NEW YORK UNIVERSITY

LAW REVIEW

COMMENTARY

FROM EXCLUSIVISM TO ACCOMMODATION: DOCTRINAL AND LEGAL EVOLUTION OF WAHHABISM

ABDULAZIZ H. AL-FAHAD*†

INTRODUCTION

On August 2, 1990, Iraq attacked Kuwait. For several days thereafter, the Saudi Arabian media was not allowed to report the invasion and occupation of Kuwait. When the Saudi government was satisfied with the U.S. commitment to defend the country, it lifted the gag on the Saudi press as American and other soldiers poured into Saudi Arabia. In retrospect, it seems obvious that the Saudis, aware of their vulnerabilities and fearful of provoking the Iraqis, were reluctant to take any public position on the invasion until it was ascertained

whether the United States was willing to commit its forces to the defense of the Kingdom and eventually the liberation of Kuwait.

For a state founded on the basis of an austere, puritanical interpretation of Islam—Wahhabism, with all its historically exclusivist tendencies—the decision to invite the United States to the defense of the country was perhaps the most momentous in modern Saudi Arabian history. The invitation of non-Muslim soldiers to defend the cradle of Islam was a dramatic and desperate step that presumably would have flown in the face of everything the country stood for, at least as interpreted by its Wahhabi scholars, or *'ulama*.[1] Yet, those very scholars gave their stamp of religious and legal approval to the invitation under God's Holy Law, the *shari'ah*.[2] Shortly after the arrival of the foreign forces, the scholars, represented by the Council of Senior *'Ulama*, issued a *fatwa*[3] succinctly and unequivocally supporting the decision.

Some one hundred and twenty years before the 1990 invasion, the Wahhabi realm had experienced another violent encounter with the Iraqis, then acting in the name of the Ottoman Empire. A Saudi ruler, or *imam*, 'Abd Allah ibn Faysal (d. 1307/1889),[4] had lost his

---

[1] *See generally* 10 ENCYCLOPEDIA OF ISLAM 801b (Brill Academic Publishers CD-ROM, 2003) (discussing concept of *'ulama*).

[2] The *shari'ah* is the totality of God's commands as revealed to the Prophet Muhammad and contained in the Islamic scriptures, the Qur'an and the *Sunnah*—the standard of exemplary behavior of the Prophet as recorded in narrative reports, or *hadith*. *Fiqh* is the scholarly product of deduction from these sources of positive law to determine the proper legal rules governing ritual and worldly affairs. *Fiqh* covers both substantive law and legal methodology (*usul al-fiqh*, literally "foundations of *fiqh*"). Somewhat separate from *fiqh*, but part of the *shari'ah*, is theology, or *'aqidah*. *See* 9 *id.* at 321a (discussing *shari'ah*); 2 *id.* at 866a (discussing *fiqh*). For an introduction to Islamic law, see generally WAEL B. HALLAQ, A HISTORY OF ISLAMIC LEGAL THEORIES: AN INTRODUCTION TO SUNNI USUL AL-FIQH (1997); JOSEPH SCHACHT, AN INTRODUCTION TO ISLAMIC LAW (1982).

[3] A *fatwa*, or responsum, is a nonbinding legal opinion issued by a jurisconsult, or *mufti*. *See generally* 11 ENCYCLOPEDIA OF ISLAM, *supra* note 1, at 166a (discussing *fatwas*); Wael B. Hallaq, *Ifta' and Ijtihad in Sunni Legal Theory: A Developmental Account*, *in* ISLAMIC LEGAL INTERPRETATION: MUFTIS AND THEIR FATWAS 33 (Muhammad Khalid Masud et al. eds., 1996) (discussing views of celebrated jurists—such as al-Shafi'i and al-Ghazali—regarding role and qualifications of *muftis*); Muhammad Khalid Masud et al., *Muftis, Fatwas, and Islamic Legal Interpretation*, *in* ISLAMIC LEGAL INTERPRETATION, *supra*, at 3 (providing brief history and explanation of role of *mufti* in Islamic law).

[4] In this reference and what follows, the first date given is according to the Islamic calendar, which dates from July 16, 622 A.D. (the year of the *Hijrah*, the Prophet Muhammad's emigration to Madinah); the second is the equivalent date according to the Gregorian/Christian calendar. Because the Islamic calendar is purely lunar, its year is ten or eleven days shorter than the solar Gregorian calendar, and dates according to the two calendars do not precisely correspond. *See* 3 ENCYCLOPEDIA OF ISLAM, *supra* note 1, at 366a (discussing *hijrah*); History and Info—The Islamic Calendar, *at* http://webexhibits.org/calendars/calendar-islamic.html (last visited Mar. 30, 2004). A number of

throne to his brother Sa'ud (d. 1291/1875). In his quest to reclaim power, 'Abd Allah appealed to the Ottomans for military assistance— an appeal that the Ottomans, under the leadership of one of their more astute leaders, Midhat Pasha,[5] the *wali* (pl. *wulat*), or Governor, of Iraq, were only too pleased to honor. As behooves a Wahhabi *imam*, 'Abd Allah took care to solicit an appropriate *fatwa* from a Wahhabi scholar, who obliged by declaring the request for assistance legitimate under *shari'ah* principles. The more conservative and authoritative *'ulama* would have none of this; most scholars declared the *fatwa* to be in error, and at least one went so far as to pronounce the issuing *mufti* an apostate, in effect rendering a death sentence. After all, the Ottomans were, in the eyes of many of the Wahhabi *'ulama*, not proper Muslims; they were unbelievers, or even polytheists.

The evolution from finding the military support of another Muslim state—the Ottomans—to be an infringement of God's law to the conclusion that the assistance of the non-Muslim U.S. forces was in conformity with that law can be explained by the radical transformations in the international, regional, domestic, and material conditions to which the religious/legal elite had to respond, and the suppleness of the Wahhabi doctrinal and legal tenets. More critically, it is an often overlooked characteristic of the Wahhabi movement— that it was born in a stateless society with the explicit purpose of forming a state—that provides the explanation for its evolution from a revolutionary to a more quietist and accommodating ideology. Starting from an essentially radical approach to the organization of society and its relations with neighboring powers, and through difficult experiences over two centuries, the theoreticians and guardians of the movement slowly came to understand the high cost of ideological purity and the value of realism in domestic and foreign affairs.

I
ORIGINS OF WAHHABISM[6]

The Wahhabi revivalist movement originated around the middle of the eighteenth century in al-'Arid, the southern part of central

---

programs and websites exist that will convert between Islamic and Christian dates. *See, e.g.*, Gregorian-Hijri Dates Converter, *at* http://www.rabiah.com/convert/ (last visited Mar. 30, 2004).

[5] For his biography, see ALI HAYDAR MIDHAT BEY, THE LIFE OF MIDHAT PASHA (1903).

[6] The term "Wahhabism" was coined by its adversaries in order to paint it as a sectarian movement. The Wahhabis originally called themselves "*al-muwahhidun*" or "unitarians," but over time came reluctantly to accept the "Wahhabi" appellation, although

Arabia (Najd), the location of present-day Riyadh. Arabian politics at the time were chaotic and bloody, and violence and conflict were endemic. Among the sedentary populations, or *Hadar*, neither tribal organization nor central authority existed. Almost every town and village was ruled independently by local chiefs, and even within such small locales independent and warring neighborhoods often could be found. The countryside was the realm of pastoral nomads, the Bedouins, and no order existed beyond the tenuous authority of the tribe.[7] The founder of the movement, Shaykh Muhammad ibn 'Abd al-Wahhab (d. 1206/1792), was keenly aware of these conditions and sought to unify the population and impose an order under the *shari'ah*.

He thus started propagating an austere interpretation of Sunni Islam and sought the renewal, or *tajdid*, of the faith.[8] Fiercely rejecting the immanentist position of the pantheistic and antinomian Sufis and their supporters,[9] he adopted the transcendentalist view of

they today clearly prefer the more generic *"salafiyyun,"* which signifies adherence to the faith and practices of the Prophet, his companions, and the early Muslim generations.

