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THE Muslim WORLD

A journal devoted to the study of Islam and Christian-Muslim relations

Special Issue

Muslim Modernities: Interdisciplinary
Insights across Time and Space

Guest Editors
Daren E. Ray,
Auburn University
Joshua Gedacht,
Universiti Brunei Darussalam

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The Muslim World

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Special issue edited by Daren E. Ray, Auburn University and Joshua Gedacht, Universiti Brunei Darussalam

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B OOK R EVIEWS

Muslim Modernities: Interdisciplinary Insights Across Time and Space[1]

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Modernity announced itself in the singular, as a Western European monopoly. From the beginning, however, scholars disagreed about what modernity consisted of: science, capitalism, division of labor, rationalization, reflexivity, or global dominance. What they shared was the consensus that these characteristics were associated with the West and not with other societies.

Modernization is still often defined as the adoption of Western European institutions and norms. Over the past generation, however, monolithic definitions of modernity have come to seem ethnocentric. We now speak of "multiple modernities," a phrase coined by J.P. Nettl and Roland Robertson in 1968 to describe the development of distinct modern institutions in both capitalist and state-socialist societies.[2] In subsequent decades, the term was applied to nationalist, ethnic, religious, and other movements throughout the world that claimed the mantle of modernity, or exhibited elements associated with modernity, while simultaneously claiming distinctiveness from Western versions of modernity.[3] "The undeniable trend at the end of the twentieth century is the growing diversification of the understanding of modernity," S. N. Eisenstadt wrote in 2000, in an essay that helped to popularize the concept of multiple modernities. "While the common starting point was once the cultural program of modernity as it developed in the West,

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[1] We would like to express appreciation for Joshua Gedacht and Daren Ray, the Special Editors of this Issue, for their assistance in tracing several of the connections among the contributions.

[2] J. P. Nettl and Roland Robertson, *International Systems and the Modernization of Societies* (New York: Basic Books, 1968), 129–132.

[3] Dilip P. Gaonkar, ed., *Alternative Modernities* (Durham, NC: Duke University Press, 2001); Bruce M. Knauff, *Critically Modern: Alternatives, Alterities, Anthropologies* (Bloomington: Indiana University Press, 2002).

more recent developments have seen a multiplicity of cultural and social formations going far beyond the very homogenizing aspects of the original version."[4]

The study of Muslim societies has played a significant role in broadening definitions of modernity. The most famous intervention in this direction was Edward Said's book *Orientalism*, which decried European imperialist visions of Muslims as non-modern.[5] More recent work has supplemented Said's broad strokes with ethnographic and historical particularities. At the same time, the field has moved beyond Said's Islamic particularism, which highlighted Muslims'—especially Arabs'—experience to the exclusion of other colonized peoples', toward a global perspective in which Muslim modernities represent a more general process of de-centering European forms of modernity.

Prominent approaches to the concept of multiple modernities include, but are not limited to, the study of Islamic and other fundamentalisms; the formation of religious subjectivities; the conditions of post-coloniality; the operations of disciplinary power; the construction of communal, national, regional, and gender identities; discourses of democracy and rights; migration and post-migration; and global markets and responses to them. In each of these areas, Muslim modernities provide a counterpoint to analyses that view contemporary Muslim societies through the prism of premodern recrudescences.

To understand and promote this line of investigation, we convened a series of workshops through the Social Science Research Council's Dissertation Proposal Development Fellowship program, bringing together a dozen doctoral students from a half-dozen disciplines to work through their own research agendas in light of interdisciplinary debates on what Aziz Al-Azmeh calls "Islams and modernities."[6] The initial workshop, held in Spring 2008, explored two streams of literatures: one on European and North American definitions of modernity, from the 17th century to the present—from Hobbes and Locke to Habermas and Foucault—and the ways in which they define their own modernity through the construction of non-modern "others," frequently including Muslims; and a second stream of literature on contemporary Muslim discourses that explore the relationship of modernity and classical Islamic sources, including recent debates on the emergence of Islam, the expansion of Muslim societies, the legal institutions that emerged to interpret Islamic rights and responsibilities, and the sources on which these interpretations are based, many of them foregrounded in Muslim debates over modernity.

A second workshop, held in Fall 2008, revisited these themes through the lens of specific historical instances. It explored the backdrop of the Euro-American colonial control of Muslim societies, the process of decolonization, and their implications for Muslim modernities. At this workshop, students presented drafts of their own dissertation proposals. Each explored various angles of these several issues. A third workshop, held in

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[4] S. N. Eisenstadt, "Multiple Modernities," *Daedalus* 129, no. 1 (2000): 24.

[5] Edward Said, *Orientalism* (New York: Pantheon, 1978).

[6] Aziz Al-Azmeh, *Islams and Modernities* (London: Verso, 1993; 3rd edition, 2009).

Spring 2013, brought together nine participants from the previous workshops. All presented their completed dissertations and their proposals for subsequent research. This special issue grows out of these workshops, with the addition of solicited papers on parallel themes.

Taken as a whole, these papers remind us that modernity is not the exclusive property of the "West". Rather, it is claimed and enacted by numerous actors in varied contexts. In addition, the essays that follow compel us to look for the echoes of debates about modernity even in Muslim movements that explicitly reject modernity as a Western imposition. These movements, too, exhibit modern characteristics and engage with modern ideals. Modernities, it turns out, are difficult to avoid in the present age, even as they must be traced locally to be understood broadly on a comprehensive, and plausible, global scale.

What have been assembled here are seven trajectories of Muslim communities in transition, from the Sulu Seas (Southeast Asia) to Coastal Kenya (East Africa), including also developments in Iran and Turkey, North America and Western Europe.

In the initial three essays, there is a concentrated focus on Southeast Asia, a vast maritime world that has been described as "the umma below the winds".[7] Here we find a Muslim presence defined less by contemporary borders than by forces and agendas that precede the nation-state. Crisscrossing a vast region, they defy easy or reductive generalization.

Joshua Gedacht begins in Mindanao, the southernmost part of the Philippines. He connects colonial (Spanish) occupation of Mindanao with the contemporary colonial (Dutch) occupation of Aceh, the furthest western outpost of Indonesia. Present day national borders occlude the intense interaction of colonial agents and local Muslims, the latter pursuing progress, reform, and "modern" subjectivity but within a novel form of cosmopolitanism. It is one best labeled anti-colonial or coercive cosmopolitanism; it is abetted by the presence of an Ottoman Sheikh ul-Islam, himself a figure of mobility within the Muslim world.

Amrita Malhi also analyzes colonial Southeast Asia. The parties central to her narrative are British colonial authorities and local Muslim subjects, but here the latter are Malays, Malay Muslim Sultans who want to use British institutions to define, then secure a hegemonic Malay racial identity for their domain. The Malay elites fear inside dissidents more than outside occupiers. They hope to buffer their future political rule against other local races, especially the Siamese, whom they see as a threat to Malay sovereignty.

Nurfadzilah Yahaya is the third contributor to locate her project in Southeast Asia, but hers is a concentrated rather than disparate geographical domain: Malacca, Penang and Singapore, often dubbed the Straits of Malacca because of their importance for trade and commerce. Once again, it is the impact of colonial authorities that becomes pivotal.

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[7] Michael Laffan, *Islamic Nationhood and Colonial Indonesia: The Umma below the Winds* (London: Routledge, 2003).

The modern impulse here is to chart a universal notion of Islamic law, but within a centralized colonial bureaucracy whose chief actors were not Malays but Arabs, a diverse group of Hadrami Arabs from South Arabia who had long plied Indian Ocean trade and benefitted from its networks.[8]

The next essay, by Said Hassan, pivots to the far west, to Muslim minority communities in both Western Europe and North America. Hassan asks us to look at rival notions of Islamic minority law as it has emerged, and been advocated, in the late 20th, now early 21st century. He charts a typology of three approaches: two are external (from Saudi Arabia and Egypt), while one is internal, intrinsic to local Muslim subjects. It is the last that, for him, raises the best hope of social comity among minority Muslim communities in Europe and America: to find a framework of rights and duties that are Islamic yet elide with the norms and values of their non-Muslim compatriots.

The final three essays, by Dunya Cakir, Rose Wellman, and Daren Ray, shift the focus back to Afro-Eurasia, first to Turkey and Iran, then to East Africa. Cakir's paper, the most deeply textual of the essays in this volume, looks at the way in which the texts of a major Muslim activist, the Egyptian Sayyid Qutb, were read, interpreted, and deployed by proponents for civil society in Turkey after the Arab Spring (2011). In her view, it was the Arab Spring that led one Turkish civil society group, in particular, to move beyond intra-Muslim conflict to a more general call for ummatic solidarity, across the national/regional borders that now separate, and often divide, Afro-Asian majority Muslim communities.

Wellman also looks at how national identity and religious rhetoric shift, but in contemporary Iran rather than Turkey. She explores how Iranian state officials mobilize the bodies and blood of martyrs through an ongoing campaign of un-burials and re-burials that sacralize the national landscape. Not only is martyrs' spilled blood memorialized with reference to Persian and Islamic symbols, but these newly constructed sites also promote an intense longing for Islamic Republic of Iran citizens to link the land/soil of Iran with the God of Ali, Husayn, and all (Iranian) Islamic martyrs of the past.

Ray shifts our attention back to the role of water, in this case, the coastal water of Africa, in defining and redefining identities among Muslim communities. Attuned to the performative dimension of Muslim critiques, he shows how Maulidi and Swahili New Year festivals in coastal Kenya have been elided, allowing some Kenyan Muslims to demonstrate their Islamic piety while retaining controversial practices like animal sacrifice at a martyr's grave. Though their success is disputed, Ray underscores its performative nature. While not ignoring debates among Sufi, Salafi, and Shi'a Muslims in Kenya, he demonstrates how festival performances, with their richness of sounds, smells and spectacles, also define what is Islamic as much as authoritative readings of Islamic texts.

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[8] The seminal work defining this huge maritime network is Engseng Ho, *The Graves of Tarim: Genealogy and Mobility across the Indian Ocean* (Berkeley, Los Angeles and London: University of California Press, 2007).

There are multiple connections between all seven essays. Some relate directly to the theme of this volume. Modernity is never innocent or uni-directional, but always reflecting the presence of Europe and/or America as an outside other. On the one hand, there is the actual conflation of religious and national/ethnic identities as Muslim communities negotiate Western imperialism. This is a consequence of modern flows of people and ideas from the West to the Muslim world, as evident in two of the three Southeast Asian essays, by Gedacht and Malhi. Western ideas rather than persons are evident in the essays by Wellman, Ray, Cakir, and Hassan. Yahaya, by contrast, shows the impact of Arabs as traders/newcomers to the Straits, and Ray also traces the persistent and productive Arab presence in East Africa, while for Gedacht it is a Turkish Sheikh al-Islam influencing Mindanaon Muslims, and in a reverse trajectory, for Cakir it is the Egyptian Sayyid Qutb who "travels" to Turkey, where his ideas are consequential, especially among certain groups after the Arab Spring of 2011.

In short, the notion of a single, hegemonic, dispersive modernity, originating from Western Europe or North America, and encompassing peripheral others from Africa and/or Asia is not only complicated but challenged and dispelled in the essays of this volume.

Along with modernity, "movement"—across space but also across time—is evident in the arguments offered here. Engseng Ho has called attention to the often understudied anthropology of mobility,[9] and here we see how mobilities themselves—not just actors but the accents they provide in the space they occupy—account for the possibility of change. Malhi's British occupiers provide a way of rethinking and protecting Malay territory. Those who seek, as also those who issue, fatwas in Hassan's essay are motivated by fatwas from external Muslim authorities that relate to immigration/emigration. And Gedacht's itinerant Ottoman Sheikh al-Islam comes to Mindanao precisely because he is itinerant, in his actual movement as in his claim to authority. Also providing a claim to authority that moves across borders within Islam are the Sufi, Salafi and Shi'i figures who clash in Ray's analysis of coastal Kenya. And, of course, Yahaya's Hadramis provide yet another case of those South Arabian heroes who dot Ho's original and pivotal analysis of mobility as an anthropological practice integral to the Muslim world.

Boundaries of time are often harder to trace than boundaries of space, but in Gedacht, Cakir, Wellman and Ray we find abundant evidence of crossing temporal boundaries, whether in commemoration, mourning for the dead, or revalorizing ancestors within new trajectories of hope. Especially crucial is the role of memory. In several essays, but especially Cakir, Wellman and Ray's papers, we witness complex temporalities at work in the efforts to commemorate, re-deploy, and reuse memory of past events at much later historical junctures. One might deduce that these three essays converge in their analysis of commemorations at which Muslims articulate their visions of the future. Wellman examines re-burials and museum displays of martyrs' blood that encourage

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[9] Ho, *Graves of Tarim,* especially 10, 19-22.

provincial Iranians to embrace and promote martyrology as the ideological core of the Iranian state. Cakir describes commemorations of Qutb by a civil society organization, the Turkish Islamist group, Özgür-Der, before and after the Arab Spring, using Qutb's authority to promote a new transnational Muslim solidarity. Ray examines a Swahili New Year celebration at an alleged martyr's grave at which celebrants attempt to rehabilitate what they perceive to be indigenous African practices central to their cultural belonging. Their opponents are modern-day Muslim leaders in Kenya who deem such hybrid practices to be un-Islamic, basing their opposition on the authority of texts they claim the right to interpret.

What recurs throughout these essays is their authors' zest for inter-disciplinary engagement, foraging in multiple directions in pursuit of fresh analyses. Their insistent focus is on observation, and observation of actual practice rather than scriptural sources or general theories of culture. In the first three articles, Gedacht, Malhi and Yahaya do not foreground practice per se, yet all three do highlight the dialogical, mutually constituted interplay between Muslim practices and imperial ideologies. At the same time, they demonstrate how Muslims shaped imperial ideologies, to such an extent that imperial ideologies were sometimes mirrored in practices that were intended to protect or extend particular kinds of Muslim communities.

For Hassan, the practice of seeking *fatwas* comes first, and only then does he consider how jurists decide to mediate through legal ideologies. It is not the fatwa as text but the impulse of the societal context in which immigrant Muslims seek fatwas that matters. For Cakir, on the other hand, ideas and practice are in constant interplay, as her subjects respond and adapt to the rapidly changing political contexts and perspectives of post-2011 Turkey. Again, it is not just texts but her participant observation at lectures that provides details about performing texts not self-evident from texts alone. For Wellman, it is the ideology of mourning that is consciously cultivated through practices of reburial. While many of these themes are familiar in Iranian studies, Wellman adroitly brings in the distinctive context of Iranian cultural symbols, such as the flower of Siavash. She merges fieldwork with cultural memory in a way that amplifies mourning as more than a theologically Shi'ite practice. For Ray, ideology is also important, but it is ideology always in constant tension with practice, at times conforming to orthodoxy, at other times challenging the categories imposed upon it. Ray strives to situate ethnography within a deep, long history of the Swahili coast and also local memories that inform texts about practice.

Whether culture and religion split, as in Ray's analysis, or merge, as they seem to do in Malhi's article, the traffic between local and distant sites, between internal and external authorities, and above all, between practices and ideologies is ongoing, and often unpredictable. The local observation, with a broad gaze, matters.

And so we circle back to the question of modernity. There are constantly changing ways of mingling the modern subject with age-old referents, and also marking the modern world with decentered poles and, often, ports of maritime trade in goods, ideas and structures of power. There is a recurrent Arab center, but more of the imagination than

everyday practice. It is a decentered or multi-centered Muslim world that we encounter here. To travel across the span of Asia and Africa in the 21st century these essays provide sightings and guideposts for themes beyond the range of evidence, and the depth of arguments, here arrayed. Their subjects are no less Muslim for being multiple and modern.

Holy War, Progress, and "Modern Mohammedans" in Colonial Southeast Asia[1]

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Abstract

The idea of *perang sabil*, a hybrid Malay/Arabic term roughly translated as war in the way of Allah, persists as an enduring staple of the popular and academic literature on resistance to colonial rule in Aceh and Mindanao. However, even in the midst of a genuine conflict zone, holy war signified neither a fixed term with any preordained meaning nor a straightforward reflection of violence between implacably opposed antagonists. Drawing from the records of colonial scholars, soldiers, and officials, as well as a variety of local Southeast Asian newspapers, I argue that *perang sabil* emerged as a multivalent discursive weapon. The idea of *perang sabil* served as a contingent and contested signifier that non-Muslim colonizer and Muslim colonized alike could deploy in ongoing dialogical engagements over the proper definition of progress and reform, of "good" versus "bad Muslims," and of the very nature of what might be called a "modern Mohammedan." Indeed, while colonial invaders frequently portrayed *perang sabil* as the antithesis of modernity, logically embedded in that very rhetorical move was the necessity of acknowledging some "good" Islamic alternative, of promoting forms of piety that could eschew rebellion and serve the aspirations of the colonial state. This article will demonstrate that many Acehnese and Mindanaons seized this

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opening, promoting theological reform, forging new mutual aid societies, and in the process, paradoxically, leveraging the epistemic violence of colonialism to reconfigure their Muslim identity. However, such categories of progress and reform, "good Muslim" and "bad Muslim," would not prove stable. This article will further demonstrate that the constant valuation and revaluation of holy war that arose from debates across the colonial divide often spun well beyond the control of the authorities. Indeed, even as colonial regimes sought to produce "good Muslims" in opposition to violent resistance, by the late 1930s and 40s, a fledgling cohort of nationalists moved to commemorate martyrdom and *perang sabil* not as the antithesis of modernity, but as its very apotheosis.

Key words: Good/Bad Muslim, Holy War, Imperialism, Indonesia, Islam, Modernities, Philippines, Southeast Asia

Introduction

Few terms in the Islamic lexicon elicit as much debate, discomfort, and discord among English speakers as does *jihād*.[3] Although this Arabic word literally means "striving," since 9/11 and well before, the deeply rooted historical category came to signify violence and holy war, an irreducible fanaticism, radicalism, and opposition to modernity.[4] In turn, the related specter of the suicide martyr, of the irrational, paradise-seeking extremist willing to kill him or herself along with countless others for the greater glory of God, came to haunt the imaginaries of much of the non-Muslim world.[5] Such pejorative constructions, of course, did not go unchallenged. Many popular and scholarly discourses sought to contest the writings of anti-Islamic polemicists, to recast *jihād* not as martyrdom or aggression, but as a form of inward personal struggle and renewal.[6]

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[3] Bruce Lawrence, *Shattering the Myth: Islam beyond Violence* (Princeton: Princeton University Press, 2000), 157; Rudolph Peters, *Jihad in Classical and Modern Islam: A Reader* (Princeton: Markus Wiener Publishers, 1996), vii.

[4] For example, Bruce Lawrence, "Holy War in Islamic Religion and Nation-State Ideologies," in *Just War and Jihad: Historical and Theoretical Perspectives on War and Peace in Western and Islamic Traditions*, ed. John Kelsay and James Turner Johnson (New York: Greenwood Press, 1991), 142–143; Michael Bonner, *Jihad in Islamic History: Doctrines and Practices* (Princeton: Princeton University Press, 2006), 2.

[5] Asma Afsaruddin, *Striving in the Path of God: Jihad and Martyrdom in Islamic Thought* (Oxford: Oxford University Press, 2013), 7; Bonner, *Jihad in Islamic History*, 164.

[6] In popular and scholarly literatures, this interest to contest the association of *jihād* with violence often manifests itself in an emphasis on the Greater Jihad, or *jihād al-akbar,* a self-directed spiritual struggle against "base inner forces" as opposed to the Lesser Jihād, or *jihād al-asghar*. David Cook is particularly critical of these efforts as not rooted in Qur'anic sources as a tendentious effort to create a more "irenic" *jihād*, see David Cook, *Understanding Jihad* (Berkeley: University of California Press, 2005), 41, 32–49; also, see Ayesha Jalal, *Partisans of Allah: Jihad in South Asia* (Cambridge: Harvard University Press, 2008), 32–480; Teuku Ibrahim Alfian, "Aceh and the Holy War (Prang Sabil), *Verandah of*

For all their dissimilarities, however, both sides of this debate shared a key assumption—that *jihād* constitutes an immutable, trans-historical principle rooted in the Qur'an and other scriptural texts.[7]

This article seeks to move beyond the presumption of *jihād* as an unchanging category and to instead examine the multiple meanings, contexts, and historical contingencies in which Muslims and non-Muslims alike deployed the notion of holy war. Specifically, I argue that *jihād* is a variable discursive weapon in the struggle to define the proper bounds of the Islamic community and the very meaning of "modernity" itself. Several recent works by religious studies scholars have moved in this direction, illustrating how notions of *jihād* as armed combat and martyrdom emanated not from any incontrovertible Qur'anic imperative, but rather, from later state-making projects of the Umayyad and Abbasid caliphates in the eighth century C.E.[8] However, these studies generally focus on the formative period of Islam, relying on deep exegetical dives into the Qur'an, *hadith* accounts of the Prophet Muhammad, and the corpora of Islamic jurisprudence to make sense of shifting interpretations. To the extent that these scholars consider more recent centuries, they focused on the writings of a handful of famous Muslim activists and intellectuals such as Muhammad Abduh, Hasan al-Banna, and Sayyid Qutb.[9] These interpretations place less emphasis on *jihād* as part of a broader discursive field, a field in which the ideas of learned legal scholars, Muslim popularizers, and non-Muslim colonial officials constantly shaped one another in a dialogical process of mutual transformation.

To elucidate the multiple articulations of *jihād* in circulation among Muslims and non-Muslims in the early twentieth century, this article will examine two sites of colonial conflict in the Southeast Asian Islamic world: Aceh and Mindanao. These regions witnessed some of the worst military conflagrations in the history of global empire.[10] A protracted forty year war of conquest and pacification waged by Dutch invading forces against the Muslim kingdom of Aceh in the far northwest corner of what would become Indonesia brought a staggering toll of destruction, costing the lives of 75,000, or fifteen percent of the local population.[11] Meanwhile about three thousand kilometers away across the littoral spaces

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Violence: The Background to the Aceh Problem, ed. Anthony Reid (Singapore: Singapore University Press, 2005), 109–110.

[7] Bonner, *Jihad in Islamic History*, 2.

[8] Afsaruddin, *Striving in the Path of God*, 4; Jalal, *Partisans of Allah*, 9.

[9] Afsaruddin, *Striving in the Path of God*, 206–215, 237–241; Bonner, *Jihad in Islamic History*, 161.

[10] The principal connection between Aceh and Mindanao is the brutal experience of colonial pacification. However, copies of the Acehnese war poem *Hikayat Prang Sabil* have perhaps been found in Mindanao, demonstrating a potential direct link between rebels in these two locations. See Stephen Frederick Dale, "Religious Suicide in Islamic Asia: Anticolonial Terrorism in India, Indonesia, and the Philippines," *The Journal of Conflict Resolution* 32, no. 1 (March 1988): 52.

[11] Henk Schulte Nordholt, "A Genealogy of Violence," in *Roots of Violence in Indonesia: Contemporary Violence in Historical Perspective*, eds. Freek Colombijn & J. Thomas Lindblad (Leiden: KITLV, 2002), 36.

of the Phil-Indo Archipelago, in the Philippine island known as Mindanao, two successive colonial regimes, first Spanish and then American, pursued a similarly long and brutal struggle against the Muslim "Moros" of the region, killing one thousand people in a single battle alone.[12]

Given the ferocity of these military encounters in Aceh and Mindanao, it is maybe unsurprising that *jihād* emerged as the principal lens for making sense of violence among non-Muslim colonizer and Muslim colonized alike. Specifically, the concept of *perang sabil*, a hybrid term derived from the Malay word for war and the Arabic saying *jihād fi sabīlillāh* that can be translated roughly as "war in the way of Allah," or "holy war," would prove pervasive.[13] Local rebels, for instance, circulated oral and written texts known as tales of holy war—*Hikayat Prang Sabi* in Aceh and *Parang Sabil Kissa* in Mindanao—replete with Qur'anic citation, historical tales of triumph over infidels in Mecca, and the motifs of heavenly reward for valor in battle.[14] Imperial officials, meanwhile, fixated on these same texts as the symbolic marker of Muslim fanaticism and savagery.[15] Finally, over these discourses hovered

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[12] For an examination of colonial "massacres" and enormous death toll in southern Philippines, see Joshua Gedacht, "'Mohammedan Religion Made it Necessary to Fire: Massacres on the American Imperial Frontier from South Dakota to the Southern Philippines," in *Colonial Crucible: Empire in the Making of the Modern American State*, eds. Alfred W. McCoy and Francisco Scarano (Madison: University of Wisconsin Press, 2009), 404–405.

[13] It should be noted that *Perang sabil* has various spellings; in the Philippines it is sometimes spelled as "*parang sabil*" or "*parrang sabil*", while in Aceh it is generally spelled either as "*prang sabi*" or "*prang sabil*." For the purposes of this paper, general descriptions of the phenomenon will use the current Indonesian spelling of *perang sabil*, while specific historical references to Mindanao will be sometimes be spelled as *parang sabil* and in Aceh as *prang sabil*. For definition of *perang sabil* , see Howard Federspiel, *A Dictionary of Indonesian Islam* (Athens: Ohio University, 1995), 201; Teuku Ibrahim Alfian, "Aceh and the Holy War (Prang Sabil)," *Verandah of Violence: The Background to the Aceh Problem*, ed. Anthony Reid (Singapore: Singapore University Press, 2005), 109–110; and, Thomas Kiefer, "Parrang Sabil: Ritual Suicide among the Tausug of Jolo," *Understanding Islam and Muslims in the Philippines*, ed. Peter Gowing (Quezon City: New Day Publishers, 1986), 53.

[14] Orally recited *hikayat prang sabi* poems from Aceh were recorded by Dutch colonial officials, see Christiaan Snouck Hurgronje, *Ambtelijke Adviezen*, ed. E. Gobée and C. Adriaanse, 2 vols. (The Hague: Martinus Nijhoff, 1957), 1: 103–114; and, H.T. Damsté, *Bijdragen tot de Taal-, Land- en Volkenkunde* 84 (1928): 545–609. For key examples of the literature focused on interpreting *hikayat prang sabi* poems, see James Siegel, *Shadow and Sound: The Historical Thought of a Sumatran People* (Chicago: University of Chicago Press, 1979): 229–266; Teuku Ibrahim Alfian, "Aceh and the Holy War," 109–120; and, Amirul Hadi, "Exploring Acehnese Understandings of Jihad: A Study of *Hikayat Prang Sabi*, in *Mapping the Acehnese Past*, ed. R. Michael Feener (Leiden: KITLV Press, 2011), 183–198. For *Parang Sabil Kissa* in the Philippines, see Calbi Asain, "The Tausug Parang Sabil Kissa as Literary, Cultural, and Historical Materials," *Journal of History* 52 (2006): 249–259; and, Gerard Rixhon, "Levels of Discourse in the Tausug Parang Sabil Epic," in *Old Ties and New Solidarities: Studies on Philippine Communities*, eds. Charles J. Macdonald and Guillermo Pesigan (Quezon City: Ateneo de Manila University Press, 2000), 12–23.

[15] For an exploration of colonial construction of *perang sabil* as psychological pathology, see Eduardo Ugarte, "Muslims and Madness in the Southern Philippines," *Pilipinas* 19, no. 1–2 (1992); David Kloos, "A Crazy State: Violence, Psychiatry, and Colonialism in Aceh, Indonesia, ca. 1910–1942," *Bijdragen tot*

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the specter of the solitary martyr, a lone assailant motivated by *perang sabil* recitations who performed ritual ablutions and swore an oath to God before ambushing unsuspecting Dutch or Spanish or American troops with a deadly blade, killing as many as he could before meeting his inevitable reward of death and eternal salvation amid a hail of bullets.[16] This relatively infrequent attack, known as *Atjeh-Moorden* in Aceh and *juramentado* in Mindanao, haunted the colonial imaginary of holy war much as suicide bombings roil debates in the present day.[17]

While *perang sabil* has rightfully commanded a great deal of attention, such narratives have also served to entrench binaries of domination/resistance and naturalize religious recalcitrance as an immovable element of the Acehnese and Mindanaoan religious landscape outside of time and space.[18] By contrast, this article will elucidate the encounter between foreign invaders and local Muslims in terms of a dynamic interplay, a constant process of negotiation leading to mutual transformations.[19] Even in the midst of a genuine conflict zone, holy war signified neither a fixed term with any preordained meaning nor a straightforward reflection of violence between implacably opposed antagonists.[20] Rather, I argue that *perang sabil* emerged as a multivalent discursive weapon, as a contingent and contested signifier that non-Muslim colonizer and Muslim colonized alike could

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de Taal-, Land-, en Volkenkunde 170 (2014); and, Robert Winzeler, "Amok: Historical, Psychological, and Cultural Perspectives," in *Emotions of Culture: A Malay Perspective*, ed. Wazir Karim (New York: Oxford University Press, 1991), 112–113.

[16] For *juramentado*, see Peter Gowing, *Mandate in Moroland: The American Government of Muslim Filipinos, 1899–1920* (Quezon City: New Day Publishers, 1983), 97–100, and, Ugarte, "Muslims and Madness in the Southern Philippines," 20; for Atjeh-Moorden, see James Siegel, *The Rope of God* (Berkeley: University of California Press, 1969), 82–83.

[17] Well before 9/11, various historians sought to connect *Atjeh-Moorden* and *juramentado* to the "Middle East terrorism" of the latter 20th century. See especially Dale, "Religious Suicide in Islamic Asia," 38–39, 48–54.

[18] In many respects, the split scholarly focus between the close reading and exegeses of *perang sabil* epic poetry cited in footnote 14, versus the deconstruction of colonial discourses seen in the work in footnote 15, reinforces this binary of colonial domination/Islamic resistance.

[19] Some scholars have focused on the changeable nature of *perang sabil* discourses by focusing on the flexible, extemporaneous nature of their oral performance. However, this recognition still does little to undermine colonial/colonized binaries or recognize that *perang sabil* as a contested signifier had a significant afterlife beyond their oral performance in the early decades of war.

[20] A well-known Dutch journalist and expert on Aceh writing in 1928, Henri Zentgraaf, stresses that too much attention has been paid to *hikayat prang sabil* epic poems. As quoted by David Kloos, Zentgraaf argues "there is something which excites more than the 'Hikajat Perang', it is. . . the soerat chabar [newspapers]!' This current article intends to move past colonial/colonized binaries by following Zentgraaf's observation and focusing on the multiple significations of *perang sabil* circulating between colonial writings and Indonesian language newspapers rather than a close reading of *hikayat prang sabil* poems per se. Quoted in David Kloos, "Becoming Better Muslims: Religious Authority and Ethical Improvement in Aceh, Indonesia," (Ph.D. diss., Vrije Universiteit-Amsterdam, 2013), 82.

deploy in ongoing dialogical engagements over the proper definition of progress and reform, of good and bad Muslims, of the very nature of what might be called a "modern Mohammedan."[21]

Indeed, colonial invaders frequently portrayed *perang sabil* as the antithesis of modernity. Logically embedded in that very rhetorical move, however, was the necessity of acknowledging some "good" Islamic alternative, of promoting forms of piety that could eschew rebellion and serve the aspirations of the colonial state. I contend that many Acehnese and Mindanaons seized this opening, promoting theological reform, forging new mutual aid societies, and in the process, paradoxically, leveraging the epistemic violence of colonialism to reconfigure their Muslim identity. For a time, many of these reformist projects accepted colonial tutelage. However, such categories of progress and reform, "good Muslim" and "bad Muslim," would not prove stable. This article will demonstrate that the constant valuation and revaluation of holy war that arose from debates across the colonial divide often spun well beyond the control of the authorities. Indeed, even as colonial regimes sought to produce "good Muslims" in opposition to violent resistance, by the late 1930s and 40s, a fledgling cohort of nationalists moved to commemorate martyrdom and *perang sabil* not as the antithesis of modernity, but as its very apotheosis.

Comparative Colonial Readings of *Perang Sabil*

As the expectation of swift triumph that underwrote the invasions of Aceh and Mindanao in the 1870s dissolved in the face of an intractable insurgency, Dutch officials in the East Indies and Spanish officials in the Philippines gradually came to the realization that military supremacy alone would not guarantee them victory.[22] Prowess in the technologies of war-making could not subdue entire populations, nor could ad-hominem attacks on the fanaticism of Islamic rebels somehow secure these territories. Instead, a handful of officials and observers increasingly understood an imperative that had eluded them at the beginning of their campaigns of conquest: the need to find, or even create, Muslim interlocutors with whom they could cooperate.[23]

The essential thrust of imperial policies in both regions entailed the isolation of implacable rebels from those factions more amenable to the enticements of collaboration. In the context of Islamic societies, this divide-and-rule strategy often assumed an

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[21] The first scholar to note in passing the Dutch tendency to identify bad Muslims in Aceh, or "*jahat* (baddies)" was the eminent historian of Aceh and Southeast Asia, Anthony Reid. See Anthony Reid, *The Blood of the People: Revolution and the End of Traditional Rule in Northern Sumatra* (Oxford: Oxford University Press, 1979), 7.

[22] The Spanish were the putative colonial rulers over Mindanao starting in the sixteenth century and continuing until the Spanish-American War transferred control of the Philippines to the United States in 1899.

[23] For a Russian example, see Robert Crews, *For Prophet and Tsar: Islam and Empire in Russia and Central Asia* (Cambridge: Harvard University Press, 2006), 3.

explicitly religious dimension. In his book on the intellectual roots of American policy toward Islamic "terrorists," *Good Muslim, Bad Muslim*, Mahmood Mamdani distills the persistent dichotomy in Euro-American thought with the formulation that "good Muslims are modern, secular, and Westernized, but bad Muslims are doctrinal, anti-modern, and virulent."[24] Those who embraced the enlightened tutelage of the "West" could aspire to become "good Muslims." By contrast, Mamdani notes, those who could not cast off the yoke of religion, the "bad Muslims," would be subject to colonial wars where "the laws of nature were said to apply. . .and the extermination of the lower races was seen as a biological necessity."[25]

Although Mamdani does not specifically cite Snouck Hurgronje, a famous Dutch scholar who exercised a great deal of influence on colonial policy in the Netherland East Indies at the turn of the twentieth century, he represents an apt antecedent. Trained in Islamic Studies, Hurgronje attained renown among his academic peers and government officials when he secreted himself into Mecca for one year—a holy city off-limits to non-Muslims. Hurgronje then went on to serve as a professor at Leiden University in 1886 and as Advisor on Indigenous and Arabic Affairs in the Netherlands East Indies in 1889.[26] In 1891, the colonial government dispatched Hurgronje to Aceh to find a solution to the seemingly endless insurgency in the region.[27]

The work of Hurgronje reveals a sophisticated understanding of the complexities of Islamic life in Aceh as well a degree of sympathy for Acehnese Muslims. For example, in his seminal two volume work *The Acehnese*, Hurgronje recognized that local belief cannot be explained solely in terms of foundational Islamic texts written in distant Arabia, asserting that "the schools of doctrinal learning have troubled themselves little about the practical requirements of daily life."[28] Beyond his thoroughly anthropological viewpoint, Hurgronje also refrained from inflating the danger posed by *prang sabil*. In one 1897 letter, Hurgronje delivered a nuanced assessment, stating that "Teungkoe Tanoh Abee and the Acehnese on his side did not entirely want to engage in Prang Sabil. . .they held us in a favorable light. They claimed they were in no sense a friend of the Company [the Dutch] but that their conception of religion and science made them averse to political conflict."[29] Finally, Hurgronje also believed that the cultivation of a properly orthodox Islam emphasizing law over deviant, mystical practices such as invisibility, martial arts,

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[24] Mahmood Mamdani, *Good Muslim, Bad Muslim: America, the Cold War and the Roots of Terror* (New York: Three Leaves Press, 2005), 24.

[25] Mahmood Mamdani, *Good Muslim, Bad Muslim*, 7.

[26] Harry J. Benda, "Christiaan Snouck Hurgronje and the Foundations of Dutch Islamic Policy in Indonesia," *The Journal of Modern History* 30, No. 4 (Dec., 1958), 340.

[27] W. F. Wertheim, "Counter-Insurgency Research at the turn of the Century: Snouck Hurgronje and the Acheh War," *Sociologische Gids: Tijdschrift voor Sociologie en Sociaal Onderzoek* 19 (1958), 350–358.

[28] C. Snouck Hurgronje, *The Achehnese,* trans. A.W.S. O'Sullivan (Leyden, the Netherlands: E.J. Brill, 1906), 2:271–272.

[29] C. Snouck Hurgronje to Henri Titus Damsté, October 5, 1897, Weltevreden (Netherlands East Indies), Folder 16, Inventaris 9/H 1084, Henri Titus Damsté Papers, KITLV Library, Leiden, the Netherlands.

and control over weapons could help defuse holy war.[30] Thus, while Hurgonje recognized reticence towards the Dutch, he also noted that Acehnese religion did not automatically translate into anti-colonial militancy.

However, while Hurgronje displayed considerable scholarly sophistication in his contemporaneous analysis, he also reverted to default Dutch stereotypes of Islamic intransigence when necessary. Although his two volume, six hundred page opus *The Achenese* is rife with insightful passages, its short preface and introduction—the section most likely to have been read by harried bureaucrats—emphasizes the longstanding view of the region as a locus of violence and religious fanaticism. Moreover, the narrative in Hurgronje's introduction largely conforms to the reductionist, good vs. bad dichotomy identified a century later by Mamdani. Condemning the Acehnese as "by nature more warlike and from of old more devoted to war than any race in the neighbouring islands," Hurgronje then proceeds to impute this singular militancy to Islam:

> The dogmas of Islam on the subject of religious war, so fanatical in their terms, supplied the principle stimulus to this…rebellion; that the *teungkus*, or religious leaders, came…to be masters of the country and terrorized the hereditary chiefs as well as the populace whenever these last were disposed to peace; [and] that only a forcible subjugation followed by orderly control over the administration could bring peace.[31]

Thus, with the subtle consideration of diverse Islamic practices buried in later chapters, the introduction, stripped of any such complexity, offers a reductionist dichotomy between "good" and "bad" Muslims replete with actionable advice to Dutch policymakers. To achieve "forcible subjugation," Hurgronje counsels relentless attacks on those defenders of the "dogmas of Islam…the *teungkus*, or religious leaders—the "bad Muslims." "Orderly control over the administration," in turn, should be realized by collaborating with the "terrorized" hereditary chiefs leaders—the "good Muslims." These "good Muslims," whatever might be their faults, and Hurgronje attributed many to them, still embodied the best hope for order and stable government.

If Hurgronje's views partially fit into the fanatical dogmatist versus "Westernized" modernizer framework identified by Mamdani, not all officials and scholars necessarily understood their Muslim subjects in precisely those terms. While Manichean distinctions of good and bad proved remarkably resilient, the exact content of such formulations did not always remain the same and could assume a variety of permutations not explicitly described by Mamdani. For example, colonial authorities including Snouck Hurgronje himself did not uniformly castigate orthodox Islam as hostile or even as a retrograde brand of religious dogmatism. In Southeast Asia, these European and American rulers sometimes lauded strict religious observance. The good versus bad polarity, in essence,

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[30] Kloos, "Becoming Better Muslims," 76–77.
[31] C. Snouck Hurgronje, *The Achehnes*e, trans. O.W.S. O'Sullivan (Leyden, Netherlands: E.J. Brill, 1906), 1: xvii.

could be reversed: Muslims steeped in piety might be seen as dependable colonial sub-jects, while those ignorant of the tenets of their faith could fall under doubt and suspicion. Under what circumstances for colonial officials, then, did orthodox Muslims go from "bad" to "good"?

Before American Rule: Spanish Colonial Perceptions of the Bad Muslim in Mindanao

Turning away from Aceh to events at the far opposite end of the archipelagic Southeast Asian world, in Mindanao, it becomes possible to better understand how "bad" Muslims could be transformed into "good" ones within colonial discourse. By the 1870s and 1880s, Spanish military forces found themselves embroiled in a protracted campaign of conquest similar to that of the Dutch in Aceh. Although authorities in Manila had sought to rule the area since at least the sixteenth century, effective control over Mindanao and Sulu had proven elusive. While the Sultan of Sulu negotiated a peace treaty, in contrast to his Acehnese counterpart who went into hiding, the Spanish, like the Dutch, struggled to extend their power beyond the immediate precincts of royal power. Moreover, the so-called *juramentado* attacks of "fanatics" proliferated, plaguing military forces even in areas thought to be pacified. Periodic resistance persisted right up until the transfer of power from the Spanish to Americans in 1899.[32]

The Spanish, like the Dutch, sought out scholarly expertise and advice to help over-come the challenges of conquest. However, whereas the Dutch relied on professors like Snouck Hurgronje from secular academia, authorities in Manila turned to Jesuit missionaries and other Spanish religious adepts on the ground in Mindanao. The Jesuits, respected for their learned traditions and piety, as well as their determination to disseminate the teachings of Catholicism to "heathens" throughout the Philippine Islands, had long sojourned to Mindanao.[33] With the nominal subjugation of much of the island in the 1880s, Jesuits inundated the region in even larger numbers. One of the most prominent of these missionaries was an ambitious prelate named Father Pio Pi.

Arriving in Mindanao in the 1880s, Fr. Pio first rose to the position of Vice-Superior of the Mindanao Mission and the Superior of Zamboanga in 1892. Later, he ascended to the pinnacle of the local Jesuit hierarchy in 1896, attaining the position of Superior of the Mission to Mindanao. During this time, Fr. Pio Pi traversed the full breadth of the sprawling Mindanao hinterlands in his proselytizing efforts, and along the way he encountered many Muslim Moros.[34] Fr. Pio also routinely offered his advice to the highest echelons of

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[32] Cesar Adib Majul, *Muslims in the Philippines* (Quezon City: University of the Philippines Press, 1999), 356.

[33] Miguel A. Bernad, S.J., *The Great Island: Studies in the Exploration and Evangelization of Mindanao* (Quezon City: Ateneo de Manila University Press, 2004): xi-xiii.

[34] "Moro" is another term used for Muslims in the Philippines. It has a contentious genealogy, starting as a pejorative Spanish term borrowed from encounters with Islamic North Africa. Americans perpetuated the term, naming Mindanao and Sulu the "Moroland Province" and in the process constructing a

Spanish political authority on the island, including the Politico-Military Governor in Zamboanga; and even after the transfer of power from Spanish to United States military forces in 1899, American officials would continue to tap his knowledge for counsel on how to proceed in the region.[35]

Fr. Pio encapsulated Spanish views on Mindanao, and the US military commissioned him to produce a general summary of the Moros which would be appended to the 1903 Report of the US War Department. As a Jesuit actively seeking to convert Muslims to Catholicism, Fr. Pio diverged from his Dutch counterpart Snouck Hurgronje. Fr. Pio betrayed none of Hurgronje's depth of understanding of the Muslim faith, indulging in tendentious attacks and deriding Islam as a "false religion" that should at best be "tolerated."[36] However, Fr. Pio did ostensibly share with Hurgronje the belief that those Moros most attached to the doctrines of holy war constituted the "bad Muslims." Indeed, Pi attributed resistance to Islamic theology, declaiming that the "one thing they [Muslim Filipinos] know for certain [is] that Mahomet commanded a holy war, without truce or termination, upon Christians."[37] Only by extinguishing this "fanaticism" could the Americans defuse *juramentado* and end the decades-long insurgency.

Yet, Fr. Pio did introduce an important wrinkle to the "good Muslim/bad Muslim" formulation. While dismissing Islam as an inherently fanatical faith, he also levels a somewhat contradictory criticism:

> The religious ignorance of the Moro of the Philippine Archipelago is universal and almost absolute, even in relation to affairs concerning Mohammedanism, since all his instruction, and little it is, is reduced to the poor reading of the Koran without understanding what he reads.[38]

Therefore, Fr. Pio construed the supposed malevolence of local Filipino Muslims not only in terms of their adherence to religious rules, but also, their deviation from such strictures. These Moros were "bad" Muslims inasmuch as they could not perform their religious duties or comprehend the Qur'an."[39] For a friar like Pi, being unlettered in the verities of faith seemed every bit as grave a sin as killing a Spanish solider. Moros were "bad Muslims" as much for their theological incompetence as for their opposition to Western "modernity."

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common identity for the diverse Muslim ethnic groups. In the postcolonial period, Muslims of the Philippines appropriated the term "Moro" as a positive marker of identity. This paper will thus sometimes refer to Muslims in the Philippines as "Moro." See Angeles, "Moros in the Media and Beyond, 29–30, 32; Thomas McKenna, *Muslim Rulers and Rebels: Everyday Politics and Armed Separatism in the Southern Philippines* (Berkeley: University of California Press, 1998), 86–112.

[35] Pablo Pastells, *Mission to Mindanao, 1859–1900*, trans. Peter Schreurs (Cebu, Philippines: San Carlos Publications, 1994), 3:200-219, 272, 296–306.

[36] Appendix VI, "The Moros of the Philippines," *Annual Report of the War Department for the Fiscal Year ended June 30, 1903* (Washington: Government Printing Office, 1903), III: 365.

[37] Appendix VI, "The Moros of the Philippines," III: 366.

[38] Appendix VI, "The Moros of the Philippines," III: 366.

[39] Appendix VI, "The Moros of the Philippines," III: 366.

While scorn for Moro religious ignorance did not translate into any converse enthusiasm for Islam, Fr. Pio did effectively introduce a criticism to colonial discourse that, if taken to its logical conclusion, entailed a certain degree of acceptance of more orthodox theology. In the case of this Spanish friar, deep-seated antipathy to Muslim Filipinos effectively rendered moot the contradictions inherent to criticizing Moros both for their attachment to a fanatical faith and for their inadequate commitment to said religion. Employing all lines of attack, even if they might be logically inconsistent with one another, still served the anti-Moro cause. However, more sympathetic colonial officials might not tolerate such contradictions. Indeed, some of Pio's American successors in the region who might accept the indictment of lax religious commitment also followed such criticism to its obvious conclusion: that greater devotion to religion, not less, could improve the condition of Moros, make them more reconcilable to colonial rule, and in the process, transform them from "bad" into "good" Muslims.

Juramentado and the Making of Good "Modern Mohammedanism"

One official who began to reconcile this contradiction was a Lebanese Protestant emigrant to the United States, Najeeb Saleeby. Born in 1870 in the Lebanese village of Suq al-Gharb, Saleeby attended the Syrian Protestant College (now the American University of Beirut) before emigrating to the United States in 1896 to complete his medical training at the Belleville Medical College of New York City. In 1898, Saleeby enlisted in the US Army before arriving in Mindanao in 1900.[40] Something of an outlier due to his background, Saleeby immersed himself in the meticulous study of Moro society, earning positions as the Agent for Moro Affairs in 1903 and as the Mindanao Superintendent for Schools in 1905.[41] Saleeby's comparative respect for Mindanao Muslim culture also distinguished him within the American military establishment. While most officers preferred harsh suppression, Saleeby advised gradual reform and education as the best means for solving "the Moro Problem."[42] This spurred him to reinterpret the postulates of Moro religious ignorance made by Father Pio Pi. While Saleeby concurred with Pi that Moros "do not understand the principal doctrines of Mohammedanism. . .they do not know the five prayers and seldom enter a mosque,"[43] he diverged from his predecessor by deploying this as proof that Islam had little connection to *juramentado*:

> There has been no greater misunderstanding by Spaniards and Americans on any one Moro subject than on this—the juramentado question. The juramentado is not

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[40] Timothy Marr, "Diasporic Intelligences in the American Philippine Empire: The Transnational Career of Dr. Najeeb Mitry Saleeby," *Mashriq and Mahjar* 3 (2014): 79–80.

[41] McKenna, *Muslim Rulers and Rebels,* 104–109.

[42] McKenna, *Muslim Rulers and Rebels*, 107.

[43] Najeeb Saleeby, *The Moro Problem: An Academic Discussion of History and Solution of the Problem of the government of the Moros of the Philippine Islands* (Manila: Press of E.C. McCullough & Co., 1913), 24.

> actuated by a religious feeling. It is fierce patriotism that excites his rashness …
> His chief's call for vengeance rings in his ears … Religion plays a secondary role
> in this case and no blame can attach to the juramentado's creed.[44]

For Saleeby, the persistent resistance of Moros thus did not emanate from some fanatical Muslim disposition, but rather from local patriotism and the directives of customary *datu* chiefs.

Although his dismissal of Islam as the source of Moro resistance did not persuade many US Army commanders, Saleeby did have an opportunity to impart his views to a younger generation of junior officers, most notable among them Major John P. Finley. As the Governor of Zamboanga Province in Mindanao from 1903 to 1912, Finley emerged as one of the most energetic American defenders of Islam. An autodidact with a keen interest in the cultures of the conquered, Major Finley solicited Saleeby for advice and soon joined him in contesting the view that Islam stimulated Moro resistance. Indeed, the major saw earlier Spanish proselytizing efforts as a key source of Moro mistrust, arguing in a 1915 article titled "The Mohammedan Problem" that "if the Moros' religion had been respected, all else would have been easy."[45]

To convey such "respect," Finley undertook a mission to promote "the application of the principles of modern Mohammedanism."[46] The governor of Zamboanga actually had a rather dim view of Islam in Mindanao, disparaging the "degraded form of Mohammedanism" in the region and noting in a 1915 article that "we found that they [the Moros] were not being taught in accordance with the doctrines of their religion as laid down in the Koran."[47] These Muslims thus did not simply comprise "bad" Muslims in the sense that they posed a militant challenge to American rule. The source of that militancy, in fact, emanated from the fact they were bad *at* their religion, adhering to a "degraded form" of faith. Finley thus interposed himself as a veritable savior of local faith and an intermediary for the transmission of correct, or "good" Islam. For example, the governor described his attempts to facilitate teachers who "know the Koran…and are familiar with the sacred Arabic, the prayers and forms of worship." He observed that "the Sultans of Sulu and Maguindanao, and many of the leading men recognized at once what such a request [for Muslim teachers] meant, and were overjoyed."[48] Indeed, the pursuit of "modern Mohammedanism" would help to counteract "vicious habits" such as "running amuck and taking the *magsabil* or *juramentado*—to kill

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[44] Najeeb Saleeby, *The Moro Problem*, 24.

[45] John Finley, "The Mohammedan Problem in the Philippines," *The Journal of Race Development* 5, no. 4 (1915): 359.

[46] John Finley, "A Review of the Moro Petition, Its Origin, Scope and Purpose, and How its Object May be Realized in Aid of the American System of Control," 5, John P. Finley Papers, Military History Institute, Carlisle, PA, USA.

[47] Finley, "A Review of the Moro Petition," 4; Finley, "The Mohammedan Problem in the Philippines," 360.

[48] Finley, "The Mohammedan Problem in the Philippines," 360–2.

Christians."[49] Finley thus staked out a unique "tutelary imperialism,"[50] promising that through American leadership, the Moros "could be advised and assisted to arrive at a better and truer Mohammedan faith."[51]

One other intriguing way in which Finley hoped to engender "good Muslims" involved the cultivation of ties between Mindanao and the greater "Islamic World." Finley's writings evinced interest in the larger Islamic community extending beyond Southeast Asia to the Arab and the Ottoman worlds.[52] For instance, at the very outset of his "Mohammedan Problem" article, the major rhapsodized about "when the Moslem religion began its wonderful advance from Arabia, it spread in every direction. . .[in] the Philippine group, they converted and intermarried with this Hindu aboriginal mixture and formed the progenitors of the present Moro."[53] Finley also related the story of how the US Ambassador to Turkey in 1900 "gained an audience with the Sultan, Abdul Hamid, and requested him, as Caliph of the Moslem religion to act in behalf of his followers of Islam in the Philippines" against "holy war."[54] This positioning of the Southern Philippines as a territory at the outer periphery of the Islamic "heartlands" informed Finley's estimation of contemporary Mindanao circumstances.

Thus, Finley endeavored to bring to Mindanao "a modern Mohammedan from Constantinople [Istanbul], selected with due care and official approval."[55] In particular, the governor aspired to locate a religious teacher who could instruct the locals

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[49] Finley, "A Review of the Moro Petition," 4.

[50] The idea of "tutelary imperialism" parallels Amrita Malhi's discussion in this special issue of British relations with Malay royals, whom they urged to articulate religion as a non-political sphere of influence within the context of state geo-bodies, see Amrita Malhi, "Like a Child with Two Parents: Race, Religion, and Royalty on the Siam-Malaya Frontier, 1895–1902"; similarly, it also mirrors Nurfadzilah Yahaya's description in this special issue of how Hadrami Arabs relied on British representatives to present their interests through petitions, see Nurfadzilah Yahaya, "Craving Bureaucracy: Marriage, Islamic Law, and Arab Petitioners in the Straits Settlements"; for a critique of this Western tutoring reference Dunya Cakir's discussion in this special issue of Özgür-Der critiques of American Islam (i.e. the AK Party has accepted/capitulated to Western tutoring), see Dunya Cakir, "Islamist Texts in Practice: Commemorating Qutb in Turkey before and after the Arab Spring."

[51] Finley, "A Review of the Moro Petition," 6.

[52] John Finley's Ottoman preoccupation mirrored European interest in Islam as the "religion of the Turks." See Crews, *For Prophet and Tsar*, 34, 50. It also reflected historical interest among the Muslims of Mindanao in appealing to the Ottoman Empire even if there was little actual contact. For an overview, see Isaac Donoso, "The Ottoman Caliphate and Muslims of the Philippine Archipelago during the Early Modern Era," in *From Anatolia to Aceh: Ottomans, Turks, and Southeast Asia*, ed. Andrew Peacock and Annabel Teh Gallop, Proceedings of the British Academy 200 (Oxford: Oxford University Press, 2015): 134–144. In another example, Gerard Rixhon recorded and wrote down an oral story from the Tausug Muslim peoples of the southern Philippines in the early 1970s titled "The Relationship between the Sultan of Istanbul and our Sultan," see Gerard Rixhon, ed., *Voices from Sulu: A Collection of Tausug Oral Traditions* (Quezon City: Ateneo de Manila University Press, 2010), 126–140.

[53] Finley, "The Mohammedan Problem in the Philippines," 354.

[54] Finley, "The Mohammedan Problem in the Philippines," 356.

[55] Finley, "A Review of the Moro Petition," 5.

that "good Mohammedans are honest, frugal, temperate, industrious, obedient to the law, and respectful to the authorities."[56] Finley thus travelled to Istanbul, bearing with him a petition written by Mindanaon Muslims in the local language of Tausug and requesting the dispatch of a new Ottoman teacher.[57] By 1914, Finley's persistence yielded results, as the Ottoman Sultan consented to send to the Philippines an official named Sayyid Wajih b. Munib Zayd al-Kilani al-Nabulsi. Born in the Ottoman Palestinian city of Nablus to a prominent family with a genealogy going back to the Prophet Muhammad, Wajih moved to Istanbul in 1906 and eventually worked his way up to a position in the correspondence office of the *Bab-i-Fetva*, the Ottoman Shaykh al-Islam.[58] On his journey to Southeast Asia, Wajih would become known simply as the "Shaykh al-Islam" of the Philippines.[59] According to the future American governor of Mindanao and Sulu, Frank Carpenter, the "so-called Sheik-Ul-Islam [sic]…was met by Colonel Finley with great formality and introduced accordingly to a great concourse of Mohammedans from various parts of Mindanao-Sulu including practically all resident Turkish and Malay-Mohammedans." Among other things, this *shaykh* exhorted his listeners to "purify Mohammedanism."[60] In other words, Major Finley imported "purifying" reformism from the Islamic heartland to fashion "good Muslim" Moros.

Finley's views, in turn, percolated through the US colonial community. This influence can be detected on the pages of the most prominent colonial newspaper, the *Mindanao Herald*. Owned by American planters who sought the transformation of the region into a thriving settler colony, *The Mindanao Herald* hardly constituted a redoubt of sympathy for Muslim Filipinos. The newspaper ran numerous salacious articles about Moro violence, even exculpating the massacre of approximately one thousand Muslims on Sulu by the US military as a "regretful" necessity borne by fanatical "Mohammedanism."[61] Five years later, however, the newspaper attributed *juramentado* not to Islam as a religion, but to deviations from its teachings. In particular, it lampooned Moro Qur'anic knowledge and connected such supposed theological illiteracy to *juramentado*:

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[56] Finley, "A Review of the Moro Petition," 5, 8.

[57] For an excellent close reading and analysis of the Tausug language petition addressed to the Ottoman Sultan by John Finley's local Mindanaoan interlocutors from the Zamboanga region, see Midori Kawashima, "*The 'White Man's Burden' and the Islamic Movement in the Philippines: The Petition of the Zamboanga Muslim Leaders to the Ottoman Empire in 1912*," Institute of Asian Cultures, Sophia University, Monograph Series 17 (Tokyo: Institute of Asian Cultures, Sophia University).

[58] William G. Clarence-Smith, "Wajih al-Kilani, Shaykh al-Islam of the Philippines and Notable of Nazareth, 1913–1916," in *Nazareth History & Cultural Heritage: Proceedings of the 2nd International Conference, Nazareth, July 2–5, 2012*, eds. Mahmoud Yazbak et al. (Nazareth: Municipality of Nazareth Academic Publications, 2013), 172–174.

[59] Clarence-Smith, "Wajih al-Kilani," 176.

[60] Carl M. Moore to F.W. Carpenter, 1 June 1918, Zamboanga (Philippines), folder: "Moros: 1918–1920," box 253, Manuel L. Quezon Papers [hereafter MLQ Papers], Philippine National Library, Manila.

[61] See Gedacht, "'Mohammadenism made it Necessary to Fire,'" 406–407.

Many of them still believe that the practice is sanctioned by their religion. This, however…is based upon a misconcept of the holy war proclaimed by Muhammad during his lifetime. The article shows by quotations from the Koran… that the juramentado violates the fundamental principles of the Muhammadan.[62]

The *Mindanao Herald*, published in the city where Major Finley served as district governor, Zamboanga, also imbibed the governor's view that Islam could act as a counterweight to Moro violence. For example, the editorial argued that the dissemination of Qur'anic passages "can hardly fail to exert a restraining influence upon the Moro who may have planned a quick entrance into Paradise via the treacherous murder of a few Christians." Furthermore, paralleling Finley's interest in Islamic Civilization, the editorial noted the paucity of *juramentado* in other Islamic lands:

> Westward thru Egypt and Barbary to the shores of the Atlantic, and eastward thru Persia and India, the faith of Islam was carried…one hundred seventy millions of human beings confess that there is no God but Allah…Yet in all this vast array of Muslim countries…there is no country…where the rite of juramentado is practiced save among the 260,000 Muhammadans of this province.

The column further claimed that "the religious doctrine of the juramentado which enjoins the taking of life…is not practiced by the Arabs, nor Turks, nor Egyptians, nor Berbers, nor Persians, nor Indians, nor Malays, nor by anyone else on the face of the earth save by the Moros." The editorial taunted the Moros, "do you claim to be stricter Muslims than the Arabs, Turks and Persians?" "Arabs, Turks and Persians" thus served as proxies for a more correct Islam.[63]

Although this comparison was invidious in nature and predicated on the civilizational thinking of the time, placing West Asians higher on the global hierarchy than "semi-savage" Moros, it also opened up space to recast the "good Muslim." The devout, best embodied by the "Persians, Turks, or Arabs," could also be the "good Muslim", the remedy to the falsehoods of *juramentado.*

Despite this broader impact, Major Finley's embrace of Islam never prevailed among the majority of US or Catholic Filipino officials in the region.[64] General John J. Pershing, who later served as "Moroland" Governor from 1909 to 1913 and rose to fame as the Allied military commander in World War I, disparaged Finley as "an old pessimistic windbag of the most inflated variety."[65] In turn, Pershing's successor in Mindanao, Frank Carpenter, made more substantive criticism, decrying how the town visited by the

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[62] Editorial, "The Folly of Juramentado," *The Mindanao Herald*, 4 November 1911.

[63] Editorial, "The Folly of Juramentado," *The Mindanao Herald*, 4 November 1911.

[64] William G. Clarence-Smith, "Middle Eastern States and the Philippines under Early American Rule, 1898–1919," in *From Anatolia to Aceh: Ottomans, Turks, and Southeast Asia*, ed. Andrew Peacock and Annabel Teh Gallop, Proceedings of the British Academy 200 (Oxford: Oxford University Press, 2015): 201–204.

[65] John J. Pershing to Francis E. Warren, 9 February 1912, quoted in Frank Vandiver, *Black Jack: The Life and Times of John J. Pershing* (College Station: Texas A&M University Press, 1977), 1:523.

Shaykh al-Islam, Taluksañgay, had emerged as the center of "determined opposition to the development of the policies of the government since the beginning of the American occupation." Carpenter counseled that "the great stronghold of Mohammedan religious fervor and propaganda in Mindanao-Sulu…be brought under effective Government control."[66] Najeeb Saleeby, the erstwhile Moro Province official mentioned before but by 1914 based in Manila, did attempt to defend Shaykh Wajih and help him stay in the Philippines. Nonetheless, fearing that this whole mission would stoke *jihād*, not defuse it, American colonial officialdom forced both Shaykh Wajih and Finley to depart from Mindanao within a matter of weeks.[67]

"The Progress of the World Hangs on Religious Education" in Aceh

John Finley's ardor for the Shaykh al-Islam, the Ottoman Empire, and "modern Mohammadenism" not only riled his colleagues in the American colonial establishment, but also that aforementioned doyen of Aceh and Islamic Studies in the Netherlands East Indies, Snouck Hurgronje. By 1916, news of the Shaykh al-Islam's Philippine visit reverberated through inter-imperial networks back to the Dutch scholar, prompting a caustic response. In a letter to the Minister of the Colonies, Hurgronje disparaged the entreaties of friendship from the likes of the Shaykh al-Islam, arguing that Ottoman attempts to "win the trust" of imperial authorities "plays the same role in our colonies that it fulfills in the Philippines," of trying to extend their influence among the "native populations." "One does not only need to be naïve," said Hurgronje, "but also of the highest imprudence to act on such expressions in light of the unanimous hostility" against Euro-American colonialism in the "pan-Islamic press" of Turkey and Egypt.[68]

Yet, in spite of Hurgronje's aspersions, Dutch colonial policy inexorably moved in the direction first traversed by Finley, with officials elaborating dichotomies of "good" versus "bad" Muslims as a means to isolate *perang sabil* and promote a loyal, even orthodox Islamic alternative. Hurgronje himself, despite his aversion to anything resembling "Pan-Islamism" and his willingness to castigate religious doctrines of holy war, had also identified various "bad" Islamic practices that seemed to encourage violent resistance precisely because it deviated from correct religious practice.[69] Like Snouck Hurgronje, later officials recognized that the Islamic faith would remain an abiding force in Aceh and increasingly sought to accommodate the pious. One of the most aggressive

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[66] Moore to Carpenter, 1 June 1918, MLQ Papers, Philippine National Library, Manila.

[67] Clarence-Smith, "Middle Eastern States and the Philippines," 204.

[68] Snouck Hurgronje to Minister of the Colonies, het archief van het Ministerie van Koloniën, 1900–1963: Openbaar Verbaal, 1901–1953, Access Code: 2.10.36.54, National Archives of the Netherlands, The Hague, The Netherlands (hereafter Archives Netherlands).

