Abdessamad Belhaj

Authority in Contemporary Islam

Structures, Figures and Functions

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Contents

Introduction

WHAT IS AUTHORITY?

In recent years, researchers have shown a renewed interest in authority, and religious authority in particular.[1] The subject of authority in its various manifestations is rich and complex, therefore, let us first define authority; the prestigious *The Brill Dictionary of Religion* defines authority as "a pattern of voluntary subordination to the resolutions of those who claim prestige or influence".[2] Authority itself derives from the Latin *auctoritas* ("prestige", "influence") which was distinguished in Roman antiquity from *potestas* ("power", "control"), to designate a relationship of voluntary subordination without direct application of force, practiced by the senate, relating to prestige, dignity and trust.[3]

In early modern social thought, authority is narrowly investigated in terms of legitimacy. In this regard, Max Weber defined authority as "the probability that an order with a given specific content will be obeyed by a given group of people".[4] Weber used the term *Herrschaft* for authority and *Macht* for power although *Herrschaft* can be rendered as authority, power or both, depending on the context.[5] The key to Weber's definition of authority lies seemingly in the collective discourse that links the figure of authority to the obeying agents; authority figures exercise authority by, among other things, giving a discursive form to tacit social dynamics. Authority figures articulate authority, as agreed on norms and interests, with collective life, while endeavouring to maintain the autonomy of the field of authority itself.[6]

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[1] See Bano 2018a; Maréchal 2018a.
[2] Pilger-Strohl 2006: 156.
[3] Pilger-Strohl 2006: 156.
[4] Weber 1978: 53.
[5] Caillé 2016.
[6] Eraly 2015: 101–107.

Relying on Weber, but specifying further, Roger Scruton defines authority as "that feature of a person, role, office or government which *authorises* (i.e. makes legitimate, either in reality or in appearance) *the acts and commands* exercised in its name".[7] Scruton makes here two additional points about authority: (1) authority is authorisation which implies that the practice of authority involves action at some point in order to change or maintain a certain order of things. It also indicates that authorisation is a process that makes or confirms a figure of authority; (2) one should consider authority not only as that of individuals but also of institutions. Extrapolating from the enumerated premises, it seems that Scruton prioritises authority as a practice within institutions or traditions which matter beyond a particular person.

Scruton distinguishes authority from power in that authority is "a *de jure* relation and not necessarily *de facto:* authority is *a right to act,* rather than *a power to act.* It may be accompanied by power, and so upheld, or without power, and so ignored".[8] I will return later to the distinction between authority and power, but for the time being, it suffices to say that *authority qua authority is legitimate by virtue of norms or established rules.* That is, authority should not be coercive and should rely solely on persuasiveness; it is the result of a *claim* that invites validation within a community. Such a claim is made by a figure of authority, whether an individual, a group or an institution, as a *command that awaits compliance.* If authority uses coercion, it ceases to exist. As Bruce Lincoln puts it:

> It is also important to recognize that those who speak through the medium of force implicitly acknowledge their inability to command the obedience or even the respectful attention of their interlocutors by any less strenuous means. That is to say, in the moment they resort to force, they abandon their claim to authority, and one can thus describe violence as a speech that delegitimates itself in the very act of speaking.[9]

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[7] Scruton 1982: 32.
[8] Scruton 1982: 32.
[9] Lincoln 1994: 76.

From this remark on authority as a *de jure* process, Scruton focuses on the source of authority, that is legitimacy. For, authority exists only if people believe that certain individuals or institutions have authority. Answers might vary from functionalism to social contract theory through political obligation theory, and yet what seems important according to Scruton is *the belief of people in authority.*

What Scruton helps us to do, beyond Weber, is to emphasise authority not so much as a matter of typology or social process, but as a belief in norms (whatever the source of these norms). This perhaps completes that picture as we see it. This definition postulated by Scruton can provide us with a clear understanding of authority as the process of a claim to normative influence and its validation. The claim is made by a figure of authority while the validation is made by the audience which responds to the claim of authority. An audience can only validate the claim of authority if it believes in the norms the claim refers to.

The claim to authority and its validation by individuals or groups finds its justification in the moral foundations of a society. In each society, hierarchies of values and social ranks are necessary for a social order to function properly (parents vs children, commanders vs soldiers, teachers vs students, etc.). Authority is, thus, the moral justification of the existence of hierarchies "in which subordinates defer, respect, and (perhaps) obey, while superiors take precedence and take pastoral responsibility for subordinates".[10] And so, authority is the guarantee asymmetries are legitimately carried as social exchange: the figure of authority offers guidance and responsibility while the group offers respect and obedience. This is not at all the same relationship as in coercive power which is inherently exploitative.[11]

Authority as exchange sustains a mutually beneficial relationship (win–win) for involved parties; authority also makes sure that conformity to norms, consolidation of the hierarchy of values (as the reference or justification of authority), and trust in the social and cultural dynamics as well in

[10] Haidt 2012: 144.
[11] Haidt 2012: 144.

the traditions and the established institutions which structure a given community of society continue to exist. For example, the expressed respect of the parents' authority is a symbol of conformity to an ancient institution such as the family institution which is foundational for human societies.[12] For this reason, such time-honoured institutions, because they are foundational, resist change and are prone to value authority.[13]

Therefore, authority is a morally justifiable and binding command necessary for order; it is "the divine stamp on man's soul" as Thomas Molnár described it.[14] As he puts it, authority is "the eminently moderate, because rational, principle for the preservation of order and freedom. Authority is the guarantee that man is not totally subordinated to authority".[15] Accordingly, authority regulates (and is regulated by) freedom and order. Freedom and order could degenerate at any moment into anarchy or tyranny while authority needs to be adhered to in freedom and rational will.[16]

THE PROBLEM OF ISLAMIC AUTHORITY

The problem of Islamic authority can be encapsulated in the following statement: authority guides (and tends to decentralise) power rules (and tends to centralise).

As community leadership, religious authority in Islam is multi-centred; religious authority can be found wherever the community is. Since communities are divided along regional, tribal, ethnic, social, political, etc. lines, the religious figures of authority are only authoritative for their specific audiences (even if few religious figures can influence a large audience beyond national borders). The believers choose in whose authority to trust, forming

[12]   Haidt–Graham 2009: 377.
[13]   Haidt–Graham 2009: 385.
[14]   Molnár 1995: 135.
[15]   Molnár 1995: 135–136.
[16]   Molnár 1995:136.

communities around religious centres (mosques, religious schools, shrines, etc.) which provide religious figures with the structures in which they can effectively exercise their religious authority.

Thus, men of power throughout the history of Islam privileged force and coercion to eliminate competitors and gather sources of power (economy, military, state bodies). Men of authority focused on symbolic resources (religious knowledge, service to community) in order to keep traditional structures of morality outside the control of power. Yet, men of power need to secure a functioning order and a minimal religious legitimacy. Conversely, men of authority need to cooperate with men of power in order to obtain goods and regulate the social order.

Although this distinction between men of authority and men of power came to be adopted in classical Islamic political ethics, the problem of authority in Islam was posed in early Islam in a different way; the Prophet of Islam (d. 632) embodies the prototype of authority, the model of community guidance (followed by his first successors according to Sunnis until 661[17]), where religious authority and political power were united. As put by Patricia Crone:

> In medieval Europe, where religious authority and political power were embodied in different institutions, the disagreement over their relationship took the form of a protracted controversy over the relationship between church and state. But in the medieval Middle East, religious authority and political power were embodied in a single multi-purpose institution, Muḥammad's *umma*. Here, then, the disagreement took the form of a protracted controversy over the nature and function of the leadership of the *umma*, that is the imamate.[18]

The schisms of early Islam which resulted in the establishment of the first Muslim dynasty, the Umayyads in 661 in Damascus alienated religious authority from political power creating continuing problems of legitimacy as successive dynasties often failed to live up to the expectations of the caliphate

[17]   Crone–Hinds 2003: 115.
[18]   Crone 2004: 16.

for Sunnis and the imamate for Shīʿīs; in sum, religious authority has opposed political power from the late 7th century until the contemporary period, although close alliances have linked various jurists and sultans, and solutions were worked out to ensure relative autonomy to religious authority while remaining under close control of the ruling dynasties.[19] In Islamic political ethics, however, the alienation between religious authority and political power was thought of as an irregularity.

In the contemporary period, (since the 19th century) the opposition between religious authority and political power has been mobilised by religious authorities in the face of the coercion of modern state powers. These religious figures have appealed to their moral and epistemic authority and their "devotion to the best interests of the *umma* they claim to serve well".[20]

In contemporary Arabic–Islamic vocabulary, the term *par default* for authority is *sulṭa*. However, some theologians, imams and intellectuals today hesitate to use the term of *sulṭa* because it also means power, and particularly the state's power in line with the medieval phrase *walī al-amr,* that is the person in charge (the ruler) as advocated by the Saudi theologian Khālid al-Mājid.[21] Moreover, *sulṭa* shares with *sulṭān* the same root of *s-l-ṭ* and the connotation of rulership, that is of political domination. Usually, contemporary Muslim authors see *sulṭa* as the state or the governance that uses coercion to regulate society as is the case with the Egyptian thinker Aḥmad Bahāʾ al-Dīn.[22] Sometimes, Muslim thinkers and academics use the phrase *sulṭat al-faqīh,* the authority of the jurist, as a type of power the jurist exercises over society in religious matters. To circumvent this confusion around authority and power, Muslim authors, especially those who are exposed to Western political philosophy, such as the Moroccan philosopher ʿAlī Ūmlīl came to distinguish between intellectual authority, *sulṭa thaqāfiyya* and political power, *sulṭa siyāsiyya;* thus, they suggest the solution of the double authority:

[19]   Zaman 2020; Siddiqui 2017.
[20]   Hallaq 2004: 258; Mouline 2011.
[21]   Al-Mājid 2013: 36.
[22]   Bahāʾ al-Dīn 1984: 13.

religious and political authority are two competing types of Islamic authority (originally interconnected since Islam was born as a religious denomination as well as socio-political order).[23]

Some Muslim thinkers, such as the Lebanese philosopher Nāṣīf Naṣṣār, have suggested that authority, *sulṭa* is the right to rule voluntarily accepted by the ruled.[24] It is thus legitimate. He distinguishes between authority, *sulṭa* and abuse of power, *tasalluṭ,* which is to usurp the right to rule, without any moral justification or legitimacy.[25] Authority, on the other hand, should also be distinctive from power, *sulṭān* as the effective practice of commands which does not need justification (although not necessarily abusive as in *tasalluṭ*).[26] Similarly to Ūmlīl, Naṣṣār acknowledges the double authority in Islam, that of state and religion whereby the state is formed as authority to serve the community.[27]

As for the much influential Egyptian–Qatari Sunni scholar, Yūsuf al-Qaraḍāwī, he has made a distinction between religious authority, *sulṭa dīniyya* and Islamic authority, *sulṭa Islāmiyya* (which many of his disciples have endorsed). He argues that "Islam does not promote a religious authority in the clerical sense found in Catholicism and the West. Rather, it embraces an Islamic authority as a civil authority, chosen by the *umma*, following the Islamic reference in its laws, direction, internal and foreign policies".[28] Al-Qaraḍāwī adds that in this state, "men of religion do not exist, in the same way they exist in other religious societies. Instead, Islam has scholars specialized in Islamic traditional knowledge, that should be compared to scholars of ethics, philosophy, and law in other societies".[29] As for the relationship of these Muslim scholars with the state, it is of "sincere advice in order for the state to follow the right path of Islam, establish the truth, eliminate falsehood, permit

[23] Ūmlīl 1996: 10–16.
[24] Naṣṣār 1995: 7.
[25] Naṣṣār 1995: 8.
[26] Naṣṣār 1995: 8.
[27] Naṣṣār 1995: 143.
[28] Al-Qaraḍāwī 1997: 74.
[29] Al-Qaraḍāwī 1997: 30.

the lawful and ban the forbidden".[30] In other words, al-Qaraḍāwī claims religious authority as epistemic authority (the *'ulamā'* are experts on Islamic knowledge) as well as moral authority (they are advisers to the state on laws and policies). The *'ulamā'* should not rule nor be involved in governance nor stay completely aloof; they should be ideologically involved in shaping and guiding the institutions of the state and society, while keeping their self-sufficiency as men of religious learning.

Another important Muslim theologian whose insights were influential in modern Islamic ethics of authority and power is 'Abd al-'Azīz al-Badrī (1929–1969). Al-Badrī was an Iraqi Sunni cleric and leader of the Iraqi branch of Ḥizb al-Taḥrīr (a transnational Islamist movement), who opposed the military regime of 'Abd al-Karīm Qāsim in Iraq (ruled between 1958 and 1963) and of Aḥmad Ḥasan al-Bakr (who ruled between 1968 and 1979); al-Badrī was assassinated in 1969. Al-Badrī's famous text *al-Islām bayna al-'ulamā' wa-l-ḥukkām* (published in 1966) argues that the religious scholars should judge the rulers while the latter should ask for advice from them;[31] the scholar also should refuse gifts from the rulers, confront the rulers if necessary, and endure persecution.[32] For al-Badrī, the separation between religious authority and political power is artificial and destructive in Islam, occurring only under the influence of Westernisation.[33] In Islamic ethics, religion and state are not opposed, and there is no religious authority, *sulṭa dīniyya* and worldly authority, *sulṭa zamaniyya* separated from religion; authority is one, *al-sulṭa wāḥida,* based on Islamic law and is chosen by the community.[34]

What matters then for most Muslim theologians, especially for the Shī'ī clerics as pointed out by the Lebanese Shī'ī thinker 'Alī Fayyāḍ is that authority, *sulṭa* should be legitimate rulership in which the political element is not separated from the religious and the social, although some autonomy of the

[30]   Al-Qaraḍāwī 1997: 30.
[31]   Al-Badrī 1986: 68–103.
[32]   Al-Badrī 1986: 104–128.
[33]   Al-Badrī 1986: 25–27.
[34]   Al-Badrī 1986: 28–32.

religious and the political are admitted. Most modern Shīʿī theories of the state envisage authority as *wilāya*.[35] That is, it is less the state as apparatus, *dawla* that matters for Muslim political thinkers, but *authority and leadership as ethical practices.*

A second term used by Muslim theologians and intellectuals to identify authority is that of *marjiʿiyya* or reference. Since the 19th century, this term was almost exclusive to the Shīʿī terminology, but in the recent decades Sunni scholars have increasingly started to adopt it as well. However, while the Shīʿī tradition clearly attributes reference to few highly ranked Shīʿī clerics *marājiʿ al-taqlīd* (the men of the ultimate word, hence the term of *marjaʿiyya*), the Sunni usages mobilise *marjiʿiyya* (from *marjiʿ,* the source of ultimate meaning) sometimes to indicate the sources of Sunni authority, that is the principles of theology and law (the Quran and the Prophet's Sunna in particular) as the framework and foundation of authority as well as the ultimate source of judgment and certain knowledge on religious matters in the Sunni world. It is important to keep in mind that the Sunni usage of *marjiʿiyya* has been mainly endorsed under the influence of contemporary Islamist movements while the Shīʿī use of *marjaʿiyya* predates Islamism, following the Shīʿī tradition which appoints the cleric as the deputy of the absent Imam. Under major religious and political transformations, certain Sunni scholars have evolved from claiming only epistemic authority (of a "modern" *ʿālim*) to claim influence beyond theological and legal matters. In order to emphasise the role of religious sources of authority rather than the figures of religious authority, the Saudi theologian al-Ghāmidī considers the religious scholars representatives of reference, *mumaththilū al-marjiʿiyya,* that is epistemic authorities.[36] For him, the Sunni *ʿulamāʾ* are the persons of reference in religious matters, the sources of knowing the legal rulings while obedience to them is restricted by this epistemic role; they cannot request absolute obedience and have no right to absolute legislation. They are only

[35] Fayyāḍ 2008: 10.
[36] Al-Ghāmidī 2015: 28.

references by virtue of their epistemic authority as transmitters and interpreters of religious texts in order to meet the needs of people and the changing circumstances.[37]

That said, Yūsuf al-Qaraḍāwī's school of thought played a major role in diffusing the theory of *marjiʿiyya* in Sunnism. One of its members, the Syrian academic and intellectual Muʿtazz al-Khaṭīb argues that, in principle, the Sunnis do not attribute *marjiʿiyya* to a single person, but to the intellectual reference of a system of beliefs or movement. Thus, for example, the *marjiʿiyya* of Ḥasan al-Bannā (1906–1949) works only for the Muslim Brotherhood as the symbol of a system of thought.[38] However, in recent decades, the emergence of a transnational Sunni religious and political space has favoured some Sunni figures of authority such as al-Qaraḍāwī himself to claim a *marjiʿiyya* role; al-Khaṭīb describes the latter as a figure "whose influence covers the whole Muslim world, going beyond being the reference, *marjiʿiyya* of one single movement. His authority, *sulṭa* is well-grounded both in the fields of religious knowledge and action, equally persuasive among elites as well among masses, he is sought for by rulers, which shows his influence, his credibility, *miṣdāqiyya,* legitimacy, *mashrūʿiyya* and large popularity".[39] Thus, the Sunni scholar has stepped out of his mostly scholastic function to compete with activists and politicians, investing in social and political action, and appealing to a greater public. Beyond al-Qaraḍāwī's school of thought, prestigious institutions and jurists adopt the concept of *marjiʿiyya* to denote the jurist's authority; this is the case, for instance, of the Egyptian religious scholar ʿAlī Jumʿa, the official mufti of Egypt (2003–2013) and currently one of the leading figures of authority at al-Azhar University.[40]

Let us turn now to the Shīʿī conceptions of authority. In modern times, Shīʿī political ethics have settled to use *marjaʿiyya* (from *marjaʿ,* that is the religious person-reference) which sits at the top of a hierarchy of

[37] Al-Ghāmidī 2015: 33.
[38] Al-Khaṭīb 2008: 20.
[39] Al-Khaṭīb 2008: 21.
[40] Jumʿa 2005: I. 79.

mujtahid jurists (those capable of independent legal thinking); the highest such authority in twelver Shīʿism is *marjaʿiyyat al-taqlīd al tāmm* (complete authority of one *mujtahid* over the entire community).[41] A *mujtahid* obtains authorisation from senior jurists if he shows signs of pre-eminence in learning the whole corpus of Shīʿī curriculum in Qom or Najaf. In addition to religious knowledge, the authority of the Shīʿī *marjaʿ* becomes effective when a number of the Shīʿīs decide to pay him the religious tax, *khums* (20% of one's revenue) which is versed to the *marjaʿ* as a deputy of the absent Imam (*khums* is considered to be "the Imam's share"). And so, the Shīʿī *marjaʿ* is, on the one hand, the final word on religious matters as the highest epistemic authority in Shīʿīsm and on the other, "the finance ministry" of the community. Such status has no equivalent in Sunnism (although some Sunni clerics can collect huge charity funds). That is why some Shīʿī *marjaʿ*s are able to "wield great influence and can be a powerful unifying force".[42] Predominantly, *marjaʿiyya* is an epistemic and social authority; however, it can often involve a political influence and thanks to the social network of a given *marjaʿ* it is sustained from the foundations that receive and redistribute the *khums* religious tax.

As pointed out earlier, besides the concept of *marjaʿiyya,* Shīʿī political ethics uses the term of *wilāya* (*velāyat* in Persian), guardianship, to designate clerical authority although *wilāya* is rather a controversial term since some Shīʿī jurists used the concept of *velāyat-e faqīh* to appropriate power in Iran after 1979 (see Chapter V in this book for a discussion of this concept). Although it has earlier roots, the concept of *velāyat-e faqīh* was rather developed in the modern times, especially by Khomeini (1929–1989) under the influence of Sunni Islamist movements disappointed in the disappearance of the Caliphate in 1924.[43] Yet, *wilāya* cannot be discarded in the Shīʿī context because of its novelty. In the Shīʿī realm, *wilāya* has deep roots that can be traced back to *imāma* (the legitimate Islamic authority in Shiʾism as religious

[41] Walbridge 2001b: 4.
[42] Walbridge 2001b: 4.
[43] Amanat 2009: 189–190.

and political authority[44]) and to *walāya* (the esoteric authority of the divinely elected and the saintly figures of imams).[45]

As far as Medieval Sunni political ethics is concerned, it used *wilāya* in a general sense of being in charge of someone or something (ranging from rulership to tutorship); it is, thus, an authority of legal responsibility rather than that of divine appointment. Nevertheless, Sunni theologians believed in the *wilāya* as a religious and public responsibility, especially in the case of the general authority, *wilāya ʿāmma.* They did not try to appropriate this authority for themselves, and willingly conceded it to rulers or administrators of the state; still, they set norms for such legal responsibilities, mainly to be in the service of religion, that is the public offices of the state should strive to implement the Islamic norms and help people live accordingly.[46]

Taken together, these investigations into the Muslim terminology of authority suggest Islamic authority to be community-dependent for both Sunnis and Shīʿī. Ideally, authority should be political and religious for Sunnis (Caliphate) and Shīʿīs (Imamate). However, in practice, Sunnism accepts the alienation between authority and power as a necessity, while striving to maintain religious authority as autonomous as possible from political power; the Sunni religious scholar should guide the community in religious affairs, leaving the realm of governance to the state. Although most Sunni religious institutions cooperate with the states, they still manage to be self-directed as long as their discourses and action do not compete with the state. The influence of the Sunni religious scholar can increase if he is allied to Islamist networks or takes advantage of the state's weakness.

As for Shīʿīsm, it justified the alienation between religious authority and political power as usurpation by early companions of the Prophet and the Sunni dynasties and as an unjust act of power against authority. The Shīʿī clergy were able to maintain their "distance from the usurping powers" and focused on the religious and financial self-sufficiency of their communities.

44   Sachedina 1988: 96–97.
45   Mavani 2015: 40–42.
46   Various authors 2006: XLV. 135–140.

Nonetheless, the Shīʿī claimed power in Iran in 1979 which is rather an exception in the Islamic world. Even so, many religious authorities in the Shīʿī world still uphold their distance with ruling powers (including in Iran).

AUTHORITY AND POWER

An important feature of European conservative political thought since the 18th century is the distinction between authority and power. In *The Sociological Tradition,* Nisbet offers a classical discussion of how conservatism believes in the distribution of political centres where "pluralism of authority rests first and foremost upon local community, family, guild, and the various other sources of custom and tradition" in opposition to "*political power-rational,* centralized, and popular – from the legislative pattern of the Revolution".[47] For conservatives, from Louis de Bonald to Robert Nisbet, power is radical and despotic when unmediated by social bodies while authority operates in multiple spheres: The family, religion, the state, etc. and each has a proper and constituted authority.[48]

Previously, we have discussed how the first civil war in the Islamic history (656–661) repudiated authority from power with the advent of the Umayyad dynasty (661–750) for Sunnis. For Shīʿī clerics, this repudiation started much earlier at the death of the Prophet in 632 and the reign of Abū Bakr (632–634). The Sunni cleric, although a beneficiary of politics under the Umayyad Empire, was prudent and proceeded early to routinise the prophetic charisma, which became a tradition, a *sunna,* autonomously from political power (and sometimes against it) rather than to mobilise this charisma for the benefit of a critical or even contesting posture towards politics (as is the case with the Shīʿī or Khārijite clerics).[49] Later, Shīʿī *ʿulamāʾ* also routinised the Prophetic–Imamic charisma without compromising on their

[47] Nisbet 2017: 111–112.
[48] Nisbet 2017: 112–113.
[49] Dabashī 1989: 71–93.

autonomy.[50] In general, being autonomous from political power was considered a virtue by Sunni, Shīʿī and Kharijite clerics alike.[51]

In any case, between 632 and 661, a hierarchy was established between authority and power. Power was victorious but became illegitimate although solutions were worked out to ensure peaceful co-existence between religious authority and political power. For the next 13 centuries, three phenomena have marked the relationship between authority and power: (1) political power requested Sunni and Shīʿī *ʿulamāʾ* for legitimacy while many clerics looked for patronage of the rulers and encouraged the latter to maintain a conservative Islamic order. (2) The *ʿulamāʾ* were divided between those who took positions within the state as judges, ministers or instructors (showing loyalty to political power, and those who were fiercely attached to their autonomy keeping their distance from the rulers (and even criticising the abuse of power, displaying an attitude of disavowal).[52] (3) The religious-political ideal of a caliph or imam as the true leader, and who inherits the Prophet's religious authority and political power (as presumably practiced in Medina between 622 and 632) remained a latent political imaginary in the Muslim world until the modern times. Various Sunni and Shīʿī Islamist movements have succeeded in reviving that imaginary as most ruling states in the post-colonial period were controlled by ruthless armies and despots.[53]

Mohammed Arkoun (1928–2010), the Franco–Algerian thinker, considered the opposition between authority (which he named *ḥukm, ḥākimiyya, siyāda ʿulyā* the three of which should be translated as sovereignty rather than authority) and power *(sulṭa, sulṭān)* inherent to the history of Islamic political ethics; he showed that a long religious and political history of conflict involving the *ʿulamāʾ* and the rulers took place between a revelation-based legitimacy and

[50] Takim 2006: 78–108.
[51] Al-Suyūṭī 1992.
[52] Touzani 2013; Filali-Ansary 2015.
[53] Arkoun 1994: 68–70.

the different dynasties that ruled the Muslim world.[54] However, with regard to this opposition between authority and power in the modern times, there seems to be a bit of confusion in Arkoun's understanding. On the one hand, he believed that our age is one of power, and that "authority as a model separate and distinct from power has lost its relevance, its functional importance, its theological and even philosophical topicality [...] our societies and cultures have lost their capacity to generate, receive and support charismatic heroes or leaders, spiritual guides, thinkers or saints".[55] On the other hand, he values authority in Islam today "as a universal demand for human beings embodied in the Prophetic polity in Medina, preserved in the Quranic revelation, and symbolically effective through the religious rituals and traditions, which could prevent the hegemony of power in Muslim societies".[56]

Part of the confusion in Arkoun's accounts of authority and power lies in what Nisbet called the radical-revolutionary pattern of modern thought which considers authority a mask of power. Thus, Arkoun sees authority as a "feeling of deep agreement that binds the members of a human group or an ethnicity or a religious community involved in a revolutionary task or an existential project, or to defend a specific identity and its glorification".[57] That is to say, behind every level of authority, it is assumed that social and political power is at stake (in connection to one central system of power). In this paradigm, it is also believed that all authority is political and thus it is concerned with countering state power, ideologically justifying it or delegitimising it.[58] That is why, similarly to many modernist Muslim thinkers, Arkoun failed to see the revival of Islamic movements as *a conservative return of authority at various levels of morality,* and not merely as a protest or counter-power.

Other Arab critical thinkers have observed the gap between the perception of religious authority (as ethical and legitimate) and power (as brutal and

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[54] Arkoun 2002: 204; 1996b: 165.
[55] Arkoun 2002b: 247.
[56] Arkoun 1996b: 191.
[57] Arkoun 1996b: 191.
[58] Arkoun 1996a: 159.

illegitimate) as it widened in the recent decades. The problem of the ethical deficit of the state in the Muslim world was formulated by the Palestinian–Canadian academic and thinker Wael B. Hallaq as follows:

> The modern "Muslim" nation state failed to gain authority over its subjects, for authority, unlike power, does not necessarily depend on coercion. When the traditional legal schools acquired authority, they did so by virtue of the erudition of their jurists who proved themselves not only devoted to the best interests of the *umma* (whom they served very well) but also the most competent human agency to discover God's law. [...] The state, on the other hand, abandoned God and His jurists' law, and could find no other tools to replace it than the instruments of worldly coercion and imperial power.[59]

Hallaq went further with this argument in his book *The Impossible State. Islam, Politics, and Modernity's Moral Predicament* (2012) in which he acknowledged Islamic governance although he considers the idea of an Islamic state impossible and self-contradictory. As he puts it: "Islamic governance (that which stands parallel to what we call "state" today) rests on moral, legal, political, social, and metaphysical foundations that are dramatically different from those sustaining the modern state. In Islam, it is the Community (Umma) that displaces the nation of the modern state."[60]

Conversely, Abdulaziz Sachedina, Professor at the International Institute of Islamic Thought (IIIT), Chair in Islamic Studies at George Mason University (born in Tanzania in 1942 of Muslim Shīʿism Indian descent) asserts that humans are in "*need of guidance* and not governance from religion to inculcate values that will sustain a meaningful life while governance should be established through the creation of a civil society based on the principle of equality".[61] Sachedina believes that guidance rather than governance should shape "an Islamic inclusive theology able to build a city in which religious

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[59] Hallaq 2004: 258.
[60] Hallaq 2012: 49. On state models in the Middle East, see N. Rózsa 2018.
[61] Sachedina 2006: 6.

communities are able to recognize one another as spiritual equals and live in a democratic pluralistic public order".[62]

One of the most influential modern texts on Islamic ethics, *Khuluq al-muslim* (Muslim Ethics) was published in 1953 by Muḥammad al-Ghazālī (d. 1996), the Egyptian–Sunni jurist and reformist thinker, and a major reference of the Muslim Brotherhood and various Muslim publics. Al-Ghazālī shows that there exists a grey zone between religious authority and the lure of power for some Sunni jurists. *Khuluq al-muslim* provides Muslims with a manual of rules that are founded on sharia and deeply rooted in faith and the rituals of Islam in opposition to ethics of the West ingrained in Greek ethics.[63] While al-Ghazālī emphasises religious virtues such as truthfulness, *ṣidq,* loyalty, *wafāʾ* sincerity, *ikhlāṣ* and the discipline of the soul, he also embraces collective ethics as he calls to an ethics of power, *quwwa*[64] and to change the world in order to make it a better place.[65] The temptation of power increases among religious scholars who became activists in the course of the second half of the 20th century and early 21st century under the influence of Islamism.

To illustrate further the discrepancy between power and authority which marked the history of Islamic ethics in the 20th century, I will discuss the example of ʿAbd al-Hādī Bū Ṭālib (1923–2009), a graduate from Al-Qarawiyin, a Moroccan Muslim thinker, minister, diplomat and counsellor of king Hassan II (who reigned between 1961 and 1999). In a text published in 1989, Bū Ṭālib calls to a Muslim polity in which "'power' and 'government' imply authority, moderation and accomplishment since in Islamic ethics, power should not mean absolute and unquestionable power, but rather an equitable and perfectionist exercise of power to establish law and balance".[66] For Bū Ṭālib, "a Muslim government should be based on the existence of a society aware of the divinely revealed Qurʾanic message and imbued with the spirit of Islam; a society where

[62]   Sachedina 2006: 6.
[63]   Al-Ghazālī 1987: 4–11.
[64]   Al-Ghazālī 1987: 98; on power in modern Shīʿism see Speidl 2021.
[65]   Al-Ghazālī 1987: 12.
[66]   Bū Ṭālib 1989: 141.

rulers and governors share power and authority".[67] Hence, the solution for Bū Ṭālib is to re-consider how Islamic ethics built a Muslim polity on virtues rooted in the Prophetic experience. Authority does not belong only to the men of religion, but also to Muslim individuals and community who act "as assistants to the power in place, if not as agents of authority charged with exercising a certain form of power since they are required to order the good and to correct the wrong".[68] Bū Ṭālib does not contest the function of the state to assume the task of directing its affairs and executive power. However, the supreme authority that legitimises this power comes from the Qur'an and its rulings extracted by the scholars who represent the true authority on Muslim laws since the only legislator is in fact Allah.[69] Such reconciliatory views between authority and power come from a man of authority and of power at the same time. The leveraging of these two elements appeared to provide a solution in alleviating the disasters brought upon by despotic Westernised post-independence power structures that have ruled Muslim countries since the 1950s.

This solution might also be motivated by the nature of Islamic law itself. The latter has two components: (1) Islamic ethics as rulings adhered to by individuals; thus, muftis and imams enjoin individuals and communities to religious discipline (rituals and family affairs mostly). (2) Public rulings that need state enforcement (civil and criminal affairs mostly which require the force of judges, police, rulers, etc.). If such is the case, Islamic law and order could exist only by virtue of cooperation between religious authority and political power. Nevertheless, this cooperation was broken after colonisation and modernisation (since the 19th century). Most state laws were imported from Europe and so the state power became separated from authority, alienating itself from the authority of Islamic law and community involvement. Muftis and imams continued playing their communication role on their own while the judiciary and executive state powers in most Muslim countries pursued a path of centralisation and totalitarianism.

[67] Bū Ṭālib 1989: 142.
[68] Bū Ṭālib 1989: 143.
[69] Bū Ṭālib 1989: 150.

RELIGIOUS AUTHORITY:
STRUCTURES AND FIGURES

Now that we have defined the concept of authority and its relationship to power in contemporary Islamic ethics, let us focus on the structures and figures of religious authority. Here, our task consists in introducing these elements in a general manner while intending to elaborate on them in the subsequent five chapters of the book.

The number and importance of the structures of religious authority in contemporary Islam vary according to the community's size and status (whether urban or rural, small or big, rich or poor, lives in the Muslim world or in Europe, etc.). The mosque is perhaps the most significant structure of religious authority across times and spaces; it is not merely a place of worship, but also an educational institution which provides basic religious instruction to children, a social space of building trust and exchanging economic benefits, a psychological facility to turn to in times of turmoil, and a consultation service in which Islamic rulings can be obtained, etc. The mosque hierarchises the community in terms of piety, social status and commitment. Modern Islamic schools or universities are also important centres of religious authority as they train or reproduce the religious scholars (this goes from small traditional *madrasas,* which educate small groups of young men to al-Azhar, which trains thousands of theologians and imams each year). For political and bureaucratic reasons, religious organisations have emerged as modern and effective structures of religious authority which arrange in a hierarchy various Islamic activists and managers according to their share in the Islamic moral economy (that is how much trust and trade they can generate in their own communities). Religious shrines are still vital in some rural areas (and even in some urban centres), but they lost the primary role they played from the 14th century until the end of the 19th century; Sufi Brotherhoods could not find a large audience amidst urbanisation (which marginalises popular Islam) and attacks of Salafi and reformist Islam. Nowadays, most Sufi Brotherhoods are marginal and survive thanks to the support of states.

As for the figures of religious authority, the context also defines the number and the extent of their authority. In this research, I distinguish between the shareholders of authority, i.e. the traditional holders of authority (imams, theologians, preachers and Sufi masters) and the stakeholders (religious managers, activists, teachers and intellectuals). I maintain that we need to revisit the influence of both on the field of authority mobilising the Stakeholder theory, especially as formulated by Donna E. Ray et al.[70] which allows us to reconsider the role that non-traditional leaders play in the Islamic field of authority. I argue that Islamic authority is a process in which stakeholders play an equal, if not more important, role (in particular contexts) than shareholders.

Let us further clarify the roles played by the different figures of traditional religious authority. The theologian-jurist assumes the role of the guardian of the temple, delivers fatwas and intervenes on ethical and theological questions that affect the individual or collective life of Muslims. The Imam plays a more technical function as he leads prayers and gives sermons; he can be a mechanical imam or an autonomous one, who has acquired a religious knowledge that distinguishes him in the community and sometimes from his competitors by his charisma and his ability to negotiate between the community and the State. He can sometimes be dissident, adopting a radical tone that opposes him to the state or society. The Sufi master asserts a spiritual legitimacy, investing in spirituality, religious education, etc. As for the preacher, *dāʿiya,* he is a public Muslim authority figure, also called a 'Muslim lecturer'; he does not only call for Islam through emotional rhetoric, but also visits people, intervenes in their daily lives, does charity work, participates in social activities and appears in the media, especially on TV channels and the internet.

As for the stakeholders, there is the religious manager who assumes the function of organiser and assistant to the theologian or the imam. He protects the aura and the discourse of the theologian while influencing it. The manager can control theologians, imams and teachers. The activist deploys the legitimacy of the action, and competes with the manager. A distinction

[70]   Ray et al. 2014.

can be made here between moderate activists, who have free access to the public space, with the endorsement of the state or certain political parties; their fields of activity include youth and student organisations, Islamic feminism, anti-Islamophobia, alternative education, charity, etc. The radical activists are represented by the jihadists. The other authority figure is the Muslim intellectual who acts from within the community, reinforcing communitarian and identitarian claims. Finally, the religious teacher in public or private schools can sometimes be very influential in his community.

