Heirs of the Prophet:

Islamic Authority and International Politics in the 21st Century

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Dedication

I dedicate this dissertation to Jessica and to my family, especially my parents, James and Donna Mikulec, and my grandparents, Peter and Joyce Izzi and Joseph and Laura Mikulec, who always encouraged me to pursue the things that I love. Without their constant support, I would not be here today.

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This dissertation was written during (and, in some cases, was an eyewitness to) a particularly important, but volatile period in the political and social history of the Middle East and the Muslim world. The Arab Spring, which began approximately a year after I defended my dissertation prospectus, significantly changed the political makeup of the region as well as Islam's role in this process. During my initial "soak and poke" trip to the region in 2009, I was very late for a scheduled appointment at an Egyptian library when then-President Mubarak's motorcade closed down several major Cairo streets. Conversely, parts of the conclusion chapter were written with the sound of protests and gunfire in the background during Egypt's tumultuous summer of 2013. In many ways, these unexpected twists and turns forced me to always consider what about the region (and Islam's role in regional politics) is new and what has remained the same.

In acknowledging those who helped me in completing this long process, I must first and foremost thank my family and friends. Without their constant love and support, I would never have made it this far toward my lifelong dream of earning a Ph.D. As mentioned on the previous page, this project is dedicated to them. I would also like to thank all of the teachers I have had throughout my life who have taught me to love the social sciences, especially my high school teachers Mr. Russ Cannon and Mr. David Osiecki and my college professors Dr. Brian Ripley and Dr. Michael Federici.

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Abstract of Dissertation

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Senior Islamic authorities (*'ulama*) have reached different levels of consensus when contesting their response to major international events in the 21st century, largely agreeing on the appropriate response in some cases while remaining strongly divided in others. This variation has been present even in cases when Islamic authorities considered substantively similar issues in close chronological proximity. Furthermore, these levels of consensus changed over time in some cases, growing stronger or weaker, but remained relatively constant in other cases. Therefore, my research question for this project is: What accounts for variation in the level of consensus achieved by Islamic authorities when contesting their responses to major international events and why does this level of consensus change or not change in response to subsequent developments? For each case, I determine the initial level of consensus among Islamic authorities around the issue as captured in the Arabic language press then look to see to what extent this consensus grew stronger, weaker, or stayed the same in response to contestation and subsequent developments. In addition to providing insight about authority in Islam, the project also speaks to important questions in international relations, including the nature of political authority and delineating the effects of arguing on international politics.

My dependent variable for this study is consensus, which is a strong marker of authority across borders, especially in Islam. Consensus is an ordinal variable (categorized as low, mixed, or high) and consists of the degree to which authorities

coalesce around a common position on the event in question. The primary factor that accounts for differences in the level of Islamic authorities' consensus is how these actors frame the events in question and specifically, to what extent these frames align. When the frames chosen by Islamic authorities have a high degree of alignment, a stronger consensus is likely whereas incompatible frames are more likely to produce mixed or low consensus. In addition, uncertainty is the variable that best explains when Islamic authorities' level of consensus is most likely to change. High uncertainty produces the conditions most conducive for change because it forces authorities to take new positions or reevaluate old ones as interests, social identities, etc. are in flux. When uncertainty is low, authorities are more likely to fall back on their previous positions and change in the level of consensus is less likely.

In examining the above concepts, the study examines Islamic authorities' contestation surrounding four major international events since 2000 (grouped into sets of two). Each pair contrasts related events that dealt with the same fundamental issue, but that produced different levels of consensus as well as different types of change over time. The first pair compares contests over suicide attacks during the Second Palestinian Intifada (2000-01), which produced a divided consensus among the 'ulama that endured over time, and the September 11 attacks (2001), which initially produced high consensus that ultimately devolved into low consensus. The second set of cases contrasts Arab Spring revolutions in 2011 against Husni Mubarak in Egypt, which initially led to a mixed consensus that ultimately strengthened into a strong consensus, and the Qadhafi regime in Libya, which resulted in strong unification among the 'ulama that persisted.

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Chapter 1: Islamic Authority, Consensus, and International Politics

On September 14, 2001, within days of the September 11 attacks, Shaykh Yusef al-Qaradawi, a highly influential Egyptian Islamic religious scholar (*'alim*, pl. *'ulama*) based in Qatar, strongly condemned al-Qaeda's attacks on the United States earlier that week. Qaradawi holds a doctorate in Islamic theology from Cairo's prestigious al-Azhar University, has one of the most popular satellite television programs in the Arab world on al-Jazeera, and has been one of the strongest influences on the Muslim Brotherhood for decades. He said "Our hearts bleed for the attacks that have targeted the World Trade Center as well as other institutions in the United States…The U.S. is biased in favor of Israeli assaults on Palestinians, but this does not permit assaults on civilians such as women, children, and the elderly" (Kurzman 2003: 159). Qaradawi was not alone and was joined by 'ulama from all ideological stripes, including several militant Islamist groups, in coming out against the attacks in no uncertain terms.

Less than three months later, a series of Palestinian suicide attacks killed dozens of Israeli non-military personnel. Qaradawi vocally supported these operations, arguing that the goal of the Palestinian attacks against Israel "was the liberation of their homeland and their means for the attacks was their own bodies" while "the attacks on the United States had as their aim terrorizing others and the means of those who carried out the acts were the bodies of others."[1] The Palestinian issue sharply divided 'ulama across the Muslim world with some, including the Grand Mufti of Saudi Arabia and the Shaykh al-

[1] "Weapons of the Weak," *Al-Ahram* (Egypt), 13 December 2001.

Azhar, condemning the attacks' suicide methods or civilian targets while others praised it as honorable self-sacrifice for the good of the community.

It is clear that the senior 'ulama's collective contestation about major international events has produced different levels of consensus among them. In some, such as the debate about al-Qaeda after September 11, senior 'ulama were strongly united, while in others, such as the debate surrounding Palestinian suicide bombing, religious authorities were divided into different camps. These variations becomes even more puzzling when one considers that both events involved substantively similar issues, suicide attacks against Western targets, which occurred around the same time in 2001. Furthermore, the levels of consensus in some of these cases sometimes shifted over time, such after September 11 when the 'ulama eventually become more divided when the issue of military intervention in Afghanistan arose, while in other instances, the consensus remained relatively constant, such as during the about Palestinians' use of suicide bombing during the Second Intifada. As such, my research question for this project is: What accounts for variation in the level of consensus achieved by Islamic authorities when contesting their responses to major international events and why does this level of consensus change or not change in response to subsequent developments?

This chapter lays out a theory of Islamic authorities' contestation of international political issues that focuses on consensus as the primary marker of religious authority and also examines why this consensus changes over time or remains relatively constant. In explaining why Islamic authorities reach different levels of consensus, I highlight the particular ways in which senior 'ulama frame these international events and the extent to

which these frames align among the wider body of Islamic authorities. Framing, a concept drawn from social movement literature, helps organize the complexity of world events by emphasizing particular aspects and ideas (Snow and Benford 1992). As this suggests, framing often is a competitive process in which different interpretations are weighed against one another. In the cases examined in this project, the extent to which Islamic authorities' frames align with one another determines the degree of consensus in that case. Islamic authorities sometimes framed these issues in a similar way, focusing on the same fundamental issues and perspectives, while other times significant groups of 'ulama framed the main issues surrounding an event in different or even opposite ways. When frame alignment is high, consensus will most likely also be strong. However, when frame alignment is low and multiple competing frames vie with one another for dominance, Islamic authorities are more likely to achieve a mixed or low consensus as a result.

Regarding the second half of my research question, the variable that best explains whether the initial level of consensus achieved by Islamic authorities will change over time is uncertainty. Uncertain circumstances push religious authorities to engage in what international relations (IR) scholars have termed "information-seeking behavior." When uncertainty is high, religious authorities are more likely to engage in meaningful arguing that forces these actors to rethink their positions instead of simply recycling previously held positions, increasing the likelihood of a change in the level of consensus. Conversely, when uncertainty is low, religious authorities have fewer incentives to change their position and are more likely to stay with previously provided guidance on how to respond to this issue and the overall level of consensus is more likely to remain

more constant. This process, involving rich debate between multiple, competing positions, is complex, but removing the black box on inter-authority dynamics provides insight regarding several different issues. First, this has important implications for IR's larger study of authority across borders, further clarifying the role that social interaction and debate in the public sphere play in determining when, where, and how authority engages with international politics. Second, this study helps to better delineate the conditions when arguing is likely to play the greatest role in shaping international actors' consensus on key issues. Similarly, while IR scholars have increasingly acknowledged the importance of religion in international politics, my dissertation systematically examines the role of religious authority in IR while previous work on this subject is more anecdotal.

Theory, Research Design, and Case Selection

This study approaches the issue of religious authorities' engagement with international politics from the perspective that dialogue is meaningful. It is through discussing and arguing about these issues that authorities come to a common understanding, to a greater or lesser degree, about the significance and meaning of international events. While religious authorities contest and come to a level of consensus about a wide range of issues, some political and others not, I focus on a particular subset of these issues, specifically those that are overtly political in nature and that take on transnational or international significance, as events of this type have more important implications for international politics. To best understand the contours of these contests by religious authorities, this project engages in focused process tracing, which gives an

in-depth look at the arguments deployed by different Islamic authorities, the responses of other Islamic actors to these positions, and the extent to which these opinions align with one another. Specifically, I examine two periods of particularly intense debate for each case, one at the beginning of the event and a second during later period after subsequent developments have occurred, to determine the level of consensus that religious authorities achieved regarding how best to respond to that event and how it changed over time. For each period, I identify the few ‘ulama whose position on that international event received the greatest coverage in the Arabic language press and generated the most responses from other ‘ulama. After comparing each case internally at different points, I complete a comparison across cases, determining why cases involving similar issues produced different levels of consensus among the ‘ulama that did or did not change over time.

Consensus, the dependent variable for this study, is defined as the extent to which the main relevant religious authorities who engage in a particular debate coalesce around an agreed-upon position. Consensus (and how it changes over time) is the best available proxy for authority across borders as it measures the extent to which authorities agree on how to respond to a given event and the effects that argumentation has on this agreement. Later in this chapter, I show how consensus has been previously identified by IR scholars as a key marker of the effects of argumentation and, as described further in Chapter Two, consensus has played a particularly prominent role as a marker of Islamic authority throughout history.

As this suggests, consensus is an ordinal variable that lies along a spectrum rather than a categorical one that an actor either has or does not have. I measure it in terms of a

strong consensus, a mixed consensus, and a weak consensus. A strong consensus does not necessarily require 100% support for a single position, but it does mean that the relevant actors agree on a centralized set of principles and that those actors who disagree or deviate from these principles are rare and are treated as outliers. In a mixed consensus, actors gravitate toward multiple smaller consensuses, usually two, that stand in opposition to each other. A low consensus situation is more chaotic and several competing positions are put forth and little unification exists among the relevant actors. It is important to note that the simple existence of agreement at any particular time is not, in and of itself, a sufficient indicator of authority. One could imagine situations in which high consensus resulted from contestation or its absence, such as beginning to lose the ability to think independently through "groupthink" (Janis 1972). This is why examining change is an important of measuring consensus dynamics across time to determine the impact of arguing versus other influences.

Change, as intended here, refers to the degree to which an individual's position on a given issue evolves over time in response to new conditions, developments, arguments, ideas, etc. This is directly related to the level of consensus, as changes in actors' positions could affect the overall level of consensus around a particular idea. As with consensus, by itself, an actor changing his or her position is not a strong indicator of authority nor does a lack of change automatically mean there is a lack of such behavior. An actor could change his or her position on an issue for any number of reasons, some of which are related to argumentation, others of which are not. Similarly, this individual could engage in contestation only to find that his or her original position was correct. Looking at consensus and how it changes in tandem offers the highest chance of gaining

insight into authority and how it operates across borders by showing the extent to which changes in authorities' positions are consistent with the arguments deployed by the larger collective body of 'ulama.

The independent variable that best explains why Islamic authorities achieve different levels of consensus is the process through which they frame the events in question and the level of alignment between those frames. Most work on framing comes out of the literature on social movements and according two of the most influential scholars who have written on this subject, Snow and Benford, a frame is an:

> interpretive schemata that simplifies and condenses the "world out there" by selectively punctuating and encoding objects, situations, events, experiences, and sequences of actions within one's present or past environment (1992: 137).

In other words, frames highlight particular aspects of real world events in order to promote a particular interpretation of those events desired by the individual doing the framing. In the cases examined here, Islamic authorities frame international events in a way consistent with how they interpret it in order to push a particular interpretation of that event as well as how best to respond to it. The different frames deployed by collectively by different Islamic authorities are then weighed against one another, which comprises their contestation in the form of arguing.

The mechanism that clarifies the relationship between contestation between competing frames and consensus is frame alignment. As it relates to Islamic authority dynamics, framing is an active process whereby actors—in this case, authorities—construct a particular account of events to larger audiences. Because frames involve the selective telling and emphasizing of particular information, the existence of multiple

frames deployed by different actors is possible and even likely. This often makes framing a competitive process, which is where frame alignment enters the picture. Snow et al. (1986) describe multiple vehicles used by framers to align their message with their target audiences both by using existing beliefs and ideas to suit the framers' purposes and, more dramatically, by replacing old values with new through framing.[2] Building on this, frame alignment consists of the degree to which agreement develops among Islamic authorities around particular frames. As Tarrow points out, frame alignment embodies "the intersection between a target population's culture and [the framer's] own values and goals" (1998: 110) and represents the framer's ability to bring people around to their way of thinking. The extent to which Islamic authorities' frames align regarding an international event determines how strong a consensus exists. When frames largely align among the wider body of religious authorities, a strong consensus will likely develop whereas a mixed or low consensus is a more probable outcome when frame alignment is weaker and multiple different frames exist at the same time.

This process draws on the idea of reception theory, which rejects a one-way transmission chain between a communicator and receiver via the message spoken and instead argues that audiences can actively interpret these messages in a variety of ways. Stuart Hall (1980) contends that the communicator codes a message in a particular way, but that the receiver of the message can decode it in at least three different ways: the dominant/preferred decoding (which is how the communicator intended it), the

[2] These processes include "frame bridging," "frame amplification," "frame extension," and "frame transformation." The former three involve the use of existing beliefs and ideas to suit the framers' purposes, while latter is the most far-reaching and difficult to measure and results in the replacement of old values with new through framing.

opposition decoding (when the audience rejects the dominant coding creates a new meaning), and a negotiated decoding (when the audience accepts some parts of the dominant, but differs with it in other areas). While reception theory does not deal with issues of authority per se, it has important implications for how transnational Islamic authorities influence contest norms. If the larger body of Islamic authorities accept the dominant coding, a strong and durable consensus is likely to develop among them. If a significant group of authorities chooses an opposition coding, division will likely form in Islamic authorities' collective opinion resulting in either a mixed or low consensus. A negotiated decoding is perhaps the most interesting and uncertain outcome and one in which arguing is likely to play an important role as authorities' argue about the extent to which the larger group will accept the dominant coding.

As I describe in greater detail later in this chapter, contestation between Islamic authorities over competing frames can be influenced by several different factors that affect the degree to which frames align. Some of these factors are more basic, such as who is able and/or chooses to participate in that particular debate. Other factors are more ideational, such as the interface between abstract religious principles and real world events represented by religious authorities' interpretation processes. Similarly, the fact that Islamic authorities' contestation takes place in the public sphere adds particular dimensions to this specific type of arguing. Still other factors, such as Islamic authorities' relationship with powerful actors such as governments, can be a double-edged sword that provide benefits in some cases and is a liability in others. The common thread running through these diverse factors is that they shape how Islamic authorities contest the competing frames they have taken on international events.

While framing dynamics and frame alignment account for why different levels of consensus occur among Islamic authorities, it offers less insight into why this consensus does or does not change over time. The primary factor that accounts for why the level of consensus among authorities changes or remains stable over time is uncertainty. When uncertainty is high, it is more likely that Islamic authorities, out of a true need to understand the situation, will be open to the arguments made by others, which offers a higher chance that the level of consensus will go up or down. Conversely, when uncertainty is low, religious authorities are more likely to fall back on what they already know and the level of consensus will likely remain more constant. When actors, including authorities, face uncertainty they must step back and decide how the circumstances they face fit with their past experiences, valued principles, etc.

Uncertainty can result from two main situations, the first of which is novel circumstances. When something has not occurred before, by default, actors do not have preexisting positions on it and may not have even thought about the issue at all in the past and they must decide on the position they will take. The second situation that can produce uncertainty is when the nature of a previously existing issue changes. While an actor may have had a well thought out position on an issue, the world is in constant flux and a significant enough change in the constitution of the issue can force the actor to rethink where he or she stands on it. As with novel circumstances, changes in the issue can prevent actors from falling back on what they thought they knew and force them to fundamentally rethinking the issue at hand. Scholars have previously identified the role of uncertain circumstances as a particularly fruitful time for both norm creation (Olsen 2001; Haas 1990) and norm abandonment (Panke and Petersohn 2012), but have spoken

less about its role in norm evolution. Uncertainty is not somehow causing actors to foolishly abandon their interests or social roles, but they must first figure out what those things are in light of new or changed circumstances by taking a position and then seeing if that argument holds up to the arguments and scrutiny of others.

This theory stands in contrast to elements of both the Islamic studies and IR literatures, which limit the independent effects of arguing and the relevance of religious authority for international politics. As I describe in more detail in Chapter Two, some scholars have argued that organized religion and religious authorities have become less relevant as social forces as religion itself has become less dogmatic and formal and more individualized and experiential (Roy 2004). In Islam specifically, scholars have argued that the fortunes of the senior 'ulama have fallen over the past century as states have tried to coopt them and take positions friendly to state interests (Moustafa 2000; Al-Rasheed 2007). In conjunction with this, a sharp rise in literacy has allowed more Muslims to read Islamic texts for themselves and new communications technologies, such as the Internet and satellite television, have facilitated new voices' participation in transnational debates about Islam (Eickelman and Anderson 2003; Bunt 2003).

Similarly, in IR literature, the independent effects of arguing on international politics remain controversial. Some IR scholars have portrayed dialogue between international actors as merely a venue to pursue other interests or a place to coordinate competing concerns (Keohane and Goldstein 1993; Laitin 1998; Fearon 1994; Sartori 2002). Furthermore, previous scholarship has also set difficult conditions on information-seeking behavior, such as leaving aside power relationships and the

existence of a shared body of shared interpretations, has added additional barriers to wider acceptance of argument-based theories in IR (Risse 2000; Habermas 1962). As described earlier, Islamic authorities' contestation and the degree of consensus that they achieve surrounding international political events is still relevant and the cases examined in this project show how arguments made by senior 'ulama continue to be at the forefront of these debates in terms of driving debates by Islamic authorities, as covered in the Arabic press. This study also describes the conditions under which arguing will likely be most important, in terms of causing a change in the level of consensus among authorities, especially during periods of heightened uncertainty.

The school of thought in IR that offers the strongest competing explanation for the phenomena described in this project is rationalism, which emphasizes a "logic of consequences." For arguments based on self-interest, talk is not necessarily "cheap" or unimportant, but it does have different drivers and objectives. For rationalists, rhetoric serves as a coordination mechanism that allows actors to more efficiently communicate their preferences to others (Keohane and Goldstein 1993; Laitin 1998). Rhetoric can also be used to convey commitments and strategic messages to important audiences (Fearon 1994; Sartori 2002). This perspective allows for talk to exert some influence on actors' positions, as they better understand the process of coordinating and the level of commitment by others, but these effects are bounded by the overarching interests at stake in that case. Under the logic of consequences, one would expect Islamic authorities to take positions consistent with calculations about their personal interests and contestation would best be characterized as coordinating between these various positions. Consensus

would remain relatively constant unless actors' interests changed, in which case, they would shift in proportion to these adjustments.

The primary vehicle through which Islamic authorities' contestation is examined is Arabic-language print media, most notably government-controlled and independent newspapers.[3] These media regularly carry the content of these debates in the form of fatwas, public statements, and back-and-forth engagements between 'ulama and serve as one of the primary forums in which Islamic authority debates play out. Specifically, for each period under examination, I will identify the full range of 'ulama who weighed in on the issue at hand and whose position was covered in Arabic newspapers. I then focus on the 'ulama whose position(s) had the greatest impact on Islamic authorities' larger contestation of the issue in terms of generating the most press coverage and quantitatively and qualitatively largest response from the wider body of 'ulama. For each case, the arguments made by a handful of 'ulama, usually no more than two or three, took center stage and became focal points for the contestation by the larger body of 'ulama in determining their level of agreement to the world events in question. By examining hundreds of articles published on each case during the periods of heightened debate, this study is able to create a comprehensive snapshot of the debate that took place, which 'ulama weighed in and the positions that they took, and how other 'ulama responded. Using Arabic newspapers also offers at least some insight into the perceptions of the broader Muslim community beyond religious authorities through op-ed pieces, letters to

[3] My primary resource for these Arabic language news articles is Arabia Inform's AskZad database, the largest available repository of Arabic news media. I supplemented this original language material with ad hoc searches of the websites of individual Arabic newspapers as well as pre-translated Arabic articles from reputable sources such BBC Monitoring and World News Connection. Unless otherwise noted, the Arabic-to-English translations of this material are by the author.

the editor, and counter positions taken by non-'ulama sources, such as politicians, Islamist groups, and Muslim academics. While the primary focus of this project is to examine contests between different Islamic authorities, when possible, I compare these similarities and differences of these broader reactions in the media to those of Islamic authorities in that instance.

For each case, I focus on particularly two windows of the debate surrounding these events, one immediately following the event and another at a later time, in which contestation was particular intense or indicative. Comparing contestation regarding the same event at earlier and later periods, ranging in length from a few weeks to a few months, offers the clearest indication of argumentations' effects on religious authorities' level of consensus and whether it changed over time. The primary goal in examining the initial period of contestation immediately following the start of an international event is to determine religious authorities' original level of consensus surrounding that issue. This establishes a baseline for each case regarding the extent to which religious authorities were able to achieve consensus when the event in question occurred. More importantly, also examining a later period allows me to determine the impact of subsequent developments and authorities' arguing on their overall level of consensus regarding the issue in the question. Comparing the level of consensus achieved in these two periods regarding these international events will highlight the conditions under which change did or did not occur and to what extent. Similarly, describing the details of authorities' contestation allows me to clarify the causal mechanisms and microfoundations that account for this change, which elucidates the practical effects of dialogue and arguing on international politics.

After looking at how the level of consensus evolved internally in each event over time, this study compares four major world events (grouped into two sets of two) since 2000 all of which provoked intense debate by Islamic authorities across the Muslim world. The two sets of cases each examine two events that occurred around the same time and dealt with the same primary issue or value, but led to different (and even polar opposite) results, defined in terms of the degree of consensus achieved by authorities and the way in which this changed over time, despite their apparent similarity. These results are summarized in Table 1. In doing so, this study employs a most-similar case analysis (George and Bennett 2005; Gerring 2007).

Table 1: Consensus and Change in Four Cases Studies

Case	**Initial Level of Consensus**	**Later Level of Consensus and Direction of Change**
Second Palestinian Intifada (2000-01)	*Mixed:* 'Ulama divided between camps in favor and against suicide bombing	*Mixed:* Two camps persist despite changes in events on the ground ↔
September 11 (2001)	*High:* Almost all 'ulama condemn al-Qaeda	*Low:* U.S.-led military action against Afghanistan causes the high consensus to break down into a low consensus ↓
Egyptian Revolution (2011)	*Mixed:* 'Ulama divided between those in favor of protests and those against	*High:* 'Ulama move to a high consensus around fundamental political change in Egypt as the revolution progresses ↑

Libyan Revolution (2011)	*High:* 'Ulama rally around Libyan opposition	*High:* 'Ulama largely remain at high consensus in favor of Libyan opposition and against the Qadhafi regime ↔

Both sets of cases feature one event in which Islamic authorities initially were divided and another in which they began their contestation with a high degree of consensus. The first two cases center on the debates surrounding Palestinians' use of suicide bombings during the Second Intifada, on the one hand, and the September 11 attacks on the United States, on the other. While both operations involved attacks in which Muslim attackers took their own life to kill ostensibly "civilian" (those not directly engaged in military operations) targets in oft-criticized Western countries, almost all Islamic authorities framed al-Qaeda's attacks as a prohibited attack against civilians while divisions remained regarding whether Palestinians' use of such attacks was forbidden suicide or honorable "resistance." Later, the level of consensus of the former case devolved into a low consensus after the U.S.-led attack on Afghanistan, while the mixed consensus among Islamic authorities regarding Palestinians remained in spite of changes in external events.

The second set of cases involves the rapid political protests and revolutions against authoritarian governments in the Arab world, often called the "Arab Spring," in 2011. In both cases, a popular revolution sought to overthrow the Muslim ruler of an Arab country whose system was primarily secular and which in the past had repressed Islamist political movements. The third case focuses on the Egyptian revolution against

Husni Mubarak's regime beginning in February 2011 in which Islamic authorities initially achieved a mixed consensus about the revolution's legitimacy when their frames diverged, but a strong consensus ensued as conditions changed and Islamic authorities came to a broader agreement about the legitimacy of fundamental political change and the nature of Egypt's post-revolution state. This contrasts with the fourth case, the Libyan revolution against the Qadhafi regime, where Islamic authorities very quickly achieved a strong consensus regarding the legitimacy of the opposition from the start of the revolution and remained in favor of the opposition even in light of a Western military intervention. In two of these cases, the September 11 attacks and the Egyptian revolution, Islamic authorities faced a higher degree of uncertainty and their positions on the issue show marked change over time in terms of the degree of consensus achieved by Islamic authorities. The other two cases, Palestinians' use of suicide bombings and the Libyan revolution, presented Islamic authorities with less uncertainty and their positions and level of consensus remained relatively constant over time.

Factors Shaping Religious Authorities' Contestation and Frame Alignment

The previous section laid out a theory of consensus as a key indicator of religious authority and its effects on international politics and how Islamic authorities' contestation regarding competing frames and the degree of alignment between them shape the level of consensus that these actors achieve. However, the process through which Islamic authorities contest these competing frames can involve complex interactions between a variety of factors that shape frame alignment and ultimately, consensus. The cases examined in this study identified several elements that affected Islamic authorities'

contestation regarding the frames that they deployed versus those used by others. While this is by no means an exhaustive list of all possible influences, it does represent a collection of influential factors that transcended the particular circumstances of individual cases. Some of these issues are more basic, such as who participates in these debates either due to ability or choice, especially in light of new communications technologies. Another involves the nature of the relationship between religious authorities and those in political power, particularly given governments' efforts to co-opt Islamic authorities to take particular issues on issues of concern to them. Other factors are more ideational and intellectual. Most of these debates among Islamic authorities take place in a transnational "public sphere," a concept that has spawned a robust body of work concerning the specific dynamics involved in this specific type of arguing. Similarly, a key step in the framing process is interpretation and how Islamic authorities interpret often abstract religious principles (and the institutional settings in which such interpretations take place) affects how they contest these frames and the degree of alignment between them. While these factors deal with different aspects of Islamic authorities' contestation, a common characteristic that they all share is their ability to affect framing dynamics and frame alignment, which ultimately determines the level of collective consensus among them. The remainder of this section considers each of the above factors in greater depth.

Who Participates? Literacy, Mass Communications, and "New Islamic Intellectuals"

The most basic factor that shapes contestation and framing dynamics is which Islamic authorities participate in these debates. While the most compelling aspect of this factor deals with the increased capability of more individuals to participate in this

contestation, but Islamic authorities also sometimes consciously choose to not participate in some debates. Examples from Chapters Three and Four include Saudi Grand Mufti al-Shaykh's decision against participating in the December 2001 iteration of the debate surrounding Palestinians' use of suicide tactics as well as the decision of most Islamic authorities to abstain from the debate about the West's military intervention in Libya in 2011. More significantly, however, increases in mass literacy among Muslims and the invention and proliferation of new mass communications technologies, especially the Internet and satellite television, have made it easier for alternate voices to offer counterarguments of their own and challenge traditional Islamic authorities' dominance of these debates surrounding world events. Eickelman and Piscatori have concluded that "common to contemporary Muslim politics is a marked fragmentation of authority. The 'ulama no longer have, if they ever did, a monopoly on sacred authority. Rather, Sufi shaykhs, engineers, professors of education, medical doctors, army and militia leaders, and others claim to speak for Islam. In the process, the playing field has become more level and more dangerous" (1996: 131). These Muslims, dubbed "new Islamic intellectuals" by Roy (1994), generally lack the classical training of 'ulama and often have backgrounds in more secular fields of study, such as medicine, engineering, and the natural sciences.

As Eickelman and Piscatori point out, it is doubtful that 'ulama ever had a real monopoly on Islamic authority. However, new media technologies have allowed a variety of Muslims with diverse points of view to weigh in on important debates within the Muslim community and disseminate their views to a much wider audience than they could have fifty or a hundred years ago. This assessment is shared by a number of other

scholars, who have also concluded that Islamic authority has become less unified due to the fragmenting effects of increased literacy rates and the availability of communications technology (Eickelman and Anderson 2003; Roy 2004; Turner 2007; Mandaville 2001). The specific mechanisms that these scholars have identified as best accounting for the "new Islamic intellectuals'" participation in Islamic debates are the rise in literacy in much of the Islamic world and the availability of cheap, accessible mass communications technology. The increase in literacy has allowed more Muslims to read for themselves and, by extension, interpret and apply to everyday life the Qur'an and other sacred texts instead of totally relying on better-educated 'ulama to do so for them.[4] Eickelman points out the irony of this since "print initially enabled religious scholars, the 'ulama, to expand their influence in public affairs because they sponsored and controlled religious publications. Yet the ironic consequence of printing reduced their authority because of the rapidly increasing number of educated persons and the shift to a more accessible, popular language" (2003: 35).

This analysis of increased literacy, mass communication technology, and new Islamic intellectuals highlight how a wider range of Islamic actors now have the ability to participate in transnational debates about Islam's role in politics, enlightening macro-historical trends regarding the "supply" of Islamic authority in recent decades. However, it gives little insight into if and how these new actors' arguments are taken seriously by Islamic authorities nor does it offer a predictive theory on how these new voices affect

[4] This dynamic is very similar to a common explanation given for the rise of the Protestant Reformation in Christianity, which occurred simultaneously with an increase in literacy and the rise of the printing press in Europe and challenged the Catholic Church's traditional dominance in regulating spiritual matters.

Islamic authorities' contestation or its results. The factors that lead to the wide acceptance of an authorities' guidance are, in many ways, separate from questions of who is able to participate in such debates, although the makeup of the range of actors able to weigh in clearly has implications for their arguments' reception. The fact that more Muslims are weighing in on Islam's role in important world issues simply means that the participants in these debates have more options to choose from in guiding their own response; if anything, the greater variety of options available to Muslims today makes the answer less clear and more complicated.

Islamic Authorities and Their Relationship with Political Authorities

Given their status as traditional authorities within the Islamic community, the governments of many Muslim countries have tried to co-opt or even directly control 'ulama and the institutions with which they are traditionally affiliated as a way to issue Islamic justifications for often unpopular state policies and other political issues in an attempt to give governments' preferred positions a fig leaf of legitimacy and limit popular discord against these policies. For example, the Egyptian government has used al-Azhar as well as Egypt's Grand Mufti in an attempt to justify many state policies, especially regarding Israel, which were extremely unpopular with the larger Muslim public. For example, al-Azhar issued a fatwa supporting President Anwar Sadat's peace treaty with Israel after the Camp David Accords in 1978-79, which reversed an earlier 1965 al-Azhar fatwa written at the urging of President Nasser's government forbidding peace with Israel (Barraclough 1998; Kepel 2003). The willingness of al-Azhar's senior leadership created a backlash among mid- and lower-ranking Azhari 'ulama and students.

Groups of Azhar's rank-and-file, led by individuals such as Shaykh 'Abd al-Hamid Kishk and Shaykh Muhammad Ghazali and associations such as the al-Azhar 'Ulama Front, demonstrated their ability to be notable political actors in the 1980s and 1990s by disagreeing with politically-influenced decisions by al-Azhar and showed their sympathies for various Islamist groups (Zeghal 1999). These actors' greatest impact on my project is their decision to challenge the senior 'ulama's positions through public statements, creating rhetorical contestation and a possible alternate base for religious authority.

In other countries, such as Saudi Arabia, the control exercised over senior 'ulama has been less overt, consisting of an informal arrangement whereby 'ulama agree to refrain from focusing on political issues in return for broad influence over social issues within the Kingdom. The Saudi government and the 'ulama have maintained a tacit bargain whereby the 'ulama have wide purview over social policy within the Kingdom in exchange for staying out of political matters (Al-Rasheed 2007).[5] However, the Saudi regime has called on the higher 'ulama to justify its intervention in major political issues on several notable cases. In 1979, the Saudis received the Council of Senior 'Ulama's approval before beginning an assault to reclaim the Grand Mosque in Mecca, Islam's holiest site, when Islamic militants took it over and again, in 1991, the Saudi Grand Mufti Ibn Baz authorized the stationing of foreign troops in the Kingdom during Iraq's aggression during the Gulf War, an unpopular decision in many Islamic circles and one

[5] This tactic "bargain" between the state and the senior *'ulama* has also existed to a lesser degree in Egypt. Kepel has described how senior Egyptian 'ulama also have, "in exchange for conferring Islamic legitimization on the state, they formulated demands for the Islamization of society, notably in the moral and cultural sphere" (2003: 19).

that figured prominently in many of Osama Bin Laden's early public statements (Hegghammer and Lacroix 2011; Haddad 1996; Lawrence 2005). More recently, the Saudi government has pushed 'ulama to codify Islamic law. One might think this would actually increase the 'ulama's power and influence, but some scholars have argued that such a policy would inhibit the 'ulama's ability to decide cases based on the individual circumstances of the case rather than one-size-fits-all prescriptions (Vogel 2000). While the governments of Muslim countries have primarily focused on co-opting those 'ulama at state-sponsored institutions, they have also engaged with 'ulama who maintain more institutional independence, such as Salafi-leaning 'alim Shaykh Salman al-Awda, whose background I describe in greater detail in Chapter Two.

States' involvement with senior 'ulama have made their ability to command religious authority more difficult. States' efforts to use senior 'ulama to back unpopular policies has caused many Muslims to question or lose faith in these traditional Islamic authorities' ability or will to give real, objective guidance. At worst, they have concluded that the 'ulama are government lackeys more interested in toeing the government line to preserve their privileged positions than with helping Muslims live a good life. In examining contestation regarding the four cases examined here, I look to see if and to what extent the larger body of Islamic authorities raised the links between individual senior 'ulama and state authorities as a motivation for why these actors framed these events in the way that they did.

Contestation in the Public Sphere

These contests between religious authorities take place at a number of different levels of aggregation ranging from a local religious authority (such as the imam of a local mosque) to a major transnational religious figures.[6] The subset of these cases on which this project focuses involves contestation about international political issues in an international or transnational public sphere. In these cases, Islamic actors spread throughout the world discuss and debate issues that evoke concerns for the global Islamic and human communities. As most of this contestation is done virtually among dispersed audiences, it must be done "in the open" in a way in which other people, adherents and sometimes even non-adherents, can weigh in and shape the outcome of the debate.

The term "public sphere" was described by its creator Jürgen Habermas (1962) as a distinct social space, which was separate from other political, religious, and economic orders of the time, in which citizens could engage each other in hopes of reaching an understanding of the common good. While not always overtly political, Habermas argued that such debates were instrumental in transforming the West from largely feudal societies to liberal, constitutional political orders. As Mendieta and VanAntwerpen point out, "perhaps the most crucial aspect of this new social structure was its status of reason-giving, a realm in which reasons were forwarded and debated, accepted or rejected" (2011: 2-3). Therefore, rational argumentation was a great equalizer because the acceptability of particular arguments was based on the ability to convince others, not on nobility, use of force, etc. While Habermas was describing the emergence of

[6] In fact, some authors have argued that Islamic authorities who administer mosques and religious schools (*madrasa*s) at the local level are most important in countering violent jihadism. For example, see Byman 2013.

participatory government in Western Europe starting in the late 18th century, this concept still applies to debates among Islamic authorities spread across the globe who are debating issues that stretch across borders.[7]

The conditions of especially Sunni Islam, further enhanced by the historical and technological developments over the past century, have made the conditions faced by Islamic authorities today more similar to those of the public sphere as described by Habermas than at any previous point in Islamic history. Sunni Islamic authorities must increasingly convince other Muslims, whether fellow Islamic authorities or wider Muslim audiences, that they offer the best guidance for how to deal with major international events in an acceptable way and must do so in a consciously public way. The first step in this process (and the one that is the primary focus of this study) involves contestation among Islamic authorities as a community. While the playing field among prospective Islamic authorities is not perfectly level, mass communications technology and higher literacy rates have made it more equal than ever by increasing the quantitative size and geographic distribution of such debates. Such technology also makes these debates more public, as they occur more often on the pages and screens of newspapers, the Internet, and satellite television stations. No longer is the ability to read and capital to disseminate one's ideas through print the main determinant of authority, but rather it is the ability to convince others of the merits of one's argument. However before they can frame these events for larger audiences, Islamic authorities must interpret events and choose which norms are most germane in that case and how to prioritize among those values.

[7] Until somewhat recently, Habermas himself gave religion a fairly minor role in the public sphere's development, which lead scholars such as Craig Calhoun (1992) to criticize Habermas's minor treatment of religion's role in the public sphere and even his "antireligious assumptions."

Interpretation and the Power to Produce Meaning

Before contestation occurs, the first step in the process of framing occurs when Islamic authorities interpret the events at hand, deciding on the relevance of competing (and often abstract) religious principles and then applying them to real world conditions. In many ways, this process is an embodiment of a concept that Barnett and Duvall have labeled productive power, which "concerns discourse, the social processes and the systems of knowledge through which meaning is produced, fixed, lived, experienced, and transformed" (2005: 20). While this type of power can be difficult to measure, the ability to decide the meaning of valued ideas is itself a type of power through its ability to shape actors' ideas and opinions, which can have important effects for political positions and behave undertaken by these actors. Productive power is particularly important in cases in which authorities have little coercive power through which to enforce their decisions. Even absent coercive power, authorities' interpretations can, when adopted by wider audiences, have far-reaching effects. Rodney Bruce Hall has described such authority as a power resource "when it becomes socially embedded in a system of actors whose social identities and interests impel them to recognize it" (1997: 594).

When religious authorities interpret world events, they apply their own knowledge in order to decide which religious principles and teachings are most relevant in that case. The reasons why authorities adopt particular interpretations is the most ambiguous of the three phases of the process. Actors can have several different motivations for interpreting events in the way they do and Checkel (2001) builds on this by emphasizing the roles of rational persuasion and social learning on why actors comply

with particular norms. Part of this ambiguity lies in the fact that an authority can adopt a particular interpretation for any number of motivations with few observable differences in external effects. Second, the process of interpretation is primarily an internal and mental one. Aside from the dearth of external effects, a variety of mental peculiarities can effect why an actor adopts a particular position on a given issue. As Jervis's notable work (1976) on foreign policy decision making notes as well as other work on this subject (for example, Khong 1992), interpretation involves a complex combination of mental processes. These can include particular internal perceptions, the unique effects of external factors, as well as errors and misperceptions.

In light of these factors, authorities must categorize events and fit real world events into abstract norms when interpreting them. Habermas (1994, 2003) has referred to this as a "discourse of application" and claimed that such discourse arises out of novel circumstances involving norms:

> Normally, basic principles themselves—entailing such duties as equal respect for each person, distributive justice, benevolence toward the needy, loyalty, and sincerity—are not disputed. Rather, the abstractness of these highly generalized norms lead to problems of application as soon as a conflict reaches beyond the routine interactions of familiar contexts. Complex operations are required to reach a decision in cases of this sort. One the one hand, one must uncover and describe the relevant features of the situation in light of competing but somewhat indeterminate norm candidates; on the other hand, one must select, interpret and apply the norm most appropriate to the present case in the light of a description of the situation that is as complete as possible (2003: 115).

A second key component of interpretation is justification in the sense that the interpreter must provide some sort of independent analysis that convinces his or her audience(s) of superiority of his or her interpretation versus others. As Cass Sunstein, speaking in the context of international law, points out, "any approach to interpretation requires a

justification of some kind. That justification must be independent of any texts that are being interpreted. Any understanding of the 'meaning' of texts depends on judgments and commitments that are independent of the texts themselves" (1996: 170). It is important to note that the role of interpretation in providing moral guidance is not strictly a religious phenomenon and non-religious principled actors, such as the United Nations (Alvarez 2001; Hopgood 2009) must operate under a similar logic related to their own values. As mentioned in the previous chapter, providing justification for actions is one of the main effects that Islamic authorities can have on international politics.

The social settings in which interpreters sit also play an important role in shaping interpretive dynamics. Fish (1980) pioneered the concept of an "interpretive community," which offers insight into the role that backgrounds and settings play in establishing the rules and assumption against which groups of actors judge interpretations. According to Johnstone, interpretive communities are "best understood as a way of speaking about the power of institutional settings, within which assumptions and beliefs become matters of common sense. The interpretive community constrains interpretation by providing the assumptions, categories of understanding, and 'stipulations of relevance and irrelevance' that are embedded in a particular practice or enterprise" (2005: 189). As such, interpretive communities play a key role in establishing which interpretations are accepted and by whom by providing rules and standards of evidence, either implicit or explicit, against which their validity is judged. By applying religious principles to world events and justifying their specific interpretation, religious authorities make a conscious effort to build a bridge between timeless and abstract principles to practical and specific circumstances in their own

minds. To influence others' response(s) to those events, authorities must actively sell this interpretation to a wider audience.

This section highlights how a number of different factors can affect Islamic authorities' contestation regarding competing frames about international events and the degree to which these frames align. As the case studies in Chapters Three and Four demonstrate, it is common for the effects of several of these factors to be present in any given instance, but the specific array of factors that play into Islamic authorities' framing varies from case to case. These factors shape the substance of contestation by determining the specific content of the frames that actors deploy in that case through interpretation as well as the impact of public sphere dynamics. They also affect the process of contestation by determining which religious authorities participate in them and the impact that backing from powerful international actors, such as governments, has on framing dynamics. As illustrated in the next section, framing contests (and the factors described above that affect them) have important implications for IR's study of authority across borders and in clarifying the effects that arguing has on international politics.

Explaining Authority Across Borders: Uncertainty, Contestation, and Consensus

The above research question and theory of Islamic authorities' contestation also speak to larger questions about the nature of authority across borders and the basis on which political authority rests. The causes and effects of political authority are among the most enduring, yet least resolved questions in political science. In this section, I explain how contestation and arguing play a vital role in constituting political authority, which is fundamentally based on social interaction. As such, authority depends on the

ability legitimately produce meaning and one of the primary ways that this occurs is through information-seeking behavior such as contestation. Many accounts of authority portray it as a balance between the ability to enact desired outcomes (power) and rightful and justifiable reasons for doing so (legitimacy). Individuals employing such a description include both classical theorists, such as Max Weber, who famously described authority (*herrschaft*) as "legitimate domination" (1968 [1922]: 212) as well as more contemporary scholars, such as John Ruggie, who defined authority in terms of "the fusion of power and legitimate social purpose" (1998: 64). In other words, the ability to achieve *legitimate* authority is directly related to the *power* to produce meaning.

On a very basic level, many classical IR accounts have questioned whether authority can practically exist at all in the international system. As Kenneth Waltz famously put it, "National politics is the realm of authority, of administration, and of law. International politics is the realm of power, of struggle, and of accommodation" (1979: 113). While most contemporary IR scholars have allowed for at least some authority at the international level, the level still varies greatly. As Milner (1991) points out, making a sharp distinction between hierarchy in domestic politics and anarchy in international politics is empirically problematic, as even strong states like the United States have decentralized certain aspects of domestic authority through federalism. Constructivist scholars in IR have most directly called into question the assumption of anarchy as a constant, arguing instead that it varies over time; as Alexander Wendt (1992) famously put it, anarchy is "what states make of it." Similarly, Onuf and Klink (1989) reject the dichotomy between "authority" and "anarchy" and instead propose three epistemological categories of progressively increased centralization of "rule": heteronomy, hierarchy, and

hegemony. This suggests that achieving a certain level of authority over international events is possible, but the conditions under which such authority comes about require additional explanation.

Furthermore, authority presents a conundrum. Authority is a shared social phenomenon that only comes about when others acknowledge it, but others must ultimately defer to an authority's guidance regarding a given situation. One characteristic that several scholars emphasize as emblematic of authority is deference to their judgment in how to respond to events, another factor pointing to the shared, social nature of authority. The idea that authority consists of "surrender[ing] private judgment" in favor of the authority's guidance is a central feature of many classical accounts of authority (Friedman 1990; Arendt 1968). Arendt takes this view to its logical extreme and claims that even any type of persuasion is an illegitimate basis for authority because it implies a fundamental equality between authorities and others. While followers must ultimately defer to authority's judgment to have influence, actors often must weigh and ultimately choose between competing arguments about how best to deal with uncertain circumstances. More specifically, the focus on deference to authority also does not explain how authorities act amongst each other. What happens when two authorities weigh in on the same issue and they disagree? Authority is also a quality that actors must actively construct in a particular situation and less of an enduring characteristic one possesses and is situation- and issue-specific and can be perishable over time. The power of authority lies in the ability to convince others that their guidance is best in a particular case. As Avant, Finnemore, and Sell put it:

> Authority is created by the recognition, even if only tacit or informal, of others. Recognizing an authority does not mean one always agrees with or likes the authority. It does mean, though, that one defers to the authority. Such deference confers power. Having a set of constituents that have signified their acceptance of an authority allows that authority to exert greater influence than would be the case if she did not have their deference (2010: 6).

As I will show, examining religious authorities' contestation over international politics, a process that by its nature involves a back-and-forth between actors, helps to better define the relationship between deference and active participation in shaping authority across borders.

Based on the above discussion, one could envision a number of different bases on which authority can rest and several reasons why authorities could argue in favor of one position or another. IR scholars have generally given three types of explanations for why authority does (or does not) exist in particular areas. Ian Hurd (1999) has labeled these accounts: coercion, legitimacy, and self-interest. The first relies on powerful actors' calculations and their ability to enforce their will in the larger system. This position is reminiscent of Thucydides' "Melian Dialogue" in which Athens tells the much weaker Melians that "the strong do what they can and the weak suffer what they must."[8] As applied to Islamic authorities' contestation, coercion predicts that consensus dynamics would be based on powerful actors' ability to promote 'ulama who take their preferred position and silence voices arguing to the contrary. Islamic authorities' positions (and level of consensus) would be unlikely to change unless the powers backing them did.

[8] Thucydides, *History of the Peloponnesian War*, Trans. Richard Crowley. New York: Dover Publications, 2004: 470.

Using coercion as the basis of authority is difficult as well as costly and inefficient, especially in cases involving politics across borders in which power is decentralized and fragmented. However, using Islam as an example, states in the Muslim world have demonstrated the ability and willingness to use such means to fight particular threatening Islamic narratives, especially within their own borders, such Egypt's campaign against violent domestic Islamist groups from the 1970s to the 1990s and the Iranian Shah's long campaign against Ayatollah Khomeini and his followers in the 1960s and 1970s (Kepel 2003). These two cases, respectively, also illustrate the ways in which such an approach to authority can succeed or fail through alternately destroying radical groups through the overwhelming application of force or further provoking society and making them more sympathetic to the anti-state narratives. This can be a double-edged sword, alternatively giving religious authorities greater institutional and financial resources to spread their message while also threatening their broader legitimacy by justifying unpopular policies.

Given the costliness and difficulty of coercing, this leaves legitimacy and self-interest as the two practical bases of authority across borders, especially regarding religion. These two options roughly correspond to what March and Olson (1976, 1989, 1995) famously labeled the "logic of appropriateness" versus the "logic of consequences." Under these two logics, the motivations of actors as well as the social function fulfilled by authority are significantly different. Regarding self-interest, behavior driven by this type of motivation adheres many of the assumptions typically made by rationalists (among IR scholars, most often associated with neorealism and neoliberalism). Self-interest and actors' calculations regarding it should allow, according

to Emmanuel Kant, a well-ordered society "even for a people comprised of devils."[9] As described earlier in the chapter, the logic of consequences does not automatically require that talk is meaningless in IR, but it does proscribe different motivations for why Islamic actors take the positions that they do, the impact that dialogue has on these positions, and the extent to which talk can change how actors frame these issues.

