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The Controversy of Shaykh 'Ali 'Abd Al-Raziq

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THE CONTROVERSY OF SHAYKH ‘ALI ‘ABD AL-RAZIQ

By

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ABSTRACT

Often regarded as the first Islamic defense of political secularism, ‘Ali ‘Abd al-Raziq’s *Islam and the Foundations of Government* provoked emotionally-charged repudiations that culminated in his dismissal from Egypt’s corps of ‘ulama. Setting ‘Abd al-Raziq’s work in historical context, this dissertation explains what ‘Abd al-Raziq intended to do when he wrote *Islam and the Foundations of Government*. Most immediately, ‘Abd al-Raziq intended to protect Egypt’s fledgling constitutional monarchy from the threat of Egypt adopting the caliphate institution. ‘Abd al-Raziq’s work aimed to undercut proponents of an Egyptian caliphate by demonstrating that the caliphate institution found no support in the sources of fiqh, and had no religious significance in early Islamic history. Many studies have attributed the failure of ‘Abd al-Raziq’s work to the innovative nature of his argument. This dissertation argues that communities constantly invent traditions in order to legitimate their emerging forms. Indeed, Egyptian Muslims of the 1920s had already come to accept nineteenth-century Islamic innovations, like the Ottoman doctrine of the caliphate, Muhammad Abduh’s concept of a liberal shari’a, or the novel belief in an Egyptian nation. In this context, ‘Abd al-Raziq’s innovative reasoning cannot account for his failure. This dissertation attributes ‘Abd al-Raziq’s failure to the threat it posed to the perceived rule of law. Like ‘Abd al-Raziq, ‘Abd al-Raziq’s critics considered tyranny the result of unrestrained, despotic rule. For them, however, God’s laws, expressed in the shari’a proved the only adequate limitation to fallible human authorities. The caliphate must be reinstituted, they believed, because of all the world’s systems of government, the caliphate alone acknowledged the sovereignty of God’s law. By rejecting the caliphate, they inferred, ‘Abd al-Raziq rejected the institution required for establishing a rule of law that protects citizens from the arbitrary whims and abuses of their rulers.
THE CONTROVERSY OF SHAYKH ‘ALI ‘ABD AL-RAZIQ

Shaykh ‘Ali ‘Abd al-Raziq is popularly remembered as the “first Muslim secularist.”¹ More accurately, he was the first classically trained Muslim scholar to argue that the shari‘a sciences have no bearing on affairs of state. A graduate of al-Azhar and a shari‘a court judge in the city of Mansura, ‘Abd al-Raziq came from a prominent large-landholding family with a long tradition of Islamic scholarship. During the first four decades of twentieth century his family was well known in the elite circles of Cairo. His father, Hasan ‘Abd al-Raziq, helped found Egypt’s first secular nationalist political party, the Umma party, in 1907. One of his brothers, Hasan, became the governor of Alexandria. Another, Mustafa, became the rector of al-Azhar, while a third, Mahmud, co-founded another secularist political party, the Liberal Constitutionalists, after the Umma Party had disbanded. Outside of Egypt, however, ‘Ali ‘Abd al-Raziq’s reputation rests entirely on one book: *Islam and the Foundations of Government*.

Published in 1925, *Islam and the Foundations of Government* contained ‘Abd al-Raziq’s rejection of Islamic models of statecraft. Most notably, his work targeted the institution of the caliphate. The Ottoman Caliphate had just been abolished the previous year. While many Muslim intellectuals deliberated anxiously about the best way to establish a new caliph, ‘Abd al-

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Raziq argued that they should not bother, for God never regulated procedures of statecraft. In his infinite wisdom, God left His followers free to establish governments based on soundest conclusions of their reason and experience. ‘Abd al-Raziq’s book provoked a public outcry, at least among many of Egypt’s Muslim intellectuals. Soon, petitions circulated, calling on al-Azhar’s High Council of ‘Ulama to condemn ‘Abd al-Raziq’s work. Ultimately, the Council decided to expel ‘Abd al-Raziq from the ranks of the scholars by revoking his ‘almiyya degree. Thereafter, ‘Abd al-Raziq formally lacked the qualifications to keep his post as a shari’a court judge. He spent most of the rest of his life teaching at the secular Egyptian University.

In Western scholarship, ‘Abd al-Raziq’s story is often told as a kind of martyr narrative. That is, many scholars suggest that he was persecuted for witnessing the truth. Majid Fakhry described *Islam and the Foundations of Government* as “the most thoughtful and constructive attempt to re-examine the presuppositions upon which the traditional notion of the Islamic State rests.” As Fakhry had it, Muslims could either relinquish their dreams of an Islamic state, as ‘Abd al-Raziq recommended, or face extinction:

By freeing the temporal sphere from the fetters of a supernatural authority which legislated for all ages once and for all, he [‘Abd al-Raziq] naturally hoped to pave the way for development and progress in the realm of legislation by reaffirming the validity of the natural, human processes of law-making. . . . [O]ne cannot escape the conclusion that the future of the progress of the Muslim peoples in the realms of law and government, short of abandoning their traditional faith altogether, is crucially bound up with their readiness to accept some such solution to the problem.

Writing in 1954, in the heyday of the secularization hypothesis, one could expect Fakhry to argue this way. But recent studies have also defended ‘Abd al-Raziq from any wrongdoing.

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3 Ibid., 458.
Souad T. Ali has defended ‘Abd al-Raziq’s work, claiming that his “new critical examination of Islam’s history and sacred texts,” is “in keeping with the active reviverist spirit of the early twentieth century Muslim world.”

Ali does not claim, like Fakhry, that ‘Abd al-Raziq articulated the requirements of progress, but she does argue that his work satisfied the conditions of responsible scholarship. Thus, the High Council of ‘Ulama was wrong to dismiss ‘Abd al-Raziq from the corps of scholars. Their decision was “partisan and political . . . carried out under the pretext of religion.”

This dissertation re-examines the controversy surrounding Islam and the Foundations of Government, arguing that, from the historical point of view, it makes little sense to fault either ‘Abd al-Raziq or his critics. Both sides were committed to rival conceptions of justice, motivated by self interest and political calculations as much as religion. ‘Abd al-Raziq sought to defend Egypt’s fledgling constitutional monarchy, which was threatened by King Fu’ad’s efforts to claim the caliphate title. ‘Abd al-Raziq’s critics sought to defend the rule of law expressed in the revealed shari’a, which was threatened by the hegemony of secular intellectuals in Egypt’s government. Leaving aside the question of which party was at fault, I focus on the reasons for ‘Abd al-Raziq’s failure. Why is it that ‘Abd al-Raziq’s work found such little support among his contemporaries?

In chapter one I argue against the ready-to-hand explanation of ‘Abd al-Raziq’s failure: that he departed from the Islamic tradition. As other scholars have noted, many critics objected to ‘Abd al-Raziq’s revisionist history of Muhammad’s mission, and the foundation of Abu Bakr’s caliphate. According to ‘Abd al-Raziq’s narrative, Muhammad was never a political

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5 Ibid., 131.
leader, and Abu Bakr never believed his government was part of the revealed shari‘a. Clearly, a Muslim who endorsed this narrative would have to radically rethink what it means to live in submission to God. But the innovative nature of ‘Abd al-Raziq’s history does not explain why it did not appeal to his contemporaries. As religious communities change over time, their origin narratives frequently transform to encourage or justify these changes.

In chapter one I provide a long view of historicizing legitimation within the Islamic tradition, emphasizing the way in which historical narratives of Islamic origins have transformed alongside the development of the caliphate doctrine. This context makes ‘Abd al-Raziq’s work appear less exotic, reminding us that historicizing legitimation is an unavoidable process of religious change. Attempts to find precedents for political secularism in Islamic history continue today, most notably, in the work of Abdullahi An-Na‘im. I compare An-Na‘im’s *The Secular State* with *Islam and the Foundations of Government*, in order to draw out one shortcoming of ‘Abd al-Raziq’s work. Though *Islam and the Foundations of Government* is often referred to as an “Islamic justification of political secularism,” it is more accurate to describe his work as a refutation of Islamism. That is, ‘Abd al-Raziq argued that Muslims cannot use their religion to justify public policies, or particular systems of government. He did not, however, argue the benefits of living in a secular state. Nor did he attempt to demonstrate why secular regimes better enable Muslims to live in submission to God. An-Na‘im’s work focuses heavily upon these themes, which are crucial for the success of his proposed reformation of Islam.

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7 This is the phrase Souad T. Ali uses to subtitle her work *A Religion, Not A State: Ali 'Abd al-Raziq's Islamic Justification of Political Secularism* (Salt Lake City: The University of Utah Press, 2009).
In chapter two I explain the ‘Abd al-Raziq family’s opposition to the caliphate dating back to the 1890s. Contemporaries reading Islam and the Foundations of Government would not have been surprised to see an ‘Abd al-Raziq attacking the caliphate, for ‘Ali’s father, Hasan ‘Abd al-Raziq, helped to found Egypt’s first secular nationalist party—the Umma party—in 1907. Many leaders of the Umma party, like Hasan ‘Abd al-Raziq, supported the Islamic reformation promoted by Muhammad Abduh. Abduh taught them to embrace a liberal shari‘a, founded upon the freedom of belief and political liberty. But by the turn of the twentieth century, the intellectual circle associated with Hasan ‘Abd al-Raziq began to promote policies by appealing to reason, the European sciences, or the advanced state of Western civilization, rather than Islam. I explain why they chose to pursue political secularism, rather than Islamic liberalism, as the best means of improving conditions in Egypt. This background explains why ‘Abd al-Raziq could so easily dismiss the caliphate as an institution that brought only suffering and oppression to Muslims.

In chapter three I describe the political context in which ‘Abd al-Raziq published Islam and the Foundations of Governance. ‘Abd al-Raziq’s work never mentions Egyptian politics, but it clearly defends the secular nationalist platform of Egypt’s Liberal Constitutionalist party. Moreover, it refutes the doctrine of the caliphate at a time when Egypt’s King Fu’ad was trying to claim the title. As contemporary observers recognized, the work was clearly politically motivated. Turning from the political context of ‘Abd al-Raziq’s work, I examine the arguments made therein. Two-thirds of ‘Abd al-Raziq’s work consists of his revised history of the origins of Islam. I argue that ‘Abd al-Raziq’s history reflects the influence of European history writing, which he studied at the Egyptian University under Carlo Nallino. Like Nallino, ‘Abd al-Raziq sought to explain how historical sources reflect the economic, political, and social conditions of a
people. Approaching the doctrine of caliphate in this way, ‘Abd al-Raziq argued that many of the inherited narratives concerning the origins of the caliphate are false, insofar as they report beliefs and institutions that did not exist among the Arabs of Abu Bakr’s time.

Lastly, in chapter four I examine the critical response to *Islam and the Foundations of Government* in the writings of Rashid Rida, Shaykh Muhammad b. al-Tahir Ibn ‘Ashur, Shaykh Muhammad al-Khidr Husayn, Shaykh Muhammad Bakhit, and the scholars of al-Azhar. I argue that, like ‘Abd al-Raziq, his critics were all generally motivated by a desire to limit the abuses of oppressive, despotic rulers in Islamic society. They, however, saw the institution of the caliphate as the most promising avenue to restraining rulers and establishing the rule of law, for the caliphate, of all the world’s systems of government, was the only system charged with enforcing the shari’a. I also examine specific objection made to ‘Abd al-Raziq’s method of shari’a reasoning, and his treatment of Islamic history. I end with a brief examination of Noah Feldman’s *The Fall and Rise of the Islamic State*, which I believe presents the most compelling defense of Muslims, like ‘Abd al-Raziq’s critics or contemporary Islamists, committed to establishing states that enforce shari’a law.\(^8\) Feldman interprets the classical Islamic state as a constitutional structure that aimed to limit abuses of executive authority with checks and balances provided by the scholars. His history of the Islamic state demonstrates that constitutional reform need not entail a commitment to a secular state. In some contexts, those seeking more legitimate governments with stronger economies in the Muslim world may do well to abandon their efforts to promote secularism as the means to this end.

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CHAPTER ONE

ISLAMIC POLITICAL THOUGHT AS A CONTEST OF INVENTED TRADITIONS

The future of the Islamic state is very much under formation—but so is its past, which is not really over so long as its meaning is being debated and its outcome remains undetermined.

Standing before the High Council of ‘Ulama in the summer of 1925, Shaykh ‘Ali ‘Abd al-Raziq awaited his judgment. A graduate of al-Azhar and shari’a court judge, ‘Abd al-Raziq now stood accused of publishing a book containing doctrines that “depart from the religion of Islam, the texts of the Qur’an, the prophetic Sunna, and the consensus of the Islamic community.” This book, Islam and the Foundations of Government, argued that the caliphate institution had no basis in the shari‘a. More radically, it argued that the Prophet Muhammad had never founded a government, and that those who established the caliphate after his death believed they were creating a “secular worldly government.” God, according to ‘Abd al-Raziq, left Muslims free to establish whatever system of government they judged best.

1 The High Council of ‘Ulama was an administrative board of 24 leading scholars that oversaw the affairs of al-Azhar.
Published the first of April, *Islam and the Foundations of Government* provoked controversy immediately. Seathing reviews rejected ‘Abd al-Raziq’s work in the papers. Soon, Al-Azhar received petitions demanding that ‘Abd al-Raziq be held accountable for his irresponsible scholarship. Now he stood before the High Council. The rector of al-Azhar, Shaykh Muhammad Abu al-Fadl, read the Council’s decision:

We, the Shaykhs of al-Azhar University, with the consensus of the twenty-four ‘ulama among us from the High Council of ‘Ulama, have ruled to dismiss ‘Ali ‘Abd al-Raziq—one of the ‘ulama of al-Azhar University, judge of the Mansura Shari’a Court of First Instance, and author of the book *Islam and the Foundations of Government*—from the corps of ‘ulama.

In all, ‘Abd al-Raziq was found guilty of propagating seven impermissible doctrines. The High Council summarized them as follows:

1. He [‘Abd al-Raziq] makes the Islamic shari’a a purely spiritual law, with no connection to the administration of justice [*al-hukm*] and the legal execution [*al-tanfīḏ*] of worldly affairs.
2. And [he alleges] that the religion [of Islam] allows that the Prophet’s war efforts were [performed] on behalf of monarchy [*al-mulk*], and not on behalf of religion, nor for the transmission of God’s word [*al-da’wa*] to the territories.
3. And [he alleges] that the system of government administration [*al-hukm*] in the age of the Prophet was a vague, obscure, disorganized, and deficient subject that necessitates confusion.
4. And [he alleges] that the Prophet’s mission was to convey the shari’a, apart from justice and administration [*al-tanfīḏ*].
5. And [he] doubts the consensus of the Companions concerning the necessity of establishing the caliphate.
6. And [he] doubts that the judicial office is an office of the shari’a.
7. And [he alleges] that the government of Abu Bakr, and the Rightly-Guided Caliphs after him, was not religious.

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5 Ibid., 46.
‘Abd al-Raziq published his book just as the worldwide Sunni community had entered a severe identity crisis.\(^6\) Mutafa Kemal Ataturk had abolished the Ottoman caliphate the previous year. No one was sure what would become of the *umma* without a caliph, but for many, predictions were grim. One month after the caliphate had been abolished, the scholars of al-Azhar called for an international congress to be held in Cairo the following year. They hoped the attendees would elect a new caliph, preferably Egypt’s King Fu‘ad.\(^7\) In the midst of his colleagues’ efforts to organize their historic congress, Shaykh ‘Ali’s book appeared, telling Muslims that the caliphate institution had nothing to do with Islam. The book was intended to ignite controversy and create challenging new debates about the Islamic polity. Mostly it succeeded in the former.

Secondary literature suggests that *Islam and the Foundations of Government* found no sympathizers for two basic reasons: 1) it rejected the shari‘a’s authority over affairs of state;\(^8\) and 2) it radically revised the history of Islam, especially the sacred history of Muhammad’s mission and the Rashidun Caliphate.\(^9\) Looking at the scholars’ seven charges against ‘Abd al-Raziq, we can see that one of these two themes is expressed in each of them. The scholars’ claimed that his teachings were impermissible because they departed from tradition. Much of the secondary literature concurs; ‘Abd al-Raziq’s work unacceptable because it was too “unorthodox,”\(^10\) or “at

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\(^6\) Hamid Enayat refers to this identity crisis as “the crisis of the caliphate.” See his *Modern Islamic Political Thought* (Austin: University of Texas Press, 1982), 53-68.


variance with Muslim thought.\textsuperscript{11} This chapter challenges the explanatory value of these observations. Tradition is invented as much as it is inherited. The claim that beliefs or practices depart from tradition is normative as much as it is descriptive. To observe that ‘Abd al-Raziq departed from tradition does not explain why his innovations were considered beyond the bounds of acceptable reasoning. The success of Islamist thought in the last three decades is evidence that radical reinterpretations of Islamic tradition are not doomed to failure. ‘Abd al-Raziq’s contemporaries could have decided, as he most likely did, that his teachings were continuous with the Islamic tradition. An account of ‘Abd al-Raziq’s failure to persuade, then, should explain why his contemporaries were unwilling to accept his teachings as legitimate expressions of tradition.

New theories of political authority, this chapter argues, often produce new origins narratives, or myths of community creation. This is due to the fact that concepts of political authority and institutions of state are closely linked to concepts of community. New political theories like ‘Abd al-Raziq’s, often call for members of a community to reimagine their collective identity. Oftentimes, however, this new identity is presented not as a new form of community, but as an old one—the traditional, or original form of community. Innovators create revisionist origins stories of the community, which project newly-imagined forms of community into the past.

We can call this practice of revising history to justify new conceptions of community historicizing legitimation,\textsuperscript{12} or inventing tradition.\textsuperscript{13} When successful, it is a powerful form of

\textsuperscript{11} C. C. Adams, The Modern Reform Movement in Egypt and the Caliphate (PhD diss., University of Chicago, 1928), 359.

moral argumentation that can radically transform and entrench new patterns of moral reasoning. ‘Abd al-Raziq invented tradition when he narrated that the Prophet Muhammad never established a government. The jama‘i scholars of the ninth century invented tradition when they narrated that the Rashidun Caliphate lasted thirty years. The Umayyads invented tradition in the late seventh century when they narrated that the Prophet Muhammad founded a community of Muslims rather than Believers. The Prophet Muhammad invented tradition when he narrated that Abraham was not a Jew or a Christian but one who lived in submission to God. Indeed, Islamic tradition is being invented today, as we can see in the revisionist narratives recently published by Abdullahi An-Na‘im, Noah Feldman, among others. In each of these cases, we see that revisionist narratives of communal origins are produced along with new conceptions of political authority.

In the sections that follow, I: 1) Describe the classical doctrine of the caliphate as expressed in the works of eleventh century scholars al-Baqillani, al-Baghdadi, al-Mawardi, and al-Juwayni; 2) Demonstrate that the classical doctrine of the caliphate was an invented tradition, which radically revised previous concepts of caliphal authority, and narratives of Islamic origins;

15 Fred Donner argues that Muhammad and his followers understood themselves as “Believers,” an ecumenical concept that included all righteous monotheists—Jews and Christians alike. He believes that a Muslim identity, distinct from the other monotheistic communities, emerged c. 690 under the Umayyad caliph ‘Abd al-Malik as a way of legitimating Umayyad rule over Jewish and Christian communities. It is around this time that we find increasingly frequent references to the Prophet Muhammad—most notably, on the Dome of the Rock and the first printing of the double shahada on Umayyad coins. See Fred Donner, Muhammad and the Believers: At the Origins of Islam (Cambridge: The Belknap Press of Harvard University Press, 2010).
16 Qur’an 3:67
3) Examine a contemporary, invented tradition in ‘Abdullahi An-Na‘im’s *Islam and the Secular State*. Comparing An-Na‘im and ‘Abd al-Raziq’s work, I argue, exposes a crucial shortcoming of *Islam and the Foundations of Government*. ‘Abd al-Raziq never presented readers with a positive vision of the new, post-caliphate, Islamic community. Without a clear vision of the form of community that Muslims should embrace, there was little incentive for them to accept ‘Abd al-Raziq’s innovative history. An-Na‘im’s work engages in historicizing legitimation, but also provides a detailed account of the secular state, which seeks to persuade Muslims that Islamic society is actually best protected by religiously neutral state institutions.

**The Classical Doctrine of the Caliphate**

The classical Sunni theory of statecraft identifies the caliphate as the basic institution of government. For medieval Sunni scholars, the caliph was the state; ministers, local governors, tax collectors, generals, judges, and scribes worked as his pleasure. Sunnis believed that the institution of the caliphate dated back to the rule of Abu Bakr (d. 634). Taking over the Prophet Muhammad’s position as leader of the Islamic community, Abu Bakr was called Muhammad’s caliph, or successor. In a certain way, Sunni scholars may have been correct; Abu Bakr may have adopted the title of caliph.19 In another way, they were not. The concept of the caliphate expressed in classical Sunni theories of statecraft actually developed between the ninth and eleventh centuries.20 It took shape, piecemeal and gradually, first in the works of *jama‘i* scholars,

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19 There is no documentary evidence of an Islamic ruler being called caliph prior to ‘Abd al-Malik’s coin reform c. 690. As Donner explains, “of the roughly dozen documentary attestation to the leader of the community of Believers dating before the time of ‘Abd al-Malik, every one refers to the leader as *amir al-mu‘minin*—not once is he called *khalifa*.” See *Muhammad and the Believers: At the Origins of Islam* (Cambridge: The Belknap Press of Harvard University Press, 2010), 211.

20 I date the emergence of the Sunni doctrine of the Caliphate to the latter half of the eight century because this is when the title *khalifat rasul Allah* first appears. Patricia Crone and Martin Hinds, *God’s Caliph: Religious Authority*
like al-Shafi‘i (d. 821) and Ahmad Ibn Hanbal (d. 855), and became fully crystallized in the writings of Sunni scholars like al-Baqillani (d. 1013), al-Baghdadi (d. 1037), al-Mawardi (d. 1058), and al-Juwayni (d. 1085). A concept of the caliphate may trace back to Abu Bakr’s time, but not the classical Sunni concept. In the interest of presenting the general features of the classical caliphate concept, I will briefly compare the accounts of the caliphate provided in the eleventh-century works cited above.

Sunni scholars typically argued that God commands Muslims to establish a caliph. Reason or sociological laws cannot explain this obligation. According to al-Baghdadi, Muslims can recognize that the shari‘a requires them to set up a caliph when they consider the following: 1) the companions were unanimous concerning its necessity; and 2) the shari‘a contains laws that require an enforcer. Al-Mawardi argued that reason actually refuses submission to a ruler. In the interest of maintaining social cohesion, reason will compel the rational being to refrain from hostility, and to deal fairly with others. But reason demands that the rational being follow “the dictates of his own mind.” To be reasonable, he must judge for himself what kinds of actions counts as hostile or fair; he can’t surrender these judgments to a ruler. Thus, reason does not compel submission to a ruler, quite the opposite. For al-Mawardi, God established the necessity

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23 As examples of such laws, al-Baghdadi mentions: Enforcing legal penalties; giving women with no guardians away in marriage; guarding the property of orphans; and dispatching troops. Ann K. S. Lambton, State and Government in Medieval Islam: An Introduction to the Study of Islamic Political theory: The Jurists (Oxford: Oxford University Press, 1981), 78.
of submitting to a caliph when he said, “O you who believe, Obey God, the Messenger, and those of you who are in authority.”

Concerning the actual form of the caliphate institution, Sunni authors usually discuss the following features: 1) the proper means of establishing a caliph; 2) the requirements of eligibility for the caliphate; 3) the circumstances that forfeit the caliphate; 4) the possibility of deposing a caliph; and 5) the caliph’s responsibilities. Sunnis agree that a caliph must be invested by means of either election, or appointment by a predecessor. Al-Baqillani, as is typical of Sunni scholars, claimed that the electors must be among those who loose and bind, but al-Mawardi defined this group more specifically, listing moral probity, prudence, and knowledge of the requirements of eligibility for the caliphate. Sunnis claim that the method of election was established by the Companions, when they elected Abu Bakr as Islam’s first caliph. Since Abu Bakr went on to designate his successor, ‘Umar, most Sunni scholars permitted the caliph to be elected by only one person. Abu Bakr’s precedent also made caliphal appointment a permissible means of investing the caliph. Most Sunni scholars reject the permissibility of electing two or more caliphs out of fear that this will create rivalry and factionalism within the umma. Some permit multiple caliphs, if they are separated by seas, and therefore unable to enter into rivalry.

Sunni scholars varied on the requirements of eligibility for the caliphate, but most agreed a viable candidate must have: moral probity; extensive knowledge of the shari‘a; sound hearing, vision, and speech; no crippling physical defects; prudence; administrative skill; courage; and Qurayshi ancestry. Knowledge of the shari‘a is an interesting requirement here, because, as I

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discuss below, Sunni scholars did not expect the caliph to determine the shari’a. Yet many required him to be a *mujtahid*, which would give him greater legal knowledge than many of his judges. Al-Baqillani argued that the caliph must have legal knowledge because he is responsible for appointing judges.27 Al-Juwayni says legal expertise is required because “he has no need to seek legal advice from others about events that arise.”28 Here, al-Juwayni is frankly admitting that the caliph is not obligated to ask the advice of scholars. He must be a *mujtahid*, in case he chooses to make decisions on his own, for otherwise he could not enforce the shari’a. The requirement of Qurayshi descent is particular to Sunni theories of the Imamate. Scholars claimed this requirement, like the means for investing the caliph, was established by the companions. When the Prophet Muhammad died, one of the Ansar, Sa’d b. Ubayda, tried to claim the caliphate. But Abu Bakr insisted that one of the Quraysh must lead the *umma*. According to some reports, Abu Bakr explained that the Arab tribes would only follow the leadership of the well-respected Quraysh tribe. In other reports, Abu Bakr cites a Prophetic hadith: “The Imams are of the Quraysh.”29

Sunni authors typically agreed that the caliph forfeits his authority if he commits sinful acts, or is suspected of holding heretical beliefs. Al-Mawardi added that the caliph is disqualified from leadership if he suffers a disabling physical injury, or is “taken into custody” by an

overpowering enemy. Although Sunni scholars generally agreed on the circumstances that forfeited the caliphate, they disagreed about how, or even if, he can be deposed. Most argued that the community should first try to summon him to right behavior. If he refuses, according al-Baqillani, then they are permitted to depose him—although he does not mention how they will pull this off. Al-Mawardi says that a caliph found to commit sinful acts “must step down,” but doesn’t mention what to do if he refuses. He suggests, although he does not say so explicitly, that Muslims cannot resort to rebellion to depose their caliphs—for Muhammad reportedly said: “You will be ruled after me by some who are benign, and some who are depraved. Listen to them and obey them in all that is right. The good they do will be for your benefit and theirs; the bad they do will be for you and against them.” In the case of the caliph being abducted with no hope of being rescued, the community is free to elect a successor. Al-Juwayni gives the most frank and straightforward expression of the subjects’ impotence to depose a caliph. The caliph who commits impious acts, he explains, “may divest himself without being deposed.” Depositing the caliph is not an option for Muslims. They may try to correct his behavior, but even correcting a wayward caliph should not be taken lightly. “All of this is, in our view, subject to the scrutiny of specialists. Understand it well.”

34 Ibid.
Lastly, and most importantly, Sunni scholars usually claimed that the caliph was responsible for enforcing the shari‘a.\textsuperscript{35} As al-Baghdadi had mentioned, some shari‘a ordinances, like collecting taxes of defending outposts, required an administrator. This was the caliph’s responsibility. Al-Mawardi listed ten public duties required of the caliph: 1) guarding the faith; 2) resolving disputes between parties; 3) securing the land for safe travel; 4) dispensing legal punishments; 5) strengthening border defenses; 6) leading offensive raids to continually expand the territory of Islamic sovereignty; 7) collecting taxes mandated by the shari‘a; 8) administering the treasury; 9) appointing capable men to government posts; and 10) personally overseeing administration, rather than relying solely on the authority of delegates.\textsuperscript{36} Each of these responsibilities is regulated by the shari‘a, in some way, but they generally express political responsibilities that any community would expect of a head of state. The one exception is the first responsibility to guard the faith. For, al-Mawardi, this means to promote Sunnism and persecute other sectarian varieties of Islam. The caliph must uphold “the consensus of the nation’s ancestors” by engaging heretics in argument, demonstrating the truth to them, and administering legal penalties to them when necessary.

Notice that the caliph is charged with implementing the shari‘a, not creating it or even defining it. Of course, by the scholars’ standards, only God legislates the shari‘a. This causes contemporary observers some confusion. For, according to the scholars, the caliphate institution is required by the shari‘a. Moreover, the caliph surely must establish laws and policies in order to carry out his responsibilities. What, then, is the status of these laws? If the shari‘a requires


human beings to invest a caliph, does that mean that each of the caliph’s decrees is, by extension, a requirement of the shari’a? Ann Lambton suggests the answer is yes when she writes:

In Islamic political theory . . . . the law precedes the state and is immutable at all times and under all conditions. The state is there to carry out the law. To disobey a law or to neglect a law is not simply to infringe a rule of the social order; it is an act of religious disobedience, a sin, and as such involves religious penalty.\(^{37}\)

Eleventh-century scholars, however, would not endorse this description of their state. It requires careful consideration, for its general spirit is correct, but Lambton moves too quickly from the claim “The state is there to carry out the law,” to the inference “Disobeying a law of state is a sin.”\(^{38}\) In one sense, all the scholars would agree that this inference is clearly illegitimate. Let us imagine that a caliph passes a law requiring Muslims to eat pork. None of the scholars would say that disobeying this law is a sin. True, al-Mawardi would likely say that rebelling against this caliph is a sin, for Muhammad said to “Listen to them [evil caliphs] and obey them in all that is right.” But notice that Muhammad did not say to obey the caliph in what is wrong. One can coherently decide to both: 1) not rebel against the caliph; and 2) not obey his sinful laws. Other scholars, like al-Baqillani, might consider rebellion acceptable in these circumstances.

In another sense, Lambton’s inference is acceptable, but not necessarily for the reason that she suggests. Lambton suggests that it is a sin to disobey the state’s law because it is recognized as an ordinance of the shari’a. But this need not be the case. Let’s consider only state laws that the scholars endorse—not sinful laws. Scholars may identify some of these laws with


\(^{38}\) Admittedly, Lambton only says that “to disobey a law” is a sin, but the context suggests that she means a law of state.
shari’a norms. For example, if a Muslim subject fails to submit his annual zakat payment to the state, then he can be said to have committed a sin, insofar as God requires all capable Muslims to pay zakat. Scholars may also endorse laws, however, that they do not identify as shari’a ordinances. As al-Mawardi puts it, “some of the legal functions performed by the sovereign might conceivably not have been required by the faith.” These laws or policies are judged permissible. For example, the caliph may need to pass a state tax in order to maintain the army. The scholars will consider the tax permissible, so long as it is not exorbitant, because the caliph needs the revenue to meet his responsibility for defending the umma. But permissible actions are merely actions that do not conflict with the observance of the shari’a. God accepts them; He doesn’t command them. So if a citizen chooses to withhold the state tax, has he committed a sin? Al-Mawardi would say yes, but not because God commands the tax. Rather, the citizen sinned because God commands Muslims to obey “those of you who are in authority”—a command that entails obeying their pragmatic policy decisions. Therefore, the scholars would agree that laws of state, or caliphal decrees, need not be taken as expressions of the shari’a.

It is often said that “Islam knows no distinction between state and church.” This claim is both true and unsurprising, since church and state are concepts that developed in Christian Europe. It does not necessarily follow, however, that the Islamic tradition conflates the concepts of state and church. An English speaker may not distinguish between the nominative, accusative, dative, and genitive cases of nouns, but she does not have a concept of some kind of super case that combines them all. Rather, she just doesn’t happen to think in those terms when she thinks

40 Qur’an 4:59
about grammar. The same is true for Sunni scholars concerning church and state, as their writings on the caliphate illustrate. If we take their concepts that most resemble state and church—the caliph and the scholars, respectively—we see that these institutions serve different functions within Islamic society. In short, the scholars are responsible for interpreting, or determining, the law, while the caliph is responsible for enforcing it. Scholars, in their capacity to define the shari‘a, make the state legal; they judge whether or the not the state adheres to the rule of law. Thus, the shari‘a-observant society is maintained through the cooperation of the caliph and the scholars. In theory, the caliph, just as any other Muslim, is subject to the shari‘a. In practice, since there were no institutional arrangements for deposing a caliph, he could sometimes ignore the rule of law, as the scholars defined it. But his might never made him right. That is, the caliph never had the authority to justify his autocratic measures by interpreting the shari‘a on his own. Even if he was a mujtahid, as many scholars required, Sunni jurisprudence holds that the shari‘a is revealed through consensus. Thus, the scholars’ strength in numbers ensured that they could never lose their authority to define the rule of law.

On the other hand, saying that Islam recognizes no distinction between state and church may simply mean that Muslims, prior to the nineteenth century at least, expected the state to uphold ends that post-reformation Europeans would consider eternal, or the domain of the church. In this sense, the claim is true. The caliph was expected to use his coercive power to defend and maintain a rightly-ordered society, conceived as a society where inhabitants can live in accordance with the shari‘a and attain salvation. Thus, for al-Mawardi, the caliph should persecute and, if possible, convert heretical groups that might lead his subjects astray. Still, this

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42 Many scholars argued that citizens should endure the poor leadership of caliphs who fail to observe the shari‘a, but purely for pragmatic reasons. Rebelling against a wicked caliph was likely to cause more disorder and suffering than his misguided policies. Still, the caliph, judged by the standards of the shari‘a, remained evil. Should he continue unchallenged in this life, God would surely punish him in the next.
responsibility reflected the caliph’s exclusive possession of coercive power. He alone had the power to implement punishments; the scholars did not. Thus, while the caliphate institution was certainly not religiously neutral, its ends were distinctive from that of the scholars. Rather than distinguishing between the functions of scholars and caliphs on the basis of purported eternal versus temporal ends, Muslims distinguished them according to their ends of deciding versus enforcing God’s law.

Sunnis did not determine the doctrine of the caliphate purely in the interest of maintaining a shari’a-observant society. Many of its features took shape in response to rival theories of Islamic rule expressed by Shi’a, Kharijite, and other sectarian groups. As we saw, Sunni scholars tended to advise against rebellion, or forbid it outright. Shi’a and Kharijite groups had a history of leading rebellions against the Umayyad, and later Abbasid, caliphs. In a way, the Sunni doctrine of the caliphate took shape as an effort to discredit the rival theories of the imamate that Shi’a and Kharijite groups used to justify their rebellions. As al-Juwayni explained, “the subject of . . . this section [the Imamate] does not in itself concern a fundamental principle of belief. However the danger of falling into a serious error over it is too grave for someone to remain ignorant of the principle involved here.” Hence, in their discussions of the caliphate, Sunnis usually addressed the proper methods of investing the caliph, for their account undercut Shi’a theories of investment, according to which leadership was designated by God, or


transmitted through descent. Likewise, the Sunni requirements of eligibility for the caliphate discredited the Shi’a claim that the Imam must be sinless.

Failing to endorse a caliphal form of Islamic rule, then, placed one outside the bounds of community. According to Sunni scholars, Muslims were also obligated to endorse certain historical beliefs about the original, rightly-guided caliphate and its decline. Al-Ash’ari (d. 936) described them as follows:

We assert that the Imam succeeding the Apostle of God was Abu Bakr; . . . The Muslims made him their imam, just as Muhammad had made him Imam at prayers. Then followed [as legitimate Imams] ‘Umar b. al-Khattab; then ‘Uthman b. ‘Affan; his murderers killed him out of wickedness and enmity; then ‘Ali b. Abi Talib. These are the Imams after the Messenger, and their succession is a succession to the God’s Messenger. . . . We hold that the four Imams were in a true way, were rightly guided and excellent, so that no one equals them in excellence . . . We uphold the prayer for peace for the Imams of the Muslims, submission to their office, and maintain the error of those who hold it right to rise against them whenever there may be apparent in them a falling away from right. We are against armed rebellion against them and civil war.

Here, al-Ash’ari mentions the essentials of Sunni historiography: 1) Abu Bakr, ‘Umar, ‘Uthman, and ‘Ali were rightly-guided [rashidun]; 2) Muslims were wrong to rise against ‘Uthman, and ‘Ali during the fitna; and 3) Each rightly-guided caliph ruled as a successor to God’s Messenger (khalifat rasul Allah), not as God’s deputy (khalifat Allah). These points of historiography were first expressed by jama’i scholars in the late eight century, and constituted a historiographical revolution within Islam. They radically revised divisive jama’i perceptions of the early caliphate, and allowed a disparate collection of Muslim communities to establish a

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collective memory of the past. This collective memory did not just alter perceptions of the past; it also was crucial to the gradual formation of the Sunni community. The historiographical revolution of the jama’i scholars, therefore, provides a paradigmatic example of historicizing legitimation. Jama’i scholars justified and encouraged the formation of a new kind of community, that of Sunni Muslims, by crafting historical narratives, which projected the community’s existence into the past. Hence, Sunnis came to believe that their community is as old as Islam itself—the direct descendant of the original community of companions, which pre-existed the development of Shi’a and Kharijite sects. The classical Sunni doctrine of the caliphate played a central role in these revisionist narratives.

Inventing the Classical Caliphate

Scholars like al-Mawardi, have repeatedly reimagined the nature of Islamic governance in times of crisis. These new visions of Islamic rule, I argue, have frequently produced revisionist historical narratives that aim to demonstrate continuity between new forms of government and the rule of Muhammad and his companions. These narratives constitute invented traditions. Invented traditions can depict a real or imagined past. They are distinguished by their effort to present unprecedented, improvisational judgments and actions as long-established, normative habits of thought and practice. The use of invented traditions demonstrates, as Noah Feldman has argued, that new theories of Islamic governance do not just alter the future of statecraft in Muslim-majority countries; they also change the collective

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48 As Donner would say, the jama’i scholars were “enmeshed in the time-bound irony” of history writing: “to write history is to write about events in relation to their own past, in order to provide those events with significance that makes them worthy of being remembered in the future.” Fred Donner, Narratives of Islamic Origins: The Beginning of Islamic Historical Writing (Princeton: The Darwin Press, INC, 1998), 114.
memory of the past. This section examines the clearest example of a successful, reform-inspired historical revision in Islamic history—the historiographical revolution of the jama‘i scholars.

Muslim scholars first appeared in the latter half of the Umayyad caliphate (c.710). Their role in Islamic history is akin to that of the rabbis after the destruction of the second Temple. That is, their influence on the Islamic tradition is so massive and overwhelming, that in a certain sense, we can’t really speak of Islam prior to the rise of the scholars. The scholars established most of the practices and habits of reasoning that we commonly associate with Islam. For example, they established the concept of Muhammad’s Sunna as a revealed source of law, the use of hadith reports in legal reasoning, and the critical methods for assessing the soundness of historical reports. Indeed, they developed the theory of jurisprudence (usul al-fiqh) that Muslims take for granted today.50

We cannot actually speak of a Sunni community prior to the eleventh century, for it was not until then that Sunni scholars established a “shared understanding of the Sunna of the Prophet and its implications.”51 From the turn of the eighth century to the eleventh, we must speak jama‘i rather than Sunni scholars.52 This term describes a loose and diverse grouping of scholars, including legal specialists, Murji’ia, ahl al-hadith, and Mu‘tazila. While they did not identify with each other, and disagreed on many points of Islamic belief and practice, scholars of

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50 For these developments, see: Wael B. Hallaq, The Origins and Evolution of Islamic Law (Cambridge: Cambridge University Press, 2005).


52 Ibid. Patricia Crone coined this term, following Marshal G. S. Hodgson’s use of the term jama‘i-Sunni. Others works refer to these scholars as “proto-sunnis.” J ama‘i is the preferable term, because it reinforces the idea that these scholars were not Sunnis. Moreover, the category of jama‘i scholars includes mu‘tazila scholars, who are not usually identified with the Sunni tradition.
these traditions typically claimed to adhere to communal unity. Practically, this meant that they shared a commitment to obey the ruling caliph. Shi‘a and Kharijites fell outside of this thin, overlapping consensus, insofar as they often rejected the caliph’s legitimacy, and rallied around rival Imams. At the turn of the ninth century, the united community defended by *jama‘i* scholars existed primarily in their imaginations.

Given the paucity of contemporary sources, we can only speculate about the religion of Muhammad and the Believers. Some of the sources that do exist, however, suggest that their traditions would be alien to Muslims living in the ninth century and later. What could be more basic to Islam than the *shahada*—witnessing that there is no god but God and Muhammad is the Prophet of God? Numismatic evidence suggests, however, that the earliest form of the *shahada* only stated “there is no god but God.” Likewise, many Islamic tombstones dating from the first three quarters of the first century AH mention God but not Muhammad. Could it be that the early community of Believers placed little emphasis on Muhammad’s biography? If so, their understanding of Islam was certainly different from post ninth-century Muslims who treated the Sunna of Muhammad as a revealed source of Islamic practice. The pre-Abbasid concept of the caliphate also suggests that Muslims, prior to the rise of the scholars, practiced a radically different tradition.

As discussed earlier, classical Sunni theorists believed that a rightly-ordered (shari‘a-observant) society requires a division of labor between the caliph and the scholars. The scholars

53 Ibid.


interpreted the shari’a and made it known to others, while the caliph enforced it. The nature of the caliphate, therefore, was defined in relation to the work of the scholars. If we think back to the investment of Abu Bakr, however, this concept of the caliphate appears anachronistic, for there were no scholars in his context. How, then, did his companions understand the caliphate? Patricia Crone and Martin Hinds have presented the most persuasive account of the early caliphate to date. Following their work, I will explain how jama’i Muslims came to reject and reformulate the early conception of the caliphate, finally producing the classical doctrine that eventually took its place. The jama’i concept of the caliphate took hold, I argue, partly because these same scholars successfully propagated a historiographical revolution, consisting, most notably, in the myth of the Rashidun Caliphate. Their revisionist narratives established, among other things, continuity between the scholars’ innovative understanding of the caliphate and the original conception of the companions.

Patricia Crone’s portrayal of early Islamic historiography provides little hope that we can ever know much about the first century of Islam:

For over a century the landscape of the Muslim past was . . . exposed to a weathering so violent that its shapes were reduced to dust and rubble and deposited in secondary patterns, mixed with foreign debris and shifting with the wind.”

Each element of Crone’s metaphor has a purpose. Memories of Islam’s first century were “reduced to dust and rubble,” Crone argues, because the Arabs, following the precedent of Jewish rabbis, adopted an “atomistic method of transmission.” Rather than memorizing and

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58 Ibid., 5.
handing down extended narratives of past events, Arab transmitters preferred to collect and compile anecdotal reports from a plethora of witnesses. This format made their collective memories, still being transmitted orally, more susceptible to manipulation, and forgery.\textsuperscript{59} After fragmenting their memories, Crone claims, the Arabs “deposited” them into “secondary patterns, mixed with foreign debris, and shifting with the wind.” These metaphors describe the process of early Islamic history writing, which began in the early Abbasid caliphate.\textsuperscript{60} Scholars combined the atomized reports available to them with their own doctrinal commitments (foreign debris) and pressed them into new story arches (secondary patterns). Moreover, their stories continued to transform (shift in the wind), since the early scholars were in the process of creating new forms of Islamic identity.

If Crone is right, then we should treat the doctrine of the caliphate as a composite object. If we are skillful, or lucky, we may be able to read early expositions of the caliphate critically, break the concept down, and distinguish the authentic memories of the early caliphate from the spurious additions of later transmitters.\textsuperscript{61} This is precisely what Crone and Hinds do in their analysis of caliphal title used by the Umayyads—\textit{Halifax Allah}. Crone does not believe we can reconstruct the first century of Islam in much detail. But what we can know of the period, she argues with Hind, suggests that the standard Sunni narratives of the Rashidun Caliphate are

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\item Crone argues that anecdotes can more easily be divorced from their context, or transformed through a slight alteration of words. Ibid., 5.
\item Ibid., 3.
\item Crone describes the difficulties in critically reading accounts of the early caliphate as follows: “[T]he key issue that divides them [Sunnis, Shi’a, and Kharijites] is the legitimate leadership of the Muslim community after the Prophet’s death: who was entitled to the imamate? This was endlessly discussed with reference to the participants in the first civil war, and eventually the caliphs before it too, so that by the time the sources available to us began to be compiled (roughly a century after the events), the historical events had been through too many polemical mills to be retrievable today. (In fact, all narratives relating to pre-Umayyad history in this book are given without commitment to their historical truth unless the contrary is specified).” Patricia Crone, \textit{Medieval Islamic Political Thought} (Edinburgh: Edinburgh University Press, 2004), 21.
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largely fictional memories, forged by *jama‘i* scholars in the interest of justifying their innovative teachings.

Islamic literary sources, as well as contemporary numismatic evidence, tell us that the Umayyad caliphs adopted the title, *khalifat Allah* (God’s deputy).\(^62\) Sunni scholars have frequently reproached the Umayyads for this practice. Al-Mawardi tells us that the supreme leader of the *umma* is known as the “caliph” (*khalifat*), “because he is a successor (*khalifat*) of the Messenger . . . in ruling his *umma*\(^63\) ‘Caliph,’ in other words, is really an abbreviation for the full title, “Successor of God’s Messenger” (*khalifat rasul Allah*). Yet al-Mawardi acknowledges that many Muslims take ‘caliph’ as the abbreviation of “God’s Deputy” (*khalifat Allah*). Some scholars permit this usage, al-Mawardi explains, “on the ground that he [the caliph] oversees what is owed God by His creation.”\(^64\) But the majority who reject it, he affirms, can find support in the precedent of Abu Bakr. For, “When Abu Bakr the upright heard himself addressed as ‘God’s Deputy,’ he responded, ‘I am not God’s Deputy (*khalifat Allah*), but the Successor of God’s Messenger (*khalifat rasul Allah*), may God bless him and grant him salvation.”\(^65\)

Al-Mawardi, we can see, identifies the title *khalifat rasul Allah* with the classical Sunni concept of the caliph: the caliph is the leader who succeeded Muhammad “in ruling his *umma*.” By reporting that Abu Bakr endorsed this title as well, al-Mawardi presents the Sunni concept as the original understanding of the caliphate. But what is at stake in rejecting the title *khalifat* [*allah*](http://example.com)
Allah? And why is khalifat rasul Allah preferable? According to the scholars, khalifat Allah suggested a more autocratic power, which the Umayyads were all too eager to claim. The title of God’s deputy (khalifat Allah) implies that God personally assigned the caliph to rule on His behalf. Successor of God’s Messenger (khalifat rasul Allah), on the other hand, suggests restraint on the caliph’s authority. As the successor to God’s Messenger, the caliph must follow Muhammad’s precedent. This means that there is a standard, Muhammad’s practice, by which the caliph’s actions can be judged.

It is no surprise that the jama‘i (and later Sunni) scholars would depict the virtuous caliph as the one who followed Muhammad’s practice, for it was the jama‘i scholars who developed the legal concept of Muhammad’s practice (sunna) in the ninth century.66 Jama‘i scholars like al-Shafi‘i taught that Muhammad’s Sunna was, alongside the Qur’an, a source of revelation. Muslims could learn of Muhammad’s Sunna through the critical scrutiny of hadith reports, which jama‘i scholars began compiling into critical collections during the ninth century as well.67 By the end of the century, understanding Muhammad’s Sunna was taken as a prerequisite to understanding the shari‘a. Thus, when al-Mawardi reports that Abu Bakr adopted the title khalifat rasul Allah, he imagines Abu Bakr submitting to the explicit norms recorded in hadith reports. Since Abu Bakr was one of Muhammad’s companions he could be expected to have known these norms firsthand. But in al-Mawardi’s context, a caliph who wanted to follow Muhammad’s Sunna would have to turn to the scholars for guidance. Abu Bakr, therefore,


67 The concept of Sunna and the development of hadith studies provided scholars with new, foundational legal documents, and authoritative methods of interpretation, which were central to the formation of law schools. These innovations, as I mentioned earlier, ensured the scholars’ claim to epistemic authority within the Islamic tradition.
promoted a title that necessitated the classical, Sunni power sharing arrangement between the caliph and the scholars.

