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Themes and Concerns of the Saudi Board of Senior Scholars

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Themes and Concerns of the Saudi Board of Senior Scholars

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Abstract

Themes and Concerns of the Saudi Board of Senior Scholars

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Religion in Saudi Arabia is undoubtedly a powerful force, but it is unclear to what extent the Saudi religious establishment controls the expression of religion in Saudi Arabia. In many publications, scholars make assumptions about the nature of the relationship between the religious establishment and the state. Some scholars have assumed that the religious scholars (‘ulemā’) are the true power in Saudi Arabia and it is they who control government policy. Others have claimed that they scholars intentionally stay out of the state’s way and attempt only to affect Saudi civil society or that the scholars simply function as yes-men, legitimizing the state’s actions but lacking any autonomy. Clearly these positions are incommensurable.

What, then, is the reality of the relationship between the scholars and the state in the Kingdom? Do the religious scholars control the government or do they limit themselves to simply controlling Saudi civil society? This paper examines the fatwas published by the Saudi Permanent Council for the Issuing of Fatwas (al-lajna al-dā’ima

li'l-iftā') between 2000-2013 in order to determine the primary concerns of the Council and their ability to affect both Saudi society and government. It argues against both positions; this paper will demonstrate that the Council does not attempt to control government policy, it does not simply serve to affirm and legitimize that policy, and it shows little interest in affecting Saudi society in general. In reality, the Council is a religious institution and their concerns are overwhelmingly religious and ritual, rather than political or social.

This paper will also use newspaper articles from a variety of sources in Saudi Arabia and the surrounding nations to examine the first stages of an ongoing project known as the “High Values Program” (barnāmaj al-qiyam al-‘uliyā’). The stated purpose of the program is to combat the religious rhetoric of groups like ISIS in the region. This paper will use the articles to demonstrate who, even when assisting the government in attempting to control society, the Council’s concerns remain ritual-oriented.

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Introduction

The Saudi Board of Senior Scholars (*hay'at kibār al-‘ulemā’* or the *Hay’a*) is an officially sanctioned body of scholars, established in 1971, tasked with enunciating the official Saudi interpretation of Islamic law. While, in theory, Islamic law is the basis of the Saudi government, the relationship between the scholars who provide or interpret that law and the rest of the government is unclear. There is a disagreement between scholars about whether the Saudi *‘ulemā’* (Islamic religious scholars) are the true arbiters of government policy or simply yes-men whose only real power is a limited ability to affect the social sphere. In this thesis, I will begin to explore the relationships between the *‘ulemā’* and the state and society in the early 21st century by examining a set of publications from Saudi Arabia’s most senior religious scholars to see how they make statements intended to affect the Saudi government or society.

I will begin my examination by looking at the *fatwas* (legal rulings¹) published in issues 61-100 of the *Journal of Islamic Research* (*Majallat al-Buḥūth al-‘Islāmiyya* or the *Majalla*) from 2000-2013. The *Majalla* was published by the Hay’a’s governing body, the Permanent Council for Issuing Fatwas (*al-lajna al-dā’ima li’l-‘iftā’* or the *Lajna*), from 1975-2013, totaling 100 issues. In order to get a more complete perspective on the activities of the *‘ulemā’*, I will also consider a project that the Hay’a began in late 2014 called the Highest Values Program (*burnāmaj al-qiyam al-‘uliyā’*). The HVP is a propaganda campaign aimed at segments of society that they view as susceptible to

¹ Traditionally, fatwas have been non-binding legal opinions, but when talking about an officially sanctioned body of scholars, it is important not to take the lack of binding authority for granted. As we will see, the fatwas

conversion to ideologies opposed to their own, such as the Islam of ISIS, which they view as unnecessarily violent, or the Zaydī Shīʿa Islam of the Ḥūthīs in Yemen.

In order to begin addressing the nature of these relationships, I will explore three smaller questions: (1) what are the overarching themes of the *Majalla*'s fatwas? This will tell us what the Lajna intends the *Majalla* to accomplish, whether that is affecting social attitudes or government policy, or simply authorizing government action. (2) What do those themes tell us about what the Council deems important? Because the *Majalla* was the Lajna's main publication for nearly 40 years, I believe that knowing its purpose will help us to understand what the Lajna thinks is important, which is the key to understanding the Lajna's relationships. (3) How does the Lajna view its relationship to Saudi government and society? I will show that they view themselves as a part of the government whose function is to regulate morality and Islamic rituals, so this is what is important to them, and these are the issues they address. They do not attempt to affect society or government, except in matters relating to ritual and morality. This is a first step in addressing the question of role of the Lajna (and, by extension, the 'ulemā' in general) in Saudi Arabian government and society.

Saudi monarchs have historically declared the Qur'ān and Sunna to be the nation's constitution, even prior to the establishment of the Hay'a. In 1992, King Fahd signed a charter known as the Basic Law of Saudi Arabia (*al-nizām al-'asāsī li'l-ḥukm*) that reinforces this vision while simultaneously acting as an uncodified constitution by declaring certain principles upon which the Saudi state should function. This document thus codifies the supremacy of Islamic law without challenging the supremacy of the Hay'a in interpreting that. It also provides external (non-canonical) principles for implementing that law. These principles include justice, equality, and *shūrā* (the responsibility of the monarch to consult with others before making decisions).

Saudi Arabia has no constitution. The Basic Law is a declaration of the principles of government in Saudi Arabia, rather than a document intended to legally bind the king, and it provides little legal power to the ‘ulemā’. It provides theoretical checks on the monarch’s power (“The regime derives its power from the Holy Qur'an and the Prophet's Sunnah which rule over this and all other State Laws”²), but no mechanism for enforcing the subordination of the government to Islamic law. A separate law, the Shūrā Council Law, gives the functions of the Shūrā Council, which is intended to provide advice to the King, but has no authority over him. This Council is required to “adhere to the sources of Islamic legislation” when providing advice but the king appoints its members and chooses its tasks and budget. They have no power to pass legislation; they can only send bills to the king for him to approve or not.³ Because it has no legal power to ensure that the government follows its rulings, it makes sense that the Hay’a make few attempts to affect policy.

THE LAJNA AND ITS *MAJALLA*

Archives of the Majalla from 1975-2013 are available online⁴ and large portions of the website have been translated from Arabic into English,⁵ French,⁶ Spanish,⁷ Indonesian,⁸

² “Saudi Arabia 1992 (rev. 2013)”, Constitute Project, https://www.constituteproject.org/constitution/Saudi_Arabia_2013?lang=en (retrieved 29 April, 2016).

³ “Saudi Arabia 1992 (rev. 2013)”, Constitute Project, https://www.constituteproject.org/constitution/Saudi_Arabia_2013?lang=en (retrieved 29 April, 2016).

⁴ *Majallat al-Buḥūth al-‘Islāmiyya*, al-Ri’āsa al-‘Āma li’l-Buḥūth al-‘Ilmiyya wa’l-‘Ifṭā’, <http://alifita.net/Fatawa/FatawaChapters.aspx?language=ar&MenuID=1&View=tree&NodeID=1&PageNo=1&BookID=2&Rokn=false> (retrieved 29 April 2016). Al-‘iftā’ is an Arabic gerund that means “issuing a fatwa.”

⁵ Al-Ri’āsa al-‘Āma li’l-Buḥūth al-‘Ilmiyya wa’l-‘Ifṭā’, <http://alifita.net/Default.aspx?language=en> (retrieved 29 April 2016).

⁶ Al-Ri’āsa al-‘Āma li’l-Buḥūth al-‘Ilmiyya wa’l-‘Ifṭā’, <http://alifita.net/Default.aspx?language=fr> (retrieved 29 April 2016).

⁷ Al-Ri’āsa al-‘Āma li’l-Buḥūth al-‘Ilmiyya wa’l-‘Ifṭā’, <http://alifita.net/Default.aspx?language=es> (retrieved 29 April 2016).

⁸ Al-Ri’āsa al-‘Āma li’l-Buḥūth al-‘Ilmiyya wa’l-‘Ifṭā’, <http://alifita.net/Default.aspx?language=id> (retrieved 29 April 2016).

Turkish,⁹ Persian,¹⁰ Urdu,¹¹ and Chinese.¹² These translations do not include the *Majalla*, but the English and French translations, at least, have all of the fatwas available—they are just not accompanied by the rest of the *Majalla*. Each issue of the *Majalla*, as archived online, covers about half a year of the Hijri calendar. This thesis will analyze the forty issues from Rajab 1421 to Shawwāl 1434 AH (approximately corresponding to September 2000 to August 2013 CE). Each issue contains several sections: a selection from the Qur’ān; an introductory segment, generally comprising some form of advice to the readers; and a selection of fatwas from the sitting Mufti General¹³ and two previous, highly influential Muftis who occupied the same office.

The following fatwa shows the structure that all fatwas in the *Majalla* share:

Q: A questioner asks: is it permissible for us to eat from [meat] that a man slaughtered while invoking the *Ṣūfi* saints, or [meat that] was slaughtered for them [in their name]?

A: The ‘ulemā’ say: it is a criterion for the permissibility of meat that the person responsible for its slaughter be a Muslim, or a [Person of the] Book, from the Jews or the Christians. This is because God said: “the food of those who have been given the Book is lawful for you, and your food is lawful for them.” ([Surat] al-mā’ida: 5 [Qur’ān 5:5]). So, as for pagans, witches, and those who have no

⁹ Al-Ri’āsa al-‘Āma li’l-Buḥūth al-‘Ilmiyya wa’l-‘Iftā’, <http://alifta.net/Default.aspx?languagename=tr> (retrieved 29 April 2016).

¹⁰ Al-Ri’āsa al-‘Āma li’l-Buḥūth al-‘Ilmiyya wa’l-‘Iftā’, <http://alifta.net/Default.aspx?languagename=fa> (retrieved 29 April 2016).

¹¹ Al-Ri’āsa al-‘Āma li’l-Buḥūth al-‘Ilmiyya wa’l-‘Iftā’, <http://alifta.net/Default.aspx?languagename=ur> (retrieved 29 April 2016).

¹² Al-Ri’āsa al-‘Āma li’l-Buḥūth al-‘Ilmiyya wa’l-‘Iftā’, <http://alifta.net/Default.aspx?languagename=zh-CN> (retrieved 29 April 2016).

¹³ مفتي عام المملكة العربية السعودية. This term is often translated as the “Grand Mufti,” but in keeping with my assertion that the Council is a branch of the government like any other, I have chosen a term that reflects a more common scheme for naming high political offices. No one would refer to a nation’s chief physician as the Grand Doctor, so I believe that this term more accurately reflects the position’s relationship to the rest of the government. A *mufṭī* is someone who issues fatwas. Classically, and in Saudi Arabia, a *mufṭī* was required to have training in legal interpretation and an *ijāza*, a license or diploma, stating that the *mufṭī* has sufficient knowledge to properly interpret Islamic law. As stated above, fatwas are legal opinions, and, classically, they are not legally binding. This is still true in Saudi Arabia today. Despite their position as a government body, the *Lajna*’s fatwas are not legally binding and there is no body to enforce them.

religion whatsoever, like the atheists, among them the communists and others, these peoples' meat is contaminated. It is not lawful for us to eat their meat, because they are *mushrikūn* [people who do not worship God alone]. Therefore, their slaughter does not make meat lawful. Someone who invokes the Ṣūfī saints and not God, seeks help from them and not God, slaughters [animals] in their name, believes that they are media between him and God, and requests help from them, this person has certainly committed shirk and invoked those who are dead [and cannot help] and those who are gone. Invoking the dead and the absent in God's place is a greater shirk that expels one from the religious community, because invocation is a ritual practice [*ibāda*], and God said: “mosques belong to God, so do not invoke anyone along with God” ([Surat] al-Jinn: 18 [Qur'ān 72:18]). Thus, it is illegal to eat the meat of those who invoke the Ṣūfī saints and slaughter in their name.¹⁴

An anonymous questioner poses a question to the muftī, or the muftī simply decides to address an issue that they think needs to be addressed. If there are two major positions on the issue, the muftī will first give the one he disagrees with, say that that position has no basis in scripture, and then give his own position and back it up with scripture. If there are many positions or he does not wish to take a firm stance, he may not outline the opposition or his own opinion, and he may not provide scriptural evidence (i.e. quotations from the Qur'ān and ḥadīths—prophetic reports). Instead, he will simply say that the issue is debated by many scholars and provide any number of possible actions that are legal until the debate is resolved. The muftī will only cite scripture if he is taking a firm stance on an issue (whether for or against a ruling).

In theory, the Board's function, as the highest body of religious authority in the nation, is to oversee the actions of the Āl Sa'ūd (the Saudi Royal Family) and ensure that

س/ سائل يقول: هل يجوز أن نأكل مما ذبحه رجل يدعو الأولياء أو يذبح لهم؟¹⁴
 ج/ يقول العلماء: يشترط في حل الذبيحة أن يكون المتولي للذبح مسلمًا، أو كتابيًا من اليهود والنصارى؛ لأن الله تعالى يقول: وَطَعَامُ الَّذِينَ أُوتُوا الْكِتَابَ حَلٌّ لَكُمْ وَطَعَامُكُمْ حَلٌّ لَهُمْ (الأنعام: 5)، إَذَا فَالْوَتْنِي، وَالمَجُوسِي، وَمَنْ لَا دِينَ لَهُ مَطْلَقًا كَالْمَلَاحِدَةِ، مِنْ الشُّبُوعِيِّينَ وَغَيْرِهِمْ، هُوَ لَا ذَبِيحَتَهُمْ نَجِسَةٌ، وَلَا يَحِلُّ لَنَا أَنْ نَأْكُلَ ذَبَائِحَهُمْ؛ لِأَنَّهُمْ مُشْرِكُونَ بِاللَّهِ، فَذَبْحُهُمْ لَا يَحِلُّ الذَّبِيحَةَ، وَالَّذِي يَدْعُو الْأَوْلِيَاءَ مِنْ دُونِ اللَّهِ، وَيَسْتَعِيْثُ بِهِمْ مِنْ دُونِ اللَّهِ، وَيَذْبَحُ لَهُمْ، وَيَعْتَقِدُ أَنَّهُمْ وَسَائِطُ بَيْنِهِ وَبَيْنَ اللَّهِ، وَيَطْلُبُ مِنْهُمْ الشَّفَاعَةَ فَهَذَا قَدْ أَشْرَكَ مَعَ اللَّهِ غَيْرَهُ وَدَعَا الْأَمْوَاتَ، وَالدَّعَا الْغَائِبِينَ، وَدَعَا الْأَمْوَاتَ الْغَائِبِينَ دَعَاءَ لغيرِ اللَّهِ فَهَذَا شُرْكٌ أَكْبَرُ يَخْرُجُ مِنَ الْمِلَّةِ؛ لِأَنَّ الدَّعَاءَ عِبَادَةٌ، وَاللَّهُ يَقُولُ: وَأَنَّ الْمُسَاجِدَ لِلَّهِ فَلَا تَدْعُوا مَعَ اللَّهِ أَحَدًا (الجن: 18)، وَعَلَى ذَلِكَ فَلَا يَحِلُّ الْأَكْلُ مِنْ ذَبَائِحِ هَؤُلَاءِ الَّذِينَ يَدْعُونَ الْأَوْلِيَاءَ، وَيَذْبَحُونَ لَهُمْ. Āl al-Shaykh, °Abd al-°Azīz ibn °Abd Allāh ibn Muḥammad, “Mā yashtarīḥ li-ḥall al-dhabīḥa, *Majallat al-Buḥūth al-'Islāmiyya*, <http://alifta.net/Fatawa/FatawaChapters.aspx?language=ar&View=Page&PageID=13725&PageNo=1&BookID=2> (retrieved 29 April 2016).

the monarchy adheres to Islamic (Wahhābī) doctrine and ideals. In this way, it is ideally supposed to function in much the same way as the United States Supreme Court: it is intended to prevent the other parts of government from straying from the tenets of the foundational documents, whether that be the US Constitution or the rather more nebulously defined Islamic law.¹⁵

The Hay'a is a religious institution, but it is also a political one; as such, the members are politicians, as well as muftīs, and their non-legislative actions are also important. For this reason, I will also examine the Highest Values Program, a propaganda campaign the Board is conducting within Saudi Arabia. The HVP has occupied much of the Board's energy since 2014, and has several prominent links on the Council's official website. I will use this website as our primary source of information about the HVP.

The HVP consists primarily of visits by members of the Board to military bases and education centers in areas affected by the border conflicts with Yemen, and Iraq. The stated mission is to spread the message of true Islamic values to areas that tend to receive less attention from scholars. However, they never explicitly state what those areas are. Because they are focused on the Iraqi and Yemeni borders, however, it is clear that they are interested in combatting the spread of violent and anti-establishment ideas from the Ḥūthīs in Yemen and ISIS in Iraq. That is to say, it is a propaganda campaign intended to prevent the population from drifting away from the Saudi state, both ideologically and sympathetically.

In practice, it has heretofore been unclear what the Hay'a's function is in the framework of the Saudi state, but this thesis will argue that the Council is essentially just another office of the Saudi government, and that the Hay'a's domain is official morality,

¹⁵ "Basic Law of Governance: Royal Order A/91." https://www.sagya.gov.sa/Documents/Laws/Basic%20Law%20of%20Governance_En.pdf (retrieved 20 February 2016)

creed, and religious ritual. Their work is designed to define and regulate their interpretation of correct morality, creed, and ritual for the Saudi state and society. While this effort to define and regulate does not necessarily preclude the Council from attempting to affect social and governmental issues in a broader scope, their focus has usually been on these three key areas. Instead of attempting to affect society and government directly, for the most part they operate under the assumption that the proper practice of the Islamic ritual and morality that they expound, based on their understanding of the proper creed, will solve all of Saudi Arabia's perceived woes.

Mine is a new proposition based on new evidence; there is, to my knowledge, no similar study in English based on similar sources.¹⁶ Rather, scholars have tended to make assumptions about the Saudi religious establishment with little or no evidence. The two most common assumptions about the 'ulemā' in Saudi Arabia are that they either secretly control the state and society, making the king a figurehead, or that they are simply yes-men who authorize anything the king desires. To see this, we can turn to two scholars who are emblematic of these positions, though by no means the only ones to have taken them: Madawi al-Rasheed and Qasim Zaman. Al-Rasheed is a professor of Anthropology of Religion at the University of London, focusing on Saudi Arabia and the Arabian Gulf.¹⁷

¹⁶ There seems to have been a particular effort to perform this kind of analysis in the early 1980s. These efforts tended to focus on the history of the relationship, rather than the contemporary reality. They were interested in the part that the 'ulemā' played in the formation of the Saudi States, how they fostered both patriotic and rebellious sentiment at different times, and how they intimidated and outmaneuvered the various Saudi royals. For example, Alexander Bligh, "The Saudi Religious Elite ('ulama) as Participant in the Political System of the Kingdom," *International Journal of Middle East Studies* 17 (1985). Joseph K. Kechichian, "The Role of the Ulama in the Politics of an Islamic State: The Case of Saudi Arabia," *International Journal of Middle East Studies* 18 (1986). al-Yassini, Ayman. *Religion and State in the Kingdom of Saudi Arabia*. Boulder: Westview Press, 1985. This history is still being examined, but the conclusions do not seem to be radically different from the work that was done in the 1980s. For example, Mohammed Ayoub and Hasan Kosebalaban, eds., *Religion and Politics in Saudi Arabia: Wahhabism and the State* (Boulder: Lynne Rienner Publishers, 2009).

¹⁷ Among her most important works for our purposes are: Madawi Al-Rasheed, 2007, *Contesting the Saudi State* (New York: Cambridge University Press). Madawi Al-Rasheed, 2002, *A History of Saudi Arabia*

Zaman is a professor of Near Eastern Studies and Religion at Princeton; he has worked on the Middle East and South Asia in both the Medieval and Modern periods.¹⁸

According to al-Rasheed, the influence of the ‘ulemā’ in Saudi Arabia is limited to the social sphere. That is, the ‘ulemā’ have no influence in the government. They can only affect limited changes in the attitudes of the Saudi population, but not the ruling elite. In her accounting, since 1818 and the end of the first Saudi State (also known as the Emirate of Diriyah), the Wahhābī scholars survived by binding themselves to political power (i.e. the Saudi Royal Family). In order to do so, they necessarily had to accept subordinate positions, thus circumscribing their authority.

Al-Rasheed also argues that, though the Saudi social and political spheres are “Wahhābised,” the Saudi state is not Wahhābī.¹⁹ That is, the government tends to shape its rhetoric in a framework derived from the Wahhābī school of thought (what she means by this is that the state tends to employ Islamic imagery, quotes from scripture, and a literalist interpretation of scripture). However, the Wahhābī school neither shapes their policies, nor do the Saudi ‘ulemā’ have influence within the government. This position is in accordance with my own assertion that the Hay’at tries to affect the morality of the Saudi populace, rather than government policy. Instead, the government attempts to employ the Wahhābī School, its ‘ulemā’, and its rhetoric to forward its own political aims, divorced entirely from religion. In this view, the Saudi ‘ulemā’ (and, by extension, the Board) not only have no power to influence the political process, but also they lack sufficient influence

(New York: Cambridge University Press). Madawi al-Rasheed, “God, the King, and the Nation: Political Rhetoric in Saudi Arabia in the 1990s,” *Middle East Journal* 50 (1996).

¹⁸ His most significant works for the present study are: Qasim Zaman, 2002, *The Ulama in Contemporary Islam: Custodians of Change* (Princeton: Princeton University Press). *Criticism* (Cambridge: Cambridge University Press).

¹⁹ Henri Lauzière, 2016, *The Making of Salafism: Islamic Reform in the Twentieth Century*. (New York: Columbia University Press): 4.

in the social sphere to cause the Saudi people to agitate for change on the behalf of the Hay'a²⁰ (a difficult proposal in an autocracy, regardless of the Board's ability to effect it).

Al-Rasheed's view of the Saudi 'ulemā' agrees with my view of the 'ulemā' as represented by the Hay'a in one essential way: they have no interest in affecting government policy. She views the Wahhābī 'ulemā' as doing so because they have accepted from the monarchy steep limitations upon their own political and social power in order to avoid a clash with the monarchy that they cannot win. It is my view that they are the ones who define the borders around their own power, though it may well be that they do so to avoid just such a clash as Al-Rasheed describes.

As I will show, the Board is engaged in two simultaneous processes: distinguishing good religion from bad religion (morality), and defining religion for the Saudi people (the proper rituals and creed). . In the process of defining religion, they continuously chip away at its reach within both the government and society by defining what it is not and what it does not do,²¹ but they also cement their own power in that circumscribed space. By declaring religion limited to ritual and creed, they prevent it from directly affecting, for example, military action, unless they can portray that military action as immoral. That being said, the Board is not unconcerned with social and governmental issues; they do try to affect them directly, even if that is not their primary aim. Nevertheless, their primary aim is to perfect the ritual practice of the Saudi people, which they view as the precursor to a morality that will lead to a utopian society.

Qasim Zaman, citing Frank Vogel, takes a different view of the Saudi 'ulemā'. He believes that the 'ulemā' in Saudi Arabia actually exercise independent power and have

²⁰ Henri Lauzière, 2016, *The Making of Salafism: 2*.

²¹ This is an important distinction from what we usually consider Salafi thought: Salafis typically regard Islam as a complete and all-encompassing system (كامل وشامل).

openly flaunted royal decrees on multiple occasions.²² Zaman tells us that “the rule of the Saudi family has been through many vicissitudes since that alliance was forged, but the ‘ulama have continued to be central to its conceptions of political legitimacy.”²³ The “vicissitudes” are a reference to radical changes in the fortunes of Saudi Arabia in the 20th century, especially relating the growing importance of Saudi oil. They are also a reference to the fact that members of the Saudi royal family failed twice to establish lasting states before establishing the current iteration in the early 20th century and it is certain that the ulemā’ played an important and complex role in that victory.²⁴ However, Zaman believes that the Saudi ulemā’ have the “defining role” in the politics of the current Saudi state (i.e. that their power exceeds that of the king), largely because they have successfully refused to allow the sharia to be codified, thus ensuring that they remain essential to the continuing enunciation of the law.²⁵

From a purely legal standpoint, Zaman’s view of the Saudi ‘ulemā’ makes sense. The Kingdom is supposed to be based upon Islamic law, but it does not codify that law; rather, it relies upon the ‘ulemā’ to interpret and expound upon that law. However, as I will show, the Council, the highest religious body, spends very little energy addressing governmental matters at all. While it is true that the Sharī‘a remains uncoded in Saudi

²² Muhammad Qasim Zaman, 2012, *Modern Islamic Thought in a Radical Age: Religious Authority and Internal Criticism* (Cambridge: Cambridge University Press).

