

## **The Ideological Challenges of the Responsibility to Protect in the Islamic World**

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### **Abstract**

The Responsibility to Protect (R2P or RtoP) is a nascent concept coined by the International Commission on Intervention and State Sovereignty (ICISS) in 2001. This concept is designed mainly to achieve a global political consensus amongst the International Community on how to respond legally and legitimately to mass atrocity crimes —namely Genocide, War Crimes, Ethnic Cleansing and Crimes against Humanity – perpetrated during the internal armed conflicts. Within this frame, and given the fact that many Muslim countries, to the very moment of writing these words, are witnessing political turmoil that mostly leads to civil wars which results in a considerable number of casualties amongst innocent civilians. This article aims to highlight firstly; the concept of the R2P. Secondly; to scrutinize the conformity of the R2P with the Islamic Law provisions and Holistic Shariah Objectives. And finally; to articulate the impact of the Islamic ideological challenges on the R2P in some of the current crises in the Islamic world. In so doing, both inductive and analytical methods have been used in scrutinizing the collected data. This article concludes that R2P is an idealistic and ethical concept that falls in total conformity with Islamic law. However, the misconceptions of Islamic religious sources and the miss-projection of these texts on the actual events have relatively poisoned the operational environment of the R2P.

**Keywords:** Responsibility to Protect (R2P), Ideological Challenges, Islamic World

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### Introduction

By the establishment of the organization of the United Nations (Herein after as: UN) and the endorsement of its charter in 1945, the contracting group of states acknowledged the new fundamental principles underpinning the international order post-world wars era. The main goal of such institution has literally been declared to be the maintenance of international peace and security, which hopefully might 'save the succeeding generations from the scourge of war'.<sup>1</sup> Serving that end, article 2 paragraph 4 stated the prohibition of the use of force<sup>2</sup> in international relation except for the case of self-defense and maintenance of international peace and security.<sup>3</sup> Hence, paragraphs 1 and 7 of same article granted all states equal sovereignty status, and a non-interference right in their internal affairs, from any external power, and without any exception.

This normative triangle; "prohibition to resort to force, equal sovereignty, and non-interference in the internal affairs of other states", was seen to be the world's lifeline towards justice, everlasting peace and sustainable development. However, and despite prosperous ambitions these norms are likely to offer, it has been blatantly undermined by both; developed countries' policymakers and developing countries' oppressive dictators.

In the north, developed countries steadily disregarded the principle of sovereignty and non-interference against other less-powerful states and legitimized themselves to use force whenever their vital interests are threatened. This fact was reaffirmed several times either during or after the cold war period. Numerous examples can be recalled from the recent past; take for instance the United States'

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<sup>1</sup> United Nations, Charter of the United Nations, 24 October 1945, 1 UNITS XVI, Available at: <https://www.refworld.org/docid/3ae6b3930.html>

<sup>2</sup> Charter of the United Nations, Article 2 para 4.

<sup>3</sup> Article 2 paras 1 and 7.

invasion of Afghanistan 2001,<sup>4</sup> and Iraq 2003. Hence, the Russian aggression of Chechnya 1991, Georgia 2008, and Ukraine 2014. Likewise, in the south, dictator rulers in the developing world have considered sovereignty as a right to oppress, persecute and even more, a 'license to kill'. This belief turned practically unto bloody massacres in several countries after the end of the cold world war early 1990s; Rwanda 1991, Somalia 1994, Srebrenica 1995, and Kosovo 1999 were scenes of horrific genocidal crimes committed within the territory of their own sovereign states. Hundreds of thousands of innocent civilians have been killed, while other countries members of the so-called 'international community' have, from one hand and in some instances, intervened. Not to fundamentally save innocent human lives but rather to protect their economic and strategic interests. In other cases, however, they were distancing themselves from interfering to rescue vulnerable population, alleging the well-established norm of non-interference. From the other, Tyrannical regimes of the developing world found in the longstanding principle a powerful shield against any external intervention.

The humanitarian atrocities perpetrated throughout the 1990s,<sup>5</sup> along with the failure of states' policymakers to forge unity on how the international community could, if ever, multilaterally intervene timely and decisively to protect innocent civilians who are under imminent or apprehended threat of massive killing within another sovereign state's borders. This situation has brought the international community to a paradoxical situation where adherence to international law rules, in which external interference is equivocally banded, falls in an outright contradiction with what the critical situation of massive killing necessitates permission for a morally grounded exception to intervene.

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<sup>4</sup> Both United Nations Security Council resolutions 1368 and 1373 have not authorized the use of force against Afghanistan. See: Cohn, Marjorie. "Bombing of Afghanistan is illegal and must be stopped." *Jurist*, November 6 (2001) p. 53.

<sup>5</sup> For further details about genocidal crimes committed throughout the 1990's visit: <http://endgenocide.org/learn/past-genocides>.

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Amidst these challenges, Western intellectuals, law experts, statesman and delegates of the inter-governmental organizations have attempted to resolve the clash between those defending the preservation of the deep-seated legal perception of sovereignty, against advocates for ethical exception invoking Humanitarian-based intervention to protect innocent civilians from gross and systematic violations of human rights. In this endeavor, conceptions such as ‘human security’, ‘individual sovereignty’ and ‘sovereignty as responsibility’ have been introduced to forge unity among the IC on how responsibly could respond within the frame of legality and legitimacy, to the heinous crimes perpetrated in other sovereign states. Counterproductively, all these attempts, however, have gone with the wind after the NATO’s illegal intervention in the Kosovar crisis in 1999.

Concurrently, In the same year, the then UNs’ Secretary General (Herein After as: UNSC) Kofi Annan, while presenting his annual report to the UN General Assembly, and again in his 2000 millennium report has outrightly expressed the paralyzing inconsistency between the in-force contemporary international law and the urgent humanitarian imperatives. He called upon IC to fulfill its responsibilities and find a way out of this stalemate, he said:

*“if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity?”<sup>6</sup>*

### **I.1: Emergence of the R2P**

In response to the United Nations Secretary-General’s plea (Hereinafter as UNSG), the Canadian government took the initiative

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<sup>6</sup> See: The Secretary-General, Millennium Report of the Secretary-General of the United Nations, ‘We the People: The Role of the United Nations in the 21st Century’. U.N. Doc A/54/20 (2000), p.48. available at: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/54/2000](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/54/2000). [accessed on: 5/08/2020]

through the establishment of the International Commission on Intervention and State Sovereignty (ICISS).<sup>7</sup> This latter was tasked to crystallise a new framework which answers for questions of When, How and by Whom the use of force for humanitarian purposes could be met. From September 2000 till December 2001, the commission conducted 11 regional roundtable discussions and national consultations across 12 countries from the two camps; from the north: Begin, Cairo, Maputo, New Delhi, and Santiago. From the south: Brussels, Geneva, London, Ottawa, Paris, St. Petersburg, and Washington. These consultations resulted in the crystallization of the R2P concept as the commission entitled its report, along with 400-pages supplementary volume of research essays, bibliography, and background materials.<sup>8</sup>

## **I.2: Essence of the R2P**

Theoretically, according to the former Australian minister of foreign affairs and co-chair of the ICISS, Gareth Evans, the R2P is a newly-invented way of turning debates about HI from a right of other states to intervene in another sovereign state territory, to the responsibility of each and every state to protect its citizens, and the vulnerable population at grave risk of massive killing.<sup>9</sup> The R2P, therefore, comes to reconcile the inherited understanding of the old Westphalian sense of sovereignty from an ‘absolute authority’ granted to the state and vested in political rulers to render a responsibility of state to protect its population residing within their territory of

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<sup>7</sup> The commission constituted of 12 members from different countries. Co-chaired by Gareth Evans (Australia), Mohamed Sahnoun (Algeria). Participated by: Gisèle Côté-Harper (Canada), Lee Hamilton (United States), Michael Ignatieff (Canada), Vladimir Lukin (Russia), Klaus Naumann (Germany), Cyril Ramaphosa (South Africa), Fidel V. Ramos (Philippines), Cornelio Sommaruga (Switzerland), Eduardo Stein Barillas (Guatemala), Ramesh Thakur (India).

<sup>8</sup> Gareth Evans, “The responsibility to protect: ending mass atrocity crimes once and for all”, (brooking institution press, Washington, D.C. 2006) 38. ICISS report, 2-3.

<sup>9</sup> Gareth Evans, the responsibility to protect: ending mass atrocity crimes once and for all, 39.

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jurisdiction. Furthermore, R2P seeks to change the mindset of the international community from Non-interference in other states' internal affairs, to the indifference towards other populations' soreness.

### **I.3 Three Elements of the R2P**

Practically, the R2P constitutes of three main elements or pillars; first: responsibility to prevent. Second: responsibility to react. And third: the responsibility to rebuild.

