jurisprudence for a Global Civilization (Arabic: *fiqh al-hadarah*/Indonesian: *fikih peradaban*).

The concept of *fiqh al-hadarah* was first articulated in the 2018 *Nusantara Manifesto* co-authored by then NU General Secretary KH. Yahya Cholil Staquf, and formally adopted by Nahdlatul Ulama along with the [foundational texts](#) of the Humanitarian Islam movement at the [2019 National Conference of NU Religious Scholars](#). This historic gathering of over 20,000 *ulama* decreed that the modern nation state is theologically legitimate; that there is no legal category of infidel (*kafir*) within a modern nation state, only ‘fellow citizens’; that Muslims must obey the laws of any modern nation state in which they dwell; and that Muslims have a religious obligation to foster peace rather than automatically wage war on behalf of their co-religionists, whenever conflict erupts between Muslim and non-Muslim populations anywhere in the world.

The series of 231 *halaqoh* are a key element of KH. Yahya Cholil Staquf’s effort to socialize *fiqh al-hadarah* (Civilizational Fiqh) throughout Nahdlatul Ulama, following his [election](#) as NU General Chairman in December of 2021.

The *halaqoh* series was designed and executed under the supervision of Lakpesdam, the NU’s Institute for Study and Human Resource Development. The Chairman of Lakpesdam, KH. Ulil Abshar Abdalla, serves on the Board of Advisers of the R20 Permanent Secretariat, the [Center for Shared Civilizational Values](#). He is also a member of [R20 Working Group 3](#) on the recontextualization of obsolete and problematic tenets of religious orthodoxy.

Fiqh al-hadarah is part of an ongoing, decades-long process of collective *ijtihad* — the use of independent legal reasoning to formulate Islamic law — that has developed within Nahdlatul Ulama since the era of H.E. KH. Abdurrahman Wahid, who served as NU General Chairman from 1984 to 1999 (“[Gus Dur](#),” 1940 – 2009). *Fiqh al-hadarah* is designed to help foster “the development of a new religious sensibility that reflects the actual circumstances of our modern civilization, and contributes to the emergence of a truly just and harmonious world order, founded upon respect for the equal rights and dignity of every human being” ([Nusantara Manifesto](#), point 173).

Nahdlatul Ulama authorized the creation of new *fiqh* during Gus Dur’s 15-year tenure as Chairman of Nahdlatul Ulama. The 2017 [Gerakan Pemuda Ansor Declaration on Humanitarian Islam](#) described this process in a section titled “The History of Efforts to Recontextualize Islamic Teachings Within the Malay Archipelago”:

17. In contrast to the disjunct between key tenets of Islamic orthodoxy and the actual reality that exists in much of the Muslim world, Indonesia has been blessed by the historic example of those, known as the *Wali Songo* (or “Nine Saints”), who proselytized *Islam Nusantara* (“East Indies Islam”). These Nine Saints and their followers stressed the need to contextualize Islamic teachings and adapt these to the ever-changing realities of space and time, while presenting Islam not as a supremacist ideology or vehicle for conquest, but rather, as one of many paths through which humans may attain spiritual perfection.

18. In line with their teachings, Islam gradually took root throughout much of the East Indies Archipelago, contributing to the depth and beauty of preexisting Nusantara civilization while preserving, rather than disrupting, social harmony.

19. The Nahdlatul Ulama (NU) and its young adults movement, GP Ansor, stand heir to this noble tradition. For nearly a century, NU theologians have developed an extensive body of religious discourse that not only secures the legitimacy of Indonesia as a multi-religious and pluralistic nation state, but may also serve as a “pilot project” that demonstrates the feasibility of cooperation between *ulama* and statesmen to develop theologically-legitimate modern socio-political systems that promote the welfare of Muslims and non-Muslims alike.

20. During its 27th national congress held in Situbondo, East Java in 1984, the elected chairman of the NU Supreme Council, Kyai Haji Achmad Shiddiq, established a theological framework for the concept of brotherhood that was not limited to Muslims (*ukhuwwah islamiyah*), but also encompassed all the citizens of a nation (*ukhuwwah wathaniyah*) and, indeed, the brotherhood of all humanity (*ukhuwwah basyariyah*).

