

Faith inspiration in a secular world: An Islamic perspective on humanitarian principles

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Abstract

In recent years, there has been more and more interaction and engagement between “faith-based” organizations (FBOs) and secular humanitarian organizations. While humanitarian organizations operate under the humanitarian principles of humanity, neutrality, impartiality and independence, it is often believed that faith-based organizations cannot be neutral or impartial due to their religious identity and agenda. Drawing on the research of Islamic Relief Worldwide, this article looks critically at connections that can be drawn between Islamic religious principles and those upheld as key to secular humanitarian action. The article outlines the Islamic maqasid al-Shari’ah framework as an example of how religious-based approaches can provide a basis for humanitarian action that is both relevant to Islamic communities and complementary to humanitarian principles.

Keywords: Islam, humanitarian principles, Islamic Relief Worldwide, secular, religion, development, humanitarian assistance, faith-based organizations.



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At first glance, it would appear that Islamic actors had little to no involvement in the development of international humanitarian law (IHL) and the principles that guide humanitarian action (such as humanity, neutrality, impartiality and independence). There were no Islamic States present at the Geneva International Conference in 1863,² and the role of Islamic actors was initially confined to that of the passive “other”. Over time, however, the influence of Islamic representatives served to widen the concept of humanitarianism:

Islam at first represented a critical oriental “other” against which the emerging modernist law of war delineated itself. Because of its own universalist and humanist tendencies this law was, however, forced to accommodate subjects from different cultural-legal systems and consequently to abandon its Christian roots. Islam thus prompted the definition of international humanitarian law in secular, universalist terms.³

Cockayne argues that the secular dynamics found in IHL were a result of the pressure exerted to account for the differences found in Islamic systems, particularly from the Ottoman Empire and Persian delegations.⁴

It is increasingly recognized that a religious identity has been viewed as posing an inherent risk to the neutrality or impartiality of humanitarian activities due to competing, even contradictory mandates between a humanitarian and a “religious” agenda. At various points, religion has been considered antithetical to “development” and it has been thought that religious approaches can even promote partisan alliances and create conflicts.⁵ There is a powerful irony in how influential this view has been, considering the historic role that religion and faith actors have played in the development of IHL and the provision of assistance to those in need, long before the concept of a professionalized, secular, humanitarian sector came into being.⁶ This is not to say that such fears are not founded on real examples of harmful behaviour and attitudes by faith groups, including exclusive proselytizing practices and naivety about the power dynamics inherent in the delivery of humanitarian assistance. The results of these issues

1 Available publicly at: <http://policy.islamic-relief.com/portfolio/working-in-conflict-a-faith-based-toolkit/> (all internet references were accessed in December 2014).

2 The Geneva International Conference of 1863 gave the impetus for the development of the humanitarian laws of war embodied in the Geneva Conventions of 1864, 1906, 1929 and 1949. It was also the founding conference of the International Red Cross and Red Crescent Movement.

3 James Cockayne, “Islam and International Humanitarian Law: From a Clash to a Conversation between Civilizations”, *International Review of the Red Cross*, Vol. 84, No. 847, 2002, pp. 599–600, available at: www.icrc.org/eng/assets/files/other/irrc_847_cockayne.pdf.

4 *Ibid.*

5 Wilfred Mlay, “Some Myths about Faith-Based Humanitarian Aid”, *Humanitarian Exchange Magazine*, 27 July 2004, available at: www.odihpn.org/humanitarian-exchange-magazine/issue-27/some-myths-about-faith-based-humanitarian-aid.

6 Carolyn Evans, “The Double-Edged Sword: Religious Influences on International Humanitarian Law”, *Melbourne Journal of International Law*, Vol. 6, 2005; Mashhood A. Baderin, “Religion and International Law: Friends or Foes?”, *European Human Rights Law Review*, No. 5, 2009.

range from diplomatic incidents taken to the international stage⁷ to ignorance of local dynamics that borders on the comedic.⁸

Lord Carey, former Archbishop of Canterbury, points to 1997–1998 and the World Faiths Development Dialogue as offering an identifiable turning point for the relationship between international organizations and “faith-based” organizations (FBOs),⁹ an event that sought to increase understanding of the role of faith, FBOs and religious institutions in the provision of services, development and humanitarian activities.¹⁰ Since the Dialogue there has been a gradual increase in the interest expressed by the international aid architecture in the role of FBOs, faith communities and faith leaders in the provision of humanitarian assistance, often related to questions of the “added value” of faith. While a focus on service provision remains the most common approach by large-scale humanitarian donors towards FBOs, the nature of the conversation has developed in ways which indicate greater acceptance of the “value” provided by FBOs and engagement with faith actors more broadly. Since 2005 at least five UN agencies have developed guidance or frameworks on working with faith communities,¹¹ and since 2010 the United Nations (UN) Staff System College has hosted three

7 Examples of such incidents can be found in Michael D. McGinnis, “Proselytism Games and Humanitarian Aid”, prepared for and presented at the Annual Meeting of the Association for the Study of Religion, Economics, and Culture (ASREC) and the Society for the Scientific Study of Religion, Portland, OR, 19–21 October 2006, available at: www.global.ucs.edu/orfalecenter/luce/luce08/documents/McGinnis-ProselytismGames.pdf.

8 For example, in anonymous interviews with the author in 2011–2012, former Bosnian internally displaced persons (IDPs) noted that aid from some Muslim-majority countries during the 1990s included Qur’ans and booklets on religious practice, despite the recipients being from Muslim communities with ample access to such resources in their own language. This was described with amusement by interviewees, but also frustration as the resources could have contributed towards provision of needed supplies instead.

9 This term presents many difficulties in definition as it can encompass a multiplicity of organizations representing varying mandates and sectors. However, “faith-based” and more recently “faith-inspired” remain the most frequently used and recognizable terms, and hence are used here as defined by Gerard Clarke: “any organisation that derives inspiration and guidance for its activities from the teachings and principles of the faith or from a particular interpretation or school of thought within that faith”. Gerard Clarke and Michael Jennings (eds), *Development, Civil Society and Faith Based Organisations: Bridging the Sacred and the Secular*, Palgrave Macmillan, Hampshire and London, 2008, available at: [www.palgraveconnect.com/pc/polintstudextd/browse/inside/inline/9780230371262.pdf?chapterDoi=%\\$7Bchapter.getDoiWithoutPrefix\(\)%7D](http://www.palgraveconnect.com/pc/polintstudextd/browse/inside/inline/9780230371262.pdf?chapterDoi=%$7Bchapter.getDoiWithoutPrefix()%7D).

10 *Ibid.*, “Foreword by Lord Carey”, pp. xv–xvi.

11 For example, guidelines developed by UN agencies on engagement with faith communities and organizations include: Volker Türk, José Riera and Marie-Claude Poirier (eds), *Partnership Note: On Faith-Based Organisations, Local Faith Communities and Faith Leaders*, UNHCR, 2014, available at: www.unhcr.org/539ef28b9.pdf; United Nations Population Fund, *Culture Matters: Working with Communities and Faith-based Organizations*, 2005, available at: www.unfpa.org/resources/culture-matters-%E2%80%93-working-communities-and-faith-based-organizations#sthash.3Fg6GAiW.dpuf; UNAIDS, *Partnership with Faith-based Organizations: UNAIDS Strategic Framework*, 2009, available at: www.unaids.org/sites/default/files/media_asset/20100326_jc1786_partnership_fbo_en_0.pdf; UNICEF, *Partnering with Religious Communities for Children*, 2012, available at: www.unicef.org/about/partnerships/files/Partnering_with_Religious_Communities_for_Children_%28UNICEF%29.pdf; and United Nations Development Programme, *UNDP Guidelines on Engaging with Faith-based Organizations and Religious Leaders*, 2014, available at: www.undp.org/content/dam/undp/documents/partners/civil_society/publications/UNDP-CSO-Engaging-FBOs-RLs-October-2014.pdf.

Strategic Learning Exchanges between UN Agencies and FBOs.¹² Further examples include the launch of the Joint Learning Initiative on Faith and Local Communities in 2012, initiated to build collective understanding of the potential of local faith communities for improving community health and well-being,¹³ and the UN High Commissioner for Refugees (UNHCR) High Level Dialogue on refugee protection for religious leaders and faith-based humanitarian organizations, also in 2012. This dialogue discussed shared values informing assistance to refugee populations and sought to foster deeper relationships between secular and faith-based agencies,¹⁴ leading to the “Welcoming the Stranger” document,¹⁵ an innovative development that arguably would have been unheard of a decade previously.

The movement to engage with religious actors has been developing, and inevitably seeks to counteract a long history of religious identity being construed as inherently biased. The result of this history has been pressure on FBOs involved in humanitarian action to conform to secular narratives in order to be eligible for funding from major donors; this has had a palpable impact.¹⁶ Rick James of the International NGO Training and Research Centre (INTRAC)¹⁷ observes this downplaying by FBOs of their faith identity. Even with increased interest by donors and openness to working with religious groups, many such organizations are reticent to break down the barriers that have been drawn, potentially due to the threat that such action may pose to their professional identities. James’ research indicates that this division is perhaps less powerful for Muslim organizations, but Islamic Relief Worldwide has also experienced the impact of these pressures.

Islamic Relief grew from a small group of volunteers in 1984 to become the largest Muslim non-governmental organization (NGO) in the world thirty years later. As the organization became part of the international system, eventually questions were posed as to what extent adherence to humanitarian principles and the “secular” values¹⁸ of the wider sector had begun to overtake its identity as an

12 See www.unssc.org/home/activities/engaging-faith-organisations-and-communities-development-and-humanitarian-work regarding the 2014 event attended by the author.