We can see how the title *khalifat rasul Allah* captures the classical Sunni conception of the caliphate. But does it follow that the Umayyads, by adopting the title *khalifat Allah*, made claims to autocratic power? The short answer is yes; the writings of Umayyad caliphs suggest that they did consider themselves as God’s direct agents, charged with the authority to both interpret and enforce God’s law. Their conception of the caliphate had no connection with the authority of scholars. As Crone and Hinds have it:

> The early caliphate was conceived along lines very different from the classical institution, all religious and political authority being concentrated in it; it was the caliph who was charged with the definition of Islamic law, the very core of the religion, and without allegiance to a caliph no Muslim could achieve salvation.  

In classical Sunni theories of state, the law, as defined by the scholars, makes the state legal. According to the Umayyads, however, the law, as defined by the caliph, made the state legal. The Umayyad caliph’s regime was a true conflation of state and church. From the *jama‘i*, and later Sunni, perspective, the Umayyad caliphs appeared to wield autocratic power, in the sense that no one had the authority to challenge their legal decisions. The Umayyad caliph al-Walid II (d.744) described the responsibilities of God’s deputy in his letter of succession. There, he divided world history into the age of the Prophets, ending with Muhammad’s death, and the age of the caliphs. He explained that in the age of the caliphs, God no longer sends Prophets with revelation to warn and guide humanity. Instead, God appoints caliphs, who have inherited the Prophets’ authority to lead others down the path to success in this life and the next. As he put it:

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God deputed His caliphs over the path of His prophethood—[that is] when He took back his Prophet and sealed His revelation with him—for the implementation of His decree (hukm), the establishment of His normative practice (sunna) and restrictive statues (hudud), and for the observance of His ordinances (fara'id) and His rights (huquq), supporting Islam, consolidating that by which it is rendered firm, strengthening the strands of His rope, keeping people away from His forbidden things, providing for equity ('adl) among His servants and putting His lands to right, [doing all of these things] through them.  

Al-Walid II simply says that caliphs have inherited the path of prophethood. He does not qualify this claim by adding that they have only inherited Muhammad’s political authority. In the age of the caliphs, human beings rely upon the caliph to show them the path of obedience to God. There is no other source of authority to which they can turn. Indeed, al-Walid II argues that obedience to the caliph holds the community of believers together. Those who disobey the caliph stray from the divinely-ordained path to success in this life and the next. They leave the community, and God will surely send horrible afflictions upon them:

Nobody can dispute their [the caliphs’] right without God casting him down, and nobody can separate from their polity [jama’a] without God destroying him, nor can anyone hold their government in contempt or query the decree of God concerning them [the caliphs] without God placing him in their power and giving them mastery over him, thus making an example and a warning to others.  

For al-Walid II, obedience to God is obedience to the caliph. The umma is the community that accepts God’s guidance by submitting to his deputy. The Umayyad concept of the caliphate continued to survive into the early decades of Abbasid rule, but by the early ninth century we find al-Shafi‘i (d. 821) arguing that the caliph is “a mere executor of the law chosen
by the community.” As mentioned above, al-Shafi‘i was also the first scholar to argue that Muhammad’s Sunna was an authoritative source of *fiqh* (Islamic jurisprudence). Given his account of *fiqh*, al-Shafi‘i could argue that the caliphs have no special insight into the nature of the shari‘a. Indeed, they know less than the scholars, because they are unfamiliar with the thousands of hadith reports that relate Muhammad’s Sunna, and they lack the skills to critically assess them. Notice, however, that al-Shafi‘i and his *jama‘i* contemporaries would be wrong to blame the Umayyad caliphs for ignoring either the expertise of the scholars, or the authority of Muhammad’s Sunna. Both of these potential checks upon the caliph’s authority had hardly been conceived during the Umayyad era. But the *jama‘i* scholars blamed them Umayyads nonetheless. We saw al-Mawardi, for example, report that Abu Bakr insisted that he was not God’s deputy, but a successor to God’s Messenger. If this story is true, then the Umayyad caliphs should have known better than to make laws on their own, without consulting the scholars who Muhammad’s Sunna best.

The Myth of the Rashidun Caliphate

By now, we should have a clear idea of why al-Mawardi’s report about Abu Bakr is anachronistic. In Abu Bakr’s context, the distinction between the titles *khalifat Allah* and *khalifat rasul Allah* would have made little difference, for there was no developed concept of Muhammad’s Sunna. In al-Walid II’s letter, for example, he claims to have inherited the “path of prophethood,” which entails establishing God’s law. Al-Walid could claim, without any inconsistency, that he both defines God’s law, and follows the Sunna of the Prophet Muhammad.

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In his context, the Sunna of Muhammad had yet to be identified with explicit norms recorded in hadith collections. Prior to al-Shafi‘i, claiming to follow someone’s sunna was like claiming to honor the memory of someone today. At best, it was a vague, suggestive claim that left the exact connection between one’s actions and another’s practice unspecified. Why, then, by Abu Bakr’s standards, would the title khalifat rasul Allah be preferable to the title khalifat Allah? Even more puzzling, by rejecting the title khalifat Allah, Abu Bakr somehow anticipated the title that the Umayyads, allegedly, introduced. If ‘caliph’ originally meant ‘successor to God’s messenger,’ then we should not find Abu Bakr having to argue the point. For these reasons and others, Crone and Hinds argue that khalifat Allah was most likely the original caliphal title. The Umayyads were not impious tyrants who abandoned the Rashidun Caliphs’ good example. Rather, they were ordinary first-century Muslims who followed it. This means that the concept of the khalifat rasul Allah, the concept of the caliph as a political ruler responsible only for enforcing the shari‘a, is entirely the creation of jama‘i scholars.

Al-Mawardi’s story of Abu Bakr taking the khalifat rasul Allah title is a clear example of an invented tradition. That is, it is a historical narrative meant to establish continuity between contemporary innovations and the beliefs or practices of revered predecessors. In this case, the story of Abu Bakr is meant to establish continuity between the jama‘i concept of the caliphate, and the concept held by the Rashidun Caliphs. Eric Hobsbawm has argued that “all invented traditions, so far as possible, use history as a legitimator of action and cement group cohesion.” Likewise, the invented tradition of the khalifat rasul Allah justifies a concept of a just ruler

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73 Ibid., 21-22.
which has many practical consequences. Jama’i scholars could use the precedence of Abu Bakr, for example, to challenge caliphs who deviate from Muhammad’s Sunna, or who think they have the authority to define points of Islamic theology or law. Typically, scholars like al-Mawardi are portrayed as political quietists because of their willingness to obey even tyrannical caliphs. But when compared to the early Islamic conception of the caliphate, al-Mawardi’s doctrine actually allows him greater political influence. Al-Mawardi, unlike a scholar living under al-Walid II, can declare the caliph’s actions illegal. In the context of the mihna the jama’i concept of a purely political caliphate became a rallying principle for the group of scholars—and their followers—who refused to endorse the Abbasid Inquisition.

Indeed, the report about Abu Bakr is just a small fragment of a much larger invented tradition: the myth of the Rashidun Caliphate. If we recall al-Asha’ri’s creed, he claimed that Muslims must believe that: 1) Abu Bakr, ‘Umar, ‘Uthman, and ‘Ali were rightly-guided [rashdun]; 2) Muslims were wrong to rise against ‘Uthman and ‘Ali during the fitna; and 3) Each of the rightly-guided caliphs ruled as a successor to God’s Messenger (khalifat rasul Allah), not as God’s deputy (khalifat Allah). Each of these points would have been unintelligible prior to mid-eighth century, and only gradually gained supporters during the ninth. Concerning the Rashidun Caliphate, according to the early conception of the caliphate, all caliphs were rightly guided, insofar as God had deputed them to establish his law. Moreover, the reigns of ‘Uthman and ‘Ali provoked strong disagreement among jama’i scholars. It was not uncommon for them to

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75 By ‘myth,’ I don’t mean a historical narrative that lacks historicity. I mean a story of origins—in this case, of the umma. Eliade argued that creation myths do not just explain how things came to be; they also explain how things should be. Stories of creation present the original forms of things—what they really are, or would be, if the accidents of history had not interfered. This is the sense of myth that I have in mind. See Mircea Eliade, The Sacred and the Profane (New York: Hartcourt Books, 1957), 95-96.

debate which of the two companions resides in the fire. During the eighth century, it seems that most believed ‘Uthman had been wrongly killed, and ‘Ali’s rule was illegitimate.\textsuperscript{77} For them, Islam’s fourth caliph was Mu‘awiya, not ‘Ali. After the Abbasid victory over the Umayyads, however, Shi‘a historiography, which emphasized ‘Ali’s legitimacy and the tragedy of his assassination during the fitna, became more influential among jama‘i scholars.\textsuperscript{78} Ahmad Ibn Hanbal (d.855) was among the first jama‘i scholars to argue that the Rashidun Caliphate extended through the reign of ‘Ali.\textsuperscript{79} For him, each of the first four caliphs were rightly-guided rulers in the sense that they were close companions of Muhammad, recognized as legitimate rulers by their subjects, and observant of the shari‘a. As a sophisticated collector and critic of hadith, Ibn Hanbal had many reports to support his view, but he considered the one of the strongest to be the report of Muhammad saying, “The Caliphate of Prophecy will last thirty years; then God will give the rule of His kingdom to anyone He wills.” When questioned about its soundness, he responded “This is evil and useless talk. Those [indulging in it] are to be shunned and boycotted, and people are to be warned against them.”\textsuperscript{80} Endorsing the Rashidun Caliphate of Abu Bakr, ‘Umar, ‘Uthman, and ‘Ali became a requirement for membership in the Islamic community.

Concerning the fitna, disagreement over the reigns of ‘Uthman and ‘Ali created a polarized perception of the wars. Everyone agreed that someone had acted wrongly, but not upon

\textsuperscript{77} Muhammad Qasim Zaman, \textit{Religion and Politics under the Early ‘Abbasids: The Emergence of the Proto-Sunni Elite} (Leiden: Brill, 1997), 50-56.


\textsuperscript{79} Earlier in life, he, like many of the jama‘i scholars, did not consider ‘Ali to have been a legitimate ruler. But after many years of collecting hadith reports recounting ‘Ali, as caliph, conducting the Hajj, making legal rulings, and leading prayer, Ibn Hanbal came to accept that ‘Ali had ruled legitimately. Muhammad Qasim Zaman, \textit{Religion and Politics under the Early ‘Abbasids: The Emergence of the Proto-Sunni Elite} (Leiden: Brill, 1997) 50-56; 169-71.

\textsuperscript{80} Ibid., 171.
the identity of the wrongdoer. By insisting that both ‘Uthman and ‘Ali were among the rightly-guided caliphs, jama‘i scholars created a kind of historiographical comprise, which allowed for the creation of a shared memory of the fitna. As al-Asha‘ri had it, all Muslims who raised arms against either ‘Uthman or ‘Ali had made a mistake. The supporters of ‘Uthman and ‘Ali could both accept this narrative without insulting the memory of their heroic leaders. Moreover, it also allowed Muslims to reinterpret the fitna in terms sympathetic to both sides. If neither ‘Uthman nor ‘Ali committed a sin, then one could sympathize with, but still disapprove of, their defenders. As al-Juwayni explained: “Ali b. Abi Talib was the imam and was rightfully invested with it. Those who fought him were rebels. But the high regard they are owed obliges us to believe that they had the best of intentions, even if they were mistaken.”

For the jama‘i scholars, the transfer of power from the Rashidun Caliphs to the Umayyads brought an unfortunate end to a golden age of Islam, but it was justifiable. They tended to remember the Umayyads as kings, but this did not mean they were illegitimate rulers. Rather, they were morally inferior to the Rashidun Caliphs, in the sense that they sometimes acted as tyrants and introduced un-Islamic deviations. Recognizing the legitimacy of the Umayyads also helped to create shared memories across a wide range of communities. Muslims that supported the Umayyads were remembered as part of the umma, while, at the same time, the Abbasids could be celebrated for restoring Islamic rule. Thus, by then end of the ninth century, the myth of the Rashidun Caliphate enabled many jama‘i scholars to imagine themselves as part

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of one united *umma* that began with Muhammad’s mission, and has maintained under the leadership of three separate regimes.\(^{83}\)

Lastly, as I discussed above, the Asha’rite doctrine that each of the Rashidun Caliphs ruled as a Successor to God’s Messenger, legitimated the scholars’ claim to epistemic authority over Islamic law and theology. This change of affairs increased the scholars’ authority over the *umma*, of course, but it also altered the way in which Muslims imagined their community. As Patricia Crone has argued, by the mid-eighth century, the *umma* was becoming “de-politicized.”\(^ {84}\) We can see this in a puzzling question raised by the innovative *jama‘i* history of the *fitna*: why did wars over political leadership create religious sectarian divisions within the *umma*? Crone and Hinds’ reconstruction of the early caliphate presents an answer. As God’s deputy, the caliph’s authority was identical with God’s. The followers of ‘Ali and Mu‘awiya believed that their caliph established God’s law and brought them salvation. ‘Ali and Mu‘awiya, then, defined two respective religious communities. Hence, after the war’s end, sectarian religious communities remained. By the mid-eighth century, however, the *umma* was increasingly defined by the scholars, as their epistemic authority rose and that of the caliph’s waned. Thus, in 756, when ‘Abd al-Rahman I claimed a rival caliphate in al-Andalus, Muslims living under Abbasid rule did not regard the Andalusians as apostates. Some Sunni scholars challenged the Andalusian caliphate’s legitimacy when they argued that there cannot be two caliphs, but they did not claim that their subjects had necessarily gone astray.

If Fred Donner is right to suggest that “the function of history is . . . to authorize a community’s very claim to legitimate existence,” then we should expect the *jama‘i* scholars’

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innovative histories to legitimate a novel form of community. As I have argued, jama‘i narratives did in fact justify the existence of a more inclusive Islamic community, which became known as the Sunni community. The development of Sunni law between the eighth and eleventh centuries was certainly crucial to this process. But just as crucial was the development of a historical narrative that enabled separate communities of the eighth century to develop a collective memory.

Why did the jama‘i scholars’ historiographical revolution succeed, whereas other revisionist histories, like ‘Abd al-Raziq’s, are easily dismissed? If revisionist histories seek to promote new forms of community, then their success depends upon a people’s desire to become that kind of community. In the context of the jama‘i scholars, local Islamic communities had much closer relations with the scholars, than they did with the caliph and his deputies. Local scholars interacted with their communities through teaching, offering advice, or issuing fatawa. Villagers built relations of trust with the scholars. Meanwhile, many had bitter memories of Umayyad abuses. Therefore, eighth and ninth century communities had incentive to transfer religious leadership from the caliph to the scholars. The desirability of a scholar-centered community is certainly one reason why the jama‘i scholars’ myth of Islamic origins took hold.

In the following section I examine Abdullahi An-Na‘im’s recent work, Islam and the Secular State. More than any other contemporary Muslim intellectual, An-Na‘im walks in the footsteps of ‘Ali ‘Abd al-Raziq. Like ‘Abd al-Raziq, An-Na‘im defends the legitimacy of the secular state on Islamic grounds. Moreover, he also argues this point by way of a revisionist history of the Islamic state. But An-Na‘im, I argue, offers a stronger case for the secular state.

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Unlike ‘Abd al-Raziq, An-Na‘im presents a detailed account of the secular state, which explains why Muslims have incentive to adopt the new kind of community that he proposes. Of course, we cannot know whether or not An-Na‘im’s defense of the secular state will persuade many Islamists, but his use of historicizing legitimation has better form than ‘Abd al-Raziq’s.

**In the Workshop of Tradition: Abdullahi An-Na‘im**

Imagine that one of ‘Abd al-Raziq’s contemporaries, a young law student, bought a copy of *Islam and the Foundations of Government* and spent the afternoon thoroughly engrossed in the book. He was impressed with ‘Abd al-Raziq’s facile dismantling of the common legal arguments for the caliphate’s necessity. He wasn’t sure if he was persuaded by ‘Abd al-Raziq’s revisionist narrative of the caliphate’s origins, but he certainly found it interesting. It is true, he observed, that details about the Prophet’s government are quite thin in the classic historical annals. It is also puzzling that the companions did not consider Sa‘d b. Ubayda and ‘Ali b. Abi Talib apostates when they refused to pledge obedience to Abu Bakr. Could it be that they did not believe God had obligated Muslims to follow his leadership? As he reads the book’s last page, however, he begins to feel unsatisfied. Here, finally, ‘Abd al-Raziq gives his own view of the kind of government Muslims should adopt:

> Nothing in the religion [of Islam] prevents Muslims from entering into competition with other nations in the social and political sciences, and from tearing down that ancient order to which they have been subjugated and under which they have been humbled. And nothing prevents them from building the laws of their kingdom, and the order of their government, upon the most recent conclusions arrived at by the minds of men, and the most assured results which the experiences of the nations have indicated to be the best principles of government.\(^86\)

Our disappointed student decides that ‘Abd al-Raziq is quite skilled at “tearing down the ancient order,’’ but leaves much to be desired when it comes to thinking about what’s next. To suggest that Egyptians should follow the most recent conclusions of political scientists is only to reiterate that they should abandon the classical caliphate. At most, it suggests that Egyptians should somehow imitate European forms of government—as if they were all the same. But this still says nothing about the actual institutions of state that Muslims should adopt. Indeed, ‘Abd al-Raziq seems to celebrate Islam’s vagueness concerning government. If supporters of the caliphate are not presented with an alternative form of government that they can support, our student laments, there is little hope of them abandoning the caliphate ideal. Fourteen years later, he wishes that he had written his thoughts down, so he could document his prescience. He has just heard an exciting speech by an up and coming public intellectual named Hasan al-Banna. Speaking to an engaged audience of hundreds, al-Banna presented the kind of vision for the modern, Muslim-majority state that ‘Abd al-Raziq neglected:

When one considers the principles that guide the constitutional system of government, one finds that such principles aim to preserve in all its forms the freedom of the individual citizen, to make the rulers accountable for their actions to the people and finally, to delimit the prerogatives of every single authoritative body. It will be clear to everyone that such basic principles correspond perfectly to the teaching of Islam concerning the system of government. For this reason, the Muslim Brothers consider that of all the existing systems of government, the constitutional system is the form that best suits Islam and Muslims.87

Al-Banna never even mentions the caliphate, and no one blames him for it. The purported obligation to establish a caliphate has been entirely forgotten.88 Why could ‘Abd al-Raziq not

87 Quoted in Brynjar Lia, The Society of the Muslim Brothers in Egypt (Reading: Ithaca Press, 1998), 204.
88 It is true that King Faruq, with the support of his mentor Shaykh al-Maraghi, had a vague ambition to become caliph from 1938 to the end of his reign. But there was little popular support for a Faruq caliphate. Elie Kedourie, “Egypt and the Caliphate, 1915-52,” in The Chatham House Version (Chicago: Ivan R. Dee, 1970), 203-07.
have offered a positive vision of the post-caliphate state? Most likely, he would have agreed with
the aim al-Banna’s speech. ‘Abd al-Raziq was, after all, a prominent member of the Liberal
Constitutionalist party. Had he offered Muslims a constructive account of the post-caliphate
Islamic community, his book might not have fallen on deaf ears.

Our student’s concerns point to a weakness in *Islam and the Foundations of Government*,
but one that may seem unavoidable. Although ‘Abd al-Raziq certainly did support
constitutionalism, he did not believe that he could do so on Islamic grounds. He had argued that
Islam has “no concern” with “the direction of Islamic armies, the defense of cities and frontier
towns, and the arrangement of government ministries.”89 If people want to make wise judgments
about political affairs like these, then they should have recourse to “reason and experience,” and
“the opinions of experts.”90 According to ‘Abd al-Raziq, Islam cannot be used to justify certain
institutions of state, and the state cannot claim to enforce Islamic laws, for God has nothing to
say about politics. What kind of states should Muslims create? Don’t ask an Azhari like ‘Abd al-
Raziq; ask a political scientist.

Many commentators have described *Islam and the Foundations of Government* as an
Islamic defense of political secularism,91 but this description is not quite on the mark. ‘Abd al-
Raziq does not argue that citizens need secular institutions of state, nor does he mention their
benefits to society. Instead, he argues that Muslims cannot make political arguments on Islamic
grounds—that there is no such thing as Islamic institutions of state, or Islamic laws, in the sense
of state ordinances. ‘Abd al-Raziq’s book, therefore, did not enable Muslim activists to

1925), 103.
90 Ibid.
City: University of Utah Press, 2009).
understand the benefits of a secular state. He just provided them with a gag order. The recent work of Abdullahi An-Na’im makes the shortcomings of ‘Abd al-Raziq’s work especially evident. He presents a true “religious justification for the principle of secularism,”92 by arguing that the secular state best promotes the establishment of Islamic societies. Like ‘Abd al-Raziq, An-Na’im uses revisionist history to dislodge Muslim assumptions about Islamic tradition. As he has it, Islamic history demonstrates that the secular state actually corresponds with traditional patterns of government, for they also separated institutions of religion and state. Most importantly, however, An-Na’im provides a comprehensive account of the secular state that he believes Muslims should adopt.

The Impossibility of the Islamic State

In many ways, Islam and the Secular State is written to challenge Islamists. He wants to disabuse them of harmful assumptions—for example, that an Islamic state will best protect an Islamic society. An-Na’im argues that the “so-called Islamic state” of the twentieth-century Islamist imagination is a “logical contradiction.”93 If he is right, then it is actually impossible for a state to enforce the shari’a. How can this be so? An-Na’im begins with an unconventional definition of the shari’a. He claims the shari’a is “essentially religious,”94 insofar as “shari’a principles by their nature and function defy the possibility of enforcement by the state.”95 This

93 Ibid., 2.
94 Ibid., 15.
95 Ibid., 2.
would certainly be news to al-Mawardi. As we saw earlier, he expected the caliph to enforce the shari‘a by collecting zakat, implementing hudud punishments, and the like.\footnote{Al-Mawardi, \textit{The Ordinances of Government}, trans. Wafaa H. Wahba (Reading: Garnet Publishing, 1996), 16.}

An-Na‘im claims that his idiosyncratic concept of the shari‘a follows from the principles of fiqh, most importantly consensus (ijma‘).\footnote{Abdullahi An-Na‘im, \textit{Islam and the Secular State} (Harvard: Harvard University Press, 2008), 12-15.} Consensus, for An-Na‘im, is not just a backward-looking inventory of overlapping decisions; it is a living process of forging agreement through debate, persuasion, and concession. All currently-accepted points of consensus, he claims, began as minority opinions; all orthodox doctrines began as local heresies. Therefore, if Muslims accept consensus as a source of fiqh, then they should accept that Muslims must be free to endorse any conceivable legal judgment. Even in seemingly clear cases of heretical judgments, a Muslim’s freedom of belief must be defended. Coercing heretics to abandon their views robs the Islamic community of future points of consensus—legitimate shari‘a norms. In some cases, these heresies might win adherents and blossom into official doctrine. In others, new points of doctrine will take shape in response to the heretics’ challenge.

According to An-Na‘im’s construal of consensus, it is literally impossible to enforce the shari‘a with coercion. When one Islamic community persecutes another that it considers heretical, the purportedly heretical community is excluded from the process of discovering consensus, insofar as its members cannot argue for their beliefs with others. The coerced community, then, is robbed of a legitimate means of engaging the shari‘a. The community that does the persecuting, on the other hand, also loses its claim to consensus, for consensus cannot be created through the exclusion of those who disagree. Therefore, when Muslims defend the shari‘a with coercive force, they actually destroy it for all parties involved. That is why An-
Na’im claims the shari’a is “essentially religious.” Since a state must enforce its general policies with coercive force, the shari’a can never become state policy or law.

Assuming that coercion does prevent Muslims from engaging the shari’a, is An-Na’im right to infer that it is a “logical contradiction” for a state to enforce the shari’a? Let us imagine that the world’s Muslim community has reached consensus on every imaginable point of Islamic law. Could a state not enforce these laws without having to coerce its citizens? Even in this extremely implausible case, An-Na’im would argue that the state cannot claim to enforce the shari’a. “Even when there is wide consensus on a particular meaning among many generations,” An-Na’im argues “… it cannot be exclusive or final, because such consensus depends on the context and the method of interpretation employed.”98 If all the world’s Muslims agree that the shari’a consists of norms A through Z, their agreement is still only one interpretation of the shari’a among others. Therefore, the state’s laws will remain open to challenge on shari’a grounds. If the coercive power of the state is used to defend these laws, even if all citizens temporarily sanction this coercion, then the laws will constitute only a mundane, fallible, legal code.

For An-Na’im, the shari’a can only live and breathe at the “voluntary civil-society level, not through state institutions.”99 A community can voluntarily concede that certain norms of etiquette, education, wealth distribution, or foreign policy, for example, express the shari’a. These norms express the shari’a, for An-Na’im, because they reflect a living engagement with its sources. But once these norms are flash-frozen into legislative codes they are transformed, because the state “requires a form and a degree of continuity and predictability that religious

98 Ibid., 47.
99 Ibid., 291.
As An-Na’im imagines the shari’a, it’s radical openness to interpretation gives communities the freedom to completely reconstruct its meaning at any given time. State law codes cannot work this way. For some communities, then, a state-enforced shari’a will prevent them from engaging its sacred sources. They may not be able to establish Islamic schools or welfare organizations, for example, if the state rejects their variety of Islam. Contrary to the Islamist vision of the Islamic state, it will actually inhibit the creation of an Islamic society.

If An-Na’im is right about the nature of the shari’a, then Muslims who wish to live in an Islamic society are better off abandoning the idea of an Islamic state. There may be some Muslims, however, who think that An-Na’im still has not demonstrated that the Islamic state is a logical contradiction. Perhaps they are willing to accept that there is some kind of conflict between: 1) a Muslim’s freedom to discover consensus; and 2) state enforcement of a shari’a-inspired code. But why should supporters of the Islamic state write off this conflict as a logical contradiction, incapable of a solution? It might be more fruitful to frame An-Na’im’s objection to the Islamic state as an unresolved puzzle—a problem for future theorists of the Islamic state to resolve. Even if there is an irresolvable tension between consensus and coercion, it might not be very different from the irresolvable tension between civil liberties and public policy in secular states. In that case, An-Na’im unknowingly describes a creative tension at the heart of the Islamic state that should continually drive political debate among its citizens.

I raise objections to An-Na’im’s dismissal of the Islamic state, not to refute him, but to emphasize that anomalies in a theory need not be taken as counter-instances to that theory. If

100 Ibid., 77.

the theory of the Islamic state induces Islamists to expect that Islamic states will create Islamic societies, then perhaps An-Na’im’s criticism will cause an Islamist to recognize that logic has somehow violated his theory-induced expectations. This recognition is an anomaly; it represents, as I mentioned above, a problem for future theorists of the Islamic state to resolve. An-Na’im wants the Islamist to take his criticism as a counter-instance—a reason to reject the theory of the Islamic state altogether. What could persuade him to do so? I believe, as Thomas Kuhn argued, that “the decision to reject one paradigm is always simultaneously the decision to adopt another.” If this is true, then An-Na’im must present a theory of statecraft that Muslims can adopt in place of the Islamic state. He satisfies this requirement with his account of the secular state.

Inventing a Secular Tradition

Undoubtedly, many Islamists will be unwilling to reject the theory of the Islamic state, regardless of the objections raised against it, because they believe that tradition is on their side. The companions founded the caliphate, and the caliph’s responsibility was to enforce the shari’a. Thus, contemporary Muslims must establish states that enforce the shari’a as well. An-Na’im, however, challenges the perceived continuity between the pre-colonial caliphate and the Islamic state. Whereas Islamists will commonly discount the legitimacy of the secular state, because it is a “Western imposition,” An-Na’im argues that their model of an Islamic state is equally a product of “postcolonial discourse that relies on European notions of the state and positive

102 This is a reworking of Kuhn’s definition of anomaly. Ibid., 52-53.
103 Ibid., 71.
Indeed, as he has it, the secular state “is more consistent with Islamic history than is the so-called Islamic state model . . .” Like the *jama‘i* scholars of the ninth century, An-Na’im substantiates this claim by means of historicizing legitimation.

One may ask if revisionist history is a responsible form of political argument in the contemporary world. We can understand how *jama‘i* scholars, having no concept of history as a professional discipline, were susceptible to forging a past that supported their interests in the present. Shouldn’t An-Na’im know better? An-Na’im frankly admits that his narrative is guided by normative commitments, but he argues that this is not such a strange thing. He asserts that “no one can deal with Islamic history or any other history in a neutral or objective manner.” Inevitably, historians of Islam “emphasize one element or another [of Islamic history] in order to support specific views of social institutions, economic relations, or political organizations.” Directly or indirectly, all accounts of Islamic history “are intended to influence the views and behaviors of present-day Muslims.” Thus, An-Na’im is aware that he engages in historicizing legitimation, and makes no apologies for it. His point is not, however, that Muslims should be entitled to write any spurious narrative that supports their political interests. Rather, he emphasizes that history telling is an essentially political act—one that aims to create a purportedly virtuous community for the future. The narrator of the past, then, cannot be dismissed for holding normative commitments that influence her narrative. Instead, she must be judged by the degree to which her narrative accurately describes the past.

An-Na’im’s history is not just shaped by his advocacy of the secular state. It is also premised upon a sociological theory of authority. He distinguishes between religious and

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105 Ibid., 3.
106 Ibid., 45.
107 Ibid., 48.
political forms of leadership, arguing that there is an “inherent contradiction in the conflation or convergence of religious and political authority.” It is unclear to me what An-Na’im means by ‘contradiction’ here. He cannot mean that it is inconsistent to claim that someone possesses both religious and political authority, because An-Na’im acknowledges that combining the is possible—most notably, in the example of the Prophet Muhammad. Thus, An-Na’im asserts, tautologically, that “the conflation/convergence ideal has been impossible to achieve since the time of the Prophet because no other human beings can enjoy the Prophet’s combination of religious and political authority.” One the other hand, he also admits that, “some religious leaders can enjoy political authority over their followers, and some political leaders may have religious legitimacy for some segments of the general population.” It appears that An-Na’im’s point is that leaders who possess both religious and political authority are quite rare, and that when such conflation is achieved, it is often short-lived. Instead of calling it a contradiction, we might say that there is an inherent tension in the conflation of religious and political leadership, or that their union is unstable. According to An-Na’im, leaders have difficulty combining religious and political authority because they constitute “two different types of authority” that are formed and maintained through entirely different social processes.

If we compare religious and political leaders, An-Na’im believes, we see that their authority differs in terms of its nature, manner of legitimation, and scope. Political authority is

108 Ibid.
109 Ibid., 53.
110 Ibid., 78.
111 Ibid., 74.
112 Ibid., 78.
coercive power. All states need political leaders to perform “essential functions”\textsuperscript{113} of state, like defending against foreign powers, providing security, and arbitrating disputes between subjects. Political leaders legitimize their coercive power by demonstrating their capacity to use it effectively to serve these ends. An-Na’im claims that the qualities of political leadership are objective, in the sense that others can observe and debate a leader’s ability to provide security or the like. Since political leaders must exercise coercive authority over a large body of people, their qualities of leadership “must . . . be determined on a large and public scale.” Otherwise, citizens are likely to consider their use of force illegitimate and create civil strife.\textsuperscript{114}

Religious authority, for An-Na’im, is the power to establish moral norms. He does not claim that religious leadership, like political leadership, is essential to society. Religious leaders offer “advice in temporal as well as spiritual matters,” to which their followers comply voluntarily. Followers accept the religious authority of people whom they believe to be pious and possess religious knowledge, or moral wisdom. An-Na’im claims that these perceived qualities are established by “subjective value judgments” that are best made “through local routine interactions” with religious leaders.\textsuperscript{115}

These typological differences between political and religious authority, An-Na’im believes, explain why it is difficult for leaders to possess both simultaneously. Imagine that President Ahmadinejad wants to become recognized as the religious leader of Iran. According to An-Na’im, he would have to convince the citizens of Iran that he possesses the highest degree of piety and religious knowledge. How could he go about this? His aids could orchestrate a press campaign, propagating images of him reading the Qur’an to children, lecturing \textit{hauza} students on

\textsuperscript{113} Ibid., 50.
\textsuperscript{114} Ibid., 50-51.
\textsuperscript{115} Ibid., 50-51.
the finer points of Islamic doctrine, and debating prominent ayatollahs. Admittedly, some would be impressed by this campaign—almost of them people who already approved of Ahmadinejad as a political leader. But it is one thing to decide that Ahmadinejad is commendable for his piety or wisdom. It is another to adopt him as one’s moral authority.

Local leaders, An-Na’im argues, have a decided advantage when it comes to establishing religious authority: ordinary folk can interact with them. Villagers and townsmen can visit local religious leaders when they need moral advice, religious instruction, help coping with trauma, help finding a spouse or a job, charity, or a safe place to store their valuables. Through these interactions, the local leader’s alleged piety or wisdom becomes concrete, and most importantly, he remains available for future guidance. The poor Iranians who adopted Ahmadinejad as their religious leader will have a hard time scheduling a meeting with him. Ahmadinejad could use the coercive powers at his disposal to force Iranians to study his book of religious wisdom, perform their daily prayers, and stop smoking tobacco. But if they do not already consider him a religious authority, such coercion is likely to make Iranians resent Ahmadinejad for forcing them to do unnecessary things. Ultimately, his coercive efforts will cause them to doubt his piety or wisdom.

Now, imagine a local mullah who wants to become the president of Iran. His followers, who have established close relations of trust with him, think his candidacy is a great idea. But other Iranians have never heard of him. He does not have the resources to fund a large campaign, and tries to find donors. As he establishes contacts with potential supporters from others villages, he finds they are unimpressed with his credentials. He has never held a public office before, and he seems to know next to nothing about Iran’s economic problems. One of them wryly suggests that he try running for mayor of his village first.
We can see why Ahmadinejad and the local mullah, have difficulty acquiring both religious and political authority. Their respective forms of authority are based in radically different skill sets, and established through different modes of social interaction. Even if a ruler was to acquire both forms of authority, An-Na’im argues, she would still be in the possession of two distinct types of authority, working at odds with each other. Citizens would grant her these forms of authority for entirely different reasons, and fulfilling the responsibilities of one leadership role could easily conflict with the expectations of another. Some citizens may reject her religious authority when she continues to allow banks to collect interest. Others might decide she is an unfit political leader if she attempts to stop them.

If An-Na’im’s theory of authority is correct, then history should demonstrate that rulers—or states—attempting to claim religious authority have inevitably failed. As An-Na’im retells the history of Islamic civilization, this is exactly what he finds. The Umayyad caliphs claimed that they ruled as God’s deputies, but Muslims rejected their piety and rebelled against them.\textsuperscript{116} The Abbasid caliph al-Mansur tried to mandate his theology among the scholars, but they refused his right to interfere with their autonomy over religious matters.\textsuperscript{117} The Fatimid Imam claimed to possesses secret religious wisdom that made him the infallible guide of humanity, but his Sunni subjects refused him this status.\textsuperscript{118} The Mamluk amirs claimed the authority to regulate religious discourse, and thus imprisoned Ibn Taymiyya.\textsuperscript{119} But they had to deal with him carefully, because a substantial segment of the public regarded him, rather than the state, as a religious leader. In each case, Muslim rulers proved unable to establish their religious

\textsuperscript{116} Ibid., 61.
\textsuperscript{117} Ibid., 62-66.
\textsuperscript{118} Ibid., 66-73.
\textsuperscript{119} Ibid., 73-77.
authority over their subjects, and created political unrest. For An-Na’im, their failures do not reflect a lack of practical skill. Rather, their efforts to claim religious authority “could not possibly have succeeded, because of the fundamental differences between religious and state authority.”\(^{120}\)

Returning to An-Na’im’s claim that the secular state is more consistent with Islamic history than is the Islamic state, we can now see that An-Na’im understands ‘Islamic history’ in a particular way. He does not mean a narrative that explains how Muslims have understood their polities throughout Islamic civilization. Rather, for An-Na’im, ‘Islamic history’ describes the way in which authoritative institutions actually functioned within Islamic society, regardless of how Muslims conceived them. Therefore, An-Na’im frames his history of Islam as “the empirical reality of Muslim history”\(^{121}\)—an account of “the dominant view in practice,”\(^{122}\) which, however, won only the “indirect, tacit acceptance” of classical scholars.\(^{123}\) An-Na’im’s history aims to make the inherent assumptions of Islamic political practice explicit, thereby creating a narrative that “is not prevalent among Muslims today.”\(^{124}\)

An-Na’im’s historiographical frame is both interesting and curious. One the hand, it offers a justification of his counternarrative. How can An-Na’im arrive at such an unfamiliar history of Islam? Because he examines Islamic society from an institutional, rather than ideological, perspective. Classical Sunni scholars and contemporary Islamists alike, An-Na’im

\(^{120}\) Ibid., 66. An-Na’im’s theory of authority provides us with more insight into his earlier claim that the Islamic state is a “logical contradiction.” He first drew this contradiction out of an alleged incompatibility between the need for Muslims to rely on consensus and the need for the state to use coercive force. Now, we can see An-Na’im drawing the incompatibility out of the respective natures of religious and political authority. The Islamic state is a “romantic illusion” premised upon an impossible fusion of leadership.

\(^{121}\) Ibid., 62.

\(^{122}\) Ibid., 53.

\(^{123}\) Ibid., 65.

\(^{124}\) Ibid., 55.
suggests, approach the state as a question of *fiqh*. They try to describe how it should function, according to their conception of the shari’a. Regarding Islamic history, they either assume that classical Islamic states functioned in this ideal manner, or, if they didn’t, that human error prevented them from achieving the “ideal prescribed by Islam in its foundational sources.”

An-Na’im’s framing of Islamic historiography is curious, however, because he assumes that the “Islamic ideal” of statecraft has historically been the establishment of a “conflated religious and political leadership.” As he has it, Muslims have traditionally adopted a “conflation model” of the state, “based on the model of the Prophet Muhammad,” according to which “there should be no separation between state and religious institutions.”

By presenting the conflation model as the Islamic ideal, An-Na’im suggests that it characterizes the broad stream of Islamic thought. I say this is a curious claim because, as per my discussion of the classical caliphate doctrine above, Sunni Muslims never imagined that the caliph possessed the combined religious and political authority of the Prophet Muhammad. Nor did they identify the caliph’s authority with that of the scholars. Rather, they insisted that the caliph is a successor to God’s Messenger; he is bound to follow Muhammad’s Sunna, which is ultimately established through the consensus of the scholars. The caliph merely enforced the law that the scholars defined. Indeed, An-Na’im’s distinction between religious and political authority is very similar to classical scholars’ distinction between the authority of the scholars and that of the caliph. Frankly, it is unclear whose thinking this conflation model is supposed to represent. Perhaps, though he does not say so, An-Na’im’s conflation model is actually based on

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125 Ibid., 46.
126 Ibid., 62.
127 Ibid., 53.
contemporary Islamist thought, which oftentimes, in its call for the state to implement the
shari‘a, does conflate political and religious authority.

We should not be surprised, then, by An-Na’im’s thesis that Islamic societies have not
been organized under a ruler who possesses both religious and political authority. Of course, as I
discussed earlier, there is one glaring exception to this claim: the early caliphate. As God’s
deputy, the early caliphs did possess a combined religious and political authority. But An-Na’im
does not follow Crone and Hinds’ history. He follows the traditional Sunni narratives, according
to which the Umayyads introduced the title *khalifat Allah*. Thus, when An-Na’im examines Abu
Bakr’s reign, he finds that Abu Bakr was a political, but not a religious leader. This is especially
evident, An-Na’im argues, in the controversies surrounding the *ridda* wars.

According to the traditional Sunni narratives, Abu Bakr waged the *ridda* wars in order to
enforce the shari‘a. He attacked the tribes that adopted new prophets because God forbids
apostasy. He attacked the tribes that refused to pay *zakat* because God requires *zakat* payment as
a fundamental obligation for all Muslims. Therefore, the narratives assume, Abu Bakr was
justified in resorting to armed force against the renegade tribes. Looking closely at these
narratives, An-Na’im attempts to distinguish these ideological justifications of the *ridda* wars,
from their institutional causes. Why, he asks, was Abu Bakr capable of carrying out the *ridda*
wars? It was not because he possessed religious authority akin to the Prophet Muhammad. God
did not speak through Abu Bakr’s mouth. Perhaps it was because Abu Bakr’s contemporaries
believed him to possess superior knowledge of the Qur’an and Muhammad’s practice? If that
was the case, then Abu Bakr possessed the religious authority of an unrivalled scholar, which
enabled him to carry out the *ridda* wars. An-Na’im argues, however, that historical reports
suggest that Abu Bakr did not possess this kind of authority. It is reported, for example, that
‘Umar did not believe Abu Bakr was right to attack the tribes that merely refused to pay zakat.

“Why would you fight against the people,” ‘Umar asked Abu Bakr, “when the Messenger of God declared: I have been directed to fight against people so long as they do not say: There is no god but God, and he who professed it was granted full protection of his property and life on my behalf except for a right?”

According to this report ‘Umar did not agree with Abu Bakr’s shari‘a reasoning. Clearly, he considered himself as qualified as Abu Bakr to make legal judgments. Yet, despite his disagreement with Abu Bakr’s policy, ‘Umar continued to serve him as a military advisor during the ridda wars. Why would he do this? An-Na’im infers that ‘Umar must have continued to support him “out of respect for Abu Bakr’s political authority.” That is, ‘Umar acknowledged that, as the elected caliph, Abu Bakr had the right to use force to secure or consolidate the community. ‘Umar did not agree with the policy, and tried to persuade Abu Bakr to adopt another, but ultimately the caliph got to make the call. An-Na’im emphasizes that his point is not about ‘Umar’s motive. ‘Umar may not, in fact, have cooperated with Abu Bakr out of a desire to obey a political leader. For example, he may have done so out of a desire to obey God, who commands Muslims to obey those in authority. Still, it would be true to say that Abu Bakr did

128 Sahih Muslim 1:29:

It is narrated on the authority of Abu Hurayra that when the Messenger of Allah (may peace be upon him) breathed his last and Abu Bakr was appointed as his successor (Caliph), those amongst the Arabs who wanted to become apostates became apostates. ‘Umar b. Khattab said to Abu Bakr: Why would you fight against the people, when the Messenger of Allah declared: I have been directed to fight against people so long as they do not say: There is no god but Allah, and he who professed it was granted full protection of his property and life on my behalf except for a right? His (other) affairs rest with Allah. Upon this Abu Bakr said: By Allah, I would definitely fight against him who severed prayer from zakat, for it is the obligation upon the rich. By Allah, I would fight against them even to secure the cord (used for hobbling the feet of a camel) which they used to give to the Messenger of Allah (as zakat) but now they have withheld it. Umar b. Khattab remarked: By Allah, I found nothing but the fact that Allah had opened the heart of Abu Bakr for (perceiving the justification of) fighting (against those who refused to pay zakat) and I fully recognized that the (stand of Abu Bakr) was right.

not possess religious authority over ‘Umar. Likewise, even if we assume that most of the companions agreed with Abu Bakr’s decision, and fought in the ridda wars with a desire to enforce the shari‘a, An-Na‘im would still be correct to say that Abu Bakr’s religious authority did not enable him to wage the ridda wars. If another companion of equal stature had decided that the tribes must be fought, that companion would not be able to amass soldiers and organize attacks, for he was not the caliph. “Whatever may have been the rationale,” An-Na‘im concludes, “Abu Bakr was able to enforce his view over the objections of the leading Companions because he was a caliph, not because he was ‘right’ or ‘correct’ from an Islamic point of view.”

In Abu Bakr’s case, it may be premature to speak of the caliphate as a political institution, since his was the first. But we can see that he led with political rather than religious leadership. According to An-Na‘im, as the Islamic empire developed, religious and political authority in society became entrenched in separate institutions of religion and state. The Umayyads helped to spur this process by enacting policies that angered the emerging class of Muslim scholars. “There was no doubt among Muslims,” An-Na‘im asserts, “that the state established by Mu‘awiya . . . had no religious legitimacy.” Thus, the scholars did not take the khalifat Allah title seriously. They claimed authority over matters of religious belief and practice, but deferred to the caliph’s authority on political and military affairs. The Abbasid caliph al-Ma‘mun challenged this division of authority, however, when he enforced the mihna.

Lasting from 833 to 849, the mihna, or Inquisition, was instigated by the caliph al-Ma‘mun in a bid to establish uncontested authority over the empire. Al-Ma‘mun began his reign fighting a divisive civil war of succession against his brother al-Amin. After defeating his

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130 Ibid., 60.
131 Ibid., 61.
brother, threats to his legitimacy remained within the Shi’a population, as well as his own family. Al-Ma’mun’s uncle, Ibrahim al-Mahdi claimed the caliphate from Baghdad and held the city for two years before al-Ma’mun retook it. In 833, al-Ma’mun sent a letter to his local governors, informing them that they were to carry out an inquisition among the scholars. All scholars were to endorse the doctrine that the Qur’an is created, and not, as God’s speech, an eternal attribute. Those who refused faced prison and lashings, until they confessed the Qur’an’s created nature.

An-Na’im interprets al-Ma’mun’s efforts as an attempt to “reenact” the Prophet’s conflated model of leadership. He fails to mention, however, that Ibrahim al-Mahdi, while he controlled Baghdad, arrested the Hanafi scholar, Bishr al-Marisi for teaching that the Qur’an was created.\(^{132}\) Al-Ma’mun’s inquisition of heretics was not new. As we saw in al-Mawardi’s work, scholars expected as much from the caliph. But they also expected that the caliph would share their perceptions of heresy. In this case, for the many of the jurists and hadith specialists who would later be remembered as Sunnis, he did not. It is not quite right to say that al-Ma’mun tried to claim religious authority for himself, independent of the scholars, for some scholars did endorse the created nature of the Qur’an. Al-Ma’mun did seek to establish his authority over a certain group of influential scholars, however, which could set a precedent for the caliph having authority over all scholars.\(^{133}\)

Some scholars, most famously Ahmad Ibn Hanbal, asserted their autonomy from the state and refused to endorse the caliph’s theology. When they were imprisoned, their followers responded with riots. The state was compelled to release the scholars in order to avoid unrest, and eventually the *mihna* was abandoned altogether. Popular support for the persecuted scholars

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demonstrates their religious authority over a significant portion of the population. These people were not coerced to take to the streets. Indeed, they risked falling victim to state-sanctioned violence or imprisonment by supporting their local religious leaders. Al-Ma’mun’s sophisticated theological arguments, which the masses probably rarely heard, did not persuade them to recognize him as a religious authority. This authority belonged to their local scholars, who had established their piety and wisdom through repeated interactions with their followers. Thus, according to An-Na’im, the Abbasid’s failed attempt to claim religious authority is yet another “obvious rupture between the Islamic ideal of conflated religious and political leadership and the empirical reality of Muslim history.”

