
Transcript: The Possibility of Civilization: Islam, the Nation State, and What it Means to be Human

Middle East Action Team, Islam and Religious Freedom Action Team

Ismail Royer: Greetings .. good morning *Assalamu alaikum uBismillah Rahman Rahim*. Greetings to everyone.. who's joining us. My name is Ismail Royer and I'm the director of the Islam and Religious Freedom Action Team. I am joined today by my colleague Jeremy Barker. He will introduce himself momentarily. Today we have the fourth in our series of webinars from the religious treatments to on Islam and the State and today we're really blessed to be speaking with a scholar of Islam, a very learned scholar... on the issue. The point of the series and the purpose of this series is to explore the relationship between Islam and modernity and as a manifestation of the brilliance of the nation state. And today our topic is really going to focus on the threats of the matter. Our previous webinars have dealt with various foundational questions such as what is modernity? What is secularism? What is nationalism? What is the nation state? In previous webinars we've discussed the relationship between Islam and the state in certain contexts such as the ottoman empire, such as in Bosnia and today we're going to take a more theoretical view to step back and look and see what ... whether or not and to what extent modernity and Islam are compatible? And to what extent the nation state does or does not negate certain key aspects of Islam?
So Jeremy why don't you go ahead and introduce yourself and introduce our guest.

Jeremy Barker: Great! Yeah everyone as well mentioned I'm Jeremy Barker and I direct the Middle East Action Team here at the Religious Freedom Institute. And privileged to be co-hosting this series with Ismail. Joining us today, as always, from Sarajevo is Osman Softic, friend and colleague on a number of projects. So Osman, glad to have you here.

Osman Softic: Thank you.

Jeremy Barker: And then as as this Ismail mentioned, our featured guest today is Imam Dr. Khalil Abdul-Rashid from Harvard university, the full-time Muslim chaplain at the university as well as a lecturer at the Kennedy school and the chair of the board of religious life at Harvard and a fantastic scholar of Islam. And so we're really privileged to have him on and let me bring him on. Professor Khalil, thank you so much for joining us today.

Imam Dr. Khalil Abdul- Rashid: Thank you. Thank you Jeremy and *Salam* to Osman and Ismail as well.

Osman Softic: *Salam*.

Jeremy Barker: So all of us have been kind of discussing a recent paper you did for the institute on the Waqf system that ..that touches on a number of these issues but as this model said we're really

looking at some foundational questions so maybe Ismail do you want to start our conversation with an opening framing question for professor khalil to get this going?

Ismail Royer: Sure. I think that... I'm going to throw to you the widest possible question here and hopefully you can elaborate on this. So the question really I have is to what extent our modernity modern nation state... to what extent are they compatible with Islam? There's been a lot of discussion and a lot of focus on this in the academic world as well as among Islamic scholars and people in general. This transformation of you know from the old order to the current order you know with the dominance of the state, the disappearance of mediating institutions between the rulers and the people, the elimination of institutions like the Waqf you know and the Shari that was administered by ulema, the elimination of the "millet system" all these transformation... and the creation of the social citizen. All of these transformations are drastically different from the pre-modern order, not only in the islamic world but also in the world in general. So because so much of our Islamic statecraft and work on that was related to that pre-modern context, Now there doesn't seem to be much relevance when we go back to those previous times like the writers like Malwatergy and Brazali and Ibn Khaldun and so on. We seem to be in new territory and it seems that modern Islamic scholars... contemporary sunday scholars don't have very much to offer in the way of trying to explain how we relate these Islamic institutions to contemporary times. There just doesn't seem to be a connection. People like Mufti, people like Yusuf al-Qaradawi, people like Abdullah Ibn Bayyah, all have different sorts of visions for that and yet somehow in my personal opinion these all seem to be somewhat unsatisfying. So, I would like to ask your opinion just to share your expertise with us on this broad subject and really anything you can say about that will be really enlightening and fascinating to us.

Dr. Khalil Rashid: Thank you. *Jazak Allah Khair*. You know it's a huge question and a very very important question, think, to think deeply about. And you know, the issue of whether or not Islam is compatible with the modern nation state requires an understanding of not only Islam and not only the modern nation state but where the fault lines exist in and where they both meet. And this requires a very good understanding of the nature of illamic history and the contemporary world. So you have, for example, folks like you know professor Wael Halaq, for example, who talks about the the incompatibility of the state the modern nation-state system with Islam because of what in his opinion the project of the modern nation state and what it's trying to do and it's being it's basis foundation european enlightenment versus the project of the sharia and what it's trying to accomplish vis-a-vis.. kind of citizen the kind of individual.

You have other folks that take a more modernist or more centrist approach in looking at a few concepts of governance within Islamic law and then trying to Islamize those concepts, right. And this is not a new phenomenon. I mean this goes back to you know Al-Tahtawi and Rashid Rida and many scholars in Egypt who were thinking about this back in the 8th in the 19th century to mana scholars of today. I think about this a bit differently and I think we have to understand that not only the difference between if we put aside the discussion the academic discussion about what a state is for a second and just talk about .. use the term state as a as a simple reference point about governance right a model for governing right. Let's just keep it simple for now we know that there are technical definitions about what a state is? and how that difference from what an empire is etc? Put those things aside for now. Let's just talk about governance and governance structure and authority. What we find is something quite interesting right is that the Islamic world if you look at it as if you were to take a sort of a graph and write a map and map out the trajectory of the illamic

world from let's say the Omegas up until the Ottomans right. Let's say from the seventh century or from the eighth century up until the 19th century. What you would find is a very interesting trajectory. You would find first and foremost that in the mid ... you know first of all beginning even going back to the prophets era there were two major establishments that where governance occurred right.

One was the mosque which had multifunctions right the prophet's mosque in Medina functioned not only as a prayer space but it also functioned as a kind of public square in the sense that you know meetings .. public meetings were had where what took place there.. entertainment took place there and i'm recalling incidences during this Eid celebrations where there was entertainment in the in the mosque for example ..much might like the way a parade might be today in the middle of a city that when there were political delegations to visit the prophet they met in the mosque today if you were to go to the prophet's mosque there's still a poll there that's actually labeled.. the poll where were delegates met with the prophets the label is still there in the prophet saw.