[69] Kloos, "Becoming Better Muslims, 77.

practitioners of this strategy was O.M. Goedhart, governor of Aceh from 1925 through 1929. Goedhart's strategy hinged on a comparison pitting "bad" Muslims embodied by practitioners of *perang sabil* against a group of "good Muslims" represented by Muhammadiyah. In a 1929 report, for example, Goedhart dwelled on the phantasmagoria of *perang sabil* and *Atjeh-Moorden* despite the limited number of such attacks, castigating it not only as the "*valsche leer*" or "false doctrine," but also as a sort of pathology. In describing an attack made by one Teungku Dido Amin, the governor wrote that it "bothered him [Amin] deeply that he lacked enough money to make hajj" to Mecca, and as a result, Teungku Amin succumbed to a "dream" of holy war.[70] Moreover, the governor also emphasized that such problematic violence materialized in those regions, like the west coast of Aceh, where "the large majority of the population remains primitive in its spiritual thinking" and fails to adhere to proper religious "orthodoxy."

In the same report, Goedhart juxtaposed *perang sabil* with the more responsible approach of a well-known Islamic educational organization, Muhammadiyah. Founded in 1912 by Ahmad Dahlan, Muhammadiyah expanded in the late 1920s beyond its Central Java base and soon emerged as an important vehicle of Islamic schooling and mutual aid in the Dutch East Indies.[71] While Governor Goedhart understood that this organization did not articular a single, uniform vision of Islam, he also viewed Muhammadiyah as the ablest defenders of Qur'anic principle, proper *hadith* "exegesis," and the teachings of the wider "orthodox Muslim world" within the context of Aceh's "primitive" religious condition. This religious rectitude, in the governor's position, rendered the organization an especially prominent scourge of theological error and falsehood. Indeed, after Muhammadiyah inaugurated its first Acehnese branches in 1928, Governor Goedhart not only commended its "loyal attitude," but also its "position in the region taken against the spread of the false doctrine of Prang Sabi."[72]

At least in public, Muhammadiyah reciprocated this Dutch enthusiasm to some extent and embraced its role as the vanguard of a good, "orthodox" brand of Islam. In contrast to the colonial governors, representatives of the religious organization did not manifest their modern credentials by explicitly castigating or renouncing *perang sabil*. Such a bold step, perhaps, would have constituted too bold an affront against Aceh's recent history of defiance. Instead, the trope of holy war simply faded from the writings of Muhammadiyah, as the association focused on propagating a "modern" approach to Islam through ambitious programs of schooling, public lectures (*tabligh*), and instruction

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[70] "Governor of Atjeh and its Dependencies, Goedhart, to the The Governor General of the Netherlands-Indies (hereafter GGNI), "Verslag politieken toestand Atjeh en Onderhoorigheden over 1928," 16 January 1929, Mailrapport No. 130x/29., Politieke Verslagen Serie 4e, National Archives of the Republic of Indonesia, Jakarta (hereafter ANRI).

[71] See Howard Federspiel, "The Muhammadijah: A Study of an Orthodox Islamic Movement in Indonesia," *Indonesia* 10 (October 1970), 58.

[72] Goedhart to GGNI, "Verslag politieken toestand Atjeh en Onderhoorigheden over 1928," 16 January 1929, Mailrapport No. 130x/29, Politieke Verslagen Serie 4e, ANRI.

in the Qur'an and *hadith*. A 1933 article from the *Muslimin* newspaper, for instance, commended Muhammadiyah as "the beginning of a new age of a current of (*insyaf*) realization," and as a vehicle that "wants to unite all of Muslim society into a sturdy association with Islamic principles (Sunna and Hadith)."[73]

Nor did this spirit of *insyaf*—the byword of religious reformism in Aceh for the next decade—necessarily run counter to the aims of colonial authorities. Articles published in the Indonesian language newspaper of the Teachers Association of the Government of Aceh (*Perserikatan Goeroe-Goeroe Gouvernement Atjeh*), for example, lauded Dutch support for the Muhammadiyah schools in the capital of Kutaradja and elsewhere. According to one article, a Muhammadiyah official named "Sir T. Mohammad Hasan," was "heartened" that such schools would allow "any child of ordinary people to be able to study the Dutch language and focus on progress." A teacher of "religion from Moehammadijah," likewise, was said to "hope" that the "government will lead and keep track of the path of Moehammadijah." Then, after "the reading of hadith and several verses of the Qur'an," a Dutch Assistant Resident, V.D. Veen, noted that "H.I.S. Moehammadijah has firm support and a strong base namely because of the teaching from matters of religion...the *progress* (*kemajuan*) of the world hangs on religious education."[74] Progress and *kemajuan*—such notable watchwords of modernity in colonial Indonesia—were thus best realized in Aceh through precisely the sorts of religious schools offered by Muhammadiyah. A separate article, meanwhile, recounted breathless excitement at an early Muhammadiyah school groundbreaking ceremony over the attendance of the "Njonja Besar," the Dutch wife of the colonial governor of Aceh.[75]

Of course, one would not expect to find many diatribes against colonial rule in the *Oetoesan Goeroe,* the official "organ" of a Dutch association of government teachers in Aceh. Nonetheless, it still seems salient that an Islamic organization attempting to make inroads into Aceh opted to publicize their partnership with Dutch authorities via an Indonesian language newspaper. The teachers most likely to consume the news in the *Oetoesan Goeroe*, after all, had a vested interest in coaxing ever greater funding from the Dutch government. Indeed, to the extent that reformist Muslim teachers did criticize the colonial authorities, it was not for their overly aggressive interventionism, but quite to the contrary, for the tepidness of their support. The chief teacher of the H.I.S. Muhammadiyah, Zain'oel Baharoeddin, organized a raucous *tabligh* meeting with other Muslim notables from the Jong Islamitien Bond and the Madrasah Islamijah of Indrapuri city over precisely this issue. Decrying the fact that the "teaching vacancies that develop are not filled and that the neighboring "Philippines were further developed on educational terrain than is

[73] "Gerakan Kaoem Moeslimin di Atjeh dengan Moehammadijah," *Muslimin*, 25 October 1933.

[74] "Pemboekaan H.I.S. Moehammadijah Koeta-Radja pada 9 Juli 1928," *Oetoesan Goeroe*, 15 July 1928.

[75] "Melatakkan batoe jang pertama pada H.I.S. Moehammadijah di Koetaradja," *Oetoesan Goeroe*, 15 April 1929.

Indonesia," Baharoeddin beseeched his listeners "to protest against the cutbacks to Education."[76] Baharoeddin, who himself worked at a Muslim school dependent on colonial subsidies, thus did not speak of comparisons with the purpose of fanning the flames of *perang sabil*. Instead, Baharoeddin deployed the Philippines as an oratorical lever for prodding the authorities to deepen their engagement with Acehnese Islamic society, to expand their financial support of Muslim schools, and to provide more opportunities to locals to participate in the currents of modernity.

In sum, the valorization of religion and its role in education suggests, at the very least, a contingent alignment between a segment of the local Muslim population and the colonial authorities. There may not have been any isomorphism in the values, beliefs, or political agendas of Muhammadiyah and the Dutch authorities in Aceh; however, they did participate in ongoing debates organized around the shared if somewhat amorphous keywords of progress and *perang sabil*, modernity and *insyaf* realization. Through the careful negotiation of these terms, the Dutch not only helped to incubate a "good," loyal Muslim alternative to the bad rebellious fighters of the past, but also provided rhetorical and institutional support to an organization that they hoped could embody modern, "orthodox" configurations of Islam. In turn, Muhammadiyah could enjoy the space to pursue its own political and theological ambitions, even when it involved demanding more money from the colonial authorities. But how long would the fluid meanings of holy war and modernity continue to converge around this Dutch-Muhammadiyah alliance? Would the Acehnese persist in seeing *perang sabil* and progress as fundamentally disjunctive, like the Dutch believed all "Good Muslims" should, or would new permutations of meaning undermine colonial discursive intentions? Could holy war be made modern?

Islamic Florescence, Anti-colonialism, and the Rehabilitation of *Perang Sabil* in Aceh

Despite their previous support for reformers in Aceh as a foil to *perang sabil*, the "noteworthy...expansion" of Muhammadiyah soon elicited consternation amongst colonial officials. The Dutch *controleur* of the Meureudu district, Gerard Tichelman, acknowledged that in the past "it was the opinion of the government that in this organization was a counterbalance against the more radical type of nationalists." However, he came to "see in Moehammadijah a real danger," a haven for "unprincipled adventurers." Tichelman also dismissed the H.I.S. Muhammadiyah teachers as "incompetent." Most important of all, this Dutch official feared that their religious agenda could disrupt Aceh's carefully balanced political arrangements. Tichelman observed that Muhammadiyah's inclinations impelled them to "challenge popular practices that...are unworthy of

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[76] The Governor of Aceh and its Dependencies to the GGNI, "Politieke-Politioneel Verslag betreffende het Gewest Atjeh en Onderhoorigheden gedurende het 1ste halfjaar 1932," 29 August 1932, pp. 17–18, Archives Politieke Verslagen Buitengewesten, access code 2.10.52.01, Dutch National Archives, The Hague.

believers of Islam." In particular, many reformists deemed the hereditary Acehnese *ulëëbalang* chiefs—the closest collaborators of the Dutch—as insufficiently religious. "Moehammadijah takes the modern position," observed Tichelman, that the numerous institutions of *adat* are unworthy of adherents of Muslim duty."[77]

While not universally rejected by all colonial administrators, the sentiments of Tichelman reflected a growing realization among the Dutch that their efforts to incubate "good Muslims" through Muhammadiyah could entail adverse consequences for their administration. Although Muhammadiyah publications retained its non-violent cast, it did over time begin to embrace a more strident call for self-determination on the parts of Acehnese and Indonesian Muslims. In 1933, the principal mouthpiece for advancing the organization in Aceh, the *Muslimin* newspaper, endorsed the need for Muslim society to reclaim their dignity from an imperial regime that was, ultimately, grounded in an alien "Christian" society.[78] While not yet summoning the specter of *perang sabil*, a shift in tone was already evident.

The shifting political resonances of Islamic reformism came into sharp focus by 1940. Whereas before Muhammadiyah leaders had sought to realize "progress" through cooperation with the Dutch, now many of them embraced a more confrontational tone.[79] The Islamic publication, *Pandji Islam*, crystallized this shift. In an article titled "Who is the Orang Besar (Great Man) of Aceh," an anonymous writer identified as "Poetera Atjeh," or the "son of Aceh," invoked "progress (*kemadjoean*) according to the demands of the modern era" and "the spirit of awareness and realization."[80] Like others, this writer drew inspiration from the Islamic world outside Aceh, lionizing the Egyptian Islamic reformer, Shaykh Muhammad Abduh.[81] However, whereas earlier Muslim proponents of progress elided histories of violence, this writer boldly revisited the time "when war raged" with the aim of rehabilitating the memory of *perang sabil*. For him, holy war did not constitute the antipode of Acehnese modernity, but its realization.[82]

The "Son of Aceh" proceeded to harness the memory of holy war to progress through a process of historical refashioning. Reasoning that all "truly great nations

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[77] G.L. Tichelman, Controleur from the North Coast of Aceh, to J. Jongejans, Assistant Resident of the North Coast of Aceh, 22 June 1931, Lhok Seumawe, Archief van G.L. Tichelman, 1916–1937, Access Code: 2.21.09.01, Folder 31, National Archives of the Netherlands, The Hague.

[78] "Riwayat dan taktik Kolonial Imperialisme di Indonesia," *Muslimin*, 21 April 1933

[79] The shift from accommodation to confrontation in the 1940s provides an analog to the moment represented by Özgür-der in Cakir's "Islamist Texts in Practice," this special issue.

[80] Sipakah Orang Besar dari Atjeh," *Pandji Islam*, 7 March 1940, 189–191.

[81] Sipakah Orang Besar dari Atjeh," *Pandji Islam*, 7 March 1940, 189–191.

[82] Sipakah Orang Besar dari Atjeh," *Pandji Islam*, 7 March 1940, 189–191. There is a certain irony in this invocation of Muhammad Abduh. While the "Poetera Aceh," sought to harness Abduh to the cause of rehabilitating the memory of *perang sabil*, Asma Afsaruddin has noted that Abduh generally believed that *jihād* should only be fought as a last, defensive option, and that the "so-called sword verse" in the Qur'an often cited by jihādists did not abrogate "the more numerous verses in the Qur'an that call for forgiveness and peaceful relations with non-Muslims." See Afsaruddin, *Striving in the Path of God*, 237–241.

remember the greatness of the *orang besar* (big men)," the *Poetera Atjeh* suggested that to join the rank of modern powers, the Acehnese too must cast their gaze back into history to "locate who is exalted, remembered and respected." Now that "the youth…awaken the wish to pursue progress," the writer argued, they should return to the region's past to "newly investigate who should be remembered as the *orang besar*." Not just anyone, however, could fulfill this role. It could not be someone like the prominent 1890s rebel leader Teungku Umar, who possessed a "close relationship with the Dutch nation" before betraying them out of "self-interest" and turning to the rebel cause.[83] Nor could it be a Muslim teacher like Zai'noel Burhanoeddin who had publicly beseeched the Dutch for more subsidies.

Instead, this hero, this fount of the new, modern and Islamic Acehnese nation, would need to be someone unsullied by any taint of compromise with colonialism. He would have to be a person with pure motives who waged war "for nothing other than faith."[84] Finally, given the long history of Dutch-Acehnese entanglements, this hero would need to be someone who "was not so clearly paid attention to" in the past, a person who had perhaps even suffered the taunts of "slander" and "verbal abuse." Someone whose "greatness…is only evident after they leave us behind for several years or several tens of years," whose only aim had been the "wish of *perang sabil*" and "the bliss of the death of the *syahid*." The "bumipoetra Atjeh" asserted that it was none other than Teungku Shaykh Muhammad Saman di Tiro, a "forgotten man," a "high holy leader" who should be venerated for "his greatness and his *jihād* in the previous era."[85]

By tracing a genealogy from nascent Acehnese nationalism back to this "holy leader," the *Pandji Islam* writer was erasing the Dutch from any role in the region beyond that of implacable antagonist. Unlike past journalists, who had openly discussed Dutch conduciveness to religious modernity, the "Poetera Atjeh" now lauded those heroes whose sole contact with the colonial authorities had been a "proclamation of war." Indeed, the "teachings of Islam which these days penetrates into the Acehnese population" derived solely from figures like Teungku di Tiro; his heroic struggles explained why "the teachings of religion [are] to be included in the teaching lesson plans of all schools," including those of organizations like Taman

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[83] Sipakah Orang Besar dari Atjeh," *Pandji Islam*, 7 March 1940, 189–190. In a fascinating example of the tangled skeins of historical memory and re-purposing, the anthropologist Jesse Grayman recounts how the Acehnese NGO Tikar Pandan Community adopted a mostly forgotten composer of colonial-era *Hikayat Prang Sabi* epic poems named Dôkarim as its mascot over a century later after the 2004 tsunami. It was none other than Dôkarim who had been the first to lionize Teungku Umar in the 1890s through his poems. Eventually, however, Teungku Umar would have Dôkarim executed for suspicions of collaboration with the Dutch. Ironically, by the late 1930s, Teungku Umar was being knocked off his pedestal, while seventy years later it was Umar's chronicler Dôkarim who would be remembered again. See Jesse Grayman, "'We Build Our Own Stories': The 19th-Century Figure and 21st-Century Myth of the Acehnese Poet Dôkarim," *Indonesia* 99 (April 2015): 51–57.

[84] Sipakah Orang Besar dari Atjeh," *Pandji Islam*, 7 March 1940, 189.

[85] Sipakah Orang Besar dari Atjeh," *Pandji Islam*, 7 March 1940, 190–1.

Siswa without an explicit theological mission.[86] The "dawn of the era of awakening" was thus inextricably intertwined with the spirit of holy war incarnated by Teungku di Tiro.

This radicalization of religious modernity in Aceh, this transmutation of discourses of peaceful piety into the valorization of sanctified battle, likely stemmed from several developments. First, even if the Dutch colonial establishment might profess its support for Muhammadiyah, it could not quite overcome deeply engrained suspicion. Officials like Tichelman ceaselessly monitored their Muslim interlocutors, searching for the slightest hint of perfidy, espying malevolent motivations or craven opportunism at every turn. Such hostility perhaps did not cause religious reformers to abandon modernity and progress, but it surely pushed them to reframe such discourses away from coexistence toward defiant religiosity and resilience.

Moreover, along with the whims of the Dutch establishment, forces beyond the control of colonial officials, such as the economic contraction of the 1930s and the Indonesian nationalist movement, also helped to inspire the revaluation of religious modernity. In terms of economics, the anthropologist James Siegel has already described how the collapse of the mainstay of local life—pepper—inspired many Acehnese to seek to construct an entirely new society.[87] In terms of Indonesian nationalism, the *Poetera Atjeh* penned his treatise on holy war not in a newspaper based in Aceh, but in the nearby north Sumatran metropolis of Medan. Likewise, the "Poetera Atjeh" cited the influence of the famous West Sumatran Muhammadiyah reformer known as Hamka. The "Poetera Atjeh" declared that Hamka "could glean from the mouths of…ulama and heads of the lands across Aceh that he visited, that Di Tiro deserves the title of orang besar of…Aceh."[88] It was this non-Acehnese Muslim reformer who elevated Di Tiro from obscurity into an exemplar not only of the Acehnese Islamic spirit, but also, of the entire Indonesian nation.

Whatever propelled this shift, the re-signification of Islamic progress from cooperation to contestation only continued to gather steam, culminating in the formation of PUSA, or the Persatuan Ulama Seluruh Aceh (All Aceh Ulama Association), in 1939. Despite a bitter rift with Muhammadiyah in 1940, PUSA constituted not so much an ontological break from its predecessor, but rather, its natural consummation.[89] With an emphasis on *'ibāda* as a comprehensive Islamic project of societal regulation and spiritual advancement, PUSA possessed a clear lineage with the ideas of *insyaf* and *kemajuan* articulated by Muhammadiyah just years before.[90] However, intensifying anti-colonial sentiment rendered Muhammadiyah, with its Dutch sympathies, an unsuitable vessel for Acehnese Islamic aspirations. PUSA stepped into the void as an organization that had

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[86] Sipakah Orang Besar dari Atjeh," *Pandji Islam*, 7 March 1940, 190–1.

[87] James Siegel, *Rope of God*, 95–98.

[88] Sipakah Orang Besar dari Atjeh," *Pandji Islam*, 7 March 1940, 190.

[89] See Anthony Reid, *Blood of the People*, 20–31.

[90] See Siegel, *Rope of God*, 115–130.

grown out of Muhammadiyah's interest in religious modernity but could better speak to nationalist politics. In their haste to underwrite Muhammadiyah as a non-violent riposte to *perang sabil*, as the quintessential "good Muslims," the Dutch nurtured an Islamic movement that concluded in the strident Acehnese nationalism of PUSA.[91]

Divergences across the Phil-Indo Archipealgo

On the other end of the Phil-Indo Archipelago in Mindanao, we have less evidence to illuminate the ways in which local Muslims negotiated, reformulated and reconfigured American discursive interventions on holy war and modernity. While Aceh witnessed a florescence of Indonesian language journalism in the 1920s and 1930s, all of the very limited vernacular reporting in Mindanao emerged under colonial auspices in government newspapers like the *Sulu News* and missionary newsletters such as *Lanao Progress*.[92] Given the paucity of local sources, it is much more difficult to trace the fine-grained debates and shifts in meaning that emerged at particular historical conjunctures in colonial-era Mindanao. Yet, we can still recover some traces from Mindanaoan engagements with colonial discourses of modernity, and in the process, discern significant divergences from Aceh in terms of political and theological valuations.

On the one hand, John Finley's construction of the "modern Mohammedan" as antipodal to holy war provided opportunities to locals very similar to those in Aceh, opening a space for people to explore and advance their own theological and organizational projects. For example, Governor Finley's principal local interlocutor, a Sama Muslim named Haji Abdullah Nuño, cemented his status as a prominent religious teacher and leader during the 1910s. One American colonial official, Frank Carpenter, described the ways in which Nuño transformed his home village of Taluksañgay into a leading center of religious devotion and migration, noting that "under Hadji Abdullah Nuño's leadership at Taluksañgai...they gradually collected a group of Arab, Malay and Moro Sheiks and Hadjis" who sought to "purify Mohammedanism."[93] Similarly, just as Muhammadiyah defenders elided memory of *perang sabil* in Aceh, Haji Nuño also hewed to anodyne statements of political comity and cooperation in his public pronouncements. In an address at inauguration ceremonies of the new Zamboanga provincial government, Nuño voiced familiar praise of education, "noting we shall eagerly pursue learning and thus shall we attain the good."[94] In turn, as "good Muslims," it was "foolish" for anyone to think "that it is impossible for the Muslims and the Filipino to live together in peace and participate together in the government." Yet, an undercurrent of tension between

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[91] R. Michael Feener, "The Acehnese Past and its Present State of Study," in *Mapping the Acehnese Past*, ed. R. Michael Feener et al. (Leiden: KITLV Press, 2011), 17.
[92] Gowing, *Mandate in Moroland*; Midori Kawashima, "'Jawi' (Batang Arab) Publication in Lanao, Philippines, from the 1950s to the 1970s, *The Journal of Sophia Asian Studies* 27 (2009): 990.
[93] Moore to Carpenter, 1 June 1918, MLQ Papers, Philippine National Library, Manila.
[94] *Addresses on the Occasion of the Inauguration of Provincial Government at Zamboanga, September 1, 1914* (Zamboanga: s.n., 1914).

Nuño and his colonial benefactors also surfaced, with future American officials deriding Taluksaṅgay as "a center of Mohammedan propaganda" and "a source of opposition to the good purposes of Government."[95] Like Aceh, contingent convergences around the idea of modernity did not speak to any profound isomorphism of belief or practice across the colonial divide.

In spite of the parallels between the Acehnese and Mindanaon cases, however, Haji Nuño's own rhetoric suggests one significant contrast. If the salient dividing line in Aceh was that between Christian colonizer and the Muslim colonized, in Mindanao, Nuño intimated that it was between "the Muslims and the Filipino," whom so many believed could not "live together in peace." As with the Acehnese case, American colonizers continued to not only fixate on *perang sabil* in the 1920s and 30s, but also to view it as deviation from the orthodox Islam, or as one 1930s colonial official put it, as the result of "Imams and Panditas" who "twist the meaning of the passages" of the Qur'an.[96] Yet, while Americans regularly cited *juramentado*, they portrayed it less as a threat to their own persons than as a danger to the Filipino Catholic officials working in the colonial service. Newspapers breathlessly reported the grisly details of the *juramentado* attack, while soldiers in the service of the Philippine Constabulary noted that the victims were Christian neighbors or came from outside Mindanao.[97] Writers thus came to harness the trope of holy war to the emerging conflict between Christian and Muslim Filipinos, rather than the struggle with American invaders.

The divergent political implications of holy war in Mindanao provides a partial explanation to the absence of an open embrace or revaluation of *perang sabil* by local Muslims. In contrast to Aceh, where the vast majority adhered to Islam, Mindanao during the American period experienced an influx of Catholic migrants from elsewhere in the Philippines.[98] Already a small minority in the colony as a whole, Muslims saw their majority status receding even in Mindanao itself.[99] The Americans thus increasingly saw the Moro Muslims not as a foe, but as an ally against the rising tide of Catholic anti-colonial nationalism. The erstwhile Catholic Filipino Governor of Mindanao and Sulu

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[95] Moore to Carpenter, 1 June 1918, MLQ Papers, Philippine National Library, Manila.

[96] Joseph Ralston Hayden, "Monograph of the Province of Cotabato," 6, Box 27, Folder 28, Joseph Ralston Hayden Papers, Bentley Historical Library, Ann Arbor, MI (hereafter Hayden Papers).

[97] Jonquin Espiritu, First Lieutenant Philippine Constabulary to Provincial Commander, Philippine Constabulary, Tawi-Tawi District, 15 August 1934, Folder 1: "Concerning the Amoks in Sulu," Box 30, Hayden Papers.

[98] The influx of Catholic immigrants to Mindanao is balanced by flows of Muslims into Europe and America, see Said Hassan, "Law-abiding Citizen: Recent *Fatwas* on Muslim Minorities' Loyalty to Western Nations," this special issue; on the other hand, Muslim immigration to established Muslim communities results in similar renegotiations of Muslim identity and practice, see in this special issue Daren Ray, *Celebrating Swahili New Year: A Performative Critique of Textual Islam in Coastal Kenya*.

[99] Eliseo Mercado, "Culture, Economics, and Revolt in Mindanao: The Origins of the MNLF and the Politics of Moro Separatism," in *Armed Separatism in Southeast Asia*, ed. Lim Joo-Jock (Singapore: Institute of Southeast Asian Studies, 1984), 175.

1914–1920), Teopisto Guingona, agreed and conflated nascent Islamic activism with a nefarious American plot to sever the region from the rest of the Philippines. In specific, Guingona denounced the Sarikatul Islam Association of Zamboanga. Observing that this short-lived organization strove to "gather together as many Muslims as possible" through the "protection and assistance of the imperialists," Guingona darkly intimated in 1924 that their "true objective is...to facilitate [the] division" of Mindanao from the Philippines.[100] In turn, by the late 1920s and 1930s, prominent Muslims supported the idea of separating Mindanao from the Philippines and converting it into an American protectorate.[101] This persistent salience of cooperation with American rule perhaps discouraged Muslim Filipinos from deploying *perang sabil* or brazenly recuperating it as a force for modernity to contest colonial rule as did some Indonesian Muslim writers.

The apparent divergences between the situations in Mindanao and Aceh, however, mask other convergences. The colonial impulse to divide-and-rule was not confined to the Southern Philippines. In Aceh, which lacked the Christian-Muslim dynamic found in Mindanao, Dutch colonial authorities still found opportunities to try to split the Acehnese population from the larger Indonesian nationalist movement by playing upon the particularities of Acehnese identity.[102] Even more fundamental than the divide-and-conquer impulse, however, was the desire to cultivate good Muslims who would support colonial ambitions. For decades, the overriding objective of the Dutch and American regimes had been to suppress *perang sabil* and to promote a more congenial, correct type of Islam in their territories, supporting groups ranging from Muhammadiyah to PUSA, from Haji Abdullah Nuño at Taluksañgay to the Sarikatul Islam Association of Zamboanga. In so doing, they hoped to engender pliant and devout "good Muslims." Instead, however, they provided a new social and organizational space for Muslims to pursue their own aspirations outside of the reactive prism of outright resistance.

Conclusion

This paper has attempted to demonstrate how the concept of holy war fit into a complicated dialectic between colonial rulers and Southeast Asian Muslims. The barrage of violence directed at sultanate kingdoms did, for a time, instigate the invocation of *perang sabil* among a wide variety of Muslims, which in turn encouraged military forces to redouble their efforts. However, the story of *perang sabil* did not end there, but continued across time and space. Even while they subjected Aceh and Mindanao to punishing brutality, colonial rulers still supported contingent expressions of Islamic practice that could lure Muslims away from holy war. In so doing, however, the Dutch, Spanish, and Americans not only nurtured collaborating elites beholden to the colonial order, but also permitted

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[100] Teopista Guingona to Manuel Luis Quezon, Jr., January 1, 1924, Box 253 Manobos-Moros, MLQ Papers .

[101] Howard T. Fry, "The Bacon Bill of 1926: New Light on an Exercise in Divide and Rule," *Philippine Studies* 26, 3 (1978): 267.

[102] For more information on how the Dutch tried to present Acehnese identity as exclusive see Reid, *Rope of God*, 26.

Muslims to experiment with mutual-aid associations, forge religious schools, and find their own path toward "progress." Eventually, at least some Muslims went so far as to reconfigure and rehabilitate *perang sabil* itself, conjoining sanctified struggle with their own projects of modernity. By retrieving these alternative histories of holy war, these "past futures," it becomes possible to move beyond the simplistic binaries of domination and resistance that has prevailed in the scholarship on Islamic insurgency in Southeast Asia.

Like a Child with Two Parents: Race, Religion and Royalty on the Siam-Malaya Frontier, 1895-1902

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> *"[T]he Sultan of Tringanu [Terengganu] was like a child who had two parents, one of whom stroked and petted him when he cried, while the other stilled his weeping by frightening him. The first … is Siam, and the other is Great Britain."*
> - Hugh Clifford, Acting British Resident in Pahang, 1895.[1]

Abstract

Since 1957, Malaysian public life has been organized around a historic conflation of three important political themes: "race, religion and royalty", or "3R", all of which are purportedly championed and defended by the United Malays National Organisation (UMNO). This article explores how this conflation of themes became so important to this postcolonial nation-state, specifically by investigating its influence in shaping Malaya's territorial limits. The 3R conflation has deep historical roots which stretch much further back than the moment of decolonization, as shown by a series of approaches to Britain made by Malay Muslim rulers between 1895 and 1902—the period in which a boundary between Malaya and Siam was first negotiated. During these years, these rulers—all of whom ruled over Siamese tributaries—appealed to Britain to colonize their polities to prevent their incorporation into Siam. Their appeals were framed in terms of 3R, giving momentum to the idea of a "Malay Muslim" geo-body in Malaya, in which a transformed monarchy should preside over a modernized sacral sphere of racial and religious identity.

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[1] H. Clifford, Acting British Resident, Pahang, to Sir C.B.H. Mitchell, Governor, Straits Settlements, 5 September 1895. Inclosure 2 in 75: Colonial Office to Foreign Office, 10 October 1895. Foreign Office (FO) Series 422: Confidential Print Siam and Southeast Asia, Subseries 43: Affairs of Siam Further Correspondence Part VII.

Introduction: Race, Religion and Royalty

In June 2015, the Crown Prince of Johor, Tunku Ismail Sultan Ibrahim, suddenly intervened in Malaysian public debate by directly criticising Prime Minister Najib Razak for his role in a scandal involving state investment vehicle 1MDB. The prince's criticism of a sitting Prime Minister was met with strong disapproval from the nation's executive government, which felt he had overstepped the monarchy's boundaries. Tourism and Culture Minister Nazri Aziz even insisted that the government would "whack" the prince back into his constitutional place if he persisted with his comments. This public dispute was eventually defused, but not before it had highlighted the complicated relationship between Malay nationalism, national institutions and the nine royal families who make up the Malaysian monarchy.[2] This relationship was formally produced with the emergence of the postcolonial Malayan state after the Emergency Declaration of 1948, followed by Malaya's independence from Britain in 1957. The United Malays National Organisation (UMNO) had been founded in 1946 as this state's enduring political vehicle, espousing a form of nationalism built around a historic conflation of "3Rs": "race, religion and royalty."[3] Contemporary Malaysian politics remains organized around this conflation, making it a key conceptual development in the history of statist Islamism—one of many important responses by Muslims to European colonialism in Southeast Asia. Nearly sixty years later, the 3Rs remain essential sources of identity and ideology for the UMNO member and supporter base, alongside a constellation of associated pressure groups like Perkasa, Pekida and ISMA, with whom this base is partially shared.

This article draws on suggestions in recent scholarship on the Malaysian monarchy that the 3R conflation has deep historical roots in Malaya's colonial past, primarily in the system of residents and advisers created by the British. This system produced contradictory effects for Malay Muslim rulers, as Kobkua has argued. On the one hand, it strengthened their position by weakening claims to the throne made by rival elites; while on the other, it emptied the royal sphere of genuine power by concentrating it in the office of

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[2] "Johor prince warned to stay out of politics or get 'whacked', says report", *The Malaysian Insider*, 13 June 2015, http://www.themalaysianinsider.com/malaysia/article/johor-prince-warned-to-stay-out-of-politics-or-get-whacked-says-report; "Ready for challenge, Johor crown prince sends silent signal", *The Malaysian Insider*, 13 June 2015, http://www.themalaysianinsider.com/malaysia/article/ready-for-challenge-johor-crown-prince-sends-silent-signal; "The people elected me, Nazri tells Johor crown prince, says report", *The Malaysian Insider*, 16 June 2015, http://www.themalaysianinsider.com/malaysia/article/the-people-elected-me-nazri-tells-johor-crown-prince-says-report; "End spat, UMNO man tells Johor crown prince, Nazri Aziz", *The Malaysian Insider*, 17 June 2015, http://www.themalaysianinsider.com/malaysia/article/end-spat-umno-man-tells-johor-crown-prince-nazri-aziz.

[3] For discussions of UMNO's rise to dominate the Malay nationalist movement, refer to B.K. Cheah, *Malaysia: The Making of a Nation* (Singapore: ISEAS Press, 2002), chs. 1-2; T.N. Harper, *The End of Empire and the Making of Malaya* (Cambridge: Cambridge University Press, 1999).

the resident or adviser.[4] Under this system, the domain of the rulers was cast very narrowly as that of ceremony and "tradition"—no longer possessed of administrative power, they were relegated to serving as guardians of Malay religion and custom.[5] As Amoroso has shown, however, this relegation in fact left the rulers empowered to modernize Malay Muslim identity from within the narrow domain in which they were now contained.[6] This domain—that of self-consciously "modernizing" tradition—is precisely the site in which the 3R conflation was produced. At the same time, and equally importantly, this domain did not simply function as a direct triangular relationship between colonial officials, monarchs and nationalists. Indeed, this article contends that understanding 3R's roots requires an analytical ambit that pushes beyond the limits of British Malaya and its formal institutions. Instead, it will consider a wider, regional context for 3R and the domain in which it was produced, namely by considering the roles played by Siam and its Malay Muslim tributaries during a moment of geopolitical crisis. These roles are apparent in British Foreign Office records spanning the period from 1895 to 1902, during which a group of rulers in Siamese tributaries made covert requests to British officials to colonize their polities with their permission.

This group of rulers had been put in an invidious position in 1896, when after more than a century of deferrals, the question of enacting a peninsular boundary between Siam and Britain was finally declared open for negotiation. Consisting of the sultans of Kelantan, Patani, Sai, Legeh and Terengganu, this group of rulers openly deployed an early version of the 3R conflation as a rationale for joining the British "protectorate". Despite their efforts, in 1902, all their polities were nominally incorporated within the Siamese geobody, where they, with Kedah, remained until they were transferred to British Malaya in 1909. For the intervening seven years, it therefore appeared that three of the nine royal families which now make up the Malaysian monarchy would not even be included within its territorial domain. The 3R conflation functioned as a device through which to mount a claim for inclusion in Malaya, even from the precarious position which these families now occupied. After all, in contrast with the Siamese alternative, the narrow, "traditional" sphere of religion and custom offered by Britain appeared a stronger position in which to be contained. For precisely this reason, these rulers worked against risky odds, staking their personal liberty should their actions be discovered by Bangkok. Nevertheless, they persisted in communicating with British officials, who they calculated would preserve a

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[4] K. Suwannathat-Pian, *Palace, Political Party and Power: A Story of the Socio-Political Development of Malay Kingship* (Singapore: National University of Singapore Press), 23-24.

[5] J.M. Gullick, *Rulers and Residents: Influence and Power in the Malay States, 1870-1920* (Oxford: Oxford University Press, 1992); E. Sadka, *The Protected Malay States, 1874-1895* (Kuala Lumpur: University of Malaya Press, 1968); E. Thio, *British Policy in the Malay Peninsula 1880-1910* (Singapore: University of Malaya Press, 1969).

[6] D. Amoroso, *Traditionalism and the Ascendancy of the Malay Ruling Class in Colonial Malaya* (Singapore; Petaling Jaya: National University of Singapore Press; Strategic Information Research Development Centre 2014), chs. 2-3.

sacral realm for them in a way that Siam was unwilling to emulate. In light of this calcula-tion, these rulers based their appeals on a series of identity categories which they con-flated to posit themselves as guardians of the traditional sphere. In association, they posited Malay Muslim identity as the key criterion for membership of a new spatial entity then in construction. In this way, these rulers combined to produce a potent political con-struct which was mapped on to the emerging Malayan geo-body, despite their own lack of certainty as to whether their futures would also be mapped within it.[7]

The Emerging Territorial Crisis

Siam's Malay Muslim tributary polities entered the 1890s embroiled within a high-stakes process of territorial restructuring that was dramatically reshaping their geopoliti-cal environment. This process had first begun to play out in the 1780s, during which a relatively stable previous balance of forces was thoroughly reconstructed, namely by Sia-mese centralisation and European intervention. Before this turning point, the tributaries' rulers seem to have enjoyed significant freedom of action in pursuing relationships with other regional powers. At the same time, it was also during this earlier period that they first became bound up with Siam's influence emanating from its capital in Ayutthaya.[8] Indeed, at this time it had seemed that forging alliances with Siam might have delivered strategic benefits: for example, Kedah's Siamese alliance protected it from Aceh, despite the Siamese-Dutch manipulation of Kedah's coastal trade.[9] Meanwhile, the east coast tributaries found Siam a useful counterbalance to the Bugis influence which dominated their nearby seas, radiating outwards from Makassar to the Johor-Riau islands. In the early 1700s, it was in fact Bugis power which induced Johor to establish its new outposts in Pahang and Terengganu, which later, on becoming independent polities, also became

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[7] Rose Wellman has illustrated elsewhere in this issue how nation-states other than Malaysia also con-tinue to rely on colonial conflations of ethnicity, kinship and territory, sometimes even deploying mate-rial logics of blood and martyrdom to do so. At the same time, as Said Hassan has also pointed out in this issue, binary territorial demarcations based on racial and/or religious difference are not unique to the modernist nation-state form. In fact, this reliance also has roots in classical Islamic thought, for example in the "*dar al-Islam*" and "*dar al-harb*" division. Such divisions notwithstanding, emotional attachments to such conflations are not always shared by believers across the Muslim world. For exam-ple, as Dunya Cakir and Daren Ray argue in their articles in this issue, efforts by Muslims to subvert and transcend conflations of Islam with nation and ethnicity can also take many forms, ranging from reject-ing the nation-state form to insisting on the "Islamic"—and not "cultural"—nature of Swahili New Year commemorations. Ray has also pointed out that migration and mobility across the Indian Ocean, for example, can work against the straightforward acceptance by Muslims of racial and religious geo-body constructions such as that which presently operates in Malaysia.

[8] C.J. Baker and P. Phongpaichit, *A History of Thailand* (Cambridge: Cambridge University Press, 2009).

[9] Special Editors' Note: Readers unfamiliar with the geography of Southeast Asia may find the Reference Maps included in this issue helpful in tracing the relationships among the polities discussed here.
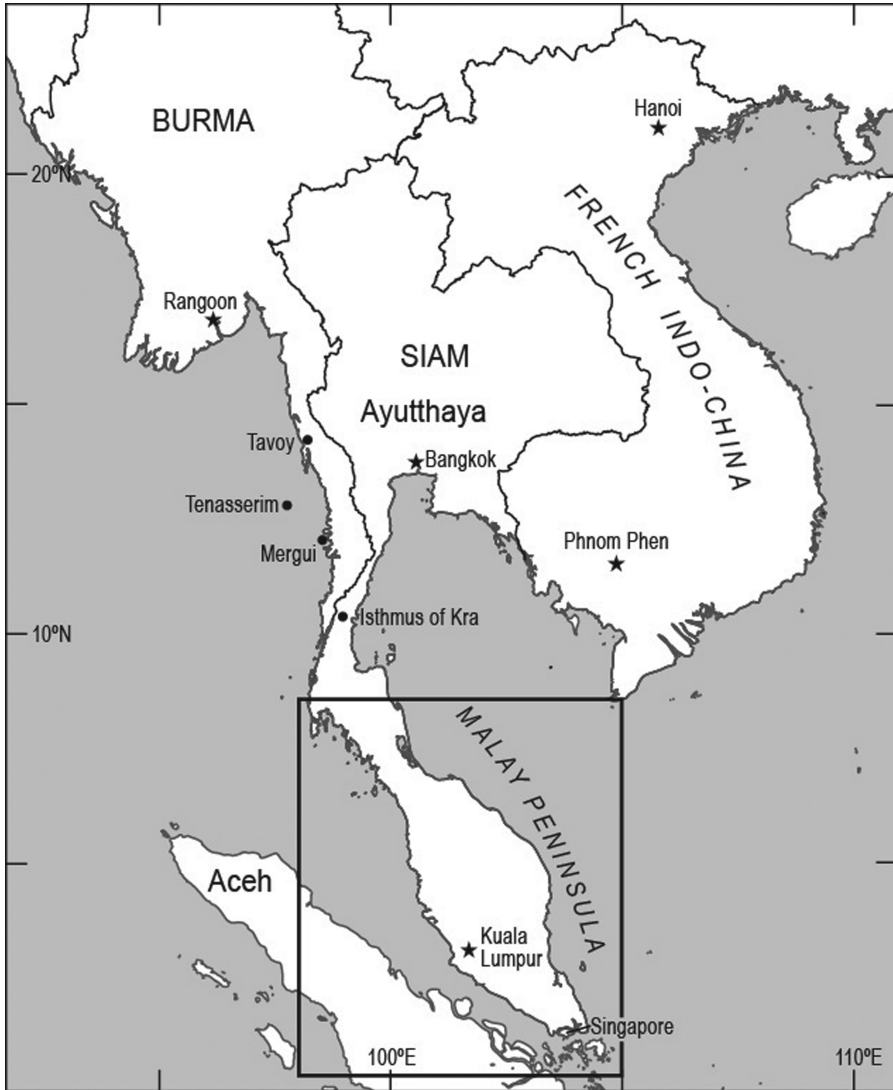
Siamese tributaries.[10] In 1902, when the Sultan of Kelantan reflected on this period, he described it as one of "friendship [with], but not of subjection" to Siam.[11] In the 1780s, however, this period of "friendship" gave way to a rapid sequence of new developments, all of which made the tributaries targets for expansionist powers and threatened to erode their independence. To the south, the

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[10] B.W. Andaya and L.Y. Andaya, *A History of Early Modern Southeast Asia, 1400-1830* (Cambridge: Cambridge University Press, 2015).

[11] F.A. Swettenham to Chamberlain, 3 June 1902. Inclosure in 132: Colonial Office to Foreign Office, 4 June 1902, FO422/56.

Netherlands used its base in Malacca to break Bugis control over archipelagic maritime trade, establishing a new holding in the Riau islands in 1784.[12] By 1786, Siam's new Chakri ruler, King Rama I, had not only displaced Siam's previous monarch Taksin, but had also won a war against Burma. From his new Bangkok capital, he committed to remaking Siamese power through state consolidation,[13] including by adopting more direct forms of territorialisation in his kingdom's remote tributaries.[14] As a result, even while the Burmese campaigns were being fought, Siam immediately staked its enlarged peninsular claims by means of a dramatic military intervention in Patani in 1785.[15] With this one move, not only was Patani's autonomy gravely diminished, but the other Malay Muslim tributaries were also thrown into turmoil.

The next year, in 1786, Britain too made its entry in this regional contest, driven to intervene by imperial competition with the Dutch in particular. Its arrival on the peninsula was secured by means of an East India Company lease over Penang Island, which Kedah offered the company as a base. In fact, Kedah had worked since 1771 to attract British attention, in a campaign it had launched to seek a powerful counterweight to Siam on the one hand, and Burma beyond it on the other.[16] Kedah's agreement with the East India Company required Britain to guard Kedah's mainland coast if ever either power attempted to take control.[17] Following Kedah's lead, Terengganu too launched its own attempts to establish a relationship with the Company in the 1780s.[18] These early approaches, however, were not reciprocated by Britain, whose officials later claimed not to have understood the nature of peninsular tributary politics.[19] Britain's lack of engagement in the tributaries aside, its presence on Siam's southern periphery nevertheless acted as a disciplinary check on the aggressive expansionism adopted by the Bangkok elite. At the same time, this discipline was

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[12] Noordin Hussin, *Trade and Society in the Straits of Melaka: Dutch Melaka and English Penang, 1780-1830* (Copenhagen: NIAS Press, 2007).

[13] B.J. Terwiel, *A History of Modern Thailand, 1767-1942* (Brisbane: University of Queensland Press, 1983), ch. 3.

[14] P. Jory, ed. *Ghosts of the Past in Southern Thailand: Essays on the History and Historiography of Patani* (Singapore: National University of Singapore Press, 2013).

[15] F. Bradley, "Moral Order in a Time of Damnation: The Hikayat Patani in Historical Context" *Journal of Southeast Asian Studies*, no. 40 (2009); "The Social Dynamics of Islamic Revivalism in Southeast Asia: The Rise of the Patani School, 1785-1909 [University of Wisconsin-Madison, 2010).

[16] "Moral Order," 38.

[17] R. Bonney, *Kedah 1771-1821: The Search for Security and Independence* (Oxford: Oxford University Press, 1971), 64.

[18] J. Swettenham, Acting Governor, Straits Settlements, to the Marquess of Salisbury, Prime Minister, 17 November 1898. 58 in FO422/49: Affairs of Siam Further Correspondence Part X.

[19] F.A. Swettenham, British Resident, Perak to Sir Cecil Clementi Smith, Governor, Straits Settlements, 6 November 1889. Inclosure 3 in 1: Colonial Office to Foreign Office, 22 January 1890, FO422/30: British Influence and Policy in the Malay Peninsula Further Correspondence Part V.

complicated: it was often felt in terms of a conceptual misalignment related to the ideas and practices of territoriality.[20] As a result, forms of delineation between British and Siamese spheres of influence were established incrementally, over more than a century of very subtle negotiation.

The slow pace at which this negotiation was conducted meant that until the 1820s, Siam persisted in its attempts to expand militarily, and Britain elected not to openly contest these attempts. This decision not to intervene was grounded in a British belief that despite its efforts to project strength, power and "civilisation", Siam was in fact a vulnerable and backward state. In these calculations, Siam was necessary to British interests only as a territorial buffer between British holdings spread across Burma and the Malay Peninsula, and French Indochina. Further, Britain believed that any challenge it mounted against Siam in its tributaries would be interpreted as a move on the Siamese kingdom itself, triggering similar claims to other parts of Siam by Britain's mainland competitor, France. Such a chain of events would catalyse Siam's collapse as an independent buffer state between two European powers, a role Britain believed that Siam should continue to play. For this reason, Britain viewed Siam as an "eastern Afghanistan", after the state that then served as a similar buffer between Britain and Russia in Central Asia.[21] In line with this strategic calculus, Britain confined its direct territorial interventions to the southern end of the Malay Peninsula for much of the nineteenth century. Accordingly, in 1819, the East India Company established a base in Singapore, while immediately afterwards in 1821, Britain elected not to challenge a Siamese takeover of Kedah in spite of an implicit undertaking it was believed to have made to its ruler.[22] Soon afterwards, Britain took control of formerly Dutch Malacca, one of the holdings exchanged between Britain and The Netherlands as a result of the Anglo-Dutch Treaty of 1824. The British occupation of Malacca removed the Dutch from the peninsula altogether, and marked the creation of a working boundary separating the British sphere from that of the Dutch, now contained on the opposite side of the Malacca Strait.[23]

At this point, Britain also began to introduce concepts of boundary-making in its relationship with Siam, using different methods from its position in Malaya than those it used in Burma.[24] Between 1824 and 1826, Britain captured large tracts of territory in a war fought against Burma, where, unlike in Malaya, it considered territorial reticence to be

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[20] Thongchai W., *Siam Mapped: A History of the Geo-Body of a Nation* (Honolulu: University of Hawai'i Press, 1994).

[21] Sir F. Weld, Governor, Straits Settlements, to the Earl of Derby, Colonial Secretary, 12 March 1885. Inclosure in 1, FO422/9: Rectification of the Boundary between Perak and Siam Correspondence.

[22] Noordin Hussin, *Trade and Society*.

[23] E. Tagliacozzo, *Secret Trades, Porous Borders: Smuggling and States Along a Southeast Asian Frontier, 1865-1915* (New Haven: Yale University Press, 2008).

[24] Thongchai W., *Siam* ch. 3. Thongchai's work is a full elaboration of Siam's transformation from a state without boundaries in the modern sense to a mapped and bounded geo-body as a result of contact with European power as well as techniques and technologies of mapping and territorial consolidation.

unnecessary. Indeed, in its Burmese boundary-making efforts, Britain was forthright. In 1825, Henry Burney, a representative of the East India Company assigned to negotiate with Siam, simply requested that a boundary be negotiated to delineate the Siamese sphere from now-British Tenasserim. In these negotiations, Siam also withdrew its claim to the ports of Tavoy and Mergui, which it had previously hoped to recover from Burma,

permitting their transfer to British control instead.[25] When it came to Malaya, however, Britain and Siam both continued to behave much more cautiously, preferring instead to formulate subtle ways to recognize—yet simultaneously delimit—Siam's claim to the Malay Muslim tributary polities. In relation to these polities, Burney's role in Bangkok was to negotiate a suitable, shared approach by the two powers to their continued, if perhaps increasingly precarious, independence. As negotiations proceeded, however, Britain and Siam began to air their conceptual differences on how best to manage complex tributary relationships.[26] Recognising these differences, the resulting Anglo-Siamese Treaty of 1826 positioned Britain as Siam's didactic tutor in territorial matters. Using very simple terms, both powers agreed simply not to "go and molest, attack, disturb or take any place, territory or boundary" belonging to the other party. In addition, and in light of Britain's lack of a counter-claim in Kedah, the tributaries were split between two new categories which determined how their relationship with Siam would be managed. Siamese-occupied Kedah was classed as a "Siamese Province", while Terengganu and Kelantan continued to be treated as independent states, in which Siam would not "obstruct or interrupt commerce".[27] The treaty's treatment of Kedah, however, while recognising Siam's interest in that polity, related only to Siam's claim over it, and not to its capacity to hold and control its new province. In 1842, after a disastrous occupation, Siam withdrew from Kedah of its own volition, leaving it in a similar form of precarious independence now experienced by the others.[28]

In the 1870s, Britain adopted a change of policy. In the decade preceding this change, Britain had grown concerned by the state of unrest in the peninsular polities, despite having signed treaties with many of them, designed to "immobilise each state within its boundaries as much as possible". In the 1860s, a protracted conflict had been fought in Larut in Perak, causing Sir Harry Ord, Governor of the Straits Settlements, to mount a campaign within the British bureaucracy decrying the "insecurity of life and property" on the peninsula. To resolve this insecurity, he had recommended that the peninsular polities be subjected to "powers greater and more civilised than themselves". This recommendation had been echoed by successive Governors, including Edward Anson in the 1870s, by which time an armed civil conflict had broken out in Selangor as well.[29] In effect, Britain had now grown concerned that the course of these conflicts might provoke an intervention on the peninsula by another European power, such as Germany. Britain quickly moved to sign the Pangkor Treaty with Perak in 1874, after which it installed residents in Perak, Selangor

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[25] Thongchai W., *Siam*, 62-63.
[26] Thongchai W., *Siam*, ch. 3.
[27] "Treaty between Great Britain and Siam, 20 June 1826," in *Treaties and Engagements Affecting the Malay States and Borneo* ed. W.G. Maxwell and W.S. Gibson (London: J.A.S. Truscott & Son, 1924).
[28] M. Mozaffari Falarti, *Malay Kingship in Kedah: Religion, Trade and Society* (Petaling Jaya: Strategic Information and Research Development Centre, 2014).
[29] Sadka, *Protected* 39-41.

and Sungai Ujong, one of the Negeri Sembilan. Importantly, none of these polities had been Siamese tributaries during the British period, effectively making them available for formal colonisation in this manner. Later, in 1889, Britain also installed a Resident in Pahang, the last of the northern peninsular polities that was not a Siamese tributary. Johor, the only remaining non-tributary state, was well out of the way of the British-Siamese contest. With all the available states now taken by Britain, by the 1890s only the tributary polities together remained an open, unsealed frontier between Siam and Britain's expanded Malayan position.[30] Only this frontier remained an arena in which another European power could potentially inveigle itself, particularly if it chose to respond to invitations issued by the sultans in the tributary polities.[31]

Precarity and Desacralisation

The continued existence of the open frontier, combined with Britain's new occupation of Pahang, immediately catalysed the emergence of a full-scale territorial crisis concerning the tributaries. British control had now crept all the way up the peninsula to Siam's periphery. Further, in addition to the mere fact of British expansion, the nature of the British colonial model operating in their Malay States was also now exacerbating the dilemma faced by the tributaries' rulers. Specifically, a strong contrast was now evident between Britain and Siam's treatment of the sacral and cosmological roles occupied by Malay Muslim rulers in the polities they each ruled. For its part, Britain had adopted a policy of purported non-intervention in a sphere it delineated for "religion and custom", in which it claimed to defer entirely to these rulers in each of its Malay States. These rulers, in turn, purportedly "accepted" British Residents to administer their realms, whose attention would largely be focused on managing territory and population in a manner which maximized economic development and the generation of revenue. This agreement was enshrined in the treaties and subsequent practices Britain negotiated with all these rulers. In these agreements, Britain's attitude

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[30] Thio, *British Policy*.

[31] British concerns, alongside Britain's approaches to negotiations with Siam and France are detailed at length in C. Jeshurun, "The British Foreign Office and the Siamese Malay States, 1890–97," *Modern Asian Studies* 50/2 (1971), 471-92; C. Jeshurun, "Britain and the Siamese Malay States, 1892-1904: A Comment," *The Historical Journal* 15/3 (1972), 143-59; C. Jeshurun, *The Contest for Siam, 1889-1902: A Study in Diplomatic Rivalry* (Selangor: Penerbit UKM, 1977). On the Siamese side, a similar detailed treatment of its relationship with its tributaries and with Britain is advanced in K. Suwannathat-Pian, *Thai-Malay Relations: Traditional Intra-Regional Relations from the Seventeenth to the Early Twentieth Centuries* (Singapore; New York: Oxford University Press, 1988). In addition, the theme of Malay Muslim rulers "inviting" Britain in to take control of their polities resonates with Nurfadzilah Yahaya's discussion in this issue of Arabs in the Straits Settlements, who also sought British intervention in the field of law to maximize their own interests.

to Islam in particular as a discrete sphere of social life followed the model it had already adopted elsewhere in its empire. For example, in Sokoto and Mysore, just as in Perak, Selangor or Pahang, this sphere remained outside the colonial Resident's remit.[32]

This mode of colonization, namely the collaborative production of a hybrid royal-colonial bureaucracy, allowed Malay Muslim rulers in Britain's Malay States to retain an operational, if delimited, capacity to administer an exclusive domain. This domain would consist of Malay "religion", namely Islam and all its markers of belief and practice, including the behavior of believers if the ruler wished. It also included Malay "custom", namely an additional, overlapping field of behavioral markers demonstrating Malay identity. Further, this domain was a sacralized sphere because it was the sultan's sphere, and these rulers would be able to project themselves as occupants and guardians within it. As a result, even while the colonial bureaucracy appropriated all other bases for royal power, in this crucial respect they did not resemble the bureaucracy Siam was then establishing in Patani, and which it had briefly attempted to establish in Kedah. Indeed, in each of these two polities, Siam's first major public gesture related to enacting its territorial claim had consisted of violently deposing Malay Muslim rulers, who it replaced with hand-picked successors, themselves monitored by Siamese officials.[33] This action desacralized Malay Muslim rulers in a form of political humiliation that generated what Bradley has termed a crisis of "moral authority".[34]

By the 1880s, it had already become apparent that royal desacralisation was a key Siamese tactic for territorialising its southern tributaries. Indeed, it seems that desacralisation had emerged as one of a suite of tactics that included depopulation and environmental degradation, and the installation of new bureaucrats, elites, institutions and even settlers as forces for integration in the south.[35] Such tactics existed within methods of statecraft associated with strong, centralising states. Siam's aspirations to become one such state were expressed through these tactics in a contest of "competitive colonialisms" with Britain.[36] As Jackson has shown, Siam's aspirations were bound up with the desire of its ruling dynasty to compete for equal standing with "civilised" European nations within a global hierarchy which they were then constructing through colonial expansion.

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[32] A Ikegame, *Princely India Re-Imagined: A Historical Anthropology of Mysore from 1799 to the Present* (London: Routledge, 2013); Muhammad S. Umar, *Islam and Colonialism: Intellectual Responses of Muslims of Northern Nigeria to British Colonial Rule* (Leiden: Brill, 2006).
[33] Bradley, "Patani"; Mozaffari Falarti, *Kedah*.
[34] Bradley, "Moral Order."
[35] Bradley, "Patani"; T. Loos, *Subject Siam: Family, Law and Colonial Modernity in Thailand* (Ithaca, NY: Cornell University Press, 2006); Mozaffari Falarti, *Kedah*.
[36] Loos, *Subject Siam*; Loos, "Competitive Colonialisms: Siam and Britain on the Malay Muslim Border," in *The Ambiguous Allure of the West: Traces of the Colonial in Thailand*, ed. P.A. Jackson and R.V. Harrison (Hong Kong: Hong Kong University Press, 2010), 75–92.

Never having been colonized, yet subject to strong colonial pressure from Britain as well as France, Siam's "semicolonial" status was a source of tension that drove its elites to emulate Britain's status as a colonizer.[37] At the same time, however, as Loos has argued, "Siam . . . was not a secular state nor were Siam's kings attempting or able to disarticulate Buddhism from state power".[38] The form of rationality that governed Siamese modernist statecraft was therefore indelibly Buddhist in its expression, unlike that of Britain.

The Siamese state, then focused on centralizing and modernizing an expanded territorial state, was emplacing European colonial techniques within a Buddhist cosmological model.[39] By now, in addition to Patani and Kedah, Siam had also further tested its tactics in Reman, a polity which emerged in the Patani hinterland as Patani itself succumbed to Siamese pressure.[40] Reman's ruler, Tuan Kundur, had signalled his disinclination to play the role that Siam had assigned him, namely that of a disciplined administrator governing a Siamese province. Having submitted only "unwillingly" to the Siamese "yoke", Tuan Kundur made several attempts to independently negotiate his polity's future with Governor of the Straits Settlements Sir Frederick Weld.[41] After discovering his attempts to attract British attention, Siam removed him from Reman in 1886 and detained him in Singgora, tightening its control over his polity's revenues in his absence.[42] In light of the experience shared by Patani, Kedah and Reman, by the time Pahang came under British control, a sharp contrast had already been established between British and Siamese approaches to managing Malay Muslims under their rule. It was also now apparent that Siam's influence in its southern tributaries was creeping further south into the open frontier. As a result, in the late 1880s, British Foreign Office documents frequently expressed concerns that Siam, possibly in breach of its Burney Treaty obligations, "was practically supreme" in its influence in Kelantan.[43] Meanwhile, even further south, the royal family in Terengganu also appeared resigned to growing Siamese influence. In 1889, the Terengganu sultan accepted the Crown of Siam honor for services to Siam,[44] a point which the new Governor Cecil Clementi Smith realized was "derogatory" to his

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[37] P.A. Jackson, "The Ambiguities of Semicolonial Power in Thailand," in *The Ambiguous Allure of the West: Traces of the Colonial in Thailand*, ed. P.A. Jackson and R.V. Harrison (Hong Kong: Hong Kong University Press, 2010), 37–56.

[38] T. Loos, "Competitive Colonialisms", 75–92: 86.

[39] Amoroso, *Traditionalism*; Terwiel, *Thailand*; Thongchai W., *Siam Mapped*.

[40] P. King, "From Periphery to Centre: Shaping the History of the Central Peninsula" (University of Wollongong, 2006), 84–88; Loos, *Subject Siam,* 77.

[41] Sir F. Weld, Governor, Straits Settlements, to the Earl of Derby, Colonial Secretary, 12 March 1885. Inclosure 1 in 1: Colonial Office to Foreign Office, 19 March 1885. FO422/9: Rectification of the Boundary between Perak and Siam Correspondence.

[42] FO 422/9 and FO 422/10: Rectification of the Boundary between Perak and Siam Correspondence.

[43] C.F. Bozzolo, Magistrate and Collector, Upper Perak, Extracts from "Abstract of Journal kept by Mr C.F. Bozzolo, Magistrate and Collector, Upper Perak, during his Exploration of the Pass into Kelantan by the Plus Valley", n.d. Inclosure 12 in 4: Colonial Office to Foreign Office, 7 March 1889. FO 422/21: British Influence and Policy in the Malay Peninsula Further Correspondence Part IV.

[44] Clementi Smith to Lord Knutsford, Colonial Secretary, 6 October 1888. Inclosure 1 in 4, FO 422/21.

position as a sovereign ruler in his own right.[45] The realpolitik informing these gestures would not have been lost on Pahang's own ruler, the brother-in-law of the Sultan of Terengganu; nor would it have been imperceptible to other factions in the increasingly-divided courts of Kelantan and Terengganu.

The Pahang Uprising

From 1890, Britain's colonial apparatus began to work on transforming Pahang in line with similar efforts in its other Malay States. Following the spatial model thought to apply in Malay Muslim polities, Britain's grip on power in coastal Pekan should also have enabled control of its vast hinterland. This hinterland was traversed by the Pahang River and all its tributaries, each governed by members of the ruler's entourage of district chiefs.[46] Following the established British pattern on the peninsula, this hinterland immediately became the target of colonial state-making efforts. The very first moves made by British officials included taking control of land allocations, population movements, revenues from forest product collections, and all other forms of industry. This method of state emplacement, both territorial and biopolitical, was aimed at transforming the landscape into an inventory of human and natural resources, reshaped and intensively managed to maximize productivity.[47] This capacity to establish a "liberal" colonial geo-culture was thought by British officials to generate prosperity in its colonies, and they frequently criticised Siam for not aspiring to this form of governmentality.[48] Nevertheless, such calculations did not guarantee Britain a smooth handover of authority in Pahang. British interventions in the Pahang hinterland were not well-received, and in fact, in the short term they were met by armed resistance. In 1891, several hinterland chiefs, led by Dato' Bahaman in the Semantan district, withdrew their previous loyalty to Pahang's ruler in Pekan. Supported by a large number of followers, they began an uprising known as the Pahang Rebellion, or the Pahang War. The uprising raged on and off for five years, requiring Sikh troops from Perak and Selangor to be moved in to put it down. Their cost nearly bankrupted the Pahang state, and by 1894, according to one official estimate, the uprising had already cost $150,000 Straits dollars.[49]

The uprising was not only expensive for the British; in fact it exacerbated the crisis felt by the Malay elite of the northern peninsula. Indeed, the area affected by the uprising was not confined to the Pahang hinterland alone. Rather, large bands of rebels escaped

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[45] Clementi Smith to Knutsford, 6 October 1888, Inclosure 1 in 4, FO 422/21.

[46] W. Linehan, *A History of Pahang* (Kuala Lumpur: Malaysian Branch of the Royal Asiatic Society, 1973), ch. 9.

[47] A. Malhi, "Making Spaces, Making Subjects: Land, Enclosure and Islam in Malaya," *Journal of Peasant Studies* 38, no. 4 (2011).

[48] I. Wallerstein, *After Liberalism* (New York: New Press, 1995); *The Modern World System IV: Centrist Liberalism Triumphant, 1789-1914* (Oakland: University of California Press, 2011).

[49] Colonial Office to Foreign Office, 23 June 1894. 114 in FO422/39: Affairs of Siam Further Correspondence Part IV.

