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

DAVID H. WARREN*

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

Introduction: Studying the 'Ulamā'

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

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¹ For a (very) small sampling of the academic literature relating to the Arab Uprisings see *Contemporary Arab Affairs* 5:2 (2012); *Mediterranean Politics* 17:1 (2012); *International Journal of Middle East Studies* 43:3 (2011); Philip N. Howard & Muzammil M. Hussain, *Democracy's Fourth Wave? Digital Media and the Arab Spring* (Oxford: Oxford University Press, 2013).

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

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

² As Dale F. Eickelman & James Piscatori put it aptly, "The *'ulamā'* no longer have, if they ever did, a monopoly on sacred authority. Rather, Sufi *shaykhs*, engineers, professors of education, medical doctors, army and militia leaders, and others compete to speak for Islam." Dale F. Eickelman & James Piscatori, *Muslim Politics* (Princeton, NJ: Princeton University Press, 1996) 131.

³ Tamir Moustafa, "Conflict and Cooperation Between the State and Religious Institutions in Contemporary Egypt" *International Journal of Middle East Studies* 32 (2000) 3-22; Malika Zeghal, "Religion and Politics in Egypt: The Ulema of al-Azhar, Radical Islam and the State (1952-94)" *International Journal of Middle East Studies* 31 (1999) 371-99; Quintan Wiktorowicz, *The Management of Islamic Activism: Salafis, the Muslim Brotherhood, and State Power in Jordan* (Albany, NY: State University of New York Press, 2001) 45-82; Thomas Pierret, "Sunni Clergy Politics in Ba'ṭhi Syria" in Fred H. Lawson (ed.) *Demystifying Syria* (London: Saqi Books, 2009) 70-84; idem., *Religion and State in Syria: The Sunni Ulama from Coup to Revolution* (Cambridge: Cambridge University Press, 2013).

⁴ Dale F. Eickelman & Jon W. Anderson, "Redefining Muslim Publics" in Dale F. Eickelman & Jon W. Anderson (eds.) *New Media in the Muslim World: The Emerging Public Sphere* (Bloomington, IN: Indiana University Press, 1999) 1-18.

⁵ Muhammad Qasim Zaman, *The Ulama in Contemporary Islam: Custodians of Change* (Princeton, NJ: Princeton University Press, 2002) 179-80. See also Malika Zeghal, *Gardiens de l'Islam: Les oulémas d'Al Azhar dans l'Égypte contemporaine* (Paris: Presses de Sciences Po., 1996).

⁶ Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame, IN: University of Notre Dame Press, 1988) 12. See also idem., *After Virtue: A Study in Moral Theory* (Notre Dame, IN: University of Notre Dame Press, 2007 [1981]); idem., *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy, and Tradition* (Notre Dame: University of Notre Dame Press, 1990). For critiques of MacIntyre's approach, most notably his arguing for the "incommensurability" of alternate traditions, see John Horton & Susan Mendus (eds.) *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre* (Notre Dame, IN: University of Notre Dame Press, 1994); Stephen Holmes, *The Anatomy of Antiliberalism* (Cambridge, MA: Harvard University Press, 1993); Jennifer A. Herdt, "Alasdair MacIntyre's 'Rationality of Traditions' and Tradition-Transcendental Standards of Justification" *Journal of Religion* 78:4 (1998) 524-46.

⁷ While for the purposes of this article, "*fiqh*" is glossed simply as "jurisprudence," this fails to do justice to the concept, which also carries the meaning of seeking "a deep and true understanding" of the Sharia.

can best be secured in the short of long term, or why it should be modified or abandoned), through *a present* (how it is linked to other practices, institutions, and social conditions). An Islamic discursive tradition is simply a tradition of Muslim discourse that addresses itself to conceptions of the Islamic past and future, with reference to a particular Islamic practice in the present.⁸

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

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

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

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

⁸ Talal Asad, *The Idea of an Anthropology of Islam* (Washington, DC: Center for Contemporary Arab Studies, Georgetown University, 1986) 14. Italics in original.

⁹ Zaman, *The Ulama in Contemporary Islam* 180.

¹⁰ Asad defines his concept of an authoritative discourse as a notably constrained one, representing a “collaborative achievement between narrator and audience [where] the former cannot speak in total freedom: there are conceptual and institutional conditions that must be attended to if discourses are to be persuasive.” Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore, MD: John Hopkins University Press, 1993) 210. Alexandre Caeiro for one approvingly sees an Asadean approach as “[shifting] our attention from Weberian ideal-types of religious authority toward a study of modes of reasoning and their relation to embodied practices. It provides a link between forms of religiosity and the structures that (re)produce authority,” while also noting Asad’s problematic presupposition of “a concept of *religious orthodoxy*” in his combining of a MacIntyrean perspective with Michel Foucault’s concept of genealogy. Alexandre Caeiro, “The Shifting Moral Universes of the Islamic Tradition of *Ifṭā’*: A Diachronic Study of Four *Adab al-Fatwā* Manuals” *The Muslim World* 96 (2006) 661-685 (19 *fn* 7). Italics in original. For more on this point see David Scott, “The Tragic Sensibility of Talal Asad” in David Scott & Charles Hirschkind (eds.) *The Powers of the Secular Modern* (Stanford: Stanford University Press, 2006) 134-53; Ovamir Anjum, “Islam as a Discursive Tradition: Talal Asad and his Interlocutors” *Comparative Studies of South Asia, Africa and the Middle East* 27:3 (2007) 656-75 (11-14).

¹¹ Khaled Abou El Fadl, *Rebellion and Violence in Islamic Law* (Cambridge: Cambridge University Press, 2001) 322.

¹² *al-Jazeera.net*, “Milūnā Mutazāhir bi-Mīdān Tahrīr,” n.d., at: <http://www.aljazeera.net/news/pages/c3b14752-8169-466e-86f0-529d87fca4e2> (accessed 30 September 2013); David D. Kirkpatrick, “After Long Exile, Sunni Cleric Takes Role in Egypt,” *New York Times*, 18 February 2011, at: <http://www.nytimes.com/2011/02/19/world/middleeast/19egypt.html?pagewanted=all&r=0> (accessed 15 October 2013).

dictator Mu‘ammar al-Gaddafi (d.2011). In introducing his own translation of that fatwa, Yahya Michot anecdotally highlights some of the bases of the perceived authority and popularity that al-Qaradawi appeared to enjoy at the time:

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

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

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

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

¹³ Yahya Michot, “The fatwa of Shaykh Yūsuf al-Qaradāwī against Gaddafi,” 15 March 2011, at: <http://www.scribd.com/doc/51219918/The-fatwa-of-Shaykh-Yusuf-al-Qaradawi-against-Gaddafi> (accessed 30 September 2013). All translations from Arabic will be the author’s unless otherwise referenced.

¹⁴ In using this term for the title of their edited volume, Bettina Gräf and Jakob Skovgaard-Peterson describe al-Qaradawi as “easily one of the most admired and best-known representatives of Sunni Islam today. Indeed, it is difficult to identify any other Muslim scholar or activist who could be said to rival his status and authority, at least in the [Arabic]-speaking world.” Bettina Gräf & Jakob Skovgaard-Peterson, “Introduction” in Bettina Gräf & Jakob Skovgaard-Peterson (eds.) *Global Mufti: The Phenomenon of Yusuf al-Qaradawi* (London: C. Hurst & Co., 2008) 1-16 (1). See also Jakob Skovgaard-Petersen, “The Global Mufti” in Birgit Schaebler and Leif Stenberg (eds.) *Globalization and the Muslim World: Culture, Religion and Modernity* (Syracuse, NY: Syracuse University Press, 2004) 153-65.

¹⁵ In his own recollections al-Qaradawi writes that becoming a scholar of al-Azhar was a childhood dream, “I used to attend the lectures of the *‘ulamā’* and Shaykhs in our village. I loved them and realized that everyone loves them and admires them [...] For me, then, al-Azhar was the bastion of religion and science.” Yusuf al-Qaradawi, *Risālat al-Azhar bayn al-Ams wa’l-Yawm wa’l-Ghad* (Cairo: Maktabat Wahba, 1984) 3. For a detailed discussion of al-Qaradawi’s relationship with the al-Azhar institution and his own vision for its future see Jakob Skovgaard-Petersen, “Yūsuf al-Qaradāwī and al-Azhar” in *Global Mufti* 27-53.

¹⁶ Zeghal, “Religion and Politics in Egypt” 2.

student and,¹⁷ joining the movement as soon as the opportunity arose, al-Qaradawi then quickly founded an organisation for the Brotherhood's Azhari student-members shortly after his own arrival there in 1946. As al-Qaradawi's prestige as a scholar of Islamic jurisprudence (sing., *faqīh* plr., *fuqahā'*) continued to rise after the publication of his two major works, *The Lawful and the Prohibited in Islam* and *The Jurisprudence of Alms-Giving*,¹⁸ the Brotherhood offered al-Qaradawi the post of General Guide in 1976. In his refusal al-Qaradawi wrote he felt more suited to scholarship and preaching (*da'wa*). It was during these early years of the "Islamic Awakening (*al-Ṣaḥwa al-Islāmiyya*)" that his attempts to "guide" what he saw as the wayward Arab youth along a middle path between religious extremism and secular laxity would first bring him broader attention among the Arab reading public.¹⁹

It was only later, however, through a manipulation of the proliferating satellite television stations, Islamic programs, and the growth of online social media,²⁰ that al-Qaradawi would come to be referred to as "one of the most celebrated figures in the Arab world."²¹ In choosing those words, the prominent journalist Anthony Shadid (d. 2012) had particularly in mind the founding of the Qatari channel al-Jazeera in 1996.²² Al-Qaradawi's

¹⁷ That first sermon left a lasting impression on the young al-Qaradawi, "I can still recall the words he [al-Banna] spoke that day, they were original, focused, structured, useful, in contrast to so many sermons and preachers I have heard since." Yusuf al-Qaradawi, *al-Ikhwān al-Muslimūn: V- 'Āmman fi'l-Da'wa wa'l-Tarbiyya wa'l-Jihād* (Beirut: Mu'assasat al-Risala, 2001) 57. See also idem., *Shumūl al-Islām: Fī Daw' 'Ilmī Mufaṣṣal li'l-Uṣūl al-'Ishrīn li'l-Imām al-Shahīd Ḥasan al-Bannā* (Beirut: Mu'assasat al-Risala, 1997).

¹⁸ Yusuf al-Qaradawi, *al-Ḥalāl wa'l-Ḥarām fi'l-Islām* (Beirut: al-Maktab al-Islami, 1960); idem., *Fiqh al-Zakāt* 2 Volumes (Beirut: Mu'assasat al-Risala, 1971). *Fiqh al-Zakāt* formed the basis of al-Qaradawi's doctoral dissertation, which he defended in 1973. For al-Qaradawi the outcome never appears to have been in doubt however, as one of his old teachers put it, "this was not a disputation, this was al-Qaradawi's celebration." Yusuf al-Qaradawi, *Ibn al-Qarya wa'l-Kuttāb: Malāmiḥ Sīra wa-Masīra* 4 Volumes (Cairo: Dar al-Shuruq, 2002, 2004, 2006, 2011) 3:277; quoted in Skovgaard-Petersen, "Yūsuf al-Qaradāwī and al-Azhar" 11.

¹⁹ See for example, Yusuf al-Qaradawi, *al-Ṣaḥwa al-Islāmiyya bayn al-Jumūd wa'l-Taṭarruf* (Doha: Matabi' al-Duha al-Haditha, 1982). David L. Johnston argues that al-Qaradawi took inspiration from his predecessor Rashid Rida (d.1935) in this regard, who in his own time also tried to target the Muslim youth and guide them away from what he saw as either an excessive extremism or secular laxity. David L. Johnston, "Shaykh al-Qaradawi: Standard Bearer of the New 'Purposive Fiqh'" *Comparative Islamic Studies* (forthcoming). For more on al-Qaradawi and the Muslim Brotherhood see Husam Tammam, "Yusuf al-Qaradawi and the Muslim Brothers. The Nature of a Special Relationship" in *Global Mufti* 55-84.

²⁰ This was not solely an individual effort however, and Gräf argues that a prime factor in al-Qaradawi's success in the field of new media was that he was "one of the first scholars to realize that the cooperation with journalists, editors, and producers of new media institutions would help to restore the influence of Muslim scholars in Muslim societies and worldwide." Bettina Gräf, "Sheikh Yūsuf al-Qaradāwī in Cyberspace" *Die Welt des Islams* 47:3-4 (2007) 403-21 (1).