21. In 1992—at a National Gathering of Religious Scholars held in Lampung, under the leadership of H.E. Kyai Haji Abdurrahman Wahid—the NU explicitly acknowledged that the changing context of reality *necessitates* the creation of new interpretations of Islamic law and orthodox Islamic teaching.

22. At this same Congress, the NU issued a formal decree stating that if the Muslim community cannot find individuals who meet the exacting criteria of a *mujtahid* (one qualified to exercise independent reasoning to create Islamic law), then *ulama* must assume the burden of responsibility and perform collective *ijtihad* (the use of independent reasoning to formulate Islamic law), which is called “*al-istinbath al-jama’iy.*”

23. Ulama have endowed the Indonesian nation state (NKRI) with profound theological legitimacy, by advancing a number of strong religious arguments in its favor. The theological rationale that Indonesian ulama employed to legitimize NKRI were the product of new *ijtihad*, which cannot be found within the authoritative texts of *fiqh* from the canon of classical Islamic thought.

24. Moreover, this new *ijtihad* succeeded at securing the support of an overwhelming majority of Indonesian Muslims, while simultaneously helping to shape their religious views and mentality.

Broadcast live from Pondok Pesantren Lirboyo — the *alma mater* of many of Indonesia’s most influential *ulama* — the Lirboyo *halaqoh* was the 231st event in a series of study circles on *fiqh al-hadarah* held across Indonesia, beginning with the series’ August 2022 launch at the prestigious Pondok Pesantren al-Munawwir (aka “Krapyak”) in Yogyakarta.

NU Chairman KH. Yahya Cholil Staquf studied for 16 years at PP Krapyak under the tutelage of venerated Islamic scholar and former Chairman of the Nahdlatul Ulama Supreme Council, Kyai Haji Ali Maksum (1915 – 1989). Kyai Ali Maksum was a disciple of Shaykh Umar Hamdan al-Makki (1858 – 1948) and Shaykh Hasan Masshat al-Makki (1900 – 1979) of Mecca, and mentored many of Indonesia’s most influential modern figures, including its first democratically elected president, H.E. KH. Abdurrahman Wahid and Mr. Staquf’s uncle, former Chairman of the NU Supreme Council [KH. A. Mustofa Bisri](#).

Nahdlatul Ulama’s longstanding, theologically rooted legitimation of the nation state is [exceptional](#) within the Islamic world, and has enabled Indonesia’s unique brand of inclusive, multireligious, and multi-ethnic nationalism to flourish with the active support of the NU and its followers. For while nationalism has become a controversial topic in the West — seen by many as a threat to globalization and universal human rights — in the Islamic world, identity-based, [supremacist politics](#) is not primarily characterized by nationalism, but rather by transnational Islamist groups, such as ISIS, that seek to overthrow nation states and replace them with a global Islamic state, or caliphate.

The Lirboyo *halaqoh* was moderated in Arabic by Dr. Nyai. Hj. Iffah Ismail, Professor of Islamic Jurisprudence and its Origins at Syarif Hidayatullah State Islamic University in Jakarta. Dr. Ismail studied at al-Azhar University in Cairo — an ancient seat of Islamic authority and learning in the heart of the Arab world — for her bachelor’s, master’s, and doctoral degrees. Dr. Ismail is also a member of Nahdlatul Ulama’s Bahtsul Masa’il PBNU, a division of Nahdlatul Ulama’s Central Board that addresses issues related to Islamic law that are of immediate and practical concern to Muslims.

The *halaqoh* began with a recitation of Indonesia's national anthem, *Indonesia Raya*, followed by the patriotic NU song *Hub al-Watan Min al-Iman (Love of Homeland is Integral to Faith)*, which articulates Nahdlatul Ulama's religious nationalism and repudiates Islamist claims that love of country and genuine adherence to Islam are incompatible.

Shaykh KH. Abdullah Kafabihi Mahrus of PP Lirboyo, opened the event by describing *fiqh al-hadarah* as an effective means to perfect nobility of character and strengthen a beneficent nationalism that ensures security for all. NU Chairman KH. Yahya Cholil Staquf further developed this theme in his keynote address:

Before the world wars of the twentieth century, armed conflicts were perfectly normal and routinely occurred across the globe.... However, if this previously "normal" state of affairs continues in today's globalized context, the ramifications are enormous. Just look at the Russia – Ukraine war: it is occurring on the other side of the world and, frankly speaking, Indonesians are not paying it much attention.