Conversely, the logic of appropriateness is centrally tied to achieving legitimacy and trying to do "the right thing" required of one's social identities. Hurd argues that legitimacy is "the normative belief by an actor that a rule or institution *ought* to be obeyed" (1999: 381).[10] Under legitimacy, Islamic authorities argue for or against positions based on whether they believe them to be correct based the precepts of relevant identities. Political theorists have made a useful theoretical distinction between being "an authority," possessing superior expertise, and "in authority," having the power to make an authoritative decision (Friedman 1990; Flathman 1980). For someone to be "an authority," others must believe he or she is best qualified to interpret and provide guidance on how to respond to the situation at hand, especially in decentralized situations such as Islam where the coercive power is scarce. This aspect of compliance is what separates legitimacy from pure legalism as well as the concept of expertise. Under this logic, authorities apply norms to world events and categorize these events on this normative basis. When contestation occurs under the logic of appropriateness, it can focus on which norms apply in a given case or on the precedence of importance between competing valued norms. As Habermas puts it, "Moral rules claim validity for an

[9] Kant 1983 [1795]: 124
[10] The emphasis is added.

abstract state of affairs, for a way of regulating some practical matter…Discourses of application bring to bear the hermeneutic insight that the appropriate norm gains concrete significance in the light of the salient features of the situation" (1994: 36-37). In pushing particular values over others, authorities become "norm entrepreneurs," who Keck and Sikkink describe as those who create transnational advocacy networks by "sharing information, attaining greater visibility, gaining access to wider publics, multiplying channels of institutional access, and so forth" (1998: 14) in order to advance certain values. In this sense, appropriateness is not focused on which outcome leaves the actors in the best position, but rather what is required of them by a particular valued identity.

Differentiating between logics of consequences and appropriateness in real world events is often complicated and difficult. In some ways, these are ideal types and reality often lies somewhere between them. In both situations, actors are contesting their preferred position on world events and the main difference is their motivation for taking that position, whether interests or identities, a mainly mental and internal process. As an alternative, Risse (2000) proposes a third option, the "logic of arguing," that is separate from the two other logics of appropriateness and consequences. Risse asserts that the logic of arguing is part of what has traditionally fallen under the logic of appropriateness, but he contends arguing is different because identities themselves are ambiguous and up for debate. In Risse's words, "actors have to figure out the situation in which they act, apply the appropriate norm, or choose among conflicting norms…The more the norms are contested, the less the logic of the situation can be captured by the statement "good people do X" than by "what does 'good' mean in this situation?" or even "what is the right thing to do?" (2000: 6). The answer, according to Risse, is that they argue and in

doing so challenge competing validity claims are based on rationality. This can be a difficult standard to attain, as actors must check their social positions and a priori preferences at the door and allow themselves to be convinced by superior argumentation. While logic plays a central role in this process, Risse also contends (drawing on an idea coined by Habermas) that a "common lifeworld" of collective interpretations provided by language, history, and culture create a common playing field on which argumentation can occur.

Other scholars have raised doubts about the true effects of argumentation and information-seeking behavior in international politics. Writing from a rationalist perspective, Goldsmith and Posner argue that what argument-based literature "lacks is a mechanism for how moral and legal talk influences national behavior, an explanation for the strategic uses of moral and legal rhetoric, or an account of the many instances in which there appears to be no relationship between this rhetoric and national behaviors" (2005: 120). In other words, they question whether arguing has a real impact on international politics except when used strategically, which constructivists fail to explain. Leveling criticism from another angle, Voeten contends that U.N. Security Council debates fail to meet Risse's conditions because "the Security Council falls far short of Habermasian conditions for effective communicative action. There is only a shallow set of common values, participants are unequal, and the Council relies extensively on unrecorded and informal consultations between subsets of the permanent members" (2005: 537). Voeten's point focuses on the fact that the conditions that Risse and Habermas require for information-seeking behavior often do not exist in international politics. Even some constructivists limit argumentation's effects to particular phases of

norm development. A good example is Finnemore and Sikkink's (1998) work on the "norm life cycle," which lays out three phases of development of a successful norm: norm emergence, norm cascade, and internalization. This norm life cycle basically limits argumentation to the first phase when "norm entrepreneurs attempt to convince a critical mass of states (norm leaders) to embrace new norm" (1998: 895). After this first step, the process is primarily about socializing actors into increasingly accepted norm and contestation is largely absent.

Risse responds to these critiques by arguing that common lifeworlds do exist in international politics, albeit in thinner (anarchy) and thicker (value-based organizations such as the European Union) varieties. Risse also contends that even those states who make arguments based on self-interest still must do so under the pretense of advancing universal moral principles, such as human rights, to be taken seriously. This is important and scholars have identified important ways in which contestation still plays a role in international politics even without the presence of pure information-seeking behavior. Even if actors are using norms strategically, the simple fact that they are doing so on the basis of a particular set of norms forces them into a particular framework of ideas, values, identities, etc. in which they much successfully operate to get what they want. Contestation is a continuous process brought on by uncertainty, which causes actors to update and rethink norms as well as interests based on new circumstances.

The conditions under which March and Olson's logics of consequences and appropriateness and the processes that actors use when employing these motivations have been greatly expounded on by IR theory, by rationalists and neoliberalists in the former

case and by social constructivists in the latter.[11] While scholars writing across disciplines, including Risse, Habermas, and others, have rightly identified the role that rational argumentation, logic, and information-seeking behavior—collectively identified as the logic of arguing or communicative action—it remains less defined. Part of this is because the scholars writing about them have placed conditions on them difficult to achieve in the real world, such as stepping out of power relationships and the existence of a common lifeworld. One of the goals of this project is to identify the conditions under which norm contestation matters and hence will have the greatest effect the positions taken by authorities on international politics. Achieving consensus plays a central role in explanations of information-seeking behavior in IR. As Risse puts it, "The goal of the discursive interaction is to achieve argumentative consensus with the other, not to push through one's own view of the world or moral values…Argumentative consensus seeking requires the ability to empathize, that is, to see things through the eyes of one's interaction partner" (2000: 10). This makes the conditions examined in my dissertation an important test that more clearly lays out how and to what extent consensus comes about as a result of arguing. As one might expect, there are some conditions in which actors must genuinely seek "the truth" to decide what is happening and how they should proceed. Too often information-seeking behavior seems to require that actors consciously ignore other powerful motivations, such as their self-interest or social roles, in favor of a purely intellectual exercise. However, in some cases, such a conscious

[11] For examples of rationalist accounts, both realist and neoliberal institutionalist, see Axelrod and Keohane 1985; Snidal 1991; Krasner 1991; Mearsheimer 1994; and Grieco 1988. For social constructivism's position, see Wendt 1992; Finnemore and Sikkink 1998; Kratochwil 2000; and Kratochwil and Ruggie 1986. A good attempt to bridge the gap between the two is Fearon and Wendt 2002.

decision is not even an option as actors must first know what they are facing to decide what their interests and roles are in the first place.

The logic of arguing is important for prominent situations in international politics today, including those involving Islamic authorities. Instead of taking the relevance of particular norms for granted, multiple strongly held views often exist regarding which norms are most important and which apply in specific situations. However, the three logics outlined earlier are ideal types and existing work largely fail to explain how the logic of arguing works in real world situations, the practical effects it has on international politics, and the conditions most conducive to this logic. Similarly, while the possibility of change over time is an inherent part of any theory based on rational argumentation, Risse and other authors writing in this area do not offer much in the way of theory on how and when change occurs and why. The remainder of this chapter is devoted to laying out how actors (in this case, Islamic authorities) employ the logic of arguing and the extent to which this changes over time. I then examine this principle in four real world cases in the 21st century and thereby remove the black box and illuminate the dynamics of authorities' contestation regarding international politics in the 21st century.

Outline of the Project

In this chapter, I laid out the puzzling phenomenon whereby Islamic authorities were deeply divided on how to respond to some international events and strongly united on others despite the fact that the events occurred around the same time and involved almost identical issues. The chapter then described the concept of consensus, my dependent variable, and how it changes over time as an important measure of Islamic

authority and how these actors collectively respond to such events. The variable that best accounts for why Islamic authorities reach different levels of consensus when confronting world events is framing dynamics and more specifically, frame alignment. Contestation among Islamic authorities involves the deployment of competing frames and the extent to which the frames deployed by those actors align determines the level of consensus. This process can be shaped by a number of factors including participation, relationships with powerful actors, interpretation, and the public sphere. Next, I then highlighted the key role of uncertainty in creating conditions that are (or are not) conducive to Islamic authorities changing their level of consensus over time. These conclusions provide important insights in explaining how authority operates across borders, one of the most enduring questions in IR, and more specifically, how the "logic of arguing" motivates international political actors. It also laid out the steps in the process whereby authorities interpret, frame, and sell their position to others through contestation in the public sphere. Finally, the chapter explained the research methodology that I will use in describing Islamic authorities' contestation, focusing on the level of consensus achieved initially and how it changed over time, and the four cases highlighted in this project.

The rest of this project will build on this by laying out the dynamics of Islamic authorities' contestation and consensus and the implications for the social and political role that religious authority plays in modern society. Chapter Two examines the key concept in this project, religious authority, and its relationship to international politics. Consensus has been a fundamental part of achieving religious authority in the past, especially in Islam, but the specific compositions of Islamic authority and how achieve it has remained ambiguous. The next two chapters will be the in-depth case studies of four

events since 2000 (grouped into pairs) that demonstrate how Islamic authorities have contested different international events and the various arrangements of consensus and change that this contestation has produced. Chapter Three compares two debates about the acceptability of suicide bombing in the early 2000s, the Second Palestinian Intifada, which produced a mixed consensus that persisted, and the debate following the September 11 attacks, which resulted in a strong consensus that eventually broke down into low consensus. Chapter Four examines two of the Arab Spring revolutions in 2011 in Egypt and Libya when Islamic authorities moved past initial divisions to form a wider consensus in the former case and when a strong consensus proved durable despite changing circumstances in the latter. Finally, Chapter Five will lay out the implications of my overall conclusions concerning religious authority in the 21st century and the ways in which they contest and achieve varying levels of consensus about international issues and will also lay out opportunities for future research in this area.

Chapter 2: Who Speaks for Islam?: Religious Authority in the 21st Century

The last chapter laid out a theory of how Islamic authorities reach different levels of consensus through contestation and the key roles of framing and uncertainty in shaping this process. This chapter focuses on a particularly important concept for this process, religious authority (especially in Islam), how it has developed over time, and its relationship with politics. To fully understand how religious authorities contest political issues, one must first know what religious authority is as well as the actors most often involved in these debates. The chapter first defines the concept of religious authority and how these individuals contest and, as a community, decide on their positions on political issues that span across borders. Moreover, it describes the particularly important role that consensus has played regarding authority in Islam and how different Islamic authorities have grappled with this concept over time. It also lays out three major ideological trends within Islamic authority that serve as lens through which 'ulama view international politics and the positions that they take on these issues. More fully describing religious authority and its relationship with international politics allows for a fuller understanding of contestation by the 'ulama and how it leads to varying levels of consensus among them.

Religious Authority and Consensus in Islam

In attempting to characterize this complex idea, Krämer and Schmidtke point out that religious authority is "an elusive concept" that is often "notoriously difficult to define" (2006: 1). With this complexity in mind, religious authority has two distinct, yet related aspects. First, religious authorities are the people themselves who occupy leadership positions in religious institutions. In Islam, these individuals have

traditionally been primarily (though not exclusively) from the group of Islamic legal scholars (‘ulama), who are experts in the nuances and large literature of Islam’s system of laws (Shari’a). In delineating those in authority in Islam, the Qur’an instructs Muslims, “You who believe, obey God and the Messenger, and those in authority among you” (Qur’an 4:59). Another concept that became influential in dealing with authority in Islam is “the people who loose and bind” (*‘ahl al-hall wa’l-‘aqd*) (Cook 2003). While the individuals occupying these positions are spread across different countries and institutions, leadership status in Islam affords those who hold it a certain amount of intrinsic authority, which is reinforced by titles, education, expertise, and affiliation with respected institutions. Leadership positions are the more constant aspect of Islamic authority and it may be easier for senior ‘ulama to weigh in religious debates, but this does not mean that just because an ‘alim holds an important title that he will automatically win every debate. As I describe later in the chapter, some scholars have argued that religious authority has become more fragmented and possibly even less relevant as religion itself has become less institutionalized and dogmatic. In Islam particularly, religious authority has shifted over the past century as states have tried to more directly control traditional sources of authority, communications technology and literacy have expanded participation in religious debates, and centuries-old religious leadership institutions have fundamentally changed or ended altogether. This has expanded the reach of the Islamic religious authorities participating in transnational debates and made this process more dynamic, yet bounded it within specific institutional and ideational frameworks.

The second aspect of religious authority is more elusive and circumstantially determined and consists of providing convincing guidance on how to respond to real life events in a way consistent with religious principles. This corresponds with Muhammad Qasim Zaman's definition of religious authority, which is "the aspiration, effort, and ability to shape people's belief and practice on recognizably 'religious' grounds" (2012: 29). Islam, like most religions, has a well-developed set of rules that govern behavior in accordance with God's law thus allowing believers to live the good life. Islam's system of laws, Shari'a, codifies behavior into a number of categories of correctness ranging from a duty (*fard* or *wajib*) to those that are forbidden (*haram*). Some acts fall very clearly in one of these categories or another, such as the prohibition against consuming alcohol, and cases involving such uncertain or novel circumstances are rare. More often, however, it is less clear which of these legal categories particular actions fall into because the situation is uncertain or because multiple, conflicting principles are at play. In these cases, Islamic authorities must contest these issues amongst themselves and collectively decide how they will respond to the events confronting them. As Ali Bin Abi Talib, Islam's fourth caliph and one of Islamic history's most storied leaders, put it, "the Qur'an is only a written recorded between two covers. It does not speak, but rather people speak through it" (quoted in Zaman 2012: 31). If one thinks of Islamic religious authority as a Venn diagram composed of these two different aspects, this dissertation focus on defining the area of overlap between the two circles, the extent to which Islamic authorities achieve collective consensus when contesting their response to world events and how this changes over time.

In convincing others that events fall into particular categories of correctness, religious authorities are engaged in interpretive and symbolic acts. Ian Hurd (2002) has described this type of action as involving "symbolic power" concerning the ability to decide the meaning and boundaries of important symbols. In the Islamic context, Eickelman and Piscatori point out that "[Islamic] authority inheres in those who are considered to have justifiable control over a society's symbolic production," however they also contend that "because symbols are ambiguous by nature and subject to widely differing interpretation, they are manipulable by these contenders for authority—thus promoting the fragmentation of authority" (1996: 58). Zaman goes so far as to say that in Islam "religious authority is a matter of unrelenting contestation. Claims to it involve contesting other claims to it, dislodging or otherwise unsettling rivals, showing the inadequacy of existing views, and defending one's own" (2012: 32). This suggests that the nature of religious authority is a double-edged sword, simultaneously allowing its possessors to wield broad social powers, but also restricting one's ability to monopolize it.

However, this process is even more complicated in Sunni Islam because of the lack of a clear hierarchy among religious authorities. Titles and institutional affiliation can make it easier for Sunni Islamic authorities to broadcast their message, but no one Sunni Muslim can claim to speak on behalf of the global Muslim community on the basis of an achieved title such as Shi'a Islam's *ayatollah* (sign of God) or *marja al-taqlid* (source of emulation), much less an institutionalized hierarchy like the papal system in the Catholic Church. In its earliest days, Islam's main authority was the caliphate, which is roughly translated as the "successor" to the Prophet Muhammad. The first four

"rightly-guided" caliphs following Muhammad's death were the Islamic community's authority in the truest sense, a unification of political and religious authority in a single person as the new Islamic community expanded outward from the Arabian Peninsula (Crone and Hinds 2003).[12] Following this initial period, the caliphate progressively became less and less a position of true authority, passing between the Umayyad and Abbasid Dynasties, which lasted from the 7th to the 8th centuries and 8th to the 13th centuries A.D., respectively, and eventually to the Ottoman Empire where it became little more than a symbolic title until it was abolished in 1928 (Bennison 2010).[13] The caliphate's history after the "rightly-guided" caliphs came to symbolize Sunni Islam's particularly decentralized authority structure. As Khaled Abu El Fadl writes, "Growing up in a Islamic Sunni religious culture, one is frequently reminded by one's teachers that there is no church in Islam, and that no person, or set of persons, embodies God's Divine authority" (2001: 9).

A more general conclusion that some scholars have reached is that the nature of religion itself has changed especially over the past century and that religious authorities' contestation has become less relevant as religion itself has become more individual and spiritual and, by extension, less hierarchical, institutionalized, and doctrinal. Rudolph and Piscatori have described the processes of how religious entities organization and regulate themselves as social actors as involving tension between self-organization, characterized by "decentralization, spontaneity, self-made affinity groups, and agency

[12] The caliphate also came to embody the fundamental differences between Sunni Muslims, who argued that the caliph should be chosen by important Muslim community leaders, and the minority Shi'a sect, which contended that kinship ties to the Prophet Muhammad were paramount in selecting the caliph.

[13] Some transnational Sunni Islamist movements, most notably Hizb ut-Tahrir, have made restoring the caliphate a goal of their larger project to unify the Muslim community (Taji-Farouki 1996).

from below," and hierarchy, described as "rationalization, centralization, and authority" (1997: 13). While it is possible that self-organizers may simply replace existing authorities and become the new authorities themselves, another potential outcome is that the overall relevance of religious authorities and their contestation will decrease when religions' traditional hierarchy becomes weaker and less relevant.

Similarly, some scholars have claimed that religion itself has undergone a fundamental transformation as a social phenomenon from one that was highly institutionalized and theological (i.e., knowledge-based) to one that is more individualized, deterritorialized, and experience-based. A good example of this is the Catholic Church's World Youth Day, established by Pope John Paul II in the 1990s, which Roy says "combines a charismatic religiosity with a contempt for any form of established church and with a low level of religious knowledge" (2004: 34). Similarly, in describing Islam, Roy says that traditional institutions of Islamic religious authority, such as al-Azhar in Egypt, have been "watered down into new forms of re-Islamisation [sic]" (ibid). If Roy is correct, religious authority is less relevant today than in the past because organized religion itself is less relevant. Religion—or more accurately, religiosity—needs to be experienced for oneself and is not a set of theological tenets that one learns from established religious institutions and authorities. Even scholars who still acknowledge that religious authorities are relevant to contemporary politics recognize that modern life has forced religious authorities to adjust to changing circumstances. Zaman has argued when describing the 'ulama's role in recent decades, "What is new is not the 'ulama's claiming expertise…but a view of the world in which religion comes to constitute a specialization, with its own indispensable experts who are to be viewed at

least on par with experts in any other 'field'" (2002: 99). No longer is religious authority self-evident, but 'ulama must actively work to portray themselves as expert specialists in the way reminiscent of a doctor in the medical field or a physicist in scientific activities.

In light of these factors, it is clear that religious authorities in Islam and other faiths face unique challenges today that they must successfully navigate to remain relevant for political and social situations in which religious principles are at stake. It is also true that Islamic authority has become more decentralized and that the overall trend has challenged the established scholarly, legalistic, and 'ulama-based authority's grip on Islamic authority structures. A broader-based collection of individuals is now interpreting and applying Islamic principles and participating in Islamic debates on the Internet, satellite television, and in other places would have been impossible a hundred or two hundred years ago. However, senior 'ulama and other "established" Islamic authorities are still among the most prominent voices and their positions are often still the starting point of contestation on international events. The level of consensus regarding these authorities' positions is greater or lesser in different situations, their positions are always part of the conversation regarding what is the correct Islamic response to international political events.

Consensus and Authority in Islam

Consensus (or *ijma'*) has always been a particularly important marker of religious authority in Islam second only to the Qur'an and the Sunna, the collected sayings of the Prophet Muhammad. A famous saying of the Prophet Muhammad often cited to illustrate the power of consensus is that "My community will never agree in error." The exact

workings of this concept have always been a highly debated subject among Islamic legal scholars. Wael Hallaq has gone as far as to say that "one can say with some confidence that there is no other verse or Prophetic report in the entire gamut of legal theoretical discussion that has attracted such lengthy commentary" as the one over the authoritative role of consensus (1997: 75). The classical view was that the leading Islamic jurists (*mujtahid*s) must agree on something for *ijma'* to come into play. Under this view, *mujtahid*s interpret the Qur'an and Sunna and apply these to the actual situations at hand (a process known as *ijtihad*). Sunni 'ulama have vacillated in their willingness to support new interpretations or whether "the door to ijtihad" is closed and 'ulama should defer to the traditions (*taqlid*) of Sunni Islam's four traditional schools of thought (*madhab*s) (Schacht 1964; Hallaq 1984).

Even absent debates about *ijtihad*, achieving true consensus among Islam's authorities is very difficult in practice, especially as the number of actors weighing in on these debates has risen. One may even ask whether this is (or ever was) practically feasible. In an excellent book chapter on this subject, Zaman (2012) lays out different ways in which different prominent 'ulama throughout Islamic history have wrestled with this issue and tried to formulate a standard for consensus that is achievable in the real world. One idea was put forth by Muhammad Rashid Rida, one of the most prominent reformist Islamic thinkers of the late 19th and early 20th centuries.[14] Rida equated Islamic authority to the previously mentioned concept of "the people who loose and bind" composed of leaders of the most important fields in Islamic society such as business,

[14] For a more detailed account of Rida's conception of consensus and contemporary responses to it, see Zaman 2012: 46-55.

industry, politics, and journalism. Under this conception of consensus, Rida proposed that an elected body be formed of these leaders and that the consensus of the relevant subsections of that body would count on those issues. This was not a matter of voting per se, but forming a collective opinion based on qualifications and expertise. In the event that the body failed to achieve full consensus on its own, a top leader (identified as a caliph) would be present as the ultimate arbiter in the case of disagreements.

A second conception comes from 'Ubayd Allah Sindhi, a South Asian Islamic thinker writing in the first half of the 20th century.[15] Sindhi argued that many views of consensus were too static and failed to take into account changes brought about over time and by local conditions. The only constant was the Qur'an and according to Sindhi, a group called the "doers of good" (roughly equivalent to the "people who loose and bind") can reach consensus around applying Islamic principles to local conditions. Sindhi, who was born Sikh and converted to Islam at an early age, argued that these local consensuses could even form between members of different religions though "shared human interests." Finally, Qaradawi has attempted to take an approach to consensus that attempts to balance agreement and disagreement among Islamic authorities.[16] On the one hand, Qaradawi contends some basic matters in Islam are "conclusively established" (*qat'i al-dalala*), such as prayer, fasting, the hajj, etc. Even beyond these fundamental beliefs, Qaradawi argues that what unites Muslims is greater than what divides them, especially compared to non-Muslims. That being said, Qaradawi does not encourage Muslims to artificially paper over their differences, but instead to focus on those

[15] Sindhi's take on consensus is delineated in Zaman 2012: 55-65.
[16] For a fuller treatment of Qaradawi's views on consensus, see Zaman 2012: 65-72.

consisting of "variety" (*ikhtilaf al-tanawwu*) rather than those that constitute "opposition" or "contradiction" (*ikhtilaf al-tadadd*). An example of the former is differences among Islam's four traditional schools of thought or differences in ritual. While all of these authors, writing at different times and under different conditions, attempt to deal with the issue of consensus in a different way, it is clear that all of them felt the need to try to define the concept of consensus in a way that allowed for more practical application in the real world. This discussion highlights both the importance of consensus to Islamic authority as a concept and, simultaneously, the difficulty that the 'ulama have had in defining what consensus means in actual practice.

Religion and Religious Authority in International Politics

The term "religious authority" consists of two separate elements, religion and authority, each of which apply to international politics in their own way. Religion has long been connected to political authority, but specific treatments of the religious authorities' involvement with international political issues across borders are rare and systematic theorizing in this area is even scarcer. The purported relationship between religion and political authority has changed over time. In some early societies, such as ancient Egypt, rulers were the embodiment of gods on earth to rule directly over their subjects. This later evolved into a less direct role for religion in political authorities, the so-called "divine right of kings," in which rulers were not gods themselves, but in which rule was legitimated on the grounds that monarchs were selected and validated by God's favor (Mendieta and VanAntwerpen 2011). Under both of these systems, authorities, as gods themselves or his representatives on Earth, were above reproach and contestation

was theoretically impossible. John Rawls (1997) has theorized that religion continues to play a legitimizing role even in modern (and ostensibly secular) liberal societies. According to Rawls, "Reasonable comprehensive doctrines, religious and non-religious, may be introduced in public political discussion at any time, provided that in due course proper political reasons…are presented that are sufficient to support whatever the comprehensive doctrines introduced are said to support" (1997: 783). In other words, religion can still be a legitimating factor when arguing about political issues in modern society, but it must be expressed in terms of universal values, such as human rights, that speak to a broader audience than just adherents.

A few notable works have examined individual religious authorities' involvement in international politics, but these accounts are mostly anecdotal. Many of these have focused on the Catholic Church and the papacy. Rodney Bruce Hall (1997) describes how the medieval papacy was able to deploy its moral authority as a power resource to convince knights and other European nobles to undertake about far-reaching political action, especially the Crusades, which they would not have otherwise. Casanova (1994) has described how popes, especially John XXIII and his writings on universal human rights, have used papal encyclicals and other forums—in a manner quite similar to many of the Islamic authorities examined here—to argue in favor of the Church's position on issues with far-reaching implications for politics. This was most pronounced under Pope John Paul II and his role in the fall of communist governments in Eastern Europe (Weigel 1992). Ferarri (2006) has examined the unique role of the Vatican as a transnational religious authority, pointing out its unique characteristics as both a sovereign state and a transnational nongovernmental organization (NGO) with a mission of providing moral

guidance to Catholics worldwide. A non-Catholic example is the mainly Protestant World Council of Churches' involvement in bringing an end to Apartheid through its statements in favor of sanctions against the South African government in the 1980s (Orkin 1989). These cases illustrate the powerful role that religious authorities and their arguments for or against particular international issues have played a role in specific international political events, but it is unclear how religious authorities' contestation regarding politics operates as a systemic phenomenon. Furthermore, while these cases touch on how religious authorities argued in favor of or against particular policy outcome, considerations of back-and-forth discourse and contestation among these religious authorities is conspicuously absent.

This is indicative of a larger trend and religion and religious belief have been an underutilized factor in the study of IR. On the whole, the concept of secularism, religion's polar opposite, has been the dominant concept in IR and has, as Elizabeth Hurd (2004, 2008) has pointed out, consciously sought to exclude religion from other spheres of public activity, such as politics, economics, etc. In the West, the dominance of secularism in IR is largely the result of historical circumstances, especially related to developments related to the Protestant Reformation and the rise of state sovereignty. The Reformation and the resulting Treaty of Westphalia in 1648 were key developments that led to propagation of sovereignty as a norm by challenging the powers of the Catholic Church and the public role that religion had played in European politics to that point (Philpott 2000; Krasner 1993, 1999). The Westphalian system directly challenged existing hierarchies, many of which were based directly on religion or at least religious justifications, by promoting more modern conceptions of social order based on the

aggregation of citizens' preferences as the basis of governments' legitimacy (Calhoun 1997; Hurd 2004).

The dominance of secularism has led to the relegation of religion, partially conscious, partially unconscious, to a secondary status in the bulk of existing mainstream IR theory (Hurd 2004). Structuralists, such as neorealists and Marxists, tend to dismiss religious dynamics as sub-structural, secondary processes (Waltz 1954; Gills 1987; Rosenberg 1994). Because religious factors are not "rational" in the traditional sense, scholars focusing on rational choice and game theory have also generally downplayed religion's role in international politics (Bueno de Mesquita 1981; Bueno de Mesquita and Lalman 1992). Even social constructivists such as Wendt (1999), who would seem to be best equipped to deal seriously with religious factors, have failed to fully appreciate dimensions through "focusing on a mechanistic 'interactive actors' conception of state identity" (Pasic 1996: 97). The English School takes a similar approach, in which, as Thomas points out, "questions about war and religion, and the formation of religious practices and religious traditions in international relations, are unfortunately ignored" (2001: 926). Other scholars, such as Sandal and James (2011), have explored the extent to which traditional IR schools, such as classical realism, neorealism, and neoliberalism, are able to accommodate religion in explaining international politics while not glossing over the fact that some of these theories more easily account for religious factors than others. Most traditional IR schools of thought have failed to fully incorporate religion into their theories about international politics.

Especially since the mid-1990s, a small, but expanding group of IR scholars has called for a closer and more systematic examination of the role that religion plays in international politics (Philpott 2009). Some of these more general conclusions about the effects of religion on international politics help to delineate the role of religious authorities and their contestation regarding international political issues. IR theorists have generally identified religion as serving two primary functions in international politics. The first is as an aggregator and organizer of the preferences of millions or billions of adherents. Religions groups organize and condition likeminded individuals throughout the world, which allows them to more effectively translate these preferences into political action. These effects are magnified when religious groups establish transnational institutions, which can lead to the more efficient organization of adherents and dissemination of information among them. For example, Kalyvas (1996) described the rise of Christian Democratic parties in Europe in the late 19th and 20th centuries as a response to other secular parties and political movements springing up in Europe during this time. Similarly, Gill (1998) has explained variation in the Catholic Church's support or opposition to authoritarian governments in Latin America based on the level of competition they faced from Protestant alternatives vying for adherents among poor citizens. One of the primary reasons that religious authorities matter as international political actors is because the results of their contestation have implications for a global audience. Similarly, religious authorities themselves are aggregated as a leadership class by religion, which provides structure for their contestation dynamics when international political issues arise.

The second main function of religion in IR is as a source of strongly held beliefs, which can translate into political action. This factor is particularly important for contestation among religious authorities, as it explains why particular principles based in religious teachings figure prominently in the arguments deployed by senior 'ulama when arguing with others. Some IR scholars have argued that failing to take into account the unique strength of religious beliefs, which are held to shape adherents' fate in both this life and the afterlife, has been traditional IR theory's greatest shortcoming in assessing the link between religious beliefs and political action. Elizabeth Hurd has decried many IR theorists' attempt to integrate religion into mainstream (and largely secular-based) IR theory by describing it as "an epiphenomenal expression of more fundamental structural, material, or psychological interests," such as relative deprivation or rebelling against modernity (2008: 121). Some, such as Thomas (2005), have gone as far to say that IR scholars cannot incorporate religion into existing IR theories, which themselves are based on ideas and assumptions of secularism, but religion requires a separate paradigm that acknowledges religious beliefs as fundamentally constituting the identity of adherents in a way that is qualitatively different than most other preference formers and beliefs. Religion does possess unique characteristics that make it unique among the motivators for action typically examined in IR and attempting to equate religion to these other factors is both empirically erroneous and epistemically problematic, but the study of religion's relationship with politics is compatible with traditional social science methods and produces results with implications for broader IR scholarship. This shows how religion provides a body of ideas that religious authorities use when contesting responses to international events that can ultimately translate into political action.

Work by IR scholars in recent years has demonstrated the empirical effects of religious beliefs on political events. Toft (2007) showed that nearly one-third of civil wars between 1940 and 2000 were fundamentally based on religious divisions and that these conflicts lasted longer and resulted in more casualties than civil wars based on other factors. Similarly, Fetzer and Soper (2005) explained European states' approaches to their Muslim immigrant populations based on their tradition of church-state relations. Fox (2008) has examined the impact of state religions on a variety of political outcomes, such as democracy, economic development, and human rights. These types of studies are productive and move religion and its effects from the realm of the abstract to that of the concrete, showing its real world interactions with international politics, but additional theoretical discussion of religion's impact across cases is needed to better understand its collective effects. As IR scholars have increasingly come to recognize, religion has unique effects on international politics as a source of strong positions on a range of political issues and as an aggregator of diverse global audiences. While these effects of religion also at least partially extend to religious authority, a more systematic examination of religious authorities' involvement in politics is needed to further explore their impact on international political events.

By taking positions on issues and events, religious authority has inherent social dimensions. Religious authorities' support can provide religiously-sanctioned justifications for these positions thus making them more socially acceptable. Similarly, religious authorities' condemnation, the opposite of justification, puts up additional hurdles to wider social acceptance. In this sense, religious authorities' role as justifier is similar to that of lawyers, who provide arguments that present a legal way to accomplish

an already desired end. The justification phenomenon has mixed effects of when religious authorities' argue for specific positions on political issues. In the Sunni Islamic context, the non-binding nature of religious authority gives Muslims the power to consult multiple authorities in search of a preferred ruling, pejoratively called "fatwa shopping," much like a patient may seek a second opinion from another doctor. As such, Islamic authorities must convince others that their position is superior or otherwise alternative arguments may be more appealing. This phenomenon highlights the difficulty of forming a strong consensus among Sunni Islamic authorities (much less the wider Muslim community), but it also demonstrates the central role that authorities' contestation and efforts to convince each other play in this process, especially at the transnational level.

The ability to provide justifications for particular political actions has proven to be a mixed blessing for religious authorities and has historically led states to try to co-opt or otherwise push authorities into issuing justifications for especially controversial policies. This track record has presented serious challenges to the ability of many senior 'ulama in these countries to maintain credibility and legitimacy. At the same time, 'ulama who are able to convince the wider body of Islamic authorities of the merits of their position play an important role in shaping their collective response on prominent world issues. This demonstrates how religious authority is a complex give-and-take process in which a multiple actors argue back and forth to determine how a particular position is justified and the degree of consensus achieved.

Projecting Authority in Islam

Islamic authorities have several venues at their disposal to publicly take positions on international issues and argue for or against the positions taken by other religious authorities, many of which have existed as long as Islam itself. Preaching, especially the traditional Friday sermon (*khutba*) is an important way for at least some Islamic authorities to push particular themes and messages to their adherents. The governments of numerous Muslim countries have recognized the power that preaching can have and have implemented well-developed and closely regulated procedures regarding who they approve to preach in the country's mosques as well as which themes and subjects are approved and which are off-limits (Gaffney 1994). 'Ulama can also make informal statements on particular issues, which, while lacking the formality of a sermon, can still convey their position. Another prominent and oft-discussed traditional vehicle in Islam through which religious authorities provide guidance is the fatwa. A fatwa traditionally consists of a question asked by a Muslim and an answer to that question given by a specific type of 'alim called a *mufti*, who has sufficient knowledge to correctly apply Islamic principles in that case. As such, a fatwa sets the legal boundaries around the issue at hand and discusses relevant past rulings as a way to help clear up the petitioner's uncertainty so that he does not sin through ignorance and help the Muslim requesting guidance lead a better life. Theoretically, each fatwa is directed at the petitioner and is meant to provide an original and individualized response to the particular circumstances faced by that person. In actuality, however, 'ulama often use fatwas as a vehicle to address important issues for a wider audiences and major 'ulama institutions, such al-Azhar's Fatwa Committee and state muftis, have written fatwas addressing major society-

wide issues (Skovgaard-Petersen 1997; Dodge 1961). These traditional vehicles of the guidance provided by ‘ulama have undergone important changes in recent decades because of the introduction of new technology in the Muslim world.

Mass communications technology has allowed ‘ulama to reach beyond their immediate area to more easily engage with other ‘ulama across the globe and make their argument for widely known to a larger audience. In the second half of the 20th century, this took the form of the mass distribution of sermons on cheap cassette tapes and over radio. While the most well-known example of the impact of cassette-distributed sermons is from Shi’a Islam, most notably in the dissemination of Ayatollah Khomeini’s sermons in Iran in the run-up to the Iranian Revolution, this dynamic also played a role in Sunni Islam in countries such as Egypt where preachers such as Muslim Brotherhood-affiliated Shaykh ‘Abd-al-Hamid Kishk used cassette tapes to distribute his sermons in the 1970s and 1980s (Abdo 2000). Similarly, Messick (1996) also describes how Yemeni ‘ulama used radio to expand their audience in the mid-20th century. The advent of the Internet and satellite television have further extended Islamic preachers’ reach worldwide while correspondingly decreasing the infrastructure needed and cost of doing so as well as governments’ ability to regulate such activities. A search of popular Islamic preachers’ sermons on websites such as YouTube produces thousands of hits in multiple languages. The same is true of fatwas, which are now freely distributed on the Internet where websites such as IslamOnline, which receive thousands of viewers every day offer Muslims worldwide the ability to ask for and receive individualized fatwas online (Bunt 2003). These new technologies offer mixed blessings to Islamic authorities. On the one hand, it has greatly expanded their ability to reach out to wider audiences, but has also

expanded the number of voices weighing in the debates, making it more difficult to achieve consensus among this diverse range of voices.

Three Major Ideological Trends in Islamic Religious Authority

From the previous discussion, one might think of ‘ulama as a monolithic group, but in actuality these individuals come from a variety of ideological perspective, backgrounds, geographic locations, etc. In this section, I will describe a few of the most prominent general ideological trends within the ‘ulama: senior state-affiliated ‘ulama, those ‘ulama broadly aligned with the Muslim Brotherhood, and Salafi ‘ulama. Rather than strictly divided groups, these should be thought of as broad intellectual currents that shape to varying degrees the point of view of those adopting this point of view. While not causal in the sense of determining the results of this contestation and the level of consensus produced, they serve as key background conditions that constitute the broad social and political goals of important Islamic authorities.

The “Palace ‘Ulama”: Senior Islamic Authorities and States’ Efforts to Control Them

Sunni Islam’s leading religious authorities have traditionally been senior ‘ulama, who are scholars who have spent years studying Islam’s sacred texts and Shari’a rather than clerics designed to act as intermediaries between God and man. Islam’s focus on Shari’a has led to it often being labeled as a “discursive religion” and because of their years of study, ‘ulama are typically best qualified to interpret and apply these teachings. However, senior ‘ulama have faced severe challenges over the past century, especially due to the rise of the nation-state system across the Muslim world. As noted in Chapter One, the governments of many Muslim countries have attempted to co-opt or gain control

over senior ‘ulama and their associated institutions in order to push the positions taken by these ‘ulama in a direction that promotes state interests. One example is the Egyptian government’s increased control over al-Azhar, the oldest and most prestigious institution of Sunni jurisprudence, over which Egypt exercised increased control in the 20th century. At the leadership level, al-Azhar’s most prominent religious voice, the Shaykh al-Azhar, became positions appointed by the Egyptian president.[17] The Shaykh al-Azhar also faced additional bureaucratic competition within Egypt following the creation of a new government-appointed senior ‘ulama position, the Grand Mufti of the Republic, which was created in 1905 and has led to high-profile clashes in the past when the two have taken competing positions on particular issues. Second, al-Azhar previously maintained an independent funding base through the collection of religious endowments (‘*awqaf*), but the Egyptian government nationalized this function as well under a government ministry. Finally, starting in 1961, the Egyptian Ministry of Education exercised greater control over al-Azhar’s educational functions and the Egyptian government forced the university to offer degrees in secular subjects, such as engineering and medicine, in addition to its traditional focus on religious subjects (Moustafa 2000). Through all of these actions, the government attempted to place some of the ‘ulama’s traditional capabilities under state control and limit their ability to project authority without government approval. I described in the previous chapter how this has also taken the form of pressure for ‘ulama to issue Islamic justifications for state-preferred policies.

[17] Since the 2011 Egyptian revolution, al-Azhar officials including the Shaykh have called for greater autonomy from the state, including that senior officials be elected rather than appointed and financial independence from the Religious Endowments Ministry. For more information, see Noha Al-Hennawy, “Al-Azhar Clerics Hope for Their Own Revoution,” *Al-Masri Al-Youm* (Egypt), 21 July 2011.

A more recent example of a senior ‘alim who embodied many of the strengths and controversies of al-Azhar was Muhammad Sayyid ‘Atiya Tantawi, who served as Grand Shaykh and Imam of al-Azhar from 1996 until his death in 2010. Praised as a moderate voice and highest religious authority in Sunni Islam, others also decried Tantawi as a stooge of the Egyptian regime willing to adopt whatever line was popular with the Egyptian leaders of the day. Tantawi was born in 1928 in Upper Egypt and received his Ph.D. from al-Azhar in Qur’anic commentary (*tafsir*) in 1966. Tantawi worked his way up through the Azhari system until 1986 when President Husni Mubarak appointed him Egypt’s Grand Mufti, a position he held until his appointment as Shaykh al-Azhar in 1996.[18]

Tantawi’s scholarship represents the competing desires to remain influential with Egypt’s ruling class and wider Muslim publics. His early work, including his doctoral dissertation, during President Nasser’s regime took a very dim view of Judaism to the point of being described as blatantly anti-Semitic by some scholars. In a sign of the changing political times, Tantawi voiced his support for the Camp David Accords between Egypt and Israel in 1979. However, Tantawi when serving as Egyptian Grand Mufti publicly clashed with then-Shaykh al-Azhar, Jadd al-Haqq Ali Jadd al-Haqq in the early 1990s when Tantawi took a bleak view of Palestinian suicide bombings in the early 1990s (Skovgaard-Petersen 1997). Similarly, during Iraq’s invasion of Kuwait in 1990, Tantawi was one of the leading ‘ulama to justify the efforts to counter Iraq, in which Egyptian troops eventually participated, issuing a 72-page fatwa contending that asking non-Muslim countries for assistance was legitimate (Haddad 1996). Tantawi’s

[18] For an excellent short biography of Tantawi, see Skovgaard-Petersen 1997.

participation in the debates by 'ulama across the Muslim world on several prominent international issues shows the importance that affiliation can have on religious authorities' contestation, but his relationship with Egyptian authorities continued to be a factor throughout his time as both Grand Mufti and Shaykh al-Azhar.

As mentioned in the previous chapter, other countries, most notably Saudi Arabia, have taken a slightly different approach to their relationship with senior 'ulama, allowing them broad latitude in areas such as social policy while seeking closer coordination in areas more directly related to politics. A Saudi 'alim who is indicative of his trend is Abd-al-Aziz ibn Abdallah ibn Muhammad ibn Abd-al-Latif Al Ash Shaykh (henceforth referred to as "al-Shaykh"), who Saudi King Fahd appointed as Grand Mufti of Saudi Arabia in June 1999, making him the highest religious authority in the Kingdom. Born in 1943, he began studying the Qur'an at a young age and enrolled at the Imam Al-Dawa Institute in Saudi Arabia in 1954 and he graduated from the Faculty of Shari'a in 1962 despite going totally blind in 1960. After teaching for the next twenty years at Islamic universities in Riyadh, he was transferred to the Kingdom's Standing Committee for *Ifta* (fatwa issuing) and became Deputy Grand Mufti in 1995, after having been appointed to the Saudi Arabian Council of Senior 'Ulama in the mid-1980s.[19] Al-Shaykh comes from Saudi Arabia's most influential 'ulama family, the direct descendants of the 18th century founder of the strict and even puritan Wahhabi school Muhammad ibn Abd-al-Wahhab, and his appointment represents his family's reclaiming of the position after a brief

[19] The details of al-Shaykh's background are taken from his official biography on the website of the Saudi General Presidency of Scholarly Research and Ifta, which is available (in Arabic) at: http://alifta.com/Fatawa/MoftyDetails.aspx?ID=8.

interlude.[20] Regarding political issues, al-Shaykh came out strongly against al-Qaeda's campaign of attacks against a series of foreign and government targets throughout Saudi Arabia in the early 2000s.[21] Al-Shaykh in 2004 also condemned efforts by other 'ulama to convince young Muslim men to travel to Iraq as a jihad against U.S. and coalition forces there.[22] However, al-Shaykh issued a controversial fatwa in 2012 that all Christian churches in the Arabian Peninsula should be destroyed[23] and also issued a fatwa in 2001 banning the popular Japanese animated cartoon and card game Pokémon for allegedly controlling children's minds while also promoting gambling and Zionism.[24] Al-Shaykh has generally taken positions on issues consistent with his family's Wahhabi heritage, very conservative on social issues, but willing to make compromises on issues related to politics.

This section highlights how senior 'ulama affiliated with government institutions often must walk a fine line. As described in greater detail previously, states have sometime used these relationships to obtain Islamic justifications for policies that are otherwise unpopular, which threatens the objectivity and reputation of these Islamic authorities. Institutionally, state involvement has deprived these 'ulama of their independence in deciding on administration and educational curriculum. Furthermore, senior 'ulama in many cases have become dependent on state funding because of the nationalization of religious endowments, which were previously 'ulama-controlled,

[20] Al-Shaykh's predecessor, Abd-al-Aziz Bin Baz, was the only individual to hold the office of Saudi Grand Mufti who was not from the Al Ash Shaykh family since its formation in 1953.

[21] For example, see Adnan Malik, "Top Saudi Cleric Denounces Riyadh Blast," AP, 22 April 2004.

[22] "The Saudi 'Ulama's Fatwa," *Al-Quds Al-Arabi* (UK), 12 November 2004.

[23] Tom Heneghan, "European Bishops Slam Saudi Fatwa Against Gulf Churches," Reuters, 23 March 2012

[24] "Saudi Arabia Bans Pokemon," BBC, 26 March 2001.

providing further incentives for compliance with state directives. Shaykh al-Azhar Tantawi in Egypt and Grand Mufti al-Shaykh in Saudi Arabia are two examples of how senior 'ulama affiliated with states have negotiated this complex landscape with mixed success.

"The Middle Way:" Muslim Brotherhood-Linked 'Ulama and Islamic Authority

The Society of Muslim Brothers (or Muslim Brotherhood) has featured a marriage of political activism and an Islamic frame of reference since its founding by Hassan al-Banna in Egypt in 1928. It is important to note that the Muslim Brotherhood is not an 'ulama organization, it is a wide-ranging social movement focused on pushing society to be more Islamic from the ground up. In fact, part of the reason for the Muslim Brotherhood's formation in the 1920s was because the senior 'ulama "went to sleep and the Muslim community followed" by propagating a "time-worn, anachronistic approach to Islam and its teachings—dry, dead, ritualistic, and irrelevant to the needs of living Muslims," as one early Brotherhood leader put it (Mitchell 1993 [1969]: 213). With that being said, the Muslim Brotherhood has maintained a close relationship with a network of 'ulama over the years that shares its worldview of pursuing an Islamic society through social activism. Like most Islamist organizations, the Muslim Brotherhood has focused on the implementation of Shari'a in society, but has varied in the aspects that it emphasizes and the methods that it chooses to pursue this end (Mitchell 1969 [1993]; Wickham 2004). Politics has been one venue in which the Brotherhood has consistently pursued this goal, but there are many others including proselytizing and preaching,

provision of social services, professional activities, etc (Brown 2012; Wickham 2004, 2013).

One of the strongest transnational Brotherhood thinkers (especially regarding religious authority issues) in recent decades has been Qatar-based Egyptian 'alim Shaykh Yusef al-Qaradawi. If a pure example of a transnational Sunni Islamic authority in the 21st century variety exists, Qaradawi almost certainly would be closest to that mark. Motaz al-Khateeb (2010) has gone as far as to label Sunni Islam's equivalent of source of emulation (*marji'iyya*), a term mainly associated with Shi'a Islam's more formal authority and reserved for senior ayatollahs. Khateeb even quotes Lebanese Hizballah's Secretary General Hassan Nasrallah as describing Qaradawi as "represent[ing] something akin to our [Shi'a] *marji'iyya*" (ibid). Qaradawi is a unique blend of Islamic authority's old and new qualities. He is also a classically trained 'alim with a doctorate in theology from al-Azhar and a prolific author who has penned over 120 books. However, Qaradawi is also a savvy media personality and hosts one of the most widely watched satellite programs in the Arab world, "Islamic Law and Life" (*Shari'a wa'l Hayat*), on al-Jazeera and has also been a strategic force behind IslamOnline.net, a popular Islamic website offering Muslims guidance on everything from personal conduct to theology to politics (Gräf 2007, 2008).

Qaradawi has had a long relationship with the Muslim Brotherhood even though he formally left the organization years ago. Qaradawi was sympathetic to the young Muslim Brotherhood movement from an early age, hearing the group's founder Hassan al-Banna speak when he was fourteen and joining the Brothers soon thereafter. The

1950s were dangerous times for the Muslim Brothers and Qaradawi served time intermittently in Egyptian prisons between 1954 and 1956 following an assassination attempt on Egyptian President Nasser. In 1961, Qaradawi accepted a position as al-Azhar's emissary to Qatar, where he has lived ever since and where he gained influence with the Qatari ruling family.[25] Qaradawi maintained close ties to the Muslim Brotherhood even after relocating to Doha and, as Gräf and Skovgaard-Peterson describe it, "Qatar became an important meeting point for [Islamist] scholars and activists, including Muslim Brothers from Egypt, often with Qaradawi in an organizing role" (2009: 3). Qaradawi was even offered the Brotherhood's highest office, Supreme Guide, on two occasions, which he turned down because said he preferred to be the spiritual guide for the entire nation rather than a single group.

One of Qaradawi's most enduring contributions has been to help found multiple transnational 'ulama organizations, which further allow him to project authority by organizing like-minded 'ulama together, which allow them to more effectively issue joint positions and fatwas on common issues of concern. This includes both the International Union of Muslim 'Ulama (*al-ittihad al-'alami li-'ulama al-muslimin*), which has a global mandate and membership, which in addition to Qaradawi includes numerous other senior 'ulama spread throughout the world, including Secretary General Dr. Ali al-Qaradaghi; Moroccan 'alim Dr. Ahmad al-Risouni, the President of the Association of Sunni 'Ulama; and prominent Mauritanian 'alim Shaykh Muhammad Hassan. Additionally, the Ireland-based European Council of Fatwa and Research, which is composed equally of 'ulama from the Middle East and Europe, serves a similar function on a regional level (Caeiro

[25] For a more detailed biography of Qaradawi, see Gräf and Skovgaard-Petersen 2009.

