

ENGAGING POLITICS WITH ZAKAT¹

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One of the eight categories of zakat recipients mentioned in the Qur'an is the mu'allafa qulūbuhum, or "those whose hearts are brought close." Many classical jurists interpreted this category as one that allows strategic spending to win allies and protect the Muslim community. This paper studies this interpretation as found in classical works of Islamic law and attempts to map the key features of this classical interpretation onto the context of Muslim minorities in the West—assessing the parallels and the differences between the two contexts and their implications if the overall objective of the classical interpretation, that of allowing strategic spending to win allies to protect the Muslim community, is to be maintained. It concludes by considering how the issues raised by the differences in context in relation to the key features of the classical interpretation may be addressed from within Islamic textual sources and Muslim historical practices and opening a discussion, in light of this paper, on whether zakat funds may be used to support activities such as advocacy, campaigning, and lobbying on behalf of minority Muslim communities in the West. This is an interesting new chapter for Muslim philanthropy in minority settings.

Keywords: Zakat, mu'allafa qulūbuhum, Islamophobia, advocacy, Muslim minorities

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Introduction

Muslim jurists agree that zakat may be paid to one of eight categories of recipients mentioned in the Holy Qur'an. It is on the details of interpreting these categories that disagreements arise. One subject of debate is the category of *mu'allafa qulūbuhum*—"those whose hearts are brought close." The current paper presents a classically dominant interpretation of this category and possible applications of this to the situation of Muslim minorities in the West.

This paper has three sections and a conclusion. The first section presents a brief overview of zakat categories before addressing the category of *mu'allafa qulūbuhum*. It lays out a brief overview of the classical positions on this, dividing them into two main concerns: the individual/salvific and the group/political. It then broadly provide details of the political approach. The conclusion will highlight four key features of this political approach: first, the assumption of group identity and benefit (i.e., it is seeking the betterment of a Muslim community as a whole, not of particular individuals within that group); second, the condition of group need/vulnerability (i.e., that the group's ability to be secure and to thrive is under the threat of some external factors); third, the requirement of group organization (i.e., there is a central representative body that will pool funds together and decide strategically on behalf of the group as a whole); and fourth, the belief that the needs of the group can be met by making strategic links with/exerting influence over the various groups surrounding the Muslim group.

In the second section, I will map these old discussions onto the context of Muslim minorities in Western liberal democracies—noting in particular the parallels and differences in the contexts and their implications for the interpretations of the key features if the overall objective of the classical interpretation, that of allowing strategic spending to win allies to protect the Muslim community, is to be maintained. Then, in the third and final section, I will consider how the issues raised by the differences in context in relation to the key features of the classical interpretation may be addressed from within Islamic textual sources and Muslim historical practices and open a discussion, in light of this paper, on whether zakat funds may be used to support activities such as advocacy, campaigning, and lobbying on behalf of minority Muslim communities in the West. I will, therefore, discuss how feasible it is to actually map discussions from classical *fiqh* onto practices in contemporary liberal democracies for Muslim minorities.

Section 1: The Classical Position

The main source text quoted by Muslim jurists to delineate worthy recipients of zakat from unworthy recipients is verse 60 of the ninth chapter of the Holy Qur'an, which states, "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 travelers in need. This is ordained by God; God has the knowledge to decide." In this translation, "those whose hearts need winning over" is how M. A. S Abdel Haleem renders the Arabic phrase *wa-l-mu'allafa qulūbuhum*. The word *mu'allaf* is the passive participle of the verbal noun *ta'līf*, meaning to bring disparate things together in a way that produces harmony and closeness (*ilf, ulfah*). The term *mu'allafa qulūbuhum* translates literally as "those whose hearts are brought close." The two main questions Muslim jurists needed to tackle in understanding this topic of zakat were (1) whose hearts are referred to by this verse and (2) in which circumstances would bringing these hearts close be deemed a valid expenditure of zakat.

To understand the interpretations of this category in Islamic jurisprudence, a survey of classical juristic literature was undertaken, specifically the literature of the four Sunni schools of Islamic jurisprudence. The survey revealed two clear trends in how this category of zakat recipient has been interpreted. We can call these a salvific trend and a political trend. The salvific trend interprets these hearts as hearts of those who have a weak inclination to the faith and the circumstances in which the zakat may be paid to them as circumstances in which the payment is likely to strengthen their connection to the faith and the community of the faithful. The purpose of the payment is to secure the faith and, therefore, the salvation of the recipient. The remaining juristic debate in this salvific interpretation is whether such a person must be a Muslim—typically a new Muslim—as is stipulated by scholars of the Shāfi'ī school (Ibn Ḥajar al-Haytami, n.d., p. 7:155), or may be a non-Muslim interested in Islam, as found in texts of the Mālikī school (al-Khurashī, n.d., p. 2:217). This salvific trend appears to be a minority trend that gained prominence in these two legal schools after the fifth Islamic century.² The more dominant interpretation of this zakat

² Leading early Shāfi'ī texts do not incorporate the use of zakat for the newly converted and discuss only the case of tribal chieftains, as in the political interpretation explained below. See, for example, al-Māwardī (1999, pp. 8:497–502); al-Shīrāzī (n.d., p. 1:315). Spending on the newly converted who are weak in their faith is suggested by al-Ghazālī (d. 505/1111) as an addendum to political expenditure (al-Ghazālī, 1996–

category, which was championed by early writers in all schools and remained a dominant interpretation in the Ḥanafī, Ḥanbalī and Shāfi‘ī schools, is what can be termed a political interpretation.