British pursuit by fleeing up the Tembeling River, headed for hinterlands in Terengganu and Kelantan, in the open frontier well beyond British control. Nor were these areas under Siamese control—constrained by the Burney Treaty, Siam had not yet overtly moved in. Unburdened by the spatial discipline inflicted by colonial power, the Pahang rebels were free to seek shelter in spaces that remained independent—at least in terms of their rulers' public commitments, and their continued, if decreasing, freedom of action. For this reason, the uprising is of a greater, and more complex, significance than it is usually assigned in Malaysian historiography. Here, it is usually explained as a reaction by chiefs who were simply angered by challenges to their exclusive rights and powers.[50] Alternatively, it is sometimes explained as a defence of "Malay" identity in an early rehearsal of nationalist politics.[51]

Yet such explanations have not contextualized the uprising within the larger-scale reorganisation of spatial relations on the peninsula. Set against this larger backdrop, the Pahang rebels' actions in fact reveal the precarious position of the royal elites in the Siamese tributaries. This precarity was the most critical factor shaping these rulers' choice to seek Britain out as their preferred colonizing power ahead of Siamese intervention. The Siamese practice of desacralisation made this an existential choice. Royal elites structured their approaches to Britain in a manner which reflected Britain's own framing of the sacral royal domain, in which religion and custom formed an exclusive, monarchic sphere of action. Like British administrators, the tributary rulers too voiced an elite conflation between "race, religion and royalty" which they sought to map and project over the emerging Malayan geo-body. The flight of the tributary rulers from Siam to Britain was therefore one important source of ideologies conflating these three "Malay" categories as they operate in Malaysian public life today.

Rulers' Responses

In 1895, Acting Pahang Resident Hugh Clifford negotiated with the British Foreign Office for permission to pursue the Pahang rebels through Kelantan and Terengganu. The Foreign Office instructed Clifford to do so with the assistance of a Siamese Commissioner, although these polities' own rulers were not consulted. This decision was one demonstration of how firmly Siam had managed to assert its claim to control its tributaries. This claim had already depopulated Kelantan, whose elite appeared to have purposely immiserated the population in order to strengthen its bargaining position against Siam. Elaborating this logic, Perak Magistrate and Collector C.F. Bozzolo had reported in 1889 that sections of Kelantan's elite wished to "put the country in disturbance" to discredit Siam, and issue an invitation to Britain to "take the country" instead. They acted

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[50] A. Gopinath, *Pahang 1880-1933: A Political History* (Kuala Lumpur: Malaysian Branch of the Royal Asiatic Society, 1991).
[51] Haji Buyong Adil, *Perjuangan Orang Melayu Menentang Penjajahan* (Kuala Lumpur: Dewan Bahasa & Pustaka, 1983).

this way in defiance of its ruler, Sultan Ahmad (r. 1886-1890), who was aligned with Siam after it intervened to ensure his succession. Nevertheless, the sultan's own sons had been educated in Singapore, and Bozzolo felt they would likely approach Britain before the disturbance grew too serious. As matters stood, however, the situation was already grave, and a full two-thirds of the population had already left as refugees heading south towards Terengganu, Pahang and Johor. Others travelled west over the peninsula's central mountain range, heading for Kedah. The problem was so enormous that it resembled the depopulations of Patani and Kedah that resulted from Siamese intervention. Indeed, Bozzolo was sure that as a result of this grim tragedy, Kelantan's people would "sooner submit to any European power rather than prolong their unbearable submission to Siam". His report was a miserable litany of misfortunes, listing cases of people abandoning their lands, stealing cattle to eat and selling gold ornaments for rice, then falling into debt and slavery to elites including the sultan himself. They had also suffered a cholera epidemic, in which "[m]edicines sent from Singapore were not distributed", and "several parties of men [had since been] formed to throw dead bodies into the river". Bozzolo concluded his report by surmising that Siam must have been standing by to benefit from the desperate state of Kelantan.[52]

The very next year, in 1890, Kelantan's Sultan Ahmad died, and his son, Muhammad III (r. 1890-1891) succeeded him.[53] Yet this was a contested succession, accompanied by a dispute over property, and British officials immediately sensed that one or another party to the dispute would "appeal to Bangkok for assistance". Such an appeal would only provide Siam with yet another opportunity "of obtaining a closer hold over Kelantan affairs".[54] At the same time, as Bozzolo had predicted, six of Ahmad's sons—Muhammad's brothers—contacted the British Resident in Pahang to request a meeting.[55] British officials in Malaya, however, did not entertain their approaches, which they repeated several times, including by letter to the British Resident in Perak, whom they told the sultan was "in great distress" as Bangkok had "saddled him with a Siamese official".[56] By 1891, Muhammad III had been replaced by Sultan Mansur, and Bangkok was overruling the sultan's decisions about duties and taxes.[57]

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[52] Bozzolo "Abstract of Journal", Inclosure 12 in 4, FO422/21.

[53] For more details of this dispute, refer to D.K. Wyatt, "Nineteenth Century Kelantan: A Thai View," in *Kelantan: Religion, Society and Politics in a Thai State*, ed. W.R. Roff (Kuala Lumpur: Oxford University Press).

[54] Clementi Smith to Captain H. Jones, Minister Resident, Bangkok, 5 April 1890. Inclosure 2 in 2: Colonial Office to Foreign Office, 9 May 1890. FO 422/30.

[55] Tungku Mahmud, Tungku Sleman, Tungku Usof, Tungku Saleh, Tungku Abdullah, and Tungku Yass, sons of the late Sultan of Kelantan, to J. Rodger, British Resident, Pahang, 18 March 1980, Inclosure 3 in 4, FO422/30.

[56] Clementi Smith to Knutsford, 17 June 1891. Inclosure in 22: Colonial Office to Foreign Office, 20 July 1891, FO422/21.

[57] Salisbury to Jones, 13 January 1892. 1 in FO422/31: British Influence and Policy in the Malay Peninsula Further Correspondence Part VI.

Terengganu was not experiencing such intense immiseration, nor had a Siamese official yet been installed in the court of its sultan, Zainal Abidin III (r. 1881-1918). Nevertheless, in 1892, Siam had established a post office there, in a "very ingenious method on the part of Siam by way of consolidating its interests".[58] Such tactics, and the responses they were met with by Malay Muslim elites, were now creating mass uncertainty and displacement, of which refugee outflows and rebel inflows were both serious symptoms. Such was the climate which prevailed in the hinterlands in which the Pahang rebels found support and shelter beyond the reach of the British authorities, all the while remaining close enough to continue attacking Pahang police stations.[59] When the rebels captured one such police station in Tembeling district in 1894, new Governor Charles Mitchell was so outraged at Kelantan and Terengganu's "negligence" in containing the rebels that he requested permission to send a man-of-war to "remonstrate" off the coast of Terengganu.[60] The Foreign Office, however, thought it politic to direct a complaint to Bangkok, causing a Siamese gun-boat to travel to Kelantan instead. A Siamese Commissioner was also sent south from Phuket to ensure an appropriate level of pressure was applied on the Kelantan and Terengganu rulers to assist in capturing the Pahang rebels.[61]

This Commissioner, Phya Dhib Kosa, joined Clifford's mission to capture the rebels in Kelantan and Terengganu. In light of British suspicions that these polities' rulers were sheltering the rebels, Governor Mitchell argued they should not be alerted beforehand, as "the rebels would be informed of Britain's intentions".[62] Mitchell's suspicion was proved partially correct: the rebels were being allowed to escape, although it was not clear whether the sultans were colluding with them or whether they were in fact powerless to enforce their orders. One set of reports returning from the rebel front asserted that the sultans were openly encouraging the rebels,[63] while another set reported that the Terengganu sultan, for one, possessed little authority over his hinterland chiefs, so that they and their followers were simply refusing to hand the rebels over.[64] Siam's own power in these polities was also frequently questioned, especially after Phya Dhib Kosa suddenly returned to Phuket, leaving two junior officials behind to work with the British

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[58] Clementi Smith to Knutsford, 25 August 1891. Inclosure 1 in 25: Colonial Office to Foreign Office, 25 September 1891, FO422/30.

[59] Mitchell to the Marquis of Ripon, Colonial Secretary, 22 June 1894. Inclosure 2 in 114: Colonial Office to Foreign Office, 23 June 1894, FO422/39.

[60] Colonial Office to Foreign Office, 23 June 1894, FO422/39:114.

[61] J.G. Scott, Charge d'Affaires, Bangkok to the Earl of Kimberley, Foreign Secretary, 29 July 1894. 33 in FO422/40: Affairs of Siam Further Correspondence Part V.

[62] Mitchell to Ripon, 26 November 1894. Inclosure 1 in FO422/40:266.

[63] M. de Bunsen, Charge d'Affairs, Bangkok to Salisbury, 16 April 1895. 115 in FO422/42: Affairs of Siam Further Correspondence Part VI.

[64] Mitchell to Scott, 23 October 1894. Inclosure 6 in FO422/40:266.

force.[65] At this point, Britain revised its decision not to send a warship to Terengganu,[66] and in 1895 the Redpole was dispatched to the capital, Kuala Terengganu. The ship's Captain Fawkes discovered on his arrival that 150 Siamese troops had arrived there before him, leaving twenty of their number in town, while the rest pursued the rebels in the hinterland.[67] Now it seemed the sultan's weakness was truly revealed. In 1895, Clifford reported that the Siamese guards were stationed in the capital because the rebels were being sheltered not only in the hinterland, but in nearby villages like Paloh. There, they were protected by the chief religious officer in the sultan's own court, the Shaykhul Islam Sayid Abdul Rahman Sayid Muhammad al-Idrus.[68]

The *shaykh*, also known as Tokku Paloh, was so powerful that Sultan Zainal Abidin was "afraid to bring pressure to bear" on him. Tokku Paloh, it seems, "was held in greater esteem by the people of Terengganu", and, "at a pinch, could command a greater following" than the sultan. In turn, Siam, aware of the sultan's weakness, was attempting to induce him to agree to a Siamese takeover. So paralysed was the sultan as a result, that he appeared "like a child who had two parents, one of whom stroked and petted him when he cried, while the other stilled his weeping by frightening him. The first . . . is Siam, and the other is Great Britain." It seemed that Siam's policy was to refrain from pressuring the Terengganu population to cooperate with the British expedition. Siam had apparently decided that the risk posed by the uprising and its great support would "persuade the Sultan and his Chiefs that their only way out of their dilemma [was] to throw themselves into the arms of Siam". To strengthen the likelihood of this decision, Siam had ensured that many of the sultan's entourage of chiefs were in fact on Bangkok's payroll.[69] On hearing this news, Britain responded by threatening Siam that their officials would "take the necessary measures themselves".[70] As a result, the key leaders of the Pahang uprising were lured into capture by Siamese officers, and carried away to their deaths or imprisonment in Bangkok.[71] The very next year, in 1896, Britain and Siam began hurried negotiations to delineate a formal boundary around Britain's peninsular territory.

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[65] Mitchell to W.R.D. Beckett, British Consul, Bangkok, 8 November 1894. Inclosure 9 in FO422/40:266.

[66] De Bunsen to Kimberley, 29 April 1895, FO422/42.

[67] Lieutenant-Commander C.G. May, Commanding Officer, H.M.S. Redpole to Captain W. Fawkes, H.M.S. Mercury, China Station, 31 August 1895. Inclosure in 73: H.J. van Sittart Neale, Pro Secretary, Admiralty to Foreign Office, 3 October 1895. FO 422/43: Affairs of Siam Further Correspondence Part VII.

[68] . Malhi, "Forests of Islam: Territory, Environment and Holy War in Terengganu, Malaya, 1928" (The ralian National University 2010).

[69] H. Clifford, Acting British Resident, Pahang to Mitchell, 5 September 1895. Inclosure 2 in 76: Mitchell to J. Chamberlain, Colonial Secretary, 9 September 1895, FO422/43.

[70] Salisbury to de Bunsen, 12 October 1895, FO422/43:78.

[71] Colonial Office to Foreign Office, 23 October 1895, FO422/43:96. See also R.W. Duff, Acting Superintendent, Pahang Armed Police to Clifford, 24 April 1896. Inclosure 2 in 100: Mitchell to Chamberlain, 13 May 1896. FO422/45: Affairs of Siam Further Correspondence Part VIII.

Producing a Racial Geo-body

Boundary negotiations began with a British public statement of Malayan officials' territorial claim, which they advanced on a racial-demographic basis. In this vein, former Governor Clementi Smith called in 1896 for "British annexation of the Malay provinces now belonging to Siam".[72] Clementi Smith's call apparently shocked Siamese officials, but the idea that Britain should claim territory on the basis of its "Malay" classification had begun to take shape in official correspondence in around 1890. In that year, Acting Governor Dickson had travelled to the tributaries, where he had begun to develop a conflation of racial and religious categories to which he assigned these polities. According to a racialized peninsular map which he began to conceptualize, he stated for example that "Singora [was] Siamese and Buddhist, Patani [was] Malay and Mahomedan". Further, Terengganu was "purely Malay", "Setul, Perlis and Kedah [were] Malay", but "the States north of Setul [were] Siamese". At this point, however, Dickson did not appear entirely committed to race as the sole basis for Britain's territorial claims. Indeed, in addition to race, he explored the notion of British subjecthood as an alternative basis for such claims. Dickson noted in passing that Renong, Trang and Tongkah were largely controlled by Penang-born Chinese, namely British subjects from the Khaw family. Yet these British subjects had in fact served as Siamese-appointed Collectors and Governors in the area since the 1840s, and their place in Siam's political orbit was already firmly established.[73] Concluding his report, Dickson returned again to race, appearing to settle on its suitability as the intellectual basis for Britain's claims. He pointed out that in Setul and Kedah, the British were recognized as "hereditary friends and protectors". With this statement, Dickson had produced a conceptual pairing between Malay Muslim demographic domination on the one hand, and British political domination on the other. This pairing foreshadowed the racialized arguments British officials would continue to make.[74]

In February 1896, the British Colonial Office quickly followed Clementi Smith's call with a memorandum on "British interests and policy".[75] It attached a map illustrating British holdings in Perak, Selangor, Negeri Sembilan, Pahang and Johor. In addition to describing these holdings, however, the memorandum also pointed out that there was no formal boundary separating them from the Siamese tributaries on their frontier. Further, it elaborated, "[t]he dividing line between the Malay and Siamese races is about the 7th degree", south of which, "the distinctly Malay states" included Terengganu, Kelantan and Patani, along with Kedah, Perlis and Setul. These polities were much further north than the limits of Britain's present "Protectorate". The memorandum went on to develop

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[72] De Bunsen to Salisbury, 25 January 1896, FO422/45:23.
[73] J.W. Cushman, *Family and State: The Formation of a Sino-Thai Tin-Mining Dynasty, 1797-1932* ed. Craig J. Reynolds (Singapore; New York: Oxford University Press, 1991).
[74] Sir F. Dickson, Acting Governor, Straits Settlements to Knutsford, 28 October 1890. Inclosure 1 in 5: Colonial Office to Foreign Office, 1 December 1890, FO422/30.
[75] Colonial Office to Foreign Office, 28 February 1896, FO422/45:51.

the racialized political-demographic pairing between Malay Muslim populations and British domination. It argued that there were only two "ruling Powers" on the peninsula, namely Britain and Siam. In terms of Siam's natural domain, it seemed to be worth noting that "in the northern part of the Peninsula the Siamese are at home, while in the southern part they are, like the English, intruders". Further, the memorandum's next step was to argue that Britain, even as an intruder, brought prosperity to Malays, unlike the devastation wrought by Siam. Kedah, Kelantan and Patani—the three polities depopulated after Siamese interventions—were described as rich in rice, pepper and minerals. Further, they lay in a strategic location across the Isthmus of Kra, where a canal could be built and whose position Britain should defend from other European powers. In addition, it was precisely the turmoil now felt in these states which might allow these other powers a peninsular foothold, disrupting its neat partition between Britain and Siam. Indeed, should "some Malay Chief or Siamese Governor [rise] against the Bangkok Government", it would "[give] an European Power an excuse for intervention".[76]

Its racial argument now elaborated, Britain opened negotiations with Siam, beginning by refusing to accept Siamese claims to "sovereignty" over the tributaries.[77] In this same moment, Malay Muslim rulers began to come forward, reflecting Britain's racialized claims back at its officials in their appeals to join their Protectorate, citing Siamese predation as their primary concern. Their appeals reinforced the conflation of race and religion—and of Malay Muslim royalty as guardians of their combined sphere—that the British were themselves espousing. Sultan Zainal Abidin III of Terengganu made his claim to British Kelantan concessionaire R.W. Duff, who reported that the sultan "want[ed] to keep the country himself; but on the other hand, he would not offer any resistance if the administration of the country were taken over by the English." Duff also pointed out that his attitude was shaped by his political weakness, and not by popular hatred for him. Sultan Mansur of Kelantan, however, was in the opposite situation: he was supported by powerful backer Siam, yet "most cordially hated by the people". The people apparently supported another royal contender, Tuan Petra, but Mansur had now claimed all of Kelantan's resources as his own property, leading to a shortage of food. According to Duff, "if the English decided to walk into Kelantan to-morrow, they would be received with open arms by a full 80 per cent of the inhabitants, and that remainder would quietly acquiesce in the arrangement". In addition, Kelantan now functioned as a valve that was being closed to prevent Malay Muslims from Kelantan and Patani from enjoying free interaction with the outside world. The Siamese official in the Kelantan Post Office, for example, would open and translate all letters sent out, while a group of Patani Malays leaving for Mecca through Kota Bharu had had their boxes searched and fines issued for not having stamped their letters. It seemed this officer's primary concern was to prevent communications between Kelantan and Britain, including Kelantan

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[76] Colonial Office, Memorandum, n.d, Inclosure 1 in FO422/45:51.
[77] De Bunsen to Salisbury, 11 July 1896, FO422/45:109.

Chiefs who sought to report to British officials in Penang, who had their communications stopped.[78] In 1897, Tuan Petra himself sent a message to Britain, this time through a member of the Selangor State Council, stating that "the condition of affairs in [Kelantan] was intolerable". Further, two-thirds of the people that remained in Kelantan were on his side, and he wished to overthrow the present sultan. In fact, he hoped for British support if he were to do so. In response, Tungku Petra was advised by F.A. Swettenham, Resident-General of the British "protectorate", now called the Federated Malay States, "not to take any steps that would lead to trouble".[79] Nevertheless, in 1897, a pro-Siamese Kelantan "chief" who hoisted a Siamese flag in Kota Bharu was promptly shot on the likely orders of an opponent from within the sultan's entourage.[80]

The following year, in 1898, Abdul Kadir Kamarsedin, the heir of Patani, visited Singapore on his way to Bangkok, where he was travelling to deliver Siam its tribute. Here, he began to assert a specifically Malay Muslim basis for Patani's rejection of Siamese rule, arguing that Siamese officials were introducing practices that raised "the disgust of the Malays". Further, as his father had recently died, he expected Siam to recognize him as sultan, but on his way back from Bangkok, when he stopped in Singapore again, he began to express his own "disgust" with Siam. In particular, he argued that Siamese interventions in "matters of Malay religion and custom"—precisely that sphere of royal authority which Britain left to Malay elites—were particularly disturbing. These officials had now taken control of the regulatory sphere governing Muslim marriages and divorces, sidelining Muslim officials as they did so. To make matters worse, the flag had been moved from his house and placed in front of a Siamese official's house, while "the Malay Headmen and Chiefs and Malay customs were all disregarded". Further, the Patani royal family had now lost control of Reman, Legeh, Telubin (also known as Sai) and Yala, all of which had rulers of their own. At this rate, there would be another "great migration" from Patani to the states further south, as there had been between 1830 and 1840.[81] That same year, in 1898, it emerged that the ruler of Sai had also visited British officials to make a similar appeal.[82] In this case, he had contacted Resident-General Swettenham, and Governor Mitchell had drafted him a letter in response. This letter, similar to another he wrote to the Sultan of Patani, declined this invitation to intervene in Sai's affairs.[83] Yet the letter did not reach Sai's ruler, "owing to the fact that he had been absent from his

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[78] Duff to Clifford, 24 April 1896. Inclosure 2 in FO422/45:100.

[79] Swettenham to Mitchell, 25 June 1897. Inclosure 2 to 139: Colonial Office to Foreign Office, 24 August 1897, FO422/47: Affairs of Siam Further Correspondence Part IX. Swettenham's views on Siam are further elaborated in F.A. Swettenham, *British Malaya: An Account of the Origin and Progress of British Influence in Malaya* (London: Allen & Unwin, 1948), ch. 8.

[80] Colonial Office, Memorandum respecting Kelantan, n.d. Inclosure 8 in 293: Colonial Office to Foreign Office, 16 October 1902, FO422/56: Affairs of Siam Further Correspondence Part XIV.

[81] Swettenham to Salisbury, 17 November 1898, CO422/49: 58.

[82] Swettenham to Salisbury, 17 November 1898, CO422/49: 58.

[83] Mitchell to Rajahs of Sai and Patani, 25 February 1899. Inclosure 1 in 90: Mitchell to Salisbury, 29 June 1899, FO422/51: Affairs of Siam Further Correspondence Part XI.

country for eight months, having been detained at Bangkok by the Siamese Government". Apparently, Siam had discovered his appeal to Swettenham,[84] causing his son to send messengers to Perak in his absence, where they spoke to Bozzolo.

These messengers—both Hajis—informed Bozzolo that the heir to Sai's throne wished to leave his realm now that Siam had taken control of all of this polity's affairs and revenues. Further, in addition to this usurpation, Siamese officials were "causing great trouble and insult to the Mahommedan religion". One such insult consisted of a recent ceremony involving oaths of allegiance, during which "all the Malay Chiefs had to pay reverence to an idol". As a result of their forced participation in this idolatry, Sai's prince and his chiefs wished to emigrate and settle in Perak. Bozzolo answered that the doors of Perak were open,[85] and in 1899, permission was granted to the heir of Sai, now effectively desacralized and defeated, to enter and settle in Perak.[86] His father, when he finally received Swettenham's letter, replied to say that the British decision not to protect him "was a great shock to him". He added that now he could only "pray to the Almighty that he may yet rest under the protection of Great Britain."[87] Swettenham's other letter, to Abdul Kadir of Patani, was also received by its intended recipient. It drew the response that he "was very grieved as now nothing was left to him but to surrender himself into the Almighty's hands".[88] Regardless of their emotive force, however, these rulers' protests came to naught. In 1899 British-Siamese negotiations determined that Kedah, Kelantan and Terengganu would all remain outside the British boundary. There, they would be designated Siamese "dependencies", albeit not formally part of Siam's "sovereign" territory. Reman would be formally incorporated as a "Siamese province", as would Patani.[89]

The boundary, however, had not yet been enacted, and the decision that Britain communicated to Patani did not dampen Abdul Kadir's desire to influence the situation. He again wrote to Swettenham, stating that he was experiencing "harrassing restrictions and interference", not to mention "oppression and disturbance of the quietude of [his] people". Apparently, these people were being required to "bow and burn joss sticks before the image of the King of Siam", an insult to their Muslim sensibilities. In addition, the "Mahommedan High Priest" (possibly a Shaykhul Islam) had been called upon to take an oath that he would "not fight against the King of Siam", in which he was asked to "drink water prepared and handed to him by the Buddhist priest of Siam. On his refusal, he was locked up, but released after one day and night". Abdul Kadir went on to elaborate a further litany of grievances, including Siamese bringing dogs into mosques,

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[84] Mitchell to Salisbury, 29 June 1899, FO422/51:90.

[85] G. Greville, Minister Resident and British Consul-General, Bangkok to Mitchell, 27 January 1899. Inclosure 5 in 30: Colonial Office to Foreign Office, n.d., FO422/51.

[86] Colonial Office to Foreign Office, 25 March 1899, FO422/51:42.

[87] Rajah of Sai to Mitchell, 14 June 1899, Inclosure 3 in FO422/51:90.

[88] Rajah Muda of Patani to Mitchell, n.d., Inclosure 2 in FO422/51:90.

[89] Greville to Salisbury, 25 August 1899, FO422/51:111.

refusing to respect Fridays, and Siamese men entering dwellings to "seduce and persuade the Patani women to elope with them". The sultan felt all the neighboring tributaries were watching this display of harassment, while fearing that Siam "may act likewise towards them". As a result, all the adjoining polities looked to Patani to lead their resistance.[90] Abdul Kadir begged Britain to intervene, asserting that if they declined to do so, he would appeal to Germany, Russia or America instead, causing Swettenham to push the Foreign Office to call for redress of the "serious state of affairs in these northern States".[91] Swettenham's response to the sultan, however, indicated that Britain could not intervene. In 1901, more appeals arrived from Sai and Reman,[92] along with rumors that "trouble [was] impending in Patani", to which Swettenham responded by prohibiting all arms exports to the East Coast tributaries, including Kelantan and Terengganu.[93] A telegram was also drafted, informing Siam that it had "become urgently necessary to discover some means of avoiding" the danger of another uprising.[94] In January 1902, the rulers of Sai, Legeh and Patani all wrote to Swettenham, indicating that they would not lead an uprising against Siam, opting instead to "bear [their] troubles with patience and keep peace until [their] affairs [were] settled with justice in compliance with [Britain's] advice".[95]

Now that they had ruled out an uprising, tributary rulers who could still find ways to defy Siam began to adopt alternative tactics. These tactics included deploying their greatest remaining source of bargaining power, namely the vast, depopulated hinterlands which they controlled. The Sultan of Kelantan, for example, began to parcel out great tracts of land to concessionaires, including Duff, the British prospector. Duff wrote to Colonial Secretary Joseph Chamberlain to assert that he had used his influence in Kelantan to prevent an "open revolt" against Siam. In return, he found that he was granted a large concession of land in defiance of Siamese instructions. Duff accepted this grant with official British support, and was also granted titles and land from the rulers of Legeh, Reman and Yala, all attempting to reduce Siamese power by handing over to Britain the very land under their feet.[96] Duff's transparent opportunism was not a problem

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[90] Abdul Kadir Kamarsedin, Rajah of Patani to Swettenham, 18 August 1901. Inclosure 2 in 71: Colonial Office to Foreign Office, 7 October 1901. FO422/54: Affairs of Siam Further Correspondence Part XII.
[91] Swettenham to J. Chamberlain, Colonial Secretary, 3 September 1901. Inclosure 1 in FO422/54:71.
[92] Swettenham to Chamberlain, 16 November 1901. Inclosure 1 in 102: Colonial Office to Foreign Office, 19 November 1901, FO422/54.
[93] Swettenham to His Majesty the King of Siam, 29 October 1901. Inclosure 2 in 111: Colonial Office to Foreign Office, 11 December 1901, FO422/54.
[94] Draft Telegram to Governor Sir F. Swettenham, n.d. Inclosure in 119: Colonial Office to Foreign Office, 28 December 1901, FO422/54.
[95] Swettenham to Chamberlain, 17 January 1902. Inclosure in 9: Colonial Office to Foreign Office, 23 January 1902. FO422/56: Affairs of Siam Further Correspondence Part XIV.
[96] R. W. Duff, Proprietor, Duff Syndicate to Chamberlain, 23 December 1901. Inclosure in 1: Colonial Office to Foreign Office, 31 December 1901, FO422/56.

for Britain, although it did highlight the possibility that these rulers could turn to any other power in order to defy Siam. Meanwhile, the Sultan of Terengganu attempted to grant control of the whole of Redang Island to a Malay prospector from Singapore who was a British subject.[97]

These tactics notwithstanding, rumors of an uprising continued in the polities further north, which were not in the limbo of precarious protection created by the Burney Treaty. In March 1902, news reached Britain that Abdul Kadir of Patani had been arrested,[98] and that he, with the Sultan of Legeh, were now in custody in Bangkok.[99] Apparently he had refused to comply with Siamese directives, and Britain should not intervene, nor should it fear the risk of an uprising.[100] Later that month, Abdul Kadir was deposed, fuelling new rumors that an uprising would eventuate after all.[101] The Sultan of Kelantan requested British assistance for Abdul Kadir,[102] a wise choice given the number of Patani refugees who now resided in Kelantan. In addition, the Sultan of Legeh wrote again, complaining of oppression and asking for "the shelter of the English power".[103] All these letters were met by British refusals to intervene, triggering media editorials arguing that Kelantan in particular, where "10,000 Malays" were capable of bearing arms, was in a state of uproar as a result.[104] In May 1902, the Sultan of Kelantan prepared a request for British protection,[105] which he delivered to Swettenham in June[106] despite his fear of being arrested and detained by Bangkok.[107] The Sultan of Terengganu maintained his silence, yet refused to allow Siamese officials to be posted in his capital.[108] Regardless of all these protests, however, in October 1902, an agreement was finally reached between

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[97] R. Tower, Envoy Extraordinary and Minister Plenipotentiary to the King of Siam, and British Consul-General, Bangkok to the Marquess of Lansdowne, Foreign Secretary, 10 January 1902. 27 in FO422/56.

[98] Tower to Lansdowne, 17 March 1902, FO422/56: 53.

[99] Colonial Office to Foreign Office, 19 April 1902, FO422/56:67.

[100] Tower to Lansdowne, 8 March 1902, FO422/56:73.

[101] Swettenham to Chamberlain, 19 March 1902. Inclosure 1 in 74: Colonial Office to Foreign Office, 16 April 1902, FO422/56.

[102] The Rajah Mudah of Kelantan and Tunku Sri Maharaja to Swettenham, 27 February 1902. Inclosure 2 in FO422/56:74.

[103] The Rajah of Legeh to Swettenham, 26 February 1902. Inclosure 6 in FO422/56:74.

[104] Extracts from the "Singapore Free Press", 18 March 1902. Inclosure 15 in FO422/56:74.

[105] Swettenham to Chamberlain, 30 May 1902. Inclosure in 126: Colonial Office to Foreign Office, 30 May 1902, FO422/56.

[106] Swettenham to Colonial Office, 4 June 1902. Inclosure in 138: Colonial Office to Foreign Office, 5 June 1902, FO422/56.

[107] Notes by Captain Nugent, HMS Algerine, on the State of Affairs in Kelantan and Terengganu, n.d. Inclosure in 274: W.M.J. Archer, Charge d'Affairs and British Consul-General to Lansdowne, 27 August 1902, FO422/56.

[108] Swettenham to Colonial Office, 11 June 1902. Inclosure 4 in 176: Colonial Office to Foreign Office, 15 July 1902, FO422/56.

Britain and Siam, leaving all these tributary polities on the Siamese side of the new boundary.[109] Kedah, Kelantan and Terengganu nominally remained Siamese until a new, and final, iteration of this boundary was produced in 1909, at which time they were transferred to Malaya.

Conclusion

This period of negotiation showed Malay Muslim rulers in the Siamese tributaries working hard to demonstrate their preparedness to "rule" their subjects within the delimited sphere that Britain afforded to other rulers in Malaya. This sphere was precisely the sacral and traditional domain of racial and religious identity in which the 3R conflation of race, religion and royalty emerged as a critically important political construct in Malayan public life. It is therefore essential that 3R is not only understood as a hasty by-product of national state-formation during the political crisis generated by the Malayan Emergency. In fact, 3R's potency and resilience must be understood as outcomes of longer processes of colonial negotiation, not only within the territory we now understand as Malaysian, but in a wider regional context in which Siam too played an important role. The territorial crisis of 1895-1902—in which Siamese control and royal desacralization loomed as alternatives to British colonization—was therefore also an important source of momentum for 3R. The pressures generated by colonial encroachment and competition, including the contest with Buddhist methods of statecraft inherent in Siamese expansion, were therefore essential in producing this conflation. Further, 3R's production within a sacral sphere of tradition has underlined its contemporary modern importance. In appealing to British officials in terms of 3R, the tributary Sultans responded to a realpolitik in which only Britain appeared willing to maintain their sacral sphere, albeit within the framework of a colonial relationship in which all other royal power would be appropriated. Nevertheless, the continued operation of this sphere, and the guardianship offered it by the Malay Muslim monarchy, has meant that 3R remains a critically important model for Southeast Asian Muslim politics, especially in Malaysia right up to the present.

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[109] Lansdowne to Archer, 7 October 1902, FO422/56:279.

Craving Bureaucracy: Marriage, Islamic Law, and Arab Petitioners in the Straits Settlements

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Abstract

British involvement in Muslim affairs in the Straits Settlements (Malacca, Penang and Singapore) was done at the behest of Muslim subjects in the colony. Arab Muslims, who were a minority in the region, exhorted British authorities to take charge of the administration of Muslim marriages and divorces. In this way, authority was vested by these Muslims in colonial legal institutions. Instead of trying to wrest religious authority from the secular colonial power, petitioners essentially attempted to remove religious authority from the hands of Muslim *qāḍis* by granting more control to non-Muslim British colonial authorities. Though British authorities were initially reluctant to take on the mantle of administering legal lives of Muslim subjects who formed fifteen percent of the British Crown Colony, a petition in 1875 subsequently led to the application of legal codes and case law devised in British India in 1880 through the Mahomedan Marriage Ordinance that was brought into effect in 1882. This led to an unprecedented development in the administration of Islamic law in Southeast Asia. Thereafter, colonial legal practitioners relied heavily on this corpus of precedents and knowledge prepared by their predecessors in British India. Their conception of Islamic law was in other words based on a universal view of Islamic law, minimally affected by local understandings and customs. A universal view of Islam, coupled with centralized colonial bureaucracy suited the needs of highly mobile Arabs who traversed the Indian Ocean as they craved accountability on the part of legal administrators.

Introduction

I n 1875, 143 memorialists, most of whom were Arabs, sent a petition to William Jervois, the new Governor of the Straits Settlements of Malacca, Penang, and Singapore.[1] In the petition, they requested that the British colonial government record Muslim marriages

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[1] "Mahomedan Marriage Divorce," *Straits Times (ST),* September 11, 1875, 1. "The Legislative Council, 6th July," *ST Overland Journal,* July 12, 1880, 3. The original petition did not survive. The names of individual memorialists is unknown.

and divorces in the Crown Colony and officially appoint *qāḍīs* (judges). The petitioners complained that the existing mode of recording Muslim marriages and divorces had produced incomplete entries in the *qāḍīs'* books without full names, addresses, and dates. *Qāḍīs* who solemnized Muslim marriages tended to rely solely on verbal testimony of persons involved.[2] This made it extremely difficult to prove the validity of marriages, legitimacy of progeny, and property titles. Petitioners underscored that British authorities had already met with several complaints about several *qāḍīs'* conduct in the Straits Settlements prior to 1875.[3] Indeed, British officials were aware that *qāḍīs* were often guilty of ratifying marital unions that would be contrary to Islamic law, such as marriages without the permission of a woman's guardian. *Qāḍīs* would also declare a marriage invalid for a woman who was tired of her husband, and they would forge an entry into the register of marriages for "a good fee."[4]

Colonial administration of Islamic law was not only welcomed in this case but actively sought after by some Muslims. Arab residents did not possess much authority in the Straits Settlements at this point in time, which could explain their reliance on colonial officials. Being highly mobile merchants, and as part of diasporic communities with property holdings, children and wives at various place throughout the Malay Archipelago, South Asia, and Hadhramaut, these Arabs could certainly benefit from better record-keeping and clearer, unambiguous legislation facilitated by a more efficient colonial legal regime. Their itinerant lives, which tended to produce far-flung relations, made notarial attestation by centralized depositories all the more crucial.[5] Authoritarian powers could offer an abstract formalism of legal certainty provided by juridical formalism that would enable the legal system to operate like a technically rational machine.[6] Religious authority was ceded in order to ensure that some form of predictable, coercive mechanism was enforced in legal matters.

The Arab petitioners' preoccupation with marriage was understandable since they often married local women based in the region. Arabs had been travelling to Southeast Asia from East Africa and the Middle East since the ninth century usually on their way to trade with Canton in China.[7] By the latter half of the nineteenth century, Arabs in

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[2] Oral testimony was not only adequate but even preferred in Islamic courts. Wael Hallaq, *The Origins and Evolution of Islamic Law* (New York: Cambridge University Press, 2005), 87.

[3] "The New Gaming," W.E. Maxwell, *ST,* June 13, 1883, 2.

[4] "The New Gaming," W.E. Maxwell, *ST,* June 13, 1883, 2.

[5] W. B. Hallaq, *Sharī'a—Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009), 177.

[6] Max Weber, *Law in Economy and Society* (Cambridge: Harvard University Press, 1954), 226–227.

[7] These merchants came from Bukhara, Zanzibar, Baghdad, Oman, Kish, Hadhramaut, Mecca, Basra, Egypt and Mosul. Paul Wheatley, *The Golden Khersonese: Studies in the Historical Geography of the Malay Peninsula before A.D. 1500* (Kuala Lumpur: University of Malaya Press, 1961), vi, xvii, 210-211, 244-245; Janet L. Abu-Lughod, *Before European Hegemony: The World System A.D. 1250-1350.* (New York: Oxford University Press, 1989), 298: O. W. Wolters, *Early Indonesia Commerce: A Study on the Origins of Srivijaya* (Ithaca: Cornell University Press, 1967), 178; Rita Rose di Meglio, "Arab Trade with Indonesia and the Malay Peninsula from the 8th to the 16th Century," in *Islam and the Trade of Asia: A Colloquium,* ed. D.S. Richards (Oxford: Bruno Cassirer, 1970), 105-135; Chao Ju-Kua, *On the Chinese and Arab Trade*, eds. Fr. Hirth and W.W. Rockhill, (Amsterdam: Oriental Press, 1966), 117.

Southeast Asia mostly originated from Hadhramaut in present-day Yemen. They came as merchants, religious scholars, pilgrims, judges, laborers, and explorers.[8] Some became wealthy merchants, married into local ruling families, or borrowed upon their religious legitimacy as Arabs to forge positions as rulers in the region.[9] However, by the latter half of the nineteenth century as Dutch and British colonial rule intensified in the region, they lost their social and political clout in the Malay world, which rendered an alliance with European colonial officials necessary.[10] Despite constituting less than 0.1% of the entire Muslim population in the Straits Settlements, the Arab elite were able to steer the direction of British policy regarding Muslim religious affairs in the late nineteenth century. Arab elites, more so than other Muslims in the region (such as Malays, Javanese, Indian Muslims, Buginese), lived fully as members of a colonial society governed by British law.[11] Even Dutch colonial official L.W.C. van den Berg who was based in Dutch Batavia noted that Singapore possessed the most flourishing (though not the largest) Arab colony in all the Indian Archipelago by the 1880s.[12] It is not surprising therefore that the Arab elite in the Crown colony would try to ensure that their family lives were well-regulated by an efficient legal administration.

The Case of *Salmah and Fatimah v. Soolong*

Arab dissatisfaction with *qāḍīs'* conduct in the Crown Colony intensified due to a high profile case that was brought to the Supreme Court in Singapore in February 1878.[13] In the case of *Salmah And Fatimah, Infants, By Their Next Friend Shaik Omar V. Soolong* (henceforth *Salmah and Fatimah v. Soolong*), a *qāḍī* had solemnized a marriage between an Arab woman and a non-Arab man in Singapore without the consent of the bride's guardian (*walī*) who was her paternal uncle. In fact, the young woman, Fatimah, had deliberately married her Indian husband, Ismail, during her uncle's absence. Upon his return, her uncle contested the validity of the marriage

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[8] For more on Hadhramis specifically, see William G. Clarence-Smith and Ulrike Freitag, eds. *Hadhrami Traders, Scholars and Statesmen in the Indian Ocean Diaspora* (Leiden: Brill, 1997); Huub de Jonge and Nico Kaptein, eds. *Transcending Borders: Arabs, Politics, Trade and Islam in Southeast Asia* (Leiden: KITLV Press, 2002); Ahmed Ibrahim Abushouk and Hassan Ahmed Ibrahim, eds., *The Hadhrami Diaspora in Southeast Asia—Identity Maintenance or Assimilation* (Leiden: Brill, 2009);

[9] For more on this phenomenon, see Engseng Ho, *Graves of Tarim: Genealogy and Mobility across the Indian Ocean* (Berkeley: University of California Press, 2006), 168-170, 183-184.

[10] On the decline of Arab influence in Southeast Asia during the nineteenth century, see Sumit K. Mandal, "The Indian Ocean in a Malay Text: The Hikayat Mesrakelek in Transregional Perspective," *Indonesia and the Malay World*, 41, 120 (July 2013), 243.

[11] W. Roff, "Murder as an aid to social history," 92. In 1939, Arabs donated so much money to the Malayan Patriotic Fund in support of the British colonial government that they merited their own headline in *The Straits Times*. "Arab Donations to Patriotic Fund," *ST* October 6, 1930, 12.

[12] L.W.C. van den Berg cited in W.H. Ingrams, *A Report on the Social, Economic and Political Condition of the Hadhramaut.* (London: His Majesty's Stationery Office, 1936), 149.

[13] *Salmah And Fatimah, Infants, By Their Next Friend Shaik Omar V. Soolong* [1878] 1 KY 421.

in British colonial court. An Arab *mufti* (expert in Islamic law) named Syed Mohamed bin Shaik bin Sahil from the neighboring state of Johore, a kingdom administratively separate from but immediately adjacent to Singapore on the southern tip of the Malay Peninsula, was consulted by the presiding judge, Chief Justice Sir Thomas Sidgreaves. The *mufti* stated that Fatimah who followed the Shāfi'ī *madhhab* (one of the four main Sunni schools of law) required the consent of her guardian who was her paternal uncle for her marriage to be valid since she had never been married before.[14] If her guardian was away in another country which would take "twenty-four hours journey" by foot or forty-five miles by sea, a *qāḍī* "appointed as such by the Government of the country" should stand in as a woman's *walī* or guardian. Since he only recognized government-appointed *qāḍīs*, he claimed that there was no *qāḍī* in the Straits Settlements in February 1878. Hence, he believed, according to proper procedure, Fatimah had no choice but to wait for her guardian to return. However, she obviously did not wait for his return, and the *mufti* therefore chided her publicly in court for shrewdly arranging her own marriage independent of her uncle's approval.

If indeed Fatimah had remained a Shāfi'ī, she would have needed her guardian's consent in order to marry according to that legal school. However, since she had converted to the Ḥanafī *madhhab*, her marriage could be validated by a *qāḍī* without the consent of her guardian. The *mufti* did not relent in the face of this new development in Fatimah's life and clarified that a Shāfi'ī woman could indeed switch to another sect after attaining puberty, but she still had to ensure that the marriage was "koofoo" (*kafā'a*) or sufficient with a partner who was her equal.[15] He emphasized that according to both the laws of Ḥanafī and Shāfi'ī *madhhabs*, the Indians (referred to as "Klings") and Malays were not equal to the Arabs, and therefore Fatimah's marriage to Ismail was null and void.

In response to the *mufti's* testimony, Chief Justice Sidgreaves cited no less than three legal manuals that had been produced in British India, namely William Hay Macnaghten's *Principles of Mohamedan Law,* Baillie's *Digest* and Shama Churun Sircar's *The Muhammadan Law*.[16] He dismissed the Arab *mufti's* notion of equality of marriage since

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[14] The term *madhhab* has been translated as "sect," "rite," and most commonly as "school." However, as Joseph Schacht and George Makdisi warn us, it did not signify any definite organization, nor a strict uniformity of doctrine within each school, nor any formal teaching, nor any official status, nor even the existence of a body of law in the Western meaning of the term. Joseph Schacht, *An Introduction to Islamic Law* (Oxford: Clarendon Press, 1964), 28; George Makdisi, "The Significance of the Sunni Schools of Law in Islamic Religious History," *IJMES* 10 (1979): 1.

[15] For more on the issue of equality of marriages amongst Arab community, see Sumit K. Mandal, "Challenging Inequality in a Modern Islamic Idiom: Arabs in Early 20th-Century Java," in *Southeast Asia and The Middle East: Islam, Movement and the Longue Durée,* ed. Eric Tagliacozzo (Stanford: Stanford University Press, 2009), 156-175.

[16] For the relevant sections on the subject of guardianship cited by Sidgreaves, see Shama Churun Sircar, *The Muhammadan Law* (Calcutta: Thacker, Spink and Co., 1873), 334.

he did not see this as a concern "amongst Muslims outside of Arabia." In addition, he referred to a case in Bombay High Court Reports in 1864.[17]

> The Hanifites hold that a girl who arrives at puberty, without having been married by her father or guardian, is then legally emancipated from all guardianship, and can select a husband without reference to his wishes. The Shafites, on the other hand, hold that a virgin, whether before or after puberty, cannot give herself in marriage without the consent of her father. The effect of a lawful change from the sect of Shafi to that of Hanifa, would be to emancipate the girl, who had arrived at puberty, from the control of her father, and to enable her to marry without consulting his wishes or obtaining his consent.[18]

He ended his judgment by stating that:

> Now the words used here legally emancipated from all guardianship and can select a husband without reference to his wishes are very strong, and, it appears to me, that I should be acting in direct contravention of this decision, if I held that, on the ground of inequality, this girl Fatimah was still subject to her guardian, and that she could not select a husband without reference to his wishes.[19]

The judge dismissed the *mufti's* ruling and ruled that Fatimah's marriage to Ismail was indeed valid.

The case of *Salmah and Fatimah v. Soolong* was the most significant case concerning Islamic law that immediately preceded the passing of the Mahomedan Marriage Ordinance of 1880. It demonstrated three related phenomena. Firstly, courtroom proceedings bolstered the Arabs' view of the *qāḍīs'* inadequacy as religious authorities, possible corruption, and unfair alliance with local women based in the colony such as Fatimah, who was allowed to marry a non-Arab by a *qāḍī*. Secondly, the case revealed that British judges' authority clearly superseded that of *muftis* who might be called as an expert witness in British courts, but had neither real power nor influence. *Salmah and Fatimah v. Soolong* drove home the point that an alliance with British legal administration was important to ensure an alignment of interests.

Thirdly, *Salmah and Fatimah v. Soolong* also affected colonial legal administration's view of Islamic law in the colony. Because Chief Justice Sidgreaves

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[17] *Muhammad Ibra'him bin Muhammad Sayad Park'r v. Gulam Ahmed bin Muhammad Sayad Roghe and Muhammad Sayad bin Muhammad Ibra'him Roghe.* Bom. H.C. Reports Suit no. 49 of 1863, Bombay High Court Reports Volume 1, 223. The headnote of the case clearly states that: "After attaining puberty a Muhammadan female of any one of the four sects can elect to belong to whichever of the other three sects she pleases, and the legality of her subsequent acts will be governed by the tenets of the Imam whose follower she may have become. A girl whose parents and family are followers of the school of Shafii, and who has arrived at puberty and has not been married or betrothed by her father or guardian, can change her sect from that of Shafii to that of Hanifa, so as to render valid a marriage subsequently entered into by her without the consent of her father."

[18] *Salmah And Fatimah, Infants, By Their Next Friend Shaik Omar V. Soolong* [1878] 1 KY 421.

[19] *Salmah And Fatimah, Infants, By Their Next Friend Shaik Omar V. Soolong* [1878] 1 KY 421.

deciphered and applied Ḥanafī laws in such a complex legal case, the colonial legal administration achieved a high level of confidence in navigating this new legal terrain through his example. The case of *Salmah and Fatimah v. Soolong* was however an exceptional opportunity for a British judge in the Straits Settlements since most Muslims in the region actually belonged to the Shāfiʿī school of law.[20] Nonetheless, court proceedings brought to light the copious amount of materials on Islamic law already at hand, albeit mostly pertaining to Ḥanafī law, inherited from British India. This realization, and possible newfound confidence in dealing with the intricacies of Islamic law, prompted British colonial administration in the Straits Settlements to consider more direct intervention into the administration of Islamic law in the colony.

The Petition of 1875

The direct impetus for legal reform was a petition by Muslim subjects in 1875 who were displeased with local *qāḍīs'* performance. Their complaints struck a chord with British legal administrators who, like Sir Thomas Sidgreaves, already occasionally handled cases involving Islamic law when they were brought to higher courts as in the case of *Salmah and Fatimah v. Soolong*. In 1875, there were numerous *qāḍīs* throughout the Straits Settlements since each ethnic community elected its own *qāḍī* in each settlement—Penang, Malacca and Singapore.[21] Within the colony, several *qāḍīs* operated in the same space without defined territorial jurisdiction. In other words, these *qāḍīs* exercised authority only over those Muslims who voluntarily recognized them.[22] *Qāḍīs* in the Straits Settlements armed themselves with letter-patents from "the chief lights of the Mohamedan religion in the town or settlement to which he belongs."[23] A sum of money was paid for the letter-patent, and this practice led to a certain arbitrariness in appointments.

British View of Local Conceptions of *Adat* (Customary Law)

Yet, British authorities chose not to intervene in the affairs of *qāḍīs*. Partly this was because British authorities in the Malay Archipelago generally

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[20] A similar case appeared in court in 1907. *M.M. Noordin v. Shaik Mohamed Meah Noordin Shah & Anor.* 10 SSLR [1908] 72.

[21] "The Legislative Council, 6ᵗʰ July," *ST Overland Journal,* July 12, 1880, 3. The Legislative Council narrowed the number of Muslim communities to three distinct and discrete groups—Arab, Indian and Malay, although there were actually many more ethnic communities, including Muslims who originated from other parts of the Malay Archipelago. Moreover, each community sometimes appointed more than one *qāḍī*. Special Editor's Note: See A. Malhi, this volume, for a discussion of the emergence of a Malay Muslim identity.

[22] "Pinang," *ST,* February 28, 1854, 7.

[23] "The New Gaming," W.E. Maxwell, *ST,* June 13, 1883, 2.

acknowledged that religious practice in the region was diverse, and possessed very distinct localized forms and coloring,[24] as was evident in the numerous colonial digests and loose collections of local laws known as *undang-undang* which included both Islamic law and local customary laws known as *adat*.[25] They were also aware of the tension that emerged amongst Muslims in the region since the early nineteenth century between proponents of *adat*, and returning Haj pilgrims and religious scholars.[26] These legal codes were considered important enough to be collected by British Orientalist William Marsden, as well as East India Company employees such as Thomas Stamford Raffles and William Farquhar from Sumatra, Java, Borneo, Singapore and the Malay Peninsula during the early nineteenth century.[27] This effort was followed by British scholar-officials such as Richard O. Winstedt and Richard J. Wilkinson a century later.[28] Yet, these legal codes were never implemented in colonial courts in the Straits Settlements.[29] Such collections tended to be only of scholarly interest, presumably as a form of ethnographic study that would illuminate British understanding of local societies but did not possess practical value in the Straits

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[24] M. A. Hose, "Inaugural Address," *Journal of the Straits Branch of the Royal Asiatic Society* 1 (July 1878): 8.

[25] Lists of *adat* laws never aspired to the status of a legal system, and did not resemble a normative system of jurisprudence. M.B. Hooker, *Adat Laws in Modern Malaya* (Kuala Lumpur: Oxford University Press, 1972), 85.

[26] Anthony C. Milner, "Inventing Politics: The Case of Malaysia" *Past and Present* 132 (1991), 114 cited in Iza Hussin, "The Pursuit of the Perak Regalia: Islam, Law, and the Politics of Authority in the Colonial State" *Law and Social Inquiry,* 32, 3 (2007): 761.

[27] The Asia and Africa Collections in the British Library holds manuscript copies of *adat* laws, including various versions of the Malacca laws (Undang-Undang Melaka) collected by Crawford, Raffles and Farquhar. See BL Mss Sloane 1293, Mss Add 12398. William Marsden, *The History of Sumatra* (London: Printed for the author, by J. McCreery, 1811), Thomas Stamford Raffles and Frank Hull, *The History of Java* (London: Black, Parbury, and Allen, 1817). For an analysis of the Malacca laws, see M.B. Hooker, "The Oriental Law Text: with reference to the Undang-Undang Melaka and Malay Law," *Malaysian Legal Essays: A Collection of Essays in Honour of Professor Emeritus Datuk Ahmad Ibrahim* (Kuala Lumpur: Malayan Law Journal, 1986), 431-456. For a description of early 19th century British efforts specifically, see T. J. Newbold, *Political and Statistical Account of the British Settlements in the Straits of Malacca,* Volume 2 (London: John Murray, 1839), 215-313.

[28] For example, see Richard O. Winstedt, *A History of Classical Malay Literature* (New York: Oxford University Press, 1969); Richard O. Winstedt, *Shaman, Saiva and Sufi, a Study of the Evolution of Malay Magic* (London: Constable & Company Ltd. 1925); Richard O. Winstedt, *The Circumstances of Malay Life: The Kampong, the House, Furniture, Dress, Food,* Papers on Malay Subjects (Kuala Lumpur: Printed by J. Russell at the F.M.S. Govt. Press, 1909); Richard James Wilkinson, *A History of the Peninsular Malays, with Chapters on Perak and Selangor* (Singapore: Kelly and Walsh, 1923), Richard James Wilkinson, *Papers on Malay Subjects: History* (Singapore: Federated Malay States Government Press, 1920); Richard James Wilkinson, *Malay Industries* (Kuala Lumpur: F.M.S. Govt. Press, 1911).

[29] *Adat* laws were implemented in the Federated and Unfederated Malay states in the *Qadi* courts and *Sharia* courts. Ahmad Ibrahim, *Towards a History of Law in Malaysia and Singapore* (Kuala Lumpur: Dewan Bahasa dan Pustaka, 1992), 9.

Settlements.[30] British colonial authorities ultimately considered Islamic law, as codified in their legal compendia produced in India, more commonly known as Anglo-Mohamedan law, to be more relevant to the lives of Muslim subjects in the Straits Settlements than were the *undang-undang.*

The exercise of power by several *qāḍīs* within each settlement was construed as a problem by the petitioners, who believed that this might lead to highly disorganized records, if any at all. More importantly, each *qāḍī* might favor his own ethnic community over another, putting the highly mobile Arab migrant without influential footing in the colony at a disadvantage.[31] Arabs formed only a small minority, at less than 1% of the entire Muslim population in the colony. Most Muslims in the colony were from the Indo-Malay Archipelago, although there were also South Asian Muslims based in the region.[32] Since Arab men who frequently travelled across the Indian Ocean often married local women based in the colony, they were already at a disadvantage in most marital disputes since the women would most likely consult *qāḍīs* within their own community in their husbands' absence. The petitioners noted that it was common for an Arab merchant to return to the Straits Settlements, Malaya and the Netherlands Indies to find himself unceremoniously divorced from his local wife.[33] It was not surprising that Arab petitioners insisted that only one *qāḍī* should be appointed by the colonial government. They also insisted that the colonial government would have sole authority to appoint *qāḍīs* in each settlement. The British colonial legal apparatus would provide a valuable sense of predictability regarding the legal consequences of *qāḍis'* actions. The petitioners suggested that a "Mahomedan registrar" be appointed under the supervision of the British Registrar General.[34] They strongly recommended that no marriage or divorce should be recognized except those solemnized by certain qualified *qāḍis* licensed by the colonial Government. Each *qāḍī* would be answerable to the Mahomedan Registrar, a government-appointed British official who could be a non-Muslim. The Registrar would not only record the names of individual *qāḍīs*, brides and grooms, but also marriage settlements consisting of promises in consideration of marriages involving money and property.[35]

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[30] However, in the Malay States on the peninsula, such collections aided British legal practitioners immensely when cases involving Malay rulers on the peninsula were brought to English courts. The *Undang-Undang Melaka* (Laws of Malacca) was used in Pahang, Johore and Kedah. See Yock Fang Liaw, *Undang-Undang Melaka—the Laws of Melaka* (The Hague: M. Nijhoff, 1976).

[31] Special Editors' Note: The invocation of universal Islamic law by Arabs to mitigate their minority status in the Straits Settlements contrasts with the conflation of Malay and Muslim identities just northward along the Malay Peninsula, see A. Malhi article in this issue.

[32] Censuses indicate that South Asian Muslims formed about 10% of the Muslim population in the Straits Settlements.

[33] "The Legislative Council, 6th July," *ST Overland Journal,* July 12, 1880, 3.

[34] The functions and duties actually corresponded to that of the Mahomedan Registrar by the Bengal Act no. 1 of 1876.

[35] For example, see *Ahamed Meah & Anor. v. Nacodah Merican,* [1893] 4 Ky 583.

More importantly for the petitioners, the Registrar would provide an important repository of documents that could be retrieved as evidence in colonial courts.

British Reluctance

To the petitioners' disappointment, the Legislative Council were at first reluctant to administer Islamic law in the colony more directly. After five long years, information was finally procured by the Council from various colonial governments in Ceylon, Madras, Calcutta and Bombay on the administrations of Islamic laws in these places.[36] Authorities based in the Straits Settlements discovered that the administrations of Muslim marriages in these places were, in fact, only in their nascent stage. The writer of the legislative report noted that:

> under these circumstances, clearly the only course open for our Legislature is to await the passage of this law, in order that we may profit by the wider experience of India, and reap the benefit of the legal talent that will be brought to bear upon the Bill before it becomes law. We should thus be afforded some fixed data for the preparation of a similar law for this Colony, instead of groping in the dark, as we shall otherwise be compelled to do.[37]

Despite the Arabs' exhortations for heightened colonial involvement in Muslim marriages, the Legislative Council, headed by Thomas Braddell, was generally reluctant to make the Bill compulsory. He argued that "the lower classes of Muslims" would not find it easy to register their marriages, in contrast to "the higher classes of Arabs" who happened to be the main class of memorialists clamoring for compulsory laws.[38]

Furthermore, colonial authorities throughout the British Empire were generally determined not to be involved in matters of religion during the second half of the nineteenth century. The policy of non-interference in religious affairs dated back to the aftermath of the Sepoy Rebellion, also known as the First Indian War of Independence (1857–1858).[39] In the aftermath, Queen Victoria took control of India from the East India Company and guaranteed religious toleration to all Indian subjects.[40] Subsequently,

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[36] The replies from Madras and Calcutta covered a list of Acts in force and Bills under consideration, while those from Bombay and Ceylon were more detailed. "The Mahomedan Law of Marriage and Divorce," October 2, 1875, 1.

[37] "Mahomedan Marriage Divorce," *ST,* September 11, 1875, 1.

[38] The identity of these "lower class Muslims" was not specified beyond the fact that the 143 petitioners did not fall within this category. "The Legislative Council, 6th July," *ST Overland Journal,* July 12, 1880, 3.

[39] This conflict in 1857 was a widespread revolt against British authorities in which Muslims and Hindus joined together. British authorities crushed this opposition severely and officially ended Mughal rule.

[40] Queen Victoria proclaimed "we do strictly charge and enjoin all those who may be in authority under us that they abstain from all interference with the religious belief or worship of any of our subjects on pain of our highest displeasure." "Proclamation by the Queen in Council to the princes, chiefs, and people in India" A. B. Keith, *Speeches and Documents on Indian Policy 1750-1921. Volume 1* (London: Oxford University Press, 1922), 382.

certain issues that were designated "religious" were deemed outside of colonial intervention. Yet, scholars of British Empire have shown how colonial authorities claimed to avoid interfering in religious affairs while actually transforming religious laws in significant ways.[41] For example, in British India, colonial administrative policies had already led to a drastic reorientation of Islamic legal practice—a shift from Islamic law's "substantial rationality" to a more "formal rationality" implemented by colonial authorities.[42] In light of this potentially drastic transformation, why then were Arab subjects in the Straits Settlements so willing to align themselves with British colonial officials?

Alliance between Mobile Merchants and Colonial Officials

By sending a detailed petition filled with demands, the predominantly Arab Muslim memorialists not only displayed a high level of knowledge of the legal workings of the Empire, but also willingly participated within the colonial legal structure. Nonetheless, they were not members of the Legislative Council.[43] Neither were they represented within the legal profession; the first Arab lawyer only appeared in 1948.[44] Since they frequently travelled back and forth across the Indian Ocean, they might have considered themselves unsuitable candidates for any sort of permanent role within colonial bureaucracy. In Legislative Council meetings, their views were represented by two British gentlemen, Mr. Bishop and Mr. Thomas Shelford.[45] Thus, their voices were not directly heard in the legislative council. Rather, British intermediaries had to push their agendas through council meetings. Members of the Arab elite could not directly participate in debates during council meetings, despite their high motivation to operate through colonial legal channels.

In order to bolster their cause, the memorialists, through their British representatives, Mr. Bishop and Mr. Shelford, gave two examples of grievances that could be alleviated by the introduction of a compulsory system of marriage registration.[46] The first example was

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[41] Ritu Birla, *Stages of Capital: Law, Culture and Market Governance in Colonial India* (Durham: Duke University Press, 2009); Bernard S. Cohn, *Colonialism and Its Forms of Knowledge—The British in India* (New York: Princeton University Press, 1996); Rachel Sturman, *The Government of Social life in Colonial India—Liberalism, Religious Law, and Women's Rights* (New York: Cambridge University Press, 2012).

[42] Scott Alan Kugle, "Framed, Blamed and Renamed: The Recasting of Islamic Jurisprudence in Colonial South Asia," *Modern Asian Studies* 35, 2 (2001): 270.

[43] The only local member was a wealthy Chinese businessman named Whampoa Hoo Ah Kay. The first Muslim representative on the Straits Settlements Legislative Council was a Malay named Eunos Abdullah appointed in 1924. Since the Muslim elite, not to mention litigants in court, in the Straits were either Indian Muslim or Arab, it was interesting that the colonial government picked a Malay. "Hon. Inche Unos: Reception by United Islamic Association," *ST*, March 25, 1924, 10; Mark R. Frost and Yu-Mei Balasingamchow, *Singapore: A Biography* (Singapore: National Museum of Singapore, 2009), 196.

[44] His name was Syed Hassan bin Mohamed Salim Almenoar. Muslim Correspondent, "Passes Law Exams: Muslim Notes," *ST*, July 12, 1948, 5.

[45] Untitled, *ST*, July 10, 1880, 2.

[46] Untitled, *ST*, July 10, 1880, 2.

that of a pregnant woman who wished to receive some kind of redress from her husband which she was entitled to according to Islamic law. Shelford and Bishop reasoned that if she was unable to prove her marriage in the colony, due to the lack of a system of marriage registration in the colony, she risked being in great hardship. The second example was more common—a Muslim man found himself divorced from his wife who, or whose family, had bribed the *qāḍīs* into granting her a divorce.[47] The children of polygamous unions ran the risk of being considered illegitimate in the courts of law. For those Arab Muslims who often travelled, it was useful to have records in one place, rather than in separate mosques as was common practice prior to 1880, when the Imam of a mosque solemnized a marriage.[48] In order to avoid corruption, they argued, authority could be centralized if the Governor of the Straits Settlements appointed only one *qāḍī* for each settlement.

Furthermore, on occasion, British colonial judges in the Straits Settlements such as Thomas Sidgreaves had already directly adjudicated cases involving Islamic law, thus circumventing the authority of local intermediaries. Throughout the British Empire, the process of streamlining Islamic law was hastened by codification that had already been systematically conducted under the aegis of modernization and centralization in British India during the late eighteenth century.[49] As we have seen, British legal administrators in the Straits Settlements conveniently had on hand a new hybrid mixture known as Anglo-Mahomedan Law comprising both Islamic Law and English Law. This new set of laws had been compiled in a corpus of legal codes, commentaries, translations and judicial precedents that their predecessors had accumulated since the late eighteenth century in South Asia.

Universalization of Anglo-Mohamedan Law

The process of codification of Islamic Law in the British Empire occurred in two phases, the first, beginning in the late eighteenth century under the auspices of the East India Company was followed by a second phase from the 1860s directly overseen by the metropolitan state.[50] The Charter of George II in 1753 had already granted Hindu and

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[47] This phenomenon was generally true according to the Attorney-General. "The Legislative Council, 6th July," *ST Overland Journal,* July 12, 1880, 3.

[48] "The Assizes—A Case of Bigamy," *ST,* January 9, 1905, 5.

[49] Molded by ideas of Indian difference, the very process of codification in British India was a radical break from historical English common legal tradition. Some British philosophers, such as Jeremy Bentham and his followers Thomas Macaulay and James Mill, harbored hopes that codification of laws would eventually be undertaken in England. Elizabeth Kolsky, *Colonial Justice in British India* (New York: Cambridge University Press, 2010), 70-71; Guenther, "A Colonial Court Defines a Muslim," 293.