Most people don't notice it but it's still there today. I mean it's we know specifically where people sat, where political leaders, tribal leaders coming into Medina sat to visit the prophet (*ṣalla'Allahu 'alayhi wa-sallam*) *Peace and Blessing be Upon him*. So the Mosque was one institution.. it was like the capitol building.. it was like a public square.. it was also a prayer space..it was a place for adjudication that was one space. The other space interestingly enough was the marketplace right. The Marketplace in Medina was where all the economic activity was, it was where the entrepreneurial activity was, it was where the development of a business class, a bourgeoisie class., we don't like the word bourgeoisie but that's exactly what we mean, a merchant business class that was in reality separate from the political class what we would call the state apparatus, right. Now as a side note but also a very interesting note, the prophet in his times *peace and blessings be upon him*, put folks in charge of both. And so when he was gone, for example, we know Bilal was in charge of the mosque.. we know Abdullah Ibn Maktum, blind man, was essentially head of Medina, served as governor of Medina. In this time of the prophet when the prophet left it was a person with a disability who was in charge of the state and the prophet also put a woman, her name was Shifa Abdullah in charge of the marketplace. So, this is a woman who the prophet appointed as governor of the marketplace in charge of inspecting the market, all contracts went through her office etc, right. So, appointed the first woman secretary of the treasury if we would call it today right.

Those two institutions the mosque, which had a multi-purpose institution function, and the marketplace came into the islamic government system but then had very different trajectories in the mid 8th to 11th century. I'm not really fast forward islamic history but this is very critical to understanding the answer to the question. From the mid 8th to 11th century we had what we would call today's separation of powers so you had the executive running the office you had the judicial the scholars Ulma the that were separate from the political establishment separate from the state ... and you had the the market merchant, the business class that were separate from the state. The economic activity occurred separate from the state.. the legal of a philosophical intellectual educational activity occurred separate from the state and then you had the state bureaucratic apparatus that was independent of both as well. However, you did have patronage during this time ..the ambassador time .. you had the production of intellectual minds you had the patronage of education ..that's why you have the growth and development of philosophy of monuments and architecture and art and pottery all kinds of designs and discoveries and the sciences and medicine and that's when you know the the famous the book that's out today "One Thousand One Inventions" chronicles that period in its lab.

After the 11th century you have .. the you had the trajectory that contributes to the challenges we see today. So from the 11th century the muslim world took a turn in the direction that set up a long-term cultural philosophical and political foundation that we are struggling to get rid of today or to change today and that direction which is very important for us to understand is three things. Number one, a hierarchical system, a social hierarchical system... which we still have today where individuals at the executive .. the Sultan in the folks in the palace they're at the top of the hierarchy.. they're at the top of the pyramid .. underneath them is the military class okay the military class .. underneath them is the scholarly class and underneath them is everybody else .. and underneath everybody else are merchants in the business class. This is very important ... this is a hierarchical pyramid that was discovered by the cell jukes in the seventh century but was not islamic in its roots nor was it any cell chunking fruits either but was from the old Sasanian empire from the persian empire the way they did governance. Their governance model ...the persian sasanian governance ..model was imported into the celtic dynasty which then became exported to the Mamluks he ..became exported to the Ottomans ...became exported to the safavids empire. A hierarchical social system developed in the muslim world that we are struggling to get rid of today where at the top you have the ruling class and underneath them you have the military, right which we see vestiges of this today in many muslim nations as part of the State . And part of the military connected to that class is the scholarly class i.e the ulama state alliance and then under that is everybody else and then underneath everybody else at the bottom uh is the entrepreneurial merchant class right the idea that a merchant class an independent separate merchant class is a threat to the political establishment. That hierarchical model which became known in classical islamic teachings as dean and the dean and dola model that became enshrined so to speak in the celtic way of opera in their royal operation way society was structured. It became exported to the ottomans, the mamluks before the ottomans so it became part of the social structure hierarchies between in the family hierarchies in the society etc. This is the first thing that became part of the establishment um of the imperial trajectory of illam of muslim empires that's having an effect on us today regarding modern statehood and the compatibility issue Can we decouple our notion of hierarchy particularly the idea that the military class is above an intellectual quality class and particularly with the degradation and the lack of emphasis of cultivating and developing an independent separate business class so that commerce, finance, banking, investment, and economic infrastructure occurs separate of a state policy where you have actually free individual markets that grow and develop cetera. This is the first piece of the puzzle.

Second piece is this idea of Ulama and state alliance, the idea that scholars were allied with the state and therefore ...because you had state and scholarly alliance ..although we know in you know the islamic literature the legal literature is full of you know warnings against this right .. full of warnings against scholars showing up at the doorsteps you know of the rulers. In practice, however, there was strong earlier Ulama state alliances you know all through islam even till today right and that had its roots in the ever dominating atmosphere of ..sectarian divisions right ..which it the sectarian divisions which have plagued the muslim world from the time of the Fatimid Dynasty the time of the you know the ambassadors having two caliphs at the time that there was Fati Ibn Shia caliph as well and the desire to want to strengthen sunni orthodoxy against the threat of a rising shia imperial dominance. There was an alliance that was needed to be created between the sunni ruling elites the ..ruling authority and political authority .. and the Ulama state in order to enforce what would be orthodoxy in the educational madrasas. For example to teach and define what was orthodoxy? vis-a-vis what was heretical teachings against for example against the shia so, you had imperial projects to bring Ulama into the fold under.. the auspices .. and the photo of he palace ..under the auspices of

trying to create Orthodoxy- to galvanize the people against this threat but what happened was in many cases certain Ulama were began to be paid by the palace endorsed by the palace, revenue streams to become shared between the military and madrasas so you had imperial madrasas, you had scholarly positions that were paid which led to judge very lucrative posts as judges in the empire that were sent across to different places etc.

So because of the Ulama state alliance which occurred post the Seljuk dynasty after the 11th century 12th century also there was at the same time remember globally there were this there was the crusades at this period as well and so there was not only an internal battle between what was Islamic what was not Islamic. There was also an external battle between the the muslim empire and the invading christian armies so there was a real desire for an alliance between the scholarly class which was attached to the public and the ruling class which wanted to be seen as legitimate in their desire to defend islam, vis-a-vis foreign invaders for example right.

