CHAPTER FOUR

The 'Ulama': Status and Function

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Introduction: the Early Caliphate

The contention of this chapter is that the learned community in Islam ('*ulama*', s. '*ālim*) posited itself as a cohesive group only at specific historical junctures when new ruling dynasties came to power, dynasties which endeavored to rebuff the legitimate claims of old regimes, and used the ulama as a means to legitimate their political power. This strategy, however, materialized only at a high price: the ruling dynasty, whether claiming to be an inheritor of the venerable caliphate institution or not, had to relinquish all religious power to the body of specialists known as the ulama, and keep themselves restricted to the sphere of the political. This, however, represented a change from the more far-reaching power of the earliest dynasties. In effect, ever since the Umayyads took power in 661 amid the slaying of the fourth caliph 'Ali, both the early Sufyanids and late Marwanids, *pace* the Rashidun (the first caliphs and Companions of the Prophet), upheld a notion of the caliphate that was all encompassing: assuming both political *and* religious power. Indeed, the caliph was represented as *khalifat Allah* ("deputy of God on earth"). The early caliphs thus did not govern solely on the precepts of the prophetic *sunna* alone, but on *sunna tout court*, all kinds of acknowledged precedents and customs by the *umma*, the political Islamic community (Crone and Hinds 1986). By positing himself as God's representative on earth, relegating the prophet (with a small "p") to a secondary role, and claiming both religious and political power, the caliph enjoyed absolute power, one that sidelined the ulama to merely a consultative role. By the time of the late Marwanids, a body of "piety-minded" ulama begun to take shape, which was preaching for a universalistic Islam, one that was not based solely on its Arab tribal elements (Hodgson 1974, vol. 1). However, Umayyad caliphal polity could not afford relinquishing much religious power to the ulama, and kept them restricted to their own individual opinions, only for the purposes of consultation.

Even though the 'Abbasids (750–1258) did keep up with the official title of *khalifat Allah*, in practice the caliph's title subtly modified to that of *khalifat rasul Allah* ("deputy of God's messenger"), and both titles were kept in tandem in the literature. The change was indeed very subtle as it signaled a deep transformation in the institution of the caliphate. First, by positing himself as the "deputy of God's messenger," the caliph now was bound to the prophetic *sunna* (the sayings and doings of the Prophet and his Companions, what was to become the edited and textualized hadith). Second, knowledge ('*ilm*) of the sunna-cum-hadith became, by

the first century of 'Abbasid absolutism, monopolized by the only legitimate religious body – the ulama – who originally, prior to their legal and juristic functions, were known as *ahl al-hadith* ("the people of the hadith"). And third, as religious power was relinquished de facto to the ulama, the caliph was rendered as caretaker of the political *umma*. In short, during the first century of 'Abbasid absolutism the division of labor between the political and religious began: while the caliph assumed the first, the ulama monopolized the latter.

My argument is that this polarization between politics and religion – the state and the ulama – became commonplace in Islamic history, and shaped polity as much as it shaped thought and praxis. Recognizing the polarization proves essential in understanding the nature of rebellious and oppositional movements to the legitimate caliphate, and the Sunni–Shi'i divide. The unification of the religious and political spheres remained an ideal guiding certain movements. For example, rebellious groups against the caliph (Kharijites, Imami Shi'is, Isma'ilis, Fatimids, etc.) usually came with their own lines of imams, or as was the case with the Kharijites, they thought that every Muslim had the legitimate right to become an imam. In other words, once the caliph was limited to his political role and relegated the religious to the ulama, he was challenged for not having assumed ultimate authority in both religion and politics, and imams emerged that endeavored to take both domains. The opposition to the legitimate caliphate relied on sunna and hadith – as the dominant ulama did – and interpreted them in such a way that would underscore their views. In short, the opposition – Shi'i or otherwise – went all the way back to the Rashidun and Umayyads, even though it seldom took them as models.

The polarization between religion and politics, and the concomitant autonomy of the ulama, was to be followed even among Shi'is. Thus, for instance, both the Safavids (1501–1722) and Qajars (1779–1925), and more recently, the Pahlavis (1926–79), all kept the ulama in their putative role of a "hierocracy," in the sense of a self-governed clergy that monopolized religion. Khomeini did no more than reclaim the non-separation of religion and politics in the persona of the juristic imam. In Shi'i mythology, however, the Twelver imams represented God's will on earth, while Khomeini's juristic faqih, who assumed both political and religious power, was no more than an intermediary between the Twelver imams and the umma.

Modern political movements such as Kemalism, Baathism, and Nasirism, either had to reduce the ulama's functions considerably (Turkey), or to bureaucratize them under the aegis of the state (Egypt and Syria). But in doing so, they inadvertently opened the way to radical Islamists in their claims for the "lost" caliphate of the Rashidun, which combined the political with the religious. In consequence, many of the radicals portray present-day Islamic societies as living in a *jahiliyya* ("ignorance"), while the praxis of the radical Islamist movements are portrayed in parallel to the secretive hijra ("migration") of the Prophet from Mecca to Medina in 622.

The 'Abbasid State and its Ulama

It is well known that in the first century of 'Abbasid absolutism many of the literary, legal, and artistic genres had taken shape and clustered around various rival schools of thought and *madhhab*s (legal schools). Such a global transformation ought to be seen in conjunction with caliphal authority ceasing to be the totalizing enterprise of the Umayyads, and that already in the first half century of 'Abbasid absolutism

(750–809), religious authority was a cooperative enterprise between the caliphs and the ulama (Zaman 1997). In effect, once the caliphate was stripped down to its mostly political functions, the ulama became openly in charge of the religious field. Apparently, the Umayyad caliphs could have enacted law (the so-called "caliphal law"), and decided which sunna and hadith to abide by; while the ulama might have been "consulted" whenever needed, but there was neither a joint venture between the caliphs and the ulama, nor did the latter institute a well defined corpus of scholarship.