According to the political interpretation, the hearts in question are those of people possessing power and influence. And the circumstances that allowed for such payments are circumstances where these people are able to provide security or secure an important advantage for the Muslim community as a whole. The intent of such payments is therefore not to attain salvation for the hearts in question, but rather to utilize their influence to secure a worldly benefit or advantage for the Muslim community. The influence of such hearts is measured in purely political terms: these must be people who are leaders and obeyed among their people. These people must be strategic allies that the Muslim community seeks to win over, or enemies whose harm the community seeks to ward off. As the expenditure on such people is an extension of political strategizing on behalf of the Muslim community, it is understood that the Muslim leader is the one making the decision of whether to pay and how much. Thus, this topic is presented in a simple, tribal model of politics, where each community is gathered by a charismatic leader and winning over that leader guarantees the support of that community.

An excellent representative text that presents the range of possibilities offered by this political interpretation and the arguments presented to justify it is the celebrated *al-Mughnī* of the 7th/14th-century Ḥanbalī scholar Ibn Qudāma al-Maqdisī. Here is a translation of his treatment of the topic, interspersed with relevant commentary. Ibn Qudāma states:

This is the fourth category of the categories of worthy zakat recipients. Abū Hanīfa said that their share [of the zakat] is discontinued, and this is also one of the positions of al-Shāfi‘ī, due to its being narrated that an idolater came to ‘Umar [ibn al-Khaṭṭāb, the second Caliph] seeking money, but he did not give it to him, and recited “Let those who wish to believe do so; and let those who wish to disbelieve do so” (Qur’an, 18:30). And it has not been related from ‘Umar, ‘Uthmān or ‘Alī [the second, third

1997, pp. 4:557–558) and presented as an independent category by al-Nawawī (d. 676/1277), whose presentation appears to have influenced the discussion in the school thereafter (al-Nawawī, 2005, p. 201). Similarly, early Mālikī authors mentioned only the political interpretation of the term. See, for example, Ibn ‘Abd al-Barr (2000, pp. 3:211–212); al-Bājī (1913–1914, p. 2:153). The most influential text of the late Mālikī school, the *Mukhtaṣar* of Khalīl b. Ishāq al-Jundī (d. 776/1374), made the meaning of the *mu’allafa* exclusively for encouraging the non-Muslim to convert (Khalīl al-Jundī, 2005, p. 59).

and fourth Caliphs] that they gave any such [payment]. Furthermore, God, Most High, has manifested Islam and humiliated the idolaters, so we don't have any more need to win over hearts [in such a way]. And it has been narrated by Ḥanbal from Aḥmad [ibn Ḥanbal] that he said, "The rule pertaining to the mu'allafa is not applicable today."

[However] the dominant position of the [Ḥanbalī] school is the opposite of this narration from Ḥanbal. Perhaps the meaning of Aḥmad's saying, "the rule is not applicable today," is that they are not usually needed, or perhaps that leaders no longer give anything to them today. However, if they are needed, then it is permissible to pay to them. So [his statement should be understood to mean that] payments are not made to them without need. Evidence in our favour, to support the permissibility of paying them, is the saying of God, Most High, "and those whose hearts need winning over" (Qur'an, 9:60), and this verse is in sūrat [al-Tawba], which is from the last of the Qur'an to be revealed to the Messenger of God (God bless him and give him peace). And it has been established that the Messenger of God gave to the mu'allafa from among the Muslims and the Idolaters. And Abū Bakr [the first Caliph] gave 'Adī ibn Ḥātim thirty camels when [the latter] brought him three-hundred camels as zakat payment [on behalf of his tribe]. (Ibn Qudāma, 1968, p. 6:475)

This passage presents an important debate about the topic among those who theorize it as a political form of expenditure: was it allowed only at the time of the Prophet, or is it a rule that continues till the end of time? A strong early position was that it was only allowed at the time of the Prophet because Islam was weak, and he used such forms of payment to build strategic alliances at a time when Muslims were endangered and few in number. But after the Prophet, when Islam grew strong, such payments were no longer needed and thus discontinued. While this position has been ascribed to each of Abū Ḥanīfa, Mālik, al-Shāfi'ī, and Aḥmad—the eponyms of the four Sunni schools—the legal traditions that developed around the latter three all grew to reject such a position, arguing, as does Ibn Qudāma above, that a category stated in the Qur'an and practiced by the Prophet cannot be deemed abrogated by later practice. The Ḥanafī school is the only one to have maintained the doctrine of the cancellation of this category, though even they have debated whether this should be considered an absolute abrogation of the

rule or whether the rule may return in particular circumstances.³ We can conclude that, while the possible discontinuation of this category was a central early debate, as the legal schools matured, this position became a minority position in Sunni Islam. Thus, its possible application today deserves attention. Ibn Qudāma continues:

The mu'allafa qulūbuhum are of two types: Unbelievers and Muslims, and each must be leaders, obeyed amongst their peoples and tribes. The Unbelievers are of two types. [The first] are those whose Islam is hoped for, so they are given to strengthen their intention for [converting to] Islam Indeed the Prophet (God bless him and give him peace), on the day of the conquest of Makkah, gave Ṣafwān b. Umayya [an enemy of Islam] safety, and [in return] Ṣafwān requested four months to consider his situation [and consider becoming Muslim]. He went out with [the Prophet] to the battle of Hunayn. [After the battle] when the Prophet gave out the payments [from the booty], Ṣafwān said, "And what's for me?" The Prophet indicated to a valley full of loaded camels and said, "This is for you." Ṣafwān replied, "This is the giving of someone who does not fear poverty!" [and subsequently entered the faith].⁴ The second type are those whose evil is feared, so it is hoped that by giving to them their evil will be withheld along with the evil of others with them. It has been narrated from Ibn 'Abbās that a group used to come to the Prophet, and if he gave to them, they praised Islam and said, "This is a good religion" and if he denied them, they would criticise and find fault.