#### ***I.3.1: The Responsibility to Prevent***

The preventive element in R2P's theory is pretended to be the primary focus of state authority. This element charges the government with the responsibility to protect its citizens. Accordingly, it has the absolute right to adopt all relevant policies, to draw all effective strategies, and to devote all necessary means to prevent horrific violations of human rights and halt the occurrences of large-scale massive killing.<sup>10</sup> To that end, ICISS's report stressed that state governments must pay special attention to the root causes leading to the spark of armed conflicts within the society and overcome it before its outbreak. The international collaboration with various entities and organizations; be it states, UN's specialized agencies, international financial institutions, regional organizations, NGOs, religious groups, media, and all educated and social elites active in public societal life is crucial to realizing the preventive element.<sup>11</sup> Additionally, to meet this responsibility, the ICISS asserted that every state must proactively acquire risks indicator's capability. That entails an early warning system by which states are getting enabled to closely watch the situation. Besides, states are asked to afford a set of alternatives, and

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<sup>10</sup> Report of the ICISS. p, XI. See also, Global Centre for The Responsibility to Protect. The Responsibility to protect: A background briefing. 02. Available on: <http://www.globalr2p.org/media/files/r2p-background-briefing-2017.pdf> . [Accessed on 07/08/2020]

<sup>11</sup> Report of the ICISS, 21.

most importantly a real political will striving to fulfil its responsibility to protect.<sup>12</sup>

### ***1.3.2: The Responsibility to React***

In case a state failed to meet its responsibility to prevent, either due to state incapability or owing to the unwillingness, in this situation the first element of ‘responsibility to prevent’ yields to the IC to assist the state by activating the second element of ‘responsibility to react’. The reactive action, if taken by the IC, shall use the proper means at the right time following the compelling exigencies on the ground. In contrary to this, however, if political authorities of the state in question rejected international assistance to protect its population or was being a part of the conflict, the international community could use coercive measures such as political and economic sanctions as a deterring tool in the first place, and use military forces, as a last resort, if believed to be necessary and inevitable under chapter 7 of the UNs mandate.<sup>13</sup>

The military intervention for humanitarian purposes was always a matter of contestation. For that, ICISS explicitly expressed the exceptional nature of this procedure which will not be considered legitimate unless if it is carried out collectively for halting or averting current or apprehended threats of large scale killing perpetrated by state authorities, either due to its negligence to protect, or in case of state failure. In either case, resort to force becomes legitimate, provided it is to be defensive in principle and operational in practice.<sup>14</sup>

The ICISS report also suggested four additional precautionary principles that must be met before initiating a military intervention.

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<sup>12</sup> Ibid, 22.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid, 29.

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**A- Right intention:** The intervening states, regardless of their self-motives, shall intervene solely for the goal of protecting civilians and ending human suffering.<sup>15</sup>

**B- Last resort:** A justification of military intervention can be possible only after full exhaustion of non-military intervention options and all peaceful resolution of the crisis is proven inadequate.<sup>16</sup>

**C- Proportional means:** Military intervention shall be proportional in terms of scale, duration and intensity to the minimum, necessary to achieve the goal of protection<sup>17</sup>.

**D- Reasonable prospect:** Probabilities of success of military intervention to halt or avert mass atrocity crimes against civilians must be higher than probabilities of failure.<sup>18</sup>

In the same vein, and for ensuring that the military intervention is in line with the deep-seated international legal system regulations, the report once again emphasized that it is compulsory on the IC to get prior permission from the Security Council to use force for humanitarian purposes.<sup>19</sup> Moreover, the report kindly requested from the five permanent members to refrain from using their vetoes whenever their vital interests are not threatened<sup>20</sup> ...!!

### ***1.3.3: The Responsibility to Rebuild***

In the aftermath of military intervention, the ‘responsibility to rebuild’ falls upon the IC. It is morally obliged to provide the intervened state with the needed assistance to reconstruct its constitutional institutions. It is also a duty of the IC to push forward all conflicting parties towards a constructive dialogue for reconciliation and a

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<sup>15</sup> Ibid, 35.

<sup>16</sup> Ibid, 36.

<sup>17</sup> Ibid, .37.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid, 49-50.

<sup>20</sup> Ibid, 51.

transitional justice that leads towards the establishment of a democratic system which the constitution complies to and rules of law are strictly executed. Furthermore, the reconstruction of the damaged infrastructure, as well as encouraging the economic development and investment in a profitable project are also required from the IC<sup>21</sup>.

In the endeavour of crystalizing and mobilizing support for R2P norm, report of “*the high-level panel on threats, challenges, and changes, A more secured world: our shared responsibility*” comes to promote the principle by adopting the notion of collective responsibility to protect the vulnerable.<sup>22</sup> The report once again reaffirmed that the use of force, as a reactive option for humanitarian relief, can only be legitimate as a last resort with prior authorization from the SC.

Likewise, the then UNSG Kofi Annan stated in his report: “[I]n *larger freedom: towards development, security and human rights for all*” that society of states in their endeavour to implement the third-millennium declaration have adopted the fundamental pillars which will enable them to meet current challenges and confront those to come. Member states asserted on the development, security, and protection of human rights. To that end, the report concluded that the SC must stand by its responsibilities to protect fundamental human rights and allow the use of force under international law. That will lead to greater respect and more transparency on discussions and decisions taken by the SC.<sup>23</sup> The then UNSG recommended the SC to quote R2P as a guiding principle in its forthcoming decisions.<sup>24</sup>

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<sup>21</sup> Ibid, 40.

<sup>22</sup> UN general Assembly, report of the high-level panel on threats, challenges and changes, *A more secured world: our shared responsibility*, 2 December 2004, A/59/565, p57. Available at: [https:// www.refworld .org/docid/47fdfb22d.html](https://www.refworld.org/docid/47fdfb22d.html) [accessed 15/09/2019].

<sup>23</sup> UN general assembly, in *larger freedom: towards development, security and human rights for all*, report of the Secretary-General, 21 march 2005. P 33. Available pdf at: [www.refworld.org/docid/4a54bbfa0.html](http://www.refworld.org/docid/4a54bbfa0.html) [accessed 15/09/2019]

<sup>24</sup> Ibid, 35.

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### **I.4 The Legal Framework of the R2P**

The ICISS report stressed that the legal foundation from which the R2P derives from and works within are;

- The responsibilities and obligations that the concept of sovereignty dictates;
- The task to maintain international peace and security, vested to security council, as enshrined in article 24 of the UN charter;<sup>25</sup>
- All other relevant legal documents that serve the end of protection such as, international human rights law and human protection declarations, covenants and treaties, as well as International Humanitarian law and national laws;<sup>26</sup>
- The developing practice of states, regional organizations, and the Security Council itself.

Furthermore, the ICISS report considered that Article 38 para 3 of the statute of International Court of Justice (Hereinafter ICJ), which states that: “[Its] function is to decide in accordance with International Law such disputes as are submitted to it shall apply: ... the general principles of law recognized by civilized nations”, as a legal grounding for R2P.<sup>27</sup>

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<sup>25</sup> Article 24 para 1 of UNs’ charter states: “ in order to ensure prompt and effective action by the United Nations, its members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

Para 2 states: “in discharging these duties the Security Council shall act in accordance with the purposes and principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in chapters VI, VII, VIII, and XII”

<sup>26</sup> International Coalition for the Responsibility to Protect (ICRtoP), ‘A Toolkit on the Responsibility to Protect’. p: 14. Published on: <http://responsibility to protect.org/ICRtoP/Toolkit / Responsibility Protect high res.pdf>.

<sup>27</sup> Statute of the international court of justice ICJ, Article 38 para 1. P 26. Available in pdf form on: [http://legal.un.org/avl/pdf/ha/sicj/icj\\_statute\\_e.pdf](http://legal.un.org/avl/pdf/ha/sicj/icj_statute_e.pdf). [ accessed on: 12/04/2020]

### **I.5: The Adoption of R2P**

In 2005, at the World Summit, more than 150 heads of state and government adopted the R2P norm. They acknowledged the concept in an amended formula and restricted frame. Paragraphs 138, 139, and 140 of the World Summit Outcome Document clearly stated that the world leaders admitted that, it is in the heart of their responsibilities to protect their own citizens from the four major crimes of; “genocide, ethnic cleansing, war crimes and crimes against humanity”. Moreover, states also agreed to receive external aid from the international society to fulfill their duty to protect.<sup>28</sup> Meanwhile, paragraph 139 expressed the recognition of the international society of states wherein they have a collective responsibility to assist states in question whenever needed in accordance with the exigencies on the ground. States must firstly exhaust peaceful measures to settle the dispute. In case these measures appeared to be inadequate, IC must impose sanctions on conflicting parties which is not compelled by international humanitarian law rules. Then after, the use of force for humanitarian purposes is also a legitimate option for the security council if referred to as a last resort under chapter 7 of UNs’ charter<sup>29</sup>. In contrary, several countries e.g. Algeria, Egypt, Russia, China, Venezuela... etc. expressed their conservation to the reactive option of use of force for humanitarian protection. These states clearly stated that this option is in need for further discussions and consultations to reach a more consensual formula that ensures use of force will not be used abusively to violate weak states’ sovereignty and to interfere in their internal affairs<sup>30</sup>. Likewise, the World Summit Outcome Document did not include the precautionary measures stated in the ICISS report, which was expected

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<sup>28</sup> UN General Assembly, 2005 World Summit Outcome: resolution/ adopted by the General Assembly, 24 october 2005, A/RES/60/1, p. 30. Available pdf at: <http://www.refworld.org/docid/44168a910.html> [accessed on 15/04/2020].

<sup>29</sup> Ibid. P.30.