With the failure of the mihna, An-Na’im explains, the separation of religious and state institutions became firmly established in Islamic society. Though caliphs would establish some control over the scholars by funding their schools, and appointing scholars to state positions, their autonomy from the state remained throughout the pre-colonial era. Colonialism introduced the European models of the state that govern Islamic societies today. Unlike their pre-colonial predecessors, contemporary states are territorial, centralized, and bureaucratically organized. Religious leaders continue to hold moral authority within Islamic societies, of course, and they can still use their authority to support, pressure, or delegitimize the state. But the state no longer enforces a law that is determined by a class of autonomous legal experts. Law is now made by the state, and codified into clear principles that can be implemented by an administrative staff. An-Na’im argues that this European model of the state is the true inspiration for the Islamic state of Islamist discourse. A codified, state-implemented shari’a was not

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135 Ibid., 65.
136 Ibid., 86.
conceivable in the pre-colonial era, when rulers were expected to “safeguard and promote the shari’a without creating or controlling it.”¹³⁷

Reimagining the Umma

Having argued that the Islamic state inhibits the creation of Islamic societies, and that the secular state finds precedents in Islamic history, An-Na’im goes on to describe the kind of secular state that Muslims should endorse. As I argued earlier, this part of An-Na’im’s argument is crucial to the success of his endeavor to invent tradition. At present, we cannot say how An-Na’im’s narrative of Islamic history will fare, but if the world’s Muslim population came to believe that God prefers them to adopt secular states, then histories like An-Na’im’s would transform from individual narratives to collective memories. They would become tradition. Therefore, having argued that the Islamic state cannot exist, and has not existed, An-Na’im now turns to his positive argument for the secular state that he believes Muslims should embrace.

Muslims who perceive secularism negatively, An-Na’im argues, usually fail to distinguish between the state and politics. That is, they assume that secular states require secular societies—that Islam in the secular state will become a “private” confession, expressed purely through rituals like prayer and fasting. If Muslims are forced to choose between a secular state or an Islamic society, An-Na’im concedes, then he would choose the latter. He does not think the choice needs to be on the table, however. Insisting upon the religious neutrality of the state does not entail eliminating religion from the “public sphere.” Indeed, in order to maintain its stability, the secular state must encourage its religious citizens, Muslims among them, to fully participate in the process of choosing among policy options—i.e. politics.¹³⁸ But in order to participate fully,

¹³⁷ Ibid., 16.
¹³⁸ Ibid., 6.
An-Na’im argues, religious citizens must be permitted to promote policies inspired by the religious commitments that many of them hold most dear. If the state can only take up religiously neutral policies, however, how can it accept proposals based on religious commitments? In order for Muslims to endorse the secular state, An-Na’im believes, this question must be resolved.

An-Na’im proposes that citizens of a secular state must engage in civic reason\(^{139}\) when promoting public policy. That is, citizens must defend or reject policies with supporting claims that are accessible to all citizens—not just the members of their respective communities. Imagine, for example, that an influential group of Muslim citizens lobby for the state to outlaw the collection of interest in order to enforce God’s will. They support their lobby with textual citations from the Qur’an and hadith reports. An-Na’im believes that as Muslim citizens, they are entitled to endorse such policies on religious grounds. But Non-Muslims cannot be expected to accept the authority of the Qur’an and the Sunna of Muhammad. Moreover, the state cannot claim to enforce God’s commands without losing its religious neutrality. Thus, our Muslim lobbyists have offered a political argument that can neither be publicly debated, nor enforced by the secular state. In order to promote their policy, therefore, Muslims seeking to outlaw interest have to offer a different set of reasons—one that they can reasonably expect all citizens to understand. They might argue, for example, that interest has harmful effects upon society. Interest, they might say, encourages predatory lending practices that target the poor and support an unfair distribution of wealth. Others citizens might reject this claim. Then again, they may accept it, but infer that the state should regulate lending practices rather than outlaw interest.

Regardless of their argument’s ability to persuade, non-Muslims can be reasonably expected to endorse it, since its intelligibility does not require that they embrace a certain understanding of the shari’a, or some other comprehensive vision of the good life. Moreover, couched in these terms of civic reason, the state can prohibit the collection of interest and still maintain its claim religious neutrality.

Civic reason, then, transforms the religiously motivated policies of particular communities into religiously neutral proposals that the secular state can enforce. It may allow religious citizens to participate in the political process, but, An-Na’im argues, civic reason alone cannot ensure that state maintains its neutrality. Imagine, for example, that a critical mass of citizens in a Muslim-majority country believe that the state should enforce the jizya tax in order to humble non-Muslims as God commands. They recognize that non-Muslims cannot be expected to accept that God commands their Muslim countrymen to humble them with special taxes. So, as good citizens, the jizya lobbyists defend their policy in terms of civic reason. It turns out that the leading sociologists of Kazanastan have concluded a study, which argues that quality of life is higher among Muslim citizens. Muslims are fifty percent more likely to hold a secondary degree; they are seventy percent less likely to suffer a divorce; and, on average, their life expectancies are ten years longer than that of the average non-Muslim. Based on the evidence presented in this and similar studies, Muslim citizens can now promote the jizya tax by means of civic reason. Like a cigarette tax, the jizya tax is in the best interest of all citizens, insofar as it discourages them from practices that lessen their quality of life.

This argument would probably convince few non-Muslims. For one thing, a comparative study of Muslim populations in different regions and time periods will show that their education levels, divorce rates, and life expectancies vary too widely to support definitive conclusions
about the relationship between Islamic faith and one’s quality of life. The argument does, however, meet the requirements of civic reason, insofar as it is accessible to all. Moreover, there is no way of compelling citizens to be persuaded by the various objections to their jizya policy. Thus, we can imagine a situation in which a state’s Muslim-majority population continues to brush these refutations aside, maintain its commitment to the jizya, and successfully makes it state policy. Even though the jizya policy is now based on civic reason, it seems quite a stretch to call a state that taxes non-Muslims for their religious affiliation secular. This secular state has lost its claim to religious neutrality because civic reason does not necessarily protect minority communities from unfair treatment by the majority. Muslims who read post-September 11th historical works celebrating the wisdom of Japanese American internment policies should already have a sense of this. Hence, An-Na’im argues, in order to maintain its neutrality, the secular state must adopt an “integrated framework” of constitutionalism, human rights, and citizenship. These principles work to reinforce the state’s commitment to religious neutrality, equality, and the rule of law by precluding the state from adopting majority policies that violate the human rights of its citizens.140

In the secular state, the principles of constitutionalism, human rights, and citizenship would each provide strong reasons for rejecting a jizya tax in any form. Internationally recognized human rights standards express “fundamental rights” or “key entitlements” that human beings hold “beyond the contingencies of national politics.”141 A jizya tax should be objectionable, even it has the support of the majority, insofar as it violates a human being’s right to free expression and religious belief. It takes national constitutions, however, to apply human

141 Ibid., 112.
rights in practice. Hence, the secular state should acknowledge a foundational “set of principles that limit and control the powers of government in accordance with the fundamental rights of citizens and communities, as well as the rule of law.” The constitutional principles would provide minority communities with strong legal grounds for challenging a popular *jizya* tax. Constitutionally acknowledged human rights, moreover, are best protected through the active political participation of citizens. Equal citizenship for all, therefore, best ensures that states maintain their protection of human rights. Again, the principle of equal citizenship should make a special tax for non-Muslims appear as an unacceptable idea, since the minority will be free to express their objections.

Even a Muslim that acknowledges the need for a secular state, however, may object to the state’s reliance upon constitutionalism, human rights, and citizenship. The alleged of neutrality of the state becomes a farce, she may argue, when it is founded upon political principles that are clearly the product of Western history and philosophy. Why should Muslims allow these principles to establish the rules of their shari’a reasoning? An-Na’im responds to this question in different ways. On the one hand, An-Na’im challenges the claim that constitutionalism, human rights, and citizenship are essentially western ideas. They did, of course, emerge within Western civilization, but that says nothing about their compatibility with the shari’a. Should Muslims decide that these principles express the shari’a, then they would become no more western than the Pythagorean theorem is Greek. On the other hand, An-Na’im insists that the principles of constitutionalism, human rights, and citizenship not be confused with “particular models of successful implementation.” The concept of constitutionalism, for

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142 Ibid., 101.
143 Ibid., 105.
example, “is necessarily the product of the experiences of certain societies in their various settings;”¹⁴⁴ in some societies it may include foundational written documents, or particular institutional arrangements, like a presidential or parliamentary system. These features are not essential, however, and others societies should not feel compelled to imitate them. In its essence, constitutionalism seeks to “uphold the rule of law, enforce effective limitations on government powers, and protect human rights.”¹⁴⁵ Muslims will have to determine the institutions and processes that best serve these ends themselves. The Islamist critic misleads, therefore, when she presents constitutionalism, human rights, and citizenship as a clear set of essentially Western rules that will determine the course of shari’a reasoning. In principle, shari’a reasoning can play just as determinative a role in shaping these principles take within a secular state.

Even if the principles of constitutionalism, human rights, and citizenship are essentially neither western nor limited to their historical instantiations, we can still ask if they are compatible with the shari’a. The best strategy for defending human rights will always be a matter of negotiation and experimentation, but does the shari’a recognize a set of basic entitlements, belonging to all human beings, comparable to the standards expressed in international human rights treaties? An-Na’im asserts that “Shari’a principles are basically consistent with most human rights norms, with the exception of some specific and very serious aspects of the rights of women and non-Muslims and the freedom of religion and belief.”¹⁴⁶ These exceptions, for An-Na’im do not prove that the shari’a is either compatible or incompatible with human rights norms. Human beings do not have the capacity to make such definitive judgments about God’s law. For Muslims like An-Na’im, who believe that the sources of Islamic law can and should be

¹⁴⁴ Ibid., 102.
¹⁴⁵ Ibid., 102.
¹⁴⁶ Ibid., 111.
reinterpreted in order to protect human rights norms, the rights of women, non-Muslims, and the freedom of religion pose central problems for future research. But An-Na’im insists that Muslim reformers like himself should not feel compelled to reinterpret these sources out of subservience to human rights treaties. Rather, they should do so out of subservience to God.

For An-Na’im, the equal rights of women and non-Muslims, and the freedom of religious belief best protect one’s right to live as a Muslim. If Muslim women are prohibited from holding state positions, or advocating public policies, then they are unable to defend or advocate for their understanding of Islam. This leaves Muslim women vulnerable to religious coercion from the state. Concerning the rights of non-Muslims, or the permissibility of renouncing Islam, An-Na’im reminds us that “many of the leading historical Muslims scholars. . . like Abu Hanifa, Ibn Hanbal, al-Ghazali, Ibn Hazm, and Ibn Taymiyyah, were accused of apostasy in their own lifetime.”147 Muslim communities will each hold unique standards for assessing who counts as a Muslim. The state that adopts one community’s standards may prove to persecute future leaders of the Muslim community.

By presenting an account of the ideal secular state, An-Na’im hopes to persuade Muslims that they are better off, religiously and pragmatically, abandoning dreams of resurrecting the Islamic state. Muslims need not perceive the secular state as a threat to Islamic politics, since the secular state has an invested interest in promoting the political participation of all citizens. The principles of constitutionalism, human rights, and citizenship, moreover, provide limits to state authority that enable Muslim communities to practice Islam, however they conceive it, without losing the state’s protection.

147 Ibid., 123.
The long-established use of historicizing legitimation within the Islamic tradition should be remembered as we turn our attention to the controversy of ‘Ali ‘Abd al-Raziq. ‘Abd al-Raziq also used revisionist history to justify a new conception of the umma. As he had it, Muslims were bound in community by a “religious unity, free from any taint of politics—a unity of faith and of religious belief, not a unity of empire nor of monarchical tendencies”\textsuperscript{148} Many have argued that ‘Abd al-Raziq’s work failed to persuade his contemporaries because it rejected their traditional narratives of Islamic history. Indeed, ‘Abd al-Raziq’s history of Islam called for a historiographical revolution, according to which Muhammad never wielded political authority, and the Rashidun Caliphs established a secular government. Pointing to the differences between ‘Abd al-Raziq’s narrative and the traditional narratives of his contemporaries, however, only begs the question of why his narratives failed to persuade. This chapter has argued that the persuasive power of a revisionist history does not depend upon its compatibility with inherited narratives, and has even less to do with its historicity. The more determinative factor is whether or not contemporaries are willing to endorse the form of community that the revisionist narrative seeks to legitimate.

‘Abd al-Raziq never provided a clear account of the post-caliphate Islamic community because he never had one in mind. As the next chapter argues, ‘Abd al-Raziq was a proponent of secular nationalism in Egypt. He intended Islam and the Foundations of Government to justify a secular, territorial form of identity, which would hopefully persuade Egyptian Muslims to imagine themselves first and foremost as inhabitants of the Nile river valley.

CHAPTER TWO


This chapter examines three invented traditions that shaped Egyptian politics in the late nineteenth and early twentieth centuries: the caliphate, the liberal shari‘a, and the nation. These traditions created longstanding rivalries between Egyptian communities, which reemerged in the controversy surrounding *Islam and the Foundations of Government*. In the following sections, I: 1) explain the Ottomans’ innovative reinvention of the caliphate tradition in the late eighteenth and nineteenth centuries; 2) examine Muhammad Abduh’s invention of the liberal shari‘a, and its implications for his understanding of the caliphate; 3) reflect on the ways in which traditions of the caliphate and the liberal shari‘a were transformed by the emergence of Egyptian nationalism. I argue that nationalist considerations led many of Abduh’s supporters to abandon their promotion of the liberal shari‘a for a secular nationalist orientation. These supporters founded the secular Umma party, which was led by Hasan ‘Abd al-Raziq—‘Ali’s father. This background explains the contingent series of developments that led ‘Ali ‘Abd al-Raziq to associate the caliphate with despotic rule, and to disassociate Islam and political reasoning.

Inventing the Ottoman Caliphate

Certainly, one of the most significant developments of Islamic politics in the nineteenth century was the Ottomans’ revival of the caliphate doctrine. When al-Baqillani and al-Mawardi...
wrote in the eleventh century, the Abbasid Caliph had become weak, but nominally he was still the ruler of most of the Muslim world. After the fall of Baghdad, the Abbasid realm fractured into separate kingdoms. Rulers continued to refer to themselves as caliphs, but the title became more a term of flattery than a normative political concept.\(^1\) There was no central authority that could claim to unite the \textit{umma}, nor enforce the shari‘a within it. Thus, the doctrine of the caliphate became less important politically, and fell into neglect. Many scholars argued that the caliphate had ceased to exist since the thirty-year reign of the Rashidun. Shaykh Ahmad al-Damanhuri (c. 1684-1778), a rector of al-Azhar, argued that the Mongols killed the last true caliph in the fall of Baghdad. Now, only the Sultanate survived, but al-Damanhuri argued that society was not in a state of peril. He considered the Ottoman Sultanate legitimate because it observed the shari‘a.\(^2\) Al-Damanhuri would have been shocked to learn that, nearly 100 years after his death, the Ottoman Sultan would be sending scholars and printed pamphlets to Egypt, promoting his caliphal status.

By the second decade of the seventeenth century, the Ottoman Sultan’s authority over Egypt had significantly weakened. Increasingly, local Mamluk households were able to force Ottoman governors whom they disliked out of Egypt. A Mamluk Bey would act as Ottoman governor, until the Ottomans found to suitable candidate to replace him. Eventually, the Sultan and the Mamluk Beys settled on a cooperative arrangement. The Mamluks continued to recognize the Ottoman sultan, accept his governor and his currency, and bless him during the \textit{khutba} and religious festivals. The Mamluks also continued to pay the Sultan tribute, and send

him soldiers for war if needed. In exchange, the Mamluks gained legitimacy. They were the Sultan’s delegates, in theory. The Sultan, on the other hand, continued to receive tribute and soldiers from Egypt, and his authority to appoint the governor allowed him some degree of influence over Egyptian affairs. Though the Ottoman governor was weak for most of the seventeenth and eighteenth centuries, he constantly played Mamluk factions against one another to increase his sphere of authority. Given the chance, the Sultan could use his appointees in the state to reestablish full authority over Egypt. A good opportunity came after the French were forced out of Egypt by British and Ottoman forces. Mamluk armies had been decimated by the French, and the Sultan saw a prime opportunity to reestablish control of Egypt. Unfortunately for him, the recalcitrant Mehmet Ali emerged as Egypt’s new governor.

Ottoman Sultans actually began utilizing the caliphate title in the realm of foreign affairs, shortly before Shaykh al-Damanhuri’s death. Interestingly, they first used the title in a treaty agreement with non-Muslims. Having lost the Crimea to the Russians, the Ottomans wanted to maintain influence over Crimean affairs. They hoped to eventually retake the territory, and could aid this effort by destabilizing the Russian regime. In the caliphate title, the Ottomans found a legal reason to justify their continued presence in the Crimea. According to most classical scholars, Muslims cannot acknowledge more than one caliph. Hence, though the Ottomans had lost sovereignty over the Crimea, its Muslim residents must maintain their allegiance to the

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Ottoman Sultan as their Caliph. Based on these considerations the Ottomans convinced the Russians to include the following article in the Treaty of Kucuk Kaynarca of 1774:

As the Tatars profess the same faith as the Mahometans, they shall regulate themselves, with respect to His Highness, in his capacity of Grand Caliph of Mahometanism, according to the precepts prescribed to them by their law, without comprising the stability of their political and civil liberty.

The claim of the treaty is that, as Muslims, the Tatars still owe the Caliph their obedience. Specifically, they were expected to mention the Ottoman Caliph’s name in the *khutba* and religious festivals, and to secure the Caliph’s approval before appointing new judges, or a new Khan of Crimea. Many scholars have suggested that Kucuk Kaynarca introduced the idea of the caliph possessing a distinctly religious or spiritual authority. Or, as one scholar has it, Kucuk Kaynarca was “the first agreement to uphold a separation between the political and religious authority of the Sultan.” These observations should be reassessed. Why, for example, should we interpret the appointment of Crimea’s Khan, or its judges, as a religious rather than political act? Kucuk Kaynarca certainly did not give the caliph religious authority, in the sense of empowering him to interpret the shari’a. Legal authority still rested with the scholars. The Ottomans’ aim in composing the treaty of Kucuk Kaynarca appears less exotic when we compare it to previous Ottoman-Mamluk agreements.

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6 Ibid., 17-18.
In the treaty of Kucuk Kaynarca, the Ottomans attempted to follow the precedent of their agreements with other usurped territories. Just as with Mamluk Egypt, the Ottomans sought the right to maintain the Sultan’s name in public religious events, and to authorize the investment of local rulers and judges. Kucuk Kaynarca made it difficult for the Sultan to request these concessions, however, because it was a treaty made with a non-Muslim power that was strong enough to completely force the Ottomans out of their territory. Catherine the Great had no interest in posing as the Ottoman Sultan’s delegated ruler. But, just as in Egypt, it was important for the Ottomans to find a way to plant sympathizers within the Crimean state, and to maintain the symbolic connection between the Sultan’s name and Islam. The caliphate doctrine suited the Ottomans’ purposes well. In theory, if Muslims were forbidden from pledging allegiance to more than one caliph, then the Russians might have reason to worry about religious revolts among the Tatars. Most likely, the Russians believed that allowing the Tatars to acknowledge the Caliph in their religious services would help mollify any discontent. As far as the Caliph’s authority to approve of Crimea’s Khan and judges, the Russians probably saw little threat in this stipulation.

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9 Someone else has probably observed this, but I haven’t seen it yet. Arnold, and Sylvia Haim after him, suggest that the Ottomans “took advantage of the fact that the Empress of Russia claimed to be the patroness of the Christians of the Orthodox Church dwelling in Ottoman territory, to make a similar claim for the Sultan” T. W. Arnold, The Caliphate (Oxford: Oxford University Press, 1924), 165. See also Kemal Karpat, The Politicization of Islam (Oxford: Oxford University Press, 2001), 72. This observation may be true, but it does not explain why the caliph was granted the specific concessions enumerated in Kucuk Kaynarca. They did not mirror the Empress’ right to bring Christian grievances to the Sultan’s attention. Buzpinar claims that the Ottomans used caliphate doctrine in Kucuk Kaynarca to “create a pretext for future interference in the Crimea,” and to prevent any Crimean Khans from taking the caliphate title. S. Tufan Buzpinar, “The Question of the Caliphate under the Last Ottoman Sultans,” in Ottoman Reform and Muslim Regeneration: Studies in honour of Butrus Abu-Manneh (London: I.B. Tauris & Co, 2005), 18. Again, these observations may be correct, but do not explain the specific concessions granted the caliph. Landau claims that the French ambassador at the Porte, Francois Emmanuel Guignard, came up with the idea, and that it reflects his Catholic background. Jacob M. Landau, The Politics of Pan-Islam: Ideology and Organization (Oxford: Clarendon Press, 1990), 10. But the caliphate concept in Kucuk Kaynarca does not seem to overlap the responsibilities of the Pope in any way. Quataert claims that the Ottomans aimed to camouflage their loss of sovereignty, and that the Russians were given the “right to build and protect an Orthodox church in Istanbul” as compensation for the caliphate concession. Donald Quataert, The Ottoman Empire, 1700-1922 (Cambridge: Cambridge University Press, 2000), 83-84.
since the Caliph was not entitled to appoint such leaders. His approval seemed a kind of empty religious ceremony commemorating the local office holder’s investment.

The treaty of Kucuk Kaynarca did not, therefore, claim that the Ottoman caliph had religious authority over the Islamic community. It did claim, however, that Muslims owe the Caliph obedience as Muslims, rather than as subjects. From the Russians’ perspective, the Caliph’s authority may have seemed religious, since Kucuk Kaynarca associated his authority purely with the Tatars’ religious identity. Muslims of the Crimea, however, would most likely have been confused by claims that their Caliph possessed religious authority. Indeed, Kemal Karpat explains that as “odd as it may seem, many Muslims [of the Crimea] came to view the Russian ruler as the Ottoman sultan’s ‘vassal’ because he had ‘ordered’ her to permit her Muslim subjects to swear allegiance to himself as their caliph, something they had not done in the past.” The Tatars’ perception is not so odd, however, when Kucuk Kaynarca is set in the context of previous agreements between the Sultan and local rulers. According to Karpat, the Tatars saw the novelty of the caliphate title serving precisely the function that I described: it allowed the Sultan to establish relations with the Russians that approximated his relations with other Muslim vassals.

Kucuk Kaynarca set the precedent for treaties between the Ottomans and other non-Muslim powers as the Europeans began chipping away the sick man of Europe during the nineteenth century. It also helped bring the caliphate title back into the popular Islamic lexicon. But the Ottomans might not have succeeded in this regard. One might assume that Muslim

10 That is, the caliph did not claim any unique responsibilities to or functions within the Islamic community that a Sultan does not possess.
inhabitants of other Islamic states would have rejected the Ottomans’ claim to the caliphate. In other historical circumstances, they surely would have. At various points in the history of Mughal India, for example, the Mughal ruler assumed the title of Caliph. In the latter half of the eighteenth century, however, local Muslim rulers living outside the Ottoman realm increasingly requested that the Ottoman Sultan, as the “Caliph of the Muslims,” come to their aid. In these cases, the caliphate title provided these foreign communities with a claim to the Caliph’s service. Muslims of North Africa and the Indian Subcontinent, for example, requested that their Caliph help to protect them from European incursion. These communities, like the Tatars of the Crimea, clearly did not regard the Caliph as a religious or spiritual authority. They were, after all, requesting military aid. And if the Ottoman Sultan did force the Europeans out of a Muslim-inhabited territory, then he could rightfully claim to be their Caliph on political grounds. But the Ottoman Sultan did not have the power to drive out the Europeans. Foreign communities continued to recognize him as their Caliph, despite the fact that he was powerless to help them, because he was the strongest Muslim ruler available. Hence, requests for immediate assistance slowly transformed into hopeful visions of the future, when the Caliph would be able to liberate the world’s Muslims. Muslims of North Africa and India came to imagine themselves as part of a community united in their allegiance to the Ottoman Caliph—even though the Caliph had no control over their territories.

The treaty of Kucuk Kaynarca and the aid requests of foreign communities illustrate novel uses of the caliphate title in the latter half of the eighteenth century. In both cases, Muslim communities began using the term to achieve political aims in the context of a crumbling Muslim

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world. The Ottoman government sought to maintain political influence within the Crimea, while foreign communities sought Ottoman military aid. As with the jama‘i scholars of the ninth century, reimagining the caliphate entailed reimagining the nature of the Islamic community. The idea of all Muslims being united under one caliph had been dead for centuries. Now it began to reemerge. But how could the Ottomans justify their claim to rule over all Muslims? What gave their sultanate more right to the caliphate than any other? As I argued in chapter one, emergent communities often justify their existence by means of historicizing legitimation. The Ottomans were no exception. Shortly after the Treaty of Kucuk Kaynarca, previously unknown stories about Sultan Selim I (d. 1520) began to emerge. He had conquered Mamluk Egypt for the Ottomans in 1515. At the time, the Mamluks claimed that Cairo was the seat of the caliphate, for they had relocated the Abbasid line to Cairo shortly after the fall of Baghdad. After Kucuk Kaynarca, stories began circulating that the last Abbasid Caliph had passed the caliphate on to Selim I when he conquered Cairo. This narrative suggested that the Ottoman Sultanate was unlike any other. Only their line of rulers had been designated by the Abbasid caliph. It also presented the caliphate as a continuous institution that spanned the whole of Islamic history—from the Rashidun, to the Umayyads, to the Abbassids, to the Mamluks, to the Ottomans. Thus, the tradition of the caliphate was once again reinvented. A newly-emerging “pan-Islamic” community was justified with stories claiming that it had always been.


15 Winter argues that this story is doubtful because after Selim I initially brought the Abbasid Caliph to Istanbul, it is reported that he allowed him to return to Cairo. If the caliphate title had the prestige and authority that this narrative suggests, the Ottoman Sultan would not have allowed the Abbasid Caliph to live in Cairo, where he could foment rebellion. Michael Winter, “Ottoman Egypt 1525-1609,” The Cambridge History of Egypt: Volume 2 (Cambridge: Cambridge University Press, 1998), 10-11.
While Muslims outside of the Ottoman Empire increasingly recognized the Ottoman Sultan as their Caliph, Ottoman rulers made little use of this distinction prior to the rule of Abdulhamid II.\textsuperscript{16} Abdulhamid was in a unique position to make great domestic use of the caliphate title.\textsuperscript{17} Having lost the Balkans in the war of 1877-78, Abdulhamid became the first Ottoman Sultan in centuries to rule over a Muslim-majority population.\textsuperscript{18} He, unlike his predecessors, could use the caliphate as a basis for unity within the Empire. Abdulhamid also used his authority as caliph to skillfully outmaneuver the modernist reformers of the Porte. He began his rule just after they had established an Ottoman constitution and a parliament. After the loss of the Balkans, however, Abdulhamid declared a state of emergency, suspending the constitution and parliamentary sessions. Constitutional rule did not return to the Ottoman Empire until Abdulhamid was deposed in 1909.

In terms of foreign policy, Abdulhamid used the caliphate to strengthen his hand against the European powers. He recognized that his authority as caliph posed a threat to European dominion over Muslim populations. He may not have been capable of inciting rebellion amongst the Muslims of the Indian subcontinent, for example, but if the British believed that he could, then he would possess added leverage in negotiations with them. To this end, Abdulhamid actively promoted his role as caliph among Muslims outside of the Ottoman realm. He hosted visiting scholars from other countries, and often sent them back as emissaries for his caliphate.


\textsuperscript{17} According to Buzpinar, Sultan Mahmud II had the \textit{Seyhulislam} compose a treatise on the duty to obey the caliph in order to mollify discontent among the Janissaries. Abdulhamid’s domestic use of the caliphate doctrine was unique, however, insofar as it was directed toward the entire Ottoman Empire—not one disgruntled community. S. Tufan Buzpinar, “The Question of the Caliphate under the Last Ottoman Sultans,” in \textit{Ottoman Reform and Muslim Regeneration: Studies in honour of Butrus Abu-Manneh} (London: I.B. Tauris & Co, 2005), 24.

He even sent emissaries to Shi‘a Iran. Abdulhamid also supported Sufi groups, built mosques, and provided aid to pilgrims on the Hajj.\(^{19}\) He did not, like his predecessors, use the caliphate title merely to win concessions from foreign powers in lost territories. Through his propaganda campaign, he actively laid claim to obedience from the world’s Muslims. He sought to establish a pan-Islamic consciousness, centered upon his rule. Many British civil servants became so unnerved by Abdulhamid’s efforts that by 1877, they began speculating about the prospect of establishing an Arabian caliph to rival Abdulhamid.\(^{20}\) Abdulhamid was well aware of these vague plots, and spent most of his career using his extensive network of secret police to uncover them.

By the time of Abdulhamid’s reign, it became customary, even among Sunni Muslims, to claim that the Caliph possessed religious or spiritual authority. As T. W. Arnold cogently demonstrated long ago, the precise meaning of this claim is unclear. Even in Abdulhamid’s time, we do not find Muslims expecting the Caliph to perform functions that we would typically call spiritual:

> [T]he caliph has never at any time been held to be the depository of divine truth. He can promulgate no new religious dogma, nor even issue a definition of one. He cannot forgive sins nor exercise any sacerdotal function. . . His relation to the Muslim religion is merely that of a protector; as protector of religion he wages war against unbelievers and punishes and suppresses heretics. As leading the prayers during public worship and pronouncing the Khutbah, he can indeed perform


definite religious functions, but none of these functions can rightly be described as spiritual.\textsuperscript{21}

It is difficult to locate the specifically religious, or spiritual, authority of the Caliph because, as I discussed above, Muslims pledged allegiance to the Ottoman Caliph in the hope that he would perform political functions—defending territory from enemies first and foremost. In other words, Muslims only expected the Caliph to serve functions that they would have already expected from a Sultan. Throughout Abdulhamid’s reign the concepts of the Sultanate and the Caliphate were not distinguished by their respective claims to political versus religious authority. The responsibilities associated with each office were identical, though they were justified in different ways. Whereas the Sultan without power lost his claim to rule, the Caliph maintained it, because his claim rested in the Shari‘a.

The Ottomans, Abdulhamid especially, revived the doctrine of the caliphate in order to cope with their declining power in the nineteenth century. While many Sunni intellectuals embraced the pan-Islamic vision of community that the Ottomans promoted, others wanted no part of it. Muslims intellectuals of the nineteenth century created many new visions of community in their efforts to respond to the challenge of European dominance. In Egypt, Jamal al-Din al-Afghani (d. 1897) and Muhammad Abduh (d. 1905) promoted the emergence of a liberal \textit{umma}—that is, an Islamic community committed to the protection and expansion of individual liberties. Promoters of the liberal \textit{umma} could, in principle, support Abdulhamid’s pan-Islamic \textit{umma}. Indeed, Jamal al-Din al-Afghani and Muhammad Abduh were two of its most famous supporters.\textsuperscript{22} But tension could arise between these two visions of community as well. If the majority of the world’s Muslims were unwilling to embrace the idea of a liberal

\begin{footnotes}
\item[22] They especially promoted the caliphate in their journal \textit{al-`Urwa al-Wuthqa} (The Strongest Bond).
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shari‘a, for example, then they would only hinder the development of a liberal umma. In the next section, I examine Muhammad Abduh’s conception of the liberal shari‘a, and discuss his engagement with the revived caliphate. His contributions to Islamic thought are important for our purposes, because they inspired the ideas of Egypt’s earliest secular nationalists—the ‘Abd al-Raziq family among them.

**Inventing the Liberal Shari‘a**

In Egypt, the concept of a liberal shari‘a traces back to the work of Rifa‘a al-Tahtawi, Jamal al-Din al-Afghani, and Muhammad Abduh. These thinkers were each classically-trained scholars who also studied European works of history, philosophy, and the natural and social sciences. They were impressed by what they found. The progress of European society, they believed, was a direct result of Europe’s intellectual advancement. They perceived Islamic society as stagnant and weak—even backwards. For our purposes, Muhammad Abduh’s career is most important. Abduh gave the most sophisticated account of the liberal shari‘a in his lectures on Islamic theology—later published as *Risalat al-Tawhid*. In the interest of presenting a clear account of Abduh’s innovative interpretation of Islam, I will begin by examining his *Risalat al-Tawhid* lectures. Following this account, I will describe Abduh’s tumultuous political career, in

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24 For the most recent and complete biography of Muhammad Abduh, see Mark Sedgwick, *Muhammad Abduh* (Oxford: Oneworld, 2010).
which he devised many different and sometimes incompatible strategies to realize his vision of a liberal *umma*—among them, a new theory of the caliphate.

Abduh’s influence cannot be expressed in terms of particular creeds or legal decisions. It is more accurate to say that Abduh created a new methodology for the Islamic sciences, but even that claim may be too specific, for Abduh’s followers certainly did not take up a shared technique of inquiry.\(^{25}\) It is best, at the risk of being unhelpfully vague, to say that Abduh introduced a new perception of Islamic inquiry. Abduh perceived the Islamic sciences as rational disciplines.\(^{26}\) Islam, for Abduh, was the religion of reason—the religion that commands its practitioners, “bring your evidence if you are speaking the truth.”\(^{27}\) Abduh repeatedly drove this point home in his *Risalat al-Tawhid* lectures, which he delivered at Beirut’s *Sultaniyya* school in 1886. Abduh explained, for example, that when God revealed Islam to humanity,

> the authority of reason was liberated from all that held it bound and from every kind of tradition (*taqlid*) enslaving it, and thus [reason was] restored to its proper dignity, to do its proper work in judgment and wisdom, always in humble submission to God alone and in conformity to his sacred law.\(^ {28}\)

Here, we see Abduh express two important features of his concept of reason: 1) reason is always in conformity with the shari‘a; and 2) reason is opposed to tradition. The claim that reason is always in conformity with the shari‘a is more subversive than it may seem. More conservatively, it can mean that the shari‘a sets limits upon the proprieties of thinking. As Abduh


\(^{28}\) Ibid., 127.
put it, “reason (‘aql) submits to the doctrines and rules of conduct that religion discloses”\textsuperscript{29} Thus, if someone draws logical inferences from evidence, and arrives at conclusions that contradict an ordinance of the shari’a, then she would know that she has made a mistake. Her reasoning must be flawed, for the shari’a surely is not. Abduh, however, did not imagine the relationship between reason and religion this way. “Religion,” Abduh explained, “is a general sense, which discovers that which eludes reason on the path to happiness.” But as a “general sense” religion’s discoveries are “more like an instinctive, spontaneous impulse of nature, rather than calculated claims on the will.”\textsuperscript{30} Thus, religion inspires people with spontaneous, guiding impulses, which reason then unpacks, specifies, and gives concrete propositional form. As Abduh had it, “reason holds the authority in the cognition of this sense [of religion], and its application to its proper field.”\textsuperscript{31} Reason, therefore, determines the religious sense as much as the religious sense determines reason. But what if someone decides that his religious beliefs are incompatible with other claims that he takes as true? Abduh answered that, while reason is obligated to endorse the rules and conduct that religion discloses, “this obligation does not involve reason in accepting rational impossibilities such as two incompatibles. . . together at the same time and point.”\textsuperscript{32} When reflection on religious doctrine or practice leads to incompatible beliefs, then “reason must believe that the apparent is not the intended sense. It is then free to seek the true sense by reference to the rest of the Prophet’s message, in which this ambiguity occurred, or to fall back upon God and His omniscience.”\textsuperscript{33}

\textsuperscript{29} Ibid., 107.
\textsuperscript{30} Ibid.
\textsuperscript{31} Ibid.
\textsuperscript{32} Ibid., 107-08.
\textsuperscript{33} Ibid.
For Abduh, human beings encounter the shari’a as an ever-evolving set of norms that waxes and wanes as people comprehend new aspects of reality and disprove previous misconceptions. The shari’a is thoroughly rational, which is why Muslims cannot accept rational impossibilities. When they encounter such contradictions in their religious lives, they can either investigate further, and attempt to solve the problem, or leave the matter to God’s omniscience. The latter option does not entail accepting the contradiction. Rather, relying on God’s omniscience means recognizing the existence of an anomaly that God must know the answer to, but we do not. Scholars may decide that it is better to avoid divisive inquiry into this anomaly, having trust that the answer rests with God.

A rational shari’a is subversive to the tradition of Islamic scholarship insofar as it threatens the scholars’ authority to interpret the sources of revelation. Judgments drawn from the Qur’an, Sunna, and the consensus of scholars are always potentially open to logical objections, or objections drawn from empirical evidence. If one presents a combination of evidence and argument that renders a legal decision inconsistent, then that decision should not be considered part of the shari’a. Moreover, the evidence that can be brought to bear on legal reasoning is always transforming with the development of science. Abduh insisted that objections drawn from modern (European) scientific research are legitimate challenges to which scholars must respond. God’s prophets have encouraged human beings in their scientific endeavors, although they offer them no concrete guidance in these branches of knowledge.

It does not belong to the office of the messengers to be instructors and teachers of crafts. They do not deal with the lessons of history, nor with the analysis of astronomical worlds and the diverse theories of stars in their courses. Outside their province are the storehouses of the earth, the dimensions of the world’s length and breadth, the sciences that study plants in their growth and animals in their quest to survive. All of these, and more, belong with the relevant branches of learning and
have been the arena of much eager rivalry over their detailed investigation. These things belong wholly with the means to material acquisition and well-being and are within those gifts of comprehension whereby God has willed that men be directed. Those who pursue these sciences increase in prosperity but short-comers incur only trouble.  

The subversive nature of reason is more apparent in Abduh’s depiction of tradition as the opposite of reason. According to Abduh, Islam teaches that “the attitude that always wants to know what the precedents say” is “stupid and foolish.” Reasonable human beings have a responsibility to reevaluate their forbearer’s judgments, for they have the benefit of historical distance as well as access to new information. Most importantly, Abduh’s generation had access to information furnished by the European sciences. In their context, Abduh argued, it is irresponsible to blindly rely upon consensus [*ijma* ’], when their predecessors were ignorant of, or had misunderstood, many facts of the natural world, world history, and even mathematics. Contemporaries may very well be able to “illustrate the ill-effects of things done in earlier times and the dire evils perpetrated by men of the past.”

Abduh did not believe that Muslims should abandon the idea of consensus, or the *usul al-fiqh* methodology altogether. Rather, he insisted that they always reconfirm inherited judgments that are believed to derive from these sources. Hence, many interpreters translate Abduh’s term “taqlid” as “blind tradition.” Tradition—that is, inherited beliefs and practices—is objectionable, for Abduh, when it is adopted “blindly,” or without justification. Abduh’s interpretation of *taqlid* exemplifies his new, rationalist approach to the Islamic sciences. In classic theories of jurisprudence, and in the usage of Abduh’s contemporaries, *taqlid* simply described the practice

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34 Ibid., 103.
35 Ibid., 127.
36 Ibid.

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of adhering to the established ruling of a madhab. Oftentimes, taqlid expressed the connotation of upholding an established ruling “without knowing the underlying argument.” In this sense, scholars understood taqlid as a restriction placed upon the legal reasoning of novice scholars. For Abduh, however, taqlid meant a stubborn and close-minded enslavement to the past—that “stupid and foolish . . . attitude that always wants to know what the precedents say.” These two meanings are related, but actually describe two different actions. In the first case, the jurist performing taqlid intends to follow the rule of law—the ruling established by his madhab. In the second case, the jurist intends to follow the ways of the past—whether or not they are legal, rational, or responsible. In the first case, taqlid is important for maintaining consensus within the madhab, so that the law can be applied within society. In the second case, taqlid is a dangerous promotion of ignorance, which leaves society vulnerable to being outpaced by peoples who acquire more efficient techniques.

Abduh used his interpretation of taqlid to attack Muslim scholars, whom he blamed for the stagnation and decline of the Ottoman Empire. Specifically, Abduh faulted many scholars for arguing that the shari‘a prohibited Muslims from acquiring European learning. As a student at al-Azhar, Abduh had many unpleasant encounters with one such scholar, Shaykh Muhammad ʿIllish (d.1882). Shaykh ʿIllish issued a fatwa that explicitly prohibited the study of European sciences. According to him:

It is decreed in the shari‘a of Islam that travel to the land of the enemy for commerce is a discredit to the shahada, and improper conduct, to say nothing of settling down in it or seeking knowledge in it. And it is decreed in the shari‘a of the Muslims that the branches of knowledge that are to be sought are those having to do with shari‘a and their tools, which are subjects related to Arabic language. More than that should not be sought, but rather should be avoided. It is known that

38 Ibid., 62.
the Christians learn nothing at all of the shari‘a subjects or their tools, and that most of their sciences derive from weaving, weighing, and cupping, and these are among the lowest trades among the Muslims.\textsuperscript{39}

Here, Shaykh ‘Illish offered two reasons for avoiding European learning. First, living in the land of the enemy discredits one’s commitment to the \textit{shahada}. ‘Illish implies, like other scholars before him, that living amongst non-Muslims encourages a Muslim to adopt their ways of life, and weakens his commitment to live by God’s ordinances. Secondly, ‘Illish argues that Muslims should only learn disciplines pertinent to understanding the shari‘a. The applied sciences of the Europeans—weaving, weighing, cupping, and the like—are useful to merchants and craftsmen, but not scholars. Abduh would dispute both arguments, but it was crucial that he discredit the second. According to Abduh, the European sciences were undoubtedly subjects related to the shari‘a. If Muslims were obligated to defend their territories, then they would have to possess military technologies that could compete with the Europeans’ superior arms and systems of organization. Moreover, Abduh worried that scholars like Shaykh ‘Illish repeated the mistakes of the Catholic Church prior to the Reformation. In the Church’s efforts to protect inherited doctrines, it suppressed scientific inquiry, with the result that European society came to perceive religion as a useless obstacle to progress. If Muslims wanted to protect their own faith, they would have to demonstrate its compatibility with scientific findings.\textsuperscript{40} Thus, Shaykh ‘Illish threatened the development of Islamic society, as well as practice of Islam itself.

If Muslims were to protect their territories from western incursion, Abduh argued, then they would have to initiate a cultural revival. This revival entailed becoming familiar with European learning, reassessing Islamic belief and practice, and fashioning new laws inspired by


\textsuperscript{40} Ibid., 78.
true, rational Islam. Abduh, following his teacher Jamal al-Din al-Afghani, referred to this process of reinterpreting the shari‘a as opening the gate of *ijtihad*. In his call for *ijtihad*, Abduh once again made new use of an old legal term.\(^{41}\) In the legal tradition, *ijtihad* described the act of drawing a legal decision from the authoritative sources of *fiqh*. Many of Abduh’s contemporaries argued that the gate of *ijtihad* had been long closed, since the *madhabs* have agreed upon well-established rulings that cover the various spheres of life. By their standards, Muslims should treat these rulings as Americans do the articles of the constitution. Abduh, of course, did not believe that the *madhabs* had anticipated the contemporary problems facing Islamic society. He called for Muslims to consider the gate of *ijtihad* opened, but *ijtihad* meant more than returning to the classic sources of *fiqh*. More generally, practicing *ijtihad* meant living in a spirit of critical inquiry that informs all intellectual endeavors. Thus, Muslims could engage in *ijtihad* by critically assessing claims of medical knowledge, or mathematics. For Abduh, this expansive sense of *ijtihad* matched his expansive sense of the *fiqh*, which included the European sciences among its sub-disciplines.

**Muhammad Abduh’s Liberal Historiography**

Like the *jama‘i* scholars of the ninth century, Abduh attempted to transform the substance of *fiqh*. *Jama‘i* scholars introduced the Sunna and consensus as authoritative sources of law. Abduh wanted Muslims to add history, mathematics, and the natural and social sciences to the list. He dreamed of a new generation of scholars that could move back and forth between the newest scientific discoveries, and God’s revealed knowledge. But, as Peter Novick has argued, “a central problem for any new cognitive structure is to legitimize its epistemological

\(^{41}\) Ibid., 66-71.
Clearly, many of Abduh’s contemporaries were not convinced that scholars were permitted to perform *ijtihad*, or utilize European learning. Like the *jama‘i* scholars of the ninth century, Abduh attempted to legitimate these new sources of knowledge by revising Islamic history. In his *Risalat al-Tawhid* lectures, Abduh portrayed the Prophet Muhammad as a great practitioner of *ijtihad*, who “took up cudgels against the slaves of habit and the traditionalists,” and “plied [his contemporaries] with arguments and taxed them with evidence.”

He [Muhammad] turned every man to the divine gifts he had received, calling upon all—men, and women, common people and their rulers alike—to know themselves and the faculty of reason and thought with which God had specially blessed their kind, [and to know] their dignity therein, and their freedom of will in following the mind’s direction.

Abduh’s narrative of Muhammad’s mission illustrates powerful historiographical themes, which informed the work of his followers as well. Specifically, Abduh adopted the liberal historiographical framework that he found in the work of Francois Guizot. Abduh and al-Afghani both admired Guizot’s account of the Reformation in his *History of Civilization in Europe*. Indeed, they patterned their vision of the coming Islamic renaissance after the Christian Reformation. Most notably, Guizot framed the Reformation, not just as a major shift in religious practice, but as a requisite stage of social transformation that enabled European society to develop its modern, progressive civilization. Guizot described the history of civilization as the

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44 Ibid., 116.


46 For Abduh’s use of Guizot, see Mark Sedgwick, *Muhammad Abduh* (Oxford: Oneworld, 2010), 15-16; 60-68.
history of social and individual progress.\textsuperscript{47} Progress, for Guizot, is the expansion of human liberty. Humanity has progressed through a constant struggle against twin despotisms—the despotism of the temporal (social) and the spiritual (individual) orders. During the Reformation, Guizot argued, the absolute authority of the spiritual order—the church—was defeated, as Europeans discovered, fought for, and attained the right of free inquiry. Having attained the right to free inquiry, Europeans then began to question the suppression of their political liberties. They finally confronted and defeated the absolute temporal authority of pure monarchy in the revolutions of England and France.

Abduh understood a Muslim’s right to \textit{ijtihad} as the right to free inquiry that Europeans gained during the Reformation. He believed that the practice of \textit{ijtihad} will lead, not only to scientific advancement, but also to the establishment of a liberal society, free of despotic rulers. Hence, Abduh narrates Muhammad’s mission as a battle against the twin evils of despotic rule and absolute religious authority. Prior to Muhammad’s emergence, corrupt rulers and colluding religious leaders slowly destroyed the common people’s “cultural and material life”:\textsuperscript{48}

There was unparalleled opulence and arrogance, luxurious living and indulgence in many forms, alike in royal palaces and among amirs, sultans and religious leaders on either side. . . . Taxes were extortionate and excise duties so excessive that they became more than the population could bear, depriving the people of the due fruits of their labors. Those who had the power used it to snatch the possessions of the poor.\textsuperscript{49}

These evil rulers feared that their subjects would begin to question their intolerable conditions, and eventually decide to revolt against them. Hence, the rulers decided to confuse their subjects

\textsuperscript{47} Francois Guizot, \textit{The History of Civilization} (London: George Bell & Sons, 1898), 9-16.


\textsuperscript{49} Ibid., 109-10.
with superstitions. They employed corrupt religious leaders to help them in this mission, until the common people were reduced to “oppressed slaves sunk in blind ignorance.”

Their [the rulers’] incessant fear was lest the Divine light which belongs with human nature should break through into their subjects’ hearts, pierce the veil over their minds, and show them the way of mass revolt against the tyrant few. For that reason, kings and rulers were careful to spread clouds off illusion, shrouding the common folk with dark superstitions and vain follies, aggravating their ignorance and, by the utter eclipse of reason, binding them to their bidding like helpless slaves. The religious leaders affirmed in its name that religion was the enemy of reason and all its reflective works, unless tied exclusively to commentary on sacred texts.

