

SOCIAL, ECONOMIC AND POLITICAL STUDIES OF THE MIDDLE EAST AND ASIA



# Guardians of Faith in Modern Times: 'Ulama' in the Middle East

Edited by  
Meir Hatina

BRILL

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'Ulama' in the Middle East

Social, Economic and  
Political Studies of the  
Middle East and Asia  
(S.E.P.S.M.E.A.)

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VOLUME 105

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LEIDEN • BOSTON  
2009

*On the cover*: a Muslim scholar walking in a courtyard of al-Azhar University, Cairo 2002 (Albrecht Hofheinz's private collection); Palestinian youths studying to be imams, Gaza 2006 (photographer Abid Katib, Getty Images).

This book is printed on acid-free paper.

**Library of Congress Cataloging-in-Publication Data**

Guardians of faith in modern times : 'ulama' in the Middle East / edited by Meir Hatina.

p. cm. — (Social, economic and political studies of the Middle East and Asia ; v. 105)

Includes bibliographical references and index.

ISBN 978-90-04-16953-1 (hardback : alk. paper)

1. Ulama. 2. Islam—History. I. Hatina, Meir. II. Title. III. Series.

BP185.G83 2009

297.6'1—dc22

2008039400

ISSN 1385-3376

ISBN 978 90 04 16953 1

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PRINTED IN THE NETHERLANDS

In memory of Reuven Aharoni  
a colleague, a friend



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## ACKNOWLEDGMENTS

This book developed from an international workshop, titled “Facing Modernity: Rethinking ‘Ulama’ in the Middle East,” conducted at the Hebrew University on 26–27 June 2006. The workshop was organized by the Nehemia Levtzion Center for Islamic Studies at the Hebrew University which, since its establishment in 2005, has gained growing recognition in both the Israeli and international academic communities.

The assertiveness of Sunni ‘ulama’ on moral and sociopolitical issues on the Arab-Muslim agenda in the late twentieth century triggered a renewed interest in their position in modern times. This interest is reflected in this volume, which provides an integrative historical and contemporary picture of the issue focusing on the Middle East in both an urban and a semi-tribal context. The various chapters offer depth and further insights into the revisited perception that Sunni ‘ulama’, far from being marginal players, did display ideological vitality and contribute to the public discourse.

The workshop could not have taken place without the financial support of the following Hebrew University bodies and individuals: the Nehemia Levtzion Center for Islamic Studies and its former and current heads, Prof. Reuven Amitai and Dr. Ron Shaham; the Dean of the Faculty of Humanities and his deputy Nahum Regev; and the Authority for Research and Development.

I am grateful to all those who were involved in the production of the volume. Special thanks go to the contributors of the chapters and to the other participants in the workshop for their cooperation and insightful observations: Daniella Talmon-Heller, David S. Powers, Itzhak Weismann, Ety Terem and Haggai Erlich. The manuscript was commented by an outside reader (or readers). I wish to thank all of them for their constructive comments. Others who offered stimulating inputs were Aharon Layish, John Voll, Reuven Amitai, Meir Bar-Asher, Amnon Cohen, Ron Shaham, Meir Litvak and Nasir Basal. Ms. Evelyn Katrak skillfully edited the book. Last, but not least, Dale Eickelman, the editor in chief of *Social, Economic and Political Studies of the Middle East and Asia*, and Ms. Trudy Kamperveen and Ms. Marleen Schouten-Vink of

Brill Publishers gave splendid editorial advice for improving the volume. To all, I offer my most sincere thanks and appreciation.

Meir Hatina  
Jerusalem

## A NOTE ON THE TRANSLITERATION

The English transliteration of Arabic words follows standard academic rules as stipulated by the *International Journal of Middle East Studies*. Arabic names and terms used in the English-language literature appear in their English version.

Arabic terms are written in italics, except for those which recur often, such as 'ulama', hadith, qadi, mufti or the office of Shaykh al-Azhar. ' is used for the Arabic letter 'ayn and ' for *hamza*. No sub- or superscripts are used.

The transliteration of Turkish words and names, mainly in Amit Bein's and Michael Winter's essays, generally follow the system used in modern Turkish.



## INTRODUCTION

Meir Hatina

The primary subject of the present volume is Sunni ‘ulama’ (men of knowledge) in the modern Middle East, who acquired their formal religious training and credentials in established *madrasas* and religious colleges, and were identifiable by their attire of cloaks and turbans (*‘ama’im*). Ideologically, they did not form a monolithic group but harbored diverse intellectual voices, ranging from quite conservative to relatively liberal.

Most of the ‘ulama’ have been and remain closely affiliated with the state in terms of posts, salaries and institutions, acting as teachers, preachers, judges and administrators in the state religious system. Others, though, were unaffiliated scholars who adopted a more critical and activist stance and often clashed with official ‘ulama’ and the political authorities over religious and sociopolitical issues.

This definition of ‘ulama’ seems needed, given that religious learning and authority became fragmented and fluid terms in the Arab Muslim world of the colonial and post-colonial period, with the emergence of new social and intellectual strata from primarily autodidactic backgrounds. These sectors were molded by the exposure to Western culture, rapid urbanization, the expansion of education and growing social strife, embodied by both modernists and Islamists. The two groups differed in their perception of Islam: modernists tended to translate religion into an ethical code in order to adapt Muslim reality to the changing circumstances; Islamists, whether moderate or radical, sought to turn Islam into a social and political force—if possible under their leadership.

In spite of competing over the modern image of Islam and the right to speak on its behalf, modernists and Islamists shared a similar concept of man’s relationship to knowledge based on direct access to the sacred corpus—inter alia, by the proliferation of the mass media. Islamic rituals and doctrines were now discussed, debated and redefined far beyond the traditional mosque and the *madrasa*, in the printed and

electronic press, in audio- and videocassettes and in the newly emerging media—satellite channels and the Internet—in the late 1980s.<sup>1</sup>

The “protestant” approach of modernists and Islamists to the scriptures was part of a broader project which, under the influence of modern national concepts, sought to transform the individual into an active agent in molding the moral and political landscape of his community. It was Hasan al-Turabi (b. 1932), the leader of the Muslim Brotherhood in Sudan, who aptly redefined the concept of the religious scholar in modern times:

What do I mean by ‘ulama’? The word, historically, has come to mean those versed in the legacy of religious (revealed) knowledge (*‘ilm*). However, *‘ilm* does not mean that alone. It means anyone who knows anything well enough to relate it to God. Because all knowledge is divine and religious, a chemist, an engineer, an economist, or a jurist are all ‘ulama’. So the ‘ulama’ in this broad sense, whether they are social or natural scientists, public leaders, or philosophers, should enlighten society.<sup>2</sup>

Al-Turabi’s broader definition of ‘ulama’ was an essential component in the remaking of Islamic jurisprudence (*fiqh*). Al-Turabi denounced the historical *fiqh* for being dogmatic and stagnant; he advocated a new legal methodology that would incorporate both Islamic and Western legal sources as a precondition for an Islamic renaissance. In his view, modern developments had expanded the horizon of human knowledge, so there was an urgent need also for the legal, social and natural sciences practiced in the European tradition in order to administer such complex realms as government, the economy and foreign relations.<sup>3</sup>

The appearance of new, lay intellectuals thus entailed the pluralization of religious knowledge, as well as breaking the ‘ulama’ monopoly over shaping the self-image of society. In Augustus R. Norton’s depiction, “a generation ago, the authority of the ‘ulama’ was presumed; now

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<sup>1</sup> On the impact of modern modes of communication on the Islamic discourse, language and audience see Dale F. Eickelman and Jon W. Anderson (eds.), *New Media in the Muslim World: The Emerging Public Sphere*, Bloomington 1999; Dale F. Eickelman, “Clash of Cultures? Intellectuals, their Public, and Islam,” in S. A. Dudognon, K. Hisao and K. Yasushi (eds.), *Intellectuals in the Modern Islamic World: Transmission, Transformation, Communication*, London 2006, pp. 289–291, 300–302.

<sup>2</sup> Hassan al-Turabi, “The Islamic State,” in John L. Esposito (ed.), *Voices of Resurgent Islam*, New York 1983, p. 245.

<sup>3</sup> See Aharon Layish and Gabriel R. Warburg, *The Reinstatement of Islamic Law in Sudan under Numayri: An Evaluation of a Legal Experiment in the Light of Its Historical Context, Methodology, and Repercussions*, Leiden 2002, pp. 79–94.

it is contested.”<sup>4</sup> In a pluralized Islamic discourse community with various actors, institutions and communication devices for debating public issues and concerns, an *‘alim* is quite likely to be an engineer or a doctor.<sup>5</sup> The present volume seeks as far as is possible to redraw the blurred lines and better delineate the religious scholar within the modern Islamic spectrum.

#### SUNNI ‘ULAMA’ AND MODERNITY IN WESTERN HISTORIOGRAPHY

Throughout Muslim history, the *‘ulama’* served as the gatekeepers of Islamic learning, constituting one of the pillars of the social order in the Muslim lands. The social base of the *‘ulama’* was diverse, but their religious knowledge enabled them to emerge as a distinctive group possessing legal expertise and control over ceremonies and *fatwas*, as a means to guide the believer along the right path. *‘Ulama’* who were closely affiliated with the Sufi culture held additional powers more abstract in nature—namely, the attribution of *baraka* and sainthood, which brought them in close touch with the populace. Thus *‘ulama’* were active within both the “great tradition” of formal culture of learning and the “little tradition” of informal and more popular culture.<sup>6</sup>

Moreover, early integration of the *‘ulama’* into the state system turned them into a regulated and structured body, and paved their way to an influential status and economic privileges. And despite social mobility, the scholarly elite achieved a kind of self-reproduction, which led to the emergence of a dynasty of scholars.<sup>7</sup> Integration, however, also engendered an intimate dependency of the *‘ulama’* on their political patrons. This dependency was to become their Achilles heel in the encounter

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<sup>4</sup> Augustus R. Norton, “The New Media, Civic Pluralism, and the Slowly Retreating State,” in Eickelman and Anderson (eds.), *New Media in the Muslim World*, pp. 19–20. See also John L. Esposito and John O. Voll, *Makers of Contemporary Islam*, Oxford 2001, pp. 11–22; Olivier Roy, *Globalised Islam: The Search for a New Ummah*, London 2002, pp. 158–171.

<sup>5</sup> Eickelman, “Clash of Cultures?” p. 301.

<sup>6</sup> See Jonathan P. Berkey, *The Formation of Islam: Religion and Society in the Near East, 600–1880*, Cambridge 2003, pp. 224–257; 224–230; Peter Burke, *Popular Culture in Early Modern Europe*, London 1978, mainly pp. 23–29; also Nelly Hanna, *In Praise of Books*, New York 2003, p. 10.

<sup>7</sup> Cl. Gilliot, “*‘Ulama’*,” *Encyclopaedia of Islam*, new ed., Leiden 1998, vol. 10, pp. 802–803.



with the new reality effected by European colonial encroachment during the nineteenth century, a period that witnessed the expansion of state authority and a reconfiguration of local society. Thus the codification of the *shari'a*, which invested legislative authority in the national legislatures, along with the spread of secular education, ended the historical monopoly of the 'ulama' over the judicial and educational realms. Their social and economic status, too, eroded following the introduction of state reforms in the *waqf* (endowments) institution—to the point of its total abolition in the Egyptian case.<sup>8</sup>

For historians, Islam's encounter with modernity and its repercussions on the status of the community of religious scholars also constituted a point of departure in the decline of the Sunni 'ulama'—or their “expulsion from Olympus,” to use Daniel Crecelius's description in the nineteenth-century Egyptian context.<sup>9</sup> In theoretical terms, Crecelius's description was in line with a broadly reductionist approach to the role of religious functionaries in the monotheistic faiths in modern times. This approach was largely a by-product of the Eurocentric paradigm of modernization, which underlined a fundamental and inevitable clash between traditional and modern systems, with new values, institutions and cultural agents replacing indigenous ones.<sup>10</sup> Accordingly, historians perceived the Sunni 'ulama' as a group in crisis under the pressure of radical forces of change.<sup>11</sup>

Two major forces of change were nationalism, with its interventionist nature, which sought to reduce religion to only one of several elements in the collective identity; and fundamentalism, with its defiant nature, which rejected the authority of the 'ulama', accusing them of being religiously rigid and politically quietist. As a result of this dual encounter, the 'ulama' were viewed as having emerged bruised, exhausted and marginalized in the Muslim public sphere.<sup>12</sup>

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<sup>8</sup> See also Aharon Layish, “The Transformation of the Shari'a from Jurists' Law to Statutory Law in the Contemporary Muslim World,” *Die Welt des Islams* 44/1 (2004), pp. 85–112; Gabriel Baer, *Studies in the Social History of Modern Egypt*, Chicago 1969, pp. 95–99.

<sup>9</sup> Daniel Crecelius, “Non-Ideological Responses of the Egyptian Ulama to Modernization,” in Nikki R. Keddie (ed.), *Scholars, Saints and Sufis*, Berkeley 1972, p. 180.

<sup>10</sup> See e.g., David Apter, *The Politics of Modernization*, Chicago 1965; Donald Smith, *Religion and Political Development*, Boston 1970.

<sup>11</sup> See also Muhammad Qasim Zaman, *The Ulama in Contemporary Islam*, Princeton, NJ, 2002, pp. 1–2; Meir Hatina, ‘Ulama’, *Politics and the Public Sphere in the Middle East: An Egyptian Perspective*, (forthcoming).

<sup>12</sup> See also my chapter in this volume.

The antithesis to the pale image of the Sunni ‘ulama’ was provided by the activism of their Shi‘ite colleagues, who had independent communal and political assets and led the 1979 Islamic revolution in Iran or served as ideological and political leaders of Shi‘ite protest movements in Iraq or Lebanon. The differing status of the Sunni and Shi‘ite religious communities in the modern world was aptly summed up by Shahrough Akhavi in 1995:

Although the Shi‘i ‘ulama’ have performed many of the same functions undertaken by their Sunni counterparts, their political impact on society in the modern period has been more direct and incisive. The Iranian Revolution of 1979 is but the latest example of the assertiveness of the Shi‘i ‘ulama’ in the sociopolitical domain during the past two centuries.<sup>13</sup>

The triumph of the Iranian revolution turned the religious elite into the political ruling elite as well, based on Khomeini’s concept of “the guardianship of the jurisconsult” (*vilayat al-faqih*), as he defined it at the end of the 1960s. This doctrinal innovation was debated among Shi‘ite ‘ulama’, but it captured the imagination of Western scholars as the pinnacle of modern Shi‘ite activism. As such, it cast a heavy shadow on the position of Sunni ‘ulama’, who were largely perceived as jurists with no political stand or say.<sup>14</sup>

#### THE AIMS OF THE BOOK

The objectives of the present volume are twofold. The first is to present an updated historical and contemporary survey of the ‘ulama’ in the Middle East in both urban and semi-tribal contexts. The two major compilations on this issue were published in the early 1970s: Gabriel Baer (ed.), *The ‘Ulama’ in Modern History, Asian and African Studies* 7 (special number, 1971); and Nikki R. Keddie (ed.), *Scholars, Saints and Sufis* (1972). The second, no less important, aim is to re-evaluate the position of these “guardians of faith” in an era of modernization, reform, nationalism and fundamentalism. These dual aims add

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<sup>13</sup> Shahrough Akhavi, “Shi‘i ‘Ulama’,” in John Esposito (ed.), *The Oxford Encyclopedia of the Modern Islamic World*, New York 1995, vol. 4, p. 261.

<sup>14</sup> See e.g., Martin Kramer, “Introduction,” in idem, *Shi‘ism, Resistance and Revolution*, Boulder 1987, pp. 6–10; Said Amir Arjomand, “Shi‘ism, Authority, and Political Culture,” in idem, *Authority and Political Culture in Shi‘ism*, New York 1988, pp. 1–18.

historical depth and offer new insights to extant, albeit scant, revisionist works that focus on specific geographic areas and time frames. Mention should be made of Richard T. Antoun (1989) on Muslim preachers in Jordan; Malika Zeghal (1996, 2007), Jakob Skovgaard-Petersen (1997) and Tamir Moustafa (2000) on al-Azhar in Egypt; Meir Hatina (2003, 2004) on 'ulama' in the Middle East; Muhammad Qasim Zaman (2002) on the Deobandi 'ulama' in Pakistan, with comparative references to the Middle East; and İsmail Kara (2005) on the Ottoman 'ulama' in the late nineteenth and early twentieth centuries.<sup>15</sup>

The thirteen studies in this volume deal with four main areas: (1) the status of the 'ulama' in pre-modern Muslim history; (2) the encounter of the 'ulama' with the challenges of modernity in the late nineteenth and early twentieth centuries, and the intellectual, judicial and sociopolitical repercussions of these challenges; (3) the role of the 'ulama' in the semi-tribal milieu of the Middle East; and (4) relationships within the 'ulama' corps and with its ideological rivals.

The various studies provide a qualitative and integrative picture of Middle Eastern Sunni 'ulama' in the modern and contemporary periods, both geographically and cross-sectionally. Their topics include enlistment in national liberation struggles as well as intellectual and sectarian conflicts within the 'ulama' ranks, and the interaction between 'ulama' and the state and with other ideological agents, such as Salafis, Islamists and modernists/liberals, who also sought to mold the cultural orientation of the society. Key words running through the chapters are "debate," "adaptation," "reform," "struggle," "restraint" and "bridging," pointing to the vitality of the 'ulama' in the Middle Eastern landscape and beyond.

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<sup>15</sup> Richard T. Antoun, *Muslim Preacher in the Modern World*, Princeton, NJ, 1989; Malika Zeghal, *Gardiens de l'islam: Les ulama d'al-Azhar dans l'Égypte contemporaine*, Paris 1996; idem, "The 'Recentring' of Religious Knowledge and Discourse: The Case of al-Azhar in Twentieth-Century Egypt," in Robert W. Hefner and Muhammad Qasim Zaman (eds.), *Schooling Islam: The Culture and Politics of Modern Muslim Education*, Princeton, NJ, 2007, pp. 107–130; Jakob Skovgaard-Petersen, *Defining Islam for the Egyptian State*, Leiden 1997; Tamir Moustafa, "Conflict and Cooperation between the State and Religious Institutions in Contemporary Egypt," *International Journal of Middle East Studies* 32 (2000), pp. 3–22; Meir Hatina, "Historical Legacy and the Challenge of Modernity: The Case of al-Azhar in Egypt," *The Muslim World* 93 (January 2003), pp. 55–62; idem, "Between Harmony and Dissent: 'Ulama and Nationalist Movements in the Middle East," in M. Gammer (ed.), *Community, Identity and the State*, London 2004, pp. 116–131; Zaman, *The Ulama in Contemporary Islam*; İsmail Kara, "Turban and Fez: Ulama as Opposition," in Elisabeth Özdsalga (ed.), *Late Ottoman Society: The Intellectual Legacy*, London 2005, pp. 162–200.

The first two chapters, constituting Part I of the volume, provide the historical infrastructure for exploring the communal status of Sunni 'ulama' at the heart of the Middle East in pre-modern times. In chapter 1 Michael Winter traces the functions of the 'ulama' during the Mamluk and Ottoman periods, from the mid-thirteenth through the eighteenth centuries. Despite their foreign origin and status as converts to Islam, both empires faithfully upheld the principles of Sunni Islam. These attributes enhanced the importance of the 'ulama' as keepers of the *shari'a*, the basic law of the state. They were the teachers, judges, muftis and functionaries in the schools and houses of worship. In addition, they filled administrative and diplomatic positions. The 'ulama' did not have political power per se, yet even the most tyrannical sultan could not bend the principles of the *shari'a* at will without facing criticism and without risking that his disregard of property rights or social justice would be recorded in history.

Shmuel Moreh in chapter 2 goes beyond historical discussion and analyzes the Muslim historiographic perception of the 'ulama' in Muslim society through the critical writings of the late eighteenth century Egyptian chronicler, 'Abd al-Rahman al-Jabarti. In his book *'Aja'ib al-athar fi'l-tarajim wa'l-akhbar* (The marvelous compositions on biographies and chronicles), al-Jabarti lamented the fate of the Muslim nation and the quality of its scholars and rulers. He cited the repeated Ottoman defeats by the European forces, the conquest of Egypt by the French in 1798 and the aggressive policy adopted by Muhammad/Mehmet Ali, who took power in 1805. Emphasizing the illustrious past of the 'ulama' and their rank as third highest in the social hierarchy after Allah and the Prophet, al-Jabarti censured their conduct during his time. He charged that, with the exception of a few, they agreed to act in the service of the rulers, exploiting their jobs to get rich quickly through bribery and oppression. Al-Jabarti tried to revive the Islamic value system, Muslim solidarity and zeal for *jihad* against the infidels. Toward this end, he defied the entrenched, consensual status of the 'ulama', thereby laying an important intellectual foundation for the polemics of future reformists and modern fundamentalists.

Al-Jabarti's written work conveyed a sense of distress and anxiety in Muslim society with its entry into modern times. This is also the starting point of Part II of the volume, which deals with the response of the 'ulama' to a changing world penetrated by a colonial presence and dominated by the key concepts of modernization, reform and national discourse.

While modernization, progress and the establishment of an inclusive political community became supreme goals for the political elite, religion was relegated to a more clearly defined and limited role in the public space. How did the ‘ulama’ react to this changing context? What were the strategies they adopted and what venues did they use? In chapter 3 Amit Bein presents a discussion of these issues in Istanbul, the capital of the Ottoman Empire, which, alongside Cairo, led the trend toward change in the Sunni world and went so far as to redesign the relationship between religion and state under the Committee of Union and Progress (CUP, 1908–1918).<sup>16</sup> Bein reveals that during this period quite a few of the ‘ulama’, most prominently Mustafa Sabri Efendi, were determined to get involved in civil activity and formal politics in order to protect their interests and ensure the viability of Islamic institutions and values in light of the centralized, secularized policies of the CUP. Establishing a political party, occupying parliamentary seats and forming political alliances were seen as organic rather than as alien, to the function of the ‘ulama’. This immersion in daily politics signaled the transformation of late-Ottoman era ‘ulama’ into modern intellectuals with a critical attitude toward sociopolitical issues and an avidity for activism.<sup>17</sup>

Thus, in contrast to the common notion prevailing in official Turkish historiography and in the research literature, late Ottoman ‘ulama’ were not entirely absent from the public sphere, nor did they leave “an intellectual vacuum” to be filled by new intellectuals and social scientists.<sup>18</sup> Under Atatürk’s aggressive secularization policy (1923–1938) the religious establishment was officially outlawed; however, in recent decades, the legacy of Sabri’s and his colleagues’ struggle to preserve

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<sup>16</sup> Some scholars view the twentieth-century trend of Turkish secularism as part of a continuity with roots that go back in history to the Ottoman Empire, and not only to the *Tanzimat* period in the nineteenth century but even a century earlier. See, e.g., Serif Mardin, “Continuity and Change in Turkey,” in Abdul Aziz Said, Mohammad Abu-Nimer and Meena Sharify-Funk (eds.), *Contemporary Islam: Dynamic, Not Static*, New York 2006, pp. 101–106.

<sup>17</sup> The involvement of Ottoman ‘ulama’ in dissident politics was already evident in their opposition to the authoritative regime of Sultan Abdulhamid II (1876–1908). In this opposition they found common ground with elements within the CUP. See İsmail Kara, “Turban and Fez: Ulema as Opposition,” in Elisabeth Özdsalga (ed.), *Late Ottoman Society: The Intellectual Legacy*. London 2005, pp. 162–200. See also Kara, “Turban and Fez,” pp. 162–200.

<sup>18</sup> See Recep Sendurk, “Intellectual Dependency: Late Ottoman Intellectuals between *Fiqh* and Social Science,” *Die Welt des Islams* 47 (2007), pp. 283–318.

the Islamic ethos has been revived by religious circles in the Turkish republic.

While secularization was formally institutionalized in Istanbul during the twilight years of the Ottoman Empire and thereafter, in the Arab-speaking provinces it remained a more artificial concept. Arab political and intellectual elites tended to adopt a “softer” or “thinner” version of secularism, in which the state sought to refashion society in rational ways but without denying the validity of religion or relegating it to the margins of the public sphere.<sup>19</sup> This allowed local ‘ulama’ to display more ideological and political assertiveness. The advent of European colonialism did not essentially alter the ‘ulama’s function as mediators and as an integral component of the “politics of notables” in conveying the authority of the external government in the provinces. This was especially pronounced in Libya under the Italian conquest (1911). As Anna Baldinetti shows in chapter 4, the Italian colonial administration did not limit itself to forming close ties with the dominant Sanusiyya Sufi order; it also reached out to other elements in the local religious elite, mainly in Tripolitania, viewing them as a significant element for advancing its colonial policy. Whereas other European powers maintained a distant stance toward the ‘ulama’, as the British did in Egypt, or worked to diminish their communal stand, as the French did in Syria or in Algeria, Italy in Libya sought to recruit them as allies, *inter alia* because of its loose grip in the country.

Italy’s positive attitude toward Islamic rites and institutions was preserved under the fascist regime (1922–1943) as well, as part of a broader design to co-opt the Muslim elites against French and British hegemony in the area. Fascist propaganda devoted great efforts to presenting the Arabs as possible allies in the struggle for control of the Mediterranean basin. This policy was only partially successful, for, alongside manifestations of dialogue and cooperation, some religious circles also carried on polemical and even armed opposition to the Italian presence in Libya.

In neighboring Egypt, the opposition of al-Azhar ‘ulama’ to the British presence was also pronounced, characterized by systematic hostility. There, however, the heads of al-Azhar had to contend not only with an infidel colonial elite but also with a nationalist Muslim elite that sought

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<sup>19</sup> See also Charles Taylor, *A Secular Age*, Cambridge, MA., 2007, mainly pp. 1–4, 85–89.

to alter the collective identity of the Nile Valley and promote reform in its religious institutions. In chapter 5 Rainer Brunner examines the positions of al-Azhar on the issues of national identity and reform during the interwar period and beyond. He also points to the erosion of the Azhar monopoly over molding societal values in light of the new challenge posed by the neo-Salafi activist intellectuals headed by Rashid Rida, the influential editor of *al-Manar*. While some Azharis did work to diffuse the tension between the two protagonists of Islam, their efforts did not gain momentum.<sup>20</sup>

Al-Azhar, in countering the Salafi attack, could no longer hide behind glosses and commentaries on medieval texts, but had to take a stand on the pressing questions of Islam in the modern world, including those of a political nature, such as the issue of the caliphate or of foreign missionaries.

A similar contest over the authority to define Islam and capture the imagination of the masses also emerged in Iraq in the interwar period. Orit Bashkin in chapter 6 reveals a vibrant domestic discourse by Shi'ite and Sunni 'ulama' there on the issues of change and reform, primarily how to remain a faithful believer and yet be open to the parameters of scientific knowledge and progress. This discourse showed that the Iraqi public was able to display tolerance toward various interpretations of the role of religion in society. Moreover, it was influenced by reformist and Salafi intellectual trends in Cairo and Damascus, highlighting the existence of a viable intellectual community in the Middle East that crossed geographic and ethnic boundaries, using new technologies of dissemination of ideas.<sup>21</sup>

The reformist ideology did not remain in the domain of intellect and discourse only but trickled into the political sphere and was part of the broader modernization enterprise initiated by the Middle Eastern states. In legal terms, this meant transforming entire fields of law—for example, private contract law—from the 'ulama's jurisdiction to the jurisdiction of national courts, and applying Western-imported legal codes. Yet, as shown by Ron Shaham in chapter 7, the introduction of

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<sup>20</sup> See also Zeghal, "The 'Recentering' of Religious Knowledge and Discourse," pp. 115–116.

<sup>21</sup> See also Ami Ayalon, *The Press in the Arab Middle East: A History*, Oxford 1995, pp. 50–72; Juan R. I. Cole, "Printing and Urban Islam in the Mediterranean World 1890–1920," in Leila Tarazi Fawaz and C. A. Bayly (eds.), *Modernity and Culture: from the Mediterranean to the Indian Ocean*, New York 2002, pp. 344–364.

modern legislation has been less traumatic, or at least less jolting, for the 'ulama' than some Western scholars have suggested, because all through history the 'ulama' were accustomed to legislative acts issued by the ruler, and to the operation of non-*shar'i* courts of law. Therefore, modern developments have not necessarily constituted a total break with the past: they have also contained dimensions of continuity. However, when state reform codification strayed from matters of public law and touched on matters of worship and family law, the 'ulama' in various places reacted in protest, sometimes fiercely. The 'ulama' not only responded to state codification, they also became involved in rewriting the theory of Islamic jurisprudence to accommodate changes evoked by modernity. Shaham's paper offers a critical reading of several key works on this topic, discussed in the context of the various legal regimes in contemporary Arab states.

In contrast to the urban milieu, the semi-tribal domain in the Middle East—the monarchies of the Arabian Peninsula, the Persian Gulf and North Africa—were less exposed to the waves of modernization and Westernization, and their rulers were viewed as having religious prestige. The 'Ulama' had less need to guard against the state's encroachment on the status of the *shari'a* or against damage to their interests. They served as an integral part of the struggle for independence and state building, and were co-opted into the ruling systems in key roles in the realms of justice, education and ethics. In actuality, they constituted the third arm of the state system, alongside the regime and the tribes. The roles of the 'ulama' in Morocco (Daniel Zisenwine) and Saudi Arabia (Muhammad al-Atawneh), which open Part III of the volume, illuminate historic examples of religious tenacity and influence.

In chapter 8, Daniel Zisenwine argues that during the struggle for independence in Morocco (1944–1956), the nationalists, who were mostly from traditional urban backgrounds, sought to preserve Morocco's social and political structures, rather than supplant them with new revolutionary frameworks. This feature of the nationalist cause provided a strong foundation for cooperation with the 'ulama', who also shared similar origins. Key figures in the Moroccan nationalist movement were successful in gaining the support of religious circles and could point to a number of 'ulama' who were among the founders of the Istiqlal (Independence) Party. Nationalist outreach to the rural tribal leaders proved to be a more complicated task. These leaders were less than enthusiastic about promoting an overarching nationalist ideology, which they feared would supplant local political affiliations with a



broader collective framework. Moreover, many tribal leaders were also adherents of various Sufi and other non-orthodox groups, a well-known phenomenon in the Maghrib tribal landscape, which the nationalists, who promoted a Salafi ideology, viewed aversely, especially with regard to the cult of saints. In the event, the urban-based 'ulama' failed to serve as a mediating influence on the nationalist-tribal dissonance, and were unable to make inroads in the rural and tribal sectors or enlist them in the struggle for independence, as they did in other semi-tribal settings of the Middle East.

A more constructive picture of the 'ulama' as a mediating and co-optive element is provided by Muhammad al-Atawneh in chapter 9 regarding the 'ulama' in Saudi Arabia with its strong fusion of religion and state and its deeply rooted tribal social system—the dual pillars of the Saudi dynasty. In terms of state formation, the religious establishment played a vital role there, continuing to be responsible not only for legislative and judicial procedures but also for bridging the discrepancy between tribalism and Islam and adjusting such tribal values as *'asabiyya* (group solidarity based on blood ties) and *tahkim* (arbitration) to Islamic law. Muhammad al-Atawneh's analysis of the written materials and legal opinions issued by leading Saudi 'ulama' in the last third of the twentieth century reveals a tribal system that, while strongly influenced by Islam, was still acknowledged as a source of reinforcement and legitimation for the royal family.

Part IV, the final section of the compilation, focuses on relationships within the 'ulama' and with other actors in the religious spectrum, mainly Salafi reformists, Islamists and liberals, revealing a dynamic portrait of an Islamic discourse community containing elements of unity, diversity, anathema and conflict. This section points to the importance of 'ulama' in responding to and debating the dilemmas of the modern era, as well as to their resilience in advancing their perceptions regarding the Arab-Muslim public arena through cooperation with, or opposition to, ideological rivals.

David Commins, in chapter 10, deals with the reciprocity between Wahhabis, Sufis and Salafis at the end of the nineteenth and beginning of the twentieth centuries. The Wahhabi ideology is to be found at the radical pole of the Islamic discourse in its claim that Muslims who do not accept its viewpoint are not true believers but in fact idolaters who must convert to Islam. Such doctrinal extremism naturally provoked a hostile reaction among the 'ulama' and Sufi shaykhs in the Arabian Peninsula and the Fertile Crescent, who believed themselves to be the proper believers and the Wahhabis heretical innovators. The Wahhabi

controversy underwent a revision at the beginning of the twentieth century, when Salafi reformists at the margins of the religious scholarly community in Baghdad, Damascus and Cairo presented Wahhabism in a more positive light. While rejecting the Wahhabi view that all borrowing from infidels is forbidden, Salafis did emphasize the common denominator in the struggle against such illegitimate conventions as scholastic *taqlid* practices or the Sufi practice of saint worship. Commins points out that the Salafi effort, both in written works and in practice, to present the Wahhabiyya as an authentic revival movement rather than a Kharijite anomaly outside the consensus ended Wahhabism's geographical and intellectual isolation by molding an audience receptive to the doctrine's proselytizers. This intellectual-political redefinition of Wahhabism in the Arab-Muslim world constituted a pivotal moment in modern Islamic history. Without it, Commins argues, Wahhabism could not have attained its contemporary global reach, even with generous financial backing from the Saudi government. With the support of the Salafi 'ulama' in the Fertile Crescent and Egypt, led by Rashid Rida, important elements of the puritanical Wahhabi philosophy, such as purification, *ijtihad* and *jihad*, became part of the modern resurgent Islamic agenda.

The fact that most spokesmen of Sunni resurgence were laymen, products of academic campuses, marked the Islamic protest in the historical and sociological literature as a modern phenomenon unrelated to past tradition or to its authorities, the 'ulama'. The Islamists accused the 'ulama' of betraying the Islamic cause by their submission to deviant regimes and adherence to rigid thinking. "Religious mercenaries" ('*ulama' al-sulta*) were a common theme in the Islamist discourse, which found its way into the academic works of leading scholars. For these scholars, politics and involvement in politics constituted the dividing parameter separating 'ulama' from Islamists. According to Olivier Roy, for the clerical scholar, politics remain contingent, in contrast to ethics deduced from texts, which are definitive. "The cleric who gets involved in politics is either an adviser to the prince or an exile," Roy argues. In contrast, for the Islamist, politics constitutes the *raison d'être* of his activity, in that it questions the very legitimacy of the state.<sup>22</sup>

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<sup>22</sup> Olivier Roy, *The Failure of Political Islam*, London 1994, pp. 91–92; idem, *Globalised Islam*, p. 166.

In chapter 11 Meir Hatina provides a more nuanced historical picture, in which the stance of political subservience adopted by the official 'ulama' did not necessarily result in passivity, on the one hand, or absolute antagonism between them and the Islamists, on the other. Indeed, although these 'ulama' denounced the Islamists' defiance of the ruling system, they shared their core demand to reassert Islamic cultural authenticity and the Islamization of the public sphere. Translating ideals into deeds, both lower and senior 'ulama' in Egypt, Jordan and Palestine, and to a lesser extent in Syria and Lebanon, opposed the agents of secular culture and sought to reinstate traditional gender and religio-sectarian boundaries. The assertiveness of official Islam was even more pronounced in the semi-tribal monarchies of Saudi Arabia, Kuwait and Bahrain, where 'ulama' were formally in charge of supervising public morality. "Guardians of the faith," therefore, was not merely a slogan, even in modern times.

Islamists, for their part, did not burn their bridges with the religious establishment. As shown by Hatina, leaders of the Muslim Brotherhood in Egypt, Syria, Jordan and Palestine joined forces with the 'ulama' to provide Islamic guidance for society. Even the anti-'ulama' polemic of the radicals was not sweeping. Some Islamists actually praised the historic record of the 'ulama' in preserving the faith and standing firm against political upheavals. Moreover, the presence of 'ulama' in Islamic movements, especially the communal (*da'wa*) movements, in roles of spiritual guidance or political leadership also served to defuse tensions and create bridging points between establishment and oppositionist Islam.

However, if there were points of affinity between official 'ulama' and Islamists in their common defense of Islamic norms and its sacred ethos, there was mostly friction and animosity between official 'ulama' and liberals. This aspect is dealt with by Muhammad Abu Samra in chapter 12. Abu Samra shows that the liberal critics promoted an emancipatory social order, based on civil rights, equality and openness, by presenting a softer, more flexible historical interpretation of the Qur'an and the Islamic heritage. The liberal argument was that Islamic scriptures, rituals and laws have been shaped by the varied religious traditions that preceded them and influenced by the cultural, social and political conditions of the earliest Muslim community. They thus need to be discussed in their own historical context.

The attitudes of official 'ulama' to the liberals' historical rereading of Islam ranged from disregard to questioning the academic validity

of liberal texts and blacklisting them. However, high-ranking shaykhs expressed reservations about accusing liberals of blasphemy or apostasy (*takfir*), a practice resorted to mainly by Islamist activists or low-ranking 'ulama'. In fact, these shaykhs denounced *fatwas* of *takfir*, which involved legitimizing violence against liberal critics. *Takfir*, especially since the 1990s, has become a violent tool used by radical Islamists against public figures and state institutions, and as such has been perceived as inviting social sedition. The cautious stance of establishment 'ulama', Abu Samra argues, highlighted their managerial strategies in seeking to balance religious with political considerations. Their dual aim was to restore the monopoly in matters of faith to the formal religious authorities and the monopoly on the use of force to the government—two issues that have been challenged by modern Islamists.

The contemporary sphere of activity of 'ulama' and their intense competition with ideological rivals have not been confined to their respective political communities but have been integrated into a globalized Islamic milieu that closely scrutinizes and reacts to what is being said and done regarding Islamic issues and concerns. At the disposal of the 'ulama' were now also the satellite-TV channels and the Internet, although not many of them possessed media-relevant skills. A prominent example is the headscarf controversy in France, which was first raised in 1989 and emerged again in 2003; Azhar authorities were active players in an Islamic transnational debate on the issue.<sup>23</sup> Another illustrative example, discussed in chapter 13 by Jakob Skovgaard-Petersen, is provided by the so-called cartoon crisis that erupted after the publication of a pejorative caricature of the Prophet Muhammad in a Danish newspaper in September 2005. Skovgaard-Petersen discerns in this episode a new phase of Islamic internationalism, closely related to the developments in the media. The cartoon crisis offered opportunities for governmental and non-governmental 'ulama', alongside TV preachers or *da'iya*, to reach out to a broad Muslim audience that was incensed by the affair and to realign themselves in new networks that cut across national boundaries.

Sunni 'ulama' have thus demonstrated a vocal presence not only in the Middle Eastern orbit but in the global one as well, thereby competing for status and influence with other propagators of Islam. The

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<sup>23</sup> See, e.g., Zeghal, "The 'Recentring' of Religious Knowledge and Discourse," pp. 123–128.

intensive *da'wa* activity of Egypt's al-Azhar and of the Saudi Muslim World League (MWL) in Africa, Asia and Europe, which goes back to the 1950s and 1960s, is well known.<sup>24</sup> In addition, two collective forums of 'ulama' were established in 1997 and 2004, respectively: the European Council for Fatwa and Research (*al-Majlis al-Urubi li'l-Ifta' wa'l-Buhuth*), and the International Union of Muslim Scholars (*al-Itihad al-'Alami li 'Ulama' al-Muslimin*). Their declared aims were defined as enhancing coordination between 'ulama' from all parts of the Muslim world, and providing religious guidance and services for believers.<sup>25</sup>

Such global outreach by 'ulama' brings us back to the central theme of this compilation—namely, that modern Sunni 'ulama' did not only respond to new contexts, they also acquired renewed momentum and contributed to the public discourse on ethical, cultural and social issues. Some 'ulama' displayed intellectual openness; but many others adopted a more puritanical stance, mainly because of sociopolitical upheavals that left Muslims confused, exposed to colonial penetration, and lagging behind the West in the drive for material progress and political power. This historical predicament, which contrasted with the glory of the past, dictated less tolerance for cultural convergence or rapprochement.

The vitality of modern 'ulama' in the Sunni Middle Eastern milieu was not, as maintained by various scholars, merely the result of a religious resurgence from the 1970s onward that forced Arab elites to introduce state legislation sanctioned by Islam, and turning the 'ulama' into a strategic asset in combating dissident Islamic movements. This vitality went back in time to the late nineteenth century and was related to the historical reality that “nationalizing” Islam by various political elites also meant the creation of a new power base for the religious scholarship community, which thereby gained the status of a national institution endowed with educational bodies, jobs and budgets.<sup>26</sup> Another channel for showcasing the presence of the 'ulama' in the ideological marketplace of society was provided by the emergence of the mass print and electronic media. The 'ulama' sensed that preaching in mosques was not

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<sup>24</sup> See also Daniel Crecelius “al-Azhar in Revolution,” *Middle East Journal* 20 (Winter 1966), pp. 34–49; Majda 'Ali Salih Rabi', *al-Dawr al-Siyasi li'l-Azhar 1952–1981*, Cairo 1992; David Commins, *The Wahhabi Mission and Saudi Arabia*, London 2006, pp. 152–153, 174–175, 190–193.

<sup>25</sup> *Al-Mustaqbal* (Beirut), 3 July 2006; *al-Mukhtar al-Islami* (Cairo), 31 August 2006, pp. 50–54.

<sup>26</sup> See also Hatina, 'Ulama', *Politics and the Public Sphere in the Middle East: An Egyptian Perspective* (forthcoming).

enough and like Islamist groups and Sufi orders they also recognized the advantages of modern modes of communication to promote their cause and expand their audiences.<sup>27</sup> After all, they were not the Amish, to quote Uri Kopferschmidt's observation on the impact of Western technology in the Middle East.<sup>28</sup> Thus, 'ulama' continued to adhere to a long discursive tradition of flexibility and adaptation to changing circumstances. As rightly argued by Zaman, "The 'ulama' of the twentieth or the twenty-first century are not very different from those of the earlier centuries."<sup>29</sup>

The present compilation, in questioning the marginalized status of Sunni 'ulama' in the Middle East, joins a growing academic interest in 'ulama' in different geographical settings and in various aspects: intellectual, educational, social and political. Its findings remove another brick from the shaky foundations of the modernization theory by highlighting the historical complexity of modernity in the Arab-Muslim world, in which the relationship between tradition and change, old and new, were dynamic and interactive, rather than separate and conflicting.<sup>30</sup> As such, the volume makes a valuable contribution to the field of Islamic and Middle Eastern studies.

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<sup>27</sup> See e.g., Jakob Skovgaard-Petersen, "The Global Mufti," in B. Schaebler and L. Stenberg (eds.), *Globalization and the Muslim World*, New York 2004, pp. 153–165; Muhammad Qasim Zaman, "Consensus and Religious Authority in Modern Islam: The Discourse of the 'Ulama'," in Gudrun Krämer and Sabine Schmidtke (eds.), *Speaking for Islam: Religious Authorities in Muslim Societies*, Leiden 2006, pp. 153–180; Bettina Gräf, "Sheikh Yusuf al-Qaradawi in Cyberspace," *Die Welt des Islams* 47 (2007), pp. 403–421.

<sup>28</sup> Uri Kopferschmidt, "Western Technologies, Big and Small, in the Middle East" (unpublished paper).

<sup>29</sup> Zaman, *The Ulama in Contemporary Islam*, p. 189.

<sup>30</sup> See also Shmuel N. Eisenstadt, *Comparative Civilizations and Multiple Modernities*, 2 vols., Leiden 2003.



PART ONE

THE “HEIRS OF THE PROPHETS” IN ISLAMIC HISTORY





## CHAPTER ONE

# 'ULAMA' BETWEEN THE STATE AND THE SOCIETY IN PRE-MODERN SUNNI ISLAM

Michael Winter

### DEFINING 'ULAMA'

The 'ulama' are the scholars of Islam. The singular form '*alim*' is the present participle of the verb '*alima*, he knew. The 'ulama' had to possess '*ilm*, knowledge. There are at least three Arabic nouns for knowledge. *Ma'rifa* is gnosis, the intuitive knowledge of the '*arif*, Gnostic, or Sufi. *Adab* is the wide, refined, general, sometimes superficial knowledge of the educated man, what G. E. von Grunebaum called *Bildungs-ideal*. *Belles-lettres*, literature, history, and primarily language are the main components of *adab*.<sup>1</sup>

'*Ilm* is the knowledge acquired from texts, the revealed scripture of Islam—namely, the Qur'an and the hadith, the sayings of the Prophet. Daniella Talmon-Heller observes that the main component of an '*alim*'s reputation is the degree of perfection of his way of life rather than the magnitude of his learning<sup>2</sup> (despite the immense admiration for learning in Muslim culture).<sup>3</sup>

I would venture the generalization that an '*alim*' everywhere and at all times is similar to other 'ulama' by the basic definition of the term. Their '*ilm*' was of course based on faith in Islam, but the training that bestowed on them the privilege to be regarded as 'ulama' was, and still is, their knowledge of the revealed texts, through reading, remembering as much as possible, interpreting these texts and transmitting them to the next generations of Muslim scholars of religion, in *madrasas* (colleges for Islamic learning), in other venues, or privately. They were required to

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<sup>1</sup> Gustave E. von Grunebaum, *Medieval Islam: A Study in Cultural Orientation*, 2nd ed. Chicago 1953, pp. 273ff.

<sup>2</sup> Daniella Talmon-Heller, *Islamic Piety in Medieval Syria: Mosques, Cemeteries and Sermons under the Zangids and Ayyubids (1146–1260)*, Leiden-Boston 2007.

<sup>3</sup> See Franz Rosenthal, *Knowledge Triumphant: The Concept of Knowledge in Medieval Islam*, Leiden 1970.

know the auxiliary fields of their occupation, primarily the Arabic language and its traditional supporting disciplines, such as the subdivisions of grammar, rhetoric and more. The *'alim* could specialize in a certain subject—for example, hadith, *sira*, (the Prophet's biography), *tafsir* (exegesis of the Qur'an), theology, *usul* (the roots or sources of Islamic law) and the like—or all these subjects combined. Yet the most difficult and esteemed discipline was *fiqh*, Islamic jurisprudence, the systematic study of the *shari'a* holy law. This expertise was of utmost importance, since Islam (like Judaism, but different from Christianity) is a religion of divine law that regulates all the believers' actions and is the basis of the family, the society and the economy. Islam has a developed theology, but it has never acquired the supreme status of the *shari'a* law.<sup>4</sup>

#### MADHHABS

Islamic law in Sunni Islam was studied in the framework of the *madhhabs*. In Muslim jurisprudence the term means a school of law, one of the four such schools that were equally legitimate in Sunni Islam. (Several other *madhhabs* did not survive.) These were the Hanafi, Maliki, Shafi'i and Hanbali, called after their eponymous founders. The *madhhabs* represented different scholarly traditions, their own basic textbooks, and variations of cult and practice. These differences were mostly minor, but as frequently happens among similar religious sects, they gave rise at times to bitter debates and quarrels. *Fiqh*, or jurisprudence, was the most professional discipline taught in the *madrasa*, and in most *madrasas* the *madhhab* affiliation of the school was determined by the founder in the *waqfiyya* (the document establishing the charitable fund and providing resources for the maintenance of the institution). This explains the fierce competition for teaching positions between and within the *madhhabs*.

The *madhhabs* differed in several ways. For example, the Hanafi jurists developed flexible principles that made governments prefer them to other *madhhabs*.<sup>5</sup> (According to another opinion, the 'Abbasid government preferred the Hanafis simply because they had established

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<sup>4</sup> For a concise and convincing argument for this thesis, see Joseph Schacht, "Theology and Law in Islam," in G. E. von Grunebaum (ed.), *Theology and Law in Islam*, Wiesbaden 1971, pp. 3–23.

<sup>5</sup> Nurit Tsafir, *The History of an Islamic School of Law: The Early Spread of Hanafism*, Cambridge, MA. 2004, esp. pp. 116–120.

themselves in Iraq when the 'Abbasid state was founded.) Maliki jurists were notoriously rigid and severe, with a tendency to issue harsh sentences, frequently deciding to put the accused person to death in cases where the jurists of other *madhhabs* would have preferred leniency.<sup>6</sup>

It is important to note that *madhhab* adherence did not always determine the adherent's attitude towards such theological issues as the opposition to the Mu'tazila rationalist theology, the Ash'ari theological dogmas or the acceptance of or opposition to certain types of Sufism (notably, the monistic ideas of Ibn 'Arabi, d. 1240). Nevertheless, some *madhhabs* were more inclined than others to take certain positions on such issues—for example, the intense opposition of the Hanbalis to Ibn al-'Arabi's doctrines and to the Mu'tazila, and the Hanafi general support of the theological doctrine of the Murji'a, one of the earliest theological (and politically moderate) streams in Islam.<sup>7</sup> Tsafirir shows, however, that the Hanafis were divided between Mu'tazilis, who believed in the createdness of the Qur'an, and their traditionalist opponents.<sup>8</sup> Some attitudes changed with time. The best example is Sufism, which, from the early sixteenth century, made major inroads into the milieu of the 'ulama' mainly (but not solely) in the Ottoman domains.

As is well known, the 'ulama' were not organized; in Islam there is no "church." The *madhhabs* were not corporations but, as mentioned above, legal schools with shared professional juristic traditions and principles. Modern scholars have looked for social ties that connected the adherents of the *madhhabs* but have not come up with clear conclusive findings. Since the lay members of a *madhhab* were usually born into a neighborhood that practiced religion according to a certain *madhhab*, they would turn for religious guidance to their muftis or other 'ulama' whom they trusted. The legal training of 'ulama' was done by teachers belonging to one of the *madhhabs*; yet professional and social relations between 'ulama' of different *madhhabs* were natural, usually without tensions. The "conversion" of scholars to another *madhhab* was not frequent, but it was neither forbidden nor regarded as blameworthy.

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<sup>6</sup> Michael Winter, "Inter-*madhhab* Competition in Mamluk Damascus: Al-Tarsusi's Counsel for the Turkish Sultans," in *Jerusalem Studies in Arabic and Islam* 25 (2001), pp. 195–211, esp. p. 203. The Maliki qadi is warned to be careful with death sentences (*wa-la yatasahal fi'l-dima'*). Najm al-Din Ibrahim al-Tarsusi, *Tuhfat al-Turk fima yajibu an yu'mala fi'l-mulk*, ed. Ridwan al-Sayyid, Beirut 1992, p. 82.

<sup>7</sup> Tsafirir, *The History of an Islamic School of Law*, p. 118.

<sup>8</sup> *Ibid.*, p. 47.

According to a theory expounded by Jalal al-Din al-Suyuti, the famous polymath (d. 1505), a *faqih* may change his *madhhab* if he believes that the other *madhhab* can make him better understand the Muslim law. In such cases, the conversion is even commendable.<sup>9</sup> Scholars often studied under the guidance of 'ulama' of *madhhabs* in addition to their own.

The Hanbali *madhhab* was the only one that had clear characteristics of social cohesion and solidarity. Hanbalism often assumed the nature of a popular movement capable of violent street demonstrations against religious or doctrinal adversaries. The Hanbalis were sometimes led or incited by leaders who today would be called fundamentalists. The earliest example is Ahmad b. Hanbal (d. 855), the eponym of the *madhhab*, who opposed Caliph al-Ma'mun's Mu'tazilite dogma about faith in a created Qur'an. Another famous Hanbalite polemicist and leader was Taqi al-Din ibn Taymiyya (d. 1328). In the eleventh-century struggle of the orthodox in Baghdad against the Shi'is, the Hanbalis played a central and often violent role.<sup>10</sup>

All these differences notwithstanding, the 'ulama' shared common characteristics. Their juristic training and way of thinking and arguing were inherent to their occupation. The text-based juristic approach was a common trait. The majority of the Sunni 'ulama' had similar political attitudes and mentality. They generally insisted on acquiescence to any Muslim government, almost regardless of the manner in which it assumed power, provided that it was capable of defending the territory of Islam, maintaining *shari'a* and keeping order. They adopted this principle in practice and justified it in theory.

#### MADRASAS

The advent of the *madrasa* under the Seljuqs, in Iran and Iraq in the second half of the eleventh century, mainly owing to the initiative of Nizam al-Mulk, the vizier who was the architect of the regime, was related to the victory of Sunni Islam over the Shi'a that seemed to gain hegemony in the Muslim lands during the tenth century. The struggle

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<sup>9</sup> Michael Winter, *Society and Religion in Early Ottoman Egypt: Studies in the Writings of 'Abd al-Wahhab al-Sha'rani*, 2nd ed., New Brunswick 2007, p. 184.

<sup>10</sup> Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought*, Cambridge 2000. See Chapters 5, 6, 7 on the Hanbalis' public activities: Ahmad ibn Hanbal, the Hanbalis of Baghdad and the Hanbalis of Damascus.

between the Sunnis and the Shi'is was ongoing in several cities, notably in Baghdad.<sup>11</sup> Yet the resolute political support that the Seljuq regime gave "the Sunni revival" made a crucial difference and tipped the scales against the Shi'a. The main beneficiaries of this change were the 'ulama' and their students, who enjoyed salaries and stipends from the state and saw their version of orthodox Islam vindicated. They gained the patronage of the rulers and the respect of the majority of the population. In the long run, however, this development had two disadvantages. First, the 'ulama' lost much of their independence from the state. One can speak of the bureaucratization of the 'ulama', perhaps also of the clericalization of the state administration that had been previously manned by people who were not Muslims but members of the religious minority communities or nominal Muslims who were suspected of being heretics. Second, the *madrasas* produced more graduates than the state needed. Inevitably, this created unemployment or underemployment in the ranks of the religious scholars that since then has become endemic, naturally resulting in constant struggles for the available positions in the state bureaucracy, the judiciary and the teaching institutions.<sup>12</sup>

In his comprehensive study of the emergence of the *madrasas*, George Makdisi compares the Islamic *madrasa* to the early European university.<sup>13</sup> Both kinds of institutions of higher education were based on a religious culture in which the study of law was the most advanced discipline. (These characteristics are found also in the Jewish yeshiva.) A major difference between the *madrasa* and the university, however, is that the former was an institution governed by laws. Islamic law does not recognize an abstract legal entity; even the state itself is no exception. Legally, the founder of a *madrasa* was an individual, not the state,

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<sup>11</sup> See George Maqdisi, *Ibn 'Aqil et la résurgence de l'Islam traditionaliste au XI<sup>e</sup> siècle, Ve de l'Hégire*, Damascus 1963.

<sup>12</sup> The struggle over teaching positions within the 'ulama' community is one of the main topics discussed by Michael Chamberlain in his study of *madrasas* and Islamic learning in Damascus: *Knowledge and Social Practice in Medieval Damascus, 1190–1350*, Cambridge 1994, esp. ch. 3: "Mansabs and the Logic of Fitna." See also Ira M. Lapidus, *Muslim Cities in the Later Middle Ages*, Cambridge, MA. 1967, pp. 114, 138–140. In her study of Ottoman higher education in the postclassical period, Madeline Zilfi speaks of a "medrese explosion." Madeline C. Zilfi, *The Politics of Piety: The Ottoman Ulema in the Postclassical Age (1600–1800)*, Minneapolis 1988, p. 208.

<sup>13</sup> George Makdisi, *The Rise of Colleges: Institutions of Learning in Islam and the West*, Edinburgh 1981. See also idem, "Law and Traditionalism in the Institutions of Learning of Medieval Islam," in G. von Grunebaum (ed.), *Theology and Law in Islam*, pp. 75–88.

even if he or she were the sultan, his wife or his daughter. The founder dictated the terms of the institution. The *madrassa* was the place where Islamic higher education was offered, but it was not a juridical entity. The *madrassas* had other functions besides teaching, and not all scholars were associated with them. Most importantly, Islamic education, or the transference of knowledge, was a personal matter between the teacher and his student, and not an institutional process performed through the *madrassa*. The diploma that the graduate received was issued not by the *madrassa* in which he studied but by his teachers, who granted him an *ijaza*, a license to teach the book or books that he had read under his teacher's guidance. The huge numbers of biographies of 'ulama' do not mention the *madrassas* where the scholars studied but list the names of their teachers. As will be shown below, the Ottomans' approach to these principles was entirely different.

#### CRITICISM OF THE 'ULAMA'

It is not surprising that much criticism from various quarters was directed at the 'ulama'. Much of it came from the 'ulama' themselves, from contemporary historians and from Sufis. Abu Hamid al-Ghazali (d. 1111), arguably the greatest Muslim theologian and an important *faqih* who taught in the Nizamiyya of Baghdad, the most prestigious institute for religious learning of the day, and identified with the orthodox Sufis, used the term "formalist 'ulama'" (*'ulama' al-rusum*) to describe the 'ulama'. He maintained that they were not concerned with souls and hearts; they were as ignorant as the common people in matters regarding the true meaning of faith.<sup>14</sup>

'Abd al-Wahhab al-Sha'rani, (d. 1565) was a Sufi writer and shaykh of considerable learning, who could certainly qualify as an *'alim* in addition to his mystic vocation. Yet he vehemently accused the 'ulama' of neglecting the simple Muslims' religious needs and wasting time in arguing among themselves about fine points of *fiqh* that have nothing to do with the essence of religion.<sup>15</sup> Other common accusations against 'ulama' were the greed and corruption that were widespread among them.

<sup>14</sup> Hava Lazarus-Yafeh, *Studies in al-Ghazzali*, Jerusalem 1975, pp. 106, 355, quoting al-Ghazali's *Ihya' 'ulum al-din*.

<sup>15</sup> Winter, *Society and Religion in Early Ottoman Egypt*, pp. 175–181.

However, many 'ulama' are described as pious, honest, sometimes even virtuous men, who aspired seriously to seek knowledge. The profession of the 'ulama' with all its shortcomings had well-established criteria for competence and excellence. Hence their basic homogeneity is evident, despite much inevitable diversity. This stands in contrast to the Sufis, whose experiences and expressions were subjective, often individualistic, with endless variations—to the extent that even the definition of Sufism and its terminology eluded observers of the Sufi phenomenon in the past, as it continues to do in the present.

#### 'ULAMA' AND RULERS

Devoid of independent political power, the 'ulama' nevertheless proved resilient to rulers' ambitions to control religion itself. Time and again they proved that they had the monopoly on interpretation of the correct versions of dogma and practice. Crone and Hinds<sup>16</sup> have examined the decisive role that the 'ulama' played in the formative period of Islam. They show that the Umayyad and early 'Abbasid caliphs intended to assume the religious guidance of the Muslim community and to be known as God's caliphs, not just as deputies of the Prophet. It was the 'ulama' who repeatedly (and finally successfully) denied them that right. They also thwarted the effort of al-Mansur, the second 'Abbasid caliph (ruled 754–775), to impose a unified code of Islamic law on his empire. Finally, the 'ulama' also were victorious against the Mu'tazilite rationalist dogma of the created Qur'an that Caliph al-Ma'mun (ruled 813–833) and his two immediate successors forced on religious office-holders through the *Mihna* (inquisition).

Examining Syria in the eleventh and the twelfth centuries, Emmanuel Sivan points to three variables for explaining the relations between the 'ulama' and the state: (a) dependence on the ruler for defense against foreign and domestic threats to the rule of the *shari'a* in the Muslim community; (b) the economic dependence of the 'ulama' on the ruler, whose financial support they needed, both for themselves and for Muslim institutions; (c) the submissive political mentality of the 'ulama', which made them accept any Muslim ruler rather than risk the outbreak

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<sup>16</sup> Patricia Crone and Martin Hinds, *God's Caliph: Religious Authority in the First Centuries of Islam*, Cambridge 1986.



of *fitna*, civil disturbances. The relative importance of each factor depended on the particular political and economic conditions.<sup>17</sup>

Saladin (Salah al-Din), the founder of the Ayyubid dynasty, was considered the model of the pious Muslim ruler. He studied religious subjects with the leading 'ulama' in Egypt. His personal shaykh compiled a catechism (*'aqida*) for his use, and the sultan studied it and taught it to his children.<sup>18</sup>

In her study of piety under the Zangids and the Ayyubids, Daniella Talmon-Heller sees close relations between rulers and 'ulama' in Greater Syria under the Zangid and Ayyubid dynasties (1146–1260). She also finds that the preachers (*wu'az*), who were mostly 'ulama'—although not of the elite—usually did not criticize the established scholars or the rulers. The sources seldom portray a scholar who rebukes a ruler.

#### POPULAR PRESSURE FOR CHANGE

While the 'ulama' effectively resisted any attempts by the government to interfere in religious principles and traditions, they had to yield to pressure from below—namely, popular pressure to change some of the rigorous attitudes of the scholars.

In a new book about Islamic piety in Greater Syria during the Zangid and Ayyubid periods, Daniella Talmon-Heller shows that conflicts between the public and the 'ulama' sometimes ended in the capitulation of the scholars to popular pressure in matters that concerned the liturgical calendar. The 'ulama' opposed in vain—by preaching, writing pamphlets, and enlisting the support of the rulers—several innovations or additions to the canonical prayers. She writes:

The mosque was sometimes, however, an arena of conflict between the public and the 'ulama'. The liturgical calendar was issue of contention. Despite the fierce opposition of the scholars, amongst them prayer leaders and preachers, crowds filled the mosques on the first night of the month of Rajab, for a prayer known as *al-ragha'ib*, and on the afternoon of the

<sup>17</sup> Emmanuel Sivan, "The Ulema and the State in Syria during the Eleventh and Twelfth Centuries: In Search of a Model to Explain the Ulema-State Relationship," in Gabriel Baer (ed.), *Problems of Religion in the Muslim World*, Jerusalem 1971, pp. 40–51 (Hebrew).

<sup>18</sup> M. Winter, "Saladin's Religious Personality, Policy, and Image," in Joel L. Kraemer (ed.), *Perspectives on Maimonides: Philosophical and Historical Studies*, Oxford 1991, pp. 309–322, esp. pp. 312–313.

day of the *wuquf* ('standing') of the pilgrims at 'Arafat, for a ritual known as *ta'rif*. They burned candles and oil lamps all night long, and held long ceremonious prayers... Yet, Many scholars defined the timing of those special prayers and the customs associated with them as *bida'* (blame-worthy innovations), writing fiery pamphlets and preaching scathing sermons to combat them. Occasionally, they managed to co-opt rulers, who issued bans against the gatherings. The public, however, had the upper hand. Commoners, to the dismay of scholars regarded special prayers as more meritorious than the regular daily ones, made *Nisf Sha'ban*, *Salat al-ragha'ib* and *al-ta'rif* part of the liturgical calendar in the very bastion of the official religion—the congregational mosque.<sup>19</sup>

A similar phenomenon, a special and popular prayer in honor of the Prophet, emerged in late Mamluk and early Ottoman Egypt, and later spread also to Syria and then to Hijaz and North and West Africa. The information comes from the famous Egyptian Sufi writer 'Abd al-Wahhab al-Sha'rani. He relates that 'Ali al-Shuni, one of his principal shaykhs, organized it after the evening prayer on Friday nights. It was called *al-mahya*, since the participants spent the entire night (*yuhyu*, lit. enliven) in this prayer. Al-Shuni first introduced it into the sanctuary of Sidi Ahmad al-Badawi, Egypt's most popular saint, in Tanta, and later, in 1491 or 1492, into al-Azhar itself. Al-Sha'rani claims that these sessions were not known before al-Shuni's initiative; yet there is evidence that 'ulama' had criticized it already in the fourteenth century. Now leading 'ulama' at al-Azhar opposed this custom, but they failed to stop it.<sup>20</sup>

The best-known innovation, and one that was accepted into the liturgical calendar through the *ijma'* (consensus—actually, the quiet, retroactive acceptance of new things that have entered Islamic practice), was *mawlid al-Nabi*, the Prophet's birthday, on 12 Rabi' al-Awwal. It probably first appeared in the twelfth century in northern Iraq. Later, several important Muslim scholars referred to it as *bid'a hasana*, a good innovation, which was almost a contradiction in terms (although the term was sometimes used by Muslim scholars). Other *mawlids*, or saint days of holy men and women—some members of the Prophet's family—and many Sufis mushroomed in Muslim lands, notably in Egypt. Despite some questionable characteristics of these celebrations, such as their being marked according to the sun calendar (many were actually

<sup>19</sup> Talmon-Heller, *Islamic Piety in Medieval Syria*, pp. 244–245.

<sup>20</sup> Winter, *Society and Religion in Early Ottoman Egypt*, pp. 38, 77, 169.

fairs) and the mingling of men and women in the entertainment events that were offered during the festivities, many 'ulama' participated in the *mawlid*s. Sufis had a salient role in all the above-mentioned customs and celebrations, although these were not purely Sufi events.<sup>21</sup>

Having briefly surveyed the formation of the 'ulama' in the classical period, let us now turn our attention to the Mamluk and early Ottoman periods, from the mid-thirteenth through the eighteenth centuries. The central part of this chapter serves to introduce the changing roles of the 'ulama' in the modern era, but it is confined to Egypt, Syria and the center of the Ottoman Empire. In both empires the majority of the native Muslims were Arabic-speaking (though naturally not in the core Turkish provinces of the Ottoman Empire) and were ruled by Turkish-speaking military elites. These were foreigners, recent converts to Islam. Yet both empires upheld the principles of Sunni Islam and implemented the *shari'a* law. The caliphate was eliminated by the Mongols, and although a titular caliph was installed in Cairo by the Mamluks, his office was devoid of the prestige and influence of the pre-1258 period.

These developments enhanced the importance of the 'ulama' as the keepers and interpreters of the *shari'a*, the basic law of the state. They were the teachers, judges, muftis and functionaries in schools and houses of worship. And it was the teachers who absorbed the Mamluks, the young foreign military slaves, into the Islamic religion and instructed them in its basic rules. When the slaves were manumitted and joined the ruling elite as sultans and emirs, they usually followed the guidance of the 'ulama' in religious matters. They also fulfilled various administrative and diplomatic tasks.

#### 'ULAMA' AND GOVERNMENT UNDER THE MAMLUKS

It has been argued that the creativeness of the Muslim jurists and theologians declined over time, and that much of their writing consisted of commentaries and commentaries on commentaries (though the quantity of their writings was as large as ever). Yet there is no doubt that many 'ulama', their intellectual and moral failings notwithstanding, were industrious seekers of 'ilm, text-based religious knowledge. Moreover,

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<sup>21</sup> Michael Winter, *Egyptian Society under Ottoman Rule, 1517–1798*, London 1992, pp. 175–184.

they were the undisputed guardians of the Islamic norms. They did not possess political power vis-à-vis the rulers, and they could be bought or intimidated. Yet even the most determined and tyrannical sultans, such as the Mamluk sultans al-Malik al-Zahir Baybars (ruled 1260–1277) and Qansaw al-Ghawri (ruled 1501–1516) and, later, the Ottoman sultans Fatih Mehmet II (ruled 1444–1446, 1451–1481) or Yavuz Selim (ruled 1512–1520), could not bend the principles of the *shari'a* to their will without being criticized and their acts of disregarding the property rights of their subjects or judicial justice being recorded in history. The chronicles and biographical collections tell of courageous 'ulama' who confronted the ruler, reminding him of his transgressions, sometimes even causing him to change his mind. The 'ulama', certainly the distinguished among them, usually enjoyed immunity from execution or torture; yet this could not be taken for granted.

Only a few 'ulama' openly criticized the sultan and his representatives. Some spoke against the oppressive and unjust taxes that the common people had to pay while the Mamluk emirs and their households lived in luxury. The 'ulama' also protested against the sultans' economic monopolies, the practice of hoarding foodstuffs for speculative purposes, and the rulers' greed in general.<sup>22</sup> Chroniclers criticized the misbehavior of the young Mamluks towards the civilian population. The earliest recorded instance in the Mamluk period of a courageous 'alim is 'Abdallah ibn 'Ata' al-Adhra'i, the first independent Hanafi qadi of Damascus, who was appointed by Sultan al-Malik al-Zahir Baybars. When the emirs seized the gardens of Damascus and the sultan arrived in the Hall of Justice to attend a discussion about this, the qadi, relying on a Qur'anic verse that forbids such practices, spoke up: "These belong to the property owners. No one is allowed to attempt to take them away. Whoever regards as permissible that which God declared unlawful, is an infidel." The sultan became very angry, and cried out: "Am I an infidel? Go look for another sultan!" The session dispersed, and that night, the sultan summoned the qadi. Al-Adhra'i wrote his will and bade his family farewell. But when he came to Baybars, the sultan relented. The qadi explained that he had not meant the sultan specifically

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<sup>22</sup> For several illuminating examples of courageous 'ulama' under the Mamluks, see J.-C. Garcin, "Histoire, opposition politique et piétisme traditionaliste dans le Husn al-Muhadara de Suyuti," in *Annales Islamologiques*, Cairo 1966, vol. 7, pp. 33–88.

but nevertheless insisted on his view. Baybars told his retinue, “This qadi declares us infidels!” and sent him away, but with respect.<sup>23</sup>

Another, similar case is the refusal of Qadi Shams al-Din ibn al-Muzalliq (d. 902/1497), who was known to be honest and incorruptible, to give the governor of Damascus money to raise 40 infantrymen. The qadi said, “Our *awqaf* are mostly for the poor and relatives, not for these matters.” The infuriated *na’ib* was about to strike the qadi, but he reconsidered and only imprisoned him in the citadel. He soon regretted his decision and ordered the qadi’s release. But the qadi refused to leave before the arrival of the sultan’s order to free him, and only after some influential men implored him to go home did he agree.<sup>24</sup>

The influence of an Istanbul mufti on Sultan Selim “the Grim” is a further example of the moral influence of a principled *‘alim* on one of the harshest of Ottoman rulers. ‘Ali b. Ahmad al-Rumi (d. 1526 or 1527) started his career as a mufti and a professor in one of the top *medreses* of the capital. He had the reputation of being one who followed the Qur’anic edict “commanding right and forbidding wrong”—namely, speaking up fearlessly against wrongdoing.

Sultan Selim reportedly ordered the execution of 150 clerks of the treasury for fraud. Uninvited, the mufti entered the council of state (*divan*) that was in session in the presence of the sultan and told the sultan that it was a mufti’s duty to safeguard the ruler’s place in the hereafter. Putting these people to death would be against the Islamic law. The angry sultan told the shaykh not to interfere in state matters, but ‘Ali insisted that he was interfering for the sake of the sultan’s fate in the hereafter, as was his duty. When Sultan Selim acceded to the mufti’s plea and pardoned the clerks, the mufti continued to plead until Selim agreed to let them keep their positions in the treasury. To show his respect for this *‘alim* for his honesty and courage, Selim raised his salary and offered to appoint him as *qazasker*, one of the highest judicial positions in the empire;<sup>25</sup> but the mufti, typically for a conscientious man of religion, refused the offer.

<sup>23</sup> Shams al-Din ibn Tulun, *Qudat Dimashq: al-Thaghr al-bassam fi dhikr man wulliya qada’ al-Sham*, ed. Salah al-Din al-Munajjid, Damascus 1956, pp. 187–189.

<sup>24</sup> *Ibid.*, p. 182; idem, *Mufakahat al-khillan fi hawadith al-zaman*, ed. M. Mustafa, Cairo 1962–1964, vol. 1, p. 119.

<sup>25</sup> Najm al-Din al-Ghazzi, *al-Kawakib al-sa’ira bi-a’yan al-mi’a al-ashira*, ed. J. S. Jabbur, Beirut 1945, vol. 1, pp. 267–269.

The legitimacy of Mamluk and, later, the Ottoman rule, was never questioned before the end of the nineteenth century, in spite of inevitable ethnic and cultural tensions between the Arab 'ulama' (as well as other people in the Arab provinces) and their Turkish-speaking rulers. The empire was seen as Islamic; it protected the Muslim community against infidels and heretics, and implemented the *shari'a*. Occasionally, extreme and purist 'ulama' voiced criticism against what they considered un-Islamic laws and practices of the authorities. Ibn Taymiyya (d. 1328), the famous theologian and polemicist, for example, had harsh words for many aspects of the regime. Yet even he, the *enfant terrible*, never incited against the state, and he never called upon the people to rebel against their rulers; his aim was merely to instruct the rulers toward better, more Islamic ways.<sup>26</sup>

Al-Maqrizi, the important fifteenth-century historian, in speaking about the Mongol Yasa law, implied that it was replacing the *shari'a* in the Mamluk state. However, Al-Maqrizi was a religious zealot and his accusations were clearly false.<sup>27</sup> The 'ulama' under the Mamluks had every reason to be satisfied, both personally and as devout Muslims.

The 'ulama' differed in their attitudes towards the Mamluk state. A minority maintained their independence, and paid the price—for example, Ibn Taymiyya and his disciple Ibn Qayyim al-Jawziyya, who were imprisoned for criticizing some accepted religious and judicial dogmas. Ibn Jama'a, on the other hand, an eminent scholar and chief qadi who was Ibn Taymiyya's contemporary, rose in the service of the state. He committed to writing his famous political ideology, which implied that the "shadow caliphate" of Mamluk Cairo was a fiction, while military rule was a reality that had to be accepted and even justified. Describing the political reality of his day, Ibn Jama'a declared that obedience must be given to the actual ruler until another one removes him.<sup>28</sup>

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<sup>26</sup> Michael Cook notes that Ahmad ibn Hanbal supported unhesitating obedience to the ruler except when it entailed disobedience to God. Cook, *Commanding Right and Forbidding Wrong*, p. 113. He also writes that Ibn Taymiyya was "on the side of the state," p. 164.

<sup>27</sup> See Ibn Tulun, *Qudat Dimashq*, p. 259.

<sup>28</sup> Quoted by von Grunebaum, *Medieval Islam*, p. 169. On Ibn Jama'a, see Ibn Tulun, *Qudat Dimashq*, pp. 80–82.

## THE MADHHABS IN THE MAMLUK STATE

The Hanafis were, historically and ceremonially, the first *madhhab*. As is well known, the Hanafi *madhhab* was associated with the Turks, the Mamluks being considered Turks (even during the Circassian period). Later, under the Ottomans, it became the official legal school of the empire. Yet the Mamluks' Hanafi identity, to the extent that it existed at all, was much weaker and less obvious than, say, the Shafi'ism of the majority of the Ayyubids or the Hanafism of the Ottomans.

Naturally, Hanafi 'ulama' resented the Mamluk policy of showing preference for the Shafi'is—a point strongly expressed in a mid-fourteenth century treatise by Najm al-Din al-Tarsusi, the Hanafi chief qadi of Damascus, entitled *Tuhfat al-Turk fima yajibu an yu'mala fi'l-mulk* (A gift for the Turks on how rule should be practiced).<sup>29</sup> The author presents his work as belonging to the genre of "counsel for kings" (*nasihat al-muluk*), but its real purpose was to try to convince the Mamluk sultans, who at that time were predominantly Kipchaq Turks, that it was in their interest to appoint Hanafi 'ulama' to positions as qadis and supervisors of public religious institutions, thereby changing the policy of favoring the Shafi'is. The recurring theme throughout the treatise is that a Hanafi *madhhab* would be more suitable and more profitable to the Turkish rulers. Al-Tarsusi uses several arguments, some of which are mistaken or misleading. He claims that al-Imam al-Shafi'i believed that imams should be of Qurashi descent—that is, from the Prophet's tribe—implying that from the Shafi'i point of view the Mamluks are not legitimate rulers, that they are not qualified to govern. Yet, as is well known, the term "imam" in the Sunni legal terminology applies to the caliph, not the sultan.<sup>30</sup> Al-Tarsusi gives the reader the false impression that the Mamluks claimed to be caliphs, which was not the case. In addition, the author argues that the Hanafi *madhhab* gives the ruler wider powers in financial and legal matters than does the Shafi'i *madhhab*.

Whether or not the sultans were aware of al-Tarsusi's treatise, they did not follow his advice; they maintained the dominance of the Shafi'is in the top bureaucratic-religious positions until the end of their reign.

<sup>29</sup> See above note 6.

<sup>30</sup> Al-Tarsusi, *Tuhfat al-Turk*, p. 71.

In Greater Syria during the Ayyubid and Mamluk periods, the Maliki *madhhab* was the smallest in numbers of followers and institutions. It was characterized by an image of rigidity, marginality, and even foreignness (North African). In Egypt, the Malikis were more numerous and influential, but their qadis and muftis were not considered mainstream, being notoriously severe in their rulings and verdicts.

The Hanbali *madhhab* was the smallest legal school in Egypt; during the Ottoman period it all but disappeared from Egypt. In Greater Syria, however, the Hanbalis had sizable communities in a few Palestinians towns and, most importantly, in Damascus, where the al-Salihiyya suburb was a famous Hanbali center with distinguished *madrasas* and scholars.

#### ECONOMIC ASPECTS

Socially and economically, it is not always easy to define the place of the 'ulama' between the state and society. The scholars received a similar education and training, but they were divided socially and economically. In the cities, more so in Damascus than in Cairo, there were dynasties of 'ulama' who amassed incredible wealth and influence. Some held powerful and lucrative positions in the state bureaucracy, and intermarried with the Mamluk elite. But most of the 'ulama' were of course poor and made their living by teaching in low-paying *madrasas*, reading Qur'an for the souls of the dead or copying books.<sup>31</sup>

Among the 'ulama', the qadis (especially the chief qadis in the major cities) were in the best position to make a fortune. Religious and moral scruples about accepting a qadiship are old in Islam. Conscientious 'ulama' were wary of serving as judges, since the power invested in that position and the inevitable closeness to and the association with the ruler, as well as the temptation to accept bribes, deterred many jurisconsults (*fuqaha'*) from becoming qadis. The example of Abu Hanifa, who preferred to be flogged rather than accept an appointment of qadi under the 'Abbasid caliph, is well known. But it goes without saying that many *fuqaha'* were not as principled; on the contrary, they did everything within their power to be appointed to this influential and lucrative position. In the Mamluk sultanate, there were various

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<sup>31</sup> On the poverty of the 'ulama', see, e.g., Ira M. Lapidus, *Muslim Cities in the Later Middle Ages*, Cambridge, MA. 1967, pp. 114, 138–140.



types of *fuqaha*: Some refused to serve as qadis, others accepted the appointment only under heavy pressure (it is not always clear whether their initial reluctance to accept the job was genuine or just pretence), and many strove hard to become qadis, using connections in Cairo and huge sums of money to that end.

The *waqf* and *milk* (property) records of the Ottoman archives reveal the extent of the qadis' wealth during the fifteenth and early sixteenth centuries. The leading 'ulama' houses of Damascus, the qadis in particular, enjoyed abundant revenues of *awqaf* as directors, trustees, beneficiaries, administrators and the like. A *waqf* deed could be a charity (*khayri*) or a family fund (*dhurri*). These terms were not used in the period under discussion, but the concepts were already well developed. Many *waqfs* were a combination of the two kinds. The picture that emerges is that 'ulama' were usually recipients and beneficiaries of *awqaf* revenues rather than founders of *khayri awqaf*. The men and women who founded *khayri awqaf* were in most cases sultans, governors of the province of Damascus, emirs, rich merchants and members of prosperous families, including qadis. Some 'ulama' enjoyed the revenues of a *dhurri awqaf* that they had founded for themselves and for their families; but in many cases they benefited from *awqaf* that had been established by others specifically to support them. Qadis who were business-minded acted as entrepreneurs. For example, *Qadi al-Qudat* (the chief qadi) Ibn al-Furfur (d. 1531) purchased shops in a Damascus market and rented them out. Similar reports about Syrian qadis abound in the archives. Many qadis owned a great variety of urban and/or rural real estate: houses and shops (the land and the building), water mills, dye houses, tanneries, orchards, plantations (the land and the plantation), and warehouses. About some of the installations it says in the document: "The founder built it himself."<sup>32</sup>

#### 'ULAMA' AND THE OTTOMAN CONQUEST OF EGYPT AND SYRIA

The Ottoman conquest of Syrian and Egypt in late 1516 and early 1517 was a traumatic event for contemporary Arabs. It deeply transformed the country and also affected the status of the local 'ulama'. Egypt, the center of strong empires for centuries, was relegated to a tax-paying

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<sup>32</sup> A register from early Ottoman Damascus, Muallim Cevdet MS O. 83:936, Atatürk Library, Istanbul.

province of the Ottoman Empire. And although the Ottomans, like the mamluks, were Sunni Muslims, the initial impression they made on the Arab 'ulama' (and on the population at large) was negative in the extreme.<sup>33</sup>

The state now became quite different. The Turkish presence under the Mamluks had been very important but narrow, limited to a relatively small number of Mamluks and emirs. They were called Turks, *Atrak*, by the contemporary sources, even after 1382, during the second half of the Mamluk sultanate, when the majority of the Mamluks were Cirassians and had learned to speak Turkish only in the barracks of Cairo. Now, however, the sultan, the military, the bureaucracy and the chief qadis were all Turkish-speaking and were appointed from Istanbul. During the Mamluk sultanate, the language of administration had been Arabic; now it was mainly Turkish. This affected the local 'ulama', since many of them had been employed by the Mamluk government as bureaucrats.

The language barrier made communication between Arab and Turkish 'ulama' difficult, if not impossible. Shams al-Din ibn Tulun of Damascus was an *'alim*, and the most important chronicler of the period; he witnessed the Ottoman occupation and the first decades of Ottoman rule in Damascus, and he relates that he wanted to speak with his Ottoman colleagues but could not communicate with them (although, of course, the Ottoman 'ulama' had always needed to be able to read the Arabic religious sources).<sup>34</sup> In time, the language barrier became less of a problem, as many Ottoman 'ulama' (qadis in particular) served in the Arab provinces and learned to speak Arabic. Some Arab 'ulama' and other people (in Syria more than in Egypt) learned Turkish because they had to travel to Istanbul to arrange their needs with influential people there.

After the conquest, many 'ulama' and contemporary observers described the Ottomans—Sultan Selim himself, the qadis and the soldiers—as ignorant, as bad Muslims, negligent of the *shari'a*, and as cruel conquerors. Despite the criticism that Egyptian and Syrian historians (the former in particular) had previously expressed against the Mamluks, their fallen masters now seemed much more committed to the values and duties of Islam in comparison with the new rulers.

<sup>33</sup> Winter, *Egyptian Society under Ottoman Rule*, pp. 7–14, 29–32.

<sup>34</sup> Ibn Tulun, *Mufakahat al-Khillan*, vol. 2, p. 31.

The *qanun*, the Ottoman sultanic administrative law, was misunderstood and was widely regarded as contradicting the *shari'a*. The following passage by a Damascus historian demonstrates the attitude toward the Ottoman administrative innovations:

Someone asked a certain *'alim* in Damascus about the legality of the *yasaq*, the fee that the qadi charges for legal procedures, "Is it taken from the Qur'an, the *sunna*, the *qiyas* (analogy) or the *ijma'* (consensus)?" After a moment of silence, he answered, "No, by God, this is taken from the *mawali* (non-Arab Muslims, meaning the Ottomans)." I told him, "Ignorance is no model for imitation."<sup>35</sup>

Nothing infuriated the Egyptians and the Syrians more than the tax that the Ottoman qadis levied on marriage contracts, which was 100 dirhams for a virgin and 75 for a woman who had been previously married. Al-Ghazzi quotes someone as saying rudely: "When this state [the Ottomans] arrived, they imposed [illegal] taxes on women's genitalia."<sup>36</sup>

Anger at the Ottoman occupation in the early years is cryptically expressed in a mystical passage in one of 'Abd al-Wahhab al-Sha'rani's Sufi treatises:

Our shaykh has told me by the way of revelation (*kashf*) that since the beginning of the year 923, knowledge (*'ilm*) left people's hearts. The hearts desired it, but it did not find a place to rest, because they were preoccupied with the misfortune that befell them. Anyone who speaks now about knowledge does it only about the kinds of knowledge that he had acquired before that date.

The riddle is easily solved: The Ottoman occupation of Egypt took place on 1 Muharram 923 (1 January 1517). It is remarkable that al-Sha'rani, a meek Sufi who wrote words of high praise about Sultan Suleyman, calling him the visible *qutb* (the chief saint, usually invisible in Sufi belief), would write such a subversive comment.<sup>37</sup>

In time, the Ottomans and the Arabs adjusted to each other.<sup>38</sup> After the short reign of the bad-tempered Yavuz ("the Grim") Selim, came

<sup>35</sup> Al-Ghazzi, *al-Kawakib*, vol. 2, pp. 88–89, 116.

<sup>36</sup> *Ibid.*, p. 193.

<sup>37</sup> Winter, *Society and Religion in Early Ottoman Egypt*, pp. 268, 298, note 22, quoting al-Sha'rani, *al-Anwar al-qudsiyya fi bayan adab al-'ubudiyya*, printed in the margin of *al-Tabaqat al-kubra*, Cairo n.d., vol. 1, pp. 103–104.

<sup>38</sup> See Doris Behrens-Abouseif, *Egypt's Adjustment to Ottoman Rule: Institutions, Waqf and Architecture in Cairo, 16th and 17th Centuries*, Leiden 1994.

the long and generally stable and enlightened rule of Süleyman Qanuni (1520–1566). Around the mid-sixteenth century, the Sultan transformed the religious establishment, making it definitely more Islamic, with all the power of the state behind stricter implementation of the *shari'a*. There is no doubt that the empire was becoming more orthodox.<sup>39</sup> The explanations for this development are complex. Among them was the Ottoman Empire being the only major defender of the community against heretic Iran and infidel Europe. Coming to know and appreciate the great Islamic cultural centers of the old Arab world—Egypt in particular—certainly had an impact on the Ottomans. They respected the *madrasas* of Cairo, Damascus, Aleppo and other Arab cities, and they followed a wise policy of leaving wide independence to the Egyptian *madrasas*, al-Azhar in particular (see below).

The official legal school of the empire was the Hanafi *madhhab*, and the chief qadis were invariably Turkish-speaking Hanafis. Hence the local qadis, adherents of the other *madhhabs*—and the local Hanafis as well—could only aspire to the rank of *na'ib* qadi, deputy judge. Yet it is certain that the 'ulama' of Egypt and Syria were sincerely grateful to the Ottomans, given the empire's Islamic credentials and its generous support of religious and educational institutions. Their gratitude is clearly evident from the writings of Egyptian and Syrian chroniclers and biographers, almost all of them 'ulama' and Sufis, who praised the empire for an Islamic policy that exceeded anything known previously. Among the best works are the chronicles of Muhammad al-Ishaqi and Muhammad al-Bakri al-Siddiqi in seventeenth-century Egypt; the biographical dictionaries of the Damascene 'ulama' of Najm al-Din al-Ghazzi in the sixteenth and the early seventeenth centuries; and of Muhammad Amin al-Muhibbi and al-Muradi in the seventeenth and eighteenth centuries, respectively.

Because of the differences in culture and temperament between Arabs and Turks, it was inevitable that tensions on ethnic grounds would occasionally emerge. But it is important to remember that these were never political, and that the legitimacy of the Ottoman state and its sultan was never questioned. People in Cairo might consider a certain pasha a harsh and unjust governor, and the inhabitants could hate the

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<sup>39</sup> See Haim Gerber, *Islamic Law and Culture, 1600–1840*, Leiden 1999, pp. 30–31, also quoting Marshall G. S. Hodgson, *The Venture of Islam*, Chicago 1974, vol. 3, p. 105.

janissaries of Damascus, Aleppo, or Cairo, but their loyalty to the empire and its sultan was unshakable. For example, 'Abd al-Ghani al-Nabulusi (d. 1731), one of the greatest Sufi 'ulama' of Ottoman Syria, wrote an interesting theological treatise railing against an unnamed Turkish critic of Ibn 'Arabi, the great mystic whose ideas al-Nabulusi adopted. Al-Nabulusi says that the Turk has written against the good qualities of the Arabs, and that he hates all of them, not just Ibn al-'Arabi. It is clear from this short tractate, which I have discussed elsewhere, how deeply al-Nabulusi resented this Turk. Yet in his writings and throughout his career as a Sufi and a Hanafi scholar, al-Nabulusi was without any question a loyal Ottoman subject.<sup>40</sup>

Another interesting tractate, praising the Ottoman dynasty, was written by Mar'i ibn Yusuf al-Karmi al-Hanbali, a Palestinian 'alim living in Cairo. He praises the Ottoman dynasty as the best ever in Islam. Interestingly, he expressly does not regard it as a caliphate, yet another proof that in the early seventeenth century the Ottomans themselves did not make such a claim. No other dynasty, he declares, behaved with so much respect towards the 'ulama' and the *shari'a* as the Ottomans. Of course, the popularity of the empire owed much to its role as a mighty fighter for the faith.<sup>41</sup>

Haim Gerber has confirmed that in many respects the status of the 'ulama' in the Ottoman Empire was higher than it was in other regimes. True, almost the entire body of the 'ulama' was on the government payroll. Nevertheless, they did not lose their independence and did not hesitate to criticize the government, as can be seen in numerous opinions expressed by muftis and qadis. Gerber observes that "the custom of jurists in the pre-Ottoman Middle East to abstain from government service became obsolete with the rise of the Ottomans, and from then on 'ulama' in general and among them muftis were salaried functionaries." All this would have been impossible had the *shari'a* not been so highly upheld by the Ottomans.<sup>42</sup>

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<sup>40</sup> Michael Winter, "A Polemical Treatise by 'Abd al-Ghani al-Nabulsi against a Turkish Scholar on the Religious Status of the *Dhimmi*," *Arabica* 35 (1988), pp. 92–103.

<sup>41</sup> On the treatise of Mar'i ibn Yusuf al-Karmi al-Hanbali, see M. Winter, "A Seventeenth-Century Panegyric of the Ottoman Dynasty," *Asian and African Studies* 13 (1979), pp. 130–156.

