

Dār al-Islām Revisited: Territoriality in Contemporary Islamic Legal Discourse on Muslims in the West, by Sarah Albrecht. Leiden: Brill, 2018. 476 pp. ISBN 978-90-04-36454-7

Following the wave of decolonization in the 20th century, the world witnessed a profound demographic and cultural shift: millions of formerly colonized people, regardless of religious affiliation but largely of Muslim origin, relocated to the so-called West. Initially stemming from colonial entanglements, these movements soon gained momentum with increasing globalization, destabilization in their home countries, and new economic opportunities offered by migration. This postcolonial migration to non-Muslim countries, an unprecedented phenomenon in Islamic history and distinct from earlier localized experiences of encounters with non-Muslim rule, such as those in Andalusia and Sicily, posed new psychological and ontological challenges. Faced with the “Other,” both Muslim migrants and host societies developed strategies to manage estrangement and alienation. Religion, as one of the most powerful systems of meaning, provided a symbolic and legal vocabulary to interpret these transformations. Classical concepts such as *dār al-Islām* (territory/abode of Islam) - *dār al-ḥarb* (territory/abode of war) distinction re-emerged, not merely as doctrinal categories but as dynamic tools for identity construction. Territoriality, once a formal legal device, was increasingly adapted to articulate new forms of belonging, alienation, and aspiration.

Sarah Albrecht, who holds a doctorate in Islamic Studies and serves as a research director for theology and interreligious dialogue at the Protestant Academy in Berlin, bases this book on her PhD dissertation. In *Dār al-Islām Revisited: Territoriality in Contemporary Islamic Legal Discourse on Muslims in the West*, she demonstrates how well-

Ilahiyat Studies

p-ISSN: 1309-1786 / e-ISSN: 1309-1719

Volume 16 Number 2 Spring/ Winter 2025

DOI: 10.12730/is.1752838

Article Type: Book Review

Received: July 28, 2025 | *Accepted:* November 19, 2025 | *Published:* December 31, 2025

To cite this article: Tiftik, Mehmet Fatih. “*Dār al Islām Revisited: Territoriality in Contemporary Islamic Legal Discourse on Muslims in the West*, by Sarah Albrecht”. *Ilahiyat Studies* 16/2 (2025), 371-379. <https://doi.org/10.12730/is.1752838>

This work is licensed under *Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International*.

established legal notions are reappropriated in diverse ways to help Muslims make sense of their place in a global order marked by both dislocation and opportunity. She further evinces how conceptions of territoriality shape feelings and practices of identity and belonging. She explains how the classical concepts are mobilized to justify Muslim residence in Western countries and to influence the interpretation and application of Sharī'ah, including the legitimization of *fiqh al-aqalliyāt* (Islamic jurisprudence for Muslim minorities).

This book is structured into three major parts comprising ten chapters, each arranged to build a cumulative argument moving through historical development, contemporary interpretations, and their implications. In the Introduction, Albrecht lays the groundwork for the book (pp. 1-36). She first addresses the question of how the *dār* categorization is treated in Western academia. According to her, Western scholarship often relies on a dichotomous framework of “us” versus “them”, a perspective influenced by thinkers such as Samuel Huntington and reinforced by anti-Muslim figures, such as Gregory M. Davis. These anachronistic portrayals of Islamic legal concepts, she argues, are not limited to populist rhetoric but also appear in the works of well-known scholars of Islamic law, including Bernard Lewis and Tilman Nagel. By contrast, the historical sections of her study reveal that the debates have been far more complex and nuanced than this dualist understanding of Islamic legal concepts (p. 424). She investigates these rich debates around the flexibility of Islamic legal discourse on territoriality. Her focus on the *dār al-Islām* - *dār al-ḥarb* categorization is motivated by the perspective that reconceptualizing geo-religious territories plays a crucial role in contemporary discussions of issues, such as *fiqh al-aqalliyāt*, Islamic multiculturalism, and jihadist movements. To this end, she begins with a historical perspective to identify the continuities and changes shaping contemporary discourse on territoriality.

The central question of the book is “where—or rather what—is *dār al-Islām* in today’s world?” (p. 14). To answer this question, Albrecht analyzes the ways in which contemporary Muslim jurists and intellectuals employ traditional territorial concepts, such as *dār al-Islām* and *dār al-ḥarb*, to interpret current geopolitical realities. The book examines whether these categories still hold authority and whether their definitions and implications are fixed or open to change.

Albrecht also investigates the criteria used to determine whether a territory qualifies as “Islamic” –including ruling power, political and legal systems, the religious affiliation of the population, and freedom of religious practice– and shows how different actors rely on these criteria in making their arguments. Finally, she considers the implications of these territorial concepts for the interpretation of Sharī‘ah and law in Western contexts, particularly regarding questions of religious authority and identity at both global and local levels.