2003, 2006). The latter is especially demonstrative of Qaradawi's efforts to expand his influence to minority Muslim communities outside of Islam's traditional strongholds in the Middle East and South Asia. These institutions have allowed 'ulama influenced by the Brotherhood and Qaradawi more specifically to organize and network in a way that allows them to participate in contestation over international issues, both collectively and individually, in a more organized and systematic way.

Conceptually, one of the important ideas put forth by Qaradawi, which has become important to Brotherhood-linked 'ulama when engaging in transnational debates, has been referred to as *wasatiya*, roughly translated as "the middle way" (Polka 2003). According to Qaradawi, "this method is based on middle positioning and moderation, and distances itself from those who exaggerate and those who abbreviate, as well as from the rigorous and the indifferent."[26] This is has often meant trying to avoid the excesses of secular humanism, on the one hand, and Salafi and Wahhabi ideologies, on the other. For example, regarding Muslims' use of violence, Qaradawi has often made the distinction between violence aimed at ended the occupation of Muslim land (also referred to using the term "resistance"), which Qaradawi has consistently labeled as justifiable and admirable by Islamic standards, and attacks against innocents and other non-legitimate targets, which Qaradawi has consistently condemned. Whether a particular instance falls into the category of defense of Muslim land or not is obviously up to interpretation and instances that Qaradawi has placed in this category include Palestinian attacks against Israel and attacks against U.S. troops in Iraq after 2003. Uses of violence that Qaradawi has put into the other category include al-Qaeda's attacks on September 11, 2001 and al-

[26] Quoted in Gräf 2009.

Qaeda's kidnappings of civilians in North Africa and Iraq.[27] The concept of "the middle way" has been central to 'ulama influenced by the Muslim Brotherhood when engaging in debates about international politics.

While Qaradawi is probably the single most influential 'alim associated with the transnational Muslim Brotherhood movement, the Brotherhood also maintains separate chapters in countries throughout the Islamic world many of which also actively involve 'ulama in their operations. For example, Dr. Abd-al-Rahman al-Bar is an Azhar-trained 'alim who is also a member of the Egyptian Muslim Brotherhood's Guidance Bureau, one of the group's highest decision making bodies, regularly weighs in on political issues and unsuccessfully campaigned to be Egypt's new Grand Mufti in 2013.[28,29] Some branches even have formalized 'ulama councils, including Jordan's Muslim Brotherhood, whose political arm, the Islamic Action Front, has a committee of affiliated 'ulama who often issue fatwas on key political issues of importance to the movement.[30] Furthermore, an 'alim from the Muslim Brotherhood-inspired Palestinian group Hamas, Shaykh Hamid Bitawi, headed the Union of Palestinian 'Ulama and has weighed in on several important debates among Islamic religious authorities, most notably about Palestinians' use of suicide bombing described in Chapter Three.[31] Unlike the individual national branches

[27] As the Iraq case demonstrates, Qaradawi has made at least some differentiation between civilians and combatants, even in most cases he considers to be an occupation. As I will show in a later chapter, he has not made a similar distinction in the case of Israel on the grounds of Israel's universal military service laws.

[28] "Shaykh al-Azhar yutalab al lajna al-dusturiya bi-ana yakun mansabahu bil-intikhabat wa li-muda mahduda," *Al-Sharq Al-Awsat* (UK), 15 February 2011.

[29] "Opposing Currents: Internal Rifts May Risk the Credibility of Egypt's Religious Institutions," *Al-Masri Al-Yawm* (Egypt), 25 February 2013.

[30] "'Ulama al shari'a fi al-'amal al-Islami: thawra al-sha'b al-misri mashru'a wa muajara," *Wikala Aman Al-Akhbariya* (Jordan), 2 February 2011.

[31] Ahmad Jafar, "Ulama Filistine: Al amaliyat al istishahadiya…afdhal anwa al jihad," *Al-Itihad* (UAE), 16 May 2001.

of the Muslim Brotherhood, which often are highly structured, Brotherhood-linked 'ulama contesting political issues across borders are more loosely affiliated around a common vision of an Islamic society and while some institutions, such as the Qaradawi-led International Union of Muslim 'Ulama, help to unite them, this is group's wide dispersal creates a freer affiliation.

Moving Into the Future by Returning to the Past: Salafi 'Ulama in the Modern Age

A third broad trend within Islamic thought, collectively known as Salafism, seeks to implement Islam and Shari'a in modern society by returning Islam to its roots, the immediate followers of the Prophet Muhammad who best lived out Islam's message in their lives.[32] In fact, their name comes from the term *al-salaf al-salah*, the Arabic term meaning "righteous forebearers" used to collectively describe the companions of the Prophet and their immediate compatriots. As one of the leading scholars of Salafism, Quintan Wiktorowicz, characterized Salafis as "believ[ing] that over centuries of religious practice, errant Muslims introduced new practices and innovations that corrupted the pure message of Islam. To rectify this condition, they advocate a strict return to the fundamentals of the religion and reject any behavior that was not specifically supported or enjoined by the Prophet Muhammad" (2001a: 19). This has generally caused Salafis to be highly strict or even downright intolerant of anything they perceive an innovation (*bid'a*) or movement away from the Qur'an and the teachings of the Prophet. However, Salafism is even more amorphous and even less defined by

[32] Another major ideological trend in Islamic thought in the early 20th century, including Muhammad Abdu and Rashid Rida (whose position on consensus was discussed earlier in this chapter), also used the name Salafi. This movement, characterized by it efforts to reform Islam, was ideologically different than the Salafis described in this section.

institutional and ideational codes than the other trends described above, making it sometimes difficult to accurately draw firm boundaries for the purpose of categorizing individuals (Meijer 2009). Salafism is also not, by definition, an 'ulama movement, but there are similarly Salafi-leaning 'ulama who draw ideological inspiration from the religious and social goals put forth by some of the major Salafi thinkers over the years.

As with the Muslim Brotherhood, politics has been only one of many tools employed by Salafis to engage with and attempt to shape society. In fact, until relatively recently, many Salafis consciously eschewed politics on principle on the grounds that it attempt to usurp sovereignty due only to God. Rather, many Salafis chose to pursue grassroots social activism and proselytizing to bring about a more Islamic society from the ground up (Wiktorowicz 2001b). Over the past decade, more Salafis have been willing to engage in over political behavior, such as engaging in political debates and even running for office. Among the first was Kuwait's Islamic Salafi Alliance, which has held seats in the Kuwaiti parliament for almost a decade, but more and more Salafi parties have sprung up and played an important role in Arab politics since the start of the Arab Spring in 2011, such the al-Nur Party in Egypt, which claimed almost a quarter of the vote during elections there in 2012. Beyond the discussion regarding whether to engage in politics or not, Salafis are also divided between those willing to support religiously sanctioned violence and those who tend to condemn such acts.

A Salafi-linked 'alim who consistently argued in favor of the use of violence, especially against non-Muslims, was Saudi Shaykh Hamud Bin 'Ulaqa' al-Shu'aybi, whose positions on Palestinian suicide bombing as well as al-Qaeda are discussed in

Chapter Three. Al-Shu'aybi formerly headed the Department of Doctrine (*aqeed*) at Imam Muhammad Bin Saud University and was also a lecturer at the Riyadh Shari'a College. Salafism has often been linked Wahabbi thought, the strict brand of Saudi Islamic thought described earlier in this chapter. While Salafi 'ulama generally do take a similarly conservative approach to many social issues as do most Wahabbi thinkers, Salafis lack the centuries-old pact with the Saud family whereby they concede supremacy on overtly political issues to those in political authority. There are also a great many Saudi 'ulama who lack the family pedigree to reach top levels of the Saudi religious establishment, dominated by the Al Ash Shaykh family (from which the current Saudi Grand Mufti hails). This family-based leadership structure creates few incentives for other 'ulama to work within the system, creating dissidents many of whom gravitate toward Salafi thought. Lacking the familial connections to enter Saudi Arabia's most senior 'ulama circles, al-Shu'aybi was one of the Kingdom's most influential independent 'ulama from the early1990s until his death in 2001 (Nafi 2004). He was often critical of the Saudi 'ulama establishment and its involvement in a number of Saudi foreign policy decisions, such as the Saudi decision to allow U.S. and other Western troops into the Kingdom during the war against Iraq in 1991 and the Saudi government's push against al-Qaeda and Bin Laden after the September 11 attacks.[33] Al-Shu'aybi is a good example of an 'alim who migrated from the traditional Saudi 'ulama structure to Salafism based on his inability to progress beyond a certain level in the hierarchy combined with his opposition to Saudi policy decisions.

[33] Omar Hasan, "Saudi Arabia Vows to be Rid of Bin Laden Backers," AFP, 18 October 2001.

Another Saudi Salafi 'alim who has been less supportive of violence is Shaykh Salman al-Awda. Awada was born in Saudi Arabia in 1956 and earned a doctorate in Islamic jurisprudence at Imam Muhammad Bin Saud University. Early in his career, he was a frequent critic of the Saudi regime and, like al-Shu'aybi, he was imprisoned for his criticism of the decision to allow non-Muslim troops into the Kingdom and was also a member of the opposition Committee for the Defense of Legitimate Rights, which emerged in the early 1990s to contest Saudi policy (Lacroix 2011). Then-Saudi Grand Mufti Bin Baz went so far as to issue a fatwa saying that Awda and other opposition 'ulama must repent before they could preach in Saudi Arabia again.[34] After five years in prison, Awda was eventually "rehabilitated" by the Saudi regime and was released from prison. Since then, he has sought to build bridges with the larger committee of 'ulama, joining the Qaradawi-led International Union of Muslim 'Ulama and founding the popular Islamic website Islam Today. Awda has generally taken an approach that is critical of religiously inspired violence, especially by al-Qaeda. Awda rhetorically asked Osama Bin Laden in 2007 "how much blood has been spilt? How many innocent people, children, elderly, and women have been killed in the name of al-Qaeda? Will you be happy to meet God Almighty carrying the burden of these hundreds of thousands or millions of victims on your back?" (Rollins 2010). However, this does not mean that Awda has been apolitical and he regularly weighs in on a variety of political issues, including, as described in Chapter Four, the Arab Spring.[35] While Awda started off from

[34] A fuller biography of Awda is available on his website, Islam Today, at www.islamtoday.net.

[35] "Al-Awda: najl al-Qadhafi la yu'asf 'ala qatala sha'bahu wa yu'asf li'anahu la yumlak ala al-i'amaliya," *Al-Bashir Al-Akhbar* (Saudi Arabia), 26 February 2011.

a similar position as al-Shu'aybi, the ways in which their ideological paths diverged quickly becomes clear, especially when comparing their

A cynic might say that the things that divide different Salafi factions seem at least as significant as the things that unite them. To a certain extent, this is true and Salafis are a loosely connected association with a large degree of internal variation. This becomes even clearer when examining Salafis' diverse positions on politics, whether to engage in political issues at all and if so, whether particular types of political action such as violence are legitimate. In spite of these differences, Salafis also share a common outlook on many social issues. While far from united, there is a growing sentiment among Salafis, including 'ulama, that politics are a legitimate way to pursue an Islamic society and the implementation of Shari'a in addition to other vehicles such as preaching and social activism. Moving forward from the Arab Spring, Salafism will likely continue to evolve at a rapid pace, which will shape how Salafi-inspired 'ulama approach and contest international political issues among the wider body of religious authorities.

Transnational, but Decentralized Islamic Authority

The important effects of state cooptation and the rise of literacy and new communications technology highlight the tension between Islam as a unifying transnational project and one divided through decentralization. Like all major world religions, Islam remains fundamentally a transnational endeavor in the sense that it tries to unify a diverse body of people across national boundaries into a single community, the *umma*, to use the Arabic term. In his early conquests, the Prophet Muhammad sought to supersede first the Arab tribal and then ethno-linguistic boundaries in spreading Islam

and several prominent verses in the Qur'an as well as hadiths of Muhammad explicitly state that all Muslims, regardless of their ethnic and national backgrounds, are equal before God and no ethnic group will be given an advantage on judgment day. As such, in theory, the goal of transnational contestation Islamic authorities is achieving a common, unified understanding of the appropriate Islamic response to an event through strong consensus.

The previous discussion highlights the transnational nature of Islam itself, but authority within the Islamic community also has a long transnational history. In Islam's earliest days, transnational Islamic authority was embodied in the institution of the caliphate. The caliphs claimed the title of successor to the Prophet Muhammad as leader of the Muslim community following his death, which cemented the caliphs' theoretical link to the Prophet Muhammad, Islam's first and greatest leader. When the caliphate devolved into more of a symbol than a real position of authority, the source of transnational Islamic authority has been 'ulama and the institutions with which they are associated. As described previously, the 'ulama have traditionally been seen as Islamic authorities due to their expertise in interpreting Islamic law and applying it to novel situations faced by Muslims. For centuries, 'ulama institutions, such as al-Azhar in Egypt, served as transnational centers of Islamic legal authority. First, these institutions trained 'ulama from all over the world. In speaking about the history of al-Azhar, Dodge claims that "the greatest number of [al-Azhar] graduates living in countries other than Egypt are those who have studied at al-Azhar as foreign students and then returned to their home lands" and that "these graduates have served from Siberia to Nigeria and from Morocco to China, their activities beginning before America was discovered, when the

people of northern Europe were still barbarians" (1961: 177-78). Second, these 'ulama have often served as focal points for debates throughout the Islamic world on how to respond to world events. For example, in 1293 A.D., al-Azhar declared a jihad against the Mongol armies invading the Islamic world from the East and oversaw efforts to collect contributions from wealthy merchants and recruitment of poorer people into the army (Ibid: 62). In doing such, these institutions defined what constituted Islamic authority and shaped the debate regarding Islam's transnational response to world events as well as perpetuated that vision through their education of new generations of 'ulama from throughout the Muslim world.

However, the structure of authority in Sunni Islam as well as the previously discussed developments since the beginning of the 20th century represented a collection of significant shocks for the system of transnational Islamic authority pushing toward a more decentralized and less unified system. The formal abolition of the caliphate following the First World War represented the first time since Muhammad's death that no individual held the title. This came in tandem with several other factors that further divided religious authority and created more actors able to weigh in on these debates, including states' efforts to co-opt senior religious authorities and the ways in which mass communications technology enabled a broader range of actors to participate. Additionally, this has been accompanied by the fragmentation of large portions of the Muslim world into many nation-states following the breakup of the Ottoman Empire. In many cases, these states have set up their own national religious authority institutions and, when confronted with major international events, this has resulted in dueling coalitions of religious authorities. A good example is the intense debate between a

conference sponsored by the Iraqi government and another mainly supported by Egypt and Saudi Arabia, which clashed over the correctness of Iraq's invasion of Kuwait in 1990 and the resulting U.N.-sponsored military response in 1991 (Haddad 1996). In this sense, the modern phenomena examined in this dissertation represent the tension between these unifying transnational factors and divisive decentralizing factors as they relate to religious authority and the extent to which these individuals can interpret and apply Islamic principles to events in a way that resonates with the wider body of 'ulama.

The past century has been one of marked change for Islamic authorities and their social and political roles and involvement in politics, however the full effects and implications of these changes require further examination and several key questions remain. First, to what extent do senior 'ulama, who have been Islam's most important religious authority, continue to dominate (if they ever did) debates surrounding international political events today? While it is clear that states' efforts to co-opt senior 'ulama, the emergence of other voices, such as "new Islamic intellectuals," and the spread of new mass communications technology has introduced new elements to the Islamic community's discussion of these issue, how the 'ulama have contended with these factors and how it has altered their ability to convince the wider body of Islamic authorities on a case-by-case basis is less clear. Are 'ulama still consistently the primary voice of Islamic authority or have they become only one of many relatively voices? Have those 'ulama associated with state institutions truly lost credibility and influence because of this affiliation? Second, while the role of consensus (*'ijma*) and interpretation (*ijtihad*) have remained key concepts surrounding Islamic religious authority since its earliest days, how do these concepts shape the actual responses of 'ulama to world

events? Are consensus and interpretation practically important for religious authority or are they more important in theory than in practice? Finally, it is clear that a diversity of thought and experience exists among the ‘ulama; how do their ideological and institutional affiliations shape how they respond to international political events? Answering these question in terms of the actual responses of ‘ulama to major world events offers a clearer picture of the state of Islamic religious authority as a social, political, and religious force and how this has changed over time.

Chapter 3: Islamic Authority and Violence: The Palestinian Intifada and the 9/11 Attacks

2001 was a year that presented Muslims with an unprecedented range of challenges to their religious identity and how it related to the use of violence as a form of political action. While the processes that led to the two main events had begun before the turn of the year, few anticipated the how they would grow in scope and importance in the following year. The Second Palestinian Intifada, which began in September 2000, had taken a violent turn, but had yet to fully mature into the full-scale state of conflict that existed by the end of 2001. Similarly, while al-Qaeda had bombed the USS *Cole* in Aden, Yemen in October 2000, demonstrating its resolve to attack the United States, the events of September 11, 2001 dwarfed anything the group had attempted previously in both size and audacity. These events came to affect large segments of the global Islamic community, but touched senior 'ulama in a particularly fundamental way by forcing them to contest and collectively decide on the acceptability of these political actions. When Shaykh Yusef al-Qaradawi, the Muslim Brotherhood-linked 'alim described in the previous chapter, was asked about the role of the 'ulama should play in dealing with the September 11 attacks, he said that 'ulama must condemn these events as un-Islamic, but also denounce America's response, which "respond[ed] to terrorism with bigger terrorism."[36] However, many Muslims also questioned the ability of senior 'ulama to provide objective guidance. A young student attending a demonstration outside the al-Azhar mosque in Cairo following September 11 said, "I accept that it is un-Islamic to kill

[36] Islam Abu Layn and Asam Talima, "Al-Qaradawi: manfuthu al tafjirat intihariyun…la shuhada'," *Al-Bilad* (Saudi Arabia), 19 October 2001.

civilians, but [Shaykh al-Azhar] Tantawi is a puppet [of the Egyptian government]."[37] This demonstrates both the power wielded by senior 'ulama and, simultaneously, the hurdles that they face in dealing with issues related to violence.

In this chapter, I examine Islamic authorities' contestation related to issues of war and the use of violence, the Second Palestinian Intifada and the debate surrounding the September 11 attacks against the United States. In the former, 'ulama were divided and remained divided regarding the acceptability of suicide attacks against Israel while in the latter, 'ulama initially had a high degree of consensus against the September 11 attacks, but this consensus broke down over time when the issue became focused on possible Western military action in Afghanistan. Turning to the first case, the Second Intifada, I examine two periods—May 2001 and December 2001—that witnessed particularly intense debate by a wide variety of Islamic authorities regarding both the acceptability of conducting attacks in which the attacker kills himself as well as the acceptability of targeting various types of Israeli civilians.[38] Islamic authorities were divided about the acceptability of these attacks and this division persisted over time. The main reason for the divided consensus that emerged was because competing groups of 'ulama used fundamentally different frames to characterize these operations. One group of 'ulama, including several affiliated with the governments of Muslim countries, framed these attacks as suicide, which is strictly forbidden in Islam, while another group portrayed them as commendable self-sacrifice. Islamic authorities' level of consensus remained

[37] Douglas Jehl, "Moderate Muslims Fear Their Message is Being Ignored," *The New York Times*, 20 October 2001.

[38] These two months also offer the ability to compare how al-Qaeda's suicide attacks on September 11, 2001, which were widely condemned by Islamic authorities, impacted Islamic dialogue on the much more popular Palestinian attacks.

constant regarding this issue because uncertainty was low. By 2001, Palestinians had intermittently conducted suicide attacks against Israel for nearly a decade. Without any changes that fundamentally altered the debate surrounding the issue, the level of consensus remained constant and most 'ulama who weighed in on this debate fell back on earlier positions or chose one of the two established camps on this issue.

The second case that I examine in this chapter is the debate following the September 11 attacks and Islamic authorities' positions regarding the attacks themselves as well as the subsequent U.S.-led invasion of Afghanistan. September 11 was a shocking event for the entire world that created a high degree of uncertainty and fundamentally changed what most actors thought about terrorism and religiously sanctioned violence; Islamic authorities were no exception. Despite their vocal opposition to U.S. foreign policy, 'ulama of all ideological varieties initially were almost totally united in condemning the attacks and framed them as a forbidden attack against civilian targets. However, this consensus broke down starting in late September and through October and November when contestation came to focus on the U.S.-led action against al-Qaeda's stronghold in Afghanistan and the permissibility of Muslims' participation in and support for this military action. This later contest produced lower frame alignment due to competing positions about the need to defend Muslim territory and the extent to which the West had proven its case against al-Qaeda, which led to low consensus among the senior 'ulama. The high uncertainty seen during this case, brought about by rapidly changing circumstances that widely departed from previous understandings, created an environment that was ripe for change. In this case, Islamic authorities moved from a situation of high consensus to one of low consensus in a

relatively short period of time. In this chapter, I first lay out the broad contours of Islam's historical debate about martyrdom and the use of suicide tactics. The chapter then looks in greater depth at the two cases described above, the Second Intifada followed by the post-September 11 debate, focusing on tracing the process that Islamic authorities employed and the level of consensus that they reached in each case.

Conflict, Martyrdom, and Suicide Attacks in Islam

Perhaps no single subject in the study of terrorism and religiously-inspired violence has produced more debate the use of suicide tactics. Suicide attacks are alternatively portrayed as the height of strategic effectiveness or the pinnacle of madness and religious fanaticism. The circumstances under which it is acceptable for a Muslim to sacrifice his or her own life during an attack have been extensively debated by Islamic authorities. At stake is the general Muslim prohibition against taking one's own life versus situations in which Muslim forces must overcome superior military power through self-sacrifice. Islamic authority has direct implications for the use of these tactics by alternatively supporting or condemning the use of suicide attacks by Muslims. When contesting Muslims' use of this tactic, Islamic authorities have focused on defining the limits of martyrdom, conferred on those who die for Islam's sake. Western media has made light of the seventy-two virgins supposedly given to a martyr in heaven, but death as a martyr (*shahid*, pl. *shouhada*) has unique benefits as far as negating Muslims' past sins as well as serving more worldly aims such securing lucrative financial benefits for their families after their death. Relatedly, Islamic authorities have debated the conduct of warfare and especially the circumstances under which violence can legitimately be used

against non-Muslims as well as fellow Muslims. The use of suicide tactics has presented Islamic authorities with complex issues, which they have attempted to resolve through collective discussion and argumentation.

When examining the existing literature on suicide attacks, the important role of religious authorities and the positions that they take on this issue becomes clear, but ambiguity remains about the particular ways in which the 'ulama engage with this issue are lacking. Concerning the role of religious authorities, Mohammaed Hafez says:

> At its core, this argument maintains that charismatic religious figures such as Osama Bin Laden and Ayatollah Khomeini sanction suicide attacks and promise their volunteers eternal salvation in heaven, where they will reap many rewards. These seemingly authoritative religious personalities selectively highlight texts and traditions that demand violent struggles against real and perceived enemies. In doing so, they frame suicide attacks as a fulfillment of God's imperative and as a vehicle for salvation and paradise. (2006: 9)

At least some works within this subsection of the literature begin with the fundamental goal of proving that particular religions, especially Islam or specific segments of it, are theologically predisposed to use suicide tactics. Bar (2006) highlights the specific role that Islamic authorities' fatwas play as "warrants for terror" by authorizing and facilitating suicide attacks and other religiously-inspired violence. Others have emphasized the role that religious authorities play, such as senior Shi'a authorities affiliated with Lebanese Hizballah in the 1980s or jihadist-leaning Sunni 'ulama since the September 11 attacks, in working through complex theological issues associated with suicide attacks, such as the prohibition against suicide in Islam, to justify it to a wider audience (Kramer 1990; Cook 2005). From these accounts, it is clear that Islamic authorities play an important role in defining the correctness of suicide bombing in Islam,

but determining the specific effects of their collective contestation on this process requires additional clarification.

Most political scientists who have written on the use of suicide tactics have focused on the strategic advantages that it offers and, in many cases, have consciously sought to downplay religion's role in motivating these attacks. These scholars point out that several of the militant groups who have used suicide tactics, including the Tamil Tigers and the Palestinian Fatah-affiliated al-Aqsa Martyrs Brigade, are based on leftist or secular ideologies. Probably the most well-known of these authors is Robert Pape (2003, 2005), whose work argues that suicide tactics are mainly used because they are effective at compelling powerful modern democracies to end territorial occupations that often involve ancillary interests. Regarding the Second Intifada, Pape says "Support for Hamas and other Islamist groups remained steady during the 1990s and rose sharply at the start of the Second Intifada…The rise in support for Hamas and Islamic Jihad cannot be the main cause of the rise in support of suicide terrorism because the latter is a much broader phenomenon. Indeed, support for Islamist groups is more likely an effect of the rising popularity of suicide terrorism than a cause of it" (2005: 49). Also citing mainly strategic explanations, Mia Bloom (2005) contends that suicide tactics mostly result from a process of outbidding between different militant and terrorist groups with a similar mission, constituency, etc. conduct suicide attacks to keep up with and outbid their competitors. Kalyvas and Sanchez-Cuenca (2005) have hypothesized a U-shaped for the relationship in which groups with either a very high degree of support among their main constituency, such as Hamas, or very low social support, such as the Palestine Islamic Jihad, are most likely to use suicide tactics, while groups that fall in the middle generally

do not. If religion is relevant at all to this group, it is as a source of social cleavages and ideological solidarity that authorities reflect when contesting these international issues. However, this body of work fails to explain how and under what circumstances religious communities determine whether the use of suicide tactics is acceptable or not. Even if suicide tactics are the most effective tool available in a given case, those claiming affiliation with a particular religious tradition must be able to justify this strategy on the basis of the larger framework of their religious beliefs and the ways in which religious authorities participate in such debates have important implications for the success or failure of such endeavors.

Contesting Martyrdom in Islam

A closely related subject is the circumstances under which a Muslim's death can legitimately be categorized as "martyrdom," a highly desirable title that offers benefits in the hereafter according to Muslim theology as well as often material benefits. The most heated and interesting debate in this area has concerned whether Muslim who conduct suicide attacks—often consciously labeled "martyrdom operations" by supporters—should be considered martyrs or not. Conferring the status of "martyr" on those who die for their faith is not unique to Islam and Christianity and Judaism, for example, have their own debates when adherents who die for their faith can claim this title. Weiner and Weiner (1990) claim that martyrdom is typically conferred on those who die or suffer prolonged periods of pain, torture, or anguish rather than give up their faith thereby sacrificing their own well-being rather than forsake the principles in which they believe. As David Cook says, "Although Muhammad did not personally seek out martyrdom, he

participated in numerous battles and initiated many more…as well as being on record for encouraging death in battle. For this reason actively seeking martyrdom is much more central to Islam than it is to the other great missionary religions" (2005: 23).

Another reason why debates about martyrdom have endured is the rewards, both on Earth and in the hereafter, traditionally afforded martyrs and their families. Many of the otherworldly benefits bestowed on martyrs are laid out in the Qur'an. Sura 9:111 says "Allah has bought from the believers their lives and their wealth in return for Paradise; they fight in the way of Allah, kill and get killed." Other traditional teachings, especially hadiths, have listed the specific benefits given to martyrs. One says "In the sight of Allah, the martyr has six qualities: He [Allah] forgives him at the first opportunity and shows him his place in Paradise, he is saves from the torment of the grave, he is safe from the great fright [of the Resurrection], a crown of honor is placed upon his head—one ruby of which is better than the world and all that is in it—he is married to 72 of the *houri*s, and he gains the right to intercede for 70 of his relatives" (quoted in Cook 2005: 37). Popular discussion of Islamic martyrdom has focused on the sexual aspect of this, the *houri*s or "virgins of paradise," but as this hadith makes clear, martyrdom provides a variety of benefits for both the martyr and his family in the afterlife. This effect is compounded by the fact that in many contemporary Muslim societies, families of martyrs (including those who conduct suicide attacks or "martyrdom operations") are typically provided with money and other material benefits as a sign of respect, because they have lost a primary breadwinner, and as a way to encourage others to seek out such action.

Islamic authorities' most direct role in martyrdom as a social function is to contest the circumstances under which the title of martyr can be bestowed. Contemporary debates in the 20th and 21st centuries have focused on the role of martyrdom in fighting occupation. Since the mid-20th century, the paradigmatic case has been Palestinians and other Muslims who die at the hands of Israel. This includes both civilians killed in Israeli attacks, such as Muhammad al-Durra, a young Palestinian boy killed by Israeli crossfire in a firefight in 2000, as well as Palestinians who conducted suicide attacks against Israeli targets during the Second Intifada. Other Sunni Muslims have made similar arguments about martyrdom achieved while countering occupations in Afghanistan by the Soviets in the 1980s, by Russia in Chechnya in the 1990s, and by the United States in Afghanistan since 2001 and Iraq since 2003. Egyptian Islamist thinker Sayyid Qutb in his seminal book *Milestones* compared those fighting un-Islamic regimes in Muslim countries to the Companions of the Pit, a group of early emblematic Muslim martyrs, because of their willingness to suffer for their faith at the hands of godless forces.[39] More recently, as discussed later in Chapter Four, individuals who have died at the hands of pro-government forces during Arab Spring uprisings in Egypt, Libya, Syria, etc. have also widely been described as martyrs.

Debates Regarding the Conduct of Warfare

Finally, Islamic authorities have also contested ambiguities concerning the conduct of warfare by Muslims, most notably the acceptable targets of violence. In examining classical Islamic thought on the conduct of war, classical Sunni scholars

[39] Sayyid Qutb, *Milestones* (Cedar Rapids, IA: Mother Mosque Foundation).

divided the world into the "abode of Islam" (*Dar al-Islam*), constituted by those territories controlled by Muslims and in which Islamic principles and beliefs reigned, and the "abode of war" (*Dar al-Harb*), in which ignorance of God and Islam are dominant. While this black-and-white view of Islam was probably closer to the truth in Islam's early days, the situation is more complicated in present times given the waves of Muslim immigration to ostensibly non-Muslim countries as well as the control of Muslim countries by secular nationalist regimes that claim various degrees of association with Islam. A third category, known as "*Dar al-Sulh*" or "*Dar al-'Ahd*," also exists and consists of those non-Muslims countries with which Muslims have treaties.[40] Muslims' certainty about the status of particular areas of conflict varied in the cases examined in this chapter. While most Islamic authorities appeared convinced that Israel is included in the dar al-harb, the status of the United States as it relates to the September 11 attacks is less clear as was Afghanistan under the Taliban following these events.

These divisions of the world by early Islamic scholars led to corresponding levels of duty required of Muslims in the event of a conflict. If a conflict is conducted by Muslims to expand the borders of Islam in the *Dar al-Harb*, Islamic leaders have historically labeled this a collective duty (*fard kifaya*), which is incumbent upon the Islamic community as a whole to muster sufficient resources to support such an effort, but participation at the level of the individual is largely voluntary. Under the conditions of a collective duty, it is permissible for Muslims to sponsor these activities financially or through other means even if they themselves choose not to fight. If, however, the

[40] For a more in depth discussion of *Dar al-Harb*, *Dar al-Islam*, and *Dar al-Sulh*/*'Ahd*, see Bonner 2006: 92-93 and Cook 2005: 20 and 64.

military action is in defense of the *Dar al-Islam*, classical Islamic scholars have tended to shift the responsibility to the individual (*fard 'ayn*).[41] Under these conditions, it is incumbent on able-bodied Muslims to do all that they can, including for men to fight, to support the defense of Islamic lands. Debates among Islamic authorities in these cases dealt with the issue of whether action against Israel in the Palestinian territories during the Intifada and related to the United States in Afghanistan following the September 11 attacks constitute an individual and/or collective duty.

In general, there are significantly fewer restrictions on violence against non-Muslims than against fellow Muslims. However, in Islamic history and classical texts about the conduct of violence provisions are made to protect non-Muslims not directly involved in fighting against Muslim forces, such as women, children, sick people, the elderly, monks, etc. Qur'an 2:190 says on this subject: "Fight in the path of God those who are fighting you, but do not commit aggression. God does not love those who commit aggression." Al-Mawardi, an influential Shafi'i jurist who died in 1058 A.D., said "Killing women and children is not permitted in war or otherwise so long as they do not fight, owing to the Prophet's injunction against killing them. God's Prophet…has also forbidden the killing of servants and slaves." These individuals should not be harmed so long as they do not take up arms, but they should be "fought and killed" if they do pick up arms (quoted in Kelsay 2007: 114-15). Another concept that has provided non-Muslims immunity from violence is *dhimma*. In the classical period when Muslims conquered a non-Muslim area, non-Muslims were given the option to convert to Islam and if they refused, they were forced to pay a tax (*jizya*) for every adult male in

[41] For additional information on *fard kafaya* and *fard 'ayn*, see Kelsay 1991: 61.

return for security (*aman*), protection (*dhimma*), and avoidance of military service. These individuals became known as dhimmis and also were required not to bear arms, ride horses with saddles (limiting their military value), and dress in a manner different from Muslims.[42] Regardless of whether they were noncombatants or because they fell under a contractual status with Muslims, classical Islamic theory of war laid out conditions under which some types of non-Muslims should not be harmed during war. However, this illustrates how the circumstances under which Muslims may use violence against non-Muslim is still far from clear and religious authorities must clarify several ambiguities through interpretation and internal debate.

Fighting and killing between Muslims is generally forbidden in even stronger terms than against protected non-Muslims. A well-known hadith of the Prophet Muhammad says "When two Muslims face each other in fighting and one kills the other, then both the killer and the killed are in hell-fire." In response, someone asked the Prophet "We understand that the killer is in hell, [but] why then the one who is being killed?" to which Muhammad responded "Because he wanted to kill the other person."[43] This demonstrates the seriousness of intending to do harm to a fellow Muslim even if ultimately unsuccessful in light of the strength of the community ties in Islam. This sort of internal fighting within the Muslim community is generally prohibited on the grounds preventing internal strife (*fitna*), a concept that has historically most often been applied to Muslim-led rebellions against Muslim rulers.

[42] For additional information on *dhimma*, Bonner 2006, 87-91.
[43] Quoted in Nafi 2004, 81.

While these restrictions, especially those against fighting fellow Muslims, may seem ironclad and impossible to circumvent, classical Islamic theorists actually give military commanders a fair amount of leeway to account for the fog of war on the battlefield. Above all, Muslims' intentions are of primary importance and Muslims should not purposefully target protected categories of Muslims and non-Muslims even if these people are harmed unwittingly or out of ignorance. For example, Muhammad ibn al-Hassan al-Shaybani, a classical theorist who lived in the eighth century and wrote an influential book on warfare, emphasized intentions when he said:

> I asked: Would it be permissible to inundate a city in the territory of war with water, to burn it with fire, or to attack with hurling machines even though there may be slaves, women, old men, and children in it? He replied: Yes, I would approve of doing all of that to them. I asked: Would the same be true if those people have among them prisoners of war or Muslim merchants? He replied: Yes, even if they had Muslims among them. I asked: Why? He replied: If the Muslims stopped attacking the inhabitants of the territory of war for any of the reasons that you have stated, they would be unable to go to war at all, for there is no city in the territory of war in which there is no one at all of these you have mentioned. (Kelsay 2007: 107)

As this passage demonstrates, the limits restricting violence against various categories of protect people, Muslim and non-Muslim, are not meant to make war practically impossible, but rather to ensure that Muslim fighters are making a good faith effort to abide by these limits designed to treat those not directly involved in the conflict in a just manner. Even the possibility of killing fellow Muslims unintentionally if they are being used as human shield—a concept known as *tatarus* that will come up again later in the chapter—is not absolute. Another, albeit more controversial condition that Muslim combatants have discussed in the past for killing protected people is reciprocity for attacks against Muslim civilians. Qur'an 2:194 says "Thus, whoever commits aggression

against you, retaliate against him in the same way." While few classical Islamic scholars discuss this topic explicitly, the concept of reciprocity for perceived atrocities against Muslim civilians has been a central justification for attacks by groups ranging from al-Qaeda to those supporting Palestinian suicide attacks against Israelis.

These unresolved issues about martyrdom, the use of suicide tactics, and the acceptable Muslim and non-Muslim targets of violence are central to the debates by senior 'ulama examined below. Islamic authorities achieved varying degrees of consensus on each of these concepts as applied to the various stages of the Palestinian Intifada and al-Qaeda's attacks on September 11 and the United States' subsequent military action in Afghanistan. In each case, 'ulama debated whether and under what conditions Muslims should use violence, which resulted in substantive contestation regarding Islamic authority.

May 2001: Palestinian Bombings against Israel: Martyrdom or Suicide?

The Second (or "al-Aqsa") Intifada, from its beginning in September 2000 until it had largely ended by 2005, resulted in the deaths of over 1,000 Israelis and over 5,000 Palestinians.[44] While the conflict witnessed a variety of different types of confrontations and conflicts between Israeli forces and Palestinian militants and civilians, the tactic that came to define the Intifada was the suicide bombing. Use of suicide attacks by Palestinians was not new to this Intifada, but Palestinian groups employed this tactic more frequently during the Second Intifada than during previous periods of the conflict. Palestinian groups conducted over 115 attacks that killed approximately 500 people

[44] These statistics come from Israeli human rights NGO B'Tselem, see http://old.btselem.org/statistics/english/Casualties.asp for additional details.

during the Second Intifada, whereas between 1993 and 2000, Hamas and Islamic Jihad conducted some 33 suicide attacks, killing almost 160 people.[45] The earlier uses of suicide bombing by Palestinians ensured that many Islamic authorities had already considered and taken positions on the issue. The fact that the use of suicide bombing during the Second Intifada was not qualitatively different (only quantitatively more frequent) than during the 1990s meant that uncertainty was relatively low and many Islamic authorities could simply fall back on these earlier positions. This led to the formation of a mixed consensus among Islamic authorities in early 2001 with strong pro- and anti-suicide bombing camps. As I discuss later in the chapter, this division persisted through the later period of debate in December and the level of consensus among Islamic authorities remained relatively constant.

At the outbreak of the Intifada in September 2000, most 'ulama did not directly address the acceptability of suicide tactics, but instead focused on other types of political actions that Palestinians could take to counter Israeli actions, such as an economic boycott of products produced by Israel and also its allies. Shaykh al-Azhar Tantawi said that Israel's actions "should be countered with deterrence and punishment so as to make all these [Israeli] tyrants retreat in defeat" and that Muslims should "arm themselves with force to confront Israel" without specifying exactly what that meant.[46] In late November, Tantawi followed up with a called to boycott "every foreign product which could help the enemy and harm the Palestinians…wherever it comes from," including from the United

[45] These statistics about the number and casualties of Palestinian suicide attacks are taken from Pape 2005: 265-280 and Hafez 2006: 79-86.

[46] "Egyptian Shaykh of al-Azhar Urges Muslims to Confront Israel 'With Force,'" *Al-Hayat* (UK), 2 October 2000.

States.[47] Around the same time, Qaradawi issued a joint statement with other 'ulama and political leaders, including Egyptian Muslim Brotherhood Supreme Guide Mustafa Mashhur and Lebanese Hizballah Secretary General Hassan Nasrallah, calling for a full boycott of Israel and all nations who "support it with arms and weapons" as well as abstaining from U.S.-sponsored peace negotiations with Israel.[48] While almost all 'ulama who weighed in urged Palestinians and Muslims more generally to confront Israel and support Palestinian resistance activities, suicide attacks did not play a major role in the debates at this point.

As the Intifada violence worsened in early 2001 and Palestinian militant groups began to conduct a wider campaign of suicide attacks, 'ulama were forced to take up this issue more directly. The first major debate on the issue of suicide bombing during the Second Intifada began in late April following an interview by Saudi Arabia's Grand Mufti Abd-al-Aziz ibn Abdallah Al Ash Shaykh (henceforth referred to as "al-Shaykh"), the Kingdom's highest religious authority whose background I described in Chapter Two. While al-Shaykh's specific reasons for taking this position are less clear, as I describe later in this chapter, the Saudi government during this time was making a strong push against suicide bombing due to its extensive use in the Kingdom.

Intentionally or unintentionally, al-Shaykh became the prominent voice during the early Intifada that criticized Palestinians' use of suicide bombings among the senior 'ulama. During an interview with *Al-Sharq Al-Awsat*, al-Shaykh said regarding the

[47] Michael McMahon, "Sheikh of al-Azhar Calls for Boycott on Products Favouring Israel," AFP, 1 December 2000.

[48] "Islamic scholars urge anti-Israeli marches every Friday of Ramadan," Al-Jazeera, BBC Monitoring, 22 November 2000.

permissibility of suicide attacks "Jihad for God's sake is one of the best acts, but killing oneself in the midst of the enemy, or suicidal acts, I do not know whether this is endorsed by Shari'a or whether it is considered jihad for God. I am afraid it could be suicide. Fighting to hurt the enemy is required but it should never violate Shari'a."[49] While not a detailed and extensively researched fatwa—and potentially nothing more than an offhanded remark—the position taken by al-Shaykh in this interview became a focal point for senior 'ulama at this early stage of the Intifada and sparked an intense debate among them regarding the permissibility of attacks in which the attacker has foreknowledge of his own demise. This is especially true in a setting such as Palestine that is almost universally described in Islamic circles as being an occupation by a militarily powerful enemy. However, suicide is one of the most serious sins in Islam and the question raised by al-Shaykh fundamentally dealt with whether these attacks constituted such a prohibited act. Al-Shaykh did not raise objections about the killing of Israelis, civilian or otherwise, and if anything appeared to approve and commend such acts so long as the attacker did not kill himself in the process. Al-Shaykh also secondarily compared suicide attacks to the hijacking of airplanes, suggesting that as a tactic they created chaos in society without speaking to the goals for which such attacks were conducted.[50]

The reaction to al-Shaykh's statement among the 'ulama who supported the use of suicide tactics was swift and severe and in the following days and weeks. In the body of

[49] "Interview with the Grand Mufti of Saudi Arabia Abd al-Aziz Ibn Abdallah Al Ash Shaykh," *Al-Sharq Al-Awsat* (UK), 21 April 2001.

[50] "Interview with the Grand Mufti of Saudi Arabia Abd al-Aziz Ibn Abdallah Al Ash Shaykh," *Al-Sharq Al-Awsat* (UK), 21 April 2001.

Arabic newspaper articles from the time in which al-Shaykh's interview was published in late April until the end of May, al-Shaykh was the most frequently cited 'alim related to the Palestinian suicide bombing question, but most of these references were critical of his position.[51] Among the body of Arabic media articles collected from al-Shaykh's interview until the end of May, the critiques of five senior 'ulama and Islamic thinkers were most often cited as debunking al-Shaykh's argument regarding the use of suicide tactics by Palestinian groups. These individuals criticizing al-Shaykh on this point largely avoided the term "suicide attack" (*'amaliya intihariya*) and instead referred to such an attacks as a "martyrdom operation" (*'amaliya istishahadiya*), "commando operation" (*'amaliya fada'iya*), or "heroic operation" (*'amaliya bataliya*). The articles that criticized the position taken by al-Shaykh on this issue typically ascribed two faulty motives to the Saudi Grand Mufti: that he was out of touch with the reality on the ground in Palestine or that he was coerced into taking the position that he did by the United States and its allies in the Saudi government. An article in the Egyptian newspaper *Sawt Al-Umma* highlighted this dichotomy, claiming that the only ways that al-Shaykh could reach such a position is through "a very literal, pedantic reading of [Islamic] texts" or "through manufacturing by the Mossad or U.S. intelligence for American interests."[52] Speaking to the first motive, an article in *Al-Quds Al-Arabi* on May 3 describes how al-Shaykh has concerned himself with frivolous and ultimately unimportant matters, such as seeking to ban Pokémon cartoons and protect the ancient statues of the Buddha in

[51] In fact, only one 'alim, Shaykh Abdallah Nimr Darwish of the Islamic Movement in Israel, responded positively to al-Shaykh's argument that did not directly criticize his argument and instead remained largely neutral toward it and instead focused on the need to avoid Israeli civilian casualties based on Islamic principles.[51]

[52] Nasr Abdallah, "Amrika tansaj al 'amama," *Sawt Al-Umma* (Egypt), 16 May 2001.

Afghanistan from Taliban destruction while providing no assistance on fundamental matters such as the Palestinian conflict with Israel.[53] Regarding the second motive, two articles in *Al-Quds Al-Arabi* also pointed out that the Saudi Grand Mufti provided justification for the United States and the West to bomb Iraqi Muslims during the Gulf War, but failed to provide similar justification for Palestinians to kill Israelis.[54,55] These articles raise questions about the Saudi Grand Mufti's relevance in situations such as the Palestinian Intifada. Another article published in *Al-Ahram* on May 2 says, the Palestinians who conduct these attacks "present their souls and their lives and their youth without needing of degrees from al-Azhar, a fatwa from the Saudis, or the support of Iran."[56]

The criticism of al-Shaykh's position that received the most positive coverage was from Qaradawi, whose prominence among the global Sunni community and advance media network posed a significant challenge to the Saudi Grand Mufti. Qaradawi's initial response, presented on his television program on al-Jazeera, had two primary critiques of al-Shaykh's statement specifically and also of the more general arguments made against Palestinians' use of suicide tactics. Centrally, Qaradawi, the 'alim whose ties to the Muslim Brotherhood I described in Chapter Two, argued that Palestinians who commit such attacks are undertaking martyrdom—and, in fact, labels these attacks "one

[53] Bashir Al Nabahi, "Li Maslah min ifta mufti al saudiya al am fatwahu al akhira," *Al-Quds Al-Arabi* (UK), 3 May 2001.
[54] Bashir Al Nabahi, "Li Maslah min ifta mufti al saudiya al am fatwahu al akhira," *Al-Quds Al-Arabi* (UK), 3 May 2001.
[55] Muhammad Ali Bin Ramadan, "Mufti Al Saudiya wa samih al qamis," *Al-Quds Al-Arabi* (UK), 4 May 2001.
[56] Dina Samak, "Fatwa turidaha israeel yurafadhaha Hizballah wa Hamas wa kul al Arab," *Al-Ahram* (Egypt), 2 May 2001.

of the highest forms of jihad in the path of God"[57,58]—through self-sacrifice in battle rather than suicide, which is motivated by despair with life. In his words, "A Muslim exploding himself against the occupiers is in the path of the resistance, which is the farthest from suicide."[59] According to Qaradawi, Palestinians through these attacks are defending themselves, their land under Israeli occupation, and their religion. In addition, Qaradawi argued that all of Israeli society constitutes a legitimate military target because of its universal military service laws and most Israelis' service in the military reserves. Qaradawi also justified his position with a proportionality argument, contending that Israeli forces killed Palestinian civilians on a daily basis during the Intifada, necessitating an equivalent response from Palestinians. Qaradawi even argued that even if true Israeli "civilians" are killed in these attacks, it does not negate their worth because he says that civilians are not the intended target and their killing was accidental.

Qaradawi's criticism of al-Shaykh received the most positive response and was often cited and replicated in the wider debate on this issue in the Arabic media in the month following its publication. One of the most resounding accolades of Qaradawi's position came in *Al-Quds Al-Arabi* on April 24, which said:

> Thank God there are 'ulama like Qaradawi who are in the trenches of resistance and always help the people in defending their dignity and greatness and who call these operations "martyrdom" and one of the highest forms of jihad. These 'ulama also acknowledge that the Arab governments have been unsuccessful in defending al-Aqsa [the third holiest site in Islam located in Jerusalem] and expose the corruption in

[57] Ibrahim Ibrash, "Al amaliyat al istishahidiya bayna al tahrim wa al tahlil," *Al-Quds Al-Arabi* (UK), 25 May 2001.

[58] "Ra'is rabat ulama filistine yukhalaf mufti al Saudiya ra'iahu fi al hajamat al intihariya," *Al-Hayat* (UK), 25 April 2001.

[59] Jaki Huji, "Mufti Al Saudiya yuharam al amiliyat al intihariya wa shayukh Filistine wa Misr yahbun lil rad alyhu," *Al-Quds Al-Arabi* (UK), 9 May 2001.

> their countries, and acknowledge that the people look to the martyrs to defend the holy places of Palestine.[60]

Similarly, an article in *Al-Hayat* on May 16 called Qaradawi an "'alim with credibility who has allowed these [suicide] operations and…who has sided with the Islamist movements who have used these weapons"[61] and along the same lines, the Emirati paper *Al-Itihad* said that "modern and advanced 'ulama," including Qaradawi and Hamud al-Shu'aybi [whose position I describe later in the chapter], support these operations by Palestinians.[62]

A more convoluted critique of al-Shaykh came from Shaykh al-Azhar Tantawi, the government linked Egyptian senior 'alim whose background I expounded on in the previous chapter. Tantawi's initial responses to al-Shaykh's fatwa in late April and the first days of May were highly critical of al-Shaykh's position, claiming that "there is no 'alim in the world who supports the Saudi Mufti when he says that exploding oneself in crowds of the enemy constitutes a suicide operation."[63] He also unequivocally supported Palestinians' right to conduct suicide attacks against Israel, which he described as "the true meaning of sacrifice and redemption" and as the defense of the Palestinian nation, religion, and dignity against occupation by Israel.[64] In this and all subsequent public addresses of the issue until the end of May, Tantawi said that Palestinians who killed themselves in attacks against those Israelis carrying arms, consisting of Israeli troops and

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[60] "Al-Qaradawi: Al amaliyat al istishahidiya i'athm anwa al jihad," *Al-Quds Al-Arabi* (UK), 24 April 2001.