<sup>30</sup> State by state position on the responsibility to protect. Available at: [http://www.responsibilitytoprotect.org/files/Chart\\_R2P\\_11August.pdf](http://www.responsibilitytoprotect.org/files/Chart_R2P_11August.pdf). [ Accessed on 24/04/2018].

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to serve as a guarantor of the right intention of the intervenors,<sup>31</sup> a restrictor to use military force as last resort<sup>32</sup>, as well as an indicator for proportionality and reasonable prospect of such coercive action<sup>33</sup>.

### I.6: R2P: From Theory to Practice

In light of the amended version of R2P as deliberated in paras 138, 139 and 140 of the World Summit Outcome Document, the SC has referred to R2P in its resolutions 1674<sup>34</sup> and 1706<sup>35</sup> on protection of civilians in armed conflict concerning the deteriorating situation in South Sudan. The resolution made an explicit reminder for the duty of states to protect their own citizens from the four major crimes during armed conflict times. Then after, several decisions and resolutions have been issued by the SC, General Assembly and Human Rights Council re-affirming and urging the IC to pay close attention to the preventive dimension of R2P's norm. However, the controversy over the reactive dimension of this norm sparked again amongst state members of the UNs in general and the permanent members of the SC in particular after the first practical implementation of military intervention in Libya pursuant to the SC resolution 1973.<sup>36</sup> The permission to use 'all necessary measures', including use of force, to prevent horrific massacres which are about to hit innocent civilians in Libya, especially due to the lack of commitment from the Kaddafi regime to not target

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<sup>31</sup> Supra note, 19.

<sup>32</sup> Supra note, 20.

<sup>33</sup> Supra note, 22.

<sup>34</sup> UN Security Council, *Security Council resolution 1674 (2006) [on protection of civilians in armed conflict]*, 28 April 2006, S/RES/1674 (2006), p. 02. available at: <https://www.refworld.org/docid/4459bed60.html> [accessed 18 October 2019].

<sup>35</sup> UN Security Council, *Security Council resolution 1706 (2006) [Sudan]*, 31 August 2006, S/RES/1706 (2006). Available at: <https://www.refworld.org/docid/5821bfc47.html> [accessed 18 October 2019].

<sup>36</sup> UN Security Council resolution 1973 (2011), on the situation in the Libyan Arab Jamahiriya, 17 March 2011, S/RES/1973 (2011). P3. Available pdf at: <http://www.refworld.org/docid/4d885dc42.html> [accessed on 16/06/2019]

civilians whom he described as cockroaches.<sup>37</sup> This language reminded the IC with the inflammatory clauses podcasted on a Rwandan radio in 1994 which ignited sectarian fighting between the Hutu and Tutsi tribes. That has resulted in more than 800 thousand casualties in a period of 3 months.<sup>38</sup>

On March 19th, and pursuant to 1973s' SC resolution, there was a NATO-led alliance carrying out military intervention in Libya. Several countries participated in this intervention; the United States of America, United Kingdom, France, Qatar, Jordan, Morocco, and the United Arab Emirates. After 7 months of military operations in Libya, on the 20<sup>th</sup> of October 2011, Moammar El- Qaddāfi had been assassinated in a brutal and horrific manner. Following this assassination, the UNSC announced that the military operations “*shall be terminated from 23.59 Libyan local time on 31 October 2011.*”<sup>39</sup> The BRICS countries, however, had strongly condemned the outlaw murder of Kaddafi and considered it as an evidence that proves western powers' military intervention was not to solely rescue vulnerable and innocent civilians in Libya, but used the UN mandate to change the Libyan political regime.

Since then, SC paralyzed and failed to release similar resolutions to confront the deteriorating situation and horrific genocidal crimes perpetrated in Syria for more than 9 years as of now. Russia and China vetoed all draft resolutions seeking to legitimize a military intervention, fearing a reproduction of the

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<sup>37</sup> The videotape in which Qaddafi delivered his inciting address against innocent protestors is available in full length at: <https://www.youtube.com/watch?v=FRbV8HO4AnQ>. See: Al-Jazeera English, 22 Feb, 2011.

<sup>38</sup> Rwandan Genocide. Available at: <https://www.history.com/topics/africa/rwandan-genocide>.

<sup>39</sup> UN Security Council, Security Council resolution 2016 (2011) [on termination of the provisions of paragraphs 4, 5 and 6 to 12 of resolution 1973 (2011) concerning Libya], 27 October 2011, S/RES/2016(2011), available at: <https://www.refworld.org/docid/4ec4ec8e2.html> [accessed 11 July 2020].

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Libyan scenario by overthrowing the Syrian regime<sup>40</sup>. The deadlock amongst the 5 permanent members of the SC made Syria a battlefield where war has been and is still being waged on two levels: first; a rivalry amongst the superpowers to preserve and protect their vital interests in the region. Second; the engagement of regional powers in a proxy war between Saudi Arabia and its allies from one side, as well as Iran and its branches in Iraq, Bahrain, Yemen, and Lebanon from the other. Both camps used religious ideology which triggered sectarian conflict, not only in the Middle East region but extended to polarize foreign fighters from all around the world and squeeze them into the equation of 'Sunni-Shiite' bloody rivalry. More than 20 thousand foreign fighters joined fighting in Syria since the spark of the conflict.<sup>41</sup>

Consequently, the foreign fighters polarizing wave produced terroristic attacks targeted innocent European civilians which was committed by returning fighters from Syria and Iraq with a killing ideology thirsty to shed blood based on a miss-understanding, miss-interpretation and a wrong projection of religious holistic text of Islam relating to the law of war.

One side of the ongoing debate over the success or failure of the R2P in Libya and Syria is certainly focusing on the division between the major players, P5 particularly, over the protection of their vital interests in the region since WWII. This article is not to discuss the performance of the R2P from that aspect, as far as countless of English literatures have discussed and evaluated the operational outcomes of that concept.

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<sup>40</sup> Russia and China have vetoed 13 draft resolution which hampered the effort of the IC from providing any kind of assistance through intervention in Syria. Draft resolution are as follows: S/612/2011, S/77/2012, S/538/2012, S/348/2014, S/846/2016, S/1026/2016, S/172/2017, S/315/2017. S/884/2017.S/962/2017. S/970/2017. S/321/2018. S/756/2019.

<sup>41</sup> Bakker, Edwin, and Mark Singleton. "Foreign fighters in the Syria and Iraq conflict: Statistics and characteristics of a rapidly growing phenomenon." In *Foreign Fighters under International Law and Beyond*, (TMC Asser Press, The Hague, 2016), 15.

However, this article is to discuss the concept of R2P in light of the implications of the international intervention in Libya and war in Syria. This will be seen through the Islamic law perspective, therefore, browsing Arabic-Islamic sources and resources in the following section is indispensable.

## **II: R2P FROM AN ISLAMIC PERSPECTIVE**

In this section, the exploration of R2P from an Islamic law perspective is relying upon an extensive quotation of sacred Islamic texts from the Quran and Sunnah. These texts stand not only to prove that the humanitarian goal of R2P in Islam is acceptable, but it shows also that Islam is preaching for such humanitarian norms as well. Afterwards, an examination of the core elements of the R2P is made within the inherited Islamic jurisprudential context. Last but not least, the hotly debated matter of military co between Muslim and non-Muslim armies to help prevention of internal armed conflicts in Islamic states and protection of innocent civilians from being subject to major crimes against humanity is still casting its shadow in the Muslim world, especially after Libya and Syria. This issue is classified and characterised in Islamic jurisprudential literatures under the name of: *'al-isti'ānātu bi 'al-kuffāri li qitāli 'al-muslimīn'* (Eng trans: seeking help from disbelievers to fight Muslims).

### **II.1: Introduction**

In this context, one might ask whether conception, discussion, and formulation of the R2P theory have seen an Islamic participation or not, either through its second-largest International Organization of Islamic Cooperation (OIC), or by individual consultation of Islamic scholars and experts in the area of political Islamic thought? According to Ramesh Thakur, one of the ICISS' members said: *'the short answer for this question is NO'*.

He explained:

*"There were of course Muslims and others of all faiths*

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*included in the people who attended our roundtable discussions [on R2P], as well as on the Commission [ICISS] itself. Some of the participants were indeed Muslim scholars, but not religious scholars of Islam. Nor did we invite religious leaders specifically as such”<sup>42</sup>*

Considering this answer, and through looking at the map of countries mostly ranked as highly risky and imminently threatening life of civilians due to ongoing internal armed conflicts, one can easily notice that countries from the Islamic World are at the lead, for example; Myanmar, Central Africa, Mali, South Sudan, Libya, Syria, Yemen, Iraq, Afghanistan, and Kashmir are all countries seeing hostilities for decades.<sup>43</sup> Additionally, and by analysing the nature of these conflicts, one might notice that the religious factor, directly or indirectly, in a manner or another, is of the main reasons triggering the dispute. Thereupon, the absence of the Islamic opinion in the formulation of the R2P resulted in a massive repercussion in the Islamic countries.

