Religious Diversity in Europe

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Religious pluralism in the Islamic tradition in late al-Andalus and in contemporary Islamic transnationalism: A conceptual approach

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'Islam has a proud tradition of tolerance. We see it in the history of Andalusia and Cordoba' (The White House 2009). This excerpt from a speech by Barack Obama at Cairo University in 2009 encapsulates the powerful metaphor of al-Andalus as a historical example of Islamic tolerance. The eight centuries of Muslim presence in the Iberian Peninsula are often evoked as a period of peaceful coexistence. However, this representation is not only a matter of historiographical controversy as regards its interpretation and the uses of the past, but it also mobilizes different imaginaries of self-identification and otherness that have little to do with that stage in history and instead reflect the paradigms of the present and the way it is projected onto the past.

Studies of religious pluralism in Islamic tradition and its historical transformations could contribute to a more in-depth understanding of how Muslims deal with religious diversity in the past and in the present, and would certainly offer a more balanced picture of Islam. Thus, looking back into history and comparing it to the current world situation could help build a more critical understanding of our present-day reality. As Chapter 2 makes clear 'relating past and present is a valuable approach to enable young people to "think outside the box" and construct their ideas', and this is what this chapter sets out to do: establish a complex relation between past and present focused on the very concepts that describe the social and political dynamics of religious pluralism in Islam.

This chapter explores Islamic tradition to see how religious diversity was experienced in the past and is evoked in the present. The main object of this study are some key concepts that are used in relation to religious pluralism in legal and political documents such as fatwas, court testimonies, pacts, treaties, capitulations and Islamic initiatives in favour of peace and tolerance. A diachronic analysis of these documentary sources shows us that the concept of religious tolerance had a different meaning within Islamic tradition than it has today. The documents we will be analyzing date from two different periods in history. The first period covers the final era of al-Andalus, with the decline of the Nasrid Kingdom of Granada and its surrender to the Catholic monarchs,

while the second refers to the post–9/11 era, which was characterized by Islamophobia and a global war on terrorism. Both crises, the collapse of al-Andalus in the fifteenth century and the securitization of Islam in the twenty-first century, triggered significant reconceptualizations of religious pluralism.

The first section of this chapter provides a historical account of these two historical crises. The second section explores the issues that dominated interreligious relations before the Conquest of Granada, underlining the importance of pacts and treaties as sources of stability between Christian and Muslim territories. It also assesses different approaches to *dār al-islām* (the domain of Islam) and *dār al-ḥarb* (the domain of war) and the juridical attempts to overcome this binary in both historical contexts, within which there is a degree of continuity rather than a sharp division. To this end, we will be analyzing the results of an important transnational Islamic initiative – the Conference of Mardin – which problematizes this dichotomy and (re)evokes the notion of pact (ʿ*ahd*) as the framework through which justice (ʿ*adl*), and common good (*maṣlaḥa*) – or public interest (*istiṣlāḥ*) – between individuals and communities should be articulated in interreligious and 'glocal' societies. The third section of the chapter takes a more detailed look at peace treaties between Muslims and Christians in al-Andalus and at the way they articulate peace (*ṣulḥ*), reconciliation (*iṣlāḥ*), equality (*siwā*) and freedom (*sariḥa*). Finally, it moves onto two other contemporary transnational initiatives – the Amman Message and the Declaration of Marrakesh – that evoke an ethical dimension of Islam linked to the idea of tolerance (*tasāmuḥ*) and broaden the understanding of concepts such as pacts (ʿ*ahd*) in order to support the idea that plural societies are inherent to the Islamic world view.

As a starting point, we should perhaps begin by exploring the concept of 'tolerance' (*tasāmuḥ*), which is probably the first term that springs to mind when talking about religious pluralism, especially with regards to al-Andalus, together with the Spanish concept *convivencia* (coexistence or living together). The first questions that should be addressed are: How was the concept of tolerance used in Islamic tradition and to whom did it apply? Or in other words who did it extend to and who were excluded from the equation or ignored? An exhaustive answer to such a broad question would be impossible and instead must be limited to the scope of this study. *Tasāmuḥ* derives from the VI form (*tafāʿul*) of the trilateral Arabic verb *samaḥa* (to permit, admit, allow), which also conveys a sense of reciprocity and mutuality. *Tasāmuḥ* therefore means, and is often translated as, 'mutual tolerance' or 'mutual forgiveness'. This word is not mentioned in the Quran, although the implicit idea can be found in other Arabic words such as ʿ*afā* (pardon/forgive): 'The recompense for an evil is an evil equal thereto, but who forgives (ʿ*afā*) and reconciles (*aṣlaḥa*), his recompense is from God' (Quran 42:40, Amman's Message translation). There is no evidence of the use of the word *tasāmuḥ* during Medieval Islam, although it is commonly used by Islamic scholars today. As regards the second question as to who are included/excluded from the bidirectional meaning of 'mutual tolerance', in al-Andalus, as in other parts of the Islamic world, tolerance did not imply equality as we understand it today. The relationships between religions and their implicit ethno-religious hierarchies were based much more on convenience and the need to ensure social stability by reaching agreements between the parties, Muslims and Christians. Today, toleration is closely related to equality and

religious freedom. The non-Muslims included in the recent transnational initiatives examined here are mainly Christian and Jews, and include indigenous Christian and Jewish communities and other non-Muslim religious groups such as the Yazidists of Iraq, along with non-Muslim foreigners who are resident in countries with Muslim majorities. Some groups, however, are ignored. These include, for example, Muslims who converted to Christianity and minority Islamic communities in certain countries such as Morocco and Saudi Arabia, not to mention atheists or agnostics. The very limits of contemporary Islamic inclusiveness point to a new range of upcoming challenges, which appear to be accumulating in number rather than easing.