<sup>42</sup> Gerber, *Islamic Law and Culture*, pp. 59–60, 137–138.

## 'ILMIYE: THE OTTOMAN 'ULAMA'

It is necessary now to describe briefly the policy of the Ottomans regarding their *'ilmiye*, the empire's "learned establishment," particularly those in the service of the state. The organization and status of the 'ulama' under the Mamluks was roughly a continuation of the situation under the Ayyubids, with some changes, primarily the innovation of Sultan Baybars to appoint four chief qadis, each representing one of the four *madhhabs*. The Ottomans too shaped the *'ilmiye* on the legacy of classical Islam; but, as with other aspects of their rule, its organization became much more rigid and hierarchical.

Instead of the fluid and non-centralized proliferation of *madrasas* in the Arab lands,<sup>43</sup> the Ottomans created a system of carefully ranked elite colleges, with systematic rules of promotion and career lines for *medrese* graduates aspiring to become professors and qadis, all under the supervision of *şeyhülislâm*, the mufti of Istanbul, who was responsible for appointing religious functionaries in the empire. The Ottoman 'ulama' were effectively integrated into the state administration.

Another Ottoman innovation was that the training and teaching at the various levels of the *medreses* determined the exact rank of the judicial position to which the graduate or the former *muderris* (professor) would be entitled after reaching a certain level. As noted earlier, since the earliest years of Islam, higher education was mainly private, between the student and his teacher, who gave him a personal license to teach (*ijaza*). Under the Ottomans, it was the *medrese* that awarded the diploma after the student had passed an examination.

The following edict, issued in the name of the sultan himself to the qadi of Istanbul in 1574, demonstrates the degree of central government control of *medrese* education:

It has come to my attention that the gates of Sultan Mehmet II's *medreses* (Semaniye, i.e., the Eight Colleges) are not locked at night, and the "undergraduate" students (*suhte/softa*) go out and indulge in all kinds of depravity. They neglect their studies. Make sure that their teachers are on their guard. They must keep them in their rooms and make them study.

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<sup>43</sup> In his important study of higher Islamic education in Mamluk Cairo, Berkey emphasizes the great variety of schools there. Even the terminology in naming the institutions was inconsistent. See, Jonathan P. Berkey, *The Transmission of Knowledge in Medieval Cairo: A Social History of Islamic Education*, Princeton 1992, esp. ch. 3.

A further edict, sent to the qadi of Istanbul a year later, complains that students who have not yet attained the rank of *danişmend* (*medrese* graduate) are attempting shortcuts. Instead of completing the prescribed period of study, they are going to a professor as *mulazims* (trainees, candidates for appointment) without studying, which damages scholarship. The sultan writes:

I insist that the rules of my predecessors be obeyed. A student must prove by reliable witnesses that he has completed three years of study before getting the title of *danişmend*. A professor who does not adhere to these principles will be punished and dismissed. Every *danişmend* must study at least one year in the preparatory *medreses* before moving on to the next level, where he must study at least one month.

The decree goes on to indicate the length of time that the student must spend under a *muderris* at each level, otherwise the professor at the higher level should not accept him.

You, who are the qadi of Istanbul, write down my sublime edict (*emri şerif*) in the court *sijill*, and send a copy to every *medrese* professor. Any *danişmend* who disobeys this edict will be punished, and so will the *muderrises*.<sup>44</sup>

It is doubtful that a similar text can be produced from any other Muslim state before the modern period.

In the Arab provinces, however, this system was not applied for the simple reason that only Turkish-speaking, Hanafi, graduates of the Istanbul *medrese* system, were candidates for state positions—not only in the religious system but in the central bureaucracy as well. Although the Ottomans respected the al-Azhar, not even the Shaykh al-Azhar was eligible for a government position in the Ottoman capital. As a result, although the official legal school of the empire was the Hanafi *madhhab*, the Shaykhs of al-Azhar were Shafi'is. A few Shaykhs al-Azhar were Malikis, reflecting the composition of the scholarly community in Egypt. Neither the Ottoman governors of Egypt nor the chief Ottoman qadi in Cairo interfered in the power struggles within the Azhar community for the position of Shaykh al-Azhar.

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<sup>44</sup> Ahmet Refik, *On Altıncı Asırda İstanbul Hayatı (1553–1591)*, Istanbul 1988, pp. 33–35.

## 'ULAMA' AND SUFISM

A discussion about the 'ulama' would be incomplete without mentioning their relations with the Sufis. During the period under survey, Sufism made tangible inroads into the 'ulama' establishment. This process had started already under the Mamluks, but it progressed dramatically under the Ottomans. Almost every 'alim had a *tariqa* affiliation of some kind. All the Shaykhs al-Azhar in the eighteenth century belonged to the *tariqa* of the Khalwatiyya, a "reformed" Sufi order (reformed toward orthodoxy) that in the sixteenth century was considered heterodox. Sufi *zawiyas* taught *fiqh*, and *madrasas* taught Sufi texts.

The empire officially adopted the doctrines of Ibn 'Arabi, the controversial Andalusian mystic, who was more popular among the Turks than among the Arabs.<sup>45</sup> Nevertheless, his doctrines had several famous Arab admirers, among them Jalal al-Din al-Suyuti, 'Abd al-Wahhab al-Sha'rani and 'Abd al-Ghani al-Nabulusi. Under the Mamluks, there were public and heated debates, some in the presence of the sultan, about the poetry and theosophy of 'Umar ibn al-Farid and Ibn 'Arabi.

Two instances from Ottoman Cairo, described by the famous Syrian Sufi and scholar 'Abd al-Ghani al-Nabulusi, illustrate the point. The first took place in 1694, the second in 1711. In the first case an unnamed Turkish man raised doubts about some Sufi practices. No violence seemed imminent, but the Azhari scholars warmly and totally endorsed the Sufis' habits and beliefs, not excluding unorthodox *tariqas* and popular customs.<sup>46</sup> The second instance involved a fundamentalist Turkish preacher, a student of religion, and his followers. The strife (*fitna*), which had also a strong ethnic component, became violent when a Turkish crowd, incited by this preacher against the Sufis of Cairo, attacked Sufis at Cairo's Zuwayla gate with sticks and cudgels during their ritual. The Sufis turned to the Azhari shaykhs of all four *madhhabs* and obtained *fatwas* supporting them and blaming the Turkish preacher as a Mu'tazilite (here in the sense of a freethinker).<sup>47</sup> The earlier situation, though similar, did not build up into violence.

<sup>45</sup> See Éric Geoffroy, *Le Soufisme en Égypte et en Syrie*, Damascus 1995, p. 392.

<sup>46</sup> 'Abd al-Ghani al-Nabulusi, *al-Haqiqa wa'l-majaz fi'l-rihla ila bilad al-Sham wa'l-Hijaz*, ed. Ahmad 'A. Haridi, Cairo 1986, pp. 263–282.

<sup>47</sup> Winter, *Egyptian Society under Ottoman Rule*, pp. 157–159, and references, p. 277, note 111.



The theological aspects of the two confrontations, interesting in themselves, are outside the current discussion. What concerns us here is the attitude of the 'ulama'. First, they understood that the attacks on the Sufis (including the unorthodox ones) were likely to cause social unrest. Second, they were too deeply involved in Sufism to allow themselves to issue anti-Sufi *fatwas*.

#### CONCLUDING REMARKS

On the whole, the 'ulama' in Ottoman Egypt were in no mood to endanger themselves and their interests by standing up against the rulers. In this respect they showed no more courage than their predecessors had done under the Muslim medieval regimes.

Gabriel Baer, who studied a series of revolts or violent demonstrations in Ottoman Cairo, found that most of them were prompted by severe economic hardship, though for the last two were sparked by popular resentment against measures imposed by the French occupation. Baer paid special attention to the role of the 'ulama' of al-Azhar, whom the people of Cairo always regarded as their natural leaders, able to intercede with the rulers and plead for consideration towards them. Baer's findings show that the 'ulama' sometimes urged the people to raise their voices against injustice, but when things got out of hand and the masses became violent, the 'ulama' disappeared from the scene. The popular tribune who led the people against the French occupation and then against the tyranny of Muhammad 'Ali (Mehmet Ali) was 'Umar Makram, *Naqib al-Ashraf*, a notable from Upper Egypt, who was the head of the *Ashraf* (the Prophet's descendants) in Cairo. He is described by 'Abd al-Rahman al-Jabarti, the contemporary historian, as explicitly non-'*alim*, a man outside the 'ulama' milieu of Cairo.<sup>48</sup>

Another weakness of the 'ulama' was noticed by al-Jabarti, who thus provides an insight into the intellectual world of the Azhari 'ulama' and their self-perception.<sup>49</sup> He describes an encounter that took place in 1747 between Ahmet Pasha, an Ottoman vizier, and Cairo's leading 'ulama' in the presence of Shaykh al-Azhar. The vizier was disappointed upon learning that the 'ulama' were unable to discuss the mathematical

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<sup>48</sup> G. Baer, "Popular Revolt in Ottoman Cairo," *Der Islam* 54/2 (1977), pp. 213–242.

<sup>49</sup> See also Shmuel Moreh's chapter in this volume.

sciences with him. He noted that Egypt had a reputation of being the source of the sciences. The shaykh explained that the study of exact sciences requires instruments and technical skills, but most of the Azharis are poor, simple people from the villages and the provinces. "Most of the people of al-Azhar do not occupy themselves with the mathematical sciences, except for arithmetic and measures that are necessary for dividing inheritances."<sup>50</sup>

Thus, at the dawn of the modern era, the 'ulama' were in a state of social and intellectual weakness. This happened even before the beginning of modernization, which would deprive them of many of their traditional roles.

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<sup>50</sup> Winter, *Egyptian Society under Ottoman Rule*, pp. 114–115, quoting 'Abd al-Rahman al-Jabarti, *'Aja'ib al-athar fi'l-tarajim wa'l-akhbar*, Cairo 1297/1880, vol. 1, pp. 186–187.



## CHAPTER TWO

### AL-JABARTI'S ATTITUDE TOWARDS THE 'ULAMA' OF HIS TIME

Shmuel Moreh

The historian 'Abd al-Rahman al-Jabarti (1753–1825), scion of an eminent family of Egyptian 'ulama', was among the few Arab historians who described in detail the status of the 'ulama', their interests and duties in Egyptian society and their function and relations with first the Mamluk and Ottoman rulers, then with the French and finally with Muhammad 'Ali.<sup>1</sup> As a pious Muslim scholar he felt an obligation (*fard 'ayn*) to follow the Islamic dictum of *al-amr bi'l-ma'ruf wa'l-nahy 'an al-munkar* (enjoining to do what is proper and forbidding what is reprehensible).<sup>2</sup>

We are indebted to the numerous studies in the Cambridge Studies in Islamic Civilization series and to a long list of scholars who have devoted their research to studying and clarifying the role of the 'ulama' in Muslim society.<sup>3</sup> Cooperson took the trouble to prove that classical Arabic biography arose not only “in conjunction with the study

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<sup>1</sup> The English translations from al-Jabarti's Arabic text are based upon Thomas Philipp and Moshe Perlmann's edition, Stuttgart 1994. See Michael Winter, *Egyptian Society under Ottoman Rule 1517–1798*, London, 1992; idem, *Society and Religion in Early Ottoman Egypt*, New Brunswick 1982. My suggestions for the translation of certain terms are given in parentheses after the Arabic transliteration. On 'Abd al-Rahman al-Jabarti, see David Ayalon, “The Historian al-Jabarti and His Background,” *Bulletin of the School of Oriental and African Studies* 23/2 (1960), p. 222; Shmuel Moreh, *al-Jabarti's Chronicle of the First Seven Months of the French Occupation*, Leiden 1975; Lars Bjoerneboe's pioneering *In Search of the True Political Position of the 'Ulama: An Analysis of the Aims and Perspectives of the Chronicles of Abd al-Rahman al-Jabarti (1753–1825)*, Damascus 2007; *Cambridge History of Ottoman Egypt*, Cambridge 2000.

<sup>2</sup> Qur'an, 3:110, 114; 7:157; 9:67, 71, 112; 22:41; 31:17. See 'Aja'ib al-athar, Bulaq 1297/1879–80 (hereinafter 'Aj.), vol. 1, pp. 163, 260, 289–300, 303–304, where he praises the scholars who followed this command during the period that he covered in his chronicle.

<sup>3</sup> Among them, Michael Cooperson's painstaking study, *Classical Arabic Biography: The Heirs of the Prophets in the Age of al-Ma'mun*, Cambridge 2000, pp. 31, 38, 45, 58–60, 115–116, is especially valuable for understanding the role of the 'ulama' in classical Islamic civilization.

of hadith and hadith-transmitters,” but also from the biographical collections on poets, singers, Qur’an readers and jurists;<sup>4</sup> in addition, he verified important terms of classical Arabic biographical literature. These pioneering studies shed a great deal of light on historical and biographical writings, and have enabled us to understand the developments and changes in the status of the ‘ulama’ during the eighteenth and nineteenth centuries, as reflected in the works of al-Jabarti, the last conventional writer of Muslim historiography. The Danish scholar Lars Bjoerneboe has discussed the status of ‘ulama’ and analyzed their political positions in light of al-Jabarti’s chronicles.<sup>5</sup> Other Western scholars who have studied the social and political position of the ‘ulama’ in Egypt during the eighteenth century, and their reaction to reform and modernization, include Stanford Shaw, André Raymond, Gabriel Baer, Michael Winter, Daniel Crecelius, P. M. Holt and Jane Hathaway.<sup>6</sup> Because of the wealth of available studies on the role and status of the ‘ulama’ in Middle Eastern society, the present article will focus on al-Jabarti’s concept of their role in the Islamic hierarchy based upon the Qur’an.

Al-Jabarti’s history of Egypt *‘Aja’ib al-athar fi’l-tarajim wa’l-akhbar* (The marvelous compositions on biographies and chronicles) is the swan song of traditional Islamic military, administrative, economic, cultural and historiographical writing. Al-Jabarti’s method of providing a record of annual events according to months and days, followed by the necrologies of religious scholars, poets, grammarians and men of letters, and then by the biographies of Ottoman and Mamluk rulers, is unique in Egyptian historiography.

During the first centuries of the ‘Abbasid caliphate, the imams and caliphs were the rulers (*‘uli al-amr*) of the Muslim community, i.e. the heirs of the Prophet Muhammad. With the abolition of the ‘Abbasid caliphate the ‘ulama’ became the *‘uli al-amr*, the legitimate authority

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<sup>4</sup> Cooperson, *Classical Arabic Biography*, p. 1.

<sup>5</sup> Bjoerneboe, *In Search of the True Political Position of the ‘Ulama’*, pp. 33–85.

<sup>6</sup> Beside Cooperson and Bjoerneboe, see S. Shaw, *Ottoman Egypt in the Eighteenth Century*, Cambridge 1962; André Raymond, *Artisans et commerçants au Caire au XVIII<sup>e</sup> siècle*, vols. 1–2, Damascus 1973–74; G. Baer (ed.), *The ‘Ulama’ in Modern History*, *Asian and African Studies* 7 (special number, 1971); Winter, *Egyptian Society under Ottoman Rule*; Daniel Crecelius, *The Roots of Modern Egypt: A Study in the Regimes of Ali Bey al-Kabir and Muhammad Bey al-Dhahab*, Chicago 1981; P. M. Holt, “al-Jabarti’s Introduction to the History of Ottoman Egypt,” *Bulletin of the School of Oriental and African Studies* 25 (1962), pp. 38–51; Jane Hathaway, *The Politics of Households in Ottoman Egypt: The Rise of the Qasdaghlis*, Cambridge 1997; Afaf Lutfi al-Sayyid Marsot, *Egypt in the Reign of Muhammad ‘Ali*, Cambridge 1984.

of *shari'a* interpretation and enforcement, in their turn the heirs of the Prophet.<sup>7</sup> Although the saying *Inna al-'ulama' warathatu al-andbiya'* ("The bearers of knowledge are the heirs of the prophets"),<sup>8</sup> ascribed to the Prophet, was disputed among the groups (*tawa'if*) of specialized practitioners in the early 'Abbasid period who could not agree on who these "heirs" were, al-Jabarti took it for granted that the intended "heirs" were the religious scholars. He used this interpretation to define and bolster the status of the 'ulama' in his time.

Al-Jabarti wrote a unique history, in which he combined two types of chronicles, one in the style of "the bureaucratic school, which produced narratives that are tightly keyed to the calendar and the succession of rulers," and the other of exhibiting "great concern for the orderly sequence of events."<sup>9</sup> His success in using these two methods was due to the wealth of historical and biographical material he had inherited from his father, Hasan al-Jabarti (1697–1774),<sup>10</sup> and to the books that he bought from the widow of his mentor al-Murtada al-Zabidi (1732–1791), especially his *Mu'jam Mukhtass*. The latter, a biographical dictionary, is in the main a collection of autobiographies that al-Zabidi requested from his friends, containing panegyrics to his *Taj al-'Arus* and his comments on al-Ghazali's *Ihya'*. Al-Jabarti integrated most of these biographies in his first two volumes of *'Aja'ib*. It is very difficult to distinguish between the biographies composed originally by our author and those copied from other scholars, which shows that the composition of necrologies followed conventional rules that left little room for personal expression.

The chronicle of *'Aja'ib* distinguishes between the *ta'rikh* (annalistic histories) and the *trajim* (biographical collections that include death dates) of men who died in a certain year between 1688–1821. It thus constitutes in a sense a compound of the major works of *ta'rikh* and *tarajim* of the eighteenth century. This is a combination that the author arrived at by accident. He was initially interested in the history of events and only later came upon the wealth of biographies written

<sup>7</sup> Cf. Cooperson, *Classical Arabic Biography*, p. 3.

<sup>8</sup> *Ibid.*, p. xii; also A. Wensinck, J. P. Mensing and J. Brugman (eds.), *Concordance et indices de la tradition musulmane*, Leiden 1936–69, vol. 4, p. 321.

<sup>9</sup> See Jane Hathaway, *The Politics of Households in Ottoman Egypt: The Rise of the Qazdaghlis*, Cambridge 1997, p. 29; idem, "Sultans, Pashas, Taqwims, and Muhimmes," in D. Crecelius (ed.), *Eighteenth Century Egypt*, Claremont 1990, pp. 107–117.

<sup>10</sup> On Hasan al-Jabarti, see *'Aj.*, vol. 1, pp. 385–408.

by his mentor al-Zabidi and other contemporary scholars. His work enables us to understand the important role played by the 'ulama' in Islamic society after the destruction of the Arabic 'Abbasid caliphate and its capital Baghdad in 1258 by the Mongols. The Ottomans, who conquered Egypt in 1517 and claimed the Caliphate for themselves, deprived the descendants of Muhammad, the *ashraf* or *Sadat*, and the Arabs in general, of all political and military power.<sup>11</sup> This state of affairs continued under the Ottoman Mamluks and the French occupation, culminating in the decline of the status of the 'ulama' under Muhammad 'Ali.<sup>12</sup> The latter replaced them with secular officials who had received a European education, both administrative and military, mainly in France.<sup>13</sup>

Al-Jabarti was aware that he was witnessing the last generation of pious Muslim scholars and rulers under the conventional Islamic administration—its traditional economic and military systems, its customs and moral values, and its religious attitudes towards the *dhimmis* (non-Muslims under Muslim protection)<sup>14</sup> and *harbis* (non-Muslims residents outside the *dar al-Islam*). The changes he witnessed were taking place under the impact of continuous defeats of the Ottoman armies by the “infidel” European powers.<sup>15</sup> The European aggression climaxed with the French occupation of Egypt in 1798, which was perceived as a continuation of the Crusaders' attempts to recapture the Christian holy sites in the Holy Land in the Middle Ages (1096–1291). In the necrologies contained in the first two volumes of *'Aja'ib*, copied mainly from his mentor al-Murtala al-Zabidi's *Mu'jam Mukhtass*, al-Jabarti adopted a new social hierarchy in accordance with the Qur'anic injunction to “obey God, His messenger and your rulers” (59:4, 92:4).<sup>16</sup> He showed that “[t]he history of *akhbar* after c. 200/800 becomes the history of the diffuse fields of specialization that emerged from it. These include not only hadith but also the various branches of *adab*.” The above Qur'anic verses indicate that the third authority in Islam is the

<sup>11</sup> See Michael Winter, “The Ashraf and Niqabat al-Ashraf in Egypt in Ottoman and Modern Times,” *Journal of the Israel Oriental Society* 19/1 (1985), pp. 17–41.

<sup>12</sup> See 'Aj., vol. 4, pp. 68–69, 122, 125, 152, 244–245, cf. 295.

<sup>13</sup> See Marsot, *Egypt in the Reign of Muhammad 'Ali*.

<sup>14</sup> 'Aj., vol. 3, pp. 44, 51, 93, 109, 112–113, 135.

<sup>15</sup> See B. Lewis, *What Went Wrong? Western Impact and Middle Eastern Response*, London 2002.

<sup>16</sup> On this order during the first 'Abbasid rule, see Cooperson, *Classical Arabic Biography*, pp. 3, 6–23.

ruler, the Prophet's successor—namely, the caliph. With the rise of the 'Abbasid caliphate,<sup>17</sup> authority came into the hands of the descendants of the Prophet Muhammad and his family, until the end of the caliphate of al-Musta'sim (1212–1258). The caliphs were the religious and political rulers of the Muslim *umma*.<sup>18</sup> When non-Arab rulers came to power—namely the Mamluks and Ottoman sultans—the pious 'ulama' and the heads of Sufi orders who were descendants of the Prophet, the *Sadat* and *ashraf*, became—at least in Ottoman Egypt after Sulayman the Magnificent (1466–1520)—the representative of *'uli al-amr minkum* (the authorized Muslim authorities). The new military and political rulers, who were non-Arab tyrants and not well versed in the Islamic *shari'a*, were expected to obey and respect the 'ulama', who represented the *shari'a* and possessed ultimate authority in Islamic society.<sup>19</sup>

Al-Jabarti argued that there were two epochs in Islamic history during which the rulers were just and followed the *shari'a*. These epochs waxed and waned as the cycles of the moon. The first such epoch was that of the first righteous caliphs (632–660) after the death of the Prophet; the second was in the reigns of the sultans Selim I (1516–1520) and Suleyman (1520–1566), when the Ottomans attained the apex of their accomplishments in the sciences, the system of justice and their military expansion.

At the outset of their reign, the Ottomans were among the best to rule the (Islamic) community since the righteous caliphs. They were the strongest defenders of religion and opposers of the unbelievers, and for this reason their dominions expanded through the conquests that God gave to them and to their deputies. They upheld the performance of Islamic rites and the *sunna* (binding precedent in the form of Muhammad's sayings and behavior). They honored the 'ulama' and other religious leaders, supported the maintenance of the Two Holy Cities, Mecca and Medina,

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<sup>17</sup> Ibid.

<sup>18</sup> P. Crone and M. Hinds, *God's Caliph: Religious Authority in the First Centuries of Islam*, Cambridge 1986.

<sup>19</sup> On these rulers, see Ulrich Haarmann, "Joseph's Law—the Careers and Activities of Mamluk Descendants before the Ottoman Conquest of Egypt," in T. Philipp and U. Haarmann (eds.), *The Mamluks in Egyptian Politics and Society*, Cambridge 1998, pp. 55–84; also M. Winter, "The Re-emergence of the Mamluks Following the Ottoman Conquest," in *ibid.*, pp. 87–106; Jonathan P. Berkey, "The Mamluks as Muslims: The Military Elite and the Construction of Islam in Medieval Egypt," in Thomas Philipp (ed.), *The Mamluks in Egyptian Politics and Society*, Cambridge 1998, pp. 163–173.



and upheld the rules and principles of justice by observing Islamic laws and practices.<sup>20</sup>

Later Ottoman rulers, however, were charged by al-Jabarti with corruption, oppression, bribery and even ignorance of the fundamentals of Islam, although they claimed that “the subject population has been entrusted to [the sultan’s] guardianship by God.”<sup>21</sup> Al-Jabarti called them tyrants whose main aim was to invent means to brutally extract taxes from poor peasants; he also denounced the Mamluks for their vicious factional struggles and exploitation of their subjects. He praised the French for their justice, their love of knowledge and order, and their respect for the ‘ulama’, who were the main advisers to the French in the divan which they formed. But the French were also criticized for their cruelty in collecting taxes to maintain their army and in suppressing the two revolts of the Egyptians in Cairo. Al-Jabarti believed that the heads of the Sufi orders, in particular those who were pious descendants of the Prophet Muhammad’s family, were the ideal advisers, if not the legitimate rulers of Egypt.

Equipped with his profound knowledge of Islamic *fiqh* (jurisprudence) and the rules of composition, al-Jabarti set out to write his chronicle, evaluating events and judging rulers, personalities and scholars according to an Islamic value system.

#### AL-JABARTI’S ISLAMIC HIERARCHY

Al-Jabarti’s concept of the universe is purely Qur’anic and based upon the *sunna*. His conception of the universal hierarchy is based upon the Qur’anic verse according to which “God created people according to ranks (*darajat*) and raised some of you in rank above others” (6:65). The author cites this source for the Islamic system of universal authority no less than three times.<sup>22</sup> This system stems from God, who sends his prophets (*anbiya’*) to deliver his creatures from hell and to guide them to paradise. Only by “conformity to the rules of the Book and Justice”

<sup>20</sup> See ‘Aj., vol. 1, pp. 20–21.

<sup>21</sup> Ibid., vol. 2, 110, 118, 145; cf. vol. 4, pp. 213, 215, 227. See also Holt, “al-Jabarti’s Introduction to the History of Ottoman Egypt,” pp. 38–51. On al-Jabarti’s condemnation of bribery and praising piety, see, ‘Aj., vol. 1, p. 381, vol. 2, pp. 64, 77, 244, vol. 3, pp. 170, 242, 299, vol. 4, pp. 106, 191.

<sup>22</sup> Ibid., vol. 1, pp. 3, 8, 9.

can justice be maintained in a God-created society of the weak and the strong, and the weak be protected. Therefore God sent down the Book (*al-kitab*) with the truth, and also the balance (*al-mizan*) (42:16)—i.e., knowledge of the content of the *shari'a* so that those chosen by God will be able to rule justly. There are five categories of human beings who dispense justice in his hierarchical categorization. These are God's successors (*khulafa'*), who carry out his orders and prohibitions.

### *The Prophets*

Prophets are the first of the five ranks of human beings created by God. They “are the guides of the community, the pillars, and repositories of the Book and God’s faithful custodians over his creatures, to guide humanity aright.” They are commissioned by God to be messengers to their people; God “provided them the Book and the Balance to enable people to act with justice and truth to deliver them from infidelity and tyranny to the light of wakefulness and faith.”<sup>23</sup> As with the other prophets who were sent by God with their religions, His Messenger Muhammad can intercede (*shafa'a*) to save his followers from hell and to guide them towards paradise. While only Moses was *kalim Allah*,<sup>24</sup> able to converse with God face-to-face, Muhammad was allowed to receive his divine revelation through the angel Gabriel, who served as an intermediary between God and His Messenger. The followers of the Khalwati order believe that the angels Gabriel and Israfil are those who communicate with Muhammad. The saints among the 'ulama' are privileged to see the Prophet in their dreams and can invite his spirit as well as the spirits of his companions during their prayer sessions, as did Muhammad al-Kurdi, an eminent Sufi Khalwati. During the eighteenth century a controversy arose among the Egyptian and Turkish 'ulama' as to whether it is possible for the saints or even the prophets to see *al-Lawh al-Mahfuz* (the well-kept slab on which God inscribed the history of humanity).

Some saints (*waliy*, pl. *awliya'*), al-Saqqaf Ba-'Alawi, for example, were thought to be in intimate spiritual communication with the Prophet Muhammad. Ba-'Alawi was an admired scholar, performer of miracles (*karamat*) and recipient of inspired knowledge. He studied the Naqshabandi path with prominent Sufis and applied himself to it until

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<sup>23</sup> Ibid., vol. 1, p. 8.

<sup>24</sup> Ibid., p. 402.

its light shone upon him. He believed that “There is no veil remaining between him and the Prophet!”; in fact, he would not initiate anyone into the Naqshbandi order without with the permission of the Messenger of God. He also claimed to have been given the sword of Abu Bakr ibn al-‘Aydarus al-Akbar.<sup>25</sup> This would seem to be the reason that Edward Lane deals with saints and dervishes among the Egyptians in his two chapters on “superstitions.”<sup>26</sup>

### *The ‘Ulama’*

The second category of God’s custodians is that of saints (*awliya’*) and religious scholars (*‘ulama’*),<sup>27</sup> who are the heirs of the prophets and below them in rank. They take the prophets, God’s favorites, as their example and follow their path in order to preserve justice and truth. They know the Qur’an and the *sunna* as servants of God to keep His divine law. They will inherit paradise and dwell in it for ever.<sup>28</sup> Al-Jabarti criticized the deterioration of the moral standards of some scholars in his time, who instead of being devoted to God and His rules were afflicted with the love of “worldly honor and riches, leadership and position, and who show envy and malice”; as an example he mentions Shaykh Shams al-Din ‘Abd al-Rahman, known as Shaykh al-Sadat.<sup>29</sup>

The rank of religious scholars is followed by poets and writers who excel in the Arabic language and in Islamic ethics and thus enable Muslims to understand the Qur’an and the hadith. Michael Cooperson has noted that “[t]he history of *akhbar* after c. 200/800 becomes the history of the diffuse fields of specialization that emerged from it. These include not only hadith but also the various branches of *adab* (the literary and linguistic sciences) and of *ta’rikh* (history).”<sup>30</sup>

<sup>25</sup> Ibid., p. 72.

<sup>26</sup> Edward Lane, *An Account of the Manners and Customs of the Modern Egyptians*, London-New York 1954, pp. 228–253.

<sup>27</sup> See N. R. Keddie (ed.), *Scholars, Saints and Sufis*, Berkeley 1972.

<sup>28</sup> Qur’an 23:10–11. Cf. *‘Aj.*, vol. 1, p. 8. Women could be saints also, see *ibid.*, vol. 1, pp. 106–107. Lane, *Manners*, p. 228, agrees with al-Jabarti that “the Arabs are a very superstitious people; and none of them are more so than those of Egypt.”

<sup>29</sup> *‘Aj.*, vol. 1, p. 8, vol. 4, 189f.

<sup>30</sup> Cooperson, *Classical Arabic Biography*, p. 7.

### *Kings and Rulers*

The third category, after saints and religious scholars, is that of Muslim kings (*al-muluk*) and rulers (*wulat al-umur*) who “are the guardians of justice and equity among people and subjects.” They are expected to “maintain order and authority to secure their subjects’ life and property, for their prosperity, for justice and good-doing,”<sup>31</sup> for otherwise tyranny and injustice will lead to their destruction and they will perish. Our author defines the just king (*malik* or *imam ‘adil*) as follows: “He is one who deals justly with God’s people and keeps himself from oppression and corruption.” If he does not do so, God will consider him his enemy, since God rules according to reward and punishment (*thawab wa-‘iqab*). Oppression and injustice are the qualities God hates the most. It is the duty of kings and rulers to act in accordance with the Book and the *sunna*, to achieve justice. Justice and equity will preserve a king’s realm. In his introduction, al-Jabarti was courageous enough to criticize the Ottoman sultans, their governors (*wulat*, sing. *wali*) in Egypt, the Mamluk rulers and high secular officials in the service of the rulers. This category was generally corrupt, and very few indeed earned our author’s praise; Yusuf Pasha was among those few.<sup>32</sup>

### *The Middle Class*

This is the fourth category of al-Jabarti’s Islamic hierarchy. “They observe justice in their dealings and settle their crimes with equity. They return good for good and evil for evil.”<sup>33</sup> One such was Shaykh al-‘Arab Hammam bin Yusuf.<sup>34</sup>

### *Those Who Exercise Governance over Themselves*

The fifth category consists of those just people who maintain control over themselves, their limbs and their faculties, moderating their behavior in order to be an example for others to follow.<sup>35</sup> Good examples of this category are pious porters and shoe keepers at mosques—for example, the porter Shaykh Rabi‘ al-Shayyal of the Ahmadiyya Order,

<sup>31</sup> Qur’an 16:92; ‘Aj., vol. 1, p. 9.

<sup>32</sup> See ‘Aj., vol. 4, p. 268, especially in his Introduction to *Mazhar al-Taqdis*. See also Holt, “al-Jabarti’s Introduction to the History of Ottoman Egypt,” pp. 38–51.

<sup>33</sup> Ibid., vol. 1, p. 10.

<sup>34</sup> Ibid., pp. 343–345.

<sup>35</sup> Ibid., p. 10.

who always engaged in acts of piety; whenever he readied himself to pray his face became pale and he would tremble. When he pronounced the words, "God is great," you would think that his heart was being rent asunder, while his "entire body and all his limbs were devoted to the purpose for which he was created."<sup>36</sup>

Al-Jabarti's hierarchy differs from the one adopted by previous historians, who considered *'uli al-amr* as the secular rulers, even if they were of non-Arab origin. Al-Jabarti decided to use his new hierarchy especially when arranging his biographical necrology at the end of each year. Already in his introduction to *'Aja'ib*,<sup>37</sup> which he wrote as an essay on justice and as advice to rulers and religious scholars "who are the shadow of God on earth," he wrote that God made a "just man his successor on earth, so that he might rule people with truth and justice"<sup>38</sup> and that the *'ulama'* as bearers of knowledge are the heirs of the prophets.<sup>39</sup> In defining the science (or art) of history al-Jabarti states the order in which men of lore should be classified in historical works: prophets, saints, religious scholars, wise men or secular scholars (*hukama'*), and poets (*shu'ara'*), who should preach moral values.<sup>40</sup> This moral and God-fearing hierarchy is followed by kings, sultans and others who should obey the religious law.

The reason that kings and sultans were classified after scholars and learned Muslims, most of whom were Arabs, is probably due to the author's conviction, as a pious person, that authority leads to corruption and tyranny, especially in his time, when soldiers and Mamluk factions were engaged in eliminating each other, and the Ottoman *walis* (Turkish governors) together with the Mamluks used the most brutal means and laws to extort taxes from citizens and peasants. From time to time our author hints that the Mamluks and their servants were new converts to Islam, Christians or heathens who had been kidnapped or bought

<sup>36</sup> Ibid., pp. 1, 84 (on al-Shayyal) and vol. 2, p. 78 (on 'Isa b. Ahmad al-Qahawi).

<sup>37</sup> *'Aj.*, vol. 1, pp. 3–13. On this Introduction, see Holt, "al-Jabarti's Introduction to the History of Ottoman Egypt," pp. 38–51.

<sup>38</sup> See *'Aj.*, vol. 1, pp. 7–8.

<sup>39</sup> Ibid., p. 8; Cf. Cooperson, *Classical Arabic Biography*.

<sup>40</sup> Cooperson, *Classical Arabic Biography*, p. 13. In the Qur'an poets are mentioned as being among the tempters who will end in hell; but this is because Muhammad suffered from the attacks of hostile poets. In later Islamic times ascetic and Sufi poets composed poems reflecting high moral values. Among such advocates of moral values in Islam was the poet Hasan al-Hijazi, whom our author admired. Ibid., Cf., pp. 9–13; also *'Aj.*, vol. 1, pp. 78–80.

during their childhood and converted to Islam in the corrupt Mamluk military system, which no longer provided religious studies and training to loyalty and obedience together with a good military training, and whose graduates were no longer well versed in the *shari'a*.<sup>41</sup>

These are the main reasons the author classified the military class below the 'ulama' and the poets. The role of the 'ulama' in the Mamluk period, according to our author, was to act as guardians and advisers to the rulers in matters pertaining to the *shari'a*. The 'ulama' advocated knowledge (*ilm*) and justice (*haqq*, *adl*) in opposition to ignorance (*jahl*) of the religious rules and against the rulers' injustice (*zulm*, *jawr*). Al-Jabarti thus distinguished between *imam 'adil* (just ruler) who obeys God and follows his law and the advice of the 'ulama' and will be rewarded in this world and in the hereafter, and *imam ja'ir* (tyrant ruler) who will be hated by his subjects and punished by God now and in the hereafter. The just ruler must seek equality (*musawat*) among all his Muslim subjects with respect to their rights and duties, preach pity and modesty, and renounce the wealth of this world in favor of reward in the hereafter. Among the severe sins that rulers and officials commit is bribery (*rashwa*), which our author criticized and pinpointed as a cause of the destruction of states and of rulers.<sup>42</sup>

Al-Jabarti divided rulers into two groups. There are those who heed the advice of the 'ulama', rule with justice and refuse to receive bribes,<sup>43</sup> among them were the Mamluk sultan Baybars (1223–1277) and the Ottoman sultans Selim I (1512–1520) and his successor Süleyman the Magnificent (1520–1566). They were just, ruled according to the Islamic law and expanded the Muslim territory at the expense of the European infidels. On the other hand, al-Jabarti condemned rulers who were tyrants, oppressed Muslim subjects and refused to heed the advice of the 'ulama'. The latter also were divided into two categories: there were those 'ulama' who refused to serve the rulers as judges and in other religious posts out of piety because authority leads to tyranny, oppression and corruption; and there were those 'ulama' who agreed to serve the rulers and exploited their jobs to quickly acquire wealth through bribery and oppression.

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<sup>41</sup> 'Aj., vol. 1, p. 132, vol. 2, p. 180, vol. 3, p. 321, vol. 4, 263. Cf. Haarmann, "Joseph's Law," pp. 55–84.

<sup>42</sup> 'Aj., vol. 1, p. 21, vol. 2, pp. 77, 224.

<sup>43</sup> Ibid., vol. 1, p. 18.

## THE IDEAL MUSLIM SCHOLAR

As a pious Muslim, al-Jabarti tried to revive the Islamic system of justice, solidarity and zeal for *jihad* against the “infidels” (*kuffar*)—that is, the European powers. He called for treating non-Muslim subjects (*ahl al-dhimma*) according to the *dhimma* rules as laid down in the *shari‘a*. This meant not allowing non-Muslims to rule Muslims, carry weapons or ride horses, and forbidding the Christian pilgrimage to Jerusalem, barring the building of new churches and the renovation of old houses or the construction of new ones to be higher than those of neighboring Muslims.<sup>44</sup> Al-Jabarti admired the pious and zealous Wahhabi movement, which enabled a woman to defeat the corrupt Ottoman soldiers in Hijaz, but he lamented their non-acceptance of the Sufi orders, their belief in Muslim saints and their miracles and their refusal to permit pilgrimage to their tombs.<sup>45</sup>

The ideal Muslim scholar, according to al-Jabarti, should behave with humility and courtesy, provide help to the poor, and be modest in clothing and food. Such a scholar should refuse to allow others to kiss his hands, abstain from receiving visiting *grandees*, and refuse their presents if they did come to visit him.<sup>46</sup> Such a scholar should be gentle, humble, and also self-effacing; he should not meddle in worldly affairs, wear valuable garments, ride a horse or enter the house of an *amir*; he should devote himself to learning and scholarship.<sup>47</sup>

Not only ‘*ulama*’ should be modest and observant of religious duties, but every Muslim, especially Mamluk rulers. Those Mamluks who observed their religious duties and behaved accordingly are said by our author to have been beyond reproach. An example was Ridwan Jurbaji al-Razzaz, a good Muslim to the point that there was “nothing to mar his character, either touching worldly affairs or matters of religion.”<sup>48</sup>

Al-Jabarti collected and wrote down hundreds of biographies. Almost no scholar was spared his critical scrutiny. The most comprehensive necrologies in ‘*Aja’ib* are devoted to a comparative study of three

<sup>44</sup> Ibid., vol. 2, pp. 103, 154–155, vol. 3, pp. 91, 93, 191, vol. 4, p. 2.

<sup>45</sup> Ibid., vol. 1, p. 89; Lane, *Manners*, pp. 112–113.

<sup>46</sup> See for instance ‘*Aj.*, vol. 1, p. 162, on Mustafa al-‘Aziz al-Shafi‘i. On forbidding the wearing of luxurious clothes in Islam, especially silk, see *thawb*, pl. *thiyaab shuhra*, in S. Moreh, *Live Theater and Dramatic Literature in the Medieval Arab World*, Edinburgh-New York 1992, pp. 75–76.

<sup>47</sup> Such as Shaykh Muhammad al-Buhuti, ‘*Aj.*, vol. 2, pp. 99–100.

<sup>48</sup> Ibid., p. 305.

eminent scholars of the eighteenth century. The first was the author's own father, Hasan al-Jabarti (1697–1790), a model Muslim scholar;<sup>49</sup> the second was his mentor al-Murtada al-Zabidi (1732–1791), who is depicted as a moderately pious scholar;<sup>50</sup> the third was Shaykh al-Sadat, the embodiment of an evil, greedy and conceited scholar, one craving the wealth of this ephemeral world, whose house, after being the cradle of piety and charity, became devoted to the extortion of taxes from poor people.<sup>51</sup> These three biographies constitute a masterful depiction of the three types of religious scholars.

#### FALSE 'ULAMA' AND FALSE SUFIS

Al-Jabarti's religious and social criticism of the 'ulama' and the Sufi shaykhs of his time was very much influenced by the poet Hasan al-Badri al-Hijazi (d. 1718). Our author depicts al-Hijazi as a pious Muslim who secludes himself from human society and is contented with his condition, since in society men behave as predators towards each other.<sup>52</sup> Al-Hijazi was one of the most gifted poets, a social and political critic, an eloquent writer of originality and insight, who scolded the scholars of the Azhar mosque and the popular Sufi orders who permitted indecent gatherings of men and women where *mawlid*s (saints' birthdays) were celebrated. No one escaped his criticism and rebuke, especially scholars who exploited the belief of the Egyptians in saints and encouraged the common people to visit idiots and fools, and present offerings at their tombs after their death.<sup>53</sup>

Al-Hijazi's versified criticism of corrupt scholars—whether 'ulama', Sufis or dervishes—was praised by our author, who quoted lengthy poems on the subject, in which their faults and the pagan rites surrounding them were criticized. One example is 'Uthman of Fayyum, who came to Cairo in 1699 and claimed to be a saint. Men and women who believed in his sainthood committed fornication in public, acts that provoked the anger of the soldiers, who then killed him. Al-Hijazi

<sup>49</sup> Ibid., pp. 385–413, vol. 2, p. 395.

<sup>50</sup> Ibid., vol. 1, pp. 234–246, vol. 2, pp. 201–202.

<sup>51</sup> Ibid., vol. 1, pp. 192, 204, 385, vol. 2, p. 197, vol. 4, pp. 186, 333.

<sup>52</sup> Ibid., vol. 1, pp. 74–75.

<sup>53</sup> Ibid., pp. 147, 220 (the *mawlid* of Shaykh 'Abd al-Wahhab al-'Afifi and the atrocities and fornication committed then), vol. 2, pp. 106–107, 248, vol. 3, pp. 43–44, 78, 80. Lane, *Manners*, discusses Muslim saints in his chapter "Superstitions," pp. 228–253.



described this incident in a long poem as follows:<sup>54</sup> Every madman among these Sufis is considered a saint by the ignorant people. Even their scholars venerate such men and take them for their lords in place of the Almighty. They forget God; they say that a certain human being grants relief from trouble. When such a man dies, they make his tomb a shrine and throng to visit it—Arabs and non-Arabs alike. Some kiss the gravestone; others kiss the threshold of the door or the dust. Thus do pagans treat their idols, seeking to draw near them! For they are infected with fornication, perjury and tyranny; with oppression, stealing and looting. All of this is the result of blindness—woe to the man whose heart God has blinded.<sup>55</sup>

Al-Hijazi goes on to say that God has afflicted them with coarse, impolite people. They care for their outward appearance, enlarging their turbans and broadening their sleeves to look like masters walking with books to hunt for money. Their false and pretentious behavior is clear to all, and in fact they are like wolves, attempting to prey on people for their money. They boast of their knowledge in order to hide their ignorance. People should beware of them and of those who pretend to devote themselves to praising God, who finger the rosary, wear wool, carry a staff, wear a hairshirt, hold gourds and pitchers. They are cunning; the devil has become their follower, and pleads for their help and support. Their goal is money, not the Muslim saints whom they call up. They have taken beardless boys as objects of desire; they are head-over-heels in love with them, and they openly call the youths their novices (*bidayat*).<sup>56</sup>

Al-Jabarti endorsed much of al-Hijazi's criticism against false Sufis, but as a Khalwati adherent, he was careful also to highlight the merits of pious Sufis. He expresses great reverence for the *awliya'* and heads of the Sufi orders. He explains that they are among the *abdals* who are gifted with the special power of *shafa'a* (intercession). Such saints protect Islamic lands from calamities (lit. provide a roof or a shelter over a country),<sup>57</sup> as happened in Egypt in the case of al-Saqqaf. Any

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<sup>54</sup> 'Aj., vol. 1, pp. 28–29. On indecent behavior between men and women in *mawliids*, see *ibid.*, p. 220 and vol. 4, p. 6 (fornication in a mosque), vol. 4, p. 227. On al-Shaykh Saduma, who was believed to be “one of the saints, a man gifted with mystical states and contemplative knowledge... an unmatched master of all (spiritual arts), was executed because deceived by the amir's concubine,” see 'Aj., vol. 2, pp. 17–18.

<sup>55</sup> *Ibid.*, vol. 1, pp. 78–81.

<sup>56</sup> *Ibid.*, pp. 79–81.

<sup>57</sup> *Ibid.*, p. 303.

harm that befalls them will be avenged by God through his rule of "reward and punishment." Our author explains the calamities that befell the Muslim world and the defeat of the Ottomans by the imperialistic European powers as due to the assassination of the Khalwati saint Muhammad ibn Salim Hifnawi (al-Hifni) al-Shafi'i al-Khalwati, who was the Grand Master (*khalifat al-waqt*) and the "pole" (*qutb*) of the age.<sup>58</sup> He was assassinated by the Mamluks of 'Ali Bey Abu al-Dhahab.<sup>59</sup> Sufi scholars of this kind, mainly saints, received al-Jabarti's special attention. He copied Hifnawi's long biography from Shamma al-Fawwi and ended with the author's statement of faith in his holiness and in God's punishment to all those who harm such people:

Indeed, it is clearly perceived that if there is no one among men to speak the truth openly, enjoin the right, forbid the wrong, and establish guidance, the order of the world becomes corrupt and men's hearts are filled with dissension. When dissension fills men's heart, afflictions follow. It is a known and established matter that the soundness of the community depends on its scholars and kings. The soundness of kings depends on the soundness of scholars, and the corruption of the effect follows from the corruption of the cause. How much more so when the cause (of soundness) was lost... When the amirs living in Cairo began to raise an army against 'Ali Bey and Salih Bey and asked (al-Hifnawi for his) consent, he denounced them and would not give permission... Knowing that their intention could not be realized while the master stood in the way, they diverted his attention and poisoned him. Afterwards, finding no one to forbid or deter them, they sent out their armies, and the result was their defeat and destruction in an exemplary punishment. 'Ali Bey came to power, with no one to deter him, he too did as seemed best to him, and as a result affliction descended on Egypt, Syria, and Hijaz, and spread to include the whole world and all countries. This is the open secret, which is an indubitable consequence of the inner (secret)—which consists of respect for the inheritors of prophecy, complete conformity (to them), making the foundations firm, setting up the guideposts of the right way and Islam, and strengthening the edifice of piety. For such men are God's trusted ones in the world, the choicest of the sons of Adam. "Those are the inheritors who shall inherit Paradise, therein dwelling forever" (Qur'an 23:10–11).<sup>60</sup>

<sup>58</sup> Ibid., pp. 300–301. On them, see Lane, *Manners*, p. 236.

<sup>59</sup> *Aj*, vol. 1, pp. 304–303.

<sup>60</sup> His necrology is in *ibid.*, pp. 289–304.

Like the poet al-Hijazi, our author looked down on the popular Sufi orders such as the Ahmadiyya<sup>61</sup> and the derwishes called *arbab al-ashayir*.<sup>62</sup> But whenever he estimated that such shaykhs were pious he enumerated their merits with admiration.<sup>63</sup>

## CONCLUSION

Al-Jabarati's narrative upholds an idealistic vision of Muslim scholars who, as representatives of the divine law, maintain their authority over political rulers and seek justice and welfare for the Muslim community. This vision served our author as a mirror in which to examine the moral and religious deviations of the 'ulama' of his time, which he believed to be the main reason for Muslim society having become an easy prey for the European powers. However, al-Jabarti could not ignore the sustained communal status of the 'ulama'.

In his systematic and careful study of "the true political position of the 'ulama' during the eighteenth and nineteenth centuries," Lars Bjoerneboe arrived at the following conclusion:

The 'ulama' were important to the Ottoman government and the emirs. In the decentralized Ottoman Empire the influence of the central government was maintained by a policy of divide and rule, supporting groups to counterbalance other groups, creating ties of clientage and patronage while weakening or breaking the alliances favored by local *a'yan* and their households. The emirs of Ottoman Egypt, especially the masters of what remained of the Qazdughli household, operated along the same lines, sometimes as in the turbulent 1780s in fierce competition with the central government, at other times in uneasy cooperation.<sup>64</sup>

In fact the 'ulama' were important for both the Ottomans and the Mamluks, who lavished on them presents, offices and revenue to secure their loyalty. Both felt the need to legitimize their rule over Egypt. The

<sup>61</sup> Ibid., vol. 1, p. 80. Cf. Lane, *Manners*, p. 294.

<sup>62</sup> Lane, *Manners*, pp. 449–450, 464.

<sup>63</sup> 'Aj., vol. 1, p. 84. As such, al-Jabrati denounced the Wahhabiyya, a puritanical movement that emerged in Najd at the end of the eighteenth century, for its rejection of spiritual and miraculous deeds performed by true Sufi saints during their lives and after their deaths and its demolition of venerated shrines. See also Esther Peskes, "The Wahhabiyya and Sufism in the Eighteenth Century," in F. De Jong and Bernd Radtke (eds.), *Islamic Mysticism Contested*, Leiden 1999, pp. 145–161.

<sup>64</sup> Bjoerneboe, *In Search of the True Political Position of the 'Ulama'*, pp. 321–322.

Ottomans' policy was to stir factional conflicts so as to weaken their rivals among the Mamluks and the grandees of Egypt.

Muhammad 'Ali, who rose to power in 1805 and sought to implement reforms based upon the European military and administrative systems, reversed the traditional status of the 'ulama'. Through his agrarian and *waqf* reforms he was able to deprive the religious scholars of their influence, wealth, privileges and sources of living. He sought the loyalty of those 'ulama' who backed his reforms, such as Hasan al-'Attar, and replaced those who opposed him with secular officials who had received a European education. In this way he was able to end the long period during which the 'ulama' dominated the scientific, cultural, literary, and social life of Egypt and bring his country to a more European orientation.



PART TWO

CONFRONTING A CHANGING WORLD: MODERNIZATION,  
REFORM AND NATIONAL DISCOURSE



### CHAPTER THREE

#### 'ULAMA' AND POLITICAL ACTIVISM IN THE LATE OTTOMAN EMPIRE: THE POLITICAL CAREER OF ŞEYHÜLİSLÂM MUSTAFA SABRI EFENDİ (1869–1954)

Amit Bein

The position of the religious establishment in the state became a subject of controversy in the Ottoman Empire after the revolution of 1908. Following the restoration of a constitutional regime, heated debates concentrated on the roles the 'ulama' should have in a modern, forward-looking state. The new political order presented new challenges to the position of the religious establishment in the state, but also offered new opportunities for political activism. The Committee of Union and Progress [CUP], the clandestine organization that led the revolution and dominated the political arena in the decade that followed it, endeavored to subordinate the 'ulama' to its authority. Formally, the ruling party opposed the involvement of the religious establishment in politics, ostensibly to keep it above the potentially damaging political fray. In reality, the Unionist leadership welcomed cooperative 'ulama' and rewarded them in various ways, while opponents were targeted for marginalization and, in some cases, persecution. Many 'ulama' became convinced that the CUP government targeted the religious establishment for marginalization and social and political irrelevance. Their concerns were informed by credible suspicions regarding the Unionist leadership's commitment to preserving the Islamic character of the state and were augmented in reaction to the flare-up of anti-religious publications after 1908. Some 'ulama' believed that only through political activism would they be able to defend their collective interests as well as the Islamic character of the Ottoman state.

Mustafa Sabri Efendi (1869–1954) emerged as the most prominent figure among the 'ulama' advocating political activism and opposing the CUP. From a little-known junior *medrese* professor in Istanbul before 1908, he had emerged by the eve of World War I as an influential politician, well-known journalist, and a respected religious scholar. In the span of a decade and a half after the revolution, he served as the



editor-in-chief of the mouthpiece of the 'Ulama' Association in Istanbul, as a representative in the Chamber of Deputies, and eventually as *şeyhülislâm* (the head of the religious establishment in the empire). During this period he distinguished himself as the leading proponent of the involvement of 'ulama' in political life. Often faced with opposition from fellow 'ulama', he took it upon himself to direct the struggle against the relegation of the religious establishment into a marginalized and relatively weak agency of the state.

Mustafa Sabri was one of a number of mid-level 'ulama' who rose to prominence after the revolution of 1908 thanks to their successful use of newly available political institutions and forums for activism. They became active in party politics and the press to advance their interests and agendas. He was a conspicuous example of 'ulama' who supported the new constitutional regime but opposed the direction and characteristics it assumed under the Unionist leadership. His rise to political prominence, achievements, and travails illuminate the aspirations and concerns of important segments of the Ottoman religious establishment during the closing years of the empire. He set an example of unapologetic advocacy for the involvement of the religious establishment in politics. This position had become controversial already during the closing years of the Ottoman Empire and has remained so ever since. In the decades that followed, the political path he followed served as a source of inspiration and a role model for some Islamic activists in Turkey, while others believed that the choices made by him and like-minded 'ulama' in fact undermined the position of the religious establishment in the Ottoman Empire and early republican Turkey.

#### THE HAMIDIAN PERIOD: THE BENEFITS AND DRAWBACKS OF SULTANIC PATRONAGE

The regime of Abdülhamid II maintained the public veneer of a strong bond between the government and the religious establishment. The reality, however, was much more complex. On the one hand, the 'ulama' held important positions in the judicial and educational systems, were frequently hailed as a major pillar of the state and society, and were largely shielded from any public criticism. On the other, the sultan was distrustful of their loyalty and did not accord them and their institutions major roles in his program of reform and modernization.<sup>1</sup> 'Ulama' who

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<sup>1</sup> Amit Bein, "Politics, Military Conscription, and Religious Education in the Late

accepted these terms could thrive under the sultan's patronage. Those who dissented, however, could be penalized harshly by the authorities, like other opposition activists.<sup>2</sup>

The early career of Mustafa Sabri Efendi illustrates the possibilities open to 'ulama' under the Hamidian patronage. At the same time, it also reflects the limitations set on their involvement in public debates on the future course of the Ottoman Empire.

Like most other important late Ottoman 'ulama', Mustafa Sabri hailed from a provincial town in Anatolia. He was born in Tokat in 1869 into a family of 'ulama'. His early education is also quite typical. After completing his primary education in his hometown he proceeded, in his early teens, to pursue his studies at Kayseri, a regional center of learning. A few years later, upon completion of his studies there, he left for Istanbul to continue his education in the capital.<sup>3</sup> This was a well-established career path for aspiring provincial *medrese* students in Anatolia and the Balkans. The most celebrated 'ulama' of the Ottoman heartland were teaching in the *medreses* of the capital. Studying in Istanbul therefore offered not only the best religious education, but also better career opportunities and a more lenient process of exemption from military service.<sup>4</sup>

By the late nineteenth century, an increasing number of *medrese* students were supplementing their religious education with other forms of schooling. Many attended state schools, either before enrolling in the *medreses* or during their studies. Others took private lessons in foreign languages and modern sciences, to boost their credentials in a social environment increasingly less appreciative of traditional religious scholarship.<sup>5</sup> Mustafa Sabri Efendi was not one of these students. He never had any formal education beyond the *medrese*; his studies concentrated entirely on the traditional Islamic sciences. Nevertheless, thanks to his academic merits, and an influential patron, he was able to embark on a path of exceptionally rapid career advancement.

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Ottoman Empire," *International Journal of Middle East Studies* 38/2 (2006), pp. 283–301.

<sup>2</sup> M. Şükrü Hanioğlu, *The Young Turks in Opposition*, New York 1995, pp. 49–58.

<sup>3</sup> Mustafa Sabri, *Mawqif al-'aql wa'l-'ilm wa'l-'alim min rabb al-'alamin wa-'ibadihi al-mursalin*, Cairo 1950, vol. 1, pp. 1–2.

<sup>4</sup> Bein, "Politics, Military Conscription, and Religious Education," pp. 283–301.

<sup>5</sup> Amit Bein, "The Ulema, Their Institutions, and Politics in the Late Ottoman Empire (1876–1924)," Ph.D. dissertation, Princeton University 2006, p. 63.

Soon after his arrival in Istanbul, he made the acquaintance of Gümülcineli Ahmed Âsım, who became his instructor, patron, and eventually father-in-law. Mustafa Sabri's new mentor was not a mere *medrese* professor. He was the commissioner of *medrese* education (*Ders Vekili*) in the Office of the *Şeyhülislâm*. Mustafa Sabri impressed his mentor to such an extent that he handed the young student a certificate of graduation (*icazet*) after only a little more than two years of study and married him to his daughter. He also persuaded the young scholar to take the *Rüüs* examinations. Mustafa Sabri took the examinations and passed them at the age of 21, thus securing the privilege to teach in the *medreses* of Istanbul. This was no mean feat for a young scholar who had arrived in the capital less than three years earlier without any meaningful connections to influential 'ulama' or bureaucrats.<sup>6</sup>

The ambitious young scholar reached a new milestone in his fledgling career when after a few years he made the personal acquaintance of the sultan. The first step in this direction was his appointment as a respondent (*muhattab*) in the imperial lecture-classes on the Qur'an (*huzûr-i hümayûn dersleri*). These were scholarly conferences held by prominent 'ulama' in the presence of the sultan each year during the holy month of Ramadan.<sup>7</sup> Participation was rewarded with handsome gifts and decorations from the ruler, and at times also with promotion in rank. At the age of 29, Mustafa Sabri was the youngest participant in these gatherings of the most esteemed 'ulama' of the capital.<sup>8</sup> As a young scholar, his wages were quite low and a very long path of professional advancement stretched before him.<sup>9</sup> A connection with the palace could offer a faster path of promotion.

Eager to distinguish himself in the eyes of the sultan, he compiled a scholarly tract in the wake of one of the sessions, had it inscribed by a

<sup>6</sup> Interestingly, Mustafa Sabri later wrote that his father was very critical of his rapid advance. He believed that his son should have studied at least ten more years, as was the accepted norm. See Sabri, *Mawqif al-'aql*, vol. 1, pp. 1–2.

<sup>7</sup> For details on the origins and structure of the *huzûr dersleri*, see Madeline C. Zilfi, "A Medrese for the Palace: Ottoman Dynastic Legitimation in the Eighteenth Century," *Journal of the American Oriental Society* 11/2 (1993), pp. 184–191.

<sup>8</sup> Ebül'ulâ Mardin, *Huzûr Dersleri*, Istanbul 1966, vol. 2, p. 350; Mufrah ibn Sulayman al-Qawsi, *al-Shaykh Mustafa Sabri wa-mawqifuhu min al-fikr al-wafid*, Riyadh 1997, p. 69.

<sup>9</sup> In the first two years he earned no wages, as was customary, and then became entitled to the humble monthly salary of 85 piaster. See the facsimile copy of Mustafa Sabri's official biography, in Ali Sarıkoyuncu, "Şeyhülislâm Mustafa Sabri'nin Milli Mücadele ve Atatürk İnkılabları Karşıtı Tutum ve Davranışları," *Atatürk Araştırma Merkezi Dergisi* 39 (1997), p. 803.

calligrapher, and personally delivered it to one of the imperial chamberlains. A few months later, in 1900, the ambitious young scholar was appointed as a private librarian to the sultan in his library at the Yıldız Palace, a post he held for four years. He continued teaching during this time, and in 1903, at the age of 34, he awarded graduation diplomas to fifty *medrese* students in a celebratory ceremony under the sultan's auspices.<sup>10</sup>

Although the rapid promotion and sultanic patronage benefited Mustafa Sabri, he felt increasingly uneasy about the repressiveness of the Hamidian regime. Like other 'ulama', he resented the inhibitions on public expression in general and on the ability of religious scholars to participate in public debates in particular. He was concerned that under the Islamic veneer of the Hamidian regime, the political classes and intelligentsia were increasingly being overtaken by ideas and a cultural outlook that he considered to be anathema to Islam, its institutions and established traditions. Under these circumstances, widening circles of the Ottoman intelligentsia and bureaucratic elite adopted a barely concealed attitude of hostility towards the 'ulama' and their institutions.<sup>11</sup>

In 1898, Mustafa Sabri gave expression to his concern with some of the new cultural orientations of the intelligentsia. He published an article critical of views expressed by Hüseyin Cahid [Yalçın], a well-known littérateur who after 1908 became the semi-official spokesperson of the CUP. A decade earlier, he had published an article in which he urged the nurturing of "our Turkishness" (*Türklüğümüz*) and advocated the continuation of the process by which "we are currently being Europeanized" (*Avrupahlaşıyoruz*).<sup>12</sup> Mustafa Sabri found these views offensive. He was particularly incensed by Hüseyin Cahid's complementary argument that "we" should reject "the sciences of the Arabs" as sources of knowledge, guidance, and inspiration. Mustafa Sabri contended that Hüseyin Cahid was actually advocating the rejection of the authority and heritage of the Islamic traditions and branches of knowledge. He responded that Islam was the primary ingredient in the indivisible Ottoman-Turkish-Islamic

<sup>10</sup> As a junior professor he had earned 300 piasters a month. His appointment as the sultan's librarian entitled him to a wage of 1,500 piasters a month. During this period he was also awarded gold decorations and several cash gifts from the sultan's treasury. See a facsimile copy of his official biography in Sarıkoyuncu, "Şeyhülislam Mustafa Sabri," p. 803; al-Qawsi, *al-Shaykh Mustafa Sabri*, pp. 67–68, 652–653, 689.

<sup>11</sup> Hanioglu, *The Young Turks in Opposition*, pp. 200–205.

<sup>12</sup> Hüseyin Cahid, "Arab'dan İstifade Edeceğimiz Ulum," reproduced in Hüseyin Cahid, *Kavğalarım*, (Istanbul 1326 [1910]), pp. 95–108.

character of the state and society. In his view, Hüseyin Cahid reflected dangerous views that were current in his social and intellectual milieu. Without mincing his words, Mustafa Sabri warned these “decadent Europeanizers” that their deplorable undertaking would meet with the strongest opposition of devout Muslims.<sup>13</sup>

The article reveals young Mustafa Sabri’s strong convictions and his eagerness to engage in public debate and comment on controversial subjects. This early altercation with Hüseyin Cahid anticipated his confrontations with the CUP and their supporters after the fall of the Hamidian regime. And yet it was the only piece Mustafa Sabri ever published before the revolution of 1908. Another article he wrote was banned by the censor, and he was advised not to engage in public controversies. The stream of articles he published in the immediate wake of the revolution suggests that his silence had been enforced, not voluntary. (Many years afterwards, he related to acquaintances his displeasure with the limitations on free speech before the revolution.)<sup>14</sup> He and many other ‘ulama’ were therefore frustrated with the Hamidian restrictions on their ability to lead a public campaign against what they saw as a gradual but persistent assault on the traditions of Islam and the status of the religious establishment in the empire.

By the early years of the twentieth century the Hamidian regime had become so discredited that even men like Mustafa Sabri welcomed its downfall. He greeted the revolution of July 1908 with joy and immediately pronounced his support for the fledgling new political order. Although a beneficiary of sultanic patronage, he had become convinced that the Hamidian restrictions on free speech and political activities were unjustified and damaging. He was well aware of the challenges facing the religious establishment under the new regime. Nevertheless, he was eager to take advantage of the new political order and lead a public campaign in defense of the Islamic character of the state in general and the interests of the religious establishment in particular. The elimination of the Hamidian censorship and the legalization of political activity finally allowed him to seek to participate in shaping the future of the empire. He was a firm supporter of the constitutional system, believing that the majority of Ottoman voters and legislators

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<sup>13</sup> Mustafa Sabri, “Cür’etli Bir Dekadan,” reproduced in Hüseyin Cahid, *Kavgalarım*, pp. 109–114.

<sup>14</sup> M. Ertuğrul Düzdağ (ed.), *Üstad Ali Ulvi Kurucu Hatıraları*, İstanbul 2007, vol. 2, p. 38.

would support the strengthening of the Islamic character of the state and the special position of the 'ulama' in the polity. He was therefore ready to forgo the patronage and certainties of the Hamidian period and embrace the opportunities opened up by the revolution. Like many other 'ulama', he believed that the benefits would outweigh the risks inherent in the breaking up of the Hamidian status quo.

#### POLITICAL ACTIVISM UNDER UNIONIST DOMINANCE

Mustafa Sabri was one of the most noteworthy examples of mid-level 'ulama' who surged to influential positions in the wake of the revolution. While many of the senior 'ulama' were discredited because of their association with the Hamidian regime or were unable to adapt to the new political circumstances, ambitious junior 'ulama' who supported the revolution were ready to assume leadership positions within the religious establishment.

Mustafa Sabri Efendi became a prominent public figure in the wake of the revolution thanks to his good reputation among the 'ulama' of the capital. Only weeks after the revolution, he played a major role in establishing the 'Ulama' Association (*Cemiyet-i İlmiye-i İslâmiye*). This was a voluntary organization of the 'ulama' in Istanbul that aimed to represent their collective interests and participate in public debates. Mustafa Sabri was elected to the administrative committee of the association. Perhaps more importantly, he was also appointed editor-in-chief of its new mouthpiece, *Beyan'ül-Hak*. The articles he published in the journal and his editorial position helped increase his renown in Istanbul as well as in provincial towns in Anatolia and the Ottoman Balkans.

During these early days of the new regime, the 'Ulama' Association and its mouthpiece were supportive of the CUP. They had established good working relations with the clandestine organization that brought about the restoration of the constitution. So much so, that in late 1908 Mustafa Sabri was elected on a Unionist ticket to the newly reconvened Chamber of Deputies.<sup>15</sup>

Thus, thanks to the revolution, the 39-years-old and hitherto little known *medrese* professor advanced to the forefront of Ottoman politics

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<sup>15</sup> Bein, "The Ulema, Their Institutions, and Politics," pp. 112–120.

and public life. He took advantage of his new position in the press to publish dozens of articles on religious, social, and political issues. Similarly, he sought to advance legislative initiatives that he believed would secure the Islamic character of the state.

In his writings he particularly censured critics of the ‘ulama’, their institutions, and the traditions associated with them. The Ottoman press at the time was carrying various calls for changes in the roles played by religious institutions, and some of the suggestions were quite radical. For instance, one article advocated the restructuring of the Ottoman court system along the lines of the French secular legal system; another urged the removal of the *şeyhülislâm* from the cabinet.<sup>16</sup> In his articles Mustafa Sabri attacked these and similar suggestions. He warned against calls for the alteration of longstanding Islamic traditions and denounced initiatives to downgrade the importance of religious institutions in general and the ‘ulama’ in particular.<sup>17</sup> By late 1908 he had thus distinguished himself as a prominent spokesperson of the socially conservative wing of the religious establishment.

He and like-minded ‘ulama’-cum-legislators supplemented their public campaign in the press with legislative initiatives in parliament. In early 1909, they initiated a resolution calling for the expansion of the Ottoman civil code, the Mecelle (Ar. *Majalla*), to include additional legal fields.<sup>18</sup> They hoped that the *shari‘a*-based legal code would eventually serve as the basis for all aspects of Ottoman law. When the initiative was presented to parliament in early 1909 it won massive support in two separate votes and was forwarded to the *şeyhülislâm* for further elaboration.

The Unionist leadership opposed this initiative, which in turn soured its relations with Mustafa Sabri and his associates. The inner circles of the CUP had no intention of helping to expand the application of Islamic law as interpreted by the ‘ulama’. Many of them in fact sought

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<sup>16</sup> Ahmed Cevdet, “Şeyhülislâm Efendi Hazretleriyle Mülakat ve Hükâm-ı Şer‘iyyenin Tensikati,” *Tanin* (22 July 1324 [4 August 1908]), p. 3; Küçük Hamdi, “İslâmiyet ve Hilafet ve Meşihat-ı İslâmiye,” *Beyan’ül-Hak* 1/22 (16 February 1324 [1 March 1909]), p. 511.

<sup>17</sup> Mustafa Sabri, “Din-i İslâm’da Hedef-i Münakaşa Olan Mesâil,” *Beyan’ül-Hak*. 1/3 (6 October 1324 [19 October 1908]), pp. 8–11; *ibid.*, no. 5 (20 October 1324 [2 November 1908]), p. 92; *ibid.*, no. 8 (10 November 1324 [23 November 1908]), p. 155.

<sup>18</sup> For details on the Mecelle and its initiation in the 1870s, see Osman Kaşıkçı, *İslâm ve Osmanlı Hukukunda Mecelle*, Istanbul 1997; Selim Deringil, *The Well-Protected Domains*, London 1998, pp. 50–51.

to diminish the importance of Islamic institutions and traditions. Ahmed Rıza Bey, the Unionist president of the Chamber of Deputies, therefore employed a tactic of intentional delays to postpone any further debate on the initiative to the end of the year. Disregarding the vehement protests of Mustafa Sabri and his associates, in March 1909 he closed the subject for any further consideration.<sup>19</sup>

The relationship between the Unionist leadership and Mustafa Sabri and his associates in the 'Ulama' Association were even more seriously damaged following the anti-CUP rebellion in April 1909. Rebellious soldiers forced the Unionist leadership to flee the capital. A new government was formed in Istanbul even as military units in the Balkans were preparing to march on Istanbul to restore order. At this moment of crisis, the 'Ulama' Association expressed its unwavering support for the constitutional regime but did not condemn the violent ousting of the CUP from power. Some pamphlets they published in *Beyan'ül-Hak* and other journals and newspapers even appeared to be critical of the Unionist leadership. This lack of support angered the CUP leaders. They were further incensed by reports that many *medrese* students and 'ulama' had sided with the rebels and helped them during the early stages of the revolt.<sup>20</sup>

Once the insurrection had been quelled by pro-CUP military units, the Unionist leadership implemented a retaliatory policy against 'ulama' it considered disloyal. Mustafa Sabri and his associates in the 'Ulama' Association were therefore targeted for marginalization. Their legislative proposals in parliament, including the Mecelle initiative, were blocked, while the public activities of the 'Ulama' Association were restricted by the authorities. Finally, when their views were blatantly ignored in the consultations leading to the appointment of a new *şeyhülislâm* in early 1910, Mustafa Sabri and some of his close associates decided to leave the CUP formally and join the opposition.<sup>21</sup>

In February 1910, eleven members of the CUP parliamentary group founded a new opposition party they named the People's Party (*Ahali Fırkası*). Nine of the founding members, including Mustafa Sabri and a few other members of the 'Ulama' Association, were 'ulama'. Unionist operatives therefore lost no time in denouncing the new party as

<sup>19</sup> Bein, "The Ulema, Their Institutions, and Politics," pp. 116–120.

<sup>20</sup> Sina Akşin, *Şeriatçı bir Ayaklanma: 31 Mart Olayı*, Ankara 1994, pp. 83–5, 114–117, 174–175, 245–247.

<sup>21</sup> Bein, "The Ulema, Their Institutions, and Politics," pp. 127–136.



clerical in character and reactionary in orientation. Mustafa Sabri and his associates angrily rejected these accusations. They took pains to explain that the new party was democratic and supportive of the constitutional regime. However, their efforts to expand the party's membership failed miserably. The Unionist leadership orchestrated a propaganda campaign against the party members, prevented them from establishing branches in the provinces, and instructed the security agencies to spy on Mustafa Sabri and his associates.<sup>22</sup>

The surveillance and harassment of the opposition activists culminated in July 1910 in the arrest of dozens of men accused of subversive activities. Some of the imprisoned individuals were associates of Mustafa Sabri, and the press reported suspicions that he was one of the leaders of a revolutionary illegal organization. Anxious to prove his guilt, the security services tortured his associates in an effort to pressure them to incriminate him. The whole affair ended after a few weeks with very meager results. Most of the men were summarily pardoned and released, and Mustafa Sabri was never indicted. He was shaken by the affair but not disheartened. In fact, he became even more determined to continue his struggle against the authoritarian tendencies of the CUP and its attempts to choke any political opposition.<sup>23</sup>

#### POLITICAL DIVISIONS WITHIN THE RELIGIOUS ESTABLISHMENT

Mustafa Sabri's opposition to the CUP pitted him and his associates in the 'Ulama' Association against fellow 'Ulama' who supported the ruling party. For various reasons, a substantial number of 'Ulama' in Istanbul and the provinces continued to back the CUP despite concerns about the anti-religious inclinations of some of its leaders.<sup>24</sup> Some believed that the Unionists offered the struggling empire its best chance to survive the mounting internal and external pressures to dismember it. Others expected the party to back their advocacy of radical reforms in the religious establishment and its institutions. Still others sought

<sup>22</sup> Ibid., pp. 135–138; A. R. Öge, *Meşrutiyetten Cumhuriyete Bir Polis Şefinin Gerçek Anıları*, n.p. 1982, pp. 89–106, 165–170.

<sup>23</sup> "L'Association secrète: Une Arrestation sensationnelle," *Stamboul* (20 July 1910), p. 1; Rıza Nur, *Cemiyet-i Hafıyye*, (Istanbul 1997 [orig. 1914]), pp. 98–120; Hafız Kemal, *Cemiyet-i Hafıyye İşkenceleri yahud bir Sergüzeşt-i Hunin*, (Istanbul 1993 [orig. 1911]), pp. 9–29.

<sup>24</sup> M. Şükrü Hanioglu, *Preparation for A Revolution*, New York 2001, pp. 305–308.

to reap personal benefits from association with the ruling party. The Unionists did indeed compensate their supporters with appointments and other benefits and were always able to count on the support of some 'ulama'.

Musa Kâzım Efendi was the most noteworthy supporter of the CUP within the religious establishment. His contacts with the party earned him appointment to the Senate in late 1908 and the seat of the *şeyhülislâm* in July 1910. Other supporters of the CUP were appointed to various key positions in the higher echelons of the religious administration.<sup>25</sup>

In 1909 the Unionist 'ulama' established the 'Ulama' Committee (*Hey'et-i İlmiye*) in a direct challenge to the 'Ulama' Association. The new organization operated in Unionist clubs and under the auspices of the CUP. It arranged social events, lectures, and publications that featured Unionist 'ulama' such as Musa Kâzım Efendi and were intended for 'ulama' and *medrese* students. Their competing and opposing political agendas created very tense relations between the two 'ulama' organizations. Muhammad Rashid Rida, the well-known Egypt-based Syrian scholar and journalist, reported on the animosity between the two organizations after spending several months in Istanbul in 1910. He described in some detail the denunciations and harsh criticism of the 'Ulama' Association by the Unionist 'ulama'.<sup>26</sup>

The disagreements between the two main factions of the 'ulama' of Istanbul involved competing visions of the future of the religious establishment. Musa Kâzım Efendi and his associates supported the implementation of radical reforms in Islamic institutions. They were particularly adamant about the need to restructure and update the curriculum, pedagogy, and administration of the *medreses*. They argued that the implementation of required reforms ought to be comprehensive and rapid rather than piecemeal and gradual. Mustafa Sabri and his associates opposed this stance. Although they agreed in principle with the need to reform *medrese* education, they voiced concern that the government might take steps to weaken the institutions of religious learning, and perhaps eventually eliminate them, all under the guise of reforms. They therefore advocated limited and very gradual changes

<sup>25</sup> Esat K. Ertur, *Tamu Yelleri*, Ankara 1994, pp. 74–77.

<sup>26</sup> "Al-Jam'iyya al-'Ilmiyya fi'l-Asitana," *al-Manar* 13 (2 November 1910), pp. 753–758.

that would lead to a long-term transformation rather than rapid break with existing practices. The resulting controversy about the future course of *medrese* education contributed to an increase in the political polarization among the 'ulama' of the capital.<sup>27</sup>

The CUP and its supporters maintained their hold over the government, but by late 1911 they faced increasing difficulties and challenges. Divisions within the party and the war with Italy in Tripoli of Barbary weakened their hold on power and appeared to offer their opponents new opportunities to dislodge the Unionists from power. In late November, all the major opposition parties, including the People's Party, merged together to form a new party known as the Entente Libérale (*Hürriyet ve İtilâf Fırkası*). Mustafa Sabri Efendi was elected to serve as one of the party's two vice presidents. Shortly thereafter he became one of its main spokespersons in parliament, in the press, and in public meetings.<sup>28</sup> As the state was descending into a political crisis, the 'Ulama' Association informally supported the opposition, while Unionist 'ulama' countered this stance with activism for the CUP. Musa Kâzım Efendi left the office of *şeyhülislâm* in late 1911, following a smear campaign by his opponents in the religious establishment. He was accused of being a Freemason and thus disloyal to the interests of Islam. This setback did not prevent him from continuing to serve as the chief proponent of a pro-CUP stance among the 'ulama'.

#### THE ELECTION CAMPAIGN OF 1912

The political deadlock of late 1911 led to the dissolution of parliament and preparations for a general election. Mustafa Sabri and his associates and Musa Kâzım Efendi and his allies each campaigned for their respective parties. The two men were on opposite sides of the political fence, but they both represented the rapid politicization of the religious establishment after 1908. Before the restoration of the constitutional regime, none of them had held a senior position or had any prospect of attaining national prominence in the foreseeable future. Both moved to the forefront of public life thanks to their political activity rather than on the basis of sultanic patronage, family connections, seniority arrangements, bureaucratic considerations, or scholarly achievements.

<sup>27</sup> Bein, "The Ulema, Their Institutions, and Politics," pp. 174–185.

<sup>28</sup> Ali Birinci, *Hürriyet ve İtilâf Fırkası*, Istanbul 1990, p. 66.

By early 1912 the two men were established as nationally renowned leaders in their respective factions. As such, they both hit the campaign trail to mobilize support for their parties outside of Istanbul.

Mustafa Sabri began campaigning in the European provinces before proceeding to Anatolia. In several towns he experienced firsthand the pressure exerted by Unionist activists on opposition candidates. In the port town of Kavala, for instance, he encountered a raucous crowd of Unionist operatives that tried, unsuccessfully, to block his way. They protested his intention to hold a joint public meeting with the local Ottoman-Greeks and accused him of cooperating with the enemies of the Muslims. A few weeks later, while campaigning in Anatolia, the governor of the province of Konya attempted to disrupt a Friday sermon Mustafa Sabri was delivering in the city's main mosque. The governor and other Unionist supporters accused him of using his religious authority to undermine the unity of the Muslims and their struggle against their many enemies within and without the empire.

The heavy-handed methods used by the CUP, and their success in retaining substantial support, contributed to its victory in the elections. Musa Kâzım Efendi and other Unionist 'ulama' were instrumental in the party's efforts to depict itself as the champion of the Muslims and denounce their political opponents as self-interested politicians and backward conservatives. They gave sermons in mosques and speeches in public squares in support of Muslim unity, under the banner of the CUP. The Unionists won the elections handily, but in the process they helped discredit the democratic process and the constitutional regime.<sup>29</sup>

The elections of 1912 proved that neither the ballot box nor parliamentary politics could dislodge the CUP from power. This was a severe blow to Mustafa Sabri and his associates. Disappointment led to disillusionment; he and many other 'ulama' lost much of their faith in the parliamentary system.<sup>30</sup>

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<sup>29</sup> Hasan Kayali, "Elections and the Electoral Process in the Ottoman Empire, 1876–1919," *International Journal of Middle East Studies* 27 (1995), pp. 273–277; Rashid Ismail Khalidi, "The 1912 Election Campaign in the Cities of Bilad al-Sham," *International Journal of Middle East Studies* 16 (1984), pp. 461–474.

<sup>30</sup> Bein, "The Ulema, Their Institutions, and Politics," pp. 160–165.

## POLITICAL MARGINALIZATION OF THE 'ULAMA', 1913–1918

The Ottoman Empire underwent a series of political upheavals and suffered a military catastrophe in late 1912 before the CUP succeeded in establishing single-party rule in 1913. Difficulties in the European provinces and the threat of armed rebellion had forced the Unionist cabinet to resign in July 1912. A government opposed to the CUP was subsequently appointed and the parliament was dissolved. Meanwhile, a number of Balkan states, sensing the Ottoman vulnerability, joined in a secret alliance. They invaded the Ottoman territories in October and in a matter of weeks brought an end to centuries-long Ottoman rule in the Balkans. The empire's losses—territorial, material, and human—were devastating. The CUP took advantage of anti-government sentiment and staged a successful coup d'état on 23 January 1913. Thereafter the Unionist leadership established what amounted to a single-party regime and held on to the reins of power until the end of World War I.

Unionist political dominance was ensured by severe measures to repress opposition to the party. In 1913, hundreds of opposition activists were arrested in Istanbul and deported to various prisons in Anatolia. Mustafa Sabri was able to escape the first wave of arrests in January and flee abroad. He spent several months on the run in France, Egypt and Austrian-ruled Bosnia before settling down in Romania in late 1914. The Ottoman government considered him a fugitive. He was therefore excluded from the religious establishment, his property was confiscated and his citizenship rights were suspended. To make ends meet he taught in a Muslim seminary in Romania. He spent the early years of World War I in exile, even as his political rivals in the CUP were tightening their hold on power.<sup>31</sup>

The 'ulama' who sided with the Unionists initially benefited from the CUP's absolute rule and the annihilation of the opposition. Their takeover of senior positions in the religious community accelerated, and they could finally implement some of the radical reforms they espoused. Mustafa Hayri Efendi, a loyal Unionist activist, was appointed *şeyhülislâm* in March 1914, with the explicit task of reforming the institutions of the religious establishment. The most meaningful changes

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<sup>31</sup> Abdülkadir Altunsoy, *Osmanlı Şeyhülislâmları*, Ankara 1972, p. 255; Bein, "The Ulema, Their Institutions, and Politics," pp. 235–238; Müstecib Ülküsal, *Kırım Yolunda Bir Ömür: Hatıralar*, Ankara 1999, p. 49.

were introduced in *medrese* education. In late 1914, the *medreses* of the capital were completely reorganized. Their curricula were changed to include the modern sciences, foreign languages, and even physical education; the faculty was boosted by prominent Ottoman intellectuals, while many former *medrese* professors were retired; and the administrative and financial organization of the *medreses* was revised to mirror the bureaucratic structure of the state schools. The Unionist 'ulama' pinned their hopes on the reformed *medreses*; they were to serve as the model for similar changes throughout the state. The timing of the reforms, however, was most unfortunate. They were initiated just as the Ottoman Empire was being drawn into World War I. During the long war years, the lofty expectations of the Unionist 'ulama' were mostly drowned in a sea of frustration and disappointment.<sup>32</sup>

The religious establishment experienced a number of setbacks and was increasingly marginalized during the war. The mobilization of students and professors crippled the *medreses*. In the reformed *medreses* of the capital, for example, fewer than 2,000 students were enrolled in 1918—only a fraction of the number enrolled in 1908.<sup>33</sup> Meanwhile, the Unionist leadership began implementing policies aimed at diminishing the jurisdiction of the religious establishment. The most controversial changes were the transfer of jurisdiction over the Islamic law courts from the *şeyhülislâm* to the Ministry of Justice and the adoption of a uniform family law.<sup>34</sup> These reforms were resented even by erstwhile supporters of the CUP in the religious establishment. The apparent marginalization of the 'ulama' convinced even as loyal a Unionist as *Şeyhülislâm* Mustafa Hayri Efendi to tender his resignation in 1915. He was replaced by the more pliant Musa Kâzım Efendi.<sup>35</sup>

The contraction of the religious establishment and the deterioration of its status alarmed Mustafa Sabri Efendi, but to his frustration, he could do nothing about it. In fact, after four years of living as a fugitive, he was arrested by the Ottoman authorities in early 1917. This came about after Romania joined the war on the side of the Allies. The Ottoman contingent in the armies of the Central Powers that invaded Romania detained him and transferred him back to Ottoman territory.

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<sup>32</sup> Zeki Salih Zengin, *Meşrutiyette Medreseler ve Din Eğitimi*, Ankara 2002, pp. 90–166.

<sup>33</sup> Sadık Albayrak, *Türkiye'de Din Kavgası*, İstanbul 1973, p. 182.

<sup>34</sup> Erik J. Zürcher, *Turkey: A Modern History*, 3rd ed., New York 2004, pp. 121–122.

<sup>35</sup> Bein, "The Ulema, Their Institutions, and Politics," pp. 201–208.

He was immediately banished to Bilecik, a small town in western Anatolia, where he joined some of his old allies in the opposition and other political prisoners. There he spent about a year and a half, until the end of Unionist rule and the end of the war.

During the long months of imprisonment Mustafa Sabri and his associates could do little but await the downfall of the CUP. They had all the time they wanted to plan their moves once the moment came. They shared the desire to take over the leadership of the state but did not have a clear plan on its future course. Mustafa Sabri was particularly determined to overturn the Unionist reforms that affected the 'ulama' and reassert an important position for the religious establishment. Many of his political allies did not share these goals, but they preferred to leave their differences aside for the time being. Once Mehmed VI Vahideddin, the recently enthroned new sultan, issued a general amnesty to all political prisoners in October 1918, they all raced to Istanbul seeking prominent positions in the leadership of the state.<sup>36</sup>

#### ŞEYHÜLİSLÂM MUSTAFA SABRİ EFENDİ

Mustafa Sabri and his political allies wasted no time in reorganizing their ranks, and they soon succeeded in taking the reins of power into their hands. They reestablished the Entente Libérale, their old political party, and opened dozens of branches in Istanbul and Anatolia. Mustafa Sabri meanwhile led in the foundation of a new voluntary association of *medrese* professors (Cemiyet-i Müderrisin), along similar lines to the old 'Ulama' Association, to represent their interests. With these organizational bases of support, Mustafa Sabri and his political allies successfully lobbied the sultan to place the government in their hands. In early March 1919 he appointed Mustafa Sabri Efendi as *şeyhülislâm*, alongside Damad Ferid Pasha as grand vizier.<sup>37</sup>

Mustafa Sabri made it very clear that he intended to use his office to promote his political and social agendas. He announced, for example, that he would take steps to remedy previous reforms that were intended to pave the way for "the separation of religion and state and

<sup>36</sup> Refik Halid Karay, *Minelbab İlelmihrab*, Istanbul 1992, pp. 42–43; BOA-DH.EUM.1.Şb 6/31.

<sup>37</sup> Sina Akşin, *İstanbul Hükümetleri ve Millî Mücadele*, Istanbul 1976, pp. 169–185.

the distancing of the *şeyhülislâm* from politics.”<sup>38</sup> He therefore pressured the cabinet to restore the Islamic law courts to the jurisdiction of the religious establishment; he also continued to be deeply involved in party politics. At the same time, he spearheaded a campaign for the restoration of Islamic norms and practices in public life. Along with many other ‘ulama’ and Islamic intellectuals, he claimed that the religiosity and morality of the Muslims in the capital had significantly deteriorated under Unionist rule. To remedy this situation, he sought to designate the ‘ulama’-dominated Islamic Academy (*Dar’ül-Hikmet’ül İslamiye*) to be in charge of monitoring and preventing immoral activities in the empire.<sup>39</sup> His activism in his first weeks in office won him the support of many fellow ‘ulama’ and Islamic intellectuals; but at the same time he became a lightning rod for the many supporters of a more secular polity.

Several journalists and intellectuals opened a campaign against Mustafa Sabri, accusing him of harboring a clericalist agenda. His opponents lampooned him and charged that he wished to establish “a *medrese* regime” (*medrese saltanatı*). In June 1919, some of his erstwhile allies in the Entente Libérale also joined the fray. Following internal struggles for the party leadership, his opponents denounced Mustafa Sabri as a modern-day Cardinal Richelieu who wanted to establish the dominance of the clericalists (*klerikaller*). He was criticized as being overambitious, and one historian even described him as only the last in a long list of ‘ulama’ whose intervention in politics had brought only disasters on the empire. Such harsh public criticism of an officiating *şeyhülislâm* was unprecedented.<sup>40</sup>

Mustafa Sabri and his supporters rejected these accusations as slanderous and politically motivated. They accused his detractors of harboring a secret anti-Islamic agenda and unwarranted hatred towards the ‘ulama’ and their institutions. Despite the harsh criticism, Mustafa Sabri and his associates were determined to do all they could to reverse the policies implemented by the CUP and enforce what they believed to be proper Islamic norms of conduct in public life. As causes for deep

<sup>38</sup> “Şeyhülislâm Efendi Hazretleri’nin Beyanâtı,” *Sebilürreşad* 16/404 (10 April 1335 [1919]), pp. 130–132.

<sup>39</sup> For details, see Sadık Albayrak, *Son Devrin İslâm Akademisi: Dâr-ül Hikmet-il İslâmiye*, Istanbul 1973.