A key aspect of the study’s conceptual framework is the adoption of a “spatial perspective” on Islamic legal discourse. Albrecht draws on the concept of “imaginative territories”, inspired by Edward Said’s notion of “imaginative geographies” (p. 27), to emphasize the intangible and discursive elements of territorial concepts and the ways in which they shape both authority and identity. She conceives of territoriality as encompassing not only the defined status of territories at a given moment but also the ongoing process of territory-making. This includes “discursive mapping” and “rhetorical boundaries”, namely, the processes of forming, locating, and mapping identities (p. 30). The introduction concludes by previewing the study’s central contribution: a fourfold typology of contemporary interpretations of territoriality, which is examined in detail in Part II.

While the concept of “imaginative territories” is a useful tool for linking postcolonial theory with Islamic legal studies, it also risks reducing juristic reasoning to metaphorical geography and overlooking the material and institutional contexts in which these discourses operate. Discourse analysis is indeed a common and productive approach for studying the ways in which postcolonial communities negotiate past and present, yet in this case, the very focus on discursive production carries the risk of underemphasizing the technical legal reasoning and religious scholarship that also shape these categories.

The first part, titled “Territoriality in Islamic Legal Discourse: A Historical Outline”, provides the historical and conceptual background for the book. Chapter 2, “Formation and Development of Territorial Concepts in the Pre-Modern Period”, examines the classical origins and development of categories such as *dār al-Islām*, *dār al-ḥarb*, and *dār al-‘ahd* (territory of treaty) (pp. 43-87). Albrecht shows that although the division of the world into *dār al-Islām* and *dār al-ḥarb* emerged in

the earliest centuries of Islam, their definitions were immediately subject to substantial disagreement among jurists. She highlights the doctrinal elasticity of these concepts, even in the premodern period, stresses their lack of explicit Qur'ānic grounding, and identifies the areas of contestation later revisited by contemporary thinkers.

The book emphasizes the role of Ḥanafī scholars such as Abū Yūsuf and al-Shaybānī in systematizing territoriality, particularly around the criteria for determining whether a territory was Islamic, such as the application of Islamic law and the provision of security. Other schools approached the matter differently: the Shāfi'is emphasized security and freedom of religious practice, whereas Mālikī and Ḥanbalī jurists often prioritized Muslim rule. Although the book's primary aim is not to reconstruct the concepts and rulings of classical *fiqh*, it nonetheless provides a thorough and accessible outline of it. It also clarifies misconceptions—for example, the assumption that *dār al-ʿabd* was a distinct classical category—and offers critical insights, including the argument that *dār al-ḥiyād* (territory of neutrality) is a modern construct coined by Majid Khadduri but later presented by al-Zuḥaylī as classical (pp. 60-61).

Chapter 3, “Debates on Territoriality in the Modern Period” (pp. 87-119), traces modern interpretations of territorial categories from the colonial period to contemporary times. During the colonial era, the *dār* classification became a tool either to legitimize or to refute calls for *jibād* and *hijrah* (emigration) in response to foreign occupation, illustrating how legal concepts functioned as instruments of both compliance and resistance. Figures including Shāh ʿAbd al-ʿAzīz and Sayyid Aḥmad Bārelwī in British India and ʿAbd al-Qādir al-Jazāʾirī in North Africa reinterpreted these categories in light of colonial domination. Later, scholars, including Muḥammad Abū Zahrah and Wahbah al-Zuḥaylī, framed *ʿabd* as a binding treaty compatible with international law. By the late twentieth century, thinkers, including Fayṣal Mawlawī and Rāshid al-Ghannūshī, argued that territorial categories are subject to readaptation since they originate in *ijtibād*, thereby paving the way for *fiqh al-aqalliyāt*. However, Albrecht critically observes that the introduction of new criteria, such as demography, has sometimes led to the marginalization of classical notions such as *amān* (safe-conduct, protection) and *ʿiṣmah* (inviolability, legal immunity).

The core of Part II, “The Contemporary Islamic Legal Discourse on Territoriality”, is Albrecht’s fourfold typology, which ranges from scholars who strictly reaffirm the binaries between Islamic and non-Islamic territories to those who reject them altogether and propose alternatives. Chapter 4, “Dār al-Islām versus Dār al-Kufr: Reinventing Traditional Binaries” (pp. 125-165), examines the first type: scholars and activists, including jihadist propagandists, who continue to view the world as divided into two antagonistic blocs. They classify the West as *dār al-kufr* (territory of unbelief) or *dār al-ḥarb* and are generally skeptical of Muslim residence in non-Muslim majority countries. However, Albrecht also notes that even some extreme voices occasionally adopt a softer position, invoking an intermediate “third domain” or “composite territory”, echoing earlier notions associated with Ibn Taymiyyah.