[61] Ashraf Abd Al Qadar, "Raden ala Tawfiq Al Shawi: Al amaliyat al intihariya laysat jihaden," *Al-Hayat* (UK), 16 May 2001.

[62] Ahmad Jafar, "Ulama Filistine: Al amaliyat al istishahadiya…afdhal anwa al jihad," *Al-Itihad* (UAE), 16 May 2001.

[63] Jaki Huji, "Mufti Al Saudiya yuharam al amiliyat al intihariya wa shayukh Filistine wa Misr yahbun lil rad alyhu," *Al-Quds Al-Arabi* (UK), 9 May 2001.

[64] Basyuni Al Hilwani, "Al istisalam li Israeel dhafa wa'ar," *Al-Sharuq* (UAE), 7 May 2001.

police and possibly armed Israeli settlers, were martyrs, but Palestinians who conducted suicide operations among Israeli women, children, and elderly people were not martyrs.[65] This position served as a sort of middle ground, countering al-Shaykh's more extreme position by commending those attacks that directly targeted those Israelis directly involved in the occupation while stopping short of describing any Israeli as a legitimate target based strictly on their nationality.

The response to Tantawi's position was mostly positive, but this wider support was qualified based on Tantawi's previous positions on the suicide bombing issue. Several articles in the Arabic press during May praised Tantawi's support for at least some types of Palestinian suicide bombings, which was included as evidence for why al-Shaykh's position should be rejected. An article in *Al-Ahram* on May 2 compared al-Shaykh's position to Tantawi's, which it called "virtuous" for labeling attacks against occupiers as martyrdom rather than terrorism.[66] Additionally, in an article published in *Al-Wafd* on May 10, an Egyptian Shari'a professor listed Tantawi along with Qaradawi and the Mufti of Jerusalem as evidence for Palestinians' use of suicide tactics was legitimate.[67] However, this author also qualified his praise of Tantawi by pointing out that Tantawi had flip-flopped in his support for Palestinian attacks. Tantawi previous published fatwas in 1997 and 1998 saying that Palestinian suicide attacks were a defensive measure and that all Muslims and Palestinians and Arabs should desire to explode themselves in the heart of Israel for the sake of their dignity, but also put out a

[65] Muhammad Habib, "Al filistini al thi yafjur nafshu dhid min yuharabunahu yu'atabr shahid," *Al-Ahram* (Egypt), 9 May 2001.

[66] Ahmad Adil Hashim, "Min kana yu'min bi'allah wa al yawm al akhr faliqal khayren aw li'yusmat," *Al-Ahram* (Egypt), 2 May 2001.

[67] Tawfiq Al Shawi, "Fatawa al harb…wa fatawa al salam," *Al-Wafd* (Egypt), 10 May 2001.

fatwa in 1997 saying that attacks on enemy civilians were not protected by international law.[68] At least one article published in *Al-Hayat* on May 16 takes a relatively restrictive view of the legitimate uses of suicide bombings by Palestinians employs Tantawi as support, claiming that if Palestinians kill Israeli civilians it makes them no better than the Israelis that they fight against, who kill Palestinian women and children regularly.[69] This article also points out that this has been a long-standing issue with Tantawi, who issued a fatwa when he was Egyptian Grand Mufti, a position that he held from 1986 to 1996, arguing that attacks on Israeli women and children were prohibited as well. This illustrates how Tantawi's position in May 2001 was generally praised, but how the long history on the issue of Palestinians' use of this tactic was relevant long after Tantawi had taken his previous positions.

The other two most prominent critics of al-Shaykh were both Palestinians associated with Hamas, one of the main Palestinian groups conducting the suicide attacks during this period. The first was Shaykh Hamid Bitawi was a prominent Palestinian religious and political leader who served in a variety of roles in the Palestinian government, including as the head of shari'a courts in the West Bank and as a member of the Palestinian parliament from Hamas's bloc from 2006 until his death in 2012.[70] Bitawi also was one of Hamas's leading spiritual authorities and a prominent leader of Palestinian 'ulama, serving as the head of the Union of Palestinian 'Ulama. The second

[68] Tawfiq Al Shawi, "Fatawa al harb…wa fatawa al salam," *Al-Wafd* (Egypt), 10 May 2001.
[69] Ashraf Abd Al Qadar, "Raden ala Tawfiq Al Shawi: Al amaliyat al intihariya laysat jihaden," *Al-Hayat* (UK), 16 May 2001.
[70] Bitawi died in April 2012 from complications related to heart surgery rather than under nefarious circumstances.

is Abd-al-Aziz al-Rantisi,[71] the Palestinian physician who co-founded Hamas with Shaykh Ahmad Yasin. While not an 'alim, Rantisi still maintained a base of politico-religious influence especially in the Palestinian community because his prominent leadership role in Hamas.

Both of these individuals publicly criticized al-Shaykh's point based on their contention that Palestinians who conduct suicide attacks are not committing suicide, but self-sacrifice and martyrdom. Rantisi, in a late April interview responding to al-Shaykh, argued that Palestinians who conduct suicide operations have different motives than those who commit suicide. He said "If it was a matter of seeking death because [the individual is] tired of life, that is suicide, but if the person seeks to sacrifice himself to hit the enemy and win remuneration from God that is martyrdom" and called on al-Shaykh to alter his position and "return to the truth."[72] Bitawi, as a fellow 'alim, was more diplomatic in countering al-Shaykh, saying "We differ with him despite the fact that al-Shaykh is generally reliable."[73] Bitawi argued that Palestinian suicide attacks were beneficial because they caused terror among Israelis who were responsible for the occupation of Palestinian land and who, in turn, terrorized Palestinians. Bitawi also contended that jihad is a collective duty until such time that non-Muslims occupy Muslim land at which point it becomes an individual incumbent on all Palestinians.[74] In conjunction with

[71] Rantisi was eventually killed by an attack on his car by an Israeli helicopter gunship in April 2004.

[72] Jaki Huji, "Mufti Al Saudiya yuharam al amiliyat al intihariya wa shayukh Filistine wa Misr yahbun lil rad alyhu," *Al-Quds Al-Arabi* (UK), 9 May 2001.

[73] Jaki Huji, "Mufti Al Saudiya yuharam al amiliyat al intihariya wa shayukh Filistine wa Misr yahbun lil rad alyhu," *Al-Quds Al-Arabi* (UK), 9 May 2001.

[74] A similar argument was made by Dr. Abd al-Atheem Al Muta'na, professor at al-Azhar, who said that jihad is a collective duty, but it becomes an individual duty if non-Muslims occupy Muslim countries.

Bitawi's response, the Union of Palestinian 'Ulama, the organization that Bitawi headed, also issued a condemnation of al-Shaykh's argument, saying that suicide attacks were designed to counter the occupation and that these attacks had the support of "advanced and modern 'ulama."[75] The responses by Rantisi and Bitawi were significant to the extent that they represented the strongest response from within the Palestinian community, both the 'ulama and Hamas, against the position taken by al-Shaykh that sought to limit Palestinians' use of suicide tactics.

Finally, a significant rebuttal to al-Shaykh's argument came from a fellow Saudi 'alim, Shaykh Hamud Bin 'Ulaqa' al-Shu'aybi, the Salafi 'alim who was described in greater detail in Chapter Two. Al-Shu'aybi was one of the Kingdom's most influential independent 'ulama from the early 1990s until his death in 2001 and he was often critical of the Saudi 'ulama establishment. Al-Shu'aybi said in late April that the use of suicide tactics was permissible in both Palestine and Chechnya because both of these lands were under occupation by non-Muslim forces, Israel and Russia, respectively, and these attacks were designed to deter and strike fear into the hearts of these occupying forces.[76] As with other 'ulama who countered al-Shaykh, al-Shu'aybi also said that these attackers were different from those who commit suicide because the former are martyrs and sacrifice themselves to spite the enemy while the latter kill themselves out of despondency. Regarding the issue of whether it is permissible to kill civilians during such attacks, al-

[75] Ahmad Jafar, "Ulama Filistine: Al amaliyat al istishahadiya…afdhal anwa al jihad," *Al-Itihad* (UAE), 16 May 2001.

[76] Hussein Hamiyah, "Al amaliya al istishahadiya dhid israeel halal aw haram?," *Al-Afkar* (Lebanon), 21 May 2001.

Shu'aybi said that if Israeli forces were using civilians as human shields (known by the Arabic term *tatarus*) then it is acceptable for Muslims to kill them.[77][78]

The response to al-Shu'aybi's position was largely positive, which contrasted him with al-Shaykh. Several authors held up al-Shu'aybi as an example of how Saudi 'ulama were divided on the Palestinian suicide bombing question and while al-Shaykh likely was speaking for the 'ulama within senior establishment circles, he did not speak for the Saudi 'ulama as a whole. For example, an article published in the Lebanese newspaper *Al-Afkar* on 18 May directly contrasted al-Shu'aybi's position with the Saudi Grand Mufti's as representing the two major Saudi sides in the debate, highlighting the lack of unity among the Saudi 'ulama on this issue.[79] Other authors used al-Shu'aybi's dissent to illustrate how sheltered the senior Saudi 'ulama are from actual political conditions abroad and how they generally concern themselves more with morality and personal status issues than political issues. An article published in *Al-Hayat* on April 30 said that while al-Shaykh's statement may seem like a wholesale ban on these operations from a theological basis, it actually represents a lack of knowledge about the conditions on the ground there by the senior Saudi 'ulama.[80] While al-Shu'aybi's overall appeal was limited and the positions that he has taken on other issues remain controversial, he did

[77] Quds Baris, "Had kibar ulama al jazeera yarfadh tashbih al amaliyat al istishahadiya b'l intihar," *Al-Sharq* (Qatar), 18 May 2001.

[78] The concept of *tatarus* has a long history in Islam dating back to the times of the Prophet Muhammad. While there has been limited application of this concept to the Israeli-Palestinian conflict, senior al-Qaeda leaders, especially Dr. Ayman Al Zawahiri, have used this argument in the past to justify their attacks in which fellow Muslims are killed.

[79] Hussein Hamiyah, "Al amaliya al istishahadiya dhid israeel halal aw haram?," *Al-Afkar* (Lebanon), 21 May 2001.

[80] Sulayman Nimr, "'Alim Din Islami Saudi yujaiz al amaliyat al istishahadiya dhid i'ada' al muslimin," *Al-Hayat* (UK), 30 April 2001.

achieve prominence on the issue of Palestinian suicide bombing because he served as a foil to al-Shaykh's position within the Saudi 'ulama community.

In addition to the five individuals discussed previously, a variety of other prominent 'ulama came out publicly against al-Shaykh's position and in favor of Palestinians' use of suicide attacks. One was Egypt's Grand Mufti Shaykh Nasr Farid Wasel, another senior Egyptian government-linked 'alim, who said that suicide operations were justified because they are defensive and meant to protect Palestinian land against Israeli criminal actions.[81] Another was Muhammad Rafat Uthman, Dean of the College of Shari'a at al-Azhar, who argued that killing oneself to killing many of the enemy is permitted under Hanafi jurisprudence and is one of the finest types of jihad because these attackers are sacrificing their life to defend their land and not because of problems in their life.[82] In addition to these individuals, more than a dozen other senior 'ulama from across the Muslim world came out in favor of Palestinians' use of suicide attacks (and, in many cases, against al-Shaykh) during May.[83] As this list demonstrates, the litany of support for Palestinian suicide attacks in May 2001 was extensive and diverse, encompassing a range of nationalities from across the ideological spectrum.

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[81] Ahmad Adil Hashim, "Min kana yu'min bi'allah wa al yawm al akhr faliqal khayren aw li'yusmat," *Al-Ahram* (Egypt), 2 May 2001.

[82] Hani Al Anam, "Al ulama yuakidun: al amaliyat al istishahadiya asma inaw'a al jihad fi sabil allah," *Al-Liwa Al-Arabi* (Egypt), 9 May 2001.

[83] These 'ulama included: Dr. Muhammad Rushdie, President of the Department of Shari'a in Alexandria; Dr. Muhammad Ibrahim al-Fayumi, a member of the Islamic Research Group and professor at al-Azhar; Islamic thinker Dr. Muhammad Amra; Shaykh Marhum Abdallah Bin Hameed, former head judge (qadi) of Mecca; Shaykh Salman Bin Fahd al-Awda, prominent Saudi oppositionist 'alim; Dr. Mustafa al-Shaka', an Islamic thinker and a member of al-Azhar's Society of Islamic Research; Dr. Muhammad Sayyid Ahmad al-Musir, Professor in the College of Theology (Usul Al Din) at al-Azhar; Shaykh Muhammad Kanan, President of the Sunni Courts in Beirut; Abd al-Bari Al Zamzami, prominent Moroccan 'alim and future member of parliament; Muhammad Bin Ibrahim al-Shaykh, the former mufti of Saudi Arabia; Shaykh Abdallah al-Basam, member of the high 'ulama council of Saudi Arabia; and Dr. Muhammad Abd al-Ghafar al-Sharif, the dean of the College of Shari'a at the University of Kuwait.

Given the plethora of criticism leveled against his statement, one might expect al-Shaykh to respond forcefully. He did give another short statement in early May reiterating his earlier arguments and justifying this by saying that Islam "places limits on [Muslims'] lives when it violates Shari'a. Those who commit suicide are not Muslims and should not be buried in an Islamic cemetery or have an Islamic funeral."[84] Given the scope of the criticism leveled against him, however, this response was quite measured.

The debate in May 2001 over Palestinians' use of suicide tactics against Israelis demonstrates the formation of a mixed consensus among the senior 'ulama. Islamic authorities alternatively framed this issue as either in terms of Islam's prohibition against suicide or, alternatively, about the injunction to defend Muslim land. Because these diametrically-opposed frames came to dominate the debate, Islamic authorities became fundamentally divided between those 'ulama who placed few, if any restrictions on the use of such attacks and those who sought to characterized suicide attacks as un-Islamic or limit their use against certain categories of targets. As described in the next section, the latter issue came to dominate the second iteration of this debate in December 2001. The position taken by the Saudi Grand Mufti al-Shaykh, the strongest against suicide bombing writ large, became become a lightning rod for criticism and individual 'ulama lined up on one side or the other. Attempts by some 'ulama, such as Tantawi, to take middle positions, allowing for suicide attacks, but only against military targets, further complicated the situation. The main factor that accounts for this stable division among the 'ulama is that uncertainty was relatively low because of previous debates among the

[84] Jaki Huji, "Mufti Al Saudiya yuharam al amiliyat al intihariya wa shayukh Filistine wa Misr yahbun lil rad alyhu," *Al-Quds Al-Arabi* (UK), 9 May 2001.

senior ‘ulama about Palestinians’ use of suicide bombing in the 1990s. This is evidenced by several actors making direct references to the positions that ‘ulama had taken on the issue at that time, most notably Tantawi. Islamic authorities’ contestation in May 2001 over whether suicide attacks against Israeli civilians were justified proved to be important foreshadowing for the high profile debate four months later following the September 11 attacks.

September to November 2001: 9/11 and the War in Afghanistan

The September 11 attacks resulted in a state of universal shock and outrage with epic humanitarian, social, and political dimensions across the world, but this crisis presented unique challenges for religious leaders within the Muslim community. These leaders suddenly were put under strong pressure to reject the attacks within an Islamic framework while simultaneously defending against growing charges that a war against terrorism was in reality a war against Islam. Their position also was complicated by the ongoing Palestinian Intifada, whose suicide attacks were strongly supported by the most Islamic authorities, and the strong criticism of the United States for its support for Israel. This section examines two periods from this debate that illustrate how Islamic authorities’ consensus changed as a result of high uncertainty about the attacks themselves and the West’s response. The first is the period immediately following the attacks in which the ‘ulama reached a strong unified front in condemning the attacks with almost no dissent. During this phase, practically all ‘ulama framed this issue as a forbidden attack against protected civilians, a sign of extremely high frame alignment. This strong consensus broke down, however, during the later period starting in late

September and continuing through October and November 2001 when it became clear in the weeks following the attacks that the United States blamed al-Qaeda for the attacks and would undertake military action against the organization, its leader Osama Bin Laden, and the Taliban regime that hosted it in Afghanistan. This led to the formation of competing frames about the correctness of this campaign, juxtaposing the need to bring the perpetrators of the September 11 attacks to justice with Islamic injunctions against assisting non-Muslims in an attack against a Muslim country. Military action by non-Muslim countries in Muslim countries—and the question of which side other Muslim countries should take in the conflict—has always been among the most controversial subjects within the Islam, but this was particularly true of Afghanistan where memories of the jihad against Soviet troops there in the 1980s loomed large.

'Ulama across the Muslims world to the September 11 attacks almost universally condemned the attackers and expressed sympathy for the victims. In examining debates in Arabic media in the months following the attack, I found no 'alim or other Islamic thinker outside of al-Qaeda itself who expressed overt support for the attacks and most Islamic authorities spoke out against the attacks in no uncertain terms. This trend spanned 'ulama across the ideological spectrum: government-affiliated and independent, violent and non-violent. The primary idea on which most critiques of these attacks centered is Islam's prohibition against killing civilians and other non-combatants. This trend included Tantawi, who publicly stated that "Islam is against terrorism in every form and that killing one innocent person is like killing all of humanity. Attacking innocent

people is not courageous, it is stupid and will be punished on the Day of Judgment."[85] Similarly, Egyptian Grand Mufti Wasel, whose support for Palestinian suicide attacks was noted earlier in the chapter, responded to the attacks by saying that he "powerfully refused any assault on innocent civilians and condemned all terrorist actions that target civilians."[86] The Saudi 'ulama establishment similarly condemned the attacks and Saudi Grand Mufti al-Shaykh said on September 15 that the attacks "constitute a form of injustice that cannot be tolerated by Islam, which views them as gross crimes and sinful acts" (Kurzman 2003: 159). These Egyptian and Saudi 'ulama argued that the attacks violated Islam's basic rules of war and were illegitimate.

While the support of Egyptian and Saudi 'ulama may be easy to explain away due to their governments' close relationship with the United States, the attacks were also strongly condemned by a variety of Islamist groups and other 'ulama fiercely opposed to U.S. policies in the Islamic world. In a statement following the attacks, Qaradawi said that the people who conducted them were not martyrs, who sacrifice themselves for the sake of their occupied land, but rather were suicides, whose goal was to terrorize innocent civilians.[87] Similarly, a joint statement issued on September 14 by over forty major Islamist figures, including the heads of the Egyptian Muslim Brotherhood, Hamas, the Muslim Brotherhood-linked Tunisian al-Nahda Movement, Pakistan's Jamaat-e-Islami, and other movements throughout the Islamic world, said:

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[85] "Al Islam bari: mima hadath fi New York wa ihtimam la bud lahu min dalil," *Al-Watn Al-Saudiya* (Saudi Arabia), 18 September 2001.

[86] "'Aquba shari'iya li'murtakabi al i'atada'at ala al madayanin," *Oman Al-Yawm* (Oman), 17 September 2001.

[87] Islam Abu Layn and Asam Talima, "Al-Qaradawi: manfuthu al tafjirat intihariyun…la shuhada'," *Al-Bilad* (Saudi Arabia), 19 October 2001.

> The undersigned, leaders of Islamic movements, are horrified by the events of Tuesday, September 11, 2001 in the United States which resulted in massive killing, destruction and attack on innocent lives. We express our deepest sympathies and sorrow. We condemn, in the strongest terms, the incidents, which are against all human and Islamic norms. This is grounded in the noble Shari'a, which forbids all forms of attacks on innocents. (Kurzman 2003: 160)

The condemnation of the September 11 attacks was a rare case in Sunni Islam is which virtually all major Islamic authorities were essentially in agreement that these actions circumvented Islamic laws and principles.

However, these condemnations did not change the opposition of many major 'ulama to U.S. policy in the Muslim world, which several highlighted in their statements on these events. Dr. Yahya Ismael, the head of the oppositionist al-Azhar 'Ulama Front, said that "we are against the terrorization of peaceful people, but at the same time we are against discriminating against people because of their religion or ethnic background or color. The killing of the innocent civilians in America is a horrible matter, but so is the killing of Muslim civilians in Palestine and Chechnya and Macedonia and Kashmir."[88] Along similar lines, Qaradawi said "Our hearts bleed for the attacks that have targeted the World Trade Center as well as other institutions in the United States despite our strong oppositions to the American biased policy towards Israel on the military, political and economic fronts. The U.S. is biased in favor of Israeli assaults on Palestinians, but this does not permit assaults on civilians such as women, children, and the elderly" (Kurzman 2003: 159). Dr. Muhammad Rashid Qabani, the most prominent Sunni 'alim in Lebanon and the country's Grand Mufti, took a harder line and said that what happened in the U.S.

[88] "'Aquba shar'iya rada'a li'murtakabi al i'atada'at ila Amrika," *Al-Bilad* (Saudi Arabia), 14 September 2001

was the result of its failed foreign policies and its ignorance of Israeli terrorism and that the U.S. people must restore its image.[89] An article in *Al-Ayam* asked what Muslims should do in response to the attacks in light of U.S. policy in the region, especially in Palestine and argued that attacking Israelis in Palestine in different because it is occupied land whereas the United State is not and Muslims live there freely as part of American society.

The situation began to change in late September when the United States demanded that the Taliban surrender Bin Laden. In response to this, Taliban leader Mullah Omar convened a council of Taliban-aligned Afghan 'ulama, which recommended that Bin Laden voluntarily leave Afghanistan and for the U.N. and the Organization of the Islamic Conference to investigate the September 11 attacks. This body of 'ulama also said that if the United States undertook military action against Afghanistan, Muslims should respond with armed jihad to repel non-Muslim military forces who invaded this Muslim country.[90] The White House rejected the council's call for Bin Laden to willingly leave as an insufficient response.[91] The responses from other 'ulama on these demands were uneven. Tantawi spoke out against the Taliban, saying "If a terrorist has been sentenced for murder and he flees to another state and that state gives him shelter, it is a terrorist [state] that supports terrorism and it should be brought to justice."[92] Qaradawi, on the other hand, pleaded with the Taliban not to sacrifice tens of

[89] Nabil Abd Al Aziz, "Fatawa tahrim al hajum al amrika ala Afghaistan," *Al-Midan* (Egypt), 25 September 2001.

[90] "Afghan Taleban edict asks Bin-Ladin to leave," Afghan Islamic News Agency, BBC Monitoring, 20 September 2001.

[91] "White House rejects clerics' recommendation," CNN, 20 September 2001.

[92] Peter King, "Islam supports U.S. right to defend itself: al-Azhar," AFP, 17 September 2001.

thousands of its sons in defense of one man, Bin Laden,[93] and suggested that he be tried by a Muslim court in Mecca.[94] Following the start of the U.S.-led military action in Afghanistan, the conversation among 'ulama became more focused and most of those who weighed in objected to this campaign for two reasons.

The debate entered a new phase, which ultimately led to a decrease in the level of consensus among Islamic authorities, when many 'ulama grew more critical of the U.S. response to the attacks after it became clear that the United States would take military action against al-Qaeda's base of operations in Afghanistan and the Taliban regime, which sparked a debate among 'ulama about how Muslims should respond. The first was that military action would unfairly target the Afghan civilian population, who was not responsible for the attacks in the United States, without proving the guilt of al-Qaeda and Bin Laden for the attacks. In essence, these 'ulama argued that the attack on Afghanistan was of the same nature as September 11 attacks, which also unfairly targeted innocent civilians. Shaykh al-Azhar Tantawi said that America had the right to defend itself, but must differentiate between innocents and the perpetrators of the attacks and must avoid any step without presenting sufficient evidence concerning the culpability of Bin Laden and al-Qaeda for the September 11 attacks.[95]

Similarly, Qaradawi, who had strongly condemned the September 11 attacks, said that the United States employed "terrorist logic" in attacking the Afghan people to capture Bin Laden, as the United States produced no evidence that he perpetrated the

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[93] Fu'ad Al Hashim, "Al Wasata ma'a…al-tamatheel," *Al-Watn Al-Kuwaitiya* (Kuwait), 26 September 2001.

[94] "Fatawa al ulama al muslimin tatabayn b'shan al musanada al hamala al amrikiya ala Afghanistan," *Al-Quds Al-Arabi* (UK), 20 September 2001.

[95] "Al Islam bari: mima hadath fi New York wa ihtimam la bud lahu min dalil," *Al-Watn Al-Saudiya* (Saudi Arabia), 18 September 2001.

attacks on September 11 and called on Muslim countries to help Afghan refugees.[96] Qaradawi also labeled the war a "new crusade" and said that supporting jihad in a Muslim country invaded by non-Muslims is an individual duty for Muslims in that country and is also a collective duty for the wider Muslim community to support with money, arms, etc.[97] The Syrian Grand Mufti Ahmad Kuftaro also called for the halt to this unjust war and said that he denounces terrorism, but also the assault of innocent people and children.[98] Similarly, an article in Kuwaiti newspaper *Al-Rai' Al-Am*, like Tantawi, was generally sympathetic to the U.S. goals of capturing those responsible for the September 11 attacks, but believed the United States could accomplish this without attacking the Afghan people, which could lead to more serious consequences like the dismantling of Pakistan, a destructive civil war between Muslim countries, and the entry of Russia or India into the war.[99] While these 'ulama differed in the extent to which they agreed with the United States' goals in Afghanistan, they agreed the potential humanitarian consequences outweighed the probable gains.

The second central issue debated by 'ulama involved Muslim countries' support for and involvement in the military campaign against Afghanistan, especially Pakistan. Wasel demanded that Pakistan and all other Muslim countries refrain from opening their borders and facilities to the U.S. for striking Afghanistan because it contravened

[96] "Al-Qaradawi: yuntaqad mu'atamar al Doha wa yua'tabr al harb 'ala Afghanistan 'adwanan," *Al-Hayat* (UK), 13 October 2001.

[97] "Al rijal al din al islami yandadun b'al hajimat al amrikiya," *Al-Khamis* (Egypt), 18 October 2001.

[98] "Jam'at al ghadhab dhid al harb al amrikiya," *Al-Madina Al-Manawara* (Saudi Arabia), 15 October 2001.

[99] "Al bahth 'an sirab," *Al-Rai' Al-Am* (Kuwait), 18 September 2001.

Shari'a.[100] Similarly, Tantawi forbid Muslim countries from participating in military action against brother Muslims with a non-Muslim country unless its involvement in terrorist operations was proven, but also prohibited Arab youth joining the ranks of the Afghan resistance.[101] Qaradawi said that "a Muslim is forbidden from entering into an alliance with a non-Muslim against another Muslim" and that Muslims should "fight the American military if we can, and if we cannot, we should fight the United States economically and politically."[102] Qaradawi also criticized the willingness of a former Afghan president to cooperate with the United States in overthrowing the Taliban.[103] The 'ulama committee of the Islamic Action Front, the political arm of Jordan's Muslim Brotherhood, said that it is not permissible for any Muslim country to help the assault of another Muslim people and warned Muslim countries against being sucked into the "mindless policies" of the American war.[104] A meeting of senior Iraqi 'ulama sponsored by Saddam Hussein's regime also condemned the invasion of Afghanistan, saying that "any Muslim who provides any kind of help to the United States in its campaign against Afghanistan is considered an apostate."[105][106] Going even further, Shaykh Omar Bakri, the Lebanese leader of Britain-based Salafi group al-Muhajirun, suggested that Muslims punish Pakistani President Musharraf for cooperating with America against

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[100] Mujahid Ali, "Mufti Misr li 'Al Rai' Al Am': haram sha'ria al tahalaf ma'a Amrika li'dharab Afghanistan," *Al-Rai' Al-Am* (Kuwait), 19 September 2001.

[101] Abd Al Wahab Al Deeb, "Shaykh Al Azhar: Bin Laden la yu'abr 'an al islam wa 'ala Washington taqdim adala kafiya qabal al taharak," *Al-Sharq Al-Awsat* (UK), 24 September 2001.

[102] Laura Goodstein, "A Nation Challenged: The Religious Opinion: Muslim Scholars Back Fight Against Terrorists," *The New York Times*, 12 October 2001.

[103] Fu'ad Al Hashim, "Al Wasata ma'a…al-tamatheel," *Al-Watn Al-Kuwaitiya* (Kuwait), 26 September 2001.

[104] "Al tahalaf ma'a Amrika li'dharab ay dawla islamiya min al kiba'ir," *Ifaq Arabiya* (Egypt), 20 September 2001.

[105] "Iraqi clerics declare jihad against U.S.-led war on Afghanistan," AFP, 17 October 2001.

[106] "Iraqi clerics declare jihad against U.S.-led war on Afghanistan," Iraqi Satellite Television, BBC Monitoring, 16 October 2001

Afghanistan.[107] In this case, 'ulama disagreed about the extent to which Muslims should help Afghanistan fight back against the Western coalition, but were united in the idea that cooperating with Western countries against Afghanistan was prohibited.

While many 'ulama came out against the idea of Muslim countries participating in the military action against Afghanistan, a more novel and complicated issue that led to a further breakdown in consensus involved the best course of action for American Muslims serving in the U.S. military, who numbered between 4,000 and 15,000 at the time.[108] This question came to the forefront later in September 2001, when an American Muslim military chaplain, Captain Muhammad Abd-al-Rashid, requested guidance from a group of U.S.-based 'ulama about what Muslims troops should if ordered to fight in Afghanistan in light of the consequences for these troops as individuals as well as for the broader American Muslim community. Professor Jabir al-Alwani, one of the individuals to whom Captain Abd-al-Rashid's question was addressed and president of the Fiqh Council of North America, realized the importance and novelty of this question and far-reaching implications for the American Muslim community and decided to refer the question to Qaradawi (Nafi 2004).

Qaradawi along with four collaborators—former Secretary General of the Qaradawi-led International Union of Muslim 'Ulama Muhammad Salim al-'Awa, Egyptian Islamist newspaper columnist Fahmi Huwaydi, leading Egyptian judge and Islamist thinker Tariq al-Bishri, and Syrian doctor and Islamist thinker Haytham al-

[107] "Fatawa al 'ulama al muslimin tatabayan bi'shan musanada al hamla al amrikiya 'ala Afghanistan," *Al-Quds Al-Arabi* (UK), 20 September 2001.

[108] The U.S. Department of Defense in September 2001 estimated that there was approximately 4,100 Muslim personnel in the U.S. military, while Captain Abdur-Rashid placed the number at close to 15,000.

Khayyat—completed the fatwa on September 27 and made public in early October. Their response acknowledged the dilemma that the situation placed American Muslim soldiers in, but ultimately concluded that "the Muslim [soldier] must perform his duty in this fight despite the feeling of uneasiness of 'fighting without discriminating.' It is to prevent aggression against the innocents or to apprehend the perpetrators [of the September 11 attacks] and bring them to justice."[109]

The authors' primary justification for this position was that "if the terrorist acts that took place in the U.S. were to be evaluated according to Shari'a or the rules of Islamic jurisprudence (*fiqh*), the ruling for the crime of waging war against society (*hiraba*) would be applied to the perpetrators thereof." In the authors' opinion, the injunction to prevent this crime (and, ultimately, to disrupt al-Qaeda to prevent future attacks by the group) even outweighed the requirement that Muslims not fight and kill other Muslims. In a similar sense, the authors pointed out that "The Muslim [soldier] here is a part of a whole. If he resigns his position, his departure will result in a greater harm, not only for him but also for the Muslim community in his country. Moreover, even if fighting causes him spiritual or psychological discomfort, this personal hardship must be endured for sake of the greater public good, as the jurisprudential rule states."[110] However, the authors say that American Muslim military personnel could request service off of the front lines so long as doing so does not cause harm to the larger Muslim community.

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[109] For a full translation of this fatwa, see Nafi 2004, 80-82.

[110] Hassan Ali Daba, "Qital al Amrika al Muslim fi Afghanistan ja'iz itha kana mudhtaran," *Al-Ahram* (Egypt), 20 October 2001.

Some ‘ulama agreed with Qaradawi’s fatwa and said that American Muslims either could legitimately or even had a duty to serve in the war regardless of whether they personally agreed with it or not. Dr. Abd-al-Hakim al-Sa’idi, a professor at al-Azhar, said that American Muslims soldiers are like any other Americans with rights and duties as a result of their citizenship and one of these duties is to defend their country and to bring criminals to justice. Similarly, Dr. Imana Nasir, professor of Islamic Studies at al-Azhar, said that Qaradawi’s view is that American Muslims troops are Americans and as a part of that, they have both rights and duties.[111] While these individuals were in the minority, they agreed with the fundamental point made in Qaradawi’s fatwa, namely that American Muslim troops’ duties as Americans and soldiers required that they serve even if they personally did not agree with this.

A larger number of ‘ulama and other Islamic authors objected to the position taken in the fatwa by Qaradawi and his coauthors and spoke out against it. One individual who issued a counter-fatwa was al-Shu’aybi, the previously described independent Saudi ‘alim influential in Salafi circles. While not addressing Qaradawi or his coauthors by name, al-Shu’aybi argued that it was the duty of all Muslims, including those in the United States, to support their fellow Muslims in the Taliban regime when fighting the United States, who he labeled an infidel country.[112] According to al-Shu’aybi, Muslims’ allegiance (*al-wala’*) must always be with other Muslims and that they must disassociate (*al-bara’*) themselves from non-Muslims and failing to uphold this duty amounts to apostasy (*kufr naqil ‘an al-milla*). He also criticized ‘ulama who

[111] Muhammad Al Sayyid Al Sharqawi, “Al-Qaradawi: Qitala Amrika fi Afghanistan shuhada…!,” *Al-Midan* (Egypt), 30 October 2001.

[112] Omar Hasan, “Saudi Arabia vows to be rid of bin Laden backers,” AFP, 18 October 2001.

resorted to pity and sympathy toward the United States because "they forgot the killings and destruction carried out without pity by this infidel state in many Islamic countries." He also condemned "infidel Muslim governments," i.e., the Saudi regime, for permitting the United States and other non-Muslim countries to use their territory, airspace, and military bases to attack Afghanistan.[113] Al-Shu'aybi's position was echoed in fatwas by two of his up-and-coming students, Sulayman Alwan and Ali al-Khodayr, who argued that the punishment for supporting U.S. aggression "by hand, by tongue, or by money" is expulsion from Islam.[114] These fatwas exposed an important divide within the Saudi 'ulama community. As al-Rasheed describes it,

> The events of September 11, 2001, which precipitated a major schism within the Salafi awakening movement, had proved to be crucial. The Salafis were divided between those who openly supported Bin Laden (the most famous were Shaykhs al-Oqla [al-Shu'aybi], Nasir al-Fahad, and Ali al-Khodayr) and those who distanced themselves from him without condemning him openly, for example, Shaykhs Salman al-Awda and Safar al-Hawali. There were also the official religious scholars who accused Bin Laden of causing dissent (*fitna*) [within the Muslim community] (2007: 184).

Al-Qaeda directly addressed al-Shu'aybi's support in this area when the group's Afghanistan-based spokesman Sulayman Abu Ghaith said in October 2001, "We back the fatwas issued by the great imams of Saudi Arabia, particularly al-Shu'aybi who has banned cooperation with the Jews and the Christians."[115] While al-Shu'aybi's following hardly reached the global levels of Qaradawi, he did maintain enough within conservative Salafi circles, especially in Saudi Arabia, that his dissent was notable.

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[113] Habib Trabelsi, "Saudi Arabia faces danger of pro-Taliban religious movement," AFP, 17 October 2001.

[114] Nicholas Pelham, "Saudi clerics issue edicts against helping 'infidels,'" *The Daily Telegraph*, 10 October 2001.

[115] "Text of the al-Qaeda message," AFP, 14 October 2001

An Egyptian ‘alim, Salah al-Sawi, took a more direct approach to Qaradawi’s fatwa, criticizing it directly in a counter-fatwa, which was published in late October 2001. Al-Sawi received a doctorate from the Shari’a college at al-Azhar and subsequently taught in the Salafi-leaning Saudi university system and the World Muslim League. Al-Sawi objected to Qaradawi’s implicit assumption of the al-Qaeda and the Taliban’s responsibility for the September 11 attacks and argued that the United States did not present solid evidence of their culpability. Demonstrating his background in Shari’a, al-Sawi argued that Qaradawi and his coauthors misinterpreted and misapplied the concept of *hiraba*, which al-Sawi argued refers to crimes like banditry, robbery, etc. rather than actions like the September 11 attacks (known as *baghi* in Arabic) motivated by American support for Israel and other policies in the Muslim world.[116] Al-Sawi said that “even if we assume their [al-Qaeda’s] responsibility for this event, which is a mere assumption that lacks evidence to support it, this act has nothing to do with the crime of *hiraba*” (Nafi 2004: 111-12). Al-Sawi also objected to Qaradawi’s fatwa on the grounds that American Muslim troops would assist in fighting fellow Muslims, emphasizing national identity over Islamic identity, and that it justified violent acts against innocent Muslim civilians. Al-Sawi also argued that the potential for American Muslim soldiers to injure or kill innocent Afghan Muslim civilians outweighs the dangers to their communal reputation if they should resign or refuse to serve in Afghanistan.

Even some ‘ulama with longstanding and close relationships to Qaradawi publicly disagreed with him on the opinion expressed in his fatwa. The best example is Shaykh Faysal al-Mawlawi, the Secretary General of the Muslim Brotherhood-allied Lebanese

[116] The difference between *hiraba* and *baghi* in Islamic history is explained more fully in Chapter Four.

Islamic Group. Mawlawi was a longstanding associate of Qaradawi and served as his deputy in his Dublin-based European Council for Fatwa and Research. With regard to Qaradawi's fatwa, Mawlawi said that it is not permissible for Muslims to fight in the U.S. military against brother Muslims in Afghanistan because the Afghan people did not conduct the September 11 attacks, the U.S. military action there was not self-defense.[117] He said that although he believed the September 11 attacks were assaults on innocents and it is a duty to punish the perpetrators, the attacks on Afghanistan is also an assault on innocents and participation in it is not permitted.[118,119] Despite his close relationship with Qaradawi, Mawlawi criticized this fatwa's perceived support for U.S. action in Afghanistan against innocent Muslims.

Another critique came from al-Qaeda itself via its deputy leader Ayman al-Zawahiri.[120] Zawahiri focused on the Qaradawi-led fatwa regarding American Muslim soldiers after the September 11 attacks, which Zawahiri claimed assisted the United States in killing Muslims in Afghanistan. Specifically, Zawahiri argues that it is wrong for Qaradawi and his coauthors to recommend putting Muslims, who Zawahiri claims are accused by the United States without concrete evidence, before the biased American justice system and Zawahiri asked rhetorically why Qaradawi did not ask Muslim troops

[117] "Faysal Mawlawi: la yujawaz al muslim al amriki al musharaka fi dharab Afghanistan," *Al-Bilad* (Saudi Arabia), 26 October 2001.

[118] "Faysal Mawlawi: la yujawaz al muslim al amriki al musharaka fi dharab Afghanistan," *Al-Bilad* (Saudi Arabia), 26 October 2001.

[119] "Al ru'iya al sharia'iya…fi amaliyat Amrika," *Al-Ayam (Bahrain)*, 21 September 2001.

[120] Zawahiri's family name carries some weight in this area as his great-uncle Muhammad al-Ahmadi al-Zawahiri, was a prominent 'alim and served as Shaykh al-Azhar in the early 20th century. For more information on Zawahiri's family and its prominence in religious affairs in Egypt, see Wright 2006: 38-45.

to bring American leaders accused of crimes to justice as well.[121] Ultimately, Zawahiri chided Qaradawi for putting American Muslims' social and employment status above the Qur'anic injunction for Muslims to avoid fighting and killing other Muslims.

A variety of 'ulama of all stripes similarly criticized the Qaradawi-led fatwa as well. Ali Gomaa, then a senior professor at al-Azhar and who has since served as Egyptian Grand Mufti closely aligned with the Egyptian government, critiqued the fatwa, saying that the expected damage of not participating of Muslim soldiers (losing their jobs and social status) is much lighter than the real damage on Muslims in Afghanistan (death and destruction). Dr. Abd-al-Atheem al-Mutana, professor at al-Azhar, said that there is a major contradiction between the Qur'an and Sunna and Qaradawi's fatwa and he warned Americans that if they obey President Bush's order in this area, they are an enemy of God, and his book and his prophet.[122] Isam al-Ariyan, a leading member of the Egyptian Muslim Brotherhood, decried the fatwa saying it was "hasty and incorrect" and "call[ed] upon those who issued this fatwa to reconsider it, especially in light of the ongoing war."[123] Egyptian-born Abu Hamza al-Masri, the former imam of the jihadist-linked Finsbury Park Mosque in London, accused Qaradawi of being an "'alim of power" and also said that Qaradawi rushed to Afghanistan to preserve the pagan ancient Buddha statues when the Taliban threatened to destroy them, but would not bother himself to save the Afghan people when they were under threat of attack.[124,125] Dr. Ahmad Taha Dabab,

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[121] Ayman al-Zawahiri, "Al-Azhar: The Lion's Den," translated by The NEFA Foundation, 27 November 2008.

[122] Amr Labib, "Hajum dhid fatwa al-Qaradawi lil'janud al amrikiyin al muslimin," *Al-Takafal* (Egypt), 1 November 2001.

[123] Nadia Abou El-Magd, "Ruling on Muslim U.S. military personnel serving in Afghanistan campaign sparks debate," AP, 30 October 2001.

[124] Abdallah Bajbir, "Ay Islam?" *Al-Sharq Al-Awsat* (UK), 30 September 2001.

Dean of the College of Shari'a and Law at al-Azhar, argued that whether American Muslims' participation is legitimate or not depends on the overall legitimacy of America's war against Afghanistan is or is not. Dabab claims it is not legitimate for American Muslims to participate given the lack of evidence of Afghans' involvement in the attacks on America and the possibility of Afghan civilian casualties.[126] An article in *Al-Rai' Al-Am* in mid-October rhetorically asked "Do Muslims' jobs in the army and keeping them allow them to kill brother Muslims? Is American nationality more valuable and sacred than Muslim blood, especially innocents? This fatwa confirms forgiveness for killing brother Muslims and calls on Muslims to participate in destroying of innocents and civilians."[127] Speaking of Qaradawi's non-'ulama coauthors, Saudi Shaykh Salah Bin Abd-al-Aziz Al Ash-Shaykh, a member of the same family as the Saudi Grand Mufti, said they "do not fit because they are not leaders in matters of religion" and that "these thinkers are not permitted to rule on the fate of the call of God."[128]

Qaradawi and his collaborators responded to this criticism by attempting to clarifying their intentions and, in some cases, by subtly distancing themselves from particular elements of it. Huwaydi, one of Qaradawi's coauthors, responded to these critiques by saying that the fatwa "should not be interpreted as supporting war and killing Afghan Muslims"[129] and that "the targets should be limited to those who administered and funded the attacks in America and their followers who took refuge on Afghan soil."

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[125] Muhammad Al Shafa'i, "Asuliyu London yashnun hamla intiqadat sakhana dhid al-Shaykh al Qaradwi," *Al-Sharq Al-Awsat* (UK), 25 September 2001.

[126] Muhammad Al Sayyid Al Sharqawi, "Al-Qaradawi: Qitala Amrika fi Afghanistan shuhada…!," *Al-Midan* (Egypt), 30 October 2001.

[127] Jamal Sultan, "Fatwa khatira!," *Al-Rai' Al-Am* (Kuwait), 18 October 2001.

[128] Majdi Abd Al Rasoul, "Fatwa 'Al Awa'' tafjir 'Al Wast,'" *Al-Arabi Al-Nasri* (Egypt), 4 November 2001.

[129] Nadia Abou El-Magd, "Ruling on Muslim U.S. military personnel serving in Afghanistan campaign sparks debate," AP, 30 October 2001.

The fatwa also never made its way on to Qaradawi's popular website (Kurzman 2003: 159). Similarly, Huwaydi emphasized that he did not write the fatwa, but only added his name to indicate his general agreement with it, downplaying his role in the formulation of its key ideas. In response to questions for further details on the fatwa, Qaradawi went on the defensive, saying "I wrote an explanation. I cannot tell you anything [more] now."[130] Later in October, Qaradawi defended his argument saying that while the general basis of Islam does not allow Muslims to fight each other, Muslims are allowed to defend themselves from aggression and Muslims living in non-Muslim countries are required to obey the laws of those countries as long as they do not conflict with those of Islam.[131] One article published in *Al-Anba* went so far as to say "[when] Qaradawi decided that American Muslims should fight Afghan Muslims…Muslim American soldiers were sitting in their houses waiting for the order of the Mufti [Qaradawi] supporting this to defend their countries."[132]

Debates following the September 11 attacks are an example of a case when an initially strong consensus broke down over time, representing both the highs and lows of consensus among the body of senior 'ulama regarding appropriate responses to a key international political issue. 'Ulama were almost totally united in decrying the attacks themselves, albeit tempered with continued objections to U.S. foreign policy in the region. This strong consensus resulted from the high frame alignment among Islamic authorities, who almost universally framed this event as a prohibited attack against

[130] Nadia Abou El-Magd, "Ruling on Muslim U.S. military personnel serving in Afghanistan campaign sparks debate," AP, 30 October 2001.

[131] Islam Abu Lin, "Takid ibaha musharaka muslimi amrika bi'l harb wa fiqha' yua'taradun," *Al-Madina Al-Manawara* (Saudi Arabia), 29 October 2001.

[132] Salah Al Shayji, "Itlab…tilaq," *Al-Anba* (Kuwait), 30 October 2001.

innocent civilians. However, this resolved weakened when U.S.-led military action against Afghanistan materialized in early October and a low consensus emerged when conflicting frames competed about the acceptability of the war in Afghanistan, highlighted by the debate about the fatwa authored by Qaradawi and his coauthors regarding American Muslims' participation in it. The key variable that accounts for this change over time is high uncertainty. The September 11 attacks produced unprecedented and highly volatile circumstances regarding religiously inspired violence and the acceptable responses to it. The situation became even more uncertain when it became clear that the United States and Western allies would undertake military action against the Taliban regime. This created further uncertainty when many 'ulama sympathized with the goal of bringing those responsible for the attacks to justice, but the want for additional proof of al-Qaeda's responsibility and a desire to avoid military action that would injure or kill Muslim civilians. While the embers of this debate continued to smolder and Islamic authorities discussed how al-Qaeda's attacks impacted their view of Muslims' legitimate use of violence, the question of the Palestinian Intifada and the use of suicide attacks by Palestinian groups reemerged in the final month of 2001.

December 2001: Civilians or Legitimate Targets?

A series of particularly lethal suicide attacks by Hamas and Islamic Jihad in Haifa and West Jerusalem in early December 2001, which killed 30 Israelis and wounded over 220 others, pushed the issue of the Palestinian Intifada back to the forefront of the collective consciousness of senior 'ulama. This provoked a renewed debate about the permissibility of these suicide attacks that primarily involved Shaykh al-Azhar Tantawi and Shaykh Yusef al-Qaradawi with two other senior government-aligned 'ulama, Saudi

'alim al-Sabil and Egyptian Grand Mufti Wasel, also playing major roles. As described earlier in this chapter, Islamic authorities intensely debate Palestinians' use of suicide bombing approximately six months earlier in May 2001, which ended with the senior 'ulama in a state of division between those will to support these attacks and others who sought to limit or prevent them entirely. While religious authorities' contestation shifted in December 2001 to focus more on whether and which Israelis could be considered civilians, the fundamental division among religious authorities remained and this debate did not result in a fundamental re-arrangement of consensus. Divided, competing frames that either portrayed these attacks as commendable self-sacrifice or prohibited attacks against civilians or other protected groups endured and as a result, so did the mixed consensus among Islamic authorities. Uncertainty was further reduced when most 'ulama concluded that the contestation about September 11, the most significant event between May and December 2001, was largely irrelevant for questions regarding the correctness of suicide attacks in the Palestinian case.

Tantawi, in interviews and statements in the first week of December, laid out his response to these attacks.[133,134,135] He said that "We are with all operations that target the aggressors among the Israelis because it is self-defense and jihad against the raping occupation." However, reiterating a point that he made in May, he also argued that "in the name of Shari'a, we condemn assaults on innocent civilians of any side, sect, or nation. Our religion is against attacking children, women, and innocents who are far

[133] "Shaykh al-Azhar yudayan 'al 'adwan 'ala 'al madanayin al ibraya'," *Al-Itihad* (UAE), 4 December 2001.