<sup>40</sup> “Déclarations de Sadik bey,” *Le Moniteur Oriental* (4 July 1919), p. 1; Tarık Zafer Tunaya, *Türkiye’de Siyasi Partiler*, n.p. 1984, vol. 2, pp. 318–320; Ahmed Refik, “Hoca Nüfuzu,” *İkdam* (25 October 1335 [1919]), p. 2.



concern, they emphasized in particular prostitution, the consumption of alcoholic beverages, immoral dress by women, and the excessive mixing of males and females in public.<sup>41</sup> However, by the second half of 1919 another, more pressing issue had taken center stage, and these social issues were subsequently relegated to a backburner.

The struggle over Anatolia and the government's policies towards the resistance movement there became the most important topic on the political agenda. Local organizations in the provinces were set up to defend the rights of the Muslim population as early as late 1918, often in cooperation with state officials and army commanders. The Greek occupation of Izmir and its environs in May 1919 helped boost popular support for them, while the Ottoman cabinet's irresolute response to the crisis convinced the leaders of these organizations to become increasingly independent of Istanbul. Mustafa Kemal Pasha landed in Samsun on 19 May, a few days after the Greek occupation of Izmir. His mission was to help bring the provinces under stricter government control. Instead, he took immediate steps to coordinate the activities of the regional organizations and unite them into a national resistance movement. By late 1919 Mustafa Sabri had distinguished himself as one of the bitterest opponents of the movement that was coalescing under the leadership of Mustafa Kemal Pasha. He viewed Mustafa Kemal and his close associates as Unionists in disguise and argued that although they pledged to defend the interests of the Muslims, they would only bring about political and social catastrophes, just as their Unionist predecessors had done. He contended that negotiations with the Allies and painful territorial concessions were preferable to a victory that would entail the rule of Mustafa Kemal and his associates.

Many 'ulama' and Islamic intellectuals resented these views. They may have had their doubts about the leadership of the resistance movement, but they believed that the grave situation called for unity of action to maintain Muslim sovereignty in Anatolia. As a result, many 'ulama' and Islamic intellectuals who had supported Mustafa Sabri's social agenda in early 1919 had fallen out with him by the end of the year. Some even accused him of doing damage to the reputation of the religious

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<sup>41</sup> Bein, "The Ulema, Their Institutions, and Politics," pp. 242–249.

establishment and suggested that the 'ulama' should keep away from involvement in divisive party politics.<sup>42</sup>

Mustafa Sabri's first stint as *şeyhülislâm* ended following the resignation of the cabinet in September 1919, but he continued to maintain a high political profile. His activities concentrated on mobilizing opposition to the resistance movement in Anatolia. He therefore endorsed the *fatwa* issued in April 1920 by *Şeyhülislâm* Durrizade Abdullah Efendi, in which Mustafa Kemal and his associates were denounced as rebels who should be vanquished. He wrote articles in the same vein. He therefore backed the deployment of armed contingents to fight Mustafa Kemal and his men and destroy their base of support and the alternative government they had established in Ankara and central Anatolia. The many supporters of the resistance movement did not take these views lying down. Mustafa Sabri was denounced as a traitor to his people and his faith, and was sentenced to death in absentia by the independence tribunals of the Ankara government.<sup>43</sup>

In Istanbul, however, his fiery rhetoric against Mustafa Kemal and his associates won Mustafa Sabri a new stint as *şeyhülislâm* in July 1920, in a cabinet formed to sign a peace settlement with the Allies. The Treaty of Sèvres stipulated the loss of Ottoman control over much of Anatolia and was therefore very unpopular. Although Mustafa Sabri and his political associates certainly disliked the loss of sovereignty in some regions and the restrictions to be implemented in territories still formally Ottoman, they believed that opposition to the Allies was futile and risked prompting the imposition of even harsher measures. Government representatives therefore signed the treaty on 10 August, but it was not clear how would they be able to compel the Ankara government to accept it. Forces organized or backed by the Ottoman government and ordered to march on Ankara were all but annihilated by the end of the summer.

The cabinet in Istanbul was divided on how best to extend its effective authority into central Anatolia. Mustafa Sabri and several other ministers demanded uncompromising steps to confront the Ankara government. Grand Vizier Damad Ferid and others preferred a wait-and-see

<sup>42</sup> Mustafa Sabri Efendi, *al-Nakir 'ala munkiri al-ni'mah min al-din wa'l-khilafah wa'l-ummah*, Beirut 1342/1924, pp. 9–10.

<sup>43</sup> Kâşif Sırrı (pseudo.), *Dinini Bir Şiline Satanlar*, Samsun 1337 [1921] in Andrew Ryan Papers PRO/FO 800/240; Sadık Albayrak, *Meşrutiyet'ten Cumhuriyet'e Meşihat Şeriat Târikat Kavgası*, Istanbul 1994, vol. 2, pp. 300–304.

policy for the time being, considering the flare-up of hostilities in eastern Anatolia and the Greek threats in Thrace and western Anatolia at the time. The controversy within the cabinet ended in late November with the resignation of Mustafa Sabri and his associates. He expected to be reappointed as *şeyhülislâm* in a new cabinet, but this expectation was never realized. Until the resignation of the last Ottoman cabinet in November 1922, he was never again appointed by the sultan to any government post.<sup>44</sup>

The demise of Mustafa Sabri's political career also proved to be a final setback to his efforts to secure for the religious establishment a major role in the political arena. Mehmed Nuri Efendi, his successor in the office of the *şeyhülislâm*, opposed this agenda. He believed that the 'ulama' should not involve themselves in party politics. He therefore dismissed most of Mustafa Sabri's appointees and loyalists from important posts and maintained a very low political profile during his two years in office. As a result, long before the final victory of the Ankara government in late 1922, Mustafa Sabri had already lost much of what influence he had enjoyed in the religious establishment. He later acknowledged that he had failed to convince many 'ulama' of the desirability, and even pressing need, for them to be involved in politics. His argument was that the political neutralization of the 'ulama' would facilitate the assault of the anti-religious circles in Ottoman society on the religious establishment and its institutions and on the Islamic character of the state. He convinced some 'ulama' but failed to persuade many others. His failure to achieve most of his political goals, and the fact that the enmity towards him translated into a backlash against the 'ulama' in general, had the effect of boosting the position of advocates of an apolitical religious establishment.<sup>45</sup>

#### EXILE: JIHAD OF THE PEN

The victory of the Ankara government and the resignation of the last Ottoman cabinet forced Mustafa Sabri to flee Istanbul in November 1922. He was one of hundreds of political refugees who escaped abroad

<sup>44</sup> Bein, "The Ulema, Their Institutions, and Politics," pp. 261–271; Zürcher, *Turkey*, 152–153.

<sup>45</sup> Karay, *Minelbab İlelmihrab*, p. 256; Altunsu, *Osmanlı Şeyhülislâmları*, pp. 265–267.

out of fear for their lives. Sultan Mehmed VI Vahideddin was among them. He and a number of other prominent exiles, including Mustafa Sabri, hoped to continue the struggle against the Ankara government from outside of Anatolia. They gathered in the Hijaz in December 1922 and sought to initiate an international Islamic campaign against Mustafa Kemal and his associates. But they soon had to give up their plan due to tensions with the king of Hijaz, Husayn bin Ali, and the opposition of the British.<sup>46</sup> In early 1923 they all left the Hijaz for various destinations in Europe and the Middle East. Mustafa Sabri Efendi spent some time in Egypt, Lebanon, Italy and Romania, before settling down in Greek western Thrace in 1927. He stayed in Greece for less than four years before leaving for Egypt, where he lived for more than two decades, until his death in 1954.

Mustafa Sabri devoted the last decades of his life to an intellectual campaign against the Turkish Republic and supporters of its reforms in the Balkans and Egypt. He explained that this stage of his life was a continuation of his earlier struggles, only by different means. In his words, he substituted an academic religious jihad (*al-jihad al-'ilmi al-dini*) for his former engagement on the path of political jihad (*al-jihad al-siyasi*). Never willing to make his peace with the Turkish Republic, he held on to the controversial view that "the atheist Kemalist regime" was the greatest calamity ever to have befallen the Turks, and that even Christian colonial rule would have been preferable.<sup>47</sup> Therefore, although Ankara issued a general amnesty to him and all the other political exiles in 1938, he never returned to Turkey.

His publications in the 1920s focused primarily on harsh criticisms of Turkey and warnings to all other Muslims not to follow its example. In 1923, for example, he published in Beirut a book in Arabic entitled *al-Nakir 'ala munkiri al-ni'mah min al-din wa'l-khifafah wa'l-umma* (A Refutation of Those Who Deny the Blessing of Religion, Caliphate, and the Umma). In this book, and in a number of articles he published in Arabic in several Egyptian newspapers, he warned the Arabs against what he described as the atheist regime in Turkey.<sup>48</sup>

In the late 1920s, while in Greece, he focused his message on Turkish-readers in the Balkans and in Turkey. For three years he published a

<sup>46</sup> Joshua Teitelbaum, "Taking Back the Caliphate: Sharif Husayn Ibn Ali, Mustafa Kemal and the Ottoman Caliphate," *Die Welt des Islams* 40 (2000), pp. 417–420.

<sup>47</sup> Sabri, *Mawqif al-'aql*, vol. 1, p. 2; *ibid.*, vol. 4, pp. 281–285.

<sup>48</sup> Sabri, *al-Nakir 'ala munkiri al-ni'mah*, pp. 3–10ff.

Turkish-language newspaper that was highly critical of Turkish nationalism and the reforms in Turkey. In 1928, for instance, he famously expressed his abhorrence of the new developments in Turkey in a poem entitled "I resign." In it, he not only emphasized his disgust with the new Turkish state and its secularization but went so far as to declare his resignation from the Turkish nation, and to express his regret that the Turks had not been Arabized in the past, which presumably would have prevented the clash between nationalism and religious affiliation. His newspaper was distributed in the Balkans and some copies were smuggled across the border into Turkey.<sup>49</sup>

In 1931, after he had left Greece and settled in Egypt, Mustafa Sabri shifted to publishing only in Arabic and primarily about religious and theological issues. His books and articles were polemical in nature, their main focus during this period being to take to task self-styled Islamic reformers and refute their claims, views, and suggestions for theological or normative changes in Islam.

These topics were by no means new to him. Already in the immediate wake of the revolution of 1908 he had published a series of articles entitled "Controversial Issues in Islam," which were later collected and published in book form. In them he rejected calls for reform and change in such aspects of Islamic law as polygamy, divorce and veiling.<sup>50</sup> A decade later, after years of writing political articles, he published two new books, written in Turkish, while he was imprisoned in Romania and Bilecik. The two books, published in 1919, included polemical discussions and refutations of suggestions for reforms in various aspects of Islamic theology, law and public life.<sup>51</sup>

After arriving in Egypt in the early 1930s, Mustafa Sabri resumed publishing polemical essays on religious questions, but from then on only in Arabic. He published a book about the perception of predestination (*qadar*) in Islam, the permissibility and desirability of translating the Qur'an, the proper conduct and societal position of Muslim women, and

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<sup>49</sup> Nuray Mert, "Cumhuriyet'in İlk Döneminde Yurtdışında İki Muhalefet Yayını: Yarın ve Müsavat," *Toplum ve Bilim* 69 (1996), pp. 128–149; Sadık Albayrak, *Hilafet ve Kemalizm (Hilâfet-i Muazzâma-i İslamiye)*, Istanbul 1992, pp. 179–207.

<sup>50</sup> For a new edition in modern Turkish, see Mustafa Sabri, *Mes'eleler Hakkında Cevaplar*, Istanbul 1995.

<sup>51</sup> For a new edition in modern Turkish, see Mustafa Sabri, *Musa Carullah Bigiyef'e Reddiye*, Istanbul 1998; idem, *Dinî Müceddidler*, Istanbul 1994.

other controversial social and religious questions.<sup>52</sup> In all these books he upheld conservative views. Developments in Turkey had convinced him that the Muslims should hold on to their traditional interpretations of the faith rather than provide an opening to the enemies of the faith by embracing the cause of reform. In his case this meant primarily upholding conservative Sunni Hanafi legal stances and an Ash'arite theological stance. His four-volume magnum opus, based primarily on polemical articles he had published in the Egyptian press since the 1930s, was published shortly before his death.<sup>53</sup>

In the decades that followed, Islamic scholars and activists continued to nurture his memory and embrace his intellectual output, while his political legacy remained highly controversial. Dozens of books and articles about his life and thought have been published in Turkey since the 1970s, along with reprints in modern Turkish and translations from Arabic of most of his books.<sup>54</sup> His advocacy of uncompromising opposition to secularism and in favor of an Islamic regime has continued to inspire some circles of the Islamic movement in Turkey.

However, his political legacy and his complete disowning of Turkish nationalism have remained highly controversial and perhaps somewhat embarrassing even to his admirers. His opposition to the struggle for Anatolia after World War I and "resignation" from the Turkish nation in the late 1920s were used by Kemalist intellectuals to denounce him as "the collaborationist *şeyhülislâm*."<sup>55</sup> His supporters usually preferred to overlook these somewhat uncomfortable episodes in his political career and emphasize his principled denunciations of anti-religious trends in Ottoman Turkish society in general and of Kemalism in particular. Indeed, although some sections of the Islamic movement in Turkey prefer to cherish his intellectual legacy while downplaying his political views, others have also embraced his legacy of political activism. For good or bad, Mustafa Sabri stands out as the prime example

<sup>52</sup> See, for example, his *Mas'alat tarjamat al-Qur'an*, Cairo 1351H [1931–32]; *Qawli fi'l-mar'ah*, Cairo 1354h [1935–6]; and *Mawqif al-bashar tahta sultan al-qadar*, n.p., n.d.

<sup>53</sup> Sabri, *Mawqif al-'aql*.

<sup>54</sup> See, for example, Hayreddin Karaman, "Mustafa Sabri Efendinin Kader İnancı Üzerine Bir Tartışma" *Diyanet Gazetesi*, no. 103 (15 October 1974), pp. 6–7; Yusuf Kılıç, "Şeyhülislâm Tokat'lı Mustafa Sabri Efendi," *Türk Tarihinde ve Türk Kültüründe Tokat Sempozyumu*, Tokat 1987, pp. 613–630; Ahmet Akbulut, "Şeyhülislâm Mustafa Sabri ve Görüşleri (1869–1954)," *İslami Araştırmaları* 6/i (1992), pp. 32–43.

<sup>55</sup> Niyazi Berkes, *The Development of Secularism in Turkey*, New York 1998 [orig. 1964], p. 340.

of 'ulama' who were unwilling to obediently accept their marginalization, and engaged in politics and public life in an effort to resist the secularization of their societies. His struggles did not yield impressive results during his lifetime, but the legacy he left behind became an important component of the intellectual foundations of the Islamic movement in Turkey.

## CHAPTER FOUR

### ITALIAN COLONIAL RULE AND MUSLIM ELITES IN LIBYA: A RELATIONSHIP OF ANTAGONISM AND COLLABORATION

Anna Baldinetti

In Libya,<sup>1</sup> under Italian rule, ‘ulama’, Sufi shaykhs and other religious dignitaries played an important role, as Islam not only legitimated the resistance but also became a fundamental element in colonial policies. However, the relationships between the colonial authorities and the religious elites, beyond what the colonial laws prescribed, have as yet not been examined,<sup>2</sup> except for the Sanusiyya order. This paper aims to fill this research gap, focusing mainly on the region of Tripolitania.

#### LIBYA UNDER COLONIAL CULTURAL SCRUTINY

During the early years of colonial rule, the Italian authorities paid no particular attention to the gathering of any kind of information about the inhabitants, religious customs or culture of Libya. Moreover, the Italian occupation of Libya had been planned without any preliminary cultural knowledge of the territories.<sup>3</sup> It was only in September 1911, just a month before the start of the military operations, that the Ministry of Foreign Affairs began to gather some bibliographical material on Libya.<sup>4</sup>

From the very beginning of their occupation of Tripoli (1911) the Italians proclaimed the principle of religious freedom and guaranteed

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<sup>1</sup> In December 1934 Tripolitania and Cyrenaica were unified into a single colony named Libya; before this date the denomination “Libya” is used for convenience.

<sup>2</sup> For a general overview of Italian colonial policy towards religions, see Cesare Marongiu Buonaiuti, *Politica e religioni nel colonialismo italiano (1882–1941)*, Varese 1982. The only work relating specifically to Libya is Salvatore Bono, “Islam et Politique Coloniale en Libye,” *The Maghreb Review* 13 (1988), pp. 70–76.

<sup>3</sup> See Anna Baldinetti, “Italian Studies on Tripolitania Tribes (1911–1915),” *The Maghreb Review* 22 (1997), pp. 162–166.

<sup>4</sup> On this issue, see the documentation contained in the Archivio Storico del Ministero dell’Africa Italiana (hereinafter: ASMAI), housed in the Archivio Storico-Diplomatico del Ministero degli Affari Esteri, Rome (hereinafter: ASMAE), Libia 132/1–2.



complete respect for Muslim practices. In spite of their poor knowledge of the Islamic reality of Tripolitania and Cyrenaica, religion was of great importance in the peace negotiations between Italy and the Ottoman Empire, which ended with the signing of the Treaty of Lausanne in October 1912. However, ambiguities and mistakes regarding the caliphate and the caliph's role in the treaty limited the nature of Italian sovereignty over the region.<sup>5</sup> The treaty not only allowed the sultan to continue to be mentioned as caliph in the Friday prayer. It also permitted the chief qadi, whose task it was to protect the inhabitants' religious interests, to be appointed directly by the *şeyhülislâm* in Istanbul—that is, in the name of the sultan.<sup>6</sup> These provisions made the Italian occupation look illegal and embodied an admission of the chief qadi as a sort of vice-sultan, who would act as a protector of the native believers against Italian abuses.<sup>7</sup>

Italy's mistakes in the Treaty of Lausanne were due to a poor knowledge of Islamic jurisprudence and of the religious situation in Tripolitania and Cyrenaica, as the Italian scholar Santillana reported.<sup>8</sup> It was only in December 1914 that a Committee for the Study of Islamic Issues, under the aegis of the colonial authority, was established. The committee, whose members included eminent scholars on Islamic law and history, was given the task of conducting studies and expressing opinions on behalf of the colonial administration.<sup>9</sup> However, Italian scholars continued to blame the Italian authorities for their superficial and inaccurate cultural knowledge of Libya.

Interestingly, a completely different attitude was adopted by the Italian invaders vis-à-vis the Sufi orders or fraternities (*turuq*). This particular interest was hardly disinterested. Acknowledging their effective political power and assuming that their support could facilitate penetration into the countryside, the Italians paid them a great deal of attention. This idea was explicitly broached in what I believe to be

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<sup>5</sup> On the controversies deriving from the Treaty of Lausanne, see David Santillana, "Il Trattato di Losanna," *l'Unità*, 30 November 1912; Aldobrandino Malvezzi, *L'Italia e l'Islam in Libia*, Florence-Milan 1913, pp. 185–220; *Il Califato*, Ministero delle Colonie, Rome 1917; Carlo Alfonso Nallino, *Appunti sulla natura del "Califato" in genere e sul presunto "Califato ottomano"*, Rome 1917.

<sup>6</sup> In practice, however, the chief qadi was never appointed by Istanbul, since this would have meant imposing a Hanbali jurist over a Maliki majority population.

<sup>7</sup> Nallino, *Appunti sulla natura del "Califato"*, pp. 21–22.

<sup>8</sup> Santillana, "Il Trattato di Losanna," p. 36.

<sup>9</sup> On the setting up of the committee, see the relevant file in ASMAE, ASMAI Libia 109/1.

the first colonial study completely devoted to the Libyan Sufi orders. It is a long, anonymous typescript entitled “The Religious Societies of Tripolitania,” written in Tripoli in March 1912. Its aim was to introduce the officials of the colonial administration to the internal organization of the orders, report the names of the shaykhs and draw attention to the relations among them. The author asserted that the Sufi orders had considerable political power in the Muslim world. The French, he explained, had often fought against some of these orders in Algeria, Tunisia and Morocco, and the British had used them to conquer Sudan. So, he suggested, it would be easier for the Italian colonial administrators to forge relations with the inhabitants of Libya if they had some knowledge of the orders.<sup>10</sup> Much of the information on the Sufi orders provided by the Italian colonial documentation services was explicitly dependent on French studies on the same subject. But it should be pointed out that references to the French literature are quite common in the tradition of Italian colonial studies on the Muslim world.

The Madaniyya, which was hostile to the Sanusiyya, was the Sufi order to which the colonial authorities paid most attention. It had already been considered as a possible ally before the start of the military occupation. In April 1910, the Italian consul in Cyrenaica compiled a detailed report containing some important information on the spread of the Madaniyya in Libya, the location of its *zawiyas* (lodges), the rivalry inside the order and its relations with the Turks.<sup>11</sup>

At the start of the Italian military operations in Tripolitania in 1911, Shaykh Muhammad bin Muhammad Hasan Zafir, the “old and blind head” of the Madaniyya at the time, yielded to the colonial authorities in Tripoli and retired from public life. A few years later, in 1915, Zafir issued a circular letter attacking the Sanusiyya and all the *mujahidin*,

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<sup>10</sup> *Le società religiose della Tripolitania* (Tripoli, March 1912), in ASMAE, ASMAI Libia 109/1–2. The manuscript is over fifty pages long. After a general section on Islam, the author explains the origins and organization of the main orders of Tripolitania and Cyrenaica—“Cadria, Senussi, Slaimia, Madania, Aissaua”—and then analyzes them. An appendix on the Ibadis of Jabal Nefusa and some conclusions end the study. In the copy I found, the pages on the Madaniyya and the conclusions were missing. Though no author’s name is cited on the title page, the author was probably Captain Alessandro Pavoni, general commissioner at Misurata. For a general overview of the colonial studies on the brotherhoods, see Anna Baldinetti, “Italian Colonial Studies on the Sufi Brotherhoods in Libya,” in idem, *Modern and Contemporary Libya: Sources and Historiographies*, Rome 2003, pp. 125–139.

<sup>11</sup> Bernabei’s report to the Ministry of Foreign Affairs, Benghazi 6 April 1910, in ASMAE, ARG 34.

and asking the Arabs to collaborate with the Italians.<sup>12</sup> The Italian authorities tried unsuccessfully to use the head of the Benghazi *zawiya* to persuade the chiefs of Cyrenaica to submit to Italy. Aldobrandino Malvezzi,<sup>13</sup> one of the “agents” recruited by the Roman government to prepare for the occupation of Libya, held the Italian authorities responsible for failing to take advantage of the Madaniyya prior to the military occupation.<sup>14</sup>

“THE POLITICS OF CHIEFS” AND THE ROLE OF THE MUSLIM ELITES  
IN THE TRIPOLITANIAN RESISTANCE

After the Treaty of Lausanne, policies towards the local population were officially regulated by the royal decrees of January 1913 and January 1914, which organized the administration of the occupied territories. These decrees paved the way for the so-called “politics of chiefs,” which was based on the collaboration of traditional chiefs and notables with the colonial authorities in exchange for pay or positions, with the aim of taking advantage of their status and authority and using them as a link between the colonial government and the population.

The “politics of chiefs” was launched without any real knowledge of the local political situation or of the social position of the various notables, and without any idea of the tribal factions and alliances. What happened in practice was that the civil and military officials made use of the “politics of chiefs” without any coordination between themselves, a shortcoming that was also evident in the fascist period.<sup>15</sup> Thus, according to Alberto Ausiello: “At first the Italian government attempted to reconstitute the local Ottoman political and administrative organization. But in a short time this hybrid system showed itself

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<sup>12</sup> *Da’i al-harab*, the letter was signed by Zafir al-Madani, as “al-Khalifa al-mas’ul li’l-tariqa al-Madaniyya al-Shadiliyya khadim al-fuqara’,” in Carlo Alfonso Nallino’s private papers (deposited in the Istituto per l’Oriente, Rome), file C1/1.

<sup>13</sup> On the role played by Aldobrandino dei Medici Malvezzi (1881–1960) in the preparations for the occupation of Libya, see Anna Baldinetti, *Orientalismo e colonialismo: La ricerca di consenso in Egitto per l’impresa di Libia*, Rome 1997, esp. pp. 45–47.

<sup>14</sup> On the Madaniyya’s contacts with the Italian authorities, see Baldinetti, *Orientalismo e colonialismo*, pp. 147–149.

<sup>15</sup> Gianbattista Biasutti, *La politica indigena italiana in Libia: Dall’occupazione al termine del governatorato di Italo Balbo (1911–1940)*, Pavia 2004, pp. 83–95.

to be inadequate and dangerous, resulting in great uncertainty about the positions pertaining to the 'local chiefs'.<sup>16</sup>

Although in the early years of occupation the "politics of chiefs" was aimed at gaining their cooperation, expectations often went unfulfilled because of a lack of general planning and the absence of coordination among the different sections of the colonial administration. For example, in 1913 shaykh Ahmad "al-Rugeibi,"<sup>17</sup> who had qualified at al-Azhar for the positions of *imam* and *khatib*, would have been willing to come back to Tripolitania had he been guaranteed a position in the civil or religious administration. The minister of colonies thought it advantageous to encourage the Tripolitanian students to leave the University of al-Azhar, which was considered a hotbed of pan-Arabism and pan-Islamism—that is, of cultural and political trends diametrically opposed to the Italian interests. Yet the governor of Tripolitania rejected the request to find positions for these students in the colonial administration, claiming that there were no vacancies and that many notables still needed to be rewarded.<sup>18</sup>

The occupation and subsequent emergence of the resistance changed the structure of the local elites. It reinforced the cooperation between the Ottoman troops on the one hand and the local population and elites on the other. The traditional elites increased their power, as many administrative positions held by the Ottomans were transferred to them; nevertheless the elites' sphere of influence remained a traditional one, within well-marked local and tribal limits. As noted by Rachel Simon: "The inter-tribal boundaries were not blurred or erased, and nor were the spheres of influence of the chiefs. Nor was there a growth in this period of a new strata of leaders from the tribal society: the stiff internal hierarchy did not enable a deviation from the traditional ruling patterns, and leadership positions continued to be held by the governing families."<sup>19</sup>

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<sup>16</sup> Alberto Ausiello, *La politica italiana in Libia*, Rome 1939, p. 137.

<sup>17</sup> Personal names and place names in quotation marks are those whose Arabic spelling I have not been able to check; I therefore transcribed them as cited in the Italian documents.

<sup>18</sup> ASMAE, ASMAI Libia 150/19–47, "Sceik Ahmed El Rugeibi di Zavia," The Minister of Colonies to the Governor of Tripoli, Rome 27 April 1913; The Governor of Tripolitania to the Minister of Colonies, 11 June 1913.

<sup>19</sup> Rachel Simon, *Libya between Ottomanism and Nationalism: The Ottoman Involvement in Libya during the War with Italy (1911–1919)*, Berlin 1987, p. 195.

In the period 1835–1911, with the reestablishment of Ottoman central control in Tripolitania after the defeat of the Qaramanli dynasty, new local Muslim elites had emerged. They gained power thanks to their position in the Ottoman administration, which also absorbed notables from the rural areas.<sup>20</sup> These new elites, which also included many ‘ulama’, achieved authority mainly through education and provided the main leaders of the resistance in the early years of the Italian occupation. The cases of Sulayman al-Baruni and Farhat al-Zawi, known as Farhat Bey, two of the most famous leaders of the resistance in Tripolitania, can be considered representative of the complexity of the relations between the Muslim elites and the Italian authorities; their careers are therefore outlined here.

Sulayman al-Baruni was born about 1870 in Jabal Nafusa into a prominent Berber Ibadi family with branches at Mzab, Jerba and northwestern Tripolitania.<sup>21</sup> Sulayman studied at the most prestigious Islamic universities in North Africa: at the Zaytuna in Tunis and later at al-Azhar in Cairo. A man of culture, he founded a newspaper in Cairo and later a printing house. He was arrested several times and accused of plotting against Sultan Abdülhamid II to establish an independent emirate in Jabal Nafusa, which would have brought back the tradition of Ibadi imams and emirs. In 1908, after the Young Turks revolution, he was elected a deputy for the Jabal Gharbi district in the Ottoman parliament.<sup>22</sup>

As soon as the Italian troops disembarked in Tripoli, Sulayman al-Baruni started to recruit volunteers to increase the ranks of the resistance. He emerged as one of its main leaders at the conference of ‘Aziziyya, which—in the second half of October 1912, after the Treaty of Lausanne—brought together the most important Tripolitanian chiefs and notables. Although not all the notables were in agreement, al-Baruni pushed them to continue with the resistance. However, because of the general mistrust towards al-Baruni and the political activity started by

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<sup>20</sup> Lisa Anderson, “Nineteenth Century Reform in Ottoman Libya,” *International Journal of Middle East Studies* 16 (1984), esp. pp. 335–336.

<sup>21</sup> On the organization of the Ibadi community, see Enrico Insabato, *Gli Abaditi del Gebel Nefusa e la politica islamica in Tripolitania*, Rome 1918.

<sup>22</sup> On al-Baruni’s life and political activities, see J. E. Peterson, “Arab Nationalism and the Idealist Politician: The Career of Sulayman al-Baruni,” in J. Piscatori and G. S. Harris (eds.), *Law, Personalities and Politics of the Middle East*, Washington, DC, 1987, pp. 124–139; Laura Veccia Vaglieri, “al-Baruni, Sulayman,” *Encyclopaedia of Islam*, Leiden 2001 (CD-ROM edition).

the Command of Tripoli, a large number of notables from the Jabal went to Tripoli and gave themselves (and their tribes) up to the Italian authorities.

Al-Baruni was determined to continue the struggle, his aim being to get an autonomous Ibadi province. He opened negotiations with the Italian authorities, asking for autonomy for the Jabal and the western coastal plain, with the administrative center in Marsa Zuaga, an ancient Berber center; alternatively, he wanted a protectorate instituted on the model of the British one in Egypt or, as a last possibility, the concession of special privileges for the Berbers.<sup>23</sup>

The battle of al-Asab'a (23 March 1913), which imposed colonial occupation on the Jabal, ended "the dream of a Berber principality."<sup>24</sup> Sulayman al-Baruni and other notables holding key posts in the Ottoman administration in the province of Tripolitania, including Musa Bey "Grada"<sup>25</sup> and Shaykhs "Sof" al-Mahmudi,<sup>26</sup> "Sasi Khazam" and Muhammad "Saghir," emigrated to Tunisia.

It seems that Sulayman al-Baruni, in exchange for a guarantee that the exiles would not be prosecuted, was the first chief to suggest to the tribes that they go back to Tripolitania.<sup>27</sup>

<sup>23</sup> ASMAE; ASMAI Libya 150/14, Government of Tripolitania, Military-Political Office, "Notizie su Suleiman al-Baruni" 1916 (typescript, 92 pp.).

<sup>24</sup> This expression is borrowed from Francesco Corò, "Una interessante pagina di storia libica. Suleiman el Baruni, il sogno di un principato berbero e la battaglia di Asàaba 1913," *Gli Annali dell'Africa Italiana* 1/3-4 (1938), pp. 959-969; Corò seems to report quite reliably al-Baruni's claims and negotiations with the Italian government. Some of al-Baruni's personal papers related to these events were gathered and published by his daughter; see Za'ima bint Sulayman al-Baruni, *Safahat khalida min al-jihad li'l-mujahid al-Libi Sulayman al-Baruni*, Tripoli 1964, vol. 1. But the collection has an evident hagiographical character and it is not possible to rely on it completely.

<sup>25</sup> Musa Bey "Grada," during the Ottoman administration, held the offices of *mutasar-rif* (governor) of Jabal Gharbi and *ra's al-baladiyya* (mayor) of Jefren.

<sup>26</sup> "Sof" al-Mahmudi, the grandson of Ghuma, the hero of the Tripolitanian resistance to the second Ottoman occupation (1835), was born in 1847 in Algeria, where his grandfather had moved after the failed rebellion against the Ottomans. From October 1911 to March 1913 he took an active part in the resistance and participated in the conference of 'Aziziyya. He then emigrated to Tunisia and later to Syria. At the outbreak of World War I he came back to Tripolitania, but in 1923 he left for Egypt, where he died in 1930. He was also a poet. See al-Tahir Ahmad al-Zawi, *Jihad al-abtal fi Tarabulus al-Gharb*, Cairo 1950, pp. 168-172; Muhammad Sa'id al-Qashat, *Suf al-Mahmudi*, s.l. 1969.

<sup>27</sup> The Italian authorities were concerned about the movement of people into exile and hence, already during the first few months of 1913, sent a mission to Tunis with an assignment to persuade the refugees to return to Libya. See the report of Count Sforza, charged with the mission, in ASMAE, ASMAI Libia 122/1-8, "Relazione del conte Sforza," 23 November 1913 (typescript, 66 pp.).

Through the mediation of notables, particularly al-Baruni, and with the promise of influential positions in the colonial administration, the Italian authorities tried to persuade the refugees to return. According to Italian documents, a promise of Berber autonomy was made in exchange for al-Baruni's and other notables' peaceful submission. The Italians also asked him to write a monograph on the Jabal Gharbi. The "rallying" of notables and chiefs to the colonial regime was due to the Italian assurances that they could keep their wealth and retain the privileges of their social status. Some also tried to gain additional advantages from their return to their homeland: for example, one shaykh asked to be appointed head of the local administration in "Sorman" in place of a rival shaykh, in recognition of his voluntary return.

Another famous leader of the anti-colonial resistance in Tripolitania, Farhat al-Zawi, was born in 1856 in Zawiya. His father was a farmer and his family was not wealthy. He attended the Ottoman schools in Tripoli, later entered the Zaytuna in Tunis to study and train to be an *'alim*, and in 1885 obtained the highest degree in religious sciences. He then left for France to study law with one of the educational missions of the Bey of Tunis. After spending five years in Paris, he returned to Tripolitania and was appointed qadi; in 1904 he obtained the office of *qa'imaqam* (local administrative head) of Fezzan. In 1908 he was one of the deputies of the Tripoli province elected to the Ottoman parliament.<sup>28</sup>

In spite of having been, with al-Baruni, among the first notables and chiefs who organized the resistance, Farhat Bey, after the conference of 'Aziziyya, submitted of his own accord to the Italian authorities and obtained a generous annual salary,<sup>29</sup> probably because he "was familiar with the French Protectorate in Tunisia and hoped to gain what then appeared to be the advantages of European tutelage through cooperation."<sup>30</sup>

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<sup>28</sup> Muhammad b. Muhammad al-Tawir, *al-Shaykh Muhammad Farhat al-Zawi ahad qadat al-jihad al-Libi didda al-ghazat al-Italiyyin*, 2nd ed., al-Zawiyya 2002, pp. 13–23.

<sup>29</sup> Angelo del Boca, *Gli Italiani in Libia: Tripoli bel suol d'amore, 1860–1922*, Rome 1988, p. 206.

<sup>30</sup> Lisa Anderson, "The Development of Nationalist Sentiment in Libya, 1908–1922," in R. Khalidi, L. Anderson, M. Muslih and R. S. Simon (eds.), *The Origins of Arab Nationalism*, New York 1991, p. 231. Libyan sources also report that Farhat Bey shifted towards the Italians, but there is complete denial of his having been paid by the colonial authorities. See al-Zawi, *Jihad al-abtal fi Ttarabulus al-Gharb*, pp. 327–29; al-Tawir, *al-Shaykh Muhammad Farhat al-Zawi*, pp. 72–85.

The loyalty of al-Baruni and Farhat Bey was not unconditional. "They were ready to cooperate with the Italians as long as the conditions necessitated this and so long as they gained benefits from it for themselves and their tribes. Once the political and military situation changed, the local leaders cast off the Italian yoke."<sup>31</sup> Indeed, in 1914 Farhat Bey was suspected of disseminating anti-Italian propaganda in Tripoli; but in November 1915 he was appointed adviser to the Italian government on the committee charged with studying measures to improve the *awqaf* (religious endowments) properties.<sup>32</sup>

The Ottoman Empire's involvement in World War I and the sultan's subsequent declaration of jihad gave a new impetus to the Libyan resistance; from the summer of 1916 the Ottoman Empire, although not formally involved, tried to reassume control of the local religious leadership. In October 1916, Sulayman al-Baruni went back to Tripolitania on behalf of the sultan to smooth over the conflicts between the notables and the chiefs.<sup>33</sup>

In the compilation of a national history and its public use in independent Libya<sup>34</sup> the role of notables and chiefs accused of collaborationism

<sup>31</sup> Simon, *Libya between Ottomanism and Nationalism*, p. 219.

<sup>32</sup> See Governo della Tripolitania, *Progetto di ordinamento dell'amministrazione dei beni awqaf della Tripolitania*, Tripoli n.d.; Farhat Bey and Ahmad Diya' al-Din al-Muntasir were the only government advisers. The other local members were appointed because of their position in Islamic or administrative institutions. They were Hassuna Pasha al-Qaramanli, mayor of Tripoli; 'Abd al-Rahman al-Busayri, qadi of Tripoli; 'Umar bin Muhammad al-Misallallati, mufti of Tripoli; Najm al-Din al-'Alim, qadi of "Nauahi Arbaa"; Hassuna Bey "Gurgi," administrator of *awqaf al-jama'a* (public *awqaf*), which were endowments constituted for worship or for educational or charity institutions; and Muhammad Sami Bey al-"Naieb," administrator of *awqaf al-sur* (literally: endowments of the surrounding walls), which were established before the second Ottoman occupation (1835) to service the city's surroundings walls.

<sup>33</sup> Simon, *Libya between Ottomanism and Nationalism*, pp. 229–232.

<sup>34</sup> For a general discussion on the writing and public use of history in Libya, see John Davis, "The Social Relations of the Production of History," in E. Tonkin, M. McDonald and M. Chapman (eds.), *History and Ethnicity*, London 1989, pp. 104–120, Lisa Anderson, "Legitimacy, Identity and the Writing of History in Libya," in E. Davis and N. Gavrielides (eds.), *Statecraft in the Middle East: Oil, Historical Memory and Popular Culture*, Miami 1991, pp. 71–91; Michel Le Gall, "Forging the Nation-State: Some Issues in the Historiography of Modern Libya," in M. Le Gall and K. Perkins (eds.), *The Maghrib in Question: Essays in History and Historiography*, Austin 1997, esp. pp. 101–102; Ali Ahmed Ahmida, *Forgotten Voices: Power and Agency in Colonial and Postcolonial Libya*, New York 2005, p. 27. For remarks on Western historiography of the last decades of colonial Libya, see Salvatore Bono, "L'istoriographie sur la résistance anticoloniale en Libye (1911–1912)," in Baldinetti (ed.), *Modern and Contemporary Libya*, pp. 37–48; Salvatore Bono, "Colonialismo italiano in Libia," in V. Pirro (ed.), *L'altro Mediterraneo*, Terni 1991, pp. 21–37; Nicola Labanca, "Gli Studi Italiani sul



has scarcely been investigated. The position of notables and chiefs is usually classified dichotomously: resistance or collaboration. In fact, the hypothesis that ambivalence was a feature of the relationship of most Muslim notables with the Italian colonial authorities seems more plausible; they always oscillated between collaboration and antagonism. On this subject, we can take as an example the most cited case of “collaborationism,” the Muntasir family, which offered its services to Italy even before the occupation.

After the peace of Lausanne the Muntasirs acted as go-between in the negotiations with the armed tribes of western Tripolitania; because of this their credit with the government of Tripolitania was high, and Ahmad Diya' al-Din al-Muntasir was appointed to the Committee for the Civil and Administrative Regulations of the Colony. In January 1913, following the rotation of colonial officers, the Muntasirs became estranged from the Italian government, but in 1917 they became reconciled again.<sup>35</sup> The reasons for their changes in attitude were not much different from those of the notables who encouraged the resistance. We can also cite as an example Muhammad Sulayman Bey “al-Muzafer,” a religious notable of Tripoli. Being regarded as “a very valuable element in the Italian cause,”<sup>36</sup> in January 1913 he was appointed inspector of Arabic schools in Tripoli, a position he certainly held until 1925. But he always made himself the spokesman of Arab dissent to the Italian administration.

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colonialismo italiano in Libia,” in N. Labanca and P. Venuta (eds.), *Un colonialismo, due sponde del Mediterraneo*, Pistoia 2000, pp. 19–32 (reprinted in *The Journal of Libyan Studies*, 2, 2001, pp. 69–79); Nicola Labanca, “Quale Nodo,” in *Un nodo: Immagini e documenti sulla repressione coloniale italiana in Libia*, Manduria-Bari-Roma 2002, pp. 5–22; on Libyan historiography, see Salah al-Din Hasan al-Suri, “Studi libici sull'imperialismo italiano e sul Jihad,” in Labanca and Venuta (eds.), *Un colonialismo, due sponde del Mediterraneo*, pp. 33–37; Pierluigi Venuta, “Libyan Studies on Italian Colonialism: Bibliographical and Historiographical Considerations,” *Journal of Libyan Studies* 2 (2001), pp. 48–60.

<sup>35</sup> ASMAE, ASMAI Libia 150/13–51, “Ahmed Dia Ed-Din Bel El-Muntasser,” 8 February 1919, memorandum; ASMAE, ASMAI Libia 150/13–54, “A sua Eccellenza il Ministro delle Colonie pro-memoria sugli avvenimenti politici e militari della Tripolitania: per Ahmed bey Ben Muntasser,” 5 March 1919 (printed memorandum, 34 pp.).

<sup>36</sup> ASMAE, ASMAI Libia 150/19–83, Ministry of Colonies, Rome, 23 June 1914, “promemoria riguardante Mohamed Suleiman bey el Muzafer” (memorandum).

THE ADMINISTRATIVE REGULATIONS AND THE "OFFICIAL"  
RECOGNITION OF THE ROLE OF MUSLIM ELITES

The royal decree that implemented the Treaty of Lausanne proclaimed the principle of religious freedom and guaranteed complete respect for all Muslim practices, respect for *awqaf* and no interference between the people and the 'ulama'. In addition, the decree provided for the appointment of a mixed committee that would include native dignitaries. The mandate of the committee was to propose civil and administrative regulations for Tripolitania and Cyrenaica, guided by respect for Islam and local customs.<sup>37</sup> Although committee members were appointed and received a regular salary, the mixed committee was never established—proof that the policies to be adopted towards the Muslim elites had no well-defined lines. The possibility of establishing the mixed committee was discussed again in 1916, when the drafting of new political-administrative regulations for Tripolitania began because of Italy's entry into World War I and the subsequent abrogation of the Treaty of Lausanne. The government of Tripolitania advocated setting up the committee, as it coincided with the Italian interest in destroying all the bridges linking the Muslims of Tripolitania and Cyrenaica to the caliphate.<sup>38</sup>

The committee was never established, but the policy of collaborating with the Muslim elites was confirmed by the royal decree of April 1917, which instituted two advisory committees, in Tripoli and Benghazi. Each committee was made up of 15 Muslim chiefs and notables, appointed by the minister of colonies at the governor's suggestion. The committees expressed their opinions on all subjects concerning Muslims to do with taxation and educational matters.<sup>39</sup>

In 1918, as a consequence of the new political and civil regulations, the Military-Political Office of Tripolitania published a list of the officers, 'ulama' and notables in the Tripoli district that, besides name, birthplace and address also noted their position and social background. The Political Office supplied everyone included on the list with an identity card: blue for the officials, red for the notables and green for the 'ulama'. The

<sup>37</sup> ASMAE, ASMAI Libya 126/1, Tripolitania Government to Ministry of Colonies, Tripoli, 20 April 1916, Report: "Politica indigena in Libia."

<sup>38</sup> Ibid.

<sup>39</sup> Del Boca, *Gli italiani in Libia*, p. 357; Buonaiuti, *Politica e religioni nel colonialismo italiano*, p. 133.

measure aimed to avoid misunderstandings between colonial officers and Muslims due to poor knowledge of the local social system. The cards were supposed to facilitate access to public offices and the seating of the same social classes together during official ceremonies.<sup>40</sup> Twenty-nine 'ulama' were provided with green cards; they were mostly preachers and imams of the main mosques in Tripoli but also included the head of the Madaniyya order and one of the Sa'diyya's *zawiya*. A year later, in 1919, a similar list was compiled for Cyrenaica, but it included only three 'ulama'.<sup>41</sup>

The Italian policy of collaboration with the Muslim notables reached its apex (at least in theory) with the so-called "Statutes" or "Fundamental Laws" promulgated in 1919, which anticipated the participation of the local population in the administration, through elections.<sup>42</sup> The Fundamental Laws reserved special privileges for Muslims vis-à-vis Jews. Besides the introduction of compulsory teaching in Arabic of some subjects and a ban on the teaching of principles that were in conflict with Islam, they allowed for only Muslims to be elected as native lay assessors in the ordinary courts. In Tripolitania the Fundamental Laws were not widely applied, and the expected parliament was never elected. In Cyrenaica, due to agreements with the Sanusiyya (Regima 25 October 1920), the Fundamental Laws were in force in the years 1921–1922.

The above laws were the result of negotiations between the Italian authorities and the Tripolitanian Republic (*al-Jumhuriyya al-Tarabulusiyya*), announced on 16 November 1918 at Misurata, in Tripolitania, on the initiative of some Ottoman officials who had remained in Tripolitania after the signing of the Treaty of Lausanne, and a few local notables. Sulayman al-Baruni was one of the four notables elected to represent the republic; representatives of the different regions were elected to an advisory council that also included 'ulama'.<sup>43</sup>

The Tripolitanian Republic, which aimed to achieve a form of local government under the Italian administration, was formally the first republican government in any Arabic country, and in Libya, during colonial times, it represented the only attempt to establish a secular

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<sup>40</sup> ASMAE, ASMAI Libya 126/1, Circular of the the Government of Tripolitania to the civil and military authorities, Tripoli, 14 May 1918.

<sup>41</sup> ASMAE, ASMAI Libya 148/1–5.

<sup>42</sup> Buonaiuti, *Politica e religioni nel colonialismo italiano*, pp. 137–149.

<sup>43</sup> The Advisory Council was made up of 24 members, including four 'ulama'. Al-Zawi, *Jihad al-abtal fi Tarabulus al-Gharb*, pp. 224–226.

government.<sup>44</sup> In my opinion, it cannot be considered an expression of Libyan nationalism, as it was not based on any idea of “Libya”—that is, it did not anticipate a union between Tripolitania and Cyrenaica, and it was not a “local” product. The republic’s main advocate was the Egyptian ‘Azzam Pasha, who would become the first secretary of the Arab League. He and the Egyptian Prince Fu’ad (the future first king of Egypt) put forward the idea of a republican government, principally to achieve the tribes’ unity and continue the fight against the Italians. Again, the proposal agreed upon in November 1920 at the so-called Conference of Garian, did not aim at a union of the two provinces. The conference, whose purpose was to put a stop to intertribal conflict, brought together the most influential Tripolitanian notables and chiefs. They agreed to establish an emirate in Tripolitania, headed by Sanusi, who, under the Regima agreements, had been recognized by the Italians as the emir of Cyrenaica. The Garian proposal resulted from ‘Azzam Pasha’s strong belief that the only way to achieve internal unity in Tripolitania was to have a Muslim head without tribal ties in the area.<sup>45</sup> Farhat Bey had a fundamental role in the negotiations with the Italian authorities following the Garian Conference.<sup>46</sup> The attempt to establish the Tripolitanian Republic soon foundered, and its failure must be largely attributed to the intertribal battles for the leadership, which had negative repercussions on resistance.<sup>47</sup>

#### FASCIST COLONIAL POLICY AND ‘ULAMA’ TRAINING: AL-MADRASA AL-ISLAMIYYA AL-‘ULIYA

The rise of fascism in the early 1920s put an end to the policies of the “liberal period,” and Italian colonial policy entered its most repressive period, which culminated in the “pacification” of Cyrenaica. The so-called “politics of chiefs” was brought to a halt; from 1923 the authority of local chiefs and notables was no longer recognized. Only a few

<sup>44</sup> Lisa Anderson, “The Tripoli Republic, 1918–1922,” in E. G. S. Joffe and K. S. McLachlan (eds.), *Social and Economic Development of Libya*, Wisbech 1982, pp. 43–79.

<sup>45</sup> Ralph M. Coury, *The Making of an Egyptian Arab Nationalist: The Early Years of Azzam Pasha, 1893–1936*, Reading 1998, pp. 143–228.

<sup>46</sup> Al-Zawi, *Jihad al-abtal fi Tarabulus al-Gharb*, pp. 244–45; al-Tawir, *al-Shaykh Muhammad Farhat al-Zawi*, pp. 95–105.

<sup>47</sup> Fathi Lissir, “Ihtirab al-za’amat al-wataniyya fi Tarabulus al-Gharb fi matla’ ishrinat al-qarn al-‘ishrin,” *Revue d’Histoire Maghrebine* 28/104 (2001), pp. 465–498.

individuals, whose loyalty had been proven over the years, were engaged for municipal positions, and they were paid only as employees,<sup>48</sup> since they were no longer the link between the population and the colonial administration, the notables tried only to obtain personal privileges. For example, Sulayman al-Qaramanli, the honorary “podestà”<sup>49</sup> of Tripoli, was awarded the title of “prince,” while many other notables asked for Italian aristocratic titles, not on the basis of “blood” but because of “services rendered.”<sup>50</sup>

After the final defeat of the resistance in 1930–1931, Italo Balbo, the new governor of Libya from January 1934, started a policy of “reconciliation” with the natives based partly on the attempt to promote the colonial role of fascist Libya among the Muslim elites.<sup>51</sup> Balbo always sought the consent of the ‘ulama’ for the approval of social reforms, such as the fixing of the marriage age for girls at a minimum of fifteen years, or the regulation of Muslim holidays.<sup>52</sup> Already in 1931, following accusations against Italy that had arisen in other Arab countries, the Tripolitanian ‘ulama’ declared their approval of Italian policy towards Muslims;<sup>53</sup> but it is not clear whether they were forced to declare this or did so spontaneously.

During the fascist regime, the policy of religious freedom in Libya did not change (at least on paper). This positive attitude towards Islam was, in reality, part of a broader policy geared towards involving the Muslim elites against French and British hegemony in the area. Fascist propaganda put a great deal of effort into presenting the Arabs as possible allies in the struggle for the Mediterranean. This framework, which propagandized an Italian colonial policy favorable to Muslims, explains both the relatively wide jurisdiction and authority of the *shari‘a* courts

<sup>48</sup> Ausiello, *La politica italiana in Libia*, p. 230.

<sup>49</sup> The “podestà” was the holder of the highest civil office in the cities of Italy during the Middle Ages. The title was revived during the fascist period to designate the head of the municipal administration.

<sup>50</sup> ASMAE, ASMAI Affari politici 1934–1955, 104 /395 the General Government of Libya to the General Directorate of Political Affairs, Tripoli 5 September 1938.

<sup>51</sup> Italo Balbo, “La politica sociale fascista verso gli arabi della Libia,” in *Convegno di scienze morali e storiche, 4–11 ottobre 1938. Tema: l’Africa*, Rome 1939, vol. 2, pp. 733–749; see also Giorgio Rochat, *Italo Balbo*, Torino 1986, p. 261.

<sup>52</sup> *Oriente moderno* 15/11 (November 1935), pp. 562–563.

<sup>53</sup> *Ibid.*, 12/1 (January 1932), pp. 42–43. The statement was signed by twenty-two influential figures, among them the qadi and the mufti of Tripoli and the head of the supreme *shari‘a* court.

and some interest in Muslim worship (such as religious education and the construction and restoration of mosques).

Among the series of initiatives taken to please Muslims was the creation in 1935 of *al-Madrasa al-Islamiyya al-'Uliya*, the Institute of Islamic Studies (IIS) in Tripoli. Besides training primary school teachers, the purpose of the institute was to create an elite that would facilitate administrative and political work in the colony.

The idea of the *madrasa* dated back to the first years of the occupation, its establishment having been already contemplated in the educational ordinances of 1914 and 1917. A royal decree of July 1917 reserved the *awqaf al-sur*<sup>54</sup> revenues for the expenses of maintaining the school.<sup>55</sup> From 1924 the government had stopped the financial subsidies (given regularly since 1911) to the Tripolitanian students at al-Azhar and Zaytuna because of the two universities being considered centers of pan-Islamic activities. The opening of an institute of higher Islamic studies thus became more urgent. The Muslims were very involved in the establishment of the *madrasa* and in 1925, through Mohammed al-Muzaffer, the inspector of Arab schools, asked the government to reexamine the issue.<sup>56</sup> For political and economic reasons the project was at a standstill for many years; in 1928 the governor of Tripolitania proposed opening such an institution in Tajura, at the mosque of Murad Adhà; but no funds were available for it. In the early 1930s the project was revived, as it was thought necessary to give the Arabs the possibility of getting an education that fitted their own culture but at the same time would give them the opportunity to discover and appreciate “the superior characteristics” of European teaching methods and culture.<sup>57</sup>

<sup>54</sup> See also note 32.

<sup>55</sup> As the revenues from *awqaf al-sur* could not be used for their original purpose, the committee charged with studying measures to improve the *awqaf* properties recommended setting them aside for opening an Islamic university. See Governo della Tripolitania, *Progetto di ordinamento dell'amministrazione dei beni awqaf della Tripolitania*, pp. 28–31, 57–58, 90–104.

<sup>56</sup> “Archivio Centrale dello Stato” (Rome), CS MAI Ispettorato scuole 156/1, Angelo Piccioli, *Relazione finale sulle istituzioni scolastiche ed educative nell'anno 1925–1926*, July 1926. This document was made available to me by Francesca Di Pasquale, whom I would like to thank also for our fruitful exchanges on the IIS, which she is researching for a Ph.D. dissertation on education in colonial Libya.

<sup>57</sup> ASMAE, ASMAI Africa III 36, Report of the schools' director, Del Giudice, to the Ministry, Tripoli, 12 March 1935. For a general discussion of the importance assigned by the Italian colonial authorities to a European-style education, see Federico Cresti, “Per uno studio delle «elites» politiche nella Libia indipendente: la formazione scolastica (1912–1942),” *Studi Storici* 41/1 (2000), pp. 121–158.

The functions the IIS was expected to fulfill at the time of its opening are clearly summarized in a fascist judgment of the period: "It is this school... which in a few years should give the Motherland skilled Muslim officers, brought up in the shadow of our flag: educated into the cult of our Italy and to the most healthy and noble precepts of the Faith, regulated and incorporated into our Party and Regime's organizations, in the service of our Country and our Ideal."<sup>58</sup>

The IIS, according to the institution's charter and educational program, offered a three-year preparatory course, a four-year intermediate course and a three-year advanced course. The intermediate course was to be split into two sections in its last two years: one to train primary school teachers, the other to instruct the native officers. The advanced course conferred the title of *'alim*, which entitled that person to practice in the *shari'a* courts and to apply for a position as qadi or mufti. The following subjects were taught in the higher course: Islamic studies; theory of the foundations of Islamic jurisprudence (*usul al-fiqh*); Islamic jurisprudence (*fiqh*) and juridical procedure; commentary on the Qur'an (*tafsir*); hadith; criticism of Qur'anic traditions (*mustalah al-hadith*); and branches of the Arabic language that encompassed eloquence: literature, literary history and logic including *adab al-bahth*, or the art of discussion.<sup>59</sup>

There is no doubt that the IIS, besides meeting the requirements of colonial policy, also met those of foreign policy; in fact "a centre of Islamic studies would be a concrete statement of the high principles which inspired Italy in its colonial policy."<sup>60</sup> The steps taken to develop the IIS reveal the importance attributed to it by fascism: only three years after its opening the colonial authorities moved the *madrasa* to a new site that included a boarding school for those students who lived outside Tripoli. It is probable that all the IIS students were enrolled in the Littorio Arab Youth.<sup>61</sup>

In its first semester, the rector of the IIS (appointed directly by the governor general) was Ahmad al-Fasatawi. A Berber of the Jabal Nafusa,

<sup>58</sup> Gino Cerbella, *Fascismo e islamismo*, Tripoli 1938, p. 37.

<sup>59</sup> "Ordinamento della Scuola superiore di cultura islamica (al-madrasah al-islamiyya al-uliya) di Tripoli," in *Gazzetta ufficiale del regno d'Italia*, n. 176, 30 July 1935, a copy is in ASMAE, ASMAI Africa 3/36. On the *madrasa*, see also the reminiscences of Khalid al-Thabit, "al-Madrasa al-Islamiyya al-'uliya," *Shahid* 4 (1983), pp. 259–269. Al-Thabit was employed as the secretary of the Institute from 1937.

<sup>60</sup> Buonaiuti, *Politica e religioni nel colonialismo italiano*, p. 269.

<sup>61</sup> Cerbella, *Fascismo e islamismo*, pp. 36–39.

he was an *‘alim* trained at al-Azhar. In the years spent in Cairo he was very close to Egyptian nationalist circles and also collaborated with *al-Asad*, the newspaper published in Cairo by al-Baruni. On returning to Tripolitania he founded in 1910 a weekly newspaper, *al-Mursad*, which strongly denounced European imperialism in North Africa; it ceased publication in 1911, when Italy occupied Tripolitania.<sup>62</sup> He played an active role in the Conference of Garian.<sup>63</sup>

In June 1936, upon the death of al-Fasatawi, Muhammad Abu al-As‘ad al-‘Alim was named as rector. He was a well-known notable, the mufti of Tripoli, and had been dean of the schools of the *awqaf* for many years.<sup>64</sup> Because all the teachers except those teaching Italian language were Muslims, and because of the important political role assigned to the IIS, a great deal of care was put into the selection and training of the teaching staff. At the beginning, some natives who had obtained their *‘ulama* degree from al-Azhar University were engaged;<sup>65</sup> in 1936 Shaykh Tahir “Bakir,” one of the IIS’s teachers, was sent to the Oriental Institute in Naples to be trained in European teaching methods.<sup>66</sup> When the IIS opened, requests for admission were numerous, but not more than 30 students were allowed in any class;<sup>67</sup> however, by the 1939–40 academic year only 17 students were attending the school.<sup>68</sup>

The IIS still needs to be researched in detail, but it certainly did not play the important role that Italian policy had assigned to it. In 1936, the French consul in Tripoli described it as “a pretence,” because the teachers were engaged at random and were not trained, and because

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<sup>62</sup> ‘Ali Mustafa al-Misrati, *Sahafat Libya fi nisf qarn*, Beirut 1960, pp. 109–117; al-Suy‘a ‘Abd al-‘Aziz Sa‘id, *Bidayat al-Sahafa al-Libiyya 1866–1922*, Tripoli 1989, pp. 143–144, 232–233.

<sup>63</sup> Muhammad Fu‘ad Shukri, *Milad dawlat Libiya al-haditha*, Cairo 1957, vol. 2, p. 525; al-Tahir Ahmad al-Zawi, *I‘lam Libya*, 3rd ed., Beirut 2004, pp. 116–117.

<sup>64</sup> ASMAE, ASMAI Libya 150/31 “Scuola superiore islamica,” Bulletin for the Arab Press abroad, undated, probably June 1936. Comunicato per la Stampa araba all’estero (s.d., June 1936).

<sup>65</sup> ASMAE, ASMAI Libya 150/31, Ministry of Colonies to Government of Libya, Tripoli, December 1935.

<sup>66</sup> ASMAE, ASMAI Africa 3/36, “Le scuole della Libia” (the schools of Libya), typescript, s.d.

<sup>67</sup> Ronald Reinald De Marco, *The Italianization of African Natives: Government Native Education in the Italian Colonies, 1890–1937*, New York 1943, p. 65.

<sup>68</sup> ASMAE, ASMAI Africa 3/36, “Le scuole della Libia” (the schools of Libya), typescript, undated.



the students admitted did not have an adequate background.<sup>69</sup> Obviously the IIS contributed little to the promotion and development of the nationalist movement in Libya; but elsewhere, such as in Algeria's training institutes for 'ulama',<sup>70</sup> these kinds of institutions did help to raise a nationalist consciousness.

#### CONCLUSION

Islam constituted an important element in Italian colonial policy in Libya, and the colonial authorities always paid particular attention to indigenous Muslim elites. However, the "politics of chiefs," which was based mainly on an exaggerated patronage policy, did not help to overcome sectarian, tribal and regional divisions.

The Italian colonial authorities did not develop a well-defined educational policy aimed at modernizing the traditional elites or forming a new "evolus" elite useful for meeting administrative and economic needs. As noted, the IIS—the institution charged with reforming the local elite—was established only in the mid-1930s, in the closing phase of colonial rule. Even then, its impact on the emergence of new elites was negligible, due to the small number of students admitted each year. Moreover, the IIS was not very popular among native circles because its educational program was perceived as too "Westernized." Hence the Italian administration did not significantly alter or influence the structure of the Muslim elites in Libya, nor did it contribute to the emergence of new ones.

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<sup>69</sup> "Archives d'Outre-mer" (Aix-en-Provence), FM, AP 1425, French Consul in Tripoli to the General Resident in Rabat, 20 May 1936.

<sup>70</sup> James McDougall, "The Shabiba Islamiyya of Algiers: Education, Authority, and Colonial Control, 1921–57," *Comparative Studies of South Asia, Africa and the Middle East* 24/1 (2004), pp. 147–154.

## CHAPTER FIVE

### EDUCATION, POLITICS, AND THE STRUGGLE FOR INTELLECTUAL LEADERSHIP: AL-AZHAR BETWEEN 1927 AND 1945\*

Rainer Brunner

When the Egyptian historiographer ‘Abd al-Rahman al-Jabarti (d. 1825/26) began to compose his famous chronicle *‘Aja’ib al-athar* at the end of the eighteenth century, the classical self-image of Muslim scholars was still intact. Following the well-known hadith, he called them the heirs of the Prophets and classified them immediately after the latter, and before all mundane rulers and kings.<sup>1</sup> It is not difficult to imagine that when writing these lines he had first and foremost al-Azhar in mind, having originated from a family that already for nearly three centuries had been attached to this centre of Muslim scholarship, and having himself close ties to Hasan al-‘Attar, who was to become Shaykh al-Azhar in 1830.<sup>2</sup>

The position of the ‘ulama’ as the cultural elite of the country and the mediators between the rulers and the people had until that time largely remained uncontested, and during the French occupation of Egypt (1798–1801) al-Azhar formed the center of opposition to the foreign army. The strong moral authority of the scholars and their social influence were due not least to the fact that al-Azhar had always remained an autochthonous Egyptian institution, as no Turkish Ottoman *‘alim* had ever held the office of Shaykh al-Azhar since its creation

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\* My sincere thanks go to Simon Hopkins and Etan Kohlberg for valuable corrections and suggestions.

<sup>1</sup> ‘Abd al-Rahman al-Jabarti, *‘Aja’ib al-athar fi’l-tarajim wa’l-akhbar*, ed. Hasan Muhammad Jawhar et al., Cairo 1958, vol. 1, pp. 34f.; cf. the English translation: *‘Abd al-Rahman al-Jabarti’s History of Egypt*, ed. by Thomas Philipp, Stuttgart 1994, vol. 1, pp. 10–15; regarding al-Jabarti (1754–1825/26) see *Encyclopaedia of Islam*, 2nd ed., Leiden 1954ff., vol. 2, pp. 355–357 (David Ayalon); references to the hadith are given in A. J. Wensinck et al., *Concordance et indices de la tradition musulmane*, Leiden 1936–69, vol. 4, p. 321.

<sup>2</sup> David Ayalon, “The Historian al-Jabarti and His Background,” *Bulletin of the School of Oriental and African Studies* 23 (1960), pp. 217–249, esp. 243f.

in the late seventeenth century.<sup>3</sup> The heyday of the scholars' power was reached in 1805, when they helped Muhammad Ali (r. 1805–1848) to assume power.

This "golden age,"<sup>4</sup> however, proved to be only a short honeymoon. The new ruler himself effectively undermined the economic basis of the 'ulama' by abolishing their tax concessions (*iltizam*) and confiscating the pious endowments (*awqaf*, sg. *waqf*).<sup>5</sup> What is more, he set out to undermine their social standing by sending delegations abroad to acquire the knowledge and skills deemed necessary to cope with the rapidly changing circumstances. This policy, which was continued by most of Muhammad Ali's successors throughout the nineteenth century, amounted to an overthrow of the existing social structures, especially with regard to the traditional stratum of Muslim scholars.

In the very nature of things, it was al-Azhar that was affected most by this development. The decline in the standing of the 'ulama' was particularly sharp and painful in the two realms in which they had had a quasi-monopoly in the past: jurisdiction and education. In jurisdiction, the introduction of mixed courts in 1876 and of the national courts seven years later—both based on French law—and, especially, the founding of a state-run qadi school (*madrasat al-qada' al-shar'i*)<sup>6</sup> in 1907 effectively curtailed the prospects of Azhar graduates finding a suitable position after leaving university. Correspondingly, in the field of education the backward teaching methods of al-Azhar ensured that its graduates could for the most part no longer be used in the secular school system. This led to the founding of the teachers college *Dar al-'Ulum* in 1872, which was intended to train instructors for primary and

<sup>3</sup> Daniel Crecelius, "The Emergence of the Shaykh al-Azhar as the Pre-eminent Religious Leader in Egypt," in *Colloque International sur l'Histoire du Caire*, Gräfenhainichen n.d., p. 111. For a list of al-Azhar rectors see A. Chris Eccel, *Egypt, Islam and Social Change: al-Azhar in Conflict and Accommodation*, Berlin 1984, pp. 136–138.

<sup>4</sup> Daniel Crecelius, "Nonideological Responses of the Egyptian Ulama to Modernization," in Nikki R. Keddie (ed.), *Scholars, Saints and Sufis: Muslim Religious Institutions in the Middle East since 1500*, Berkeley 1972, p. 173.

<sup>5</sup> *Ibid.*, 184. See also Pierre-Jean Luizard: "al-Azhar. Institution sunnite réformée," in Alain Roussillon (ed.), *Entre réforme sociale et mouvement national: Identité et modernisation en Egypte (1882–1962)*, Cairo 1995, pp. 519–548, esp. pp. 523–525; Wolf-Dieter Lemke, *Mahmud Šaltut (1893–1963) und die Reform der Azhar. Untersuchungen zu Erneuerungsbestrebungen im ägyptisch-islamischen Erziehungssystem*, Frankfurt/Main 1980, pp. 20–29.

<sup>6</sup> On the brief history of this institution see Bernard Botiveau, "L'Ecole de la magistrature *shar'i* (1907–1930) et la production d'un droit islamique réformé," in Roussillon (ed.), *Entre réforme sociale et mouvement national*, pp. 549–564.

secondary schools.<sup>7</sup> Both institutions—to which must be added Cairo University, founded in 1908<sup>8</sup>—not only proved to be a serious challenge to Azhar graduates on the job market but put the time-honored university as a whole at risk of being marginalized in the long term.

In Egypt, as elsewhere in the Ottoman Empire in the nineteenth century, the debate was characterized primarily by two recurring topics: the need to reform the existing institutions on the one hand, and the emergence of new public media such as the press and new groups of social actors on the other. In the course of time, they successfully contested the traditional elite's claim to speak on behalf of the people, whether in terms of the religious *umma* or in terms of a secularized nation. Notwithstanding the high social reputation it still enjoyed among the Egyptians, and notwithstanding also that the contrast between the "traditional" and the "modern" elites was not always as sharp as has often been claimed,<sup>9</sup> al-Azhar could not close its mind to this development. Many a representative of the new class of intellectuals was himself a product of the new institutions (it will be recalled that the founder of the Muslim Brotherhood, Hasan al-Banna, was a graduate of the *Dar al-'Ulum*, as was Sayyid Qutb), without necessarily being inclined to give up a decidedly Islamic outlook on life. Islamic reform was not only—and increasingly less so—a matter to be left to the 'ulama'.<sup>10</sup> A proliferation of religious authority, widely acknowledged as well as self-proclaimed, was the necessary consequence, a consequence that has left its distinct mark on all debates about Islamic reform and its participants until today.

It does not therefore come as a surprise that the history of al-Azhar in the past 150 years is essentially a history of various attempts—mainly initiated from outside, only occasionally from within—to adjust one of the oldest universities in the world to the exigencies of modern

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<sup>7</sup> Lois A. Aroian, *The Nationalization of Arabic and Islamic Education: Dar al-'Ulum and al-Azhar*, Cairo 1983, pp. 12–16.

<sup>8</sup> Donald M. Reid, *Cairo University and the Making of Modern Egypt*, Cambridge 1990, pp. 11–33.

<sup>9</sup> Malika Zeghal, "Les réformes de l'université d'al-Azhar en Egypte: une entreprise de sécularisation?" in Pierre-Jean Luizard (ed.), *Le choc colonial et l'Islam: Les politiques religieuses des puissances coloniales en terre d'Islam*, Paris 2006, pp. 538f. See also Crecelius: "The Emergence of the Shaykh al-Azhar," *passim*.

<sup>10</sup> On the rise of modern intellectuals in the Arab world see Jakob Skovgaard-Petersen, "Portrait of the Intellectual as a Young Man: Rashid Rida's *Muhawarat al-muslih wa'l-muqallid* (1906)," *Islam and Christian-Muslim Relations* 12 (2001), pp. 93–104, esp. pp. 94f.

times.<sup>11</sup> The very first steps in this direction were undertaken as early as the 1860s; but approximately a century passed before, in the radical reform of 1961, al-Azhar finally lost its mediaeval character and was transformed into a nationalized institution, designed to legitimize the nation-state. It has become a commonplace in research to assume that it was mainly the latter event (and Nasser's takeover in 1952 in general) that finally politicized al-Azhar and "helped pave the way for the 'ulama's increasing involvement in Egyptian politics in the 1980s."<sup>12</sup> Without questioning the significance of the 1961 reform, I shall suggest in what follows that the perspective be broadened a little so as to include the first half of the twentieth century. It was during this period—more precisely in the almost two decades spanning the rectorships of Muhammad Mustafa al-Maraghi (1928–1929 and 1935–1945) and Muhammad al-Ahmadi al-Zawahiri (1929–1935)—that al-Azhar not only became for the first time involved in the political power struggle, but that the process of far-reaching politicization of the university began. It was then, too, that a first serious challenge to the traditional claim of the 'ulama' to intellectual leadership was voiced by a prominent member of the Salafiyya class of Islamic intellectuals.

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<sup>11</sup> For the history of al-Azhar in the twentieth century see Luizard, "al-Azhar: Institution sunnite réformée"; Eccel, *Egypt, Islam and Social Change*; Malika Zeghal, *Gardiens de l'Islam: Les oulémas d'Al-Azhar dans l'Égypte contemporaine*, Paris 1996; Francine Costet-Tardieu, *Un réformiste à l'université al-Azhar: Œuvre et pensée de Mustafâ al-Marâghî (1881–1945)*, Cairo and Paris 2005; Meir Hatina, "Historical Legacy and the Challenge of Modernity in the Middle East: The Case of al-Azhar in Egypt," *Muslim World* 93 (2003), pp. 51–68. Above all, Lemke's book on Mahmud Shaltut (see above, note 5) has to be mentioned again. This work has been almost completely ignored in French and Anglo-American research: neither Eccel nor Zeghal list it in their respective bibliographies, Costet-Tardieu has it in her bibliography but hardly ever refers to it in the notes; Luizard even goes so far as to state: "L'histoire de la réforme d'al-Azhar reste à faire. (...) aucun (chercheur) ne prend la réforme d'al-Azhar comme objet d'étude privilégié." Luizard, "al-Azhar: Institution sunnite réformée," p. 519. The positive exception to this rule is Jakob Skovgaard-Petersen: *Defining Islam for the Egyptian State: Muftis and Fatwas of the Dar al-Ifta*, Leiden 1997.

<sup>12</sup> Muhammad Qasim Zaman, *The Ulama in Contemporary Islam: Custodians of Change*, Princeton 2002, p. 145; cf. Malika Zeghal, "Religion and Politics in Egypt: The Ulema of al-Azhar, Radical Islam, and the State (1952–94)," *International Journal of Middle East Studies* 31 (1999), pp. 371–399; Tamir Moustafa, "Conflict and Cooperation between the State and Religious Institutions in Contemporary Egypt," *International Journal of Middle East Studies* 32 (2000), pp. 3–22; Steven Barraclough, "al-Azhar: Between the Government and the Islamists," *Middle East Journal* 52 (1998), pp. 236–249.

EARLY ATTEMPTS AT REFORM AND THE QUESTION  
OF POLITICAL INFLUENCE

The various Azhar reform laws that were enacted between 1872 and the end of World War I concentrated mainly on the course of studies, the standard for final graduation and the requirements for becoming an 'alim.<sup>13</sup> Compared to these issues, discussion of the need to introduce new subjects was far less pronounced and more often than not met with obstruction on the part of the 'ulama'. The debate on this topic continued to be one of the main bones of contention during all subsequent attempts to reform al-Azhar, and prior to the 1961 restructuring most decisions in this regard remained more or less a dead letter. Already the first reform law in February 1872, which was hardly more than an examination code, may be considered as a defense of traditional scholarship: It limited the number of subjects relevant for final graduation to the classical canon of Islamic core disciplines and thus made the study of new subjects (such as the natural sciences, geography and history) appear a sheer waste of time.<sup>14</sup>

Closely linked with the addition of new subjects to the curriculum was the revision of the outdated mediaeval teaching methods in the traditional fields of study. In the first instance, this meant doing away with the accumulated commentaries, supercommentaries and glosses that had come to block direct access to the theological sources. The driving force also in this regard was Muhammad 'Abduh, who—though never a Shaykh al-Azhar himself—as a member of the university's Administrative Council (*Majlis idarat al-Azhar*, established in 1895) tried to apply his ideas of Islamic reform to al-Azhar.<sup>15</sup> In this regard, too,

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<sup>13</sup> This period is treated in detail by Indira Falk Gesink, "Beyond Modernisms: Opposition and Negotiation in the Azhar Reform Debate in Egypt, 1870–1911," Ph.D. dissertation, Washington University, St. Louis, 2000; see also 'Abd al-Muta'al al-Sa'idi, *Tarikh al-islam fi'l-Azhar wa-safahat min al-jihad fi'l-islam: dirasa li-harakat al-islam wa-qawaniniha wa-rijaliha*, Cairo 1943–58, vol. 1, pp. 25–82; Bayard Dodge, *al-Azhar: A Millennium of Muslim Learning*, Washington, DC, 1961, pp. 132–144; a useful, albeit somewhat faulty, chronology of major events between 1868 and 1992 is given by Luizard, "al-Azhar: Institution sunnite réformée," pp. 541–547. A French translation of all relevant laws, decrees and regulations between 1911 and 1927 is provided by Achille Sékaly, "L'Université d'El-Azhar et ses transformations," *Revue des Etudes Islamiques* 1 (1927), pp. 95–116, 465–529; 2 (1928), pp. 47–165, 255–337, 401–472.

<sup>14</sup> Lemke, *Mahmud Šaltut*, pp. 38f.; concerning the 'ulum haditha see *ibid.*, p. 32.

<sup>15</sup> Dodge, *al-Azhar*, pp. 129–132; Lemke, *Mahmud Šaltut*, pp. 30–33; Gesink, *Beyond Modernisms*, pp. 382ff.; Charles C. Adams, *Islam and Modernism in Egypt: A Study of the Modern Reform Movement Inaugurated by Muhammad 'Abduh*, London 1933, pp.

progress proved to be very slow, and complaints about the continued use of the “old books” were frequent and could still be heard decades later.<sup>16</sup> As has rightly been observed, “Islamic reform has... more often been a response to social and economic pressures than an ideological commitment to change.”<sup>17</sup> Al-Azhar was no exception to this rule. Not only was the will to reform far from being unanimously shared among its ‘ulama’ and students, even many a rector, well into the 1920s, is described as reactionary and intent on thwarting all efforts at progress. No steps were undertaken during this period to implement or even encourage the introduction of new subjects or methods.<sup>18</sup>

At the same time, the significance of al-Azhar and the preeminence of its leader were all the more energetically stressed. Article 4 of the reform law no. 10 (1911) defined the Shaykh al-Azhar as the “chef suprême de tous les desservants de la religion,” whose authority to supervise the individual conduct of the ‘ulama’ was explicitly extended to include non-Egyptian scholars as well.<sup>19</sup> The scholars’ self-confidence did not yet seem to have been gravely affected by the pressing questions asked by Muslim reformists of various shades. Considerations of a more political nature, on the other hand, had remained largely untouched by the early reform measures. Nobody so far questioned the unconditional right of the rulers to select and appoint the religious dignitaries, in particular the rector of al-Azhar, and article 22 of the 1911 law stipulated explicitly: “Le choix et la nomination du Recteur d’El-Azhar dépendent et émanent de Nous” (i.e. the khedive).<sup>20</sup> Before that date, the prerogative of the ruler had been only a customary rule that was nowhere put down in writing, though acknowledged by everyone. Also the British consuls-

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70–78; Muhammad Rashid Rida, *Ta’rikh al-ustadh al-’imam al-shaykh Muhammad ‘Abduh*, Cairo 2003, vol. 1, pp. 425–567; A. A. Ateek, *al-Azhar: The Mosque and the University*, London n.d. [1950], pp. 11–20 (I am indebted to Thomas Jansen, Cambridge, for a copy of this publication).

<sup>16</sup> Al-Sa’idi, *Ta’rikh al-islam*, vol. 1, p. 126.

<sup>17</sup> This is the sober assessment of Creelius, “Nonideological Responses,” p. 191.

<sup>18</sup> Dodge, *al-Azhar*, p. 139 (on Salim al-Bishri and ‘Abd al-Rahman al-Shirbini); al-Sa’idi, *Ta’rikh al-islam*, vol. 1, p. 112 (on Muhammad Abu al-Fadl al-Jizawi); Lemke, *Mahmud Šaltut*, pp. 48–50.

<sup>19</sup> Sékaly, “L’Université d’El-Azhar” 1 (1927), p. 473. On this law see also Dodge, *al-Azhar*, pp. 140–42; Daniel Creelius, “The Ulama and the State in Modern Egypt,” Ph.D. dissertation, Princeton 1967, pp. 229–235.

<sup>20</sup> Sékaly, “L’Université d’El-Azhar” 1 (1927), p. 479.

general, after the occupation of the country in 1882, had respected the custom and refrained from intervening directly in the matter.<sup>21</sup>

After World War I, the situation changed fundamentally.<sup>22</sup> Egypt gained its formal independence in 1922, and a constitution was drafted the following year. After the first elections of January 1924, new political actors stepped onto the stage and it became clear that the government also wanted to have a say in the procedures for nominating the country's highest Muslim dignitary. The constitution of 1923 had made only a preliminary provision, leaving the final decision to a future law;<sup>23</sup> a continuous and unprecedented struggle between the King and parliament was the consequence. Being at the very core of this trial of strength, al-Azhar and its leading 'ulama' could not, of course, stand aside. The university took the King's side, fearing to be dragged into the parliamentary squabble.<sup>24</sup> Even when a reform committee was set up in 1925 to discuss the abolishment of the qadi school and the integration of the *Dar al-'Ulum* into al-Azhar—which would have strengthened al-Azhar's position—there was determined opposition from high-ranking scholars: Muhammad al-Ahmadi al-Zawahiri, whom we shall shortly meet as rector, strongly rejected the idea, on the grounds that this would bring al-Azhar under the control of the Ministry of Culture (and as a consequence out of the control of the King). In his view, such a move would mean an unacceptable loss of the university's independence; he even deemed it part of a secret plan to annihilate al-Azhar.<sup>25</sup> He managed to torpedo the committee by writing a letter to the King, and later credited himself with thus having preserved the autonomy of the university. As we shall see, not everybody shared this assessment,

<sup>21</sup> Fakhr al-Din al-Ahmadi al-Zawahiri, *al-Siyasa wa'l-Azhar: min mudhakkirat Shaykh al-Islam al-Zawahiri*, Cairo 1364/1945, pp. 17–29.

<sup>22</sup> P. J. Vatikiotis, *The History of Egypt: From Muhammad Ali to Mubarak*, London 1985, pp. 247–284.

<sup>23</sup> Lemke, *Mahmud Šaltut*, p. 53.

<sup>24</sup> Al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 32ff.; Francine Costet-Tardieu, "Un projet de réforme pour l'Université d'al-Azhar en 1928: le Mémoire du shaykh al-Marāghī," *Revue des Mondes Musulmans et de la Méditerranée* 95–98 (2002), pp. 169–187, esp. p. 171; Dodge, *al-Azhar*, pp. 146–148. See also Sa'īd Isma'īl 'Alī, *Dawr al-Azhar fi'l-siyasa al-Misriyya*, Cairo 1986, pp. 292–299.

<sup>25</sup> Al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 218–220; 'Alī 'Abd al-'Azīm, *Mashyakh al-Azhar mundhu insha'iha hatta al-an*, Cairo 1399/1979, vol. 2, pp. 59f.; see also Costet-Tardieu, *Un réformiste*, pp. 58f., and Eccel, *Egypt, Islam and Social Change*, pp. 272–275. The other members of the committee were Isma'īl Sidqī, Ahmad Lutfī as-Sayyid, 'Abd al-'Aziz Jawīsh and Muhammad Mustafa al-Marāghī.



especially since independence from parliament and government apparently meant a growing dependence upon the palace.

In the struggle between the King and the government over the right to appoint the al-Azhar rector, a compromise was seemingly reached after a series of rejections by parliament of royal candidates for various positions in the religious establishment.<sup>26</sup> Law no. 15 (31 May 1927) stipulated that the Shaykh al-Azhar was henceforward to be nominated by royal decree on the proposition of the prime minister.<sup>27</sup> But a measure that was supposed to calm things down thoroughly backfired and turned out to be the most heavily disputed issue in al-Azhar politics for the next twenty-five years.<sup>28</sup>

#### AL-MARAGHI'S FIRST RECTORSHIP (1928–1929)

The pitfalls of the new law became immediately obvious when, on 14 July 1927, Shaykh al-Azhar Abu al-Fadl al-Jizawi died and a struggle for succession arose.<sup>29</sup> While King Fu'ad's choice was Muhammad al-Ahmadi al-Zawahiri, Prime Minister Mustafa al-Nahhas Pasha proposed Muhammad Mustafa al-Maraghi for the position.<sup>30</sup> Both candidates had graduated from al-Azhar a quarter of a century earlier,<sup>31</sup> and both had also in later years been concerned with Azhar affairs—for instance, as members of the aforementioned reform committee of 1925. Neither of them, however, occupied a position at the institution at that time;

<sup>26</sup> Al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 32ff.

<sup>27</sup> The official French translation of the law is cited in Sékaly, "L'Université d'El-Azhar" 2 (1928), pp. 97f., and Sylvia Haim, "State and University in Egypt," in C. D. Harris and M. Horkheimer (eds.), *Universität und moderne Gesellschaft*, Frankfurt 1959, p. 111; the Arabic version is given by al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 38f. See also Costet-Tardieu, *Un réformiste*, pp. 60f.; Zeghal, *Gardiens de l'Islam*, pp. 79–81. The key sentence of the law reads, "Le Recteur de l'Université d'El-Azhar sera nommé par rescrit royal sur la proposition du Président du Conseil des ministres."

<sup>28</sup> Al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 60ff. See also Haim, "State and University in Egypt," p. 99.

<sup>29</sup> 'Ali 'Abd al-'Azim, *Mashyakhat al-Azhar*, vol. 2, pp. 1–8. Al-Jizawi had been rector since October 1917.

<sup>30</sup> Lemke, *Mahmud Šaltut*, pp. 55ff. On al-Maraghi (1881–1945) see the new biography by Costet-Tardieu, *Un réformiste*, passim; 'Abd al-'Azim, *Mashyakhat al-Azhar*, vol. 2, pp. 9–43, and the bibliography given in Lemke, *Mahmud Šaltut*, p. 57 note 4. On al-Zawahiri (1878–1944) see 'Abd al-'Azim, *Mashyakhat al-Azhar*, vol. 2, pp. 45–75; Lemke, *Mahmud Šaltut*, p. 56 note 3, and above all al-Zawahiri's own memoirs (a rather chaotically organized collection of reminiscences compiled by his son Fakhr al-Din) *al-Siyasa wa'l-Azhar*, passim.

<sup>31</sup> Al-Zawahiri finished his studies in 1902, al-Maraghi in 1904.

al-Maraghi was serving as president of the Supreme Shari‘a Court, al-Zawahiri as rector of the religious institute in Asyut.

The tug-of-war took ten months, before King Fu‘ad finally had to yield to the manifold pressure; he appointed al-Maraghi on 22 May 1928.<sup>32</sup> This step, which amounted to a preliminary victory of the government over the King, may well be regarded as the first time the filling of this important position was dictated mainly by political considerations. Al-Maraghi in particular was a political candidate who sympathized with the liberal-constitutionalist party, al-Nahhas’s coalition partner in the government. What is more, he enjoyed the discreet favor of the British colonial administration, with whom he had been associated since his tenure as chief qadi in the Sudan (1908–1919).<sup>33</sup> In the attempt to counterbalance both the government and the British, the King, on the other hand, found his most loyal ally in al-Zawahiri. Although their long-standing relationship had not been without occasional friction,<sup>34</sup> al-Zawahiri had always been a staunch defender of the King’s sole right to appoint the Shaykh al-Azhar.<sup>35</sup> In contrast to these political machinations, the issue of reforming al-Azhar does not seem to have played a prominent role in any of the parties’ deliberations.

The circumstances of his appointment made al-Maraghi’s situation difficult from the very beginning. His rival, al-Zawahiri, in his memoirs, made it very clear what he thought of this decision. Without mentioning al-Maraghi’s name, he castigated him as someone who, since graduating 25 years earlier, had forgotten about al-Azhar and was more interested in politics than in scholarship, appearing in the mosque only on official occasions.<sup>36</sup> Al-Maraghi’s ties with the British authorities in particular

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<sup>32</sup> Cf. ‘Abd al-‘Azim, *Mashyakhah al-Azhar*, vol. 2, pp. 60–62. According to al-Zawahiri, *al-Siyasa wa’l-Azhar*, pp. 42f., other candidates for the position were ‘Abd al-Rahman Qurra’a, Muhammad Hasanayn Makhluḥ, Muhammad Bakhit, Ahmad Harun and ‘Abd al-Majid Salim.

<sup>33</sup> Costet-Tardieu, *Un réformiste*, pp. 27–38; Elie Kedourie, “Egypt and the Caliphate, 1915–52,” in idem, *The Chatham House Version and Other Middle Eastern Studies*, London 1970 (repr. Chicago 2004), pp. 178ff. See also below, notes 88 and 123.

<sup>34</sup> Al-Zawahiri, *al-Siyasa wa’l-Azhar*, pp. 184–206. In 1923, al-Zawahiri was transferred, on Fu‘ad’s orders, from the prestigious religious institute in Tanta (where his father had already taught) to the far less important one in Asyut, apparently against his will and following an argument over the course of curriculum reform. See also ‘Abd al-‘Azim, *Mashyakhah al-Azhar*, vol. 2, p. 58; Muhammad ‘Abd al-Mun‘im al-Khafaji, *al-Azhar fi al-f‘am*, Beirut 1408/1988, vol. 1, p. 259.

<sup>35</sup> Al-Zawahiri, *al-Siyasa wa’l-Azhar*, pp. 27f., pp. 32f.

<sup>36</sup> Ibid., pp. 46f. Al-Zawahiri himself was compensated by being transferred back to the religious institute in Tanta. Ibid., p. 264.

aroused al-Zawahiri's wrath, and he remarked spitefully that it was actually the British High Commissioner Lord George Ambrose Lloyd who had put forward al-Maraghi as candidate.<sup>37</sup> Al-Zawahiri was not alone in his opposition to the new rector. That al-Maraghi came to al-Azhar more or less as an outsider was interpreted by only very few reform-minded followers as a positive sign; within al-Azhar, support for him appears to have been limited to a mere handful of young 'ulama'.<sup>38</sup>

These negative circumstances notwithstanding, al-Maraghi came out with a spectacular proposal for a comprehensive reform of al-Azhar only a few months after assuming office. His memorandum was a mixture of general considerations concerning the task of the 'ulama' in modern times together with a call for the renewal of religious scholarship on the one hand and programmatic suggestions for reforming the course of studies at al-Azhar on the other.<sup>39</sup> By having indulged in intellectual laxity and neglected the significance of reason, the 'ulama', he claimed, had lost contact with society and had therefore become responsible for the widespread decline of religion and morals. A reopening of the gate of *ijtihad* was thus essential, as was a comprehensive reform of al-Azhar so as to allow it to resume its most noble mission—namely, as a source of religious radiation for Egypt and beyond. Even without explicitly referring to Muhammad 'Abduh, this approach clearly indicated to

<sup>37</sup> Al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 59, 264. For details see *ibid.*, pp. 50–59. On George Lloyd's role in Egypt where he was High Commissioner from 1925 to 1929, see C. W. R. Long, *British Pro-Consuls in Egypt, 1914–1929: The Challenge of Nationalism*, London 2005, pp. 137–169, and his memoirs *Egypt since Cromer*, vols. 1–2, London 1933/34, where there is no mention of al-Maraghi's appointment. Lloyd did, however, suggest that “nothing short of a vigorous renaissance” was necessary in order to restore the Egyptian educational system in general and al-Azhar in particular. *Ibid.*, vol. 1, pp. 156–158.

<sup>38</sup> Al-Sa'idi, *Ta'rikh al-islam*, vol. 1, p. 112; al-Zawahiri, *al-Siyasa wa'l-Azhar*, p. 65, speaks of six scholars who approached him and became his allies. On al-Maraghi's first tenure see Lemke, *Mahmud Šaltut*, pp. 58–65; Costet-Tardieu, *Un réformiste*, pp. 64–68; Creelius, *The Ulama and the State*, pp. 309–311.