As for the Muslims, they are of four types. [The first is] a group from the leaders of the Muslims who have peers from the Unbelievers and [peers] from the Muslims. This group have good intentions towards Islam. If they are given to, it is hoped that their peers will also become Muslim and have good intentions [towards the faith]; thus it is permissible to give to them, because Abū Bakr gave to 'Adī ibn Ḥātīm and al-Zibriqān ibn Badr despite their having good intentions and being Muslim. The

³ Al-Bābartī (d. 786/1384) is quoted in Ḥanafī texts for arguing that this is not a case of abrogation, but simply a change in applying the rule due to a change in circumstances (al-Bābartī, n.d., pp. 2:259–261).

⁴ Ṣafwān's subsequent conversion is implied in this passage and mentioned explicitly in other texts. For the explicit mention of conversion see, for example, al-Māwardī (1999, p. 8:499.)

second type are leaders [of weak faith] who are obeyed amongst their people, and it is hoped that by giving to them, their faith and sincerity to help in the jihad is strengthened. These can be given to, for the Prophet gave to 'Uyayna ibn Ḥiṣn, al-Aqra' ibn Ḥābis, 'Alqama ibn 'Ulātha and the people of Makkah whom he gave amnesty. He said to his Medinan followers, "O group of the Anṣār, why do you despair over the trinkets of this world with which I brought close the hearts of people who have no faith, while I entrusted you to your faith?" And al-Bukhārī narrates with his chain from 'Umar ibn Taghlib that the Messenger of God gave to some people and left out others. It reached him that those whom he left out criticised this, so he climbed his pulpit, praised and extolled God, and then said, "I give to some people, and I leave out other people. The one I leave out is more beloved to me than the one to whom I give. I give to people who have despair in their hearts, while I entrust other people to the goodness and richness of their hearts." ... The third type are a people at the edge of the lands of Islam. If they are given to, they will defend the Muslims who are near. The fourth type are a people whom, if they are given to, they will collect the zakat from those who only pay for fear [of force]. Each of these types may be given to from the zakat because they are the mu'allafa qulūbuhum, so they enter into the generality of the verse. (Ibn Qudāma, 1968, pp. 6:476–747)

In this passage, Ibn Qudāma offers six categories of recipients of this type of zakat payment, all of whom are presented as tribal leaders. I use the word “tribal” to describe a form of social organization where a community’s allegiances are tied to the commitments of their charismatic leader. The whole political theory in which the discourse of the *mu'allafa qulūbuhum* is embedded, across all legal schools, is this simple tribal organization of society. No other form of social organization is addressed in these texts. The six categories above represent an inclusive overview of the juristic discourse on the topic, with some scholars (the Shāfi'īs) restricting their description to the four categories of Muslim recipients (see, for example, Ibn Ḥajar al-Haytamī, n.d., pp. 7:155–156) and others (early Ḥanafīs) describing the two categories of non-Muslim recipients (see, for example, al-Sarakhsī, 1906–1907, p. 3:9).

We can note, then, that for the majority of Muslim jurists the *mu'allafa qulūbuhum* is a zakat category of continuing relevance that should be applied whenever and wherever it is needed. The nature of the

need in question is not directly addressed in the above passage. We can discern that the need in question is one of safety. There is an air of threat to the community as a whole that this form of payment is seeking to diminish by (1) encouraging Muslim chieftains to be loyal and supportive of the efforts of the central Muslim community, or (2) encouraging non-Muslim chieftains to establish strong links with the Muslim community and even enter the fold of the faith, or (3) discouraging hostile non-Muslim chieftains from hurting the community. At times the Muslim chieftain is encouraged by this payment to respond favorably to a call to arms or the collection of alms. All of these activities appear to be aimed at warding away existential threats from the Muslim community by strengthening internal ties among influential tribal leaders and neutralizing external threats.

When we consider the climate in which this category of zakat was previously practiced, we see the obvious parallels to the situations many Muslim minorities might find themselves in today. Many Muslim-minority communities today find themselves under threat, at times clear existential threat, and desperately need strategic alliances to ensure their safety and continuation. However, the classical juristic exposition is embedded in a political theory from the bygone age of tribal politics. What should the Qur'anic injunction underlying this classical exposition look like in the context of the modern world? The remaining part of this paper seeks to explore this question—specifically in relation to Muslims living as minorities in modern Western liberal democracies, borrowing in particular from the experiences of Muslims in Britain. Though this paper is written from a British Muslim perspective, I hope it will be useful as a starting point for discussions for Muslim minorities in other parts of the Anglosphere, in other Western liberal democracies and other parts of the world more generally.

Section 2: Application of the Classical Position to the Contemporary Context

To maintain continuity with the classical treatment of the topic, this section will address the main features of the classical discourse and seek to relate them to the current context. The classical discourse has four key features. The first is an assumption of a group identity and benefit: Muslims are a group whose faith and safety have to be secured. The second is the presence of vulnerability: the Muslim group is assumed to be vulnerable and under threat. The third is a requirement for the Muslim group to be organized under an identifiable leadership: jurists speak of an imam or leader, a representative of the interests of the Muslim group,

who must make the difficult decision of which groups to create alliances with through such zakat payments; it is clear that this topic is outside of the remit of individual members of the Muslim community. The fourth is the presence of other groups and leaders that the Muslim community needs to create strategic alliances with or exert influence over to ensure the safety and continuation of this Muslim community. This section will discuss the possible correspondence of these four features to the situation of Muslim minorities in the West today—with particular reference to the experiences of Muslims in Britain.

It is not difficult to see that the first feature—Muslims as a distinct group whose faith and safety have to be secured—is as relevant today as in the first decades of Islam. With regard to group identity, there are two aspects of this—internal ascription and external description. In terms of internal ascription, while Muslims today may not appear as a homogenous group, there is no denying that there remains a core to the religion (creed, rituals and spirituality, religious stipulations and practices, etc.), and poll after poll, from the Pew Research Center's into global attitudes of Muslims, to the Ipsos poll of polls in the UK, finds that this core of the religion is a significant factor in individual Muslims' sense of identity (Pew Research Center, 2006; Kaur-Ballagan, 2018).