[134] "Shaykh al-Azhar yudayan qatal al israeliyin al 'ibraya'," *Al-Quds Al-Arabi* (UK), 4 December 2001.

[135] "Al-Azhar yudayan al 'adwan 'ala al madanayin 'min ay jaha wa taifa aw dawla,'" *Al-Siyasa* (Kuwait), 4 December 2001.

from the killing field."[136] Furthermore, he also rejected the argument made by other 'ulama "that assaults on [Israeli] children are permissible because they will become part of the army [in the future] because this contravenes the Prophet Muhammad."[137] As with the positions that he took in the earlier iteration of the debate in May, Tantawi did not call for a wholesale ban on Palestinians' use of suicide tactics against Israelis, but did seek to limit their use against those Israelis not directly involved in the occupation, such as Israeli women, children, the elderly, etc.

Tantawi's strongest opponent in this debate was Qaradawi, who publicly denounced Tantawi's position in early December. He rhetorically asked "How does the Shaykh al-Azhar prohibit the killing of aggressors? How does he consider them isolated innocent civilians? The Israelis are a cruel people who came to Palestine and killed the people, seized the land, and made them homeless. These shaykhs publish fatwas that fail the fighters instead of tightening [Israeli's] ability to commit atrocities and encouraging sacrifice and martyrdom."[138] He opposed Tantawi on two main grounds. His first is that Palestinians' attacks are proportional to what they face from Israel. He said "The Israelis use all forms of terrorism and with a lack of world power, they can slay and expel and kill [Palestinians]. Are those who resist this colonialism considered criminals and terrorists in the view of some of these shaykhs?"[139] Second, as in May, Qaradawi argued that Israeli society is totally militarized because of its universal military service laws. He

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[136] "Al ia'tada' 'ala ahl al thima muharam Shari'aen," *Al-Khaleej* (UAE), 5 December 2001.

[137] "Al-Azhar yudayn al amaliyat al fadaiya dhid 'al madayin al ibraya'," *Al-Ayam* (Bahrain), 4 December 2001.

[138] "Imam al masjid al haram: al islam yuharam al i'atada' 'ala ahl al 'ahd wa la thima," *Al-Hayat* (UK), 5 December 2001.

[139] "Al-Qaradawi yuntaqad tasarahat Shaykh al Azhar hawal al amaliyat al istishahadiya," *Al-Ayam* (Bahrain), 5 December 2001.

said "I felt regret when I heard that the Shaykh al-Azhar had ascribed these to attacks against innocent civilians. Many of these shaykhs decrease [the power and relevance of] jurisprudence (*fiqh*) and do not understand the reality that Israeli society is entirely military and there are no civilians in it."[140] To back up this argument, Qaradawi mentioned that Israeli women serve in the military and that a woman, Golda Meir, was Israel's Prime Minister during the war with the Arab states in October 1973.[141] In Qaradawi's view, 'ulama had no choice but to side with Palestinians without reservation, especially when, in his view, all parts of Israeli society in the security and military apparatus.

While several other 'ulama participated in it, this debate was most often framed as a direct conflict between Qaradawi and Tantawi, whose positions became representative of the two camps in the debate. A body of articles directly contrasted Tantawi and Qaradawi's arguments, illustrating how they came to represent the two major sides in the debate over the targeting of Israeli civilians by Palestinian suicide attacks. One article published in *Al-Hayat* on December 6 was entitled "Between Tantawi and Qaradawi" and compared this debate to the war of fatwas in the late 1970s and early 1980s regarding Egypt's normalization of diplomatic relations with Israel following the Camp David Accords. This article also highlighted how the use of fatwas for political purposes is dangerous and Israel could interpret fatwas by individuals such as Tantawi as justification to remain in possession of Palestinian land.[142] Similarly, an article from December 9 in

[140] "Al-Qaradawi yuntaqad tasarahat Shaykh al Azhar hawal al amaliyat al istishahadiya," *Al-Ayam* (Bahrain), 5 December 2001.

[141] Jabar al Harami and Saud al Nafi, "Al-Qaradawi yuasaf li'fatwa Shaykh Al Azhar was yujadad tayadahu lil'amamliyat al istishahadiya," *Al-Riyadh* (Saudi Arabia), 5 December 2001.

[142] Daoud al Shariyan, "Bayna Tantawi wa al-Qaradawi," *Al-Hayat* (UK), 6 December 2001.

Al-Watn Al-Qatariya entitled contrasts the positions taken by these two 'ulama and says "I am with Dr. Qaradawi and not with Shaykh Tantawi and feel toward [Qaradwi] love, homage, and respect."[143] Conversely, an article in *Al-Hayat* on December 16 argues that the debate over suicide bombing demonstrates the existence of two larger ideational camps in Islam. The first was founded by the Prophet Muhammad, is represented by Tantawi (as well as al-Shaykh and al-Sabil, whose position is discussed later in the chapter), and is based on the idea that shedding innocent blood is wrong and is no better than what Israel does to Palestinians.[144] The second position, on the other hand, is based on Iranian Ayatollah Khomeini, is represented by Qaradawi, and emphasizes killing, both suicide (*intihar*) and slaughter (*nahar*), which is common to both Fascism and Islamic far-right. According to this article, Qaradawi suffers from the sin of fakeness and jealousy, which is why he joins the "chorus of terrorist 'ulama."[145] Finally, in between these pro-Qaradawi and pro-Tantawi positions, another article published on December 8 in *Al-Masa'* argued that this conflict between Tantawi and Qaradawi illustrated the need for an international high council of 'ulama to debate controversial issues in which political motives play a key role such as the permissibility of suicide bombing and to publish a collective fatwa. The alternative, this article claims, is what occurred during Iraq's invasion of Kuwait in which a war of fatwas ensued, some praising Saddam's actions and others condemning them.[146]

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[143] Raja al Naqash, "Ana ma'a al-Qaradawi," *Al-Watn Al-Qatariya* (Qatar), 9 December 2001.

[144] "Al Afif Al Akhdhar, "Fiqh al irhab yukhdam Israel wa Ariel Sharon," *Al-Hayat* (UK), 16 December 2001.

[145] "Al Afif Al Akhdhar, "Fiqh al irhab yukhdam Israel wa Ariel Sharon," *Al-Hayat* (UK), 16 December 2001.

[146] Al Sayyid Al Babli, "Tantawi wa al-Qaradawi…khilaf li'salah man?," *Al-Masa'* (Egypt), 8 December 2001.

One thing that both Qaradawi and Tantawi agreed on in their respective statements was that Palestinian attacks were qualitatively different from those of al-Qaeda less than three months earlier on September 11. Qaradawi said:

> There is a stark contrast between the two attacks [in Israel and the United States]. The goal of those who carried out the first attacks [in Israel] was the liberation of their homeland and their means for the attacks was their own bodies. The attacks on the United States had as their aim terrorizing others and the means of those who carried out the acts were the bodies of others.[147]

Along the same lines, Tantawi contrasted what he views as legitimate resistance attacks by Palestinians against Israeli security forces and illegitimate terrorist attacks, such as on September 11. He said in early December that al-Qaeda's attacks were "a crime and [the perpetrators] are cowards and they do not have an iota of honor. The difference between jihad and terrorism in Islam is like the difference between heaven and earth because the latter attacks civilians while jihad defends people and holy sites and land and the nation. Assaults and injustice are truly different than this."[148] Both Qaradawi and Tantawi drew a clear distinction between legitimate jihad and illegitimate terrorism. The fact that both sides in the debate agreed about the fundamental difference between September 11 and Palestinian suicide attacks ensured that the high uncertainty that characterized the contestation about the former did not bleed through, which might have caused an increase in uncertainty surrounding the latter and potentially more opportunity for the level of consensus to change.

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[147] "Weapons of the Weak," *Al-Ahram* (Egypt), 13 December 2001.

[148] "Al Azhar yudayan al 'adwan 'ala al madanayin 'min ay jaha wa taifa aw dawla,'" *Al-Siyasa* (Kuwait), 4 December 2001.

Tantawi was not the only senior government-appointed ‘alim to criticize the series of attacks in late 2001. In a matter with implications for the exchange between Qaradawi and Tantawi, Shaykh Muhammad Bin Abdallah al-Sabil, the imam at the Al-Haram Mosque in Mecca and a member of Saudi Arabia’s Council of Senior ‘Ulama, also weighed in on the matter of legitimate targets for Palestinian attacks. Al-Sabil criticized the attacks as targeting the “People of the Book,” a Qur’anic term for Christians and Jews, and said that “Those who try to harm unarmed civilians do not understand Shari’a.”[149] He also said that attacks on protected people (*dhimma*) and those under truce (*‘ahd*) is prohibited in Islam and called on Muslims to protect their lives, property, and well being. He said “Islam treats the protected people with the loyalty of a covenant and contract and keeps the rights of the protected if the committed keep the terms put on the Muslims.”[150][151] Al-Sabil’s objection to these attacks was on similar, though not identical grounds from Tantawi, namely that the status of particular religious communities protected particular religious communities from attacks by Muslims. Interestingly, al-Sabil never mentioned Israel directly, but given the chronological proximity of the statement to the attacks in Haifa and West Jerusalem, the intended or unintended implication was that al-Sabil intended the statement as a condemnation of the preceding Palestinian attacks.

The response to al-Sabil’s position was predominantly negative throughout the Arab world on the grounds that he was more concerned with protecting Israelis than

[149] Lydia Georgi, “Muslim religious scholars at odds over Palestinian suicide bombings,” AFP, 10 December 2001

[150] “Imam al masjid al haram: al islam yuharam al i‘atada’ ‘ala ahl al ‘ahd wa la thima,” *Al-Hayat* (UK), 5 December 2001.

[151] “Imam al masjid al haram: al i’atada’ ‘ala ahl al thima muharam Shari’aen,” *Al-Khaleej* (UAE), 5 December 2001.

Palestinians. It is important to note that though their arguments differed to a certain extent, al-Sabil and Tantawi often were lumped together as a single bloc in many responses based on their mutual skepticism of the legitimacy of at least some Palestinian suicide attacks. One article published in *Al-Quds Al-Arabi* on December 5 linked al-Sabil and Tantawi's positions to the "fatwa" issued by "Imam [George W.] Bush" that declaring Hamas was a terrorist organization.[152] On al-Sabil's position specifically, this article says that there are insufficient grounds in Shari'a and jurisprudence (*fiqh*) on which to assess his argument, but that for non-Muslim religious communities to require protection by Muslims, this would need to be in the context of an Islamic state, but the opposite is true as Israel is occupying and ruling Muslim land.[153] The author of an article in the Egyptian newspaper *Al-'Usbua* criticized al-Sabil's argument on similar grounds saying al-Sabil "said that we should not kill Jews because they are 'protected people.' They are protected because of their religion and not because they take our rights and our land and kill our people."[154] Most of these individuals criticized al-Sabil argument that non-Muslims inherently warranted protection based on their identity status.

The motives of both al-Sabil and Tantawi also were questioned and several 'ulama and Arab press articles accused them of favoring the United States and Israel at the expense of Palestinians. A December 5 article in *Al-Quds Al-Arabi* also criticized Tantawi and al-Sabil by arguing that these "'ulama of power have sunk to this abysmal level of corruption and gaining cheap personal benefits and as a result emptying [Islam]

[152] Abd al Bari Atwan, "Fatawa Imam Bush," *Al-Quds Al-Arabi* (UK), 5 December 2001.
[153] "Imam al masjid al haram: al islam yuharam al i'atada' 'ala ahl al 'ahd wa la thima," *Al-Hayat* (UK), 5 December 2001.
[154] Abd al-Qadr Yassin, "Ahl al thima?," *Al-'Usbua* (Egypt), 10 December 2001.

of all justice and victory of the oppressed."[155] An article in the Egyptian newspaper *Al-Arabi Al-Nasri* struck a similar tone when he said of Tantawi and al-Sabil, "these words reveal their corruption and they rob Muslims of the spirit of jihad. This raises the question: Does this decrease the bloodthirstiness of Sharon by granting him and Israeli cover from some of these shaykhs for their massacres against Palestinians? God forgive us. The shaykhs who issue these fatwas truly do not belong to the '*fiqh* of reality,' as Qaradawi says."[156] An article in *Sawt Al-Umma* placed the true motivation of Tantawi and al-Sabil's positions in Washington, arguing that "The political circumstances led to the use of some 'ulama to calm a tense political situation between some Arab countries and America because America is a bully and is restless and does not hesitate in hitting Arab countries."[157] The motives of Tantawi and al-Sabil for taking the positions that they did likely were complex. Both the Egyptian and Saudi governments almost certainly encouraged 'ulama such as Tantawi and al-Sabil to counter violent jihadi tactics like suicide bombing. At the same time, the snapshot of the debate captured here illustrates how these individuals framed their arguments using important Islamic principles, such as avoiding suicide and respected protected categories of people. The fact that the positions taken by al-Sabil and Tantawi were lumped together despite the fact that they raised very different questions about the legitimacy of Palestinian suicide attacks highlights how the Islamic authorities were sharply divided on this issue and that the separate camps remained relatively constant and distinct over the course of the debate.

[155] Abd al Bari Atwan, "Fatawa Imam Bush," *Al-Quds Al-Arabi* (UK), 5 December 2001.
[156] Saeed Shihata, "Marayen," *Al-Arabi Al-Nasri* (Egypt), 9 December 2001.
[157] Muhammad al Naz, "Warata Shaykh Al Azhar!," *Sawt Al-Umma* (Egypt), 12 December 2001.

Beyond the three 'ulama already discussed, another oft-cited 'alim in the December 2001 debate was government-affiliated 'alim Wasel, Egypt's Grand Mufti, who like Qaradawi placed few, if any restrictions on Palestinians' use of suicide tactics. He said "Martyrdom operations undertaken by Palestinians in their occupied land fight injustice against them and are jihad operations one hundred percent and no man can say that these are not resistance to occupation or the path or means of the legitimate jihad in this situation."[158] Wasel decried the American bias toward Israel while describing Palestinians' "defensive operations" as terrorism and said that jihad and defense of land and nation and holy places is an individual duty and "expelling [the occupiers] is the duty of jihad in Palestine for the sake of liberating the land from the commandeering of Israel."

The considerations of Wasel's position in Arab media were overwhelmingly positive and he (in combination with Qaradawi) was cited most often as countering the positions taken by Tantawi and al-Sabil. An article from December 24 in *Al-Wafd* praised Wasel and Qaradawi for supporting Palestinians in their operations against Israel.[159] An article in the Egyptian newspaper *Al-'Usbua* portrayed Wasel's opposition as part of a historical tradition of Egyptian senior 'ulama fighting back against controversial positions taken by Tantawi, pointing out that when Tantawi was Grand Mufti in the 1990s he had multiple clashes with his predecessor as Shaykh Al Azhar,

[158] "Al Mufti li'Shaykh al Azhar: al amaliyat al istishahadiya mashru'a," *Al-Madina Al-Manawara* (Saudi Arabia), 8 December 2001.

[159] Ibrahim al-Qaradawi, "Mujabaha am muwajaha bayna al-Qaradawi wa al imam al akbar," *Al-Wafd* (Egypt), 24 December 2001.

Jadd al-Haqq Ali Jadd al-Haqq, concerning his fatwas on Palestinians issues.[160] Along similar lines, the Saudi newspaper *Al-Madina Al-Manawara* on December 29 cited Wasel exclusively for why Palestinian were martyrdom designed to liberate occupied territory in response to the position taken by Tantawi.[161] While Wasel's position on suicide bombing and opposition to Tantawi did not play as prominent a role as Qaradawi's, he still was an oft-cited counterpoint especially given his status as one of Egypt's most senior 'ulama.

A range of other 'ulama also weighed in on the position taken by Tantawi on the Palestine suicide bombing issue. Aside from al-Sabil, two other 'ulama took positions that could be viewed as neutral or at least not overtly critical of Tantawi directly. Dr. Ahmad Amr Hashim, the President of al-Azhar University, said that while those killed during jihad are martyrs and they are defending their land and religion, killing civilians is prohibited in Islam and that the Prophet Muhammad clearly laid out categories of people, such as the elderly, pacifists, and farm land, that should not be killed or damaged during war. Mufti of Jerusalem and preacher at the al-Aqsa Mosque Sayyid al-Sabri praised Palestinians' use of suicide tactics, but said that Tantawi's position was a general one about attacks against civilians writ large and did not prohibit suicide bombings. Among those who were critical of Tantawi's position, some of these 'ulama directed their comments at Tantawi openly and questioned his motives in taking the position that he did. Dr. Sa'id Abu al-Fattuh, professor of Shari'a at 'Ain Shams University in Egypt, said that Tantawi should recant what he said a thousand times and ask God for

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[160] Yassin Hisam al Din, "Haretz: al sultat al arabiya tajnad rijal al din lil'ifta' 'ala hawaha," *Al-'Usbua* (Egypt), 24 December 2001.

[161] Sabahi Abd al Halim, "Al amaliya al filistiniya 'istishahadiya' wa ma nasab ila ghir sahih," *Al-Madina Al-Manawara* (Saudi Arabia), 29 December 2001.

forgiveness. Islamic thinker Dr. Abd-al-Sabur Shahin said that Tantawi's fatwa was political and was published to appease the Americans and asked why whenever these operations happen, Tantawi publishes a fatwa emphasizing the need to protect Israelis and while ignoring the well-being of Palestinians. Al-Azhar professor Dr. Abd-al-Atheem al-Mutana described Tantawi's position as sympathizing with Israel, which he deplores because "innocent civilians" do not exist in Israel, especially in light of Israel's extensive attacks against Palestinian civilians. Huwaydi, the Islamist-leaning journalist who co-wrote the fatwa about American Muslim troops' participation in Afghanistan, criticized both Tantawi and al-Sabil because he claimed that they published a fatwa on Palestinian suicide tactics without understanding this issue or its implications. Similarly, Islamic thinker Tariq al-Bishri, one of Huwaydi's coauthors of the fatwa after September 11, said that he considers what Tantawi said to be merely a political statement and not truly a fatwa and that these operations are resistance to defend Palestinian territory against Israel, which kills and destroys Palestinian children every day.[162] These individuals openly questioned Tantawi and al-Sabil's motives in taking the positions that they did and openly accused them of favoring Israel over Palestinians.

Other 'ulama, while not mentioning Tantawi directly, took positions that strongly supported Palestinian attacks while downplaying the existence of "Israeli civilians" worthy of protection. Syrian Islamic thinker Dr. Mahmoud Akam said that killing Jews who reside in Palestine is permitted because they are fighters and killers even if they are

[162] Mustafa Sulayman, "Al amaliya al fidaiya jihad…wa difa'a al filistiniyin 'an anafsahum bi'ay wasila mashru'a," *Al-'Usbua* (Egypt), 10 December 2001.

not soldiers as long as it is for the defense of Muslims.[163] Dr. Shaban Muhammad, professor of Shari'a at Umm Qara University in Saudi Arabia, said that Israelis, whether men, women, or children, possess the characteristic of fighters and they participate in crimes against the Palestinian people and some Israeli settlers also participate in the Israeli army's operations against the Palestinians.[164] The oppositionist al-Azhar Ulama Front also argued that a Palestinian who conducts such as operation is a martyr because Israelis slay Palestinian men, women, and children and do not differentiate between civilians. The Front's president, al-Ajma al-Damnahura, also said that Palestinians should conduct such operations for the sake of us and because Israel is a militarized society and Palestinians should attack all of Israel because they kill innocent Palestinians.[165] Dr. Yusef al-Badara, an Islamic preacher, claimed that all Israelis are fighters and all are soldiers in the Israeli army and the settlers continue to live on Palestinian land, making Palestinians who conduct these operations martyrs, not suicides. Dr. Muhammad Sayyid Ahmad al-Musir, professor at al-Azhar, claimed that "these operations are the only signifier of life of the Islamic umma and whoever says otherwise omits the truth that is needed.[166] This highlights how a significant percentage of Islamic authorities across the Muslim world continued to frame suicide attacks by Palestinians against Israeli civilians as justified due to the nature of the conflict.

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[163] "Istihadaf al madaniyin fi Israeli ja'iz," *Al-Raiya* (Qatar), 6 December 2001.

[164] Fatahi Ibrahim, "Manfathu al amaliyat al fadaiya fi filistin shuhada' wa laysu muntaharin," *Al-Sharq* (Qatar), 7 December 2001.

[165] Mustafa Sulayman, "Al amaliya al fidaiya jihad…wa difa'a al filistiniyin 'an anafsahum bi'ay wasila mashru'a," *Al-'Usbua* (Egypt), 10 December 2001.

[166] Mustafa Sulayman, "Al amaliya al fidaiya jihad…wa difa'a al filistiniyin 'an anafsahum bi'ay wasila mashru'a," *Al-'Usbua* (Egypt), 10 December 2001.

The December 2001 debate about Palestinian suicide bombings highlights how a particular level of consensus can persist when frame alignment is low in the absence of uncertainty. As with the earlier period of contestation surrounding this issue in May 2001, Islamic authorities remained divided about the permissibility of suicide attacks against Israel. Some 'ulama, such as Tantawi and al-Sabil, framed the debate as dealing with Islamic precepts about the respect protections of civilians and other religious communities. Others, such as Qaradawi and Wasel, framed it in terms of resisting the Israeli occupation, which made all Israelis legitimate targets because of universal its military service laws. These represented irreconcilable positions that remained largely constant since earlier manifestations of this debate, most recently in May 2001. Interestingly, the 'ulama consciously chose not to apply the one event that happened in the meantime that could have fundamentally altered the debate by introducing high uncertainty, the September 11 attacks. Islamic authorities of all stripes largely agreed that September 11 and Palestinians' attacks were essentially different and hence the conclusions reached in that debate did not apply when discussing the Palestinian issue. This case also illustrates the ways in which reactions to the positions taken by 'ulama are relatively and situation-dependent. The fact that al-Sabil's argument was grouped with Tantawi's further indicates the perseverance of the fundamental division between the 'ulama on this issue. In many ways, Tantawi's concerns about targeting Israeli civilians was substantially different from al-Sabil's argument, which focused on the ability of Muslims to attack Jews as a separate religious community. However, given the division of the 'ulama into those supporting almost unlimited suicide attacks by Palestinians and

those seeking to restrict these attacks, Tantawi and al-Sabil were portrayed as taking the same position.

This case also shows how reactions to Islamic authorities' positions is relative and is based on the range of positions taken by others. The reactions to Tantawi's argument about the legitimacy of attacks against Israeli civilians received more and stronger responses in December than in May while the substance of Tantawi's argument essentially stayed the same. Throughout the course of 2001, Tantawi argued that attacks against Israelis who carry arms and are directly involved in the occupation are legitimate, but those against civilians are not. However, the reactions to Tantawi's argument in December were significantly more negative than what they were in May. While a handful of 'ulama and Arab newspaper articles in May expressed concern about his argument regarding Israeli civilians, many focused on and even praised his willingness to sanction Palestinians' use of suicide tactics against Israelis as opposed to the argument made by al-Shaykh, who questioned the validity of all such attacks. Conversely, Tantawi's argument about Israeli civilians became the focal point of the subsequent debate in December 2001 and he, along with al-Sabil, because a lightning rod for criticism by 'ulama and the Arab press alike.

What changed between May and December 2001? It was not Tantawi's argument, but instead it was where Tantawi's argument stood in relation to the arguments made by other senior 'ulama. Al-Shaykh's argument, which was at the center of the debate in May, took a stronger position in the sense that it sanctioned almost no Palestinian suicide attacks against Israel whereas Tantawi had more common ground (an

agreement on the validity of suicide attacks against Israelis involved in the occupation) with the larger community. When al-Shaykh largely stayed out of the December installment of the debate and no other ‘alim emerged making an argument of similar extremity to al-Shaykh’s in May, attention then turned to Tantawi’s argument as well as al-Sabil’s, which both focused on certain protected categories of Israelis with regard to Palestinian attacks. It was not Tantawi’s argument that changed, but the makeup of landscape of other arguments around it that changed between May and December 2001, which created a different response to Tantawi’s position even as the overall level of consensus remained relatively constant.

War, Peace, and Islamic Authority

2001 was a nearly unprecedented year in modern Islamic history with regard to debates among prominent ‘ulama about issues related to the legitimate use of violence, more generally, and the use of suicide tactics more specifically. The debates examined in this chapter regarding the Palestinian Intifada in May and December 2001 and the September 11 attacks against the United States from September through November 2001 illustrate important principles regarding religious authorities’ consensus and its durability over time and by extension, the circumstances under which logical argumentation and communicative action are likely to have the greatest effect. The environment following the September 11 attacks was highly dynamic consisting of unprecedented circumstances and rapidly changing events, which forced Islamic authorities to interpret and apply abstract principles to these situations and then debate these novel interpretations with other ‘ulama. The initial shock and outrage at the attacks caused almost all ‘ulama to

frame the issue in the same basic way, as an illegitimate terrorist attack against civilians, which led to a strong consensus among Islamic authorities. This broke down and low consensus resulted in the following months as debates came to focus on the mechanics of the military action in Afghanistan, which Islamic authorities framed in different ways, especially when contentious issues such as the participation of American Muslim troops became more prominent. This forced ‘ulama to grapple with these novel interpretations and apply abstract religious principles in new ways in an environment of high uncertainty. This issue, by necessity, produced heated debates over these positions as ‘ulama determined whether they agreed with them or not, and ultimately, led to a significant move away from consensus.

Conversely, Palestinians’ use of suicide tactics was an older, more established issue within ‘ulama circles. Islamic authorities were divided into two camps that offered two different and largely incompatible frames that alternatively portrayed it as prohibited suicide directed against protected civilians or, alternatively, as commendable resistance to a monolithic occupation. The mixed consensus that resulted remained relatively stable between May and December 2001 because ‘ulama faced less uncertainty and less need to apply and debate novel (and radical) interpretations. The circumstances observed during the Intifada resulted in a situation in which the ‘ulama, instead of figuring out their positions from scratch, largely fell back on positions of the past and remained divided throughout the course of 2001 with little change along the way. Instead of focusing on these primary issues at stake in the competing frames offered by the two sides, the bulk of debate on the issue of the Intifada during 2001 tended to focus on the margins bordering the two main sides in the debate, most notably whether particular types of

Israeli "civilians" could legitimately be attacked or not. The best example of this is the discussion between Tantawi and Qaradawi in December 2001. Unlike the vacillations in the consensus of the 'ulama debates following the September 11 attacks, positions during 2001 regarding Palestinians' use of suicide tactics were divided and this remained relatively constant.

One possible explanation for the differences in Islamic authorities' reactions in these two cases is the involvement of Israel, the penultimate enemy for many Islamists, in one and not the other. The fact that Palestinian suicide attacks targeted Israelis clearly played a role in the debate surrounding this issue and likely made at least some Islamic authorities more willing to support attacks against Israeli civilians due to Israel's military service laws. That being said, this factor alone provides insufficient explanation of the dynamics observed to fully account for them singlehandedly. Following the September 11 attacks, many Islamic authorities issued scathing critiques of U.S. foreign policy, but still condemned the killing of innocent civilians in those operations. This highlights Islamic authorities' ability to condemn attacks against a country that they strongly oppose. The involvement of Israel did play a role in determining the level of consensus in the Palestinian case, but only to the extent that it was involved in shaping the frames that Islamic authorities deployed, which also included a number of other considerations.

These debates in 2001 also highlight the temporal and situation-dependent nature of authority and the important effects that arguing can have in shaping authority dynamics. For example, the reaction to the Qaradawi-led fatwa recommending that American Muslim military personnel participate in efforts to bring the perpetrators of the

attacks to justice, even if it involved fighting other Muslims, showed the importance of a debate's content even when the issuer is widely respected. Qaradawi is often portrayed as being as close to a universal authority as can exist in Sunni Islam and the fact that his position of this issue put him and his coauthors, most of who were non-'ulama, on the defensive demonstrates that even respected religious figures do not automatically garner authority by virtue of their personality and that *what they say* still matters at least as much as who they are. The U.S.-led military action in a Muslim country, especially Afghanistan where the Soviet invasion still loomed large, was highly unpopular and the most 'ulama equated this fatwa with assumed support by Qaradawi for the invasion, even in spite of his vehement statements condemning military action there. This fatwa highlights the context-specific nature of religious authority as Qaradawi clearly did not lose his overall appeal to a broad Sunni Muslim audience, but did not achieve widespread authority on this specific issue because of perceptions of his guidance to American Muslim troops.

Another key point illustrated by this chapter is that the affiliation of 'ulama with state institutions did not have a consistent or causal effect on the acceptance of their arguments by the larger senior 'ulama and Islamic community. While it is possible, though far from certain that the governments of Arab and Islamic countries encouraged individual 'ulama like Tantawi, al-Shaykh, and al-Sabil to take positions that frowned on or sought to limit the use of practices like suicide bombing, there is no evidence to suggest that this happened consistently or that this automatically caused these arguments to be accepted or rejected by the wider body of 'ulama. As demonstrated by the Palestinian case, some very senior government-affiliated 'ulama took extremely pro-

suicide bombing positions, such as Mubarak-appointed Egyptian Grand Mufti Wasel, who sanctioned Palestinians' use of this tactic against Israelis almost without exception and even referred to supporting these attacks as an individual duty.

Similarly, if the state-influence 'ulama argument holds true, one would expect the anti-al-Qaeda positions taken by almost all senior 'ulama after the September 11 attacks to be at the behest or at least tacit approval of Arab and Muslim governments and hence receive criticism for these impure influences. However, I did not observe a single instance in which anyone questioned the motives of any anti-al-Qaeda position taken by senior 'ulama based on alleged government influence. The condemnation of al-Qaeda's actions following the September 11 attacks truly was diverse and resounding on an unprecedentedly large scale. The ability to achieve consensus is one of the hallmarks of religious authority in Islam and the ability of al-Qaeda's critics to muster such an all-encompassing criticism of the group's action bolstered their claims to religious authority. Even senior U.S. officials such as George W. Bush, often derided for his misunderstanding of religious dynamics in the Muslim world, recognized the key role that Islamic authority played in fighting al-Qaeda's message. In his speech to the U.N. General Assembly in November 2001, Bush said "The Shaykh of al-Azhar University, the world's oldest Islamic institution of higher learning, declared that terrorism is a disease, and that Islam prohibits killing innocent civilians."[167] Al-Qaeda leaders, especially Zawahiri, tried to make the argument that these 'ulama, including Tantawi, al-Shaykh, and Qaradawi, were condemning al-Qaeda at the behest of their respective

[167] George W. Bush, "Address to the United Nations General Assembly," 10 November 2001, available at http://georgewbush-whitehouse.archives.gov/infocus/bushrecord/documents/Selected_Speeches_George_W_Bush.pdf

governments and their American sponsors, but there is no evidence to suggest that these arguments gained noticeable traction among collective body of Islamic authorities or the wider Muslim community.

The only instances in which government affiliation appeared to play a consistent role was in situations where senior 'ulama took positions that were notably at odds with those made by larger groups of 'ulama. In these cases, such as al-Shaykh's position in May 2001 and Tantawi's in December 2001, alleged tampering by Arab governments and their Western allies became one of a litany of arguments against their positions. In these instances, arguments about the allegedly negative motives of 'ulama probably were intended to pile on and bolster substantive arguments about the theological and rational shortcomings raised about these arguments. Even the deployment of such arguments in these circumstances was inconsistent. In December, on the basis of the difference between the Shaykh al-Azhar and the Egyptian Grand Mufti, Qaradawi argued that "the fact that the Mufti of Egypt issued a statement contradicting Tantawi is a clear signal that the statements were not dictated by the state, but an expression of the scholars' individual opinions."[168] Given Qaradawi's vehement disagreement with Tantawi at the time, he of all people would have a clear motive to discredit Tantawi's credibility if he thought al-Azhar to truly be operating at the Egyptian government's direction.

Such assumptions about the impure motives of state-affiliated 'ulama also show the potentially unexpected impact of their rulings on issues these 'ulama may or may not

[168] "Weapons of the Weak," *Al-Ahram* (Egypt), 13 December 2001.

have intended to speak to. Speaking about Saudi Grand Mufti al-Shaykh's relatively prohibitive statement regarding suicide attacks in 2001, author Christopher Reuter said,

> The target of so-called 'American fatwa' of al-Shaykh was less likely the Palestinians than Osama Bin Laden and his followers. A Saudi diplomat and one of his Western counterparts claim that al-Shaykh's proclamation originated in a vigorous attempt of the Saudi royal family to prevent further al-Qaeda suicide attacks. One month before the proclamation, in March 2001, a planned attack was foiled by Saudi authorities, who subsequently took dozens of suspects into custody and called influential-Shaykhs in for stern warnings. Apparently the authorities then called upon Grand Mufti al-Shaykh to cover their backs theologically—to issue a fatwa-like statement classifying suicide attacks as precisely that: suicide, not martyrdom. (2004: 124)

This analysis suggests that even if the Saudi Grand Mufti's position was politically motivated by the Saudi royal family, its primary motivation was not undermining Palestinian attacks. However, many individuals clearly took the Grand Mufti's statement as directed at Palestinian militant groups and it influenced his authority on this issue regardless of whether this was intended or not.

Chapter 4: Power of the 'Ulama or the 'Ulama of Power?: Islamic Authority and the Arab Spring

The wave of revolutions in several Arab countries, which began in Tunisia in December 2010, has led to the most significant and wide-ranging changes to the political landscape of the region since the end of colonialism. Suddenly, authoritarian Arab regimes that seemed impervious to significant reform succumbed to the demands of mass demonstrations—and often fell from power entirely—in quick succession. The causes identified by the emerging literature on the Arab Spring, as these revolutions have collectively come to be called, has identified a complex web of interrelated factors that caused the citizens of these nations to rise up in truly astonishing numbers to confront the ruling regimes. As James Gelvin put it, "Unilateral attempts by [Arab] regimes to renegotiate ruling bargains, demographic challenges, a food crisis, and brittleness made autocracies in the Arab world vulnerable, but they did not cause the uprisings. To attribute the uprisings to these factors or to any others overlooks a key variable—the human element—that determines whether an uprising will or will not occur" (2012: 25).

This chapter examines primarily examines two of the most prominent Arab Spring revolutions in 2011, Egypt and Libya, and the level of consensus that the 'ulama achieved regarding each and how this consensus changed over time after contestation.[169] Regarding Egypt, in the first phase of the debate prior to Mubarak's resignation, senior 'ulama initially achieved a mixed consensus on the revolution. Islamic authorities were divided, with some framing the revolution as pushing Egypt to undertake much-needed systematic political reforms and others urging caution and framing the revolution as a

[169] The chapter also secondarily touches on other Arab Spring revolutions, especially in Tunisia.

threat to political and social stability. During the second period of the Egyptian revolution examined here, changes in the post-Mubarak debate led to higher frame alignment around the acceptance of fundamental political change in the form of a civil state with a strong Islamic reference, resulting in a strong consensus among Islamic authorities. In this case, uncertainty among the ‘ulama was high given the newness and unsettledness of the Arab Spring at that point, which created conditions that were favorable for ‘ulama to change their positions and ultimately their collective level of consensus.

Conversely, the initial phase of the revolution in Libya led to a high degree of frame alignment in condemning the Qadhafi regime’s brutal crackdown on protests, which caused ‘ulama to achieve a strong consensus in favor of the opposition and against the regime. This consensus in favor of the revolution persisted during the later period of the revolution even in light of the Western military intervention in Libya, a controversial factor that has typically caused strong reactions from the ‘ulama ranging from dissension to outright support for the regime targeted by the military campaign no matter how unsavory or disliked. During the Libyan revolution, uncertainty was lower as many ‘ulama could draw on the conclusions they had reached during the Egyptian revolution and the Libyan regime’s excessive use of force further reinforced the consensus in favor of the revolution.

One of the most hotly debated of these factors is the role that Islam and more specifically, Islamist movements, played in the Arab Spring revolutions and their aftermath. As the conventional logic has it, Islamic social movements, such as the

Muslim Brotherhood and to a lesser extent Salafi groups, were the opposition elements best able to organize under authoritarian rule and bolster their popular legitimacy through the provision to much needed social services in poor areas of the Muslim world (Wickham 2002; Wiktorowicz 2001a). However, several authors are quick to point out that Islamist organizations did not provoke many of the Arab Spring revolutions and in some cases, were downright hesitant to participate in them. Even Islamist-leaning author Tariq Ramadan admits that "the Arab Awakening has clearly not been the work of Islamist movements. Neither in Tunisia or Egypt, nor in Jordan, Libya, or Syria were they the initiators. The mass movements took to the streets without them, against the will of their leadership, and, in any event, without their agreement" (2012: 14). However, Islamist movements clearly have played a lead role in determining the course of the subsequent regimes put in place in many Arab countries since the revolutions. As Lynch points out, the greater role of Islamist movements has been controversial in many circles in the West as well as among so-called "liberal Arabs." He says, "The fiercest denunciations of the Arab uprisings come from those who see them not simply as compromising friends but as actively empowering Islamist enemies. These critics see the rise of Islamist forces in Tunisia, Egypt, and Libya as a sign of the rapid advance of radical Islam" (2012: 27). While Islam may be only one of several important factors that account for the Arab Spring revolutions, it has taken center stage in dealing with the outcomes of these revolutions and the larger implications for the politics of the Middle East.

The role of Islamic religious authorities, however, has received less attention from the early works detailing the course and implications of the Arab Spring. The impact of

individual ‘ulama, most notably Yusef al-Qaradawi, the Muslim Brotherhood-linked senior ‘alim described in previous chapters, and the implications of the Arab Spring on different institutions, such as al-Azhar, has received some attention, but mostly as parts of discussions on other broader subjects. Bruce Rutherford argues that reformist ‘ulama and Islamist writers, such as Qaradawi, Muhammad Salim al-Awa, and Tariq al-Bishri,[170] were influential in laying the theoretical groundwork for the Arab Spring beginning in the mid-1990s, but he largely considers them in the context of their associations with the Muslim Brotherhood rather than as Islamic authorities in their own right (2012: 47). Similarly, in discussing the revolution in Libya, Lynch specifically highlights “the influential Islamist face of al-Jazeera, Yusef al-Qaradawi, gave religious sanction on live television for someone to end Libya’s misery by killing Qadhafi” (2012: 169). Finally, in discussing al-Azhar post-revolution and its relationship with the state, Nathan Brown points out that “all political forces in Egypt seem to agree: The country’s premier religious institution, al-Azhar, must be made more independent from the regime. But that agreement is deeply misleading; it masks a struggle within al-Azhar and among leading political forces over its role in Egyptian society” (2011: 1). While all of these accounts discuss important effects that Islamic authorities had on the Arab Springs revolutions, they fail to fully capture the complex role that Islamic authorities and their debates had on the Arab Spring and, conversely, that the Arab Spring had on them. This chapter captures the contestation among these authorities, which represents a concrete way in

[170] All three of these individuals coauthored the fatwa in late 2001 described in the previous chapter regarding American Muslims soldiers’ possible service in Afghanistan after the September 11 attacks.

which Islamic authority made itself relevant to these important political events, which were supposedly categorized by a breakdown of authority.

Rebellion in Islamic History

The circumstances under which Muslims may legitimately rise up against the unjust ruler of a Muslim country have remained contentious since Islam's earliest days. In this debate, two of Islam's fundamental principles appear to be at loggerheads. The first is that Muslims are commanded to "forbid wrong and enjoin good." To clarify this, Muslims are instructed to accomplish this with their hand (through action) or their tongue (through words) and if those are impossible, they must do so with their heart (through conviction). This even applies when contradicting those in power and an oft-quoted hadith of the Prophet Muhammad says that the finest form of jihad is speaking words of truth to an unjust ruler and being killed for it (Cook 2003). The message is clear, Muslims should do whatever is within their power to correct the injustice that they find in the world. At the same time, Muslims are also seemingly instructed to follow the Muslim leaders of their community. Avoiding dissension and chaos within the Islamic community (often identified by the Arabic term *fitna*)[171] is also highly praised and this emphasis on stability is embodied by the Arab proverb that states that a thousand years of tyranny is preferable to one day of anarchy (Goldschmidt and Davidson 2002).

This seeming contradiction between the values of stability and reform is clearly present historically in the writings of some of Islam's most famous jurists. For example, Malik ibn Anas, the 8th century A.D. jurist who founded one of the four schools of

[171] *Fitna* has become the word most often quoted in speaking against rebellion. The term is definitely pejorative and typically encompasses the ideas of civil strife and corruption.

Islamic jurisprudence, enjoins Muslims to confront and forbid the evils of those in political power (*dhu sultan*). However, when asked later if Muslims must forbid the evil of a governor (*wali*), Malik said that they are only compelled do so if they think the leader would comply (Cook 2003: 75). At the outbreak of the Arab Spring revolutions, Muslims were presented with the same dilemma that faced their predecessors in Islamic history when confronted with governments they considered unjust: should they take action to "forbid evil" or must they avoid activism that could lead to *fitna* and social and political instability? On the other hand, how should Muslim governors respond to protests and rebellions against them according to Islamic principles?

Theoretically, Islamic teachings differentiate between rebellion (*baghi*) and other types of violent action and crime. Aside from fighting rebels (*bughah*), Islam has traditional authorized violence against two other categories of Muslims: apostates (*murtadun*) and bandits (*muharibun*). Unlike these two categories of offenders against whom harsh punishments are prescribed, Islamic discourse has generally advised a more conciliatory response to rebels and said that individuals involved in rebellions should not be executed, tortured, or crucified (Abou El Fadl 2001). A Qur'anic verse often cited on this subject says, "If two parties among the believers fight each other, then make peace between them. But if one of them transgresses (*baghat*) against the other, then fight, all of you, against the one that transgresses until it complies with the command of God. But if it complies, then make peace between the two parties with justice and be fair, for God loves those who are fair and just" (Qur'an 49: 9-10). While there is some ambiguity regarding which Muslim combatants would fall under this category, the specific use of

the word used for rebellion in this verse projects a tone that is overwhelmingly focused on reconciliation between rebels and those against whom they rebel.

The difference in tone between rebellion and other types of offenses is clear when this verse is compared to an oft-cited Qur'anic verse on banditry (*hariba*). This verse says, "The punishment of those who wage war against God and His Prophet, and strive to cause corruption on the earth is that they be killed or crucified or have a hand and foot cut off from opposite ends or be exiled from the land. That is their disgrace in this world and they will receive a heavy punishment in the hereafter" (Qur'an 5:33-34). Again, while some ambiguity exists regarding what qualifies as "corrupting the earth," the punishments laid out in this verse are much harsher, stark, and inflexible than those in the previous verse focused on rebellions and there is little room or incentive for reconciliation.

In addition to these doctrinal sources, historical precedent has also affected Muslim discourse on rebellion. One of the earliest involved the response of Islam's fourth caliph, Ali ibn Talib, to a serious uprising by a group of rebels known as the Khawarij (sometimes also referred to as the Kharajites), a group of Muslims who rejected his leadership beginning in the 7th century and instead adopted a body of uncompromising theological positions, especially regarding the excommunication of Muslims (*takfir*) due to perceived apostasy (Ibrahim 1980). The Khawarij rebelled against the succession process that brought Ali to power following the assassination of the previous caliph, Uthman, and the Muslim forces under Ali subsequently fought a series of battles against the Khawarij in modern-day Iraq. Ali eventually defeated the

Khawariji forces, but took a conciliatory position toward them before, during, and after the conflict (Hodgkin 1980).[172] He refused to fight their forces until he was attacked first and even after his decisive defeat of the Khawariji forces at the Battle of the Camel in 656 A.D., took a relatively lenient approach to the Khwaraji rebels, refusing to take their women and children captive or confiscate their property. The Khawariji rebellion was followed by other uprisings in early Islamic history, such as the rebellion of the Prophet Muhammad's grandson, Hussayn ibn Ali, against Ummayid caliph Yazid. Yazid's controversial rule, considered by some to be a tyrannical, and Hussayn's bloody martyrdom at the hands of Yazid's army at the Battle of Karbala in 680 A.D. raised significant questions about whether Hussayn's rebellion was just or not. While Hussayn is most often associated with Shi'a Islam, Abu El Fadl noted "While one cannot claim that [Hussayn's] was a major rebellion, the moral impact of the incident far outweighed its political consequences. Many Sunni jurists strongly sympathized with Hussayn and lamented his martyrdom" (2001: 68). These early incidents laid the historical basis for the concept of rebellion in Islam, exemplifying Islamic rulers who took both a conciliatory approach to rebellion as well as cracked down strongly on rebels.

The theological basis of rebellion in Islam as well as how rebellions actually played out in Islamic history created a robust debate among Islamic religious authorities about if and when rebellions are just. One of the most prominent Islamic 'ulama who took a highly restrictive position on rebellion was 10th century author al-Hafiz Abu Bakr al-Shaybani. Al-Shaybani quoted a hadith of the Prophet that allegedly said "Listen and obey, in hardship and in good, in what is pleasant and unpleasant, and prefer them [the

[172] However, a remaining Khawarij fighter eventually succeeded in assassinating Ali in 661 A.D.

rulers] over yourself even if they usurp your wealth or strike your backs" (Abou El Fadl 2001: 112). In other words, according to al-Shaybani, rulers should rule and citizens should obey so long as the ruler permits them to exercise Islamic practice. Jurist Abu Hamid al-Ghazali, writing in the 12th century, took this position even further and argued that "an evil-doing and barbarous sultan, so long as he is supported by military force, so that he can only with difficulty be deposed…[he] must of necessity be left in possession [of power] and obedience must be rendered to him" (Abou El Fadl 2001: 11). On the other hand, important 9th century author al-Shafi'i, a founder of one of Islam's other schools of jurisprudence, said that it is permissible for Muslim leaders to fight rebels only until they are subdued. Al-Shafi'i argued that Ali proceeded correctly in dealing with the Khawarij because he did not fight them until they had first committed violence and he stopped fighting them when they had been defeated and did not execute them. He refused to take any of their women and children captive and ordered that their property not be seized. 11th century jurist al-Mawardi attempted to take a middle position, arguing that rebellion was sometimes justified in outlying provinces of the Muslim world so long as the rebels swore allegiance to the caliph once they took power (Abou El Fadl 2001). Hamilton A.R. Gibb (1955) argued that this rationalization of rebellion after the fact demonstrated the cracks in the power surrounding the caliphate at that time. As this discussion illustrates, the divisions within the 'ulama of early Islamic history are indicative of the full range of positions on the issue of rebellion as a theological and political question, an issue which persists to the present day.

A central question debated by the 'ulama also became whether the activities of particular groups should be considered rebellion or, conversely, banditry or another form

of crime. It was sometimes difficult to determine which legal category groups like the Khawarij fell into because while they were rebelling, they also employed tactics such as sneak attacks and raids that led to the slaughter of civilians and the spreading of terror, which are hallmarks of banditry. This issue became increasingly important when the Mongols invaded Muslim territory in the 13th century and employed such tactics even after converting to Islam. Islamic legal scholar Khaled Abou El Fadl summarized this dilemma by saying:

> The terror-based and indiscriminate methods of some rebellious groups, such as the Khawarij, emphasized the need for security and stability. Yet there are also certain contravening considerations. The Qur'an does command Muslims to enjoin the good and forbid the evil, which could imply a duty to resist injustice. Furthermore, some of the most notable figures in Islamic history rebelled against those in power….These diverse elements and considerations motivated Muslim jurists, when it came to dealing with fellow Muslims, to create two categories of discourse, one concerned with rebels and the other concerned with bandits (2001: 61).

14th century Islamic theorist Ibn Taymiyya, a noted Hanbali 'alim whose influence in Salafi and Wahhabi circles exists even today, strongly denounced the Khawarij for separating themselves from the Muslim community, but he blatantly condemned the Mongols for invading and conquering Muslim territory. Ibn Taymiyya even alleged that the Mongols were not true practicing Muslims, saying that he did not see any Islamic prayer-callers (*muezzin*) in their camps and never observed the Mongols praying (Jansen 1987: 392-94). Another issue frequently debated by the 'ulama in considering these events is the common good (*maslaha*). In general, Islamic scholars have argued that the common good of a rebellion must outweigh any negative impacts (*mafsada*) that it causes. An example of this issue came into play was when Hassan al-Basri, an early Islamic jurist who lived in the 7th and 8th century A.D., told a Khawariji fighter that his

group had seen a wrong and taken action to correct it, but in do so had created a more serious wrong than had existed beforehand (Cook 2003: 82).

While most of the intellectual development of this debate occurred in the classical age, debates over rebellion in Islam have continued into contemporary times. Former Shaykh al-Azhar Jadd al-Haqq argued in the 1980s and 1990s that Egypt's Islamic militant groups, such as Islamic Jihad and al-Gama'a al-Islamiya, were equivalent to the Khawarij and recommended that Egyptian authorities use harsh punishments against them (Barraclough 1998: 238). The comparison between the Khawarij and modern Islamic rejectionist movements also occurred to Jansen, who pointed out that many of these contemporary groups rebelling against the state even rely on the same Qur'anic verses and use argue as the Khawarij that those governments not operating under Shari'a are apostate (Jansen 1987). On the other hand, early 20th century reformer Rashid Rida, mentioned in Chapter Two, argued that *hiraba* is primarily characterized by spreading corruption on the earth and tyranny is one form of this. Therefore, according to Rida, Muslims should try to remove an unjust leader in order to uphold their duty to forbid evil and enjoin good (Abou El Fadl 2001). While the foundations of the debate about rebellion were set during Islam's classical period, they have been further refined during modern times.