If the shift towards the caliphal title of *khalifat rasul Allah* (deputy of God's messenger) had any significance, its effects could be perceived mostly in a re-centering of Islamic history around the persona of the Prophet and a de facto growth of the sharī'a-minded ulama. It was no coincidence therefore that the first systematic *siyar* (biographies of the Prophet) were drafted right after the 'Abbasid revolution in 750 by such figures as Ibn Ishaq (d. 768) and Ibn Hisham (d. 828). Furthermore, the hadith – whose quintessential art of selection (based on genuine *isnad* chains of transmission and authority) and editing pioneered by the legendary figures of Muslim (d. 875) and Bukhari (d. 870) – also began to be redacted in this period. The *sunna* of the Umayyad caliphs, which implied the canonization of *any* acknowledged customary practice by the community, and which might have proved crucial in the legitimation of the caliph's role, was subsequently narrowed down to the prophetic hadith. The sunna-cum-hadith, therefore, had to be compiled, edited and textualized systematically, for the purposes of both political power and the evolution of the law schools.

Legal and juristic reasoning, which by the first 'Abbasid century was under the ulama's monopoly, and provided legitimacy to the sharī'a-oriented state ideology, went through a parallel evolution to that of hadith. Thus, even though it is legitimate to speak of "caliphal law," no solid legal corpus materialized under the Umayyads. While formation of Islamic law goes back to the eighth and ninth centuries, according to recent scholarship, the dating of foundational legal sources, such as Abu Yusuf's *Kitab al-kharaj* and Malik's *Muwatta'*, has been shown to be different from the assumed time framework of the schools' founders, and their authorship has been questioned (Calder 1993). The leading foundational figures of the four Sunni legal schools (*madhhab*, pl. *madhahib*), such as Abu Hanifa (d. 767), Malik b. Anas (d. 795), Ibn Hanbal (d. 855), and Shafi'i (d. 820), all lived and taught in the first century of the 'Abbasid caliphate. The legal literature thus seems to have initially consolidated around the persona of the schools' "founding fathers," or the *a'immat al-madhhab* (the imams of the school), as they are often referred to. However, it was not until the tenth century that their opinions and sayings have been textualized by students and disciples, and canonized in the authorial texts that we are familiar with today. Again, recent scholarship has questioned the process of canonization of the schools, and their limitation to four only. In effect, a careful survey of the literature shows that the foundational texts – even those of the venerable Shafi'i – were neither of exceptional quality, nor were they necessarily more persuasive than others that were left at the margins and later forgotten (Hallaq 2001).

Be that as it may, what is of interest for our purposes is the *modus operandi* of the ulama's role, which became normative by the ninth/tenth century and which gave form and structure to the ulama's production of knowledge in the centuries that followed. We can understand this production of knowledge in terms of four observations.

First, the consolidation of the ''proto-Sunni'' ulama in the first half century of 'Abbasid rule defined the combination of hadith and fiqh (jurisprudence) as the two major activities of the ulama (Zaman 1997). In consequence, the corps of the ulama, now perceived as the only source of religious authority, gave political legitimacy to the 'Abbasid caliphs.

Second, ''knowledge''-as-*'ilm* was to be limited to the combination of hadith and fiqh. Thus, even though the ninth/tenth centuries witnessed the flourishing of sufism, theology (*kalam*), interpretation of the Qur'an (*tafsir*), philosophy (*falsafa*), and the *belles-lettres* (*adab*) as autonomous traditions, nevertheless they were perceived as providing knowledge of another kind – *ma'rifa*. That kind of knowledge, *ma'rifa*, implied a mystical and/or philosophical knowledge of the divine, and a search of the inner truth (*bātin*) of being. While the knowledge of the ulama had originally been limited to hadith, when hadith became one of the four cardinal rules of the fiqh – together with the Qur'an, analogy (*qiyās*), and the consensus of the community of scholars (*ijma'*) – hadith compilation and interpretation could no longer be dissociated from the fiqh (Schacht 1950).

Third, it was crucial that the production of knowledge centered around acknowledged authorial traditions. That process began earlier in Sunni than Shi'i Islam, and clustered through the totemic figures of a madhhab's founders. Those were known as the ''imams'' of the school, a title that in Sunni Islam was generally restricted to leading religious and scholarly figures and had no political implications. The key point here is that by the tenth century the authoritative texts took almost exclusively the works of the founding fathers as their substantive starting point (*usul*, s. *asl*), while reducing the importance of the Qur'an and hadith, and establishing a hermeneutical tradition through the interpretation of the masters' opinions (Wheeler 1996). As layers upon layers of interpretations accumulated over the centuries, the ulama of the madhhab had to be categorized into *tabaqat* (s. *tabaqa*), sort of biographical categorizations of the ulama of the madhhab in terms of the importance (or lack thereof) of their contributions. The two broadest categories were the *mujtahid*s, or scholars who earned a reputation for independent reasoning, and the *muqallid*s, or the followers of the former. Gradually, the categorizations evolved into a complex ''juristic typology,'' which by the Ottoman sixteenth century included seven hermeneutical layers of different brands of mujtahids and muqallids (Hallaq 2001: 14–17).

Finally, fourth, the cooperative enterprise between caliphs and ulama since the early 'Abbasids apparently prevented the ulama from addressing the issue of state power directly. As this cooperation survived under various forms up to the Ottomans, political representation remained limited to the caliphs, sultans, and princes whose dynasties took hold of state power, while the ulama maintained their monopoly over religious and legal affairs. Such an arrangement did not leave much room for alternative representative civilian bodies to emerge and create a counter-balance to the combined power of the state and the ulama. In consequence, no theory of state and ''civil society'' emerged in the political writings of Islamic civilizations, and the literature remained at a pre-theoretical level, preaching the virtues and symbols of caliphal/sultanic power (Azmeh 1997: 113).

