

TWO

THE ROOTS OF THE PROBLEM

All religions, like all sociological and political movements, have a process or method for generating and defining authority. Authority can be formal or informal, but either way, authority defines for people what is official, formal, and binding. Fundamentally, it defines what can be relied upon and what ought to be followed. In the Islamic context, the authoritative communicates to believers what is objectionable, what is acceptable, and what is binding, and also what is formally a part of their religion.

However, in the modern era, Muslims have suffered a crisis of authority that has deteriorated to the point of full-fledged chaos. There are reasons for this that I will explain, but for now it is important to note that in the house of Islam, which includes any area where Muslims live, whether in Muslim countries or not, there are numerous parties who pretend to speak on God's behalf but too few who are willing to listen.

A brief aside is necessary here. Modernity, as a concept, is highly contested by social theorists, but by *modern era* I mean the twentieth and twenty-first centuries, especially after the 1950s. The deterioration in religious authority started with the age of colonialism in the eighteenth century, especially with Bonaparte's invasion of Egypt in 1798. But even back then the *'ulama* (religious scholars or jurists) were able to mobilize the

population into waging a vast rebellion against the French. By the twentieth century and onward, however, the *'ulama* ceased to have that kind of influence in most of the Muslim world, and the crisis in religious authority was in full effect.

Westerners often complain that it is difficult to learn whether Islam endorses or condemns a particular position or practice, such as hostage-taking, suicide bombings, and the veiling of women. The same complaint is made by Muslims living in practically every part of the globe. Many Muslims in numerous venues, ranging from books and newspapers to call-in television and radio programs, complain that on a very wide range of issues—from those named above, as well as the legality of secret marriages and certain types of divorce, to interest on bank loans, house mortgages, fighting the Americans in Iraq or Afghanistan, and the duty of Muslims toward those suffering occupation in Chechnya and Kashmir—they find many contradictory statements about what is Islamically legitimate or condemnable. The phenomenon described here is not limited to the Middle East or to one part of the Muslim world. I have received a large amount of correspondence from Muslims living in several non-Middle Eastern countries, including Malaysia, Indonesia, Pakistan, India, Bangladesh, Australia, and several South American and sub-Saharan African countries, lamenting the same problem and asking if there is some way that a Muslim can ascertain the incontrovertible and true Islamic position on any of the issues mentioned above.

The reality is that in the modern age, there are many contradictory claims made in Islam's name, and when it comes to Islamic law, the response one gets about any particular issue depends on whom one asks. This reality was keenly felt after the terrorist attacks of 9/11, but it has been evident in numerous controversies, such as the Salman Rushdie affair, the practices of the Taliban against women and historical and religious

monuments, the stoning of women in Nigeria, the taking of hostages in Iran and Lebanon, the treatment of women in Saudi Arabia, the ejection of veiled Muslim girls from public schools in France, and the presence of women as religious leaders and advisers in Egypt, Canada, South Africa, and China.

JURISTS AND THE ONGOING BATTLE FOR RELIGIOUS AUTHORITY

There is no church in Islam, as was noted earlier, and although this contributes to the chaos, it does not fully explain it. There is likewise no clergy, in the Western sense; there is nothing in Islam that comes close to the papacy in Rome or the institution of the priesthood. There is, however, a class of people who attend something like a seminary, where they study the religious sciences and Islamic law. In Islam, they are given various names—in Arabic, *‘alim* (pl. *‘ulama*), *faqih* (pl. *fuqaha*), *mulla*, *shaykh*, or *imam*. Because of the nature of their technical legal training and their historical role as lawyers and experts in jurisprudence, I will call them *jurists* throughout the book. Today, these individuals play a role quite similar to that of rabbis in the Jewish faith, in that they give counsel, conduct marriages, conduct the last rites for the deceased, and in some cases serve as judges in a religious court.

The opinions of these jurists carry persuasive authority, but they are not mandatory or binding. These opinions, known as *fatawa* (sing. *fatwa*), may address either a specific problem of interest to a particular person or a matter of public concern. In the classical age, Muslim scholars set strict qualifications that a jurist had to meet before becoming qualified to issue a *fatwa*, and the more serious the subject the higher the qualifications demanded of a jurist. In the contemporary age, the in-

stitutions that enforced this system of qualifications have crumbled and disappeared. Today, practically anyone can appoint himself a *mufti* and proceed to spew out *fatawa*, without either a legal or a social process that would restrain him from doing so.