Concepts of religious pluralism: A historic contextual analysis

In classical Islam

Religious pluralism in al-Andalus was part of a longstanding tradition that was rooted in the very origins of Islam, as set out in the first Islamic treatise known as the 'Constitution [or Charter] of Medina' (622), which established the principles governing the community of believers (*umma*), including Jews. This was followed by the 'Pact of ʿUmar' (traditionally dated 637), which adopted the term *dhimma* ('protection') to describe the status of the followers of the revealed religions in *dār al-islām*. Those who assigned this status were allowed to preserve their religious practices, property, legal systems, and so on, in exchange for the payment of certain taxes. This arrangement appeared within the context of the dynamic expansion of Islam driven by the imperative to spread the faith, by force if necessary (the 'lesser' *jihād*),[2] as seen, for example, in the arrival of the Umayyad armies in the Iberian Peninsula in 711. In order to continue their expansion, they adopted a pragmatic policy of pacts (ʿ*aqd*/ʿ*ahd*) with Iberian noblemen, which enabled them to extend their territorial dominance with only minimal losses (Chalmeta Gendrón 2004). Indeed, the favourable conditions of *dhimmī* status contributed to the success of these pacts and allowed Muslim troops to reach southern France just a few years later.

The rise of reactionary and hardcore militant movements within Western Islam such as the Almoravids (1056–1147) and Almohads (1130–1269), together with the Muslim loss of Sicily in 1061, the fall of Jerusalem to the Crusaders in 1099 and the seizure of Baghdad by the Mongols in 1258, all contributed to the emergence of theories about the struggle between two 'houses': *dār al-islām*, the 'domain (house) of Islam' (also known as *dār al-salām*, the 'domain of peace'), and the land ruled by the infidel, *dār al-ḥarb*, the 'domain (house) of war' (also called *dār al-kufr*, the 'domain of unbelief'). The seizures of Jerusalem and Baghdad left the strongest mark on Islamic political and religious thought by giving the term *hijra* an additional connotation of 'emigration by Muslims to *dār al-islām*' (Fierro 1991). Indeed, the very first Islamic community was established after the flight (referred to in Islam as *hijra*) of the Muslims from Mecca to Medina in times of the Prophet. In this latter context *hijra* also became a juridical term

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to refer to the situation in which Muslims were forced to flee to Islamic-ruled lands in order to safeguard their religious practices and mores. Therefore, the evolution of these concepts regarding the relations between Muslims and non-Muslims in the Middle Ages was closely linked to the notion of territorial control, which fluctuated widely from Islam's initial expansionist phase up to its gradual loss of territory and the collapse of central power, succumbing to the advance of other religions or foreign dynasties, or to tendencies within Islam that were opposed to the dominant ideology.

Our decision to focus on the Nasrid Kingdom of Granada (1232–1492), the last Muslim state in the Peninsula, in the fifteenth century and its later Mudejar period (1492–1501) is not an arbitrary one. The great crisis in this region that led to the end of al-Andalus and the transition from being the dominant community in a part of *dār al-islām* to a subordinate one in a Christian kingdom led to a rethinking of the criteria about religious pluralism that can be compared to that taking place today. In fact, the fall of al-Andalus is often cited in jihadist propaganda, in which parallels are drawn with the current situation.

In the history of Islamic Granada there are two clearly distinct stages before and after the fall of the city:

1. Islamic rule (1091–up to 2 January 1492): during this period, in contrast to the pre-Almoravid era (756–1091), the population of Granada was almost entirely Muslim and there was little religious diversity. Christians and Jews had for the most part decamped to 'the other side of the border' while those who lived in Islamic territory on a temporary basis received the traditional *amān* or safe-conduct. There were very few native Jewish communities and Christians are hardly mentioned. As for external relations with the other kingdoms in the Peninsula, there were peace agreements in place during most of the fifteenth century, which were necessary for regulating trade and protecting captive prisoners. On the frontier between Christian and Muslim domains, there were frequent examples of collaboration and understanding, thereby enabling a degree of coexistence even within the prevailing atmosphere of hostility. This stage culminated with Castile's war on Granada (1482–92), which ended with the signing of the Capitulations or surrender agreement and the handover of the city to its new Christian rulers (Garrido Atienza 1910: 269–95, doc. LX). The whole of the Iberian Peninsula was now under Christian rule, and the Muslim inhabitants of Granada acquired the same status as their coreligionists in the rest of the country. They were now classified as Mudejars (*mudajjan*), that is, Muslims who lived in areas under Christian rule, and had a similar status to the *dhimmī* status that had previously been afforded to Christians in areas under Muslim control (see Figure 8.1).

2. The stage of Christian dominance (from 2 January 1492): The fall of Granada in 1492 ushered in drastic changes for its Muslim population. From 1492 to 1500 the Christians ruled over the Muslim majority in Granada according to the clauses and regulations set out in the Capitulations. These Muslims faced a

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Figure 8.1 Capitulations of Granada, Archivo de los Duques de Frías (Sección Nobleza, Archivo Histórico Nacional)

Source: Courtesy Wikicommons.

difficult dilemma between *hijra* (emigration to *dār al-islām*) and *taqiya* (staying in *dār al-ḥarb* while hiding their beliefs). The ensuing debate generated various religious statements (*fatāwā*, sg. *fatwā*) both for and against. Although most of the muftis insisted on the obligation to emigrate, just as Muḥammad had done from Mecca to Medina, others defended the right to remain in the land of their forebears. Many Muslims decided to stay. Since coexistence proved difficult mainly due to the tremendous pressure exerted by the Christians; in 1501 the Catholic monarchs decreed that the Muslims of Granada must choose between conversion and expulsion, a measure they had previously imposed on the Jews in 1492. The decree was eventually extended to all the Muslims in the Peninsula. Newly converted Muslims were assimilated and became Moriscos or *cristianos nuevos de moros* ('New Christians descended from Moors'). But this was not enough for the Christian rulers and thousands of Moriscos were finally expelled from the Peninsula in 1609. These events and the articulation of otherness were of great significance as they formed part of a major geopolitical shift: the internationalization of power in the sixteenth century, the expansion of the Spanish Empire, the conquest of America, further European colonization and the establishment of international markets. From then on, the contacts between Europe and the Islamic world would be driven mainly by colonial interests.