[50] The British created two legal codes, Hindu and Muslim, thus forcefully inscribing a Hindu/Muslim binary on Indian societies by completely disregarding the diversity of Indian legal traditions. Personal laws of Jains, Sikhs, Parsis, and certain tribes were initially not recognized. Afterwards, only Parsi personal laws have been recognized. Rosane Rocher, "British Orientalism in the Eighteenth Century," in *Orientalism and the Postcolonial Predicament: Perspectives on South Asia,* eds. Carol A. Breckenridge and Peter van der Veer (Philadelphia: University of Pennsylvania Press, 1993), 221-222.

Muslim subjects exemption from Company Courts. The Charter allowed them to have recourse to their own religious laws.[51] In 1772, Governor Warren Hastings introduced the Adalat system, a watershed moment in the legal history of British India.[52] Subsequently, matters of inheritance, marriage, caste and other religious institutions were to fall under the purview of religious laws since Hastings believed that certain beliefs should be respected instead of being held under the control of English Common Law, of which he thought subject populations were wholly ignorant.[53] The Adalat system made it compulsory for local Muslim and Hindu religious experts to function as juriconsults (legal experts) to assist English officers in both criminal courts and civil courts known as the Mofussil Diwani Adalat in Bengal, Bihar and Orissa.[54] In this way, the Hastings Regulations subtly introduced a new legal fulcrum—English legal authority—around which Hindu and Muslim religious laws pivoted.[55]

The last four decades of the nineteenth century also witnessed the prolific production of legal textbooks, digests and jurisprudential works that led to further consolidation and refinement of legal ideology in the early twentieth century.[56] Pure textual authority ran counter to the Islamic legal tradition where the authority of the legal interpreter (judge) and the legal interpretation did not yield a system of codes and precedents that oriented future legal decisions.[57] By contrast, the traditional method of Islamic jurisprudence involved extensive references to the Qur'an, *hadiths* and legal opinions of Muslim jurists and scholars which were often diverse and

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[51] Asaf A. Fyzee, "Muhammadan Law in India," *Comparative Studies in Society and History,* 5,4 (July 1963): 412.

[52] Warren Hastings (governor of Bengal from 1772, Governor-General from 1774 to 1885), created two courts in each district, namely the Diwani Adalat which handled civil cases, and the Foujdari Adalat that held trials for crimes and misdemeanors. The civil courts applied Islamic and Hindu laws to Muslims and Hindus, while the criminal courts applied Islamic law universally. M.P. Jain, *Outlines of Indian Legal History* (Delhi: University of Delhi Press, 1952), 57-69.

[53] Clause XXIII stated that "(i)n all suits regarding inheritance, marriage, caste and other religious usages or institutions, the laws of the Koran with respect to the Mohamedans and those of the Shaster with respect to the Gentoos shall invariably be adhered to." See Rocher, "British Orientalism in the Eighteenth Century," 215-249.

[54] Lauren Benton demonstrates how these experts actually occupied an ambiguous position within colonial bureaucracy, since they certainly did not occupy the same status as British officials although they were certainly officers of the Company and employees of the courts. Lauren Benton, "Colonial Law and Cultural Difference: Jurisdictional Politics and the Formation of the Colonial State," *Comparative Studies in Society and History* 41, 3 (2000): 571.

[55] Scott Alan Kugle, "Framed, Blamed and Renamed," 262.

[56] Anderson, "Themes in South Asian Legal Studies," 168.

[57] There were two types of authority in Islamic legal thought—legislative authority that is divine and concretized in foundational texts, and interpretive or declarative authority which belongs to jurists. The latter is a derivative authority, drawn entirely from the legislative authority of God. The Muslim jurist bears no authority in his person or status in the sense that his declarations are automatically accepted as valid. The authority depends upon the methodology employed by the jurists and his skills. Bernard G. Weiss, *The Spirit of Islamic Law* (Athens: University of Georgia Press, 1998), 65.

contradictory.[58] In other words, the pre-colonial Islamic legal milieu was characterized by a multiplicity of systems, with no fixed authoritative body of law, no set of binding precedents and no single legitimate way of applying or changing them. Colonial legal literature, by contrast, removed complications and subtleties in certain areas of law that were regarded by colonial authorities as extraneous or even cumbersome.[59] In the process of colonial codification and translation, traditional religious literature which was filled with rich jurisprudential ruminations and conflicting legal opinions were drastically reduced to collections of binding legal precedents. Codified laws in India and translated legal texts collectively known as Anglo-Mohamedan Law supposedly applied to all Muslim subjects regardless of their historical and cultural background.[60]

Hanafī laws prevailed throughout the Empire wherever Hanafī-based Anglo-Mohamedan laws were exported—even in places like Singapore where Shāfi'ī adherents predominated. Even as late as 1940, Faiz Tyabji's list of recommended books for courtroom use by English legal practitioners contained thirteen titles on the Hanafī *madhhab*, but only five on the Shāfi'ī *madhhab*.[61] Indeed, the Shāfi'īs received relatively little attention in colonial literature on the whole, since there were relatively fewer adherents to the *madhhab* within British India. R.K. Wilson's 500-page digest of Anglo-Muhammadan laws only dedicated 32 pages to Shāfi'ī law.[62] Indian laws were inherited in whole, as the bases of authority, because Hanafī and Shāfi'ī *madhhabs* were perceived to share many similarities. Thus, in the eyes of British legal administrators, there was no need to devise a whole other legal code based on Shāfi'ī laws.[63] In the Straits Settlements, Islamic law was mostly devised *in situ*, in courtrooms, where litigation provided occasions for dialogue between the colonizers and colonized.[64]

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[58] Special Editors' Note: For an illustration of the diversity within the Islamic legal tradition, see Said Hassan's article in this issue, which describes current debates over loyalty to non-Muslim polities.

[59] In fact, inconsistencies in legal texts were not regarded as a mark of rich diversity. Instead they were regarded as signs that past Muslim scholars were ignorant of the subject matter or "carried the law in their heads" anyway which precluded proper legal codes in writing. Faiz Badrudin Tyabji, *Muhammadan Law: The Personal Law of Muslims* (Bombay: N.M. Tripathi and Co., 1940), xii.

[60] S. Kugle, "Framed, Blamed and Renamed," 301, 306, 309-310. By the eve of the Second World War, Islamic law codes devised in British India applied also to Muslim subjects in Ceylon, Iraq, Palestine, Malay States, Somaliland, Zanzibar, Trinidad and Tobago, Nigeria, Cyprus, Gold Coast and the Straits Settlements. British officials stationed in various colonies constantly updated each other on amendments to legal statutes and acts, by corresponding with the Colonial Office in London, who dutifully copied their correspondences and sent them to other British governments throughout the empire. This framework is in line with the argument put forth by legal scholar Marc Galanter who emphasizes that colonial administrators tended to implement general rules that were applicable to whole societies. Marc Galanter, "The Displacement of Traditional Law in Modern India," *Journal of Social issues* 24, 4 (1968): 65-91.

[61] Tyabji, *Muhammadan Law*, 90.

[62] Roland Knyvet Wilson, *A Digest of Anglo-Muhammadan Law* (London: W. Thacker & Co., 1895).

[63] There were actually key differences within the legal stipulations of other *madhhabs* especially with regards to family law.

[64] Elizabeth Kolsky, "Forum: Maneuvering the Personal Law System in Colonial India—Introduction," *Law and History Review* 28, 3 (October 2010): 975.

Furthermore, the Straits Settlements had been retrospectively declared "uninhabited" in a landmark case 1858 by Chief Justice Benson Maxwell who cited the Second Charter of Justice.[65] This meant that Islamic law could not form part of the law of the colony except through ordinance, reserved for Personal Law which covered family law.[66] This also meant that the customary laws of Malays were neither respected nor enforced at any point in the history of the Straits Settlements. English law became the default law instead of local customary laws.[67] The First Charter of Justice in 1807 placed the Straits Settlements under the government of Fort William of Bengal under East India Company rule. In 1867, the Straits Settlements became a Crown Colony ruled directly from England. Islamic law had been enforced in a limited fashion in the first Straits Settlement of Penang, but Judge William Hackett in yet another landmark case in 1871 dismissed this notion in line with the legal fiction that the Straits Settlements was supposedly uninhabited.[68] He argued that there were no legally constituted courts in Penang to administer the laws at the time. He stated that in any case, the Second Charter of Justice in 1826 had introduced English Law as the basic law in the Straits Settlements and relegated laws of colonial subjects—whether Chinese, Hindu and Islamic—to the area of family law. Through these two landmark cases, Islamic law was largely written out as the legal basis for the Straits Settlements once and for all with only two exceptions. The first exception to this was the Malacca Customary Land Laws formalized in 1886. Since the Portuguese and Dutch colonial powers retained Malay laws (customary *adat* and Islamic) in Malacca prior to formal British occupation in 1824, British colonial legal officials decided to recognize these laws as well. Malacca customary land automatically descended on the death of the holder to the holder's heirs according to Islamic law, regardless of stipulations in the holder's will.[69] The second exception was the law governing "harta syarikat" or "harta sepencarian," property acquired by the couple during marriage, that was actually applied in the Straits Settlements.[70] This law of joint marital property allows a wife to

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[65] The case in which Maxwell announced this was *Regina V. Willans* [1858] KY 4.

[66] In criminal cases the Indian Penal Code applied, having been introduced into the colony in 1871. Charles B. Buckley, *Anecdotal History of Singapore*, 682.

[67] Although there were reportedly four Malay families residing in Penang when Francis Light arrived in 1786, the island was retrospectively declared "uninhabited" in the Charter of 1807, when the law of England was transported into Penang. James Low, "An Account on the Origin and Progress of the British Colonies in the Straits of Malacca," *Journal of the Indian Archipelago and Eastern Asia* 4 (1850): 11.

[68] *Fatimah & Ors. V. D. Logan & Ors.* [1871] 1 KY 1.

[69] For a discussion on Malacca's special status vis-à-vis the Straits Settlements, see Benson Maxwell, "Land Tenure in Malacca under European Rule," *JSBRAS* 13 (June 1884): 75-220.

[70] This was a Malay custom and did not exist in Islamic law. Judith Djamour, *The Muslim Matrimonial Court in Singapore* (London: Athlone Press, 1966), 4; M.B. Hooker, "The Muslims in Malaysia and Singapore: The Law of Matrimonial Property," *Family Law in Asia and Africa*, ed. J.N.D. Anderson (London: George Allen and Unwin Ltd., 1968), 189-204; Ahmad Ibrahim, "The Muslims in Malaysia and Singapore," *Family Law in Asia and Africa,* ed. J.N.D. Anderson (London: George Allen and Unwin Ltd., 1968), 188.

claim a portion of property gained during the course of a marriage, even if it was earned by the husband.

Before 1880, *qāḍis* administered Islamic law unsupervised by colonial authorities. There was no centralized authority that oversaw the *qāḍis'* rulings. Only occasionally would cases such as *Salmah and Fatimah v. Soolong* be brought to colonial courts. Prior to 1880, all laws relating to family law (Islamic, Hindu and Chinese) were devised in courtroom cases in the Straits Settlements rather than during legislative council meetings. The Mahomedan Marriage Ordinance was the first time Islamic law was formally recognized via legislation in the Straits Settlements. Each ethnic Muslim community in the Straits Settlements not only appointed their own *qāḍis*, but also demanded that colonial courts recognized their diverse sets of customary laws as promised. Frequent intermarriages amongst diverse Muslim communities consisting of Indians, Arabs and Malays, as well as numerous communities from the neighboring Netherlands Indies meant that marital disputes were huge conundrums even for *qāḍis*.[71]

In passing the Mahomedan Marriage Ordinance, British authorities suddenly claimed to have no recourse to the laws of original inhabitants since the Straits Settlements had been retrospectively declared legally "uninhabited" in 1858 before officially becoming a British settlement. Hence, local *adat* and customary laws were not considered at all. In fact, at the legislative council meeting in 1880, the Attorney-General stressed that English law was imposed by default for so long without any official legislation for Hindu and Islamic laws, precisely because the Straits Settlements was previously supposedly uninhabited.[72] This legal fiction paved the way for the importation of Anglo-Mahomedan law into the Straits Settlements at the expense of local customary laws. Both colonial legislators and Muslim memorialists claimed ignorance of diversity amongst Muslims opting instead for a universal view of Islamic law.

Legal continuity was a priority, which meant that legislative changes still had to be explained. Since English Common Law had already been declared the default law in the Straits Settlements in 1858, Recorder of Penang Sir Peter Benson Maxwell had to explain how Islamic law could now be enforced by British legal authorities in 1880, albeit in a limited scope involving only family law. In order to support his argument, he focused on the necessity of applying Islamic law to the special status of Muslim married women's property.[73] He also stressed that according to Islamic law, the Muslim husband could dissolve the marriage at any time, and her right to maintenance would end with the

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[71] While cases involving *adat* or customary law might have been brought to colonial courts, Straits Settlements law reports, published systematically from 1869 onwards, highlighted only the application of Islamic law, and not *adat*. Hence, there is no historical evidence that colonial courts upheld *adat* or customary law apart from the Malacca Customary Land Law and the laws of joint marital property. Mahomedan Marriage Divorce, *ST Overland Journal,* September 11, 1875, 1.

[72] Mahomedan Marriage Divorce, *ST Overland Journal,* September 11, 1875, 1.

[73] "The Council Meeting of 1st June," *ST,* June 19, 1880, 1.

divorce.[74] Considering these stark differences between English Common Law and Islamic law, he argued that it was unjust for English law to be applied to Muslims. In his view, it would be especially unfair for Muslim women in the Straits, who would not only be susceptible to sudden divorce by her husband, something which English law could not remedy, but also potentially deprive her of her property, which her husband would have had a stake in according to English law. Maxwell stated that Islamic law, with its own in-built system of preventive measures was best applied to Muslim marriages, rather than an incomplete application of English law, which could be potentially harmful to Muslim women who ran the risk of being doubly oppressed by both laws. Thus, he thought it more prudent for Muslims to be wholly subjected to Islamic law rather than a modified version of English Common Law, or a hybrid of both legal systems, in the realm of family law.

Mahomedan Marriage Ordinance

In 1880, "an Ordinance to provide of the registration of Marriages and Divorces among Mahomedans" was passed. The ordinance not only provided for the appointment of *qāḍis*, but also defined the modifications of "the Laws of Property to be recognized in the case of Mahomedan Marriages." More specifically, the ordinance had three parts— the first part providing for the registration of marriages and divorces so as to facilitate proof in Court, the second for the recognition of *qāḍīs* appointed by the Muslim public, and the third part dealing with the rules regarding the rights of widows and children of Muslims dying without a will.[75] It came into operation on December 1, 1882, two years after its promulgation. More commonly referred to as the Mahomedan Marriage Bill, it restricted the purview of the *qāḍi* to matters of marriage and divorce. From 1882 onwards, *qāḍis* were restricted to solemnizing marriages only. Legal cases were brought to colonial courts presided over by British judges.

Qāḍis in the Straits Settlements already kept registers, which were readily produced in courts.[76] The bill however ensured that proper steps were taken to preserve documents. Every month, each *qāḍī* had to appear before the Registrar in order to deposit copies of all entries made in his registers and indexes verified on oath.[77] Records were kept in standard format in either English or Malay and preserved by the state.[78]

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[74] He had stated this point earlier in March 1867 in the court of Malacca as well. *Chulas and Kachee v. Kolson binte Seydoo Malim* (1867) Wood 30.

[75] "The Council Meeting of 1st June," *ST,* June 19, 1880, 1.

[76] For example, see *Fatimah & Anor v. Armootah Pullay* 4 Ky 225.

[77] In 1869, a barrister-at-law Robert Carr Woods had complained about the problem of itinerant *qāḍīs* taking their registry with them when they left the colony. Each *qāḍī's* books and seals of office were to be given up to the Registrar upon his death. Robert Carr Woods, *A Selection of Oriental Cases Decided in the Supreme Courts of the Straits Settlements* (Penang: S. Jeremiah), n.p.

[78] Mahomedans Ordinance no. 26, ss.5, 7. *Laws of the Straits Settlements, Volume 1*, 312.

The Legislative Council correctly predicted that the petitioners would not stop insisting on compulsory registration of marriages and divorces or on the colonial appointment of *qāḍīs*.[79] Contrary to their demands, the Council stressed that the Mahomedan Marriage Bill was not even compulsory.[80] Although the 143 memorialists craved the imposition of more stringent rules by colonial authorities, the Council refused because this would be an unprecedented move fraught with uncertainty.[81] The Legislative Council deliberately stopped short of officially appointing *qāḍis*, preferring instead to only recognize existing *qāḍis* as a precaution. The council stated that *qāḍis* in British India were not even appointed by "the Indian Government with all its experience, and it would therefore be unsafe as the result could not be known."[82] Thus, the 143 petitioners in the Straits Settlements had to be contented with the fact the Mahomedan Ordinance V of 1880 in the Straits Settlements would now place *qāḍis* squarely within colonial bureaucracy, officially as "deputy registrars of Muslim marriages." *Qāḍis* were therefore effectively transformed into civil servants by the ordinance as they were effectively integrated into the ranks of the Registrar.[83] By 1936, the Governor of the Straits Settlements would appoint a *qāḍi* in each settlement with limited jurisdiction as his decisions were subjected to the Registrar under the Governor's supreme authority.[84]

Translation of a Shāfi'ī text

In terms of legislation, Shāfi'ī law took a backseat to Hanafī law throughout the British Empire but in 1914, a British judge found it useful to translate one legal manual in particular. In November 1882, Dutch Orientalist scholar based in Batavia, L.W.C. van den Berg (1845-1927) published the French translation of the *Minhāj al-Ṭalibīn* at the

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[79] "The Council Meeting of 1st June," *ST,* June 19, 1880, 1.

[80] Compulsory registration of Chinese marriages was also not an option considered by the British government, although it was desired by a number of Chinese ladies and a limited number of Chinese gentlemen of "advanced views" according to a British official Maurice Freedman, "Chinese Family Law in Singapore," in *Family Law in Asia and Africa,* ed. J.N.D. Anderson (London: George Allen and Unwin Ltd., 1968), 53.

[81] In a report to the India Office in London, Attorney-General of the Straits Settlements Thomas Braddell expressed his discomfort when he stressed that the Ordinance was already of "a very special character" because it required British officials to recognize *qāḍīs*. The only suggestion received from the India Office was for the words "and issue of deceased children" to be added after the word "children" whenever it occurs in the proposed Bill submitted. IOR/L/PJ/6/68 File 422, T. Braddell, Attorney-General's Office, Singapore to Undersecretary of State, India Office, London August 31, 1880. "The Council Meeting of 1st June," *ST,* June 19, 1880, 1; "The Legislative Council, 6th July," *ST Overland Journal,* July 12 1880, 3.

[82] "The Council Meeting of 1st June," *ST,* June 19, 1880, 1.

[83] Mahomedans Ordinance no. 26, s.5, *Laws of the Straits Settlements, Volume 1* (London: Waterlow a & Sons, 1920), 312.

[84] "Mahomedans Ordinance no. 26," *The Laws of the Straits Settlements, 1835-1900* (London: Waterlow & Sons Limited, 1920), 311-325.

request of the Dutch colonial government.[85] The *Minhāj* was an abridged manual, since it was a gloss of a larger volume by ʿAbd al-Karīm b. Abī Saʿīd Muḥammad al-Rāfiʿī (555-623/1160-1226) *Al-Muḥarrar*, which was itself a summary of a much lengthier work— the original *Al-Wajīz fī Fiqh al-Imām al-Shāfiʿī* written by Abū Ḥāmed Muḥammad ibn Muḥammad al-Ghazālī (1058-1111).[86] The long history of the *Minhāj* could be traced back to 670/1270 when the Shāfiʿī jurist, Muḥyī al-Dīn Abū Zakariyyā al-Nawawī (631-676/1233-1277), one of the most important authorities on Shāfiʿī law, finished writing the relatively concise volume that usefully devoted much attention to issues in daily life.[87] Van den Berg's version relieved its colonial legal practitioners of lengthy discussions, appendices and chains of transmitters, offering only the essentials in order to make the work more accessible to its intended audience.[88] Within a year of its publication, van den Berg's translation had reached Britain and was lauded as a welcome edition in British dependencies in the Malay world, precisely because it was a manual of Shāfiʿī law. Translated into French, instead of Dutch, it was considered potentially useful to "any European establishment."[89] They had to wait more than three decades for an English translation. The translator was E.C. Howard, a district judge in Singapore, who had "therefore enjoyed the peculiar advantages in acquiring a knowledge of this branch of Mohamedan law."[90] Amongst British colonial officials stationed in the Malay world,

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[85] Van den Berg's choice of French instead of Dutch suggested that he meant the three volumes to be of wider use than just within the Dutch colonies. However the publication of the original Arabic in the same volume suggested that it was also meant for anyone who understood Arabic, as pointed out by Snouck Hurgronje in his review of the translation. C. Snouck Hurgronje, "Minhādj at-tālibin, Le guide des zéles croyants," *IG* 5 (April 1883): 7.

[86] For a convenient diagram created by Syed ʿUthmān bin Abdullah bin Aqil bin Yaḥyā, depicting the complete genealogy of texts derived from monumental work of al-Ghazālī, see C. Snouck Hurgronje, "Serie Godsdienstig Recht en Godsdienstige Rechtspraak," *Adatrechtbundel* 1 (1910): 218. Also, see C. Snouck Hurgronje, "Minhādj at-tālibin, Le guide des zéles croyants," *IG* (April 1883): 6. Syed ʿUthmān's scheme was reproduced in Th. W. Junyboll's handbook in the form of a list. Theodor Willem Jan Juynboll, *Handleiding Tot De Kennis Van De Mohammedaansche Wet Volgens De Leer Der SjafiʿTische School* (Leiden: Voorheen E.J. Brill, 1903), 374-376.

[87] W. Heffening, "al- Nawawī (or al-Nawāwī), Muḥyī al-Dīn Abū Zakariyyāʾ Yaḥyā b. Sharaf b. Murī," in P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel and W.P. Heinrichs, eds. *Encyclopaedia of Islam, Second Edition*, Brill, 2010. Brill Online. October 31, 2010 <http://www.brillonline.nl/subscriber/entry?entry=islam_SIM-5858>

[88] John Strawson, "Islamic Law and English Texts," in *Laws of the Postcolonial,* eds. Eve Darian-Smith and Peter Fitzpatrick (Ann Arbor: University of Michigan Press, 1999), 110.

[89] "Bibliographical Notices," *Transactions of the Royal Historical Society*, New Series 2, (1885): 345.

[90] The reviewer was presumably referring to the Shāfiʿī adherents in Singapore. E. J. Trevelyan, "Reviews," *Journal of the Society of Comparative Legislation* 16, 2 (1916): 399. This was certainly not the first time independent Dutch and British colonial projects benefitted each other in the colonial administration of religious laws. Earlier, van den Berg had cited Hamilton's translation of the *Hidaya* in his first book, *De Beginselen van het Mohammedaansche Recht, volgens de Imams Aboe-Hanifat en asj- Sjafeʿi,* on both Hanafī and Shāfiʿī madhhabs published in 1878. L.W.C. van den Berg, *De Beginselen van het Mohammedaansche Recht, volgens de Imams Aboe-Hanifat en asj- Sjafeʿi* (Batavia: Ernst and Co., 1878), 1.

Howard's translation was especially valuable since legal textbooks on Shāfi'ī law were fewer in number, as most colonial officials in British India were keener on translating literature on Hanafī law, as we have seen. Being a manual of Shāfi'ī law specifically, translations of the *Minhāj* frequently became reference texts for colonial lawyers and judges in courts, not only in Netherlands Indies, Malaya and the Straits Settlements, but also in Southern India, Egypt and the Aden Protectorate.[91]

Conclusion

Ultimately however, Howard's translation proved to be one of the few attempts by a British official based in the Malay world to produce a work on Islamic law. The Shāfi'ī legal manual, *Minhāj al -Ṭalibīn* was only translated into English in 1914, and even so, it was hardly comprehensive. Shāfi'ī legal doctrine was usually discovered on a case-by-case basis by colonial legal practitioners, as cases were brought before them in courts just like in the case of *Salmah and Fatimah v. Soolong* in 1878. Over time, legal precedents established a binding legal corpus in the English Common Law tradition. From the perspective of legislation, British colonial authorities' universal conception of Islamic law prevailed. Local customary laws which were not deemed part of Islamic law were not recognized in legislation with only two exceptions—the Malacca Customary Land Law and laws of joint marital property. In British India, legal codification had already undermined the Islamic classical tradition. Codification of the *sharī'a* had enabled authorities to neatly sidestep the plurality of legal opinions held by Muslim scholars and, eventually, ignore the spectrum of legal interpretations on a single issue. British confidence, derived from their experience in administering Islamic law in India, created a global view of Islam. Despite an awareness of key differences between the two schools of law, especially with regards to family law (such as the need for guardians' permission for marriages), British legal authorities did not create a separate legal code anywhere else in the Empire. Their universal view of Islamic law rendered such an effort unnecessary. Such differences would have to be explicated upon in court as in the case of *Salmah and Fatimah v. Soolong*.

In a way, Arab subjects in the Straits Settlements shared this universal view of Islamic law. Like their British colonial allies, they conveniently ignored the diversity of Islamic legal practices in the colony. This ties in with their desire for more centralized implementation of family law by a strong bureaucracy that could be both granted and guaranteed

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[91] British reviewers of van den Berg's French translation emphasized the book's importance by highlighting the fact that there were many Shāfi'ī colonial subjects within the British Empire in the late nineteenth century. Review, *The Journal of the Royal Asiatic Society of Great Britain and Ireland New Series* 16, 4 (October 1884): lxxxv; "Quarterly Notes," *Law Magazine and Review*, 8 (1883); 338. For more on the use of the *Minhaj* by local populations in the Malay world, see R. Knox-Mawer, "Islamic Domestic Law in the Colony of Aden," *International Journal of Comparative Law Quarterly* 5 (1956): 511-518; Syed A. Majid, "Wakf as Family Settlement among the Mohammedans," *Journal of the Society of Comparative Legislation* 9 (1908): 122-141.

only by the colonial state. They pushed for more colonial involvement in family law in the colony, paving the way for colonial intervention in religious affairs. From 1882 onwards, armed with statutes, legal codes, and local precedents, colonial judges usurped the authority of *qāḍīs* and *muftis* as they ratified marriages and divorces, and presided over more cases involving Islamic law. The Arab petitioners successfully persuaded British authorities to bureaucratize *qāḍi* records and monitor their actions. What happened afterwards was unpredictable, and Arabs quickly lost their ability to steer British legal administration in their favor. After 1882, Arab litigants managed to change law over several decades in a limited fashion only by establishing legal precedent in the English Common Law tradition. They did not do so in a purposeful manner, but simply because they formed more than 60% of litigants in colonial courts in cases involving Islamic law.[92] Case law, rather than legislation, would become the battleground for reform in the British colony from then onwards.[93]

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[92] M.B. Hooker, "Muhammadan Law and Islamic Law," in *Islam in Southeast Asia,* ed. M.B. Hooker (Leiden: Brill, 1983), 167.

[93] See Nurfadzilah Yahaya, "Courting Jurisdictions—Colonial Administration of Islamic Law Pertaining to Arabs in the British Straits Settlements and the Netherlands East Indies, 1860-1941," Phd diss., Princeton University, 2012.

Law-Abiding Citizen: Recent *Fatwas* on Muslim Minorities' Loyalty to Western Nations[1]

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Abstract

Modernity constructed a different meaning of loyalty that seems to contradict Muslims traditional position towards their affiliations that were mainly religious or religio-tribal-based. In modern nation states, loyalty requires certain convictions and practices that reveal the nature of one's relationship to the land, the state and the people of the locality where people live. This modern understanding of loyalty challenged Muslims' perception of their identities, especially in the context of Muslim minorities. For them, the question of loyalty became critical as they were portrayed, in certain circles, as disloyal subjects and a threat to the national unity of the non-Muslim society. To respond to that claim, Muslim jurists attempted to provide an Islamic justification or rationale, not only to respond to the Islamophobic arguments on the threat of Muslims living "among us", but also to empower the inner self of Muslims by showing that living and interacting with non-Muslims is permitted, required and heavenly-rewarded. How this rationale was articulated is the main focus of this paper.

Reviewing jurists' *fatwas* to the question of loyalty of a Muslim subject to a non-Muslim polity reveals that there are at least three distinctive legal positions: the alienation position, the conciliatory position and the engaging position. The three positions constitute a spectrum from rejection to recognition to positive engagement and loyalty with the wider non-Muslim society. The paper attempts to critically review these positions, to examine the legal precepts that led to these positions and to demonstrate how these positions reflect both the status quo of the questioner, i.e. context, and the Islamic legal tradition as it stands today.

Introduction

In summer 2014, at a Friday Sermon to a gathering of around three hundred people, the *imam* of a well-known Berlin mosque called upon his audience to emigrate to a Muslim land as residence in Germany might harm their faith. Supporting his position with citations from the Qur'an and statements of Prophet Muhammad (*hadith*), he argued that a Muslim may stay only in a non-Muslim land in case of dire necessity. In contrast, just a few hundred meters away, the *imam* of another well-established mosque with a similar number of attendees called upon German Muslims to engage in the Islamic center's activities of outreach and cultural exchange programs. A few hundred meters between these two mosques create two different world views: the former perceives Muslims in Germany as aliens while the latter considers them citizens of the German state.

These two positions mirror a long historical debate in Muslim law on the legality of Muslims' residence in non-Muslim polities and the level of interaction those Muslims might have with their host societies. According to the majority of juristic opinions, Muslims should live in the land of Islam. If Muslims happens to live in a non-Muslim territory, there should be a legal reason for their stay. Once the reason is fulfilled, they should return to a Muslim land. During their stay in the non-Muslim territory Muslims should keep minimum contacts with the non-Muslim communities. Although there are other legal positions that permit Muslims to reside in non-Muslim lands, these positions are relatively rare. Therefore, the *imam* who urged his followers to leave Germany was consistent with the conventional scholarship on Muslim residency in non-Muslim lands.[2]

In the second half of the twentieth century, unprecedented numbers of Muslims immigrated to non-Muslims lands.[3] They immigrated for various reasons: to improve their economic situation, escape political persecution, or receive an education, etc. This pattern went against the historical norm of Muslims emigrating from non-Muslim lands to Muslim lands. As a *reverse hijra*, this new phenomenon challenged Muslim's understanding of the role of religion in their lives and the perception of their connection with the *umma* and to other host societies, particularly after the rise of second- and third-generation Muslims who lived their entire lives outside of Muslim lands. Such a change

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[2] For a critical overview of the legal debate on Muslim's residence in non-Muslim lands see: Khalid Abou Al-Fadl, "Striking a Balance, Islamic Legal Discourse on Muslim Minorities," In *Muslims* on the *Americanization Path*, eds. Yvonne Y. Haddad and J. Esposito (New York: Oxford University Press: 2000), 47–63; Khaled Abou El-Fadl, "Islamic Law and Muslim Minorities: The Juristic Discourse on Muslim Minorities from the Second/Eighth to the Eleventh/Seventeenth Centuries," *Journal of Islamic Law and Society* 1, no. 2 (1994): 143–153; Khaled Abou El-Fadl, "Legal Debates on Muslim Minorities; Between Rejection and Accommodation," *Journal of Religious Ethics* 22, no. 1 (Spring 1994): 127–162; Bernard Lewis, "Legal and Historical Reflections on the Position of Muslim Populations under Non-Muslims Rule," *Journal of Muslim Minority Affairs* 13, no. 1 (January, 1992): 1–15.
[3] For a brief overview of the number and history of Muslim immigrants to Western Europe and the United States see, Jocelyne Cesari, *When Islam and Democracy Meet, Muslims* in Europe and the *United States* (New York: Palgrave Macmillan, 2004), 9–18.

in the structure and nature of these new groups of immigrants led the second *imam* to call in his sermon for greater civic participation of Muslims in Germany.

Besides violating conventional legal advice to reside in an Islamic polity, modern nation states require its citizens to be part of a social contract so as to develop a sense of belonging among the people and recognize the role of law and the constitution in governing the affairs of its citizens. Nation-states also demand a kind of a political affiliation that links one's rights and duties to his or her fellow-citizens with an expectation of loyalty to the state. This notion of citizenship has made many Muslims minorities residing in Western nations question whether the classical legal position on immigration accounts for their particular circumstances. These populations have questions on how to reconcile one's Islam with the possibility of taking the citizenship of and paying loyalty to non-Muslim liberal democratic states. Seeking answers to these questions, some of them have requested formal legal advice, or *fatwas*, from *imams* and *muftis*, including many affiliated with well-established religious institutions in the Middle East such as Dar al-Ifta al-Missriyyah, or the Saudi Fatwa Committee.[4] Others have sought opinions from scholars associated with minority *fiqh* organizations such as the European Council for Fatwa and Research or the American Muslim Jurist Association. This paper studies some of these *fatwas* to illustrate three approaches that Muslim jurists have developed while negotiating, mediating and reconciling between their Islamic legal traditions and the modern circumstances of those Muslims who live outside Muslim polities. In particular, this paper helps us better understand the current discussions on the development and progress of *fiqh al-aqalliyyat*, an emerging discourse on the jurisprudence of Muslim minorities, and its attempts to normalize Muslim life in Western liberal democratic states.

Nation-State, Liberal Democracy and Muslim Loyalty

Western scholars have discussed *fiqh al-aqalliyyat* and the question of Muslims' loyalty to their liberal democratic states from different perspectives: e.g. liberal political theory, multicultural theory and Islamic tradition. Andrew March, for example, has tackled the question from the perspective of liberal political theory. He examined the discourse of jurisprudence of Muslim minorities to determine how a comprehensive doctrine like that of Islamic law can advocate not only moral obligations toward non-Muslim fellow residents, but also establish citizenship ties that correspond to the liberal terms of social cooperation as envisaged by liberal political systems. The basic question raised in March's analysis is how Muslim jurists have created an equilibrium that affirms the liberal standards of citizenship and is at the same time sufficiently Islamic to be plausible to believers. To reach that equilibrium, an Islamic social contract with non-Muslim liberal democracy is negotiated through argumentative debate on questions of residence, loyalty and solidarity. Although contemporary Muslim jurists have responded differently to

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[4] This is the transliteration used in the institution's official website.

these questions, March argues their debates have created "an overlapping consensus" between Islamic legal discourse and political liberalism.[5]

The question of Muslim loyalty and belonging to the liberal democratic state has also been tackled by multicultural theorists. H.A. Hellyer argues that Muslims' engagement with their societies is related to questions of citizenship-civic principles. In other words, Muslims' level of recognition as citizens is weighed against questions like: What is the basis of their citizenship? What are the citizenship requirements? For Hellyer, the answers for these questions should be framed from within the citizenship-civic virtue debate on multiculturalist society that tries to institute justice, fairness, equity and tolerance among citizens.[6]

Schirin Amir-Moazami and Armando Salvatore, on the other hand, argue that debates on loyalty not only draw from ideas about the multicultural liberal public sphere of Europe or even the influence of the dominant culture on Muslim's conceptualization of the function of their religion. Rather the transformations of Muslim minority civic principles may also originate from within the Islamic tradition and its capacity to adapt to new challenges of civic engagement based on principles of citizenship that pre-date the modern institution of nation-states. Moazami and Salvatore argue that tradition-rooted rationalizations are often necessary conditions for social transformation. This rationalization process is directed by the intervention of Muslim reformers, as educators, intellectuals, etc., who provide Islamic reasoning on the issues of public collective welfare, social governance, economic development and public morality with a view to producing a new vision of the virtuous Muslim self. In other words, innovations in Muslim conceptions of citizenship and loyalty emerge from an internal *iṣlāḥ* (i.e. reform) stimulated by the new environment and norms that accounts for the change in the attitudes of Muslim minorities towards their new land.[7]

Elsewhere, I have argued for the same conclusion by demonstrating that the emerging discourse of Muslim minority jurisprudence is a result of an internal debate among Muslim jurists seeking to accommodate the experiences of Muslims living as minorities in Western nations. This discourse reveals both continuity and transformation within the tradition in forming an intellectual paradigm that

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[5] Andrew March, "Sources of Moral Obligation to non-Muslims in the "Jurisprudence of Muslim Minorities" (*Fiqh al-Aqalliyyat*) Discourse." *Islamic Law and Society* 16 (2009): 34–94; Andrew March, *Islam and Liberal Citizenship: the Search for an Overlapping Consensus* (New York: Oxford University Press, 2009); Andrew March, "Islamic Foundation for a Social Contract in Non-Muslim Liberal Democracies." *American Political Science Review* 101, no. 2 (2007): 235–252; Andrew March, "Liberal Citizenship and the Search for an Overlapping Consensus: the Case of Muslim Minorities," *Philosophy and Public Affairs* 34, no. 4 (2006): 373–421.

[6] H.A. Hellyer, *Muslims of Europe, the 'Other' Europeans* (Edinburg: Edinburg University Press, 2009).

[7] Schirin Amir-Moaza and Armando Salvatore, "Gender, Generation and Reform of Tradition: From Muslim Majority Societies to Western Europe," in *Muslim Networks and Transnational Communities in and across Europe*, eds. Stefano Allievi and Jorgen Nielsen (Leiden: Brill, 2003), 52–77.

translates people's aspiration into a legal discourse.[8] In *Fiqh al-Aqalliyyat, History, Progress and Development*, I provided a legal narrative for the development of the discourse of jurisprudence for minorities since the 1970s up to the beginning of the twenty-first century. It recognizes three different groups who have contributed to this discourse: the literalists, the traditionalists and the renewalists. In particular, the renewalists have been instrumental in creating the discourses of *fiqh al-aqalliyyat* by deconstructing the classical debate on minorities in a way that allows them to replace the legal binary of *hijra* and *dār al-Islām/dār al-ḥarb* into *dār al-waṭan*, i.e. homeland.[9] This article expands upon my previous exploration of discourses on *fiqh al-aqalliyyat* by examining specific *fatwa* case studies that demonstrate how jurists approach the practical issues of loyalty to modern nation-states that are raised by Muslims seeking *fatwas*.

Can a Muslim be loyal to a non-Muslim society and polity?

Reviewing contemporary jurists' literature and *fatwas* on the question of a Muslim subject's loyalty to a non-Muslim polity reveals that there are at least three distinct legal positions: the alienation position, the conciliatory position, and the engaging position. The alienation position is represented by *fatwas* issued primarily by Saudi scholars affiliated with the Permanent Committee for Fatwa and Research, the official formal *fatwa* outlet for Saudi Arabia. The conciliatory position is represented by Egyptian *muftis* affiliated with Dar al-Ifta al-Missriyyah. The engaging position is represented by famous Islamic scholars and jurists who have lived for parts of their lives in the West, such as Ṭaha Jābir al-ʿAlwānī, Fayṣal Mawlawī and Ṣalāh Sulṭān. It should be noted that the selected *fatwas* represent the main attitudes on the question of loyalty but do not in any way cover every single position on the issue. The three positions thus constitute a spectrum ranging from rejection to recognition to positive engagement. In the following sections, I critically review each of these positions to examine the legal precepts that led to these positions and demonstrate how these positions reflect both contemporary legal discourse and the contexts that lead Muslims to submit requests for *fatwas*.

The Alienation Position

Alienation *fatwas* always invoke two main arguments for Muslims residing in non-Muslim territories. First, they demand Muslims must emigrate. The Muslim should

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[8] Said Hassan, "Fiqh al-Aqalliyyāt: Negotiating Discourse of Tradition, Modernity and Reform," *Faculty of Languages and Translation's Journal*, al-Azhar University, Issue 5, part 2 (July 2013): 219–244.
[9] Said Hassan, *Fiqh al-Aqalliyyat, History, Development and Progress* (New York: Palgrave McMillan, 2013).

emigrate from his non-Muslim land to a Muslim country.[10] However, given the transformations in modern geopolitics, inter-state legal regimes, and economic globalization, such emigrations do not always constitute a viable option. Movement from one country to another has become a complicated issue that is subject to state laws and immigration rules.[11] Therefore, the advocates of this trend have introduced a second argument: in the event that there is a need for a Muslim to stay in a non-Muslim country or in the event that he is not able to emigrate, he should not intermingle or get in close contact with his immediate non-Muslim surroundings for fear that this proximity may lead to negative influences on his or her faith and character.[12] The main concern of the advocates of this alienation position is to present this argument in a religiously convincing fashion that appeals to the intended audience without being easily refutable by other Muslim scholars who permit such a stay. One basic notion that has been introduced in this context is the concept of *al-walā' wa-al-barā'* (loyalty and disavowal). This argument states that a Muslim should submit himself completely to Allah and be loyal only to Him, no matter where he lives, and declare his disavowal of everything and everyone else.[13]

Advocates of this concept hold that a Muslim should not only declare *barā'* and denounce the *kuffār*, i.e. non-Muslims, but should also hate them.[14] *Kuffār* refers not

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[10] This *fatwa*/advice is sometimes given unconditionally. In other times, it was given with a note that one has to emigrate if he is not able to practice his religion. This inability to practice religion covers many things from being unable to veil (in case of Muslim women) to being unable to call for prayer using a speaker. See: Abd al-ʿAzīz ibn Bāz, *Majmūʿ Fatāwa wa Maqālāt Mutanawwiʿah* [A Collection of Various *Fatwas* and Articles], ed. Muḥammad ibn Saʿd al-Shuwayʿir (Riyadh: Dār al-Qāsim li-al-Nashr, 1999) vol. 2: 379; vol. 9: 299, 401, 402. See also: Aḥmad ʿAbd al-Razzāq al-Dawīsh, ed., *Fatāwa al-Lajna al-Dāʾima li-al-Buhūth al-ʿIlmiyya wa-al-Iftāʾ* [*Fatwas* of the Permanent Committee of Scientific Researches and *Fatwas*], 3rd ed. (Saudi Arabic: Dār al-ʿĀāṣima li-al-Nashr wa-al-Tawzīʿ, 1998), vol. 3:69; vol. 12:48–58. For online *fatwas*: http://fatwa.islamweb.net/fatwa/index.php?page=showfatwa&Option=FatwaId&Id=95695&RecID=7&srchwords=%C7%E1%C5%DE%C7%E3%C9%20%DD%ED%20%C8%E1%C7%CF&R1=1&R2=0; http://islamqa.info/en/152061 (Accessed 7/2015).

[11] One example of the complications of this issue of immigration is the case of converts. Though they are required by the *muftis* of this discourse to emigrate, they will encounter certain complications concerning type of visa, length of stay, nature of relationship with the host state and the opportunities to find a job.

[12] See: Al-Dawīsh, *Fatāwa*, vol. 2: 67, 96, 99; Ibn Bāz, *Majmūʿ*, vol. 4: 192–4, 266–7.

[13] This argument of the alienation school represents an important inflection point in this special issue of the Muslim World. The three preceding articles by Joshua Gedacht, Amrita Malhi, and Nurfadzilah Yahaya all demonstrate how Muslims at contingent historical moments collaborated, cooperated, manipulated, or otherwise made use of non-Muslim colonial regimes to advance their interests in an age of empire. By contrast, the alienation school marks an important moment where such pragmatism is abandoned in favor of maximalist opposition to and rejection of close ties between Muslims and non-Muslims. The alienation approach thus resonates with critiques by Özgür-Der in Turkey who see Western Liberalism as a corrupting influence on Islamist reformers (see in this special issue Dunya Cakir, "Islamist Texts in Practice: Commemorating Qutb in Turkey before and after the Arab Spring.").

[14] Ibn Bāz, *Majmūʿ*, vol., 2: 175, 178; Fahd ibn Nāṣir ibn Ibrāhīm al-Sulaimān, ed., *Majmūʿ Fatāwa wa-Rasāʾil Faḍilat al-Sheikh Ibn ʿUthaymīn* [The Collection of *Fatwas* and Treatises of His Excellency Sheikh ibn ʿUthaymīn], (Saudi Arabia: Dār al-Waṭan li-al-Nashr, 1992), 11, 24.

only to disbelievers but to everyone who denies, doubts, or disobeys God. Friendly personal relationships, i.e. *muwālah*, are reserved exclusively for Muslims. Developing a friendly relationship with non-Muslims either by integrating or assimilating with them is prohibited. Moreover, a Muslim must not resemble or imitate the *kuffār*. This notion of *al-walā' wa-al-barā'* is not only referred to in casual references but is used as the specific term in many of the *fatwas* issued by the advocates of this discourse.

Sheikh Ibn Bāz (d. 1999), a former Grand *Mufti* of Saudi Arabia, defined *al-walā' wa-al-barā'* in similar terms.[15] He argued that *al-walā'* is to love and support one's fellow Muslims and *al- barā'* is to dislike the non-believers, to consider them as enemies, and to disassociate oneself from them and their religion. This does not mean, he argued, to be unjust with them or cause them physical harm; rather, it refers to the feelings of one's heart towards non-Muslims.[16] Ibn Bāz went further by declaring that *al-walā'* should not be attached to any land, Islamic or un-Islamic. One should pronounce his loyalty and love only for Allah. He further argued that if this is the case with *al-walā'*, then how can a Muslim be loyal to a non-Muslim polity?[17] This argument, coming from a state *mufti*, is significant as it implies that loyalty to one's faith may result in denouncing one's nation-state, even if it is Saudi Arabia.[18]

Ibn 'Uthaymīn, another prominent Saudi scholar, argued that Muslims should not love or support their fellow non-Muslims.[19] However, Muslims should conceal their enmity and hatred towards non-Muslims.[20] To support his position, Ibn 'Uthaymīn

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[15] Ibn Bāz (1910–1999) was the Grand Mufti of Saudi Arabia from 1993 until his death in 1999. He was appointed as a judge in the city of al-Kharj at the early stage of his life. In the 1960s, he was the president of the Islamic University at Medina and then its Chancellor. By a royal decree he became the Chairman of the Department of Scientific Research and *Ifta* with a rank of a minister. Late in his life, he became the Chair of the Council of Senior *'Ulama* in Saudi Arabia and its Grand *Mufti*. He also presided over a number of international Islamic institutions at certain moments in his life such as the International Islamic *Fiqh* Academy and the Constituent Assembly of the Muslim World League.

[16] Ibn Bāz, *Majmū',* vol. 5: 246.

[17] Ibn Bāz, *Majmū',* vol. 9: 317

[18] This may lead us to the question of how Ibn Bāz defines the state of the Kingdom of Saudi Arabia in relation to Islam. Are both identical? That is, if Saudi Arabia represents true Islam, is loyalty to that state considered loyalty to Islam? This conundrum arises in several other articles in this special issue of the Muslim World. For instance, the tensions produced from Muslims living in a non-Muslim polity have interesting resonances with the critiques that Turkish Islamist intellectuals mount against loyalty to the secular state of Turkey in Dunya Cakir's article in this special issue, see Dunya Cakir, "Islamist Texts in Practice: Commemorating Qutb in Turkey before and after the Arab Spring." By contrast, Rose Wellman describes in this special issue how Basiji supporters of the Iranian state explicitly support the conflation of national and religious loyalties, see Rose Wellman, "Regenerating the Islamic Republic: Commemorating Martyrs in Provincial Iran," 12.

[19] Ibn 'Uthaymīn (1925–2001) had a prestigious place among the Muslim scholars of Saudi Arabia. He lectured in the Holy Mosque in Mecca for almost thirty five years. He taught in the Faculty of *Sharī'a*, Muhammad bin Saud Islamic University. He was also a member in the Council of Senior *'Ulama*.

[20] Fahd ibn Nāṣir, *Majmū' Fatāwa,* vol. 3: 11–24.

quoted a number of Qur'anic verses (60: 1, 4; 5:51).[21] In addition to these verses, he also referred to some *hadith* which carry the same meaning. Quoting, for example, the Prophet's statement, "Whoever loves certain people, he will be considered one of them", Ibn ʿUthaymīn argued that loving the enemy of God threatens one's belief, as their love may result in accepting the enemy's faith and following their customs and tradition. The minimum one can do, according to him, is to show one's disapproval of their actions.[22]

In various *fatwas*, Ibn ʿUthaymīn argued that whoever takes a non-Muslim land as his residence is committing a sin, because he believed that the feeling of being a citizen of such a land leads to many faults.[23] If Muslims become committed to the requirements of citizenship, be they on the personal or the communal level, they would strengthen the non-Muslim community. In addition, one's children will be brought up in this land and thus they may acquire their morals or imitate them in their worship and faith practices.[24]

Implementing the notion of *al-walā' wa-al-barā'* limits social engagement to the minimum. According to Ibn Bāz and Ibn ʿUthaymīn, it is prohibited for a Muslim to join or celebrate the festivals of non-Muslims—be they religious such as Christmas or cultural such as Valentine's Day—because this implies one's support for the mischief non-Muslims are committing.[25] It is prohibited to initiate a greeting of peace with non-Muslims. It is also not permissible to say "hello" or to shake their hands, as this signifies honoring them, which should be avoided. One cannot refer to non-Muslims as "brother" or "friend" or laugh with them. The Qur'an (referring to chapter 58:22) forbids Muslims from showing any sign of love to non-Muslims. In doing so, the Muslim accrues a grave sin.[26]

The alienation position expressed in these *fatwas* was not only held by Ibn Bāz and Ibn ʿUthaymīn. They are supported and reiterated in the writings of many scholars

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[21] "O, you who have believed, do not take My enemies and your enemies as allies, extending to them affection while they have disbelieved in what came to you of the truth." (Qur'an 60:1) "There has already been for you an excellent pattern in Abraham and those with him, when they said to their people, "Indeed, we are disassociated from you and from whatever you worship other than Allah. We have denied you, and there has appeared between us and you animosity and hatred forever until you believe in Allah alone" (Qur'an 60:4).
"O, you who have believed do not take the Jews and the Christians as allies. They are [in fact] allies of one another. And whoever is an ally to them among you - then indeed, he is [one] of them. Indeed, Allah guides not the wrongdoing people." (Qur'an 5:51) (Translations of Qur'anic verses are taken from *Qur'an Sahih International,* available at www.quran.com) Similar arguments and quotations were used by Ibn Bāz. See, for example: Ibn Bāz, *Majmūʿ*, vol. 73–4.

[22] Fahd ibn Nāṣir, *Majmūʿ Fatāwa*, vol. 3: 25–26.

[23] Fahd ibn Nāṣir, *Majmūʿ Fatāwa*, 24; See also Ibn Bāz, *Majuma'*, vol. 4: 195.

[24] Fahd ibn Nāṣir, *Majmūʿ Fatāwa*, vol. 3: 30.

[25] Fahd ibn Nāṣir, *Majmūʿ Fatāwa*, 32, 44.

[26] Fahd ibn Nāṣir, *Majmūʿ Fatāwa*, 32–39. For a sample of Ibn Bāz's *Fatwas*, see Ibn Bāz, *Majmūʿ*, vol. 2: 173; vol. 4: 267; vol. 5: 342, 400; vol. 6: 285, 392.

associated with Islamic movements inspired by *Wahhabism* and *Salafism* and funded by Saudi Arabia.[27] Although there may be differences in the ways in which the legal arguments are presented by these scholars, they provide what may be termed a "master frame" of rejection and disavowal that governs the relationship between Muslims and non-Muslims in the case of non-Muslims who reject the call to Islam. In response to "What is the ruling pertaining to intermingling with disbelievers and dealing with them with leniency hoping for their conversion to Islam?" Ibn ʿUthaymīn argued that, unequivocally, Muslims must carry hatred towards the enemies of Allah and shun them, as this was the way of the messengers and their followers. Muslims may be lenient when dealing with non-Muslims, hoping they will convert to Islam. But if a Muslim loses that hope, he should deal with non-Muslims the way they deserve, i.e. with hatred.[28] In another way, a Muslim's engagement with a non-Muslim environment becomes conditional on an ultimate objective that temporarily transcends this enmity in the hope of a higher cause, i.e. conversion of the other.[29] To confirm this, Ibn ʿUthaymīn considered it permissible for Muslims to exchange visits with non-Muslims provided that it was for *daʿwah*.

A critical reading of the alienation discourse also notes the prevalent use of the term *kuffār*. Such a recurrence has specific implications.[30] It mirrors detachment, disassociation, and discontent. In other words, the recall of the disbelief of the "other" necessitates *mukhālafa,* i.e. doing the opposite of what they do. It precludes any attempt for compromise or reconciliation between the two worlds. It is worth noting that the term *kuffār* has been used by various authors to describe the creed of non-Muslims. However, in the context of the above-mentioned *muftis*, it is not only a term describing one's position towards one's own faith, but it has a legal function that requires certain actions in this world (i.e. *al-barāʾ*), which is defined as the opposite of love and affection.[31] In other words, according to Ibn Bāz, if the land of minority is a land of *kufr* and if the people are *kuffār*, then *barāʾa* has to be declared. A Muslim has to detach himself from the disbelievers. Detachment should be social, economic, and political. An expression of love or a feeling of brotherhood leads the Muslim to a state of loyalty, a sign that he is about to leave the fold of Islam. Therefore, the Muslim has to distinguish himself from them in terms of food, dress, conduct, festivals, holidays, etc.[32]

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[27] Similar *fatwas* and positions are found in various sources published and distributed by a number of Saudi *fatwa* committees and scholars. See for example: Muḥammad ibn ʿUmar ʿItīn, "*Fiqh* al-Taʿamul maʿa Ghayr al-Muslimīn," *Majallat al-Buḥūth al-Islāmiyya* 70 (Rajab-Shawwāl 1424 AH/2003), 254-ff. Available online: http://www.alifta.net/Fatawa/fatawaDetails.aspx?BookID=2&View=Page&PageNo=1&PageID=10334&languagename= (Accessed 2/7/2015).

[28] Khalid ibn ʿAbd al-Raḥmān al-Girīsī, ed., *Fatāwa ʿUlamāʾ al-Balad al-Ḥarām* (no publishing place, 1999), 949–50.

[29] Ibn Bāz, *Majmūʿ*, vol. 4: 266; Fahd ibn Nāṣir, *Majmūʿ Fatāwa*, vol. 3: 31.

[30] For example in *Fatāwa ʿUlamāʾ al-Balad al-Ḥarām*, there is a section on "Ruling pertaining to the *kuffār*" See: Khalid al-Girīsī, ed., *Fatāwa ʿUlamāʾ al-Balad al-Ḥarām*, 929–980.

[31] Said Hassan, *Fiqh al-Aqalliyyat,* 27.

[32] Ibn Bāz, *Fatāwa Nūr ʿAla al-Darb*, vol. 1: 199-ff. Available online: http://www.alifta.net/fatawa/fatawaDetails.aspx?BookID=5&View=Page&PageNo=6&PageID=77 (Accessed 7/2015).

Close readings of these and similar *fatwas* show that the *muftis* relied mainly on specific Qur'anic verses and *hadiths* without reference to either their context or to opposing Qur'anic verses or *hadiths*. In addition, contrary to Islamic juridical practice (see for example here the *fatwa* collection of Dar al-Iftaa al-Misriyyah), no reference was made to jurists or to juridical rationale or earlier juridical debates. The main exceptions to this pattern of omission are occasional references to Hanbali jurists, such as Ibn Taymiyya and Ibn al-Qayyim.[33] Modern Saudi jurists tend to share the thoughts and ideologies of these scholars, especially their understanding of loyalty to Islam.[34] In traditional Islamic practice, a *fatwa* or treatise on controversial social problems would follow a scholastic methodology, where the *mufti* will provide juridical principles or explore different legal positions before justifying the strongest one as he deems fit. The *fatwa*-production methodology of relying only on Qur'anic verses and Prophetic tradition corresponds to the *Wahhabi-Salafi* methodology of relying on textual arguments rather than legal reasoning. In *Wahhābī Islam Facing the Challenge of Modernity*, al-Atawneh argues that Saudi *muftis* also utilize the different sources of Islamic jurisprudence such as *ijmaʿ*, *qiyās* and *maṣlaḥa* but from within a traditional firm commitment to textual sources.[35] I would argue here that their application of these principles is conditioned with a support of textual references, even if this textual reference is not strongly authenticated. A reliance on a weak tradition of the Prophet, for example, would take priority over the use of analogical deduction.[36]

In summary, the advocates of the alienation trend hold that a Muslim should dedicate his love only to God and his believing community and hate all others. Regardless of the nature of the question—be it social, economic, or political—these *fatwas* recall the assumption of a love-hate engagement. Hence, as a Muslim, love is given exclusively to God and His people and hate is saved for the *kuffār*. It is a double process: a Muslim should declare his detachment from the land and the practice of disbelievers by doing the opposite of what they do, i.e. *mukhālafa*. This *mukhālafa* has three levels. The first is to disagree with disbelievers in their national affiliation. A Muslim is not permitted to assume non-Muslim citizenship as it may lead to the approval of their beliefs and actions. The second is to differ from them in practice. Muslims should not dress, eat, or look like them. For example, Muslims grow a beard, eat with the right hand, fast at different times,

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[33] Fahd ibn Nāṣir, *Majmūʿ Fatāwa*, vol. 3: 22, 32, 36.

[34] To review the place of Ibn Taymiyya in the thought of *Wahhabism* see: Natana J. DeLong-Bas, *Wahhabi Islam: From Revival and Reform to Global Jihad* (New York: Oxford University Press, 2004), 247–250; David Commins, *The Wahhabi Mission and Saudi Arabia* (London: I.B.Tauris, 2009), 133.

[35] For a review of the contemporary *Wahhābī* jurisprudential methodology see: Muhammad al Atawaneh, *Wahhābī Islam facing the Challenge of Modernity: Dār al-Iftā in the Modern Saudi State*, Studies in Islamic Law and Society Series, vol. 32 (Leiden: Brill, 2010): 93-ff. The text is available in Arabic Translation: Muḥammad al-Tawnah, *Al-Islām al-Wahhābi fi Muwājahat Taḥaddiyyāt al-Ḥaḥātha*, trans. Abu Bakr Bā Qādir (Beirut: b Network for Research and Publishing, 2014).

[36] For a discussion on the use of *qiyās* in Wahhābi legal discourse, see: Al-Tawnah, *Al-Islām al-Wahhābi*, 102–4.

and celebrate their own festivals. The third is the spiritual rejection of their actions.[37] This approach assumes Muslims are aliens in non-Muslim polities and urges them to either emigrate or continue alienating themselves from their host societies.

The Conciliatory Position

From the mid-1980s, a new discourse focusing more on the facilitation of Muslims' lives as individuals in non-Muslim polities started to develop. One of the main concerns of this discourse has been how to create a sustainable Muslim community that can maintain its faith, survive the challenges of the non-Muslim polity, and participate effectively and positively in the affairs of non-Muslim society. Also, it strove to empower Muslim individuals to negotiate and adapt with the non-Muslim polity. This can be observed in the *fatwas* of various entities such as Western-based *fatwa* committees, the European Council for Fatwas and Research and Dar al-Ifta al-Missriyyah. Several scholars have begun to critically examine minority-related *fatwas* issued by various Muslim entities.[38] Dar al-Ifta *fatwas*, however, are understudied, despite being an authoritative source that continuously provides *fatwas* for Muslim minorities.[39]

Dar al-Ifta, although affiliated with the Egyptian Ministry of Justice, derives its significance from the caliber of its *muftis* who are graduates of al-Azhar, one of the oldest recognized universities in the world and a recognized institution for advice on Islamic matters among Muslim communities throughout the world. Dar al-Ifta dates back to 1895, when the Egyptian Khedive ʿAbbās Ḥilmī officially announced its establishment. Since then, it has been working as a source of Islamic advice for Muslims, not only in Egypt but in various places of the world. It has a special division for *fatwas* (called *amānat al-fatwa*) that has several sub-*fatwa* committees: one for online *fatwas*, one for *fatwa* by correspondence, one for personal face to face *fatwa*, one for inheritance questions, etc. Individuals, social organizations, and political entities resort to Dar al-Ifta seeking what they believe to be proper legal Islamic verdicts. Questions have come from Germany, Italy, America, South Africa, Brazil, and India, among other countries. The

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[37] Said Hassan, *Fiqh al-Aqalliyyat*, 29.

[38] See for example: Yusuf Talal DeLorenzo, "The *Fiqh* Councilor in North America", in *Muslims on the Americanization Path?*, eds. Yvonne Y. Haddad and J. Esposito (New York: Oxford University Press, 2000), 65–85; Joan Biskupic, "Great Figures Gaze upon the Court," *Washington Post* (March 11, 1998); Alexandre Caeiro, "The Social Construction of *Shariʿah*: Bank Interest, Home Purchase and Islamic Norms in the West," *Die Welt des Islams* 44, no. 3 (2004): 351–375; P.S. van Koningsveld, "The Significance of *Fatwas* for Muslims in Europe: Some Suggestions for Future Research." *Nederlandsch Theologisch Tijdschrift* 60, no. 3 (2006): 208–221.

[39] Examples of work on Dar al-Ifta *fatwas* for minorities: M. Hashem, *Problems of Muslim Minorities within the Western Context, a Case Study of Jad al-Haqq's Printed Fatwas to Muslims in the West*, (M.A. thesis, Leiden University, 1997); Said Hassan, *Fiqh al-Aqalliyyat,* chapter two.

questions cover a variety of realms, such as rituals, creed, politics, economy, and society.[40] The answers of Dar al-Ifta on questions concerning Muslim minorities tends to be moderate.[41] A review of Dar al-Ifta *fatwas* for minorities shows that one of the objectives of these *fatwa*s is to facilitate Muslim life in minority situations and help Muslims reach a compromise between their religious beliefs and the demands of their lives.

One significant feature of the *fatwas* issued by Dar al-Ifta is the absence of a discourse on emigration. In the above section on *fatwas* of alienation, one can observe a strong emphasis on emigration, i.e. the Muslim should emigrate from the non-Muslim territories to a Muslim land. Dar al-Ifta *fatwa*s, on the other hand, focus more on how Muslims can commit themselves to the laws of the land while continuing to manifest their religion and practice the tenets of faith. They tend to assume that being a citizen of a non-Muslim state is not an impermissible act for Muslims. Rather, "citizenship is the basis for equality among citizens, regardless of their beliefs, ideologies, and numbers."[42] Given this permissibility, they do not stress the notions of hating non-Muslims or distancing oneself from them.

However, like the alienation approach, the conciliatory approach of Dar al-Ifta relates questions about citizenship to the concept of *wāla'*. Does acquiring citizenship necessarily require one to be loyal to his state or is it only a matter of formality and advancing one's self-interest? In other words, may a Muslim seek citizenship for functional purposes, such as to obtain social or health benefits, to be able to stay legally in the country, and to be able to work, while still maintaining his *walā'* (i.e. loyalty) to his traditions, culture and religion? The Dar al-Ifta *fatwas* answer these questions by asserting that one can actually assume citizenship with the objective of strengthening his religious or cultural affiliation. This objective is present in the legal justifications given by *muftis* to rationalize the permissibility of taking the citizenship of a non-Muslim country.[43]

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[40] For a list of the countries, review the *fatwa* collection of Dar al-Ifta in 100 years. Muḥammad ʿAbdu [...] et al., *Fatāwā al-Azhar fī Miʾat ʿĀm* [Collection of *Fatwas* of al-Azhar in 100 Years], CD edition, [...]her Council of Islamic Affairs.