²¹ Anthony Shadid, "Maverick Cleric Is a Hit on Arab TV; Al-Jazeera Star Mixes Tough Talk With Calls for Tolerance," *Washington Post*, 14 February 2003, at: <http://pqasb.pqarchiver.com/washingtonpost/doc/409397967.html?FMT=ABS&FMTS=ABS:FT&date=Feb+14%2C+2003&author=Shadid%2C+Anthony&desc=Maverick+Cleric+Is+a+Hit+on+Arab+TV%3B+Al-Jazeera+Star+Mixes+Tough+Talk+With+Calls+for+Tolerance> (accessed 7 October 2013). For a discussion of al-Qaradawi's positions on Islamic channels since he first hosted in 1970 his own program on Qatari national television, *The Guidance of Islam (Hadī 'l-Islām)* see Ehab Galal, "Yūsuf al-Qaradāwī and the New Islamic TV" in *Global Mufti* 149-80. For analyses of his personal website *Qaradawi.net* and his relationship with the particularly popular website *IslamOnline.net* before its dramatic shutdown in March 2010 see Gräf, "Sheikh Yūsuf al-Qaradāwī in Cyberspace"; idem., "IslamOnline.net: Independent, Interactive, Popular" *Arab Media & Society* (2008); Ermete Mariani, "Youssef al-Qaradāwī: pouvoir médiatique, économique et symbolique" in Franck Mermier (ed.) *Mondialisation et nouveaux médias dans l'espace arabe* (Paris: Maisonneuve et Larose, 2003) 195-204; Mona Abdel-Fadil, "Islam offline - living 'The message' behind the screens," *Contemporary Islam: Dynamics of Muslim Life* 7:3 (2013) 283-309; idem., "The Islam-Online Crisis: A Battle of Wasatiyya vs. Salafi Ideologies?" *CyberOrient* 5:1 (2011), at: <http://www.cyberorient.net/article.do?articleId=6239> (accessed 10 September 2012).

²² Al-Jazeera has elicited a substantial scholarly interest for its role in the emergence of an Arab public sphere. See for example Marc Lynch, *Voices of the New Arab Public: Iraq, al-Jazeera, and Middle East Politics Today* (New York: Columbia University Press, 2007); Mohammed Zayani, *The Al Jazeera Phenomenon: Critical*

regular guest spot appearances on al-Jazeera's popular religious talk show *Sharia and Life* (*al-Sharī'a wa'l-Hayāt*)²³ saw him addressing up to thirty-five million viewers on an almost weekly basis.²⁴ Al-Jazeera formed an ideal platform for al-Qaradawi to comment upon and issue fatwas in relation to seemingly all the pressing issues of the day for the Arab Muslim public,²⁵ such as the plight of the Palestinians, the place of Muslim minorities in Europe,²⁶ 9/11, and the subsequent wars in Afghanistan and Iraq,²⁷ all the while continuing to author well over one hundred books that were translated into multiple languages.

As far as the legal tradition is concerned, a key means by which al-Qaradawi facilitated and legitimated this increasing intervention in the public sphere was through a marked expansion of the originally classical legal concept of *maṣlaḥa* (commonly translated as the "public interest", or the "common good") to the extent that it "coincide[d] with everything that facilitates life for human beings and guides them in social intercourse."²⁸ This

Perspectives on Arab Media (Boulder, CO: Paradigm Press, 2005); Louay Bahry, "The Arab Media Phenomenon: Qatar's Al-Jazeera" *Middle East Policy* 8:2 (2001) 88-99.

²³ For critical discourse analyses of al-Qaradawi's role on the program with regard to issues of gender and sexuality see Dima Dabbous-Sensenig, "To Veil or Not to Veil: Gender and Religion on Al-Jazeera's *Islamic Law and Life*" *Westminster Papers in Communication and Culture* 3:2 (2006) 60-85; idem., "Speaking in His Name? Gender, Language and Religion in the Arab Media" in Jørgen S. Nielsen & Lisbet Christoffersen (eds.) *Shari'a As Discourse: Legal Traditions and the Encounter with Europe* (Farnham: Ashgate Publishing, 2010) 179-98; Scott Kugle & Stephen Hunt, "Masculinity, Homosexuality, and the Defense of Islam: A Case Study of Yusuf al-Qaradawi's Media Fatwa" *Religion and Gender* 2:2 (2012) 254-79. From those perspectives al-Qaradawi impact is considered an authoritarian one, with Kugle arguing that "Shaykh al-Qaradawi aims to close down debate and scholarly discussion [of Muslim sexuality] in a way that betrays the intellectual and moral confidence of the Islamic tradition." Ibid., 23. For more on this point see Barbara Freyer Stowasser, "Yūsuf al-Qaradāwī on Women" in *Global Mufti* 181-212.

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

²⁵ For a stimulating discussion of the interpellation of this "Muslim public" see Alexandre Caeiro, "The Power of European Fatwas: The Minority Fiqh Project and the Making of an Islamic Counterpublic" *International Journal of Middle East Studies* 42:3 (2010) 435-49.

²⁶ Al-Qaradawi has played a leading role in attempting to conceptualise a new branch of Islamic law that aims to take into account the specific contexts in which Muslim minorities in Europe, North American and elsewhere live, by "making easy and lightening the burden (*taysīr wa-takhfīf*)" of Islamic law as it would be applied in a Muslim-majority context, known as *fiqh al-aqallīyyāt*. Yusuf al-Qaradawi, *Fī Fiqh al-Aqallīyyāt al-Muslima: Ḥayāt al-Muslimīn Wasaṭ al-Mujtama'āt al-Ukhrā* (Cairo: Dar al-Shuruq, 2001). For more on this topic see Alexandre Caeiro & Mahmoud al-Saify, "Qaradāwī in Europe, Europe in Qaradāwī? The Global Mufti's European Politics" in *Global Mufti* 109-48; Said F. Hassan, *Fiqh al-Aqallīyyat: History, Development, Progress* (New York: Palgrave Macmillan, 2013) Sarah Albrecht, *Islamisches Minderheitenrecht: Yusuf al-Qaradawis Konzept des fiqh al-aqalliyat* (Berlin: Ergon Verlag, 2010).

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

²⁸ Armando Salvatore, "Qaradāwī's maṣlaḥa: From Ideologue of the Islamic Awakening to Sponsor of Transnational Public Islam" in *Global Mufti* 239-50 (9); Muhammad Qasim Zaman, "The 'Ulama' of Contemporary Islam and their Conceptions of the Common Good" in Armando Salvatore & Dale F. Eickelman (eds.) *Public Islam and the Common Good* (Leiden: Brill, 2004) 129-55 (5-6). Raymond Baker argued that this emphasis on behalf of al-Qaradawi and his colleagues had a strategic value, with the positing of contemporary political and social issues as central to their *fiqh* discourse, and as a central referent for the legal tradition as a whole, being a key part of the broader aim to ultimately capture the fiscal means to affect social welfare through state power. Raymond W. Baker, "'Building the World' in a Global Age" in Armando Salvatore & Mark

conceptual shift also impacted upon al-Qaradawi's understanding of *iftā'* (the formulation and issuance of fatwas), similarly expanded far beyond individual religious guidance offered to a specific petitioner. Increasingly blurring the boundaries between his *iftā'* and other discourses, al-Qaradawi expands the mufti's role to that of "a teacher, advisor, doctor and guide," presupposing a religious public sphere and enabling his fatwas to facilitate his efforts in doctrinal reform, evangelism, or other social and political interventions.²⁹

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

At this point, one might be forgiven for imagining al-Qaradawi as either a disembodied transnational figure, or having resided in Egypt all this time.³⁴ This is of course not the case: al-Qaradawi has in fact lived in Doha since 1961 where he travelled into veritable exile after a second period of imprisonment under the Nasser government, and accepted Qatari citizenship from the current Emir's great-grandfather, Ahmad b. 'Ali Al Thani (d.1977) in 1969.³⁵ While at that time Qatar was little more than a backwater (a British

LeVine (eds.) *Religion, Social Practice, and Contested Hegemony: Reconstructing the Public Sphere in Muslim Majority Societies* (New York: Palgrave Macmillan, 2005) 109-31.

²⁹ Caeiro, "The Shifting Moral Universes" 9-12. See also Bettina Gräf, *Medien-Fatwas@Yusuf al-Qaradawi: Die Popularisierung des Islamischen Rechts* (Berlin: Klaus Schwarz-Verlag, 2010); Jakob Skovgaard-Petersen, *Defining Islam for the Egyptian State: Muftis and Fatwas of the Dār al-Ifṭā'* (Leiden: Brill, 1997).

³⁰ See for example Salvatore, "Qaradāwī's maṣlaḥa"; Motaz al-Khateeb, "Yūsuf al-Qaradāwī as an Authoritative Reference (*marjī'iyya*)" in *Global Mufti* 85-108; Peter Mandaville, "Toward a Virtual Caliphate," *YaleGlobalOnline*, 27 October 2005, at: <http://yaleglobal.yale.edu/content/toward-virtual-caliphate> (accessed 20 October 2013).

³¹ For al-Qaradawi the term *wasāṭiyya* encompasses moderation (*i'tidāl*), balance (*ta'ādul*, *tawāzun*) and the taking of a just and middle way (*tawassuṭ*) between religious extremism and neglect. Yusuf al-Qaradawi, *Fiqh al-Wasāṭiyya al-Islāmiyya wa'l-Tajdīd: Ma'ālim wa-Manārāt* (Cairo: Dar al-Shuruq, 2010); idem., *Kalimāt fī'l-Wasāṭiyya al-Islāmiyya wa-Ma'ālimihā*. Kuwait: Markaz al-'Alami li'l-Wasatiyya, 2007). See also Bettina Gräf, "The concept of *wasāṭiyya* in the Work of Yusuf al-Qaradāwī" in *Global Mufti* 213-38.

³² In an interview with the author, al-Qaradawi described his "*al-madrasa al-wasāṭiyya*" as something akin to a transnational movement saying: "The movement focuses on what's agreed upon, not what's disputed, encompassing all Muslims, and working to enrich people in their lives by trying to make things easier not more difficult, drawing people to Islam rather than alienating them. These are not like fundamental principles (*mabādi'*), but what I mean is, after a time you found people benefitting from this, and becoming fond of me and my school." Interview between the author and Yusuf al-Qaradawi (Doha, 6 February 2013).

³³ Tammam, "Yusuf al-Qaradawi and the Muslim Brothers" 18. Similarly when asked on Qatari national television, again in 2002, if he still maintained his childhood aspiration to be Shaykh of al-Azhar he said, "the Shaykh of al-Azhar does not have the ability to achieve the reform and renewal he desires by himself, he needs the support of the state, or at least its permission." al-Qaradawi, *Ibn al-Qarya wa'l-Kuttāb* 1:211.

³⁴ A significant portion of the academic literature prefers to heuristically situate al-Qaradawi in the Egyptian context, or at least attenuate the impact of his own local Qatari context. See for example, Raymond W. Baker, *Islam Without Fear: Egypt and the New Islamists* (Cambridge, MA: Harvard University Press, 2003); Sagi Polka, "The Centrist Stream in Egypt and its Role in the Public Discourse Surrounding the Shaping of the Country's Cultural Identity" *Middle Eastern Studies* 39:3 (2003) 39-64; Ahmad Zayid, *Ṣuwar min al-Khiṭāb al-Dīnī al-Mu'āṣir* (Cairo: Maktabat al-Usra, 2007); Rachel Scott, *The Challenge of Political Islam: Non-Muslims and the Egyptian State* (Stanford, CA: Stanford University Press, 2010); Jacob Høigilt, *Islamist Rhetoric: Language and Culture in Contemporary Egypt* (New York: Routledge, 2011). Gräf by contrast prefers to draw on conceptions of "translocalism" that aims to "[describe] conditions that transcend (and transform) local circumstances, regardless of whether the local is determined geographically, socially or politically [...] Translocal authority would thus be a social relationship of recognition that functions beyond (but not without) a local frame (which is, in this case, Doha)." Gräf, "Sheikh Yūsuf al-Qaradāwī in Cyberspace" 17 fn 58.

³⁵ For a discussion of al-Qaradawi's views on his adoption of Qatari citizenship, and how it relates to his Egyptian identity in the context of his attempts to conceptualise a new "jurisprudence of citizenship (*fiqh al-*

Protectorate until 1971) it has since been reported to hold nearly 14 per cent of the world's proven natural gas reserves and is now commonly ranked as the wealthiest country in the world in terms of gross domestic product per capita.³⁶ The Qatari royal family has been a key supporter of al-Qaradawi since his arrival, whether in relation to his assuming the directorship of the country's new Religious Institute in 1961, founding and then becoming Dean of Qatar University's Sharia Faculty in 1977,³⁷ or funding his trips across the world, to Pakistan, Malaysia, Indonesia, Europe, North America and even as far afield as Japan and South Korea.³⁸ More recently, leaving aside al-Qaradawi's aforementioned position on *Sharia and Life*, the Qatari Emir is also the backer of the Doha-based International Union of Muslim Scholars (*al-Ittiḥād al-Ālamī li'l-'Ulamā' al-Muslimīn*, IUMS).³⁹ While on its founding in 2004 al-Qaradawi may well have appeared the natural choice as IUMS's leader, with Rashid al-Ghannushi (b.1941) writing that al-Qaradawi's positioning as the IUMS President was in recognition of his "[scholarly] integrity, attested to by the authoritative consensus (*ijmā'*) of all the leading figures from all the legal schools and sects (*tawā'if*) of the Umma,"⁴⁰ it is important to note that the Qatari Emirs' role in enabling al-Qaradawi to become a seemingly obvious choice is apparent.⁴¹

All of these constituents combined, then, had contributed to the social construction of al-Qaradawi as a "Global Mufti" and *ālim* on the eve of the Arab Uprisings. The article will now explore the varying means by which al-Qaradawi has sought to maintain this position while balancing the series of horizontal political allegiances and local audiences that cumulatively propelled him to such prominence. As Michot highlighted, the perception of al-Qaradawi as a politically independent figure is a crucial theme in this regard and so,⁴² while

muwāṭana)" see David H. Warren & Christine Gilmore, "One Nation Under God? Yusuf al-Qaradawi's Changing Fiqh of Citizenship" *Contemporary Islam: Dynamics of Muslim Life* (2013) doi.10.1007/s11562-013-0277-4.

