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Nur Faizah Sahib, Saarah Jappie**

*Diaspora and Implementation of Sheikh Yusuf al-Makassari's Religious
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*Countering Islamophobia to Live in a Harmony in America After the
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Challenging Islamophobia by Action (An Overview of the Islamic Activist Movement in America from A Fiqh Aqalliyāt Perspective)

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Abstract

The issue of Islamophobia and the treatment of minorities is deeply rooted in the culture of Muslim societies. Throughout history, Islamic constitutional law has focused on the treatment of minority groups. However, the meaning of "minority" has evolved and shifted from referring to non-Muslim minority groups to Muslim minority groups. This research employs a qualitative methodology with an Islamic law and legal sociology approach, relying on empirical data. The article aims to emphasize the need for reassessing "minorities" and setting new standards in combating Islamophobia through a sociological approach by advocating fiqh al-Aqalliyāt as a tool to promote inclusivity among the Muslim majority. The results show that the movement against Islamophobia, based on the study of maqashid al-shariah with an emphasis on fiqh al-aqalliyat, is the main choice for American Muslim minorities.

Keywords: Islamophobia; Minority; Fiqh al-Aqalliyāt; Non-muslim

Abstrak

Isu Islamofobia dan perlakuan terhadap minoritas berakar kuat dalam budaya masyarakat Muslim. Sepanjang sejarah, hukum konstitusional Islam telah berfokus pada perlakuan terhadap kelompok minoritas. Namun, makna "minoritas" telah berevolusi dan bergeser dari merujuk pada kelompok minoritas non-Muslim menjadi kelompok minoritas Muslim. Penelitian ini menggunakan metodologi kualitatif dengan pendekatan hukum Islam dan



sosiologi hukum, dengan mengandalkan data empiris. Artikel ini bertujuan untuk menekankan perlunya menilai kembali "minoritas" dan menetapkan standar baru dalam memerangi Islamofobia melalui pendekatan sosiologis dengan mengadvokasi fiqh al-Aqalliyāt sebagai alat untuk mempromosikan inklusivitas di antara mayoritas Muslim. Hasil penelitian menunjukkan bahwa gerakan melawan Islamofobia yang didasarkan pada kajian maqashid al-syariah dengan penekanan pada fiqh al-aqalliyat menjadi pilihan utama bagi minoritas Muslim Amerika.

Kata Kunci: Islamophobia; Minoritas; Fiqh al-Aqalliyāt; Non-muslim

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A. Introduction

In the days leading up to the September 11 terrorist attacks, the United Nations (UN) had recognized Islamophobia as an attitude on par with anti-Semitism and anti-Roma. However, after the attacks, Islamophobia became more widespread. Allen's research focuses on various Islamophobic attitudes, particularly the differences between pre-9/11 attitudes and post-9/11 attitudes. The aim of this research is to develop effective strategies to combat Islamophobia. Allen chose to focus his research on Islamophobia in the UK, as it is a European country with a high level of Islamophobia in the aftermath of the attacks.¹

The attacks on the World Trade Center Twin Towers on September 11, 2001, marked the peak of a global surge in Islamophobia. Mona Eltahawy, an American citizen of Egyptian descent and an eyewitness to the events, described seeing a "madman" attempting to set fire to a mosque but being stopped by a line of people holding banners that read "Muslims are Americans." Mona was also reluctant to let her sister-in-law leave the house out of fear of potential physical or verbal attacks. The attacks on the WTC Twin Towers on September 11, 2001, were the culmination of a worldwide wave of Islamophobia.²

A report from the European Monitoring Centre on Racism and Xenophobia (EUMC) describes various forms of phobic behavior towards Muslims in Europe after September 11. This condition was exacerbated by the murder of Dutch film director

¹ Christopher Allen, *Islamophobia*, 1st Publis. Farnham: Ashgate Publishing Limited, 2010, p.123-125

² Mona Eltahawy, "The challenge of being a Muslim in post-9/11 America," last modified 2001, Acces Juni 17, 2022, <https://www.theguardian.com/commentisfree/cifamerica/2011/sep/09/muslim-post-9-11-america>.