[7] The conditions of pre-Wahhabi central Arabia can be gleaned from the chronicles covering that period, such as 'UTHMAN IBN BISHR, 'UNWAN AL-MAJD FI TARIKH NAJD [TITLE OF GLORY IN THE HISTORY OF NAJD] (4th ed. 1982); HUSAYN IBN GHANNAM, TARIKH NAJD AL-MUSAMMA RAWDAT AL-AFKAR WA AL-AFHAM LI MURTAD HAL AL-IMAM WA TI'DAD GHAZAWAT DHAWI AL-ISLAM [HISTORY OF NAJD: THE GARDEN OF THOUGHT AND UNDERSTANDING FOR HE WHO WISHES TO KNOW THE SITUATION OF THE IMAM AND AN ENUMERATION OF THE CAMPAIGNS OF PEOPLE OF ISLAM] (1949), as well as the chronicle of ibn Bassam, 'ABD ALLAH IBN MUHAMMAD AL-BASSAM, TUHFAT AL-MUSHTAQ FI AKHBAR NAJD WA AL-HIJAZ WA AL-'IRAQ [GIFT TO THE YEARNING OF THE HISTORY OF NAJD, HIJAZ, AND IRAQ] (Ibrahim al-Khalidi ed. 2000). The chronicle of ibn La'bun, HAMAD IBN MUHAMMAD IBN LA'BUN, TARIKH IBN LA'BUN [HISTORY OF IBN LA'BUN], *in* 1 KHIZANAT AL-TAWARIKH AL-NAJDIYYAH [A TREASURY OF NAJDI CHRONICLES] 29 ('Abd Allah ibn 'Abd al-Rahman al-Bassam ed., 1999) [hereinafter TREASURY OF NAJDI CHRONICLES], and that of al-Dhukayr, MUQBIL IBN 'ABD AL-RAHMAN AL-DHUKAYR, MATALI' AL-SA'UD FI TARIKH NAJD WA AL SA'UD [A HISTORY OF NAJD AND THE HOUSE OF SA'UD], *in* 7 TREASURY OF NAJDI CHRONICLES, *supra*, give a general idea. UWIDAH METAIREEK AL-JUHANY, NAJD BEFORE THE SALAFI REFORM MOVEMENT (2002) is the best study available in English so far. *See also* Abdulaziz H. Al-Fahad, *The* 'Imamah vs. *the* 'Iqal: Hadari–*Bedouin Conflict and the Formation of the Sa'udi State*, *in* COUNTER-NARRATIVES: HISTORY, CONTEMPORARY SOCIETY, AND POLITICS IN SAUDI ARABIA AND YEMEN 35 (Madawi Al-Rasheed & Robert Vitalis eds., 2003) (describing conflicts between *Hadar* and Bedouins before rise of Wahhabism and impact of Wahhabism on *Hadari* and Bedouin society); Khalid S. Dakhil, The Social Origins of Wahhabism (1998) (unpublished Ph.D. dissertation, University of California at Los Angeles) (on file with *New York University Law Review*).

[8] *See generally* Samira Haj, *Reordering Islamic Orthodoxy: Muhammad ibn 'Abdul Wahhab*, 92 MUSLIM WORLD 333 (2002); *cf. generally* J.O. Hunwick, *Ignaz Goldziher on Al-Suyuti*, 68 MUSLIM WORLD 7 (1978) (discussing views of great scholar al-Suyuti on *tajdid*).

[9] Pantheism is closely associated with Sufi doctrines. It asserts that all existence is a divine unity. Its Sufi manifestations take different forms. Some Sufis, such as ibn 'Arabi

God that was identified with the more traditional Sunni scholars (*ahl al-hadith*) and that had its stronghold within the Hanbali school.[10] In particular, ibn 'Abd al-Wahhab espoused a strict monotheism that drew its inspiration mainly from the writings of the distinguished medieval Hanbali scholar ibn Taymiyyah (d. 728/1328) and his disciples.[11] As reflected in the writings of its founder and his followers,

---

and his followers, are read to have believed in a monist existence (*wahdat al-wujud*, literally "unity of being"). *See* 11 ENCYCLOPEDIA OF ISLAM, *supra* note 1, at 216a, 217a–218a (discussing term *wujud*, its use in classical Sufism, and association of ibn 'Arabi with concept of *wahdat al-wujud*). Others, such as ibn al-Farid, were believers in human union with the divine (*ittihad*), *see* 4 *id.* at 282b (discussing *ittihad*), whereas another group, whose best known representative is al-Hallaj, subscribed to the notion of incarnationism (*hulul*)— inhabitation of God's spirit in the human soul as receptacle, *see* 3 *id.* at 570b (discussing *hulul*); 4 *id.* at 283a (noting accusations of *hulul* against al-Hallaj). A logical and practical result of these beliefs is to render divine law irrelevant; the Sufis claimed to enjoy direct contact with the divine. The jurists' strong disapproval, if not outright hostility (al-Hallaj was executed for his beliefs), is therefore not surprising. Ibn 'Abd al-Wahhab's disapproval was apparently in response to the presence of strong Sufi influences in the area and not a mere theoretical indulgence. *See* 6 MUHAMMAD IBN 'ABD AL-WAHHAB, MU'ALLAFAT AL-SHAYKH AL-IMAM MUHAMMAD IBN 'ABD AL-WAHHAB [WORKS OF THE SHAYKH AND IMAM MUHAMMAD IBN 'ABD AL-WAHHAB] 186, 189 ('Abd al-'Aziz ibn Zayd al-Rumi et al. eds., 1398/1978) (reproducing letter by ibn 'Abd al-Wahhab identifying certain individuals in Mi'kal, part of present day Riyadh, as being followers of ibn 'Arabi and ibn al-Farid).

[10] *See* 1 ENCYCLOPEDIA OF ISLAM, *supra* note 1, at 258b (discussing traditionalism of *ahl al-hadith*). *Madhhab*, or school, denotes either a school of jurisprudence (*fiqh*) or a school of theology (*'aqidah*). In Sunni Islam, there are four legal schools: Hanafism, Malikism, Shafi'ism and Hanbalism. Unlike other schools, Hanbalism stands for two separate doctrinal positions, one as a school of jurisprudence and the other as a school of theology. While Wahhabism typically is identified with the Hanbali school of jurisprudence, its truly distinguishing characteristic is its Hanbali theological doctrine. For a general overview of the school, see 3 *id.* at 158a (discussing Hanbalism); George Makdisi, *Hanbalite Islam*, *in* STUDIES ON ISLAM 216 (Merlin L. Schwartz ed. & trans., 1981). On the centrality of theology to Hanbalism, see GEORGE MAKDISI, THE RISE OF COLLEGES: INSTITUTIONS OF LEARNING IN ISLAM AND THE WEST 8 (1981) ("The Hanbali school came into existence *not* as the result of a legal stance taken by its leader, but rather as the result of a traditionalist theological stance taken by him against Mu'tazili rationalism on the question of the created character of the Koran. . . . True to its origins, the school of Ibn Hanbal is a theological-juridical school, and the only one in Islam to survive in this dual character."). *Cf. also id.* at 1–9 (discussing rise to prominence of four schools); 6 ENCYCLOPEDIA OF ISLAM, *supra* note 1, at 278a (discussing Malikism); 9 *id.* at 185a (discussing Shafi'ism). It therefore might not be surprising that the historian of the movement, ibn Ghannam, was Maliki in *fiqh*. When the Moroccan Sultan Muhammad ibn 'Abd Allah (d. 1204/1790) found some Hanbali/Wahhabi ideas useful for consolidating his power and fighting Sufi influences, he declared that he was "*maliki madhhaban, hanbali i'tiqadan*," Maliki in jurisprudence but Hanbali in theology; Malikism held sway in Morocco from the early Islamic centuries. *See* 8 AHMAD IBN KHALID AL-NASIRI, KITAB AL-ISTIQSA LI AKHBAR DUWAL AL-MAGHRIB AL-AQSA [AN INQUIRY ON THE HISTORY OF MOROCCO] 68 (Ja'far al-Nasiri & Muhammad al-Nasiri eds., 1954–1956) (reporting this statement).