A *fatwa* may be authoritative for some Muslims but not others. The decision to accept or reject a *fatwa* is entirely up to each individual Muslim. One group of Muslims may defer to one jurist and abide by his *fatwa* because they respect his learning and judgment, while another group may completely ignore it because, for whatever reason, they do not believe his *fatwa* to be correct. A Muslim's decision to accept or reject a *fatwa*, however, is not supposed to be based on whim or mood; every Muslim is expected to reflect upon and ponder each *fatwa* and abide by it only if he or she believes that it truly and accurately represents the will of God. Although each *fatwa* reflects the opinion of a learned person about what God desires or wills, it is up to the recipients of the *fatwa* not to follow it blindly or unthinkingly. According to Islamic law, practicing Muslims must exert a degree of due diligence in researching the qualifications of the jurist issuing the *fatwa*, and also the evidentiary basis for the jurist's opinion, before deciding to follow or reject any particular *fatwa*. Today, with the explosion in self-declared experts in Islamic law, and the absence of credible institutions that can discredit or vouch for the qualifications of *fatwa* issuers, there is complete chaos in the world of Islamic law. Especially since the advent of the Internet, most *fatawa* are authored by people trained as doctors, engineers, and computer scientists rather than Islamic scholars.¹ This jurisprudential chaos is confusing and even torturous to the conscientious Muslim, let alone the average non-Muslim.

In the precolonial age, particularly from the ninth to the eighteenth centuries, jurists played the most pivotal role in

providing authority in Islam. Although there was a long tradition of plurality of opinions within the juristic class and a practice of disputation and disagreement, juristic institutions provided the power of definition in Islam; collectively the juristic class determined what was orthodox and legitimate within the religion. Throughout the Muslim world, there were private religious endowments (known as the *awqaf* [sing. *waqf*]) that funded a network of seminaries. For the most part, these religious endowments were established by private philanthropists, many of whom were women. For all practical purposes, these seminaries functioned like law schools, providing jurists with rigorous training in Islamic jurisprudence.

Islamic jurisprudence is a legal system every bit as complex as the civil law, common law, and Jewish law legal systems. It is customary for Western scholars to distinguish between secular legal systems and Islamic law by claiming that secular law is based on the command of a *human* sovereign, while Islamic law is based on the command of a *Divine* sovereign. At the purely theoretical level, this claim is true to an extent, but it is an oversimplification that tends to understate the role of human agency in the production of Islamic law. Unlike secular law, Islamic jurisprudence covers matters pertaining to the relationship between God and human beings—this has to do with ritual practices such as praying, fasting, giving alms, and making pilgrimage (these are known as *‘ibadat* laws). But, like secular law, Islamic jurisprudence also deals with matters relating to social and political interactions and to the relationship of human beings to one another (these are known as *mu’amalat* laws). These laws address a wide range of issues, such as marriage and divorce, inheritance, criminal offenses, contracts and commercial transactions, constitutional law, and international law. According to Islamic jurisprudential theory, all laws in either category must be geared toward achieving

the welfare of people, establishing justice, and enjoining what is good while forbidding what is evil. These are the ultimate objectives of the law or, as some have called them, the constitutional purposes, of Islamic jurisprudence. As such, Muslim jurists are instructed to serve and promote these ultimate purposes.

Unlike secular legal systems, Islamic law is not based on positive commands issued by a government. Rather, Islamic law is produced by jurists interpreting textual sources and applying particular methodologies according to a fairly complex set of rules. The sources of Islamic law are the Qur'an, which Muslims believe is the literal, unadulterated word of God; the Sunna, which is a body of oral traditions describing what the Prophet and his Companions said and did; rule by analogy, which is effectively the following of precedents so that a judgment in an old case is adhered to in a similar new case; and consensus of the jurists (or, according to some, consensus of the Prophet's Companions, and according to still others, consensus of Muslims in general, as opposed to jurists). Other than these main sources, a ruling in Islamic law could be based on equity, public interest, or custom. This, of course, is a general overview of the sources that Muslim jurists relied upon in constructing and building the Islamic legal system. But it ought to be noted that there were extensive debates and disagreements about the exact meaning and application of each these sources. For example, many jurists, particularly Shi'is, believed that reason is an independent source of law.