Theo Van Gogh and the bombings in Madrid and London. This fact led EUMC to conduct research in 10 European countries at 58 points. In the end, the research found a high level of hostility and Islamophobia towards Muslims; one example from the interview was a young Dutch Muslim woman's routine question from her neighbors about where she was going; according to this woman, the question was very hurtful because she was not an immigrant but a descendant who was born in the Netherlands. Rotterdam. She was confused as to what the question meant as she appeared in public wearing a hijab.³

An Indonesian Muslim activist, Imam Shamsi Ali, has been an active voice against Islamophobia in the heart of New York City. He was one of the two imams invited by George W. Bush to visit Ground Zero a few days after September 11.⁴ Shamsi Ali has joined the movement against Islamophobia in America in various forms. He spearheaded the establishment of the first Islamic boarding school in the United States. Shamsi Ali has lived in America since 1996 and is active in Islamic preaching. As a preacher, he has distinctive characteristics compared to his counterparts. Shamsi Ali takes the path of interfaith dialogue to voice equal rights and status as American citizens. That is why in the fight against Islamophobia in America, Shamsi Ali received support from religious believers, including Jews.⁵

Islam and Judaism are minority religions in the United States and cannot be separated from racial discrimination that sometimes ends in violence. In contrast to Jews, Islam tends to get quite hard pressure compared to Judaism, because Jews have a strategic role in government and significant lobbying power. Minority groups are discussed in *fiqh siyāsah*, discussing non-Muslim groups in Islamic states. They are allowed to exist as a group of *zimmi*.⁶ The collapse of the Islamic caliphate in 1924 and the establishment of the secular state of Turkey marked the beginning of a change in the orientation of the state from a religious basis to a nation-state. The beginning of new interactions between Muslims and the so-called *dār al-'ahdi* (non-Muslim but not hostile to Islam) occurred in and became more massive until the following period.⁷

³ Tufyal Choudhury et al., *Perceptions of Discrimination and Islamophobia*, 1st Edition. Austria: © European Monitoring Centre on Racism and Xenophobia, 2006, p. 42-43.

⁴ Nusantara Foundation, 'Imam Shamsi Ali', 2019.

⁵ Evidence of Shamsi Ali's commitment to fighting Islamophobia by involving Jews is demonstrated through his collaboration with Jewish Rabbi Marc Schneier on the book "The Sons of Abraham.". See Marc Schneier and Imam Shamsi Ali, *The Sons of Abraham*, 1st Published Boston: Beacon Press Book, 2013

⁶ John Tolan, 'THE LEGAL STATUS OF ZIMMI'S IN THE ISLAMIC WEST', in *Religion and Law in Medieval Christian and Muslim Societies 1*, ed. by Nicolas De Lange at.al Camilla Adang, Nora Berend (Brepols Publishers n.v., 2013), pp. 1-416.

⁷ Bernard Weiss, 'Dār Al-Islām / Dār Al-Harb Territories, People, Identities', in *Studies in Islamic Law and Society*, ed. by Giovanna Calasso and Giuliano Lancioni, First Edit (Brill Nijhoff, 2017), pp. 95-96.

Initially, the migration of Muslims to non-Muslim territories was a private matter, but as the number of Muslim migrations to non-Muslim territories increases, it has become a public topic of discussion. This phenomenon requires a thorough investigation to find legal solutions and open new areas of dialogue in the formulation of more flexible fiqh.