Yet the conflict in Ukraine has severely disrupted the global economy and is negatively impacting many Indonesians. If this war continues, no one will be able to escape its dangerous ramifications. What our nation needs is a single, rules-based international order that can prevent conflict and maintain the international stability and security necessary for humanity to peacefully develop its collective capacities to the fullest extent possible.

This morning, before I arrived at Lirboyo, I was chatting with Kyai Anwar Iskandar, who observed that, without security, wealth has no use. We must find a basis in *shari'ah* that supports global security. In elaborating this problem there is cause for hope: a charter that regulates nations through consensus, signed after the Second World War. At the first International Convention on Islamic Jurisprudence for a Global Civilization, we are going to raise the question of the Charter of the United Nations, for it contains two important components.

Firstly, it guarantees international borders. Every nation must have clear territorial boundaries that cannot be violated by anyone else. Historically speaking, this is a *very* new concept. Before the UN Charter there were no guaranteed international borders, and any state could attack another.

Secondly, it guarantees universal human rights. Regardless of background, every human being is equal to every other in dignity and rights. That we, Muslims, would consider non-Muslims to be equal is also an extraordinarily new concept. Previously, non-Muslims would be classified as infidel *dhimmis*, or as *harbis* who could legitimately be plundered and killed. The principle of equality between Muslims and non-Muslims is closely linked to the UN Charter, which binds nations and citizens. The guarantee of international borders binds nations, and the guarantee of equal rights and dignity binds citizens.

The question now is "how do we find a *shari'ah* basis for these principles?" When we talk about tolerance, constitutionalism, the nation state, respecting other religions, and so forth, the basis for this is the UN Charter. If you look in the *turath* (corpus) of Islamic *fiqh* you will not find these principles. The UN Charter has not been incorporated into *shari'ah*, and so we have asked *ulama* from across the world to

address the UN Charter's status in *shari'ah*, for it was an agreement signed by politicians, and not by religious leaders.

KH. Dr. Afifuddin Muhajir elaborated upon the NU Chairman's theme, in a lecture titled "Maintaining peace and preventing conflict between Islamic *shari'ah* and the Charter of the United Nations." Kyai Muhajir is Shaykh of the Salafiyyah Shafiyyah Institute in Situbondo, East Java, where in 1984 KH. Achmad Shiddiq, Chairman of the NU Supreme Council, first articulated the concept of universal human fraternity as a *shari'ah* basis for legal equality between Muslims and non-Muslims. Excerpts of Kyai Muhajir's remarks may be read below:

Honoring treaties is among the fundamental tenets of Islamic faith.... and if honoring treaties is obligatory — so long as the treaty does not contravene *shari'ah* by allowing that which is forbidden or forbidding that which is allowed — then the question remains: is there anything in the Charter of the United Nations that contravenes *shari'ah*?

From my reading of the Charter, it does not contravene *shari'ah*... and it does not forbid the obligation of *jihad*, for while the Charter criminalizes wars of aggression, it does not criminalize defending the state and religion from physical attack....

In any case, if Muslims collectively agree to something, the agreement of non-Muslims to the same thing does not prevent the creation of a binding consensus among Muslims, especially if those agreeing are specialists in contemporary sciences such as medicine and so forth. On this basis we can say: the Charter of the United Nations — which was ratified by the nations of the world — is a binding global consensus that must be respected and observed.

KH. Dr. Afifuddin Dimiyathi, a member of Nahdlatul Ulama's Supreme Council and Shaykh of the Institute for Qur'anic Guidance in Jombang, East Java, delivered a presentation titled "An original view of the discourse of enmity between Muslims and non-Muslims in light of the classical Islamic corpus." Excerpts from his speech may be read below:

Islam organizes relations between individual Muslims and their creator through prayer, between Muslims and their brothers in faith through charity, and between Muslims and their fellow human beings by enjoining good and forbidding evil. As a religion of integrity, mercy, reconciliation, and moral reform, Islam organizes human relations in the best interests of all, and aims for complete justice and universal human fraternity and equality....