In the French context, Franck Frégosi identified three figures of religious authority: the imam, the lecturer and the jurisconsult.[71] The size of the Muslim population in prisons, the army, higher education and other state institutions has recently highlighted the role of a fourth figure of authority, that of the Muslim Chaplain *(aumônier musulman)*.[72] In a recent study I conducted in Belgium, I could identify eight figures of religious authority: the jurist-theologian, the imam, the preacher, the Sufi master, the religious manager, the activist, the intellectual and the teacher of Islamic religion.[73] However, overall imams and religious managers are the central figures of authority in the Islamic field in Europe, enjoying the most influence, although research and media tend to focus more on imams. The flow of imams from the Muslim world continues to enter Europe in order to meet the needs of Muslim communities, but training is offered now in Europe, and often supported by state funds, at different institutes and universities.[74]

Nevertheless, in the Muslim majority countries, clerical authority is fragmented and disputed, especially in Shīʿī Iraq and Iran.[75] Egypt has a complex hierarchy of official religious figures of authority on top of which, Shaykh al-Azhar, the official mufti of Egypt (residing at *Dār al-Iftāʾ*) and the minister of religious endowments *(Awqāf)* compete for primacy. These three figures are

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[71] Frégosi 2004.
[72] Garrush 2018.
[73] Belhaj 2022.
[74] See in particular Hashas et al. 2018; Messner – Abou Ramadan 2018.
[75] Gleave 2007: 75; Badry 2006.

chosen among the Sunni Egyptian *'ulamā'* by their peers or by the government to supervise a mass of theologians-jurists, imams and religious instructors. Some Muslim countries such as Morocco and Turkey have officialised the figure of female preachers (who address exclusively female audiences).[76] In some Muslim countries (Egypt, Indonesia, India), a fierce rivalry opposes reformist intellectuals, Islamist activists, Salafi scholars (and preachers), official traditionalist theologians and Sufi masters.[77] In Turkey, the theologian-jurist competes with the Sufi master and the Aleve dede.[78] Since the 1970s, the figure of the *mujāhid* (activist-fighter) has been highly effective in some Muslim contexts (Afghanistan, Palestine, Bosnia, Caucasus, etc.).[79] Islamism also affected many religious scholars who became involved as activists in local or international politics.[80] This is the case of Saudi Arabia where there is a major divide between Salafi pietistic scholars and Salafi activist scholars.[81]

AUTHORITY AND DISSIDENCE

Subversion typically contests authority as a moral foundation in all societies and cultures, most probably because hierarchies are not beneficial to everyone: some people are unsatisfied with their ranks, some individuals are outraged by the abuse of authority, or the leaders are unable to generate respect;[82] some figures of authority, unable or unwilling to belong to the authoritative elites, have little opportunities to speak with authority and proceed to perform corrosive discourses against authority.[83] These individuals and groups become rebels, protesters and dissidents.

[76]   Bano–Kalmbach 2012.
[77]   Azra et al. 2010.
[78]   Krämer–Schmidtke 2006.
[79]   Alshech 2014; Hatina 2014.
[80]   Al-Atawneh 2014.
[81]   Meijer 2011.
[82]   Graham et al. 2012: 68.
[83]   Lincoln 1994: 137.

In studies of religious authority in contemporary Islam, the tensions between authority and dissent have received little attention. Most research on Islamic dissent movements and thinkers are historical studies. Dabashi has shown the challenge the Khārijites (a movement born in 657) represented for the Sunnite authority (based on routinisation of Muḥammad's charisma in communitarian institutions) and the Shīʿite authority (founded on the perpetuation of Muḥammad's charisma through the imams) by attempting to disseminate charisma to the common, but morally rigid people.[84] The Khārijites were regarded as heretics by Sunnis and Shīʿites because they downgraded the figures of the Caliph and the Imam (as a representation of the double authority of religion and governance) in favour of an authority model based on the *umma* and on divine law, occurring mostly in stateless and leaderless territories.[85] Sunnis who were attached to the conservative order and Islamic law, protected by most ruling dynasties, were particularly sensitive to rebellion movements of Khārijite and esoteric Shīʿite origins.[86] Khārijite and esoteric Shīʿite movements are far from exhausting the list of religious and political dissidents in the history of Islam; such a list would include apostates, blasphemers, heretics and renegades,[87] which is far beyond the focus of our study.

In contemporary Islam, Laura Pettinaroli shows, in her study of dissidence in Shiʿism, the importance of political and social issues as well as local, national and international conflicts of interest in the emergence of dissent of religious authority.[88] The political element played a fundamental role in the emergence of radical Islamic movements which have been the most popular subject of inquiry in connection to dissidence in contemporary Islam.[89] Another form of dissidence in contemporary Islam which attracted public and academic focus has been the liberal dissident intellectuals.[90] Religious dissidence *per se,*

[84]   Dabashi 1989: 121–145.
[85]   Mozaffari 1987: 39–40; Souaiaia 2013: 147–165.
[86]   Abou El Fadl 2001b.
[87]   Arzt 1996.
[88]   Pettinaroli 2012: 1.
[89]   Teik et al. 2014.
[90]   Wasella 1997.

that is of religious figures of authority (clerics in particular) has barely drawn any attention from researchers. We suggest bridging this gap in Chapter V.

ROADMAP

This book consists of five chapters whereby each chapter works on one or more cases of religious authority centering on its figures, structures and functions in autonomy from or in dependence of political power. The first two chapters take cases from Belgium, France and Germany. Chapter I discusses Muslim religious authority in Europe between change and resilience, mapping broadly the structures and figures of Islamic authority in Belgium, France and Germany. Chapter II analyses the key figure of the religious manager through an in-depth study of the Muslim Executive of Belgium, the largest Islamic organisation in Belgium, showcasing the tension between political power and religious authority. The next three chapters draw on data taken from the Muslim world (Morocco, Egypt, Qatar and Iran). Chapter III examines the case of the International Union of Muslim Scholars (based in Qatar) as an instance of religious authority of the *'ulamā'*, theologians-jurists, that embraces Islamic global politics. Chapter IV begins by laying out the theoretical dimensions of the role of the state in public morality according to various Muslim theologians, and then looks at how the Moroccan state enforces Islamic morality. Chapter V is concerned with dissent as religious counter-authority in Egypt and Iran.

Chapter I

Muslim Religious Authority in Europe between Change and Resilience

INTRODUCTION

Since the wave of terrorist attacks (2015–2017) in Europe, Muslim authority figures (mainly theologians, imams, preachers and managers) are displaying resilience in the face of pressure ranging from political powers to scientific authority and to pervasive digitalisation. In particular, political powers in Europe hope for the emergence of a modern, de-radicalised and secularised form of Islam. In this context, traditional figures of religious authority (theologians, imams, preachers) are perceived as an obstacle to this form of 'local' Islam. Such expectations push the traditional religious authority figures to be more cautious in their discourse as well as in their actions. The Covid-19 health crisis (2020–2022) has further weakened the influence of these figures to the point that their epistemic authority was utterly superseded by the inflated authority of the medical expert, whose influence has taken over other fields of knowledge, including religious knowledge. Medical knowledge about the coronavirus, vaccines and health in general has reduced the theologian to a secondary role. Finally, the omnipresence of digitalisation and closure of mosques for many months has established the internet as a legitimate space for religious discourse where competition is a significant factor in a global religious field/market without borders, unlike physical community spaces, which are less open to competition and almost closed. The virtual space diminishes the impact of traditional figures on religious discourse as well as their capacity to "retain" a public audience now seduced by commercial distractions and beguiling figures from different horizons.

RELIGIOUS AUTHORITY
AND THE PROBLEM OF CHANGE

The reason religious authority figures in Islam have the capacity to be resilient is that they always have been able to adapt to the exigencies of change; for traditional Sunni and Shīʿī authority figures, the best of all worlds is the one created by God where a hierarchical order of revealed religious norms guarantees theologians-legislators, preachers and imams, in particular, influence and even control over the good and the path to salvation. Change is human and constancy is divine, and if change does come, it must do so to rectify a state of moral degeneracy. When people change, it is usually towards evil (a condition condemned by Sunnis as sedition and by Shīʿīs as alteration or falsification). However, in the modern world, as Hart expresses it, systems of laws and moral norms tend to be managed by the rule of change where societies and states constantly revise, criticise, reform and change laws and norms on the basis of societal or political considerations.[91] Traditional religious authorities hold that Islamic norms are divine, unchanging and appropriate for any time and any place; this provides figures of religious authority with the ultimate legitimacy and justification for their authority. As modern societies undergo rapid change (especially in recent years), "questions are inevitably raised about the legitimacy of the sources of authority".[92]

Within the contours of Islamic law, norms and traditions, religious authority figures have developed the capacity and readiness to adapt to change, even if these authorities are inherently conservative.[93] The dynamics of continuity and change take place in consolidation and/or tension, in a neo-traditionalism carried by intellectuals, imams, theologians or activists who extend the action of religious and political movements, as in the case of the Deobandi and Sufism in Britain and the Muslim Brotherhood in France.[94] None of the

[91] Hart 1961: 177.
[92] Furedi 2013: 6; Hallaq 2001: ix.
[93] Hallaq 2001: ix.
[94] Bano 2018b.

neo-traditionalist projects underway in Europe promote a radical break with traditional religious authorities. On the other hand, there are tensions to be raised between "changing affiliations with Islam and assertions of the status and legitimacy of religious authority figures".[95]

That religious authority in Muslim societies or within Muslim communities in Europe resists change in general, which can be illustrated by the fact that figures of authority continue to assume as their first role the traditional transmission of religious knowledge. Imams, Sufi masters and theologians-jurists alike perceive their major role to be "heirs of the Prophet", that is to preserve the religious legacy of the Prophet.[96] Imams and theologians-jurists in the mosques, whether in Brussels, Istanbul or Cairo, still practice the ritual of prayer in classical Arabic, memorise the Qur'an, study and teach diligently few seminal texts of the Muslim tradition whether Mālikī-Ashʿarī, Ḥanbalī, Twelver Shīʿī or Ḥanafī-Māturīdī. Conservatism is not thus an attitude among the most "reactionary" religious figures of authority, but *the mission itself* of the *'ulamā',* imams and Sufi masters. At a theological level, figures of religious authority (with perhaps the exception of the new intellectuals, a marginal group after all) stay away from religious innovation, *bidʿa* seen as sin in Islamic ethics, Sunni and Shīʿī alike; religious innovation is associated with misguidance while authority is guidance itself.

This observation can be seen in European Muslim communities in the so-called re-islamisation movement. At a more concrete level, one can see how in Brussels, for example, the bulk of activities of mosques and Muslim associations is to teach in classical Arabic, the memorisation of the Quran and the celebration of the life of the Prophet, the early generation of Muslims, and the most traditional values of Islam. Attachment to traditional piety among ordinary Muslims is facilitated by traditionalist figures of religious authority that are in charge of these mosques and associations.

In this chapter, the question is therefore to investigate: (1) on the one hand, the transformations of Muslim religious authority itself in terms of

[95] Maréchal 2018b.
[96] See Takim 2006; Buehler 1998; Abou El Fadl 2001a.

structures, claims and figures in Europe; (2) on the other hand, the ways in which religious authority figures are "managing change" induced by recent societal and political processes.

THE RESILIENCE OF RELIGIOUS LEADERS, ESPECIALLY IN THE FACE OF THE COVID-19 HEALTH CRISIS AND ITS IMPLICATIONS

I define resilience in this context as "regeneration in the face of adversity".[97] As the Muslim field of religious authority is segmented, authority figures do not react in the same way to adversity. Some may be resilient, others not. There exist attitudes of passivity and fatalism, while others illustrate a "discursive" adaptation that does not significantly transform the religious structures in Islam.

Given the importance of the community dimension in the articulation of religious authority, and the fact that the health crisis and social distancing have led to new modes of social interaction between religious actors and audiences, it is likely that religious authority figures will have to adapt in terms of structure, religious discourse and social distancing by mobilising, among other things, various solidarities, digital know-how in IT and a certain presence in the virtual space. The health crisis has further intensified concerns among religious leaders "about whether their communities will return to face-to-face services or whether they will choose to stick to their couches instead".[98] Joseph O. Baker et al. noted how social distancing affects the certainty and strength of religion as shared and/or contested beliefs, as organised and institutionalised practices; they also pointed to the accelerating effects of the privatisation of religiosity and secularisation as well as of technology-mediated religious innovation and diffusion.[99]

While social distancing has affected the routine practices of religious authority, the health crisis has also allowed the religious authority of imams to be asserted in funerals, the return for many to religious piety as shown by

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[97]   Belhaj 2021b: 38.
[98]   Flory 2021.
[99]   Baker et al. 2020.

a number of surveys,[100] and the strengthening of family ties, which are also "bastions" of traditional religiosity, authority and community relations.

Furthermore, the health crisis has intensified/exacerbated religious and social contestation. The friction is propelled by postmodern influences as well as the economic and civilisational crisis that currently plague European societies. As a result, such a state of affairs makes religion, as Paula D. Nesbitt has argued, a capital that "directly influences or indirectly serves as a latent resource in contestation as a hope for change and as a moral basis for contestation, within postcolonial dynamics, among others".[101] The dimension of contestation is closely linked to religious authority on three levels: (1) religious authority contests political power; for example, the recent conflict crisis between the Muslim Executive of Belgium and the Belgian government in 2021–2022 shows a contestation of the Belgian state's expectations of Islam;[102] (2) new religious authority figures (activists and intellectuals in particular) make demands on religion and society (e.g. the Hijabis fight back movement in Belgium[103]); (3) authority figures have to deal with contestation and dissent generated by changes in the religious or political field, as is the case in France with the dissolution of the French Council of the Muslim Faith and the emergence of the *Forum de l'Islam de France,* which is expected to bring out a council of figures of authority who challenge the traditional religious authority.[104]

STRUCTURES OF RELIGIOUS AUTHORITY

Even if mosques and Islamic associations continue to be the privileged places of religious authority, the virtual space has gained momentum in recent years,

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[100]   Including the study by the University of Barcelona based on the responses of 2,256 people obtained by 27 April 2020 in Rodríguez Díaz et al. 2022.
[101]   Nesbitt 2020.
[102]   Grosfilley 2022.
[103]   Council of European Muslims 2020.
[104]   Guénois 2022.

notably because of the health situation which has forced mosques to close for a few months, and to limit the number of people who congregate there for most of the last two years. The popularity of podcasts and TikTok is particularly noteworthy, where young, unknown French preachers are appearing, in addition to preachers' accounts that are already popular on WhatsApp, Telegram, Facebook, etc., knowing that these preachers convey a traditional discourse on licit and illicit norms and on daily life and relations with women.[105]

The virtual space changes the exercise of religious authority on several levels, in particular: (1) that of performance, because internet communication takes precedence over casuistry; being able to "say the norm" in the simplest and most effective way carries more credibility than displaying dry and scholastic knowledge in a mosque; (2) and that of interaction, because on the internet the religious authority figure does not often know who he or she is addressing; the virtual community is decentralised, vicarious and impersonal.

However, despite the rapid popularity of virtual religious congregations, the traditional structures of religious authority, "the mosques", have increased in number in recent years. In France, the number of Muslim places of worship was estimated at 2,449 in 2012, while in 2000 the figure was 1,536.[106] In 2022, there could be 2,630 places of worship.[107] Controversies reported by the press in France, Great Britain and Germany show that every year about ten mosques are opened, often accompanied by debate and resistance. This is the recent case of a church that has been transformed into a mosque in Blackburn.[108]

The organisational structures of Islam in Europe remain functional even though recent splits within these structures in France, Belgium and Germany have generated few crises. These structures favour activists and managers, and despite rivalries between the two, and pressure from European governments to exclude activists, affinities and consolidations are becoming ubiquitous. Activists have access to transnational, logistical, symbolic and financial resources

[105] Sautreuil 2022.
[106] Laurent 2015.
[107] Guénois 2022.
[108] Jacobs 2021.

necessary to maintain the Islamic religious support systems; these resources are essential to traditional authority figures as well, because in modern societies these authority figures also derive their legitimacy from institutional affiliation, and not only from their status and social position.[109]

CLAIMS TO AUTHORITY

More and more managers, imams and preachers are claiming autonomous authority from political powers, Islamic law schools, countries of origin, Islamic movements, etc. This autonomy, however, should be put into perspective. We illustrate this desire for autonomy with the case of France, where the *Forum de l'Islam de France,* set up in February 2022, was conceived as a body of autonomous figures of authority vis-à-vis the countries of origin, anchored in the French regions and localities. However, in the end, the French state accepted that the major Islamic organisations with links to Muslim governments should be part of the *Forum de l'Islam de France* to avoid the creation of a competing body by the major Islamic organisations.

It remains an open question whether the choice of autonomy by religious figures of authority in Europe in the face of Western states is viable and whether they would be capable with such a choice of constituting themselves as part of Europe. It seems to me that the new generation of imams and preachers, let alone the first generation, has the same difficulties asserting autonomy and maintaining at the same time French, Belgian or European identities. Numerous cases of religious figures who left Europe to live in the Muslim countries showcase this dilemma of autonomy and identity[110] (which are both moral foundations deeply connected to the hierarchy of values each individual and group believe in).

[109] Becker – von Krosigk 2008.
[110] This is the recent case of the French Muslim imam and preacher Ismail Mounir who left France to settle in Tangiers, Morocco (Mounir 2021). The phenomenon of the migration of Salafist figures to Muslim countries is already well known (see Adraoui 2017).

While these figures of religious authority claim autonomy within European states, most of them are increasingly dependent on political powers in the Muslim world, whether states such as Gulf States, North African States, Turkey or Pakistan or on transnational movements such as various Islamist movements and Sufi Brotherhoods. The so-called transnational Islam is mainly organised around national ethnic networks closely monitored by countries that have massive diasporas in Europe.[111] Autonomy of discourse is not sought for because transnational Islam provides training, traditional centres of learning and spirituality, networks, and mobility to local figures of religious authority in Europe.

As for the financial autonomy, for the time being, some mosques and Islamic societies in Europe still rely on funding from European states (although the majority does not). Still, the Muslim Executive of Belgium, for example, decided in October 2021 "to give up its 500,000 euros in annual public subsidies to obtain autonomy from state".[112] Perhaps this is a first step towards self-funding by the Muslim communities. It could also mean that the Islamic organisations will have recourse to funds from Muslim countries which would increase their vulnerability to dependence on extra-European political powers.

It is indeed a dilemma for the religious figures of authority. And they do not seem to want to extricate themselves from such a predicament. The funding by the secular state of Islamic institutions seems to be widely accepted (I talked about this question to various Muslim leaders in Belgium, France, Germany, Sweden and Finland). Some of them do not see a contradiction between financial dependence on European states and dependence on transnational Islam and countries of origin in the management of Islam.

Another claim to authority that is increasingly emphasised by various Muslim figures of authority is that of service to the community. During the Covid-19 health crisis, aggravated by major economic consequences, imams and theologians intensified their social function of service: funerals, solidarity, etc. This dimension also responds to requests from the public and the private

111   See in particular Sunier–Landman 2015; Bruce 2019.
112   La Libre 2021.

sectors. It also responds to the demands of the communities, as the crisis has reinforced the need for communities to draw on traditional religious institutions. The authority figure is ready to invest in the proximity of the people by answering questions concerning the meaning and purpose of life in the midst of the crisis, and to update the Muslim accounts of the ordeal. For example, to take one particular case, that of the Belgian preacher Mustafa Kastit on Facebook, we can see how he has adapted his role to the crisis. From now on, he offers live questions and answers every Friday to his audience.[113]

As care is primarily a claim to the activist's authority within Islamic relief movements or associations, restrictions on the latter, such as the case of Barakacity, the largest Muslim French charity organisation who was officially banned in France in October 2020 for links to Salafism and the Muslim Brotherhood,[114] similarly to the case of Islamic Relief in Britain for links to Hamas in August 2020,[115] as well as the worries of the Gülen Movement in Germany, the Netherlands and Belgium, could favour imams and theologians with little links to Islamism.

FIGURES OF AUTHORITY

As I explained in the introduction, it is imperative that we make a distinction between shareholders and stakeholders of religious authority. The shareholders are leaders who assume the function of guidance as their primary mission (theologians-jurists, imams, preachers, spiritual masters). As "heirs to the Prophet", they transmit and reinterpret the Muslim tradition. The stakeholders (intellectuals, activists, religious managers and teachers) are responsible for representative management, contestation, schooling, mobilisation or mediation functions within the religious field.

[113]   Kastit [s. a.].
[114]   Le Monde 2020a.
[115]   Graham-Harrison 2020.

That said, two observations are necessary to make here. First, in many cases, figures of religious authority can be shareholders and stakeholders at the same time. For example, many imams in Belgium are also teachers in the official educational system or managers in Islamic organisations. Second, both types of religious authority (shareholders and stakeholders) need institutions and structures of authority to exert influence.

In a decentralised religious field, it is expected that Muslim figures of religious authority (theologians-jurists, imams, preachers, spiritual masters, intellectuals, activists, religious managers and teachers) compete over leadership of their respective communities. Globalisation and the Internet opened a new era in the Islamic action, *da'wa* offering access to considerable symbolic, political and financial resources which benefited mainly the activists and the preachers.

Currently, the second generation of Muslims who are born or raised in Europe produces the main figures of religious authority with the exception of theologians-jurists and imams, still largely imported from Muslim countries. This has not changed much in the last 20 years. Usually a young man is sent by his family or chooses himself to travel to a Muslim country (usually in his 20s) to study in traditional Islamic seminaries several years before returning to Europe to engage in a career as imam, preacher, teacher, etc. With the increasing number of Muslim populations in Europe, there is constant demand for new religious figures of authority. The advantage a second generation Muslim has over his competitors (imported religious figures) is the linguistic skills (mastering European languages). His competitors, however, usually spend 20–30 years studying in a traditional way the Quran, Islamic law and Prophetic traditions which prepare these imams and theologians-jurists for careers in mosques. It is difficult for most young people from the second generation Muslims to compete and sustain this lifestyle which produces imams and theologians-jurists. It is even harder for the third generation Muslims to do so.

Several European countries (Belgium, France, the Netherlands, the UK, Germany and Austria) offer funding and organisational support for the

training of imams in Europe. However, this new experience is fraught with many obstacles, among which is the fact that the trained imams in Europe have difficulty obtaining credibility within their religious communities. They are often seen as "products of European Islam" with "unauthentic religious knowledge". For the time being, the proper training of theologians-jurists is absent in Europe for that would require the existence of fully established seminaries or faculties of Islamic theology, a project that many strive to create and make work, without much success.[116]

The third generation of Muslims in Europe has for the most part little knowledge of languages of their countries of origin; in fact, they are more attuned to the debates of their European societies than to Islam even if attached to their Muslim identity. This generation is less enthusiastic about investing in the traditional learning of Islam to become religious leaders. Instead, many of them have shown interest in Islamic activism. This means that they are unwilling to compete with shareholders of religious authority and that the mosques will continue to import imams from abroad to ensure religious service. It also means that a gap of religious discourse and context will increase between the new generations and imported figures of religious authority.

Training local imams and theologians-jurists in Europe might bridge this gap, but this requires a transformation of knowledge, that is, the status of traditional knowledge in addition to a sociological change in the demographics of figures of religious authority. We can indeed observe some changes in the demographics of figures of religious authority as endogenous trained young men and women (mostly intellectuals, teachers, activists, managers or preachers) in newly established Islamic programmes in Europe are sometimes recruited in mosques, associations and schools. However, for the time being changes in religious discourse are insignificant.[117]

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[116] For an assessment of recent initiatives in training imams in Europe see Hashas et al. 2018; Messner – Abou Ramadan 2018.

[117] On the limits of the so-called enlightened Islam see Belhaj 2021a.

The activist as the main beneficiary of the globalisation of resources

The figures of the activist and the preacher have dominated the field of Islamic authority in recent years. For example, in Belgium, the current president of the Muslim Executive of Belgium, Mehmet Üstün, although in reality a religious manager, has close ties to the Islamist Turkish movement Millî Görüş. The latter movement is also in the crosshairs of France, where it manages 70 mosques.[118] The globalisation of resources favours the activist because he is now able to mobilise networks and funding across borders, which allows him to have a greater impact than a local imam. Recent restrictions on Islamic funding in France and Austria show the challenge of mobilising global resources for activists. Yet, various systems of circumventing controls have always operated through unofficial networks and intermediaries (the *hawala* system, for example[119]).

The resilience of the activist has already been demonstrated by Haoues Seniguer's research on the Muslim Brotherhood in France and Didier Leroy's study on Hezbollah;[120] a recent example of the activist's resilience in Europe can be illustrated by the movement against Islamophobia which has been "normalised" and even financed by the Open Society Foundations network.[121]

The preacher and the globalisation of discourse

Conversely, the globalisation of discourse benefits preachers who play a key role in the traditional religious landscape as well as in a wide range of technologies of the *da'wa* (television, internet, etc.). The proliferation of Quranic circles in Bosnia, Belgium and the Netherlands led by male and female preachers are reinventing the authority of instructive discourse, including the

[118]   Rich 2021.
[119]   Europol 2016.
[120]   Seniguer 2020; Leroy 2012.
[121]   Open Society Foundations 2019.

recitation of the Quran during the month of Ramadan, and the way in which competition for religious authority is managed.[122] Swedish Salafist preachers are reclaiming technology on Facebook (tools, accessibility, brevity, etc.) to teach traditionalist Islamic ethics.[123] Also in Sweden, the religious discourses on YouTube broadcast by Swedish Salafis from the Swedish suburbs mobilise religious motives of advice, warning, reaching paradise through renunciation, establishing a non-violent strategy, and social development to help suburban youth.[124]

The super-imam: A project in trouble

Now let us turn to the figure of the imam which has attracted much attention in Europe. The current debate over the issue of the super-imam in Germany (also in Switzerland[125]), where the number of imams is estimated at 2,000–2,700, and where the majority of imams are traditionalists (800 imams are employees of the Diyanet[126]), a situation that imposes conflicting expectations on imams. On the one hand, different actors expect imams to offer advice to families, to provide "moderate" preaching, to promote inter-religious dialogue and to help integrate Muslims.[127] The figure of the super-imam is a fantasy of course, but continues to be the object of these various expectations even though the actors involved recognise the difficulty of training these kinds of imams, a field that is increasingly fraught with skepticism.[128] On the other hand, the diverse Islamic communities of Europe expect imams to provide religious education and guidance to members of these communities in social and religious terms. However, these communities maintain strong religious and political links to

[122]   Raudvere 2020.
[123]   Stjernholm 2020.
[124]   Olsson 2020.
[125]   Schmid 2020.
[126]   Idriz 2017.
[127]   Topel 2019.
[128]   Haas-Rietschel 2019.

their countries of origin and cannot imagine imams without "influence" or links to these countries. In any case, these communities do not expect the imam to help with integration or inter-religious dialogue. The trend in recent years in Germany shows a profound tension around the training of imams between more "cooperative" religious communities with the German state's approach of "training super imams of openness", (which remain a minority like Bosnian Muslims), at odds with dominant communities like the Turkish community which perceives in the Turkish imam appointed by the Diyanet a figure of representation and reproduction of their religious and ethnic heritage.[129]

However, the imam is most often a financially fragile figure and lacks professional and linguistic knowledge or religious knowledge to adapt to the constant upheavals and rapid transformations of European societies. In order to remedy some of the shortcomings of the role of the imam, the German state in 2021 financed the creation of an Islamic faculty, the *Islamkolleg* in Osnabrück, to train imams in German who are "independent" of foreign influences and who should transmit Western values to their communities. This initiative is supported by Bosnian and Moroccan associations, but not by Turkish ones.[130] The leverage of the Moroccan and Bosnian communities is not significant in Germany, and therefore will not radically change the situation. It remains to be seen whether Morocco's influence has any traction in the Moroccan community of Germany.

There is a fivefold problem facing the German "super-imams". Firstly, this *Islamkolleg* is run in cooperation with Islamic organisations, which indicates the ambiguity of these organisations in relation to ethnic origins and community loyalties. Secondly, these trained imams will be dependent on ethnic and community considerations in their access to employment, and on state funded organisations. Thirdly, the desire for imams to transmit "Western" values is divorced from the realities of Muslim communities and assumes that they are "easily influenced", even though surveys of Muslims in Germany

[129]   Haas-Rietschel 2019.
[130]   Zweites Deutsches Fernsehen 2020.

show that Western values are not perceived favourably.[131] The DİTİB and the Millî Görüş, which largely dominate Islam in Germany, train their own imams; the Ahmadiyya, but also the Association of Islamic Cultural Centres in Cologne does the same.[132] Fifthly, the more super-imam displays proximity to the state, the less of an impact he is likely to have on the community. This is particularly the case for young German Muslims who do not hesitate to distance themselves from "de-radicalisation imams" and do not find themselves aligned with the "spirit of the German state" nor in an Islam "for Germany", the one promoted by the German Government. This kind of Islam is perceived by Muslim communities as serving German security policy.[133] While imams in Germany seemed to regain a "mission" with de-radicalisation initiatives, they were also weakened in the eyes of Muslim communities by responding to the security expectations of the German state.[134]

The decline of the intellectual

In his book *Where Have All the Intellectuals Gone? Confronting 21ˢᵗ Century,* published in 2004, sociologist Frank Furedi laments the absence of stimulating intellectual debates in Western universities, and the disappearance of the intellectual's public role as a leader of ideas.[135] Furedi is not the only one to make this observation; many academics regularly announce the end of the era of the intellectual in France as in the rest of Europe. Furedi attributes this decline of the intellectual to the pernicious influence of postmodernism and the commodification of culture. Such influences have also undermined respect for authority, the subject, the author, the university, education and the book. The pursuit of "truth" has been replaced by the cultural market that

[131] Berlin Social Science Center 2013.
[132] Röther 2021.
[133] Röther 2021.
[134] Röther 2021.
[135] Furedi 2006: 1–5.

evaluates intellectual "products" by their profitability, relevance to personal "needs" and to a perverted pseudo-knowledge that has become an automaton in service to a machine. The decline of the intellectual in the West also affects all claims to authority and "elitist" claims; the challenges to values and truths posed by postmodernism and its militants have forced intellectuals to abandon their intellectual authority and to lay low, producing meaningless knowledge in the face of the cult of the banal.[136]

In recent years, not only has the authority of the intellectual been questioned, but speaking itself has become questionable. The public is less and less susceptible to the ideas of intellectuals, and some student audiences even censor/suppress academic discussion within universities about Islam (and other subjects). Today, it is increasingly difficult for academic intellectuals to discuss the topic of Islam because the zeitgeist for students (at least for vocal and active groups), is the study of "decolonial" ideologies, which dismiss the critique of Muslim thought as merely an arrogant enterprise of "power" exercised over Muslims. The rise of social networks as a militant tool has also accelerated the decline of the intellectual; activists and their political networks have taken over Twitter and Facebook and "anonymised" ideas and mobilisations.

Despite a breakthrough in the post-2001 years, the new Muslim intellectuals have not been able to make any inroads, especially in the face of activists and preachers, well served by social connections and transnational networks of discourse and funding. The recent example of the Islamic associations in Freiburg im Breisgau who pushed for the successful dismissal of the critical thinker Abdel-Hakim Ourghi, a university professor of Muslim theology (2021) at the University of Education in Freiburg, shows the precarious position of intellectuals.[137] Frequently, clashes oppose activists and liberal Muslim intellectuals in Germany that turns in favour of the activists.

The feminist authority figure still finds it difficult to gain legitimacy among the majority of Muslims, even though there are now women imams

[136]   Furedi 2006: 6.
[137]   Südwestrundfunk 2021.

in Paris, Berlin and Copenhagen who exert a marginal influence and who attract only a dozen of people under security restriction.[138] Even if societies are less patriarchal, especially European societies, the implicit of religious authority continues to be masculine, independently of religions. As was explained previously, figures of religious authority are seen by Islamic ethics as "heirs of the Prophet" who is the prototype of religious authority in Islam, that is a patriarch (similarly to Abraham whom Muḥammad claims the legacy). As for the spouses of the Prophet, they are seen as "mothers of the believers", the prototype of *moral authority* exemplified in virtuous women, and are viewed *not as religious authorities,* but as motherly, virtuous women.

Other Muslim women activists claim the moral authority of political action knowing that this authority is not of the same order as religious authority itself. Actions such as the #MeToo movement create a space where Muslim women could mobilise this moral and political authority against dominant religious authority figures.

Tariq Ramadan's affair has dramatised how the #MeToo movement, an instance of anti-authority and a case that simultaneously illustrates the power of social networks, has led to the downfall of an intellectual who has enjoyed unparalleled religious authority in the Muslim community (compared to other Muslim intellectuals in Europe). Tariq Ramadan was the "brother-intellectual" for a significant number of Muslims in Europe, a brother in the Muslim ethical sense, one who leads by example of moral integrity and in accordance with what he preaches. The five indictments for rape (France), rape of a vulnerable person (France), sexual assault (USA), rape with cruelty (Switzerland) and gang rape (France)[139] put an end to Ramadan as a figure possessing "moral authority". In this regard, the German philosopher of ethics W. H. Werkmeister warned against the idea that a philosopher or theologian can occupy a place of "moral authority" comparable to that of the parent, because sooner or later one discovers the moral contradictions of

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[138] Couvelaire 2019.
[139] Le Monde 2020a.

the latter.[140] Tariq Ramadan, who has been teaching the rules of Islamic morality since the 1990s, has established himself as a moral authority, and this authority has suffered for the majority of Muslims since his admission of adultery.[141] To indicate his diminished profile, Tariq Ramadan's posts on Facebook before his affair was revealed in 2017 were commented on or liked by thousands of people; today barely a few dozen people still read what he has to say.

In France and Belgium in particular, the challenge of the emergence of a new Muslim thought has been promoted by some intellectuals like Rachid Benzine and Abdennour Bidar. However, this new trend in thought has come up against insuperable limits and difficulties that sometimes seem impossible to overcome. Three obstacles play a decisive role in this failure, they are the following: (1) intellectualism, as these ideas and projects are often produced away from the lived Islam of ordinary Muslims around traditionalist beliefs and rites of piety. The renewed or emerging popular interest in Islamic piety does not favour intellectuals and new thinking, which are separated from the "mass of believers" by a spiritual, ethical and communal divide;[142] (2) the lack of places of worship, networks or Islamic institutions that should materialise these ideas in actions and initiatives; (3) the imperviousness of theologians-jurists to the new thinking, because after half a century of Muslim presence in Europe, religious scholars continue to resist ideas such as Quranic herme-neutics for example.

[140] Werkmeister 1976: 96.
[141] France24 2018b.
[142] See for example the difficulties of the Al-Kawakibi Foundation's Islamic Reform project in France set up in 2015 (Ben Rhouma 2015a). Some of these new intellectuals, such as Ghaleb Bencheikh, have significant resources at their disposal (the *Fondation de l'Islam de France,* among others), but do not produce an alternative to religious thought; in his new book *Petit manuel pour un islam à la mesure des hommes* (2018), he calls for a theo-logical counter-attack that must be carried out at the level of religious thought, but does not specify the content of this theological response (apart from recalling the values of citizenship and freedom of expression), and paradoxically places the responsibility for it on theologians.

The moralising state

States in Europe are increasingly assuming an intrusive moral posture (Cédric Groulier's notion[143]), in their role as moral authorities they sometimes dwell on religious issues. We know that the liberal state in Europe is torn between imposing or not imposing norms relating to freedom of expression and dress, among others. This paradox will become more pronounced as the neo-liberal state appears to be less tolerant of differences of opinion, even as ethno-religious identities continue to claim visibility in the public space (see the headscarf issue for example).[144]

A moralising state is not moralistic in the common sense of the word (that is, the state would want people to abide by virtues). Instead, a state is moralising when it maintains a certain hierarchy of values and is keen to impose these values on the public. France and Belgium in the recent years seem particularly interested in "condemning" Islamic moral discourses. As such, the state turns into a pro-active type of moral authority which competes with their Muslim counterparts (as I elaborate on in Chapter IV). Suffice it here to say that all states are moralising (because all states function with a hierarchy of values) but that the liberal-secular state in Europe has intensified its moralising role since the wave of terrorist attacks in the years 2015–2017.

Thus, the Belgian federal government in power since October 2020, and under the initiative of the Minister of Justice, Vincent Van Quickenborne (Liberal) decided to withdraw the recognition of the Muslim Executive of Belgium because the latter would be "an obstacle to the emergence of a modern Islam".[145] In France, the Charter of Principles for the Islam of France (January 2021), which is supposed to reorganise Islam in France, is another example of how the moralising and sovereign state, a paradox for a liberal state, intends to establish a state guardianship over the actors of Islam. The charter calls for adherence to the values of liberty, equality, fraternity, secularism and reason as an ethical

[143]   Groulier 2014.
[144]   Joppke 2014.
[145]   Dremiere 2022.

framework for Islam in France, even though these values have no place in the value system of Muslim ethics.

In the summer of 2021, the Minister of the Interior, Gérald Darmanin, dismissed the Imam of the Attakwa Mosque in Saint-Chamond, in the Loire region, following a sermon in which he called on Muslim women "to stay in your homes and do not show off in the manner of women before Islam. Do not be too complacent in your language with the one whose heart is sick, that is, the hypocrite. Be bastions [...] of goodness and virtue and not bridges to corruption and vices".[146] This sermon was, according to Darmanin, discriminatory and contrary to gender equality.

Recently, Yūsuf al-Qaraḍāwī (1926–2022), the Egyptian–Qatari Sunni theologian based in Doha, whose influence is widespread in Europe, enunciated the major values of Islam as nine: servitude to God alone, purification of souls, consolidation of virtue, pursuit of happiness, respecting the dignity of the individual, strengthening the family, building the good society, the obligation of the Muslim community to assume leadership through moderation, and the maintenance of international relations based on peace.[147]

Thus, mainstream Muslim ethics and the ethics of the Charter of Principles for Islam in France develop value systems that have little common ground. Moreover, Muslim ethics are part of a model of Islamic society "where there is no dissociation between ethics on the one hand and science, politics and economics on the other" and are not very much in line with the liberal and secularised ethics in the West.