[41] For a critical study of Dar al-Ifta *fatwas* for Muslim minorities, see Said Hassan, *Fiqh al-Aqalliyyat*, chapter 2. Although chapter 2 refers to the *fatwas* of al-Azhar, the *fatwa* collection studied is that of Dar al-Ifta.

[42] Muḥammad Sayyid Ṭanṭāwī, *Taʾammulāt fī Khiṭāb al-Raʾīs Barak Obama min Manẓūr Islāmī* [Contemplation over the Speech of President Barak Obama from an Islamic Perspective](Cairo: al-Azhar Magazine gift, August, 2009), 46. It should be noted that in certain contexts some Azharite scholars issued *fatwas* against citizenship. These *fatwas* were in response to certain political colonial situations. See [...]suf al-Dijwī, "Masʾlat Tajannus al-Muslimīn bi-al-Jinsiyya al-Firinsiyya" [The Question of Taking the [...]nch Citizenship by Muslims], *Al-Sunnah* (Birmingham: Center of Islamic Studies, 1995), 90–96; Said Hassan, *Fiqh al-Aqalliyyat*, 52.

[43] For review of various legal positions on the question of assuming citizenship of a non-Muslim land, see: Ṣalāḥ al-Ṣāwī, ed., *Qaḍāya Fiqhiyya Muʾāṣira (Fiqh al-Nawāzil)* (Cairo: al-Jāmiʿa al-Amrikiyya al-Lātīniyya, 2007), 148–173.

One Dar al-Ifta *fatwa* provides direct counter-arguments to the notion of *al-walā' wa-al-barā'* as expressed by proponents of the alienation position. In answer to a question pertaining to the doctrine of *al-walā' wa-al-barā'* and to whom it should be applied, the Dar al-Ifta online *fatwa* committee which is a sub-section of *amānat al-fatwa*, starts with a categorical denial of the existence of a legal doctrine called *al-walā' wa-al-barā'*. It argues that there is nothing in books of theology, or other literature on the Islamic creed, labeled as *al-walā' wa-al-barā'*.[44]

The denial of this notion does not mean that the words have not been used. Rather, they have been utilized in the Arabic language only to describe a state of one's faith. In other words, these words are used in the Qur'an and Sunnah as descriptive terms to inform one's relationship to God and people. They do not necessitate a legal ruling of *kufr* or *imān*. The *fatwa* argues that a Muslim who believes in Allah, His Books, His Angels, His Prophets, and the Day of Judgment will conduct himself in a certain way. He will love, be loyal to, and support his fellow believers. Such a faithful heart will denounce other creeds that reject or contradict his creed. He will not stand with others who attempt to uproot him of his identity or inflict injustice on his community.[45] Given this understanding, Dar al-Ifta online *fatwa* committee has defined *al-walā' wa-al-barā'* in a different way. *Al-walā'* means that a Muslim should adhere to Islam and maintain his identity through the principle of peaceful co-existence with people. *Al-barā'* on the other hand, means that a Muslim should protect his faith against any attempt of distortion or misrepresentation without accusing others of disbelief or transgression. Comparing this definition with the understanding of the alienation position, one may note one basic difference. In the former position, the notion of *al-walā' wa-al-barā'* is used to create a barrier between the faithful community of believers and the non-faithful (who can be Muslims by name). Conversely, Dar al-Ifta position is one of outreach, in which *al-walā'* means to maintain your identity while engaging with the larger society.

One key word used in the *fatwas* is *ta'āyush*, i.e. co-existence. This word is not part of the vocabulary commonly used by the alienation *muftis,* who argue for seclusion as a preventive solution if Muslims wish to stay in their non-Muslim environment. Dar al-Ifta *muftis* argue exactly the opposite. They advise Muslims to engage with their community. In an elaborate *fatwa* on co-existence from an Islamic perspective, the *muftis* argue that the Qur'an draws foundations for the principle of co-existence among all people, as they share innate human character and dignity. The Qur'an addresses the entire human race and asserts that people were created to get to know each other, a matter which, from an Islamic perspective, is the core of existence.[46]

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[44] http://www.dar-alifta.gov.eg/ViewFatwa.aspx?ID=7252&text=%D8%A7%D9%84%D9%88%D9%84%D8%A7%D8%A1%20%D9%88%D8%A7%D9%84%D8%A8%D8%B1%D8%A7%D8%A1.

[45] http://www.dar-alifta.gov.eg/ViewFatwa.aspx?ID=7252&text=%D8%A7%D9%84%D9%88%D9%84%D8%A7%D8%A1%20%D9%88%D8%A7%D9%84%D8%A8%D8%B1%D8%A7%D8%A1.

[46] Although the question asked was not directly related to Muslim minorities, the questioner refers to the position a contemporary Muslim may uphold in his relation with non-Muslims. This would

The *fatwa* on co-existence is divided into four main sections. Section one reviews different usages of the word "co-existence" in political, economic, and cultural terms. After this comparison, the *fatwa* committee defines "co-existence" as the acceptance of the opinions and way of life of the other, as long as this is based on people's right of difference and respect in regard to their freedom of thought, conduct, and political and religious beliefs.

Section two provides general principles on how Islam views man as a cultural being. This section resonates with modern reform ideas that may go against the classical legal tradition. For instance, the *fatwa* denies the notion that Muslims should attempt to unify the world under one centralized superpower civilization, stating, "Islam invites people to deal with each other as human beings... because man, Muslim or non-Muslim, is the viceroy of God on earth."[47] The *fatwa* continues, "The Muslim considers the whole universe as part of the nation of Muhammad. This nation, however, is divided into two: those who have accepted his prophethood (*ummat ijabā*) and those who should be invited to believe in him (*ummat da'wa*)." This perception of the world indirectly responds to the claim of the alienation *muftis* of dividing the world into two: *dār al-Islām* (the abode of peace and Islam) and *dār al-ḥarb* (the abode of war). This division of the world into *Islam* and war invites enmity and hatred. The division of *ijāba* and *da'wa*, on the other hand, redefines the division of space in a positive manner. Also, such a division gives a new dimension to *da'wa* as it becomes part of the process of engagement with non-Muslims and not conditional to the process itself. In other words, the alienationists have made *da'wa* a condition of living in a non-Muslim land and a prerequisite for dealing with non-Muslims. For the Dar al-Ifta *fatwa* committee, in contrast, the task of *da'wa* refers instead to an attempt to convey the message and does not require denunciation of others. Even if the invitation of *da'wa* is rejected, one should respond to this rejection with good manners.

Section three of the *fatwa* argues that Islam not only provides theoretical principles, but that its teachings also reflect this spirit of co-existence. Muslims are allowed to eat the food of the People of the Book. This implies the permissibility of exchanging visits, doing business, and personal engagement. Muslims are allowed to marry from the People of the Book. This denotes mutual affection, love, and inter-family relationships. Muslims are allowed to take witnesses from the People of the Book. This reflects a state of trust.[48]

This section goes on to provide a brief historical overview of Muslims co-existing with non-Muslim communities from the time of Prophet Muhammad until modern times.

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indirectly include non-Muslim communities. See: http://www.dar-alifta.gov.eg/ViewFatwa.aspx?-ID=3758&text =%D8%A7%D9%84%D8%AA%D8%B9%D8%A7%D9%8A%D8%B4.

[47] http://www.dar-alifta.gov.eg/ViewFatwa.aspx?ID=3758&text=%D8%A7%D9%84%D8%AA%D8%B9%D8%A7%D9%8A%D8%B4.

[48] http://www.dar-alifta.gov.eg/ViewFatwa.aspx?ID=3758&text=%D8%A7%D9%84%D8%AA%D8%B9%D8%A7%D9%8A%D8%B4.

The section concludes that, "Islam never made an obstacle against co-existence with people. It is the current Islamic and Arabic cultures prevalent today that created that barrier, not only against the other, but also in the heart of its co-existence with its adherents."[49] The intention here is not to negate all differences between Muslims and non-Muslims. The first step of co-existence is to maintain one's identity as reflected in one's civilization and traditions. Holding on to one's identity facilitates engagement with the plural structure of the modern world. Maintaining one's identity indicates readiness for dialogue more than for segregation.

The articulation of the *fatwa* thus far seems liberal and vulnerable to criticism as it may suggest accepting practices of the non-Muslim communities that may contradict Islamic norms. Section four is introduced to address this potential criticism in order for the *fatwa* to be widely accepted. It outlines the conditions necessary for the above-described state of co-existence to survive. First and foremost is one's ability to practice his religion without fear. This is a pre-condition to the creation of a state of co-existence. Second, co-existence should not lead to an action that disobeys God. This condition recalls a legal principle: "No obedience is given to the command of a human if it goes against the command of God." This is a common principle often used by the alienationists in their *fatwas* because it supports their legal interpretation of the commands of God. But, again, the *fatwa* is silent on the exact nature of a command that is considered a sin and cannot be committed. For example, simply loving a non-Muslim is against one of the verses of the Qur'an (58:22), if taken literally or isolated from other verses. The third condition is that this co-existence does not mean to love the creed or beliefs of others. Muslims love non-believers as human beings, but must not like or appreciate their religious conviction. This is a problematic issue, as it may suggest that religion is limited to the private sphere, while the public sphere is open for everyone to share and interact. This distinction between private and public spheres does not exist in the alienationists' understanding of religion as it gives a totalistic, centralist view of religion.

Drawing on these three main arguments, the *fatwa* demonstrates that the manifestation of one's religion is a complicated concept in the legal tradition, which may mean different things, from rituals to jurisprudence to politics. The *fatwa* does not clearly identify to which of these things it refers. Reading closely, however, one may argue that it refers to everything that can be manifested in one's private space. This vague articulation seems intentional to allow it to be interpreted differently by different groups.

Although the above-discussed *fatwas* on *walā'* and co-existence are recent ones, they reflect the tradition of the *muftis* of Dar al-Ifta as presented in their *fatwa* collection of the twentieth century. In this *fatwa* collection, the question of immigration or isolation is not stressed.[50] Rather, the questions pertain more to positive interactions: a Muslim can

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[49] http://www.dar-alifta.gov.eg/ViewFatwa.aspx?ID=3758&text=%D8%A7%D9%84%D8%AA%D8%B9%D8%A7%D9%8A%D8%B4.

[50] Muḥammad ʿAbdu et al., *Fatāwa al-Azhar*. (Although the title implies it is a collection of al-Azhar *fatwas*, in fact these *fatwas* are compiled from Dar al-Ifta records. They are attributed to al-Azhar as

approve the will of a non-Muslim and take his share of the non-Muslim's deceased inheritance;[51] a Muslim can write a will in favor of a non-Muslim;[52] a Christian can donate money for the establishment of a mosque;[53] a Muslim can eat of the slaughtered animals of the People of the Book, even if the name of God was not mentioned at the time of slaughtering;[54] and the permissibility for a Muslim to participate in the political system of a non-Muslim land.[55] To demonstrate the duty of a Muslim living in a non-Muslim land, Sheikh Ṭanṭāwī (d. 2010), a former Grand Mufti of Egypt and the late Grand Imam of al-Azhar stated, "The truth that we believe in is that whenever a Muslim travels to the United States, he should be keen to join other Americans in their efforts to enrich the American civilization, to ensure the safety and welfare of these lands, and to benefit from what Allah has bestowed of great gifts upon the residents of these lands."[56]

The Dar al-Ifta *fatwa* collection thus presents a conciliatory discourse. It moves from the stage of rejection to the stage of negotiation. It corresponds to the current changes in world politics and ideologies. It affirms the Islamicity of a modern understanding of human rights, dignity, and equality by confirming that co-existence is essentially Islamic. Love is inherent in the Muslim's belief towards Allah's universe. The *fatwa* collection, however, does not go beyond individual responses. It does not attempt to theorize on the legal status of a Muslim presence in non-Muslim polities.

The Engaging Position

In the last decade, some Muslim jurists have argued that one's identity as a Muslim should not negate his national allegiance and loyalty as a citizen of a non-Muslim state. This position is not only reflected in *fatwas* but also in developing a legal framework that makes the question of loyalty to the non-Muslim polity a matter of principle and not a matter of necessity or opportunism. This shift from *fatwa* to legal theory is evident in the development of a discourse of a *fiqh* of citizenship. Although the development of this *fiqh*, its principles and legal arguments is yet to be extensively studied, there are, given the context of this paper, three basic ideas that this discourse is based upon and need to be outlined: the relation to the "non-Muslim" land where Muslim minority

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the *muftis* were affiliated with al-Azhar, whether learning, teaching or working, at a certain moment in their lives.)

[51] Muḥammad ʿAbduh et al., *Fatāwa al-Azhar, fatwa* no. 3417 by *mufti* Ḥasan Maʾmūn, December 1936; see also *fatwa* no. 19 by *mufti* ʿAbd al-Raḥmān Qirāʿa, 1923.

[52] Muḥammad ʿAbduh et al., *Fatāwa al-Azhar, fatwa* no. 501 by *mufti* ʿAbd al-Majīd Silīm, May 1934; and *fatwa* no. 1236 by *mufti* Jād al-Ḥaqq ʿAlī Jād al-Ḥaqq, 1980.

[53] *Liwāʾ al-Islam*, 2nd year, vol. 14 (December 1965) 68–70.

[54] Muḥammad ʿAbduh et al., *Fatāwa al-Azhar*, *fatwa* no. 1315 by *mufti* Jād al-Ḥaqq ʿAlī Jād al-Ḥaqq, 1981.

[55] Jād al-Ḥaqq ʿAlī Jād al-Ḥaqq, *Buḥūth wa fatāwa Islāmiyyah fi Qaḍāyā Muʿāṣirah,* vol. 4 (Cairo: al-Amāna al-ʿAmma li-al-Lajna al-ʿUlyā li-al-Daʿwa al-Islāmiyya, 1995) 337–347.

[56] Muḥammad Sayyid Tanṭāwī, *Taʾāmmulāt,* 18.

communities reside, the question of loyalty to this land and its people, and the nature of engagement of Muslim minorities with the political state as well as the wider society.[57]

For the sake of brevity and focus, the discussion of these ideas will be based on the contributions of three key figures who were trained as jurists and have had extensive connections with Muslim minorities. They are Dr. Ṭaha Jābir al-ʿAlwānī, Sheikh Fayṣal Mawlawī, and Dr. Ṣalāḥ Sulṭān. Dr. Ṭaha Jābir al-ʿAlwānī (1935-), of Iraq, was the president of the American Fiqh Council in the 1990s and a founder of the International Institute of Islamic Thought in Virginia in 1981. He was also a member of the founding committee for the Muslim World League in Mecca and a member of the International Islamic Fiqh Council in Jedda. Sheikh Fayṣal Mawlawī (1941-2011) was a Lebanese judge and well-received jurist in minority circles. He lived in Europe in the 1980s, founding both the French Muslim Student Union and then the European Federation of Muslim Students in the early part of that decade. He was one of the founding members of the European Council for Fatwa and Research and the founding dean for the European College of Islamic Studies in France in 1990. Dr. Ṣalāḥ Sulṭān (1959), of Egypt, was a professor in the Faculty of Dār al-ʿUlūm, Egypt, in early 1990s. He settled in the United States for almost a decade where he served as the president of the American Center for Islamic Research and a professor of Islamic Law in the American Islamic University, Michigan, in 2003. He has recently put in prison in Egypt because of his affiliation with the Muslim Brotherhood.

Land, Loyalty and Engagement Redefined

The question of the nature of the land is a crucial one to the discussion of paying loyalty and assuming citizenship in a non-Muslim polity. If the land is categorized as a land of *kufr* or as an abode of war, as designated by the alienation position, jurists are necessarily prevented from developing a positive link between the Muslim and its non-Muslim abode. Therefore the first task of the advocates of jurisprudence of citizenship is to deconstruct the binary division of the world, i.e. *dār al-Islām* and *dār al-ḥarb*, and replace it with something positive.[58]

Al-ʿAlwānī, for instance, rejects the binary division of *dār al-Islām* and *dār al-ḥarb* and calls instead to divide the world, if necessary, into *dār al-ijāba* and *dār al-daʿwa*, as

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[57] This theme has been the focus of some recent work but still more work needs to be done to unravel the contextual connections of this discourse with the present, to elaborate its textual data from Qur'an and Sunna and how they are utilized in the discourse of *fiqh al-aqalliyyat*, and to re-evaluate the historical legal discourse of the past in relation to Muslim minorities. See for example: March, "Liberal Citizenship and the Search for an Overlapping Consensus," 373–421; Mohammad Hashem Kamali, "Citizenship: an Islamic Perspective," *Journal of Islamic Law and Culture* 11, no. 2 (2009): 121–153.

[58] For an extensive discussion of how jurisprudence of minorities dealt with the question of binary classification of the world into an abode of Islam and an abode of war see: Said Hassan, *Fiqh al-Aqalliyyat*, chapter 5.

does the conciliatory approach taken by Dar al-Ifta. But he takes this transformation fur-
ther by describing the current presence of Islam in non-Muslim territories as *istiṭān* (i.e.
settlement). In Arabic, *istiṭān* is derived from *waṭan*, which means homeland. It implies
that Islam came into these lands and made it its home. In other words, if Muslims settle
in a land, it becomes their home and they become its citizens. Although al-'Alwānī's
argument is pragmatic and jurisprudentially controversial, it still paves the way to a new
understanding of the role of the Muslim with regard to his non-Muslim state and fel-
lows.[59] Fayṣal Mawlawī, on the other hand, does not concern himself with labeling the
land. Rather he focuses on the function of the land. He argues that a Muslim is permitted
to live anywhere in the world, with any group of people, and under any system of gover-
nance as long as he is able to practice his religion and enjoy his rights as a human being
and a citizen.[60] Such an argument is contested, as it goes against both the conventional
legal understanding of *hijra* (i.e. the emigration from *dār al-kufr* to *dār al-Islām*) and
the question of *al-walā' wa-al-barā'*. To counter these arguments, Mawlawī has identi-
fied certain rules for living among non-Muslims. These rules include: the recognition of
both parties of each other and their readiness to interact; maintaining positive moral
guiding principles in interaction; justice and equity; and cooperation for the goodness of
the society at large.[61]

If a Muslim is permitted to take a non-Muslim abode as his own, should he also
extend his loyalty to this land, against instructions that loyalty is only paid to God, His
Prophet and fellow Muslims? To respond, Mawlawī engages in a lengthy debate to
explain the different meanings and categories of loyalty as referred to in the Qur'an and
the Sunnah of the Prophet. Mawlawī argues that the Qur'anic and Prophetic texts on *al-
walā' wa-al-barā'* indicate two meanings: the first has to do with one's belief. In this case
the Muslim has to denounce *kufr*; i.e. polytheism. The second has to do with one's
actions. It means that one has no responsibility towards the action of the other. In this
case, the matter is left to jurists to decide over the legality of the action: permissible, dis-
liked or illegal. Loyalty is also of two categories: unlimited loyalty and conditional loy-
alty. If loyalty means to adopt the other religious conviction and desert one's belief or if
it goes against the interests' of Muslims, then it becomes Islamically unlawful. Otherwise,
loyalty is permitted. Mawlawī concludes that a proper understanding of loyalty does not
contradict living and interacting with non-Muslims.[62]

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[59] Ṭaha Jābir al-'Alwānī, *Fi Fiqh al-Aqalliyyāt al-Muslima* [*Fiqh* of Muslim Minorities], Series of
al-Tanwīr al-Islāmī 52 (Cairo: Nahḍḍat Misr, 2000) 6.
[60] Fayṣal Mawlawī, *Al-Muslim Muwāṭinan fi Urubba* [The Muslim as a Citizen in Europe], Qaḍāya al-
Umma Series 2 (Ireland: European Council for Fatwa and Research, no date) 12.
[61] Mawlawī, *Al-Muslim Muwāṭinan fi Urubba* [The Muslim as a Citizen in Europe], 28-ff.
[62] Mawlawī, *Al-Muslim Muwāṭinan fi Urubba* [The Muslim as a Citizen in Europe], 15–27. This defini-
tion provides an interesting framework for making sense of the actions of Malay Muslims in the
Amrita Malhi's article in this special issue. As Malhi describes, Buddhist kings in Siam demanded that
Malay Muslims on the borderlands profess their loyalty by performing Buddhist rituals. Many
declined to do so, as this would cause Muslims to desert their religious convictions. Many were

Ṣalāḥ Sulṭān examines the question of loyalty from a socio-political perspective. He distinguishes four categories of loyalty. The first is loyalty to the land in which one is born or brought up. Man enjoys, Sulṭān argues, the goodness of this land, so he reciprocates this by taking care of her. It does not matter if one is a national or an alien or even a visitor. The second is loyalty to the people with whom one lives. Their religion does not matter, as social solidarity is the principle of the civil state. The third is loyalty to the law. Even if the law is not Islamic, one should still be loyal to it in matters that do not go against an explicit religious command. Muslim citizens should maintain law and order where they live and use legitimate channels to change laws they deem unsuitable to them. The fourth is loyalty to the state, as long as the state does its job of protecting its citizens and maintaining law and order. Being loyal to the state is part of the pledge that one makes to the ruler. Sulṭān concludes that man cannot live with just one *walā'*. Man feels that he should be loyal to his family, his religion, his job, and his teachers. Arguing that *walā'* has to be confined to one aspect, say religion or nation, is an incorrect assumption. *Walā'* has multiple forms that overlap with each other.[63]

This categorization (of Mawlawī) and theorization (of Sulṭān) of *walā'* comes into practice when the question of Muslims' engagement with the state and the society at large is discussed. Mawlawī argues that if the above-mentioned conditions (of recognition, justice, equity and cooperation) are guaranteed, then loyalty with the non-Muslim polity is established. This guarantee, according to Mawlawī, naturally transforms one into a good citizen with a strong affiliation to the political state. If this citizen encounters certain problems that go against his religious beliefs, he should try to reach a compromise. If he is unable to do so, he should endeavor to weigh the benefits and the detriments before deciding how to proceed.[64] This argument allows the Muslim to take a position that is legally less favorable in return for a societal benefit. However, this is a matter which is debatable in Islamic Law. To strike a balance between such a position and traditional jurisprudence, Mawlawī states that assuming citizenship of a non-Muslim polity imposes certain obligations upon a Muslim. It requires him to convey the message, to fight corruption and endeavor to fix the ills of the society, and also to maintain an independent Muslim identity.[65] Stating that *da'wa* (i.e. preaching for Islam) and keeping an independent Muslim identity are obligations of a Muslim citizen may contradict certain assumptions in the liberal perception of the citizenship contract as expected by the

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executed as a result. See in this special issue Amrita Malhi, "'Like a Child with Two Parents: Race, Religion and Loyalty on the Siam-Malaya Frontier, 1895–1902."

[63] Ṣalāḥ Sulṭān, *Al-Muwāṭana bayna al-Taʾṣīl al-Sharʿī wa-Taʿaddud al-Walāʾāt al-Diniyya wa-al-Ṭāʾifiyya wa-al-ʿIrqiyya* [Citizenship and the Legal Reasoning Pertaining to the Question of the Multiplicity of Loyalties], no date or publishing house.

[64] The question here becomes a matter of jurisprudence that is subject to legal rules as studied in legal manuals.

[65] Fayṣal Mawlawī, *Al-Muslim Muwāṭinan,* 53.

host country.[66] However, Mawlawī's argument constitutes a drastic shift in Muslim legal attitudes towards living as citizens in non-Muslim polities. It develops a position that is based on different legal paradigms: the permissibility of living among non-Muslims and the legality of assuming the citizenship of a non-Muslim state, rather than on hating disbelievers and immigration from non-Muslim territories (as justified by the alienation *muftis*). Therefore, the Muslim is permitted to love, to initiate greetings with, to visit, and to console non-Muslims.[67]

Ṣalāḥ Sulṭān also responds to the question of the nature of the Muslim's relationship with his non-Muslim state and society in an innovative way. In his analysis to the methodological framework of a jurisprudence of minorities,[68] he argues that one of the principles of this jurisprudence is that a Muslim should not only take citizenship, but he also should deepen his feelings of citizenship. Advancing this idea as a principle and not merely as a cursory sentence in a *fatwa* is significant for two reasons. First, it establishes the fact that Muslims have become, from an Islamic Law perspective, part of the indigenous population of non-Muslim polities. If this premise is accepted, then Islamic Law should be based on the jurisprudence of citizenship, and not that of immigrants. If the *fiqh* is based on citizenship, then notions of loyalty, integrity, welfare, and public interest will be directed to Western lands, whereas if the *fiqh* is immigrant-based, these notions will be linked to the Muslim *umma*. Second, and most importantly, it develops an Islamic legal connection between Muslims and their non-Muslim government. This legal connection means that the land is to be run according to the dictates of the political state, and the people, Muslims included, should not disturb the public order. If there are things that are Islamically illegal in the eyes of Muslims, they should advise their leaders and follow peaceful means to correct them.[69] In short, Muslims should join their fellow citizens in the democratic organization of their society.

Sulṭān goes beyond extending loyal feelings to one's non-Muslim state and society to state clearly that bearing the responsibility of reforming one's country is a second principle in the jurisprudence of Muslim minorities. Underlining this principle transforms the legal connection that is established in the first principle into an emotional, practical reality, i.e. love of the country you live in. In other words, you are religiously responsible for showing loyalty to your fellow citizens. Islamic Law, Sulṭān argues, should be neither preventative nor exploitative. Muslims should not establish schools for the sole purpose of protecting their children from the larger society. Muslims should not participate in

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[66] For a discussion on such a conflict between the liberal understanding of citizenship and the Islamic legal discourse of citizenship see the works of March, "Liberal Citizenship and the Search for an Overlapping Consensus," footnote 4.

[67] Fayṣal Mawlawī, *Al-Muslim Muwāṭinan,* 83–4.

[68] Ṣalāḥ Sulṭān, *Al-Ḍawābiṭ al-Manhajiyya li-al-Ijtihād fī Fiqh al-Aqalliyyāt al-Muslima* (Methodological Framework for *Ijtihād* in the Discourse of Muslim Minority Jurisprudence), no publishing house, 2nd ed, 2007.

[69] Ṣalāḥ Sulṭān, *Al-Muwāṭana,* 21–22.

politics for the sole purpose of protecting their rights or in support of their native country. This is a narrow perspective of *fiqh*. Muslims should use this *fiqh* to engage with the larger society and provide reform projects, for example, to stop social violence, save the environment, care for pets, fight drugs, and help the homeless.[70] Interestingly, Sulṭān makes his argument without stressing *daʿwa* (proselytizing activities). Rather, he argues that the real *daʿwa* is to reform the ills of society, even if the rulers and the land are "non-Islamic." This language represents a shift in the discourse from the conciliatory approach of Dar al-Ifta *fatwa*s to engagement.

While Al-ʿAlwānī, Mawlawī, and Sulṭān are not the only ones who have discussed the questions of citizenship and loyalty in relation to Muslim minorities, they represent a new trend that is still understudied, and not yet clearly reflected in *fatwas* written by authoritative *muftis*.[71] However, the objective of this paper is not the question of citizenship per se, but to note the shift in the internal legal discourse of jurists towards Muslim minorities from isolation to civic engagement and loyalty.

Reception of *Fatwas* on loyalty and citizenship among Muslim minorities

Muslim minorities have responded differently to the *fatwas* and the legal debates discussed above. In the 1970s and 1980s, the alienation position was dominant as it agreed with the expectations of the immigrants of the time who tended to think of themselves as temporary residents of non-Muslim lands. They did not attempt to engage or interact on the political or the societal levels with the wider non-Muslim society. Their engagement with their surroundings was limited to mundane practices with no expectations of sharing culture or traditions. Also, the alienation position was prevailing due to the efforts of the Saudis to propagate their understanding of Islam by reaching out to Muslim minority communities by sending *imams*, books and contributing to the building of Islamic institutions.[72] However, the conciliatory position was also common among minorities as one can see that Muslim minorities made

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[70] Ṣalāḥ Sulṭān, *Al-Ḍawābiṭ,* 23–6.

[71] Other studies include, but not limited to: Jamāl al-Dīn ʿAṭiyya, *Naḥwa Tafʿīl Maqāṣid al-Sharīʿa* [Towards the Activation of the Objectives of Shariʿah], Islamic Methodology Series 17 (Virginia: International Institute for Islamic Thought: 2003); Yūsuf al-Qaraḍāwī, *Al-Waṭan wa al-Muwāṭana fī Ḍawʾ Usul al-ʿAqīda wa-al-Maqāṣid al-Sharʿiyya* [The Home-country and Citizenship in Light of the Principles of Belief and the Objectives of *Shariʿa*], (Cairo: Dār al-Shurūq, 2010); ʿAbd al-Majīd al-Najjār, *Fiqh al-Muwāṭana lil-Muslimīn fi Uruba* [Jurisprudence of Citizenship for Muslims in Europe], ECFR series, 4 (Dublin: European Council for Fatwa and Research), 2014 (Available online: http://e-cfr.org/new/%D9%81%D9%82%D9%87-%D8%A7%D9%84%D9%85%D9%88%D8%A7%D8%B7%D9%86%D8%A9-%D9%81%D9%82%D9%87-%D8%A7%D9%84%D9%85%D9%88%D8%A7%D8%B7%D9%86%D8%A9-%D9%84%D9%84%D9%85%D8%B3%D9%84%D9%85%D9%8A%D9%86-%D9%81%D9%89/) (Accessed 2/8/2015).

[72] Said Hassan, *Fiqh al-Aqalliyyat*, 21–23.

efforts to recruit graduates of al-Azhar to work as religious leaders in their communities.[73] Also, reviewing the *fatwa* collections of the Saudi Fatwa Permanent Committee and Egyptian Dar al-Ifta records, one can find evidence that both positions were sought after and well-received over the last three decades.

However, in the late eighties, continued immigration, the emergence of second and third generation immigrants, and the new policies of the host states to integrate and assimilate their immigrant communities, led some Muslim minorities to feel uncomfortable with the alienation position and unsatisfied with the conciliatory position. The alienation approach and its *fatwa*s ceased to appeal to minority communities and received little response, even among *Salafi* Muslims who would be expected to be sympathetic to the position. For example, on August 1, 2013, 'Isa al-Nasr, the Imam of Germany's largest *Salafi*-oriented mosque, said that *fatwa*s given by Saudi jurists are not applicable to Europe and cannot be upheld in the West. He asserted that if those *muftis* visited Europe they would change their *fatwa*s, and he also argued that disavowal should relate only to the faith of non-Muslims as opposed to their personalities.[74]

In one revealing anecdote of the dissatisfaction of Muslim minority communities to the *fatwa*s given by Islamic *fiqh* associations from the Middle East, al-ʿAlwānī reported that in his capacity as the president of the American Fiqh Council, he collected twenty eight questions which he considered the most significant and relevant to Muslim minorities in North America. They included questions on citizenship, marriage, the upbringing of children, food and mortgage. He sent these questions to the international Islamic Fiqh Academy which is based in Jedda, Suadi Arabia. The Academy forwarded the questions to seven *muftis* asking for their individual take on the questions. In the 1986 annual meeting of the Academy, certain resolutions were issued to some of these questions and sent back to the American Fiqh Council. These answers were not satisfactory to al-ʿAlwānī as they did not consider the minority context.[75] From that time on, the notion of "imported" *imams* and "imported" *fatwa*s were criticized by Muslim minority communities, and calls were made to create *fatwa* committees in the non-Muslim land.[76]

I would argue, however, that the alienation position still appeals for certain audiences. As I mentioned in the introductory paragraph, the Saudi *imam* who delivered a

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[73] This needs to be statistically proven. However, out of practical experience of living among minority communities in Western Europe and the United States during the last two decades, one can argue that during the 1980s and 1990s, a good number of *imams* were from Egyptian origin or *imams* who had learned at al-Azhar schools.

[74] Uria Shavit, "Can Muslims Befriend non-Muslims? Debating *al-Walaʾ wa al-Baraʾ* (Loyalty and Disavowal) in Theory and Practice," *Islam and Christian Muslim Relations* 52, no. 1 (2014): 78.

[75] Said Hassan, *Fiqh al-Aqalliyyat*, 98–99. The phenomenon of imported *imams* and *fatwa*s were reiterated in the literature. See for example: Altījānī Bu ʿAlī, *Al-Muslimūn fī al-Gharb bayna Tanaquḍat al-Wāqiʿ wa-Taḥadiyyāt al-Mustaqbal* [Muslims in the West between the Contradictions of Realities and Challenges of the Future], (Cairo: Markaz al-Haḍārah al-Gharbiyyah, 2006), 116-ff.

[76] See for example: *Islamic Horizon,* "Legists, Law and the Wild West," vol. 17, Jan-Feb 1988; Yusuf Talal DeLorenzo, "The *Fiqh* Councilor", 66.

Friday Sermon in a Berlin Mosque talked passionately about the need for *hijra* to a Muslim land if there is no dire need to stay in Germany. While it is true that the impact of this position is not as strong as it was in the 1980s and 1990s, there are still people who respond enthusiastically to this position, especially as they react to Islamophopic discourses that exist in certain intellectual and political circles.[77] Still, I would argue that the engaging approach has begun to prevail in the last decade. This can be attested by the growing number of advocacy groups and networks, cultural centers, and inter-faith organizations within the ranks of Muslim communities, even as legal discourses to justify such engagement are still being developed.

Conclusion

The primary focus of the debate I have outlined is whether Muslims should be civically engaged and how to develop and promote civic engagement of Muslim communities in their non-Muslim polities. This development definitely provokes a reevaluation of a Muslim's identity, challenging his or her conceptualizations, and, to a great extent, reformulating his perspective and broadening his horizon. The development of this open religious identity is reflected in the sense of moral obligation that a Muslim individual has toward his non-Muslim society. Muslim minority discourse shifts this moral obligation from a mere conditional legal position and reluctant personal choice into a question of rights and duties in an attempt to develop a neo-civic identity of the Muslim mind. To facilitate that shift, the discourse has been through various stages.

The review of the *fatwa*s on a Muslim's identity and loyalty to a non-Muslim polity reveals these stages. It shows the progression of the discourse in relation to the needs of the community. We can observe the transition of the discourse from mere simple answers, whether positive or negative, to a complex layer with certain conditions and regulations, to a change in the *fiqh* discourse itself and the development of a new branch of law, called *Fiqh al-Muwatana* (Jurisprudence of Citizenship).

Does this progression reflect real practices on the ground? I would argue that it is the society that functions as an active agent in this *fatwa* production. The people who make up society produce answers in their own ways to accommodate the needs of the time. Only then do the jurists begin to regulate, limit, confine, or open up a space for these answers to be collectively accepted. Scholars who have studied Muslims' responses to

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[77] Some Islamophobes argued that "European Muslims could not be counted upon to respect democratic institutions, and at least offered a prudential and instrumental loyalty to them. Since Muslims privileged the *umma* over the nation-state, they were far more interested in global Muslim causes than in their fellow citizen, and could not be trusted to be good citizens." Islam in their view is "profoundly illiberal collectivist. It opposed freedom of expressions, secularism, critical thought and individual choice..." See: Bhikhu Parekh, *European Liberalism and the Muslim Question*, ISIM papers (Amsterdam: Amsterdam University Press, 2008), 10.

the question of assimilation and integration with their non-Muslim societies have developed certain models for Muslim life in a non-Muslim environment.[78] Understanding the three positions presented here, one may infer also the development of three identities embraced by Muslim minorities in Western nation: Alienation identity, Conciliatory identity and Engaging identity.

Those with an alienation identity believe they do not belong to the non-Muslim land. They think of the world as being of two categories: the abode of Islam (Muslim countries) and the abode of War (the rest of the world). Based on this bifurcation of the world, the West becomes a land of war in which a Muslim should not reside except in the case of absolute necessity. His Western identity is less important to him, if it even exists, than his Islamic one. Those with a conciliatory identity attempt to reach a common ground by reconciling between the Islamic legal tradition and the dominant social and political setting. They always need to justify their action from a religious perspective and cautiously negotiate with both the host society and the public Muslims. Those with an engaging identity consider themselves to be part of the indigenous culture. For them, Islamic identity does not oppose the Western country identity. Instead, Westerners and Muslims can embrace each other for the welfare of the whole society.

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[78] Mattson for example identified three responses to one's understanding of his identity towards the non-Muslim society: Isolationist, selectivist, and embracist. Khan introduced the model of democratic America vs. colonial America. Leonard made the distinction between diasporic America and Claiming America. See: Ingrid Mattson, "How Muslims use Islamic Paradigm to Define America," in *Religion and Immigration: Christians, Jewish and Muslim Experiences in the United States*, eds. Y. Y. Haddad, J. I. Smith and J. L. Esposito (Walnut Creek, CA: Altamira, 2003), 199–215; Muqtader Khan, "Constructing the American Muslim Community," in *Religion and Immigration: Christians, Jewish and Muslim Experiences in the United States*, eds. Y. Y. Haddad, J. I. Smith and J. L. Esposito (Walnut Creek, CA: Altamira, 2003), 175–198. K. I. Leonard, *Muslims in the United States, the State of Research* (New York: Russell Sage Foundation, 2003).

Islamist Texts in Practice: Commemorating Qutb in Turkey before and after the Arab Spring[1]

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Abstract

In the past two decades, scholars have shown increasing interest in unpacking the ideational content of Islamic revivalism. Amidst modern Islamist ideologues, Sayyid Qutb received special attention from regional experts, historians and most recently political theorists who have produced critical exegeses of his political thought. Most notably, some read Qutb's writings through a comparative theoretic lens, juxtaposing his work to western and Islamic traditions of political thought. By contrast, in this paper I outline the *lived* hermeneutics of Qutb's thought among contemporary Islamist activist-intellectuals affiliated with Özgür-Der, an Islamist civil society organization that has been a principal agent of Islamic revivalism in Turkey since its establishment in 1999. To that end, I examine three instances of commemorating Qutb at public events organized by Özgür-Der in 2001, 2009 and 2013 in Istanbul. Through these events, one can trace the continuities and novelties in how Islamist activists read Qutb in light of changing historical circumstances.

The paper argues that the Arab Spring uprising provides a rough turning point in occasioning different interpretations of Qutb's primary relevance to Islamist struggle in Turkey. What has been constant in Islamist readings of Qutb has been the emphasis upon the merging of faith and deed, working toward the rebuilding of a Qur'anic generation, the first followers of the Prophet. What changed in light of the Arab Spring have been the specific forms in which the integration of piety and praxis took shape. This analysis seeks to further our understanding of Qutb and Islamist politics in two ways: reading Qutb through the discursive practices of Qutbians helps recuperate the living and dynamic imprint of Qutb's political thought and flesh out the ways in which his intellectual legacy implicates Islamic activism in specific localities. Secondly, a micro-analysis of the specific politics that are inspired by influential Islamist texts helps us refine the more formulaic

descriptions of the political project of Islamism—such as rejecting secularism or submitting to *sharīʿa*. Attending to that lived and living hermeneutics is necessary for a more nuanced, contextualized understanding of contemporary Islamist thought and practice.

Key words: Sayyid Qutb, Islamist intellectuals, Turkey, Özgür-Der, lived hermeneutics, commemoration, martyrdom, Arab Spring

Introduction

In the wake of 9/11, against the backdrop of popular depictions of Sayyid Qutb as "the philosopher of Islamic terror",[2] scholars have shown increasing interest in unpacking his political thought. Approaching modern Islamist texts from an empathetic vantage point geared to understand and explain, regional specialists, historians and most recently political theorists have produced critical exegeses of Qutb's writings.[3] For instance, Andrew March reads Qutb in conjunction with Rousseau, Marx, and Rawls, highlighting converging and diverging concerns across distinct theoretical traditions.[4] Roxanne Euben seeks to place Qutb's fundamentalism, particularly his critique of modernity, alongside the active current of Western political thought that has taken modern rationalism as its object of criticism. Partaking in comparative political theory, these exegeses seek to treat Qutb as a political theorist rather than a pathology, putting his ideas into conversation with Western thought and highlighting common preoccupations. As Euben puts it, Qutb is not as "unfamiliar as he initially appears."[5]

By contrast to exegeses that read Qutb's texts with an intention of connecting his ideas to those of his contemporaries and predecessors, in this paper I outline the *lived* hermeneutics of Qutb's thought.[6] In other words, this paper reads Qutb through

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[2] P. Berman, "The Philosopher of Islamic Terror," *New York Times*, March 23, 2003.

[3] For examples, see R. Euben, *Enemy in the Mirror: Islamic Fundamentalism and the Limits of Modern Rationalism, A Work of Comparative Political Theory* (Princeton, NJ: Princeton University Press, 1999); J. Calvert, *Sayyid Qutb and the Origins of Radical Islamism* (New York: Columbia University Press, 2010); A. March, "Taking People as They Are: Islam as a 'Realistic Utopia' in the Political Theory of Sayyid Qutb," *American Political Science Review* 104 (2010), 189–207.

[4] March, "Islam as Realistic Utopia," 189–207.

[5] R. Euben, "Comparative Political Theory: An Islamic Fundamentalist Critique of Rationalism," *Journal of Politics* 59/1 (1997), 28–55: 31.

[6] The term "lived hermeneutics" refers to the ways in which a text is interpreted and lived by its own adherents. I derive the term from Farah Godrej's "existential hermeneutic," which refers to "a praxis-oriented existential transformation in which the reader learns to live by the very ideas expressed in a text." As such, it is the opposite of treating a text as "an object of inquiry to be approached in a neutral, scientific manner." Farah Godrej, *Cosmopolitan Political Thought: Method, Practice, Discipline* (New York, NY: Oxford University Press, 2011), 54.

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Qutbians:[7] it investigates not the thought of Qutb himself, but how his texts are read, interpreted, and deployed at specific moments in time and space by Islamist actors who adhere to his intellectual project. To do so, I focus on the Islamist activist-intellectuals affiliated with Özgür-Der, an Islamist civil society organization that has been a principal agent of Islamic revivalism in Turkey since its establishment in 1999.[8]

This paper works toward bridging the gap identified by Euben "between Qutb's intent and how his arguments are disseminated, received, and reinterpreted."[9] To that end, I examine three public commemorations of Qutb's martyrdom, held in Istanbul in 2001, 2009, and 2013, in which Qutb's thought and example are raised as inspirations for Islamist activism.[10] Through these events, organized by Özgür-Der, one can trace the manner in which activists read Qutb in light of changing historical circumstances. In these cases, I argue that the Arab Spring uprisings provide a rough turning point in occasioning different interpretations of Qutb's primary relevance to Islamist struggle in Turkey. Prior to the Arab Spring, Özgür-Der activists invoked Qutb's message as part of a critique of modernist, pro-liberal Islamic groups and politics in Turkey. With the Arab Spring, these activists read Qutb as the catalyst for a transnational solidarity among pious Muslims. To illustrate, whereas activists harked to *cahiliye* (ignorance of God's authority, Arabic: *jahiliyya*) in 2001 and 2009 as part of an internal critique of Turkish Islamism, they spoke through the concept in 2013 as part of a critique of ongoing Western colonialism. These different readings also reflect and respond to political power in Turkey. Prior to the Arab Spring, Özgür-Der literati had frequently associated the pro-West, pro-market, pro-liberal politics of the AK Party (*Adalet ve Kalkınma Partisi* – AKP) with the expansion of *cahiliye*. But with the pro-Islamist turn in the AKP's foreign policy in

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[7] Being Qutbian, as understood by Islamist activist-intellectuals of Özgür-Der, does not and should not mean "idolizing Qutb," which "Qutb himself would have objected to." Instead, it corresponds to "conscious intellectual and political efforts to follow his example, and teachings while dynamically adapting his ideas to contemporary circumstances." Interview with Bülent Yılmaz (head of Diyarbakır branch of Özgür-Der) on Sayyid Qutb, available online at: http://www.haksozhaber.net/seyyid-kutub-pasifizme-cagirmadi-31966h.htm.

[8] Özgür-Der, Society for Free Thought and Educational Rights, was founded in 1999 in Istanbul to contest the official ban on wearing an Islamic headscarf in higher education, and other rights violations of the military intervention of 1997 that targeted Islamic sectors. Since its establishment, Özgür-Der has mounted an Islamist criticism of official secular ideology, militarism and nationalism promoted through the educational system. Moreover, it has been actively engaged in cultural and intellectual efforts to disseminate "a correct (*sahih*) Islamic consciousness" through its alternative education seminars, thematic panels and youth camps across the country. Qutb's thought has been central to the group since its inception.

[9] R. Euben, *Enemy in the Mirror: Islamic Fundamentalism and the Limits of Modern Rationalism, A Work of Comparative Political Theory* (Princeton, NJ: Princeton University Press, 1999), 8.

[10] The empirical sources for the textual analysis of these three instances of public, Islamist readings of Qutb at commemoration events are: the published proceedings of the 2001 symposium, participant observation by the author at the 2009 public reunion, and the video recording of the 2013 Qutb night (broadcast live on Islamic TV channel). All translations from Turkish are the author's.

the wake of the Arab Spring, the battle against *cahiliye* was seen as being waged abroad by the AK Party itself. While the concept remained central to the discourse of Turkey's Qutbians across time, changing circumstances altered its significance and purpose.

Ultimately, I argue that a praxis-oriented, local hermeneutics of Qutb's writings furthers our understanding of Islamist politics in two ways. First, reading Qutb through the discursive practices of Qutbians helps recuperate the living and dynamic imprint of Qutb's political thought and flesh out the ways in which his intellectual legacy implicates Islamic activism in specific localities. For a contextualized discussion of Islamist ideas in practice, it is necessary to attend to the creative engagements between texts and situated actors who feel urged to articulate concrete answers to the pressing issues of the present through these texts. Secondly, a micro-analysis of the specific politics that are inspired by influential Islamist texts helps us refine the more formulaic descriptions of the political project of Islamism—such as rejecting secularism or submitting to *sharī'a*. As this paper seeks to demonstrate, Qutb's writings are continuously reinterpreted by specifically positioned Islamist groups and intellectuals around the world in the light of the contemporary developments that they face. Attending to that lived and living hermeneutics is key to an applied, contextualized understanding of contemporary Islamist thought.

Qutb Goes to Turkey

Qutb's ideas began to achieve an audience in Turkey following the February 1965 publication of "The Genuine Muslim: Sayyid Qutb" in the Islamist journal *Hilal*.[11] While containing sparse biographical data, it summarized the works of Qutb, including "Social Justice in Islam" and "This Religion is Islam." In 1966 *Hilal* worked again to publicize Qutb, announcing the news of his execution together with news of his latest publication, *Milestones*. Publicized in Turkey as "the book that brought execution," *Milestones* was translated in Turkish two months later. For Hamza Türkmen, a prominent intellectual within Özgür-Der, Islamic revivalism in Turkey received its initial sparks from Qutb's *Milestones*. Alongside burgeoning Islamic revivalism in Turkey in the 1970s, Qutb's works, especially after the Turkish translation of *In the Shade of the Qur'an*, were received with suspicion and criticism by traditionalist, right-wing Muslim intellectuals such as Sezai Karakoç and Necip Fazıl Kısakürek for its critical revision of Islamic history that equated the reign of the third caliph Uthman Ibn Affan (r. 644-56) with the beginning of Islam's fall into *jahiliyya*. The early reaction of the conservative Islamic sector notwithstanding, Qutb's books continued to be translated in Turkish by the International Islamic Federation of Student Organizations in Kuwait and local publishers alike.

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[11] This section borrows from Hamza Türkmen, who outlines the process of transculturation of Qutb's ideas in H. Türkmen, "Seyyid Kutub'un Mesajını Anlamak ve Geliştirebilmek" [Understanding and Developing the Message of Sayyid Qutb], in *Islami Mücadelede Öncü Şahsiyetler* [Pioneering Figures in the Islamic Struggle] (Istanbul: Ekin Yayınları, 2009), 242–44.

Since the 1960s, Qutb's ideas have profoundly shaped the worldview of Islamist groups in Turkey, though, as Bülent Yılmaz notes, "Qutb's ideas took on different manifestations [tezahür] in different communities."[12] In line with other Islamist activist-intellectuals at Özgür-Der, Yılmaz considers the two essential contributions of Qutb's thought to be (1) his call to return to the Qur'an and (2) a gradualist, society-centered method of Islamic struggle predicated on the ways in which the first generation of Muslims (the direct addressees of the revelation) understood and "lived" the Qur'an. Yılmaz considers Islamist actors in Turkey to have historically misread this message: some understood Qutb's Qur'anic generation to suggest a hasty, state-centered struggle to institute Islamic governance from above, whereas others misinterpreted his call to return to the Qur'an as demanding dissociation from worldly affairs.

Similarly for Türkmen, Qutb's mature message in his post-1960 writings has not been sufficiently understood and furthered, nor has his Qur'an-centered project of ıslah (reform) been socialized in a concrete and didactic manner among the Muslims in Turkey.[13] In particular, he singles out the writings of a prominent Muslim intellectual, Ali Bulaç, as representative of a more general misunderstanding of Qutb. Bulaç, in his 2001 article "Terror and the Trajectory of the Islamic Movement", accuses second-generation Islamists such as Qutb and Mawdudi for the heavy emphasis they placed upon a state-centered "formal Islam" (resmi Islam) instead of the "civil Islam."[14] This reading, for Türkmen, fails to grasp the intellectual evolution of Qutb's thought and contradicts his objective to resuscitate the Qur'anic generation, which, "can only be explained with reference to such concepts within the Islamic tradition as ıslah and sunnetullah,[15] instead of sociological constructs such as civil versus formal Islam."

For Türkmen, such prevalent misreadings have been partly due to the meager efforts to disseminate a correct understanding of Qutb's intellectual project.[16] Indeed, until relatively recently Qutb remained a peripheral figure in Islamist public discourse in Turkey. Public events such as panels and symposiums that address Qutb's message had been limited to two panels organized by IDKAM (Islamic World Cultural Center) on August 26,

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[12] Islah Haber, a Diyarbakır-based Islamist news website, interviewed Bülent Yılmaz on the contemporary meaning and imprint of Qutb's thought, as part of their "interview series on Qutb" carried out in August 2012 to commemorate the 46th anniversary of Qutb's martyrdom. References in this paragraph are taken from this interview. Full script is available at: http://www.haksozhaber.net/seyyid-kutub-pasifizme-cagirmadi-31966h.htm.

[13] Türkmen laments the relative lack of understanding of Qutb's message not only in Turkey but also among Egypt's Qutbiyyun (active followers of Qutb) such as groups among the Muslim Brothers, salafist communities, at-Takfir wa al-Hijra, Jamaat-i Muslimin etc, in comparison to such western scholars as "the young orientalist" Roxanne Euben. Türkmen, "Understanding Qutb," 249-50.

[14] A. Bulaç, "Teror ve Islami Hareketin Seyri", Zaman, November 15, 2001. Quoted in Türkmen, "Understanding Qutb," 258.

[15] The word literally means the custom or the way of God. In the Qur'an, the term is used in the context of the unchanging universal laws of divine origin, which men ought to observe.

[16] Türkmen, "Understanding Qutb," 248.

1995 and August 24, 1996, entitled "Sayyid Qutb and the Qur'anic Generation", followed by the "Sayyid Qutb Symposium" organized by Irfan Vakfı on December 21–22, 1996, on the 30th anniversary of Qutb's martyrdom.

But in recent years Qutb and his thought have become more prominent in Islamist debate and politics in Turkey. The 35th and 40th anniversaries of his execution were commemorated in panels organized by Islamic associations (by Özgür-Der in 2001 and Medeniyet Derneği in 2006). Importantly, since 2009 Özgür-Der has been active in planning regular public events in commemoration of Qutb's martyrdom, featuring lectures by Islamist public intellectuals, Qur'anic recitation, short videos on Qutb's life and legacy, and mini-concerts by Islamist music bands. In addition, local branches of Özgür-Der, operating across Turkey, have hosted regular lectures on Qutb and his vision of a revived Qur'anic generation, aspiring to build a community of believers who would center existence and Islamic struggle around the Qur'an, understood not as an ossified "object" but "a constructive subject" (*inşa edici özne olan Kur'an*).[17]

What explains this efflorescence of Qutb in Turkey? The increase in Qutb-related public events is largely grounded in a flourishing Islamic civil society under the AK Party government, which, over the course of its rule, has sponsored the proliferation of Islamic organizations and educational initiatives. To put it another way, the easing of the secular state's restrictions on Islamic civic life has led to a burst of activism and more vibrant intellectual debates among Turkey's Islamists. But this broadened platform that enabled Islamic activists to expound their ideas has also provided the conditions for an Islamist *critique* of the AK Party. Until recently, Özgür-Der literati had used Qutb's notion of an authenticated, pristine Islamic identity to question AK Party's moderate Islam, one which allied Muslim identity with secularism, neoliberalism, and pro-Western politics. From the perspective of Özgür-Der's Islamism, AK Party's reconciliation of Islamic politics with Western modernity contravened Qutb's project of an exemplary generation of Muslims purified of all un-Islamic ideological influences.

As promoted by Özgür-Der intellectuals, Qutb's mature thought proposes a method of Islamic activism that envisions a long and arduous process of raising an exemplary pious generation, one which begins with "planting the seeds of Islamic morality, discipline [*terbiye*], and faith in society."[18] Qutb's Qur'anic generation ideal posits the companions of Prophet Muhammad, who reconstructed their subjectivities after the Qur'an upon receiving its revelatory message, as role models to be emulated by contemporary Muslims. Accordingly, this amounts to scrutinizing and re-making one's past sensibilities,

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[17] Abdülhakim Beyazyüz, board member of Özgür-Der's Diyarbakır branch, interviewed by Islah Haber as part of their "interview series on Qutb," carried out in August 2012 to commemorate the 46th anniversary of Qutb's martyrdom. Full script is available at: http://www.haksozhaber.net/seyyid-kutub-modasi-gecmis-bir-onder-degildir-32116h.htm.

[18] Excerpt from Ali Ihsan Kayagil's lecture in the panel entitled "Seyyid Kutub'un Çizgisi ve Kur'an Nesli Ideali" organized by Özgür-Der's Beykoz branch (Istanbul) as part of their monthly panel series, on January 31, 2014. A summary of the panel is available online in *haksozhaber.net*.

habits, emotions, deeds and thoughts in line with the teachings of the Qur'an. In keeping with their criticism of Turkey's wayward Islamists, Özgür-Der intellectuals also highlight the individual's duty to spread the Qur'anic message, inviting fellow Muslims to true piety.

The next sections will focus upon precisely this effort at dissemination, examining public events organized by Özgür-Der in commemoration of Qutb's martyrdom in 2001, 2009 and 2013. As will be shown, even though the doctrinal anchors of a Qutbian Islamist struggle, as understood by Islamist activist-intellectuals, resonate across time, the changing political contexts bring about different discursive practices, adversaries, polemics, and road maps for Islamist struggle. In each instance, Qutb's texts, though historically finite, are creatively read in the present and reconfigured in relation to the changing political dynamics that encapsulate (reading) actors, ones who revisit Qutb's ideas to illuminate their changing realities.

Reading Qutb prior to the Arab Spring: *Cahiliye* as Muslims' Intellectual Disunity and Capitulation to Western Modernity

On August 29, 2009, a local branch of Özgür-Der marked the 43rd anniversary of Qutb's martyrdom with a commemorative event in the Bağcılar district of Istanbul. Coinciding with the holy month of Ramadan, and following the fast-break at sunset, the meeting started at 9pm and lasted until midnight, hosting approximately 500 participants in the Bağcılar Municipality's Cultural Center in the outskirts of Istanbul's European side. Beginning with Qur'anic recitation, the event program included public lectures, the screening of a short documentary on Qutb's life, and a live performance by the Islamist music band Grup Yürüyüş.

In the conference hall hosting the event, both sides of the stage facing the audience were blanketed with a large Turkish flag on one end and an equally massive poster of Atatürk, the founder of the secular Republic, on the other. Imbued with the visual symbols of the Turkish state, the interior of the conference room was otherwise plainly dressed for the occasion: a handful of Özgür-Der flags carrying its symbol (a flying bird) and its (then) motto "resistance, justice, freedom" were posted on the wall behind the speaker's stand, together with a medium-sized poster of the event.

Three Islamist public intellectuals, Hamza Türkmen, Beşir Eryarsoy and Mehmet Pamak, delivered lectures on the content, meaning, and contemporary relevance of Qutb's legacy for Turkey's Muslims, drawing upon anecdotes from Qutb's life and struggle under Nasser's regime. The lectures were followed by the brief greeting speech of Iman Reyyan, the daughter-in-law of Nizan Reyyan, a Hamas member who died together with the rest of his family members in Israel's 2009 attack on Gaza. In contrast to the calm and monologic atmosphere during the lectures, the appearance of the guest speaker from Hamas on stage stirred up a public display of solidarity among the

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audience, and led into *tekbir* calls[19] by a vanguard cluster of standing men who had steadily congregated on both sides of the stage in the course of the event.

Türkmen's speech started off with a disclaimer: "we did not gather here today to extol Qutb."[20] The objective of this public reunion, he went on, was instead "to learn, analyze and take lessons from Qutb's life of struggle and the strategic expansions (*stratejik açılımlar*)" that he introduced to Islamist thought and method. Summarizing the trajectory of Qutb's life, Türkmen underscored the historical context of his birth and upbringing in Egypt as the high point of western *cahiliye*[21] and British imperialism. "It was a time when European imperialism, taking advantage of the internal dissolution of the fabric of Muslim *ümmet*[22] that in due course had strayed away from its Qur'anic references, carved the Muslim geography into twelve new states, republics and kingdoms." Surveying Qutb's intellectual development, Türkmen particularly dwelled upon Qutb's post-1960 period culminating in *Milestones,* which presents "the hallmark of his mature thought and a manifesto the value of which has not been adequately understood by Muslims as it was by Nasser." In *Milestones*, Qutb sought to "render possible Islamic movements and communities that he respected and took part in, calling them to revise their methodological equipment, and renew themselves." A central contribution of this work, according to Türkmen, is Qutb's instrumentalist, strategic conception of Islamic communities (*cemaatler*) as stepping stones in the formation of "clusters of a Qur'anic generation" (*Kur'an nesli öbekleri*) that would eventually lead the world's Muslims in the re-construction of the transnational Muslim *ümmet*.

In his stage of intellectual maturity, Türkmen recounted, Qutb emphasized two priorities. The first duty of Muslims is to understand and disseminate the correct message of the Qur'an. The second is to form a Qur'anic society, a society of brotherhood grounded upon the principle of mutual consultation (*istişare*) and composed of individuals who craft themselves anew through Qur'anic commands and morality. This however should not be taken as a utopia, as an idealistic, abstract, political narrative. Instead, per Türkmen, Qutb's thought shows Muslims the possible and feasible, rather than calling them "to linger around with a master vision and unrealistic expectations." This vision is grounded on the re-building of the *ümmet*, prioritized as a goal over the formation of an

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[19] The term refers to the proclamation that God is (the) greatest. To express faith and solidarity, one member shouts "*tekbir*" [Arabic: *takbīr*] and the audience responds "*Allahu Ekber*" [God is (the) greatest].

[20] The proceedings of the 2009 public meeting were recorded by the author during the event. References to individual lectures are based on the author's transcriptions and translations.

[21] Türkmen describes Qutb's use of the term *cahiliye* [Arabic: *jahiliyya*] as social orders and structures that are not governed with divine provisions and do not recognize divine sovereignty in all spheres of life. He adds that Qutb borrowed this term from Mawdudi's "Mabadi al-Islam" to refer to "every occasion that gets estranged from Islam." Rather than a historical period, *cahiliye* connotes a renewable state of the *ümmet* breaking from Islam. H. Türkmen, "Seyyid Kutub Anlaşılabildi mi?" [Could Sayyid Qutb Be Understood?] *Haksöz Dergisi* 53/9 (1995), 14–29.

[22] The term refers to the transnational community of Muslims [Arabic: *umma*].

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Islamic state. To that end, Qutb calls for a rejuvenated Qur'anic generation, united in its holistic approach to faith and deed, to lead the battle against the values and institutions of modern *cahiliye*. Appropriating this vision for contemporary Islamist struggle in Turkey, Türkmen told the audience that "the construction of a Qur'anic generation is our primary project, and the end goal of our struggle." In working toward the realization of this vision, "we must arm ourselves with the morals of revelation and pursue divine, revelatory politics (*vahyi siyaset*) rather than formal, realpolitik." This distinction between a state-centered and society-centered method of struggle is a central strategic expansion Qutb brought to Islamist struggle. Moreover, this note hints at Özgür-Der's differentiation of its Qutb-inspired Islamism from the formalized, electoral politics of Islamic parties such as the AK Party and its predecessors.

Türkmen, in common with other speakers, emphasized Qutb's call to "emigrate from nationalist, sectarian, Sufi deviations, and define one's beliefs, terms, culture, and morality through the guidance of the Qur'an like the first vanguard community of the companions of the Prophet." But, how does one practice this sort of intellectual estrangement necessary for becoming an authentic, exemplary *ümmet*? In a brief moment of digression, and straying away from his lecture notes, Türkmen gave an unscripted illustration of the Qutbian imperative to emigrate from all *cahili* structures and values. Drawing the audience's attention to the saturation of the municipality's conference room with symbols of official ideology, he asserted:

> This municipal space that we are in, that by definition must belong to the public, is besieged by the symbols of the secular Republic. Yet, we are Muslims ...
> The government today speaks of democratic opening [through official recognition of minority cultural rights extended to Kurds and Alevis], then why are we constantly subjected to the icons of the nation-state and its heroes?"

Mehmet Pamak, speaking last, echoed Türkmen's critical remarks, inviting the audience members to pressure the (AK Party-run) municipal government to rid public space of such signifiers of official ideology. This shared problematization of the flag and the omnipresent representations of Atatürk is illustrative of the speakers' reading of Qutb. The intellectual and practical emigration required by the reconstruction of the Qur'anic generation encompasses all manifestations of un-Islamic values, including the symbols of the secular state.[23]

In his speech, Eryarsoy echoed Türkmen on what he considered a central contribution by Qutb to the process of Islamic revivalism in Turkey: his holistic message calling Muslims to integrate their beliefs into their everyday praxis, that is, to treat Islam as regulative of all spheres of life. At the time Qutb's books began to be translated in Turkish in

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[23] Türkmen and Pamak's discussion of Qutb's call for emigration from "un-Islamic deviations" resonates with Said Hassan's discussion of emigration from non-Muslim to Muslim societies, this issue. It is possible to argue that Türkmen and Pamak's (lay) perspective shares some of the tenets of the (juridical) "alienation approach" to emigration, as reviewed by Hassan.

1960s, Islamic political consciousness in Turkey were subsumed under a nationalist, right-wing, traditionalist, Americanist (anti-communist) orientation. "Muslims in our geography took the Qur'an to be a book read for the beloved dead on holy nights, and later hidden in a dark corner of the house" where it stays for the rest of the year. From Qutb, he added, Turkey's Muslims learned to see in the Qur'an not only the regulation of faith, but of worldly life as a whole. Pamak corroborated Eryarsoy's remark on the radical impact Qutb's translated works had on a whole generation of Islamists in Turkey coming of age in the 1960s and 1970s. In a personal note, Pamak stated that Qutb enabled his own journey to true faith (*hidayetime vesile oldu*) when he was 36 years old, "around the same age that Qutb migrated from his own *cahiliye* into divine guidance." In that sense, Pamak and Eryarsoy identified Qutb's imprint as the leading of Turkey's Muslims to the critical realization that fulfilling the ritual requirements of Islam does not amount to understanding its message.