As Islam is a global religion, it must safeguard the common interests of the entire world, for it has been a guarantor of human civilization's progress and stability throughout history. Islam is concerned with comprehensive global security, for security is among the most fundamental requirements of human life....

In order to provide comprehensive security, Islam seeks to establish universal human fraternity and equality. Universal fraternity is the common bond that unites people of different nationalities, beliefs, and religions: it is a connection between one human being and another built upon a basis of equality, cooperation, and upholding the common good. For God Almighty says:

“O men! Behold, We have created you all out of a male and a female, and have made you into nations and tribes, so that you might come to know one another. Verily, the noblest of you in the sight of God is the one who is most deeply conscious of Him. Behold, God is all-knowing, all-aware.” (Qur’an, 49:13)

“Coming to know one another” entails working together for the common good.

The importance of universal human fraternity is such that it is forbidden in *shari‘ah* to place religious fraternity above human fraternity, for when the Muslim Thu'mah bin Abiraq stole a shield and tried to incriminate an innocent Jew named Zaid bin al-Sameen, God Almighty revealed a verse that affirms the right of non-Muslims to demand justice, saying:

“BEHOLD, We have bestowed upon thee from on high this divine writ, setting forth the truth, so that thou may judge between people in accordance with what God has taught thee. Hence, do not contend with those who are false to their trust” (Qur’an, 4:105).

Shaykh al-Sha‘rawi (1911 – 1998) said: “If one examines the Qur’an carefully, one finds that it is merciful to the non-believer, for God Almighty said ‘BEHOLD, We have bestowed upon thee from on high this divine writ, setting forth the truth, so that thou may judge between people’ (Qur’an, 4:105). He did not say ‘between the believers,’ but rather ‘[between people] in accordance with what God has taught thee. Hence, do not contend with those who are false to their trust.’ The Prophet’s mercy to the non-believers means that he was impartial towards the maltreated among them, and restored their rights. Then [the next verse says], ‘but pray God to forgive [them]: behold, God is indeed much-forgiving, a dispenser of grace’ (Qur’an, 4:106). God does not abide a sinful traitor, even if he is a Muslim” (Metwalli al-Sha‘rawi, *Interpretation of the Thoughts of Imam al-Sha‘rawi*, Cairo, Dar Al-Nour for Printing, Publishing and Distribution, Part 13, p. 304).

It is this universal human fraternity that was expressed by the Prophet (peace be upon him) in his supplication after every prayer, “Oh God, our Lord and the Lord of all things, I bear witness that you alone are the Lord and without equal; our Lord and the Lord of all things, I bear witness that Muhammad is your servant and prophet; our Lord and the Lord of all things, I bear witness that all mankind are brothers” (Abu Dawud Suleiman bin al-Ashath al-Azdi al-Sijistani, *Sunan Abi Dawud*, investigated by Muhammad Mohiuddin Abd al-Hamid, Beirut, al-Maktaba al-Asriyyah, Part 2, p. 83).

Following KH. Dr. Afifuddin Dimyathi’s lecture, prominent Egyptian intellectual and judge Dr. Abdul Jawwad Yasin delivered a video address, in which he contended that:

The system of *fiqh* developed to address accusations that certain verses of the Qur’an contradict each other, and also to accommodate military aggression and the political expansion of the state. As a result, we ended up with a system of *fiqh* that abrogates the significance of the peaceful verses — in spite of their universal nature — in favor of violent verses concerned with circumscribed historical events.... In so doing, *fiqh* brought about results totally contradictory to the essential spirit and moral message of religion.

In his book *The Abrogator and the Abrogated in the Noble Quran (al-Nasikh wa-al-Mansukh fi al-Qur'an al-Karim)*, [the Andalusian judge and scholar of Islamic law] Abu Bakr ibn al-Arabi al-Ishbili al-Maliki openly states that the verse of the sword, (al-Tawbah: 5) requires “abrogating every amnesty, pardon, leniency, and reprieve [towards non-Muslims] found in the Qur’an”....

So, in returning to the opening question: “Is it possible to formulate an understanding of Islam that embraces the idea of global peace?”