Clashes have emerged in recent years in the public space between the laws of the European states and sharia norms in clothing, family, food, finance, blasphemy, among others. Various quantitative surveys on the presence of Islam in Europe show more or less significant forms of reticence regarding the insertion of the Muslim ethos in European socio-political landscape. Recently, for example, an IFOP in France survey (March 2021) shows that 52% of Muslim young people are mostly in favour of wearing the veil in high

[146] Narboux–Cattaneo 2021.
[147] CILE 2018.

schools.[148] This survey concluded that the majority of young people "prefer a rather minimalist vision of secularism, associating it primarily with equal treatment of different religions".[149] Another IFOP survey (November 2020) concluded that 57% of young Muslims consider Sharia law more important than the law of the Republic (+10 pts since 2016) while 44% of French Muslims support the law banning the wearing of religious signs in public schools, colleges and high schools.[150] Other surveys, including that of Anne Muxel and Olivier Galland,[151] the one commonly called "Black, Yellow, Blues" conducted by the think tank *Ceci n'est pas une crise,* in Belgium,[152] the survey of the WZB Berlin or the survey conducted by Detlef Pollack at the University of Münster in Germany, produced similar results.[153]

RESILIENCE AND THE LIMITS TO RELIGIOUS AUTHORITY

The recent changes in European societies have set limits on the capacity of Muslim figures of authority to exert influence in their respective communities. Yet, these figures of authority have shown an uncanny resilience and a sense of pragmatism in bouncing back against these restrictions. As I explained earlier in this chapter, resilience is regeneration in the face of adversity. Religious figures of authority engage in constructive dynamics at four levels I discuss here: (1) the Covid-19 health crisis; (2) relations to states; (3) relations to communities; (4) dissent. In the following, while illustrating the changes as challenges to the limits of religious authority and processes of secularising, I also consider how religious authority contributes to the

[148]   IFOP 2021.
[149]   IFOP 2021.
[150]   IFOP 2020.
[151]   Galland–Muxel 2018.
[152]   Le Soir 2017.
[153]   Berlin Social Science Center 2013.

positive dynamics of construction, insertion and to the training of future generations albeit through processes of re-sacralising.

Medical epistemic authority

One of the limitations to religious authority was highlighted by the Covid-19 health crisis (2020–2022) which diminished the epistemic authority of the theologian-jurist and the imam even though some people have asked the question whether the vaccine is halal or not. For example, the Muslim Executive of Belgium intervened to say that vaccines in Belgium are halal.[154] The theologian-jurist did defer to medical authority during the health crisis as illustrated by the Dublin-based European Council for Fatwa and Research whose statements on Covid-19 involved medical doctors, and did not challenge medical instructions promulgated during the health crisis. In general, the rapid and recent developments in the bioethical field make theologian-jurists unable to compete with the persuasive force of medical epistemic authority.

Most Muslim jurists, as the case of the European Council for Fatwa and Research (the ECFR) shows, have reacted to innovations in medicine and technology with a sense of adaptation: they have mainly invested the genre of fatwas which they used to assert their religious authority as speakers on behalf of the sharia (to respond to the competition of medical experts) and masters of Islamic legal deliberations, allowing some practices (e.g. body transplantation) and forbidding others (e.g. surrogate motherhood) and focusing on the implications of bioethics for the religious life of Muslim believers.[155]

We know that *fiqh* enjoys primacy in Islamic traditional knowledge and religious authority. However, Islamic bioethical decision-making is increasingly difficult for Muslim jurists to undertake alone; as Ebrahim Moosa, a US-based South African reformist thinker, puts it:

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154   Ryckmans 2021.
155   Krawietz 2014: 301–302.

Muslim jurists can no longer be satisfied with quantifying beneficence or harm by intuitive measurement, or by the lights of scriptural reasoning, but will need concrete empirical indicators in addition to other indices. If the measurement of good and evil remains an abstract quality, it is inevitable that the dissonance between the instrument of measurement and the thing measured will be very different, thus reversing the hierarchy between lawyers and scientists; and empirical knowledge clearly takes precedence over religious knowledge in bioethics.[156]

Admittedly, some Muslim preachers or activists in France have attempted to respond with Islamic ethical discourses on the Covid-19 pandemic; for example, some preachers have associated Covid-19 with divine justice while others have recommended invocations to protect against it. Nevertheless, there was a general call in mosques to follow health guidelines. Although some distrust of vaccines has been observed among some Muslim populations,[157] this distrust is shared with conservatives across religious lines all over the world.

For example, the ECFR issued 21 fatāwā in April 2020, about the right religious belief and the right practice during the health crisis. The deliberations of the ECFR were led by Ṣuhayb Ḥasan ʿAbd al-Ghaffār, better known as Ṣuhaib Ḥasan, the chairman of Masjid al-Tawhid in the UK and Secretary of the Islamic Sharia Council of Great Britain. Ṣuhayb Ḥasan is a prominent figure of Salafism in the UK. Four Muslim medical doctors were invited to the deliberations (only one of them specialised in virology) from France, the UK and Germany to meet the Muslim jurists for consultation and legitimacy. In its conclusions, the ECFR displayed some flexibility in terms of religious practice but did not concede anything in terms of orthodoxy which remains inviolably Sunnī, traditionalistic and God-centred. For the ECFR, human agency consists in passing the test by engaging in piety and invocation of God's mercy and if any evil happens the blame should be put on humans. Causality is also essentially divine: God creates calamities and disasters, God removes them, and God is wise in all his actions.[158]

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[156] Moosa 2014: 463.
[157] L'Express 2021.
[158] Belhaj 2021b: 42–47.

The limit imposed by executive powers in Europe
following the wave of terrorist attacks (2015–2020)

Another limit to this religious authority is the one imposed by the executive powers in Europe mainly for security reasons (see the cases of Austria, Germany, France and Belgium in particular). Countries such as France intend to go further in this security approach, notably by trying to combat "Muslim separatism" outright and to make Islamic leadership accept "secularism from above" at all costs.[159] Countries such as Austria, Germany, France and Belgium are expelling imams and closing down Salafist mosques and publishing houses.[160] Security measures are not only aimed at Salafist mosques and associations, but also at Shīʿī ones, as is the case in Münster, Germany in connection with Hezbollah.[161] These security measures will certainly have an effect on religious action although these measures will be unsustainable in the long term, especially in liberal political systems that will have to deal with significant demographic and political changes in the near-future.

The last two Belgian governments have also imposed limits on religious authorities since the 2016 Brussels attacks; for example, in 2017, State Secretary for Asylum and Migration, Theo Francken withdrew the residence permit of the Egyptian-born imam of the Grand Mosque of Brussels, ʿAbd al-Hādī Suwayf, for "Salafism".[162] In 2018, the Belgian government withdrew control of the Great Mosque of Brussels from Saudi Arabia.[163] In 2020, the Belgian government revoked the management of the mosque from the Muslim Executive of Belgium, accusing employees of the Grand Mosque of spying for Morocco.[164] The Belgian government also withdrew the residence permit of the imam of the Turkish mosque of Houthalen-Helchteren Yeşil

[159]   Mizan 2021.
[160]   Tésorière 2021; Meurin 2021.
[161]   T-Online 2022.
[162]   L'Avenir 2017.
[163]   Witvrouw 2018.
[164]   Le Soir 2020.

Camii for homophobic statements in June 2021[165] and in January 2022 of the imam Mohamed Toujgani of the al-Khalil mosque in Brussels for "signs of a serious danger to national security".[166]

This is a significant and revealing change in the clash between the executive powers in Europe and the religious authorities that has marked the last few years and seems to be growing with time, regardless of the political party of the minister or government in place in Europe. These powers clearly intend to control the religious field, which would mean, among other things, that security will be a more decisive issue in the relationship of European states with Islam, who try to limit foreign interference, conservative Islamic ideologies and financial flows.

Paradoxically, the control that executive powers hope to exert over religious authorities leads to two outcomes: (1) resistance, which reinforces the prestige of the authority figure and his influence within the community; (2) rallying, which alienates the Belgian federal government and its Muslim "allies" from the Muslim communities they intend to control. The imposition of control, as can be observed in predominantly Muslim societies, can work, in some cases, only through a "quasi-total" control over the religious domain including places of worship, payment of imams and preachers, and through the daily security and organisational supervision by a Ministry of Islamic Affairs. All these devices are mobilised to "establish moral security". European states being formally, secularised and democratic (attributes that are weakening in the neo-liberal states anyway) are unable to adopt this kind of control structure, even if at the level of discourse some are tempted to do so; these tensions with religious authorities are seemingly intractable and virtually irresolvable. The fight against foreign interference and for security will lead the executive powers in Europe to more interference in the religious field and confrontation with religious authority figures, even to rupture, which creates a deep unease and resistance from Muslim communities and their religious authorities as well as a growing alienation. The

[165] Vlaeyen 2021.
[166] Guillaume 2022.

expulsion of imams (Austria alone expelled 60 imams in 2018[167]) without the adherence of Muslim citizens to the state and its values, will have no impact on the day-to-day business of Islam. In Belgium, for example, out of 292 mosques, only 90 mosques are recognised by the Muslim Executive of Belgium and their imams are paid by the state; thus, the majority of imams in Belgium operate outside the power of the state.[168]

In France, imams as well as activists and intellectuals "fight back" against what they see as "state interference" in religious matters. For example, the ex-imam of Beauvais (Oise), Eddy Lecocq – Islem Eddy Abou Ouweys responded to his suspension and the closure of his mosque by joining the Collective against islamophobia in Europe and mobilising human rights to counter the French state interference in the religious field.[169] The Collective against Islamophobia in Europe is an association born from the forced dissolution of the Collective against Islamophobia in France in 2020 by the French Government. A tendency is observed among Muslim activists all over Europe to mobilise the principles of diversity, equity and inclusion to counter the security and political measures taken by states after the wave of terrorist attacks in Europe.

The community limit

Knowing that religious authority in Islam is relative to its community base, hence its pluricentrality, recent (intra-national) tensions between "Muslim communities" in Europe: Turks vs. Kurds, Moroccans vs. Algerians, Sunni Iraqis vs. Shīʿī Iraqis, etc. have generally limited the influence of religious authority figures outside their communities. Massive Syrian immigration to Germany and Sweden, for example, has strengthened the "Arab camp" in the face of Turkish and Sunni domination (especially benefiting the Muslim Brotherhood) in the face of Shīʿī competition, which is quite visible in Sweden

[167] BBC 2018.
[168] Executief van de Moslims van België [s. a.]; Exécutif des Musulmans de Belgique [s. a.].
[169] CCIE 2022.

in particular. These changes in the ethnic-religious configuration of the communities have implications for the emergence of Syrian religious authority figures in Europe. This is the case of the already very controversial Syrian Islamic Council created in Istanbul in 2014, formed by Syrian Sunni theologians exiled abroad, which intends to represent Syrians in the diaspora. The Syrian Islamic Council also claims to be a "unified moderate Islamic legal reference for the Syrian people, which preserves their identity, freedom and independence";[170] this Council became known especially in 2018 by the fatwa that prohibits young Syrians from marrying non-Muslim women in Europe.[171]

Dissent and anti-authority

Another limitation to religious authority is the initiatives taken to challenge certain structures or authority figures. Several cases illustrate this element; for example, the Paris Mosque left the French Council of the Muslim Faith, followed by other organisations, leading to its disintegration.[172] Another example is the case of the Central Council of Muslims in Germany (ZMD), which expelled the German Muslim Community (DMG, close to the Muslim Brotherhood) in January 2022 for extremism. In Belgium, the *Association des Fidèles de la Grande Mosquée de Bruxelles* plays the anti-authority game to the full and willingly cooperates around "an Islam of Belgium" with the federal government against the Moroccan and Turkish actors dominating the Muslim Executive of Belgium.[173] The central figure of this association Mohamed El Farhaui (born in Nador, Morocco in 1962 and naturalised citizen of Belgium in 2016[174]) is a manager who claims transparency in the management of the

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[170] The Islamic Syrian Council: Al-Majlis al-Islāmī al-Sūrī (https://sy-sic.com).
[171] ʿInab Baladī 2018.
[172] La Croix 2021.
[173] Les Fidèles de la Grande Mosquée de Bruxelles (https://fr-fr.facebook.com/FGMB. ASBL/about).
[174] Le Moniteur belge 2016.

EMB;[175] however, transparency alone cannot give the manager enough standing to emerge as a competing religious authority figure.[176]

The dissidence of the so-called "liberal Islam" is, in the end, marginal or instrumentalised, and seems to represent similar projects/schemes to those already in place within the Muslim Executive of Belgium. Liberal Islam intends to go beyond what forms the very backbone of Belgian Islam, namely, the ethnic community: Moroccan, Turkish, Pakistani, etc. The various initiatives taken by Michaël Privot in this sense between 2015 and 2019[177] testify to the narrowness of the margin of manoeuvre enjoyed by dissidence; without the support of activists or "community" theologians and imams, the discourses of liberal Islam do not find large audiences in Belgian Islam. Also, the Collective *Laïcité Yallah,* whose dissidence is a total break with traditional religious structures and authority figures, which is not the case of Privot's liberal Islam, is outside the Islamic religious domain. The Collective *Laïcité Yallah* is more of a nuisance than an actual sign of transformation of Islam in Belgium. Created in 2019 at the initiative of the Centre d'Action Laïque, the Collective *Laïcité Yallah* adopts a secularism of combat[178] that is strongly contested by the majority of Muslims.[179]

Finally, beyond intra-Islamic dissidence, anti-authority attitudes manifest themselves in the contestation of the system by youth movements, encouraged by the social and political crisis. In Belgium, this dissent has manifested itself in the movement of Dyab Abou Jahjah (2002–2006), Sharia4Belgium (2010–2012) and #HijabisFightBack (2020–2021). The political contradictions in Europe between "liberalisation" and "authoritarian measures" are generating tensions, anti-authority and anti-system actions within Muslim

[175] DiverCité 2021.
[176] Blogie 2019.
[177] Saphirnews 2015; Ben Rhouma 2015b; Hoffner 2019.
[178] Collectif Laïcité Yallah (www.laicite.be/laction-laique/nos-engagements/collectif-laicite-yallah).
[179] See some recent surveys on the perception of secularism among Muslim audiences: Pétreault 2020; Mathoux 2021.

communities, which could have some impact in the same way as the Yellow Vests in France and the anti-vaccination movements in Europe.

CONCLUSION

Considering that religious authority is the nexus between individual charisma (of the authority figures themselves) and collective charisma (of the community and its founding beliefs), traditional religious authority (theologians-jurists, imams and preachers) is undergoing changes within Muslim communities and in their societies in general. The structures of authority are resisting the influence of social media and digitalisation, but less so the social distancing that has fostered the autonomy of individual practices.[180] Traditional authority figures respond by claiming more autonomy and service to the community; however, these figures continue to call to the community organisational structures, which benefit mainly to the activists and managers.

Intellectuals continue to struggle to validate their religious legitimacy with Muslim communities; in such a climate of political urgency, intellectuals do not have sufficient financial and symbolic resources to compete with traditional authority figures.

Finally, there are limits to religious authority, particularly because of the various state mechanisms in Europe that now aspire to regulate the training of imams, to bring about a modern Islam and to restructure the religious domain. Moreover, the radicalisation of a section of Muslim youth has led the states in France, Belgium and Germany to close mosques, expel imams, etc. The health crisis linked to the coronavirus has highlighted the epistemic authority of medical experts at the expense of that of Muslim theologians-jurists. Yet, the latter could benefit from the renewed interest in religious piety and the persistence of ethnic-religious communalism in Europe.[181]

[180]   Berzano 2019.
[181]   Lhuillier 2021.

Chapter II

The Religious Manager between Religious Authority and Political Power: The Case of the Muslim Executive of Belgium

INTRODUCTION

The Muslim Executive of Belgium (EMB) has been the representative body of Islam in Belgium since 1996. Ever since its creation, this organisation has symbolised the difficulties of representing Islam in a non-Muslim society, and in dealing with the role of the state, in relation to religious authority and political power. On the one hand, the majority of mosques and Islamic actors/adherents do not recognise the religious authority of the EMB even though it claims this authority through the Council of Theologians, among other mechanisms. On the other hand, while being an official and federally funded body, the EMB maintains political loyalties to Morocco and Turkey and relies on an ethnic-religious anchorage in the Moroccan and Turkish communities in Belgium.

This apparent inconsistency is ultimately explained by the problem of religious authority in Islam: the religious authority figure articulates the individual charisma and the collective charisma of the community. Thus, the religious community provides the religious authority figures with the structures and status to exercise that authority. Because Islamic communities are diverse, religious authority figures are also heterogeneous.[182] Moreover, the Muslim religion presupposes social and political "community" dimensions entailing political loyalties. Consequently, religious authorities will automatically involve autonomies and dependencies vis-à-vis political power.

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[182] Hallaq 2004: 243–258.

A question, therefore, arises here: how does the liberal and religion-neutral Belgian state plan to empower or control Muslim authority in Belgium? While an authoritarian state in the Muslim world can impose, through a ministry of religious affairs, the unifying structuring of the religious field, a liberal state is quickly confronted with the following paradox: if this state grants rights in terms of diversity, equality and inclusion to Muslims (including the right to develop heterogeneous ethnic, religious and political communities), can it install a "representative of Muslims" who enjoys "religious legitimacy among Muslims" while being loyal to the Belgian state? Can such dual allegiances be sustainable? Can this involvement of the state jeopardise its secular status? Can one be a good Muslim if one espouses a view of divided loyalties? (Being a good citizen of a secular society and at the same time, being a good Muslim?) Are the secular values of modern Western societies antithetical to the tenets of the Muslim religion? Or can they be reconciled?

THE MUSLIM EXECUTIVE OF BELGIUM:
RELEVANT FACTS

The Muslim Executive of Belgium was created by the Royal Decree of 3 July 1996; this executive was envisaged by Belgian law as: (1) the institution in charge of managing the temporal aspects of the Muslim religion; (2) the representative of the whole Muslim community; (3) the place where various problems related to the Islamic religion are settled.[183] However, it should be noted that the representation of "the Muslim community" is perceived here as a "religious community", even though the concept of community in Islam goes beyond the temporal framework of the religious dimension, since Islam is not only a spiritual faith, but also a set of social and political relations between the members of a community. It can therefore be said that the Belgian state envisaged an *executive* with a dual function: to lead the Islamic religion and to represent the

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[183]   Le Moniteur belge 1998.

community of Muslims in Belgium to the state, without taking into account the "extra-religious" dimensions of Muslims. As a result, it can be said that the Muslim Executive of Belgium was born in ambivalence.

In 1999, the Belgian State committed itself to paying "a regular subsidy to the Muslim Executive of Belgium, which is allocated annually to enable it to carry out all of its missions without having to resort to loans".[184] In addition, the federal government was keen to "help mosques, finance training for mosque administrators, and pay an operating subsidy to the EMB, aid that only the Islamic religion has received".[185] In 2020, the EMB received 1.5 million euros from the Belgian federal government.[186] Since the recognition of the EMB, the role of the federal government has often been limited to paying the subsidies to which it had committed itself, and sometimes to favouring certain actors within the EMB for political reasons.[187] The action of the Belgian state was logically limited, in any case, under the guise of neutrality although the aid given to the EMB could be seen as "favoring certain religious actors" over others.

The same year, and after the first elections were held on 13 December 1998, the Belgian State recognised the Muslim Executive of Belgium as "the representative body that will in future be the interlocutor of the authorities, both at federal level, as regards the temporal aspects of worship (appointment of imams and chaplains and the administrative management of local communities) and at community level, in particular as regards education (curricula, inspections and the appointment of teachers of religion)".[188] After this recognition, the Belgian State perceived the Muslim Executive of Belgium as a body that represented "the entire Belgian Islamic religious community".[189]

This reduction of the divided identities and loyalties of Muslim populations in Belgium to the "Belgian Islamic religious community" underestimated

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[184] Le Moniteur belge 1999a.
[185] Husson 2020: 20.
[186] For more information see www.ejustice.just.fgov.be/doc/rech_f.htm.
[187] Sénat de Belgique 2004.
[188] Le Moniteur belge 1999b.
[189] Le Moniteur belge 1999b.

important elements of the Muslim presence in Belgium: the Muslims' affiliations were heterogeneous as they came from different ethnicities, religious denominations and political loyalties; the majority of these groups are fiercely attached to their particularities, even if they find the idea of a representative body useful as it allows them to receive subsidies from the state, the possibility to negotiate with the Belgian state and a management structure of the religious service, among other things.

These ambiguities around the expectations of the Belgian state and those of the different Muslim communities were to generate successive crises a few years after the installation of the first EMB office.[190] In 2005, tensions arose within the Muslim Executive of Belgium and after a year of negotiations, the Executive was not able to reach a consensus to organise elections to renew the board. Further crises plagued the EMB in 2013, 2016 and 2021, notably due to conflicts of dominance between loyalties to Morocco, Turkey and the Muslim Brotherhood, to the point where it can be said that the factional jockeying to rule over the EMB was convulsed in the crisis.

As commented by Monique Renaerts in 1999, the responsibility for these fractious ambiguities is shared between the Muslim Executive of Belgium, which was set up after long negotiations in the different Muslim communities and the Belgian state which perceived the Muslim Executive of Belgium as a temporary interlocutor for public powers of limited function.[191] In agreement with the Minister of Justice, the Muslim Executive of Belgium was the result of organised elections "in order to give a legitimate and democratic base to a body that would finally be able to obtain official recognition and which would have all of the powers normally conferred to a *Chef de Culte* (Religious Group Leader)".[192] Out of the elected members, the office which was to elect the chair of the Muslim Executive of Belgium was composed of 17 members, comprised of 7 Moroccans, 4 Turks, 3 converts, and 3 'other nationalities'.[193] Thus, what

[190]   Le Moniteur belge 2005.
[191]   Renaerts 1999: 26.
[192]   Renaerts 1999: 26.
[193]   Renaerts 1999: 26.

defines, after all, the Muslim Executive of Belgium is neither being Muslim or Belgian, but being of a certain ethnic origin, particularly being of Moroccan or Turkish descent. This seems to respond to "the democratic expectation" of the Belgian State and the various Muslim communities. However, such expectation would trap the Muslim Executive of Belgium in power issues as it would make the exercise of its religious authority subject of constant contestation.

It matters as well that the initiative of the Muslim Executive of Belgium was unilaterally taken by the Belgian State. Muslim communities themselves did not demand such centralisation or organisation. The leaders of Muslim communities saw the elections and the subsequent EMB as "a rushed effort, lacking any consultation with or contribution from these communities themselves".[194] This is all the more interesting since the French Council of the Muslim Faith was a similar initiative adopted by the French state in 2003 which was subsequently dissolved in 2022. In both cases, the state looked for centralisation of religious authority which is in Muslim contexts by nature decentralised.

Nevertheless, if the various Belgian Muslim communities accepted to play the game and participated in the process of electing an EMB, such a body would have objectives set by the state that would not match those of the Muslim communities. The latter believed the EMB would "institutionalize the recognition of Islam as a Belgian religion".[195] Moreover, recognition meant for Muslims "that their futures lay in Belgium".[196] Muslim communities also perceived the institutionalised recognition as a way to obtain "state funds, to provide for the salaries of the employees or religious leaders as well as other kinds of material support".[197]

In the 1990s, the major concern of the Federal governments was security and lack of integration.[198] This was a shared "moral panic" between France and Belgium around the headscarf crisis, coupled with "The Satanic Verses"

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[194] Kanmaz 2002: 109.
[195] Kanmaz 2002: 102.
[196] Kanmaz 2002: 101.
[197] Kanmaz 2002: 102.
[198] Loobuyck et al. 2013: 69.

controversy and the Gulf War.[199] Such considerations impacted the EMB elections themselves as the government proceeded to screen and eliminate some candidates because "they were perceived as dangerous fundamentalists and who organized opposition to the newly elected EMB".[200] Thus, the Belgian State was actively "securitizating Islam"[201] in Belgium as various global and local Muslim actors politically contested, in the name of Islam, Belgian internal or foreign policies. The Belgian State was looking for a "unified, simple and centralized" solution for a whole range of problems that emerged in connection to Muslim immigrants in Belgium. This logic of power on behalf of the state ignored the complex identity, authority claims and mobilisations of Muslim communities which could barely be expressed in the EMB.[202]

The Belgian state assumed that the majority principle (as in the democratic rule) would settle the question of representation. While in politics the majority can change and the minority can be represented in coalitions, religious authority follows different lines, and the principle of accountability (parliament, etc.) does not apply in the case of religious authority. These elements made the work of the *Muslim Executive of Belgium* extremely daunting and complicated.

Concerning the ambivalence of religious authority and political power within the EMB, I propose to take a closer look at the configuration and functioning of the current EMB board. This board was elected from the delegates of 284 mosques in 2014, out of 292, the majority of which are not recognised or managed by the previous EMB.[203] The election mechanism itself is problematic as it is a political tool applied to an area of religious authority, which operates by hierarchy and not by universal suffrage (imams are not elected by suffrage). That said, the majority of mosques are not recognised by the Belgian state because they are not managed by the EMB, yet these same mosques are asked to elect the board of the EMB whose religious authority

[199]   Rath et al. 1991: 102.
[200]   Rath et al. 1991: 70.
[201]   Rath et al. 1991: 73.
[202]   See Maréchal–Djelloul 2022.
[203]   Husson [s. a.].

they do not recognise. The delegates must then "choose" between "candidates" who are already influential within the EMB, an influence they owe to their proximity to Morocco or Turkey.

Between 2014 and 2016, the Muslim Executive of Belgium was chaired by Noureddine Smaili, instructor of Islamic religion, mosque manager, and who has close ties to Morocco; he was followed by Salah Echallaoui, manager of Islamic associations, inspector of Islamic religion courses and who also has close ties to Morocco. He led the EMB between 2016 and 2018. Since 2018, the EMB has been chaired by Mehmet Üstün, a mosque manager, close to the Millî Görüş organisation of Turkey. The changes in the presidency reflect arrangements between "influential circles" within the EMB to rotate the presidency between presidents who have close ties to Morocco and Turkey. These arrangements have long been accepted by the Belgian state as a "temporary solution" in the absence of an alternative, as a malfunctioning EMB would be better than nothing. However, the current federal government in Belgium seems determined to change its approach and aspires to replace the EMB altogether.[204]

ISSUES OF AUTHORITY AND POWER

The Belgian federal government, in place since October 2020, and under the initiative of the Minister of Justice Vincent Van Quickenborne (Liberal), has decided to withdraw recognition from the EMB for the following reasons:

> 1. The EMB is no longer a discussion partner. 2. The operations of the EMB are not transparent, its structure is not clear and there is strong foreign interference from Turkey and Morocco. 3. The organisation is not representative of all Muslims in the country. 4. The EMB is run by an older generation that has lost contact with young Muslims. This prevents the emergence of a modern Islam. 5. The place of women is still too weak and the possibility of appointing co-opted members from other sections of Islam has been abandoned.[205]

[204] Dremiere 2022.
[205] Dremiere 2022.

Thus, the Belgian federal political power contests the legitimacy of the EMB to represent "local Islam" in Belgium as well as its links to foreign political powers. Indeed, the EMB is a structure of both "religious authority" and "political power". On the one hand, the EMB exercises a certain religious authority, even if it is limited, through the Council of Theologians, by the influence on religious discourse, the management of education, the training of imams, etc. On the other hand, the EMB was created by the Belgian federal government and remotely guided by Morocco and Turkey. However, the articulation of religious authority and political power is not without risks, as religious counter-authorities have emerged within mosques and Islamic associations to reject the "religious" legitimacy of the EMB for being a "governmental body". Finally, the close ties between the Muslim Executive of Belgium to Morocco and Turkey pose "security" and "sovereignty" problems for the Belgian federal government.

If the Belgian federal government has the means to abolish the EMB as a representative body of the Muslim faith, it is because the religious authority of the EMB since inception is endowed with substantial limitations; firstly, this religious authority was born in conditions that confined it to the role of "interlocutor of the state", having to respond above all to the impositions of the Belgian federal government regarding the regulation of Islam. Secondly, this religious authority suffers from a major deficit in terms of influence on the Muslim communities it intends to represent, as the EMB is absent from the majority of mosques and Islamic associations on the ground. Finally, the Council of Theologians of the EMB, which is itself dependent on the presidency of the EMB, is not transparent and not very visible in the world of Belgian Islam and has not been able to play a significant and autonomous spiritual role. As a result, the EMB's links to the Belgian federal government, and its compromising ties to Moroccan and Turkish political powers, have limited its status as a credible institution of religious authority within the Muslim communities of Belgium.

This could not be otherwise given that a state institution, which is the case of the EMB, is above all a power structure; Jean-François Husson recently

recalled how "the EMB's role as an interface with the public authorities is central;"[206] this is a key element in understanding the current crisis between the EMB and the Belgian government. The EMB faces a paradox: balancing the interests of a Belgian federal power that guarantees its institutional authority with those of the Moroccan and Turkish political powers to which it is linked by communal, religious and political ties. Thus, the EMB is also trapped between the aspiration to exercise religious authority with full autonomy and the demands of the limitations imposed on it by the Belgian state.

The Belgian federal government also finds itself in a paradox: how can it intervene in the regulation of Islam and at the same time ask the EMB to be autonomous, including in terms of religious authority? And how can one wish for a representative body of the "Belgian Islamic religious community" when ethnic and political elements are part and parcel of belonging to this community? In 2005, when the EMB was in crisis and could not organise elections to renew its board, the federal government intervened by creating a commission to organise elections; they took place "in a poisonous climate that saw the abstention of part of the voters of Moroccan origin".[207] The intervention of the state is "inevitable",[208] if only in financial terms. State interference in the internal affairs of the "Islamic religion" is denounced, since the state would have exceeded its duty of neutrality by intervening in the choice of members via a "screening" process.[209]

In order to answer these questions, it will be necessary to focus for a moment on the claims of authority made by the Muslim Executive of Belgium, as these claims explain the great misunderstanding between the EMB and the Belgian state that led to the clash between the two parties. The source of the clash originates from the EMB claims to triple hybrid legitimacy: institutional, community and religious. Firstly, the EMB claims institutional legitimacy as the representative body in charge of the

206 Husson 2020: 19.
207 Husson 2020: 19.
208 Husson 2020: 13.
209 Husson 2020: 19.

management of the temporal aspects of the Islamic religion in Belgium and as the official interlocutor of the Muslim community in Belgium with the Belgian state.[210] This legitimacy grants the EMB a status of power over the structures and agents that fall under its competence. Furthermore, the EMB claims to represent the Muslim community and Islam (which, as explained, are not identical to the "Muslim religion"). Representing Muslim communities implies the consolidation of ethnic, Turkish and Moroccan community affiliations, among others. Within this framework, the EMB aims to prevent radicalism and extremism, to develop an Islam that is anchored in the Belgian democratic context and to address the challenges faced by the Muslim community.[211] These political and social aspects have little to do with the management of religion, which is the basis of the institutional legitimacy of this body. Finally, the EMB claims religious authority through the attached Council of Theologians, which intervenes on theological issues and trains imams and Islamic chaplains.[212]

These claims of authority only partly correspond to the expectations of the Belgian state. Initially, the state expected the EMB to manage the Muslim faith. It is clear that the Belgian state assumed that the EMB had the necessary religious authority because the mosques elected it. The Belgian state being neutral in matters of worship could not say what the legitimate religious authority is. The state did not give importance to the fact that religious authority goes hand in hand with the community configuration and the political implications of these links.

The hybrid authority of the EMB not only ended up trapping itself, but also the Belgian state. As long as the state had no expectations of a "modern Islam", the communitarian and religious authority of the EMB was not a major concern for the Belgian state. The evolution within the federal government towards a French-style plan where the state requires recognised Islamic actors to adopt a "local Islam" in religious and political terms that would

[210] Exécutif des Musulmans de Belgique 2022a.
[211] Exécutif des Musulmans de Belgique 2022a.
[212] Exécutif des Musulmans de Belgique 2022a.

acquiesce to the power of the state, has changed the situation. This development also showed that the EMB is not "just" an institution that manages the temporal side of the Islamic religion.

While the Belgian state uses the sovereignty argument of power to demand that the EMB submit to the demands of the Belgian state regarding the emergence of a "Belgian Islam", the EMB chose autonomy from the state and used arguments of a different nature. Thus, the EMB, through its president Mehmet Üstün, responded to the Belgian government in February 2022 with the following:

> We have to keep the interests of our religion. If the recognition is withdrawn by the ministry, we will protect our rights with the justice system. Religious freedom and religious autonomy are guaranteed by the Belgian constitution. The Minister can withdraw this recognition, but he must then put something else in the place of this executive. This will be problematic because the reorganisation of a religion belongs to the same religion. He says that there are fewer women and young people [...] there is no quota for women. We will form a general assembly of 50 people and if 50 women are chosen by the mosques, it will be 50 women. There is no obstacle for young people to be candidates. We will have a democratic election and the mosques will choose. We can't be representative of all Muslims, it's impossible. We are representative because we represent 300 mosques in this country. These mosques have formed this executive, this is our base. The relationships with countries of origin are not forbidden. All recognised faiths have international relations. The Orthodox faith has relations with Istanbul and Athens, the Anglican faith with England. There is no reason to say that this is interference, but political parties use this to discriminate against Muslims.[213]

Now that the EMB has been delegitimised by the Belgian state, and can no longer claim the institutional authority as a body of power, it can still stage its religious and communitarian authority; and the EMB intends to put forward both types of authority because it is playing for its survival in the face of the

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[213]   Grosfilley 2022.

determination of the Belgian government to marginalise it, if not replace it with another institution (as in the case of France, which replaced the French Council of the Muslim Faith with the Forum on Islam in France in February 2022). On the one hand, the EMB mobilises religious legitimacy by receiving an imprimatur from the mosques: if 300 mosques choose a body it is because its legitimacy is "ultimate and indisputable". On the other hand, the EMB reverts strongly to community legitimacy by positioning itself as a "Muslim victim of discrimination": the EMB claims religious freedoms, the right to justice, and the autonomy of worship as well as the maintenance of links with the countries of origin.

In the attempt to circumvent Belgian federal power, religious and community authority are unlikely to be enough to save the EMB in the long term. State-recognised mosques have little to gain from an institution that no longer receives state subsidies; those that are not recognised by the state have always operated autonomously. To compensate for the withdrawal of such institutional legitimacy, it is possible that the EMB will have to enhance its "religious character" by giving theologians a more prominent place, or co-opt "community" actors from outside the mosques; it is also possible that the EMB, under pressure from the state, will be forced to disband. Ultimately, the power struggle between religious authority and political systems as mirrored by the EMB and Belgian state conflict could be ascribed to the "problem space of secularism" according to Mieke Groeninck; she argues that "the fragile state-church balance achieved over religious education in public state schools in Belgium showed its ambiguities in a context of increased securitization of Islam and deradicalization measures as a rearticulation of 'the secular', in relation to its rearticulation of 'the religious'".[214] Thus, the Belgian state, as a "seculariser" confronts the EMB (and Islam) as "sacraliser". In this regard, the situation of secularisation in Belgium is strikingly paradoxical as noted by Sägesser, Schreiber and Vanderpelen-Diagre:

[214]   Groeninck 2021: 36.

Some indicators show that secularisation is continuing and lasting, even though part of the population perhaps claims to be more religious than in the past, to have a religious culture or identity, in a delicate context of stiffening identity, amidst a rise in the political role of religion, a constant interest in religious facts and religious heritage, and even the centrality of convictional questions in the public debate, combined with strong religious dynamics which are forming on the fringes of the mainstream.[215]

THE EMB'S AUTHORITY STRUCTURES

The EMB is headed by a chairman elected from the EMB board, which consists of 17 members, who are often managers of Muslim associations or mosques; the chairman's work is supported by two colleges, one French-speaking and one Dutch-speaking, chaired by the two vice-chairmen of the EMB. This linguistic division ensures better management of the French-speaking (Brussels and Wallonia) and Dutch-speaking (Flanders) regions. The EMB has four departments administered by managers: Mosques Department, Imams Department, Education Department and Social Affairs Department. The Council of Theologians is the "fifth department", although it is composed of theologians and is occasionally called upon by the president for sessions on specific theological issues. Because of this structure, the EMB has authority over the most important figures in the Islamic religious field in Belgium: theologians, imams and teachers of the Muslim religion. In addition, the EMB has the authority to appoint and recognise Islamic chaplains as well as sacrificial workers.[216]

To show the scope of the EMB's work, I propose to detail the tasks of two departments: the Imams Department and the Social Affairs Department. The Imams Department is responsible for the training of imams, the appointment of imams and the administrative management of the imam

[215]   Sägesser et al. 2016: 76.
[216]   Exécutif des Musulmans de Belgique (www.embnet.be/fr).

function.[217] The EMB provides a framework for imams in the form of the Imams' Charter (drawn up in 2009 by the Muslim Executive of Belgium, in collaboration with the Council of Theologians, which constitutes the legal reference for the function of imam).[218] The charter specifies that "The EMB is *the only body authorised to initiate disciplinary proceedings against a minister of religion*".[219] However, the authority of the EMB over imams should be put into perspective because out of 292 mosques, only 90 are recognised by the EMB[220] and therefore the majority of imams in Belgium operate outside the authority of the EMB.

The Social Affairs Department is responsible for appointing Islamic chaplains to prisons, public youth protection institutions (IPPJ), the armed forces, hospitals and nursing homes.[221] This department deals also with the issue of plots for people of the Muslim faith in public cemeteries.[222] Additionally, this service issues the Certificate of Authorisation for the practice of ritual slaughter according to the Islamic rite for "practising Muslims who are fully aware of the rites and conditions necessary for the practice of Islamic ritual slaughter".[223]

Whether it is through its action in relation to imams or that deployed at the level of social affairs, the EMB asserts a hierarchical structure that benefits the religious manager, whose decisions determine the action of imams and Islamic chaplains, among others. Furthermore, the "territories" of religious authority and "administrative" power are intertwined in the work of the EMB. To take the example of imams: the EMB defines the contours of the imam's discourse and tasks in the Imams' Charter (where the EMB has mobilised the authority of the Council of Theologians), while at the same time monopolising the power to punish the imam in the event of non-compliance with the charter.

