The ʿUlamāʾ and the Arab Uprisings 2011-13: Considering Yusuf al-Qaradawi, the ‘Global Mufti,’ between the Muslim Brotherhood, the Islamic Legal Tradition, and Qatari Foreign Policy
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The ‘Ulamāʾ’ and the Arab Uprisings 2011-13: Considering Yusuf al-Qaradawi, the ‘Global Mufti,’ between the Muslim Brotherhood, the Islamic Legal Tradition, and Qatari Foreign Policy

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ABSTRACT This article aims to explore emerging trends for the Sunni religious elite and the Islamic legal tradition in the new context of the Arab Uprisings by focusing on Yusuf al-Qaradawi, arguably the most prominent of these ‘ulamāʾ alive today. The article will follow al-Qaradawi’s articulation, transmission and reconstruction of the Islamic legal tradition in his own discourse as he has attempted to negotiate the politically fraught contexts of the Arab Uprisings while also maintaining his horizontal commitments to a diverse base of supporters be they the wider Arab Muslim public, the Muslim Brotherhood or indeed the Qatari royal family. The article will focus on al-Qaradawi’s highly publicised interventions and fatwas in relation to Egypt, Libya, Bahrain, and Syria from the perspective of Islamic studies, and also draw on personal interviews with al-Qaradawi, his personal staff, as well as supplementary media. In so doing, the article will elucidate al-Qaradawi and his colleagues’ attempts, ranging from the highly creative to the markedly conservative, to respond to unfolding events through the legal tradition and play an increasingly active role in the public sphere while their own status simultaneously becomes ever more vulnerable and unstable.

Introduction: Studying the ‘Ulamāʾ’

The series of uprisings, revolutions and civil conflicts occurring across the Middle East region following the departure of the Tunisian dictator Zin al-ʿAbidin b. ʿAli (b.1936) on 14 January 2011 were quickly been hailed by some, not only as the precursor to a “fourth wave” of democratization, but as also signalling a broader rupture with established authority.1 In

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fact, prior to the uprisings the region’s Sunni religious elite, the ‘ulamāʾ (sing., ‘ālim), had already been struggling to maintain their place as privileged interpreters of the Islamic tradition. The challenge had been navigating the “fragmentation” of their own authority following the rise of mass education, mass media,² and continual attempts by nation-state regimes to either co-opt them as a source of legitimacy or marginalize them entirely.³ Responding to this new period of political and social instability would seem then to represent yet another daunting task. However, in terming the ‘ulamāʾ “custodians of change,” Muhammad Qasim Zaman has convincingly argued that there was more to their place in contemporary Muslim societies than a simple subservience to ruling elites, or a reactionary struggle against “modernity.” Rather, Zaman viewed the activism and energy of the ‘ulamāʾ in the emerging “religious public sphere,”⁴ as representing a continual “enlargement in their role qua ‘ulamāʾ, in society as a whole” and the continued “political resonance” of the Islamic tradition in whose name they claim the right to speak.⁵ For the purposes of this article then, and building on the work of Alasdair MacIntyre, tradition is understood as far more than simply an antonym to modernity, and instead represents the continual interaction through time between adherents to a common set of beliefs and texts, along with a shared language and style of argumentation about those beliefs and texts.⁶ Along these same lines, Talal Asad proposed that the Islamic tradition, and for the purposes of this article the legal tradition of Islamic jurisprudence (fiqh),⁷ should be approached as a “discursive tradition” that:

[C]onsists essentially of discourses that seek to instruct practitioners regarding the correct form and purpose of a given practice that, precisely because it is established, has a history. These discourses relate conceptually to a past (when the practice was instituted, and from the knowledge of its point and proper performance has been transmitted) and a future (how the point of that practice

⁷ While for the purposes of this article, “fiqh” is glossed simply as “jurisprudence,” this fails to do justice to the concept, which also carries the meaning of seeking “a deep and true understanding” of the Sharia.
can best be secured in the short of long term, or why it should be modified or abandoned), through a present (how it is linked to other practices, institutions, and social conditions). An Islamic discursive tradition is simply a tradition of Muslim discourse that addresses itself to conceptions of the Islamic past and future, with reference to a particular Islamic practice in the present.8

It was with these points in mind that Zaman then argued, “it is precisely their [the ‘ulamāʾ’s] claims to authoritatively represent an ‘authentic’ Islamic tradition in its richness, depth and continuity that may have become the most significant basis of their new prominence in the public sphere.”9 As far as the Arab Uprisings are concerned, Khaled Abou El Fadl has previously highlighted in great detail that almost since Islam’s inception the legal question of legitimate rebellion against a ruler has been almost ever-present for the ‘ulamāʾ who, in their pursuit of what Asad termed an “authoritative discourse,”10 always “balanced functionalist considerations against theological and moral imperatives, and constructed a highly technical and symbolic discourse [that] co-opted, constructed, and reconstructed doctrinal and historical precedents.”11

It is with these points in mind that this article similarly proposes that there is much to be learned about the ‘ulamāʾ and the legal tradition’s place in a post-uprising Middle East by following the fatwas, sermons and public statements of arguably the most prominent and visible ʿālim in the region (with his authority and popularity much harder to measure), the Doha-based Egyptian Shaykh Yusuf al-Qaradawi (b.1926).

Producing a “Global Mufti”: The Rise of Yusuf al-Qaradawi

The early months of 2011 certainly provided more than a little evidence of al-Qaradawi’s authority and popularity. Following the resignation of the Egyptian dictator Husni Mubarak (b.1928), not only did al-Qaradawi make a much publicized return to Cairo to deliver his famous “Tahrir Square Sermon” on 18 February 2011 to a crowd possibly numbering two million,12 but just three days later during a live interview on al-Jazeera lasting a full twenty three minutes, al-Qaradawi then issued a fatwa calling for the killing of the then Libyan

9 Zaman, The Ulama in Contemporary Islam 180.
10 Asad defines his concept of an authoritative discourse as a notably constrained one, representing a “collaborative achievement between narrator and audience [where] the former cannot speak in total freedom: there are conceptual and institutional conditions that must be attended to if discourses are to be persuasive.” Talal Asad, Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam (Baltimore, MD: John Hopkins University Press, 1993) 210. Alexandre Caeiro for one approvingly sees an Asadean approach as “[shifting] our attention from Weberian ideal-types of religious authority toward a study of modes of reasoning and their relation to embodied practices. It provides a link between forms of religiosity and the structures that (re)produce authority,” while also noting Asad’s problematic presupposition of “a concept of religious orthodoxy” in his combining of a MacIntyrean perspective with Michel Foucault’s concept of genealogy. Alexandre Caeiro, “The Shifting Moral Universes of the Islamic Tradition of ʿIffāʾ: A Diachronic Study of Four Adab al-Fatwā Manuals” The Muslim World 96 (2006) 661-685 (19 fn 7). Italics in original. For more on this point see David Scott, “The Tragic Sensibility of Talal Asad” in David Scott & Charles Hirschkind (eds.) The Powers of the Secular Modern (Stanford: Stanford University Press, 2006) 134-53; Ovamir Anjum, “Islam as a Discursive Tradition: Talal Asad and his Interlocutors” Comparative Studies of South Asia, Africa and the Middle East 27.3 (2007) 656-75 (11-14).
dictator Mu’ammar al-Gaddafī (d.2011). In introducing his own translation of that fatwa, Yahya Michot anecdotally highlights some of the bases of the perceived authority and popularity that al-Qaradawi appeared to enjoy at the time:

Shaykh al-Qaradawi provides a remarkable illustration of the way jurisdictional magisterium is managed in contemporary Sunni Islam. There is no Caliphate. No state enjoys universal, uncontested leadership in Islamic matters […] The voices that the Umma often prefers to listen to originate from other quarters: charismatic scholars and activists independent of established political powers; transnational spiritual networks and movements; international organisations. Shaykh al-Qaradawi in some ways embodies these three dimensions in virtue of his personal qualities and endeavours, his closeness to the Muslim Brotherhood and his role as chairman of the International Union of Muslim Scholars. His credentials are thus impressive and his religious opinions have a particular weight. For many Muslims across the world, his fatwas represent an accurate, legitimate, orthodox actualisation in our time the teachings of Islam […] By calling for the killing of Gaddafi, Shaykh al-Qaradawi didn’t in fact do anything other than meet his obligations as a renowned Mufti and meet the expectations of a great number of believers.13

In other words, being considered an ‘ālim is not simply an honorific title granted to graduates from long established Islamic centres of learning. Rather, as Michot implies in the above passage, it is a complex social construction whose multiple factors serve to produce al-Qaradawi as an acclaimed ‘ālim to those among his peers, supporters, and critics who share an adherence to the tenets of the legal tradition. However, to be a respected scholar is one thing, being a “Global Mufti” who commands international attention requires rather more under today’s circumstances, with political support and an astute utilisation of modern media technologies being only two such requirements.14

Being a graduate of al-Azhar is certainly among the more important parts of al-Qaradawi’s own identity however, clearly evidenced from his style of dress and manner.15 In the specifically Egyptian context, al-Qaradawi would be considered part of what Malika Zeghal terms the “peripheral ʿulamāʾ,” meaning those scholars who do not occupy positions of power and influence within the institution itself and prefer instead to associate themselves with activist, grassroots organisations such as, in al-Qaradawi’s case, the Muslim Brotherhood.16

Growing up in a poor village in the Nile Delta, al-Qaradawi first heard the Brotherhood’s founder Hasan al-Banna (d.1949) preaching in 1941 while he was still a

15 In his own recollections al-Qaradawi writes that becoming a scholar of al-Azhar was a childhood dream, “I used to attend the lectures of the ulamāʾ and Shaykhs in our village. I loved them and realized that everyone loves them and admires them […] For me, then, al-Azhar was the bastion of religion and science.” Yusuf al-Qaradawi, Risālat al-Azhar bayn al-Ams wa-l-Yawm wa-l-Ghad (Cairo: Maktabat Wahba, 1984) 3. For a detailed discussion of al-Qaradawi’s relationship with the al-Azhar institution and his own vision for its future see Jakob Skovgaard-Petersen, “Yūsuf al-Qaradāwī and al-Azhar” in Global Mufti 27-53.
16 Zeghal, “Religion and Politics in Egypt” 2.
student and, joining the movement as soon as the opportunity arose, al-Qaradawi then quickly founded an organisation for the Brotherhood’s Azhari student-members shortly after his own arrival there in 1946. As al-Qaradawi’s prestige as a scholar of Islamic jurisprudence (sing., faqīh plur., fuqahāʾ) continued to rise after the publication of his two major works, The Lawful and the Prohibited in Islam and The Jurisprudence of Alms-Giving, the Brotherhood offered al-Qaradawi the post of General Guide in 1976. In his refusal al-Qaradawi wrote he felt more suited to scholarship and preaching (daʿwa). It was during these early years of the “Islamic Awakening (al-Šaḥwa al--Islāmiyya)” that his attempts to “guide” what he saw as the wayward Arab youth along a middle path between religious extremism and secular laxity would first bring him broader attention among the Arab reading public.