1. It is not possible to formulate such an understanding from within the prevailing historical system of *fiqh* because, quite simply, we can only link Islam to peace upon the basis of its fundamental moral and spiritual message. That is, upon the universal, humanitarian values present within the Qur’an.
2. It is only on the basis of these values that we can resolve issues arising from diversity and accept a shared existence with others, which is a fundamental condition for peace. Quite simply, [only on the basis of these values] will it be possible to end the existence of offensive *jihad*, free ourselves of the burden of defending a blood-soaked political history, and truly absolve ourselves of the shame of terrorism perpetrated by fundamentalist extremist groups.
3. This requires... returning religion to its original source before *fiqh* came into being, that is, returning Islam to its pristine divine message.

Experts on Islam and Islamic law will recognize the controversial nature of Judge Yasin’s remarks. Indeed, it is a testament to the intellectual openness of Nahdlatul Ulama that he was invited to address hundreds of Islamic scholars and seminarians at PP Lirboyo. An earlier study circle on Islamic jurisprudence for a global civilization held in Sarang, Central Java, witnessed senior *ulama* acknowledge that certain elements of classical *fiqh* are incompatible with the current rules-based international order, yet nevertheless state that Muslims should retain these elements of *fiqh* so they will be “ready to hand,” if needed, in the event of future conflict with non-Muslims.

It is also noteworthy that, under the leadership of KH. Yahya Cholil Staquf, the Nahdlatul Ulama Central Board is moving to address “obsolete and problematic tenets of Islamic orthodoxy” from **within** the system of *fiqh* itself, notwithstanding Judge Yasin’s assertion that this is impossible.

Thomas Dinham — a University of Oxford graduate, geopolitical analyst, and expert on Islamist movements — delivered an Arabic-language address on the subject of “Religious wars and identity-based conflicts that threaten to destroy human civilization, and the *shari’ah* principles that may form a basis for their resolution.” Mr. Dinham serves as the Center for Shared Civilizational Value’s Director of Communications, and has worked closely with NU leaders since 2018. During this time Nahdlatul Ulama has emerged as “a formidable challenger to powerful state actors in the battle for the soul of Islam” (Dr. James M. Dorsey, “[The Battle for the Soul of Islam](#)”). An English-language translation of Mr. Dinham’s address may be read below:

Religious wars and identity-based conflicts that threaten to destroy human civilization, and the *sharī'ah* principles that may form a basis for their resolution

Good morning, ladies and gentlemen.

Let me begin by expressing my deep appreciation and gratitude to all of you — and especially to the leadership of Nahdlatul Ulama — for convening this international lecture series in one of Indonesia's most storied and influential Islamic seminaries.

It is an honor and a privilege to address you at an institution that has taught so many of Indonesia's most influential *ulama*, such as the widely revered scholar, poet, novelist, painter, and former Chairman of the Nahdlatul Ulama Supreme Council, KH. A. Mustofa Bisri, whom you call Gus Mus.

I think it is worth pausing to reflect on what this gathering represents, coming as it does so soon after the G20 Religion Forum in Bali and just prior to Nahdlatul Ulama's centenary celebrations and the "First International Convention on Islamic Jurisprudence for a Global Civilization" in February.

These events convene scholars as well as religious, social, economic, and political leaders from throughout the world to seriously engage with the grand strategic questions facing humanity, the answers to which will determine whether our shared future will prove to be auspicious or inauspicious.

The fact that these gatherings are occurring in Indonesia, the birthplace of one of the world's great civilizations — Nusantara — is symbolic of a wider, long-term shift in the global economic and geopolitical center of gravity away from the North Atlantic and towards the Indo-Pacific and Eurasia. As part of this seismic re-ordering of global power and influence, the modern political manifestation of Nusantara civilization — Indonesia — is beginning to assume its rightful place as a key actor in shaping the future world order. Intriguingly, it is not the Indonesian state that is taking the lead in this process, but rather Indonesia's largest civil society organization — Nahdlatul Ulama.