B. Literature Review

1. Islamophobia: etymology, early uses, historical roots, range of prevalence and importance of research

The word "Islamophobe" first appeared in France when Etienne Dinet and Slima Ben Ibrahim wrote a book '*accès de délire Islamophobe*' in 1925. Both wrote about the Prophet Muhammad and the word Islamophobia was used with a different meaning to what it means today. The book describes the Mullahs' satire of Iranian Muslim women who were reluctant to wear the hijab. Initially, the word Islamophobia was aimed directly at other Muslims who feared Islam, but gradually the word shifted its meaning to non-Muslims' fear of Islam. According to Christopher Allen, borrowing from Fourest and Venner, Muslim fear of Islam has been the main idea in the use of the word Islamophobia by the group *al-Muhajirin* and the Islamic Human Rights Commission (IHRC) to describe non-Muslim fear of Islam and Muslims.⁸ Islamophobia is a medieval history derived from a form of phobia and is strongly suspected to be the trigger for Western antipathy towards the Islamic world which is portrayed as a frightening ideology. Orientalists have led public opinion that considers the Islamic world and Muslim minorities living in Europe as a problem and not as human beings. Liz Fekete's historical approach provides important information about the history and origins of phobia towards Islam.⁹

France has the lowest level of resistance to Islam, but Islamophobia is still high even though no formal institutions are campaigning for this phobic attitude. France seems to be a pro-democracy country that protects Muslim citizens but makes structured efforts to keep Muslims away from their religion. Vincent Gessier calls it a "permanent paradox" in "cold tolerance". Vincent does not deny that the root cause of Islamophobia in Europe stems from the Middle Ages and the prolonged trauma caused by the occupation of Islamic territories. The theory of *cold tolerance* put forward by Vincent became one of the factors of Western fear of Islam which later transformed into westernization. For Muslims, westernization has a negative meaning and becomes a reason to reject the existence of the West. As a result, there will be a

⁸ Christopher Allen.

⁹ Liz Fekete, *A Suitable Enemy: Racism, Migration and Islamophobia in Europe*, 1st Publis. London: Pluto Press, 2009, p. 193

real distance between Islam and the West.¹⁰

On July 7, 2005, the Telegraph YuoGov reported on a survey that found 82% of Britons believed; violence in the UK over the bombing of an underground railway line was the responsibility of Islamic extremists even though the survey did not present any evidence on the ground. As a result of this event, there was a significant increase in the perception of Britons to increase defenses against terrorist threats in the UK from 32% to 46% after the WTC event. This means that the WTC event has triggered a 14% increase in phobia towards Islam in the UK. Bush's speech on September 20 was the start of the "terrorist extermination movement" by the US and sporadically followed by European countries. The spectrum of fear broadened, although the aim of the movement was initially aimed at the terrorist group Alqaedah. Aaron Tyler's theory explains the trigger for the rise of *Islamophobia* is the WTC event, in Tyler's view, the outbreak of *Islamophobia* in the West, starting from the WTC event.¹¹

Spain participated in the global war on terrorists until the Iraq war. Spain's involvement hurt national security, three years after the WTC attack. On March 11, 2004, a deadly attack on four Spanish Carcanias trains led Spain to withdraw from the coalition forces. It is unclear whether this was due to the impact of the violence or the changing policies of Spain's new socialist government. The Netherlands is one of the few European countries that have managed to reduce the number of asylum seekers to only a quarter of the number they have received since 1990. Jocelyn believes that what is happening in Europe is nothing but an attitude of xenophobia which then transforms into Islamophobia because the majority of immigrants are Muslims. The Muslim minority in Jocelyne's view will experience negative treatment as immigrants. Xenophobia, according to him, is very close to *Islamophobia* considering that most of the immigrants who come to Europe and America are Muslim. Therefore, the long road of Muslim immigrants to Western countries will lead to a phobia of their religion.¹²

'USA Patriot Act of 2001, examine the PATRIOT Act amendment that led to the expansion of the meaning of terrorist to the holder and provider of funds. This expansion became a strong anchor in upholding the protection of American citizens

¹⁰ Vincent Geisser, 'Islamophobia: A French Specificity in Europe?', *Human Architecture: Journal of the Sociology of Self-Knowledge*, 8.2 (2010), p. 39.