So the Ulama state alliance point being was created on both sides of right in, both in the sunni imperial islamic history and in the shia imperial Islamic history and this sets the foundation for a very long term precedence which was very problematic ..which struck at the very core of the separation of powers because once you are co-opted intellectual and educational ..pedagogical apparatus is co-opted by the state you, you're in the name of orthodoxy, right. Then at that point education ceases to be academic, at that point education ceases to be truly intellectual and you become the parrot that simply parrots precedence and intellectual activity stagnates in the name of national security, in the name of public stability et cetera, right .And so while at the legal level islamic law developed in a very robust manner. It was because islamic law wasn't was patronaged by a desire to further crystallize orthodoxy and to further align proper thinking to stabilize the empire and to stabilize the community as opposed to thinking for the sake of thought and the reproduction or the production of intellectual dynamism to allow for creativity. for in industrial ingenuity in all segments of life. So Intellectual creativity occurred in the legal realm but there was a stagnation in the in other intellectual realms right ...which brings ..which continues to today in many places if you look at the academic educational numbers and statistics for even literacy in much many parts of the muslim world let alone educational levels it's very poor which brings me to the third and final point that I that that is necessary to understand connected with all of this is the third pillar and the third pillar was the decision that was made through the Ulama state alliance post seljuk right. in the Celtic time but really right after the fellowship dynasty in other words 12th century forward.. The decision that was made to that as part of the muslim social intellectual and cultural fabric that defined orthodoxy sufficient would be considered uh normative and proper whereas philosophy would be relegated to the margins, right. So the practice of Sufism which began to be h fashioned by Tariqa, sufi orders, going be very popularized if we even began to be welcomed in in different parts of the palace every scholar what had to be part of a sufi Tariqa, a sufi order, in the empire it was something that was normative and exceptional and fine but philosophy was not right philosophy was regulated and sufism became the philosophy the language of sufism became the intellectual tool that was used. So if you wanted to talk about the mind you had to talk about the heart and it was the search for not only a purified soul but it was a search for in for us for hidden knowledge that was more in that was based in more introspection that was not a threat to the ruling class ..that was not .. because people weren't engaged in think and rethinking about their society in rethinking about norms about the new norms as it relates to politics and economics people were thinking about the self their own self they weren't thinking about the society so but when you think philosophically and abstractly then you start to think about the way you live you start to think about the norms around you writings such as Ibn Tofeel work in andalus his high ibn Yaksan where he talks about in his writings the danger of

institutionalized religion. What happens when *deen* or religion becomes institutionalized? The institutionalization of education.. the institutionalization of everything. That's what it (*didn't get the name*) wrote about. Ibn khaldun, for example, writes about the dangers of that ...not just dangers.. of political and royal office, but the fact that they will decry the dangers of a harsh taxation policy and the pride for the need to develop a strong business, class a merchant class that's allowed the freedom to do what they want in the marketplace to earn extra income so that the standard of living of everyone rises. Those kinds of works were not part of the central teachings in the madrasas where everyone had access to information.

On the contrary, everyone was routed in the direction of spiritual cultivation which is important- which is proper - which is part of the islamic tradition no doubt but that Sufism at that time was also hierarchical. It also involved allegiance and dedication giving up the self to the hands of a particular Sheikh who was very hierarchical and Sufi Tariqas in that time were known and authorized by the authorities. It was another way to exert control over the population, control over different groups institutions emerged around sufi orders. For example, we know even the military and the Ottoman empire adopted the Bektashi order, the naqshbandi Sufya order became associated with the palace as well as many elites in the city. Sufism became a normative practice that was part of bringing in members of society into a controlled environment that engaged the public but also was hierarchical and authoritative In controlling as well. Nonetheless had a function, had it was part and parcel of our *deen* {religion} but it was also instrumental in controlling the population now. Nowadays for example, we have a very different take on sufi orders with modern muslim states but the vestiges of these three things of hierarchical social society the vestige of the ulama state alliance right and with the hierarchical society is the co-opting of... the military the prioritization of the military, a militarized state, so the military state the hierarchical state the Ulama state alliance and the favoring of a society that is more engaged in stock revolution as opposed to societal revolution and intellectual revolution. Those are the three vestiges of Islamic history that we are dealing with today.

Therefore, my dear brother Ismail, going all of this culminates in your question about compatibility. Can muslims today deal with if you think about the question of revolution the the issue of the Arab spring comes up right. So the idea of personal revolutionizing the self is no longer a major issue when you think about it at the societal level across societies. People are constantly thinking about their governments, their economic conditions, what's going on, they're looking at other states and other places that have revolutions civil war this is the first thing. The second thing is one of my state alliance do we see in this indications of this today absolutely even in states where there is a secular constitution or end in states where there's a democratic constitution regardless we still see vestiges of an ulama state alliance. And Third is the hierarchical issue can muslims today states today deal with the issue of hierarchy in the face of a growing call for equality. If those three issues are dealt with then compatibility is solved in my view.

Ismail Royer: Okay thank you very much for that... really really valuable survey of history and concepts. So, I wanted to follow up on that we have a, or at least I have, an impression of pre-modern islamic history, where you know and no doubt it's idealized and you know somewhat you know idealistic but we have this picture of the or the as being mostly or at least relatively relative to today mostly independent notwithstanding some periods of more or less you know.. co-option but we don't see, we don't imagine, we do not look at history the historical situation as being like what it is today where are actually mostly either employees of the state or prison or marginalized somehow. We think waqif .. of the waqif system as sort of financing an Independent system. We think of the judiciary that was administered by Ulama the as being somehow separate from those of theand

we also notwithstanding the hierarchical structure that you mentioned we also look to periods of in notwithstanding the institutionalization that you mentioned where there's manipulation. let's say like pushing in a certain direction by the state of the Ulama thought. We nevertheless see massive dynamism and productivity and vibrancy and creativity from the Ulama and that seems to sort of peter out in the early modern period. The last gasp of islamic scholarship being people like Ibn Abedin or Ibin Ashur or people like that. Then after that it seems to just sort of peter out. There's really no one like those people today ..so even notwithstanding the history that you mentioned .. and then we have like the codification of the tenzi mod. We associate, or at least I associate, the modern period with the tens of net reforms and then the successor states without an empire with these terrible sort of tyrannies that we discuss. So what changed? I mean notwithstanding the history that you talked about it seems like something changed. What was that? what's the distinction?

Dr. Khalil Rashid: It changed in regards to?

Ismail Royer: Well it seems like something, notwithstanding the historical sort of similarities that you discussed in today's modern sort of contemporary crystallization of this stifling structure being totally captured by the state and so on. It seems like there's something that is different today even notwithstanding the history that you discussed and the limitations but yeah dynamism that doesn't exist.