²³ Muhammad Qasim Zaman 2012, *Modern Islamic Thought in a Radical Age*.

²⁴ John S Habib, 1970, *The Ikhwan Movement of Najd: Its Rise, Development, and Decline* (Doctoral Dissertation) (Ann Arbor: The University of Michigan). In the early 20th century, during the formation of the current Saudi state, the Wahhābī establishment and their followers were not uniformly in favor of Saudi royal hegemony. The Al Saud faced opposition from the Bedouin soldiers who had converted to Wahhābī Islam and fought for them. The Ikhwan rebellions, as this incident is known, were encouraged by many of the low-level preachers among these recent Wahhābī converts, but the highest ranks of scholars remained loyal to the Āl Sa‘ūd.

²⁵ Muhammad Qasim Zaman, 2012, *Modern Islamic Thought in a Radical Age: Religious Authority and Internal Criticism* (Cambridge: Cambridge University Press): 152. The codification of laws, as Zaman argues, has been embraced in “most other Muslim societies” as a method of enforcing uniformity of law and judicial practice.

Arabia, the ‘ulemā’ do not use this as an opportunity to dictate the laws of the land. They seem, by and large, content to leave to more secular branches of the Saudi government anything that does not concern ritual, creed, or morality. Thus, Zaman’s view of the Saudi ‘ulemā’ as the ultimate arbiters of state policy in the absence of a codified Islamic law does not seem to be accurate.

Zaman’s formulation of the contemporary power of the ‘ulemā’ is primarily theoretical and based on the historical roots of the relationship between politics and religion in Saudi states, rather than an analysis based on contemporary actions. He notes

The influence of the ‘ulama in the Kingdom of Saudi Arabia is founded on the alliance, in the eighteenth century, between Muhammad al-Sa‘ud (r. 1745-65), a tribal chief from Najd,²⁶ and Muhammad b. ‘Abd al-Wahhab (d. 1791), the puritanical reformer after whom the ‘Wahhābī’ movement is named.²⁷

While this is historically accurate, Zaman, like al-Rasheed, assumes that this relationship has not evolved significantly in the intervening centuries. The fact that this alliance existed in the eighteenth century tells us little about the dynamics of the relationship of the ‘ulemā’ to the Saudi monarchy in the beginning of the 21st century.

Both al-Rasheed and Zaman are concerned with Saudi ulemā’ in general, rather than the Board, specifically, but the Board and its leading Council are the highest rank of ulemā’ in Saudi Arabia, so I will take them as representative of all ‘ulemā’ in Saudi Arabia. Though lower bodies and courts are not required to submit to its rulings, the Board is supposed to inform national law, so it can effectively supersede any lower body of ‘ulemā’. It also has a direct connection to the monarchy in that it was established by royal decree and officially exists to advise and oversee the monarchy in matters of religious importance (a field defined by the Board and Council).

²⁶ Najd is the central, desert region of the Arabian peninsula.

²⁷ Muhammad Qasim Zaman 2012, *Modern Islamic Thought in a Radical Age*: 152.

There is a lack of scholarship focusing on the Board itself, as an entity within the Saudi state. This thesis is an attempt to begin filling in that gap by examining a set of the Board's publications and actions in the 21st century. In order to help understand the relationship in Saudi Arabia, I will first examine the literature on the relationship between the religious scholars and the state in other countries. The first two choices that come to mind for this discussion are Iran and Israel, due to the explicitly religious nature of their states. I will also take a moment to examine a similar relationship in the United States.. Due to the two nations' similarly public dedication to their Islams, the obvious first choice to look for an analogue for the Hay'a is Iran. However, the 'ulemā' in Iran run the government, rather than consisting of a single body within it. This is a structural difference in the way the 'ulemā' relate to the state, making the two cases incomparable. We have already seen how the Saudi Council is theoretically similar to the US Supreme Court. The US Supreme Court's function within the state is to interpret the meaning of law, and to make sure that it stays within the bounds set by the US Constitution, the nation's supreme governing document. In much the same way, the Hay'a is ideally supposed to interpret the Islamic law that is nominally the basis for all governance in Saudi Arabia (the Hay'a is envisioned in law as a blend between the legislative and judicial branches—the both write and interpret the law). However, the Hay'a, unlike the Supreme Court, avoids addressing governmental power. It does not act a check on the government, and does not attempt to make sure that the government abides by Islamic law, except a select few cases. These differences make the US Supreme Court a poor analogy in practice, despite their theoretical similarities. Because I do not believe that either of these comparisons will be helpful for understanding the 'ulemā'-state relationship in Saudi Arabia, I will turn to Israel's Chief Rabbinate as a better-studied analogue of the Hay'a. It will serve as a model of an

organization directly affiliated with the government that oversees the practice of religion within its country, in the absence of literature on the Hay'a itself.²⁸

The Rabbinate and the Hay'a are similar in many ways. As stated above, the Board reserves for itself exclusive authority over all religious matters in Saudi Arabia, while simultaneously limiting the areas that fall under that heading. Certainly, the challenges of the Board differ from those of the Chief Rabbinate, but their projects are surprisingly similar. Both work to generate popular support for their state among small but vocal minorities within their own religious communities who oppose the state categorically.²⁹ The two groups are also legally similar: they are subject to higher bodies of secular authority, even while their decisions are considered legally binding, and neither group has firm, constitutional ground on which to stand. Their respective states even formulate themselves in explicitly religious ways. However, the Rabbinate does not limit its own activities; the secular powers (i.e. the Knesset and the non-religious courts) decide what is religious, and thus what is an appropriate arena for the Rabbinate's legislative and judicial action.³⁰ Thus, the groups are not identical.

Much like the Hay'a, the Rabbinate is concerned with defining the borders of its religious community, and they both exist because of a mandate from the state. The Rabbinate has spent a great deal of energy, historically, attempting to define who counts as Jewish.³¹ Because they only have authority over Israeli Jews, we can view that this as defining the boundaries around their own authority. By defining who is or is not Jewish,

²⁸ For more on the Chief Rabbinate and their role in Israeli society and government, see: Steven Kaplan, "The Beta Israel and the Rabbinate: Law, Ritual and Politics," *Social Science Information* 27 (1988). Adam S. Ferziger, "Religion for the Secular: The New Israeli Rabbinate," *Journal of Modern Jewish Studies* 7 (2008). Motti Inbari, "Religious Zionism and the Temple Mount Dilemma—Key Trends" *Israel Studies* 12 (2007).

²⁹ Izhak England, "Law and religion in Israel," *The American Journal of Comparative Law* 35 (1987): 188

³⁰ Izhak England, "Law and religion in Israel," *The American Journal of Comparative Law* 35 (1987): 188

³¹ Izhak England, "Law and religion in Israel," *The American Journal of Comparative Law* 35 (1987): 188

the Rabbinate is defining to whom their authority applies, within the Israeli state. At the same time, the Rabbinate has had their power limited for them by the Israeli government,³² much as al-Rasheed argues is the case in Saudi Arabia. Again, in the same vein, the recompense for the limits on their power was “exclusive State recognition, grants of legal powers, and financial support.”³³ Both religious authorities made this bargain but are continually attempting to reshape its parameters, indicating that they have similar practical relationships to their respective states.

THE PROJECT

Concrete knowledge of the Council’s actions and those of its members will allow us to examine their relationship to the monarchy and the larger Saudi society. We will see some topics that they avoid; for example, the Ḥajj, the annual pilgrimage to Mecca, is one of the most important Islamic rituals and takes place within Saudi Arabia, but the Council rarely addresses it. When they do address the Ḥajj, it is to educate people on whether or not they are required to perform the Ḥajj, rather than telling the government how to run it. When addressing politics, they do not simply act as yes-men, affirming the government’s decisions, but challenge the government’s impulses while reaffirming their right to rule and the duty of the people to follow them. The Council’s project is to define good creed, practice, and morality. They view these three things as a natural progression: proper understanding of creed will lead to proper practice, which will lead in turn to high morals. Once all of Saudi Arabia has these high morals, they argue, all of the (undefined) problems in Saudi society will cease to exist.

Upon reading the fatwas in the Majalla, two aspects become immediately apparent. First, there is a remarkable unity of message and opinion. It is rare to find two

³² Izhak Englard, “Law and religion in Israel,” *The American Journal of Comparative Law* 35 (1987): 197

³³ Izhak Englard, “Law and religion in Israel,” *The American Journal of Comparative Law* 35 (1987): 197

members (or two fatwas from the same member) in open contradiction with each other. On the few occasions when two members contradict each other, there is never any mention of this conflict, so that unless a reader were determined to read every fatwa in every issue of the *Majalla*, it is unlikely that they would notice any contradiction. There are no fatwas that contradict themselves. Second, there are two topics of paramount importance: *zakāt* (ritual charity) and *ṣalāt* (ritual prayer). Together, these two topics compose over 90% of the fatwas in the corpus (i.e. the fatwas I have examined in the 40 issues of the *Majalla*; over 1800 total). In the following chapters, I will explore the significance of these themes.

Though *zakāt* and *ṣalāt* are the most prominent themes of the *Majalla*, they are not the only ones. The Council is also concerned about the proper use of social media and various communication technologies. One gets the impression that in their ideal world, neither social media nor technologies such as SMS would exist; as presented in the *Majalla*, these technologies are used almost exclusively for frivolous activities that call young people's attention away from God and draw them into evil.

The number of fatwas dealing with issues of women's rights and the proper handling of women³⁴ by their male caretakers (*'awliyā'*) is, surprisingly low, but nonetheless a significant feature of the corpus. The general message of these fatwas is that any contact between unrelated and unmarried men and women is to be avoided at all costs, up to and including conversations by text. The stated reason is that such contact is inherently improper and leads almost inevitably to sin from both parties.

Another theme of the *Hay'a's* activities is a dependence on the concept of *fitna* (discord). The Board tends to condemn any activity it deems improper at least partially on the grounds that it will lead to *fitna*. At one level, this is an appeal to the

³⁴ Or, in the Council's parlance "women's issues" (قضايا النساء)

kinship that all Muslims should feel towards one another and the empathy with which they should treat each other. The choice of the word *fitna*, however, is the same word used to describe the civil wars that occurred within the developing Muslim community during the decades following Muhammad's death. The use of this word is a deliberate choice designed to evoke severe consequences that reverberate through history, causing the kind of trauma that cannot be undone. It is thus a political message, as well, because even tyranny (of which they do not accuse the Saudi regime) would be better than anarchy.

Also of significance is that the *Majalla* contains very few fatwas with what we would usually regard as an overt political intent. There are no calls to change government policy, or condemnations of actions. There is only one instance of the Council explicitly forbidding the government from taking an action, and that fatwa is actually about the use of *zakāt* funds, so it falls within the borders the Council has set for itself. There is almost no commentary on the actions of the state, whether to praise or rebuke it. The most overtly political message is a purely quietist one: each Muslim is called to his duty to obey his lord (طاعة مولاه), and all Muslims are united in this obligation. To do otherwise would lead to *fitna*. This tendency is in support of the Saudi government, but it is not a message supporting any specific policy.

The Board also uses a great deal of space in the *Majalla* to express the message of the fundamental unity of Muslims in less catastrophic terms. Readers are reminded of their duty as Muslims to give *zakāt* (ritual charity), as well as being encouraged to give non-obligatory charity (*al-ṣadaqa*). Sometimes, the *Muftīs* devote their sections for one or more issue to enumerating various rights that Muslims have upon each other, especially in the field of commerce.

The fatwas of the Permanent Council are almost exclusively limited to questions of ritual practice. This, then, constitutes the most important facet of the realm of

religion that the Council has delimited for itself. For example, when does one pray if one does not have access to a radio to hear the Call to Prayer? Or, if a field worker cannot make it to a mosque for the Friday Prayer, can he pray with his fellow workers in the field? The core message in these fatwas is that a Muslim man can exercise his own judgment and autonomy when unable to access the authority of the scholars. However, it is ultimately preferable to defer to scholars if at all possible.

TERMINOLOGY

In this thesis, I will use the term “themes” to refer to common topics or motifs within the fatwa corpus and the HVP. I will use “concerns” to refer to the issues the Council wants to affect and the policies they want to effect. I will avoid the word “politics” because, though it usually carries a meaning of governmental affairs, it can and often does refer to interpersonal relationships,³⁵ which falls under what I will call social issues. For the sake of clarity, I will use the terms “Saudi society” and “social issues” to refer to topics relating to individual subjects of Saudi Arabia and anything not related to the operation of the government. “Government” and “Governmental issues,” then, will refer to the actions of the government as an institution and the members of government acting in official capacities.

It has become a standard in English-language scholarship to refer to the school of thought following Muḥammad ibn ʿAbd al-Wahhāb as “Wahhābism, but most adherents of the ideology view the term “*Wahhābī*” as pejorative. As I will argue later in this thesis, the ideology is not identical with Salafism, so that label does not help us. The school is also distinct from classical Ḥanbalī thought, though its adherents usually view themselves as part of the Ḥanbalī tradition. Wahhābīs tend to call themselves *muwahḥidūn*, “those

³⁵ For example, see Saba Mahmood, 2005, *Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton: Princeton University Press 2005).

who maintain the oneness of God.” However, the term *muwaḥḥidūn* involves a value judgment, implying that anyone else does not maintain his oneness, and so commits the sin of *shirk*. Because of this value judgment, their differences from contemporary Salafism and classical Ḥanbalī thought, and the fact that it has become a standard in English-language scholarship, I will use the term *Wahhābī* to refer to this school of thought.

ORGANIZATION

When discussing organizations such as the Hay’a, it is important to remember that they are composed of people. As such, the first chapter looks at the members of the Council whose fatwas appear in the corpus. As we will see, most the fatwas in the *Majalla* come from only three members of the Council: ‘Abd al-‘Azīz ibn Bāz, ‘Abd Allāh ibn ‘Abd al-‘Azīz Āl al-Shaykh, and ‘Abd al-‘Azīz ibn ‘abd Allah Muḥammad Āl al-Shaykh. The remainder are in the name of the Council, and are signed by between one and five scholars. I will show how the individual *muftīs*³⁶ are employed in the *Majalla* to convey its message. Because two of the three scholars most prominent scholars are dead and the *Majalla* publishes only a selection of their fatwas, I will operate under the assumption that the Council selected specific fatwas whose message fit their goals in publishing the *Majalla*. The *muftīs* themselves may well have had other aims, but the Council’s *Majalla* is my concern here.

Chapter 2 presents in more detail the themes of the fatwas in the *Majalla*. It traces the development of the themes over the first 14 years of the 21st century, and examines their moral and governmental aspects, while also tracing how they affect the general message of ritual perfection and the definition of religion. I will accomplish this via in-depth discussions of fatwas that typify certain themes.

³⁶ *Muftī* is an Arabic term meaning “someone who issues fatwas” or “someone licensed to issue fatwas.”

Not all fatwas fit perfectly into the broad themes of the Majalla. Chapter 3 involves examining this relatively small number of fatwas, and we will see how they much more readily show the social and governmental messages of the Council. These fatwas are much less ritual-oriented, and tend to be about specific sticking points of social interaction.

The final chapter discusses the High Values Program, which consists of a series of speeches at and visits to military bases and educational institutions. I will explore what the ‘ulemā’ are attempting to accomplish through the HVP, both explicitly and implicitly. I will argue that the HVP is an attempt to spread the message of the Wahhābī School to those people seen as most ready to convert to other schools of thought that are hostile to the Saudi state. This chapter expands the scope of inquiry beyond the Majalla’s pages and into the realm of direct and highly publicized action.

Chapter 1: The Muftīs

Before we can begin to look at the muftīs and their fatwas, it is important to note some features of the *Majalla* and the fatwas themselves. First, the fatwas were not published originally for the *Majalla*. In fact, Muḥammad ibn Ibrāhīm died before either the Council or the *Majalla* came into existence and ibn Bāz died before the corpus begins, but both appear in every issue. Instead, the fatwas were originally issued as statements from their respective muftīs, but selected and edited for republication in the *Majalla*. The readers of the *Majalla* thus have no context for the original publication, whether political, social, or historical. Many fatwas are numbered, but not all, so we cannot even know the order in which they were issued. However, because *Majalla* and the fatwas contained therein represent a project under the auspices of the Council, the original context of any given fatwa is less important than the new context of the *Majalla* issue in which it was republished. That is, I will assume that the fatwas published in a given issue of the *Majalla* were published then because the Council had a message that it wanted to convey to its readers at that time. In this way, we will see that each muftī serves a niche purpose within the *Majalla*, and the fatwas shown in each section are specifically selected to fit that purpose. Each of these niche projects helps shed light on the greater project of the *Majalla*. Ibn Ibrāhīm is used for the minutiae of various rituals and the proper way for men to dress and wear jewelry. Ibn Bāz’s primary purpose is to be a champion of the needy. He extolls readers to give to the poor and expounds upon the virtues of social welfare and brotherly feelings towards fellow Muslims. Ibn ‘Abd Allāh’s section focuses on the importance of knowledge the ‘ulemā’ as its caretakers.

The three muftīs in this chapter, Muḥammad ibn Ibrāhīm Āl al-Shaykh (ibn Ibrāhīm, d. 1969 CE), ‘Abd al-‘Azīz ibn Bāz (ibn Bāz, d. 1999 CE), and ‘Abd al-‘Azīz ibn

ʿabd Allāh Āl al-Shaykh (ibn ʿabd Allah),³⁷ are the only three muftīs to have their own sections of fatwas in any issue of the *Majalla* in the corpus. Each of these men served as the Muftī General of Saudi Arabia. They each take up about a quarter of the fatwas in the corpus, with the remaining quarter going to the fatwas published under the heading of the Council itself.

Between one and five members of the Council, and usually one or both of the President and Vice President of the Council, sign the fatwas issued by the Council. The fatwas of the Council are almost exclusively devoted to zakāt and ṣalāt, but they have about ten fatwas on the *Ḥajj* (pilgrimage to Mecca), and Ramaḍān. The Council’s fatwas never deviate from issues of ritual practice and the five pillars, so they serve to keep the *Majalla* rooted in this greater project while the other sections explore their niche projects, to which we now turn.

MUḤAMMAD IBN IBRĀHĪM ĀL AL-SHAYKH

Ibn Ibrāhīm (1893-1969) was a classically trained Ḥanbalī scholar born in Riyāḍ prior to the formation of the current (third) Saudi State. He ascended to the position of Muftī General in 1953 and held that position until his death in 1969. The final part of his name, Āl al-Shaykh, indicates that he is a member of the family of Muḥammad ibn ʿAbd al-Wahhāb, the eponymous founder of the Wahhābī school. This relationship to the founder of the school is a matter of prestige and has no bearing on the substance of his legal thought.

³⁷ “Āl al-Shaykh” is a family name that indicates descent from Muḥammad ibn ʿabd al-Wahhāb, the founder of the dominant sect of Islam in Saudi Arabia. The phrase literally means “of the family of the Shaykh,” that is, ibn ʿabd al-Wahhāb. To many people, the name carries similar weight to that of Āl Saʿūd, the royal house. In fact, ibn Bāz was the first Muftī General of Saudi Arabia who was not from Āl al-Shaykh.

The *Majalla* deploys the fatwas of ibn Ibrāhīm for only a few purposes. Prior to the 87th issue (Jamādā al-Ākhira 1430 AH, June 2009 CE), his name was mostly associated with issues of hand placement during the ritual prayer, which we will see is an exceedingly common topic in the next chapter. On one occasion, the *Majalla* used a fatwa from him to condemn the celebration of the Prophet’s birthday.³⁸

However, from the 87th issue through the 90th (Jamādā al-Ākhira 1431 AH, June 2010 CE), ibn Ibrāhīm’s name is attached exclusively to fatwas about the permissibility of various kinds of jewelry, especially the permissibility of gold jewelry for men. In issues 91-98 (from Rajab 1431 to Šafr 1434 AH, June 2010 to January 2013), he is used to discuss zakāt, and in the final two issues, he is used for issues of fasting and Ramaḍān.

The *Majalla* also uses ibn Ibrāhīm for political attacks on other groups of ‘ulemā’. For example, this direct contradiction of the Shāfi‘ī school of law:

Some scholars permit fasting based on calculation [of the new moon]. This is a position of the Shāfi‘ī madhhab, I believe from ibn Surayj. But their position, like that of others, lacks evidence in the ḥadīth literature and is not from the verified Sunna (prophetic example), from which [we know] that there is no fasting, except by sight (i.e. that someone must physically see the moon³⁹). [As evidence] for this from the ḥadīth literature: “we (Muslims) are very much an illiterate Umma (community); we do not write and we do not calculate” [and] “do not fast until you see [the moon] and do not break your fast until you see [the sun]”.⁴⁰

³⁸ Muḥammad ibn Ibrāhīm Āl al-Shaykh, “‘inkār al-iḥtifāl bi’l-mawlid al-nabawī,” *Majallat al-Buḥūth al-Islāmiyya*, <http://alifta.net/Fatawa/FatawaChapters.aspx?language=ar&View=Page&PageID=10972&PageNo=1&BookID=2> (retrieved 31 January 2016).

³⁹ One of the issues at stake in the discussion of Ramaḍān and fasting in the corpus is whether it is permitted to use technology to see the moon; the issue remains unresolved.

⁴⁰ وبعض من العلماء يسوغ الصيام بالحساب، وهو قول في مذهب الشافعي، وأظنه اختيار ابن سريج. ولكن القول عندهم كغيرهم هو ما دلت عليه الأحاديث وما علم بالسنة الثابتة من أنه لا صيام إلا بالرؤية؛ ولهذا في الحديث إنا أمة أمية لا نكتب ولا نحسب فلا تصوموا حتى تروه ولا تفطروا حتى تروه.

This contradiction comes as part of a fatwa on fasting, but it fits in with the trend we will continue to see of condemning the traditional schools of Islamic law.⁴¹

‘ABD AL-‘AZĪZ IBN ‘ABD ALLĀH IBN BĀZ

Ibn Bāz was born in 1910 in Riyāḍ and served as the Muftī General from 1992 until his death in 1999. Like ibn Ibrāhīm he was trained as a Ḥanbalī scholar in the Wahhābī school. He is considered so important that his collected fatwas are displayed on alifta.net, and there is a link to them in the main page’s banner. The other muftīs’ fatwas mention him more often than ibn ‘Abd al-Wahhāb, the eponymous founder of Wahhābī Islam. Ibn Bāz is never contradicted in the corpus, while ibn ‘Abd al-Wahhāb is contradicted outright on multiple occasions, and others acknowledge the possibility of his being mistaken in his rulings. Ibn Bāz was also the first Muftī General who did not come from the Āl al-Shaykh.

Most of ibn Bāz’s section in the *Majalla* has to do with zakāt, and most of his other fatwas are about the poor and building of safety nets for them. Thus, the *Majalla* is presenting ibn Bāz as a champion of the needy and one who begs them to avoid discord in society. His section includes a small number of fatwas directed toward the government, as well. Within the category of zakāt, for example, he forbids the spending of zakāt funds for the building of schools and mosques, because those funds are supposed to be used as a direct cash transfer to those in need.⁴² While this fatwa is addressed to an anonymous questioner, it is clearly aimed at limiting what the government can do—though it does limit private citizens just as much, they are much less likely to be funding the construction of

⁴¹ The condemnation of madhhabs (schools of law) is a Salafī point of view. However, the *Majalla* condemns them not categorically, but only in that they differ from the Wahhābī interpretation.

⁴² ‘Abd al-‘Azīz ibn ‘Abd Allāh Ibn Bāz, “binā’ al-masjid wa’l-madrasa laysa muṣrafan li’l-zakāt,” *Majallat al-Buḥūth al-‘Islāmiyya*, <http://alifta.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=12924&PageNo=1&BookID=2> (retrieved 31 January 2016).

schools or mosques. Ibn Bāz is used to underscore the idea that Zakāt is for those in need of monetary assistance beyond what the state’s social welfare can give them.