Like in the common law system, Muslim jurists exercised the dominant role in producing the set of judgments and rulings that we now know as Islamic law. In theory, Muslim jurists searched and interpreted the Divine law, and they exercised considerable leeway and discretion in deciding what is valid or invalid, what is legitimate or illegitimate, what to

count and what to abjure, what to rely on and what to exclude. Because most of Islamic law is the product of juristic reasoning and interpretive activity, on any significant issue one will find multiple legal opinions all claiming to be correct. In the first couple centuries of Islam, well over thirty schools of legal thought, organized along the lines of methodological and interpretive differences, competed for the hearts and minds of Muslims. Although the competition among the various schools of thought was often intense, all schools were considered equally legitimate and orthodox. The sum total of all the legal opinions according to the various schools of thought, in addition to the principles and methodologies, were known collectively as the Shari'a (the holy law of God). In the classical age the state could not produce Shari'a law; only the jurists could do so. Laws passed by the state were considered regulatory rules not included as part of Shari'a law.

By the tenth century, most Islamic jurists received training in one of four Sunni schools of thought: Shafi'i, Maliki, Hanafi, or Hanbali. Each of the four schools was considered equally orthodox, and the laity could choose to follow any of them. (The many other schools existing earlier for various complicated reasons had become extinct.) Shi'i jurists, depending on their theological affiliation, trained in the Ja'fari or Zaydi schools, and at times they also trained in one of the Sunni schools of law.²

After many years of study in a law school or with distinguished jurists, a student would receive a sufficient number of licenses (*ijazas*) from professional mentors, until reaching the status of a jurist, or expert in Shari'a. Trained in Islamic jurisprudence, such a graduate enjoyed many career opportunities, all of which would have earned him a high level of social esteem. Jurists could work as professors of law, as judges, as court clerks, or in other high-level administrative positions

within the state bureaucracy. Importantly, however, regardless of their official or governmental post, jurists who earned the greatest trust, respect, and loyalty of the public through their teaching and writing also enjoyed the greatest level of social esteem and exercised the greatest influence on defining Islamic orthodoxy.

The Shari'a was richly diverse. Indeed, it is difficult to convey to modern readers the degree of richness and diversity that the Shari'a enjoyed. The only legal tradition that I am aware of that comes close to the richness of the Shari'a tradition is the Jewish Rabbinic tradition, with its multi-interpretive methods and various competing interpretations. As in the Rabbinic tradition, the students of Islamic law considered a wide range of alternative interpretations and opinions on any particular point of law, and the various sages of Islamic law worked hard to earn the respect and loyal following of a number of students, who in turn worked to spread and develop their master's intellectual heritage. The Rabbinic tradition, with all its various sages, methodologies, and legal determinations, collectively represented Jewish law. Likewise, the Shari'a contained a wide range of ethical and moral principles, legal methodologies, and many conflicting and competing judgments. This rich and diverse matrix of opinions and judgments was collectively considered to be God's law.

In fact, to help visualize the phenomenon that I am describing, perhaps I should mention my own personal library on Islamic law. It contains about fifty thousand titles, the vast majority of which were written before the sixteenth century and as early as the ninth century. The books in this library represent a variety of approaches, schools of thought, and opinions written over the course of several centuries. Many of the titles are multivolume—in fact, some titles contain as many as fifty volumes in print. As I repeatedly remind my students, the

fifty thousand titles do not simply present the same ideas and doctrines over and over again. Rather, each book is unique and special in terms of the ideas and doctrines presented. Legally speaking, the diversity reflected in these books could make a world of difference in terms of results: some jurists, for instance, barred women from serving as judges while others allowed it; many jurists banned women from leading prayer while a few permitted it. But as much diversity and richness that is contained in my library as it stands, there are hundreds (if not thousands) of other texts that I dream of acquiring someday, because there are yet many other opinions and views that I am eager to learn. Unfortunately, many of these texts are not published and remain in manuscript form. Nevertheless, all these books together, those I have acquired and those I dream of acquiring, the published and unpublished, collectively represent what we call the Shari'a.