Dr. Khalil Rashid: Well, in the legal realm of the sharia there was incredible diamonds, incredible intellectual progress, incredible activity because they were part and parcel of hey were part of the recipients of the attention because of the need of the political class to assert authority over orthodoxy ...and to get the justification and the approval of of the community and the people. So the scholarly class was not all paid for by the government but the institutions that produced them were sponsored and were part of the patronage just like the military class was. For example whether it's in Egypt or Syria or Jordan or in the Ottoman empire, if you're in North Africa, the major madrasas had major scholars. Just think of *Wazali* for example, in the nizamiye. The mizamiya was a system of confidence across central Asia. Its corresponding sister institution was the Hanafias which is a corresponding system of educational institutions- same thing in Egypt as well with Azhar, which originated in the Fatimid era actually as a shia institution and ... then after Salah al Din it still had its affiliations. Major institutions required major support, major funding. Now the Al Qaf , they flourished during the time of the luke's and the ottomans. They off flourished during this time period and there were many many different kinds of Al Qaf. This is another area of communal and social flourishing, where people invested in charity as a means of investing in their afterlife. Now Al Qaf were fundamental in developing a conscious citizen, if you will, that was interested in the well-being of their fellow neighbors and their fellow community members.

Now you asked what changed? Well, I think the questions is before that didn't change. What did not change was the fact was the focus on prioritizing military needs over intellectual needs and over economic needs. And that is what didn't change even till today. If you look at you know in the modern era and the birth of modern nation states in the muslim world, many secularist leaders were former military officers who acquiescence to socialist or fascist ideals. You think of Turkey for example- The birth of modern Turkey - Think of Iran for example at this time period.

At the birth of the nation state or the modern state of Egypt, Iraq, Syria, Tunisia, and Algeria ..think of Indonesia for example,.. Pakistan is another example. All of these states were for secularist leaders who had a military background. The prioritization of the military, that did not change butw ith, that

the idea that to come into modernity to develop a modern state. required authoritarian ideas- hierarchical authoritarian ideas state control over the economy state, control over the education state, control over society. And the use of Islam as a label to legitimize a regime that playbook is the same as before that doesn't make political leaders non you know anti-islamic that just makes them political, it makes them invested in the military strategy so that didn't change.

What did change is the fact that number one, you had a great in the modern era today ..you have a better educated populist that number one is, in different parts of the muslim world, concerned about social well-being and education and the economy. Number two, through the Arab spring which, in some cases was successful and in some cases many cases failed and in other cases still work in progress. The idea of a revolution is a different state is still a work in progress.

What changed is the fact that rather than focused on a purely legal approach to thinking about the state and governance. Now muslim populace and muslim communities are more thinking more holistically about this as well. No longer is a discussion purely about should the constitution be a hundred percent sharia compliant or fully shuttered. People are thinking about education... they're thinking about health care... they're thinking about status in society.. they're thinking about human rights .. they're thinking about an array of issues that animatch their lives. There I think, there's more of a desire, in my experience down in my conversations with folks in readings and discussions now, to think more deeply about the way the prophet did things as it relates to governance, somebody with something (*peace to pleased upon him*) because the first state in Islamic history was Medina if you think about it. The first state the first governance was medina and the prophet instituted (*peace and blessings be upon him*) a charter or a constitution where there were equal rights given to members of the society of the state, where there was an agreement about how laws would be adhered to.. there was a recognition of of rights and equal rights to persons, there was a final authority, there wasn't a notion of borders, there were people were given a right to exercise protection to folks who asked for protection. The prophet was concerned, also one of his first acts as the leader of Medina, was an act to protect the public health where he drained the swamp that was collecting mosquitoes which was a contributing factor to disease in Medina. So a concern for public health, he put a physician, a well-known physician, who was a woman in charge of the marketplace. After all her name was Shifa, the healer. So the idea of public health, the concern for public health, public well-being, all of these things are part and parcel now of renewed discussions about what a state is as opposed to just a legal discussion about what a state is. I'm not saying right or wrong, i'm talking about what changed. Change legal discussion to a more sociological discussion about what a state is. That's what's different today and that has happened through revel calls for revolutions through calls for economic change all kinds of calls.

In pre-modern islam, you only had a legalistic perspective of the state, sort of 50 juridical discussion of the state and as the state bureaucracy grew, the legal system grew. One of the things I used to tell my students who would study islamic law with me in the past was that there's a big difference in studying the islamic law of this of the Shafi school for example, the Shafi legal school, versus studying the fifth the islamic law of the Hanafi legal school. I was trained in the Shafi school in yemen and in the Hanafi school in Istanbul. The biggest difference between just within those two schools is not how to pray and how to fast these differences in interpretation. The biggest difference you see amongst these two schools is the way matters are thought about. Because to study Hanafi school is to study in imperial school, law becomes bureaucratic. Now all of sudden you have to think about the application of things in different regions and new populations with ever-changing economy. In a Shafi school that never had the luxury of being applied in the imperial sense, thinking is there, intellectual diameters of dynamism is there, but there it looks different. The

common approach is that it's all legal. You don't have public health discussions there, you don't have so other aspects of sociological discussions that are there. That's not a defect in the law, neither is a deep defect in the legal thinking, It is a evidentiary of the fact that the law was tied to the growth of the development of the state itself in the political class. Also tied to the military , as being tied to a larger set of social what we would call societal development. So that's what's changing today in our discussions and development of the state.

Osman Softic: Professor khalil if I may jump in your fascinating scholarly article on the role of what and history of this Slamic central feature ..of islamic history and civilization,. you seem to be saying that the islamic civilization basically would not have been possible without the role of Waqif. So you're talking about different phases of the Waqif and in the end your conclusion is that you're calling for a revival of the Waqif system. Would you be able to elaborate a little bit more on this because I don't think that everyone's read your piece on what I think it's really important so if you could just elaborate more on that.

Dr. Khalil Rashid: Yes. Thank you I believe that the Waqif system is one of the finest civilization legacies of islam and the islamic tradition. I think there are other beautiful aspects of the civilizational legacy of islam, one is the legal aspect but I believe the Waqif is the finest production. Number one, the best historical evidence of such beauty is the Ottoman legacy, the Waqif in the ottoman era but it is not the only one in the Mamluk era as well in the Sfavid era. I didn't write very much about the safavid arabic but what I was trying to do in the article is present the growth the development and the maturity of a true aspect of muslim society t..hat number one - lourished beyond geographical borders in profoundly creative ways which was evident and is evident of muslim creativity as it relates to something as humanly common as charity. So, thinking about the diversity in charity is profound.