³⁶ World Economic Outlook Database, International Monetary Fund, at: <http://www.imf.org/external/pubs/ft/weo/2012/01/weodata/index.aspx> (accessed 14 November 2013).

³⁷ al-Qaradawi, *Ibn al-Qarya wa'l-Kuttāb* 2:333-51. See also Yusuf Ibrahim al-'Abdallah, *Ta'rīkh al-Ta'īm fi'l-Khalīj al-'Arabī 1913-1971* (Doha: n.p., 2003) esp., 305-80; Mujahid Khalaf, *al-Qaradāwī bayn al-Ikhwān wa'l-Ṣulṭān* (Cairo: Dar al-Jumhuriyya li'l-Sahafa, 2008) esp., 213-39; Hamed A. Hamed, "Islamic Religion in Qatar During the Twentieth Century: Personnel and Institutions" (University of Manchester: Unpublished Doctoral Dissertation, 1993) esp., 220-99.

³⁸ Skovgaard-Petersen, "Yūsuf al-Qaradāwī and al-Azhar" 11.

³⁹ Khalaf, *al-Qaradāwī bayn al-Ikhwān wa'l-Ṣulṭān* 318-38; Bettina Gräf, "In Search of a Global Islamic Authority," *ISIM Review*, 2005, at: https://openaccess.leidenuniv.nl/bitstream/handle/1887/16970/ISIM_15_In_Search_of_a_Global_Islamic_Authority.pdf?sequence=1 (accessed 1 May 2013); Muhammad Qasim Zaman, *Modern Islamic Thought in a Radical Age: Religious Authority and Internal Criticism* (Cambridge: Cambridge University Press, 2012) 67-8, 152. Al-Qaradawi has been involved in either founding or being involved on the boards of a number of prominent institutions in the fields of Islamic law, Islamic finance, *da'wa*, and charities. The most notable of these would be the European Council for Fatwa and Research (ECFR, founded in 1997), a key part of al-Qaradawi's *fiqh al-aqallīyyāt* project. For more on the ECFR and its fatwas see Alexandre Caeiro, "Transnational ulama, European fatwas, and Islamic authority: A case study of the European Council for Fatwa and Research" in Martin van Bruinessen & Stefano Allievi (eds.) *Producing Islamic Knowledge: Transmission and dissemination in Western Europe* (London: Routledge, 2011) 121-41; idem., "The Social Construction of Sharia: Bank Interest, Home Purchase and Islamic Norms in the West" *Die Welt des Islams* 44:3 (2004) 351-75. For a partial list of the many institutions and organisations al-Qaradawi is associated with see Tammam, "Yusuf al-Qaradawi and the Muslim Brothers" 13-4.

⁴⁰ Rashid al-Ghannushi, *al-Wasaṭiyya al-Siyāsiyya 'ind al-Imām Yūsuf al-Qaradāwī* (Jeddah: Mu'assasat Ru'ya Thaqafiyya, 2009) 15.

⁴¹ These close links to Qatar are shared by his family too; his daughter Ilham is an internationally recognised professor of nuclear physics at Qatar University, while his youngest son Usama works for the Qatari embassy in Cairo. Yusuf al-Qaradawi, 25 *Yunāyir Thawrat Sha'b: al-Shaykh al-Qaradāwī wa'l-Thawra al-Miṣriyya* (Cairo: Maktabat Wahba, 2012) 12.

⁴² As Gudrun Krämer puts it, "To be independent, or at least widely perceived as such, and at the same time be omnipresent on a global scale makes for a powerful mix." Gudrun Krämer, "Preface" in *Global Mufti* ix-xi (x).

al-Qaradawi has always argued that Qatari officials have never sought to unduly influence him,⁴³ particular attention will be accorded to this “Qatar Context” as the article progresses. Having situated al-Qaradawi among the constraints he will be seen to face (such as the Brotherhood, Qatar, and the expectations of an *‘ālim*), the article will follow al-Qaradawi and his articulation, transmission and reconstruction of the legal tradition through the past three years in an approximate chronological order, first looking to his initial navigation of the Egyptian uprising and the Libyan civil war by attempting to conceptualise a new “jurisprudence of revolution (*fiqh al-thawra*).” Then, as al-Qaradawi responded to the uprising in Bahrain and the increasing violence of the Syrian conflict, the question of sectarianism and Qatar’s own foreign policies will come to the fore in the second section. With these themes in mind the final section will consider the responses of his multiple audiences (both scholarly and lay), and follow al-Qaradawi back to Egypt for the coup of 3 July 2013. It will examine how he tried to respond to the coup’s aftermath and increasing criticism of his own public role, before drawing conclusions around the current place of leading Sunni *‘ulamā’* and the instabilities of the legal tradition in the politically fraught context of the Arab Uprisings. It is in Egypt, then, that the article will now move to join al-Qaradawi, and where the analysis will begin.

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

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

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

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

⁴³ Gräf, “Sheikh Yūsuf al-Qaradāwī in Cyberspace” 14; *Qaradawi.net*, “al-Qaradāwī: Qaṭar Taqif ma’ al-Ḥaqq wa’l-‘Adl,” 23 December 2013, at: <http://www.qaradawi.net/component/content/article/7065.html> (accessed 30 December 2013).

⁴⁴ See for example Samir Farid, “al-Qaradāwī fī Iḥdā A’zam Khuṭab al-‘Aṣr al-Ḥadīth Yu’akkid Istimrār al-Thawra,” *al-Masri al-Yawm*, 19 February 2011, at: <http://today.almazryalyoum.com/article2.aspx?ArticleID=288341> (accessed 30 September 2013); Qutb al-‘Arabi, “Haykal wa’l-Qaradāwī wa’l-Khumaynī,” *al-Yawm al-Sabi’*, 20 February 2011, at: <http://www.youm7.com/News.asp?NewsID=355329> (accessed: 30 September 2013).

⁴⁵ See for example Dennis Landry, “Egypt’s Khomeini Figure,” *Washington Times*, 22 February 2011, at: <http://www.washingtontimes.com/news/2011/feb/22/egypts-khomeini-figure/> (accessed: 30 September 2013).

⁴⁶ Yahya Michot, “The Tahrir Square Sermon of Shaykh Yūsuf al-Qaradāwī,” 15 March 2011, at: <http://www.scribd.com/doc/65022521/The-Tahrir-Square-Sermon-of-Shaykh-Yusuf-al-Qaradawi> (accessed 04 October 2013).

⁴⁷ Gudrun Krämer refers to him in those terms. Gudrun Krämer “Drawing boundaries: Yūsuf al-Qaradawi on Apostasy” in Gudrun Krämer & Sabine Schmidtke (eds.) *Speaking for Islam: Religious authorities in Muslim societies* (Leiden: Brill, 2006) 181-218.

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

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

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

⁴⁸ El Fadl also highlights this rebellion because of the large numbers of "rebel jurists" involved. El Fadl, *Rebellion* 70-1.

⁴⁹ Yusuf al-Qaradawi, *Ālim wa-Ṭāghīyya* (Cairo: Dar al-Irshad li'l-Taba'a wa'l-Nashr wa'l-Tawzi', 1968). This usage of literature for pedagogic aims is also seen in works written by al-Qaradawi's predecessors. See for example Jakob Skovgaard-Petersen, "Portrait of the Intellectual as a Young Man: Rashid Rida's *Muhawarat al-muslih wa'l-muqallid* (1906)," *Islam and Christian-Muslim Relations* 12 (2001) 93-104.

⁵⁰ Tammam, "Yusuf al-Qaradawi and the Muslim Brothers" 10.

⁵¹ al-Qaradawi, *Ālim wa-Ṭāghīyya* 48. See also, Gerald R. Hawting, *The First Dynasty of Islam: The Umayyad Caliphate AD 661-750* (London: Routledge, 2002 [1987]) 58-9.

⁵² Al-Qaradawi writes, "it's not possible to improve human life if Islam is responsible for only part of it [...] it's not possible that Islam be [solely] for the mosque, while the school, university, law court, television, journalism, theatre, cinema, souq and street are [left] to secularism." Yusuf al-Qaradawi, *al-Dīn wa'l-Siyāsa* (Cairo: Dar al-Shuruq, 2013 [2007]) 70.

⁵³ Yusuf al-Qaradawi, *Fiqh al-Jihād: Dirāsa Muqārana li-Ihkāmihi wa-Falsafatihi fī Ḍaw' al-Qur'ān wa'l-Sunna* 2 Volumes (Cairo: Maktabat Wahba, 2010 [2009]) 1:205.

⁵⁴ Al-Qaradawi cites the version of the hadith found in *Ṣaḥīḥ al-Bukhārī*, in which 'Ubayda b. al-Samit relates that Muhammad "took the pledge of loyalty (*bay'a*) from us, that we were to listen and obey [his orders] both when we were active and when we were tired, at times of difficulty and ease, and to be obedient to the ruler and give him his right even if he did not give us our right, and not to fight against him unless we saw him in open blasphemy (*kufran bawāḥan*)." Al-Qaradawi will be seen to cite this hadith again later in the article, in a very different context. It can also be found (among other locations) in Yahya al-Nawawi's (d. 1277) *Riyāḍ al-Ṣāliḥīn*, at: <http://sunnah.com/riyadussaliheen/1/186> (accessed 21 October 2013).

⁵⁵ al-Qaradawi, 25 *Yunāyir Thawrat Sha'b* 22.

As the uprisings spread from Tunisia to Egypt, al-Qaradawi actively aimed to provide an Islamic legitimacy to the protests, and counter the fatwas that began to be issued by rival Azhari *'ulamā'* who called on the protesters to stay in their homes. While these opposing fatwas, such as those issued by the Egyptian Grand Mufti 'Ali Jum'a (b.1952), drew on the more quietest precedents of the Islamic legal tradition that maintained obedience to an unjust ruler so long as they do not publically commit apostasy,⁵⁶ al-Qaradawi and his own supporters from IUMS contrastingly tried instead to conceptualize an entirely novel branch of Islamic jurisprudence, which they provocatively termed "the jurisprudence of revolution (*fiqh al-thawra*)."⁵⁷

In his own examination of *fiqh al-thawra*'s emergence more broadly, Aria Nakissa labelled the process whereby an *'ālim* seeks to integrate their own novel and utilitarian reasoning into the conceptual framework of the legal tradition by creating a new field of *fiqh* as "secondary segmentation." A development from the earlier efforts of the reformer Rashid Rida (d.1935), its purpose is to allow an *'ālim* to relax or overturn contradictory legal rulings while preserving the moral valence and authority of the structures of the Islamic legal tradition, while pre-empting criticisms of subjectivity.⁵⁸ It is this process that enables al-Qaradawi to reproduce the "conceptual and institutional conditions that must be attended to if discourses [and here we might say *fiqh* discourses,] are to be persuasive" and authoritatively argue against the fatwas issued by his rivals in support of the Mubarak regime.⁵⁹ In his own

⁵⁶ For more on this point see Ann Lambton, *State and Government in Medieval Islam* (Oxford: Oxford University Press, 1981); Patricia Crone, *God's Rule: Government and Islam* (New York: Columbia University Press, 2004); Antony Black, *The History of Islamic Political Thought: From the Prophet to the Present* (Edinburgh: Edinburgh University Press, 2011 [2001]). Cited in Aria Nakissa, "The Arab Spring and the Dynamics of Contemporary Islamic Legal Discourse: The Fiqh of Revolution" (unpublished paper) 2. I am particularly grateful to Nakissa for allowing me to see an early draft of this manuscript.

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

⁵⁸ Nakissa, "The Arab Spring and the Dynamics of Contemporary Islamic Legal Discourse". Nakissa argues that Rashid Rida's distinction between the immutable acts of worship (*'ibādāt*) and the mutable regulations of interpersonal transactions (*mu'āmalāt*) facilitated his "segmenting [of] Islamic law into different fields" and was a consequence of his broader effort to autonomize the utilitarian possibilities of *maṣlaḥa*, in Wael Hallaq's words, "to such an extent that it would stand on its own as a legal theory and philosophy." Wael Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunni uṣūl al-fiqh* (Cambridge: Cambridge University Press, 1997) 215. See also Albert Hourani, *Arabic Thought in the Liberal Age 1798-1939* (Cambridge: Cambridge University Press, 1962); Malcolm H. Kerr, *Islamic Reform: The Political and Legal theories of Muhammad 'Abduh and Rashīd Riḍā* (Berkeley, CA: University of California Press, 1966); David L. Johnston, "An Epistemological and Hermeneutical Turn in Twentieth-Century Uṣūl al-Fiqh" *Islamic Law and Society* 11:2 (2004) 233-82 (28-34). For more on al-Qaradawi's indebtedness to Rida's reformism see idem., "Yusuf al-Qaradawi's Purposive Fiqh: Promoting or Demoting the Future Role of the Ulama?" in Adis Duderija (ed.) *Maqasid al-Shari'a and Contemporary Muslim Reformist Thought: An Examination* (New York: Palgrave Macmillan, forthcoming 2014); Zaman, *Modern Islamic Thought* 108-18, 148-52, 279-81; Ana B. Soage, "Rashīd Riḍā's Legacy" *The Muslim World* 98 (2008) 1-23.