Consequently, many amongst the Islamic circles are considering R2P as a product that is exclusively designed within the western intellectual frame. That is to say, R2P is a pure Christian western intellectual product. On that basis, however, the implementation of the R2P in the Islamic Region will not solve its problems successfully. The Libyan experience and the Syrian war are emerging as living evidences to prove the fact that the well-known international humanitarian law is not truly adhered of on the ground. Rebellions in those countries are relying upon the Islamic law of war – either right or wrong, moderate

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<sup>42</sup> This answer was a response to a question sent to Ramesh thakur, he was asked the following question: during the roundtable discussion that held in 2001, was there any participation of religious leaders in these discussion, especially Muslim clerics? . khounaldi Adil, email sent to Ramesh thakur.

<sup>43</sup> See: The regional infographic of the responsibility to protect in the Middle East and North Africa (MENA), and the Asia pacific. Available at: <http://www.responsibilitytoprotect.org/>.

or extremists in terms of interpretation- as a reference to justify their hostile operations. This was seen in Syria where combatants were waging war against the Syrian regime by relying upon clerical juristic opinions.<sup>44</sup> Therefore, International Humanitarian Law instruments are no longer regulating the conduct of hostilities.

<sup>44</sup> Since the spark of the armed conflict in Syria, religious opinions have played a pivotal role in drawing scenarios of war in this country. Several councils have been established mainly by Sharia law experts, take for instance; *Jabhatu 'ulamā' Halab* (Front of scholars of Aleppo), *Rābitatu 'Al-'Ulama' 'al-ssūriyīn* (Association of Syrian Scholars), *Hay'atu Assam Al-Islamiyyah* (The Islamic Levant Authority), *Al-Madjlisu A-shar'yuu fi muhafadhati Halab* (Islamic Council in the province of Aleppo), *'Al-Madjlisu 'Alislamiyyi 'Al-ssūriyyu* (The Syrian Islamic Council). This latter was entitled to issue religious opinions about the ongoing events taking place in Syria, especially those related to the conflict. Some of the main religious opinions (Fatawa) issued by this council are entitled as follows: *'Al-Takyyif 'Al-fikhi lilma'rakati 'Al-kā'imati ma'a El-nidhām* (Jurisprudential Characterization of the current conflict against the regime), *Hukmu 'Al-'indhimām li jayshi 'Al-nidhām wa joyūsh 'Al-ihtilāl* (the religious opinion on joining regime and its allies forces). *Hukmu qitāl qowwāt sūriyya 'Al-dimokrātiyyah* (The religious opinion on the legitimacy of fight against the Syrian democratic forces), *Fatwa Al- taghalub bayna al-fasa'il* (the religious opinion on usurping power amongst factions), *Hukmu 'Al-qitāl bayna tandhīm 'Al-ddawla wa 'Al-milishiyat 'Al-kurdiyyah* (Religious opinion on the fight between ISIS and Kurish militias), *Fatwa hawla tandhīm 'Al-ddawla 'Al-islamiyyah fi 'Al-'irāq wa 'Al-shām* (religious opinion on Islamic state in Iraq and the leavent). Among questions these entities were frequently asked to answer are: What is the jurisprudential adaptation of conflict with the Syrian regime? Is it kind of fighting against disbelievers, Apostates, or aggressors? How to dispose of their money and how to treat their prisoners? Of course, these Islamic entities will not derive its answers neither from Geneva conventions nor from the positive international humanitarian law. Instead, they are mainly relying upon the Islamic law sources to deliver their fatwas. For example, but not limited to, the answer of the Syrian Islamic Council regarding the adaptation of the ongoing battle against the Syrian regime was as follows:

Adaptation: “it is a legitimate self-defense, response to aggression and jihad against infidel regime supported by mercenaries in committing criminal acts”.

Statement of prisoners: They are either to be killed, released with a ransom of money or in exchange to release other Muslim prisoners, or to release them with no condition. These choices are derived from verse 4 surah 47 where Allah mentioned: “ *So when you meet those who disbelieve [in battle], strike [their] necks until, when you have inflicted slaughter upon them, then secure their bonds, and either [confer] favor afterwards or ransom [them] until the war lays down its burdens*”. Ibn Al-qayyim said in *Zād 'Al- ma'ād*: it has proven that prophet (PBUH) have sentenced some prisoners with death penalty, some released with no conditions, others with ransom of

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In addition to the non-adherence of the International Humanitarian Law rules by parties of the Syrian conflict, there was another sharp split between mainstream clerics of the Sunni circles over the extent to which seeking military assistance of Non-Muslim forces in particular, to prevent the occurrence of crimes against humanity is religiously legitimate?

This issue firstly emerged in Libya where *Yoūsof el-Qaraḏāwī*<sup>•</sup>, in his capacity as Secretary-General of the International Union of Muslim Scholars, made a statement by which he religiously legitimized the

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money, some others released in exchange with Muslim prisoners”. These three options in this statement are not selective based on one’s personal preferences. Instead, it supposed to go hand in hand to serve the best interest and the public good of the Muslim community. That could be achieved through a wide consultation of Muslim experts and wisemen. In this regard, we articulate that the term prisoner is used to describe the person who has been captured during the conduct of hostilities and before he repents. He was a criminal combatant who deserves punishment. In this regard, we consider that the best option to serve the best interest of Muslims in this fight requires murdering every combatant participated in killing innocent protesters down the streets or in their houses. also, those raped women, slaughtered children and every member of weapons’ operating personnel ... [T]hese people and others similar to them, due to their extreme danger, are to be killed. they are neither to be ransomed with money nor to be exchanged with Muslim prisoners. However, in case there is a greater benefit in these later two options, Muslim leaders can choose it in that regard. For further details, revisit the fatwa issued by the Syrian Islamic Council dated on 6 Ramadan 1426H, 26 June 2015. Available at: <http://sy-sic.com/?p=1692>.

- Yusuf al-Qaradawi (b. 1926) is an Egyptian-born Sunni *alim* who graduated from Al-Azhar University in Cairo and a prominent Islamist ideologue affiliated with the Muslim Brotherhood (Jamiyat al-Ikhwān al-Muslimin). He is a Qatari national and in the early 21st century serves as the director of the Seerah and Sunnah Center at Qatar University in Doha. He is also a member of the Al-Azhar Islamic Research Council and the founder and chairman of the International Union of Muslim Scholars. Al-Qaradawi is a prolific writer and skilled poet, having penned as many as one hundred books and booklets in Arabic, and a popular media personality, hosting his own television program, *Al-Shariah wal-Hayat*, on the Al Jazeera satellite network. A popular website, [IslamOnline.net](http://IslamOnline.net), issues his fatwas and teachings on an array of subjects, and Muslims around the world can submit their questions online. Several alternative transliterations of his name exist, including Yousef al-Qaradhawi. See: [https://www.oxfordbibliographies.com/view/document/obo-9780195390155/obo-9780195390155-0098.xml#:~:text=Yusuf%20al%20Qaradawi%20\(b.,%20Ikhwan%20al%20Muslimin\).&text=Several%20alternative%20transliterations%20of%20his,%2C%20including%20Yousef%20al%20Qaradhawi](https://www.oxfordbibliographies.com/view/document/obo-9780195390155/obo-9780195390155-0098.xml#:~:text=Yusuf%20al%20Qaradawi%20(b.,%20Ikhwan%20al%20Muslimin).&text=Several%20alternative%20transliterations%20of%20his,%2C%20including%20Yousef%20al%20Qaradhawi).

international Military Intervention to protect civilians even if that required the execution of Qaḍḍāfi.<sup>45</sup> The same verdict was issued against the Syrian president Bashār El-ʿAsad<sup>46</sup>. However, in the case of Syria, Shaikh Muhammad Saʿīd Ramazān El-Būti\* who criticised El-Qaraḍāwī’s fatwa publicly, made it clear that any external intervention is religiously prohibited and legally illegitimate.<sup>47</sup>

This difference of opinions within Sunni clerics – particularly in its religious dimension- have had a considerable impact in inflaming the conflict and weakening every possibility of prosperous and successful external military intervention under the umbrella of the R2P.

To give a deep analysis about the religious controversy amongst Muslim scholars about military intervention led by non-Muslim troops, the following section is to examine the legal framework of the R2P from an Islamic law perspective.

## **II.2: The Legal Framework of R2P from an Islamic Law Perspective**

One out of six important pillars of belief in the religion of Islam is the belief in the uniqueness of Allah (God) “*Allah - there is no deity except Him, the Ever-Living, the Sustained of [all] existence*”<sup>48</sup>. The sole creator of all creatures “*Allah is the Creator of all things*”<sup>49</sup>. He is

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<sup>45</sup> Further details in the videotape, see: <https://www.youtube.com/watch?v=QrXN1FVlhio>.

<sup>46</sup> <https://www.youtube.com/watch?v=nkBUWWYZCVk>.

\* Syrian Islamic leader. Born in Jilka, Turkey. Attended the Institute of Islamic Guidance and al-Azhar University (Egypt). In 1960 was appointed dean of the Faculty of Religion at Damascus University. Continues to teach at Damascus University and is currently chair of the Department of Theology. Is a prolific scholar and continues to be actively engaged in the field, lecturing frequently at mosques throughout Syria, regularly attending international conferences, writing for numerous newspapers and journals, and maintaining his own website. See: <https://www.oxfordreference.com/view/10.1093/oi/authority.20110810104531678>.

<sup>47</sup> <https://www.youtube.com/watch?v=x9ZjlQLjmo>.