¹¹ Aaron Tyler, *Islam, the West, and Tolerance*, 1st Published New York: PALGRAVE MACMILLAN™, 2008, p. 21.

¹² Jocelyne Cesari, "'Islamophobia' in the West: A Comparison Between Europe and America," in *Islamophobia and the Challenges of Pluralism in the 21st Century* Washington DC: Georgetown University, 2011, 18–41.

from terrorist threats.¹³ John R. explains in detail the legal tools used by the American government in tackling the threat of terrorists. Of course, this threat is directed largely at the American Muslim minority, although terrorist attacks do not entirely originate from the Muslim minority. The first amendment to the United States Constitution states that Congress will not support the State sponsoring religion or prohibiting freedom of religion. This amendment provides strong legitimacy for religious adherents not to fear unequal treatment because the state provides ample space for religion.¹⁴ Stephen's research aligns with John R.'s statement that America has established legal tools to combat terrorism.

The negative impact of Islamophobic behavior that contradicts the first amendment to the American constitution by congressmen proposed in 1789, although approved and ratified in 1791. For some reason, the idea of positioning Islam as a religion that contradicts the American way of life gave birth to the so-called "Islamophobia" in 1991. Without realizing it, this attitude has distanced America from its greatest asset, the "American Muslim Community", as a partner against terrorism. The fatal mistake of utilizing this potential was triggered by the aggressive attitude of the authorities and some congressmen after the WTC.¹⁵

2. *Fiqh Al-Aqalliyāt*: Phenomena, Terminology, Philosophical Approach, and Territorial Boundaries

Said Fares Hassan, describes a social phenomenon that started from 1950 to 1970. During this period, there was a massive wave of Muslim migration from Muslim areas to non-Muslim areas, with Western Europe being a popular destination. However, this is not a new trend, as a similar event happened in (614-615 AD) to Abyssinia. Nowadays, it is common to find Muslim minority entities in some areas of the world, and there is no new *fiqh* (Islamic jurisprudence) that requires Muslim minorities to abandon the areas they have inhabited. In his book, Said gives an overview of some of the destination areas, such as Russia, China, Spain, Sicily, and India. The change in the Muslim community's entity indicates a change in their understanding of the state in *fiqh siyāsah*, which explains that a Muslim should not reside in a territory controlled by a non-Muslim. The concept of *dār* (territory) became

¹³ John R. Vile, David L. Hudson, and David Schultz, 'USA Patriot Act of 2001', *Encyclopedia of the First Amendment*, 2014, pp. 1–132, doi:10.4135/9781604265774.n1369.

¹⁴ Stephen Krensky, *Document of Democracy: The Bill of Right*, ed. Anahid Hamparian, 1st Publis., vol. 3, New York: Marshall Cavendish, 2012, p. 30.

¹⁵ Imam Feisal A. Rauf, 'The Relationship between the Muslim World and the United States and the Root of Islamophobia in America', *Journal of Ecumenical Studies*, 51.2 (2016), pp. 189–97, doi:10.1353/ecu.2016.0028; Douglas M. Johnston, 'Combating Islamophobia', *Journal of Ecumenical Studies*, 51.2 (2016), pp. 165–73, doi:10.1353/ecu.2016.0022.

Said's main concept, explaining the urgency of a new *fiqh* called *fiqh al-Aqalliyāt*.¹⁶

Taha J. Al-Alwani offers a philosophical approach to understanding the phenomenon of Muslim minorities in non-Muslim areas. He proposes that the social order formed by naturalization should have legal tolerance limits so that the problems of Muslim minorities do not become wild. He believes that *Fiqh* should protect and translate the new habits of the people. He also proposes a collaborative legal product called *Fiqh al-Aqalliyāt*.¹⁷