⁵⁹ Asad, *Genealogies* 210. In this vein al-Qaradawi's colleagues in the IUMS have also endeavoured to highlight how his utilitarianism was structured by the legal tradition's maxims (*qawā'id fiqhiyya*) and the Al-Qaradawi Center has organised a competition to encourage other works in this vein, with the first prize totalling nearly 50 000 US Dollars. See Nakissa, "The Arab Spring"; Wasfi Abu Zayd, *Al-Qaradāwī...al-Imām al-Thā'ir: Dirāsa*

discourse, then, Jum‘a drew upon the well-known jurisprudential maxim “*sadd al-dharā‘i*‘ (blocking the means [to a harmful outcome])” to rule that otherwise legitimate peaceful protests are rendered illegitimate on the basis that they will lead to *fitna* (civil strife); in his words, “I say to the youth of Egypt it is obligatory for all of you to withdraw [...] coming out to challenge the legitimacy [of the regime] is forbidden (*ḥarām*), forbidden, forbidden! Right now you are guilty of causing this unrest which is not in the country’s interests.” By contrast, while affirming his own support for the concept of *sadd al-dharā‘i*‘ in principle, al-Qaradawi argued that the legitimate aims of the protests far outweighed the potential for *fitna*:

If they are used to achieve a legitimate end, such as calling for the implementation of the Sharia, or freeing those imprisoned without legitimate grounds, or halting military trials of civilians, or cancelling a state of emergency which gives the ruler absolute powers, or achieving people’s general aims like making available bread, oil, sugar, gas, or other aims whose legitimacy admits of no doubt-in things like these, legal scholars do not doubt the permissibility [of demonstrations].⁶⁰

On the basis of this support for the protesters, al-Qaradawi might well have seemed a natural choice to lead the first Friday prayer in Tahrir Square after Mubarak’s departure. In his own recollections however, al-Qaradawi points out that his return to Cairo was not simply a spontaneous decision, but instead appears to have been a rather complicated and carefully planned media event, involving consultations between himself and his staff in Doha, leading members of the Egyptian Muslim Brotherhood including Muhammad Baltagi (b.1963) and ‘Isam al-‘Aryan (b.1954),⁶¹ as well as key figures in al-Jazeera’s management, most notably the organisation’s new Chairman Hamad b. Thamiir Al Thani, the first cousin once removed of the current Qatari Emir Tamim b. Hamid Al Thani (b.1980).⁶²

In fact, throughout the Egyptian Uprising it was al-Jazeera, through its live interviews, *Sharia and Life* broadcasts, and televising of his Friday sermons at Doha’s ‘Umar b. al-Khattab mosque,⁶³ which provided al-Qaradawi with the platform to project an image of himself to the channel’s viewers as an *‘ālim* standing in support of the people’s demands for democracy and dignity, providing a marked contrast with his rivals inside the country who had supported the Mubarak regime. Certainly many observers have regarded Qatar’s founding of al-Jazeera as a key part of its foreign policy agenda, seeing the country’s close support for the ant-Mubarak demonstrators as part of a broader shift away from its earlier dependence upon Saudi Arabia (who vehemently supported the Mubarak regime) toward a more independent foreign policy. This included a move away from a dependence on the Saudi Arabian security umbrella in the wake of the 2003 Gulf War and the removal of

Taḥlīliyya Uṣūliyya fī Ma‘ālim Ijtihādihi li’l-Thawra al-Miṣriyya (Cairo: Sultan li’l-Nashr, 2011) esp., 80-99; *Qaradawi.net*, “Itlāq Jā‘iza al-Qaradāwī al-‘Ālamiyya li’l-Dirasāt al-Islāmiyya,” 22 January 2012, at: <http://www.qaradawi.net/news/5526-2012-01-22-10-58-44.html> (accessed 22 December 2013).

⁶⁰ These two quotations are taken from Nakissa, “The Arab Spring.” While I have preferred Nakissa’s translations here, the two statements can found at, ‘Ali Jum‘a, “Maqta‘ Ṣawtī li’l-Muftī ‘Ali Jum‘a Athnā’ al-Thawra,” *Youtube*, 25 October 2011, at: http://www.youtube.com/watch?v=hzf_79q9fKo (accessed 30 November 2013); Yusuf al-Qaradawi, “Shar‘iyyat al-Muṣāharāt al-Silmiyya,” *Qaradawi.net*, 28 November 2013, <http://qaradawi.net/fatawaahkam/30/4929-2011-08-08-08-17-10.html> (accessed 30 November 2013).

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

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

⁶³ In the opinion of Gilles Kepel, these sermons “set the tone for Arabic language Sunni sermons across the world.” Gilles Kepel, *Bad Moon Rising: A Chronicle of the Middle East Today* trans. Pascale Ghazaleh (London: Saqi Books, 2003) 60.

Saddam Hussein as a threat.⁶⁴ Instead Qatar has now looked to ensure its security by cultivating the interest of outside powers (most notably the United States and the European Union) in its continued existence as an independent state.⁶⁵ While still nervous about the perceived threat from Iran, it was in this context that Qatar's attempted mediation in many of the region's conflicts prior to the recent uprisings (Darfur, Lebanon etc.) was viewed.⁶⁶ As the uprising in Libya shifted toward civil-war, Qatar's moves to assert its importance through its "soft power" became outright military intervention alongside NATO following UN Resolution 1973. Here the Muslim Brotherhood network of political émigrés that had grown up around al-Qaradawi proved notably useful, with his Libyan student 'Ali al-Sallabi, for example ("considered to be the most influential scholar among Libyans abroad"), serving as the key intermediary between Qatari officials and Brotherhood-affiliated militias inside Libya.⁶⁷

Al-Qaradawi's own intervention in the Libyan conflict came in the form of a fatwa, issued during a live interview on al-Jazeera on 21 February 2011. While not legally binding, the mufti "speaks in God's name" in issuing a fatwa.⁶⁸ Indeed, the fatwa represents the attempted actualisation of the norms of the legal tradition in a new social context, "[circumscribing] the mental and moral universe of their day, always balancing around the

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

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

⁶⁶ Lina Khatib, "Qatar's foreign policy: the limits of pragmatism" *International Affairs* 89:2 (2013) 417-41; Mehran Kamrava, "Mediation and Qatari Foreign Policy" *Middle East Journal* 65:4 (2011) 539-56; Shawn Powers, "The Geopolitics of the News: The Case of the Al Jazeera Network" (University of Southern California: Unpublished Doctoral Dissertation, 2009); Shawn Powers & Eytan Gilboa, "The Public Diplomacy of Al Jazeera" in Philip Seib (ed.) *New Media and the New Middle East* (New York: Palgrave Macmillan, 2009) 53-77; Kristian Coates Ulrichsen "Qatar: Emergence of a Regional Power with International Reach," *e-International Relations*, 23 January 2012, at: <http://www.e-ir.info/2012/01/23/qatar-emergence-of-a-regional-power-with-international-reach/> (accessed 12 October 2013); Steven Wright, "Foreign Policies with International Reach: The Case of Qatar" in David Held & Kristian Coates Ulrichsen (eds.) *The Transformation of the Gulf: Politics, Economics and the Global Order* (London: Routledge, 2011) 296-312; Guido Steinberg, "Katar und der Arabische Frühling: Unterstützung für Islamisten und anti-syrische Neuausrichtung," *Stiftung Wissenschaft und Politik*, February 2012, at: http://www.swp-berlin.org/fileadmin/contents/products/aktuell/2012A07_sbg.pdf (accessed 1 October 2013). Moreover, this Qatari shift away from Saudi Arabia was prompted in part by the latter's perceived meddling in Qatari internal affairs, supporting a counter-coup against the Emir's father in 1995, and even armed clashes along their disputed border, itself seen as further motivation for Qatar to encourage the United States to establish a substantial military presence there. Allen J. Fromherz, *Qatar: A Modern History* (Washington, DC: Georgetown University Press, 2012) 92-3.

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

⁶⁸ Khaled Abou El Fadl, *Speaking in God's Name: Islamic Law, Authority and Women* (Oxford: One World, 2002).

boundaries of what is conceivable, legitimate and right.”⁶⁹ With that in mind, al-Qaradawi’s words were striking:

I issue this fatwa: To the officers and the soldiers who are able to kill Mu‘ammar Gaddafi, to whoever among them is able to shoot him with a bullet and to free the country and [God’s] servants from him. Do it! That man wants to exterminate the people. As for me, I protect the people and I issue this fatwa: Whoever among them is able to shoot him with a bullet and to free us from his evil, to free Libya and its great people from the evil of this man and from the danger of him, let him do so!⁷⁰

Al-Qaradawi’s colleagues in IUMS moved quickly to support his position, while the Gaddafi regime appealed for support from other ‘*ulamā*’ in vain.⁷¹ What is significant for this article is that, as in the Egyptian case, here al-Qaradawi dispenses with more quietist historical precedents in structuring his fatwa, and is again particularly creative. He expanded upon his legal reasoning in a sermon the following Friday, stating “it is from the jurisprudence of balancing (*fiqh al-muwāzanāt*), and the jurisprudence of consequential outcomes (*fiqh al-ma‘ālāt*), and the jurisprudence of priorities (*fiqh al-awlawiyyāt*), that we sacrifice one man for the sake of the salvation of a people.”⁷² Al-Qaradawi’s novel utilitarian reasoning can be seen to be consciously structured within the framework of the legal tradition in a manner not dissimilar from the new collocation “*fiqh al-thawra*.” Al-Qaradawi’s discourse does not dispense with precedent entirely, however, and he again cites the hadith voiced by Ibn Jubayr in his statement that the Libyan army’s obeying orders is an act of “disobedience (*ma‘siyya*)” to God.⁷³ Similarly, in his affirmation of the Libyan rebels’ martyrdom, he cited the Qur’anic verse 3:169, “Think not of those, who are killed in the way of God, as dead. No, they are alive and provided sustenance from their Lord, rejoicing in what God has bestowed on them of His bounty; they also rejoice for the sake of those who have not yet joined them, but are left behind.”⁷⁴

In fact, where al-Qaradawi does draw on precedent in his discourse, they are thoroughly modern ones. His usage of the verb *baghā* (a rebel, someone who has transgressed a boundary) to describe Gaddafi’s actions does not appear to draw on the classical discussions of the legitimacy of rebellion,⁷⁵ but rather Rashid Rida’s famous Qur’anic exegesis the *Tafsīr al-Manār*.⁷⁶ In Rida’s exegesis of the popularly-termed “verse of the rebel

⁶⁹ Skovgaard-Petersen, *Defining Islam* 13.

⁷⁰ Yusuf al-Qaradawi, “Fatwā al-Shaykh al-Qaradāwī fī Qatl al-Gadhdhāfī,” *Youtube*, 22 February 2011, at: <http://www.youtube.com/watch?v=6qQ8eJUwxXs> (accessed 20 October 2013). Michot, “The fatwa” 2.

⁷¹ Emad Mekay, “Too Late, Qaddafi Seeks the Aid of Muslim Clerics,” *New York Times*, 3 March 2011, http://www.nytimes.com/2011/03/03/world/africa/03iht-M03-FATWA.html?_r=0 (accessed 04 October 2013).

⁷² Michot, “The fatwa” 2. *The Jurisprudence of Priorities* is in fact the title of one of al-Qaradawi’s earlier works. See Yusuf al-Qaradawi, *Fī Fiqh al-Awlawiyyāt: Dirāsa Jadīda fī Daw’ al-Qur’ān wa’l-Sunna* (Cairo: Maktabat Wahba, 1995).

⁷³ The hadith in question reads, “There is no obedience for the created to that which is disobedient to the creator, rather obedience is to that which is good. (*Lā tātun li-makhlūqin fī ma‘siyyat al-khāliq innamā al-tā‘atu fī ‘l-ma‘rūf*).”

⁷⁴ Michot, “The fatwa” 9.