We can see how the evil forces of Abduh’s narrative are broadly patterned after the obstacles to progress found in Guizot’s liberal historiography. Prior to Muhammad’s mission, reason, or the spirit of free inquiry, was suppressed by absolutist political and religious authorities. The specific details that Abduh used to describe these authorities, however, were drawn from his personal experience with rulers and scholars. For example, Abduh is the first narrator to list exorbitant excise taxes among the problems of Meccan society. This new historical detail is unexpected, considering that Mecca is not remembered as a great producer of goods. But in Khedive Isma‘il’s Egypt, exorbitant taxes, many on inland goods, had crippled poor families. Moreover, Isma‘il was not the first ruler of the Ali dynasty to crush Egyptians with impossible tax burdens, as Abduh knew well. His own family was forced to flee their land when they could no longer afford to pay the exorbitant taxes required by Isma‘il’s father—Mehmet Ali.

50 Ibid., 110.
51 Ibid.
The classic narrators of Muhammad’s *sira* also mention nothing about the rulers of his time fearing that their subjects may be awakened to the “divine light” of reason. Abduh claims, uncharacteristically for a Sunni, that reason would bring the people to mass revolt against their rulers.\(^{54}\) Hence, the rulers sought to suppress their subjects’ capacity to think freely. Abduh, again, experienced this suppression first hand. The state had banned many of the newspapers that his friends established in Egypt. And as he stood lecturing in the *Sultaniyya*, Abduh was living as an Egyptian exile for his involvement in the constitutional revolution of 1881-82. When the Khedive finally allowed Abduh to return in 1888, he would not let Abduh teach, for fear of his harmful influence upon the young. Abduh also drew from experience when he described the religious leaders in Muhammad’s milieu who helped tyrannical rulers to suppress reason. These leaders, Abduh asserted, taught that religion is the enemy of reason—unless tied exclusively to commentary upon sacred texts! Clearly, Abduh patterned the corrupt religious leaders of Muhammad’s Mecca after contemporary conservative scholars who refused the right to *ijtihad*.

Guizot’s influence is most clearly seen in Abduh’s *sira* when he describes the achievements of Muhammad’s mission. According to Abduh, when Islam finally emerged through Muhammad’s preaching “man accomplished two great rights (*amran*), which accord with his religion . . . , namely the liberty of will (*istiqlal al-irada*), and the liberty of thought and opinion (*istiqlal al-ra’y wa al-fikr*). With these [rights], his humanity was perfected.”\(^{55}\) These great rights correspond to Guizot’s social and individual liberties—the sources of progress within civilization. As Abduh told his students, “A certain western philosopher of the recent past has

\(^{54}\) Abduh claimed that at the end of Khedive Isma’il’s reign, he and Jamal al-din al-Afghani had vague plans to assassinate Isma’il. Mark Sedgwick, *Muhammad Abduh* (Oxford: Oneworld, 2010), 26.

said that the growth of civilization in Europe rested on these two principles.” By describing the principles of European progress as rights that Muhammad established during his mission, Abduh made interesting use of Guizot’s liberal historiography. For Guizot, societies that enjoy free inquiry and political liberty can only be found in Modern Europe. They mark the most advanced stage in humanity’s linear path of liberal development. According to Abduh, however, when Muslims do eventually establish their intellectual and political liberties, they will be returning to an old phase of history as much as entering a new one. Abduh took Guizot’s linear, progressive history, and superimposed it over the cyclical history of Ibn Khaldun.56 For Abduh, as for Guizot, communities are always struggling against the twin despotisms of political and religious authority. But Abduh imagined this struggle as a cyclical ebb and flow. At some periods of time, like during Muhammad’s mission, communities will defeat these absolute powers and attain perfection. In other periods, like in Abduh’s context, the twin despotisms will reemerge.

Abduh’s revisionist history invented the tradition of a liberal shari‘a. That is, it portrayed his novel conception of the shari‘a—a shari‘a that requires the freedom of belief and political liberty—as continuous with the shari‘a revealed by the Prophet Muhammad. But why had Muslims fallen victim, once again, to despotism and the tyranny of tradition? Abduh rhetorically put this question to his students:

If [Islam] was the first religion to address the rational mind, summoning it to look into the whole material universe, giving it free reign to range at will though all its secrets, saving only therein the maintenance of the faith, how is it that Muslims are content with so little and many indeed have closed and barred the door of knowledge altogether, supposing thereby that God is pleased with ignorance and a

56 I disagree with Gesink’s claim that by the early 1880s Abduh had abandoned Ibn Khaldun’s model of cyclical history for a “linear” concept of societal progress based on European concepts of civilization. Indira Falk Gesink, *Islamic Reform and Conservatism: Al-Azhar and the Evolution of Modern Sunni Islam* (New York: I.B. Tauris, 2010), 79-80. Gesink is right to notice Abduh’s use of European, progressive models of civilization, but she fails to notice that these models of development are not incompatible with Ibn Khaldun’s cyclical model.
neglect of study of His marvelous handiwork? . . . . If it has established the principles of justice, why are the greater part of its rulers such models of tyranny?\textsuperscript{57}

According to Abduh, Muslims had lost the achievements of Muhammad’s mission because they abandoned the spirit of free inquiry (i.e. \textit{ijtihad}). Societies have a bad habit of settling into customary patterns of reasoning and behaving. This tendency is encouraged and entrenched by despotic rulers who prefer to govern a more malleable, ignorant population, and religious leaders who fear threats to their own authority. As al-Afghani taught Abduh, the twin forces of political and religious despotism were responsible for suppressing Islamic philosophy in the Sunni world.

“Al-Suyuti,” Al-Afghani recalled, “tells us that the Caliph al-Hadi put to death in Baghdad 5,000 philosophers in order to destroy sciences in the Muslim countries down to their roots.”\textsuperscript{58} The scholars of law supported him, for the philosophers’ free investigations threatened their inherited teachings. Just as Muslims began to suppress the freedom of inquiry, European crusaders invaded Muslim lands and “discovered that liberty of thought and breadth of knowledge were means to faith and not its foes.”\textsuperscript{59} Hence, they returned to Europe, valuing the spirit of free inquiry that the Prophet Muhammad had introduced to humanity. This is when the torch of civilization passed from the Muslim world to Europe. Poetically, Abduh summed up the condition of Islamic civilization, vis-à-vis Europe, with a parable:

\begin{quote}
A Physician treated a sick man with medicine and he recovered. Then the doctor himself succumbed to the disease he had been treating. In dire straits from pain and with the medicine by him in the house, he has yet no will to use it. Many of
\end{quote}


\textsuperscript{59} Muhammad Abduh, \textit{The Theology of Unity}, trans. Ishaq Musa’ad and Kenneth Cragg (Kuala Lumpur: Islamic Book Trust, 2004), 149. This is also how Guizot phrased the great discovery of the Reformation.
those who come to visit him or seek his ministrations or even gloat over his illness could take up the medicine and be cured, while he himself despairs of life and waits either for death or some miraculous healing.\(^{60}\)

**Establishing a “Legal Authority to Change”**

Wilfrid Scawen Blunt, the British poet, political activist, and defender of Muslims interests in the British Empire, was a close friend of Muhammad Abduh.\(^{61}\) Living in Egypt on the eve of the British Occupation, Blunt published *The Future of Islam*, an account of “the revival which is taking place in the Mohammaden world.”\(^{62}\) Actually, Blunt’s account merely reported reformist ideas that he learned through conversations with Abduh and his associates.\(^{63}\) Blunt claimed Muslim reformers were most concerned with establishing “legal authority to change.”\(^{64}\) That is, they accepted that the shari’a must be reformed, or changed, and they hoped to establish some kind of authority that would render this change legitimate. This section examines Abduh’s attempts to establish legal reform through three different institutions: the scholars, the caliphate, and the state. Though Abduh is often remembered for his promotion of the caliphate in *al-‘Urwa al-Wuthqa*, we will see that he was not especially interested in the caliphate for most of his career. Abduh regarded Abdulhamid as a tyrant who opposed the use of *ijtihad*, and would never help to establish liberal reform. Most scholars also proved unwilling to help Abduh.

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60 Ibid., 154.

61 In the last decade of his life, Abduh lived, at least periodically, in a country house on Blunt’s Egyptian estate. The two of them shared many hours of conversation, much of which Blunt recorded in his diaries. See Wilfrid Blunt, *My Diaries: being a personal narrative of events 1888-1914* (New York: Alfred A. Knopf, 1921), 1:138.


63 Blunt first met Abduh in January 1881. He had learned of the liberal reformers in Egypt a year prior to meeting Abduh when he began taking Arabic lessons with one of Abduh’s supporters—an Azhari Shaykh named Muhammad Khalil. Wilfrid Blunt, *Secret History of the English Occupation* (New York: Alfred A. Knopf, 1922), 75, 80.

Hence, by the end of his career, Abduh primarily sought to implement reform by means of the state.

That Abduh appealed to three different legal authorities for change does not necessarily indicate inconsistency of his part. He worked during a period of many intense changes in Egypt’s political situation, from Khedival absolutism, to constitutional revolutions, to British occupation. In this context, Abduh was forced to think of different approaches to legal reform, which may have appeared more or less plausible at different times. Most likely, Abduh would have embraced any institution, or combination thereof, that could legitimate the legal reforms he thought Islamic society desperately needed. His pragmatic pluralism, however, did not survive among his followers.

When Abduh delivered his *Risalat al-Tawhid* lectures, his days of political activism were coming to a close. But in the late 1870s and early 1880s, he participated in two unsuccessful attempts to transform the Khedivate into a constitutional monarchy. It seems that Abduh, following his more radical teacher, al-Afghani, wanted Egypt to enter into the most advanced stage of civilization all at once. Egyptians would gain their political liberty by means of a political revolution. Al-Afghani’s radical activism is apparent in a speech he gave in the Hasan Mosque, just after the constitutionalists’ efforts were first thwarted in 1879:

> You have been born into slavery and are living under despotism. For centuries you have been under the yoke of conquerors and oppressors . . . That which you earn by the sweat of your brow has been taken away from you without your knowledge . . . Rise from your indifference! . . . Shake off the dust of ignorance and indolence! Live free and happy like other nations—or else die as martyrs!  

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Reflecting on Abduh’s call for *ijtihad*, it is sometimes easy to forget its political consequences. Abduh believed that liberty of thought will eventually lead to political liberty, protected by a constitutional system. The laws of history, as Guizot explained them, made the nature of progress evident. As a young man, Abduh burned to see progress take shape before his eyes. But after repeated failures, disillusionment with the ‘Urabists, and six years of exile, Abduh preferred the more gradual approach of expanding Egyptian liberties through education. The goal of Abduh’s reform efforts never changed, but his mission became more focused. He would inaugurate the Islamic Reformation. Future generations could lead the Islamic equivalents of the English and French Revolutions. Thus, Abduh was willing to work with any institutional authority that could help him to plant the spirit of free inquiry within Egypt—including the scholars, the caliphate, the Khedive, and even the British authorities.

Even as a student in al-Azhar, Abduh sought to establish legal change by converting the scholars to his understanding of the shari‘a. He organized reading groups with other students; they would discuss works that were not commonly taught at al-Azhar late into the night, oftentimes debating theological doctrine. According to Shaykh ‘Illish’s son, Abduh promoted Mu‘tazila doctrines at one of these meetings. It is unclear which Mu‘tazila doctrine Abduh allegedly defended, but given his commitment to a rational shari‘a, it is likely that that he promoted their doctrine that human beings have the capacity to comprehend good and evil. For his efforts, Abduh was rewarded with a scalding from Shaykh ‘Illish. Frustrated at al-Azhar, by the year of his graduation Abduh was publishing articles criticizing the scholars’ reliance upon

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taqlid, their intolerance of free inquiry, and their failure to live up to their responsibility as moral leaders of the Muslim community. Even at this early date, Abduh despaired of ever being able to convert the scholars.68

Indeed, Abduh’s efforts to convert the scholars were never very successful. But if the scholars had adopted Abduh’s liberal shari’a they would have served his purposes well. The scholars already functioned as legal authorities who possessed great moral influence in society. Because they were recognized as legal authorities, moreover, scholars like Shaykh ‘Illish, who opposed Abduh, proved great obstacles to legal reform. In the Future of Islam, Blunt described the situation well. Some of al-Azhar’s scholars, Blunt reported, have argued for legal reforms, like making slavery illegal, and putting stricter limits on Islamic marriage, concubinage, and divorce. But, “at present these decisions are unsatisfactory to the faithful at large, because those issuing them have no recognized authority to strain the law, but with authority the same decisions would meet with general approval.”69 Here, Blunt frankly expressed the weak position of Abduh’s circle of reformers. They were a minority party that did not have the influence of venerated conservative scholars like Shaykh ‘Illish. They needed authority to promote legal change, and they never found it amongst the likes of Shaykh ‘Illish.

In 1895, Khedive Abbas chose Abduh to serve on the Azhar Administrative Council. The Khedive had just created the council based on Abduh’s proposals for improving Egyptian education. Abbas sought ways of strengthening Egypt that would not be vetoed by his British overseers. The British made it a policy to not intervene in religious affairs, which meant that

Abbas could reform al-Azhar without having to worry about their objections. When the Council attempted to introduce European disciplines\(^{70}\) into al-Azhar’s curriculum, however, the scholars’ resistance proved too great; the new curriculum never took hold during Abduh’s life. Abduh’s inability to convince the scholars to take up his Islamic Reformation led him to seek the assistance of other institutions, most notably, that caliphate and the state.

Biographies of Muhammad Abduh inevitably focus on his period of publishing the journal *al-‘Urwa al-Wuthqa* (the Strongest Bond), with his mentor Jamal al-Din al-Afghani. The “strongest bond” referred to the caliphate—that which united all Muslims. The journal denounced European imperialism, and celebrated the caliphate of Abdulhamid. Most likely, biographers focus on this journal because of the great reputation it earned in later years. Rashid Rida claimed that he was so inspired by this journal as a young man in Syria, that he picked up and went to Cairo to work with Muhammad Abduh. *Al-‘Urwa al-Wuthqa*, however, is not a characteristic example of Abduh’s thought. It appears that the journal reflects al-Afghani’s interests more than Abduh’s.\(^{71}\) First, al-Afghani’s letters to Abdulhamid’s court demonstrate that he wanted Abdulhamid to invite him to Istanbul, so that he could help the Caliph strategize his pan-Islamic policies.\(^{72}\) Flattering Abdulhamid in *al-‘Urwa al-Wuthqa* helped al-Afghani to achieve this goal. Second, al-Afghani, more than Abduh, was the vigorous promoter of pan-Islamic politics. He had travelled the Muslim world, and saw the global effects of European

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\(^{70}\) Abduh wanted to introduce history, geography, and geometry into al-Azhar’s curriculum. Mark Sedgwick, *Muhammad Abduh* (Oxford: Oneworld, 2010), 76.

\(^{71}\) That is, it reflects al-Afghani’s interest in being invited to Istanbul and working with Abdulhamid. Even he may not have fully committed to Abdulhamid’s caliphate. Throughout his career, he frequently shifted his political strategy for protecting the Muslim world. At some points he recommended secular nationalism, as he did to the Hindus and Muslims of the Indian Subcontinent. At other times, he promoted Pan-Islamism. The only constant for al-Afghani, as Nikki Keddie has argued, was his opposition to European imperialism.

imperialism. Abduh was primarily interested in Egyptian affairs. Third, \textit{al-\textquotesingleUrwa al-Wuthqa} is the only case of Abduh promoting the Abdulhamid’s caliphate in print. Significantly, he worked on this journal while he was in exile from Egypt. Thus, Abduh promoted Abdulhamid’s caliphate only when he lived as an outsider to Egyptian affairs. Fourth, in private conversations with friends, Abduh repeatedly described Abdulhamid as a tyrant. He was an obstacle to liberal progress, which is why Abduh did not continue to promote his caliphate. Lastly, in the \textit{Future of Islam}, Blunt reported discussions about the caliphate that he had with the Egyptian reformers of Abduh’s circle. They denounced the caliphate of Abdulhamid, and theorized about a “spiritual” caliphate that could take its place. This account, I believe, is a better reflection of Abduh’s ideas about the caliphate. They were later taken up by his friend and biographer, Rashid Rida.\footnote{This claim calls for a comment, because many have argued or assumed that the \textit{Future of Islam} merely expresses Blunt’s personal views. As Martin Kramer has it, the idea of a spiritual, Arabian caliphate originated with British government servants, whose ideas Blunt elaborated upon. According to Kramer, al-Kawakibi and Rida’s proposals for a spiritual, Arabian caliphate were taken from Blunt. Martin Kramer, \textit{Islam Assembled: The Advent of the Muslim Congresses} (New York: Columbia University Press, 1986), 11-15. I believe it is more likely that Blunt’s \textit{Future of Islam} reports the beliefs of Abduh’s circle, which later included al-Kawakibi and Rida. This does not mean, of course that Blunt’s proposal for the caliphate was purely the creation of Egyptian reformers in early the 1880s. Sultan Abdulhamid’s policy of using the caliphate title to strengthen his imperial authority, as well as his leverage with the European powers, gave many different parties, with different interests, incentive to theorize about the caliphate. Hence, when Sultan Abdulhamid deposed Khedive Ismail in 1879, Ismail responded by funding newspapers—\textit{al-Nahla} and \textit{al-Khilafa}—that challenged Abdulhamid’s claim to the caliphate. These papers argued that Abdulhamid was an unfit tyrant, who cared little for justice. They also stressed the classical requirement that a caliph must be a descendant of the Quraysh. British servants who feared Abdulhamid’s influence over Indian Muslims made the same argument. It is entirely possible that Ismail and the British servants arrived at this argument independently. After all, they were both searching for reasons to undercut Abdulhamid’s legitimacy, and anyone familiar with the classical caliphate doctrine would see Qurayshi descent as a point of weakness for Abdulhamid.}

Abduh and his colleagues, likewise, may have read the newspapers that Ismail funded, or been influenced by blunt, or they may have decided that they did not support Abdulhamid on their own. Recall that Abdulhamid dismissed Ismail from his Khedivate just as Ismail was initiating constitutional reforms in Egypt. Ismail’s son and successor, Tawfiq, rejected Ismail’s plans to create a constitutional monarchy. Thus, we can see why Abduh’s colleagues would resent Abdulhamid’s authority over Egypt. Once one insists that the caliph descend from the Quraysh, moreover, the idea of an Arabian caliphate is the only logical possibility. Thus, it is not surprising that Abduh’s circle would argue that the new caliph must be an Arab. It was also in the interest of Abduh’s colleagues to claim that the caliph’s authority is spiritual, for they were purely interested in creating a legal authority to sanction their reforms of the shari’a, not a political authority that would rule Egypt from afar. Thus, it is entirely plausible that Blunt learned his views of the caliphate from Abduh’s circle, as he claimed. See \textit{The Secret History of the English Occupation} (New York: Alfred A. Knopf, 1922), 80-81.
Blunt’s *Future of Islam* captures a snapshot of Abduh’s circle in his younger, revolutionary days. Having noted the reformers’ lacking legal authority, Blunt claimed that they sought to authorize legal reform by establishing a new kind of caliphate. This caliphate would teach and promote the true form of Islam. Following Abduh, Blunt told his British audience that Islam was originally “a rationalistic creed.” Islamic law, he argued, “does not appear to have been intended, at the time it was drawn up, to be the absolute and final expression of all lawful practice for the faithful.” But with the advent of Turkish rule, legal development ceased. Blunt explains that this stagnation was partly due to the Turks’ unintelligence and partly due to their lacking Arabic skills. In either case, Turkish caliphs were unable to engage in *fiqh*, so they “declared further learning profane, and virtually closed all the schools.” Now, Blunt reported, Egyptian reformers want a new kind of caliphate that can return the shari’a to its rational foundations. Through the new caliph’s rulings, “the dead hand of the law will be no longer dead, but will be inspired by a living voice and will.”

It is implausible, moreover, that Blunt developed the ideas in the *Future of Islam* on his own. First, Blunt’s account of Islam as “a rationalistic creed,” in the *Future of Islam*, follows Abduh’s ideas so closely that coincidence is highly unlikely. Second, Blunt became acquainted with John Sabjuni, the editor of one of Ismail’s anti-Abdulhamid papers, before he wrote the *Future of Islam*. Kramer wrongly asserts that Blunt met Sabjuni after he wrote the work, and thus discounts the possibility that Blunt’s views were influenced by Sabjuni. See. Martin Kramer, “Arab Pen, English Purse: John Sabjuni and Wilfrid Scawen Blunt,” in *The Islamic World From Classical to Modern Times: Essays in Honor of Bernard Lewis*, eds. C.E. Bosworth, et al. (Princeton: Darwin, 1989), 771-80.

Blunt began publishing the articles that became the *Future of Islam* in the Fortnightly Review in 1881. He met Sabjuni in 1880 (Incidentally, he met Abduh in January of 1881). Blunt also claims that Sabjuni influenced his ideas of the caliphate (*Secret History*, 66). Kramer, it seems, insists that Blunt was singly responsible for Egyptian theories of an Arabian caliphate in the late nineteenth century, because he wants to challenge Antonius’ portrayal of the Arab awakening. Kramer intends to show that a collective Arab consciousness stemmed from very non-Arab sources. Given the influence of European power and thought over Muslim intellectuals in the late nineteenth century, European influence in the formation of Arab nationalism is hardly surprising. But that says nothing about the source of the ideas expressed in the *Future of Islam*.

75 Ibid., 158.
76 Ibid.
77 Ibid., 165.
The reformers considered Caliph Abdulhamid an unacceptable candidate for the reformed caliphate. On the one hand, he did not descend from the Quraysh, as many classical scholars required. On the other, he did not accept a Muslims’ right to perform *ijtihad*. Thus, a new caliph was required. The reformers argued that he must be an Arab, a descendant of the Quraysh, and an expert in Islamic law. The new caliph, Blunt explained, should not be established in a particular state, but in Mecca, home to all the world’s Muslims. This change of venue “will signify more than a mere political change.”

The Caliph of the future . . . will be chiefly a spiritual and not a temporal king, and will be limited in the exercise of his authority by few conditions of the existing material kind. He will be spared the burden of despotic government, the odium of tax-gathering and conscription over unwilling populations, the constant struggle to maintain his authority in arms, and the as constant intrigue against rival Mohammedan princes. It is probable that all these would readily acknowledge the nominal sovereignty of a caliph who could not pretend to coerce them physically, and that the spiritual allegiance of orthodox believers everywhere would accrue to him as other Mohammedan sovereignty relaxed its hold.78

Judging by the standards of the classical doctrine, the reformers’ vision of the caliphate is much more radical than the innovations introduced by the Ottomans. The reformed caliphate is not only unorthodox; it is the complete opposite of the classical caliphate. Classically, the caliph was responsible for enforcing the law, but not determining it. That was the scholars’ responsibility. Now, Blunt explains, the reformers want to establish a caliph who is not the ruler of a state, has no political authority, and could not enforce the law if he wanted to. Moreover, he will be the one to definitively interpret the shari’a. The caliph will be a trained expert in the Islamic sciences, who accepts the rational nature of the shari’a. Every year at the Hajj, he will invite the world’s scholars to Mecca, where he can debrief them on the modifications that must

78 Ibid., 189-90.
be made to the shari‘a—“things necessary to the welfare of Islam, and deducible from
tradition.”

Looking back at Blunt’s book, the reformers’ proposal for a spiritual caliph based in
Mecca seems surprisingly unrealistic and outlandish. But we must remember that the concept of
a spiritual caliphate was already in place when Abduh’s colleagues began theorizing about a
reformed caliphate. Their spiritual caliphate was distinctive, however, insofar as it proposed that
the caliph function as head mujtahid—the central authority over the shari‘a. Abdulhamid never
claimed this kind of authority in his propaganda. Like Abduh’s concept of the liberal shari‘a, his
concept of the spiritual caliphate called for a new vision of the Islamic community. A spiritual
caliphate would radically transform the umma by centralizing legal authority.

Once again, the reformers defended their innovative vision of Islamic community by
inventing a tradition of the spiritual caliphate. They argued that the caliph’s authority to establish
the norms of the shari‘a dates back to the rule of the Rashidun Caliphs. As Blunt explained,
Muslims originally understood the caliph as the “successor of the prophet and heir to his
temporal and spiritual power.” According to Blunt, each of the Rashidun Caliphs acted as a
“saint as well as priest and king.” By this he meant that the caliph led a “pure theocracy,” in
which he “not only administered the religious law, but was its interpreter and architect.” The
Rashidun Caliphate was followed by an “Arabian monarchy,” which lasted from the reign of
Mu‘awiya to the Mongol’s sacking of Bagdad. During this period, the caliph’s role shifted.

80 Ibid., 53; italics mine.
81 Ibid.
82 Ibid.
83 Ibid., 59.
84 Ibid., 53.
“According to canon law,” Blunt claimed, “the head of state is also the head of religion; but Mu‘awiya ceased to exercise religious functions in person.”\textsuperscript{85} It was only after Mu‘awiya relinquished his responsibility to issue legal judgments that the caliph became a mere defender of Islam, and the scholars took up the task of interpreting the law. Hence, in their call for a reformed caliphate, the reformers aimed to reestablish the caliphate on the original, Rashidun model.\textsuperscript{86}

Abduh’s proposal for a spiritual, Arabian caliphate was far-fetched, but perhaps no more so than the idea of Abdulhamid freeing the world’s Muslims from European rule. It provided a theoretical authority that could circumvent the intransigence of Egypt’s conservative scholars and legitimate a reformed shari’a. It would also undercut Abdulhamid’s authority over Egypt—a change that Abduh’s circle would have endorsed. Many Arabic-speaking Muslims, Abduh among them, resented Turkish authority over Egypt. Moreover, Abdulhamid was responsible for deposing Khedive Ismai‘l just as he was about to implement constitutional reforms. Egyptians were better off without Ottoman interference. The spiritual caliphate was only a kind of pie-in-the-sky ideal, however, which Abduh did not pursue throughout the rest of his career. Yet the idea did not disappear. Abduh’s associate Rashid Rida took it up again in the 1890s.

\textsuperscript{85} Ibid., 61-62.

\textsuperscript{86} The reformers’ proposal for a spiritual caliphate reveals the growing distance between Muhammad Abduh and Jamal al-Din al-Afghani concerning the caliphate. For al-Afghani, the caliph was only important as a political leader. He asked Muslims to rally around the Ottoman caliph because, for better or worse, he was the strongest ruler in the Muslim world. Indeed, al-Afghani wanted to be in Abdulhamid’s good graces so badly that he began writing against Muslim reformers in the Indian subcontinent and Istanbul. You will not find Abduh publicly attacking Muslim reformers. Abduh was interested in the caliphate purely as a means of legitimating legal reforms. For him, it was not important that the caliph possess powerful armies, or even head a state. This proposal for a spiritual caliphate provided one institutional model for authorizing legal change, but throughout his life Abduh usually sought other means.
Abduh’s most successful efforts toward instituting reform occurred through his employment in the Egyptian state. Even when Abduh detested Egypt’s rulers, he was willing to work with the state for the sake of progress. From 1880 to 1882, Abduh served as chief editor of state publications. In this capacity, he published numerous articles stressing the importance of reforming education, and explaining the virtues of a constitutional system of government.\(^{87}\) After his return from exile, as I discussed above, Abduh held a government post in the Azhar Administrative Council. In 1899, he was appointed as Egypt’s Mufti. While in office, Abduh attempted to fill the role of the spiritual caliph that his colleagues theorized about in the early 1880s. That is, he attempted to use his authority as Mufti to issue legal rulings in the reformed spirit,\(^{88}\) and to establish a new class of legal scholars.

One of the first tasks that Abduh performed as Mufti was to review the shari’a court system. Afterwards, he advised the government to codify the shari’a and establish a new state school to train shari’a-court judges.\(^{89}\) None of these reforms occurred during Abduh’s life, but we can immediately see the consequences of his proposals: traditionalist scholars would be completely cut out of the shari’a courts. The state would now be responsible interpreting the law and training experts to make sure it is properly administered. Abduh’s direct aim was to finally create a legal authority for change. Indirectly, however, his reforms would give the state authority over the shari’a.\(^{90}\) As with the spiritual caliphate, Abduh’s prospect for a centralized shari’a did not worry him, because he believed it would reflect his interpretation of the shari’a.


\(^{89}\) Ibid., 79-81.

\(^{90}\) This was most likely a result that the scholars noticed and resented. Khedive Abbas claimed they did. He recalled that “with the support of Lord Cromer, Muhammad Abduh became involved in creating a government bureaucracy
In his last years as Mufti, Abduh fell out with Khedive Abbas, and became much closer with the British authorities. Many of Abduh’s associates shared his preference to work with the British over the Khedive. These associates would go on to form the secular nationalist Umma party in 1907. They included the likes of Hasan ‘Abd al-Raziq, Qasim Amin, Ahmad Lutfi al-Sayyid, and Sa‘d Zaghlul. They shared Abduh’s liberal vision of progress, and saw the despotic Ali dynasty as the greatest threat to Egypt’s future. Most of them also shared Abduh’s account of the liberal shari‘a. Yet, by 1907, they rarely justified public policy on religious grounds. The next section explains how the emergence of nationalist politics eventually led them to abandon the prospect of a liberal shari‘a.

Inventing the Nation

In the last quarter of the nineteenth century another new vision of community, the nation, emerged alongside the caliphate and the liberal umma. Egyptians competed to establish concepts of the nation that supported their political goals, often invoking the nation’s connection to other forms of community that captured Egyptians’ allegiance. Gershoni and Jankowski have documented the existence of two varieties of Egyptian nationalism at the turn of the twentieth century: 1) an “Ottoman-Islamic orientation” promoted by Mustafa Kamil and his Watani party; and 2) a secular, territorial orientation promoted by Hasan ‘Abd al-Raziq’s associates and their

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for the clergy (scholars) that was to make them into servants of the state. Thus an alliance between the Khedive and the clergy was a natural one, as other kings of Egypt would later discover.” Abbas Hilmi II, The Last Khedive of Egypt: Memoirs of Abbas Hilmi II, trans. Amira Sonbol (Reading: Ithaca Press, 1998), 17.

Rivalry between two groups explains why many of Abduh’s followers stopped promoting the idea of a liberal shari‘a at the turn of the twentieth century. Their decision to exclude religion from the public sphere explains why Muhammad Abduh could argue the shari‘a ordains a constitutional system of government, but ‘Ali ‘Abd al-Raziq could not. ‘Abd al-Raziq’s failure to present a positive Islamic vision of the secular state traces back to this period.

Ottoman-Islamic nationalism represented the dominant trend of Egyptian nationalist thought from the constitutionalist revolution of 1882 to the establishment of the British Protectorate in the First World War. This brand of nationalism stressed the shared interest of Egypt and the Ottoman Empire in ending the British Occupation. It also emphasized Egyptians’ Islamic obligation to obey to their Caliph. We can see even Muhammad Abduh reluctantly express this Ottoman-Islamic orientation in a letter he wrote to Wilfrid Blunt during the ‘Urabi Revolt. Abduh supported the revolt once the ‘Urabists proclaimed that they would establish a constitution. In his letter, Abduh corrected some accusations that he read in the European newspapers. Some had argued that the ‘Urabists were actually working on behalf of the Ottoman Caliph. To this, Abduh responded:

Let me now dispel from all minds, once and for all, the false idea that ‘Urabi, or the Military party, or the National party, are tools of the Turks. Every Egyptian, whether he be a learned man (of the ‘ulama) or a fellah, an artisan or a merchant, a soldier or a civilian, a politician or not a politician, hates the Turks and detests their infamous memory. No Egyptian can look forward to the idea of a Turk landing in his country without feeling an impulse to rush to his sword and drive

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out the intruder. The Turks are tyrants who have left calamities behind them in Egypt which still make our hearts sore. We cannot wish them back, or wish to have anything more to do with them. The Turks have footing enough with their firmans in Egypt. They must stop there and try nothing further.”

Abduh’s language is interesting, because it strongly condemns the “Turks,” but does not insist that Ottoman authority over Egypt must come to an end. He accepts the authority of Ottoman firmans in Egypt, but is unwilling to accept any loss of Egyptian autonomy to the Ottoman central government. His feelings most likely reflect the majority of the ‘Urabists, who were tired of Ottoman-Egyptian hegemony over the Arab Egyptians, but at the same time, officially maintained their obedience to the Ottoman Caliph. Severing ties with the Caliph was not in the ‘Urabists’ interest. It had only been three years since Khedive Ismai’l began promoting constitutional change, and was subsequently deposed by Caliph Abdulhamid (at the request of the European powers). The ‘Urabists needed the Caliph’s support against the European powers, who wished to see Khedive Tawfiq’s absolute authority survive unchecked. Egyptian nationalism emerged, then, as a movement of Egyptian autonomy, but not independence. The first Egyptian nationalists, Abduh among them, endorsed the Caliph’s authority over Egypt—at least for the time being.

With the defeat of the ‘Urabists and the advent of the British Occupation, Egyptians’ orientation toward the Ottomans grew even stronger. Many saw the caliph’s sovereignty as the only obstacle preventing the British from annexing Egypt. Moreover, Caliph Abdulhamid was heavily promoting his caliphal status at this time. Like the communities of India, Algeria, and Morocco that sought the caliph’s aid, most politically conscious Egyptians willingly professed

94 Ibid., 383.
95 From the perspective of the British, and French, it was much easier to deal with one autocratic ruler than the rabble of a new constitutional order.
their loyalty to the Caliph. In the 1890s, Mustafa Kamil, a fiery young law student, emerged as a charismatic and popular defender of the Egyptian nation. He founded Egypt’s Watani party in 1907. Throughout his career, Kamil insisted that the British must evacuate from Egypt immediately. For Kamil, they were the great obstacle to Egypt’s national progress. Initially Kamil was funded by Khedive Abbas, who wanted to foment nationalist sentiment against the British. Kamil inflamed anti-British feelings by appealing to pan-Islamic solidarity. “For every living nation there are two great obligations,” he claimed, “the obligation toward its religion and its creed, and its obligation towards its nation (watan) and the land of its fathers.” Kamil stressed that Egyptian loyalty to the Ottoman Caliph was a religious obligation. Loyalty to the caliph did not conflict with loyalty to the Egyptian nation, he believed, because Ottomans and Egyptians shared an enemy in the British.

Muhammad Abduh and his supporters were among the small group of Egyptians that did not appreciate Mustafa Kamil. They saw him not as the voice of the nation, but the mouthpiece of Khedive Abbas. By 1902, Abduh’s relations with the Khedive had permanently soured. Abduh thought him an avaricious man who was primarily interested in using his office to organize money-making schemes. As I discussed above, Abduh had never stressed the Caliph’s role in Egyptian politics. His account of the caliphate in the Future of Islam was purely a theoretical exercise, and he wrote in support of Abdulhamid, in al-Urwa al-Wuthqa, only during

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98 Muhammad Husayn Haykal recalled that in his days as a law student (1905-08), his schoolmates were overwhelmingly supporters of Kamil and the Watani party. Charles D. Smith, Islam and the Search for Social Order (Albany: State University of New York Press, 1983), 37.
his period of exile. Abduh had no reason to reject pan-Islamic politics in principle, but Mustafa Kamil’s Ottoman-Islamic rhetoric was objectionable to Abduh insofar as it encouraged Egyptians to rally around the Khedive. Abduh had always hoped for constitutional reform in Egypt. By the end of his career, Abduh thought the British would aid Egyptian progress more than the Khedive. The Ali Dynasty’s absolute authority had allowed the Khedives to rule over Egypt as tyrants. Kamil obfuscated the Khedive’s responsibility for Egyptian suffering by arousing Egyptians anti-British sentiment.

Abduh’s colleagues also found fault with Mustafa Kamil. Rashid Rida criticized him in the pages of *al-Manar*. His criticism is especially significant, for Rida continued to promote Abduh’s idea of a spiritual caliphate, and even supported Abdulhamid. One would expect Rida to approve of Kamil’s Ottoman-Islamic approach to politics. But Rida claimed that Kamil “exaggerates Sultan Abdulhamid, and slanders those who seek reform and a constitution. [He exaggerates Abdulhamid] to the extent that he requires one who proclaims the double *shahada*---the shahada of God . . . and the *shahada* of Muhammad. . . —to trinitize the two of them with the *shahada* of Abdulhamid.” Rida saw Kamil as an irresponsible demagogue who manipulated the ignorant masses to their detriment. Kamil was trained in French law, not Islamic theology. Yet he used Islamic discourse to mobilize the masses against the supporters of constitutional reforms in Egyptian society.

Among Abduh’s associates, the intellectuals in Hasan ‘Abd al-Raziq’s circle became some of Egypt’s most prominent promoters of constitutional reform. Liberal Muslims like Qasim Amin, Ahmad Lutfi al-Sayyid, and the Zaghlul brothers, would regularly meet at Hasan ‘Abd al-}

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100 Rashid Rida, “Political Affairs in General—Especially Ottoman Affairs,” *Al-Manar* 16 (1913): 440

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Raziq’s house and discuss pressing questions of politics and Islamic law. Unlike Rida, they were not supporters of Abdulhamid, though they concurred with Rida’s judgment of Mustafa Kamil. Indeed, their opposition to Mustafa Kamil led Hasan ‘Abd al-Raziq and his associates to create a rival nationalist ideology to counter his Ottoman-Islamic nationalism.

In 1907, Hasan ‘Abd al-Raziq’s circle founded the Umma party—Egypt’s first political party dedicated to territorial, secular nationalism. Hasan ‘Abd al-Raziq was the Umma party’s first vice-president. Ahmad Lutfi al-Sayyid edited the party’s newspaper, al-Jarida. Hasan sent two of his sons—Mustafa and ‘Ali—to study at al-Azhar. As they pursued their religious studies, Mustafa and ‘Ali also worked in the offices of al-Jarida with other young Egyptian liberals—most notably Muhammad Husayn Haykal and Taha Husyan. Lutfi al-Sayyid, Haykal’s uncle, held reading seminars on classic European work with the young men in the al-Jarida offices. Meanwhile, in the pages of al-Jarida, he educated the nation on the vices of religious nationalism.

The Umma party conceived of Egyptian identity in terms of geographical determinism. Egyptians were the inhabitants of the Nile River Valley—inheritors of a civilization stretching back to the time of the ancient Pharaohs. Throughout their history, as the secular nationalists imagined it, Egyptians have changed their language once and their religion twice. Islam was not


essential to the Egyptian nation—let alone obedience to the caliph. Hence, in al-Jarida, Ahmad Lutfi al-Sayyid\textsuperscript{105} declared, “I emphatically reject the suggestion that religion is a suitable basis for political action in the twentieth century. Our nationalism must rest on our interests and not our beliefs.”\textsuperscript{106} Pan-Islamic solidarity, Lutfi argued, is detrimental to a nation because it is unrealistic. The global Islamic community combines speakers of various languages, customs, and political regimes dispersed across distant geographical regions. Members of a body this large and varied share little common interest, and therefore have no potential for creating a community:

We [the Umma party] are not among the partisans [\textit{ansar}] of this impossible [Pan-Islamic] community insofar as it is a religious one, since we are convinced that the basis for political activity is patriotism [\textit{wataniyya}] and the bonds of [common] interest [\textit{al-manfa’\textquoteright a}] and nothing more.\textsuperscript{107}

Nations, Lutfi told his readers, are natural human communities that had a natural right to freedom and self-determination:

The nation [\textit{umma}] is that civic association [\textit{al-ijtima’ al-madani}] which is the product of nature and one of its creations. It has the right to life and freedom just as every individual possesses these natural rights. . . Political freedom is a natural right so far as the nation [\textit{umma}] is concerned, in exactly the same way that personal freedom is a natural right so far as the individual is concerned.\textsuperscript{108}

According to Lutfi, Egyptians had been denied their natural right to freedom for centuries, as they suffered under the absolute rule of foreigners. Despotism deformed the Egyptian character, forcing


\textsuperscript{108} Ibid.
Egyptians to forget their common interests, and lose their sense of national consciousness. As Lutfi told 
his readers, “Absolutism (may God have no mercy on it), has left no single virtue in our souls 
uncontaminated by some vice or other, or undistorted by some effect of its character. . . .”\textsuperscript{109} Not only 
had Egyptian national consciousness deteriorated, but even worse, many Egyptians had grown 
accustomed to subservience. As Lutfi had it, “we are still suffering from the traits of [national] character 
which the masses have transmitted to us through their love of tyranny,”\textsuperscript{110} Only centuries of 
subservience to absolute rulers could explain Egyptians’ blindness to the national costs of maintaining 
the “imperialist principle” of Pan-Islamism. Mustafa Kamil’s Watani party claims to oppose 
imperialism over Egypt, but actually supports imperialism in the form of pan-Islamic unity:

There were certain of the \textit{salaf} who said that the territory of Islam was a 
fatherland for all Muslims. This is an imperialist principle, the advocacy of 
which is useful to every imperialist nation desirous of expanding its holdings 
and spreading its influence day by day among surrounding countries. This is a 
principle which accords perfectly with [the designs of] the powerful element 
which conquers in the name of religion, and which wants the individuals of 
whom this element is composed to obtain all the rights of compatriotism [\textit{kull} 
\textit{al-huqaq al-wataniyya}] in every one of these conquered countries, so that it 
may succeed in unifying the different elements in those different countries, and 
so that not one of the conquered nations throw off its yoke, grow discontented 
with the sovereign power, or aspire to independence through self rule.\textsuperscript{111}

Supporters of the Abdulhamid argued that the “yoke” of Islamic government was the sticky power 
of justice, rather than the sharp power of military force. Lutfi countered that “the theory of absolute 
authority [resting] on a foundation of justice is an empty theory, since history knows of no such 
government.” The only exception to this law of history is the Rashidun Caliphate. The Rashidun Caliphs 
ruled with justice because they established limits to their authority, based in the Qur’an and the Sunna:

\textsuperscript{109} Ibid., 302.
\textsuperscript{110} Ibid., 287.
\textsuperscript{111} Ibid., 228.
Praiseworthy government such as that of the caliphs in early Islam was far from being truly despotic, because [their administration] was subservient to the Book of God and the Sunna of His Prophet. We do not know of any of the Rashidun Caliph’s ever, in their official acts, having overstepped the boundaries set by God. Nor did they trespass on the rights of the umma, nor on those of individuals, which had been stipulated in the glorious shari’a, alleging as their excuse that they were overstepping the bounds set by God only for the benefit of their subjects. For the subjects derive no benefit from their ruler’s transgressions against the bounds set by law. Except for this one out of [all] absolutist governments, there has been none that were just.”

In this brief description, we can see that the Umma party promoted a secular nationalist identity with the aim of sweeping away long-held allegiances to the caliph. In 1908, al-Jarida began calling for an Egyptian constitution and the creation of a representative system of government on the European model. Egypt’s stricter censorship laws during World War I led the Umma party to dissolve in 1915, without achieving these goals.

The greatest points of contention between the Watani and Umma parties were their perceptions of the British Occupation and the Ali Dynasty. Hasan ‘Abd al-Raziq, Qasim Amin, Ahmad Lutfi al-Sayyid, and Sa’d Zaghlul (prior to 1919) believed that British rule had brought many benefits to Egypt. Economically, the situation of many large landowners, like Hasan ‘Abd al-Raziq and his friends, greatly improved under the British. The ‘Abd al-Raziq estate, for example, increased more than ten-fold between the 1882 and 1920. Umma party members believed that the British had increased the pace of modernization in Egypt, by improving irrigation systems and making taxes more regular and manageable. Most importantly, the British had restrained the Khedive’s authoritarian tendencies. Hasan’s associates saw the despotic Ali

112 Ibid., 226-7.

113 Eric Davis, Challenging Colonialism (Princeton: Princeton University Press, 1983), 60. In order to get Egypt’s debt under control, the British had confiscated and sold many of the Khedive’s landholdings. They divided them into fairly large tracts, however, which most Egyptians could never hope to afford. Thus, wealthy landowners were in a unique position to vastly expand their estates.
Dynasty, not the British, as the obstacle to Egypt’s progress. The Ali dynasty consisted of foreign intruders that had subjected Arab Egyptians to corvee labor, impossible tax burdens, arbitrary and cruel punishments, and never allowed them to enter the upper echelons of the bureaucracy. For them, Mustafa Kamil used Islamic symbols to defend tyranny. Khedive Abbas, they believed, cared little for the inhabitants of the Nile River Valley. He only wanted the British to leave so he could resume the exploitation of the Egyptian people for the sake of the Ali household.

The development of rival Egyptian nationalisms introduced new, competing conceptions of community—new answers to the question: Who are we? Prior to the last quarter of the nineteenth century, Egyptians answered this question in terms of their tribes, villages, quarters, occupational guilds, Sufi orders, or madhabs. By the 1890s, and especially the first decade of the twentieth century, the answer—at least for intellectuals—became: We are the people of the Nile River Valley. This new, expanded sense of communal consciousness became controversial in its specification. Mustafa Kamil understood ‘we’—the people of the Nile River Valley—as subjects of the Ali dynasty who proclaim allegiance to the Caliph of Islam, and are currently ruled by foreign intruders. Hasan ‘Abd al-Raziq understood ‘we’—the people of the Nile River Valley—as the Arabic speaking masses who have been oppressed by foreign, Turkish rulers for centuries, and are now in a period of transition under the rule of more enlightened despots, who will train Egyptians to govern themselves.

Like the other emergent communities examined in this chapter, nationalists turned to history writing to legitimate their vision of the nation. As Yoav Di-Capua has demonstrated, a new historiography—modern history—emerged in the last decade of the nineteenth century,

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which gave expression to the emerging Egyptian nation. Among the first of such works, Jurji Zaydan’s *Tarikh Misr al-hadith* (A Modern History of Egypt), published in 1889, retraced the history of Egypt from the Pharaohs to the present. What made this work “modern?” For one thing, it was inspired by the work of orientalist historians, and used many of their works as sources. Moreover, Zaydan abandoned many of the stylistic ornaments adorning Islamic chronicles—for example the use of *saj*—as well some of their distinctive themes. Zaydan did not make religion an organizing theme of his narrative, nor did he bother to reflect on the ‘aja’ib, or the marvelous deeds of Egyptian heroes. Like the orientalists, Zaydan sought to write a scientific history, emotionally detached, and “in accordance with strict criteria of rational scrutiny and judgment.”

In his preface, Amin explained that history is a powerful tool of critical inquiry that contemporaries can use to guide public affairs. Perhaps this observation reflects the most modern characteristic of his narrative: its progressive intention. As we saw in chapter one, communities from all different time periods have used narratives of the past to legitimate their hopes for the future. Modern historians were distinctly self-conscious of doing so. Caught up in the spirit of European progressivism, modern Egyptian history writers consciously used history as “a tool for uncovering the laws of progress.”