The Shari'a—as a symbol to the Divine path and as the representative of the collective effort of Muslims at understanding what God wants from human beings—functioned like the symbolic glue that held the diverse Muslim nation together, despite its many different ethnicities, nationalities, and political entities. Shari'a became a symbol of unity and commonality for Muslims around the world, and jurists were the Shari'a's guardians and protectors. Throughout the classical period, the Islamic Empire became divided into many principalities and kingdoms ruled by different emirs, sultans, or caliphs that at times were in military conflict with each other. But the Shari'a remained the transcendent symbol of unity, and the jurists, as its articulators and protectors, stayed above the petty political and military conflicts and struggles for power. As such, the jurists, although belonging to a variety of schools of thought, provided the quintessential source of religious authority in the Muslim world.

This whole complex edifice that supplied religious authority in Islam started to crumble with the entry of Western colonialism in the eighteenth century. Domestic elements not related to colonialism, such as inefficient taxation systems and poorly organized militaries, had already started the process of deterioration well before the eighteenth century, but those elements would likely have self-corrected had it not been for the sharp blow that colonialism dealt to the institutions of Shari'a after repeated military defeats of Ottoman and other Muslim forces across the Islamic world. Slowly but surely, the jurists lost their privileged position in society; and with the deterioration in their status, the place of Shari'a in Muslim society was seriously compromised as well.

Colonialism, under the auspices of modernization, generated new elites of Western-educated secular professionals. Under the guise of reform, Shari'a law was replaced with Western-based legal systems, and with that shift emerged a class of lawyers trained in Western-styled law schools. Nevertheless, the real damage to the status of jurists and the place of Shari'a was done by native rulers installed by colonial powers in the post-colonial period. Especially in the 1950s and 1960s, many of the rulers of Muslim countries were military men, trained in secular armies organized along Western military doctrines; in short, they were, for the most part, Western-educated, secular, and nationalistic. The impact of this was nothing short of devastating. The religious endowments that funded the Shari'a schools were nationalized and became state-owned property. In most countries the role of Shari'a was severely narrowed down and replaced with Western-based secular legal systems. Many of the Shari'a schools were closed down, and today most of them function as poorly preserved tourist attractions. Shari'a schools, such as the Azhar in Egypt, became state-owned schools in which the state appointed and fired the faculty.

With these changes, career opportunities for those trained in the Shari'a schools became severely limited. Increasingly, jurists were perceived as state functionaries who were entirely controlled and directed by the state. But there was another development that has escaped the attention of many contemporary scholars. The curricula of the Shari'a schools were carefully redefined by the state, and the training of the students enrolled in these schools was completely overhauled in order to limit the jurists' ability to provide intellectual leadership to society. The *'ulama* (jurists) were trained to perform limited functions in society such as leading prayers in mosques, delivering Friday sermons, and at most, serving as judges in personal law courts. In order to limit the jurists' social and political functions, the state followed the dual policy of enforcing poor educational standards and paying low wages. In most Muslim countries the state aspired to be the gatekeeper controlling the access of the *'ulama* to the Islamic intellectual heritage by eliminating certain chairs, banning particular subjects or books, and firing jurists who stepped out of line or defied the state in any way. In addition, by lowering the educational standards and limiting the earning potential of the jurists, the state ensured that the religious schools only attracted the least able and bright students. The material taught in the religious schools no longer included studying jurisprudential theory, legal maxims, legal precedents, hermeneutics, rhetoric, procedural theory, or any of the kind of subjects normally encountered in schools of law. As a result, those graduating from these schools were no longer jurists or legal experts in any sense. Effectively, the *'ulama* became more like Western-styled ministers, who functioned at the margins of society as religious advisers without being able to influence social or political policy in any meaningful way. After most Muslim

countries adopted Western-based legal systems, the state took away the power of defining and enforcing the law from the jurists and gave it to lawyers educated in Western-styled secular law schools.³