Ahmad Imam Mawardi explains *Fiqh al-Aqalliyāt* as a *fiqh* that pioneers a new path for minorities to build their future in non-Muslim dominions. *Fiqh al-Aqalliyāt* is said to be derived from *Maqāṣid al-Sharī'ah*, a philosophical foundation of law that emphasizes the applicability of emergency in law. *Fiqh al-Aqalliyāt* deals with the phenomenon of Muslims living in non-Muslim majority areas where they are confronted with the realities of life, culture, and values of the society.¹⁸

Bernard Weiss. He discusses the discourse of territorial boundaries inspired by the behavior and treatment of minorities in Islam. Weiss reveals the fundamental *fiqh* in Islam that regulates the existence of different religious minorities. He argues that the big problem of Muslims in the modern era is not confined to issues such as halal food and determining the month for worship, but to the issue of self-identity, integrity, and faith that must be maintained. He agrees that a new legal format is necessary to answer the challenges of changing times and Muslim behavior.¹⁹ He agrees that a new legal format is necessary to answer the challenges of changing times and Muslim behavior.

C. Research Methods

This article is a qualitative research study that uses a comparative approach and empirical data to focus on the Islamic activist movement in the United States. The article's main strengths include revealing opinion perspectives, identifying themes, understanding the socio-political context, identifying strategic tactics, and proposing opportunities for change. The main research method employed is content analysis, although approaches that involve interviews, observations, and document analysis are

¹⁶ Said Fares Hassan, 'Routledge Handbook of Islamic Law', in *Fiqh Al-Aqalliyat and Muslim Minorities in the West*, ed. by Khaled Abou El Fadl, Ahmad Atif Ahmad, and Said Fares Hassan (Routledge, 2019), pp. 313–23, doi:10.4324/9781315753881-20.

¹⁷ Taha J. Al-Alwani, *Towards A Fiqh For Minorities Some Basic Reflections*, ed. by dr. anas s. al Shaikh-ali and Shiraz Khan, Second Edi (The International Institute Of Islamic Thought, 2010).

¹⁸ Ahmad Imam Mawardi, *Fiqh Minoritas Fiqh Al-Aqalliyât Dan Evolusi Maqâshid Al-Syarī'ah Dari Konsep Ke Pendekatan*, ed. by Ahmala Arifin, Cet. I (LKIS Yogyakarta, 2010).

¹⁹ Bernard Weiss.

also utilized. The text draws on History and Fiqh approaches in determining the root causes of Islamophobia, as well as on a sociological approach to analyzing the concept of "minority". The use of several approaches aims to provide broader coverage of different aspects of the topic, which helps in validating findings by promoting the analysis of different perspectives and anticipating the complexity of multidimensional social problems.

D. Finding and Discussion

1. Introducing a new approach to addressing Islamophobia

Shamsi Ali suggests that dialogue is a crucial way for people of different religious backgrounds to connect. He believes that such dialogues should not be limited to formal discussions among religious leaders but should involve all religious followers on a broad range of subjects. Shamsi Ali rejects the idea that dialogue should be narrowly interpreted only in a lexical sense.²⁰ The concept of engaging in a "dialogue" is the fundamental principle that allows religious adherents to work together to address community issues. By having strong communication and collaboration among different faiths, a solid foundation can be built to combat a wide range of problems. One example of this is the partnership between Imam Shamsi Ali and Rabbi Schneier, a Jewish Rabbi, who worked together to establish a connection with the Jewish community in the United States.²¹ Interfaith, also known as *al-ḥiwār baena al-asyām*, refers to the process of dialogue between different religions. However, in certain circles, it is interpreted as an attempt to equalize and align different religions. Interfaith is often misunderstood by those on the extreme right and left of the religious spectrum. The extreme right forbids it because they believe that it contradicts the practices of the Prophet Muhammad. In contrast, the extreme left accepts it as a way of achieving religious unification. Shamsi Ali believes that interfaith acts as a mediator between the two extremes and will not result in the unification of Samawi religions into the "Abrahamic Faith", which is rejected by *Shaykhul* Azhar.²²

²⁰ Imam Shamsi Ali, 'Nusantarafoundation.Org', *Interfaith Dan Islamophobia- 05*, 2022, p. 1 <<https://nusantarafoundation.org/tulisan-imam-shamsi-ali/interfaith-dan-islamophobia-05#>> [accessed 19 December 2022].