In contemporary Islam

After analyzing the situation at the end of al-Andalus we will now move on to examine religious pluralism in other parts of *dār al-islām*. Arguably the greatest Islamic power at that time was the Ottoman Empire, which held sway over large swathes of Europe and North Africa over a long period stretching from the late Middle Ages until the early twentieth century (1299–1923). The political dynamics behind religious pluralism vary greatly from one context to another, as we have already seen. The territories that remained under the control of the Almoravid and Almohad dynasties in western Islamdom enjoyed less and less religious freedom, whereas the Ottoman Empire became ever more multi-confessional as it expanded into traditionally Christian areas of Europe and welcomed Sephardic Jews and Moriscos from the Iberian Peninsula. During the nineteenth century, however, the Ottoman Empire went into decline, losing territory to rival European powers. Nationalist movements began to appear all over the region often based in non-Muslim communities. In order to overcome these internal and external challenges the judicial system was completely overhauled. *Dhimma* status was replaced by that of citizenship and a constitutional system was established, although not without great difficulty (Kern 2011). Throughout this period reformers from both inside and outside the declining Ottoman Empire sought to transform society by establishing a legal foundation for the changes that were taking place and imagining what their ideal *waṭan* (nation/homeland) or *umma* (nation generally understood as a broader spiritual Islamic community) might look like. They offered vague, competing notions as to where future borderlines should lie, in the face of an increasing need to combat both foreign powers and internal division derived from the old socio-religious hierarchies and the political use of religious identities (*ṭāʾifiyya*) (sectarianism) in parts of the empire such as today's Egypt and Syria (Makdisi 2000; Kutelia 2011).

The First World War (1914–18) gave rise to a new international order, the collapse of the last Islamic caliphate and the founding of nation states, mainly under the influence of the European colonial powers. From that point onwards and throughout the entire twentieth century, the regions known today as the Middle East and North Africa underwent a series of upheavals: anticolonial nationalisms; implementation of the principles of *waṭan* (nation/homeland) and *muwāṭana* (citizenship); transformation of communal loyalties; struggles for independence and the founding of secular authoritarian regimes; the formation of a Jewish state at the expense of the local Palestinian population; re-Islamization and the strengthening of Islamist currents, mass migration and so on. The above was also affected by the establishment of global capitalism and the globalization of power since the Second World War (new technologies, financial capitalism, supranational institutions and information societies).

The accumulative effects of the colonial and postcolonial experience in these regions were distorted even further at the dawn of the twenty-first century. After the attack on New York's Twin Towers in 2001 and the resulting 'War on Terror' (Managhan 2020), Islam, and hence Muslims, came under attack from a range of different interconnected geopolitical forces and phenomena, thereby becoming a target for terrorism, sectarianism, Islamophobia and war. In this atmosphere of crisis,

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during the first two decades of the twenty-first century prominent Islamic ʿ*ulamāʾ* and organizations, on their own initiatives or spurred on by governments, have turned to Islamic legal tradition in an attempt to promote principles of 'tolerance' (*tasāmuḥ*), reopen the debate on citizenship and religious pluralism, and revise the territorial concepts of *dār al-islām* and *dār al-ḥarb*. In so doing, their aim has been to defend and revive a 'true', 'moderate' and/or 'normative' Islam that has nothing to do with Islamist or jihadist terrorism, as a means of reducing Islamophobia within a global context that Yahya Michot described as 'a power struggle to represent Islamic authority after 9/11' (2011: 133). The concepts of religious pluralism that arose at different points in this long and complex process show how their meanings could evolve without altering the fundamental religious principles on which they are based.

Juridical documents: Beyond *dār al-Islām* and *dār al-ḥarb*

The frontier: A pragmatic coexistence

One might imagine that the relations between Muslims and Christians on the frontier between their respective domains in the Iberian Peninsula would have been fraught with tension and in a state of permanent conflict, but this was far from true. In fact the norm was for agreements to be reached in cases of potential confrontation between the two communities.[3] Continuous contacts were shaped by peace treaties and truces with clauses that permitted cross-border activities between the two communities, such as trading and supplying basic needs, herding, tracking and exchanging captives and their possessions, as well as religious freedom and mobility for converts, among others. They also forbade raiding and seizing hostages, imposing punishments on those who disobeyed. Some scholars claim that in frontier areas war and peace took on special form (Carriazo y Arroquia 2002: 215–16). Instead of being black and white, these concepts were full of shades of grey (Argente del Castillo 1988: 222–3); and fluctuating, ambiguous situations were common on either side (Rodríguez Molina 1997: 258). 'Truces were clearly an effective formula, especially during the fifteenth century, for fulfilling the peaceful aspirations of both camps,' and became 'a significant feature in the development of the Sultanate of Granada' (Melo Carrasco 2012: 271).