The speakers' common emphasis on Muslims' responsibility to reconstruct a Qur'anic generation underscores what they consider to be the central message of Qutb's mature thought, the exemplary integrity of faith and deed manifested in a Qur'an-centered collective existence. By contrast, in 2009 contemporary regimes of power seemed designed to redirect the ideological substance of Islamic revivalism toward a less threatening hybridization of Islam with modernity. In this context, Türkmen and Pamak referenced Qutb's concept of "American Islam," which Türkmen described as "the imperial project that sought to imprison Islam in houses, mosques, and convents and to sever Islam's connection to life and politics by confining it to rituals of worship." Today, Türkmen added, we encounter modern variations of this old project in the form of US-based efforts to propagate a moderate or compromising (*uzlaşmacı*) Islam for Muslims.[24] On numerous occasions, Özgür-Der intellectuals identified the AK Party as the domestic poster child of moderate Islam, with its "conservative democratic" agenda that integrated Islamic politics with the secular state and the free market, promoting Islam as a matter of individual faith, identity and lifestyle.

Subsequent to Türkmen, Pamak took up this question, further elaborating on the contemporary derivatives of "American Islam" in the context of Turkey. His reflexive criticism of Islamist struggle in Turkey problematized the process of change that many Islamists have undergone in the last decades under the growing hegemony of liberal ideology in the post-Cold War political climate. He asserted, "those who used to read Qutb's concept of 'American Islam' yesterday, operate today as carriers of moderate Islamism; American Islam's modern-day equivalent."[25] Pamak maintained that these circles,

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[24] This critique could possibly extend to the *fiqh* organizations examined by Hassan in this issue, such as the *Dar al-Ifta al-Missriyyah*, with its origins in colonial era Egypt; Western-based *fatwa* committees; and the European Council for *Fatwas* and Research. From Türkmen's perspective, such groups that preach a conciliatory position between Muslim minorities and non-Muslim polities may appear susceptible to charges of "propagating a moderate, compromising Islam for Muslims."

[25] For an example of European and American efforts to promote a moderate Islam in colonial Southeast Asia, hoping to "engender pliant and devout 'good Muslims,'" see Gedacht in this issue.

including erstwhile radicals who joined AK Party's ranks after 2001, had walked away from Qutb-inspired efforts to transform the totality of social life, and ended up integrating Muslims ever more firmly into the modern *cahili* system. Against this backdrop, Pamak's speech capitalized on his sense of disillusionment with the achievements of Turkey's Muslims in terms of understanding and carrying Qutb's project further.

> Where are those who read Qutb, those who joined with the Qur'an upon reading *Milestones*? Or, has anyone changed the milestones? Where are those who call to the Qur'an [*Kur'an davetçileri*]? They should be the honored witnesses [*şahitler*] calling us to the Qur'an, and not to political practices and parties that stand for annexation into and reconciliation with the secular, capitalist system [a tacit reference to the AK Party]. Why do those who are supposed to confront *cahiliye* head-on want us to lean on one form of *cahiliye*? [...] Before forming first a nucleus, then a full-blown community [*ümmet*], the Qur'anic message cannot be lived, nor disseminated. That is what Qutb's message amounted to.

In Özgür-Der's 2001 commemoration of Qutb's martyrdom, Pamak more bluntly specified his targets of criticism. Four Islamic groups in Turkey, he argued, had replaced the goal of transforming society with a reformist agenda perpetuating the *existing* social order: modernist Muslim intellectuals, Islamist parties, followers of Fethullah Gülen, and Islamic human rights organizations. These Islamic groups have since the 1970s moved towards reconciliatory, democratic, even secular tracks, pursuing and defending projects that deploy discourses of legal pluralism, multiculturalism, and tolerance.[26]

Exemplifying this hybrid reformism among Islamic actors in Turkey, Pamak cites Muslim intellectuals such as Ali Bulaç who have taken "a democratic pledge" to "adapt the Compact of Medina for pluralist, multicultural projects of social co-existence among different constituencies, while resigning from the call to transform the society in all its registers." Another manifestation of that reformist logic had been the *Adil Düzen* (Just Order) project promoted by the Islamist Welfare Party (AK Party's predecessor) in the 1990s. In Pamak's eyes, this project "synthesized the normative benchmarks of global imperialism and modernity with Islamic motifs." Moreover, he accused the Islamic NGO, Mazlum-Der, which he himself founded in 1991, for deviating in time into a "democratic human rights" struggle emptied of Qur'anic concepts, references and guiding principles. Finally, Pamak attacked the Abant Councils[27] for popularizing "reconciliation based

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[26] M. Pamak, "Kur'an Nesli Inşası, Toplum ve Sorunlarımız" [The Building of the Qur'anic Generation, Society and Our Problems], in *Kur'an Neslinin Inşa Sorumluluğu: Sempozyum* [The Responsibility to Build the Qur'anic Generation: A Symposium] (Istanbul: Ekin Yayınları, 2001), 111.

[27] Organized by the Abant Platform, Abant Councils refer to the regular panel and roundtable discussions first held in Lake Abant in the city of Bolu. The honorary president of the think tank sponsoring the Councils, the Abant Platform, is Fethullah Gülen. Pamak's critical reference to the "Abant Councils" for that reason implies a broader criticism targeting the Gülen community and its modernist hermeneutics of the Islamic tradition in conformity with the official ideology of nationalism, statism and secularism.

upon tolerance." The Abant meetings, for Pamak, represented Gülenist attempts to engineer an intellectual accommodation of the Qur'an with secularism and democracy. With these threats in mind, Pamak argued that the struggle for a revived Qur'anic generation must include a critical awareness of the "reconciliation paradigm," corresponding it to "global imperialist forces and their local collaborators," and seeing in it a carrot policy designed to tame and contain the threat of Islamic revivalism.[28]

Scholars of Muslim politics have long considered the ideological transformation of radical, revolutionary Islamism into pro-system movements a healthy development, and described this process as rationalization, democratization, secularization or passive revolution (the absorption of radicalism into a market-driven, partially democratic and even pro-western conservatism).[29] Pamak's lecture, however, read this sociological process identified by social scientists, the absorption of erstwhile Islamists into neo-liberal, democratic, pro-western politics in Turkey, as a strategy of domination and containment that, until fully exposed and reversed, must be actively confronted. If, per Pamak, the cultural-political referents of western modernity such as individualism, secularism, capitalism, and liberalism should not be borrowed to envision and construct "another world" free of oppression, exploitation and injustice, recent anti-globalization movements and the "postmodern" paradigm upon which they rest are equally inadequate in creating a viable, alternative road map for Muslims.[30] A healthy opposition to the system, for Pamak, should be constructed on the sole means of salvation Muslims possess, which is the Qur'an. He added, "it is imperative on each Muslim to disseminate this blessing of salvation to those who fail to transcend western paradigms in their quest for a counter-hegemonic stance."

As demonstrated in this section, the besieging domination of *cahili* forces on the collective intellect of Turkish Muslims was a central thread in local Islamist exegesis of Qutb. Prior to the contentious events of the Arab Spring, Özgür-Der literati had promoted a reading of Qutb that reveals and counters the process of hegemonic absorption of Islamic thought and practice into liberalism and postmodern intellectual trends such

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[28] Pamak, "Building of the Qur'anic Generation," 116.

[29] G. Cavdar, "Islamist New Thinking in Turkey: A Model for Political Learning?" *Political Science Quarterly* 121/3 (2006), 477-97; M. Cinar, "Turkey's Transformation under the AK Party Rule," *The Muslim World* 96/3 (2006), 469-86; V. Nasr, "The Rise of Muslim Democracy," *Journal of Democracy* 16 (2005), 13-27; G. Robinson, "Can Islamists be Democrats? The Case of Jordan," *Middle East Journal* 51 (1997), 373-88; B. Turam, *Between Islam and the State: The Politics of Engagement* (Stanford: Stanford University Press, 2007); C. Tugal, *Passive Revolution: Absorbing the Islamic Challenge to Capitalism* (Stanford: Stanford University Press, 2009).

[30] In his 2001 speech, Pamak called out "the process of individualization stimulated by modernity and postmodernism" as a site of Islamic struggle inspired by Qutb. Accordingly, Islamic modernism ushered in rationalist, positivist hermeneutics of the Qur'an, whereas postmodern intellectual influences led some Muslims to relativize and historicize Qur'anic meaning. Against this pluralization and individualization of Islamic faith, he asserts, Islamic consciousness and praxis should be built "on our authentic, unique paradigm constituted by original references to the Qur'an and the example of the Prophet." Pamak, "Building of the Qur'anic Generation," 116.

as relativism and historicism. To that end, they particularly mobilized and elaborated on Qutb's concepts of "Qur'anic generation" and "American Islam," comparing and contrasting each with the errant Islamic actors of the day, including the AK Party, Gülenists, and other Islamist intellectuals. In their public lectures, excepting marginal efforts at an Islamic revival (such as their own), Özgür-Der's Islamist intellectuals construed present society as having surrendered to the intellectual siege by *cahili* norms and values produced by modernism and the most recent "postmodern diversions." Accordingly, the struggle to revive a Qur'anic generation against the hegemonic order should also be extended to those (fellow Muslims) who reconcile with and augment the power of the *cahili* system: the method of struggle must be to publicly oppose them and seek to correct their deviations. This Qutbian diagnosis of the present by Özgür-Der intellectuals— the *cahili* cultural siege and the resulting intellectual disunity of Muslims—bestowed a rather bleak tone upon the general atmosphere of the commemoration meeting in 2009.

Reading Qutb in the Shadow of the Arab Spring: *Şehadet* and the Resurrection of the Ümmet's Transnational Unity

Post-Arab Spring commemorations of Qutb give us a window into the ways in which hermeneutics are imbricated with the politics of the day. Since 2011, public discussion of Qutb's message has reflected the series of "intifadas" taking place in the region, especially Tunisia, Egypt, Libya and Syria. This becomes clear in the public commemoration of the 47th anniversary of Qutb's martyrdom on August 29, 2013, entitled "Sayyid Qutb night and Egypt's resistance," which came on the heels of the Egyptian military's toppling of President Mursi, Egyptian security forces' raiding of pro-Mursi protests in Cairo's Rabaa al-Adawiya square as well as anti-government protests across Turkey.[31] We see three divergences or innovations that distinguished the 2013 event from the foregoing gatherings: first, a new reading of Qutb's concept of *cahiliye*, second the raising of the idea of *şehadet*, and third, the identification of the audience and contemporary Islamist struggle in the region with Qutb himself. Both the concept of *şehadet* and the forging of spiritual identifications across time and space had the effect of calling the audience to perform Qutb's message. These innovations mark a turn in Islamist activism of Özgür-Der's

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[31] The 2013 commemoration was organized by Özgür-Der's local branches in Bağcılar and Başakşehir (Istanbul). The program, broadcast live on Islamic channel Hilal TV, took place in an open-air auditorium in Başakşehir gathering an audience of roughly 500 people. In addition to lectures by Hamza Türkmen, Adnan Inanç and Abdurrahman Dilipak, the program also featured a video screening and the live performance of Grup Yürüyüş. By contrast to the 2009 event, conspicuously absent were the symbols of the republic. On the walls that framed the auditorium, large posters read "we support the resistance of our Muslim brothers in Egypt" and "regards from Istanbul to honorable Egyptians" in Turkish, Arabic and English. Facing the audience, the stage was blanketed with large placards that read: "murderer Sisi, murderer Esad, their partners in crime: Abu Suud, Russia, Iran, they will drown in the blood they shed." On both sides of the stage stood two massive banners in Turkish that read "brotherhood demands a price" and "it is not enough to stand against the Pharaoh, we must stand with Moses."

literati: if the 2009 meeting sought to form an internal, intellectual critique of statist, conciliatory Islamist politics in Turkey, the 2013 event trained its vision externally, upon the Muslim world as a whole.[32]

First, in common with the 2009 commemoration, speakers at the 2013 Qutb night mobilized Qutb's concept of *cahiliye* to identify contemporary sites of Islamic struggle. But they did so in a new way. Discussed in 2009 mainly in relation to modernity's intellectual siege on Islamic groups within Turkey, Islamist intellectuals invoked *cahiliye* in 2013 to refer primarily to contemporary Western strategies to stymie the transnational unity of Muslim societies in the Middle East. For instance, Türkmen's 2013 speech associated *cahiliye* with the context of a continuing process of colonization of Muslim societies. This process, he argued, began with the creation of separate nation-states in the Middle East and continues today in the realm of culture and governance, marked by the infiltration of western norms and values into the social fabric of the region.

> Qutb was maybe the first after the Prophet to speak of the *cahili* society, a society of *ifsat* [chaos, disorder] and of colonization, that is, the nation-societies that have been imposed upon us, in Tunisia, Libya, Iraq, Syria, Egypt etc. [...] These names do not exist in the history of Islamic civilization, they have been built in our geography by western colonizers who divided up our lands with artificial borders and cut off our hands from each other [...] The project of creating nations out of the *ümmet* is a project of colonization of the lands of Islam, of converting Muslims into western *cahili* values, that is, a project designed to westernize us. [...] The tendencies of westernization manifest in governance and social landscape turned us into the orphans of the Muslim *ümmet*.

Abdurrahman Dilipak, a prominent Islamist public intellectual, took up Türkmen's remarks on historical and contemporary manifestations of *cahiliye* and added to it the "un-representative" character of power-holders who governed the region through policies "that were not grounded in the beliefs, culture, and preferences of the people." Seen as such, the predominance of authoritarian, secularist, military regimes and conservative monarchies in the postcolonial era can be explained primarily through western powers' imperial agenda and geo-strategic

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[32] This article shares with Gedacht and Wellman (this issue) a focus on the political implications of practices of reconstructing historical memory and commemorating martyrs. Juxtaposed together, these three papers demonstrate the divergent political uses to which the memory of martyrs has been put by Muslim activists and officials in disparate historical and spatial contexts. Gedacht's analysis shows how the memory of holy war and martyrdom has been reinvented and harnessed by Acehnese Muslim activists in the context of the nascent Acehnese nationalism of the 1930s. In a similar vein, Wellman argues that state officials and regime supporters in post-revolutionary Iran have deployed the memory of martyrdom to sacralize the national landscape. By contrast, this article states that the memory of Qutb's martyrdom has been mobilized by Özgür-Der activists in the context of the Arab Spring to opposite effect, i.e. to engender a politics of Islamic transnationalism, critical of nation-states.

interests at odds with grassroots developments in the region. Adnan Inanç, the director-general of Hilal TV, voiced a similar distrust of "the former colonial powers of the West" that "unsurprisingly" fail to speak up for the rightful and the oppressed in the present era: "We can't expect them [Western powers] to stand up against the coup in Egypt, we can't expect sympathy or mercy looking at their history." Accordingly, the history of colonialism provides testimony to the contemporary hypocrisy of Euro-Atlantic powers with regards to the military coup in Egypt and their reluctance to advocate democratic values and procedures on behalf of the deposed, first democratically elected President of Egypt.

Following Türkmen's outline of a history of Western intervention and political ascendancy over Muslim societies, Inanç mentioned specific techniques of power deployed by the West to delegitimize Islamist parties' electoral gains in the Arab Spring. Beyond determining the artificial boundaries of nation-states in the region, the West today projects a subtler, diffused power of propaganda and "perception management" to shape popular attitudes through traditional and social media—as illustrated by the media campaign pronouncing the dictatorial tendencies of Mursi and Erdogan. Islamist intellectuals' reading of *cahiliye* had problematized Muslims' absorption into secular liberal modernity before the Arab Spring, whereas in 2013 their diagnosis of *cahiliye* stressed Western powers' strategies to reverse Islamist parties' democratic appeal and hinder transnational solidarity among Muslims post-Arab Spring.

A second innovation that framed Islamist intellectuals' discussion of Qutb in 2013 was a collective reference to *şehadet,* with a double meaning of bearing witness to the message of Islam and martyrdom for the cause of Islam. Using the word's ambivalent semiotics to intertwine the two meanings, Türkmen's speech identified Qutb's *şehadet* as the apogee and exemplification of his message of faith-deed integrity. Encapsulated in his decision to sacrifice his life, contemporary Muslims can find the Islamic prerogative to live and bear witness to the Qur'anic struggle against all forms of injustice and tyranny. In a similar vein, Abdurrahman Dilipak emphasized that the Muslim Brothers' resistance in the Adawiya square gives a Qutbian lesson of *şehadet* to Muslims, a lesson that promises to reunite the broader Muslim world behind the dictum to live Qur'anic and prophetic ordinances (such as speaking up against all forms of injustice and cultivating a transnational ethic of responsibility towards all Muslims).

Seen in the light of Qutb's (realistic) utopia of a reconstructed Qur'anic generation, the Muslim Brothers' unsuccessful resistance to restore Mursi to power should not betray the victory enclosed therein. For Türkmen, the sit-in in Adawiya square and the symbols of resistance it produced have trans-historical and transnational implications beyond Egypt in actualizing the Qutbian utopia. From his vantage point, Muslim Brothers' "principled resistance to the military state brings into being a vanguard force," evoked in *Milestones*, that rekindles the reconstruction of an exemplary, authentic *ümmet*.

> They're asking, did the Muslim Brotherhood win in Egypt? They won *us* at the very least, they gained the hope of reviving the *ümmet* [. . .] People attribute new meanings to the rabia sign,[33] [it symbolizes that] our fates in Libya, Palestine, Egypt, Syria, Turkey are interdependent.

In contrast to pre-Arab Spring readings of Qutb that problematized the *cahili* deviations of Muslims, the Qutb night in 2013 proffered a hopeful, animated vision of the immanent unity of Muslims as an *ümmet* triggered by Islamic resistance to authoritarian regimes in Egypt and Syria. Echoing Türkmen, Abdurrahman Dilipak began his emotionally laden narrative by noting the newfound sense of unity among Muslims across the region, sparked by the martyrdom of more than 500 Muslim Brothers in Adawiya square by Egyptian security forces.

> The blood of those martyred in Syria and Egypt is resurrecting the *ümmet*. Their blood turned into an elixir. We're confronting the Book once again, we're becoming Muslim anew. Their blood is drawing us closer, bringing us together across 20 cities. They died once, we revived 1000 times today. We are all Mursi. We are all the daughter of el-Beltagy.[34] Today is a new beginning [. . .] The Euphrates and the Nile are brothers.

This new beginning, however, bestows individual responsibilities on pious Muslims. For Dilipak, *şehadet* as a mode of existence that applies divine commands enclosed in the Book and the *sünnet*[35] of the Prophet, is not something to be uttered but has to be actively cultivated in a process of internal self-scrutiny. Turning away from "western powers" and "comprador traitors," Dilipak's discussion of *şehadet* mobilized the register of individual responsibility for servicing God, realizing His will on earth, and uniting with fellow Muslims. Per Dilipak, the Qutbian struggle against tyranny and imperialism starts from within the pious self, and in a seemingly trivial front: smoking. Through an interactive exercise, he subjected the audience to a test of sincerity and courage to live up to the ideas distilled from Qutb's life and works. Living in accordance with one's beliefs, standing up against injustices should not be mere slogans, but internalized as a modus operandi of daily, mundane existence.

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[33] Rabia stands for the Rabaa al-Adawiya Mosque in Cairo that became a symbol of the months-long sit-in organized by supporters of the Muslim Brotherhood demanding a reversal of the coup d'état that deposed President Mohamed Mursi on July 3, 2013. Over the course of summer 2013, the black and yellow logo "R4BIA" became a popular sign standing for the peaceful resistance of Muslim Brothers to the Egyptian army's coup, and was widely circulated through social media. The logo also popularized a special hand symbol (or greeting as it is also called, "*rabia selamı*) raising four fingers—*rabaa* in Arabic also means "fourth, four."

[34] The reference is to Asmaa el-Beltagy, the 17-year-old daughter of the secretary-general of Freedom and Justice Party, who was shot by Egyptian security forces during a sit-in in a Muslim Brotherhood protest camp on August 14, 2013.

[35] *Sünnet* [Arabic: *sunna*] refers to the teachings and practices of the Prophet Muhammad.

> It is easy to shout *tekbir*, I dare you to throw at me the devil's herb you carry
> in your pockets. Come on, can you do it? Let me see your valor [*yiğitlik*]. Con-
> sistent worship is more acceptable (*makbul*) than ample worship. You can't be
> casting a curse on imperialism while you have Marlboro cigarettes in between
> your fingers, the devil would mock you! [...] "Down with America," here drink
> some Coca Cola! This cannot be! *We must be prepared to make sacrifices in
> relation to the things we say.*

Thereby exposing the "hypocrisy within", Dilipak's persistent call to the audience to
publicly dispense with their cigarettes encouraged an initially embarrassed audience into
participating: the lowered, guilty faces of some men seated in the first few rows steadily
relaxed with more cigarettes flowing down to the stage floor. Dilipak administered the
event through unrelenting, passionate encouragement, augmented by the cheerful
applause from audience members. His encouragement fused the religious and political
meanings of the act of giving up on smoking: he kept asking for evidence of manliness,
and shouting God is great while raising his four fingers as per the "rabia" symbol.

Subsequently turning towards women in an equally provocative tone, Dilipak called
upon women in the audience to critically question their past efforts, in their fundamental
role as *mothers,* in working for divine consent.

> Ladies, if what you're wearing on your head is a headscarf, a symbol of faith,
> of freedom—and freedom for us is not to be a servant to servants, not to take
> others as deities, it is instead an absolute submission to God, his messenger
> and his Book—if the brain you carry inside your head does not possess these
> values, what you cover it with is not a headscarf, but a piece of cloth [...]
> Women don't give birth only to children, but to society. Where are those moth-
> ers who would say 'go my child, come either a veteran or a martyr,' where are
> you? You give your children away to the system [*düzen*] as cheap laborers, as
> servants. They fear everyone and everything but God.

Şehadet, as an encapsulation of Qutb's message, requires individual Muslims to bring
their practices in line with their beliefs in a Qur'an-centered life through constant self-
surveillance and discipline. Moreover, Islamist intellectuals' discussion of *şehadet* in
2013, taking its cue from the exemplary struggle of Qutb, sought to join personal piety to
transnational Islamist solidarity in the region. Seen against the vantage point of pre-Arab
Spring commemorations of Qutb that deplored insufficient socialization of Qutb's pro-
ject, the 2013 Qutb night interpreted the present as the unfolding of Qutb's utopia. The
blood of martyred Islamists in the region ushered in a fervent and hopeful vision of an
immanent transnational solidarity within the *ümmet,* which would undo the *cahili*, colo-
nial structures that presently govern it. Moreover, in 2013, the targets of Islamist intellec-
tuals' Qutbian critique of the present changed from domestic Islamic actors such as the
AK Party cadres, Gülen community, and modernist Muslim intellectuals and organiza-
tions to authoritarian, Arab nationalist regimes in the Middle East.

The call to *şehadet* overlaps with or informs the third characteristic of the 2013 event,
Qutb's ideas and legacy had become something *to perform*. The difference between the

2009 and 2013 meetings, in this regard, is stark. The former was marked by a sequence of formal lectures read by speakers from behind a lecturer's stand, with a less interactive atmosphere between the speakers and the audience. In the latter, the speakers adopted a more informal, rhetorical, and interactive style of speech, moving back and forth on stage instead of reading from behind a stand. Correspondingly, the audience was much more involved in the proceedings. They themselves decorated the 2013 event, carrying Turkish and/or Egyptian flags,[36] pictures of Qutb as an inmate behind prison bars, pictures of Egypt's deposed President Mursi with captions that read "*sizinleyiz*" (we stand with you), "r4bia" banners and other placards sending God's peace and blessing to the Muslim Brotherhood. Their verbal participation was orchestrated by a man who would shout a different slogan at regular intervals in the course of speakers' talk, using a microphone, which would then be repeated by the audience: "Sayyid Qutb, your path is our path", "the Islamic movement cannot be obstructed," "*tevhid*, justice, freedom," "*lebbeik ya Allah* [here I am, O Allah]." In other instances, the audience participated in the event through a more spontaneous emotional response, as during the video screening of collated visuals of violent clashes between pro-Mursi demonstrators and Egyptian security forces in Rabaa al-Adawiya square. Mounted to an emotional poem "brother, you are free" written by Qutb in prison and exalting martyrdom, these visuals provoked tears and *tekbir*s. In addition, Grup Yürüyüş sang revolutionary marches in tribute to martyrdom and the global intifada against imperialism and Zionism. In the light of this performative, participatory character of the proceedings, the 2013 Qutb night resembled a public demonstration, a rally to express solidarity with the ongoing resistance of the Muslim Brotherhood and similar-minded Islamic groups in Egypt and Syria.

This rally-like format was especially conducive to achieving the purpose of commemoration events: a lived hermeneutics of Qutb's message. The event's organizers and the speakers sought to provoke this performance through a series of identifications forged across time and space: between Qutb and Moses, between Nasser and Assad-Mubarak-Sisi, between Qutb and the Brothers in Adawiya square, between the audience and the martyred Brothers, between the audience and Qutb. Degirmenci's introductory speech was the first to forge a historical analogy, a relation of direct equivalence between the conditions and message of Qutb's martyrdom in Nasser's Egypt in 1966, and the martyrdom of Muslim Brothers in August 2013, by the Egyptian security forces.

> Qutb has attained a correct [*sahih*] direction in the shadow of the Qur'an and become one of the most important, distinguished and honored travelers [*yolcu*] of this path. The line of resistance, this universal testimony [*taniklik*] that he bore, refusing to apologize to the Pharaoh to escape execution, is still alive and has been staged for months in Egypt.

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[36] In clear contrast to the 2009 commemoration during which Islamist speakers framed the Turkish flag on the wall as an unwelcome imposition of state ideology, the 2013 Qutb night featured the flag waved by audience members as a signifier of the transnational solidarity of Muslims across borders.

In a similar vein, Türkmen presented Egypt's Muslim Brotherhood as the spiritual and practical embodiment of Qutb's message, fighting a Qutbian battle against the military state in the summer of 2013:

> The present shura council of the Muslim Brotherhood, each member being a Qutb and Banna, together with Muhammad Bedii, the Supreme Guide, reached a collective reason in trying to apply Qutb to real life [...] Asmaa [the daughter of Muhammad el-Beltagy] became a martyr, shot on her back, striving for the goal of re-uniting the *ümmet* like rings that unite in a chain [...] Their tactic is peaceful resistance: it was as if they were updating the struggle of the Prophet against the infidels, the oppressors and the polytheists in Mecca, as if they were updating the first martyr Sumeyye [bint Hayat]. Bedii said, 'we will gain freedom with our blood, our martyrdom.' God tells us, 'do not say what you will not do.' They (the Muslim Brotherhood) demonstrated an exemplary leadership to Islamic history.

In his analysis of the contentious events of summer 2013, Türkmen framed the Muslim Brothers' resistance to the overthrow of Mursi as an exemplary revivification of the struggle of the first Muslim community—harking back to Qutb's message in *Milestones*. It is clear, from the speaker's lectures, that the Muslim *ümmet* that needs to model itself after the first Qur'anic generation does not only wage a battle of survival against disbelievers from without (read exogenous, neo-colonial powers). The transnational unity of the *ümmet* has to be imagined and forged at the expense of "comprador traitors" from within, a dynamic and fluid category. Both the General Sisi-led government in Egypt and the Assad regime in Syria are construed as "murderers who martyred our brothers", a contemporary manifestation of the *ashabi uhdud*, an ancient tribe, mentioned in the Qur'an, that deserved God's wrath for torturing and killing believers solely because of their faith. Some of these "comprador traitors" may appear pious at first glance but the Qur'an also includes a lesson that scorns those who make show of their pious deeds without reflecting on the meaning of piety.

> Sisi, who ordered the armed forces to fire on civilians, is a man of prayer, his wife wears the chador [*çarşaf*]. Nasrallah, who was our honor when fighting against Israel, today supports Assad and joins the fight against Muslims; he is also a man of prayer, his wife is similarly veiled. But our God says, "woe to those who pray." They both have their hands in blood, deep in massacre.

In the current political juncture, where the Qur'anic battle between justice and tyranny is being re-staged with novel actors, Türkmen asks the audience "to turn our prayers into practical, operational (*fiili*) prayers." A heartfelt, spiritual association with the martyrs is a first step in activating prayers, followed by an active participation in Islamist public events such as conferences, symposiums, demonstrations, and public funeral prayers on behalf of martyred Islamists:

> How will we make our prayers practical? In platforms such as this, in the public squares of Turkey, in Adawiya squares we will build, against the tyrants who burn the students of Qutb in Adawiya, in Nahda, in Damascus and Aleppo. Brothers, we must absolutely take part in events such as this, and funeral prayers in abstentia [*giyabi*]. This may be the first time since February 28[37] that we are in public squares with such vigor and participation.

Türkmen's equation of religious worship with a politics of transnational Islamist solidarity is the cornerstone of his effort to read Qutb's legacy in present-day Turkey. Individual association with Islamist martyrs of the Arab Spring in Libya, Egypt, Syria and a collective will to "stand up in unison against an injustice or attack" against believers: these are the pillars of updating and living Qutb's integration of faith and deed, amidst the present political dynamics and circumstances of the region.

To conclude, through an updated reading of *cahiliye*, an emphasis on *şehadet*, and the identification of the audience, and post-Arab Spring Islamist mobilization in the region, with Qutb himself, the 2013 commemoration underlined the immanent making of an *ümmet* in the image of Qutb's Qur'anic generation. The event leaders and audience were in unison creating a conscious slippage between personal piety and a transnational Islamist activism. By evoking the memory of Qutb's ideas, his struggle and execution, and provoking the audience to live up to his example, the commemoration served a profoundly political end: it re-created the audience in the image of the nucleus of a reinvigorated Qur'anic generation.

Conclusion

Qutb believed that "by the efforts of a 'righteous remnant', a vanguard of true believers, the sovereignty of God over the earth could be restored, first among Muslims and then more expansively."[38] In one sense, the public commemorations of Qutb's martyrdom, where Islamist public intellectuals disseminate a Qutbian reading of the present and a present re-reading of Qutb, could be seen as localized instances of the making of this righteous remnant. These public events present both discursive and performative aspects. As detailed in the paper, Qutb's martyrdom has become a rallying force for Islamist activist-intellectuals, outlining the significance of Qutb's thought to contemporary Islamist struggle and perspective. Yet, these are not quasi-academic events stripped of devotional emotions. To differing degrees, as is made visible in the juxtaposition of the 2009 and 2013 public commemorations, these events also opened up and were produced in the very interactive space between speakers and the audience. As such, they blurred the boundaries between the discursive and the performative, between intellectual narratives and pious activism. In that respect, the reciprocal production of

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[37] This refers to the 1997 military memorandum that dissolved the Islamist Welfare Party-led coalition government, and sought to contain Islamist mobilization by curbing Islamic education in Turkey.
[38] Calvert, *Sayyid Qutb,* 2.

the event by its participants on both sides of the stage (especially in 2013) amounted to the embodied performance of *faith-deed integrity*, which Özgür-der's Islamist intellectuals consider and propagate as the principal heritage of Qutb.

In sum, a comparative examination of Islamist intellectuals' re-readings of Qutb, disseminated at these public events that commemorate his martyrdom, help us identify a set of constant and variable themes in local, Islamist exegeses of Qutb's mature thought. Even though from 2001 to 2013 Özgür-der's intellectual cadres have understood and promoted the integrity of beliefs and practices as the doctrinal linchpin of Qutb's works and struggle, what integrating piety and praxis meant took historically specific forms. To recapitulate, prior to the Arab Spring, Özgür-Der intelligentsia interpreted Qutb's intellectual project as a summons to reveal and criticize the prevalent tendencies towards ideological hybridization among Islamic actors in Turkey. They promoted a reading of Qutb's call to rejuvenate the Qur'anic generation, which problematized "those [Muslims] who drifted to reconciliatory positions, accommodating Islam with democracy and liberalism."[39] In the context of growing domestic and international popularity of the AK Party as the epitome of moderate, pro-liberal Islam, Qutb's legacy was mobilized by Özgür-Der activists to arrest what was perceived as a hegemonic trend among Muslim intellectuals and politicians to forge an overlapping consensus between Islam and western modernity. While commemorations of Qutb before the Arab Spring underscored the intellectual disunity of Islamic intellectuals and politicians due to *cahili* influences, all three speakers at the 2013 Qutb night framed the post-Arab Spring Islamic resistance in the region as setting in motion the unification of the *ümmet* divided by arbitrary colonial borders. In this Qutbian reading of the Arab Spring, domestic Islamic actors such as Muslim intellectuals, Islamic organizations, AK Party officials, and Gülenists were conspicuously absent as a target of Islamist intellectuals' criticism. With the outbreak of the Arab Spring and the pro-Islamist turn of AK Party's foreign policy, Islamist commemorations of Qutb yielded shifting exegeses of Qutb away from a bleak commentary on the (post)modernist "degeneration" among Islamic sectors toward an optimistic, animated reading of the immanent transnational unity of the *ümmet*.

By engaging, through a diachronic analysis, the dynamic interpretation of Qutb by Islamist activist-intellectuals in Turkey, this paper aimed to capture the local interpretations and experiences enacted by Islamist texts at particular contexts, from within the perspective of their adherents. This shifting local, Islamist exegesis of Qutb points towards the historical embeddedness of Islamist hermeneutics. Attending to this historical dynamism guards us against essentialist and over-simplified conceptions of Islamist politics as a negation of modernity, secularism, or the modern state. As a result, unpacking the "lived hermeneutics" of Qutb's thought among contemporary Qutbians in Turkey contributes to a more nuanced, contextualized, and multi-faceted understanding of Qutb as well as Islamist politics on the whole.

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[39] The quote is taken from Mehmet Pamak's speech during the 2009 commemoration meeting.

Regenerating the Islamic Republic: Commemorating Martyrs in Provincial Iran[1]

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Abstract

This article explores how provincial Iranian laymen and officials who support the regime (here, Basijis) mobilize the bodies and blood of martyrs to sacralize the national landscape in Post-Revolutionary Iran. Since the 1979 Islamic Revolution, a powerful cohort of religious scholars and everyday citizens has emphasized the need to (re)generate the authentically Islamic interior of the nation while resisting an immoral, "Westernstruck" exterior. A significant part of this sacred defense against Western cultural invasion has been the exhumation of bodies of Iran-Iraq War (1980-88) martyrs from the battlefront for reburial and commemoration at sites across the national landscape. This article, based on 15 months of ethnographic research in the Fars Province of Iran, investigates these ongoing practices of reburying and memorializing martyrs. I argue that the exhumations and reburials of martyrs are strategic religious practices that organize the bodies of Iranian subjects around key reference points, specifically the martyrdom of the Imam Husayn at the Battle of Karbala, the 1979 Revolution, and the Iran-Iraq War. In addition, I show how acts of commemorating martyrs emphasize the sacrificial blood of male citizens, a bodily substance that draws further symbolic efficacy from its associations with the life-giving blood of kinship. This is the first ethnographic account of how martyrs are interred and commemorated in provincial Iran.

Key words: Iran, Shi'ism, material religion, blood, Basiji, martyr, nation, kinship, Iran-Iraq War

T he martyr is "the heart of history and the blood of each martyr is like a bell which awakens the thousands" (The Ayatollah Khomeini, 1982).[2]

Introduction

It was only a week after the burial of the two unknown martyrs (*shahīd*) from the Iran-Iraq border on top of the dusty hill in Fars–Abad,[3] when I asked my host brother, Reza, to escort me up the steep path to the park where they were interred. In minutes, we had walked up the dirt path that started just outside our front door, and we entered the park that locals called the "water reservoir," or *āb-anbār-ū*.[4] Reza, usually quick to joke and smile, was serious as we entered the almost empty manicured space where two women dressed in black chadors were walking around a manmade pond, the park's distinguishing feature. We followed the path taken by the commemorative procession we had attended a few days before, up the hill and to the right, ending at a rounded gravel circle on an outcrop that overlooked the town. This was the site of the unknown martyrs' burial, the fresh earth still visible.

A simple tent structure formed a canopy over the deceased: a banner of red, white, and green—the colors of the Iranian flag. Nearby, a few flowers that had been strewn on the earth lay wilted amidst the lingering scent of rose water. "What memories I have in this place!" Reza exclaimed as we approached the gravesite. He took out his smartphone and showed me a pixilated video of a fire and some shadowy figures. "Last year, before you came," he continued, "we made a bonfire on this very spot for the Iranian New Year celebration of Chahār Shambih Sūrī [Wednesday Light]. There was music and dancing. It was unbelievable."[5] But he also recognized that a substantial change in the park had occurred at this site. "These martyrs sacrificed their lives for God and for Iran." He continued, "They are truly honorable. They are great, greater than you or I. This is now a place of respect." Still standing next to the graves, Reza talked about his own personal desires to do important things and be taken seriously in the world. As we left, we said a prayer for the dead, for the young unknown war heroes and their sacrifice.

Before the arrival of the unknown martyrs from the border of Iran and Iraq, the town park on the hill had been unambiguously a site of festivity, picnics, and even small rebellions of hookah smoking and gossip. Sometimes, a little shop sold tickets for a ride on a plastic swan, which could be steered and paddled about the shallow water. Nearby, a bright orange metal playground and exercise unit, reminiscent of hundreds of such sets

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[2] *Iran Times*, (Tehran, November 16, 1982, 12).
[3] Fars-Abad is a pseudonym for the small town in the Fars Province of Iran in which this research was conducted.
[4] The pronunciation "-*ū*" is a feature of the local Farsi dialect, placed at the end of sentence objects and often laughingly disparaged by its own non-Tehrani dialect speakers.
[5] Interview with Reza, Fars-Abad, 8/24/2010.

in Iran's parks, drew the attention of children, teenagers, and exercisers. On summer nights, the entire family, including uncles, aunts, and cousins, had often hiked up the same short steep path or around on the vehicle route to sit on raised squares of cement or on the irrigated grass with picnic accoutrements: tea, sugar, sweets, blankets, and fresh bread. Young men, as many as two or three on board, regularly motorcycled around the pond, music blasting from their phones.

The interment of the martyrs' bodies had marked a new chapter in the history of town. The Foundation for the Preservation of the Heritage and Distribution of Sacred Defense had literally delivered new overseers to town life: two unknown martyrs. Their very anonymity as brothers, fathers, and as sacred defenders of Iran made them accessible as imagined or real relatives. For many people I spoke with, the fresh gravesite on the dusty hill constituted a great honor. It not only exemplified the influence and connections of the local Imam and other town officials, but also the piety of the townspeople. The arrival of the martyrs, their sacred corpses, together with the associated official posters depicting spilled blood and wounded soldiers, had transformed the town park into a place of commemoration, memory, and mourning—conspicuously sacralizing the landscape. According to the Friday Imam, the burial site would now be a place of healing and pilgrimage, a place for resolving family difficulties through prayer. And, although certain persons I spoke with sometimes critiqued the increasing religiosity of the town—such as the recent addition of a men's Islamic seminary—these individuals were mostly silent on the subject of the martyrs: they seemed to understand that having the martyrs interred in the park might mean more government benefits and subsidies for the town such as new roads, parks, and schools. They also knew that any criticism of the interment of martyrs would be interpreted locally as a critique of the Revolution or the Supreme Leader, the Ayatollah Khamenei, a position rarely taken by locals due to the town's ever-present and watchful religious hierarchy—the Friday Imam(s).

Setting the Stage

The commemoration of war heroes and martyrs has long been a part of Iranian Shi'ism. The martyrdom of the Imam Husayn, the grandson of the Prophet, at the Battle of Karbala in 680AD is commemorated every year in the rites of Muharram and in vivid reenactments of his death and suffering called *ta'zīyih*.[6] Husayn died on the tenth of Muharram on the sun-scorched plains of Karbala in present-day Iraq. According to Shi'i doctrine, he is "the king of martyrs" who sacrificed himself in the cause of faith for justice and truth. As a living history and one that is continuously re-embodied and remembered, Husayn's sacrifice continues to provide a model of and for "true" (Shi'i) Islam.[7] His

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[6] For more details see P. Chelkowski, *Ta'ziyeh: Ritual and Drama in Iran* (New York: New York University Press,1979).

[7] J. Al-e Ahmad, *Westernstruckness* (Gharbzadegi), translated by J. Green and A. Alizadeh, (Costa Mesa: California, Mazda Publishers, 1997 [1962]); A. Shariati, *Fatima Is Fatima*, translated by Laleh Bakhtiar

sacrifice is indicative not only of a discrete historical event, but also of an ongoing sacred battle between good (the pure Husayn) and evil (Yazid).[8]

Leading up to Iran's 1979 Revolution, a powerful cohort of religious scholars and citizens explicitly drew on Muharram commemorations of the Imam Husayn's sacrifice to help galvanize opposition to the "spiritually vacuous" policies of the Western-led Shah and the ever-present threat of "Western cultural invasion" (*tahajum-i farhangī*) (e.g., globalization and imperialism). During the Iran-Iraq War, moreover, the Ayatollah Khomeini argued that fighting in the war meant protecting the values of the Imam Husayn in the Battle of Karbala.

Given this backdrop, this article draws from fieldwork among Basiji supporters of the Islamic Republic in the provincial town of Fars-Abad to examine the ongoing cultural salience of martyrs' blood and bodies for nation-making in Post-Revolutionary Iran. Fashioned through the pure-intentioned "act" (*amal*) of martyrdom, the blood and bodies of martyrs are considered purifying, healing, and spiritually nourishing to the citizens, the land, and the territory of the Islamic Republic. On the one hand, martyrs' blood and bodies powerfully evoke the martyrdom of the Imam Husayn at the Battle of Karbala, the 1979 Revolution, and the Iran-Iraq War.[9] On the other hand, martyrs' blood and bodies are multiply evocative of the vital substances of kinship: their blood resembles, typifies, and is literally spilled from the veins of the (mostly) male sons and brothers who fought for the nation. Their blood further recalls the shared divine substance of the family of the Prophet Muhammad and his prophetic lineage. This article aims to highlight the continuing cultural elaboration of martyrs' blood and bodies in Iran, exploring how martyrs' blood and bodies are being wielded by state officials, as well as by state supporters—Basijis—to help constitute and naturalize relationships between citizens and between these same citizens, the land of Iran, and God.

The first part of this article approaches the matter of martyrs' blood in contemporary Iran by drawing from ethnographic research of a martyrs' commemoration and burial in Fars-Abad, a provincial town in the Fars Province. I explore the continuing practice of exhuming the bodies of martyrs from the Iran-Iraq War battlefield and reburying them with great fanfare at sites across the national landscape. In these commemorations, officials and laymen display caskets containing the bodies of martyrs to local townspeople and inter them at strategic locations, often an overlook or town park. For townspeople such as Reza, the burial of martyrs' bodies at these sites dramatically shifts the landscape—transforming specific provincial locations into "sacred," "purifying," and

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(Shariati Foundation, 1981); I. Flaskerud, "Redemptive Memories: Portraiture in the Cult of Commemoration," in *Unburied Memories: The Politics of Bodies of Sacred Defense in Iran*, ed. P. Khosronejad (New York: Routledge, 2013).

[8] L. Deeb, "Emulating and/or Embodying the Ideal: The Gendering of Temporal Frameworks and Islamic Role Models in Shi'i Lebanon," *American Ethnologist* 36, no. 2 (2009), 242–257: 247; W.O. Beeman, *The "Great Satan" Vs. The "Mad Mullah"* (Westport, Connecticut: Praeger Publishers, 2005), 71.

[9] A. Torab, *Performing Islam: Gender and Ritual in Iran* (Boston: Brill, 2007).

"healing" space.[10] I suggest that the placement of martyrs on ledges and overlooks provide a means of making visible and sacralizing national space.

In the second part of this article, I focus on blood itself as a potent material and metaphor in the Post-Revolutionary landscape. Emerging anthropological scholarship has explored blood's special quality as a substance, material, and metaphor[11] and has highlighted blood's powerful involvement in concepts of life, death, nurturance and violence, connection and exclusion, as well as in kinship and sacrifice.[12] As Laqueur argues, blood is "relentlessly material" even as it is overburdened by meaning. Perhaps most interesting, however, is blood's unique capacity as a material substance to participate in and flow between domains that are often presumed to be distinct in scholarly analysis (such as between kinship and nation or kinship and politics).[13] For our purposes, however, the point here is not only the metaphorical relationship of kinship and nation, but rather the material flow of blood between these domains: a granular, material, and microprocessual analysis of nation-making.

The material for this article stems from interviews and participant-observation among members of an extended Shi'i Iranian family (*qūm-o khīsh*) between 2007 and 2010 who were card-carrying members of the Basij, a voluntary force founded by the late Imam Khomeini in 1980. Often described as the "original revolutionaries," Basijis were the first to go to the front and be martyred.[14] They were established "to help protect the moral values, unity, and self-sufficiency of the Islamic Republic and its constitution."[15] For the majority of my research, I lived in the home of Ahmad, Nushin, and their children in Fars-Abad, persons who I refer as my host family.[16] Additionally, the material in this article stems from research among this Basiji family's extended kin and friends across the cities of Shiraz and Tehran.[17] As a result, this article—in contrast to other research in Iran that is centered on those

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[10] Friday Imam, Fars-Abad, 8/22/10. / Terms employed both by Reza and by the Friday Imam in Fars-Abad on 8/22/2010, during the martyrs' commemoration.

[11] J. Carsten, "Introduction: Blood Will Out," *Journal of the Royal Anthropological Institute,* 19 (2013), 1–23.

[12] J. Copeman, "The Art of Bleeding: Memory, Martyrdom, and Portraits in Blood," in *Journal of the Royal Anthropological Institute*, 19 (2013), 149-171; G. Feeley-Harnik, *The Lord's Table: Eucharist and Passover in Early Christianity* (Philadelphia: University of Pennsylvania Press, 1981).

[13] J. Carsten, "Introduction: Blood Will Out."

[14] R. Varzi, *Warring Souls: Youth, Media, and Martyrdom in Post-Revolution Iran* (Durham: Duke University Press, 2006), 221.

[15] Interview with Ahmad, Fars-Abad, 2/22/10.

[16] The term host family is typical of anthropological analysis. I do not use this term lightly, however. It reflects my gradual integration in the home as an "almost" daughter and family member over the course of fieldwork, a subject I discuss in more detail elsewhere.

[17] Despite their Basiji status, it is important to note that many of my host friends and family did not fit the stereotype of the ultra-conservative bearded and brutal (morality) police so often depicted by the U.S. media. Apart from enthusiastic attendance in a few town political rallies, they invested most of their time in the work of the everyday household, farming, teaching, or taxi driving.

who seek to resist the regime[18]—focuses on a segment of provincial (and urban) Basiji families who are ostensibly aligned with the ideals of the Islamic Republic. In so doing, it provides a very particular perspective that, necessarily, does not encompass the entire range of Iranian politics.

Historical Context: The Iran-Iraq War

As previously mentioned, the commemoration of martyrs and war heroes has long been part of Iran's cultural landscape both in Muharram ceremonies and in re-enactments of the Battle of Karbala. These practices were intensified and increasingly politicized during and immediately after the Islamic Revolution and the Iran-Iraq War. On September 22, 1980, Iraq attacked Iran, leaving approximately 300,000 dead and 500,000 wounded.[19] Among those fighting were several members of my extended host family. These include my host father, Ahmad and his younger brother Mahmud—a taxi driver now living in Tehran and suffering from a chemical warfare-related lung condition.

While historians and political scientists argue that geopolitical and territorial issues were the original causes of the war, particularly the boundaries of the Arvand River, the focus of the war for Iranians gradually shifted from a fight over territory to one of sacred defense.[20] A famous billboard quoting Khomeini, for example, proclaimed: "Our war is an ideological war which doesn't recognize any geographical or frontier limitations. . . ." Khomeini and other influential members of the Islamic regime argued that fighting in the war meant protecting the values (*arzish-hā*) and beliefs (*bāvar-hā*) of the Imam Husayn in the Battle of Karbala.[21] They positioned the conflict as a struggle between the oppressed and the outside, Western-led corrupt oppressors.[22] In daily conversation, my Basiji interlocutors, particularly those who had fought, referred to the Iran-Iraq War as the "Sacred Defense and Imposed War."

Ahmad, my host father, for instance, relates his spiritual and mystical experience of the war:

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[18] See for instance, S. Khosravi, *Young and Defiant in Tehran* (Philadelphia: University of Pennsylvania Press, 2009); and P. Mahdavi, *Passionate Uprisings: Iran's Sexual Revolution* (Stanford: Stanford University Press, 2009).

[19] P. Khosronejad, ed., *Unburied Memories: The Politics of Bodies of Sacred Defense Martyrs in Iran* (New York: Routledge, 2013).

[20] See J. Donovan, *The Iran-Iraq War: Antecedents and Conflict Escalation* (New York: Routledge, 2011); R. King, *The Iran-Iraq War: The Political Implications* (New York: Routledge, 2007).

[21] Notably, this effort of revival drew from a sacred past in a manner similar to that of followers of the Islamist ideologue Sayyid Qutb, see in this issue Dunya Cakir, "Islamic Texts in Practice: Commemorating Qutb in Turkey before and after the Arab Spring." Yet, while Qutb called for a return to the Qur'an and the resuscitation of a "Qur'anic generation" of the Prophet's first followers, Khomeini specifically focused on the family of the Prophet as a model for activism.

[22] P. Khosronejad, ed., *Unburied Memories*, 3.

> The generals were worried. But the Imam [Khomeini] said "go!" And what a victory! I was in the war. There was an old man with me, one hundred and nine of us. Only five hundred meters over there [he pointed] was the other side. The younger ones were afraid. But the old man had a dream. He said don't have any fear. Another soldier said, "why not fear?" The old man responded, "I dreamed that this valley was full of soldiers ready for war. They came from the Imam-i Zaman [the Imam Mahdi, the final and hidden Imam]. They came to defend us. Because of this, Iran was always victorious in the war. The Hidden Imam sent us power.[23]

Here, Ahmad remembers how he and his surrounding unit overcame their fear and great numbers by attending to the mystical powers of the Hidden Imam, and therefore of God, in the name of Iran's sacred defense. For him, the call for war by Khomeini was utterly supported by high powers as a spiritual necessity. Indeed, he recalls another occasion during the fighting: "One time we were on the frontline behind a rock and the enemies came not ten feet away. . . [he paused]. They walked right past, thanks to God. My comrades and I were not even seen."[24] Here, divine intervention is seen as proof of the rightness of the sacred defense and the sacrifice of the martyrs. Ahmad remembers friends who passed away as exalted martyrs and smiles at the memory.

The concept of the martyr and its symbolic force in contemporary Iranian politics developed in and through these political-historic events. In the 1960s and 1970s, in particular, several key intellectuals drew vivid parallels between Husayn's uprising at the Battle of Karbala and protest against the unjust rule of the Shah.[25] The Ayatollah Taleqani and the Ayatollah Khomeini furthered this link during the buildup to the Revolution, framing their discontent with the Shah in terms of events at Karbala. In 1979, they and others adapted the already strong cultural salience of the re-enactments and mourning of the Husayn's sacrifice during the month of Muharram to help mobilize revolutionary forces. Ashura, the tenth day of Muharram, occurred on December 11, 1978, and more than a million people responded to the call to participate in the demonstrations throughout the country.[26]

Khomeini encouraged women and children to march at the head of processions:

> Our brave women, embrace their children and face the machine guns and tanks of the executioners of this regime. . ..Sisters and Brothers be resolute, do not show weakness and lack of courage. You are following the path of the Almighty and his prophets. Your blood is poured on the same road as that of the (martyred) prophets, Imams, and their followers. You join them. This is not an occasion to mourn but to rejoice.[27]

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[23] Interview with Ahmad, Fars-Abad, 7/21/2015.
[24] Interview with Ahmad, Fars-Abad, 7/21/2015.
[25] I. Flaskerud, "Redemptive Memories," 25.
[26] I. Flaskerud, "Redemptive Memories," 25.
[27] R. Khomeini, *Ṣaḥifah-yih Imam* (Tehran: Mu'asissih-yih Tanzim va Nashr-i Asar-i, 1999), 510–512.

Speaking to protestors against the regime, Khomeini here made reference both to an Islamic brother and sisterhood and to the courageous spilling of blood "on the same road as that of the Prophets, Imams, and their followers."[28] In so doing, he linked the present day act of spilling of blood in protest of the Shah to a prophetic lineage of religious Muslim belonging and to the martyrdom of Husayn. During my research, this message was reinforced by people in Fars-Abad via the common slogan: "Everywhere is Karbala, every month is Muharram, and every day is 'Ashura'," a phrase first coined by the intellectual Ali Shari'ati and adopted later by Khomeini as a banner of the Revolution. The slogan is a reminder of Husayn's sacrifice, of the Revolution, of the Iran-Iraq War, and of the continual Islamic/nationalist fight against Western imperialism.[29]

Yet the association between spilled blood and the sacrifice of the Imam Husayn is more than a mere analogy, it is a material and transformative act. According to the late Ayatollah Mutahhari, for instance, the blood of the martyr is never wasted. Rather, it "infuses fresh blood into the veins of society."[30] Spilled through the act of self-sacrifice, the efficacy of spilled blood is exponential: "Every drop [of blood] is turned into hundreds of thousands of drops." It is a transfusion for a society "suffering from anemia."[31] These statements make a direct link between the blood of the martyrs and the regeneration of (Islamic) society. They imagine the Islamic nation of Iran as a single body, wounded or sick and in need of a transfusion.

But what are the particular traits of martyrs? The Ayatollah Taleqani (1911-1979) argued that, as a witness (*shāhid*), the martyr sacrifices his life with full consciousness. Similarly, the late Ayatollah Mutahhari (1920-1979) defined the martyr as the individual who sacrifices himself/herself consciously for a cause. Indeed, in Islam, more broadly, martyrdom is a free pass straight to heaven.[32] The act of the martyr's sacrifice is so noble that the corpse requires no ritual bath.

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[28] Although this paper focuses mainly on the cultural elaboration of male martyrs' blood in Iran, many women supported the Islamic Republic in the early days of the revolution and during the Iran-Iraq War. Significantly, women themselves joined the war effort both as nurses and auxiliaries. As a result, many thousands fought alongside the Revolutionary Guard and trained in military camps and many were martyred. See for instance: G. Neshat, "Introduction," in *Women in Iran from 1800 to the Islamic Republic*, eds. L. Beck & G. Neshat (Urbana and Chicago: University of Illinois Press, 2004), 1–37, 31; M. Reeves, *Female Warriors of Allah: Women and the Islamic Revolution* (New York: E.P. Dutton, 1989), 132.

[29] K.S. Aghaie, "Islamic-Iranian Nationalism and Its Implications for the Study of Political Islam and Religious Nationalism," in *Rethinking Iranian Nationalism and Modernity*, eds. K.S. Aghaie & A. Marashi (Austin: University of Texas Press, 2014), 194.

[30] M. Dorraj, "Symbolic and Utilitarian Political Value of a Tradition: Martyrdom in the Iranian Political Culture," in *The Review of Politics* 59, no. 3 (1997), 489–522, 511.

[31] Mutahhari quoted in M. Abedi & G. Legenhausen, eds., *Jihad and Shahadat Struggle and Martyrdom in Islam* (Institute for Research & Islamic Stds, 1986), 136.

[32] This language continues to appear in the commemorations of martyrs in Fars-Abad—a subject I will take up shortly.

In Fars-Abad, Basiji veterans and family members emphasized that martyrdom was selfless. Death was not a reason for mourning. Rather, it was a progression toward "proximity and connection to God" (*qurbat bā khudā*). They related that to be a martyr was precisely to turn away from all corruption (and ultimately hell) and attain a direct link with the divine. It was to have ultimate pure intentions in this life for the more important and much more extensive next life. They also emphasized that martyrdom was not a matter of choice, but of divine selection. Finally, they underscored that the volunteer soldiers who had become martyrs had fought with their soul and exalted spirit: as one Iran-Iraq War veteran told me, the martyrs "charge the air with courage and zeal, reviving the spirit of valor among those who have lost it."[33]

Sitting in her Ekbatan apartment in Tehran in March of 2010, my tape recorder running, and tea at hand, Parvin, the mother of five children and wife of an injured war veteran related:

> We are indebted to the martyrs. If they had not existed, we would not be. When America occupied Afghanistan and Iraq, if there had not been any martyrs, they would have occupied us. They went [to fight] because of the nation and because of Islam. They chose to be martyrs themselves. It is not a problem. In other words, I don't become sad. Families don't become sad that they gave martyrs. They say that it is because of Islam. They say that it is because of our religion. They say that religion needs martyrs to protect it. War is because of Islam, because of religion, because of the Qur'an. For example, Imam Husayn became a martyr because of Islam.[34]

For Parvin, martyrdom is a choice and a sacrifice "for both the nation and Islam." Moreover, rather than a reason for mourning, the martyrdom of a loved one is necessary for the protection of Islam, in the same way as it had been for the Imam Husayn. Here, the spilling of blood is an ongoing "defense of Islam" that has continued through the American occupation of Iraq and Afghanistan.

Notably for Parvin and other interlocutors in Fars-Abad and Tehran, the martyrs' selfless sacrifice and "rank near God" is sensorial and embodied. On a visit to Tehran's national cemetery, Zahra's Paradise (*Bihisht-i Zahrā*), Parvin hurried me over to a grave where twenty or so women had gathered, some men standing behind them. She chanted, along with the others, "the smell of rosewater!" (*golāb miyād*!), referring to the scent of rosewater that was wafting from the grave. They repeated this, crying, and bending over the grave to touch it and pray. When I asked, Parvin explained that the martyr was giving off the scent from the grave. Indeed, she and others related that the bodies of martyrs do not putrefy in the same way as other bodies; instead, they remain corporeally

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[33] Interview with Mahmud, Tehran, 3/23/10.
[34] Interview with Parvin, Tehran, 3/23/10.

and spiritually whole.[35] As such, both physical and spiritual contact with them is possible.

The Drive to Exhume Buried Martyrs' Bodies

Iranian military institutions contend that more than 50,000 bodies of soldiers remain in the former battlefields of Iraq and Iran. During the Iran-Iraq War, a section of the Army of the Guardians of the Islamic Revolution called the Martyrs' Evacuation Brigade was created to exhume and collect the bodies of the dead. Some soldiers had "dog tags" made of metal while others went to war, especially early on, without any specific form of identification.

The project of finding martyrs who had been left behind began in earnest in 1989 when Col. S.M. Mirbagherzadeh proposed the idea to the Supreme Leader of Iran, Ayatollah Khamenei. A committee was formed: the Committee for Finding the Missing Solders. In the first expedition, the Committee found 300 unknown martyrs and a public funeral ceremony was held.[36] But the work of finding martyrs is also considered an uncanny and somewhat magical process. Khosronejad reports that the Revolutionary Guard's process of finding bodies is itself interwoven with the divine. It involves rituals, appeals and supplications, dreams, and other miracles. Regardless, the exhumation and reburial of new martyrs' bodies has been central to the making of a sacred (national) landscape.[37]

Importantly, the politics of who gets to make and define martyrs is a sensitive subject for researchers who continue to do research in Iran. However, it is clear that although many of the families of martyrs experienced shared bereavement for the eight consecutive years of warfare, government institutions and organizations endeavored to joyously celebrate rather than shed tears of bereavement for important martyrs, attacks, and victories. Kaur, for instance, argues that since the Iran-Iraq War, the state has claimed the power to make martyrs out of corpses.[38] He argues that it has done so in strategic ways, with state officials literally collecting the bodies of unknown martyrs in order to create saints to be venerated by a new generation of Iranian youth. Some reformists and liberals in Iran hold that state officials put the sacred bones of martyrs on the map through the creation of sacred gravesites for the purpose of destabilizing political uprisings in key centers. They argue that unknown martyrs' bodies have been positioned at sites in cities such as Tehran at universities and public squares, often where Green Movement

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[35] Note that the actual bodies of martyrs are not displayed in the martyrs' commemorations described in this paper. However, Khosronejad has photographed the remains of the bodies of martyrs displayed in similar commemorations in urban Tehran that appear remarkably preserved (P. Khosronejad, Material Religion Conference (Durham, UK: 2013).

[36] P. Khosronejad, (Ed.), Buried Memories, 14.

[37] Personal communication: P. Khosronejad, Material Religion Conference (Durham, UK: 2013).

[38] R. Kaur, "Sacralising Bodies: On Martyrdom, Government, and Accident in Iran," Journal of the Royal Asiatic Society, Third Series, 20, no. 3 (2010): 441–460.

uprisings have historically occurred, to curb protest and sacralize the landscape.[39] Only secondarily have the bodies of martyrs been positioned at the periphery, in small towns and villages, the subject of this research.[40]

The Sacralizing Efficacy of Martyrs' Blood in Fars-Abad

A great fanfare had accompanied the war heroes' arrival on the anniversary of the martyrdom of the sixth Imam, the Imam Sadeq, during the Week of the Sacred Defense that commemorates the Iran-Iraq War (1980-88), a commemorative week created by Khomeini. News of the annual Week of the Sacred Defense had already reached people in Fars-Abad through specially convened gatherings in the local meeting hall for Shi'i commemoration ceremonies (*husaynīyih*)[41] and through national commemorative Islamic Republic of Iran Broadcasting of Iran-Iraq War footage: soldiers marching, guns, men in the dirt and trenches, young male soldiers in uniform leaving their mothers, the resounding call, "God is Great," and the fighting or wounded, covered in blood. Biographies and images of the more famous martyrs also fill televised broadcast: Saeed Mostefa Avini, for instance, known as "the martyr of the pen" (*shahīd-i ahl-i qalam*) or Hosseini Fahmideh, a thirteen-year-old boy who sacrificed his life before an Iraqi tank to defend Iran.

The same organization that buries martyrs in Tehran, the Foundation for the Preservation of Heritage and Distribution of Sacred Defense, brought the two unknown martyrs to Fars-Abad.[42] On the day of their arrival, I joined my hosts and more than a thousand people filling the street at the outskirts of town to welcome the martyrs to their new burial site. A significant number of revolutionary guard and Fars Province soldiers were also present, including a government band, complete with brass instruments and

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[39] In this special issue, Amrita Malhi describes similar processes of "sacralization" and "desacralization" in the context of colonial machinations at the Siamese-Malay borderlands of Southeast Asia. Malhi argues that Siamese rulers attempted to "desacralize" borderland kingdoms by usurping and overthrowing Malay sultans in the areas under their control – in some cases replacing them with Buddhist iconography. By contrast, she argues, the British "sacralized" territories under their control by fusing racial (Malay) and religious (Muslim) identities. See Amrita Malhi, "Like a Child with Two Parents: Race, Religion and Royalty on the Siam-Malaya Frontier, 1895-1902."

[40] Khosronejad further cautions that interpretations of the war have myriad perspectives, enactments, and responses, some of which benefit religious scholars and state leaders and some of which do not. And further, since the onset of the war, the popularity of martyr "veneration" has ebbed and flowed.

[41] Such meeting halls can be found across Iran and are used for a variety of Shi'i commemorations such as Muharram events. In Fars-Abad in 2010, the town mosque was under construction and this hall was also the location of Friday prayer.

[42] The Foundation for the Preservation of Heritage and Distribution of Sacred Defense Values is a parastatal organization that participates in the memorialization of unknown martyrs, the creation of martyr memorials and collective shrines, and programming of all aspects of battlefield pilgrimages. Like the more widely known Martyrs' Foundation, it is not wholly of the state nor wholly distinct from it. See S. Maloney, "Agents or Obstacles? Parastatal Foundations and Challenges to Iranian Development," in *the Economy of Iran: The Dilemma of an Islamic State*, ed. P. Alizadeh (London and New York: I.B. Tauris, 2000), 145–176.

percussion. The music droned to the rhythmic beating of a Yamaha bass drum with the Farsi words *yā Husayn* inscribed on its head. Next to the band stood a table covered in the bloodied black and white scarves (*chafiyih*) worn by Revolutionary Guardsmen during the War. Two framed portraits of the late Ayatollah Khomeini, or "the Imam," and the Supreme Leader, the Ayatollah Khamenei, rested on the blood stained cloth.