It was only later, however, through a manipulation of the proliferating satellite television stations, Islamic programs, and the growth of online social media, that al-Qaradawi would come to be referred to as “one of the most celebrated figures in the Arab world.” In choosing those words, the prominent journalist Anthony Shadid (d. 2012) had particularly in mind the founding of the Qatari channel al-Jazeera in 1996. Al-Qaradawi’s

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17 That first sermon left a lasting impression on the young al-Qaradawi, “I can still recall the words he [al-Banna] spoke that day, which they were original, focused, structured, useful, in contrast to so many sermons and preachers I have heard since.” Yusuf al-Qaradawi, al-Ikhwān al-Muṣlimūn: V. ‘Āmman fil-Daʿwa wa-l-Tarbiyya wa-l-Jihād (Beirut: Mu’assasat al-Risala, 2001) 57. See also idem., Shumul al-İslām: Fī Daw’ Ilmi Muṣafasāl li-l-Uṣūl al-İshrīn li-l-İmām al-Shahid Ḥasan al-Bannū (Beirut: Mu’assasat al-Risala, 1997).
18 Yusuf al-Qaradawi, al-Ḥalāl wa-l-Ḥārim fil-İslām (Beirut: al-Maktab al-İslami, 1960); idem., Fiqh al-Zakāt (2 Volumes (Beirut: Mu’assasat al-Risala, 1971), Fiqh al-Zakāt formed the basis of al-Qaradawi’s doctoral dissertation, which he defended in 1973. For al-Qaradawi the outcome never appears to have been in doubt however, as one of his old teachers put it, “this was not a disputation, this was al-Qaradawi’s celebration.”
20 This was not solely an individual effort however, and Gräf argues that a prime factor in al-Qaradawi’s success in the field of new media was that he was “one of the first scholars to realize that the cooperation with journalists, editors, and producers of new media institutions would help to restore the influence of Muslim scholars in Muslim societies and worldwide.” Bettina Gräf, “Sheikh Yûsuf al-Qaradawî in Cyberspace” Die Welt des Islams 47:3-4 (2007) 403-21 (1).
22 Al-Jazeera has elicited a substantial scholarly interest for its role in the emergence of an Arab public sphere. See for example Marc Lynch, Voices of the New Arab Public: Iraq, al-Jazeera, and Middle East Politics Today (New York: Columbia University Press, 2007); Mohammed Zayani, The Al Jazeera Phenomenon: Critical
regular guest spot appearances on al-Jazeera’s popular religious talk show Sharia and Life (al-Shari’a wa’l-Hayāt) saw him addressing up to thirty-five million viewers on an almost weekly basis. Al-Jazeera formed an ideal platform for al-Qaradawi to comment upon and issue fatwas in relation to seemingly all the pressing issues of the day for the Arab Muslim public, such as the plight of the Palestinians, the place of Muslim minorities in Europe, 9/11, and the subsequent wars in Afghanistan and Iraq, all the while continuing to author well over one hundred books that were translated into multiple languages.

As far as the legal tradition is concerned, a key means by which al-Qaradawi facilitated and legitimated this increasing intervention in the public sphere was through a marked expansion of the originally classical legal concept of maslaha (commonly translated as the “public interest”, or the “common good”) to the extent that it “coincide[d] with everything that facilitates life for human beings and guides them in social intercourse.”

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24 Galal, “Yūsuf al-Qaradāwī and the New Islamic TV” 30 fn 4. During the author’s own second interview with al-Qaradawi at his home in Doha on 6 February 2013, he appeared to attribute little importance to his appointment to Sharia and Life, though highlighting that it was at his suggestion that it included an interactive question and answer segment, tapping into perhaps what Henry Jenkins termed the emerging “participatory culture” in mediated communication. Interview between the author and Yusuf al-Qaradawi (Doha, 6 February 2013); Henry Jenkins, Convergence Culture: Where Old and New Media Collide (New York: New York University Press, 2006).


27 In those instances while al-Qaradawi condemned the 9/11 attacks and issued a noted fatwa in favour of American Muslims serving in the army against the Taliban in Afghanistan, he was a leading voice in calling on Muslims to unite against the later invasion of Iraq in 2003. See Basheer M. Nafi, “Fatwa and War. On the Allegiance of the American Muslim Soldiers in the Aftermath of September 11” Islamic Law & Society 11 (2004) 78-116.

28 Armando Salvatore, “Qaradāwī’s maslaha: From Ideologue of the Islamic Awakening to Sponsor of Transnational Public Islam” in Global Mufti 239-50 (9); Mohammad Qasim Zaman, “The ‘Ulama’ of Contemporary Islam and their Conceptions of the Common Good” in Armando Salvatore & Dale F. Eickelman (eds.) Public Islam and the Common Good (Leiden: Brill, 2004) 129-55 (5-6). Raymond Baker argued that this emphasis on behalf of al-Qaradawi and his colleagues had a strategic value, with the positing of contemporary political and social issues as central to their fiqh discourse, and as a central referent for the legal tradition as a whole, being a key part of the broader aim to ultimately capture the fiscal means to affect social welfare through state power. Raymond W. Baker, “‘Building the World’ in a Global Age” in Armando Salvatore & Mark
conceptual shift also impacted upon al-Qaradawi’s understanding of iftā’ (the formulation and issuance of fatwas), similarly expanded far beyond individual religious guidance offered to a specific petitioner. Increasingly blurring the boundaries between his iftā’ and other discourses, al-Qaradawi expands the muftī’s role to that of “a teacher, advisor, doctor and guide,” presupposing a religious public sphere and enabling his fatwas to facilitate his efforts in doctrinal reform, evangelism, or other social and political interventions.29

On these varying bases, al-Qaradawi came to be viewed in some quarters as the archetypal transnational religious leader and,30 through appealing to his now well-known motif of “wasaṭiyya (centrism, moderation),”31 he appears to have come to view himself in a similar light.32 By the time the Brotherhood asked al-Qaradawi to become General Guide for a second time in 2002, al-Qaradawi again refused and could legitimately claim that he was of greater use as an independent guide to the entire Muslim Umma.33

At this point, one might be forgiven for imagining al-Qaradawi as either a disembodied transnational figure, or having resided in Egypt all this time.34 This is of course not the case: al-Qaradawi has in fact lived in Doha since 1961 where he travelled into veritable exile after a second period of imprisonment under the Nasser government, and accepted Qatari citizenship from the current Emir’s great-grandfather, Ahmad b. ‘Ali Al Thani (d. 1977) in 1969.35 While at that time Qatar was little more than a backwater (a British
Protectorate until 1971) it has since been reported to hold nearly 14 per cent of the world’s proven natural gas reserves and is now commonly ranked as the wealthiest country in the world in terms of gross domestic product per capita. The Qatari royal family has been a key supporter of al-Qaradawi since his arrival, whether in relation to his assuming the directorship of the country’s new Religious Institute in 1961, founding and then becoming Dean of Qatar University’s Sharia Faculty in 1977, or funding his trips across the world, to Pakistan, Malaysia, Indonesia, Europe, North America and even as far afield as Japan and South Korea. More recently, leaving aside al-Qaradawi’s aforementioned position on Sharia and Life, the Qatari Emir is also the backer of the Doha-based International Union of Muslim Scholars (al-Ittiḥād al-‘Ālamī li-l-‘Ulāmā’ al-Muslimīn, IUMS). While on its founding in 2004 al-Qaradawi may well have appeared the natural choice as IUMS’s leader, with Rashid al-Ghannushi (b.1941) writing that al-Qaradawi’s positioning as the IUMS President was in recognition of his “[scholarly] integrity, attested to by the authoritative consensus (ijmāʿ) of all the leading figures from all the legal schools and sects (tawā’if) of the Umma,” it is important to note that the Qatari Emirs’ role in enabling al-Qaradawi to become a seemingly obvious choice is apparent.

All of these constituents combined, then, had contributed to the social construction of al-Qaradawi as a “Global Mufti” and ālīm on the eve of the Arab Uprisings. The article will now explore the varying means by which al-Qaradawi has sought to maintain this position while balancing the series of horizontal political allegiances and local audiences that cumulatively propelled him to such prominence. As Michot highlighted, the perception of al-Qaradawi as a politically independent figure is a crucial theme in this regard and so, while...
al-Qaradawi has always argued that Qatari officials have never sought to unduly influence him,\(^{43}\) particular attention will be accorded to this “Qatar Context” as the article progresses. Having situated al-Qaradawi among the constraints he will be seen to face (such as the Brotherhood, Qatar, and the expectations of an ‘ālim), the article will follow al-Qaradawi and his articulation, transmission and reconstruction of the legal tradition through the past three years in an approximate chronological order, first looking to his initial navigation of the Egyptian uprising and the Libyan civil war by attempting to conceptualise a new “jurisprudence of revolution (fiqh al-thawra).” Then, as al-Qaradawi responded to the uprising in Bahrain and the increasing violence of the Syrian conflict, the question of sectarianism and Qatar’s own foreign policies will come to the fore in the second section. With these themes in mind the final section will consider the responses of his multiple audiences (both scholarly and lay), and follow al-Qaradawi back to Egypt for the coup of 3 July 2013. It will examine how he tried to respond to the coup’s aftermath and increasing criticism of his own public role, before drawing conclusions around the current place of leading Sunni ‘ulamā’ and the instabilities of the legal tradition in the politically fraught context of the Arab Uprisings. It is in Egypt, then, that the article will now move to join al-Qaradawi, and where the analysis will begin.

“A Scholar & A Tyrant”: Qaradawi, Mubarak and Gaddafi

On 18 February 2011, the first Friday following the resignation of the former Egyptian President Hosni Mubarak, al-Qaradawi returned to Cairo and delivered a sermon in Tahrir Square. Perhaps searching for a telling sound bite, commentators in the Egyptian media began to refer to him (both positively and negatively) as the “Egyptian Khomeini,”\(^{44}\) a billing then picked up by a number of Western outlets.\(^{45}\) The Friday prayer, attended by crowds estimated by al-Jazeera to number nearly two million, would appear to show a leading Islamic scholar at the height of his authority and popularity. Filled with joy and confidence for the future, al-Qaradawi applauded the revolution’s apparent success, particularly the uniting of the Egyptian people in its achievement:

O Muslims! O Copts! O Children of Egypt! This is the day of all the Children of Egypt together. It is not the day of Muslims alone […] Muslims and Christians, radicals and conservatives, rightists and leftists, men and women, old and young, all of them became one, all of them acting for Egypt, in order to liberate Egypt from injustice and tyranny.\(^{46}\)