[11] One of the most influential ideas is the distinction between the monotheism (*tawhid*) of *rububiyyah*, that of God as the Creator of all and everything, and the monotheism of *uluhiyyah*, that of God being the exclusive recipient of worship to the exclusion of

early Wahhabism espoused some exclusivist tendencies, and sought to create sharp distinctions between its adherents and others who resisted its call for unity and purification of Islam.[12]

Ibn 'Abd al-Wahhab embarked on his reform by persuading the local chiefs vigorously to apply both the strict legal scope and the wider theological tenets of the *shari'ah*. Armed with rigorous unitarian notions of God and the obligations incumbent upon His human

---

intermediaries such as saints and inanimate objects. Even if one concedes the monotheism of *rububiyyah*—which most non-Muslims, including pagans at the time of the Prophet Muhammad, did not dispute—one still would be guilty of polytheism if one did not adhere to the second notion. This distinction profoundly marked the debate among the various groups, especially regarding the question of whether a nominal Muslim who sought the intercession of saints, thus violating the monotheism of *uluhiyyah*, was rendered an unbeliever. *See infra* notes 17–20 and accompanying text. The best source for ibn Taymiyyah's ideas is MAJMU' FATAWA SHAYKH AL-ISLAM AHMAD IBN TAYMIYYAH [COLLECTION OF THE FATWAS OF IBN TAYMIYYAH] ('Abd al-Rahman ibn Muhammad ibn Qasim al-'Asimi al-Najdi al-Hanbali ed. 1398/1978). The first volume is devoted exclusively to his writings on *uluhiyyah* and the second volume to *rububiyyah*. On ibn Taymiyyah's thought generally, see HENRI LAOUST, ESSAI SUR LES DOCTRINES SOCIALES ET POLITIQUES DE TAKI-D-DIN AHMAD B. TAIMIYA [ESSAY ON THE SOCIAL AND POLITICAL DOCTRINES OF IBN TAYMIYYAH] (1939).

12 The works of ibn 'Abd al-Wahhab have been collected and published. *See generally* IBN 'ABD AL-WAHHAB, *supra* note 9. All these volumes are dedicated to explaining his ideas and contain a broad assault on the objectionable practices and beliefs of his contemporaries—both scholars and the general public. A few volumes are devoted exclusively to the ideas of *tawhid* (monotheism). A tract of the same name may be described as the movement's manifesto and is ibn 'Abd al-Wahhab's most widely read work. *See* 1 *id.* at 7. For an English translation, see MUHAMMAD IBN 'ABD AL-WAHHAB, KITAB AL TAWHID: ESSAY ON THE UNICITY OF ALLAH, OR WHAT IS DUE TO ALLAH FROM HIS CREATURES (Isma'il Raji al-Faruqi ed. & trans., 1992). Another work on the same subject, *Kashf al-Shubuhat [Clarification of Misconceptions]*, is more polemical and pedagogical in nature. *See* 1 IBN 'ABD AL-WAHHAB, *supra* note 9, at 153. This first volume of ibn 'Abd al-Wahhab's collected works contains many of his *tawhid*-related writings. The "creed" or *'aqidah* of the Shaykh is found in 6 *id.* at 8, which reproduces a letter written by ibn 'Abd al-Wahhab to the people of the al-Qasim region. It is essentially a paraphrase of the *Wasitiyyah* of ibn Taymiyyah, a famous treatise setting out the traditionalist dogma of *ahl al-hadith*, for which ibn Taymiyyah was accused of anthropomorphism and persecuted. *See* Sherman A. Jackson, *Ibn Taymiyyah on Trial in Damascus*, 39 J. SEMITIC STUD. 41, 49–51 (1994) (describing ibn Taymiyyah's trials in Damascus in 705/1306, where he presented *Wasitiyyah* to tribunal, apparently to defend against charges that he crafted his theology to appeal to Mongols); *id.* at 41 (noting that ibn Taymiyyah, while apparently vindicated in Damascus trials, shortly thereafter was summoned to trial in Cairo on charges of anthropomorphism, leading to his imprisonment). For an English translation, see AHMAD IBN TAYMIYAH, PRINCIPLES OF ISLAMIC FAITH (AL-'AQIDAH AL-WASITIYAH) (Assad Nimer Busool ed. & trans., 2d ed. 1994). Another Wahhabi creed is that of 'Abd al-Wahhab's son, 'Abd Allah, in 'ABD AL-RAHMAN IBN 'ABD AL-LATIF AL AL-SHAYKH, MASHAHIR 'ULAMA NAJD WA GHAYRIHIM [BIOGRAPHIES OF PROMINENT 'ULAMA OF NAJD AND OTHERS] 51–66 (1394/1974) (reproducing statement of creed within biography of 'Abd Allah). A study of the founder's ideas is now available in Natana DeLong-Bas, Muhammad Ibn Abd Al-Wahhab: An Intellectual Biography (2002) (unpublished Ph.D dissertation, Georgetown University) (on file with *New York University Law Review*). For a study of his theology, see Haj, *supra* note 8.

servants to make Him the exclusive recipient of worship, ibn 'Abd al-
Wahhab pronounced many of the prevalent beliefs and practices of his
time to be little more than idolatry—the only sin that God promised
never to forgive.[13] His attack on what he regarded as polytheism, or
shirk, led him to condemn the apparently widespread custom of saint,
or *wali* (pl. *awlia*),[14] veneration and worship, which included imputa-
tion of supernatural powers to the saints and exaggerated claims of
their miracles, as well as animistic practices. He attracted attention,
not all of which was friendly, when he took it upon himself to destroy
holy trees and the tombs over the supposed graves of the Prophet's
companions, as well as to stone adulterers. The local ruler feared the
consequences of the Shaykh's campaign and asked him to leave, a trip
that took him to Dir'iyyah and to the founding of the famous pact
with the Sa'udi ruling house in 1157/1744-1745.[15]

The Shaykh, who attracted an enthusiastic following, was unre-
lenting in his campaigns, as were his enemies, who had at their dis-
posal sizable support both among the public and from the local
potentates who sensed the threat of the new Wahhabi call. The
Wahhabis to this day maintain that their military campaigns were car-
ried out in self-defense,[16] but the history of the campaigns need not
detain us here. The theological, legal, and political exchanges and
polemics, on the other hand, are revealing of how the movement per-
ceived itself and the world surrounding it.

To ibn 'Abd al-Wahhab, the state of the Muslim community
around him was nothing short of a reversion to the old polytheism, or
shirk, which the Qur'an and the Prophet condemned and sought to
eliminate.[17] While the Shaykh and his disciples were careful about

---

[13] *See* THE HOLY QUR'AN 4:48 ('Abdullah Yusuf 'Ali trans.) ("Allah forgiveth not that
partners should be set up with Him; but He forgiveth anything else, to whom He pleaseth;
to set up partners with Allah is to devise a sin most heinous indeed."); *id.* 4:116 ("Allah
forgiveth not (the sin of) joining other gods with Him; but He forgiveth whom He pleaseth
other sins than this.").

[14] This is not to be confused with the word for governor. *See* text accompanying *supra*
note 5.

[15] *See* 1 IBN BISHR, *supra* note 7, at 42 (recounting meeting between ibn Sa'ud and ibn
'Abd al-Wahhab and agreement between them).

[16] *See* 1 IBN GHANNAM, *supra* note 7, at 33 (reporting that ibn 'Abd al-Wahhab did not
start fighting his enemies until they started warring against him and his followers); 'ABD
AL-LATIF IBN 'ABD AL-RAHMAN AL AL-SHAYKH, MINHAJ AL-TA'SIS WA AL-TAQDIS FI
KASHF SHUBUHAT DAWUD IBN JARJIS [UNMASKING OF THE MISCONCEPTIONS OF IBN
JARJIS] 28 (1987) (paraphrasing ibn Ghannam stating that Wahhabis fought their enemies
only in self-defense).

