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"Nahdlatul Ulama has laid down a marker that other Muslim religious authorities will ultimately be unable to ignore if they want recognition as proponents of a genuinely moderate Islam."

~ Dr. James M. Dorsey
L'Observatoire International du Religieux

PARIS, France, March 2023 — For the second time in three months, an elite academic research program supported by France's Ministry of Armed Forces has highlighted the geopolitical significance of Indonesia's Nahdlatul Ulama, and its efforts to reform obsolete and problematic tenets of religious orthodoxy.

Established at the height of the Islamic State movement, when over 4,000 French citizens joined ISIS, *L'Observatoire International du Religieux* seeks to clarify contemporary religious phenomena and their interaction with politics. The Observatory is financially supported by the Directorate General for International Relations and Strategy of France's Ministry of Armed Forces.

A 2,200-word essay, authored by geopolitical analyst and Middle East expert Dr. James M. Dorsey, appeared as the March "Focus" of *L'Observatoire International du Religieux*, a research program at one of France's leading universities, Institut d'études politiques de Paris, or Sciences Po.

Since 2015, Sciences Po has been ranked as the #1 university in the European Union, in the field of politics and international studies. For the past five years, it has been ranked #3 in the world in these disciplines. Five of the eight presidents of the French Fifth Republic (1958 – present), including Emmanuel Macron, have been alumni of Sciences Po, as are countless other members of the French political and business elite.

In his article — titled, "Reforming Islamic jurisprudence shapes the battle to define moderate Islam" — Dr. Dorsey states:

> *The world's largest, most moderate Muslim society movement has called for abolishing the concept of a caliphate in Islamic law.*
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> *In a radical break with Islamic orthodoxy, Indonesia's Nahdlatul Ulama, or Revival of Islamic Scholars, wants to replace the concept with notions of the nation-state and the United Nations that are non-existent in Islamic legal tradition.*
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> *The reform is one pillar of the Indonesian movement's campaign to update or, in its words, recontextualise Islamic law, free it from obsolete or outdated concepts, and*

deprive militants and jihadists of the ability to employ references to the Sharia to justify their theology, extremism, and violence.

The article highlights the West's failure to accurately diagnose the "root causes" of Islamist extremism and terror, and the contribution of Middle East autocrats and authoritarians to this analytical and policy failure, whose consequences have been catastrophic.

For over two decades since the 9/11 Al Qaeda attacks on New York and Washington, Muslim leaders and their Western counterparts have insisted that Islam and Islamic jurisprudence need no reform. Instead, they asserted that jihadist ideology was not rooted in religious jurisprudence and misrepresented and misconstrued the faith.

Muslim autocrats and authoritarians have used that argument to squash criticism of their often brutal, repressive rule that brooks no dissent and potentially breeds violence.

Moreover, casting jihadists as deviants rather than products of problematic tenets of religious jurisprudence allowed them to project autocracy as a necessary means to combat extremism and promote a moderate Islam.

At the core of the debate about Islamic jurisprudence is a battle for the soul of Islam, involving competition for religious soft power and leadership of the Muslim world and who will define what constitutes moderate Islam.

The battle pits Nahdlatul Ulama's concept of Humanitarian Islam, which calls for religious reform and unambiguously endorses pluralism, the United Nations Charter, and the Universal Declaration of Human Rights against an autocratic definition of moderate Islam that rejects religious and political reform but supports a formalistic, ceremonial form of inter-faith dialogue and the loosening of social restrictions long advocated by orthodox Islam.

Autocrats and their clerical surrogates ignore Nahdlatul Ulama at their peril.

The complete text of Dr. Dorsey's article may be read below.

Observatoire
INTERNATIONAL DU RELIGIEUX

Focus
March 2023

Reforming Islamic jurisprudence shapes the battle to define moderate Islam

James M. Dorsey

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In a radical break with Islamic orthodoxy, Indonesia's Nahdlatul Ulama, or Revival of Islamic Scholars, wants to replace the concept with notions of the nation-state and the United Nations that are non-existent in Islamic legal tradition.

The reform is one pillar of the Indonesian movement's campaign to update or, in its words, recontextualize Islamic law, free it from obsolete or outdated concepts, and deprive militants and jihadists of the ability to employ references to the Sharia to justify their theology, extremism, and violence.

Islamic scholars from across the globe discussed the call in February at a day-long gathering in the Javan city of Surabaya.

The call was made public at a commemoration of Nahdlatul Ulama's centennial, according to the Hijra calendar, attended by more than a million people and Indonesian President Joko Widodo.

"Nahdlatul Ulama believes it is essential to the well-being of Muslims to develop a new vision capable of replacing the long-established aspiration, rooted in Islamic jurisprudence (fiqh), of uniting Muslims throughout the world into a single universal state, or caliphate," the group said in the declaration read out at the rally.

"It is neither feasible nor desirable to re-establish a universal caliphate that would unite Muslims throughout the world in opposition to non-Muslims. As recently demonstrated by the Islamic State in Iraq and Syria, or ISIS, attempts to do so will inevitably be disastrous and

contrary to the purposes of Sharia (Islamic law): i.e., the protection of religion, human life, sound reasoning, family, and property," the declaration went on to say.

