

## Foundations and Pillars of Building Civil Peace and Social Cohesion in the Intellectual Heritage of the Scholar Al-Wansharisi

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### Abstract

This study derives its importance from addressing a sensitive issue related to the security and stability of societies and states. It seeks to highlight the principal foundations and pillars of civil peace and social cohesion in the thought and legacy of one of Algeria's most eminent scholars: Ahmad ibn Yahya al-Wansharisi.

Accordingly, the central research question of the study revolves around the following inquiry:

What are the principal foundations and pillars of civil peace and social cohesion from the perspective of al-Wansharisi?

The study arrived at several conclusions, among them:

Imam al-Wansharisi was one of the foremost scholars of the western Islamic world, distinguished by his ability to engage with the issues of his era and to exercise independent reasoning in finding solutions to its crises and challenges.

The relationship between civil peace and social cohesion is one of complementarity; both are indispensable for ensuring the security of societies and the stability of states.

Imam al-Wansharisi made remarkable contributions toward preserving civil peace and social cohesion throughout the lands of the Islamic Maghreb.

The most important foundations and pillars for building civil peace and social cohesion in al-Wansharisi's thought are: rejecting internal conflict and strife, combating outlaws and criminal organizations, establishing justice and reinforcing the rule of law, and protecting religious and ethnic diversity within society.

**Keywords:** Al-Wansharisi, foundations, civil peace, social cohesion.

### Introduction

Praise be to God, Lord of all worlds, abundant, pure, and blessed praise; and prayers

and peace be upon the noblest of prophets and messengers.

To proceed:

Islamic heritage constitutes an immense intellectual treasure that represents a significant chapter in scholarly and cognitive activity. Encompassing historical, juristic, literary, and numerous other sources, this heritage guides researchers and scholars in their pursuit of understanding the diverse dimensions of life within Arab and Islamic societies. Among the richest and most fertile fields in this regard is the social sphere, which has occupied a substantial place in modern and contemporary studies.

Amid the turbulent transformations witnessed by Arab and Islamic societies, and in light of the external conspiracies, internal tensions, and civil strife they endure, the concept of civil peace and social cohesion emerges as a fundamental issue and one of the most urgent and necessary civilizational demands of our contemporary world. It represents the foremost concern of human societies across all times and places due to its profound connection with the future unity of peoples, the stability of states, the preservation of rights, and the establishment of security.

Consequently, the absence of civil peace, the fragmentation of social relations, and the decline of citizenship values and collective identity within societies and states constitute direct causes for the spread of division,

fragmentation, and sub-identities, leading societies into the abyss of discord and internal conflict that ultimately results in disintegration and collapse.

From this perspective, the present research paper seeks to shed light on the intellectual contributions of one of Algeria's great scholars in thought and culture Imam Ahmad ibn Yahya al-Wansharisi, may God have mercy upon him in establishing civil peace and social cohesion. This is achieved through an examination of his fatwas and writings, which frequently addressed the guidance of various social groups and strata, the organization of relations among individuals, and the unification of communities and reconciliation of divisions. Such contributions stemmed from the scholar's profound awareness of the crises and developments of his time, which he approached through collection, investigation, and scholarly analysis.

### **Importance of the Study**

The importance of this topic lies in demonstrating the great significance that al-Wansharisi attached to the issue of civil peace and social cohesion, as well as uncovering the principal foundations and pillars he adopted in pursuit of these objectives.

### **Research Problem**

The central problem addressed by this scholarly paper may be formulated through the following overarching question:

What are the principal foundations and pillars of civil peace and social cohesion from the perspective of al-Wansharisi?

In light of this principal inquiry, the study also seeks to answer the following questions:

Who was al-Wansharisi? What were the major stages of his life, and what are his most prominent achievements and writings?

What is meant by the terms civil peace and social cohesion within contemporary global academic terminology, and what is the relationship between them?

What are the principal pillars for building civil peace and social cohesion according to modern scholarship?

What are the principal foundations for building civil peace and social cohesion in the thought of al-Wansharisi?

What are the most important objectives and purposes underlying these foundations?