13 See the website of the Joint Learning Initiative on Local Faith Communities, available at: <http://jliflc.com/about/>.

14 More information on the “Faith and Protection” session of the UNHCR Annual Consultations with NGOs is available at: www.unhcr.org/pages/501a39ce6.html.

15 UNHCR, *Welcoming the Stranger: Affirmations for Faith Leaders*, 2013, available at: www.unhcr.org/51b6de419.html.

16 Alistair Ager, “Faith and the Discourse of Secular Humanitarianism”, *Journal of Refugee Studies*, Vol. 24, No. 3, 2011.

17 Rick James, *What is Distinctive About FBOs? How European FBOs Define and Operationalise Their Faith*, Praxis Paper No. 22, INTRAC, 2009, available at: www.intrac.org/data/files/resources/482/Praxis-Paper-22-What-is-Distinctive-About-FBOs.pdf.

18 Although international principles and guidance (including the “rights-based approach”) were developed to enable a universal common ground for assistance to those in need, they have not been without their critics, for their relationship to a “Western” political agenda or theoretical underpinning. For example, see Juliano E. M. Fiori, *The Discourse of Western Humanitarianism*, Institut de Relations Internationales et Stratégiques, October 2013, available at: www.iris-france.org/docs/kfm_docs/docs/obs_questions_humanitaires/ENG-JulianoEM-Fiori-october2013.pdf.

Islamic FBO. The organization was founded on the basis that charitable giving and aid to others is a religious duty;¹⁹ faith was and remains the overt inspiration for the majority of staff and volunteers.²⁰ However, what the Islamic faith meant for the organization's approach to humanitarian action became less clear over time. Alienation was apparent between the secular language of the humanitarian sector and the religious language and meaning as it was understood internally. This is not to say that values or responses were contradictory, but rather that there was a lack of understanding on how the two interrelate and inform each other.²¹ This issue was given increasing attention during Islamic Relief's Strategic Review in 2010, and as a result the organization took the decision to utilize programmatic development funding from the UK Department for International Development²² for research into this area, specifically to increase the knowledge and understanding required to develop a "faith-literate" approach to humanitarian action by Islamic Relief. Subsequently, publications and policies examining complex theological teachings related to numerous issues²³ were developed in order to translate an Islamic "faith-based approach" to humanitarianism and development into resources and practical approaches.²⁴ This journey is not unique to Islamic Relief but indicative of the experience of a range of faith-based and faith-inspired agencies that are seeking to revive this knowledge and inspiration in a way that impacts their very approach to humanitarianism.

On the international stage, FBOs have willingly, and rightly, ascribed to humanitarian principles,²⁵ but a context in which engagement with faith organizations and communities is increasingly on the agenda also provides an opportunity to reflect on the nature of the relationship between FBOs and those

19 Interview with Dr Hany el-Banna at the Berkley Centre for Religion, Peace and World Affairs, 3 December 2007, available at: <http://berkleycenter.georgetown.edu/interviews/a-discussion-with-dr-hany-el-banna-president-and-co-founder-islamic-relief>. It is interesting to note that even at that early stage, the need to emphasize that the religious identity of the organization would not imply partiality was clear: "I presented it as a moral issue, and our response as a duty, not just for Muslims and Christians, but every single human being. ... Our message was about need and responsibility, and we stressed the need to help our fellow human beings, with no conditions, as an imperative coming from each and every faith, following the teachings of Jesus, Abraham, Mohammed and others. There should be no political, ethnic or racial distinction in the face of need."

20 Unlike some other FBOs, Islamic Relief operates with a non-discriminatory recruitment policy and there is no requirement to be a Muslim to be part of the organization, although staff are expected to abide by and be committed to the values of the organization. As a result, Islamic Relief employs a large number of staff from other religious backgrounds worldwide.

21 Interviews and discussions with Islamic Relief staff between January 2013 and April 2015.

22 Records of the Programme Partnership Arrangement funding to Islamic Relief are listed at: www.gov.uk/programme-partnership-arrangements-ppas and <http://devtracker.dfid.gov.uk/projects/GB-1-102415/>.

23 On conceptions of humanity, dignity, protective behaviour, environmental obligations and gender justice, to name but a few. Nearly all research by Islamic Relief on these subjects is available publicly at: <http://policy.islamic-relief.com/publication/>.

24 The resources that are publicly available are published on the Islamic Relief policy website at: <http://policy.islamic-relief.com/publication/>.

25 For example, training for Islamic Relief staff identifies the organization as adhering to the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief, and focuses on humanity, impartiality, neutrality, independence, respect for culture and customs, coordinated action, building capacity, adherence to "do no harm" and a focus on vulnerability in the training of new emergency response personnel.

principles in the current day, and (in the case of this article) to critically examine how dialogue between humanitarian principles and Islamic theology takes place. There have been excellent efforts on a number of fronts to develop further the body of knowledge that relates IHL to Islamic law and legal theory, particularly through the efforts of the International Committee of the Red Cross (ICRC)²⁶ and others including Syracuse University.²⁷ Schwendimann has identified the difficulties associated with lack of familiarity with the legal framework of IHL,²⁸ and the understanding of humanitarian principles is arguably wider and easier for actors to get to grips with. Not least, assistance must be given in accordance with these principles to avoid aid being considered “unlawful interference in internal affairs”²⁹.

To critically examine how dialogue between humanitarian principles and Islamic theology takes place, this article will first examine humanitarian principles and Islamic principles in tandem, and discuss their commonalities and complementarities. A more critical approach will then be taken to consider where tensions and ethical concerns may arise from the nuances of interplay between the values held by an Islamic FBO and adherence to humanitarian principles. This will be followed by a discussion of the extent to which faith and faith actors may be instrumentalized and the issues this causes for humanitarian action. Finally, the article will look to a potential way forward and demonstrate how dialogue may take place between religious and humanitarian principles in practice, to result in a faith-driven approach to humanitarian action that is nonetheless complementary and in line with humanitarian principles. This will be done through presentation of the work of Islamic Relief on an Islamic approach to human development using the *maqasid al-Shari'ah*, the goals or objectives of Islamic law.

Humanitarian principles and Islamic concepts

In Islam an “act of charity” is not limited to material or resource transfers, but instead is considered to include any act of kindness or concern towards living things. Muslims will frequently cite the teaching of the Prophet Muhammad

26 This has particularly taken place through conferences inviting input from Islamic legal scholars – for example, a conference organized by the ICRC and the International Islamic University of Islamabad in 2005 (www.redcross.int/EN/mag/magazine2005_1/24-25.html); a seminar held with the ICRC, the Yemeni Red Crescent and Aden University on the protection of war victims under Islamic law and IHL (www.icrc.org/eng/resources/documents/feature/2006/islamic-law-ihl-feature-010606.htm); and an international conference on humanitarian action in the light of Shari'ah and IHL held in Pakistan in 2014 (www.icrc.org/en/document/pakistan-conference-humanitarian-action-light-sharia-and-international-humanitarian-law). See also the article by Abdulfatah Said Mohamed and Ronald Ofteringer in this issue of the *Review*.

27 See <http://instd.syr.edu/projects/security-in-the-middle-east-islam/islamihl/>.

28 Felix Schwendimann, “The Legal Framework of Humanitarian Access in Armed Conflict”, *International Review of the Red Cross*, No. 884, December 2011, available at: www.icrc.org/eng/assets/files/review/2011/irrc-884-schwendimann.pdf.

29 *Ibid.*, p. 997.

(peace be upon him, PBUH³⁰) that even greeting another with a smile is considered an “act of charity”, while other guidance on what constitutes a charitable act can be as diverse as removing a small impediment from the path of another or listening to those who are suffering,³¹ the essential nature of charity being about connecting to God (Allah³²) through our relationships with one another. For Muslims, humanitarianism is understood as being associated with charity and therefore considered in this broader sense.³³ This has practical implications with the emergence of “non-traditional” donors, including from the Muslim world, for whom the concept of aid encompasses all forms of assistance to people in need, including religious charity such as the building of religious institutions, and cash donations with potentially less focus on follow-up on the impact of the funds donated.³⁴

Starting from this recognition that what constitutes humanitarian action is somewhat wider in a discussion regarding its intersection with Islamic principles and law, the following outlines the humanitarian principles as found in the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations in Disaster Relief (1994 Code of Conduct)³⁵ and in each case offers an outline of corresponding understandings and approaches from within the Islamic tradition, drawn from the research undertaken by Islamic Relief.³⁶ This section will consider the humanitarian imperative alongside the teachings of Islam on the nature of humanity and human dignity, and will discuss the principles of impartiality, independence and neutrality and their counterparts in Islamic law and jurisprudence. The article will finally discuss the commitment within the 1994 Code of Conduct to build local capacity³⁷ and how this finds its complement in guidance to Muslims on the importance of developing the self-reliance of the poor.

³⁰ Prophets of God are honoured by Muslims with this saying when their name is mentioned.

³¹ Such sayings are recounted in the *ahadith* collections of al-Bukhari and Muslim (see below note 59).

³² “Allah” is transliterated from the Arabic word for God. Muslims will more often refer to God as Allah, even when speaking in languages other than Arabic.

³³ Mamoun Abuarqub and Isabel Phillips, *A Brief History of Humanitarianism in the Muslim World*, Islamic Relief Worldwide, 2009, available at: <http://policy.islamic-relief.com/wp-content/uploads/2014/05/A-Brief-History-of-Humanitarianism-in-the-Muslim-World-New-Format.pdf>.