This process left a vacuum in religious authority in modern Islam. The disintegration of the traditional institutions of Islamic learning and authority meant a descent into a condition of virtual anarchy in regard to the mechanisms of defining Islamic authenticity. In the nineteenth and early twentieth centuries, noticing that Shari'a law was losing its prominence in society, a number of jurists, including Rifa'a al-Tahtawi (d. 1873), Muhammad 'Abduh (d. 1905), Rashid Rida (d. 1935), 'Abd al-Rahman al-Kawakibi (d. 1902), Jamal al-Din al-Afghani (d. 1897), 'Ali Jalal al-San'ani (d. 1810), Muhammad al-Shawkani (d. 1834), Mustafa al-Maraghi (d. 1945), and Muhammad Iqbal (d. 1938), attempted to stem the disaster by promoting liberal programs for Shari'a reform. These thinkers tried to reinterpret Islamic law in order to make it more responsive to modern challenges, such as women's rights, civil and human rights, democratic governance, and economic equity.⁴

Although their intellectual efforts were formidable, it is difficult to assess the exact impact of these liberal reformers on the history of Islam. Institutionally, the political developments of the time pushed their reforms to the side, and rendered them marginal. The reformers, for the most part, were scholars and jurists who did not lead mass movements. The vacuum in religious authority that they were working to address was quickly filled by popular movements led by men who had neither the training nor the education of the liberal jurists. Examining their impact in the short term, one would be tempted to conclude that the liberal reformers did not make much of a

difference in the Muslim world. However, I think such a conclusion would be too hasty. The original liberal reformers inspired others, such as ‘Abd al-Majid Salim (d. 1954), Mahmud Shaltut (d. 1963), Muhammad al-Ghazali (d. 1996), Muhammad ‘Umara, Subhi al-Mahmassani, ‘Abd al-Razzaq al-Sanhuri (d. 1971), Salim al-‘Awa, Ahmad Hasan (d. 1958), Fazlur Rahman (d. 1988), and others, who have built upon the efforts of their predecessors in every decade since the early twentieth century. The reformers have had a significant impact upon moderate trends in contemporary Islam. For instance, some of the ideas that raised enormous controversy when originally proposed are now taken for granted by moderate Muslims. While the liberal reformers did not fill the vacuum of authority created in the postcolonial age, their ideas have inspired and shaped the thought of what I call moderate Islam. Today, it is the moderates who stand against the puritans aspiring to fill the vacuum of authority plaguing contemporary Islam.⁵

THE NATURE OF THE VACUUM

In 1933, the prominent jurist Yusuf al-Dijjawi (d. 1365/1946)⁶ decried with great chagrin that various puritan orientations were deprecating the Islamic tradition by enabling people with a very limited education in Islamic jurisprudence to become self-proclaimed experts in Shari’a.⁷ The fears of al-Dijjawi were not only well founded, but things were to become much worse than he could have ever imagined. The vacuum in authority meant not so much that *no one* could authoritatively speak for Islam, but that virtually *every* Muslim with a modest knowledge of the Qur’an and the traditions of the Prophet was suddenly considered qualified to speak for the Islamic tra-

dition and Shari'a law—even Muslims unfamiliar with the precedents and accomplishments of past generations. Often these self-proclaimed experts were engineers, medical doctors, and physical scientists. In fact, the leaders of most Islamic movements, such as the Muslim Brotherhood and al-Qa'ida, have been engineers or medical doctors.

As these self-proclaimed and self-taught “jurists” reduced the Islamic heritage to the least common denominator, Islamic intellectual culture witnessed an unprecedented level of deterioration. The sad reality is that Islamic law and theology in the contemporary age were reduced to the extracurricular hobby of pamphlet readers and writers. Marginalized and displaced, Islamic law was now a field ripe for pietistic fictions and crass generalizations, rather than a technical discipline of complex interpretive practices and sophisticated methodologies of social and textual analysis.

To bring the problem closer to mind, imagine Rabbinic law being suddenly usurped by Jewish engineers and medical doctors. Soon nothing would remain of the Rabbinic tradition except unsystematic anecdotes and meditative speculations. Regardless of how interesting the collective outcome might be, the Rabbinic tradition, as a cohesive legacy, would be gone.