Ibn Bāz’s section does not address any topic other than the Five Pillars until the 91st issue (Shawwāl 1431 AH, October 2010), more than a year after ibn Ibrāhīm’s section does so. In this issue, he encourages Muslims who are in need to accept social welfare; it is not a sin to accept it, nor is it a sin for the state to give it, he says. In fact, it actually speaks in favor of the state that it would help those in need beyond the obligatory zakāt.⁴³ Thus the *Majalla* uses their champion of the needy to make a promise and a threat. It informs the people that not only is the state generous to them, but also that it can stop being generous if they ever turn against the state. In later issues, ibn Bāz permits begging⁴⁴ and encourages Muslims to help beggars, orphans, and other needy people if they can.⁴⁵ In the same vein, he forbids anyone from collecting any sort of donation under false pretenses.⁴⁶ The *Majalla* never stops cultivating an image of ibn Bāz as an ally of the lower classes.

Having established ibn Bāz as a champion of the needy, the *Majalla* shows him reminding all Muslims to behave cordially with one another⁴⁷ and to be as kind and

⁴³ ʿAbd al-ʿAzīz ibn ʿAbd Allāh Ibn Bāz, “ʿādat al-manākh tabarruʿ sannawī min al-dawla,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13061&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁴⁴ ʿAbd al-ʿAzīz ibn ʿAbd Allāh Ibn Bāz, “ḥukm al-tasawwul,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13179&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁴⁵ ʿAbd al-ʿAzīz ibn ʿAbd Allāh Ibn Bāz, “al-yatīm wa’l-miskīn wa ʿināyat al-ʿislām bi-himā,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13181&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁴⁶ ʿAbd al-ʿAzīz ibn ʿAbd Allāh Ibn Bāz, “ṣarf mā qabaḍa min al-mutabarriʿīn fīmā fawwaḍa fihi,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13182&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁴⁷ ʿAbd al-ʿAzīz ibn ʿAbd Allāh Ibn Bāz, “al-mashrūʿ li’l-muslim al-ʿikthār min al-ṣadaqa wa law bi’l-qalīl,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13277&PageNo=1&BookID=2> (retrieved 31 January 2016).

generous as possible with other Muslims⁴⁸ (he is much less kind toward unbelievers). The ibn Bāz of the *Majalla* is similarly eager for all Muslims to obtain religious knowledge (by asking their local scholars) and to fear God, the implication of which is that they must obey the religious scholars, because the scholars know what God wants. Throughout this evolution, he repeatedly insists on the importance and oneness of the Muslim community (*Umma*).

One issue of the *Majalla* presents ibn Bāz contradicting other scholars in two separate *fatwas*,⁴⁹ and the Imam of al-Azhar University, the preeminent location of Sunnī legal education, in a third.⁵⁰ He thus becomes not only the champion of the poor, but one who is able to win against the most learned scholars of the law. Finally, he says that the Ḥijāz is the final authority on all sightings of the moon.⁵¹ This makes Saudi Arabia the arbiter of the beginning and end Ramaḍān and all other festivals, giving them authority over all other Muslims. This is, of course, in addition to the authority they command by virtue of controlling the annual Ḥajj ritual.

⁴⁸ Abd al-°Azīz ibn °Abd Allāh Ibn Bāz, “naṣīḥa bi-munāsibat istiḡbāl shahr ramaḍān,” *Majallat al-Buḥūth al-°Islāmiyya*,

<http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13489&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁴⁹ °Abd al-°Azīz ibn °Abd Allāh Ibn Bāz, “ṣawm wa faṭr man raddat shahādatuhu wa man lam yatamakkan min al-°ikhbār,” *Majallat al-Buḥūth al-°Islāmiyya*,

<http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13720&PageNo=1&BookID=2> (retrieved 31 January 2016).

°Abd al-°Azīz ibn °Abd Allāh Ibn Bāz, “ra’ī hilāl ramadaḍān wa lam yaqbal minhu wa lam ya°mal bi-ru’yatihi,” *Majallat al-Buḥūth al-°Islāmiyya*,

<http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13721&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁵⁰ Abd al-°Azīz ibn °Abd Allāh Ibn Bāz, “ijtimā° al-muslimīn fī al-ṣawm wa’l-faṭr muṭlab shar°ī,” *Majallat al-Buḥūth al-°Islāmiyya*,

<http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13722&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁵¹ °Abd al-°Azīz ibn °Abd Allāh Ibn Bāz, “lā shakk fī ikhtilāf al-muṭālī° fī nafsihā,” *Majallat al-Buḥūth al-°Islāmiyya*,

<http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13823&PageNo=1&BookID=2> (retrieved 31 January 2016).

Ibn Bāz is a champion of the poor and needy in the *Majalla*, as well as a scholar who can engage with the most learned scholars of the day on their behalf. The *Majalla* uses this image of him to extoll the people of Saudi Arabia, and especially the lower economic classes, to remain loyal to the state and to obey the ‘ulemā’.

‘ABD AL-‘AZĪZ IBN ‘ABD ALLĀH IBN MUḤAMMAD ĀL AL-SHAYKH

Ibn ‘Abd Allāh (b. 1941) was born and raised in Riyāḍ, like the other two named scholars. Also like the other two, he was trained in the Wahhābī variant of the Ḥanbalī school of Islamic law. He ascended to the office of Muftī General upon the death of Ibn Bāz in 1999, and remains in that office today. He is famous for his anti-Christian sentiments, and particularly for calling for the destruction of all churches in the peninsula,⁵² and this sentiment can be seen in his fatwas in the *Majalla* on the social order and the importance of driving all kāfirs from the Arabian Peninsula.

Ibn ‘Abd Allāh is the only one of the named muftīs who is still alive, and is currently serving as the Muftī General of Saudi Arabia. His section displays more variety than those of the other two. He mostly addresses issues of theology and sacred history, but he is also interested in personal interactions and issues of mourning and death. His category furnishes the earliest example in the corpus of a fatwa on a topic other than the Five Pillars: he tells a questioner in the 85th issue (Shawwāl 1429 AH, October 2008 CE) that the scripture does not address the issue of a person meeting deceased loved ones in their

⁵² “intiḳād muftī al-sa‘ūdiyya li-fatwāhu bi-hadam al-kanā’is,” *Al-Jazeera*, <http://www.aljazeera.net/news/international/2012/3/24/%D8%A7%D9%86%D8%AA%D9%82%D8%A7%D8%AF-%D9%85%D9%81%D8%AA%D9%8A-%D8%A7%D9%84%D8%B3%D8%B9%D9%88%D8%AF%D9%8A%D8%A9-%D9%84%D9%81%D8%AA%D9%88%D8%A7%D9%87-%D8%A8%D9%87%D8%AF%D9%85-%D8%A7%D9%84%D9%83%D9%86%D8%A7%D8%A6%D8%B3> (retrieved 30 April, 2016).

dreams, so he will not rule on the subject.⁵³ Instead, he orders the questioner not to “ask for that which has been hidden from you”.⁵⁴

These fatwas repeatedly urge people to avoid Shayṭān⁵⁵ and some educate them in how to drive it out.⁵⁶ This section’s purpose is to expound upon the importance of social order. It expressly forbids Robin Hood-type activity by forbidding hospital workers from stealing medicine to help those who need it.⁵⁷ Thus, we can see that the social order (al-nizām) is more important than the health of any single person. Like the other scholars, he is also concerned with seemingly more minor issues, such as the proper clothing that Muslims should wear to distinguish themselves from unbelievers.⁵⁸

⁵³ ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, “iltiqā’ ʿarwāḥ al-ʿamwāt bi-ʿarwāḥ al-ʿahyā’ fī al-manām,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=12301&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁵⁴ “فلا تطلب أمرا أخفي عنك علمه,” ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, “fī al-khayr ṭalaban li-ru’yat al-ʿaqārib al-ʿamwāt fī al-manām,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=12302&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁵⁵ While the word “shayṭān” in Arabic is often translated as “Satan” in English, especially in religious contexts, the word more literally means “enemy.” It is not a single entity such as the popular Christian conflation of Satan and Lucifer, but a more amorphous concept that draws humans away from God and into sin. In fact, given the frequent appearance of the words Shayṭān and kāfir together, it seems that the two are linked, meaning that kāfirs (i.e. non-Muslims) are the enemy. For a more detailed discussion, see Toshihiko Izutsu, *Ethico Religious Concepts in the Qurʾān* (Montreal: McGill University Press, 2010). I will come back to this term in Chapter 4.

⁵⁶ ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, “min fatāwā samāḥat al-shaykh ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh muftī ʿām al-mamlaka al-ʿarabiyya al-saʿūdiyya,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13644&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁵⁷ ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, “min fatāwā samāḥat al-shaykh ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=12679&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁵⁸ ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, “al-muslim yatamayyaz bi-labsihi,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=12937&PageNo=1&BookID=2> (retrieved 31 January 2016).

Ibn ʿabd Allah is the only one of the named scholars to address topics concerning women, but he does so rarely. When he does, he prefers to tell men how to behave around women, rather than speaking directly to the women involved. While he is predictable in that most of his concern for women’s rights is about restricting them, it does not seem as though he does so simply for the sake of oppressing women.⁵⁹ Rather, he seems truly to believe that this is the correct interpretation of scripture.⁶⁰ He also discourages women from leaving the house without an accompanying man to be responsible for her. If she needs to (and he recognizes that that will happen), then she should perform a ritual ablution upon her return to her home, in order to purify herself o the unclean gazes of men.⁶¹ He does not only restrict women’s rights, but on at least one occasion, he reinforces some of the rights that women have upon their husbands, further demonstrating that oppression is not a goal unto itself, but a result of his views on correct practice.⁶²

The other concern of this section is death, funerals, and the afterlife. It details the proper way to behave at a funeral, how to treat the dead, and, as we have seen, whether or not it is possible to contact them (it may be possible, but it is definitely not a good thing). This interest in the afterlife may serve to remind Muslims of the rewards and punishments guaranteed to them based on their actions. However, it also serves to control the way Muslims act in public; funerals are not supposed to be loud, and the dramatic performance

⁵⁹ That is not to say that his rulings are not oppressive. It simply means that that is not the goal.

⁶⁰ This is not to pass a moral judgment on the rightness of the way Saudi Arabia restricts the rights of women, but the fact is that this scholar and the ones producing the *Majalla* believe what they are saying, and are not acting only with malice.

⁶¹ ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, “kḥurūj al-mar’a mutaʿṭratan,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13495&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁶² ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, “ḥukm al-rajul allādhī yaghīb ʿan zawjatihi al-sanna wa’l-sannatayn fī ṭalab al-razq,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13573&PageNo=1&BookID=2> (retrieved 31 January 2016).

of grief—wailing and the rending of garments—is strictly forbidden. In this context, the fatwas remind the reader that one should act only for God and that to do something or to refrain from doing it because of what other people think is shirk, the cardinal sin.⁶³

Ibn ʿabd Allah’s section also has the most obviously pro-monarchy or pro-government message. While ibn Bāz reminded the *Majalla*’s readers of the brotherhood and unity of Muslims and that the government is good to its people, ʿAbd al-ʿAzīz reminds his readers that “the most appropriate thing is for us to follow the system,”⁶⁴ which is to say that one should not set oneself against the powers that be. In addition to reminding the *Majalla*’s readers that order should be their paramount concern, above even their own wellbeing, this section deals with smaller issues of proper social interaction. It details how Muslims are to behave with one another and the rights they have upon each other, including the rights of parents over their children and the importance of obeying one’s parents. The implication of this is that a well-ordered family unit is important to a strong social order.

CONCLUSION

While the *Majalla* itself has certain themes that I will explore in the following chapters, the sections devoted to the individual scholars also display themes. These themes hint at the purpose of each section, and thus the purpose of the *Majalla* as a whole. The way the *Majalla* uses each of the named scholars fulfills a specific purpose (or several, over the entirety of the corpus).

⁶³ ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, “ḥukm man taraka ʿamran mashrūʿan ʿaw mustaḥabban khashyatan ʿan yarāhu al-nās,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13723&PageNo=1&BookID=2> (retrieved 31 January 2016). Shirk is the attribution to God of partners or qualities that he does not give himself. It is roughly equivalent to polytheism because it is the assertion that there is something as powerful or as worthy of praise as God himself.

⁶⁴ ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, “min fatāwā samāḥat al-shaykh ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=12679&PageNo=1&BookID=2> (retrieved 31 January 2016).

Muḥammad ibn Ibrāhīm discusses the minutiae of ritual prayer and zakāt, but also reminds Muslims (men especially) of the rules governing their modesty and dress and of the rules restricting them from certain kinds of jewelry. As minor as these issues might seem, they serve to delimit the moral boundaries of the Muslim community. The ritual and habitual adoption of a Muslim uniform helps to indicate the moral community and distinguish believers from unbelievers. The emphasis on modesty adds another moral dimension to the issue of proper dress. By practicing this ritual habit of clothing, the goal is that Muslims should focus less on the material aspects of their lives and how others look at them, and focus more on God and their other moral obligations. The irony is that by encouraging Muslims to adopt clothing habits designed to limit engagement with worldly concerns like aesthetics, the Council encourages Muslims to apply social pressure (a worldly problem) to those who do not conform.

Ibn Bāz is a champion of the poor and exhorts Muslims to help them as much as possible while also reminding them to obey the government. He reminds Muslims both of their ritual obligation to pay Zakat to the poor, but also of the moral praiseworthiness of giving other charity to them. It appears that by painting the Council as an advocate for the poor and downtrodden, the editors of the *Majalla* hope to solidify the lower classes' loyalty to the Saudi state. In effect, they are claiming that it is society's duty to help the poor, and their duty to remind them to do so. By taking command of ritual and non-ritual charity, the Council controls the moral obligations of the nation to the poor not just of Saudi Arabia, but also of the world. By doing so, they display their high moral standing as the champions of the poor and as exponents of equality.

The *Majalla* uses Ibn ʿabd Allah's fatwas to perform several functions. He reminds the people to obey the government, and pairs that with education on theology and sacred history. The latter function is the foundation of creed, without which, one cannot achieve

morality. By knowing the proper things to believe, Muslims can properly perform ritual and protect themselves from sin. However, the *Majalla* reminds Muslims that only the state can protect Muslims from unbelievers and it warns against what it views as the insidious nature of their infiltrations into Muslim belief and ritual practice. Thus, obedience to the state is a moral obligation for all Muslims.⁶⁵

The fact that the *Majalla* repurposes the fatwas of each Muftī for a new and distinct purpose is what allows me to take the *Majalla* as its own context for each fatwa. The niche purpose of the individual sections is only part of the broader project of the *Majalla*, and each section only displays the fatwas from that Muftī that fit the niche purpose.

⁶⁵ Āl al-Shaykh, ‘Abd al-‘Azīz ibn ‘Abd Allāh ibn Muḥammad, “al-naṣīḥa li’l-shabāb wa’l-fatyāt fī al-‘ijāza al-ṣayfiyya,” *Majallat al-Buḥūth al-Islāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13929&PageNo=1&BookID=2> (retrieved 29 April, 2016)

Chapter 2: Major Themes

The Council deals with two main topics in its fatwas in the *Majalla*: ritual procedures and moral concerns. These two topics far outweigh their attention to regulating governmental action. Each of these broad themes can be further broken down into subcategories. The majority of space in the *Majalla* is devoted roughly equally to two areas of ritual concern: zakāt and ṣalāt. These are two of the five primary rituals, or Five Pillars, of Sunnī orthodoxy; they are also probably the two rituals that most Muslims will perform most often. Muslims must perform ṣalāt, or ritual prayer, five times per day, every day, and zakāt, or ritual charity, on a yearly basis. Although ṣawm, or fasting, is another one of the primary rituals performed regularly, interestingly, it is the topic of less than 1% of the fatwas in the corpus.

This preoccupation with ritual seems to support al-Rasheed's claims that the religious establishment in Saudi Arabia wields no political power. However, despite the rarity, there are clear instances of the Council forbidding action on the part of the government, demonstrating that they have at least enough autonomy to clash with them. They do also authorize government actions when asked to do so. Yet neither preventing nor authorizing governmental actions seems to be their focus. They are not concerned with running the government, and they are not excessively concerned with controlling the lives of the populace. Instead, they are religious scholars whose primary focus is defining morality and correct ritual practice. They are concerned, in their legal rulings, with ensuring that the Muslim public know how to perform their religious rituals correctly and faithfully, and know how to behave morally. If they do have significant power in the government or popular society, they rarely exercise it through the use of fatwas.

Most of the fatwas in the corpus cite neither scripture nor other scholars. Those that do cite scripture might cite one or two ḥadīths (Prophetic reports) or Qur’ānic verses. The most cited scholars are ibn Taymiyya, given the title of Shaykh al-Islam, and al-Tirmidhī. However, neither of these scholars shows up in more than 2% of the corpus. Scripture citation and citation of other scholars seems largely arbitrary; of two fatwas on essentially the same topic, one may cite something, and the other may not.

Although the questioners rarely identify themselves by sex, the Muftīs assume the questioner to be male unless otherwise specified. Even if an inquiry comes from a female and is about issues pertaining to women, the Council will address themselves to the woman’s male guardian (wālī), rather than the questioner. This usually takes the form of ordering him to make sure the woman takes whatever action is required of her.

Although every issue of the *Majalla* contains a section for fatwas, the number and contents of those fatwas vary widely over time. In general, we can describe the trend as decreasing quantity but increasing variety of topics over time, with the average length remaining constant at one or two paragraphs. In fact, it is possible to pinpoint a dramatic shift in mid-2009 (1430) in both the quality and quantity of the fatwas in the *Majalla*.

Thus, we can see as late as the 87th issue (published Jumādā al-Ākhira 1430 AH—June 2009 CE) that the majority of fatwas in any given issue are on one or two topics, most often zakat and ṣalāt. Issues 60-87 each included between 50 and 100 fatwas. The 87th issue, for example, includes 15 fatwas on ṣalāt, 31 fatwas on zakāt, and 5 fatwas on related topics, for a total of 51 fatwas. The 88th issue (published Shawwal 1430 AH—October 2009 CE) is the turning point. It contains only 12 fatwas, and though six of them deal with zakāt, they cover a wide variety of topics.

RITUAL CONCERNS

It is understandable—even predictable—that ritual concerns would be important to the top religious scholars, who also function as ritual experts. However, the fatwas in the ritual concerns category outnumber moral concerns by almost 10 to 1. The moral prescriptions in the *Majalla* are their only attempts to affect the social sphere. While this seems to support Madawi al-Rasheed’s assertion that Saudi ‘ulemā’ (represented by the Board) display little concern for affecting government policy, it seems to contradict her second claim that they are more concerned with controlling the social lives of the populace. Instead, the focus on ritual indicates that the Council is concerned with correct practice of Muslims in general and Saudis in particular, at the expense of other issues. This does not mean that the Board has never been concerned with social control. On the contrary, the *Majalla* contains a great deal of moral material designed to tell Muslims how to live their lives outside of the prescribed rituals. However, that material is much less prevalent (about 10% of the fatwas in the corpus) and seems to become important only in the last 13 issues of the *Majalla*.

Given this focus on ritual in general and Saudi Arabia’s position as the controller of the annual Ḥajj ritual, one would expect to find that the Council expends a fair portion of its energies discussing the various exigencies of the Ḥajj. In fact, there are only around 100 fatwas (5%) in the corpus that deal with Ḥajj. Even among this limited number, the majority are also zakāt fatwas, because they revolve around issues such as whether or not a Muslim must pay zakāt the same year he performed the Ḥajj, or if he can take zakāt to do so. That is, they do not deal with the performance of the Ḥajj, but with the funds required to do so.

The remainder of the Ḥajj fatwas—those that are not related to zakāt—are from people asking if they must perform the Ḥajj under a certain circumstance. To all of these

questions the answer is effectively the same: “God did not make the Ḥajj obligatory except for those who are able” (وعلا—لم يفرض الحج إلا على المستطيع "الله—جل).⁶⁶ This is sometimes followed by a specific delineation of the wealth required to make one able. The handling of the Ḥajj questions in the *Majalla* paints the picture of a group acknowledging its importance, but who is unwilling to spend time reiterating the details of the ritual. It is also possible that they wish to limit the number of people attempting to perform the Ḥajj, given the fact that Saudi Arabia already struggles to control the vast numbers of people performing the ritual every year. Indeed, every year there are accusations that the government handles the event poorly after people are trampled in the crowds. This could be an attempt by the scholars to discourage people from attempting to join the ritual illegally, while also remaining consistent a standard position taken by scholars throughout history.

The sighting of the crescent moon is of vital importance for knowing when Ramaḍān starts and ends, among other ritual concerns, such as ʿīds (holy days). The Council goes into great detail when elaborating the ways in which the crescent moon can be legitimately sighted and who can do so. There are about 20 fatwas on the topic (1%). Some order the reader to report sightings of the crescent moon to the central authority and remind them that only the central authority can make an official ruling.⁶⁷ Other fatwas explain, using ḥadīth, why Muslims cannot calculate the timing of the crescent moon, but must sight it with their own eyes.⁶⁸

⁶⁶ Abd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, “al-iftirāḍ min ʿajl al-ḥajj,” *Majallat al-Buḥūth al-ʿIslāmiyya*.
<http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13574&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁶⁷ Abd al-ʿAzīz ibn ʿAbd Allāh Ibn Bāz, “ʿalā al-muslimīn al-taʿāwun bi-taraʿī al-hilāl wa bi-ʿiblaḡh al-jihāt al-masʿūla bi-ruʿyatihī,” *Majallat al-Buḥūth al-ʿIslāmiyya*,
<http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13643&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁶⁸ Abd al-ʿAzīz ibn ʿAbd Allāh Ibn Bāz, “ṣaḥḥat ruʿyat al-hilāl ʿabr al-marāṣid al-filkiyya,” *Majallat al-Buḥūth al-ʿIslāmiyya*,

The other important topics in the category of ritual concerns are zakāt and ṣalāt—ritual charity and ritual prayer, respectively. These two topics make up about 90% of the fatwas in the corpus. It is to these primary issues that I now turn.

ZAKĀT

Zakāt is one of the five pillars of Islam, the five ritual acts most important to orthodox Sunnī Islamic practice. It involves a Muslim giving away part of his or her accumulated wealth, often explained as a method of purifying their remaining wealth. Many of the questions in this category thus revolve around whether or not certain kinds of wealth are counted when calculating the amount of zakāt that a Muslim must pay. There are also detailed rules, varying by tradition, that outline the people to whom one should pay zakāt, and this issue of Zakāt Recipients receives its share of attention in the *Majalla*, as well.

Tellingly, the Board insists repeatedly that ordinary people should pay zakāt first to the people in their community, but does not seem to apply this rule to the royal family or the government. Rather than insist that the government abide by this otherwise normative rule, the Board members seem content to allow the government to spend its zakāt funds however it sees fit; as we will see, they allow the state to spend zakāt money abroad, which has far-reaching public relations ramifications for the state.⁶⁹ While the

<http://alifta.net/Fatawa/FatawaChapters.aspx?language=ar&View=Page&PageID=13642&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁶⁹ Many newspapers in both English and Arabic have taken note of this fact. The UN and the World Food Project both have prominent, positive responses to Saudi aid to Somalia, which the *Majalla* specifically authorizes. “UN refugee agency to airlift aid into Somalia for Eid al-Fitr holiday.” UN News Centre. <http://www.un.org/apps/news/story.asp?NewsID=39413#.Vq7o7fkrKXc> (retrieved 31 January 2016) and “Saudi Arabia Donates US\$50 Million To Help Save The Lives Of Somali Children.” World Food Programme. <https://www.wfp.org/news/news-release/saudi-arabia-donates-us50-million-help-save-lives-somali-children> (retrieved 31 January 2016).

World Bank does not have data on the poverty levels in Saudi Arabia,⁷⁰ the nation does have large populations of migrant workers living in poverty within its borders. These workers are not financially secure, and it is difficult to see how one could argue that they are not in the Saudi community but Somalia is.⁷¹ It is also interesting to note that the questioners about zakāt often have the tone of someone looking for loopholes in a tax code; they appear to be searching for the minimum allowable donation, or asking if something they have already done can count as zakāt.