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

⁷⁶ There has been more than a little debate relating to the authorship of the *tafsīr*. While it is credited as being authored by both Rashid Rida and Muhammad ‘Abduh (d. 1905). In view of recent scholarship and ‘Abduh’s early death it has become more accepted that Rida played a far more creative role in the *Tafsīr*’s authorship than he was originally credited, leading Jane McAuliffe to agree with Jacques Jomier’s original statement that “the

(*āyat al-baghy*)” (49:9),⁷⁷ rather than interpreting this in reference to rebellion against the ruler as per historical precedent, Rida by contrast first posits the idea that it might be *the ruler* who is in fact the rebel.⁷⁸ In Michot’s own extension, the issue for the legal tradition and al-Qaradawi then becomes not one of “rebellion against the ruler (*khurūj ‘alā al-sulṭān*)” but the rebellion of the ruler against the people (*khurūj al-sulṭān ‘alā al-sha‘b*) or, rather, “When it is not the people who rise in arms against a regime but it is the regime which starts massacring them – because of peaceful demonstrations for example – that power loses its legitimacy and religious scholars must intervene to defend the believers.”⁷⁹

Notably, al-Qaradawi’s creativity even involved a marked shift from his own thought prior to the uprisings. In his *Jurisprudence of Jihad*, al-Qaradawi had argued that even “apostate regimes” ought to be resisted and changed through peaceful means (*al-wājib itikhādh al-wasā’il al-silmiyya fi’l-taghyyir*),⁸⁰ and when the violent extremist group al-Jama‘a al-Islamiyya renounced violence in 2002, al-Qaradawi was the key scholar they cited, in a move he naturally applauded.⁸¹ The Egyptian uprising and Libyan civil war clearly represented a radically new context for al-Qaradawi, incommensurable with past precedents. Importantly, the fact that the interests and aims of the vast majority of his backers and audiences were aligned in wishing for the departures of Mubarak and Gaddafi certainly facilitated his strategy of intervening in the public sphere to “make the most of the opportunity to present a jurisprudence of revolutions to the Umma.”⁸² The uprisings that

basis of the work rightly seems to be that of Rashid Rida.” Jane D. McAuliffe, *Qur’anic Christians: An Analysis of Classical and Modern Exegesis* (New York: Cambridge University Press, 1991) 79; Jacques Jomier, *Le commentaire coranique du Manār: tendances modernes de l’exégèse coranique en Égypte* (Paris: G-P. Maisonneuve, 1954) 51.

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

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

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

⁸⁰ He defined these regimes as those “do not believe in Islam as an authoritative and regulatory reference, are not committed to it as a source of legislation, nor to its concepts and social and cultural values.” al-Qaradawi, *Fiqh al-Jihād: Dirāsa Muqārana li-Iḥkāmihī wa-Falsafatihi fi Daw’ al-Qur’ān wa’l-Sunna* 2 Volumes (Cairo: Maktabat Wahba, 2009) 2:1187-9. That being said, in many of al-Qaradawi’s writings there has often been seen to be a certain disjuncture between the abstract norms he articulates and their actualisation in practice. For example, during a particularly violent period of repression by the Egyptian regime in the Ain Shams district of Cairo in 1988, while al-Azhar unequivocally supported the regime’s violent response, al-Qaradawi and his colleague Muhammad al-Ghazali (d.1996) also affirmed “we believe in the faith of the regime and we trust the regime’s faith in Egypt” and argued that the Qur’an and Sunna “stipulates clear ways for thwarting deviations from the correct path, that do not include irresponsible charges of unbelief nor undo haste in stipulating reforms.” Baker, *Islam Without Fear* 83-9. I am grateful to Mohammad Fadel for this point.

⁸¹ Krämer, “Drawing Boundaries” 33 *fn* 66. It was these “*taḳfīrī*” groups, or “callers to a war against the world (*du‘āt al-ḥarb ‘alā al-‘ālam*)” that al-Qaradawi was primarily aiming to convince with his *Jurisprudence of Jihad* and also in his earlier writings. For al-Qaradawi the roots of extremism lay in regime oppression and he argued in his *Zāhirat al-Ghulūw fi’l-Taḳfīr* that “this idea [of extremism] cannot be resisted except through ideas,” and Tammam argued that al-Qaradawi “was greatly effective in protecting the Brothers’ ranks from this phenomenon which for two decades marred the Islamist movements.” Yusuf al-Qaradawi, *Zāhirat al-Ghulūw fi’l-Taḳfīr* (Cairo: Dar al-Itisam, n.d.) 18; Tammam, “Yusuf al-Qaradawi and the Muslim Brothers” 7. A particularly controversial exception in this regard relates to Israel, and al-Qaradawi’s argument that “suicide bombing” in that specific context is a legitimate tactic. See Zaman, *Modern Islamic Thought* 271-81.

⁸² al-Qaradawi, 25 *Yunāyir Thawrat Sha‘b* 7.

followed in Bahrain and the Syria represented a far more complex proposition however, with al-Qaradawi's own interventions taking a rather different form.

Sectarianism & Jihad in Bahrain & Syria

While al-Qaradawi's return to Cairo and his fatwa against Gaddafi were widely reported in both the international and local Arabic media from a range of supportive or concerned perspectives, it was with the uprisings in Bahrain and Syria that al-Qaradawi's carefully cultivated image as a politically independent figure would suffer hugely (as would al-Jazeera's). For the purposes of this article, these two uprisings differed markedly from those that preceded them on the basis of their large Shi'a populations,⁸³ and it was the contribution of al-Qaradawi to actually inflaming their sectarian nature that was seen as particularly striking. The Bahraini uprising began with protesters gathering around its Pearl Roundabout on 15 February 2011. Taking a similar course to its counterparts, police repression begot larger and larger demonstrations. As the cycle of ever-increasing demonstrations and repression grew more brutal, one of al-Qaradawi's IUMS colleagues, the prominent Shi'a scholar from Najaf Muhammad 'Ali Taskhiri (b.1944), in his capacity as General Secretary of *The World Forum for Rapprochement between the Islamic Legal Schools (al-Majma' al-'Ālamī li'l-Taqrīb bayn al-Madhāhib al-Islāmiyya)* wrote an open letter to al-Qaradawi urging him to support the uprising in Bahrain as he had done all the others.⁸⁴ Al-Qaradawi refused and, by contrast, just two days after the military intervention in Bahrain by the armies of the Gulf Cooperation Council (GCC) on 18 March 2011, he stated in his Friday sermon, "Truly the Bahraini revolution, it's not a revolution, rather it's a sectarian uprising [...] that's the problem with it, it's Shi'a against Sunni, I'm not against the Shi'a, I'm against fanaticism (*ta'assub*) [...] they aren't peaceful, they're using weapons."⁸⁵

It was with regard to the Syrian conflict that al-Qaradawi's intervention would be seen as most controversial, however. As the violence worsened throughout 2012, al-Qaradawi was vehemently critical of the regime's response though he appeared to stop short of explicitly inflaming the conflict. The fatwa jointly issued by himself and over a hundred of his IUMS colleagues on 7 February 2012 called on soldiers in the Syrian army to desert and join the opposition, requesting the formation of popular committees in Muslim countries to

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

⁸⁴ Muhammad al-Taskhiri, "Risālat Āyat Allāh al-Taskhīrī ilā al-'Alāma al-Qarāḏāwī," *Rohama*, 5 April 2011, at: <http://www.rohama.org/ar/pages/?cid=5217> (accessed 7 October 2013).

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

“support the revolutionaries in Syria with all that they might need, both materially and morally,” a role taken on by both Qatar and Saudi Arabia it would seem.⁸⁶

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

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

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

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

⁸⁶ *Iumsonline*, “Aftā Akthar Mā’itat ‘Ālim wa-Mufakkir min Mukhtalif al-Tayyarāt al-Islāmiyya wa’l-Siyāsiyya fī Bayyān bi-Sha’an Sūriyya,” 7 February 2012, at: <http://www.iumsonline.net/ar/print.asp?contentID=3766> (accessed 16 October 2013). That fatwa is also noteworthy in that its signatories are primarily Saudi Arabians and Egyptians, and the state al-Qaradawi is signed as representing is Qatar. David Sanger, “Rebel Arms Flow Is Said to Benefit Jihadists in Syria,” *New York Times*, 14 October 2012, at: http://www.nytimes.com/2012/10/15/world/middleeast/jihadists-receiving-most-arms-sent-to-syrian-rebels.html?_r=0 (accessed 16 October 2013); Ian Black & Julian Borger, “Gulf States Warned Against Arming Syria Rebels,” *The Guardian*, 5 April 2012, at: <http://www.theguardian.com/world/2012/apr/05/gulf-states-warning-arming-syria> (accessed 16 October 2013).

⁸⁷ Yusuf al-Qaradawi, “Khuṭbat al-Jum‘a li’l-Duktūr al-Qaradāwī 31-5-2013,” *Youtube*, 31 May 2013, at: <http://www.youtube.com/watch?v=QLHXSWCar78> (accessed 7 October 2013).

⁸⁸ *Ibid.*

⁸⁹ Ibn Taymiyya, “One of the most incisive and prolific Muslim religious scholars of his time,” was born in Harran in what is now South Eastern Turkey, but in 1296 was forced to flee Mongol incursions and settled near Damascus, from where he would issue three fatwas against the Nusayri/‘Alawite community. Jon Hoover, “Ibn Taymiyya,” *Oxford Bibliographies Online*, 2012, at: <http://www.oxfordbibliographies.com/view/document/obo-9780195390155/obo-9780195390155-0150.xml?rskey=HPX03i&result=104&q=> (accessed 22 December 2013).

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

⁹¹ Yaron Friedman, *The Nusayri-‘Alawis: An Introduction to the Religion, History, and Identity of the Leading Minority in Syria* (Leiden: Brill, 2010) esp., 62-4, 187-99, 299-309. See also Mona Hassan, “Modern Interpretations and Misinterpretations of a Medieval Scholar: Apprehending the Political Thought of Ibn

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

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

Looking more broadly at the political context in the Gulf, the inflaming of sectarianism particularly in Bahrain and Saudi Arabia has been a marked counter-revolutionary strategy since the start of the Bahraini uprising, supported by their respective

Taymiyya" in Yossef Rapoport & Shahab Ahmed (eds.) *Ibn Taymiyya and His Times* (Oxford: Oxford University Press, 2010) 338-366; Paul L. Heck, "Jihad Revisited" *Journal of Religious Ethics* 32 (2004) 95-128; Yahya Michot, *Ibn Taymiyya: Muslims under Non-Muslim Rule* (Oxford: Interface Publications, 2006); idem., "Ibn Taymiyya's 'New Mardin Fatwa'. Is Genetically Modified Islam (GMI) Carcinogenic?" *Muslim World* 101:2 (2011) 130-81; idem., *Ibn Taymiyya: Against Extremisms* (Beirut: Albouraq, 2012); Denise Aigle, "The Mongol Invasions of Bilād Al-Shām by Ghāzān Khān and Ibn Taymīyah's Three 'Anti-Mongol' Fatwas" *Mamlūk Studies Review* 11:2 (2007) 89-120; Jon Hoover, "Jihad and the Mongols," *Taymiyyan Studies*, at: <https://sites.google.com/site/jhoover363/taymiyyan-studies/jihad-against-the-mongols> (accessed 22 December 2013). I am grateful to Jon Hoover for these references. For a discussion of three later fatwas issued in reference to the Alawites in the nineteenth and twentieth centuries see Yvette Talhamy, "The Fatwas and the Nusayri/Alawis of Syria" *Middle Eastern Studies* 46:2 (2010) 175-94.

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

⁹³ Nadia Wardeh, "Yūsuf al-Qaradāwī and the 'Islamic Awakening' of the late 20th Century" (McGill University: Unpublished MA Thesis, 2001) 13; Muhammad Qasim Zaman, "Consensus and Religious Authority in Modern Islam: The Discourses of the 'Ulamā'" in *Speaking for Islam* 153-80 (19-20); Uriya Shavit, *Islamism and the West: From "Cultural Attack" to "Missionary Migrant"* (London: Routledge, 2014) esp., 29-62.

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

Sunni *‘ulamā’*.⁹⁵ Al-Qaradawi’s “admission” to his Saudi Arabian colleagues in the wake of his 31 May 2013 sermon that he had been “wrong” to trust Hizb Allah previously signals a closer alignment with the Saudi Arabian perspective that views Iran and its support for the Syrian regime as an overt geo-political threat.⁹⁶ In that context Saudi Arabia and Qatar see eye to eye in their backing for the armed opposition, and this is now supported by al-Qaradawi, for example through his public and specific point of thanks following his sermon “to the State of Qatar, its Emir, government and people for their supporting of the Arab revolutions, and the Syrian revolution specifically,”⁹⁷ as he had also done previously with Libya.⁹⁸ The furore that erupted after al-Qaradawi’s 31 May sermon proved not only hugely damaging to Qatar’s international brand however.⁹⁹ It was also a source of consternation among his own personal staff, recognising in his call for foreign Muslim fighters to travel to Syria a potentially dramatic escalation of the conflict, and a further facilitation of its apparent shift away from a battle with a single military regime toward a broader and far more dangerous sectarian conflict.¹⁰⁰ Given al-Qaradawi’s oft-stated desire to seek the centre ground in any debate as a means of preserving intra-Muslim unity, be it political or theological, one can surmise in this instance that now, for him, a middle ground in the Syrian civil war simply no longer exists.

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

Returning to Cairo, for the Coup

Throughout the latter months of 2012 and the beginning 2013, opposition to Morsi’s presidency and the Brotherhood government had begun to escalate. When al-Qaradawi’s

⁹⁵ Toby Matthiesen, *Sectarian Gulf: Bahrain, Saudi Arabia, and the Arab Spring That Wasn’t* (Stanford, CA: Stanford University Press, 2013); Madawi al-Rasheed, “Sectarianism as Counter-Revolution: Saudi Responses to the Arab Spring” *Studies in Ethnicity and Nationalism* 11:3 (2011) 513-26; Guido Steinberg, “Kein Frühling in Bahrain: Politischer Stillstand ist die Ursache für anhaltende Unruhen,” *Stiftung Wissenschaft und Politik*, March 2011, at: http://www.swp-berlin.org/fileadmin/contents/products/aktuell/2013A23_sbg.pdf (accessed 15 September 2013).