In many ways, al-Qaradawi’s delivery of the sermon in Tahrir Square was the culmination of a lifelong goal, as a “scholar-cum-activist” close to the Muslim Brotherhood,\(^{47}\) to actively


guide the Islamic Awakening toward the peaceful overthrow of the region’s dictatorial regimes. One of his earliest works was in fact a play written during his first period of imprisonment in 1948 (re-written in 1968), entitled A Scholar and a Tyrant (‘Ālim wa-Ṭāghiyya). Set in the aftermath of the Battle of Jamajim (701 CE) in present day Iraq and the defeat of ʿAbd al-Rahman Ibn al-Ash’ath’s rebellion against the Umayyads, al-Qaradawi casts as his main character the rebellious jurist Saʿid b. Jubayr,48 and the famous debate between himself and his captor al-Hajjaj b. Yusuf, leader of the Umayyad army. In telling his audience of Ibn Jubayr’s defiance after capture in the second scene, al-Qaradawi often refers to the well-known hadith “the best Jihad is to speak a word of truth to an oppressive ruler.”49 Nowhere is this sentiment more clear for al-Qaradawi in the play, once frequently performed by Brotherhood members at their student gatherings,50 than in the penultimate scene. Here Ibn Jubayr is called on to confess his blasphemy (kufr) in joining the rebellion, and al-Qaradawi has him respond with reference to another famous hadith that al-Qaradawi will be seen to cite often in the remainder of the article, “Our religion does not agree to obedience except to that which is good, and [we owe] no obedience to that which is disobedient (ma siyya) to [God].” He then goes willingly to his execution.51

The play has some clearly self-referential aspects and certainly al-Qaradawi’s own understanding of his place in the legal tradition would appear to have required him to actively respond to the Arab Uprisings as they unfolded, for he and his fellow ʿulamāʾ have always rejected a distinction between the religious and the political realms, and the Arab secularist slogan “no politics in religion, and no religion in politics.”52 In his 2009 work The Jurisprudence of Jihad (Fiqh al-Jihād), for example, al-Qaradawi had nothing but scorn for his fellow scholars who to him had become little more than agents of the region’s police-states (ʿulamāʾ al-sulṭa wa-ʿumalāʾ al-shurṭa).53 He argued instead for their duty (and his) to intervene in the public sphere and speak out on behalf of the people against their oppressive rulers:

Who is to issue a fatwa declaring [these rulers’] blasphemy? Clear blasphemy as it is defined in the sound hadith?54 Who is to judge their apostasy (riḍda) when the judges and official mechanisms for issuing fatwas are in their hands? There is [nothing] except the Muslim general will and the public’s Islamic conscience, which guides those among the scholars who are free.55

48 El Fadl also highlights this rebellion because of the large numbers of “rebel jurists” involved. El Fadl, Rebellion 70-1.
49 Yusuf al-Qaradawi, ʿĀlim wa-Ṭāghiyya (Cairo: Dar al-Irshad li’l-Taba’a wa’l-Nashr wa’l-Tawzi’, 1968). This usage of literature for pedagogic aims is also seen in works written by al-Qaradawi’s predecessors. See for example Jakob Skovgaard-Petersen, “Portrait of the Intellectual as a Young Man: Rashid Rida’s usage of literature for pedagogic aims is also seen in works written by al-Qaradawi’s predecessors. See for example Jakob Skovgaard-Petersen, “Portrait of the Intellectual as a Young Man: Rashid Rida’s
50 Tammam, “Yusuf al-Qaradawi and the Muslim Brothers” 10.
52 Al-Qaradawi writes, “it’s not possible to improve human life if Islam is responsible for only part of it […] it’s not possible that Islam be [solely] for the mosque, while the school, university, law court, television, journalism, theatre, cinema, souq and street are [left] to secularism.” Yusuf al-Qaradawi, al-Dīn wa-l-Siyāsa (Cairo: Dar al-Shuruq, 2013 [2007]) 70.
54 Al-Qaradawi cites the version of the hadith found in Sahih al-Bukhārī, in which ʿUbayda b. al-Samit relates that Muhammad “took the pledge of loyalty (bayʿ a) from us, that we were to listen and obey [his orders] both when we were active and when we were tired, at times of difficulty and ease, and to be obedient to the ruler and give him his right even if he did not give us our right, and not to fight against him unless we saw him in open blasphemy (kufran bawāḥān).” Al-Qaradawi will be seen to cite this hadith again later in the article, in a very different context. It can also be found (among other locations) in Yahya al-Nawawi’s (d. 1277) Riyād al-Ṣaliḥīn, at: http://sunnah.com/riyadussaliheen/1/186 (accessed 21 October 2013).
55 al-Qaradawi, 25 Yunāyir Thawrat Shaʿb b 22.
As the uprisings spread from Tunisia to Egypt, al-Qaradawi actively aimed to provide an Islamic legitimacy to the protests, and counter the fatwas that began to be issued by rival Azhari 'ulama’ who called on the protesters to stay in their homes. While these opposing fatwas, such as those issued by the Egyptian Grand Mufti ‘Ali Jum’a (b.1952), drew on the more quietest precedents of the Islamic legal tradition that maintained obedience to an unjust ruler so long as they do not publically commit apostasy, al-Qaradawi and his own supporters from IUMS contrastingly tried instead to conceptualize an entirely novel branch of Islamic jurisprudence, which they provocatively termed “the jurisprudence of revolution (fiqh al-thawra).”

In his own examination of fiqh al-thawra’s emergence more broadly, Aria Nakissa labelled the process whereby an ‘alim seeks to integrate their own novel and utilitarian reasoning into the conceptual framework of the legal tradition by creating a new field of fiqh as “secondary segmentation.” A development from the earlier efforts of the reformer Rashid Rida (d.1935), its purpose is to allow an ‘alim to relax or overturn contradictory legal rulings while preserving the moral valence and authority of the structures of the Islamic legal tradition, while pre-empting criticisms of subjectivity. It is this process that enables al-Qaradawi to reproduce the “conceptual and institutional conditions that must be attended to if discourses [and here we might say fiqh discourses,] are to be persuasive” and authoritatively argue against the fatwas issued by his rivals in support of the Mubarak regime. In his own

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57 Here again one can see al-Qaradawi’s skills of self-promotion at work, as well as the efforts of his networks in helping to maintain his public profile and status. With the support of Muhammad Khalifa Hasan, the director of QFIS’s Al-Qaradawi Center for Islamic Centrism and Renewal (Markaz al-Qaradawi li’l-Wasaṭiyāya al-Islāmiyya wa-l-Tajdid) and members of his student group (Rabīṭat Talāmidh al-Qaradawī), al-Qaradawi was able to quickly publish his work 25 January Revolution of a People: Shaykh al-Qaradawi and the Egyptian Revolution that detailed all of his public statements and fatwas in support of the Egyptian uprising. al-Qaradawi, 25 Yundīrī Thawrat Shā’b 3. Similarly in the aftermath of Mubarak’s departure, his supporters were prolific in the local Egyptian media and online, attempting to cement his rising stature, and deflect criticisms. See for example Amani Majid, “al-Qaradawī: lā ‘Allaqa lī bi-Tanzīm al-Ikhwan,” Al-Ahram, 21 February 2011, at: http://digital.ahram.org.eg/articles.aspx?Serial=434717&eid=1734 (accessed 30 October 2011); Wahid ‘Abd al-Majid, “al-Qaradawī... wa-l-Islām al-Thawrī,” Al-Masri al-Yawm, 7 March 2011, at: http://www.almarsryyaloum.com/News/Details/207021 (accessed 30 October 2011).


59 Asad, Genealogies 210. In this vein al-Qaradawi’s colleagues in the IUMS have also endeavoured to highlight how his utilitarianism was structured by the legal tradition’s maxims (qawā’id fiqhiyya) and the Al-Qaradawi Center has organised a competition to encourage other works in this vein, with the first prize totalling nearly 50 000 US Dollars. See Nakissa, “The Arab Spring”; Wasfi Abu Zayd, Al-Qaradāwī...al-Imām al-Thār ir: Dirāsa
discourse, then, Jum’a drew upon the well-known jurisprudential maxim “sadd al-dharā’iʿ (blocking the means [to a harmful outcome])” to rule that otherwise legitimate peaceful protests are rendered illegitimate on the basis that they will lead to fitna (civil strife); in his words, “I say to the youth of Egypt it is obligatory for all of you to withdraw […] coming out to challenge the legitimacy [of the regime] is forbidden (ḥarām), forbidden, forbidden! Right now you are guilty of causing this unrest which is not in the country’s interests.” By contrast, while affirming his own support for the concept of sadd al-dharā’iʿ in principle, al-Qaradawi argued that the legitimate aims of the protests far outweighed the potential for fitna:

If they are used to achieve a legitimate end, such as calling for the implementation of the Sharia, or freeing those imprisoned without legitimate grounds, or halting military trials of civilians, or cancelling a state of emergency which gives the ruler absolute powers, or achieving people’s general aims like making available bread, oil, sugar, gas, or other aims whose legitimacy admits of no doubt-in things like these, legal scholars do not doubt the permissibility [of demonstrations].

On the basis of this support for the protesters, al-Qaradawi might well have seemed a natural choice to lead the first Friday prayer in Tahrir Square after Mubarak’s departure. In his own recollections however, al-Qaradawi points out that his return to Cairo was not simply a spontaneous decision, but instead appears to have been a rather complicated and carefully planned media event, involving consultations between himself and his staff in Doha, leading members of the Egyptian Muslim Brotherhood including Muhammad Baltagi (b.1963) and ʿIsam al-ʿAryan (b.1954), as well as key figures in al-Jazeera’s management, most notably the organisation’s new Chairman Hamad b. Thamir Al Thani, the first cousin once removed of the current Qatari Emir Tamim b. Hamid Al Thani (b.1980).

In fact, throughout the Egyptian Uprising it was al-Jazeera, through its live interviews, Sharia and Life broadcasts, and televising of his Friday sermons at Doha’s ʿUmar b. al-Khattab mosque, which provided al-Qaradawi with the platform to project an image of himself to the channel’s viewers as an ʿālim standing in support of the people’s demands for democracy and dignity, providing a marked contrast with his rivals inside the country who had supported the Mubarak regime. Certainly many observers have regarded Qatar’s founding of al-Jazeera as a key part of its foreign policy agenda, seeing the country’s close support for the anti-Mubarak demonstrators as part of a broader shift away from its earlier dependence upon Saudi Arabia (who vehemently supported the Mubarak regime) toward a more independent foreign policy. This included a move away from a dependence on the Saudi Arabian security umbrella in the wake of the 2003 Gulf War and the removal of

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61 Muhammad Baltagi is General Secretary of the Brotherhood-affiliated Freedom and Justice Party (FJP), he was arrested following the 3 July coup on 29 August 2013; ʿIsam al-ʿAryan is vice-chairman of the FJP, he was arrested on 30 October 2013.

62 al-Qaradawi, 25 Yunāyir Thawrat Shaʿb 10-4. The replacement of al-Jazeera’s former Palestinian chairman with a member of the Qatari royal family in 2011 was seen as a move on behalf of the Emir to exert greater editorial control.

Saddam Hussein as a threat. Instead Qatar has now looked to ensure its security by cultivating the interest of outside powers (most notably the United States and the European Union) in its continued existence as an independent state. While still nervous about the perceived threat from Iran, it was in this context that Qatar’s attempted mediation in many of the region’s conflicts prior to the recent uprisings (Darfur, Lebanon etc.) was viewed. As the uprising in Libya shifted toward civil-war, Qatar’s moves to assert its importance through its “soft power” became outright military intervention alongside NATO following UN Resolution 1973. Here the Muslim Brotherhood network of political émigrés that had grown up around al-Qaradawi proved notably useful, with his Libyan student ‘Ali al-Sallabi, for example (“considered to be the most influential scholar among Libyans abroad”), serving as the key intermediary between Qatari officials and Brotherhood-affiliated militias inside Libya.