In the wake of the Shi'i Buyid conquest of the 'Abbasid capital in 945, and the subsequent rise of the Seljuks in 1055, the caliphate disintegrated and officially came to an end amid the devastating Mongol takeover of Baghdad in 1258. However, both the Buyid ''Shi'i century,'' and the Seljuk sultanate that followed, witnessed a revival

and consolidation of the Sunni madhhahib, their schools (*madaris*, s. *madrasa*), and the foundation of sufi hostels (*khaniqat*). The ulama, who survived from their own endowments (waqfs) and stipendiary positions (*manasib*, s. *mansib*), acted independently of political authorities, and were reluctant to address public issues (Ephrat 2000: 8–9). By the time of the Seljuk sultanate (1055–1194), the process of the transmission of knowledge through the madaris and the authority of a teacher-cum-author became well instituted, even though it maintained all its informal qualities of master–disciples teaching: the personal authority of the individual scholar had more impact and meaning than any abstract body of knowledge; the *ijaza*, a personal certificate conferred by the teacher to his disciple, entitled the latter to teach a certain text; and, finally, the book (*kitab*) "represented a continuity and unbroken oral communication, transmitted even further by the author" (Ephrat 2000: 69).

The autonomy that the ulama maintained up to the Seljuks seems to have deteriorated in the middle Ayyubid (1175–1265) and Mamluk (1265–1516) periods. Amid the threat of the Crusades (1099–1299), the patrimonialism of the Ayyubids and Mamluks gave rise to the military patronage state. With the growth of the *amir*s-*aʻyān* (military princes and notables) system, and at a time when "military households inserted themselves into the social life of the city [Damascus]," "Amirs and rulers made use of madrasas and dar-al-hadith for purposes that had little to do with education" (Chamberlain 1994: 54, 57). Thus, the militarization of the system meant that the stipendiary positions (manasib) of the ulama had to be patronized, if not feudalized (*iqtaʻ*), by amirs and rulers. Needless to say, by the twelfth/thirteenth centuries, the evolution of Islamic societies and civilizations took a different direction from their European counterparts on the other side of the Mediterranean. In southern and western Europe, the literati that emerged in the public sphere of the Italian city-states and central France questioned the power of princes and state, and proposed remedies against abusive political power in order to protect "civil society."

To underscore that point I would like to briefly trace a comparison between Ayyubid and Mamluk military patrimonialism with southern and western Europe of the high Middle Ages. Recent research (Bartlett 1993; Moore 2000) provides indications of a "first European revolution" between ca. 950 and 1200 which restructured the early feudalism of the Carolingians under Charlemagne and his heirs. In effect, the early feudalism of duties and assignments of the year 1000 was still old-fashioned in that grants came from the imperial bureaucracy down to subdued feudal lords. It was the societal dynamism that erupted in the eleventh century, and in which the Crusades played a big role, which irreversibly modified the feudal system from one that was dominated by an imperial state and bureaucracy to one where various institutions – primarily the church – began a process of grant distributions. The newly formed groups and relations were institutionalized within legally protected systems of duties and hierarchies. The producers of knowledge – professors, scientists, jurists, artists and priests – were differentiated into categories and disciplines and their knowledge assessed along epistemologies and methods of inquiry within each discipline, which eventually led to the formation of the early "universities" of the high Middle Ages in the thirteenth century. Cities were chartered so as to attract more people, and the Italian city-states witnessed the growth of powerful merchants and bankers, and the foundations of modern political thought. More importantly, all such groups "connected" with one another in terms of their hierarchies, respective duties, and the knowledge that they produced. Such "connections" were to insure that there

would be no abuse of power, and hence no arbitrariness, from the upper echelons of society. The mutual duties, ranks, hierarchies, landholding patterns, and offices gradually became institutionalized and legally protected the more Europe moved into a clearly differentiated system of groups and duties.

Thus, while in the Islamic Mediterranean military patrimonialism was the norm,

> A general characteristic of kingship in western and southern Europe in the twelfth century was the growth and intensification of the connections … by which kings transmitted their will to local communities … guidelines and measures passed on from above to competent agents at local level … careers and interest groups formed at the beginnings and ends of these routes of administrative traffic … were the means by which local societies could acquire statehood. Without such connections and without their local officials and advocates kingship was forced to remain distant and sporadic … irrelevant for the mass of agricultural population. (Karl Lyser in Moore 2000: 194)

Populations had to be individualized, meaning that the individualities of the subjects (citizens) had to be recognized and legalized, disciplined, and subjected to power relations. The gradations of power had to find their place in respect to one another to eliminate arbitrary power and factionalism. By contrast, in the Islamic Mediterranean, populations were not individualized as in the European model, and thus the individualities of the subjects (citizens) were not recognized and legalized, disciplined, or subjected to power relations that would render military patrimonialism less abusive.

The Ottoman Reforms

The Ottomans, who adopted Hanafism as their main legal source, "bureaucratized" the ulama, created the function of Shaykh al-Islam, and had their trustworthy muftis draft fatwas in congruence with state policies. The major contribution of the Ottomans, however, was in their promulgation of a set of secular state laws known as the *qānūn* (often referred to as the regional *qānūnnāme*), and to which the ulama might have added significant contributions. By the seventeenth century the sultan's imperial household lost its old luster, and the *devsirme* system that supplied slaves to the imperial harem, bureaucracy, and military, became inefficient, while the old tax-farming *timār* system began a long process of disintegration, paving the way to the *iltizām*. Herein lie the crucial factors behind the ascendance of the *a'yān-ulama-multazim* class in the provincial cities.

It would not be incorrect to describe the eighteenth and nineteenth centuries as "the age of the a'yān," in which the ulama played a predominant role as scholars, jurists, judges, preachers and sufis. Those were the last two centuries of Ottoman rule in which the ulama maintained their classical functions: (1) surviving within informal networks of a'yān, merchants, and aghāwāt (rural notables), as in medieval times, the ulama were emasculated in their autonomy; (2) remaining part of the a'yān, the ulama survived from their waqfs and land grants, whether public or private; and (3) producing literature that was in continuation with the established canon, in particular the fiqh and sufism, the ulama did not bring major structural breakthroughs.

Throughout the Ottoman period the provincial urban ulama were networked to and competed with individuals and families who lived off various land grants and waqfs. Such patrimonial and prebendal networks did not function institutionally but

on a personal and contractual basis. The ulama thus were not protected by any institutional framework as such – not even their own madrasas and various stipendiary positions – but had to compete for mansibs, land grants, waqfs, and privileges granted to the elites.