²¹ Richard A. DeVito, Jr., 'Volume 17, Number 2', *American Journal of Recreation Therapy*, 17.2 (2018), p. 1, doi:10.5055/ajrt.2018.0161; Hans David Tampubolon, 'The Jakarta Post', *Imam Shamsi Ali and Rabbi Schneier: Reuniting Muslims and Jews* (November 2014) <<https://www.thejakartapost.com/news/2014/11/17/imam-shamsi-ali-and-rabbi-schneier-reuniting-muslims-and-jews.html>>.

²² Imam Shamsi Ali, 'Nusantara Foundation.Org', *Kemenangan Joe Biden Dan Komunitas Muslim Amerika*, 2020 <<https://nusantarafoundation.org/imam-shamsi-ali/tulisan/kemenangan-joe-biden-dan-komunitas-muslim-amerika->> [accessed 13 October 2021].

Shamsi Ali believes that interfaith interactions are an essential part of Islamic teachings. Through these interactions, Muslims can learn from other religions and work towards challenging Islamophobia through action. This will enable Muslims to take an active role in the increasingly interconnected global community.²³ The Quran has significant similarities with other religions, such as Christianity and Judaism. It even references the holy books of the Torah and the Gospel, emphasizing interfaith relationships.²⁴

Imam Shamsi established the Nur-Inka Nusantara Islamic Boarding School in Moodus, Connecticut, in 2018 under the Nusantara Foundation. The school covers 10.5 hectares of land and is a part of the formal education movement.²⁵ The establishment of Nur-Inka Islamic Boarding School was a significant milestone in Shamsi Ali's communication efforts to introduce the Islam Nusantara model. This was achieved through the naming of the Foundation that established the boarding school. Imam Shamsi realized the importance of involving santri in educating and contributing to solving the problems of the people. One of the prominent figures who reflects the existence of santri is Ustaz Abdul Somad. As a fellow santri, Imam Shamsi proposed Abdul Somad as a role model for the santri community. The ideals of Nur-Inka Islamic boarding school are expected to set a standard for the development of globally-minded santri.²⁶

2. *Fiqh al-Aqalliyāt* and the Problem of Islamophobia

Muslims lived in the Kingdom of Abyssinia from 614 to 615 AD. Their experiences in regions like Spain, Sicily, the Balkans, China, and India show that Muslims existed beyond the territories of Islamic rule. However, this topic is not widely discussed in fiqh studies, as these cases are still considered individualistic.²⁷

In Fiqh, discussions on related studies are limited to specific territories (*dār*). These territories are known as *dār al-Islām* (territories of Islam) and *dār al-ḥarb*

²³ Emiljun Rapada, 'Universal Peace Federation A Global Network of Peacebuilder', *American Leaders Discuss Principles for Building a Nation of Peace*, 2016 <<https://archive.upf.org/peace-education-and-human-development/peace-education-reports/6839-american-leaders-discuss-principles-for-building-a-nation-of-peace>> [accessed 21 January 2024].

²⁴ Ali, 'Nusantarafoundation.Org'.

²⁵ Nusantara Poundation, 'No Title', *Pesantren Nur Inka Nusantara Madani*, 2018 <<https://nusantarafoundation.org/program/pesantren-nur-inka-nusantara-madani>> [accessed 13 January 2024].

²⁶ Hamdani, 'The New Santri Challenges to Traditonal Religous Authority in Indonesia', in *New Religious Preacher In The Changing Religious Authority: The Offline And Online Preacher Of Ustadz Abdul Somad*, ed. by Noorshahril Saat and Ahmad Najib Burhani (ISEAS Publishing, 2020), pp. 258–77.