[17] Thus, the Shaykh described pre-Wahhabi Najd as living in the days of ignorance, or
jahiliyyah, the same appellation that the Muslim revelations use to describe pre-Islamic
times. *See, e.g.*, THE HOLY QUR'AN 33:33 ('Abdullah Yusuf 'Ali trans.) ("And stay quietly
in your houses, and make not a dazzling display, like that of the former Times of Igno-

pronouncing a particular individual as non-Muslim (*takfir al-mu'ayyan*), they were less reticent about declaring practices, groups, and geographical areas as falling into that category. Indeed, some of the more austere Wahhabi theologians persisted in this tendency well into the 1920s.[18] Much of the debate surrounding early Wahhabi doctrine addressed the questions of what monotheism entails and whether nominal belief without more is sufficient to make one a Muslim. For opponents of Wahhabism, mere profession of the *shahadah*—the attestation of faith—was sufficient for a person to be considered a Muslim and entitled to all privileges and immunities inhering in such status. Ibn 'Abd al-Wahhab, in contrast, refused to accept as a true Muslim anyone who failed to hold the beliefs and perform the rituals, especially prayers, attendant to the profession of faith. By failing to perform the daily prayers, for example, one was committing *kufr*, or unbelief, notwithstanding any formal profession of faith. It was also *kufr* to "associate" (*shirk*) any other being or thing in the worship of God. Because belief in the cult of saints and the practice of requesting the help and mediation, or *tawassul*, of the dead were widespread at the time, Wahhabi theology had radical implications for

---

rance: and establish regular Prayer, and give regular Charity; and obey Allah and His Messenger," translating *jahiliyyah* as "Times of Ignorance"); *see also id.* at 5:50 (translating *jahiliyyah* as "(Days of) Ignorance"). He admonished the people of Shaqra, a Najdi town, for their lukewarm campaigns against neighboring Tharmada, writing "[Y]ou know that you did not concede anything to al-'Anaqir [rulers of Tharmada] when they were at the apogee of their power in the days of *jahiliyyah*, and now that God has granted you the pure religion of Islam . . . you submitted to him [the ruler of Tharmada]." 6 IBN 'ABD AL-WAHHAB, *supra* note 9, at 292 (reproducing letter from 'Abd al-Wahhab to town of Shaqra). In legal matters, the presumption that Najd lived in *jahiliyyah* was manifested in rulings affecting the ownership of property. Hamad ibn Nasir ibn Mu'ammar (d. 1225/1810), a disciple of ibn 'Abd al-Wahhab and a leading jurist, for example, issued a *fatwa* concluding that certain transactions, such as contracts or marriages, entered into during the days of *jahiliyyah* between pure unbelievers adhering to customs not in accord with the *shari'ah* would continue to be given force under Islamic regime, and that *shari'ah* rules only applied to new transactions between them. Apostates, on the other hand, would forfeit their property to the Islamic state and pre-Islamic transactions between them would be given no force or recognition. *See, e.g.*, 7 AL-DURAR AL-SANIYYAH FI AL-AJWIBAH AL-NAJDIYYAH [SPLENDID PEARLS OF NAJDI RESPONSES] 142–46 ('Abd al-Rahman ibn Muhammad ibn Qasim ed., 1995–1999) [hereinafter SPLENDID PEARLS OF NAJDI RESPONSES] (reproducing *fatwa*).

18 Sa'd ibn 'Atiq (d. 1349/1930) and Sulayman ibn Sihman (d. 1349/1930) are particular examples. *See, e.g.*, SA'D IBN HAMAD IBN 'ATIQ, AL-MAJMU' AL-MUFID MIN RASA'IL WA FATAWA AL-SHAYKH SA'D IBN 'ATIQ [USEFUL COLLECTION OF EPISTLES AND FATWAS OF SHAYKH SA'D IBN 'ATIQ] 75 (Isma'il ibn Sa'd ibn 'Atiq ed., 1995) (reproducing letter by Sa'd and his brother 'Abd al-'Aziz addressed to Muslims of south, preaching correct Muslim conduct and stating that they should be thankful that "God has bestowed on them the benefits of Islam and religion and the joining of Muslim domain," implying that they were previously in domain of unbelief); *id.* at 79 (reproducing letter addressed by Sa'd to King 'Abd al-'Aziz after 1924 conquest of Makkah, urging him not to appoint anyone from Hijaz to offices because their religion was suspect).

Muslim society. Once the *hujjah*—God's conclusive argument to unbelievers—was communicated[19] to a person or community, refusal to correct their ways could open the door to being pronounced unbelievers and having adverse legal rules and consequences imposed on them and their property.[20]

This dichotomy between true Muslims living under the guidance of Wahhabi precepts and others who followed entrenched practices of old marked much of the conflict between the Wahhabis and their local and foreign opponents. By embarking on a campaign to unify central Arabia and impose centralized authority under Wahhabi doctrines, the Wahhabis inevitably had to face the enmity of powerful adversaries. This conflict originally took the form of theological and legal exchanges and polemics among scholars. Each side attempted to paint the other in the most unflattering terms. The Wahhabis were tireless in denouncing their enemies, and through a slow process managed to extend their realm to most of Arabia and simultaneously to eradicate objectionable practices.[21]

---

[19] On the notion of *hujjah*, see generally 3 ENCYCLOPEDIA OF ISLAM, *supra* note 1, at 543b. There was further debate whether mere communication of the *hujjah* was sufficient or whether it had to be understood by the recipient as well. The Wahhabi scholars maintained that such understanding (*fahm al-hujjah*) was not a requirement. *See generally* ISHAQ IBN 'ABD AL-RAHMAN AL AL-SHAYKH, HUKM TAKFIR AL-MU'AYYAN WA AL-FARQ BAYN QIYAM AL-HUJJAH WA FAHM AL-HUJJAH [THE LEGAL RULE WITH RESPECT TO PRONOUNCING A SPECIFIC PERSON AN UNBELIEVER AND THE DIFFERENCE BETWEEN THE COMMUNICATION AND UNDERSTANDING OF HUJJAH] (1988). With the softening of Wahhabism after restoration of the Saudi state in the twentieth century, Wahhabi scholars retreated from this position and accepted that understanding is also a requirement. *See* 5 MAJMU'AT AL-RASA'IL WA AL-MASA'IL AL-NAJDIYYAH LI BA'D 'ULAMA NAJD AL-'ALAM [COLLECTION OF NAJDI EPISTLES AND ISSUES FOR SOME PROMINENT NAJDI 'ULAMA] 515 n.2 (Rashid Rida ed., Riyadh, Dar al-'asimah 1992) [hereinafter COLLECTION OF NAJDI EPISTLES] (stating that editor was present when some Wahhabi jurists disputed issue of whether understanding *hujjah* is requirement before King 'Abd al-'Aziz, and prominent jurist 'Abd Allah ibn Bulayhid was persuasive that it was, relying on authority of ibn al-Qayyim (d. 751/1350) to argue that understanding is requirement).

[20] *See supra* note 17 (citing *fatwa* discussing legal implications of pronouncing people as unbelievers). It is thus typical of the Wahhabi chroniclers to describe battles between the Wahhabis and their opponents as being between Muslims and polytheists, and to regard those rebelling against Wahhabi authority as apostates. The best examples are found in the standard Wahhabi histories of ibn Bishr and ibn Ghannam. *See, e.g.*, 1 IBN BISHR, *supra* note 7, at 131 (recounting events in year 1191/1777–1778, referring to "signs of apostasy" at town of Harmah); 2 IBN GHANNAM, *supra* note 7, at 12 (discussing Wahhabi battle against Tharmada in 1161/1748); *id.* at 15 (describing those killed from Riyadh in battle in year 1164/1750–1751 as "polytheists"). This practice has come under attack in more recent times. *See* AL-DHUKAYR, *supra* note 7, at 103 (criticizing ibn Bishr and ibn Ghannam for describing anti-Sa'udi resistors as apostates and for ignoring political reasons for their opposition to Wahhabism).

[21] The history of these campaigns is chronicled in the standard and more recent Wahhabi sources, but the most authoritative are IBN BISHR, *supra* note 7, and IBN GHANNAM, *supra* note 7. These chronicles are in large part devoted to the Wahhabis'

The early conflicts with outside powers came with the Wahhabi occupation of al-Ahsa (1208/1794) in eastern Arabia, which brought the Wahhabis into close contact with the Ottomans in Iraq.[22] A complex web of local, tribal, and regional politics underlay many of these early conflicts. Both the Wahhabis and the Ottomans launched military campaigns, with the Wahhabis typically destroying venerated tombs during their raids into Iraq.[23] With the 1805 occupation of the holy cities of Makkah and Madinah by the Wahhabi/Sa'udi forces, however, the spread of the movement raised more immediate and profound concerns for outsiders, especially the Ottomans, who were the dominant Sunni power at the time. The systematic destruction of tombs and saint shrines in the holy cities drew sharp reactions from the wider Muslim communities. To be deprived of the honor of custodianship of the Holy Mosques in Arabia, however, was an insult the Ottoman Sultan could not bear for long. Eventually he dispatched the forces of his Egyptian vassal, Muhammad 'Ali, to crush the Wahhabi challenge. Unfortunately for the Wahhabis, their exclusivist tendencies, coupled with their lack of experience in regional and international politics, allowed the Ottomans to make the case against them with relative ease.[24] For example, convinced of the impermissibility

---

military campaigns. For a summary in English, see George Snavely Rentz, Muhammad ibn 'Abd al-Wahhab (1703/04–1792) and the Beginnings of Unitarian Empire in Arabia (1948) (unpublished Ph.D dissertation, University of California at Berkeley) (on file with *New York University Law Review*).