For those of us who know the history of this movement, Nahdlatul Ulama's leading role is not as unexpected as it may at first appear, for NU has proven decisive in charting the course of Indonesian history many times in the past. Nahdlatul Ulama helped defeat both Dutch colonialism and the Darul Islam, or Islamic State, rebellion [1949 – 1962], thereby ensuring that Indonesia, the world's largest Muslim-majority country, was founded as an inclusive, multi-religious, and multi-ethnic *Pancasila* nation state. Nahdlatul Ulama also helped to eliminate the 3rd largest communist party on earth during the tragic events of 1965, at the height of the Cold War, and secured Indonesia's successful transformation into the world's 3rd-largest democracy under the inspirational leadership of H.E. KH. Abdurrahman Wahid, or Gus Dur. Each of these events has proven to be decisive not only in Indonesia, but also in shaping the post-colonial world order.

That Nahdlatul Ulama is taking the initiative to grapple with existential questions confronting humanity in the 21st century is, therefore, no great surprise. It is, however, tremendous good fortune for the rest of the world. Because today, geopolitical rivalries and identity-based conflicts are bringing the world closer to nuclear Armageddon than at any point since the Cuban Missile Crisis in 1962. The fundamental cause of this disaster is that the post-World War II rules-based international order — which has been the bedrock of international stability since 1945 — is under severe stress, challenged by the emergence of "authoritarian, civilizationist

states that do not accept [this] order, whether in terms of human rights, rule of law, democracy or respect for international borders and the sovereignty of other nations.”¹

“Civilizationism” is part of a global resurgence of identity-based, supremacist politics unfolding in tandem with profound shifts in economic and geopolitical power in the 21st century. Simultaneously, socio-cultural and political developments in recent decades have precipitated a crisis of confidence in Europe and North America regarding the traditional values and legitimacy of Western civilization. These developments have profoundly undermined the philosophical, spiritual, and moral foundation upon which the post-war international order was built.

As the foundations of the post-war international order weaken, it becomes all the more significant that many of the world’s great civilizations and religious faiths, including Islam, have never fully embraced the United Nations Charter and the Universal Declaration of Human Rights. In this context, the global authoritarian resurgence we are witnessing threatens to recreate in the 21st century the horrors of the past. For amidst an increasingly multi-polar world, the United Nations and Western power are insufficient to sustain, much less strengthen and enhance, a rules-based international order dedicated to safeguarding national sovereignty and fundamental human rights.

In an age of nuclear weapons, this represents a grave threat to the future of humanity: for we may not survive the direct confrontation between the world’s great powers that the international system’s collapse would likely precipitate.

As global order weakens, the number of major geopolitical crises facing humanity continues to proliferate. These crises are well known. To name some of the most serious: in Ukraine, Russia and NATO are engaged in a proxy war that threatens to escalate into a full-blown nuclear exchange; the Chinese Communist Party may attempt to annex Taiwan in East Asia, and the Indian state of Arunachal Pradesh in South Asia; nuclear-armed India and Pakistan both claim the entirety of Jammu and Kashmir; and the Islamic world is riven by both the Arab/Israeli conflict and the periodic eruption of Islamist terror movements that seek to re-establish a transnational Islamic state, or caliphate.

Fundamentally, each of these crises shares a common feature: some or all of their protagonists embrace “tribal” politics, whether rooted in ethnic, religious or secular/ideological identity. On the basis of this tribal identity, they reject the legitimacy of the post-World War II rules-based international order and seek to redraw or even erase the borders of sovereign states through the use of force.

In the Islamic world — and especially in the Middle East — this rejection of the post-war international order has been acute. The 2017 *Gerakan Pemuda Ansor Declaration on Humanitarian Islam* accurately diagnoses the problem, and offers a solution, in sections titled “A Threat to All Humanity” and “A Critical Juncture”. They read as follows:

25. The Islamic world is in the midst of a rapidly metastasizing crisis, with no apparent sign of remission. Among the most obvious manifestations of this crisis are the brutal conflicts now raging across a huge swath of territory inhabited by Muslims, from Africa

¹ Cf. [Resolution on promoting a rules-based international order founded upon universal ethics and humanitarian values](#), which was drafted by Nahdlatul Ulama, submitted by Indonesia’s National Awakening Party (PKB), and unanimously adopted by Centrist Democrat International (CDI) in Yogyakarta, Indonesia, on January 23, 2020. Previously known as Christian Democrat International, CDI and its European affiliate, the European People’s Party (EPP), is the world’s largest network of political parties.

and the Middle East to the borders of India; rampant social turbulence throughout the Islamic world; the unchecked spread of religious extremism and terror; and a rising tide of Islamophobia among non-Muslim populations, in direct response to these developments.