In terms of external description, it is true that Muslims as a distinct minority group, and their faith and safety, are not recognized by the constitution or historical practice in many non-Muslim-majority countries, including in Western liberal democracies, as it was in Nejashi's Ethiopia, for example, in the time of the Prophet—though there are honorable exceptions, for example, in Austria (Sezgin, 2019, pp. 869–886). However, the external description of Muslims as a separate group for policy purposes started in many Western countries long before the turn of this century. Ansari (2018) suggests that it became a relevant and separate category for policy purposes in the UK when Muslims started campaigning in the 1980s for their specific needs, starting with issues such as halal meat, to which the Honeyford Affair was a response. British Muslim consciousness as a separate group was certainly well-formed during the Rushdie Affair in the late 80s, which forced the national authorities to recognize and respond to Muslims as a group (Ansari, 2018). However, Muslims were not adopted as an administrative category by the UK until the 2001 Census (Sherif, 2011, pp. 1–18), not protected from aggravated offenses on grounds of religion until 2001, and had little protection from discrimination in law across the EU until 2003 (Aziz, 2003, 2006.).

The external recognition of Muslims as a group by the national authorities in most Western countries, however, was in many cases a

response to the negative experiences of Muslims in their daily lives in these contexts. This has come to be known as Islamophobia (Runnymede, 1997), which as a concept, including its definition, remains contentious and an area for further discussions and development (note the discourse around the publication of the report *The APPG on British Muslims*, 2018). The group identity of Muslims qua Muslims in these minority contexts, however, has been reinforced, both as an external description and internal ascription, through state policies, laws, and practices around security and counterterrorism over the last two decades in the aftermath of the atrocities of 9/11 in the US in 2001 and how these have been covered in the media. Borrowing from the work of the African American thinker W. E. B. Du Bois, Nasar Meer (2010) very eloquently describes how the “War on Terror” played into the concept of “double consciousness” to crystalize Muslims as a group in these contexts. Thus, while most of the 20th century saw group politics and policy in terms of class, race, and gender, the start of the 21st century has made it more plain that Muslims today are considered a group in and of themselves due to their faith, despite the fact that in most Western countries Muslims belong to many different ethnicities and all of the different socioeconomic classes or groupings traditionally referred to by government. Therefore, I can suggest that Muslims are as distinct a group today, both by internal ascription and external description, as they were in the early decades of Islam for the purposes of this discussion.

I might also add here that governments in modern Western liberal democracies have in recent times mostly sought and engaged with gatekeepers to Muslim communities as liaisons and interlocutors, thus treating the community as one defined group. Though this may be a hang-up from a more colonial way of dealing with minorities—its effect is to bring a clear and certain definition of the group, whether one exists internally or not. The upshot of this is that, even if Muslims living in liberal democracies do not self-identify as a distinct group and organize themselves politically as such, that is how they may be seen and treated externally and should therefore organize themselves in such a way so as to effectively influence the narrative and policies that concern them, at least until the presence of Muslims becomes normalized to the degree that they are no longer subject to such exceptionalism. This can of course be problematic for minorities within Muslim-minority communities—and both Muslim majorities in those Muslim-minority communities, as well as external agencies, must try harder to understand and respond to those minority-within-minority concerns and needs.

In relation to the second feature of the classical discourse—the condition that the Muslim group is vulnerable and under threat—again,

it is not difficult to see how we may acknowledge this as relevant today just from the collective anecdotal experiences of Muslim minorities, not least Muslims in Britain. But what does the vulnerability and the protecting and promoting of the welfare of the Muslim minority community mean? Does it extend all the way from the protection of basic rights to life, limb, and property to the flourishing of the community in the higher forms of cultural expression? The answer, as ever, may lie somewhere in-between and may be hard to define in abstract from the outset, but rather its application may need to be considered in the wider context of any given space and time. From a more contemporary objective and theoretical perspective, how might we define and measure the vulnerability of a modern Muslim-minority community? Iris Marion Young (1990), an American sociologist, political theorist, policy analyst, and feminist, developed a theory on the need to recognize vulnerable “social groups” to redress the structural inequalities and injustices faced by them in modern democracies. Among Young’s most widely disseminated ideas is her model of the “five faces of oppression”—arguing that vulnerable social groups may experience at least five distinct types of oppression *as groups* that could not be collapsed into causes and reduced to dimensions of distributive justice addressed solely through the equal treatment of individuals. These five faces of oppression are:

(1) Exploitation—the use of a group’s toil and labor to produce a great profit, gain, or benefit without compensating them adequately and fairly;

(2) Marginalization—the exclusion or relegation and confinement of a group away from useful participation in the mainstream of society to a lower social standing on the outer limit or edge of society, in some ways worse than exploitation because society has decided that it cannot or will not use these people even for their talent and labor in certain sectors, resulting in much disadvantage and deprivation in that group;

(3) Powerlessness—the normalization of oppression toward a group to the extent that society becomes unconscious of and immune/complacent to it, the power holders and oppressors in society do not feel challenged for their oppression toward this group through a culture of silence, and the oppressed group is unaware of or accepts, and may even be indoctrinated to believe, that this is the norm/acceptable even if it is unfortunate

for them or is afraid to challenge the status quo and, therefore, is inhibited from or apathetic to developing its own capacity to seek to take back power (for example, through education/career progression or the democratic process) and fight for its dignity and rights and better treatment, and, thus, the oppressed group is dehumanized in the eyes of the oppressor and the oppressed and insidiously oppresses itself (see the works of Freire, 1985, 1993, on this point about “cultures of silence”);

(4) Cultural domination/imperialism—the enforcement of the language, culture, and mannerisms of the majority or the most powerful group[s] as the norm through control of how people in that society think, speak, and act in relation to their beliefs, values [and the manifestations of these values], and aspirations, such that groups whose culture is at odds with the dominant culture is marked by stereotypes and “othered” and is, therefore, game for the other faces of oppression; and

(5) Violence—the most obvious and visible form of oppression, described as the knowledge held by members of oppressed groups that they must live with the fear of random attacks on their persons or property, which do not necessarily need a provocation and are intended to humiliate, damage, or destroy the person based on societal narratives that ultimately lead to an irrational but intense fear and hatred of a group and its beliefs, values, and practices). These five faces of oppression have been widely used in the Anglosphere to address structural inequalities and injustices faced by women, the disabled, and racial and sexual minorities.