That was the ulama's *fin de siècle*. In the transition that brought the Fertile Crescent to colonial rule, a couple of points are worth underscoring. First, the 1858 Land Code brought "private property" semi-officially to many a'yān families. Paradoxically, however, the privatization of property only reduced the power of the a'yān by subjugating them to the policies of the imperial bureaucracy. In the old system, contractual settlements and property rights were manipulated within the jurisdiction of the sharī'a courts, providing judges and a'yān considerable room to ensure the transfer and devolution of their properties without much state interference. In the new system, however, ownership was controlled more thoroughly, and taxed accordingly. Second, the semi-official privatization of ownership went hand-in-hand with the bureaucratization of many of the a'yān's and ulama's key functions through the local councils of the Tanzimat reforms (1839–56), which, again, implied greater restrictions and a further loss of autonomy. Third, with the new nizami ("secular") courts and the restriction of the sharī'a courts to personal status matters, the ulama lost much of their power over the status of land and contractual settlements.

An Institution of Higher Learning: the Azhar

When the Baghdad caliphate was under the Buyids (945–1055), religious learning institutions in North Africa that were closer to colleges and "universities" than the regular madrasas flourished. In effect, religious institutions such as the Zitouna, founded in Tunisia in 734, the Qarawiyyin, founded in Morocco in 859, and the prestigious al-Azhar, founded in Fatimid Cairo ca. 950, were much larger than the regular madrasas of the Fertile Crescent and other parts of the Islamic world, and had broader and more demanding curricula (Zeghal 1996: 19). But the main difference probably resides in the fact that such institutions of higher learning were designed originally by the state bureaucracy, while the madrasas were for the most part autonomous from state interference. Such was the case of al-Azhar, which was designed by the Shi'i Fatimids in the mid-tenth century as a propaganda machine to foster the shift towards Shi'ism as the new state ideology. The Azhar only returned to Sunnism under the Ayyubids (1174–1252), and remained pretty much the same under the Mamluks (1252–1517). In all such instances, the Azhar continued as a powerful tool for state ideology, and provides an example of an institution of higher learning that was directly financed and monopolized by the state bureaucracy. Apparently, following the Ottoman occupation of Egypt in 1517, sultan Suleiman the Magnificent (the Lawgiver) (r. 1520–66) requested that the Azhar be headed by a Shaykh, and by 1522 the Egyptian judiciary, which the Azhar nurtured, became controlled by the imperial bureaucracy: a single Hanafi main judge replaced the traditional four madhhabs (Dsuqi 1980: 10–13). Overall, in the three centuries in which they ruled Egypt (1517–1798), the Ottomans had the ulama survive on their own through the ubiquitous waqf system, and the Azhar did no better.

After a brief Bonapartist interlude, Muhammad 'Ali (r. 1805–49), in line with his modernizing and centralizing policies, transformed the nomination of Shaykh al-Azhar

into a direct prerogative of political power, a step that even the Ottomans with their so-called bureaucratization of the ulama had not dared. Such a step followed the disintegration of the traditional madrasas, which de facto implied more power to the Azhar. Nineteenth- and twentieth-century Egypt represents a major case of early modernization – which even preceded the first Ottoman Tanzimat (1839–56) – and which went hand-in-hand with the state control of religious institutions. To be sure, Egyptian religious modernization, though much less radical than the Kemalist reforms that swept Turkey in the 1920s, nonetheless represented both a precedent for the colonial and postcolonial Arab world, and a norm that was to be followed soon. From Muhammad ʿAli to Nasir (r. 1952–70), there was an overt state policy to assimilate the ulama into the state bureaucracy. That was not a bureaucratization of the ulama per se as much as a policy of keeping them at the mercy of statist institutions. It is as if the modern state, beginning with Muhammad ʿAli, considered semi-autonomous groups of ulama as a threat to its own existence. Such policies of assimilation, however, were more the outcome of the emergence of a modern secular public sphere, and had less to do with an internal evolution within the religious sphere. In effect, in the *ancien régime,* be it Mamluk or Ottoman, the ulama could act independently from the state, and more importantly, their thoughts and actions could not be scrutinized from other lay groups. With modernization, both state and ulama joined other parties competing for the public sphere and its discourses, and even under authoritarian regimes, they are the object of scrutiny and criticism. Moreover, ever since the appearance of militant and reformist Islamic movements, the religious field is beyond the official ulama's claim to hegemony. It would not be that far fetched, therefore, to perceive the modern association of the state and the ulama as a *mariage de raison*: the ulama hope to maintain that old privileged position as the sole spokesmen of religion and its genuine technicians, while the (secular) state would like to shade its reformist policies with religious coloring.

To be sure, the founding of the Muslim Brothers in 1928 by Hasan al-Banna, pushed the body of the traditional ulama, mostly associated with al-Azhar, into a slow process of fragmentation. A direct challenge confronted the Azhar in 1928 when the Muslim Brothers proposed a political reform based on the traditional notions of Islam. Soon, and side-by-side with the official ulama of al-Azhar, appeared on the public scene the lay intellectuals (*intellectuels laiques*) and those associated with the Muslim Brothers, both of whom raised accusations against the traditional ulama for their incapacity to renovate. In fact, under the Monarchy (1923–54), the Egyptian ulama were already such a sociologically diverse group, that the state found no better solution but to associate itself with the Azhar. But at the margins of the official ulama (mostly subsidized by the state) stood other groups of peripheral, oppositional, and militant ulama, some supportive of the Muslim Brothers or other related ''societies.''

Nasir, therefore, inherited a sociologically diverse group of ulama, which he thought ought to be addressed at two interrelated levels. On the one hand, he went much further than the toppled Monarchy in reforming the Azhar and subjecting it to more coercive statist policies. On the other, the Muslim Brothers, now under severe persecution from the state, had to go underground for several decades (1954–70), until Nasir's premature death in 1970, a situation that culminated in 1966 with the arrest and execution of their main ideologue, Sayyid Qutb.