### **Title of the Study**

This research paper is entitled:

Foundations and Pillars of Building Civil Peace and Social Cohesion in the Intellectual Heritage of the Scholar Al-Wansharisi

### **Objectives of the Study**

The objectives of this study may be summarized as follows:

Introducing the scholar al-Wansharisi and highlighting his most important scholarly works and intellectual contributions.

Clarifying the meaning of the terms civil peace and social cohesion within contemporary global academic terminology, and revealing the relationship between them.

Highlighting the principal pillars for building civil peace and social cohesion according to the perspective of modern scholarship.

Explaining the principal foundations for building civil peace and social cohesion in the thought of al-Wansharisi.

Identifying the major objectives underlying these foundations.

### **Methodology of the Study**

The study adopts the following methodologies:

#### **The Descriptive Method:**

This method is employed through describing the life of al-Wansharisi, as well as clarifying the nature of civil peace and social cohesion.

#### **The Partial Inductive Method:**

This method is utilized through surveying the principal books and fatwas of al-Wansharisi and extracting texts relevant to the subject of the study.

#### **The Analytical Method:**

This method is applied through analyzing those texts and deriving from them the principal foundations and pillars for building civil peace and social cohesion.

#### Previous Studies:

Studies and research concerning the heritage and thought of al-Wansharisi are numerous and diverse. However, according to the extent of my research and review, I have not encountered a study dealing specifically with the subject matter of this paper.

Among the studies related to certain aspects of this research is a study entitled:

“The Contributions of Imam al-Wansharisi to the Science of Islamic Governance (Al-Siyāsah al-Shar‘iyyah)”, an article by Dr. Sulayman Ould Khassal from the University of Médéa, published in the Journal of Islamic Studies in 2007.

The distinctive contribution of this concise research paper perhaps lies in its attempt to combine between:

The theoretical grounding of the concepts of civil peace and social cohesion within contemporary global academic terminology, clarifying the relationship between them and the principal foundations for their establishment in light of modern scholarship.

Providing an overview of the principal foundations for building civil peace and social cohesion in the heritage and thought of al-Wansharisi.

## Research Plan

The nature of this study required that it be organized into an introduction, three chapters, and a conclusion.

### Introduction

The introduction includes the elements of the study such as: its importance, research problem, objectives, previous studies, and related matters.

### Chapter One

This chapter provides a concise biography of al-Wansharisi and is divided into two sections:

**Section One:** The major stages of al-Wansharisi’s life.

**Section Two:** His most important scholarly contributions and works.

### Chapter Two

This chapter examines the concept of civil peace and social cohesion and the pillars of their construction. It is divided into two sections:

**Section One:** The concept of civil peace and social cohesion.

**Section Two:** The pillars for building civil peace and social cohesion.

### Chapter Three

This chapter constitutes the core and essence of the study. It examines the

foundations for building civil peace and social cohesion in the thought of al-Wansharisi. It includes four sections:

**Section One:** Rejecting internal fighting and conflicts.

**Section Two:** Combating outlaws and criminal organizations.

**Section Three:** Establishing justice and strengthening the rule of law.

**Section Four:** Protecting religious and ethnic diversity within society.

### **Conclusion**

The conclusion presents the principal findings and recommendations of the study.

### **Chapter One: A Concise Biography of the Scholar al-Wansharisi**

Since this study concerns the personality of al-Wansharisi and an examination of his thought and intellectual heritage, it is appropriate to provide a brief overview of his life by shedding light on the most significant stages of his life and his foremost scholarly contributions.

**Section One:** The Major Stages of the Life of al-Wansharisi

The life of the eminent scholar Abu al-‘Abbas al-Wansharisi witnessed numerous important events and decisive turning points that played a major role in shaping his intellectual and scholarly personality and in

establishing his distinguished reformist status. These may be summarized in the following points:

### **A. His Birth and Upbringing**

The eminent scholar Abu al-‘Abbas Ahmad ibn Yahya ibn Muhammad ibn ‘Abd al-Wahid ibn ‘Ali al-Wansharisi was born in the Ouarsenis Mountains, near the present-day province of Tissemsilt in western Algeria, in the year 834 AH / 1431 CE, during the era of the Zayyanid dynasty whose capital was the city of Tlemcen.

(Nuwayhid, 1400 AH / 1980 CE, p. 343).