Young’s (1990) work has considerably influenced the development of equality movements in the UK based on gender, race, disability, sexual orientation, and age. In encountering and fighting the different faces of oppression as outlined by Young, these oppressed groups developed a common approach and pattern, as subsequently reflected in government policy, legislation, and anti-discrimination and equality work. The obvious starting point was hatred, hostility, and violence (against person, property, and community spaces) faced by these groups on the grounds of their specific characteristics. The state’s response to this has been the introduction and strengthening of criminal law provisions on hate crimes, in the form of both aggravated offences (i.e., where a sentence is increased if the crime was on the basis of one of these grounds) and

incitement to such offences (Malik, 1999, 2010). Equally seminal were the developments in civil law to address the direct discrimination (where there is clear intention to discriminate against a particular group, ultimately resulting in exploitation of that group) and indirect discrimination (where there is no clear intention to discriminate against a particular group, but a specific policy, rule, or practice nonetheless significantly disadvantages and marginalizes that group) faced by these groups in employment and the delivery of goods, facilities, and services (Choudhury, 2005). Young's work on powerlessness and cultural domination contributed enormously, at the turn of the century, to the idea of institutional discrimination based on these grounds, the use of the public sector's equality duty to address this, and the idea of meta-narratives and stereotypes resulting in unconscious bias against these groups—which are difficult to address through law, but should be addressed through education and public awareness campaigns (note, in particular, Macpherson, 1999—and the subsequent legal and implementation ramifications of this report and work on both institutional discrimination and unconscious bias).

Young's (1990) work, as understood and used by the equality movements in the UK, was employed by British Muslims, particularly the Forum Against Islamophobia & Racism (FAIR), in the early noughties (i.e., 2000–2010), to articulate their experience of being a vulnerable minority in the UK. This experience consisted of the five manifestations of Islamophobia: Islamophobic violence, direct Islamophobic discrimination, indirect Islamophobic discrimination, institutional Islamophobic discrimination, and Islamophobic meta-narratives, stereotypes, and unconscious bias. FAIR undertook considerable work in the early to mid-noughties to address each of these manifestations of Islamophobia, and many others have contributed since. The result is that much theoretical, legislative, and practical work has been put in place to address Islamophobia in the UK and similarly in the rest of Europe and the Anglosphere (Aziz, 2018). However, much work still remains to be done to address these manifestations in practice, as we have seen an exponential growth in each of these manifestations of Islamophobia in recent years (Ameli & Merali, 2015)—illustrated not least by the recent massacre of Muslims in Christchurch, New Zealand. We could safely say, therefore, that measured by contemporary objective standards, Muslim minorities in the UK, large parts of the Anglosphere, many parts of the West, and internationally could be regarded as vulnerable and under threat.

The third feature was the expectation of the Muslim group's being organized under an imam or leader, who was also a representative

of the interests of the Muslim group and would make the difficult decisions of which groups to create alliances with through zakat payments. It is perhaps more difficult to see the parallel between this feature in the earliest period of Islam and the contemporary position of Muslim minorities in the West. Internal ascription to a common faith and religion as a significant part of one's identity in a minority context, as discussed earlier, does not naturally translate to Muslims organizing themselves into a group with a centralized leadership. In terms of unity of voice and representation in the UK, a number of polls have shown how organizations like the Muslim Council of Britain (MCB) command the support of more than half of British Muslims when it comes to political and other forms of representation (see, in particular, Savanta ComRes, 2015; ICM, 2015). However, the diversity within Muslim-minority communities in the West means that they are less unified as compared to early Muslim communities and far less likely to be organized around a single all-powerful leader. The greater likelihood is that those communities are divided by their ethnicity and language, particular interpretations of Islam, and mosques and other institutions. This does not mean, of course, that there are no leaders in these communities, or that there is no organized leadership or that Muslims in these groups are not led in organizing the religious aspects of their lives in their minority contexts; nor does it mean that they do not have representatives to present and protect their interests to and from outside forces, be it through self, internal, or external appointment. Often there is a plethora of leaders—frequently competing with each other, but sometimes also organized in some form or other—e.g., a local/regional council of mosques or national umbrella organization.

The context of Muslim minorities in the West and the models of community organizing and leadership that have organically emerged therein, in some ways similar to and in other ways far removed from the tribal forms of living, organizing, and leadership in the early days of Islam, raise questions of the desirability and achievability of a single central leadership and figurehead in Muslim-minority communities in the West and how Muslims in these contexts should practice Islam until this type of leadership arrangement is achieved. Centralized leadership in minority contexts would, of course, have many advantages—for example, pooling of the community's resources, reduction of duplication of efforts and wastage of resources, and avoidance of different parts of the community being played off each other by other sections of society. However, it could also have many disadvantages—for example, the manipulation, exploitation, and eventual devastation, or even destruction, of a community through the cooption, corruption, and

elimination of its leaders—where “all the eggs have been placed in one basket.” The experience of Muslim minorities in the West is also testament to how difficult it is to achieve that centralized leadership and how quickly it might fall apart or lose credibility. As a result of this experience, some may even conclude that it is almost impossible to form the office of a central figure or authority for British Muslims, not least due to reasons of being able to find the one individual or institution that can command the respect and have authority over all or most denominations/sects/schools of Muslims. Nor can the office of such an individual or institution come into existence without considerable time and money being put into an endeavor that has borne little fruit from past attempts—and, therefore, the great weariness to go down that route again. In the meantime, of course, despite the absence of such centralized leadership, as in the early days of Islam, Muslims in minority contexts need to feel secure, be able to live their religion freely, and thrive as a community—and so the question of community leadership will need a resolution that responds to the current configuration of scattered points of leadership in Muslim-minority communities. I will reflect further on this point in section three below.