<sup>39</sup> Al-Maraghi's memorandum, a key text for the modern history of al-Azhar, was published initially in *al-Manar* 29/5 (Sep. 1928), pp. 325–335; it was reprinted in Abu al-Wafa' al-Maraghi (ed.), *al-Shaykh al-Maraghi bi-aqlam al-kuttāb*, Cairo 1957, pp. 26–40; it is discussed in detail by Lemke, *Mahmud Šaltut*, pp. 65–75, and Costet-Tardieu, *Un réformiste*, pp. 69–73. A complete French translation is provided by Costet-Tardieu, “Un projet de réforme,” pp. 175–186; a (defective) English version appeared as early as 1929: “A Defense of Reforms in Al Azhar,” *The Muslim World* 19 (1929), pp. 183–195. See also Eccel, *Egypt, Islam and Social Change*, pp. 278f.; Skovgaard-Petersen, *Defining Islam*, pp. 148f.; al-Sa'idi, *Ta'rikh al-islam*, vol. 1, pp. 115–118; 'Abd al-'Azim, *Mashykhāt al-Azhar*, vol. 2, pp. 25–29; Mukhlis al-Sayyadī, *al-Azhar wa-mashari' tatwirihi 1289–1390 /1872–1970*, Beirut 1992, pp. 56f.

which tradition al-Maraghi saw himself as belonging.<sup>40</sup> A reform of the training of the 'ulama' at al-Azhar was, in his view—as it had been in 'Abduh's—the decisive precondition for a general recovery of the poor state of religion in Egypt and the Islamic world as a whole. For this purpose, he demanded a thorough revision of the curriculum (to include the study of Islamic sects and of religions other than Islam), the introduction of modern subjects and textbooks, and finally a total reorganization of the educational system of al-Azhar. The training of the young 'ulama' should be accessible to only a limited number of students,<sup>41</sup> and its higher levels were to be organized in three faculties: Arabic language, law and *al-da'wa wa'l-irshad* (preaching and guidance). These proposals were aimed mainly at the *Dar al-'Ulum* and the qadi school, which in consequence should be merged with al-Azhar—i.e., de facto dissolved—in order for al-Azhar to regain the monopoly regarding the training of teachers and judges.<sup>42</sup> Interestingly enough, al-Maraghi remained silent on the political question of the right to appoint religious dignitaries.

In August 1929, a reform committee was established (presided over by al-Maraghi), which, on the basis of his memorandum, drew up a bill for a reform law.<sup>43</sup> But time was running out for the Shaykh al-Azhar, who suffered both from King Fu'ad's obstructionism and from lack of encouragement within al-Azhar. When it finally became clear that he would soon lose his political supporters as well (al-Nahhas's successor, Prime Minister Muhammad Mahmud, who had also been strongly in favor of al-Maraghi's appointment, stepped down at the beginning of October 1929), al-Maraghi's position was no longer tenable. His resignation was accepted on 8 October 1929.<sup>44</sup>

<sup>40</sup> Ahmad Hasan al-Baquri, *Baqaya al-dhikrayat*, Cairo 1408/1988, p. 29. On Rida's judgment, see below.

<sup>41</sup> In contrast to a general department, which was to be open to everyone, without restriction, but also without granting any degree or access to the labor market.

<sup>42</sup> It will be recalled that this step had already been discussed by the reform committee in 1925; see above, note 25.

<sup>43</sup> Lemke, *Mahmud Šaltut*, p. 75, note 1 (correcting al-Sa'idi: *Ta'rikh al-islam*, vol. 1, pp. 118f., who has Rabi' I 1347 = August 1928); Costet-Tardieu, *Un réformiste*, p. 103, n. 33, opts for either August or September 1928 (ignoring Lemke). On the main points of this bill, see Costet-Tardieu, pp. 73f. The other members of the committee were 'Abd al-Fattah Sabri, Muhammad Khalid Hasanayn and 'Abd al-'Aziz al-Bishri.

<sup>44</sup> Al-Zawahiri once more makes a connection between al-Maraghi's failure and British politics, stressing Lord Lloyd's recall to London (in July 1929). *Al-Siyasa wa'l-Azhar*, pp. 67–70, 264. See also Costet-Tardieu, *Un réformiste*, pp. 77f.; al-Baquri, *Baqaya al-dhikrayat*, pp. 29–31.

## AL-ZAWAHIRI BETWEEN REFORM AND POLITICS (1929–1935)

The King immediately seized the opportunity; only two days later he appointed his favored candidate, Muhammad al-Ahmadi al-Zawahiri, as the new rector.<sup>45</sup> Both conservative and reform-minded Azharis saw this as an elegant way out of the crisis of confidence and orientation. To the former, al-Zawahiri's professed royalist attitude towards the issue of the appointment of high-ranking dignitaries as well as his personal background as scion of an Azhar family appeared sufficiently reassuring. After all, his father, Ibrahim al-Zawahiri, had been head of the religious institute in Tanta, second in importance to al-Azhar, and was regarded as a conservative counterpart to Muhammad 'Abduh, displaying strong Sufi leanings.<sup>46</sup> His son inherited this propensity for Sufism, which early on made him become an acolyte of the Shadhiliyya order;<sup>47</sup> and the practices of popular religion—such as seeking spiritual comfort at holy shrines and receiving invocations from a seeming madman in case of severe illness—were of great importance to him.<sup>48</sup> Moreover, he cultivated the style of a traditional *'alim* well aware of his (superior) place in society and observant of hierarchical customs within the ranks of the *'ulama'* as expressed in ceremonial gestures: only a scholar whose hands were reverentially kissed by his students (and other lower-ranking people) was in his view respectable in the full sense of the word.<sup>49</sup>

<sup>45</sup> Al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 71–80. On his tenure in general cf. Lemke, *Mahmud Šaltut*, pp. 76–98; Costet-Tardieu, *Un réformiste*, pp. 95–100; al-Sa'idi, *Ta'rikh al-Islah*, vol. 1, pp. 119–27; Crecelius, *The Ulama and the State*, pp. 311–18; Dodge, *al-Azhar*, pp. 148–151.

<sup>46</sup> Al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 117ff. Ibrahim al-Zawahiri died in 1907.

<sup>47</sup> *Ibid.*, pp. 131ff.; cf. Dirk Boberg, *Ägypten, Nağd und der Hiğaz: Eine Untersuchung zum religiös-politischen Verhältnis zwischen Ägypten und den Wahhabitiden, 1923–1936, anhand von in Kairo veröffentlichten pro- und antiwahhabitischen Streitschriften und Presseberichten*, Bern 1991, pp. 155–157. See also 'Abd al-'Azim, *Mashyakhāt al-Azhar*, vol. 2, p. 50, who, however, states that al-Zawahiri's brand of Sufism differed greatly from that of his father. On the Shadhiliyya in general see Ernst Bannerth, "Aspects humains de la Shadhiliyya en Égypte," *Mélanges de l'Institut Dominicain d'Études Orientales du Caire* 11 (1972), pp. 237–247.

<sup>48</sup> Al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 103f., 108ff., 112ff.

<sup>49</sup> *Ibid.*, pp. 43, 46, 64 (some acerbic digs at al-Maraghi, who prior to his appointment had no students who kissed his hands); pp. 73, 75, 79 (after al-Zawahiri's appointment as rector), p. 110 (in the shrine of al-Shafi'i, people kiss his father's hands). See also Lemke, *Mahmud Šaltut*, p. 77.

But also the reform-oriented 'ulama' had good reason to place high hopes in al-Zawahiri's appointment. As a young, newly graduated scholar, he had published his book *al-'Ilm wa'l-'ulama'* (1904), a critical stocktaking of the state of religious scholarship and education and a call for its comprehensive reform.<sup>50</sup> Now, a quarter of a century later, he still lived on the positive response it had evoked—and the attempts at repression it had provoked. While it was praised even in contemporary Western Orientalist literature, the incumbent Shaykh al-Azhar, 'Abd al-Rahman al-Shirbini, forced Ibrahim al-Zawahiri to have all the copies of his son's book he could get hold of in Tanta confiscated and burnt.<sup>51</sup> 'Abd al-Muta'al al-Sa'idi's judgment, that by al-Zawahiri succeeding al-Maraghi as rector, one reformer was merely replaced by another, may therefore accurately reflect a prevalent mood among the reformers in 1929.<sup>52</sup>

In the beginning, their great expectations seemed to come true, for in November 1930 the first comprehensive Azhar reform law since 1908/11 was passed.<sup>53</sup> With only minor alterations, the important structural changes that al-Maraghi had proposed in his memorandum were adopted, although al-Zawahiri in his memoirs was ready to acknowledge

<sup>50</sup> Muhammad al-Ahmadi al-Zawahiri, *al-'Ilm wa'l-'ulama' wa-nizam al-ta'lim*, Cairo 1904 (2nd ed., prepared by his son Fakhr al-Din, Cairo 1955). On this book see also Dodge, *al-Azhar*, pp. 138f.; Eccel, *Egypt, Islam and Social Change*, pp. 148–158; Muhammad Rajab al-Bayyumi, *al-Nahda al-Islamiyya fi siyar a'lamiha al-mu'asirin*, Damascus 1420/1999, vol. 4, pp. 269ff. (also in *Majallat al-Azhar* 69/8 [Dec. 1996], pp. 1132ff.).

<sup>51</sup> Al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 135–139, 267–277 (with extensive quotations from the book); cf. the laudatory remarks by Karl Vollers in the article "al-Azhar," *Enzyklopädie des Islam*, Leiden 1913, vol. 1, pp. 560f. al-Zawahiri made a point of quoting Vollers' approval. See al-Sa'idi, *Ta'rikh al-islam*, vol. 1, pp. 119–121; al-Khafaji, *al-Azhar fi alf 'am*, vol. 1, p. 260; al-Sayyadi, *al-Azhar wa-mashari' tatwirih*, p. 54; 'Abd al-'Azim, *Mashyakh al-Azhar*, vol. 1, pp. 310f. and vol. 2, pp. 53f. This positive reference to a Western Orientalist's judgment is all the more astonishing as Vollers had aroused the wrath of many Muslims when he proposed serious doubts about the chronology of the Qur'anic text and its language at the Orientalist Congress in Algiers in 1907. See also Karl Vollers, *Volkssprache und Schriftsprache im alten Arabien*, Strasbourg 1906, pp. 175–185 (I owe this information to Simon Hopkins).

<sup>52</sup> Al-Sa'idi, *Ta'rikh al-islam*, vol. 1, p. 120. See also al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 63, 80–90; *Oriente Moderno* 9 (1929), p. 492.

<sup>53</sup> Law no. 49/1930. For details see al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 278–82; 'Abd al-'Azim, *Mashyakh al-Azhar*, vol. 2, pp. 63–65; Lemke, *Mahmud Saltut*, pp. 84–89; Crecelius, *The Ulama and the State*, pp. 311–313; Costet-Tardieu, *Un réformiste*, pp. 95f. The text of the law is reproduced as an appendix to al-Zawahiri, *al-'Ilm wa'l-'ulama'*, pp. 257–288; French translation in *Revue des Etudes Islamiques* 5 (1931), pp. 241–275; Italian translation in *Oriente Moderno* 11 (1931), pp. 45–55.

this paternity on only a very limited scale.<sup>54</sup> Henceforward, al-Azhar education was to be divided into a general section, which was open to everyone, and a higher section for specialized training, which was to encompass three faculties (law/*shari'a*, theology/*usul al-din*, and language), access to which was restricted. The qadi school was dissolved by being absorbed into the law faculty, and the preparatory level of the *Dar al-'Ulum* was abolished.<sup>55</sup> The founding of a regular journal, to be named *Nur al-Islam*, and the extensive construction of new buildings also contributed to the modernizing effort.<sup>56</sup> The two projects seemed so similar that the reform of 1930 is sometimes flatly ascribed to al-Maraghi.<sup>57</sup>

On one issue about which al-Maraghi's memorandum had kept silent, the new law spoke out: the nagging question of who should be entitled to appoint the rector. Article 10 made it unmistakably clear that the Shaykh al-Azhar was to be both chosen and appointed by the King, thus canceling the notorious law no. 15 of 1927 and fully restoring the royal prerogative.<sup>58</sup> Fu'ad and al-Zawahiri had reached one of their main goals: to keep parliament and the government out of Azhar matters and turn the university into "a royalist bastion."<sup>59</sup> Judging from the immediate

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<sup>54</sup> Al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 278f.; cf. Eccel, *Egypt, Islam and Social Change*, p. 279; Costet-Tardieu, "Un projet de réforme," p. 173; al-Bayyumi, *al-Nahda al-Islamiyya*, vol. 4, p. 275; al-Khafaji, *al-Azhar fi alf 'am*, vol. 1, p. 262; al-Sayyadi, *al-Azhar wa-mashari' tatwirihi*, p. 57. Two of the members of al-Zawahiri's reform committee, 'Abd al-Fattah Sabri Pasha and Muhammad Khalid Hasanayn, had already served on al-Maraghi's board (see above, note 43); the other members were the Egyptian state mufti 'Abd al-Majid Salim (on whom see Skovgaard-Petersen, *Defining Islam*, pp. 159–170) and 'Abd al-Latif al-Fahham.

<sup>55</sup> On the competition between the *Dar al-'Ulum* and al-Azhar see Eccel, *Egypt, Islam and Social Change*, pp. 162–167, 267–281; Reid, *Cairo University*, pp. 139–141.

<sup>56</sup> Al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 289ff.

<sup>57</sup> Adams, *Islam and Modernism*, p. 209, wrote as early as 1933 that al-Maraghi stepped down because of the opposition this law encountered; similarly, Reid, *Cairo University*, p. 145; Nadia Elissa-Mondeguer, "Al-Manâr de 1925 à 1935: la dernière décennie d'un engagement intellectuel," *Revue des Mondes Musulmans et de la Méditerranée* 95–98 (2002), pp. 205–226, on p. 221 n. 27; 'Abd al-Hamid Yunus and 'Uthman Tawfiq, *al-Azhar*, Cairo 1946, p. 137.

<sup>58</sup> Al-Zawahiri, *al-Siyasa wa'l-Azhar*, p. 283; Haim: "State and University," pp. 99f. It is not entirely clear how the reform committee established by al-Maraghi in August 1929 dealt with this question. Al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 68f., states that al-Maraghi's draft contained an explicit confirmation of that particular article; Costet-Tardieu, *Un réformiste*, pp. 77f., however, claims that the Supreme Council of Azhari 'ulama' had accepted the insertion of a paragraph canceling the law of 1927 and that al-Maraghi paid little attention to this problem, assuming that the passage would anyway be altered by parliament.

<sup>59</sup> Creelius, *The Ulama and the State*, p. 314.

positive response to this law, this move reflected, at least to a certain degree a widespread attitude among many scholars and students. Al-Zawahiri emphatically stressed the approval in the newspapers and the enthusiasm among the students. According to him, the latter even staged joyful demonstrations in front of the royal palace to express their gratitude to King Fu'ad for having promulgated the law.<sup>60</sup>

This excitement, however, was not unanimous. Al-Zawahiri had restricted himself to changing the outward structures of the 'ulama' training without adopting the progressive core of al-Maraghi's memorandum, and the reformist (mostly young) generation was quick to discover what the law did *not* mention. 'Abd al-Muta'al al-Sa'idi, himself a student of al-Zawahiri, was very outspoken about the shortcomings of the reform. He deemed the complete absence of any reference to the concept of *ijtihad*, which had been a cornerstone of reformist thought since the nineteenth century, the most glaring omission of all.<sup>61</sup> What is more, even with the new structures, the training of the 'ulama' did not really change, for the old textbooks were not replaced, nor were the teaching methods thoroughly modified—it was, as it were, a case of old wine in new bottles. And as the curricula at primary and secondary levels were not adapted to those in state-run schools, they, too, remained what they had been before—a preparation for the traditional 'ulama' training in the new faculties. Al-Zawahiri even took credit for keeping the teaching of foreign languages out of these basic stages in order to allow the students enough time for their more essential subjects.<sup>62</sup>

But it was not only his “slightly watered-down”<sup>63</sup> reform that cost al-Zawahiri all support. Even more serious was the way he dealt with opposition from within al-Azhar on the one hand and the degree to

<sup>60</sup> Al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 284–287.

<sup>61</sup> Al-Sa'idi, *Ta'rikh al-islam*, vol. 1, p. 126f.; cf. al-Sayyadi, *al-Azhar wa-mashari' tatwirihi*, pp. 57f.; Lemke, *Mahmud Saltut*, pp. 87f.

<sup>62</sup> Al-Zawahiri, *al-Siyasa wa'l-Azhar*, p. 280. See also al-Zawahiri, *al-'Ilm wa'l-'ulama'*, pp. 140–143. It may be mentioned in passing that al-Azhar was not alone in having great internal difficulty in reforming the educational system; in the Shi'ite *madaris* in Iraq, there was, at around the same time, also a bitter struggle regarding the desirability and course of reform. See in this regard Werner Ende, “Von der Resignation zur Revolution: wie ein Molla 1928 den schiitischen Lehrbetrieb reformieren wollte und was daraus geworden ist,” in Benedikt Reinert and Johannes Thomann (eds.), *Islamische Grenzen und Grenzübergänge*, Bern 2007, pp. 171–190; Rainer Brunner, *Islamic Ecumenism in the 20th Century: The Azhar and Shiism between Rapprochement and Restraint*, Leiden 2004, pp. 48–50.

<sup>63</sup> Skovgaard-Petersen, *Defining Islam*, p. 149.



which he used the university's prestige to back a highly unpopular government on the other. His close ties to King Fu'ad, to whom he owed his position, put him in a quandary after the monarch appointed Isma'il Sidqi as the new prime minister in June 1930 and enacted a new constitution in October. Sidqi's quasi-dictatorial regime was utterly unpopular with the people, and the King's undisguised attempts to regain the upper hand in Egyptian politics by curtailing the powers of parliament reinforced the unfavorable impression.<sup>64</sup> The Shaykh al-Azhar backed this development via the reform law—which came out barely one month after the new constitution had been decreed—and thus gave himself up entirely to the traditional authorities. Al-Zawahiri regarded himself as a decidedly political scholar, one who should strive to use politics to promote the message of religion;<sup>65</sup> it therefore seemed only natural that he would call for order by quoting the famous Qur'anic verse 4:59 that urges the believers to "obey God, and obey the Messenger and those in authority among you."<sup>66</sup> It is not difficult to see that under these circumstances dissident voices from within al-Azhar also had a tough time. Al-Zawahiri managed to silence them, for the time being, by dismissing seventy reform-minded teachers and young scholars, although he tried to give the impression that this move had already been initiated by al-Maraghi and was intended first and foremost to get rid of incompetent staff.<sup>67</sup> The showdown finally began in the autumn of 1934, when the students started to protest against the limited admission to the three faculties.

Before turning to these events, however, mention must be made of an extraordinarily powerful social and intellectual force that, from the late 1920s onward, evolved into a serious rival not only to al-Azhar and its claim for sole authority in Islamic matters but to the class of 'ulama' in general.

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<sup>64</sup> On the political background see Lemke, *Mahmud Šaltut*, pp. 80–83; Costet-Tardieu, *Un réformiste*, pp. 81f.; Vatikiotis, *The History of Egypt*, pp. 284ff.

<sup>65</sup> Al-Zawahiri, *al-Siyasa wa'l-Azhar*, p. 307.

<sup>66</sup> Arberry's translation; al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 313f.

<sup>67</sup> *Ibid.*, pp. 305f.; al-Baquri, *Baqaya al-dhikrayat*, pp. 26–29; al-Sa'idi, *Ta'rikh al-islam*, vol. 1, pp. 128f.; Lemke, *Mahmud Šaltut*, pp. 89–93; Costet-Tardieu, *Un réformiste*, pp. 96f.

MUHAMMAD RASHID RIDA AND THE QUEST FOR  
INTELLECTUAL LEADERSHIP

Around 1927/28, the Salafiyya movement entered a new phase. Whereas it had until then been mainly a movement of intellectuals speaking to other intellectuals, now both the general outlook and the forms of organization changed. The previously rather heterogeneous worldview of Salafi intellectuals who, on the whole, were ready to integrate themselves into the colonial societies, made way for a more narrowly defined and more isolationist religious ideology. Mainly for economic reasons, which drastically reduced the state's ability to provide sufficient means for integration (e.g., in the form of adequate jobs for scholars and intellectuals), and due to the crisis of Islamic leadership after the abolishment of the caliphate in 1924, a new type of religious intellectualism emerged that has aptly been called neo-Salafiyya.<sup>68</sup> While in general still following the Salafiyya Weltanschauung, the social context and political assertion changed drastically. New societies were founded that were intended, on the one hand, to channel the elitist intellectual discourse of the "old" Salafiyya into a mass movement and, on the other hand, to function as an anticipated embodiment of the ideal Islamic society.<sup>69</sup> This not only brought them into conflict with the existing political order and the state; it inevitably also amounted to a fundamental challenge to the religious establishment. Where the 'ulama' served the purpose of legitimizing the state—as was the case with al-Azhar and particularly its royalist leadership—they must necessarily have appeared to the neo-Salafiyya as accomplices in a system that was supposed to be overcome. As an institution, al-Azhar now found itself caught in a battle on many fronts: a growing covetousness on the part of parliament and the political parties to gain influence, rapidly decreasing prospects for its graduates of finding suitable jobs, and a challenge of its claim to sole leadership in

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<sup>68</sup> Reinhard Schulze, *Islamischer Internationalismus im 20. Jahrhundert. Untersuchungen zur Geschichte der islamischen Weltliga*, Leiden 1990, pp. 87–93; Werner Ende, "Salafiyya," *Encyclopaedia of Islam*, 2nd ed., Leiden 1954ff., vol. 8, p. 907.

<sup>69</sup> The most important of these societies are the *Jam'iyyat al-Ikhwan al-Muslimin* (founded in 1928–29) and the *Jam'iyyat al-Shubban al-Muslimin* (founded in 1928). See Richard P. Mitchell, *The Society of the Muslim Brothers*, 2nd ed., Oxford 1993, pp. 1–11; Catherine Mayeur-Jaouen, "Les débuts d'une revue néo-salafiste: Muhibb al-Din al-Khatib et *al-Fath* de 1926 à 1928," *Revue des Mondes Musulmans et de la Méditerranée* 95–98 (2002), pp. 227–255, esp. pp. 246ff.

Islam.<sup>70</sup> At the same time, al-Azhar did not act as a monolithic bloc, it even had serious deviationists within its own ranks. The famous affair of 1925 about the book *al-Islam wa-usul al-hukm* by Azhar scholar ‘Ali ‘Abd al-Raziq illustrates the tenseness of the intellectual situation at the time, but also how difficult it sometimes is to properly classify the participants in these debates.<sup>71</sup>

The intellectual who typified more than anyone else the transition from Salafiyya to neo-Salafiyya is Muhammad Rashid Rida (1865–1935).<sup>72</sup> It is true that he neither founded nor even became a member of any of the neo-Salafi associations, but his long-standing activities as editor of the influential journal *al-Manar* (established in 1898) doubtlessly helped pave the way for this lasting transformation of Islamic thought.<sup>73</sup> In the early 1930s, Rida became by far the most outspoken critic of the course al-Azhar was taking under al-Zawahiri’s rectorship. The last book of Rida’s long career, *al-Manar wa’l-Azhar*, which appeared in 1934, was a furious polemic against the Shaykh al-Azhar; as with most of his works, it resulted from a series of articles he had published in *al-Manar* over the years. It is characteristic of this dispute and of what was at stake for al-Azhar that al-Zawahiri in his memoirs passes over this controversy in complete silence.<sup>74</sup>

Rida’s criticism was aimed at two levels: first, at al-Azhar’s reaction to developments in the wider Islamic world; second, at al-Zawahiri’s way of administering his office within al-Azhar. As far as the former is concerned, his wrath was directed primarily at what he perceived as al-Azhar’s total failure to defend Islam against the European colonialist powers: It had welcomed the Italian king, knowing full well what Italy had done to Tripolitania; it did not protest against the French

<sup>70</sup> Hatina, “Historical Legacy,” p. 58.

<sup>71</sup> On ‘Abd al-Raziq (1888–1966) see Schulze, *Islamischer Internationalismus*, pp. 75f., and Leonard Binder, *Islamic Liberalism: A Critique of Development Ideologies*, Chicago, London 1988, pp. 128–169.

<sup>72</sup> On him see Werner Ende, “Rashid Rida,” *Encyclopaedia of Islam*, 2nd ed., Leiden 1954ff., vol. 8, pp. 446–448, and the references given there.

<sup>73</sup> After Rida’s death, his journal continued to be edited for a couple of years by the Muslim Brotherhood. See Shu‘ayb al-Ghabashi, *Sihafat al-ikhwan al-muslimin: dirasa fi’l-nash’a wa’l-madmun (min 1933 ila 1954)*, Cairo 1421/2000, pp. 54–61.

<sup>74</sup> He mentions Rida only once, on the occasion of a comparatively ephemeral dispute over al-Zawahiri’s opinion on the opening of the secular court of appeal in Asyut in 1925 (!) and his attitude towards non-religious jurisdiction in general. Al-Zawahiri, *al-Siyasa wa’l-Azhar*, pp. 221–224. See also Boberg, *Ägypten, Nağd und der Hiğaz*, pp. 157f.

policy towards the Berbers in North Africa, which aimed at alienating them from Islam; and its students were not allowed to participate in demonstrations against colonialist attacks in Palestine, Syria and the Maghreb. Worst of all, al-Azhar did not resist the activities of Christian missionaries in Egypt and obstructed all efforts to take action against them.<sup>75</sup> Ultimately, Rida was once again seizing the opportunity to take up the cudgels for the Wahhabiyya in general and Ibn Sa'ud in particular, who only a few years earlier had conquered the Hijaz and thus brought the holy sites under his control.<sup>76</sup>

Even more vitriolic, however, was what he had to say about al-Zawahiri's administration within al-Azhar and his relation to Egyptian politics. Unremittingly, he railed against the autocratic and arbitrary rule the rector had allegedly established, accompanied by favoritism, espionage and the silencing of dissident voices by the intimidation or firing of his opponents.<sup>77</sup> Rida's main reproach was that by his unconditional commitment to the palace and his flattery of the government,<sup>78</sup> al-Zawahiri had made himself a puppet of Sidqi and the court, and completely destroyed al-Azhar's independence.<sup>79</sup>

A substantial part of Rida's book consists of a conflict between himself and another scholar of al-Azhar—namely, Yusuf al-Dijwi.<sup>80</sup> Although al-Zawahiri was not directly involved in this dispute, Rida held him

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<sup>75</sup> Muhammad Rashid Rida, *al-Manar wa'l-Azhar*, Cairo 1353/1934, pp. 5, 14, 262. On the activities of Christian missionaries see also al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 315–317. On the general background see Costet-Tardieu, *Un réformiste*, pp. 86–95; B. L. Carter, "On Spreading the Gospel to Egyptians Sitting in the Dark: The Political Problem of Missionaries in Egypt in the 1930s," *Middle Eastern Studies* 20 (1984), pp. 18–36; Heather J. Sharkey, "Empire and Muslim Conversion: Historical Reflections on Christian Missions in Egypt," *Islam and Christian-Muslim Relations* 16 (2005), pp. 43–60. On al-Manar and Christianity see also Oissila Saaïda, *Clercs Catholiques et Oulémas Sunnites dans la première moitié du XX<sup>e</sup> siècle. Discours croisés*, Paris 2004, pp. 277ff.

<sup>76</sup> Rida, *al-Manar wa'l-Azhar*, pp. 15, 23; Boberg, *Ägypten, Nağd und der Hiğaz*, esp. pp. 290–314. See also Rida's apology *al-Wahhabiyyun wa'l-Hijaz*, Cairo 1925–26.

<sup>77</sup> Rida, *al-Manar wa'l-Azhar*, pp. 5, 13, 256ff.

<sup>78</sup> *Ibid.*, on p. 259. Rida provided a sample of his capacity for impertinent puns when he spoke of *al-hukuma al-Isma'iliyya*. He meant of course the unpopular Prime Minister Isma'il Sidqi, but at the same time drew a comparison with the Isma'iliyya during whose rule over Egypt in the tenth century al-Azhar had been founded as an establishment of the *batiniyya* for spreading their heretical propaganda, as he put it. *Ibid.*, p. 6.

<sup>79</sup> *Ibid.*, pp. 11ff., 259ff., 267.

<sup>80</sup> *Ibid.*, pp. 17–128. See also Elissa-Mondeguer, "al-Manâr de 1925 à 1935," pp. 222f.; Skovgaard-Petersen, *Defining Islam*, pp. 152f., 165; Creelius, *The Ulama and the State*, pp. 315f. On al-Dijwi (1870–1946) see Boberg, *Ägypten, Nağd und der Hiğaz*, pp. 159–170, and the references given there.

responsible *ex officio*.<sup>81</sup> On the theological plane, this was a more or less traditional squabble over such questions as the existence of angels or *jinn*, prophetic magic and the compatibility of religious concepts with the modern view of the world. For instance, several articles revolved around the hadith according to which the sun every day after sunset prostrates itself at the throne of God asking for permission to rise again the following morning. For Rida, this was further evidence of al-Azhar's backwardness, as there were still practising 'ulama' who regarded as an unbeliever anybody who dared to doubt—as Rida had done—the literal meaning of this tradition and similar ones that contradicted modern science.<sup>82</sup>

Rida made it quite clear that in his view this had long since ceased to be a dispute between two journals. What was at stake was nothing short of the reform of Islam.<sup>83</sup> And he made it clear, too, that this was his very own territory. After all, he sighed, he had devoted thirty-five years of his life to the reform of Islam in general and of al-Azhar in particular, only to be rewarded by the deadlock of al-Zawahiri's headship.<sup>84</sup> While he claimed to be the true and only custodian of the legacy of Muhammad 'Abduh and Jamal al-Din al-Afghani, he accused the Shaykh al-Azhar of having betrayed those reformist ideas that he, al-Zawahiri, had incidentally also once shared.<sup>85</sup> Rida therefore never tired of emphasizing his own part in Islamic reformism—in particular, the great influence that his journal, *al-Manar*, had achieved both at home (al-Azhar itself very much included) and abroad.<sup>86</sup>

What were the underlying reasons for Rida's fierce attack? Two motives seem primarily to offer themselves. For one thing, there was still an open account to be settled with al-Zawahiri as far as the Wahhabiyya was concerned. When in June and July 1926 'Abd al-'Aziz Ibn Sa'ud, who merely half a year earlier had had himself proclaimed King

<sup>81</sup> Rida, *al-Manar wa'l-Azhar*, pp. 18, 23.

<sup>82</sup> *Ibid.*, pp. 20, 68ff. Rather ironically, Rida was kicking an open door here, as al-Zawahiri in his book *al-'Ilm wa'l-'ulama'* had called for the introduction of new subjects and the reform of the outdated standards of knowledge by referring to precisely the same hadith. *Al-'Ilm wa'l-'ulama'*, p. 78. See also G. H. A. Juynboll, *The Authenticity of the Tradition Literature Discussions in Modern Egypt*, Leiden 1969, pp. 147f., with further references. See also Eccel, *Egypt, Islam and Social Change*, p. 346.

<sup>83</sup> Rida, *al-Manar wa'l-Azhar*, pp. 18f.

<sup>84</sup> *Ibid.*, p. 2.

<sup>85</sup> *Ibid.*, pp. vii, ix, 9ff., 19, 254.

<sup>86</sup> *Ibid.*, pp. 11, 37, 254–258, 264f. See also Skovgaard-Petersen, "Portrait of the Intellectual," p. 102.

of the Hijaz, convened an international conference on the future of the holy sites in Mecca, the official Egyptian delegation was headed by al-Zawahiri. Together with the Indian delegation that was dispatched by the Khilafat Committee, al-Zawahiri constituted “a rudimentary bloc of opposition”<sup>87</sup> to the Saudis, whose takeover had meant the sudden loss of Egyptian influence in the Arabian Peninsula.<sup>88</sup> He did not show any politically motivated grudge; rather, his reservations concentrated on two interrelated issues: the restoration and preservation of the shrines (which, of course, was a major thorn in the Wahhabi flesh) and religious freedom (*al-hurriyya al-madhhabiyya*) in general—i.e., the Saudi promise that every pilgrim could perform the pilgrimage according to his own rite. No final decision was reached over these matters.<sup>89</sup> The emphasis of Rida’s memories of the congress were slightly different: Without going into these two topics at all, he reproached al-Zawahiri with having tried to sow the spirit of discord among the participants and with having played into colonialist hands by rejecting his (Rida’s) protest against the separation of ‘Aqaba and Ma’an from the Hijaz and their annexation to the Kingdom of Jordan, which was controlled by the British.<sup>90</sup>

The other motive that shines through Rida’s text is the (neo-) Salafi attempt at emancipation from the hitherto uncontested position of the traditional ‘ulama’ as interpreters of Islam. The politically backed claim of al-Azhar to religious leadership over *all* Muslims was in his eyes not only contradicted by the bad state of its administration but also lacked support from the leaders of opinion (*ahl al-ra’y*) in the Muslim world at large.<sup>91</sup> By contrast, the constant reference to the wide circulation and influence of *al-Manar*—as far as South-East Asia, as

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<sup>87</sup> Martin Kramer, *Islam Assembled: The Advent of the Muslim Congresses*, New York 1986, p. 111. On the conference in general see *ibid.*, pp. 106–22. See also Boberg, *Ägypten, Nağd und der Hiğaz*, pp. 112–115; al-Zawahiri, *al-Siyasa wa’l-Azhar*, pp. 229–262.

<sup>88</sup> In 1925 Egypt had still cherished the hope of far-reaching concessions on the part of Ibn Sa‘ud regarding King Fu‘ad’s dream of taking over the vacant caliphate; after Ibn Sa‘ud’s sweeping conquest of the Hijaz, these aspirations quickly came to naught. See Martin Kramer, “Shaykh Maraghi’s Mission to the Hijaz, 1925,” *Asian and African Studies* 16 (1982), pp. 121–136, esp. 131ff.

<sup>89</sup> Al-Zawahiri, *al-Siyasa wa’l-Azhar*, pp. 244–249. See also Kramer, *Islam Assembled*, pp. 116f.

<sup>90</sup> Rida, *al-Manar wa’l-Azhar*, pp. 265f., where he went even so far as to compare Ibn Sa‘ud to Moses by quoting Qur’an 7:139 and emphasizing Ibn Sa‘ud’s role in restoring security to the holy sites.

<sup>91</sup> *Ibid.*, pp. 2f.

had been confirmed to him by an unnamed Dutch scholar (Snouck Hurgronje?)<sup>92</sup>—was not only a sign of his considerable self-assurance; it also served the purpose of breaking the position of pre-eminence of the religious establishment. Not without reason, Rida attacked al-Zawahiri for having tried to monopolize the defense of Islam against Christian missionaries and to prevent non-Azharis from joining and fulfilling this duty.<sup>93</sup> Also within al-Azhar, Rida claimed, the legacy of the Salafiyya was in danger, as the Shaykh al-Azhar had established a veritable inquisition, grilling everybody who was due to get a position or to be sent abroad, his main concern being to find out what the respective candidate thought of the Salafiyya.<sup>94</sup> Finally, he contrasted his own rational critique of Islamic tradition—as in his opposition to the sunset hadith—with the blameworthy innovations and superstitions that he perceived at al-Azhar.<sup>95</sup> The greatest of these innovations were the cult of graves and the *mawlid* celebrations in honor of a saint, both of which were widespread in Egypt and defended by al-Azhar, Rida maintained, against the upright preachers who toured the country and tried to put an end to these things. That he coined the caustic expression *al-quburiyyun* in this context may also be understood as hinting at al-Zawahiri's well-known Sufi leanings.<sup>96</sup>

It has to be emphasized that this critique of al-Azhar did not mount to a demand to have it abolished. On the contrary, neo-Salafi intellectuals explicitly and repeatedly called for a reform of the university and restoration of the principles of the Salafiyya in 'Abduh's spirit. Rida in the very first sentence of his book declared that there was nowhere in the Islamic world a nobler and more honorable institution than al-Azhar; the problem was only that its rights were being trampled

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<sup>92</sup> Ibid., p. 255. On the influence of *al-Manar* in this region see Azyumardi Azra, "The Transmission of al-Manar's Reformism to the Malay-Indonesian World: The Case of al-Imam and al-Munir," in Stéphane Dudoignon et al. (eds.), *Intellectuals in the Modern Islamic World: Transmission, Transformation, Communication*, London 2006, pp. 143–158.

<sup>93</sup> Rida, *al-Manar wa'l-Azhar*, p. 262.

<sup>94</sup> Ibid., pp. 256f.

<sup>95</sup> Ibid., pp. 17, 20, 23, 267. Ironically, al-Zawahiri, too, used an ostentatiously rational manner when he criticized the Wahhabi rejection of such modern achievements as the telephone, telegraph, gramophone, railway and even tobacco. *Al-Siyasa wa'l-Azhar*, pp. 231f.

<sup>96</sup> Rida, *al-Manar wa'l-Azhar*, pp. 37f.

on by a leadership that had become Europeanized.<sup>97</sup> To him there was, however, one scholar who was cut out to lead al-Azhar out of its dreadful state: Muhammad Mustafa al-Maraghi. He was the right helmsman against materialism and Westernisation, even though the reform law that he had drafted when he was Shaykh al-Azhar had been thwarted by the conservatives.<sup>98</sup> Furthermore, he had continued to be active for the reformist cause after his forced retirement, mainly by opposing the Christian missionaries and supporting the *Manar* circles inside al-Azhar.<sup>99</sup>

Rashid Rida lived to see the triumphant return of al-Maraghi to office in the spring of 1935, and shortly before his death in August 1935 he hailed al-Maraghi's appointment as "a major upheaval."<sup>100</sup> As always in such cases, it is impossible to say how he would have reacted to the further course of events.

#### AL-MARAGHI'S SECOND RECTORSHIP (1935–1945)

By autumn 1934 the air had become rather thin for al-Zawahiri. Outside al-Azhar, his political support was beginning to crumble after Prime Minister Isma'il Sidqi's dismissal in September 1933. Various successors could not enforce King Fu'ad's autocratic aspirations, and in November 1934 the constitution of 1930 was revoked.<sup>101</sup> This weakening of the monarch had repercussions within al-Azhar, where the growing discontent over al-Zawahiri's administration and his firing of a substantial

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<sup>97</sup> Ibid., p. viii. Another neo-Salafi writer who composed a treatise on al-Azhar and its necessary reform was Muhibb al-Din al-Khatib. See his *al-Azhar: madihi, wa-hadiruhu, wa'l-haja ila islahihi*, Cairo 1345/1926, p. 27. On al-Khatib (1886–1969/70), who in the 1950s was to become editor-in-chief of the al-Azhar journal, see Brunner, *Islamic Ecumenism*, pp. 255–275, and above, note 69.

<sup>98</sup> Rida, *al-Manar wa'l-Azhar*, pp. xii–xiv, 12; *pace* Schulze, *Islamischer Internationalismus*, p. 89. Rida completely ignored the reform law of 1930.

<sup>99</sup> Rida, *al-Manar wa'l-Azhar*, pp. 256, 262. As mentioned earlier, al-Maraghi's memorandum had originally appeared in *al-Manar*. See above, n. 39. Al-Maraghi's apparently short-lived Association for the Defense of Islam (*Jam'iyya [or: Lajna] li'l-difa'an al-Islam*), which he founded in 1933, is another example of a neo-Salafi organization, and also evidence for the fact that the boundaries between scholars of the establishment and neo-Salafi intellectuals were sometimes rather blurred. See also Costet-Tardieu, *Un réformiste*, pp. 88f.; Carter, "On Spreading the Gospel," pp. 25–27.

<sup>100</sup> Muhammad Rashid Rida, "Al-Azhar, al-Azhar, al-Inqilab al-Kubra," *al-Manar* 34/10 (May 1935), pp. 764–773.

<sup>101</sup> Vatikiotis, *The History of Egypt*, p. 289. The constitution of 1923 was finally restored in December 1935. See Costet-Tardieu, *Un réformiste*, pp. 107–110.



number of his reform-minded opponents grew louder. The breaking point was reached when it was announced that for the new academic year only a restricted number of students was to be admitted to study in the faculties of higher learning. Disturbances broke out following this decision. These dragged on for several months (during which time al-Zawahiri's office was looted); they were only temporarily put down by the police, and the rector was finally forced to resign on 23 April 1935.<sup>102</sup> Not only had al-Zawahiri proved to be a thorough disappointment to the reformists, he had also failed to fulfill the basic material needs of the students for whom, as al-Sa'idi put it, bread was more important than reform.<sup>103</sup> At a time of worldwide crisis, he did not have an answer to the economic pressures that weighed upon them. Six years before, al-Maraghi had been forsaken by all but a few followers; now students and teachers urgently wanted him back. Their request was granted, and al-Maraghi was appointed rector for the second time on 27 April 1935.

It comes as no surprise that al-Zawahiri himself had a remarkably different perception of events. He ascribed the sudden slackening in the suppression of the students' protests more or less to British machinations. These, he elaborated, had to do with Prime Minister Muhammad Tawfiq Nasim's plan—modeled on the British example—to establish a regency council in case King Fu'ad was incapacitated by the illness from which he had been suffering since 1934. According to him, it was the British who were in the last analysis at the bottom of all this, as they not only helped push Nasim into office but, worse, wanted to have a say in the question of succession to the Egyptian throne. This, al-Zawahiri claimed, was also why both the British and Nasim called for al-Maraghi's return to the rectorship of al-Azhar.<sup>104</sup>

Although academic matters and the students' discomfort were certainly instrumental in bringing al-Zawahiri down, these accusa-

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<sup>102</sup> For a more detailed account of the events see Costet-Tardieu, *Un réformiste*, pp. 96–100; Lemke, *Mahmud Šaltut*, pp. 95–98; Haim, “State and University in Egypt,” pp. 104f.; Crecelius, *The Ulama and the State*, pp. 316–318; *Oriente Moderno* 14 (1934), pp. 502, 555f., 610, 612; *ibid.*, 15 (1935), pp. 100f., 142f., 174f., 229–231; Yunan Labib Rizq, “al-Azhar's 1934,” *al-Ahram Weekly* (Cairo), 13 May 2004; al-Baquri, *Baqaya al-dhikrayat*, p. 33.

<sup>103</sup> Al-Sa'idi gives a quite unflattering characterization of the students, accusing them of being reactionary and guided by self-interest. The limitation of admissions to higher studies had already been proposed by al-Maraghi in his memorandum. Al-Sa'idi, *Ta'rikh al-islam*, vol. 1, p. 129; Crecelius, *The Ulama and the State*, p. 317.

<sup>104</sup> Al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 321–336.

tions were more than just a diversionary manoeuvre. The notes of the British High Commissioner, Sir Miles Lampson, show that the British did have a strong interest in bringing al-Maraghi back to office and regarded him as the only person capable of steering al-Azhar out of its deep water. For fear of general trouble from the unruly students who were scattered throughout the country, they even pondered the option of imposing him directly through the intervention of the High Commissioner, although they recognized that such a step would be “undesirable in the Sheikh’s own interest.”<sup>105</sup> As a matter of course he was an integral part of a prospective regents’ council, too.<sup>106</sup> When al-Maraghi was finally appointed by Fu’ad in April, Lampson confessed in his diary: “In any case I think we may regard this appointment as a distinct success to be noted to our credit.”<sup>107</sup> Once again, al-Maraghi’s excellent relations with the British had paid off for him, and in due time after his appointment, he expressed his thanks to the High Commissioner in person.<sup>108</sup>

Given these warm feelings towards the colonialist power, it is all the more astonishing that al-Maraghi continued to enjoy the appreciation of the neo-Salafiyya as well. For Hasan al-Banna and his Muslim Brotherhood, which in the 1930s developed into a veritable mass movement, not actively fighting imperialism was already tantamount to sleeping with the enemy. In general, therefore, a critical distance prevailed in those early years between the newly established Brotherhood and al-Azhar, and a scholar such as Ahmad Hasan al-Baquri, who was an early follower of al-Banna’s, seems to have been the exception.<sup>109</sup> Nevertheless, a personal friendship existed between al-Maraghi and al-Banna, and the

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<sup>105</sup> M. E. Yapp (ed.), *Politics and Diplomacy in Egypt: The Diaries of Sir Miles Lampson, 1935–1937*, Oxford 1997, pp. 104, 110.

<sup>106</sup> *Ibid.*, pp. 98, 169. Apparently Prime Minister Nasim was also supposed to be one of the regents.

<sup>107</sup> *Ibid.*, p. 175. Lampson provided insight into British imperial policy by relating some table talk he had had with Prince Muhammad ‘Ali in early May 1935: “The Prince (...) told me quite out of the blue that the main reason why King Fu’ad had so consistently opposed the appointment of Maraghi to al-Azhar was that he feared he would use the opportunity to issue a *fatwa* declaring the King incapable of further rule, thus paving the way for action by Nessim’s Government in the matter of a Regency! (...) I was particularly careful to give the Prince the impression that the idea was completely new and surprising to me.” *Ibid.*, p. 181.

<sup>108</sup> *Ibid.*, p. 194. See also Skovgaard-Petersen, *Defining Islam*, pp. 160f.; Costet-Tardieu, *Un réformiste*, pp. 83ff., 107–110.

<sup>109</sup> On al-Baquri (1909–85) see Brunner, *Islamic Ecumenism*, p. 184, note 151, and the references given there.

Brotherhood held the Shaykh al-Azhar in great esteem; al-Banna even tried occasionally to bring about some degree of cooperation.<sup>110</sup>

Al-Maraghi's return to office was a triumph.<sup>111</sup> Yet the high-flying expectations were largely disappointed when he presented his own reform law in March 1936, one month before the demise of King Fu'ad. In comparison to al-Zawahiri's statute of 1930 (and the supplementary law 21/1933),<sup>112</sup> all changes and amendments were basically of a cosmetic character, hardly more than specifying stipulations of the previous laws.<sup>113</sup> No fundamental reorientation such as would have been necessary in order to finally introduce modern subjects was implemented. It is therefore understandable that al-Zawahiri commented on the law with considerable satisfaction and even managed to get himself to make some laudatory remarks. He only mildly criticized al-Maraghi for not having confirmed the abolition of the preparatory stage of the *Dar al-'Ulum*, thereby giving up the possibility of winning back al-Azhar's monopoly on language instruction.<sup>114</sup> Al-Zawahiri's judgment may have sounded benevolent, but the verdict of his disillusioned reform-minded followers was all the more devastating. This was no longer the fearless al-Maraghi facing up to al-Azhar establishment, 'Abd al-Muta'al al-Sa'idi observed. Instead, he took to flattering conservative scholars, as al-Zawahiri had done before, and avoiding any confrontation about their apathetic attitude to reform. But after all, those who staged the demonstrations against his predecessor did not call al-Maraghi back for his reformist zeal but because they expected him to satisfy their material

<sup>110</sup> On the relations between the Muslim Brotherhood and al-Azhar, see Mitchell, *The Society of the Muslim Brothers*, pp. 211–14; Zeghal, *Gardiens de l'Islam*, pp. 84–90; Brynjar Lia, *The Society of the Muslim Brothers in Egypt: The Rise of an Islamic Mass Movement, 1928–1942*, Reading 1998, pp. 136–140, 224–227.

<sup>111</sup> Al-Khafaji, *al-Azhar fi al-f'am*, vol. 1, pp. 265–274; *Nur al-Islam* 5 (1354/1935–36), pp. 270–292; *ibid.* 6 (1354/1935–36), pp. 102–108, 189; Lemke, *Mahmud Šaltut*, pp. 99f.; Costet-Tardieu, *Un réformiste*, pp. 110–112.

<sup>112</sup> On which see 'Abd al-'Azim, *Mashyakhah al-Azhar*, vol. 2, pp. 65f.; French translation in Haim, "State and University in Egypt," pp. 112–115.

<sup>113</sup> The law 26/1936 is discussed in detail by Lemke, *Mahmud Šaltut*, pp. 99–105; Costet-Tardieu, *Un Réformiste*, pp. 112–116; Crecelius, *The Ulama and the State*, pp. 318–321; Dodge, *al-Azhar*, pp. 151f.; 'Abd al-'Azim, *Mashyakhah al-Azhar*, vol. 2, pp. 29–32; French translation in *Revue des Etudes Islamiques* 10 (1936), pp. 1–43.

<sup>114</sup> Al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 339–342. In 1938, the minister of education, Muhammad Husayn Haykal, reintroduced the preparatory stage of the *Dar al-'Ulum*, and in 1946, the college was finally attached to Cairo University and thus fully removed from al-Azhar's sphere of influence. See Lemke, *Mahmud Šaltut*, pp. 120f.; Costet-Tardieu, *Un Réformiste*, pp. 119f.; Reid, *Cairo University*, pp. 145f.

needs better than al-Zawahiri had done. Though al-Sa'idi was still ready to regard him as a reformer, he took it amiss that al-Zawahiri appeased the reactionaries in order to spend his days in harmony.<sup>115</sup>

Al-Zawahiri's desire to steer clear of conflict became most obvious in the political question of the right to appoint the rector and other high functionaries. Article 7 of the law retained the provision that the Shaykh al-Azhar had to be chosen from among the ranks of the grand 'ulama' and appointed by royal decree; but there was no hint as to who, if anyone, was to have the right of proposal, or whether the King was totally at liberty to make the appointment as he pleased. Al-Zawahiri commented, with a touch of irony, that al-Maraghi did not say plainly that he wanted to restore the law 15/1927. Instead, he annulled the law of 1930 (which in article 99 had contained an explicit revocation of the 1927 law) but left open whether the annulment of the annulment amounted to a return to the previous condition.<sup>116</sup> That this was more than splitting hairs became clear several years later. After British pressure on King Faruq had caused Mustafa al-Nahhas to be installed as Prime Minister in February 1942,<sup>117</sup> a power struggle between the Wafd party and the palace ensued in 1943–1944 in which al-Azhar was involved as well. It will be recalled that al-Maraghi's first rectorship came about after he had been nominated by al-Nahhas. Meanwhile, however, relations between the two had soured, and al-Nahhas had urged al-Maraghi to resign. The latter complied and presented his resignation to the Prime Minister (as if the law of 1927 were in force), but King Faruq refused to accept the resignation (as if the law were not in force). The inevitable stalemate, which lasted ten months, was resolved only by al-Nahhas' own resignation in October 1944, whereupon al-Maraghi returned to office as if nothing had happened.<sup>118</sup> His long-standing rival al-Zawahiri was by then already dead, his death in

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<sup>115</sup> Al-Sa'idi, *Ta'rikh al-islam*, vol. 1, pp. 131, 135. See also Lemke, *Mahmud Šaltut*, pp. 123–126; Costet-Tardieu, *Un Réformiste*, pp. 155–168.

<sup>116</sup> Al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 343f.

<sup>117</sup> It was his fourth term of office, after 1928, 1930 and 1936/37. On al-Nahhas (1879–1965) see Mukhtar Ahmad Nur, *Mustafa al-Nahhas ra'isan li'l-wafd, 1927–1953*, Cairo 2005.

<sup>118</sup> Al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 346f.; Costet-Tardieu, *Un Réformiste*, pp. 175–181; Crecelius, *The Ulama and the State*, pp. 327f.

May 1944 having been passed over in silence by the al-Azhar administration.<sup>119</sup> Al-Maraghi himself died in August 1945.

Al-Maraghi's second rectorship shifted the focus of attention at al-Azhar. Whereas previously the students' concern was mainly regarding academic matters and/or their livelihood, their demonstrations from now on took on a distinctly more political character.<sup>120</sup> This is not to say that reformist considerations no longer played any role, or that the reformers retired from the scene. On the contrary, especially such young scholars as Mahmud Shaltut, Muhammad Muhammad al-Madani and Mahmud al-Sharqawi, who were increasingly disillusioned with al-Maraghi's slackening reformist zeal, stepped forward with proposals of their own. But as they could not publish their views in al-Azhar's journal, which was controlled by the rector, they had to look for a new forum. From the early 1940s they found their platform in the weekly newspaper *al-Risala*, edited by Ahmad Hasan al-Zayyat, where they criticized al-Maraghi passionately, but for the time being without consequences.<sup>121</sup>

As for al-Maraghi, he had given himself over almost entirely to politics by now, particularly after the accession of the young King Faruq in 1937, whose mentor he had been. At the height of the crisis around al-Zawahiri barely two years before, he had offered himself to the British High Commissioner as a deliberately apolitical candidate, denouncing King Fu'ad for allegedly misusing al-Azhar as a political instrument. Sir Miles Lampson was noticeably pleased to observe that "the Sheikh deemed it important that al-Azhar should serve nobody's political purposes."<sup>122</sup> Back in office and with a new monarch by his side, however, al-Maraghi thrust the full weight of his position behind

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<sup>119</sup> It was only four and a half decades later that al-Zawahiri was finally rehabilitated in the *Majallat al-Azhar*, when Muhammad Rajab al-Bayyumi published a commemorative article under the revealing title "Insaf ba'd ijhaf." There, the well-known preacher Muhammad Mutawalli al-Sha'rawi, who in the 1970s was minister for *awqaf* and Azhar affairs, freely admitted that the students who protested against al-Zawahiri in 1934/35 (himself included) had been misled about the true motives for the rector's decisions, which, in fact, had been to the students' advantage. *Majallat al-Azhar* 69/8 (December 1996), pp. 1130–1135. On al-Sha'rawi (1911–1998) see Brunner, *Islamic Ecumenism*, pp. 373f.

<sup>120</sup> Costet-Tardieu, *Un Réformiste*, pp. 168f.

<sup>121</sup> Lemke, *Mahmud Šaltut*, pp. 123–149; Costet-Tardieu, *Un Réformiste*, pp. 155–168; on al-Zayyat (1885–1968) see Brunner, *Islamic Ecumenism*, p. 125, n. 16, and the references given there.

<sup>122</sup> Yapp, *Politics and Diplomacy in Egypt*, p. 99.

the revived discussion about the caliphate and the Egyptian claim to it. It was not al-Maraghi's first excursion into this field; as early as 1915 he had prepared for the already dawning post-Ottoman era by explaining—incidentally in a letter to the British Governor General of the Sudan, Sir Reginald Wingate—that, contrary to traditional Islamic opinion, the caliph need not necessarily stem from the tribe of Quraysh. Ten years later, with the caliphate gone, al-Maraghi's aforementioned journey to the Hijaz served the purpose of exploring whether it was possible to revive it under Egyptian tutelage and to win Ibn Sa'ud over to this plan.<sup>123</sup> He was brushed off at the time by the new King of the Hijaz; but now prospects seemed brighter again, and the three years before the outbreak of World War II were brimming with activity in this regard. Al-Maraghi even went so far as to make serious efforts to reach a rapprochement with Shi'ite scholars by establishing a "Supreme Islamic Council," a step previously totally unheard of. In the end, this endeavor did not get anywhere either.<sup>124</sup> Nevertheless, al-Maraghi's involvement in politics shows how thoroughly the character of al-Azhar had changed in the preceding ten years and to what degree the university's politicization had advanced. Quite as a matter of course, the Shaykh al-Azhar took his stand in the conflict between King Faruq and the Wafd party, joined the protests against events in Palestine and energetically participated in the discussion as to whether Egypt should be involved in World War II on the side of the British. When al-Maraghi insisted on Egypt remaining neutral, this meant the end of his long-standing warm relations with the British authorities.<sup>125</sup> As a consequence of all these intense political activities, al-Azhar itself became more international, too: Official delegations were sent to Europe, Africa and East Asia, not only for the purpose of studying abroad, but also to attend conferences or for missionary reasons.<sup>126</sup>

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<sup>123</sup> On the 1915 letter see Costet-Tardieu, *Un Réformiste*, pp. 27–35; Kedourie, "Egypt and the Caliphate," pp. 179–181, 208–212 (English translation of the letter). On the 1925 mission see above, n. 88.

<sup>124</sup> See Brunner, *Islamic Ecumenism*, pp. 103–120; Kedourie, "Egypt and the Caliphate," pp. 198–207; Costet-Tardieu, *Un Réformiste*, pp. 126–137, 141–147; Israel Gershoni and James Jankowski, *Redefining the Egyptian Nation, 1930–1945*, Cambridge 1995, pp. 158–163.

<sup>125</sup> See Costet-Tardieu, *Un Réformiste*, pp. 121–125, 137–141, 169–175.

<sup>126</sup> *Ibid.*, pp. 116f. This custom had already been established by al-Zawahiri. See his *al-Siyasa wa'l-Azhar*, pp. 300–305. The question of the permissibility of a translation of the Qur'an into foreign languages, which was under intense dispute in the late

## CONCLUSION

Scholars and intellectuals are a product of their times. Muhammad Mustafa al-Maraghi, Muhammad al-Ahmadi al-Zawahiri and Muhammad Rashid Rida are no exception to this rule. Their paths crossed in a period of profound change: domestically, Egypt was a young constitutional monarchy, struggling to reach independence and searching for national identity, somewhere between the poles of Pharaonism, Arabism and Islam; externally, the dismantlement of the Ottoman Empire, the subsequent abolition of the caliphate and the sudden advance of Wahhabism brought about a complete reshuffle in the wider Islamic world.

From all this al-Azhar, which for several decades had more or less successfully resisted all attempts at reform, could no longer stand apart; and it is safe to state that the death of Abu al-Fadl al-Jizawi in July 1927 was a more crucial break in al-Azhar's history than is usually presumed, as it marked the beginning of its profound politicization. Notwithstanding the structural reform caused by the law of 1930, the transformation that took place was not so much at the internal level—with regard to the content and the course of studies. New subjects were introduced only very reluctantly, and the establishment of new faculties could not obscure the fact that the old books continued to be taught. In this regard, it was only the fundamental upheaval of 1961 that changed the character of the university for good.

What did change in this period, however, was the political role of al-Azhar, as the struggle between the King and parliament forced al-Azhar to take sides. Al-Zawahiri and al-Maraghi acknowledged this condition and opted (in varying degrees) for the King. The two scholars had much in common: both were reformers who adapted earlier daring reform drafts to the conservative reality; both were royalists (although al-Maraghi was personally on very bad terms with Fu'ad) and both saw themselves as distinctly political 'ulama'. This last point is underlined by their unusually short (by scholarly standards) lists of publications. Neither of them composed any theological or legal work of importance, neither of them delved into Qur'anic commentary or issued a collection of *fatwas*. Al-Zawahiri does not seem to have come out with any treatise after his book *al-'Ilm wa'l-'ulama'* of 1904, and al-Maraghi's (mostly

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1930s, has also to be regarded from this angle. See Costet-Tardieu, *Un Réformiste*, pp. 237–246; al-Zawahiri, *al-Siyasa wa'l-Azhar*, pp. 348–351.

short) writings give the impression of being responses to special needs of the moment: His 1928 memorandum originated when everyone expected him to submit reform proposals, and his treatise about the permissibility of translating the Qur'an was composed at the height of this discussion in the late 1930s.<sup>127</sup>

Apart from these common traits there are, however, noticeable differences between the two scholars. Al-Zawahiri was certainly more traditional in the sense that he was a follower of a Sufi order, visited holy shrines for spiritual guidance, and attached great importance to ostentatious gestures of reverence. Al-Maraghi, on the other hand, was much more overtly political in that he made no secret of his liberal constitutionalist predilections and his ambitions to play a central role on the political stage; he liked socializing with politicians and hosting ceremonial receptions at al-Azhar.<sup>128</sup> In this regard, he anticipated the style of later rectors, who, since 1961, have become civil servants.

It is true that al-Maraghi's reformist zeal at al-Azhar slackened as soon as he assumed office for the second time; it is true, too, that many of his activities in the Islamic realm also had political undertones—for instance, his fight against the Christian missionaries or his engagement in the effort to revive the caliphate. And his political interventions always followed, among other things, practical deliberations. But it would be rash to accuse him of utilitarianism or sheer opportunism. For one thing, he had himself experienced in 1929 what it meant to have high-flown plans and to run his head against the Azhar wall. What is more, he had to cope with the new challenge mounted by the emerging neo-Salafiyya. While al-Zawahiri still tried simply to ignore this current of discontent (and promptly landed himself with a diatribe from one of their most prominent pioneers), al-Maraghi realized the danger it posed to the very foundations of the Azhar scholars' self-image—i.e., the authority to define Islam for the masses. Al-Azhar could no longer hide behind glosses and supercommentaries on mediaeval texts; it had to take a stand on the pressing questions of Islam in the modern

<sup>127</sup> The bibliography of his works given by Costet-Tardieu, *Un Réformiste*, p. 283, lists a mere eleven items, all but one of which are articles. His *risala*, which he wrote while president of the Supreme Court after 1923, apparently survived in only a single manuscript copy. *Ibid.*, p. 23, n. 4. For al-Zawahiri's memoirs, see above, n. 30.

<sup>128</sup> Costet-Tardieu, *Un Réformiste*, p. 18. Not every one of his colleagues applauded this. 'Abd al-Majid Salim, for example (who in the 1950s was himself to become Shaykh al-Azhar), strongly recommended that the 'ulama' should stay away from party politics. See al-Khafaji, *al-Azhar fi al-f'am*, vol. 1, p. 277.



world. Al-Maraghi tried to counter the attack of the neo-Salafis on al-Azhar's sclerotic establishment in terms of their own agenda—namely, politics: the caliphate issue, foreign missionaries, sending *da'wa* missions abroad.<sup>129</sup> Just as the neo-Salafiyya was itself an answer to the political and social changes of the 1910s and 1920s, the politicization of al-Azhar was a response to the intellectual neo-Salafi conquests in these realms.

A detailed history of the relationship between the neo-Salafi groups and al-Azhar 'ulama' remains to be written; but the case of al-Maraghi in particular makes it clear that it was not one of unconditional antagonism. His political agenda in the 1930s and his proclivity for neo-Salafi forms of organization<sup>130</sup> on the one hand and Rashid Rida's determined support on the other suggest also important (if only temporary) affinities between some of the protagonists.

For al-Azhar, the period under observation in this article meant the choice between the Scylla of becoming monopolized by the state and the Charybdis of being questioned by the newly awakening Islamist consciousness. It was also a preparatory stage for later battles. Following the revolution of 1952, Nasser started to use—and misuse—al-Azhar for his political goals, both domestic (in his fight against the Muslim Brotherhood) and on the international stage (e.g., in his policy towards Saudi Arabia and Iraq).<sup>131</sup> The nationalization of the university and its final transformation into an institution whose declared task it is to impart legitimacy to the policy of the state had, however, a boomerang effect and in the long term contributed to the upsurge of Islamism also within al-Azhar. In the past twenty years or so the boundaries between at least part of the Azhar 'ulama' and Islamism have become increasingly blurred.<sup>132</sup> Given al-Azhar's history in the twentieth century, it seems quite impossible to guess where on his list al-Jabarti would today rank the scholars and religious intellectuals who contributed to this history.

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<sup>129</sup> It is telling in this regard that he had proposed the establishment of a faculty for *da'wa* and *irshad* already in his memorandum of 1928, thus adopting two central concepts of neo-Salafi associations.

<sup>130</sup> See above, note 99.

<sup>131</sup> See Brunner, *Islamic Ecumenism*, esp. pp. 249–337.

<sup>132</sup> See Ivesa Lübben, "Die Angst der Azhar vor der Moderne," in Sigrid Faath (ed.), *Politische und gesellschaftliche Debatten in Nordafrika, Nah- und Mittelost. Inhalte, Träger, Perspektiven*, Hamburg 2004, pp. 193–220, and the articles mentioned above, n. 12.

## CHAPTER SIX

### THE IRAQI AFGHANIS AND 'ABDUHS: DEBATE OVER REFORM AMONG SHI'ITE AND SUNNI 'ULAMA' IN INTERWAR IRAQ

Orit Bashkin

In 1923, Iraqi intellectual Ibrahim Salih Shukr (b. 1893) harshly attacked the Pan-Islamist policies of Rashid Rida (1865–1935). Rida was a “mentally-ill” writer, “an egoist, motivated by desires,” who had long abandoned his initially correct scholarship.<sup>1</sup> Shukr, however, emphasized that his critique of Rida should be distinguished from his admiration for Rida’s mentor, Muhammad ‘Abduh (1849–1905), “the greatest man of the East.” Shukr, moreover, provided lists of Arab reformers and thinkers whom he greatly appreciated, a roster that included, among others, Shibli Shumayl (1850–1917), Jamal al-Din al-Afghani (1838–1897) and Mahmud Shukri al-Alusi (1857–1924). In 1932, almost a decade later, the newspaper of the social-democratic group *al-Ahali* reported on the Islamic conference in Jerusalem. This conference, the daily boasted, included not only such famed intellectuals as Rashid Rida and Khayr al-Din al-Zirkili, but also Iraqi representatives.<sup>2</sup>

These two items are important, as they reflect the fact that debates concerning the Salafiyya and Islamic reform were conducted in the Iraqi press of the 1920s.<sup>3</sup> The theories of the Salafiyya movement, of Muhammad ‘Abduh and of Rashid Rida, were known to Iraqi readers. The Iraqi religious field was typified by local and regional trends. On the one hand, the Sunni-Shi‘i divide and the need to respond to Wahhabi challenges had produced a unique *Iraqi* religious debate. On the

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<sup>1</sup> “Rashid Rida the Owner of *al-Manar*,” in Ibrahim Salih Shukr, *Ibrahim Salih Shukr: hayatuhu wa-atharuh* (edited by ‘Abd al-Hamid al-Rashudi, Khalid Muhsin Isma‘il, and Jamil al-Jabburi), Baghdad 1978, pp. 503–504. Originally published in *al-Nashi‘a al-Jadida*, 16 November 1923.

<sup>2</sup> *Al-Ahali* no. 19 (29 January 1932), pp. 1, 4.

<sup>3</sup> On Rida, ‘Abduh and the Salafiyya, see Albert Hourani, *Arabic Thought in the Liberal Age*, London 1962, pp. 222–245; Malcolm Kerr, *Islamic Reform*, Berkeley 1966; David Dean Commins, *Islamic Reform: Politics and Social Change in Late Ottoman Syria*, New York 1990.

other hand, the constant conversations among Muslim reformers on questions relating to modernity, science, reform, women's rights and the relationship between nationalism and Islam, generated a regional, Middle Eastern conversation in which Iraqis took part. The dominance of Egyptian and Syrian thinkers in the Iraqi print market was partly due to the poor state of the Iraqi printing industry at the beginning of the twentieth century.<sup>4</sup> Consequently, many Iraqi intellectuals printed their books outside Iraq, while books written in Egypt and Syria were read in Iraq. In addition, Iraqi Sunnis studied in Cairo, Damascus and Istanbul, places where the meaning of Islamic reform was debated and negotiated. These two facts likewise illustrate that in the pluralistic atmosphere created by the budding Iraqi press, the views of the secularist Shibli Shumayl and of Muhammad 'Abduh could inspire the same intellectual, while socialist and secular writers, such as the members of *al-Ahali*, could sometimes sympathize with certain Islamic causes whose national meanings went beyond the Islamist camp.

This essay analyzes the writings of two Iraqi reformers, the Shi'i Hibat al-Din al-Shahrestani (1883–1967) and the Sunni Muhammad al-Hashimi (1898–1973). Their views about science, modernity and religiosity, I argue, mirror the vitality of the Iraqi intellectual milieu during the first decades of the twentieth century. In the Shi'i context, scholars like Yitzhak Nakash, Juan Cole, Meir Litvak and more recently Tamara Chalabi, emphasized that trans-regional intellectual and commercial networks linked Najaf, Iran, India and Lebanon.<sup>5</sup> Works on the Alusi family emphasized the importance of both the Salafiyya and the Wahhabiyya to the Sunni-Iraqi context.<sup>6</sup> Other scholars likewise underscored the ways in which the theories of the Salafiyya movement

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<sup>4</sup> Ami Ayalon, *The Press in the Arab Middle East*, New York 1995, pp. 25, 65–66, 92–93; Adib Muruh, *al-Sahafa al-'Arabiyya*, Beirut 1966, pp. 330–334; Rafa'il Butti, *al-Sahafa fi'l-'Iraq*, Cairo 1955, pp. 9–58.

<sup>5</sup> Yitzhak Nakash, *Shi'is of Iraq*, Princeton 1994; Meir Litvak, *Shi'i Scholars of Nineteenth-Century Iraq: The 'Ulama' of Najaf and Karbala'*, New York 1998; idem, "Money, Religion, and Politics: The Oudh Bequest in Najaf and Karbala, 1850–1903," *International Journal of Middle East Studies* 23/1 (2001), pp. 1–21; Juan R. I. Cole, *Roots of North Indian Shi'ism in Iran and Iraq: Religion and State in Awadh, 1722–1859*, Berkeley 1988; idem, "Indian Money and the Shi'i Shrine Cities of Iraq, 1786–1850," *Middle East Studies* 22/4 (1986), pp. 461–480; Tamara Chalabi, *The Shi'is of Jabal 'Amil and the New Lebanon*, New York 2006.

<sup>6</sup> Hala Fattah, "Wahhabi' Influences, Salafi Responses: Shaikh Mahmud Shukri and the Iraqi Salafi Movement, 1745–1930," *Journal of Islamic Studies* 14/2 (2003), pp. 127–148; Bashheer M. Nafi, "Abu al-Thana' al-Alusi: An Alim, Ottoman Mufti, and Exegete of the Qur'an," *International Journal of Middle East Studies* 34/3 (2002), pp.

traveled from the Egyptian and Syrian centers to other parts of the Middle East. Both Ami Ayalon and Rashid Khalidi, for example, have pointed to the reception of the Salafi journal *al-Manar* and the works of Rashid Rida in Palestine.<sup>7</sup> In each such Middle Eastern context, however, ideas were localized according to the particular needs of diverse Muslim communities. The movement of texts, scholars and ideas to and from Iraq had therefore created an important conversation about the meaning of being a Muslim believer in the modern world, as well as the implications of colonialism and the enlightenment, and the relationship between the two. Most significantly, these debates, as shown by Rainer Brunner and Werner Ende, were never limited to the boundaries of either the Shi'i or the Sunni community.<sup>8</sup> Thus, when discussing the writings of Iraqi 'ulama', it is vital to remember the important links between local (Iraqi) and trans-regional (Arab, Ottoman and Iranian) discourses. Cole pointed out that the shared print market of religious scholars enabled a public intellectual like Jamal al-Din al-Afghani to reach numerous communities of readers and respond to their queries.<sup>9</sup> In the Iraqi print market the postulations about religious reform were likewise interpreted in such a way as to address particular sets of Iraqi needs.

The effects of the Salafi centers on the Baghdadi periphery are clearly seen in the diverse works of the Alusi family. Members of the family often published their works in Cairo. Abu al-Thana' al-Alusi (1802–1854), who was the mufti of Baghdad, published *Ruh al-ma'ani*, his commentary on the Qur'an, in the Bulaq press; 'Abd al-Baqi Sa'd al-Din al-Alusi (1834–1874) printed his guide to the pilgrimage in Cairo, while the family's prominent scholar, Mahmud Shukri al-Alusi published his major works, including his suggestions for reforming

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465–494; Samer Traboulsi, "An Early Refutation of Muhammad ibn 'Abd al-Wahhab's Reformist Views," *Die Welt des Islams* 42/3 (2002), pp. 373–415.

<sup>7</sup> Rashid Khalidi, *Palestinian Identity*, New York 1997, pp. 44, 54–55; Ami Ayalon, *Reading Palestine: Printing and Literacy, 1900–1948*, Austin 2004, p. 89.

<sup>8</sup> Rainer Brunner, *Islamic Ecumenism in the 20th Century: The Azhar and Shiism between Rapprochement and Restraint*, Leiden 2004; Werner Ende, "Ehe auf Zeit (mut'a) in der innerislamischen Diskussion der Gegenwart," *Die Welt des Islams* 20 (1980), pp. 1–43.

<sup>9</sup> Juan R. I. Cole, "Printing and Urban Islam in the Mediterranean World, 1890–1920," in Leila Tarazi Fawaz and C. A. Bayly (eds.), *Modernity and Culture from the Mediterranean to the Indian Ocean*, New York 2002, pp. 344–364; See also Rudi Mathee, "Jamal al-Din al-Afghani and the Egyptian National Debate," *International Journal of Middle East Studies* 21/2 (1989), pp. 151–169.

Hanbali law, in Egypt.<sup>10</sup> More broadly, Mahmud Shukri al-Alusi's career conveys the tensions between the local versus regional Iraqi 'ulama'. His campaign for Islamic reform and the need to combat *bid'a* (innovation) certainly positioned him within the circles of the Salafiyya. As an Iraqi religious reformer, however, he also produced works on the twelfth- and thirteenth-century savants of Baghdad and was engaged in polemics against the Shi'a. Scholars likewise emphasized his highly ambivalent approach to the Wahhabiyya, which ranged from condemnation to the appropriation of certain of its ideas. Alusi, like many of his peers, was involved in the press, and from 1899 edited the Iraqi-Arabic journal *al-Zawra'*.<sup>11</sup>

Another domain in which debates about the nature of Islamic reform were frequently evoked concerned the rights of women and unveiling (*sufur*). The works of the Egyptian intellectual Qasim Amin (1863–1908) had profound implications for Iraqi readers. In the 1920s and 1930s, the neoclassical poets Jamil Sidqi al-Zahawi (1863–1936) and Ma'ruf al-Rusafi (1875–1945), himself a student of Mahmud Shukri al-Alusi, reproduced, in poetic form, the views of Amin, as well as other Salafi arguments.<sup>12</sup> In "The Woman in the East," al-Rusafi lamented the state of the people of the East, governed by practices (*'adat*) that turn them

<sup>10</sup> For works printed in Cairo, see Abu al-Thana' Shihab al-Din Mahmud al-Husayni al-Alusi, *al-Fayd al-warid 'ala rawd marthiyat mawlana Khalid*, Cairo 1861; idem, *Sharh al-kharida al-ghaybiyya fi sharh al-Qasida al-'ayniyya*, Cairo 1854; idem, *al-Tafsir al-'ajib al-masbuk sabk al-lujayn alayhi sutur al-dhhab al-musamma Ruh al-ma'ani fi tafsir al-Qur'an al-'azim*, Bulaq 1883–1892; Mahmud al-Alusi, *Ruh al-ma'ani fi tafsir al-Qur'an al-'azim*, Cairo 1927; 'Abd al-Baqi Sa'd al-Din ibn Mahmud Shihab al-Din, *Awdah manhaj ila manasik al-hajj*, Cairo 1861; Mahmud Shukri al-Alusi, *Kitab al-Asrar al-ilahiyya: Sharh al-Qasida al-Rifa'iyya*, Cairo 1887 or 1888; idem, *al-Dara'ir wa-ma yasughu li'l sha'ir duna nathir*, Cairo 1922/23; idem, *Bulugh al-'Arab fi ma'rifat ahwal al-'Arab*, Cairo 1924; idem, *Masa'il al-Jahiliyya allati khalafa fiha Rasul Allah ahl al-jahiliyya*, Cairo 1928; idem, *Ta'rikh Najd*, Cairo 1925; Khayr al-Din Nu'man ibn Mahmud, *al-Ajwiba al-'aqliyya li-ashrafiyat al-shari'a al-Muhammadiyya*, Cairo 192–?; For works printed in Damascus, see Mahmud al-Qadiri, *Kitab kashf al-turra'an al-ghurra*, Damascus 1884.

<sup>11</sup> See the obituary of Mahmud Shukri al-Alusi in *al-'Irfan* 9/9 (June 1924), p. 852; see also W. Walther, "al-Alusi Family"; "al-Alusi, Abu al-Thana' Shihab al-Dib Mahmud"; "al-Alusi, Mahmud, Shukri Abu al-Ma'ali," in Julie Scott Meisami and Paul Starkey (eds.), *Encyclopedia of Arabic Literature*, London 1998, vol. 1, pp. 83–84; H. Pérès, "al-Alusi," *Encyclopaedia of Islam*, Brill 2006 (Brill Online).www.brillonline.nl/subscriber/entry?entry=islam\_COM-0049.

<sup>12</sup> On Zahawi's views on women, see Wiebke Walther, "From Women's Problems to Women as Images in Modern Iraqi Poetry," *Die Welt des Islams* 36/2 (1996), pp. 219–241; Masliyah Sadok, "Zahawi: A Muslim Pioneer of Women's Liberation," *Middle Eastern Studies* 32/3 (1996), pp. 161–171.

into the prisoners of their own ignorance. These erroneous individuals sought the guidance of ignorant 'ulama' and allowed them to direct their lives. Knowledge itself, argued al-Rusafi, was imprisoned by the Eastern norms.<sup>13</sup> In al-Rusafi's "The Muslim Woman," the speaker noted further that our *salaf* took the correct path by liberating women, while we present-day Muslims bury our women alive. The positions of al-Rusafi were encapsulated in the following rhetorical question: Could the law of the Prophet Muhammad be in contrast with the law of civilization [*tamdin*]?<sup>14</sup>

Al-Rusafi, moreover, evoked 'Abduh's positions in other domains. He argued, following 'Abduh's terminology, that mimicking the traditions of previous authorities (*taqlid*) was inadvisable not only in the sphere of religion but also in those of literature and culture (*adab*).<sup>15</sup>

Focusing on texts by Hibat al-Din al-Shahrastani and Muhammad al-Hashimi, this essay underscores the ways in which both scholars functioned within the Iraqi religious and intellectual field. It considers their writings as both mirroring and synthesizing the ideas and discourses then current in the Middle Eastern cultural milieu, and points to the tensions and ambiguities embodied in their works. Their activity is important for a number of reasons. First, it demonstrates once again that in the Iraqi cultural field, secularism was not an essential prerequisite to a discourse about constitutionalism and democracy. Second, within the realm of Iraqi intellectual history during the interwar period, much attention was focused on Ottoman bureaucrats and officers turned Iraqi nationalists, and on certain intellectuals and politicians who propagated fascist, authoritarian and antidemocratic theories.<sup>16</sup> Other, non-hegemonic voices, however, challenged these antidemocratic modes. Jewish liberal intellectuals, the Iraqi Social Democratic group

<sup>13</sup> Ma'ruf al-Rusafi, *Diwan al-Rusafi*, Cairo 1959, pp. 342–343.

<sup>14</sup> *Ibid.*, pp. 347–348. More on the debate, see: Orit Bashkin, "Representations of Women in the Writings of the Iraqi Intelligentsia in Hashemite Iraq, 1921–1958," *Journal of Middle East Women's Studies* 4/1 (2008), pp. 56–61.

<sup>15</sup> *Al-Amal*, 8 November 1923. Republished in Ahmad Matlub, *al-Naqd al-adabi al-hadith fi'l-Iraq*, Cairo 1968, pp. 57, 256–257; see also his *al-Rusafi, Ara'uhu al-lughawiyya wa'l-naqdiyya*, Cairo 1970.

<sup>16</sup> Reeva Simon, *Iraq between Two World Wars: The Creation and Implementation of a Nationalist Ideology*, New York 1986; Phebe Marr, "The Development of Nationalist Ideology in Iraq, 1921–1941," *The Muslim World* 75/2 (1985), pp. 85–101; Peter Wien, *Iraqi Arab Nationalism: Authoritarian, Totalitarian and Pro-fascist Inclinations, 1932–1941*, New York 2006; William L. Cleveland, *The Making of an Arab Nationalist: Ottomanism and Arabism in the Life and Thought of Sati' al-Husri*, Princeton 1971.

*al-Ahali*, the nascent communist party and Iraqi religious intellectuals had produced alternative theories.<sup>17</sup> Furthermore, less attention has been devoted to the years 1900–1931, or to the ways in which regional debates created important interconnections between ‘ulama’, journalists, reformers and secularists in the Arab, and Iraqi, public sphere. As this essay will demonstrate, Shi‘i and Sunni scholars read each other’s works. One cannot therefore conceptualize an archetypical Shi‘i or Sunni intellectual sphere without doing an injustice to this rich intellectual environment. The first part of the essay centers on the works of al-Shahrastani, in an attempt to explore the effects of the Sunni print market on his thought. The second part draws a comparison between al-Shahrastani’s views and the theorization of his Sunni, Salafi peer, Muhammad al-Hashimi.

#### READING AL-MUQTATAF IN NAJAF

Hibat al-Din al-Shahrastani was born in Samarra in 1884. He later moved to Karbala but when his father died (1902) he settled in Najaf, where he studied with leading *mujtahids*. In 1910, he published the journal *al-‘Ilm* to propagate his ideas about reform and science. In the years 1912–1914 he traveled in the Middle East and in India. Upon his return to Iraq, he supported the Ottoman war effort as a Pan-Islamic battle against imperialism. After the British occupation of Iraq he returned to Karbala, where he played a pivotal role in the anti-British 1920 Revolt. He was imprisoned and sentenced to death, but was eventually released in May 1921. He served as minister of education for a short time (September 1921–August 1922) but resigned due to the government’s pro-British policies and disagreements with educator Sati‘ al-Husri (1880–1967). In the years 1923–1934, al-Shahrastani served in the Shi‘i Court of Cassation (*mahkmat al-tamyyiz al-shar‘i*) and in 1934–35 acted as the parliamentary deputy for Baghdad. In the 1940s he built an important library in Kazimiyya. Most markedly, he was one of the first Iraqi Shi‘is to exploit the emerging Middle Eastern print market and published a variety of books on philosophy, theology,

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<sup>17</sup> On Iraqi pluralism, see Wien, *Iraqi Arab Nationalism*, pp. 43–51; Eric Davis, *Memories of the State: Politics, History and Collective Identity in Modern Iraq*, Berkeley 2005.

history and education.<sup>18</sup> The influence of Sunni reformers' writings are evident in his work. Al-Shahrastani published in Rashid Rida's *al-Manar*, referenced Muhammad 'Abduh and Jamal al-Din al-Afghani in his writings, exchanged letters with 'Abduh and Rida, and was attentive to their attempts to trace the roots of elected and constitutional governments to the ancient practice of consultation.<sup>19</sup>

Al-Shahrastani's most referenced work appeared in 1909 and was titled *Astronomy and Islam (al-hay'a wa'l Islam)*.<sup>20</sup> He tried to establish in this work that the Qur'an and the tradition had always been open to a variety of interpretations. Al-Shahrastani directed his text to all those engaged in philosophy, particularly astronomy, whether students of religious schools or readers who obtained their information from the foreign press and were interested in Western innovations.<sup>21</sup> More broadly, he argued that there was no contradiction between Qur'anic knowledge and astronomy, or between religious and scientific knowledge. His book was therefore a new interpretation (*mufasir jadid*) of the Qur'an, the sayings (*maqalat*) of Muhammad and the imams,<sup>22</sup> while also taking into account historical studies and biographies to reveal the context in which particular authors composed their texts.<sup>23</sup> Equally important was the text's reliance on works of Sunni philosophers such as Ibn Sina (d.1037), as well as on contemporary works on science, among them the Arabic essays of the American missionary Cornelius Van Dyck (1818–1915), the works of Iskandar Ma'luf (1868–1956) and

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<sup>18</sup> Werner Ende, "al-Shahrastani, Sayyid Muhammad 'Ali al-Husayni, Known as Hibat al-Din al-Shahrastani," *Encyclopaedia of Islam*, Leiden 1997, vol. 9, pp. 216–217; Muhammad Mahdi al-'Alawi, *Hibat al-Din al-Shahrastani*, Baghdad 1929; Baqir Ahmad al-Bahadili, *al-Sayyid Hibat al-Din al-Shahrastani: atharuhu al-fikriyya wa-mawaqifuhu al-siyasiyya*, Beirut 2002; 'Ali al-Khaqani, "Introduction: Hayat al-mu'allif al-Sayyid Muhammad 'Ali Hibat al-Din al-Husayni al-Shahir bi'l Shahrastani," in Hibat al-Din al-Shahrastani, *Nahdat al-Husayn*, Karbala 1969.

<sup>19</sup> Al-Bahadili, *al-Sayyid Hibat al-Din al-Shahrastani*, pp. 80, 92, 98, Nakash, *Shi'is of Iraq*, pp. 55, 57–58, Brunner, *Islamic Ecumenism in the 20th Century*, p. 59; on his later participation in journals affiliated with al-Azhar, see *ibid.*, p. 195.

<sup>20</sup> Hibat al-Din al-Husayni al-Shahrastani, *al-Hay'a wa'l-Islam* (3rd ed., introduced and edited by Ahmad al-Husayni), Najaf 1965 (2nd ed., appeared in Najaf 1961). The book, at the time of its publication, was well received in Egypt, and was mentioned by 'Abd al-'Aziz Shawish. Since 1911 it has been translated three times into Persian and also into Hindi and Urdu. See Ahmad al-Husayni, "Introduction," in al-Shahrastani, *al-Hay'a wa'l-Islam*, pp. 5–7.

<sup>21</sup> Al-Shahrastani, *Hay'a wa'l-Islam*, p. 23.

<sup>22</sup> *Ibid.*, p. 26.

<sup>23</sup> *Ibid.*, p. 31.



Butrus al-Bustani (1819–1883) and, especially, articles published in the journal *al-Muqtataf*.<sup>24</sup>

Al-Shahrestani maintained that meanings change according to context. The true meaning of the Holy Scripture would never be fully revealed in a particular generation, and a new generation would always come along to challenge the interpretations of previous generations. For example, *Surat al-Rum* and its interpretations had prophesied the fall of Byzantium. At the time, such prophecies referred to the unknown and the impossible; neither the senses nor human reason could perceive them, although the prophecy did materialize at a later date.<sup>25</sup> Furthermore, the *shari'a* was initially given to a people whose culture was marked by ignorance and superstition. Such people would never have been convinced to adopt the teachings of Islam if they had been told immediately that all their previous beliefs were false. Therefore, knowledge was spread among them slowly and the elimination of their absurd beliefs occurred gradually, in accordance with what their minds were able to absorb at a given moment. In other words, although Islam is a universal, eternal religion, its believers grasp it differently in different time periods and locales (*'asr wa-misr*).<sup>26</sup> In the rest of the text, al-Shahrestani attempted to read certain Qur'anic verses and prophetic and *imami* traditions in a new light. Specifically, he examined traditions and Qur'anic verses that mentioned the seven skies (*sama'*), stars (*nujum*) and suns as reflecting modern scientific knowledge about the solar system and the movement of the earth. For instance, the reference to falling stars (*shihab*) in the Qur'an and in prophetic and *imami* traditions was understood to be depicting the falling of meteors.

Al-Shahrestani informed his readers that leading Orientalists had acknowledged that while Europe was in the darkness of the Middle Ages, the Muslims were engaged in translating the works of the Greeks and the Persians into Arabic; later, such works were transmitted to Europe thanks to the encounter between Europe and the Muslim East

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<sup>24</sup> On Ma'luf see Mulaththam al-Badawi, *'Isa Iskandar Ma'luf*, Cairo 1969; on Bustani see Hourani, *Arabic Thought*, pp. 188–102; on *al-Muqtataf*, see Dagmar Glass, *Der Muqtataf und seine Öffentlichkeit: Aufklärung, Rasonnement und Meinungsstreit in der frühen arabischen Zeitschriftenkommunikation*, Würzburg 2004; al-Shahrestani, *Hay'a wa'l-Islam*, p. 37.

<sup>25</sup> Al-Shahrestani, *Hay'a wa'l-Islam*, p. 45.

<sup>26</sup> *Ibid.*, pp. 49–50.

in al-Andalus.<sup>27</sup> Al-Shahrastani, then, repeated the familiar argument that by adopting scientific knowledge, the Muslims were reclaiming knowledge that was already theirs. However, he was even more radical. He wrote that, according to historians, "The Egyptian and Syrian lands were the first place in the East where the sun of Western science rose with the aid of Napoleon Bonaparte."<sup>28</sup> Japan followed this model and adopted Western science, followed by India and then Iran under Nasir al-Din Shah. This was a period in which Islamic communities attempted to restore their glory and protect their nation (*watan*) "by the light of knowledge and the virtue of the constitution."<sup>29</sup>

The representation of the British colonization of India and Napoleon Bonaparte's occupation of Egypt as events that brought the light of science to these societies might seem perplexing, considering al-Shahrastani's anti-colonialist views. Prior to World War I, he was utterly against European political intervention in the affairs of the Islamic community, and against Muslim regimes that allowed for such interference. Al-Shahrastani strongly protested the concessions granted to Western companies; he objected to the Hijaz rail project and cautioned against the perils of Russian, British and French imperialism. For this reason, he believed that the unity of Muslim believers, both Sunni and Shi'i, was needed to combat the impending Western encroachment. His journal *al-Ilm* published a *fatwa* calling for the unity of all Muslims, which was warmly welcomed by Rashid Rida and reprinted in *al-Manar*. Similarly, *al-Ilm* reissued essays written by Afghani on the need to combat European encroachment. During his travels, al-Shahrastani established a number of societies, in Iraq, Oman and Bahrain, for the protection of Islam. While visiting India, al-Shahrastani's devotion to the ideas of Pan-Islam and the anti-colonial struggle earned him the title of "Jamal al-Din al-Afghani the second," a name reclaimed by Iraqis years later.<sup>30</sup> After Iraq's occupation by the British, al-Shahrastani actively participated in the 1920 Revolt, reaching out to heads of tribes

<sup>27</sup> Ibid., pp. 32–33.

<sup>28</sup> Ibid., p. 42.

<sup>29</sup> Ibid., pp. 42–43.