The declaration asserted that Islam faces a choice: maintaining the obligation to create a caliphate or reforming Islamic jurisprudence so that it would "embrace a new vision and develop a new discourse regarding Islamic jurisprudence, which will prevent the political weaponization of identity; curtail the spread of communal hatred; promote solidarity and respect among the diverse peoples, cultures, and nations of the world; and foster the emergence of a truly just and harmonious world order."

In a discussion paper distributed shortly after the conference and rally, Nahdlatul Ulama argued that "Muslims should acknowledge that a socio-political construct (or imperium) capable of operationalizing these normative views across the Muslim world no longer exists" and that "as a consequence of choosing to retain the established fiqh view and norms associated therewith it would automatically be a religious duty incumbent upon Muslims to revive the imperium. This, in turn, would necessarily entail dissolving any and all existing nation-states, under whose governance Muslims currently live[1]".

With its assault on the concept of a caliphate, Nahdlatul Ulama laid down a gauntlet for autocratic and authoritarian Muslim leaders by insisting that change needs to involve reform of religious jurisprudence, not just social change as enacted, for example, by Saudi Crown Prince Mohammed bin Salman and United Arab Emirates President Mohammed bin Zayed.

These reforms have enhanced women's social rights and professional opportunities, eased restrictions on gender interaction and embraced Western-style entertainment. However, the two men anchored these changes in civil law and ignored the need to synchronize religious jurisprudence.

The UN charter obliges member states to honor "fundamental human rights…the dignity and worth of the human person, (and)…the equal rights of men and women" and makes it legally binding for its Muslim signatories.

Muslim-majority states accepted that obligation when they joined the United Nations but laid down their religious legitimacy in the language of Islamic jurisprudence employed by the Organization for Islamic Cooperation (OIC) rather than the law itself. The OIC groups the world's 57 Muslim-majority countries.

By reforming the jurisprudence, Nahdlatul Ulama would introduce guardrails for the incorporation by OIC members of Islamic law into domestic legal systems.

Muslim-majority states have used the OIC framework to monopolize the right to interpret Islamic law and bend it to their will, for example, in the justification of abuse of human rights or, in the case of countries like Saudi Arabia and the UAE, to demand on religious grounds absolute obedience of the ruler.

The OIC and some of its members have also used the organization's religious framing and the 1990 Cairo Declaration on Human Rights in Islam to curtail rights enshrined in the UN charter and lobby the United Nations to classify blasphemy a violation of human rights and a form of hate speech.

In its discussion paper, Nahdlatul Ulama asserted that the view that Muslims "should have a default attitude of enmity towards non-Muslims, and that infidels…should be subject to discrimination is well established within al-fiqh (the tradition of Islamic jurisprudence)."

An earlier Nahdlatul Ulama concept note argued that "views that legitimize and encourage suspicion, segregation, discrimination, and even hostility and conflict towards those who bear the legal status of infidels…are scattered throughout classical texts on Islamic jurisprudence (fiqh). These views…are still considered…credible…and should…be practiced to the present day. Muslim groups involved in conflict — including the use of violence and terror — defend their position by citing references from these classical fiqh texts."

In 2019, the Indonesian movement put its money where its mouth is when 20,000 of its scholars issued a religious finding that eliminated the category of the kafir in Islamic law[2].

Nevertheless, notions of the kafir and the caliphate remain at the core of the Muslim world's response to religious extremism and jihadism.

An open letter to Abu Bakr al-Baghdadi, the late leader of the Islamic State, written after he declared in 2014 a caliphate with himself as caliph, insists that "there is agreement (ittifaq) among scholars that a caliphate is an obligation upon the Ummah (Muslim community)." The letter was signed by 126 prominent Islamic scholars, including participants in the Surabaya gathering[3].

Among the letter's signatories were state-aligned proponents of autocratic forms of moderate Islam.

They included Egyptian Grand Mufti Shawqi Allam; Egypt's former grand mufti, Ali Goma, who religiously endorsed the killing on a Cairo square in 2013 of some 800 Muslim Brotherhood protesters by security forces[4]; several members of Egypt's state-controlled Fatwa Council; and scholars at Al Azhar, Cairo's citadel of Islamic learning.

Also among the signatories were Abdullah Bin Bayyah, the head of the Fatwa Council of the United Arab Emirates, and one of its other members, popular American Muslim preacher Hamza Yusuf, men who do the Gulf state's religious bidding.

For over two decades since the 9/11 Al Qaeda attacks on New York and Washington, Muslim leaders and their Western counterparts have insisted that Islam and Islamic jurisprudence need no reform. Instead, they asserted that jihadist ideology was not rooted in religious jurisprudence and misrepresented and misconstrued the faith.

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Moreover, casting jihadists as deviants rather than products of problematic tenets of religious jurisprudence allowed them to project autocracy as a necessary means to combat extremism and promote a moderate Islam.