Number two it's one thing to be charitable by giving to the poor it's another thing to establish institutions based on charity that became the bedrock of islamic educational systems i.e the madrasas, became the bedrock in many ways that supported a marginalized but nonetheless active merchant class. It was the soul factor which, from a non-ritual worship, from a non-abandoned point of view, from a non-worship point of view, was an equalizing component between the ruling class and the ruled class- between the palace and the and the populace. In other words, members of the palace could establish a Waqif and members of the populace could also equally establish a Waqif.

They were both given the same legal weight, so a Waqif established by a farmer had the same legal credence and legal weight as an endowment or what if established by the sultan or the sultan's wife or daughter. They were both looked at equal and Al Qaf and Waqif that were established by christians under muslim rule, and jews under muslim rule had the same legal authority as endowments and welcomes that were established by muslims under muslim law. So as an institution, it's the only institution that was not only completely and equalizing not geographical and not only authored and produced by men and women and children and ruling lead- but it was also the first institution that was targeted by colonial powers for destruction. First Institution that as collective muslim society I think. It is a most powerful institution. There's a really beautiful example of this about a young man, a young boy who was in the streets Damascus and he was carrying porcelain plates to take home and he drops the plate and breaks them and he's sitting on the side of the road in damascus crying and even batuta who's there traveling at this time observes this notices this boy. he notices a a person in the street who stops, even the batuta writes about this, the person stops and asks the young boy what why is he crying and the boy points to the broken plates

that he was supposed to take back and now the person who he was giving them going to give the place to is going to be very upset and might beat him as a result. The person feeling compassion for the strange child who's just broken force in place tells the child to pick up the pieces the broken pieces, go down the street and turn this corner and go to this place and present this place with the broken pieces. The boy does that and even batuta follows the young man. He follows him to see what's going on and when the boy reaches the place he goes to the door the caretaker opens the door the boy presents the place. The caretaker takes plates inside ask the boy to wait and batuta writes about this. The caretaker comes out with a brand new set of porcelain plates, gives it to the boy and sends the goat for free. Btuta says what's going on he said this is "this is a Waqaf" whose sole purpose is to provide new porcelain dishes to different houses when they're broken. So, that young servants will not get beaten and will not get harmed on the way. The servants were transporting dishes and they knew the hazards of transport dishes might get broken. There was an endowment established because somebody cared about not just not the dishes but cared about the young children and the servants that were trapped and established it out of that care. It's a testament to the hearts of the of society and particularly muslim societies that were concerned about the well-being of people. They didn't know about and cared enough to established long-term institutions that were funded for the well-being of not only themselves in the afterlife but they tied their well-being in the afterlife to the well-being of another in the worldly life. That is a unique institution although you have charitable foundations , and charitable institutions all over. You have examples of charitable endowments in christianity no doubt in the history of judaism- no doubt even in far eastern cultures and Buddhism - buddhist civilizations, hindu similarities, without a doubt even in the zoroastrian tradition - charitable endowments do exist but what you don't find is the breath, the degree, the diversity, and the equality and the longevity of such institutions - and the diversity in their approach. So much so that we know the overwhelming majority of geographical real estate .. and we know how valuable real estate is.. was designed to be for the purpose of charitable endowments. On one hand people talk about the fact that the muslims civilization could have developed the foundations for a strong market economy. The Prophet was strong and a successful merchant. Many of his companions were successful merchants.

The principles of islam were very compatible to what we see today in terms of free market capitalism, the idea that there's no limit in terms of a profit that you can make, you can buy, and sell. There's prohibitions against ribh {profit} but you know islamic contracts verys sophisticated et cetera. The ideas of the modern corporation are taken directly from the system of Al Qaf . So there's a very interesting dynamic where the western european world through italy when they and the Genovean sailors and merchants when they encountered muslims. what they took from the Waqif system was, interesting, a way to develop what we call today the modern corporation and the modern university. What the muslims took from it was not the modern corporation but was a system of charity. What's very interesting western capitalism was born from the genvian encounters with Awqaf in Egypt. We know this as a historical fact, their books written about it.

The modern university took the same awqif system but they copied the madressa system became the university but more importantly corporation was developed based upon the exact same model but instead of corporation and corporate endeavors the muslim civilization continued in the mode of charity. It stored up all of this wealth and distributed it internally amongst marginalized communities and families rather than having a vehicle for investing in the pockets of investors. It went in a different direction. it stored up allowed wealth to be distributed amongst the muslim community in profound ways so that poverty, of what we can tell historically, was not a major factor in the muslim civilization. That does not mean that they weren't poor people but the systemic poverty we see in

today's, in many cases of muslim case muslim states today was not the norm in the time. Awqif hat you had outcast because of the existence of awqif people had the ability to have their basic needs met did not have a reliance on the state. This had a profound effect. I think it's a fascinating and one of the most beautiful aspects enduring of this muslim society that we have yet to revive fully today and that we should think deeply about ways to do that.

Jeremy Barker: Well, I want to perhaps pick up on some of that. In this you have pointed to the Dynamism, the equality, even the dignity that was at the heart of the Waqif system. Some of the legacy of what's been lost as that's been decreased and replaced in many ways with an expansive state that provides services education and yet if we jump to the present and look at the streets of Baghdad or Beirut or even Algiers and these large-scale protest movements that are reflective of a failure of the state to deliver on these promises, of employment opportunities, education, and these kinds of- what seems to be a breakdown from between the elite then and the virginian youth movement. Where would you begin in seeking to revive some of these principles in the contemporary world Charity movements.. something I've looked at in particular in Iraq is the way that religious based organizations have responded to the humanitarian crises but they are not active participants in meeting these needs of internally displaced or refugee communities. So there's something there but where would you point to as we look at the contemporary Middle East in particular for taking steps to revive some of these institutions.