Proponents of this view include traditionalists such as Sa‘īd Ramaḍān al-Būṭī; Saudi Wahhabi scholars such as Ibn Bāz and Ibn ‘Uthaymīn; and jihadist ideologues such as ‘Azzām, al-‘Awlaqī, and al-Jarbū‘. These figures perpetuate a strict dichotomy and often consider *hijrah* (emigration) to an Islamic state obligatory under certain circumstances. They also continue to apply traditional legal standards in defining territorial boundaries while dismissing the importance of *dār al-‘abd*, which is recognized by the following group but criticized by this group.

Chapter 5, “Dār al-Islām and the West: A Contractual Relationship” (pp. 165-218), presents the mainstream perspective among minority *fiqh* proponents such as Yūsuf al-Qaraḍāwī, Fayṣal Mawlawī, ‘Abd Allāh Ibn Bayyah, and the European Council for Fatwa and Research (ECFR). They classify Western countries as *dār al-‘abd* on the basis of international agreements, thereby legitimizing Muslim residence and grounding the need for *fiqh al-aqalliyyāt*. In doing so, they reinterpret the nature of *‘abd* more expansively than in the classical tradition.

This approach adapts traditional concepts by considering treaties as permanently valid and by incorporating demography as a key criterion for defining *dār al-Islām*. It replaces the older binary with a tripartite model that includes a “territory of contract” or simply a “non-Islamic territory”. Nevertheless, the distinction between *dār al-Islām* and what lies outside of it remains intact: as al-Qaraḍāwī notes, *ghayr dār al-*

Islām is still not as plausible a category and thus requires special treatment. These scholars frequently link their classification of Western countries as *dār al-‘abd* to modern international agreements, such as those regulating the United Nations or NATO. Although they acknowledge that such terms are not prescribed by the Qur’ān or Sunnah, they consider them adaptable constructs rooted in legal tradition. Moreover, their approach often involves *talfīq* (combining doctrines) or *takbayyur* (juristic selection) guided more by pragmatism than by strict adherence to *uṣūl al-fiqh*.

The third type in Albrecht’s typology is presented in Chapter 6, “Dār al-Islām Relocated: How ‘Islamic’ is the West?” (pp. 218-282). This chapter examines the views of scholars such as Ṭāhā Jābir al-‘Alwānī and Jāsir ‘Awdah, who fundamentally redefine *dār al-Islām* by placing greater emphasis on the “security” criterion, which has long been part of tradition. They argue that Western countries can be considered part of *dār al-Islām* if they uphold the higher objectives of Islamic law (*maqāṣid al-sharī‘ah*), such as security, freedom, and justice. These scholars generally reject the notion that the *dār* categories are rooted in primary Islamic sources, treating them instead as historical constructs. This approach often reflects their lived experiences as Muslims in Western societies. While they dismiss the applicability of the traditional *dār al-Islām/dār al-ḥarb* dichotomy, they do not entirely abandon the concept of *dār* itself. Much of the discourse is advanced through the International Institute of Islamic Thought (IIIT) and initiatives such as the Shariah Index Project, which bring together networks of Western Muslim scholars.

The fourth and final type in Albrecht’s typology is presented in Chapter 7, “Rethinking Territoriality beyond Dār al-Islām: Alternative Calls for Overcoming Geo-Religious Boundaries” (pp. 282-310). This chapter highlights figures such as Tariq Ramadan, Ṭāriq Ūbrū, and Ārif ‘Alī al-Nāyiḍ, who advocated for the dissolution of traditional geo-religious distinctions. Ramadan proposes *dār al-shahādah* (abode of testimony) as a unified world in which Muslims “bear witness” to their faith irrespective of political or demographic conditions. Al-Nāyiḍ suggests reinterpreting *dār al-Islām* as an “interior abode of peace” or a spiritual state, while Ūbrū calls for a new “geotheology” that detaches Islamic norms from geo-religious boundaries and anchors them instead in the framework of the nation-state. These intellectuals, many

of whom were academically trained in Europe or Canada, represent a younger generation and often aim for a “radical reform” of Islamic law and ethics, shifting from a legalistic to an ethics-based paradigm.

By clarifying diverse positions within contemporary discourse, the fourfold typology represents one of the book’s main contributions. Although this categorization carries the risk of oversimplifying the agreements among scholars, it provides a useful framework for capturing the spectrum of views ranging from fundamentalist to reformist orientations on any classical Islamic concept. One possible limitation here is that many of the figures examined in the book can be said to have produced pragmatic and momentary statements shaped by the circumstances of their time. Addressing this issue might require longitudinal studies that trace continuity and change in these debates over time.