<sup>30</sup> 'Udayy Hatim 'Abd al-Zahra, *al-Najaf al-Ashraf wa-harakat al-tayyar al-islahi: 1908–1932*, Beirut 2005, pp. 95–107, 207, 232–234; al-Bahadili, *al-Sayyid Hibat al-Din al-Shahrastani*, pp. 131–140; Nakash, *Shi'is of Iraq*, pp. 55; 57–58; al-Khaqani, "Introduction," pp. 8–9. On the relationship between the shrine cities, the Ottomans and the Hamidian regime, see Litvak, *Shi'i Scholars*, pp. 150–169.

and organizing their support against the British.<sup>31</sup> Nonetheless, in *Astronomy and Islam* he defended his positive approach towards the British and the French by claiming that the powers of modern science could be harnessed in defense of the Islamic nation. Furthermore, the British themselves, despite sentencing al-Shahrastani to death after his participation in the 1920 Revolt, came to regard him with considerable esteem. An intelligence report observed that al-Shahrastani, the “author of learned works which were widely read and translated into several languages,” “holds very liberal views.”<sup>32</sup>

Al-Shahrastani’s text became very popular in the Muslim world for a number of reasons. First, its form of argumentation was almost formulaic, as it restated views that had been previously championed by other ‘ulama’ and religious reformers, both Sunni and Shi‘i—most noticeably, the harmonization of scientific and religious knowledge. On the other hand, the text introduced ideas that were novel in the Najafi and Iraqi print market of 1909 and was thus considered a major intellectual breakthrough on the Iraqi scene.

Second, *Astronomy and Islam* responded to discourses concerning materialism that were frequently discussed in the Arab and Ottoman print media. The Arabic renditions of the views of Ludwig Büchner (1824–1899) and Jacob Moleschoot (1822–1893) circulated in the Arab press mainly (though not exclusively) through the journal *al-Muqtataf*.<sup>33</sup> The Iraqi poet Jamil Sidqi al-Zahawi, a fervent positivist and social Darwinist, published a few articles on physics and evolution in

<sup>31</sup> ‘Abd al-Razzaq al-Hasani, *Ta’rikh al-thawra al-‘Iraqiyya*, Sayda 1935, pp. 116, 126, 138–139; al-Bahadili, *al-Sayyid Hibat al-Din al-Shahrastani*, pp. 164–185; al-Khaqani, “Introduction,” pp. 10–11.

<sup>32</sup> Office of the High Commissioner, Intelligence Report No. 22, 31 October 1921, FO 371/6353/52859.

<sup>33</sup> On Darwinism, positivism and science in Iraq, see Shaykh Rida al-Isfahan, *Naqd falsafat Darwin*, Baghdad 1914; Amir Hasan Fayyad, *Judhur al-fikr al-ishtiraki wa’l-taqaddumi fi’l-‘Iraq: 1920–1934*, Beirut 1980, pp. 98–110; ‘Abd al-Latif al-Rawi, *Maqalat fi ta’rikh al-‘Iraq al-mu’asir*, Damascus 1985, pp. 27–35; Muhammad ‘Ali Kamal al-Din, *al-Najaf fi rub’ qarn mundhu sanat 1908: haqa’iq wa watha’iq wa-mudhakkarat min ta’rikh al-‘Iraq al-siyasi*, Beirut 2005, p. 83. In the Arab world, see Nadia Faraj, “The Lewis Affair and the Fortunes of *al-Muqtataf*,” *Middle East Studies* 7 (1972), pp. 73–83; Adel A. Ziadat, *Western Science in the Arab World: The Impact of Darwinism, 1860–1930*, London 1986; Marwa Elshakry, “Darwin’s Legacy in the Arab East: Science, Religion and Politics, 1870–1914,” Ph.D. dissertation, Princeton 2003; Hourani, *Arabic Thought*, pp. 125, 143, 167, 171–173, 248–253; on the influence of Positivism, Darwinism and Science on the Young Turks, see M. Şükrü Hanioglu, *Preparation for a Revolution—The Young Turks 1902–1908*, Oxford 2001, pp. 289–290, 292; M. Şükrü Hanioglu, *The Young Turks in Opposition*, Oxford 1995, pp. 18–32; 203–295; 208–212.

*al-Muqtataf*.<sup>34</sup> The reliance on data and the exclusion of metaphysical speculation had been criticized by Sunni and Shi'i 'ulama' in the late nineteenth and early twentieth centuries. Al-Shahrastani's long career was indeed marked by his anti-materialistic beliefs, which coexisted with his acceptance of the premise of scientific knowledge. He was particularly troubled by David Hume's theories because of Hume's adherence to empiricism and skepticism, and his assertion that human knowledge is achieved through the senses. In later articles published in the Lebanese journal *al-'Irfan*, al-Shahrastani attacked all those who believed that science could explain all aspects of existence and should thus replace the religious belief system.<sup>35</sup> He cautioned Muslims not to be "like beasts (*baha'im*) or (David) Hume" by limiting experience to what is perceptible by the senses.<sup>36</sup> He theorized that since the men of science in the Western world had been oppressed by the Church, they championed secularist theories in order to liberate themselves from the Church's rule. Islam, however, had not repressed free investigation. Furthermore, even European philosophers and scientists had come to criticize the theories of materialism. Moreover, not everything in the world could be scientifically measured and precisely appreciated. For example, the views of chemists, scientists and medical doctors have changed from the days of Galen to the present. Scientific knowledge was consequently permissible and even desirable, yet it was dangerous to believe that everything could, and should, be explicated by science.<sup>37</sup>

Despite its rejection of materialism, the significance of *Astronomy and Islam* derives from the ways in which it appropriated the scientific discourse. The book referenced the works of Van Dyck on astronomy and articles in *al-Muqtataf*.<sup>38</sup> Al-Shahrastani's journal, *al-'Ilm*, likewise referred to such publications as *al-Ittihad al-'Uthmani*, *al-Bashir*, *al-Iqbal* and *al-Haris* (from Beirut), *al-Hilal*, *al-Manar*, *al-Muqattam* and *al-Muqtataf* (from Cairo), *al-Hadara*, *al-Rabita* and *al-Kawkab al-'Uthmani* (from Istanbul), *al-Athar* and *al-Muqtabas* (from Damascus) and

<sup>34</sup> 'Abd al-Hamid Rushdi, *al-Zahawi: dirasat wa-nusus*, Beirut 1966, p. 39.

<sup>35</sup> Hibat al-Din al-Shahrastani, "Tanazu' al-ruhiyya wa'l-madiyya," *al-'Irfan* 7/8 (April 1923), pp. 494–500; idem, "al-Barahin 'ala tajarrud al-nafs," *al-'Irfan* 8/8 (May 1923), pp. 572–574; Hibat al-Din al-Shahrastani, "Ila man yurid al-ashya' mahsusa," *al-'Irfan* 8/9 (June 1923), pp. 648–650.

<sup>36</sup> Al-Shahrastani, "Ila man yurid al-ashya' mahsusa," p. 650.

<sup>37</sup> Ibid., pp. 648–650; idem, "Tanazu' al-ruhiyya," pp. 494–500; "al-Barahin," pp. 572–574.

<sup>38</sup> Al-Shahrastani, *Hay'a wa'l-Islam*, pp. 59, 221.

*al-Raqib and Sada Babil* (from Baghdad), as well as the publications *al-Akha'* (Hama), *Islah* (Bombay), *Iqaz*, (Basra), *Habl-i metin* (Calcutta), *Majlis* (Teheran), *Abu Nuwas* (Tunis) and *al-Hind al-Hurra* (Paris).<sup>39</sup> Although al-Shahrastani's background was very different than that of the Christian missionaries and their disciples in Lebanon and he wrote against missionary activities in the Middle East in *al-Manar*, he seemed to have been mesmerized by the stories published in *al-Muqtataf* about Galileo, Kepler and the solar system that he referenced in his study. One can almost visualize al-Shahrastani's library, and how this avid reader of the Lebanese and Egyptian press might have compared and contrasted those publications with his own collections of Qur'anic exegesis and *imami* traditions.

*Astronomy and Islam*, however, aimed at a different readership than that of *al-Muqtataf*—namely, an Arabic-speaking Shi'i audience. Evidence of the warm reception of the work is found in the words of praise published in *al-'Irfan*, which was an important source for al-Shahrastani's investigation and featured the works of many Shi'i intellectuals. *Al-'Irfan* depicted the book as exploring the new sciences (*'ulum mustahditha*) and at the same time, by shedding new light on works of philosophers and scientists and relating them to religious principles, challenging all those who attacked Islam.<sup>40</sup> Nevertheless, al-Shahrastani's intellectual milieu was not exclusively comprised of Shi'i 'ulama' or Shi'i readers. The intellectuals surrounding him included, among others, al-Zahawi and Mahmud Shukri al-Alusi. A decade after the publication of *Astronomy and Islam*, his views became part of the Iraqi print market that hailed al-Shahrastani as one of its most important religious scholars. For example, when Iraqi writer Razuq 'Isa (b. 1885) published in *al-Hilal* a list of intellectuals most closely affiliated with the *nahda*, the daily *al-'Iraq* protested the exclusion of Farah Antun, Mustafa Kamil and Ahmad Lutfi al-Sayyid from the list, as well as the omission of the poets of Najaf and Hibat al-Din al-Shahrastani.<sup>41</sup>

The fact that most of the scientific knowledge upon which al-Shahrastani based his inquiries was drawn from the Arab press elucidates his position that the press should be used by the 'ulama' to enlighten

<sup>39</sup> Al-Bahadili, *al-Sayyid Hibat al-Din al-Shahrastani*, pp. 289–292 (the text presents a detailed table of all the journals quoted in *al-'Ilm*); Nakash, *Shi'is of Iraq*, p. 53; Kamal al-Din, *al-Najaf fi rub' qarn*, pp. 77–80.

<sup>40</sup> *Al-'Irfan* 8/3 (October 1910), p. 430.

<sup>41</sup> *Al-'Iraq* 608/2 (1 June 1921), p. 2.

the believers. The press, he wrote, is the eyes of the nation; its aims are to guide the nation as well as to promote good and condemn evil (*al-amr bi'l-ma'ruf wa'l-nahi 'an al-munkar*).<sup>42</sup> Although these are familiar clichés, the last sentence indicates that religious supervision of public morality was now to be found in the print media. Al-Shahrastani, then, viewed journalism as a religious tool to communicate with believers. For this reason, *al-'Irfan* included al-Shahrastani in a prestigious list of writers who contributed to the press, along with Jurji Zaydan (1861–1914) and Tolstoy.<sup>43</sup>

During the 1920s, al-Shahrastani continued discussing scientific and religious questions in Ahmad Jalal al-Din's *al-Murshid* (The guide), which published his rulings. *Al-Murshid*, a “progressive, public journal,” intended to study the traditions (*athar*) of the family of the Prophet, publish articles and manuscripts concerning *'ilm* and religion, examine the biographies of religious reformers (*muslihun min al-'ulama'*) and discover “hidden realities pertinent to the spirit and spirituality (*ruh wa-ruhaniyyat*).” One of the most important sections of the paper was dedicated to questions referred by its Shi'i readership to al-Shahrastani. The paper's editor confessed that people with weak minds had distanced themselves from the truthful religious sciences (*'ulum*) and the voices of candid *'ulama'*. It was therefore vital that readers receive correct information about religion from an authority such as al-Shahrastani.

The questions submitted to al-Shahrastani, later collected in the book *The Proofs and the Questions (al-Dala'il wa'l-masa'il)*,<sup>44</sup> covered a variety of topics, among them the origin of such sects as the Druze, the interpretation of traditions and Qur'anic verses, problems concerning rituals and practices such as dietary laws and veiling. Al-Shahrastani's answers included examples from philosophy, prophetic and *imami* traditions, and the Qur'an. Metaphors and allegory likewise served al-Shahrastani on many occasions. In response to an inquiry regarding the interpretation of the tradition in which the Nile and the Euphrates are said to originate from heaven, al-Shahrastani historicized the tradition and explained that ancient peoples believed that rivers derived

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<sup>42</sup> “Al-Suhuf wa'l-wataniyya wa'l-lugha al-'Arabiyya,” *al-'Irfan* 2/11 (October 1925), pp. 113–114.

<sup>43</sup> *Ibid.*

<sup>44</sup> Hibat al-Din al-Shahrastani, *al-Dala'il wa'l-masa'il*, Baghdad 1926. More on his method, see: Orit Bashkin, *The Other Iraq: Pluralism and Culture in Hashemite Iraq*, Stanford, CA, 2008, ch. 1.

from heaven; the Indians attributed divine origins to the Ganges, and the Torah located four rivers in heaven, the Euphrates being one of them. This, he explained, was because these rivers provided livelihood in ancient times, making them the representation of heaven on earth (*jannat al-ard*) and of divine grace.<sup>45</sup> Al-Shahrastani used psychology to clarify the reasoning behind certain religious practices. In answer to a query on the Wahhabi rejection of pilgrimage to the tombs of saints (*ziyarat*), he responded that visits to graves facilitate religious experience because when a believer visits the grave of a loved or revered person, he experiences the visit *spiritually*, as he misses and remembers the departed.<sup>46</sup>

As a well-known intellectual, al-Shahrastani used the print market to produce hybrid texts that amalgamated medieval genres in order to respond to newer intellectual developments. His answers, moreover, had to be relatively short to fit the space of a printed page in the newspaper. It should also be noted that in the initial stages of his career, not all his rulings were favorably received. In 1909 a scandal broke out following his ruling regarding the lucrative business of transferring bodies to be buried in Najaf. Al-Shahrastani declared this to be a *bid'a* and moreover, alerted the public to the health-related dangers embodied in this practice. This *fatwa* caused a public outrage and was denounced by several leading Shi'i 'ulama'. By the 1920s, however, he became a leading authority on questions of science and religion to whom Shi'i believers could turn.<sup>47</sup> Nonetheless, his works echo not only Najafi but also Salafi, Arab and Christian voices.

Another book of al-Shahrastani, *Nahdat al-Husayn* (The revival of Husayn), which achieved great popularity and appeared in several editions, reflects the effects of the Salafi and Arab print market on his thought.<sup>48</sup> Originally published in 1926, the book was praised by such leading Shi'i intellectuals as Muhammad al-Husayn al Kashif

<sup>45</sup> Ibid., pp. 38–39.

<sup>46</sup> Ibid., pp. 50–51. The visitation of graves was a controversial matter subject to much debate between Sunni and Shi'i religious reformers and discussed in such organs as *al-Manar*. See Yitzhak Nakash, "The Visitation of the Shrines of the Imams and the Shi'i Muftahids in the Early Twentieth Century," *Studia Islamica* 81 (1995), pp. 153–164.

<sup>47</sup> Nakash, *Shi'is of Iraq*, pp. 193–197; 'Abd al-Zahra, *al-Najaf al-Ashraf*, pp. 185–190. On his general critique of the 'ulama', see Litvak, *Shi'i Scholars*, pp. 110–111.

<sup>48</sup> In this essay I use the 1969 edition (5th edition). The full title of the text was *Nahdat al-Husayn: aw silsilat hawadith ta'rikhiyya hawla faji'at al-imam sayyidina al-Husayn ibn 'Ali*, Karbala 1969. Other editions appeared in Baghdad and Najaf in 1926, 1937, 1946, 1958.

al-Ghita' (1877–1954), as well as by Egyptian shaykh Tantawi Jawhari (1862–1940), who argued that the book exemplified the contribution of the Shi'i community to the Iraqi revival.<sup>49</sup> Within Iraq, Sunni and Shi'i politicians were mesmerized by the book's argumentation. Ja'far al-'Askari (1887–1936), by no means a religious authority, was highly impressed with the book,<sup>50</sup> as was the Shi'i intellectual and bureaucrat Muhammad Fadhil al-Jamali (1902–1997). Jamali sensed that the book's power originated from its new form of narration, which catered to the desires of reform-minded students. Jamali also maintained that this educational (*tahdhibi*) text presented a fresh model for the new generation of young Muslims. He emphasized that the text's exploration of the history of Husayn was not a sectarian (*ta'ifi*) account but rather a tale with a moral for all Arabs (*al-natiqun bi'l-dad*) about the battle for truth and justice.<sup>51</sup>

The narrative about the killing of Husayn by the Umayyad Caliph Yazid (680), its religious and theological meanings, its commemoration and its politicization have been a key theme in Shi'i thought and history. In the twentieth century, diverse readings of this narrative presented a plethora of political agendas. Al-Shahrastani's book fits well into this tradition. He argued that he investigated the revolt of Husayn in order to study the meaning of reform (*islah*) and the right of individuals to rise up against injustice, as well as to explain to readers the importance of Husayn's revolt as a universal symbol. The themes discussed in the book, al-Shahrastani contended, have historical and political implications.<sup>52</sup>

At first the reader may be puzzled by al-Shahrastani's use of the term *nahda* for Husayn's rebellion, as *nahda* literally means "revival" or "awakening." However, it soon becomes clear that al-Shahrastani's interpretation of *nahda* connotes a political, ethical and universal movement against an unjust political order. *Nahda*, explained al-Shahrastani, denotes the effort of an individual or a group who is committed to just law or the general good (*al-maslaha al-'amma*). The *nahda* of Husayn was emblematic of such movements, as it was a popular act against ethical corruption and the abuse of rights. It spoke for an abused

<sup>49</sup> Al-Hajj 'Ali al-Jarhiri, "Introduction," in al-Shahrastani, *Nahdat al-Husayn* (1937), b, g (introduction pages are enumerated by letters).

<sup>50</sup> *Ibid.*, d. The quote is from 5 May 1927.

<sup>51</sup> *Ibid.*, d, h (the review was published in 1927).

<sup>52</sup> Al-Shahrastani, *Nahdat al-Husayn* (1969), pp. 35–36.



people (*sha'b*) and for an oppressed community (*umma*). Powerless and silenced (*makmumat al-famm*) by tyrants, this community relied on Husayn's efforts, and he sacrificed himself for its sake.<sup>53</sup>

The text, unsurprisingly, contrasted the just image of Husayn with that of Yazid, Yazid being the archetype of all that is wrong in a dysfunctional state. History books, said al-Shahrastani, provide ample evidence of Yazid's unethical conduct and his continuation of the policies of his father, Mu'awiya. Mu'awiya was a man who acquired political power by violence and did not grant the Muslims "freedom in matters of consultation (*shura*) and elections (*intikhab*)." Mu'awiya, moreover, suppressed freedom of thought and nearly eradicated Islamic yearning for justice. By the time of Yazid, the nation had no other alternative but to rebel.<sup>54</sup>

Husayn, on the other hand, was the symbol of justice (*haqq*) and virtue (*fadhila*) and these features bestowed upon his movement its historical and universal significance. Husayn knew that he was the one who should have ruled the Islamic community, since such divine knowledge was transmitted to him by his father and his grandfather. His father, 'Ali, was also favored by most Muslims as the leader of the community. Tragically, Husayn knew that he would be killed by the sword of tyranny, whether he submitted to Yazid or not. Therefore, reason (*'aql*) forced him to take the course he took. Most importantly, the text underscores that the people of Iraq persistently sought the help of Husayn with requests to come to their rescue. Husayn, consequently, responded to the needs of the people, attempted to enlighten (*tanwir*) their thoughts, attended their gathering places (*andiya*) and demonstrated with them against the despotic Umayyad rule. Husayn, moreover, stood not only for popular consensus but also for the reform (*islah*) of society and of its political leadership, which was incapable of governing the community.<sup>55</sup> More generally, al-Shahrastani stated that every community not led by revivalists (*nahidun*), reformers (*muslihun*) and faithful 'ulama' faced the perils of corruption and decay.<sup>56</sup>

Seen from this vantage point, Husayn was a martyr for the sake of reform and the liberation of the nation (*tahrir*).<sup>57</sup> The historical signifi-

<sup>53</sup> Ibid., pp. 37–38. On *nahda*, see also: Bashkin, *The Other Iraq*, ch. 4.

<sup>54</sup> Ibid., pp. 29–40, 46, 57–59.

<sup>55</sup> Ibid., pp. 42–56, 61–62.

<sup>56</sup> Ibid., p. 45.

<sup>57</sup> Ibid., p. 104.

cance of Husayn's movement thus derives from the fact that it spawned reformers and social movements throughout the entire Muslim world.<sup>58</sup> Therefore the *text* does not end with the killing of Husayn but emphasizes the angry feelings that spread throughout the Umayyad Empire after Husayn's death, when the believers wanted to avenge his murder. The revolts of Mukhtar (d. 687) as well as other political challenges to the rule of the Umayyads confirmed that Husayn's memory was alive among the believers. For this reason, the replacement of the Umayyad dynasty with the Abbasid one, and the elimination of all its members by the 'Abbasid Caliph al-Saffah (reigned 749–745), represented a decisive historical victory for the house of Hashim.<sup>59</sup> Moreover, over the years the commemoration of Husayn's death became widespread amongst Shi'is in the Arab world, Iran and, with the new waves of migration, even in America.<sup>60</sup>

Although some elements of the story about Husayn seem highly familiar there are also new, almost subversive, elements in this narrative. The text can be read as a political allegory about the perils of despotism and the virtues of constitutional and elected government. Time and again al-Shahrastani underlines the fact that Husayn was very well liked by the people of Iraq and that he responded to their call for better leadership. Furthermore, the right of *Ahl al-Bayt* to rule the Muslim community is represented as responding to the processes of elections (*intikhab*) and consultation (*shura*) among Muslims,<sup>61</sup> and not only as an act of divine will. Noticeably, the rights denied by the Umayyads were freedom of thought and freedom of speech, and the people of Iraq participated in political demonstrations against this immoral political order.

Accentuating the merits of constitutionalism and reform, the text echoes important conversations typifying al-Shahrastani's sociopolitical milieu. Sunni religious reformers debated the connections between the ideals of *shura* and constitutionalism. The virtues of constitutionalism

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<sup>58</sup> Ibid., p. 47.

<sup>59</sup> Ibid., p. 135.

<sup>60</sup> Ibid., pp. 160–169.

<sup>61</sup> On the ways in which the Islamic practice of *shura* was turned into a debate about electoral process in the reform literature of the period, see Hourani, *Arabic Thought*, pp. 6, 144, 234–235, 300; on the problematic reception of the idea of *shura* in the Shi'i context, which points to the uniqueness of Shahrastani's ideas, see Roswitha Badry, "Marja'iyya and Shura," in Rainer Brunner and Werner Ende (eds.), *The Twelver Shia in Modern Times: Religious Culture and Political Culture*, Leiden 2001, pp. 188–207.

were discussed in Najaf following the Iranian constitutional revolution.<sup>62</sup> Similar discussions about elected governments continued following the Ottoman constitutional revolution. Al-Shahrastani, highly in favor of limiting the power of the sovereign by constitutional means, was in contact with the local Committee of Union and Progress in Najaf. Moreover, the 1908 Revolution was a moment of great celebration to all Iraqis, Sunnis and Shi'is alike.<sup>63</sup> Deliberations about the French Revolution, the meaning of political sovereignty and the will of the people, as well as the urgent need to put an end to despotism, were publicized by newspapers in Baghdad, by the group surrounding the Sunni reformer Sulayman Faydi (b.1885) in Basra, and by Iraqis residing in Istanbul.<sup>64</sup>

*Nahdat al-Husayn* not only epitomizes the discourse of the prewar era but also mirrors the discourse of the early 1920s. In these years, the Iraqi national press informed its readers that the abuse of rights under Hamidian authoritarianism and Turkish nationalism had led to the Arab Revolt. Moreover, writers championed the freedoms of speech and association while protesting British limitations on such rights under the mandate. The implications of the electoral process turned into a burning dilemma in those years, as the Shi'i *mujtahids* initially objected to participation in the elections, fearing that their representation would be diminished under the Hashemite regime.<sup>65</sup> The fact that the text was published two years after the first elections in Iraq is vital from this perspective. Al-Shahrastani's enthusiastic approach to elected governments insinuates that the Shi'i objections to the elections were

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<sup>62</sup> Al-Bahadili, *al-Sayyid Hibat al-Din al-Shahrastani*, pp. 126–131, Khaqani, "Introduction," pp. 7–8, 18–20; On the context of the constitutional revolution in Iraq, see 'Abd al-Zahra, *al-Najaf al-Ashraf*, pp. 46–51; Brunner, *Islamic Ecumenism in the 20th Century*, pp. 41–43; Nakash, *Shi'is of Iraq*, pp. 50–52.

<sup>63</sup> On the debates about constitutionalism and reform following the revolution and Shahrastani's positions after 1908, see al-Bahadili, *al-Sayyid Hibat al-Din al-Shahrastani*, pp. 129–131, 'Abd al-Zahra, *al-Najaf al-Ashraf*, pp. 51–58, Kamal al-Din, *al-Najaf fi rub' qarn*, pp. 139–153; Khaqani, "Introduction," pp. 23–27; Nakash, *Shi'is of Iraq*, pp. 52–55.

<sup>64</sup> Sulayman Faydi, *Mudhakkirat Sulayman Faydi min ruwwad al-nahda al-'arabiyya fi'l-'Iraq*, Beirut 1998; Rushdi, *al-Zahawi*.

<sup>65</sup> On Iraq in the 1920s, see Toby Dodge, *Inventing Iraq: The Failure of Nation Building and a History Denied*, New York 2003; Peter Sluglett, *Britain in Iraq, 1914–1932*, London 1976. On the demands by the press for democracy and freedom of speech, see 'Iraq, no. 609 (19 May 1922), p. 1; *Rafidan* no. 5 (5 October 1921), p. 1; *Dijla*, no. 48 (23 August 1921), p. 3; *Istiqlal*, no. 104 (8 June 1922), p. 1; *ibid.*, no. 105 (9 June 1922), p. 1.

not directed against the process itself, but rather against the way in which it was conducted in Iraq.

Another important feature of the narrative is Husayn's representation as a reformer. Reform, however, did not only entail changing particular norms, undesired innovations and practices; rather, it signified the removal by force of an unethical political leadership. The notion that tyranny only leads to open rebellion and instability was well-known to both Sunnis and Shi'is, as the Iraqi press of the 1920s discussed how the tyrannical nature of the Ottoman Empire had generated social and political unrest. Nevertheless, since al-Shahrastani's text was written in 1926, after the fall of the Ottoman Empire, we are left to wonder whether al-Shahrastani was simply reflecting on the evils of past regimes or pointing an accusing finger at the contemporary Hashemite state.

The answer to these questions might be related to the employment of the word *nahda* to signify the movement of Imam Husayn. The *nahda* was used in the Arab context to designate the Arab cultural and literary revival that occurred in the nineteenth and early twentieth centuries. In the political realm, the *nahda* designated the rise of Arab nationalism.<sup>66</sup> In Iraq, the Hashemites identified the *nahda* with the Arab Revolt, termed "The *Nahda* of [the Sherif] Husayn" (*al-Nahda al-Husayniyya*).<sup>67</sup> Al-Shahrastani's attempt to negotiate the signification of the *nahda* is evident in an interview he conducted with the celebrated Shi'i Iraqi historian, 'Abd al-Razzaq al-Hasani (b.1903), regarding his book on the 1920 Revolt. Hasani addressed several questions to the leading *mujtahids* who had participated in the Revolt. They were asked to comment on its causes and to analyze the role of the 'ulama' in it. Al-Shahrastani replied:

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<sup>66</sup> Paul Starkey, "Nahda," in Meisami and Starkey (eds.), *Encyclopedia of Arab Literature*, vol. 2, pp. 573–574. See also Saree Makdisi, "Postcolonial Literature in a Neocolonial World: Modern Arabic Culture and the End of Modernity," *Boundary 22/1* (1995), pp. 85–115; George Antonius, *The Arab Awakening: The Story of the Arab National Movement*, New York 1965.

<sup>67</sup> On the *nahda* of Husayn in the Hijaz and 'id *al-nahda*, see Faysal ibn al-Husayn, Speech in Baghdad (9 July 1921); Speech in Basra (24 June 1921); Speech in Baghdad (23 August 1921); Speech to the Catholic community (30 July 1921), in *Faysal ibn al-Husayn, fi khutabihi wa-aqwalih*, Baghdad 1946, pp. 221–255; Sami Shawkat, *Hadhihi Ahdafuna*, Baghdad 1939, pp. 26–27; Yousif Izzidien, *Modern Iraqi Poetry*, Cairo 1971, pp. 96–97.

The *nahda* of King Husayn in Hijaz, the Kingdom of Faysal in Syria, and the links between his men in Baghdad and the movement of the Kemalists in the North were the reasons for the revival of patriotic (*wataniyya*) spirit among the Iraqis.<sup>68</sup>

Public opinion (*al-ra'y al-'amm*) was turned against the occupying forces and stirred the fire of revolution due to “the harshness of the British military governors towards the people, and the lack of justice [on the part] of the political rulers in their handling of the shaykhs, the *ashraf*, and the ‘ulama’.” Iraq benefited from this revolution because Iraqis found a mediator in the person of King Faysal. Faysal had good relations with the British, and he strove for the establishment of an independent Arab kingdom and for cordial relations with Iraq’s neighbors. As for the role of the ‘ulama’, al-Shahrastani maintained that their significance stemmed from their relationship with the rebels, from their mediating role between the government (*hukuma*) and the subjects (*ra'aya*), and from being role models for the general public (*'awwam*) in all matters of life.<sup>69</sup>

The use of the word *nahda* by al-Shahrastani in the interview is anything but coincidental. Evidently associated with the Arab Revolt, the term was employed in the interview to denote the spread of nationalism (*wataniyya*) in Iraq. The Arab Revolt and the 1920 Revolt were perceived as justified resistance by oppressed Muslim subjects to unjust governments—similar to Husayn’s revolt. The language of this statement is both Arab and national, celebrating the achievements of the Arab kingdom and the role of the Hashemites. The ‘ulama’, as educators of the community, are represented as mediators between the state and its subjects, yet their power is subordinated to that of the state. The marginalization of the *mujtahids* under Faysal had done much to diminish their position as power brokers between state and society. The interview might imply, however, that al-Shahrastani opted for such a role, or that this was the role he assigned to himself. Nonetheless, the acceptable solution regarding the Hashemite state was, in his opinion, mediation rather than revolution.

*Nahdat al-Husayn* likewise contained pro-Hashemite elements. The signification of the ‘Abbasids as the “House of Hashim,” for example, must have inspired associations with the contemporary leadership of

<sup>68</sup> Hasani, *Ta'rikh al-thawra al-'Iraqiyya*, p. 138.

<sup>69</sup> *Ibid.*, pp. 138–139.

the Hashemites in Iraq. Moreover, while the 'Abbasids definitely owed their rise to pro-Shi'i sentiments, representing them as the manifestation of Shi'i hopes and as the redeemers of the murder of Husayn is problematic at best, considering the volatile relationship between the 'Abbasid caliphs and the imams. In this context, it should be noted that after the construction of the Iraqi state, al-Shahrastani played an important role in the state's educational and legal institutions. His approach to the Hashemite state seems to indicate that he did not view it as the mirror image of the corrupt Umayyad state. In fact, in his short period as minister of education, he took part in important processes that contributed to the consolidation of the Iraqi nation-state, which included the Arabization of the education system and the creation of a stratum of Iraqi-educated elites by sending missions of Iraqi students to be educated abroad.<sup>70</sup>

Other components of the text, however, appear to be a radical shift from the Hashemite national narrative. A close reading reveals that al-Shahrastani's interpretation of *nahda* challenged the Hashemite concept of the *nahda*, predominantly because his perception of history was circular. He reminded readers of a far more important Husayn whose *nahda* was far more significant than the contemporary one. In every generation, a certain group takes it upon itself to resist political oppression. Al-Shahrastani's analysis, in other words, denied the uniqueness of the Hashemite *nahda* or at least contested the assumption that the Arab *nahda* was a linear process in which the adoption of science, criticism and political theories originating from Europe changed man's relations to his community and ultimately brought about the rise of nationalism. For al-Shahrastani, the *nahda* was a repetitive phenomenon, both universal and Islamic, that was narrated in religious terminology and evoked a familiar religious history.

Another point of departure from the Arab national narrative was the denunciation of the Umayyads. Ernest Dawn and Peter Wein demonstrated that Iraqi nationalists in the interwar period appropriated the Islamic past, in particular the formation of the Islamic state, as models of national zeal and disciplined military conduct for contemporary

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<sup>70</sup> For his works on education and views regarding the methods of learning in Iraq for primary schools, see *al-Irfan* 8/5 (1923), p. 393. See also Kamal al-Din, *al-Najaf fi rub' qarrn*, pp. 89–91; al-Bahadili, *al-Sayyid Hibat al-Din al-Shahrastani*, pp. 185–203.

nationalists.<sup>71</sup> Within this narrative, the Syrian-Umayyad Empire was seen as an appropriate archetype for a national Arab state. Shi'i intellectuals, however, sharply criticized the inclusion of the Umayyads as a model for Arab nationalists.<sup>72</sup> The denunciation of the Umayyads by al-Shahrastani confirms that he wanted to exclude such appropriations from national historiography and to present other historical narratives in their stead.

The critique of the Hashemite *nahda*, moreover, relates to al-Shahrastani's very skeptical approach to nationalism as the *sole* principle organizing the relationships between individuals in their community. He believed, as early as 1910 and especially after the end of World War II, in the need for an international organization to monitor the conduct of nation states. He also objected to the spread of nuclear weapons during the Cold War era. In the 1910s, al-Shahrastani faulted the policy of the highly nationalized Young Turks for privileging the Turkish subjects of the empire over the Arabs.<sup>73</sup> These positions, however, were most important in the 1930s, a time when nationalist intellectuals were influenced by antidemocratic and authoritarian voices. Al-Shahrastani stated in 1937 that Islam was a religion of the brotherhood of all men, regardless of their race, a religion that celebrated the dignity and the importance of the individual. Therefore, theories of racial supremacy and a political system that deified the state to the disadvantage of the individual contradicted key elements of the Islamic and Arab spirit. Nazism, moreover, was alien to the Islamic conviction that religion provided a foundation for complete democracy on the one hand and for strong individualism on the other.<sup>74</sup> This statement shows that al-Shahrastani's critique of extreme forms of ethnic nationalism, which typified his writings prior to World War I, remained firm even in

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<sup>71</sup> Ernest C. Dawn, "The Formation of Pan-Arab Ideology in the Inter-war Years," *International Journal of Middle Eastern Studies* 20/1 (1988), pp. 67–91; Wien, *Iraqi Arab Nationalism*, pp. 99–100.

<sup>72</sup> Werner Ende, *Arabische Nation und islamische Geschichte: die Umayyaden im Urteil arabischer Autoren des 20. Jahrhunderts*, Beirut 1977. See in particular his discussions of the Shi'i intellectuals' approach, pp. 113–171. On the riots that broke out in 1927 over the teaching of a text praising the Umayyads, see: *ibid.*, pp. 132–147; Husayn Jamil, *al-'Iraq, shahada siyasiyya: 1908–1930*, London 1987, pp. 183–202.

<sup>73</sup> Al-Bahadili, *al-Sayyid Hibat al-Din al-Shahrastani*, pp. 237–239; 'Abd al-Zahra, *al-Najaf al-Ashraf*, pp. 237–238.

<sup>74</sup> Rom Landau, *Search for Tomorrow*, London 1938, pp. 226–227; Bashkin, *The Other Iraq*, ch. 2.

the years when such nationalist views became increasingly popular in Iraq.

Another innovative aspect of *Nahdat al-Husayn* is its representation of itself as a historical research project. Al-Shahrastani defined his work as a historical study, and he added a bibliography in the introduction to the text, as well as footnotes and numerous citations. Analyzing the culture of interwar Egypt, both Israel Gershoni and Charles Smith have shown historical narratives about the life of the Prophet, as well as discussions about other figures from Islamic history, were used as powerful political metaphors to discuss social dilemmas and inspired a conversation about social change amongst the consumers of the print media.<sup>75</sup> Very similar to the texts produced in Egypt, al-Shahrastani's text suggested that history had a message and that this message was universal and local at the same time. Al-Shahrastani's study shows him to be a historian as well as a man of religion; he relied on traditions about 'Ali and Husayn transmitted by the imams, but arranged them in chronological order within a footnoted text that also referenced a wide array of Sunni sources.<sup>76</sup> Al-Shahrastani referred to the works of historian Jurji Zaydan who published novels about Karbala' and 'Abbasid history. *Al-'Irfan*, the Lebanese journal to which al-Shahrastani often contributed, cited the works of Zaydan and published his biography. The use of the Shi'is as victims of state violence and the evocation of the Islamic past as political allegory for the present were current motifs in Zaydan's novels, and for this reason some were translated into Persian.<sup>77</sup>

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<sup>75</sup> Israel Gershoni, "The Reader: Another Production—The Reception of Haykal's Biography of Muhammad and the Shift of Egyptian Intellectuals to Islamic Subjects in the 1930s," *Poetics Today*, 15/2 (1994), pp. 241–277; Charles D. Smith "The Crisis of Orientation and the Shift of Egyptian Intellectuals to Islamic Subjects in the 1930s," *International Journal of Middle East Studies* 4 (1973), pp. 382–410; Charles D. Smith, *Islam and the Search for Social Order in Modern Egypt: A Biography of Muhammad Husayn Haykal*, Albany 1983.

<sup>76</sup> The bibliography of the text includes not only texts written by Shi'i authors—such as *Maqatil al-talibiyin* by Abu al-Faraj al-Isfahani or *al-Kafi* by Muhammad b. Ya'qub al-Kulayy—but also such books as *Mujuj al-dhahab* by Mas'udi, *ta'rikh al-umam wa'l-muluk* by Tabari, *al-'Iqd al-farid* by Ibn 'Abd Rabbihi, and *al-Imama wa'l-siyasa* by Ibn Qutayba.

<sup>77</sup> See, in particular, Jurji Zaydan, *Ghadat Karbala': riwaya ta'rikhiyya tatadammanu wilayat Yazid ibn Mu'awiya wa-ma-jara fiha min al-hawadith al-faziah, wa-afza'uha maqatil al-Husayn wa-ahl bayt*, 2nd ed., Cairo 1909. A translation titled *'Arus-i Karbala'* appeared in Teheran in the 1920s; an earlier one, under the title *Ta'rikh-i Salma*, appeared as early as 1903. On Zaydan, see Tomas Philipp, *Gurji Zaydan: His Life and Thought*, Beirut 1979.



*Al-'Ilm* also relied on publications printed in *al-Hilal*. Al-Shahrastani's writing about Husayn, although accepting of his divine right to leadership, thus operated in a literary milieu in which Husayn's place in history was disconnected from the Shi'i context and was employed both as an object for historical inquiry and as a political symbol.

Al-Shahrastani's works demonstrate most lucidly the fluidity typifying the Iraqi intellectual milieu. His *Astronomy and Islam* and his responses to readers' queries created a space for believers in which faith, science and reason could all coexist. Similarly, the story of Husayn was utilized by al-Shahrastani as a political allegory to retell a story that was prevalent in the Middle East from the early 1900s and was discussed in the Iranian, Ottoman and Arab presses. Its components interlaced such recognizable and well-known themes as the notion that the state should not abuse freedom of speech, freedom of thought and other rights, and the view that elected governments had important virtues. These elements were now synthesized to explicate the revolt of Husayn by using the highly charged term "*nahda*." By employing that term, al-Shahrastani was able to modify the national narrative in a way that altered the Hashemite dynasty's view of its past. Nevertheless, while the text hailed the revolution against a corrupt state, al-Shahrastani accepted the framework of the new Iraqi state (as did many of his peers), although he had numerous criticisms regarding both its politics and its perception of history. Both *Astronomy and Islam* and *Nahdat al-Husayn* appropriated a variety of narratives and modes of analysis; Salafi and Shi'i, Christian-secularist and Islamic-reformist. Scholars of al-Shahrastani did not live in a secluded atmosphere; rather, they appropriated and integrated the views of a variety of intellectuals.

#### READING 'ABDUH IN BAGHDAD

To illustrate the connections between Sunni and Shi'i reformers and their activities in the public sphere, let us compare the works al-Shahrastani with those of his Sunni peer, Muhammad al-Hashimi. Al-Hashimi was a writer and a poet, a graduate of al-Azhar, where he became familiar with the teachings of Muhammad 'Abduh. He supported the Hashemites and joined Faysal's Syrian government. Back in Iraq, he was active in the press and wrote a few essays on Abu 'Ala al-Ma'ari.

He also translated some of the works of Hugo into Arabic. An important forum for contemplating religion was his journal *al-Yaqin*, whose goals were to counter the theories of materialism and social Darwinism, and to reprimand the 'ulama', both Shi'i and Sunni, for neglecting their obligations to their believers. Accordingly, *al-Yaqin*'s first issue declared that the paper would cover themes related to knowledge and history and evaluate the publications of 'ulama' and contemporary writers (*udaba*).<sup>78</sup>

Emulating al-Shahrastani's cautious approach to ethnic nationalism, al-Hashimi attempted to expose many of the weaknesses of existing nationalist thinking. In an article titled "Religion and Nationalism," al-Hashimi proclaimed that short-sighted individuals who believed that nationalism had replaced religion were completely misguided, since nationalism was only an *additional* link between humans. Accentuating the central role of nationalism in human life meant a new *shu'ubiyya*, referring to the school of Ibn Muqaffa', which would eventually lead to racism, a concept entirely strange to any religion and particularly to Islam. Unlike the language, which underscored the role of ethnicity (*asabiyya*) in the formation of the nation, al-Hashimi claimed that the adjective "Muslim" did not signify the Arab origins of a believer or even his ability to understand the Qur'an in Arabic. Thus Iraqis need not imitate the historical process that had occurred in Europe, where religion became Italian in Italy and German and Germany.<sup>79</sup>

Akin to al-Shahrastani's attacks on materialism, al-Hashimi linked materialism to secularism, a phenomenon born in Europe under particular circumstances. In Europe before the Enlightenment, states suffered from the political hegemony of the Church. The European regimes, which supported and were supported by the Church, not only exploited the poor by depriving them of their daily earnings but denied them freedom of investigation.<sup>80</sup> According to both writers, the contempt for the establishment of the Church gave rise to theories that denied religion and spirituality. Yet not all nations had followed the European models. Spiritualism, for example, was quite prevalent in the United States. Al-Hashimi depicted American spiritualism as a religious movement aimed at proving the immortality of the soul by

<sup>78</sup> *Al-Yaqin*, no. 1 (16 January 1922), pp. 1–3.

<sup>79</sup> *Ibid.*, pp. 11–12. For context see also Bashkin, *The Other Iraq*, ch. 1, esp. pp. 33–35.

<sup>80</sup> *Al-Irfan* 8/7 (April 1923), pp. 494–500.

establishing communication with the spirits of the dead and providing an alternative to the established religious order.<sup>81</sup> Al-Hashimi also assumed that materialism was linked to social Darwinism—an un-Islamic theory, given its lack of concern for the weak. Such a theory, he believed, would result in a reality typified by “neither mercy nor love.”<sup>82</sup> Religion, he explained, was a power through which spirituality filtered to the believers.<sup>83</sup>

In a similar fashion to al-Shahrastani’s *al-‘Ilm* and *al-Murshid*, *al-Yaqin* aspired to demonstrate that religion is a dominant element in modern life. *Al-Yaqin*’s fourteenth issue opened with an essay by Mahmud Shukri al-Alusi expanding on Ibn Taymiyya’s (1263–1328) views on the behavior of Muslims living in a space where they cannot profess their true religion.<sup>84</sup> This essay bore testimony to al-Alusi’s importance to the editor, since it was located on the front page; it also implied that in the editor’s view the rulings of Ibn Taymiyya were as relevant to contemporary Muslims as they had been in the past. Al-Hashimi’s negotiation between the medieval and contemporary narratives was reflected in the paper’s choice of topics. Other essays occupying the front pages of the paper dealt with the biographies of Muhammad and ‘Ali or discussed themes from Islamic history.

*Al-Yaqin*, however, did not only attack only the secularist camp; he advocated a religious reform (*islah*), an ethical, educational reform of the “the heart” and “the spirit.” Such notions were also evoked by al-Shahrastani in his writings about al-Husayn. Al-Hashimi called for reform since he was more than dissatisfied with the contemporary religious direction. The general Muslim public did not at present understand the Qur’an or the hadith, which seemed to them a collection of meaningless sentences and letters. The people responsible for this gloomy situation were the ‘ulama’, who themselves, did not understand the holy texts, and integrated myths and fabrications into such texts.<sup>85</sup> “The people in Iraq are divided into two sects: Shi‘i and

<sup>81</sup> *Al-Yaqin*, no. 3 (12 May 1922), pp. 78–79.

<sup>82</sup> *Ibid.*, no. 2 (28 April 1922), p. 36.

<sup>83</sup> *Ibid.*, no. 12 (22 November 1922), p. 428. See also Bashkin, *The Other Iraq*, p. 34.

<sup>84</sup> *Ibid.*, no. 12 (20 November 1922), p. 429.

<sup>85</sup> *Al-Yaqin*, no. 4 (12 June 1922), pp. 97–99. See also Bashkin, *The Other Iraq*, pp. 34–35.

Sunni. Each group has 'ulama'. What do they do? [...] Islam is not just 'ibadat and laws, but also *mu'amalat*, ethics, culture (*adab*) and power." The 'ulama', however, turned their attention to such external aspects of religion as prayer and fasting; moreover, they were preoccupied with their interests to such an extent that "they see the wrong (*munkar*) with their own eyes," and do nothing to prevent it.<sup>86</sup> The paper urged its readership to take inspiration from the writings of Muhammad 'Abduh who accurately portrayed religious institutions as cultivating myths rather than true religion.<sup>87</sup> "We have so many mosques, and so few prayers, numerous schools and a handful of students." The paper offered a Salafi solution—a return to the model of the Prophet and the *sunna*, and purifying the holy texts of myths and legends that have been added to Islam during the past centuries.<sup>88</sup>

Al-Hashimi, like al-Shahrastani, associated himself with diverse streams of thought. For example, Husayn al-Rahhal and Mahmud Ahmad al-Sayyid, both socialists, published pieces in *al-Yaqin*. In all probability, al-Rahhal and al-Sayyid did not share either al-Hashimi's views regarding materialism or his historical model, in which medieval Islamic heroes served as an example to modern readers. Yet whenever the ideas of al-Rahhal and al-Sayyid appeared to be in agreement with al-Hashimi's defense of Islam or critique of nationalism, he published them. Accordingly, Rahhal and al-Sayyid published essays in *al-Yaqin* in which they condemned Gustave Le-Bon's limited perception of nationalism and criticized Voltaire for his sightless observations regarding the prophet of Islam.<sup>89</sup> Al-Hashimi also published works by the Christian Yusuf Ghanima (b.1885) and by the Shi'is Muhammad Mahdi al-Basir (b.1885) and al-Shahrastani himself.

*Al-Yaqin* reveals the openness of an intellectual field that could tolerate criticism both of national concepts and of the religious establishment. Al-Hashimi's negative assessment of the 'ulama' reveals his appropriation of the writings of 'Abduh to correspond to the Iraqi context. Nonetheless, in his writings he addressed both Sunni and Shi'i

<sup>86</sup> Ibid., no. 16 (August 1922), pp. 460–465.

<sup>87</sup> Ibid., no. 16 (7 August 1923), p. 589.

<sup>88</sup> Ibid., no. 18 (3 March 1923), pp. 520–526.

<sup>89</sup> Ibid., no. 14 (20 November 1922), pp. 466–467. On al-Sayyid and Rahhal, see Bashkin, *The Other Iraq*, pp. 25, 32, 34, 43, 49, 62, 146, 151, 161–162, 173, 179, 217, 233–234.

'ulama', possibly because he felt that the problems concerning the relations between Islam and modernity related equally to both sects. The similarity between the views of the Shi'i al-Shahrastani and the Sunni al-Hashimi does not mean that sectarian affiliations were unimportant in Iraq. Rather, it shows that in the intellectual, urban realm, the common language of modernity acted powerfully against sectarian and religious boundaries. Al-Shahrastani and al-Hashimi's activities were part of a world in which Muhammad 'Abduh and Cornelius Van Dyck, together with works on Qur'anic exegesis and prophetic traditions, were all possible sources for thinking and writing about spirituality and religion. The ability to disparage established nationalist ideas as well as the religious establishment itself were all present in these very pluralistic discourses.

#### CONCLUSIONS

Scholars immersed in the history of the 'ulama' in the early part of the twentieth century might find some of the themes discussed in this article extremely familiar. Such themes include the opposition to ethnic nationalism and the championing of Pan-Islamic ideas prior to World War I; support of the Ottomans during the war by Muslim reformers, alongside their critique of the anti-Arab racial policies of the Young Turks; objections to the views of materialists, positivists and the cult of science that emerged in the late nineteenth century; and the harmonization of scientific and religious knowledge. That parallels can be drawn between the Sunni 'ulama' of Syria or Egypt and the 'ulama' of Iraq, Sunni and Shi'i alike, suggests that the discourse about reform, sovereignty, science and the anti-colonial struggle was negotiated in a shared print market. The participants in this discourse were groups of religious scholars who read each other's works, were acquainted with a similar literary and religious canon, and were concerned about similar social, cultural and philosophical problems. These 'ulama' reflected on the nature of the individual's membership in the community, the ties between various communities of Muslim believers in an age of nationalism and imperialism, and the means by which believers could oppose Western political and economic intervention. This discourse illustrates the interchange of ideas in the Middle East. It is noteworthy

that ideas propagated by missionaries in Lebanon affected the discourse in the shrine city of Najaf, where believers developed *their* readings of *al-Muqtataf* and *their* approach to scientific knowledge.

There seemed to be a few circles of identity relevant to the world of Iraqi 'ulama': the sectarian, which linked Sunnis to Cairo, Damascus and Istanbul and Shi'is to Iran and Lebanon; the Iraqi, in which Sunnis and Shi'is discussed various notions of reform and their nation's history; and the Arab, which tied Iraqi readers to the Arab press and to learned discussions about the West. The circles intertwined, ran parallel to and contradicted one another at the same time. The works of al-Shahrastani reveal that the discourses of constitutionalism and social reform, which typified the years prior to World War I, still affected his thinking well into the 1930s. A more diversified understanding of Iraqi culture, moreover, depends also on the availability of sources. The search for Habermassian modes of expression in the public sphere—dailies, speeches at clubs, published books on pedagogy and nationalism—should not obscure the fact that the conceptualizing of modernity occurred in other venues as well. These venues included religious journals in which religious reformers answered the questions of their readers, *fatwas* published by *mujtahids*, and commentaries on Qur'anic verses and prophetic traditions. Reviewing such sources, together with the works of social democrats, communists and liberals (Sunnis, Jews, Christians and Shi'is), will add new layers to our understanding of Iraqi culture.



## CHAPTER SEVEN

### WESTERN SCHOLARS ON THE ROLE OF THE 'ULAMA' IN ADAPTING THE SHARI'A TO MODERNITY: A CRITICAL REVIEW

Ron Shaham

#### INTRODUCTION

Several Western scholars have in recent years written on the impact of modernization on transformations in the religio-legal, social and economic status of the 'ulama'. The main change from the perspective of the 'ulama' was the creation of centralized nation states that nationalized religious and legal spheres and deprived the 'ulama' of their exclusive authority as formulators and interpreters of the law. Another factor that has had a considerable impact on the status of the 'ulama' was the emergence of radical Islam, starting in the 1970s.<sup>1</sup> Scholars differ as to the extent to which the 'ulama' have been responsible for the erosion in their status, as well as with regard to the success of the strategies they have adopted for coping with the challenges of modernity.<sup>2</sup>

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<sup>1</sup> While the position of the 'ulama' during the 1960s deteriorated (see Daniel Crece-lius, "Nonideological Responses of the Egyptian Ulama to Modernization," in Nikki Keddie [ed.], *Scholars, Saints and Sufis*, Berkeley 1972, pp. 167–209), the emergence of radical political Islam in the 1970s has brought some states—Egypt, for example—to use the moderate version of Islam provided by orthodox 'ulama' as a strategic asset in combating radical Islam, thereby assisting the 'ulama' to move from their previously marginal position to the heart of the public discourse. See Malika Zeghal, "Religion and Politics in Egypt: The Ulema of al-Azhar, Radical Islam and the State (1952–94)," *International Journal of Middle East Studies* 31 (1999), pp. 371–399; Tamir Moustafa, "Conflict and Cooperation between the State and Religious Institutions in Contemporary Egypt," *International Journal of Middle East Studies* 32 (2000), pp. 3–22.

<sup>2</sup> For example, Layish holds the 'ulama' responsible for the crisis of the *shari'a* in modern times for failing to articulate a novel but genuine legal theory. See Aharon Layish, "The Transformation of the Shari'a from Jurists' Law to Statutory Law in the Contemporary Muslim World," *Die Welt des Islams* 44 (2004), pp. 100–101. Cf. a similar criticism by Crece-lius ("Nonideological Responses of the Egyptian Ulama") who argued (before the strengthening of radical Islam in Egypt) that the response of the Egyptian 'ulama' to modernization concentrated on preserving their material political, social and economic position. Their defensive reaction (and even non-reaction) to the ideological challenge of secularism lost them the chance to shape modernization in an



In this paper, I focus on one aspect of the ‘ulama’s intellectual activity—namely, their attempts (as well as those of other intellectuals) to formulate an alternative Islamic legal theory that addresses, more adequately than did the old *usul al-fiqh*, the challenges of modernity in general and the most significant challenge to legal orthodoxy, statutory codification, in particular. The modernist Azhari scholar Muhammad ‘Abduh and his followers, already in the late nineteenth and early twentieth centuries, pointed to the need for such a theory and attempted to articulate one. Since that time additional attempts have been made both by ‘ulama’ and by other intellectuals. In the first part of what follows I discuss the opinions of Western scholars with respect to the intellectual merit of some of the new legal methodologies, demonstrating that those opinions are often negative. In the second part I discuss the expectations of those scholars regarding the formulation of such a theory in the future. This discussion includes two aspects: (1) What is the identity of the intellectuals who are expected to articulate the theory? (2) What should be the character of this theory and its content? This issue is studied against the background of the three legal models that exist in contemporary Islamic states: the civil-law model, the “Islamic” codification model and the Saudi Arabian model. I conclude (1) that the probability of the Islamic theory of law being updated by the ‘ulama’ is low, and (2) that any future theory of law will have to make provision for codification.

#### LEGAL MODELS IN THE CURRENT ISLAMIC MIDDLE EAST

Among the Middle Eastern nation-states (excluding Turkey, which is a secular state), one can discern three legal models. The first, a civil-law model, was adopted by most states, including Egypt, Syria, Lebanon, Jordan, Iraq, Iran, Tunisia and Morocco, which secularized all fields of law by importing Western-oriented codes (civil, criminal, commercial and international), to be applied by their national courts. The only fields left for the *shari‘a* courts have been family law, inheritance

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Islamic context. Vogel argues, to the contrary, that the ‘ulama’, by consistently forcing statutory legal reforms into the age-old *siyasa* channel, may prove to have benefited in the end, because state legislation today does not have a lot of public legitimacy. See Frank E. Vogel, *Islamic Law and Legal System: Studies of Saudi Arabia*, Leiden 2000, pp. 218–219.

and *waqf*. Yet family law too has been codified in an effort to improve women's rights within the family. To justify family law codification as emanating from the *shari'a*—a type of codification called *tashri'*—the legislators have used the theoretical devices supplied by the Modernist Muhammad 'Abduh and his followers.

Western scholars are divided over whether codification of the *shari'a* and the wide range of methods and mechanisms designed for applying the codified *shari'a* should be characterized as a development within the *shari'a* or outside of it.<sup>3</sup> While some scholars, among them Coulson and Anderson, hold that these developments are an expression of the vitality of the *shari'a* and its ability to renovate itself and adapt itself to changing conditions,<sup>4</sup> Schacht, Layish, Hallaq and others maintain that codification reflects a process of detachment from the *shari'a*, indeed its "secularization,"<sup>5</sup> by the creation of an alternative statutory version of the *shari'a*.<sup>6</sup> Put differently, codification of the *shari'a* by state legislators, since the middle of the nineteenth century, has brought about the transformation of the *shari'a* from a "jurists' law," i.e., a law created by independent legal experts (the 'ulama'), to "statutory law," i.e., a law

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<sup>3</sup> Ann Mayer notes that "non-Muslims cannot decide on the legitimacy of the conversion of the *shari'a* into statutes or whether the developments are inside or outside the *shari'a*." And she holds that such determinations are exclusively for Muslims to make. See Ann E. Mayer, "Outlining Comments for Panel: The Transformation of Islamic Law from Jurists' to Statute Law and Its Repercussions," unpublished paper submitted to *The Joseph Schacht Conference on Theory and Practice in Islamic Law*, Leiden & Amsterdam 1994. Vogel holds the same view: "Saudi Arabia no doubt does not perfectly apply Islamic law, and indeed according to the views of some (and as a non-Muslim I make no judgment), does not apply true Islamic law at all" (emphasis added). See Vogel, *Islamic Law*, p. xv. Layish holds, to the contrary, that "outside observers may participate in this discourse provided no value judgment is involved." See Layish, "Transformation," p. 91, esp. n. 21. I think that it is proper to categorize a legal development as contrary to the *shari'a* as long as the scholar abstains from defining it as non-Islamic.

<sup>4</sup> Noel J. Coulson, *A History of Islamic Law*, Edinburgh 1964, ch. 14; Norman Anderson, *Law Reform in the Muslim World*, London 1976, pp. 52, 64–65; Layish, "Transformation," p. 94.

<sup>5</sup> For Layish, the term "secularization" signifies the process of incorporating *shari'a* rules and principles into statutory legislation. The *shari'a* as a jurists' law remains intact. Layish, "Transformation," p. 92, n. 22.

<sup>6</sup> Joseph Schacht argued that "...every codification must subtly distort it [the *shari'a*]." Schacht, "Problems of Modern Islamic Legislation," *Studia Islamica* 12 (1960), p. 108; also Layish, "Transformation," pp. 91–92. Hallaq too thinks that the establishment of the centralized nation-state and the use of codification altered the nature of the law and consequently brought about the demise of the *shari'a*. See Wael B. Hallaq, "Can the Shari'a Be Restored?" in Yvonne Y. Haddad and Barbara F. Stowasser (eds.), *Islamic Law and the Challenge of Modernity*, Walnut Creek, CA, 2004, pp. 22–26.

promulgated by a national-territorial legislature. This transformation has had profound implications, the most important of which is to deprive the 'ulama' of their "legislative" authority and invest that authority in a secular legislature.

The second model refers to such states as Libya, Iran, Sudan and Pakistan. These states, which applied the first model following their national independence, decided, starting in the 1970s, to "Islamize" their legal systems, especially penal law. It is important to note that these states do not intend to reinstate the *shari'a* by returning to a jurists' law system. On the contrary, since they have had a relatively long and apparently successful experience with codification, they seek to preserve codification as the main channel of "Islamic" legislation. Codification offers efficient state control of the legal system as well as greater uniformity, consistency and predictability within the judicial system.

As an example, the project of Islamic codification in Sudan took place under the rule of Numayri (ca. the mid-1980s) and was mainly motivated by political considerations. The professed three aims of the project however were: (1) to revise the existing legal system in an effort to make it compatible with basic *shar'i* norms; (2) to free the Sudanese legal system from the impact of English law; and (3) to mitigate various domains of the *shari'a* and adapt it to modern requirements. In the course of applying various domains of the *shari'a* through codification, entire statutes or parts thereof contravening the *shari'a* (for example those relating to income tax and other non-*shar'i* taxes) were abolished and replaced with the alms tax (*zakat*). An Islamic penal code, including the Qur'anic punishments (*hudud*), was introduced.

The third model is exemplified by the Saudi state, which has never reformed its legal system along Western lines. The Saudi legal model is based on close cooperation between the kings from the Sa'ud family, the *umara'* and the 'ulama' from the Ibn 'Abd al-Wahhab family, going back to the first Wahhabi state of the eighteenth century. Formally speaking, the current Saudi state has neither a constitution nor a sovereign legislative body equivalent to a Western parliament. The Qur'an is conceived of as the constitution. The Saudi 'ulama' still have the exclusive authority to interpret divine law by way of *ijtihad*, and the Saudi *shari'a* courts still have comprehensive jurisdiction in all areas of the law. According to the theory of *siyasa shar'iyya*, the ruler may issue legal orders on topics not covered by the *shari'a*, on condition that these orders do not contravene the *shari'a*.

During the twentieth century the Saudi state needed to adjust the normative and institutional system of a puritan regime to the conditions of a state, society and economy that face the challenges of modernity. The Saudi regime truly expected that its 'ulama' would adapt the *shari'a* to state and social needs by resorting to *ijtihad*. But according to Vogel, author of the most extensive study of the current Saudi Arabian legal system, "when rapid change was needed, resort to the 'ulama', their *fiqh*, and their courts, was impractical and necessity required borrowings from modern, Western-based models." To address modern legal problems new to the kingdom, "the king [viz., 'Abd al-'Aziz] had no recourse other than to legislate on his own. He needed to create new legal institutions rapidly and could not wait for them, or alternatives to them, to be developed by the 'ulama' through meticulous *ijtihad*."<sup>7</sup>

As a result, the Saudi kings issued between 100 and 200 ordinances (*nizams*) and decrees (*marsums*) on a variety of topics not covered by the *shari'a*, such as laws on firearms, nationality, social insurance and motor vehicles. To justify this legal reform, the Saudi framers of statutory ordinances as well as the Saudi 'ulama' have invoked numerous legal devices, several of which were developed by the Modernist school of law—the expansion of *siyasa shar'iyya*, *maslaha*, *takhayyur* and *ijtihad* (see the discussion on the Modernist enterprise, below). The Saudi kings hoped that the *nizams* would be applied by the *shari'a* courts. Yet it is striking that the Saudi *shari'a* courts generally refuse to enforce the *nizams*. This refusal obliged the king to establish non-*shari'i* judicial bodies for applying his decrees. However, Saudi 'ulama' have opposed the creation of these tribunals and the attendant reduction of their own jurisdiction.<sup>8</sup>

Commenting on the attitude of Saudi 'ulama' towards the content of the *nizams* and the judicial bodies applying them, Vogel writes:

[W]hile the *shari'a* courts' refusal to enforce the *nizams* is very real, the rest of their position is somewhat unreal. It seems insincere for the 'ulama' to oppose most of the content of these laws and most of the adjudication enforcing them when they offer as yet nothing to put in their place... if they were serious about deciding *nizam* cases by *fiqh*, then they have to perform a major effort of *ijtihad* to draft *fiqh* rules to replace the *nizams*. This is not occurring [emphasis added].<sup>9</sup>

<sup>7</sup> Vogel, *Islamic Law*, pp. 288 and 174–175, respectively.

<sup>8</sup> *Ibid.*, pp. 175–176.

<sup>9</sup> *Ibid.*, p. 177.

## NEW THEORIES OF LAW

*The Modernist Enterprise*

In his important and frequently cited article “The Contribution of the Modernists to the Secularization of Islamic Law,” Aharon Layish, following Joseph Schacht,<sup>10</sup> makes two highly critical claims: (1) The Modernist project of reformulating legal theory was an intellectual failure.<sup>11</sup> Muhammad ‘Abduh and his followers did not succeed in articulating a new and coherent theory of *usul al-fiqh* and they failed to define “public welfare” (*maslaha*) as a source of law and the exact ways *maslaha* should function within legal theory. (2) The Modernists, unintentionally, enabled the *shari‘a* secularization process by creating legal devices that made it possible for legislators to present statutory codified laws as emanating from the *shari‘a*, when in fact those laws are purely secular and have nothing to do with the *shari‘a*. Among these devices is the eclectic mechanism, *takhayyur*, i.e., combining legal elements from various law schools, and “patching,” *talfiq*, a more sophisticated form of *takhayyur*. The Modernists thereby completely destroyed classical *shari‘a* law without presenting an adequate substitute for it.

In the last chapter of his book on the history of Islamic legal theories, Wael Hallaq lends support to Layish’s thesis regarding the Modernists. Defining them as “Religious Utilitarianists,” Hallaq argues that they failed to construct a novel theory of law, for two main reasons: (1) they defined the principle of *maslaha* in a way that converts the *fiqh* into a utilitarian law; (2) their exaggerated use of the eclectic mechanism (*takhayyur*) created inconsistency in legal reasoning.<sup>12</sup>

*The Egyptian Supreme Constitutional Court (SCC)*

An innovative attempt to derive the general principles of the *shari‘a* from the classical sources has been conducted since the 1990s by the Egyptian Supreme Constitutional Court (SCC), the highest instance for deciding on the compatibility of Egyptian codes to the “general

<sup>10</sup> Schacht, “Problems,” pp. 119–120.

<sup>11</sup> Aharon Layish, “The Contribution of the Modernists to the Secularization of Islamic Law,” *Middle Eastern Studies* 14 (1978), pp. 263–277. A quarter of a century later, Layish’s assessment of the Modernist project remains the same: failure. Layish, “Transformation,” p. 103.

<sup>12</sup> Wael B. Hallaq, *A History of Islamic Legal Theories*, Cambridge 1997. See also idem, “Can the Shari‘a Be Restored?” pp. 24–25, 46.

principles of the Islamic *shari'a*" (*al-mabadi' al-'amma li'l-shari'a al-Islamiyya*).<sup>13</sup> This court distinguishes between "rules of law based on indisputable proofs and indicators" (*ahkam qat'iyya fi thubutiha wadalalatiha*) and "rules based on disputable proofs" (*ahkam zanniyya*). By "indisputable proofs" the court is referring to Qur'anic verses and sound Prophetic traditions. If a statute contradicts a rule of the first type, the statute must be abrogated. But if the statute contradicts a rule of the second type, there are no grounds to abrogate it, because the legislators are entitled to exercise *ijtihad* on the basis of both *usul al-fiqh* and other sources, such as *maslaha*.<sup>14</sup> According to the criteria set by Layish (see below), the methodologies applied by the SCC judges cannot be regarded as a genuine *shari'a* reform project, because the judges of the SCC are not trained as 'ulama'. As such, they are neither authorized exponents of the *shari'a* nor are they bound by the *shari'i* legal methodology. As soon as they resort to statutory legislation and codification, they sidestep the framework of the *shari'i* legal system.<sup>15</sup>

*Al-Turabi's Methodologies and Islamic Legislation in Sudan*<sup>16</sup>

The application of the *shari'a* in its codified version in the Sudan is in striking conformity with the education and training of Hasan al-Turabi, the main creative legal mind behind the reforms. Al-Turabi, who is well versed in both Islamic and Western culture (he is a graduate of a Western law school and not of a *madrassa*), wished to shape flexible legal methodologies that would widen the political options of the Islamic regime. At the same time, he wished to adjust Islam to modern times on the basis of Western science and values. In his legal methodology, al-Turabi has created a synthesis of *usul al-fiqh* and Western legal principles, and he wishes to shape a new version of Islamic jurisprudence

<sup>13</sup> Amendment to Article 2 of the Egyptian constitution from 1980 stipulates that "the general principles of the Islamic *shari'a* are the main source of legislation."

<sup>14</sup> Cf. the Pakistani judges of the Supreme Court who allowed themselves to base their decision making on a judicial *khul'* divorce directly on the Qur'an and hadith. See Muhammad Qasim Zaman, *The Ulama in Contemporary Islam: Custodians of Change*, Princeton 2002, p. 230, n. 57.

<sup>15</sup> Layish, "Transformation," pp. 105–106.

<sup>16</sup> The analysis of the Sudanese case is based on Aharon Layish and Gabriel R. Warburg, *The Reinstatement of Islamic Law in Sudan under Numayri: An Evaluation of a Legal Experiment in the Light of Its Historical Context, Methodology, and Repercussions*, Leiden 2002, esp. pp. 275–285.

by means of statutory codification and legislation based on the eclectic expedient.

Al-Turabi authored the Judgments (Basic Rules) Act of 1983, which authorizes the judge—in the event of a gap in any statute and in the Qur'an and hadith—to exercise *ijtihad* on the basis of legal sources and principles in the following order: consensus of the jurists (*ijma'*), analogy (*qiyas*), public welfare (*maslaha*), legal precedents (of the Sudanese national courts) and custom. Yet the legal rules derived from the above-mentioned legal sources and principles should not contradict the principles of the *shari'a*, natural justice and the English-inspired principles of justice, equity and good conscience.

Layish holds that “this [al-Turabi's] combination of sources of law is inconceivable from the viewpoint of the authorized exponents of the orthodox *shari'a*.”<sup>17</sup> Layish and Warburg also hold that the selective incorporation of *shari'a* norms into statutory legislation has in many cases led to deviations from the *shari'a*, to the point of distorting it. For example, the Sudanese legislators imposed strict Qur'anic punishments, *hudud*, such as execution and amputation, for the offenses of murder, adultery and theft; at the same time, however, the same legislators deprived the offender of the *shari'i* “good defenses” of doubt or mistake (*shubha*) that avert corporal punishment,<sup>18</sup> thereby distorting the traditional *shari'i* balance between the severity of the punishments and the mechanisms to avert them. Other commentators hold that English law was never replaced by the *shari'a* and that changes carried out in the name of Islamization have been only cosmetic or superficial.

Hallaq shares the latter opinion.<sup>19</sup> He situates al-Turabi among the “religious utilitarianists” (such as 'Abduh and Rida) and finds his legal theory to be lacking. In a situation in which reasoning on the basis of the Qur'an and hadith leads to extreme social hardship, it seems that al-Turabi holds that *maslaha* takes precedence. However, he does not specify how the texts are explained away in situations of contradiction between them and the rule derived on the grounds of public interest. Hallaq writes: “Without articulating an elaborate and detailed theory

<sup>17</sup> Layish, “Transformation,” pp. 104–105.

<sup>18</sup> For example, a “good defense” in the case of adultery maybe that the offender mistakenly assumed that the woman he was sleeping with was his legal wife. Among the good defenses in the case of theft are that the stolen property was not kept in a properly secured place (*hirz*) and that the value of that property is below the minimum (*nisab*) prescribed by the *fiqh*.

<sup>19</sup> Hallaq, *History*, pp. 226–230.

that addresses these concerns, al-Turabi cannot be said to have offered an adequate legal program to sustain what has been called 'al-Turabi's Revolution.'<sup>20</sup>

### *Ijtihad by Saudi 'Ulama'*

That Saudi 'ulama' enjoy the freedom of *ijtihad* enables them, at least in theory, to freshen and update the traditional system of *usul al-fiqh*. We might refer to two levels of *ijtihad*: "high-level" *ijtihad*, performed by distinguished 'ulama', official or unofficial, and leading to the issuance of a *fatwa* that lends authorization to a decree issued by the king; and "low-level" *ijtihad*, i.e., judicial *ijtihad*, performed by a qadi in the process of adjudicating a lawsuit and leading to the handing down of an innovative precedent. With regard to the first level, only in a few isolated cases did the king insist on basing a reform on the *fiqh* rather than on Western-oriented law; the 'ulama' subsequently "delivered the goods."<sup>21</sup> According to Layish: "... [T]here is no real trace of *ijtihad* in legislation... the boldest change appearing in legislation is a moving away from Hanbali positive law and an attempt to blur the distinction between the orthodox schools and to treat them all as a single large reservoir from which elements may be drawn [i.e., *takhayyur*] for predetermined reformist purposes."<sup>22</sup> Layish and Vogel agree that the attitude of Saudi 'ulama' to the reforms is practical rather than theoretical. In other words, they use various legal devices to obtain the

<sup>20</sup> Ibid., p. 230.

<sup>21</sup> The most notable example is as follows: In 1981 King Khalid requested the Senior Board of 'Ulama' to find a *shari* solution to two types of crimes: (1) various forms of violent assault, including rape, robbery and murder; (2) drug crimes. The Board issued *fatwa* No. 85, which classified these crimes as *hudud* by applying to them the text of Qur'an 5:33-34. In classical *shari'a*, this text, referring to "those who spread evil on the earth," serves as the justification for the *hadd* punishment for highway robbery (*qat' al-tariq*). This *fatwa* is innovative in that it adds to the orthodox interpretation of these Qur'anic verses violent offenses committed inside the town and not only on the roads, sex offenses as well as property ones. Also, the *fatwa* leaves determination of the punishment to the discretion of the qadi, whereas according to the *fiqh* there are fixed punishments commensurate with the components of the crime (for example, high robbery alone, or highway robbery accompanied by murder). In 1982, the king based his decree regarding violent assaults (excluding drugs) on this *fatwa*. See Vogel, *Islamic Law*, pp. 252-258.

<sup>22</sup> Aharon Layish, "Saudi Arabian Legal Reform as a Mechanism to Moderate Wahhabi Doctrine," *Journal of the American Oriental Society* 107 (1987), p. 292. See also *ibid.*, p. 287.



result required by social and national needs, but these devices do not amount to a coherent theory of law.<sup>23</sup>

As for judicial *ijtihad*, the expectation that it would bring about both just, divinely sanctioned outcomes in specific cases and, in time, any needed general *fiqh* rules<sup>24</sup> has not yet been satisfied. While the qadis insist on their formal right to exercise *ijtihad*, in practice they demonstrate conservative application of Hanbali doctrine. When the latter is not sufficient, the qadi relies on decisions of more senior qadis or on the opinions of senior ‘ulama’.<sup>25</sup> Both Layish and Vogel found very few examples of judicial *ijtihad* that were an exception to this pattern.<sup>26</sup>

The disappointing product of *ijtihad*, both quantitatively and qualitatively, may be explained by the fact that, since the first centuries of Islamic history, the ‘ulama’ have established a practical “division of legal labor” with the state (what Vogel calls a *fiqh-siyasa* division). From a psychological perspective, it is difficult for the ‘ulama’ to renounce that traditional division of authority and engage in *ijtihad* on legal topics that formerly belonged to the realm of the state.

To sum up, according to the Western scholars discussed here, the ‘ulama’ (and, for that matter, all modern Muslim legal theorists) have not yet come forward with a coherent proposal for legal reform that would redefine the relations between the *shari‘a* and the national state.<sup>27</sup> This failure brings Hallaq to realize that there is no longer any point in reviving the *shari‘a*: “...traditional *shari‘a* can surely be said to have gone without return,” he says.<sup>28</sup> He believes that the traditional theory of *usul al-fiqh* is no longer adequate to deal with the exigencies of modern life because it is literalist, paying too much attention to the lexical and technical meanings of the revealed texts.

Ann Mayer likewise holds that *usul al-fiqh* should be abandoned. She explains that the main problem in countries that have applied the *shari‘a* through statutory codification is the unresolved conflict

<sup>23</sup> Layish, “Saudi,” p. 292; Vogel, *Islamic Law*, p. 115.

<sup>24</sup> Vogel, *Islamic Law*, p. 177.

<sup>25</sup> *Ibid.*, ch. 4, esp. pp. 115–117, 130, 136–137.

<sup>26</sup> Layish, “Saudi,” pp. 287, 292; Vogel, *Islamic Law*, pp. 122–127.

<sup>27</sup> Layish, “Transformation,” pp. 101–102. Layish refers also to the Egyptian jurist and qadi Ahmad Muhammad Shakir (d. 1958). Shakir’s combination of orthodox *shari‘a*, statutory legislation and justice (*‘adl*), as three sources informing a court of law in its adjudication of lawsuits, Layish argues, “deviates from the classical theory of the *shari‘a*.” *Ibid.*, p. 104.

<sup>28</sup> Hallaq, “Can the Shari‘a Be Restored?” p. 42.

between two competing sovereignties: the sovereignty of *ijtihad*, based on *usul al-fiqh*, which is divine, and that of statutory codification, which emanates from the common will of the people. The only solution that she sees is a total separation of the positive law of the *shari'a*, which might remain applicable, from the classical *usul al-fiqh*, which should be abandoned to permit the adoption of a new legal theory that will make room for codification. She expects this process to be delicate and painful, given the strong attachment of Muslims to the traditional theory of sources and its centrality to an understanding of the *shari'a* as it has been known for over a millennium.<sup>29</sup>

Hallaq finds some intellectual merit in the work of those he calls "Religious Liberalists," i.e., secular autodidacts in the realm of law, such as the Egyptian judge Sa'id al-'Ashmawi, the Syrian engineer Muhammad Shahrur and the Pakistani scholar Fazlur Rahman. They have advanced methodologies that maintain a coherent hermeneutical link with the religious texts and at the same time manage to escape the traditional literalist approach. These proposals are however problematic: (1) they are only outlines and not comprehensive theories; (2) the intellectuals who proposed them are marginal public figures and, therefore, their sayings have little appeal to Muslims at large; (3) state officials and political rulers have turned a deaf ear to them.<sup>30</sup>

According to Hallaq, "... it is only the state which can bring about a revival of Islamic law, but not without the full participation of Muslim intelligentsia and, more importantly, not while the present [autocratic and centralized] regimes remain in power." Hallaq recognizes however that the chances of his proposed solution materializing are low, mainly because modernity is too deeply rooted in the minds of Muslims.<sup>31</sup>

#### HOW SHOULD A FUTURE THEORY OF LAW LOOK?

Unlike Hallaq, Layish still sees a chance for a revival of the *shari'a* in the future, which depends on the following necessary conditions: (1) The only ones who may develop a genuine theory of law are independent 'ulama' who are not state officials. This is because the legitimacy

<sup>29</sup> Ann E. Mayer, "The Shari'a: A Methodology or a Body of Substantive Rules?" in Nicholas Heer (ed.), *Islamic Law and Jurisprudence*, Seattle 1990, pp. 197–198.

<sup>30</sup> Hallaq, *History*, ch. 6; idem, "Can the Shari'a Be Restored?" pp. 45–47.

<sup>31</sup> Hallaq, "Can the Shari'a Be Restored?" pp. 47–48.

of any legal innovation is dependent upon the religio-legal authority of those who apply it. (2) The above-mentioned 'ulama' should "display intellectual vitality, creativity, integrity and courage necessary for articulating and redefining a legal methodology without deviating from the nature of the *shari'a* as a jurists' law." (3) The new theory has to be closely connected to the classical one.<sup>32</sup>

By a legal theory that is "closely connected to the classical one," Layish probably means that statutory legislation or codification is not acceptable as a source of law. For Layish, the relevant criterion for testing the legitimacy of codification is not the legitimacy of the mechanisms used in the process of codification, but rather the religio-legal authority of the persons who apply it. A statute, even if based on mechanisms with traditional *shar'i* connotations, is first and foremost the legislative act of a sovereign parliament and hence cannot be assessed as a development within the *shari'a*. Although the modern legislators' direct approach to the textual sources of the *shari'a* bears a certain resemblance to classical *ijtihad*, this resemblance is purely technical: there are material differences with respect to the mode of resorting to the textual sources (replacement of deductive analogy, i.e., *qiyas*, by the *maslaha*) and with respect to the sources of inspiration and motivation for the reforms, i.e., Western ideas and pressures arising from a disturbance of balances in Muslim society as a result of modernization and Westernization. In conclusion, codification brings about the total disruption of *usul al-fiqh*, the body of law developed by each of the law schools, and of the status of the 'ulama' as the exclusive authorized exponents of the *shari'a*.<sup>33</sup>

Let us now examine the probability that the conditions set by Layish will materialize.

#### *Will Independent 'Ulama' Author a New Theory of Law?*

By independent 'ulama' Layish probably has in mind *madrasa* teachers who do not occupy a position in the state bureaucracy and therefore are able to develop their legal ideas free of state pressures. Does this

<sup>32</sup> Layish, "Transformation," p. 108. His position is informed by Schacht, who held that a new methodological synthesis should not "be a break with the past" but "true to the whole history of Islamic jurisprudence." Schacht, "Problems," p. 129.

<sup>33</sup> Layish, "Transformation," pp. 95–96. It was Schacht who referred to Modernist legislation in terms of a "complete break" with the basic assumptions of the *shari'a* state. See Joseph Schacht, "Islamic Law in Contemporary States," *The American Journal of Comparative Law* 8 (1959), p. 135.

type of scholar still exist? And if so, does such a scholar enjoy the same public prestige that he enjoyed in the past? To start with, the profile of current 'ulama' is different from that of the past. The current al-Azhar graduate of the Faculty of *Shari'a* has a much broader education than the classical Azhar graduate. On top of the *shari'a*, he is also trained in Western-imported law (*al-qanun*) in order to be prepared for working in the state's legal system.<sup>34</sup> State legislation and codification are therefore part of his education. The demand that the innovative 'ulama' be independent and not affiliated to the state is also unreasonable. Most Muslim regimes are highly centralized, meaning that the majority of high-quality 'ulama' are affiliated with the state in one way or another. Saudi Arabia is a case in point. Moreover, the modernization of the legal system along Western lines has changed the perception of the current 'ulama' regarding the *shari'a*—it is no longer a continuous discursive process but rather a body of positive law (on which more later).

The 'ulama' lost their monopoly over the legal discourse years ago, and that discourse is now much more open than it used to be.<sup>35</sup> Currently, the debate over a new theory of law involves, in addition to the 'ulama' (both state official and non-official), Muslim lawyers trained in the Western tradition who are autodidacts in *shari'a* law (such as the Egyptian judge Sa'id al-'Ashmawi) and Muslim intellectuals with no legal training at all (such as the Syrian engineer Muhammad Shahrur), among others.

A relevant example of this loss of monopoly is al-Azhar, the most important center of Islamic learning in the Muslim world, which became a state university in 1961. It seems that during the last decade or so the SCC has been gradually depriving al-Azhar of its status as the primary interpreter of divine texts. The main arena in which the status of the *shari'a* in Egypt is currently debated and fought over is the SCC, which adjudicates lawsuits that contest the compatibility of current Egyptian laws (including family law) with the "general principles of Islamic *shari'a*." The judges of the SCC are graduates of law faculties, and their training focuses on the civil-law tradition, although it may also include some basic training in the *shari'a*. The SCC judges

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<sup>34</sup> Monique C. Cardinal, "Islamic Legal Theory Curriculum: Are the Classics Taught Today?" *Islamic Law and Society* 12 (2005), p. 225.

<sup>35</sup> Schacht held that even in the strongest field of the *shari'a*, i.e., family law, the 'ulama' "lost the battle" vis-à-vis the state already in the 1920s. Schacht, "Problems," p. 116.

do not hesitate to interpret Qur'anic and hadith texts according to considerations of public welfare. Asked about the relationship between the SCC and al-Azhar, Dr. Adel Omar Sherif, the deputy chief-justice of the SCC, responded: "The two institutions have always maintained a very good relationship. It is not a formal relationship, though the SCC does request the religious opinion from al-Azhar from time to time. However, the SCC is not obliged to adopt its suggestions, as they are merely advisory" (emphasis added). The subtext of this diplomatic answer speaks volumes about the major decline in the legal authority of al-Azhar and in its general prestige.<sup>36</sup>

For all these reasons, I hold that the probability that independent 'ulama' will author a new theory of law is low.

*Will a New Theory of Law Exclude Statutory  
Legislation and Codification?*

The probability that a new theory of law will exclude statutory legislation and codification is also low, for the following reasons: (1) The idea of statutory legislation is not foreign to the 'ulama'; it has some dimensions of continuity with the past. (2) Modern 'ulama', especially the Hanafis, have already incorporated statutory legislation into their discourse; moreover, even among the Hanbali 'ulama' of Saudi Arabia, who might be expected to be the most staunch opponents of codification, considerations of statutory legislation are no longer taboo.

*Continuity with the Past*

As early as the beginning of the 'Abbasid period (second half of the eighth century CE) the 'ulama', devoted to their moral principles and their developing legal methodology, gave up the ideal that the *fiqh* covers the full range of Islamic life. For reasons well explained in the literature, the regulation of the position of the individual vis-à-vis state authorities lay largely outside the scholar's self-imposed terms of reference.<sup>37</sup>

Effective organization of the affairs of the 'Abbasid state thus necessitated the recognition of jurisdictions other than those of the qadi (*siyasa* jurisdictions), among them *sahib al-radd*, *wali al-jara'im* and, especially, the *mazalim*. *Mazalim* jurisdiction was much wider than

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<sup>36</sup> The interview with the judge, conducted in November 2006, appears in the *Islamic Legal Studies Program Newsletter* 12.1 (December 2006), pp. 6, 10.

<sup>37</sup> Coulson, *A History of Islamic Law*, pp. 123–127; Vogel, *Islamic Law*, pp. 188–190.

an inquiry into complaints against officials of the state. Its jurisdiction was such as the sovereign cared to define and was often extended so as to constitute serious competition for the *shari'a* courts operated by qadis.<sup>38</sup> Islamic legal practice, therefore, was based on a dual system of courts; and although all functions in the Islamic state were theoretically religious in nature, “the distinction between the *mazalim* and *shari'a* jurisdictions came very close to the notion of division between secular and religious courts” (emphasis added).<sup>39</sup> The *shari'a* courts used to deal with personal status law, inheritance, pious endowment (*waqf*), civil contracts, bodily damages and criminal law only to the extent that procedural and evidentiary rules permitted the application of the *hudud*, which was exceptional; state courts dealt with criminal law by using more flexible procedures and rules of evidence and a gamut of non-*shari'a* punishments, which might have been considered discretionary (*ta'zir*) punishments.<sup>40</sup> In addition, state courts handled a range of other issues not addressed by the *shari'a* courts, such as administrative and fiscal laws.

The theory of *siyasa shar'iyya*, created by the Iraqi Shafi'i jurist al-Mawardi (d. 1058) in his treatise *al-Ahkam al-Sultaniyya*, legitimizes the legislative and judicial operations of the ruler and includes them in the framework of the *shari'a*.<sup>41</sup> This theory sanctions the above-mentioned dual judicial system (similar to the dual system in modern Saudi Arabia). Moreover, in the judicial hierarchy of al-Mawardi, the *mazalim*, as state courts, stand above the *shari'a* courts. We have to remember, however, that this theory was not initiated by the 'ulama' as an ideal theory; rather, it was intended to provide a retroactive theoretical legitimacy for de facto legislative and judicial realities, some of which were created by the 'ulama' and some of which had been forced upon them. The Hanbali jurist Ibn Taymiyya (d. 1328) argued for strengthening the legal authority of the ruler. Calling for the annulment of the dual judicial system, he recommended that both *fiqh* law and ruler's ordinances be applied by one and the same judicial body. This recommendation was eventually adopted by the Ottoman state, at least from

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<sup>38</sup> On the competence of these judicial bodies, see J. S. Nielsen, “Mazalim,” *Encyclopaedia of Islam* 6 (1991), pp. 933–935.

<sup>39</sup> Coulson, *A History of Islamic Law*, pp. 127–129.

<sup>40</sup> Vogel, *Islamic Law*, pp. 228–229, 233–235, 298–300.

<sup>41</sup> *Ibid.*, p. 231.

the seventeenth century onwards. The Ottoman qadis applied both the *fiqh* and the legal orders (*qanuns*) of the sultans.<sup>42</sup>

Viewed from this perspective, statutory legislation has been a blow to the 'ulama' in legal terms, since it deprived them of their theoretical exclusiveness as creators and interpreters of the law and transferred entire fields of law, such as private contract law, from their jurisdiction to that of national courts, which apply Western-imported codes. It also prejudiced their social and economic status and that of their institutions. From the perspective of legal practice, however, modern legislation may have been less traumatic and surprising for the 'ulama' than some interpreters suggest, because for hundreds of years the 'ulama' have become accustomed to legislative acts of the ruler and to the operation of non-qadi courts of law. In other words, modern developments do not represent a total break with the past. They also contain dimensions of continuity.

#### *Hanafi 'Ulama' and Codification*

The attitudes towards codification of the *shari'a* found among the 'ulama' seem contradictory: on the one hand, many 'ulama' opposed the modernizing steps as innovations and strongly resisted codification; on the other hand, their opposition to these steps, as each was proposed, seemed strangely weak. Moreover, a few 'ulama' supported the techniques of codification with various degrees of enthusiasm and even provided specific proposals for legislation.<sup>43</sup>

Western scholars have offered a few answers to this puzzle: (1) Western power was just overwhelming; (2) the ruling local elites were won over to Western secularism, so that the 'ulama's protests were pointless; (3) the 'ulama' were devoted to the *shari'a* as an ideal, to be realized only in the idealized past or mythical future; (4) the upper level of the 'ulama' hierarchy, who identified themselves with state interests,

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<sup>42</sup> Layish admits that the "Ottoman *qanun*, apparently intended to supplement the *shari'a*, actually amounted to superseding it, especially with regard to discretionary punishments (*ta'zir*). In many respects, the Ottoman *qanun* may be regarded as secular legislation" (emphasis added). Layish, "Transformation," p. 88.