The final feature, the presence of other groups, and leadership within them, that the Muslim community needs to create strategic alliances with or exert influence over to ensure its own safety and continuation, is again similar to the first two features—in that it is not difficult to see that if a defined Muslim-minority community is vulnerable and under threat, then there must be people within and outside that community that can help allay that threat. However, a consideration of this feature raises important questions not dissimilar to those raised by the third feature—and may also influence and shape our response to those questions: has the organization of groups in society and the role of leadership within them changed over time, and, if so, what implications does this have for the protection of vulnerable Muslim groups living as minorities? Clearly, for the most part, societies are no longer organized along clan and tribal lines, where the head of the clan or tribe holds all the authority and power. In the case of Muslims living in Western liberal and democratic nation-states, authority is ultimately vested by its citizens and there is usually a constitutional separation of powers. Thus, authority and power are diffused among many institutional and individual actors based on the choice of citizens. The power of political leaders in this context is no longer an absolute monopoly through their positions but dependent on various checks and balances (e.g., the legislature and judiciary at the national level) and the power and influence of other leaders and power brokers in society—for example, opposition leaders,

sectoral leaders, community leaders, and opinion leaders through mass communications.

This diffusion of authority and power in Western liberal democracies is not restricted to leadership at the national level. Even among communities (ethnic, religious, or otherwise) and sectoral interest groups that run across communities (based on professions, needs and demands, or particular viewpoints), we find a shift away from individual leadership to multi-institutional leadership—where the institution is not run by one individual superhero leader, but is a “ship full of leaders” whose authority and powers are held together by rules and practices in the institution that help them to work together to *serve* (rather than dictate to) their community and interest groups. The diffusion of authority and power in these contexts means that they operate in a different way to how they did in the earliest period of Islam, and, therefore, influencing them for a particular purpose also requires a different approach. Joseph Nye, the celebrated American political scientist at Harvard, popular with the Clinton and Obama Administrations, made a distinction between hard power and soft power and pioneered a new theory for soft power. Nye (2004) explains that whereas hard power is based on legal, economic, and physical force and coercion, soft power relies more on the ability to attract and persuade through ideals, culture, and policies. Nye suggests that in the modern world of diffused power, what is required to achieve certain objectives is “smart power,” the ability to combine hard and soft power into a successful strategy (Nye, 2004, 2011). The development of Nye’s theory was in relation to international politics and relations (i.e., balancing military and economic coercion with international aid, promotion of democracy and human rights ideals, teaching of language and exposure to culture, encouragement of public diplomacy, etc.), but the distinction could equally be applied to the domestic contexts of Muslims living as minorities in Western liberal democracies, where the agents of hard and soft power can be separately identified and a strategy for smart power could be developed for the security and welfare of these Muslims.

Mapping the fourth key feature of the classical interpretation onto the current context, however, raises another problem. Payments to leaders in the classical juristic era were mostly gifts for personal use, done very openly and in very tangible forms—e.g., gold, silver, land, livestock, merchandise goods, etc. Such payments today in Western liberal democracies would be frowned on and could even be counterproductive. In such a changed context, where gifts to those in public life and positions of power have to be registered to prevent bribery and unfair influence, how should leaders and influencers be influenced,

how can zakat money be spent on them, and what means of influencing them can be paid from zakat? Aside from payments in cash or kind, where this is still possible, influencing leaders in Western liberal democracies today usually consists of several other prongs of work. In the context of the security and welfare of Muslim minority groups, this would include, first, research on concerns and thought leadership on how these may be addressed; second, awareness and mobilization in the community; third, alliance building among groups with similar interests; fourth, advocacy work (including both campaigning and lobbying work) in the corridors of power; and, fifth, communications work (in terms of both public relations and media work—including both hard and soft messaging). In undertaking this work, building bridges and alliances with some key groups of power holders and influencers (and strategically supporting their endeavors) becomes critical to the success of this work, particularly academics and think tank practitioners; politicians and policy makers/implementers; media and public discourse practitioners; and arts and culture institutions, leaders, and icons. The important question here is whether zakat can be used to fund this work if such work would influence leaders and influencers in these contexts to protect and promote the interests of Muslims or whether zakat must be reserved only for those formally in positions of power. If the latter, where will the money for the former work come from and how will poor spending on the former be avoided? I will reflect on this point further in the next section.

Section 3: Challenges to the Application of the Classical Position to Contemporary Contexts

In this third section, I will raise pertinent questions and consider answers to how the issues raised in mapping the old *fiqh* onto contemporary settings, particularly as a result of the contextual differences between the earliest years of Islam and the current Western liberal democracies with Muslim minorities, may be addressed from within classical Islamic sources and open a discussion on whether zakat funds may be used to support activities such as political advocacy work on behalf of minority Muslim communities in the West.