The role played in Islam by self-proclaimed experts is partly explained by the paradoxical nature of Shari'a itself. As noted earlier, Shari'a is, on the one hand, the sum total of technical legal methodologies, precedents, and decisions; it is also, on the other hand, a powerful symbol of the Islamic identity. For the trained jurist, Shari'a is a legal system full of complex processes and technical jargon, but for the average Muslim, Shari'a is a symbol for Islamic authenticity and legitimacy. Throughout Islamic history, the layperson (who in all likelihood knew very little of the technicalities of Shari'a) revered Shari'a as a sacred bridge to the Almighty God. For example, in a well-known

passage, the famous Muslim jurist Ibn al-Qayyim (d. 751/1350–1) conveys a sense of the reverence and adoration with which the Shari'a was held in Islamic history. He states:

The Sharia is God's justice among His servants, and His mercy among his creatures. It is God's shadow on this earth. It is His wisdom which leads to Him in the most exact way and the most exact affirmation of the truthfulness of His Prophet. It is His light which enlightens the seekers and His guidance for the rightly guided. It is the absolute cure for all ills and the straight path which if followed will lead to righteousness. . . . It is life and nutrition, the medicine, the light, the cure and the safeguard. Every good in this life is derived from it and achieved through it, and every deficiency in existence results from its dissipation. If it had not been for the fact that some of its rules remain [in this world,] this world would become corrupted and the universe would be dissipated. . . . If God would wish to destroy the world and dissolve existence, He would void whatever remains of its injunctions. For the Sharia which was sent to His Prophet . . . is the pillar of existence and the key to success in this world and the Hereafter.⁸

In this passage, Ibn al-Qayyim is speaking of Shari'a not as a technical legal system, but as a symbol, which despite its remarkable diversity and pluralism represents the unified Muslim identity. Because of Shari'a's symbolic role and its ability to appeal to and mobilize popular Muslim sentiment, activists and the leaders of puritan movements have found it necessary to exploit Shari'a in order to win significant popular support.

In fact, in the 1970s various governments, such as those of Egypt, Jordan, Pakistan, Malaysia, Indonesia, and Sudan,

were complicit in supporting various Muslim movements in order to counter the spread of Marxist and leftist organizations. These governments also hoped to bolster their own power base by appearing to support Islamic movements that raised the banner of Shari'a and called upon Muslims to rally around it. However, this honeymoon period between secular governments and puritan movements was short-lived because these governments soon discovered that puritan movements posed a serious threat to the stability of secular governments. For the many despotic Muslim states, the 1979 Iranian Revolution, in particular, came as a rude awakening that drove home the terrifying realization of the power of Shari'a to mobilize the masses and overthrow powerful secular governments. Moreover, the 1981 assassination of Egypt's President Anwar Sadat by a puritan group only added to the apprehension and animosity of the various despotic governments against the puritan movements.

By the early 1980s, in an effort to get rid of the puritan danger, many governments in the Muslim world replaced the short-lived honeymoon with vicious repression. Political repression, however, only succeeded in further radicalizing these puritan movements. It also generated considerable broad-based sympathy for the puritans, who were seen as "victims" of injustice and barbaric cruelty. In the 1970s and early 1980s, most Muslims sympathized with puritan movements as a statement of protest against the repression of the corrupt and despotic governments in power, but they did not necessarily agree with or approve of the puritan interpretation of Islam.

But other than political repression, there were other historical factors that led up to the puritans' exploitation of Shari'a as a powerful symbol of legitimacy in an effort to fill the vacuum of religious authority plaguing contemporary Islam.

In the 1960s and 1970s the Muslim world, especially the Middle East, was flooded by nationalistic ideologies and anti-colonial movements. Ideologies of Arab nationalism and pan-Arabism were staunchly secular; Islam was seen as a hindrance to developmental progress and modernization. Because of the social power of Islam and its ability to mobilize the masses, secular nationalist and pan-Arabist states attempted to strictly regulate religion and then use it to lend support to their cause. For example, Egypt's President Gamal 'Abd al-Nasser tried to do this by making the once prestigious Azhar University entirely dependent on the government, and then had it lend support to all governmental policies (including Nasser's severe repression of Islamic groups such as the Muslim Brotherhood).⁹ A more recent example of this phenomenon was when Saddam Hussein, the leader of the zealously secularist Ba'th party, put "God Is Great" on the Iraqi flag and plunged into speeches about the duty of jihad in a failed effort to get Iraqis to fight to defend his regime.