Just after the Free Officers revolution in 1952, Nasir initiated a series of reforms that were intended to impose more state control over society: agrarian reforms imposed limitations on large properties; the abolition of the sharīʿa courts in 1956 and the

concomitant unification of the Egyptian legal system under a quasi-secular civil law; the abolition in 1952 of all private waqfs (*waqf ahlī*); and the nationalizations that swept the banking and industrial sectors by the late 1950s and early 1960s. All such statist measures, however, which for the most part were also adopted in Baathist Syria and Iraq, were a big gamble since they irreversibly damaged the consensus between the nascent bourgeoisie and the state, transforming the state into the largest capital holder. In the interim of the two Arab–Israeli wars of 1956 and 1967, such a heavy burden proved more and more impractical as the state was hit with one financial crisis after another. Nasir, therefore, was left with the dubious option of turning his state apparatus into a machinery that attempted to control society by force.

In parallel to the socio-economic reforms, the Nasirist regime sought an "Islamic legitimation" whose initial intention was not a "secularization" of society, but rather to assure a form of religious control by the state. Besides the abolition of the sharī'a courts and the family waqfs, the Azhar was the next target. Thus, statute 603 (1961) invalidated statute 26 (1936) that had prescribed the autonomy of al-Azhar and its related institutions. In consequence, the head of al-Azhar became a presidential appointee, and the resources of all Azharite institutions were directly tied to the state through the ministry of awqaf. As Shaykh Muhammad al-Bahī sarcastically observed, "It's the [Free Officers] revolution that has finally reformed the Azhar, because its Shaykhs did not want any reform" (Zeghal 1996: 28).

The Muslim Brothers flourished at the fringes of the traditional ulama, whether Azharites or otherwise. With the state seeking its own "Islamic legitimation" through the control of the traditional circle of the ulama, mosque preachers, shaykhs and saints of sufi turuqs, teachers and militants, rose to marginalize the official Azhar ulama. Besides operating within a different praxis, the peripheral ulama – for lack of a better term – are not limited to the interpretation of the sharī'a and knowledge of the fiqh. Indeed, their discourse is more like an exercise of "*bricolage*" and collage, which does not derive its legitimacy solely – as is the case in the conservative juristic discourse – from the madhhab's *modus operandi*. The Azharites are mostly from rural origins who aspire through their religious education for a higher status, and even though their education is no longer limited to theology and fiqh – and, more importantly, even though they do not necessarily graduate as shaykhs – they nevertheless remain socially perceived as the conservative group of ulama providing legitimacy to the state and ruling elite (Zeghal 1996: 99). By contrast, militant Islamic groups are not limited to the ulama and shaykhs, and recruit all kinds of preachers and lay intellectuals among their ranks. Profiting from the weakness of civil society and the ineffectiveness of the postcolonial nation-state, and receiving funds from multiple sources, the Islamists have manifested an ability to move swiftly from the private to the public, blurring the lines between civil society and the state. Having graduated for the most part from the state universities, the majority of Islamists feel free to mix the political doctrines of Ibn Taymiyya (d. 1328), Mawdudi, and Sayyid Qutb, with modernist doctrines from the social and natural sciences. Large factions of society thus are brought together through a militant discourse that ignores traditional distinctions between private and public, state and civil society, and gender and generational hierarchies.

Before closing this section on the Egyptian ulama, a brief comparison with their Algerian counterparts might be in order. The Algerian case represents both striking similarities and major differences from the Egyptian one. In Algeria's late and bloody

revolutionary struggle for independence against the French colonizers in 1962, the ulama and its patron Shaykh 'Abdul-Hamid Ben Badis became de facto allies with the Front de Libération National (FLN), both of which heralded an Algerian nationalism. Then, with the independence in hand, the ideology of the FLN worked out a "nationalist" discourse of Islam, attempting to hijack political Islam from Ben Badis and his association. This nationalization of Islam went hand-in-hand with the nationalization of agriculture and industry, all of which were framed in terms of an anti-western and anti-liberal discourse (Labat 1995: 63). In contrast to Egypt, Algeria thus represents a different perspective in at least three respects. First, like most Arab societies, its body of ulama is not structured by well defined institutions that could be monopolized easily by the state. Second, its agrarian, industrial, and banking statist reforms came at least a decade later than Egypt, and directly affected the cohesion of the ulama whose traditional clients were both rooted within the urban bourgeoisie and the rural landed middle class. Third, the ulama, having fought for independence within the framework of the nationalist FLN ideology, invested some of their resources in the postcolonial state institutions, in particular in the educational field, and pushed for an Arabization of the curricula.

The main difference with Egypt, therefore, is that Algeria inherited a postcolonial situation where the state acted in association with a powerful group of "neo-reform-ist" ulama, who managed to infiltrate in the educational institutions, seeking a complete re-Islamization of society. Since the early days of president Houari Boume-dienne (r. 1965–78), a statist Islam came into being, supported by an official "clergy" trained in madrasas specifically designed to make explicit to the masses the broad state policies regarding Islamic nationalism, and the agrarian and industrial reforms. When Chadli Bendjedid came to power in 1979, he even opted for a re-centering of the state policies around basic Islamic values, to the detriment of the "socialist options" that formed the essence of his predecessor's program. However, the violence that pushed Algeria into a civil war since the late 1980s only reveals the failure of the state's efforts to dominate the Islamic discourse, as the unassimilated paramilitary Islamist groups have benefited largely from the non-cohesiveness of civil society. The "socialist" and "Islamist" state policies were by and large a gross failure.

The Iranian Shi'i Ulama

We have noted that in Sunni Islam the body of ulama, even though its origins go back to the late Umayyads, only coalesced in the first two centuries of 'Abbasid absolutism. For the Shi'is, however, the path proved more tortuous and uncertain. Having seen their first three imams – 'Ali (r. 656–61), and his two sons, Hasan (d. 669), and Husayn (d. 680) – slaughtered by the rival Sunni Umayyad clan, which later became the hallmark of Shi'i mythology, the Shi'is had to develop a religious theology that demarcated them from the dominant Sunnis, and that was reminiscent of a moving diaspora in exile. Unlike Sunni Islam, the "origins" of Shi'ism were to be modeled not around the Prophet's government between Mecca and Medina (622–32), but around the Twelvers' infallible imams. The disappearance of the twelfth imam in 873/4, said to live in a state of occultation (*ghayba*), has freed the Shi'i community from the need of a "visibly" present political and religious authority, bypassing possible fragmentations along rival political lines. Since the late ninth century, various doctrines emerged regarding the eligible authority that would assume the functions

of the hidden imam, two of which predominated. The first, the Akhbaris, rejected the authority of a mujtahid imam – one who would deliver his own independent reasoning over crucial matters – as incompatible with the authority of the imams. The other, the Usulis, accepted the authority of independent reasoning (*ijtihad*) as essential for the survival of the community under the guidance of an imam. The Usulis thus have adopted a similar position to the rationalist Hanafis (the official legal school under the Ottomans) who acknowledged that their mujtahids shared that unique power to delve into the *usul* ("substance") of their doctrine.