In general, the regulations on the Muslim side were drawn up in line with Islamic law (*fiqh*) and the Mālikī School of jurisprudence, the dominant school in al-Andalus, and were therefore able to adapt to the particular requirements at any given time. According to María Arcas Campoy (2003), at the borders, this School took account of necessity (*ḍarūra*) and justice (ʿ*adl*), to which we might add another element of Mālikī jurisprudence, the public interest (*istiṣlāḥ*).

What shall we do now that al-Andalus is gone? The choice between staying and leaving

The Capitulations of 1491 by which the Sultan of Granada surrendered the city followed a model that had already been widely applied in other towns conquered by

the Christians. Among the clauses that benefited the Muslim population, now called Mudejars, were those that enabled them to preserve their possessions, their religious and legal practices, customs, language and so on, in exchange for the payment of certain taxes. They were also given the opportunity to emigrate to *dār al-islām* and even to return from it if they wished.

The dilemma about whether Muslims should emigrate (in a *hijra*) from their ancestral lands was presented first to the Mudejars and later to the Moriscos (Muslims who had converted to Christianity), not only as an ethical/moral question or a religious imperative but also as part of a sustained campaign against them by their conquerors, involving increased taxes, forced conversions, extortions and other outrages. Faced with this difficult choice, Muslims turned as usual to their legal authorities (*fuqahāʾ*, sg. *faqīh*) asking for fatwas to guide them. There was never a consensus, however, in favour of one position or the other (García Sanjuán 2015: 15).

One of those consulted was al-Wansharīsī (d. 1508), the mufti of Fez, who had already witnessed the emigration of Mudejars to his native Tlemcen. When a group of Muslims who wanted to return to the Peninsula turned to him for advice, he took one of the most inflexible positions followed by the majority of *fuqahāʾ* in his famous fatwa *Asnā al-matājir*, which declared it obligatory for Muslims to reside in *dār al-islām*. He issued this same juridical opinion in a shorter fatwa called the 'Fatwa of Marbella' (among others Verskin 2015: 11–7 and appendices).

Other muftis, however, such as al-ʿAbdūsī of Fez (d. 1445), judged the matter differently, arguing in favour of remaining in one's native land, applying the principle of *istiṣlāḥ* or preference for reasons of general interest. We have evidence that many Andalusis chose the latter path, including – and this is very revealing – members of the legal and religious authorities: *fuqahāʾ*, *ʿulamāʾ*, notaries, and so on (Galán Sánchez 2008; Zomeño 2015). In the latter case some *fuqahāʾ* preferred the expressions *dār al-ṣulḥ* or *dār al-ʿahd*, 'domain of the pact' (García Sanjuán 2015: 18). Maribel Fierro (1991: 19) noted that the conditions under which Muslims were allowed to stay brought about a change in the Sunni definition of *dār al-islām*, which became 'both a land governed by a Muslim and a land where, although its ruler is not Muslim, Muslims are allowed to practice their religion'.

The Mardin Declaration: A new proposal for deconstructing the territorial binomial

The Mardin Conference, held in 2010, was convened by Muslim non-governmental organizations based in the UK that were linked to prominent personalities, chief among them the Mauritanian sheikh Abd Allah bin Bayyah (b. 1935), president of the Forum for Promoting Peace in Muslim Societies based in Abu Dhabi and a prominent Sufi scholar in transnational Islamic organizations. The conference, attended by a diverse group of Islamic scholars, took place at Mardin Artuklu University in Turkey. The participating theologians examined various concepts of classical jurisprudence related to religious pluralism in the light of Sharia and the new realities of the twenty-first century, with particular attention to the division of territory into two basic spaces, the domain of peace (*dār al-islām*) and the domain of war (*dār al-ḥarb*). The meeting's

chief aim, according to its final Declaration, was 'the grounding of peaceful and harmonious coexistence and cooperation for good and justice between Muslims and non-Muslims, provided that it is understood in consonance with normative religious texts, and maxims, and in light of higher objectives of Islamic Law' (The Mardin Declaration 2010, organisers' translation). The central topic of the conference was the 'Mardin Fatwa' a judicial opinion by the famous Syrian theologian Ibn Taymiyya (1263–1328), in which instead of being assigned to *dār al-islām* or *dār al-ḥarb*, Mardin was assigned to a new third category required by the particular context of its time.

The controversial thirteenth-century theologian has been repeatedly invoked by modern Muslim thinkers of varying backgrounds. He has inspired and legitimized positions as contradictory as 'middle-ground' Islam (*wasaṭiyya*) on the one hand and jihad against both non-Muslim and Muslim infidels on the other (Hoover 2016; Baylocq 2018; Gómez García 2018). This is why Ibn Taymiyya became the main focus of the Mardin Conference. But what is his fatwa about, and how significant is it today? At the time the fatwa was issued, Mardin was a multi-confessional city that was part of the Ilkhanate (1291–1335), a state first established by the Mongol expansion, whose ruling dynasty converted to Islam in 1295. However, its Muslim community, and Ibn Taymiyya himself, believed that Islamic law was not being properly applied there. The famous scholar was asked whether Mardin was living under the legal status of *dār al-islām* or *dār al-ḥarb*, and whether Muslims were obliged to emigrate to areas under Islamic rule. In response, Ibn Taymiyya issued his fatwa affirming that there was no inevitable obligation for a Muslim to emigrate so long as he could perform his religious duties. He designated the city of Mardin as a third category, a 'composite' (*murakkab*): while the domain of peace is a territory whose 'army is Muslim' and thus 'the institutions (*aḥkām*) of Islam are implemented' (Michot 2006: 65), the domain of war is inhabited by infidels. According to Ibn Taymiyya, Mardin did not wholly fulfil either of those conditions. He concluded, therefore, that it was a space in which 'the Muslim shall be treated as he merits and in which the one who departs from the Way/Law of Islam should be treated as he merits'[4] (Michot 2011: 146, author's translation).