³⁴ Andrea Binder and Claudia Meier, “Opportunity Knocks: Why Non-Western Donors Enter Humanitarianism and How to Make the Best of It”, *International Review of the Red Cross*, Vol. 93, No. 884, 2011, p. 1137, available at: www.icrc.org/eng/resources/documents/article/review-2011/irrc-884-binder-meier.htm.

³⁵ The 1994 Code of Conduct is available at: www.ifrc.org/en/publications-and-reports/code-of-conduct/. This article quotes from the full English text available at: www.ifrc.org/Global/Publications/disasters/code-of-conduct/code-english.pdf.

³⁶ The author is indebted to the work of Islamic Relief colleagues Dr. Muhtari Aminu-Kano and Atallah Fitzgibbon for their writings on human development in Islam, published online as *An Islamic Perspective on Human Development*, Islamic Relief Worldwide, Birmingham, 2014, available at: <http://policy.islamic-relief.com/wp-content/uploads/2014/07/Human-Development-in-Islam.pdf>. This section also draws from the author’s own publication: Lucy V. Moore, *Working in Conflict: A Faith Based Toolkit for Islamic Relief*, Islamic Relief Worldwide, Birmingham, 2014, available at: <http://policy.islamic-relief.com/portfolio/working-in-conflict-a-faith-based-toolkit/>, particularly the writings published under Section 1 (“Policy”).

³⁷ 1994 Code of Conduct, above note 35, Arts 6, 7, 8, p. 4.

The humanitarian imperative

The right to receive humanitarian assistance, and to offer it, is a fundamental humanitarian principle which should be enjoyed by all citizens of all countries The prime motivation of our response to disaster is to alleviate human suffering amongst those least able to withstand the stress caused by disaster. When we give humanitarian aid it is not a partisan or political act and should not be viewed as such.³⁸

As the subject of the first article of the 1994 Code of Conduct, the humanitarian imperative provides the foundation for the humanitarian principles as a whole. The principle of humanity and the concept of human dignity underpin this imperative that those in need have the right to receive humanitarian assistance, and that those who are able to assist have the right to provide it.³⁹ The obligatory (rights of those in need) and voluntary (right to provide assistance) nature of humanitarianism finds its Islamic partner in the two categories of charitable giving for Muslims – obligatory charity in the form of *zakat*, the third Pillar of Islam,⁴⁰ and voluntary charity in the form of *sadaqah*. In the case of *zakat*, each Muslim is obliged to provide a fixed proportion of their wealth or assets to those in need each year providing that their wealth is above a certain threshold, along with a fixed payment at the end of the month of Ramadan (*zakat al fitr*). *Sadaqah* is a charitable offering that can take place at any time for any amount and is actively encouraged in Islam. Charity, both obligatory and voluntary, is considered to be more than just a “good deed” but an action aimed towards social justice and intended to balance social inequality.⁴¹

At the core of Islamic teaching about the nature of humanity is the dignity (*karama*) conferred by God on all humanity. The Qur'an states that Allah “honoured the children of Adam and ... favoured them specially above many of those We have created”,⁴² and that at the moment when humanity was created, God breathed into Adam something of the Divine spirit⁴³; this relationship to the Divine and thereby human dignity is considered an innate attribute of

38 *Ibid.*, Art. 1.

39 *Ibid.* Human dignity and its relationship to humanitarian action is given clear discussion primarily in the Sphere Project Humanitarian Charter, available at: www.spheraproject.org/; however, it has its basis in the “right to life” enshrined in the Universal Declaration of Human Rights, as mentioned in the first lines of the document: “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”. Universal Declaration of Human Rights, Preamble, available at: www.un.org/en/documents/udhr/.

40 The Five Pillars (or duties) of Islam are the *shahada* (profession of faith), *salah* (obligatory prayers), *zakah* (giving of charity), *saum* (fasting during the month of Ramadan) and *Hajj* (pilgrimage to the *Kabbah* in Mecca).

41 See also Ajaz Ahmed Khan, Ismayil Tahmazov and Mamoun Abuarqub, *Translating Faith into Development*, Islamic Relief Worldwide, Birmingham, 2009, available at: <http://policy.islamic-relief.com/wp-content/uploads/2014/05/Translating-Faith-Into-Development.pdf>.

42 Qur'an, *Surat al-Isra*, 17:70. All translations of Qur'anic verses (*ayahs*) in this article are from *The Qur'an: A New Translation* by M. A. S. Abdel Haleem, Oxford University Press, Oxford, 2005.

43 “Your Lord said to the angels, ‘I will create a man from clay. When I have shaped him and breathed from My Spirit into him, bow down before him.’” Qur'an, *Surat Sad*, 38:71–72.

humankind. Jurists are in general agreement on the equal dignity and worth of all human beings, and thus everyone has the right to live a life worthy of dignity and respect simply by virtue of being human.⁴⁴

At the heart of the Islamic tradition lies *Tawhid*, which refers to the state of unity, oneness and uniqueness of Allah. Islam is a monotheistic religion, and Muslims believe that God is one and the Creator of all; hence, the first of the Five Pillars of Islam is that Muslims make a declaration of faith (*shahada*), “There is no god but Allah”. Thus, all creation is a unified whole based on the unity of its source and origin. Emerging from this belief in *Tawhid* is the idea that unity can be found in all facets of humanity – that there is an inherent unity of various revelations sent from Allah, the unity of humanity, the unity of creations and ultimately the unity of all existence. Unity in Islam defines humankind’s vertical relationship with God, an individual’s relationship with himself or herself, human-to-human relationships and humanity’s relationship with other creations.

Tawhid further encompasses the integration and connected nature of a diverse humanity as emerging from one Divine source of creation:

People, we created you all from a single man and a single woman, and made you into races and tribes so that you should recognize one another. In God’s eyes, the most honoured of you are the ones most mindful of Him: God is all knowing, all aware.⁴⁵

Through *Tawhid*, Islam reconciles and connects the unity of God and creation to the diversity of that creation. While humanity and the universe are diverse by nature, they are interconnected through their creation by God and their relationship with the Divine. The innate dignity of humanity is further emphasized through the concept of *fitrah*, the sacredness of human life which recognizes the fundamental goodness of all people at birth: “We create man in the finest state.”⁴⁶ Because of *fitrah*, all human life is sacred and its dignity (*karama*) is to be preserved:

We decreed to the Children of Israel that if anyone kills a person – unless in retribution for murder or spreading corruption in the land – it is as if he kills all mankind, while if any saves a life it is as if he saves the lives of all mankind.⁴⁷

Based on the Qur’anic revelation that man is created “in the finest state” and the presence of Divine breath in the formation of humanity, the concept of human nature in Islam indicates that humans are essentially good, but we exhibit negative traits such as arrogance, greed or being unappreciative.⁴⁸ These are seen as deviations from our essential nature, and an indication that humans are able to

⁴⁴ Mohammed Hashim Kamali, *The Dignity of Man*, Islamic Texts Society, Cambridge, 2002.

⁴⁵ Qur'an, *Surat Al-Hujurat*, 49:13. See also *Surat Al-Ma'idah*, 5:48; and *Surat Yunus*, 10:19.

⁴⁶ Qur'an, *Surat Al-Tin*, 95:4. See also *Surat Al-Baqarah*, 2:30–34; and *Surat Al-Isra*, 17:70.

⁴⁷ Qur'an, *Surat Al-Ma'idah*, 5:32.

⁴⁸ See *Surat Ibrahim*, 14:34; *Surat Al-Isra*, 17:11; *Surat Al-Khaf*, 18:54; *Surat Al-Hajj*, 22:66; *Surat Al-Ahzab*, 33:72; *Salat Az-Zukhruf*, 43:15; and *Surat Al-'Adiyat*, 100:6. For analysis see S. Ayse Kadaiyici-Orellana, Mohammed Abu-Nimer and Amjad Mohamed-Salem, *Understanding an Islamic Framework for Peacebuilding*, Islamic Relief Worldwide, Birmingham, 2013, pp. 9–11, available at: <http://policy.islamic-relief.com/portfolio/understanding-an-islamic-framework-for-peacebuilding/>.

change their behaviour: “God does not change the condition of a people unless they change what is in themselves.”⁴⁹

Impartiality, independence and neutrality

Interwoven throughout the 1994 Code of Conduct is direction that NGO agencies should conduct themselves impartially and independently. Impartiality is embedded in various provisions – for example, where the Code states that the giving of humanitarian aid “is not a partisan or political act and should not be viewed as such” in Article 1,⁵⁰ and that “[a]id will not be used to further a particular political or religious standpoint” even where organizations retain the right to their political or religious opinions (under Article 3).⁵¹ Independence is explicitly identified under Article 4: “We shall endeavour not to act as instruments of government foreign policy. NGHAs [non-governmental humanitarian agencies] are agencies which act independently from governments In order to protect our independence we will seek to avoid dependence upon a single funding source.”⁵² Although not directly referenced in the 1994 Code of Conduct, neutrality is recognized as a further principle for humanitarian assistance as included in the Annex on Guiding Principles in UN General Assembly Resolution 46/182.⁵³ Adherence to neutrality as a principle for humanitarian action has in turn been adopted by NGOs, although it is not without complications.⁵⁴

It is a popular reading that Islamic teachings promote unequal treatment of non-Muslims, and this can become compounded when added to the fear that religiously based organizations tend to act partially towards those of the same faith. Although Islam, like other faiths, promotes closeness amongst its community of believers, evidence from its primary sources, and from practice in Muslim societies, does not bear out this reading. Muhammad Hashim Kamali⁵⁵ has conducted an analysis of this issue, finding that only three Qur’anic verses⁵⁶ may be interpreted as supporting unequal treatment of non-Muslims, and only limited examples of such discrimination can be found in the history⁵⁷ of the time

49 Qur'an, *Surat Ar-Ra'd*, 13:11.

50 1994 Code of Conduct, above note 35, p. 3.