[22] Prior to that date, local opponents petitioned the Ottoman authorities to intervene and abort the reform movement. *See* 3 MUHAMMAD IBN 'ABD ALLAH IBN HUMAYD, AL-SUHUB AL-WABILAH 'ALA DARA'IH AL-HANABILAH [HEAVY RAINS ON THE TOMBS OF HANBALIS] 969, 973 (Bakr Abu Zayd & 'Abd al-Rahman ibn 'Uthaymin eds., 1996) (providing biography of anti-Wahhabi jurist Muhammad ibn Fayruz (d. 1216/1801), stating that ibn Fayruz "wrote to Sultan 'Abd al-Hamid Khan asking his help against the outlaws [i.e., Wahhabis] in Najd"). Another opponent sent a petition targeting mainly the scholars in Ottoman territories, *see* 1 IBN GHANNAM, *supra* note 7, at 111–13, which elicited a number of scholarly responses but apparently made no discernible impression on the political authorities. Assuming that it would have the proper effect, the local foe counted among the Wahhabi sins the removal of the Ottoman sultan's name from the Friday prayer sermon. Putting aside the fact that the Ottomans never had any presence in Najd, the removal of the name of the ruler from the sermon is a Wahhabi doctrine upheld to this day. They only invoke God's guidance to "those in authority" without mentioning names. *See* 5 SPLENDID PEARLS OF NAJDI RESPONSES, *supra* note 17, at 41 (reproducing short *fatwa* by Aba-Butayn suggesting that praise of specific person in Friday sermon is inadvisable).

[23] In addition to the Wahhabi chronicles, these events are described in STEPHEN HEMSLEY LONGRIGG, FOUR CENTURIES OF MODERN IRAQ 212–17, 229–31 (2002).

[24] *See* AL-DHUKAYR, *supra* note 7, at 150–51 (suggesting, in summary of life of *Imam* 'Abd al-'Aziz (killed 1218/1803), that if Wahhabis had been more diplomatic in their intercourse with neighboring powers they would have been more successful). In a fascinating example of the belligerence of the early Wahhabis, a letter apparently addressed by *Imam* Sa'ud to an Ottoman leader in Iraq proudly reminded the Ottoman addressee that the Wahhabis refused a truce even when the Ottomans were willing to pay tribute. *See* 9

under correct Islamic principles of the traditional *mahmal*—the camel caravan bringing pilgrims from Syria and Egypt, with music and other innovative practices—the Wahhabis simply banned the caravans.[25] The Ottomans presented the ban as an attempt by the Wahhabis to prevent Muslims from making the required pilgrimage, and an uproar ensued.[26] The Egyptians launched their campaigns to destroy the Wahhabis in 1811; by 1818, the Wahhabi capital, Dir'iyyah, was in ruins and the Sa'udi *Imam* was taken to Istanbul where he was executed.

II
OCCUPATION, DISINTEGRATION, AND THE RADICAL RESPONSE

The invasion and crushing defeat presented the Wahhabi *'ulama* with novel and problematic issues. The old conflict had been over the prevalence and legality of prohibited beliefs and practices. These issues became moot within the Wahhabi realm following the triumph of the Wahhabi campaigns and the successful suppression of objectionable beliefs and popular practices. During the Ottoman invasion, however, many local groups, both sedentary and nomadic, hastened to the aid of the invaders, thereby committing "treasonous" acts and perhaps betraying the shallowness of their convictions. After the invasion, the critical issue for the increasingly radical and conservative scholars was not the elimination of prohibited practices but instead the question of loyalty. The puritans among the scholars, especially those in al-'Arid, took up the issue and pronounced those supporting the *'asakir al-dawlah* (invading armies) to be apostates, since the Ottomans and their vassals were regarded as polytheists.[27]

SPLENDID PEARLS OF NAJDI RESPONSES, *supra* note 17, at 264. In another letter, addressed this time to the Governor of Iraq himself, dated 14 Dhu al-Qi'dah 1225/ December 11, 1810, Sa'ud seemed to deny that the *Wali* and his followers were Muslims and gave a long list of their sins, concluding with a threat that if they did not mend their ways, the Wahhabis would fight them until they did so. *See* 1 *id.* at 287, 312–13; *cf. infra* note 95 (discussing correspondence in which Sa'udi *Imams* recognized Ottoman suzerainty).

[25] *See* Suhayl Saban, *Al-Khitabat al-'Arabiyyah fi al-Irshif al-'Uthmani [Arabic Correspondence in Ottoman Archives]*, 6 AD-DIR'IYYAH 93, 97–100 (2003) (reproducing letter from *Imam* Sa'ud (d. 1229/1813–1814) to Ottoman governor of Syria dated 1224/1809, providing justifications for refusal to allow *mahmal*).

[26] The Wahhabis did not stop all pilgrims. Moroccans, for example, managed to perform the Hajj without difficulty. *See* 8 AL-NASIRI, *supra* note 10, at 121 (describing pilgrimage of Moroccans and North Africans and their interaction with Wahhabis in Hijaz).

[27] At that time, the nationalist/patriotic idiom was not part of the world-view of either scholars or the laity. The resort to excommunication, or *takfir*, of the Ottomans by their enemies is not unique to Wahhabism. The Mahdiyyah movement in the Sudan in the late-nineteenth century took the same position. *See* Aharon Layish, *The Legal Methodology of*

The jurists' position was expounded by a brilliant grandson of the founder of Wahhabism, Sulayman ibn 'Abd Allah, who was executed by the invading army in 1818, at the young age of thirty-two. Apparently alarmed by the serious defections from the Wahhabi cause to the invading "unbelievers," he wrote an influential epistle, *Al-Dala'il fi Hukm Muwalat ahl al-Ishrak*,[28] adducing no fewer than twenty-one text-proofs that those who assisted the attackers were no longer Muslims. Strikingly, however, this jurist did not find it necessary to establish that the invaders were unbelievers.[29] His verdict was swift and given within the first lines of the epistle:

> Know, may God bless you, that when a person shows approval of the polytheists' religion, for fear of, or in appeasement or flattery to them to avoid their evil, that he is an unbeliever like them, even if he dislikes their religion and hates them and loves Islam and Muslims, if that were the only [error] committed. However, if he is in a protected realm, and he invites them, obeys them and shows approval of their false religion and assists them with help and money, becomes loyal to them and terminates loyalty between himself and the Muslims, and becomes a soldier of polytheism and tombs and their people . . . , no Muslim should doubt he is an unbeliever.[30]

The pages of this short epistle are replete with references to the apostates—presumably those who invited the Egyptians, were not steadfast in their defense of the Wahhabi realm, or defected to the enemy.[31] Shaykh Sulayman regarded polytheists—the worshippers of tombs and the dead—as enemies, and constantly pointed out the prevalence of prostitution, homosexuality, intoxication, and myriad other sins among them.[32] For Shaykh Sulayman, there was an unequivocal rupture between Islam and those failing to resist the conquerors. His

---

the Mahdi in the Sudan, 1881–1885: Issues in Marriage and Divorce, 8 SUDANIC AFR. 37, 46 (1997) ("[T]he Mahdi announced on various occasions that the Ottomans (against whom he had declared war) had rejected Islam (*takfir*) in every respect.").

[28] *Al-dala'il fi hukm muwalat ahl al-ishrak* [*Proofs of the Rule Regarding Loyalty to People of Polytheism*], *in* SULAYMAN IBN 'ABD ALLAH AL AL-SHAYKH, MAJMU' AL-RASA'IL [COLLECTION OF EPISTLES] 41 (Al-Walid ibn 'Abd al-Rahman Al Furayyan ed., 1420/2000).

[29] There is no evidence that the founder of Wahhabism ever determined whether the Ottoman Empire was non-Muslim. *See* 'ABD AL-'AZIZ IBN MUHAMMAD IBN 'ALI AL-'ABD AL-LATIF, DA'AWA AL-MUNAW'IN LI DA'WAT AL-SHAYKH MUHAMMAD IBN 'ABD AL-WAHHAB [THE CLAIMS OF OPPONENTS OF SHAYKH MUHAMMAD IBN 'ABD AL-WAHHAB] 238 (1412/1991–1992) (concluding, after surveying writings of ibn 'Abd al-Wahhab and his opponents, that he did not say anything with respect to Ottomans' Islamic credentials).