The Mardin Fatwa proposed that this binary view of space was no longer valid, opening up the possibility of a stable life for Muslims and non-Muslims in plural societies. The fact is, however, that similar situations had existed almost since the early period of rapid expansion of Islam in which *dār al-islām* and *dār al-ḥarb* had continually shifting boundaries and it was common to find non-Muslim subjects under Islamic rule and vice versa. This political and military domination by one side or the other did not necessary entail an attack on religious and cultural identity. Indeed, some scholars, such as Ḥusayn Mu'nis (1996: 11–12), argue that the fatwa issued by al-Wansharīsī was in many ways a reaction to the persecution of the Moriscos by the Christian rulers of Spain. It did not resonate much with Eastern Islam and had little impact on its relations with foreign political and religious powers like the Byzantines.

If we move forward again to modern times, the Mardin Declaration encouraged modern Muslim jurists to take another look at this classical legal distinction between *dār al-islām* and *dār al-ḥarb*, which was a reflection of particular conditions in the history of Muslim expansion, adapting it to the reality (*wāqiʿ*) of the modern day. The Declaration affirms that nowadays Muslims mix with non-Muslims at every

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level – social, economic and political – and are subject to international treaties and conventions, while enjoying the rights and freedoms that states grant their citizens. It also sets up a parallel between modern times and foundational Islam in terms of the Sharia. It therefore postulates that the principles of coexistence (*taʿāyush*), justice (*ʿadl*) and the common good (*maṣlaḥa*) contained in international treaties (*muʿāhadāt*) are the same principles that the Sharia has proclaimed to humanity ever since Mohammed emigrated to Medina and established the Constitution of Medina with the city's non-Muslim inhabitants – a *muʿāhada*, the same term now used for an international treaty – in order to establish principles of justice and the common good.

Muʿāhada is derived from *ʿahd* (pact), a word of considerable religious significance not only in Islamic political history, as we have seen, but also in the Quranic prescription about adherence to pacts (Quran 16:91). Further, the aforementioned concept of *dār al-ʿahd* (domain of the pact) had already been introduced by the Shāfiʿī legal School to refer to either 'the absence of war' (Ramadan 2002: 181) or 'a truce' (The Mardin Declaration 2010), thereby adapting itself to the classical construction, without denying the existence of domains of peace and of war (Gómez García 2019: 100). The domain of the pact was proposed by a group of well-known *ʿulamā*ʾ at a seminar organized in France in 1992 by the Federation of Islamic Organizations in Europe, as a legal basis for the residency and citizenship of Muslims in Europe (Caeiro 2011: 121–41). Nonetheless, according to the influential scholar Tariq Ramadan (2002: 181–3), *dār al-ʿahd* does not entirely supersede the dichotomy inherent in the classical concept. The Mardin Declaration, meanwhile, includes the domain of the pact within the classical tradition, seemingly without questioning its contemporary relevance. The theologians who signed the Declaration did not issue a fatwa on the subject; instead, as indicated above, they presented the fatwa of Ibn Taymiyya as a legal precedent for condemning violence and rethinking the notion of space in the light of Sharia, attributing a crucial role to treaties and pacts (*muʿāhadāt*) in Muslims' relations with the rest of the world.

Political documents: Normative frameworks for coexistence

The classical political treatise: An agreement about territory with an egalitarian approach

The Nasrid Kingdom of Granada applied several political strategies in an attempt to regulate its relations with Castile, its main rival for centuries until it was finally absorbed by it in 1492. Diplomacy was essential to Granada's existence, through treaties that governed peaceful relations and permitted dialogue between rival states (Melo Carrasco 2012). These followed the pattern of the Treaty of Jaén (1246), the first of its kind (Vidal Castro 2000: 52), with adaptations to suit the prevailing circumstances. The document we have chosen to study here is the three-year Peace Treaty between Abū l-Ḥasan ʿAlī of Granada and Henry IV of Castile, as it contains various aspects common to all other treaties of the time. This Peace Treaty was signed in 1472 (García

Luján 1998: 92–105; Monferrer Sala and Pinilla Melguizo 1998: 251–9) when an agreement was reached after several conflicts between Castile and Granada. Notable facts about Abū l-Ḥasan (1464–1482) include his leadership, his close relationship with Castile (Melo Carrasco 2015: 204–13) and his capacity to unite scattered elements (Vidal Castro 2000: 191–8).

Every peace treaty is an *ʿaqd* (agreement or pact). This treaty employs the verb *ʿaqada* twice, on both occasions when the Nasrid Emir addresses the king of Castile on equal terms: 'We pact with You – King of Castile – by land and sea, for a period of three consecutive Christian years'[5] and 'we pact with You and you have agreed with Us in this aforesaid treaty of peace.' The text makes clear that the two heads of state shall be equal for the duration of the agreement: 'We and You during the time of this peace treaty shall be equal (*siwᵃⁿ*) and like to each other.' This equivalence between the monarchs extended to their subjects, who shared the same rights and duties. The document's normative framework reveals its egalitarian spirit: 'Everything obligatory for Christians is obligatory for Muslims, and everything obligatory for Muslims is obligatory for Christians, in the same measure (*siwā*) and alike.' The clauses and conditions (*shurūṭ*) of the treaty define these obligations as usual in these kinds of documents (Melo Carrasco 2015).