[217]   Exécutif des Musulmans de Belgique 2022b.
[218]   Exécutif des Musulmans de Belgique 2022c.
[219]   Exécutif des Musulmans de Belgique 2022c.
[220]   Executief van de Moslims van België [s. a.].
[221]   Exécutif des Musulmans de Belgique 2022d.
[222]   Exécutif des Musulmans de Belgique 2022d.
[223]   Exécutif des Musulmans de Belgique 2022d.

AUTHORITY FIGURES WITHIN THE EMB

Within the EMB we can identify two major authority figures: the theologians-jurists (Council of Theologians) and the religious managers who lead the EMB and occupy the key functions in the EMB office.

The theologians-jurists:
Producers of fatwas and guardians of tradition

In Belgium, the theologians-jurists are organised by the Council of Theologians within the Muslim Executive of Belgium. This council defines itself as a body of "people who are well known in Belgium for their in-depth knowledge of Islamic theology".[224] This definition emphasises the legitimacy of religious knowledge, which must be recognised by peers. However, the same definition implicitly places in the background the fact that these people are not from Belgium and that their links to the Muslim community in Belgium are through this connection with the Muslim Executive of Belgium, whose intra-Islamic legitimacy is itself dependent on the Council of Theologians.

This arrangement between the Council of Theologians and the Muslim Executive of Belgium can be seen as a useful symbiosis and a double control of mutual authority between, on the one hand, an official body financially and symbolically supported by the Belgian state (the Muslim Executive of Belgium), which influences the Council of Theologians, so as not to leave the theologian-jurist too much free rein, and, on the other hand, the Council of Theologians which "survives" on its religious credentials to maintain its autonomy while giving the EMB, the administrative body which manages the "practical" aspects of the Muslim religion, and whose intra-Islamic legitimacy depends on the Council of Theologians, an authority of a religious nature. This arrangement makes each side in need of the other.

[224] Conseil des Théologiens – EMB (www.embnet.be/fr/le-conseil-des-theologiens).

Against the background of this arrangement, the functions of the Council of Theologians in Belgium are well recognised by the EMB, which both integrates the theologian-jurist into its formal structure and places limits on his authority. According to the EMB, the Council of Theologians has the following functions:

– to reflect on theological issues submitted by the General Assembly or EMB and to issue opinions where appropriate
– to issue opinions on questions proposed for reflection by local mosques or by national or international religious bodies
– to reflect on theological issues relating to the spiritual life of the Muslim community in Belgium
– to evaluate the theological competences of candidates for the position of Imam and Islamic chaplains
– evaluating and training imams and Islamic chaplains in office[225]

These different functions of the theologian-jurist can be summarised in the following two ways: the authority of teaching (which highlights the legitimacy of the transmitted religious knowledge) and that of the fatwa (which brings to the fore the legitimacy of Islamic law). The EMB first insists on the authority of the fatwa, making it the major function of the theologian-jurist. However, it avoids using the term fatwa in connection with its negative connotations in Europe, even though technically in Islamic law, giving an opinion on a religious issue is called a fatwa. In addition to the above-mentioned precautions taken by the EMB, the idea here is to produce in-house fatwas. Consequently, the theologian-jurist authorised by the EMB not only closes the door to other competing theologians-jurists (from outside the Council), but also ties in with the requirements and constraints of the EMB context, which is thus trying to establish itself as the major framework for Belgian Islam.

[225]   Conseil des Théologiens – EMB.

The second function/authority of the theologian-jurist is that of religious education. In the Belgian context, the theologian-jurist is competing with and being challenged by other actors, particularly in the area of training imams, where there is still no clear plan despite the initiatives taken by various parties. By assigning this function to the Council of Theologians, the EMB is claiming the right to supervise the training of imams.

According to my estimates, the theologians-jurists must not exceed ten or so in Belgium, the majority of whom are grouped together in the Council of Theologians within the EMB. Outside the purview of this council, if there are graduates in theology or Islamic law from Islamic universities, they have not continued their higher Islamic studies, and are content to teach, or are not recognised by their peers as theologians-jurists. Even if some members of the Council of Theologians are not technically theologians-jurists, the Council represents a body for the recognition of the status of theologians-jurists in Belgium. This small number of theologians-jurists can be explained by the lack of advanced university training in Muslim theology in Belgium.

The standing of theologians-jurists among Muslims in Belgium would likely be enhanced by the traditional role played in the community, which has not changed much over time and space, but also by the structuring interference of Morocco and Turkey in the authorisation of recognised theologians-jurists. Graduates of Islamic universities, both in Saudi Arabia and elsewhere, have received a general education that allows them to practice preaching, imamate or teach in mosques or high schools, but not to claim the legitimacy of *ʿulamā'* which is the equivalent of a doctorate in secular universities; these graduates of Islamic universities (and there are hundreds of them in Belgium) are only students of religious knowledge, *ṭullāb ʿilm*.

The Council of Theologians in Belgium is chaired by Taher Toujgani, the Council's most visible and influential authority figure, who has held this position since Mohamed Boulif's[226] presidency of the Muslim Executive of Belgium (2003–2005). Toujgani's authorisation pathway is typical:

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[226]   Mohamed Boulif is accountant and expert in Islamic finance of Moroccan origin; he was chairman of the EMB from 2003 to 2005. In 2006, the Minister of Justice, Laurette

Taher Toujgani was born in Morocco and educated in Islamic disciplines. He memorised the Qur'an at an early age and completed his memorisation at the age of 12. He obtained many *ijāzāt* (certificates) of various Islamic subjects. Ahmed bin Siddiq, Abdullah bin Siddiq and Hassan bin Siddiq are some of his teachers. He currently gives the Friday sermon at the Salam Mosque in Borgerhout and teaches subjects such as Fiqh (Islamic Jurisprudence) and Usul al-Fiqh (Principiology) at the Jisr Al Amana Institute. In addition, he is also President of the Council of Theologians in Belgium and President of the European Council of Moroccan *'ulamā'*.[227]

The authority conferred on the person who can transmit traditional religious teaching necessarily rests on his inclusion in a chain of transmitters of the tradition, and the more prestigious it is, the greater the authority of the theologian-jurist himself. Toujgani claims the transmission line of succession of the Bin Siddiq, a family of Moroccan clerics in northern Morocco, and also a separate Sufi brotherhood (al-Zāwiya al-Ṣiddīqiyya). Some members of this family enjoy privileged relations with the Moroccan state and have immense authority in northern Moroccan Islam, from which a considerable part of Moroccan immigrants in Belgium come. Moreover, Toujgani is actively participating in the Moroccan religious diplomacy through the European Council of Moroccan *'ulamā'* which coordinates the religious discourse and action of the Moroccan theologians and imams, preachers and intellectuals in Europe.[228] Thus, the Bin Siddiq chain and the Moroccan network installed Toujgani from the outset as a major authority figure in Moroccan Islam in Belgium.[229]

Other theologians-jurists have been members of the Council of Theologians during the last ten years, such as the Egyptian imam of the Great Mosque of Brussels, 'Abd al-Hādī Suwayf (expelled from Belgium for radicalism in 2017) or Mohamed Galaye N'Diaye, a Senegalese imam, teacher and preacher with close

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Onkelinx (Socialist Party), sent an accounting report to the Brussels Public Prosecutor's Office who indicted Boulif for misappropriation of funds (Planchar 2007).

[227]   Hoger Instituut voor Islamitische Studies (www.jaai.be).

[228]   Bruce 2019: 245.

[229]   Dassetto 2011: 153.

affiliations to Sufism. Yacob Mahi, an intellectual and activist with close ties to the Muslim Brotherhood, was also a member of the Council of Theologians, although he is not a theologian-jurist, but an instructor of Islamic religion (and a second-ranking intellectual-preacher). Other Salafist imams and preachers such as Adil al-Jattari, theologian and imam of the al-Mutaqqin mosque in Brussels, are also members of the Council of Theologians. Also a member of the Council is Mohammed Toujgani, cousin of Taher Toujgani, president of the League of Imams of Belgium, a Moroccan theologian-jurist, and imam who gave the Friday preaching at the imposing Al Khalil mosque in Brussels, which has close ties to the Muslim Brotherhood. This theologian-jurist was expelled from Belgium in 2022 for radicalism. However, this apparent diversity of the members of the Council of Theologians between Sunni-Sufis, Salafists and Muslim Brotherhood associated theologians does not weaken the control over the discourse and action of the Council by the Malikite-Ashʿarite Islam embodied by Taher Toujgani.

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The manager of Islam:
The authority of structure and control

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As the religious manager is primarily an administrative authority, he or she does not figure in the conventional list of religious authority figures. Yet, the importance of the institutional representation of Islam in Europe as well as in majority Muslim societies makes his influence emerge in a rather visible way. One can observe in Morocco how much the *nāẓir* (a supervisory function within the Ministry of Habous and Islamic Affairs), makes and controls the discourses and decisions of mosques, even when they are not run by the state. In Turkey, the Diyanet has controlled and adapted the religious discourse desired by the different Turkish regimes since the 1970s.[230]

In the case of Belgium, the question of religious authority cannot be thought of without referring to the question of the Muslim Executive of

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[230]   Özdalga 2020.

Belgium. Beyond the EMB, in Belgium, imams are accountable to mosque committees, both in terms of speech and behaviour, which also play a regulatory role in the exercise of religious authority. Even if the religious authority of the manager is not that of a shareholder (imams, theologians, preachers, Sufi masters), but of a stakeholder in a more or less structured religious field, the manager can play a decisive role. Such a role was clearly shown in the work of the Marcourt Commission for an Islam of Belgium and the training of Muslim leaders. This commission was formed on the proposal of the Vice-President of the Government of the Wallonia-Brussels Federation, Minister of Higher Education, Research and Media, Jean-Claude Marcourt (a member of the Socialist Party of Belgium) between March and December 2015 to promote the development and recognition of a "modern Islam" in the Wallonia-Brussels Federation. In this commission, members of the Muslim Executive of Belgium were not only the main interlocutors of the State, but also instrumental in devising lines of discourse and in formulating objectives related to the training of Muslim leaders. In addition, the EMB played a vital role in the discussions and planning that laid the groundwork for the creation of the Institute for the Promotion of Training on Islam. The EMB thus defines the possible terms of negotiation for both Muslims and non-Muslims, despite resistance from both sides, particularly from the young intelligentsia that is nevertheless very active in exerting considerable influence within the decision-making committees of the EMB.

Throughout its history, the EMB has been controlled by teams of managers, often acting as intermediaries between actors with Moroccan and Turkish immigrant backgrounds; these managers come primarily from a variety of professions such as Islamic religious teachers, activists, or administrative employees, and who have been initiated into the management of Islam by their local Islamic communities.

The manager of Islam enjoys the authority of the official or institutional religious action. Therefore, he competes or cooperates with preachers, imams and activists in managing the religious sites of discourse and action. He has, however, an advantage over his competitors, the other authority figures, in that he manages and controls theologians-jurists, imams, mosques,

education, etc. His role is much more visible than that of the other authority figures in the Islamic moral economy. While in Morocco this role is performed by the officials of the Ministry of Habous and Islamic Affairs and in Turkey by the Diyanet, things are more complex in Belgium where the EMB is contested as the official institution of Islam. The EMB controls only a part of the Islamic field, and in addition, the EMB is a platform of Turkish and Moroccan Islamic actors, who have to deal with the religious policies of Morocco and Turkey and the demands of the Belgian state at the same time.

SALAH ECHALLAOUI:
RESOURCES AND LIMITS OF A RELIGIOUS MANAGER

In the period between 2016 and 2018, Salah Echallaoui held the position of president of the EMB. Let us take a closer look at his authorisation path. Echallaoui was born in Casablanca, Morocco, in 1962. He arrived in Belgium in 1985 as a student to study agronomy at the Gembloux Agro-Bio faculty. He then moved to Huy, in Wallonia.[231] He was a teacher of Muslim religion in Belgium, then an inspector of Islamic religion, one of only four people to have held this position so far. He is also President of the association *Rassemblement des Musulmans de Belgique,* a representative body of Moroccan Islam in Belgium, and of AFOR (the Academy for Training and Research in Islamic Studies), which officially provides theological training for imams in Belgium through its Averroès Institute.

Echallaoui's authoritative career began as a teacher of Islamic religion and was confirmed by his experience in the organisational structure of the EMB. He was for a long time the most influential inspector of Muslim religion, and was able to negotiate a number of dossiers with the Belgian and Moroccan states, both within the EMB and elsewhere. He rose slowly through the ranks of decision-making within the EMB organisation. He remained in the shadows

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[231] Sudinfo 2016.

during the preparation of the 2014 presidency, before he took over the presidency from 2016 to 2018, relinquishing the presidency in May 2018 and taking over the French-speaking vice-presidency, which ensured that he continued to manage Islamic affairs in the Walloon and Brussels regions. His other responsibilities included the management of the recently acquired Grand Mosque of Brussels (until 2020) in addition to enjoying an important presence on the committee of the Institute for the Promotion of Training on Islam.

The path of authorisation made of the effective evolution in the hybrid religious-state structure, grants Echallaoui the authority of a moderate religious discourse and effective management of religious affairs. His pronouncements carried considerable weight, so much so that they were framed in religious charters and procedures as well as taken seriously by other authorities of equal or superior rank. Another talent of Echallaoui is his unique ability to understand the intricate machinations of the Belgian political system. For over a decade, Echallaoui was involved in almost all the institutions that weighed on the Muslim religion in Belgium.

The EMB being, in some respects, a place of negotiation between Moroccan and Turkish Islamic actors, notably in relation to the process of recognition and authorisation of mosques, likely to grant them funding, the manager must also do some communication; Echallaoui, presenting himself as president of the Rassemblement des Musulmans de Belgique declared in 29 May 2017:

> The Moroccan model of religiosity is a reference in Europe. This unique model, which we are working to promote in Belgium and other European countries, is a civilisational legacy that Morocco has accumulated over the centuries, characterised by living together, coexistence and mutual respect between Muslims, Jews and Christians. It is this model of religiosity and its theological, philosophical and doctrinal foundations that we want to promote in Belgium and in other European countries [...] Morocco is today the only country that enjoys religious and spiritual stability, in addition to political stability in a region beset by multiple security perils.[232]

[232] Conseil de la communauté marocaine à l'étranger (www.ccme.org.ma/fr/revue-presse/53117).

Through the *Rassemblement des Musulmans de Belgique,* Salah Echallaoui collaborated with the Ministry of Habous and Islamic Affairs and the Hassan II Foundation for Moroccans living abroad, to invite Moroccan imams and preachers during Ramadan. For example, during Ramadan 2017, he invited a group of 67 imams and Morchidates, female preachers "to lead prayers and give lectures in different mosques and Islamic places of worship in Belgium".[233]

The authority of the manager is decisive in many ways. It is the most structured of all the religious authorities in Islam, an advantage that the religious manager exploits in his favour. Such authority is also the kind that can control the others the most. Moreover, control is exercised mainly through the EMB; for example, the authority of this institution has control over imams in recognised mosques. Nevertheless, there is some doubt with its credibility among some imams in Belgium I spoke with in connection to this bureaucratised authority represented by the Imams' Charter established by the EMB in 2009, which is the "legal reference related to the function of imam".[234]

The EMB does not have the capacity to control imams on a day-to-day basis as can be observed in Morocco and Turkey; in the first place, it is the local religious managers of mosques and associations who exercise this direct control over imams. The EMB can intervene in either case. However, the EMB exercises this authority directly in the recognition of imams; the EMB investigates the imam in question, his speeches and networks, before recognising him. Once recognised, the imam exercises his authority under the watchful eye of the EMB, through the mosque committee, and while having some latitude of action, he must carry out his duties in accordance with the lines of discourse and action determined by the EMB. It can therefore be said that the EMB conditions, and even controls, the authority of the imam. However, the EMB only exercises this authority over recognised mosques, and does so in a rather unobtrusive way, especially in some mosques run by powerful Islamic movements.

For security reasons, this control can benefit the Belgian state in its fight against radicalisation; it also benefits the countries of origin of the bulk of

[233] Conseil de la communauté marocaine à l'étranger.
[234] Exécutif des Musulmans de Belgique 2022c.

Muslim immigrants (Morocco and Turkey). In any case, the religious managers of the EMB are either supported by Morocco or Turkey and the presidency of the EMB reflects these transnational allegiances.

A typical example of the influence of foreign states on Belgian Islam through the EMB is the controversy over school textbooks. The EMB ordered textbooks for the teaching of Islam in primary schools in the Wallonia-Brussels Federation from the Brussels-based *Institut d'enseignement et de recherche en sciences sociales et religieuses,* headed by Halife Keskin, who is himself the Director General of Foreign Religious Relations of Turkey, an offshoot of the Diyanet, the Directorate of Religious Affairs of Turkey, and attached to the Turkish Embassy.[235] This link between the Turkish Embassy in Brussels and the Diyanet is based on the fact that the Diyanet is an official body of the Turkish Government, directly attached to the office of the Turkish President, in charge of the religious affairs of Turks at home and abroad. In the latter's capacity, the Diyanet maintains diplomatic relations and acts as an international religious actor and intervenes in international policy issues ranging from the conflicts in the Caucasus to the Charlie Hebdo cartoons controversy.[236]

As argued by Zana Çitak, the institutionalisation of Islam and the establishment of Muslim representative organisations "bear the risk of eliminating the autonomy and control of the Diyanet over the Turkish/Muslim community".[237] Thus, the Diyanet, through its representatives in Belgium, is involved in the influence on the EMB, and yet it wishes to maintain the nexus Turkishness/Islam as close as possible to be able to effectively control the Turkish community and play a role in the Belgian society and politics.[238]

In Belgium, where institutional relationships define the management of Islam, the authority of the religious manager has a considerable comparative advantage over the preacher, imam or theologian. The latter two often lack the linguistic or civic/institutional knowledge to participate constructively

[235] Fadoul 2018.
[236] Présidence des affaires religieuses de la République de Turquie (www.diyanet.gov.tr/fr-FR).
[237] Çitak 2011: 242.
[238] Çitak 2011: 242.

in the public debate and/or to grasp the complexities of state institutions in Belgium in order to make the most of them. The manager's know-how and practical sense give him a capital that proves decisive in moments of crisis such as the Brussels attacks of 22 March 2016. Such was the case of Salah Echallaoui, who intervened in the tense period after the attacks, simultaneously critical and reassuring.[239] Diplomacy, a sense of formula and moderation also carried considerable weight, not only because of the tensions surrounding Islam in Belgium, but above all because of the underlying institutional constraints of a temporal organisation of religion in a secularised society. This reassuring posture with the state and Muslims gave it more legitimacy as an authority figure in the interpretation and representation of Islam and as an interlocutor.

The transfer of the management of the Brussels Grand Mosque from Saudi Arabia to the authority of the EMB should increase the stature and importance of the manager's figure in the Muslim religious field in Belgium; the Centre islamique et culturel de Belgique (CICB), which managed the religious and other activities in the Brussels Grand Mosque, was the dominant religious authority in Belgium, especially in Brussels, since 1969, following the concession agreement that bound the Belgian state to the CICB. The Grand Mosque of Brussels occupied exclusively the field in the areas of teaching, religious consultation, preaching and social activity with funds from the Islamic World League.[240]

From 1969 until 1989, the Brussels Grand Mosque was the religious centre of Islam and the state-favoured body in Belgium. Despite the establishment of the Muslim Executive of Belgium, the Brussels Grand Mosque continued to be a major religious centre until the agreement between the Belgian state and the CICB was terminated on 31 March 2018;[241] the CICB left the Brussels Grand Mosque complex on 31 March 2019 and the provisional management

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[239] D'Otreppe 2016.
[240] A transnational Islamic organisation financed by Saudi Arabia and based in Mecca. It is active in the fields of proselytising, Islamic humanitarianism, Islamic law and education, among other things (Muslim World League: www.themwl.org/en).
[241] The Belgian parliamentary commission of inquiry set up in the wake of the 2016 Brussels attacks accused the CICB in its report in October 2017 of promoting a "Salafi-Wahhabi" Islam that could "play a very significant role in violent radicalism" (France24 2018a).

of the Brussels Grand Mosque was entrusted to the Muslim Executive of Belgium.[242] Salah Echallaoui was given the management of the Grand Mosque of Brussels in 2019. A year later, he was accused by State Security of covering up espionage for Morocco by agents who worked at the Grand Mosque of Brussels, and in tension/disagreement with the new Minister of Justice, Vincent Van Quickenborne, (in office since October 2020), Salah Echallaoui resigned from his functions at the Grand Mosque of Brussels and the EMB.[243] Echallaoui was replaced by Noureddine Smaili, who was already president of the EMB between April 2014 and March 2016, a man with ties to Morocco and Salah Echallaoui, but who sorely lacks the charismatic and relational resources of the former.

The authority of the religious manager has limits, too. The structural basis from which it operates, the EMB, has no legitimacy for many figures of authority in Belgian Islam, whether they belong to the Muslim Brotherhood, Salafist circles or are unaffiliated with any movement; a significant part of the Muslim silent majority does not understand the often opaque workings of the EMB, which it nevertheless represents as the authentic and only voice of the Muslim community to the Belgian authorities. Other structures co-exist in Belgium alongside the EMB, such as the League of Muslims in Belgium, and can also have authority over a number of Muslims, Islamic associations and mosques. For example, the Al-Khalil complex, which is both a mosque and an Islamic centre in Brussels, is outside the jurisdiction of the EMB, even though Al Khalil, pending the return of the Grand Mosque of Brussels to its central role in Belgian Islam, is the most influential Islamic centre in Brussels. The current emergence of a demographic profile of young Muslims who are far removed from their countries of origin and who also wish to be independent in the management of their religion poses a real challenge to the EMB, which is in danger of not having any influence on this generation. In the teaching of the Islamic religion, the EMB is dominant, but many Salafist and Muslim Brotherhood associations support an Islamic

[242]   Koen Geens 2019.
[243]   RTBF 2020.

education that is not under the control of the EMB (this is the case of the Islamic primary and secondary schools Al Ghazali and La Vertu in Brussels).

During the first wave of the Covid-19 health crisis, the EMB took advantage of its authority as an official religious institution to be prominent in the management of Islam under lockdown. It played a significant role in supporting compliance with health instructions by mosques and Muslim communities. The EMB has also tried to occupy the stage of virtual religious discourse through a series of videos published from the Grand Mosque of Brussels by Imams and managers of Islam close to the EMB. The organisational resources of the Grand Mosque of Brussels was mobilised as a symbolic place of a religious community that was an integral part of Belgian society. Religious discourses were part of an ethic of spiritual security, of reassurance, patience, endurance, order, destiny and divine mercy.[244]

Yet, a few months later, the EMB faced the most difficult crisis of its existence, under the threat of being disbanded by the Belgian state. The latter is increasingly sensitive to the political and sacralising character of the EMB even if the latter was created by the Belgian state itself. In the secular perspective, political authority is seen as equivalent to the political power; the modern state claims to be legitimate and sovereign, and secularising. The Muslim Executive of Belgium wishes to benefit from these "state attributes" while it also claims Muslim religious authority. As such, it is a force of sacralising in some regards (as religious authority) while also an institution of secularising as a state institution bestowed with political power (Belgium, Morocco, Turkey). The rules of the game between the Muslim Executive of Belgium (as religious authority) and the Belgian state (as political power) were often obscure and not clearly defined which led to the current crisis. Thus, the EMB now envisions itself to be independent (seceding only from the Belgian state, not from states of origin), and became an institution of religious authority. This will not change the rules of the game completely but will certainly reshape the relations between Islam and the Belgian state.

[244] Maréchal et al. 2020.

CONCLUSION

The Muslim Executive of Belgium (EMB) is the most important Islamic organisation in Belgium; since its creation in 1996 it has enjoyed a hybrid status of political power and religious authority. On the one hand, this institution had to negotiate between different powers (mainly Belgian, Moroccan and Turkish states), which was not tenable given the expectations of the Belgian state of a "local" and "modern" Islam. On the other hand, the Muslim Executive of Belgium, through its Council of Theologians and its control of a number of mosques, Islamic teachers and chaplains, claimed religious authority, which was contested by various Muslim figures of authority in Belgium. However, the community base of the EMB (within Turkish and Moroccan populations) provides it with ethnic-religious alliances and resources for it to aspire to autonomy from the Belgian state.

In sum, the EMB derives its authority from three bases of legitimacy: (1) that of the elected and representative structure of the mosques to the Belgian state; (2) that of the moderator/controller/mediator (and not only of Muslim discourses) between the different actors of Islam, a role that the ministries of religious affairs perform in Muslim countries; and (3) that of the body in charge of religious affairs within the Belgian state. The hybrid nature of the EMB as a structure of authority and power has produced mixed practices of authority, sometimes of a religious nature (training of imams, fatwas of the Council of Theologians, etc.), sometimes of a political nature (cooperation with countries of origin such as Turkey and Morocco), and sometimes institutional in accordance with the expectations of the Belgian state (administration of recognised mosques, management of Islamic religion courses, etc.)

The articulation between religious authority and political power has trapped both the EMB and the Belgian state in a difficult dilemma; the latter now demands a "Belgian" and "modern" Islam, which implies, among other things, the abandonment by the EMB of its links to Morocco and Turkey. The options left to the EMB by the Belgian state are limited: to become a religious authority that is adapted to the policy on religion of the Belgian state. In other

words, the EMB has to "invent" an Islam as an "autonomous national" religion. Apparently, it is either this position or face marginalisation.

If the EMB does not accept "nationalisation", which is the case at the moment, it must be self-financing. Self-financing is not possible without external support, from immigrant countries or from Islamic movements, at the risk of attracting more foreign interference in Islam in Belgium. This could only intensify the confrontation with the Belgian state. The latter could proceed to create a French-style "forum for Islam in Belgium". However, this would inevitably lead to the strengthening of the legitimacy of the EMB as the main representative body of Islam in Belgium, which does not seem to be currently the wish of the Belgian state.

Chapter III

The Muslim Jurist as a Guide: The Case of the International Union of Muslim Scholars

INTRODUCTION

The International Union of Muslim Scholars, headquartered in Qatar, is an organisation of Muslim scholars founded in 2004 by Yūsuf al-Qaraḍāwī (Egypt–Qatar) and led by Aḥmad al-Raysūnī (Morocco) between 2018 and 2022. Despite its significance in the current religious-political discourse and transnational politics in the Muslim world and beyond, this organisation received little attention from scholars, and to date, hardly any research has been dedicated to its discourse and action. I am particularly interested, here, in the way IUMS envisions religious authority and how it displays authority practices both in the religious and political spheres. The fact that IUMS is a collective body of religious scholars makes the study of authority within this organisation a challenging task.

The existing research on IUMS fails to notice the complex identity of IUMS as a body of a new type of *'ulamā'*, religious scholar-activists who claim legitimacies of action as well as of religious knowledge. Muhammad Al Atawneh's paper,[245] the only academic endeavour to study IUMS so far, has described briefly the structure of IUMS and its strategies of establishing religious authority (as an independent umbrella, embracing *wasaṭiyya* principle and legal pluralism).[246] However, as it seems to me, IUMS is not an independent

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[245] Al-Atawneh 2014.
[246] Al-Atawneh 2014. *Wasaṭiyya* is a normative and disputable term which could mean the "way of moderation" or "the approach of the middle way". Many Muslim thinkers and religious groups use the term to describe their own interpretation as "Islamically

organisation. Although IUMS claims autonomy, it is difficult to ignore its roots and current support in various Islamic networks in the Muslim world.[247]

It is also problematic to accept the claim that IUMS is an instance of legal pluralism as various Sunni schools and centres (al-Azhar for instance) as well as non-Sunnis are excluded from the organisation (except the mufti of Oman Aḥmad al-Khalīlī, who represents the Ibāḍī school, a minor *fiqh* school). In the current academic literature, the focus seems to be laid on the founder of IUMS, Yūsuf al-Qaraḍāwī; this literature approaches IUMS as just one of al-Qaraḍāwī's numerous initiatives. Another overlooked dimension in the current research is that IUMS displays religious authority as political action in regional and global politics, beyond the charismatic role of al-Qaraḍāwī.

The central thesis of this chapter is that IUMS is a sophisticated case of religious authority invested in political action whereby the activist *ʿālim:* (1) embraces a wide range of "umma" issues which allow IUMS to appear as the "guardian" of Islam which is "authentic" as well as "autonomous" "beyond" any local political consideration; (2) plays a role in international relations (ranging from Chad to China) as "supporter" of particular political actions, which crosses the interests of certain Islamist movements and governments in the Middle East; (3) negotiates a new type of religious authority embodied by the scholar-activist who emerged as a reaction to the deep religious and political transformations in the Islamic world.

Sociology of religion has a relatively long tradition of studying Islamic organisations. A major advantage of sociology of religion is its ability to observe both the actors and the structures of the organisation under study. Its second advantage is its capacity to investigate religious claims as social actions, the function of which is to validate specific projects or aspirations.

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mainstream", although these uses denote different things. IUMS uses *wasaṭiyya* in reference to al-Qaraḍāwī's methodology which claims to avoid extreme positions (salafism) and too much leniency (modernism). *Wasaṭiyya* could be roughly equated with mainstream Sunni reformism. On *wasaṭiyya* see Gräf – Skovgaard-Petersen 2009; Shavit 2015; Elias 2017; Maréchal et al. 2018c.

[247] Shideler–Daoud 2014.

To conduct this case study, I relied on qualitative methods of analysis (contextualisation, descriptive discourse analysis, in particular), inspecting the local context of IUMS in Qatar as well as the global context of *umma* politics, and using sources available on its website in Arabic.

CONTEXT

Critics of IUMS tend to contextualise its action in terms of its relations with Qatar. Yet, the Qatari context has little incidence on the claims to authority of IUMS, its structures and figures of authority, its line of legal reasoning, or its general action plan. IUMS is not an instrument of Qatar's religious policy although as a guest-organisation sponsored by Qatar,[248] it is occasionally involved in conferences and Islamic humanitarian initiatives taken by Qatari actors; overall, IUMS operates on the margin of the Qatari context and can allege little influence on Qatar's religious or political affairs.[249]

That IUMS exerts some influence on religious affairs in Qatar depends on the Islamist deep networks al-Qaraḍāwī built in over 50 year in this country.[250] However, these actors are tolerated by the Qatari state and offered this margin of action as long as it does not threaten the state's interests or as long as these actors can be mobilised in critical moments as "religious-political legitimacy" of the ruling family and its political stances.[251] In turn, the Qatari state influences the action scope of IUMS and shapes its discourse and action in order to enhance Qatar's soft power and geopolitics, namely to avoid being entrapped either in Saudi Arabia's or Iran's geopolitical schemes in the Gulf.[252] That being the case, both IUMS and the Qatari state keep their distances and operate in

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[248] Warren 2021: 35.

[249] Qatar Foundation 2013.

[250] Al-Azami 2021.

[251] Amīr Qaṭar yastaqbil hay'at al-Ittiḥād al-ʿālamī li-ʿulamā' al-muslimīn fī ishāra khafiyya li-duwal al-ḥiṣār (http://bit.ly/307qjZL).

[252] Boussois 2019: 57–66.

different spheres, aiming at distinct political agendas. While IUMS wishes to present a coherent stance on politics of the Middle East, Qatar might have to be more flexible and adapt to the changes in the security settings in the region.

To a certain extent, one should contextualise IUMS in the global Islamic landscape; firstly, the 1,500 members of IUMS come from 80 different Muslim countries, mostly far from the Gulf region, and secondly, its chief concerns focus on *umma* politics, mainly in countries where Muslims live as a minority or are engaged in conflicts. It is in this particular context that IUMS wishes to exert influence.[253] IUMS came to the fore in 2011 when it shaped a jurisprudence of revolution *(fiqh al-thawra)* to support protesters of the Arab Spring.[254]

WHAT MAKES THE JURIST'S AUTHORITY?

In Islamic ethics, the theologian-jurist, *ālim* is the most prestigious religious authority, whether he intervenes individually or collectively within the framework of juristic councils. Traditionally, the theologian-jurist has two main functions in the hierarchy of authorities in Islam: to produce fatwas,[255] which gives him an authority on the daily religious affairs of Muslims, for those who accept it unreservedly, and to maintain the tradition, and thus mobilising the legitimacy of the transmitted religious knowledge. It is, therefore, a question of a double authority: that of tradition and that of the sharia. In view of the importance of religion in the identity of many Muslims today, the authority of the Muslim tradition had and still has a significant weight among Muslims both in the Muslim world and the West. This need for religious tradition has created a window of opportunity for the theologian-jurist. Moreover, sharia,[256]

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[253] Yenisafaq [s. a.].
[254] Warren 2021: 2; see also Belal 2018.
[255] A *fatwa* is a non-compelling juridical ruling or opinion on a question of private or public interest from the perspective of Islamic law issued by a Muslim jurist or a group of jurists.
[256] Although sharia is perceived by Muslims in different ways, ranging from a rigorous law to an ethical path.

which is inseparable from the Islamic tradition, has become a subject of permanent debate, and a source of social and political conflicts dominating the space of the private and public life of many Muslims. This creates additional opportunities of action for the theologian-jurist.

It is often assumed that the theologian-jurist obtains his authority from religious knowledge. However, what is overlooked by this assumption is how this legitimacy is supported and even surpassed in functionality by the legitimacy of action and network building, which allow the *ʿālim* to transform his epistemic authority into moral, religious or political authority.

Religious knowledge continues to be a primary source of legitimacy in Islam because the link between the founding community and subsequent generations is established through the transmission of a symbolic legacy. This is often a "simulacrum of the original knowledge" insofar as the origin is only an interpretation of the tradition by these same "transmitters" of the Islamic traditions from the 9th century on. Yet, it is not only an "epistemic link" that the religious scholar claims to guard, but indeed a social and political one that connects communities of the present with those of the past.

Generally speaking, legitimate religious knowledge in Islam is the mastery of Qur'anic studies, the prophetic or imamic tradition, theology and law. This religious knowledge is transmitted by recognised traditionalists and jurists, according to the various schools of thought who retain authority in a given context; it is by authorisations that senior scholars validate the degree of religious knowledge that allows a person to claim the status of a *ʿālim* who teaches or produces fatwas. This religious knowledge is acquired through transmission, peer recognition and respect for specific ethics. Thus, these three pillars grant the authority figure the status of the scholar in the community, the guide of the *umma* and the guardian of its tradition. Knowing that religious knowledge is only transmitted in a particular interpretation, a religious scholar belongs to a specific school of law, thought, or tradition. Additionally, his authority is functional as long as he stays in this framework.[257]

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[257]   Kister 1994.

It should be pointed out that the mere knowledge of texts is not enough to make a person an authority figure. To transform this religious knowledge into "an order which inspires obedience",[258] the religious scholar must embody the deontology of the cleric and be part of a network of peers which allows him to act as a religious scholar. For without these essential attributes, one would take an enormous risk of being challenged by peers and the community, knowing that it is all the more difficult to obtain this obedience in a world where religiosity is becoming individualised and complex. Even the meaning of the religious knowledge to be acquired becomes a subject for dispute. Thus, a recurring issue in Salafi discourse, and in other Islamist or Islamic discourses, is the criterion by which it is possible to distinguish between good and bad scholars. This conflict of religious knowledge pits the Salafists against other Sunni interpretations, and divides the Salafists themselves. Ṣāliḥ b. Saʿd al-Suḥaymī, an influential Saudi Salafist scholar, considers the "divinely guided" scholar (understood in the sense of a scholar who fears God and receives his blessing in return) to be one who follows the Qur'an and the Sunna, and calls for God's oneness and whose moral conduct is beyond reproach; this "divinely guided" scholar is characterised by modesty, the fear of God, righteousness and a command of the good. God, he says, raises the rank of those scholars (for him these scholars primarily live in Saudi Arabia). On the other hand, the evil scholar is not God-fearing and is materialistic, gives fatwa without knowledge, calls for misguidance and innovation, and allows unlawful things like music or mixing between men and women.[259] It is assumed in al-Suḥaymī's view that al-Qaraḍāwī, for example, is not a divinely inspired scholar because he allowed a certain type of music.[260]

All this shows that what counts is not only holding "technical" religious knowledge, but above all being judged honourable and virtuous according to the belief of a particular group. The status of the cleric reflects the status

[258] Max Weber envisioned authority as "the probability that an order with a given specific content will be obeyed by a given group of people" (see Weber 1978: 53).

[259] Al-Atharī 2012.

[260] Al-Qaraḍāwī 2001.

that the community gives to its moral economy: based on trust in a religious, revealed, blessed and virtuous tradition. The theologian-jurist reinforces this trust and disseminates teachings and practices that maintain the cohesiveness and foundations of that community.

However, such a pre-eminent position is normative, and the theologian-jurist has to accept the complexity of the Islamic religious-political domain, and negotiate with the State and/or other actors in the religious field. Thus, the *'ālim* often has a limited margin of action, which he tries to exploit, claiming an important role in the Islamic moral economy (even if the State took over the pious foundations, *waqf*). In the Western context, the theologian-jurist has even fewer opportunities to assert his authority; he must not only negotiate within a secularised context, but he also has to deal with the institutional mechanisms of the organisation of the Muslim religion as well as the minority context of the Muslim community.