[30] AL-SHAYKH, *supra* note 28, at 41.

[31] *See id.* at 43, 50.

[32] *See id.* at 56.

epistle set the tone for many of the subsequent legal, theological, and political positions taken by the conservative Wahhabi scholars in their responses to foreign and domestic challenges.[33]

This "rejectionist" line, however, was not the only local reaction to the trauma of invasion, destruction, and occupation. Some in the population, especially in the al-Qasim area (about 200 miles northwest of Riyadh), which gradually achieved prominence in local politics,[34] came to the conclusion that the radical Wahhabis actually had brought destruction upon themselves. They specifically held the descendants of the founder, the *Al al-Shaykh*, responsible for the calamity, for they were instrumental in formulating policy and following a zealous line that turned many people into enemies of the nascent state.[35]

Thus, there emerged within Wahhabism two distinct and competing attitudes toward the outside world. The *'ulama* of southern Najd and their allies still maintained some of their old exclusivist positions, which they now put in the service of recovering Wahhabi/Sa'udi control.[36] Other *'ulama*, especially in al-Qasim but also in al-Ahsa

---

[33] Sulayman ibn 'Abd Allah wrote another epistle, *Awthaq 'Ura al-Iman* [*Faith's Surest Bonds*], apparently during the same traumatic period, dedicated to elucidating the rules regarding proper "loyalty" (*wala*) to Muslims and "disavowal" (*bara*) of unbelievers, *id.* at 99–148, which had a similar influence. Another epistle on the legality of travel to non-Muslim lands (e.g., Ottoman possessions) is translated with a study in Elizabeth Sirriyeh, *Wahhabis, Unbelievers and the Problems of Exclusivism*, 16 BRIT. SOC'Y FOR MIDDLE E. STUD. BULL. 123 (1989).

[34] The best study is MUHAMMAD IBN 'ABD ALLAH AL-SALMAN, AL-AHWAL AL-SIYASIYYAH FI AL-QASIM FI 'AHD AL-DAWLAH AL-SA'UDIYYAH AL-THANIYAH: 1238–1309/1891–1923 [POLITICAL CONDITIONS IN AL-QASIM DURING THE SECOND SAUDI STATE: 1238–1309/1891–1923] (1999). *See also* SAAD ABDULLAH SOWAYAN, NABATI POETRY: THE ORAL POETRY OF ARABIA 75–87 (1985) (providing biography of poet Muhammad al-'Abd Allah al-'Awni, detailing how his poetry reflected and was influenced by political developments in al-Qasim region).

[35] *See* HAFIZ WAHBA, JAZIRAT AL-'ARAB FI AL-QARN AL-I'SHRIN [THE ARABIAN PENINSULA IN THE TWENTIETH CENTURY] 226 (3d ed. 1956) (describing al-Qasim scholars' accusations that *Al al-Shaykh* brought calamity of invasion and occupation and counteraccusations by latter against Qasimi *'ulama*). The *Al al-Shaykh* rejected the accusations, charged the Qasimi scholars with lack of learning, and censured many in al-Qasim for their eagerness to accommodate the Egyptians, even going so far as to implicate them in inviting the invaders. *See id.* It seems that an element of regional rivalry underlies some of these exchanges. For example, Shaykh 'Abd al-Latif, in a letter addressed to residents of 'Unayzah, one of the two largest towns in al-Qasim, accuses them of harboring ibn Jarjis and being sympathetic to his teachings in part because Wahhabi reforms came from al-'Arid. *See* 1 'ABD AL-LATIF IBN 'ABD AL-RAHMAN AL AL-SHAYKH, 'UYUN AL-RASA'IL WA AL-AJWIBAH 'ALA AL MASA'IL [MOST IMPORTANT LETTERS AND RESPONSES TO QUESTIONS] 288, 295 (Husayn Muhammad Bawa Abu 'Abd al-Rahim ed., 2000).

[36] Significantly, Saudi politicians learned a lesson in flexibility and on several occasions the Saudi *Imam*, Faysal (d. 1282/1865), had to acknowledge the suzerainty of the Ottomans to ward off danger against his state. The *'ulama* overlooked this issue, apparently concluding that it was either harmless or necessary, but the available literature is mostly silent on this point. *See infra* note 95 (discussing compromises of Faysal and other Saudi *Imams*

and Ha'il, advocated less exclusivist doctrines. This internal dispute preoccupied Wahhabi scholars for close to a century, from the destruction of the first Saudi state and the civil war during the second through the initial stages of the third Saudi state in the early decades of the twentieth century.

One of the earliest exchanges within the Wahhabi scholarly community came during the Egyptian occupation of much of Najd. The faithful were faced with the profound question of how to deal with the occupiers, whom many regarded as non-Muslims. Some in the southern areas, especially those distant from the influence of the occupiers, believed that the inhabitants of occupied towns had an obligation to make the *hijrah*—the flight from the land of unbelief to the land of Islam. For obvious reasons, the majority thought it an impractical idea, and one of the Wahhabi judges provided justification for people to stay where they were. Shaykh Ahmad ibn Du'ayj (d. 1268/ 1851–1852) was a traditional Wahhabi jurist who, following the Egyptian occupation and the collapse of central authority, was elected judge in his town of Marat, in the northeast of Riyadh. His *fatwa* advising that it was not incumbent upon the inhabitants of towns under Egyptian occupation to leave their homes and lands was simple:

> The matter in question is . . . what many ignoramuses and the riffraff . . . say that anyone staying in a town occupied by the *'asakir* [foreign army] is an unbeliever . . . . How could it be said that a person whose belief is strengthened and religion maintained by God is an unbeliever just because the *'askar* are controlling his town by force, but did not order him to renounce his religion and did not compel or entice him to commit any act that would harm it? God has put man's sanctity before the sanctity of His own [commands], so He absolved him of the prohibition against eating carrion if he feared harm because of hunger and allowed him to renounce belief if he is coerced.[37]

There is nothing in this jurist's biography to suggest any undue influences or hostility to Wahhabism.[38] Indeed, his long (and artisti-

---

and acceptance by *'ulama*); *see generally infra* notes 95–98 and accompanying text (discussing pre-1990 precedents in which *'ulama* recognized and accepted political necessity of compromise).

[37] HAMAD IBN 'ALI IBN 'ATIQ, AL-DIFA' 'AN AHL AL-SUNNAH WA AL-ITTIBA' [IN DEFENSE OF THE PEOPLE OF AND CONFORMING TO THE SUNNAH] 6–7 (1990) (quoting *fatwa* of ibn Du'ayj) [hereinafter IBN 'ATIQ, DEFENSE]; HAMAD IBN 'ALI IBN 'ATIQ, MAJMU'AT RASA'IL HAMAD IBN 'ALI IBN 'ATIQ [COLLECTION OF THE EPISTLES OF HAMAD IBN 'ALI IBN 'ATIQ] 43 (Riyadh, Dar al-hidayah n.d.) [hereinafter IBN 'ATIQ, EPISTLES] (same).

[38] *See* 1 'ABD ALLAH IBN 'ABD AL-RAHMAN IBN SALIH AL-BASSAM, 'ULAMA NAJD KHILAL THAMANIYAT QURUN ['ULAMA OF NAJD THROUGH EIGHT CENTURIES] 497–501 (2d ed. 1419/1998–1999) (providing biography).

cally mediocre) poem mourning the demise of the Wahhabi state and the capture of its leaders is strong testimony to his loyalty to the Wahhabi cause.[39] Yet when he issued his *fatwa* he was subjected to contemptuous attacks by the southern Wahhabis. Hamad ibn 'Atiq (d. 1301/1884), the influential standard bearer of conservatism, was uncompromising in his refutation. He belittled ibn Du'ayj's learning and accused him of sympathizing with unbelievers, without mentioning him by name. He wrote that because one becomes an unbeliever only under circumstances in which one supports and shows loyalty to polytheists, residence in non-Muslim lands may be permissible if one is able to practice one's beliefs and disavow unbelievers, or a mere sin if one genuinely is coerced to stay but lends no support to the unbelievers. He then attacked ibn Du'ayj for asserting that the polytheist army did not compel anyone to change his religion. He insisted that the polytheists came to destroy the true faith, kill its adherents, and take its leaders and scholars captive. Anyone who went along with them, even if in his heart he did not renounce correct belief, was rendered an unbeliever—inner belief alone was not sufficient in the absence of serious compulsion. Unlike ibn Du'ayj, ibn 'Atiq did not believe that protection of property was a sufficiently compelling reason to stay.[40]

Another important problem facing the faithful was the loss of political leadership—the *imam*—under the occupation. This raised many questions for the community. It was unclear, for example, whether resistance—*jihad*—against the occupying army was legitimate without a properly constituted political authority. Those who were willing to accommodate the foreign invaders latched onto this expediency and argued that there could not be a *jihad* without an *Imam*. Such views were expressed by one ibn Nabhan who, in response to the well-known and uncompromising *fatwas* of ibn 'Atiq, apparently exchanged a letter with the southern Najdis who were not under occupation. He maintained that there could be no *jihad* so long

---

[39] *See* 4 TREASURY OF NAJDI CHRONICLES, *supra* note 7, at 185–212 (reproducing short chronicle of al-Du'ayj).