²⁷ Hassan; Usman Jafar, 'Muslims' Thoughts of Non-Muslims' Political Rights In Majority Muslim Areas In Makassar', *Adabiyah*, 1.2 (2019), pp. 204–23.

(territories of war). This theory was introduced by the followers of Imam Abu Hanifah and elaborated upon by the Tunisian reformer Muhammad Byram V in his *Risālat Dār al-Hārb wa Suknāhā* (1256-1307). The *Risālat Dār al-Hārb wa Suknāhā* expounded on the classical theory of the Hanafiyah.²⁸

Sheikh Muhammad Rashid Rida was a prominent figure in publishing fatwas related to the lifestyle of Muslims living under non-Muslim rule. He was associated with the influential journal *al-Manār* and provided many fatwas on the topic. Rida's style of thinking was different from the mainstream ulama of his time. His fatwas gained widespread acceptance and were used in various countries such as Russia, Tunisia, India, Sudan, Sierra Leone, Bosnia, China, Europe, and America. Additionally, his influence also extended to North Africa, Russia, and the Far East.²⁹

Fiqh al-Aqalliyāt is a branch of Islamic jurisprudence that deals with the relationship between religious law and the circumstances of specific communities and their geographical locations. It is a set of laws that applies to particular groups living under unique situations with specific requirements that may not be suitable for other communities.³⁰ Since the 1990s, Taha Jabir Al-Alwani and Yusuf al-Qaradawi have promoted a solution for Muslims residing in the lands of the majority group.³¹

The importance of *fiqh al-Aqalliyāt* in addressing the issues of the Muslim community should be recognized. This is demonstrated by how it deals with new problems, such as the permissibility of a Muslim serving in non-Muslim armed forces in countries where they are citizens. Although al-Qardawi has issued a fatwa allowing Muslims to join non-Muslim armies, in Australia, very few Muslims are interested in doing so.³² This indicates that Muslims are still struggling to reconcile between the conservative classical fiqh and the more moderate and progressive *fiqh al-Aqalliyāt*.

Fiqh al-Aqalliyāt is a method that recognizes the differences between the

²⁸ Bernard Weiss; Subehan Khalik, *Perlindungan Warga Negara Asing Dalam Hukum Islam*, First Edit (Alauddin University Press, 2021) <<http://ebooks.uin-alauddin.ac.id/>>.

²⁹ Umar Ryad, *A Prelude to Fiqh Al-Aqalliyāt: Rashīd Ridā's Fatwās to Muslims under Muslim Minorities in Transition in Europe and the Middle East* (Leiden Universiteit The Netherlands, 2009).

³⁰ Al-Alwani.

³¹ Tauseef Ahmad Parray, 'The Legal Methodology of "Fiqh Al-Aqalliyat" and Its Critics: An Analytical Study', *Journal of Muslim Minority Affairs*, 32.1 (2012), pp. 88–107, doi:10.1080/13602004.2012.665624; Imam Mawardi; Muhammad Amri, Risna Mosiba, and Saidna Zulfikar Bin-Tahir, 'Interreligious Tolerance in the Perception of Maluku Muslim Society', *Jurnal Adabiyah*, 20.1 (2020), p. 178, doi:10.24252/jad.v17i120i1a8.

³² Shaheen Whyte, 'Whither Minority Jurisprudence? The Case of Fiqh Al-Aqalliyat in Australia', *Australian Journal of Islamic Studies*, 2.3 (2017), pp. 55–75 <https://www.jasserauda.net/new/pdf/kamil_fiqh_alaqalliyat.pdf>.