Francois Guizot, as we saw, believed he could explain historical progress in terms of the expansion of basic human liberties. Abduh, after reading Guizot, used this same framework to chart to future course of progress in the Muslim world. For Egyptian intellectuals of the late nineteenth/early twentieth century, one of the laws of progress

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116 Ibid., 38.
117 Ibid., 46.
was the formation of nations. Mustafa Kamil, for example, believed that nationalism was the secret to European advancement:

> Everything that exists in those regions, by way of justice, order, freedom, and independence, great prosperity and great possessions, is undoubtedly the product of this noble feeling which spurs the members of the nation in their entirety to strive for a common purpose and a single goal.\(^{118}\)

As obvious as the idea of an Egyptian nation seems today, it must remembered that it was a new and contested concept in Kamil’s time. Egyptians did not share a common memory of the nation, and some non-Egyptians even challenged the existence of an Egyptian nation. As Lord Cromer had it:

> National representation in Egypt in the sense in which the term is generally used is sheer absurdity, for the very natural and sufficient reason that Egyptians are not a nation, and, so far as can now be foreseen are not likely to be a nation, at all event during the lifetime of any person now living.\(^{119}\)

As Egyptian intellectuals began writing modern histories of Egypt, they were aware of the fragility of the Egyptian nation. Many saw history writing as essential to the nation’s revival. As Mustafa Kamil had it, the Egyptian nation had become weakened and dissolved because Egyptians had neglected their own history:

> What is the lethal drug that the nation has taken with such pleasure? What is the disastrous misfortune of the country that befell its inhabitants while they (passively) continue to gaze at it? How come this beloved nation forgot that it was she who conquered, subjugated, stroked, and emerged triumphant . . . ? Obviously, the reason for this disastrous state of affairs is the neglect of civil education \([\text{tarbiyya wataniyya}]\) and the erasure of instructive history to the mind and spirit. . . . History, History! This is the common school for all classes

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\(^{118}\) Quoted in Albert Hourani, *Arabic Thought in the Liberal Age* (Cambridge: Cambridge University Press, 2002), 206.

of the nation. This is the instructor that will acculturate the glorious prince, the celebrated minister, the erudite scholar, the student, and the ordinary poor man.\textsuperscript{120}

As history writing and nationalist politics came to intersect, historiographical controversies arose, which reflected the conflict between Ottoman-Islamic nationalists and their secular, territorial rivals. Among these controversies we find “the first historiographical debate of twentieth-century Egypt”\textsuperscript{121}—a debate between Mustafa Kamil and Muhammad Abduh over the historical legacy of Mehmet Ali. In May 1902, Khedive Abbas organized a centennial celebration of Mehmet Ali’s investiture as governor of Egypt—or, as Mustafa Kamil’s newspaper, \textit{al-Liwa}, reported it, the day when “the leaders of the people elected Muhammad Ali as governor of Egypt.”\textsuperscript{122} These celebrations present an exemplary instance of invented tradition. Today, it is common to find Mehmet Ali remembered as the founder of modern Egypt, but in 1902 this “founder paradigm” had to be established.\textsuperscript{123} After all, the Egyptian nation had yet to be established. Thus, the centennial celebrations broke historiographical ground by presenting Mehmet Ali as modern Egypt’s founder. Intellectuals in numerous newspapers, Jurji Zaydan among them, memorialized Ali’s legacy. Mehmet Ali, they proclaimed, had revived Egypt after its period of stagnation under the Mamluks. He was chosen by the people to rule. He built the most powerful army in the Ottoman realm, and staffed it with Egyptian people. He established

\textsuperscript{120} Yoav Di-Capua, \textit{Gatekeepers of the Arab Past} (Berkeley: University of California Press, 2009), 52.

\textsuperscript{121} Ibid., 32.


industrial factories, improved agriculture, and expanded trade infrastructure. He refused to take loans from Europeans. Mustafa Kamil joined in the commemoration of Mehmet Ali, remembering him as Egypt’s great founder who defeated its oppressors and united the people under one flag.\footnote{Yoav Di-Capua, Gatekeepers of the Arab Past (Berkeley: University of California Press, 2009), 32.}

Muhammad Abduh responded to the laudatory commemorations of Mehmet Ali with a rebuttal in \textit{al-Manar}, entitled “Muhammad Ali’s Legacy in Egypt.”\footnote{Ibid., 33-35; See Muhammad Abduh, \textit{al-A’mal al-Kamil} (Cairo: Dar al-Shuruq, 1993), 1:851-58.} He published the work anonymously, under the pseudonym, “historian.” The pseudonym indicated that the author’s judgment of the past is authoritative. It also indicated that Abduh knew this article could land him in trouble with the palace. Mehmet Ali’s rule, Abduh argued, brought few benefits to the Egyptian people. Yes, Ali built an army, and factories, and irrigation networks, but these projects were all pursued to enrich his own house—not the nation. Thus, Egyptians dreaded being drafted into the army. It was a death sentence that they accepted only when physically coerced. Moreover, (Arabic-speaking) Egyptian soldiers were never promoted within the army ranks. Ali also neglected the conditions of his workers in the factories, and improved irrigation only to augment his own treasury. Moreover, not only did Ali not protect Egypt from foreign intruders, he actually promoted them—i.e. his Kavalian friends and family—in order to secure his rule over the Egyptian people.\footnote{For a contemporary study of Mehmet Ali that shares Abduh’s perspective, see Khaled Fahmy’s works: \textit{All the Pasha’s Men} (Cairo: AUC Press, 2002); and \textit{Mehmet Ali: from Ottoman governor to ruler of Egypt} (Oxford: Oneworld, 2009).}

Di-Capua argues that Abduh challenged the nationalist commemorations of Mehmet Ali’s legacy because he understood that “if he lost this debate, an iron curtain of denial and ignorance would descend on Egypt’s pre-1805 past, a curtain that would condemn Egypt’s Islamic and
Ottoman heritage to oblivion.”127 This interpretation of Abduh’s intentions is mistaken for two reasons. First, Mustafa Kamil was one of the most outspoken promoters of the Egyptian nation’s Ottoman-Islamic identity. It is unclear why Abduh should have taken the celebrations of Mehmet Ali’s legacy as a threat to the memory of Ottoman Egypt when Mustafa Kamil did not. Second, Abduh was not the most vigorous defenders of Egypt’s Ottoman identity. Indeed, he clearly had a chip on his shoulder concerning the “Turks”’ role in Egyptian history.

Why, then, did Abduh dispute the “founder paradigm” so vigorously? If anything, Abduh understood that the founder paradigm condemned his liberal historiography to oblivion. Following Guizot, Abduh believed that societies develop as individual liberties expand. If Egyptians were to learn from their history, if they were to understand the path they should take in the future, they would have to grasp this basic principle of progress. The Ali dynasty was no supporter of Egyptian liberty. It should not, therefore, be able to take credit for the progress Egyptian society had achieved by the turn of the twentieth century. Hence, Abduh told the history of the Ali dynasty from the perspective of the Arabic-speaking Egyptian people. He revived their memories of being overtaxed, forced into servitude, beaten, robbed, and incessantly monitored by Ali’s regime. For Abduh, combining these experiences of suffering under despotism with narratives of national progress was historiographical heresy. It left Egyptians ignorant of the true sources of their suffering and success.

**Conclusion: What Happened to the Liberal Shari‘a?**

In the late 1890s, visitors to Hasan ‘Abd al-Raziq’s salon frequently discussed the despised state of women in Egypt, and the role Islam played in producing it. One of member of Hasan’s circle, Qasim Amin, published a work inspired by these discussions in 1899—*The Gatekeepers of the Arab Past* (Berkeley: University of California Press, 2009), 64.
In his work, Amin denounced many of the social conventions governing women’s behavior—among them, requiring women to wear the niqab and live in seclusion. As Amin knew well, many of his contemporaries would not regard these norms as mere social conventions; they were ordinances of the shari‘a. Amin disagreed, and squarely challenged this assumption throughout *The Liberation of Women*. His contemporaries, he argued, have confused tradition—that is, *taqlid*—with the true, “liberal shari‘a.” The shari‘a, Amin argued, granted women freedoms that they have yet to acquire—even in the West:

The Islamic legal system, the shari‘a, stipulated the equality of women and men before any other legal system. Islam declared women’s freedom and emancipation, and granted women all human rights during a time when women occupied the lowest status in all societies. According to Islamic law, women are considered to possess the same legal capabilities in all civil cases pertaining to buying, donating, trusteeship, and disposal of goods, unhindered by requirements of permission from either their father or their husband. These advantages have not yet been attained by some contemporary Western women, yet they demonstrate that respect for women and for their equality with men were basic to the principles of the liberal shari‘a.129

Abduh’s influence on Amin’s thought is obvious. But Amin’s book generated mostly negative responses from Egyptian Muslims. Only a year later, he published a response to his critics entitled *The New Woman*. Its opening sentences suggest a radical shift in Amin’s thought:

The new woman is one of the fruits of modern civilization. She first appeared in the West was a consequence of the scientific discoveries that freed human reason from the powers of delusion, speculation, and superstition, thereby establishing reason’s self-sufficiency, and laying down the path upon which it must travel. This [freedom of reason] occurred because science explored all issues, examined every idea, and rejected any proposition not proved to be in public interest [al-\textit{manafa’a} lil-‘ama]. This search resulted in abolishing the power of the clergy, eliminating

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the privileges of nobility, establishing a constitution for monarchies and rulers, and freeing black people from the bondage of slavery. It finally challenged most of the privileges that men had defined as theirs, which in effect had implied that women were not equal to men in any sphere.\textsuperscript{130}

Now, Amin claims that liberation—not just of women, but of all society—is the product of scientific discoveries. What happened to the liberal shari‘a? A close reading of Amin’s works shows that his shifting use of language expresses, not a radical change in thinking, but a change in political strategy. Like Abduh, in the \textit{Liberation of Women} Amin perceived the decline of Egyptian society as the result of despotic rule and religious traditionalism. Amin argued more explicitly, however, that despotic governments are the deeper, more primary cause of social decay. They are responsible for the corrupted traditions that now circulate under the name of Islam:

The most significant factor that accounts for the perpetuation of these traditions [that oppress women], however, is the succession over us of despotic governments. At various times and places Islamic societies have been stripped of the political structures that delineated the rights of the ruler and the ruled, and that granted the rights of the ruled the right to demand that the rulers stop at the limits established for them by the shari‘a. In fact, their governments continually took on a despotic nature, with their sultan and his assistants having total authority. Thus they ruled however they wished, without restraint, counsel, or supervision, and they administered the affairs of their citizens without these having any . . . . When despotism prevails in a country, its impact is not limited to individual cases only, since it is central to the ideology of the supreme ruler. Despotism continues to flow from him to those around him, and they, in turn influence their subordinates.\textsuperscript{131}

For Amin, constitutionalism is the heart of civilization. The nature of that state shapes the nature of its people. Authoritarian governments create authoritarian relationships between village shaykhs and peasants, and between husband and wife. Yet, Amin notes that the condition of women has improved in the “past few years, when we have witnessed a decrease in the power of

\textsuperscript{130} Ibid., 115.
\textsuperscript{131} Ibid., 8.
men.” Writing in 1899, Amin could only be referring to the British Occupation. While British rule was not ideal, it provided Egyptians with an opportunity to recover from the Ali dynasty’s despotic abuses. Amin took this opportunity to advance the cause of the liberal shari’a. By 1899, however, there were strong reasons to doubt the usefulness of this approach to reform, which became manifest in the negative response to the *Liberation of Women*. First, Amin, like many of the other members of Hasan ‘Abd al-Raziq’s circle, lacked Abduh’s training in the religious sciences. If Abduh could not persuade most Muslims to endorse the liberal shari’a, Amin had little hope of faring better. Second, Egypt’s intellectual terrain was quickly shifting under Amin’s feet. Mustafa Kamil was now speaking to groups of thousands—many of them students or graduates of Egypt’s state schools. For this audience, Abduh’s battle for *ijtihad* had already been won; they accepted the authority of the European sciences. Therefore, when Amin defended women’s rights in the *New Woman*, he had little incentive to argue from the liberal shari’a. Students of the state schools were more likely to be impressed by arguments couched in the language of the modern sciences.

Amin’s change in political strategy reflects the shifting orientation of Hasan ‘Abd al-Raziq’s circle of friends. While they had yet to form the Umma party, by 1900, they were already faced with the challenge of Mustafa ‘Abd al-Raziq’s populist politics. His nationalist rhetoric was powerful, though by their standards it threatened the progress of the Egyptian nation. In response, Hasan ‘Abd al-Raziq’s circle had to craft a nationalist rhetoric that supported British rule, though not overtly so. Since Kamil’s nationalist rhetoric was Islamic, they could have challenged him on theological grounds, but this was a losing battle. Thanks to the British Occupation, Kamil had the forces of Pan-Islamism and reverence for the Caliph on his side.

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132 Ibid., 10.
Thus, Hasan ‘Abd al-Raziq’s circle crafted a nationalism that aimed to discredit religious
language in the public sphere. They claimed the superior perspective of science and reason, and
dismissed religious nationalism as a survival from Egypt’s primitive past. These contingent,
historically formed associations between secularism and progress, and the caliphate and
despotism, later informed ‘Ali ‘Abd al-Raziq’s analysis of the caliphate institution in *Islam and
the Foundations of Government*. 
CHAPTER 3

‘ABD AL-RAZIQ’S CHALLENGE: ISLAM AND THE FOUNDATIONS OF GOVERNMENT

This chapter describes the political controversies that motivated ‘Ali ‘Abd al-Raziq’s *Islam and the Foundations of Government*, and examines the arguments he put forward within it.

In the following sections, I: 1) discuss ‘Abd al-Raziq’s involvement in Egypt’s Liberal Constitutionalist party; 2) explain the reemergence of the caliphate as a central topic of Egyptian politics in 1924; 3) analyze the arguments put forward in *Islam and the Foundations of Government*. I argue that ‘Abd al-Raziq intended his work to defend Egypt’s new constitutional monarchy, by discrediting the rival model of government found in the doctrine of the caliphate.

The majority of ‘Abd al-Raziq’s work was dedicated to a historical revision of the origins of Islam, in which ‘Abd al-Raziq read Islamic sources critically, in an attempt to wring out the suppressed memory of early Islam. I argue that ‘Abd al-Raziq’s critical approach to these sources was inspired by his study of the history of Arabic literature at the secular Egyptian University.

The Foundation of the Liberal Constitutionalist Party

The Umma party’s relationship with the British administration drastically deteriorated between 1907 and the end of the First World War. Eldon Gorst succeeded Lord Cromer as Egypt’s high councilor, and commenced a new policy of reconciliation with Khedive Abbas. Abbas’ newfound cooperation with the British weakened the Watani party, which Gorst
intended, but it also had a negative effect upon Umma party members. In his new position of power, Abbas tried to force the Jarida company to fold, and successfully pressured Mustafa ‘Abd al-Raziq to resign from the school of qadis.¹ When the Ottomans entered World War I on the side of Germany, however, the British responded by exiling Abbas and the leaders of the Watani party, severing all legal ties between Egypt and Istanbul, declaring Egypt a British Protectorate, and establishing martial law. As one might have expected, these policies dealt a crushing blow to the Ottoman-Islamic nationalism of the Watani party. With the party’s leadership in Istanbul, and strict censorship laws enforced in Egypt, the Watani party’s influence on Egyptian affairs greatly diminished. The party survived the war, but never regained its popular appeal. Suddenly, the Umma party’s greatest enemies—the Khedive, the Caliph, and the Watani party—were no longer a threat. Unexpectedly, however, these new conditions turned members of the Umma party against the British. Strict censorship under martial law led the Umma party to fold in 1915, but its leaders remained in Egypt, and readjusted to their new circumstances. With their political rivals defeated, they now focused their criticism on the British.

The British Protectorate had the misfortune of being created in the midst of war. Thousands of Entente soldiers flooded the cities of Cairo and Alexandria, causing severe inflation and food shortages. Life in the villages was also destabilized as the British army requisitioned crops and beasts of burden, and conscripted villagers for labor projects. Many of them were sent abroad. After suffering these severities, Egyptians did not want the British Protectorate to survive the war. Most had already opposed the British Occupation. Now, even the

¹ Walid Kazziha, “The Jaridah-Ummah Group and Egyptian Politics,” Middle Eastern Studies 13, no.3 (Oct. 1977), 381n44.
former members of the Umma party insisted upon British withdrawal. They perceived that the
British had done little to integrate Egyptians into government service, and that they showed no
sign of leaving anytime soon. Thus, on Nov 13, 1918, five former members of Umma party—
Sa’d Zaghlul, Ahmad Lutfi al-Sayyid, ‘Abd al-‘Aziz Fahmi, Muhammad Mahmud Pasha, and
‘Ali Pasha Sha’arawi—requested permission from high commissioner Wingate to attend the
Paris Peace Conference as an Egyptian delegation (wafd). Following the publication of
Woodrow Wilson’s Fourteen Points, the Wafd delegates believed that the world powers would
sympathize with Egypt’s call for independence. But Wingate refused them permission to sit at
the table. In response, the small Wafd delegation quickly organized into a political party, and
began canvassing the countryside, speaking to the masses, and collecting thousands of signatures
in support of the delegation. This was the origin of the Wafd party, which remained the most
popular political party in Egypt until ‘Abd al-Nasser outlawed political parties in 1953.

The Wafd combined the secularism of the Umma party with Watani party’s
uncompromising refusal of British rule. Like the Watani party, the Wafd demanded that the
British immediately withdraw, and organized demonstrations led by students of state schools as
well as al-Azhar. During the Wafd’s campaign of public speeches, Sa’d Zaghlul, president of the
party, distinguished himself as a master orator, capable of articulating popular resentment of the
British in the colloquial dialect of the countryside. Indeed, he became so popular, and so
representative of the Wafd in the eyes of the public, that Zaghlul did not need to rely on the


3 Sa’d Zaghlul, unlike his brother, Ahmad Fathi, was not an official member of the Umma party, but he was a
“strong supporter” of the party. See Afaf Lutfi al-Sayyid Marsot, *Egypt’s Liberal Experiment: 1922-1936* (Berkeley:
University of California Press, 1977), 45. Quraishi claims that they both “had a part in the formation of the party.”
Zaheer Masood Quraishi, *Liberal Nationalism in Egypt: Rise and Fall of the Wafd Party* (Delhi: Alwaz Publishers,
1967), 30.
cooperation of other party members. His stubborn unwillingness to compromise eventually led the Wafd’s other founding members to resign from the party in 1921. The previous year, in the face of persistent Egyptian unrest, the British government yielded and invited the Wafd leadership to England to begin treaty negotiations. The British were willing to grant Egypt independence, but insisted upon certain conditions, like the right to maintain a military presence to protect the Suez Canal. Wafd leaders were pleased with this compromise, but Zaghlul, independently, refused the terms until negotiations finally broke down. Disgusted at Zaghlul’s intransigence, the other Wafd founders resigned. Zaghlul retained the overwhelming support of the public, who cheered his return from England, proud of his refusal to compromise. Yet he had lost the support of most of Egypt’s leading statesmen.

In this deadlocked atmosphere, high councilor Allenby\(^4\) sought to make an agreement with Zaghlul’s rivals. He knew that Zaghlul, now identifying himself with the nation, would never accept a treaty that was negotiated without him. Moreover, after one of Zaghlul’s tours of the countryside, Egyptians would never accept it either. Thus, on December 23, 1921, Allenby had Zaghlul deported to Seychelles. He then made an agreement with two Egyptian statesmen, and former Wafdist, ‘Abd al-Khaliq Tharwat and Ismai’il Sidqi.\(^5\) They argued that Great Britain should declare Egypt independent to earn Egyptians’ trust, and then allow a Tharwat-led ministry to establish a constitutional monarchy. Sultan Fu‘ad would be come a king, and Tharwat’s ministry would draw up a constitution and an electoral law. Allenby was willing to make this

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\(^4\) General Allenby, leader of the Palestine campaign in World War I, became high commissioner of Egypt on March 25, 1919. At that point, Wafd-led public disturbances had already begun, and Zaghlul had been deported to Malta. Allenby decided to reverse Wingate’s decision, and allow the Wafd to attend the Paris Peace Conference. Only after treaty talks between the Wafd and the British government broke down did Allenby seek a solution with Zaghlul’s rivals.

compromise with Egypt’s “moderates”\textsuperscript{6} in order to reestablish law and order. Tharwat and Sidqi, on the other hand, accepted that the British would maintain a presence in Egypt. They agreed to avoid discussion of four points, which would have to be decided in future treaty agreements: 1) the defense of Egypt against foreign aggression; 2) the protection of British communications in Egypt; 3) the protection of foreign communities in Egypt; and 4) the status of the Sudan relative to Egypt. After much pressuring from Allenby, the British government unilaterally declared Egypt independent on May 15, 1922. The Wafd called the declaration a “national catastrophe” organized by “cowards” and “highwaymen and murderers” who had “betrayed Egypt.”\textsuperscript{7} Students demonstrated at the palace, shouting “Long live Zaghlul,” and “Down with the Sultan.” They had the Sultan, now King Fu’ad, wrong, however, for he was not interested in becoming a constitutional monarch.\textsuperscript{8} From the beginning, therefore, Tharwat’s ministry faced powerful enemies—the populist juggernaut that was the Wafd, and a clever monarch, skilled at manipulating government procedures in order to protect his power. Both enemies hoped that Tharwat’s efforts to draft a constitution would fail, and did what they could to achieve this end. Thus, in the interest of creating support for his cabinet and the drafting process, Tharwat and his colleagues founded a new political party, the Liberal Constitutionalists, on October 30 of 1922.\textsuperscript{9}

\textsuperscript{6} Of course, the term ‘moderate,’ has no meaning independent of some ideological schematization of beliefs and practices that I have no reason to adopt. But this is how Allenby perceived Tharwat and Sidqi. ‘Moderate,’ here, describes a willingness to compromise with the British, and accept their conditions for independence.

\textsuperscript{7} Afaf Lutfi al-Sayyid Marsot, \textit{Egypt’s Liberal Experiment: 1922-1936} (Berkeley: University of California Press, 1977), 63-64; 67.


The ‘Abd al-Raziq family was a pillar of the Liberal Constitutionalist party from the beginning. Hasan ‘Abd al-Raziq had died in 1908, but his sons remained politically active in the Umma party. After al-Jarida closed its doors in 1915, Mustafa and ‘Ali ‘Abd al-Raziq joined the former editor of al-Jarida, ‘Abd al-Hamid Hamdi, and founded a new paper al-Sufur (The Unveiling). As the name of the paper suggests, it was inspired by the memory of Qasim Amin, and continued al-Jarida’s tradition of promoting a secular, scientific society.  

Mostly the younger members of the Umma party contributed to its pages—Mustafa and ‘Ali ‘Abd al-Raziq, Taha Husayn, and Muhammad Husayn Haykal among others. When the Wafd party first took form, the editors of al-Sufur visited their old mentor, Ahmad Lutfi al-Sayyid, and requested permission to send a representative in the proposed delegation. Lutfi al-Sayyid asked them “and in whose name do you speak?” They answered, “in the name of the group of rationalists.”  

Ahmad Amin claims that Lutfi al-Sayyid granted their request, choosing Mustafa ‘Abd al-Raziq as al-Sufur’s representative, “but Shaykh Mustafa excused himself after consulting with his family.” As this comment suggests, the ‘Abd al-Raziq family seems to have avoided involvement in the Wafd party, perhaps unwilling to embrace its radicalism. From the moment the Liberal Constitutionalist party was formed, however, it had the ‘Abd al-Raziq brothers’ full support. ‘Ali ‘Abd al-Raziq’s older brother, Mahmud ‘Abd al-Raziq, was now the head of the family. He was a leading member of the new party, one of its principle financial backers, and the


12 Ibid.

13 Taha Husayn mentions that ‘Ali ‘Abd al-Raziq’s older brother, Hasan Pasha ‘Abd al-Raziq, was the Governor of Alexandria when the Wafd formed. See The Days (Cairo: AUC Press, 2002), 386. Perhaps his high position in the state prevented the ‘Abd al-Raziqs from joining the Wafd, even though Mustafa, at least, clearly wanted to. Hasan Pasha ‘Abd al-Raziq was a founding member of the Liberal Constitutionalist party, and funded its newspaper, al-Siyasa.
sole supporter of its newspaper, *al-Siyasa*. He also ran, unsuccessfully, for a seat in the Parliamentary elections of 1923-24 as a Liberal Constitutionalist. Mahmud later served as the party’s vice-president. Yet another brother, Hasan ‘Abd al-Raziq Pasha, was elected to the party’s original board of directors in 1922. He was also a member of Tharwat’s constitutional committee, but was assassinated by a Wafdist radical in November of 1922, before the committee had finished its work. Mustafa ‘Abd al-Raziq helped to edit *al-Siyasa* and frequently contributed articles to its pages. Finally, ‘Ali ‘Abd al-Raziq also ran, also unsuccessfully, for a seat in the Parliamentary elections of 1923-24 as a Liberal Constitutionalist.

The ‘Abd al-Raziq brothers maintained many of their family’s traditions, including their father’s commitment to liberal constitutionalism, and, in Mustafa and ‘Ali’s cases, its long history of religious scholarship. The brothers also maintained the salon atmosphere of the ‘Abd al-Raziq house in Cairo, which politicians, intellectuals, and other elites frequently visited. At one such gathering in the early 1920s, a young village girl, hired to entertain the women with her singing, was dragged into the men’s room before the likes of Adli Yakan, ‘Abd al-Khaliq Tharwat, and Ahmad Lutfi al-Sayyid. The women were so impressed with her voice that they insisted she sing for the men. She was later known as Umm Kulthum. The ‘Abd al-Raziq

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family’s patronage was the first major break in her career. As one visitor of the ‘Abd al-Raziq salon recalled, in the ‘Abd al-Raziq house,

> You would see in one corner former ministers of state and political leaders discussing political issues and in their midst His Grace Mahmud Pasha ‘Abd al-Raziq . . . A few steps away from them, another group convenes and in it are Dr. Taha Husayn, Mansur Fahmi and others talking to Shaykh Mustafa ‘Abd al-Raziq arguing about a scholarly matter. . . . In another corner sits al-Ustadh ‘Ali ‘Abd al-Raziq, around his scholars of religion. . . . In another al-Ustadh Isma’il ‘Abd al-Raziq with specialists in the arts of agriculture.

The ‘Abd al-Raziq family, then, was well-known among Cairo’s elite, and strongly associated with the Liberal Constitutionalist party. Like the Wafd, the Liberal Constitutionalists continued the Umma party’s commitment to secular nationalism and compromise with the British authorities. Indeed, most of the former members of the Umma party joined the Liberal Constitutionalists. Lutfi al-Sayyid wrote the declaration of the party’s program, which included: “support for an independent Egypt; constitutional rule; the protection of civil rights; free speech; and the establishment of social justice.”

Muhammad Husayn Haykal and Taha Husayn also joined the party. Haykal was made editor the party’s newspaper, and took Lutfi al-Sayyid’s place

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18 Quoted in Ibid., 58. Ahmad Amin first visited the ‘Abd al-Raziq house when he began working on al-Sufur. He recalls a similar atmosphere. Ahmad Amin, *My Life* (Leiden: Brill, 1978), 71:

> Sometimes I used to go on Friday evenings to the home of my friend Shaykh Mustafa ‘Abd al-Raziq. It was a home which kept the old traditions of the large family homes. Its visitors were many, its tables were set for dinner and supper, and its evening gatherings were young and pleasant. The young friends of the Shaykh gathered in one of the rooms of the house. Young men from al-Azhar met with young men from the School of Law and some others who were studying in Europe. Religious, philosophical, political, and social questions of all kinds were raised at random, and we exchanged ideas and opinions on them. Conservatives locked horns with civilized liberals, supporters of unveiling wrangled with supporters of the veil, nationalists rose against reactionaries, and so the evening pleasantly continued till midnight, offering fine mental and spiritual pleasure.

as the leading spokesman for a secular, territorial vision of the Egyptian nation.\textsuperscript{20} Also like the Umma party, the Liberal Constitutionists never had a large popular following. The overwhelming majority of the party’s members were rural notables and large landowners like the ‘Abd al-Raziqs.\textsuperscript{21} Most Liberal Constitutionists’ believed their elite status made them natural leaders. They were used to holding leadership positions in their villages, and they were the country’s intelligentsia. They mistrusted the ignorant masses that foolishly empowered Sa‘d Zaghlul. Wafdist newspapers, in response, maligned the Liberal Constitutionists as “the party of aristocrats.”

Prime Minister Tharwat chose a committee of thirty-two to draft a constitution and an electoral law. He included various segments of Egyptian society, including religious minorities, Bedouin, and conservative Muslims, but the committee was dominated by Liberal Constitutionists. The Wafd boycotted the committee, staging popular demonstrations against it, while King Fu‘ad did all he could to weaken Tharwat’s cabinet. Realizing Fu‘ad’s unwillingness to accept strict limits on his prerogatives, the constitutional committee compromised, drafting a more “authoritarian” constitution than they originally had originally planned.\textsuperscript{22} Among these compromises, the final constitution vested legislative authority in the king as well as the parliament, and gave the king the right to appoint the prime minister, postpone parliamentary sessions, dismiss the cabinet and dissolve parliament, and appoint two-fifths of the Senate.\textsuperscript{23} Significantly for ‘Ali ‘Abd al-Raziq, the constitution also left the ministry of religious affairs


\textsuperscript{23} Ibid., 68.
under the palace, rather than the parliament. But a constitution and an electoral law was finally established in April of 1923. Zaghlul was allowed to return to Egypt, and parliamentary elections were held in January of 1924. The Wafd won 151 of 175 seats. The Liberal Constitutionalists won 7. Zaghlul became the first Premier of an independent Egypt.

**The Return of the Caliphate**

‘Ali ‘Abd al-Raziq published *Islam and the Foundations of Government* about a year and a half into Egypt’s “liberal experiment.” When Sa’d Zaghlul took office, the question of the caliphate was not on Egyptians’ radar. Egypt was no longer a part of the Ottoman Empire, and all attention focused on independence from the British Protectorate, which was led by two, rival secular nationalist parties. It may have appeared that the old battle between Ottoman-Islamic nationalism and secular-territorial nationalism was over, and that the proponents of Ottoman-Islamic nationalism had lost. In his periodization of Egyptian history, Nadav Safran endorsed this perception by labeling the period of 1919-1926 as Egypt’s “progressive phase.” As he had it, the period was dominated by a European-educated elite that professed “a vigorous rationalist spirit, a confident Western cultural orientation, buoyant ethical aspirations, and a bold assertion of Liberal Nationalist principles and themes.” The victory of the secular nationalists, however, was more apparent than real. Sayyid Qutb recalled the atmosphere of his village during the First World War. “The feelings of the entire village were on the side of Turkey, the State of the

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26 This is Marsot’s phrase. See Ibid.

Islamic Caliphate, and against the Allies who represented the ‘unbelievers’ and were fighting Islam.”

The popular Ottoman-Islamic sentiment that the Watani party once harnessed was still strong in 1924, bubbling under the surface of the constitutional revolution. Thus, when Turkey’s Grand National Assembly abolished the caliphate that March, it immediately reemerged as a central issue of Egyptian politics.

Had ‘Abd al-Raziq published *Islam and the Foundations of Government* at the moment Sa'd Zaghlul was elected Egypt’s premier, conservative Muslims surely would have disapproved, but it would most likely have generated little response other than academic criticism. For the brief period between 1918 and 1924, though popular reverence for the Caliph remained, there was little practical connection between the caliphate doctrine and Egyptian politics. This was evident when the Ottomans abolished the Sultanate in 1922. Generally, the Egyptian press defended Ankara’s decision, largely because it was seen to have little effect on the Muslim world or Egyptian affairs. The belief that the Caliph possessed religious authority, separate from the Sultan’s political authority, had become so entrenched that few Egyptians were uncomfortable with the abolition of the sultanate, or put another way, the removal of the Caliph’s power. Even Rashid Rida, a committed defender of the Ottoman Caliphate, ultimately defended the Ankara government’s decision. It was a “mistake,” he argued, to separate the sultanate from the caliphate, for a true caliph required power. But at the same time, the Ankara government inherited a broken caliphate. The Ottoman Caliph only held power within the Ottoman realm, and the Caliph they deposed, Wahid al-Din, had collaborated with the European powers. Thus,

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29 Surprisingly, Taha Husayn objected to government’s decision, arguing that Muslims “have at all times and places agreed that the caliphate is a religious as well as political office.” Richard Hattemer, “Ataturk and the Reformers in Turkey as Reflected in the Egyptian Press,” *Journal of Islamic Studies* 11, no.1 (1999): 14.
Muslims should forgive the Grand National Assembly’s mistake for now, and later convince it to reunite the Caliphate with the Sultanate. Rida, like other Egyptian commentators, appears to have supported the Ankara government partly because he admired the Turkish nationalists’ victories over European armies. Turkish authorities deserved support, Rida argued, because “they . . . were fighting Europe’s designs for ending all Muslim mulk [power] in the world.”

The Egyptian response to the abolition of the Ottoman sultanate shows that Egyptians were first and foremost concerned with ending European rule in the Muslim world—especially Egypt. Most were willing to accept a purely religious caliphate, because the Caliph had little bearing on Egypt’s independence movement.

The abolition of the caliphate in March of 1924, however, provoked a public outpouring of grief, and anxiety in Egypt. Interestingly, newspapers were primarily “concerned that the abolition of the Ottoman Caliphate could lead to disintegration of the Muslim community.”

Why did the abolition of the sultanate not provoke a similar worry? In short, the symbol of the caliph played a powerful, if largely imaginary, role in the pan-Islamic consciousness. In truth, the Ottoman Caliph never had the power to defend the Muslim world. Hence, when his power, in the form of the sultanate, was taken, it raised little concern. The Caliph still remained, he still represented Islamic unity, and he possessed nearly the same capacity to defend the umma. Now, however, the symbol of Islamic unity was gone. As one commentator in al-Ahram feared: “It is not far-fetched . . . that the disparity between the various Islamic peoples will become apparent over this grave question [of the caliphate]. Then, every single people will resort to making its

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In truth, the Muslim world was in no better, or worse, position to cooperate than it had been during the reign of Abdulhamid. But Islamic unity, or cooperation, had become so closely identified with the symbol of the caliph, that the loss of the symbol provoked anxiety. Even Muhammad Husayn Haykal lamented the Turkish authorities’ “impulsiveness and immoderation.”

Though the abolition of the caliphate provoked grief and anxiety in the majority of Egyptians, it still had no direct bearing on Egyptian politics. In their initial public response to the Grand National Assembly’s decision, al-Azhar’s scholars declared that Muslims still owed their allegiance to the deposed caliph, ‘Abd al-Mejid. Cleverly, King Fu’ad made the caliphate relevant to Egyptian politics again by attempting to claim the title for himself. This allowed Fu’ad to utilize the caliphate just as the Watani party had in previous decades. Watani spokesmen like Mustafa Kamil used Egyptian reverence for the caliphate to sharpen the illegitimacy of British rule and allegiance to the palace. Now, Egypt was nominally independent. The secular statesmen that once colluded with the British against the Watani party had led the independence movement. They were patriots. But perhaps their patriotism could be questioned if their piety became suspect. Although the secular intelligentsia argued that the nation had nothing to do with religion, the masses still imagined Egypt as an Islamic community, and part of the larger, umma. Fu‘ad knew that the leaders of the Wafd and the Liberal Constitutionalist parties would not support his caliphate, for it would pose a challenge to the newly-created constitutional

34 Ibid., 56-57.
monarchy. If the secular statesmen openly declared their opposition to the caliphate, however, then just like in the days of the Watani party, they could be vilified as patrons of European imperialism. In this case, they patronized Europe’s cultural imperialism. That is, in a time a grief and anxiety-provoking change, the secular intellectuals would appear as the segment of Egyptian society that is trying to erase all traces of Islamic civilization. King Fu’ad, on the other hand, could emerge as its great defender.

Using his influence at al-Azhar, King Fu’ad persuaded the scholars to renounce their previous declaration of loyalty to Caliph Abd al-Mejid. On March 25, 1924—only ten days after the Shaykh al-Azhar had professed allegiance to Abd al-Mejid—the scholars of al-Azhar withdrew their recognition of his caliphate. “The caliphate,” they explained, “is a general headship (ri’asa) in matters of religion and of this world. The Imam is the deputy of the promulgator of the shari’a for the defense of religion, for the application of its precepts, and for the administration of mundane affairs as the shari’a provides.” Muslims, it was true, had sworn the bay’a to ‘Abd al-Mejid. But in order to maintain his authority, a caliph must exercise “coercive force and temporal power”:

The Imam becomes Imam in virtue of a payment of allegiance on the part of those with the power to loose and bind, or else being chosen by his predecessor to succeed him. It is also indispensible, however, that his rule should carry authority among his subjects through fear inspired by his coercive force and his temporal power. In fact, if allegiance has been paid to the Imam, or if his predecessor has chosen him to succeed him, but nevertheless his rule fails to carry authority among the people owing to his inability to exercise compulsion upon them, then neither

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35 Even though the Wafd boycotted the constitutional committee, they quickly became its defenders once they dominated elections. See, Araf Lutfi al-Sayyid Marsot, Egypt’s Liberal Experiment: 1922-1936 (Berkeley: University of California Press, 1977), 68.

the payment of allegiance nor the choice of the preceding caliph avail to make him Imam.\textsuperscript{37}

By these standards, Abd al-Mejid should have lost his claim to the caliphate when the sultanate was abolished two years earlier. Surprisingly, given their endorsement of Abd al-Mejid’s caliphate since 1922, the scholars of al-Azhar now argued this point. When Abd al-Mejid was appointed Caliph, they explained, the Ankara government proclaimed, “the withdrawal from the Caliph of all power (sultan)”:

This [power] they entrusted to their National assembly, and they reduced the Amir Abdu'l-Mejid to the status of a purely spiritual [ruhi] Caliph. By this act, the Turks introduced an innovation [\textit{bid'ah}] which was without precedent in Islam. . . . In these conditions, the Caliphate of the Amir ‘Abdu'l-Mejid was not a legal caliphate, since the Islamic religion does not recognize a Caliph in the terms which were laid down for him and which he accepted. Hence the allegiance paid to him was not valid in Islamic Law.\textsuperscript{38}

Few commentators have recognized it, but when al-Azhar’s scholars renounced Abd al-Mejid’s caliphate, they were actually being quite innovative. Their innovation can be easily overlooked, because the scholars justified their decision with precedents of Islamic law that can be found in classical legal treatments of the Caliphate. It is true that these works depicted the caliph as an enforcer of law, and express no concept of a spiritual caliphate. That these legal precedents were “on the books,” however, should not lead us to forget that most Egyptians, including the scholars of al-Azhar, had accepted Abd al-Mejid’s caliphate for the last two years, up to the previous day. Now, suddenly, the scholars insist that “since the Caliph has absolute discretion to dispose of his subjects’ affairs, all powers must derive and proceed from him—for example, those of ministers, regional rulers, qadis, commanders of armies, and wardens of

\textsuperscript{37} Ibid.
\textsuperscript{38} Ibid., 577.
marches.” Notice that the scholars did not have to argue this way to invalidate Abd al-Mejid’s caliphate. He had just been exiled from Turkey. He had no homeland and no power to reestablish himself. These immediate circumstances would be enough to argue for his dismissal, for what is a caliph without a country? Instead, the scholars argued that the caliph must control all institutions of state, invalidating Abd al-Mejid’s entire reign as caliph. The Muslims’ *bay’a* to him was never binding.

The scholars’ decision to make this particular argument is significant. It forced them to renounce decisions that they publicly proclaimed only ten days previous. Something had changed. The scholars, most likely after a consultation with King Fu’ad, saw in the caliphate a chance to reestablish the rule of law in Egypt, and potentially the world at large. For the scholars, the rule of law was not expressed in Belgium’s constitution, or Egypt’s recent facsimile thereof. The rule of law was the shari’a, which was protected and enforced by the institution of the caliphate. In the current Egyptian regime, dominated by European-trained lawyers and secular intellectuals, the caretakers of the shari’a had little control over public policy. This was not just bad for the scholars, it was bad for all Egyptians, and humanity at large. A world where the shari’a is not enforced is a world out of order. The issue of the caliphate gave the scholars an opportunity to once again shape public affairs. It justified their discontent with the new Egyptian order. If King Fu’ad could gain the caliphate, the scholars, in theory, would be consulted about state policy. But the caliphate could only empower the scholars if they rejected the idea of a spiritual caliphate. They had to insist that all government ministries derive from the caliph’s authority. From this claim, one could easily infer that Egypt’s new constitution was illegitimate.

39 Ibid.
After renouncing ‘Abd al-Mejid’s caliphate, the scholars turned to the point of their announcement: Muslims now have a responsibility to establish a new caliph in his place. They proposed that a caliphate congress be held in Cairo the following year. Notables and scholars from the Muslim world were invited to attend, in the hope electing a new caliph:

[W]e consider it indispensable to hold an Islamic religious congress, to which the representatives of all Islamic peoples shall be invited, in order to consider upon whose shoulders the Islamic Caliphate ought to be placed. In view of the privileged position of Egypt among the Islamic peoples, the congress should be held in Cairo under the presidency of the Shaykhu’l-Islam of Egypt, and should meet in the month of Sha’ban [A.H.] 1343 [March 1925].

Members of the Wafd and Liberal Constitutionalist party perceived Fu'ad’s hand in the proposed congress. Though Fu’ad never admitted to seeking the title, officials loyal to the palace helped to organize the conference. Hasan Nashat, a loyalist acting as under-secretary in the ministry of religious affairs, was seen setting up “caliphate committees” with local scholars in various cities. Moreover, Egyptian diplomats stationed in other countries invited local notables to attend. It was later discovered that the congress was funded by the palace as well. In response, Egyptians who opposed Fu’ad’s caliphate organized to stop the congress. A popular Sufi Shaykh, Muhammad Madi Abu al-Aza’im, organized a minority group of Azharis and

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formed a rival caliphate committee, which argued that conference should be held in Mecca.\textsuperscript{44} Shaykh Yusuf al-Djiwi, who later became a prominent critic of ‘Ali ‘Abd al-Raziq, argued that he could not support King Fu‘ad’s aspirations to the Caliphate until Islamic law was enforced throughout Egypt—as it was in Afghanistan.\textsuperscript{45} The Wafd and the Liberal Constitutionalists published criticisms of congress in their party newspapers. While in control of the government, the Wafd also made life for the conference organizers more difficult. Provincial governors loyal to the Wafd were instructed to withhold aid from caliphate committees established within their districts. The government also banned shari‘a court judges from becoming committee members. After the Wafd ministry folded in November 1924, the party began funding Shaykh Abu al-Aza‘im’s committee.

By pursuing the caliphate, Fu‘ad made it relevant to Egyptian politics again. It became the fault line of a culture war. Egyptians now faced a sharp question that had been postponed during the constitutional revolution: Would Egypt maintain its identity as an Islamic community that was part of the larger \textit{umma}, or would it become a secularized society that contributed to the \textit{umma}’s fracturing? Many historians have noted that Fu‘ad, after attaining the prestige of the caliphate, would have gained more leverage against his newly-established constitutional limitations. This is true, but Fu‘ad had incentive to pursue the caliphate even if he believed there was little hope of attaining it. Knowing that some Liberal Constitutionalists or Wafdists would challenge his bid for the caliphate, Fu‘ad did not have to actually become caliph to use the issue against them. Being perceived as the defender of the Islamic tradition would be victory enough.


Sa’d Zaghlul, for one, admitted that he was unwilling to publicly challenge the idea of an Egyptian Caliphate, for fear that it would harm his political future. ‘Ali ‘Abd al-Raziq was not as wise as Zaghlul. Taking the bait, he rose to answer Fu’ad’s challenge to the constitution. It was not too long ago that Sultan Abdulhamid had used the caliphate to suspend a young constitution in the Ottoman Empire. ‘Abd al-Raziq, however, could take inspiration from much more recent events in what was now known as the nation of Turkey: the new constitutional regime’s refusal of the caliph’s sovereignty. Indeed, *Islam and the Foundations of Government* was clearly influenced by the Grand National Assembly’s *The Caliphate and the Power of the Umma*—an official pamphlet composed by Turkish scholars justifying the government’s decision to abolish the Sultanate in 1922. As Sylvia Haim has argued, the Assembly composed this document less to justify its recent decision and more to prepare Muslims for the complete abolition of the caliphate. ‘Abd al-Raziq repeated many of the arguments in this document to make his case that the caliphate is an inherently despotic institution with no basis in Islam.

King Fu’ad could not have asked for more. Here was a central member of the party responsible of the constitution, not attacking Fu’ad’s credentials for the caliphate, but actually defending the unpopular decision of Ankara’s government. Moreover, ‘Abd al-Raziq’s entire family was committed to the Liberal Constitutionalist party, and provided it with financial support. It was more than likely that the party would publicly defend the persecuted ‘Abd al-Raziq. Lastly, ‘Abd al-Raziq was a scholar and a shari’a court judge, which meant that Fu’ad had control over his livelihood. Among the various compromises made by the Constitutional

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Committee, it allowed the palace to maintain control over the ministry of religious affairs. Fu‘ad could easily pressure the scholars to try ‘Abd al-Raziq for scholarly misconduct, and even expel him from the corps of scholars. Fu‘ad could not have known that he would eventually force members of the Liberal Constitutionalists to resign from his cabinet, but he did foresee the political problems that ‘Abd al-Raziq’s book could generate for the party, and exploited these opportunities to the fullest.48

**Islam and the Foundations of Government**

The remaining sections of this chapter examine ‘Abd al-Raziq’s refutation of the caliphate in *Islam and the Foundations of Government*. The book is divided into three parts, in which ‘Abd al-Raziq puts forward two interlocking arguments, what I call his argument from the shari‘a, and the argument from history. ‘Abd al-Raziq’s argument from the shari‘a, confined to the first third of *Islam and the Foundations of Government*, is a legal argument, which concludes that the sources of fiqh offer no supporting evidence for the caliphate institution. In the remaining two-thirds of his work, ‘Abd al-Raziq presents his argument from history, an exercise in historicizing legitimation which argues the Muhammad and his companions never considered their political institutions as part of God’s law. Both arguments, as I discuss below, indirectly support Egypt’s constitution, and the secular nationalist identity promoted by Egypt’s Liberal Constitutionalist party. ‘Abd al-Raziq’s argument from history, however, is especially

48 When al-Azhar revoked ‘Abd al-Raziq’s ‘alamiyya degree, he lost his qualifications to work as a shari‘a court judge. Technically, since the shari‘a courts fell under the jurisdiction of the ministry of justice, it was the minister of justice’s job to dismiss ‘Abd al-Raziq from his post. But the minister of justice was ‘Abd al-‘Aziz Fahmi, then president of the Liberal Constitutionalist party. He refused to dismiss ‘Abd al-Raziq. In response, Prime Minister Yahya Ibrahim transferred Fahmy to the ministry of religious affairs. Fahmi and the other Liberal Constitutionalists in the cabinet resigned in protest. A palace-dominated cabinet took its place. See Afaq Lutfi al-Sayyid Marsot, *Egypt’s Liberal Experiment: 1922-1936* (Berkeley: University of California Press, 1977) 86-87.
innovative, utilizing historical-critical methods of research that he learned while studying at the Egyptian University.

**Framing the Caliphate**

‘Abd al-Raziq begins his work with an interesting section on the nature of the caliphate, which does not contribute to his argument against it, but frames the distinctive approach of ‘Abd al-Raziq’s inquiry. Like most works of Islamic scholarship, the opening section begins with a linguistic analysis—both morphological and applied—of the terms to be discussed. In this case, the term is ‘caliphate.’ Citing the definitions of scholars like ‘Abd al-Salam (d. 1261), al-Baydawi (d. 1282), and Ibn Khaldun (d. 1406), ‘Abd al-Raziq concludes that Muslims understand the caliph as a leader who takes up Muhammad’s station “in the defense (ḥafdh) of religion and worldly political affairs” (siyasa al-dunya)." Moreover, Muslims accept that the caliph possesses “general sovereignty, absolute obedience, and complete authority” over them. Here, ‘Abd al-Raziq accepts what al-Azhar’s scholars had recently argued: there is no such thing as a spiritual caliphate. Very quickly, however, ‘Abd al-Raziq’s discussion takes a self-consciously unorthodox turn. He asserts:

Surely, if they [Muslims] claim for the caliph all this strength, and elevate him to this dignity, and endow him with all of this power, then they are obligated to explain the source of this strength that they attribute to the caliph. Whence did it come to him? And who gave it to him?"
‘Abd al-Raziq claims that scholars have never inquired into the source of the caliph’s authority. He believes, however, that a study of Islamic discourse concerning the caliphate reveals two broad perspectives on this question. The first “madhab” holds that “the caliph derives his authority (sultanahu) from God’s authority,” whereas the second believes that “the caliph derives his authority from the umma.” ‘Abd al-Raziq asserts that the first view represents “the generality of scholars and Muslims alike,” which he justifies with examples from Islamic poetry and the hyperbolic dedications of legal works. But “some scholars” ‘Abd al-Raziq acknowledges, have assumed that the caliph holds the “position of a delegate” (manzila rasul) of the umma, in the sense that he is supposed to rule on its behalf. According to this way of thinking, the caliph should lose authority if members of the umma decide that he does not rule in their interest. ‘Abd al-Raziq gives examples of the poet al-Hutay‘a (d. 662), and the scholar al-Kasani (d. 1191), but adds that “the most complete account that we have found in explanation and support of this opinion is ‘The Caliphate and the Power of the Umma,’ which was published by the government of the Grand National Assembly at Ankara.”