The majority of inquiries in the area of zakāt deal with a single person or family's specific circumstances. They tend to fall into two subcategories: the first is those inquiries that come from people wondering if they have to pay zakāt based on a specific kind of wealth that they possess. I will refer to this subcategory as Zakātable Wealth. The second subcategory, Zakāt Recipients, consists of inquiries coming from people wondering if they can give money to a certain person or type of person in order to fulfill their zakāt obligations.

As an example of the Zakātable Wealth subcategory, we can turn to a fatwa, in which two government officials ask the Board to weigh in on whether the vegetable crop grown in their area counted towards the wealth upon which they had to pay zakāt.⁷² This fatwa is unusual in two regards: the answer consists of a full paragraph (it is among the longer entries in the zakāt category) and it directly cites a ḥadīth from Ṣaḥīḥ Muslim: “there

⁷⁰ “World Development Indicators,” The World Bank, <http://databank.worldbank.org/data/reports.aspx?source=2&country=SAU&series=&period> (retrieved 29 April, 2016).

⁷¹ To be clear, I am not condemning the Saudi aid to Somalia. It is simply inconsistent with the prescriptions of the *Majalla*.

⁷² Muḥammad ibn Ibrāhīm Āl al-Shaykh, “al-khaḍrawāt lā zakāt fihā,” *Majallat al-Buḥūth al-Islāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=12394&PageNo=1&BookID=2> (retrieved 31 January 2016). For the full translation of some of the fatwas mentioned here, see the Appendix.

is no Sadaqa from vegetables.”⁷³ These two rarities aside, the Vegetable Fatwa perfectly illustrates the Zakātable Wealth category, because it is about an apparently minor and very specific scenario that does not seem to require the attention of the highest religious authority in the land. Yet the *Majalla* focuses on this subcategory because its function is to convey correct ritual practice down to the tiniest detail.

Inquiries in the realm of Zakāt Recipients appear just as trivial as the ones in the Zakātable Wealth subcategory. The questioner may wonder whether he can pay his destitute brother-in-law zakāt and thus fill his obligation. Alternatively, the questioner might wonder whether the money he pays to support his ailing mother throughout the year can count towards his zakāt, such that he would not need to pay any more. Unlike most other categories, the Zakāt Recipients fatwas tend towards lenience; they rarely tell the questioner that they cannot pay zakāt to the people they have asked about. When they do, it is because that person is either not poor enough to deserve it or a kāfir (conceived broadly as any non-Muslim).

While the issues addressed in the Zakāt Recipients category are, in all likelihood, more relatable to people other than the initial questioner,⁷⁴ they are nonetheless apparently trivial matters that one might expect the Board to delegate to muftīs of lesser importance. These are not fatwas intended to affect national policy. Though they could be adapted,

⁷³ “ليس في الخضراوات صدقة”

⁷⁴ The farming community in Saudi Arabia is not large. According to the Saudi Central Department of Statistics and Information, out of a workforce of 12,000,000 people, approximately 530,000 (4%) were employed in agriculture and related fields. Thus, the odds are very low that the Vegetable Fatwa is of importance to a significant portion of the population outside the community from which the inquiry for this fatwa came. Zakātable wealth fatwas are usually about agriculture or the profits of corporations, thus limiting them the small segments of the population who own or run businesses or farms. No one who simply works for a company would need to worry about whether the company’s profits are subject to zakāt, and no one who is not a farmer would need to know the intricacies of zakāt on the various kinds of date palm. “Labor Force Survey (2015): First Half.” http://www.cdsi.gov.sa/english/index.php?option=com_docman&task=doc_download&gid=1933&Itemid=162 (retrieved 31 January 2016).

with little imagination, to the circumstances of other people, they would be difficult to enforce, even if the Board had an interest in doing so. Despite this apparently trivial and minute nature, fatwas about zakāt compose about half of the fatwas in the *Majalla*.

In the 96th issue, Muhammad ibn Ibrahim,⁷⁵ the muftī tells his questioner that it is permissible to pay zakāt to pay off medical expenses or to orphans, provided the recipients are within the payer’s community. In issue number 95, ibn Ibrahim⁷⁶ tells his questioner that national origin has no bearing on who may receive zakāt (that is, it doesn’t matter if they’re from a kāfir state); what qualifies them to receive zakāt is their need and their religious affiliation. It appears from these two fatwas that the community is a geographic construction. Membership in the community is thus about physical proximity.

There is one notable exception to the generally small, personal nature of the subcategory of Zakāt Recipients: a fatwa issued by ibn Bāz to Salmān bin ‘abd al-‘Azīz (the current king of Saudi Arabia who, at the time, was the Emir of Riyadh province). In this fatwa, ibn Bāz gave permission to pay zakāt to the poor, starving people of Somalia in direct response to an inquiry from Salmān requesting authorization to do so. Ibn Bāz sidesteps the issue of possible non-Muslims living among the Muslim Somalis by saying that they are either “tame” or “united [with the Muslims]” (مولفة قلوبهم).⁷⁷ There are three

⁷⁵Muḥammad ibn Ibrāhīm Āl al-Shaykh, “ḥukm daḥ al-zakāt li-rajul kasīr li-yadfaḥā ‘ajraja li’l-ṭabīb,” *Majallat al-Buḥūth al-‘Islāmiyya*, <http://alifta.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13565&PageNo=1&BookID=2> (retrieved 31 January 2016). Muḥammad ibn Ibrāhīm Āl al-Shaykh, “daḥ al-zakāt li-ṭifl ‘umruhu thalāth sanuwāt,” *Majallat al-Buḥūth al-‘Islāmiyya*, <http://alifta.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13566&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁷⁶ Muḥammad ibn Ibrāhīm Āl al-Shaykh, “wa daḥ li’l-fuqarā’ ghayr al-waṭaniyyīn,” *Majallat al-Buḥūth al-‘Islāmiyya*, <http://alifta.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13488&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁷⁷ “ومن قد يوجد منهم من غير المسلمين فهو من المؤلفة” This phrase is often translated as “those whose hearts are to be reconciled/softened.” This is a category of people who are seen as close to converting to Islam or weak in their faith in Islam (and thus close to converting away). The idea is that by paying zakāt to these people, they can be brought closer to Islam—their hearts can be reconciled with Islam. ‘Abd al-‘Azīz ibn ‘Abd

options for why ibn Bāz would authorize the zakāt payments to Somalia. The first option is that he viewed Salmān’s community as secure enough that he could pay zakāt outside of it. The second option is that the community has a broader meaning than what we saw from ibn Ibrāhīm. The final option is that ibn Bāz did not want to fight this battle, despite the fact that it contradicts previous doctrine.

I believe that the third option is the most likely one. As I showed in the previous chapter, ibn Bāz is the *Majalla*’s champion of the needy, so it seems unlikely that it would use him to deny that there are needy people in Saudi Arabia as the first option suggests. As for the second option, it is difficult to see how one could formulate a community that includes the destitute of Somalia and one of the highest-ranking members of the Saudi royal family without expanding the idea to include all Muslims. If that is the case, then the idea loses all ability to help Muslims decide where to pay zakāt. This is our first example of the Board authorizing an act from the state that they would condemn from an ordinary citizen.

In contrast to this example from ibn Bāz, ibn Ibrahim provides a fatwa that limits state actions. In 2011, ibn Ibrahim forbade the government from spending zakāt funds for the building of national defenses.⁷⁸ This fatwa comes in a section that, rather than respond to a specific question, simply addresses a few issues the muftī wanted to clear up regarding Zakāt Recipients. In this specific fatwa, ibn Ibrahim says that, although the government should build a wall or fence along an unspecified border, it cannot do so using zakāt funds.

Allāh Ibn Bāz, “ḥukm daf‘ al-zakāt li-munkabī al-majā‘a fi al-ṣūmāl,” *Majallat al-Buḥūth al-‘Islāmiyya*, <http://alifta.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=12678&PageNo=1&BookID=2> (retrieved 31 January 2016).

78 "بناء أسوار البلد مما يحصنها، وهو مصلحة عامة، والبلد تفتقر إلى ذلك لدفع شر العدو؛ لكن لا من الزكاة." "The building of the nation’s walls for defense is for the public good and the nation does need that to defend [itself] against the evil of the enemy. However, it cannot come from zakāt." Muḥammad ibn Ibrāhīm Āl al-Shaykh, “wa li-ṣandūq al-barmaka,” *Majallat al-Buḥūth al-‘Islāmiyya*, <http://alifta.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13487&PageNo=1&BookID=2> (retrieved 31 January 2016).

Unfortunately, because he does not include any inquiry in the text of his fatwa, we cannot know if he was forbidding a government official from doing something or simply preemptively issuing a warning. However, we do know that in 2006, a border fence with Iraq was proposed and that that fence was erected in 2014.⁷⁹ Given this information, it seems likely that ibn Ibrahim was directly responding to, if not a request from the state, then his own concerns that they might try to use zakāt funds for this project. Thus, he is either responding to government inquiries but unwilling to address the officials directly or taking the initiative in prohibiting their tapping of specially marked funds.

As we have already seen, the muftīs tend to address government officials cordially and directly. Ibn Bāz could not have been more deferential to the member of the royal family he was addressing in the fatwa on zakāt to Somalia. When ibn Ibrahim addressed non-royal government officials in the Vegetable Fatwa, he was deferential and addressed them directly. It thus seems likely that he was taking the initiative here and not responding to any request for a fatwa, but preemptively forbidding the government from taking certain actions.

Between these last two examples from ibn Bāz and ibn Ibrāhīm, we can see that the *Majalla* can and does condemn or refuse to authorize government action. When it does authorize government action, however, it does not always do it for doctrinal reasons. It is likely that there are some battles the *Majalla*'s editors do not think are worth fighting, so they authorize actions that are counter to doctrine.

It makes sense that zakāt would take up a significant portion of the fatwas in the *Majalla*, given its status as one of the five principle rituals. However, it is the most common topic not because it is more important than the other rituals, but because it is more

⁷⁹ "Saudi unveils 900km fence on Iraq border." Aljazeera Online. <http://www.aljazeera.com/news/middleeast/2014/09/saudi-unveils-900km-fence-along-iraq-border-201496154458789238.html> (retrieved 31 January 2016)

complicated and more debated than many other rituals, and because people try to take advantage of that complication to find loopholes, like any other tax code. This is true for both government and citizens. The desire to search for loopholes is what made the *Majalla* spend so much energy defining exactly the correct way to perform zakāt, because if people are gaming the system, then the ritual's functions are not being fulfilled, which will cause moral decay. The other most common topic, ṣalāt, is similarly complicated and its proper performance is debated at least as much as zakāt. I will now turn to what the *Majalla* has to say on the topic of ṣalāt.

ṢALĀT

Ṣalāt, or ritual prayer, is one of the Five Pillars of Sunnī Islam along with zakāt, and when combined with zakāt, these two categories compose the overwhelming majority of fatwas in the *Majalla*. It makes sense that many Muslims would have questions on the proper way to perform the ṣalāt, given the prescription to perform it five times per day, every day. Nevertheless, like zakāt, it is surprising that the Council sees fit to respond to such questions on the minutiae of the ṣalāt that a local imam could easily answer. The fact that the Council not only responds to these questions, but responds to them more than any other category of question, aside from zakāt, is important. It displays a preoccupation, almost to the point of obsession, on both the part of the questioners and on the part of the Muftīs, with the absolutely perfect performance of ritual. This is not because they do not view anything else as important, but because they believe that ritual will lead to morality, which will lead to the correction of all other problems. There are hundreds of fatwas in the ṣalāt category, and they tend to be much longer than the fatwas in any other category, many spanning several pages of the *Majalla*. Clearly, this is the main point in the *Majalla*'s efforts extend its morals to its readers.

Like zakāt, the questions about prayer also tend to fall into two subcategories: Botched Prayers and Ritual Movements. Botched Prayers questions arise from occurrences where the imam (prayer leader) committed an error while leading the prayer. He may have skipped a required recitation of Quran, in some way botched the recitation, or skipped a raka'a (cycle⁸⁰). The questioner is then wondering if that prayer is still valid or if he has to repeat it because of the error. In every case, the muftī responds with a fatwa to the effect of “if it is as you say, then there is no fault on you”, meaning that it is not necessary to make up that prayer. There is no example in the fatwas examined for this thesis of a muftī telling a questioner that his prayer is, indeed, invalid.

The Ritual Movements subcategory reveals the preoccupation of the *Majalla* with the perfect performance of the ritual, which they hope to achieve through emulating the Prophet to the tiniest detail. In the 88th issue, for example, the Council issued a fatwa⁸¹ that spanned three pages, giving a detailed account of the precedents for various hand positions in prayer and their validity. The issue hardly seems of dire import, and yet it is one of the longest fatwas in the *Majalla*, with the highest proportion of citation to original text. Three members of the Council sign the fatwa: ‘abd Allāh bin Manī‘, ‘abd Allāh bin Ghadyān, and the Vice President of the Council, ‘abd al-Razzāq ‘Afīfī. The length and the high rank of the authors seem to indicate that the fatwa is of singular importance to the *Majalla*’s project.

The issue at hand in this fatwa is the validity of praying with your hands at your sides or clenching your fists. One of the secondary questions asked whether the failure to comply with the correct strictures of the ṣalāt made one a kāfir. The fatwa relates from al-

⁸⁰ Each ṣalāt consists of series of repeated cycles. Each of these repetitions is called a raka'a.

⁸¹ “Qabḍ al-yadayn wa ‘irsāluhumā fī al-ṣalāt ‘irsāl al-yadayn fī al-ṣalāt > ṣalāt al-mursil yadahu fī al-ṣalāt,” *Majallat al-Buḥūth al-‘Islāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=12694&PageNo=1&BookID=2> (retrieved 31 January 2016).

Tirmidhī that there were differences in hand positions in the period immediately following Muḥammad’s death, meaning that Muḥammad must have authorized that behavior in his lifetime, so the differences must all be acceptable.

The fatwa goes further than saying all the variations are acceptable, however, and condemns in the harshest terms anyone who would disagree. It accuses any scholar who denounces someone for putting their hands at their sides of the sin of innovation (البدعة), and calls them one of the “Rāfiḍīs,⁸² the Muʿtazila, and the Khārijīs⁸³”, all of whom are heretical groups in the eyes of most Sunnī scholars. This accusation of any hypothetical scholar who says takes a stance on hand placement turns into a denunciation of the canonical schools of law. It hyperbolizes that the rules about the minutiae of movements in prayer are so strict that the various schools effectively forbid their adherents from allowing someone from another school to be their imam, and that they would forbid abū Bakr or ʿAlī to pray behind ʿUmar or ʿUthmān. The implication of this is that the madhhabs are so ridiculous and wrong-headed that they would directly contradict the practice of the Four Rightly Guided Caliphs. The fatwa also implies that only a scholar who followed one of the four traditional Sunnī madhhabs could make such an absurd mistake.⁸⁴ It is clear that the Council believes the solution to the problem of following madhhabs to be simply following their school. The fatwa includes a passage from ibn Taymiyya citing the Pious Ancestors as agreeing fully with their position (that the differences in hand position do not invalidate ṣalāt). Ibn Taymiyya said, “The salaf...agreed that some of them would pray behind others, even as they disagreed about issues of fiqh and the requirements

⁸² A pejorative term for Shīʿa Muslims.

⁸³ Extinct sects deemed heretical by the Sunnī majority.

⁸⁴ It cites ibn Taymiyya as including in the heretical groups “whoever among the fiqh scholars who follow the madhhabs would say...” (“من قال من المتفقهة أتباع المذاهب...”).

This is only one fatwa of dozens detailing the various combinations of acceptable and unacceptable bodily motions during ṣalāt. There are, all told, several hundred fatwas dealing with the various possible things that can go wrong with the ṣalāt and their consequences. This demonstrates an overwhelming interest in issues of the validity of rituals. Many of these issues are applicable to all Muslims who vest authority in the Council, but are nonetheless very personal issues. They do not have what we would normally conceive of as the kind of wide-reaching consequences that we would expect from a state organization, religious or otherwise. Instead, they are personal, spiritual concerns applying to everyone individually, but not necessarily to communities as a whole.

MORAL CONCERNS

Despite the fact that the focus of the fatwas in the *Majalla* is clearly on ritual concerns, it also gives a significant amount of space (about 10% of the fatwas) to moral issues. The main categories of interest in this area are fatwas regarding women's rights and roles, da'wa,⁸⁵ money, and propaganda against non-Muslims. These issues appear later in the *Majalla*; the majority of these fatwas are concentrated in the last 13 issues, after the fall in the number of ṣalāt and zakāt fatwas. It is likely that moral concerns emerged in the *Majalla* because the editors felt that they had made headway in the area of ritual practice, which they view as a precursor to morality. Thus, they were ready to build on the ritual concerns with explicit moral content. In the issues where we find them, moral concerns take up space equal to that of ritual concerns, so it is not a change in focus so much as building on the groundwork already laid in the previous issues.

⁸⁵ Missionary work, literally "calling" people to Islam.

Fatwas about moral concerns rarely cite ḥadīth or other scholars, meaning that either the scholars did not feel the need to find scriptural sources, or they could not do so. Either way, it is clear that these are much more personal assessments. They reflect the muftī’s personal stance more than any time-honored tradition of moral behavior.

Issues of gender roles and women’s rights are, understandably, of great concern to commenters on Saudi Arabia stationed outside the Peninsula. However, the Board does not often address these issues in their fatwas. They take as a given the knowledge of the correct forms of masculine and feminine behavior. In fact, the *Majalla* seems to prefer not to address women at all. If a questioner happens to be a female, but the response dictates action on a male’s part, the muftī will address the male instead of the female questioner. For example, in one fatwa from a young woman of fifteen years. She tells the muftī that there are many honorable men who want to marry her, but her father has picked one who is neither honorable nor a good Muslim. She asks if she is required to marry this man that her father has picked. The fatwa begins “noble father, you must marry your daughter as quickly as possible to a good Muslim with high morals...”⁸⁶ The questioner asked what she was supposed to do (“as I desire to marry, what should I do?”), but the muftī refuses to give her any options, instead telling the father what he must do. Fatwas about gender are not common in the *Majalla*, but when they do appear, the patriarchal position of the muftīs is readily apparent.

The fatwas regarding women have a wide range of subjects that are not easily classified like the fatwas about ritual concerns, but with a few exceptions (see chapter 3), they limit women from actions or limit the ways that men can interact with women. The

⁸⁶ ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, “tazwīj al-bint ‘idhā kāna al-mutaqaddim lahā kafu’an fī dīnihi wa ‘akhlāqihi,” *Majallat al-Buḥūth al-Islāmiyya*, <http://alifta.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13577&PageNo=1&BookID=2> (retrieved 31 January 2016).

latter includes forbidding men not only from in-person conversations with unrelated women, but also from electronic interactions, specifically mentioning SMS, email, and Skype.⁸⁷ Some fatwas also dictate the proper separation of sexes at weddings and the proper ways that both women and men should comport themselves there.⁸⁸ In essence, the wedding fatwas, and fatwas about women in general, prohibit both sexes from what the Council considers immoderate behavior, justified as protecting them from the temptation of one another.

Each Ramaḍān, the *Majalla* included a fatwa, spanning 2-5 pages, in which it gave moral advice to the Muslims of Saudi Arabia; these Ramaḍān fatwas are never prompted by a question. They are usually addressed to the youth of Saudi Arabia and we can sum up the contents of these advice columns as calls to daʿwa, although the recipient of that daʿwa changes from year to year. The people who need to hear the call may be non-Muslims, sinners, or ordinary Muslims who are simply reminded to stick together and help each other practice their religion well at all times, whether in the mosque or in their daily lives. This call includes the moral requirement for proper daʿwa work.

Most fatwas in the category of moral concerns deal with the proper ways to conduct daʿwa on one's fellow Muslims. This serves to remind Muslims of their fundamental brotherhood in Islam, emphasizing the paramount importance of social cohesion and the avoidance of fitna (civil discord). This both serves the Saudi state and falls in line with the

⁸⁷ عبد العزيز بن عبد الله بن محمد آل الشيخ، *Abd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh*, “al-naṣīḥa li’l-shabāb wa al-fatyāt fī al-ʿijāza al-ṣayfiyya,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?language=ar&View=Page&PageID=13929&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁸⁸ ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, “al-ḥuqūq al-mutarattiba ʿalā khuṭbat al-marʾa,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?language=ar&View=Page&PageID=13934&PageNo=1&BookID=2> (retrieved 31 January 2016).

traditionally pacifistic Sunnī tradition. Most of these fatwas also include the Quranic injunction to “enjoin the good and forbid the evil.”⁸⁹

The *Majalla* also contains a number of fatwas about non-zakāt monetary issues, such as ṣadaqa (non-zakāt charity), loans, and debt. The *Majalla* reminds readers that giving ṣadaqa does not exempt a person from zakāt, though it is a praiseworthy and virtuous act that will help the giver at the End of Days. Generally, the Council discourages taking on debt as immoral and detrimental to the fabric of society. However, it allows that if a Muslim dies with debts that his estate cannot pay, then the state must pay those debts, rather than passing them to his inheritors.⁹⁰ Often, the category of debt overlaps with zakāt, because zakāt can be payed to a debtor to help him pay his debts.⁹¹

The final type of moral concern is propaganda against non-Muslims, which tends to be blatant and direct and revolves around the moral degradation that results from association with non-Muslims. All non-Muslims are described as kāfirs (infidels or unbelievers) and treated equally in the *Majalla*, despite the classical distinctions between various kinds of non-Muslims that held Christians and Jews as protected classes. The *Majalla* warns against travelling in the lands of kāfirs (i.e. anywhere that is not ruled by practicing Muslims) because it will erode your morals, and Muslims living in those lands are ordered to move to Muslim lands. The act of moving from kāfir lands to Muslim ones is referred to as hijra, which is a reference to the Prophet’s flight from Mecca to Medina to

⁸⁹ الأمر بالمعروف والنهي عن المنكر –see e.g. Qur’ān 3:104

⁹⁰ Muḥammad ibn Ibrāhīm Āl al-Shaykh, “māta wa ‘alayhi dīn,” *Majallat al-Buḥūth al-‘Islāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13568&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁹¹ ‘Abd al-‘Azīz ibn ‘Abd Allāh Ibn Bāz, “al-duyūn allāfī lam yaḥṣul ‘alayhi ṣāhibihā lā tamna‘ min daf‘ al-zakāt ‘ilayhi,” *Majallat al-Buḥūth al-‘Islāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=12670&PageNo=1&BookID=2> (retrieved 31 January 2016). ‘Abd al-‘Azīz ibn ‘Abd Allāh Ibn Bāz, “ḥukm tasdīd duyūn al-mu‘assirīn min al-zakāt,” *Majallat al-Buḥūth al-‘Islāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=12673&PageNo=1&BookID=2> (retrieved 31 January 2016).

avoid assassination. This naming convention gives the command a sense of urgency and moral importance, while implying that the people of the kāfir lands are inherently enemies of all Muslims, and are plotting against the Muslims in their midst.

Though they rarely appear before the 87th issue, fatwas about moral issues occupy about half of the space in the *Majalla* after that point. They deal with the proper, moral way to behave according the muftīs, but they also deal with how to react to Muslims who do not behave accordingly. The presence of moral issues at the end of the *Majalla*'s life indicates that they are building upon the groundwork of ritual perfection built in the earlier issues.

CONCLUSION

The Council's ritual concerns in the *Majalla* far outweigh their moral ones, and in both categories, their attention is rarely directed at the government. The Muftīs show every sign of sincerely believing the things they say in their fatwas. We can see this belief in ibn Ibrahim's willingness to forbid the government from using zakāt funds incorrectly. This fatwa also feels like an exercise in power; the Council demonstrated to observers that they both could and would intervene in other parts of the government. As I have shown with the fatwa about zakāt to Somalia, however, there are limits to their willingness to intervene.