Al-Qaradawi’s own intervention in the Libyan conflict came in the form of a fatwa, issued during a live interview on al-Jazeera on 21 February 2011. While not legally binding, the mufti “speaks in God’s name” in issuing a fatwa. Indeed, the fatwa represents the attempted actualisation of the norms of the legal tradition in a new social context, “[circumscribing] the mental and moral universe of their day, always balancing around the

64 It was to the consternation of al-Qaradawi’s Islamist supporters outside the Arabian Peninsula that, during the so-called “fatwa war” in 1991 he firmly supported Saudi Arabia’s allowance of NATO troops onto the Peninsula. Yvonne Yazbeck Haddad, “Operation Desert Storm and the War of Fatwas” in Muhammad Khalid Masud, Brinkley Messick & David Powers (eds.) *Islamic Legal Interpretation: Muftis and their Fatwas* (Cambridge, MA: Harvard University Press, 1996) 297-309 (9).

65 Another aspect of this policy has been Qatar’s promotion of itself as centre for, not only intellectual but also theological dynamism, capitalizing on the US’s foreign policy goal of counter-acting anti-US militancy by promoting a broader theological change within the Islamic tradition that was assumed to be the cause. For more on this point see David H. Warren, “Doha – The Center of ‘Reformist Islam’? Considering *Radical Reform in the Qatar Context: Tariq Ramadan and the Research Center for Islamic Legislation & Ethics (CILE)*” in *Maqasid Al Shariah*; Saba Mahmood, “Secularism, Hermeneutics, and Empire: The Politics of Islamic Reformation” *Public Culture* 18:2 (2006) 323-47.


67 Steinberg, “Katar und der Arabische Frühlings” 5; Khatib, “Qatar’s foreign policy” 7. Originally from Benghazi, al-Sallabi had been living in exile in Doha since 1999 (his personal website can be accessed at: http://www.alsallaby.com/). At the same time however, there appears to have been no close relationship between al-Qaradawi and Jassim Sultan, the leader of the Qatari branch of the Muslim Brotherhood and is notable solely for the fact that it unilaterally dissolved itself in 1999. I am grateful to Kristan Diwan for this point.

boundaries of what is conceivable, legitimate and right." With that in mind, al-Qaradawi’s words were striking:

I issue this fatwa: To the officers and the soldiers who are able to kill Mu’ammur Gaddafi, to whoever among them is able to shoot him with a bullet and to free the country and [God’s] servants from him. Do it! That man wants to exterminate the people. As for me, I protect the people and I issue this fatwa: Whoever among them is able to shoot him with a bullet and to free us from his evil, to free Libya and its great people from the evil of this man and from the danger of him, let him do so! (see Figure 1)  


Al-Qaradawi’s colleagues in IUMS moved quickly to support his position, while the Gaddafi regime appealed for support from other ‘ulamāʾ in vain. What is significant for this article is that, as in the Egyptian case, here al-Qaradawi dispenses with more quietist historical precedents in structuring his fatwa, and is again particularly creative. He expanded upon his legal reasoning in a sermon the following Friday, stating “it is from the jurisprudence of balancing (fiqh al-muwāzanāt), and the jurisprudence of consequential outcomes (fiqh al-maʿālāt), and the jurisprudence of priorities (fiqh al-awlawiyyāt), that we sacrifice one man for the sake of the salvation of a people.” Al-Qaradawi’s novel utilitarian reasoning can be seen to be consciously structured within the framework of the legal tradition in a manner not dissimilar from the new collocation “fiqh al-thawra.” Al-Qaradawi’s discourse does not dispense with precedent entirely, however, and he again cites the hadith voiced by Ibn Jubayr in his statement that the Libyan army’s obeying orders is an act of “disobedience (maʾsiyya)” to God. Similarly, in his affirmation of the Libyan rebels’ martyrdom, he cited the Qur’anic verse 3:169, “Think not of those, who are killed in the way of God, as dead. No, they are...
alive and provided sustenance from their Lord, rejoicing in what God has bestowed on them of His bounty; they also rejoice for the sake of those who have not yet joined them, but are left behind.\textsuperscript{73}

In fact, where al-Qaradawi does draw on precedent in his discourse, they are thoroughly modern ones. His usage of the verb \textit{baghā} (a rebel, someone who has transgressed a boundary) to describe Gaddafi’s actions does not appear to draw on the classical discussions of the legitimacy of rebellion,\textsuperscript{75} but rather Rashid Rida’s famous Qur’anic exegesis the \textit{Tafsīr al-Manār}.\textsuperscript{76} In Rida’s exegesis of the popularly-termed “verse of the rebel (\textit{āyat al-baghy})” (49:9),\textsuperscript{77} rather than interpreting this in reference to rebellion against the ruler as per historical precedent, Rida by contrast first posits the idea that it might be \textit{the ruler} who is in fact the rebel.\textsuperscript{78} In Michot’s own extension, the issue for the legal tradition and al-Qaradawi then becomes not one of “rebellion against the ruler (\textit{khurūj ‘alā al-sulṭān})” but the rebellion of the ruler against the people (\textit{khurūj al-sulṭān ‘alā al-sha’b}) or, rather, “When it is not the people who rise in arms against a regime but it is the regime which starts massacring them – because of peaceful demonstrations for example – that power loses its legitimacy and religious scholars must intervene to defend the believers.”\textsuperscript{79}

Notably, al-Qaradawi’s creativity even involved a marked shift from his own thought prior to the uprisings. In his \textit{Jurisprudence of Jihad}, al-Qaradawi had argued that even “apostate regimes” ought to be resisted and changed through peaceful means (\textit{al-wājdītīkhādh al-wasā’il al-silmīyya fi ‘l-taghyīr}),\textsuperscript{80} and when the violent extremist group al-

\textsuperscript{73}Michot, “The fatwa” 9.

\textsuperscript{75}In Michot’s translation, al-Qaradawi words are “it is not permissible to obey this man [Gaddafi] within disobedience [to God], in evil, injustice, and in the oppression (\textit{baghā ‘alā}) of [His] servants.” Michot, “The fatwa” 9. While Michot has preferred to translate \textit{baghā} ‘alā as “oppress” it is the conjecture here that al-Qaradawi’s own meaning draws on Rida’s \textit{tafsīr} and \textit{baghā} ‘alā might instead be translated as “rebelling against,” or “crossing a boundary in an agreement.” The usage of the verb \textit{baghā} to imply transgression of a boundary is also found in the Constitution of Medina. El Fadl, \textit{Rebellion} 37. For more on al-Qaradawi’s own interpretation of the Constitution of Medina see Warren & Gilmore, “One Nation Under God?”

\textsuperscript{76}There has been more than a little debate relating to the authorship of the \textit{tafsīr}. While it is credited as being authored by both Rashid Rida and Muhammad ‘Abduh (d. 1905). In view of recent scholarship and ‘Abduh’s early death it has become more accepted that Rida played a far more creative role in the \textit{tafsīr}’s authorship than he was originally credited, leading Jane McAuliffe to agree with Jacques Jomier’s original statement that “the basis of the work rightly seems to be that of Rashid Rida.” Jane D. McAuliffe, \textit{Qur’anic Christians: An Analysis of Classical and Modern Exegesis} (New York: Cambridge University Press, 1991) 79; Jacques Jomier, \textit{Le commentaire coranique du Manār: tendances modernes de l’exégèse coranique en Égypt} (Paris: G-P. Maisonneuve, 1954) 51.

\textsuperscript{77}The verse reads, “If two parties among the believers fight each other, then make peace between them. But if one of them transgresses (\textit{baghat}) against the other, then fight, all of you, against the one that transgresses until it complies with the command of God.” El Fadl, \textit{Rebellion} 37-61. El Fadl’s discussion of the \textit{āyat al-ḥirāba} (5:33-34) can be found in the same section.

\textsuperscript{78}It was on that basis that Rida argued “rebelling against the ruler is obligatory if the ruler deviates from Islam.” Muhammad ‘Abduh & Rashid Rida, \textit{Tafsīr al-Qur’ān al-Ḥakīm al-Shahīr bi-Tafsīr al-Manār} 12 Volumes (Cairo: Dar al-Manar, 1947 [2nd edn.]) 6:366-8.

\textsuperscript{79}As al-Qaradawi viewed it, “it is not unlikely that [Gaddafi] will set fire to the whole of Libya for the sake of himself. He said so: “I will fight until the last drop of my blood, until the last cartridge in my gun, and until the last of my soldiers!” […] He wouldn’t care about using biological weapons, chemical ones, any weapons of mass destruction!” Michot, “The fatwa” 2-4.

\textsuperscript{80}He defined these regimes as those “do not believe in Islam as an authoritative and regulatory reference, nor are committed to it as a source of legislation, nor to its concepts and social and cultural values.” al-Qaradawi, \textit{Fiqh al-Jihād: Dirāsa Muqārana li-Iḥkāmih wa-Falsafātihi fi Daw’ al-Qur’ān wa-l-Sunna} 2 Volumes (Cairo: Maktabat Wahha, 2009) 2:1187-9. That being said, in many of al-Qaradawi’s writings there has often been seen to be a certain disjunction between the abstract norms he articulates and their actualisation in practice. For example, during a particularly violent period of repression by the Egyptian regime in the Ain Shams district of Cairo in 1988, while al-Azhar unequivocally supported the regime’s violent response, al-Qaradawi and his colleague Muhammad al-Ghazali (d.1996) also affirmed “we believe in the faith of the regime and we trust the regime’s faith in Egypt” and argued that the Qur’an and Sunna “stipulates clear ways for thwarting deviations
Jamaʿa al-Islamiyya renounced violence in 2002, al-Qaradawi was the key scholar they cited, in a move he naturally applauded. The Egyptian uprising and Libyan civil war clearly represented a radically new context for al-Qaradawi, incommensurable with past precedents. Importantly, the fact that the interests and aims of the vast majority of his backers and audiences were aligned in wishing for the departures of Mubarak and Gaddafi certainly facilitated his strategy of intervening in the public sphere to “make the most of the opportunity to present a jurisprudence of revolutions to the Umma.” The uprisings that followed in Bahrain and the Syria represented a far more complex proposition however, with al-Qaradawi’s own interventions taking a rather different form.