‘Abd al-Raziq argues that these two schools of thought are significant, because they have had parallels in European history. He claims that the first view corresponds to the idea of divine right (haq samawy) associated with Thomas Hobbes, and the second view “resembles the same school made famous by John Locke.” As I mentioned previously, here we see the way in which ‘Abd al-Raziq frames his investigation. Of course, ‘Abd al-Raziq’s brief characterizations of

52 Ibid., 7.
53 Ibid., 10.
54 Ibid.
55 Ibid.
56 Ibid., 11.
Hobbes and Locke are either mistaken, or too vague to be helpful. But notice the rhetorical
effect of ‘Abd al-Raziq’s comparison. ‘Abd al-Raziq associated the great bulk of the Islamic
tradition with an authoritarian political philosophy, while he identified the Grand National
Assembly’s statement on the caliphate with the liberal political philosophy that superseded it.
For ‘Abd al-Raziq, the Assembly’s statement expressed the future of Islam. But why was this
statement so innovative? After all, classical scholars unanimously agreed that the Caliph is
invested by the umma—represented by those who bind and loose. This observation is correct,
but misses ‘Abd al-Raziq’s point. He is asking a neglected question of the caliphate. When he
inquires into the source of the Caliph’s authority, ‘Abd al-Raziq is not asking about procedures
of investment. Rather, he wants to know why some people can rule over others in the first place:
Why does the state exist? 

Is ‘Abd al-Raziq right to assert that most scholars believe the caliph’s authority derives
from God? I believe he has good reason to make this claim. As I discussed in chapter one,

57 As both Leonard Binder and Mark Wegner have noted, Hobbes did not defend the divine right of kings. They
don’t mention ‘Abd al-Raziq’s citation for this claim: Arthur Kenyon Rogers A Student’s History of Philosophy
(London: Macmillan, 1921). This citation indicates that he was not especially knowledgeable of Hobbes or Locke.
Rogers did not claim that Hobbes defended the divine right of kings, but in his chapter on Locke, there is a sentence
that might suggest an association between Hobbes and the divine right (see 324). On the other hand, ‘Abd al-Raziq
may have purposely misdescribed Hobbes, for he intended to argue that Muslims treated the caliph as an extension
of God’s power on earth, thereby granting him autocratic powers. A more accurate account of Hobbes’s work would
demonstrate that “rational” political institutions, based on a social contract, can also be authoritarian. This
observation would not help ‘Abd al-Raziq’s criticism of the caliphate. But he may very well have been confused.

58 Binder claims that ‘Abd al-Raziq’s assertion is “questionable” [read wrong] because most scholars accept that
caliphal authority is derived from the umma. Of course, Binder is right in the sense that classical treatises on the
caliphate usually state that the caliph is invested by the umma, represented by “the people who loose and bind.” But
Binder fails to recognize that ‘Abd al-Raziq is posing a question that he claims the scholars have not asked. He is
well aware of the classical theories of investment. He wants to know the source of the power that the umma invests
in the caliph. Another way to put the question, more in the language of western political discourse, is: Why does the

59 Lambton agrees that classical scholars did not ask this question: Ann K. S. Lambton, State and Government in
Medieval Islam: An Introduction to the Study of Islamic Political Theory: The Jurists (Oxford: Oxford University
classical scholars like al-Mawardi typically argued that the shari‘a, rather than reason, compelled human beings to obey the caliph. According to al-Mawardi, reason alone would never accept submission to another person, yet God commands human beings to obey those in authority. Based on this command, most scholars taught that the caliph should be obeyed, even if he is a tyrant. It does not matter if his policies are fair, or in the interest of his subjects. Muslims should continue to obey him, and only refrain from performing the sinful acts that he commands. These authoritarian teachings stemmed from the caliph’s authority lying in the shari‘a rather than reason. In contrast, the General National Assembly insisted that the Caliph’s claim to “general sovereignty” [al-wilayat al-‘amma] emanates purely from the umma. The Caliph represents the umma’s interests, just as a lawyer represents his clients:

The fiqaha apply [the term] “general sovereignty” [al-wilayat al-‘amma] to the strength of the caliph and to the validity of the public administration [al-tasarruf al-‘amm] of the people [al-khalq]. The caliph takes this strength from the umma directly. This strength and power is a right of the umma itself, which delegates the caliph by means of the bay‘a. Just as a client delegates his lawyer the right to act for him in his concerns by means the power of attorney, so the honorable shari‘a establishes and guarantees this right. And there is no difference between the Caliph and the lawyer concerning [their] rights, by no means. The Caliph is entitled to public administration over Muslims as we explained earlier in the introduction. . . . it [i.e. the right to public administration] does not emanate from a path other than this one [delegation].

Since the Caliph rules on the umma’s behalf, he has no right to institute policies that bring its members harm. There will always be a degree of controversy over which policies best serve the umma’s interests, but the community members can know with certainty that the caliph is never entitled to violate their individual rights. The shari‘a defines the basic rights of all persons as the rights to defense (of life), liberty, and property:

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In the science of *fiqh* sovereignty is characterized their statement: “the enforcement of a declaration upon another, whether he wills or refuses [it].” But there is no right for anyone, according to the Islamic shari‘a, to enforce his declarations and his behaviors, of all things, upon another absolutely—except for the father [over his young children]. Each member of the group possesses complete freedom in his actions and speech and the right to administer his wealth and possessions as he wills.

Each individual has three types of basic rights in Islam. First, the defense of himself and his land, and this is called the right of defense. Second, the right to liberty. And third, the right to property. These are the three basic rights from the necessities of the right of life. No one can deprive individuals of these rights. Every person is obligated to respect them—rather, each holder of rights is obligated to improve the application of these rights.⁶¹

By the Grand National Assembly’s logic, a caliph who fails to uphold his subject’s rights loses his claim to general sovereignty. In this case, he can be rightfully deposed, and “there remains no difference between him and other members of the *umma.*”⁶² There is certainly no obligation to obey him in any respect.

Given ‘Abd al-Raziq’s longstanding commitment to expand Egyptians’ rights at the expense of the Khedive’s prerogatives, we can assume that he preferred the General National Assembly’s take on the caliph to al-Mawardi’s. He would have appreciated that it provided standards by which rulers can be held accountable. But ultimately, ‘Abd al-Raziq rejected all positions on the caliphate, for the caliphate had no reality. It had never existed in Islamic history, nor could it ever exist. These were conclusions ‘Abd al-Raziq pursued throughout the rest of his book.

‘Abd al-Raziq’s Argument from the Shari‘a

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⁶¹ Ibid.
⁶² Ibid., 114.
‘Abd al-Raziq begins his argument from the shari’a by conceding that “the establishment of a caliph is obligatory (wajib) for Muslims; if they neglect it, they are altogether guilty of an offense”63 Yet Muslims disagree, ‘Abd al-Raziq explained, about the nature of this obligation. Whereas some believe it is imposed by the shari’a, other argue that it follows from reason. On the rationalist side, proponents of the caliphate argue that both “the effective maintenance of religious practices (al-sha‘ir), and the well-being of the subjects” necessitate the establishment of a caliph. Without the protection of a caliph dedicated to enforcing the shari’a, Muslims subjects are unable to fulfill their duty to command the good and forbid the evil, and anarchy is sure to prevail. According to Shaykh Muhammad Bakhit, the former rector of al-Azhar and future critic of ‘Abd al-Raziq, “if no one maintains the performance of these two duties [of commanding the good and forbidding the evil], the affairs of members of the community will not be kept properly in order. On the contrary, men will take to plundering one another instead of exchanging gifts—oppression will increase, anarchy will become general, and there will be no settlement of those differences that necessarily accompany human society.”64

‘Abd al-Raziq dismissed this rationalist position as the “slightest and the weakest”65 justification of the caliphate. “Political scientists,” he explained, accept that all societies require some form of government, but they say nothing about the establishment of a particular kind of government.66 Moreover, history confirms that the Muslim community’s survival does not

64 Ibid., 12; quoted from Shaykh Bakhit’s book, Kitāb al-Qawl al-mufid ‘alā al-risālah al-musammāh Wasīlat al-‘abīd fī ‘ilm al-tawḥīd (Cairo: al-Taba‘ah, 1908), 393.
66 Ibid. It appears that ‘Abd al-Raziq is referring to British political scientists, since he later uses English to mention their key concepts. See Ibid., 70.
depend upon the caliphate. When Abbasid authority had weakened in the tenth century, and the
 caliph’s authority extended no further than Baghdad, Muslims outside of the city were no worse
 off.\textsuperscript{67} When the Mongols killed the Abbasid caliph three centuries later, three years passed
 without a successor to the throne, but Muslim communities continued to thrive.\textsuperscript{68} Indeed, ‘Abd
 al-Raziq noted that many scholars maintain that the caliphate only existed during the reign of the
 Rashidun Caliphs. According one hadith report, the Prophet Muhammad held this view himself.
 Yet, these same scholars don’t describe the rest of Islamic history as an age of anarchy.\textsuperscript{69} These
 considerations, ‘Abd al-Raziq argued, refute the purported rational necessity of the caliphate.
 They also demonstrate the wisdom of God, Who “does not will that the strength and weakness of
 this religion, the continued existence of which he has made his own care, should be bound up
 with one particular kind of government.”\textsuperscript{70}

 ‘Abd al-Raziq responded more cautiously to Muslims who defend the caliphate as part of
 the shari’a. As the majority position, this argument required more care. ‘Abd al-Raziq
 exemplified this position with citations from Ibn Khaldun’s \textit{al-Muqaddima}. Ibn Khaldun
 expressed standard Sunni doctrine concerning the caliphate, but was also respected by European-
educated Muslims who were impressed by his sociological analysis of the rise and fall of
 civilizations. Discrediting his account of the caliphate had the potential of discrediting the
 caliphate for a large and diverse spectrum of readers. Ibn Khaldun argued that the obligation to
 establish a caliph was legally based upon consensus (\textit{ijma’}).

\textsuperscript{67} Ibid., 36.
\textsuperscript{68} Ibid., 37.
\textsuperscript{69} Ibid., 36.
\textsuperscript{70} Ibid., 38.
The Companions of the Prophet of God proceeded immediately after his death to take the oath of allegiance [bay’a] to Abu Bakr, and to commit the management of their affairs to him. The same thing has been done in every age since then, and in no age have the people been left without a ruler. This has continued as fixed policy by consensus, thus proving that the establishment of an imam\textsuperscript{71} is an obligatory duty.\textsuperscript{72}

According to classic Islamic jurisprudence, the shari’a found expression in three main sources, or “roots”: The Qur’an (God’s word); the Sunna (Muhammad’s practice); and \textit{ijma’} (agreement).

As Ibn Khaldun explained, the consensus supporting the caliphate stretched all the way back to the generation of the companions. This consensus has only become stronger over the centuries, as many generations of (Sunni) scholars have repeatedly upheld the companions’ decision. Ibn Khaldun’s silence regarding the Qur’an and the Sunna, however, indicates that he believed they offered no conclusive evidence concerning the caliphate. In this regard, ‘Abd al-Raziq explained, Ibn Khaldun represents the general trend in scholarship. Of the scholars who consider the caliphate an obligation, he found none who claimed the Qur’an as proof.\textsuperscript{73} This is for good reason, according to ‘Abd al-Raziq, since “The Noble Book has refrained from mention of the caliphate or any reference to it:”\textsuperscript{74}

Truly it is a wonder of wonders, to take in one’s hands the excellent Book of God and run through it from its opening chapter, “al-Fatiha,” to its last, “al-Nas.” And find in it the solution of every problem and the detailed exposition of everything

\textsuperscript{71} Sunni Muslims use the words ‘caliph’ and ‘imam’ interchangeably. Likewise, the caliphate is often referred to as the “imamate.” All references to an imam below are references to a caliph.


\textsuperscript{73} Ibid., 13.

\textsuperscript{74} The Grand National Assembly’s statement also made this point. See \textit{The Caliphate and the Power of the Umma}, translated into Arabic by ‘Abd al-Ghani Suni Bey (Beirut: Dar al-Nur, 1990), 92.
connected with this religion—“Nothing have We passed over in the Book”—and then not find in it a single mention of that general imamate or caliphate.\footnote{75}{Ali ‘Abd al-Raziq, \textit{al-Islām wa-uṣūl al-ḥukm: baḥt fī al-kilāfa wa-al-ḥukūma fī al-Islām} (Cairo: Matba’at Misr, 1925), 16.}

The Sunna, ‘Abd al-Raziq continued, also has little to say about the caliphate,\footnote{76}{The Grand National Assembly’s statement also made this point. See, \textit{The Caliphate and the Power of the Umma}, translated into Arabic by ‘Abd al-Ghani Suni Bey (Beirut: Dar al-Nur, 1990), 92.} though a minority of scholars have used it to reinforce the caliphate doctrine. Most recently, Shaykh Rashid Rida in \textit{The Caliphate, or the Supreme Imamate}, had lamented that too few scholars “adduce as proof for the establishment of an Imam the sound hadith reports that deal with the adherence of the Muslim Community to their Imam.”\footnote{77}{‘Ali ‘Abd al-Raziq, \textit{al-Islām wa-uṣūl al-ḥukm: baḥt fī al-kilāfa wa-al-ḥukūma fī al-Islām} (Cairo: Matba’at Misr, 1925), 16.} Among them, Rida cited the following:

1. “He who dies without having taken upon himself the oath of allegiance, dies a pagan death.”
2. “The imams are from the Quraysh.”
3. “The Muslim community and their imam shall cleave together.”
4. “If anyone takes the oath of allegiance to an imam, having given him the clasp of his hand and the allegiance of his heart, let him obey him as far as he is able, and if another should arise to contend with him, then strike off the head of the latter.”

Attempting to undercut the authority of these reports, ‘Abd al-Raziq first noted that they merely mention concepts like the imamate, taking the pledge of allegiance, and the \textit{umma}.\footnote{79}{‘Ali ‘Abd al-Raziq, \textit{al-Islām wa-uṣūl al-ḥukm: baḥt fī al-kilāfa wa-al-ḥukūma fī al-Islām} (Cairo: Matba’at Misr, 1925), 17.} Such passing references do not prove that “the shari’a acknowledges the existence of the supreme imamate, in the sense of a deputyship to the Prophet and a filing of his position with reference to
Muslims.” For example, since the Arabic word ‘imam’ merely means leader, there is no obvious reason to assume that these reports are referring to the political concept expressed in Sunni doctrine. Moreover, according to Ibn Hazm, one of the reports Rida cited was unsound. But Abd al-Raziq chose to forego these lines of criticism, and take up a broader objection. Assuming for the sake of argument that these reports did refer to the imamate doctrine, ‘Abd al-Raziq postulated, they still would provide no evidence of an obligation to set up a caliph. This is one of the points in *Islam and the Foundations of Government* where ‘Abd al-Raziq’s reasoning became most unorthodox:

> Jesus, the son of Mary, spoke of the government of Caesar and enjoined that what belonged to Caesar should be given to Caesar. But that was not an acknowledgment on the part of Jesus that the government of Caesar was a part of the shari’a of God most high, nor that it is one of the things which the religion of Christianity acknowledges. Nor would it occur to anyone who understands the language men use in their discourse with one another to consider this word of Jesus as an argument for that.

> Every mention of the ‘imamate,’ or ‘the caliphate,’ or ‘the pledge of allegiance’ that appears in hadith reports of the Prophet does not indicate anything more than Christ indicated when he mentioned some of the statutes of the divine law concerning the government of Caesar.

According to ‘Abd al-Raziq, Rida’s argument confused the distinction between actions/institutions that are regulated by the shari’a, and actions/institutions that the shari’a prescribes. God has commanded Muslims to uphold their agreements with idolaters, he

80 Ibid.
81 Ibid., 17n1.
explained, but it does not follow that God supports idolatry. Likewise the shari‘a commands Muslims to respect the poor and show them mercy, but that doesn’t mean they have a duty to make some people poor. Based on the reports Rida cited, one could just as easily argue that Muhammad, and God through him, sought to regulate the caliphate in the interest of lessening the harm of an undesirable institution. Rida’s defense still begged the question of whether or not God requires Muslims to establish a caliph, and therefore fell short as an argument to this end.

The success of ‘Abd al-Raziq’s argument from the shari‘a hinged upon his refutation of consensus-based defenses of the caliphate. Challenging consensus, however, posed more difficult problems then challenging verses of the Qur’an or hadith reports. In theory, these textual sources of law can always be reinterpreted. But consensus acquires authority across communities and over generations. If ‘Abd al-Raziq departed from consensus, if he claimed that all Muslim scholars had somehow misunderstood the caliphate, he would merely become one voice against many. Therefore, rather than challenging the propositions that scholars have agreed about, ‘Abd al-Raziq chose to refute the claim that scholars had reached agreement concerning the caliphate. It may appear that the caliphate has enjoyed the unbroken support of Muslims, ‘Abd al-Raziq argued, but this appearance should not be taken as a sign of universal approval. Rather, the consensus of Muslims represents the unrelenting oppression and subjugation they have suffered at the hands of their caliphs. To support this interpretation, ‘Abd al-Raziq had to demonstrate that each caliph, in every era, had forcibly silenced the voices of his critics and opponents.

As a follower of Muhammad Abduh, Qasim Amin, and Ahmad Lutfi al-Sayyid, ‘Abd al-Raziq well rehearsed in the tyrannical history of the caliphs. As I discussed in chapter two, all three of these authors repeatedly blamed Egypt’s weakness and stagnation on its history of

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84 Ibid., 19.
despotic rule. Abduh could not stand to see Mehmet Ali remembered as anything other than a
great oppressor and a tyrant. Amin and Lutfi blamed contemporary Egyptian vices on the
character-crushing effects of absolute rulers. But would they have accepted that all of Islam’s
caliphs had ruled as despots? Like most Sunnis, Abduh, Amin and Lutfi were unwilling to vilify
the Rashidun Caliphs. Lutfi argued, essentially, that absolute rule can never be just, with the
exception of the Rashidun. They, unlike the caliphs after them, maintained the limits of justice
prescribed in the Qur’an and the Sunna. In order to challenge consensus support for the
caliphate, ‘Abd al-Raziq would have to discredit even the revered history of the Rashidun
Caliphs. Ultimately, he took Lutfi’s logic to its extreme conclusion. If absolute power corrupts
absolutely, then even the Rashidun could not be saved from the evil influence of the caliphate
institutions.

‘Abd al-Raziq began his history of caliphal tyranny with an argument from silence.
Throughout the rich history of Islamic scholarship, he reflected, there are virtually no works of
political science. This absence is strange, considering that many Muslim scholars were dedicated
students and experts of Greek philosophy. Why had they shown such little interest in the political
works of Plato or Aristotle? ‘Abd al-Raziq asserted that “our scholars did not fail to pay political
science the attention they have given to other sciences because they were unmindful of it, or
unaware of its importance.” Rather, the dearth of Islamic works of political science reflects the
perennial forces of repression and intimidation that have been integral to caliphal governments.
Many of ‘Abd al-Raziq’s contemporaries, however, perceived the caliphate as a liberal
institutions. Following another tradition initiated by Muhammad Abduh, Rashid Rida imagined
that the reestablished caliph would recognize a Muslim’s right to perform *ijtihad*, and would rule
in consultation with other representatives of the *umma*. Indeed, the General National Assembly’s
statement portrayed the caliphate as an institution committed to the protection of individual rights. ‘Abd al-Raziq had to demonstrate that these portrayals of the caliphate were not just historically false, but sociologically impossible.

Rida and the Grand National Assembly emphasized that the Caliph is elected, portraying him as a democratic leader who rules by the people’s will. ‘Abd al-Raziq accepted that the Caliph is elected, according to classical theories of the caliphate.

The fundamental principle [al-asl] of the caliphate according to Muslims, is that it should “be derived from the choice of the men of influence,” since “the imamate is a responsibility which results from the taking of the oath of allegiance by the men of influence to the one whom they have chosen to be an imam for the Community, after conference together.”

But the classical doctrine is unrealistic, ‘Abd al-Raziq argued. It does not empower the umma. Rather, it leads Muslims astray with naïve conceptions of the caliph’s power. Earlier, ‘Abd al-Raziq had asked if the caliph’s authority derived from God or the umma. Now, he offered a third answer: the caliph’s authority derives purely from “awe-inspiring and intimidating force.”

The caliphate in Islam has never rested upon anything except the foundation of awe-inspiring, intimidating force, and . . . that force has been, except in rare instances, a material, armed force. The caliph has thus never had anything to guard his position except lances and swords, fully armed troops, and relentless might. By such means, then, to the exclusion of any others, can his place be rendered secure and his rise to power be realized.

The caliph may be chosen by men of influence in theory, but classical theory also requires that they elect one who is properly qualified for the office. Only Muslims meeting certain

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85 Ibid., 52. These quotes are taken, respectively, from Ibn Khaldun, The Muqaddima, 157, and Muhammad Rashid Rida, al-Khilafa, 24-25.

requirements can be considered for the throne. So, for example, the caliph must not have any physical disabilities like deafness or blindness. He must also be a descendant of the Quraysh. For ‘Abd al-Raziq’s purposes, the requirement that the caliph be capable of providing law and order created the most problems. This meant that, for anyone to be chosen as caliph, he must already be in control of a sizeable army. Hence, the caliphate could only be given to someone who already possessed unrivalled power. This raised questions about the extent to which the caliph’s subjects could freely elect him.

The Azharis’ statement calling for a caliphate congress illustrated ‘Abd al-Raziq’s concerns most clearly. The Azharis, as I discussed above, argued that Muslims no longer owed Abd al-Mejid obedience because he no longer possessed the power required of a caliph:

The Imam becomes Imam in virtue of a payment of allegiance on the part of those with the power to loose and bind, or else being chosen by his predecessor to succeed him. It is also indispensible, however, that his rule should carry authority among his subjects through fear inspired by his coercive force and his temporal power. In fact, if allegiance has been paid to the Imam, or if his predecessor has chosen him to succeed him, but nevertheless his rule fails to carry authority among the people owing to his inability to exercise compulsion upon them, then neither the payment of allegiance nor the choice of the preceding caliph avail to make him Imam.

The Imamate can also be acquired by conquest in the sense that if another party masters the caliph and usurps his place, the caliph loses his office. Sometimes acquisition by conquest is reinforced by the payment of allegiance or by the choice of the preceding caliph, as was the case with the majority of caliphs in the past.87

According to the scholars of al-Azhar, the caliph must possess authority based on “fear inspired by his coercive force.” Even if a caliph was elected by Muslim notables, failure to possess intimidating coercive force would delegitimize his rule. That is why Muslims were no longer bound by their pledge of loyalty to ‘Abd al-Majid. Moreover, the caliphate could be taken by

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conquest, and rightfully belonged to a challenger capable of subduing the previous caliph’s forces. The new caliph could ask that his subjects pay him their allegiance, in order to “reinforce” his rule, but the title of the caliph was already his, regardless of their endorsement. These qualifications challenged the idea that the caliph’s authority results from his election. Hence, ‘Abd al-Raziq argued that the caliph’s authority actually rests upon “the foundation of awe-inspiring, intimidating force.” The endorsement of Muslims notables, in fact, had little effect on the caliph’s legitimacy. Rather, as the scholars of al-Azhar put it, fear-inspiring, coercive force made the caliph legitimate—with or without the allegiance of his subjects.

If the caliph’s authority is always accompanied by intimidating force, ‘Abd al-Raziq inferred, then perhaps the consensus supporting the caliphate should be seen in a new light. Perhaps some Muslims were coerced to endorse the consensus, or intimidated into silence. Indeed, given the nature of human beings, we can expect that a caliph would do anything within his power to silence any and all challenges to his legitimacy. Human beings are easily overwhelmed by their lust for power. The more power they gain, the more jealous and protective of it they become. This is especially true when power takes the form of coercive force. As ‘Abd al-Raziq explained:

> Everything that is seized by the sword and guarded by the sword is precious to the soul [azizan ‘ala al-nafs]. Leniency concerning it is not easy, nor the relinquishing of any part of it. The position of sovereignty [al-siyada] and authority [al-sultan] is an excellent example of this, for it is dear to the soul, even when it has come to one without the intervention of the sword. But if it has come by way of force [al-quwwa] and subjugation [al-galb], the soul becomes more tenacious of it, and more ruthless in defending it. Its jealousy over it [sovereignty] becomes greater than its jealousy over property and the inmates of the harem, and its passion for it greater than its passion for all other good things and blessings in this world.88

Given the corrupting nature of coercive force, and the centrality of coercive force to caliphal authority, ‘Abd al-Raziq concluded that the caliphate was an especially corrupting form of government. “If there be anything in this worldly life which will provoke a man to despotism (al-istibdad) and oppression (al-ẓalm), and make injustice and tyranny easy for him, that thing is the position of the caliphate.” This theoretical claim was central to ‘Abd al-Raziq’s refutation of the caliphate. In truth, as he admitted, ‘Abd al-Raziq did not have the time to expose every Caliph’s complicity in the subjugation of Muslims. But ‘Abd al-Raziq’s theory that the caliphate institution provokes tyranny gave readers a reason to accept his sweeping historical generalization based on a few examples. Moreover, it gave them a reason to reject liberal portrayals of the caliphate, like Rashid Rida’s treatment, as unrealistic.

The caliphate institution may have been founded upon force, but isn’t this required for every institution of state? Why should the caliphate be any more corrupting than a monarchy, or a presidency for that matter? ‘Abd al-Raziq answered that there is always contention over the ruler’s throne. Therefore, he conceded that “it is natural (tabi‘i) that a monarchy, in every nation, cannot be established, but by subjugation (al-ḡalb) and coercion (al-qahr).” But ‘Abd al-Raziq argued that the caliphate is different, because caliphs must rule over Muslims, and therefore must rely upon subjugation and compulsion to a greater degree. For Muslims, ‘Abd al-Raziq asserted, “profess liberty (al-hurriyya) in their thinking, and carry on its principles in their practice.” It is therefore “natural” for them to “refuse submission to anyone except God,” just as it is “natural” for them to “refuse submission to a man of their own number . . . except in submission to force

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89 Ibid., 26.
90 Ibid., 27.
and in acknowledgement of the rule of the constraining sword.”\textsuperscript{91} From the beginning of Muhammad’s mission, Islam has instilled within Muslims a commitment to liberty, equality, and fraternity. Unlike other religions, Islam has not only taught these values, but also put them into practice.

Islam is the one religion that has not been satisfied with teaching its followers the idea of brotherhood [\textit{al-ikha’}] and equality [\textit{al-musawa}]. . . by means of theoretical instruction simply. Rather, it has trained Muslims in the idea, in a practical way—disciplined them, given them practice, and laid down sacred rules for them, based upon brotherliness and equality. It has put these rules into effect in actual cases and made Muslims see real examples, so that they perceived brotherliness by their senses and came into actual contact with equality. Their faithful Prophet did not leave them until their hearts had been shaped according to this solemn custom and had become imbued with these principles. Moreover, their political state was formed in the belief that one of them could call out to his caliph on the minbar: “Had we found in you any deviation, we would have corrected it with our swords.”\textsuperscript{92}

The caliph’s required command of coercive force, the natural human lust for power, and the liberal spirit of Islam combine to form a perfect storm of political tyranny. Any ruler of Muslims is sure to be challenged by recalcitrant subjects who reject his privileged status. And any possessor of power is sure to fight to maintain his privileges by any means available. Therefore, the caliph is compelled to rule by subjugation and compulsion. ‘Abd al-Raziq intended his political theorizing to explain why consensus was an unconvincing proof of the caliphate’s necessity. But he didn’t confine his argument to the theoretical level. “Brush aside

\textsuperscript{91} Ibid., 27. This account of Islam turned Ibn Khaldun on his head. He argued that the Arabs were such an independent people, that unlike other tribal groupings, they could never generate \textit{asabiyya}. No Arab would submit to another Arab tribe. According to Ibn Khaldun, only Islam allowed the Arabs to overcome their stubborn independence and create a unique, Islamic sense of \textit{asabiyya}. Ibn Khaldun was so widely read and admired in ‘Abd al-Raziq’s context, and this narrative would have been well known among intellectuals. ‘Abd al-Raziq had to challenge it, because he argued that Muhammad created a purely religious form of unity that was not political, and that Abu Bakr seized this unity to create an Arab, but not an Islamic, state. Thus, ‘Abd al-Raziq presented Islam, rather than Arabic culture, as the unwieldy tradition of radical freedom that can never be routinized under institutions of state.

\textsuperscript{92} Ibid.
this entire tale that we are telling you as being hackneyed truths and mere theories” he allowed, “but take good note of the events of history, indelibly written upon the preserved tablet (lauh mahfuẓ).” 93 The history of Islamic governance, ‘Abd al-Raziq believed, substantiated his characterization of the caliphate. “History does not mention any caliph who is not associated in our minds with that armed dread that encompasses him round, that constraining power that overshadows him, and those unsheathed swords that defend him.” 94 ‘Abd al-Raziq sweepingly described the entire period spanning from the reign of the Umayyads to the Ottomans as an endless series of wars, destruction, and bloodshed—all motivated by “love of the caliphate and jealousy over it, and behind this love and jealousy, constraining power.” 95

Given the ruler’s jealous love of power, ‘Abd al-Raziq argued, “it is natural . . . that he should be captiously hostile to every investigation, even though it be scientific, which he imagines may touch the pillars of his kingdom.” 96 This hostility, ‘Abd al-Raziq inferred, explains why the political sciences never developed within Islamic societies. It also explains why Muslims should doubt the authority of consensus regarding the caliphate. Islamic history already provides numerous examples of Muslim communities that pledged allegiance to rulers purely out of fear and intimidation. It is reported, for example, that when Mu‘awiya decided to designate his son, Yazid, to succeed him, he called for a meeting of provincial notables. At the meeting, one of Mu‘awiya’s aides addressed the group. “He said: ‘The Commander of the Faithful is this,’ and he pointed to Mu‘awiya; ‘should he die then this,’ pointing to Yazid; ‘and if anyone denies it

93 Ibid., 29.
94 Ibid., 25.
95 Ibid., 30.
96 Ibid.
then this,’ pointing to his sword.” ‘Abd al-Raziq told his readers that “the story of Yazid b. Mu‘awiya reminds us of the [contemporary] story of Faysal b. Husayn.” Sherif Husayn and his sons helped the British fight the Ottomans in the First World War. As a reward for his service, the British made Faysal the governor of Iraq. They claimed that Iraqi notables had elected him. But, as ‘Abd al-Raziq knew well, many of his contemporaries believed the British had coerced Iraqis to accept Faysal, and placed no importance in their endorsement.

The ascensions of Yazid and Faysal illustrate a pattern that ‘Abd al-Raziq applied to the entire history of the caliphate. Since the caliphate institution places no checks on the ruler’s power, he is free to coerce and intimidate his subjects into becoming his supporters. It is natural, moreover, that the caliph should use such means to establish his rule. This makes the endorsement of his subjects suspect. Therefore, ‘Abd al-Raziq concluded, the agreement of the Muslim community should never, under any circumstances, count as evidence toward the alleged duty to establish a caliph:

If it were established that the umma, as a whole and in all its parts, had actually participated, in every age, in taking the oath of allegiance to the imamate, and that that fact had constituted an “explicit consensus,” and had that agreement been handed down to us, we would still deny that this was a real agreement, and would steadfastly refuse to deduce from it a legal status or to accept it as proof in religion.99

‘Abd al-Raziq’s Argument from History

‘Abd al-Raziq’s argument from the shari’a, as we have seen, relied upon a substantial revision of Islamic history. For the rest of Islam and the Foundations of Government, a full two

97 Ibid., 28.
98 Ibid., 32.
99 Ibid., 30.
thirds of the book, ‘Abd al-Raziq attempted to “set forth” his “personal opinion concerning the caliphate and concerning its origin.”100 This required a historical examination of the system of government under the Prophet Muhammad, and the establishment of the first caliphate under Muhammad’s successor, Abu Bakr. This portion of ‘Abd al-Raziq’s work, referred to here as his argument from history, responded to questions raised by his argument from the shari’a. If the sources of fiqh offer no support for the caliphate, why had so many generations of scholars endorsed the institution? If the caliphate was a thoroughly corrupt and vitiating institution, then how was it related to the government of the Prophet Muhammad? Moreover, could ‘Abd al-Raziq actually believe that the golden age of the Rashidun Caliphs was founded upon subjugation and compulsion?101 These were sensitive questions, given their potential to expose some of the most revered figures of Islamic history in an unflattering light. ‘Abd al-Raziq attempted to handle them delicately, but did not hesitate to challenge long-held narratives concerning the mission of the Prophet Muhammad and the original institution of the caliphate. He argued that scholars mistakenly endorsed the caliphate institution because they had been misled by false histories of the age of Muhammad and his companions. In truth, Muhammad never possessed political authority over his followers, and when Abu Bakr established the caliphate, contemporaries did not regard it as a religious institution. These historical realities were hidden to earlier scholars, because they lacked the techniques of scientific inquiry.

100 Ibid., 38.

101 Abd al-Raziq’s position on the Rightly Guided Caliphate has generated different opinions in the secondary literature. According to Hamid Enayat, Abd al-Raziq argued that consensus has never established the caliphate “except in the case of the first four.” Hamid Enayat, Modern Islamic Political Thought (Austin: University of Texas Press, 1982), 63. Leonard Binder, however, reads Ab al-Raziq as “rejecting the religious legitimation of even the Rightly Guided Caliphs,” since “his refusal to differentiate between the caliphate and kingship denies the very concept of the rightly guided caliphate.” Leonard Binder, “Ali ‘Abd al-Raziq and Islamic Liberalism: The Rejected Alternative,” in Islamic Liberalism (Chicago: University of Chicago Press, 1988), 137; 139. This chapter defends Leonard Binder’s reading, which has ample support in ’Abd al-Raziq’s discussion of Abu Bakr’s caliphate.
‘Abd al-Raziq was clearly aware that many of his readers would be uncomfortable with, or even angered by, his revisionist history. Posing the question of whether or not founding a government was part of Muhammad’s mission, ‘Abd al-Raziq paused. “We address this problem with reluctance,” he admitted, “because plunging into and investigation of this subject may become the starting point of an attack, the fires of which will be kindled by those know religion only as a hard and fast form, which should not be pursued by the mind nor approached by speculation.”

102 Abduh would have called these critics traditionalists. ‘Abd al-Raziq knew they would assume that his inquiry produces “evil effects upon the faith of the investigator,” since it betrays an irreverence for “the dignity of the Prophetic office.”

103 To forestall this criticism, and allay the worries of hesitant readers, ‘Abd al-Raziq argued that his inquiry “does not in reality touch anything of essential importance in religion, nor any pillar of Islam.”

104 Of course, the Prophet Muhammad is of essential importance to Islam, but not every aspect of his biography is sacred. And if Muslims had been wrong about their Prophet’s history, was it not in their interest to correct their misperceptions? Muslims assumed Muhammad was both a prophet and a king, but never investigated the exact relationship between these offices. ‘Abd al-Raziq’s investigation, then, was “a new thing to Islam,” but he argued that it could not be considered a blameworthy innovation (bida’). He was not departing from established doctrine; he was mapping uncharted territory. In fact, ‘Abd al-Raziq asserted that his research into the Prophet’s mission was entirely unlike the studies produced by the scholars:


103 Ibid., 48.

104 Ibid., 49.
This is an investigation that lies outside of the field of religious creeds [da’ira al-aqa’id] that the scholars are accustomed to investigating, and concerning which they have arrived at a settled opinion [madhab]. It pertains more strictly to the department of scientific inquiry [bab al-bahth al-’ilmi] than it does to the department of religion [bab al-din].

It is significant that ‘Abd al-Raziq prefaced his argument from history, and not his entire book, with this claim. His argument from the shari’a, formally at least, followed the research methods of Islamic scholars. Turning to history, however, ‘Abd al-Raziq changed his turban for a tarbush. Now, as he declared to his readers, he conducted inquiry according to scientific research methods. What were these methods? For one thing, ‘Abd al-Raziq’s inquiry did not aim to produce or reinforce religious doctrine. That was the job of the scholars, whose studies of Muhammad’s life always aim to defend established Muslim creeds. ‘Abd al-Raziq himself, of course, was one of the scholars of al-Azhar. But for the purposes of this investigation, he was not working in the capacity of a scholar. Rather, he was a disinterested researcher, following the trail of facts and evidence wherever it led him. This, at least, was how ‘Abd al-Raziq presented himself, as he tried to forestall accusations of bida’. ‘Abd al-Raziq did not specify what methods of inquiry made his historical research scientific, but we can grasp what he had in mind, I argue, by examining his coursework at the Egyptian University. There, ‘Abd al-Raziq studied the history of Arabic literature under the famed orientalist Carlo Nallino. This course

105 Ibid.

106 It is significant that ‘Abd al-Raziq only described his historical research as “scientific.” He does not make this claim prior to his argument of the shari’a. This indicates that ‘Abd al-Raziq knew his historical investigations were unique, utilizing methods of research that were foreign to the scholars.

107 Nallino also published a short tract on the caliphate for the Italian government. I argue here that he influenced ‘Abd al-Raziq’s critical approach to historical sources, but his narrative of the caliphate’s origins obviously had no impact on ‘Abd al-Raziq’s work. Nallino, like T. W. Arnold, accepted the broad outlines of the standard Sunni narratives that ‘Abd al-Raziq rejected. Hence, he claimed that “Mahomet founded both a religion and a State” (2), and that “Abu Bakr was elected as head of the Mussulman State” (3). ‘Abd al-Raziq would surely have rejected Nallino’s definition of the caliphate as well: “Historically then, the Caliphs are the successors of Mahomet in the government of the whole Mussulman State, that is, of the entire body of Mussulmans” (7). See Notes on the Nature of the Caliphate and on the Alleged Ottoman Caliphate (Rome: The Press of the Foreign Office, 1919).
provides insight into ‘Abd al-Raziq’s historical methodology in *Islam and the Foundations of Government*. Thus, I will briefly discuss ‘Abd al-Raziq’s coursework under Nallino before examining his revisionist history.

While ‘Abd al-Raziq was earning his ‘alamiyya degree at al-Azhar, the Egyptian University opened its doors in 1908. Muhammad Abduh, Qasim Amin, Mustafa Kamil, and Sa’d Zaghlul had lobbied for the establishment of a European-style secular University for roughly a decade. They wanted the university to specialize in the humanities. Abduh lamented that Egypt was producing many engineers and lawyers, but no philosophers. Mustafa Kamil believed that strong teachers in the humanities were essential to developing the Egypt’s national identity. The Egyptian University finally emerged to fill this role. When ‘Abd al-Raziq attended courses there in 1910, only seven subjects were taught regularly: geography, philosophy; Islamic history, ancient history (of Egypt, the ancient Near east, Greece, and Rome), and Arabic, English, and French literature.”

Carlo Nallino (d.1938) was part of a small group of Italian orientalists hired by King Fu’ad to teach at the Egyptian University in 1910. His courses influenced a number of students who went on to become leading Egyptian intellectuals—among them, ‘Ali ‘Abd al-Raziq, Taha Husayn, Ahmad Amin, and Mansur Fahmi. Judging by his students’ accounts, Nallino’s lectures profoundly affected them. Taha Husayn, one of ‘Abd al-Raziq’s classmates in Nallino’s lectures, called them “a turning point in the history of Modern Egyptian thought and culture.”

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109 Ibid., 39.
110 Ibid., 153.
111 Abdelrashid Mahmoudi, *Taha Husain’s Education: from the Azhar to the Sorbonne* (Richmond: Curzon, 1998), 52. Ahmad Amin similarly claimed that he learned “the methodology of research” from reading Nallino’s History
In his opening lecture on the history of Arabic literature, Nallino told his students that his job was “to apply methods of historical research upon Arab history that have become customary in the history of our European literature, with great utility.” Like the Egyptian nationalists, Nallino also recognized a moral purpose for studying history. “[T]he literature of your noble language and its history is not only a scientific problem,” Nallino told his students, “but a glorious service to your nation whose undertaking is obligatory for all of you.” He went on:

Surely, what defines and preserves the unity of the nation is especially the unity of language, literature, customs, tastes, and inherited ideas from ancient times, with no break or interruption. If its preservation is neglected, then the nation will decline into the dilemma of its decay—rather, the frustration of its unity. If you review books of Western history, you will find that some European nations have endured civil strife, wars, tribulations, corruption, and subjugation and forced servitude to their enemies. Yet the nation was saved from the complete annihilation of its unity by the preservation of the literature of its language, and concern for the perpetual remembrance of its glorious ancient works of science and literature. Many a nation that has been flung into the flux of affairs, and suffered adversities of the greatest political decline, has begun to reform its servile condition and return to its original state, in terms of prosperity, political reform, and independence, when its devoted scholars began their efforts in penetrating research into its history, the conditions of its forbearers, and the restoration of the literature of its language. . . as if they, in their work, have thrust the spirit of life into the exhausted, near-dead body of the nation. Woe to every nation overcome by slackness in preserving its literary treasures and continuing the memory of its works.

With the authority of a European professor, Nallino projected the nation’s identity into the distant past, as if it were a pre-existent entity, waiting to be discovered in literary artifacts. For Nallino, nations existed from “ancient times, with no break or interruption.” Nations that avoid the responsibility of history, however, are sure to weaken, and potentially disintegrate.

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113 Ibid., 18.

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This was the problem facing Arab nations, given their lack of sophistication in the historical sciences.

In what sense were Arabic historians lacking? As I discussed in chapter two, modern history was characterized by its progressive intentions. Historians like Francois Guizot or Carlo Nallino believed they could study the past to discover laws of culture, sociology, economics, or politics that could guide the progress of nations into the future. Arab historians, on the other hand, were primarily interested in amassing and authenticating all surviving accounts of the past. According to Nallino, even the best Arab historians have “confined themselves to detailing the memory of events and occurrences year by year, without research into [their] causes, social circumstances, the connection between events, their effects, and without extending their aim to anything more than a genuine memory of the apparent contingencies that befall the nation”\(^{114}\)

Arab historians were more interested in transmitting reports exactly as they had received them, then combining these reports into an argumentative narrative. Nallino’s observations about the deficiencies of Arab history reveal the virtues of European historical research that he intended to pass on to his students. History, for Nallino, is a causal narrative that explains the rise and fall of civilizations. The chronological framework of Arab histories simply lists events, without paying any attention to the connections between them. Hence, they portray the fate of nations as random “contingencies,” rather than the rational outcome of causal sequences.\(^{115}\)

It was no wonder that the Muslim world had fallen into stagnation.

\(^{114}\) Ibid., 56. See also Abdelrashid Mahmoudi, *Taha Husain’s Education: from the Azhar to the Sorbonne* (Richmond: Curzon, 1998), 54.

\(^{115}\) This is a standard observation made of classic Arab/Islamic historical works, as distinguished from modern works of history. See, for example, Jack A. Crabbs, *The Writing of History in Nineteenth-Century Egypt* (Detroit: Wayne State University Press, 1984), 13-26; Yoav Di-Capua, *Gatekeepers of the Arab Past* (Berkeley: University of California Press, 2009), 36-46.
Histories should be arguments, but they must be responsible arguments. For Nallino, this meant that historians must utilize source criticism. Most importantly, Nallino taught his students to contextualize their sources in order to track the development of literary traditions. That is, researchers had to account for the social, economic, and political circumstances that stimulated a literary work in order to fully understand it. This historical approach to literature, Nallino explained, allows researchers to account for “the origin of each class of the literary arts, the path of its growth or decay, the influence of authors upon each other, and the reasons for changes of taste and custom.” These topics of research were precluded by the Arabs’ historical methods. Nallino demonstrated, for example, that the *ghazal* poet’s social milieu had a distinct impact upon his writings. In the Hijazi cities, authors developed of a more sensual style, while in the Arabian deserts, authors tended toward a chaste form of expression.\(^{116}\) Examining the social reality underlying literary artifacts also provided the historian with critical leverage against spurious narratives. In his lectures, for example, Nallino questioned the authenticity of some Pre-Islamic poetry. These poems were purportedly composed prior to the life of Muhammad, but some of them contain styles of language and Islamic concepts that were not present in the Pre-Islamic milieu. These parts of the poems, at least, must have been written at a later date.\(^ {117}\)

Nallino’s influence is apparent in ‘ Abd al-Raziq’s historical narratives. Like Nallino, and other modern Egyptian historians, ‘ Abd al-Raziq wrote history for the sake of protecting (we might say creating) the nation. Nallino imagined the Arabs as a nation. ‘ Abd al-Raziq did not. He wrote to protect the Egyptian nation, which was threatened by the prospect of reestablishing the

\(^{116}\) Abdelrashid Mahmoudi, *Taha Husain’s Education: from the Azhar to the Sorbonne* (Richmond: Curzon, 1998), 53.

\(^{117}\) Ibid., 56-57. Taha Husayn later took up and expanded upon this thesis in *Fi al-Shi‘r al-Jahili*, where he argued that most pre-Islamic poetry was written after the rise of Islam. This work was published in 1926 and created a controversy similar to the one inspired by *Islam and the Foundations of Government*. 167
caliphate. Thus, ‘Abd al-Raziq’s researches into Muhammad’s mission led him to conclude that the Prophet allowed the Arab tribes to create their own states, making Egypt’s constitutional monarchy legitimate by Islamic standards. ‘Abd al-Raziq also expressed Nallino’s criticism of Arabic/Islamic historiography, warning his readers that “in the science of history there are many mistakes. History is often at fault, and grievously in error!” Thus, classic Islamic histories must be read critically. Like Nallino, ‘Abd al-Raziq reflected on the social conditions in which texts were produced. He posited that the caliphate created an atmosphere of censorship and suppression, which prevented Muslims from investigating the political sciences. Thus, Islamic scholars had incentive to blindly endorse the caliphate in their theological writings, and, in their historical writings, to project the medieval caliphate doctrine back into the origins of Islam. But ‘Abd al-Raziq argued that this heavily policed intellectual environment could not fully erase the memory of Islamic civilization prior to the establishment of the caliphate doctrine. Early Islamic sources contain much information that challenges prevailing accounts of the caliphate. When subjected to “scientific inquiry,” these sources tell a story quite different from the one encoded in religious doctrine and popular memory.118 Throughout Islam and the Foundations of Government, ‘Abd al-Raziq located these counter-narrative deposits within the classic sources, and used them to construct a revised political history of Islam. He referred to these deposits as “glowing embers”:

[A]n occasional glowing ember [qabas] from the light of truth is ever tossed forth into the dark recesses of history; some day the scholars will turn towards this

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glowing ember. And let us hope that in the light of this fire they will find guidance.\textsuperscript{119}

As we will see, ‘Abd al-Raziq found many such glowing embers while researching the history of the caliphate. From Qur’anic verses that claim Muhammad is not a guardian over people, ‘Abd al-Raziq inferred that Muhammad never founded a state. From reports of Muslims who protested Abu Bakr’s rule, ‘Abd al-Raziq inferred that Abu Bakr never ruled by consensus. From reports that some Muslims, who refused Abu Bakr’s caliphate, were never regarded as apostates, ‘Abd al-Raziq inferred that the caliphate was not originally considered a religious institution. His revisionist narratives were drawn from many similar examples of surprising finds in classic Islamic sources. They will be examined in more detail below.