We can also see this sincere belief in the Council's collective attention to and energy expended on ritual concerns at the expense of anything else. I suggest that this is why a group of such influential people would choose to use their platform to remind the populace of the correct way to pray. They are the ritual experts of Saudi Arabia, and they view it as their sacred duty to educate the populace on the proper performance of ritual that, when combined with proper faith, will lead to personal morality that will affect everyone around the practitioner. This is both a personal and a communal idea of salvation.

The community is not the source of salvation, but it keeps individuals honest by making sure they practice ritual and morality correctly, and thus can be saved.

The Council does have explicitly moral concerns, but they become prominent only in later issues of the *Majalla*. When the moral concerns emerge, they occupy equal space compared to ritual concerns because one loses morality by slipping from proper practice, so people must be reminded of both. This is because ritual and creed must be perfected in order to achieve morality. In 2009, there was a shift away from the focus on ritual concerns. After the first half of that year, the number of fatwas per issue decline from between 50 and 100 to about 10 to 15. At the same time, fatwas about moral issues increased in quantity to make up out half of the fatwas between 2009 and the last issue of the *Majalla* in 2012. I hope that future research will work towards answering the question of what caused this shift.

Chapter 3: Minor Themes

In the previous chapter, we saw that the primary concerns of the Board is the proper practice of rituals, especially ritual prayer and ritual charity. They devote the majority of their energies in their fatwas to the pursuit of educating their readers about correct practice of those two rituals, to the smallest detail. They have a number of other themes that they address; they even address political issues on a handful of occasions, but one feature of the fatwas was a general lack of interest in the social/moral sphere. The one notable exception to this observation is the yearly advice columns, in which the Majalla encouraged Muslims to be good to one another and reminded them, in a general sense, of their bonds with one another through religion.

This chapter will examine themes that are given less space than the ones in the previous chapter, but nonetheless tell us about the concerns of the Board. These themes include non-ritual charity as an aid to social cohesion, the importance of religious knowledge to all Muslims, which cements to ‘ulemā’ above ordinary citizens because they are the repositories of that knowledge, and the blurring of the boundaries between etiquette and morality.

One of the minor topics addressed in the fatwas is charity beyond the mandatory zakāt—non-ritual charity. Some of the zakāt fatwas also touch on this subject, but they generally achieve this by reminding readers that their deeds will be accounted for at the Day of Judgment, and that charity will count towards their tally of good deeds. However, the focus is not actually on the Day of Judgment. There is no mention that people will be revived and called forth to account for their deeds. There is no graphic recounting of the horrors of hellfire or the pleasures of heaven. Instead, there is simply the reminder that all humans are accountable for their good deeds and their bad ones. The focus is on the

present, and the good that the donor does for himself. The recipient of the charity is ignored; their worldly benefit is less important than the otherworldly benefit to the donor.

The benefits to the donor of charity are underscored by one fatwa in particular, which I will call the Sons of Adam fatwa, which also ignores the recipient:

Q: A questioner asks: is the purchasing of copies of the Qur’ān and placing them in mosques among the types of charity that continues [to provide benefit] after death?

A: Yes, if you purchase copies of the Qur’ān and donated them upon your death, then this counts, according the ḥadīth that was related by Abū Hurayra, who said: the Prophet (PBUH) said: when a son of Adam dies, his works are cut off, except for three [kinds]: continuing charity, beneficial knowledge, or a virtuous son who invokes him. The Imam Muslim related this, as was as the Imam Aḥmad [ibn Ḥanbal], and al-Tirmidhī. Additionally, the copy of the Qur’ān that you read from is a charity to yourself and to that deceased person, God willing.⁹²

This fatwa includes charitable endowments as one of the only three acts that a person can take that will continue to help their accounting even after they have died. If someone is in hell (or going to go to hell), then praying for them can tip the scales back in their favor. We can see this in the following ḥadīth: “When a son of Adam dies, his works are finished, except for three [kinds]: continuing charity⁹³, beneficial knowledge, or a righteous son that prays for him.” The focus on charity could easily be expanded to achieve a social message about the importance of giving to those less fortunate. However, this fatwa is actually in response to a question about whether or not donating copies of the Qur’an to mosques

س/ سائل يقول: هل شراء المصاحف ووضعها في المسجد من الصدقة الجارية للميت ؟ 92
ج/ نعم، إذا اشترت المصاحف وتصدقت بها عن ميتك فهي داخلة في الحديث الذي رواه أبو هريرة رضي الله عنه قال: قال النبي صلى الله عليه وسلم: إذا مات ابن آدم انقطع عمله إلا من ثلاث: صدقة جارية، أو علم ينتفع به، أو ولد صالح يدعو له. رواه الإمام مسلم، والإمام Abd al-°Azīz ibn °Abd Allāh al-°Azīz ibn Muḥammad Āl al-Shaykh, “shiā’ al-maṣāḥif wa waḍ’hā fi al-masjid min al-ṣadaqa al-jāriya,” *Majallat al-Buḥūth al-‘Islāmiyya*, <http://alifta.net/Fatawa/FatawaChapters.aspx?language=ar&View=Page&PageID=13732&PageNo=1&BookID=2> (retrieved 31 January 2016).

⁹³ That is, if the person left money to charity when they died, that charity counts in their favor.

counts towards this kind of ongoing charity and leaves social ramifications entirely unexplored.

The second act mentioned in the Sons of Adam fatwa that will help a person after their death is beneficial knowledge⁹⁴, which most likely means religious knowledge passed on to further generations. We can understand the entirety of the Majalla as an attempt to convey this kind of knowledge to the public, but there are several fatwas that deal specifically with issues of religious knowledge—its sources and debates about it. Over the past century, these debates have led to an adage that has risen to particular prominence among Islamist thinkers: “Islam is the solution”.⁹⁵ The idea is that Islam is the solution to all of society’s ills, both social and political. This adage concisely sums up the attitudes of many Arabs in the Peninsula and likely informs the efforts of the Council. However, not only is this idea never hinted at in the fatwas, it is implied in the phrase “beneficial knowledge” that the knowledge is an end in itself. Simply having this knowledge and passing it on is enough to help people into heaven, but this is likely based on the assumption that correct knowledge will lead to correct practice, which will lead to moral behavior.

In this vein, the Council issued many fatwas attempting to educate Muslims on the nuances of their own religious-scholarly heritage. For example, in the 98th issue of the Majalla, the Muftī General issued a fatwa in which he simply examined the isnād⁹⁶ of a ḥadīth.⁹⁷ The ḥadīth was the story of a group of the Ṣaḥāba (Muhammad’s companions) who found the False Messiah chained on an island and he asked them some questions. The

⁹⁴ "علم ينتفع به"

⁹⁵ "الإسلام هو الحل"

⁹⁶ The chain of transmitters who relayed the ḥadīth from Muḥammad to the person who collected it into a book.

⁹⁷ ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, “qiṣṣat al-jisāsa,” *Majallat al-Buḥūth al-Islāmiyya*,

<http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13728&PageNo=1&BookID=2> (retrieved 31 January 2016).

questioner asked whether the ḥadīth was ṣaḥīḥ, and the Muftī confirmed this by citing Muslim. In most cases where the answer can be given simply by citing a ḥadīth, that is exactly what happens. However, in this case, the muftī took the opportunity to demonstrate how the process of reading and assessing an isnād worked. As we have seen repeatedly, this is not the kind of subject that one would expect the Council to address at all. Moreover, it is longer than many fatwas, which seems to indicate that the muftī wanted to make it perfectly clear how one went about this kind of analysis. The care taken in this fatwa to convey how isnād criticism works points to the importance of conveying knowledge as both an end in itself and a precursor to correct practice.

Although the Majalla’s project is about conveying beneficial knowledge, it is not intended to convey so much knowledge that the readers no longer need to rely upon the ‘ulemā’. The Council does not want to undermine its own authority. One questioner asked the Council about the best books to read to acquire beneficial knowledge. This is one of the few questions to which we might expect the Council to respond; the question opens the door for the Council to rule on the worth of any number of potential sources of knowledge for Muslims. The essence of the response, however, is that one should rely on the ‘ulemā’ to dispense this knowledge. The Muftī gives certain genres that are beneficial (e.g. books about creed (al-‘aqīda), ḥadīth, or Arabic language), but refuses to give any specific books to which the questioner can turn.

As many scholars have explored,⁹⁸ the rise in literacy and the proliferation online of sources of Islamic knowledge traditionally exclusive to the ‘ulemā’ have led to a diminishing of their authority in many places around the world as other people have exerted

⁹⁸ See, for example Qasim Zaman, *The Ulama in Contemporary Islam: Custodians of Change* (Princeton: Princeton University Press, 2002). Qasim Zaman, *Modern Islamic Thought in a Radical Age: Religious Authority and Internal Criticism* (New York: Cambridge University Press, 2012). Ruqayya Yasmine Khan (ed.), *Muhammad in the Digital Age* (Austin: University of Texas Press, 2015).

their own ability to interpret the texts.⁹⁹ It makes sense, then, that the Council would attempt to reinforce the power of the scholars by reminding people implicitly that, though

⁹⁹ This privileging of the scholarly class clearly sets the Saudi ‘ulemā’ apart from the broader trends of Salafism. Al-Rasheed (*Contesting the Saudi State*, 2007) compares the Saudi Wāhhābī interpretation of Islam to the broader Salafism movement, but this comparison is misleading in a number of ways. Al-Rasheed subscribes to a narrative of the history of Salafism that sees it as rooted in the reform movement of the late 19th and early 20th centuries. In this formulation, Salafism is a contemporary label applied to any number of distinct fundamentalist movements that can all be traced back to Muhammad ‘Abdūh, an Egyptian scholar, his student Rashīd Riḍā, and Jamāl al-Dīn al-Afghānī, whose origins are less clear. The Majalla frequently cites ibn Taymiyya (d. 1328), which would seem to indicate that, rather than growing from the modernist ideas of Riḍā, Wāhhābī Islam is more closely tied to a competing view of the history of Salafism. In this view, the term refers to a tendency that has existed from a very early period in the history of Islam to call for religious purity based upon the perceived practices of the salaf (the first three generations of Muslims). However, Henri Lauzière (*The Making of Salafism*, 2016) has shown this view to be little more than a back-projection of contemporary concepts onto history.

Lauzière has convincingly argued against both of these views (i.e. that the salafī school of thought emerged in the early 20th century or that it emerged in the formative period of Islam), as well their relevance to Saudi Arabian Wāhhābī Islam. He proposes an alternative genealogy for the term “Salafī” (, from which we derive the Anglicized “Salafism”), which he argues was, prior to the 1920s, a term used almost exclusively to refer to adherents to the Ḥanbalī school of theology. The label was only concerned with a stance on theological issues, and could be applied regardless of a scholar’s stances on other areas of thought, such as law, ethics, and etiquette. That is to say that we cannot speak of anything called “Salafism” prior to this time; the Arabic word we think of as meaning Salafism simply identified a Ḥanbalī theologian. In the early to mid-20th century, the term slowly took on new, holistic dimensions. Thus, as Lauzière shows, while the Wāhhābī scholars continued to describe themselves as salafī, they did not mean it in the same sense as the nascent Salafism that grew into what we know today. Wāhhābī thought influenced the exponents of Salafism before they began to expound it, but the two were distinct traditions. Because Lauzière uses self-selection as his main criteria for defining what it means to be a salafī, he conflates Salafism with Saudi Wāhhābism. Saudi Wāhhābism also conforms to the much older usage of salafism, meaning that they ascribe to the madhhab al-salaf (i.e. Ḥanbalī theology), as distinct from Salafism. While it is true that Rashīd Riḍā was a major proponent of the Saudi state because of ibn Sa‘ūd’s personal piety and strength of leadership, it is also true that he was wary of, and clashed with, the Wāhhābī scholars. That is, he supported the rise of what is now Saudi Arabia in spite of the Wāhhābī establishment, not because of it, so his support for Saudi Arabia should not be construed as an ideological connection between Riḍā’s growing new meaning of Salafism and Saudi Wāhhābism.

The 21st century manifestation of Saudi Wāhhābī Islam centers as much on ibn Bāz (d. 1999) as it does on any of these earlier figures, and as one of the Saudi Wāhhābī ‘ulemā’ with whom Riḍā’ clashed, his centrality indicates a gap in understanding between Saudi Wāhhābism and Riḍā’s Salafism. Ibn Bāz is so important that all of his fatwas are published under their own banner heading on alifta.net, and many of them were reprinted posthumously in the Majalla itself. Lauzière argues that, in the second half of the 20th century, with Riḍā’s help, Saudi Arabia became the center of the development of Salafism, and that ibn Bāz played a major role in this development. This shift to Saudi Arabia caused contemporary Salafism to become increasingly associated with Wāhhābī Islam, and caused salafī ‘ulemā’ to identify with Saudi Wāhhābism. However, the Board in the HVP clearly view themselves as Sunnīs and distinct from Salafis, which removes them from Lauzière’s schema based on self-identification, in addition to the fact that not all of the members of the Hay’a belong to the Ḥanbalī school, meaning they do not seem to fit any definition of Salafism. .

they can read whatever they want, only the scholars have the training and ability to interpret the tradition.

In an interesting contrast to this position of scholarly authority and the usual perception of Saudi Arabian religion as puritanical or fundamentalist, the Council explicitly permits certain activities with clear cultic overtones ().¹⁰⁰ Based on a number of *āthār* (reports in the style of *ḥadīth* but stemming from the early community, especially the *ṣaḥāba*),¹⁰¹ the Council tells the reader that certain *sūras* have the power to make *Shayṭān* flee when read aloud. The fact that there is no Qur'anic basis for these claims, nor any *ṣaḥīḥ ḥadīth* for it, makes one wonder what are the criteria for authorizing an act? Perhaps the Council unwilling to challenge a practice so deep-seated in the culture of their readers; this practice seems to be based on local custom, rather than scripture, but it is likely that the Council view it as harmless at worst. It is important, however, because it demonstrates that the Council will authorize local ritual custom if does not view it as worth the effort to expunge. They pick their battles with society just as they do with the government.

There is a third fatwa that talks about praying for the dead. It comes in response to a question about whether or not the Muslims in heaven will be able to meet their relatives who have gone to hell. They say that it is possible to intercede on behalf of those who will go to hell, but not if they have committed the sin of *shirk* (worshipping other things in addition to God or instead of him), the only unforgiveable sin. The *mufī* gives a short

This may seem like quibbling, but by lumping the *Wahhābī* interpretation of Islam into the category of *Salafī*, we run the risk of making a whole host of assumptions about its history and objectives. The history of *Wahhābī* thought is connected to but distinct from the history of *Salafī* thought, and must be treated as such. It cannot be uncritically labelled *Salafī* without concealing much of its history.

¹⁰⁰ That is, they seem to operate on the charisma of certain objects, such as the Qur'an, in much the same way as a *Shī'a* martyr's shrine. That is, the object or ritual has some power to itself (charisma) that allows it affect the world. For more on this topic, see Azfar Moin, *The Millennial Sovereign: Sacred Kingship and Sainthood in Islam* (Cambridge, Cambridge University Press: 2014). Stephennie Mulder, *Shrines of the 'Alids in Medieval Syria: Sunnis, Shi'is and the Architecture of Coexistence* (Oxford, Oxford University Press, 2013).

¹⁰¹ In this same fatwa, the *mufī* also cites weak *ḥadīths* (أحاديث فيها ضعف) to the same effect.

account of those who will go to heaven and hell, but the actual nature of the afterlife is left uncertain.

This fatwa clearly shows the project of the Majalla. There is no mention of *fitna* (civil strife) to indicate that disobedience to the monarchy or society would (necessarily) send a person to hell. The only criteria mentioned either way are entirely based in creed—if a person worships no other gods than God, and if that person is not a *kāfir* (i.e. they are a Muslim), then that person can theoretically go to heaven.¹⁰² The only other thing a person needs is enough good deeds to outweigh their sins, which is why the Majalla tried to ensure their morality. In this whole section, it has been difficult to extract anything that might be construed as a call for social action or change. It is all about the inner states of Muslims and how their beliefs and certain ritual actions might affect their salvation or that of their family.

On the subject of rebellion (المعاصي, i.e. disobedience to the God), the Majalla assures its readers that no one is entirely without it, barring the blessing of God.¹⁰³ There are several possible causes of rebellion, but the muftī only mentions one: weakness of faith. According to the Majalla, this is the most dangerous cause, because it can make someone sin without even realizing they are sinning. However, a believer will realize his sin, blame himself, and repent. The real danger is the effect this rebellion can have on others; if a father is rebellious, it will affect his whole household and vice versa. If that happens, it is a child's duty to disobey his parents when they order them to go against God's laws, or prohibit

¹⁰² °Abd al-°Azīz ibn °Abd Allāh ibn Muḥammad Āl al-Shaykh, “min fatāwā samāḥat al-shaykh °Abd al-°Azīz ibn °Abd Allāh ibn Muḥammad Āl al-Shaykh –muftī °ām al-mamlaka al-°arabiyya al-sa°ūdiyya,” *Majallat al-Buḥūth al-°Islāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=12839&PageNo=1&BookID=2> (retrieved 31 January 2016).

¹⁰³ "المعاصي لا يخلو منها أحد إلا من عصم الله." °Abd al-°Azīz ibn °Abd Allāh ibn Muḥammad Āl al-Shaykh, “hal li°l-mu°ṣiyya ta°thīr °alā °ahl al-ma°āṣī,” *Majallat al-Buḥūth al-°Islāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13065&PageNo=1&BookID=2> (retrieved 31 January 2016).

from pursuing that which is beneficial (nāfi^c).¹⁰⁴ Here, again, we can see the role of the community not as a vehicle of salvation, but as enforcing morality upon its members. Although rebellion is a sin and a real political threat, the Majalla does not address it directly. Instead, it addresses what it sees as the root cause of that sin, a weakness of faith. Then, the cure for that weakness is shown to be more beneficial knowledge, which can only be given by the ‘ulemā’.

The moral obligation to resist superiors who order a person to sin is a double-edged sword. On the one hand, the Council assumes themselves and the government more broadly to be highly moral, and to have enough faith to pull them back from sin when they do commit it. As such, they will never order their subjects into such a sin that they must rebel. On the other hand, they are essentially telling their subjects to rebel should they err. Conveniently for the Council, they also assert that only the ‘ulemā’ can determine when those errors occur. However, unless one buys the entirety of the message, it is scant protection. If a person believes that they have a duty to rebel against a superior who orders a sin, but they (like most salafīs) believe that anyone, not just the ‘ulemā’ can determine what that sin is, then that person might feel obligated to rebel against the Saudi state.

The Majalla rarely takes the opportunity to make clear political statements. These two fatwas both seem to provide easy segues into pontificating about the importance of a just, Muslim government, but neither is used as such. They are reserved for issues of right belief and right practice. Although it does not take these opportunities to make political statements, the Council does pontificate on the importance of not disrupting the social order. One muftī responded tellingly to a questioner asking what they should do about

¹⁰⁴ ‘Abd al-‘Azīz ibn ‘Abd Allāh ibn Muḥammad Āl al-Shaykh, “hal tajīb ṭā‘at al-wālidayn ‘idhā mana‘ā ‘an ḥifẓ al-qur’ān al-karīm,” *Majallat al-Buḥūth al-Islāmiyya*, <http://alifta.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13062&PageNo=1&BookID=2> (retrieved 31 January 2016).

someone they know who steals medicine from the government hospital they work at to give to the needy.¹⁰⁵ The muftī responded by explicitly forbidding this Robin Hood activity, emphasizing that “the most appropriate thing is to follow the system.”¹⁰⁶ In the context of a government hospital, the system is a government one, so the implication is that the most important thing is to follow the bureaucratic system. Additionally, the injunction to follow the system is not bounded to bureaucracy of the hospital. Rather it is clear in the fatwa that Muslims are to follow all established systems, and not try to upset them. This is a clearly quietist message about the evils of disturbing the peace, but it is not a message necessarily in favor of the government. There is, for example, no attempt to laud the government for providing hospitals and medicine to its people..

Another minor theme is the tension between the value of the community and the need for mutual correction. We have seen how the Majalla intends the community to ensure individual morality, but it also knows that pushing this impulse to far will tear the community apart. In certain addresses to both social and rituals issues, there are clear communalist undertones. These messages come as part of commands to perform rituals together, especially fasting Ramaḍān and praying.¹⁰⁷ However, there is tension between the need for all Muslims to come together in a righteous community and perform their rituals together, and the danger the Majalla sees in a Muslim rebuking fellow lay-Muslims. In a fatwa regarding the proper conduct for a pious Muslim at weddings, where activities habitually occur that go against the Sharīʿa, the Council orders the questioner not to rebuke

¹⁰⁵ ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, “min fatāwā samāḥat al-shaykh ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=12679&PageNo=1&BookID=2> (retrieved 31 January 2016).

¹⁰⁶ "الأولى أن تتبع النظام"

¹⁰⁷ ʿAbd al-ʿAzīz ibn ʿAbd Allāh Ibn Bāz, “ṣawm wa faṭr man raddat shahādatuhu wa man lam yatamakkan min al-ʿikhbār,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13720&PageNo=1&BookID=2> (retrieved 31 January 2016).

the wrongdoers.¹⁰⁸ Instead, he should leave the vicinity and sincerely repent (التوبة النصوح). The justification is a ḥadīth in which Muḥammad says “my entire Umma is clear [of sin], except for those who proclaim aloud.”¹⁰⁹ The muftī interprets this as publicly proclaiming evil. Instead, it comes off as implying that a Muslim should keep their mouth shut, go about their business, and avoid spreading obscene rumors (إشاعة الفاحشة).¹¹⁰

There are, by my reckoning, a total of seven fatwas in the corpus that deal directly with how Muslims should interact with each other in a non-ritual environment. We have already seen the Obscene Wedding Fatwa and how it orders pious Muslims effectively to abandon impious ones until they cease their illegal activities. We could view this fatwa as either an attempt to protect Muslims’ piety by cutting them off from impiety or as an attempt to punish the impious by having their pious loved ones give them the silent treatment. Even if the second interpretation is entirely accidental, however, the effect of the fatwa is to tell pious Muslims to self-segregate from impious ones.

On a similar note, the Council orders Muslims not to exchange jokes or odd anecdotes (الطرائف) by any means, whether that be communications technology or face-to-face communication.¹¹¹ The justification is that it could lead to mocking religion or other unacceptable behavior,¹¹² but the effect is to order Muslims to self-censor. The questioner initially poses the problem as one of using modern technology, but the issue of technology

¹⁰⁸ We will refer to this fatwa as the Obscene Wedding Fatwa

¹⁰⁹ “كل أمتي معافي إلا المجاهرين”

¹¹⁰ ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, “al-mukhālifāt al-sharʿiyya allātī taḥṣul fī ḥaflāt al-zawāj,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13933&PageNo=1&BookID=2> (retrieved 31 January 2016).

¹¹¹ ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, “tabādul al-ṭarāʾif wa al-nukāt fī rasāʾil al-ḥātif,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13932&PageNo=1&BookID=2> (retrieved 31 January 2016).

¹¹² وقد يكون فيها استهزاء بالدين أو بأهله المتمسكين به، وقد يكون فيها ترويح لباطل أو دعاية لمنكر أو دعوة لبدعة

is immaterial to the ruling; it does not matter whether you are using communication technology or not, the Council frowns upon joking.

In a broader sense, the Council frowns upon any action that a Muslim undertakes in order to impress other people. The only acceptable reason to take an action, in their eyes, is to please God and bring the actor closer to him.¹¹³ In fact, the muftī cites a scholar named ibn ʿIyād as being correct in the ruling that “an action taken for the sake of other people is shirk, and refusing to take an action for the sake of others is hypocrisy”.¹¹⁴ This is an exceptionally strong condemnation of being overly concerned with what other people think; by doing so, you are according to them an authority that belongs to God alone. We could read this fatwa as being in conflict with the communalist message seen above, except that it is intended to encourage Muslims to practice their faith as decreed by the Board. They are not to worry about mockery or peer pressure, but about God’s commands. It is a quietist social message ordering Muslims to concern themselves with God rather than society.