Sectarianism & Jihad in Bahrain & Syria

While al-Qaradawi’s return to Cairo and his fatwa against Gaddafi were widely reported in both the international and local Arabic media from a range of supportive or concerned perspectives, it was with the uprisings in Bahrain and Syria that al-Qaradawi’s carefully cultivated image as a politically independent figure would suffer hugely (as would al-Jazeera’s). For the purposes of this article, these two uprisings differed markedly from those that preceded them on the basis of their large Shi’a populations, and it was the contribution of al-Qaradawi to actually inflaming their sectarian nature that was seen as particularly striking. The Bahraini uprising began with protesters gathering around its Pearl Roundabout on 15 February 2011. Taking a similar course to its counterparts, police repression begot larger and larger demonstrations. As the cycle of ever-increasing demonstrations and repression grew more brutal, one of al-Qaradawi’s IUMS colleagues, the prominent Shi’a scholar from Najaf Muhammad ‘Ali Taskhiri (b.1944), in his capacity as General Secretary of The World Forum for Rapprochement between the Islamic Legal Schools (al-Majma’ al-‘Ālamī li'l-Taqrīb bayn al-Madhāhib al-Islāmiyya) wrote an open letter to al-Qaradawi urging him to support the uprising in Bahrain as he had done all the others. Al-Qaradawi refused and, by contrast, just two days after the military intervention in Bahrain by the armies of the Gulf Cooperation Council (GCC) on 18 March 2011, he stated in his Friday sermon, “Truly the Bahraini revolution, it’s not a revolution, rather it’s a sectarian uprising […] that’s from the correct path, that do not in clude irresponsible charges of unbelief nor undo haste in stipulating reforms.” I am grateful to Mohammad Fadel for this point.

81 Krämer, “Drawing Boundaries” 33 fn 66. It was these “takfīri” groups, or “callers to a war against the world (duʿāt al-ḥarb ‘alā ‘ālam)” that al-Qaradawi was primarily aiming to convince with his Jurisprudence of Jihad and also in his earlier writings. For al-Qaradawi the roots of extremism lay in regime oppression and he argued in his Zāhirat al-Ghulūw fi’l-Takfīr that “this idea [of extremism] cannot be resisted except through ideas,” and Tammam argued that al-Qaradawi “was greatly effective in protecting the Brothers’ ranks from this phenomenon which for two decades marred the Islamist movements.” While this conflation between Bahrain’s Shi’a majority and Syria’s primarily ‘Alawite minority (estimated to represent approximately 60% and 15% of their respective populations) may appear somewhat reductive, it is done solely for heuristic purposes rather than making a comparative analytical point. For more on the politics of the relationship between Syria’s ‘Alawite minority and the predominant Twelver Shi’ism see Thomas Pierret, “Karbala in the Umayyad Mosque: Sunnite Panic at the ‘Shiitization’ of Syria in the 2000s,” in Brigitte Maréchal and Sami Zemni (eds.) The Dynamics of Sunni-Shia Relationships: Doctrine, Transnationalism, Intellectuals and the Media (London: Hurst, 2013) 99-116; idem., Religion and State in Syria.


83 While this controversy between Bahrain’s Shi’a majority and Syria’s primarily ‘Alawite minority (estimated to represent approximately 60% and 15% of their respective populations) may appear somewhat reductive, it is done solely for heuristic purposes rather than making a comparative analytical point. For more on the politics of the relationship between Syria’s ‘Alawite minority and the predominant Twelver Shi’ism see Thomas Pierret, “Karbala in the Umayyad Mosque: Sunnite Panic at the ‘Shiitization’ of Syria in the 2000s,” in Brigitte Maréchal and Sami Zemni (eds.) The Dynamics of Sunni-Shia Relationships: Doctrine, Transnationalism, Intellectuals and the Media (London: Hurst, 2013) 99-116; idem., Religion and State in Syria.

the problem with it, it’s Shi’a against Sunni, I’m not against the Shi’a, I’m against fanaticism (ta’assub) [...] they aren’t peaceful, they’re using weapons.”85

It was with regard to the Syrian conflict that al-Qaradawi’s intervention would be seen as most controversial, however. As the violence worsened throughout 2012, al-Qaradawi was vehemently critical of the regime’s response though he appeared to stop short of explicitly inflaming the conflict. The fatwa jointly issued by himself and over a hundred of his IUMS colleagues on 7 February 2012 called on soldiers in the Syrian army to desert and join the opposition, requesting the formation of popular committees in Muslim countries to “support the revolutionaries in Syria with all that they might need, both materially and morally,” a role taken on by both Qatar and Saudi Arabia it would seem.86

This stance would shift markedly on 31 May 2013 during the battle for the strategic town of Qusayr near the Lebanese border. As the reported involvement of fighters from the Lebanese Shi’a movement Hizb Allah appeared to be tipping the balance in favour of the regime, al-Qaradawi used his Friday sermon to state “everyone who is able, who knows how to fight, who knows how to use weapons, who knows how to use the sword or the gun […] everyone who is able, must go to Syria to aid their brothers.”87 While also condemning Russia as the “enemy of Muslims” for their arming of the regime, al-Qaradawi’s anger was focused on Hizb Allah and Iran, taking on a markedly sectarian tone:

You know these men from Lebanon? They’re called the Party of God! The Party of God! They’re the Party of the Devil [al-tāghūt]! The Party of the Satan [al-shayṭān]! […] They’re killing the people of Qusayr! They’re killing the men, the old men, the women, the children! […] Tens of thousands of these men have come from Iran! From Iraq! From Lebanon! From such a multitude of countries, from all the countries of the Shi’a! They’re coming from all over the place - to fight the Sunnis, and all those who stand with them, the Christians, the Kurds. (see Figure 2)88

85 Yusuf al-Qaradawi, “al-Shaykh al-Qarāḍāwī wa-Muzāhharāt al-Bahrain,” Youtube, 19 March 2011, at: http://www.youtube.com/watch?v=3tGJvhR0hYg (accessed 7 October 2013). During the author’s first period of fieldwork conducted in February 2012, more anecdotal conversations with al-Qaradawi’s colleagues and students in Doha depicted his decision coming amid rather fraught discussions among the IUMS over whether or not to support the Bahraini uprising, with the blame for al-Qaradawi’s decision being put upon certain key Sunni Iraqi members who saw in the uprising the potential for a repeat of sectarian violence of the Iraqi civil war. During an interview between the author and al-Qaradawi in a second period of fieldwork on 6 February 2013, when asked more directly about his support for the Bahraini regime, he was not inclined to elaborate, with one of his secretaries, who was videotaping the interview, then quickly steering the conversation in a different direction.


88 Ibid.

Al-Qaradawi then turns his attention specifically to the ʿAlawite community from which the al-Asad regime draws much of its support. Historically known also as “Nusayris,” al-Qaradawi paraphrases the fatwas of the Syrian scholar Taqi al-Din b. Taymiyya (d.1328) to state, 89 “I’m not talking about all the Nusayris, there are some among the Nusayris who are standing with the people, but the majority of the Nusayris, this group whom the Shaykh al-Islam Ibn Taymiyya said were ‘more unbelieving (akfar) than Christians or Jews,’ we have seen them start to kill the people (al-sha’b).”90

What first makes this stance all the more striking is that it represents a marked shift away from his own highly-publicised previous advocacy for rapprochement between Sunnis and Shi’a, which was again more concerned with political unity than questions of theology. Yaron Friedman has argued that Ibn Taymiyya’s defining of the Nusayri/ʿAlawites and other heterodox sects as apostate (murtadd), of greater concern and “more unbelieving” than Christians, Jews and polytheists stemmed from an anxiety to preserve the integrity of the Muslim community against its external enemies, most notably the Mongols with whom the Nusayri/ʿAlawites had sided against the Mamluk rulers of Syria and Egypt. 91 With that in

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90 al-Qaradawi, “Khuṭbat al-Juma’a li’l-Duktūr al-Qaradāwī.”

mind, al-Qaradawi’s interpretation and citing of Ibn Taymiyya here can be seen as similarly less concerned with the Nusayri/’Alawites status as believing Muslims and more with mobilizing political unity and support in the Syrian civil war. This interpretation is further supported by the fact that, in other works, al-Qaradawi does not simplistically take the legal tradition’s usage of the term kufār (sing., kāfir) to be a blanket reference to all non-Muslim “unbelievers” regardless of time, place or context, but instead understands it to mean those non-Muslims who are actively fighting Muslims at a particular time (al-kāfir al-ḥarbī).92

A common theme found in al-Qaradawi’s oeuvre, since his days as an organiser of Azhari volunteers to fight the British occupation of the Suez Canal, is the perceived need to preserve the embattled Muslim community’s unity in the face of external military and cultural attack.93 Sagi Polka similarly argues that al-Qaradawi’s earlier ecumenicist moves were primarily motivated by the attempt to preserve Sunni-Shi’a unity against both the Americans in Iraq and the Israelis. During the 2006 conflict between Israel and Hizb Allah, for example, al-Qaradawi was a prominent supporter of the Shi’a movement and Polka cites him as stating “there is nothing wrong with the Lebanese resistance being Shi’i, so long as they are the ones who take up arms and shoulder the burden of purging Muslim lands from Israeli filth. They were victorious in the past and liberated [Southern Lebanon] from the Jews […] I can see no difference between Sunni and Shi’a.” At that time, al-Qaradawi issued a fatwa in support of Hizb Allah, aimed as a counter to the Saudi Arabian ʿulamāʾ who had stated that any support extended to Hizb Allah was forbidden on the basis that they were a Shi’a movement.94

Looking more broadly at the political context in the Gulf, the inflaming of sectarianism particularly in Bahrain and Saudi Arabia has been a marked counter-revolutionary strategy since the start of the Bahraini uprising, supported by their respective Sunni ʿulamāʾ.95 Al-Qaradawi’s “admission” to his Saudi Arabian colleagues in the wake of his 31 May 2013 sermon that he had been “wrong” to trust Hizb Allah previously signals a closer alignment with the Saudi Arabian perspective that views Iran and its support for the

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92 An example of al-Qaradawi’s understanding of kāfir in this manner can be seen in his discourse on the jurisprudence for Muslim minorities (fiqh al-aqalliyyāt). In that context he discusses a well-known hadith that can be taken to mean “the Muslim does not inherit from the unbeliever (lā yariṯa al-muslimu al-kāfira).” In contemporary times, that hadith has commonly been cited to argue that Muslim converts may not inherit from their non-Muslim relatives. In this instance however, and following the interpretation of Ibn Taymiyya’s student Ibn Qayyim al-Jawziyya, al-Qaradawi contrastingly argues that the term kāfir in that hadith was understood by the first Muslims (who were naturally also ‘converts’ as it were) as meaning those non-Muslims who were actively fighting against the young Muslim community at the time (al-kāfir al-ḥarbī). al-Qaradawi, Fī Fiqḥ al-Aqalliyyāt al-Muslima 58.


94 It was an interview with al-Masri al-Yawm in September 2009 that saw the start of al-Qaradawi’s shift where, while affirming that Shiʿa were Muslims, he said he considered them to be “religious innovators” and a threat to Sunni societies. In relation to Egypt his remarks betrayed a distinctly conspiratorial tone, saying while there was no Shi’a presence twenty years ago, today many “openly flaunt their Shi’a affiliations.” Sagi Polka, “Taqrib al-Madhabī – Qaradawi’s Declaration of Principles Regarding Sunni–Shi’i Ecumenism” Middle Eastern Studies 49:3 (2013) 414-429 (10-12).