It was nearing dusk when the trailer carrying the bodies of the unknown martyrs finally arrived at the streets of Fars-Abad, heralded by the town loudspeaker. A cameraman filmed the caravan's arrival for a local news agency and behind him, dozens of young men snapped amateur photos and footage with digital cameras and phones. The trailer stopped briefly as some officials stepped out of the trailer to greet the town leaders, one in a simple suit and one bearded soldier in a military uniform. Each greeted and kissed the local Friday Imam and several other town officials.

When the trailer began to move again, its valued cargo became visible: two wooden caskets in succession on a long flat bed, one for each martyr. Each casket was raised on a bed of Iranian flags and was covered in red, green, and white cloth. Each also had two uniformed soldiers standing on either side. Other Iranian flags and inscriptions made a canopy over the trailer and banners on the sides of the vehicle read, *yā sāhib al-zamān*, a call to the Twelfth and Hidden Imam and an elegy for the dead.

As the casket bearing procession passed the crowded streets, hundreds of men, and then women, poured behind the trailer on "Imam Khomeini," Fars-Abad's main street, that had been recently lined with flags and signs for the occasion. Soldiers and veterans riding on the trailer threw rose water and petals into the crowd. Men and then women rushed in succession to the sides of the vehicle to touch the float or to have a garment or other object rubbed on the martyrs' caskets, thus imbuing their possessions with the power of the soldiers' blood and sacrifice. Periodically, the crowd chanted, "Peace be on Muhammad and the Family of Muhammad." The procession finally ended ten blocks away at the central Islamic meetinghouse. Soldiers unloaded the casket and the Friday Imam addressed a now much smaller crowd. He declared as he would so frequently during several different events for the same martyrs: "Because this martyr is unknown, we the people are his brother, his sister, his mother," a reference to a sense of common kinship with the anonymous heroes.

The next day, a Friday at noon, thousands of townspeople and people from other parts of the Fars Province and the city of Shiraz again came out of their homes in the hot sun to carry the martyrs to their final burial site. They streamed up the hill to the park's overlook and prepared graves. On the top of the hill, women moved to the right and men to the left, surrounding the already prepared flag covered canopy. Under the canopy seven mothers sat with photos of their own martyred sons on plastic folding chairs next to approximately seven uniformed soldiers. Positioned as such, they drew the attention of hundreds of other mourners, their expressions making tangible the emotion of the loss of family—and in this case of the unknown martyrs—the sacrifice of (male) national family members.

A nearby brightly colored sign read across its ten foot girth: "The martyrs (*shahīdān*) of the Islamic revolution protected the "face/esteem/honor" (*āb-i-rū*) of Islam and of the Qur'an with the price of their blood." Another read, "The martyrs, on this day of nostalgia, rose in defense of the values of Islam." Still more proclaimed: "Peace be upon the martyrs' path of virtue and freedom," and "Behold! The blood shrouded tulips in the cradle of martyrs." Other signs depicted the martyrs themselves. In one, the entire sky was the color red and soldiers smiled. Below them a dead martyr lay on the ground, divine light shining on his face. He wore a simple jacket.

After a brief introduction and acknowledgement to the people of Fars-Abad and the commemoration's organizers, the Friday Imam led a standing prayer for the dead, a prayer that includes five repetitions of "God is Great." Speakers, including the local Friday Imam, thanked the crowd for waiting in the heat, for coming to pay their respects to the martyrs. He said: "The first drop of blood spilt from a martyr purifies sins. Because their blood is spilled, they are pure. They then go straight to heaven. If you have a problem in your life, it is possible that your problem will be solved [by these martyrs], because of their purity and because they are near to God." His statement thus attested to the special position of these martyrs vis-à-vis God. They had conquered all corruption (both personal and societal) and had found union with the divine.

Scholars such as Halbwachs and Connerton have developed a theory of "collective" or "social" memory to explore how extraordinary events such as the Iran-Iraq War are collectively recalled.[43] In particular, they explore how memories are valorized, memorialized, and/or incorporated into bodies through "incorporating practices," or patterns of body use that become ingrained through our interactions with objects.[44] Martyrs' bodies and blood in Iran are multiply evocative of this kind of collective memory. The commemorations, un-burials and reburials of Iranian martyrs organize the bodies of subjects around heroic martyrs while simultaneously de-emphasizing and "forgetting" other historical sites such as ancient Zoroastrian temples or more recent "Western-influenced" Pahlavi palaces. Interestingly, these scholars further suggest that the desire to memorialize is often precipitated by the fear or threat of "cultural amnesia." Indeed, for many supporters of the Islamic Republic, such as my host family, acts of remembering and memorialization of the 1979 Revolution and of the Iran-Iraq War were both explicitly and implicitly a defense against such amnesia, particularly as it related to their own experiences of sacrifice.

On a more practical level, the unknown martyrs' commemoration in Fars-Abad reveals the town and the state's mutual investment in the reburial of martyrs from the Iran-Iraq border. It also reveals the local passion by which the two unknown martyrs were welcomed to their burial ground in Fars-Abad. The sheer numbers of people who

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[43] M. Halbwachs, *On Collective Memory* (Chicago: University of Chicago Press, 1992); P. Connerton, *How Societies Remember* (New York: Cambridge University Press, 1989).
[44] P. Connerton, *How Societies Remember, 94*.

attended the ceremony—in the thousands—is itself informative of the existence of a powerful cohort of rural Iranians who support the regime. Through these reburials, many of my Basiji family and friends aspired to encounter, touch, or at least find proximity to a martyr's body in the same way that they sought to make pilgrimage to the tombs of Shi'i saints. They participated in the commemorative events, they said, to ward off increasing societal corruption and its negative effect on their families: the evils of drug addiction (opium from Afghanistan), pre-marital sexual relations, and alcohol consumption by youth. Notably, however, other extended members of my host family did not attend such events.

This account is the first example of a provincial martyrs' commemoration and interment to be documented by an ethnographer in Iran. Although other scholars have researched the exhumation of bodies from the border of Iran and Iraq and their not uncontested re-burial in the key squares and universities in cities such as Tehran and Shiraz,[45] my research shows how unknown martyrs are also being buried in the smaller towns and counties of Iran. Indeed, during my travels throughout several small towns in Fars, I noted not only the existence of frequent "known" martyrs' cemeteries in neighboring towns, but also an increasing compendium of "unknown" martyrs' tombs, many of which were also placed strategically on hills or overlooks. I suggest that these provincial burials, which help produce political connections between local officials and state elites, are part of a broader directive to 1) tighten relationships between provincial and national governance, relationships which benefit local mayors and Friday Imams, as well as town infrastructure projects; 2) regenerate town space as national/Islamic space; and 3) produce a kind of field of visibility, with martyrs as overseers of town life.

In the following, I turn specifically to the prolific and conspicuous display of blood in contemporary Iranian religious nation-making. Martyrs, I argue, are made meaningful, not only through their historic relevance and sacralizing power, but also in the multiple ways in which their material blood and bodies evoke kinship and relatedness.

Intersections: The Spilled Blood of Martyrs and the Blood of Kinship

New scholarship has explored blood's special quality as a substance, material, and metaphor and has underscored its frequent involvement in matters such as life and death, violence and sacrifice, and inclusion and exclusion.[46] Part of blood's peculiarity, Kath Weston argues, is its "meta-materiality": the way it extends beyond metaphor and material even as it simultaneously relies on both the material and the metaphorical to

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[45] P. Khosronejad, (ed.), *Unburied Memories*.
[46] J. Carsten, "Introduction: Blood Will Out," 1–23.

generate further resonances and naturalizations.[47] This article highlights blood's unique capacity as a material substance to naturalize a particular vision of Iran as an Islamic Republic. In Iran, I argue, blood participates in and flows between domains that are often presumed to be distinct in scholarly analysis (such as between kinship and nation or kinship and politics).[48] It is associated with the family, the family of the Prophet, the Prophetic lineage, and the making of a nation-state.

In Fars-Abad, people imagine the extended family in terms of a *qūm-o khīsh*,[49] an active group of relatives who claim a common origin and relation through patrilateral and/or matrilateral ties.[50] They described this intergenerational unit in terms of six linear generations (*nasl*), each stemming from the "ancestor or line of descent" (*jadd*), most often a grandfather. These generations are primarily interconnected through inherited blood—or what people refer to as "being of the same blood" (*ham khūnī*). They are further regarded as being of the same body, a notion that appears most visibly in the *panjtan*, a banner or sign in the shape of a hand used during commemorations to depict the family of the Prophet Muhammad. As it appears in Muharram processional performances, each finger of the hand represent the members of the Prophet Muhammad's family: the Prophet himself, his daughter Fatima, his cousin and son-in-law 'Ali, and his two grandsons, Hassan and Husayn. Importantly, in the Qur'an and hadiths, shared blood and body index a wide range of qualities, many of which extend beyond the concept of relationship, affinity, or genealogy. These include: nobility, origin, honor, unity of purpose, virginity, love, and personality.[51] Blood from the veins, my interlocutors explained, carries energy, "spirit" (*rūh*), and "life" (*jān*).[52] Blood is thus, from the very beginning, more than mere substance.

Blood—both the blood of kin and that of martyrs—is also clearly gendered. Although, Basiji interlocutors recognize both patrilateral and matrilateral relations as kin, male blood (agnatic blood) is often foregrounded. When I asked interlocutors to draw kinship diagrams, for instance, they mapped continuity and descent via males and their children, cutting off their diagrams at female daughters who did not pass on their names

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[47] K. Weston, "Kinship, Controversy, and the Sharing of Substance: The Race/Class Politics of Blood Transfusion," in *Relative Values: Reconfiguring Kinship Studies*, eds. S. Franklin & S. McKinnon (Durham, NC: Duke University Press, 2001).

[48] J. Carsten, "Introduction: Blood Will Out."

[49] On *qūm* see also S. Shahshahani, "Women in the Kinship Structure of Iran," in *Structures and Strategies: Women, Work, and Family*, eds. Leela Dube and Rajni Pairiwala (New York: Sage Publishers, 1990), 245.

[50] See also M. Hegland, *Days of Revolution: Political Unrest in an Iranian Village* (Stanford: Stanford University Press, 2013).

[51] F. Khuri, *The Body in Islamic Culture* (London: Saqi Books, 2001).

[52] In contrast, menstrual blood is impure and can be defiling. For this reason, female family members carefully avoided touching the Qur'an or visiting in the inner sanctuaries of the Imams and their descendants when they were menstruating. Haleh, for instance, avoided the inner sanctuary at the shrine of Massoomeh in Qom when she was menstruating. At home, she and others used the end of a pencil instead of fingers to flip through the pages of the Qur'an, preventing any defiling of the holy book.

or "identities."[53] Not surprisingly, patrilineal blood is also the determining factor for legal Iranian citizenship. Iranian Civil Law confers citizenship to those persons whose fathers are Iranian, regardless of birthplace. Children cannot acquire citizenship from their mothers.[54] Accordingly, a designation of citizenship depends on what interlocutors described as a "natural" "blood relationship" that extends via patrilineal descent.[55]

Yet as I have argued, the blood of citizen martyrs is even more potent for contemporary nation-making. Strikingly red and tactile, it is featured in commemorations of unburied war martyrs from the Iran-Iraq border, museum exhibits, and martyrs' graveyards. It appears again in the redness of ribbons, street signs, photographs, and in the written word. During the Iran-Iraq War, in 1980's, red-dyed water literally flowed in Iran's national graveyard, Zahra's Paradise. Even further, during the Iran-Iraq War, key graveyards in Iran developed martyr sections such as "Paradise of the Martyrs" or "Martyrs' Flower Garden." Most known martyrs' graves are white marble and contain basic information about the deceased. In Tehran's graveyard, small window boxes contain personal effects of the deceased, left by family members.

Outside of these martyrs graveyards and museums, still more images of bloody martyrs bombard pedestrians in the form of murals on walls and street posters across Tehran and Shiraz.[56] In the form of beautified faces, they appear in small towns and cities alike and are so common that many passersby hardly notice them. Basijis in Fars-Abad, in contrast, frequently commented on these posters and murals. In the car, on the way to a visit to the doctor or to shop, they pointed out the faces of the martyrs and their pure expressions. In general, posters alternate between the heroic faces of martyrs and images of their wounded bodies. Often, they are accompanied by tulips, also depicted on the Iranian flag as a symbol of the martyrs and their regenerative power. Indeed, where the blood of the martyrs fall, they say, tulips grow. For many, the blood of martyrs is literally thought to bring life. Bloody soil from the Iran-Iraq War border is collected by pilgrims and planted in gardens to nourish and purify the bodies and souls of their kin.

Anthropologist Azam Torab highlights the masculinity of such martyrs' blood. She writes,

> . . .representations of martyrdom are an exaltation of masculine gender centered on the blood of the patriline and cosmically enshrined as the only gender that brings eternal hope. The legitimacy of Shi'i leadership is based on blood descendants of the Prophet, so that blood descent needs to be forcibly renewed.[57]

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[53] At the same time, however, my hosts recognized a special closeness with their matrilateral relations.

[54] Article 976, Iranian Civil Code.

[55] In contrast to studies that discuss citizenship through an analysis of (Islamic) legal debates (see Said Hassan, this issue), this paper explicitly explores the embodied, corporeal, and performative dimensions of citizenship in Muslim contexts.

[56] C. Gruber, "The Martyrs' Museum in Tehran: Visualizing Memory in Post-Revolutionary Iran," in *Visual Anthropology* 25 (2012): 68–97; see also P. Chelkowski, Peter and H. Dabashi, *Staging a Revolution: The Art of Persuasion in the Islamic Republic of Iran* (Booth-Clibborn Editions, 2000).

[57] A. Torab, *Performing Islam*, 157.

For Torab, martyrs' blood in Iran is the key to the renewal of society. This observation is apt in the sense that there is a clear male gendering of martyrs' blood and bodies in Iran, a gendered sacrifice that is set against the image of the pious and veiled mother, sister, or daughter. Notably, however, this gendering is not explicit. Basijis in Fars-Abad did not themselves emphasize the maleness of martyrs, arguing instead that any person could become a martyr.

Yet what is it about blood that turns it into such a powerful site for reawakening memories of sacred and political history? One answer to this question is that at the interstices of blood, kinship, and the sacred, blood's physical and material qualities have long been the object of vigorous cultural elaboration. The vivid redness of blood, for instance, is strongly associated with (divine) power and energy: a Sufi who radiates power is called "red-mantled" (*surkh-pūsh*) and a martyr is imaged wearing a bloodstained cloak. Traditional bridal dresses are sometimes blood red, too, denoting life and fertility. Whether the color red seen on signs, banners, or belongings derives from spilled blood itself, or is mimetically reproduced through paint or dye, it is striking because of its iconicity and resemblance to blood that flows in the veins or spills from a wound. In its most powerful form, as spilled from the martyr, blood is known to run or flow through the veins and spill to the earth, cleaning the streets or the nation. Yet, as a token of the same liquidity, it is further seen as sharable—whether among citizens of the nation or among members of the family, or both.[58]

Martyrs as National Kin in Fars-Abad: Inclusions and Exclusions

"Because the martyr is unknown, we are his brother, his sister, his mother." Repeated again here, the words of the Friday Imam at the commemoration of unknown martyrs in Fars-Abad explicitly called on townspeople to relate to unknown martyrs as they would their own kin. Indeed, in his speech, the local Imam made repeated claims that the two martyrs to be buried were unknown. This classification was a political act: after all, as "unknown," the two martyrs, would have unique potency for current and future town

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[58] In this special issue, the regenerative efficacy of blood as well as its capacity to stand for and create social ties is further visible in the paper by Dunya Cakir. Cakir quotes an Özgür-Der activist who states that: "The blood of those martyred in Syria and Egypt is resurrecting the *ümmet*. Their blood turned into an elixir. We're confronting the Book once again, we're becoming Muslim anew. Their blood is drawing us closer, bringing us together across 20 cities. They died once, we revived 1000 times today. We are all Mursi. We are all the daughter of el-Beltagy." See in this special issue, Dunya Cakir, "Islamic Texts in Practice: Commemorating Qutb in Turkey before and After the Arab Spring." Here, blood denotes revival and kinship. Daren Ray, in contrast, describes a context in East Africa in which blood is a site of religious debate. In particular, he explores how the mixing of Islamic devotions with blood sacrifices at an ancestral grave in East Africa invites debates of "innovation" or *bid'a*.

commemorations.[59] By means of their very unknown-ness, their bodies, blood, and sacrifices would be made available to all. Townspeople I spoke with said, "What if he were my son?" "What if he were my father?": questions that were viscerally real to those who had actually lost kin and made imaginable to those who had not.

In Fars-Abad, most argued that kinship with a martyr is a blessing. Nushin, my host mother, for instance, told me with pride that she did not prevent her husband, Ahmad, from going to war; although others had sought to prevent their husbands, an immoral act of selfishness. On one occasion, as we walked past the town mosque, then under construction, she told me how a local *sayyid*, or descendant of the Prophet Muhammad, had almost—but not quite—been prevented from becoming a martyr by his sister. "His sister didn't want him to go to war," Nushin said. "She [the sister] said, 'you will become a martyr. You don't yet have any kids.' But the *sayyid* went to the local mosque and while he was there, he saw the Imam Mahdi (in occultation) who told him that he should go. He went and became a martyr." Nushin's tone was full of awe at the *sayyid's* encounter with the Imam Mahdi, so near to her home and at the local mosque she had grown up attending. She said that she respected the self-sacrifice of the *sayyid*, explaining that he had overcome his sister's mundane desires and even her concern for his prophetic progeny to sacrifice his life in defense of Islam.

Other women I spoke with in Fars-Abad contended that "right" and "faithful" mothers and sisters urged their male kin to take part in the defense of the sacred motherland. They cast those who did not want to part with their husbands or brothers or sons during the Iran-Iraq War as morally inferior. Very often, and especially during the Week of the Sacred Defense, the subject of the "pure" and "good" martyrs would come up in conversation—such as after prayer or during food preparation. Sometimes, these iterations were evoked by something on the television. Sometimes they followed prayer or a particular birth or mourning day of an Imam. For members of my host family, however, they were recalled more commonly by town places, the local mosque or a tombstone of a loved martyr we passed when we visited relatives or ran errands.

In contrast, drawing on fieldwork in Tehran, Saeidi found that many of her interlocutors were skeptical about state depictions and the "use" of their martyred kin as propaganda.[60] Some of the women she interviewed had begun foundations to publically memorialize martyrs in their own way, rather than employ the frame guided by the state. Most female interviewees in Fars-Abad, however, did not outwardly exhibit this skepticism. Many embraced the moral regulations expected of martyrs' families to become exemplary citizens, made visible in acts such as always donning the black chador,

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[59] This uniqueness was made evident by the special placement of these two martyred soldiers on the hill in the town park and the elaborateness of their burial site. In contrast, Fars-Abad's other forty-four known martyrs were buried together in small but well-kept martyrs' graveyard.

[60] S. Saeidi, "Creating the Islamic Republic of Iran: Wives and Daughters of Martyrs, and Acts of Citizenship," *Citizenship Studies* 14, no. 2 (2010) 113-126: 116.

wearing simple dress, giving to the poor, cooking votive meals for townspeople, and going on pilgrimage.

It is important to note that, with concern to the subject of martyrdom, my Basiji family only guided me to interviews with select individuals. For instance, when one family member suggested that I meet a certain local mother of a martyr, my host father said with concern: "You don't want to speak with her; she will give you the wrong impression." He also carefully went over my questions concerning martyrs, finally approving them. Needless to say, I never interviewed that particular woman. This censorship limited what I was able to ask, but it is also revealing. It shows my host father's concern that I would put not only myself, but his family in danger with the state if I asked certain questions of certain people. Yet, even this censorship points to the possibility of more cynical perspectives within Fars-Abad, which my research was unable to address.

During the multi-part commemoration of the unknown soldiers in Fars-Abad described above, a rumor began. At first it seemed benign: had one of the "unknown" martyrs actually been identified? A mother, people said, had claimed that one of the "unknown" martyrs was indeed her "known" son. There was some talk of DNA evidence. During the burial ceremony on top of the dusty hill referred to in the beginning of this chapter, the women I stood with pointed to a mother in the crowd. "She is here! The martyr's mother. . ." they whispered. Afterwards, some people said that the official had ignored the mother's claims in their efforts to keep the martyr's status "unknown." Others said that the identity of the martyr had not been proven. But why did officials attempt to maintain the martyrs' unknown status so diligently?

In *Imagined Communities*, Benedict Anderson highlights the peculiarity of the *unknown* tomb as an emblem of modern nationalism, saturated with "ghostly national imaginings," a signifier of "connectedness" and of "continuity."[61] In Fars-Abad, the unknown martyrs' commemoration and burial similarly drew on aspirations for national continuity and connectedness. However, what the Friday Imam and others highlighted is a particular kind of familial connection that, as I show elsewhere,[62] is frequently emphasized by the Islamic Republic—the naturalized connectedness of Muslim brother and sister citizens, and between these same citizens, the land/soil of Iran, and God.

Alternate Discourses through Blood

> It's the month, the month of blood
> Sayyid Ali (Khamenei) will be toppled
> (A slogan chanted in Qom during the funeral marches for the Ayatollah Hossein Ali Montazeri 12/21/2009)[63]

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[61] B. Anderson, *Imagined Communities* (London: Verso, 1983), 50.

[62] R. Wellman, *Sacralizing Kinship, Naturalizing the Nation: Delineating a Muslim Brother and Sisterhood in Iran*, forthcoming.

[63] M.J. Fischer, "The Rhythmic Beat of the Revolution in Iran," *Cultural Anthropology* 25, no. 3 (2010): 497–543.

Before concluding, it is important to note that concepts of blood, martyrdom, and sacrifice have had a long history of cultural salience with differing interpretations through time. Indeed, it is not only the supporters of the Islamic Republic that have called on the spilled blood of martyrs and the Battle of Karbala. According to Dorraj, members of the leftist Mujahadin-i Khalq organization, some of whom were being executed by the Shah's regime in their fight against the pre-Revolution monarchy, sang the song "from our blood, carnations will grow" in the spirit of the myth of Siavash.[64] Siavash, importantly, is a central figure in the Book of Kings, which was written by Ferdowsi between 977-1010 AD and tells the mythical and historical past of the Persian Empire from the creation of the world until the Islamic conquest of Persia in the 7th century. Innocent and chaste, Siavash is ultimately slain for making purported advances on his stepmother. When he wrongly dies, it is said that three drops of blood fell on the ground, from which grew a red plant, an anemone. In Iran, this flower is often called "the blood of Siavash." The phrase, moreover, continues to stand for innocence and virtue betrayed. The epic resonates with the martyrdom of the innocent Imam Husayn and the corresponding efficacy of his regenerative blood.[65] The Mujahadin saw the deaths of their group as a necessary drop in a flood that would ultimately cleanse the moral filth by washing away the Shah's regime.[66]

More recently, others have wielded the symbolic power of martyrs' blood, explicitly evoking the martyrdom of the Imam Husayn for reformist politics. The prolific images of the slain Nedda Agha-Sultan, the innocent bystander killed during a Green Movement election protest in June of 2009, provide one salient example. In the widely circulated photos and videos, her blood pours onto the street. Other more recent examples include blood-covered protest t-shirts of former Islamic government protesters and symbolic blood handprints on protesters' signs, digital and paper, indexing those who died in 2009 Green Movement protests.

Similarly, when the Ayatollah Montazeri died on December 20, 2009, the third day of the month of Muharram, the seventh day anniversary of Montazeri's death fell suggestively on Sunday, the 10th of Ashura, the same day that Imam Husayn was killed at the Battle of Karbala. At his funeral, protesters drew on this sacred-historical layering and called Montazeri by Husayn's title, "the wronged one, the oppressed one" (mazlūm). The association with the Imam Husayn, however, is complicated by Montazeri's own complex relationship with the Islamic Republic. He helped develop the idea of vilāyat-i faqīh and was a student in Khomeini's classes on Gnostic ethics.[67] However, he was also critical of the imprisonment and persecution of leftists and in a speech in 1997, he contended that the Supreme Leader of Iran, Khamenei, was not even a "guide for imitation."

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[64] M. Dorraj, "Symbolic and Utilitarian Political Value of a Tradition."

[65] M. Dorraj, "Symbolic and Utilitarian Political Value of a Tradition," 512.

[66] Contrary to conventional wisdom, Iran's pre-Islamic heritage was not downplayed by Islamists in favor of a universal or anti-nationalist Islamism. Aghaie, for instance, argues that scholars should accept the possibility that many Islamists were nationalists. See K.S. Aghaie, "Islamic-Iranian Nationalism" for more details.

[67] M.J. Fischer, "The Rhythmic Beat of the Revolution in Iran."

Following these comments Montazeri was put under house arrest between 1997 and 2003.[68] For members of my Basiji host family, to provide some perspective, such comments about Supreme Leader would have been blasphemous.

Such debates reveal conflicted opinions in Iran concerning the right path to closeness with God. Indeed, there is tremendous diversity among pious Shi'i Iranian Muslims in this regard. Yet despite their differences, many powerful groups in Iranian history have drawn in similar ways from the sacrificial power of martyrs' blood and the ongoing struggle against outside corruption epitomized by the Battle of Karbala.

Conclusion

This article has shown that the blood and bodies of martyrs—together with their accompanying Islamic-national commemoration—have become integral to a carefully orchestrated effort to sacralize (and naturalize) the Iranian landscape and its citizens. The commemorations, exhumations, and reburials of martyrs are strategic religious practices that organize the bodies of Iranian citizens around key reference points (the Iran-Iraq War, the 1979 Revolution, and the martyrdom of the Imam Husayn at the Battle of Karbala) while eliding other possible interpretations or critiques. Explicitly set against a spiritually vacuous, Western-powered exterior, the widespread mobilization of martyrs' remains in the Islamic Republic extends beyond mere nation-making in the traditional sense. Rather, the state and its supporters explicitly endeavor to make a *religious* (Islamic) nation modeled on the family and oriented toward the divine.

The blood and bodies of martyrs, as material substance and metaphor, are central to this effort. As bodily sensorial substances, they help create a kind of ideal sacred relationship, not only between citizens, but also between citizens, the land/soil of Iran, and God. Here, bodily remains and substances are a powerful tool of memory in their ability to resemble and typify both the sacred history of religious prophets, heroes, and martyrs, and the bodies and blood of one's self and one's kin. I suggest that it is both the associations of anonymous martyrs' bodies and blood with the continuously re-enacted and re-imagined religious past and with the vitality of kinship substance that make the exhumation of martyrs and their reburial such a potent force. Finally, by focusing on the materiality of martyrs' commemorations, this article has sought to develop a material, granular and micro-processual analysis of Iranian nation-making.

Importantly, however, and as we have also seen, commemorations of martyrs do not always fit the mold of the "official speak" of the Islamic Republic. Martyrs may be made and unmade at odds with the state and the specific details of and claims to martyrs bodies are often debated. Even further, for some of the Basijis families I interviewed, understandings of martyrs' blood and bodies as regenerative, purifying substance often have a sacred and tangible reality that, in moments, extends beyond received discourses of modern war memorials, hero recognition, and remembrance.

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[68] M.J. Fischer, "The Rhythmic Beat of the Revolution in Iran."

Celebrating Swahili New Year: A Performative Critique of Textual Islam in Coastal Kenya[1]

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Abstract

Coastal East Africans began practicing Islam as early as the eighth century CE, yet debates over *bid'a* (innovation) during the twentieth century recast several of their local practices as *shirk* (blasphemy). This article situates the celebration of Swahili New Year, now regarded by many East African Muslims as *shirk*, within the context of debates about *maulidi,* a celebration of the Prophet Muhammad's birth introduced by Arab immigrants. Drawing on personal observations, a locally-produced DVD of Swahili New Year, and interviews in Kenya, it compares celebrations of *maulidi* and Swahili New Year in 2010. This comparison demonstrates that the Swahili "Wamiji" community of Mombasa has adapted their variant of Swahili New Year to emphasize a repertoire of practices that it shares with *maulidi* and which many East African Muslims regard as intuitively Islamic. While Sufi *tariqas*, Salafi reformers, and Shi'a minorities focus on interpreting the texts of the Qur'an and *ḥadith* in their critiques of one another, the Swahili "Wamiji" community in Mombasa aims to rehabilitate Swahili New Year from charges of *shirk* through selective changes in practice. This adaptation seems to confirm the trend of deprecating African practices in favor of Arab ones. Yet, the practices of Swahili New Year also obscure the boundaries between religion and culture that are foundational to modern textual approaches to Islam in the region. Celebrating Swahili New Year thus offers a performative critique of textual Islam by arguing through practice, more so than discourse, against the assumption that African practices cannot be

authentically Islamic. The article concludes by suggesting that research on performative critiques could illuminate histories of the majority of Muslims in Africa who did not engage in textual critique but have shaped Islamic celebrations and devotions through their innovations in practice.

Key words: performative critique, textual Islam, Swahili New Year, *mawlid*, *maulidi*, Swahili, Sufi, Salafi, Shi'a, Kenya, East Africa

Introduction

As the Swahili New Year celebration in Mombasa neared its climax on July 18, 2010, a young boy invited me outside so I could observe the sacrifices. I left the assembly hall of Alidina Visram High School where a few dozen participants had gathered to recite the Qur'an in Arabic, sing *qasida* in Kiswahili, and pray in both languages.[2] After walking several meters past the grave of Shehe Mvita (a sixteenth-century forefather of Mombasa), I came to a shallow hole that the organizers had prepared to receive the blood of their animal sacrifices. After a few more moments a *muezzin* inside the hall began to recite the call to prayer through a microphone.[3] Following the call, a butcher said the obligatory *"bismillah"* and slaughtered a brown cow. As he turned his attention to a goat and chicken, a Swahili videographer joined us.

The videographer had missed recording the sacrifice of the cow because he had remained inside to record the *muezzin's* call to prayer. Normally, the celebrants sit on a large lawn between the grave and the school so that the sacrifice is within sight of everyone. However, those who joined in the recitations had congregated inside the assembly hall to escape the dampness of a light morning rain. Although participants I spoke with considered both the sacrifice of the cow and the call to prayer to be essential elements of their celebration, the videographer was required by the circumstances to choose which of the nearly simultaneous events to capture on film.

His decision to privilege the call to prayer over the sacrifice was later reflected in a DVD about the celebration which he distributed a few weeks later.[4] Although the DVD included the remainder of the sacrifices, Kiswahili *qasida* (songs), and scenes of a

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[2] Kiswahili is the language spoken by Swahili communities that stretch from southern Somalia to northern Mozambique in coastal East Africa. Kiswahili has a system for marking plurals that varies according to the class of the noun; for simplicity, all Kiswahili nouns in this paper are in plural forms except proper nouns, such as Siku ya Kibunzi (New Year's Day). Also, there is no standard system for transliterating Arabic words into Kiswahili. So, on the first instance of a word, I provide the Arabic equivalent in footnotes using the transliteration system of the *Muslim World Journal* which is based on the Encyclopedia of Islam system. For instance, *qasida* (Sw.) < *qasīda* (Ar.). All translations in the article are mine.

[3] muezzin (Sw.) < muadhdhin (Ar.)

[4] M. Abdalla, *Hitma Ya Mji*, DVD (Mbwana Communications International, 2010).

Swahili women's dance, most of the footage depicted practices that most Muslims in Kenya regard as Islamic devotions. He also titled the DVD *Hitma ya Mji*—referencing a local Islamic funerary practice—rather than *Siku ya Kibunzi*, the traditional name for Swahili New Year in Mombasa which references a local spirit.[5] Contrary to the judgment of several Western scholars and local Muslim critics, the DVD thus characterized Swahili New Year as an Islamic festival rather than an ethnic cultural tradition.

Debates among Sufi, Salafi, and Shi'a Muslims in East Africa often revolve around the distinctive boundaries they assert between culture and religion as defined by their interpretations of Islamic texts.[6] These textualist discourses have been articulated at length in sermons and Kiswahili booklets, but they also emerged in the casual interviews recorded for the *Hitma ya Mji* DVD and conversations I had with Swahili Muslims about their celebrations.[7] Yet, my observations and the visual elements of *Hitma ya Mji* suggest that celebrants also obscure the boundaries between culture and religion by performing rituals—such as animal sacrifice—that resonate with many heritages. Although some participants in Swahili New Year draw on textualist discourses to defend their practices, their celebration also offers a performative critique of textual Islam.

Muslims Critiques in African Contexts

Western discourses have often relied on generic stereotypes of African and Muslim societies as backwards to contrast the progress of Western modernity. While some streams of Orientalist scholarship presumed that the development of Muslim societies stalled during the medieval era, historians once regarded Africans to be outside the

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[5] *Hitma* is derived from the Arabic word *khatma*, "recital of the Koran, especially on festive occasions" (H. Wehr, *A Dictionary of Modern Written Arabic*, ed. J. M. Cowan, 3rd ed. [London: MacDonald & Evans Ltd., 1980]). The word is pronounced *hitima* in Standard Kiswahili and commonly refers to recitations of the Qur'an at funerals or the feasts that accompany such recitals (F. Johnson, *A Standard Swahili English Dictionary: [founded on Madan's Swahili-English Dictionary]* [London: Oxford University Press, 1939]).

[6] See especially Kai Kresse, "'Swahili Enlightenment'? East African Reformist Discourse at the Turning Point: The Example of Sheikh Muhammad Kasim Mazrui," *Journal of Religion in Africa* 33, no. 3 (2003): 279–309; Anne K. Bang, "Authority and Piety, Writing and Print: A Preliminary Study of the Circulation of Islamic Texts in Late Nineteenth- and Early Twentieth-Century Zanzibar," *Africa: The Journal of the International African Institute* 81, no. 1 (2011): 89–107. R. Loimeier notes a continuity from at least the 1890s in the condemnation of mixing local (African) custom with religious practice, see "Traditions of Reform, Reformers of Tradition: Case Studies from Senegal and Zanzibar/Tanzania," in *Diversity and Pluralism in Islam Historical and Contemporary Discourses amongst Muslims*, ed. Zulfikar Hirji (London: IB Tauris, 2010), 158–159.

[7] I conducted thirteen interviews in Lamu and eighteen interviews in Mombasa between January and August, 2010, though not all of these interviews are reflected in this paper. All interviews were recorded and conducted in Kiswahili. They are available for researchers at the Ray Research Deposit, Audio-Visual Department of Fort Jesus Museum, National Museums of Kenya, Mombasa, Kenya.

bounds of historiography because few of them produced written records.[8] Not until African states gained independence at the start of the Cold War did historians begin challenging stereotypes that Africa was inhabited by isolated tribes bound by ancestral traditions except when they managed to adopt innovations diffused from elsewhere. Since then, historians have analyzed oral traditions, linguistics, and material culture to demonstrate how Africans draw on local heritages to transform their societies.[9]

Although scholars have amply demonstrated the internal dynamism of Muslim and African societies in the past several decades, anthropologist Irfhan Ahmed has noted that some crucial barriers remain for recognizing the parity of Muslim and Western societies. In particular, Ahmed argues that Western academic scholars are subject to an "all-pervasive perception that critique is by definition secular and hence inhospitable and antithetical to religion, certainly to Islam."[10] His observations could be extended to African contexts as well, not only because nearly half the population of Africa is Muslim, but also because African critiques are grounded in epistemologies that accept the possibility that humans can manipulate the unseen world.[11] Applying Ahmed's observations to Africa requires at least one qualification: stereotypes that cast Africans as primitive have been at least as important as secularism in obscuring analyses of Africans' critiques.

Ahmed suggests that scholars can escape the European genealogy of secularism by researching immanent critiques—"a form of criticism that uses tenets, histories,

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[8] As W.B. Hallaq pointed out, Joseph Schacht and several other Orientalist scholars considered the decadence of Islamic societies to be a consequence of *taqlīd* (imitation of precedent) replacing *ijtihād* (exhaustive legal interpretation) in the ninth century CE ("Was the Gate of Ijtihad Closed?," *International Journal of Middle East Studies* 16, no. 1 (March 1, 1984): 3–41.). For instances of historians doubting the feasibility of African history, see Georg Wilhelm Friedrich Hegel, *The Philosophy of History* (Colonial Press, 1900), 91–99; Hugh Trevor-Roper, "The Rise of Christian Europe," *The Listener*, November 28, 1963, 871; H. R. Trevor-Roper, "The Past and the Present. History and Sociology," *Past & Present*, no. 42 (February 1, 1969): 6.

[9] The journal *History in Africa* has been an influential forum for developing and disseminating these methodologies among Africanists. For a practical introduction, see John Edward Philips, *Writing African History* (Rochester, NY: University of Rochester Press, 2005).

[10] V. Y. Mudimbe, *The Invention of Africa : Gnosis, Philosophy, and the Order of Knowledge* (Bloomington: Indiana University Press, 1988); Edward W. Said, *Orientalism* (London: Vintage, 1979); Irfan Ahmed, "Immanent Critique and Islam: Anthropological Reflections," *Anthropological Theory* 11, no. 1 (March 2011): 107–32, doi:10.1177/1463499611398188. Secularism is also an aspect of Western imperialism that Muslims engaged in many regions of the world, both as proponents and critics of policies that remove religion from the public sphere; for examples in this issue, see Amrita Malhi, "Like a Child with Two Parents: Race, Religion and Royalty on the Siam-Malaya Frontier, 1895-1902"; Nurfadzilah Yahaya, "Craving Bureaucracy: Marriage, Islamic Law, and Arab Petitioners in the Straits Settlements"; and Dunya Cakir,"Islamist Texts in Practice: Commemorating Qutb in Turkey before and after the Arab Spring".

[11] Rudolph T. Ware III, *The Walking Qur'an: Islamic Education, Embodied Knowledge, and History in West Africa* (Chapel Hill, NC: University of North Carolina Press, 2014), 17–19. Steven Feierman, *Peasant Intellectuals: Anthropology and History in Tanzania* (Madison, WI: University of Wisconsin Press, 1990); Neil Kodesh, *Beyond the Royal Gaze: Clanship and Public Healing in Buganda* (Charlottesville, VA: University of Virginia Press, 2010).

principles, and vocabularies of a tradition to criticize it in its own terms."[12] He empha-
sizes that many modes of critique exist simultaneously in and among every society.
Thus, scholars could recognize "literature and arts, collective movements and mobiliza-
tions, print culture and mass media, humor and laughter, versions of histories and
visions of futures, . . . and so on" as critique, regardless of their entanglements in religion
or spirituality.[13]

Like Ahmed, anthropologist Kai Kresse has demonstrated that Africans are
producers—not merely objects—of critique by outlining critical traditions that Swahili
philosophers have developed in coastal East Africa. Through his exposition on the dis-
courses of Ahmed Sheikh Nabhany, Ahmed Nassir, and Sheikh Abdilahi Nassir, Kresse
outlined three distinct Swahili philosophies that emerge from local conditions and are
focused on Kiswahili language, Swahili language, and Swahili Islam, respectively. These
Swahili philosophers have few inhibitions against critiquing local practices, but they also
criticize discourses that Muslims have introduced from abroad for ignoring the complex-
ity of local contexts.

In addition to describing philosophical traditions concerned with articulating Swahili
culture, Kresse has argued that rationalist modes of self-reflective critique about religion
emerged in the twentieth century during what he has described as a Swahili Enlighten-
ment.[14] During this transition, coastal Muslims (including those claiming a Swahili iden-
tity) began drawing primarily on authoritative Islamic texts (particularly the Qur'an and
collections of *ḥadith*) as evidence for their reasoning in debates about moral practices,
whereas earlier generations of scholars had emphasized the customs, practices, and val-
ues safeguarded by town elders in oral traditions.[15] That is, they transitioned from oral
and performative modes of critique to textual modes of critique that Kresse associates
with rationalism.[16]

Allyson Purpura and Anne K. Bang have similarly emphasized that this transition to
textual or scriptural Islam created a novel kind of authority in East Africa.[17] While Pur-
pura described the various kinds of religious experts in Zanzibar that derive authority
from texts, Bang has surveyed book collections that show how the circulation of texts

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[12] Ahmed, "Immanent Critique," 109.

[13] Ahmed, "Immanent Critique," 117.

[14] Kresse, "'Swahili Enlightenment'?."

[15] R. Pouwels, *Horn and Crescent: Cultural Change and Traditional Islam on the East African Coast,
800-1900* (Cambridge, UK: Cambridge University Press, 1987); S. F. Hirsch, *Pronouncing and
Persevering: Gender and the Discourses of Disputing in an African Islamic Court* (Chicago: University
of Chicago Press, 1998).

[16] Oral poetry was not simply a pastime or entertainment, but a means of formulating policy and forg-
ing consensus about important issues, including warfare. See Ann Biersteker and Ibrahim Noor Shariff,
eds., *Mashairi Ya Vita Vya Kuduhu: War Poetry in Kiswahili Exchanged at the Time of the Battle of
Kuduhu*, African Historical Sources 7 (East Lansing, MI: Michigan State University Press, 1995).

[17] Allyson Purpura, "Knowledge and Agency: The Social Relations of Islamic Expertise in Zanzibar
Town" (PhD diss., City College of New York, 1997); Bang, "Authority and Piety, Writing and Print."

indicate a trans-regional network of learning among Hadrami Sufis. She suggests that some of these manuscripts began as transcriptions of oral teachings that had been passed down along limited family lines for generations. However, as East African Muslims became increasingly literate and printing transformed texts into commodities for public consumption, printed texts became valued more for the meaning of words they contained than as objects possessing *baraka*.[18] By the mid-twentieth century, a profusion of booklets written in Kiswahili and published in East Africa were written to educate Muslims about which local practices were in accordance with the written Islamic canon and which should be condemned as *bid'a*—an unlawful innovation.[19]

Several scholars have demonstrated that *maulidi* celebrations which commemorate the birth of the Prophet Muhammad have been particularly salient in coastal East Africa's *bid'a* debates and generated extensive critiques.[20] Kresse, in particular, has focused his analysis on written discourses about *maulidi* to illustrate the textualist critiques in which Swahili scholars engage. However, he also indicates that "each performance of a *maulidi* can be seen as an expression of such a critique"—namely a criticism of those who would force Swahili communities to abandon local Muslim traditions in favor of foreign Muslim traditions.

The criticism of foreign influence that Kresse notes in each *maulidi* performance is also evident in celebrations of Swahili New Year. However, instead of merely an implicit expression of an otherwise textualist critique, I argue that the performance of Swahili New Year challenges the hegemony of textualist interpretations of Islam, regardless of whether they emerge from local or foreign philosophies. Rather than citing a written canon to argue that Swahili New Year is Islamic, celebrants perform their piety by drawing on the repertoire of practices that supporters of *maulidi* celebrations have succeeded in defending as Islamic. Just as celebrants reconcile religion and culture at Swahili New

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[18] Anne K. Bang, *Islamic Sufi Networks in the Western Indian Ocean (c. 1880-1940): Ripples of Reform*, Islam in Africa, v. 16 (Boston: Brill, 2014), 109, 140.

[19] Kiswahili spelling varies widely (*bid'a, bida'a, bidaa, bid-a*); it means "innovation" and, applied broadly, refers to any practice that the Prophet Muhammad did not personally endorse or perform. In classical Islamic jurisprudence, *ulama* classified *bid'a* into a range of licit or illicit categories. Landau-Tasseron (1989) argues that *bid'a* was not a prominent component of Islamic discourse until the establishment of the schools of law, particularly the Shafi'i school which promoted the use of *ḥadith*, rather than *ra'y*, as the foundation of jurisprudence (*usul al-fiqh*). Ella Landau-Tasseron, "The 'Cyclical Reform': A Study of the Mujaddid Tradition," *Studia Islamica*, no. 70 (January 1, 1989): 79–117, doi:10.2307/1595679.

[20] *Maulidi* (Sw.) < *Mawlid* (Ar.); Kai Kresse, "Debating Maulidi: Ambiguities and Transformations of Muslim Identity on the Swahili Coast," in *The Global Worlds of the Swahili: Interfaces of Islam, Identity, and Space in 19th and 20th-Century East Africa*, ed. Loimeier, Roman and Rudiger Seesemann, Beiträge Zur Afrika Forschung 26 (Berlin, 2006), 212–13; Purpura, "Knowledge and Agency: The Social Relations of Islamic Expertise in Zanzibar Town"; Alan W. Boyd, "To Praise the Prophet: A Processual Symbolic Analysis of 'Maulidi', a Muslim Ritual in Lamu, Kenya" (PhD diss., Indiana University, 1978); Anne K. Bang, *Sufis and Scholars of the Sea: Family Networks in East Africa, 1860-1925*, Indian Ocean Series (New York: Routledge, 2003).

Year, examining dialectical relationships between texts and practices challenges the association of textual knowledge with Islam and embodied practices with African spirit possession cults. In addition, recognizing performance as a distinctive mode of critique, rather than merely an object or expression of otherwise discursive critiques, redresses problematic analyses that assume "one cannot be authentically African and authentically Muslim at the same time."[21]

Celebrating Muslim Diversity in East Africa

The winds and currents of the Indian Ocean have sustained Islamic critiques along the Kenyan coast for over a thousand years, as they deposited Muslims from a variety of communities on the same shore.[22] The mosques built along Kenya's Lamu archipelago in the eighth century CE are the earliest indication of Islamic worship in East Africa.[23] Successive expansions of mosques farther south along the coast indicate that most coastal communities (but few of their inland partners) embraced Islamic worship by the fourteenth century CE. As Abdul Sheriff has noted, local communities welcomed Muslims from many communities—including Kharijite refugees and Shi'a merchants of Persian descent whom he credits with founding Shirazi dynasties at Kilwa, the Mrima coast of Tanzania, and Mombasa.[24] However, by 1331, Ibn Battuta reported that Muslims in Mombasa were followers of the Sunni-Shafi'i *madhhab*, a legal consensus sustained until the twentieth century by waves of immigration from Hadhramaut.[25]

Immigration peaked again after Sultan Seyyid Sa'id (r. 1807-1856) extended his domains from the Ibadhi Sultanate of Oman to coastal East Africa after 1830.[26] After

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[21] Ware III, *The Walking Qur'an*, 5; also see Loimeier, "Traditions of Reform, Reformers of Tradition," 136–138.

[22] M. Horton and J. Middleton suggest that these coastal Africans adopted Islam under the tutelage of Zaidi Shi'a Muslims because coins minted from the eighth to tenth centuries in northern Kenya bear inscriptions similar to Zaidi coins found elsewhere in the ninth century, *The Swahili: The Social Landscape of a Mercantile Society* (Malden, MA: Blackwell Publishers, 2000), 50, 62. However, H. Brown argues that the coins are more similar in size to those found in the Ummayyad province of Sind in western Pakistan, "Early Muslim Coinage in East Africa: The Evidence from Shanga," *Numismatic Chronicle* 152 (1996): 83–87, cited in Timothy Insoll, *The Archaeology of Islam in Sub-Saharan Africa* (New York, 2003).

[23] Insoll, *The Archaeology of Islam in Sub-Saharan Africa*, 163.

[24] Abdul Sheriff, *Dhow Cultures of the Indian Ocean: Cosmopolitanism, Commerce and Islam* (Columbia University Press, 2010). Note that R. Pouwels interprets the Shirazi lineages as revisionist genealogies invented to counter growing Arab hegemony "Oral Historiography and the Problem of the Shirazi of the East African Coast," *History in Africa* 11 (1984): 237–67, doi:10.2307/3171636. Their interpretations are not necessarily incompatible; Shirazi merchants likely settled in East Africa, but the claims that they established ruling dynasties are problematic.

[25] Ibn Battuta, *Ibn Battuta: Travels in Asia and Africa*, trans. H.A.R. Gibb (London: Routledge, 1929); Bradford G. Martin, "Arab Migrations to East Africa in Medieval Times," *The International Journal of African Historical Studies* 7, no. 3 (1974): 367–90, doi:10.2307/217250.

[26] Mombasa's last effort to contest Seyyid Sa'id's authority failed in 1830, though the sultan did not take up permanent residence in Zanzibar until the 1840s. His empire building is chronicled in Reginald

defeating potential rivals in Oman and East Africa, including the patricians of Mombasa, he established his court at Zanzibar and concerned himself primarily with promoting and taxing commerce. He and his successors consulted with leaders in coastal towns to appoint Shafiʻi *qāḍīs* for local Muslims, but they also appointed Ibadhi *qāḍīs* for Omani immigrants. Although Sultan Bargash (r. 1870-1888) initiated some efforts to encourage conversion, few local Muslims adopted Ibadhism. In addition to the challenge of overturning centuries of practice and recent ire over the conquest, Ibadhi Muslims faced competition from Hadrami immigrants arriving from Yemen and the Comoros Islands. Some of these immigrants boasted status as *sharifu* descended from the Prophet Mohammad and introduced or reinvigorated several Sufi *tariqas*.[27]

The prospering economy over which Seyyid Saʻid presided also attracted Muslims from South Asia who provided labor or credit to plantation owners in the process of expanding their holdings in land and enslaved labor.[28] Compared to Arab Muslims who often assimilated into the local Muslim communities of East Africa, South Asian Muslims maintained relatively distinct communities as Memons, Khojas and Bohora.[29] Neither Omani nor British colonial courts appointed *qāḍīs* from the Hanafi *madhhab* to which these South Asian Muslims adhered.[30] However, as Nurfadzilah Yahaya describes in this issue for Southeast Asia, judges and *qāḍīs* in the British Empire often consulted Hanafi legal manuals and the decisions of British courts in India when deciding disputes involving South Asian Muslims.[31]

Coupland, *East Africa and Its Invaders: From Earliest Times to the Death of Seyyid Said in 1856* (Oxford, UK: Clarendon Press, 1938); Abdul Sheriff, *Slaves, Spices, & Ivory in Zanzibar: Integration of an East African Commercial Empire into the World Economy, 1770-1873* (London: James Currey, 1987).

[27] [sharifu] (Sw.) < [sharif] (Ar.). Bang, *Sufis and Scholars of the Sea*; B.G. Martin, *Muslim Brotherhoods in Nineteenth Century Africa* (Cambridge, UK: Cambridge University Press, 1976).

[28] Sheriff, *Slaves, Spices, & Ivory in Zanzibar*. N. Green offers a South Asian view of settlement in East Africa in "Africa in Indian Ink: Urdu Articulations of Indian Settlement in East Africa," *The Journal of African History* 53, no. 2 (January 1, 2012): 131–50.

[29] The Memons are Sunni, while the Khojas and Bohras are Ismaili Shiʻa. Personal accounts of immigrants collected by C. Salvadori demonstrate that some South Asians took local African women as wives or concubines, though later generations of immigrants included women and children. Regardless, they maintained distinct places of worship and community celebrations that avoided general assimilation into coastal society. See Cynthia Salvadori, *We Came in Dhows* (Paperchase Kenya, 1996); Cynthia Salvadori, *Through Open Doors: A View of Asian Cultures in Kenya*, ed. Andrew Fedders, 2nd ed. (Kenway Publications, 1989).

[30] Hassan Mwakimako, "The Historical Development of Muslim Courts: The Kadhi, Mudir and Liwali Courts and the Civil Procedure Code and Criminal Procedure Ordinance, C. 1963," *Journal of Eastern African Studies* 5, no. 2 (May 1, 2011): 329–43, doi:10.1080/17531055.2011.571392; Elke E. Stockreiter, "'British Kadhis' and 'Muslim Judges': Modernisation, Inconsistencies and Accommodation in Zanzibar's Colonial Judiciary," *Journal of Eastern African Studies* 4, no. 3 (November 1, 2010): 560–76, doi:10.1080/17531055.2010.517423.

[31] N. Yahaya, "Craving Bureaucracy: Marriage, Islamic Law, and Arab Petitioners in the Straits Settlements," this issue.

One consequence of the growing diversity of the Islamic *umma* in East Africa throughout the nineteenth and twentieth centuries was that town elders lost the authority they had held over Muslims in their respective *miji*, or confederations.[32] Since none of the *miji* had successfully dominated the entire coast, there had previously been no authoritative or influential institutions that extended beyond *miji* in which residents (immigrant or otherwise) could challenge town elders. However, as the Omani Sultans and the British Foreign Office established court hierarchies dominated by Arab, Swahili, and British experts in Islamic legal texts, town elders lost much of their influence as their decisions became subject to appeal and judicial authority was consolidated in colonial courts. Ultimately, the oral traditions they safeguarded as town elders were subordinated to textual proofs accepted as evidence in hierarchical court systems.[33]

In previous centuries, most immigrants had deferred to the authority of town elders and local customs to avoid expulsion or ostracism. However, the patronage of Omani sultans, brotherhood of Sufi *tariqas*, and familiarity of South Asians' diasporic communities provided immigrants alternatives to assimilation into the local communities presided over by town elders by offering resources from and affiliation with trans-local communities. Town elders thus began competing for followers with these trans-local Muslim communities, whose interpretations of Islam often differed from their own. In this context, *Maulidi ya Nabii*—a celebration of the Prophet Muhammad's birth—began to eclipse Swahili New Year as an annual celebration of the diverse communities that composed each *miji*.[34]

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[32] *Miji* are conventionally described as city-states, but instead of centralized bureaucracies, they were malleable confederations of patrons (and their clans) who mediated between Indian Ocean merchants and networks of neighboring towns, villages and countrysides. Horton and Middleton described *miji* as conurbations to emphasize their extension beyond single towns and the variability of their borders as rivals waxed and waned over centuries (*The Swahili: The Social Landscape of a Mercantile Society*, 136–7).

[33] This subordination of oral tradition controlled by male elders has led local communities to regard Kadhi Courts as "women's courts." Ahmed Yassin, "Conflict and Conflict Resolution among the Swahili of Kenya" (PhD diss., University of London, 2004); Hirsch, *Pronouncing and Persevering: Gender and the Discourses of Disputing in an African Islamic Court*; M.J. Swartz, "Religious Courts, Community, and Ethnicity among the Swahili of Mombasa: An Historical Study of Social Boundaries," *Africa: The Journal of the International African Institute* 49 (1979): 29–41. Although many town elders had extensive knowledge of Islamic texts as well, their distinctive knowledge of oral tradition had previously enabled them to maintain authority over immigrant Muslims. For the development of new notions of authority linked to the ability to interpret texts, see Bang, "Authority and Piety, Writing and Print."

[34] lidi ya Nabii (Sw.) < vlid al-Nabī (Ar.)

Maulidi ya Nabii: The Birthday Celebration of the Prophet Muhammad

Although Muslims in East Africa regard Ramadan, *'Id al-Fitr*, *'Id al-Hajj*, and *Muharram* (for the resident Shi'a) to be the only Islamic holy days, most of them also celebrate *Maulidi ya Nabii* (henceforth *maulidi*) during the month of *Mfungo Sita*—a lunar month that corresponds with *Rabi' al-Awwal* in the Islamic calendar.[35] *Maulidi* in Kenya is a month-long festival with nightly celebrations rotating through major mosques and towns that regional steering committees coordinate through shared calendars.[36] Women's groups and families also organize smaller *maulidi* celebrations throughout the year on special occasions, usually in private homes, open-air squares, or a rented public hall. As a public celebration of the Prophet Muhammad's birthday, the annual *maulidi* celebration provides an opportunity for Muslims in East Africa to express their unified commitment to his role as the messenger of Islam while also celebrating their commitment to diasporic communities, Sufi *tariqas*, and schools.

Participants in *maulidi* celebrations follow a standard program, regardless of whether it is celebrated in the month of the prophet's birth. First, they distribute a *maulidi* text that narrates the birth and life of the Prophet Muhammad.[37] After sitting on floor mats, participants are led in a scripted call and response in Arabic or Kiswahili by elders seated at the front who face their audience. The recitation is interspersed with singing of *qasida* in Kiswahili. At the end, a communal *dua* is offered and everyone arises; young adults circulate through the attendees to sprinkle participants with rose water, fan them with incense smoke, and share perfumes.[38] Everyone then sits once more and listens to a short speech tailored to the concerns of the day or the specific purpose of the *maulidi* celebration, such as welcoming a new baby or expressing gratitude for a promotion. A final *dua* is offered and the participants receive refreshments before dispersing. Women and men generally organize separate *maulidi* celebrations; if they meet together, the women sit behind or to the side of the men so they are out of view.

The *maulidi* celebration in Mombasa that commemorates the actual birth date of the Prophet Muhammad in the month of *Rabi' al-Awwal* is organized by the Maulid

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[35] Many signs proclaiming the holiday in Mombasa in 2010 spelled the holiday *Miilad un-Nabi*; I follow the Swahili spelling since that is how my informants tended to pronounce it. Mfungo Sita is the sixth month in the Swahili lunar calendar since it begins counting months at Id al-Fitr; Rabi' al-Awwal is the third month in the Islamic calendar.

[36] For instance I received a copy of *maulidi* calendars from the principle of Riyadha Mosque College in Lamu as well as Mwalimu Abbas of Sakinah Mosque in Mombasa.

[37] The most common text (*Maulidi ya Barzanji*) was written in Arabic by a Yemeni named al-Barzanji but translated into Kiswahili by Mwenye Manswab; but there are a few others, including a Swahili text known as Maulidi ya Rama by Sheikh Abdulrahman Dibii (from East Africa) and an Arabic text called Maulidi ya Habshi by Habib Ali al-Habashi (from Yemen); see Hussein Soud el-Maawy, *Waswahili Na Utamaduni Wao [The Swahili and Their Culture]* (Lamu, Kenya: Self-published, 2009).

[38] dua (Sw.) < du'a (Ar.)

Organizing Committee in cooperation with dozens of Islamic organizations.[39] It differs from the private *maulidi* celebrations organized by individuals and mosques throughout the year in the number of attendees and the festive *zafa* (procession) which precedes it in the late afternoon and attracts large crowds of people who line the streets.[40]

When I attended the *maulidi* celebration in Mombasa on February 26, 2010, the participants in the procession assembled at Sakinah and Kilifi Mosques where they were greeted by Mombasa's mayor and one of the Ministers of Parliament who represents Mombasa. Police cleared the streets of traffic, and women in black *bui-bui* lined up with their children a few hours before the procession started to secure a good view. Three Muslim Boy Scout troops marched in formation and displayed their troop flags as they led the two processions to Digo Road, where they joined together, and then on to Makadara Garden on the edge of Mombasa's Old Town. Following the Boy Scouts, teenage boys and men from about a dozen *madrassas* and Sufi *tariqas* danced through the streets as they beat *matwari* (hand-frame drums) and sang songs they had composed in Kiswahili to praise the Prophet Muhammad.[41] These *madrassas* and *tariqas* often attract membership according to national origins, so the procession also represented the wide variety of diasporic and local Muslim communities in Mombasa.[42] Upon arriving at Makadara Garden, each group sang their composition into a microphone for all to hear. The park filled with young men and women in a festive mood who shared ice cream, played their drums, and spoke together in small groups. Men and women generally clustered separately, but no one actively enforced segregation by gender.

Just after dusk a few hours later, the mood was still joyful but reflective. The flags and drums had been put away and no one danced. Instead of wearing distinctive uniforms and congregating as Memons, Swahili, Pakistani and other distinct communities, men dressed in white or brown *kanzu* (tunics that stretch from neck to calf) and sat with their sons on large tarpaulins laid out at Makadara Garden in front of a temporary stage. A few yards behind and to the left of the men, a white screen separated them from the women who sat behind it. A video of the proceedings was projected onto the screen for the women to see. In marked contrast to the afternoon displays of unique songs, dances, and flags that each group used to distinguish itself, the attendees dressed the same, sat and stood in unison, and joined their voices in reciting episodes in the Prophet Muhammad's life and singing praises to him and Allah.

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[39] I was unable to meet with the Mombasa Organizing Committee or determine its exact composition; in Lamu, I attended a Maulidi Organizing Committee that included representatives from Riyadha Mosque, the National Museums of Kenya, and a local women's NGO.

[40] *zafa* (Sw.) < *zaffa(t)* (Ar.)

[41] *twari, matwari* (Sw.) < *ṭar, ṭara(t)* (Ar.)

[42] Swahili have both *madrassas* which offer a range of subjects to study and *chuo* (literally "book"), which are Qur'an schools with an emphasis on memorizing the Qur'an.

Siku ya Kibunzi: Mombasa's Variant of Swahili New Year

In contrast to *maulidi* celebrations, all the Muslims I observed celebrating Swahili New Year presented themselves as Swahili, rather than as representatives of various Islamic groups or expatriate communities. Though some local scholars claim it is a variation of the Iranian *nairuz* celebration introduced by Persian sailors, Swahili communities calculate the date for Swahili New Year using a Bantu (African) solar calendar that is subdivided into thirty-six ten-day weeks called *miongo*; an adjustable thirty-seventh *miongo* of five or six days is used to calibrate variations in the solar cycle.[43] Arguing against the association of Swahili New Year's celebrations with *nairuz*, Odile Racine-Issa has documented how participants honor ancestors and local spirits in their observances of Swahili New Year in Zanzibar (the off-shore island of Tanzania).[44] There is great variety in the celebrations of Swahili New Year along the coast. In southern rural Zanzibar the celebration includes the symbolic burning of a grass shrine and a mock melee battle with plaited palm fronds; the celebration in Tumbe on Pembe Island included a procession in which participants stopped at crossroads to appease spirits by reciting the Muslim call to prayer (*adhān*).[45] In Mombasa, Swahili New Year bears a strong resemblance to *maulidi* celebrations.

Just after daybreak on Sunday, July 18, 2010, about sixty men, two dozen women, and a handful of boys and girls gathered at Alidina Visram High School in Mombasa to celebrate Swahili New Year. The official date had passed a few days earlier, but the celebration was delayed to the weekend to enable more people to attend. The site of the celebration is significant because it contains the grave of Shehe Mvita—a founder of Mombasa whom the Portuguese encountered in the sixteenth century and who is remembered as a Muslim martyr.[46] One participant claimed on the *Hitma ya Mji* DVD

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[43] *nairuz* (Sw.) < *nowruz* (Farsi); The Bantu calendar used to calculate Swahili New Year suggests that aspects of the celebration predate coastal East Africans' conversion to Islam. However it is also possible that practices associated with the celebration emerged alongside Islamic devotions. For details on the calculation of the calendar see P.J.L. Frankl, "Siku Ya Mwaka: The Swahili New Year (With Special Reference to Mombasa)," *Afrikanistische Arbeitspapiere*, Swahili Forum VII, 64 (2000): 5–3 and John M. Gray, "Nairuzi or Siku Ya Mwaka," *Tanganyika Notes and Records* 38, 41 (1955 1955): 1–1, 3–71.

[44] Nematollah Fazeli notes that Iranian intellectuals in the early twentieth century wrote defenses of *Nowruz* as a cultural tradition that was compatible with Islam, despite its Zoroastrian roots (*Politics of Culture in Iran* [Routledge, 2006], 37–38). Nowruz also survived critiques in earlier centuries (A. Shapur Shahbazi, "Nowruz ii. In the Islamic Period," *Encyclopaedia Iranica, Online Edition*, November 15, 2009, http://www.iranicaonline.org/articles/nowruz-ii).