\textbf{Muhammad: Prophet, Not Statesman}

In the introduction to \textit{Islam and the Foundations of Government}, ‘Abd al-Raziq foreshadowed his revisionist interpretation of Muhammad’s mission. Following the classical formula of scholarly literature, he begins his work with a testification of devotion to God and the Prophet Muhammad.

\begin{quote}
I testify that there is no god but God. I worship Him and fear none beside Him. . . . I testify also that Muhammad is the Prophet of God, whom he sent as a witness [\textit{shahid}], an announcer of good tidings [\textit{mubashir}], a warner [\textit{nadir}], a summoner [\textit{da‘iyya}] of men to God by His permission, and a luminous lamp. May the blessing of God and His angels be upon him, and may they grant him abundant salvation.\textsuperscript{120}
\end{quote}

\textsuperscript{119} Ibid., 97-98. Hans Wehr gives ‘firebrand,’ and ‘live coal,’ as possible meanings of \textit{qabas}. The idea is that these muted themes in historical sources are remnants of the “light of truth,” ready to ignite more material and provide more light.


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‘Abd al-Raziq describes Muhammad as a messenger sent to warn others of their impending judgment, and summon them to God. He is silent, however, about Muhammad’s responsibility to administer affairs of the world, issue laws, or establish a system of government. ‘Abd al-Raziq’s history argues that Muhammad never had these responsibilities. Justifying this conclusion required him to reject standard historiographical assumptions that were shared by “the ordinary Muslim” and the “scholars” alike.121 Both groups, ‘Abd al-Raziq explained, maintained that “the Prophet was sovereign and messenger (kana malikan wa rasulan), and that he founded with Islam a civilized political state (dawla siyasiyya madaniyya) of which he was sovereign and master.”122 According to Ibn Khaldun, for example, Muhammad’s leadership, along with the caliphate that followed him, included and implied royal authority:

To exercise political authority means to cause the masses to act as required by rational insight into the means of furthering their worldly interests and avoiding anything that is harmful in this respect. To exercise the caliphate means to cause the masses to act as required by religious insights into their interests in the other world as well as in this world. (Worldly interests) have bearing upon (the interests in the other world), since according to Muhammad all worldly conditions are to be considered in their relation to their value for the other world. Thus the caliphate in reality is a substitute for Muhammad inasmuch as it serves, like him to protect the religion and to exercise leadership in the world.123

“Without doubt” ‘Abd al-Raziq conceded, “there were, in the Prophet’s leadership, semblances [maḏahir] of a political government, and signs [athar] of a sultanate and kingdom.”124 Most notably, Muhammad waged war, collected taxes, and appointed governors to rule over conquered territories. Yet scholarship has not penetrated beneath these “semblances of

121 Ibid., 50.
122 Ibid.
government,”¹²⁵ to investigate their relationship with Muhammad’s prophetic authority. Specifically, scholars have failed to ask: “Was the founding of the Islamic state by Muhammad. . . something outside the limits of his prophetic mission [risala] or was it part of that which God commissioned him and with which He inspired him?”¹²⁶ In other words, should Muhammad’s political actions be taken as situational, ad-hoc human judgments, or precedent-setting expressions of God’s will?

Once again, ‘Abd al-Raziq’s investigation of Muhammad’s mission reflect Nallino’s influence. Nallino claimed that Arab historians merely listed events chronologically, and failed to explain the causal relations between them. Similarly, ‘Abd al-Raziq notes that many semblances of government have been mentioned in reports of Muhammad’s life, but now he asks for an explanation of these seemingly political phenomena. He asks how, specifically, they relate to Muhammad’s mission. Were they required, or caused, by his mission, or did they originate from Muhammad’s personal decisions?

Posing this question, ‘Abd al-Raziq noted that the majority of Muslims believe that “the kingdom founded by the Prophet was part of the work of the prophetic mission, complementary to it and included within it.”¹²⁷ This answer, however, rests upon the assumption that practical enforcement is part of the Prophetic Mission.¹²⁸ Once again, ‘Abd al-Raziq finds the fullest expression of this position in Ibn Khaldun, who identified a commitment to practical enforcement as a distinguishing characteristic of the Islamic religion. Following his lead, defenders of the caliphate could reasonably argue that Muhammad performed political acts that

¹²⁵ Ibid., 54.
¹²⁶ Ibid., 55.
¹²⁷ Ibid.
¹²⁸ Ibid., 56.
were integral to and indistinguishable from his mission to summon humanity to Islam. For
Muhammad was charged, not just to preach about God and day of judgment, but also to enforce
laws that would regulate society in accordance with God’s will. ‘Abd al-Raziq led his readers to
sharpen their beliefs about Muhammad’s government and adopt this position. Then he pushed
them into a trap. Anyone who believes that God commissioned Muhammad to found a state will
be surprised to learn that the chronicles describing Muhammad’s system of government are full
of obscurities and contradictions. If founding a state was central to Muhammad’s mission, then
we actually know very little about his mission.

‘Abd al-Raziq acknowledged that there are many historical reports that describe
Muhammad appointing his followers to lead troops, collect taxes, arbitrate disputes, govern
districts, lead prayers, teach the Qur’an, and preach Islam. But it seems Muhammad gave these
assignments “casually, for a limited time only,” and never “in accordance with a fixed rule.”
For example, Muhammad frequently appointed one of his followers to lead Medina when he
went on expeditions, however, he never created an official deputy position, and always assigned
different people to lead at different times. Indeed, the chronicles offer contradictory reports about
who Muhammad appointed to which positions and what their responsibilities entailed. Some
reports assert that Muhammad appointed Sa‘d b. Mu‘adh al-Awsi to lead while he led an
expedition to Buwat. Others claim it was al-Sa‘ib b. ‘Uthman b. Mas‘un. There are similar
disagreements about appointments to other posts. It is reported, for example, that Muhammad
appointed ‘Ali b. Abi Talib as a judge in the Yemen. Other reports, however, claim that he was
appointed to retrieve the Prophet’s khums from conquered Yemeni territories. Still others claim
that ‘Ali was appointed to lead military expeditions into the Yemen. Beyond Muhammad’s

129 Ibid., 45.
appointments, ‘Abd al-Raziq argued, other aspects of his purported government remain equally obscure. There is no evidence, for example, of certain essentials of a state like a department of finance or police. This is surprising, since even “the smallest and the simplest” government cannot exist without them.\textsuperscript{130} There are reports to substantiate other branches of government, like the judiciary, but their details are vague and fail to present a clear account of judicial procedure in Muhammad’s time. Taken together, ‘Abd al-Raziq concluded, the deficiencies in the historical record pose serious questions about Muhammad’s purported state:

If the Prophet of God really founded a political state or began to found one, why then did this state lack many of the pillars of government? And why is his system of appointing judges and governors not known? And why did he not converse with his people about the organization of the kingdom and the rules of parliamentary government? And why did he leave the scholars in uncertainty and confusion about the matter of a system of government in his day? And why and why? We want to know the cause of what appears to the observer as obscurity, uncertainty, lack, or whatever you wish to call it, in the establishment of the government in the days of the Prophet.\textsuperscript{131}

The only convincing answer, ‘Abd al-Raziq concluded, was that Muhammad never established a government.

Muhammad was nothing but a Prophet for a religious mission, purely dedicated to religion and unmarred by any taint of monarchy or of propaganda for a state [\textit{da’wa li-dawla}]... [H]e was not charged with the task of founding a kingdom in the political sense.\textsuperscript{132}

‘Abd al-Raziq supported this claim with evidence from the Qur’an, and Sunna, as well as reflections on the impossibility of establishing a universal government. The Qur’an, he argued,

\textsuperscript{130} Ibid., 46.
\textsuperscript{131} Ibid., 57.
\textsuperscript{132} Ibid., 65.
repeatedly asserts that Muhammad is merely a warner to people, with no responsibility to guard or protect them. He supported this position by citing Qur’anic verses, among them:

But if they turn aside from you, we have not sent you to be their guardian [hafiz]. Nothing is on your shoulders but preaching [al-balağ].’\textsuperscript{133}

Warn [them] then, for you are only a warner [muḍakir]. You have no authority over them, but he who turns back and disbelieves, God will punish him with the greatest punishment.\textsuperscript{134}

Obey God then, and obey the Prophet. But if you turn away, our Prophet is not to blame, for he is only charged with plain preaching [al-balağ].\textsuperscript{135}

Follow what has been revealed to you by your Lord. There is no God but He! And withdraw from those who join other gods with Him. Had God pleased, they would not have joined other gods with Him. And we have not made you guardian [hafiz] over them, neither are you guardian [wakil] over them.\textsuperscript{136}

But your people have accused the Qur’an of falsehood, though it is the truth. Say, I am not in charge [wakil] of you. To every prophecy is its set time, and bye-and-bye you will know it.\textsuperscript{137}

Assuredly we have sent down the Book to you in truth for instructing humanity. He that is guided by it—it will be for his own advantage, and he that strays, will stray only against it. But you are not their guardian [wakil].\textsuperscript{138}

In all, Abd al-Raziq cited thirty-seven verses that command Muhammad to warn his contemporaries, but insist he is not their keeper or guardian. In these verses, he argued, God


explains “the meaning of the Prophetic mission (al-risala).” The Prophet was not commissioned to enforce his teachings, let alone establish a government over people. God, ‘Abd al-Raziq concluded, denies Muhammad’s royal authority in the Qur’an. Moreover, Muhammad did so himself, in various reports relating his Sunna. It is reported, for example, that when visited by a noticeably intimidated follower, Muhammad said “make yourself at ease, for I am not a king nor a tyrant, but only the son of a woman of the Quraysh who used to eat dried meat in Mecca.”\textsuperscript{139} That Muhammad did not believe himself a king is further verified by another report, in which the angel Gabriel gives Muhammad the choice of becoming either a king or a servant. Muhammad chose the latter, declaring that “a prophet is a servant.”\textsuperscript{140}

Beyond the Qur’an and the Sunna, ‘Abd al-Raziq argued that reason also demonstrates why Muhammad was never made a king. For the call to Islam is universal, addressed to all of humanity, but creating a world-wide government is “outside the possibilities of human nature, and something with which the will of God has no connection.”\textsuperscript{141} Given the impossibility of establishing a world-wide state, and the various sources denying Muhammad’s political authority, ‘Abd al-Raziq concluded that Islam is a “religious unity” (wahda diniyya).\textsuperscript{142} That is, Muhammad established a community that was united through allegiance to God, not to a shared government. Islamic practice will, inevitably, have political implications, since Islam is “a summons to the highest ideal for the welfare of this world.”\textsuperscript{143} But God did not determine how human beings should regulate their political affairs in accordance with this ideal. The Qur’an and

\textsuperscript{139} ‘Ali ‘Abd al-Raziq, al-Islām wa-ushūl al-ḥukm: baḥt fi al-kilāfa wa-al-ḥukūma fī al-Islām (Cairo: Matba‘at Misr, 1925), 76.
\textsuperscript{140} Ibid.
\textsuperscript{141} Ibid., 77.
\textsuperscript{142} Ibid.
\textsuperscript{143} Ibid., 76.
Sunna are silent about the caliphate, as they are with all forms of government, because God left the administration of political affairs up to the judgment of His followers. “Political unity” (wahda siyasiyya) ‘Abd al-Raziq explained, “is one of those worldly designs (al-agradh al-dunyawiyya) between which and our own reason God does not intervene. He has left people free to manage it (fi tadbiriha) in whatever way their reason, sciences, interests, desires, and characteristics may direct.”

If Muhammad was merely a warner, however, and God left human beings free to administer their political affairs, then what should be made of Muhammad’s leadership in Medina? As noted earlier, Muhammad is reported to have waged wars, collected taxes, arbitrated disputes, and punished wrongdoers. Could such actions be explained in terms of preaching and warning? ‘Abd al-Raziq responded to these questions by defining the unique nature of Muhammad’s authority. “The Prophet may assume a place in the direction of the nation similar to that assumed by kings,” he explained, “but the prophet alone has a vocation in which he has no partner.” Unlike a king, the prophet possesses a “certain kind of power” that “makes his word effective and his summons response-eliciting.” The prophet alone can “pierce the hearts of his followers, so that he may reach the seat of love and malice, the springs of good and evil, the sources of intentions, and the repository of character traits.” Utilizing this power, prophets acquire the willing obedience of their followers, which allows them to exercise a kind of leadership qualitatively different from that of political rulers:

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144 Ibid., 78.
145 Ibid., 67.
146 Ibid., 66.
147 Ibid., 67.
The sovereignty of the messenger over his people is a spiritual sovereignty [wilaya ruhiyya], the source of which is faith of the heart and its sincere and complete submission, which is followed by submission of the body. The sovereignty of a civil ruler [wilaya al-hakim] is a material sovereignty [wilaya madiyya], depending upon submission of the body and not having any connection with hearts. The former [kind of] sovereignty is a guidance unto God and a direction unto Him. The latter is a supremacy which consists in ordering things for the best interests of this life and the improvement of the world. The former pertains to God, the latter to men. The former is a religious leadership [za’ma], the latter political leadership [za’ma]—and how great the distance between politics and religion.  

As ‘Abd al-Raziq had it, the prophet’s social status resembles that of a king because, like a king, he is responsible for leading a community. The prophet’s leadership is distinguished as “guidance unto God,” which, in theory, can be satisfied through a wide variety of actions. Muhammad made practical decisions about how the religious community should live in this world, so that it may meet God in the next, but it does not follow that his decisions constitute divine commands.  

Hence, while Muhammad did wage wars, ‘Abd al-Raziq denied that these wars constituted part of his prophetic mission. Rather, these wars were “nothing but one of various measures to which Muhammad had recourse for the establishment of his religion and the reinforcement of his summons.” Muhammad made personal decisions to fight wars in order to fulfill his responsibilities as God’s messenger. His attempts to apply God’s commands, however, should not be confused with the shari‘a. For Muhammad’s personal decisions are defeasible, open to criticism and improvement. Muhammad acknowledged this himself, when he told his followers, “You have more knowledge than I of the concerns of your worldly life.”

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148 Ibid., 69.
149 As ‘Abd al-Raziq put it, “the position of the Prophet demands in its possessor an authority more extensive than that existing between a ruler and his subjects, even more than that between a father and his sons” (67).
151 Ibid., 78.
Since Muhammad was a warner, but not a guardian, he never created a state apparatus overseeing the affairs of Arab tribes. Muhammad did unify the tribes, but “the unity of the Arabs that existed in the time of the Prophet was not a political unity from any point of view.” Muhammad’s followers obeyed him out of belief in his mission and a willing submission to it. Their unity, therefore, was “a unity of faith and of religious belief, not an imperial unity or a unity of monarchical tendencies.”152 The Prophet did lay down Islamic codes that regulated “beliefs . . . , private relations, manners and customs, and punishments.”153 But these regulations constitute a “religious code [shar‘ dini] entirely concerned with the service of God [khalis lillahi], and the religious welfare of mankind [al-maslaha al-bashir al-diniyya], nothing else.”154 According to ‘Abd al-Raziq, Muhammad introduced shari’a codes that had nothing to do with regulations of state. Indeed, Muhammad left his followers free to administer their own territories. A map of the Arabian Peninsula in Muhammad’s time would have resembled the fractured checkerboard of states seen on maps of the Middle East after World War I:

The Arabs, although the shari‘a of Islam did unite them, continued in those days in that condition of differentiation in regard to politics . . . and in regard to other manifestations of civil, social, and economic life. That is equivalent to saying that they constituted numerous states, to the degree in which the life of the Arabs at that time may be designated as a state or government. This was the state of the Arabs at the time when Muhammad departed to meet his exalted Friend.”155

State boundaries posed no threat to the religious unity established by the Prophet Muhammad, nor did a Muslim community’s decision to administer its own political, economic, or social

152 Ibid., 83.
153 Ibid., 85.
154 Ibid.
155 Ibid.
affairs. The Liberal Constitutionalists, in their promotion of a secular nationalist identity and an Egyptian constitutional order, followed in the footsteps of the Prophet.

**Abu Bakr: Islam’s First Caliph, and King.**

The second part of Abd al-Raziq’s argument from history challenged standard Sunni narratives of Abu Bakr’s succession to Muhammad. Most Sunnis agreed that Muhammad never designated a successor, which created a period of confusion after his death. ‘Abd al-Raziq’s reinterpretation of the Prophetic mission gave new meaning to this fairly puzzling state of affairs. “If it had been part of his [Muhammad’s] work to inaugurate a state,” Abd al-Raziq asked, “how then could he leave the matter of this state so ambiguous to Muslims, so that after his death they should quickly turn back in confusion, striking off one another’s heads?” Sunnis maintained that Muhammad had perfectly fulfilled his mission, and fully explained the essentials of the Islamic faith and practice. This was confirmed in one of the final revelations that Muhammad received from God: “This day I have perfected your religion for you, completed My favor upon you, and have chosen for you Islam as your religion.” ‘Abd al-Raziq emphasized the poor fit between the alleged perfection of Muhammad’s mission and his failure to name a successor. His revisionist account, despite its departure from Sunni historiography, best demonstrated that Muhammad’s mission was “perfectly fulfilled.” Muhammad named no successor because his mission was purely a summons to religion. Strictly speaking, as a messenger, no one could succeed him:

The sovereignty of the Prophet, as we have said, was a religious sovereignty, which came by virtue of the apostolic mission, not in any other way. The mission

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156 Ibid., 87.
157 Ibid., 87; 89.
158 Qur’an 5:3.
came to an end with the death of the Messenger, and so the sovereignty came to an end as well. It did not pertain to any one to succeed him in his sovereignty, just as it did not pertain to anyone to succeed him in his apostolic mission. 

Standard Sunni doctrine also taught that no one could succeed Muhammad in his role as prophet, but maintained that Abu Bakr succeeded Muhammad in his role as statesman. Hence, Abu Bakr’s contemporaries referred to him as the Prophet’s “caliph,” or successor. ‘Abd al-Raziq’s history raised doubts about this narrative. The Prophet “throughout his whole life, did not refer to anything that might be called an Islamic state or an Arab state.”

Abu Bakr’s contemporaries, therefore, could never have imagined that he was assuming the Prophet’s role as head of state. Sunni historians relied upon anachronistic concepts to narrate the origins of the caliphate. According to ‘Abd al-Raziq, it was Abu Bakr who founded the first Arab state. He invented, rather than inherited, a political office to govern this state. But why, then, did Abu Bakr’s supporters refer to him as Muhammad’s caliph? If he did not succeed Muhammad either as a prophet, or as the head of state, in what sense could he be called a successor? ‘Abd al-Raziq argued that Abu Bakr succeeded Muhammad as a unifier of the Arabs, although he introduced a radically different basis for Arab unity.

There is no doubt that the messenger of God was a leader of the Arabs and the rallying point of their unity, in the sense we have previously explained. When, therefore, Abu Bakr became a king over the Arabs, and gathered them into a unity, in the newly originated political sense, it was proper, according to the linguistic conventions of the Arabs, to say that he was, in this regard, the caliph of the Messenger of God . . . . Abu Bakr, then, was the caliph of the Messenger of God in this sense, and the caliphate has no other meaning then that.

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160 Ibid., 87.
161 Ibid., 95.
The title of caliph, according to ‘Abd al-Raziq, was a flattering, metaphorical title, which was never intended to imbue Abu Bakr’s office with religious significance. Abu Bakr’s role as a political leader developed out of a need for leadership among Muhammad’s followers. But his leadership, once again, was “a wholly new sovereignty,” different from the sovereignty Muhammad possessed over his followers.

The only thing that can be thought of as existing after his [Muhammad’s] time, is a new kind of sovereignty, not connected with the apostleship nor depending upon religion. It is, therefore, of a kind that is not religious. . . . It is something neither more nor less than civil sovereignty—that is political, the sovereignty of government and authority, not the sovereignty of religion.

As we have seen, ‘Abd al-Raziq believed a political ruler’s authority is purely coercive, a product of “subjugation and compulsion.” This held true for Abu Bakr as well. As the founder of the Arab state, Abu Bakr was “the first king in Islam.” Calling Abu Bakr a king, ‘Abd al-Raziq knew well, was likely to cause controversy. Received Sunni narratives cast Abu Bakr as the first of the four “Rightly-Guided Caliphs.” These were caliphs who presided over a golden age of Islam, a time when the umma was ruled in accordance with Islamic customs and institutions. Their successors, the Umayyads, were blamed for making the caliphate a hereditary office, thereby transforming the caliph into an ordinary king. From this period onward, the umma was governed by the same mundane, monarchical institutions that ruled over other communities—not the system of governance proper to Islam. By calling Abu Bakr Islam’s first king, ‘Abd al-Raziq knowingly confused the distinction between the

162 Ibid., 90.
163 Ibid.
164 Ibid., 90-91.
165 Ibid., 93.
rightly-guided caliphs and the rulers who followed them. His intention was not to claim that Abu Bakr’s moral status was equal to that of the Umayyads. Rather, the point was that, contrary to the assumptions that have framed received historical narratives, there is no real distinction between a caliph and a king. Both terms name “a ruler over a nation possessing political and civil unity.”¹⁶⁶ Whether one calls this ruler “caliph” or “king,” his authority is political, resting upon “awe-inspiring and intimidating force.”¹⁶⁷ Abu Bakr was no exception:

If you have noticed how the oath of allegiance to Abu Bakr was secured and his authority established, it will have become plain to you that it was an oath taking of a political, kingly sort, having all the characteristics of a newly constituted state, and that it came to be only as governments come to be, upon the foundations of force and the sword.¹⁶⁸

Classical Sunni narratives portrayed Abu Bakr’s ascension differently, emphasizing the oath of allegiance pledged to Abu Bakr at the Saqifa meeting. These narratives suggested that the Muhammad’s companions unanimously chose Abu Bakr to lead them. But according to the historical sources, ‘Abd al-Raziq argued, Abu Bakr rose above many other contenders to fill the power vacuum left after the Prophet’s death. Most Arab tribes rejected the need to maintain the tribal unity Muhammad had forged.¹⁶⁹ Even the leadership at Medina raised similar doubts. When the Ansar and the Muhajirun disputed about which group had the right to lead, a member of the Ansar proposed that the Muslim community be split in two. Both parties ultimately rejected this proposal, but the fact that it was raised shows that maintaining the unity of the Muslim community was not a foregone conclusion. Abu Bakr did, at the

¹⁶⁶ Ibid., 53.
¹⁶⁷ Ibid., 25.
¹⁶⁸ Ibid., 93.
¹⁶⁹ Ibid., 88.
Saqifa meeting, receive the oath of allegiance from most of the people of Medina. But some, like Ali b. Abu Talib and Sa’d b. Ubayda refused to make the oath. Clearly, then, Abu Bakr’s support was not universal—even in the city of Medina.

Interestingly, ‘Abd al-Raziq noted, there are reports that mention ‘Ali and Sa’d’s refusal to pay allegiance to Abu Bakr, but none that indicate that the Medinans were especially bothered by their refusal. It was regarded as unimportant, ‘Abd al-Raziq argued, because none of their contemporaries considered the caliphate a religious office. The Medinans understood themselves to be setting up a secular, worldly government:

Abu Bakr did not claim, nor did any others of the important men of the people, that the command over Muslims was a religious office, or that rebellion against it was rebellion against religion.

It was known to Muslims at that time that they were proceeding to set up a secular worldly government \[hukumah madaniyya dunyawiyya\], nothing more. For this reason, they considered rebellion against it, and opposition to it, lawful. They knew that they were but differing in regard to one of the concerns of this life, not in a matter of religion, and that they were disputing only concerning a political matter that did not affect their religion or disturb their faith.

Had allegiance to the caliphate been considered a religious obligation, ‘Ali and Sa’d would have committed apostasy. But classical sources do not describe ‘Ali or Sa’d, as apostates. Others who rejected Abu Bakr’s leadership, however, are described as “apostates” (\textit{murtadun}), or renouncers of Islam, in the classical sources. These were tribesmen of the Yemen and central Arabia, who took up arms against Abu Bakr’s government in Medina. Abu Bakr, we are told, as the authorized successor to the Prophet Muhammad, was compelled to wage a series of wars against these tribes. Muslims historians referred to these wars as the

\begin{footnotes}
\item[170] Ibid., 97; 93.
\item[171] Ibid., 94.
\item[172] Ibid., 93-94.
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ridda wars, or the wars of apostasy. Abu Bakr emerged the victor, and is credited for saving the unity of the Arabs and the predominance of Islam. Once again, ‘Abd al-Raziq argued that these stories neglect historical evidence to the contrary. The historical sources indicate that “not all of these rebels were in reality apostates, turning infidels (kafr) against God and His Prophet.”\(^{173}\) These indications are subtle; in order to recognize them, a researcher must read against the grain of classic Islamic historiography. Historical reports have been compiled and passed on by scholars who use them to support particular historical narratives. But they often convey information that challenges these narratives, providing insight into the contested reality that lies beneath the historian’s interpretations. As mentioned above, ‘Abd al-Raziq referred to these counter-narrative deposits within the classical sources as “glowing embers”:

How much we are conscious of the obscurity of history and its wrongdoing, as we attempt search diligently into what history has related of those men who rebelled against Abu Bakr and were styled “apostates,” and of those wars of theirs that were styled “the wars of apostasy.”

However, an occasional glowing ember [qabas] from the light of truth is ever tossed forth into the dark recesses of history; some day the scholars will turn towards this glowing ember [qabas]. And let us hope that in the light of this fire they will find guidance.\(^{174}\)

‘Abd al-Raziq cited the case of Malik b. Nuwayrah as one of these “glowing embers.” He is typically regarded as an apostate, but despite his labeling, ‘Abd al-Raziq noted, historical sources report his adamant commitment to Islam. “Malik announces, with complete explicitness . . . that he still continues in Islam, but that he will not pay the zakat to the master of Khalid [that is, Abu Bakr].”\(^{175}\) An apostate, ‘Abd al-Raziq argued, would not insist that he

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\(^{173}\) Ibid., 97.

\(^{174}\) Ibid., 97-98.

\(^{175}\) Ibid., 98.
was a Muslim. Many historical commentaries explain that the rebels apostatized by refusing to pay zakat—one of the acknowledged “pillars” of Islam. As Nallino would have recommended, ‘Abd al-Raziq critically examined this thesis by placing it in the context of Abu Bakr’s social environment. He conceded that paying zakat is a basic duty that all Muslims must perform, but argued that rebels like Malik did not withhold the zakat with the intention of neglecting their religious duties. Rather, Malik insisted that he refused to pay zakat to Abu Bakr. Contemporary Arabian tribal custom made this qualification significant. It was common practice for weak tribes to acknowledge their loyalty to dominant tribes by paying them tribute. Hence, Malik refused to pay Abu Bakr the zakat, not because he abandoned Islam, but because he refused to acknowledge Abu Bakr’s sovereignty over his tribe. It is historically inaccurate, therefore, to describe all of Abu Bakr’s wars against rebel tribes as wars against apostasy. Many of these wars were fought between Muslims, in a contest for political authority.

That affair [between Malik and Abu Bakr] was, then, a contest which was other than religious: it was a contest between Malik, the Muslim who remained firm in his religion, but who was from the Tribe of Tamim, and between Abu Bakr, the Qurayshi, who was setting up an Arab state, the leaders of which were from the Quraysh. It was a dispute concerning the kingship of a king, not concerning rules of religion nor principles of faith.176

In Abu Bakr’s milieu, the doctrine that zakat is an essential pillar of Islam had not acquired the weight of tradition that it has today. Muslims were in the earliest stages of determining the meaning of Islamic identity. Accordingly, it is reported that ‘Umar was unsure of Abu Bakr’s decision to fight the recalcitrant tribes, and asked him “How can you fight against these men, since the Messenger of God said, ‘I was commanded to fight against

176 Ibid.
men until they say, There is no God but God?" This question reveals that the essential features of Islamic identity were still up for grabs as Abu Bakr embarked upon the *ridda* wars. With the hindsight of well-established theological doctrine, it makes sense to say that Abu Bakr chose to confront Muslims who had abandoned their basic religious duties. In Abu Bakr’s time, however, the propriety of his decision was ambiguous, and contemporaries could have challenged him on religious grounds.

**Conclusion**

‘Abd al-Raziq ended *Islam and the Foundations of Government* with a passionate plea for Muslims to abandon the caliphate, and embrace European systems of government.

There is nothing in the religion of Islam to prevent Muslims from entering into rivalry with other nations in all social and political sciences, from tearing down that ancient order to which they have been subjugated and under which they have been humbled, and from building up the rules of their kingdom and the order of their government upon the most recent conclusions arrived at by the minds of men, and the most assured results that the experiences of nations have indicated to be the best principles of government.\(^\text{178}\)

For Liberal Constitutionalists like ‘Abd al-Raziq, Egypt had only recently begun to experiment with “the best principles of government.” An Egyptian constitution and a parliament had been established just two years prior. The prospect of King Fu’ad being named caliph threatened this progress. Even worse, Liberal Constitutionalists had difficulty getting this point across in the religiously-charged political environment following the abolition of the caliphate. Islamic discourse, since the days of the Umma party, was not part of their register. As a scholar of al-Azhar and shari’a court judge, ‘Ali ‘Abd al-Raziq was uniquely

\(^{177}\) Ibid., 99.
\(^{178}\) Ibid., 103.
capable of translating the party line into an Islamic position, which would hopefully speak to advocates of the caliphate.

Thanks to his efforts, ‘Abd al-Raziq is now remembered as the father of Islamic secularism—the first classically-trained Muslim scholar to defend secular institutions on Islamic grounds. As we have seen, ‘Abd al-Raziq made his case more by way of historical revision than Islamic law; a full two-thirds of Islam and the Foundations of Government is dedicated to presenting a radically revisionist account of the caliphate’s origins. He constructed this account by critically engaging classic Islamic sources along the lines suggested by his former professor, Carlo Nallino. ‘Abd al-Raziq described his approach as “scientific,” and therefore disinterested in establishing religious doctrine. But his contemporaries didn’t agree. They recognized that ‘Abd al-Raziq intended Islam and the Foundations of Government to change the minds of Muslims who believed that the caliphate was an Islamic duty, or that European-style governments were un-Islamic. Moreover, they perceived that ‘Abd al-Raziq made his case partly by way of refashioning religious doctrine, like the mission of the Prophet Muhammad. ‘Abd al-Raziq’s critics, therefore, should not be described as the “enemies of secular history.” If ‘Abd al-Raziq’s history of the caliphate can be described as secular, that surely was not their objection. A secular history that defended the caliphate would have been welcomed in ‘Abd al-Raziq’s milieu. Rather, ‘Abd al-Raziq’s critics objected to what they perceived as an abuse of religious knowledge for

180 We can also question ‘Abd al-Raziq’s treatment of the mission of the Prophet Muhammad, or his description of Islam as the religion committed to liberty, equality, and fraternity. Are these not theological studies?
political ends. Rejecting ‘Abd al-Raziq’s method of research was, to be sure, one strategy critics used to challenge his work. But it was his conclusions that drew their fire.
CHAPTER FOUR

‘ABD AL-RAZIQ’S CRITICS

I will now conclude this study by returning the question that motivated it: Why did ‘Abd al-Raziq fail to persuade his contemporaries? When the controversy around *Islam and the Foundations of Government* erupted, ‘Abd al-Raziq’s defenders were solely members of the Liberal Constitutionalist party. Even they defended only his freedom to write the work, and not the actual arguments contained therein.¹ Religious intellectuals who reviewed the book unanimously condemned it. Thus ‘Abd al-Raziq’s work only spoke to the converted—Egypt’s secular nationalists, who already endorsed separating religion from the state. The whole point of ‘Abd al-Raziq’s work, as I discussed in chapter three, was to ease Muslims’ guilty conscience about living without a caliph, and free them to endorse Egypt’s constitutional monarchy. What made his book such a spectacular failure?

In chapter one, I discussed the answer usually given to this question. Souad T. Ali’s recent study, for example, claims that,

[T]he main reason for the intensity of the controversy [over *Islam and the Foundations of Government*] was that ‘Ali ‘Abd al-Raziq was the first sheikh with the standing of an Azharite ‘alim ever to declare that “Islam is a religion not a state, a message not a government.”²

Or similarly:


It is obvious that the fierce opposition to ‘Abd al-Raziq’s ideas received reflects the challenge his book posed to the traditional Muslim beliefs on not only the caliphate but the whole political theory of Islam perceived by many as an integral part of the Islamic message preached by the Prophet Muhammad in the seventh century.\(^3\)

Of course, it is true that ‘Abd al-Raziq challenged many contemporary religio-political beliefs among Egyptian Muslims. That was the whole point of ‘Abd al-Raziq’s work. But this observation only begs the question: Why did ‘Abd al-Raziq’s challenge fail? At best, Ali suggests that his work failed because it was innovative, and broke with tradition. But as I argued in chapter one, this answer lacks explanatory power. Traditions are constantly being refashioned and reformulated as they are inherited and passed on over generations—sometimes radically so. Even basic assumptions of a tradition—like the nature of the community carrying the tradition, or the origin story of that community—transform over time. We should not make the mistake, then, of assuming that ‘Abd al-Raziq’s failure was obvious or inevitable in his context. Living in the early Umayyad era, it may have seemed obvious that Muslims would reject stories of the Rashidun Caliphate, or the privileging of Muhammad’s Sunna in legal reasoning, but they did come to endorse both. By using innovative legal reasoning and revisionist historiography, ‘Abd al-Raziq made a legitimate effort to discover (we might say create) the true nature of Islamic community. Why did no one take his claims as true, or even respect his effort?

I propose to explain ‘Abd al-Raziq’s failure by way of two kinds of answers, one general the other specific. Generally, all of ‘Abd al-Raziq’s critics sought to defend the rule of law in society. By their standards, ‘Abd al-Raziq’s work was irresponsible and dangerous—threatening to snuff out the light of God’s guidance, without which, only tyranny and damnation could prevail. Many of ‘Abd al-Raziq’s critics valued the same personal liberties that he did, but they

\(^3\) Ibid., 118.
believed that the shari‘a alone protects these liberties. More specifically, ‘Abd al-Raziq’s critics raised numerous objections to his work. Some argued that he assessed the sources of fiqh in a strange and invalid way. Others disputed his interpretations of Islamic history and provided counter interpretations. Others dismissed his analysis for being unduly influenced by the scholarship of Western, non-Muslims. After examining these specific objections, I will discuss the work of a contemporary Islamicist, Noah Feldman. His revisionist history of the Islamic state proposes that it is best understood as a constitutional order, which was destroyed by the codification of the shari‘a beginning in the nineteenth century. Feldman’s work, I believe, provides the best defense of the efforts of ‘Abd al-Raziq’s critics to maintain the rule of law in a world of secular states.

The General Objection to ‘Abd al-Raziq’s Work: Maintaining the Rule of Law

As I discussed in chapter 3, ‘Abd al-Raziq opened his book with a revealing analogy. As he had it, the broad stream of Islamic political thought is to the Turkish Grand National Assembly’s account of the caliphate, as Thomas Hobbes is to John Locke. This analogy tells us that ‘Abd al-Raziq perceived the broad stream of Islamic political tradition as authoritarian. Interestingly, moreover, ‘Abd al-Raziq wrongly described Hobbes as a defender of the divine right of kings. Thus, in his mind, Islamic political thought is authoritarian because it assumes the divine right of the caliph, or that the caliph’s power derives from God. Conversely, for ‘Abd al-Raziq, establishing justice requires that the governed understand that their ruler’s authority derives from themselves. This view of the caliphate, as an institution founded upon a social contract, was put forward in the Grand National Assembly’s statement. According to the
Assembly, the governed have a right to challenge or even depose a caliph when he violates their rights of defense, liberty, or property.

Forced to choose between the Grand National Assembly’s account of the caliphate and the traditional account, ‘Abd al-Raziq would have chosen the former. But he did not believe the Grand National Assembly accurately captured the caliphate institution, for historically, Muslims believed the caliph’s power to derive from God, and there were no established institutions to limit his authority. But, one might ask, why can’t an enlightened Muslim reinterpret the nature of the caliphate and establish institutional restraints to ensure that he rules with justice? Can’t Muslims constitutionalize the institution of the caliphate? Perhaps they can. But ‘Abd al-Raziq would ask why they should want to, for as he argued, the caliphate has no basis in the shari’a. It is good for Muslims to base their systems of government upon secular, social contract models of authority—as the Grand National Assembly attempted to do in 1922. But they should be encouraged to do so without having to keep up the ruse of working within the framework caliphate.

In ‘Abd al-Raziq’s analogy we see a distinctive association of ideas—one which his critics rejected. For ‘Abd al-Raziq, Islam teaches the divine right of caliphs, which establishes authoritarian rule and injustice. Justice requires that a secular social contract legitimates a ruler’s authority. Otherwise, his authority has no limits and his subjects have no rights. As I argued in chapter two, the association of Islamic governance with authoritarianism and injustice was a product of the Umma party’s historical experience at the turn of the century. Most Egyptians rejected this association of ideas and immediately perceived ‘Abd al-Raziq’s reasoning as a cluster of questionable inferences. Does the Islamic tradition proclaim the divine right of Caliphs? Is the caliphate institution inherently authoritarian? Must a social contract model of
government be secular? Are not secular social contract models of government also susceptible to authoritarian abuses? ‘Abd al-Raziq’s critics pursued these questions as they criticized his work. Many of ‘Abd al-Raziq’s critics also believed that absolute authority bred injustice. That is why they endorsed the caliphate. They did not accept ‘Abd al-Raziq’s conclusion that the caliphate is an inherently absolutist institution. As Shaykh Ibn ‘Ashur responded, the analogy with Locke and Hobbes is inappropriate, for scholars have always recognized that the caliph is invested by the umma, and thus his power derives from them. There may be disagreements about when it is right to depose a caliph, but that does not mean that Muslims authorize him to rule as he pleases. If a caliph chooses to become a tyrant, then he chooses to ignore Islam, not follow it. ‘Abd al-Raziq’s critics associated authoritarianism with un-Islamic rule—whether secular or based on the teachings of another religion. Without the limits established by the shari‘a, rulers, and even representative governments, are left free to follow their weak and forgetful human natures, and go astray. In un-Islamic regimes, the strong dominate the weak, the rich dominate the poor, and the majority dominates the minorities. And there is no external standard of justice to which weak, poor, or minority populations can appeal.

Long before the publication of *Islam and the Foundations of Government*, Rashid Rida had challenged the idea that the Caliphate institution is inherently authoritarian. Since the late 1890s, he defended a conception of the caliphate that drew from Muhammad Abduh’s ideas, as expressed in the *Future of Islam*. Rida invariably supported Abdulhamid’s caliphate, but often criticized Abdulhamid’s policies and his authoritarianism. For Rida, the existence of a temporal authority mattered most to the umma. If Muslims wanted Islamic civilization to survive, they

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needed an independent ruler capable of defending the *umma* from the onslaught of European Imperialism and enforcing the shari‘a. Hence, Rida never relinquished his support of the caliph.

Islam is a religion of authority and sovereignty. These attributes may be more firmly rooted in the hearts of its adherents than the belief in *tawhid*. Muslims all over the world believe that the Ottoman state is fulfilling the role of defender of the Muslim faith. It may fall short in serving Islam because of the despotism of some of its sultans, or the irreligion of some of its pashas, or the threats from Europe. But these are symptoms that will disappear when their causes cease, as long as the [Ottoman] state remains independent and responsible for the office of the caliph.  

As his criticism of some sultans’ despotism suggests, Rida believed that the true caliphate was not authoritarian. As Rida had it, God imposed two great limitations upon the caliph’s authority—the shari‘a and *shura* [consultation]. Like the young Abduh, Rida argued that the Rashidun Caliphs were *mujtahids* who issued authoritative *fatwas* and thereby established the shari‘a for the *umma*. Following their precedent, the contemporary Caliph should possess this “spiritual authority” to decide Islamic law and doctrine. How, then, can the shari‘a limit his authority? For one thing, God has issued norms in the Qur’an and Sunna that should constrain his reasoning. But more importantly, though a true Caliph must be a *mujtahid*, he must also issue legal judgments by means of *shura*. That is, he must consult with other knowledgeable people on the proper course of action and administration. This was also the practice of the Rashidun caliphs. Thus, as early as 1898, Rida theorized about the creation of a general assembly (*al-mujtama‘ al-‘amm*) that would help the caliph to determine the shari‘a:

This reform [centralizing the shari‘a] is consistent with the creation of an Islamic society, under the auspices of the caliph, which will have a branch in every Islamic land. Its greatest branch should be in Mecca, a city to which Muslims come from

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all over the world and where they fraternize at its holy sites. The most important meeting of this branch should be held during the pilgrimage season, when members from the rest of the branches. . . come on the pilgrimage. Thus they can bring back to their own branches whatever is decided, secretly and openly, in the general assembly.6

Of course, as many commentators are quick to point out, it is not clear to what extent this consultative assembly would actually limit the Caliph’s authority in practice. We can imagine institutional configurations where the Caliph must listen to the general assembly, but is also free to ignore it. Rida never provided definitive answers to the powers of the caliph vis-à-vis the general assembly. But it is clear that he intended the assembly to help centralize the shari’a and curb the Caliph’s temptations to authoritarianism. Like the young Abduh, Rida was committed to constitutionalism and the caliphate throughout his career. Unlike ‘Abd al-Raziq’s colleagues in the Umma party, Rida never abandoned Abduh’s idea of the liberal shari’a. The just society required the protection of personal freedoms, but also God’s guidance. If Rida was forced to choose between the two, he took the latter. But he did not, like ‘Abd al-Raziq, believe that the choice was inevitable. Thus, when the Committee for Union and Progress re-established the Ottoman constitution in 1908, Rida celebrated the event, though he still maintained allegiance to Abdulhamid as Islam’s Caliph. When the Committee deposed Abdulhamid for conspiring against the constitution in 1909, Rida accepted their decision as lawful. The decision was within their rights as the people who bind and loose, he explained, for the true caliphate is limited by shura.7

Two years before ‘Abd al-Raziq published *Islam and the Foundations of Government*, Rida wrote a treatise on the caliphate called *The Caliphate, or, the Great Imamate*. Originally published in serial installments throughout *al-Manar*, *The Caliphate* was part of Rida’s ongoing response to the Turkish nationalist movement. He believed the Kemalists were single-handedly obstructing a European plan to erase Islamic sovereignty from the world. Thus, even though Rida believed the Grand National Assembly was wrong to abolish the Sultanate, he continued to support the Assembly. Just as he reacted to Abdulhamid’s despotism, Rida criticized the Assembly’s policy, but maintained allegiance to the seat of the Caliphate. What mattered most for Rida is that Islamic sovereignty be preserved. Muslims could work to resurrect the ideal caliphate later.

Some commentators have judged Rida’s discussion of the caliphate “inconsistent.” Rida did, indeed, change his position on the caliphate numerous times throughout his career. For example, in 1899, Rida argued that Qurayshi descent was not a requirement for the caliphate in the modern age, whereas in *The Caliphate* (1922/23), he insisted upon its importance. Moreover, Rida maintained loyalty to the Ottoman Caliphate early in his career, supported the establishment of an Arab Caliphate during the First World War, and then returned to supporting the Grand

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10 His support was clandestine, however, not printed in the pages of *al-Manar*. Evidence for Rida’s support is found in his correspondence with British diplomats. Believing that the Ottoman Empire would not survive the war, Rida hoped to secure a promise from the British government that they would leave the Empire’s Arab territories independent. In some correspondences, he imagined that Sherif Husayn would become King of the Arabs, ruling over a unified Arab state. In others, he imagined that King Husayn would become Islam’s new caliph. Rida most likely kept these plans to himself because he was afraid of creating a divisive controversy before the outcome of the
National Assembly after the war. As Haddad has argued, however, Rida’s inconsistent judgments reflect his pragmatism. Throughout his career, Rida’s commitment to defending Islamic sovereignty remained unchanged, but new circumstances led him to adopt new strategies to this end. Hence, Rida rejected the requirement of Qurayshi descent while he defended the Ottoman Caliphate. Moreover, he did not lobby for an Arab Caliphate until World War I, when Rida believed that the Ottoman Empire would be destroyed.

What, then, were the circumstances that provoked Rida to write *The Caliphate*? Rida intended his work to reestablish formal ties of cooperation between the Arab territories of the former Ottoman Empire and the Turkish authorities of Ankara. The Turks alone possessed the military power required for the survival of Islamic sovereignty. The Arabs territories, meanwhile, were occupied by European powers. The Arabs needed the Turks, but Sherif Husayn was lobbying for the caliphate title. Husayn sent emissaries throughout the Arab territories calling for them to attend a Meccan congress. He hoped to establish himself in a leadership position within the Arabic-speaking world, and eventually establish an Arab Caliphate. Rida, however, saw Husayn as a puppet of the British powers. If Husayn claimed the caliphate, then the Arabs would suffer. First, their ties to Turkey, the only independent leader within the *umma*, would be severed. Second, through Caliph Husayn, the British would manipulate the Arabs and any other Islamic communities willing to accept his rule. Thus, Rida wrote *The Caliphate* in the

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interest of forestalling Sherif Husayn’s caliphate, and reestablishing political cooperation
between the Arabs and Turks of the former Ottoman Empire.\textsuperscript{12}

Rida proposed that the \textit{umma} establish a new caliph. He emphasized that the caliph
should be of Qurayshi descent and have religious knowledge. Both of these conditions favored
the caliph being an Arab. Rida also argued, as he had before, that a true caliph should have
spiritual authority in the sense that he function as the \textit{umma}`s head \textit{mujtahid}—a centralizing
authority of Islamic law. This spiritual authority, Rida explained, will enable the caliph to reform
the shari`a, so that the caliphate can meet the demands of a modern state. Though Rida suggested
that the caliph be a Qurayshi Arab, he discounted Sharif Husayn, insofar as he lacked religious
knowledge. Likewise, British influence over Husayn eliminated the possibility of establishing
the Caliphate in the Hijaz. Where, then, should the Caliph be established? Rida was not decisive
on this question, recognizing several options, but his preference was Ankara.\textsuperscript{13} This preference
reflects the main point of Rida’s work—to re-establish Turkish-Arabic cooperation after the
collapse of the Ottoman Empire. By defending the need for a Qurayshi caliph, Rida explained
why the Turks needed the Arabs. By arguing that British influence made the Hijaz an unfit seat
for the caliph, Rida explained why the Arabs need the Turks.

Rida also emphasized that the caliph must rule by means of shura with the \textit{umma}:

\textsuperscript{12} Haddad’s more contextual account is preferable to Enayat’s characterization of Rida’s “undogmatic and at times
ambivalent, views on the Caliphate” as the result of his “oscillation between Islamic universalism and Arab
nationalism.” \textit{Modern Islamic Political Thought} (Austin: University of Texas Press, 1982), 70. Given Rida’s explicit
rejection of asabiyah as a legitimate basis for a polity, I don’t believe he can be called an Arab nationalist. As an
Arab, however, he did attempt to promote Arab interests. I disagree with Haddad’s claim, however, that in the
\textit{Caliphate} Rida “faced a dilemma” because “he had to choose between giving priority to an Arab spiritual caliphate
or to the emerging Turkish temporal power.” Mahmoud Haddad, “Arab Religious Nationalism in the Colonial Era:
upon an Arab Caliphate was new for Rida in the \textit{Caliphate}, thus, it makes little sense to project this goal as a long-
held commitment that created a dilemma. It is more plausible that Rida began emphasizing the need for an Arab
Caliph in 1922 in order to convince Turkish readers that they needed to maintain an alliance with the Arabs.