[40] *See* IBN 'ATIQ, DEFENSE, *supra* note 37, at 28–32. For another rebuttal, written by the leading Wahhabi jurist of his time, *see* 8 SPLENDID PEARLS OF NAJDI RESPONSES, *supra* note 17, at 204–72 (reproducing epistle by 'Abd al-Rahman ibn Hasan), where ibn Du'ayj's first name is changed to Hamad, *see id.* at 234. The same rebuttal also is found in 'ABD AL-RAHMAN IBN HASAN AL AL-SHAYKH, AL-MATLAB AL-HAMID FI BIYAN MAQASID AL-TAWHID [LAUDABLE QUEST FOR THE ELUCIDATION OF THE MEANINGS OF TWAHID] 101 (Isma'il ibn Sa'd ibn 'Atiq ed., 1991), in which ibn Du'ayj's name is clearly identified. *See id.* at 101 n.2. The editor gives in his introduction a title to this work of *Irshad Talib al-Huda lima Yub'id 'an al-Rada [Guide to the Seeker of Truth to Avoid Destruction]. See id.* at 7.

as there was no *imam*.[41] This merited a long and detailed response from the ranking *shaykh*, 'Abd al-Rahman ibn Hasan.[42] The response recapitulated the affliction *(bala)* that befell the country with Egyptian occupation, alluded to the shortcomings of the people of al-Qasim, and proceeded with a lengthy exposition of the usual theme, namely loyalty to the invaders. Ibn Hasan argued that even if the invaders professed Islam, they were in fact unbelievers, and that emi-gration *(hijrah)* from the occupied lands was therefore critical. He devoted the last section of his rebuttal to refuting the argument of the invalidity of *jihad* without a legitimate *imam*. He declared that it is *jihad* that makes an *imam* and not the other way around, and con-cluded by offering textual proofs for this position, in effect sanctioning "freelance" *jihad*.[43]

III
CIVIL WAR: THE *'ULAMA* DIVIDED

As was the case with the early Wahhabis, the legal and theolog-ical debate during what is called the second Saudi state (1824–1891)[44] involved both Najdi and non-Najdi scholars. Cloaked in the now familiar theological idiom of Islam and unbelief, the Wahhabis of the south and their allies maintained their old rigorous attitudes. An emerging group in the north, however, in alliance with some Iraqi scholars,[45] came to challenge the accepted dogmas and launched a series of attacks on their southern counterparts. For these moderate *'ulama*, who were perhaps aware of their compatriots' acute need to conduct trade with the Levant and the rest of the Ottoman posses-sions, the sins of the Ottoman Muslims did not amount to total unbe-

---

[41] *See* 8 SPLENDID PEARLS OF NAJDI RESPONSES, *supra* note 17, at 167–68, 182–84, 189, 193, 195, 197–99.

[42] *See id.* at 167–204 (reprinting letter from ibn Hasan outlining and refuting arguments of ibn Nabhan).

[43] *See id.* at 199–203 (discussing *jihad*). In a postscript, he said, with apparent relief, that after completion of the refutation, God brought forth an *Imam*, most likely referring to the escape of Faysal from Egyptian captivity in 1843. *See id.* at 203–04.

[44] *See generally* RICHARD BAYLY WINDER, SAUDI ARABIA IN THE NINETEENTH CEN-TURY (1980) (discussing history of this period).

[45] It is not surprising that Iraqi scholars would be involved in this debate. Iraq histori-cally had enjoyed close contacts with Najd and many families had members living in both areas. Commercial relations were strong. Most importantly, the town of Zubayr, near Basrah, was practically a Najdi town where refugees of famine and persecution found shelter, and which served as an influential center of Hanbali learning. Many Najdi *'ulama* were educated in Iraq. *See* BARCLAY RAUNKIAER, THROUGH WAHHABILAND ON CAMEL-BACK 24–26 (1969) (discussing Zubayr's Najdi character and Wahhabi influences); *see also* 'ABD AL-RAZZAQ 'ABD AL-MUHSIN AL-SANI' & 'ABD AL-'AZIZ 'UMAR AL-'ALI, IMARAT AL-ZUBAYR BAYN HIJRATAYN [THE EMIRATE OF ZUBAYR BETWEEN TWO MIGRATIONS] (1985–1989) (providing detailed history of Zubayr during period 979–1400/1579–1980).

lief, and they challenged the interpretation offered by the conservative Wahhabis that pronounced as unbelievers those who practiced veneration of saints.[46]

During the second Saudi state, the split among the Wahhabi political and scholarly groups over the conduct of the affairs of their state and its proper relation with its neighbors widened. When the powerful *Imam* Faysal passed away in 1865, his eldest son, 'Abd Allah, succeeded him, in accord with the then-applicable dynastic principle of primogeniture. Because of discord within the ruling house, his younger brother, Sa'ud, challenged 'Abd Allah and eventually deposed him in 1871. 'Abd Allah sought to recover his position through other means, ultimately soliciting the help of the Ottoman *Wali* in Iraq, who complied and promptly occupied al-Ahsa.[47] Sensing that the Ottomans had come to stay and that the designs of the Ottoman governor included jailing him, 'Abd Allah fled the territory, announcing his repentance and regrets,[48] and relied again on domestic forces to continue the fight with his brother. In 1875, Sa'ud passed away, allowing 'Abd Allah a brief recovery that was brought to an end by the overthrow of Sa'udi rule in 1887 by the House of Rashid in Ha'il (about 400 miles north of Riyadh), an emerging power from the north.

'Abd Allah's dealings with the Ottomans were problematic from the perspective of Wahhabi doctrine, but he nonetheless succeeded in obtaining the necessary *fatwa* from one of the *'ulama*, Muhammad ibn Ibrahim ibn 'Ajlan.[49] The conservative Wahhabis were quick to retaliate with their own *fatwas*, declaring the invitation to be unlawful, and expounding upon the deficiencies of the Ottomans' Islamic creden-

---

[46] The exchanges always addressed additional theological issues, such as God's attributes, which are part of the third of the three divisions of monotheism according to ibn 'Abd al-Wahhab, that is, *tawhid al-asma wa al-sifat* (monotheism of God's Names and Attributes). *See* 2 SPLENDID PEARLS OF NAJDI RESPONSES, *supra* note 17, at 66–69, 72–73. But these debates by their very nature did not extend to popular practices and were restricted to the *'ulama*.

[47] FREDERICK F. ANSCOMBE, THE OTTOMAN GULF: THE CREATION OF KUWAIT, SAUDI ARABIA, AND QATAR 20–25 (1997) is the richest source for the Ottoman perspective on this episode. For a review of the history of British and Ottoman rule in the region during the nineteenth century, see generally *id.* at 16–90.

[48] *See* 2 AL-SHAYKH, *supra* note 35, at 882, 886, 889 (reprinting letter by 'Abd al-Latif referring to 'Abd Allah's regrets and atonement); *id.* at 920 (reprinting letter by 'Abd al-Latif to Hamad ibn 'Atiq, stressing that 'Abd Allah showed regret).