⁹⁶ *al-Arabiyya*, “Top cleric Qaradawi calls for Jihad against Hezbollah, Assad in Syria,” 2 June 2013, at: <http://english.alarabiya.net/en/News/middle-east/2013/06/02/Top-cleric-Qaradawi-calls-for-Jihad-against-Hezbollah-Assad-in-Syria.html> (accessed 17 October 2013).

⁹⁷ *Qaradawi.net*, “al-Qaradāwī Yada‘ū al-Qādirīn li’l-Jihād fī Sūriyyā,” 1 June 2013, at: <http://www.qaradawi.net/news/6666--q-q-.html> (accessed 15 October 2013).

⁹⁸ Idem., “al-Qaradāwī Yahyā wa-Yathamman Dawr Qaṭr fī Lībiyyā,” 25 May 2012, at: <http://www.qaradawi.net/news/5899-2012-05-26-07-47-16.html> (accessed 1 October 2013).

⁹⁹ John Petersen argues, “Branding has emerged as a state asset to rival geopolitics and traditional considerations of power. Assertive branding is necessary for states as well as companies to stand out in the crowd, since they often offer similar products: territory, infrastructure, educated people, and for example in the Gulf, almost identical systems of governance.” John Peterson, “Qatar and the World: Branding for a Micro-State” *Middle East Journal* 60:4 (2006) 732-48 (14). See also Powers & Gilboa, “The Public Diplomacy of Al Jazeera” 5-6.

¹⁰⁰ This last point can only be made on the basis of anecdotal conversations via email exchanges with al-Qaradawi’s staff following the 31 May 2013 sermon. One staff member described at the time how the issue was “the source of continuing discussion in the Shaykh’s office. The Shaykh does not act on the basis of calculations as to how his popularity might rise or fall, the *‘ulamā’* are different from other celebrities [*mashāhīr*] [...] The scholar must publicly declare what he believes to be true, without taking into account the calculations of the rulers [...] the most dangerous scholars of all are those who follow the whims of the public. The Shaykh is bound by these shackles of obligation that are proscribed for him in [times of both] war and peace. As for me personally, I am of the opinion that each country is first and foremost to its own people, and so it is up to the Syrians living abroad to return to save their country and, God Willing, they will be enough.” Personal email communication between the author and a member of al-Qaradawi’s personal staff, 9 June 2013.

views were sought by the local Egyptian media, his response, like that of the Brotherhood, was uncompromisingly supportive of Morsi, with those who went out to demonstrate being described simply as “thugs (*balṭagiyya*).”¹⁰¹ At that time, Khalil al-Anani attributed this stance on behalf of the Brotherhood to the prevalence of what he termed as the ordeal (*miḥna*) narrative, defined as “the sense of tribulation and victimization that prevails among the rank-and-file in the [Brotherhood] and enables them to confront or tolerate external pressure [...] It is incessantly constructed and reproduced by the [Brotherhood] leaders in order to maintain members’ solidarity and commitment”.¹⁰² This was also evidenced by Brotherhood spokesman Mahmoud Ghuzlan’s statement to the Egyptian daily al-Masri al-Yawm in April which noted that “the opposition is an evil force [that] seeks to sabotage the revolution and exclude the [Brotherhood].”¹⁰³ The lasting experience of brutal repression as a young man has been a formative one for al-Qaradawi too, the themes of ordeal and perseverance (*ṣabr*) in the face of oppression inform the titles of two of his books in fact.¹⁰⁴ Like many in the Brotherhood leadership, the early volumes of al-Qaradawi’s autobiography are replete with instances of arrest and imprisonment (a total of five times),¹⁰⁵ and it was observed during the author’s own periods of fieldwork and visits to al-Qaradawi’s home that all of the members of his personal staff were young Egyptian men often affiliated with the Brotherhood and often from Nasr City, a part of Cairo where the movement has always been popular.¹⁰⁶ Al-Qaradawi’s personal staff provide him with a daily synopsis of current events, which they discuss following the midday prayer, and the day before his Friday sermons he solicits their opinions on appropriate subjects for his sermon (a way of staying in touch with the “Arab Street” as it were, see Figure 1). In view of al-Qaradawi’s emphasis in his oeuvre on the importance of “a deep and true understanding of the social reality (*fiqh al-wāqiʿ*),” the role of his staff in the dialogical construction of this “social reality” is significant given their shared experience of oppression.¹⁰⁷

The chain of events that followed are well known, the *tamarrud* (rebel) movement emerged and began advocating for large demonstrations scheduled for 30 June 2013. In the

¹⁰¹ al-Masri al-Yawm, “al-Qaradāwī: Man Yuḥāṣirūn Miqār al-Ikhwān Balṭagiyya Yataqādūn al-Milābiyyin li’l-Fawḍā,” 22 March 2013, at: <http://www.almasryalyoum.com/node/1587151> (accessed 15 October 2013).

¹⁰² Khalil al-Anani, “Does Anti-Ikhwānism Really Matter?” *Foreign Policy*, 26 April 2013, at: http://mideast.foreignpolicy.com/posts/2013/04/26/does_anti_ikhwanism_really_matter (accessed 1 October 2013).

¹⁰³ al-Masri al-Yawm, “Ghuzlān: Quwā al-Sharr al-Mutarabbaṣa bi-Miṣr Tastakhdim al-I’lām li-Ijhād al-Thawra,” 10 April 2013, at: <http://www.almasryalyoum.com/node/1635786> (accessed 1 October 2013).

¹⁰⁴ Yusuf al-Qaradawī, *al-Miḥna fi’l-Waqiʿ al-Ḥarika al-Islāmiyya al-Mu’āṣira* (Cairo: Maktabat Wahba, 2009); idem., *Ṣabr fi’l-Qurʾān* (Cairo: Maktabat Wahba, 1970).

¹⁰⁵ Recalling his first release from prison in 1949 al-Qaradawī writes, “I can still remember the day I left the prison in Tur, we went to Tanta, they took us to the police station where they made us swear to cease our activities and our *da’wa*, but that was impossible. When we went back to our village and the people came out to greet us [...] I sat and spoke with them about the Brotherhood, what they had done, how they had turned the prison into a mosque and a school [...] and they asked me, ‘why are you still talking about all this?’ They were thinking that if we had been released from prison then we had been silenced, because we would have learned our cruel lesson, but they were surprised to see that we had only increased in strength. God be praised.” al-Qaradawī, *al-Miḥna* 47; idem., *Ibn al-Qarya wa’l-Kuttāb* 2:203. During this first period of imprisonment, less arduous than the second when he experienced torture, he wrote his famous poem *My Cell (zinānatī)* that, along with his two collections of poems *Nafahāt wa-Lafahāt* and *al-Muslimūn Qādimūn* “were like fuel to the Islamist Movement youth, inspiring revolution, the desire to be free of oppression and the meaning of sacrifice for their *umma*.” Tammam, “Yusuf al-Qaradawī and the Muslim Brothers” 10-11.

¹⁰⁶ During a conversation at the time between the author and a former employee of *IslamOnline*, the suggestion was raised that these early experiences, being attacked by regime thugs as a young man, had a formative impact on al-Qaradawī to such an extent that any opposition to the Brotherhood today would be viewed through this lens, and understood in the same way.

¹⁰⁷ In the wake of the 3 July 2013 coup the Secretary General of al-Qaradawī’s Association of Students, Akram Kassab, was imprisoned for example.

days leading up to the first protests, al-Qaradawi had returned to Cairo and his 30 June broadcast on al-Jazeera's newly created channel, aimed specifically at Egypt (*al-Jazeera Mubashir Misr*), was a clear message of support for the President, while also showing his apparent despair at the course the revolution had taken since 2011 where:

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



Figure 1: A photo taken by the author during fieldwork (6 February 2013), showing Shaykh al-Qaradawi during his daily discussion (*jalsa*) with his staff, where a synopsis of the day's key political and media events are discussed following the midday prayer.

¹⁰⁸ Yusuf al-Qaradawi, "Kalimat al-Shaykh al-Qaradāwī li-kull al-Maṣriyyin... Mu'ayyidin wa-Mu'aridīn," *Youtube*, 30 June 2013, at: http://www.youtube.com/watch?feature=player_embedded&v=N8-EXYEWczM (accessed 15 October 2013); For a useful translation see Muhammad Fathi, "Al-Qaradawi Addresses Egyptians, Urges Dialogue," *Islamonline*, 1 July 2013, at: <http://www.onislam.net/english/shariah/shariah-and-humanity/shariah-and-life/463348-qaradawi-egypt-brotherhood-elections-morsi.html?Life> (accessed 15 October 2013).

Following the enormous demonstrations centring round Tahrir Square, the military intervened on 3 July, and Brotherhood leaders were rounded up and imprisoned. Al-Qaradawi's intervention again came in the form of a fatwa that prompted a vociferous response from large portions of the Egyptian media and the military's supporters. In contrast to his earlier creativity and utilitarianism at the start of 2011, his falling back upon the legal tradition's historical precedents (as seen in his reading of Ibn Taymiyya) continued, with al-Qaradawi structuring his discourse very clearly within the historical quietism surrounding the legitimacy of the ruler. In keeping with his earlier writings on the Islamic state al-Qaradawi emphasised the oath of loyalty (*bay'a*) granted to Morsi by the leader of the coup General al-Sisi along with the Egyptian people as a whole, with the democratic elections being the equivalent of an authoritative consensus (*ijmā'*) of the Muslim community.¹⁰⁹ Al-Qaradawi then argued that with Morsi's electoral victory an '*aqd* (social contract) had been formed between himself and the Egyptian people, meaning that they had "given him their trust and their commitment to listen and be obedient in [times of both] hardship and ease, whether they liked him or disliked him." In contrast to the previous cases when al-Qaradawi had called on the various regimes' militaries not to be obedient to their leaders (an act of disobedience to God in his view), al-Qaradawi asks "how could people who waited over thirty years under the dictatorship of Mubarak not wait even one year under Morsi?"¹¹⁰

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

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

In the citation of this final hadith, al-Qaradawi was drawing on the second major historical tenet of Islamic legal tradition as it relates to the ruler's legitimacy. Alongside the '*aqd* there is the question of the "Just Ruler (*al-'adīl*)," and here al-Qaradawi can be seen to define

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

¹¹⁰ Yusuf al-Qaradawi, "al-Qaradāwī Yuftī bi-Wujūb Ta'yīd al-Ra'īs al-Maṣrī al-Muntakhab Muḥammad Mursī," *Qaradawi.net*, 24 July 2013, at: <http://www.qaradawi.net/news/6744-2013-07-06-17-00-44.html> (accessed 7 October 2013).

¹¹¹ Idem.

Morsi's justness in relation to the tradition's more clearly quietist strand, whereby the ruler remains legitimate unless he either clearly and publicly renounces his Islam or commands his subjects to act in a manner in clear contravention to an explicit legal ruling, thereby becoming a source of *fitna* (civil strife) himself.¹¹² Until such a point is reached, it is better for subjects to persevere rather than risk the chaos of open rebellion according to al-Qaradawi, especially because Morsi was a just ruler who came to power in a just manner, through a free and fair election regulated by a constitution.

Just as the coup divided Egyptian society, so too did it divide al-Qaradawi's own family. His biography and other more personal writings are littered with references to his children's educational and professional achievements, a far cry from his own upbringing in poverty. Particularly, al-Qaradawi appears to take great pride in describing his son 'Abd al-Rahman as a "revolutionary poet" who had been a staunch opponent of the Mubarak regime and "among the first to participate in the revolution from its very beginning."¹¹³ Following his father's fatwa however, 'Abd al-Rahman's response was quick:

My dear and beloved father, I am your student before I am your son, but it appears to me and many of your supporters and students that this moment, with its new complications and difficulties is completely different from the experience of your generation [...] Sir, it was not *our* generation that persevered under dictatorship for thirty years, it was *your* generation that did that in the name of "perseverance (*ṣabr*)."
As for our generation, we have learned not to permit authoritarianism to take root.¹¹⁴

Al-Qaradawi had returned to Egypt on 29 June, soon after the abdication of the Qatari Emir Hamad b. Khalifa Al Thani in favour of his son Tamim on 25 June.¹¹⁵ The abdication had come amid much speculation over Qatar's future foreign policy. In Tamim's first speech, he highlighted his specific "rejection of divisions in Arab societies on sectarian lines,"¹¹⁶ which was interpreted as a direct reference to al-Qaradawi's 31 May sermon.¹¹⁷ Coinciding as it did with several days of sudden silence by al-Qaradawi, this led to rumours¹¹⁸ that al-Qaradawi had in fact been expelled from Qatar with his citizenship withdrawn. Both parties responded quickly with denials and al-Qaradawi soon returned to Doha, though the statement on *Qaradawi.net*, that he had gone to Egypt for "his summer vacation (*ijāzatihi al-ṣayfiyya*)," appeared unusual to say the least.¹¹⁹

In the days and weeks that followed, opposition to the ousting of Muhammad Morsi coalesced around two large protest camps near the Rabi'a al-'Adawiyya mosque and al-

¹¹² See El Fadl, *Rebellion*.