<sup>48</sup> Qurʾān, 02: 255

<sup>49</sup> Qurʾān, 39: 62

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(Allah in the Islamic creed) *Rabbu 'Al-'arbāb* (sovereign of all sovereigns). Besides, Allah (*Subhānahu Wa Ta'āla*) in his holy book, sets up the fact that the human race is of one origin and stems from one soul “*It is He Who created you from a single person*”<sup>50</sup>. Therefore, all human beings are brothers, this universal brotherhood resides on the principle of granted dignity “*We have honoured the sons of Adam*”<sup>51</sup>, and equality as Prophet Muhammad (Peace Be Upon Him) stated in his sayings:

*“O mankind, your Lord is One and your father is one. You all descended from 'Ādam, and 'Ādam was created from earth. He is most honoured among you in the sight of God who is most upright. No Arab is superior to a non-Arab, no coloured person to a white person, or a white person to a coloured person except by Taqwā (piety)”*<sup>52</sup>

On the ground of a granted dignity, guaranteed equity, and comprehensive equality; Allah (SWT) set purposes of human existence on the earth; Khilafah (vicegerency) “*I will create a vicegerent on earth*”<sup>53</sup>; *ibādah*: (worshipping Allah) “*And I created not the Jinn and mankind except that they should worship Me*”<sup>54</sup>; and *'Ta'āruf* (knowing each other) “*O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other*”<sup>55</sup>. In this vein, Muslims believe that the message of Islam is dedicated to all humankind and not only to a specific tribe, clan, or nation. Prophet Muhammad (PBUH) said: “***Every Prophet used to be sent to his nation only, but I have been sent to all mankind***”. The universality of the ethical message of Islam that posits all

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<sup>50</sup> Qur'ān, 07:189

<sup>51</sup> Qur'ān, 17: 70

<sup>52</sup> Moḥammad Ḥamid ‘Allah. Majmū’atu ‘Al-wathā’qi ‘Al-ssiyāsiyyati li ‘al-’ahdi ‘Al-Nnabawi wa ‘Al-khilāfati ‘Al-Rrāshidah, [Dār ‘Al-nafā’is, 5<sup>th</sup> edition, 1985], 362.

<sup>53</sup> Qur'ān, 12:40

<sup>54</sup> Qur'ān, 16: 125

<sup>55</sup> Qur'ān 49:13.

humankind are equal, they are all servants of Allah; and Allah is ‘*Al-Ssaiyyīd*’ ( the sovereign of all sovereigns). Therefore, the question of the ‘supreme authority’ in the Islamic belief is already answered. Allah (SWT) is the sovereign while humans are vicegerents. This vicegerency is practiced through an administrative entity called: *Dawlatu ‘Al-Khilāfah* (state of vicegerency).

In the state of *Khilafah*, the head of state and Muslim citizens are obligated to establish an ethical, virtuous and pious society, Allah says:

*“Those who, if We give them power in the land, (they) establish the Salah (prayer), enforce the Zakah (charity), and they enjoin the good and forbid the evil”*<sup>56</sup>.

In such a society, all work for all to achieve public good and diminish the evil; *“Help ye one another in righteousness and piety but help ye not one another in sin and rancour”*<sup>57</sup>. Rancour and oppression are highly resisted in Islamic belief at both internal and external levels. History taught us that human differences cause disputes, and disputes must be handled. In Islam, Muslims are commanded to solve their conflicts first by exhausting peaceful measures such as mediation, negotiation and reconciliation *“And if two factions among the believers should fight, then make settlement between the two”*<sup>58</sup>. In case of aggression, a Muslim state must stand by the oppressed *“But if one of them oppresses the other, then fight against the one that oppresses until it returns to the ordinance of Allah. And if it returns, then make settlement between them in justice and act justly”*<sup>59</sup>

Furthermore, Islam is not merely regulating relationships amongst its adherents during times of peace or to regulate their conduct of internal and external wars. Islam also called upon its followers to raise

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<sup>56</sup> Qur’ān 22:41.

<sup>57</sup> Qur’ān 05: 02.

<sup>58</sup> Qur’ān 49:09.

<sup>59</sup> Ibid.

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voices with the righteous, to support the oppressed, and to protect the vulnerable regardless of their religion, race, gender or ethnicity:

*“And what is [the matter] with you that you fight not in the cause of Allah and [for] the oppressed among men, women, and children who say, “Our Lord, take us out of this city of oppressive people and appoint for us from Yourself a protector and appoint for us from Yourself a helper?”<sup>60</sup>.*

All these sacred texts from the holy book of Islam are constituting a foundational platform for the norm of R2P. These texts are showing the universality of R2P based on the universality of human brotherhood. It stands also for human dignity norms and the idea to ‘treat people as ends not as means, as well as being purposefully aimed to support the oppressed, guiding to give everyone his rights, and its intended to divulge global justice along with ensuring peace and security.

Against this backdrop, it is apparent that the cohesion between the above-mentioned Islamic texts and the R2P norm in terms of its ends is unquestionable. This harmony is further reinforced, especially when noting that the prevailing approach in Islamic jurisprudence and the outcomes of the ICISS’s consultations have both focused on the critical need for changing the consideration of sovereignty as absolute immunity from external interference to become a responsibility upon every political regime that requires protection for its population. However, this harmony might not be at the same degree in terms of the mechanisms of implementation. In this regard, the three pillars of the R2P must be examined to assess the extent to which it conforms with Islamic texts and the recognised jurisprudential opinions.

### ***II.2.1: Responsibility to Prevent: Islamic Legal Foundation***

As presented earlier in this article, the responsibility to prevent is about the commitment of heads of state to do all it takes to prevent the occurrence of large-scale-killing as determined by the World Summit

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<sup>60</sup> Qur’ān 04:75.

Outcome Document in 2005. The Islamic legal perspective towards the responsibility to prevent massacres is well discussed in the Islamic laws of governance. Muslim jurists have mentioned tasks and duties of the political authority under the title of 'Duties of Khalifah'. Al-Imam Al-Mawardi,<sup>61</sup> in his book stated the most important affairs of public nature Khalifah is asked to:

- 1: 'Execute the legal judgments between two contestants and bring to an end any dispute between two litigants so that equity prevail, ensuring the tyrants do not transgress, and the weak are not oppressed.
- 2: Protect the territory of Islam and defend the sanctuaries so that people may earn their sustenance and journey safe from any threat to their persons or belongings.
- 3: Establish *the ḥadd-punishments* in order to protect what Allah, may He be exalted, has made inviolable from being violated and prevent the rights of his slaves from being abused.
- 4: Fortify the border posts against attack and defend them with force against an enemy which might appear unexpectedly and violate what is

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• 'Abu 'al-ḥasan 'Ali 'Ibn Muḥammad 'Ibn Ḥabīb 'al-Māwardī was born at Basrah. He learned Fiqh (Islamic jurisprudence) from the jurist 'Abu 'al-Wahid 'al-Simari. He then went to Baghdad for advanced studies under Sheikh Abd al-Hamid and Abdallah al-Baqi. His proficiency in jurisprudence, Ethics, Political science and literature proved useful in securing a respectable career for him. After his initial appointment as Qadi (Judge), he was gradually promoted to higher offices, till he became the Chief Justice at Baghdad. The Abbasid Caliph al-Qaim bi Amr-Allah appointed him as his roving ambassador and sent him to a number of countries as the head of special missions. In this capacity he played a key role in establishing harmonious relations between the declining Abbasid Caliphate and the rising powers of Buwahids and Seljuks. He was favoured with rich gifts and tributes by most Sultans of the time. He was still in Baghdad when it was taken over by Buwahids. Al-Mawardi died in 450 AH (1058 AD).

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sacred or shed the blood of Muslims or dhimmis protected by a pact”<sup>62</sup>

These four affairs can be classified under the first pillar of the responsibility to prevent. Several testimonies from Quran and Sunnah are standing as constitutive texts for these affaires. Allah (SWT) instructs to establish a judiciary system to handle disputes and achieve justice between people; he said:

*“Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge with justice... ”*<sup>63</sup>

Another verse:

*“O David, indeed, We have made you a successor upon the earth, so judge between the people in truth and do not follow [your own] desire... ”*<sup>64</sup>

Both verses are emphasizing on the necessity of establishing a judiciary system where judges could judge in truth. That is very important to sustain peace and security and ensure the internal stability across the country. Similarly, Islam has called upon *Khalifa* ,or whomever in charge, to devote all needed efforts and to provide all necessary means to protect the borders of the Islamic nation by waging a defensive war so as people could live in peace and practice their religion freely. Allah said: *“Fight in the way of Allah those who fight you but do not transgress. Indeed, Allah does not like transgressors”*<sup>65</sup>. That is to say that Islam allows resorting to war only for defensive goals, and even in this case, whenever the enemy ceased fire and asked for peace, Muslims are no longer having a legitimate reason to wage

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<sup>62</sup> Abu 'l-Hasan 'Ali ibn Muhammad ibn Habīb a'l-Māwardī. *al- 'Ahkām as-Sultāniyyah* (The laws of Islamic governance), (translated by: Asadullah Yate), Taha publisher Ltd. 1Wynne Road London SW9 0BB. United Kingdom. 1996. P:28.

<sup>63</sup> Qur'ān 04:58.

<sup>64</sup> Qur'ān 38:26.