The first issue raised is around the definition of vulnerability. Is it only about security from existential threat or can it be for more—e.g., socioeconomic and cultural prosperity of the Muslim community? Is reading the classical position only in terms of dire existential threats just one narrow discernment of the literature, and can that literature be discerned in a wider way? What about preventative work before it

becomes a threat? When does it become an existential threat—who decides and how in the absence of a central leadership? If preventative work is allowed, with what level of telltale signs is funding for that work from zakat to start? Are threats to and the growth/thriving of communities not linked in some ways, in that a community that is not growing and thriving will ultimately die a slow death—as has been the case for so many communities in the past? The classical texts, however, leave the response to these questions fairly vague and up to the discretion of representative Muslim leaders, and, therefore, they are tied to the Muslim leadership problem discussed above and below, and further research and reflection is required to answer them. In the current climate, however, with the rise of right-wing politics, both fueled by old tropes of Islamophobia (not least in the context of the War on Terror) and fueling new manifestations of this xenophobia, it is apparent that Muslim-minority communities in the West, not least in Britain, have passed the stage of preventative work and must deal with real security and welfare troubles that have come to their doorsteps.

The second set of issues raised is around the organization of the Muslim community under a central figurehead and/or one unifying structure. The classical position emphasized leadership and representation of the Muslim community by this single figurehead. However, what if in Muslim-minority contexts today, with the diversity present, it is not possible to agree on *the* Muslim leader? What if a different leadership model has developed organically based on a different form of social and political organizing? Can each Muslim group in such contexts, with their own leaders, undertake strategic zakat collection and distribution separately—which is how Muslim leadership is operating in such contexts at the moment. If the centralized model of leadership is Islamically critical in all contexts, and particularly with regard to such distribution of zakat, the question of how Muslim minorities should live Islam until this type of leadership arrangement is achieved becomes very important to address—for the work of protecting and promoting the welfare of the community itself cannot stop until the right leadership model is in place. In this regard, it may be argued that securing the safety of the Muslim community is a communal obligation, or *farḍ kifāya*, and that if it is not satisfied, it becomes an individual obligation, or *farḍ ‘ayn*, on those who have the ability and capacity to carry it out.

It may, furthermore, be argued that the absence of a central authority, structure, or figurehead has not been a hindrance to the performance of certain other types of worship, as observed by Muslim minorities in the West, which have traditionally also required the

presence, authority, and command of a central leader. A prime example is that of the Friday prayer, which many traditional works of Islamic Law set as a condition for its establishment, the presence, authority, and command of a central leader who institutes the prayer (see, for example, al-Marghīnānī, 2000, 1:82). Yet, in the context of many Muslim-minority communities in Western liberal democracies, Friday prayers have been established for well over a 100 years without such centralized leadership. Instead, disparate Muslim communities of very different descriptions have taken it on themselves to act “in place” of that central authority and organized themselves in various ways, either as masjids, community centers, or workplace groups, to hold their own Friday prayers (and the community’s coming together to appoint their own Friday prayer leader in place of an absent Muslim ruler has been justified by classical authors: see, for example, Ibn ‘Ābidīn, 1992, pp. 2:143–144). The Friday prayers at each of these different set-ups, be they formal or informal, after meeting the minimal requirements for validity, slightly vary in their delivery and quality, but are generally accepted across Muslim communities as a religious requirement suitably and validly delivered. Furthermore, while it is known that classical *fiqh* works debated the validity and desirability of Muslims settling in non-Muslim territories (Abou El Fadl, 1994), we find among those that did countenance such a residence the insistence that Muslim minorities appoint their own leadership, at least in the form of a shari’a judge (*qāḍī*) to adjudicate between them based on the Shari’a (Abou El Fadl, 1994, p. 158; Ibn ‘Ābidīn, 1992, pp. 2:143–144). Indeed, Shari’a councils in minority settings operate on exactly this logic: they establish and annul marriages through a power vested in them by the Muslim community, not through the head of a state, which is how judges must be appointed in Muslim territories. Declaring the entry of Ramadan is also tied to the office of a state-appointed shari’a judge in classical *fiqh* (Hanif, 2016), yet Muslims in minority settings have organized themselves based on mosques and organizations to declare the entry of the holy month, though all would agree that a move to further centralize this declaration is desirable.

In short, we can see that the classical *fiqh* provides a strong impetus for Muslim minorities to organize themselves by appointing their own leadership and that this is essential for the injunctions of the sacred law to be realized; and indeed, in their rudimentary way, Muslim minorities have commenced this self-organization for as long as they have been in the West. And in each of the aforementioned examples, Muslim minorities have established Friday prayers, Shari’a councils, and declared Ramadan despite being under a scattered disunited faith

leadership. Classical *fiqh*'s encouragement of Muslim minorities to appoint their own leadership for the objectives of Islamic law to be realized sets a helpful precedent for considering the topic at hand, but we must contend with the scattered nature of the current leadership.

This leads to the third set of issues that relate to the fact that the organization of societies, communities, and groups around the world and the role of leadership within them, particularly in Western liberal democracies, has changed over time. Clearly, for the most part across the world, societies are no longer organized along clan, tribal, or imperial lines, where the head of the clan, tribe, or empire holds all the power. Authority and power in Western liberal democracies is far more diffused between different layers of the state and sectors of society. How do we then now transfer the application of the classical position from the tribal context to the nation-state context and then to the context of Muslim minorities in a non-Muslim nation-state context? Must we restrict ourselves to the “leaders and obeyed” or can we also include key influencers that influence sectors, communities, and mass opinion—as the security and safety of Muslims lies as much in their hands? What if these influencers are not the representatives of the interests of the “other,” but they influence those others too and this has a bearing on the security and welfare of Muslims? What if these influencers—e.g., social media influencers—are found to have more power to influence than tribal, faith, or political leaders? This is important depending on the political system Muslim minorities find themselves in: if in a tribal system, pure monarchy, or dictatorship, it is a few that hold power and influence; however, if in a liberal democracy, power is more diffused among the citizens, and key influencers of the opinions of those citizens can hold great power. The point about leaders versus influencers was, of course, not absent at time of the Prophet Muḥammad. In the early Makkan phase of Prophet's mission, he prayed for Islam to be strengthened by the conversion of either ‘Amr ibn Hishām (Abū Jahl), who was a leader of his tribe, or ‘Umar ibn al-Khaṭṭāb, who was not a leader of his tribe, though, nonetheless, very influential in his tribe and Makkah generally (al-Ḥākīm, 1990, p. 3:574). If we are to consider beyond leaders and also include influencers, might we add to the list given by Ibn Qudama, above, of the six categories of leaders who can receive zakat money under *mu'allafa qulūbuhum*, if the additions fulfill the spirit of the category and its objectives—of winning hearts for an advantage to Islam and/or Muslims? We may then also ask what would be the equivalent of these six categories today and who else may be added to this list?