26. Most of the political and military actors engaged in these conflicts pursue their competing agendas without regard to the cost in human lives and misery. This has led to an immense humanitarian crisis, while heightening the appeal and dramatically accelerating the spread of a de facto Islamist revolutionary movement that threatens the stability and security of the entire world, by summoning Muslims to join a global insurrection against the current world order.
27. In other words, the crisis that engulfs the Islamic world is not limited to armed conflicts raging in various and sundry regions. Due to the transcendent value ascribed to religious belief by the vast majority of Muslims, the competition for power in the Islamic world necessarily includes a major sectarian/ideological (i.e., religious) component.
28. Various actors—including but not limited to Iran, Saudi Arabia, ISIS, al-Qaeda, Hezbollah, Qatar, the Muslim Brotherhood, the Taliban and Pakistan—cynically manipulate religious sentiment in their struggle to maintain or acquire political, economic and military power, and to destroy their enemies. They do so by drawing upon key elements of classical Islamic law (*fiqh*), to which they ascribe divine authority, in order to mobilize support for their worldly goals.
29. Mirroring this phenomenon, Western populists, Hindu nationalists and Buddhist monks in Sri Lanka and Myanmar often cite the identical elements of Islamic orthodoxy, and the behavior of Muslims, to justify their perception of Islam as a subversive political ideology, rather than as a religion deserving of constitutional protections and respect....
31. Whether conscious or not, willing or not, Muslims face a choice between starkly different visions of the future. Will they strive to recreate the long-lost ideal of religious, political and territorial unity beneath the banner of a Caliphate—and thus seek to restore Islamic supremacy—as reflected in their communal memory and still firmly entrenched within the prevailing corpus, and worldview, of orthodox, authoritative Islam? Or will they strive to develop a new religious sensibility that reflects the actual circumstances of our modern civilization, and contributes to the emergence of a truly just and harmonious world order, founded upon respect for the equal dignity and rights of every human being?
32. The first choice obviously leads in the direction of cataclysmic—or, to use the language of Sunni and Shiite extremists, *apocalyptic*—global conflict. To imagine the devastation that would ensue, one need not contemplate the likelihood of Muslims prevailing in an existential struggle with the non-Muslim world, whose military powers include the United States, Russia and China.
33. Any effort to consolidate political and military leadership of the entire Muslim world would, in and of itself, unleash havoc on an immense scale. Nuclear proliferation, mass urbanization, the fragile, interconnected nature of the world economy and the geographic dispersal of Muslims guarantee that any such attempt would threaten the very pillars of civilization itself.

34. The second choice—to develop a new religious sensibility that reflects the actual circumstances of our contemporary world—demands an altogether different type of courage, as well as a vast depth of wisdom and knowledge of the world we inhabit. For it requires Muslims to reevaluate a number of obsolete concepts that remain firmly entrenched within Islamic orthodoxy; develop new religious teachings suitable to the modern era; and mobilize the political support necessary to establish an alternative religious authority that is capable of propagating and defending these new teachings as they gradually come to be accepted and observed in practice by the Muslim community as a whole, and eventually constitute a *new* authoritative orthodoxy.

Integrating the rules of the current international system within *fiqh* — that is, recognizing the legitimacy of the Charter of the United Nations and United Nations Declaration of Human Rights — would be of enormous benefit to all humanity. Firstly, if the UN Charter is accepted as legitimate by Muslims, it would spare the Islamic world the rampant instability and wanton destruction inflicted by Islamist groups’ ceaseless attempts to overthrow Muslim-majority states and overturn the international system.

Secondly, it would help to ensure the re-emergence of Islamic civilization as a cohesive, vital, and proactive cultural, geopolitical, and religious sphere of influence, which functions as a powerful, independent pillar of support for a rules-based international order founded upon shared civilizational values. With Indonesia in the vanguard, Muslims worldwide would provide much-needed support to an international system built upon universal ethics and values, so that human relations occur within a framework that gives due weight to ethical considerations. Strengthening and improving the international order that emerged in the aftermath of WWII will help ensure that humanity does not revert to a Hobbesian state of nature in which the law of the jungle prevails.