COMPETING AUTHORITIES

IUMS is one of the many collective structures of Islamic law competing over authority in this field. To take the case of Saudi Arabia alone, there are various organisations which bring together Muslim jurists to produce rulings and transmit sharia; and thus, in Saudi Arabia we can encounter the *Majmaʿ al-fiqh al-Islāmī* (the Council of Islamic Law)[261] in Jedda in which jurists from 57 countries are represented, *al-Riʾāsa al-ʿāmma li-l-buḥūth wa-l-iftāʾ* (the General Directorate of Research and Fatwa) composed of Saudi jurists,[262] and the *al-Majmaʿ al-fiqhī al-Islāmī* in Mecca (an international organisation connected to the Muslim World League).[263] Each of these bodies has both local and global anchoring, entertaining complex relations with the Saudi political establishment.

[261]   IIFA [s. a.].
[262]   Alifta [s. a.].
[263]   Muslim World League [s. a.].

Similarly to IUMS, these fiqh organisations all address "issues of the *umma*" and have recourse to the approach of the higher objectives of Islamic law, *maqāṣid al-sharī'a,* in order to gain legitimacy as voices for all Muslims. Nevertheless, perhaps one major difference distinguishes the jurists of IUMS from the Saudi *fiqh* organisations, namely that IUMS embraces or takes political action. The Saudi *fiqh* organisations endorse usually more limited roles, which consist mainly in producing religious knowledge per se as rulings, research or educational materials (although this can be used to validate a political agenda as well).

Yet, it would be too simplistic to consider the three *fiqh* bodies in Saudi Arabia mere political-religious instruments in the hands of the Saudi Government. These bodies claim religious authority, and sometimes even political authority on global Muslim issues, but are quite circumspect most of the time, avoiding any competition with the executive political power in Saudi Arabia. They prefer prudence, cooperation, to a certain extent, and autonomy insofar as it is possible, and as long as political power respects their relative autonomy, while it displays a sufficient command of social order. While the authority of the *'ālim* is self-sufficient and self-evident in Islamic ethics, political power needs an external justification (sharia). For this reason, in Muslim societies, relations between religion and politics are far more complex than simple funding and (mutual) instrumentalisation.

In the course of 2017, Saudi Arabia (in addition to Egypt, UAE and Bahrain) decided to enlist IUMS as a terrorist organisation (because of its alleged links to the Muslim Brotherhood). Saudi Arabia justified the decision by "fighting terrorism, drying up its sources of funding, combating extremist ideology and the tools for its dissemination and promotion, and working jointly to eliminate it and immunize societies from it".[264] IUMS is primarily accused of working "to promote terrorism by exploiting Islamic discourse and using it as a cover to facilitate various terrorist activities".[265] For Saudi decision-makers, there are two major problems with IUMS: (1) it disseminates

[264]   SPA 2017.
[265]   SPA 2017.

and promotes a competing Islamic discourse which could become a "threat" to Saudi society; (2) it is funded by Qatar, which is a sufficient political reason for Saudi Arabia to enlist it as a terrorist organisation.[266]

THE CLAIMS OF AUTHORITY OF IUMS

For clarity purposes, we need to distinguish between claims and practices of authority. The former are underlying positions about one's status and its aspired influence in the public sphere while the latter are actions taken to perform the claims of authority. Claims of authority tell us a great deal about the identity of the agent and the role it wishes to play in the religious, moral, epistemic or political fields. Most often, the claims of Islamic authority make appeal to the normative ethics of legitimacy. For example, one might claim to be a caliph, an *imām, amīr,* a *ʿālim* or a *faqīh* to mobilise the normative registers associated in Islamic ethics with these religious-political roles. All these functions are significant for various Muslim communities. Nevertheless, it is another matter whether the practices of authority are derived from the same register or other fields of action in the modern times, or whether the modes of action validate the claims of authority at all. In this section, my goal is to discuss the claims of authority made by IUMS. Afterwards, I will address its practices of authority.

IUMS presents itself as a scholarly umbrella of religious reference for the global Muslim community and an independent legal scholarly institution, *miẓalla ʿulamāʾiyya marjiʿiyya jāmiʿa li-l-umma wa-muʾassasa ʿulamāʾiyya sharʿiyya mustaqilla.*[267] Insistence on the independence of the organisation is meant to foster the claim of authority over legal matters, implying the absence of the influence of governments and Islamist movements on its action. Although we have seen that IUMS is closely linked to the Qatari

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[266] The main elements of the religious-political rivalry between Qatar and the Arab alliance of Saudi Arabia, UAE, Egypt and Bahrain can be seen in Warren 2021.

[267] IUMS 2004.

state, it cannot be considered a mere instrument of its foreign policy. The claim of autonomy should be taken to have only relative value. It is not only that the Qatari state can mobilise IUMS for some political objective (and so IUMS could lose its autonomy in these particular moments), but that IUMS immerses itself voluntarily in the strategies of some states or political movements to broaden the scope of its action.

Thus, IUMS claims the legitimacy of its organisational structure (umbrella, institution), and makes a first claim of authority as an organisation that performs in some rational way as opposed to an ad hoc, charismatic or within a traditional function. IUMS also makes a claim to its authority as that of *'ulamā'*, religious scholars of law and theology, the highest religious authority today and in most periods of the history of Islam.

Third, IUMS makes another claim about being a reference for Muslims; here, *marjiʿiyya* is a term used to enunciate Sunni religious authority (different from the connotation of *marjiʿiyya* in the Shīʿī circles),[268] although some confusion might arise as whether this Sunni *marjiʿiyya* is a religious authority (equivalent to the phrase *sulṭat al-ʿulamāʾ*, the authority of the *'ulamā'*) or a reference to both religious and political authority. As discussed in the introduction, a distinction should be made between the Shīʿī *marjaʿiyyat al-taqlīd* (a reference of imitation with submission to a particular religious and political authority of a Shīʿī *marjaʿ* and with specific implications such as collecting the *khums* religious tax) and the Sunni *marjiʿiyyat al-umma* (the reference as a religious and political guidance of the *umma* in a broad ideological sense without specific implications).

The president of IUMS between 2018 and 2022 Aḥmad al-Raysūnī believes firmly in the supreme authority of sharia, *al-marjiʿiyya al-ʿulyā li l-sharīʿa*.[269] Above all, this statement is aimed at holders of political power. Al-Raysūnī makes it clear that, in his view, "it is not possible to imagine a ruler or a system of government that is affiliated with Islam and Islamic legitimacy, who does not consider its supreme reference to be Islamic Sharia, and does not put its

268   Walbridge 2001a.
269   IUMS 2019.

fixed provisions into practice".[270] That sharia enjoys the supreme authority over political power means in practice that the authority of the jurist should surpass that of the ruler. It is the jurist who is able to determine what should be the line between legitimacy and illegitimacy and the Muslimness and non Muslimness of a ruler.

In addition to authority, IUMS overuses the term *marjiʿiyya* in various meanings: *marjiʿiyya* is employed to indicate guide, reference and sovereignty. All these meanings converge to give evidence to the sense of authority. When the General Secretary of IUMS, the Iraqi Sunni scholar ʿAlī al-Qaradāghī states that "IUMS enjoys acceptance at the level of the Islamic world, especially among *all scholars,* in addition to the recognition by many of the IUMS' *marjiʿiyya* in many of the issues on the scene",[271] he wishes to express all the above meanings, and not only that of authority. In this regard, a text signed by al-Raysūnī and al-Qaradāghī in April 2021, defines the religious scholar's authority, *marjiʿiyyat al-ʿulamā'* as the one stated by the Quran 4:83 ("When there comes to them a matter, be it of security or fear, they broadcast it; if they had referred it to the Messenger and to those in authority among them, those of them whose task it is to investigate would have known the matter. And but for the bounty of God to you, and His mercy, you would surely have followed Satan, except a few.")[272] Accordingly, al-Raysūnī and al-Qaradāghī draw the conclusion that "God has attributed good judgment and knowledge to scholars who are able to elicit and understand duty, reality and expectation".[273] That is to say, they claim the religious, moral and political authority of *guides* on the right path in matters of war and peace as well as the epistemic authority of *those who know.* This, nonetheless, does not entail any aspiration to rule or obtain power.

IUMS also makes a fourth claim of authority, that of endorsing the concerns of the global Muslim community, and, thus, aspiring to play a role of global guidance, in essence, playing a political-religious function. Since the

[270] IUMS 2019.
[271] IUMS 2014.
[272] *The Koran* 2008: II. 84.
[273] IUMS 2021a.

umma has no territorial boundaries, IUMS extends the scope of its authority to every place where Muslims live. This is all the more important since most Muslim societies are victims of colonial or neo-colonial Western foreign policies in the MENA region. In claiming to be the voice of the *umma,* IUMS encounters no competition from the rulers of the region. The only serious rivals who compete with these scholar-activists are the Islamist movements.

Finally, IUMS claims its authority to be specific to sharia matters, in other words, to the legal aspects of Islam: these include rituals, war and peace, financial issues, ethical issues, social transactions, and civil and criminal aspects. Consequently, sharia matters also include political aspects, especially those that pertain to international relations.

PRACTICES OF AUTHORITY

I defined practices of authority as actions taken to perform the claims of authority. In the case of IUMS, three major practices of authority have gained focus since its foundation in 2004: (1) producing and disseminating religious knowledge; (2) promulgating fatwa and legislation; (3) playing an active role in Muslim society and politics. While teaching and fatwa issuing are traditional practices of authority for a theologian-jurist, social and political activities are usually overlooked in the academic literature. Sunni *ʿulamā'* are believed to transmit rather than to take action, while, in fact, the latter is an integral part of their authority.[274] Next, I will elaborate on each of these practices.

Producing and disseminating religious education

IUMS provides training for the religious leadership, *qiyāda ʿulamāʾiyya,* including technological skills as well as advanced legal reasoning and Islamic

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[274]   See Zeghal 1996; Zaman 2002; Hatina 2010; Pierret 2013.

finance.[275] The purpose of such training is to make the theologian-jurist able to adapt to the rapid transformations of modern society, in areas related to the access to knowledge, particularly through the internet. IUMS also offers religious education to the public on various questions (such as pilgrimage) and seminars to the Muslim youth in different locations (in Europe, Africa and Asia).[276] The organisation also publishes books, videos and reviews to disseminate religious content produced by its members. Its main publication is the review *al-Umma al-wasaṭ* published in Arabic since 2010 with a focus on the Islamic *umma,* Islamic education, political *fiqh,* moderation, terrorism and family issues.[277] The general intention of IUMS is to support a modernised religious education sufficiently concerned with current tools and challenges (foreign languages, medicine, finance, politics, spirituality, etc.).[278]

In view of these authority practices displayed in the field of Islamic knowledge, it appears that IUMS insists not on the epistemic authority of *'ulamā',* which is taken for granted in matters of religion, but rather on their capacity to be resilient to the changes around them, especially in the economic, technical and political fields. The new *'ulamā'* are expected to be extremely aware of their context, far beyond their knowledge of the tradition. This explains why the *'ulamā'* devote so much time and effort to the organisational authority that is to rational-institutional structures and to platforms such as the media to broadcast their religious knowledge. Additionally, a pro-active approach to religious knowledge that is not exclusively focussed on its teaching and transmission seems to be an indispensable prerequisite to keep the authority of the theologian-jurist up-to-date. Furthermore, the *'ulamā'* now need to use various tools, ranging from communication in media, to international workshops, resources in foreign languages to medical and scientific knowledge in order to compete with such rivals as online preachers and intellectuals. IUMS' *'ulamā'* produce targeted knowledge, as

[275] IUMS 2021b.
[276] IUMS 2021h.
[277] Lijān al-Ittiḥād: Maktabat al-Ittiḥād (www.iumsonline.org/ar/LibraryList.aspx?ID=2).
[278] IUMS 2017a.

one can glean from their publications, which are relevant to current debates within Islam (education, politics, economy, etc.) and written in a language geared to the specialist, that is only understood by the learned audience. This contextualised knowledge and organisational legitimacy has become increasingly essential to the religious authority of the *ʿālim* because the manner in which Islam displays itself today is immensely complex and encompasses various technological, social, economic and political transformations.[279]

Fatwa and legislation

One of the main practices of authority carried out by IUMS is the issuing of fatwas. The Jurisprudence and Fatwa Committee at IUMS is led by Nūr al-Dīn al-Khādimī, who was a minister of religious affairs in Tunisia (2011–2014), a specialist of Mālikī legal theory and an outspoken Islamist thinker involved in several political polemics.[280] The other members of the Committee are ʿIkrima Ṣabrī (Palestine), the famous imam of al-Aqsa mosque, often arrested by the Israeli Government, Sālim al-Shaykhī (Libya – the UK) and Aḥmad Jāballāh (Tunisia–France) who both have strong connections to the Muslim Brotherhood and Faḍl Murād (Yemen), who is involved in International Islamic economy. The muftis of IUMS are particularly skilled in the conjoining of knowledge of *fiqh* with political action at national and international levels: They were selected for being knowledgeable in Islamic legal matters and for their courageous risk taking, as they were involved in political action. Thus, they owe their legitimacy (for the public of IUMS) for being dissidents against ruling regimes in their countries, in addition to having proper *fiqh* knowledge.

In other words, these religious authorities took the risk of opposing power whether in Tunisia, Libya, the UK, France, Israel or Yemen. In some instances they may have compromised and collaborated with these regimes, but overall,

279   Volpi–Turner 2007.
280   Malcolm H. Kerr-Carnegie Middle East Center 2019.

as figures of authority they have maintained their autonomy from the ruling powers in their respective countries. The legitimacy of dissidence is mobilised here to strengthen the authority of fatwas delivered as free from serving power, which is expected to increase the weight of this discourse in the eyes of the Muslim public.

The fatwas issued by the Committee include conventional inquiries (pillars of Islam, inheritance, etc.) as well as politics, economy, Muslim minorities, art and Covid-19 related fatwas.[281] Thus, the scope of fatwas encompasses almost all vital matters of private and public life today. As a consequence, the jurist's authority extends to all possible fields in which "he signs in the name of sharia".

To take one example by way of illustration, a question was sent to the Committee of fatwas about the sharia ruling on giving alms to non-Muslims during the Corona pandemic. This fatwa was signed by the members of the Committee besides the president of IUMS, Aḥmad al-Raysūnī and its general secretary ʿAlī al-Qaradāghī, the highest figures of authority in IUMS, to grant an even stronger authority to this fatwa, perhaps owing to the controversy of its subject. This fatwa states that "it is permissible to give alms to non-Muslims, especially in this difficult pandemic that the world is going through due to the Corona epidemic".[282] The ruling is justified by the principle of charity towards those non-Muslims who have not persecuted Muslims. The fatwa states that "charity and kindness towards non-Muslims (who did not harm Muslims) is a legally prescribed matter, and this includes giving alms, aid and gifts, whether the aid is cash, food, health, or communication, or by participating in efforts and supporting the official and unofficial authorities who confront this epidemic".[283] This is clearly an authorisation of humanitarian action taken by Islamic NGOs all over the world, and who, for various reasons, might be driven to help non-Muslims or to be involved in campaigns of assistance to non-Muslim victims of the Coronavirus crisis.

[281]   IUMS 2020b.
[282]   IUMS 2020a.
[283]   IUMS 2020a.

It is crucial to add that fatwa production within IUMS is a procedure predicated on collective decision-making. This is, by no means, an innovation by the jurists of IUMS. The collective production of fatwas has been a process widely practiced and known in the Muslim world and beyond since the mid-20th century.[284] Deliberative fatwa adjoins to the theologian-jurist's authority the "old" legitimacy of *ittifāq* (juristic agreement) and *jumhūr* (the majority of jurists) although these mechanisms are appropriated, in this context, within a single organisation of *ʿulamāʾ*. The collective character of the fatwas of IUMS consolidates the action of the *ʿālim* (versus a single *ʿālim* relying on his own authority).

Guiding the Umma:
A role in Muslim global politics

Guiding the *umma* is a hybrid kind of authority that interfuses the religious and political domains. It is an overlooked function of the *ʿulamāʾ* especially since modern states in Muslim countries have restricted them to employees narrowly defining their tasks and forbidding them from engaging in politics *per se*. As "heirs of the prophets", the jurists are expected by the communities to freely assert their views about the "issues of the *umma*" today, and IUMS does not spare the occasion to utter its opinion and even take action regarding certain issues, especially those that are subject to consensus within the Muslim world (the Palestinian question for example). The support of IUMS for Palestinians (especially to Islamic movements in Palestine) is a major part of its action and discourse, calling itself "a pulpit to serve al-Aqsa" and overtly siding with Hamas.[285]

IUMS assumes religious authority, as guides of the *umma,* by stating which political actions are illegal according to Islamic law. For example, the terrorist attacks in various places, especially in Afghanistan and Iraq, are

[284] Caeiro 2011; Shah 2014; Kersten–Olsson 2016; Kersten 2019.
[285] IUMS 2021j; 2015a.

condemned by IUMS and so are the despotic regimes.[286] Thus, IUMS explicitly authorises the kind of politics that fits within their understanding of Islamic law, which is claimed to be based on peaceful *da'wa* and consultation rather than violence and despotism.

As far as political authority is concerned, the primary mission of IUMS is to care about "the wounds of the *umma* and its victories".[287] In Islamic political ethics, a guide of the *umma* is indeed expected to care about Muslims and also to care for them. Since political power in most Muslim countries today is retained by nation states preoccupied mostly with their own citizens, which are lacking in "Islamic political legitimacy", a void exists in the exercise of Islamic political authority. Such a role can only be played by autonomous jurists, which IUMS claims to be. The relative autonomy of its jurists from ruling regimes in the Muslim countries allows them to speak for "persecuted Muslims" from Myanmar to Canada. Indeed, IUMS takes the denunciations of the wounds of the *umma* as its obligation.[288]

This political role of guiding the *umma* can be ambivalent. While it is true that IUMS embraces the major "issues of the *umma*", it particularly intervenes in those causes in which Islamist movements are opposed to authoritarian regimes: Tunisia, Egypt, Syria, etc.[289] IUMS also supports Sunni factions in the Yemen conflict, calling soldiers of the Arab alliance martyrs.[290] Furthermore, IUMS adopts a clear position with regard to Iran, beseeching Sunni countries to oppose Iran's military expansion in the Middle East.[291] This position can be considered a consequence of the Arab Sunni domination over IUMS. However, the authority of IUMS is totally rejected in countries which are in conflict with Doha and Istanbul (such as Saudi Arabia, the United Arab Emirates and Egypt).[292]

[286]   IUMS 2021f.
[287]   IUMS 2021g.
[288]   IUMS 2021g.
[289]   IUMS 2015c.
[290]   IUMS 2015b; 2015e.
[291]   IUMS [s. a.].
[292]   IUMS 2015d.

FIGURES OF AUTHORITY

As figures of authority, the jurists of IUMS are individuals who act on their charisma and function as "mediators" who articulate the collective charisma and authority of the sharia. On the one hand, individuality distinguishes each figure of authority with his own resources, specialisation and particular audience. On the other hand, the scope of their influence is defined by their roles as members of an Islamic scholarly and international institution within social, political and institutional historicity. And so, the figure of authority neither acts independently nor is he a mere agent of an organisation; as put by Peter Becker and Rüdiger von Krosigk "there is an intimate link between political and institutional culture and a specific notion of the self".[293] The three figures of authority that are particularly significant in the discourse and action of IUMS are Yūsuf al-Qaraḍāwī, Aḥmad al-Raysūnī and ʿAlī al-Qaradāghī.

Yūsuf al-Qaraḍāwī

The founder of IUMS, Yūsuf al-Qaraḍāwī, still holds the honorary title of president-founder. Al-Qaraḍāwī led IUMS from its establishment in 2004 to 2018, when he stepped down from the presidency of the Institute for health reasons, handing over his position to Aḥmad al-Raysūnī. Yet, al-Qaraḍāwī's line of reasoning/thought and charisma are still in evidence in the action, discourse and networks of IUMS. Thus, al-Qaraḍāwī still exerts his authority as the charismatic founder, bestowing legitimacy on IUMS and other figures of authority that carry on the work.

Al-Qaraḍāwī is an Egyptian Sunni jurist, theologian and preacher who lived in Qatar until his death in 2022, and a prominent member of the Muslim Brotherhood. Born in 1926 in Egypt, he studied from primary school to doctorate in the schools and university of al-Azhar, obtaining the legitimacy of a

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[293] Becker – von Krosigk 2008: 12.

ʿālim from this prestigious institution in 1953. In 1973, he obtained a doctorate on Zakāt and its impact in solving social problems. Yet, what distinguishes al-Qaraḍāwī from thousands of other Azharis who obtained the title of *ʿālim* is his involvement in political action: He joined the Muslim Brotherhood in the early 1940s and became a disciple of Ḥasan al-Banna (d. 1949). Al-Qaraḍāwī was imprisoned in 1949 and again in 1954. In 1961, he went into exile in Qatar, where he became the director of the newly established Secondary Religious Institute. In 1977, he created the Faculty of Sharia and Islamic Studies at Qatar University, which he headed until his retirement in the late 1990s. His link to the Muslim Brotherhood was informal after his relocation to Qatar. He is a highly influential figure that has demonstrated considerable intellectual-spiritual-historical leadership to the Muslim Brotherhood. His fatwas and the translation of his works (some fifteen of his books have been translated into several languages from Arabic) contributed to his global impact. With the creation of the European Council for Fatwa and Research in Dublin in 1997 and the International Union of Muslim Scholars in 2004 in Qatar, his influence has grown throughout the Muslim world and the West. Among his other achievements, he is a member of the Centre for Islamic Studies at Oxford University and his contributions to minority jurisprudence, an adaptation of Islamic Law to Muslim minority contexts, Islamic finance and *wasaṭiyya* (moderate Muslim thought) thinking are widely recognised. Moreover, his writings on Islamic movements, Muslim theology and law as well as his religious shows on Aljazeera TV make him the most popular and influential Sunni theologian today.[294]

In a nutshell, al-Qaraḍāwī is a figure of authority not only because of his undisputed religious knowledge, but because his sphere of influence is supported by large political, media and religious networks. More importantly, al-Qaraḍāwī owes his charisma to being a "guide" in terms of religious knowledge, fatwa and political action. For this reason, his legitimacy is contested in certain countries such as in Egypt by al-Azhar and in Saudi Arabia because of the geopolitics that divides Arab and Muslim countries. It is also worth mentioning here that

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[294] See Maréchal 2009; Gräf – Skovgaard-Petersen 2009.

al-Qaraḍāwī, in contrast to most Muslim jurists today, does not endorse a par-
ticular school of Islamic law. He argues for "comparing the opinions of the
various schools of law to find out which opinion is the most adequate to cur-
rent needs".[295] His method of fatwa is selective, and rarely innovative; it consists
in choosing from the existing legal literature produced by various schools, an
opinion that seems to match his criteria of adequacy to modern Muslim societies
and their compatibility with the objectives of Islamic law.

Al-Qaraḍāwī considers that Islamic ethics do not recognise the authority
of religious clergy, *rijāl al-dīn* but that of the scholars who are specialised in
the various disciplines of Islamic knowledge, and are to be compared rather
to scholars of ethics, philosophy and law in other societies.[296] In other words,
al-Qaraḍāwī is arguing here for the epistemic authority of the *ʿālim* versus cleri-
cal authority. Al-Qaraḍāwī further explains that the relationship between these
religious scholars and the state is of advice: Islamic ethics requires the religious
scholars to give advice to the rulers of Muslim societies as well as to the common
people.[297] The purpose of such advice is to help the state take the right Islamic
path and apply Islamic law.[298] Yet giving advice to rulers cannot be established
on the account of epistemic authority alone. Such a situation involves moral
authority, and even political authority since advice to the ruler is an attempt to
influence the course of political action. In al-Qaraḍāwī's view, Islamic ethics
do not sanction "religious power", *sulṭa dīniyya* in the clerical sense, that is a
theocracy, but calls to an "islamic power", *sulṭa islāmiyya*.[299] The latter would
be interpreted as a civil power, chosen by the *umma,* following the Islamic
reference, *marjiʿiyya islāmiyya* in matters of law, guiding lines, internal and
foreign policy. Thus, al-Qaraḍāwī wishes to limit the authority of the *ʿālim* to
matters Islamic, excluding him from exercising power. However, the authority
of the *ʿālim* is not only epistemic (providing expertise on religious matters), but

[295]   Shaham 2018: 49–50.
[296]   Al-Qaraḍāwī 1997: 30.
[297]   Al-Qaraḍāwī 1997: 30.
[298]   Al-Qaraḍāwī 1997: 30.
[299]   Al-Qaraḍāwī 1997: 74.

moral (guidance, advice), religious (Islamic law) and political (a reference for internal and foreign policy).

There is some ambiguity in al-Qaraḍāwī's interpretation of Islamic power, *sulṭa islāmiyya* that needs to be clarified. For what he means by *sulṭa* is the entire state system; obviously, the religious scholar is part of this apparatus but does not lead it and has his particular domain to take care of. Power belongs to the elected rulers of the community and the religious scholar should not compete in power with the rulers (because that would be a religious power, *sulṭa dīniyya* a political system which is guided by the religious scholars). Al-Qaraḍāwī wishes to strike a balance between authority and power. The religious scholar should assume, in his view, religious-political authority in this state system without holding power.

Aḥmad al-Raysūnī

Al-Qaraḍāwī's twofold legitimacy, based on religious knowledge and political action, sets a model to other members of IUMS; these members also possess this double legitimacy although at less prestigious degrees. Aḥmad al-Raysūnī, who replaced al-Qaraḍāwī as president of IUMS in 2018, enjoys considerable influence both in the circles of religious knowledge as well among militant Muslims. Al-Raysūnī was born in 1953 in Northern Morocco. He obtained his diploma in Islamic law at al-Qarawiyyīn University in 1978 and his PhD in Islamic legal theory at Mohammed V University in Morocco in 1992. Between 1986 and 2006, he was Professor at various institutions in Morocco, and especially at Dār al-Ḥadīth al-Ḥasaniyya, the most prestigious centre of religious training of *'ulamā'* in Morocco. In the 1990s and 2000s, he was the most prominent scholar of Islamic legal theory and ethics in North Africa, and the uncontested specialist of Abū Isḥāq al-Shāṭibī's ethics of Islamic law.[300]

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[300]   Seniguer–Hassan 2020. Al-Raysūnī's major work on al-Shāṭibī in Arabic was published in 1991 as *Naẓariyyat al-maqāṣid 'inda al-Imām al-Shāṭibī* (originally his MA thesis in Islamic Studies at the University Mohammed V, Rabat). It was reedited several times in

His legitimacy within the circles of religious knowledge became international when he was appointed as director of the Encyclopaedia of Islamic Legal Rules project by the International Council of Islamic Law in Jedda (a project that ran between 2006 and 2012). Subsequently, he was invited to teach and supervise projects in various countries in the Muslim world. To date, al-Raysūnī has published over 20 books on Islamic legal theory and Islamic ethics, most of which are important contributions to *maqāṣid al-sharīʿa* (higher objectives of Islamic law) applied to private and public spheres, including politics, as shown by his book *Fiqh al-thawra: murājaʿāt fī l-fiqh al-siyāsī al-Islāmī* [The Jurisprudence of Revolution: Revisions in Islamic Political Jurisprudence] published in 2013,[301] a justification of the revolts of the Arab Spring and a discussion of Islamic views of democracy.[302]

As for his legitimacy in political action, al-Raysūnī has been a regional Islamist leader in North Morocco since the 1980s. He was the head of the Islamist movement League of Islamic future (1994–1996) and that of the Islamic movement al-Tawḥīd wa-l-iṣlāḥ (1996–2003), both of which are close to the Muslim Brotherhood. Al-Tawḥīd wa-l-iṣlāḥ unified various Islamist groups at a national level, becoming the main Islamist opposition in Morocco, recognised by the Moroccan ruling monarchy, and constituting the PJD (Justice and Development Party). This party led the government in Morocco for a decade (2011–2021).[303]

As a figure of authority of IUMS, al-Raysūnī plays the leading role of this organisation of *ʿulamāʾ*. On the one hand, he supervises the production of knowledge and legislation. His authority as an Islamic jurist bestows validation

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Arabic, and translated into English in 2005 as *Imam Al Shatibi's Theory of the Higher Objectives and Intents of Islamic Law* and published by the International Institute of Islamic Thought in Herndon. In 2016, it was translated into French as *Les objectifs supérieurs de la Charia chez ach-Châtibî* and published by Alqalam livres in Paris.

[301] The *fiqh* literature pertaining to the Arab Spring has been the topic of several research papers recently. See in particular Nakissa 2015; Belal 2018; Warren 2019; Tajdin 2022; Amin 2022.

[302] Al-Raysūnī: al-Sīra al-dhātiyya (http://raissouni.net).

[303] Al-Raysūnī: al-Sīra al-dhātiyya.

on the publications and decisions adopted by various committees of IUMS. On the other hand, al-Raysūnī proposes and executes the foreign policy and political relations as well as the organisational aspects of IUMS. So, the president acts as "a little Islamic ruler", with certainly no powers, but with sufficient religious and political authority to represent the *umma* and influence, to a certain degree, the ongoing political affairs in the Muslim world.[304]

Al-Raysūnī's scope of action goes beyond the function of mufti, which constitutes one of his tasks, but by far not the most important. As the president of IUMS, he is above all a guide of the *umma* who deals with the burning and current issues at stake in the Muslim world. In this capacity, he declares jihad in Palestine as a religious obligation,[305] sets limits on freedom of expression,[306] welcomes ministers and delegations of various countries (from Mali to Afghanistan), intervenes in the internal politics of Tunisia (supporting Islamists and denouncing their adversaries)[307] and Egypt[308] and calls to follow the *'ulamā'* who are, according to him, authorised by the Qur'an to protect the *umma* from error and misguidance.[309] Accordingly, al-Raysūnī asks, from his audience, obedience to the political and religious authority of the *'ālim* as a guide. As he puts it:

> So, whoever obeys the emir who commands what the scholars have decided and the scholars have deduced, then in reality he is obedient to the scholars. Whoever obeys the scholars is in fact obedient to God and His Messenger, so obedience in the end returns to God Almighty, returns to the Messenger of God (PBUH). Therefore, obedience is subject to the requirements of what God commanded, and what the Messenger of God (peace be upon him) commanded, meaning that obedience is subordinate to the requirements of religious knowledge.[310]

[304] Maktab al-ri'āsa (www.iumsonline.org/ar/PresidentOfficeInfo.aspx).
[305] IUMS 2021k.
[306] IUMS 2021i.
[307] IUMS 2021e.
[308] IUMS 2021c.
[309] IUMS 2021d.
[310] IUMS 2021d.

Thus, the president of IUMS believes the *'ulamā'* have the final word on legit-imising political power. As long as power obeys/conforms to what the jurists consider being legitimate politics, power can be said to be legitimate. Politics are subordinate to religion, and this claim extends the jurist's authority beyond that of the mufti assigned to him by most ruling regimes in the Muslim world.

'Alī al-Qaradāghī

A third central figure of authority in IUMS is the secretary general 'Alī Muḥyī al-Dīn al-Qaradāghī; the latter was born in 1949 in the Qara Dagh area of the Sulaymaniyah Governorate in Iraqi Kurdistan. He is a Kurdish–Iraqi Sunni and holds Qatari nationality; his family which provided several religious scholars in the area, claims lineage to al-Ḥusayn son of 'Alī. Al-Qaradāghī took his basic religious education in Qara Dagh, and then moved to Sulay-maniyah and Baghdad to expand his learning. He obtained his Bachelor's degree in Sharia, 1975 at the Great Imam College in Baghdad, an MA in Comparative Jurisprudence from the Faculty of Sharia and Law at Al-Azhar University in 1980. He then went on to obtain his PhD in Sharia and Law from Al-Azhar University in 1985 – with a dissertation in the field of con-tracts and financial transactions. He joined the Faculty of Sharia at Qatar University in 1985 as Assistant Professor and in 1995 he was promoted to Pro-fessorship. He published more than 30 books and over one hundred research papers, most of which are in Islamic financial transactions, banking and economics, and Islamic jurisprudence.[311]

Al-Qaradāghī's career seems, at first glance, to be that of a "bookish" jurist descending from a religious family with little interest in politics *per se.* How-ever, al-Qaradāghī is far from being apolitical; he founded one of the earliest Islamist humanitarian associations, al-Rābiṭa al-Islāmiyya al-Kurdiyya, the Islamic Kurdish League in 1988. Its first mission was to help civilian Kurds after

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[311]   Al-Sīra al-dhātiyya w-l-'ilmiyya w-l-'amaliyya (https://alqaradaghi.com/about-personal).

the Halabja massacre in Kurdistan as well as to provide Islamic education and *da'wa* material in Iraqi Kurdistan.[312] In the early 1990s, some Iraqi members of the Muslim Brotherhood joined the League after their return from their exile in Iran.[313] Still headed by al-Qaradāghī, the Islamic Kurdish League became a member of the Islamist front in Iraqi Kurdistan.[314] Al-Qaradāghī is directly involved in Iraqi Kurdish politics as a major Islamist independent voice.[315]

In addition to his role in Kurdish politics, al-Qaradāghī is active in a number of international Islamic organisations. He is Chairman of the Supreme Consultative Council for Interfaith Rapprochement of the Organization of Islamic Cooperation (Jeddah) and Vice President of the European Council for Fatwa and Research (Dublin). He is also board of a number of Islamic banks and Islamic insurance companies inside Qatar, including the Qatar Islamic Insurance, and outside Qatar, including the Dubai Islamic Bank, Bahrain Investors Bank and First Investment in Kuwait.[316]

Similarly to al-Qaraḍāwī and al-Raysūnī, al-Qaradāghī promotes the political authority of the *'ālim;* the latter should, in his view, "proclaim the truth without fear except from God. As for those who indulge in injustice and incline with the whims of power, they are not divinely inspired, but rather they are seditious, and instruments of injustice, seeking only money and prestige. The International Union of Muslim Scholars are not against rulers, kings and princes, but rather they are against injustice and tyranny".[317]

The political authority of *'ālim* should appear at two levels: that of rulership and that of the community. With regard to the rulers, al-Qaradāghī believes the *'ālim* should "deliver the duty of telling the truth and transmitting the Islamic message in spite of the ruler's threat to cut his livelihood or imprison him".[318] He insists that IUMS religious scholars "are against

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[312] Al-Sharq al-Awsat 2003.
[313] Al-Dulaymī 2013: 323–324.
[314] Sotaliraq 2017.
[315] Burathanews 2012.
[316] Al-Sīra al-dhātiyya w-l-'ilmiyya w-l-'amaliyya.
[317] IUMS 2017b.
[318] IUMS 2017b.

oppression and tyranny, and that their duty is to explain the truth with wisdom and to impart sincere advice [...] the duty of scholars is reform and change, and to provide sincere advice to the rulers of the Muslims".[319]

As for the community, for al-Qaradāghī the *ʿālim* is "the reference of the *umma;* he leads the community on the right path".[320] He adds that "the religious scholars are the last standing men amidst the sedition, the weakness and division of the *umma*".[321] In his view, religious scholars should take their responsibilities and, in particular, "stand with the weak and oppressed and defend their rights".[322]

Al-Qaradāghī enumerates ten responsibilities of the "divinely guided" religious scholar, *ʿālim rabbānī:* he carries the concerns of his community in the state of safety and fear, he is a role model, he is merciful and compassionate to his community, he fears God, he is patient in the face of harm and calamities, he calls to Islam with wisdom and good exhortation, he is a teacher and spiritual guide, he explains God's law, he gives advice to the public and rulers and he refutes the arguments of Islam's adversaries.[323]

Let us note that the concept of "divinely guided" religious scholar, *ʿālim rabbānī* is claimed by Gnostic schools of thought such as Sufism and Shīʿīsm as well as by political movements (Muslim Brotherhood thinkers), traditionalist and Salafi scholars. The common denominator between all these branches of Islam can be found perhaps in the idea of the guide. That is, each of these branches perceives the "divinely guided" religious scholar to be guided by God, and therefore is able to guide people; he compares them to the Prophets and imams who were guided and guides at the same time. This is the highest religious and political authority that one can claim in a Muslim context.

The religious scholar-activists, illustrated here by IUMS scholars, claim political authority as a form of counter-power. That is to say, the religious-activists

[319]   IUMS 2017b.
[320]   IUMS 2017b.
[321]   IUMS 2017b.
[322]   IUMS 2017b.
[323]   IUMS 2017b.

side with opposition to most ruling political regimes in the Muslim countries without aspiring to take hold of power itself; they are political critics of despotic regimes, denouncing unjust policies and calling for reconciliation between all parties involved in conflicts within Muslim societies. The religious scholar-activist is also a counter-authority as he competes with official religious scholars who support/collude with the ruling regimes. These are scholars who occupy positions in official religious institutions (ministries of religious affairs, councils of *fiqh,* religious universities, etc.) and who produce fatwas to justify state policies endorsed by these authoritarian regimes. Al-Qaradāghī calls these official scholars the scholars of power and officials, *('ulamā' al-sulṭa wa-l-rasmiyyīn).*[324]

CONCLUSION

The International Union of Muslim Scholars (IUMS), based in Doha, Qatar, is a religious and political organisation which claims the religious and political authority of guidance. The religious scholars of IUMS regard themselves as figures of authority, producers of Islamic knowledge, advisers of the rulers, guardians of the *umma,* performing the traditional roles of the *'ulamā'* (fatwa, education, charity, etc.) as well as new roles (participating in international and national politics, media, etc.).