A final set of issues relates to the forms of payments and expenditure that might be made from zakat to influence leaders and influencers that could be considered as consistent with those accepted in the classical *fiqh*. As already noted above, payments to leaders described in classical juristic literature were those made openly and consisted mostly of tangible gifts for personal benefit—i.e., in ways that in modern Western liberal democracies would be hugely frowned on and could even be very counterproductive. In current contexts, where such gifts to those in positions of power and influence in public life have to be registered and may be construed as bribery for unfair influence and gain, how should leaders and influencers be influenced? Where influencing work in Western liberal democracies today cannot be reliant on tangible payments to leaders and influencers, but may be more effectively achieved through research and thought leadership, awareness and mobilization in the community, alliance building among groups with similar interests, advocacy work (including both campaigning and lobbying work) in the corridors of power, and communications work (in terms of both public relations and media work—including both hard and soft messaging), the most important question here is whether zakat can be used to identify and influence leaders and influencers in these contexts if such influencing would serve to protect and promote the interests of Muslims.

When considering this last set of questions, it is helpful to consider how the classical *fiqh* theorised the validity of zakat payments for political advantage. The strictest school, in insisting that zakat must go only to the poor and needy across the categories of zakat recipients, is the Ḥanafī school, which only excludes the zakat collector (*‘amil*)—one of the eight categories of zakat recipient named in the Qur’an—from the condition of poverty (*faqir*) (the other schools allowed the rich to receive zakat if they served several of the eight zakat categories). So how do they explain payments to non-Muslim leaders from zakat? The leading Ḥanafī jurist al-Sarakhsī justified this as follows:

If it is said, “How is it valid to hold that [zakat] can be paid to them, considering that they are Unbelievers?” We answer: jihad is incumbent on poor and rich Muslims to ward off the harm of the Idolators, so a portion of the wealth of the poor is spent on them to ward off their harm; and this takes the place of jihad. (Al-Sarakhsī, 1906–1907, p. 3:9)

In al-Sarakhsī’s formulation, the payment for *mu’allafa qulūbuhum* is part of the jihad effort, an effort whose purpose is “warding off the harm”

of the hostile other. While well-to-do Muslims are expected to be using their wealth for the effort of protecting other Muslims, the poor are unable to directly pay to support this cause. Instead, their contribution is that a portion of the zakat, collected for the sake of poor Muslims, is spent on the effort of defending and securing the Muslim community. This legal argument is relevant here as it highlights that unlike the other forms of spending from zakat, where the recipient must be a Muslim and must be either poor (according to the Ḥanafīs) or fit neatly into one of the zakat categories (according to the other legal schools), the payment for the *mu'allafa* is not to poor Muslims but *on behalf* of poor Muslims; what is important is not the faith or need of the recipient, but that the payment results in a benefit or advantage for Muslims, the poor and rich among them. And where neither faith nor need of the recipient is a condition, then the modality of the payment is much less important than its effect. Thus, were this topic reviewed for possible application in the aforementioned modern context, valid forms of zakat payment would need to be determined by evidence-based research on what constitutes successful spending to positively influence public opinion and public policy.

Conclusion

The purpose of this paper was not to provide comprehensive and conclusive answers but primarily to identify the issues raised in applying classical jurisprudence on *mu'allafa qulūbuhum* in contemporary contexts, particularly the contexts of Muslim minorities living in the West, and to create a space for discussions on whether and how that category of zakat expenditure may be revived and practiced in these contexts. The central point of the classical *fiqh* position was simply to provide an avenue for securing the protection and welfare of Muslims as a group, beyond the protection and welfare of individual members of that group. This is, therefore, in the context of rising Islamophobia in the West, a very timely discussion.

In the wider space of Islamic philanthropy in the West, some Muslim charities, pushed by necessity, are already more locally focused and showing an interest in spending on this form of political engagement. Muslim individuals and charities treading this path are seeking greater support for their work from Islamic sources and Muslim historical practices—so that Muslims in minority contexts have a better understanding of the jurisprudence around *mu'allafa qulūbuhum* and its implementations in their settings. Others in the same philanthropic space find challenges in approaching the classical sources to start thinking

about funding political engagement in this way. My hope in writing this paper is that through these discussions a more consensus-based position will emerge—where the former move closer to the Islamic scriptures and the latter are better able to contextualize those same scriptures to our current contexts. And we can note that discussing the *zakat-worthiness* of projects that defend Muslims in minority settings elevates such projects to the very heart of how Muslims should understand their duty to God, regardless of whether the emerging consensus will encourage the use of zakat funds for such projects or not.

What is also clear about the category of *mu'allafa qulūbuhum* is that it is not some dubious Islamic practice, specific to Muslims, but a part of most systems of politics and statecraft. The idea of “winning hearts and minds” through “critical voices” and “key influencers” for a benefit or advantage, both internationally and domestically, runs very strongly through US and UK politics—and, hence, the emphasis on international aid, public diplomacy, and support for institutions such as the British Council. The idea has been just as prevalent in other parts of the world and in Islamic jurisprudence and Muslim history.

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