51 *Ibid.*

52 *Ibid.*, pp. 3–4.

53 See www.un.org/documents/ga/res/46/a46r182.htm.

54 For a useful discussion on neutrality in humanitarian assistance (primarily focusing on the ICRC), see Denise Plattner, “ICRC Neutrality and Neutrality in Humanitarian Assistance”, *International Review of the Red Cross*, No. 311, 1996, available at: www.icrc.org/eng/resources/documents/misc/57jn2z.htm. This will also be discussed further below.

55 Muhammad Hashim Kamali, *Freedom, Equality and Justice in Islam*, Islamic Texts Society, Cambridge, 2002.

56 *Surat Al-Imran*, 3:110; *Surat Al-Tawbah*, 9:21; *Surat Al-Ma'idah*, 5:51.

57 This history is specifically referred to by Muslims as *Sunnah* and is a source of Islamic law and practice, particularly for Sunni Muslims.

of the Prophet Muhammad (PBUH), while many other passages in the Qur'an⁵⁸ and numerous *ahadith*⁵⁹ can be quoted to support equality for non-Muslims.

In the humanitarian sector this issue is most clearly seen in questions over who is eligible to be beneficiaries of the obligatory charitable payments of *zakat*. Guidance from the Qur'an itself does not specify that recipients of alms must be Muslim:

Alms are meant only for the poor, the needy, those who administer them, those whose hearts need winning over, to free slaves and help those in debt, for God's cause, and for travellers in need.⁶⁰ This is ordained by God; God is all knowing and wise.⁶¹

As such, the 1994 Code of Conduct exhorting organizations to "endeavour not to act as instruments of government foreign policy" and to ensure that "[a]id will not be used to further a particular political or religious standpoint"⁶² is well within the guidance for Muslims to give first to the poor and needy⁶³ and not at the direction of political or other considerations. In the cases of *sadaqah* this is widened further as it can be offered to anyone of the donor's choosing without restriction, and encompasses the charitable acts (such as smiling or listening) that would not be applicable as *zakat*.

Furthermore, classic Islamic jurisprudence includes a strong tradition of neutrality for the purposes of mediation. This article does not intend to outline the precedence and history of neutrality in Islamic law and theology, but it can find many expressions of it: it is classically found in the impartial nature of the judiciary as set up in the time of early Islam,⁶⁴ and in armed conflict neutrality as an equivalent to the *aman* (safe conduct) guaranteed for the emissary of a (foreign) nation, and even for any enemy who has asked for asylum.⁶⁵ There are also strong traditions contained in the *ahadith* of the Prophet Muhammad (PBUH) and early converts to Islam that point to the "neutral" position of some actors in a conflict who are to be protected:

58 Surat Al-Baqarah, 2:62; Surat Al-Ma'idah, 5:5; Surat Al-Mumtahinah, 60:8; and several *ahadiths*.

59 *Hadith* (plural: *ahadith*) are collected traditions containing sayings and actions of the Prophet Muhammad (PBUH) and constitute a major source of guidance for the majority of Muslims.

60 Readers will have noticed the wide variety of activities contained within this statement that are typically excluded from humanitarian action. These will be discussed in more detail below.

61 Qur'an, Surat Taubah, 9:60.

62 1994 Code of Conduct, above note 35, Art. 3.

63 For further information on *zakat*, *sadaqah*, Islam and humanitarianism, see Mamoun Abuarqub, *Faith Identity in Practice*, Islamic Relief Worldwide, Birmingham, 2010, available at: <http://policy.illegal-relief.com/portfolio/faith-and-identity-in-practice/>; Rianne C. ten Veen, *Charitable Giving in Islam*, Islamic Relief Worldwide, Birmingham, 2009, available at: <http://policy.illegal-relief.com/portfolio/charitable-giving-in-islam/>; Mamoun Abuarqub and Isabel Phillips, *A Brief History of Humanitarianism in the Muslim World*, Islamic Relief Worldwide, Birmingham, 2009, available at: <http://policy.illegal-relief.com/portfolio/a-brief-history-of-humanitarianism-in-the-muslim-world/>; Jamal Krafess, "The Influence of the Muslim Religion in Humanitarian Aid", *International Review of the Red Cross*, Vol. 87, No. 858, 2005, available at: www.icrc.org/eng/assets/files/other/irrc_858_krafess.pdf.

64 Ata ur Rehman, Dr. Mazlan Ibrahim and Dr. Ibrahim Abu Bakar, "The Concept of Independence of Judiciary in Islam", *International Journal of Business and Social Science*, Vol. 4, No. 2, 2013, available at: http://ijbssnet.com/journals/Vol_4_No_2_February_2013/8.pdf.

65 Qur'an, Surat At-Tawbah, 9:6.

In avenging the injuries inflicted upon us molest not the harmless inmates of domestic seclusion; spare the weakness of the female sex; injure not the infants at the breast or those who are ill in bed. *Refrain from demolishing the houses of the unresisting inhabitants; destroy not the means of their subsistence, nor their fruit-trees and touch not the palm.*⁶⁶

Building local capacity

While generosity is actively encouraged and charitable giving an obligatory duty for Muslims, this is not at the expense of developing people's resilience to poverty and disaster. This is based on a detailed *hadith* narrated by Abu Dawud which describes a poor man coming to the Prophet Muhammad (PBUH) to beg. The story details how the Prophet, instead of giving money, assisted the man in selling his few items and with that money assisted him in buying an axe, which in turn allowed the man to become financially self-sufficient through selling firewood.

The Prophet (PBUH) then said: 'This is better for you than that begging should come as a spot on your face on the Day of Judgment. Begging is right only for three people: one who is in grinding poverty, one who is seriously in debt, or one who is responsible for compensation and finds it difficult to pay.'⁶⁷

Shafi'i and *Hanbali* scholars state that *zakat* should not be paid to a person who is strong and capable of working and securing an income to satisfy their needs, unless they are unable to find suitable employment.⁶⁸

Although not explicitly one of the humanitarian principles, within the 1994 Code of Conduct there is a commitment to building on, rather than displacing, existing capacities: "All people and communities – even in disaster – possess capacities as well as vulnerabilities. Where possible, we will strengthen these capacities by employing local staff, purchasing local materials and trading with local companies."⁶⁹ NGOs also commit to "hold[ing] ourselves accountable to both those we seek to assist and those from whom we accept resources".⁷⁰ For Muslims, accountability for one's actions comes first and foremost from God, who is cognizant of all that you do: "Fulfil any pledge you make in God's name and do not break oaths after you have sworn them, for you have made God your surety: God knows everything you do."⁷¹ Furthermore, within the Qur'an it is explicitly indicated that people are accountable as individuals for their actions: "Whoever has done a good deed will have it repaid ten times to his credit, but

66 Abu 'Abd Allah Muhammad, *al-Maghazi*, Vol. 2, Beirut, Mu'ssasah al A'lami li 'l-Matbu'at, 1409/1898, pp. 757–758; Ahmad b. Zayni Dahlani, *al-Sirah al-Nubawiyyah*, 1st edition, Vol. 2, Halb, Dar al-Qalam al-'Arabi, 1417/1996, p. 236; cf. Dr. Muhammed Munir, "The Prophet (Peace Be Upon Him)'s Merciful Reforms in the Conduct of War: The Prohibited Acts", *Insights, Sirah Special Issue*, Vol. 2, No. 2–3, 2009–2010, p. 235, emphasis added.

67 *Hadith* narrated by Abu Dawud, Book 9, *Hadith* 1637.

68 From research conducted by Sadia Kidwai for Islamic Relief Policy on *zakat*, 2014 (internal documents).

69 1994 Code of Conduct, above note 35, Art. 6.

70 *Ibid.*, Art. 9.

71 Qur'an, *Surat An-Nahl*, 16: 91.

whoever has done a bad deed will be repaid only with its equivalent – they will not be wronged.”⁷² For organizations like Islamic Relief, this is often combined with principles such as excellence (*ihsan*) and sincerity (*ikhlas*) to provide the religious basis for a beneficiary-focused approach, and accountability to the donor.⁷³

Tensions and ethical concerns

The theoretical grounding for the relationship between humanitarian and Islamic principles is sound and appears at first viewing to be relatively unproblematic. As with all “universal” approaches, however, while connections are easily made over broad principles (justice, peace, impartiality), it is over the details of how such principles are put into practice that tensions can arise. The separation of religion from humanitarian or charitable activities is very much an artificial construct for the majority of Muslim communities, as the relegation of faith to the private sphere is not a natural concept for the majority of Muslims.

Outside of the environments where humanitarian professionalism has been developed – overwhelmingly in European and North American contexts – this distinction is one which is constructed to respond to the need for professional identity, not in response to the realities of those organizations working with communities, so often defined by adherence to faith or a particular sect. Research by Elena Fiddian-Qasmiyeh has provided further evidence that the separation of religious identity and faith inspiration from humanitarianism at the local level is more a question of “performance” than reality,⁷⁴ and is done in order to communicate FBOs’ reality to secular international NGOs while remaining in line with the perceptions of donors that humanitarian principles are incompatible with an overt faith identity. This is intended to help retain access to aid from “secular” sources; in this regard, the relationship is reversed and, arguably, faith-based actors in turn “instrumentalize” humanitarian discourse in order to leverage resources and access.