For our purposes here, it is worth noting that the body of Shi'i doctrine, and the concomitant rise of the ulama, took shape at specific historical junctures when new ruling dynasties came to power. For instance, it was under the Shi'i Buyids (945–1055) that major Twelver jurists articulated their thought and elaborated themes of Shi'i fiqh (Choueiri 1990: 26), while under 'Abbasid absolutism the general Shi'i attitude was one of "denial of legitimacy with a quietistic patience and abstention from action" (Algar 1969: 2). More importantly, it was "from the Safavid period [1501–1722] onward that one may meaningfully talk about the evidence of a body of Shi'i ulama" (Algar 1969: 5). If this hypothesis is valid, the first body of Shi'i ulama was then formed more than six centuries after its Sunni counterpart, which underscores the main hypothesis of this chapter that the ulama as a group – as distinguished from individual scholars developing their own doctrine – only developed concerted forms of thought and action in conjunction with new dynasties needing their legitimation. It could be that the Safavids, who were originally rooted in sufi turuqs, thought to replicate the Ottoman Hanafi model of a body of ulama at the disposal of the state, hence their choice for an Islam that would differentiate them from their prestigious competitors.

Be that as it may, the ulama under the Safavids were faced with a dilemma, namely that Twelver Shi'ism, with its doctrine of the hidden imam, inherently contradicts the legitimacy of the state. The Twelvers believe that only through the return of the hidden imam will religious and political legitimacy reign in the world. Thus, and even though an official "hierocratic" clergy emerged as the outcome of Safavid rule, the ulama kept a low profile vis-à-vis the state. The Safavids for their part constructed an image of an absolutist ruler as the representative of the hidden imam, which de facto implied the domination of the ulama by the kingly power.

If the theocratic nature of the Safavid state eclipsed the power of the ulama, and relegated them to the dubious role of *conseillers du prince,* that was definitely not the case under the Qajars (1779–1925). The Qajars, who were of nomadic origin, badly needed the ulama as a source of religious legitimation. Eventually, the Usulis won, and the mujtahid jurist could construct the *ratio legis* of sharī'a law and the fiqh through an independent process of reasoning (*ijtihad*). Like their Ottoman neighbors, the Qajars eventually managed a dual legal system in which the ulama had a significant role: while the latter were the interpreters of religious law, the state retained a parallel system of administrative justice based on custom (*'urf*), a duality that survived until the introduction of the first Civil Code in 1911.

Under the Qajars, the biggest debate that challenged and split the ulama (as it did among the Iraqi Shi'i ulama under Ottoman rule), was constitutional reform. The difficulty for the ulama in the Constitutional Revolution of August 1906 was the idea of constitutional checks and balances that the monarchy would be subject to through an elected body of representatives. Under the two Pahlavi shahs (1926–79) the

relationship between the ulama and the state was more strained. However, in this case, the conflict was not so much over theological and juridical issues, as over the aggressive agrarian reforms, and their underlying liberalism, which were pursued systematically by the Pahlavis. Moreover, the Pahlavis had distanced themselves from Shi'i Islam and promoted a secular ideology whose discourse was articulated around pre-Islamic images of Persian (Zoroastrian) kingship.

Land ownership and reforms became crucial for both shahs. Mohammad Gholi Majd rebuffs Ann Lambton's argument that historically most of the land in Iran was owned by large landowners, and argues that "much of the agricultural land in Iran was the property of small landowners, whose numbers were far greater than has been realized" (Majd 2000: 8). In a nutshell, the Pahlavi shahs miscalculated the importance of small to medium landownership, and the links that the ulama had nurtured with rural land-owners, not to mention the clergy's own reliance on landownership, all of which led to the Islamic revolution of 1978–9 and the sudden end of 2,500 years of dynastic rule.

Beginning with the tormented rule of Reza Shah Pahlavi (1926–41), the ulama suffered a setback from the prestige they had painfully gained under the Qajars. They did not attempt any confrontation with the first Pahlavi shah, however, as they did decades later with his heir and son. To proceed with his agricultural reforms, Reza Shah began targeting both landowners and ulama, underestimating the alliance that was to be forged between the two. Even the predominant nationalism and liberalism that swept Iran in the interwar period up to the 1950s did not encourage any vast grassroots movement of ulama and small landowners, against the ruling dynasty. Instead, only the US-engineered coup against Mosaddeq's government in 1953 pushed the ulama and lay intellectuals alike to look for an alternative discourse.

Like his father, Mohammed Reza Pahlavi (1941–79) underestimated the coalition of forces, disenchanted by national liberalism and foreign interference, that in his case would topple his regime. In spite of the ulama's leading role in the Islamic revolution of 1978/9, it remains to be seen why and how Shi'i ideology attracted such large portions of the population. From the ulama themselves, to the landowners, merchants, army officers, and lay intellectuals, the social and political spectrum was very broad indeed. Why, then, did Iran, in less than a decade, shift from a modernist national liberalism towards a Shi'i ideology?