As in the case of Saddam, the effort in the 1950s and 1960s to exploit religion in a shamelessly opportunistic fashion lacked credibility, and only succeeded in exacerbating the crisis in religious authority felt around the Muslim world. The 1967 war, in which Israel defeated several Arab countries, rubbed salt in the wound by underscoring the collective weakness of Muslim countries. The 1967 war also severely undercut the credibility of Arab nationalist and pan-Arabist ideologies. But the loss of Jerusalem to Israel was a blow not just to Arab countries, but to Muslims around the world. This blow to Muslim sentiment had deep historical roots; for instance, in 1187 when Saladin reconquered Jerusalem from the Franks, the Qadi of Damascus stood in the Aqsa Mosque and praised "Saladin by whose deeds the dignity of Islam was restored." So with the loss of the Aqsa Mosque to Israel, many Muslims felt that Islam had lost

its former glory, and some even felt that Islam was in danger. The military defeats and resulting devastation to the national pride of many Muslim countries augmented the sense of frustration with prevailing political orders and also made the crisis in religious legitimacy much more acute. After the loss of Jerusalem, and the spread of the sense that secular governments had neither developed their nations nor restored to Muslims their lost sense of pride, the 1970s and 1980s witnessed what some scholars have described as the Islamic revival or the return to Islam. However, the Islamic revival consisted of the emergence of mass movements, which were often led by self-proclaimed experts in Shari'a who took advantage of the existing vacuum in religious authority. In response to the severe blows to the national pride of Muslims, these self-proclaimed experts were not interested in furthering the integrity or development of Islamic law or thought. Increasingly, their central interest became to augment the Islamic tradition's mass appeal by transforming it into a vehicle for displays of power symbolisms. The objective of these power symbolisms was to overcome the pervasive sense of powerlessness and to restore the pride of Muslims by clinging on to Islam as a symbol of resistance and defiance. Furthermore, these power symbolisms became a means of expressing resistance to Western hegemony in the contemporary age, as well as a means of voicing national aspirations for political, social, and cultural independence throughout the Muslim world.

This meant placing the Islamic tradition at the service of political objectives and nationalistic causes, which had two further effects. First, as the Islamic intellectual heritage was persistently made to support shifting and temperamental political causes, the Islamic intellectual tradition and Islamic law suffered increasing degradation and deconstruction. Second, to the non-Muslim world, Islam became wedded to certain

political causes, so that it became difficult for Westerners to think about Islam without reference to these political causes.

The most obvious example of this is the Israeli/Palestinian conflict so that, for instance, many people in the West are unable to think of Islam except in terms of how Islam affects that conflict. I often encounter this problem in teaching Islamic law. Many of my students enroll in the class thinking that a course on Islamic jurisprudence will inevitably focus on the Israeli/Palestinian conflict. When I announce that alas the course will not address this conflict at all, a considerable number of students politely withdraw from the course. Another rather typical example: Yale Law School organizes an impressive annual international symposium on Islamic law; and for as long as I have been involved with this symposium, the whole conference has been spent discussing the Arab/Israeli conflict.

Leaving aside the unfortunate but understandable confusion about the relationship of Islam to political issues and causes, as far as Islamic thought was concerned, the highly impoverished intellectual climate was ripe for exploitation by various “evangelical” mass movements, two of which were fated to become particularly influential: the *Salafiyya* (Salafis) and the Saudi Arabia-based *Wahhabiyya* (Wahhabis). It bears emphasis that these two movements were not the only ones to find the impoverished intellectual climate suitable for growth and expansion—indeed, there were many such mass movements around the Muslim world that contributed to the insufferably chaotic conditions plaguing the world of Islam. At the same time, in my view, by the 1980s and afterward there is no doubt that the Salafis and Wahhabis had become the most influential puritan movements throughout most of the Muslim world, and also had the most far-reaching impact upon the contemporary theology of puritan Islam. Eventually, these two, more than any others, became the defining ideological forces for puritan Islam.

NOTES

INTRODUCTION

1 Peter G. Riddell and Peter Cotterell, *Islam in Context: Past, Present, and Future* (Grand Rapids, MI: Baker Academics, 2003), have two chapters on the radical and moderate Islamist worldviews, 164–94.

CHAPTER 1: ISLAM TORN BETWEEN EXTREMISM AND MODERATION

1 Ralph Ketcham, *The Idea of Democracy in the Modern Era* (Lawrence, KS: University Press of Kansas, 2004), 30–39.

CHAPTER 2: THE ROOTS OF THE PROBLEM

1 See Gary R. Bunt, *Islam in the Digital Age: E-Jihad, Online Fatwas and Cyber Islamic Environments* (London: Pluto Press, 2003), 124–80.