Dr. Khalil Rashid: That's a very good question. You know Jeremy I think the world is at different stages now but I think collectively they're still the 20th century, let's put it like that. The 20th century has been a very traumatic century for the world, given all the the wars on the economic devastation but definitely so for the muslim world. So the muslim world is dealing with a century of war and also at the intersection of internal discussions about what change could and should look like. I think one of the things that's necessary is we have been conditioned. When I say we, I mean the muslim world. I don't make any judgments about whether these things are good or bad. I'm just posting a claim here that we have been conditioned towards authoritarianism- conditioned meaning by the patterns of history. So much of the muslim world is ruled it suffers from authoritarianism and that authoritarianism has roots in a sense prioritization of the military. While at this state control, over resources and the absence of diversification of resources. Wealth has not been diversified enough in some countries you have giveaways the way wealth to its citizens but when you have a lot of giveaways and you don't give back in various ways is a citizen that is paid to love their government but really does not have an allegiance to it or suffers from a limited allegiance to it. So this goes back to halaq's question, right Jeremy? The state, as an apparatus, wants the Individual contributes to it. I don't know whether it demands it. You think of the American context when there's a pledge of allegiance to the flag for example. I went to public school and this was something we did every single day. The physical structures that remind you of its allegiance to it. So if you think about in the American context for example, the Statue of liberty, there's a symbol there it has very symbols that have meaning, that galvanize the public to support the state, Independence days etc.

The Muslim world has copied and pasted that model to a certain extent, but as a as a population- islam as a tradition- seeks to take allegiance and reorient it in a different direction. Certainly allegiance to a concrete thing is problematic in an Islamic view, that's a form of idolatry. Allegiance to an abstract entity is to be solely devoted and therefore as Halaq mentions islam is incompatible according to Halaq with the state because islam teaches the person to develop an elite and therefore

independent of the state, independent of any kind of force or mechanism that seeks any type of means of coercion to force coercion that is antithetical to islam. Halaq has a point in the sense that islam on its own terms is antithetical to external means of coercion it teaches a person to grow up and be themselves and do for themselves and to put on their breaks if they to speak up about it you don't have to wait for somebody else to speak up about it. If you know something's wrong you shouldn't do it yourself if you know something's right you should do it yourself. That's what's right and what's wrong independent of anything else as an extension of one's allegiance to the divine to god. On the other hand, the state wants you to conform and if you don't conform then there's penalties there's uh sanctions etc. The state the state has external means of coercion, so they have police apparatus, they have military apparatus, they have secret police apparatuses, surveillance apparatuses fines for not conforming jail time etc they have different kinds of apparatuses to make sure that one conforms.

One of the interesting things that is that the moment that islam, as a belief system, becomes co-opted by the state is the very moment that islam itself becomes authoritarian and violent. We see this with cases where there are cases or states of muslim quasi-religious figures or pseudo scholars who come into state and political positions. And we see the most extreme cases of ISIS for example that justified their atrocities in religious and acclaimed religious rhetoric. Nonetheless authoritarianism is a problem that needs to be fixed and the problem of authoritarianism has find the root of it hierarchical system and the state monopoly of economic resources which then produces a citizen's that doesn't have to become educated so much, doesn't have to develop so many skills, doesn't have to become entrepreneurially creative, business class is not needed, one just has to conform.

That model today is slowly becoming irrelevant so what needs to happen, I think, one is there needs to be a rise in commercial and economic activity independent of state control. They're not there must be the rise of a business class and economic interest that emerge where financial resources are not fully in control of the state. Two, the use of those financial resources should be channeled into better development of the of not only the economy in muslim countries but also in the well-being of the muslim community themselves and where they live and this occurs through Al Qaf. If you want to revive Al qaf you really have to revive entrepreneurial activity and creative business. You have to create an intellectual diverse business class of men and women in the society where economic activity begins to be independent or let me say entrepreneur entrepreneurial economic activity becomes independent of state economic activity. We're not talking about the elimination of state economic activity, we're talking about there needs to be a rise in other players where are the googles in the muslim world? where are the apples in the muslim world? Where the microsoft in the muslim world? I am not saying exact equivalence but i'm talking about creative intellect. Where the industrial leaders in the muslim outside of oil, outside of weapons. Where are they? There is not enough research and development but you can't even talk about research and development unless you talk about education. You can't talk about education unless you talk about independent economic well-being. Remember the prophet's model was the mosque and the marketplace. IT was not just the mosque. It was the marketplace too and the prophet laid down the rules of the marketplace and then put it in the hands of a woman. Don't forget that's a historical fact. He said no interest, he banned interest basic rules of contract. He also said two things the there was a desire to limit prices in the marketplace and many of the business leaders came to the prophet and said we need to fix prices and the brother said the ultimate price fixer is gone. I will not limit prices. In that sense it was a free marketplace. People suffered the loss and the benefits of the market in that sense. So they could not engage in usury and interest but they could that they were they were

subject to the the forces of the market which allowed for creativity and development and it worked so well in Medina that in the khilafah in the time of the khilafah of Omar. We know Omar put a woman in charge of the marketplace in Mecca. That's a historical fact as well. I think her name was Sumaira but that's a historical fact he put a woman in charge of the marketplace in Mecca because of the success of the marketplace in Medina. We know Mecca was a stronger commercial center than Medina was. Medina was an agricultural center but it became a commercial center through the minds of a brilliant woman who was a physician but also very skilled. Her skill was literacy, Shifa. She could read contracts. She learned from the prophet about what was lawful was not. He put her in charge and then Omar did the same thing in Mecca, in his Khalifah.

There was a cultivation of the market of an independent entrepreneurial activity that we've lost that we must regain. Once that's regained then people can invest in their own neighborhoods and invest in their own community through Awqaf off they don't need to rely on government subsidies or government handouts or bailouts and bribes etc. Then when you have a citizenry that can invest in their education, in their communities, economic activity starts to rise then you have a citizenry that can engage in their governments differently you can think differently about that because they'll also have a financial stake in the success of their country in a way that's different than the stakes they have now. So I believe that we need more independence economically. I am not an economist but I know I'll be the first one to say that but there is no way you can deny the power of historical precedence of the market and the cultivation of the market by the prophet who was a merchant first before he was a prophet and how that piece has been severely neglected in today's time and how it is central to the reviving of Awqaf and the endowment and the care and the well-being that muslims can take in their own communities. We have too many cases where muslim populists are dependent, too dependent on the governments. Look at Lebanon, that is not a fault of the people but now we have a crisis that demands new outcomes, new thinking. Thank you.

Ismail Royer : Thank you so much. I'm thinking out loud here. I'm thinking as we go because we've sparked a lot of thinking. Through our webinars that we've done and also in some readings that the state itself the modern state itself necessarily subverts religion to be a component of the nation rather than some transcendent principle around which government and life and everything else is ordered. So I wonder if sort of is there not something first of all conceptually incompatible with contemporary state. For example, we look at Pakistan, we look at Egypt- two very different countries but both of them say islam is the official religion but i've heard the objection that this itself presumes that the state has the power to say what is the official religion versus what it's not. In other words if they would shape what they wanted to they could change the constitution tomorrow and they would no longer be the official religion whatever that means and so that's an example or an illustration of how the state actually subverts. It is just like a certification of the Ottoman empire of Islam as a prominent identity.