In hindsight the answer appears to be grounded in the decree of 9 January 1962, that prompted the redistribution of land and imposed limitations over large rural properties. Even though similar measures had been tried in Egypt during Nasir's 1952–61 land distribution program, and in the Baathist agrarian reforms in Syria and Iraq in the late 1950s and 1960s, Egypt's ulama had been much too subdued to the state to take any action. Moreover, the Egyptian Islamist movements neither had the prestige of the official ulama, nor were they linked close enough to the small and middle landowners to start any opposition of their own. By contrast, Iran inherited from the Safavids and Qajars a semi-official Shi'i clergy, which maintained its own independent channels for survival. Needless to say, the opposition of the ulama to the land reforms became of pivotal importance. Earlier, the Grand Ayatollah Borujerdi, the highest learned authority and the sole religious guide, had declared in 1960 his unequivocal opposition to land distribution. That was soon followed by Ayatollah Khomeini's fatwa: "Islam respects the principle of private ownership, and no author-ity has the right to confiscate someone's property, or transfer the property to another, without the consent and the free will of the owner" (Majd 2000: 205).

In the Iranian Shi'i tradition, beefed up by centuries of Usuli doctrine, the jurists (faqihs) were the ones to decide on legal and political matters through their own independent reasoning. Khomeini forged the notion of "the guardianship of the jurisconsult" (*wilayat al-faqih*) to buttress the other equally valid notion of "the source of religious knowledge" (*marja' al-taqlid*). Regarding land reforms, Khomeini argued in his fatwa that only the jurist holds that rightful authority to confiscate and distribute land. By undermining land distribution on both religious and national grounds, Khomeini initiated a strategy that would win the hearts of the clergy and laymen alike.

Even though the clergy had found itself under attack since the days of Reza Shah, "the ulama's political unity against the state was a post-1963 phenomenon" (Moaddel 1993: 5). That unity, however, does not alone explain the success of the Islamic revolution in 1978–9. Considering that lay intellectuals, merchants, bazaaris, land-owners, army officers, all played a crucial role in advancing the Islamic Shi'i alternative to the Pahlavi monarchy, the "unity" of the revolutionary movement was indeed polymorphous—and, indeed, it is the Shi'i alternative, and the discursive consolidation that it enabled, which made Khomeinism possible.

The Iraqi Shi'i Ulama

Although the Safavids defeated the Mongols in 1508 and took control of Iraq, their rule did not last very long, and by 1534 it was the turn of the Ottomans who had already occupied Greater Syria and Egypt since 1516–17. There was, however, another Safavid interlude in Iraq in 1623–38, prior to the Ottoman comeback. The Ottomans lost power once more in 1704, but this time to the Mamluk Pashas, prior to re-establishing a full control over the Iraqi provinces in 1831. By that time, however, the Ottomans were determined to control Iraq through a process of "centralization" – a policy whose outlines became more manifest all over the Empire with the Tanzimat (1839–56, and 1856–76). Clearly, the Iraqi provinces posed more of a challenge to the Ottoman authorities than the rest of the Fertile Crescent. For one, the Shi'i population had grown considerably relative to the Sunni Kurds in the north and the Sunni Arabs in the middle, due to the massive conversion, late in the eighteenth century, of the southern tribes to Shi'i Islam. Shi'ism seems to have provided a better religious ethos for the tribal elements, which was connected to the accessibility of Shi'i sayyids in cities like Najaf and Karbala.

For another, Ottoman control over the Iraqi provinces since the defeat of the Mongols had been erratic and incomplete, leaving the southern Shi'i cities and their tribal elements at the mercy of their ulama and sayyids, who intermittently forged strong bonds with their Iranian counterparts. Under the Safavids, and more so with Qajar rule, the body of Iranian ulama had attained a degree of cohesiveness and organization hitherto unknown, which directly affected the Shi'i centers of learning in Najaf and Karbala. Only the Sunni ulama in cities like Baghdad had some loyalty to the Ottomans, and even that came with a cost.

For a long time, a similar theological and juridical division characterized the Iranian and Iraqi ulama. On the one hand, Akhbaris, with their belief of the supreme authority of the imams and their rejection of independent rational reasoning (*ijtihad*), left little room for the legitimacy of the state. For that reason alone, the weakening of the Safavids in the second half of the seventeenth century de facto

implied the rise of Akhbarism. Once they were freed of the power of the state, the ulama could give more weight to the traditions of their imams, and perceive themselves as heirs and "representatives" to the imam. The ideal ruler "should be both a Sayyid and a senior jurisprudent" (Litvak 1998: 13). That leaves little room for rulers who did not grow from within the corps of the ulama. With the weakening of Safavid power, "the 'ulama' emerged as a hierocracy, that is, an establishment relatively independent of the state" (ibid.).

On the other hand, the Usulis, who were much closer to Hanafi rationalism in their belief in a juristic imam who could deliver opinions (*ahkam*, s. *hukm*) and fatwas based on his own independent reasoning (*ijtihad*), dominated in nineteenth-century Qajar Iran and had a tremendous influence on the Iraqi clergy. In effect, the Usuli doctrine, by limiting the imam to his juristic and religious duties, acknowledged the ruler as a political entity independent of the imams' jurisdiction. The Usulis were, therefore, very close to the proto-Sunni ulama of the first century of 'Abbasid absolutism in their cooperative division of labor between the rulers and the ulama. The main difference, however, is that Shi'is generally believe in the guardianship of the jurist (*wilayat al-faqih*), who represents the imam, and acts as an intermediary between the imam and the umma. That single designated jurist would have a greater authority than the ulama as-a-whole (Litvak 1998: 49). Shi'is also believe in a general guardianship of the ulama (*niyaba 'amma*), where the corps of the ulama represents the imam. Usulis portrayed the non-religious ruler as an intermediary figure between the imam and the jurist. By contrast, Khomeinism denies such a division, and combines the religious and political in the guardianship of the jurist, which is close to the notion of *khalifat Allah* that surfaced among the Umayyad caliphs and legitimized their political and religious authority.

Iraqi Sunni and Shi'i ulama protected themselves within endogamic systems of marriage, so that both would fit within the Weberian notion of status groups (*Stande*), which implies a group that lives *for* political privileges rather than *from* politics. If the Ottomans managed – at least until the Young Turks revolt in 1908–9 – to keep the loyalty of both a'yān and ulama (and at that time the two groups overlapped) through a gradual replacement of the iltizām grants with a semi-private property system (the *tapu*), the picture on the Shi'i side was altogether different. In effect, the Shi'is were also affected by the 1858 land reforms and their consequences, but very differently from their Sunni counterparts. The Shi'i ulama and sayyids of the four major southern religious Iraqi cities did not receive many grants from the Ottoman imperial bureaucracy and relied on their own internal system of religious taxes, the *khums*, one-fifth of a person's income.