2 On the interesting historical phenomenon when Shi'i jurists trained in Sunni seminaries and law, see Devin Stewart, *Islamic Legal Orthodoxy: Twelve Shiite Responses to the Sunni Legal System* (Salt Lake City: University of Utah Press, 1998).

3 For a description of the disintegration of the Shari'a, see Wael Hallaq, "Can the Shari'a Be Restored?" in *Islamic Law and the Challenges of Modernity*, ed. Yvonne Haddad and Barbara Stowasser (Lanham, MD: Rowman and Littlefield, 2004), 21–53.

4 The best sources on the reformists of this period remain: Albert Hourani, *Arabic Thought in the Liberal Age 1798–1939* (Cambridge: Cambridge University Press, 1983), and Daniel Brown, *Rethinking Tradition in Modern Islamic Thought* (Cambridge: Cambridge University Press, 1999).

5 For other studies on the thought of the moderates, see John Cooper, Ronald Nettler, and Mohamad Mahmoud, eds., *Islam and Modernity: Muslim Intellectuals Respond* (New York: I. B. Tauris, 2000); Omid Safi, ed., *Progressive Muslims*

(Oxford: Oneworld Press, 2004). For those interested in reading excerpts from the original sources written by moderate Muslims, see Charles Kurzman, ed. and trans., *Liberal Islam: A Source Book* (Oxford: Oxford University Press, 1998).

6 On many occasions I give two dates: the first date is according to the Islamic Era and the second is according to the Common Era. The Islamic calendar, which commenced from the year in which the Prophet migrated from Mecca to Medina, relies on the lunar year.

7 See Yusuf bin Ahmad al-Dijjawi, “al-hukm ‘ala al-muslimin bi’l kufr,” *Nurr al-Islam* (also known as *Majallat al-Azhar: The Azhar University Journal*) 1, no. 4 (1933): 173–74.

8 Muhammad Ibn Qayyim, *A’lam al-Muwaqqi’in* (Beirut: Dar al-Jil, n.d.), 3:3.

9 Said K. Aburish, *Nasser: The Last Arab* (New York: Thomas Dunne Books, 2004), 141. Arab secularists, such as the cited author, often recognize Nasser’s interferences with Azhar University, which led to extensive curriculum changes and also to the organizational restructuring of the thousand-year-old seminary. But they believe that these interferences led to necessary reforms. In reality, these interferences completely undermined the authority and credibility of Azhar University.

CHAPTER 3: THE RISE OF THE EARLY PURITANS

1 Several writers have noticed the literalist and extremist nature of ‘Abd al-Wahhab’s writings. For instance, see Hamid Algar, *Wahhabism: A Critical Essay* (Oneonta, NY: Islamic Publications International, 2002); Henry Bayman, *The Secret of Islam: Love and Law in the Religious Ethics* (Berkeley: North Atlantic Books, 2003). Recently, an apologetic work has tried to defend the founder of Wahhabism against the charges of rigidity, literalism, and extremism: see Natana Delong-Bas, *Wahhabi Islam: From Revival and Reform to Global Jihad* (Oxford: Oxford University Press, 2004). This is not the place to discuss the glaring omissions, mistakes, and misrepresentations that plague this book. I would be remiss, however, not to note my strong disagreement with most of what is printed in this curious work.

2 Amin al-Rihani, *Tarikh Najd wa Mulhaqatih* (Beirut: Dar al-Rihani, 1973): 35–36.

3 The connection between Wahhabism and Bedouin life is clear in a work like John Lewis Burckhardt, *al-Badw wa al-Wahhabiyya* [Notes on the Bedouins and Wahhabis], trans. Muhammad al-Asyuti (Beirut: Dar Swidan, 1995), hereinafter Burckhardt, *Notes*; al-Sayyid Muhammad al-Kuthayri, *al-Salafiyya bayn Ahl al-Sunna wa al-Imamiyya* (Beirut: al-Ghadir li’l Tiba’a, 1997), 509, discusses the connections between Bedouin life and Wahhabism, and describes Wahhabism as a Bedouin creed.

T H E

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KHALED ABOU EL FADL

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