Coexistence within both the Nasrid and the Castilian domains was guaranteed. The treaty grants an *amān* (safe-conduct) to non-Muslim subjects in Islamic territory (named *mulk*/kingdom or *waṭan*/homeland) to protect their life and property, and religious communities – 'Muslims, Christians, and Jews on both sides' – are likewise given safe-conducts. This provision implies freedom of action (or *sariḥa*/walking in freedom) enabling subjects to buy and sell in both territories regardless of their religion; even if this is not the same as individual freedom (*ḥurriya*), it falls within the same semantic field of freedom of action. When conflicts arise between members of different religious communities, the treaty activates mechanisms for obtaining *iṣlāḥ* (reparation, reconciliation) between the parties and a return to peaceful coexistence. The term for 'peace treaty' is *ṣulḥ* (agreement, peace), which means that peace is the dominant semantic thread of the clauses of the treaty: peace and war become two necessary elements in the order of life (Viguera Molíns 1997), but peaceful relations agreed in official documents were clearly more common (Rodríguez Molina 1997).

The Capitulations of Granada: Regulated ethical coexistence with the vanquished

In the final years of the war, several conquered towns signed surrender agreements with Castile that were meant to protect Muslim lives and property. The Capitulations, an agreement for the surrender of Granada signed between the Catholic monarchs (Queen Isabella and King Ferdinand) and Boabdil, the sultan of Granada, on 25 November 1491, decreed the right of the Muslim community to remain in Granada while retaining their possessions, religion, customs and fiscal arrangements. It also facilitated their emigration to the Maghreb (Vidal Castro 2000: 206). In addition to the Spanish text of the document (Garrido Atienza 1910: 269–95, doc. LX) there is also an extract of nineteen clauses from it in Arabic in the *Nafḥ al-ṭīb*, an encyclopaedia about

al-Andalus by al-Maqqarī (d. 1632) (1968: IV, 525–6). These Arabic clauses are of great historic and legal significance (Velázquez 2002: 481–4).

The Capitulations consist of *shurūṭ* (clauses, conditions) that regulate coexistence under Castilian rule; that is, they allow for peaceful relations and establish ways of dealing with conflict. Although they are not defined as 'rights' (*ḥuqūq* in the contemporary terminology), the clauses do provide a clear series of guarantees in relation to the ethical treatment of the conquered. This can be seen as early as Clause 1, which deals with *taʾmīn* (from the same root as the term *amān* – safe-conduct or surety – which is widely used in political texts), which assures the right to remain and the security of persons, families, goods and real estate (al-Maqqarī 1968: IV, 525–6; trans. Velázquez 2002: 535–6). Freedom of worship is also guaranteed to Muslims. Ethical treatment extends so far that 'anyone who mocks [a conquered subject] shall be punished'. Conversion to Christianity is made conditional on exploring the potential convert's true intentions, but is not forbidden outright, as one might expect from the Islamic point of view. This should not be viewed as religious freedom, but more as a regulation of a practice that might become a form of coexistence with the Christian conquerors. The text is clear: 'A Muslim who has embraced Christianity should be given a few days to be certain of his wish and to renounce any return to Islam.' Finally, members of the Granada community will be accommodated if they decide to move to Christian territory, 'with protection of their persons and goods', and they will be placed on an equal footing with subjects of Castile in that they will not be forced to wear 'any distinctive sign like the Jews and Mudejars' who lived in Castilian territory.

Religious pluralism at the turn of the twenty-first century

In addition to the Mardin Declaration, various other initiatives in different Arab countries have sought to promote peace and tolerance within the international framework described above. Jordan and Morocco, for example, have both raised the banner of *wasaṭiyya* ('middle-ground' Islam). The pioneer was King Abdallah II of Jordan, with the Amman Message of 2004, which recognized the diversity within Islam, including all the legal schools and the other recognized currents and traditions, as part of an intrinsically moderate, orthodox Islam.[6] This effort enjoyed considerable success at the time, encompassing twenty-four fatwas by the best-known authorities from the various legal schools, thus achieving a broad transnational Islamic consensus (*ijmāʿ*). This general agreement was developed in the years that followed through a series of meetings and conferences that focused on different issues of contemporary concern (Shalabi and Khalayleh 2007), including interreligious relations. These led to new versions of the Amman Message in the form of the Amman Interfaith Message (2005) and A Common Word between Us and You (2009). Morocco, for its part, has launched several initiatives for interreligious dialogue (Peyret 2019), most importantly the Marrakesh Declaration on the Rights of Religious Minorities in Predominantly Muslim Majority Communities, which was issued by a conference of the same name held in Marrakesh in early 2016. Although the Declaration was issued under the auspices of King Mohammad VI, the initiative itself was organized by the Forum for

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the Promotion of Peace in Muslim Societies, with headquarters in the United Arab Emirates and whose president is the aforementioned sheikh Abd Allah b. Bayyah. In both initiatives, concepts related with Islamic ethics and human relations occupy a central position. The celebrated word 'tolerance' (*tasāmuḥ*), as applied to interreligious relations in the modern age (Seeberg 2017; Ramadan 2012: 40–50), appears frequently, together with other terms such as peace (*salām*/*ṣulḥ*), religious freedom (*ḥurriyyat al-dīn*/*ḥurriyat al-ʿibāda*), fraternity (*ukhuwwa*) and so on. Some of these, such as coexistence (*taʿāyush*), pluralism (*taʿadudiyya*) and religious freedom, are part of a common global terminology that may or may not have been employed in the past. But others such as *raḥma* (compassion), *maṣlaḥa* (the common good), *ʿadl* (justice) and *ḥikma* (wisdom) fall firmly within the Islamic tradition. Hence, there is an overlapping of two different frames of reference: the language of Islam and that of human rights. As mentioned earlier, the word *tasāmuḥ* (tolerance) was not used in Medieval al-Andalus, although this does not mean that peaceful coexistence and reconciliation were not pursued through peace agreements during periods of conflict. Today, however, this concept is widely used in religious discourse along with other similar concepts (Fahy 2018; Kayaoglu 2015; Browers 2011).