### **B. His Pursuit of Knowledge**

Abu al-‘Abbas al-Wansharisi memorized the Noble Qur’an and acquired the foundations of the Arabic language in his hometown. When his father perceived his passion for learning, he later took him to the city of Tlemcen, one of the great centers of scholarship in the lands of the Central Maghreb.

(al-Mallīti, 1326 AH / 1908 CE, pp. 53–54).

Among the most prominent of his teachers during his period of study were:

(Makhluf, 1424 AH / 2003 CE, p. 397).

Abu al-Faḍl al-‘Uqbānī

Abu ‘Abd Allah al-Jallāb

Ibn Marzūq al-Kafif

### C. His Ordeal and Migration to Fez

In the year 874 AH, when al-Wansharisi had reached the age of forty, he endured a severe ordeal. Because of his outspoken commitment to truth, Sultan Abu Thabit al-Zayyani of Tlemcen became displeased with him and ordered the plundering of his house. Consequently, al-Wansharisi fled to Fez, where he was warmly welcomed by its scholars and learned men, and there he settled.

(al-Wansharisi, *Al-Wilāyāt wa-Manāṣib al-Ḥukūmah al-Islāmiyyah wa-al-Khiṭaṭ al-Shar‘iyyah*, 1994, p. 9).

### D. His Engagement in Fatwa, Teaching, and Authorship until His Death

After al-Wansharisi settled in the city of Fez in al-Maghrib al-Aqṣā (present-day Morocco), he became its leading scholar, teacher, and mufti. His intellectual and scholarly brilliance became manifest as he actively engaged with the issues of his age and exercised independent reasoning in seeking solutions to its crises and challenges. He devoted himself to teaching and writing in numerous disciplines and fields until his death in the month of Ṣafar in the year 914 AH / 1508 CE.

(al-Mallīti, 1326 AH / 1908 CE, p. 53).

(Nuwayhid, 1400 AH / 1980 CE, p. 344).

### Section Two: His Most Important Scholarly Contributions

Due to the long years that the eminent scholar Abu al-‘Abbas al-Wansharisi devoted to teaching and authorship, many distinguished students graduated under his guidance, and he left behind a large number of works in various sciences and disciplines.

#### A. His Students

Among the most renowned students of Abu al-‘Abbas al-Wansharisi were:

(al-Mallīti, 1326 AH / 1908 CE, pp. 53–54).

(Makhluf, 1424 AH / 2003 CE, p. 397).

His son, ‘Abd al-Wāhid ibn Ahmad

Muhammad ibn ‘Isa al-Maghili

‘Abd al-Masīḥ al-Maṣmūdī

Abu ‘Abbād ibn Malīḥ al-Lamṭī

#### B. His Works and Writings

The eminent scholar Abu al-‘Abbas al-Wansharisi authored numerous works in a variety of disciplines, many of which gained widespread recognition throughout different regions and countries during his lifetime and continue to be celebrated to this day. Among his most famous works are:

(al-Zirikli, 2002, p. 269).

*Al-Mi‘yār al-Mu‘rib ‘an Fatāwā ‘Ulamā’ Ifrīqiyyā wa-al-Andalus wa-al-Maghrib*

This is his most renowned work due to its extensive study and examination of numerous

legal cases and issues, which vividly reveal the social, political, doctrinal, and economic characteristics of Islamic societies in general, and the societies of the western Islamic world in particular.

Īdāh al-Masālik ilā Qawā'id al-Imām Mālik

Kitāb al-Wilāyāt wa-Manāṣib al-Ḥukūmah al-Islāmiyyah wa-al-Khiṭaṭ al-Shar'īyyah

Al-Manhaj al-Fā'iq wa-al-Manhal al-Rā'iq fī Ahkām al-Wathā'iq

## **Chapter Two: The Concept of Civil Peace and Social Cohesion and the Pillars of Their Construction**

Before delving into the core of the study, it is necessary first to address the concepts of civil peace and social cohesion and to clarify the relationship between them, as they are among the most widely circulated and prominent terms in contemporary social and political studies concerning societies and states.

### **Section One: The Concept of Civil Peace and Social Cohesion**

The term civil peace refers to a state of stability and reassurance prevailing among members of society, whereby individuals are able to devote themselves to their occupations and conduct their social lives while feeling secure regarding their lives and property, free from anything that may threaten their existence or arouse fears stemming either from internal

dangers originating within society itself or from external foreign threats.