<sup>43</sup> Layish, "Transformation," pp. 100–101. See also the opinion of the Egyptian qadi and famous hadith scholar Muhammad Ahmad Shakir, who accepted the legal validity of statutory legislation unless it contradicted a clear text of the Qur'an. He also came up with a proposal on how to make state legislation on divorce more effective. See Ron Shaham, "An Egyptian Judge in a Period of Change: Qadi Ahmad Muhammad Shakir (1892–1958)," *Journal of the American Oriental Society* 119 (1999), pp. 443–445.

became corrupt; and (5) the 'ulama' failed to grasp the ideological challenge posed by the reforms and therefore did not mount an ideological opposition, seeking only to keep their old privileges.<sup>44</sup>

According to Vogel, although each of these explanations has some validity, none is sufficient. In his view, the 'ulama' tolerated a ruler's reform initiatives so long as they could be construed as *siyasa* but opposed such initiatives when they interfered in *fiqh* matters. Vogel suggests a spectrum, from clear *siyasa* matters (public law, such as international and constitutional law) to clear *fiqh* matters (private law, such as family law and ritual). Towards the *siyasa* end of the spectrum, the 'ulama' acknowledged that the state exercises the initiative and enjoys great freedom. Accordingly, Ottoman 'ulama' during the nineteenth century did not object when foreign-inspired codes were adopted for such *siyasa* matters as administration, land and penal law. But when the codification effort impacted on civil law, opposition naturally increased. Vogel concedes however that while the old *fiqh-siyasa* divide well explains the reactions of the 'ulama' during the first half of the twentieth century, it does not account for the phenomenon of Islamic fundamentalist movements, or countries, such as Iran, Sudan and Pakistan, which have reinstated the "shari'a" and yet kept using constitutions and statutes.<sup>45</sup>

Muhammad Qasim Zaman, author of a comprehensive study on the 'ulama' in contemporary Islam, is among those who hold that

most 'ulama' [especially the Hanafis] do not...oppose the principle of codification, in Pakistan and in other contemporary Muslim societies. Indeed, it is safe to say that when they speak of an Islamic state in the context of the modern world, they typically mean a state based on a codified shari'a law. This is a point worth stressing because the concept of codification is relatively new in the history of the shari'a and thus its acknowledgment is, in some important ways, a considerable departure from the earlier practice of the 'ulama'.<sup>46</sup>

Why do the Pakistani 'ulama' as well the 'ulama' in the majority of contemporary Islamic societies so easily accept the need for codification,

<sup>44</sup> Vogel, *Islamic Law*, p. 216.

<sup>45</sup> *Ibid.*, pp. 216–220.

<sup>46</sup> Zaman, *The Ulama in Contemporary Islam*, pp. 96–97. See, for example, the Pakistani scholar Mawlana Taqi 'Uthmani, a judge in the Federal Shari'at Court (constituted as part of the Islamization process promoted by president Zia al-Haqq) and vice president of Madrasat Dar al-'Ulum in Karachi, who prefers to apply a codified form of the shari'a over instructing the qadis to apply Hanafi *fiqh*. *Ibid.*, pp. 94–96.



although codification weakens them vis-à-vis the state? Zaman provides three possible explanations: (1) Unlike the Saudi Arabian 'ulama', who, as Hanbalis, have always insisted on their right to exercise *ijtihad*, the Pakistani and Indian 'ulama' are affiliated to the Hanafi school, which adopted *taqlid*, and it is therefore easier for them to accept the idea of codification. (2) In most of the Muslim states the majority of legal fields, including family law, were codified during the colonialist period. This fact permits the supporters of *shari'a* to demand the expansion of codification to other legal fields. Such demand becomes possible because the *shari'a* is currently perceived as a set of discrete laws, amenable to codification and application, rather than as a jurists' law that develops constantly through a discursive process. (3) Codification is a pragmatic way for applying the *shari'a*: on the one hand, it may be argued that a considerable part of current law, that which does not contradict the *shari'a*, may remain intact, thereby maintaining legal stability. On the other, presiding judges, trained in Western law, can rest assured about their ability to apply the codified *shari'a* after a relatively short training.

The 'ulama' however insist that only they, as experts in the *shari'a*, be entrusted with the task of codifying the *shari'a*. They hold that codification should not prevent the *shari'a* from continuing to develop. It is essential that *ijtihad* within the framework of a certain law school will continue, especially with regard to novel problems that do not find their solution in the existing texts.<sup>47</sup>

#### *Saudi 'Ulama' and Codification*

Turning now to the Saudi 'ulama': The majority of them reject codification. For them, judging is nothing but *ijtihad*, i.e., striving to draw near to God's own judgment of the case. When a qadi's decision is motivated by something other than God's will or the facts of the case, such as by a ruler's command, this entirely defeats the divine intention. Several Saudi 'ulama' have opined that codification would reduce qadis to mere "machines" or "typewriters." In 1991 the Board of Senior 'Ulama' rejected the idea of codification.<sup>48</sup>

This rejection of codification should come as no surprise. What is surprising is that some Saudi 'ulama' do justify codification on the

<sup>47</sup> Ibid., pp. 97–99.

<sup>48</sup> Vogel, *Islamic Law*, pp. 336–338.

grounds of *siyasa shar'iyya* and *maslaha*.<sup>49</sup> They assert that codification will redress many evils: differences and contradictions between the judgments of various qadis, the spread of *siyasa* tribunals in the kingdom, the obscurity of its laws, the avoidance by businessmen of Saudi courts and law in favor of adjudication abroad, and a failure to prove to the Muslim world that *fiqh* can be successfully codified.<sup>50</sup>

Some Saudi proponents of codification indicate, at least in the rhetoric, that they have in mind models of codification other than the civil-law model. For example, Shaykh Muhammad b. Jubayr, once the president of the Board of Grievances and of the Consultative Council, advocated that a group of 'ulama' from the different Sunni law schools prepare such a compilation. The code would be binding on qadis (probably by a royal decree), though if a qadi were convinced that the code did not achieve justice in the case before him, he could rule otherwise. His judgment would then be reviewed by a higher legal authority. If the latter disagreed with the qadi, it would overrule him; if it agreed, it would adopt the qadi's decision as a precedent, and it would become part of the compilation.<sup>51</sup>

To sum up, opponents and supporters of codification among Saudi 'ulama' agree, in theory, that codification as a form of law making occupies a lower order of legitimacy than *ijtihad*. Practically, however, supporters of codification seem to believe that even if codification does mean sacrificing much of the legitimacy of law in *shari'a* courts and much of the piety of the qadi function, by ensuring that elite 'ulama' dominate the drafting of codes, the result will be a net long-term gain for the 'ulama' and *fiqh*. Opponents respond as follows: (1) The historical record does not support any optimism that codification will enhance, or even maintain, the legislative role of the 'ulama'. Codification has uniformly had the opposite result. (2) Giving in to *siyasa* to any degree poses a danger to the 'ulama' and *fiqh* in current times, when the 'ulama' have lost their professional and social advantage and the modern nation-state is omnipotent. (3) Codification threatens to further undermine the legal theory of the *fiqh* and with it the transcendence of the *shari'a* itself.<sup>52</sup>

<sup>49</sup> Ibid., pp. 339–343.

<sup>50</sup> Ibid., p. 350. See also the sayings of 'Umar b. 'Abd al-'Aziz al-Mutrak, a member of the Presidency of the Judiciary, the Saudi supreme judicial authority, *ibid.*, p. 348.

<sup>51</sup> Ibid., pp. 350–354.

<sup>52</sup> Ibid., pp. 358–359.

In view of the opposition to codification on the part of most Saudi 'ulama', Vogel foresees one of the three following results: (1) Codification on the civil-law model, assigning only an advisory role to the 'ulama'. This is naturally the least desirable option for the 'ulama'. (2) A stagnating *status quo*: Due to external and internal political, social and economic pressures, the chances for such a *status quo* to continue for a long time are very low. (3) The creation of a new legal theory that will be acceptable even to opponents of codification. The creation of such a theory would demand from the 'ulama' a partial renunciation of the *fiqh-siyasa* dichotomy and the adoption of new legitimacies that have been sidelined by the *fiqh*—for example, the ideals of justice and equality, *nasiha* (good advice by the 'ulama' to the ruler), an oath of allegiance to the ruler (*bay'a*), consensus (*ijma'*) and consultation (*shura*). These elements can be combined to construct a more compelling, more legitimate theory of codification than one that relies only on *maslaha*.<sup>53</sup> Vogel forecasts that if reforms are delayed too long because of the religious and political sensitivities surrounding official *shari'a*, when change does come it may be very sudden. The fate of the *shari'a* in Saudi Arabia depends to a large extent on the initiative and creativity of the next generation of Saudi 'ulama'.<sup>54</sup>

### CONCLUSION

Most of the scholars whose studies are surveyed in this paper do not believe that the creation of a new theory of law by the 'ulama' is still a reasonable option. Hallaq holds that the *shari'a* has gone forever; Mayer forecasts the total abandonment of *usul al-fiqh* in favor of a legal theory that legitimizes codification; Vogel expects the Saudi 'ulama' to find *shari'a* legitimacies for codification before it is too late and the state imposes codification according to the civil-law model; and Zaman demonstrates how entrenched are the notions of codification in the discourse of Pakistani and Indian 'ulama'.

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<sup>53</sup> Ibid., pp. 359–360. I am unclear on how Vogel sees this collection of principles being integrated into a coherent theory of codification. What should be the hierarchy of these elements? How would these elements interact with revealed texts? For example, how would one deal with the fact that the principle of equality contradicts the Qur'anic position of inequality according to gender?

<sup>54</sup> Ibid., pp. 360–361, 365.

The insights derived from the Saudi, Egyptian and Pakistani cases permit one to conclude that the three necessary conditions set by Layish for the renovation of Islamic legal theory by the 'ulama' are not likely to be met. The 'ulama' no longer dictate the agenda of the legal discourse but rather respond to the agenda set by state agencies. The case of Saudi Arabia, in which the 'ulama' still enjoy freedom to exercise *ijtihad*, proves that the creativity and courage that scholars expect from the 'ulama' are largely lacking. It seems that they will in the future have to legitimize codification if they wish to preserve the reduced public position they still occupy. In the absence of an initiative on the part of the 'ulama', Layish claims:

The forecast development in the foreseeable future in countries outside the control of radical Islam, is an increasing tendency towards nationalization of the *shari'a* by means of codification and statutory legislation and further detachment from the orthodox *shari'a*. In that case, the *shari'a* will survive solely as a domain for the intellectual activity of 'ulama' with no practical relevance within the curtailed boundaries allocated to it by the state. Which course—renovation of the *shari'a* by its authorized exponents or nationalization of the *shari'a* by the state—is the most appropriate to be adopted? The choice between these two alternatives entails a value judgment and hence should be left exclusively to the discretion of Muslims; the historian is spared this dilemma.<sup>55</sup>

Leaving aside the question of appropriateness, it seems that the die is cast. Although it is highly uncertain which of the three contemporary legal models, or combination of elements from all of them, will prevail, one thing is clear—codification is not going to disappear and any future theory will have to incorporate it.<sup>56</sup>

I end with a methodological comment. The critical discussion of Islamic legal methodologies by Western scholars lacks a comparative perspective, which makes it often difficult to understand what the criteria are by which they measure these methodologies and what they precisely mean when they speak about the need for a “positive,” “constructive,”

<sup>55</sup> Layish, “Transformation,” pp. 108–109.

<sup>56</sup> Schacht, it seems, reached the same conclusion already in the 1950s, since he discussed the use of what he saw as the basic terms of the *shari'a*—such as the protection of the individual from the arbitrariness of the state, the respect for private property and the sanctity of the contract—as principles on which legal reformers could base “their professed aim of pervading the secular laws of their respective countries with an Islamic spirit.” Schacht, “Islamic Law,” pp. 135–147.

“solid,” “consistent” and “straightforward” theory.<sup>57</sup> Such studies may benefit from comparison with Jewish law, which is also a jurists’ law. Indeed, there is one major difference between the two systems: Jewish law, unlike its Islamic counterpart, developed for centuries in non-Jewish states, which raises questions of religious law vs. state law different than the ones that have occupied Muslim societies. However, since the establishment of the state of Israel, Jewish religious scholars, like Muslim ‘ulama’, have struggled with the need to shape a legal theory that creates space for rabbinical law within the parliamentary legal system of a nation state. Additional comparative studies between current Islamic and Jewish laws might serve to improve our understanding of the issues at hand.

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<sup>57</sup> See, for example, Schacht, “Problems,” pp. 120, 129.

PART THREE

GUARDIANS OF THE FAITH IN SEMI-TRIBAL SOCIETIES



## CHAPTER EIGHT

### 'ULAMA', TRIBALISM AND THE NATIONAL STRUGGLE IN MOROCCO, 1944–1956

Daniel Zisenwine

#### INTRODUCTION

Morocco's nationalist movement was a relative newcomer to the Moroccan realm of ideas. Throughout the 1940s, the struggle for Moroccan independence gained traction within Moroccan public life. This struggle against French and Spanish colonial rule, which led to the country's independence in 1956, was inspired by a nationalist ideology that introduced new ideas to Morocco's political vocabulary.

Indirect, yet powerful, colonial rule over Morocco came much later than in neighboring North African countries, with the establishment of the French and Spanish protectorates in 1912. However, the degree of foreign influence and intervention in local life during the colonial period varied, and was restricted to government circles and elite social settings. Drawing from lessons learned in Algeria, French colonial authorities preferred to strengthen Morocco's traditional political and social frameworks, rather than dismantle them, in order to ease their own rule. This policy allowed many Moroccans to preserve their traditional ways of life without having to deal with the full impact of colonial rule. These circumstances did not facilitate the emergence of a modern nationalist movement, which in many other Arab North African settings was synonymous with demands for sweeping political and social reforms.

Morocco's nationalist movement, which emerged in the late 1920s and early 1930s, contains many unique features that differentiate it from other Arab anti-colonial nationalist struggles. For one thing, the nationalists championed the Moroccan monarchy's role as the country's political leadership; they did not view it as an outdated form of government or as a collaborator with colonial rule and did not seek to remove it from public life. In addition, the Moroccan nationalists maintained a different social and ideological profile than similar movements. They were mostly traditionalists, who sought to preserve Morocco's social



fabric. The two main constituents of that fabric, who naturally attracted the nationalists' attention, were the 'ulama' and the tribal leaders.

Many nationalist leaders had a high regard for the 'ulama' and intended to absorb them into their ranks. A facilitating factor was the shared urban background with these religious leaders, which provided a strong foundation for cooperation between the two groups. Nationalist activity among the rural tribal leaders, by contrast, was a far more complicated affair. Most tribal leaders were suspicious of the emerging nationalist ideas from the outset and reacted negatively to the nationalists' later demand for independence. These leaders were keen on preserving their political and social positions, which were grounded in local identity foci. As such, they were less than enthusiastic about promoting an overarching nationalist ideology, which threatened to supplant local political affiliations with a larger, national framework. The historic political, social, and economic gaps between the elite urban population and the rural tribes made it difficult for the nationalists and the 'ulama' to extend themselves towards them. As a result, the tribal leaders were not engaged in nationalist activity.

This paper explores the relations between Moroccan nationalists, 'ulama' and tribal leaders as they developed throughout the struggle for independence. It highlights the crystallization of the nationalists' ties with the monarchy and the religious establishment, and traces the nationalists' relations with the rural and tribal sector. By providing a detailed account of these relations, this study hopes to offer a better understanding of the complex nature of Morocco's nationalist movement. This study also carries broader ramifications for understanding other Middle Eastern settings, by exploring an example of a nationalist struggle carried out in a conservative, tribal environment, with the participation of religious leaders.

#### THE EMERGENCE OF THE ISTIQLAL PARTY

The outbreak of World War II ushered in a new era for Moroccan nationalism. France's defeat in 1940, which weakened its prestige among Moroccans, brought a shift in Moroccan nationalism and led to the emergence of a new nationalist party.

The Istiqlal's establishment in early 1944 reflected an ideological shift within the nationalist movement and an effort to expand the scope of nationalist politics. Earlier nationalist activity had been limited to a

small nationalist elite, which focused its efforts on instituting political and administrative changes within the colonial protectorate's framework.<sup>1</sup> The new party changed that focus and advanced an unequivocal demand for independence. The Istiqlal also sought to expand nationalist activity to a mass party format that would incorporate broad swaths of the Moroccan population into its ranks.

The party's first manifesto, issued on 11 January 1944 formally announced its establishment. The document, signed by 58 individuals, outlined the Istiqlal's ideological pivots and central goals. Senior party officials contended in their memoirs that this group embodied the entire Moroccan nation, endowing the new party with a unique dimension.<sup>2</sup> This assertion seems somewhat exaggerated. Although most of the people within this group did hail from diverse geographical locales, the majority were nevertheless members of the same social milieu. They were mostly urbanites, members of prosperous families with some form of western or traditional education. Broadly speaking, that was the profile of the Moroccan nationalist movement's foundation. The nationalists' entry into the rural countryside was a much longer, more drawn-out process. At the time of the Istiqlal's establishment, few representatives of this sector could be counted among its members or among those who expressed an interest in Moroccan nationalism. Country dwellers were largely removed from nationalist ideology and unfamiliar with its tenets. The party's social profile was much more limited than the impression its spokesmen tried to impart.

In that sense, the assessment of the French protectorate before the Istiqlal's establishment—that "in one word, nationalism [in Morocco] is the elite"—remained very much intact. One foreign observer argued that most Moroccans were apathetic to the idea of a nationalist government even after the party's establishment and were unfamiliar with the Istiqlal's nationalist ideology.<sup>3</sup>

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<sup>1</sup> For a discussion on Morocco's political system, see Abdellah Hammoudi, "The Reinvention of Dar al-Mulk: The Moroccan Political System and Its Legitimation," in Rahma Bourquia and Susan Gilson Miller (eds.), *The Shadow of the Sultan: Culture, Power, and Politics in Morocco*, Cambridge, MA, 1999, pp. 129–175.

<sup>2</sup> For the original Arabic text of the Istiqlal's manifesto, see Abu Bakr al-Qadiri, *Mudhakkirati fi'l-haraka al-wataniyya al-Maghribiyya*, al-Dar al-Baida 1997, vol. 2, pp. 176–178.

<sup>3</sup> "Note sur l'état présent du mouvement nationaliste au maorc-synthèse des réponses fournies par les régions au questionnaire du région Rabat—9.11.1943," Ministère des affaires étrangères, Paris, Archives, Maroc DI 378; Mayer to Secretary of State, 5.1.1944, National Archives, Washington, DC, Record Group 59/881.00/2739.

An examination of the party's founding members and supporters provides additional insights into the social and geographical makeup of Moroccan nationalism. The party's founders represented a fairly wide range of Moroccan nationalist circles in the early 1940s. These were mostly younger Moroccans who hailed from such traditional urban centers as Fez and Rabat. Some were alumni of the few Muslim secondary schools in existence, and the alumni associations were an important social force in colonial Morocco, representing the privileged few who had received some form of advanced education. They were recognized as the foundation of the "new Morocco," a social force influenced by French and other Western ideals. Foreign observers argued that they were largely detached from Moroccan society and had little contact, understanding, or appreciation of that society and its needs. The alumni groups became increasingly involved in nationalist politics during the 1930s, following their growing disappointment with the French colonial administration, which maintained its condescending position towards them and refused to employ them in government positions. Other Istiqlal founding members were older, more conservative individuals, and they were among the leaders of the nationalist movement in Morocco.

The new cities that emerged during the protectorate period, such as Casablanca, were more modestly represented. These new urban areas were products of the colonial era's economic and demographic changes, and they attracted large groups of migrants from the countryside. The advent of nationalist activity in these new urban settings was a slow, drawn-out process. At the time of the Istiqlal's establishment, Casablanca still did not have enough nationalist activists to lead a widespread protest movement. Nevertheless, many of its new residents resented the French settlers' preferential status and increasingly came up against the colonial rule's dismissive attitude towards their needs. The rising irritation of these residents would later serve as a major motive for supporting the Istiqlal; but for the time being, they were far removed from it.

The city of Fez was far more representative among the party's founders. Fez had maintained its status as Morocco's religious and intellectual center during the colonial era and was recognized as the "heart"

of the nationalist movement.<sup>4</sup> The city of Rabat, which had become the center of Moroccan political life during the colonial era, also was well represented in the new party. One account argued that the Rabati involvement in the new nationalist party reflected the growing support of the *Makhzen*—Morocco's political establishment—for the nationalist movement. For Moroccan nationalism, this was a new development, which reflected the establishment's growing disenchantment with the French protectorate and its assessment that French colonial rule had reached the end of its course. That these establishment figures were willing to openly endorse the new nationalist organization suggested that Moroccan nationalism had come of age and was being increasingly viewed by influential segments of the population as a viable option for the country's political future.

A closer examination of the Istiqlal's founders thus reveals some level of diversity among its founders. They were divided by their personal background, their previous level of nationalist activity, and their degree of affiliation with the new political organization. Among the names listed on the party's 11 January manifesto were those of a small group of senior leaders who, along with other, low-level activists had participated in earlier rounds of nationalist protests.

The most senior nationalist leader to sign the Istiqlal's manifesto was Ahmad 'Abd-al-Salam Balafredj (1908–1990), a native of Rabat and scion of a well-known family of Andalucian origin. Before leaving for university studies in France, he had attended a Moroccan secondary school, where he became acquainted with Arab nationalist activists. Frequently described as an "aristocrat," Balafredj was among those founders of the nationalist movement who were in close contact with foreign diplomats. He was among the leaders who, towards the end of World War II, led the nationalist shift from demanding reforms within the colonial structure to demanding the abrogation of the protectorate structure and complete independence.

Another prominent nationalist leader was Muhammad al-Yazidi (1902–1989), also of Rabat. A graduate of the Moulay Yusuf Secondary School, he worked in government administration. Al-Yazidi was one of the activists involved in earlier nationalist protests; his political activism led the French authorities to exile him to the Saharan desert

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<sup>4</sup> "Native and Other Reactions," Goold to Secretary of State, 28.5.1940, National Archives, Washington, DC, Record Group 59/881.00/1750.

in 1937. Al-Yazidi was among the Istiqlal's founders who recognized the importance of cultivating ties with the Moroccan monarchy. These senior leaders were tied to one another by varying degrees of personal connections, and their social and familial ties undoubtedly strengthened the cooperation level between them, adding a personal touch to the Istiqlal's leadership.<sup>5</sup>

THE ISTIQLAL AND THE 'ULAMA':  
A DEVELOPING RELATIONSHIP

The above-mentioned Moroccan secondary school alumni represented a relatively Western, modern outlook. They had embraced aspects of French culture and sought to become part of it.<sup>6</sup> Despite this, it is important to emphasize that they were not young revolutionaries who completely opposed traditional cultural and social positions. They may have expressed their dissatisfaction with certain aspects of Morocco's traditional society, but they were not estranged from it. They repeatedly emphasized their desire to base Morocco's rebirth as a modern nation on its prevailing religious and cultural traditions. This aspiration endowed Moroccan nationalism with a unique feature compared to other North African nationalist movements, many of which were keen to implement a deep cultural change in their own societies. Such a desire was an important component of the independence struggle in Algeria, for example. The Moroccan Istiqlal, on the contrary, embraced religious principles. This was also the background to the participation of 'ulama' figures in nationalist politics.

Among the Istiqlal's corps of 'ulama' it is easy to identify some conservative, older clerics (in comparison to the younger Istiqlal activists) who joined the new party and whose personal background differed from that of other Istiqlal supporters. In addition, some of these religious figures held high-ranking positions in Morocco's religious judiciary, placing them within Morocco's political establishment. At first glance, they seemed to share little in common with the party's other founding members, such as the secondary school alumni or the country's administrative establishment; they differed in age as well as educational and

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<sup>5</sup> Al-Qadiri, *Mudhakhirati*, vol. 2, pp. 357–372.

<sup>6</sup> "Native Politics: Association des anciens élèves du college moulay idriss, Fez," OSS Report, 4.7.1943, National Archives, Washington, DC, Record Group 226/97.

social orientation from the more Westernized young nationalists. Aged around fifty, which at that time in Morocco was considered rather old, they did not have any Western education, or in fact very much contact with Western culture, and were largely unfamiliar with the concept of Moroccan or any other nationalism. On the other hand, they were part of the urban Morocco that was also home to the nationalist elite. The association between the nationalists and the 'ulama' led to the emergence of a unique nationalist elite, one comprising both traditional clerics and graduates of modern Western-oriented institutions.

Among these men were such clerics as Muhammad al-Jazuli (1889–1953) of Rabat. Al-Jazuli had studied in his youth under various prominent 'ulama' but was particularly known as a disciple of Shaykh al-Dukkali, widely considered the leading figure of Morocco's Salafi movement. Al-Jazuli served in a number of high-ranking religious positions in Morocco, and during the 1920s served on the Supreme *Shari'a* Court. His anti-French statements were the reason for his later dismissal from this post, after being identified by colonial authorities as a "true nationalist" who supported the emerging nationalist movement.<sup>7</sup> Nevertheless, al-Jazuli had not until then expressed his support for the nationalists and had refrained from publicly endorsing them. The Istiqlal's establishment was the first time al-Jazuli publicly stated his support for nationalist ideals and openly sided with the new political party. His presence among the Istiqlal's founders was in fact an indication of the growing interest among the Moroccan clerics in the nationalist movement. There were, however, other clerics who were associated with the nationalists from the outset of their activities.

One such was Muhammad al-Rifa'i (1886–1950), an *'alim* who had held several positions in the Moroccan *habous* (religious endowments) administration and was later appointed the imam and preacher at the Islamic mosque in Paris. Al-Rifa'i had been a nationalist supporter long before the Istiqlal party was established, and he had maintained close contact with the emerging movement and its leaders. He also signed the Istiqlal's manifesto.<sup>8</sup> For our purposes, the major question is: What were the motives behind his and other religious clerics' decision to endorse the new party and publicly support its ideology?

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<sup>7</sup> Al-Qadiri, *Mudhakhirati*, vol. 2, pp. 391–393.

<sup>8</sup> *Ibid.*, pp. 419–420.

The question is particularly intriguing when one considers the social and intellectual environment in which most Moroccan 'ulama' functioned. This was an extremely closed setting, one that did not encourage active engagement with outside currents. The inner world of most 'ulama' was essentially insular, confined to the Moroccan traditional milieu which, thanks to France's indirect colonial rule, had remained fairly intact. In his excellent social biography of a twentieth-century Moroccan 'alim, Dale Eickelman offers a portrait of the Moroccan 'ulama' that is very pertinent here. He notes that their education in the early part of the twentieth century was exclusively religious and did not include subjects outside the realm of Islam. The 'ulama' neither spoke foreign languages nor engaged in contacts with foreigners, and they rarely traveled abroad. Their contact and familiarity with European society were almost non-existent and were described as being peripheral to a Muslim scholar's imagination. But many of them were well aware of the emerging nationalist activities in Morocco, even though not all inclined towards them.<sup>9</sup> The 'ulama' had little interest in foreign ideas and scant familiarity with political theories of nationalism. In that sense they were at the opposite end of the spectrum, compared to other nationalist activists. What then prompted these 'ulama' to embrace the nationalists and forge a rather unusual alliance with them? Did they share any common positions with the nationalists that could serve as a foundation for cooperation?

In an attempt to answer these questions, one must take a look at Moroccan nationalism's ideological roots. Among the ideological currents that shaped Moroccan nationalism was the Salafiyya ideology—more puritan than modernist—which called for a removal of customs and practices adopted over time that were deemed heretical, alien to the true Islamic faith. Some of the 'ulama' identifying with Moroccan nationalism were adherents of this ideology and in that sense shared a common outlook with other nationalist activists.<sup>10</sup> It is important to keep in mind that the Moroccan 'ulama' were a diffuse community

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<sup>9</sup> Dale F. Eickelman, *Knowledge and Power in Morocco: The Education of a Twentieth-Century Notable*, Princeton 1985, pp. 59–60, 140, 150, 136.

<sup>10</sup> Henry Munson, *Religion and Power in Morocco*, New Haven 1993, pp. 83–87; John P. Halstead, *Rebirth of a Nation: The Organization and Rise of Moroccan Nationalists*, Cambridge, MA, 1969, pp. 119–122; Jamil Abun-Nasr, "The Salafiyya Movement in Morocco: The Religious Basis of the Moroccan Nationalist Movement," in Albert Hourani (ed.), *St. Antony's Papers* (16), *Middle Eastern Affairs* (3), London 1963, pp. 90–105.

far from hierarchal in structure. Although in close contact with one another, they also possessed social bonds founded on other bases.<sup>11</sup> That there were the varying degrees of 'ulama' support conforms to their generally diverse profile.

According to the theory and criteria devised by Anthony D. Smith, Moroccan nationalism is an "ethno-symbolic" type of nationalism—a type that affords significant influence to the pre-modern, ethnic traits embraced and reconceptualized by modern-day nationalism. Moroccan nationalism was forced to contend with a number of unique features, which hampered its development. Despite the country's religious homogeneity, its population was extremely diverse and a far cry from being a united ethnic group.

Nationalist leaders had to convince the public that the concept of a Moroccan nation was not new, that it was merely in desperate need of renewal. In addition, they had to find a way to incorporate the nationalist idea into the country's monarchial-religious political framework. As their movement gained ground within the country's political system, this task proved to be an uphill struggle.<sup>12</sup>

Morocco's was a type of ethno-nationalism, which did not assert non-traditional ideas and was therefore acceptable to some 'ulama'. These clerics endorsed the emerging Istiqlal party and saw nationalism as a vital tool to revive Moroccan life. For them, the goal of securing Morocco's independence was linked to their desire to resume the pre-colonial glory, as Moroccan historian Abdallah Laroui describes the early hopes that underpinned the nationalist movement.<sup>13</sup> As the Istiqlal party refrained from labeling itself as a radical, revolutionary force, there was some room for religious leaders to take an interest in the new party. In early 1944, with the diplomatic outcome of World War II still undetermined, such 'ulama' support was acceptable to party leaders; they were satisfied with this open endorsement, thus also reaching out to the broader Moroccan urban population.

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<sup>11</sup> Eickelman, *Knowledge and Power in Morocco*, pp. 9, 105.

<sup>12</sup> For a discussion of ethno-symbolic nationalism, see Anthony D. Smith, *Myths and Memories of the Nation*, Oxford 1999, pp. 3–37; idem, *The Ethnic Origins of Nationalism*, Oxford 1986, pp. 22–31; Yaron Tsur, *A Torn Community: The Jews of Morocco and Nationalism, 1943–1954* (Tel Aviv 2001), pp. 67–68 (Hebrew).

<sup>13</sup> Eickelman, *Knowledge and Power in Morocco*, p. 156. The clerics did not, however, embrace other features of the nationalist ideology that were less appealing to them, such as educational reforms that sought, for example, to offer educational opportunities to women.



Another motive for supporting the Istiqlal—one that is not openly discussed by religious figures—might have been plain old political calculation. Some clerics were undoubtedly concerned about their social and political status in a postwar, more modernized Moroccan polity, which might express less attention and interest in them. Under these circumstances, some ‘ulama’ chose to align themselves with the new nationalist party, already recognized as a tradition-oriented political organization, in order to influence the Istiqlal’s future direction and secure their own position as the spiritual leaders of the Moroccan community.

This ‘ulama’ interest affected the new party’s orientation. Their adherence to a socially conservative platform, and their traditional outlook on Moroccan life, pointed the new party in a distinctly religious direction and solidified its social and political profile. Their presence among the party’s founders was therefore far from symbolic, and it helped shape the Istiqlal’s conservative orientation. Together with other leading nationalist activists who shared similar opinions with the clerics, the outcome of this loose social contract was that the Istiqlal did not evolve as a radical social organization. It pursued a peculiar form of nationalism that, above all, sought to revive (rather than discard) Morocco’s traditional social structures. This was the backdrop to the ‘ulama’s involvement with the Istiqlal.

The party’s emphasis on Islam as a unifying force was similar to other nationalist movements in North Africa (particularly in Algeria, where the nationalist FLN’s slogan was “Islam is my religion, Algeria is my homeland, Arabic is my language”); but the efforts to establish a socially conservative nationalist party were by and large unique to Morocco. These efforts had a further impact on Moroccan nationalism: They led to the exclusion of non-Muslim Moroccans (mostly Jews) from nationalist activity. There was little room for such groups in a nationalist movement that championed Islam as the foundation for the country’s national revival.

The Istiqlal devoted most of its energy in the early and mid 1940s to recruiting members, establishing internal frameworks, and expanding its presence across Morocco. Its ideological message emphasized the demand for independence and avoided the wider discussion of such “problematic” topics as defining Moroccan nationalism. This was a particularly sensitive issue in a country where local identities tended to eclipse the as yet undefined idea of a Moroccan nation. These local

identities were, as we shall shortly see, highly problematic for the new nationalist party when it sought to establish its presence in peripheral areas.

Although the 'ulama' largely endorsed the Istiqlal, it was not the clerics who led the movement or coordinated its day-to-day activities. This was left to the tradition-leaning intelligentsia, which sought the 'ulama's support but wished to retain their leadership positions. In that sense, the Istiqlal was not a religious movement—not in its leadership and not by its inner workings. The role of the 'ulama' in party life was limited. Its activities reflected those of a modern political movement: it organized local party cells (an organizational necessity, given that the party was deemed illegal by the French colonial authorities and its activities forbidden) and youth groups, as well as sports and cultural events. These activities, rooted in traditional Moroccan life, were given an added dimension with the emphasis on the Istiqlal party's independence goal. The 'ulama' who joined the Istiqlal supported statements emphasizing independence, and did not engage in discussions on Moroccan nationalism, its meaning, or the possibilities of its implementation. The 'ulama' avoided topics that were potentially problematic for them, preferring to emphasize themes they could easily identify with. The nationalists, for their part, preferred to keep differences at bay, rather than rock the boat.

Moreover, the party's non-religious leadership deferred its own seniority to a much higher, more powerful institution—the Moroccan monarchy. The royal palace, and more specifically the sultan, later known as King Muhammad V, emerged throughout the 1940s as the principal force of Moroccan nationalism, and in a delicate, drawn-out process, he became the leader of the country's struggle for independence. His political activity solidified his role as Morocco's spiritual leader—who functioned as the *amir al-muminin*, the commander of the faithful—and his position as the country's sovereign.

This development eroded the Istiqlal's political power in the post-independence era and weakened Morocco's political system. But the presence of clerics in a nationalist political party already recognized as a non-revolutionary, conservative-leaning organization shaped the party's orientation and direction. Their presence in the Istiqlal's ranks strengthened their position in the Moroccan social landscape, allowing them to be part of the struggle for independence and not become irrelevant or drift to the margins of society, as occurred in other countries

experiencing similar struggles. This was a “win-win” situation for the ‘ulama’, who undoubtedly benefited from it both during and after the struggle for independence.

#### NATIONALISTS AND TRIBAL LEADERS

Whereas tracing the relations between the nationalists and the ‘ulama’ is a relatively straightforward affair, the issue of tribal involvement in the struggle for independence is far more complex. Tribalism is an important concept in Moroccan life and has been widely covered by scholars from a variety of academic disciplines. Assessments of the role of the tribes in modern Moroccan history are wide-ranging, which complicates efforts to situate them in the emergence of Moroccan nationalism. The role of Moroccan tribes has been continually revisited in the literature and has yielded a variety of positions about them. For one thing, tribes have suffered from definitional controversies, making them difficult to place on Morocco’s political map. As sociopolitical units, they have a very checkered, uneven image in precolonial Moroccan history. Their analysis during the colonial period is even more problematic.

Tribes attracted the attention of early French research on Moroccan life and served as the foundation for many erroneous assumptions that served the colonial government’s policies. In the post-colonial era, tribalism was viewed as an outdated, obsolete form of social grouping. Scholars and Moroccan public figures alike considered it incompatible with modernity. Seen as a barrier to modernization, it was frowned upon by many Moroccans who championed the nationalist cause in their writings. French protectorate officials had divided the country into an Arab/Berber axis, as well as an urban/tribal one. As David Hart notes, Berberism and tribalism are not coterminous, but they have come to be so in the minds of modern Moroccans. Berbers/tribes were seen as the most change-resistant and conservative element of the population, and as completely unwilling to embrace the idea of an all-Moroccan nationalist identity.<sup>14</sup>

While earlier scholars, among them Robert Montagne, emphasized such themes as the permanent nature of tribal organizational structures, later studies have emphasized that tribes serve as political entities with

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<sup>14</sup> David M. Hart, “Tribalism: The Backbone of the Moroccan Nation,” *Journal of North African Studies* 4/2 (Summer 1999), pp. 7–22.

flexible yet well defined features.<sup>15</sup> In that sense, their sociopolitical role is highly complex. They can be viewed as one of many templates through which an individual can spin his own web of personal obligations and social commitments. The tribes then are yet another element in Morocco's cultural and political *mélange* and are not an extraordinary phenomenon outside of the other key structures of Moroccan life. This viewpoint opens the possibility of linking tribes to Moroccan nationalist activity and not considering them as completely detached from the Istiqlal.

With that in mind, let us examine the ties between the Istiqlal and tribal leaders. These proved to be far more problematic and less successful than with the 'ulama'. Despite their traditional background and conservative orientation, Moroccan nationalists encountered intense suspicions and negative reactions from tribal leaders. With its emphasis on local identity, Moroccan tribal society was less than enthusiastic about endorsing an overarching nationalist ideology that would undermine local power bases and seek to supplant them with a large, nationalist framework. Since tribal leaders were also adherents of and active in Sufi orders, the Salafi nationalists viewed them dismissively and had little interest in reaching out to them. This ideological endorsement of Salafi tenets was another common, unifying factor between the 'ulama' and the nationalists, one that did not exist between the nationalists and the tribes. Given the ideological dissonance between the two groups, nationalists/'ulama' and the tribal society, it was unlikely that the urban-based 'ulama' would function as an intermediary agency between the nationalists and the tribes, as they did in other countries. The two groups were separated by a vast gulf, with few available tools to bridge the gap between them.

To this ideological dissonance must be added the social and educational gaps between urban nationalists (who incorporated 'ulama' into their ranks) and the rural tribes. Many sources that trace the emergence of the Istiqlal party, or the development of Moroccan nationalism, repeatedly underscore the fact that nationalism was a distinctly urban phenomenon and raise doubts as to whether cooperation with the rural tribes could ever have been established. Until a very late stage, Moroccan resistance to the French presence in Morocco was carried out in a

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<sup>15</sup> For a discussion on Montagne's work, see Ernest Gellner, "The Sociology of Robert Montagne," in *idem, Muslim Society*, Cambridge 1981, pp. 179–193.

purely urban context and did not reach the rural areas of the country. As Moroccan nationalism became increasingly vocal in the cities, French colonial officials did their best to keep the Moroccan tribes politically isolated, removed from the developing struggle for independence.<sup>16</sup>

As the Moroccan nationalist struggle gained ground, Moroccan tribal leaders, along with locally recognized saints and heads of Sufi orders, found themselves siding directly or indirectly with the French colonial administration and its supporters, or, at the very least, as objects of nationalist ire and hostility.

Thus the nationalist resentment of tribal leaders had a number of origins. One was the difference in ideological positions; the nationalists identified with Salafi principles, in contrast with the tribal affiliation with Sufi practices and non-orthodox religious orders. Another was the heavy involvement of tribal leaders with colonial officials and protectorate policies. However, Ernest Gellner, who probed the nature of this nationalist-tribal tension, suggests a more fundamental sociological cause. He argues that the prospects for nationalist-tribal cooperation were dim from the outset, and bases his argument on the structural differences between the two groups. Gellner contends that the North African orders and systems of saintly allegiance, which incorporate tribes, were far too segmented to serve as bases for national sentiment. Moroccan nationalism, by nature, sought to supplant these "sub-states" existing among the tribes with a broader, all-encompassing national identity.<sup>17</sup>

There were indeed many obstacles that precluded close relations between nationalists and tribes. As the nationalist struggle began, there was very little contact between the two parties; despite the Istiqlal's efforts to project an image of an all-inclusive nationalist party, there is scarcely any documentation of contacts between them. Although many city-dwelling Istiqlal supporters were recent migrants from the countryside and undoubtedly had been affiliated with rural tribes, their support for the new nationalist party was related to their new social setting, and they became largely detached from previous social contacts. There was little to suggest that they would serve as a liaison

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<sup>16</sup> David M. Hart, "Rural and Tribal Uprisings in Post-Colonial Morocco 1957–60: An Overview and a Reappraisal," *Journal of North African Studies* 4/2 (Summer 1999), pp. 84–102.

<sup>17</sup> Ernest Gellner, "Sanctity, Puritanism, Secularization and Nationalism in North Africa: A Case Study," in idem, *Muslim Society*, pp. 131–148.

between the two groups, which were far from coalescing into a united national front.

Relations between the nationalists and the tribal leaders reached their lowest point in the early 1950s, with the activity of a powerful southern leader, Thami al-Glawi, more commonly known as "the Glawi," against the reigning sultan. Al-Glawi's image as a savage and bloodthirsty tribal leader was largely a colonial construct, but his animosity and ill feeling towards the nationalists were genuine. In a position endowed by the protectorate, he was officially sanctioned as the all-powerful pasha of Marrakesh. His activities against the Moroccan nationalist movement (which involved the Moroccan monarchy's leadership) led to the sultan's removal from power and exile to Madagascar in 1953. This was an ill-conceived French attempt to derail the Moroccan nationalist struggle; it proved to be a complete failure and ultimately sealed the fate of their Moroccan colonial project. France had mistakenly assumed that all the tribes would remain under the Glawi's dictatorial command and would continue to be loyal to them. They persistently clung to the myth that Morocco's Berber tribes would refrain from nationalist activity. Meanwhile, the Glawi's activities raised the ire of Moroccan nationalists, who branded him as a collaborator with France.

The affair surrounding the Glawi's activities is beyond the scope of this study,<sup>18</sup> but it illustrates the initial misgivings many tribal leaders had against the nationalists. Only at a very late stage of the game did they begin to participate in the struggle for independence.

#### CONCLUSION

This paper has highlighted 'ulama' involvement within a socially conservative nationalist movement. The 'ulama' were embraced by nationalist leaders and clearly helped point the emerging movement in the direction desired by those leaders. In so doing they managed to solidify their position as guardians of the faith in an evolving society and assist in the emergence of nationalist politics on a wider scale.

The endorsement of Moroccan nationalism by the 'ulama' underscores the social ties many of them had with the urban-based nationalist

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<sup>18</sup> For a detailed account of the Glawi and his life, see Gavin Maxwell, *Lords of the Atlas: The Rise and Fall of the House of Glaoua 1893-1956*, London 1966, pp. 153-265.

leaders. Tribal activity, on the other hand, was less conducive to the nationalist cause, reflecting the wide gap between the urban nationalists and the rural communities. Beyond the social and economic gaps between the two communities, other reasons were at work. As adherents of the Salafi ideology, Moroccan nationalists expressed contempt for Sufi and other non-orthodox practices common among the tribes. The noted Moroccan nationalist leader 'Alal al-Fasi underscores that nationalist criticism was motivated more by religious ideology than by opposition to the political and social power of the Sufi orders. Seeking to revert to the puritan era of early Islam, the nationalists opposed the religious practices of these orders, including the cult of saints, which was anathema to them.<sup>19</sup> No less important, they were dismayed at the close ties between the tribal leaders and French officials and saw many of those leaders as accomplices who abetted foreign rule. Under these circumstances, the 'ulama', in contrast to other Middle Eastern settings, did not play an intermediary role and did not assist in recruiting tribal-based leaders.

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<sup>19</sup> 'Alal al-Fasi, *The Independence Movements in Arab North Africa*, trans. Hazim Zaki Nuseibeh, New York 1970, pp. 82–83.

## CHAPTER NINE

### RECONCILING TRIBALISM AND ISLAM IN THE WRITINGS OF CONTEMPORARY 'ULAMA' IN SAUDI ARABIA

Muhammad al-Atawneh

#### INTRODUCTION

On the 4th of August 2005, the *Saudi Arab News* reported the following: "Saudi Islamic scholars, tribal chiefs, and officials pledged allegiance to 'Abdallah in a ceremony seen as a public endorsement of the new king."<sup>1</sup> The report draws attention to what was seen as the Saudi version of a "democratic celebration" manifested in the public endorsement of 'Abdallah as the new king of Saudi Arabia. Most interesting, however, was the attempt to introduce the 'ulama' and tribal chiefs as representatives of the public, a typical Saudi political ploy when it comes to the legitimacy of their regime. The Saudi ruling family, acknowledging the importance of religion and tribalism in bolstering its ruling power and stability, often portrays its institutions as representing the best of religious and tribal traditions.<sup>2</sup> Moreover, it attempted to develop the fusion of tribal and religious power during the various stages of state building, given that a harmonious relationship between these two elements is essential for the stability of its rule.<sup>3</sup>

As guardians of the *shari'a*, the 'ulama' were the natural candidates for such a task,<sup>4</sup> because they are responsible not only for legislation

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<sup>1</sup> *Saudi Arab News*, 4 August 2005.

<sup>2</sup> On the attempts of Arab Gulf monarchies to construct and use ideologies to gain the loyalty of their citizens, see Eric Davis, "Theorizing Statecraft and Social Change in Arab Oil Producing Countries," in Eric Davis and Nicolas Gavrielides (eds.), *Statecraft in the Middle East: Oil, Historical Memory, and Popular Culture*, Miami 1991, pp. 1–35. For a general discussion of the role of tribes in the politics of the Arab Gulf, see J. E. Peterson, "Tribes and Politics in Eastern Arabia," *Middle East Journal* 31/3 (Summer 1977), pp. 297–312.

<sup>3</sup> See Joseph Kostiner, "Transforming Dualities: Tribe and State Formation in Saudi Arabia," in Philip S. Khoury and Joseph Kostiner (eds.), *Tribes and State Formation in the Middle East*, Berkeley 1990, pp. 226–248; Christine Moss Helms, *The Cohesion of Saudi Arabia*, Baltimore 1981, chs. 1–3.

<sup>4</sup> Here I refer mainly to the state 'ulama', who are members of the following official religious institutions: (1) The Board of Senior 'Ulama' (*Hay'at Kibar al-'Ulama'*)



and judicial procedures, but also for accommodating social and cultural norms to religious ones. This task is clearly manifested in the Wahhabi literature in general and in contemporary writings and legal opinions in particular.

In this paper, I shall try to describe the means by which contemporary Wahhabi 'ulama' try to bridge the discrepancy between tribalism and Islam or, put another way, between tribal custom and Islamic law. I hope to achieve this goal by analyzing the relevant writings and legal opinions issued in this respect.<sup>5</sup> Some examples will be cited to provide a better understanding of how perceptions of the 'ulama' are and have been manifested "in the field." The following questions will be raised: How do contemporary Wahhabi 'ulama' approach tribalism? To what extent, if at all, do they reconcile tribal and Islamic values? And finally, how have 'ulama' perceptions of tribalism been reflected in practical terms?

Before these topics can be discussed, however, it is essential to review the modern history of the Wahhabi 'ulama', which will serve to shed some light on the political context that is likely to affect the work of the 'ulama'.

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(hereinafter: BSU); in Saudi Arabia, the BSU, led by the grand mufti, constitutes the apex of the religious pyramid, issuing the ultimate decrees on *shari'a*; (2) The Permanent Committee for Scientific Research and Legal Opinion (*al-Lajna al-Da'ima li'l-Buhuth al-'Ilmiyya wa'l-Fatwa*) (hereinafter: CRLO).

<sup>5</sup> The sources consulted for this study comprise the works of the 'ulama', including *fatwas*; the research of both the BSU and the CRLO; and the writings of the muftis appearing either individually or collectively in seven collections: (1) research conducted by the CRLO, published in *Majallat al-Buhuth al-Islamiyya* (MBI), as well as a collection entitled "Research of the Board of Senior 'Ulama' in Saudi Arabia" (*Abhath Hay'at Kibar al-'Ulama' bi'l-Mamlaka al-'Arabiyya al-Sa'udiyya*); (2) the *fatwas* issued by the CRLO, arranged chronologically in 13 volumes under the title "The Fatwas of the Permanent Committee for Scientific Research and Legal Opinions (*Fatawa al-lajna al-da'ima li'l-buhuth al-'ilmiyya wa'l-ifta' wa'l-da'wa wa'l-irshad*); (3) the *fatwas* issued by the CRLO, containing 200 *fatwas* selected by Safwat al-Shawadifi; (4) the *fatwas* issued by three prominent BSU members: 'Abd al-'Aziz Ibn Baz, Muhammad b. 'Uthaymin, and 'Abd Allah b. Jibrin, arranged in 2 volumes containing 827 *fatwas*, entitled *Fatawa Islamiyya*; (5) the *fatwas* issued by Ibn Baz arranged chronologically in 13 volumes and containing more than 2,000 *fatwas*, articles, ceremonies, lectures, and interviews; (6) the *fatwas* issued by Shaykh Salih al-Fawzan (a member of both the BSU and the CRLO), arranged in 5 volumes and containing more than 600 *fatwas*; (7) the *fatwas* issued by Shaykh 'Abd al-Razzaq al-'Afifi (also a member of both the BSU and the CRLO), arranged in 4 volumes and containing more than 500 *fatwas*.

## THE 'ULAMA' AND THE STATE

The modern history of the Saudi 'ulama' has been characterized by their incorporation into the state's administration.<sup>6</sup> Such institutionalization of the 'ulama' has brought about changes in the traditional relationship between religion and state, which is observed variously by the several scholars concerned with 'ulama' and politics in Saudi Arabia. The scholars' outlooks can be divided into two main positions. The first maintains that the 'ulama' have ceased to constitute an independent focus of power, yet they still retain a certain influence over the king; the second position argues that the 'ulama' have lost power in both spheres. For instance, Ayman al-Yassini identified two fundamental changes in the 'ulama'-state relationship: (1) increasing role differentiation between the religious and political spheres; and (2) institutionalization of the state's control over a broad range of areas that were formerly dominated by religion.<sup>7</sup> According to al-Yassini, these changes created a new reality in which "the 'ulama' lost many of their traditional functions and became a pressure group limited to exerting influence over the government's activities and policies, but never acted as an autonomous center of power."<sup>8</sup>

Similarly, Aharon Layish states that modern Saudi 'ulama' "have ceased to be one of the two foci of power alongside the *umara'* ["rulers"], though they still belong to the political elite and play an important role, especially in times of crises."<sup>9</sup> Layish suggested various reasons for the decline of the 'ulama', among them: (1) "Bureaucratization and modernization of government activities in the executive, legislative, and judicial spheres"; (2) "The ongoing Westernization of the Saudi Arabian

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<sup>6</sup> On the role of Wahhabi 'ulama' in the modern Saudi state, see Frank Vogel, *Islamic Law and Legal System: Studies of Saudi Arabia*, Leiden 2000, pp. 169–221; Joseph Kechichian, "The Role of the Ulama in the Politics of an Islamic State: The Case of Saudi Arabia," *International Journal of Middle East Studies* 18 (1986), pp. 53–71; Aharon Layish, "Ulama' and Politics in Saudi Arabia," in M. Heper and R. Israeli, (eds.), *Islam and Politics in the Modern Middle East*, London 1984, pp. 29–63; Alexander Bligh, "The Saudi Religious Elite ('Ulama') as Participant in the Political System of the Kingdom," *International Journal of Middle East Studies* 17 (1985), pp. 37–50; Joseph Nevo, "Religion and National Identity in Saudi Arabia," *Middle Eastern Studies* 34 (1998), pp. 34–53; Michel G. Nehme, "Saudi Arabia 1950–1980: Between Nationalism and Religion," *Middle Eastern Studies* 30 (1994), pp. 930–943.

<sup>7</sup> Ayman al-Yassini, *Religion and State in the Kingdom of Saudi Arabia*, Boulder 1985, p. 59.

<sup>8</sup> *Ibid.*

<sup>9</sup> Layish, "Ulama' and Politics," p. 53.

people and the development of a rationalistic outlook due to the media revolution as well as the rise in the standard of living.”<sup>10</sup> Mordechai Abir adds that despite the increased respect enjoyed by the ‘ulama’, “their influence and power under Fahd is continuing to decline.”<sup>11</sup> In the same vein, O. Y. al-Rawaf stresses that:

The activities of the ‘ulama’ are socially and not politically orientated. The ‘ulama’ have exercised very little or no influence over major policies concerning foreign affairs, internal security, economic development, oil production and pricing, wealth distribution and regional allocation, or political participation.<sup>12</sup>

Joseph Kechichian went further, arguing that “it is possible to speculate that the ulama’s general discontent over such policies might have led some of them to encourage or at least to tolerate militant activity for a return to tradition.”<sup>13</sup>

I believe that analyzing the power structure of ‘ulama’ and *umara*’ in terms of predomination is somewhat problematic for at least three reasons: First, distinguishing position from influence is nearly impossible, as Aharon Layish and Ayman al-Yassini have argued. Second, the distribution of power between ‘ulama’ and *umara*’ was never clear enough throughout the more than two centuries of mutual relations. Because neither the modern nor the classical Wahhabi scholars have ever delineated the limits of authority of the two sides, it is quite difficult to identify the internal dynamics of power distribution between them. Third, attributing the decline of the ‘ulama’ to their incorporation into the state administration requires further consideration. It is possible that via this incorporation, the ‘ulama’ increased their influence over official policies and governmental circles. In other words, by holding official positions, the ‘ulama’ became players from within the power structure; had they remained external to the government, their influence would have diminished.

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<sup>10</sup> The remaining reasons can be found in Layish, “‘Ulama’ and Politics,” pp. 54–55. See also idem, “Saudi Arabian Legal Reform as a Mechanism to Moderate Wahhabi Doctrine,” *Journal of the American Oriental Society* 107 (1987), pp. 279–292.

<sup>11</sup> Mordechai Abir, *Saudi Arabia in the Oil Era: Regime and Elites; Conflict and Collaboration*, London 1988, p. 29. See also Huyette Summer Scott, *Political Adaptation in Saudi Arabia: A Study of the Council of Ministers*, Boulder 1985, p. 117.

<sup>12</sup> O. Y. al-Rawaf, “The Concept of Five Crises in Political Development: Relevance to the Kingdom of Saudi Arabia,” Ph.D. dissertation, Duke University 1981, p. 527, cited in Abir, *Saudi Arabia in the Oil Era*, p. 29.

<sup>13</sup> Kechichian, “The Ulama in Saudi Politics,” p. 60.

In any case, the ‘ulama’ have maintained their cooperation with rulers and continued to exercise influence over several areas, including nearly all legal and religious affairs. They have even managed to increase their power over time by extending their control over other ministries and religious agencies, such as the Ministry of Justice, the Ministry of Islamic Affairs and Endowments, the Ministry of Pilgrimage, the Committee of Commanding Good and Forbidding Wrong, the World Muslim League, and the World Assembly of Muslim Youth.<sup>14</sup> Thus the ‘ulama’ continue to play a significant role, at least in influencing the social and internal policies of the government.

I would suggest that this relationship is based on an ongoing compromise between the two sides. The Saudi ruling family has continued to consider the opinions of the ‘ulama’, consulting them and taking note of their aspirations, to preserve the Wahhabi ideals of the kingdom. In turn, the ‘ulama’ have maintained a central role in providing legitimacy to the Saudi regime, thus bolstering its stability. In the following pages I will focus on one ‘ulama’ goal—the taming of Islam and tribalism—which is considered an important factor in imparting legitimacy to Saudi rule.

#### RECONCILING TRIBALISM AND ISLAM: MEANS AND METHODS

Since the very inception of their movement in the mid-eighteenth century, the Wahhabis have been engaged in reconciling tribalism and Islam. In principle, the Wahhabis sought to Islamize tribalism while paying lip service to some tribal values and practices. Methodologically speaking, the Wahhabis throughout the generations endeavored to dismantle tribalism as a political phenomenon by confronting some principal legal and political tribal values with their Islamic counterparts while stressing the superiority of the latter. These values were: (a) *‘asabiyya*, or group solidarity based on blood kinship, as the core of tribal-political solidarity vis-à-vis the Islamic doctrine of *al-wala’ wa’l-bara’*, or allegiance and enmity, and (b) custom as a tribal-legal system vis-à-vis *shari’a* law.

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<sup>14</sup> Al-Yassini, *Religion and State*, p. 68.

‘*Asabiyya vis-à-vis al-Wala’ wa’l-Bara’*’

The concept of *al-wala’ wa’l-bara’* has historic resonance in every school of Islamic thought and refers to the nature of the relationship between Muslims and non-Muslims, as well as that among Muslims themselves. For the vast majority of schools, a Muslim must bear allegiance (*wala’*) only to Muslims, by loving what God loves and hating what He hates, based on such traditions as the Prophetic hadith:<sup>15</sup> “The strongest bond of belief is loving what God loves and hating what God hates. With these two, one gains the loyalty [*wilaya*] of God.”<sup>16</sup> Scholars from major Sunni legal schools (*madhhabs*) were unanimous on the principle that a Muslim should bear loyalty to the Islamic nation (*umma*) and to other Muslim individuals, whom he should treat as brothers, as long as they do not violate Islamic fundamentals (*nawaqid al-Islam*)—by denying the existence of God, rejecting Muhammad’s claim to being a prophet or denying the concept of prophethood, and finally denying *shari’a* as God’s revelation.<sup>17</sup> *Bara’*, or enmity, on the other hand, often refers to the relationship between Muslims and non-Muslims, although the nature of such relationships is controversial among the schools.<sup>18</sup> It refers, however, also to Muslims who find themselves excluded from Islam by committing one of the *nawaqid al-Islam*, which often leads to apostasy (*kufur*) and thus departure from the Islamic community (*al-khuruaj min al-milla*).<sup>19</sup>

In the classical Wahhabi doctrine, however, the concept of *wala’* was expanded to include not only avoiding the above-mentioned Islamic fundamentals, but also the avoidance of what was perceived by the Wahhabis as genuine Islam, as demonstrated in the religious thought and practice of the forebears (*al-salaf al-salih*) from the first three

<sup>15</sup> Muhammad abu Zahrah, *Ta’rikh al-madhahib al-Islamiyya*, London 1987, pp. 12–13.

<sup>16</sup> Ahmad Ibn Hanbal, *Musnad*, Beirut 1993, vol. 4, pp. 357–358. See also Jalal al-Din al-Suyuti, *al-Jami’ al-Saghir*, Riyadh 1985, vol. 1, p. 69.

<sup>17</sup> Among other *nawaqid*, those often raised by Islamic groups are: (1) an action that clearly resembles blasphemy, such as carelessly discarding a Qur’an or parts thereof; (2) burning the Qur’an out of contempt; (3) believing that transmigration of souls or reincarnation happens at death; (4) defaming a prophet’s character, morals, virtues, or religion; accusing angels of having bad qualities; or questioning the efficacy of a prophet’s asceticism.

<sup>18</sup> Muhammad Abu Zahrah, *Ta’rikh al-madhahib al-Islamiyya*, pp. 12–13.

<sup>19</sup> For a further account of the classical Islamic doctrine of *wala’* and *bara’*, see Ahmad Ibn Taymiyya, *al-Ihtijaj bi’l-Qadar*, Cairo 1962.

centuries of the *Hijra*.<sup>20</sup> For the Wahhabis, being Salafi is the only way by which Muslims ensure their membership in the sole “saved sect” (*al-firqa al-najiya*), which is mentioned in the hadith: “And this community [*umma*] will split into seventy-three sects, all of them in the Hellfire except for one.”<sup>21</sup> Muhammad Ibn ‘Abd al-Wahhab stressed, for example, that Salafiyya is an embodiment of what the Prophet bequeathed to his community. Hence, anyone who departs from it will cause a split and fall into the sects that have been threatened with the fire.<sup>22</sup> In other words, Muslims must unequivocally be loyal, in all their thoughts and deeds, to only this “saved sect” that follows the steps of the Prophet and his Companions.<sup>23</sup>

In this respect, contemporary Wahhabis remain faithful to the tenets of their forefathers to a great extent. They often stress the superiority of the Wahhabiyya as a Salafi movement, in comparison to other Islamic groups. BSU member Shaykh Salih al-Fawzan made this clear when he stated:

To say that the Salafi (Wahhabi) movement resembles any other Islamic movements is wrong. The Salafi movement is the only one that must be followed by adopting its approach, joining it, and performing *jihad* with it. Therefore, Muslims are not permitted to follow any other movement, since they all are straying movements.<sup>24</sup>

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<sup>20</sup> See Ahmad ibn ‘Abd al-Razzaq al-Duwaysh, *Fatawa al-lajna al da’ima li’l-buhuth al-‘ilmiyya wa’l-ifta’*, Riyadh 2000, vol. 2, pp. 165–166; ‘Abd al-Rahman Bin Qasim, *al-Durar al-saniyya fi’l-ajwiba al-najdiyya*, Riyadh 1385/1965, vol. 7, p. 48; Hrair Dekmejian, “The Rise of Political Islamism in Saudi Arabia,” *Middle East Journal* 48/4 (1994), pp. 627–643. On the Salafi trend in the contemporary Islamic world, see H. A. R. Gibb, *Modern Trends in Islam*, Chicago 1947, pp. 17–38; M. H. Kerr, *Islamic Reform: The Political and Legal Theories of Muhammad ‘Abduh and Rashid Rida*, Berkeley 1966, pp. 103–153.

<sup>21</sup> Hadith reports often differ somewhat from one another, and their reliability is a vexed question. Most of these versions are given in ‘Abd al-Qahir ibn Tahir al-Baghdadi, *al-Farq bayna al-firaaq*, trans. and ed. Kate Chambers Seelye, New York 1920, pp. 21–22.

<sup>22</sup> Muhammad Ibn ‘Abd al-Wahhab, *Mu’allafat al-shaykh al-imam Muhammad Bin ‘Abd al-Wahhab*, 12 vols. Riyadh n.d., vol. 1, pp. 225–227.

<sup>23</sup> Notably, the Wahhabi perception of Salafism has been rejected by many modern movements and scholars, who claim that this trend of Salafism is nothing but an independent legal school of thought. Shaykh Sa’id Ramadan al-Buti argues, for example, that Salafism is no more than a blessed historical period (*marhala zamaniyya mubarak*) that resembles others in Islamic history. Al-Buti, *al-Salafiyya: Marhala zamaniyya mubarak la madhhab Islami*, Damascus 1988, pp. 132–144.

<sup>24</sup> *Fatwa* No. 209 in ‘Adil b. ‘Ali b. Ahmad al-Fridan (ed.) *Al-Muntaqa min fatawa fadilat al-Shaykh Salih b. Fawzan b. ‘Abd Allah al-Fawzan*, Beirut 1999, vol. 1, p. 361. In this regard see also the interview with Ibn Baz in *al-Muslimun*, 28 July 1996. Further

On the basis of this perception of Salafism, contemporary Wahhabis maintain intolerance toward others, whether Muslims or non-Muslims, and even toward other Wahhabis who do not engage in the “canonical perceptions of the official religious establishment,” which regards itself as the Wahhabi mainstream. This intolerance is clearly demonstrated in the Wahhabi treatment of such Islamic movements as Sufis, Shi‘a, and the Egyptian Muslim Brotherhood. For example, the CRLO was asked by a Saudi citizen whether he could pray in a Sufi mosque or room (*zawiya*). The answer reads:

You should not pray with Sufis in their praying room, and you must beware of their companionship and mixing with them in case you are afflicted with what they have been afflicted with. So perform your prayers in another mosque where they uphold the *sunna* and are steadfast upon it.<sup>25</sup>

Thus, according to the CRLO, not only praying with Sufis is prohibited, but even contacting and mixing with them. Although Wahhabis do not declare Sufis to be infidels (*kuffar*, sing. *kafir*), they treat them as such.<sup>26</sup>

The Wahhabi-Salafi approach of opposing other religious groups is even more strongly evident when it comes to such non-religious ideologies and identifications as tribalism, nationalism, and secularism. Tribal *‘asabiyya*, for example, was condemned by contemporary Wahhabi *‘ulama* as a pre-Islamic practice (*jahiliyya aula*). Shaykh Salih al-Munjid, a prominent Wahhabi scholar, made this clear in a legal opinion he issued in this connection. According to al-Munjid,

Tribalism that is appearing nowadays in most countries, where people form factions on the basis of race, color, or homeland, is akin to the ancient tribalism that existed between the tribes of Aws and Khazraj; it is one of the leftovers of *jahiliyya*.<sup>27</sup>

Al-Munjid found support in such Qur’anic verses as:

And hold fast, all together, by the Rope which Allah (stretches out for you), and be not divided among yourselves, and remember with gratitude

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CRLO *fatwas* on this matter can be found in al-Duwaysh, *Fatawa al-lajna al-da’ima*, vol. 12, pp. 241–242; vol. 2, pp. 143–181.

<sup>25</sup> *Fatwa* No. 6250 in al-Duwaysh, *Fatawa al-lajna al-da’ima*, vol. 2, p. 207.

<sup>26</sup> *Ibid.*

<sup>27</sup> A legal opinion published on al-Munjid’s site, [www.islam-qa.com/index.php?ln=eng&ds=qa&lv=browse&QR=34749&dgn=4](http://www.islam-qa.com/index.php?ln=eng&ds=qa&lv=browse&QR=34749&dgn=4).

Allah's favor on you, for ye were enemies and He joined your hearts in love, so that by His grace ye were on the brink of the pit of fire, and He saved you from it. Thus doth Allah make His signs clear to you, that ye may be guided. (3:103)

Al-Munjid found further support in a Prophetic tradition related to tribal *'asabiyya*. According to him, the Prophet, while trying to resolve a political conflict between the two major tribes of Medina, Aws and Khazraj (both considered supporters of the Prophet), denounced tribal *'asabiyya* as a pre-Islamic tradition. This conflict took place in Medina after the Prophet's migration in A.D. 622, despite his efforts to bring about unity among Muslims in general and between these historically conflicting tribes in particular. For al-Munjid, according to this tradition, *'asabiyya* is identical to *jahiliyya*, or pre-Islamic ignorance, as indicated in the rhetorical question that the Prophet directed to these tribes: "Are you issuing the calls of the *jahiliyya* while I am still among you?" For al-Munjid, this is evidence that tribalism, in its political sense, stands in opposition to the doctrine of *wala'*, or loyalty to Islam.<sup>28</sup>

In a similar vein, al-Munjid also denounced nationalism as another sort of *'asabiyya*, as we may learn from the following legal opinion, which he issued when asked the following questions by a Saudi citizen:

As Muslims, how should we feel about the land / country where we were born and brought up and got education and work? Can we have feelings of love for this land? Does it mean *'asabiyya*? Can we have national celebrations that do not contradict Islamic teachings? What types of national celebrations are prohibited, and which are allowed?<sup>29</sup>

In a very detailed response, al-Munjid stressed that Muslims do indeed have the right to love their homeland or the country where they live or grew up. However, this love should not be at the expense of Islamic loyalty. That is, a person should not demonstrate loyalty to other Muslims based on the principle of citizenship; loyalty should be felt according to the Islamic concept of loyalty, which in turn does not recognize geopolitical divisions among Muslims. In al-Munjid's words,

A person who belongs to the same country should not be closer to you than another Muslim from another country. A relationship [between Muslims] should not be conducted on the basis of country affiliations.

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<sup>28</sup> Ibid.

<sup>29</sup> Ibid.



Rather, loyalty and disavowal, or love and hatred, should be based on Islam and piety only.<sup>30</sup>

Hence, celebrations of Independence Day, saluting the flag, and other related practices stemming from national affiliation are forbidden. Using passports, however, is acceptable because it is necessary for identifying people and their citizenship. However, this precept should not be used to serve *‘asabiyya* tendencies, such as boasting and acting as though you are superior to others, or expressing tribalistic pride; otherwise it becomes blameworthy.<sup>31</sup> As to the claim that the Prophet demonstrated love of Mecca, al-Munjid agreed this was indeed so; however, he stressed that the Prophet’s love for Mecca did not resemble what takes place today regarding devotion to one’s country or tribe. According to him, the Prophet’s love of Mecca was religiously based because Mecca was considered the land most beloved by God.

‘Abd al-‘Aziz Ibn Baz (d. 1999), the former grand mufti, took a similar position toward Arab nationalism as a pre-Islamic practice. According to Ibn Baz, Arab nationalism or Pan-Arabism is nothing but “a non-Muslim and atheist missionary faith that aims at fighting Islam and getting rid of its rules and directives.... It is a false faith, a great error, a clear deception, an abominable, non-Islamic ignorance, and an open plot against Islam and its people.” For Ibn Baz, loyalty should be only to *shari‘a* and to the authority holders (*wulat al-umur*), about whom we may learn from one of the famous legal opinions he issued in this connection:

Query:

To whom does the reference to obeisance to authority holders refer: ‘ulama’ or rulers (*umara*)?

Answer:

The authority holders are the ‘ulama’ and the *umara*’ of the Muslims, who must be obeyed on condition that their decrees match the will of God, and do not contradict it. Thus the ‘ulama’ and *umara*’ must be obeyed in doing good, for only in this way will peace and safety reign and will the usurper be saved from the usurper, while disobedience will cause anarchy so that the strong will usurp the weak. If, however, the decree is issued counter to the will of God, neither the ‘ulama’ nor the rulers

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<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

should be obeyed. An example would be a decree to drink wine or to deal with usury. However, no opposition must be raised against the rulers, even when not fulfilling the *shari'a*, but rather they must be advised through ways of tranquility.<sup>32</sup>

Obviously, Ibn Baz confines authority to 'ulama' and *umara'*, excluding any other loyalties, including loyalty to tribal leaders. Moreover, Ibn Baz postulates a broad base of the ruler's activity. He states that obeying the ruler is connected to obeying God and His Prophet, thereby emphasizing the importance of obeying rulers. The only reservation regarding the obligation to obey, according to Ibn Baz, is in the case of a ruler or person of authority whose orders violate the *shari'a*. However, one must not oppose the ruler who does not act in accordance with the *shari'a*, but rather enlighten him about his having acted in opposition to it.<sup>33</sup>

#### *Tribal Arbitration vis-à-vis the Shari'a Court*

For contemporary Wahhabis, the only law to be obeyed is the *shari'a* law.<sup>34</sup> This admonition appears clearly in various writings and legal opinions issued by such modern religious institutions as the BSU and the CRLO, as well as by individual 'ulama'. For example, grand mufti Shaykh Muhammad Ibn Ibrahim (1953–1969) stated that referring to Bedouin laws and tribal customs that diverge from the *shari'a* is considered a severe violation that can even lead to heresy. He denounced tribal arbitration in disputes, known as *salum*, due to some practices that did not abide by his *shari'a* instructions.<sup>35</sup>

Ibn Baz maintained the same line in rejecting tribal laws and arbitrations. This is clearly indicated in the writings and legal opinions he issued in this regard. For example, he denounced some calls within Saudi society for a revival of tribal laws by means of teaching these

<sup>32</sup> Due to the length of the response, only an excerpt is quoted. The full response may be found in Muhammad b. Sa'd al-Shuway'ir, *Majmu' fatawa wa-maqalat mutanawwi'a*, 13 vols. Riyadh 1997, vol. 7, p. 115.

<sup>33</sup> Al-Shuway'ir, *Majmu' fatawa wa-maqalat mutanawwi'a*, vol. 7, p. 115.

<sup>34</sup> For a historical contest between *shari'a* and custom, see A. Layish, "Shari'a and Custom in the Muslim Family in Israel," *Hamizrah Hehadash* 23/4 (1974), pp. 377–409 (Hebrew), and the sources indicated therein; idem, "Custom and Shari'a in the Bedouin Family According to Legal Documents from the Judaeen Desert," *Bulletin of the School of Oriental and African Studies* 42/1 (1979), pp. 29–45.

<sup>35</sup> Muhammad Ibn Ibrahim, "Tahkim al-qawanin," in *Fatawa wa-rasa'il samahat al-shaykh Muhammad bin Ibrahim*, Mecca 1978, vol. 12, p. 247.

laws in academic institutions alongside the *shari'a* law. Furthermore, he stressed that tribal customs and laws must be “killed and buried” because Muslims must refer only to the *shari'a* laws in all matters, not to tribal customs and traditions or to other human-authored laws. According to him, tribal people must refer to the *shari'a* courts in their disputes, following the Qur'anic instructions in this respect, such as: “Whatever it be wherein ye differ, the decision thereof is with Allah” (42:10), and “Do they then seek after a judgment of (the days of) ignorance? But who for a people whose faith is assured, can give better judge than Allah? (5:50).<sup>36</sup>

Also, Ibn Baz denounced the tribal concealment of testimony and bearing false witness that stem from tribal *'asabiyya*. He asserted that such concealment of testimony, which is motivated by tribal loyalty, is equal to the bearing of false testimony, which is strongly prohibited by *shari'a* law. He found support in such Qur'anic verses as: “When you speak, speak justly, even if a near relative is concerned” (6:152) and “shun the word that is false” (22:30), as well as on some Prophetic hadiths such as “Shall I not inform you of the greatest sins (*akbar al-kaba'ir*): associating partners with Allah (*shirk*), disobedience to parents, bearing false witness, and speaking falsehood.” Ibn Baz was reluctant, however, to rule that arbitration based on tribal custom was akin to heresy, claiming that this requires further discussion.<sup>37</sup>

Similarly, the CRLO denounced the *janbiyya*, a widespread penalty procedure among tribes in the Arabian Peninsula. *Janbiyya* basically means that a litigant who is found guilty should be punished by being struck on the head with a sharp instrument until his blood flows.<sup>38</sup> Nowadays *janbiyya* has been transformed into financial compensation. For the CRLO, *janbiyya* blatantly contradicts *qisas*, the *shari'a* penalty system, as we may learn from the following legal opinion issued in this connection:

Query:

What is the ruling of resorting to tribal laws in resolving conflicts? For example, it is now well known [among tribal people] that when two persons get into conflict, they used to resort to tribal law judgment, finding

<sup>36</sup> 'Abd al-'Aziz Ibn Baz, “*Hukm al-tahakum ila al-'adat wa'l-'raf al-qabaliyya*,” in al-Shuway'ir, *Majmu' fatawa wa-maqalat mutanawwi'a*, vol. 8, p. 272.

<sup>37</sup> Ibid.

<sup>38</sup> See CRLO's *fatwa* published on [www.islamqa.com/index.php?ref=84073&ln=ara](http://www.islamqa.com/index.php?ref=84073&ln=ara).

a tribal shaykh for arbitrating or *mi'dal* (making justice), as they used to call him. The litigants used to raise their arguments before the arbitrator shaykh. As to the penalty, it depends on the severity of the crime. So in simple cases, punishments were manifested in slaughtering an animal by the litigant found guilty, and he must invite his opponent to the feast. In serious cases, however, the arbitrator shaykh used to resort to the *janbiyya*, which in the past meant that a litigant found guilty was struck on the head with a sharp instrument until his blood flowed. Nowadays, however, this sort of punishment has been transformed to money compensation. This is something that is widespread among the tribes as a traditional procedure of reconciliation (*sulh*). Therefore, it is called by tribesmen a *madhhab* (school of thought). Thus, a person who breaks this *madhhab* is considered *qati' al-madhhab* (breaking the *madhhab*). What is the ruling about that?

Answer:

Muslims should refer to *shari'a* only, not to tribal laws. What you have described in your query is not reconciliation in its true sense; rather it is referring to tribal customary principles. Hence they call it a *madhhab*, and consider he who does not act in accordance thereto as breaking the *madhhab*. Their calling it reconciliation does not alter the fact that it is referring for judgment to *taghut* (mentioned in the Qur'an as evil). The ruling that they stipulate of slaughtering an animal or striking the head with a sharp instrument until the blood flows has nothing to do with *shari'a*. Therefore, it is incumbent upon tribal shaykhs and others to refrain from such false arbitrations. Today—praise Allah—the authorities have appointed judges who judge between the people and resolve their disputes in accordance with the Book of God and the *sunna* of His Messenger. So there is no excuse for anyone to refer to false judges, after the appointment of scholars of Islam to whom they may refer for judgment and who judge in accordance with the law of Allah.<sup>39</sup>

The CRLO has maintained the line of the previous grand muftis—Al al-Shaykh and Ibn Baz—in rejecting tribal arbitrations, including penalty procedures as described by the questioner. The fact that tribal shaykhs resort to tribal customs instead of *shari'a* laws was sufficient for denouncing such arbitrations. For the CRLO, judgments should be made according to the *shari'a* edicts only; otherwise it is a judgment of evil or a judgment of *taghut*, as mentioned by the Qur'an.<sup>40</sup>

<sup>39</sup> CRLO's *fatwa* published on al-Munjid's site: [www.islam-qa.com/index.php?ref=84073&ln=eng](http://www.islam-qa.com/index.php?ref=84073&ln=eng).

<sup>40</sup> See Qur'an 4:60.

Moreover, for the CRLO, the measures undertaken by tribal shaykhs in resolving conflicts were not consistent with the legitimate reconciliation that *shari'a* so appreciates. For example, the *shari'a* penalty procedure (*qisas*) never affirms such acts as striking a litigant on the head until blood flows, because it is in blatant contrast to the *shari'a* instructions of not doing harm. One cannot ignore, however, the political aspect of this legal opinion. The 'ulama', in an attempt to bolster the Saudi central government, have called upon tribal shaykhs and others to avoid tribalism in its political sense and turn to the state *shari'a* courts. Yet the 'ulama' have endorsed some tribal values and practices, such as resolving disputes by tribal shaykhs, as long as they do not violate the *shari'a*.<sup>41</sup> This concession seems, however, to be no more than lip service that contemporary Wahhabis pay to tribalism, as will be seen below.

#### TRIBALISM IN ACTION

It is obvious from the above discussion that, at least theoretically, tribalism has been marginalized by the Wahhabis in favor of religion. However, it seems that tribalism still is considered an important factor within the Saudi societal and political spheres. Overall, tribalism, in addition to religion, has played a central role in forming major cultural and social norms, alongside the ruling Saudi ideology, for more than two centuries, since the historic alliance between Muhammad Ibn Sa'ud and Muhammad Ibn 'Abd al-Wahhab in 1745.<sup>42</sup> In other words, for the Saudi ruling family, tribalism is considered an essential component of what Jill Crystal calls the Saudi "civic myth."<sup>43</sup> Acknowledging these facts about tribalism, the Saudi ruling family actually pays much attention to it, particularly the cultural aspects of tribalistic values. This attention has been manifested in the royal family's rhetoric of praising the tribalistic heritage and even the way that the Saudi king represents

<sup>41</sup> Al-Shuway'ir, *Majmu' fatawa wa-maqalat mutanawwi'a*, vol. 5, pp. 142–145.

<sup>42</sup> On the link between Wahhabism and the Al Saud, see Christine Moss Helms, *The Cohesion of Saudi Arabia*, Baltimore 1981, chs. 1–3; R. Bayly Winder, *Saudi Arabia in the 19th Century*, New York 1965; Nadav Safran, *Saudi Arabia: The Ceaseless Quest for Security*, Cambridge 1985, chs. 1–2; H. St. John Philby, *Arabia of the Wahhabis*, London 1928; and idem, *Saudi Arabia*, London 1955.

<sup>43</sup> Jill Crystal, *Oil and Politics in the Gulf: Rulers and Merchants in Kuwait and Qatar*, New York 1990, pp. 161–164.

himself as the paramount shaykh (*shaykh al-mashayikh*) of all the tribes in the country. Furthermore, he maintains very public relations with tribal leaders, meeting them in the tribal tradition of the *majlis*. In the past, such meetings were often held in tents; now they are held in air-conditioned palaces and are often broadcast on that evening's television news.<sup>44</sup>

The king's efforts to portray himself as the true heir of the Arabian Peninsula's tribal tradition is manifested even in such mundane matters as the traditional donning of *thobe* and the *kufiyya* headdress, which are now worn by the Saudis as the "national garb" (*al-ziyy al-watani*). Royal family members, even those involved in international and foreign affairs, often appear in the "national garb." For example, Sa'ud al-Faysal, the foreign minister of Saudi Arabia and son of the late King Faysal, although he would occasionally appear in a Western business suit in the West, would never do so in his homeland. Similarly, Bandar Ibn Sultan, former ambassador to the U.S., used to appear in Western dress; but he dressed in national garb after returning home to serve as the head of the National Security Council.<sup>45</sup> This is true of other royal family members, the only exceptions to this rule being those ruling family members who are officers in the armed forces, who appear in Western-style uniforms.

The issues of dress and public affirmation of tribal structures are part of a larger intellectual agenda pursued by the Saudi ruling family in the name of heritage (*turath*). For example, the state supports such projects as the annual festival at *al-janadriyya*, which is explicitly tribal in content, wherein such tribal cultural practices as camel breeding and camel racing are engaged in, in addition to traditional music and dancing in which the royal family usually participate.<sup>46</sup> Most importantly, however, the royal family strives to implicitly connect the political system with these cultural manifestations, as a way of asserting the authenticity of the monarchical-tribal form of rule. Here, and in order to assert patronage over the tribes, the royal family usually encourages

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<sup>44</sup> See *al-Riyadh Newspaper* (Riyadh), 12 June 2006.

<sup>45</sup> See *Arab News*: [www.arabnews.com/?page=1&section=0&article=71830&d=17&m=10&y=2005](http://www.arabnews.com/?page=1&section=0&article=71830&d=17&m=10&y=2005)

<sup>46</sup> On this folkloric music, see Kay Hardy Campbell, "Recent Recordings of Traditional Music from the Arabian Gulf and Saudi Arabia," *Middle East Studies Association Bulletin*, July 1996; see also Muhammad Rajab al-Najjar, "Contemporary Trends in the Study of Folklore in the Arab Gulf States," in Davis and Gavrieledes (eds.), *Statecraft in the Middle East*, pp. 176–201.

its subjects to think of themselves as tribesmen in a political system whose chain of loyalties culminates in the king. Tribal members even tacitly encourage promoting personal and tribal connections in the hiring practices of state agencies.

Tribal connections can be particularly important in recruitment into the armed forces and the police force nationwide. A good example is the National Guard, the king's private army, which is explicitly organized along tribal lines; it is known as the "White Army" due to the wearing of traditional tribal dress instead of uniforms. The National Guard was founded as the successor to the *Ikhwan*, the tribal army of Ibn Sa'ud, the founder of the current Saudi state. Today, the *Ikhwan* is one of five branches of the Saudi Arabian Defense Forces made up of tribal battalions under the command of a high-ranking member of the royal family, usually a crown prince, while some parts are under the command of local shaykhs. These shaykhs, who are often the sons of local chiefs or of veterans of the original *Ikhwan* forces, have proven their loyalty to the Saudi royal family. Their enlistment in the guard is largely a means of bolstering the subsidies paid to local shaykhs and of retaining the support of their tribes.<sup>47</sup>

## CONCLUSION

Reconciling tribalism and Islam in the contemporary Wahhabi writings is in actuality the "Islamization" of tribalism rather than the "tribalization" of Islam. This is clear from the entire approach of the 'ulama' to tribalism, which consists of emptying classical tribalism of its critical substance. In fact, at least in theory, the Wahhabis have undermined the classical structure of the tribe as a political organization and restricted it entirely to social and cultural affiliations. This was done by means of confronting the most fundamental tribal values of blood kinship (*'asabiyya*) and arbitration (*tahkim*) with their Islamic counterparts, the doctrines of *wala'* and *bara'* and the *shari'a* court. For the Wahhabis, the discrepancy between tribalistic and Islamic values is linked to the reality that Islam and tribalism in its political sense—i.e., demonstrating political and legal loyalty to tribal values—cannot co-exist because of substantial and conceptual differences between the two.

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<sup>47</sup> See the Saudi National Guard site: [www.sang.gov.sa/SANGcs/Arabic/default.htm](http://www.sang.gov.sa/SANGcs/Arabic/default.htm).

Yet the 'ulama' pay lip service to tribalism when affirming certain tribal practices, such as the authorization of tribal shaykhs to bring about reconciliation between their subjects in cases of conflicts. Such reconciliation processes should not, however, contradict the *shari'a* instructions for reconciliation. This is clearly indicated in the denunciation of such tribal penal procedures as *janbiyya* and *salum*. Consequently, the tribal leadership has a restricted role to play in resolving disputes between individuals, and any role they do have must be consistent with *shari'a* imperatives.

In practice, tribalism has been subordinated to the state's major ideology, that of Islam. Tribal members not only serve in the state's administrative hierarchy, they also play a central role as a military resource. Tribes are not allowed to perform according to their traditions—either through *'asabiyya*, which is the core of the tribal political system, or through customary arbitration, as in the tribal legal system. Instead, tribe members are required to resort to the state legal and political system. In the meantime, acknowledging tribalism as a source of power, the royal family attempts to maintain tribal rhetoric and symbols. This is clearly indicated in such mundane matters as the royal family's traditional style of appearance, as well as in annual festivals of *janadriyya* and constant meetings with tribal members. This seems, however, no more than lip service that the royal family pays to tribalism while considering Islam to be the state's major ideology. In other words, in the encounter between Islam and tribalism, the former has prevailed at the expense of the latter; yet both have been appropriated by the ruling family and combined into an ideology of support for its rule.





PART FOUR

IDEOLOGICAL RIVALS



CHAPTER TEN

WAHHABIS, SUFIS AND SALAFIS IN EARLY  
TWENTIETH CENTURY DAMASCUS

David Commins

For the past two centuries, observers of the Muslim world have frequently traced religious purification campaigns to Wahhabi influence. For instance, British authorities in nineteenth-century India perceived Wahhabi-tinged movements from Bengal to Punjab.<sup>1</sup> Russian journalists presently use the term “Wahhabi” for just about any manifestation of religious assertion in nearby Muslim lands.<sup>2</sup> Of course, the Arabian reformers have striven to export their doctrine, but there is little careful research on the local reception of Wahhabism in different parts of the Muslim world. This study examines how allegations of Wahhabi influence became a point of controversy between rival camps of religious scholars in early twentieth century Damascus. Thus the focus here is not on tracing Wahhabi influence but on what “Wahhabi” meant in that context and how it was used in the polemics contained in religious treatises published between 1900 and the early 1920s. From these works, it appears that the Wahhabi issue and local religious discourse evolved over time. A pair of essays published in 1900 and 1901 repeat the standard anti-Wahhabi arguments handed down since the eighteenth century, while essays published between 1909 and the early 1920s (spanning the Ottoman constitutional and early French mandate years) indicate significant shifts in discourse and context.

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<sup>1</sup> Qeyamuddin Ahmad remarks on British colonial authorities in India using the Wahhabi label as a synonym for “traitor” or “rebel,” in *The Wahhabi Movement in India*, 2nd ed., Manohar 1994, pp. ix–x.

<sup>2</sup> Muriel Atkin, “The Rhetoric of Islamophobia,” *Central Asia and the Caucasus* 1 (2000), pp. 123–132; Alexander Knysh, “A Clear and Present Danger: ‘Wahhabism’ as a Rhetorical Foil,” *Saudi-American Forum* 24 (14 November 2003); Adeeb Khalid, “A Secular Islam: Nation, State, and Religion in Uzbekistan,” *International Journal of Middle East Studies* 35 (2003), pp. 581, 587–591.

## EARLY RESPONSES TO WAHHABISM

A model study of Wahhabism's reception in one locality is Bernard Haykel's splendid monograph on the Yemeni scholar Muhammad al-Shawkani. He points to a number of similarities between the views and ideas of al-Shawkani and the Wahhabis regarding illegitimate innovations (*bida'*) in the cult of saints and types of idolatry (*shirk*), at the same he notes that they were not identical. Moreover, Haykel situates al-Shawkani's intellectual positions firmly in the context of the political and religious dynamics in Yemen rather than viewing them as a result of Wahhabi influence. The gaps between Wahhabi condemnation of all practices associated with tomb visits and al-Shawkani's allowance for practices he considered permissible were substantial and irreconcilable. The Wahhabi call did not convert the leading scholar in early nineteenth century Yemen.<sup>3</sup>

In the case of Syria, and more specifically Damascus, religious scholars, or 'ulama', greeted the Wahhabi call with unremitting hostility until the late nineteenth century for doctrinal and political reasons. First, Muhammad ibn 'Abd al-Wahhab's views on monotheism, idolatry, and excommunication clashed with the longstanding consensus among the 'ulama'. He viewed Muslims who participated in popular customs associated with the cult of saints and in various intercessionary behaviors as idolaters whose lives, honor, and property were legitimate spoils. His critics responded with two kinds of arguments. Some defended the permissibility of practices that Ibn 'Abd al-Wahhab considered idolatry. Others admitted that such practices violated the command to devote all worship to God, but maintained that such violation did not render one an idolater.<sup>4</sup>

The political reason for hostility toward Wahhabism was that its association with Saudi power made it suspect from the Ottoman perspective. The first Saudi state (1744–1818) had denied the legitimacy of the Ottoman sultan and expelled the Ottomans from the holy cities of Mecca and Medina in the early 1800s. The Ottomans launched a counterattack in 1811 to regain the holy cities. In 1818, the Ottoman offensive concluded with the destruction of the first Saudi capital and

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<sup>3</sup> Bernard Haykel, *Revival and Reform in Islam: The Legacy of Muhammad al-Shawkani*, Cambridge 2003, pp. 127–138.

<sup>4</sup> The doctrinal arguments were of course far more extensive, but this was the core of the controversy.

the capture and exile of Saudi and Wahhabi leaders. Nevertheless, the Saudis came back to power after Ottoman forces withdrew from Arabia. Rulers of the second Saudi state adopted a more cautious attitude toward the Ottoman Empire, realizing the folly of provocation. Wahhabi 'ulama', however, maintained a consistent posture of enmity toward the outside world as the abode of idolatry that must be avoided in order to maintain the purity of their own abode of Islam; and Ottoman 'ulama' kept up a polemical campaign against the Najdi doctrine.<sup>5</sup> Wahhabism's critics included prominent Hanbali 'ulama' of Damascus and Sufi authors from Baghdad.<sup>6</sup> Nevertheless, because of new intellectual developments in the late 1800s, we find a handful of Ottoman 'ulama' in Baghdad and Damascus revising the standard view of Wahhabis as ignorant doctrinal extremists.<sup>7</sup>

#### THE SALAFI-WAHHABI CONNECTION

This reappraisal of the Wahhabis was undertaken by 'ulama' in the Salafi movement. While both Ottoman Salafis and Wahhabis claimed to possess correct understanding of Islam as practiced by the pious ancestors (*al-salaf al-salih*), they did not concur on what that meant exactly. Thus the Ottoman Salafis displayed a modernist bent as they explored ways to reconcile Islam with European concepts of modern science, legal rationality, and constitutional government. In these respects, they differed from the Wahhabis, who then viewed all borrowings from infidels as forbidden. Nevertheless, the two self-avowed followers of the pious ancestors converged when it came to campaigning against religious practices and beliefs that they regarded as illegitimate innovations, especially practices associated with popular Sufi orders and the shrines of saints. They also concurred in their respect for the views of the medieval scholar Taqi al-Din Ibn Taymiyya, and they collaborated in efforts to revive his works. Salafis in Syria and Iraq established contacts with

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<sup>5</sup> David Commins, *The Wahhabi Mission and Saudi Arabia*, London, 2006, pp. 44–50, 56–61, 63–65; Itzhak Weismann, *Taste of Modernity: Sufism, Salafiyya and Arabism in Late Ottoman Damascus*, Leiden 2001, pp. 53–54, 73–74.