[45] Odile Racine-Issa, "The Mwaka of Makunduchi, Zanzibar," in *Continuity and Autonomy in Swahili Communities: Inland Influences and Strategies of Self-Determination*, ed. and trans. David Parkin (London: School of Oriental and African Studies, 1994), 167–75; Ulrich Rinn, "Mwaka Koga: The Development of Sincretistic Rituals in a Globalising World," in *Unpacking the New: Critical Perspectives on Cultural Syncretization in Africa and Beyond*, ed. Afe Adogame, Magnus Echtler, and Ulf Vierke (Berlin: LIT Verlag, 2008), 349–67.

[46] Contemporary reports by the Portuguese say Shehe Mvita was killed by pagan Segeju allies of Malindi, another *miji* confederation to the north of Mombasa that had become a vassal of Portugal,

that they have celebrated Swahili New Year on the same site for "one or two thousand years."[47] Though evidence for the celebration stretching back that far is unlikely, archaeologists have unearthed evidence that a nearby site on Mombasa Island was occupied as early as 1100 CE.[48]

In addition to an opportunity for communal worship, Swahili New Year in Mombasa is a reunion of the Wamiji ("townspeople") whose members claim descent from Shehe Mvita and other founders of Mombasa's Old Town (formerly named *Mvita*). As participants arrived in their *tuk-tuk* taxis, old friends greeted one another in the traditional manner: a handshake accompanied by a kiss on the backs of their clasped hands. The videographer mentioned above circulated through the crowd and conducted spontaneous interviews. The women who attended wore modest black *bui-bui* that mostly covered their blouses and colorful *kanga* wraps; only a few of the women veiled their faces. Most of the men and boys wore the cylindrical Swahili hats known as *kofia* (embroidered cylindrical caps) and gleaming white *kanzu*. But a few men arrived in shorts or slacks and tattered shirts, dressed for labor. These men tied up a chicken, goat, and cow that would be sacrificed. Then they dug a hole and set out large tin cooking pots for the afternoon feast of meat stew and bread. Inside the auditorium, participants finished preparing for the celebration by pushing away chairs, rolling out large plaited mats, and distributing copies of the Qur'an for private study before the public recitation.

A *sharifu* and a former Chief Kadhi of Kenya, along with a handful of other eminent men, sat with legs crossed on the short stage facing the assembly. The other men sat on the floor, a few with their sons. Several yards behind the men, the women sat on another mat, though a few of the older women opted to sit in chairs. Once most of the participants had settled into their places, the men on the stage took turns passing a microphone as they led the participants in reciting the Qur'an. At occasional breaks in the recitation they paused to sing *qasida* in Kiswahili from memory. After about thirty minutes, everyone stood to sing the final song as young men circulated through the audience to sprinkle the participants with rosewater and apply perfume to their wrists. They then

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Mbarak Ali Hinawy, *Al Akida and Fort Jesus Mombasa* (Nairobi: East African Literature Bureau, 1970). The commemoration of martyrs is a common practice in many cultures; consider the Islamic variations of this practice throughout this issue. These include an Indonesian editorial calling for young Muslim nationalists to emulate an anti-Dutch resistance fighter (J. Gedacht, "Holy War, Progress, and 'Modern Mohammedans' in Colonial Southeast Asia"); a public lecture in Turkey that interprets the writings of Sayyid Qutb to honor members of the Muslim Brotherhood, who died in Cairo's Adawiya Square, as martyrs (D. Cakir, "Islamist Texts in Practice"), and the Iranian practice of exhuming and reburying the soldiers of the Iran-Iraq War to sacralize and nationalize provincial spaces (R. Wellman, "Regenerating the Islamic Republic: Commemorating Martyrs in Provincial Iran").

[47] Mbwana Abdalla, *Hitma Ya Mji*, DVD (Mbwana Communications International, 2010).

[48] Hamo Sassoon, "The Mosque and the Pillar at Mbaraki: A Contribution to the History of Mombasa Island," *Azania: Journal of the British Institute in Eastern Africa* 17 (1982): 79–97; Hamo Sassoon, "Excavations at the Site of Early Mombasa," *Azania: Journal of the British Institute in Eastern Africa* 15 (1980): 1–42; Hamo Sassoon, "How Old Is Mombasa? Recent Excavations at the Coast General Hospital Sites," *Kenya Past and Present* 9 (1978): 33–37.

returned to a seated position and continued reciting for a few minutes before one of the men on stage offered a *dua* punctuated by the audience responding *amina*. Afterwards, a *muezzin* took the microphone to perform the call to prayer in Arabic. The proceedings inside thus mirrored the routines of *maulidi* celebrations in most details.

Meanwhile, the men outside had laid the cow on the ground next to the hole and trussed its legs. As soon as the call to prayer was complete, the butcher offered the customary Islamic blessing (*bismillah*, "in the name of Allah"), slit the animal's throat with a long sharp knife, and directed the blood into the hole that the men had prepared. Once the blood stopped running into the hole, he slaughtered the goat atop the cow's carcass, then the chicken alongside it; the blood from each animal ran into the same hole. The men immediately began butchering the animals in the open air and laid the meat on a clean sheet of plastic. As noted above, the videographer arrived between the sacrifice of the cow and the goat.

Back inside the auditorium, one of the organizers directed the attention of the assembly to the women gathered in the back who then performed the *vugo*, a traditional Swahili wedding dance also used to mark other special occasions.[49] The women clustered together and stood facing the men as they sang; their torsos rocking gently to the slow rhythm of the drums and antelope horns that some of the women played to accompany their singing. After a few minutes of dancing, organizers distributed a traditional refreshment of cloves and betel leaf to the participants and the former Chief Kadhi offered another prayer. The morning activities concluded with a speech by one of the organizers, after which most participants dispersed as the workmen prepared the afternoon feast.

A few hundred people attended the feast, which the organizers told me was a *sadaka*, a voluntary contribution intended especially for the poor.[50] By three in the afternoon, the crowd had dispersed. But the organizers forbade anyone from taking leftovers home. They stuffed these remains into a large red plastic sack along with the bones of the slaughtered animals. Then they entrusted the sack to a fisherman whom they paid to heave it into the deep sea so the remains would not wash back to shore.

According to local consultants, the ceremony I witnessed in 2010 differed in several respects from earlier celebrations of Swahili New Year. For instance, Hassan Mohammed, an Education Officer at Fort Jesus Museum in Mombasa, remembered how, as a child, he and his peers collected bread from all the houses in Old Town as the women's contribution to the feast. In 2010, by contrast, the organizers paid a local Muslim baker to prepare the bread. In addition, much of the celebration formerly revolved around the participation of young students and their Qur'an school teachers. The teachers would bring their students to bathe in the sea, where the students sang traditional New Year's Day songs and recited the verses of the Qur'an that they had memorized. Then, after participating

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[49] Farouk M. Topan, "Vugo: A Virginity Celebration Ceremony among the Swahili of Mombasa," *African Languages and Cultures* 8, no. 1 (1995): 87–107.
[50] *sadaka* (Sw.) < *sadaqa* (Ar.)

in the celebrations they would spend an hour in the classroom, give their teacher his yearly tuition, and spend the rest of the day on holiday. Teachers and students no longer gather together or mark the holiday in any other way.

Many of the participants I spoke with emphasized the now-abandoned practice of driving a sacrificial bull along the main road to Shehe Mvita's grave.[51] Beginning at Fort Jesus (a sixteenth-century Portuguese fort at the mouth of Mombasa's northern harbor), they would stop at seven mosques to call each neighborhood to prayer. No one was allowed to pass in front of the bull while the procession made its way through the town because the animal was driving the town's pollution and evil spirits in front of him. Participants cited government safety permits as a bar to reviving the practice. However, another change in the ceremony suggests that participants stopped driving the bull to avoid the criticism of other Muslims. Although participants in previous generations had procured a bull that was black, a participant told me that they now avoid that color to deflect charges of witchcraft and *shirk*—the blasphemy of associating partners with Allah. Black is a propitious color for sacrifices among neighboring non-Muslims.[52]

Despite the ambitions of Swahili New Year's organizers in Mombasa, the number of participants I observed at the celebration in July 2010 were similar to the number of attendees observed by P.J.L. Frankl thirty years earlier and exceptionally low compared to the annual *maulidi* celebration held in February 2010.[53] While the former has been a relatively sober affair attended by dozens for at least two generations, *maulidi* has the air of a carnival with hundreds of active participants and thousands of spectators.[54] Ministers of Parliament participate in the formal opening of Mombasa's annual *maulidi* celebration, and the streets are secured by police for a procession of Muslim Boy Scout troops, *madrassas*, and Sufi *tariqas* who dance and sing praises to the Prophet Muhammad. Moreover, the annual *maulidi* attracts participants from nearly every Muslim community in East Africa,

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[51] The celebrants of Swahili New Year no longer organize a processional to the grave of Shehe Mvita in Mombasa, but visitations to the graves of family members and Sufi saints is a common practice throughout East Africa, (Martin, "Arab Migrations to East Africa in Medieval Times," 383, 385). To my knowledge, current processionals never include the driving of a bull along the route.

[52] The Arabic *shirk* is most commonly used among Kiswahili speakers, but the Standard Kiswahili equivalent is sometimes written *Ushirikina*.

[53] See Frankl's description thirty years ago, with the same levels of participation. Frankl, "Siku Ya Mwaka [2000]." Rinn suggests the level of participation observed by Frankl was an improvement on earlier years that benefitted from foreign benefactors who provided funds for "refreshing Swahili culture" ("Mwaka Koga," 358).

[54] Though an almost reverent celebration in twentieth-century Mombasa, the missionary Charles New described Swahili New Year in the nineteenth century as a carnival: "The day was formerly one of general license, every man did as he pleased. Old quarrels were settled, men were found dead on the following day, and no inquiry was instituted about the matter. The Indian residents were often treated very roughly, thrown bodily into the sea, and otherwise ill-used" Charles New, *Life, Wanderings, and Labours in Eastern Africa*, 3d ed. (London: Cass, 1971), 65.

regardless of their national or ethnic origin, while Swahili New Year attracts only Swahili participants despite efforts to welcome everyone.

For centuries, the Kiswahili-speaking communities of coastal Kenya had incorporated waves of Muslim immigrants into their society. But town elders were unsuccessful at involving the larger and more diverse wave of immigrants to coastal Kenya in Swahili New Year. As Anne Bang has noted, although town elders continued sponsoring *maulidi* celebrations, Hadrami Sufis transformed celebrations that reinforced the elevated status of patricians into an inclusive ritual that acknowledged the contributions of other Muslim communities.[55] Cultivating an overarching Muslim identity that acknowledged the relevance of diasporic communities became more important than assimilating to local *miji* communities. Over the course of the twentieth century, *Maulidi ya Nabii* displaced Swahili New Year as the preeminent celebration along coastal East Africa, but it also became the focus of debates among the Muslim *shaykhs* and *ulama* who had displaced town elders.

Bid'a Debates: Sorting apart Culture and Religion

"The first thing is religion. If the culture doesn't go the way religion does, then you disqualify that culture."[56] Abdul Hamid thus summarized for me why he does not participate in Swahili New Year as we sat in his Old Town living room during Ramadan. In particular, he criticized the annual custom of spilling animal blood at a gravesite during the celebration and expressed his opposition to reviving the practice of driving the sacrificial animals through the streets of the town. His disapproval of Swahili New Year surprised me because his father had helped organize the celebration as the last *thamim* "leader" of the Twelve Tribes, a defunct political association that had historically represented the interests of Mombasa's twelve indigenous clans to outsiders.[57] In addition, he did not identify with the so-called Wahhabi who are the most vocal critics of mixing Swahili and Islamic practices in coastal Kenya.[58]

Still, Abdul Hamid's comments were conventional—his answers to my questions about Swahili New Year used the terms that local philosophers, *shaykhs*, and *ulama* have articulated in their critiques of local practices. Specifically, they assume that

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[55] Bang, *Sufis and Scholars of the Sea*, 148–150.

[56] Interview with Abdul Hamid, August 26, 2010; in this part of our conversation he switched to English for emphasis.

[57] The Wamiji Foundation took up the charge to promote Swahili New Year once it became clear that the old clan organizations were defunct (Personal Communication with Stambuli Nassir). Twelve Tribes is the direct translation of *Ithnaashera Taifa*, with *taifa* corresponding to groupings of Swahili clans defined by intermarriage and residence in specific neighborhoods of Mombasa, see F. J. Berg, "The Swahili Community of Mombasa, 1500-1900," *The Journal of African History* 9, no. 1 (January 1, 1968): 35–56.

[58] Mohamed Bakari, "The New 'Ulama of Kenya," in *Islam in Kenya* (Kenya: MEWA Publications, 1995), 168–93.

practices can be categorized either as cultural (*mila*) or religious (*dini*).[59] They often use these categories as a foundation for their critiques and appeal to textual knowledge of the Qur'an and the *ḥadith* to support their interpretations of where culture and religion diverge. However, they tend to divide into two major opinions. Scholars educated in East Africa's educational institutions provide contextual evaluations that are generally positive about local cultural and religious practices such as *maulidi*.[60] However, those educated abroad, often in Saudi Arabia, rely on broadly applying their selective readings of the Qur'an and *ḥadith* to insist that the two categories must be kept separate in practice and theory in order to avoid *bid'a*.[61]

The various local approaches to the issue of *bid'a* also reveal differences among three modern strains of Muslim reform that have transformed the practice of critique within the Muslim societies in East Africa.[62] First, hierarchical Sufi *tariqas* that immigrants of (mostly) Hadrami descent introduced in the mid-nineteenth century attracted members from relatively impoverished segments of coastal society. This innovation ignored town elders' proscriptions against teaching literacy to Muslims suspected of *washenzi* ancestry (a reference to non-Muslim Africans regarded as "barbarians").[63] Second, there are local Salafi reformers who were first inspired by the publications of Egypt's Muhammad Abduh and his associates in the early twentieth century. This movement has been sustained in more recent times by East Africans who received funding to study at institutions in the Middle East. Finally, in the last quarter of the twentieth century, local converts to Shi'a Islam inspired by the Islamic Revolution in Iran have joined with South Asian Shi'a minorities in emphasizing tolerance for Islamic diversity.[64] Regardless of the strain from which they emerge, these reformers demonstrate their expertise in different branches of Islamic knowledge by distributing short fifteen to forty page booklets, or sermons on tape cassettes and DVDs. Their

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[59] *mila* (Sw.) < *mila(t)* (Ar.), *dini* (Sw.) < *dīn* (Ar.). Kresse, "Debating Maulidi," 211; *mila* means "custom, habit" in Kiswahili, with an emphasis on ancestral traditions. It is often mentioned alongside *desturi* "custom" and various words for culture (*uungwanwa* "gentility", *utamaduni* "urbanity", *ustaarabu* "civilization") but contrasted with *dini* "religion". Debates over *mila* and *dini* have entered many discourses in Swahili societies; see, for instance, Mayvilynne Alice Hyman-Oblete, "'This Is Traditional, This Is Not Islamic': Perceiving Some Swahili Childbirth and Child-Rearing Beliefs and Practices in Light of *Mila* (custom) and *Dini* (religion)" (MA thesis, Anthropology, Southern Illinois University at Carbondale, 2007).

[60] Kresse, "'Swahili Enlightenment'?"; Bakari, "The New 'Ulama of Kenya."

[61] The uncompromising approach of Saudi clerics Ibn ʿUthaymīn and Ibn Bāz—who assert that Muslims should not participate in non-Muslim celebrations—is outlined in Said Hassan, "Law-Abiding Citizens: Recent Fatwas on Muslim Minorities' Loyalty to Western Nations," this issue.

[62] See Loimeier, "Traditions of Reform, Reformers of Tradition" for an analysis that acknowledges the modernity, or at least novelty, of Sufi reform movements in Sub-Saharan Africa.

[63] *washenzi* (Sw.) < *zanj* (Ar.); *zanj* is a geographical term for the East African coast and the root of the place name Zanzibar.

[64] Interview with Abdilahi Nassir Juma, July 13, 2010.

discourses have also recently been extended to Internet websites and forums.[65] By channeling their debates with one another through these discursive media, they have sidelined local interpretations of Islam that drew authority from oral traditions and ritual practices.[66]

The privileging of textual knowledge over oral and practical knowledge began with the novel proselytizing and educational efforts of Sufi *tariqas*. For example, Ṣalih b. 'Alawi Jamal al-Layl (1853-1936) of the *tariqa* 'Alawiyya, later known as Habib Saleh, began teaching anyone in the late-nineteenth century who wished to read and interpret the Qur'an and *ḥadith* regardless of their ancestry.[67] He thus challenged the leadership of Lamu's town elders who generally avoided teaching *washenzi* whose commitment to Islam they doubted. Despite their reservations, Habib Saleh eventually convinced some of Lamu's town elders that teaching Islamic literacy to poor Muslims was noble; and, they provided him the land on which he built his home and Riyadha Mosque.

In addition to teaching low-status Muslims, Habib Saleh began organizing *maulidi* recitations to which he invited former slaves and whom he gave permission to perform traditional *washenzi* dances. Town elders had long sponsored *maulidi* celebrations and provided large feasts in competitions of prestige among their own local factions. Habib Saleh's sponsorship of *maulidi* celebrations thus positioned him as an equal competitor to other town elders, an assertion that they rejected since they had been his teachers and hosts in his youth.[68] Local opposition against Saleh's activities reached a peak after he replaced the local Kiswahili *maulidi* with an Arabic *maulidi* written by 'Ali al-Habashy of Hadhramaut, the leader of *tariqa* 'Alawiyya.[69] The *maulidi* of al-Habashy was also accompanied by hand-frame drums played in mosques, an innovation that angered some of the town elders.

However, Habib Saleh's ability to attract former slaves, Hadrami immigrants, and other low-status Muslims overshadowed the influence of town elders who lost control over local religious institutions. In addition to gathering local followers, Habib Saleh sidestepped the traditional path to authority in Lamu when al-Habashy issued him *ijāzas* to initiate and grant licenses to other members of the 'Alawiyya *tariqa*. Within his lifetime, Habib Saleh's humble mud home and the mosque he built on a sandy hill in Lamu became a pilgrimage site that continues to attract thousands of Muslims from throughout

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[65] For example, see www.alhidaaya.com/sw

[66] Purpura, "Knowledge and Agency: The Social Relations of Islamic Expertise in Zanzibar Town"; Bang, *Islamic Sufi Networks in the Western Indian Ocean (c. 1880-1940)*, 109–111.

[67] Accounts of Habib Saleh's life are available in Abdul Hamid el-Zein, *The Sacred Meadows: A Structural Analysis of Religious Symbolism in an East African Town* (Evanston, IL: Northwestern University Press, 1974); Bang, *Sufis and Scholars of the Sea*.

[68] For a description of the competitive nature of these feasts, see el-Zein, *The Sacred Meadows*.

[69] A. Bang suggests the opposition to Habib Saleh has been overstated in most scholarship (*Sufis and Scholars of the Sea*, 146).

East Africa during the annual *maulidi* celebration. In addition, the college that his descendants expanded trains a large number of the *ulama* who find positions teaching and preaching throughout the region.[70]

Modern Sufi *tariqas* in East Africa, including the Qadiriyya and Shadhiliyya alongside the 'Alawiyya, have been quite successful in expanding opportunities for education and gathering followers through *maulidi* and other communal rituals.[71] However, their success in promoting literacy (particularly in Arabic) meant that they were subject to critiques based on textual interpretations of the Qur'an and *ḥadith*. Two opponents of the 'Alawiyya were Sheikh al-Amin bin Ali Abdallah bin Nafi al-Mazrui (1891-1947) and his student Sheikh Abdulla Saleh Farsy (1912-1982). Both men later served as Chief Kadhis in Kenya and subscribed to publications by Muhammad Abduh and other Islamic modernists.[72]

Like Abduh, they promoted educational reforms that they hoped would make textual understandings of Islam more accessible. Al-Mazrui introduced the short-lived newspapers *Al-Islah* and *Sahifa* (in Kiswahili and Arabic); Farsy built on this example by publishing several booklets that translated selections from the Qur'an and collections of *ḥadith* into Kiswahili.[73] More recently, successors to their vision of making Islam accessible in East Africa have convinced preachers to give their weekly sermons in Kiswahili, rather than the traditional Arabic, which many Swahili Muslims could not understand.

In general, these reformist programs of education and translation aimed to help Muslims in East Africa gain personal knowledge of Islam's foundational texts—a goal that aligned with those of the 'Alawiyya *tariqa*. However, just as the 'Alawiyya had expanded educational opportunities to challenge inequities in coastal East Africa, al-Mazrui and Fasry challenged the influence of the *sharifu* who led the 'Alawiyya *tariqa*.[74] The family of Habib Saleh effectively repudiated scandalous accusations of sexual misconduct. However, in succeeding years, Farsy argued that celebrating *maulidi* was *shirk* because

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[70] Peter Lienhardt, "The Mosque College of Lamu and Its Social Background," *Tanganyika Notes and Records* 53 (1959): 228–42. For example, Juma Mohammed Ali from Dodoma in Tanzania secured a position as a *madrassa* teacher at Mombasa al-Mandhry Mosque after completing his training at Riyadha Mosque, Interview on August 17, 2010.

[71] Martin, *Muslim Brotherhoods in Nineteenth Century Africa*.

[72] Randall L. Pouwels, "Sh. Al-Amin B. Ali Mazrui and Islamic Modernism in East Africa, 1875-1947," *International Journal of Middle East Studies* 13, no. 3 (August 1, 1981): 329–45, doi:10.2307/162840.

[73] For an accessible sample of al-Mazrui's writings, see Charles Kurzman, ed., *Modernist Islam, 1840-1940: A Sourcebook* (New York: Oxford University Press, 2002), 86–89.

[74] In particular, al-Mazrui accused the 'Alawiyya *sharifu* of abusing the practice of "temporary marriage." In these often secret marriages, a *sharifu* would marry a young maiden and then divorce her so he could marry others without violating the proscription against being married to more than four wives. Some *sharifu* apparently told their temporary wives that anyone who had slept with a *sharifu* would not have their sins accounted against them at the judgment day. Zein explores this controversy, which is denied by Habib Saleh's family then and now. *The Sacred Meadows*; Patrica Romero Curtin, "The Sacred Meadows: A Case Study of 'Anthropologyland' vs. 'Historyland,'" *History in Africa* 9 (January 1, 1982): 337–46, doi:10.2307/3171614.

it encouraged Muslims to look to the Prophet Muhammad for intercession rather than relying on the mercy of Allah alone. Farsy employed didactic presentations of the Qur'an and *ḥadith* to support his critiques. For example, he quoted from the Qur'an to discredit a collection of fabricated *ḥadith* in order to argue against a practice of praying to Allah through the Prophet Muhammad.

> Allah has said in verse 180 of Sura Aaraf "Allah has good names (good characteristics), pray to him with these names". . . .
>
> People behind and after the holy century made an innovation of praying to Allah through the honor of the Prophet, they innovated that the Prophet said "Pray through my honor"
>
> False. The Prophet did not say so. This is evident on page 30 of "Weak and Fabricated *ḥadith*" by Albani.[75] His example [of a fabrication] is Mr. Barzanjy saying "We prayed by the honor of the Prophet".[76]

In addition to using textual evidence to suggest that praying through the honor of the Prophet was an innovation, Farsy had more practical critiques. He decried the large expenses that people dedicated to participate in and host *maulidi* celebrations, suggesting that they should use such funds to help improve their communities instead.[77] But he directed his most pointed critiques to 'Alawiyya Sufi celebrations of *maulidi* in Lamu, during which the *zafa* procession through the town visits the grave of Habib Saleh. He also revived the critique first leveled against Habib Saleh that playing hand drums and other musical instruments within mosques desecrates them. While Habib Saleh's critics had criticized him for simply teaching Islamic sciences to undesirable populations, al-Mazrui and his students relied on their textual interpretations of the Qur'an and the *ḥadith* to criticize the moral authority of his Sufi order.

Farsy's position as Chief Kadhi of Kenya, as well as his intellectual lineage within East Africa, lent extra weight to his critiques in coastal Kenya.[78] But, since his death in 1981, the reform movement that is opposed to Sufism, *maulidi*, and other supposed innovations has become more aligned with global Salafi and Wahhabi movements than Muhammad Abduh's vision of educational reform.[79] Allyson Purpura has argued that the aggressive approach and dismissive attitude of Salafi reformers in Zanzibar muted their influence, but a number of Salafi scholars are well respected as pious members of their

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[75] Probably Muhammad Nasiruddin al-Albany, a *ḥadith* scholar who contributed to Rashid Rida's magazine *al-Manaar*. Farsy may be referring to al-Albany's *Silsalat al-Hadith ad-Da'ifa*.

[76] Sheikh Abdalla Saleh Farsy, *Bid-a: Sehemu Ya Kwanza* (Mombasa: Adam Traders, n.d.), 15.

[77] Kresse, "Debating Maulidi," 221–22.

[78] Kresse, "Debating Maulidi," 216.

[79] An outline of the generations of reform in East Africa is provided in Loimeier, "Traditions of Reform, Reformers of Tradition." For a discussion on the problematic association of Abduh's Islamic modernism (*islah*) and Salafism see Henri Lauzière, "The Construction of Salafiyya: Reconsidering Salafism from the Perspective of Conceptual History," *International Journal of Middle East Studies* 42, no. 03 (2010): 369–89, doi:10.1017/S0020743810000401.

communities. For example, Ustedh "Mau" Mahmoud is a poet, preacher, and scholar; he was the first person to preach the Friday sermon in Kiswahili in Lamu. In my interviews with Ustedh Mau, he suggested that al-Wahhab was an honorable Muslim worthy of emulation—so being called a Wahhabi was not a true insult—however he self-identified as a Salafi who strived to live Islam as practiced by the first generation of Muslims.

Ustedh Mau's critique of *maulidi* during an interview with me in 2010 reflected some of the same practical and theoretical concerns that Farsy identified.[80] Ustedh Mau expressed concern that the festivities associated with the annual *maulidi* celebration promoted too much mixing of men and women. Ustedh Mau also explained that he stopped participating in the *maulidi* reading because he now believes it was initiated by some of the followers of the Prophet Muhammad but not the Prophet himself. Most important to Ustedh Mau, introducing the clamor of a *maulidi* recitation in a mosque risked confusing Muslims about which practices are part of religion and which are part of culture.

The black and white clarity that many Salafi Muslims claim is self-evident in the Qur'an and *ḥadith* prevails in the bookstores and DVD stands that peddle Islamic pamphlets and videos in East Africa. I was unable to locate any booklets from Sufi *tariqas* outlining their esoteric interpretations of the Qur'an—after all, those meanings are reserved for initiates. However, local Swahili converts to Shi'ism have taken a lead in contesting Salafi critiques. Abdilahi Nassir, a former Swahili politician who was inspired to become Shi'a by the Iranian Revolution, is perhaps the most successful at defending local practices like *maulidi* as Islamic. Providing history lessons about the founding of Islam's *madhhabs,* he points out that Salafi critics often rely solely on the Hanbali *madhhab*, thus neglecting other interpretations within the vibrant and diverse traditions of Islam. Instead of booklets edited for maximum simplicity and clarity, he has developed his critique in a series of lengthy Ramadan lectures, which are now available in Kiswahili on a Shi'a website.[81] Instead of stark black and white, *bid'a* or *sunna*, culture or religion, Abdilahi Nassir argues for a nuanced view of practices within their contexts, as well as the intentions of their doers. However, he too draws on the methods of textualist critique rather than on performative critique.

Entering the Debate: Associating Swahili New Year with Maulidi

The debates over *maulidi* are sustained by a steady offering of published pamphlets such as *Ushirikina* (*Shirk*), *Majadiliano Juu ya Maulidi* (Debates about Maulidi), and reprints of Farsy's classic *Bid-a*.[82] Indeed, Kresse has argued that "debating *maulidi* is an

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[80] Mahmoud Ahmed Abdel Kadir (Ustedh Mau). Interview on February 3, 2010.

[81] K. Kresse, *Philosophizing in Mombasa: Knowledge, Islam, and Intellectual Practice on the Swahili Coast*, International African Library (Edinburgh: Edinburgh University Press, 2007); Sheikh Abdilahi Nassir "Wanavyosema Wapinga Maulidi Na Majibu Yetu, Makala 9 [How Critics Oppose Maulidi and our Answers, Article Nine]," http://www.al-shia.org/html/swa/maktaba/akhlaq/wapinga/w09.htm.

[82] Yusuph Abdul-Rahamani Mgaza, *Ushirikina: Hatari Zake Na Madhara Yake Katika Jamii Ya Kiislam* [Shirk: Its Dangers and Harms in Islamic Society] (Mombasa: Sidik Mubarak and Sons, n.d.); Sheikh

inevitable part of everyday life for coastal East African Muslims, as Islamic reformist ideology has become a . . . force in shaping public opinion on almost anything and everything."[83] Swahili New Year, in contrast, has received less attention from local critics and foreign scholars.[84]

Islamic booklets occasionally spare a few paragraphs to discuss Swahili New Year, or sacrifices to spirits that many residents associate with the holiday, but I was unable to locate any pamphlets focused primarily on Swahili New Year. The following passage is one of the few times Farsy mentioned Swahili New Year:

> This [New] year does not have a particle of relationship – with Islam. So what is "this reading", "this feast", "this slaughter" related to? And that animal which is slaughtered is driven through the roads and chapters of the Qur'an are read for him as he passes. Until he arrives at the place where he is slaughtered! And it is believed that he must be slaughtered there!
>
> And they believe that if it will not be slaughtered in this way the evil spirit of this year will harm them. Okay, if this indeed is the belief, that animal would be forbidden to be eaten according to our books of religion.[85]

In these passages, Farsy's primary concern is that participants might mistake Swahili New Year as Islamic because of the inclusion of the Qur'an in the rituals. He also raises concerns about the reading of the Qur'an on behalf of a sacrificial bull, alludes to the fact that the slaughter takes place at a gravesite, and specifically condemns the belief that the sacrifice protects the participants from an evil spirit—a clear example (to him) of *shirk* that violates the principle of Islamic devotion to Allah alone. Farsy's call for a strict separation of religion from culture to argue against Swahili New Year is thus similar to Abdul Hamid's concern that culture must align with religion and Ustedh Mau's critique of *maulidi*. Yet, unlike *maulidi*—a celebration of the Prophet Muhammad with a direct relationship to Islam—Swahili New Year, for these critics, is not even part of Muslim culture. For

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Saidi Musa, *Majadiliano Juu Ya Maulidi* [Debates about Maulidi] (Mombasa: Adam Traders, 1985); Sheikh Abdalla Saleh Farsy, *Bid-a: Sehemu Ya Kwanza* [Innovations: Part One]; Sheikh Abdalla Saleh Farsy, *Bid-a: Sehemu Ya Pili* [Innovations: Part Two] (n.p., n.d.). Farsy's second volume is dedicated to critiques of different versions of *maulidi*.

[83] Kresse, "Debating Maulidi."

[84] I could locate no booklets dedicated to a critique of Swahili New Year; some samples of western scholarship on Swahili New Year are Rinn, "Mwaka Koga"; Racine-Issa, "The Mwaka of Makunduchi, Zanzibar"; Magnus Echtler, "Recent Changes in the The New Year's Festival in Makunduchi, Zanzibar: A Reinterpretation," in *Global Worlds of the Swahili: Interfaces of Islam, Identity and Space in 19th- and 20th-Century East Africa*, ed. Loimeier, Roman and Rudiger Seesemann (Berlin: LIT Verlag, 2006), 131–59; Frankl, "Siku Ya Mwaka [2000]"; Gray, "Nairuzi or Siku Ya Mwaka." The celebration also forms an important part of the context for events in J. Glassman, *Feasts and Riot: Revelry and Rebellion on the Swahili Coast, 1856-88* (Portsmouth, NH: Heinemann, 1995) and was described briefly in New, *Life, Wanderings, and Labours*.

[85] Sheikh Abdalla Saleh Farsy, *Bid-a: Sehemu Ya Kwanza*, 32–33.

the most part, Western scholars such as Jonathon Glassman and Odile Racine-Issa have agreed.[86]

Such evaluations reinforce the problematic convention of dividing religion and culture into a dichotomy, with the former representing Islam, and the latter representing Africa. It is also untenable to the Wamiji "townspeople" of Mombasa, who organize the annual Swahili New Year and consider it Islamic because of its local roots—not in spite of them.[87] Although Swahili New Year has not entered the popular consciousness of East African Muslims to the same degree as *maulidi*, the Wamiji are aware that they need to convince other Muslims (including Swahilis) that they are not committing *shirk*.

Given the resilience of *maulidi* in the face of nearly a century of similar criticism, it is understandable that the organizers of Swahili New Year have adopted many of the elements that Muslims expect as part of *maulidi* celebrations. The aroma of perfume and rose water, sounds of *qasida, dua, adhān*, and Qur'an recitation, the *kanzu* and *buibui* as accepted forms of formal dress, the physical separation of men and women into separate spaces, and honor for religious leaders as indicated by their places at the front of the assembly. They also Islamicize the most obvious link to local practices—the slaughter of animals near an ancestor's grave—with a *halal* butchery of a brown (not black) cow. By conforming to pious Muslim behavior as performed during *maulidi* celebrations and avoiding overt association with non-Muslim rituals, these elements make Swahili New Year conform to evolving local standards of Islamic devotion.

However, even as they present the ceremonies as Islamic, celebrants emphasize that the New Year is part of their Swahili culture. So, they retain several local elements, including the place, calendar, and casting the remains of the feast into the sea. The last of these elements in particular is associated with local Swahili practices for assuaging evil spirits. One of the workmen explained that disposing of the remains in the sea ensured that diseases, corruption, and other problems would not come to the island in the coming year. While some participants may dismiss the act as simple symbolism and emphasize instead their Islamic prayers during the celebration, David Parkin has noted that in the context of coastal East Africa such offerings to the sea are considered appeasements to *jini*, not sacrifices to Allah.[88] Moreover, *kibunzi*, the local name for New Year's Day in Mombasa, is also the name of the "evil" spirit that the ceremony in Mombasa is supposed to appease. Those who did not follow the customs and taboos of Swahili New Year were

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[86] Glassman, *Feasts and Riot: Revelry and Rebellion on the Swahili Coast, 1856-88*; Racine-Issa, "The Mwaka of Makunduchi, Zanzibar."

[87] The Wamiji claim descent from the original founders of Mombasa, thus distinguishing themselves from Swahili who have ancestors in other Swahili towns along the East African coast.

[88] *jini* (sing.) (Sw.) < *jinn* (Ar.). David Parkin, "Sadaka: Focus of Contradictory Continuity," in *Continuity and Autonomy in Swahili Communities: Inland Influences and Strategies of Self-Determination*, ed. David Parkin, Beitrage Zur Afrikanistik 48 (London: School of Oriental and African Studies, 1994); David Parkin, "The Politics of Ritual Syncretism: Islam among the Non-Muslim Giriama of Kenya," *Africa: The Journal of the International African Institute* 40 (1970): 217–33.

traditionally thought to risk supernatural consequences, such as being turned to stone for swimming on the evening before the New Year.[89]

The videographer who recorded the celebration in 2010 avoided most of the cultural traditions associated with Swahili New Year and portrayed it as an Islamic festival by titling his DVD *Hitma ya Mji*. The title refers to the local practice of *hitma*, in which the survivor of a deceased person reads a portion of the Qur'an at their graveside in the hopes that the blessing would assist the departed.[90] Although *hitma* is also criticized by Salafi Muslims, it is widely accepted as a pious Islamic practice, as are the scenes of recitation and singing *qasida* on which most of the DVD focuses. Presumably, anyone viewing these activities on the DVD who had attended a *maulidi* celebration on the coast would also recognize Swahili New Year as Islamic, if they agreed that *maulidi* celebrations were Islamic.

In addition to showcasing the pious practices of the celebrants, the videographer interviewed several of them on camera and asked them to explain the purpose of the *Hitma ya Mji* celebration (i.e. Swahili New Year). For a man named Farik who has lived in Europe for forty years, "events like these cultural ones of ours means that we are preserving our culture until even now." Seif Ali similarly emphasized the continuity of Swahili culture when he claimed that they have prayed to Mwenyezi Mungu (a Kiswahili name for Allah) for one or two thousand years. He also emphasized that "we do this in order that we might have peace in the name of Allah, this is not a thing of *shirk*." This unprompted defense against presumed accusations that Swahili New Year is blasphemous suggests how participants frame their celebration in relationship to local *bid'a* debates.

In the most extended interview of the DVD, Mohammed Shalo, a retired journalist who serves on the Wamiji Foundation, which organizes the celebration, placed the prayers and sacrifices within the long prophetic tradition of Islam. "Seyyidna Moses did this, Seyyidna Jesus did this and people want peace of mind and do this and similar things for their soul." He continued:

> In every tradition you celebrate. That is, you do the completion of their [sic] year. This is the Islamic Swahili year, we go by this time and our season—it's not this accusation of people that we pray to do *shirk*. No we do not do *shirk*, we pray to Allah as you pray to him at any time.[91]

Muhammad Shalo's defense of Swahili New Year suggests there is no conflict between culture and religion. For him, it is no different than celebrating New Year in any other culture or praying to God at any other time.

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[89] Gray, "Nairuzi or Siku Ya Mwaka."
[90] Hitma is also spelled *khitma* in Kiswahili booklets. Farsy also criticized this practice as *bid'a* because the Prophet Muhammed did not practice it, even when close companions died, *Bid-ā themu Ya Kwanza*, 26.
[91] Abdalla, *Hitma Ya Mji*.

However, the interviews reveal how pervasive textualist *bid'a* discourses have become in coastal East Africa. Even while rejecting the notion that Swahili culture is not Islamic, Shalo separates religion and culture with the phrase "Islamic Swahili New Year", as if Swahili must be modified by an adjective to be Islamic. In contrast, the visual medium of the DVD, which captures the performative elements of Islamic devotion, moves away from the bounded categories of textual discourse to ambiguous practices that participants and viewers can experience or interpret as they choose. There is no indication of ancestor worship except the location, which viewers living outside Mombasa would not recognize. The participants dress and pray as Muslims, the *muezzin's adhān* is the climax, and the animals are sacrificed in accordance with Islamic prescriptions. Well-known men, including a former Chief Kadhi, endorse the ceremony with their participation. While women do not dance publicly at other Islamic festivals on the coast, the women are modest, their dance is respectful, and they sit apart from the men. The element of the greatest concern to Farsy—driving a black bull through the streets—has been abandoned. And, the handing of sacrificial remains to the fisherman for disposal in the sea is done in a perfunctory manner after most participants have dispersed; it is also omitted from the DVD. Mixing Islamic devotions with local practices will not dissuade local Salafi critics who promote strict divisions between religious and cultural practices. But for the majority of Muslims in East Africa who accept *maulidi* celebrations as Islamic, the visual evidence depicted on the *Hitma ya Mji* DVD would make it difficult to dismiss Swahili New Year as un-Islamic.

Conclusion

In summarizing recent research on Muslim societies in Africa, historian Scott Reese has asserted that African Muslims never saw their faith as isolated from the global community of Muslims. Thus, instead of extending the area studies legacy of European colonialism and Cold War politics that viewed Africa as a periphery of the Arabo-Persian center of Islam, scholars should place "the faith of African Muslims squarely within the context of the global community of believers."[92] However, if scholars are to transgress the geographic boundaries of Western imperialism, they must also discern how Muslims have articulated the spatial and cultural boundaries through which they imagine their diverse communities as "internal others."[93]

Bearing in mind that most coastal East Africans had embraced Islam by the fourteenth century CE, the celebrants of Swahili New Year have been Muslim for centuries. Yet, as local critiques of *Maulidi ya Nabii* and Swahili New Year demonstrate, traditions

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[92] Scott S. Reese, "Islam in Africa/Africans and Islam," *The Journal of African History* 55, no. 01 (March 2014): 18, doi:10.1017/S0021853713000807.

[93] Z. Hirji, "Debating Islam from Within: Muslim Constructions of the Internal Other," in *Diversity and Pluralism in Islam Historical and Contemporary Discourses amongst Muslims* (London: IB Tauris, 2010), 1–30; see a similar discussion in D. F. Eickelman & J. P. Piscatori, *Muslim Travellers: Pilgrimage, Migration, and the Religious Imagination* (Berkeley, CA: University of California Press, 1990).

rooted in an African heritage are often dismissed as un-Islamic by Muslims and Western scholars. This observation is relevant throughout the continent where Muslim reformers, be they Sufi, Salafi or otherwise, have often sought to conform or replace local practices with those of the non-African, mostly Arab Muslims whom they encountered. That the Wamiji adjusted their variant of Swahili New Year so that it more closely resembles a *maulidi* celebration introduced from Arabia is yet another example of this tendency. Just as Western discourses deprecate Islam, Muslim discourses have often regarded African culture as inferior.

Yet, this article has also suggested that the efforts to make the practices of Swahili New Year conform to those of *maulidi* is an example of a mode of performative critique that predated the reform movements of the past two centuries. By drawing on an accepted repertoire of devotional practices that most coastal East Africans regard as intuitively Islamic, the Wamiji of Mombasa challenge the assumption that their ancestral traditions are *shirk*. Although modern Sufi, Salafi, and Shi'a Muslim movements have been very successful at promoting nuanced textual understandings of Islam in East Africa, it is still as important to sound, smell, and look Islamic as it is to marshal arguments from texts. By focusing on practice rather than discourse, the *Hitma ya Mji* DVD and the celebrants of Swahili New Year dispute the notion that Islam is primarily a textual discursive tradition. More research into performative critiques could discern histories of the majority of Muslims in Africa who did not and do not engage in textual critique but have still shaped the practice of Islamic celebrations and devotions for centuries.

Book Reviews

The Shiʻites of Lebanon: Modernism, Communism, and Hizbullah's Islamists

By Rula Jurdi Abisaab and Malek Abisaab

Syracuse, New York: Syracuse University Press, 2014.
ISBN: 978-0-8156-3372-3 (cloth) 978-0-8156-5301-1 (e-book)

The last two decades of Lebanese Shiʻite studies have seen the appearance in Western languages as well as Arabic of a good number of monographs, rather than articles on individual aspects. This has been accompanied by a leavening of the political and strategic emphasis with work on the Ottoman and mandate periods (e.g. Stefan Winter's 2009 *The Shiʻites of Lebanon Under Ottoman Rule*), religious thought (e.g. Hādī Faḍlallāh's volumes appearing in the 1990s on the reformism of ʻAbd al-Ḥusayn Sharaf al-Dīn, Muḥammad Jawād Maghnīyah and Mēsá al-Ṣadr and Sabrina Mervin's 2000 *Réformisme chiite…de la fin de l'Empire ottoman à l'indépendance du Liban*), and culture through the lens of ethnography (e.g. Lara Deeb's 2006 *An Enchanted Modern: Gender and Public Piety in Shiʻi Lebanon*). The volume under review is a stimulating and important contribution to the progress of the field, and the authors note in fact that it synthesizes their previous contributions.

While centered (four chapters out of eight) on Hizbullah and its predecessor, AMAL, *Shiʻites of Lebanon* takes care to place Shiʻite Islamism in the context of long-term social history, beginning with the creation of *Grand Liban* in 1920, and particularly the ideological forces that have impacted the community in the twentieth and twenty-first centuries. Apart from the modernism and Communism featured in the title, these include secularism, sectarianism, transnational Shiism, and relations with the Lebanese state. This ambitious project, as suggested by the title of the Prologue, "Landscapes of Shiʻite Protest", is tied together by the narrative of a historically oppressed people struggling to find a place in a not very hospitable environment. The ʻulmah are depicted as grappling with their socio-political circumstances through a succession of ideologies and movements that tend to share "intellectual material", so that the Islamists of today are also heir to the ideas of modernism and Marxism. Communism or leftism has a central place in this narrative. The two chapters devoted to leftism discuss both the material factors of poverty, exclusion, and Communist social activism in attracting Shiʻites to the Party and the ideological factor of an apparent fit between leftist and Shiʻite worldviews. The Abisaabs' account of the ideological relation is somewhat ambiguous. They caution against regarding Shiʻite religious culture – for instance, the tragedy of Karbala and Mahdism – as "encouraging unconditional affiliation with the Left", pointing out that it is rather "engaged with under particular historical conditions" (56). Twelver Shiism

is nevertheless portrayed as possessing a latent revolutionary spirit; the word "affinity" is used several times. It is even said that "resistance" to the state and a "struggle to transform it" are "present in Twelver Shi'ite history" (54-55), a problematic assertion in light of the profound quietism that has characterized the tradition for most of its history. Twelver Shi'ite thought had to travel a long way in modern times to arrive at the idea that Karbala was a call for revolution rather than an outrage against a sacred personality, or that the coming of the Mahdi augured universal justice rather than the final triumph of Shiism. The authors are aware of this, as one can see in in their fine account (85-86) of Communist poetry on Ali and Husayn, but the narrative of protest seems to have inspired a bit of essentialism.

The vivid treatment of left-leaning clerics and ferment in the Najaf seminary and Lebanon of "religiously grounded Marxism" is fascinating just the same and fills in a crucial and largely neglected stage in Shi'ite thought. The next turn in the story concerns the denunciation beginning in the 1950's of Marxist and Communist tendencies by top-ranking jurists such as Muḥsin al-Ḥakīm and Muḥammad Bāqir al-Ṣadr. This is attributed not to fear of atheism, but rather an alliance of the clerical leadership in Iraq with large landholders on the one hand, and resistance to interpretations of Shi'ism which failed to give a role to Sharia on the other. The Sharia stands at the centre of the Abisaabs' analysis of juristic opposition to Marxist influence as well as the position of Hizbullah vis-à-vis the Lebanese state. The basic proposition is that Sharia is incompatible with secularism, since it wants to occupy the total of the legal and public spheres. It is largely (according to the Abisaabs) for this reason that the ranking jurists were opposed to leftist interpretations of Shiism which left space for the secular by drawing on popular religion instead of law, and Hizbullah for the same reason is unable to reconcile with "secular legal processes instituted by the modern state relating to family, education, defense, the economy, leisure, and others" (215). In relation to Hizbullah at least, the analysis is idealist and needs more evidence (than given on pages 184-5) to ground it in reality. Sharia is reified, so that it appears as a fixed thing that needs to spread everywhere in order to what it is'. As for secularism, even if secular processes are "an essential feature of the modern nation-state" (194), they are not clearly bounded and do not occupy all or even much of public and moral space in any state, let alone in Lebanon. The authors do not demonstrate that Hizbullah has insisted on Sharia occupying all legal and public space in Lebanon, and we are not shown specifically how any impulse toward Sharia already in place "contradicts secular legal processes" or how, as a matter of social history, ordinary members of the movement experience conflict between Sharia and the state. It seems that the data is missing because the argument is speculative, i.e. it concerns what would happen *if* Hizbullah established an Islamic state and instituted Islamic law. As this is extremely unlikely and would mean the end of Lebanon itself, it does not seem reasonable to evaluate the movement's compatibility with the state on the basis of Shariah. The discussion, in any case, is concluded in an open-ended fashion with a prediction of further "experimentation with ideas derived from Shi'ite legal and doctrinal traditions" by future graduates from Hizbullah's schools and seminaries attempting to "reconcile them with societal demands and secular procedures known to the modern state" (216).

Shi'ites of Lebanon is part of the Syracuse U.P. "Middle East Studies Beyond Dominant Paradigms" series. The book weaves together a richly textured local history with enquiry into notions of modernism, progress, and the public sphere, while also engaging class and gender. It takes a particular stand in current debates about the experience of the Lebanese ummah, to which the reader should be alerted. Several recent studies emphasize accommodation of the community in Lebanon. Max Weiss's 2010 *In the Shadow of Sectarianism,* for instance, speaks of sectarianization "from below", referring to demands from Shi'ites for recognition and benefits that joined with the actions of colonial authorities "from above" to cement the sectarian system. The Abisaabs, in contrast, tend to view *Grand Liban* as an unwelcome imposition on the ummah, which they strongly opposed and in which they have never really found a place. Thus while Weiss regards recognition of the Shi'ite confession and Ja'fari law as offering some advantage to the community, the Abisaabs consider official recognition to be not really a great change from late Ottoman rule and point to the truncation of Shi'ite-Islamic shariah" imposed by the new nation-state. Whereas Weiss draws attention to the role of economics and personality-centered factionalism in the Bint Jubayl incident of 1936, the Abisaabs place more emphasis on peasant revolt and rejection of French policy. Overall, Weiss is impatient with "romantic" historiography, while the Abisaabs highlight popular agency and resistance, somewhat in the manner of a *savoir engagé*. Concerning Shi'ite Islamism and the public sphere, Deeb's *Enchanted Modern*, Roschanack Shaery-Eisenlohr's 2008 *Shi'ite Lebanon: Transnational Religion and the Making of National Identities*, and Deeb and Mona Harb's 2013 *Leisurely Islam: Negotiating Geography and Morality in South Beirut* show how ordinary members of the Islamist-leaning Shi'ite public create their own version of the distinctive Lebanese culture in ways that confirm their commitment to the nation. Though shariah is little in evidence in these ethnographic studies, the Abisaabs hold that Islamist modernism, though displaying "unique facets", is obstructed by the "unresolved theoretical element" of Shariah as well as insistence on "final truths" (215-16).

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The African Christian and Islam

By John Azumah, Lamin Sanneh,
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A milestone in Christian-Muslim Relations in Africa was reached when in July 2011 a representative group of African Christian academics met in Accra to "articulate a specifically African Christian approach to Islam as a resource for theological students and pastors."(xif.)

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To do justice to this pioneering work it seems appropriate to present the material more comprehensively

The volume is divided into four parts, a historical survey; a thematic assessment; country studies; and Bible reflections. The first two parts focus on the nature and manifestation of particular "faces" of Islam with references to historical and contemporary situations. The other three parts seek to shed light on theological, missiological and existential questions and challenges that Islam and Muslims present African Christians with. The volume offers scriptural and theological reflections for African Christians in their engagement with different "faces" of Islam.

The material in the volume reflects a serious attempt at a critical African Christian approach to Islam in a search for a balanced theological and biblical engagement with Muslims within the context of the collective African experience and heritage. The aim of the conference, attended by a number of key African Christian Islamicists and practitioners from across the continent, was to articulate a specifically African Christian approach to Islam as a resource for theological students and pastors. In order to accomplish this aim five manifestations of Islam in Africa were identitified, i.e. 1) radical or militant Islam, 2) political/ideological Islam, 3) Islamic da'wah, 4) customary Islam and 5) progressive Islam. These facets highlight the fact that the manifestations of Islam in Africa, as elsewhere, differ from context to context. The main papers in the first two parts of the book focus on these facets with reference to historical and contemporary examples or within particular African contexts.

Lamin Sanneh sets the scene with a historical exploration of reform and revival in Islam and Christianity which he exemplifies with reference to such outstanding Muslim representatives as Abd al-Karim al-Maghili al-Tilimsani (d.1506) and Uthman dan Fodio (1754–1817) on the one hand and William Wadé Harris (1860–1929) on the Christian side. Sanneh concludes that inter-religious encounters are valid even if differences about the nature of truth and respective obligations persist.

John Azumah continues the historical overview by considering patterns of Christian-Muslim encounters in Africa. This he exemplifies with examples of the various ways in which Christians and Muslims have encountered one another. He shows how these encounters have taken place between immigrant and host communities, between invaders and rulers, and between those with a commercial, political or religious interest. He concludes that African Christians formed their own hermeneutical and theological frameworks in their encounter with Islam in its various forms.

Chapter three, co-authored by Abraham A. Akrong and John Azumah, surveys the Christian and Islamic encounter with African Traditional Religions. The authors point to the role and potential for building bridges between Christians and Muslims inherent in their common heritage of the primal worldviews which form the substructure for both Christian and Muslim Africans. These postulate a necessary relationship between the natural order and the supernatural or spiritual world. African Traditional Religions free of the dead-weight of a theological bureaucracy are free to assess the present in the light of immediate needs.

In chapter four Elom Dovlo outlines models of African Christian encounters with Islam during and against the backdrop of the Christian missionary enterprise and colonial rule.

Chapter five by John Onaiyekin begins the move from the strictly historical to the contemporary situation. It offers a survey of the official Roman Catholic perspectives on inter-religious dialogue which challenges African Christians and Muslims to harness their inherent values for the common good.

The thematic assessment in Part Two begins with what is arguably the most challenging analysis of the "Fault lines in African Christian Responses to Islam" by John Azumah. He calls for a balanced Christian response to Islam in the view of the polarisation among Christians between Evangelicals and Ecumenicals who respectively not only stand for "truth" versus "grace", "tough" versus "soft", "confrontational" versus "conciliatory" or "dialogue" approaches but even accuse each other of either Islamophobia or Islamphilia.

Matthews A. Ojo's "Competition and Conflict: Pentecostals' and Charismatics' Engagement with Islam in Nigeria" offers a historical perspective as well as outlining the prevailing attitudes towards Islam within the Pentecostal/charismatic traditions in Nigeria. These have been characterised by suspicion, bitterness, competition and mistrust as well as having been affected by the predatory nature of national politics and confrontational relations in governance.

Josiah Idowu-Fearon in "The African Christian and ideological Islam" takes up the crucial topic the analysis of which and how it affects people on the African continent can contribute towards more harmonious relationships between Christians and Muslims. In his paper he undertakes a contextualised study of Islamism under such headings as the "Origin of Islamism", "What Muslim authors think of Islamism" and then offers a conceptual framework. In so doing he calls on African Christians to take up the challenge.

Moussa Bongoyok in "The African Christian and Muslim militancy" picks up the challenge of Islamism which cannot be ignored. This will demand tackling the historical, psychological, political, socio-economic, doctrinal, ethical and cultural root causes of Islamism. Only through serious research in partnership between the adherents of the two traditions can this be done. Such research must lead to deeper understanding and concrete actions towards meeting the felt needs of both Muslims and Christians. The author believes that militant Muslims can renounce violence and co-exist peacefully with fellow human beings if the root causes of their anger is addressed appropriately. It will require an active involvement of people from different backgrounds.

John Chesworth's well documented paper on "The African Christian and Islamic dàwah and Polemics" demonstrates how Islamic dàwah uses polemics. He highlights this with examples of how Muslims have used the Bible and points out that historically meeting polemics with polemics is a dead end. He suggests that African Christians should respond with respect and courtesy by demonstrating their faith in their witness and life. This should enable people to make their choice of faith from a standpoint of positive interaction.

The final paper in this part of the book is by David D. Shenk and is entitled "The African Christian and Islamic Mysticism: Folk Islam". Based on his initial experiences of Somali spirituality which is significantly formed by Sufism the author considers whether the Muslim yearning to experience God found in Sufism, so prevalent in Africa, could be

a bridge between Christians and Muslims. He suggest that as the "shaykh" is the path-finder for the Sufi seeker Christ as the way is a potential in the development of meaning-ful Christian-Muslim encounters. The result of these ideas led to a Christian engagement with *tariqa* communities and the development of Christ-centred *tariqas*.

The country studies in Part Three cover nine countries, Egypt, Ethiopia, Ghana, Kenya, Nigeria, Senegal, South Africa, Sudan and Tanzania. Each one begins with a short survey of the arrival and spread of Christianity and Islam. The major divisions and denominations within each tradition are outlined. The overviews also present where available the demographics based on national population censi which also includes major ethnic and regional compositions of the adherents of the two traditions. Of partic-ular interest is the way in which Christians of different persuasions engage with Muslims in the country considered.

The Fourth Part, Biblical Reflections, offers examples of the way in which Christians read the Bible in the context of Islam. Mercy Amba Oduyoye presents a study of Mark 7:24-30 in which she looks at the implications of "Encountering the Other". Serge Traore takes as his text Luke 7:1-10 and considers that role of the story about the healing of the Centurion's slave in encounters with Muslims. The third Bible Study by Josephine Katile Mutuku Sesi takes up the challenge of thinking biblically about Islam and Muslims partic-ularly as this relates to Christian attitudes towards Muslim women and seclusion.

The development of contemporary African Christian Theologians is well docu-mented (Olsen 2001)[1]. The appearance of this volume concerned with the specific engagement with the other major religious tradition in Africa is therefore significant. It should be of interest and relevance not only to those on the continent, but to a wider international market.

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Who Is Allah?

In early July 2013, Bruce B. Lawrence, Professor of Islamic Studies Emeritus at Duke University, received a call from a former student, an Iranian American Muslim, whose

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[1] J.H. Olsen, *Kristus in tropisk Afrika*. Uppsala: Swedish Institute for Mission Research (SIM) 2001. Studia Missionalia Svecana LXXXIII.

father had just passed away. The student asked the teacher to speak at his father's memorial service. "What I said," tells Lawrence in *Who Is Allah?*, the latest addition to the new UNC Press *What Is?* series that also includes Ebrahim Moosa's *What Is a Madrasa?* (2015) and Sahar Amer's *What Is Veiling?* (2014), "was less important than what others said. Nearly all recalled the same verse from the Qur'an: '*Inna lillahi wa inna illaihi raji'un*'." It means, he translates, "We are to Allah, and to Allah we are returning." Its routine rendition, "We are from Allah and to Allah we shall return," he then adds, "misses the real point. It is not just at the time of death but during our entire span of time in this world that we are journeying, and our journey is one of return, our return to the Source, to the Thing, the Absolute, the One." (30)

Lawrence is a prolific historian and public intellectual, whose works engage medieval Persian, Arab and South Asian thought, Sufism, contemporary religious fundamentalisms, violence, and religious pluralism in the United States and around the globe. Like his other recent book, *The Qur'an: a Biography* (Grove/Atlantic 2007), *Who Is Allah?* is written for two broad categories of readers: non-Muslims, who have "engaged Islam but not fully understood its richness and diversity," and Muslims, who rely "on Allah but may not have considered the many levels of everyday practice, and how they have been challenged or changed over time." (14) At the core of Lawrence's exploration is "the universal human dilemma: what does it mean to identify and name, and by so naming also to claim, the absolute?" (2) Its result is "a book about Muslims as seen through their performance of Allah," (6) an immersion into their 1,400 year history of "trying to connect," through imperfect human means, "with the perfect Divine Other." (3) In this sense, it is akin to Karen Armstrong's bestselling *A History of God* (Ballatine 1993): it is a survey of sorts. "Survey," however, is not how Lawrence characterizes his work. It is, he says, a "manifesto" that stresses a "pragmatic approach to religion," (21) closest to which in outlook is William E. Connolly's notion of agonistic pluralism (*Pluralism*, Duke University Press, 2005), a discipline of respectfully encountering "the other" as equally human and irreducibly unique.

The range of Lawrence's exploration comes across in its primary sources, the "fragments of a millennial odyssey" (179), which range from the Qur'an to quantum mechanics; from medieval Persian poetry to contemporary fiction in English and Arabic; and from texts produced by and for the *ulama*, "the knowledge class within Islam," (56) to online reflections by unofficial authorities. A less skillful author could have easily ended up with a collection of generalizations. Lawrence, however has the gift of a storyteller. His printed word has an oral quality of prompting dialogue and active listening, while accessibly communicating academic reflections: one hopes that it will soon become an aural word, an audio book, as well. "Muslims relate to Allah," he explains in a characteristic statement, "through a variety of practices that they feel are effective precisely because they link local histories and sensibilities, belongings and longings to the name Allah." (14) Lawrence constantly emphasizes context, as when he advises his readers to take into consideration social hierarchies, issues of class and gender in encountering texts by medieval male elite authorities; (82) or when he directs readers to resist the instinct, encouraged by the contemporary mediascape, of equating the religion of 1.6

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billion human beings with violence: "That reflex," he warns, "needs to be kept in check and balanced by the long view of history." (140)

Lawrence frames this "long view" through a far-reaching Introduction and Conclusion and conveys it through five elegant chapters. Chapter 1, "Allah Invoked: Practice of the Tongue," relates how and why present and past Muslims have been performing "the name Allah" (3). He begins the chapter, in a fashion characteristic of the book, with a viscerally present experience – the story of the memorial service recounted above – guides his readers through history with the help of Ibn 'Arabi, and then brings them back into the present, in this case through the Five Percenters, a group of American Muslims (47) whose practice of numerology he connects with other examples of the art of *abjad*. In Chapter 2, "Allah Defined: Practice of the Mind," Lawrence dwells on the past a bit longer and reviews, mostly through pre-modern examples, intellectual approaches to the question of God. Chapter 3, "Allah Remembered: Practice of the Heart," is where Lawrence's non-linear narrative and linking of the present with the past is most developed: he begins with Omar Khayyam, moves to a contemporary Turkish shaykh, recalls a dialogue between Ibn 'Arabi and Ibn Rushd, and arrives eventually – via the 14th-century jurist and theologian Ibn Taymiyya, the contemporary Sri-Lankan American saint Bawa Muhaiyaddeen, fasting, calligraphy, and poetry – at a Sufi image of "divine intoxication [that] pervades [this] tavern of love." (116) In contrast to Chapters 2 and 3, Chapter 4, "Allah Debated: Practice of the Ear," is decidedly contemporary. Its central theme is confrontation. Its principal protagonists are Christopher Hitchens and Osama Bin Laden, whose "with or against us" attitudes Lawrence challenges with, among others, a story from Willow Wilson's novel, *Alif the Unseen* (Grove 2012). That story is vital because it allows him to unpack a key word, perhaps the shibboleth to the entire book: *barzakh*, a metaphor for "a bridge as well as a barrier." (40) Chapter 5, "Allah Online: Practice in Cyberspace," is at once contemporary and futuristic, but it is, alas, quite rushed. Its central anecdote, "Allah as *Hu*," (156) is the book's highpoint: it encapsulates what Lawrence implies by stating that "Allah [is] a [Muslim] reflex," (5) cultivated through embodied disciplines. What it has to do with "cyberspace," however, is not clear – especially if this term is to be understood not as some place where opinions are printed (most of his primary sources here are printed texts published online), but as a distinct and increasingly all-encompassing mode of living. Lawrence comments on some obvious effects of the Internet-enabled "surfeit of information." (160) Yet, as he keeps insisting, to get a sense of Muslim sensibilities information is not enough. That is why "Allah Remembered" is at the heart of the book and why, in the Conclusion, Lawrence returns to the importance of "immersive remembrance of Allah," (177) practiced most faithfully, in his estimation, by the select few: "artists, poets, mystics, and saints," including – or, rather, especially – those on the margins of what is often considered official Islam, such as "radical revisionist women." (179) "That is the mainstream Muslim quest for Allah," he argues, "the Sufi search for the Beloved." (180)

Who Is Allah? is a multifaceted work by an expert listener and cultural translator. As a survey of diverse Muslim "practices of Allah," it is unparalleled, and is sure to become

the next go-to introduction to Islam in university settings, particularly in North America and Europe. My hope is that it also reaches many casual seekers, who might run into it while searching for Allah online and finding, in process, Lawrence's manifesto. What makes his endeavor remarkable is how he teaches the sensibilities required for engaging Muslims as Muslims: "listening, but also seeing, feeling, or even being touched by the divine presence," (21) as it has been experienced by believers. He petitions his Muslim readers to follow this practice as well, based on what he knows about them intimately and often communicating through their conceptual languages (thus the ultimate section of the book, "The Summary of Summaries," appears to be an echo of the phrase *lubb al-lubab* of the 14th-century Moroccan mystic Ibn 'Abbad of Ronda). True teachers instill vital reflexes. I can think of no current book in Islamic Studies that does it quite as well as *Who is Allah?*

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