majority and minority, and provides legal judgments that emphasize the rights of minorities. It is contextual and pragmatic, and promotes the mainstreaming of *maqāṣid al-syarī'ah*. Additionally, it promotes tolerance in the form of involvement in social activities and seeking dialogue between religious adherents.³³ The gradation of thought and method in *Fiqh al-Aqalliyāt* contrasts with Imam Shamsi Ali's movement in New York. He is involved in a movement called interfaith dialogue with Jews and Christians, which has opened the door to openness to the common problem between religious adherents called "suspicion" and was able to reduce it to a form of grounded trust. That is why in the massive demonstration movement entitled "Today I am a Moslem too", Imam Shamsi has been able to lay a strong foundation between religious adherents in America.³⁴

The principles of flexibility (*tayyib*) and social engagement have been used by Imam Shamsi in interacting so that the Muslim community has its place in the government.³⁵ The manifestation of flexibility is also contrasted in the cultural da'wah conducted in the heart of New York City, which has resulted in local acceptance of the core teachings. An illustration of Imam Shamsi's flexibility is when he converted a gay man and restored his sexual orientation as a man living a normal life.³⁶ This passage confirms that the basic tenets of Sharia, which reject the teachings of homosexuality, are still in place, but not the outright rejection of gay people who want to explore Islam.³⁷

E. Conclusion

The prevalence of Islamophobia in American and Western societies highlights how democracy can sometimes harbor hostility towards acceptance of Muslims in their communities, adversely affecting human rights defense. Islamophobia and *fiqh*

³³ Zainul Mun'im, 'Peran Kaidah Fikih Dalam Aktualisasi Hukum Islam: Studi Fatwa Yūsuf Al-Qarāḍāwī Tentang Fiqh Al-Aqalliyāt', *Al-Manahij: Jurnal Kajian Hukum Islam*, 15.1 (2021), pp. 151–72, doi:10.24090/mnh.v15i1.4546.

³⁴ Shamsi Ali, 'Detik News', *Wajah Amerika Sebenarnya Dalam Gerakan 'Today I Am a Muslim Too'* (2017) <<https://news.detik.com/kolom/d-3429337/wajah-amerika-sebenarnya-dalam-gerakan-today-i-am-a-muslim-too>>.

³⁵ Muhammad Soeharto Assegaf, 'Ihalal.Id', *Utusan Walikota New York Bertemu Dengan Tokoh-Tokoh Utama Muslim*, 2022 <<https://ihalal.id/utusan-walikota-new-york-bertemu-dengan-tokoh-tokoh-utama-muslim/>> [accessed 12 December 2023].

³⁶ Indriya Indriya and Intan Dwi Wijayanti, 'Konsep Rahmatan Lil Alamin Imam Shamsi Ali Sebagai Strategi Kepemimpinan Pendidikan Dan Dakwah Kultural Di Amerika', *SALAM: Jurnal Sosial Dan Budaya Syar-I*, 9.2 (2022), pp. 433–42, doi:10.15408/sjsbs.v9i2.25125.

³⁷ Andini Andini, 'Peran Agama Dalam Mengendalikan Dorongan Seksual Kaum Gay Di Kota Bandung', *Jurnal Iman Dan Spiritualitas*, 2.4 (2022), pp. 593–98, doi:10.15575/jis.v2i4.20687; Subehan Khalik Umar, 'Living Together With Lgbt People in Indonesia', *Al Daulah : Jurnal Hukum Pidana Dan Ketatanegaraan*, 8.2 (2019), p. 129, doi:10.24252/ad.v8i2.11218.

al-Aqalliyāt are two related concepts concerning minorities in Islam. Islamophobia refers to discrimination against Muslims by the non-Muslim majority, while *fiqh al-aqalliyāt* deals with how Muslims should interact in non-Muslim territories. Imam Shamsi Ali's efforts to combat Islamophobia in America reflect methods derived from *maqāṣid al-sharī'ah* in *fiqh al-Qalliyāt*. Addressing Islamophobia in America and the West requires a solution focused on social movements and a redefinition of the meaning of minorities within the movement. Articulating the role of minorities in *fiqh al-Aqalliyat* is one solution for mobilizing people against Islamophobia

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