(Zarman, 2020).

(Hind Muhammad, 2018, p. 144).

Social cohesion, on the other hand, refers to the capacity to preserve social relations and reinforce the values of solidarity and coexistence in a manner that achieves harmony and concord among members of the same society despite differences in orientations and affiliations, while preventing the descent into ethnic, sectarian, or political conflicts, and the like.

(Zarman, 2020).

The relationship between the two concepts civil peace and social cohesion is therefore a complementary one. Civil peace constitutes the secure environment in which social cohesion can flourish, while social cohesion itself serves as a safeguard for attaining civil peace. Both concepts encompass the notions of reassurance and freedom from fear within the context of stable social relations and the prevalence of harmony and solidarity among the individuals and components of a single society.

(Zarman, 2020).

Civil peace and social cohesion are embodied within a system of moral and legal values that fosters a culture of coexistence and dialogue, thereby ensuring peace and stability within society and realizing justice and

equality among its various groups and segments. In the contemporary world, realities have demonstrated that societies which invested in cultivating the values of social coexistence and establishing the foundations of civil peace have succeeded to a large extent in restoring their social fabric and preserving social stability.

(Subayti, March 23, 2025).

In contrast, the Arab and Islamic world clearly presents examples of states and societies such as Lebanon, Syria, and Iraq that have failed to achieve civil peace and social cohesion. These societies entered into internal political, sectarian, and ethnic conflicts and paid a heavy price in terms of their security and stability as a consequence of neglecting and disregarding the foundations of civil peace and social cohesion.

(Subayti, March 23, 2025).

## **Section Two: The Pillars for Building Civil Peace and Social Cohesion**

In the modern era, many thinkers, reformers, and experts whether in politics, sociology, economics, law, or other fields have realized that building civil peace and establishing social cohesion within society depend upon several fundamental pillars, among them:

(al-Saffar, 1998, pp. 20–29).

### **1. The Existence of a Governing Authority**

A governing authority possessing systems, laws, and institutions must exist in order to administer the affairs of society. Such an authority must possess both legitimacy and the capacity for governance and administration. It is impossible to speak of civil peace or social cohesion in the absence or weakness of governing authority, for disorder, chaos, and destruction would then prevail.

### **2. Achieving Justice Among Citizens**

This is realized through strengthening the rule of law and guaranteeing the rights of all citizens without discrimination. In a society where all citizens are equal before the law and where every individual obtains his or her rights without distinction, the motives for aggression and the causes of conflict are greatly diminished. Conversely, when justice disappears and is replaced by oppression and tyranny, civil peace and social cohesion become endangered.

### **3. Guaranteeing the Legitimate Rights and Interests of Social Groups**

If society is characterized by ethnic, religious, or sectarian diversity, each group must feel that its rights are protected and its legitimate interests recognized, all within the framework of the rule of law.

### **4. Consolidating a Culture of Dialogue and Peaceful Coexistence**

This may be achieved through educating younger generations in schools to respect

cultural and ethnic diversity and through spreading the values of citizenship and shared coexistence via civil society institutions and media activities. These two elements are among the most important means contributing to the realization of civil peace and social cohesion.

### **Chapter Three: The Foundations for Building Civil Peace and Social Cohesion in the Thought of al-Wansharisi**

The scholar Ahmad ibn Yahya al-Wansharisi may God have mercy upon him was a polymathic scholar. Therefore, it is hardly surprising that he left diverse achievements and contributions across various religious, social, and political sciences and disciplines, imprinting a lasting influence whose effects continue to extend to the present day in many aspects of life.

Among his most significant achievements and enduring contributions were his clear efforts in the field of civil peace and social cohesion, reflecting profound thought, deep awareness of social realities and societal concerns, and a jurisprudence enlightened by both scriptural texts and higher objectives (*maqāṣid*). This becomes evident to anyone who examines the works and fatwas of al-Wansharisi, whether in his monumental encyclopedia *al-Mi'yār al-Mu'rib*, his political treatise *al-Wilāyāt*, or his other celebrated writings.