<sup>6</sup> On the Hanbali scholar Hasan al-Shatti in Damascus, see Weismann, *Taste of Modernity*, pp. 66–67; on Da'ud ibn Jirjis al-Naqshbandi in Baghdad, see Da'ud ibn Sulayman ibn Jirjis, *Sulh al-ikhwan min ahl al-iman*, Bombay 1888–89.

<sup>7</sup> On reappraisals of the Wahhabis by the Baghdad Alusis and Rashid Rida, see Commins, *The Wahhabi Mission*, pp. 131–140.

Wahhabi scholars and students through Najdi merchants handling the caravan trade between Arabia and the Fertile Crescent. Correspondence from the early 1900s between two leading Salafis, Jamal al-Din al-Qasimi of Damascus and Mahmud Shukri al-Alusi of Baghdad, reveals a network of 'ulama' and merchants in Damascus, Baghdad, Najd, Jeddah, Bahrain, and Qatar. The letters show that Najdi merchants funded the publication not only of works by Ibn Taymiyya but also of a treatise by al-Qasimi.<sup>8</sup> They also show that al-Alusi completed an unfinished manuscript by a leading Wahhabi shaykh rebutting the Baghdad Sufi Da'ud ibn Jirjis al-Naqshbandi.<sup>9</sup>

When defenders of Sufism responded to Salafi critics, they naturally resorted to religious texts that justified their practices and beliefs, but there was also a political dimension to their rebuttals. Ottoman Sultan Abdülhamid II patronized Sufi orders to strengthen loyalty to Istanbul, and this policy was effective in the Arab provinces.<sup>10</sup> Hence one might construe criticism of Sufi practices as a slight to the sultan's religious prestige. The political aspect assumed another dimension in 1902, when a Saudi chief, 'Abd al-'Aziz ibn Sa'ud, captured Riyadh, inaugurating his long struggle to reconquer Najd from Istanbul's vassals, the Rashidis. Around that time, rumors circulated of plots to separate Syria from the Ottoman Empire. Officials in Istanbul therefore became alarmed at the prospect of an alliance between the Saudi-Wahhabi cause and Salafi religious reformers. That made it natural for 'ulama' opposed to the Salafis to incite Ottoman authorities to persecute them on the grounds that they were spreading Wahhabism, identified with the politically suspect Ibn Sa'ud.<sup>11</sup>

The emergence of 'ulama' defending Wahhabis in the first two decades of the twentieth century coincided with a contemporary reappraisal of the Arabian nomads. Birgit Schaebler has observed how the Syrian

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<sup>8</sup> Muhammad ibn Nasir al-'Ajami, *al-Rasa'il al-mutabadala bayna Jamal al-Din al-Qasimi wa-Mahmud Shukri al-Alusi*, Beirut 2001, pp. 10, 41–43, 47, 61–64, 136 n. 1.

<sup>9</sup> *Fath al-manan tatimmat minhaj al-ta'sis radd sulh al-ikhwan*. The Wahhabi author 'Abd al-Latif ibn Hasan Al al-Shaikh had not finished the treatise when he died. The treatise with Alusi's additions was published in 1309 (1891/92). Al-'Ajami, *al-Rasa'il al-mutabadala*, p. 114. For a discussion of the Baghdad Sufi Da'ud ibn Jirjis and the Alusis, see Itzhak Weismann, "The Naqshbandiyya-Khalidiyya and the Salafi Challenge in Iraq," *Journal of the History of Sufism* 4 (2004), pp. 234–238.

<sup>10</sup> Selim Deringil, *The Well-Protected Domains: Ideology and the Legitimization of Power in the Ottoman Empire, 1876–1909*, London 1998, pp. 63–66.

<sup>11</sup> David Commins, *Islamic Reform: Politics and Social Change in Late Ottoman Syria*, New York 1990, pp. 111–115.

authors ‘Abd al-Rahman al-Kawakibi, Rashid Rida, and ‘Abd al-Rahman Shahbandar incorporated desert Arabs into their conceptions of the Arab nation. Kawakibi’s imaginary congress of Muslim delegates at Mecca, described in his 1900 treatise *Umm al-Qura*, included a distinguished delegate from Najd who embodied true Islam and the pure Arab character untainted by the moral decay that plagued urban Arabs living under tyranny. Writing at the same time, Rida also seized on the idea that desert Arabs possessed special virtues and a spirit of independence because they lived free of tyranny. A few years later, Shahbandar praised the Bedouins for their pure way of life and argued that Wahhabis deserved praise for championing Islam among the Bedouin.<sup>12</sup>

The shift in discourse on Arabian Bedouins and Wahhabis is well illustrated in a piece by a proponent of Arab cultural revival.<sup>13</sup> Salah al-Din al-Qasimi, the younger brother of the Salafi Jamal al-Din al-Qasimi, was part of the movement asserting that Arabs should occupy a more prominent role in Ottoman affairs. In 1909, Salah al-Din published a piece on the Wahhabis in the Egyptian periodical *al-Muqtataf*. He noted that “Wahhabi” had acquired a pejorative connotation at the hands of conservative ‘ulama’ striving to alienate common folk from the reformist ‘ulama’. If a preacher merely recounted Prophetic traditions about *shirk*, then he was said to be a Wahhabi. The Egyptian newspapers *al-Muqattam* and *al-Ahram* were said to be “Wahhabi” publications, and an Arab cultural club was dubbed the Wahhabi Club. Al-Qasimi remarked that the efforts of conservative ‘ulama’ to alienate people from Wahhabism had the contrary effect of spurring greater interest in it, and as a result growing numbers were embracing it (*tawahhab*). In what he considered an effort to set the record straight, he gave a brief description of the Wahhabis. They were strict followers of the Hanbali school, avoiding all forms of *shirk* and devoting worship to God alone. Their ‘ulama’ exhibited upright behavior, seeking knowledge wherever it might be. Al-Qasimi expressed wonder at how their enemies could possibly accuse them of unbelief (*kufr*), as they observed the pillars of Islam and followed the *shari‘a* in their daily lives. He asked if anyone had ever seen a Wahhabi drinking wine, consorting with prostitutes,

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<sup>12</sup> Birgit Schaebler, “From Urban Notables to Notable Arabs,” in Thomas Philipp and Christoph Schumann (eds.), *From the Syrian Land to the States of Syria and Lebanon*, Beirut 2004, pp. 177–178, 181–183, 193.

<sup>13</sup> For discussion of relations between these two groups in Damascus, see Commins, *Islamic Reform*, pp. 99–103.



or embezzling funds from endowments (*awqaf*). As for Muhammad ibn 'Abd al-Wahhab, he brought nothing new. He just followed previous scholars.<sup>14</sup>

#### ANTI-WAHHABI DISCOURSE

While Salah al-Din al-Qasimi's article offers insight into the polemical uses of Wahhabism as a pejorative term, one must turn to religious publications to discern the evolution of the Wahhabi issue. The first specimen at hand is an item published in 1900 by one of the city's Hanbali scholars, Mustafa al-Shatti.<sup>15</sup> It is not clear what prompted him to write this treatise, which covers themes commonly found in the anti-Wahhabi polemics of the nineteenth century. His treatise addresses five issues: independent legal reasoning (*ijtihad*), the two kinds of *shirk* and the categories of *bid'a*, the belief that holy men are alive in their graves, the permissibility of seeking help from prophets and the righteous be they living or dead, and the permissibility of visiting graves, especially that of the Prophet. There is nothing original or remarkable about the treatise. Thus in the section on *ijtihad*, al-Shatti referred to the Wahhabis as a group of self-proclaimed Hanbalis who performed *ijtihad* without a sound understanding of the Qur'an and the *sunna* and who therefore maintained incorrect beliefs on religious practices.<sup>16</sup> The second item is a treatise by 'Ata al-Kasm published in 1901. At the outset, he wrote that an acquaintance of his had met with a Wahhabi who argued that it is forbidden to pray to the Prophet to approach God (*tawassul*). This acquaintance requested al-Kasm to provide proofs from the Qur'an, the *sunna*, and the writings of 'ulama' to support the consensus that *tawassul* is permitted.<sup>17</sup> The treatise therefore consists of proof texts from those sources permitting *tawassul* of the Prophet. Once again, there is nothing in the treatise to distinguish it from customary anti-Wahhabi polemics.

<sup>14</sup> Muhibb al-Din al-Khatib, *al-Duktur Salah al-Din al-Qasimi, 1305–1344: Safahat min ta'rikh al-nahda al-'arabiyya fi awa'il al-qarn al-'ishrin*, Cairo 1959, pp. 250–256. David Commins, *Islamic Reform*, pp. 101–102.

<sup>15</sup> Mustafa al-Shatti, *al-Nuqul al-shariyya fi'l-radd 'ala al-wahhabiyya*, Damascus 1900.

<sup>16</sup> *Ibid.*, pp. 6–7.

<sup>17</sup> 'Ata al-Kasm, *al-Aqwal al-murdiya fi'l-radd 'ala al-wahhabiyya*, Cairo 1901, p. 2.

It may be the case that al-Shatti and al-Kasm were reacting against the early stirrings of the Salafi trend represented by Jamal al-Din al-Qasimi, 'Abd al-Razzaq al-Bitar, and Tahir al-Jaza'iri, but that is not altogether clear. Some light is shed on the question by Mustafa al-Shatti's younger kinsman, Muhammad Jamil al-Shatti in his 1920 biographical dictionary of Hanbalis. In commenting on controversy over the Wahhabis, he wrote that the Wahhabis wrongly branded other Muslims as infidels, while many of their foes went too far in stubbornly adhering to tradition. The correct way, in al-Shatti's view, was moderation, as taught by Jamal al-Din al-Qasimi. Al-Shatti also noted that a discussion of Wahhabism had taken place in Damascus in 1900–1901, notably represented by the two treatises at hand. Later, an Ottoman judge in Beirut, Yusuf al-Nabhani, composed a work condemning the period's religious reformers: Jamal al-Din al-Afghani, Muhammad 'Abduh, Rashid Rida, Mahmud al-Alusi, Khayr al-Din al-Alusi, and Mahmud Shukri al-Alusi. Shukri al-Alusi then rebutted al-Nabhani, who replied with another essay. Then a Najdi author, Sulayman ibn Sihman, entered a rebuttal against al-Nabhani's reply to al-Alusi.<sup>18</sup> From this account, then, Mustafa al-Shatti and 'Ata al-Kasm were participating in a debate involving contributors from Egypt, Arabia, and several Ottoman provinces.

When we come to the later set of treatises, we find a mixture of customary polemics and new elements. The first item, published in 1911, is by Mukhtar ibn Ahmad Mu'ayyid al-'Azmi.<sup>19</sup> He reiterated familiar themes from the anti-Wahhabi tradition, relying in large measure on a famous treatise by a nineteenth-century Meccan scholar, Ahmad Zayn al-Dahlan. Al-Dahlan's treatise repeated earlier reports that described Muhammad ibn 'Abd al-Wahhab as a rogue religious student who aspired to pose as a prophet in order to gain power. Once he had Saudi backing, he ordered the murder of his religious opponents and used force to impose his outrageous doctrine. The gist of his critique is that the Wahhabis rejected Islamic tradition and therefore do not belong to the community of believers. Their violence against lay Muslims and

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<sup>18</sup> Muhammad Jamil al-Shatti, *Mukhtasar tabaqat al-hanabila*, Damascus 1920, pp. 139–140. For a discussion of Yusuf al-Nabhani, see Amal Ghazal, "Sufism, *Ijtihad* and Modernity: Yusuf al-Nabhani in the Age of 'Abd al-Hamid II," *Archivum Ottomanicum* 19 (2001), pp. 239–272; Ghazal suggests 1908 or 1909 as the date of Nabhani's composition, p. 262; for a brief discussion of al-Nabhani's critique of the Wahhabis, pp. 270–271.

<sup>19</sup> Mukhtar ibn Ahmad Mu'ayyid al-'Azmi, *Jala' al-awham 'an madhahib al-a'ima al-'izam*, Damascus 1911.

‘ulama’ was a reflection of their infidel views.<sup>20</sup> More interesting than al-‘Azmi’s conventional approach to condemning Wahhabism is his declared reason for composing the treatise. He stated that he wished to address his town’s so-called enlightened faction, the *mutanawwirun* analyzed by James Gelvin.<sup>21</sup> This faction represented the union of Salafi and Arabist tendencies that had formed in the few years before the 1908 constitutional restoration. Al-‘Azmi belonged to the faction that Gelvin refers to as the *mutadayyinun*, or pious, which during the Ottoman constitutional era propagated its views in a Damascus periodical called *al-Haqa’iq*. The periodical typically defended religious beliefs and practices that Salafis and Wahhabis considered illegitimate innovations, and it warned against the excessive imitation of European ways. Al-‘Azmi opened his treatise with an appeal to what the two factions, enlightened and pious, held in common—namely, the profession of faith and basic doctrines. He then asserted that his side affirmed well-established views and adhered to consensus positions whereas the “enlightened” followed doubtful views arising from their insistence on individual interpretation through *ijtihad*.<sup>22</sup> In this instance, then, it looks as though the Wahhabi issue was assimilated to a factional struggle in Damascus, with al-‘Azmi purporting to demonstrate the similarity of the “enlightened” camp’s ideas on *ijtihad* and *tawassul* to those of the Wahhabis, perhaps to discredit them if not to persuade them to admit their errors.

The next spate of writings on the Wahhabis surfaced a decade later, after World War I. The Ottoman Empire had entered that war and suffered defeat, the victorious Western powers had divided the empire’s remains, and an ephemeral Hashemite kingdom had fallen to French forces; but the alignment of religious factions in Damascus had persisted unchanged. The Wahhabi controversy of 1922 may have been set off when the Salafi activist and publisher Rashid Rida reportedly accepted payment from a Najdi merchant named ‘Isa ibn Rumayh al-Uqayli to publish and distribute a volume of essays containing writings by Ibn Taymiyya, Ibn Qudama, and Ibn Rajab in Muhammad ibn ‘Abd al-

<sup>20</sup> Ibid., pp. 4–8.

<sup>21</sup> On the “mutanawwirun” and the “mutadayyinun,” see James Gelvin, “*Post hoc ergo propter hoc?* Reassessing the Lineages of Nationalism in Bilad al-Sham,” in Philipp and Schumann (eds), *From the Syrian Land to the States of Syria and Lebanon*, pp. 127–142.

<sup>22</sup> ‘Azmi, *Jala’ al-awham*, p. 2.

Wahhab's *Kashf al-shubuhāt*.<sup>23</sup> Exactly what prompted Rida to cooperate with this Najdi initiative is not clear; not is it clear who decided which treatises accompanied Ibn 'Abd al-Wahhab's essay. Rida's first visit to Damascus in 1908 had ended with a riot against him at the Umayyad Mosque, when a shaykh accused him of spreading Wahhabi doctrine.<sup>24</sup> He had returned to Damascus during the Faysali period (1918–1920) to support the nascent Hashemite kingdom, but then returned to Egypt when France occupied Syria. Whether his publication of this volume represented an early phase of his turn to the Saudi cause or a provocation of his old 'ulama' adversaries, or both, or something else, it had the effect of stirring the debate between enlightened and pious camps anew.

One of the "pious" shaykhs associated with *al-Haqa'iq*, 'Abd al-Qadir al-Iskandarani, composed and published three anti-Wahhabi treatises, which in turn prompted a number of responses. In one treatise, al-Iskandarani resorted to the usual anti-Wahhabi arguments that had been rehearsed in the essays by al-Kasm, al-Shatti, and al-'Azmi, and reproduced proof texts from the Qur'an and the *sunna* in support of *tawassul*. In a more novel passage bearing on the Damascus context, al-Iskandarani wrote that one might forgive the people of Najd for following Muhammad ibn 'Abd al-Wahhab's errant doctrine because they were remote from the civilized world. They had a simple, coarse way of life and were utterly ignorant of rational sciences. Even their 'ulama' were barely familiar with the basics of Arabic. He related that he once met a high-ranking Najdi 'alim who came to Damascus to study grammar. His previous learning was such that Iskandarani placed him in lessons with beginners to study some elementary texts. Such was the level of learning among Wahhabi qadis and muftis. After denigrating the scholarly attainments of Wahhabi 'ulama', Iskandarani wondered how anyone in Damascus, a center of civilized life, could be fascinated with the simple doctrines of a band of Bedouins. In terms of the debate between the city's rival camps of "pious" and "enlightened," al-Iskandarani was scoring points against the "enlightened" by suggesting that they followed the views of the rustic Najdis.<sup>25</sup> A second novel element in al-Iskandarani's treatise is his inclusion of an article from the newspaper

<sup>23</sup> 'Abd al-Qadir al-Iskandarani, *al-Nafha al-zakiyya fi'l-radd 'ala shubuhāt al-firqa al-wahhabiyya*, Damascus 1922, p. 3.

<sup>24</sup> Commins, *Islamic Reform*, pp. 128–131.

<sup>25</sup> Al-Iskandarani, *al-Nafha*, p. 7.

*Alif Ba'*. This signifies the spread of religious polemic from the realm of *madrassa*, mosque, and specialized religious essays into the recently formed public sphere of the daily press. The article itself does not break new ground, but it is noteworthy that the newspaper had become a site of discursive contestation between the rival camps and the incorporation of the Wahhabi controversy into that setting.<sup>26</sup>

A second member of the "pious" camp, Muhammad Tawfiq ibn Najib al-Suqiya, entered the debate with a treatise that praised Iskandarani's refutation of the Wahhabi heresy. Al-Suqiya's essay is notable in three respects. First, he placed the controversy in the Damascus context by describing Rashid Rida's 1908 visit to the city. Al-Suqiya wrote that he attended Rida's lesson at the Umayyad Mosque and witnessed the incident when Shaykh Salih al-Tunisi denounced the visitor for spreading Wahhabi lies, forcing Rida to flee the city. To further blacken the reputation of Rida, and of the "enlightened" camp associated with him, al-Suqiya reported that Tunisi told him that Jamal al-Din al-Afghani had taught Muhammad 'Abduh, Rida's mentor, that the Qur'an is not God's word but the word of Abu Bakr.<sup>27</sup> A second notable departure is al-Suqiya's defense of the belief that prophets, martyrs, and holy men are alive in their graves and that it is therefore sensible to seek their intercession. He wrote that European scientists had affirmed that souls are eternal and that it is possible to have contact with them and speak with them in one's sleep.<sup>28</sup> This marks the entrance of modern science as a proof for the legitimacy of practices at saints' tombs, and it is significant because it indicates that "modern science" had acquired probative value in religious discourse. Furthermore, it appears that Suqiya included this "proof" because his "enlightened" adversaries viewed themselves as the vanguard of a modern generation in Syria that was familiar with European science. The third point worth noting is that al-Suqiya defended the Sufi *dhikr* ceremony and specifically named the Naqshbandi and Shadhili prayers as legitimate practices.<sup>29</sup> This is direct evidence that elements in the city's Sufi orders were part of the "pious" campaign against the Wahhabis and their "enlightened" and Salafi defenders.

<sup>26</sup> Ibid., pp. 30–32.

<sup>27</sup> Muhammad Tawfiq al-Suqiya, *Tabyin al-haqq wa'l-sawab fi'l-radd 'ala atba' Ibn 'Abd al-Wahhab*, Damascus 1922, pp. 8–9.

<sup>28</sup> Ibid., p. 18.

<sup>29</sup> Ibid., pp. 28–31.

## THE RESPONSE TO WAHHABISM'S CRITICS

As for those defenders, we have a treatise by the Salafi writer Muhammad Bahjat al-Bitar, published under the pseudonym Abu al-Yasar al-Dimashqi al-Maydani. Al-Bitar's work is notable in a number of respects. First, he claimed that his purpose was not to exacerbate divisions between Muslims but to close the gap between the two sides. Thus he wrote that it was one thing for Iskandarani to defend *tawassul*, but that he should not have slandered Najdis and Syrians; nor should he have included a defamatory account of Muhammad ibn 'Abd al-Wahhab's life. Bitar noted that al-Iskandarani in his lessons had publicly named 'ulama' of Damascus and branded them as Wahhabis to alienate people from them. When the head of the 'ulama' (al-Bitar does not name him) heard about this, he summoned al-Iskandarani and instructed him not to condemn individuals who had passed away and others still living. Al-Iskandarani denied that he had done so. It appears that al-Bitar was claiming the moral high ground by posing as a man seeking to bridge divisions while presenting al-Iskandarani as a sower of discord.<sup>30</sup> Second, al-Bitar addressed al-Iskandarani's characterization of Najdis as uncouth barbarians unworthy of imitation by the civilized folk of Damascus. He posed the question of who was truly civilized. Consider, he suggested, that Najdis published and distributed thousands of copies of important books by Ibn Taymiyya, Ibn Qudama (two of the authors whose works Rida had published along with Ibn 'Abd al-Wahhab), and Ibn al-Qayyim, seeking no profit. By contrast, what did Damascenes have to boast of but miserliness, lies, pride, and hypocrisy? Which is better, the simple ways of Najd or the corrupt ways of Damascus?<sup>31</sup> Third, al-Bitar wondered when al-Iskandarani and others in his camp would turn from criticizing fellow Muslims to show the same kind of zeal in rebutting Christian missionaries or teaching the new generation useful knowledge or establishing modern schools so the young generation would not need to attend foreign schools.<sup>32</sup> Fourth, al-Bitar admitted that some of the material in Ibn Rumayh's volume was misguided, notably the attribution of *shirk* and

<sup>30</sup> Abu al-Yasar al-Dimashqi al-Maydani (Muhammad Bahjat al-Bitar), *Nazara fi risalat al-nafha al-zakiyya fi'l-radd 'ala shubah al-firqa al-wahhabiyya*, Damascus 1922, pp. 3–6.

<sup>31</sup> *Ibid.*, pp. 8–9.

<sup>32</sup> *Ibid.*, p. 16.

*kufur* to Muslims, but that should not prevent one who seeks truth from reading the volume for insight into illegitimate innovations and blame-worthy practices associated with visiting graves. Al-Bitar agreed with the Wahhabi position that it is proper to view someone as an infidel if he stubbornly denies the truth of these matters after they have been clearly explained. But his discussion of the issue did not emphasize that point. Rather, he interpreted Muhammad ibn ‘Abd al-Wahhab’s views on *shirk* and *kufur* as an effort to dissuade people from illegitimate innovations and forbidden practices, to threaten people so they might abandon them.<sup>33</sup>

Al-Bitar’s treatise is striking for his call on rival camps to emphasize common ground and overlook the points on which they differed. To illustrate that attitude, he presented a discussion that he claimed had taken place between a Salafi supporter of Ibn Taymiyya and a Sufi admirer of Ibn ‘Arabi. The Salafi challenged the Sufi to defend Ibn ‘Arabi’s writings on union with God through mystical states (*hulul* and *ittihad*). The Sufi noted that Ibn ‘Arabi clearly professed orthodox Islamic doctrine in many of his writings and that it was proper to interpret his teachings on mystical states in a way that did not violate texts in the Qur’an and the *sunna* about God’s transcendence. In like manner, the Salafi maintained that if a Muslim prayed, fasted, paid the obligatory tax on wealth (*zakat*), and performed the pilgrimage yet put forth unconventional views on *kufur*, then one should not emphasize the last point in evaluating him. In essence, al-Bitar called for the two sides to overlook the excesses of the rival camp in the interests of Muslim harmony.<sup>34</sup>

Along the same lines of urging forbearance, al-Bitar had written an article for the same Damascus newspaper, *Alif Ba’*, that published al-Iskandarani’s essay. Under the heading of “Fairness Removes Controversy,” al-Bitar called on the two sides to tone down their zeal and give up talk about burning writings they did not like. He disagreed with the Wahhabis for attributing *shirk* and *kufur* to believers for calling on holy men. Most of the time, it was simple-minded folk who did that with no intention of violating God’s unity. Al-Bitar emphasized the difference between such believers and the polytheists of Muhammad’s time, who called the Qur’an a lie and a bunch of fables, and ridiculed

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<sup>33</sup> Ibid., pp. 20–23.

<sup>34</sup> Ibid., pp. 23–25.

the Prophet as a poet, a madman, and a magician. Today's Muslims affirm the Qur'an is God's word while the polytheists of Muhammad's time fought against it. The essence of al-Bitar's position here is that the Wahhabis went too far in condemning those whose worship includes objectionable elements.<sup>35</sup>

On the other hand, al-Bitar criticized the Wahhabis' enemies for spreading false rumors. Thus the common folk of Damascus called the Wahhabis "Freemasons," which, he explained, meant atheists in common usage. How Wahhabis could be associated with atheists is puzzling, but it seems the notion arose because anti-Wahhabi authors asserted that the Wahhabis denied the sanctity of the prophets and holy men. Al-Bitar admitted that some Najdis regarded Muslims as infidels and that in turn other Muslims viewed them as infidels. It would be better, he maintained, if both sides refrained from such excess and treated each other with forbearance.<sup>36</sup>

A second treatise also broke new ground in searching for a middle way. Its author, Ahmad Fawzi al-Sa'ati, had been the director of Telegraph and Post in Hijaz (whether for the Ottoman or Sharifian regime is unclear). During his posting to Hijaz, al-Sa'ati became acquainted with Wahhabi 'ulama', their teachings, and their objections to other Muslims' religious practices. He presented his treatise as an effort to remove misunderstanding between Wahhabis and their foes.<sup>37</sup> Al-Sa'ati maintained that on matters of doctrine, there was no disagreement. It was only the strict Wahhabi prohibition of certain popular religious practices that created problems. He admitted that when commoners visited the tombs of holy men they might utter phrases that appeared to violate the command to worship God alone; but that was no reason to view all Muslims outside the Wahhabi domain as idolaters. Much of the treatise repeats familiar points on seeking intercession from the Prophet and holy men, visiting graves, and so forth. A novel twist is al-Sa'ati's assertion that later Wahhabi writers espoused more extreme views than Muhammad ibn 'Abd al-Wahhab. He noted that after Ibn 'Abd al-Wahhab's death, some Wahhabi 'ulama' took a copy of his writings to 'ulama' in Damascus, who declared that they conformed to the Qur'an and the *sunna*. Al-Sa'ati concluded that it must have been later

<sup>35</sup> Ibid., pp. 26–27.

<sup>36</sup> Ibid., pp. 27–28.

<sup>37</sup> Ahmad Fawzi al-Sa'ati, *al-Insaf fi da'wat al-wahhabiyya wa-khusumihim li-raf' al-khilaf*, Damascus 1922, pp. 2–4.



Wahhabis who declared most Muslims to be idolaters and asserted that only the people of Najd were followers of Islam.<sup>38</sup> As for the present situation, al-Sa'ati maintained that disagreement between Wahhabis and other Muslims boiled down to the issue of intention. Wahhabis thought that belief in holy men was identical to belief in idols. But Muslims see holy men as God's servants, not as independent deities. Furthermore, if using holy men to approach God were prohibited, that would be stated in the Qur'an as clearly as the prohibition on murder. Since there was no clear prohibition, it must be considered permissible.<sup>39</sup>

Al-Sa'ati proposed solutions to disagreements on visiting the Prophet's tomb in Medina and other matters, but the truly interesting aspect of his treatise comes at the very end and consists of two new twists in religious discourse. First, he called on Wahhabis to join with other Muslims to combat "materialists," who deny all religions and strive to lead youth away from religious studies. Instead of calling other Muslims idolaters and infidels, Wahhabis should unite with Muslims under the banner of the Qur'an and the *sunna*. Second, he lamented the idleness of Muslims as the cause of their incessant arguments. Instead of bothering with polemics, Muslims needed to study modern industrial skills, since they could not even manufacture a pin to patch a cloak.<sup>40</sup>

#### ASSESSING THE MEANING OF THE CONTROVERSY

In conclusion, the first set of essays from 1900–1901 conform to a purely traditional mode of anti-Wahhabi discourse. They seem to stem from alarm at the appearance of the Salafi trend at that time, not at inroads made by Wahhabi discourse among Ottoman Muslims. Given the effective censorship regime under Sultan Abdülhamid II, the absence of any public defense of Wahhabi doctrine was natural. Twenty years later, a major shift had taken place in the religious discourses of Damascus, caused by a variety of factors: the maturation of the Salafi trend and emergence of the related Arabist trend; the formation of a coherent opposition to the Salafi-Arabist camp among so-called "pious" 'ulama', who broadcast their views in a periodical during the Ottoman constitutional period; the collapse of the Ottoman Empire; the tumultuous

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<sup>38</sup> Ibid., pp. 5–11.

<sup>39</sup> Ibid., pp. 13–15.

<sup>40</sup> Ibid., pp. 31–38.

interval of Amir Faysal's rule, which witnessed the crystallization of popular and elite varieties of nationalism aligned with the "pious" and "enlightened" camps, respectively; and finally the advent of French rule. In this new context, al-Iskandarani and al-Suqiya went beyond the traditional arguments against Wahhabism by incorporating modern notions of civilization and science. In response, al-Bitar and al-Sa'ati held that given the threats posed by missionaries, foreign schools, and European technical superiority, Muslims could not afford to waste time on religious polemics. They essentially contended that the Wahhabis were correct on some points and incorrect on others, and they upheld the Salafi camp's impulse to rectify popular religious practices they regarded as illegitimate innovations and reject the Wahhabi view of *shirk* and *kufr*. The "pious" camp, however, would not give ground, as al-Suqiya's staunch defense of Sufi prayers and ceremonies clearly indicated.

Given the absence of Wahhabis in Damascus, it is curious that Wahhabism should have become part of a polemical controversy. In reviewing at least a portion of the controversy (there could well be articles embedded in periodicals and other treatises), it is evident that the debate over intercessionary practices associated with Sufis and the tombs of holy men mattered deeply to the participants. There is no question of reading the religious discourse as a code for material interests. When Salafis took a fresh look at the Wahhabis and their teachings in the late 1800s, they were interested in uncovering shared intellectual roots (Ibn Taymiyya's school), not in finding an Arabian inspiration for their own convictions. Salafis and Wahhabis did find common ground in the rejection of what they considered illegitimate innovations in worship. They never closed the gap on the essential issue of excommunication. Defenders of customary Sufi practices may have been embedded in late Ottoman networks of power and patronage, but they too took the substance of religious belief quite seriously. The Wahhabi label provided a handy rhetorical club with which to strike their adversaries. One may consider them opportunistic in seizing the club; or one may consider the Salafis disingenuous in disavowing the association with Wahhabism. Authentic differences regarding what was "ideal" divided the two camps and their views of Wahhabism as well as the deployment of Wahhabism as a trope in their treatises.

That the debate evolved between 1900 and 1922 is worth noting, especially in view of the redundancy that characterized polemics on Wahhabism from the 1740s until the late 1800s. When Wahhabism's

critics invoked modern scientific discoveries to defend Sufi beliefs, they were stepping away from a discourse entirely founded upon standard religious proof texts. Why? Because modern science had assumed an air of authority in Damascus, at least among young Syrians coming out of state schools. The ground of demonstrative proof was shifting, and one either shifted with it or conceded that ground to one's adversaries and allowed the weight of one's arguments to diminish. Another shift worth noting is how religious scholars and Arabist authors from the "enlightened" camp softened the hard edges of Wahhabi doctrine in their treatises, making the Najdi mission more palatable to Muslims of the Arab East. The Salafi rehabilitation of the Wahhabis' reputation paved the way for cooperation between such Salafi movements of the interwar period as the Muslim Brotherhood and the Wahhabis. In fact, during those decades when European domination reached its peak, squabbles over ritual increasingly appeared trivial compared to the massive threat to Islam that Western culture seemed to pose.<sup>41</sup>

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<sup>41</sup> For a case study of Salafi-Sufi dynamics in Hamah in the late Ottoman and Mandate eras, see Itzhak Weismann, "The Politics of Popular Religion: Sufis, Salafis, and Muslim Brothers in 20th-Century Hamah," *International Journal of Middle East Studies* 37 (2005), pp. 39–58.

## CHAPTER ELEVEN

### THE CLERICS' BETRAYAL? ISLAMISTS, 'ULAMA' AND THE POLITY

Meir Hatina

#### INTRODUCTION

In 1927, the French writer Julien Benda, author of *La Trahison des Clercs* (The betrayal of the intellectuals), decried the moral erosion of the intellectuals of his day for abandoning the ideal of universal justice in favor of narrow, egoistic politics. They replaced their elevated spiritual kingdom with an earthly kingdom, thus betraying their social cause, he argued. In contrast, Benda's Marxist colleagues, the Italian writer Antonio Gramsci and the French writer Paul Nizan, endorsed the political involvement of the intellectual, although they attacked those "watchdog" intellectuals who positioned themselves as loyal defenders of the bourgeois regime.

The critical writings of Benda, Gramsci and Nizan were part of a broader European debate over the image of the secular intellectual—a debate in which faith had a marginal status in a society often portrayed as post-religious, driven by a Promethean quest to subject the universe to human control. The code words "betrayal" and "watchdogs" favored by these Western writers were relevant as well to the anti-'ulama' Islamist polemic, although in a quite different context. While Benda castigated the link between the intellectual and politics, Islamists criticized the 'alim's confinement to the mosque and the *madrasa*; and while Gramsci and Nizan denounced the intellectual's defense of the bourgeois state, Islamists attacked the 'alim's defense of the secular and tyrannical state.

Retrospectively, Sunni 'ulama'—a loose category that included theologians, jurists, preachers and teachers—took pride in their title as "the heirs of the prophets," yet they never claimed political power in the context of running the affairs of state, much less heading it. On the contrary, they systematically legitimized the prevailing political order and even helped entrench this concept in the Muslim collective memory. Classical and medieval 'ulama' scholars posited the political ideal of a contractual agreement by which the ruler is appointed by the

community as the embodiment of the will of Allah and the Prophet, and in return the ruler demonstrates justice and religious devotion. This exchange constitutes the basis of the obligation of obedience and loyalty. Such a contractual theory was developed under the rule of the Umayyad dynasty and served its purposes well. It preached the depoliticization of the public arena as a guarantee of stability in the face of challenges by the Shi'a and other sects that denied the legitimacy of the Sunni caliphs.<sup>1</sup>

Even when this political ideal was tarnished through dynastic succession and later through the breakdown of Muslim political unity in the tenth century, the dominant trend in Islamic thought remained sanctification of the existing order. In a choice between two evils—political tyranny or social anarchy—as measured in Hobbesian terms, political tyranny won out. Even the loss of the political supremacy of the Arabs to the Turks—namely to the Seljuqs, Mamluks and Ottomans—did not result in any significant change in the quietist approach of the 'ulama'. Part of the explanation stems from the entrenchment of the 'ulama' as a governmental bureaucracy, while another part has to do with the sustained respect for Islam demonstrated by the Turkish military elite, along with their success in defending and expanding the borders of Islam.

Focusing on the real rather than the ideal state, the dominant scholastic tradition in Islam—identified with the urban religious elite—proved to be a “discursive tradition,” as defined by the anthropologist Talal Asad.<sup>2</sup> It moved forward and backward in time and showed flexibility. One example was its accepting attitude toward canonical legislation introduced by the ruler, which provided an ad hoc response to problems not discussed in the *shari'a* religious law. Another, even more pronounced example was orthodoxy's incorporation of Sufism, with its cult of saints. The recognition of Sufism as an authentic mass movement and as an expression of the psychological needs of the people led the orthodox establishment to integrate it, thereby preventing the development of radical pantheistic trends. Moreover, Islam benefited by this embrace, for Sufism helped energize religious life and spread it to distant regions in Asia and Africa.

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<sup>1</sup> Majid Khadduri, *The Islamic Conception of Justice*, Baltimore 1984, pp. 14–27; Patricia Crone and Martin Hinds, *God's Caliph: Religious Authority in the First Centuries of Islam*, Cambridge 1986, pp. 24–42.

<sup>2</sup> Talal Asad, *The Idea of Anthropology of Islam*, Washington, DC, March 1986.

## A LEGACY DEFAMED

Retrospectively, the legal and historic record of Sunni 'ulama' held little appeal for modern Islamist movements. Rather, it was viewed as an obstacle, in the Islamists' depiction. The conciliatory stance of the 'ulama' towards local rulers was perceived as a deviation from the very nature of Islam, which stands in opposition to political injustice. Coexistence with man-made as distinct from divinely ordained legislation was perceived as tantamount to the destruction of divine law. Furthermore, the orthodox compromise with Sufism and its saints was perceived as damaging to the oneness of Allah. Not surprisingly, Islamist movements, in seeking to purify both faith and political institutions, tended to distance themselves from the scholastic and discursive literature in favor of the "hard-core" religion of the Qur'an and the *sunna*. Another strategy adopted by Islamist movements was creative interpretations of Sunni concepts in order to acquire moral sanction for their political dissent.

Most spokesmen of the Islamic resurgence were laymen, products of academic campuses and experts in political recruitment, who took Islam out of the mosque and brought it into the marketplace and the streets. Their profile in an Arab society in transition marked the Islamic protest as a modern phenomenon unrelated to past tradition or to its authorities, the 'ulama'. Islamists—the "new priesthood," in Anthony Smith's terminology<sup>3</sup>—accused the 'ulama' of betraying the Islamic cause by their submission to deviant regimes and their insufficient social involvement. As an antithesis to *'ulama' al-sulta* or *ahl al-tabrir*—i.e., those who legitimized the prevailing political order—Islamists emphasized historical episodes of nonconformism, dissent and heroism by 'ulama' of various periods, ranging from facing torture to participating in military jihad. A formative ethos was the courageous opposition of leading 'ulama' to efforts by the 'Abbasid Caliph al-Ma'mun in the eighth century to intervene in theological and judicial issues (the *Mihna* [inquisition] episode).<sup>4</sup> The exaltation of such prominent 'ulama' as Ibn Hanbal, al-Shafi'i, Ibn Taymiyya, 'Abd al-Qadir al-Jazairi, Muhammad al-Mahdi, 'Izz al-Din al-Qassam and 'Umar Mukhtar became a central

<sup>3</sup> Anthony D. Smith, *The Ethnic Origins of Nations*, Oxford 1986, pp. 153–154.

<sup>4</sup> On the *Mihna* episode, see Nimrod Hurvitz, *The Formation of Hanbalism: Piety and Power*, London 2002, pp. 115–157.

theme in Islamist rhetoric.<sup>5</sup> According to Hasan al-Banna (d. 1949), a prominent ideologue of the modern Islamic resurgence:

The biographies of generations of exalted 'ulama' of the Muslim nation are rich in episodes of how they broke down the walls and the gates of kings and emirs, forced their opinions on them, commanded them, refused to accept their gifts, enlightened them with the truth, and presented them with the demands of the nation. Moreover, they took up arms against tyranny and exploitation. History does not forget the group of 'ulama' who participated in the revolt led Ibn al-'Ash'ath in the eastern Islamic state, or the revolt of the qadi ibn Yahya al-Laythi al-Maliki in its western state. These are the precepts of religion and this is the past of its spokesmen, the Muslim sages.<sup>6</sup>

Another ideologue of the Islamic resurgence, Sayyid Qutb (d. 1966), cited various defiant acts by 'ulama' in medieval and more recent times who showed no fear of the rulers. They carried the flame of Islam through the darkest periods of Muslim history with "a spirit raised above all worldly values, all temporal powers, and all worldly considerations."<sup>7</sup>

This and other statements aimed not only at undermining the legitimacy of contemporary 'ulama' as religious mercenaries in the service of heretical regimes, but at enhancing the legitimacy of the Islamists in their demand to re-fashion the polity, if possible under their leadership. They viewed themselves as projecting a restorative agenda directed at correcting a long-term moral and political deviation, rather than as espousing innovative or revolutionary notions. Aware of their lay status, they justified their involvement in reconstructing religious conventions by using an essentially Western Protestant argument, that Islam is not the monopoly of any one group and that all Muslims are

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<sup>5</sup> See, e.g., *Majmu'at rasa'il al-imam al-shahid Hasan al-Banna*, Beirut 1965, pp. 72–37, 258–260; 'Abd al-'Aziz al-Badri, *al-Islam bayna al-'ulama' wa'l-hukam*, Mecca 1966; Mustafa al-Siba'i, *Alam wa-amal*, Beirut 2000, pp. 9–15, 22–36; Fahd al-Qahtani, *al-Islam wa'l-wathaniyya al-su'udiyya*, n.p. 1985, pp. 58–70; the Palestinian Islamic Jihad's essay, "Qira'a fi fiqh al-shahada," *al-Islam wa-Filastin* (Nicosia), June 1988, pp. 4–6.

<sup>6</sup> *Majmu'at*, p. 72. 'Abd al-Rahman Ibn al-'Asha'th (d. 704) was the leader of a revolt against the governor of Iraq and Persia, al-Hajjaj ibn Yusuf, in 700–703. Yahya ibn Yahya al-Laythi (d. 848) took part in opposition movements against the Umayyad Amir al-Hakam I, mentioned as a participant in the famous revolt by Arrabal (al-Rabad).

<sup>7</sup> Sayyid Qutb, *Social Justice in Islam*, trans. John B. Hardie, New York 2000, pp. 191–197.

religious authorities. In their perception, every Muslim, young or old, is qualified to preach for the faith of Allah (*da'iyā*).<sup>8</sup>

'Abd al-Qadir al-Badri in 1966 aptly articulated the demands made of the 'ulama' thus:

Islam requires Muslims, and especially the 'ulama' community, which is on a crossroads, to invest their utmost efforts in clarifying the religious commandments in a determined and assertive way and to carry this cause [forward]... If they do not defend the truth, obstruct corruption, commend right, forbid wrong or demand accountability from their ruler... what is the justification of their own existence?<sup>9</sup>

The Islamists' harsh accusation of the degeneration of contemporary 'ulama' found its way into the academic work of such leading scholars as H. A. R. Gibb, Elie Kedourie, Bernard Lewis and Ira Lapidus in the 1950s and 1960s, and Emmanuel Sivan, Martin Kramer, Olivier Roy, Gilles Kepel, Barry Rubin, Haim Gerber, John Voll and John Esposito in the 1980s and 1990s. Some of these scholars debated with each other over the true nature of the Islamic phenomenon—monolithic and harsh vis-à-vis diverse and tolerant—but all shared a similar view regarding the marginalized position of the Sunni establishment. If Kramer spoke of a “religious establishment in crisis” in 1984, Voll and Esposito spoke of the “decline of the 'ulama'” in 2001.<sup>10</sup> Such a commonly held approach guided later research as well. A typical example is the sweeping assertion of the *Oxford Dictionary of Islam* (2003) that “In the modern era, the ulama's sphere of operation is confined to the mosque and the *madrassa*.”<sup>11</sup>

These Western observations perceived Sunni 'ulama' as a group in crisis under the pressure of radical forces of change, nationalist or Islamist. In contrast to the stagnant thinking and feeble status of the Sunni 'ulama', the Shi'ite *mujtahidin* were depicted as intellectual innovators and “men of action,” who championed the 1979 Islamic revolution in Iran or served as mentors and political leaders of Shi'ite protest movements in Lebanon and to a lesser extent in Iraq. Far removed

<sup>8</sup> Ibid., p. 73; also Sa'īd Hawwa, *Kay la namdi ba'idan 'an ihtiyajat al-'asr*, Beirut 1988, pp. 313–314.

<sup>9</sup> Al-Badri, *al-Islam bayna al-'ulama' wa'l-hukam*, Mecca 1966, p. 10.

<sup>10</sup> Martin Kramer, “The Religious Establishment in Crisis,” in Ami Ayalon (ed.), *Regime and Opposition in Egypt*, Tel Aviv 1984, pp. 95–99, 108–109 (Hebrew); John L. Esposito and John O. Voll, *Makers of Contemporary Islam*, Oxford 2001, pp. 14–17.

<sup>11</sup> John Esposito (ed.), *The Oxford Dictionary of Islam*, Oxford 2003, p. 325.



from the Middle East, the literature spotlighted the prolific communal and political activism of the 'ulama' in Southeast Asia, especially those identified with the Deoband school in Pakistan, a major locus for revitalizing Muslim tradition in the face of the encroachment of Western thought and institutions.<sup>12</sup>

#### CONTESTING THE PARADIGM

The harsh verdict of Islamists on modern Arab 'ulama', together with the slighting treatment of them in Western research, borders to a large extent on historical injustice. This was corrected somewhat in several studies, mainly in recent years, which pointed to vitality, activism and even influence by official 'ulama'.<sup>13</sup> However, a more integrative discussion is needed, which is one of the aims of the present chapter.

The chapter provides a more complex historical picture, in which the incorporation of the 'ulama' into the state apparatus and their stance of political quietism, did not necessarily result either in passivity or in overt antagonism between them and Islamists. Official 'ulama' did denounce the Islamists' defiance of the prevailing order. Instead of political dissent, the 'ulama' posited political quietism, and instead of revolutionary jihad they urged spiritual jihad, except in cases of external aggression. Yet Sunni 'ulama' shared the core demand of Islamist movements to reassert Islamic cultural authenticity. In the words of the popular Egyptian preacher Shaykh Muhammad Mutawalli al-Sha'rawi (who also served as minister of endowments under Sadat) in 1982:

The parameter for judging the *'alim* for praise or condemnation is not his resistance to the regime, but his ability to transmit Allah's word (*tabligh al-da'wa*). The fact that the religious establishment avoids expressing a clear opinion on certain issues does not indicate the *'alim*'s submission to the regime. On the contrary, it indicates the complexity of these issues, in which Islam's stance is ambivalent.<sup>14</sup>

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<sup>12</sup> Robert Rozehnal, "Debating Orthodoxy, Contesting Tradition," in R. Michael Feener (ed.), *Islam in World Cultures: Comparative Perspectives*, Santa Barbara 2004, pp. 107–111.

<sup>13</sup> See note 15 in the Introduction, above.

<sup>14</sup> Muhammad Mutawalli al-Sha'rawi, *'Ala ma'idat al-fikr al-Islami*, Beirut 1982, p. 25.

Al-Sha'rawi's and his colleagues' defense of the religious establishment was motivated by a pragmatic desire to neutralize Islamist criticism and re-establish the moral authority of the 'ulama', which was eroded under the impact of modernization and the proliferation of the Islamic discourse. However, an ideological *raison d'être*, going beyond considerations of class or privilege, was also at work. It was based on the centrality of the doctrine of "forbidding wrong" in the Muslim public sphere by means of preaching, social excommunication and even the use of force.<sup>15</sup> Its scriptural sanction was anchored in the Qur'an, which refers to Muslims thus: "You are the best nation ever brought forth to men, bidding to honor, and forbidding dishonor, and believing in God" (3:110). This verse encompasses the Islamic claim of moral exclusivity in molding human history. Throughout Muslim history, the doctrine of "forbidding wrong" was positioned in Islam as the twin pillar of faith, alongside jihad against infidels.<sup>16</sup> The injunction defines the relationship between God and man in essentially contractual rather than voluntary terms. Its underlying premise is that man is not only a social creature but also a metaphysical one. He is in need not only of a social regime but of religious uplift, which can be accomplished only by close guidance.

In advocating the imperative of "forbidding wrong," and in line with their tradition of political conformism, official 'ulama' objected to the privatization of power and vesting it in the hands of individuals, for fear of anarchy. They insisted, however, that the state had the duty to supervise social morality, especially in the face of a growing erosion of faith due to the temptations of modernity. This sense of cultural siege enhanced the commitment of the 'ulama' to "forbidden wrong," leaving little room for reformist or modernist tendencies in their ranks.<sup>17</sup>

Translating ideals into deeds, 'ulama' in Egypt, Jordan and Palestine, and to a lesser extent in Syria and Lebanon, opposed agents of secular culture throughout the twentieth century and sought to reinstate traditional gender and religio-sectarian boundaries. These issues constituted the prism through which Islam projected its authority, marking the decisive difference between the community of the faithful and any

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<sup>15</sup> See, e.g., Ahmad 'Izz al-Din al-Bayanuni, *al-Amr bi'l-ma'aruf wa'l-nahi 'an al-munkar*, Cairo 1985.

<sup>16</sup> On the historical status of the imperative in Islamic thought, see Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought*, Cambridge 2000.

<sup>17</sup> Al-Bayanuni, *al-Amr bi'l-ma'aruf*, pp. 182–184.

other community. This conservative approach was adhered to not just by 'ulama' who were peripheral in rank or geographical location and had more intimate relations with the populace or with Islamist circles, as illustrated by Malika Zeghal in the Egyptian case and Joshua Teitelbaum in the Saudi case.<sup>18</sup> It was also followed by senior 'ulama' in the metropolitan centers, for whom assertiveness in promoting the *shari'a* cause and enforcing social morals was perceived as an inherent part of their function. It also explains the common language they had with *da'wa* (communal) movements, mainly the Muslim Brotherhood.

This puritanical tone was set by al-Azhar leadership in Egypt during the monarchy and even after the July Revolution of 1952, not only in polemical writings, best reflected in *Majallat al-Azhar* during the height of Nasserism in the 1950s, but also in action. Azharis blocked proposed legislation to promote women's rights, ignored state family planning schemes, defamed liberal intellectuals, and placed heterodox sects such as the Ba'hais and the Ahmadis beyond the pale during these periods. Of special concern to al-Azhar was the issue of Christian missionary activity in Egypt, which was perceived as a neo-Crusade supported by the British colonial authorities to uproot the Islamic faith. Thus prominent 'ulama' led by the rector of al-Azhar, Shaykh Mustafa al-Maraghi (1928–1930, 1935–1945), established the Society for the Defense of Islam in 1928, which lashed out against missionaries in the decades that followed. The process of decolonization, which reached a peak in the 1952 revolution, facilitated Azhar efforts to outlaw Christian missionaries.<sup>19</sup> Thereafter, the religious resurgence in the last quarter of the twentieth century, which deepened the ideological predicament of the Egyptian regime under Sadat (1970–1981) and Mubarak (from 1981), enhanced the public influence of al-Azhar. In 1994 this centuries-old seat of higher Islamic learning was officially recognized as the sole supervisory body of matters of faith and as the official authority in evaluating new books, plays and films, and recommending whether they should be published

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<sup>18</sup> Malika Zeghal, "Religion and Politics in Egypt: The Ulema of al-Azhar, Radical Islam and the State 1952–1994," *International Journal of Middle East Studies* 31 (August 1999), pp. 378–388; Joshua Teitelbaum, *Holier Than Thou: Saudi Arabia's Opposition*, Washington, DC, 2000, pp. 1–12.

<sup>19</sup> Hatina, "Historical Legacy and the Challenge of Modernity," pp. 51–68; Heather J. Sharkey, "Empire and Muslim Conversion: Historical Reflections on Christian Missions in Egypt," *Islam and Christian-Muslim Relations* 16 (January 2005), pp. 46–48.

or banned.<sup>20</sup> Endowed with official backing, Azharis, including those in high ranks, such as rectors 'Abd al-Halim Mahmud (d. 1978) and Jadd al-Haqq 'Ali Jadd al-Haqq (d. 1996), advocated even stricter Islamic regulation of Egyptian public life.<sup>21</sup>

In the Syrian arena, the resilience of official 'ulama' was less pronounced but still palpable. Efforts by secular Ba'th circles to relegate Islam to the pages of history with the publication of an atheistic article in an army journal in 1967 evoked public outcries in which leading Sunni clerics, led by Shaykh Hasan Habannakah, president of the League of 'Ulama' (*Rabitat al-'Ulama' al-Diniyya*), played a prominent role. The League also pressed for the amending of the constitution so as to require the head of state to be a Muslim.<sup>22</sup> This lesson was internalized by Hafiz al-Assad, who, in the early 1970s, sought to reinforce the ruling 'Alawite sect with Sunni, and not only Shi'ite, legitimation. Despite the centralization and secularism of the Syrian state, Sunni 'ulama' were able to delimit intellectual discourse in matters of faith. Shaykh Muhammad Sa'id Ramadan al-Buti, an eminent scholar and professor of *shari'a* law at the University of Damascus, defied the liberals' arbitrary use of *ijtihad* as fomenting dangerous chaos. He also ruled that a Muslim who renounces his faith publicly is considered an aggressor and a corrupting element in society, whose punishment is death according to the *shari'a* rule on apostasy.<sup>23</sup> While both the Egyptian and the Syrian milieus also produced moderate religious scholars—such as Muhammad Sayyid Tantawi, the current rector of al-Azhar, and Ahmad al-Kuftaru,

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<sup>20</sup> However, formal Azhar bodies, such as the Islamic Research Academy, tended to refrain from accusing liberal writers of blasphemy (*ridda*). They defined apostasy as a severe crime that calls for careful legal procedures and needs to be dealt with in state courts, thereby defying the Islamists' right to issue *fatwas* that leveled the charge of *takfir*. Such *fatwas* were perceived by senior Azharis as tantamount to anarchy. See also Muhammad Abu Samra's paper in this volume.

<sup>21</sup> Tamir Moustafa, "Conflict and Cooperation between the State and Religious Institutions in Contemporary Egypt," *International Journal of Middle East Studies* 32 (2000), pp. 16–17; Hatina, "Historical Legacy and the Challenge of Modernity," pp. 62–63; see also *al-Majalla* (London), 4 June 2000.

<sup>22</sup> Emmanuel Sivan, *Radical Islam: Medieval Theology and Modern Politics*, New Haven 1990, p. 52; Henry Munson, *Islam and Revolution in the Middle East*, New Haven 1988, pp. 88–89.

<sup>23</sup> Andreas Christmann, "Islamic Scholar and Religious Leader: Shaikh Muhammad Sa'id Ramdan al-Buti," in J. Cooper, R. L. Nettler and M. Mahmoud (eds.), *Islam and Modernity: Muslim Intellectuals Respond*, London 1998, pp. 57–81; also al-Buti, quoted in Meir Litvak, "The Concept of Freedom in Modern Islamic Thought," *Historia* 16 (July 2005), p. 73 (Hebrew).

the late mufti of Syria and a Sufi shaykh—their more inclusive outlook was challenged by puritanical elements in their own religious scholarship community.<sup>24</sup>

In Palestine, the ringing endorsement by the ‘ulama’ of the national cause did not inhibit their determination to prevent it from moving in a secular direction. This duality was evident as early as the 1920s and 1930s, when the Supreme Muslim Council under Hajj Amin al-Husayni supported the Palestinian national agenda against the British Mandate and the Zionist movement, but in parallel conducted a struggle against missionary activity, insisted on the veil for women, and forbade attendance in theaters and other places of entertainment. The Council even established an association for the purpose of “forbidding wrong” during this period. A network of hundreds of functionaries were at the Council’s disposal, and it managed a wide range of religious endowments, *shari‘a* courts, an educational system and orphanages, as well as controlling various newspapers, making it one of the most powerful institutions in the Arab Palestinian community.<sup>25</sup> The fierce struggle over the land of Palestine, which occupied a central status among its local inhabitants,<sup>26</sup> shunted aside modernist orientations.<sup>27</sup> The Council’s strong hold remained intact even when threatened by militant groups led by unaffiliated ‘ulama’, most prominently Shaykh ‘Izz al-Din al-Qassam (d. 1935), who attacked the Council for its perceived conciliatory stance toward the British mandate. This assertion differs from that by Beverley Milton-Edwards, who held that “in terms of translating Islamic political ideas into a mobilizing force among the Muslim

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<sup>24</sup> On Tantawi and al-Kuftaru, see Jakob Skovgaard-Petersen, *Defining Islam for the Egyptian State*, Leiden 1997, pp. 251–290; Leif Stenberg, “Naqshbandiyya in Damascus: Strategies to Establish and Strengthen the Order in a Changing Society,” in Elisabeth Özdalga (ed.), *Naqshbandis in Western and Central Asia: Change and Continuity*, Istanbul 1999, pp. 101–116; see also *al-Watan al-‘Arabi* (London), 5 February 1999; *al-Wasat* (London), 18 September 2000.

<sup>25</sup> Uri M. Kupferschmidt, *The Supreme Muslim Council*, Leiden 1987, pp. 247–253; Yaacov Shimoni, *The Arabs of the Land of Israel*, Tel Aviv 1947, pp. 75–86 (Hebrew); Yitzhak Reiter, *Islamic Endowments in Jerusalem under British Mandate*, London 1996, pp. 22–35, 47–70, 221–233; also Mustafa Khbah, *Journalism in the Eye of the Storm: The Political Press Shapes Public Opinion, 1929–1939*, Jerusalem 2004, pp. 23–25, 37–39, 59–62, 117–130, 255, 258–262 (Hebrew).

<sup>26</sup> See also Haim Gerber, “Palestine and Other Territorial Concepts in the 17th Century,” *International Journal of Middle East Studies* 30 (1998), pp. 563–572.

<sup>27</sup> Kupferschmidt, *The Supreme Muslim Council*, p. 251.

community, institutional Islam failed. It was, and remains, weak and symbolic."<sup>28</sup>

The Council of Mandatory times was replaced by the Islamic Council under post-1967 Israeli rule; but its moralist paradigm was sustained by such senior Palestinian 'ulama' as 'Abd al-Hamid al-Sa'ih and Sa'd al-Din al-'Alami under the PLO in the 1970s and 1980s, and Taysir al-Tamimi and 'Akrama Sabri under the Palestinian Authority in the 1990s. The close identification created by these 'ulama' between religion and nationalism, and the fact that some of them were in charge of guarding the holy places in Jerusalem and the West Bank against so-called "Zionist defilement," enhanced their religious prestige.<sup>29</sup> They also found common cause with the Islamist opposition—the Muslim Brotherhood/Hamas and Islamic Jihad—in heightening religious consciousness in society and prescribing the moral path the community should follow. As 'Akrama Sabri, the Palestinian Grand Mufti, clearly defined it, "every nation has its own customs and values. What is permissible in other nations in the West is not suitable or allowed in our country."<sup>30</sup> This conviction was backed up by intense religious activity, including establishing centers for the study of the Qur'an, providing stipends for students, assisting charitable associations, organizing public celebrations of religious events and holidays, and publishing Islamic journals.<sup>31</sup>

The resolve of official 'ulama' was even more pronounced in the semi-tribal monarchies, such as those in Saudi Arabia, Bahrain and Morocco, where they were formally tasked with supervising public morality, were given sufficient budgets and had means placed at their disposal. The term "guardians of the faith," therefore, retained concrete content even in modern times. 'Ulama' in the Arab world also played an active role in backing national religious movements in Afghanistan, Chechnya, Bosnia and Eritrea. Moreover, the Sunni establishment served as a

<sup>28</sup> Beverley Milton-Edwards, *Islamic Politics in Palestine*, London 1996, p. 35.

<sup>29</sup> See the memoirs of 'Abd al-Hamid al-Sa'ih (d. 2001), who also served as president of the Palestinian National Council (PNC) in 1987–1993: *Filastin la salat taht al-harab*, Beirut 1994, pp. 49–50, 76–77, 82–86, 89–93, 115–121, 139–141. See also Sa'd al-Din al-'Alami, *Watha'iq al-hayha al-Islamiyya al-'ulya 1967–1984*, Jerusalem 1984.

<sup>30</sup> See, e.g., al-Sa'ih, *Filastin*, p. 53; *al-Quds* (East Jerusalem) 8 March 2001; *al-Hayat al-Jadida* (Gaza), 23 April 2006.

<sup>31</sup> Organs of the Palestinian religious establishment that covered Islamic issues and provided moral guidance, including publishing *fatwas*, included *Huda al-Islam*, *al-Minbar* and *Nur al-Yakin*, published in the West Bank and Gaza Strip.

primary exporter of a puritanical version of Islam to Eastern Asia and Africa—regions characterized by religious pluralism and even syncretism, due inter alia to the strong hold of Sufism. The ancient *madrasa* of al-Azhar in Cairo (established in 972) and the Muslim World League in Riyadh (established in 1962) became leading centers for the export of preachers, religious texts and *fatwas*, while also sponsoring charitable enterprises. These two *da'wa* bodies, which simultaneously served the political interests of their governments, became patrons of transnational Islam.

The Saudi Muslim World League, charged with the task of exporting the Wahhabiyya brand of Islam, soon took the lead in remolding the global Islamic landscape through the power of petro-Islam. Its sponsorship extended over various parts of the Muslim world and backed local Islamic movements in ethnic and inter-religious conflicts in southeast and Central Asia.<sup>32</sup> The League's influence even penetrated the Azhar establishment during the 1970s, when Egyptian 'ulama' who had been based in *madrasas* in Mecca, Medina and Riyadh returned to their country with more extreme definitions of proper religious behavior.<sup>33</sup>

Active not only in the internal Islamic orbit but also in Islamic relations with other cultures, official 'ulama' played a key, albeit negative, role in the unfolding normalization (*tatbi'*) process with Israel following the Egyptian-Israeli accord of 1979, the Oslo Accords in 1993 and the Jordanian-Israeli peace treaty in 1994. 'Ulama' in Cairo and Amman ruled that a Muslim who visits Israel or fosters economic ties with it exposes himself to illness and suffering as well as the torments of hell.<sup>34</sup> These and other molders of the Arab discourse, both Islamist and secular, helped relegate Israel's aspiration for cultural, in addition to political, integration in the Middle East to a utopian vision.

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<sup>32</sup> David D. Commins, *The Wahhabi Mission and Saudi Arabia*, London 2006, 152–153, 174–175, 190–193; Noorhaidi Hasan, “Between Transnational Interest and Domestic Politics: Understanding Middle Eastern Fatwas on Jihad in the Moluccas,” *Islamic Law and Society* 12 (2005), pp. 73–92.

<sup>33</sup> Zeghal, “Religion and Politics in Egypt,” pp. 378–380.

<sup>34</sup> See, e.g., *al-Sabil* (Oslo), 23 August 1994; *Filastin al-Muslima* (London), October 1995.

## ISLAMISTS VS. 'ULAMA'

Islamists, for their part, did not burn their bridges with the Sunni establishment. As far back as the early twentieth century, Rashid Rida (d. 1935), the founder of the modern Salafiyya, applauded al-Azhar for uprooting heresy and immoral conduct in accordance with the imperative of "forbidding wrong." Rida's follower in the 1930s, Hasan al-Banna (d. 1949), the leader of the Muslim Brotherhood in Egypt, condemned the dogmatic thinking of the Azharis but maintained cordial relations with them. Acknowledging that their role in the modern renaissance of the East is "not forgotten nor is it alien," he argued that reconciliation rather than annihilation should guide the Brotherhood. Azhar 'ulama' also preached in the Brotherhood mosques and wrote in the movement's newspapers.<sup>35</sup> The fact that al-Azhar controlled a wide range of religious institutions was another reason for al-Banna's conciliatory stance regarding the ancient *madrasa*.

Al-Banna's followers, such as Hasan al-Hudaybi (d. 1966) and 'Umar al-Tilmisani (d. 1985), continued to display a restrained stance toward al-Azhar. They demanded that the state restore the organizational and religious independence which that venerable institution had lost during the Nasserist revolution, so that its scholars could disseminate the messages of Islam in a worthy manner and serve as the legal conscience of the Muslim world. The fact that the Brotherhood leadership included such prominent preachers as 'Ashur Nasr and Salah Abu Isma'il also contributed to the creation of points of convergence and constructive discourse between the *da'wa* movement and al-Azhar.<sup>36</sup>

This pragmatism was also displayed by al-Banna's disciple, Mustafa al-Siba'i (d. 1958), the leader of the Muslim Brotherhood in Syria in the 1940s and early 1950s. Al-Siba'i criticized the 'ulama' for shunning politics and pursuing material gains, yet he joined forces with them to provide Islamic guidance for society. He even defined the 'ulama'—and not the lay Islamists—as "the leaders of the nation," whose opinions are binding even for the rulers—a softened Sunni version of Khomeni's

<sup>35</sup> R. P. Mitchell, *The Society of the Muslim Brothers*, 2nd ed., New York 1993, pp. 211–214; Muhammad 'Abd al-'Aziz Da'ud, *al-Jam'iyyat al-Islamiyya wa-dawruha fi nashr al-da'wa al-Islamiyya*, Cairo 1992, pp. 111–112.

<sup>36</sup> See also Carrie R. Wickham, *Mobilizing Islam: Religion, Activism and Political Change in Egypt*, New York 2003, p. 110.



Shi'ite doctrine of the "rule of the jurisprudence" (*vilayat al-faqih*).<sup>37</sup> In the same vein, Taqi al-Din al-Nabahani, the leader of the radical Islamic Liberation Party in Jordan in the early 1950s, positioned the chief qadi as the second pillar, alongside the caliph, in implementing the Islamic regime.<sup>38</sup> The elevated status attributed to the 'ulama' by al-Siba'i and al-Nabahani reflected their own backgrounds as religious scholars who recruited some of their cadres from this reservoir, at least in the formative stage of their movements. This was reflected particularly in the Syrian Brotherhood leadership, which included a group of 'ulama' and key members from 'ulama'-linked families. Moreover, 'ulama' played a central role in the movement's political mobilization, led the trend against the Ba'th's secularism and its repressive policy in the 1960s, and were active in introducing Islamic provisions in Syria's 1973 constitution.<sup>39</sup>

The focus of the Muslim Brotherhood in Egypt and Syria on communal activity laid the groundwork for a more qualitative basis of common interests with the Sunni establishment. This was also evident in sister movements in Jordan, Sudan and Palestine (mainly in the West Bank) during the 1960s and the 1970s.<sup>40</sup> Moreover, some Islamists, such as the Jordanian Amin Sadiq and the Egyptians Fahmi Huwaydi, Muhammad al-Ghazali and Yusuf al-Qaradawi, explicitly praised the historic and contemporary record of the 'ulama' in preserving the faith and in their social commitment. These Islamists systematically retained the official 'ulama' in the pedagogic enterprise of molding the "new believer," although they demanded a greater display of religious knowledge, fear of God and intellectual openness. In al-Qaradawi's view, access to the scriptures is open to all and is mandated by the religion itself. However, he pointed out, every field has its own experts: just as an engineer cannot make judgments on medical issues nor a physician on judicial issues, so the *shari'a* cannot serve as a "playground" for laymen. Thus Muslims should respect the 'ulama' and seek their advice in matters of worship and law, as did the believers and dignitaries in the

<sup>37</sup> Al-Siba'i, *al-Alam wa-amal*, pp. 9–36.

<sup>38</sup> Taqi al-Din al-Nabahani, *Nizam al-Islam*, 2nd ed., Jerusalem 1953, pp. 40–41, 81.

<sup>39</sup> Raymond A. Hinnebusch, "State and Islamism in Syria," in Abdel Salam Sidahmed and Anoushiravan Ehteshami (eds.), *Islamic Fundamentalism*, Boulder 1996, pp. 202–203.

<sup>40</sup> See also Quintan Wiktorwicz, *The Management of Islamic Activism: Salafies, the Muslim Brotherhood and State Power in Jordan*, New York 2001.

Prophet's time.<sup>41</sup> In the same vein, Amin Sadiq emphasized that despite the historical weaknesses of the religious scholarship community—for example, overly esoteric scholastic debates or aspirations to wealth and prestige—its members played a decisive role in preserving and transmitting Islamic tradition and ethics. Moreover, their activity was marked by dedication and social commitment. The modern Islamist, therefore, needed to look back at his predecessors' accomplishments with legitimate pride, while learning from their inadvertent mistakes with profound humility.<sup>42</sup>

In displaying a conciliatory stance toward the 'ulama', Sadiq, Huwaydi, al-Ghazali and al-Qaradawi aimed to turn them into allies rather than exclude them from the Islamic landscape. Notably, the last two, al-Ghazali and al-Qaradawi, were both graduates of al-Azhar and enjoyed religious prestige among Islamist movements and official 'ulama' alike, thereby bridging the gap between the two sides.<sup>43</sup>

Even the ideologies of the Sunni revolution eschewed a sweeping anti-'ulama' polemic, as evidenced in the writings of Sayyid Qutb, Fathi Yakan and Sa'id Hawwa. Hawwa, a *shari'a* college graduate of middle-class background whose biography also included a period of study with Sufi Naqshbandis in Hamma, Syria, had lavish praise for the 'Ulama' Association (*Jam'iyat al-'Ulama'*), which was active in that city in the 1930s and 1940s. He attested to the key role of the association in sponsoring religious festivals, preaching persuasive religious sermons and establishing educational venues. The multi-faceted activity of the 'ulama' and the wide audience they attracted proved that "they were better equipped than others in spreading the teachings of Islam." Thus Hawwa and his colleagues saw no contradiction in affiliating with

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<sup>41</sup> Muhammad al-Majdhub, *'Ulama' wa-mufakkirin 'arafuhum*, Beirut 1977, vol. 1, pp. 463–467; Yusuf al-Qaradawi, *al-Sahwa al-Islamiyya bayn al-jumud wa'l-tatarruf*, n.p. 1990, pp. 203–209; idem, in an obituary of the Syrian Shaykh Mustafa al-Zarqa' (d. 1998), in *Fatawa Mustafa al-Zarqa'*, Damascus 1999, pp. 5–15; Armando Salvatore, *Islam and the Political Discourse of Modernity*, Reading 1997, pp. 202–204; Muhammad Qutb, *Waqi'una al-mu'asir*, Jeddah 1989, pp. 503–506; Fahmi Huwaydi, *al-Qur'an wa'l-sultan*, 3rd ed., Cairo 1991, pp. 61–67.

<sup>42</sup> Sadiq Amin, *al-Da'wa al-Islamiyya*, Amman 1978, pp. 41–45. See also Isma'il Ibrahim Nawwab, "Reflections on the Roles and Educational Desiderata of the Islamist," in Khurshid Ahmad and Zafar I. Ansari (eds.), *Islamic Perspectives: Studies in Honour of Mawlana Sayyid Abul A'La Mawdudi*, London 1979, pp. 43–49.

<sup>43</sup> See also Muhammad Qasim Zaman, "The Scope and Limits of Islamic Cosmopolitanism and the Discursive Language of the 'Ulama'," in Miriam Cook and Bruce B. Lawrence (eds.), *Muslim Networks from Hajj to Hip Hop*, Chapel Hill 2005, pp. 96–97.

both the 'ulama' community and the Muslim Brotherhood, as relations between them were characterized by mutual respect and harmony.<sup>44</sup> Other Islamists in the Arab world came to the defense of senior 'ulama' who were attacked or ridiculed by liberal secular writers, held charismatic shaykhs in esteem<sup>45</sup> and sought the support of official Islam in promoting their agenda.

Most prominent in this respect were the Islamic Jihad and Hamas movements in Palestine, who positioned Islam as a "theology of liberation" against Israel but lacked indigenous religious scholars with the authority and prestige of their counterparts in Egypt, Jordan and Saudi Arabia.<sup>46</sup> Furthermore, both movements feared that one of their main weapons, "suicide acts," would be perceived as acts of despair by the Palestinians under Israeli occupation. 'Ulama' from both the senior and lower ranks rose to the Islamic Palestinian expectations. Through sermons in mosques and *fatwas* in the print and electronic media, Sunni 'ulama' backed the Islamic cause in Palestine and provided the necessary judicial sanction for "suicide acts" as the pinnacle of the worship of Allah. However, they were also careful to set theological and moral boundaries to such acts by limiting its legitimacy to use in the Palestinian orbit and in other Muslim arenas of religious-national struggle against occupation, so as to dampen its attractiveness to other militant groups in the Arab Middle East.<sup>47</sup>

The 'ulama's assertiveness in the Palestinian-Israeli conflict, as well as in defending Islamic norms in the Muslim public sphere generally, also implied a reassertion of their social status and self-perception as the authentic carriers of Islamic tradition. To this end, they made extensive use both of Islam's cultural and structural assets—sacred texts, ethos, ritual, mosques and *madrāsas*—and the "technological

<sup>44</sup> Sa'id Hawwa, *Hadhihi tajribati wa-hadhihi shahadati*, Cairo 1987, p. 88.

<sup>45</sup> Johannes J. G. Jansen, *The Dual Nature of Islamic Fundamentalism*, Ithaca 1997, pp. 115–16; Skovgaard-Petersen, *Defining Islam*, p. 219.

<sup>46</sup> Hamas did establish an official forum, the Association of Palestinian 'Ulama' (*Rabitat 'Ulama' Filastin*), in the West Bank and the Gaza Strip in 1991 to serve as a supreme religious authority and to persuade secular Palestinians of Islam's superior status as a way of life and thought. The forum however, became insignificant—inter alia, due to opposition by the external leadership of Hamas, located in Damascus, to a body outside its control.

<sup>47</sup> D. F. Green, *Arab Theologians on Jews and Israel*, Geneva 1976; *Fatawa 'ulama' al-Muslimin bi tahrir al-bay' wa'l-tanazul wa'l-ta'wid 'an ard Filastin*, Amman 2000; Meir Hatina, "'Ulama' and the Cult of Death in Palestine," *Israel Affairs* 12 (January 2006), pp. 29–51.

attributes" of modernity—the press, the electronic media, audio and videocassettes and the Internet. This utilization of advanced communications techniques attested to the adaptive nature of Sunni 'ulama' to new contexts. They had come a long way since their aversion and resistance to the introduction of the print medium in the eighteenth and early nineteenth centuries, when they feared that mass publishing would damage the sanctity of the Arabic language as well as break their monopoly over intellectual life.<sup>48</sup>

The perception of modern technology as a threat and an instrument of Western colonialism was transformed to a view of it as an asset and an added means of projecting religious authority, disseminating correct interpretations, debating adversaries and reaching new audiences. Media and online preachers and muftis became effective conduits of faith and ethics in the ideological marketplace. Notably, this shift in perception was also evident among Sufi orders, as was shown by Carl W. Ernst in an article in 2005.<sup>49</sup> Facing the risk of the democratization of religious knowledge and the redefinition of Islamic discourse,<sup>50</sup> the "guardians of faith" equipped themselves with new modes of communications by which to compete with "the new intellectuals," in Olivier Roy's terminology.<sup>51</sup> These new media enhanced the existing assets of religious officialdom—budgets, posts, institutions and *fatwa* forums provided by the state. Together, these assets served as a substitute and compensation for the loss of traditional monopolies in the realms of education, law and religious endowments during the encounter with modernity, and prevented the marginalization of the 'ulama' in the polity.

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<sup>48</sup> Reinhard Schulze, "Mass Culture and Islamic Cultural Production in Nineteenth Century," in George Stauth and Sami Zubaida (eds.), *Mass Culture, Popular Culture and Social Life in the Middle East*, Frankfurt am Main 1987, pp. 194–202; Francis Robinson, "Technology and Religious Change: Islam and the Impact of Print," *Modern Asian Studies* 27 (1993), pp. 234–236; Ami Ayalon, *The Press in the Arab Middle East*, New York 1995, pp. 166–173.

<sup>49</sup> Gary R. Bunt, *Islam in the Digital Age: E-Jihad, Online Fatwas and Cyber Islamic Environments*, London 2003; Carl W. Ernst, "Ideological and Technological Transformations of Contemporary Sufism," in Cook and Lawrence (eds.), *Muslim Networks from Hajj to Hip Hop*, pp. 191–207.

<sup>50</sup> Dale F. Eickelman and Jon W. Anderson, "Redefining Muslim Publics," in idem, *New Media in the Muslim World*, Bloomington 1999, pp. 1–18.

<sup>51</sup> Olivier Roy, *The Failure of Political Islam*, London 1994, pp. 93–106.

## CONCLUSION

The discourse of the religious establishment in the modern Arab Middle East was more diverse than has been portrayed by both Islamists and Western scholars. It contained voices of conformity, submission and reform, but also of protest and dissent. This variety of approaches reflected the absence of a centralized hierarchy, the extensive range of religious functions, and the diversity of social profiles and power struggles in the 'ulama' ranks. As a result, the seemingly rigid intellectual boundaries that separated official 'ulama' from other sectors of the religious milieu were, in reality, fluid. The fact that throughout modern times the 'ulama' were exposed to persistent governmental efforts to reform their institutions, and were constantly challenged by liberal secular writers as being dogmatic and regressive in social and intellectual matters, provides an illuminating indication.<sup>52</sup>

Undoubtedly, the highly politicized Islamic resurgence in the last quarter of the twentieth century, which posed an ideological predicament to the elites in the Arab countries, stimulated assertive communal involvement by official 'ulama'.<sup>53</sup> However, a careful historical survey reveals that this assertiveness was evident much earlier, that it went back to the late nineteenth and early twentieth centuries. Arguably, the struggle of the 'ulama' to set moral limits to the national impetus in Arab societies, prevent the erosion of the Islamic ethos in the public sphere, and delegitimize foreign culture and missionary activity had the effect of preparing a more responsive environment for the Islamists in which to promote their cause.

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<sup>52</sup> See, e.g., Amin al-Mahdi, *al-Sira' al-'Arabi al-Isra'ili: azmat al-dimuqratiyya wa'l-salam*, Cairo: 1994, ch. 4; *al-Ra'y al-'Amm* (Kuwait), 6, 10 October 2004.

<sup>53</sup> This observaion is best reflected in Shmuel Bachar et al., *Establishment Ulama and Radicalism in Egypt, Saudia Arabia and Jordan*, Washington, DC, 2006.

## CHAPTER TWELVE

### LIBERAL CRITICS, 'ULAMA' AND THE DEBATE ON ISLAM IN THE CONTEMPORARY ARAB WORLD\*

Muhammad Abu Samra

#### INTRODUCTION

In the mid-1960s a small group of Arab intellectuals engaged in a new discourse concerning what they saw as a crisis that dominated the political, social and cultural life of Arab societies. At first, these intellectuals diagnosed the crisis as a lack of progress in achieving the objectives of Pan-Arab nationalism. A few of them criticized the dominance of traditional religious thinking in Arab societies. In consequence of the military defeat of 1967 every aspect of Arab life was submitted to harsh examination. The defeat has been perceived not only as a military one but equally as a social and cultural one. The rise of Islamic radicalism and its political and social programs at the end of the seventies deepened the sense of pessimism among liberals favoring progress. The tyranny of Arab regimes, the weakness of democracy, and other social and economic failures made the crisis a comprehensive one.

In this frustrating reality and in light of the dominance of traditional Islamic values, liberal intellectuals turned to the study of Islam, its history, theology and scriptures. For them, the problem was not with Islam in itself (which they perceived as an important component of the society's culture and identity) but rather with its dominant traditional understanding, which is considered an obstacle to the social and cultural modernization of Arab societies.

The liberals believe that a critical reinterpretation of Islam can contribute to the promotion of a social and political order based on such modern values as civil rights, equality, freedom of thought, and cultural and intellectual openness. Generally, liberals are socially and politically marginal in contemporary Arab societies; but their presence in the

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\* This paper is partially based on a chapter in my Ph.D. dissertation about attitudes to the Qur'an in contemporary Arab liberal thought, Department of Middle Eastern History, Haifa University. I want to thank my supervisors, Professors Avner Giladi and Israel Gershoni, for their support and professional guidance.

cultural sphere—such as the literary field, academia, and the written and electronic media—is remarkable. They are also actively engaged in diverse human rights and feminist organizations. Their views are communicated mainly through publications, symposia, and media programs and debates. Leaving aside the judicial prosecution and physical persecution that some of them have faced, those who promote Western projects for the democratization of the Arab world have increased the local and international public interest in their views and writings.

In a few cases these critics had been trained academically in the field of Islamic studies; they include Nasr Hamid Abu Zayd, Khalil 'Abd al-Karim, Muhammad 'Abid al-Jabri and 'Abd al-Majid al-Sharafi, among others. But most of the liberal critics lack formal academic training in Islamic studies. For example, Muhammad Sa'id al-'Ashmawi is from the field of law; Fatima Marnissi is a sociologist; Fu'ad Zakariya, Sayyid Mahmud al-Qimni, Sadiq Jalal al-'Azm and Khalil Ahmad Khalil specialize in philosophy; the academic training of Luwis 'Awad is in English literature; Nawal al-Sa'dawi is a physician; Muhammad Shahrur is from the field of civil engineering; The academic specialization of Ahmad al-Baghdadi and Turki al-Hamad is in political science; Faraj Fuda (d. 1992) was an agronomist. And this list is only partial.<sup>1</sup>

Regardless of their academic, political and religious differences, these intellectuals have turned to the study of Islam because of social and political considerations rather than out of academic interest. They seek to submit Islamic scriptures and formative history to historical examination. They believe historical understanding can weaken and undermine the hegemonic ahistorical Islamic interpretations that constitute one of the causes of the cultural crisis in Arab society and pose an obstacle to the creation of a broad social basis of critical religious thought.

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<sup>1</sup> See Issa Boullata, *Trends and Issues in Contemporary Arab Thought*, Albany 1990; Hisham Sharabi, "Cultural Critics of Contemporary Arab Society," *Arab Studies Quarterly* 9 (1987), pp. 1–19; Ibrahim Abu-Rabi', *Contemporary Arab Thought*, London 2004; Emmanuel Sivan, "Arab Revisionist Historians," *Asian and African Studies* 12 (1978), pp. 283–311; Fauzi Najjar, "The Debate on Islam and Secularism in Egypt," *Arab Studies Quarterly* 18/2 (1996), pp. 1–21; Ami Ayalon, *Egypt's Quest for Cultural Orientation*, Tel Aviv 1999; As'ad AbuKhalil, "Against the Taboos of Islam: Anti-Conformist Tendencies in Contemporary Arab/Islamic Thought," in C. Butterworth and I. W. Zartman (eds.), *Between the State and Islam*, Cambridge 2001, pp. 110–133; Meir Hatina, *Identity Politics in the Middle East: Liberal Thought and Islamic Challenge in Egypt*, London 2007; Michaelle Browsers and Charles Kurzman (eds.), *An Islamic Reformation?* Lanham 2004; Muhammad Abu Samra, *Attitudes to the Qur'an in Contemporary Critical Arab Thought*, MA thesis, Tel Aviv University 2006 (Hebrew).

The liberal interpretations have been vocal and have invoked diverse responses: literary, judicial and political. In a few cases liberal critics have faced physical persecution. The objective of this chapter is to examine the involvement of the 'ulama' in dealing with liberal religious arguments in contemporary Arab societies. It concentrates mainly on establishment and high-ranking 'ulama', their patterns of behavior and the strategies employed by them in dealing with a social and cultural phenomenon.

Few studies have been written about the 'ulama' in the contemporary Arab world, and these have dealt only indirectly with the 'ulama' response to liberal critical thought. In general, these studies tend to emphasize the similarities between the responses of Islamists and those of the 'ulama' and the cooperation between the two in attacking liberal interpretations and prosecuting their authors. In this respect, the dividing line between Islamists and 'ulama' has been blurred.<sup>2</sup>

However, this study modifies this conclusion and argues that in spite of some similarities in the rhetoric of the arguments, the patterns of involvement of 'ulama' in dealing with liberal texts are much more complicated than has been described in the aforementioned studies.

The engagement of the 'ulama' with the liberal discourse is examined on four levels: polemics, censorship and banning of liberal texts, judicial prosecution and the issuing of *fatwas* of *takfir* (charges of apostasy) that in some cases legitimize the physical persecution of liberal critics. These different levels provide a more nuanced description of 'ulama' involvement, its specific characteristics and also its limitations.

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<sup>2</sup> Ayalon, *Egypt's Quest*, mainly pp. 21–26; Muhammad Qasim Zaman, *The Ulama in Contemporary Islam: Custodians of Change*, Princeton 2002, p. 147; Malika Zeghal, "Religion and Politics in Egypt: The Ulema of al-Azhar, Radical Islam and the State (1952–1994)," *International Journal of Middle Eastern Studies* 31/3 (1999), pp. 371–399; Meir Hatina, "Historical Legacy and the Challenge of Modernity in the Middle East: The Case of al-Azhar in Egypt," *The Muslim World* 93 (2003), p. 63; Tamir Moustafa, "Conflict and Cooperation between the State and Religious Institutions in Contemporary Egypt," *International Journal of Middle Eastern Studies* 32/1 (2000), p. 14; Steven Barraclough, "al-Azhar: Between the Government and the Islamists," *Middle East Journal* 52/2 (1998), pp. 236–249; Salwa Ismail, *Rethinking Islamist Politics*, London 2003, ch. 3; Fauzi Najjar, "Islamic Fundamentalism and the Intellectuals: The Case of Nasr Hamid Zayd," *British Journal of Middle Eastern Studies* 27 (2000), pp. 177–200; idem, "Book Banning in Contemporary Egypt," *The Muslim World* 91/3–4 (2001), pp. 399–424.



## POLEMICS: BETWEEN EXCLUSION AND CONTROLLED DIALOGUE

The debate against liberal texts has been undertaken by a variety of actors: official and independent 'ulama', journalists, lawyers, Islamists, advanced students and even secular state courts.<sup>3</sup>

The particular involvement of official 'ulama' in our context is manifested in their active encouragement of Islamic counter-texts; they consider it a religious duty of Muslim writers to take part in undermining the academic and religious credibility of the liberal texts. In a letter sent to Fahmi Huwaydi, who wrote three articles criticizing the interpretations of the liberal critic Sa'id al-'Ashmawi, the late Shaykh al-Azhar of Egypt Jadd al-Haqq (d. 1996) describes the liberal critics as merchants of "intellectual plagues" and "circulators of slanders" that mislead ordinary Muslims and shake their faith. He calls upon writers to confront the thought of the liberal critics and protect Islam against their slanders and corrupt interpretations.<sup>4</sup> Equally, in his foreword to Muhammad 'Imara's book, Jadd al-Haqq praises the author for his efforts to refute the doubts raised by liberal critics about Islamic politics.<sup>5</sup> In 1988 Ibn Baz, a senior 'alim and later the grand mufti of Saudi Arabia, wrote an approving foreword to the book of 'Awad al-Qarni that harshly criticizes the modernist movement in Saudi Arabia and the Arab world in general.<sup>6</sup> Another foreword, written by Ibn Jibrin, a prominent member of the Council of Higher 'Ulama' in Saudi Arabia, recommends a text by Walid al-Tariqi that attacks the liberal orientation of the famous critic and minister Ghazi al-Qusaybi.<sup>7</sup>

In several cases the religious establishment was directly engaged in criticizing the liberal literature. In an article published in *al-Ahram*

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<sup>3</sup> For illustration see Fahmi Huwaydi, *al-Muftarun*, Cairo 1996; Muhammad 'Imarah, *Suqut al-ghuluw al-'almani*, Cairo 1995; idem, *al-Islam bayna al-tanwir wa'l-tazwir*, Cairo 2002; Kamil Sa'fan, *Alladhin yulhidun fi 'ayat allah*, Cairo 1983; 'Abdallah Kamil 'Umar, *al-'Awasim min qawasim al-'almaniyya*, Cairo 1998; 'Awad al-Qarni, *al-Hadatha fi mizan al-Islam*, Cairo 1988; Sa'id al-Ghamidi, *al-Inhiraf al-'aqdi fi adab al-hadatha wa-fikriha*, Cairo 2003. See also the various references cited in Andreas Christmann, "Proofs of Dilettantism: The Construction of Norm and Deviancy in the Responses to Mohamad Shahrur's Book *al-Kitab wa'l-Qur'an: Qira'a Mu'asira*," *Die Welt des Islams* 44/2 (2004), pp. 20–73.

<sup>4</sup> *Al-Ahram* (Cairo), 16 January 1988; Huwaydi, *al-Muftarun*, pp. 159–160.

<sup>5</sup> Muhammad 'Imara, *al-Islam wa'l-Siyasa*, Cairo 1997, pp. 7–11.

<sup>6</sup> Al-Qarni, *al-Hadatha fi mizan al-Islam*.