Syrian regime as an overt geo-political threat. In that context Saudi Arabia and Qatar see eye to eye in their backing for the armed opposition, and this is now supported by al-Qaradawi, for example through his public and specific point of thanks following his sermon “to the State of Qatar, its Emir, government and people for their supporting of the Arab revolutions, and the Syrian revolution specifically,” as he had also done previously with Libya. The furore that erupted after al-Qaradawi’s 31 May sermon proved not only hugely damaging to Qatar’s international brand however. It was also a source of consternation among his own personal staff, recognising in his call for foreign Muslim fighters to travel to Syria a potentially dramatic escalation of the conflict, and a further facilitation of its apparent shift away from a battle with a single military regime toward a broader and far more dangerous sectarian conflict. Given al-Qaradawi’s oft-stated desire to seek the centre ground in any debate as a means of preserving intra-Muslim unity, be it political or theological, one can surmise in this instance that now, for him, a middle ground in the Syrian civil war simply no longer exists.

In terms of the legal tradition explicitly here, al-Qaradawi’s articulation of a more clearly sectarian perspective toward the Syrian civil war and his reading of Ibn Taymiyya see him withdrawing from his more creative discourses of 2011, with his push to conceptualise a new fiqh al-thawra being replaced by a conservative reading of legal tradition’s historical precedents. This trend continued upon his return to Egypt in the summer of 2013.

Returning to Cairo, for the Coup

Throughout the latter months of 2012 and the beginning 2013, opposition to Morsi’s presidency and the Brotherhood government had begun to escalate. When al-Qaradawi’s views were sought by the local Egyptian media, his response, like that of the Brotherhood, was uncompromisingly supportive of Morsi, with those who went out to demonstrate being described simply as “thugs (baṭagiyya).” At that time, Khalil al-Anani attributed this stance on behalf of the Brotherhood to the prevalence of what he termed as the ordeal (miḥna) narrative, defined as “the sense of tribulation and victimization that prevails among the rank-and-file in the [Brotherhood] and enables them to confront or tolerate external pressure.”

100 This last point can only be made on the basis of anecdotal conversations via email exchanges with al-Qaradawi’s staff following the 31 May 2013 sermon. One staff member described at the time how the issue was “the source of continuing discussion in the Shaykh’s office. The Shaykh does not act on the basis of calculations as to how his popularity might rise or fall, the ‘ulamā’ are different from other celebrities [mashāhir] […] The scholar must publicly declare what he believes to be true, without taking into account the calculations of the rulers […] the most dangerous scholars of all are those who follow the whims of the public. The Shaykh is bound by these shackles of obligation that are proscribed for him in [times of both] war and peace. As for me personally, I am of the opinion that each country is first and foremost to its own people, and so it is up to the Syrians living abroad to return to save their country and, God Willing, they will be enough.” Personal email communication between the author and a member of al-Qaradawi’s personal staff, 9 June 2013.
pressure [...] It is incessantly constructed and reproduced by the [Brotherhood] leaders in order to maintain members’ solidarity and commitment”. This was also evidenced by Brotherhood spokesman Mahmoud Ghuzlan’s statement to the Egyptian daily al-Masri al-Yawm in April which noted that “the opposition is an evil force [that] seeks to sabotage the revolution and exclude the [Brotherhood].” The lasting experience of brutal repression as a young man has been a formative one for al-Qaradawi too, the themes of ordeal and perseverance (ṣabr) in the face of oppression inform the titles of two of his books in fact. Like many in the Brotherhood leadership, the early volumes of al-Qaradawi’s autobiography are replete with instances of arrest and imprisonment (a total of five times), and it was observed during the author’s own periods of fieldwork and visits to al-Qaradawi’s home that all of the members of his personal staff were young Egyptian men often affiliated with the Brotherhood and often from Nasr City, a part of Cairo where the movement has always been popular. Al-Qaradawi’s personal staff provide him with a daily synopsis of current events, which they discuss following the midday prayer, and the day before his Friday sermons he solicits their opinions on appropriate subjects for his sermon (a way of staying in touch with the “Arab Street” as it were, see Figure 3). In view of al-Qaradawi’s emphasis in his oeuvre on the importance of “a deep and true understanding of the social reality (fiqh al-wāqiʿ),” the role of his staff in the dialogical construction of this “social reality” is significant given their shared experience of oppression.

105 Recalling his first release from prison in 1949 al-Qaradawi writes, “I can still remember the day I left the prison in Tur, we went to Tanta, they took us to the police station where they made us swear to cease our activities and our daʿwa, but that was impossible. When we went back to our village and the people came out to greet us […] I sat and spoke with them about the Brotherhood, what they had done, how they had turned the prison into a mosque and a school […] and they asked me, ‘why are you still talking about all this?’ They were thinking that if we had been released from prison then we had been silenced, because we would have learned our cruel lesson, but we were surprised to see that we had only increased in strength. God be praised.” al-Qaradawi, al-Mīḥna 47; idem., Ibn al-Qaryā waʿl-Kuttāb 2:203. During this first period of imprisonment, less arduous than the second when he experienced torture, he wrote his famous poem My Cell (zinānatī) that, along with his two collections of poems Nafahāt wa-Lajāfāt and al-Muslimūn Qādimūn “were like fuel to the Islamist Movement youth, inspiring revolution, the desire to be free of oppression and the meaning of sacrifice for their umma.” Tammam, “Yusuf al-Qaradawi and the Muslim Brothers” 10-11.
106 During a conversation at the time between the author and a former employee of IslamOnline, the suggestion was raised that these early experiences, being attacked by regime thugs as a young man, had a formative impact on al-Qaradawi to such an extent that any opposition to the Brotherhood today would be viewed through this lens, and understood in the same way.
107 In the wake of the 3 July 2013 coup the Secretary General of al-Qaradawi’s Association of Students, Akram Kassab, was imprisoned for example.
Figure 3: A photo taken by the author during fieldwork (6 February 2013), showing Shaykh al-Qaradawi during his daily discussion (*jalsa*) with his staff, where a synopsis of the day’s key political and media events are discussed following the midday prayer.

The chain of events that followed are well known, the *tamarrud* (rebel) movement emerged and began advocating for large demonstrations scheduled for 30 June 2013. In the days leading up to the first protests, al-Qaradawi had returned to Cairo and his 30 June broadcast on al-Jazeera’s newly created channel, aimed specifically at Egypt (*al-Jazeera Mubashir Misr*), was a clear message of support for the President, while also showing his apparent despair at the course the revolution had taken since 2011 where:

Everyone loved his brother as he loved his own self; even preferred his brother to himself. We saw individuals who tired themselves so that their brothers would be comfortable, stayed up at night so that their brothers could sleep […] What is wrong with the Egyptians? […] Have not we participated in the revolution [together]? Have not all of us been victims to a tyrannical, oppressive regime that stole our wealth, violated our rights, and threw people in jails? Now as God has relieved us of that [regime], why should not all of us get united again? […] Now we have an elected President with whom we disagree in some matters. Well, all issues can be solved. The President is not infallible […] If Mohamed Morsi makes mistakes, then it is our right to correct him, to sit with him and question him […] This is Islam. There is no one above questioning.108

Following the enormous demonstrations centring round Tahrir Square, the military intervened on 3 July, and Brotherhood leaders were rounded up and imprisoned. Al-Qaradawi’s intervention again came in the form of a fatwa that prompted a vociferous

response from large portions of the Egyptian media and the military’s supporters. In contrast to his earlier creativity and utilitarianism at the start of 2011, his falling back upon the legal tradition’s historical precedents (as seen in his reading of Ibn Taymiyya) continued, with al-Qaradawi structuring his discourse very clearly within the historical quietism surrounding the legitimacy of the ruler. In keeping with his earlier writings on the Islamic state al-Qaradawi emphasised the oath of loyalty (bay’a) granted to Morsi by the leader of the coup General al-Sisi along with the Egyptian people as a whole, with the democratic elections being the equivalent of an authoritative consensus (ijmāʿ) of the Muslim community.109 Al-Qaradawi then argued that with Morsi’s electoral victory an ‘aqd (social contract) had been formed between himself and the Egyptian people, meaning that they had “given him their trust and their commitment to listen and be obedient in [times of both] hardship and ease, whether they liked him or disliked him.” In contrast to the previous cases when al-Qaradawi had called on the various regimes’ militaries not to be obedient to their leaders (an act of disobedience to God in his view), al-Qaradawi asks “how could people who waited over thirty years under the dictatorship of Mubarak not wait even one year under Morsi?”110

As al-Qaradawi elaborated on his legal reasoning further, he argued that supporters of the coup were “mistaken from a [both] constitutional perspective and that of [political] legitimacy. As for the constitutional perspective, the President was elected democratically, there is no argument or doubting that, he must continue for the length of his appointed term, which is four years.” Al-Qaradawi then expanded on his conception of Morsi’s political legitimacy:

As far as the perspective of legitimacy is concerned, truly the Islamic law that is desired by the people of Egypt as an authoritative reference in a civil state (al-dawla al-madaniyya), not a religious theocratic state, makes it a duty for all those who believe in it and refer to it to be obedient to the legitimately elected President, implement his commands, and respond positively to his directives in relation to all matters of public life. This is on the basis of two conditions. First: That the people not be commanded to do something that is disobedient (maṣiyya) to God, this is indisputable for Muslims. This is confirmed by abundant Prophetic Hadith which were related by al-Bukhari, Muslim and others besides them […] Second: To not order the people to do something that would put them outside their religion and into outright blasphemy (al-kufr al-buwāḥ) […] This is what has come down in the hadith of ‘Ubayda [b. al-Samit], may God be pleased with him, “We pledged to the messenger of God to listen and obey during [times of both] hardship and ease, to endure when being discriminated against and not to dispute about rule those in power, except in cases of evident deviation from that for which there is a [clear] proof from God.”111

In the citation of this final hadith, al-Qaradawi was drawing on the second major historical tenet of Islamic legal tradition as it relates to the ruler’s legitimacy. Alongside the ‘aqd there is the question of the “Just Ruler (al-‘adīl),” and here al-Qaradawi can be seen to define Morsi’s justness in relation to the tradition’s more clearly quietist strand, whereby the ruler remains legitimate unless he either clearly and publicly renounces his Islam or commands his subjects to act in a manner in clear contravention to an explicit legal ruling, thereby becoming

109 While al-Qaradawi is not specific, given that he also notes Morsi won fifty one per cent of the vote, he would presumably be referring to what he has termed elsewhere as an “ijmāʿ of the majority.” On that basis al-Qaradawi has also argued that voting was a duty (fard) incumbent upon every Muslim, legally commensurate with their testifying in a courtroom to the ruler’s suitability. Yusuf al-Qaradawi, Min Fiqh al-Dawla fi’l-Islām (Cairo: Dar al-Shuruq, 1997) 138.


111 Idem.
a source of fitna (civil strife) himself. Until such a point is reached, it is better for subjects to persevere rather than risk the chaos of open rebellion according to al-Qaradawi, especially because Morsi was a just ruler who came to power in a just manner, through a free and fair election regulated by a constitution.

Just as the coup divided Egyptian society, so too did it divide al-Qaradawi’s own family. His biography and other more personal writings are littered with references to his children’s educational and professional achievements, a far cry from his own upbringing in poverty. Particularly, al-Qaradawi appears to take great pride in describing his son ʿAbd al-Rahman as a “revolutionary poet” who had been a staunch opponent of the Mubarak regime and “among the first to participate in the revolution from its very beginning.” Following his father’s fatwa however, ʿAbd al-Rahman’s response was quick:

My dear and beloved father, I am your student before I am your son, but it appears to me and many of your supporters and students that this moment, with its new complications and difficulties is completely different from the experience of your generation […] Sir, it was not our generation that persevered under dictatorship for thirty years, it was your generation that did that in the name of “perseverance (ṣabr),”

As for our generation, we have learned not to permit authoritarianism to take root.