Indeed, the fatwas, writings, and intellectual legacy of al-Wansharisi played a major role in formulating a set of foundations and principles that serve as a reference for protecting societies from descending into division, fragmentation, turmoil, and disintegration not only in his own society and era, but across societies and ages generally.

This chapter therefore seeks to elucidate the most important foundations and principal pillars for building civil peace and social cohesion within the thought of the scholar Ahmad ibn Yahya al-Wansharisi, may God Almighty have mercy upon him.

#### **Section One: Rejecting Internal Fighting and Civil Conflict**

This principle constitutes one of the most important general foundations for preserving the unity of the Muslim community from fragmentation and turmoil. Scholars including Imam al-Wansharisi derived this principle from the texts of Islamic law, which in this regard sought to preserve the higher objective of maintaining civil peace and social cohesion.

Among the texts transmitted from Imam al-Wansharisi that illustrate this principle is his response in *al-Mi'yār al-Mu'rib* to the question: Is it permissible to challenge an unjust ruler? In this regard, he strongly condemned those who issue legal opinions permitting rebellion against a tyrannical ruler through armed revolt, stating:

“The blame rests only upon the group that deems rebellion against them permissible; such a person is either not a believer, or else a Kharijite from the Magians of this nation.”

He then cited the legal opinions of leading Mālikī scholars such as Mālik, Ibn ‘Abd al-Barr, Qāḍī ‘Iyāḍ, al-Ṭurtūshī, and Ibn Rushd in support of his position.

(al-Wansharisi, 1401 AH / 1981 CE, p. 34).

(Ould Khassal, 2013, p. 141).

He further clarified that scholars took into consideration the balance between benefits and harms in this matter, arguing that enduring the injustice of a ruler despite the harm involved is less severe than the far greater harm resulting from armed rebellion, which leads to bloodshed and the fragmentation of Muslim unity. In this context, he cited the words of Imam Ibn ‘Abd al-Barr may God have mercy upon him:

“Patience in obeying unjust rulers is preferable to rebelling against them, because disputing and revolting against them replaces security with fear, and because this leads to bloodshed, raids, and corruption upon the earth. Such consequences are far worse than enduring their injustice and immorality. Both foundational principles, reason, and religion testify that the greater of two evils is more deserving of avoidance.”

(Ibn ‘Abd al-Barr, 1429 AH / 2008 CE, p. 279).

(al-Wansharisi, 1401 AH / 1981 CE, p. 34).

Although Imam al-Wansharisi established this principle of rejecting internal fighting and refraining from armed rebellion against unjust rulers, he simultaneously clarified that a tyrannical ruler must not be obeyed in acts of injustice, nor should his wrongdoing and oppression be approved. Rather, scholars and people of wisdom and sound judgment must sincerely advise him. Indeed, al-Wansharisi himself was outspoken in proclaiming the truth, fearing no blame in the cause of God. It was for this reason that Sultan Abu Thabit al-Zayyani became angered with him and ordered the looting of his house, which compelled him to leave Tlemcen for Fez.

(al-Wansharisi, *Al-Wilāyāt wa-Manāṣib al-Ḥukūmah al-Islāmiyyah wa-al-Khiṭaṭ al-Shar‘iyyah*, 1994, p. 9).

Likewise, in this regard, Imam al-Wansharisi relates a letter written by Ibrahim al-Sarīfī one of the scholars to Sultan Abu Sa‘id ‘Uthman ibn Ya‘qub al-Marīnī, wherein he sincerely advised him and called upon him to eliminate wrongdoing concerning one of the muftis who was manipulating the religion of God. At the conclusion of his letter and counsel, he stated:

“This is my sincere advice which I have offered to you, and the objective is merely to convey the message...”

(al-Wansharisi, 1401 AH / 1981 CE, pp. 506–509).

## **Section Two: Combating Outlaws and Criminal Organizations**

Undoubtedly, among the gravest threats to the security of states and the factors most destructive to civil peace and social cohesion are the disturbances and turmoil instigated by outlaws and criminal gangs, such as highway robbers and similar groups. Such elements terrorize citizens, spread fear among peaceful inhabitants, shed innocent blood, and unlawfully seize people’s wealth and property.