We finally turn to the Declaration of Marrakesh on the Rights of Religious Minorities in Predominantly Muslim Majority Communities, which was issued during a convulsive period in which religious minorities, from mainly Christian, Yazidi and some Shia communities, and the population at large felt threatened by the war and the conflicts in Syria and Iraq. Against this backdrop the Declaration took the Constitution of Medina as a legal basis for constitutional principles of 'contractual citizenship' (*muwāṭana taʿaqūdiyya)*, such as justice (*ʿadl*) and equality (*musāwā*) before the law, so introducing a renewed approach to the concept of citizenship (*muwāṭana)*, which in Arabic derives from the word *waṭan* (homeland/country of birth and/or residence).

As regards the ethical dimension of many of these concepts, in the Constitution of Medina they are proposed as the fundamental values that inspire the citizens of plural societies: 'kindness, honor, cooperation and solidarity, reconciliation, human fraternity and interaction, wisdom, commonweal, being just with others, mercy and peace' (Bayyah 2016a: 8–9, organizers' translation). Likewise Abd Allah b. Bayyah's keynote address, which lays out the theoretical framework behind the Declaration, seeks to examine the concepts of identity and legal status. First, he revises certain classical concepts like *dhimma* and jihad, emphasizing the acceptance of diversity and religious freedom based on the common good, justice and obedience to pacts (Bayyah 2016b: 18–22, 28), and second, he adapts the notion of *umma wāḥida* (a single community)[7] to the contemporary relationship of citizens with their states, tied internally to a constitution and externally to international agreements (*muʿāḥadat*) and law (Bayyah 2016b: 28). *Muwāṭana* is therefore based on an accord or contract (*ʿahd*/*ʿaqd*), equality (*musāwā*) before the law and the notion of collaboration and solidarity among the components of a single community, in which religious and cultural pluralism is 'a virtue in itself, since it establishes opportunities for peace, which is the natural state of mankind' (Bayyah 2016b: 15, our translation). Hence the 'intrinsic' (Bayyah 2016a: 11) plurality of the Islamic *umma* is endowed with a broader meaning in order to define plurality in contemporary societies.

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Conclusions

Al-Andalus offers a magnificent example for assessing the adaptability of Islam to changes in interreligious relations. This is especially true in fifteenth-century Granada under the Nasrids, who were striving to maintain the final frontiers of Islam in Western Europe.

The general normative frameworks in the Islamic world were designed for an expanding empire and were complemented as time went by with adjustments that permitted a relaxation of those initial positions. During this final phase of al-Andalus, which was one of territorial retreat, peace treaties and truces created frequent 'exceptions' to the original norm, especially in frontier regions.

The concept of *dār al-ḥarb* grew less rigid and new solutions were found, such as *dār al-ṣulḥ* and *dār al-ʿahd* (domain of the pact). These treaties and the opinions of some of the muftis revealed an inclination towards ensuring governability, based on resources found within Islamic law itself such as *istiṣlāḥ* or preference for the general interest.

Moreover, the authors of these documents show a clear inclination to peaceful agreements between states when they establish the egalitarian treatment of all their subjects, who should, at least in theory, enjoy the same rights in terms of the preservation of their lives and property, even when standing on the other party's territory. The clauses of the Capitulations insist that the rights of the members of the Muslim community must be preserved and, by signing the agreement, the Christian conquerors of Granada were ethically obliged to honour the commitments they had made therein. However, this peaceful *convivencia* proved short-lived, thwarted by political and ecclesiastical pressures to the contrary.

In summary, the agreements analysed in our two case studies have the following in common:

1. A tendency to safeguard human security and integrity irrespective of who is governing the territory, while guaranteeing economic and sociocultural relations and activities.
2. The pragmatism of the main actors, who established normative frameworks that satisfied the needs of their time. One clear example was the fatwas that broadened the definitions of territorial domains in order to adjust to new situations in both the past and the present.
3. The flexibility of these concepts was determined above all by the real situation on the ground (*wāqiʿ*). Nevertheless, the diversity and adaptability of Islam in these situations did not alter its basic principles.

The present-day initiatives reveal that it is still necessary to trace an Islamic genealogy for concepts that link the past to the present and the future, and offer ways of imagining societies that go beyond a presumed hegemonic universality. Arguably, the limited impact of these projects is due to the fact that they are top-down initiatives that emanate from an elite group of religious scholars, and are sponsored by countries

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and agendas that eventually hijack the concepts that could potentially be used to shape a more positive future.

We have identified two main groups of semantic fields that are closely related and could lead to further studies. The first concerns the individual and his/her relation to territory and belonging: *dhimma* (the legal status of non-Muslims under Islam), *mudajjan* (the legal status of Muslims under Christianity), *dār al-islām* (the domain of Islam) and so on. The second field concerns the individual in relation to ethics and human relations: ʿ*adl* (justice), *istisḥsān* (the public good), *tasāmuḥ* (mutual tolerance) and so on. The latter field has proved to be more contextual, contingent and pragmatic, and is therefore better able to model, to a certain degree, how subjects relate to each other and to the territory and, something even more crucial, how these relations impact political and legal frameworks.