In short, upholding a rules-based international order that is embraced by all of the world’s great civilizations and religious traditions — including Islam — is key to ensuring that the manifold “tribal” identity-based conflicts and crises that threaten the future of human civilization do not escalate into a general conflagration and system-wide collapse.

What is the Islamic justification for embracing the Charter of the United Nations? Nothing less than the *maqasid al-shari‘ah* themselves. That is: the preservation of faith, life, progeny, reason, and property. For in an era of nuclear weapons, a reversion of the international system to one of might-makes-right would threaten all 5 *maqasid*, and the future of humanity itself.

I cannot put this argument more eloquently than KH. Yahya Cholil Staqf, so I will conclude by reading a section of the 2018 *Nusantara Manifesto*, which was co-authored by the NU Chairman and formally endorsed and adopted by Nahdlatul Ulama at its 2019 National Conference of NU Religious Scholars:

169. a global civilization is gradually emerging in which people of every faith and ethnicity live, learn, love and work side by side. Given this reality, it is essential that Muslim scholars (*‘ulamā’*) develop the elements of a new Islamic jurisprudence that will truly foster the well-being of contemporary Muslims who live in regions of the world dominated by non-Muslims, and/or in the midst of a single, interfused (i.e., cosmopolitan) global civilization.
170. It is also necessary to develop the elements of a new Islamic jurisprudence that will promote the welfare of Muslims who dwell in regions whose culture and traditions

remain largely Islamic, but are nonetheless heavily impacted by modern political, socio-cultural and technological developments.

171. In both cases, the new guidance in question (*sharī'ah*) should foster the welfare of *all* human beings, Muslim and non-Muslim alike, for it has become virtually impossible—and certainly undesirable—to economically, culturally, politically and physically isolate all Muslims from non-Muslims, and/or to subordinate non-Muslims to the “rule” of Islam.
172. *Fiqh al-ḥaḍārah al-‘ālamīyah al-mutaṣahirah* (Islamic jurisprudence for a global civilization, whose constituent elements retain their distinctive characteristics) and its regional variants should address the need for social harmony at a global level and in each of the world’s regions where Muslims actually live and work, through a process of recontextualizing and “indigenizing” Islam, as historically occurred in *Nusantara* (the Malay Archipelago).
173. Through this process of *ijtihād*, we may witness the development of a new religious sensibility that reflects the actual circumstances of our modern civilization, and contributes to the emergence of a truly just and harmonious world order, founded upon respect for the equal rights and dignity of every human being.

Part XII

Social Unity: the Highest Virtue and Most Powerful Instrument for Promoting the Common Good

174. Hatred of others—whether based upon ethnic, religious or ideological “tribalism”—is inimical to noble character, which represents the only secure foundation upon which to build a peaceful and prosperous global civilization.
175. In October of 1926 the Nahdlatul Ulama’s founding Chairman, Hadratus Shaykh Hasyim Asy’ari, delivered a speech to the organization’s inaugural Congress held in Surabaya, East Java. In that speech—which was irrevocably incorporated into the Nahdlatul Ulama’s by-laws (*Muqaddimah Qonun Asasi*)—Kyai Hasyim said:

“As is universally acknowledged, human beings are inherently social creatures, mingling with others; for no one can fulfill his or her every need by acting alone. Willing or not, every person must interact socially, interaction that should ideally contribute to the well-being of all other members of society while preserving them from danger.

“The unity of human hearts, and minds, as people help one other achieve a common goal, is the most important source of human happiness and the strongest factor inducing human beings to love one another.

“Because of this principle, many nations have become prosperous. Slaves have become rulers, fostering widespread development. Nations have become advanced; the rule of law enforced; transportation networks constructed, enabling economic and cultural exchange to flourish. Countless other benefits arise from social unity, for social unity is the highest virtue and most powerful instrument for promoting the common good.”

An Islamic rationale for integrating the Charter of the United Nations into *fiqh* would certainly promote the common welfare of all humanity, Muslims and non-Muslims alike, and thereby ensure that *fiqh* achieves *maqasid al-shari'ah* in the 21st century.

Thank you for listening.