When the senior 'ulama have debated the merits of the political protestation and revolution that broke out in countries across the Middle East during the Arab Spring, they have drawn on this robust and longstanding intellectual heritage dating back to Islam's earliest days. 'Ulama explicitly and implicitly deployed these ideas and events to support

or condemn the popular actions to bring about political reform, such as citing the example of the Khawarij or the injunctions against creating *fitna*. In other cases, this tradition was implicitly present and represented by the ongoing debate within the Islamic community weighing the relative merits of political reform versus stability and avoiding potential chaos. To illustrate these points, I will examine the debates between senior 'ulama during key periods of two Arab Spring revolutions, Egypt and Libya. In the former, 'ulama initially were divided about how to respond to the protests calling for reform and Husni Mubarak's resignation, but eventually came to a stronger consensus as the revolution and 'ulama's contestation regarding it progressed. In Libya, 'ulama very early on in the revolution to come to a strong consensus in favor of the revolution and against the Qadhafi regime, which demonstrated strong durability even in light of a Western military intervention against the regime.

The Road to Tahrir: 'Ulama and Egypt's Revolution Against the Mubarak Regime

Many of the contentious issues related to rebellion in Islam that I described above came to the forefront when protests broke out in Egypt. During this initial phase in Egypt's revolution, senior 'ulama were divided between those who framed the issue in terms of the Egyptian people's legitimate right to demand much-needed political reform and others whose frames focused on the potential threats that these events presented to political and social stability. This resulted in the formation of a mixed consensus among Islamic authorities during this early period in the revolution. Even before the outbreak of protests in Egypt, the wave of unrest in the Arab world that came to be known as the Arab Spring had already provoked strong conversations among the senior 'ulama,

especially during the revolution in Tunsia. However, rather than resolving uncertainty about the acceptability of protests prior to their outbreak in Egypt, the Tunisian revolution set the stage for a more uncertain environment for the 'ulama by focusing on the self-immolation that provoked the Tunisian revolution, which was irrelevant when the Egyptian revolution began. The Tunisian protests began in December 2010 when a fruit vendor, Muhammad Bouazizi, in the small city of Sidi Bouzid lit himself on fire to a police confiscation of his cart, which provoked outrage among the Tunisian population and subsequently spiraled into full-blown protests against the ruling Ben Ali regime and its brutality.[173] Much like the Palestinian suicide bombings discussed in the previous chapter, this act of self-inflicted death proved controversial and pitted Islam's strong general prohibition on suicide against at least some Muslims' desire to use their own death as a power tool to push back against perceived injustice.

As during the Intifada, some prominent 'ulama were willing to forgive these acts in light of their perceived contribution to the wider national and pan-Islamic interests while others viewed the prohibition against suicide as inviolable. Qaradawi, the Muslim Brotherhood-linked 'alim based in Qatar described extensively in previous chapters, during a broadcast of his television program on al-Jazeera in mid-January 2011 prayed that God would grant forgiveness to Bouazizi despite the fact that he violated Islamic precepts. He emphasized Muslims' right to resist injustice and tyranny, but said that there were other ways to protest injustice without killing oneself without burning their bodies.[174] However, Qaradawi pointed out that his position was an informal comment

[173] "Suicide protester Mohammed Bouazizi dies," BBC, 5 January 2011.
[174] "Qaradawi explains his position Bouazizi," *Al-Miladi* (Syria), 23 January 2011.

and not a more formal ruling or fatwa on the issue. Qaradawi also encouraged Tunisia's many factions—Islamists, secularists, rightists, and leftists—to work together to protect the revolution from "thieves of the revolution" and remnants of the former regime who sought to reverse its gains. In Qaradawi's words, "jihad against injustice and tyrants is the best type of jihad because Islam came to establish justice in the earth."[175] On the other hand, Saudi Arabia's Grand Mufti Abd-al-Aziz Al Ash Shaykh (al-Shaykh), the senior government-affiliated 'alim mentioned in Chapters Two and Three, referred to the self-burning as "suicide and a crime…that tarnish[ed] the image of Muslims," who he called on to be patient in protesting and raising objections.[176] Al-Azhar, in slightly less inflammatory language, also emphasized that suicide is prohibited in Islam for any reason, even to express strong emotions such as protest and anger. Al-Azhar also took steps to distance itself from the deposed Ben Ali regime, publicly revoking an award it had previously bestowed on Ben Ali and condemned his actions during the revolution.[177] Islamic authorities' focus on self-immolations during the Tunisian revolution was of little relevance in resolving the uncertainties of the 'ulama regarding far-reaching political change in the Arab world and these unresolved questions became more apparent when the Egyptian revolution began in late January.

Protests against the Mubarak regime first broke out in Egypt on a large scale on January 25, 2011 and reached a fever pitch later that week. In the initial stage of Islamic authorities' contestation, the 'ulama were divided over the correctness of the revolution.

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[175] "Shaykh Yusef al-Qaradawi: Ihathiru li-'lisus al-thawra," *Al-Amn* (Lebanon), 25 January 2011.
[176] "Ila Shaykh al-Islam: Hal ihiraq al nafs haram?," Hiwar Al-Mutamadin, 25 January 2011.
[177] "'Al-Bahuth al-Islami' yalgha al-tarshih li-ja'iza al ra'is al tunisi al makhlua'," *Al-Yawm Al-Sabi* (Egypt), 27 January 2011.

Incidentally, January 25 also coincided with a meeting of over twenty of the Islamic world's most prominent 'ulama at a global conference of Al-Azhar alumni, including the new Shaykh Al-Azhar Dr. Ali al-Tayeb,[178] Qaradawi, senior government-affiliated Egyptian Grand Mufti Ali Gomaa, and Muhammad Salim al-Awa (whose position on American Muslim troops' service in Afghanistan was described in Chapter Three) and this conference issued a joint statement encouraging the transnational Islamic community to overcome differences and achieve the transnational unity called for by Islam's message. Separately, Tayeb also accused the West of conspiring to divide the Arab world, such as in Iraq, Yemen, and Sudan, as well as Israel, which favors a divided Arab world for its own strategic interests.[179] Qaradawi similarly implored Muslims to overcome the divisions separating them, whether ethnic, sectarian, or doctrinal, to achieve a more complete unity among them.[180] This set the stage for the responses of these 'ulama to the Egyptian crisis as it unfolded in the ensuing days, both in terms calling for greater unity among the Islamic and Arab communities as well as highlighting perceived efforts by outsiders to meddle in the affairs of Middle Eastern countries.

The responses of senior 'ulama to the protests in Cairo and other parts of Egypt were mixed, ranging from overt support to strong condemnation and multiple more qualified positions in between. Qaradawi, claiming to speak on behalf of 'ulama in Egypt and throughout the Muslim world, almost immediately came out strongly in favor of the "blessed revolution," as he termed it, in which the people were fighting for their dignity

[178] Former Shaykh al-Azhar Muhammad Sayyid Tantawi died of a heart attack in March 2010 during a visit to Saudi Arabia. Mubarak appointed Tayeb as his successor later that month.

[179] "Mawdu'at min nafs al-bab li-mawdu'at al-akthar al qara'a lil'Tayeb: Al-Azhar ya'ml alay da'm al-wahida al-wantaniya," *Al-Ahram* (Egypt), 26 January 2011.

[180] "Bi-musharaka Tayeb wa al-Qaradawi wa Ali Gomaa, mu'tamr al-khariji al-Azhar yutalab bi-islah al-alaqat bayna al-duwal al-islamiya," *Al-Khaleej* (UAE), 26 January 2011.

and a better life. He urged Mubarak to step down immediately and condemned the use of violence against protesters by the regime, but also implored the demonstrators to avoid looting and other malicious activities.[181] Qaradawi condemned the killing of protesters by police, but also said any assault on police officers by demonstrators was also forbidden as they too are Egyptians.[182]

Qaradawi's tone changed following the heightened violence on January 28, the so-called "Friday of Rage," and especially on February 2 when he accused the police of failing to protect protestors in Tahrir Square from the attacks by armed men riding camels and horses, who he described as regime-hired thugs.[183] Qaradawi blamed this bloodshed on Mubarak and compared it to the Pharaoh of Egypt slaughtering his people in ancient times, arguing that Mubarak had become a wolf who attacked his people instead of a shepherd who protected them.[184] Qaradawi said that only the Egyptian military, whom he praised as the "true shield of Egypt," had stepped in to protect protestors in the absence of security from the police and the Mubarak government.[185] Qaradawi also profusely praised the youth of Tahrir Square because they "do not represent a party or political force, they represent Egypt"[186] and for standing firm in their conviction, even in the face of violence. He quoted a hadith cited earlier in the chapter that the highest form

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[181] "Al 'ulama yada'u ila al-huriya wa al-akhrun ila al-'abudiya," *Al-Dustur* (Jordan), 2 February 2011.

[182] "Al-Qaradawi: itlaq al-rasas ala al-mutathahirin haram shar'ien," *Al-Sha'b* (Egypt), 2 February 2011.

[183] "Al-Qaradawi yada'u jamu'a al-sha'b al tawajah ila Midan al-Tahrir," *Masrawi* (Egypt), 2 February 2011.

[184] "Al-Qaradawi yada'u jamu'a al-sha'b al tawajah ila Midan al-Tahrir," *Masrawi* (Egypt), 2 February 2011.

[185] "Al-Qaradawi yada'u jamu'a al-sha'b al tawajah ila Midan al-Tahrir," *Masrawi* (Egypt), 2 February 2011.

[186] "Al-Qaradawi: itlaq al-rasas ala al-mutathahirin haram shar'ien," *Al-Sha'b* (Egypt), 2 February 2011.

of jihad is speaking truth to a ruler who is doing wrong and urged them to "live happy or die as martyrs."[187] Qaradawi's early and clear support for the protests was further strengthened by what he perceived to be a failure by the Egyptian authorities to adequately protect protesters from violence.

In terms of next steps, Qaradawi called on Egyptians to participate in protests planned throughout the country, most notably in Tahrir Square in Cairo, on Friday, February 4 to increase the pressure on Mubarak to leave office and urged the 'ulama, especially from al-Azhar, to lead these protests. Qaradawi also called for the abolition of Egypt's Emergency Law,[188] which for decades had given the Egyptian government wide powers to arrest and detain individuals. Qaradawi said that Egyptians had lived in a virtual prison for years due to the Emergency Law without genuine political freedoms such as the ability to form political parties, and even were without real religious freedoms, as Egyptian mosques and their imams were state-controlled.[189] Qaradawi also demanded the dismissal of the Mubarak-era Egyptian legislature and recommended that the Egyptian military appoint a temporary president of the Constitutional Court and speaker of the legislature and should convene a committee of eminent scholars to draft a new constitution.[190,191] Qaradawi's position highlights his perception that a dismantling

[187] "Al-Qaradawi: Mubarak bada' yathbah sha'bahu," *Maktub Al-Akhbari* (Saudi Arabia), 3 February 2011.

[188] "Al-'ulama yada'u ila al-huriya wa al-akhrun ila al-'abudiya," *Al-Dustur* (Jordan), 2 February 2011.

[189] "Al-Qaradawi: al-musharaka fi 'jum'a al-rahil' wajib al-shara'i," *Mufakara Al-Islam* (Saudi Arabia), 4 February 2011.

[190] "Al-'ulama yada'u ila al-huriya wa al-akhrun ila al-'abudiya," *Al-Dustur* (Jordan), 2 February 2011.

[191] "Al-Qaradawi yuhajm al-hakuma al-misriya wa yusif al-ihtijajat bil-wajib al-shar'i,'" *Al-Emirat Al-Yawm* (UAE), 2 February 2011.

or reformation of many laws and institutions set up during the Mubarak era was required to enact true reform in Egypt following the revolution's success.

Reactions to Qaradawi's position were mixed. Demonstrators in Tahrir Square called for the formation of a committee of Qaradawi, al-Awa (who was actually able to attend some of the demonstrations in Tahrir Square), and other community leaders to negotiate with the regime on the protestors' behalf.[192] Al-Awda, the prominent Salafi-leaning Saudi 'alim and head of the Islam Today foundation described in Chapter Two, praised Qaradawi's role as an independent voice leading the youth protesters.[193] Taking the opposing position, Dr. Muhammad Sa'idi, the head of the Islamic Studies Department at Umm Qara University in Saudi Arabia, criticized Qaradawi because he said that political changes in Islamic countries should be accomplished through orderly processes among leaders and not by "the dominance of the riffraff."[194] Sai'di also said that the events in Tunisia should give pause because he claimed that they demonstrated how "godless forces" such as Marxists and other political opportunists could take advantage of the people's feelings of discontent to advance their own political agenda. He said that Egyptians should exercise their legitimate rights to call for justice and reform, but not to demand the fall of the regime in this manner.[195] In response to Qaradawi's description of attending protests on February 4 as a duty, Dr. Mahmoud Mahni, vice president of al-Azhar and former member of the Islamic Research Academy, questioned Qaradawi's

[192] "Al-Qaradawi wa Haykl wa al-Awa mutalabun bi-tafawadh ma'a al-nitham," *Akhbar Al-Yawm* (Algeria), 2 February 2011.

[193] "Al-Azhar yuntaqad fatawa tada'ma al-ihtijajat," *Filistin* (Palestinian Territories), 7 February 2011.

[194] "Al-Saeedi li-Anbakum: Mawqif al-Qaradawi min ahdath Misr yuthir al asaf wa khala'a al hakm shara'ien laysa bi-hathahi al tariqa," *Anbakum* (Saudi Arabia), 2 February 2011.

[195] "Al-Saeedi li-Anbakum: Mawqif al-Qaradawi min ahdath Misr yuthir al asaf wa khala'a al hakm shara'ien laysa bi-hathahi al tariqa," *Anbakum* (Saudi Arabia), 2 February 2011.

ability to effectively understand and analyze the situation from afar in Qatar.[196] Kuwait's *Al-Watan* newspaper accused Qaradawi of mistakenly pushing Egyptians to continue protests in the face of violence, which were motivated by his own interests and those of the Muslim Brotherhood, and placed the blood of the protesters killed and injured on Qaradawi's hands.[197] Some 'ulama clearly came out in favor of Qaradawi's position on the revolution while others accused him of promoting instability or being out-of-touch with events on the ground.

Beyond Qaradawi, numerous other 'ulama, individually or collectively, also weighed in to support or oppose the events unfolding the streets of Cairo and other Egyptian cities. The 'ulama committee of the Islamic Action Front, the political arm of the Muslim Brotherhood in Jordan, unambiguously supported what it labeled Egyptians' "right to stand up in the face of tyranny [that has] lasted for decades" and also called on 'ulama throughout the Islamic world to stand in solidarity with these efforts and support the protests.[198] A group of almost thirty prominent Egyptian 'ulama, preachers, and Islamic theologians led by former Egyptian Grand Mufti Nasr Farid Wasel, the senior government-affiliated 'alim whose position on Palestinian suicide attacks was discussed in the last chapter, during the first weeks of the protests issued a statement supporting the "legitimate rights and freedoms" called for by the youth protesters and for their protection from further violence.[199] The statement urged those ruling the country to take steps to protect its citizens and root out corruption from government circles. Moroccan

[196] "'Ulama al-din yurafadhun al-tadkhil fi sha'un Misr," *Al-Ahram* (Egypt), 4 February 2011.
[197] "Fitna ahdath Misr wa dama' fi raqaba al-Qaradawi," *Al-Watn* (Kuwait), 7 February 2011.
[198] "'Ulama al shari'a fi al-'amal al-Islami: thawra al-sha'b al-misri mashru'a wa muajara," *Wikala Aman Al-Akhbariya* (Jordan), 2 February 2011.
[199] "Bayan li-'ulama Misr tuayid lil-thawra wa al-mufti al-Sabiq min bayn al-mawqa'in," *Al-Muslim* (Saudi Arabia), 5 February 2011.

'alim Dr. Ahmad al-Risouni, the President of the Association of Sunni 'Ulama and a founding member of the Qaradawi-linked International Union of Muslim 'Ulama, called on President Mubarak to step down immediately because the Egyptian people had demonstrated that they no longer wanted "meetings and deliberations," but only Mubarak's resignation and he called on Egyptians to use all legitimate means to bring about Mubarak's ouster.[200] Previously-mentioned Saudi 'alim al-Awda attempted to support both of these concerns, praising Egyptians push for real, systemic reforms while also forming popular committees to keep order and prevent lawlessness, especially when police withdrew from particular areas.[201] These 'ulama argued that the protests were a good thing because they sought much-needed reform to revive Egypt's stagnated political system.

However, the division among the 'ulama regarding the Egyptian revolution became clear when several other prominent 'ulama took the opposite position, arguing that the protests should proceed cautiously and avoid threatening social and police stability. Dr. Ali Gomaa, Egypt's Grand Mufti, publicly appealed to the protesters, especially in Tahrir Square, to return to their homes to avoid threatening national stability, including more intense and destructive violence or even the "dark road to civil war." Gomaa claimed that Mubarak had positively responded to their demands for reform and offered dialogue in his statement on February 1.[202] Gomaa's close affiliation with the Egyptian government in addition to a pro-stability outlook are the most likely

[200] "Abraz 'ulama al-din yuayidun al-thawra al-misriya," *Al-Muslim* (Saudi Arabia), 8 February 2011.

[201] "'Alim al-din al-saudi: al-thawra al-misriyin akhjalat kalimatna wa aljamat aqwahna," Markaz Al-Emirate Lil'Darasat wa Al-Alam (UAE), 2 February 2011.

[202] "Mufti al-jumhuriya yunashid al-mutathahirin al-'adu ila baytahum," *Al-Yawm Al-Sabi* (Egypt), 2 February 2011.

explanations for his caution regarding the protests. An article in the Egyptian newspaper *Al-Wasat* on February 2 chided Gomaa for speaking condescendingly to the protesters in the way a teacher would speak to children in a nursery.[203] Despite his praise for Mubarak, Gomaa also talked in person with youth protest leaders and visited youth who were injured during the protests in the hospital and also promised to provide material support for their future needs.[204] Gomaa followed up this position a week later by giving a dispensation for Egyptians to stay in their homes and miss Friday prayers on February 4 and if they did go to pray to avoid expressing political opinions for or against the Mubarak regime.[205] Gomaa praised the protesters' legitimate demands for reform and said that peaceful protest is a legitimate right of the people, but only so long as it does not bring about destruction or instability. For example, Gomaa said that the protests had crippled Egypt's economy, resulting in major economic losses, and asked protesters to consider choosing a location for their protests less vital to Egypt's economic well-being than Tahrir Square in the heart of Cairo.[206] In spite of Gomaa's willingness to offer some support to the protests, his clear preference was for stability and he stopped short of authorizing anything that could threaten social order.

Several other government-affiliated 'ulama in Egypt and elsewhere in the Muslim world also took positions cautioning against protests that could lead to instability in the country. Shaykh Sa'id Amr, the secretary of al-Azhar's fatwa committee, rejected the

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[203] "Mufti al-jumhuriya yunashid al-mutathahirin al-'adu ila baytahum," *Al-Wasat* (Egypt), 2 February 2011.

[204] "Mufti al-jumhuriya yajdid daw'atahu liliqa' mumathilin al-mutathahirin," *Maktub Al-Akhbari* (Saudi Arabia), 4 February 2011.

[205] "Mufti Misr: al-khawf yasqut al-salat al-jum'a," *Al-Sharq* (Qatar), 5 February 2011.

[206] "Al-mufti: Misr satukharaj min hathhi al-azma aqwa mima dakhalat fiha," *Masrawi* (Egypt), 6 February 2011.

idea that protests are legal under Shari'a, emphasizing that they only lead to mischief and a lack of order. Al-Azhar professor Dr. Ahmad al-Sayeh said that protests and general strikes are not commiserate with Islam because they threaten security and stability and citizens must find other ways to express their concerns.[207] Outside of Egypt, a major voice who spoke out against the demonstrations was Saudi Grand Mufti al-Shaykh, who, as with the Tunisian revolution, criticized the protests in Egypt on February 4 as a false criminal scheme designed to dismantle and weaken Arab and Muslim countries and threaten national unity.[208] Algerian newspaper *Waqt Al-Jaza'ir* criticized al-Shaykh's position, claiming that it stands opposite to the dictates of "religion, conscience, morality, and even reality."[209] Jordan's *Al-Sabil* newspaper also argued that al-Shaykh's accusation that the Egyptian revolution was designed to fragment Muslim countries was ironic given his perceived support for controversial policies such as the invasion of Iraq, the U.N.-sponsored Special Tribunal for Lebanon investigating the assassination of Rafiq al-Hariri, and the secession of South Sudan.[210] Al-Azhar 'alim Shaykh Farhat Mongi also criticized al-Shaykh's position, saying that al-Shaykh immediately wrote fatwas justifying his own personal interests and the hypocrisies of Saudi leaders, but refused to support the Egyptian youth fighting against corruption and for their legitimate rights.[211] While the positions taken by these 'ulama criticizing the revolution garnered more

[207] "Al-muthahirat al-sha'biya fi Misr yuthir jadal bayna 'ulama al-Azhar," *Al-Liwa* (Lebanon), 2 February 2011.

[208] "Ahdath Misr…min arwaqa al-siysiya ila jadl 'ulama al-din," *Al-Shabiba* (Oman), 6 February 2011.

[209] "Fatawa shayukh al-balat," *Waqt Al-Jiza'ir* (Algeria), 5 February 2011.

[210] "Mufti al-saudiya…tadkhal ghir mawafiq," *Al-Sabil* (Jordan), 8 February 2011.

[211] "Rijal al-din: fatwa al-Shaykh dhid al thiwar masisa," *Al-Wafd* (Egypt), 7 February 2011.

criticism than support, they still represented a distinct current within the Islamic community at the time, albeit a minority one.

Between these two extremes, some senior government-affiliated 'ulama at al-Azhar, including Tayeb, attempted to take a middle position that attempted to acknowledge the merits of the protests while qualifying this support in one way or another. Al-Azhar's Islamic Research Academy, chaired by Tayeb, said that peaceful protests and calls for justice and a better life by the Egyptian people are legitimate, but also emphasized the need to preserve stability and security in the process. The Academy's statement, published after an emergency meeting, also emphasized the sanctity of the blood of all Egyptians and called for an immediate national dialogue to heal the rift that developed between the different factions, as suggested by Mubarak.[212] Individually, Tayeb also said that he deeply regretted the violence that took place in Tahrir Square and elsewhere in Egypt, stressing the need to halt such "ignorant actions."[213] Tayeb quoted the hadith of the Prophet (cited in Chapter Three) that if a Muslim fights and kills another Muslim, both of them are condemned to damnation because of their intention to kill a fellow Muslim. Tayeb also warned the demonstrators that negative social forces may try to hijack the protests for their own purposes, specifically cautioning against following "subversive fatwas."[214] Tayeb praised the Egyptian military for its actions to protect the lives and property of Egyptians during the

[212] "Al-Bahuth Al-Islamiya: al-dam al-misri haram wa al-ta'bir 'an ra'i mahkum bi-amn al-watan," *Al-Yawm Al-Sabi* (Egypt), 2 February 2011.

[213] "Shaykh al-Azhar yu'asf li-ahdath midan al-tahrir was yu'akid dhrura waqif al-'asibiya al-ghashima," *Al-Sharuq Al-Jadid* (Egypt), 2 February 2011.

[214] "Shaykh al-Azhar yu'asf li-ahdath midan al-tahrir was yu'akid dhrura waqif al-'asibiya al-ghashima," *Al-Sharuq Al Jadid* (Egypt), 2 February 2011.

protests.[215] Al-Azhar and Tayeb attempted to take a centrist position that sought to balance the interests of both the protesters and the regime in order to restore order in the country.

However, al-Azhar's ability to maintain this middle position in the debate became more complicated following the increase dissension within its ranks following Azhar's response to the violent clashes on February 2. After the bloodshed witnessed on this day, al-Azhar issued a statement asking the protesters in Tahrir Square to return to their homes to prevent further violence. This led to an embarrassing situation for al-Azhar when its official spokesman, Muhammad Tahtawi, tendered his resignation (which Tayeb subsequently rejected) in early February to join the protests in Tahrir Square.[216] The Lebanese newspaper *Al-Safir* commented on February 5 that Tahtawi's resignation was the only thing preventing the "total collapse of al-Azhar's prestige in the eyes of the Egyptian people, who have become convinced that al-Azhar is nothing more than a tool of power, no more than a state employee to legitimize political actions on religious grounds."[217] In an attempt to improve al-Azhar's standing among the protesters, Tayeb called for protestors to appoint a representative to meet with him and Tayeb personally met with the requested representatives as early as February 3.[218] However, by mid-

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[215] "Majma' al-bahuth yu'akd: khitab al-ra'is istijab li-mutalab al-shabab ay amal yu'ayad ila iraqa al-dama' muharam shar'ien," *Al-Jumhuriya* (Egypt), 3 February 2011.

[216] Starting in early February, hundreds of al-Azhar employees began protests aimed at increased salaries. This ultimately led Tayeb in mid-February to announce in a substantial wage increase for al-Azhar's employees. While not specifically related to the political question of the Mubarak regime's continued rule, the larger Egyptian revolution almost certainly gave these individuals the political opening to voice these grievances as well, compounding al-Azhar's already complex and delicate political position at the time.

[217] "Al-Azhar yunqalab 'ala tarikhahu: min tahrim intihar al-ihtijaj ila shibah fatwa yatahthir al-thawra," *Al-Safir* (Lebanon), 5 February 2011.

[218] "Mushaykha al-Azhar tastiqabal mutathahiri al-Tahrir," *Al-Yawm Al-Sabi* (Egypt), 3 February 2011.

February, another group of youth protesters had directly called for Tayeb's resignation based on his perceived complicity in regime-supported violence against protesters throughout the course of the revolution.[219] Tahtawi's resignation created image problems for al-Azhar and Tayeb personally despite his efforts to reach out to the protesters afterward.

Other current and former senior Azhar 'ulama also weighed in on the revolution, further complicating matters. Shaykh Ali Abu Hassan, former head of al-Azhar's fatwa committee, and Dr. Mustafa Shaka, a member of al-Azhar's Islamic Research Academy, emphasized that peaceful protests are a legitimate form of popular expression, but that the demonstrators must adhere to Islamic precepts prohibiting destruction and sabotage while doing so.[220] Gamal Qutb, another former head of the al-Azhar fatwa committee, said that peaceful protests are a legitimate right that Muslim rulers should afford the people, but that the killing of anyone during protests, whether police or demonstrators, is prohibited.[221] Al-Azhar's convoluted response to this phase of the revolution demonstrates diverse and multifaceted institution it is. In this period of crisis, the Azhar leadership's attempt to promote a particular position on the revolution led to further fragmentation among the 'ulama affiliated with this organization.

Another issue that further divided the senior 'ulama when contesting this issue was perceived meddling by foreign countries in Egypt, which they claimed was designed

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[219] "Mutathahiru al-Tahrir yutalabun shaykh al-Azhar bi-listiqala," *Al-Siyasi* (Egypt), 10 February 2011.

[220] "Al-muthahirat al-sha'biya fi Misr yuthir jadal bayna 'ulama al-Azhar," *Al-Liwa* (Lebanon), 2 February 2011.

[221] "Al-muthahirat al-sha'biya fi Misr yuthir jadal bayna 'ulama al-Azhar," *Al-Liwa* (Lebanon), 2 February 2011.

to exploit the unrest for their own interests. Tayeb in early February condemned alleged efforts by the United States and European countries to alter the course of the protests and said that al-Azhar refused all foreign interference that contradicted the principles of Islam. Qaradawi claimed that the Mubarak regime used fear of the Muslim Brotherhood to scare Western countries into supporting them rather than the legitimate demands of the protesters, but he claimed that the Brotherhood held a minority position in the protests, whose aims were larger than a single sect or party.[222] Dr. Ismail Sahin, vice president of al-Azhar, warned against American intervention in the conflict, claiming that the U.S. Senate proposed a draft resolution advising the Egyptian people on how to proceed during the crisis.[223] Similarly, al-Azhar University vice president Dr. Mahmoud Mahni also warned against American involvement, claiming that the United States did not want what is good for the young protesters and only brought loose morals that contradict both Islam and Christianity.[224] Al-Awa took a slightly different tone, arguing that the positions of the United States and European countries on the Egyptian protests were irrelevant, as the protesters did not move based on foreign agendas and preferences.[225]

Ironically, aside from the United States, the country most often criticized for perceived meddling in the Egyptian revolution was Iran. Tayeb and Gomaa, following the February 4 demonstrations, both directly criticized Iranian Supreme Leader Ali Khamenei, who called on the Egyptian army as well as Egyptian 'ulama to overthrow the Mubarak regime, establish an Islamic republic, and confront Israel, as contradicting the

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[222] "Ahdath Misr…min arwaqa al-siysiya ila jadl 'ulama al -in," *Al-Shabiba* (Oman), 6 February 2011.

[223] "'Ulama al-din yurafadhun al-tadkhil fi sha'un Misr," *Al-Ahram* (Egy), 4 February 2011.

[224] "'Ulama al-din yurafadhun al-tadkhil fi sha'un Misr," *Al-Ahram* (Egypt), 4 February 2011.

[225] "Al-Awa: intihathna ijra'at li-masadarat al-tharwa Mubarak lil-sha'b," *Al-Bashiyir* (Egypt), 9 February 2011.

principles of Islam as well as interfering in Egypt's internal affairs.[226] Qaradawi similarly criticized Khamenei's position, saying that Sunni Islam did not have the Iranian principle of *vilayat-e-faqih*, in which Islamic jurists directly rule the country, and that Egypt would establish a civil state guided by Islamic principles rather than a religious state as exists in Iran.[227] The dual criticism of the United States and Iran—polar opposites on the ideological spectrum—highlights the perception of many 'ulama that Egypt was under assault from all sides by foreign powers seeking to ensure their own interests rather than Egypt's during the revolution. However, this debate distracted the 'ulama from the central theme of this phase of debate, the legitimacy of the revolution, passing up opportunities to further discuss and potentially further resolve points of contention.

The main feature of this first phase in Islamic authorities' debate concerning the Egyptian revolution is a lack of consensus regarding how to proceed. The primary cause of this mixed consensus was low frame alignment regarding the nature of the revolution. Some 'ulama, such as Qaradawi, al-Awda, and others, framed the revolution as a justified push for political reform and effort to change a corrupt regime. Others, such a Gomaa and al-Shaykh, voiced concern about the revolution and framed it as a threat to social stability. A third subset of 'ulama, most notably Tayeb and the al-Azhar senior leadership, attempted to take a middle ground, but were undercut by mixed messages and defections. The stage for this uncertainty was set by the revolution in Tunisia, which

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[226] "Shaykh al-Azhar: Iran tustakhdam marja'iatuha al-diniya li-nida'at tanaqad al-Islam," *Al-Wasat* (Egypt), 7 February 2011; "Al-Mufti: Misr sayakhraj min al-ihtijajat aqwa mima kanat," *Al-Ahram* (Egypt), 15 February 2011.

[227] "Al-Qaradawi yushid bi-shabab 'thawra 25 yanayir' wa yutalab al-hukam al-'arabiya bi-istima' sha'ubahum," *Minbar Al-Rai'* (Jordan), 18 February 2011.

mainly focused on the issue of self-immolation, which was largely irrelevant in Egypt due to the lack of such self-burnings there. These already cloudy waters were further muddied by side issues that also entered Islamic authorities' contestation, most notably alleged foreign interference in Egypt by the West as well as Iran. All of this is to say that by the early days of February, Islamic authorities employed different frames about how best to respond to the ongoing revolution in Egypt, which led to a divided consensus among them.

In the second phase of contestation that I examine, the level of consensus achieved by the senior 'ulama regarding the Egyptian revolution underwent a fundamental shift toward a stronger consensus following Mubarak's decision to resign on February 11. While the debates among senior 'ulama before February 11 focused primarily on the legitimacy of the protests against the Mubarak government as well as the governments of other Arab countries, those after Mubarak's resignation shifted to two other focal points that came to dominate Islamic authorities' frames during this phase. The first, looking backward, consisted of efforts by 'ulama to demonstrate that they had been in favor of the pre-February 11 protests, which successfully brought down the Mubarak regime and reform efforts more generally. Second, the 'ulama also began to debate what post-Mubarak Egypt should look like and which particular reforms should and should not be enacted. Through this Janus-faced approach, 'ulama sought to demonstrate their revolutionary legitimacy as well as to cement their influence in the new Egypt, both in terms of ensuring new bases of popular support and play a role in shaping Egypt's future government and policies. The higher frame alignment among the senior 'ulama during this later phase led to a stronger consensus regarding the revolution's

legitimacy both in terms of its primary goal of fundamental political reform in Egypt as well as the nature of Egypt's post-revolutionary government, a civil state with a strong Islamic reference.

In the immediate aftermath of Mubarak's resignation, most 'ulama came out in favor of this decision and praised the protesters' role in bringing about real change in Egypt. Qaradawi in his sermon earlier in the day on February 11 once again leveled a scathing critique of Mubarak's decision to remain in office as long as he did and his government's actions in response to the protests and continued to encourage Egyptians to go out and join the protests as duty.[228] Qaradawi arrived in Cairo less than a week after Mubarak's resignation and he announced publicly that he would give a Friday sermon (*khutba*) in Tahrir Square on the one-week anniversary of the event, February 18. In addition to celebrating Qaradawi's support for the revolution, this visit was also a personal triumph for him because he had been unable to visit Egypt for the previous thirty years. In the sermon, Qaradawi congratulated the Egyptian people on their victory over the tyranny of the Mubarak regime and also called on them to maintain national unity among different sectarian groups because both Muslims and Coptic Christians had contributed to the success of the revolution.[229] Qaradawi proclaimed that the former president did not voluntarily step down, but was removed from office because the Egyptian people demanded this.[230] Qaradawi also recommended that the name of Tahrir

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[228] "Al-Qaradawi yasal ila al Qahira lil-musharaka muthahara al-yawm al-jum'a fi Midan al-Tahrir," *Al-Sharuq Al-Jadid* (Egypt), 18 February 2011.

[229] "Al-Qaradawi fi khutba al-juma' bi-Midan al-Tahrir: al-shabab 25 yanayir intisaru 'ala al-ta'ifiya wa al-jaysh hama al-thawra wa 'alayhu an yuhararaha min al-hakuma," *Al-Yawm Al-Sabi* (Egypt), 18 February 2011.

[230] "Al-Qaradawi: sa'at al batal wa dawla al haq ila qiyam al sa'at," *Al-Iman* (Lebanon), 22 February 2011.

Square be changed to either Revolution Square or Martyrs' Square, in recognition of those who died during the protests, and encouraged the Egyptian military and its Supreme Council of the Armed Forces (SCAF) to step in and temporarily guide the country through its transition phase.[231]

In looking to Egypt's post-revolutionary future, Qaradawi praised the role of the Egyptian military during the revolution, but encouraged the SCAF to push forward a quick transition to free, democratic, civilian rule and also renewed his demand for the repeal of Egypt's Emergency Law.[232] Qaradawi also called on the SCAF to dismiss the sitting government at that time under Prime Minister Ahmad Shafiq because it had been appointed by Mubarak prior to his resignation.[233] Qaradawi warned Egyptians to be vigilant because remnants of the former regime were already trying overturn the success of the revolution and that these hypocrites would use sectarian tensions to divide Egyptian Muslims and Christians. Qaradawi said "The revolution is not over, it has only just begun and we have started building the new Egypt."[234] Qaradawi's early support for the revolution was clear and allowed him to bask in the glory of its success.

The responses to Qaradawi's speech in Tahrir Square were mostly positive. The Egyptian newspaper *Al-Masri Al-Yawm* called Qaradawi's speech "one of the greatest of

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[231] "Al-Qaradawi yasal ila al-Qahira lil-musharaka muthahara al-yawm al-jum'a fi Midan al Tahrir," *Al-Sharuq Al-Jadid* (Egypt), 18 February 2011.

[232] "Al-Qaradawi yushid bi-shabab 'thawra 25 yanayir' wa yutalab al-hukam al-'arabiya bi-istima' sha'ubahum," *Minbar Al-Rai'* (Jordan), 18 February 2011.

[233] "Al-Qaradawi fi khutba al-juma' bi-Midan al-Tahrir: al shabab 25 yanayir intisaru 'ala al-ta'ifiya wa al-jaysh hama al-thawra wa 'alayhu an yuhararaha min al-hakuma," *Al-Yawm Al-Sabi* (Egypt), 18 February 2011.

[234] "Al-Qaradawi yuhthur min saraqat al-thawra," *Maktub Al-Akhbari* (Saudi Arabia), 18 February 2011.

modern times, which confirms the continuation of the revolution."[235] An article in Egyptian newspaper *Al-Sharuq Al-Jadid* on February 18 described Qaradawi as one of the earliest supporters of the revolution among the 'ulama who encouraged protesters to persist in light of the regime's violent crackdown.[236] Similarly, Algerian newspaper *Al-Khabar* on February 18 claimed that Qaradawi provoked great excitement from the crowds in Tahrir Square because of his constant support for the revolution and his early calls for Mubarak to leave office.[237] When journalists talked to people in Tahrir Square during Qaradawi's speech, several were similarly excited about his presence and support for the revolution. One man said "I could not control myself from joy when I learned of [Qaradawi's] presence. I hope he will remain in his native Egypt."[238] Another called him an icon with influence over millions of Muslims in Egypt, who looked to him for guidance.[239]

In comparing Qaradawi's position on the revolution to that of other 'ulama, an article on February 15 in Egypt's *Al-Wasat* newspaper whether al-Azhar would have the courage to elect Qaradawi as the new Shaykh al-Azhar, arguing he represents a unique combination of religious qualifications, independence, and a willingness to speak out.[240] Iraqi newspaper *Al-Zaman* on February 19 directly contrasted Qaradawi's position on the

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[235] "Al-Qaradawi yukhtib al-juma' fi al-tahrir wa yuda'u li-tamsiyathu 'Midan al-Shuhada'' wa yu'akd iradat al-shabab min al-iradat Allah," *Al-Masri Al-Yawm* (Egypt), 19 February 2011.

[236] "Al-Qaradawi yasal ila al-Qahira lil-musharaka muthahara al-yawm al-jum'a fi Midan al-Tahrir," *Al-Sharuq Al-Jadid* (Egypt), 18 February 2011.

[237] "Ba'd saba' ayam min rahil Husni Mubarak, al-Qaradawi wa Munir wa al-Hajar yuhayun 'juma' al-nasr' fi Midan al-Tahrir," *Al-Khabar* (Algeria), 18 February 2011.

[238] "Tarhib wasia' bi-'awda al-Qaradawi ba'd ghiyab 30 'amin," *Al-Ahram* (Egypt), 19 February 2011.

[239] "Tarhib wasia' bi-'awda al-Qaradawi ba'd ghiyab 30 'amin," *Al-Ahram* (Egypt), 19 February 2011.

[240] "Limatha yurashah al-Qaradawi li-mushaykha al-Azhar?," *Al-Wasat* (Egypt), 15 February 2011.

revolution and that taken by Tayeb, the current government-affiliated Shaykh al-Azhar, highlighting how the former had taken a very forward-leaning position on the protests, even in light of violence, while Tayeb was more cautious and hesitant.[241] Also, in terms of expressing support for the demonstrations and their goals, Qaradawi very early in the revolution called for Mubarak's resignation compared to Tayeb, who said the protesters' goals for reform were legitimate, but stopping short of calling for regime change. Press reports even alleged that a former head of Israel's Mossad, Ephraim Halevy, had encouraged Israel to attempt to open a dialogue with Qaradawi given his rising influence in post-Mubarak Egypt.[242] These responses illustrate how positively Qaradawi's position on the revolution was received and a tangible indicator of this was the excitement surrounding his sermon in Tahrir Square.

The main criticism of Qaradawi's visit was that it allegedly took place at the behest and for the benefit of the Muslim Brotherhood and even that he was ushering in an Islamic state like in Iran. An article in Kuwaiti newspaper *Al-Qabas* asked why Qaradawi had picked that particular time to come out so strongly against the Mubarak regime and where his criticism had been for the past thirty years, implying that his activism was motivated more by opportunism than by genuine concern for Egypt.[243] Qaradawi's support for the protesters was above reproach, but he did receive some criticism for his perceive attempts to exploit its success for his own agenda or that of the Muslim Brotherhood. Qaradawi rejected this charge and pointed out that he had left the

[241] "Al-Qaradawi yuhthur ay jama'at min al-tahadth bi-ism al-din," *Al-Zaman* (Iraq), 19 February 2011.
[242] "Isra'il tafawadh ma' Qaradawi," *Al-Sharq Al-Awsat* (UK), 26 February 2011.
[243] "Dictatoriya al-Qaradawi," *Al-Qabas* (Kuwait), 25 February 2011.

Brotherhood years before and turned down the position of the group's Supreme Guide multiple times over the years and that he sought to be "a guide for the whole nation, not just for particular groups."[244] Brotherhood Guidance Bureau member Dr. Sa'ad Katatani denied the accusations that the Brotherhood had colluded with Qaradawi and said that Qaradawi's visit to Egypt was of his own accord to celebrate the victory of the revolution.[245] Similarly, Brotherhood Guidance Bureau member Isam al-Ariyan said that the youth of the revolution, rather than the Muslim Brotherhood, had asked Qaradawi to visit Tahrir Square and that the message of his sermon emphasized nationalist themes rather than Islamic ones.[246] Outside of the Brotherhood ranks, Salafi-leaning 'alim al-Awda said that while Qaradawi's history with the Muslim Brotherhood clearly influenced his position on the revolution, he did not view Qaradawi as a mouthpiece or leader of the organization.[247] Qaradawi's ties to the Muslim Brotherhood opened him up to criticism that his visit to Cairo had a hidden agenda, but he argued that this trip was motivated by purely nationalist goals.

An even harsher critique alleged that Qaradawi's visit to Cairo was equivalent to Ayatollah Ruhollah Khomeini's arrival to Tehran following the Iranian Revolution in 1979,[248] implying that Qaradawi and the Muslim Brotherhood sought to usher in an extreme religious state in Egypt. This argument had mixed reception and *Al-Masri Al-*

[244] "Al-Qaradawi: al-ikhwan la alaqa ma'i wa irafadh al-dawla al-diniya," *Anbakum* (Saudi Arabia), 22 February 2011.

[245] "Al-siyasiyun: al-ikhwan lam yustaghalu al-Qaradawi fi tasdur al-mushhid," *Mufakara Al-Islam* (Saudi Arabia), 19 February 2011.

[246] "Al-ikhwan: la natasaraq al-thawra wa al-Qaradawi yumathal al-jami'a," *Samadun*, 20 February 2011.

[247] "Al-Azhar yuntaqad fatawa tada'ma al-ihtijajat," *Filistin* (Palestinian Territories), 7 February 2011.

[248] Some unconfirmed press reports suggested that SCAF chief Field Marshall Muhammad Hussein Tantawi compared Qaradawi's visit to Khomeini's return. If true, Tantawi would be the most senior Egyptian official to make such a claim.

Yawm rejected this idea, arguing that "Khomeini returned to [Iran] to govern a religious state, but Qaradawi returned to express support for the people's revolution and the establishment of a civil state."[249] Senior Muslim Brotherhood official Katatani also refused this comparison on the grounds that both the Brotherhood and Qaradawi supported a civil state in Egypt rather than a religious one such as exists in Iran.[250] Qaradawi himself also denied the comparisons to Khomeini because he supported a "civil state with an Islamic reference" in Egypt rather than a religious state. He also said that Khomeini had fomented and owned the Iranian Revolution while he was merely a supporter of the Egyptian revolution.[251] While charges that Qaradawi was an agent of the Muslim Brotherhood and even that he was a new Khomeini received some coverage, Qaradawi's focus on his support for a civil state in Egypt after the revolution was an indicator of the consensus that had emerged that the country should remain a civil state with an Islamic reference rather than a full-blown Islamic republic.

In addition to Qaradawi, a number of other 'ulama and 'ulama associations congratulated the Egyptian people and celebrated Mubarak's downfall. The opposition al-Azhar 'Ulama Front, as well as the Union of Palestinian 'Ulama, issued a statement congratulating the Egyptian people on bringing about the end of Mubarak's rule, which they labeled a "nightmare of injustice and tyranny."[252] The Association of Islamic

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[249] "Al-Qaradawi yukhtib al juma' fi al tahrir wa yuda'u li-tamsiyathu 'Midan al-Shuhada'' wa yu'akd iradat al-shabab min al iradat Allah," *Al-Masri Al-Yawm* (Egypt), 19 February 2011.

[250] "Al-siyasiyun: al-ikhwan lam yustaghalu al-Qaradawi fi tasdur al-mushhid," *Mufakara Al-Islam* (Saudi Arabia), 19 February 2011.

[251] "Al-Qaradawi yushid bi-shabab 'thawra 25 yanayir' wa yutalab al-hukam al-'arabiya bi-istima' sha'ubahum," *Minbar Al-Rai'* (Jordan), 18 February 2011.

[252] "Bayan jabhat 'ulama al-Azhar ihtafaliyen bil-thawra al-Misriya," *Mufakara Al-Islam* (Saudi Arabia), 12 February 2011; "Rabata 'ulama filistin tahana' Misr bi-nijah thawrataha," *Al-Risala* (Palestinian Territories), 12 February 2011.

'Ulama in Iraq also congratulated the Egyptian people on their victory over the Mubarak regime and called on them to form a new government that would protect the nation and cement the gains of the revolution in the future.[253] Other senior 'ulama, including Wasel and Dr. Ahmad Umar Hashim, former president of al-Azhar University, called for increased efforts focused on Egypt's youth, arguing that their marginalization and lack of opportunities for them led to the anger that caused the revolution in the first place.[254] The positions taken by these 'ulama demonstrate the consensus that emerged that characterized the revolution as a positive development that left Egypt in a better place than it had been previously.

The greater frame alignment among Islamic authorities regarding the revolution that led to a stronger consensus among Islamic authorities was further exemplified by the post-revolution positions taken by 'ulama who had previously expressed doubts about the protests. A good example is Gomaa, the government-affiliated Egyptian Grand Mufti, who raised concerns about the potential for the revolution to harm stability during the early part of the revolution, but during the later phase encouraged all Egyptians to building a new and better Egypt rather than looking backward to settle old grudges against the former regime. He also expressed confidence that Egypt would emerge from the current crisis in better shape and would bring about real reforms of democracy and national sovereignty rather than "wishful thinking and slogans."[255] Gomaa also

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[253] "'Ulama al-Muslimin bi-al Iraq yutalabun al-misriyin bi-himayat thawratahum," *Al-Bashir Al-Akhbar* (Saudi Arabia), 14 February 2011.

[254] "'Ulama al-din: ishrak al-shabab fi ikhath al-qararat wa ta'ahliyahum li-masuliya dharura shara'ia," *Al-Ahram* (Egypt), 13 February 2011.

[255] "Gomaa yada'u lil-'aml wa tarak al-mutama' al-shakhsiya," *Al-Jumhuriya* (Egypt), 15 February 2011.

encouraged the 'ulama to adopt the modern values of moderation, tolerance, dialogue, and fighting against religious extremism.[256] In an attempt to repair damages inflicted by the revolution, Gomaa appeared with Interior Minister Mahmoud Wagdi to demonstrate solidarity and build support between Egypt's police forces and people.[257] Gomaa's remarks highlighted his focus on attempting to move Egypt forward after the revolution rather than concentrating on the past. This updated position highlights how Gomaa's position on the revolution changed significantly from his earlier position, which was much more hesitant regarding the protests and their effects on society, which reflects the wider consensus that had emerged.

This development was also reflected in the post-February 11 positions of Tayeb and al-Azhar, which expressed support for the revolution and called for real reform of the Egyptian state, most notably the government's role in selecting senior Egyptian 'ulama. In describing his vision for post-revolution Egypt, Tayeb called on the SCAF to enact a speedy transition to civilian rule and to hold free and fair democratic elections in the country within six months of taking power. Tayeb called on the cancellation of all "extraordinary measures," a probable reference to the Emergency Law, and also emphasized that the inviolability of human rights is the basis of both religious and civilian law and demanded that the new Egyptian government refrain from "all forms of physical abuse, torture, and moral assault" against Egyptians.[258,259] Tayeb said that

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[256] "Ali Gomaa: utalab al-misriyin bil-tamasak wa tasalah bil-wahida fi hathahi al-rihla," *Al-Wasat* (Egypt), 15 February 2011.