This idea of taking action for God comes up again in a fatwa about the proper clothing for Muslims.¹¹⁵ The muftī says that “it is a duty for all Muslims, men and women...to be distinguished by their clothing, and not to try to blindly follow non-Muslims...We are a Muslim Umma, and it is not permissible for us to receive habits from others.”¹¹⁶ This is directly connected to the fear of God (وَأَنْ يَتَّقِينَ رَبَّهُنَّ), meaning that all pious

¹¹³ ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, “ḥukm man taraka ‘amran mashrūʿan ‘aw mustaḥabban khashyatan ‘an yarāhu al-nās,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifta.net/Fatawa/FatawaChapters.aspx?language=ar&View=Page&PageID=13723&PageNo=1&BookID=2> (retrieved 31 January 2016).

¹¹⁴ العمل من أجل الناس شرك وترك العمل من أجل الناس رياء

¹¹⁵ ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, “al-muslim mutamayyiz bi-labsihi,” *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifta.net/Fatawa/FatawaChapters.aspx?language=ar&View=Page&PageID=12937&PageNo=1&BookID=2> (retrieved 31 January 2016).

¹¹⁶ الواجب على المسلمين رجالاً ونساءً وأن يكون المسلم متميزاً بلباسه، وألاً نحاول أن نقلد غيرنا ولو بمظاهرنا الخارجية؛ لأننا أمة “مسلمة لا يجوز لنا أن نتلقى عادات غيرنا”

Muslims will avoid non-Muslim clothing. There is no definition of this kind of clothing, but presumably, the Council understands Muslim clothing to mean the clothing of Saudi Arabia or, at the very least, they understand non-Muslim clothing to be Western clothing.

The Council seems reluctant to make rulings in the arena of sports. In response to a question about athletes praising God when they score a goal,¹¹⁷ the muftī refuses to give a firm answer, preferring simply to say that the jury is still out (فيه نظر).¹¹⁸ The muftī says that praising God when something exceptionally good happened is something that Muḥammad did, but he questions whether or not the scoring of a goal constitutes such a happy occasion.

It is interesting that the muftī would refuse to give a firm answer on the matter, given that he clearly has misgivings about the permissibility. Very few fatwas are so inconclusive. Many end in uncertainty due to debate between scholars, but those usually give the details of the debate. The fact that the muftī chose to simply say that there was debate about the issue could mean that he viewed the matter as unimportant (in which case, why address it at all?) or that he was unwilling to speak his mind on the issue. It is possible that he did not want to get involved with regulating sports, given their mass appeal and the fervor they inspire.

The rights of Muslims upon one another have historically been an important point in Islamic thought, and the ability to dictate those rights (and the resulting obligations) is a powerful tool for social control. In the penultimate issue of the Majalla, the Muftī General

¹¹⁷ "ما حكم سجود اللاعب عند تسجيله الهدف؟" We could actually read this question in two different ways. The second way would be that other people are worshipping the athlete who has scored a goal. This situation does not seem unlikely, and would certainly be a cause for concern for the council, but we will operate under the assumption that the muftī read the question correctly.

¹¹⁸ ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, "ḥukm sujūd al-lāʿibīn ʿand tasjīl al-ʿahdāf," *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifta.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=12939&PageNo=1&BookID=2> (retrieved 31 January 2016).

issued a fatwa outlining those rights and their benefits for his readership.¹¹⁹ This seems to be the most obvious attempt at direct social control; assuming its decrees are followed, this fatwa would shape most of Muslims' interaction with each other. By adhering to these rights, Muslims can avoid social strife,¹²⁰ and assure the peace of the Umma. The Council issued the fatwa in April of 2013, when the political and military situations in Iraq, Syria, and Yemen were only getting worse.

Saudi Arabia has a history of violent activities from its own citizens returning from, for example, Afghanistan; we can understand the Council's concern with emphasizing the essential unity of the Umma, and the importance of one Muslims' rights upon one another as an attempt to curb these kinds of activity. The fatwa states that these rights are intended to allow all members of society to live in "harmony, security, peace, brotherhood, and faith."¹²¹ Other arms of the government are very concerned with limiting the ability of the private sector to fund groups like ISIS,¹²² and as we will see in the next chapter, the Council and Board themselves have invested a great deal of energy into combatting the religious rhetoric of groups like ISIS.

The rights listed are not simply "do not kill one another." This is implied, and many are equally predictable, such as the injunction to be fair and equitable in trade practices. However, many appear to be aimed at promoting a sense of comradery among the Umma;

¹¹⁹ ʿAbd al-ʿAzīz ibn ʿAbd Allāh ibn Muḥammad Āl al-Shaykh, "ḥaqq al-muslim ʿalā ʿakhīhi al-muslim," *Majallat al-Buḥūth al-ʿIslāmiyya*, <http://alifita.net/Fatawa/FatawaChapters.aspx?languagename=ar&View=Page&PageID=13829&PageNo=1&BookID=2> (retrieved 31 January 2016).

¹²⁰ The fatwa lists a series of synonyms that all related to a deterioration of relations between Muslims: "Islam... is eager to stop the devices and reasons that lead to the severing of ties, disparity, division, antagonism, enmity, and civil war between Muslims." (الإسلام حرص على قطع الوسائل والأسباب التي تؤدي إلى (التقاطع، والتدابير، والفرقة، والعداوة، والشحناء، والتناحر بين المسلمين)

¹²¹ ليعيش جميع أفراد المجتمع في محبة وأمن وسلام وأخوة إيمانية

¹²² Boghardt, Lori Plotkin. "Saudi Funding of ISIS." The Washington Institute of Near East Policy. <https://www.washingtoninstitute.org/policy-analysis/view/saudi-funding-of-isis> (retrieved 14 February 2016).

Muslims should great each other in kind and grieve for one another. They should visit their sick friends and relatives in order to cheer them up. They should attend each other's parties to which they are invited. All of these things are in order to "bring pleasure to them."¹²³

Muslims are also reminded not to envy one another. In a country with the fabulous wealth disparities of Saudi Arabia, this is likely an essential bit of advice to maintaining the balance. Similarly, Muslims are forbidden from becoming angry or upset with one another; they should instead ask God for patience. The Council knows that this is an impossible ideal to achieve, but by mentioning it, they remind the populace that it is not only a crime but also a sin to disturb to public peace. This is a powerful message of quietism, and clearly prohibits public disturbances like protest marches and riots.

The result of these fatwas on social issues is that they try to limit how Muslims interact with each other and encourage them to talk mainly about religious topics while fostering friendly relationships with each other. This while also limiting their ability to access information, thus maintaining their dependence upon the religious scholarly establishment.

CONCLUSION

We have now seen how the Council's main focus is ritual and moral issues, even when they stray from their most common topics. There is a constant tension in the fatwas between the need for a community to help Muslims achieve morality and the degrading influence that lay-Muslims policing each other has on both the authority of the 'ulemā' and on communal bonds. The 'ulemā' are supposed to be the sole keepers of the knowledge that leads to morality, but they cannot police everyone, so they must rely on the community to police itself to a certain extent.

¹²³ لإدخال السرور عليه

The Majalla's fatwas on social interactions blur the line between morality and social etiquette. The Council broadly apply their attention to the general interactions between Muslims, spanning everything from trade to funerals and ordinary parties, constructing a world in which the proper way to greet another Muslim is a moral question and morality is enforced via social pressure, in much the same way as etiquette.

The construction of this moral-social field can be clearly seen as an attempt to combat ideologies that they view as a threat, such as the religious rhetoric of ISIS or the Houthis in Yemen. By making proper social interaction a moral issue, they are attacking the people who seek to divide the Muslim community with aggression and violence. At the same time, the Council encourages Muslims to ostracize those who behave immorally, cutting them off from their social support networks. These two orders seem mutually exclusive, but it is likely intended that sinners will realize they are being ostracized and repent, thereby allowing themselves to reenter society. In reality, it more likely simply alienates people from broader society.

Chapter 4: The Highest Values Program

The previous three chapters of this thesis have focused on the Majalla as emblematic of the Lajna, which leads the Hay'a. In this chapter, I will examine a program undertaken by the Hay'a as a whole. I am still concerned with the scholars' positions with regard to the Saudi state, but I will be taking a different angle. Instead of using the fatwas, I will take a different, but no less scripted, aspect of the Hay'a's work as evidence for their relationship to the monarchy. That is, we will see what they do (or would like to be seen doing), rather than what they say. I will show how the Hay'a attempts to use the Program to increase the patriotism of the groups it sees as at risk of fighting the state, as well as solidifying their own power as agents of that state.

The specific actions under consideration are a series of visits to a variety of mosques, universities, and military installations that the Hay'a members have conducted all over Saudi Arabia. Beginning in late 2014, the Hay'a undertook a project that they call "The Program for the Highest Values of Islam and Its Rejection of Extremism and Terrorism."¹²⁴ Between its beginning in October 2014 and the beginning of 2016,¹²⁵ the program consisted of about 30 separate visits from members of the Hay'a to the various provinces of Saudi Arabia, where they gave public talks and met privately with government officials from the host province.

The Program consists of three stages, beginning in October 1, 2014, and is scheduled to end in mid-2016. The difference between the stages is minimal. There is no noticeable difference in the types of sites visited, the number of visits, the number of scholars involved, or the message of the Program from stage to stage. In fact, the message remains remarkably consistent regardless of who is delivering it and where they deliver it.

¹²⁴ برنامج القيم العليا للإسلام ونبذ التطرف وللإرهاب

¹²⁵ The program is scheduled to end in August 2016

The core message of the Program is one of national unity and the importance of obedience to the King. This is accomplished through a variety of appeals to both piety and emotion.

As we shall see, the Hay'a is heavily invested in emphasizing the importance of religious knowledge (al-^ʿilm), both as a tool for continuing the dominance of the scholarly class and for fixing the many woes of society. This alone might explain their interest in universities and mosques; mosques, and their attendant madrasas, are not just the training sites for scholars. They are also the primary point of contact between the scholars and the ordinary people of Saudi Arabia and are commonly known as the recruiting grounds of the extremist organizations against whom the Highest Values Program is meant to work. Universities are sites for conveying both religious and nonreligious knowledge, and they produce many of the ^ʿulemā' whose authority the Program seeks to reinforce. The importance of knowledge in the interest of securing the dominance of the scholarly class does not explain the third type of site, however. Military installations are not educational institutions. These sites perform a different, related function.

The name of the program states that it is intended to fight extremism, but it is not immediately apparent what form that extremism takes. We do know that the Saudi state has militarily engaged or supported opposition to ISIS, the Assad regime in Syria, and the Houthis in Yemen,¹²⁶ and from this, I can extrapolate what the Hay'a considers extremist groups: groups that ascribe to types of Islam that may pose a threat to the Saudi-Wahhābī establishment. As we shall see as I delve into the program, the Hay'a's primary accusations against these groups are of violence and splitting the Umma. I will not argue that the Saudi state is innocent of violence. No more will I argue that the Hay'a is entirely ideologically

¹²⁶ Menekse Tokyay, *Military Moves: Turkey and Saudi Arabia Close Ranks in Syria*, Al Arabiya English, 17 February 2016, <http://english.alarabiya.net/en/perspective/analysis/2016/02/17/Military-moves-Turkey-and-Saudi-Arabia-close-ranks-on-Syria-.html> (retrieved 1 May, 2016).

consistent. I am simply endeavoring to describe and explain their ideology as presented in the documents about the program.

In order to explain this ideology, I will rely on the 53 articles presented on the Hay'a's official website.¹²⁷ My reason for relying exclusively upon the Hay'a's own reports is twofold: first, only the public lectures were recorded and few of those are available for public access; second, these articles give us a distilled version of the message that the Hay'a wishes to convey. By using these sources, I hope to avoid any accidental slip-ups from the people giving the addresses because they provide a view into the idealized version of the program that the Hay'a wishes they could create. If a speaker went off topic during an address, the Hay'a's report likely would not include that, because it would muddy their message. It is likely that the Hay'a's own reports of the addresses will give the clearest picture of the message they are attempting to convey. As with previous chapters, the project here is not to assess public reaction. The project is to assess what the scholars are trying to accomplish, and other sources would be more likely to confuse the intent with the reception. Additionally, the reports from the newspapers in Saudi Arabia and neighboring nations are, for the most part, either copies or abridged versions of these official articles.¹²⁸

KNOWLEDGE AS PIETY

In many respects, the Hay'a's message is hardly new or innovative. The claim that seeking religious knowledge is obligatory for all Muslims is historically very common, as

¹²⁷ "taṣaffūh: maqālāt burnāmaj al-qiyam al-ʿuliyā' li'l-ʿislām," al-ʿamāna al-ʿāma li-hay'at kibār al-ʿulemā', <http://www.ssa-at.gov.sa/category/%D9%85%D9%82%D8%A7%D9%84%D8%A7%D8%AA-%D8%A7%D9%84%D9%82%D9%8A%D9%85-%D8%A7%D9%84%D8%B9%D9%84%D9%8A%D8%A7-%D9%84%D9%84%D8%A5%D8%B3%D9%84%D8%A7%D9%85-%D9%88%D9%86%D8%A8%D8%B0%D8%A9-%D8%A7%D9%84/> (retrieved 10 March 2016).

¹²⁸ These newspapers include al-Sharq (الشرق), al-Waṭn (الوطن), al-Yawm - al-Saʿūdiyya (اليوم – السعودية), al-Jazirah Online (الجزيرة), and al-Riyadh (الرياض).

is its usage to solidify the religious authority of the ‘ulemā’. In the modern Saudi context, however, the calls take on a strident tone and a new political dimension. With the emergence of Salafi groups, rapid rises in literacy, and instability in some of the nations surrounding Saudi Arabia, combined with the Saudi scholars’ perhaps irrevocable ties to the Saudi state, the issue of these scholars’ authority and knowledge has perhaps never been more in doubt.

Ijtihād is a central feature of Islamic jurisprudence, involving the employment of reason and judgment in the enunciation of sacred law. From the first lecture of the High Values Program, the Hay’a called upon both ‘ulemā’ and university professors to exert all of their efforts in ijtihād to combat the spread of ideas of heretical groups.¹²⁹ The Hay’a never spells out which of the ideas is most objectionable, but in the next section, we will see what makes a group heretical, from which we can extrapolate the sins of the heretics. For now, however, it is enough to know that the worst crime of the heretical groups is causing fitna, which, as we have seen, is a highly charged term used for a civil war in a religious context.

The call is more than simply to ijtihād. The Hay’a sees itself waging ideological warfare, or a “jihād of knowledge”,¹³⁰ and so they order all educators in the country to

¹²⁹ ‘Abd al-Salām al-Thumayrī, “al-fawzān li’l-‘ulemā’ wa al-khuṭabā’: hādihā waqtunā li-mukāfiḥat al-‘irhāb: lan naqif maktūfī al-‘aydī,” al-‘amāna al-‘āma li-hay’at kibār al-‘ulemā’, <http://www.ssa-at.gov.sa/2014/11/%D8%A7%D9%84%D9%81%D9%88%D8%B2%D8%A7%D9%86-%D9%84%D9%84%D8%B9%D9%84%D9%85%D8%A7%D8%A1-%D9%88%D8%A7%D9%84%D8%AE%D8%B7%D8%A8%D8%A7%D8%A1-%D9%87%D8%B0%D8%A7-%D9%88%D9%82%D8%AA%D9%86%D8%A7-%D9%84%D9%85/> (retrieved 10 March 2016).

¹³⁰ ‘Abd al-Salām al-Thumayrī, “al-fawzān li’l-‘ulemā’ wa al-khuṭabā’: hādihā waqtunā li-mukāfiḥat al-‘irhāb: lan naqif maktūfī al-‘aydī,” al-‘amāna al-‘āma li-hay’at kibār al-‘ulemā’, <http://www.ssa-at.gov.sa/2014/11/%D8%A7%D9%84%D9%81%D9%88%D8%B2%D8%A7%D9%86-%D9%84%D9%84%D8%B9%D9%84%D9%85%D8%A7%D8%A1-%D9%88%D8%A7%D9%84%D8%AE%D8%B7%D8%A8%D8%A7%D8%A1-%D9%87%D8%B0%D8%A7-%D9%88%D9%82%D8%AA%D9%86%D8%A7-%D9%84%D9%85/> (retrieved 10 March 2016). “masā’il muhimma ḥawl al-jihād li’l-shaykh al-fawzān,” al-‘amāna al-‘āma li-hay’at kibār al-‘ulemā’, [http://www.ssa-](http://www.ssa-at.gov.sa/2014/11/%D8%A7%D9%84%D9%81%D9%88%D8%B2%D8%A7%D9%86-%D9%84%D9%84%D8%B9%D9%84%D9%85%D8%A7%D8%A1-%D9%88%D8%A7%D9%84%D8%AE%D8%B7%D8%A8%D8%A7%D8%A1-%D9%87%D8%B0%D8%A7-%D9%88%D9%82%D8%AA%D9%86%D8%A7-%D9%84%D9%85/)

spread the light of their knowledge as far and wide as possible. The people with religious knowledge are compared to soldiers in both the importance and nature of their work.¹³¹ They are essential to protecting the nation, and so it is essential that they all remain united behind the Hay'a.¹³² The people must be warned of the "promised evil"¹³³, and the intellectual warriors cannot stop "until there is no place for [heresy] in the lands of Muslims."¹³⁴

The Hay'a does not believe that their position as the bearers of truth fighting the spread of heresy is unique. In fact, they say that missionaries of heresy have existed throughout history and across the globe. It is now and always has been obligatory on every

[at.gov.sa/2014/12/%D9%85%D8%B3%D8%A7%D8%A6%D9%84-%D9%85%D9%87%D9%85%D8%A9-%D8%AD%D9%88%D9%84-%D8%A7%D9%84%D8%AC%D9%87%D8%A7%D8%AF-%D9%84%D9%84%D8%B4%D9%8A%D8%AE-%D8%A7%D9%84%D9%81%D9%88%D8%B2%D8%A7%D9%86/](http://www.ssa-at.gov.sa/2014/12/%D9%85%D8%B3%D8%A7%D8%A6%D9%84-%D9%85%D9%87%D9%85%D8%A9-%D8%AD%D9%88%D9%84-%D8%A7%D9%84%D8%AC%D9%87%D8%A7%D8%AF-%D9%84%D9%84%D8%B4%D9%8A%D8%AE-%D8%A7%D9%84%D9%81%D9%88%D8%B2%D8%A7%D9%86/) (retrieved 10 March 2016).

¹³¹ "liqā' ma'ālī al-shaykh 'abd allāh al-manī' bi'l-du'āt wa ṭalabat al-'ilm bi-mantiqat jāzān," al-'amāna al-'āma li-hay'at kibār al-'ulemā', <http://www.ssa-at.gov.sa/2015/05/%D9%84%D9%82%D8%A7%D8%A1-%D9%85%D8%B9%D8%A7%D9%84%D9%8A-%D8%A7%D9%84%D8%B4%D9%8A%D8%AE-%D8%B9%D8%A8%D8%AF%D8%A7%D9%84%D9%84%D9%87-%D8%A7%D9%84%D9%85%D9%86%D9%8A%D8%B9-%D8%A8%D8%A7%D9%84%D8%AF/> (retrieved 10 March 2016).

¹³² "'amīr mantiqat jāzān yastaqbil 'aḍū hay'at kibār al-'ulemā' al-duktūr 'alī al-hikmī," al-'amāna al-'āma li-hay'at kibār al-'ulemā', <http://www.ssa-at.gov.sa/2015/11/%D8%A3%D9%85%D9%8A%D8%B1-%D9%85%D9%86%D8%B7%D9%82%D8%A9-%D8%AC%D8%A7%D8%B2%D8%A7%D9%86-%D9%8A%D8%B3%D8%AA%D9%82%D8%A8%D9%84-%D8%B9%D8%B6%D9%88-%D9%87%D9%8A%D8%A6%D8%A9-%D9%83%D8%A8%D8%A7%D8%B1-%D8%A7/> (retrieved 10 March 2016).

¹³³ 'Abd al-Salām al-Thumayrī, "al-fawzān li'l-'ulemā' wa al-khuṭabā': hādhā waqtunā li-mukāfīhat al-'irhāb: lan naqif maktūfī al-'aydī," al-'amāna al-'āma li-hay'at kibār al-'ulemā', <http://www.ssa-at.gov.sa/2014/11/%D8%A7%D9%84%D9%81%D9%88%D8%B2%D8%A7%D9%86-%D9%84%D9%84%D8%B9%D9%84%D9%85%D8%A7%D8%A1-%D9%88%D8%A7%D9%84%D8%AE%D8%B7%D8%A8%D8%A7%D8%A1-%D9%87%D8%B0%D8%A7-%D9%88%D9%82%D8%AA%D9%86%D8%A7-%D9%84%D9%85/> (retrieved 10 March 2016).

¹³⁴ 'Abd al-Salām al-Thumayrī, "al-fawzān li'l-'ulemā' wa al-khuṭabā': hādhā waqtunā li-mukāfīhat al-'irhāb: lan naqif maktūfī al-'aydī," al-'amāna al-'āma li-hay'at kibār al-'ulemā', <http://www.ssa-at.gov.sa/2014/11/%D8%A7%D9%84%D9%81%D9%88%D8%B2%D8%A7%D9%86-%D9%84%D9%84%D8%B9%D9%84%D9%85%D8%A7%D8%A1-%D9%88%D8%A7%D9%84%D8%AE%D8%B7%D8%A8%D8%A7%D8%A1-%D9%87%D8%B0%D8%A7-%D9%88%D9%82%D8%AA%D9%86%D8%A7-%D9%84%D9%85/> (retrieved 10 March 2016).

Muslim to wage jihād upon them. Though the meanings of the word “jihād” are not always clear in English-language literature, there is no such confusion in Arabic. To the members of the Hay’a, jihād is not just war, but war the fighting of which is a religious obligation. Thus, the use of the term transforms the issue from a debate over ideology into a struggle for the soul of the entire Umma. Combined with the use of the term “fitna,” this strategy stretches the conflict over all of the history of Islam, and into the future, to the End of Days.

An important aspect of the Hay’a’s plans to control the hearts and minds of the populace involves their (non-binding) declaration that residents of Saudi Arabia should be educated in government-sponsored schools and attend government-sponsored mosques. Correct knowledge is the key to true Islam, and the ‘ulemā’ are the sole custodians of that knowledge. Though non-‘ālim teachers have their role to play, the Friday sermon, given by an ‘ālim at a state-sponsored mosque, is the surest way to gain proper religious knowledge. This, they say, will allow the young men of the nation to learn the true Islam and avoid the pitfalls of heresy and the seductions of Shayṭān,¹³⁵ whose whisperings are the cause of extremism among humans.¹³⁶

Beyond simply attending Friday congregational prayer, Saudis are encouraged to seek out ‘ulemā’ with any questions they might have about religion, as well as to consult

¹³⁵ The use of the figure of Shayṭān in the Lajna’s and Hay’a’s works is unclear, and appears inconsistent. Sometimes Shayṭān will seem interchangeable with “enemy”, and other times, it appears to be a supernatural figure akin to the contemporary Christian Satan, who whispers and deludes humans. Analyzing this term is beyond the scope of this project, but seems to be a worthwhile endeavor for someone interested in investigating the theology of official Saudi-Wahhābī Islam.

¹³⁶ Khālid al-Zāyidī, “nadwat al-ṭaṭarruf wa ‘āthāruhu ‘alā al-waḥda al-waṭaniyya: qillat al-‘ilm wa ‘idm al-iltifāf ḥawl al-qāda wa al-‘ulemā’ sabab al-ṭaṭarruf,” al-‘amāna al-‘āma li-hay’at kibār al-‘ulemā’, <http://www.ssa-at.gov.sa/2014/12/%D9%86%D8%AF%D9%88%D8%A9-%D8%A7%D9%84%D8%AA%D8%B7%D8%B1%D9%91%D9%81-%D9%88%D8%A2%D8%AB%D8%A7%D8%B1%D9%87-%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D9%88%D8%AD%D8%AF%D8%A9-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A/> (retrieved 10 March 2016).

the fatwas of the Lajna and the Hay'a.¹³⁷ They are warned, however, that any 'ālim not licensed by the state is unreliable and highly suspect.¹³⁸ The idea of making sure that your 'ālim is licensed by the state is an important one. The Hay'a oversees the licensing process, but it also relies on the monarchy for enforcement. Here, we can see how the 'ulemā' operate as agents of the state: they are licensed by the state to carry out functions essential to the state, in the name of the state, while relying on other branches to perform related functions such as enforcement.