Thus, violence and war were not inevitable outcomes of interreligious contacts. Past and present are contingent and subjects had room for agency by opening up conceptual and societal boundaries without endangering their identities. Understanding this could contribute to a deeper learning that goes beyond facts and figures, and might offset the presentism to which many young people are prone. Approaches of this kind could also inform history educators in their efforts to create more critical-thinking, open-minded young citizens who resist stereotyping and homogenizing discourses.

the Jewish Community and other Religious communities and groups are separate from the state and equal before the law. (2) The Macedonian Orthodox Church and the Islamic Religious Community in Macedonia, the Catholic Church, Evangelical Methodist Church, the Jewish Community, and other Religious communities and groups are free to establish schools and other social and charitable institutions, by way of a procedure regulated by law. (3) Item 1 of this amendment replaces paragraph 3 of Article 19 and Item 2 replaces paragraph 4 of Article 19 of the Constitution of the Republic of Macedonia. (Macedonian Constitution 1991, amend. VII)

6. More than 130 laws, legal changes and amendments have been adopted by 2019 – the eighteenth anniversary of OFA – most of which are laws on non-discrimination and equitable representation (59), while 40 of them are legal interventions in the fields of culture, education and decentralization.

7. Nadège Ragaru (2008: 9–10) notes that DPMNE understood OFA as a 'reward to terrorism forcibly imposed by the international community' during the first post-conflict year, which in turn resulted in a political blockade of 'the reforms included in the Ohrid package'.

8. One of the most prominent artistic projects was 'Komsi Kapicik' – a Turkish phrase depicting a small garden door that connects two neighbouring estates. The door was present in most households, whatever the families' religious denomination or ethnic origins. The door, thus, was artistically reimagined as a metonymy to the history of multi-ethnic and multi-confessional tolerance in Macedonia.

9. An early unsuccessful, initiative to memorialize the 2001 conflict by an ethnic Albanian political actor occurred in Struga in the mid-2000s, when the newly appointed head of the municipality launched a project to erect 'a memorial to the killed municipal councillor, Nura Mazar, aka Commander Struga, an alleged former NLA member' (Ragaru 2008: 26).

10. One of the rare exceptions was the Ahmeti initiative for a meeting of Albanian party leaders on 13 August 2020 following parliamentary elections, which was rejected by the partisan leaders.

Chapter 8

1. We are very grateful to the editors and to Luz Gómez for their careful reading of this chapter and their useful and thoughtful comments.

2. Nieves Paradela Alonso provides a revealing definition of *jihād* based on the classical theories of Muslim theologians: it is 'any effort performed by a Muslim to gain spiritual betterment for himself or a collective benefit for Islam'. The 'greater' *jihād* is spiritual and peaceful, while the 'lesser' *jihād* requires fighting against the infidel (Paradela Alonso 2001: 655).

3. The area under Nasrid control in the fifteenth century stretched from Vera in the East (until 1488) to Gibraltar (until 1462) and then Marbella (until 1485) in the West, on both land and sea.

4. In an edition dated 1327 that later circulated widely, the expression 'shall be treated' (*yuʿamal*) at the end of the text was replaced by 'shall be fought' (*yuqatal*), so producing a drastic change in meaning. Abd Allah b. Bayyah, principal promoter of

the Mardin Conference, drew attention to this emendation after consulting the original manuscript, no. 2757 in the Ẓāhiriyya Library in Damascus (Michot 2011: 145–6).

5. The use of Christian years in Nasrid documents should not be understood as a sign that the Christians were the dominant partner, nor that it was an act of courtesy towards them. 'Christian years' were used to have a common calendar that reflected the difference between solar years and lunar years so that the two sides could reach an agreement more easily.

6. This recognition includes the eight schools of Islamic jurisprudence; the Ashʿarī creed; the 'real' *Taṣawwuf* (Sufism); and 'true' Salafi thought (Bin Talal 2006: xix–xx).

7. *Umma* has the general sense of 'community', which in religious terms usually means the community of Muslims. In the Constitution of Medina, however, the term is not used in a religious sense and refers more to a sociopolitical entity dependent on a legal framework that governs the relations between parties (Gómez García 2019: 388–90).

Chapter 9

1. This chapter is based on a master thesis by Elina Kuokkanen (Master in European Studies: Transnational and Global Perspectives, KU Leuven) (referred to as EK below) and has been edited and updated by Patrick Pasture and Elina Kuokkanen, and includes material collected by Priit Rohtmets (University of Tartu). Special thanks to Angelina Vladikova (URI Europe CC Liaison Officer, Chair of Bridges), the interviewees, and co-editors.

2. We use interreligious and interfaith interchangeably, referring to the dialogue between religions/faiths and between (Christian) denominations.

3. Elina Kuokkanen (EK) attended four events organized by three of these organizations: a visit to a Protestant church in Brussels organized by Coexister, a yearly meeting of Religions for Peace, a meeting of religion teachers and a meeting to plan an event for young people, both organized by Expertiesepunt IDB. She also joined the Quilliam Circle to gain access to their publications and followed two activities by the Quilliam Foundation on the development of Islamist ideology. She also took part in a Facebook Global Digital Challenge in 2018. The Global Challenges are part of Facebook's Counter Speech initiative, and engage students worldwide to challenge extremist narratives by creating content on social media and organizing offline events. The Quilliam Foundation was dissolved in April 2021.

4. The metaphor of the nebula is borrowed from the French sociologist of religion, Françoise Champion, who uses the concept of *nébuleuse* to refer to an undefined whole of groups, associations and networks which are like-minded, not necessarily connected but still recognizable.

5. Here we disagree with Moyaert (2013) and are closer to what Lehmann (2020a) describes as a 'cultural context approach'.

6. Fahy and Bock (2020a) refer to Habermas's concept of the post-secular as a secular society in which religious actors again play an active role in the public sphere. On different (critical) views on the concept see Beckford (2012) and Hjelm (2015). For a creative attempt to interpret interfaith organization as secularization, see Lehmann (2020b).

7. It is important to observe that the claim to hold the absolute truth is common to the main monotheistic religions, but is not necessarily universal. Neither Buddhism

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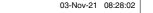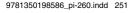
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