<sup>65</sup> Qur'ān 02:190.

war against them. “So, if they remove themselves from you and do not fight you and offer you peace, then Allah has not made for you a cause [for fighting] against them”. Also, a truce is permissible under Islamic law, “And if they incline to peace, then incline to it [also] and rely upon Allah...”<sup>66</sup>.

### ***II.2.2: Responsibility to react: Islamic legal foundation***

In case a state failed to protect its population or acts as a part of committing crimes against them, the International community should assist by intervening to halt or avert massacres. In Islam, this kind of assistance is to be given by the International Community. The action of endorsement taken by the Prophet *PBUH* on the pact named ‘*Hilf Al-fudūl*’<sup>67</sup> (commonly translated as the ‘league of the virtuous’ or ‘pact of justice’) stands as evidence of legitimacy. Even though this incidence has happened before the nation-state-model, the notion of protecting the vulnerable was entrenched in the ethical values of the inhabitants of the Arabian Peninsula before the message of Islam. Herein, one could suggest that the notion of protection obtains its legal foundation from the ethical-based human behavior. The Prophet *PBUH*, after his sent, reaffirmed his ratification on the league of the virtuous and extended it to include protection for the frightened, strangers, and the vulnerable regardless of their religion, color, or ethnicity. ‘Abd Al-Rahman Ibn ‘Awf narrated that Prophet *PBUH* said about this pact: ***“I witnessed a pact of justice in the house of Abdullah ibn Jud’an that was more beloved to me than a herd of expensive red camels. If I were***

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<sup>66</sup>Qur’ān 08: 61.

<sup>67</sup> *Hilf ’Al-Fudūl* “Usually translated as: ‘League of the Virtuous’ or ‘pact of justice’ ”. it was an alliance created by the prophet Muhammad (*PBUH* )and various Meccans around 590 AC. The goal was to establish justice for all and protect through collective action vulnerable who have no tribe or linkage to the powerful, Because of Muhammad’s role in its formation, the alliance plays a significant role in Islamic ethics. See: Ibrahim Mahmood, (Aug. 1982). "Social and Economic Conditions in Pre-Islamic Mecca." *International Journal of Middle East Studies*, 14(3): 355. Cambridge University Press.

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***called to it now in the time of Islam, I would respond***<sup>68</sup>. This hadith is used by many Muslim jurists to prove permissibility to engage in a pact with non-Muslims for the common good of humanity, whenever the interest is likely to be achieved and harm is expected to be removed. Tariq Ramadan draws from this hadith the three main principles which all stands to support the R2P norm;

- First: The religion of Islam accepts ethical values derived from the human conscience as long as it serves the humanitarian public good.
- Second: Islam, in the pact of justice, acknowledges the righteousness of non-Muslims and praises their act to establish justice and defend the oppressed.
- Third: By approving this pact, Islam is building an allegiance to a set of universal principles for a common humanity, not for a closed community<sup>69</sup>.

Therefore, the religion of Islam is calling upon 1.6 billion of its adherents, and all humankind, to engage positively in confronting every danger that threatens the ethical precepts of our common humanity. The current situation in the Islamic world, within the contemporary international system, is in critical need than ever before for a co-operative pact to protect those who are vulnerable all around the globe, either by peaceful measures to deliver aid, or by military intervention to stop the threat of massive killing.

Allah SWT urged Muslims to fight for the sake of protecting the vulnerable; He said:

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<sup>68</sup> ‘Abū Bakr ‘aḥmad ‘ibn ‘al-Ḥussayn ‘al-Bayhaqī, “‘al-SSunan ‘al-kubrā”, Dār ‘al-Ma‘rifa, Vol.06, p 367. Available at: [https://islamweb.net/ar/library/index.php?page=bookcontents&flag=1&bk\\_no=71&ID=12719](https://islamweb.net/ar/library/index.php?page=bookcontents&flag=1&bk_no=71&ID=12719).

<sup>69</sup> Tariq Ramadan. “In the Footsteps of the Prophet: Lessons from the Life of Muhammad”. Oxford University Press, 2009. Pp: 2-20.

*“And what is [the matter] with you that you fight not in the cause of Allah and [for] the oppressed among men, women, and children who say, “Our Lord, take us out of this city of oppressive people and appoint for us from Yourself a protector and appoint for us from Yourself a helper?””<sup>70</sup>.*

This verse indicates the legitimacy of the use of force for humanitarian purposes. The protection of human life is to be considered as the worthiest thing to be struggled for in the religion of Islam. As stated above, Allah SWT is the sovereign, and the humans are vicegerents. Allah commanded his servants to intervene as so to protect the vulnerable and never accepts turning a blind eye and deaf ear to their distress calls. Therefore, Islam supports the golden statement of the African Union that says, ‘from non- interference to a non-indifference’<sup>71</sup>. That is because the first higher objective of Islam is the preservation of the self (human life). On that basis, in Islam, the use of force to protect human lives is legitimate by principle.

In terms of practice, however, there is a considerable disagreement amongst contemporary Muslim jurists (*Fuqaha*’) over the use of force within the frame of modern international legal order. This discussion will be presented in the following section within the frame of coercive measure, and military intervention under the second element of Responsibility to React.

### ***II.2.2.1: Responsibility to React: The debate of Muslim Jurists about the Mechanisms of using force for Humanitarian Purposes***

There is a debate amongst *Fuqahā*’ in the Islamic world over the use of force against an Islamic state that failed to fulfill its responsibilities as enshrined in the first pillar of the R2P. This

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<sup>70</sup> Qur’ān 03:75.

<sup>71</sup> Marina Sharpe, report authored as a part of consultancy for International Refugees Rights Initiative entitled: “*From Non-Interference to Non-Indifference: The African Union and the Responsibility to Protect*”, 2017, p.8

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controversy arises every time there is an international military intervention led by western forces in the Islamic region. For example, the call made by gulf countries to the United States to respond to Iraq's invasion of Kuwait in 1990 has triggered a discussion on whether seeking assistance from non-Muslim countries to confront the aggression committed by a Muslim country is legitimate.

Two different and opposing opinions have emerged and the arguments given by both camps to justify their position are presented as follows;

### ***II.2.2.2: Arguments of those permitting seeking help from Non-Muslim forces***

*Shaykh 'Ibn Bāz* issued a religious fatwah that permit seeking help from non-Muslim armies to stop an aggression from a Muslim country under the title *'Ĥukmu al-'isti'ānati bi al-kuffari 'ala qitāl al-kuffār'* (trans: the verdict of seeking help from dis-believers to fight dis-believer). *Shaykh 'Ibn Bāz* re-affirmed this fatwa in the international Islamic conference where he said:

*“[R]elated to the matter of seeking help from multinational forces to push back the aggression committed by this violent oppressor, who has engaged in such horrific action in Kuwait, and the engagement of kingdom of Saudi Arabia in what you have known and heard of [he meant the action of KSA seeking the assistance of USA]. This action Saudi Arabia was pushed for due to the urgent need and extreme necessity to push-out this oppression ...[T]his is why Saudi Arabia sought assistance to push away this danger out of Muslim's land... [A]nd scholars have declared, as it is well known, the permissibility of seeking help from Muslim and non-Muslim countries and even from disbelievers, in situation of critical need, who are trustworthy to push evil away from Muslims”<sup>72</sup>*

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<sup>72</sup> Researches and documents of the international Islamic conference held in Mecca discusses the gulf ongoing events, issued by the Secretary General of the International

This fatwah has been endorsed by *Shaykh Muhammad Sayyid Tanṭāwī* in his capacity as the Egyptian grand mufti. He stated in his research titled “*Al-hukmu al-shar’iyyu fī ahdāthi ‘al-khalīj’*” (trans: The verdict of Islamic law regarding gulf events) the following: “that is a legitimate defense aimed at pushing-back the aggression. It is well known in Islamic jurisprudence that ‘harm must be eliminated’<sup>73</sup> and ‘necessity makes forbidden things permissible’<sup>74</sup>. On that basis, the Egyptian grand mufti sees the opinion of scholars of Saudi Arabia correct. Similarly, the then *Shaykh Al-Azhar Jād Al-Haqq* adopted this fatwa<sup>75</sup>.

### ***II.2.2.3: Arguments of those opposing seeking help from non-Muslim forces***

*Shaykh Safr ‘Al-hawālī* and his counterparts in this camp argued that seeking military assistance from non-Muslim forces is impermissible. Their argument was derived from the hadith narrated by ‘A’ishah (RAA) that The Messenger of Allah (*PBUH*) said to a man who followed him on the day of Battle of Badr: “*Go back I will not seek help from a Mushrik (polytheist)*.”<sup>76</sup>

Classical writings of the mainstream jurists of the Sunni school. Maliki, Hanbali, Shafi’i and Zahiri scholars are all stating that seeking military assistance from a non-Muslim country to fight against a Muslim oppressive leader is prohibited under all circumstances. *Al-Imam al-*

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Islamic League p 20. Quoted from: ‘*atiyyah ‘dlān, ‘Al-‘Ahkām ‘Al-shar’iyyah li-nnawāzil al-ssiyāsiyyah, Dār ‘alkutub ‘al-masriyyah, first edition, 2011, p59.*

<sup>73</sup> Ibid, p 597.