The High Values Program includes a considerable portion of nostalgia for days gone by. They lament the fact that people no longer rely solely on the 'ulemā' for knowledge, but also that parents can no longer have exclusive control over the things their sons know.¹³⁹ With the technological revolution, social media and new forms of direct communication have made it impossible to know who exactly is addressing the young men of today.¹⁴⁰ It is interesting to note that the children are the objects of the address; they do

¹³⁷ "hay'at kibār al-'ulemā' tunhī al-marḥala al-'ūlā min al-burnāmaj al-khāṣṣ bi'l-qiyam al-'uliya' li'l-'islām wa nabdh al-taṭarruf was al-'irhāb," al-'amāna al-'āma li-hay'at kibār al-'ulemā', <http://www.ssa-at.gov.sa/2015/02/%D9%87%D9%8A%D8%A6%D8%A9-%D9%83%D8%A8%D8%A7%D8%B1-%D8%A7%D9%84%D8%B9%D9%84%D9%85%D8%A7%D8%A1-%D8%AA%D9%86%D9%87%D9%8A-%D8%A7%D9%84%D9%85%D8%B1%D8%AD%D9%84%D8%A9-%D8%A7%D9%84%D8%A3%D9%88%D9%84%D9%89/> (retrieved 10 March 2016).

¹³⁸ Khālid al-Zāyidī, "nadwat al-taṭarruf wa 'āthāruhu 'alā al-waḥda al-waṭaniyya: qillat al-'ilm wa 'idm al-iltifāf ḥawl al-qāda wa al-'ulemā' sabab al-taṭarruf," al-'amāna al-'āma li-hay'at kibār al-'ulemā', <http://www.ssa-at.gov.sa/2014/12/%D9%86%D8%AF%D9%88%D8%A9-%D8%A7%D9%84%D8%AA%D8%B7%D8%B1%D9%91%D9%81-%D9%88%D8%A2%D8%AB%D8%A7%D8%B1%D9%87-%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D9%88%D8%AD%D8%AF%D8%A9-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A/> (retrieved 10 March 2016).

¹³⁹ The discussion of children in the texts of the Program is even more gendered than the rest of the texts. "Sons" almost always stands in for "children." When presenting the ideas of the Lajna, I will attempt to preserve this gendered feeling as much as possible.

¹⁴⁰ Khālid al-Zāyidī, "nadwat al-taṭarruf wa 'āthāruhu 'alā al-waḥda al-waṭaniyya: qillat al-'ilm wa 'idm al-iltifāf ḥawl al-qāda wa al-'ulemā' sabab al-taṭarruf," al-'amāna al-'āma li-hay'at kibār al-'ulemā', <http://www.ssa-at.gov.sa/2014/12/%D9%86%D8%AF%D9%88%D8%A9-%D8%A7%D9%84%D8%AA%D8%B7%D8%B1%D9%91%D9%81-%D9%88%D8%A2%D8%AB%D8%A7%D8%B1%D9%87-%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D9%88%D8%AD%D8%AF%D8%A9-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A/>

not seek out heretical thoughts. They are innocent victims of Shayṭān and its forces. This is a religious edict combined with a double-layered emotional appeal: on the one hand, the message is that people must protect their children. On other the hand, it is the common complaint that the young men of today are morally inferior to us, and every Muslim has a God-given duty to oversee his children and make sure they are morally upstanding Muslims.

There are three sources of religious knowledge, according to the Hay'a: the Quran, the Sunna, and the Islamic tradition. True 'ulemā' draw their ijtihād from these sources. Conversely, the enemies of the Hay'a (who are not named in this context), rely solely upon the Quran and ignore the other two, equally important, sources of knowledge. The tradition is important not simply because it distinguishes the Hay'a from its enemies, but the reliance upon that tradition is presented as the only sure way to avoid and end fitna. If all Muslims simply followed the tradition of the Hay'a, then there would be no intrasectarian conflict. What is more, part of the tradition is obedience to those already in power (al-ṭā'a li-wulāt al-'amr).¹⁴¹

It is interesting that the Hay'a does not challenge the claim that their enemies rely upon the Qur'ān, but blames them for not taking the other sources of knowledge more seriously. Perhaps they did not want to open that complex issue, or perhaps they felt that they could not accuse a group like ISIS (for example) of not relying correctly upon the Quran when the Hay'a uses similar cherry-picking tactics. Alternatively, they may be

[%D8%A7%D9%84%D9%88%D8%AD%D8%AF%D8%A9-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A/](#) (retrieved 10 March 2016).

¹⁴¹ Khālid al-Zāyidī, "nadwat al-taṭarruf wa 'āthāruhu 'alā al-waḥda al-waṭaniyya: qillat al-ilm wa 'idm al-iltifāf ḥawl al-qāda wa al-'ulemā' sabab al-taṭarruf," al-'amāna al-'āma li-hay'at kibār al-'ulemā',

<http://www.ssa-at.gov.sa/2014/12/%D9%86%D8%AF%D9%88%D8%A9-%D8%A7%D9%84%D8%AA%D8%B7%D8%B1%D9%91%D9%81-%D9%88%D8%A2%D8%AB%D8%A7%D8%B1%D9%87-%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D9%88%D8%AD%D8%AF%D8%A9-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A/> (retrieved 10 March 2016).

content to attack ISIS's public relations and propaganda campaigns. The last option seems most likely in light of the fact that the Hay'a views itself as fighting an ideological battle for the minds of their young men. They thus made the shrewd choice to assume that those young men already believe the facts that ISIS presents about themselves, so they chose to demonstrate why those ideas are evil, rather than wrong. That is, when ISIS presents themselves as having the only true Islam, then the Hay'a will try to show how ISIS's Islam is an evil corruption of the true Islam, rather than denying that there is only one true path (which would be tantamount to declaring the Sunnī law schools valid). They show the corruption by accusing ISIS of ignoring the Prophet because they rely upon the Qur'ān at the expense of the Sunna.

Arguments based on reasoned appeal to scripture (that is, they have a clear logical structure to them) are not the Hay'a's only tools in convincing their audience that the ideas of the Hay'a's enemies are evil and against the very core of Islam. If the young men do not buy those arguments, then the Hay'a has a more emotional appeal: they tell a story of the rise of heresy over approximately the past fifty years, and the social, cultural, and economic ruin (الخراب) that this brought about.¹⁴² In order to fix the damage caused by the missionaries of heresy, Saudis and Muslims must learn about the true Islam, the practice of which will make them form a cohesive community able to resist its enemies. The Hay'a has taken it upon themselves to combat the missionaries of heresy by spreading the knowledge of their Islam.

¹⁴² “waṣāyā min al-shaykh al-laḥīdān: al-fatan/al-thawrāt/al-firqa rābiṭ al-mawḍūc,” al-‘amāna al-‘āma li-hay’at kibār al-‘ulemā’, <http://www.ssa-at.gov.sa/2014/12/%D9%88%D8%B5%D8%A7%D9%8A%D8%A7-%D9%85%D9%86-%D8%A7%D9%84%D8%B4%D9%8A%D8%AE-%D8%A7%D9%84%D9%84%D8%AD%D9%8A%D8%AF%D8%A7%D9%86-%D8%A7%D9%84%D9%81%D8%AA%D9%86-%D8%A7%D9%84%D8%AB%D9%88%D8%B1%D8%A7/> (retrieved 10 March 2016). (retrieved 10 March 2016).

The Hay'a calls this mission to spread their Islam the "Jihād of Knowledge," which they view as even more important than the violent jihād: "the Jihād of Knowledge is the first jihād [and Jihād of the Sword is second]."¹⁴³ This statement is used to emphasize the importance of religious education at the hand of the 'ulemā', but it has two other implications as well. First, it means that knowledge is more important than action. It does not matter if a person is doing good works if they do not have the knowledge to know why those works are good.¹⁴⁴ The second implication is that the Saudi state has no obligation to wage a Jihād of the Sword until the Jihād of Knowledge is well in hand. That is, they do not have to fight anyone until they already have the ideological high ground. This, in combination with the prophetic injunction to have mercy upon one's enemies,¹⁴⁵ could be deployed to justify any hesitation the government might have to engage in armed conflict.

The importance of good knowledge is a recurring theme throughout the works of the Hay'a, both in the HVP and the *Majalla*, and bad knowledge is the source of evil. It is a sickness, they say, that must be purged from the community. By putting this importance

¹⁴³ "masā'il muhimma ḥawl al-jihād li'l-shaykh al-fawzān," al-'amāna al-ʿāma li-hay'at kibār al-ʿulemā', <http://www.ssa-at.gov.sa/2014/12/%D9%85%D8%B3%D8%A7%D8%A6%D9%84-%D9%85%D9%87%D9%85%D8%A9-%D8%AD%D9%88%D9%84-%D8%A7%D9%84%D8%AC%D9%87%D8%A7%D8%AF-%D9%84%D9%84%D8%B4%D9%8A%D8%AE-%D8%A7%D9%84%D9%81%D9%88%D8%B2%D8%A7%D9%86/> (retrieved 10 March 2016).

¹⁴⁴ "waṣāyā min al-shaykh al-laḥīdān: al-fatan/al-thawrāt/al-firqa rābiṭ al-mawḍūʿ," al-'amāna al-ʿāma li-hay'at kibār al-ʿulemā', <http://www.ssa-at.gov.sa/2014/12/%D9%88%D8%B5%D8%A7%D9%8A%D8%A7-%D9%85%D9%86-%D8%A7%D9%84%D8%B4%D9%8A%D8%AE-%D8%A7%D9%84%D9%84%D8%AD%D9%8A%D8%AF%D8%A7%D9%86-%D8%A7%D9%84%D9%81%D8%AA%D9%86-%D8%A7%D9%84%D8%AB%D9%88%D8%B1%D8%A7/> (retrieved 10 March 2016) .(retrieved 10 March 2016).

¹⁴⁵ Khālīd al-Zāyidī, "nadwat al-taṭarruf wa 'āthāruhu ʿalā al-waḥda al-waṭaniyya: qillat al-ʿilm wa ʿidm al-iltifāf ḥawl al-qāda wa al-ʿulemā' sabab al-taṭarruf," al-'amāna al-ʿāma li-hay'at kibār al-ʿulemā', <http://www.ssa-at.gov.sa/2014/12/%D9%86%D8%AF%D9%88%D8%A9-%D8%A7%D9%84%D8%AA%D8%B7%D8%B1%D9%91%D9%81-%D9%88%D8%A2%D8%AB%D8%A7%D8%B1%D9%87-%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D9%88%D8%AD%D8%AF%D8%A9-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A/> (retrieved 10 March 2016).

on knowledge, the ‘ulemā’ cement their own authority, because they are the ones who have and dispense that knowledge, and they keep it closely guarded. Knowledge is the basis for all attempts at piety and morality, and without it, one cannot perform the rituals correctly. In the next section, I will argue that a part of this piety and morality that the ‘ulemā’ are trying to instill in the Saudi populace is a sense of patriotism and loyalty to the king.

PATRIOTISM IS PIETY

I have already discussed several instances of the Majalla using appeals to fitna to make its point. In the rhetoric of the Program, these fitnas are becoming both more severe and more numerous. We know that this is caused by people exceeding the bounds of true Islam, but it is also caused by people leaving the religion altogether. This is exactly as bad as corrupting Islam, and takes the form of converting to other religions or atheism, but also leaving Saudi culture for a more Westernized one. This could be leaving the country to move to Europe, or it could simply be adopting Western attitudes. Both introduce fatal flaws into Islam.¹⁴⁶

According to the Hay’a, the lands of Muslims, and especially the Arabian Peninsula, must be purged of all heresy and all unbelief, which includes anything not authentically Arabian in the Hay’a’s view. Salvation comes from sticking to the true Muslim community, and will be lost if that community fractures due to extremism and fitna. Fortunately, Saudi Arabia preserves that community, because they follow the Quran,

¹⁴⁶ “waṣāyā min al-shaykh al-laḥīdān: al-fatan/al-thawrāt/al-firqa rābiṭ al-mawḍūc,” al-‘amāna al-‘āma li-hay’at kibār al-‘ulemā’, <http://www.ssa-at.gov.sa/2014/12/%D9%88%D8%B5%D8%A7%D9%8A%D8%A7-%D9%85%D9%86-%D8%A7%D9%84%D8%B4%D9%8A%D8%AE-%D8%A7%D9%84%D9%84%D8%AD%D9%8A%D8%AF%D8%A7%D9%86-%D8%A7%D9%84%D9%81%D8%AA%D9%86-%D8%A7%D9%84%D8%AB%D9%88%D8%B1%D8%A7/> (retrieved 10 March 2016). (retrieved 10 March 2016).

the Sunna, and the “Imam of Muslims,”¹⁴⁷ the King. To further cement this message of the salvific role of the Kingdom, the Hay’a frequently mentions “religion and nation” or “Islam and the King”. Thus, piety and the correct practice of religion (again, ritual and morality, backed by correct creed) are fundamentally connected to political and civil obedience.

This anti-Western attitude coupled with the anti-extremism that we have seen allows the Hay’a to present the Saudi establishment as a moderate, middle path,¹⁴⁸ despite their relatively conservative social policies, when compared with much of the rest of the world. This moderate path involves not going to excesses (*al-ghulū*) in either love or fear (that is, liberalism or violence). *Ghulū*, which I have translated as “excess” is another highly charged term. It is related to ‘Alid and Sūfī thought, and has historically been used primarily in that context, where it refers to the idea of raising someone (usually ‘Alī) to the rank of divinity, in much the same way as Jesus in Christianity.¹⁴⁹ Because of its association with ‘Alid sects, the term is also often associated with more mainstream Shī‘a thought. This excess is a type of *shirk* in the Hay’a’s view and *shirk* and *ghulū* are both

¹⁴⁷ ‘Abd al-Salām al-Thumayrī, “al-fawzān li’l-‘ulemā’ wa al-khuṭabā’: hādihā waqtunā li-mukāfihāt al-‘irhāb: lan naqif maktūfī al-‘aydī,” al-‘amāna al-‘āma li-hay’at kibār al-‘ulemā’, <http://www.ssa-at.gov.sa/2014/11/%D8%A7%D9%84%D9%81%D9%88%D8%B2%D8%A7%D9%86-%D9%84%D9%84%D8%B9%D9%84%D9%85%D8%A7%D8%A1-%D9%88%D8%A7%D9%84%D8%AE%D8%B7%D8%A8%D8%A7%D8%A1-%D9%87%D8%B0%D8%A7-%D9%88%D9%82%D8%AA%D9%86%D8%A7-%D9%84%D9%85/> (retrieved 10 March 2016).

¹⁴⁸ "منهج الوسطية والاعتدال." Khālid al-Zāyidī, “nadwat al-ṭaṭarruf wa ‘āthāruhu ‘alā al-wahda al-waṭaniyya: qillat al-‘ilm wa ‘idm al-iltifāf ḥawl al-qāda wa al-‘ulemā’ sabab al-ṭaṭarruf,” al-‘amāna al-‘āma li-hay’at kibār al-‘ulemā’, <http://www.ssa-at.gov.sa/2014/12/%D9%86%D8%AF%D9%88%D8%A9-%D8%A7%D9%84%D8%AA%D8%B7%D8%B1%D9%91%D9%81-%D9%88%D8%A2%D8%AB%D8%A7%D8%B1%D9%87-%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D9%88%D8%AD%D8%AF%D8%A9-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A/> (retrieved 10 March 2016).

¹⁴⁹ For more information on the history of this term, see Moin, Azfar. 2014. *Millennial Sovereign: Sacred Kingship and Sainthood in Islam*. (Cambridge: Cambridge University Press).

sins to which Shayṭān draws humans.¹⁵⁰ Moreover, the accusation of ghulū comes up first in the context of the Houthis in Yemen, a Shī'a-led group in a civil war with the Saudi-backed Sunnī government, though ISIS is also accused of the same crime. Thus, fighting these groups is jihād.¹⁵¹

Terrorism, extremism, and religious excess are a disease on Muslim society, but they are a disease of thought, and thus worse than diseases of the body. They weaken the Umma and the nation from within and without, and they weaken Islam in the world. It was, in fact, extremism and the abandonment of religious knowledge that led to the collapse of the old Islamic empires, whose banner Saudi Arabia has heroically reclaimed. By making this connection, the Hay'a equates the Saudi monarchy with such heroes as Harūn al-Rashīd and the Rightly Guided Caliphs. The connection is made explicit by comparing Saudi Arabia to the great Muslim Empires that ended with the Ottoman Empire, and warning that they fell because people lost sight of the true Islam and refused to obey the Caliph.¹⁵² They also compare the contemporary combat with those who commit ghulū

¹⁵⁰ Khālid al-Zāyidī, “nadwat al-taṭarruf wa ‘āthāruhu ‘alā al-waḥda al-waṭaniyya: qillat al-‘ilm wa ‘idm al-iltifāf hawl al-qāda wa al-‘ulemā’ sabab al-taṭarruf,” al-‘amāna al-‘āma li-hay’at kibār al-‘ulemā’, <http://www.ssa-at.gov.sa/2014/12/%D9%86%D8%AF%D9%88%D8%A9-%D8%A7%D9%84%D8%AA%D8%B7%D8%B1%D9%91%D9%81-%D9%88%D8%A2%D8%AB%D8%A7%D8%B1%D9%87-%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D9%88%D8%AD%D8%AF%D8%A9-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A/> (retrieved 10 March 2016).

¹⁵¹ “al-shaykh ‘alī al-ḥikmī/burnāmaj “al-qiyam al-‘uliyā’ li’l-‘islām allādhī tunazzimuhu hay’at kibār al-‘ulemā’,” al-‘amāna al-‘āma li-hay’at kibār al-‘ulemā’, <http://www.ssa-at.gov.sa/2015/11/%D8%A7%D9%84%D8%B4%D9%8A%D8%AE-%D8%B9%D9%84%D9%8A-%D8%A7%D9%84%D8%AD%D9%83%D9%85%D9%8A-%D8%A8%D8%B1%D9%86%D8%A7%D9%85%D8%AC-%D8%A7%D9%84%D9%82%D9%8A%D9%85-%D8%A7%D9%84%D8%B9%D9%84%D9%8A%D8%A7/> (retrieved 10 March 2016).

¹⁵² “waṣāyā min al-shaykh al-laḥīdān: al-fatan/al-thawrāt/al-firqa rābiṭ al-mawḍū‘,” al-‘amāna al-‘āma li-hay’at kibār al-‘ulemā’, <http://www.ssa-at.gov.sa/2014/12/%D9%88%D8%B5%D8%A7%D9%8A%D8%A7-%D9%85%D9%86-%D8%A7%D9%84%D8%B4%D9%8A%D8%AE-%D8%A7%D9%84%D9%84%D8%AD%D9%8A%D8%AF%D8%A7%D9%86-%D8%A7%D9%84%D9%81%D8%AA%D9%86->

with ʿAlī’s fighting of the same ideas in the seventh century.¹⁵³ The Hay’a argues that just as ʿAlī fought to maintain the unity of the Umma in the 7th century, so does Saudi Arabia fight for the same thing in the 21st century.

Just as the Rightly Guided Caliphs fought to maintain the cohesion of the early empires, and the Saudi founding figure, ibn Saud, fought to keep the nation together in its earliest years, so too do the Hay’a and the current state strive to maintain the nation and preserve the purity of the Umma. The Saudi king is the Custodian of the Two Holy Mosques, which is the only title attributed to him in the texts of the Program, but he also serves to protect the “reputation of Islam”. The Hay’a repeatedly emphasizes his religious function in order to underscore that allegiance to the king is inextricable from piety. The king is presented as selfless for taking on the burden of maintaining the mosques and protecting the Kaʿba, despite the advantageous position that gives him with respect to other Muslim nations, as well as the fact that before the discovery of oil, the pilgrimage to the Kaʿba was the kingdom’s primary source of income. In addition to the importance of the king, the Hay’a presents the nation itself as the “origin of divine guidance and prophecy”, further cementing the connection between a love for Saudi Arabia and a love for Islam. If you love the Prophet Muhammad and his message, how can you not love the nation that gave it birth?

These are emotional appeals to history and the great honor of being a subject of the same king who controls the Two Holy Mosques. If that is not enough, the Hay’a also

[%D8%A7%D9%84%D8%AB%D9%88%D8%B1%D8%A7/](#) (retrieved 10 March 2016) .(retrieved 10 March 2016).

¹⁵³ Khālid al-Zāyidī, “nadwat al-taṭarruf wa ‘āthāruhu ʿalā al-waḥda al-waṭaniyya: qillat al-ʿilm wa ʿidm al-iltifāf ḥawl al-qāda wa al-ʿulemā’ sabab al-taṭarruf,” al-ʿamāna al-ʿāma li-hay’at kibār al-ʿulemā’,

<http://www.ssa-at.gov.sa/2014/12/%D9%86%D8%AF%D9%88%D8%A9-%D8%A7%D9%84%D8%AA%D8%B7%D8%B1%D9%91%D9%81-%D9%88%D8%A2%D8%AB%D8%A7%D8%B1%D9%87-%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D9%88%D8%AD%D8%AF%D8%A9-%D8%A7%D9%84%D9%88%D8%B7%D9%86%D9%8A/> (retrieved 10 March 2016).

reminds its audience that it is forbidden to break the laws of their own countries (assuming those countries are Muslim ones) and that the most important thing they can do is what is best for the country.¹⁵⁴ The ideology of ISIS is the ideology of the Khārijites (an early group considered heretical by most contemporary sects of Islam), and is thus base treachery to Islam, perhaps worse than even the Shī‘a.

One of the most interesting aspects of the Program is how closely its rhetoric about the military mirrors early-2000s America. At both military bases and educational institutions, they repeatedly thank the Saudi soldiers for their service, and heap praise upon them as sons of the nation. They remind the non-military audience that these are the men who maintain their security, and remind them that because of this, to love the troops is to love both Saudi Arabia and their families. This emotional appeal is driven home by imagery of terrorism and extremism as a “malignant disease” upon the Umma, of which Islam is innocent,¹⁵⁵ and the military are the front line in the fight against them.

While they condemn terrorism, the Hay‘a is very careful to leave open the possibility of jihād; they draw a vivid picture of the two kinds of violence, though they never define how one can know one from the other, except for the assumption that neither the king nor the Hay‘a would ever authorize illegal violence. The Hay‘a presents terrorism as an ideology based in violence and extremism, aimed at perverting justice and spreading

¹⁵⁴ “al-shaykh ṣāliḥ al-fawzān ta’ṣīl al-intimā’ wa al-muwāṭana al-shar‘iyya,” al-‘amāna al-‘āma li-hay’at kibār al-‘ulemā’, <http://www.ssa-at.gov.sa/2014/12/%D8%AA%D8%A3%D8%B5%D9%8A%D9%84-%D8%A7%D9%84%D8%A5%D9%86%D8%AA%D9%85%D8%A7%D8%A1-%D9%88%D8%A7%D9%84%D9%85%D9%88%D8%A7%D8%B7%D9%86%D8%A9-%D8%A7%D9%84%D8%B4%D8%B1%D8%B9%D9%8A%D8%A9/> (retrieved 10 March 2016).

¹⁵⁵ “al-shaykh ‘abd allāh al-muṭṭlaq yazūr waḥdāt al-ḥīrs al-waṭanī bi’l-qitā‘ al-gharbī,” al-‘amāna al-‘āma li-hay’at kibār al-‘ulemā’, <http://www.ssa-at.gov.sa/2015/01/%D8%A7%D9%84%D8%B4%D9%8A%D8%AE-%D8%B9%D8%A8%D8%AF%D8%A7%D9%84%D9%84%D9%87-%D8%A7%D9%84%D9%85%D8%B7%D9%84%D9%82-%D9%8A%D8%B2%D9%88%D8%B1-%D9%88%D8%AD%D8%AF%D8%A7%D8%AA-%D8%A7%D9%84%D8%AD%D8%B1%D8%B3/> (retrieved 10 March 2016).

fear. They categorically forbid the killing of innocents, women, children, old men, or slaves. Terrorism, they argue, leads people to abandon their homelands and the truth (and here, again, we can see the equation between love of country and religion). In contrast to the wanton, illegal violence of terrorism, the Hay'a presents jihād as being used exclusively for spreading the truth, protecting missionary activity, and preventing fitna. How it does this is unclear, particularly how jihād (war) can be used to prevent fitna (a different kind of war).