Now I wanted to also ask about how the state as sort of most important thing in our lives compared to God, compared to Allah. How that practical purpose might impede the type of revival that we're discussing or renewal so for example in the Arab spring which you refer to. I mean it seems that people are looking to govern where the type of solutions that you're talking about. People are not sitting around thinking how can we revive the islam civilization? how can we create this sort of economy that you're discussing independent of the state. They're there for these sort of solutions. You have for example i'm not going to put you in the position of commenting on various movements and so on. I raised this as muslim brotherhood. Their thinking in their practice has been to capture the state right as the means of.. We saw the same thing with Iran on perspective.

So the question boils down to this - number one is there something inherently conceptually about the modern state that we need to move beyond in order to effectuate the type of bible that we're talking about. Second of all, aside from conceptually, we just have this sort of framework for this sort of dependence where we're on the apron strings of the state. it's almost like impossible by the way. I would split a group of men from the Middle East and North Africa giving them advice on how they could sort of implement a more free religious state type of relationship with their countries. You have said that you've got to get away from the notion of being employees of the state and we are in the blank stairs because every single one of them were employees of the state. How do we get beyond this?

Dr. Khalil Rashid: Year It's a very good question. I don't profess to have the sole solution to that but what I may offer is maybe some food for us to chew on and debate and talk about and even to reform. I think, number one, Islam does not as as in the quran specifically has in it principles of governance. The Quran is silent about which form of governance so one could not say one particular form is totally islamic and another particular form is less islamic or what. Governance is the key and then some certain principles. Number two, the prophet's point was about rights and responsibilities. Islamic history is full of cases where muslims - well first of all from a historical point of view and a pretty modern point of view - muslims have always lived with non-muslim and so we've always had diverse populations and muslims have lived under non-muslim rule for a very long time. If you think of most recently, The British Empire for example - and non muslims have lived under muslim rule.

Today, however, we have states that lack, I'm talking about in the Muslim realm, we lack diversity. We've lost and that contributes to a loss of tolerance and a type of ignorance as well. It can have that effect even amongst other muslims.

One of the things that we have to think about is to what extent has living in a nation-state that has unified folks along a particular racial or ethnic and linguistic line deprived us of our ability to think broadly and diversely because of the beauty of diversity is that it opens you up to different modes of thinking. If you lack those encounters, that diversity over the long term - you don't live with different people, it lessens your exposure to broad ranges of thinking you get exposed to thought but that thought tends to be reproductive of the same kinds of thought patterns that have been imported that have been placed in the communities.

To a certain extent, it requires thinking out of the proverbial box which is why I like to see that. You know in Hajj, we go around the box. We don't go inside the box to remind muslims we need to be thinkers outside the box.

For example, whether or not you have a constitution that says this is an Islamic government, well how Islamic is it when the first people you attack are women? How Islamic is it when the first thing you do is authorize human rights abuses and etc.? You don't take pride in literacy. One of the strongest criticisms in the Quran is is infanticide. What are your infant mortality rates? Don't talk to me about the sharia when your infant mortality rates are extremely high - When the first people you kill are the most vulnerable members of your society. When your literacy rates are low, when people don't read, when half of your population are zakat recipients as opposed to the zakat payers and when the first thing you're budgeted for is weapons as opposed to the expansion of health services etc.

Putting Islam in the constitution doesn't get you there.

So, what we tend to suffer from as a result of authoritarian rule is that labels do the work for us. If the label is there that makes us who we are and if it's not there then somehow we've been stripped of our essence when that's not the case at all and I think what we need now.

Furthermore, we suffer from the old habit of linking *ulma* with the state and there should be a clear independence in this regard because if that's not the case then undoubtedly religion can be corrupted by the tendency of the state to be corrupting. No human being, no matter how pious and righteous, can claim total freedom from all forces of corruption. We know that historically in the time of the old imams of the *mazhab* for example. There was a strict separation between the law and the state, between the scholars and the state that occurred. That changed later and it gradually grew over time with allegiance but in the very beginning there was strict separation. Scholars were not scholars for dollars, like we see today too many times.

Therefore, the reclaiming of the scholarly voice and the legitimacy of the scholarly voice is very important for the Muslim identity. That has to be part of it. If anything in the constitution, there should be this should be a separation between the scholarly voices of Islam.

One of the thing that is lacking is the balance of powers in Muslim statecraft. Whereas in the Islamic tradition the balance of powers and the separation of powers is intrinsically part of the teachings but in practice it tends to be a work in progress. The Quran says the standard affair should be mutual consultation. Consult with the people regarding your decisions because the decisions have effect on. Mutual consultation means you have separation of powers. Why would you mutually consult with somebody and you're an authority over them? There's no need to. It means they have a say in the game. That means they have a say in the state that's why you consult. It's the rule for the family as well. If the husband believes his wife has no say in the household why would he consult? He just does everything.

The Quranic imperative of mutual consultation means there's a sharing of powers, means there's a balance of powers and that is lacking in the idea.

Going back to the questions is how do you define Islam? If a definition of Islam is based on the old authoritarian model that has been imported into parts of Islamic history. When you say Islam that this is an Islamic constitution, what you're saying is authoritarianism- welcome the army. Here comes the army, here comes the external forces of coercion.

When the Quran clearly says, *La Ikraba fi din*, there's not supposed to be any coercion in matters of religion. If the Quran says in matters of religion you can't coerce people, how can you have a religious state? How? When the state is birthed through coercion. I mean one of the beautiful claims is that the state in modern times is birthed in violence- it is. All states are born via a violent activity. Think revolution in the American sense or the French sense or even in any sense. Look at Syria today. So it's birth violence is there. Violence is coercive. So if the Quran says in chapter 2, no compulsion in religion. Can you have a religious state? The answer is no. Not in that sense absolutely not.