¹¹³ al-Qaradawi, 25 *Yunāyir Thawrat Sha'b* 11.

¹¹⁴ 'Abd al-Rahman Yusuf al-Qaradawi, "'Afwan Abī al-Ḥabīb... Mursī Lā Shar'īyya Lahu," *Arahman.net*, 7 July 2013, at: <http://www.arahman.net/menu-types/1570-2013-07-07-15-56-37> (accessed 7 October 2013).

¹¹⁵ Hamad Al Thani himself came to power in a coup in 1996 while his father was abroad in Geneva seeking medical treatment.

¹¹⁶ Tamim b. Hamad Al Thani, "Awwal Kalima li'l-Amīr Qaṭar al-Shaykh Tamīm bin Ḥamad Āl Thānī," *Youtube*, 26 June 2013, at <http://www.youtube.com/watch?v=rMsrQpi7D9g> (accessed 23 December 2013).

¹¹⁷ See for example Marc Lynch, "Mysteries of the Emir," *Foreign Policy*, 27 June 2013, http://www.foreignpolicy.com/articles/2013/06/27/mysteries_of_the_emir_power_transfer_qatar#sthash.QqELcdWe.dpbs (accessed 23 December 2013).

¹¹⁸ al-Nahar, "Qaradawi Expulsé du Qatar... Tamīm Yashab al-Jinsiyya al-Qaṭariyya min al-Qaraḍāwī wa-Yaghliq Maktab al-Ikhwān," *Youtube*, 29 June 2013, at: <http://www.youtube.com/watch?v=JIG-rACoRDI> (accessed 1 October 2013).

¹¹⁹ *Qaradawi.net*, "al-Qaraḍāwī fī Ijāzatihi al-Ṣayfiyya wa-Ya'ūd al-Dawḥa Maṭla' Sibtimbir," 30 June 2013, at: <http://www.qaradawi.net/news/6734-2013-06-30-05-24-14.html> (accessed 7 October 2013). Such a move would not have been without precedent and was well within the Emir's power. Under a law dating from 1961 citizenship can indeed be withdrawn, with a citizen even becoming "*bi-dūn*" or "without" citizenship if they commit a "serious crime." This occurred most dramatically in 1996 when 6000 members of the al-Ghafran clan from the al-Murrah tribe had their citizenship revoked *en masse* for their involvement in an apparent counter-coup against Hamad Al Thani in 1996, reportedly supported by Saudi Arabia. Fromherz, *Qatar* 92-93.

Nahda Square in Nasr city. The increasingly violent clashes around these camps and across Cairo prompted al-Qaradawi to broadcast a statement from own his location in Nasr city where he pleaded for international organisations and Muslims from countries across the Middle East and beyond to come to Egypt “so that they might be witnesses (*li-yakūnū shuhadā*)” to what was happening.¹²⁰ In the Qur’anic verse 2:143, from which al-Qaradawi derives his concept of *wasāṭiyya* (“So we have appointed you a nation of the middle way, so that you may be witnesses (*li-takūnū shuhadā*) against mankind”) “*shuhadā*” is taken to mean “witnesses.” In modern standard Arabic however it is more commonly translated as “martyrs.” It was on the basis of this second meaning (al-Qaradawi apparently calling for Muslims to come to Egypt to be “martyrs”), that it was then mistakenly and widely broadcast in both the international and local media that al-Qaradawi had in fact declared a second Jihad, this time against the Egyptian army. This incident prompted responses ranging from horror to ridicule, and even a counter-fatwa from al-Azhar.¹²¹ Al-Qaradawi’s staff were forced to issue a rather humiliating clarification that such a declaration had never occurred.¹²² What is noteworthy about this incident is less related to how al-Qaradawi’s words were misinterpreted but, in recalling Asad’s point that for a discourse to be understood authoritatively it must be a “collaborative achievement between narrator and audience,”¹²³ it demonstrates the extent to which al-Qaradawi’s audience in Egypt, and also abroad,¹²⁴ had fractured; the only segment of the population that appeared to understand him in the manner he seemed to intend had shrunk solely to the constituency that supported the Brotherhood.

The violent clearing of the protest camps by the Egyptian military on 14 August prompted relations between al-Qaradawi and the al-Azhar leadership to plumb new depths.¹²⁵ Appearing again on al-Jazeera, a visibly shaken al-Qaradawi pleaded to his fellow Egyptians to “Take to the streets! [...] It is a religious obligation (*farḍ ‘ayn*) on all Egyptians who are able, who believe in God and his message, to go out from their homes” and protest.¹²⁶ This led to an acrimonious and very public dispute breaking out between al-Qaradawi and the

¹²⁰ Yusuf al-Qaradawi, “al-Shaykh al-Qaradāwī: Ada’ū al-Muslimīn min Kull Makān li-Yakūnū Shuhadā,” *Youtube*, 27 July 2013, at: <http://www.youtube.com/watch?v=46G0jhlV7pk> (accessed 16 October 2013).

¹²¹ *al-Ahram*, “al-‘Ulamā’ Yuraddidūn ‘alā Fatwā al-Qaradāwī li-I’lān al-Jihād fī Miṣr... Da’wa Shayṭāniyya wa-Khurūj ‘alā al-Ta’ālīm,” n.d., at: <http://www.ahram.org.eg/NewsQ/226811.aspx> (accessed 1 October 2013).

¹²² His staff argued that, “the Shaykh did not call the Islamists to Jihad, nor the Egyptians, so how could he demand it from others?” *Qaradawi.net*, “Dufā’an ‘an al-Ḥaqq... Lā ‘an al-Qaradāwī,” 30 July 2013, at: <http://www.qaradawi.net/news/6799-2013-07-30-14-33-24.html> (accessed 7 October 2013).

¹²³ Asad, *Genealogies* 210.

¹²⁴ Even in October 2013 for example analysts based in the United States continued to opine that “He [al-Qaradawi] issued another fatwa calling on ‘Muslims from around the world’ to become martyrs in Egypt -- essentially a call for jihad.” David Shenker, “Qaradawi and the Struggle for Sunni Islam,” *Washington Institute*, 16 October 2013, at: <http://www.washingtoninstitute.org/policy-analysis/view/qaradawi-and-the-struggle-for-sunni-islam> (accessed 23 December 2013).

¹²⁵ Prior to 2011, al-Azhar’s lack of independence was a prominent theme in al-Qaradawi’s more recent writings, naturally straining relations between himself and the al-Azhar leadership and seen most clearly in the public rows between al-Qaradawi and the then Shaykh al-Azhar Sayyid Tantawi (a figure of ridicule for the Islamist press since his issuance in 1989 of a fatwa permitting interest-bearing savings certificates), over Tantawi’s refusal to accept that Palestinian suicide bombers were martyrs as well as the so-called “affair of the veil” in France, where al-Qaradawi had written an open letter to President Chirac condemning the ban on French schoolgirls wearing the hijab in class, while Tantawi argued it was a French internal matter. For more on this discussion see Chibli Mallat, “Tantawi on Banking Operations in Egypt” in *Islamic Legal Interpretation* 286-96; Skovgaard-Petersen, *Defining Islam* 295-318; idem., “Yūsuf al-Qaradāwī and al-Azhar” 18; Zaman, *Modern Islamic Thought* 318-9. For a discussion of the Muslim Brotherhood leadership’s attitude towards al-Azhar see Rachel Scott, “What Might the Muslim Brotherhood Do with al-Azhar? Religious Authority in Egypt” *Die Welt Des Islams* 52 (2012) 131-65; idem., “Managing Religion and Renegotiating the Secular: The Muslim Brotherhood and Defining the Religious Sphere” *Religion and Politics* (2013) doi:10.1017/S1755048313000400.

¹²⁶ Yusuf al-Qaradawi, “Ta’līq al-Qaradāwī ‘alā Madhbahat Rābi’a al-‘Adawiyya 14-8-2013,” *Youtube*, 14 August 2013, at: <http://www.youtube.com/watch?v=NncVumH6xfo> (accessed 24 December 2013).

Grand Mufti 'Ali Jum'a. In contrast to al-Qaradawi's backing for the supporters of Muhammad Morsi and the Brotherhood, in an interview on 23 August 2013 on the Egyptian Channel CBC, Jum'a affirmed his own support for the Egyptian military's intervention and ousting of Morsi and pointedly defined "those who opposed [the protests of] 30 June" as "*khawārij*."¹²⁷ A term of notable symbolism, "*khawārij* (literally meaning "those who go out" and can be variously translated as "seditionists" or "rebels"),¹²⁸ is one that has been repeatedly invoked by various Egyptian regimes against religiously-motivated opposition. Jeffrey Kenney explained this using the anglicized term "Kharijite," emphasizing that:

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

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

Jum'a later asked rhetorically, "all the '*ulamā*' have heard me say this, can any Muslim differ with this?" and the subsequent response from al-Qaradawi and his colleagues from IUMS came in the form of a broadcast on *Sharia and Life* two days later. Alongside his

¹²⁷ CBC Egypt, "al-Ḥiwār al-Kāmil li'l-Shaykh 'Alī Jum'a ma'a Khairī Ramaḍān," *Youtube*, 23 August 2013, at: <http://www.youtube.com/watch?v=DcAoD8FtnU> (accessed 1 October 2013).

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

¹²⁹ Kenny, *Muslim Rebels* 146.

¹³⁰ The Arabic reads "*man atākum jamī'un, yurīd an yufarriq jamā'atakum, fa-iqtulūhu*" and can be found in Ibn Hajr al-'Asqalani's *Bulūgh al-Marām min Adillat al-Aḥkām* 9:1208 and *Ṣaḥīḥ Muslim* 33:93, 94, at: <http://sunnah.com/urn/2053370> (accessed 20 October 2013).

¹³¹ CBC Egypt, "al-Ḥiwār al-Kāmil li'l-Shaykh 'Alī Jum'a."

two colleagues, the prominent Egyptian Islamist intellectual Muhammad 'Imara and Moroccan scholar Ahmad al-Raysuni, al-Qaradawi gave a tit-for-tat rejoinder and argued that it was the army and their supporters who represented the real "*khawārij*." In response to Jum'a's argument that the *tamarrud* protesters represented the unanimity of the people al-Qaradawi argued, "What is important is that a person cannot become the legitimate ruler except through a constitution [...] constitutions regulate people, people [cannot] proceed according to their whims." Al-Qaradawi then cited the very same hadith found in Jum'a's argument, but to the opposite purpose. Speaking quickly and rambling slightly, al-Qaradawi said "whoever wants to come out against the legitimate ruler [Morsi] we apply this [aforementioned] hadith to them we didn't come out in rebellion, we want our legitimate ruler. Who cancelled the constitution?"¹³² In al-Qaradawi's view it is the Brotherhood and their supporters who represented the unanimity of Egyptians (he refers to them simply as "the people") and, responding to Jum'a's accusation that the protesters were armed, stated:

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

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

UU: Forgive me *mawlanā* a final word, is what has occurred [in the program] is it a call to violence or peace?

YQ: Whatever is done to us there is no possibility that we will use violence – violence is finished on behalf of either the Islamists or the Brotherhood, violence is finished, no violence from us God Willing, we come to everyone in peace.¹³⁴

Their debate would rumble on for some weeks, with Jum'a deriding al-Qaradawi as senile and suffering from Alzheimer's,¹³⁵ and with al-Qaradawi responding in kind, aiming at Jum'a's credentials and credibility as an *'ālim*.¹³⁶ This exchange and the personal invective involved can be seen not only as a demonstration of how deeply both parties were invested in the politics of ongoing events, but also as a result of the *'ulamā*'s increasing use of utilitarian

¹³² Sharia and Life, "al-Khawārij bayn al-Dīn wa'l-Ta'rīkh wa'l-Siyāsa," *Aljazeera.net*, 25 August 2013, at: <http://www.aljazeera.net/programs/pages/eda0c054-4bc5-4895-8d9b-80a535a3869a>. A transcription of the program can be found at: <http://www.aljazeera.net/File/Get/5728ac2c-b02c-4fc0-bbb5-b68f0875adef> (accessed 7 October 2013).

¹³³ Ibid.

¹³⁴ Ibid., Similarly when the interviewer turns to Muhammad 'Imara he also is then quick to state "I want to say that the problem Egypt is facing is a political dispute and a political conflict, not a conflict of religious doctrines [...] on this program we're using the term *khawārij* with the meaning of armed rebellion, with tanks, planes, heavy and light weapons against the legitimate elected ruler."

¹³⁵ CBC Egypt, "al-Hiwār al-Kāmil li'l-Shaykh 'Alī Jum'a."