For this reason, it becomes incumbent upon the ruling authority if it seeks to preserve its security and stability to act with firmness and resolve, and not to show negligence or leniency in combating such criminals, until they are brought under its authority and the sovereignty and rule of the state are fully established over all citizens and across all territories under its governance.

Among the texts that demonstrate the adoption of this principle in the thought of al-Wansharisi, as one of the standards for achieving civil peace and social cohesion, is the fatwa he transmitted under the title:

“A Fatwa Concerning the Fighting of Raiders and Highway Robbers among the

Arabs of the Central Maghreb in the Year 796 AH.”

This fatwa revolves around a major incident regarding which Imam Abu ‘Abd Allah ibn ‘Arafah may God have mercy upon him was asked whether it was permissible to fight certain Arab leaders in the Central Maghreb, namely al-Daylam, Sa‘id Riyāh, Suwayd, and Banū ‘Āmir.

(al-Wansharisi, *Al-Mi‘yār al-Mu‘rib wa-al-Jāmi‘ al-Maghrib ‘an Fatāwā Ahl Ifrīqiya wa-al-Andalus wa-al-Maghrib*, 1401 AH / 1981 CE, p. 153).

(Ould Khassal, 2013, p. 143).

The questioner was the jurist Abu al-‘Abbas Ahmad, known as al-Marīḍ, who wrote to him stating:

“...There are groups among the Arabs in our Maghreb whose occupation consists solely of raids, highway robbery against the poor, shedding their blood, unlawfully seizing their wealth, and violating the sanctities of Muslim women, whether virgins or previously married... Moreover, neither the rulings of the Sultan nor those of his deputies can reach them, as they are too weak to resist them, let alone deter them. Rather, the rulers merely appease them with gifts and favors... Thus, we commanded the people to fight them and openly declared it to be jihad... The people united in fighting them, and God granted victory over them, and many among them were killed. Yet some people affiliated with these

lands in fact most of them objected to our position. We therefore supported our stance with the texts of the Mālikī school, such as the Mudawwanah, and with Mālik’s statement concerning desert Arabs who commit highway robbery: ‘Fighting them is more beloved to me than fighting the Byzantines,’ and also with the hadith: ‘Whoever is killed defending his wealth or defending the Muslims shall have a greater reward...’”

(al-Wansharisi, *Al-Mi‘yār al-Mu‘rib wa-al-Jāmi‘ al-Maghrib ‘an Fatāwā Ahl Ifrīqiyā wa-al-Andalus wa-al-Maghrib*, 1401 AH / 1981 CE, p. 153).

Imam al-Wansharisi then transmitted the response of Imam Ibn ‘Arafah, who stated:

“He replied... What has been mentioned regarding fighting and waging jihad against these people is correct... No one doubts this except one deeply immersed in ignorance and obstinately opposed to the truth... For it is necessarily known from religion: if it is established that these rebels are indeed as described, then the Companions unanimously recognized the correctness of ‘Umar’s return to the opinion of Abu Bakr may God be pleased with them both concerning the obligation of fighting those who withheld zakat. So what then of those described in the present question?! And God knows best.”

(al-Wansharisi, *Al-Mi‘yār al-Mu‘rib wa-al-Jāmi‘ al-Maghrib ‘an Fatāwā Ahl Ifrīqiyā*

*wa-al-Andalus wa-al-Maghrib*, 1401 AH / 1981 CE, pp. 154–155).

Al-Wansharisi also transmitted the agreement of the jurist and judge Abu Mahdi ‘Isa ibn Ahmad al-Ghubrīnī with the opinions issued by both Abu al-‘Abbas and Imam Ibn ‘Arafah. Al-Wansharisi writes:

“Al-Ghubrīnī replied... All that you have ruled in this matter is truth and correctness, and it is not permissible for any Muslim to oppose it.”

(al-Wansharisi, *Al-Mi‘yār al-Mu‘rib wa-al-Jāmi‘ al-Maghrib ‘an Fatāwā Ahl Ifrīqiyā wa-al-Andalus wa-al-Maghrib*, 1401 AH / 1981 CE, p. 155).

Thus, al-Wansharisi’s transmission of these fatwas signifies his agreement with their conclusions and his reliance upon them in establishing a great principle and essential pillar for preserving civil peace and social cohesion within society namely, the obligation to combat outlaws and criminal organizations that spread corruption upon the earth by violating lives, shedding blood, dishonoring sanctities, and plundering wealth. He regarded this as a matter necessarily known within the religion of Islam, whose supreme objectives and universal principles include the preservation of life, wealth, and honor.