<sup>74</sup> Salāh ‘Abd ‘Al-Razak. ‘Al-‘ālam ‘Al-Islāmī wa ‘Al-Gharb: Dirāssah fī ‘Al-qānūn ‘Al-ddawlī ‘Al-islāmī, first edition, mu’assasat dār ‘Al-Salam, 2002, p 176. Quoted from: ‘*atiyyah ‘dlān, ‘Al-‘ahkām ‘al-shar’iyyah fī ‘al-nnawāzil ‘al-ssiyāsiyyah, p 597.*

<sup>75</sup> Ibid.

<sup>76</sup> Mohammad ‘Ibn ‘Ali ‘Al-Shawkānī, Nayl ‘Al-‘Awtār, Dār ‘Al-Hadīth, 1993, vol,7: p:263. Ebook available at: [https://islamweb.net/ar/library/index.php?page=bookcontents&ID=1011&idfrom=2385&idto=2386&flag=0&bk\\_no=47&ayano=0&surano=0&bookhad=0](https://islamweb.net/ar/library/index.php?page=bookcontents&ID=1011&idfrom=2385&idto=2386&flag=0&bk_no=47&ayano=0&surano=0&bookhad=0).

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*Ddusukī*<sup>77</sup> said in his book *Al-Ttaj wa Al-'Iklīl*: “Do not seek assistance to fight oppressors from a polytheist”.<sup>77</sup> Similarly, al-*Imām Al-Shafi'ī*<sup>78</sup> prohibited that in his book *Al-'Um*, he said:

*“In my opinion, it is impermissible for the righteous people ('Ahlu 'Al-'adl) to seek help from polytheists to fight aggressors, even though leadership is for Muslims ... [H]owever, it is acceptable, if leadership is for Muslims, to seek help from polytheist to combat polytheists”.*<sup>78</sup>

The exception made by Shafi'i has been rejected by Al-Bahūti<sup>79</sup>, the Hanbali scholar wrote:

*“It is prohibited upon righteous people in fighting oppressors to seek assistance from disbelievers because it is prohibited to seek assistance from them even for fighting disbelievers. Thereupon, not seeking assistance from them to avoid killing a Muslim is the priority, henceforth, the main goal of righteous people is to stop the oppressors, not*

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• Muḥammad 'ibn 'Aḥmad 'ibn 'Arafa 'al-Ddasūkī 'al-Maliki was born in the second half of the twelfth century AH in the town of Desouq, one of the villages of the Gharbia Governorate in Egypt, then he came to Cairo and joined the lessons of Al-Azhar Mosque. He passed away in 1230. See his biography at:

<sup>77</sup> Mohammad 'Ibn 'arafah 'Al-ddasūkī. *Hāshiyat 'Al-ddasūkī 'ala 'Al-sharh 'Al-kabīr*. Dār 'ihyā' 'al-kutub 'al-'arabiyyah, vol:4. P :209.

• Abū 'Abdullāh Muḥammad 'ibn 'Idrīs 'al-Shāfi'ī, a Muslim jurist was born in 150 AH – 767 AC and died in 204 AH- 820 AC. Famously known as 'Shaykh 'al-Islām', al-Shāfi'ī was one of the four great Imams of sunni school of Islamic law, whose legacy on Islamic jurisprudence, codification of science of 'usūl 'al fiqh, juridical matters and teaching eventually led to the Shafi'i school of *fiqh* (or Madh'hab). He is often referred to as Imam al-Shafi'i. see his biography at: <https://www.islamicfinder.org/knowledge/biography/story-of-imam-alshafiee/>. Visited on: 10/09/2020.

<sup>78</sup> Mohammad 'ibn 'drīs 'al-shāfi'ī, 'Al-'umm, Dār 'al-ma'rifah, bayrūt, vol:4. P: 309.

• Al-Bahūti, in full Shaykh Maṣṣūr Ibn Yūnus Al-bahūti, also called Al-bahūti Al-miṣrī, (born, Bahūt, Egypt—died July 1641, Cairo), teacher and the last major exponent in Egypt of the Ḥanbalī school of Islāmic law. See his biography at: <https://www.britannica.com/biography/al-Bahuti>.

*to kill them, however, disbelievers do not have such intention but to kill them*<sup>79</sup>

In the same vein, 'Al-'imām 'Ibn Hazm 'Al-zāhirī' prohibits seeking assistance from non-Muslim countries. However, in cases of critical need, he permits Muslims to flee from danger and seek refuge in non-Muslim countries (*Dār 'Al-Harb*).<sup>80</sup> He built his argument based on the following verse: "*He has explained in detail to you what He has forbidden you, excepting that to which you are compelled*". This opinion conditioned by not having a restrictive and preventive text or consensus ('*Ijmā'*')<sup>81</sup>. However, in case a Muslim knew that those whom he sought help from, be it *Harbiyyu* or *Ahlu al-dhimmah*, will harm Muslims or *Dhimmi*s by obliging them to do things which contradict their religion. It is strictly prohibited to seek help from them even if that causes death. Thereupon, Muslims are recommended to be patient, or they have to fight until they die as martyrs on the battlefield. That is because Allah has mentioned: "*every nation is a [specified] term. So when their time has come, they will not remain behind an hour, nor will they precede [it]*"<sup>81</sup>. On that basis, it is impermissible for anyone -the oppressed people in this context- to push-out oppression by imposing it on the Muslim oppressor.

These are the arguments and scholars who argued for the prohibition of seeking military assistance from non-Muslim countries,

<sup>79</sup> Mansūr 'ibn yūnus "al-bahūtī, 'kashaf 'al-kinā' 'lā matn 'al-'iqnā'", dār 'al-kutub 'al-'ilmiyyah, vol:6. P: 164.

• Ibn Ḥazm, in full Abū Muḥammad 'Alī ibn Aḥmad ibn Sa'īd Ibn Ḥazm, (born November 7, 994, Córdoba, Caliphate of Córdoba—died August 15, 1064, Manta Lisham, near Sevilla), Muslim litterateur, historian, jurist, and theologian of Islamic Spain, famed for his literary productivity, breadth of learning, and mastery of the Arabic language. One of the leading exponents of the Zāhirī (Literalist) school of jurisprudence, he produced some 400 works, covering jurisprudence, logic, history, ethics, comparative religion, and theology, and *The Ring of the Dove*, on the art of love.see: <https://www.britannica.com/biography/Ibn-Hazm>.

<sup>80</sup> 'Alī 'ibn 'ahmad 'ibn sa'īd 'bn hazm, 'al-muhlā bi Al-'āthār, dār 'al-fikr, vol:10. 355.

<sup>81</sup> Qur'ān 06: 119.

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as well as to those who stand in contrast to these fatwas. Hereupon, discussion of both points of views will be provided in the following section.

### *II.2.2.4: Discussion*

Relying upon arguments of scholars mentioned above, it is found that the mainstream Muslim clergy is against the notion of seeking military help from non-Muslim countries to combat Muslim aggressors. And even Hanafi and Zahiri scholars who allow it under the condition of compelling necessity, have mentioned a set of restrictive conditions of this exception to be considered. They said:

To allow seeking military help from non-Muslims to confront Muslim aggressors, the following conditions shall be met:

- There must be a critical and compelling necessity.
- Dominance must be for Islamic ruling.
- Leadership and commandment of fighting operations must be for Muslims, and the fight must be waged under Muslims' flag.
- Muslims must be sure that non-Muslim troops are with a *bona fide*.
- Seeking help from non-Muslim troops must cause no harm to Muslims.<sup>82</sup>

Now, by looking at these conditions required by *Hanafi* and *Zāhiri* clerics to permit seeking military help from non-Muslim troops to push-out aggression, particularly the condition of exceptional status of a '**compelling necessity**'. It is found that the fatwa of Saudi scholars, and those who agreed with them to authorize the deployment of American forces as of repelling Iraqi aggression against Kuwait did not meet the permissive conditions stated above. *Shaikh Safer al-Hawali*, in his letter (brief research later printed as a book under the title *Kashfu*

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<sup>82</sup> 'atiyyah 'adlān, 'al-'ahkām 'al-shar'īyyah li nnawāzil 'al-ssiyāsyah'. 617.

*Al-ghumma 'an 'ulamā' 'Al- 'ummah* ) written to *Shaikh 'Ibn Bāz* in his capacity, at that time, as Grand Mufti of Saudi Arabia and Head of the Council of Senior Scholars , highlighted a very important point that such a matter shall be discussed and analysed in a modern-political-rational to measure whether allowing a foreign military intervention in the region is serving the best interest of the Ummah or it will be against it. To answer this question, according to *Shaikh Safer al-ḥawālī*, we need to look at the events happened on the ground since decades and thereby we might predict the veiled goals that American powers are working to achieve in the Arab region. In contrast, approaching this matter by using the classical jurisprudential approach inherited from the Islamic heritage without taking into consideration changes and new facts will not help. He stated that the intention of western powers, especially the USA, is to permanently deploy its military forces in the Middle Eastern region for strategic goals. Therein, pushing-out Iraqi forces will be used as a pretext to achieve the American objective and therefore, there is no right intention.<sup>83</sup> *Shaikh Yoūṣuf al-Qaraḏāwī*, even though he agreed to seek help from western powers, provided that these forces shall not stay for long or be deployed permanently in the region. However, what really happened was that the USA had liberated Kuwait, enforced its forces and enhanced its presence as never before in the Middle Eastern region, and economically besieged Iraq until invaded it in 2003.