On the topic of why someone would choose terrorism or ISIS over the tender embrace of the Saudi state, the Hay'a has strong opinions. They believe that the reason people choose to leave is that they believe that the government has wronged and oppressed them. It is interesting that they would acknowledge doing things that could be interpreted as oppression; indeed, they never deny that any such event happens. Instead, they say that these people are misinterpreting the scriptural meaning of oppression.¹⁵⁶ They do not elaborate on the true meaning, but they do tell these people that they have been misinformed on what oppression is, and that everything the Saudi state does is in perfect accordance with Islamic law.¹⁵⁷

These things that the deluded young men who run off to join ISIS believe to be oppressive are not only authorized by God, they are necessary for national security and tranquility. This noble endeavor requires control,¹⁵⁸ by both the monarchy and the 'ulemā',

¹⁵⁶ "فكثير من الذين يخرجون للإرهاب يعتقدون أنهم ظلموا وهم في الحقيقة مغرر بهم في فكرهم ويسينون الفهم"

¹⁵⁷ "al-shaykh 'abd allāh al-muṭlaq yazūr waḥdāt al-ḥirs al-waṭanī bi'l-qitā' al-gharbī," al-'amāna al-'āma li-hay'at kibār al-'ulemā', <http://www.ssa-at.gov.sa/2015/01/%D8%A7%D9%84%D8%B4%D9%8A%D8%AE-%D8%B9%D8%A8%D8%AF%D8%A7%D9%84%D9%84%D9%87-%D8%A7%D9%84%D9%85%D8%B7%D9%84%D9%82-%D9%8A%D8%B2%D9%88%D8%B1-%D9%88%D8%AD%D8%AF%D8%A7%D8%AA-%D8%A7%D9%84%D8%AD%D8%B1%D8%B3/> (retrieved 10 March 2016).

¹⁵⁸ "liqā' ma'ālī al-shaykh 'abd allāh al-manī' bi'l-du'āt wa ṭalabat al-'ilm bi-mantiqat jāzān," al-'amāna al-'āma li-hay'at kibār al-'ulemā', <http://www.ssa-at.gov.sa/2015/05/%D9%84%D9%82%D8%A7%D8%A1-%D9%85%D8%B9%D8%A7%D9%84%D9%8A-%D8%A7%D9%84%D8%B4%D9%8A%D8%AE->

and in order to achieve that, some unspecified idolatrous, Western values must be thrown out. The ‘ulemā’ and the military (controlled by the king) represent the mind and body of the nation, and so they must be both obeyed and revered. In fact, one of the qualities that sets Saudi Arabia apart is that its people love its soldiers and its young men more than any other nation.

CONCLUSION

Scholarship on the ‘ulemā’ in Saudi Arabia often assumes a divide between the ‘ulemā’ and the monarchy or the rest of the government. However, they seem to view themselves as part of the government, rather than a competing body. They share power with other parts of the government, perhaps out of existential necessity as some have claimed, but also because they are only part of the government. They do not have executive power; they cannot enforce any ruling they make. Thus, the power of the ‘ulemā’ is linked to the power of the rest of the government, which in turn relies upon the ‘ulemā’ for propaganda and boosting the public morale. One cannot increase or attack one without it also increasing or attacking the other the other. At its core, the Hay’a is little different from any other regulatory body, except that the facet of society that it regulates is so prominent in Saudi Arabia.

The Hay’a’s appeals for national unity and obedience to the king are clearly in support of the monarchy, and, indeed, that would appear to be a decrease in authority from the fabled ibn ‘abd al-Wahhāb. In short, the ‘ulemā’ in Saudi Arabia had accepted restrictions on their power as an existential necessity. However, they do not function as mere yes-men, validating any and all actions of the king with an Islamic stamp of approval.

[%D8%B9%D8%A8%D8%AF%D8%A7%D9%84%D9%84%D9%87-%D8%A7%D9%84%D9%85%D9%86%D9%8A%D8%B9-%D8%A8%D8%A7%D9%84%D8%AF/](#)
(retrieved 10 March 2016).

Instead, they function as part of his bureaucracy, working to stabilize and legitimize his rule. They do so by expounding on the proper ritual and moral behavior of Muslims, and detailing the creed that allows Muslims to achieve that behavior.

Conclusion

Religion is an exceedingly prominent facet of all levels of Saudi society; it may even be the most prominent facet. What is more, Saudi Arabia is one of the few remaining powerful monarchies and has US backing and oil revenues to make it an important player on the regional stage. Given the prominence of religion and the monarchy's anomalous ability to remain unconstrained by a constitution, it is surprising that there is so little scholarly energy expended on questions of the application of religion at the state level. Indeed, it is difficult to find more than assumptions with little or nothing behind them, when talking about the contemporary state. The literature is less sparse concerning the origins of the state and how religion factored into the consolidation of power,¹⁵⁹ but the formative period and the contemporary realization are hardly the same. This thesis has attempted to provide a first foray into this question, based on the publications of the Board of Senior Scholars and the Permanent Council that oversees it.

The fact that the Board is a government institution was never in question, but given the prominence of religion in Saudi culture, government, and rhetoric, it is reasonable that people may overestimate both the reach and ambition of the Board. We have seen two very different aspects of the Board's activities and we have seen how neither of them reflects a desire to exercise exclusive control over the Saudi government or society. Certainly, the Board seems to want to rule their own domain, and they defend it when they feel it is necessary, but they limit themselves to issues of religion and supporting the state as a whole. Both of these fields (religion and state support) are easily explicable by viewing the Board as a government institution whose function is the regulation of religion.

¹⁵⁹ E.g. Mohammed Ayoob and Hasan Kosebalaban, eds. *Religion and Politics in Saudi Arabia: Wahhabism and the State* (Boulder: Lynne Rienner Publishers, 2009).

In this way, we can see that Madawi al-Rasheed was partially correct in her assertion that the influence of the ‘ulemā’ is limited in scope, and it may well be that this has been an existential necessity for them, but it is not so because they are simply powerless yes-men. The Board does function solely to authorize the rest of the government’s actions and provide them legitimacy. It does not seem to do even that, beyond tacit authorizations by virtue of not condemning the actions. What we have seen, instead, is actions aimed towards the regulation of religious practice.

We have seen little support for the claim from Qasim Zaman (among many less knowledgeable parties) that the ‘ulemā’ in Saudi Arabia control the state and the monarchy has no ability to defy them. On the few occasions when the Board did address government action, it did not so much forbid the action as assert authority over its own limited territory. For example, the Board did not forbid or command the government from spending money on national defense (though they did encourage it); all they did was tell the state that the defenses could not be funded using money collected from religious rituals. This is not in any way of reflection of the Board’s ability—or lack thereof—to affect government actions, but only to say they do not even try to do so.

I believe that one common mistake made by both scholars and laypeople when looking at Saudi Arabia is that they see the prominence of religion in so many facets of life and government there, and they assume that this means that the clergy must have power. Of course, scholars know that Saudi Arabia is not the Vatican and that the Saudi Muftī General is not the Pope. However, this does not seem to stop us from thinking that the scholars who enunciate religious doctrine on an intellectual level somehow control the expression of religious sentiment at all levels. This was my assumption in beginning this project, and this seems to be Zaman’s assumption, as well. Al-Rasheed provides a valuable counter to this stance, though I believe she goes too far. The Board and Council are the

highest tier of ‘ulemā’ in Saudi Arabia, but they are just another branch of government, no matter how prominent their domain may be in Saudi society.

The Hay’a’s projects that I have examined in this thesis demonstrate a view of the world in which morality is the cure for any problem they can find in society. Morality, in turn, is based on the perfect practice of Islamic rituals, combined with the correct knowledge of creed. The ‘ulemā’ view themselves as both the ritual experts, instructing the populace on how to perform the necessary rituals, and the repositories of the sacred (beneficial) knowledge. This explains why most of the topics in the *Majalla* appear so trivial: they are attempting to solidify the basis upon which morality will be built, by perfecting the practice of Saudi Muslims. The HVP is intended primarily to convey sacred knowledge. It appears much less trivial, but only because we can see the ideologies they are combatting, and non-Muslims find it much easier to understand why these ideologies are a threat than to understand why improper prayer would be an equal threat. With the combination of these two projects, the *Majalla* and the HVP, the Hay’a has sought to build the foundation for the moral improvement of Saudi Arabia.

The issue of the role of ‘ulemā’ in Saudi society and the reception of their projects is still very much undecided and will require ethnographic research to fully flesh out. As for the Board itself, that question will be exceedingly difficult to address via ethnography, given the Saudi government’s typical reticence in the face of scholarly endeavors. It may be possible, but in the meantime, there are any number of other available angles to take and sources to utilize in pursuing the questions about religion in Saudi Arabia.

Appendix: Selected Fatwas in Translation

THE VEGETABLES FATWA

- 986) الخضروات لا زكاة فيها)

من محمد بن إبراهيم إلى المكرمين أمير الحصون وناصر بن حيدر سلمهما الله

السلام عليكم ورحمة الله وبركاته ، وبعد:

فقد وصلنا كتابكما الذي تقولان فيه : بما أن بلدنا الحصون من

مدة ثلاث سنوات لم يكن فيها دخل من الزكاة ، وذلك بسبب عدم الزراعة وتعطل النخيل بالكلمية ، وأخذ الفلاحون بدلا من ذلك وهي

نوع من الخضروات ، وينتج منها ريع كثير ، وفي عام 77 هـ يوجد في بلدنا بئر مخضر فيه مكينة ، ويتجاوز ريعه مائة وخمسين ألف ريال فما

فوقها ، وفي هذا العام الجاري ست مكائن في كل بئر مكينة أحببنا إشعاركم لإرشادنا : هل تجب فيها الزكاة أم لا ؟

والجواب : الحمد لله . قد بيّن النبي صلى الله عليه وسلم أنصاء الخارج من الأرض من الحبوب والثمار ، بيّن ما يجب فيها من

الزكاة ، وأما الخضروات فلا زكاة فيها ، لحديث : ليس في الخضراوات صدقة رواه الدارقطني عن علي وعن عائشة نحوه ، ولأنها غير

مكيلة ، ولا موزونة ولا مدخرة ، وهذا الذي نص عليه علماؤنا ، وعليه العمل.

وفق الله الجميع إلى الخير ، والسلام عليكم.

(There is no Zakāt from Vegetables – [Fatwa #] 986)

From Muḥammad bin Ibrāhīm to the venerable Emir of Ḥuṣūn and Nāṣir bin Ḥayder, may God bless them with peace.

Al-salām ʿalaykum wa raḥmat allāh wa barakātuhu, wa baʿd:

We received your inquiry, in which you say: our region for the last three years has not had revenue with which to pay Zakāt, because of a lack of farming and the complete breakdown of the date palm [harvest], so the peasants have taken in as a replacement [for dates] a type of vegetable from which they make great profits. Since the year 77 hijrī (ca. 696 CE), there has been in our region a bountiful well, in which there is a makina [some sort of agricultural machine]. The profit from it [the well] exceeds 150,000 riyāl. In the current year there are six [of these machines] in each well, so we wanted to request you to guide us: is it necessary that we pay Zakāt from them or not?

The answer: al-ḥamdu lillāh, the Prophet (may the blessings and peace of God be upon him) declared that fruits and grains are the crops from which Zakāt can be paid. As for vegetables, there is no Zakāt from them, as per the ḥadīth: “there is no ṣadaqa (non-Zakāt charity) from vegetables”, as told by al-Dārqaṭanī, from ʿAlī and from ʿĀʿisha. [This distinction is] because it cannot be measured or stored as grain. This is what our scholars have specified, and there is debate on the topic.

May God grant us all virtue, al-salām ʿalaykum.

ZAKĀT TO SOMALIA

حكم دفع الزكاة لمنكوبي المجاعة في الصومال

من عبد العزيز بن عبد الله بن باز إلى حضرة صاحب السمو الملكي الأمير المكرم سلمان بن عبد العزيز أمير منطقة الرياض ورئيس الهيئة العليا لجمع تبرعات البوسنة والهرسك (لجنة منكوبي المجاعة في الصومال) وفقه الله لكل خير
سلام عليكم ورحمة الله وبركاته ، وبعد:
فجوابا لبرقية سموكم الكريم رقم 6/1607 وتاريخ 1413/3/9 هـ بشأن رغبة سموكم الإفادة عن إمكانية دفع الزكاة لمنكوبي المجاعة في الصومال.

أفيد سموكم بأنه لا مانع من دفع الزكاة إلى الفقراء منهم ؛ لأنهم مسلمون في الجملة ، ومن قد يوجد منهم من غير المسلمين فهو من المؤلفة قلوبهم المستحقين للزكاة.
رحم الله حالهم ، وجمع شملهم على الخير ، وأصلح قاداتهم وضاعف لخدام الحرمين ولسموكم الأجر والمثوبة ، والسلام عليكم ورحمة الله وبركاته.

The Ruling on Paying Zakāt to the Victims of Famine in Somalia

From ʿabd al-ʿAzīz bin ʿabd Allāh bin Bāz, to his Eminence, Ruler, and Royal Highness, the Esteemed Emir Salmān bin ʿabd al-ʿAzīz, Emir of the Riyāḍ province and head of the High Commission for Gathering Donations for Bosnia and Herzegovina (the

Council on the Victims of Famine in Somalia), may God grant him success in all that is good.

Al-salām ʿalaykum wa raḥmat allāh wa barakātuhu, wa baʿd:

In response to Your Highness’s telegram number 1607/6, dated 9-3-1413 Hijri (September 6 1992)¹⁶⁰, about Your Highness’s desire to communicate about the possibility of paying Zakāt to the victims of famine in Somalia.

I tell Your Highness that there is no prohibition from paying Zakāt to the poor people among them because they are Muslims all, and who among them is not a Muslim is tamed. Their hearts are deserving of Zakāt.

May God have mercy on their condition; may He bring them all together in goodness; may He repair their leadership; may He double the profit and reward for the Custodian of the Two Holy Mosques¹⁶¹ and for Your Highness. Al-salām ʿalaykum wa raḥmat allāh wa barakātuhu.

FISTS OR OPEN HANDS

هل تصح صلاة المرسل يده في الصلاة ، وهل يصح الاقتداء به ويمن يقبض يديه ، وهل الإرسال يكفر الإنسان ، وهل قبض اليد بعد الركوع أولى أم الإرسال ، وأي ذلك ثبت عن النبي صلى الله عليه وسلم ؟

ج : السنة وضع اليد اليمنى على اليسرى لما روى البخاري في صحيحه عن سهل بن سعد رضي الله عنه قال : " كان الناس يؤمرون أن يضع الرجل اليد اليمنى على ذراعه اليسرى " وفي رواية لمسلم " ثم وضع يده اليمنى على ظهر كفه اليسرى " ¹⁶² وقد وردت أحاديث وضع اليد اليمنى على اليد اليسرى من طرق متعددة ، فمن ذلك ما أخرجه الترمذي وابن ماجه عن قبيصة بن هلب عن أبيه ، قال

¹⁶⁰ It is rare to find such precise indications of the date on which the fatwa was originally issued. Though the date of the original question does not tell us exactly when the fatwa was issued, can assume that the intervening period was relatively short, given the importance of the questioner. However, we do not need this evidence to say with confidence that this particular fatwa is a reprint, given that it can be found in the 86th issue of the Majalla (from February 2008) and ʿabd al-ʿAzīz bin Bāz died in 1999.

¹⁶¹ A title for the king of Saudi Arabia

¹⁶² This is cited as “Muslim 301/1 number (401)”

الترمذي بعد إخراجِه : حديث حسن ، وعند ابن عبد البر في التمهيد والاستذكار عن غطيف بن الحارث ، وعند الدارقطني عن حذيفة بن اليمان ، وعن أبي الدرداء عند الدارقطني مرفوعا ، وعند ابن أبي شيبة مرفوعا ، وعند أحمد والدارقطني عن جابر ، وعند أبي داود عن عبد الله بن الزبير ، وعند البيهقي عن عائشة وقال : صحيح ، وعند الدارقطني والبيهقي عن أبي هريرة ، وعند أبي داود عن الحسن مرسلا ، وعنده أيضا عن طاوس مرسلا ، وعند النسائي وابن ماجه عن ابن مسعود ، قال ابن سيد الناس : رجاله رجال الصحيح ، قال الحافظ في الفتح : إسناده حسن ، وقال الترمذي في جامعه بعد سياقه لحديث قبيصة عن أبيه : والعمل على هذا عند أهل العلم من أصحاب النبي - صلى الله عليه وسلم - والتابعين ومن بعدهم يرون أن يضع الرجل يمينه على شماله في الصلاة ، ورأى بعضهم أن يضعها فوق السرة ، ورأى بعضهم أن يضعها تحت السرة ، وكل ذلك واسع عندهم . انتهى كلام الترمذي

إذا تقرر أن السنة هي وضع اليد اليمنى على اليد اليسرى فإذا صلى شخص وهو مرسل يديه فصلاته صحيحة ؛ لأن وضع اليمنى على اليسرى ليس من أركان الصلاة ولا من شروطها ولا من واجباتها ، وأما اقتداء من يضع يده اليمنى على اليسرى بمن يرسل يديه فصحيح ، قال شيخ الإسلام ابن تيمية : (من قال من المتفهمة أتباع المذاهب أنه لا يصح الائتنام بمن يخالفه إذا فعل أو ترك شيئا يقدر في الصلاة عند المأمومين فمقالته توقعه في مذاهب أهل الفرقة والبدعة من الروافض والمعتزلة والخوارج الذين فارقوا السنة ودخلوا في الفرقة والبدعة ...) ، قال : (ولهذا آل الأمر ببعض الضالين إلى أنه لا يصلي خلف من ترك الرفع أول مرة ، وآخر لا يصلي خلف من يتوضأ من المياه القليلة ، وآخر لا يصلي خلف من لا يتحرز من يسير النجاسة المعفو عنه ، إلى أمثال هذه الضلالات التي توجب أيضا أنه لا يصلي أهل المذهب الواحد بعضهم خلف بعض ، ولا يصلي التلميذ خلف أستاذه ، ولا يصلي أبو بكر خلف عمر ، ولا علي خلف عثمان ، ولا يصلي المهاجرون والأنصار بعضهم خلف بعض ...) ، قال : (ولا يخفى على مسلم أن هذه مذاهب أهل الضلال وإن غلط فيها بعض الناس) ، وقال أيضا : (وقد اتفق سلف الأمة من الصحابة والتابعين على صلاة بعضهم خلف بعض مع تنازعهم في بعض فروع الفقه وفي بعض واجبات الصلاة ومبطلاتها ، ومن نهى بعض الأمة عن الصلاة خلف بعض لأجل ما يتنازعون فيه من موارد الاجتهاد فهو من جنس أهل البدع والضلالة) انتهى المقصود .

وإذا صلى شخص مرسلا يديه في حال قيامه فقد ترك سنة وتارك السنة ليس بكافر .

وبالله التوفيق ، وصلى الله على نبينا محمد وآله وصحبه وسلم .

If someone drops his hands to his sides, is his ṣalāt valid? Is the emulation of this behavior valid? What about [emulating someone who] clenches his fists? Does dropping your hands to your sides make a person a kāfir? What about clenching the fists after the

first rakas, or dropping the hands? What did the Prophet (peace and blessings of God upon him) have to say about these things?

A: The sunna (prophetic example) is to put the right hand on the left, according to what al-Bukhārī related in his *Ṣaḥīḥ*. [Relating] from Sahl bin Saʿd, may God be pleased with him: “the people used to authorize a man to put the right hand on his left arm.” [We also have a] report from Muslim: “and then he put his right hand on the back of his left hand.” Ḥadīths about putting the right hand on the left have proliferated from numerous sources. Among them is one related by al-Tirmidhī and ibn Mājah from Qabīṣa bin Halb from his father. Al-Tirmidhī said after it was related:

[This is] a ḥadīth ḥasan.¹⁶³ It was related by ibn ʿabd al-Barr in al-Tamhīd¹⁶⁴ and it was memorized from Ghaṭīf bin al-Ḥārith. And also by al-Dārqaṭanī from Ḥudhayfa bin al-Yamān and from Abū al-Dardāʾ by al-Dārqaṭanī and this ḥadīth is marfūʿ¹⁶⁵. It was related by ibn abī Shayba (marfūʿ). It was related by Aḥmed and al-Dārqaṭanī from Jābir. It was related by abū Dāwūd from ʿabd Allāh bin al-Zubayr. It was related by al-Bayhaqī from ʿĀʾisha.

Then he said

And as a ṣaḥīḥ ḥadīth it was related by al-Dārqaṭanī and al-Bayhaqī from abū Hurayra. It was related by abū Dāwūd from al-Ḥasan (mursil¹⁶⁶). He [abū Dāwūd] also related it from Ṭāwūs (mursil). It was related by al-Nisāʾī and ibn Mājah from ibn Masʿūd. Ibn Sayyid al-Nās said: Its men [the men who pray in this way] are the ṣaḥīḥ (sound or correct) men. Al-Ḥāfiẓ said in his book, *Fath al-Bārī*: “its isnād is ḥasan.

In his mosque, after Qabīṣa related ḥadīth from his father, al-Tirmidhī said:

The effort [that went into clarifying this matter] belongs to the People of Knowledge from the Companions of the Prophet (may the blessings and peace of God be upon him), and those who came after them and after them. They saw that men put their right hand on their left in prayer, and some saw that they would put

¹⁶³ A technical term for a good but not perfect ḥadīth. It is one step below ṣaḥīḥ.

¹⁶⁴ Ibn ʿabd al-Barr’s most famous book.

¹⁶⁵ A marfūʿ ḥadīth is one whose isnād (chain of transmitters) reaches to the Prophet. This term makes no assessment of the validity of that isnād.

¹⁶⁶ A mursil ḥadīth is lacking a link at the third level of transmission.

it above their navel, and some saw them put it below the navel. All of this was widespread.¹⁶⁷

Al-Timidhī's speech ended when he decided that the sunna was to put the right hand over the left. However, if a person prayed and put his hands at his sides, his prayer is valid because putting the right hand over the left is not one of the pillars or requirements of ṣalāt, nor is it one of the requirements. As for someone who puts his right hand on his left emulating a person who puts his hands at his sides, that is valid. Ibn Taymiyya, the Shaykh of Islam, said:

Whoever among the fiqh scholars who follow the madhhabs said that it is not valid to follow [as your imam] someone who contradicts you if you did or did not do something and rebukes you in ṣalāt with the believers, his speech pushes him into the madhhab of the People of Dissent and Innovation. This person is among the Rāfiḍīs and the Mu'tazila and the Khārijīs who departed from the sunna and entered into disunity and innovation.

He said:

For this reason, it has come from those who err that one should not pray behind someone who did not raise his hands the first time. Another [said] not to pray behind someone who performs his ablutions with only a little water. Another [said] not to pray behind someone who is not wary of the impurity. There are many examples of these errors that necessitate also that someone from one madhhab should not pray behind someone from another, and for a student to not pray behind his teacher, and for abū Bakr not to pray behind ʿUmar, and the same for ʿAlī praying behind ʿUthmān, and for the Muhājirūn and the Anṣār not to pray behind each other.

He said: "It is not hidden from a Muslim that these are the madhhabs of the People of Error, and that some people have made mistakes in them." He also said:

¹⁶⁷ The assumption is that the way the Prophet's Companions prayed was approved by the Prophet, so emulating them is as good as emulating him.

The salaf among the Companions of the Prophet and those who came after them agreed that some of them would pray behind others, even as they disagreed about issues of fiqh and the necessities of ṣalāt and its requirements. Whoever forbade some of the Umma from ṣalāt behind others for the sake of their disagreements in these matters of the sources of ijtihād, that person is among the people of innovation and error.

So the texts ends.

Thus, if a person prayed with hands at his sides as he was standing, then he has left the sunna, but leaving the sunna does not make one a kāfir. Success belongs to God, may the blessings and peace of God be upon our Prophet, his family, and his followers.

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