**Section Three:** Establishing Justice and Strengthening the Rule of Law

There is no doubt that establishing justice and strengthening the rule of law constitute fundamental pillars for preserving the security and stability of states and maintaining the cohesion of societies. Achieving this objective requires the existence of a strong judicial authority committed to applying the law firmly and impartially to all citizens without exception.

Given this immense importance, Imam Ahmad ibn Yahya al-Wansharisi devoted considerable attention to the judicial institution, viewing it as the effective instrument for realizing justice and reinforcing the rule of law. In his work on Islamic political governance, *al-Wilāyāt*, he devoted a special section entitled *Kitāb al-Aqḍiyah* (“The Book of Judgments”), in which he explained that the judiciary and the establishment of justice are among the most serious and significant matters to which sultans, governors, and rulers must devote careful attention. This is because they serve to restrain oppressors, restore rights to their rightful owners, preserve the unity of the nation, and maintain the cohesion of society.

Imam al-Wansharisi may God have mercy upon him states, while explaining the importance of the judiciary, the establishment of justice, and the wisdom underlying it:

“...The ruler was called a ḥakam because he prevents the oppressor from committing injustice. The meaning of their statement ‘the ruler judged’ is that he places the right in the hands of those entitled to it and prevents those

who are undeserving from taking it... As for its wisdom, it lies in removing chaos and aggression, suppressing injustices, supporting the oppressed, settling disputes, and commanding what is right while forbidding what is wrong.”

(al-Wansharisi, *Al-Wilāyāt wa-Manāṣib al-Ḥukūmah al-Islāmiyyah wa-al-Khiṭaṭ al-Shar‘iyyah*, 1994, p. 39).

Likewise, Imam al-Wansharisi elevated the status of the judicial office and spoke highly of the just judge, saying:

“It is obligatory to honor this noble office and to recognize its position within the true religion. Through it, the messengers were sent, and upon it the heavens and the earth were established. Indeed, the Prophet peace and blessings be upon him considered it among the blessings for which envy is permissible, as stated in the hadith of Ibn Mas‘ūd: ‘There is no envy except in two cases: a man whom God has granted wealth and enabled to spend it rightly in truth, and a man whom God has granted wisdom, by which he judges and according to which he acts.’”

(al-Wansharisi, *Al-Wilāyāt wa-Manāṣib al-Ḥukūmah al-Islāmiyyah wa-al-Khiṭaṭ al-Shar‘iyyah*, 1994, p. 40).

Through these texts, one may discern the philosophy of Imam al-Wansharisi in considering the establishment of justice and the strengthening of the judicial institution as among the essential factors in preserving

rights, preventing bloodshed, and resolving disputes and conflicts thereby leading to the realization of civil peace and social cohesion.

#### **Section Four:** Protecting Religious and Ethnic Diversity Within Society

Among the most significant issues related to preserving civil peace and social cohesion and one that receives particular emphasis from international organizations and global human rights institutions in the contemporary world is the issue of the rights of religious and ethnic minorities. This matter occupies a highly sensitive and critically important position in safeguarding the security of societies and the stability of states.

It is well known throughout Islamic history that Muslim societies across different regions and eras were composed of diverse ethnic groups and also accommodated minorities adhering to other religions, commonly referred to as *Ahl al-Dhimmah* (“protected communities”). These groups were permitted to live in freedom and peace, secure in their lives, families, and property, and allowed to practice their religious rites and rituals.

One of the factors contributing to this integration and social cohesion was the conscious juristic discourse and purposive legal reasoning (*fiqh maqāsidī*) of Muslim scholars. Among these scholars was al-Wansharisi, who addressed aspects of this issue in his fatwas and shed light on the

protection of non-Muslim minorities (*Ahl al-Dhimmah*) within Muslim society in order to preserve the security and stability of the Islamic state.

Among al-Wansharisi’s fatwas in this regard is the case he mentioned under the title:

“The Case of the Jews of Tuat in the Fortified Settlements of the Desert of the Central Maghreb.”