At the core of the debate about Islamic jurisprudence is a battle for the soul of Islam, involving competition for religious soft power and leadership of the Muslim world and who will define what constitutes moderate Islam.

The battle pits Nahdlatul Ulama's concept of Humanitarian Islam, which calls for religious reform and unambiguously endorses pluralism, the United Nations Charter, and the Universal Declaration of Human Rights[5] against an autocratic definition of moderate Islam that rejects religious and political reform but supports a formalistic, ceremonial form of inter-faith dialogue and the loosening of social restrictions long advocated by orthodox Islam.

Autocrats and their clerical surrogates ignore Nahdlatul Ulama at their peril.

The Indonesian movement is a player with an estimated 90 million followers, 18,000 religious seminaries, 44 universities, tens of thousands of Muslim scholars that constitute a religious authority independent of traditional centers in the Middle East, a five million-strong paramilitary militia, and a political party that was part of Indonesian President Widodo's coalition government and is an influential member of Centrist Democrat International (CDI), the world's largest alliance of political parties.

The degree to which Nahdlatul Ulama threatens proponents of an autocratic definition of moderate Islam was reflected in how prominent state-aligned Islamic scholars responded to invitations to attend the Surabaya conference.

Bin Bayyah and Goma initially said they would attend but then backed out. Others opted for making statements on a video link but not participating in person or any of the conference's deliberations.

Allam used his video remarks to express opposition to Nahdlatul Ulama's proposition.

Muhammad Al-Issa, the head of the Muslim World League, Saudi Crown Prince Mohammed bin Salman's vehicle for propagating his autocratic version of moderate Islam, chose to ignore Nahdlatul Ulama's proposition in his video statement. Like Allam, Al-Issa had initially indicated that he would attend.

Theirs is a tactic that, at best, buys time for state-aligned Muslim scholars.

"The majority of the Arab and Islamic delegations at the First International Convention on Islamic Jurisprudence for a Global Civilization expressed a traditional mindset that has become outdated. For they dealt with the centenary of Nahdlatul Ulamas as if it were a carnival," said Muhammad Abu Al-Fadl, deputy editor of Egypt's Al-Ahram newspaper, in his coverage of the Surabaya conference[6].

"If the leadership of religious institutions in the Arab world continues to insist on burying their heads in the sand, then Arab states may require another 100 years to absorb the Nahdlatul Ulama project in Indonesia," Abu Al-Fadl went on to say.

In the ultimate analysis, state-aligned Islamic scholars are either able to co-opt the Indonesian reformers or will be forced to join the bandwagon.

So far, efforts to co-opt Nahdlatul Ulama have failed.

These efforts included the Muslim World League joining Nahdlatul Ulama in hosting the November 2022 Religion Forum 20 or R20, a summit of religious leaders in Bali on the eve of the meeting of leaders of the Group of 20 (G20) that groups the world's largest economies[7].

Indonesia, last year's G20 chair, designated the R20 as an official G20 engagement party.

To be sure, Nahdlatul Ulama's jurisprudential reform is not binding in a Muslim world where religious legal authority is decentralized.

Nevertheless, influential commentators in Saudi Arabia and Egypt echoed Nahdlatul Ulama's call for religious reform without referencing the Indonesian group.

"All religious institutions must work to create contemporary jurisprudence… The Islamic world is waiting for (Saudi Arabia) to lead it towards contemporary jurisprudence," said Okaz newspaper columnist and Jeddah-based lawyer Osama Al-Yamani[8].

Earlier, journalist Mamdouh Al-Muhaini proposed top-down Martin Luther-like religious reforms that would be led by Mr. Bin Salman, even though the writer stopped short of identifying the crown prince by name.

"There are dozens, or perhaps thousands, of Luthers of Islam… As such, the question of 'where is the Luther of Islam' is wrong. It should instead be: Where is Islam's Frederick the Great? The King of Prussia, who earned the title of Enlightened Despot, embraced major philosophers in Europe like Kant and Voltaire and gave them the freedom to think and carry out scientific research," Al-Muhaini said[9].

The journalists' comments suggest that, at the very least, Nahdlatul Ulama has laid down a marker that other Muslim religious authorities will ultimately be unable to ignore if they want recognition as proponents of a genuinely moderate Islam.

Commenting on Nahdlatul Ulama's campaign, Abu Al-Fadl, the Al-Ahram editor, asserted that Middle Eastern Islamic scholars risk missing the boat.

"The majority of Muslims look to the Arab world for guidance, and the failure of this region's ulama (Muslim religious scholars) to keep up with the transformations taking place will lead to the rug being pulled out from under them. For the openness adopted by Nahdlatul Ulama and its new Chairman, Yahya Cholil Staquf, will not stop at one specific country or region[10]".

Auteur.e.s : James M. Dorsey, Adjunct Senior Fellow at the S. Rajaratnam School of International Studies, Nanyang Technological University.

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[10] *Ibid.* Abu Al-Fadl, Indonesian Islam

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