Al-Qaradawi had returned to Egypt on 29 June, soon after the abdication of the Qatari Emir Hamad b. Khalifa Al Thani in favour of his son Tamim on 25 June. The abdication had come amid much speculation over Qatar’s future foreign policy. In Tamim’s first speech, he highlighted his specific “rejection of divisions in Arab societies on sectarian lines,” which was interpreted as a direct reference to al-Qaradawi’s 31 May sermon. Coinciding as it did with several days of sudden silence by al-Qaradawi, this led to rumours that al-Qaradawi had in fact been expelled from Qatar with his citizenship withdrawn. Both parties responded quickly with denials and al-Qaradawi soon returned to Doha, though the statement on Qaradawi.net, that he had gone to Egypt for “his summer vacation (ijāzatihi al-ṣayfiyya),” appeared unusual to say the least.

In the days and weeks that followed, opposition to the ousting of Muhammad Morsi coalesced around two large protest camps near the Rabiʿa al-ʿAdawiyya mosque and al-Nahda Square in Nasr city. The increasingly violent clashes around these camps and across Cairo prompted al-Qaradawi to broadcast a statement from his location in Nasr city where he pleaded for international organisations and Muslims from countries across the

112 See El Fadl, Rebellion.
113 al-Qaradawi, 25 Yunāyir Thawrat Shaʿb 11.
115 Hamad Al Thani himself came to power in a coup in 1996 while his father was abroad in Geneva seeking medical treatment.
119 Qaradawi.net, “al-Qaraḍāwī fi Ijāzatihi al-ṣayfiyya wa-Yaʾūd al-Dawḥa Maṭlaʿa Sibtimīr,” 30 June 2013, at: http://www.qaradawi.net/news/6734-2013-06-30-06-05-24-14.html (accessed 7 October 2013). Such a move would not have been without precedent and was indeed be within the Emir’s power. Under a law dating from 1961 citizenship can indeed be withdrawn, with a citizen even becoming “bi-dīn” or “without” citizenship if they commit a “serious crime.” This occurred most dramatically in 1996 when 6000 members of the al-Ghafran clan from the al-Murrah tribe had their citizenship revoked en masse for their involvement in an apparent counter-coup against Hamad Al Thani in 1996, reportedly supported by Saudi Arabia. Fromherz, Qatar 92-93.
Middle East and beyond to come to Egypt “so that they might be witnesses (li-yakūnū shuhadāʾ)” to what was happening. In the Qur’ānic verse 2:143, from which al-Qaradawi derives his concept of wasaṭiyāya (“So we have appointed you a nation of the middle way, so that you may be witnesses (li-takūnū shuhadāʾ) against mankind”) “shuhadāʾ” is taken to mean “witnesses.” In modern standard Arabic however it is more commonly translated as “martyrs.” It was on the basis of this second meaning (al-Qaradawi apparently calling for Muslims to come to Egypt to be “martyrs”), that it was then mistakenly and widely broadcast in both the international and local media that al-Qaradawi had in fact declared a second Jihad, this time against the Egyptian army. This incident prompted responses ranging from horror to ridicule, and even a counter-fatwa from al-Azhar.121 Al-Qaradawi’s staff were forced to issue a rather humiliating clarification that such a declaration had never occurred.122 What is noteworthy about this incident is less related to how al-Qaradawi’s words were misinterpreted but, in recalling Asad’s point that for a discourse to be understood authoritatively it must be a “collaborative achievement between narrator and audience,”123 it demonstrates the extent to which al-Qaradawi’s audience in Egypt, and also abroad,124 had fractured; the only segment of the population that appeared to understand him in the manner he seemed to intend had shrunk solely to the constituency that supported the Brotherhood.

The violent clearing of the protest camps by the Egyptian military on 14 August prompted relations between al-Qaradawi and the al-Azhar leadership to plumb new depths.125 Appearing again on al-Jazeera, a visibly shaken al-Qaradawi pleaded to his fellow Egyptians to “Take to the streets! […] It is a religious obligation (fard ‘ayn) on all Egyptians who are able, who believe in God and his message, to go out from their homes” and protest.126 This led to an acrimonious and very public dispute breaking out between al-Qaradawi and the Grand Mufti ‘Ali Jum’a. In contrast to al-Qaradawi’s backing for the supporters of Muhammad Morsi and the Brotherhood, in an interview on 23 August 2013 on the Egyptian Channel CBC, Jum’a affirmed his own support for the Egyptian military’s intervention and 120 Yusuf al-Qaradawi, “al-Shaykh al-Qaraḍāwī: Ada’ū al-Muslimīn min Kull Makān li-Yakūnū Shuhadāʾ,” Youtube, 27 July 2013, at: http://www.youtube.com/watch?v=46G0hlV7nk (accessed 16 October 2013).
123 Asad, Genealogies 210.
125 Prior to 2011, al-Azhar’s lack of independence was a prominent theme in al-Qaradawi’s more recent writings, naturally straining relations between himself and the al-Azhar leadership and seen most clearly in the public rows between al-Qaradawi and the then Shaykh al-Azhar Sayyid Tantawi (a figure of ridicule for the Islamist press since his issuance in 1989 of a fatwa permitting interest-bearing savings certificates), over Tantawi’s refusal to accept that Palestinian suicide bombers were martyrs as well as the so-called “affair of the veil” in France, where al-Qaradawi had written an open letter to President Chirac condemning the ban on French schoolgirls wearing the hijab in class, while Tantawi argued it was a French internal matter. For more on this discussion see Chibli Mallat, “Tantawi on Banking Operations in Egypt” in Islamic Legal Interpretation 286-96; Skovgaard-Petersen, Defining Islam 295-318; idem., “Yūsuf al-Qaraḍāwī and al-Azhār” 18; Zaman, Modern Islamic Thought 318-9. For a discussion of the Muslim Brotherhood leadership’s attitude towards al-Azhar see Rachel Scott, “What Might the Muslim Brotherhood Do with al-Azhar? Religious Authority in Egypt” Die Welt Des Islam 52 (2012) 131-65; idem., “Managing Religion and Renegotiating the Secular: The Muslim Brotherhood and Defining the Religious Sphere” Religion and Politics (2013) doi:10.1017/S1755048313000400.
outhing of Morsi and pointedly defined “those who opposed [the protests of] 30 June” as “khawārij.” A term of notable symbolism, “khawārij” (literally meaning “those who go out”) and can be variously translated as “seditionists” or “rebels”). 128 is one that has been repeatedly invoked by various Egyptian regimes against religiously-motivated opposition. Jeffrey Kenney explained this using the anglicized term “Kharijite,” emphasizing that:

It is important to remember that the label “Kharjite” was itself intended as an explanation of the cause of militant Islamism. In simplest terms, which is how it was commonly deployed by religious and political commentators, the image of the Kharijites posited a medieval paradigm of illegitimate rebellion to account for modern cases of religiously justified violence. 129

In expanding on his own legal reasoning, Jum’a further argued that the tamarrud protests and the army represented a unanimity of the Egyptian people in opposition to one man, Muhammad Morsi: “what happened in the revolution of 30 June [2013] is that people came out [in protest] and the army as a consequence [joined us] with our collective permission (jamīʿ an),” forming a new ijmāʿ. On that basis, Jum’a then cited a hadith that, among its varying transmissions and found in the compiler Muslim b. al-Hajjaj’s Ṣaḥīḥ collection, reads “He who comes to you when you are united and wants to disunite your community, kill him.” 130 At this early stage of the nearly two-hour program, Jum’a specifically defined his legitimation of the army’s intervention in relation to “armed sedition against the ruler (khurāj musallāḥ ‘alā al-ḥākim)” that is to say, the military. Later, however, Jum’a became more forthright and declared, “[If] one bullet is fired from any crowd! Then the Egyptian army and police can deal with it,” elaborating that he meant they were permitted to kill or beat any pro-Morsi protestor in such crowds, be they individually armed or not. 131

Jum’a later asked rhetorically, “all the ‘ulamāʾ have heard me say this, can any Muslim differ with this?” and the subsequent response from al-Qaradawi and his colleagues from IUMS came in the form of a broadcast on Sharia and Life two days later. Alongside his two colleagues, the prominent Egyptian Islamist intellectual Muhammad ‘Imara and Moroccan scholar Ahmad al-Raysuni, al-Qaradawi gave a tit-for-tat rejoinder and argued that it was the army and their supporters who represented the real “khawārij.” In response to


128 The story of the khawārij as it is remembered in the tradition revolves around the battle of Siffin (657 CE), a key moment in the first intra-Muslim conflict (the first fitna) that began with the killing of the third Caliph ‘Uthman (d.656). Following the murder ‘Ali was elected caliph, but Mu’awiya, the governor of Syria refused to accept this until those who killed his cousin ‘Uthman were brought to justice, something that ‘Ali was unable to do with the dispute ultimately resulting in an inconclusive clash at Siffin. Unable to gain an advantage, Mu’awiya’s Syrian forces reportedly held up Qur’an’s on their lances, symbolically calling for peaceful arbitration with the Qur’an itself serving as the final judge, to which ‘Ali and his forces agreed. When the contents of resulting document, which did not recognize ‘Ali as commander of the faithful (amīr al-muʾminīn), were made known to both sides, a group of ‘Ali’s supporters withdrew their support and called on ‘Ali to resume fighting. Once ‘Ali refused, this group turned against him using as their motto “There is no judgment but God’s (la hukm illa li-llah),” and became known as the khawārij, literally “those who went out” or rather “those who rebelled.” Now rejecting both ‘Ali and Mu’awiya as the legitimate rulers, the khawārij began to attack any fellow Muslim who disagreed with them with such violence that ‘Ali was forced to attack them himself in 658. After ‘Ali’s own death Mu’awiya, the founder of the Umayyad dynasty would fight a series of khawārij uprisings throughout his reign. For a discussion of the history of the khawārij and how their rebellion was understood by the modern Muslim community see Jeffrey T. Kenny, Muslim Rebels: Kharijites and the Politics of Extremism in Egypt (Oxford: Oxford University Press, 2006) 20-54; El Fadl, Rebellion esp., 33-56, 185-97, 246-73.