\textsuperscript{13} Mahmoud Haddad, “Arab Religious Nationalism in the Colonial Era: Rashid Rida’s Ideas on the Caliphate,”
It is obligatory for the Imam . . . to consult \textit{[al-mushawara]} in all [matters] for which there is no explicit text \textit{[nass]}. He is answerable \textit{[mas’ul]} for his works, and each member of the \textit{umma} may ask the caliph \textit{[yuraja’hu]} about any mistakes that he sees in them. And the people who bind and loose hold him accountable \textit{[yuhasabuhu]} [as well], for the Prophet has said: “The Imam of the people is a shepherd and he is answerable to his flock.”\textsuperscript{14}

Admittedly, to say that the caliph is answerable to the criticisms of all members of the \textit{umma} is not to describe a restraining institution that a government can implement. Still, Rida’s point is clear: the caliph does not have absolute authority. Following classical theories, but emphasizing the limits Islam places upon the caliph’s authority, Rida also discussed the caliph’s election. According to classical theories the caliph is elected by the people who bind and loose. But in the modern world, Rida argued, the people who bind and loose consists of all leaders of society—not just Muslim scholars:

\begin{quote}
It is appropriate to the Islamic reformation \textit{[al-islah al-islami]} that the people who bind and loose . . . are [drawn] from the people of independent knowledge of the shari’a of the \textit{umma}, and its [i.e. the \textit{umma}’s] political, social, judicial, administrative, and economic affairs, and people of justice, and judgment \textit{[al-ra’i]}, and wisdom.\textsuperscript{15}
\end{quote}

Thus, shortly before ‘Abd al-Raziq published \textit{Islam and the Foundations of Government}, Rida was working to reestablish cooperation between the Arabs and the Turks, and to redefine the caliphate as a constitutional institution. ‘Abd al-Raziq’s work threatened both of these efforts. In his review of \textit{Islam and the Foundation of Government}, Rida called the work “a new call for the destruction of [Islam’s] sons and the deception of its daughters.”\textsuperscript{16} It is not hard to see why Rida objected to the work. As Rida worked to promote Islamic unity, he imagined himself


\textsuperscript{15} Ibid., 66.

in a battle with the European powers—a battle over Muslim hearts and minds. Islam taught that Muslims were stronger in unity, whereas the European powers plotted to spread dissension between them. The Grand National Assembly’s decision to abolish the caliphate showed that Rida and supporters of Islamic unity were losing the battle for hearts and minds to the Europeans. He claimed that Europeans celebrated the decision as their latest victory in “the war of political sciences”:

For Islam and the Muslims, this war of political sciences has already been more damaging and harmful than the Crusades in the name of religion. For the Crusades united the Muslims’ words in defense of their rights and their power, but this war of ideals separates their words and sowed dissension among them, and tears up the unity of its people . . . [T]hey have become aids to their enemies against themselves; to the shame of their families, [they live] hand in hand with their opponents (and they are considered, dear God, foremost of vision). 17

“Christians of the East” and “Europeanized apostates” have successfully promoted the values of European political sciences, calling for “separating the union of the world and religion.” They won over the Grand National Assembly. Now, these Europeanized apostates are spreading their doctrines through Egypt, calling for Egyptians to “abandon the Turks,” and “make the government of Egypt an irreligious government like the government of Ankara.” 18

This was how Rida described the environment in which ‘Abd al-Raziq published his worked. To him, ‘Abd al-Raziq was “another screamer among the Europeanized of these [Islamic] countries,” who helped the Europeans to win over Muslim hearts and minds. By arguing that Islam had nothing constructive to say about political affairs, Abd al-Raziq fit the mold of the Europeanized Muslims (al-mutafaranjin) that Rida criticized in The Caliphate

17 Ibid.
18 Ibid.
The atheists *mulahada* of the Europeanized believe that the religion [of Islam] does not agree with this age concerning politics, science, and civilization, and that the country that is restricted *[tataqidur]* by religion is literally fettered *[taqyidan fa’liyyan]* and is not capable of becoming powerful, strong, and equal to the great countries. There are many of these types among the educators in Europe, and in the schools that teach European languages and modern sciences. Most of them hold the opinion that the government must not be religious *[takun al-hukuma ghair diniyya]*.19

‘Abd al-Raziq justified the views of the Europeanized atheists on religious grounds, and this offended Rida greatly. Whereas the atheists naively assumed that Islam provides an outdated system of laws, ‘Abd al-Raziq now taught them that in the Islamic religion God actually never offered any laws concerning affairs of state. Atheists now had a theological argument they could use to marginalize Islamists. Moreover, ‘Abd al-Raziq’s characterization of the caliphate as an inherently despotic institution dismissed, and potentially threatened, Rida’s decades-long effort to redefine the caliphate along more constitutional lines. Thus, as Rida saw it ‘Abd al-Raziq “forbid the regulations revealed by God, and authorized the regulations of a false God (*taghut)*.”20 For Rida, this false God is the inordinate pride in human reasoning peculiar to the modern age. Hence, ‘Abd al-Raziq suggested that Muslims are free to “build up their governments upon the most recent conclusions arrived at by the minds of men,” whatever they may be—republican, communist, capitalist, etc.21 But Rida responded that:

[I]t is not possible for a prudent, independent *umma* to construct rules of its governance and systems of its government upon the most modern experiences of the nations, and become like a travelling divining arrow that does not rest from a state of restlessness and confusion. Moreover, who is it the judges in favor of the

benevolence between republican government and monarchy and between Bolshevist socialism and capitalism for example?²²

As I argued previously, ‘Abd al-Raziq provided no positive vision of the just social order. Rida recognizes the vacuity of ‘Abd al-Raziq’s work. He claimed that “it destroys the legislation of Islam . . . in its foundation, divides the community, and [grants] absolute permission to disobey God and His messenger concerning all of the worldly regulations of the Sharia,”²³ but says nothing about the kinds of political institutions that Muslims should adopt. Thus, Rida saw no edifying content in ‘Abd al-Raziq’s work. It basically argues that God left Muslims free to be confused.

Rida ended his response to ‘Abd al-Raziq’s book by calling on the scholars of al-Azhar to uphold their duty to command the good and forbid the evil, and hold ‘Abd al-Raziq responsible for his harmful teachings:

[I]t is not permissible for the professorial staff of al-Azhar to pass him over in silence as they passed over Ahmad Safwat²⁴ and his like. For this new author is one of them [i.e. the scholars] and they are bound to publicly demonstrate the judgment of Islam upon his book.²⁵

Specific Objections to ‘Abd al-Raziq’s Work

The scholars of al-Azhar heeded Rashid Rida’s plea. Shortly after Rida’s review, on June 23, al-Manar published an update on ‘Abd al-Raziq’s book. It reminded readers that Rida was the first to “undertake the religious duty of refuting” the book, and the first to call on the scholars

²³ Ibid.
²⁴ Ahmad Safwat was a European-trained lawyer who attempted to defend secular government of shari‘a grounds by distinguishing between law and morality. On Safwat see: Talal Asad, Formations of the Secular (Stanford: Stanford University Press, 2003), 236-240.
²⁵ Ibid.
of al-Azhar to openly reject it. Now, Al-Manar reported, some of the scholars of al-Azhar have composed a petition that has been put before “the Shaykh al-Azhar and some high-ranking notables.” Al-Manar printed the petition in full, which ended by listing ten “abnormal, strange, and distorted” claims that ‘Abd al-Raziq made throughout the book.

P. 20: “The claim that the caliphate is a shari’a obligation [da’wa al-wujub al-shari’ar] is a weighty claim [da’wa kabira], and each hadith report, even if it is sound, is not solid enough to counterbalance it [laysa . . . bisalih limuazina tilka al-da’wa].”

P. 32: “The caliphate has always been and continues to be a disaster [nakba] for Islam and the Muslims, and the source of evil [shir] and corruption [fasad].”

P. 53: “If the Prophet did have resort to force and intimidation [al-qua wa al-rahba], then it was not for the sake of summoning to religion [fi sabit al-da’wa] and proclaiming his Apostolic Mission [iblagh risalatihi] to the world. And it will never be comprehensible for us, unless it was for the sake of power [fi sabit al-mulk] and to establish an Islamic government [al-hukuma al-islamiyya] . . . . And this, for them is the secret of the Prophet’s jihad and its significance.”

P. 55: “The Kingdom of the Prophet was an achievement dissociated from [his] calling [others] to Islam [manfasal ‘an da’wa al-Islam] and exceeding the limits of his Apostolic Mission [kharij ‘an hudud al-risala].”

P. 57: The claim that “Islam is . . . a religious . . . and political authority” is a claim for which we don’t know of “a foundation. Moreover, it contradicts the meaning of the Apostolic Mission.”

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27 Ibid.
28 Ibid. This is the scholars’ exact list of objectionable claims made in Islam and the Foundations of Government. The page numbers correspond to the pages of the first printing.
29 This is an exact quote from Islam and the Foundations of Government—hence the quotation marks. The scholars paraphrased some of the objectionable claims they found in the work. These are written without quotation marks.
30 I am not clear about to whom ‘them’ (‘andhum) refers. Adams suggests that ‘Abd al-Raziq refers to “the supporters of the caliphate,” but I don’t see how the context clearly supports this translation. He may be referring to Muslims in general.
31 The scholars took this claim out of context, although ‘Abd al-Raziq’s logic does suggest that he would endorse it as written here. The full passage says: “Now, that the Kingdom of the Prophet was an achievement dissociated from [his] calling [others] to Islam and exceeding the limits of his Apostolic Mission, is an opinion that we don’t know of in the madhabs of the Muslims.”
P. 92: The bay’ā to Abu Bakr was a political bay’ā [founded upon] force and the sword.

P. 96: The title ‘caliph’ was invented for Abu Bakr so that the people would be gripped with awe [for the title ‘caliph’ is awe-inspiring].

P. 97: Abu Bakr waged war on those known as the apostates [murtadin], not for the sake of religion but politics.

P. 102: The caliphate has become attached to religious studies [mabahath al-din] due to the crime of the kings [min janaiya al-muluk].

P. 103: “The truth is that the religion of Islam is innocent of this caliphate with which the Muslims are acquainted, and innocent of all that which they have arranged about it, from desire and fear and from might and power. The caliphate has nothing to do with religious offices—in no way, not the judiciary, and not any other government offices,” etc. to the end of the page.

The scholars did a good job of identifying the key moments in ‘Abd al-Raziq’s argument, where he severed ties between the religion of Islam and the political actions of Muslims. For example, ‘Abd al-Raziq concluded that Muhammad’s wars of conquest, as well as Abu Bakr’s ridda wars were fought purely for political ends. Moreover, he concluded that Abu Bakr’s companions coined the title of ‘caliph’ as a term of flattery and reverence, but only metaphoric significance. That is, they believed that Abu Bakr succeeded Muhammad only in the sense that they united around Abu Bakr, as they had Muhammad. They did not mean that he inherited an

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32 As the parentheses and brackets indicate, the scholars chopped pieces out a two sentences and added their own phrases to make this sentence. But the meaning follows the text.

33 This is a paraphrase of ‘Abd al-Raziq’s text, which does capture the meaning.

34 This sentence is also an accurate paraphrase of ‘Abd al-Raziq’s text.

35 As this last comment suggests, the scholars objected to the entire last page of Islam and the Foundations of Government. This is also the page where ‘Abd al-Raziq wrote:

Nothing in the religion [of Islam] prevents Muslims from entering into competition with other nations in the social and political sciences, and from tearing down that ancient order to which they have been subjugated and under which they have been humbled. And nothing prevents them from building the laws of their kingdom, and the order of their government, upon the most recent conclusions arrived at by the minds of men, and the most assured results which the experiences of the nations have indicated to be the best principles of government.
office from Muhammad. Based on these historical arguments, ‘Abd al-Raziq concluded that there is “no foundation” for the claim that Islam is a religious and political authority. The scholars adamantly rejected this conclusion as well as the historical premises from which it was derived.

The scholars also objected to ‘Abd al-Raziq’s claim that the caliphate became a topic of theology due to “the crime of kings.” That is, according to ‘Abd al-Raziq the doctrine of the caliphate is a product of the scholars’ political oppression, not objective examinations of the origins of Islam. Again, the scholars perceived that ‘Abd al-Raziq drew his conclusion from objectionable historical claims. In this case, his claim that caliphate has only produced evil and corruption, to the extent that even the revered caliphate of Abu Bakr was founded upon force and the sword. ‘Abd al-Raziq’s claim that the doctrine of the caliphate was entirely contrived also found support in his claim that it has no precedent in the Qur’an or hadith reports. To this claim the scholars also objected. They maintained that hadith reports provide evidence for the obligation to establish a caliph.

‘Abd al-Raziq made it seem as if hadith reports provided only tangential support for the caliphate, which scholars have rarely invoked. As he had is, Rashid Rida’s The Caliphate was fairly distinctive for its use of hadith reports to demonstrate the obligation to establish a caliph. But, as the scholars knew well, hadith reports played a central role in the doctrine of the caliphate. Basic points of Sunni doctrine, like the requirement of Qurayshi descent, or the restriction to only one caliph being established, were entirely based upon hadith reports. They were not going to allow ‘Abd al-Raziq to brush aside these sources, as if they did not exist. ‘Abd al-Raziq attempted to marginalize these reports by arguing that none of them state the obligation to establish a caliph. Rather, they talk about how the institution should function when it is
established. For ‘Abd al-Raziq, the claim that the caliphate must exist is only an assumption that scholars bring to these reports.

In response, the scholars rejected ‘Abd al-Raziq’s method of searching for a definitive proof text saying that Muslims must establish a caliphate. Ibn ‘Ashur stated that it was “remarkable” for an Islamic scholar to “consider solitary historical reports stronger than the scholarly consensus,” for consensus provides the authoritative interpretations of sacred texts. As the old Islamic aphorism goes: he who has no one for a Shaykh has satan for a Shaykh. ‘Abd al-Raziq’s search for one proof text fragmented and distorted the many layers of reason scholars had for considering the caliphate obligatory. It is true that the consensus of the companions was of foremost importance. Taking the consensus of the companions into consideration, Ibn ‘Ashur explained, one can then examine the Qur’an and find in it many laws that can only be performed by a kind of civil administrator—for example: “And if two parties of believers fall to fighting, then make peace between them. And if one party of them does wrong to the other, fight those who do wrong until they return to the ordinance of God.” Moreover, one finds, as ‘Abd al-Raziq noted, many hadith reports explaining the proper form of civil administration. Thus, the sacred sources confirm the agreement of the companions. The sources of fiqh work together to establish legal rulings. By dividing them and criticizing each source out of context, ‘Abd al-Raziq distorts the evidence supporting the caliphate.

On August 12, less than two months after al-Azhar’s scholars published their petition, ‘Abd al-Raziq found himself standing before Al-Azhar’s High Council of ‘Ulama. They claimed

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his book “contained assertions that depart from the religion [of Islam], the text of the Holy Qur’an, the Prophetic Sunna, and the Agreement of the umma.” Specifically, they cited him for seven false claims, which differed from those cited in the petition:38

1. He [‘Abd al-Raziq] makes the Islamic shari‘a a purely spiritual law, with no connection to the administration of justice [al-hukm] and the legal execution [al-tanfid] of worldly affairs.
2. And [he alleges] that the religion [of Islam] allows that the Prophet’s war efforts were [performed] on behalf of monarchy [al-mulk], and not on behalf of religion, nor for the transmission of God’s word [al-da‘wa] to the territories.
3. And [he alleges] that the system of government administration [al-hukm] in the age of the Prophet was a vague, obscure, disorganized, and deficient subject that necessitates confusion.
4. And [he alleges] that the Prophet’s mission was to convey the shari‘a, apart from justice and administration [al-tanfid].
5. And [he] doubts the consensus of the Companions concerning the necessity of establishing the caliphate.
6. And [he] doubts that the judiciary is an office of the shari‘a.
7. And [he alleges] that the government of Abu Bakr, and the Rightly-Guided Caliphs after him, was not religious.

Interestingly, these charges do not fault ‘Abd al-Raziq for claiming that the caliphate has only been a source of evil and corruption in Islam. Indeed, only one of these charges has a direct relationship to the doctrine of the caliphate—the fifth charge, which faults ‘Abd al-Raziq for doubting the consensus of the companions concerning it. Here, the scholars cited ‘Abd al-Raziq’s claim that Abu Bakr’s caliphate was founded upon force and the sword. In other words, from the beginning, Muslims were compelled to support the caliphate. The scholars responded that even if ‘Abd al-Raziq’s claim was true, it would not disprove the existence of consensus:

If that argument was conceded to the Shaykh it would not satisfy his argument for doubting the companions’ consensus on the duty to establish the Imam of the Muslims. For their consensus upon that point is one thing, and their consensus

over the oath of allegiance to a designated Imam is another thing. Their
disagreement over the pledge to a designated Imam does not detract from the
agreement upon the necessity to establish an Imam—any Imam. The consensus of
Muslims has established the refusal of time devoid of the an Imam, and that is
transmitted to us by way of uninterrupted succession, and not by way of doubt. 39

The scholars make a helpful distinction between disagreements over who should act as
caliph, and disagreements over the necessity of the caliphate. Whether a particular community
supported ‘Uthman or ‘Ali for the caliphate, they agreed that there must be a caliph. But this
distinction seems less helpful in the case of Abu Bakr, for he did not wage the ridda wars against
tribes who had elected rival caliphs. Here, Ibn ‘Ashur’s comments are helpful. He, like the High
Council of ‘Ulama, argued that Muslims only disagreed about who should act as caliph. But in
the case of the ridda wars, Ibn ‘Ashur claimed:

Verily the pledge of allegiance to Abu Bakr was not challenged by any of the
Muslims. Nor was it disputed by anyone but for Bedouin groups from among the
Muslims, which deserted them, and deserted the Islamic community—and there is
no argument about this. And among them were those who forbid the truth of
zakat, and they regarded it as the right of the Prophet alone. Thus, they didn’t
leave [the umma] in order to dispute the deputyship [of Abu Bakr]. 40

According to Ibn ‘Ashur, Abu Bakr fought against ignorant Bedouin, not committed
Muslims. He rejects ‘Abd al-Raziq’s political reading of Malik b. Nuwayrah’s refusal to pay
zakat. As Ibn ‘Ashur has it, the issue was purely about who deserves the zakat payment. Malik
and others like him believed that zakat was a payment due only to the Prophet Muhammad, not
anyone else. Hence, when ‘Umar asked Abu Bakr how he could fight the likes of Malik, Abu

39 The High Council of ‘Ulama, Radd hay’at kibār al-‘ulaḥ ‘alā kitāb al-Islām wa Uṣūl al-Hukm (Cairo: Majallat
al-Azhar, 1993), 36.

40 Muhammad al-Tahir Ibn Ashur, Naqd ‘ilmī li-kitāb al-Islām wa-usahaan al-ḥukm (Cairo: al-Matba’a al-Salafiyya,
1925), 29.
Bakr did not respond that he must subject others to his rule. Rather, he said that he will fight anyone who withholds dues once given to the Prophet.

An especially weak point in the High Council’s case against ‘Abd al-Raziq was their attempt to defend the existence of Muhammad’s government. Their third charge accused ‘Abd al-Raziq of claiming that Muhammad’s alleged government appears “vague, obscure, disorganized,” and “necessitates confusion.” These claims, they responded, are “not in agreement with the plain meaning of the Holy Quran.” For as God said:41

We have sent down to thee the Book in truth, so that you may judge between men, as guided by God (4:105).

. . . and We have sent down to you the Book explaining all things. . . (16:89).

. . . and We have sent down unto you (also) the Message; so that you may explain clearly to men what is sent for them . . . (18:44).

If you differ in anything among yourselves, refer it to God and His Messenger, if you do believe in God and the Last Day: That is best, and most suitable for final determination (4:59).

This day have I perfected your religion for you, completed My favor upon you, and have chosen for you Islam as your religion (5:3).

Muhammad’s government could not have been obscure or contradictory, the scholars inferred, because God said that the Qur’an explains all things most clearly, and the Islamic religion was perfected during Muhammad’s lifetime. The scholars fail to recognize that ‘Abd al-Raziq argued that historical accounts of the Prophet’s government are vague and contradictory. Citations of the Qur’an do not address these accounts. Indeed, it makes their contradictory and

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confusing nature even more puzzling. As ‘Abd al-Raziq had argued himself, the doctrine that Islam was completed during Muhammad’s lifetime actually weakens the case for the Caliphate.

Many of ‘Abd al-Raziq’s critics dismissed his historical arguments by claiming that he was unduly influenced by European scholarship. Shaykh Muhammad Bakhit, for example, faulted ‘Abd al-Raziq for citing orientalists like T.W. Arnold in his work. “The consensus of Muslims,” he argued, “is that the claim of a non-Muslim, about matters pertaining to the religion of Islam, is unacceptable—especially when pertaining to the caliphate.”42 In a similarly disapproving tone, Shaykh Muhammad al-Khidr Husayn suggested that ‘Abd al-Raziq’s reliance upon scholars who lack training in the shari’a sciences “is nothing but an obstacle in the path of research that distracts the naïve and leads them to hesitation and suspicion.”43

Drawing on these contemporary responses, Albert Hourani has argued that *Islam and the Foundations of Government* provoked intense controversy mainly because it proposed a revisionist historical theory that “was drawn more from non-Muslim writers on Islam.”44 Recently, however, scholars have challenged Hourani’s account of the ‘Abd al-Raziq affair. Hamid Enayat has claimed that ‘Abd al-Raziq’s “strong point” was that his work “did not indicate much absorption of Western thought.”45 Souad T. Ali has defended Enayat’s position, concluding that ‘Abd al-Raziq’s arguments are “not at all rooted in Western thought, but rather, sit firmly within the dictates of Islam’s sacred texts.”46 To what extent, then, did ‘Abd al-Raziq’s work rely upon European scholarship? Was he merely repeating the conclusions of European

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45 *Modern Islamic Political Thought* (Austin: University of Texas Press, 1982), 62.
researchers? Or does he deserve more credit, or blame, for his challenging readings of Islamic sources?

Souad T. Ali has rightly challenged accusations of ‘Abd al-Raziq’s work being drawn “more from non-Muslim writers.” In fact ‘Abd al-Raziq cited only a few non-Muslim authors in *Islam and the Foundations of Government*, and these sparse citations played no significant role in his arguments. He cited T.W. Arnold, for example, after arguing that the Qur’an offers no endorsement of the caliphate. The citation reads, “if the reader desires to study this subject further, he should consult *The Caliphate*, by Sir Thomas Arnold, the well-known authority.”

Clearly, ‘Abd al-Raziq approved of Arnold’s scholarship, but this reference did little to strengthen his point. Indeed, prior to this citation, ‘Abd al-Raziq had explained that Islamic scholars already agree that the Qur’an does not provide evidence for the caliphate:

> The impartial ‘ulama, along with the bureaucratic ones, have been unable to find in the Qur’an any argument for their view. So they have abandoned it in favor of what we have seen, claiming consensus [*ijma’*], and resorting to analogies [*qiyas*] and the postulates of reason.

‘Abd al-Raziq supported this claim by citing the work of ‘Adud al-Din al-Idji (d. 1355), who asserted that scholarly agreement regarding the necessity of the caliphate rested upon no

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48 In all, ‘Abd al-Raziq cited three works written by non-Muslims: Arthur Kenyon Rogers, *A Student’s History of Philosophy* (11); Thomas Arnold’s, *The Caliphate* (15, 30); and *The Gospel of Matthew* (49). Beyond these citations, ‘Abd al-Raziq, also referred to the findings of “political scientists” at a few points in his work, though he never mentioned which political scientists he had in mind. It appears that ‘Abd al-Raziq referred to British political scientists in these passages, since at one point, he used English to mention their key concepts (70).


further authority. Therefore, ‘Abd al-Raziq’s claim that the caliphate lacked Qur’anic support was not new, nor was it an idea imported from European scholarship. Citing T.W. Arnold’s work may have raised eyebrows, but it did not justify any innovative or controversial claims that lacked support in classic works of Islamic scholarship.

More importantly, ‘Abd al-Raziq’s historical narrative of the caliphate’s origins is entirely different from Arnold’s. Arnold endorsed traditional Sunni narratives, according to which Abu Bakr inherited the Prophet’s political office by means of election. Following these narratives, Arnold also identified the Umayyads as the first to depart from this principle of election, and introduce the unsanctioned principle of hereditary succession. ‘Abd al-Raziq, on the other hand, argued that the Prophet Muhammad never held political authority. Therefore, Abu Bakr invented, rather than inherited, his political office. Furthermore, ‘Abd al-Raziq argued that he, like all caliphs, gained his position purely by means of “force and the sword.” The principle of election was an unrealistic theory never practiced in history. Given the discrepancies between their narratives, it can hardly be argued that ‘Abd al-Raziq’s history was drawn from Arnold’s. ‘Abd al-Raziq’s reasoning is innovative in important ways, but he never relied upon findings of European scholarship to justify his innovations.

51 T. W. Arnold, *The Caliphate* (Oxford: Oxford University Press, 1924), 19-20. According to standard Sunni histories, the Prophet Muhammad founded a state, or a polity, after relocating to the city of Medina in 622 CE. It is believed Muhammad died without designating anyone to succeed him. Sunni narratives recount a brief period of confusion, following Muhammad’s death, which ended with the election of Abu Bakr as Muhammad’s successor. ‘Caliph’ means successor. Given the precedent established by Abu Bakr’s caliphate, classic theories of the caliphate argued that a caliph ought to be designated by the election of Muslim notables. They legitimate the caliph’s rule by pledging their allegiance to him.

52 Ibid., 22. Some scholars, like Ibn Khaldun, argue that the true caliphate only existed during the time of the first four “Rightly-Guided” caliphs [632-661 CE]. The Umayyads, who ruled following the Rightly-Guided Caliphs, made heredity, rather than election, the principle of succession. By some accounts, this made the caliphate indistinguishable from ordinary monarchy.

Given the paucity of references to European authorities in ‘Abd al-Raziq’s work, we can see why Souad T. Ali has asserted that his arguments are “not at all rooted in Western thought, but rather, sit firmly within the dictates of Islam’s sacred texts.”54 Her claim, however, is overstated. It is difficult to imagine that an “Islamic justification of political secularism,”55 put forward in the Cairene milieu of 1925, was not at all rooted in Western thought. This would mean that ‘Abd al-Raziq, while living under British occupation, just happened to independently arrive at political conclusions that had been endorsed by Western European intellectuals since the seventeenth century. This scenario is theoretically possible, but as we know from ‘Abd al-Raziq’s biography, it is not true. ‘Abd al-Raziq’s education wasn’t limited to al-Azhar. He also attended courses at the Egyptian University,56 and began a doctoral program in political economy at Oxford University.57 Ali ignores these influences on ‘Abd al-Raziq’s work, and asserts that his arguments “sit firmly within the dictates of Islam’s sacred texts.” But texts, of course, do not make dictates or claims; people do. It is the reader who takes a text to make a certain claim, which she may then accept or reject. By asserting that ‘Abd al-Raziq merely expressed the claims made in sacred texts, Ali buries the question of how he read these texts, and why he took them to make certain claims. As I argued in chapter three, ‘Abd al-Raziq’s interpretations were inspired by his commitment to secular nationalism, and strengthened by his study of historical-

54 Souad T. Ali, A Religion, Not a State (Salt Lake City: The University of Utah Press, 2009), 70.
55 This is the subtitle of Ali’s book—A Religion, Not a State: ‘Ali ‘Abd al-Raziq’s Islamic justification of Political Secularism.
56 The Egyptian University, first opened in 1908, was a secular institution created on the model of European Universities. In the early years, when ‘Abd al-Raziq attended courses there, it was largely staffed by European orientalists. See Donald Malcom Reid, Cairo University and the Making of Modern Egypt (Cambridge: Cambridge University Press, 1990).
57 ‘Abd al-Raziq went to Oxford in 1913, but he had to return home with the outbreak of World War I the following year. It seems he spent that year studying English, and did not have a chance to complete any of the coursework for his degree.
critical methods of research under Carlo Nallino. Thus, ‘Abd al-Raziq’s historical conclusions, it is true, were not drawn from the work of non-Muslims. But his approach to critically analyzing sources certainly was.
CONCLUSION

IN DEFENSE OF ‘ABD AL-RAZIQ’S CRITICS

The High Council’s charges against ‘Abd al-Raziq are revealing, insofar as they say little about the caliphate, but heavily emphasize ‘Abd al-Raziq’s attempt to “make the shari‘a purely spiritual.” Three separate charges made this point in different ways. The first charge simply accused ‘Abd al-Raziq of claiming that the shari‘a is purely spiritual, having nothing to do with establishing justice or government administration. The fourth charge accused him of claiming that the Prophet’s mission had nothing to do with establishing justice or administration. The sixth charge accused ‘Abd al-Raziq of doubting that the judiciary was part of the shari‘a. These charges, I believe, reveal what was really at stake for ‘Abd al-Raziq’s critics: maintaining the rule of law within society. As I argued in chapter four, ‘Abd al-Raziq’s critics believed that society cannot flourish without the shari‘a being enforced. Since Egypt’s independence, the government had primarily been run by secular intellectuals who privileged European constitutions over God’s law. Society was in danger. ‘Abd al-Raziq’s book provided an occasion to organize and lobby against the secularization of society.

With all of the fervor surrounding the Caliphate during the ‘Abd al-Raziq controversy, it is surprising that only a decade later one finds Islamists lobbying for Islamic states, while remaining silent about the Caliphate. Again, this illustrates what was really at stake in the defense of the Caliphate: the defense of the shari‘a. As I argued in chapter three, ‘Abd al-Raziq had the misfortune of publishing Islam and the Foundations of Government at a moment when the Caliphate institution became politically relevant for Egyptians. With the Ottoman Caliphate
abolished, and the prospect of King Fu‘ad claiming it, the Caliphate institution provided defenders of the shari‘a with a very real possibility of seeing the shari‘a enforced. Only two years previously, however, most of these defenders of the shari‘a had endorsed the reign of a purely spiritual Ottoman Caliph. Why did they not rise up to defend the political nature of the shari‘a at that moment? In Egypt, such demonstrations would have had little consequence. Even in the High Council’s charges, we can detect a willingness to compromise on the institution of the Caliphate. The scholars did not fault ‘Abd al-Raziq for doubting the Caliphate, but the judiciary. The judiciary mattered most, because this was the institution that linked the scholars to the state. If Egypt’s new constitutional monarchy was to remain, then the enforcement of the shari‘a would hinge on the judiciary.

Many observers who hope to see stronger economies, more legitimate governments, and a stronger adherence to human rights in the Muslim world believe that Muslims must ultimately adopt a vision of Islam similar to ‘Abd al-Raziq’s. In chapter one I examined Abdullahi An-Nai‘m’s work in order to illustrate how ‘Abd al-Raziq’s reinvention of the Islamic tradition continues in contemporary scholarship. In contrast, I will now examine Noah Feldman’s *The Fall and Rise of the Islamic State*. More than any other contemporary Islamicist, Feldman carries on the tradition of ‘Abd al-Raziq’s critics in their efforts to maintain the rule of law in Islamic society. Feldman’s work, I believe, functions as an important counterpoint to An-Na‘im’s. It reminds us that promoting liberal democracy in the Muslim world does not necessarily require the promotion of secularism. As I discussed above, many of ‘Abd al-Raziq’s critics shared his commitment to constitutionalism, only they believed the shari‘a was essential to a constitutional order. ‘Abd al-Raziq could not accept a constitutional reinterpretation of the caliphate, because in his circumstances, the prospect of King Fu‘ad’s caliphate threatened Egypt’s constitution. But
this context was unique to ‘Abd al-Raziq. Others might find powerful resources for liberal
democratic reform in the shari’a. Their efforts should not be discounted. Feldman’s treatment of
the Islamic state helps to illustrate their value.

An-Na‘im’s work targets Islamism as an inconsistent, false, and dangerous form of Islam,
which must be discredited in order for Islamic societies to flourish. Feldman, however, proposes
that Islamism, given its growing popularity since the late seventies, and its willingness to infuse
existing state institutions with Islamic values, is the best candidate for introducing “gradualist
constitutional change” in the Muslim world.¹ In Feldman’s assessment, the greatest obstacle to
the Muslim world’s flourishing is not a muted tradition of secularism. Rather, it is the unfettered
executive powers of monarchs and autocrats. The secular regimes of ‘Abd al-Nasser and the
Ba‘ath party did little to improve conditions in their countries. Their economies remained weak,
their governments continued to face legitimacy problems, and their citizens continued to suffer
oppression. Thus, rather than secularism, Feldman promotes constitutional-legal reform in the
Muslim world.

Like An-Na‘im, Feldman defends his constitutional vision of Islam by way of
historicizing legitimation. He rewrites the history of Islamic civilization, partly to demonstrate its
strong tradition of constitutionalism, and partly to respond to critics who see no benefit to
cooperating with Islamists to reform Islamic societies. To many, this strategy seems
preposterous, Feldman concedes, because “the standard view among most experts both in and
outside of the Muslim world [is] that the classical Islamic state failed.”² As a general law of
history, “dead empires do not rise again.”

² Ibid., 19.
When empires fall, they tend to stay dead. The same is true of government systems. Monarchy has been in steady decline since the American Revolution, and today it is hard to imagine a resurgence of royalty anywhere in the world. The fall of the Soviet bloc dealt a deathblow to communism; now no one expects Marx to make a comeback. Even China’s ruling party is communist only in name.³

The tendency for government systems to stay dead, however, should not be misconstrued as a law of necessity. Citizens of democratic states, Feldman reminds us, should not dismiss attempts to reestablish the Islamic state as a misguided and hopeless politics of nostalgia. After all, democracy, the dead government system of a small Greek city-state, had to be resurrected in the modern era after two thousand years of disuse. Like Muslims today, European intellectuals had to draw the idea of democracy from philosophy books and apply them to radically different circumstances;⁴ re-establishing democracy, therefore, inevitably “required its practitioners to meld old ideas with new practices, often without acknowledging the difference.”⁵

Why, then, are Islamists dismissed, rather than celebrated as courageous intellectuals committed to “as bold and noble a goal as can be imagined?”⁶ Part of the reason, Feldman argues, is that critics of the Islamic state are committed to the historiography of the failed Islamic state. They have become rehearsed, that is, in the narrative of “What went wrong” in Islamic civilization. By these lights, Islamists are committed to the irrational goal of establishing an outmoded model of state that history has proven to be inferior. But if observers wish to understand the popular appeal of Islamism, Feldman argues, they will need to acquire “a clearer sense of what the traditional Islamic state actually was, and why it worked so well for so many

³ Ibid., 1.
⁴ Ibid.
⁵ Ibid., 150.
⁶ Ibid., 151.
centuries until it ultimately declined and fell.” In other words, they need to become more familiar with the story of “what went right.” What core features made the traditional Islamic state so great?

Feldman describes his history of the Islamic state as “a new interpretation of Islamic constitutional history.” Like an-Na‘im, Feldman makes much of the fact that law schools functioned as institutions that were not part of the state. When Feldman observes this institutional arrangement, however, he does not see a precedent for the separation of church and state. Instead, he sees a system of checks and balances that upheld the “constitutional structure” of the classical state. In Islamic society, Feldman argues, the shari‘a functioned as a constitution that, like the English constitution, provided an “unwritten and ever-evolving” set of basic norms. These norms made the state legal. As the classical theorists of Islamic statecraft had it, the state was justified by the shari‘a and administered government through the shari‘a. Scholars maintained autonomy from the state, but not, as An-Na‘im has it, to sanitize and quarantine religious institutions from the coercive power of the state. Rather, Feldman asserts, their intention was to ensure that the state remains legal—that it upholds the rule of law. Hence, Muslims developed a legal system that depended crucially upon a balance of power between rulers—those who enforce the law—and scholars—those who define it. Feldman illustrates how this balance of power functioned to maintain the rule of law with an examination of two institutions that were central to the classical legal system: law schools and the judiciary.

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7 Ibid., 4.
8 Ibid.
9 Ibid., 6.
10 Feldman calls them constitutional theories (6).
Schools of legal thought, Feldman explains, provide much needed regularity and predictably to legal systems. A legal system can become “effective and lawlike” only if the judgments of legal actors are “shaped or even determined by the legal materials they have in front of them and the authoritative techniques of interpretation recognized by the system itself.”

As a follower of a Sunni school of law, a student was expected to master the foundational legal works particular to that school, and the widely-shared patterns of legal reasoning scholars of the school used to answer recurring questions of *fiqh*. These widely-shared patterns of legal reasoning also known as the consensus of the scholars, became recognized as an authoritative source of jurisprudence, alongside the Qur’an, Sunna, and analogical reasoning. Of these four sources, only consensus provided the regularity and predictability required for functioning legal systems.

By establishing authoritative techniques of legal interpretation, law schools gave the scholars the power to determine the shari‘a. Only scholars understood how to interpret the Quran, sunna, *qiyas*, and *ijma*’ in order to discover (we might say make) the shari‘a. If the ruler (along with the administrators who work at his pleasure) wanted to fulfill his obligation to command the good and forbid the evil, he would have to turn to the scholars in order to learn what God commands, prohibits, praises, and despises. Defining the law though regular patterns of legal interpretation, however, is not enough to create a functioning legal system. These ideal systems of jurisprudence must be taken up, in some way, by those with the power to enforce the law. In the classical Islamic society, the state enforced the shari‘a through the institution of the judiciary. The law schools, combined with the judiciary, created a functioning legal system.

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11 Ibid., 27.
Legal institutions like the schools did not develop in a political vacuum. For law to be practically relevant, as opposed to purely abstract or theoretical, it must have some connection to the way power is deployed by those in authority. Although Islamic law was “jurists’ law” in that its content was determined by the jurist-scholars, and not the state, it was also state law in that it had a mechanism for being enforced by the state. That mechanism was the judiciary, appointed by the caliph and serving under his direct authority.\textsuperscript{12}

Judges in the Islamic state were conceived as delegates of the caliph. The caliph, not the scholars, authorized judges to decide legal disputes. They served, or were dismissed, at his pleasure. Within the courtroom, however, the judge was expected to decide cases in accordance with the shari‘a. Otherwise, the state would fail to uphold the rule of law. Hence, the judge needed to be familiar with the techniques of legal interpretation developed in the law schools. This required the caliph to choose judges from the scholarly ranks. This arrangement limited the caliph’s authority to appoint judges, and therefore to shape the law of the land. Whoever the caliph chose would still have to enact the law as the scholars defined it.

The self-regulating community of scholars expert in the law was as much a part of the legal system as was the judge, who was usually appointed from among their ranks. But unlike judges, who became part of the state apparatus by accepting a caliphal appointment and what pay came with it, members of the scholarly class were not named by anyone connected to the government. They became scholars by education and deportment, and their status was determined by the reputation they enjoyed among their fellow scholars. And it was as scholars, not as judges, that they exercised their exclusive right to explicate God’s law.\textsuperscript{13}

Many Islamicists are likely to consider Feldman’s depiction of the Islamic state’s “constitutional structure,” as a naïve leap from the ideal theories of Islamic scholars to their historicity. The commonly rehearsed narrative among historians of Islam is that scholars lacked any means to hold rulers accountable for departing from the shari‘a; thus, the purported balance between rulers

\textsuperscript{12} Ibid., 27.
\textsuperscript{13} Ibid., 22-23.
and scholars never translated into reality. As Richard Bulliet put it, “every historian of Islam knows [that] in practice the ‘ulama seldom succeeded in preventing despotism.”14 Feldman concedes that rulers frequently manipulated scholars, but argues that the constitutional structure of Islamic society was not to blame. For example, many historians argue that the judiciary was not an effective mechanism for enforcing the shari’a of the law schools, for the caliph was free to select judges that ruled in accordance with his wishes, rather than the scholars’ interpretation of the shari’a. Flaws in the Islamic state model, therefore, made the caliph’s despotism possible. ‘Abd al-Raziq would have approved of this interpretation, but Feldman argues that the legal system actually restrained the caliph much more than this criticism suggests. In principle, a caliph could appoint large numbers of activist judges, willing to amend and even reject the shari’a norms of the scholars in order to establish the caliph’s policies. But in practice, a caliph who abused his power of appointment faced problems of legitimacy, as the scholars increasingly cited him for violating God’s law. “To break the law,” Feldman reminds us, “was to demonstrate that one was unqualified to rule. A ruler might get away with the occasional lapse. A sustained patter of lawbreaking over time, however, would show those in the know that the ruler was not fulfilling his function on earth.”15

The other objection to the historicity of the Islamic state’s constitutional order stems from the first. Let’s say that the majority of scholars do decide that the ruler has become illegitimate. They still would be unable to force him to return to the shari’a, meaning that the caliph was in no way restrained by the “rule of law.” Hence, Patricia Crone concludes that “one could not call this constitutional government,” since the scholars could not “compel their ruler to observe the law in

14 Quoted in Ibid., 162n21.
15 Ibid., 29.
the exercise of government.”  

Again, Feldman accepts the observation that the scholars could not compel the caliph to observe the shari’a, but not the inference that the government was therefore not constitutional. Citizens of constitutional states, Feldman argues, should not be surprised by the scholars’ lack of coercive force:

It is rarely the case that any constitution enables judges or nongovernmental actors to ‘compel’ the obedience of an executive who controls the means of force. The means whereby the executive is constrained by institutions without the power of the sword is always more subtle, and by necessity and designs are driven by words and ideas, not forcible compulsion.  

In the case of the Islamic state, scholars could constrain the ruler by appealing to their power to “bind and loosen” the community. A caliph’s rule became legitimate, in theory, when the scholars gave him their oath of allegiance. By making the oath, scholars sanctioned the ruler’s authority to command force in order to protect the community and implement the shari’a. Some scholars argued that if a caliph chose to violate the shari’a, then the scholars could renounce their endorsement. But open rejections of the caliph’s legitimacy were rare, since the scholars, as we know, had no means of forcing his abdication, nor of maintaining law and order in the unlikely event that the caliph did abdicate the thrown. Instead, the scholars pressured the caliph by threatening his support in moments of weakness. More than any other time, Feldman explains, caliphs relied upon the scholars’ endorsement when they first took office, when they faced rebels or invaders, and when they designated their successor. As I discussed in chapter one, classical theorists held that a caliph can be invested in one of two ways: election or designation. These conflicting standards for succession, Feldman argues, often created multiple candidates for


18 Ibid., 31.
the caliphate. This empowered the scholars, for their support could mean the difference between a candidate being invested or passed over for a rival. Likewise, when a caliph faced rebels or invaders in battle, this created an opportunity for disgruntled scholars to rally behind a new caliph. Already engaged in battled, this was a bad time for the caliph to face other local rebellions inspired by the scholars. Lastly, the caliph knew that his designated heir would need the support of the scholars in order to claim the thrown. Thus, caliphs had strong incentive to placate the scholars enough to maintain their support during moments of crisis.

Feldman’s treatment of the Islamic state demonstrates that the scholars did act as a check against the caliph’s abuses. Their claim to have the power to bind and loose was not mere hyperbole. By the standards of modern constitutional regimes, the scholars’ ability to restrain the caliph seems too limited. But this weakness is hardly distinctive of Islamic governments in the pre-modern world. At the peak of Islamic civilization, the Islamic state provided one of the best models of constitutional government available. Why, then, did the Islamic state fail? Feldman blames the enactment of Tanzimat reforms in the Ottoman Empire in the mid-nineteenth century. Facing the crisis of European dominance, many Ottoman statesmen began to emulate European statecraft in order to modernize and strengthen the Empire. Among other reforms, the Ottomans codified the shari’a into a state code known as the Mecelle.

The Mecelle represented something new in the history of the shari’a. By tradition and logic, the shari’a was an uncodified body of legal doctrines, principles, values, and opinions. It was the province of the scholarly class to use interpretation and discern the requirements of the law. The fact that the law could not be looked up and ascertained by just anybody was precisely what made the scholars into the keepers of the law and its embodiment. Their store of knowledge, their judgment, and their techniques of interpretation actually constituted the law itself. The code purported to replace all these with a list of rules.19

19 Ibid., 62.
By codifying the shari‘a, the Ottomans inadvertently transformed, and ultimately destroyed, the scholars’ role as the custodians of tradition. Prior to the Mecelle, if one wanted to understand the shari‘a she consulted a scholar. After the Mecelle, she could look it up in a state code. Ottoman scholars supported the states’ efforts to codify the shari‘a, however. Like Muhammad Abduh, they believed that codification was necessary in order to modernize the shari‘a, so that it can be better implemented by the state. What scholars of Abduh’s generation did not realize is that codification authorizes the state to interpret the shari‘a. If a caliph established an objectionable policy during the classical period, the scholars could argue that it violated the shari‘a, and perhaps pressure him to compromise. The caliph’s “regulations had legal force, theoretically speaking, because the shari‘a allowed them to exist.” Once the shari‘a was codified, however, the scholars lost their capacity to announce when state regulations violated the shari‘a. The Mecelle “implied that the shari‘a itself had authority only insofar as it was incorporated into a legal document issued by the ruler of the state.” Thus, Feldman concludes that the Tanzimat reforms gave the executive autocratic powers that still cripple Islamic societies today.

An-Na‘im shares Feldman’s interpretation of the Tanzimat. That is why he argues that Muslims must abandon Islamism in order to protect Islamic society. For An-Na‘im, whenever a state claims to implement to shari‘a, it always protects some Muslims religious commitments at the expense of marginalizing or criminalizing others. Why, then, does Feldman argue that Islamism presents the best potential for constitutional change in the Muslim world? Feldman

20 Ibid., 64.
21 Ibid.
appreciates that much of the popular appeal of Islamism rests in its call for justice. Islamists aim to reassert the rule of law within their autocratic states. This is a goal that all people should endorse.

Contemporary Islamists do not seek to return the scholars to their previous constitutional role. Rather, many seek to harness emergent democratic impulses and create modern institutions that serve the functions once performed by the scholars. Given their recent success in elections, many Islamists have come to endorse democratic practice as a way of enacting Islamic law. These Islamists still believe that the state must be founded upon divine rather than popular sovereignty, but they recognize popular sovereignty as a legitimate means of enacting the shari‘a. Most notably, Feldman cites Islamist proposals for democratically elected legislatures. In these legislatures, representatives are charged with passing laws that express the shari‘a as they, and assumedly their constituents, understand it. It is possible, however, that a legislature can err and pass law that abrogate the shari‘a. For this reason, many democratic models of the Islamic state also call for the institution of judicial review. This judicial body will be charged with reviewing legislation to ensure that it does not violate either the constitution or the shari‘a. Thus, if the legislature errs a Supreme Court is empowered to correct it. For Feldman, these institutions are promising because they hold the potential for Islamic states to craft laws independent of the executive. Thus, it places “the Islamic tradition of the rule of law back into contact with the democratic impulses that have recently emerged in the Muslim world.”

Feldman’s treatment of the Islamic state reminds us that constitutional change and Islamist politics may in fact be compatible. If we remember the contingent circumstances that led some of Abduh’s disciples to adopt secular nationalism, this should come as no surprise. They

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abandoned Abduh’s concept of a liberal shari‘a largely due to competition with Mustafa Kamil, and adopted secular nationalism as a strategy for endorsing British rule. Today’s Islamic regimes may wish to pursue political possibilities that ‘Abd al-Raziq’s generation closed off. If the Islamic state is successfully resurrected, we can expect to find a new historiography of the Islamic state, which justifies the existence of new Islamic states. As with ‘Abd al-Raziq’s work, we cannot know whether or not this historiography will be successful in advance—whether or not people will come to accept it as description of themselves. But we can be sure that the Islamic state’s past will play a crucial role in the success of it’s future.
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BIOGRAPHICAL SKETCH

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