Proselytism

To ensure that aid is given according to need, the 1994 Code of Conduct states:

Notwithstanding the right of NGHAs to espouse particular political or religious opinions, we affirm that assistance will not be dependent on the adherence of the recipients to those opinions. We will not tie the promise, delivery or

72 Qur'an, *Surat Al-'An'am*, 6:160.

73 Atallah Fitzgibbon, *The Importance of Spiritual Capital within Human Development in Islamic Teaching*, Islamic Relief Worldwide, Birmingham, 2012, available at: <http://policy.islamic-relief.com/portfolio/the-importance-of-spiritual-capital-within-human-development-in-islamic-teaching/>; *Faith Inspired Action: Global Strategy 2011–2015*, Islamic Relief Worldwide, Birmingham, 2011, available at: http://policy.islamic-relief.com/downloads/31-FAITH_INSPIRED_ACTIO.pdf.

74 Elena Fiddian-Qasmiyeh, “The Pragmatics of Performance: Putting ‘Faith’ in Aid in the Sahrawi Refugee Camps”, *Journal of Refugee Studies*, Vol. 24, No. 3, 2011.

distribution of assistance to the embracing or acceptance of a particular political or religious creed.⁷⁵

On the surface this has clear connections with restrictions in the Qur'an for Muslims related to proselytism – “There is no compulsion in religion.”⁷⁶ However, for Muslims, *dawah* – or “inviting” others to Islam – is perhaps a much broader concept than is used in the context of humanitarian principles. For Muslims the goal of this might more often be to inform rather than to convert, and conversion is not necessarily to be expected nor explicitly sought. Furthermore, to engage in *dawah* is not necessarily explicit, with many Muslims considering that positive actions by Muslims can speak louder for the faith than words, and so acting kindly or assisting others can be construed as a method of inviting people to Islam. This can be seen in its inclusion in the definition of appropriate beneficiaries for *zakat*:

Alms are meant only for the poor, the needy, those who administer them, *those whose hearts need winning over*, to free slaves and help those in debt, *for God's cause*, and for travellers in need. This is ordained by God; God is all knowing and wise.⁷⁷

The interpretation of “those whose hearts need winning over” and “for God’s cause” in the modern context is a subject for greater analysis and theological scholarship, but the indication is that *zakat* can be spent in much broader ways than envisioned by the modern humanitarian community, and can be considered to include explicitly religious activities for some non-traditional donors.⁷⁸ From the perspectives of FBOs engaged with humanitarian action it can be felt that the pastoral and spiritual facets of any assistance are restricted or unwelcome once they receive funds from donors, and that this is to the detriment of the recipient of that assistance.

This is not to say that there are not risks to impartiality posed by *dawah* in a humanitarian context, but rather that proselytism, like all spiritual life, takes multiple forms. Spiritual life, not often recognized by aid agencies, is a priority to many conflict-affected communities, perhaps especially in situations of displacement. Humanitarian FBOs, including Islamic Relief, abide by policies not to build specifically religious buildings out of respect for humanitarian principles and to be sensitive to the implications that may arise for their position of impartiality. However, Muslim FBOs are frequently approached with requests for assistance in building mosques and religious schools, partly because their religious identification makes people feel such requests will be understood. Responding to the needs of displaced communities in particular, recognition that space for worship and religious education is considered a basic need and is a priority of the camp residents themselves has required reinterpretation of this

75 1994 Code of Conduct, above note 35, Art. 3.

76 Qur'an, Surat Al-Baqarah, 2:256.

77 Qur'an, Surat Taubah, 9:60, emphasis added.

78 Interview with Dr. Hany el-Banna, above note 19.

restriction, resulting in provision of temporary spaces for religious and spiritual use equitably to all communities (both Muslim and non-Muslim). Islamic Relief's stated mission is to relieve poverty based on need, and its policy is that spaces can only be provided where they can be fairly accessed by all members of the community, which is particularly the case in camps for refugee populations; for example, on the Egyptian border with Libya, a camp managed by Islamic Relief provided space for Christians and Muslims to worship together. In another instance, at Layan camp in Al-Rafid, Beka'a, Lebanon, a communal building was provided in the small camp, but as a small community of Muslims, the inhabitants chose to use it as a mosque.

The relegation of religion to "culture" by parts of the international aid community has had other, foreseen consequences in that it has undermined the potential for understanding the economic, political and social role of faith and faith communities in situations of forced migration crisis, and how this can have a positive impact on the design of response. One such example is the inclusion of religion in the 2014 *World Disasters Report*, which discusses religion most explicitly in Chapter 2, "How Religion and Beliefs Influence Perceptions of and Attitudes Towards Risk".⁷⁹ While this may be the most appropriate forum for discussion of religion for international organizations, the way in which it is discussed gives less consideration to the positive facets of faith in such contexts⁸⁰ and the analysis does not recognize that religious actors may see strong distinctions between "religion", "faith" and "culture". At the root of humanitarian agencies' concern is the potential difficulty of separating out FBOs' humanitarian role from their pastoral role. However, doing so has the potential to deny access to important pastoral services such as the comforting of the sick, traumatized and bereaved.⁸¹

Perceptions and policy

Abiding strictly by humanitarian principles can also cause tensions between FBOs and the communities from which their members are drawn. This takes a more obvious form when concerns are expressed that an "Islamic" organization is providing aid to non-Muslims,⁸² but can also find expression in the expectations of individual donors as to how *zakat* is distributed. The view of many scholars is

79 International Federation of Red Cross and Red Crescent Societies, *World Disasters Report 2014: Focus on Culture and Risk*, Geneva, 2014, pp. 37–64, available at: www.ifrc.org/publications-and-reports/world-disasters-report/world-disasters-report-2014/.

80 "The two dimensions of beliefs that emerge most prominently in the context of [disaster risk reduction] are the way that beliefs form an obstacle to reducing risk (something that makes people think or do things that are counter to risk reduction or that increase their vulnerability) and the way in which beliefs influence people's understandings of risks." *Ibid.*, p. 37.

81 Sadia Kidwai, Lucy V. Moore and Atallah Fitzgibbon, "The Role of Religion in the Formation of Cross-Community Relationships", *Forced Migration Review*, No. 48, November 2014, available at: www.fmreview.org/faith/kidwai-moore-fitzgibbon#sthash.crTIIkHs.dpuf.

82 While this is just a fraction compared to the messages of support that are received, it is not uncommon for comments to be posted on social media asking why an Islamic charity is providing aid to non-Muslims when the needs of the Muslim community around the world are so great.

that *zakat* was traditionally intended for Muslims, with the needs of non-Muslims being met with *sadaqah* funds etc. Equally, however, there are scholars who provide guidance that *zakat* may be spent on giving aid to non-Muslim countries, persons, organizations and tribes who are *fuqara* and *masakin* (poor and needy⁸³). The Qur'an does not specify that *fuqara* and *masakin* must be Muslim, with the example from Islamic tradition of Caliph Omar Bin Al-Khattab stating that a Jewish beggar would be a valid recipient of *zakat*.⁸⁴

While there is evidence for both responses to this question, there remains in many Muslim communities the perception that *zakat* is intended to assist the needy within the Muslim community, or *Ummah*.⁸⁵ Muslim FBOs may strategically choose where to spend funds and resources raised through *zakat* in order to remain within the expectations of their donors, but this runs contrary to the humanitarian principle of impartiality and non-discrimination. Those donating their *zakat* to an Islamic FBO may do so with the assumption that the funds will only be distributed to the needy amongst fellow Muslims, and if this is not the case, they may feel that the FBO has neglected its duty to distribute *zakat* within the boundaries of Islamic law.

To take the implications of strict adherence to humanitarian principles further, this tension could arguably be found in the provision of donations related to the celebration of Ramadan and *Eid-al-Adha*.⁸⁶ These two events are specific to Muslim communities, and Islamic NGOs fundraise specifically to support poor communities during the celebrations, for example amongst Muslim forced migrants. This would find similar expression should a Christian NGO raise funds to support Christmas or Easter celebrations. While these examples do not create tensions in the same way as explicit proselytism does, they do highlight the inherent tensions for FBOs that engage with specific faith communities and perceptions of how to adhere to humanitarian principles. In many cases, organizations will deliberately counter the perception of bias by offering assistance to non-Muslim communities at the same time.

Justice

You who believe, uphold justice and bear witness to God, even if it is against yourselves, your parents, or your close relatives.⁸⁷

⁸³ Qur'an, *Surat Taubah*, 9:60.

⁸⁴ This discussion of *zakat* is based on research led by Sadia Kidwai in support of Islamic Relief's *zakat* policy of 2014, which involved consultation with a panel of twelve Islamic scholars. This is an internal document to Islamic Relief, but for a detailed overview of Islamic jurisprudence on *zakat*, readers can refer to Dr. Yusuf Al-Qardawi, *Fiqh az-Zakat: A Comparative Study*, English translation, Dar Al Taqwa, 1999.

⁸⁵ The *Ummah* is the description used by Muslims for the community of followers of Islam.

⁸⁶ For *Eid-al-Adha*, Muslims traditionally sacrifice an animal. The family retains one third of the meat; another third is given to relatives, friends and neighbours; and the remaining third is given to the poor and needy.