This case concerned the synagogues and places of worship belonging to the Jewish inhabitants of the region of Tuat, located in southwestern Algeria in Adrar province. One of the scholars of that region the jurist al-Maghili issued a fatwa declaring the obligation to demolish those places of worship by force, even if such action were to lead to fighting and bloodshed. This situation resulted in a serious crisis that nearly ignited strife between Muslims and the Jewish *dhimmī* community. Consequently, one of the jurists of that region, al-‘Aṣnūnī, wrote to the scholars and jurists of Tlemcen and Fez seeking their legal opinions regarding the matter.

(al-Wansharisi, *Al-Mi‘yār al-Mu‘rib wa-al-Jāmi‘ al-Maghrib ‘an Fatāwā Ahl Ifrīqiya wa-al-Andalus wa-al-Maghrib*, 1401 AH / 1981 CE, pp. 214–215).

(Ould Khassal, 2013, p. 144).

The jurist and mufti of Tlemcen, Abu al-‘Abbas Ahmad ibn Muhammad ibn Zakariyya, responded that demolishing those synagogues

and places of worship was impermissible according to Islamic law, since they had long existed under the possession and protection of those dhimmī communities, and no Muslim authority had objected to them. Ancient places of worship and churches belonging to Ahl al-Dhimmah, therefore, were to remain and not be destroyed.

(al-Wansharisi, *Al-Mi'yār al-Mu'rib wa-al-Jāmi' al-Maghrib 'an Fatāwā Ahl Ifrīqiya wa-al-Andalus wa-al-Maghrib*, 1401 AH / 1981 CE, pp. 217–218).

Likewise, the scholar Ahmad ibn Yahya al-Wansharisi himself ruled that demolition was unlawful because the lands inhabited by those Jewish dhimmīs were not lands of war, and their covenant of protection within Muslim territories was longstanding. Consequently, it was impermissible to attack their synagogues and places of worship by demolition, since these properties had remained in their possession for an ancient and indeterminate period of time. Therefore, legal ownership of those synagogues and places of worship had to be recognized in their favor.

(al-Wansharisi, *Al-Mi'yār al-Mu'rib wa-al-Jāmi' al-Maghrib 'an Fatāwā Ahl Ifrīqiya wa-al-Andalus wa-al-Maghrib*, 1401 AH / 1981 CE, pp. 218–219).

Thus, we observe that this great scholar Imam al-Wansharisi approached the matter with profound understanding and a strong sense of responsibility when he ruled, in

accordance with the principles of Islamic law, that the ancient synagogues and places of worship belonging to Ahl al-Dhimmah, which had remained under their possession since they entered Muslim rule, could not lawfully be demolished. This wise legal vision had a significant effect in preventing bloodshed and preserving civil peace and social cohesion in those regions of southern Algeria.

## **Conclusion**

At the conclusion of this concise study, a number of findings may be highlighted, the most important of which are as follows:

Imam al-Wansharisi was among the foremost scholars of the western Islamic world. His intellectual and scholarly brilliance became clearly evident through his ability to engage with the issues of his age and to exercise independent reasoning in finding solutions to its crises and challenges.

The relationship between the two concepts of civil peace and social cohesion is a complementary one. Civil peace constitutes the secure environment necessary for the realization of social cohesion, while social cohesion itself serves as a safeguard for achieving civil peace.

The realization of civil peace and social cohesion is an urgent necessity for ensuring the security of societies and the stability of states.

Imam al-Wansharisi may God have mercy upon him made valuable contributions and

exerted tremendous efforts toward preserving civil peace and social cohesion throughout the regions of the Islamic Maghreb.

The study concluded that the principal foundations and pillars for building civil peace and social cohesion in the thought of al-Wansharisi are: rejecting internal fighting and civil conflict, combating outlaws and criminal organizations, establishing justice and strengthening the rule of law, and protecting religious and ethnic diversity within society.

In conclusion, this research paper recommends giving greater attention to studies and research concerned with the heritage and intellectual legacy of Algerian scholars throughout the ages, as well as highlighting their contributions in providing solutions to the various issues and challenges facing society.

May God's prayers, peace, and blessings be upon His Prophet Muhammad, and upon his family and companions altogether. Praise be to God, Lord of all worlds.

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