The structures of authority of IUMS follow a pattern of an Islamic transnational organisation with an assembly, presidency, secretariat and specialised committees. Its presidency (Y. al-Qaraḍāwī (2004–2018) and A. al-Raysūnī (2018–2022) and the general secretariat (al-Qaradāghī 2004–) define the main tenets of discourse and axes of action in the IUMS. The structure of IUMS is composed of different committees (family, education, proselytising, fatwa, Palestine, youth, Muslim minorities, media) which extend the scope of its action beyond religious matters to vital political and social ones. Still, the religious

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[324]   IUMS 2017b.

scholars acting as figures of authority do not function as representatives of the "collective" authority or the "bureau" of IUMS, but are autonomous agents having their own individual charisma and political career, in their own national contexts. IUMS fully embraces the idea of the religious scholar-activist, and as figures of authority, the *ʿulamāʾ* of IUMS become a fertile springboard for religious knowledge and political action, linked to regional and global Muslim political issues, claiming the legitimacy of autonomy, action and knowledge at the same time. This triple resource gives the religious scholar-activist an influence over certain Muslim publics beyond the fatwa and religious knowledge domains; his political role as the authority-reference of the *umma* sets limits on this influence insofar as IUMS is envisioned as an ally of the Muslim Brotherhood, a link that alienates it from countries such as Egypt, the United Arab Emirates and Saudi Arabia.

Chapter IV

The State and Public Morality in Muslim Contexts: A Study of the Moroccan Case

INTRODUCTION

Albeit contested, modern Western states play a central role in regulating public morality. Some states consider morality a legitimate government interest in connection to sexual practices;[325] other states act as purveyors of morality through various state institutions (schools, etc.)[326] while other states renegotiate their roles in public morality amidst tensions between religion and secularism.[327] Challenged by rising religious claims in the public sphere, liberal Western states responded by searching for a balance between the "restrain" they should practice on moral questions (as secular states) and the need to enforce a moral code to implement effective policies.[328] In this regard, Talal Asad described the liberal perception of the state, as that "which believed it was necessary to *forcibly educate its subject populations* until they had truly developed that capacity and could exercise the right to self-government in a responsible manner".[329]

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[325]   Piar 2012.
[326]   Welch 1988. See also the project of replacing religious instruction in public school in Belgium with courses on citizenship and philosophy (Burgraff 2021).
[327]   Henricson 2016. The Charter of Principles for Islam in France (January 2021), adopted by the French Government to reorganise Islam in France, is a good example of how a moralising and sovereign state, a paradox for a liberal state, intends to establish a state guardianship over the actors of Islam. The charter calls for adherence to the values of liberty, equality, fraternity, secularism and reason as an ethical framework for Islam in France, even though these values are contested by many Muslim religious authorities (Docdroid 2021).
[328]   Galston 1986.
[329]   Asad 2001: 7–8.

Similar tensions can be observed in the decisions and actions taken at state level with regard to moral issues in Muslim contexts. In the latter, states use various registers in order to take action and claim authority on morality in the public space: law, ethical standards, sharia, pragmatism, authoritarianism, etc. States in the Muslim world also use similar modes of moralising the public space to those used by Western liberal states (law, education institutions).

However, there are a number of important differences between formally liberal Western states and states in the Islamic world. Firstly, for the most part, the latter are neither "liberal" nor secular. Thus, closer, although more ambivalent, relationships are assumed between modern states and Islam. Secondly, from the perspective of Islamic ethics, the state is not the unique agent of commanding "right and forbidding wrong" which is the primary competence of the community and the individuals. Thirdly, the modern state in Muslim contexts endures a deficit of popular legitimacy, and therefore, of moral authority. It is then necessary to address the question of legitimacy and the justification of state intervention (or non-intervention) on moral issues. For, the state's role in public morality (gender norms, schools, family, army or religious institutions), can be seen differently through dissimilar political and philosophical lenses. Fourthly, the states in Muslim contexts act not only as teachers or educators, but also as guides, guardians, Sufi masters or fathers, depending on the sociological-historical configuration of the state and society in question.

The aim of this paper is to discuss the problem of the moralising state in Muslim contexts at two levels. On the one hand, at a theoretical level, I intend to explore the specificities of the state's role in public morality, focusing on three aspects of this role: (1) contemporary views of Islamic ethics on the subject; (2) the moral authority of the modern state; (3) the interactionist nature of states and morality in Muslim contexts (as opposed to the confrontational relationship between state and morality in secular contexts). On the other hand, through the Moroccan case, I illustrate some of the structures and functions of enforcing morality in the public space. I conclude by showing some of the limits to the role of states in public morality in the Islamic world.

THE STATE AND PUBLIC MORALITY
IN TENSION

Recently, various actions involving the states in the Muslim world heightened the tension surrounding the scope and limits of the state's role in public morality. In Iran, the police arrested in November 2020 a group of young people for drinking alcohol and taking off the headscarf.[330] In early 2021, Turkey decided to withdraw from the Istanbul Convention, a European treaty on violence against women. The decision was justified by reference to the need to protect family values.[331] Also in early 2021, the Saudi police arrested a medical doctor who became involved in practices judged as unlawful, including abortion and hymen reconstruction.[332] At the same time, the Moroccan police detained a group of young people who broke their fasting during the month of Ramadan, sparking a new debate in the country.[333] During the same period, the researcher Saïd Djabelkhir was detained in Algeria for denigrating Islam after he criticised the feast of ʿĪd al-Aḍḥā and other practices in Islam.[334] More recently, in Egypt, a court in Alexandria sentenced a *TikToker* to three years of prison and a fine of 200,000 Egyptian pounds for indecent exposure, namely erotic language and obscene gestures.[335]

Oftentimes, legal instruments foster the state's role in public morality (for example Moroccan authorities justify their arrest of those who break the rules of fasting during the month of Ramadan by the Penal code, Article 222). At times, in regard to mandatory vaccination or drinking alcohol, states act without the support of legislation. Some states would use medieval Islamic concepts of public law such as commanding right and forbidding wrong (Saudi Arabia) to enforce morality in the public space. Other states

[330]   Iranintl 2020.
[331]   Gulel–Choukroune 2021.
[332]   Youm7 2021.
[333]   Alhurra 2021b.
[334]   Alhurra 2021a.
[335]   Alarabiya 2021.

endorse a moralising role through ministries of religious affairs which *de facto* make these states religious authorities in the public sphere.

These cases (and hundreds of others that take place every year throughout the Muslim world) usually spark debates about morality in the public space. One significant debate is about public decency, *ḥayāʾ ʿāmm;* the states in Muslim contexts claim to protect societies against infringement of public decency, *khadsh al-ḥayāʾ al-ʿāmm,* usually with regard to body and language expressions. When the state intervenes in the public space, it often argues that it acts to ensure decency is preserved. In this regard, the state's role in public decency is justified by the *moral imperative to preserve morality.* Islamic ethics expect individuals and groups to act with decency *ḥayāʾ,* a pivotal Islamic value, and regard the enforcement of *ḥayāʾ* in the public space as a function of the state (as well as of the community). Thus, the ultimate justification of the state's enforcement of morality is that decency is a major Islamic principle, religiously grounded and socially shared by the majority of Muslim communities and individuals. However, the religious reference to *ḥayāʾ* makes the role of the state ambiguous: does the state enforce religion when it enforces morality? Additionally, the scope of Islamic decency is sometimes nebulous and undefined. For example, the headscarf is a sign of Islamic decency, and yet, some Muslim societies evolved to accept that women are free to wear or not the headscarf. In this particular case, the function of the state as a protector of decency can inculcate contradictory messages.

Another debate that is relevant to enforcing morality in the public space in Muslim societies is that of moral autonomy. Under the influence of Western modernity, we came to understand the autonomy of the individual "to be crucial in the moral realm".[336] However, as De George puts it, "moral autonomy of the individual does not deny the fact that morality, like language, is a *social product*. We learn what morality is only by living and interacting with others. The authority of tradition plays some role in passing on to us the content of morality as well as its general principles".[337]

[336] De George 1985: 215. See also Christman 2020; Swaine 2020.
[337] De George 1985: 215.

Liberal voices in Muslim societies usually argue for moral autonomy against the state's enforcement of morality in the public space. Thus, they perceive the state as: (1) repressive of freedom of expression (either of one's sexual needs or of one's opinion); (2) ambivalent about its role with regard to religion and politics as enforcing morality involves institutions of political power (the police for instance) and religious authority (reference to Islamic law).[338] Others would argue that politics and state are determining in everyday Islamic religious life.[339] For example, Lisa Maria Franke has shown through her study of female Qur'an circles in Alexandria that a powerful relationship exists between individual religion, the religious authority of al-Azhar, Islamism and state influence.[340]

A third debate questions the moral authority of the state itself. In other words, can the state *ab initio* be the source or arbiter of morality, enact or know the ethically good or inculcate a system of ethics? The moral authority presupposes "the respect given to X and to X's actions by Y (who stands in an inferior position to X in R) because of Y's belief in X's morally upright character and in the morality of X's actions in R" according to De George;[341] simply put, it is "the authority of A to prescribe a particular course of action for B"[342] according to W. H. Werkmeister. Many contest the state as an agent of morality. Thus, the state needs to justify constantly its executive moral authority, mobilising various bodies, from the ministries of religious affairs to the judiciary and to the police in order to make reasonable claims about knowing what is right and what is wrong, and enforcing morality accordingly.

Some heated discussions on the moralising action of the state are currently taking place in countries such as France and Belgium, relevant to Islamic ethics. For example, there are debates about the neutrality of the state in a secular regime with regard to Muslim practices of clothing and eating in schools or

[338] Nimri 2016.
[339] Launay 2021: 252.
[340] Franke 2021.
[341] De George 1985: 192.
[342] Werkmeister 1976: 97.

about gender.[343] Some voices claim that the state should protect Muslim women and gender equality within its borders (and beyond), while others promote the rights of Muslims to any ethical practice they wish to endorse as an individual right. Furthermore, theoretical discussions in the West about the boundaries between law and ethics, and the role of the state in legislating on ethical matters are also relevant to Islamic ethics, particularly as Muslim jurists and intellectuals debate the relationship between European laws, sharia and ethics.[344]

THE PROBLEM OF THE MORALISING STATE IN MUSLIM CONTEXTS

The above-discussed debates on the moral authority of the state and public decency illustrate the difficulty that states in Muslim contexts/communities face to justify their authority of *État moralisateur* (the moralising state) as put by the French scholar of public law Cédric Groulier.[345] Groulier argues that the modern state went through transformation, increasingly acting in the capacity of "a teacher" to society: either by seeking to promote moral values, or at least to guide towards an order of values considered to be virtuous, or by condemning certain behaviours judged to be immoral or contrary to the dominant values in society.[346] Groulier et al. also identified several manifestations of the moralising state in political discourses and actions, on a national and international scale, including the domain of law, as represented in courts, health care, humanitarian work, taxes and bioethics, comprising cases from Muslim contexts such as Tunisia and Bosnia. Furthermore, Groulier et al. underlined a plethora of motivations behind this tendency of the state to interfere in public morality,

[343] Joppke 2014.
[344] Hallaq 2012.
[345] Groulier 2014.
[346] Groulier clearly envisions modern states as recent Western liberal and secular states. Otherwise, the famous Victorian morality in Britain (19th century) and totalitarianism in Germany and the Soviet Union are typically examples of moralising states.

from interest groups to moralisation as a means of reasserting itself or compensating for its loss of influence, or even protecting itself.[347]

Similarly to Groulier's approach, Jocelyne Cesari asserts that the modern states "disciplined religion" that is the states in Muslim contexts proceeded to concentrate power, identifying with a single Muslim tradition and embracing "hegemonic forms of Islam, unknown to pre-modern Muslim polities and empires".[348] And thus, most states in the Muslim world made a double/contradictory choice of "embracing Western institutions and technologies necessary to strengthen the state militarily and economically while redefining rules of engagement between religion and politics and sacrificing "core" collective identities".[349]

However, such approaches of the moralising state as teacher-agent of discipline or centraliser of religious authority touch on only some aspects of political power in Muslim contexts. Groulier's account of the moralising state is based upon data from the recent decades, assuming the transformation towards moralisation to be a new change in the political performance of the modern state in the West and beyond. Such a view fails to see how states in Muslim societies, ranging from the Caliphate to modern states, from the virtuous city of the Muslim philosophers (under Platonic influence) to jurists of *siyāsa sharʿiyya* and *aḥkām sulṭāniyya,* and from the Islamic utopian state of Sayyid Quṭb[350] to the moral state of Muḥammad Shaḥrūr,[351] to enforce morality in the public space at an institutional level. As for Cesari, her argument ignores that states in pre-modern Muslim polities and empires embraced, if not imposed hegemonic forms of Islam as well.[352]

There is a need thus to take into account the recent changes in the role of the state in the Islamic world without discarding its foundations in tradition,

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[347] Groulier 2014.

[348] Cesari 2016: 137.

[349] Cesari 2016: 140.

[350] March 2010.

[351] Shaḥrūr 2015.

[352] From the Abbasids who imposed the Muʿtazilite creed in the 9th century to the Safavid dynasty who turned Iran into a twelver shiʿi country in the 16th century.

political culture and history in the Islamic world. Rather than building states from scratch, ruling elites in the Islamic world, in most cases, rebuilt states on old foundations. It is necessary here to clarify exactly how the practice of enjoining the "good and forbidding the wrong" for hundreds of years has established a political culture of moralising the public space in Muslim societies, the lack of which could weaken the state's sovereignty a great deal. This is all the more important since the modern state in Muslim contexts suffers from a deficit in sovereignty because of its internal and external vulnerabilities. It is perhaps here that the moralising state compensates (or over compensates) for its loss of sovereignty.

Equally important is the consideration that Muslim states are authoritarian; in most Muslim societies political power is exercised as paternalistic, leadership or mastership. This is a different facet of the problem than the notion of the moralising state as teacher (according to Groulier). Here, the state wears the mantle of the parental authority and aspires to restrain its flock. The best way to put it perhaps is that of the Moroccan anthropologist Abdellah Hammoudi, who argues that "in all political parties and trade unions, as well as public and private bureaucracies, processes of political interaction are dominated by the relationship to a chief, which is modelled on the exemplary master-disciple relationship".[353] Similarly, the Palestinian historian Hisham Sharabi argued that Arab regimes are neo-patriarchal, not sufficiently modern and not entirely a traditional patriarchy in his view.[354]

If we were to observe the main function of the Sufi master, (or the father for that matter) then we must consider the notion of *ta'dīb* (disciplining from *adab,* discipline). This conception of the state as an agent of discipline goes back at least to ʿUmar b. Shabba's *History of Madīna* (9th century) who dedicated a chapter to the Caliph ʿUmar b. al-Khaṭṭāb's "disciplining of his subjects in their religion and worldly affairs".[355] ʿUmar's policies were portrayed in the Muslim tradition and political ethics as a Sunni prototype of the

[353]   Hammoudi 1997: 6.
[354]   Sharabi 1988.
[355]   Islamarchiv [s. a.].

state as an agent of discipline. Shīʿī religious authorities also believed that the ruler should discipline people, *taʾdīb al-nās.*[356]

Additionally, states in Muslim contexts envision religion differently from secular and liberal Western states. A moralising state in the Middle East and North Africa region usually intertwines with religion. The Iranian case illustrates how the state is subaltern to the authority of the guardian jurist, *Vali-yi faqīh*[357] and the moral authority of the state is subordinated to religious ethics. Beyond the Iranian case, since the capacity to state the wrong and the right is largely dependent on religious ethics in Muslim contexts, a moralising state is also in some way an Islamising state. Stéphane Lacroix has used the notion of State Islamism to describe Saudi Arabia's policy on Islam,[358] but other countries such as Sudan, Afghanistan, Malaysia, Turkey, etc. can be said to promote some versions of state Islamism. Other states in the Middle East and North Africa region, especially in the Gulf and North Africa, embrace strong religious policies. As a result, the extent to which a state endorses Islam contributes to the scope of its enforcement of morality in the public space.

ISLAMIC ETHICS ON THE STATE'S MORALISING ROLE

Before proceeding to examine the structures and functions of state moralising in Morocco, it is important to understand how Islamic ethics envisages the state's role in public morality. Luckily, the literature of *al-Aḥkām al-sulṭāniyya* and *al-siyāsa al-sharʿiyya* from Abū al-Ḥasan al-Māwardī (d. 1058) to Ibn Taymiyya (d. 1328) dealt extensively with this topic and offers us ample information and hundreds of cases to reflect on. The institution of *ḥisba,* as a state institution, legitimately enforced public morality.[359]

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[356] Al-ʿĀmilī 1975: XXII. 13.
[357] Surūsh 2000: 21–22.
[358] Lacroix 2011: 265–266.
[359] Narotzky–Manzano 2014.

Since the objective here is to sketch the main tenets of Islamic political ethics on the state's moral authority, suffices to take one example, that of *al-Aḥkām al-sulṭāniyya* of al-Māwardī. The latter considers *ḥisba,* which he defines as commanding what is good when it is being neglected, and forbidding what is bad if it is being practiced as primarily the state's function (while civilian volunteers can practice it by option).[360] The *muḥtasib* has the obligation to take action in public morality as this is the function which he is paid for, and by virtue of which he should give assistance to people in cases he is requested to do so.[361] It is thus a service to society. He also should inspect and investigate the apparent wrong acts to be removed and look for abandoned good deeds to be revived.[362] This is clearly a function of investigation and censorship as well as of enforcing piety. The *muḥtasib* should also recruit assistants to participate in denouncing evil, as he will be better able to do the main task for which he has been appointed, that is to enforce morality.[363] The *muḥtasib* may impose discretionary punishments in matters of manifest evil.[364] This indicates that he can play the role of a judge and policeman at the same time, deciding on the degree of physical punishment to inflict on a sinner, and then execute it. Finally, the *muḥtasib* may use his *ijtihād*-judgement concerning matters of customary practice in the markets, for example; thus, he can affirm or reject such matters in accordance with the results of his *ijtihād*[365]which means that the *muḥtasib* possesses the moral and epistemic authority of knowing what is good and what is wrong beyond the stated rules in Islamic law.[366]

Al-Māwardī asserts that in order for a *muḥtasib* to command the right and forbid the wrong, he should be a moral authority, which stems both from his state office and religious authority since *ḥisba* is one of the foundations of

[360]   Al-Māwardī 1996: 337–338.
[361]   Al-Māwardī 1996: 337–338.
[362]   Al-Māwardī 1996: 337–338.
[363]   Al-Māwardī 1996: 337–338.
[364]   Al-Māwardī 1996: 337–338.
[365]   Al-Māwardī 1996: 337–338.
[366]   Al-Māwardī 1996: 337–338.

religious authority, *al-ḥisba min qawāʿid al-umūr al-dīniyya*.[367] The *muḥtasib*'s action, being a state office and a body of political power, is accompanied with the power of the state, which includes the capacity to use force as well as to offer physical protection.[368] Al-Māwardī specifies that commanding the good concerns three fields*:* obligations towards God (e.g. enforcing the Friday prayer), obligations towards people (e.g. making sure debts are paid), and common obligations towards God and people (e.g. enforcing tutors to approve the marriage of women who believe the candidates who asked them for marriage are suitable).[369] He also divides forbidding the wrong into three domains: the wrong in the obligations towards God (e.g. punishing someone who eats during the day in Ramadan unless he is sick or travelling), the wrong in the obligations towards people (e.g. forbidding construction on the neighbour's land), and the wrong in the obligations towards God and people (e.g. banning voyeurism).[370]

Now that we have explicated what the moralising role of the state entailed for pre-modern Islamic political ethics, let us now turn to contemporary Islamic ethics. The state's moralising function was theorised by a number of seminal Muslim jurists, and chiefly by Yūsuf al-Qaraḍāwī, the prominent Egyptian-Qatari Sunni scholar. The latter published two books in which he elaborated on the ethics of Islamic state. First in his book *Min fiqh al-dawla fī al-islām* (1997) al-Qaraḍāwī asserts that "Islam's state is a state of belief, ideas, and a clear path; it is not only a security institution which could preserve the *umma* from external and internal attacks. Its function is much deeper and more encompassing than that. It is *to instruct and educate people about the teachings and the principles of Islam, and prepare the positive environment to turn the beliefs of Islam, its ideas and teachings into a concrete practical reality, and be the example for anyone who searches for guidance*".[371] Al-Qaraḍāwī adds

[367]   Al-Māwardī 1996: 339.
[368]   Al-Māwardī 1996: 317.
[369]   Al-Māwardī 1996: 318–323.
[370]   Al-Māwardī 1996: 324–336. A scholarly discussion of al-Māwardī's take on *ḥisba* and the state can be read in Laoust 1968; Cook 2000: 344–345.
[371]   Al-Qaraḍāwī 1997: 20.

that "Islam's state is a state of principles and morality; it commits itself to this goal, inside and outside its territory, with its friends and enemies, in peace and war, does not deal with double standards, and is not Machiavellian".[372]

In *Akhlāq al-islām* (2017), al-Qaraḍāwī argues that a set of Islamic values should frame the functions of the state, especially knowledge, virtuous action, freedom, *shūrā,* honesty and justice. For him, the Muslim state is a moral state.[373] The latter has the moral obligation to embrace science and knowledge, the most virtuous action possible (implementing the higher objectives of Islamic law on earth which are worshipping God, viceregency, and building civilisations, doing the good and pursuing excellence in his actions).[374] The Islamic moral state should also guarantee freedom for its citizens so that man is relieved from all oppression (being sovereign on earth and servant only to God), protecting religious, intellectual, political and civil freedoms.[375] This state should also respect the principle of *shūrā* (consultation): the ruler should consult the community, and the community should advise the ruler while both the rulers and the ruled should command the right and forbid the wrong. Al-Qaraḍāwī believes the basis of accepting political leadership in Islam is consent and allegiance by choice.[376] The moral state should also make sure trusts are rendered to their owners, corruption and treachery are forbidden, jobs are offered according to competence, social justice be prevailing so much so that rights are fulfilled and poverty is eliminated.[377]

Aḥmad al-Raysūnī, the Moroccan scholar of Islamic law and president of the International Union of Muslim Scholars (2018–2022), has produced similar views on the moralising role of the state. According to al-Raysūnī, the state should assume the function of compelling morality, *ilzām sulṭānī* whereby the state uses all its institutions (legislative, judiciary or executive institutions)

[372] Al-Qaraḍāwī 1997: 50.
[373] Al-Qaraḍāwī 2017: 597.
[374] Al-Qaraḍāwī 2017: 597–604.
[375] Al-Qaraḍāwī 2017: 604–609.
[376] Al-Qaraḍāwī 2017: 609–618.
[377] Al-Qaraḍāwī 2017: 619–632.

and circles of competence to enhance morality and values in society.[378] Hence, in his view, the ethical character and purpose of punishments in Islam consists in removing immoral acts which harm individuals and society.[379] However, al-Raysūnī envisages the moralising state as complementary to the moralising individual and society. Individuals and societies are summoned to commit to Islamic ethics independently from the state, since the major responsibility in moralising the public space is entrusted to the believers and the community in this regard. The state should only enforce morality in case of necessity and within certain limits. Thus, he distinguishes between two enforcers: religion and state. The Quranic enforcer induces the believers to restrain themselves from acting immorally by virtue of its preventive nature. As for the state, it enforces morality by coercive measures, *wāziʿ sulṭānī,* and thus its role is puni-tive. Al-Raysūnī refers here to the attributed principle to the Caliph ʿUthmān which states that "Inna Allāh yazaʿu bi-l-sulṭān mā lā yazaʿu bi-l-Qurʾān", God restrains with the ruler's power what He does not restrain through the Qurʾan.[380] Al-Raysūnī adds that the state should command the right and forbid the wrong, because it is a pillar of *sharīʿa,* and so it should increase collaboration for the common good and public piety, promote any type of righteousness and benefit for people, and push for any removal of corruption or harm as well.[381] For him, this role of political power and state in applying religion and *sharīʿa* is less imperative than that of the *umma* and society.[382]

Al-Qaraḍāwī and al-Raysūnī share with Groulier a number of key fea-tures on the moralising state. In particular, they perceive the state as a teacher or educator which impresses particular values on its citizens.[383] However, al-Qaraḍāwī and al-Raysūnī differ from Groulier in some important and normative ways. First, they insist on a set of moral values which are meant

[378]   Al-Raysūnī 2016: 18.
[379]   Al-Raysūnī 2016: 18.
[380]   Al-Raysūnī 2016: 18.
[381]   Al-Raysūnī 2012: 74.
[382]   Al-Raysūnī 2012: 76.
[383]   Al-Māwardī speaks of the obligation to discipline people in matters of religion, *tahdhīb al-dīn* (see al-Māwardī 1996: 325).

to restrain the state's conduct (integrity, honesty, justice, etc.). That is to say, the state should be moral as much as it is moralising. Second, al-Qaraḍāwī and al-Raysūnī consider the state's role to be of guidance. And so, there is a discontinuity they see between the ideal (Islam's path and teachings) and the state; the latter is far from being omniscient or omnipotent, but should guide throughout Islam's path rather than politically control the community.

In contrast to al-Māwardī's state, contemporary Islamic ethics do not make enforcing morality incumbent upon the state. There seems to be a mistrust of two types of moralising state: (1) the Western moralising state which tends to be exclusive claiming monopoly of authority over the public space; (2) the classical Islamic state which tends to be restrictive. Contemporary Islamic ethics strips the state from absolute moral authority although it asserts that such state should enjoy some moral authority, restricted by dependence on serving the values of Islam and Muslim communities. It is thus perceived as executive moral authority, but not epistemic or ultimate moral authority. Moral authority stems from God and religion; thus, only the community and *sharīʿa* are authoritative in this aspect, and God, his law and the community bestow the moral responsibility of enforcing morality on the state. The latter is, thus, accountable to law and the community in enforcing morality, and not the opposite.

STRUCTURES AND FUNCTIONS OF THE
MORALISING STATE IN MOROCCO

Having defined what is meant by the moralising state in Islamic ethics, I will now move on to discuss institutions and functions of enforcing public morality in Muslim contexts. In general, the states in the Muslim world seek balance in their tolerance and/or restriction over religion. Over the last century, states evolved and adapted to the emergence of changes and competitors to the state in the religious-political field. Many states such as Turkey, Tunisia and Egypt envisaged modernisation as a secularisation of the state. However, these states are ambiguous about their role in the public space. On the one hand, these

states kept some institutions of moralising the public space alive. As Islamist movements gained more visibility and influence in the 1980s, the states started to endorse more openly Islam for ideological and pragmatic reasons, and "Sharia has become somehow consubstantial with the public and political life, in the context of predominantly Muslim societies" as noted by Baudouin Dupret.[384] On the other hand, some Islamist movements rejected the official Islamic discourse as deficient, calling for the full application of sharia. The national states' instrumentalisation of Islam as an official religion and as a way to control the political and social order through religion reached its limits.

Two major patterns of the relationship between the state and Islam can be identified in the Middle East and North Africa. The first pattern is based on harmony between the state and religion, ideologically and institutionally. Providing religious institutions with a major status and central role in the apparatus of the state makes religious actors willing to collaborate with and support the state and to contribute to its strength and legitimacy. This is the case of Saudi Arabia, Pakistan and Morocco for example. A second pattern is conflict between religious and political institutions whereby major ideological and institutional tensions exist between the state and Islam; Turkey, Iraq, Syria and Tunisia in various periods of their modern history can be considered examples of this pattern.[385]

The Moroccan Penal Code

As indicated previously, the Moroccan Penal Code is a landmark in the state's devices to moralise the public space. For instance, its Article 483 asserts that:

> Whoever, by his state of voluntary nudity or by the obscenity of his gestures or acts, commits a *public outrage to modesty* is punished with imprisonment from one month to two years and a fine from 200 to 500 dirhams. The offence is considered as public as

[384] Dupret 2017.
[385] Al-Ḥājj 2012.

soon as the fact which constitutes it has been committed in the presence *of one or more involuntary witnesses* or in the presence of minors under the age of eighteen, or in a place accessible to the public.[386]

Article 483 is part of the Moroccan Penal Code of 1962 (issued after the independence of Morocco in 1956),[387] modified in 2011.[388] The Code of 1962 borrowed Article 483 to the French penal code of 1913 (issued in Morocco a year after France occupied Morocco in 1912). This penal code of 1913 itself borrowed the content of Article 483 from Article 330 of Napoleon's Penal code of 1810.[389] And thus, the Moroccan modern state adopted a text written in 19th century Europe (France has since restricted the application of public outrage to modesty to abuse of minors[390]) and applies it in a Muslim context which has a long history of ethics of modesty in the public space. This goes against Cesari's thesis that modern states in Muslim countries embraced a centralised vision of the Muslim tradition. At best, the modern state can be said to have "assembled" various tools (eclectic hodge-podge) stemming from Western and Islamic references rather than consciously endorsing a single Muslim tradition. The state in Muslim contexts astutely mobilises elements of Islamic as well as rational-bureaucratic models of governance.[391]

In accordance with Article 483, a breach of public decency, *al-ikhlāl bi-l-ḥayāʾ al-ʿāmm* is an offence, *junḥa*. This article was the justification to punish a young man from the city of Casablanca in April 2012, who was jailed eight months in prison and fined for "trading in sexual paraphernalia that he secretly smuggled into Morocco".[392] In 2016, an inspector at the Rabat-Salé tramway

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[386] Mawsūʿat al-qawānīn [s. a.].

[387] Adala [s. a.].

[388] ILO 2011.

[389] "Any person who will have committed a public insult to the modesty, will be punished of an imprisonment from three months to one year, and a fine from sixteen francs to two hundred francs" (see Ledroitcriminel [s. a.]).

[390] Légifrance 1985.

[391] Al-ʿArwī 2011: 228; Balqazīz 2013: 80.

[392] Rudaw 2016.

station issued a violation against a Congolese student, who was holding the hand of his girlfriend "for disturbing public modesty at the station".[393] In 2021, the Moroccan court in Tétouan condemned a woman accused for the misdemeanors of "moral corruption" and "public breach of modesty", and decided to punish her with one month of effective imprisonment for "a video of a sexual act which offended public modesty and published in social media".[394] In 2021 as well, the Moroccan police prosecuted a young man in Tangier who "lifted the dress of a lady who was walking in the street before hitting her on the buttocks, filming the scene and uploading it on social media".[395]

Article 483 is unsystematically applied by the state to punish breaches against public decency. In 2015, a court in Agadir did not charge two girls who were wandering in a popular market wearing two short skirts with violating public modesty. The two girls were accused by some conservative sellers at the market of immorality knowing that the Moroccan Minister of Justice, Mustapha Ramid (of PJD, an Islamist leaning party), declared that the place where the two girls wandered was unsuitable for this type of dress.[396] A similar decision was taken in 2013 to dismiss charges against two students who exchanged a kiss in Nador, and whose kiss ended up being photographed and diffused on Facebook.[397]

Apparently, the tolerated "public indecency" depends on many factors: (1) a kiss or short skirts are not as offensive as having sex, holding hands in public transportation or trading in sexual objects; (2) in addition, these two cases in which the accused were exonerated for their offences were the most mediatised in recent years in Morocco. A huge campaign of human rights associations and promoters of individual freedom made these two issues "international" and political as well. Human rights associations consider that Article 483 allows arbitrary arrests "which leaves it to the discretion of

[393]   Alyaoum24 2016.
[394]   Legal Agenda [s. a.].
[395]   Sembene 2021.
[396]   Aljazeera 2015.
[397]   Hespress 2013.

law enforcement officials to interpret any act as being to be penalized".[398] The reputation of an "illiberal state" is a risk the Moroccan state did not want to take. Perhaps then, there is a conflict of interests as the political interest of the state has precedence over its moralising role.

Conversely, such tolerances can draw criticism from conservative individuals and groups who resist liberal ethics. Many conservatives are outraged that Article 483 guidelines on "disturbing public decency" are not widely applied in Morocco, in public places such as the gardens, parks, beaches, bars, prostitution houses and streets in various Moroccan cities.[399] Critics of the Moroccan state note that "there is great leniency in the application of the law, as many of the offences happen before the eyes of the security forces, and they do not move a finger, as if there is normalization with this deviation and corruption".[400]

As a result, it can be said that the Moroccan state mobilises Article 483 to maintain a functioning moral order. This policy disappoints both promoters of moral freedom (Westernised associations of human rights) as well as Islamist movements and conservative individuals and groups. A minimum of control of morality in the public space is sufficient to establish the sovereignty of the state in the public space. Such control should not, however, be a source of trouble to the state's economic interest as a tourist destination or to its international reputation as a "free country". In this case, moralising is neither systematic nor principlist.

In other words, we need to distinguish between maintaining the moral order and moralising. The two are not identical, and the Moroccan state prioritises the moral order not moralising. The state does the moralising to the extent that it preserves a functioning moral order, and its moralising serves the moral order not the opposite. And so, the conservative and liberal critics of the Moroccan state miss the point by requesting more or less moralising in accordance with Islamic morality or Western values.

[398]   Prometheus [s. a.].
[399]   Ghazal 2021.
[400]   Ghazal 2021.

The Supreme Council of Religious Scholars

The Supreme Council of Religious Scholars in Morocco, *al-Majlis al-ʿilmī al-aʿlā* is a governmental institution of Moroccan clerics which is attached to the Ministry of Endowments and Islamic Affairs. This Council is chaired by King Mohammed VI (by virtue of his status as commander of the faithful); it was created in 1981 to offer fatwas on various religious issues, and is thus the equivalent of Dār al-Iftāʾ in Egypt;[401] its function is to produce a Moroccan Islamic discourse and compete with religious discourses imported from the Middle East. In 2012, the Council issued a fatwa that considered those who renounce the religion of Islam to be infidels and the punishment for apostasy must be imposed on them, which is to be put to death.[402] This fatwa was produced amidst polemics about activities by Christian Protestant missionaries from various nationalities in Morocco.[403] This fatwa has sparked debate in Morocco and beyond about religious freedom in the country. Under enormous pressure, the Council issued in 2017 a modified fatwa on the subject according to which an apostate should not be put to death because there is no scriptural reference that defines precisely the punishment, except in a political context that may make the apostate a traitor to the community.[404] And thus, the Council reinterpreted *ridda,* apostasy as *khiyāna ʿuẓmā,* high treason.

The polemic that followed the 2012 fatwa pushed the Moroccan Minister of Endowments and Islamic Affairs, Aḥmad al-Tawfīq (a Sufi disciple of the Qādiriyya-Būdshīshiyya order), to downplay the decision by the Supreme Council of Religious Scholars regarding the killing of the apostate as an "opinion and not a fatwa".[405] That is to say, al-Tawfīq considered the statement of the Council to be "mere opinion" and not "an authoritative fatwa" meant to be applied or official. Yet, al-Tawfīq ascribed the monopoly of epistemic religious

[401] Al-Mahjoub 2019.
[402] Fadhel 2017.
[403] Hespress 2010.
[404] Hespress 2010.
[405] Assahraa 2013.

authority to this Council which he considers to be "the institution *sui generis* in matters of fatwas, whereby no other institution can issue authoritative fatwas in Morocco".[406] While Salafis supported the 2012 fatwa, liberal political parties and human rights associations strongly opposed it. The national press and liberal associations have also criticised Morocco for this fatwa.[407]

Being in control of the moral order does not exclude pragmatism or intolerance. For the Moroccan state, "the moral security" is a priority as it wishes to "confront all practices contrary to the values of Moroccans and all publications, books and publications that aim to harm these religious and moral values".[408] The Supreme Council of Religious Scholars in Morocco and other religious authorities who operate within the establishment of the Moroccan state are meant to justify and guarantee this moral security of the country in accordance with its national interest, that is with the state's sovereignty and strategic objectives.

Therefore, moral security is a tool to sustain the moral order which in turn supports the "fragile" sovereignty of the state.[409] If moral security risks to jeopardise the sovereignty of the state or its strategic assets, the state might take action in two seemingly contradictory registers at the same time (expulsion of Christian missionaries or advocating for a more moderate fatwa from the Supreme Council of Religious Scholars on apostasy). As the religious body of the state, the Supreme Council of Religious Scholars (and other numerous religious institutions in Morocco) ensures the state's control of the moral order. However, the religious authority is usually in alignment with

[406] Al-Karzabi 2019.
[407] Alquds 2013.
[408] Alraimedia 2009; Alarabiya 2009. The *Hay'at al-amr bi-l-ma'rūf wa-l-nahy 'an al-munkar* in Saudi Arabia also adopts the notion of moral security as does the Iranian Supreme guide Khamenei in Iran. Both religious authorities perceive moral security as part of the global security of their nations (see Nachman 2019).
[409] I do not believe that this fragility is inherent to the secular character of the modern state in Muslim contexts, which is Hussein Agrama's claim although I share his remark about the fragility of the state in the Middle East and North Africa (for rather sociological-historical reasons) (see Agrama 2010).

the logic of the state and political power and is ready to make concessions on moral issues to preserve the political order.