Religion cannot be a part of the state and that's a separation between the state and the church is very Islamic. Now separation between the church and the state does not mean that people don't have rights. The Ottoman millet system is a clear example of religious minorities who have their own legal systems, have their own judges and could exercise their own laws within that system. Then you had parallel to that diversity *siyaasat*- the ruler's law. So you can have a constitutional system that separates the state from the mosque or church or synagogue or temple. We are talking Islam here so from the mosque you can have that separation and that separation means that religion should be absent of coercion and coercive mechanisms - which means the citizens who are Muslim should be free to practice their faith and to live as Muslims however they choose so long as they have not

broken any state law. So long as they've not done that. So if a woman chooses to not wear hijab or what have you can't call her not muslim. If she chooses to adopt to a particular posture between islam, there's no coercion. People should be free to do what they want. Yes, there should be a normative system there. Yes, there should be voices that say this is what islam is this is what islam is not. That's where you get into the field of intellectual debate you use the tongue, not the sword, where religion is persuasive not coercive.

Through education, through economics you build societies and you use systems that are islamic to demonstrate the viability and the truth of those systems not torture. Not amassing you know put sending secret police or religious police to go beat people if they don't pray or what have you. If going to the mosque is the right thing to do so show it, don't beat people. Show it. Demonstrate it. Build beautiful mosques, have programs that are there that attract people that are relative to the needs of the use discussions.

These are the kinds of things we focus on building the state but we've forgotten how to build community. In Islam, community was built first in Medina then the state. The two apparatus are the community centers, the mosque and the marketplace. People can't pray all day, they have to live. Prayer, as powerful as it is, does not put food on the table. A lot of gods have not asked us to pray for people and to forget the life that we have to live. He has told us in the quran to cultivate both. Putting all the power in the state renders religion violent so there needs to be space for both. There needs to be separation so that the state can be checked by religion and at the same time our religion is free from the shackles and the oppressive course of mechanisms of the state. That's my opinion.

Jeremy Barker: Thank you. There's so much right insight that I wish we could go another hour to agree to unpack that. Thank you so much. Osman, I will open it to you for a final observation comment if we bring the conversation.

Osman Softic: Thank you professor. It's so much to absorb. I mean your original thinking. We definitely require more time and hopefully there will be more opportunities for us to discuss his scenario. Thank you so much. It was wonderful to be involved and participate.

Dr. Khalil Rashid: Well, Thank you. It was an honor and privilege. I look forward to further discussions as well.

Ismail Royer: Thank you.

Osman Softic: Thank you Jeremy again and hope to you again on the configuration.

Imam Dr. Khalil Abdur-Rashid is the full-time University Muslim Chaplain at Harvard University, Instructor of Muslim Studies at Harvard Divinity School, and Public Policy Lecturer at the Harvard Kennedy School, and serves as Chair of the Board of Religious, Spiritual and Ethical Life at Harvard. Born and raised in Atlanta, Georgia, his late father was the first African American mayor of the city of Stone Mountain, GA, the city that birthed the Ku Klux Klan. Dr. Khalil completed his Doctorate in Liberal Studies in American Islam from Southern Methodist University and holds both a Master of Arts in Islamic law and Middle East Studies as well as a Master of Philosophy in Islamic Law and Middle East Studies from Columbia University in New York City. He earned his bachelor's degree in Social Work from Georgia State University and worked for the state of Georgia as a social worker for several years. He then pursued Islamic studies academically and

traditionally which led him overseas to study for numerous years in the Middle East and in Istanbul, Turkey. While in Istanbul, Khalil pursued a master's degree in Comparative Islamic Law at Marmara University and completed two advanced Islamic seminary doctoral licenses (ijaza) in Islamic Sciences.

He has taught numerous courses on Islam and Islamic law at NYU and Columbia University and taught Arabic language at Georgia State University. He was the first paid Muslim Chaplain for Columbia University and Barnard College in New York City and served as an advisor to the NYPD Police Commissioner. He also served as Imam for several years in New York City and several years as Scholar-in-Residence at a major Islamic Center in North Dallas. He is the co-founder, along with his wife, of the Islamic Seminary of America in Dallas and has worked as instructor of Islamic Studies in the Graduate of Liberal Studies Program at Southern Methodists University. He serves the entire Muslim community at Harvard University through his mentoring, programs, lectures, interfaith work, and the courses he offers in the Divinity School and Kennedy School of Government.

Ismail Royer serves as Director of the Islam and Religious Freedom Action Team for the Religious Freedom Institute. Since converting to Islam in 1992, he has studied religious sciences with traditional Islamic scholars, and spent over a decade working at non-profit Islamic organizations. In June 2003, Royer was indicted for assisting the Pakistan-based Lashkar-e-Taiba (LET) and pleaded guilty to weapons charges related to the violation of United States neutrality laws. Since his release he has worked with nonprofits to promote peace between faiths and to undermine religious extremism. His writing has appeared in publications such as the Washington Post, Journal of Religion and Society, Public Discourse, Detroit Free Press, Al Jumuah, Muslim Matters, and The Catholic Thing.

Jeremy P. Barker serves as Senior Program Officer and Director of the Middle East Action Team for the Religious Freedom Institute. He has lived or worked in the Middle East since 2010, including multiple years in Turkey and Northern Iraq. He has worked in rights-based relief, development, and advocacy across the region from Iraq and Turkey to Egypt and Morocco with a particular focus on issues of religious persecution and post-conflict order, justice, and accountability. He leads in the programmatic objectives of both the Middle East and International Religious Freedom Policy Action Teams including research, writing, and advocacy with a particular focus on the Middle East and the intersection of religion and foreign policy. As Senior Program Officer he provides program development and management support for all of RFI's action teams. He holds a B.A. in History and M.A. degrees in Cross-Cultural Studies and International Relations.

Osman Softić is a senior research fellow with the Islamic Renaissance Front, an intellectual think tank based in Kuala Lumpur, Malaysia. He is also a projects coordinator for the recently established Foreign Relations Council in Bosnia and Herzegovina. He graduated from the Faculty of Islamic studies in Sarajevo and holds a master's degree in international relations from the University of New South Wales in Australia. His career spans the business sector, academic research and journalism. His research focuses on international relations, Middle East politics, and politics and Islam in Southeast Asia. He is a contributor to publications such as Al Jazeera Balkans, Online Opinion, and PIS Journal of Politics and International Studies. He was the President of the Bosnian Islamic Council of Australia and was a Secretary of the Islamic Council of New South Wales (ICNSW) and named the Ambassador for Peace by the Universal Peace Federation (UPF). He lives in Sarajevo.



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Religious Freedom Institute
316 Pennsylvania Ave. SE | Suite 501
Washington, D.C. 20003
202.838.7734 | rfi.org