⁸⁷ Qur'an, *Surat an-Nisa*, 4: 135

The above *ayah*⁸⁸ of the Qur'an⁸⁹ provides insight into the primary tension felt by Muslims operating under humanitarian principles. For Muslims the primary principle is that of justice, and the Qur'an repeatedly reminds readers that they should be standing up and speaking out against injustice, even if this is at a cost to themselves. The tension between Islamic guidance and humanitarian principles most often finds expression in concerns about positions of neutrality and the requirement to remain impartial when faced with conflict scenarios.⁹⁰ This tension, as it is perceived, was well expressed by Hüseyin Oruç of the IHH Humanitarian Relief Foundation⁹¹ in conversation with the ICRC. He stated that while there are no difficulties in abiding by humanitarian principles, "there is some different understanding on neutrality. What is neutrality? As a Muslim I cannot be neutral for everybody. How can I close my eyes when the killers are killing the childrens [sic]?"⁹²

Within Islam there is a central concept of unity between believers, that all Muslims are a single community or *Ummah*.⁹³ Because of this concept the prospect of taking a "neutral" stance can be precluded; as the community of believers should remain united, Muslims may feel obliged to support other Muslims in a conflict situation, resulting in the English term "neutrality" being at some unease with Islamic values. For instance, Arabic does not have a direct translation of "neutrality", the closest being *hiyadiya*, which implies non-alignment.⁹⁴ However, this simple division is more complex in real terms, not least because of the internal divisions between Muslim communities or sects, and so the concept is not necessarily one that cannot be appreciated or used by Muslim communities. Additionally, within the concept of the *Ummah* is that of "brotherhood", which implies care for other members and a fundamental equality between people.

This is similar to the tensions that are felt by actors across the humanitarian sector, where it is not possible to have all good objectives be reconciled in every context, and the very position of neutrality might instead compromise the ability of an agency to act and save lives.⁹⁵ It is not uncommon for those working in any humanitarian agency to feel frustration that there seems to be no real difference

88 Within the Qur'an, an *ayah* is effectively equivalent to a Biblical verse.

89 See also *Surat An-Nisa*, 4:114 and 148; and *Surat Al-Shura*, 42:42.

90 Again referencing the Annex on Guiding Principles in UN General Assembly Resolution 46/182, which states as a guiding principle that "[h]umanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality". Available at: www.un.org/documents/ga/res/46/a46r182.htm.

91 *İnsan Hak ve Hürriyetleri ve İnsani Yardım Vakfı*: in English this translates as the Foundation for Human Rights and Freedoms and Humanitarian Relief. This is a Turkish NGO whose members are predominantly Turkish Muslims.

92 *Humanitarian Principles: Perspectives from an Islamic NGO*, interview with Hüseyin Oruç of IHH Humanitarian Relief Foundation, International Committee of the Red Cross, 4 June 2013, available at: www.youtube.com/watch?v=ZtPljbHZUjY. On the question of whether neutral humanitarian action is permissible under Islamic law, see the Opinion Note by Mohd Hisham Mohd Kamal in this issue of the *Review*.

93 See above note 85.

94 See also Raymond Cohen, "Language and Conflict Resolution: The Limits of English", *International Studies Review*, Vol. 3, No. 1, 2001.

95 David Rieff, *A Bed for the Night: Humanitarianism in Crisis*, Simon and Schuster, New York, 2002.

between “Neutrality, Impartiality, [and] Complicity”.⁹⁶ The difference arises, perhaps, in the religious mandate inherently felt by Muslims – the call to abide by ethical guidelines is experienced in a way that is related to the believer’s relationship with God, and cannot be measured or compared in any quantifiable way.

There are two ironies inherent in this tension between the principle of neutrality and the experiences of Islamic faith-based organizations in the modern-day context. The first is that the purpose of humanitarian agencies acting with neutrality and impartiality can be derailed by the political realities of the operating environment, in such a manner that the “religious” identity that is so often avoided in the humanitarian sector becomes the only viable language with which to build credibility. It is commonplace for international aid agencies to struggle against perceptions of their “Western bias” and accusations that they collaborate with or are representatives for military actors and hostile governments; this has been exacerbated in cases where a “militarization of aid” has taken place, such as in Afghanistan,⁹⁷ or where international NGOs are required to undertake coordination with military and foreign governments. In such contexts local partners and explicitly Muslim FBOs have had an advantage in developing relationships with faith communities,⁹⁸ and trust relationships can frequently be formed simply on the basis of a visible religious identity, even if the question of shared values is not examined in any depth.

The other side to this scenario is that the current international political context of the “war on terror” has led to greater negative discrimination and partiality on the part of donors, based on the faith identity that is perceived of as a risk to impartiality on the part of the FBO. While in some contexts Islamic faith-based organizations are receiving greater support because of their ability to access areas that “Western” donors cannot reach, in others funding is lost or activities are rendered impossible to implement because of the risk of falling foul of counterterrorism legislation.⁹⁹

⁹⁶ MoreAltitude, “Neutrality, Impartiality, Complicity”, *WanderLust: Notes from a Global Nomad*, April 2009, available at: <http://morealtitude.wordpress.com/articles-on-aid-work/neutrality-impartiality-complicity/>.

⁹⁷ Lara Olson, “Fighting for Humanitarian Space: NGOs in Afghanistan”, *Journal of Military and Strategic Studies*, Vol. 9, No. 1, 2006, available at: www.jmss.org/jmss/index.php/jmss/article/viewArticle/121. See also Jonathan Goodhand, “Aiding Violence or Building Peace? The Role of International Aid in Afghanistan”, *Third World Quarterly*, Vol. 23, No. 5, 2002.

⁹⁸ For the experience of Islamic Relief, see Islamic Relief Worldwide, *An Examination of Islamic Relief’s Work with Refugees and IDPs*, Birmingham, 2008, available at: <http://policy.islamic-relief.com/portfolio/an-examination-of-islamic-reliefs-work-with-refugees-and-idps/>.

⁹⁹ See Kate Mackintosh and Patrick Duplat, *Study of the Impact of Donor Counter-Terrorism Measures on Principled Humanitarian Action*, Office for the Coordination of Humanitarian Affairs and Norwegian Refugee Council, July 2013, available at: https://docs.unocha.org/sites/dms/Documents/CT_Study_Full_Report.pdf; Sara Pantuliano, Kate Mackintosh and Samir Elhawary with Victoria Metcalfe, *Counter-terrorism and Humanitarian Action*, Humanitarian Policy Group Policy Brief 43, Overseas Development Institute (ODI), October 2011; Counterterrorism and Humanitarian Engagement Project, *Counterterrorism and Humanitarian Engagement in Somalia and Mali: Background Briefing*, Research and Policy Paper, March 2013, available at: <http://blogs.law.harvard.edu/cherproject/files/2012/10/CHE-Project-Somalia-and-Mali.pdf>; and Jessica Burniske, Naz K. Modirzadeh and Dustin Lewis, *Counter-terrorism Laws: What Aid Agencies Need to Know*, Network Paper No. 79, Humanitarian Practice

Inspired by or instrumentalized through faith?

It can be argued that the impetus to better engage with faith, and particularly Islam, is primarily an example of religious teachings being instrumentalized to support predetermined approaches to humanitarian activities or development (such as advancement of human rights). This is in keeping with the prevalent approach today to understanding religious tradition, which Gideon Aran defines as “traditionalist” rather than “traditional”, where contemporary “users” of tradition harness examples to achieve their objectives, often accompanied by the belief that they are “faithfully returning the present to what they grasp as the authentic representation of the past”.¹⁰⁰ This argument can equally be made regarding the analysis offered earlier in this article of the relationship between Islamic and humanitarian principles. This reality is reflected in comments by some working on relating IHL and Islamic jurisprudence which acknowledge that “[s]ome of it is very instrumentalist”, where actors are looking for specific verses to assist them with specific scenarios (being kidnapped, for example),¹⁰¹ and that Islamic law does not simply “unlock the door” to particular outcomes.¹⁰²

Humanitarian agencies providing large-scale assistance continue to be viewed, for the time being, as coming predominantly from the global North, and the options for using approaches that do not instrumentalize religion to support existing approaches will remain limited by this. For those actors that emerge from Muslim communities, their ability to shape the narrative remains restricted by the bulk of their donor funds also coming from the same system that remains close to a secular ideology. This maintains the power relationship in favour of the “universal” approach (which is not, in fact, always felt to be universal by many of the communities it is designed to assist). However, once this aid is translated to the local or community level, these relationships become much more flexible. Once away from the expectations of the “international” actor, local communities more often use the ethical framework of their faith and the traditions of the community to communicate values and the ethical framework for action.

The importance of this was unequivocally stated by beneficiaries taking part in a conflict transformation project by Islamic Relief in Yemen in 2011:

Network, November 2014, available at: www.odihpn.org/hpn-resources/network-papers/counter-terrorism-laws-what-aid-agencies-need-to-know.

100 Gideon Aran, “On Religion and Violence”, *Contending Modernities*, University of Notre Dame’s Kroc Institute for International Peace Studies, 25 November 2014, available at: <http://blogs.nd.edu/contendingmodernities/2014/11/25/on-religion-and-violence/>.

101 Naz K. Modirzadeh, quoted in Heba Aly, “Can Islamic Law Be an Answer for Humanitarians?”, *IRIN News*, 24 April 2014, available at: www.irinnews.org/report/99989/can-islamic-law-be-an-answer-for-humanitarians. See also Heba Aly, “Jihadi Jurisprudence? Militant Interpretations of Islamic Rules of War”, *IRIN News*, 24 April 2014, available at: www.irinnews.org/report/99988/jihadi-jurisprudence-militant-interpretations-of-islamic-rules-of-war.

102 Andrew March and Naz K. Modirzadeh, “Ambivalent Universalism? Jus ad bellum in Modern Islamic Legal Discourse”, *European Journal of International Law*, Vol. 24, No. 1, 2013, available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2100540.