Firqat al-akhlāq al-ʿāmma:
The public morals police squad

Public Morals Squad, *Firqat al-akhlāq al-ʿāmma* is a judicial police squad in Morocco whose field of work specialises in combating prostitution dens and arresting prostitutes on charges of inciting corruption while also dealing with cases of rape and sexual assault. It is a special unit within the Moroccan judicial police, attached to the Directorate General of National Security, the Moroccan police. It operates in all Moroccan cities. The Public Morals Squad's main focus is prostitution and is known to the public as the security body which fights against the spread of sex tourism, a major problem in Morocco.[410] However, over the years, the Public Morals Squad extended its activities to a variety of tasks. For example, it censors content on the Internet by prosecuting those who upload obscene or sexually immoral material (as in the case of the famous Facebook celebrity "Mario", Ḥasan Bin Yaḥyā, who uploaded videos on Facebook, entitled "Mario Nights", about sexual and emotional relationships, using vulgar and erotic language).[411] This squad is also tasked with inspecting for illegal drug use and alcohol consumption.[412] Furthermore, the squad arrests producers of pornographic content as in the case of Rapper Al-Shaṭṭ Mān and his girlfriend in Casablanca, who were arrested in 2015 on charges of filming and publishing a pornographic video on social media.[413] The squad can also assume protective roles as in the case of the prosecution of a man who blackmailed his girlfriend (who severed her relationship with him); the ex-boyfriend photographed her naked at his

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[410] Mobachir 2021.
[411] Marsadhouriyat [s. a.].
[412] Ecopress 2022.
[413] Khaye 2015.

family home and threatened to expose her on the Internet.[414] One interesting case of the Public Morals Squad's work in 2017 was the summoning in Tangiers of Ḥanān Zaʿbūl, the wife of Shaykh Muḥammad al-Fizāzī, a famous Salafi preacher in Morocco. Al-Fizāzī filed a lawsuit against her for insults, slander, defamation, misleading the public opinion and submitting a false report of kidnapping, detention and abortion.[415] The Public Morals Squad also launches campaigns against homosexuals "to curb the phenomenon of homosexual behavior activities" in the streets.[416] In addition, the Squad prosecutes crimes such as abortion or trade in medicine used for clandestine abortions as well as the illegal and corrupt practices of pharmacists who violate regulations during times of health care emergency.[417]

Critics of the Public Morals Squad in Morocco pinpoint that it targets poor women, and thus, it could be an instrument of class and gender discrimination. In this regard, Mériam Cheikh asserts that:

> Police repression leads to the differential management and control of sexual illegality: it is not simply a matter of moralising the public space, but rather it hierarchises femininity. This hierarchy is not based on the norm of virginity, nor on the opposition between private and public spaces, traditionally the respective places of 'good' and 'bad' femininity: the respective legitimacies of the different ways of partying with women are closely correlated to the social status of the different publics concerned. While the presence of certain social categories of women in the night-time entertainment space has become legitimate, the presence of working-class girls in this study has not.[418]

There might be some truth to this claim as women from lower classes are usually the victims of action taken by the Public Morals Squad. However, since the squad fights against prostitution, especially organised prostitution, women

[414] Skab 2022.
[415] Insafpress [s. a.].
[416] Farfeshplus [s. a.].
[417] Maghraoui 2021.
[418] Cheikh 2017: 54.

are placed in vulnerable situations where they can become victims of abuse by the police. Nevertheless, I would not consider such action discriminatory. Prostitutes (mostly students and divorced women) sell their services usually in visible or suspicious places that are the privileged spaces of police intervention. What defines the Public Morals Squad's plan of action is mainly to ascertain its control of the public order rather than the class order. Allowing networks of prostitution to get out of hand does not threaten the power of the state nor social hierarchies. However, it does jeopardise the state's moral authority and endangers the moral order which justifies also the political order and the social organisation. The Moroccan state has been tolerating low scale prostitution for decades and, so, Public Morals Squad does not act consistently and systematically as a religious police or to impose a rigid moral order. Instead, it reacts as a fire-fighter would to extinguish fires. The Moroccan state mobilises the Public Morals Squad to show to local societies that it controls the social game (and does not allow excess) and can prosecute and punish at its whim.

The Public Morals Squad also has the power to prosecute not only Moroccan citizens, but also foreigners. For example, in 2009, it arrested two Swiss nationals and an Italian citizen for paedophilia in Agadir; they were sentenced 2 to 3 months in prison and fined 3,000 dirhams (around 770 euros).[419] There is also the case in 2020 when the Public Morals Squad in Tangier arrested 4 Saudi nationals as part of a prostitution network.[420] Usually, foreigners are given lenient punishment because the Moroccan state is careful not to destabilise the tourism sector, which depends a great deal on Morocco's "liberal" reputation in the Gulf region as well as in Europe.

Some liberal voices such as Aḥmad ʿAṣṣīd, the well-known Moroccan Berber activist, instructor of philosophy and public intellectual, declared in 2014 that "to dedicate a police force to policing women in public places is shameful. It is fascism and comparable to religious states like Iran and Saudi Arabia".[421] This is, however, far from the reality as seen by conservatives, and

[419]   Libe 2009.
[420]   Kadry 2020.
[421]   Majdi 2014.

especially by the Islamists who frequently denounce the moral corruption of the Moroccan society.[422] For this reason, the Justice and Development Party, which led the government in Morocco from 2011 to 2021, has made the moralising of Moroccan society its winning issue.[423] The question of morality divides Moroccan society between the minority, who are in favour of individual freedoms, liberalism and Westernisation and the majority, who are promoters of a more conservative society. This also explains why the state embraces a moralising role to meet some of the expectations of the majority of the population. Abandoning the field of public morality would in all probability, strengthen Islamist movements.

THE MORALISING STATE:
THE DILEMMAS OF AUTHORITY
AND SUBVERSION, ORDER AND CHAOS

In his *The Righteous Mind. Why Good People are Divided by Politics and Religion* the social psychologist Jonathan Haidt argues that authority/subversion are key moral foundations of all human societies. The latter can differ in the perception of acts of authority and anti-authority, but they are all regulated by some mechanisms of authority which guarantee the role of control to instil awareness to individuals of societal rules. All societies are also subject to subversive acts which usually end up suppressed at some point. Thus, a legitimate order has both the right and the responsibility to perform the role of control (although there can exist abuse in the use of this right and failure to assume this responsibility). The responsibility to create and sustain the moral order means also to pay attention to triggers of subversion such as acts of transgression against traditions, institutions or values that are foundational to social stability.[424]

[422]   Maghress [s. a.].
[423]   Pjd Tv 2016; al-Ashraf 2022.
[424]   Haidt 2012: 142–144.

Accordingly, the moralising state assumes two main functions. First, it embraces the function of control, order and authority. In this regard, the Moroccan state assumes a moralising stance to control the public space which involves the suppression of indecency, subversive beliefs and prostitution. Therefore, when the state establishes moralising codes or institutions, it fosters the moral code which justifies and unifies society by a set of interdependent interests and values. Since Moroccan society functions with a moral code that is embedded in religious ethics in so far as it provides important elements to social stability, the state would have recourse to the same moral code to maintain its control of society with full authority granted by society itself. As Haidt puts it "if authority is in part about protecting order and fending off chaos, then everyone has a stake in supporting the existing order and in holding people accountable for fulfilling the obligations of their station".[425]

Second, the moralising state performs the function of dissuading or punishing subversion. For a state to successfully claim control of society, it also has to deal constantly with subversion. The latter emerges as anti-authority as some individuals for various reasons (social or geographical marginality, set of different beliefs, history, political psychology, reaction to excessive control, conflict, etc.) do not submit to societal order. In the case of Morocco, we can take this anthropological remark further. Viewing Morocco from Ibn Khaldūn's perspective, all states which ruled the country are afraid of subversion and need to assert their authority as states start to lose control by allowing moral decadence.[426] Subversion is correlative to moral decadence and the existing order is challenged by the morally uncompromised tribe which ultimately takes over.[427] Subversion is the obverse side of authority and by engaging in moralising, the Morocco state wishes to dissuade or prevent subversion. Such a posture is not about power only, but about the necessary moral authority to maintain the order at stake.

[425] Haidt 2012: 144.
[426] Al-Jābirī 1994: 233.
[427] Al-Azmeh 2003: 66.

In his *Islam Observed. Religious Development in Morocco and Indonesia,* Clifford Geertz emphasised the historical distinction between *blād l-makhzen* (land of government) and *blād l-sība* (land of dissidence) in Morocco. He sees the difference between the two lands in the actual presence of authority in *blād l-makhzen.* The latter is composed of the regions of the lowland in which the Sultan legally receives his allegiances, his administrative, judiciary and military staff; all of whom are appointed, including the market inspectors and royal taxation officers. In contrast, in the land of dissidence, all the institutions of the state are absent: in the peripheral mountains and in the desert, there were no legal allegiance, and no agents of the state. Tribes are self-organised although the respect for the sultan's person as the religious head of the country, the Imam, is usually held.[428] In the Moroccan political memory, dissidence does not indicate only statelessness and chaos, but also the absence of authority and vulnerability to all kinds of danger, wars and absence of moral norms.

Similarly, E. Gellner's *Muslim Society* highlights the fear of *sība* in Moroccan society (and the struggle of the Moroccan state to prevent territory from becoming seditious). He emphasises the economic dimension in the difference between the land of government and the land of dissidence: the first is tax paying and the second is tax resisting. He also mentions other differences: that the land of the government is walled, that it occupies only half of the territory of the country and that the borders are loose between the land of the government and that of dissidence.[429] Gellner describes as follows what dissidence entails in terms of religion, politics and economy:

> The relationship between the central power and the tribes of this kind of 'external proletariat' were as follows: the latter were in a permanent state of dissidence. (Rebellion, in the language of linguistic philosophers, was a dispositional, not an episodic concept). They were a threat to the central power; a kind of political womb of potential new dynasties; a moral scandal, being addicted to brigandage, heterodox practices and, allegedly, sexual licence, etc. Similarly, central power was a threat to them: a strong monarch would periodically mount expeditions

[428] Geertz 1968: 78.
[429] Gellner 1981: 196.

against them. The essence of government, in fact, was a highly peripatetic court and army, with a multiplicity of 'capitals', and local officials, who were really local power-holders who were ratified by the monarch and had made their submission to him.[430]

In other words, the state should incarnate a moral order, security, and authority. The dissident condition lacks moral coherence (it can be ruled by competing moral codes, have loose morals or lack any moral code whatsoever), is unsafe (in the village itself or on the roads) and is ruled by sheer power (violence is the main way to obtain goods).

Although this distinction was highlighted by researchers in Morocco, order/chaos can also be found in similar terms in Algeria. In this country, the lands controlled by the Ottomans until the arrival of the French in 1830 were the lands of the government (mainly the towns of the littoral), and called the lands of the Turks, *Bilād al-Turk,* while the *sība* lands corresponded to those of the Berber and Arab tribes in the mountains and the Algerian desert, called *Bilād al-bārūd,* meaning the "lands of powder".[431] These ungoverned and rogue spaces, that can be called *sība* spaces, have common characteristics, which anthropology and history have long identified: clanism, banditry,[432] piracy,[433] violence, anti-state discourses and behaviours, vendetta, poverty, honour-killing[434] and valuing anarchy.[435]

Perhaps it would be appropriate to conclude here that the moralising Moroccan state acts to eliminate or prevent *sība* spaces. Asserting its moral authority is concomitant to establishing an organised political order; public decency, prostitution or apostasies are domains in which the state protects the moral order so that people would subscribe to the political governance of the state. In a sense, then, the modern Moroccan state endorses its moral

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[430] Gellner 1981: 197.
[431] Bennoune 1988: 18.
[432] Hart 1987.
[433] Singh–Bedi 2013; Prunier 1997.
[434] Fildis 2013.
[435] Scheele 2015.

authority without any separation from its legal and power institutions; such a configuration makes Hallaq's thesis untenable.

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CONCLUSION:
LIMITS TO THE MORALISING STATE

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When a state claims a moralising role in the public space this implies that it is, in some respects, *an authority on morality.* That is to say, a state that moralises a public space possesses the knowledge of the right and the wrong and a *de facto* need to be an epistemic authority in the field of morality. Thus, the moralising state in Muslim contexts faces some major limitations when it assumes the position as an arbiter of moral authority. On the one hand, the state is somehow compelled to play by the book, as it is expected to endorse the Islamic sources of morality (the major sources of ethics in the Muslim world) by incorporating Islamic ethics and law in state institutions. The more a state embraces a moralising role, the more it comes under criticism and attack by liberal voices (inside and outside the country in question); and the less it does so, the more it exposes itself to attacks by conservative and Islamist voices.[436] On the other hand, since Muslim religious scholars are the most versed in their understanding in terms of knowing what is the appropriate Islamic ethical conduct, states are bound to rely on them as epistemic authorities to provide the necessary justification modern states normally cannot provide.[437] This lacuna grants opportunities for religious authorities to play a role in the state's action, adding to the ambivalence of the state in Muslim contexts. Furthermore, moralisation, being one dimension of the state's sovereignty and justification, the function of which is to ensure "moral security" and maintain the moral order, can be sacrificed if it comes at the expense of other priorities on the scale of priorities related to state security.

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[436] See on the interplay between the state and various Islamist movements on public morality issues in Egypt Ismail 1999. 25–47.

[437] De George 1985: 193.

Chapter V

Religious Counter-Authority and Power: Dissent in Contemporary Islam

INTRODUCTION

Studies on dissent in contemporary Islam have focused on Islamist movements as political rebellion while dissent within religious establishments remains an under-explored topic.[438] Moreover, a considerable amount of literature has been published on dissent as anti-religious intellectual thought, mostly advocated by few liberal-secular intellectuals in the Muslim world.[439] The existing body of research on dissent suggests that dissent is synonymous with heresy or rebellion and leads to confrontation between Islamist political movements and Western-minded intellectuals on the one hand and the ruling regimes in the Muslim world on the other. Following a Foucauldian type of perspective (seeing the world through a power *Weltanschauung* and failing to distinguish between authority and power), such approaches have failed to address dissidence as counter-authority; they usually promote dissent as the revolt of the marginalised against the centres of power championed by avant-garde intellectuals, immigrants, minorities, or revolutionaries.[440] Dissent does not have to be protest against power, militant, liberal-secular or anti-system in Muslim societies; it sometimes manifests as religious dissidence within the existing religious institutions to the extent that such institutions tolerate certain forms of dissent, contesting religious authority but not necessarily protesting against power or aiming at radical change or upheaval.

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[438] See in particular Bano 2021; Teik et al. 2014; Lacroix 2011; Martinez-Gros – Valensi 2004.

[439] For dissent as intellectual transgression see Rahim 2013; Firat–Taleghani 2020.

[440] Marciniak–Tyler 2015.

The dynamics that underpin religious dissent as a counter-authority are not fully understood. This chapter explores the emergence of religious counter-authority, its trajectory and status in the religious domain as well as the mechanisms of exclusion, claims, practices and limitations of counter-authority figures. I conduct this analysis based on two cases: that of Saʿd al-Dīn Musʿad Hilālī, an Egyptian Sunni Azharite jurist who dissented from his institution al-Azhar and that of Moḥsen Kadīvar, the Iranian Shiite jurist who contested the religious establishment in Iran. Kadīvar challenged the authority and power of jurists in Iran while Hilālī, protected by the political power in Egypt, opposed only the religious authority of al-Azhar; these forms of dissent represent the two paradigms of the relationship between counter-authority and power: (1) The relative autonomy of religious authority from power in Egypt, and Sunni Islam in general, allows for the emergence of a counter-authority that does not risk persecution. (2) The Iranian model of juristic authority as established powers and institutions invariably construe acts of counter-authority as forms of political dissent.

SAʿD AL-DĪN HILĀLĪ VS AL-AZHAR

Religious authority in Egypt (represented by al-Azhar) maintains a long and mutually beneficial relationship with the Egyptian state.[441] While competition within the Egyptian religious sphere is a fact exploited by the Egyptian state to keep religious authority under control, it is also true that the state and al-Azhar cooperate for the purposes of religious and political legitimisation.[442] The state, equally skilfully, uses state institutions to

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[441] Al-Azhar was created in 970 by the Fatimids (a Shiite dynasty) in Cairo. Al-Azhar became Sunni under the Ayyubids, in the 12th–13th centuries and then under the Mamluks until the 16th century. As a religious authority, al-Azhar has seen multiple political powers from the Fatimids to al-Sisi's regime, and showed resilience towards these powers in their various permutations (see Zeghal 1996; Bano–Benadi 2019).

[442] Bano–Benadi 2018.

boost al-Azhar's popular legitimacy – albeit to ensure that it remains useful for the purposes of political legitimisation. Political power and religious authority in Egypt although separate remain inextricably intertwined. This cooperation gives rise to the Egyptian official Islam, controlled by the State, however fragmented, represents the majority legal schools and theological doctrines in the country, supervises preaching, teaching, fatwa and religious foundations.

Despite being empowered by the Egyptian state, al-Azhar's religious authority is frequently contested from within by young salafi Azharites, sympathisers of Islamist movements, especially the Muslim Brotherhood as well as critical religious scholars.[443] One of the most vocal voices of dissent within al-Azhar is Saʿd al-Dīn Hilālī, an established and highly mediatised religious figure that has been challenging al-Azhar for over a decade now.

The process of authorisation

Saʿd al-Dīn Musʿad Hilālī (born in Mansoura, Egypt in 1954) is an Egyptian Muslim preacher, jurist and academic who, since 1996 has been a professor of Comparative Jurisprudence at the Faculty of Sharia and Law at Al-Azhar University. He received his primary and secondary education in Al-Azhar schools; he graduated from the Faculty of Sharia and Law of al-Azhar in Cairo in 1978 and obtained his PhD in Comparative Law at al-Azhar University in 1985. He was dean of the Faculty of Islamic and Arabic Studies, Al-Azhar Branch in Aswan and dean of the Faculty of Islamic and Arabic Studies, Al-Azhar Branch, Damietta, in the 1990s. He was also head of the Department of Jurisprudence and Islamic legal theory at the College of Sharia, Kuwait University, (2002–2004). Hilālī worked as a religious consultant for a number of ministries, media outlets and research bodies on *fiqh*. Hilālī's work (over 15 books) was recognised especially on medical and financial issues in *fiqh*,

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[443] Aşik 2012; Schallenbergh 2006.

obtaining prestigious prizes from Kuwait, Egypt, United Arab Emirates and Saudi Arabia.[444]

Within al-Azhar, Hilālī was appointed as a teacher assistant in 1979 at the Faculty of Sharia and Law of al-Azhar, entrusting him with transmitting religious knowledge to future religious authorities. He was made a religious authority by virtue of his PhD obtained at al-Azhar in 1985; this academic title being the highest degree of scholarly recognition *(ʿālimiyya).* Such a distinguished title not only allows him to be a transmitter of, but also a participant in producing religious knowledge. His deanship at the Faculty of Islamic and Arabic Studies in Aswan in the 1990s confirmed him as a distinguished member of the Azhari elite. Additionally, Hilālī was recruited to join a number of committees within al-Azhar among which are the permanent scientific committee for the promotion of professors, the Jurisprudence Encyclopaedia Committee of the Supreme Council for Islamic Affairs and the committee of Al-Azhar Education.[445] What is more, Hilālī gives a Friday sermon for years at the Īmān Mosque in Mansoura.[446]

In view of my thesis that religious authority is the *articulation of individual authority and collective charisma,* it is noteworthy that Hilālī, while forging his own religious authority, had total faith in the religious discourses and institutions he came to contest later for a long time. Thus, he believed firmly in the authority of al-Azhar on Islamic matters as a solution to contemporary problems as well as in traditional Islamic methods of learning and interpretation.[447] And so, his faith in the institution and its religious discourse was co-relative to the process of authorisation which bestowed authority on Hilālī as a figure of religious authority; at the same time, this process reinforces the belonging and the loyalty towards the institution, increasing its overall authority. Conversely, doubt leads to disloyalty, alienation and ultimately to dissent.

[444]   NCW [s. a.].
[445]   NCW [s. a.].
[446]   Al-Khair 2017.
[447]   Saleh 2019.

The process of dissent

As a result of his academic interest in *fiqh* and science, Hilālī wanted to rec-
oncile the two perspectives in his research. However, he grew critical of the
religious establishment and traditional *fiqh* as well as of the gap between sci-
entific and *fiqhi* reasons.[448] He systematically applied his critique to the tools
and methods used by the *'ulamā',* especially at al-Azhar. In the last decade,
Saʿd al-Dīn Hilālī became the voice of religious dissent *par excellence* in Egypt.
His extravagant fatwas and defiance of the al-Azhar institution as well as his
frequent media appearances have made him a well-known public figure.

Hilālī's moment of dissent can be traced to the period around 2010. From
2010 on, his publications became visibly political and innovative; in 2010, he
published *Ḥuqūq al-insān fī al-Islām: dirāsa taʾṣīliyya fiqhiyya muqārina*
[Human Rights in Islam: A Comparative, Fundamental and Jurispruden-
tial Study],[449] followed by *al-Jadīd fī l-fiqh al-siyāsī al-muʿāṣir* [The New
Approach in Contemporary and Political Islamic Jurisprudence] in 2011.[450] In
2012, he published *al-Islām wa-insāniyyat al-dawla: dirāsa taʾṣīliyya muʿālija
lil-shubuhāt wa-l-tawṣiyyāt wa-mubādara ilā l-dawla al-insāniyya al-jāmiʿa*
[Islam and the Humanism of the State: A Fundamental Study, Dealing with
Specious Arguments and Offering Recommendations as well as an Initiative
towards the Universal Humanist State].[451] In the 2010s, Hilālī transformed
from a technical Azharite jurist to a counterauthority figure committed to
reform. His eclectic interests range from funerals, cloning and genetic imprint
during the period between 2000 and 2005[452] to human rights, the state and
politics after 2010.

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[448] Saleh 2019.
[449] Hilālī 2010.
[450] Hilālī 2011.
[451] Hilālī 2012.
[452] His most productive period as a technical jurist was in the years 2000–2005, which he
       spent in Kuwait; during this time he published his most important work in 2000 *al-Baṣma
       al-wirāthiyya wa-ʿalāʾiquhā al-sharʿiyya: dirāsa fiqhiyya muqārina* [The Genetic Imprint

Hilālī became widely known to the Egyptian public (and beyond) through his fatwas which the Arab media call deviant fatwas, *fatāwā shādhdha* or strange fatwas, *fatāwa gharība*.[453] Most of these fatwas were broadcast on Egyptian TV channels, including the satellite TV channel Azhari, whereby questions are posed by the audience or by journalists to Hilālī, some of which reflect real societal concerns while others are intended to generate polemics. Here are a few examples of such fatwas which usually spark heated debates in Egypt and which made Hilālī famous. In one fatwa, Hilālī legalised the waiter job who serves alcohol in tourist places and night bars, stressing that his job is not forbidden. Hilālī also considered a female dancer who was killed while working as a martyr. Hilālī also asserted that Muslim states should not try to defend Al-Aqsa Mosque in order to avoid a religious war with the Jews. Finally, Hilālī approves of the right to choose in the sacrifice of any permitted animal, including chicken for the ʿĪd al-Aḍḥā.[454]

At first glance, these fatwas appear to be odd or eccentric. However, in all cases, Hilālī uses Islamic legal reasoning to support his opinions, usually by looking for minority opinions/historical precedents in Islamic jurisprudence. Perhaps this is the reason his fatwas seem to be eccentric. Hilālī questions the authority of the majority and whether this majority opinion is formed within a Sunni school, among the four Sunni schools of *fiqh* or against them. For him, the majority juristic discourse (represented by al-Azhar) is unfair to common people because it dismisses the minority opinions and denies people's access to them. He believes that religious knowledge should serve people by informing them rather than filtering the Muslim tradition by selecting only those elements that foster the consensus of the four Sunni schools of *fiqh*.[455] Thus, the juristic authority is seen as epistemic authority: in other words, the religious scholar does not state what is true or transmit what he

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and its Legal Implications: A Comparative Jurisprudential Study] published by Majlis al-Nashr al-ʿIlmī, in Kuwait (Hilālī 2000).

[453]   Egnews24 [s. a.]; Ta7ya-masr 2016.

[454]   Ta7ya-masr 2016.

[455]   Lamfon 2015.

deems to be the best opinion, but informs the public with the variety of legal opinions in the Muslim tradition.

Perhaps the statement that brought Hilālī in open clash with al-Azhar is his famous fatwa on the non obligation of the Islamic headscarf. Hilālī said that "the discourse on the modesty of women or discrimination between good women (who wear the headscarf) and bad women (who don't) has become the last weapon of political Islam".[456] Then, he added that "the veil has taken such importance in the discourse of some people, and some have claimed that the veil prevents slaughter and prohibits harassment, and the official statement of religious authorities says to non veiled women: Admit that you are disobedient".[457] Hilālī invalidates the traditionalist interpretation of the Quran 33:59 "O Prophet, say to thy wives and daughters and the believing women, that they draw their veils close to them; so it is likelier they will be known, and not hurt. God is All-forgiving, All-compassionate"[458] as an injunction to cover the head. For him, the veil *(jilbāb)* is a cloth worn to cover the lower part of the body and not the head.[459] He also invalidates the Prophetic tradition which says that "if a woman reaches the age of menstruation, nothing should appear on her body except her face and hands" because this tradition "did not appear until about 240 years after the death of the Messenger, and this is a weak hadith".[460] Hilālī pinpoints that "some religious authorities would follow doubtful evidence if no decisive evidence exists exhorting them to avoid attributing such traditions to God and His Messenger".[461] Finally, Hilālī asserted that "in the days of the Prophet, women dressed according to the custom and not according to the fatwa, and since there is no univocal text on this matter, the provisions on private parts became customary provisions, and the jurists who were honest said that

[456]   Suleiman 2022.
[457]   Suleiman 2022.
[458]   *The Koran* 2008: II. 434.
[459]   Suleiman 2022.
[460]   Suleiman 2022.
[461]   Suleiman 2022.

covering the private parts is a duty. Therefore, the text was distorted to make the veil an obligation. Since the hair is not a private part to be covered".[462]

Beside his fatwa on the headscarf, Hilālī also crossed a red line with his statement about the equality between men and women in inheritance; during his interview with MBC Egypt in 2018, Hilālī supported the validity of the Tunisian decision in this regard, which was ratified by Tunisian President, Beji Caid Essebsi. Hilālī said that "Tunisia's decision to equal inheritance between men and women is legally correct and does not contradict the word of God; inheritance is a matter of rights (people should have the choice to deal with them as they see fit), not duties such as prayer and fasting".[463] Hilālī added that "the fatwa of the jurist varies according to time and situations and the breadth of his awareness; there is an urgent need to renew religious discourse, and to get out of the state of stagnation in Islamic legal thought".[464] Hilālī concluded that "what Tunisia did was one of the correct applications of Islamic jurisprudence; Tunisian sheikhs have reached this decision, and their opinion is certainly not wrong".[465]

Hilālī based his legal reasoning for the equality of inheritance between men and women on three arguments: (1) The distinction between rights and duties stressing that the Quranic norms of inheritance are rights (in the form of shares which the heir could acquire or concede) not duties (people are not obliged to apply the Quranic norms in the inheritance as many people chose to concede their shares to other members of the family). (2) The testament, *waṣiyya* can be combined with the shares of the Quranic norms of inheritance so as women could be compensated through the testament to reach equality with men. Only a minority opinion (that of the Jaʿfarī [Shīʿī twelver] school for *fiqh*) allows combining the testament and inheritance by share, while the four Sunni schools do not permit such combination. Hilālī's argument is that if such a combination between the testament and inheritance shares

[462]   Suleiman 2022.
[463]   Alaraby 2018.
[464]   Alaraby 2018.
[465]   Alaraby 2018.

can be used to equalise the inheritance between men and women, then other ways should also be valid to institute such equality. 3. The societal conflicts arising from a lack of equality in the inheritance rules are so widely observed that equalising shares of men and women could prevent such problems.[466]

Usually, Hilālī transgresses al-Azhar's authority by appealing to minority opinions in *fiqh*. For example, Hilālī's main argument to support his statement on the permission to sacrifice any permitted animal, including chicken for the ʿĪd al-Aḍḥā, was borrowed to the ẓāhirī school (an extant marginal Sunni school of *fiqh*).[467] Similarly, in his statement on inheritance, Hilālī appropriates the twelver Shīʿī opinion on combining the testament and inheritance to break the consensus of the four Sunni schools of law, the basis of al-Azhar's authority. By contesting the Sunni consensus as an authority, he also opposes al-Azhar's authority, and through the mobilisation of minority legal opinions, he claims an Islamic legitimacy for his dissent as counter-authority.

The process of punishment

Let us now consider the reaction of Al-Azhar towards Hilālī's statements on inheritance and the headscarf problems. On the question of inheritance, al-Azhar University disavowed the arguments made by Hilālī. Thus, Al-Azhar University spokesman, Aḥmad Zarʿ said to Egyptian media in November 2018, that "Hilālī's opinion does not represent the position of Al-Azhar University in any sense, but rather represents only his person".[468] Zarʿ reiterated that "Al-Azhar University Council is looking into taking legal action against the statements made by Hilālī. His views do not represent Al-Azhar University and will be answered since what he said contradicts the text of the Qur'an and the approach of Al-Azhar".[469] Additionally, a member of the Council

[466]   E-Hekaya 2018.
[467]   Lamfon 2015.
[468]   Alaraby 2018.
[469]   Alaraby 2018.

of Senior Scholars in Al-Azhar (who spoke to Al-Araby Al-Jadeed) said that "Hilālī decided to be the spearhead of an attack on Al-Azhar in the ongoing conflict (of religious discourse), claiming to be a model of openness and change while the rest of the scholars who adhere to Al-Azhar approach would be rigid because they reject untraditional exegesis and innovation".[470] This member of the Council of Senior Scholars hopes that "Hilālī will remove the Sharia of God from political battles, and not try to win political loyalties and proximity ties to the rulers at the expense of legal rulings and established jurisprudential norms".[471] The same Azhari scholar concluded that "there are parties in the Egyptian state that are hostile to the sheikhs of Al-Azhar, because the latter refused to issue statements and publish positions that contradict religious traditions to please the state".[472]

From the point of view of al-Azhar, Hilālī is disloyal to al-Azhar because he questioned the institution, followed a line of different legal reasoning, allying himself with the state. Being disloyal means that he no longer recognises al-Azhar's authority and so al-Azhar discredits him in turn. As Hilālī does not take a traditionalist approach to *fiqh* which consists in taking the Quranic norm literally, taking the risk of advocating for change against a conservative institution. Additionally, Hilālī made an unforgivable sin from the standpoint of al-Azhar which is to overtly support the political agenda of the state, that is political power. As a religious authority, he is expected by al-Azhar Sheikhs to maintain autonomy with regard to the state (although ultimately al-Azhar holds a strategic alliance with the Egyptian state at least since the nationalisation of al-Azhar by Nasser in 1961). Agreeing to produce a "new" religious discourse with the legitimacy of an Azharī *faqīh* is betrayal (corrupting God's law through commodification) as a new legal discourse would undermine the balance between al-Azhar as a conservative institution and the Egyptian modernising state apparatus.[473]

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[470]   Alaraby 2018.

[471]   Alaraby 2018.

[472]   Alaraby 2018.

[473]   On the battle of reforming the religious discourse in Egypt between al-Azhar and the Egyptian Government see Bano 2018c; Garrec 2017; Lacroix–Shalata 2018; Yefet 2017.

The relative autonomy of religious authority from political power in Egypt allows for the emergence of a counter-authority that does not risk political persecution. Hilālī benefits from his overtly political support of Abdel Fattah el-Sisi's regime that allows him to stay immune from any maltreatment by al-Azhar's leadership. As a result, he kept his professorship in Comparative Islamic law at al-Azhar University in spite of his clashes with his institution and his harsh criticism of al-Azhar's legal methods for over a decade now. In 2014, Hilālī compared el-Sisi to a messenger of God sent to save Egypt the same way Moses was sent by God to save his people.[474] Aḥmad al-Ṭayyib, Sheikh of Al-Azhar, had to issue a statement a few days later to counter Hilālī, stressing that:

> There have been rumors in the media that one of the Sharia professors has likened political leaders to prophets and messengers. The honorable Al-Azhar calls upon those affiliated with religious science and jurisprudence not to be carried away in this field, which affects the integrity of religious science and scholars and puts prophets and messengers in a comparison that is neither valid nor permissible; so knowledge of the status of prophecy and the message requires that we distance God's prophets and messengers from any political controversy that they are free from, since they are the leaders of humanity and the messengers of God.[475]

With this statement, Aḥmad al-Ṭayyib attempts here to re-situate al-Azhar as a religious authority that enjoys autonomy and distance from political power. It is also a subtle reminder that political power should not recruit propagandists within the ranks of religious scholars who are affiliated with al-Azhar. Ultimately, Hilālī blurred the lines between religious authority and power. From Aḥmad al-Ṭayyib's point of view, power cannot be heir to the Prophets and messengers because the latter's legacy is exclusively bestowed on the religious scholars; therefore, it is antithetical to Islamic tradition that political rulers could be part of this legacy. And so, al-Ṭayyib's argument is that Hilālī invited political power into the realm of religious authority. It is worth mentioning

474 CNN 2014a.
475 CNN 2014a.

that el-Sisi made a name for himself by suppressing the Muslim Brotherhood (which has many sympathisers within al-Azhar) and pressuring al-Azhar to reform its religious discourse. Even if al-Azhar gave perfunctory support to el-Sisi's regime, it is far from embracing it. By the same token, al-Ṭayyib reminds Hilālī of his duty as a professor of sharia at al-Azhar, that is as a figure of religious authority; according to al-Ṭayyib, such status requires that the religious scholar stays in his own field of *fiqh* and religious science and avoids intervening in political affairs. Al-Ṭayyib also criticised Hilālī for failing to draw the line between the sacred (religious matters, prophets, messengers) and the profane (worldly affairs, politics, rulers). That the Sheikh of Al-Azhar himself took the time to respond to Hilālī indicates how significant Hilālī's dissent is. At the same time, the soft treatment of Hilālī shows the limits of al-Azhar's religious authority when the dissident voice is protected by political power.

In response to Hilālī's controversial statement about the headscarf in 2022, al-Azhar issued a declaration in which it stressed that "the headscarf is an individual religious obligation for every sane adult Muslim woman, as it was approved by the sources of Islamic legislation in the text of the Qur'ān and the consensus of Muslim jurists".[476] Al-Azhar's statement said that "the headscarf is not a custom that spread after the era of the Prophet; Hilālī's declaration about the headscarf is a personal opinion rejected by Al-Azhar because it is contrary to what the Muslims agreed upon fifteen centuries ago".[477] Al-Azhar's announcement stressed that "Hilālī opens the door to dilute religious immutable truths and that evading the provisions of Sharia, and what the scholars of the Muslim community settled on under the pretext of 'freedom in understanding the text' is a corrupt scholarly approach".[478] The Al-Azhar International Center for Fatwa also made its own statement on the matter adding that "the obligatory character of the headscarf for Muslim women is fixed and does not accept reinterpretation or change".[479]

[476] Masrawy 2022.
[477] Masrawy 2022.
[478] Masrawy 2022.
[479] Masrawy 2022.

The Al-Azhar International Center for Fatwa also warned that "the Islamic ruling of the headscarf is one of the fundamentals of the religion and its postulates; contesting it is unacceptable, a great danger and harm to society and an insignificant deviant opinion".[480]

For the time being, al-Azhar mobilises its councils, media outlets and professors of sharia to discredit Hilālī as a figure of religious authority, casting doubt on his trustworthiness and integrity as a reliable source of religious knowledge. The Azhar campaign targets him as deviant, violator of the explicit texts of the Qur'an and the Sunnah, misguided and mistaken.[481] The main Azharī accusation against him is that of *shudhūdh,* that is perversion or deviance assuming that he constantly breaks with the consensus. However, the Azharī campaign against Hilālī handles his case circumspectly because he cannot be easily called incompetent or expelled from the institution (since he was authorised by the same institution for over 20 years). His interpretation of *sharī'a* might be deviant according to his detractors, but cannot be said to be non-Islamic while Hilālī teaches as a full professor of Comparative Islamic law at the Faculty of sharī'a and Law of al-Azhar.

MOḤSEN KADĪVAR VS. THE SHĪ'Ī CLERGY

In the summer of 1979, an Islamic Republic was born in Iran led by the Shiite clergy who rule the country since by virtue of the doctrine of the Guardianship of the jurist, *vilāyat-i faqīh.* In political terms, this type of governance claims religious authority as well as political power. The Shiite clergy took seriously its ambitions of rulership. Thus, it banned all political parties and movements and took control of the army and security forces. The Revolutionary Guard, a platform of the clergy and loyal to Khomeini, the supreme leader of the revolution, has monopolised the entire power of the government, the army, the judiciary and parliament since 1981. Furthermore, the Islamic Republic established a

480 Masrawy 2022.
481 CNN 2014b.

state economy, controlled by the clergy, which depends on oil revenues, fostered a conservative society, with restrictions on freedoms and human rights, on women with the obligation of the veil (since 1981), and on universities purged of thousands of professors and students. The Guardian-jurist and the Leader of the Revolution, a position occupied by Khomeini (1979–1989) and Khamenei (1989–) hold religious authority and political power for life with the help of a council of experts and a council of Guardians, both composed mostly of Shiite clerics, which control the decisions of the presidency and the parliament; the Leader of the Revolution also has control over the country's general policy, religious institutions and state bodies. In sum, it is a political regime that Olivier Roy has described as a constitutional theocracy.[482]

The theory of the guardianship of the jurist, *vilāyat-i faqīh,* which is the religious and political doctrine that underpins the Iranian regime was promoted mainly by Khomeini, in his book *Islamic Government,* published in 1970. For Khomeini, the people must obey the jurist, because he enjoys the *wilāya,* a term indicating three meanings in Islamic ethics which converge here: the governance, the holiness and the succession of the hidden imam. Khomeini maintains that the governance of the Muslim jurist is similar to that of the Prophet and the imam. Khomeini only relativises the religious authority of the cleric (given the *de facto* multiplicity of Shiite jurists), because his political authority is as absolute as that of the Prophet and the imam. Yet, the authority of the current *faqih* is established by God himself as Khomeini says, and it is not only political, but also religious.[483]

It is perhaps the specificity of the Iranian model that the jurist possesses authority and power, which makes counter-authority an act of political dissent. However, as the critics of *wilāyat-i faqīh,* both reformist intellectuals and traditionalist jurists pointed out that *vilāyat-i faqīh* is much more about the political power of the jurist than about his religious authority. To illustrate this case, in what follows, I discuss Moḥsen Kadīvar's path from authorisation within the Shiite clergy to dissent.