[257] "Mufti al-jumhuriya yada'u wazir al-dakhaliya li-i'ada bina' al-thiqa bayna al-sha'b wa al-shurta," *Al-Yawm Al-Sabi* (Egypt), 21 February 2011.

[258] "Shaykh al-Azhar fi mu'atamr sahafi: mawquifina fi thawra 25 yanayir wadhih la labis fihu wa nurafadh al-muzayida 'alayhu wa lam wa lan natamalaq ay nitham hakim wa nutalab bi-qawanin sarima tajrim al-ta'thib," *Al-Yawm Al-Sabi* (Egypt), 16 February 2011.

Article II of Egypt's Constitution, which makes Islam the primary source of legislation in the country, was above change or update.[260] On February 18, Tayeb called on all mosques in Egypt to pray for the martyrs killed throughout the revolution during Friday prayers that day. When asked if Azhar would engage in dialogue with the Muslim Brotherhood after the revolution, Tayeb demurred and said that Azhar was a religious institution and the Brotherhood is a political movement, but that their relationship was characterized by mutual respect. Tayeb also encouraged Egyptian economic experts to work together to improve the country's prosperity.[261,262] In Tayeb's view, the new Egypt should adhere to its Islamic roots while reforming to account for the goals that provoked the revolution.

In a more important move on February 13, Tayeb said that he would request a change to the part of Egypt's constitution governing al-Azhar so that in the future, the Shaykh al-Azhar would be a position elected by senior 'ulama for a set term of office instead of being selected for a lifetime appointment by the Egyptian President.[263] Tayeb claimed that this change had been a priority for him since his appointment and that his

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[259] "Shaykh al-Azhar fi mu'atamr sahafi: mawquifina fi thawra 25 yanayir wadhih la labis fihu wa nurafadh al muzayida 'alayhu wa lam wa lan natamalaq ay nitham hakim wa nutalab bi-qawanin sarima tajrim al-ta'thib," *Al-Yawm Al-Sabi* (Egypt), 16 February 2011.

[260] "Al-Azhar: Al hadith 'an taghayr mada al-thaniya bil-dustur 'muthir lil-fitna,'" *Mufakara Al-Islam* (Saudi Arabia), 16 February 2011.

[261] "Al Tayeb yu'akd an ay taghayir li-iqrar al dustur 'ala al-shari'a al-Islamiya muthir lil-fitna," *Al-Nahar* (Egypt), 16 February 2011.

[262] Other 'ulama also agreed with Tayeb's promotion of economic development and Article II of the Egyptian Constitutions. For example, Al Awa argued that Egyptians should temporarily suspend further demonstrations, such as those calling for higher wages, to allow the country to enjoy the success of the revolution, which was in the interest of the greater good of the country. Al Awa also agreed that Article II was a foundation of Egyptian society and should not be changed. See "'Ulama al-din lia al mutathahirin: istighlal tharuf al-bilad li-tahqiq mutalab fi'uiya 'intihaziya la yuqalibuha al-Islam," *Al-Wafd* (Egypt), 17 February 2011.

[263] "Al-thawra tajdid al hadith 'an intikhab Shaykh al-Azhar," *Al-Watan* (Kuwait), 16 February 2011.

predecessor, Shaykh Muhammad Sayyid Tantawi, also had supported the idea, but that he was waiting for the right time to announce the change and viewed the drafting of a new post-revolutionary constitution as an opportunity to do so. Tayeb argued that leading 'ulama should be able to nominate candidates and that a body of the most senior 'ulama should then elect the Shaykh for a specific term in office.[264] This proposition by Tayeb represented a major step forward for the 'ulama in selecting their own leadership, especially in Egypt where it had largely been controlled by the state since the early 1960s.

Tayeb's call for reform to the Shaykh al-Azhar's selection process received overwhelming support from the 'ulama who weighed in on his position. Dr. Abdallah Barakat, a professor at al-Azhar, publicly agreed with Tayeb's position and argued that the election of the Shaykh al-Azhar by the members of the Islamic Research Academy inside and outside of Egypt was the only way to restore the institution's credibility.[265] Wasel also hailed the proposal to elect the Shaykh and stressed that this should be done free of pressure or influence from the state.[266] Dr. Abd-al-Rahman al-Bar, an Azhar professor and member of the Muslim Brotherhood's Guidance Bureau, called the reforms proposed by Tayeb the best available option so long as the senior 'ulama who elected the Shaykh were well-qualified and independent from state control.[267] Another Azhar professor, Dr. Ali al-Najjar, also agreed with Tayeb's position, claiming that the Egyptian

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[264] "Al-thawra tajdid al hadith 'an intikhab Shaykh al-Azhar," *Al-Watan* (Kuwait), 16 February 2011.

[265] "Barakat yu'id awda 'hai'ya kubra 'ulama,'" *Al-Wafd* (Egypt), 15 February 2011.

[266] "Al imam al-akbar: Al-Azhar kana masaniden lil-thawra was laysa al-nitham," *Al-Masri Al-Yawm* (Egypt), 5 March 2011.

[267] "Shaykh al-Azhar yutalab al lajna al-dusturiya bi-ana yakun mansabahu bil-intikhabat wa li-muda mahduda," *Al-Sharq Al-Awsat* (UK), 15 February 2011.

Constitution called for equal opportunity and this should be extended to selecting the Shaykh al-Azhar.[268] Another member of the Islamic Research Academy, Dr. al-Qasabi Zalat, also agreed with Tayeb's moving and said that as long as the Shaykh al-Azhar is appointed, it would undermine the institution's credibility in the wider Muslim community.[269] The widespread support for Tayeb's proposal was highlighted in late February when more than one thousand 'ulama and preachers in Cairo demonstrated in support of making the Shaykh al-Azhar independent from state appointment and to free Azhar's finances from the Ministry of Religious Endowments.[270]

Other 'ulama supported Tayeb's position, but viewed it as a jumping off point for other needed reforms to al-Azhar rather than a self-contained end in itself. Dr. Ahmadi Abu Nur, a member of the Islamic Research Academy and former Minister of Religious Endowments in the Egyptian government, said that the election of the Shaykh al-Azhar is a step in the right direction, but that the institution's budget would need to be freed from state control to truly achieve independence.[271] A group of Egyptian opposition 'ulama led by Shaykh Khalid al-Jundi echoed these calls as well as demands for the Shaykh al-Azhar to have a set term of less than four years, be free from affiliation with political parties, and be elected by al-Azhar alumni worldwide.[272] Dr. Muhammad Wahdan, an Azhar professor, agreed with the overall idea that the Shaykh al-Azhar should be elected, but argued that the Shaykh's pan-Islamic status and influence required that the

[268] "Shaykh al-Azhar yutalab al lajna al dusturiya bi-ana yakun mansabahu bil-intikhabat wa li-muda mahduda," *Al-Sharq Al-Awsat* (UK), 15 February 2011.
[269] "Al 'ulama yu'ayidun intikhab shaykh al-Azhar," *Al-Ahram* (Egypt), 26 February 2011.
[270] "Musayara li-'ulama al-Azhar lil-mutalaba bi-intikhab Shaykh al-Azhar," *Al-Muslim* (Saudi Arabia), 28 February 2011.
[271] "Al 'ulama yu'ayidun intikhab shaykh al-Azhar," *Al-Ahram* (Egypt), 26 February 2011.
[272] "Hal yakhruj al-Azhar min kanaf al-sulta al-siyasiya?," *Al-Safir* (Lebanon), 15 February 2011.

membership of the Islamic Research Academy needed to be expanded and diversified to include 'ulama from other Muslim countries, especially Saudi Arabia, as well as women.[273] Egyptian Salafi preacher Shaykh Muhammad Hassan expressed support for the idea that the Shaykh al-Azhar should be elected, but argued that the body electing him should be open to Salafi 'ulama and other Islamist movements such as the Muslim Brotherhood. Hassan also said that Azhar's fatwa body should also be freed from government control and the Egyptian government should also free Azhar's finances from the Ministry of Religious Endowments.[274] Dr. Muhammad Imara, another member of the Islamic Research Academy, agreed with the election of the Shaykh al-Azhar, but only as a first step that would remove state control of Egypt's religious leaders at all levels ranging from senior 'ulama to the imams of local Egyptian mosques.[275] While these 'ulama agreed with Tayeb's position, they considered it insufficient without additional reforms to change other aspects of the institution.

However, at least some 'ulama express concerns that the Shaykh al-Azhar's election could lead to politicking, corruption, and instability within the ranks of the 'ulama. Dr. Abd-al-Mutti Bayoumi, a government-leaning 'alim and member of the Islamic Research Academy at al-Azhar, was more guarded in his support for the proposed system of electing the Shaykh and warned that such an arrangement could lead to disputes among the senior 'ulama as well as "electoral tricks" that could confuse them.[276]

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[273] "Shaykh al-Azhar yutalab al lajna al-dusturiya bi-ana yakun mansabahu bil-intikhabat wa li-muda mahduda," *Al-Sharq Al-Awsat* (UK), 15 February 2011.

[274] "Qadama ra'iyatahu bi-sha'in islah al-mu'asisa al-diniya al-rasmiya," *Hadatha* (Kuwait), 23 February 2011.

[275] "Al 'ulama yu'ayidun intikhab shaykh al-Azhar," *Al-Ahram* (Egypt), 26 February 2011.

[276] "Shaykh al-Azhar yutalab al-lajna al dusturiya bi-ana yakun mansabahu bil-intikhabat wa li-muda mahduda," *Al-Sharq Al-Awsat* (UK), 15 February 2011.

Another member of the Azhar-affiliated Islamic Research Academy, Dr. Abdallah al-Najjar, echoed some of these concerns and warned that a prolonged and confusing electoral process could lead to chaos and ultimately detract from al-Azhar's international reputation. Egyptian 'alim Shaykh Mahmoud al-Masri argued that all Muslims, not just the 'ulama, should be able to vote for the Shaykh al-Azhar, arguing that all Egyptians would elect the new Egyptian President and that the Shaykh al-Azhar was a more important position.[277] Dr. Mustafa Shaka, another member of the Islamic Research Academy, said there were advantages and disadvantages to the system of electing the Shaykh al-Azhar. This system would remove the Shaykh from the whims of the Egyptian President, but it could also lead to gridlock as the body of senior 'ulama would need to choose a consensus candidate. Dr. Mahmoud Amara, a member of the Islamic Research Academy, also cautioned against the system of electing the Shaykh, arguing that it could lead to gridlock that could cripple the institution.[278]

While most of these 'ulama did not express overt support for the Egyptian President's appointment of the Shaykh al-Azhar, they did raise concerns that his election could lead to instability and electioneering among the senior 'ulama. The debate about the Egyptian government's role in selecting senior 'ulama after the revolution highlights how further consensus had developed. Most 'ulama overtly support the process suggested by Tayeb whereby the Shaykh al-Azhar and other senior position would be selected by the senior 'ulama themselves. Even among those who expressed doubts, their

[277] "Shaykh al-Azhar yutalab al lajna al-dusturiya bi-ana yakun mansabahu bil-intikhabat wa li-muda mahduda," *Al-Sharq Al-Awsat* (UK), 15 February 2011.

[278] "Shaykh al-Azhar yutalab al-lajna al-dusturiya bi-ana yakun mansabahu bil-intikhabat wa li-muda mahduda," *Al-Sharq Al-Awsat* (UK), 15 February 2011.

objection was not that these positions should continue to be appointed, but rather the specific mechanics that were proposed to select these positions may be problematic.

Another issue that took a more prominent role after Mubarak's fall was calls for the resignation or firing of state-affiliated 'ulama in Egypt perceived to be unsupportive of the revolution. A group of the youth who organized the protests in Tahrir Square published a blacklist of Egyptian officials and celebrities who they claimed did not support the revolution, including Tayeb and Gomaa. The oppositionist al-Azhar 'Ulama Front also criticized Tayeb for his perceived reticence in supporting the revolution in its early days and failing to issue a fatwa calling for Mubarak to resign.[279] An article in Algerian newspaper *Al-Khabar* was blunter, saying "When Egypt's revolutionaries were facing the bullets of Husni Mubarak, they did not find Tayeb, who merely invited them to dialogue. It was not expected that Tayeb would issue any fatwas against the interests of the regime because he was an employee of Mubarak."[280] An article in *Al-Ahram* echoed these sentiments, saying "I yearned for al-Azhar to speak loudly in support of the January 25 revolution, which exploded against injustice, oppression, and the abuse of dignity, but the Shaykh al-Azhar instead preferred terrible silence."[281] The article also put this in the context of Azhar's longer record of supporting state policies, most notably the Camp David Accords with Israel. Such criticisms also came from outside of the Arab world, specifically from Iran, which provoked additional accusations of Iranian meddling from Egypt. The Speaker of Iran's parliament, Ali Larajani, accused the Azhar 'ulama of

[279] "Jabhat 'ulama al-Azhar tuhajm al-imam al-akbar li-mawqifahu min thawra shabab 25 yanayir," *Al-Watan* (Kuwait), 18 February 2011.
[280] "Shaykh al-Azhar…mara ukhra," *Al-Khabar* (Algeria), 28 February 2011.
[281] "Al-Azhar tawata' dhid shabab al-thawra," *Al-Quds Al-Arabi* (UK), 7 March 2011.

lagging behind the revolution and as a result, they were "unable to play a serious role in the revolution" because of their subservience to the Egyptian government.[282] These religious and social voices argued that Tayeb and Gomaa did not deserve to keep their jobs because they were insufficiently supportive of the protesters because of their ties to the regime.

These criticisms put these state-affiliated 'ulama on the defensive and forced them to emphasize the things that they said and did during the revolution in favor of the protests to burnish their revolutionary credentials. This further illustrates the consensus that had developed regarding the revolution after February 11 as senior 'ulama actively tried to prove their support for the protesters and their goals. In response to these critiques, Tayeb said that al-Azhar was a religious institution rather than a political one and it is charged with fighting injustice, not engaging in political maneuvers or taking sides in political disputes.[283] Tayeb said that "no person can deny al-Azhar's support for any liberation movement inside or outside of Egypt, which Azhar has never hesitated to do."[284] Tayeb also argued that Azhar does not flatter those in power and had stood up to the United States when it sought to interfere in Egypt's foreign affairs during the revolution.[285] Tayeb also pointed out that al-Azhar had frozen relations with the Vatican earlier in January 2011 following Pope Benedict XVI's suggestion that Egypt was not doing enough to protect Christians there following a deadly church bombing in

[282] "Ra'is majlis al-shura al-Irani Ali Larijani: harakat al-Azhar wa 'ulama al-sunna kanat matakhlafa 'an haraka al-sha'b," *Al-Azma* (Egypt), 25 February 2011.

[283] "Al Tayeb: Al-Azhar fawq al-thawra wa al-sulta wa al-hadith 'an al-mada al-thaniya wa yunthur bi-fitna," *Sahifa Al-Bahrain* (Bahrain), 4 March 2011.

[284] "Al-Tayeb: Al-Azhar lan yutamalaq al-thawrat aw al-sultat wa la yastatia' ahad al-mazayad 'ala mawqifahu min harakat al-tahrir," *Ruz Al-Yusef* (Egypt), 17 February 2011.

[285] "Al-Tayeb lil-amn: saastaqil itha la haqtum Qaradawi," *Al-Wafd* (Egypt), 16 February 2011.

Alexandria.[286] Tayeb also claimed that the Egyptian security services told him that they planned to detain Qaradawi during his visit for questioning,[287] but Tayeb refused and threatened to resign if they did so.[288] Tayeb also said that Azhar's statement in late January calling for protesters to return to their homes was designed to protect them from further violence and not to disparage the goals they were trying to achieve through the protests.[289]

In addition to this, Tayeb pointed out that during the revolution he had issued multiple statements supporting the goals of the protesters for reform and achieving a dignified life and was among the first to describe those protesters who were killed as martyrs. Tayeb also emphasized that he had personally met with representatives of the youth movement as well as al-Awa and also had designated a personal representative, Dr. Hassan al-Shafi'i, to represent him in Tahrir Square.[290] In response to Iranian official Larijani's statement, Tayeb, as well as multiple members of Azhar's Islamic Research Academy and Egypt's Foreign Minister, issued statements rejecting it as an unwarranted interference by Iran in Egyptian affairs and also highlighting the statements of Tayeb and other Azhar figures supporting the protesters and their goals as legitimate. As one member of the Islamic Research Academy put it, "How can [Larajani's] words be accurate that al-Azhar is far from the movement of Egyptian society when we have

[286] "Cairo's al-Azhar Freezes Vatican Talks over Pope Comment," BBC, 20 January 2011.

[287] There was some confusion about what incident Tayeb referenced in this statement. Tahtawi, the Azhar spokesman who resigned to join the protests in Tahrir Square, claimed that this incident actually took place in 2006 during an Azhar Alumni Conference when Tayeb was al-Azhar University President and before he became Shaykh al-Azhar.

[288] "Al-Tayeb lil-amn: saastaqil itha la haqtum Qaradawi," *Al-Wafd* (Egypt), 16 February 2011.

[289] "Shaykh al-Azhar: raghbatuna fi huqn al-dama' dafa'atna bil-ifta' bi-harama al-muthaharat," *Al-Qabas* (Kuwait), 17 February 2011.

[290] "Shaykh al-Azhar: raghbatuna fi huqn al-dama' dafa'atna bil-ifta' bi-harama al-muthaharat," *Al-Qabas* (Kuwait), 17 February 2011.

outdone other community groups if calling for change?"[291] By emphasizing these points, Tayeb attempted to build the case that al-Azhar and its leadership actually had been early supporters of the revolution and its goals.

The Egyptian revolution in 2011 represents a case in which religious authorities moved from an initially divided state to one of greater consensus after Mubarak's resignation. In the pre-February 11 period, some 'ulama, such as Qaradawi and Salafi-leaning Saudi 'alim al-Awda, came out in favor the protests and called for the downfall of the Mubarak regime from the beginning. Others, such as Gomaa, and al-Shaykh, expressed varying degrees of hesitation on the grounds that the protests could threaten social stability and/or were an improper rebellion against a legitimate political authority by Islamic standards. A third group, led by Tayeb and al-Azhar, attempted to take a middle position. In the later phase after Mubarak resigned, senior 'ulama achieved a much stronger consensus around the need for fundamental political reform in Egypt and the form that it should take, a civil state with an Islamic reference. An excellent indicator of the dominance of this argument were the efforts by 'ulama such as Tayeb and Gomaa to point to actions they had taken in support of the protesters in an attempt to demonstrate that they had actually supported the revolution all along. The fact that the conditions of religious authority had fundamentally shifted was further highlighted by the strong support for Tayeb's call that the Shaykh al-Azhar become a position elected by the 'ulama in spite of the fact that he himself was a Mubarak appointee.

[291] "'Ulama Mujma' al buhuth al-Islamiya: narfudh tasrihat Larijani," *Al-Sharq Al-Awsat* (UK), 25 February 2011.

The factor that best accounts for this shift in consensus is high uncertainty. The Arab Spring was still a relatively new phenomenon at this point and the previous debate about Tunisia, discussed at the beginning of the section, only had ancillary relevance to Egypt, creating a situation of rapidly changing events when Islamic authorities could not simply fall back on preformed positions. This led to a change in the way in which Islamic authorities framed the uprising against the Mubarak regime, leading to higher frame alignment around the necessity of political reform and the nature of Egypt's post-revolution state, which resulted in a strong consensus in favor of the revolution. Despite the violence and bloodshed witnessed on days like February 2, the Egyptian revolution left many journalists, academics, and policy analysts feeling optimistic about the Arab Spring. It was relatively short, Mubarak stepped down in an orderly fashion, and the military abstained from participating in a wider campaign of violence against the protesters. This optimism would quickly be tempered when a revolution broke out against the eccentric and even bizarre regime of Mu'amar al-Qadhafi in Libya, Egypt's neighbor to the east.

Libyan Autumn: The 'Ulama and the Uprising Against Qadhafi

Unlike their counterparts in Tahrir Square, Libyans who went out to protest did not meet with soldiers lounging on tanks, even willing to pose for pictures with protesters. The Qadhafi regime's swift and brutal military crackdown against protests centered in the eastern Libyan city of Benghazi demonstrated the willingness of some Arab dictators to fight to maintain their grip on power regardless of the humanitarian cost. However, this violent response by the Qadhafi regime caused the senior 'ulama to

develop an early, strong, and durable consensus in favor of the revolution. The factor that best accounts for the formation of this strong consensus is the position adopted by the vast majority of the senior 'ulama that framed the revolution in terms of protecting the Libyan people, who were demanding their legitimate rights to demonstrate for political reform, from Qadhafi's excessive violence. This strong consensus persisted through the second period that I examine even in spite of Qaradawi's unprecedented fatwa calling for the killing of Qadhafi as well as the decision by the West, including the United States, to intervene militarily in Libya against the Qadhafi regime, which has almost always created a rally-around-the-flag effect in previous instances in the past. The main factor that accounts for the lack of significant change in Islamic authorities' strong consensus in this case is low uncertainty. In addition to the regime's bloody response, senior 'ulama were able to draw on the conclusions that they reached during the preceding revolution in Egypt in favor of political reform, which many consciously linked to the situation in Libya, which caused most Islamic authorities to hold fast to their support of the revolution even in light of new developments.

Even before protests broke out in Libya, Qadhafi had been far from silent in broadcasting his opinion of the causes and effects of the previous Arab Spring protests to that point. By early February, Qadhafi patronizingly referred to the Mubarak as poor and weak and publicly offered the Egyptian regime support in dealing with the protesters in Tahrir Square. Qadhafi also claimed that the protests were a conspiracy orchestrated by Israel's Mossad, al-Jazeera, and Qaradawi, who he accused of using his religious

authority to turn Egyptians against the Mubarak regime.[292] Much like some articles in the Arab press at the time, Qadhafi rhetorically asked why Qaradawi was focusing on bringing down the Mubarak regime rather than on ousting the American military base from his adopted home in Qatar. Qadhafi warned Libyan oppositionists that any similar efforts to start protests in his country would be met with vigorous resistance.[293] Through these statements, even Qadhafi attempted to make himself relevant to the wider Arab Spring, which made it that much easier for 'ulama to draw on their experiences during earlier revolutions when protests broke out in Libya in mid-February.

Protests in Benghazi actually began on February 15 following the arrest of a human rights activist, but the demonstrations blossomed on February 17, the so-called "Day of Revolution."[294] About fifteen people were dead by the end February 17, but as the demonstrators increased confrontations against the Libyan Army, who pulled out of Benghazi by February 20 by which time up to 500 opposition personnel had died.[295] Reports of human rights abuses, including the use of mercenaries and attack helicopters, by the regime forces proliferated.[296] In spite of this high level of violence, Qadhafi ominously said on February 22 that he "had not yet ordered the use of force" and when he did "everything would burn" (quoted in Prashad 2012: 150).

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[292] "Al-Qadhafi: Mubarak faqir wa la yamlak thamn malabasahu wa nursal lihu al-da'm," *Masrawi* (Egypt), 8 February 2011.

[293] "Al-Qadhafi: Mubarak faqir wa la yamlak thamn malabasahu wa nursal lihu al-da'm," *Masrawi* (Egypt), 8 February 2011.

[294] "Deadly 'Day of Rage' in Libya," Al-Jazeera, 9 February 2011.

[295] "Over 640 die in Libya unrest," AFP, 24 February 2011. While most coverage focused on atrocities committed by the regime, the opposition also has been accused of committing violations during this period, including the execution of perceived African mercenaries. See "Libya Protests: Massacres Reported as Gaddafi Imposes News Blackout," *The Guardian* (UK), 18 February 2011.

[296] "Libyan demonstrators say they'll soldier on despite violent crackdown," CNN, 20 February 2011.

Senior ‘ulama from throughout the Muslim world condemned the Qadhafi regime’s actions in response to the protests. Qaradawi issued a statement during his visit to Cairo saying that the survival of the Libyan regime was no longer possible and taunted Qadhafi to follow the example of his neighbors, Ben Ali and Mubarak, and leave power. Qaradawi said that Qadhafi had selfishly horded Libya’s wealth for himself, leaving nothing for the people and forcing them to revolt against him, which prompted the regime to employ foreign mercenaries to carry out his atrocities.[297] In response to the violence against them, Qaradawi urged Libyans to exercise patience, as their neighbors in Egypt had during violent periods, and he encouraged ‘ulama and other intellectual and community leaders to lead the forthcoming demonstrations against the regime. Qaradawi also called on Libyan military officers and tribal leaders to defect from Qadhafi’s forces and to join the opposition’s forces as well as on Libyan diplomats to also defect and support the opposition’s efforts abroad.[298,299] Qaradawi’s statement was followed by a joint statement of the International Union of Muslim ‘Ulama, co-signed with its Secretary General Dr. Ali al-Qaradaghi, condemning the Libyan regime’s violent actions and calling for international support for the Libyan protesters.[300] In the Qadhafi to the fallen regimes of Mubarak and Ben Ali, Qaradawi overtly tied the Libyan revolution to the wider Arab Spring, building on the lesson learned in Egypt and Tunisia.

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[297] “Al-Qaradawi: al-Qadhafi intahay wa lam yu’ad lihu baqa’,” *Mufakara Al-Islam* (Saudi Arabia), 21 February 2011.

[298] “Asadr al-Qaradawi fatwa bi-qatal al-Qadhafi,” *Al-Dustur* (Jordan), 22 February 2011.

[299] “Al-Qaradawi yu’adu zu’ama al-qaba’il lil-indhimam al-thiwar al-jaysh,” *Jarida Akhbar Al-Arab* (Egypt), 21 February 2011.

[300] “Itihad ‘ulama al-Muslimin yunadid bil-‘amal al-ijramiya baladiyen,” *Al-Bashir Lil Akhbar* (Saudi Arabia), 21 February 2011.

A number of other prominent international 'ulama joined Qaradawi in voicing a strong denunciation of the regime's actions in response to the protests. Shaykh al-Azhar Tayeb expressed deep sadness and regret on behalf of al-Azhar and the ongoing atrocities in Libya and implored the Libyan regime to stop its campaign of violence and human rights abuses and described those protesters killed in Libya as martyrs. Tayeb also called on the Qadhafi regime to listen to the legitimate demands of the Libyan people for freedom, justice, and a decent life.[301] Tayeb described Qadhafi as an "authoritarian usurper" who had lost all legitimacy and called on the Libyan military to disregard any further orders from him and called on Muslims worldwide to provide medical and humanitarian aid to the Libyan people. Externally, Tayeb called on the West to "be more interested in the blood flowing from innocent people demanding freedom than the oil flowing from Libya's oil fields and how to secure it."[302] An article in the Egyptian newspaper *Al-Wafd* asked why Tayeb failed to take a strong stand against the Mubarak regime in Egypt during the January 25 as he did against Qadhafi in light of Azhar's ties to the regime.[303] For once, Tayeb's position coincided with that of the oppositionist al-Azhar 'Ulama Front, which issued a statement on condemning Qadhafi's tyranny and calling on Muslims to support the Libyans standing up to his regime and trying to liberate

[301] "Shaykh al-Azhar lil-qada al-arab: itiqu Allah fi dama' sha'ubakum," Al-*Nahar* (Kuwait), 22 February 2011.

[302] "Shaykh al-Azhar yutalab al-jaysh al libi bi-'adam ta'a al-Qadhafi wa yusifahu bil-ghisab," *Al-Yawm Al-Sabi* (Egypt), 26 February 2011.

[303] However, the Azhar-affiliated Islamic Research Academy faced criticism when it failed to address the situation in Libya during its monthly meeting in late February, choosing instead to examine the permissibility of medicinal marijuana under shari'a.

their country.[304,305] Egyptian 'ulama, just finished dealing with their own revolution, strongly came out in favor of Libyans' attempts to overturn the Qadhafi regime.

Outside of Egypt, the government-affiliated Saudi Council of Senior 'Ulama, typically hesitant to support revolutionary political change, similarly criticized Qadhafi, calling him "a man who has dedicated himself to spreading evil, chaos, rioting, and discrediting Islam" and urged him to cease his oppression and tyranny.[306] Prominent Mauritanian 'alim Shaykh Muhammad Hassan, a member of the Qaradawi-linked International Union of Muslim 'Ulama, also condemned the regime's crimes as "reprehensible and not to be tolerated" and called on Muslims throughout the world to protect Libyan Muslims.[307] The Union of Palestinian 'Ulama, tied to Hamas and the Muslim Brotherhood, condemned the Qadhafi regime's actions and its leader, Shaykh Hamid Bitawi (whose position on Palestinian suicide operations was discussed in the previous chapter) called on the United Nations to pass a resolution condemning the regime and sending in a peacekeeping force to maintain security and protect the Libyan people.[308] The fatwa committee of Jordan's Muslim Brotherhood-affiliated Islamic Action Front described continued demonstrations against the injustice in Libya a

[304] "Jabhat 'ulama al-Azhar tanashid al umma nusra al-sha'b al libi dhid taghiyan al-Qadhafi wa 'asabatahu," *Al-Wasat* (Egypt), 20 February 2011.

[305] Both Qaradawi and the al-Azhar 'Ulama Front compared the Libyan protesters to 'Umar al-Mukhtar, a Libyan national hero who led a long guerilla campaign against Italian colonial forces in Libya in the early twentieth century (famously portrayed by Anthony Quinn in the movie, *Lion of the Desert*).

[306] "Ha'ya kubra 'ulama bil-Saudiya takfr al-Qadhafi," Bina Al-Fakr Wa Al-Thiqafa, 22 February 2011.

[307] "Shaykh al-Dadu: ma haditha fi Libya la yujawaz al-sakut alayhu," *Mufakara Al-Islam* (Saudi Arabia), 23 February 2011.

[308] "'Ulama filistin yudayanun 'mujazir' al-Qadhafi," Al-Jazeera, 23 February 2011.

religious duty for Muslims.[309] The Association of Muslim Scholars in Iraq also condemned Qadhafi and his actions and praised the Libyan people for their steadfastness in demanding their legitimate rights.[310] Saudi Shaykh Salman al-Awda stressed that a Muslim leader who kills his own people is not worthy of this office as murder, especially of innocent people, is one of the highest crimes in Islam.[311] The strong anti-Qadhafi position voiced by these 'ulama throughout the Muslim world highlights the broad and diverse nature of this consensus among Islamic authorities, which transcended borders and national divisions.

The Libyan 'ulama who weighed in on the issue expressed similarly strong support for the revolution. Dr. Sadiq al-Ghariani, the most prominent Libyan 'alim who has a doctorate in Shari'a from al-Azhar,[312] described the violence against Libyan civilians as "something that cannot be tolerated" and he specifically condemned the use of military aircraft and foreign mercenaries against civilian demonstrators. Al-Ghariani also called on Libyan military and tribal leaders to stand up to the regime, saying that firing a single bullet at innocent Libyans was a sin, and argued that Libyans' participation in protests against the regime was a religious duty.[313] An article in Iraq's *Al-Qadr* newspaper on February 23 praised Ghariani, saying "One word from Shaykh Sadiq Ghariani in Libya was enough to cause the people of Libya in Tripoli and other cities to

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[309] "Ikhbar taqarir wa tahqiqat: 'ulama al-Muslimin yustanakarun 'al-mujazir al-wahishiya' dhid al-madiniyin bil-Libya wa yutalabun bil-nusra al-thawra al Libya," *Jarida Akhbar Al-Arab* (Egypt), 22 February 2011.

[310] "'Ulama al-Muslimin fil-Iraq tada'u al-libiyin ila itikhath qararat tafawt al fursa 'ala al-'ada'," *Al-Tajdid* (Morocco), 24 March 2011.

[311] "Al-Awda: najl al-Qadhafi la yu'asf 'ala qatala sha'bahu wa yu'asf li'anahu la yumlak ala al-i'amaliya," *Al-Bashir Al-Akhbar* (Saudi Arabia), 26 February 2011.

[312] Ghariani has become Libya's Grand Mufti since the revolution.

[313] "Shaykh Sadiq al-Ghariani: malahum al thawra fi Libya," *Al-Muslim* (Saudi Arabia), 28 February 2011.

respond. One word was enough to push the largest tribes to line up against the rule of the tyrant and one word led the 'ulama of Libya to declare jihad [against the regime]."[314] An article in Saudi Arabia's *Al-Muslim* newspaper similarly praised Ghariani, saying that he played a significant role in supporting the rebels and mobilizing mass protests in Libya during the revolution.[315] Additionally, a group of over fifty 'ulama from throughout Libya, including Tripoli, Bani Walid, Zintan, Misrata, and Zawiya, issued an urgent appeal to Muslims in the Libyan security forces and outside it to stop committing violent atrocities against their Libyan and Muslim brothers and sisters. This group of 'ulama also referred to the removal of Qadhafi as an individual religious duty for all Libyan Muslims and also called on the Libyan regime to release Ghariani, who had been detained at that point because of his comments against the regime, as well as all other protesters in regime custody.[316] The Shari'a Scholars Association of Libya in late February also issued a statement holding Qadhafi fully responsible for the massacres that had been committed by the Libyan military and mercenaries against innocent protesters.[317] Support for the revolution among the 'ulama within Libya was similarly strong to the reaction of the wider body of 'ulama throughout the Muslim world.

The debate over how to respond to the Libyan revolution entered a new phase later in February when Qaradawi issued a novel position on the situation calling for Libyans to take more drastic action against Qadhafi. In this fatwa, Qaradawi said that if

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[314] "Kifa ayuha al 'ulama kifa," *Al-Qadr* (Iraq), 23 February 2011.

[315] "Shaykh Sadiq al-Ghariani: malahum al-thawra fi Libya," *Al-Muslim* (Saudi Arabia), 28 February 2011.

[316] "Qutila Benghazi bil-mi'at wa ihraq manzil al-Qadhafi fi al Zawiya wa al-'ulama al-din yuhadhun 'ala waqif al-muthbaha," *Al-Rai' Al-Am* (Kuwait), 21 February 2011.

[317] "Rabata 'ulama al-shari'a fi Libya al-Qadhafi 'aqada al mas'ula 'an al-majizir," *Al-Muslim* (Saudi Arabia), 25 February 2011.

Libyans, especially those in the security forces, had the ability to kill Qadhafi, they were under obligation to do so to prevent further violence against Libyan protesters. By portraying the call for Qadhafi's death in this way, Qaradawi framed it as part of the larger effort to prevent the further slaughter of Libyan civilians. In spite of this extreme solution that would be controversial among the 'ulama under most normal circumstance, the strong consensus among the 'ulama persisted in spite of this. Qaradawi said that based on Qadhafi's public statements since the start of the revolution, which he described as babbling and incoherent, he was convinced that the Libyan leader had lost his mind and the ability to make rational decisions.[318] Qaradawi also called on Libyan military officers to refuse further orders to kill civilians because it is a sin and by doing so, exercise the same patriotism that their counterparts in the Egyptian and Tunisian militaries had done in protecting the people of those nations against the tyranny of the now-deposed regimes there.[319] Qaradawi also chided the world for sitting idly by while the regime committed these atrocities, saying that if similar actions had been committed in Israel or Europe the world would have mobilized against it in a matter of hours.[320] This fatwa represented a qualitative shift from Qaradawi's previous position, which had simply encouraged Libyans to continue their demonstrations against the regime.

Most 'ulama reacted positively to Qaradawi's call for Qadhafi's death. Egyptian government-affiliated Islamic Research Academy member Abd-al-Mutti Bayoumi publicly supported Qaradawi's calls for the Libyan military to kill Qadhafi because Libyans had the right to take action to stop further violence against them by the regime,

[318] "Asadr al-Qaradawi fatwa bi-qatal al-Qadhafi," *Al-Watan* (Bahrain), 22 February 2011.
[319] "Asadr al-Qaradawi fatwa bi-qatal al-Qadhafi," *Al-Dustur* (Jordan), 22 February 2011.
[320] "Asadr al-Qaradawi fatwa bi-qatal al-Qadhafi," *Al-Dustur* (Jordan), 22 February 2011.

especially involving heavy weaponry such as aircraft. Shaykh Abd-al-Hamid al-Attrash, former head of Azhar's fatwa committee, said that killing Qadhafi was legitimate because he had murdered fellow Muslims, a condition under which such action is justified according to Shari'a. In response to Qaradawi's fatwa, Islamic thinker Muhammad Abd-al-Monim al-Bari supported it because Qadhafi is a "criminal and serial killer of his own people without mercy."[321] Azhar professor and member of the Supreme Council of Islamic Affairs Dr. Muhammad Abu Layla also supported Qaradawi's fatwa, arguing that Qaradawi's goal was to prevent further atrocities against the Libyan people and that killing Qadhafi would accomplish this.[322] Dr. Nasr al-Omar, a prominent Saudi 'alim, also supported Qaradawi's opinion and said that any Libyan able to kill Qadhafi should do so to prevent further bloodshed in the country.[323]

Within Libya, the Shari'a Scholars Association of Libya publicly endorsed Qaradawi's fatwa to "preserve the blood of the Libyan people" and prevent further violence against innocent Libyans.[324] The title of an article in Palestinian newspaper *Filistin* expressed this sentiment most bluntly on February 23, saying "I am with Qaradawi, kill him [Qadhafi]."[325] In fact, I only found one article in Sudanese newspaper *Al-Sudan Al-Nil* that criticized Qaradawi's fatwa, which asked why he had issued a fatwa calling for a revolution in Libya and not against Sudanese President Omar al-Bashir, who

[321] "Al-'ulama yu'ayadun fatwa al-Qaradawi bi-ihadar dam al-Qadhafi," *Al-Jumhuriya* (Egypt), 23 February 2011.

[322] "Abu Layla yu'ayad fatwa abaha dam al-Qadhafi," *Al-Wafd* (Egypt), 22 February 2011.

[323] "'Ulama din yubayahun dam al-Qadhafi," *Al-Khabar* (Algeria), 2 March 2011.

[324] "Rabata 'ulama al-shari'a fi Libya al-Qadhafi 'aqada al-mas'ula 'an al-majizir," *Al-Muslim* (Saudi Arabia), 25 February 2011.

[325] "Ana ma'a al-Qaradawi…qatalahu," *Filistin* (Palestinian Territories), 23 February 2011.

the author claimed had actually killed more innocent citizens.[326] The positive response that Qaradawi's fatwa received highlights the strength of the consensus that developed in this case. As described earlier in this chapter, the circumstances under which Muslims can legitimately rebel against a ruler who is a fellow Muslim are unresolved in their own right, but an order to kill such an individual is extremely rare. Unlike the controversial Khawariji forces of early Islamic history, however, Qaradawi's push to kill Qadhafi elicited little controversy.

The next major question that arose had perhaps the greatest potential to disrupt this consensus among Islamic authorities because it involved the possible military intervention of Western powers, including European countries and the United States, in the conflict on behalf of the rebel fighters in March 2011. As discussed in the previous chapter, military action by non-Muslim countries, especially the United States, in the Arab world has always been a hot button issue in the region and especially in the wake of Western military interventions in Iraq and Afghanistan and the prospect of this type of action has consistently provoked complicated and heated debates among the senior 'ulama. In many of these cases, such as leading up to the Iraq war in 2003 and to a lesser extent before the war in Afghanistan, most 'ulama have spoken out against such action or were strongly divided about permissibility of such action, such as before the U.N.-authorized action following Iraq's invasion of Kuwait in 1990 (Haddad 1996). Despite the potential for the issue of military intervention in Libya to cause a breakdown in Islamic authorities' consensus, this development failed to materialize in this case.

[326] "Limatha yutalab al-Qaradawi thawra al aqeed Mu'amar al-Qadhafi wa laysa wa laysa al-Bashir?," *Al-Sudan Al-Nil* (Sudan), 25 February 2011.

In fact, Islamic authorities' response to the prospect of Western military intervention neither provoked a strong galvanization in favor of the Qadhafi regime nor did it strongly divide the 'ulama. One professor of Shari'a at Umm Qara University in Saudi Arabia, Dr. Muhammad Bin Ibrahim Sa'idi, even publicly implored 'ulama to avoid weighing in on the subject of Western military intervention in Libya at all, arguing that doing so could open 'ulama up to criticism at a later time.[327] Among the most senior 'ulama, the strongest response to Western military intervention was Qaradawi, who did take a public position on the issue that was widely covered in the Arabic press. The primary question that Qaradawi chose to address was whether the Western military intervention constituted a new "crusade" by the West, a charge made frequently by regime officials, including Qadhafi himself.[328] Qaradawi rejected the pejorative label "crusade" for the action and said that this action was legitimate because it was authorized and demanded by the Arab League, the United Nations, and Libyans themselves and because it was "a matter of necessity" to prevent the slaughter of additional innocent Libyans.[329] As with his fatwa calling for Qadhafi's death, Qaradawi framed his support for Western military intervention in Libya in terms of preventing excessive violence by the Libyan regime against civilians. Qaradawi said that he would have preferred an Arab League force to have accomplished this mission, but since the Arab League countries lacked the necessary military power, especially in terms of air assets, he did not condemn

[327] "Al Sa'idi: ansaha al 'ulama bi-'adam al kalam fi qadhayen Libya," *Al-Hayat* (UK), 24 February 2011.

[328] "Al-Qaradawi: al-'amaliyat dhid al-Qadhafi laysat harb salibiya," *Al-Arab Al-Yawm* (Jordan), 21 March 2011.

[329] In fact, an article in the pan-Arab news outlet Hiwar Al-Mutamadin labeled Russian Prime Minister Vladimir Putin, who referred to the action a crusade, and Qaradawi the two faces of the debate for and against the debate over the Libya conflict's status as a "crusade."

military action by the West to protect Libyan civilians from further slaughter. Qaradawi did, however, set limits on this and said that the insertion of Western ground troops into Libya would be illegitimate and wrong.[330] One of the few responses from other 'ulama came from al-Awda, the Saudi Salafi-linked 'alim, who said that the best outcome for Libya would be for the Libyan people to dislodge the Qadhafi regime on their own, but also called on to all nations of the world to put pressure on the Libyan regime to step down and stand up in support of the opposition.[331] Instead of provoking a firestorm response from other senior 'ulama, the response from fellow Islamic authorities was muted.

The unexpectedly subdued response from other senior 'ulama was further highlighted by the fact that Qaradawi's position did evoke a certain level of popular criticism in the Arab press. An article in Palestinian newspaper *Kufiya lil Alam* raised questions about Qaradawi's position and argued that even Qadhafi's atrocities did not justify turning to Europe and the United States, who it refers to as "the head of colonialism," because they simply wished to exploit Libya's oil resources.[332] Another article in Palestinian *Al-Ahd* raised similar objections, saying that Qaradawi's position was mistaken and "it is not permissible to use the forces of evil and tyranny to support the brothers in Libya."[333] Both of these articles accused Qaradawi of politicizing the issue for his own political benefit. While not mentioning Qaradawi by name, the

[330] "Al-Qaradawi: al-'amaliyat dhid al-Qadhafi laysat harb salibiya," *Al-Arab Al-Yawm* (Jordan), 21 March 2011.

[331] "Al Awda: najl al-Qadhafi la yu'asf 'ala qatala sha'bahu wa yu'asf li'anahu la yumlak ala al-i'amaliya," *Al-Bashir Al-Akhbar* (Saudi Arabia), 26 February 2011.

[332] "'Andama yakum al-Qaradawi ahad 'ulama al sulayin," *Kufiya Lil Alam* (Palestinian Territories), 23 March 2011.

[333] "Risala ila al-Qaradawi," *Al-Ahd* (Palestinian Territories), 23 March 2011.

Association of Islamic 'Ulama in Iraq expressed concerns that the U.N. Security Council resolution authorizing a no-fly zone over Libya would be used as a pretext for wider military action by the West designed to exploit Libya's oil resources as they claimed had been the case in Iraq starting in 1991. The Association also said the West could use the protection of Libyan civilians as a "flimsy pretext" for intervention in Libya as it used weapons of mass destruction in Iraq in 2003.[334] Much like the criticism against Qadhafi, at least one article in Mauritanian newspaper *Al-Badil Al-Thalath* raised questions about Qaradawi's mental fitness and said that his advanced age and alleged neurological ailments had clouded Qaradawi's judgment in this case.[335] The level of criticism that Qaradawi's position provoked in the Arab press compared to that of his fellow 'ulama is an indicator of just how strong Islamic authorities' consensus was regarding the Libyan revolution. This is a case when Islamic authorities were perhaps even more united than the wider Muslim community as a whole.

The second phase of the Libyan revolution examined here proves the strength and durability of the consensus achieved by the 'ulama in this case. During this phase, most Islamic authorities continued to frame the issue in terms of the regime's excessive violence and the need to protect Libyan civilians. In fact, two seemingly controversial issues regarding the use of violence in Libya failed to shake this agreement when they likely would have provoked a strong and divisive debate under most normal circumstances. First, Qaradawi's fatwa calling for the killing of Qadhafi received near

[334] "'Ulama al-Muslimin fil-Iraq tada'u al libiyin ila itikhath qararat tafawt al-fursa 'ala al-'ada'," *Al-Tajdid* (Morocco), 24 March 2011.

[335] "'Ulama nafs yushakakun fi saha Yusef al-Qaradawi nasfiya," *Al-Badil Al-Thalath* (Mauritania), 26 March 2011.

universal support from a diverse body of ‘ulama who weighed in despite the general controversy about rebelling against a Muslim ruler, much less killing him. Second, even the prospect of Western military intervention in Libya failed to rally support to Qadhafi or divide ‘ulama between those willing to allow such action and those categorically opposed. This is even true compared to the wider Arab and Muslim public given their stronger criticisms leveled against Qaradawi’s position allow for Western military intervention while the ‘ulama mostly remained silent. As during the initial phase in the debate when the ‘ulama formed a strong consensus in favor of the revolution, low uncertainty accounts for the lack of significant change in this strong consensus during the later period in the debate. Senior ‘ulama realized the costs of being seen as with Qadhafi and overtly opposed the regime or at the very least, as Saudi ‘alim al-Sa’idi suggested, decided to keep their mouth shut. This position demonstrates just how far the Qadhafi regime had gone in alienating Islamic authorities. Therefore, the Libyan revolution represents a somewhat rare case when an international event provoked such a strong consensus among Islamic authorities that it weathered significant developments as well as internal contestation.

Finally, the importance and relevance of Islamic authorities’ consensus in this case is highlighted by the fact that the Libyan regime actively sought fatwas in support of their positions from prominent ‘ulama. Such support, however, was difficult for the regime to secure, as two of Qadhafi’s sons, Sayf al-Islam and Sa’adi, discovered when they contacted ‘ulama in Saudi Arabia in hopes that they would issue fatwas in support of

the regime's position.[336] According to Arabic newspaper reports, Qadhafi's sons had maintained contact with these Saudi 'ulama and hosted some of them in Libya over the previous years to jointly counter violent Libyan jihadists, such as the al-Qaeda-affiliated Libyan Islamic Fighting Group, as well as to gain Islamic justification for their succession to leadership following their father's eventual death or incapacitation.[337] Sa'adi contacted Shaykh 'Iyad al-Qarni, a Saudi 'alim with a popular program on Saudi television who had given a series of lectures in Libya the previous year, to request a fatwa condemning the protests and urging a return to calm in Libya.[338] Qarni said in response to the Libyan regime's request, "What Sa'adi wants from me is to condemn the current protests against his father's misrule. I replied that he was killing women and children. First, you [must] stop armed attacks against Muslim people." Qarni also chided Sa'adi for the regime's corruption and pointed out that he saw widespread poverty in Libya during his visit there despite the country's rich petroleum resources.[339]

Sayf al-Islam Qadhafi also reached out to two other Saudi 'ulama who had visited Libya in the preceding years, al-Awda and Shaykh Abd-al-Wahab al-Tariri, but was similarly rebuffed and was unable to secure the religious justification desired by the regime.[340] One article discussing the Qadhafi family's efforts to secure fatwas supporting

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[336] "Al Awda: najl al-Qadhafi la yu'asf 'ala qatala sha'bahu wa yu'asf li'anahu la yumlak ala al i'amaliya," *Al-Bashir Al-Akhbar* (Saudi Arabia), 26 February 2011; "Al-Qadhafiyun yabhathun 'qusha naja' thanuha fi 'ulama al-din saudiyin," *Al-Hayat* (UK), 1 March 2011.

[337] "Al Awda: najl al-Qadhafi la yu'asf 'ala qatala sha'bahu wa yu'asf li'anahu la yumlak ala al i'amaliya," *Al-Bashir Al-Akhbar* (Saudi Arabia), 26 February 2011; "Al-Qadhafiyun yabhathun 'qusha naja' thanuha fi 'ulama al-din saudiyin," *Al-Hayat* (UK), 1 March 2011.

[338] "Al-Qadhafiyun yabhathun 'qusha naja' thanuha fi 'ulama al-din saudiyin," *Al-Hayat* (UK), 1 March 2011.

[339] "Al-Qadhafiyun yabhathun 'qusha naja' thanuha fi 'ulama al-din saudiyin," *Al-Hayat* (UK), 1 March 2011.