While the trainer was making reference to the United Nations and international human rights, a participant responded by saying that Islam addressed human rights 1400 years ago Another participant stood up and said they (the trainees) would not believe or trust any book or material not related to Islamic concepts.¹⁰³

Such sentiments clearly challenge FBOs to develop approaches that are based on and relevant to the values and identities of the communities in which they operate, rather than simply “translating” international approaches into the local context. The analysis developed above has indicated that there are commonalities to be found between the international and the local, but sentiments like those just described indicate that the tensions may in fact come from a lack of communication about those relationships. Humanitarian principles retain respect for religion and religious practice, combined with the obligation to abstain from religious controversy, but the experience of FBOs would seem to indicate that this is not clearly understood by the recipients of humanitarian assistance. For example, in Lebanon, initial questions posed by the author to the staff and partners of Islamic Relief about how their faith inspires their work with Syrian refugees were immediately met with strong pronouncements on the importance of non-discrimination, with any discussion of faith being first understood in terms of its potential risk to humanitarian principles. Despite a rich history and theology on the rights of forced migrants in Islam,¹⁰⁴ religious inspiration was focused on the provision of charity in general rather than on an understanding of religious obligations for the support of displaced peoples.¹⁰⁵

In the humanitarian sector, “impartiality” and “neutrality” seem to have led to silence on religious discourse, their commonalities being missed where discussion on shared values is avoided rather than integrated into discussion on the principles of humanitarian action. As such, the challenge faced in making humanitarian principles relevant to diverse communities is perhaps one of communication rather than incompatibility.

An Islamic approach to humanitarian principles?

The humanitarian imperative is the first and foremost humanitarian principle. The 1994 Code of Conduct also commits, however, to “respect culture and custom”, to “attempt to build disaster response on local capacities”, to “involve programme beneficiaries in the management of relief aid” and to “recognise disaster victims

¹⁰³ Islamic Relief Yemen, *Citizens Empowerment in Conflict Transformation and Peace Building Program*, Observation Report, December 2011 (internal document), quoted in L. V. Moore, above note 36, p. 4, available at: http://policy.islamic-relief.com/wp-content/uploads/2014/05/IR_Conflict-Toolkit_Introduction-for-external-agencies.pdf.

¹⁰⁴ See Sadia Kidwai, *The Rights of Forced Migrants in Islam*, Islamic Relief Worldwide, Birmingham, 2014; and Ahmed Abou Abu-Wafa, *The Right to Asylum between Islamic Shari'ah and International Refugee Law: A Comparative Study*, UNHCR, Riyadh, 2009.

¹⁰⁵ S. Kidwai, L. V. Moore and A. Fitzgibbon, above note 81.

as dignified humans".¹⁰⁶ There will always be a role for universal principles in determining good practice, but the way in which this is done may be able to respond to context in order to reduce the tensions (perceived or real) felt between religious ethical frameworks.

To indicate what such a methodology may look like, the remainder of this article will outline the approach to human development articulated by Islamic Relief based on *maqasid al-Shari'ah*.¹⁰⁷ *Maqasid al-Shari'ah* refers to the goals or objectives of Islamic law, with *maqasid* referring to goals and *Shari'ah* referring to the path towards Allah. Recognizing that the dominant paradigm in development study and practice has been rooted in a worldview that seeks to satisfy the chosen desires of individuals and is focused primarily on economic development, Islamic Relief sought to explore a different approach, based on an Islamic perspective which is predicated on human dignity and on the Unitarian concept that defines Islam's holistic world view (*Tawhid*). While the model was developed as a foundation for Islamic Relief's development initiatives, the approach has great potential and validity for understanding how humanitarian action more generally may be developed based on the ethical framework enshrined in the Islamic faith.

Muslim economists adopted the term *falah* (literally, "success")¹⁰⁸ and have broadened their understanding of this term to refer to a comprehensive state of well-being in this world (including spiritual, cultural, political and socio-economic well-being) as well as success in the afterlife. Another term relevant to human development in Islam is *tazkiyyah* (development, literally "growth with purification"). Though it traditionally refers to spiritual development, scholars have broadened its applicability, allowing the concept to also refer to growth in terms of an individual's relationship with God, with themselves, with other people and with the natural environment. The Arabic term commonly used to denote human development, *tanmiyya* (growth), is strongly connected with economic and materialistic development, somewhat similar to the predominant view of development used in secular discourse.

The principles of trusteeship (*khalifa*¹⁰⁹) and well-being (*falah*), combined with growth and purification (*tazkiyyah*), provide a comprehensive understanding of human enrichment and aim to put people and God at the centre of human development. In this view, focus on material requirements without regard for non-material and spiritual needs has disconnected humans from God, their own true nature and the natural environment, contributing to depleted resources, degraded environments and deepening inequality. The practical implication of an approach combining these Islamic principles is that wealth cannot be sought at the expense of spiritual health or at the expense of the environment.

106 1994 Code of Conduct, above note 35, Art. 7.

107 This section is based on the research and publications of Dr. Muhtari Aminu-Kano and Atallah Fitzgibbon, most specifically *An Islamic Perspective on Human Development*, above note 36.

108 Mohammad A. Muqtadar Khan, "The Philosophical Foundations of Islamic Political Economy", *American Journal of Islamic Social Sciences*, Vol. 13, No. 3, 1994, pp. 389–400.

109 The Qur'an states that the earth was given as a "trust" to humankind, and humans are placed in a position of custodianship. See *Surat Al-Baqarah*, 2:30; *Surat Al-Ahzab*, 33:72; and *Surat An-Nur*, 24:55.

In Islam, the basic goal of development is to create an environment that enables people to enjoy spiritual, moral and socio-economic well-being in this world and success in the Hereafter (what is often referred to as *falah*). *Shari'ah*, or the “path of God”, refers to the moral code or religious law which Muslims believe can lead to this success if followed. According to al-Ghazali:

The objective of the *Shari'ah* is to promote the well-being of all mankind, which lies in safeguarding their faith (*din*), their human self (*nafs*), their intellect (*'aql*), their posterity (*nasl*) and their wealth (*mal*). Whatever ensures the safeguard of these five serves public interest and is desirable.¹¹⁰

The first identification of the five categories given above – i.e. faith, life, intellect, posterity and wealth – as the essential *maqasid* (necessities) was made by Imam Abu Hamid al-Ghazali, in his book *al-Mustasfa fi 'ilm al-usul*.¹¹¹ Imam al-Shatibi was the first scholar to write about the *maqasid* as an independent science in his book *al-Muwafaqat fi usul al-Shari'ah*.¹¹² Scholars are in agreement about the five essential values¹¹³ defined by al-Ghazali, although some have added other *maqasid* to the list.¹¹⁴ There are also minor differences between jurists in the nomenclature and order of importance of the five objectives. The individual components of *maqasid al-Shari'ah* are either explicitly stated in the Qur'an and *Sunnah* or have been deduced, directly or indirectly, from these primary sources.

The *maqasid* framework enabled Islam to remain contextually relevant and to respond to the changing circumstances of the modern world and to new contexts where the literal and nominal methods of ascertaining Islamic Law began to prove insufficient to provide full responses to the complexities of the evolving Islamic civilization and the new scenarios it faced.¹¹⁵ The *maqasid* framework is based on the approach that “[w]hatever ensures the safeguard of these five [components] serves public interest and is desirable”,¹¹⁶ and from this basis responses to such

¹¹⁰ As quoted in Muhammed Umer Chapra, *The Islamic Vision of Development in the Light of Maqasid al-Shari'ah*, Occasional Papers Series No. 15, International Institute of Islamic Thought, London and Washington, DC, 2000, p. 21.

¹¹¹ Imam Abu Hamid al-Ghazali, *Al-Mustasfa min 'ilm al-usul* [On Legal Theory of Muslim Jurisprudence]; for links to translations and editions currently available, see: www.maktabah.org/en/item/933-al-mustasfa-min-ilm-al-usul-on-legal-theory-of-muslim-jurisprudence-by-imam-ghazali.

¹¹² Ibrahim Ibn Al-Shatibi, *The Reconciliation of the Fundamentals of Islamic Law: Al-Muwafaqat fi Usul al-Shari'a*, Vols 1 and 2, trans. Imran Ahsan Khan Nyazee, Garnet Publishing, Reading, 2012 and 2014.

¹¹³ This article does not intend to detail the Islamic bases and understanding of these five dimensions. For further information, see Dr. M. Aminu-Kano and A. Fitzgibbon, above note 36.

¹¹⁴ Taqi al-Din ibn Taimiyyah (d. 728H) is understood to have been the first scholar not to confine the *maqasid* to a specific number. This approach has been adopted by contemporary scholars, including Ahmad al-Raisuni and Yusuf al-Qaradawi. For example, al-Qaradawi further extended the list of the *maqasid* to include human dignity, freedom, social welfare and human fraternity. See Adis Duderija, *Maqasid Al-Shari'a and Contemporary Reformist Muslim Thought: An Examination*, Palgrave Macmillan, New York, 2014.

¹¹⁵ Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach*, International Institute of Islamic Thought, London and Washington, DC, 2007, p. 16, available at: www.muslim-library.com/dl/books/English_Maqasid_alShariah_as_Philosophy_of_Islamic_Law_A_Systems_Approach.pdf.