Second, once the Ottomans attempted to weaken the tribal factions by granting lands to their leaders or by turning one against the other, the role of urban and tribal sayyids became more pronounced, so that since the adoption of Shi'ism by most of the tribal factions by the end of the eighteenth century, the sayyids gained accessibility to the tribes. Third, Shi'is considered the Ottoman sultan illegitimate and had their eyes open to neighboring Qajar Persia which, by the turn of the century, was going through its own constitutional crisis not much different from that of the Ottomans. Moreover, southern Iraq became the natural home of the Shi'i ulama once their Iranian counterparts gained more autonomy under the Qajars. By the end of the eighteenth century, southern Iraq thus hosted the bulk of Shi'i resistance whether

from Arab or Persian origins, and Shi'ism, by contesting the legitimacy of both the Ottomans and the Qajars, was more radical than Ottoman Sunnism.

But while Sunnis looked with hostility at the Young Turks for fear of losing property rights and nobility status, the "liberal mujtahids" in Najaf played a pioneering role in the constitutional Persian crisis, and the Young Turks sympathized with the Persian constitutionalists. The Shi'i ulama reasoned on two interrelated principles: (1) the constitutional principles overlapped with Islamic sharī'a law; and, (2) the ulama perceived themselves as the "general representatives" (*nā'ib 'amm*) of the hidden imam. Those two principles undermined the rule of both Ottomans and Qajars as "unconstitutional." Thus, the ulama found a "natural" role for themselves as the legitimate representatives of the hidden imam, and hence created a role for themselves within a system of representations to which they identified (Luizard 1991: 272–3).

As the Iraqi views grew in tandem with the Iranian ulama, they were not that doctrinally different, throughout the twentieth century, from their Iranian counterparts. The only major difference was political: when Iran shifted to a Pahlavi regime, Iraq was under a British mandate that imposed a Hashimite monarchy (1920–58). Such a difference should not be underestimated, considering the sufferings that the Shi'is experienced since the demise of the monarchy by the military coup of 'Abdul-Karim Qasim (1914–63).

To begin, landownership and key governmental and bureaucratic positions were in the hands of the Sunni Arab minority. Such was the case under the Ottoman Tanzimat, and remained so with the British mandate and the Hashimite monarchy. While Iraq went through major land reforms only a couple of years before Iran, both's Shi'i clergy's arguments were almost identical. Having only small investments in waqf endowments in the shrine cities (Litvak 1998: 35), the Iraqi clergy received most of its funds either from landlords or from its own informal networks. In consequence, the land reforms were not received well among the Shi'i clergy, and the ulama "declared that land reform, because it involved confiscation of property, violated Islamic law" (Wiley 1992: 33). The six million donums, which by July 1959 had been redistributed to smaller landowners and peasants, tremendously affected the finances of the Shi'i ulama.

Some of the Shi'i ulama already were organized into political parties, probably as a preemptive measure to contain both the Iraqi Communist party (ICP) and the Muslim Brothers. The Hizb al-Da'wa al-Islamiyya ("call to Islam") was instituted in 1957 by Muhammad Baqir al-Sadr (1931–80), who like many other Shi'i ulama, after the return of the Baath in 1968, was persecuted and later assassinated in 1980, just a year after Saddam Husayn became president and the beginning of the Iran–Iraq War.

Under the Baathist regime the Shi'i community was targeted systematically, routinely tortured, assassinated, and exiled. In 1968 the Baathist regime confiscated what was left of the waqf endowments in the holy cities, and banned the traditional religious ceremonies. Another problem that the ulama faced was the large drop in their enrollments: from 12,000 students in the early 1900s, down to only 600 scholars and students in 1977 – even though such a drop cannot be solely attributed to the ruthlessness of Baathism, as only 6,000 students were enrolled in 1918, the first year of British rule, and 1,954 by 1957, right before the Hashimites were deposed by the military (Wiley 1992: 74).

Conclusion: the Pitfalls of the Modern Nation-state and the Ulama's Crisis

Islamic dynasties in all their historic and geographic variations did not manifest any willingness for a deep and structured control of "society." In fact, the state was an agency on its own whose ability to rule, collect taxes, rents, and surtaxes, determined its success for survival. Up to the later Middle Ages and the Ottomans, the relationships between military rulers, the bourgeoisie and the common people, were at the same time very loose and coercive. Various societal institutions, including those of the venerable ulama, persevered autonomously on their own without any "disciplinary" actions from the state. As Ira Lapidus has argued persuasively, the common people were left on their own, mired in violence and impotence (Lapidus 1984: 143).

The modern postcolonial state, therefore, has inherited an impossible situation where, on one side, society is organized along networks that protect it from the inefficiencies and coerciveness of a heavily bureaucratic system (Singerman 1995), while at the same time, modernization requires the nation-state gain full control of "civil society" through disciplinary techniques. While the western world was able to adopt those techniques centuries ago, it was not under a rationale of direct coercion that currently compels the Middle East (Giddens 1985).

The postcolonial state did no better than to coerce the public sphere, transforming the ulama into state employees. However, movements such as Baathism and Nasirism were short sighted in that, pace Kemalism, they were neither aiming at secularization per se, nor did they persuasively devise societal policies to address the long standing historical issue of the lack of cohesiveness of civil society. When opposition movements such as the radical Islamists began emerging in the colonial era of the 1920s, it was the new post-Ottoman civil society, with its middle-class professionals and national-liberal complacent élite, which was targeted. Realizing that Islam as an ideological system cannot be put aside, the nation-state tried a "nationalistic Islam" to beat the radicals at their own game. Thus, Numayri's Sudan, Sadat's Egypt, and Chadli's Algeria, all engaged major constitutional changes to the administration, the judiciary, and education system. The nation-state, however, strained with financial, economic, and political structural problems, has run out of steam; and the more it finds itself in a deadlock, the more it resorts to arbitrary coerciveness.

NOTE