129 Kenny, Muslim Rebels 146.


Jum’a’s argument that the tamarrud protesters represented the unanimity of the people al-Qaradawi argued, “What is important is that a person cannot become the legitimate ruler except through a constitution […] constitutions regulate people, people [cannot] proceed according to their whims.” Al-Qaradawi then cited the very same hadith found in Jum’a’s argument, but to the opposite purpose. Speaking quickly and rambling slightly, al-Qaradawi said “whoever wants to come out against the legitimate ruler [Morsi] we apply this [aforementioned] hadith to them we didn’t come out in rebellion, we want our legitimate ruler. Who cancelled the constitution?”132 In al-Qaradawi’s view it is the Brotherhood and their supporters who represented the unanimity of Egyptians (he refers to them simply as “the people”) and, responding to Jum’a’s accusation that the protesters were armed, stated:

All that has been carried out by the Egyptian people has been peaceful resistance, as was declared by the General Guide of the Brotherhood [Muhammad Badiʿ] standing at Rabiʿa al-ʿAdawiyya. I heard him saying our revolution is a peaceful revolution and it will remain peaceful and our peacefulness is stronger than the bullet, if others use bullets then we are not with them: no bullets, swords, knives, sticks, stones or bricks.133

Toward the end of the program, the presenter ʿUthman ʿUthman, perhaps aware of the fallout from al-Qaradawi’s previous supposed call to violence against the Egyptian army asked:

UU: Forgive me mawlanā a final word, is what has occurred [in the program] is it a call to violence or peace?
YQ: Whatever is done to us there is no possibility that we will use violence – violence is finished on behalf of either the Islamists or the Brotherhood, violence is finished, no violence from us God Willing, we come to everyone in peace. (see Figure 4)134

Figure 4: Al-Qaradawi with ʿUthman ʿUthman on Sharia and Life, the final broadcast to date, insisting that the Brotherhood and their supporters’ resistance to the coup will remain non-violent. Sharia and Life, “al-Khawārij bayn al-Dīn waʾl-Taʾrīkh waʾl-Siyāsā,” Aljazeera.net, 25 August 2013, at: http://www.aljazeera.net/programs/pages/eda0c054-4bc5-4895-8d9b-80a535a3869a. A transcription of the program can be found at: http://www.aljazeera.net/File/Get/5728ac2c-b02c-4fc0-bbb5-b68f0875adef (accessed 7 October 2013).

133 Ibid.
134 Ibid., Similarly when the interviewer turns to Muhammad ‘Imara he also is then quick to state “I want to say that the problem Egypt is facing is a political dispute and a political conflict, not a conflict of religious doctrines […] on this program we’re using the term khawārij with the meaning of armed rebellion, with tanks, planes, heavy and light weapons against the legitimate elected ruler.”
Their debate would rumble on for some weeks, with Jum’a deriding al-Qaradawi as senile and suffering from Alzheimer’s, and with al-Qaradawi responding in kind, aiming at Jum’a’s credentials and credibility as an ʿālim (see Figure 5).

Figure 5: Al-Qaradawi’s publication in the wake of the debate with Jum’a, entitled “a Learned Critique of the Shaykh of al-Azhar and the Army’s Mufti.” What is striking about the front cover is not only the symbol of a hand with four raised fingers, commemorating the massacre at Rabiʿa al-ʿAdawiyya and a symbol of support for the Brotherhood, but also the listing of al-Qaradawi’s credentials below his name, a unique change from his previous publications.

135 CBC Egypt, “al-Ḥiwār al-Kāmil liʾl-Shaykh ʿAlī Jumʿa.”
This exchange and the personal invective involved can be seen then not only as a demonstration of how deeply both parties were invested in the politics of ongoing events, but also as a result of the ʿulamāʾ’s increasing use of utilitarian reasoning to intervene in the public sphere around social and political issues. Ultimately, what was perhaps most memorable for onlookers to this debate was both protagonists’ use of the media to critique each other’s credibility, particularly by aiming at their perceived lack of political independence. To al-Qaradawi, Jumʿa is in league with the new military regime, while for Jumʿa and the Egyptian liberal media al-Qaradawi is a Qatari stooge (see Figure 6).

Figure 6: “I have a brand new toy that I just got yesterday. It operates on Qatari riyals... You put a riyal in here, and an anti-Egyptian army fatwa comes out the other side!!” Published in al-Shuruq 18 August 2013, reproduced with the kind permission of the artist Amro Selim.

Fittingly perhaps, it was al-Qaradawi’s Qatari backers who would have the final word in this exchange, coinciding as it did with a new joint effort in August 2013 between Qatari and...


138 Al-Qaradawi and his colleagues are well aware of the damaging impact these visceral debates have on their public standing, and their response has been to emphasise (but perhaps do not practice to the same extent), the “etiquette of disputation (adab al-ikhtilaf),” and its sharp distinction from divisive disputes (al-tafarruq) that serve no one. In the third volume of al-Qaradawi’s memoirs for example, he refers to a particularly outspoken debate between the two Syrian scholars Nasr al-Din al-Albani and ʿAbd al-Fattah Abu Ghudda. The inclusion of debates between rival scholars is a common pedagogical theme of the ʿulamāʾ’s memoirs and, rather than attempting to replicate them verbatim there usually is the depiction of one scholar “winning” the debate and exposing the failing of the other’s arguments. In al-Qaradawi’s discussion of that debate however, what was emphasised instead was how damaging it was to the ʿulamāʾ’s prestige as a whole, with al-Qaradawi opining instead that “this battle between the scholars was not necessary […] and had the effect of blinding the two sides in a cloud of dust and smoke, and harmed both of them.” al-Qaradawi, Ibn al-Qarya waʾl-Kuttāb 3:183-6. For more on this point see Zaman, Modern Islamic Thought 309-21.
Emirati foreign ministers and US Senators John McCain and Lindsey Graham to mediate between the Egyptian military and the Brotherhood. This was part of a more measured, multilateralist foreign policy on Qatar’s behalf in the wake of a growing backlash against their involvement in its regional neighbours’ affairs. The new Emir’s, albeit belated, message of congratulations to the military-appointed interim President Adli Mansour made no mention of the ousted President Morsi and praised the military for “defending Egypt and its national interests.” At the timing of writing (December 2013), there have been no further broadcasts on Sharia and Life at all, a clear demonstration of the fact that for all al-Qaradawi’s apparent prestige, he is very much dependent on Qatari goodwill and subordinate to their foreign policy aims.

Conclusion: The Place of the ‘Ulamāʾ and the Legal Tradition after the Uprisings

This article has sought to follow the course charted by Yusuf al-Qaradawi over the past three years, tumultuous as they have been, as a bell-weather for assessing the ‘ulamāʾ’ fortunes in the public sphere. In so doing, the article began by drawing on Talal Asad’s conception of a “discursive tradition.” This concept was posited as representing a centre-ground between both essentialist understandings of traditions (or cultures) and their texts as determining forces that overly constrained individual agency, and those who saw articulations of tradition entirely as social, political or economic agendas voiced by other means. Ovamir Anjum argues aptly then, “Rather than the ‘thick descriptions’ of theatrical subjects who simply ‘behave’ in accordance with the roles determined for them by either their material structure or culture, it is the arguments and discourses of the thinking subjects with their specific styles of reasoning couched in their historical and material context that become the focus.”

Using that approach as the framework of analysis, the ‘ulamāʾ have been seen to be playing an increasingly activist role in the region’s emerging religious public sphere with the most prolific among them expanding the legal tradition’s concepts of maṣlaḥa and iftāʾ to such an extent that any prevailing social or political issues of the day might come within their purview as ‘ulamāʾ. With the boundaries between their fatwas and other discourses becoming blurred to a far greater extent than previously, this has increasingly involved a reliance on individual utilitarian reasoning, with Nakissa terming the creative moves by the ‘ulamāʾ to conceptualise new subfields of jurisprudence to structure this reasoning as “secondary segmentation,” seen most clearly with al-Qaradawi’s fiqh al-thawra.

A number of constituencies combined to produce al-Qaradawi as a “Global Mufti” on the eve of the Arab uprisings. His close relationship to the Muslim Brotherhood, the Qatari royal family, as well as the legal tradition and his diverse audiences all exercised their own demands and constraints. Referring heuristically for a moment to Pierre Bourdieu’s theory of capital, these constituents could be seen to be individually contributing to al-Qaradawi’s “symbolic capital,” that is, “the aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalized relationships of


140 Anjum, “Islam as a Discursive Tradition” 7. Italics in original.
mutual acquaintance and recognition.” It was when the interests of all these various constituents were aligned that al-Qaradawi was able to project his discourse, and have it received and understood, with unparalleled force as seen on his return to Cairo on 18 February 2011 or with his fatwa against Gaddafi three days later. Moreover, Bourdieu attributed symbolic capital’s authoritative effect to an audience’s “misrecognition” of the unacknowledged power relations that had produced it, or rather:

The symbolic efficacy of words [here we might say al-Qaradawi’s words] is exercised only in so far as the person subjected to it recognizes the person who exercises it as authorised to do so, or, what amounts to the same thing, only in so far as he fails to realize that, in submitting to it, he himself has contributed, through his recognition, to its establishment.

Here it was seen that the perception of an ʿālim’s independence from subjective political interests was most important, and it is argued here that when the interests of al-Qaradawi’s diverse support base and various audiences became misaligned, over Bahrain, Syria, the 3 July 2013 coup and so on, his stature was seen to be significantly weakened. The powers and interests behind al-Qaradawi became increasingly “recognisable,” and he received growing criticism for his links to Qatari foreign policy and the Muslim Brotherhood.

That weakening of al-Qaradawi’s stature saw his own reasoning become more conservative, with his earlier ecumenism being replaced by a withdrawal into a conservative reading of Ibn Taymiyya rather than a creative attempt to counter the rising sectarianism in the Syrian civil war, for example. Similarly, the aftermath of the mass protests against the Muslim Brotherhood and the coup saw him fall back upon the legal tradition’s quietist historical precedents, with his fatwa affirming the obedience owed by the people to their ruler in lieu of his committal of outright blasphemy and becoming a source of fitna.

The debate between al-Qaradawi and Jum’a was remarkable not only for personal invective involved, but also because of the similarity of the legal discourses they voiced to diametrically opposed political ends. As noted with reference to Bourdieu, this can be seen as making it increasingly easier for the public to “recognise” the political and power relations that, in their “misrecognised” forms, would otherwise have served to render their discourses authoritative. Consequently, unable to conceptualise a further subfield of fiqh to protect himself from charges of subjectivism, al-Qaradawi’s (and Jum’a’s) reasoning were viewed as increasingly biased, a trend that will likely continue as the ʿulamāʾ engage with an increasingly fractured public sphere during the particularly fraught political context that will persist in the coming years, or even worsen. The divisions within Egyptian society in the wake of coup were evident for al-Qaradawi not only in his discourse no longer being recognised as authoritative to the same degree as it had been two years previously, but with it actually being quite literally misunderstood by large segments of the public, with his call for foreign Muslims to come and “witness” the army’s brutality apparently being understood as a call to violence and martyrdom. This led to a growing backlash against his role voiced by the public, the media (see Figure 7), and even his own son.

Finally, al-Qaradawi’s recently stated (in a lengthy interview with Ahmad ʿAli, editor of the Qatari daily al-Watan, published on 23 December 2013) that “Qatar stand with truth and justice.” Yet he went on to state that “my opinions are completely separate from Qatari politics, I’m just a part-time university professor, I have never held a political post in the state all my life, and the Union [IUMS] that I’m the head of is a popular union (ittihād ahlī shaʿbī) that absolutely does not follow any state.” This last point singularly encapsulates perhaps the conundrum for the ʿulamāʾ’s increasing engagement in the public sphere, paradoxically and simultaneously dependent as it is both on powerful political backing and the perception of political independence.143