To sum up, the permissive fatwa of seeking help from non-Muslim countries articulates that none of the above-mentioned conditions determining the status of 'compelling necessity' were fulfilled. Additionally, facts on the ground are proving the view of *Shaikh 'Al-Hawālī*, who stood against western military assistance and called to discuss such issue from a realistic approach based on the common-

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<sup>83</sup> See: Safr 'Al-ḥawālī, *Kashfu alghumma 'an 'ulamā' 'Al- ummah*, available in pdf form at: <https://www.cia.gov/library/abbottabad-compound/21/21755339356BCB2C0AE9A779256C0A6E> . [Accessed on 5/80/2020]

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interest preservation and to avoid classical jurisprudential characterization to issue a religious verdict, was accurate.

Regretfully, the same mistake had been repeated again in Libya in 2011, and what is happening in this country to the very moment of writing this article is re-affirming that calling upon western powers under the flag of NATO to intervene is always engulfed in the humanitarian pretexts to achieve strategic goals of powerful countries and protect, as a top priority, their vital interests.

### **Conclusion**

From a global perspective, although a widely international consensus was achieved in 2005 on R2P. Where heads of state explicitly expressed that sovereignty entails a responsibility of each and every state to protect its citizens from war crimes, genocide, ethnic cleansing and crimes against humanity. R2P, as a nascent concept failed to translate the overwhelming rhetorical consensus to a practical and constantly applicable norm by states' member whenever needed. Therefore, the pathway of development before the R2P concept in the frame of international law as to transform from theory to practice, and from a concept to custom and then after a customary rule of international law, in light of the current facts, is unrealistic if not impossible. That is because international customary law requires for a formulation of a new customary rule two important conditions; First: the consistent act of states to act in such a way. Second: the belief that law required them to act that way. The fulfillment of these two conditions seems to be extremely difficult especially after what happened in Libya and Syria.

From an Islamic perspective, the R2P in its theoretical formula is in total compatibility with the religion of Islam. Particularly in terms of its ethical ends to protect defenseless civilians from a gross and systematic violations of human rights. Islam as a religion,

based on its holistic texts of revelation derived from Quran and sunnah, strongly urged Muslims to provide assistance for those who are oppressed and/or under imminent threat of massive killing. Also, prophet PBUH stressed to participate in every humanitarian effort to achieve the goal of protecting vulnerable and saving lives of innocent individuals regardless of their religion, ethnicity and color. On that basis, Islam as a religion and Muslims as believers in this religion accepts R2P as an idealistic norm that serves the highly objective of Shari'a law exemplified in "the protection of the self".

Additionally, this article attempted to spot the light on the challenges that are facing the R2P norm in the Arabic region and Islamic world at large. The focus was dedicated to articulating the jurisprudential controversy that sparked amongst scholars of religion of Islam relating to the revolutionary events of the Arab spring. The core question in this controversy was whether the military intervention, **by Non-Muslim forces**, under pillar three of R2P civilian in Muslim countries is legitimate under Islamic law? This controversy was notable in both cases of Syria and Libya where Shaykh 'Al-Qaraḏāwī called for a military intervention to protect civilians, even if the goal of protection requires overthrowing the political regime. Contradictively, shaykh 'Al-Būfī stated that any external military intervention in Syria by western powers is strictly prohibited in the religion of Islam.

Between these two contradicting opinions, the way how Muslim religious scholars are approaching matters of international relations and politics is in need to be reviewed, reformed and re-formulated to meet nowadays challenges.

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### **Bibliography**

Tariq Ramadan. In the Footsteps of the Prophet: Lessons from the Life of Muhammad. Oxford University Press, 2009.

Abu Bakr Ahmad ibn al-Hussain al-Bayhaqī, al-SSunan al-Kubra, Dar al-Marfa, Vol.06.

Available:[https://islamweb.net/ar/library/index.php?page=bookcontents&flag=1&bk\\_no=71&ID=12719](https://islamweb.net/ar/library/index.php?page=bookcontents&flag=1&bk_no=71&ID=12719)

Ali ibn Ahmad ibn said bn hazm, al-muhla bi Al-Athar, Dar al-fikr, vol:10. 355

Allah H. & Muhammad, M. A. A. W. I. (1985). al-Siyasiyyah li Ahad al-Nabawi wa al-Khalifah al-Rasheedah.

Annan, K. A. (2000). We the peoples: The role of the United Nations in the 21st century. <https://www.un.org/press/en/2000/20000403.ga9704.doc.html>

Atiyeh Aldan al-hakam al-Sharqiyah li nnawazil al-Siyasiyyah. 617.

Atiyeh Dolan, Al-Hakam Al-Sharqiyah li-nnawazil al-Siyasiyyah. Dar al-kutub al-masriyyah. first edition, 2011.

Bakker, E., & Singleton, M.. Foreign fighters in the Syria and Iraq conflict: Statistics and characteristics of a rapidly growing phenomenon. In Foreign fighters under international law and beyond .TMC Asser Press, The Hague. 2016.

Blog, I International Coalition for the Responsibility to Protect; All eyes on upcoming elections as Kenya works to prevent the recurrence of atrocities. I Crop Blog. . 2013

Butchard, P. M. The Responsibility to Protect When the UN Security Council Fails to Act: Is there Room for a Tertiary

- Responsibility? .Doctoral dissertation, University of Liverpool. .  
2017
- Cunliffe, P. From ISIS to ICISS: A critical return to the Responsibility  
to Protect report. *Cooperation and Conflict*, 51(2). 2016.
- Evans, G. *The responsibility to protect: ending mass atrocity crimes  
once and for all*. Brookings Institution Press. 2009.
- Ibrahim Mahmood, "Social and Economic Conditions in Pre-Islamic  
Mecca." *International Journal of Middle East Studies*, 14(3): 355.  
Cambridge University Press. Aug. 1982.
- Jones, Adam. *Gender and Genocide in Rwanda*. *Journal of Genocide  
Research*. . 2002.
- Mansur Ibn Yunis al-baht. *kasha al-kina la matn al-iqna* .Dar al-kutub  
al-ilmiyyah, vol:6. 2009
- Mohammad Ibn Ali Al-Shawkani, *Nail Al-Awtar*, Dar Al-  
Hadith,vol,7:1993.  
Ebook[https://islamweb.net/ar/library/index.php?page=bookcont  
ents&ID=1011&idfrom=2385&idto=2386&flag=0&bk\\_no=47  
&ayano=0&surano=0&bookhad=0](https://islamweb.net/ar/library/index.php?page=bookcontents&ID=1011&idfrom=2385&idto=2386&flag=0&bk_no=47&ayano=0&surano=0&bookhad=0)
- Mohammad Ibn Arafah 'Al-ddasūkī. 'Hashian Al-ddasuki ala Al-sharh  
Al-kabir. *Dar ihya al-kutub al-Arabiya*, vol:4.:204
- Mohammad Ibn Edris Al-Shafii AL-'umm, *Dar al-marifah*, Beirut,  
vol:4. 309.
- Muhammad Hamid Allah. *Majnu atu Al-Watha qi Al-ssiyassiyati li  
al- ahdi Al-Nabawi wa Al-khalifate Al-Rasheedah* Dar Al-nakfa  
is, 5<sup>th</sup> edition, 1985.

## **The Ideological Challenges of the Responsibility to Protect in the Islamic World**

---

Panel, U. H. L. A more secure world: our shared responsibility. *Terrorism*, 145(164), 41. 2004

Safi Al-hawala, Kashrut alumna an Sulema Al- ummah, available in pdf form at: <https://www.cia.gov/library/abbottabad>

Salah Abd AL-Razak. Al-alma Al-Islamise wa Al-Gharib: Dirassah fi Al-qanun Al-drawly 'Al-islami, first edition, muassasat Dar AL-Salam,. Quoted from: Atiyeh dan, al-Ahram AL-shar'iyah fi al-nawazil al-Siyasiyyah,. 2002

Selim, A. S. A. *The Concept of Coexistence in Islamic Primary Sources: An Analytical Examination*. Cambridge Scholars Publishing. 2015

The regional infographic of the responsibility to protect in the Middle East and North Africa (MENA), and the Asia pacific.

<http://endgenocide.org/learn/past-genocides>

<http://www.responsibilitytoprotect.org/>

<https://www.britannica.com/biography/al-Bahuti>

<https://www.islamicfinder.org/knowledge/biography/story-of-imam-alshafiee/>

<https://www.oxfordbibliographies.com/view/document/obo->

9780195390155/obo-

97801953901550098.xml#:~:text=Yusuf%20al%2DQaradawi%20(b.,%2DIkhwana%20al%2DMuslimin).&text=Several%20alternative%20transliterations%20of%20his,%2C%20including%20Yusef%20al%2DQaradawi.

[https://www.oxfordreference.com/view/10.1093/oi/authority.20110810104531678.](https://www.oxfordreference.com/view/10.1093/oi/authority.20110810104531678)

<https://www.youtube.com/watch?v=FRbV8HO4AnQ>

<https://www.youtube.com/watch?v=x9ZjlQLjmo>