[482]   Roy 1987.
[483]   Khomeini 2002: 29–31, 39–48.

The process of authorisation

Moḥsen Kadīvar was born in 1959 in Fasa, in the southern province of Fars, Iran. Initially, he started his studies in mathematics and engineering, but he gave up engineering studies after the onset of the Islamic revolution in Iran in 1979. In 1980, Kadīvar changed orientation and began his theological studies at the Shiraz Seminary, an institution designed for the training of beginner students in religious studies. Upon graduation in 1981, he joined the highest institution of Shīʿī learning, the Qom Seminary. For seventeen years, Kadīvar studied with prominent traditionalist shīʿī jurists in Qom several subjects, including Islamic shīʿī legal theory, jurisprudence, Islamic theology, philosophy, mysticism and Qurʾānic exegesis. At the end of his training, Kadīvar obtained the title of *Ijtihād,* the highest degree in the shīʿī learning tradition (becoming a proof of Islam – *ḥojjat al-islām*), a title conferred to him by his mentor Grand Ayatollah Ḥusayn ʿAlī Montaẓerī (1922–2009), who played a major role in his studies, religious and political thought as well as his career, with its ups and downs.[484] Furthermore, Kadīvar was granted a license at the Qom Seminary, which stipulates that "its holder is proficient in *ḥisbiyya* affairs and financial matters, i.e. he can manage *khoms* and *zakāt* money".[485] Additionally, Kadīvar excelled in his studies at Qom, receiving a prize from three ayatollahs: the leader of the revolution Khomeini, Ayatollah Seyyed Moḥammad-Reżā Golpāyegānī (1899–1993) and Ayatollah Ḥusayn ʿAlī Montaẓerī which showcases the trust and scholarly reputation he came to enjoy at Qom.[486]

In parallel to his access to the traditional mode of authorisation, Kadīvar also pursued university studies, starting in 1989, focusing on Islamic philosophy and theology until he obtained his PhD in the same field from Tarbiat

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[484] Initially Montaẓerī enjoyed prominence in the clerical establishment after 1979, being a favourite student of Khomeini, and expected heir of his leadership. However, few years before Khomeini's death in 1989, Montaẓerī became a dissident because of his criticism of the guardianship of the jurist, that is the association of power and authority in the person of the jurist (see von Schwerin 2015).

[485] Mervin 2010: 422.

[486] Mervin 2010: 422.

Modares University (TMU) in Tehran in 1999.[487] Thus, Kadīvar acquired the traditionalist and academic legitimacies in two different Islamic fields, law and theology, a double lane he will be pursuing later as author, public intellectual, teacher and seminarist.

With his double pathway, Kadīvar attempted to solve what he calls the problem of intellectual production in Iran which consists in that "the traditionalists know very little, if anything, about the demands of the modern world, while the modernists have no deep knowledge of their tradition, their culture and their religion".[488] Kadīvar believed in the mission to acquire the knowledge of religion and the world, by embracing the perception of modern rationality, without abandoning tradition because it is from tradition that an endogenous modernity is built.[489] Thus, traditionalist religious authority is not sufficient in our world unless accompanied with a modernist epistemic authority that integrates modern epistemologies in the understanding of religion.

After ten years as a student at the Qom Seminary, in 1990, Kadīvar was authorised to teach, at the same institution, Islamic shīʿī legal theory and jurisprudence. In 1992, he also began teaching Islamic theology at Imam Sadiq, Shahid Beheshti and Tarbiat Modares Universities in Tehran as well as at Mofid University in Qom. Between 1991 and 1998, Kadīvar was sufficiently established as a religious authority to act as Chair of the Islamic Thought Office at the Strategic Research Center in Tehran (a research center under the control of the office of the President of Iran). Therein, Kadīvar led over seventy research projects and oversaw numerous publications.[490]

It is worth mentioning that Kadīvar obtained his authorisation as a religious scholar while not investing any time or effort yet in politics *per se;* this was still possible even after the Islamic revolution in 1979 since the new regime could not change radically the millennial relationship between religious authority and power in Iran from autonomy to interdependence. Among the religious

[487] Kadivar 2011a.
[488] Mervin 2010: 422.
[489] Mervin 2010: 417.
[490] Kadivar 2011a.

authorities in Qom, Kadīvar was taught by some clerics who were critical of the revolution and the Guardianship of the jurist as well as by other clerics who were fervent supporters of the revolution and the guardianship of the jurist.[491] Overall, Kadīvar was sympathetic to figures of religious authority that stayed autonomous from the power establishment of the clergy in Tehran. As the clergy grew more powerful, and the power structures were all controlled by the Guide of the revolution, it became difficult for Kadīvar to appreciate the environment of Qom, as the autonomous clerics were cornered and isolated by those who enjoyed positions of power in the Iranian new regime. Opposing the guardianship of the jurist soon became synonymous with political dissidence.

The process of dissent

Kadīvar's dissent began in the summer of 1987 because of political reasons, namely the conflict between his mentor Montaẓerī and Khomeini.[492] The latter had ordered the persecution of Montaẓerī and his close circle; Kadīvar developed "skepticism towards the validity of certain major policies of the Islamic Republic of Iran and has opposed revisions to the constitution of the Islamic Republic in 1989".[493] Kadīvar started to question publicly in a series of articles the Iranian regime about the assassination of Iranian dissidents, culminating in 1998 when he gave speeches at the Qadr Nights in Tehran and Isfahan to call to "the right to life in religious society" and "the religious prohibition against terror". His interview with the *Khordad Daily* in February 1998, also criticised the Islamic Republic's performance after 20 years of the Iranian revolution.[494]

Similarly to his mentor, and a few reformist intellectuals, clerics and leaders, Kadīvar called to exercise self-criticism of the state built by the Shīʿī clergy. Unlike Saʿd al-Dīn Hilālī, Kadīvar contested the political power of the jurists,

[491]   Mervin 2010: 420.
[492]   Mervin 2010: 424.
[493]   Kadivar 2011a.
[494]   Kadivar 2011a.

and not merely their outdated interpretation of Islamic norms. There is an overlap between religious authority and political power that serves well the ruling Shīʿī clergy, but the dominant attribute of their role has been the usurpation of state power which has generated criticism by reformist thinkers and clerics such as Kadīvar. Reformists embarked on an enterprise to dis-empower the ruling Shīʿī clergy by unveiling their abuse of power, internal and external violence.

In a paper published in English in 2004, based on a presentation he made at the 36th annual meeting of the Middle East Association of North America (2002), in Washington, DC, Kadīvar attacked the foundation of the Islamic Republic in Iran, that is the guardianship of the jurist. As shown by the following quote, his criticism proceeds with a two-pronged approach: on the one hand, Kadīvar contests the religious authority of the ruling Shīʿī clergy denying any religious legitimacy of this doctrine. On the other hand, he wants to seize political power from the clergy and give it back to people's elected representatives:

> There is no valid religious authority for the implementation of *velayat-e faqih* in any form in the public–political sphere. Islam does not propose one specific model of government even though there are political systems with which it is not compatible. Democracy, which is based on popular sovereignty and participation, the rule of law and human rights, is totally incompatible with *velayat-e faqih* and clerical rule, which is a form of religious dictatorship. The view that the two can be brought into harmony by tinkering round the edges is based on a misconception of democracy and Islamic jurisprudence alike. However, this fundamental incompatibility presents no obstacle to the democratic government of modern Islamic societies.[495] Far from being a religious obligation, *velayat-e faqih* reflects Iranian Shia jurists' experience of monarchy and Eastern despotism. There is abundant evidence that its absolutism in the public sphere is wholly incompatible with traditional Islamic jurisprudence.[496]

Kadīvar criticises the notion of guardianship, *wilāya over people* for failing to represent the citizens. As he puts it "the citizenry – having been placed in care of the supreme leader –has no say in the appointment or dismissal of the *wali*

[495] Kadivar 2004: 64–65.
[496] Kadivar 2004: 70.

al-amr, and no authority to oversee his conduct of *wilāyat*, or his personal conduct".[497] To understand Kadīvar's position, one needs to recall the distinction between political authority (obtained through popular legitimacy) and sheer political power (acquired by any coercive measure). Since the guardianship of the jurist is a non-elected political system, it lacks accountability to the people. This lack of political authority is disguised by religious authority, expecting people to obey the leadership of the jurist because obedience to the ruler is a religious obligation. In Sunni Islamic ethics, such obedience would make sense if it goes both ways: the leader is accountable to the community which holds the key to political authority. However, the guardianship of the jurist draws on the Shī'ī tradition of the imamate which has no room for the community's political choice and authority, but only that of divinely bestowed authority.

A recurrent and effective argument Kadīvar uses against the religious legitimacy of the guardianship of the jurist is the multiplicity of juristic opinions on the clerical role in the state. And so, logically multiplicity implies relativity and profanity (vs. unity and sacredness): if the guardianship of the jurist were to be a religious obligation, it would have been the only doctrine Shī'ī jurists held for true. That was the thesis of his major book *Naẓariyyeh-hā-yi dawlat dar fiqhi shī'ah* [The Theories of the State in Shī'ī fiqh] (1997)[498] in which Kadīvar argued that there are nine theories about clerical governance. He divided these theories of governance into two groups: (1) jurists who believe in the immediate divine legitimacy of the state (comprising the theories of the appointed mandate of the jurists in religious matters along with the monarchic mandate of Muslim potentates in secular matters, the general appointed mandate of jurisconsults, general appointed mandate of the council of the sources of imitation and finally the absolute appointed mandate of the jurist whose main proponent was Khomeini, and which became the official political regime in Iran after 1979); (2) a second group of Shī'ī jurists advocate a popular-divine legitimacy of the state (including the theories of the constitutionalists, popular stewardship along with clerical oversight, elective limited mandate of jurisprudences, Islamic elective state and collective

[497] Kadivar 2011b: 212.
[498] Kadīvar 1997.

government by proxy). Beyond these two groups, other jurists were apolitical and rejected any form of clerical governance.[499]

Kadīvar followed this volume with a second critical book in 1998 dedicated to counter the doctrine of the governance of the guardian, arguing for the non-validity of the religious government of the jurist from two points of view: (1) first, from a religious point of view, he maintained that *vilāyat-i faqīh* has no foundation in any source of Islamic law nor in rational reasoning, concluding that the jurists could not exert any political authority over the people; (2) he showed the incompatibility of the guardianship of the jurist and republicanism since the former discards the principles of equality of the citizens and the right to elect the rulers.[500]

Kadīvar perceptively rejects the religious foundations of the guardianship of the jurist, by uncovering its authoritarian character. The core issue then is authoritarianism in Iran even if Kadīvar acknowledges that the Islamic Republic's authoritarianism is a hybrid regime: competitive-authoritarian or electoral-authoritarian with a façade of democracy or quasi-democracy.[501] Authoritarianism by definition cannot claim political authority for it cares little about what the community or the people want. In a modern society, a political regime can only exert political authority if it respects a minimal democracy which guarantees justice, freedom, equality and the rule of law.[502]

Although Kadīvar's subversion of the Shīʿī clergy extended to various religious, social and political domains, he particularly targeted the political leadership of the jurist. He contested all the legal and political thought that supports the guardianship of the jurist (the traditionalist understanding of *sharīʿa* and the obligations and the rights of the individuals and the state in Islamist thought) as well as the social and political hierarchies that benefit the clergy.[503]

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[499] Sadri 2001: 263–264.
[500] Kadīvar 1998: 401–405.
[501] Kadivar 2020: 567.
[502] Kadivar 2020: 570.
[503] Thus, he promotes an ethics-oriented Islam which Yasuyuki Matsunaga calls "a post-revivalist new-thinker of religion, which advocates a 'spiritual and goal-oriented Islam'" (see Matsunaga 2007: 328).

Mainly, Kadīvar opposed the legitimacy of clerical claim to absolute power. He was certainly critical of the religious authority of the jurists, *marjaʿiyya* when it opposed human rights and modernity. However, he did not contest the institution of *marjaʿiyya,* its traditions and values as long as it carries on *ijtihād* which reconciles modernity and tradition. His political activities, lectures and writings focused on de-legitimising the power of the clergy, denouncing in particular, "the leadership of Khamenei as an example of the trivialization of religious authority, *marjaʿiyya*: having no legitimacy as a religious authority in Qom, but benefiting from his loyalty as a politician to Khomeini, becoming Khomeini's successor as the political leader of Iran and then claiming religious authority to legitimize his absolute political power".[504]

In this case, counter-authority is counter-power because the Shīʿī clergy appropriated power; religious authorities who resisted the guardianship of the jurist were to be rebels and classified as political opponents. As Lilja and Vinthagen, following Foucault, argue "sovereign power is violent, forbidding and punishing, stops and limits certain behaviour by force – fully repressing it and/or commanding other behaviour".[505] Resistance to sovereign power "becomes a matter of breaking such commands or repression and the strategies involved are to do what is illegal or undermine the sovereignty of power centres. Resistance is typically openly defiant and challenges through rebellions, disobedience and political revolutions".[506] The absolute power of the clergy left no option for the Shīʿī religious authorities: either they legitimise the clergy in power or become its enemies. Kadīvar refused to accept the jurist's absolute sovereignty and wanted to bring the jurist under the authority of the constitution and law while the guardianship of the jurist deemed the constitution legitimate and enforceable by the signature of the sovereign-jurist.[507]

[504] Kadivar 2015a.
[505] Lilja–Vinthagen 2014: 122.
[506] Lilja–Vinthagen 2014.
[507] Kadivar 2015b: 127.

The process of persecution

The first reactions of the Shīʿī clergy towards Kadīvar's dissent occurred in 1995; his critical articles on the guardianship of the jurist exasperated the clergy to such an extent that they imposed restrictions on him in Qom. First, Kadīvar was prevented from giving lectures to general audiences and then he was also banned from addressing academic circles.[508] In September 1995, Kadīvar was proscribed by the Special Representative of the Leader Khamenei in Qom to teach at the Madrasa Feiziyyeh. Kadīvar faced "increasing threats to a degree that in 1996 anyone who participated in his classes in the seminary were labeled as "undesirable elements".[509] The isolation of Kadīvar in Qom was successful because the Shīʿī ruling clergy had appropriated most of the *ḥawza,* and the critical voices of the Iranian regime were silenced. Not only did religious authority lose its autonomy in Qom, but the political power also established a strong foothold in the city, using the typical tools of power (intimidation, economic incitement, persecution, etc.).[510] Under enormous pressure, in 1997, Kadīvar had to finally leave Qom.[511]

In Tehran, Kadīvar had to confront persecution as well. In 1998, he was barred from teaching at the University of Imam Sadiq. Having attempted to run for the elections of the Assembly of Leadership Experts *(Majles-i*

[508]   Kadivar 2011a.

[509]   Kadivar 2011a.

[510]   Saeid Golkar calls the creation by the Shīʿī clergy of security militia the "theological security state" showing that "the Islamic Republic of Iran created the Clerical Basij Militia to exert strict control over seminary students *(tollab),* silence dissident clergy, and nullify threats from seminarian scholars [...] leading to the securitization of seminary schools [...] and the emergence of a new group among the clergy with a hybrid identity: part clergy, part security" (see Golkar 2017: 215). Golkar has published in 2015 a book on the topic entitled *Captive Society. The Basij Militia and Social Control in Iran* which offers ample details on how the Basij controls society, economy and the universities using propaganda, moral control, surveillance and political repression (see Golkar 2015). On the complex relationship between clerics and Iranian power structures see also Alamdari 2005.

[511]   Kadivar 2011a.

Khobregan-i Rahbari), the Guardian Council excluded his candidacy and disqualified him.[512] A year later, the Special Court of Clergy *(Dadgah-i Vizheh-yi Ruḥaniyyat)* sentenced Kadīvar to 18 months in prison and was sent to Evin prison. As recalled by Kadīvar, the charges included "accusing the government of committing serial murders, maligning the Islamic Republic of 'reproducing the absolutist authority reminiscent of the Monarchic rule', disseminating falsehoods and inciting public opinion and spreading propaganda against the Islamic Republic".[513] These charges can be made in any authoritarian regime against any opponent; the Special Court of Clergy sentenced him for his political criticism of power, did not accord him the proper deference as a person of religious authority and did not judge him respectfully.

In 2000, after his release from prison, Kadīvar benefited from the support of reformists at the universities, especially at Tarbiat Modares University, investing efforts in conferences, lectures and political writings. Even if the reformists had a margin of action under Khatami's presidency (1997–2005), the Ministry of High Education was under the control of the conservatives; Kadīvar taught only the subjects that had been approved by the Ministry. The latter also took note of the critical articles Kadīvar published and which were reported by the conservatives as blameworthy innovation, betrayal, apostasy and contrary to traditional Islam.[514]

However, in 2006, as the conservatives took back the presidency under Mahmoud Ahmadinejad, Kadīvar was victim of the restrictive policy of the Ministry of High Education, in early 2006, against reformist professors, striping him his position at Tarbiat Modares University, and transferring him in 2007 to the Iranian Research Institute of Philosophy.[515]

It was only a matter of time before Kadīvar would leave the country as repression against reformists became more violent and many other clerics and

[512]   Kadivar 2011a.
[513]   Kadivar 2011a.
[514]   Mervin 2010: 426–427.
[515]   Kadivar 2011a.

intellectuals were jailed, went into exile or silenced. In his initial attempt to go abroad, the Iranian regime confiscated Kadīvar's passport at Imam Khomeini Airport in Tehran in August 2007, and forbade him from leaving the country. The Special Court for Clergy and the Ministry of Intelligence accused him of "propagandizing against the regime and publishing untruths with intent to incite the public".[516] Finally, Kadīvar was able to travel in September 2008 to take a visiting professorship of Religious Studies of the University of Virginia in Charlottesville. Since then, he has lived in exile in the USA as an academic (Research Professor of Islamic Studies at Duke University) and has not returned to Iran.[517]

During thirteen years, since the hegemonic Shī'ī clergy persecuted Kadīvar as a figure of political opposition, his religious authority was constantly questioned and marginalised. His dissent was threatening to the structures of clerical power (the Guardianship of the Jurist and its Islamic ideology used to control the Iranian public opinion); his religious authority could not protect him whenever he was accused of subverting power.

A DISCUSSION:

TWO PARADIGMS OF RELIGIOUS DISSIDENCE

Having described the three stages of religious dissidence in contemporary Islamic ethics (authorisation, dissent and punishment/persecution) through the cases of Hilālī and Kadīvar, I will now move on to discuss what this investigation entails in terms of consistencies and irregularities. Rather than seeing a divide between Sunni and Shī'ī paradigms of dissent, I will argue that the divide exists between autonomous and politically dependent religious authority.

[516]   Kadivar 2011a.
[517]   Kadivar 2011a.

Autonomous religious authority and dissent

Regarding authorisation in the case of autonomous religious authority, it is usually a routinised process, taking place under discrete conditions, without pressure from the state, and following a learning tradition. The focus is laid on building the epistemic authority of the scholar which equals the legitimacy to speak as a religious figure of authority. As in the case of the students and the scholars at the Azhar, most of whom keep a low profile, and do not claim any moral authority over public affairs. One can achieve the highest degree of recognition at al-Azhar as did Hilālī by either solely obtaining a PhD or completing the degree with parallel traditional learning.

Authorisation is intended as a process leading to loyalty, and indeed most of the highly authorised figures as well as those who occupy lesser positions in the hierarchy do not rebel against their institutions. Young scholars, activist-scholars or even intellectuals who received little credit at an institution risk seeing their dissent fail to have an impact. Autonomy from political power implies a strong solidarity between the members of a religious establishment, and occupying a low rank in the latter, will inevitably lead the dissident to disappointment and failure. The resources that a high ranking cleric disposes of as an autonomous religious figure allow him control over any threat that would contest his authority. His credibility also, to a certain degree, provides him with protection because the institution itself is usually reluctant to punish someone who was authorised at the highest level by the same institution.

An autonomous religious authority figure tends to revolt against a certain understanding of religious matters by other religious authorities within an institution; that is, in the case of Islam, religious dissidence pertains to either questions of law or theology. Setting aside the contestation of hard core beliefs of theology (which would make one heretic, not dissident[518]),

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[518]   This is the case of Aḥmad Ṣubḥī Manṣūr, a Quranist who was a teacher at Al-Azhar University. Al-Azhar University accused him of being an enemy of Islam, tried him and expelled him in 1987 (Free Muslims Coalition [s. a.]).

religious dissidence concerns mostly questions of *fiqh.* And since Muslim jurists have been tolerating dissident opinions on *fiqh* for centuries, by virtue of the disagreement of jurists, *ikhtilāf* practice which is a legitimate legal process, dissent, even if it appears as a protest against the institution or the hierarchies that compose it, is not often taken as a threat. Thus, the battles of inheritance, the headscarf, the ritual sacrifice, wine, etc. might cause turbulence in the institution (at the risk of disloyalty to the methods and traditions of the generations of jurists who assumed authority there), but the shock such counter-authority creates is absorbable. For this reason, the dissident carefully questions the majority opinion by having recourse to minority opinions in the *fiqh* tradition; in most cases, this dissidence amounts to casuistry, lawyers disputes or hermeneutical differences within the establishment.

In institutions structured by autonomous religious authority, dissident voices are rarely punishable with severe forms of punishment; such institutions draw their collective charisma appeal from individual figures of religious authority (and vice versa), and therefore, they tend to rule on disciplinary measures or acts of denunciation. Thus, these institutions usually discard extreme measures to avoid inviting political power to interfere in the religious affairs. Since the stakes are discursive or administrative at best unless the institution is on the verge of collapse for structural reasons, punishment of religious dissidence hardly ever involves dismissal. A dissident might see his field of action reduced (less committees, etc.), his networks affected, campaigns of accusation or censure target his freedom of speech, publications or teaching activities. For example, throughout the modern period, to the best of my knowledge, al-Azhar has only dismissed two religious scholars: (1) ʿAlī ʿAbd al-Rāziq who was dismissed in 1927 for his book *al-Islām wa-uṣūl al-ḥukm* in which he called to separate religion from politics and for his debunking of the religious character of the state in Islam; yet, he was reinstated in 1945 to become later Minister of Religious Affairs in Egypt; (2) Mahmūd Shaltūt, who was dismissed for his call to reform al-Azhar in 1931. Shaltūt returned to the institution in 1945 to become Shaykh al-Azhar in 1958.

Politically dependent religious authority

In institutions where religious authority is politically dependent on centres of power, authorisation usually implies a close relationship with a particular circle within the institution; these religious circles are monitored, manipulated or controlled by political power, drawing a line between loyal circles and those who resist the decisions made by a political power. In either case, the authorised religious figure is seen through the lenses of this loyalty/disloyalty. As we have observed, Kadīvar's connection to Montaẓerī guaranteed him to achieve the highest standing at the Qom seminary, but this association also condemned him once Montaẓerī himself became dissident. The dependence of religious authorities on political power in such institutions makes them vulnerable to interference in the authorisation process itself, as in the case of favouring certain figures in the hierarchy of the institution over others. Corruption might also take place whereby some people obtain certificates, *ijāzāt* of religious authority in exchange of money or services. Religious authorisation could also turn into a mere tool to legitimise the ambitious political figures. When these institutions advocate specific political agendas they risk decline (when political power collapses) or devaluation of their religious authority in the eyes of the community.

In politically controlled religious institutions, a counter-authority act becomes *de facto* an operation of counter-power; the dissident perceives his action or discourse of dissidence as a natural resistance or reaction to the involvement of religious authority in power. The dissident faces an opponent with more than one face: at times the opponent appears as a figure of religious authority while at other times he is a merciless agent of intelligence services. The stakes are two-fold as well: whether the dissident criticises a matter of hermeneutics or a policy, it comes back to the same: the dissident has challenged the religious-political alliance or regime. In other words, religious dissent within an institution of politically dependent religious authority soon turns out to be a rebellion against the authoritarian ruler or a conspiracy against the state. Since the borders between religious authority and political

power are distorted, there is barely any question that is not political in such institutions. There also reigns a climate of fear and self-censor, steering clear from the most controversial religious deliberations which increase the probability of persecution.[519]

Since religious dissidence is an act of political insurgency, the politically controlled religious institutions can react severely to religious dissidence. First, these religious institutions proceed *pre-emptively* to censor or silence any criticism or innovative views among the religious scholars. Surveillance is also employed whether through cameras or spying colleagues. Thus, prevention is a security measure taken to ensure no crack occurs within the establishment. Second, once the dissident takes action, these institutions mobilise all their repressive resources to shut down the dissident: isolation, threats and discharge from his position, interrogation, trial, prison, exile, assassination or violence are some of the measures taken to punish the dissident religious authorities. Additionally, since the religious establishment has numerous connections to different repressive bodies of the state (Interior and Justice Ministries most of the time), religious dissidence can be punished in various ways and at unexpected places.

CONCLUSION

In contemporary Islamic ethics, religious dissent acts as a mechanism of counter-authority; it tends to question some of the foundations of the legal thinking and consensus within the establishment rather than the whole principiology, tradition and establishment. Religious dissidents in autonomous religious institutions are usually reformists who challenge the centres of power, the majority opinion and the rigidity of the establishment. This type of dissent might be condemned within the establishment or punished, but rarely persecuted or excluded.

[519] Saudi Arabia and Iran have similar experiences in securitising religious authority and reacting to religious dissidence (see Lacroix 2011; Matsunaga 2014).

Conversely, religious dissent can operate as a counter power whenever the religious institution is politically dependent. In this case, the dissident voice claims a revolt against the religious-political establishment and is treated as an insurgent or pariah by his opponents. He stands against the establishment itself as a nexus of religious authority and political power, targeting even more the power structures that control religious authority. For this reason, the religious establishment perceives him as a threat and punishes his dissent with any means necessary, ranging from isolation to violence.

Conclusion

The present study was designed to investigate the structures, figures and functions of religious authority in contemporary Islamic ethics. The most obvious finding to emerge from this book is that, whether in the Sunni or Shīʿī worlds, in Europe or in the Muslim world, *authority is community-based;* the religious figures of authority (theologians-jurists, imams, preachers, Sufi masters, etc.) are mostly dependent and centred around their immediate and local communities. Their aim, ultimately, is to arrange hierarchies of values and social ranks in order to make law and order ethically justifiable for the community members and, thus, minimise the risks of subversion; they think of themselves as symbolic guardians of law and order and do not push for change unless it is necessary. Islamic figures of authority owe their legitimacy and charisma to transmission of authoritative religious texts and ability to make them relevant for a given audience. Moreover, these figures of authority are expected to invest time and effort in the community's life. That is to say, authority is synergetic with the moral economy of the community; the Sunni *ʿālim* or imam, the Shīʿī *marjaʿ* or the Sufi master can establish efficacy and authoritativeness if their religious discourses or actions are conjoined with involvement in the economic affairs, the social networks and the religious institutions that form the community. As a result, the main task of an Islamic figure of authority is generating community charisma out of his individual charisma by re-playing, re-articulating and re-hearsing the Prophetic experience as the re-birth of a religious community.

If the figure of religious authority fails to demonstrate *autonomy* from state power, its authoritativeness dramatically decreases; this explains why the need for autonomy from political power is still noticeable in Europe and the Muslim world alike, despite various temptations. The *duality of authority and power* is the *modus vivendi* that allows religious authority to be autonomous while being able to form alliances with or to criticise political

power in case it disregards law and order. As I showed in this book, most views in Islamic political ethics support this duality. Only a few figures of religious authority would go as far as to confiscate power from the ruling elites which would merge religious authority and political power in one person. In modern times, only Iran (since 1979) and Afghanistan (under the Taliban) have experienced the integration of religious authority and political power in over 50 Muslim states. Even in Iran, various religious authorities contested the amalgamation of authority and power. Some ruling regimes in the Muslim world use religious authorities as a legitimating tool (Saudi Arabia, Morocco and other monarchies in the Arab world) while republics tend to institution-alise religious scholars as part of the semi-secular state (Turkey, Algeria, Syria). Other states such as Egypt and Iraq make every effort to maintain co-existence with authoritative religious institutions (al-Azhar and al-Najaf, respectively). Large Islamic organisations of religious scholars, activists and intellectuals in Pakistan, India, Bangladesh and Indonesia use their mobilisation capacity directly or directly to influence politics.

This research has also shown that most religious authorities in contemporary Islam support *continuity* of religious traditions, law and values to maintain the link with the sources of Islamic legitimacy. For example, the theologians-jurists, imams and preachers across the Muslim world continue to use the same arguments of authority on which the Islamic legal and ethical tradition was built in classical Islam (the Quran, the Prophetic tradition, juristic analogy and the consensus of jurists). A cornerstone of this continuity is the attachment to the consensus of previous generations of religious scholars as a sacred principle. Even the majority opinion of previous Muslim jurists is considered to be a solid legal tradition. The *'ulamā'* see most rapid changes (especially when authority is challenged in the institutions of family and education) as an aberration, associated with chaos, Westernisation and secularisation. However, certain changes are embraced, especially in the domain of communication as the tools of technology allow the religious authorities to influence larger publics through media, (massively mobilised by the theologians-jurists) as well as by preachers and intellectuals. *Change is*

not as risky and disruptive for intellectuals and activists as it is for theologians-jurists and imams; they both pursue the legitimacy of reform (religious and political reform) not only to compete with the theologians-jurists, but also to respond to radical social and political changes that affected Muslim societies and cultures in the last two centuries. Most traditional religious authorities (theologians-jurists, imams, preachers and Sufi masters) display a *prudent attitude towards risk and change:* they resist radical changes in society and politics (secularisation, political centralisation and instrumentalisation) while at the same time, they are sufficiently *resilient* or *flexible* in respect to economy, technology and modes of social interaction.

This study has also found that generally *traditional structures of Islamic authority* (mosques, Islamic learning institutes, Sufi brotherhoods) still play a major role in *arranging hierarchies within the religious field of Islamic communities.* The spectacular growth of Muslim population in the recent decades led to the boom of mosques and the expansion of networks of Islamic schools and universities. Almost without exception, states in the Muslim world offered financial support to these traditional structures as a rival to Islamist movements, ironically increasing thus their religious and societal impact. Urban mosques, in particular, are economic and religious centres that can influence the community in a significant way. Islamic ethics puts emphasis on piety as religious practice which guarantees for these structures of Islamic authority perennial presence in the lives of the Muslim believers. *New structures of Islamic authority* (Islamic organisations, councils of *fiqh,* groups of Muslim activists, ministries of religious affairs, etc.) compete with the traditional structures of Islamic authority, playing sometimes a *significant role in shaping religious and social life in given local and transnational contexts.* However, communities tend to distance themselves from politically involved religious structures. Marginal figures of authority such as the intellectuals have benefited from the recent development of *virtual spaces of religious communication on the internet* and have developed strategies to reach a loyal public and larger audience.

The sociological analysis of Islamic figures of authority revealed the distinction between *shareholders and stakeholders of religious authority.* The

shareholders are leaders who assume the function of guidance as their primary mission *(theologians-jurists, imams, preachers and spiritual masters)*. As "heirs to the Prophet", they *transmit and reinterpret the Muslim tradition*. These figures of authority tend also to be traditionalistic although sometimes they can embrace, within limits, some moderate forms of Islamic reform. The radical changes in Muslim societies and states since the 19th century (colonialism, post-colonial political entities, modernisation, secularisation, the neo-liberal order, etc.) were unfavourable and challenging to these traditional figures of authority. However, thanks to the re-islamisation movement since the 1970s, they have adapted to these various challenges and continue to be relevant for their religious and social contexts. *The stakeholders (activists, intellectuals, religious managers and instructors of Islamic education)* are responsible for representative *management, contestation, schooling, mobilisation or mediation* functions within the religious field. These are new figures of authority brought about by the modern changes in the Muslim world. *Activists* have benefited the most from the political turmoil in the Muslim world (revolutions, despotism, injustice, wars, conflicts, etc.) to claim the *legitimacy of religious and political action.* The bureaucratisation of Islam in post-independent Muslim countries created the need for *religious managers* (within *ministries and Islamic umbrella organisations*). As for the *intellectuals,* they claim the *legitimacy of reform.* Finally, *instructors of religious education* are employees of the state (or employees of private schools) who profit mainly from the state's intent to *control Islamic education.* It was shown that generally in Europe the religious manager and imam are the leading figures of authority. In Europe, *the stakeholders* (religious managers and activists) *are as important, if not more important, to the exercise of* religious authority than theologians-jurists or imams. In the Muslim world, *theologians-jurists* continue to dominate the religious field.

The investigation of functions of religious authority in contemporary Islam suggests that, ultimately, authority aims at *preserving foundational moral hierarchies* in Muslim societies and *preventing subversion.* The primary task of Islamic authorities is to *care for and support a moral order* which justifies a

constant social order. To achieve this task, various figures of religious author-
ity invest in the moral economy of the community, form political alliances
and loyalties and take measures to counter-balance political powers. This clus-
ter of roles can be said to be "order-focused". A second cluster of functions is
"identity-focused", and consists in symbolising the community in terms of its
belonging to a religious-ethnic identity, family and community. Accordingly,
figures of Muslim authority commit to *umma* politics, claim the pious ances-
tors of the community, and dwell on Islamic sources of legitimacy. A third
cluster of functions is "piety-focused": religious authorities strive to respond
and nurture the piety of Muslims, adapting content to audiences and contexts,
routinising religious practice and knowledge and seeking new ways to convey
the moral teachings of Islam. While *theologians-jurists* are mostly involved
in the *order-focused* and *piety-focused* sets of aims, *imams* and *Sufi masters* tend
to prioritise the *piety-focused* cluster. *Intellectuals, religious instructors* and *activ-
ists* concentrate mostly on *identity-focused* objectives while *religious managers*
give attention primarily to *identity* and *order*.

Another significant finding to emerge from this research is that religious
dissent acts as a process of *counter-authority* rather than *anti-authority;* religious
dissidents contest the outcomes of legal reasoning, the extent and the prac-
tice of authority, but rarely the tradition, the structures and the institutions of
religious authority themselves. In *autonomous religious institutions,* religious
dissidents are usually *reformist intellectuals and clerics* who stand against tradi-
tionalist religious methodology, the prevalence of conformism and the rigidity
in adapting to modernity. *Autonomous religious institutions* punish dissidents
internally most of the time (and rehabilitate them sometimes) without having
recourse to extreme measures such as exclusion/ostracism, excommunication
or violence. Conversely, when a *religious institution is politically dependent* and
encounters religious dissent, it takes it as a counter *power* action and responds
vehemently. The dissident voice is seen as a leader of a revolt against the religious-
political establishment and is considered an *insurgent* to be seriously dealt with.
Such dissent undermines the *establishment itself as a nexus of religious authority
and political power.* To prevent more damage to its "cohesion", the politically

dependent religious establishment immediately suppresses or persecutes the dissident by any means necessary.

However, religious authority in contemporary Islam has to confront many *limitations;* firstly, *the internet* has further fragmented the field of religious authority and amplified the competition between authority figures. Secondly, the inevitable social and cultural changes linked to the dynamics of *secularisation* are leading to a growing *individualisation* that distances part of the Muslim youth from the authority discourses of the imams and theologians-jurists. Thirdly, since religious authority is understood in terms of proximity to community, tradition and formalised means of transmission, Muslim authority figures, like other religious authority figures based on the written word, *are ' forced' to respect the ethos of traditionalist* authority, and must juggle adaptation, or show resilience in the face of social transformations, with the requirements of "heir status to the Prophet". Fourthly, there is also the *crisis of vocations* which means that young Muslims are not attracted to careers in the religious field. Fifthly, the dissociation between moral, religious and *epistemic authority,* a consequence of modernity and differentiation of these three types of authority, further circumscribes *the scope of religious authority,* in general, in the face of the expertise of scientists. Finally, the *securitisation of Islam* by various states in Europe and the Muslim world shows the increasing will of political power to regulate the training of imams, fight Muslim activists, bring about a modern Islam and restructure the religious domain.

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Authority is a key question in Islamic studies and beyond.
This book examines the nature, figures, structures and
functions of religious authority in contemporary Islamic
ethics. It also discusses how Islamic authority and politi-
cal power compete and/or cooperate in Muslim contexts
and Europe. Moreover, it provides a coherent framework
to understand authority as a moral foundation in relation
to community, power, tradition and subversion. Various
cases from Europe and the Muslim world are studied
here to showcase the claims and practices of authority
in their contexts. Despite its active role and resourceful-
ness in contemporary Islam, religious authority has to
confront many limitations, including the dynamics of
secularisation and individualisation.

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