[340] "Al Awda: najl al-Qadhafi la yu'asf 'ala qatala sha'bahu wa yu'asf li'anahu la yumlak ala al i'amaliya," *Al-Bashir Al-Akhbar* (Saudi Arabia), 26 February 2011.

their position concluded "No doubt, the regime's efforts reflect their recognition of the importance of the position that the 'ulama have played in the conflict in Libya as well as larger issues in the region."[341] The Qadhafi regime's efforts demonstrate that they recognized the importance of Islamic authority in the revolution, but their efforts to gain such support were a near-total failure.

Conclusion: The Role of 'Ulama and Their Contestation During the Arab Spring

At first glance, the course of the debates undertaken by senior 'ulama during the revolutions that started in Egypt and Libya in early 2011 were surprisingly similar. Senior 'ulama may have been more or less hesitant in supporting these revolutions initially, but in the end, they came to support fundamental political change. It is because of these seeming similarities that comparing how religious authorities' contestation developed—and especially the extent to which senior 'ulama agreed or disagreed and how this changed over time—is so important to gaining a more precise understanding of how religious authority dynamics came into play to support or oppose political change.

In the case of Egypt, Islamic authorities were initially divided about the extent to which political protestation that broke out in late January and early February. Some senior 'ulama, such as Gomaa and al-Shaykh, employed frames that emphasized the need to exercise restraint and keep in mind the need for social stability when seeking political reform. On the other hand, other senior 'ulama, such as Qaradawi, were more overt in supporting the protesters and framed the revolution in terms of bringing about long-overdue reform and the necessity for the Mubarak regime's departure rather than less

[341] "Hin yustanajid ibna al-Qadhafi bi-'ulama al-din," Samdun, 7 March 2011.

drastic efforts aimed at promoting dialogue between the different sides. In an attempt to take a center position, Tayeb and other senior ‘ulama associated with al-Azhar took a more measured approach to the crisis and praised the protesters’ calls for reform as legitimate while also seeking a more central path involving dialogue with the regime that hopefully avoided additional bloodshed.

This divide between the senior ‘ulama narrowed significantly following Mubarak’s resignation on February 11 and almost all of these voices acknowledged the legitimacy of deep and permanent reform in Egypt. Most senior ‘ulama agreed on the system of government should exist in Egypt after Mubarak, namely a civil state with a strong Islamic reference. This was also true of the proposed system of selecting the Shaykh al-Azhar through the vote of the senior ‘ulama rather than by presidential appointment, which garnered widespread approval from the ‘ulama who commented on it. In Egypt, uncertainty was high and as a result, the ‘ulama were more open to changing their opinion in response to the arguments of others as well as changes in the circumstances. During the Egyptian revolution, the Arab Spring was a new phenomenon and the contestation that had happened during the previous revolution in Tunisia, about self-immolation, was largely irrelevant in clearing up the uncertainties faced in Egypt. In the latter period of the debate, the departure of the Mubarak regime necessitated a rethinking of the fundamental paradigm that senior ‘ulama used to view Egyptian politics, which eventually led to a wider consensus about the positive effects of the revolution as well as the nature of the Egyptian state after the revolution.

I do not mean to suggest that this change was purely ideational and that government-affiliated ‘ulama, such as Gomaa and Tayeb, made the decision to accept political reform in a vacuum of purely logical argumentation. These ‘ulama previously associated with the regime almost certainly realized that both the political game in Egypt and context in which it is played had undergone a sea change and that they no longer faced the constraints and incentives present under the former regime. This created high levels of uncertainty regarding the interests and social roles of the senior ‘ulama, which led to intense contestation and ultimately to a change in the positions that they took on the issue at hand. Also, regardless of motivation, contestation between ‘ulama took place within an ideational and theological framework constituted by Islamic norms about acceptable ways to express discontent with the rulers of Muslim countries. Being seen as “on the protesters’ side” became critical to maintaining credibility. Dialogue among ‘ulama also reveals that the violence perpetrated against protesters by the regime and its allies in Egypt (and later on a larger scale in Libya) also swayed ‘ulama away from initial calls for restraint by protesters and slower reforms. This ultimately narrowed the divide, especially following Mubarak’s resignation, that had initially developed when the revolution broke out between these ‘ulama and those calling for more dramatic reforms.

The process of reform in Egypt, in which ‘ulama moved from a more divided state to a more unified one, contrasts sharply with the involvement of the ‘ulama in the Libyan revolution. The Qadhafi and the regime’s swift and bloody crackdown against the protesters provoked outrage among Islamic authorities and led to the vast majority of these senior ‘ulama framing the revolution in terms of protecting Libyan civilians and stopping the regime’s excessive violence. This made taking pro-regime positions

practically infeasible for ‘ulama and no major ‘ulama proved willing to stake their reputation on supporting his regime in the face of the popular protests. Qadhafi’s personal eccentricities and his regime’s reputation for personal excess and hostility toward Islamists compounded these effects. This combination of factors led Islamic authorities to come out strongly against the Libyan regime and in favor of the protests there.

This highly stable and strong consensus in favor of the revolution in Libya remained constant because uncertainty among Islamic authorities was low. This marked reduction in the uncertainty surrounding the situation led to less likelihood for a dramatic change in the positions taken by ‘ulama regarding the crisis. When the revolution broke out in Libya, senior ‘ulama had already dealt with protests-turned-revolutions in two other countries, Tunisia then Egypt. The Egyptian revolution had especially allowed ‘ulama to debate and ultimately reach conclusions that were relevant in Libya regarding the acceptability of protests against government authority and the positive effects of significant political reform. This effect was also enhanced by the Qadhafi regime’s excessive use of force against protesters, which gave it few allies among the senior ‘ulama, even in more reliably conservative and “pro-stability” circles. This therefore required less debate aimed at reducing uncertainty when the Libyan revolution broke out even when normally controversial issues, such as Qaradawi’s fatwa in favor of killing Qadhafi and the prospect of Western military intervention in Libya, arose.

This strong consensus defied conventional logic and persisted even in light of dramatic developments regarding the use of force against the Qadhafi regime. One of the

best indicators of the extent to which the senior 'ulama were willing to tolerate drastic action against the regime came in the form of Qaradawi's fatwa calling for Libyan troops or anyone else with the capability to assassinate Qadhafi, which framed this need in terms of protecting innocent Libyan civilians from Qadhafi's violence. While supporting protesters and their demands against the regime is one thing, calling for the national leader of a Muslim country to be summarily killed is qualitatively different and is quite a rare and controversial occurrence. Perhaps even more surprising is the number of other 'ulama who spoke out in favor of Qaradawi's position given its extreme solution to the problem of Qadhafi's slaughter of Libyan civilians. This illustrates the strength of the consensus that developed among the senior 'ulama—and that largely persevered for the duration of the revolution—against Qadhafi to the extent that a "death fatwa" elicited little controversy.[342]

Perhaps the most indicative part of this case, however, is the reaction of the senior 'ulama to the prospect of Western military intervention in Libya. As described previously, Western military intervention in Muslim countries has been among the most controversial issues and has almost always provoked a strong reaction from senior 'ulama either in favor of the regime being attacked, such prior to the Iraq conflict in 2003, or a sharp division between competing groups of 'ulama, such as when Saddam Hussein invaded Kuwait in 1990 (Haddad 1996). The fact that the prospect of Western military action in Libya did not provoke either of these responses is interesting in and of itself. Additionally, Qaradawi's support for this action by the West, again framed in terms of

[342] This is a pejorative term coined following Ayatollah Khomeini's fatwa calling for the death of British author Salman Rushdie. See Malik 2009 for additional details.

stopping Qadhafi's excessive violence against civilians, and that Islamic authorities largely gave him a pass on this is even more significant, especially in light of the stronger popular criticism of his position in the Arab press. This illustrates how strong the consensus among Islamic authorities was during the Libyan case, outlasting all of these factors one might predict would have led to a breakdown in the level of agreement as happened in other cases, such as when the question of Afghanistan entered the debate after September 11, as described in Chapter Three.

In Chapter Two, I discussed how the 'ulama often are accused of being out of touch with reality and hesitant to support the changes needed to live a modern life in the 21st century (Zaman 2002). The case studies examined in this chapter regarding the Arab Spring show how this characterization oversimplifies a complex situation. In some cases, 'ulama were hesitant to support action that could have resulted in a fundamental shakeup of political social order, reflected in the positions taken by some senior 'ulama during the early part of the Egyptian revolution. At the same time, other 'ulama were at the forefront of pushing for far-reaching political change. In fact, one could even argue that some 'ulama, such as Qaradawi during the Egyptian revolution, called for faster and more dramatic change than did politicians both in the region and abroad. This highlights how 'ulama defy broad-brush stereotypes and how even the same 'alim can greatly vary in how they respond to issues in different contexts. The importance of Islamic authorities' contestation of such international political issues is highlighted by the Libyan regime's largely overt efforts, in the form of the overtures by Qadhafi's sons, to secure fatwas supporting the regime's efforts from 'ulama in Saudi Arabia they thought may be sympathetic. This demonstrates how, in the transnational environment, Muslim states'

abilities to co-opt Islamic authorities may not only be ineffective from the perspective of garnering legitimacy, but also can be functionally impossible and even publicly embarrassing.

Chapter 5: Conclusion: The Paradox of Islamic Authority in the 21st Century

This project examines Islamic authorities' contestation regarding international politics and explains why these actors reach different levels of consensus about them and why this does or does not change over time. Specifically, I focus on how Islamic authorities frame international events and the extent to which those frames align as the primary factor that explains why these actors reach different levels of consensus regarding substantively similar issues. When authorities frame international events in ways that are highly compatible, they are most likely to achieve high consensus, but when these actors employ different and/or incompatible frames, a mixed or low consensus is more probable.

Furthermore, the variable that best explains why this level of consensus does or does not change over time is uncertainty. In situations when uncertainty is high, religious authorities must interpret and categorize the events that occur and determine how they impact their interests, social identities, etc. High uncertainty presents the circumstances when arguing offers the greatest potential for change because religious authorities cannot simply fall back on their previous positions because they are either in an unprecedented situation or one in which the circumstances have undergone a significant enough shift that they must update their position accordingly. Conversely, when uncertainty is low, the level of consensus achieved by religious authorities is more likely to remain constant because there are fewer incentives for change and more ability to draw on conclusions reached on the issue in question.

A key hallmark of information-seeking behavior is achieving consensus and a common understanding through a back-and-forth discussion based on logic. As Risse contends,

> Arguing implies that actors try to challenge the validity claims inherent in any causal or normative statement and to seek a communicative consensus about their understanding of a situation as well as justifications for the principles and norms guiding their action. Argumentative and deliberative behavior is as goal oriented as strategic interaction, but the goal is not to attain one's fixed preferences, but to seek a reasoned consensus (2000: 7).

As described in Chapter Two, consensus (or '*ijma*) has always been a central aspect of achieving authority in Islam. In the Prophet Muhammad's words, the Islamic community and its leaders "will never agree on an error." At the same time, achieving consensus—defined in terms of agreement among Islamic authorities—has been both difficult to precisely define and challenging to achieve in practice (Hallaq 1997). On the one hand, it has been problematic to determine whose agreement or disagreement is needed for full consensus to exist. By this high standard, few situations have existed in which all Muslim authorities have actually fully agreed on something. This has caused numerous prominent 'ulama over the years, from Rashid Rida to 'Ubayd Allah Sindhi to Qaradawi, to propose alternative ways of thinking about consensus and how Islamic authorities achieve it to make this concept more practically realizable when confronting world events (Zaman 2012). In spite of these efforts, there has (somewhat ironically) been little consensus among Islamic authorities regarding what constitutes consensus and how best to achieve it.

In examining Islamic authorities' responses to the four major world events examined in this dissertation, it is clear that consensus, the extent to which it is achieved,

and how it changes over time is one of the clearest and most readily observable markers of religious authority. This is especially true in Sunni Islam where its decentralized authority structure and lack of a penultimate authority position prevents one individual from monopolizing authoritative religious discourse by virtue of their title. In practicality, however, consensus among Islamic authority has worked less like a categorical all-or-nothing variable as one might expect from its classical Islamic definition and more as an ordinal variable on a scale ranging from weak to strong. This makes consensus a more fluid factor with greater and lesser effects on religious authority based on the strength or weakness of consensus in that case. This ordinal conception of consensus also allows for greater change over time as the level of consensus waxes or wanes as the result of contestation, changing circumstances, etc. My goal here, especially as a non-Muslim, is not to redefine Islamic theology or tell Muslims what consensus "really means" to their religious community. In many ways, the consensus that I focus on is a social and political force rather than a religious one. Consensus among Islamic authorities can operate quite differently in dealing with primarily theological issues. As Qaradawi pointed out in Chapter Two, there is a body of almost purely religious issues, such as fasting, the hajj, the prohibition against alcohol, etc., around which Islamic authorities have achieved near total consensus in the near-total sense required by classical Islamic theology (Zaman 2012: 66).

Let's Contest!: The Role of Information-Seeking Behavior in Authority Across Borders

Much like in the treatment of Islamic authority above, the level of consensus that the 'ulama achieve is also significant from an IR perspective and examining religious

authorities' contestation across borders also sheds light on the conditions under which argumentation is most likely to affect international politics. As described in Chapter One, IR scholars have generally identified three "logics" under which actors can operate when undertaking international political action: consequences, appropriateness, and arguing (March and Olson 1989; Risse 2000). Each of these logics can play a greater or lesser role depending on the circumstances.

While the conditions under which the former two logics are likely to dominate actors' thinking have been widely described by IR scholars, the latter has been less well delineated. This has partially been caused by the view that argumentation is simply the pursuit of other factors, such as self-interest or social roles, by other means or that the effects of arguing are largely limited to particular phases of political action, which reduces the independent influence of contestation on politics. Additionally, the conditions put forth by Habermas, Risse, and others for information-seeking behavior to operate, such as a common lifeworld and an environment divorced from power relationships, are difficult to achieve in the real world. The seemingly insufficient presence of these conditions makes some IR scholars hesitant to focus on information-seeking behavior when they might otherwise (Voeten 2005; Goldsmith and Posner 2002). These objections highlight how Islamic authority is a particularly well-suited venue to test many of the arguments about information-seeking behavior. Senior 'ulama often do operate under a fairly robust common lifeworld of Shari'a and similarly, power relationships are less relevant across borders in their shared interpretive community of fatwas and other forms of established forms of religious communication.

The factor that best explains the circumstances under which this contestation among Islamic authorities will result in more or less consensus among them is how they frame the issue at hand and the extent to which these frames align. As I highlighted in Chapter One, by definition, framing requires that actors interpret world events by emphasizing some aspects and ideas while consciously or unconsciously leaving aside other aspects (Snow and Benford 1992). After an ‘alim has decided on their own frame when confronted with a world event, Islamic authorities must weigh competing frames against one another through collective contestation and arguing, which is an inherently competitive process. The extent to which these competing frames ultimately align is the primary determinant of the level of consensus in that case. For example, the vast majority of Islamic authorities during the Libyan revolution framed this event in terms of protecting Libyan civilians from the excessive violence of the Qadhafi regime, which resulted in a strong, durable consensus among them. Conversely, when debating Palestinians’ use of suicide bombing during the Second Intifada, some ‘ulama focused on Islamic prohibitions against suicide or attacking protected categories of people (such as civilians or other religious communities) while others framed this issue in terms of responding proportionally to perceived Israeli aggression and the need to defend Muslim territory from outside invaders. The fact that these frames were fundamentally incompatible led to a mixed consensus among the senior ‘ulama that these actors were ultimately unable to resolve.

In these cases, a number of factors played a role in shaping these contestation dynamics regarding competing frames. On a basic level, which Islamic authorities participated in these contests helped determine the range of positions at play in that

debate. While I described in Chapter Two how mass communications technology has given a wider range of voices to weigh in on these contests, senior ‘ulama still have some controls over whose opinion is taken seriously in these debates by functioning as an “interpretive community” bounded by institutions, jargon, credentials, etc. Additionally, in some cases, even senior ‘ulama who could have weighed in on the issues at stake in that event chose to abstain from participating, such as Saudi Grand Mufti al-Shaykh during the latter phase of the Palestinian suicide bombing debate or many ‘ulama during the contestation about Western military intervention in Libya. Relatedly, the efforts of power actors, especially the government of Muslim countries, to shape these debates by pushing senior ‘ulama to take particular positions also can shape the dynamics of these contests. State affiliation is a double-edged sword that can make it easier or more difficult to win wider support among the larger body of Islamic authorities depending on the circumstances. In some cases, such as condemning the September 11 attacks, government-affiliated ‘ulama were essentially on equal footing with those ‘ulama lacking close government ties while in other cases, such as the Palestinian suicide bombing debate, government-affiliation was a major liability for some senior ‘ulama.

On the more ideational side, how Islamic authorities interpret particular events is a fundamental step in how they frame them for larger audiences. A number of factors can affect how Islamic authorities interpret events, ranging from cognitive and psychological influences (Jervis 1976; Khong 1992) to how they apply abstract principles to realworld events (Habermas 1994, 2003). Similarly, the fact that most of this contestation among Sunni Islamic authorities is taking place in the public sphere (Habermas 1962) comes with a certain set of conditions about how arguments are

deployed and judged against one another. While these factors do not have a consistent, causal role, they collectively represent a range of issues that can affect how Islamic authorities frame and contest international issues.

The theory put forth in this project based on contestation and frame alignment provides a more complete explanation for why Islamic authorities achieved various levels of consensus in different cases than the main alternative, a rationalist view in which these actors based their arguments on calculations about self-interest. As outlined in Chapter One, scholars employing this perspective have argued that international actors use rhetoric as a mechanism for coordinating action amongst each other and as a vehicle to more efficiently communicate their preferences (Keohane and Goldstein 1993; Laitin 1998) and convey commitments and strategic messages to others (Fearon 1994; Sartori 2002). From this perspective, consensus would be directly proportional to the array of interests amongst Islamic authorities and this consensus would change based on changes in those interests. This perspective does not adequately explain the dynamics observed in the four cases included in this study. In some of these instances, actors employing compatible frames were from different or even polar opposite interest groups. For example, the group of religious authorities who supported Palestinians' use of suicide bombings included everyone from senior government-affiliated 'ulama such as Egyptian Grand Mufti Wasel to Hamas-linked Palestinian 'ulama like Bitawi to Saudi Salafi 'ulama like Shu'aybi. Similarly, the groups of 'ulama who supported Libya's revolution against the Qadhafi regime came from all different social positions, including those who have tended to shy away from rapid political change, such as the senior government-affiliated 'ulama in Saudi Arabia and Egypt, to those more apt to such transformations,

such as 'ulama associated with the Muslim Brotherhood and Salafi movements. What this means is that interests alone do not provide a predictable model for why Islamic authorities reach a strong consensus in some cases and not in others.

Some scholars have attempted to integrate information-seeking behavior into mainstream IR scholarship by synthesizing it with the logic of consequences. Probably the most prominent of these is Schimmelfenig's (2001) concept of "rhetorical action" in which arguing is a causal mechanism used by self-interested actors pursue these goals. Schimmelfenig retains many of the assumptions from Habermas and Risse about how arguing works, but contends that international actors use arguing to pursue their strategic ends through "shaming" others into doing what norms dictate of them. A more extreme version of this is Krebs and Jackson's (2007) idea of "rhetorical coercion" when actors, whose motivations are largely epiphenomenal, engage in a strategic rhetorical campaign designed to deny the viability of non-compatible positions.[343] Under these accounts, actors "adapt their strategies not because they are convinced about the merit of other actors' substantive views, but because they cannot afford to be seen as going against the norms that provide the basis of these views" (Dimitrakopoulos 2008: 321-22). A handful of works attempt to bridge the divide between information-seeking and strategic accounts of argumentation, such as Payne's (2001) contention that while persuasion is an important part of explaining norm-building, in practice, actors also strategically manipulate frames to achieve desired ends.[344] The common thread running through this

[343] A related concept from rational choice theory is Elster's (1995) concept of bargaining in which actors negotiate rhetorically in a back-and-forth of demands, counter-demands, threats of leaving the table, etc.

[344] See also Müller 2004 on the role that norms play in some cases in reconciling "arguing" and "bargaining."

body of work is a desire to use arguing to explain other factors motivating actors' decisions.

The results of this study do not suggest that information-seeking behavior works in isolation of other factors, much less that it is the sole influence motivating actors' behavior. In responding to most actual events, international political actors rarely are motivated purely by a single factor and the above accounts provide valuable insight into how arguing and information-seeking behavior can interact with other motivations, most notably self-interest. Indeed, in at least one case examined here, the interests of Egyptian 'ulama significantly changed following the fall of the Mubarak regime in tandem with the changes in religious authorities' contestation surrounding this issue. In this case, using Sandholtz's model (2008), norm change occurred because when two separate sets of norms were at odds and one of them ultimately prevailed. However, such strategy-centric views of argumentation do not explain the initial step in the process through which actors decide if and how their interests have changed. Put another way, how are actors supposed to entrap or shame their competitors to pursue their interests when their interests themselves are unclear or in flux because they are in new or significantly changed situations? In such cases, the actors, processes, and institutional context in which arguing takes place interact as actors reconsider and redefine their strategic interests (Walldorf 2010). As the Egyptian revolution demonstrates, such instances often necessitate a multi-step process in which actors must actually engage in information-seeking behavior to figure out where their interests and/or social roles stand before they can then use rhetorical action or rhetorical coercion for strategic purposes.

Turning to the question of how Islamic authorities' consensus evolves over time, existing work on the relationship between arguing and consensus does not, however, delineate the circumstances when argumentation is most likely to produce change. The results of this study indicate that uncertainty has the most important and systematic role in determining if and to what extent the level of consensus changes over time. Uncertainty can be brought about by novel events not witnessed previously, such as the outbreak of the Arab Spring in early 2011, or new conditions that change the assumptions and norms that dominated previous thinking on a given issue, such as the shift in debates surrounding religious violence after the September 11 attacks. Under either type of uncertainty, actors (including Islamic authorities) must form new positions or revise old judgments, which necessitates that they undertake fundamentally truth-seeking behavior.

This is true even if they eventually act based on self-interest or socially-determined roles because these individuals must decide how to categorize these new developments and how they impact their previously established interests and/or social roles. In Risse's words, in uncertain situations "interests and identities are no longer fixed, but subject to interrogation and challenges and, thus, to change" (2000: 10). One example is the debate after the September 11 attacks, when contestation surrounding the U.S.-led military action against Afghanistan caused a breakdown in the previously strong consensus achieved following the attacks (Nafi 2004). Another is the Egyptian revolution when high uncertainty surrounding the revolution ultimately gave way to a stronger consensus in favor of fundamental political change and the nature of Egypt's post-revolutionary state as events progressed. Because uncertainty can result in actors establishing or reforming their stance on issues, it creates conditions that are ripe for

change resulting in a qualitative increase or decrease in the level of consensus among authorities.

The opposite is also true and situations in which less uncertainty exists generally result in less change and consensus remains relatively stable as authorities fall back on what they already know and arguments that they have already made. An example of this is the debate regarding Palestinians' use of suicide bombing, a long-standing issue in which the fundamental issues remained relatively constant from the earlier iteration of the debate in the 1990s, encouraging 'ulama to fall back on their pre-formed positions. Similarly, support among the 'ulama for the Libyan revolution started strong and remained solid because of the conclusions reached during previous Arab Spring revolutions, the general disdain for Qadhafi, and the regime's widespread use of violence against protesters. In such situations, the lower level of uncertainty provided less impetus for change and authorities were more likely to adhere to their existing position, which generally resulted in a more stable level of consensus, whether strongly divided or united.

These results highlight two important points about the role of arguing in international politics. First, the combination of uncertainty and information-seeking behavior are more likely to result in change, but not necessarily toward a stronger consensus. Too often, argument-based scholarship in IR implies that contestation must necessarily result in some sort of widely agreed upon common understanding. For example, Risse says "The goal of the discursive interaction is to achieve argumentative consensus with the other, not to push through one's own view of the world or moral values…Argumentative consensus seeking requires the ability to empathize, that is, to

see things through the eyes of one's interaction partner" (2000: 10). This argument oversimplifies things. In addition to bringing people together around a newly agreed upon position, it can also result in a breakdown in consensus as new points of contention emerge and formerly latent fissures are realized. In many ways, the results produced by the latter dynamic are at least as significant as the former, despite the near total focus on consensus formation in the existing literature. As the cases examined in this study demonstrate, contestation in uncertain circumstances is likely to produce changes, but this change is equally able to move away from strong consensus as it is to result in higher levels of agreement among authorities.

Religious Authority in the 21st Century

Changes to the nature of religious authority itself over the past century also play a key role in explaining who participates in religious debates and whose opinion matters and under what circumstances during this contestation. In the second chapter, I described Islamic religious authority today as having two different, but connected aspects. It is simultaneously a group of individuals, especially 'ulama in senior leadership positions, and it is also a more fluid process by which abstract religious principles are applied to world events to help Muslims put their faith into practice. Assessing the degree to which these two facets overlap—when the 'ulama are able to successfully convince the wider body of Islamic authorities about how Islam relates to major international events—is often complicated. Many previous accounts lie on one end of the spectrum of the other regarding religious authorities' relevance for international politics, alternately portraying them as having a significantly reduced role because of a breakdown in formal religious

authority structures (Roy 2004; Eickelman and Piscatori 1996) or, conversely, with a nearly limitless ability to define international issues for coreligionists by manipulating religious principles (Bar 2006). The cases examined in this study suggest that the truth lies somewhere in between these two extremes and that by building consensus, especially under conditions of uncertainty, Islamic authorities can meaningfully engage with international political issues, but that their ability to do so is bounded within a system of collective contestation.

It is important to note that questions about religious authorities' positions on international issues are far from a purely academic exercise and Islamic authorities' guidance on political issues can have concrete and even legal consequences. For example, in 2008, both the United Kingdom and the United States denied an entry visa to Qaradawi because of his position on Palestinian suicide bombing and an unwillingness by these countries to "tolerate the presence of those who seek to justify any acts of terrorist violence or express views that could foster inter-community violence," in the British Home Office's words.[345] Perhaps even more seriously, Azhar-trained 'alim Shaykh 'Umar Abd-al-Rahman (also known as the "Blind Shaykh"), a former leader of the Egyptian militant group al-Gama'a al-Islamiya, is currently serving a life sentence in the United States for his involvement in the 1993 World Trade Center terrorist attack. In the indictment leveled against him, prosecutors argued that he "played a key role in both defining and articulating the principles and goals of the Jihad organization" and "provided necessary counsel regarding whether particular jihad actions, including acts of

[345] The British Home Office quoted in "Muslim Cleric Not Allowed into UK," BBC, 7 February 2008.

terrorism, were permissible or forbidden under his radical interpretation of Islamic law, and at times provided strategic advice whether such actions would be effective means of achieving the Jihad organization's goals."[346] In both cases, these 'ulama faced serious personal consequences for the positions that they took on issues related to religiously-sanctioned violence because of the perceived impact that it had on facilitating and justifying Muslims' subsequent political actions despite the lack of any physical involvement in violence itself.

These findings speak to the larger question of whether there has been a fundamental shift in Islam's authority structure over the past century. As described earlier, many accounts that have addressed this question have focused on two complementary trends that have fundamentally reshaped Islamic authority. The first is the supposed decline of Islam's traditional authorities, the senior 'ulama, due to their perceived cooperation with state authorities in supporting policies friendly to government preferences (Moustafa 2000; Al-Rasheed 2007). Secondly, others have argued that as the Muslim world has become increasingly literate and has gained access to cheap mass communications technology, a wider segment of the Islamic community has been able to read Islam's sacred texts and directly participate in debates regarding religion's place in modern society (Eickelman and Anderson 2003; Bunt 2003). The overall result of this trend, according to this account, is the decline of the 'ulama and the rise of new voices, the so-called "new Islamic intellectuals" (Roy 1994).

[346] "United States vs. Omar Ahmad Ali Abdel Rahman, El Sayyid Nosair, Ibrahim A. El-Gobrowny, Siddig Ibrahim Siddig Ali, Clement Hampton-El, Amir Abdelgani, Fares Khallafalla, Tarig Elhassan, Fadil Abdelgani, Mohammed Salah, Victor Alverez, Matarawi Mohammad Said Salah," U.S. District Court, Southern District of New York, 21 October 1994, Available from http://www.investigativeproject.org/case/319.

Debates over the four events examined here suggest that claims of the 'ulama's demise have been greatly exaggerated. In the debates that played out regarding all four cases, arguments made by senior 'ulama were at the forefront of contestation regarding these international events in terms of generating responses from other Islamic authorities as well as coverage in the Arabic press. A few key reasons account for this trend, which runs counter to the expectations generated by much of the recent literature on Islamic authority. First, the 'ulama still constitute an elite community of specialists whose expertise on Islam's key texts and Shari'a remains unparalleled. Because 'ulama themselves remain the gatekeepers of this community, both institutionally (through degree-granting universities, institutional affiliation, etc.) and ideationally (through jargon, definitions of orthodoxy, etc.), they constitute an "interpretive community" that collectively deciphers, categorizes, and debates world events. Even though other voices now have a greater ability to weigh in on these debates, this capacity does not mean that the field is now wide open and anyone will automatically be taken seriously in these debates. With this being said, the cases that I examined do illustrate how a wider range of Muslim voices, especially from Islamist movements, have secured a place at the table in at least some of the contests most relevant to their core priorities. Whether it be Hamas's involvement in debates over Palestinian suicide bombing or the Muslim Brotherhood's involvement in the Egyptian revolution,[347,348] Muslims beyond the senior 'ulama now clearly have a role in deciding what Islam means for political issues, especially if they are able to make arguments that the 'ulama acknowledge, take

[347] "Al Tayeb yu'akd an ay taghayir li-iqrar al dustur 'ala al-shari'a al-Islamiya muthir lil-fitna," *Al-Nahar* (Egypt), 16 February 2011.

[348] Jaki Huji, "Mufti Al Saudiya yuharam al amiliyat al intihariya wa shayukh Filistine wa Misr yahbun lil rad alyhu," *Al-Quds Al-Arabi* (UK), 9 May 2001.

seriously, and respond to. In this sense, Islamic authority has undergone a shift in the past century though perhaps not to the extent claimed by much of the existing literature.

Similarly, much of the previous writing on Islamic authority overestimates the effects of state cooptation in delegitimizing senior 'ulama, such as those at al-Azhar and senior Saudi shaykhs. If anything, the cases that I examined here illustrate that the guidance offered by these senior 'ulama in state-appointed positions is most often judged by the same criteria as the positions taken by any other religious authorities. If these 'ulama put forth positions that run counter to most of their peers, whether because of urging from state officials or simply their own interpretation, being the Shaykh al-Azhar or the Saudi Grand Mufti does not grant them immunity from criticism. Examples of this include Tantawi and al-Shaykh's stances against Palestinians' use of suicide bombing and Gomaa and al-Shaykh's hesitancy to support the revolution against the Mubarak regime in its early days.[349,350] If the state affiliation of these 'ulama came into play in when contesting world events, it was mainly as a "force multiplier" that added further weight to criticisms that had already been made against these individuals based on the substance of their argument. On the other hand, if these authorities took positions consistent with the broader consensus, their affiliation with state institutions did not lead to automatic criticism of them. Instances of this included Tantawi, Wasel, and al-Shaykh's criticism of the September 11 attacks and Tayeb support for the Libyan

[349] Muhammad Habib, "Al filistini al thi yafjur nafshu dhid min yuharabunahu yu'atabr shahid," *Al-Ahram* (Egypt), 9 May 2001.

[350] "Mufti al-jumhuriya yunashid al-mutathahirin al-'adu ila baytahum," *Al-Wasat* (Egypt), 2 February 2011.

revolution against the Qadhafi regime.[351,352] In fact, in such cases, affiliation with prominent institutions such can actually enhance such arguments by lending them the heritage and prestige of these institutions' reputation. The positions taken by these 'ulama in these instances received wide support and their state affiliation was not a major issue in the debates. While state cooptation does not play a causal role in determining whether or not an 'alim's position is likely to achieve widespread support, this factor can magnify support for or opposition against their argument, whether to their advantage or detriment.

The Age of Sacred Politics: Religion, Religious Authority, and IR

While IR's primarily secularist point of view traditionally caused a relegation of religion to secondary status, IR scholars have increasingly recognized religion's impact on international politics (Hurd 2004, 2010; Philpott 2009). Most previous accounts of the role that religion plays in international politics focus on its role as an aggregator of far-flung groups of people in a meaningful way and as a source of strongly-held beliefs that shape the way people act in the political realm. These are important and largely accurate conclusions about religion as a social force, but the more specific literature on the role of religious authorities in international politics is more anecdotal, mostly focusing on individual cases, such as John Paul II (Weigel 1992), or particular institutions, such as the papacy (Ferarri 2006). This study puts forth a more systematic view of how religious

[351] "Al Islam bari: mima hadath fi New York wa ihtimam la bud lahu min dalil," *Al-Watn Al-Saudiya* (Saudi Arabia), 18 September 2001.

[352] "Shaykh al-Azhar lil-qada al-arab: itiqu Allah fi dama' sha'ubakum," *Al-Nahar* (Kuwait), 22 February 2011.

authorities engage with international politics and contest political issues across borders and the extent to which they achieve consensus regarding a response.

The concepts of religion as a source of strongly held beliefs and an aggregator of a worldwide audience begin to explain religious authority's relevance to international politics, but these ideas alone are insufficient and fail to capture religious authority's constitutive effects. Beyond these previously identified factors, religion sets the "rules of the game" by which religious authorities play and provides a multi-faceted framework that shapes the process, venues, and methodology through which religious authorities' contestation takes place and defines the criteria of what constitutes a good argument versus a bad argument. Even if religious authorities reject the information-seeking logic of arguing and instead base their position purely on self-interest and/or defined social identities, they still must frame their argument in a way that conforms to religious standards due to their decision to work within an overtly religious framework. In other words, even if authorities have "ulterior motives" for favoring a particular position, the fact that they chose religion as the arena in which to contest their argument pushes them toward a set of specifically religious standards used to judge the correctness and acceptability of particular arguments. Ambiguities still exist regarding religious principles and the framework provided by religion does not mean that particular positions are automatically right or wrong, which is why contestation still matters, but it does mean that particular principles carry greater or lesser weight and are harder or easier to justify based on their conformity with important religious precepts.

Rethinking "Moderation" and "Extremism" in Religion

Discussions of religion and its relationships with politics in the 21st century, especially in the wake of the Second Intifada and the September 11 attacks, often have revolved around the concepts of "moderation" and "extremism." As one study of extremism in Islam opined, "Radical and dogmatic interpretations of Islam have gained ground in recent years in many Muslim societies…By and large, radicals (as well as authoritarian governments) have been successful in intimidating, marginalizing, or silencing moderate Muslims—those who share the key dimensions of democratic culture—to varying degrees" (Rabasa et al. 2007: 265-66). The definitions of these terms are vague and an Islamic "moderate" can mean anything from someone who supports a pro-Western agenda to someone who counters religiously sanctioned violence to a willingness to take progressive approach on issues of women's rights. Conversely, "extremism" is a pejorative term used to describe individuals espousing violent, backward, or otherwise undesirable positions. One past study defines religious extremism as "the desire to expand the scope, detail and strictness of religious law, social isolation, and the rejection of the surrounding culture" (Liebman 1983: 75). Explanations how extremism can be moderated are similarly diverse, ranging from applying social pressure to extremists (Liebman 1983) to increasing opportunities for legitimate political participation (Wickham 2004) to a "carrot and stick" combination of sanctions and improved social and economic conditions (Iannaccone and Berman 2006; Wintrobe 2006). These studies leave one wondering what constitutes "moderation" and "extremism" beyond that the former is good and the latter is bad.

Even if one accepts the feasibility of using "moderation" and "extremism" as useful social categories, the four cases examined here demonstrate that a particular religious authority's portfolio of positions on a range of international political issues makes this categorization difficult. A good example of this complexity is Qaradawi: is he a moderate or extremist? On one hand, he has consistently spoken out against al-Qaeda's violence, strongly condemning September 11 and writing a sophisticated book negating al-Qaeda's conception of jihad, and also taken an inclusive view on democracy and inter-religious dialogue (Polka 2003). On the other hand, he has vocally supported violence in cases that he considers occupations of Muslim land, such as the Palestinian territories and Iraq, and has taken a strongly conservative stance against homosexuality and on other social issues (Gräf and Skovgaard-Peterson 2009). On the opposite side, Saudi Grand Mufti al-Shaykh has taken a strong position against suicide bombing in all forms, even against Israelis,[353] but has also taken outlier positions on social policies, such as when he spoke out against Pokémon as a Zionist conspiracy.[354] Both of these 'ulama have espoused a variety of positions on different issues, some of which would generally be considered "moderate" and others of which would not.

Given these complexities, it is very difficult, if not impossible to encapsulate the totality of particular 'ulama through catch-all terms like "moderate" or "extremist." These broad analytic categories do not allow for enough variation to accurately reflect the full range of positions that 'ulama take on different issues and even regarding the same issue as time goes by. As such, the conclusions of this study suggest that the use of such

[353] "Interview with the Grand Mufti of Saudi Arabia Abd al-Aziz Ibn Abdallah Al Ash Shaykh," *Al-Sharq Al-Awsat* (UK), 21 April 2001.

[354] "Saudi Arabia Bans Pokemon," 26 March 2001, BBC.

broad-brush terms by scholars, journalists, governments, etc. is not productive or even accurate. For example, saying that Qaradawi is unwilling to support al-Qaeda's conception of jihad against civilians is more accurate and descriptive than saying that Qaradawi is a moderate. This study demonstrates, however, that one must dig deeper and examine the way in which religious authorities' views collectively develop over time to fully describe the range of positions taken and how they relate to one another.

Opportunities for Future Research

While this study has produced new insights about the nature of religious authority in the 21st century, it mainly focuses on a specific subset of this dynamic and further research could clarify to what extent these conclusions apply in a broader range of cases. In discussing the process through which Islamic religious authorities argue their positions on international events, I mentioned that I focus primarily on the first step in the process through which Islamic authorities contest their responses amongst themselves to determine the amount of consensus on the issue at hand. After this initial step, religious authorities then typically project these positions to increasingly large Muslim audiences. Examining how this guidance disseminates through these larger audiences, while logistically complicated, would offer insight into the larger social effects of religious authority. One could imagine a follow-on study examining how and to what extent Islamic authorities' guidance spread through these larger Muslim audiences by studying some combination of public opinion polling, popular debates in public venues such as Internet forums, Facebook, Twitter, YouTube, etc., and possibly in-person focus groups of Muslims in different locations throughout the world. Additional research of this type

would offer insights on the next phase of the Islamic authority process in which these individuals attempt to convince far-flung Muslim audiences of the merits of their guidance.

Even within the relatively narrow context of Sunni Islam, this study's conclusions could be expanded and tested under other conditions. This dissertation mainly focused on 'ulama based in the Middle East and on Arabic language newspapers, but Sunni 'ulama are based in many other geographic, linguistic, and cultural contexts. A productive line of future research would involve comparing the contestation of Sunni 'ulama in the Arab world with those in other Muslim communities, such as South Asia or in diaspora populations in Europe or North America. Some authors have made strides in comparing 'ulama across different contexts, especially the Middle East and South Asia, but further expansion of such efforts is sorely needed (Zaman 2002; Masud, Messick, and Powers 1996). For example, it would be especially interesting to see if 'ulama based in countries where Muslims are minorities operated under different assumptions and employed distinctive logics of argumentation compared to other 'ulama in Muslim-majority countries.

Similarly, as described earlier, this dissertation focuses on religious authority in Sunni Islam because of its unique characteristics, such as its decentralized authority structure and discursive heritage, which made it particularly well-suited for testing many of the key assumptions about the logic of arguing and information-seeking behavior as related to authority across borders. While Sunni Muslims constitute a strong majority of the larger Islamic community, this study purposefully left aside other parts of Islam, such

as Shi'a Islam and Sufi Islam, which have their own unique history of religious authority. This is especially true of Shi'a Islam, which has a stronger and more formalized religious authority structure capped by a handful of influential ayatollahs based in centers of learning (*hawza*s) in cities like An Najaf, Iraq and Qom, Iran (Sobhani and Qazemi 2001). Even Sufi Islam, a smaller subset of the Islamic community, has a strong tradition of authority associated with the leaders of the various Sufi orders (Trimingham and Voll 1998). A study of religious authority across Islam's different sub-communities offers several benefits. It would delineate to what extent the conclusions reached by this study about religious authority in Islam are unique to the particular circumstances of the Sunni community and which are more generalizable to Islamic religious authority writ large. It would also present additional opportunities to compare Islamic authority in more structured (Shi'a Islam) and less structured (Sunni Islam) environments and those in between (Sufi Islam).

Beyond Islam, this study attempts to make conclusions about religion's role in politics and religious authority's role in shaping the ways in which global faith communities engage with major political issues whose effects spread across borders, but literature comparing religious authority's political dynamics remains rare. Some existing works have compared Christianity and Islam's engagement with specific international issues such as religiously-sanctioned violence (Kelsay 1991; Hashmi 2012) and democracy (Anckar 2012), but no such study exists comparing political traditions in Islam and Christianity as they relate to religious authority issues. Looking even more broadly than just Islam and Christianity, the prominent political role of the Dalai Lama (Kurlansky 2006) and Mohandas Gandhi's Hindu-inspired leadership in India (Cortright

2006; Nojeim 2004) illustrate the important impact that religious authorities from a range of different religious traditions have had on international politics over the past century. A true comparative study of religious authority and its effects on politics across borders would look at this issue across the world's main religions.[355] Comparative studies of this nature would be a productive way of capturing religious authority's impact on politics as well as the overall relationship between religion and IR.

Finally, expanding the scope of study to include other non-religious principled and moral authorities would allow for testing how many of my conclusions about religious authority are uniquely religious and how many are related to wider moral authority. A number of other organizations in the world today, such as the intergovernmental organizations like the United Nations and European Union and human rights NGOs, like Amnesty International and Human Rights Watch, play similar social leadership roles to those of religious authorities without an overtly religious agenda or frame of reference. In fact, more of the IR literature on norms as well as information-seeking behavior has focused on these secular principled organizations than on religion (Keck and Sikkink 1998; Barnett 2010; Barnett and Finnemore 2004). Further study of how these organizations contest their responses to major political phenomena across borders, such as climate change humanitarian crises, or major conflicts and civil wars, would allow for a wider comparison of how principled authorities engage with international politics.

[355] A study of this scale would be difficult for any one person to complete, so an edited volume with chapters examining religious authority in each religious tradition and one or more comparative chapters examining major themes across religions could be a productive way to address this issue.

Defining the Borders of Religious Authority: Rethinking What is Possible and Impossible

Especially since the September 11 attacks, "moderate" 'ulama often are expected to deploy their authority to debunk the violent positions of al-Qaeda and other extremist groups to prove that Islam did not support killing innocent civilians. A good example is a piece written by Thomas Friedman, the prominent *New York Times* columnist, in July 2005 and entitled "If It's a Muslim Problem, It Needs a Muslim Solution." In this column, written almost four years after September 11 and immediately after the al-Qaeda attacks in London, Friedman claims that "to this day—to this day—no major Muslim cleric or religious body has ever issued a fatwa condemning Osama Bin Laden."[356] Aside from the factual inaccuracy of Friedman's statement—Chapter Three cited several fatwas that condemned Bin Laden—these statements highlight some of the common misconceptions about religious authority as an all-encompassing panacea for complex problems in international politics. This dynamic predates the 21st century and a British author expressed a similar sentiment in the early 1980s when he said that "imams are good people to have on peace committees" (Hodgkin 1980: 140).

The positions taken by 'ulama in responding to major political events do not occur in a vacuum, but rather are a larger socio-political process whereby Islamic authorities and, ultimately, the Muslim community as a whole contest and decide on the appropriate response to that event. The responses of individual 'ulama are pieces of this puzzle, but it is the makeup of this larger whole and the corresponding level of consensus that they achieve that matters most in explaining the relationship between religious

[356] Thomas Friedman, "If It's A Muslim Problem, It Needs a Muslim Solution," *The New York Times*, 8 July 2005.

authority and international politics. This becomes even more apparent when examining how the collective position of this larger whole can also change over time in response to uncertainty brought on new developments. In other words, the question of how best to discredit al-Qaeda's actions from an Islamic perspective is not simply a matter of finding the right 'alim, even a particularly important or influential one, to issue a fatwa taking one position or another. On their own, individual 'ulama are almost always incapable of promoting broader among the wider body of Islamic authorities. As observed in Chapter Three, even Qaradawi, the one Sunni 'alim one might expect to be able to accomplish this, was unable to achieve broad support for his position on American Muslims' service in Afghanistan when it failed to achieve wider support among most religious authorities (Nafi 2004).

At the same time, I do not wish to imply that religious authority is unimportant for international politics and that 'ulama are too diverse and divided to effectively grapple with and reach a consensus on important political issues. Religious authority still matters and these actors can still achieve agreement in response to important international issues, even those where one might expect otherwise. For example, when the West decided to intervene militarily in Libya, past precedent likely would lead one to believe that the previous consensus that 'ulama had achieve in favor of the Libyan revolution would have broken down. In fact, history offers few other examples in which 'ulama have not vocally objected to a Western military intervention in a Muslim country. In this case, the 'ulama bucked this stereotype and the strong consensus that had developed largely remained intact, which represented strong backing for Libya's move away from the Qadhafi regime. In isolation, this outcome may seem strange or counterintuitive, but

taken in concert with Islamic authorities' larger contestation about the Libyan revolution, the strong consensus that the 'ulama previously achieved and the lack of high uncertainty created conditions favorable to its endurance. This highlights the role that arguing and information-seeking behavior by religious authorities play in shaping their collective view on these issues. In fact, the importance of consensus dynamics among religious authorities has increased even more in recent years.

Consensus among Islamic authorities and the ways in which they contest it has become an even more prominent since the Arab Spring as more and more prominent as Islamic leadership positions have gained greater independence from state bureaucracies. The first real test of this came with the selection of the new Egyptian Grand Mufti in early 2013 when the previous mufti, Ali Gomaa, was forced to retire due to age. On February 11, 2013, exactly two years since the day Husni Mubarak resigned, al-Azhar's most senior 'ulama elected Dr. Shawqi Ibrahim Abd-al-Karim Allam as Egypt's 19th Grand Mufti, but the first selected through election rather than presidential appointment.[357] In 2012, the Egyptian government approved the formation of a new 26-member body at al-Azhar, the Senior 'Ulama Authority, charged under Article Four of Egypt's post-revolution constitution with electing the new Mufti. The body was formed of the senior most Azhar-linked 'ulama, including Qaradawi.[358] The Authority whittled the initial body of approximately 25 nominees down to three candidates, who they then voted on by secret ballot and submitted to then-President Muhammad Mursi for approval. Allam, a Sufi with a Ph.D. in Shari'a from al-Azhar, gained support a compromise

[357] "New Top Muslim Cleric Elected in Egypt," AFP, 11 February 2013.
[358] "Egypt: New Mufti Awaits Mursi Approval," *Al-Sharq Al-Awsat* (UK), 12 February 2013.

candidate without strong political affiliations. This stands in contrast to several other nominees, including Muslim Brotherhood Guidance Bureau member Dr. Abd-al-Rahman al-Bar, who were rejected for their perceived political ties after a strong push by Tayeb and other al-Azhar leaders.[359] While no new Shaykh al-Azhar has been elected since Egypt's 2011 revolution, the senior 'ulama are expected to employ a similar process to select Tayeb's replacement.

The reforms to these key senior 'ulama positions demonstrate an increasing trend within the 'ulama community whereby leadership positions are themselves both the product of contestation among religious authorities and also a representation of a certain level of consensus among the 'ulama rather than simply a political appointee. This trend that has enhanced the importance of contestation in shaping Islamic authority will likely increase as senior 'ulama who were elected to their position take on more prominent roles in responding to international events. As an advisor to the Shaykh al-Azhar described the new Grand Mufti's election, "This is the first time in which Azhar 'ulama have chosen an Azhar 'alim [for a senior leadership position] in balloting. This is a new tradition, we hope it will continue."[360] If this trend persists, it will be more difficult for 'ulama to criticize a rival simply based on the fact that he was government-appointed in an attempt to discredit them. Rather, 'ulama will more often need to contest the substance of the argument made rather than the person making it.

[359] "Opposing Currents: Internal Rifts May Risk the Credibility of Egypt's Religious Institutions," *Al-Masri Al-Yawm* (Egypt), 25 February 2013.

[360] "New Top Muslim Cleric Elected in Egypt," AFP, 11 February 2013.

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Al-Bashir Al-Akhbar (Saudi Arabia)

Al-Bashiyir (Egypt)

Al-Bilad (Saudi Arabia)

Al-Dustur (Jordan)

Al-Emirat Al-Yawm (UAE)

Al-Hayat (UK)

Al-Afkar (Lebanon)

Al-Iman (Lebanon)

Al-Itihad (UAE)

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