¹¹⁶ Imam Abu Hamid al-Ghazali, as quoted in M. Umer Chapra, *The Future of Economics: An Islamic Perspective*, Islamic Foundation, Leicester, 2000, p. 118.

new scenarios could be assessed against the potential for public and private good or harm. While this is not the same as the humanitarian principles, there is sufficient compatibility, or complementarity, for such approaches to be considered in tandem. One such example can be seen in [Figure 1](#), on the *maqasid al-Shari'ah* elements in a rights framework.¹¹⁷ This is a visual representation of Islamic Relief's initial examination of how the *maqasid* approach to safeguarding the necessities of life may in turn translate, or be understood in relation to, a "rights-based" approach. For instance, the *maqasid al-Shari'ah* direct Muslims to consider the safeguarding of faith and life, which can be viewed as holding a compatible relationship to the rights enshrined in the Geneva Conventions to freedom of religion¹¹⁸ and the right to life and security.¹¹⁹ Investigating and using such frameworks can help to move the dynamics of exchange between the local and the national away from instrumentalization of heritage and towards dialogue.

While not replacing international norms, an approach that is based on an ethical framework familiar and relevant to Muslim communities may provide an effective approach to humanitarian activities that meaningfully "respect culture and custom", "attempt to build disaster response on local capacities", "involve programme beneficiaries in the management of relief aid" and "recognise disaster victims as dignified humans".¹²⁰ In this case, use of a *maqasid al-Shari'ah* framework to understand the role of the humanitarian agency may provide avenues for engagement with communities in a way that leverages shared values rather than instrumentalizing identity. As such, the *maqasid* framework, or indeed other Islamic principles such as *shura* (consultation), *'adl* (justice) and *karama* (dignity),¹²¹ can provide the basis for communication with Muslim communities, or even FBOs, on humanitarian principles.

In this scenario, rather than making reference solely to "humanitarian principles" or "human rights", FBOs would feel empowered to begin discussion with a community from the perspective of religious ethical frameworks. As such, decisions on the detail of how Muslim FBOs are to act with "neutrality" and "impartiality" could be discussed using the *maqasid* framework. Similar to a risk assessment, actions can be assessed against the potential for benefit or harm to the five necessities and human dignity. This would be compatible with humanitarian principles but developed from a basis that is recognizable to Islamic faith communities. Additionally, there would be greater impetus for integrated humanitarian and development action by Muslim NGOs and communities

¹¹⁷ For discussion of the interrelationship between human rights and humanitarian action, see Lin Cotterrell, *Human Rights and Poverty Reduction: Approaches to Human Rights in Humanitarian Crises*, ODI, October 2005, available at: www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/4345.pdf.

¹¹⁸ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), Art. 18, available at: www.un.org/Overview/rights.html.

¹¹⁹ *Ibid.*, Art. 3.

¹²⁰ Quotations taken from 1994 Code of Conduct, above note 35, Arts 5, 6, 7 and 10 respectively.

¹²¹ For a further discussion on Islamic principles and how they relate to engaging with conflict issues, see Section 1 of L. V. Moore, above note 36.

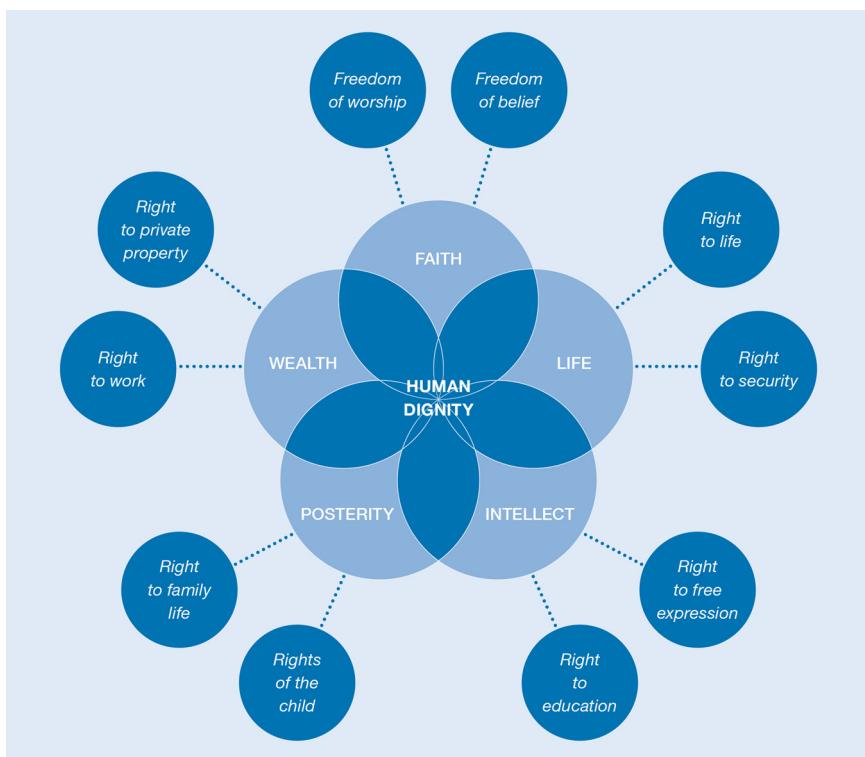


Figure 1. Example of *maqasid al-Shari'ah* elements in a rights framework. Source: Dr. Muhtari Aminu-Kano and Atallah Fitzgibbon, *An Islamic Perspective on Human Development*, Islamic Relief Worldwide, Birmingham, 2014, p. 17.

because of how the *maqasid* framework emphasizes the integrated nature of human dignity and development.

This approach has begun to be put into practice by Islamic Relief over the past three years. Research on how Islamic theology, and the *maqasid al-Shari'ah*, understands human development has highlighted how poverty needs to be dealt with in a holistic manner – i.e. by tackling barriers to the development of, or threats to, the five necessities (faith, life, intellect, posterity and wealth). This investigation drew attention to the holistic and integrated nature of poverty, leading to Islamic Relief developing its Integrated Sustainable Development programme.¹²² While derived from Islamic foundations, the approach is in line with calls in the wider humanitarian and development sector to move away from sector-focused programming to more integrated interventions that are sustainable

122 More information and resources on Islamic Relief Worldwide's Integrated Sustainable Development programme are available at: <http://policy.islamic-relief.com/portfolio/islamic-relief-worldwides-integrated-sustainable-development-programme/>.

over time.¹²³ In addition, new training developed by this author has looked to review potential projects for harm using the *maqasid al-Shari'ah* as a structure. In this case, staff outline all five necessities and consider the potential benefit and harm to each of these areas offered by a humanitarian or development intervention. While evidence is still being collected, initial responses have demonstrated that this is welcomed by Muslim staff members precisely because it is closer to their faith.¹²⁴

Conclusion

This examination of the role that faith can play to supplement or complement humanitarian principles exposes the difference between connections that are based around an identity label and those based on an understanding of shared values. The experience of Islamic Relief is that where a common faith is evoked as a shared value system, it can have a powerful impact. Separating out “faith” as an identity marker from “faith” as a shared value system is challenging, and is the point of engagement with frameworks such as *maqasid al-Shari'ah*. Critical examination of both the positive and negative roles that faith plays for FBOs indicates that while faith acts as the inspiration for those providing support, in most cases there is little in-depth discussion of those shared values. The use of approaches such as *maqasid al-Shari'ah* may start to address this.

Islamic approaches are not a panacea for all issues faced in humanitarian action, but there is recognition that a focus on shared values can be an impetus to effect behavioural change in a manner that non-specific direction from outsiders is unable to achieve. In contexts such as host–refugee conflicts where the communities share a religious identity, more open discussion of religious identity and values may assist efforts to ease such tensions in ways that narrow focus on humanitarian action cannot. This is supported by the experience of Islamic Relief in contexts such as Darfur, where discussion of religious values has assisted in reducing tensions between groups.¹²⁵

This article has deliberately provided a positive view of the potential role of faith and religion in the interpretation and understanding of humanitarian principles. This is not, however, intended to gloss over the complexities and risks that humanitarians face in relation to these issues. Islam is not a monolith, nor is it homogenous; Muslim communities hold views and use approaches as varied as

123 Discussions of sustainable and integrated development are found across the development sector in a disparate way. For an example of such discussions taking place at the time of writing, including information on initiatives related to integrated development, see Adeeb Z. Mahmud's article on a panel held as a side event to the InterAction Forum, “Integrated Development – What Is It and Why Should We Care?”, *FSG Blog*, 7 July 2015, available at: [www.fsg.org/blog/integrated-development%E2%80%94what-it-and-why-should-we-care](http://www.fsg.org/blog/integrated-development-%E2%80%94what-it-and-why-should-we-care).

124 Drawn from internal monitoring and evaluation reports for Islamic Relief training on conflict transformation and conflict sensitivity collected between May 2014 and June 2015.

125 L. V. Moore, above note 36, “Section 4c: Conflict Transformation”, pp. 21–24, available at: http://policy.islamic-relief.com/wp-content/uploads/2014/05/IR_Conflict-Toolkit_4c_Conflict-transformation.pdf.

the contexts in which they live. There are, as diagnosed well by Nouria Brikci,¹²⁶ groups for whom the nature of conflict has escalated so far that the concepts of neutrality or independence are unrealistic, and “cultural proximity” alone is insufficient to ensure effective dialogue. However, investment by the humanitarian sector in understanding and appreciating alternative approaches to respecting and supporting human dignity may assist in breaking down some of the barriers between the international and the local, along with barriers to humanitarian principles being considered “universal” rather than a product of the “West”.

126 Nouria Brikci, “Is Cultural Proximity the Answer to Gaining Access in Muslim Contexts?”, *Humanitarian Exchange Magazine*, No. 29, March 2005, available at: www.odihpn.org/humanitarian-exchange-magazine/issue-29/is-cultural-proximity-the-answer-to-gaining-access-in-muslim-contexts.