<sup>7</sup> Muhammad al-Qahtani et al., *al-Qusaybi wa'l-mashru' al-'almani*, n.p. 1991, pp. 46–47.

in 1994, the mufti of Egypt Muhammad Sayyid Tantawi rejected the interpretations of al-'Ashmawi, who claims that the Qur'anic instructions about Islamic dress and the veil are addressed specifically to the wives of the Prophet.<sup>8</sup> In 2006 Taha Jabir al-'Alwani, a member of the Council of Muslim World League in Mecca and president of the Fiqh Council in North America, wrote a long review criticizing the argument of Muhammad 'Abid al-Jabri about the possibility of some verses having been missed in the problematic process of the canonization of the Qur'an. Al-'Alwani expresses his regret that so outstanding a researcher as al-Jabri recycles orientalist's accusations against the Qur'an.<sup>9</sup> Shahrur's book *al-Kitab wa'l-Qur'an* was harshly criticized by Shaykh Muhammad Sa'id Ramadan al-Buti, one of Syria's most prominent 'ulama', who described it as part of an international conspiracy to marginalize Islam in society.<sup>10</sup>

Al-Buti has co-authored a book with the Marxist Tayyib Tizini on *al-Islam wa'l-'asr* (Islam and the modern age) in a format of responding to each other's texts.<sup>11</sup> The book was published in Damascus by Dar al-Fikr as part of a series of books on various controversial cultural and religious issues in contemporary Arab societies. Tizini's main argument is that the moment the Qur'an was revealed it was transformed from its divine eternal state in the preserved tablets into a text that interacts with the addressed audience and reflects their social and cultural conditions in a specific historical context. Equally, Muslims have approached and interpreted it according to their diverse social, cultural and intellectual conditions and ideological orientations. Besides, the linguistic characteristics of the Qur'an—such as its clear and ambiguous verses, the implicit and explicit meaning of its texts, and their general and particular aspects—produce open and diverse readings of the Qur'anic text. What makes a specific reading valid is its ability to be responsive to the needs and interests of Muslims in the modern age.<sup>12</sup>

Tizini's views were challenged by al-Buti, who conducted a very civil dialogue. Al-Buti argues that Tizini's thesis has no basis in the Qur'an or in Islamic traditions; it turns the Qur'an into a floating text with no

<sup>8</sup> Tantawi's article is reprinted in Muhammad Sa'id al-'Ashmawi, *Haqiqat al-hijab wa-hujjiyat al-hadith*, Cairo 1995, pp. 33–42.

<sup>9</sup> Taha Jabr al-'Alwani, "Radan 'ala al-Jabri: al-naskh laysa tahrifan li'l-Qur'an." [www.islamonline.net](http://www.islamonline.net). and [www.alwihda.com](http://www.alwihda.com). (2006).

<sup>10</sup> Christmann, "Proofs of Dilettantism," pp. 43–44.

<sup>11</sup> Muhammad Sa'id al-Buti and Tayyib Tizini, *al-Islam wa'l-'asr*, Damascus 1999.

<sup>12</sup> *Ibid.*, pp. 110–115, 136–138.

defined meaning or message. The call for opening the Qur'an to different readings leads to its subordination to the political and ideological whims of the readers. Muslims must follow the Qur'an and not turn it into a text that validates their own ideologies and personal preferences. Tizini's call, al-Buti claims, actually empties the Islamic scripture of its content and ends in dissolving the text and neutralizing it from modern life.<sup>13</sup>

The idea of a co-authored book—an interesting development on the Arab cultural scene—developed out of a debate held between al-Buti and Tizini on Syrian TV, which attracted a large audience from all over the Arab world.<sup>14</sup> Public debates between 'ulama' and liberal critics have been held in a variety of contexts. In 1986 a debate was held between Shaykhs Muhammad al-Ghazali and Yusuf al-Qaradawi, two prominent 'ulama' in the Arab and Islamic world, and the secular thinker Fu'ad Zakariya.<sup>15</sup> In 1991 another debate was held between al-Ghazali and the Islamic thinker Muhammad 'Imara versus two liberal critics: Faraj Fuda and Muhammad Khalafalla.<sup>16</sup> Similar debates and conferences have taken place in Lebanon, Kuwait, Saudi Arabia and other Arab countries.<sup>17</sup>

With the emergence of satellite television in the Arab world in the 1990s, an increasing number of debates between religious scholars and liberal critics have been held. *Al-Itijah al-mu'akis*, a highly popular program on al-Jazeera satellite, for example, hosted several televised debates, such as that between Muhammad al-Khuli, a professor of Islamic *fiqh* at al-Azhar university, and Muhammad Arkoun, a professor at the Sorbonne and a prominent liberal critic.<sup>18</sup> 'Ali Jum'a, the mufti of Egypt, appeared on a two-hour Egyptian TV program with 'Abd al-Mu'ti Hijazi, a poet and liberal critic.<sup>19</sup>

<sup>13</sup> Ibid., pp. 177–232.

<sup>14</sup> Ibid., pp. 16–18.

<sup>15</sup> Nancy E. Gallagher, "Islam and Secularism in Cairo: An Account of the Dar al-Hikma Debate," *Middle Eastern Studies* 25/2 (1989), pp. 208–215; al-Qaradawi, *al-Islam wa'l-'almaniyya*.

<sup>16</sup> *Al-Islam wa'l-'almaniyya*, Cairo 1992.

<sup>17</sup> 'Abdallah al-Ghudhami, *Hikayat al-hadatha fi'l-Mamlaka al-'Arabiyya al-Su'udiyya*, Beirut 2004.

<sup>18</sup> See various interviews in the "al-Itijah al-Mu'akis" program between 1999–2007. [www.al-Jazeera.net](http://www.al-Jazeera.net).

<sup>19</sup> "Nass munadharat al-doktor 'Ali Jum'a ma' al-Sha'ir 'Abd al-Mu'ti Hijazi." [www.ikhwan.net](http://www.ikhwan.net).

In a few cases the debates were cordial. The majority, however, have been confrontational in character. The 'ulama' accuse the liberal critics of being outsiders in the field of Islamic studies, ignorant of Islamic history and equally unversed in Islamic texts. Exposing the liberals' linguistic and historical errors is a main theme of the religious responses. Liberal interpretations are attacked as deviations from the original and true meaning of Islam. Liberals are accused of not acknowledging the divine origin of Islam, of considering the Qur'an to be a mere cultural and historical product, of viewing the Prophet Muhammad as simply a social reformer and political leader, and of reducing Islam to an ideology and a political movement seeking to promote tribal interests. These 'ulama' claim that liberals have concentrated on the negative aspects of Islamic history: violence, assassinations, conspiracies, and the moral decadence and impious behavior of the political and religious leaders—a tactic intended, they claim, to empty Islam of its religious, legal and cultural specificities and turn it into a system of rituals, detached from social and state affairs. These 'ulama' portray liberal critics as collaborators with the external enemies of Islam who seek its destruction.<sup>20</sup>

Still, this does not mean that 'ulama' have been on the offensive throughout the debates. Liberal critics have attacked various aspects of traditional Islamic discourse and accused it of being responsible for a variety of social and political evils in Arab societies. In coping with the liberal accusations, 'ulama' are driven into a "foreign land"; they are obliged to adapt to the liberal critics' discourse and adopt aspects of their cultural terminology too. Presenting the tolerant aspects of Islam, promoting the status and rights of women, equality between non-Muslims and Muslims, and freedom of thought and religion are in part a response to liberal criticism. This applies equally to the attempts to present the *shari'a* as a flexible and dynamic legal system and reinterpret some of its rules to counter internal and external accusations against calls for the application of Islamic law. Liberal (and for that matter international) criticisms have played an important role in stressing the religious interpretation of *jihad* as a defensive rather than an offensive concept and in underlining the strict procedures involved in applying *hudud* (Qur'anic punishments). These are some of the areas where the

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<sup>20</sup> See also the references in note 3, above.

formal religious discourse has had to make concessions to liberals' arguments, though dismissing the latter's ideological orientations.<sup>21</sup>

This unacknowledged compromise does not mitigate the basic negative attitude of the 'ulama' towards liberal interpretations. A number of Islamic actors have been demanding the silencing of liberal critics and the censoring and confiscating of their texts. 'Ulama' have on different occasions supported the banning of liberal texts, but in only a few cases were they the initiators of such banning.

### BANNING BOOKS

Most of the famous cases of banning of liberal texts in the Arab world have not originated within the ministries of Information, Interior or Culture. These official bodies are more worried by political publications than by liberal texts about contested religious issues. In Tunisia, almost none of the liberal critics' religious texts have been banned.<sup>22</sup> In Morocco, only Fatima Marnissi's book *The Political Harem* was formally banned.<sup>23</sup> In Lebanon, for a limited period of time the authorities banned the books of Sadiq al-Nayhum and some of the classical material, for its sexual permissiveness. But many more outspoken texts have been published and circulated freely in that country, which is considered a haven for liberal thought in the Arab world.<sup>24</sup> In Syria, two books were banned: one by Nabil Fayad about the political conflicts in the early Islamic community, the other by 'Abd al-Razzaq 'Id, which criticizes the religious discourse of Muhammad Sa'id al-Buti, an eminent 'alim in contemporary Syria. Since both authors are opponents of the regime, one cannot ignore the political dimensions of the banning.<sup>25</sup> More religiously problematic texts from an orthodox perspective, such as those of Sadiq al-'Azm, Muhammad Shahrur, 'Aziz al-'Azmah and Tayyib Tizini,

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<sup>21</sup> For a discussion of modern Islamic reinterpretations see, for example, Raymond W. Baker, *Islam without Fear*, Boston 2003, pp. 93–100, 106–110, 243–245, 256–259.

<sup>22</sup> Derek Jones, "Tunisia," in idem, *Censorship: A World Encyclopedia*, London 2001, pp. 2465–2469.

<sup>23</sup> Idem, "Morocco," in *ibid.*, pp. 1631–1634.

<sup>24</sup> Barbara M. Roos, "Lebanon," in *ibid.*, pp. 1386–1389; see also Trevor Mostyn, *Censorship in Islamic Societies*, London 2002, pp. 18–19, 65–67, 160–161.

<sup>25</sup> Notably, 'Id's book was banned on the grounds that it attacks a religious scholar considered loyal to the political regime. Personal communication with 'Id, 28 April 2007. See also Mariam Cook, "Syria," in Jones (ed.), *Censorship: A World Encyclopedia*, pp. 2363–2367; Mostyn, *Censorship in Islamic Societies*, pp. 39–40.

raised no objections on the part of the Syrian censor. In Jordan, banned liberal texts are not a real public issue; many of the banned books are easily available there as well as in other Arab countries.

In two countries, however, the banning of liberal books on Islamic issues has been either widely practiced (Saudi Arabia) or highly debated by the public (Egypt). I will briefly review these two cases.

### *The Saudi Case*

In Saudi Arabia, the banning of books was until recently widely practiced, but it has not turned into a public issue. Until the 1990s, liberal critics were relatively marginal to the cultural scene in Saudi Arabia. Many of them have practiced personal censorship, others have preferred to publish their liberal literature outside the kingdom. 'Abdallah al-Qasimi, 'Abd al-Rahman Munif and Usama 'Abd al-Rahman lived and published abroad. Others, such as 'Abdallah al-Ghudhami and Turki al-Hamad, wrote from within Saudi Arabia but published most of their texts abroad. Even officials with liberal leanings preferred to publish their texts in London, Beirut and Cairo than in Riyadh or Jedda. Thus Ghazi al-Qusaybi, a diplomat and a minister, publishes his books, because of cultural and religious sensitivities, outside the Wahhabi kingdom. His, like other liberal texts, are smuggled back into the kingdom by interested readers—a practice that is a personal adventure for many Saudi intellectuals and ordinary readers. It had until recently been considered a crime punishable by law.<sup>26</sup>

In the context of Saudi Arabia one can talk about two distinct cultures: one produced and circulated inside the kingdom and the other financed and produced abroad. In the field of journalism members of the royal family own or finance most of the liberal newspapers and satellites in the Arab world: *al-Hayat* and *al-Sharq al-Awsat* in London, the electronic newspaper *Elaph*, and the three satellites: al-'Arabiya, Orbit and MBC. In these organs, liberal thought and values are promoted, and critical religious, cultural and social issues are boldly debated. In the internal arena, however, conservative worldviews dominate. Almost

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<sup>26</sup> Trevor Mostyn, "Saudi Arabia," in Jones (ed.), *Censorship: A World Encyclopedia*, pp. 2146–2150; Mostyn, *Censorship in Islamic Societies*, pp. 178–187; Abdul Bari Atwan and Jihad Khazen, "In the Saudi Pocket," *Index on Censorship* 25/2 (1996), pp. 50–55; Judith Vidal-Hall, "The Sands Run Out," *ibid.*, 25/3 (1996), pp. 44–87; Said Aburish, *The Rise, Corruption and Coming Fall of the House of Saud*, New York 1995, pp. 209–240.

seventy percent of the national TV programs are religious in character. Similarly a large portion of the educational curriculum is devoted to Islamic issues interpreted according to the Wahhabi doctrine.<sup>27</sup>

In accordance with this Saudi cultural duality, many of the most important liberal texts have been banned in the country. The regime has allowed the intervention of the religious police and informal religious groups to confiscate books from bookshops and national fairs. Banning has become the rule in the eyes of Saudi liberal critics. But because of increasing international criticism and pressure mainly in consequence of 9/11 (11 September 2000), the regime opted for a more liberalized cultural policy. Acknowledging the liberal voice has become a political asset. Liberal critics have participated in the national dialogue side by side with senior religious scholars.<sup>28</sup> They have been welcomed by the king on several occasions. King ‘Abdallah took the liberal critic and novelist Turki al-Hamad “under his patronage although he was labeled *kafir*” by several *fatwas*. The king offered his pen as a gift to al-Hamad—a sign of respect and support.<sup>29</sup> In a remarkable speech in June 2006 King ‘Abdallah denounced the “ideological categorization” of individuals and groups, whether on religious or secular grounds. He considers such classification a threat to the national unity of the Saudi society. Although stressing the importance of Islamic law as a red line not to be transgressed, the king’s speech about the legitimacy of diversity within the limits of the *shari‘a* serves to protect the liberal critics against accusations of apostasy.<sup>30</sup>

In this new context, the political regime raised the ceiling on freedom of publication and lifted the ban on many liberal texts. In two international book fairs held in Riyadh in 2006 and 2007 almost no liberal book was confiscated. The religious police were allowed to enforce the segregation between the sexes but not to examine the titles of books permitted in the fair.<sup>31</sup> Many of the previously banned liberal books

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<sup>27</sup> Madawi al-Rasheed, *Contesting the Saudi State*, Cambridge 2005, pp. 62–63. (See also references in note 26.)

<sup>28</sup> *Ibid.*, pp. 77–91.

<sup>29</sup> *Ibid.*, p. 40; interview with Turki al-Hamad in the al-‘Arabiya TV program: *Ida‘at*. [www.alarabiya.net](http://www.alarabiya.net). 27 August 2006; [www.Elaph.com](http://www.Elaph.com).

<sup>30</sup> Khalid al-Dakhil, “Abdullah Tells Saudis They Must Accept Diversity.” [www.saudidebate.com](http://www.saudidebate.com). Thursday, 22 June 2006.

<sup>31</sup> About the two book fairs see [www.asharqalawsat.com](http://www.asharqalawsat.com). 2, 3 March 2006 and 8 March 2007; M‘amar al-Khalil, “Ma‘rid al-Riyadh.” [www.almoslim.net](http://www.almoslim.net); al-Rashid ‘Abdallah, “Ma‘rid al-Riyadh: sijal al-huriyya wa’l-raqaba wa’l-ikhtilat.” [www.islamtoday.net](http://www.islamtoday.net); “Bayan ‘an ma‘rid al-kitab al-duwali fi’l-Riyadh,” signed by several Saudi ‘ulama’,

are available today in Saudi bookshops.<sup>32</sup> The Saudi 'ulama', aware of the increasing international criticism, have not contested the new cultural policy adopted by the royal family, at least not in public. This confirms the observation concerning the ability of the political regime to introduce changes considered important for the kingdom.<sup>33</sup>

### *The Egyptian Case*

Al-Azhar is perceived as a leading actor in banning liberal texts in Egypt. This perception is partially justified because of its active role in banning liberal texts in the period between the end of the 1980s until the death Shaykh al-Azhar Jadd al-Haqq in 1996.<sup>34</sup> Al-Haqq was very vocal in criticizing liberal critics and presenting them as opponents of Islam.<sup>35</sup> He encouraged the establishment of one group and the reactivation of another—both actively engaged in pursuing liberal texts and demanding their confiscation: *Nadwat al-'Ulama'* (Forum of the 'Ulama') and *Jabhat 'Ulama' al-Azhar* (the Front of al-Azhar 'Ulama'). The first was active for two years. Five days before the assassination of Faraj Fuda it published a statement attacking him and asking President Mubarak to banish his political party, al-Mustaqbal.<sup>36</sup> There was no link between the two events, but the *Nadwa* was forced to disband in light of vocal public criticism by liberal critics. The Front of al-Azhar 'Ulama' was active between 1992 and 1996, but after the death of Jadd al-Haqq and the appointment of Tantawi, it was marginalized because of its confrontation with him.<sup>37</sup> Both groups played visible roles in blacklisting liberal texts and their authors.

The authorized body within al-Azhar in charge of reviewing the content of published literature is the Islamic Research Academy (IRA). It has been relatively combative in protesting the content of texts by such authors as Nawal Sa'dawi, Nasr Abu Zayd, 'Ali Yusuf 'Ali, Jamal al-Banna and others. The Academy does not have the legal authority to

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www.islamlight.net.; 'Abd al-Karim bin Salih al-Hamid, "Ta'adda al-sayl al-zuba." www.saaaid.net. (2007).

<sup>32</sup> Personal communication with Professor Hasna' al-Quwa'ir of Riyadh University, on 12, 14, 16 and 18 July 2007; see also references in note 31, above.

<sup>33</sup> Al-Rasheed, *Contesting the Saudi State*, ch. 2.

<sup>34</sup> See also Ayalon, *Egypt's Quest*, pp. 22–24.

<sup>35</sup> Zeghal, "Religion and Politics in Egypt," pp. 388, 390.

<sup>36</sup> *Ibid.*, pp. 390–391; Tamir, "Conflict and Cooperation," p. 14; Hatina, *Identity Politics*, pp. 66–68.

<sup>37</sup> Tamir, "Conflict and Cooperation," p. 16.



ban texts, only to make recommendations to the censor or to the court when the author is sued. Although these recommendations carry moral weight, the court has not always accepted them. On two occasions the court refused to accept the opinion of the IRA to ban books: *al-Islam wa'l-qarn al-khamis 'ashar al-hijri* (Islam in the fifteenth century after the Hijra"), a collection of essays giving a liberal reinterpretation of Islam, and *Rabb al-zaman* (God of [our] time) by Sayyid al-Qimni. In the second case, the IRA had accused the author, al-Qimni, of showing contempt for religion, disdain for Islamic tradition and ridiculing its guardians, the 'ulama'. The judge dismissed the request to ban the book but acknowledged the noble motivations of the academy to protect the religion of Islam. Nevertheless, he also acknowledged the noble motivations of al-Qimni to elucidate the religious truth. He urged that conflict between the two sides (the IRA and the author) should not be settled by confiscating the opinion of the latter, rather by *ijtihad* and scientific dialogue.<sup>38</sup> This ruling shows the non-binding legal status of an Azhari recommendation for banning a book—something that was repeated by Shaykh al-Azhar on different occasions.<sup>39</sup>

Several cases in which the Academy was involved in banning liberal texts had been referred to it by outside actors: ordinary readers, Islamist activists, the police or the court. Such were the cases, for example, of Luwis 'Awad, 'Ala' Hamid, Sayyid al-Qimni and Jamal al-Banna.<sup>40</sup> In other cases the confiscation was initiated independently of al-Azhar. Muhammad Shukri's novel *al-Khubz al-hafi* (For bread alone) was a reading text in a course in the department of Arabic Language at AUC. The parents of some students objected to its pornographic content, which violates the social and religious morals of the society. Many other parties—journalists, Islamists, members of the People's Assembly's Education Committee and the minister of higher education, Mufid Shihab—joined the parents' demands to remove the novel from the syllabus and from the library shelves.<sup>41</sup> Equally, an Arabic translation

<sup>38</sup> The ruling of the court was republished in the leftist monthly *Adab wa-Naqd* no. 241 (September 2005), pp. 59–60.

<sup>39</sup> In an interview Shaykh al-Azhar Jadd al-Haqq stated, "We do not confiscate [books]. We say our opinion on them to those who ask us." *Majallat al-Azhar* (Cairo), August 1993, p. 170; also (April 1994), pp. 1614–1615.

<sup>40</sup> See e.g., Luwis 'Awad, *Muqaddima fi fiqh al-lugha al-'Arabiyya*, Cairo 1993[1981], pp. 5–22, 461–484; Najjar, "Islamic Fundamentalism and the Intellectuals," pp. 409–416; Jamal al-Banna, *Kalla thumma Kalla*, Cairo 1994.

<sup>41</sup> Najjar, "Islamic Fundamentalism and the Intellectuals," pp. 416–419.

of Rodinson's *Muhammad* was harshly criticized in 1998 by Salah Muntasir, a journalist in *al-Ahram*, and later confiscated from the university library by order of the minister of education. Both the journalist and the minister argued that the book denies the divine origin of the Qur'an by claiming that it was authored by the Prophet Muhammad.<sup>42</sup> These and other cases show that the leading actor in demanding the confiscation of liberal texts is not always the religious establishment or the state authorities, but rather an engaged religious public opinion that has become very active in fighting against liberal literature. The case of Haydar Haydar's novel *Walima li a'shab al-bahr* (A banquet for seaweed) can serve as an illustration of this dynamic.

In 1983 Haydar's novel was published in several editions, and it was published again in November 1999 by the Ministry of Culture. Three months later, on 28 February 2000, it was attacked by Hasan Nur in the newspaper *al-Ushbu'* for blaspheming God and ridiculing religious beliefs. Then, on 28 April, *al-Sha'b*, the mouthpiece of the pro-Islamic Labor party, attacked the novel as blasphemous by describing the Qur'an as nonsense. The newspaper assailed the novel as immoral and its author and publisher as apostates.<sup>43</sup> This was the background for the publication of numerous articles for and against the novel and liberal literature in general, in Egypt and in the wider Arab world. At the beginning of May the Labor party held a conference to protest the publication of the novel, at which the participants chanted slogans against Shaykh al-Azhar Tantawi for his silence on the attack against Islam. Two days later Azhari students demonstrated against the novel and repeated the slogans against the silence of Tantawi. The novel was denounced by the parliament's committee for religious affairs headed by the president of al-Azhar University, Ahmad 'Umar Hashim. At the beginning, Hashim expressed a tolerant view about the novel as a literary work and claimed that the students were incited by radicals who had penetrated the university. But with the increasing public pressure, especially by the students of his university, he changed his mind and demanded the burning of the novel for its blasphemous content. Eventually, after having been insistently required to do so by various factions—Islamists, political parties, writers and journalists—Tantawi

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<sup>42</sup> Shaden Shehab, "AUC Throws Out Rodinson's Book." [www.weekly.ahram.org](http://www.weekly.ahram.org) .eg. no. 378, 21–27 May 1998.

<sup>43</sup> Hilmi al-Namnam, *Walima li'l-irhab al-dini*, Damascus 2001, pp. 54–55, 69, 87–89; Jabir 'Asfur, *Didd al-ta'assub*, Beirut 2001, p. 295.

presented the opinion of the IRA denouncing the novel as blasphemous and declared that it should be banned.<sup>44</sup> In this environment of heated debate about a religious issue, Shaykh al-Azhar could not do otherwise. The public had already condemned the novel and all that remained was to confirm the verdict.

Notably, banning liberal texts proved in some cases to be counter-productive in the modern globalized communication system. Instead of silencing the deviant liberal voices, banning has increased the public interest in liberal texts and promoted their marketing. Many critics gained wide public exposure in the Arab world and beyond after their books had been confiscated, including Nasr Hamid Abu Zayd, Muhammad Sa'id al-'Ashmawi, Sayyid al-Qimni, Ahmad al-Baghdadi, Sadiq al-Nayhum, 'Abdallah al-Ghudhami and Turki al-Hamad. The remark of Faraj Fuda, who lamented his bad luck for being exempted from the list of banned books at the Cairo international book fair, and the ironic remark of the Tunisian critic 'Abd al-Salam Masddi that he is ready to pay a religious shaykh to attack his books—both show the marketing effect of banning liberal books in the contemporary Arab world.<sup>45</sup>

#### JUDICIAL PROSECUTION

Suits have been filed against several liberal critics in different Arab countries. Some of these suits were decided in courts, others were settled or dismissed by the prosecutor general before getting to court. Nevertheless, many authors ended up with prosecutions: Sadiq al-'Azm and Marcel Khalifa in Lebanon; 'Abd al-'Aziz Muqallih in Yemen; Layla 'Uthman, 'Aliya Shu'ayb, Shamlan al-'Isa and Ahmad al-Baghdadi in Kuwait; Luwis 'Awad, Sayyid al-Qimni, Khalil 'Abd al-Karim, Nawal al-Sa'dawi, Nasr Hamid Abu Zayd and 'Ala' Hamid in Egypt; Mustafa Kamil Mahdawi in Libya; and Mahmud Muhammad Taha in Sudan.<sup>46</sup>

<sup>44</sup> Ibid., p. 182.

<sup>45</sup> Husayn Ahmad Amin, *Risala taht al-ma*, Kuwait 1992; 'Abdallah al-Ghudhami interview in the al-'Arabiya TV program: *Ida'at*. www.alarabiya.net. 4 June 2005. In one case journalist 'Isa Ibrahim was accused of reporting his own novel to al-Azhar and Islamist lawyers so that they would attack it—something that would increase its popularity. See: 'Isa Ibrahim, "al-Islam wa-mafhum hurriyyat al-ibda'," in *al-Musadara*, Cairo 1994.

<sup>46</sup> Al-Qarni, *al-Hadatha fi mizan al-Islam*; 'Asfur, *Didd al-ta'assub*; Najjar, "Islamic Fundamentalism and the Intellectuals"; Nasr Hamid Abu Zayd, *al-Tafkir fi zaman*

The accusations consist of insulting the Prophet and the Islamic creed, arguing against the suitability of the *shari'a* to modern life, and renouncing some of its edicts as backward and cruel. In some cases, liberal critics have been accused of violating the social values and morals of the society.

The reports authored by the IRA in Egypt against such liberal critics as Abu Zayd, al-Sa'dawi, al-Banna and others do not generally recommend prosecuting them, only banning their texts. Most cases of prosecution were initiated and brought to court by Islamist lawyers and activists without the cooperation of the formal religious establishment. When suits are being discussed in court, the latter in some cases seeks the opinion of the religious establishment. Generally, this opinion is against liberal critics. In some cases, the reports of the religious establishment have played a decisive role in convicting the defendant or banning the liberal text. Ahmad al-Baghdadi in Kuwait and 'Ala' Hamid in Egypt were convicted by a court on the basis of reports submitted by the religious authorities.

Al-Baghdadi, a professor of political science at Kuwait University, was twice tried for contempt of the Prophet and Islam. In a 1999 interview, he argued that the Prophet, judged from a purely political perspective, failed in Mecca because he could not win the support of the political elite there and as a result had to emigrate to Medina. This historical evaluation was considered an insult to the Prophet. The court sought the religious opinion of the Ministry of Endowments. Its report served as a basic document in convicting al-Baghdadi, who was sentenced to one month's imprisonment. After serving half of the sentence, he was pardoned by the emir.<sup>47</sup>

Such was also the case of 'Ala' Hamid in Egypt in 1990. Here the prosecutor's office sought al-Azhar's opinion on Hamid's novel *Masafa fi 'aql rajul* (A tract in a man's mind). The report, written by the Islamic

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*al-takfir*, Cairo 1995; Wafa' Salawi, *Fiqh al-muhakmat al-adabiyya wa'l-fikriyya*, Cairo 2005; Abdullah al-Na'im, "The Islamic Law of Apostasy and Its Modern Application: A Case From the Sudan," *Religion* 16 (1986), pp. 197–224; Mohamed Mahmoud, "Mahmud Muhammad Taha's Second Message of Islam and His Modernist Project," in J. Cooper, R. L. Nettle and M. Mahmoud (ed.), *Islam and Modernity: Muslim Intellectuals Respond*, London 1998, pp. 105–128.

<sup>47</sup> Personal communication with Professor Ahmad al-Baghdadi, 14 April and 24 June 2007; see also 'Asfur, *Didd al-ta'assub*, pp. 261–268; interview with al-Baghdadi in al-'Arabiya TV program *Ida'at* www.alarabiya.net. 22 August 2005; various articles about the case in: www.mettransparent.com; www.taleea.com; www.rezgar.com.

Research Academy, found the novel offensive to the Islamic faith for attacking God, the prophets and basic Islamic beliefs. On the basis of this condemnatory report, the case was referred to the State Security Court, which sentenced Hamid and the publisher to eight years in prison.<sup>48</sup>

However, the court did not always refer the case to the religious establishment. The apostasy of Nasr Hamid Abu Zayd in Egypt, for example, was decided in court on the basis of his published texts. The judge read and interpreted them on his own and sought no help from al-Azhar.

In 1992 Abu Zayd, an assistant professor in the Department of Arabic at Cairo University, was labeled by academics of the university as an apostate on the basis of his writings, in which he treated the Qur'an as a human product and cast doubt on such sacred notions as paradise, hell and the day of resurrection. These charges were brought to court by Islamist lawyers who demanded that Zayd's marriage be nullified, as obligated by Islamic law in the case of an apostate. In 1994 a lower court dismissed the case on the grounds that the plaintiffs had no immediate personal interest in the defendant's marriage. Two years later, the Court of Appeals overturned the ruling, convicted Abu Zayd of apostasy and ruled that he should therefore be separated from his wife.<sup>49</sup>

In the case of Abu Zayd and his conviction for apostasy, al-Azhar adopted a cautious stance. It was indeed aware of the "deviant character" of Abu Zayd's writings, which were harshly criticized in *Majallat al-Azhar* and in a report written by Shaykh Mustafa al-Shak'a. The report accused Abu Zayd of raising corrupt arguments that enrage believing Muslims because of their insolence towards the Qur'an and cast doubt on the sincerity of his faith. The report recommended confiscating his books and barring Abu Zayd from teaching at academic institutions in order to protect the faith of Muslim students. Still, no accusation of apostasy was made as it had been by the Court of Appeal.<sup>50</sup> On its part,

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<sup>48</sup> Najjar, "Islamic Fundamentalism and the Intellectuals," pp. 188–195; George Sfeir, "Basic Freedoms in a Fractured Legal Culture: Egypt and the Case of Nasr Hamid Abu Zayd," *Middle East Journal* 53/2 (1998), pp. 413–414.

<sup>49</sup> See 'Asfur, *Didd al-ta'assub*; Najjar, "Islamic Fundamentalism and the Intellectuals; Ayalon, *Egypt's Quest*, pp. 4–6; Sfeir, "Basic Freedoms in a Fractured Legal Culture," pp. 413–414. For the text of the court's ruling see Salawi, *Fiqh al-muhakmat al-adabiyya wa'l-fikriyya*, pp. 385–410.

<sup>50</sup> See *Majallat al-Azhar* (October 1991), pp. 271–275; the two reports by al-Shak'a appeared in 'Abd al-Sabur Shahin (ed.), *Qissat Abu Zayd wa-inhisar al-'almaniyya*, Cairo 1994, pp. 39–60.

al-Azhar authorities did not formally adopt al-Shak'a's recommendations; it refrained from either banning Abu Zayd's books or judicially prosecuting him. Furthermore, al-Azhar expressed support for the government enactment that limits the right to file a *hisba* (the right of a Muslim to sue another Muslim for "un-religious" conduct) to the prosecutor general. Individuals may bring the case to the prosecutor's office, which decides whether or not to take the case to court.<sup>51</sup> This enactment is meant to impose procedural regulations on the prosecution of liberal critics.

Azhari 'ulama', as well as (then) Grand Mufti Tantawi, considered this enactment important to the public interest. Tantawi justified it by arguing that there is "no *shari'* reason that would preclude bringing a *hisba* case to the public prosecutor or to his deputies, before it is referred to judicial authorities."<sup>52</sup> This religious approval of a governmental regulation reflects the restrained conduct of high-ranking official clerics. They were interested not only in protecting the boundaries of Islam that are perceived to be violated by the liberal critics, but also in preserving the social and political order that might be threatened by the unrestrained legal prosecution of individual critics.

We have seen in the above discussion three levels of reaction by official 'ulama' to liberal critics: polemics, censorship of liberal texts and involvement at times in judicial prosecution, mainly by submitting condemnatory reports. These methods were perceived as legitimate and legal, although because of social considerations they (especially the second and third) need to be carried out cautiously and selectively. With regard to the fourth level, that of *takfir*, which involves legitimizing violence against liberal critics, the 'ulama' come out against it and therefore assume, willingly or unwillingly, the role of protecting "Satan."

#### TAKFIR AND THE ANARCHY OF FATWAS

Most of what can be classified as *fatwas* of *takfir*, denouncing liberal critics or declaring some of them apostates, have been issued by Islamists and in a few cases by low-ranking or peripheral 'ulama'. These *fatwas* are communicated in various ways: written texts, TV programs, audio recordings, websites, public religious ceremonies or

<sup>51</sup> Najjar, "Islamic Fundamentalism and the Intellectuals," pp. 188–195; Sfeir, "Basic Freedoms in a Fractured Legal Culture," pp. 413–414.

<sup>52</sup> Najjar, "Islamic Fundamentalism and the Intellectuals," p. 193.

private conversations. The language used is very harsh; liberal critics are described as traitors, as propagating disbelief, as seeking to secularize Arab societies and eventually to destroy religion. In most cases of *takfir* there are no *fatwas* in the formal meaning of the word; there is neither a *mustafti* (inquirer) who raises a specific question nor an official mufti who responds with a specific answer. The accusations can be severe, but in general no punishment is proposed.

*Fatwas* that explicitly call for violence against liberal critics are relatively few. *Fatwas* issued by radical Islamists in 2001 called for punishing two Saudi critics without giving them the chance to repent: Mansur al-Nuqaydan, an ex-Islamist who turned to liberal Islamic interpretations and became one of the most vocal critics of radical Islamic thought in Saudi Arabia, and the novelist and critic Turki al-Hamad, who had been a target of *fatwas* of *takfir* since the 1980s.<sup>53</sup> Denying them a chance to repent could be interpreted as a call for their physical execution, but it is not clear who should apply the punishment—state courts or individual initiatives—or how.

An outright *fatwa* to execute liberal critics outside the court's jurisdiction was issued by Osama bin Ladin. In a recorded statement he accused writers, journalists and artists of insulting the Islamic faith. This call was issued in the context of bin Ladin's recorded statement about the Danish caricatures of the Prophet Muhammad in 2005. After commenting on the external attacks against Islam he reminded Muslims to be aware of the Arab liberal intellectuals who collaborate with the external enemies of Islam. He mentioned by name four Arab critics to be targeted: the Kuwaitis Ahmad al-Baghdadi and Shamlan al-'Isa, and the Saudis Ghazi al-Qusaybi and Turki al-Hamad. To encourage potential assassins bin Ladin recalled that al-'Isa and al-Qusaybi were declared apostates by the late Ibn Baz, the mufti of Saudi Arabia.<sup>54</sup> Shaykh Hammud al-'Uqala' and others issued similar *fatwas* against al-Hamad.<sup>55</sup> Citing support for the *fatwa* by two prominent 'ulama' implied that the death sentence against these liberals could be carried out without the need for further approval by the religious authorities. The sentence,

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<sup>53</sup> *Fatwas* against al-Nuqaydan, al-Hamad and other critics are documented on the Islamist website: [www.tawhed.ws](http://www.tawhed.ws).

<sup>54</sup> Bin Ladin's *fatwa* appeared on various websites. See for example: [www.tawhed.ws](http://www.tawhed.ws); [www.mettransparent.com](http://www.mettransparent.com).

<sup>55</sup> On the *fatwa* against al-Hamad issued by Shaykh Hammud al-'Uqala, a leader of the radical movement in Saudi Arabia, see [www.tawhed.ws](http://www.tawhed.ws).

bin Ladin suggested, should be carried out discreetly, without sharing the decision with other people, to avoid exposing the plan.

Fortunately, bin Ladin's call to execute the above-mentioned critics has not been answered—at least not so far. In other cases such *fatwas* have proved fatal. The Egyptian critic Faraj Fuda was assassinated by Islamic radicals in 1992 after a *fatwa* was issued by Shaykh 'Umar 'Abd al-Rahman.<sup>56</sup> This shaykh also issued a *fatwa* to execute Najib Mahfuz, who survived an assassination attempt in 1994.<sup>57</sup> In Yemen, 'Umar Jarallah, the leader of the Socialist party, was assassinated by a young Islamist on the basis of a *fatwa* issued against him on the grounds that he opposed the application of the *shari'a* by an imam in a local mosque in San'a.<sup>58</sup> Other names, among them that of 'Abd al-'Aziz Muqallih, were on the list of the assassins of Jarallah, and only the capture of the assassins prevented them from implementing their plan. In Algeria *fatwas* have stood behind the assassination of many liberal intellectuals, journalists and singers.<sup>59</sup>

The reaction of official 'ulama' to the *takfir* of liberal writers is one of ambivalence. On several occasions, 'ulama' have denounced liberal critics and also encouraged Muslim writers to expose the blasphemous character of liberal arguments. Equally, 'ulama' have issued *fatwas* renouncing certain ideologies associated with liberals, such as secularism, liberalism or socialism, or arguments that violate orthodox Islamic tenets, such as proclaiming the incompleteness of the Qur'an, denying certain *shari'a* edicts or denouncing them as unsuitable for modern life.<sup>60</sup> Nevertheless, there is no call for believers to persecute these critics. Such calls have rarely been issued by formal religious establishments in the Arab world.

In only one case did official religious bodies accuse a liberal critic of apostasy and support his execution. This was the case of Mahmud Muhammad Taha in Sudan, who defied the application of the *shari'a*

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<sup>56</sup> On 'Abd al-Rahman, see Zeghal, "Religion and Politics in Egypt," pp. 391–395; Hatina, *Identity Politics*, pp. 65–66.

<sup>57</sup> For the assassination attempt of Mahfouz, see Fauzi Najjar, "Islamic Fundamentalism and the Intellectuals: The Case of Naguib Mahfouz," *British Journal of Middle Eastern Studies* 25/1 (1998), pp. 139–168.

<sup>58</sup> A special file on the assassination of 'Umar Jarallah see: [www.al-shora.net](http://www.al-shora.net).

<sup>59</sup> On the Algerian case see Mostyn, *Censorship in Islamic Societies*, pp. 59–64.

<sup>60</sup> See, for example, Ibn Baz et al., *Fatawa 'ulama' al-balad al-haram*, Cairo 1999, pp. 51–52, 74, 483–500, 612–619, 1008, 1035, 1044–1048; al-Rasheed, *Contesting the Saudi State*, p. 38.



in modern times. A *fatwa* issued by al-Azhar in 1972 recommended to the Sudanese government “to take whatever steps” it sees as “suitable to confiscate this blasphemous thinking and to stop the destructive activities.” Another *fatwa*, issued in 1975 by the Muslim World League (MWL) based in Mecca, was more explicit and demanded that the Sudanese apply the ruling of apostasy. Ultimately, when President Numayri, for political reasons—to silence a vocal opponent of his Islamization policy and deter other critics of his regime—executed Taha for alleged apostasy in 1985, Shaykh Ibn Baz congratulated Numayri on “ridding the Muslim community of an atheist and enemy of God.”<sup>61</sup>

However, *fatwas* of *takfir* issued by senior official ‘ulama’ have been rare,<sup>62</sup> more so since the late 1980s and the 1990s, during which time (including in Saudi Arabia) *takfir* had become a violent tool used by radical Islamic movements against state institutions and society in general. Targeting policemen and other holders of official positions, as well as some religious sects among the population, had jeopardized the security of the community. For the religious establishment, such practices were seen as religiously unacceptable.

Defending liberal critics against *fatwas* of *takfir* issued by radical Islamists and non-affiliated ‘ulama’ is not the favorite duty of establishment ‘ulama’. It is not a question of defending a righteous group persecuted by an evil one. From an orthodox perspective, the persecuted one is in many respects worse than the persecutor. The liberals are advocates of ideas and values that are un-Islamic. Their texts, as shown above, were depicted as propagating unbelief and presenting a deviant interpretation of Islamic scripture and history. There are

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<sup>61</sup> Mahmoud Mohamed Taha, *The Second Message of Islam*, Syracuse, New York 1987; Omar Garrai, “al-Din wa-rijal al-din ‘abra al-sinin.” [www.Alfikra.org](http://www.Alfikra.org). (2003); al-Na’im, “The Islamic Law of Apostasy”; Aharon Layish and Gabriel Warburg, *The Reinstatement of Islamic Law in Sudan under Numayri*, Leiden 2002, p. 59.

<sup>62</sup> One can cite also the Saudi *fatwas* of *takfir* in 1988 against Rashad Khalifa, an Egyptian imam who lived in the US, for denying the authority of the *sunna*; and in 2006 against Ahmad al-Baghdadi, a professor of political science at Kuwait University, for denying the validity of certain *hudud* (Qur’anic punishments). The *fatwas* accused the two writers of apostasy, although the language, rhetoric and content were more restrained than in the *fatwa* issued against Taha in the 1970s. The *fatwa* against Khalifa only urged Muslims to be careful of his evilness, refrain from cooperating with him or following him as an imam. The second *fatwa* against al-Baghdadi did not call on Muslims to either excommunicate or persecute him, and no appeal was made to the Kuwaiti government to take measures against him. For both *fatwas*, see the website of the al-Ri’asa al-‘ama li’l-buhuth al-‘ilmiyya wa’l-ifta’: [www.alifta.com](http://www.alifta.com)., vol. 7, p. 139; *ibid.*, vol. 22, pp. 239–248.

solid grounds for the accusations expressed in the *fatwas* of *takfir*. But the problem is, in principle, procedural and methodological—the way the accusations are presented and their social and political implications. The issuing of *fatwas* of *takfir* by people from outside the religious establishment, arbitrarily declaring such critics to be apostates and persecuting them physically—all this is equally un-Islamic. It is inviting social chaos. There are defined legal rules and procedures to declare the apostasy of an individual. He must be questioned by 'ulama', who need to explain to him his deviant understandings; if he persists in apostasy he must be judged by a court, which has the final say in his case.<sup>63</sup>

The language of the 'ulama' arguments is generally formalistic and restrained. Of course, no defense of the liberal texts is expressed; neither is there a recognition of the liberal critics' right to express and circulate their deviant views. Still, these formal mechanisms have substantive implications for limiting the phenomenon of *takfir* in contemporary Arab societies and expanding the liberal critics' margins of liberty. The revision of *fatwas* of *takfir* by three Saudi radical shaykhs, and the reaction of the grand mufti of Egypt, Muhammad Tantawi, to the assassination of the liberal Faraj Fuda illustrate the approach of the 'ulama' to the phenomenon of *takfir* of liberal critics.

Shaykhs 'Ali al-Khadir, Nasir al-Fahad and Ahmad al-Khalidi are renowned religious scholars associated with the Saudi *sahwa* (awakening) movement. They are called the *thulathyyat al-takfir* (triad of excommunication).<sup>64</sup> The three, separately, have issued *fatwas* of *takfir* against the "infidel conduct" of the state and against such liberals as Turki al-Hamad and Mansur al-Nuqaydan. While the three scholars were in prison they were engaged in a dialogue with Shaykh 'Ayidh al-Qarni, himself an *ex-takfir* shaykh who has renounced his previous radicalism and adopted a more tolerant approach.<sup>65</sup> His position now represents that of the official religious establishment in Saudi Arabia and the Arab world. His advantage over the official 'ulama' is, however, that he is not closely identified with the ruling regime. This might be the consideration behind choosing him to conduct the dialogue with the three *takfir* shaykhs. In three separate interviews that were broadcast on

<sup>63</sup> See "Bayan min lajnat al-fatawi bi'l-Azhar 'an al-ridda," *Majallat al-Azhar* (August 1993), p. 237.

<sup>64</sup> Al-Rasheed, *Contesting the Saudi State*, pp. 139–149; [www.asharqalawsat.com](http://www.asharqalawsat.com), no. 8960 (10 June 2003).

<sup>65</sup> On 'Ayidh al-Qarni see [www.asharqalawsat.com](http://www.asharqalawsat.com), no. 9873 (9 December 2005).

Saudi TV, they revised their positions. Al-Qarni's questions regarding the liberal critics in Saudi Arabia represented the mode and attitude of the 'ulama' to this group of intellectuals. In renouncing the *fatwas* against the state apparatus and the civil targets the questions and the answers were assertive, vocal and decisive. Revising the *takfir* of liberals was restrained and occupied only a small part of the interview. Al-Qarni acknowledged the problematic character of the liberal texts. He admitted that some of them "defame and ridicule religion." But he was no less concerned with the fact that "on the basis of merely reading an article, some young people declare the author to be an apostate and that it is permitted to kill him."

Al-Qarni's questions reflected the issues that worry the 'ulama': the rules of *takfir* and the need to reserve this issue exclusively to the 'ulama' to avoid the spread of evil in society by people who lack the necessary experience to decide on such issues. The answers of the shaykhs revealed that they approved this position and acknowledged the error, that their *fatwas* were not grounded on the solid proofs necessary to decide on the apostasy of the critics.<sup>66</sup> This same formalistic approach of denouncing *fatwas* of *takfir* was expressed by the mufti of Egypt in the case of the assassination of Faraj Fuda in 1992.

Fuda was assassinated by two members of the Jama'a al-Islamiyya movement on the basis of a *fatwa* issued by Shaykh 'Umar 'Abd al-Rahman. In the eyes of the Azhar establishment, Fuda was not a righteous Muslim. He was a harsh critic of Islamic values and institutions and an opponent of applying the *shari'a* in the state. Al-Azhar condemned his writings and considered him as someone who promoted a hostile attitude towards Islam. Some low-ranking Azharis justified the assassination and argued that the assassin should not be punished because he had carried out a ruling against a *murtadd*.<sup>67</sup> High-ranking 'ulama' could live with a justification expressed by low-ranking Azharis, whose religious opinions were of limited effectiveness. More problematic for them, at least for the grand mufti of Egypt, was the opinion of the independent Shaykh Muhammad al-Ghazali, a renowned religious figure in Egypt and the Arab world.

<sup>66</sup> The interviews were broadcast on 17 and 22 November and 13 December 2003; for the full texts of the interviews see [www.asharqalawsat.com](http://www.asharqalawsat.com); [www.alriyadh.com](http://www.alriyadh.com); [www.Elaph.com](http://www.Elaph.com).

<sup>67</sup> Hatina, *Identity Politics*, pp. 66–68; Mahmud Mazru'a, *Ahkam al-rida wa'l-murtaddin*, Cairo 1994.

Al-Ghazali, who testified for the defense in the trial of Fuda's assassins in July 1993, stated that a Muslim (Fuda) who opposes application of the *shari'a* is an apostate and deserves the punishment of death. If the political authority does not apply this punishment, it is the right of any Muslim to do so.<sup>68</sup>

Al-Ghazali's opinion caused diverse reactions. Liberals saw it as a religious ruling—a *fatwa*—that threatened their lives as opponents of applying the *shari'a* as demanded by the Islamic hardliners. The Islamist writer Fahmi Huwaydi, trying to mitigate the impact of al-Ghazali's testimony, argued that al-Ghazali had answered a very specific question about the ruling of the *shari'a* regarding a Muslim who opposes application of the *shari'a* and considers it unfit for modern conditions. This was merely an answer to a question—not a *fatwa*. As a mufti he would take into consideration other issues that were not introduced in the questions addressed to him in the court.<sup>69</sup>

The reactions of the mufti Tantawi to the assassination of Fuda and to al-Ghazali's testimony reflected the legalistic aspect of the approach of the 'ulama' in dealing with the *takfir* of liberal writers—a legalism that serves as a mechanism to protect the latter against arbitrary *fatwas* of *takfir*. Tantawi denounced Fuda's assassination and participated in his funeral as an expression of protest against the radical Islamists' violence. Regardless of Fuda's defiant attitude to Islam and to Islamic institutions, assassination as a method of dealing with liberal critics could not be tolerated from a religious point of view. Tantawi thus tried to dismiss any legal basis for arbitrary violence against liberal critics—something that could be inferred from al-Ghazali's testimony.

Tantawi's comments were published in *al-Ahram*, which for about three weeks (18 June to 5 August 1993) discussed al-Ghazali's testimony and its implications. The individuals participating in these discussions included Azharis and al-Ghazali himself, who clarified his position without making any concession on the essence of his testimony. In reply, Tantawi wrote that he had read both al-Ghazali's testimony and his answers to the questions addressed to him by the newspaper. In every

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<sup>68</sup> On al-Ghazali's testimony and its ramifications, see Hatina, *Identity Politics*, pp. 68–69.

<sup>69</sup> Huwaydi, *al-Muftarun*, pp. 208–213; see also Gudrun Krämer, "Drawing Boundaries: Yusuf al-Qaradawi on Apostasy," in Gudrun Krämer and Sabine Schmidtke (eds.), *Speaking for Islam: Religious Authorities in Muslim Societies*, Leiden 2006, pp. 200–214.

paragraph of his response, Tantawi started with the expression “I agree with his Honor,” out of respect for an acknowledged religious authority. But throughout his brief comments he clarified points that al-Ghazali had kept ambiguous, or placed restrictions on the ideas expressed in the latter’s testimony. While al-Ghazali stressed the criminal aspects of apostasy and its detrimental implications for Islam, Tantawi stressed its legal aspects and the detrimental social and political implications of *takfir* outside the courts. He raised four main points: (1) The authority to declare someone apostate is reserved exclusively to the ‘ulama’. (2) There are strict legal procedures for declaring someone an apostate. (3) The punishment must be decided by a court—the body authorized to decide on the kind of punishment against apostasy. Capital punishment can be applied in certain cases, but it is not the only possibility. (4) Individuals who take the law into their own hands and apply punishment against apostasy outside the legal system are criminals and must be punished according to the law. Tantawi’s response stresses the importance of observing formal rules in dealing with accusations of apostasy. This is no less important than dealing with apostasy itself.<sup>70</sup>

Thus the official stance of the ‘ulama’ is, in essence, opposition to *fatwas* of *takfir* that lead to violence against liberal writers. To cope with this phenomenon, they seek to restore the monopoly in religious matters to their hands and the monopoly on the use of force to the government—two issues that have been challenged by radical Islamists. The argument of the ‘ulama’ is that they are best qualified in Islamic law to handle such sensitive issues as determining the blasphemy of liberal texts. The monopoly of the state on legal punishment against apostates must be exclusive to prevent *fawda* (anarchy), an ominous term for the guardians of law and order in Islam.<sup>71</sup>

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<sup>70</sup> *Al-Ahram*, 27 July 1993. The text is republished in al-Banna, *Kala thumma kala*, p. 26. Notably, a year after defending the Fuda’s assassins, al-Ghazali strongly denounced the assassination attempt against the novelist Najib Mahfuz as a crime against Islam. Al-Ghazali continued to support banning Mahfuz’s novel, *Awlad haritna* (The children of our neighborhood), but argued that its “religious deviations” were not sufficient to justify targeting the writer. See Baker, *Islam without Fear*, pp. 53–56.

<sup>71</sup> See “Bayan min lajnat al-fatawi bi’l-Azhar ‘an al-ridda,” p. 237.

## CONCLUSION

This chapter has explored the attitude of official 'ulama' and the strategies employed by them in dealing with the liberal revisiting of Islamic scriptures and history. In managing the struggle against liberal writers, official 'ulama' encouraged some strategies, approved others and kept silent on certain cases. But they denounced the use of violence and the *fatwas* that legitimize it either directly or indirectly. Literary polemics have proved to be a highly recommended strategy; 'ulama' have encouraged Muslim writers attacking liberal critics and refuting their deviant reinterpretations of Islamic history and scriptures.

Banning books was considered a legitimate tool, but it has been employed selectively, as has legal suing in the courts, with many cases initiated by Islamist writers and activists. In both devices—banning and judicial prosecution—official 'ulama' have been restrained and selective in comparison to actively engaged religious public opinion. They were aware of the counterproductive effects that might present Islam and its clergy in the international arena as an inquisitorial institution and its liberal critics as cultural heroes.

As for the *takfir*, this is a strategy employed mainly by radical Islamists; the 'ulama' have vigorously opposed it. In their view, the ideology and interpretations of liberal critics are *kufr*, but this by itself does not automatically turn them into apostates. There are strict legal procedures that must be observed for individuals to be accused of or punished for apostasy. This is defined as the exclusive territory of courts and states, and transgressing their boundaries turns righteous defenders of the Islamic faith into violators subject to punishment by the law.

The findings of this study show that in dealing with liberal critics the responses of establishment 'ulama' tend to be measured and contextualized, balancing among different religious, social and political considerations. The official status of the 'ulama' shapes certain patterns of behavior that are different than those of Islamists or other informal Islamic actors. The 'ulama' are exposed to diverse internal and external constraints and have to maneuver among various interests and needs. They have to satisfy their religious beliefs, be attentive to diverse voices within the Muslim community and respond positively to the political regime's interests. Besides being aware of an actively engaged internal religious public opinion, they are also sensitive to the values and norms of world public opinion, which closely scrutinizes and reacts to what is said and done in the realm of Islam.



## CHAPTER THIRTEEN

### IN DEFENSE OF MUHAMMAD: 'ULAMA', DA'IYA AND THE NEW ISLAMIC INTERNATIONALISM

Jakob Skovgaard-Petersen

#### INTRODUCTION

This paper is about the relationship today between the 'ulama' and the *da'iya*—that is, the new Islamic media preachers, in their endeavor to form a new Islamic internationalism. With a loosening of state control over new, and global, Arab-language media, a new era of Islamic internationalism has been ushered in; but its contours and consequences are as yet in a state of flux. As noted by Muhammad Qasim Zaman, in the last quarter of the twentieth century the 'ulama' had a remarkable revival of their political, social and media fortunes.<sup>1</sup> This is certainly also the case in the early twenty-first century, not least because they now have the Internet and the satellite TV channels at their disposal.<sup>2</sup> But the 'ulama' also have competitors. The new media abound with non-'ulama' Muslims who speak freely and confidently about their Islam. And the media have produced a new class of stars, the *da'iya*, who command huge audiences, in particular the middle-class audiences so attractive to the commercial TV stations. Few of the *da'iya* are 'ulama'. And those who are have been selected because they commanded other, more media-relevant qualities than those of the average *'alim*.

But to examine this phenomenon with relevance to the issue of Islamic internationalism, let me begin with a brief discussion of Pan-Islam.

#### PAN-ISLAM

After a long pause, Pan-Islam was rediscovered around 1990 as a subject of major scholarly investigations: Martin Kramer's *Islam Assembled*

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<sup>1</sup> Muhammad Qasim Zaman, *The Ulama in Contemporary Islam*, Princeton 2002, pp. 8–11.

<sup>2</sup> On the new media in the Muslim world see, e.g., Dale Eickelman and Jon W. Anderson (eds.), *New Media in the Muslim World: The Emerging Public Sphere*, Bloomington 1999; Naomi Sakr (ed.), *Arab Media and Political Renewal*, London 2007.



(1986), Reinhard Schulze's *Islamischer Internationalismus* (1990), Jacob Landau's *The Politics of Pan-Islam* (1994), Rainer Brunner's *Islamic Ecumenism in the 20th Century* (2004) and Peter Mandaville's *Transnational Muslim Politics* (2001). All of these take as their starting point the ideologization of Islam, in at least two forms: The first is the policy of the Ottoman state in the Hamidian era after 1876, when the sultan's title of caliph was revived and such major Pan-Islamic initiatives were undertaken as the foundation of the Red Crescent in 1877 and the construction of the Hijaz Railway in 1901–08.<sup>3</sup> This state policy was directed at Muslims both within and outside the Ottoman Empire and took the form of propaganda, support for Pan-Islamic associations, missionary activities and the promotion of Muslim activists in the bureaucracy.

The second form is the emerging Islamic identity of the literate, often lay, Muslims in the major Arab cities and elsewhere as a result of European aggressions and the reporting of these aggressions in the newly founded Muslim press. At least from the time of the French invasion of Tunisia in 1881 and the British occupation of Egypt in 1882, newspapers in many parts of the Muslim world regularly struck the chord of the need for Muslim unity. Some of this reporting was itself highly critical of the Ottoman sultan and his inability to defend Islam, and thus an unofficial Pan-Islamism gathered momentum, with al-Afghani's 1884 essay on "Islamic Union" in the Paris-based journal *al-'Urwa al-Wuthqa* as a programmatic text. The seminal text of anti-Ottoman Pan-Islamism, however, is al-Kawakibi's *Umm al-Qura* of 1899, a fictional report on a Pan-Islamic congress in Mecca with delegates from all over the Muslim world.

The end of World War I proved a severe setback for Pan-Islamic efforts for some time; the Soviet Revolution crushed the Muslim Union in Russia; and in 1924, Republican Turkey abolished the caliphate, depriving Pan-Islamism of its most important symbol. The caliphal conferences of the 1920s and the issue of Jerusalem in the 1930s led to the revival of a politically more modest Pan-Islam in the shape of a conference movement. This was revived by the newly independent states in the 1950s. But the Cold War and the Nasserite revolution in Egypt left the Muslim states divided over their global alliances. Never-

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<sup>3</sup> Jacob Landau, *The Politics of Pan-Islam*, Oxford 1994, pp. 54–55.

theless, in 1962 the powerful Muslim World League was set up, on Saudi initiative, gathering Muslim scholars and intellectuals from all over the world. And in 1973, OIC, the Organization of Islamic Countries, was formally created—a truly Pan-Islamic enterprise with some 55 member states.

That is the brief story of Pan-Islamism. For our purposes here, two points need to be stressed: The first concerns the role of the state. Right from the beginning, pan-Islamism followed a state and a non-state track. Today, a number of states, among them Saudi Arabia, Egypt, Libya and Iran, regularly make use of Islamic internationalism to further foreign policy goals. These countries operate at several levels: state alliances, state-sponsored internationalism and interstate organizations. But there are, as we know, also oppositional, Islamist movements with international networks and a Pan-Islamic ideology.

The second point concerns the role of the media. Pan-Islam dates back to the era of the rise of the newspaper, and for decades, pamphlets and magazines were its main product. But as this was a political product, often deemed threatening by the state security organizations, it was often suppressed. The fortunes of Pan-Islamism were related to the degree of control that the individual states were able to exercise over the media in their territories. Given the alignment of Pan-Islamism with the broader media policies in the region, it is no coincidence that the 1960s and 70s saw the establishment of state-controlled and state-sponsored pan-Islamic organizations, most importantly the Academy of Islamic Research in Egypt and the Muslim World League in Saudi Arabia. The World Conference of Islamic Da'wa and Media, held for the first time in 1980, is a testimony to the link between Islamic internationalism and the media, as it was conceived within the framework of an ideology of state-driven development in those years.

#### THE NEW MEDIA

The era of tight state-controlled and state-driven media is now over. Beginning in the 1980s, satellite technology allowed for the publication of newspapers in regional editions, and a couple of Arab newspapers could now be edited in London but published in the region on the same day. This was a way for the papers to distance themselves from the censors—but not from the Saudi investors, nor from the banning of the papers at the borders of certain Arab countries. By the 1990s, however,

a drive for privatization and deregulation helped these papers acquire a small but influential readership in most Arab capitals. By that time the governments and censors were gradually becoming more worried about the Internet, and about satellite TV programming, which could also be broadcast from Europe and enter across borders.

For a few years the new satellite TV stations were relatively harmless, concentrating mainly on entertainment. But with the establishment of al-Jazeera in 1996, the full potential of the satellite revolution in TV became clear; viewers were enthusiastic about its daring talkshows, which featured many people who had been banned from the national channels. And soon it was also defying the Western TV stations and giving an Arab version of news and events. Most Arab governments tried to put pressure on al-Jazeera's home country, Qatar, but in vain, and many reacted by closing down its local office. But a great number of Arabs began to watch it regularly and were introduced to a new political culture of debate, divergence of views and political dissent. Oppositional figures could criticize governments and their policies, and the governments were forced to explain and defend their policies. Naturally, some of these governments developed ways of handling the new media environment, and most of them invested in satellite TV for themselves.

With the founding of the 'Arabiya Channel in Dubai in 2002, al-Jazeera had a competitor news and debate channel with a somewhat less aggressive style. By 2006, Arab consumers would have a vast array of some 200 channels to choose among, many of them specializing in sports, finance, children, consumerism, news or religion. Add to this the gradual but steady growth of the Internet, and it can be concluded that in the twenty-first century the days of a limited diet of politically controlled news, debate, opinion and entertainment were definitely over. The media glut that most other regions of the world had come to live with had made a late but forceful entrance into the Arab world, where oil money, political rivalry and an audience of 300 million—some 5% of whom were living in the West—made it an attractive media outlet with a promising future. Within less than ten years, a new Arab public sphere had emerged—pluralist but also populist, stressing an Arab, and often Muslim, identity.<sup>4</sup> And such TV stations as al-Jazeera and

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<sup>4</sup> Marc Lynch, *Voices of the New Arab Public: Iraq, al-Jazeera, and Middle East Politics Today*, New York 2006, pp. 51–66.

al-Manar would self-consciously set themselves off from the Western-based dominant media of the world.

What did the new media entail for pan-Islamism, and for the role of the 'ulama'? To answer this question, we first have to look at the new Islamic programming and the new Islamic TV politics.

#### THE 1990s: THE QARADAWI PHENOMENON

Like the new Arab public sphere, the new Islamic public sphere began only with the establishment of al-Jazeera in 1996. In January 1997, al-Jazeera launched its bid for a new type of Islamic programming. Entitled "*Shari'a* and Life," it was meant to debate contemporary events and phenomena, but through the prism of the *shari'a*.<sup>5</sup> The program featured debate plus interventions from viewers, who would call in from all over the world, not least from Europe. But compared to al-Jazeera's other programs there was a significant difference: while the host in the other programs would be a kind of neutral organizer of the debate taking place between the guests, in "*Shari'a* and Life" the host would ask the questions and an Islamic scholar would answer. The scholar, then, would represent the *shari'a*, while everybody else represented life.<sup>6</sup>

The scholar, the true host of the program, was the famous Yusuf al-Qaradawi. According to his recently published memoirs, Al-Qaradawi (b. 1926), who grew up in a small village in the Egyptian Delta, became an active member of the Muslim Brotherhood in the late 1940s and was their leading representative among the students of al-Azhar.<sup>7</sup> Graduating in 1954, al-Qaradawi, like many members of the Brotherhood, spent a few years in prison; but in 1962 he transferred to Qatar, where he became a leading figure in the establishment of religious higher education. Throughout the years, al-Qaradawi has maintained his links with the Muslim Brotherhood and Egypt, and he has published around one hundred scholarly books. In 2002 he was allegedly offered the position as general leader of the Muslim Brotherhood, but he declined.

Hence, while al-Qaradawi is an establishment figure in Qatar, his Muslim Brotherhood allegiance makes him an oppositional figure in

<sup>5</sup> Jakob Skovgaard-Petersen, "The Global Mufti," in B. Schaebler and L. Stenberg (eds.), *Globalization and the Muslim World*, New York 2004, pp. 153–165.

<sup>6</sup> Ibid.

<sup>7</sup> Yusuf al-Qaradawi, *Ibn al-qarya wa'l-kuttab*, Cairo 2002–5, vol. 1, pp. 242–281.

most other Arab countries. He is thus yet another example of the new Arab public sphere opening up to the opposition, even the Islamist opposition. His stances on Israel, on Iraq, on American policies in the Middle East and on the local Arab rulers are harsh indeed. But al-Qaradawi is also a critic of the Arab religious establishments, especially the very conservative 'ulama' who rail against female education and social and political participation. He wants an open political debate, but within the limits of Islamic propriety. And he wants Muslims in Europe and the United States to integrate and participate positively in their societies, all the while upholding their Islamic rituals and identity. Al-Qaradawi is a great believer in the Islamic awakening (*al-sahwa al-islamiya*), but he believes that it must be conducted with a certain moderation. He claims to be the proponent of a middle ground (*wasatiya*). In practice, this means that the enthusiasm of the youth must be tempered by the wisdom of the 'ulama'.

The 'ulama', then, have an important role to play as educators—not just in schools but in the local mosques and clubs, and in the public sphere. For al-Qaradawi, there must be a bond between the religiously committed young man (*shab*) and an 'alim who must act as his guide. The Muslim 'ulama' are the inheritors of the prophets.

It is thus not surprising that when al-Qaradawi cannot be in the studio himself, a small group of other 'ulama'—such as the Lebanese Faysal al-Mawlawi or the Iraqi Ahmad al-Kubaysi—stand in for him. Most of these 'ulama' also figure on the board of the pan-Islamic institutions that have sprung up around Yusuf al-Qaradawi.

The first and probably best-known of these is the European Council for Fatwa and Research. Founded in London in 1997, this body of Islamic scholars strives to coordinate 'ulama' activities in Europe and work for a unified understanding of the *shari'a*. It tries to position itself as the spokesman of Islam in Europe, in particular towards Muslims and Muslim shaykhs. Yusuf al-Qaradawi is the chairman of the Council and Faysal al-Mawlawi the deputy chairman. In June 2006, the Council had 35 members, and it had convened 15 times since it was set up; 25% of its members were from the Arab world, in particular Saudi Arabia, while the rest were from Europe and the USA.<sup>8</sup> A brief look at the *fatwas* issued shows a heavy concentration on maintaining a Muslim outlook as European minorities, but one that is quite flexible. Still, there

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<sup>8</sup> [www.e-cfr.org/](http://www.e-cfr.org/)

is an appreciable Islamist undercurrent. Al-Qaradawi's prominence on al-Jazeera has made him probably the best-known Sunni Muslim scholarly figure among European Muslims. He has thus effectively used his media position to reach not just Muslims in the Arab world but Arabic-speaking Muslims in Europe as well.

Recently, Yusuf al-Qaradawi has established another body of Islamic internationalism. And like the European Council for Fatwa and Research, this one, too, is also only for 'ulama'. The International Union for Muslim Scholars (*al-Ittihad al-'Alami li 'Ulama' al-Muslimin*) was created in 2004. Its statutes state that only graduates of *shari'a* colleges are eligible. But, interestingly, Shi'a scholars can become members. It is a non-governmental organization, relying on membership fees and support. In June 2006, it had 26 members, all with the title of shaykh or doctor. Its president is Yusuf al-Qaradawi, and its general secretary is the Egyptian lawyer and Islamic thinker Muhammad Salim al-'Awwa.

Apart from working, like the other group, to unify the ranks of the 'ulama' and coordinate their positions, this organization has a more defensive and combative tone. Its main aim is to preserve the Islamic identity of the *umma*, and as a consequence it is greatly concerned with threats against the *umma's* Islamic identity. Palestine is a major concern, as is Darfur. In the words of its mission statement:

The Union strives to alert Muslims of the perils threatening their ideological and cultural identity that work to tear apart their ties and drive them away from its basic relationship—i.e. the religion of Islam. The Union will face this organized ideological and cultural invasion using the same kind of weapons that are used against them. It will also alert the whole Ummah to the new weapons that are being used under the guise of carefully tailored terms such as “globalization,” “modernity” and so on.<sup>9</sup>

Both organizations—the European Council for Fatwa and Research and the International Union for Muslim Scholars—focus very much on the media, specifically television and the Internet, and run ambitious websites in English and Arabic. And both link up to the important website *Islam Online*, also launched from Qatar and again featuring Yusuf al-Qaradawi as an early promoter and often-quoted mufti. *Islam Online* has developed into the biggest Islamic website in the world and is remarkably successful in both English and Arabic. Funded and directed from Qatar, it is based in Cairo. Its journalists cover world

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<sup>9</sup> [www.iuumsonline.net/english/topic\\_04.shtml](http://www.iuumsonline.net/english/topic_04.shtml)

events from a Muslim perspective, and through a huge number of voluntary writers it covers Muslim issues from all around the world.<sup>10</sup> In its *fatwa* service, however, it directs all questions to a long list of ‘ulama’, worldwide, as it believes that the best mufti is a trained scholar with local knowledge.

#### 2000 ONWARDS: THE RISE OF THE NEW DA‘IYA

Several existing TV channels have copied “*Shari‘a* and Life.” Hizballah’s al-Manar channel, for instance, launched the “Religion and Life” program along much the same lines, but with alternating Sunni and Shi‘a ‘ulama’. Anti-Western, militant and Islamist, al-Manar was the first—and until now the only—satellite channel with some sort of Islamist identity. But other, less political and more exclusively religious channels began appearing, catering to an audience that wanted religiously acceptable television.

The first and best known of the new channels is Iqra (Read!). It is one of the channels of the ART package, owned by the Saudi businessman Salah Kamel. Launched in 1998, it strives to make Arab viewers more knowledgeable about and proud of their Islamic identity and the Arabic language. A somewhat similar endeavor is the Majd channel, established by other Saudi investors in 2003, which in 2004 had a childrens’ Islamic channel added to it.<sup>11</sup> Within the last two years, a number of other full-time Islamic channels in Arabic have appeared: al-Fajr (2004), al-Anwar (2004), al-Huda (2005), Khayr TV (2005), al-Risala (2006) and Muhammad TV (2006).

In this stiff competition, what the individual channel needs is recognition and attractive personalities—not least because many of them cater to a middle-class audience in the Gulf, the Levant, Egypt and Europe. This is where the new *da‘iya* come in.

In the early 1990s, a few very young preachers were gaining large audiences in Cairo. This was at a time when the state security forces were battling it out with Islamist militants in southern Egypt and in some of the suburbs. These preachers, however, were relatively apolitical and seemed to offer an Islam that was easily reconciled with a

<sup>10</sup> [www.islamonline.net](http://www.islamonline.net).

<sup>11</sup> Ehab Galal, “Religionens synlighed på arabisk satellit TV,” unpublished M.A. thesis, Copenhagen University, 2006.

modern consumerist lifestyle. Patrick Haenni, a Swiss scholar who has published one of the few studies of the phenomenon, has dubbed it "The Islam of the Market."<sup>12</sup> While the Islamist movement managed to reach down also into the lower classes, where its message of an Islamic alternative could be seen as an attractive social and political option, the new Islam of the market was especially directed at the well-to-do; there was no idea of a social revolution or redistribution of wealth, but instead a stress on personal improvement, good manners, ethical behavior and family life. In Cairo, new Islamic salons were opened in the attractive areas of Doqqi, Mohandessin and Heliopolis. Many were for women and with women preachers. The Shooting Club in Doqqi, an expensive sports club, opened classes in prophetic medicine and Islamic psychology. Several of the new preachers were educated, but lay, with degrees in the natural sciences. They could give classes in the homes of their well-to-do followers, or in clubs or mosques, but they were not official preachers of state mosques. It seems, however, that it was exactly their modern education and manners that made them attractive to an audience that had become estranged from the often quite aggressive style of preaching of traditional 'ulama'. Alongside this trend came a generation of new comedians and pop stars with less sexually explicit messages, who were deemed acceptable for the youth in these new Islamically oriented middle-class environments.<sup>13</sup> And by the end of the decade, some of the new preachers—typically dressed in shirt, jacket and tie—had been discovered by the new satellite stations.

The new *da'īya* soon proved to be an attractive asset to the new satellite TV stations. The first of them to sign a long-term contract was 'Amr Khalid, who signed up with Iqra in 1999. Not long after, the minor 'alim Khalid al-Guindi became co-host on Orbit's variety show "Cairo Today."<sup>14</sup> The Yemini Sufi preacher al-Habib 'Ali—who had gained a significant following among Cairo's elite before being escorted out of the country by the security police in 2001<sup>15</sup>—signed a contract with the new private channel Dream. Apart from the contract itself, such preachers could now also raise money from rich supporters, cassettes and videos, and celebrity dinners.

<sup>12</sup> Patrick Haenni, *L'islam de marché*, Paris 2005.

<sup>13</sup> *Ibid.*, pp. 6–13.

<sup>14</sup> Wael Lutfi, *Zahirat al-du'ā al-judād*, Cairo 2005, p. 77.

<sup>15</sup> *Ibid.*, pp. 83–107.



The most important of the new preachers is ‘Amr Khalid. A religiously devout, softspoken accountant, he was allegedly once close to the youth groups of the Muslim Brotherhood.<sup>16</sup> He began giving religious talks in Cairo’s Shooting Club and swiftly gained popularity as a preacher of the heart who would speak frankly and understandingly about the demands of modern life, family, conscience and love of God. His fame spread with the weekly programs on Iqra, many of which concentrated on the Prophet and his family. Apparently as a result of his success, in 2002 Khalid was told to cease his television appearances. He decided, however, to continue them from outside Egypt, first out of Beirut and later from Birmingham, UK, where he had settled. His preaching has gradually taken on a more socially constructive and activist tone; in particular, the social program “Life Makers” is a new type of social effort, unique among the preachers, mobilizing youth against such vices as drugs and smoking. Likewise, his hugely popular and engaging website is among the most visited in the Arab world.<sup>17</sup> His sojourn in England has also made him interested in utilizing his popularity in the Arab world to work to improve Arab-European relations on the popular level.

#### THE CARTOON CRISIS OF 2006

Finally, let us move to 2006 and the so-called cartoon crisis in order to trace the most direct interaction and confrontation between the new “Islamic” media stars, and the competing attempts at new Islamic internationalism that have sprung from it.

On 30 September 2005, the Danish right-wing daily *Jyllandsposten* published a series of 12 drawings of the Prophet Muhammad that it had commissioned from various illustrators. Knowing well that classical Islamic law and contemporary Muslim media praxis shies away from illustrating prophets in general and the Prophet Muhammad in particular, the cultural editor of *Jyllandsposten* argued in an accompanying text that the media should not be bound by such considerations, as this amounted to self-censorship. Muslims in Denmark were dismayed—less, it seems, because a non-Muslim paper had broken the taboo on depicting Muhammad, but rather because a few of the drawings were

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<sup>16</sup> Ibid., p. 41.

<sup>17</sup> [www.amrkhalid.net](http://www.amrkhalid.net)

quite denigrating. In their eyes, there was a clear intention to hurt and to demonstrate that they should put up with whatever the powerful Danish media decided to print about their religion and identity. A group of Muslim leaders in Denmark sued the newspaper, protest letters were sent and a demonstration was organized. Eleven ambassadors from Muslim countries sent a letter to the prime minister complaining about this and other incidents of anti-Muslim rant in the Danish media. They demanded a meeting, but this meeting was not granted them, on the grounds that the prime minister is not in a position to control or censor the press.

By late October the incident of the denigrating cartoons had been reported in the Arab press, and the cartoons had even been published in a minor Egyptian weekly as an example of European Islamophobia.<sup>18</sup> Egypt, in particular, had also complained to Denmark about the cartoons, and the Danish Foreign Ministry was working to contain the damage resulting from their publication and from the snubbing of the Muslim ambassadors.

Initially, the international Islamic organizations did not protest very actively, thus leaving the field to the relatively secular Egyptian state. This was gradually to change, however, especially after a delegation of Danish Muslims came to Cairo in early December, and—through the assistance of the Egyptian Embassy in Copenhagen—were granted meetings with the Shaykh al-Azhar, the state mufti, and the general secretary of the Arab League. Reporting about the cartoons—but also about wider anti-Muslim discrimination in Denmark—and their futile attempts to take the case to court, the delegation was met with much sympathy, both from the high 'ulama' and from parts of the Egyptian press.

The Organization of Islamic Countries met in Mecca on 8 December, and although the cartoon case was discussed—and thus brought to the attention of the foreign ministers of all Muslim countries—the response was subdued, only mentioning in general terms regrettable cases of Islamophobia in Europe.

By contrast, on 10 December the Academy of Islamic Research in Cairo met in a special session convened by the Shaykh al-Azhar. In a lengthy statement it called for an apology from Denmark to Muslims

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<sup>18</sup> *Al-Fajr* (Cairo), 8 October 2005.

around the world, and mentioned the threat of a boycott of Danish goods.

At their meeting on 29 December, the OIC foreign ministers expressed disappointment with the intransigence of the Danish side. A few days later, the ISESCO, the cultural and educational committee of the OIC, sent out a letter to its member states demanding that they boycott the “Images of the Middle East” festival due to take place in Copenhagen in August 2006.

On 1 January 2006, however, the Danish prime minister, Anders Fogh Rasmussen, delivered a New Year address to the Danish people affirming the freedom of the press, but also stressing the need to deal with other cultures with respect and sensitivity. The Danish embassies publicized the speech in the capitals of Muslim countries, which seemed to accept the speech as a conciliatory step on the part of Denmark. For a while, no further belligerent statements came out of the Muslim chancellories. On 18 January, Muhammad Sayyid Tantawi, the Shaykh al-Azhar, who had sounded most belligerent, and the state mufti of Egypt, ‘Ali Jum‘a, both received the Danish ambassador cordially, and in front of the international and local press declared that the conflict was behind us.

This was, however, not the end of the affair. On 10 January a minor Norwegian Christian newspaper had published the cartoons, supporting the idea of *Jyllandsposten* that there was a threat of self-censorship in the European press. This claim would later spread to dozens of newspapers on the European continent—but not to Britain or the United States. Likewise, a poll released in Denmark on 11 January revealed that most Danes were supporting the stand of *Jyllandsposten*.<sup>19</sup> This result was reported on al-Jazeera, which now began to cover the cartoon crisis in an aggressive way.

And this line was followed up by independent Islamists in the Arab press. In his widely read weekly column in *al-Sharq al-Awsat* on 18 January, Fahmi Huwaydi stated that the Danish PM’s New Year speech was too little, too late. While lauding the OIC for its firm response, Huwaydi criticized the Arab governments for not reacting

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<sup>19</sup> Jerichow, 2006, p. 70.

strongly enough, claiming that they would have been much more aggressive if the insult had been directed at a head of state.<sup>20</sup>

While the governments and their embassies were reassuring each other that no one wanted a confrontation, the media and public opinion in both Europe and the Muslim world were now actively seeking such a confrontation. In his "Shari'a and Life" program on al-Jazeera on 21 January, Yusuf al-Qaradawi announced a boycott of Danish goods until the Danish PM apologized. The International Union of Muslim Scholars and a special network of Muslim businessmen were mobilized to spread the message. Within days the boycott had spread from the Arab Peninsula to Egypt and other parts of the Arab World. And the Danish Foreign Ministry was being bombarded with protest e-mails. A fevered atmosphere spread in the Arab media, which went from covering the affair to being active mobilizers of the Muslim audience for the cause. Al-Qaradawi and Muhammad Salim al-'Awwa, the general secretary of the International Union, were generally seen as the main protagonists of the boycott, and al-'Awwa appeared in numerous talkshows.

But the new *da'iyas* were not far behind. An example would be the "Cairo Today" program on Orbit on 30 January, where one of the new preachers, Khalid al-Guindi, celebrated the Muslim New Year by praising the Egyptian diplomats, journalists and housewives for their concerted efforts to come to the defense of the blessed Prophet; at no other time in recent history had the *umma* been so united, he claimed. Businessmen in the studio and over the phone pledged that they would boycott Danish products as of that moment. In Europe, shaykhs took the initiative to yet a new international Islamic network, called Nusrat al-Nabi, "The Rescue of the Prophet."

But a boycott was seemingly not enough. Demonstrations were now spreading in many parts of the Muslim world. Al-Qaradawi and al-'Awwa's International Union for Muslim Scholars declared Friday, 3 February, a "day of wrath." The following day the whole campaign worked itself up to a crescendo, when agitated mobs in Damascus torched the Danish Embassy (along with the Norwegian and a few others). The next day the Danish Consulate in Beirut was set on fire.

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<sup>20</sup> Fahmi Huwaydi, "The Insult against Islam's Prophet Again Raises the Question: Who Is Hating Whom?" *al-Sharq al-Awsat* (London), 18 January 2006.

And in the following days, around 50 demonstrators were killed in confrontations with police in Pakistan, Senegal, Afghanistan and other Muslim countries.

This outrage led to the beginning of self-criticism in parts of the Arab press. Liberals and others who would normally stand up for freedom of expression had felt no inclination to defend a provocative newspaper in a faraway and insignificant country, as it could be detrimental to their own causes. Now, however, they could use the excesses to protest against religious zeal and self-righteousness. It was in this more confused phase of the conflict that the new preachers decided to make a move.

#### NEW INTERNATIONAL CONSTELLATIONS

On 13 February 2006, 41 prominent Islamic personalities published a declaration about the Cartoon Affair.<sup>21</sup> While condemning the illustrations—and calling on the government and the people of Denmark to do the same—it strongly condemned the violence perpetrated by Muslims in the previous weeks. It did not mention the boycott and was therefore interpreted as a conciliatory step.

The signatories to the declaration used the word *du'a*, preachers, about themselves. Actually, not all of them were actively engaged in preaching, and the word was probably chosen because they were clearly not all 'ulama'. The 41 names included the best-known new preachers: 'Amr Khalid, Khalid al-Guindi, Habib 'Ali and Tariq al-Suwaidani, the director of the new Islamic channel al-Risala. There were also 'ulama', such as the Saudi thinker Salman al-'Awda; but many were doctors—that is, academically distinguished individuals affiliated with modern universities. An important group consisted of the top 'ulama' of a few states: the state muftis of Syria, Egypt and Jordan. There were also some Egyptian women, the university teacher Hiba Ra'uf and the preacher Abla al-Kahlawi. Finally, the Shi'a was represented by the Lebanese Husayn Fadl Allah.

This was quite a remarkable list of names. According to one of the signatories, Hiba Rauf, it was the Yemeni preacher Habib 'Ali who had taken the initiative.<sup>22</sup> The inclusion of such intellectuals as Hiba Ra'uf

<sup>21</sup> Published on the 'Arabiya website, 13 February 2006.

<sup>22</sup> Personal communication, 28 February 2006.

and preachers without formal training such as 'Amr Khalid clearly testified to the main criterion for selection: media prominence.

One person not included on the list was Yusuf al-Qaradawi. This was immediately remarked upon, including by the 'Arabiya channel website, where it was first published. It soon transpired that he had been asked to sign but disagreed with the statement and opted for keeping the confrontation alive. His ally, Muhammad Salim al-'Awwa, openly criticized the declaration. The critics became more vocal when 'Amr Khalid announced his intention to go to Denmark. The new international Islamic networks were not only determined by media visibility; they were also divided over media policies.

On 16 February, just three days after the declaration of the preachers, 'Amr Khalid launched his project of a conference about the prophet in Denmark. Speaking in the five-star hotel of the giant City Stars Mall in Cairo and with the state mufti, 'Ali Jum'a, as the first speaker, 'Amr Khalid told an audience of journalists and photographers that he was organizing a conference in Denmark on 9–10 March. Entitled "This Is Our Prophet," the conference was to have a section with major 'ulama' (including a number of state muftis) and another section of youth. The conference would enlighten the Danes about Muhammad, Islam, sacredness and the true meaning of freedom of expression. And there would be discussion about practical projects for the co-existence between Muslims and the West. "We have been insulted, and we have been raging. But we should take the model of the Prophet. He was insulted, too, but he did not simply give in to his rage. He used it constructively to preach the message that mattered. We must use this opportunity to teach the true Muhammad to the Danish people."<sup>23</sup>

During the weeks before the conference, 'Amr Khalid was violently attacked in the Arab media for his initiative. Islamist writers such as Muhammad Salim al-'Awwa and Fahmi Huwaydi criticized him for self-promotion and for rendering the boycott ineffective.<sup>24</sup> Al-Qaradawi in his TV program on al-Jazeera stated that this would divide the Muslim community. 'Amr Khalid answered that he respected al-Qaradawi very much and had learned a lot from him about the necessity of dialogue.

<sup>23</sup> 'Amr Khalid in *City Stars*, 16 February 2006.

<sup>24</sup> *Al-Masri al-Yaum* (Cairo), 1 March 2006.

But Muslims were in a situation where they should build bridges, not burn them.<sup>25</sup>

The conference itself ended up being rather more modest than it seems ‘Amr Khalid had been hoping. He came to Denmark with a delegation of Arab youth, who met with Danish youth and issued a common statement. But the other part of the conference fielded only three of the new Islamic TV preachers (‘Amr Khalid, Habib ‘Ali and Tariq al-Suwaidani), a Danish bishop and two Danish specialists on Islam. And Tariq al-Suwaidani’s uncompromising demand for apologies meant that the conference went nowhere.<sup>26</sup> The three Arab Muslim participants had apparently been cowed by the massive criticism in the Arab media. Afterwards, ‘Amr Khalid had to defend himself in the Arab media, and he produced a film that allegedly demonstrated the impact on the Danish audience of his talk on the Prophet Muhammad. Khalid insisted that he and the Muslim youth had had an impact, and that as Muslims they could speak for themselves without referring to al-Qaradawi or anyone else.<sup>27</sup>

Two weeks later, most of the Muslim protagonists of the crisis gathered in Bahrain. The main aim of the organizers was to uphold the boycott and the newfound Muslim unity. It was agreed that a new organization should be established, the International Organization for Defending the Prophet. This organization would defend Islam against attacks in the West through legal activism, lobbying, coordinating activities and fund-raising. It aimed at a fund of 100 mio euros. And it was to be directed by the Saudi preacher Salman al-‘Awda. Apart from this, what mainly drew the interest of the Arab media was the deference ‘Amr Khalid showed to Yusuf al-Qaradawi by kissing him.<sup>28</sup> ‘Amr Khalid explained that the Copenhagen meeting had been an attempt to use the momentum; he and al-Qaradawi had been in conflict about the means and the timing, but it was not a personal conflict. Still, ‘Amr Khalid also told the conference that his strategy of using youth and dialogue was the right one.<sup>29</sup>

<sup>25</sup> *Al-Sharq al-Awsat*, 1 March 2006.

<sup>26</sup> *Eigtveds Pakhus* (Copenhagen), 9 March 2006.

<sup>27</sup> Iqra TV, 12 March and 20 March 1996; Orbit TV, “Cairo Today,” 15 March 1996.

<sup>28</sup> [www.amrkhalid.net/articles/articles1342.html](http://www.amrkhalid.net/articles/articles1342.html)

<sup>29</sup> [www.islamonline.net/English/News/2006-03/23/article01.shtml](http://www.islamonline.net/English/News/2006-03/23/article01.shtml)

On 13 April 2006, the International Union of Muslim Scholars opened an office in Cairo. Al-Qaradawi appeared and talked about the issue of central historical concern to Islamic internationalism: It was of paramount importance, he asserted, that this Union keep its distance from governments and its closeness to ordinary Muslim people. The new media would help it in reaching this goal. A supportive article in the pan-Arab newspaper *al-Quds al-'Arabi* added that this Union's closeness to the political Islamic movements made it a novelty and added a new dimension to independent 'ulama' internationalism.<sup>30</sup>

### CONCLUSIONS

Islamic internationalism has occurred in phases, often related to developments in the media, which is our interest here. The following phases can be identified:

1. 1876 to 1908: Abdulhamid II's official Pan-Islamic policy
2. 1870s to 1920: Salafism; generally unofficial, and based on the media
3. 1920s to 50s: Government-sponsored conferences with 'ulama' as protagonists
4. 1950s: Full state attempts; media coming under stricter state control
5. 1960s and 70s: International Islamic organizations as foreign policy tools
6. 2000: The rise of the global preachers, along with new, more independent media
7. 2005–06: International networks of media preachers, based on popular appeal, deliberately non-state

The pendulum has been swinging between state control and independence, both among the media and among the 'ulama'. For our purposes, it is worth noting that a long period of state control of the media came to an end during the 1990s. It is not very surprising that the similar state dominance of Islamic internationalism would be similarly challenged. This has happened with the global militant Islamist networks and their underground media, primarily on the Internet. But due to the new transnational Arab media, and in particular with the rapid spread of satellite TV, it is also happening in the competitive public sphere that has emerged.

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<sup>30</sup> *Al-Quds al-'Arabi* (London), 18 May 2006.



Since the turn of the millennium we are in a situation where the states have lost control over the media, and the various transnational media are in fierce competition. This has led to specialization and to more aggressive marketing. To win the attention of viewers the satellite channels have opened up challenging and provocative issues and polemics, and they sign up, and promote, a new brand of TV stars. Islam has evolved as an attractive subject in the new Pan-Arab public sphere; Islam is controversial in politics, and much discussed on the personal and social level, as well. Moreover, Islam is closely bound up with most of the Arab viewers' identity and, to a certain degree, with defining the Arab world against its neighbors, in particular the Western world. Hence the new media have developed into a strong independent factor in the definition of the Islamic allegiance of their audiences. This is often beyond the control of the individual state and its ministries of religion or information. Indeed, even the state muftis simply have to compete with everybody else for audience approval, at least on the more independent satellite networks. This is why we see new configurations based on media positions, with the state muftis generally siding with the least Islamist of the main TV preachers.

New also is the rise of the preachers. They come in great variety: political or a-political, Sufi or Salafi, promoting individual behavior or collective action. But with their power to influence their viewers' perception of Islam, these preachers have an important social and political impact. This is why we see them getting interviewed in media other than their own, and why state security services seem to take a great interest in their work. Hence, when important events with an Islamic dimension take place, these preachers are expected to respond and give guidance to their audiences.

This is what happened in the Cartoon Affair, when in early 2006 it spiraled out of control. Certain TV preachers played a role in mobilizing Muslim protest and spreading it throughout the Arab and Muslim world. Others, however, tried to calm down emotions. When the matter came to a climax, we saw for the first time that the preachers could no longer be ignored by the major 'ulama', who ended up either siding with some of them or opposing them. A new internationalism formed along ideological lines, with two blocks of scholars opposing each other, and the *da'iya* taking an active part along with their academic colleagues. Apparently, such states as Egypt, Saudi Arabia and the Emirates were

absent from the scene of the new Islamic international configurations. But that may be only apparently so.

Thus even if the 'ulama' have staged an impressive comeback to the scene, on the back of the broader Islamic awakening, scholarship is no longer the only way of achieving Islamic religious authority. And even among the 'ulama' it seems to be such qualities as political connections and telegenic appeal, more than scholarly merit, that lead to public recognition.



## LIST OF CONTRIBUTORS

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