Part III, titled “Why Territoriality Matters?”, explains why and how contemporary Islamic legal conceptualizations of territoriality matter, emphasizing their profound implications for Muslim life in the West. Chapter 8, “Territoriality, Residence, and Legal Interpretation in the West” (pp. 317-391), explores debates on the legitimacy of Muslim residence in Western countries, the validity of non-Muslim laws, and the disputes surrounding *fiqh al-aqalliyyāt*. Albrecht demonstrates that the permissibility of permanent residence in non-Muslim lands has long been a foundational issue, fueling reconceptualization of the traditional *dār* binary. Scholars who hold a strict dualistic view regard residence as undesirable, yet they often acknowledge its practical necessity or its value for *da‘wah* (mission). By contrast, those who classify the West as *dār al-‘abd* or *dār al-Islām* universally affirm the legitimacy of residence.

The chapter also considers the binding nature of non-Muslim legal systems for Muslims residing in host countries. Approaches vary: some scholars call for unconditional adherence (among those who view the West as *dār al-Islām*), others argue for conditional acceptance based on contractual relationships (as in the *dār al-‘abd* framework), while others reject their legitimacy altogether or even advocate violation (as seen in interpretations of the West as *dār al-ḥarb*).

Importantly, Albrecht demonstrates that the legitimization of minority *fiqh* rests on territorial classifications. Proponents such as al-Qaraḍāwī and the ECFR justify a specialized interpretation of Islamic

norms for Muslims as a distinct minority by maintaining the distinction between *dār al-Islām* and “what lies outside of it”. By contrast, figures such as al-‘Alwānī, who regard the West as potentially part of *dār al-Islām*, advocate for minority *fiqh* as a broader framework for Islamic legal reform applicable everywhere, not only for minorities. Despite these theoretical divergences, Albrecht observes that in practice, *fatwās* often blur these carefully drawn territorial lines.

Chapter 9, “Territoriality, Authority, and Identity” (pp. 391-423), examines how reinterpretations of *dār al-Islām* directly shape questions of religious authority and Muslim identity in a globalized world. For figures such as al-Qaraḍāwī, “territorial othering” legitimizes their authority and sustains institutions such as territorially bound, specialized *fiqh* councils. By contrast, other thinkers seek to deconstruct the image of Muslims as “exiled” or “alienated”, instead emphasizing an ethical and spiritual understanding of Islamic identity and belonging that transcends geographical boundaries. Ultimately, however, all positions on territoriality contribute to constructing Muslim identity in a globalized context, either through mechanisms of othering or through claims of citizenship and belonging.

The conclusion in Chapter 10 (pp. 423-431) summarizes the typology developed in the study and outlines how different groups classify Western countries. Albrecht emphasizes that the expanding discourse on territoriality is a direct response to globalization, increased Muslim migration to the West, and evolving international relations. In doing so, she highlights the adaptability and fluidity of Islamic legal concepts in response to contemporary challenges.

Building on Qasim Zaman’s notion of adaptability in Islamic thought (p. 429), Albrecht demonstrates that Muslim legal discourse continues to evolve in response to changing historical and sociopolitical realities. The categorization she develops is not only analytically helpful but also shows that concepts once belonging exclusively to the classical juridical realm of the *‘ulamā’* are now increasingly shaped by media figures, activists, and other actors. This trend, which Albrecht describes as the “democratization of knowledge”, illustrates the broader diffusion of Islamic legal discourse, whereby doctrinal concepts such as *dār al-Islām* enter the public sphere, which is open to negotiation, politicization, and popular reinterpretation. However, what these debates ultimately mean for the

discipline of *fiqh* itself remains an open question that requires further discussion.

Albrecht's work offers a conceptual framework for examining how classical legal categories acquire political and popular significance and are reappropriated as discursive tools, particularly in the Western minority context, while also touching on issues relevant to Muslim-majority societies, without relying on the emerging notion of "the Muslim world". A closer reading of premodern *fiqh* literature reveals that these classical classifications were originally embedded in legal reasoning and focused primarily on questions of jurisdiction and normative authority rather than on politics. Their modern politicization, by contrast, highlights the need for further anthropological and sociological approaches to Islamic law while still grounding such studies in premodern *fiqh* debates. In this context, the *dār* distinction remains a productive entry point for such investigations. Moreover, the book itself represents a significant contribution for scholars and researchers working on the intersections of Islamic law, political thought, and identity studies.

Mehmet Fatih Tiftik

Marmara University, Marmara - Türkiye

<https://orcid.org/0000-0001-9170-4908>

mfiftik@gmail.com