¹³⁶ Al-Qaradawi compares Jum'a's support for the coup leader al-Sisi to that of the Syrian scholar Muhammad al-Buti (d.2013) for al-Asad saying, "I want the Umma to understand the difference between the *'ulamā*' [... I want] the Umma to return to their true *'ulamā*' who know the meaning of the verse (8:27) "O you who believe! Do not betray God and his messenger, nor knowingly betray your trustees." Sharia and Life, "al-Khawārij bayn al-Dīn wa'l-Ta'rīkh wa'l-Siyāsa." See also, Yusuf al-Qaradawi, "Rudūd 'Ilmiyya 'alā al-Shaykh aw 'al-General' Jum'a," *Qaradawi.net*, 18 September 2013, at: <http://qaradawi.net/component/content/article/86/6853.html> (accessed 30 October 2013); Ahmad 'Adil Sha'ban, "al-Qaradāwī: 'al-General' Jum'a Yanaṣṣibu Nafsaha Mutaḥadithan bi-Ism al-Islām," *al-Mesryoon*, 3 September 2013, at: <http://almesryoon.com/دين-ودنيا/234587-القرضاوي-الجنرال-علي-جمعة-ينصب-نفسه-متحدثا-باسم-الإسلام>.

reasoning to intervene in the public sphere around social and political issues (see Figure 2).¹³⁷ Both Jum'a and al-Qaradawi's legal discourses can be seen to resemble each other to a significant degree: they both claimed the al-Sisi and Morsi were the legitimate rulers supported by an authoritative consensus of the people, with al-Qaradawi citing the election result and Jum'a the huge numbers of protesters that took to the streets on 30 June 2013 and remained there until the military intervention. Similarly their citations of the same hadith, "He who comes to you when you are united and wants to disunite your community, kill him," in support of their respective causes are equally nebulous.



Figure 2: Al-Qaradawi's publication in the wake of the debate with Jum'a, entitled "a Learned Critique of the Shaykh of al-Azhar and the Army's Mufti." What is striking about the front cover is not only the symbol of a hand with four raised fingers, commemorating the massacre at Rabi'a al-ʿAdawiyya and a symbol of support for the Brotherhood, but also the listing of al-Qaradawi's credentials below his name, a unique change from his previous publications.

¹³⁷ Yusuf al-Qaradawi, *al-Radd al-ʿIlmi ʿalā Shaykh al-Azhar wa-Muftī al-ʿAskar* (Amman: Dar al-ʿAmmar, 2013).

At first Jum'a stated he was supporting the military in responding to potentially armed resistance to the coup, but then implied something more indiscriminate. When al-Qaradawi cited the hadith, he was then quick to affirm his support for the Brotherhood's non-violent protests against the army. It would appear, then, like his referral to Ibn Taymiyya previously, that al-Qaradawi's purpose was to mobilise and unify political support for the anti-coup protesters rather than call for violence in this case. Ultimately, what was perhaps most memorable for onlookers to this debate was both protagonists' use of the media to critique each other's credibility, particularly by aiming at their perceived lack of political independence. To al-Qaradawi, Jum'a is in league with the new military regime, while for Jum'a and the Egyptian liberal media al-Qaradawi is a Qatari stooge (see Figure 3).¹³⁸

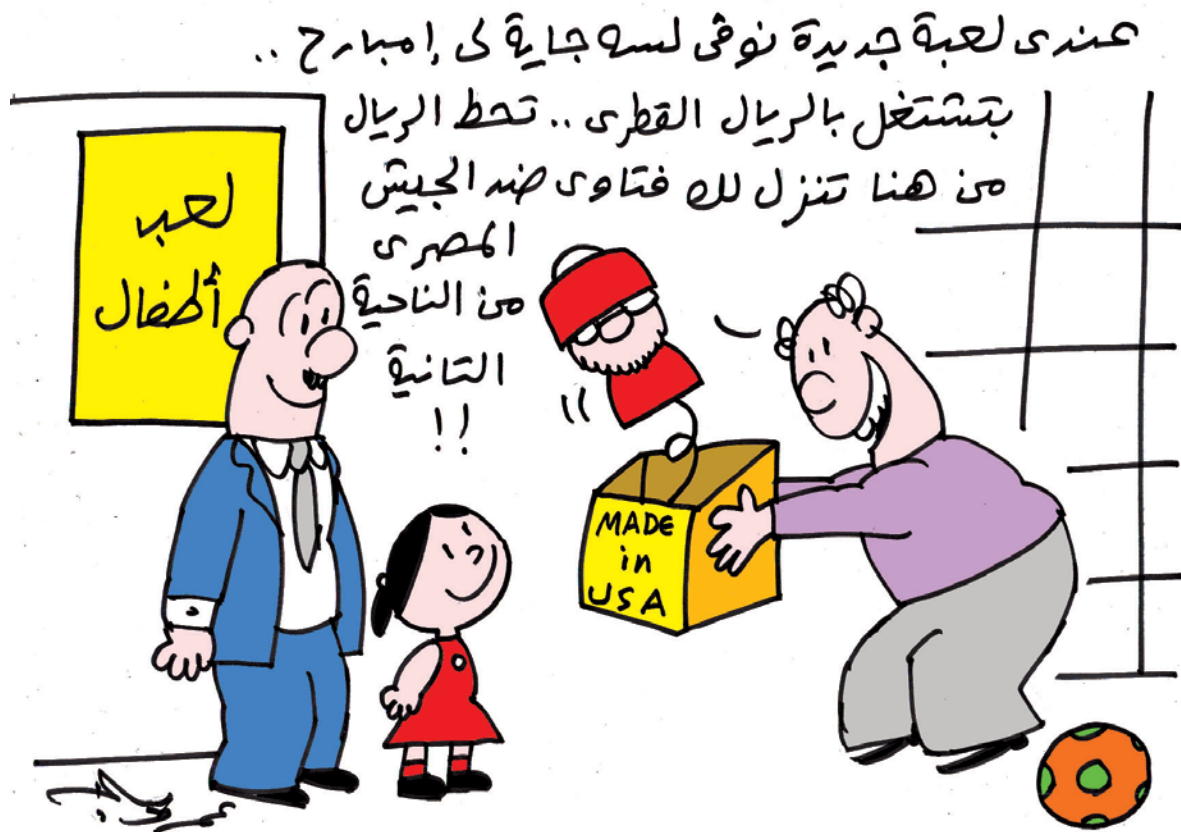


Figure 3: "I have a brand new toy that I just got yesterday. It operates on Qatari riyals... You put a riyal in here, and an anti-Egyptian army fatwa comes out the other side!!" Published in *al-Shuruq* 18 August 2013, reproduced with the kind permission of the artist Amro Selim.

¹³⁸ Al-Qaradawi and his colleagues are well aware of the damaging impact these visceral debates have on their public standing, and their response has been to emphasise (but perhaps do not practice to the same extent), the "etiquette of disputation (*adab al-ikhtilāf*)," and its sharp distinction from divisive disputes (*al-tafarruq*) that serve no one. In the third volume of al-Qaradawi's memoirs for example, he refers to a particularly outspoken debate between the two Syrian scholars Nasr al-Din al-Albani and 'Abd al-Fattah Abu Ghudda. The inclusion of debates between rival scholars is a common pedagogical theme of the *'ulamā*'s memoirs and, rather than attempting to replicate them verbatim there usually is the depiction of one scholar "winning" the debate and exposing the failing of the other's arguments. In al-Qaradawi's discussion of that debate however, what was emphasised instead was how damaging it was to the *'ulamā*'s prestige as a whole, with al-Qaradawi opining instead that "this battle between the scholars was not necessary [...] and had the effect of blinding the two sides in a cloud of dust and smoke, and harmed both of them." al-Qaradawi, *Ibn al-Qarya wa'l-Kuttāb* 3:183-6. For more on this point see Zaman, *Modern Islamic Thought* 309-21.

Fittingly perhaps, it was al-Qaradawi's Qatari backers who would have the final word in this exchange, coinciding as it did with a new joint effort in August 2013 between Qatari and Emirati foreign ministers and US Senators John McCain and Lindsey Graham to mediate between the Egyptian military and the Brotherhood. This was part of a more measured, multi-lateralist foreign policy on Qatar's behalf in the wake of a growing backlash against their involvement in its regional neighbours' affairs. The new Emir's, albeit belated, message of congratulations to the military-appointed interim President Adli Mansour made no mention of the ousted President Morsi and praised the military for "defending Egypt and its national interests."¹³⁹ At the timing of writing (December 2013), there have been no further broadcasts on *Sharia and Life* at all, a clear demonstration of the fact that for all al-Qaradawi's apparent prestige, he is very much dependent on Qatari goodwill and subordinate to their foreign policy aims.

Conclusion: The Place of the '*Ulamā*' and the Legal Tradition after the Uprisings

This article has sought to follow the course charted by Yusuf al-Qaradawi over the past three years, tumultuous as they have been, as a bell-weather for assessing the '*ulamā*'s fortunes in the public sphere. In so doing, the article began by drawing on Talal Asad's conception of a "discursive tradition." This concept was posited as representing a centre-ground between both essentialist understandings of traditions (or cultures) and their texts as determining forces that overly constrained individual agency, and those who saw articulations of tradition entirely as social, political or economic agendas voiced by other means. Ovamir Anjum argues aptly then, "Rather than the 'thick descriptions' of theatrical subjects who simply 'behave' in accordance with the roles determined for them by either their material structure or culture, it is the arguments and discourses of the *thinking* subjects with their specific styles of reasoning couched in their historical and material context that become the focus."¹⁴⁰

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

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

¹³⁹ Reuters, "Qatar's emir congratulates Egypt's new interim leader: QNA," 4 July 2013, at: <http://www.reuters.com/article/2013/07/04/us-egypt-protests-qatar-idUSBRE9630C420130704> (accessed 24 December 2013); Kristian Coates Ulrichsen, "Foreign policy implications of the new emir's succession in Qatar," NOREF, August 2013, at: http://www.peacebuilding.no/var/ezflow_site/storage/original/application/fab4833491f90f58bfade9f50c71e4bc.pdf (accessed 25 October 2013). For more on this attempt at mediation see Juan Cole, "Top Reasons John McCain and Lindsey Graham have no Credibility for Egypt Talks," *Informed Comment*, 7 August 2013, at: <http://www.juancole.com/2013/08/reasons-lindsey-credibility.html> (accessed 25 October 2013).

¹⁴⁰ Anjum, "Islam as a Discursive Tradition" 7. Italics in original.

mutual acquaintance and recognition.”¹⁴¹ It was when the interests of all these various constituents were aligned that al-Qaradawi was able to project his discourse, and have it received and understood, with unparalleled force as seen on his return to Cairo on 18 February 2011 or with his fatwa against Gaddafi three days later. Moreover, Bourdieu attributed symbolic capital’s authoritative effect to an audience’s “misrecognition” of the unacknowledged power relations that had produced it, or rather:

The symbolic efficacy of words [here we might say al-Qaradawi’s words] is exercised only in so far as the person subjected to it recognizes the person who exercises it as authorised to do so, or, what amounts to the same thing, only in so far as he fails to realize that, in submitting to it, he himself has contributed, through his recognition, to its establishment.¹⁴²

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

That weakening of al-Qaradawi’s stature saw his own reasoning become more conservative, with his earlier ecumenism being replaced by a withdrawal into a conservative reading of Ibn Taymiyya rather than a creative attempt to counter the rising sectarianism in the Syrian civil war, for example. Similarly, the aftermath of the mass protests against the Muslim Brotherhood and the coup saw him fall back upon the legal tradition’s quietist historical precedents, with his fatwa affirming the obedience owed by the people to their ruler in lieu of his committal of outright blasphemy and being a source of *fitna*. The divisions within Egyptian society in the wake of coup were evident for al-Qaradawi not only in his discourse no longer being recognised as authoritative to the same degree as it had been two years previously, but with it actually being quite literally misunderstood by segments of the public, with his call for foreign Muslims to come and “witness” the army’s brutality apparently being understood as a call to violence and martyrdom. This led to a growing backlash against his role voiced by the public, the media (see Figure 4), and even his own son.

The debate between al-Qaradawi and Jum‘a was remarkable not only for personal invective involved, but also because of the similarity of the legal discourses they voiced to diametrically opposed political ends. As noted with reference to Bourdieu, this might be seen as making it increasingly easier for the public to “recognise” the political and power relations that would otherwise have served to render their discourses authoritative. Consequently, unable to conceptualise a further subfield of *fiqh* to protect himself from charges of subjectivism, al-Qaradawi’s (and Jum‘a’s) reasoning were viewed as increasingly biased, a trend that will likely continue as the *‘ulamā’* engage with an increasingly fractured public sphere during the particularly fraught political context that will persist in the coming years, or even worsen.

¹⁴¹ Pierre Bourdieu, “The Forms of Capital” in John G. Richardson (ed.) *Handbook of Theory and Research for the Sociology of Education* (New York: Greenwood Press, 1986) 241-258 (8).

¹⁴² Idem., *Language and Symbolic Power* (Oxford: Polity Press, 1992) 116.



Figure 4: “Hello, Shaykh al-Qaradawi? We just carried out, in accordance with your fatwa, an explosion in Rafah that killed 6 more Egyptian soldiers. Are you happy with us now?” Published in *al-Shuruq* 9 September 2013, reproduced with the kind permission of the artist Amro Selim.

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

¹⁴³ *Qaradawi.net*, “al-Qaradāwī: Qaṭar Taqif ma ‘ al-Ḥaqq wa’l-‘Adl”; Ahmad ‘Ali, “Mundhu Mujī‘ī ilā Qaṭar lam A‘ayyid Ḥākiman Zālīman,” *Qaradawi.net*, 24 December 2013, at: <http://www.qaradawi.net/component/content/article/7064.html> (accessed 30 December 2013).