[49] *See infra* notes 53–56 and accompanying text (discussing this *fatwa*). Biographical notes do not provide much information about ibn 'Ajlan; we do not even know the date of his death. He was born in Riyadh and was appointed to a number of judicial posts. *See* 5 AL-BASSAM, *supra* note 38, at 469–71 (providing biography).

tials. Hamad ibn 'Atiq[50] again went so far as to condemn ibn 'Ajlan as an apostate.[51]

The conservative Wahhabis were persuaded that the Ottomans were unbelievers.[52] As such, the legality of 'Abd Allah's request for assistance was determined in accordance with the rules pertaining to the solicitation of military help (*isti'anah*) by Muslims from unbelievers. The legal norms governing this issue were conflicting and usually addressed through the rules governing warfare. A plurality of jurists categorically prohibited the solicitation and use of non-Muslim military assistance, while others allowed it subject to some stringent conditions, the most important of which were that the non-Muslim providing the help must not have a part in decisionmaking, and that

---

[50] There is a short letter in which he alludes to the sins of 'Abd Allah and expresses doubts about his repentance. *See* IBN 'ATIQ, EPISTLES, *supra* note 37, at 115–18.

[51] *See* 5 AL-BASSAM, *supra* note 38, at 470 (referring to this incident within biography of ibn 'Ajlan); 1 AL-SHAYKH, *supra* note 35, at 436–44 (reproducing letter by 'Abd al-Latif that condemned *fatwa* of ibn 'Ajlan but criticized ibn 'Atiq for his harsh response to it); M.J. Crawford, *Civil War, Foreign Intervention, and the Question of Political Legitimacy: A Nineteenth-Century Sa'udi Qadi's Dilemma*, 14 INT'L J. MIDDLE E. STUD. 227, 238 (1982) (noting ibn 'Atiq's condemnation and 'Abd al-Latif's criticism).

[52] This matter is rather complex. Although all Wahhabi scholars appear to condemn the practices in question, such as the cult of saints, some do not believe they amount to *kufr* or unbelief. Even among those holding the view that these practices rendered one an unbeliever, there were differences regarding the status of such unbelief: Was it pure unbelief (*kufr asli*) or apostasy (*riddah*)? *See generally* 4 ENCYCLOPEDIA OF ISLAM, *supra* note 1, at 407b, 408a (discussing distinctions in treatment between pure unbelievers and apostates); 7 *id.* at 635a–636b (discussing apostacy and its civil and criminal penalties). The rules governing property provide an example of the different treatment accorded pure unbelievers and apostates. One jurist, responding to a question regarding the ownership of palm trees acquired by purchase from the Egyptian conquerors during their invasion, pointed out the difference. If the Egyptians and Ottomans were regarded as pure unbelievers, then when they acquired Muslim property through war, their ownership likely would be valid, and even if they became Muslims afterward they would not be liable for any damage, nor would they have to return it; whereas if they were apostates, they could not acquire Muslim property by force, and if they damaged it then they would be liable. *See* 'ABD ALLAH IBN 'ABD AL-RAHMAN ABA-BUTAYN, RASA'IL WA FATAWA [EPISTLES AND FATWAS] 265–67 (Ibrahim al-Hazimi ed., 1995) (reproducing *fatwa*). Aba-Butayn argued for apostasy as the rule applicable to the invaders on the theory that while their land was one of Islam, they failed to adhere to the *shari'ah*. *See also* 2 COLLECTION OF NAJDI EPISTLES, *supra* note 19, at 233–35 (reproducing same *fatwa* with question and questioner made explicit). The view that the Ottomans were unbelievers of some variety was held by some scholars well into the twentieth century. The jurists were, however, sometimes ambivalent about categorically extending this designation to all and sundry in the Ottoman territories. Thus, they did not bar inheritance between parties in Najd and the Ottoman areas; such a bar would have been the logical legal outcome if those inhabitants were truly unbelievers (either pure or apostates). *See* IBN 'ATIQ, *supra* note 18, at 115, 119 (reproducing letter by ibn 'Atiq giving *fatwas* on number of issues, including question concerning right of heir to real property in Najd who lived in Iraq to preempt sale of share of property by other heirs, which he upheld on basis of analogy that ibn 'Abd al-Wahhab and his successors never said that inhabitants of Ottoman territories could not inherit from Najdis).

the party providing the assistance not be of such strength as to be dangerous to those receiving it.

Although ibn 'Ajlan's letter/*fatwa* is no longer extant—at least not publicly—we are able to reconstruct the general outlines of his argument from a number of rebuttals, especially the preserved writings of the most prominent jurist of the time, 'Abd al-Latif ibn 'Abd al-Rahman ibn Hasan Al al-Shaykh (1225–1293/1810–1876).[53] It appears that ibn 'Ajlan argued along the following lines: First, the solicitation of help from the Ottomans was no more sinful than the actions taken by ibn Taymiyyah when he requested the help of people from Egypt and Syria in the fight against the invading Mongols in the late thirteenth and early fourteenth centuries, since the inhabitants of those territories were then equally unbelievers (*kuffar*).[54] While stressing the piety of high-ranking officers of the Ottoman army—and presumably conceding a lack thereof on the part of the rank-and-file—he nonetheless argued that enlisting the help of unbelievers was permissible.[55] As a last resort, he invoked the necessity doctrine as justification for the validity of the invitation.[56]

The rebuttal was swift and harsh. Shaykh 'Abd al-Latif, dubbing the letter "the snare of the devil" (*habbalat al-shaytan*),[57] took issue with every argument. First, he rebuked ibn 'Ajlan for taking the position that the people of Syria and Egypt at the time of ibn Taymiyyah were unbelievers, stressing that Islam was ascendant during those times and that ibn Taymiyyah himself pronounced these countries to be the land of Islam. He summarily dismissed the piety argument by

---

[53] Shaykh 'Abd al-Latif was one of the outstanding scholars of his time. He was taken by the Egyptians to Cairo at age eight, where he received his education with his father and other relatives, and attended the Azhar mosque. After spending thirty years there, he returned to Najd in 1264/1848 to assist his father, who had by then become the foremost jurist and religious authority among the Wahhabis. He later succeeded his father. For his biography, see 1 AL-BASSAM, *supra* note 38, at 202–230; AL-SHAYKH, *supra* note 12, at 93–121.

[54] *See* 1 AL-SHAYKH, *supra* note 35, at 278, 280 (reproducing letter from 'Abd al-Latif to ibn 'Ajlan discussing latter's *fatwa*); 2 *id.* at 871, 874 (reproducing letter from 'Abd al-Latif to correspondent in al-Ahsa, referring to ibn 'Ajlan and question of status of Syria and Egypt during time of ibn Taymiyyah).

[55] *See* 1 *id.* at 280–81 (paraphrasing ibn 'Ajlan's discussion of officers' piety as one ground justifying that it was acceptable to request their assistance); 2 *id.* at 874 (referring to ibn 'Ajlan as condoning Ottomans' assistance).

[56] *See* 1 *id.* at 437–44 (reproducing letter by 'Abd al-Latif discussing *fatwa* of ibn ¡Ajlan and addressing issue of assistance); *see also* Crawford, *supra* note 51, at 236–39 (discussing dispute among Wahhabi *'ulama* over 'Abd Allah's request for Ottoman assistance, analyzing legal issues and translating parts of exchanges). *Darurah*, the doctrine of necessity, absolves otherwise forbidden acts in situations of danger or extreme demands. *See generally* 2 ENCYCLOPEDIA OF ISLAM, *supra* note 1, at 163a (discussing necessity doctrine); HALLAQ, *supra* note 2, at 218 (providing example of modern use of necessity doctrine).

[57] 2 AL-SHAYKH, *supra* note 35, at 874.

noting that many confirmed unbelievers, such as the Sufis ibn 'Arabi and ibn al-Farid, were noted for their devoutness.[58] The great jurist, however, was more deliberate when it came to the validity of enlisting the military help of non-Muslims. At the outset, he conceded that this point was disputed among the jurists. He chose categorical prohibition as the correct rule, but proceeded nevertheless to clarify that, even under the less persuasive view, the position of ibn 'Ajlan was untenable. The majority of the jurists who permitted solicitation nonetheless required that such action be taken only when the Muslims were fighting non-Muslims; the forces of Sa'ud were considered rebels (*bughah*), but remained Muslims.

Shaykh 'Abd al-Latif's most powerful critique, however, was that the "legal" point at issue was not whether it was permissible to enlist Ottoman help. In fact, the Ottomans intended to stay and rule, he wrote, which had no legal justification under any circumstances.[59] Shaykh 'Abd al-Latif further stressed this point in another letter which, while critical of ibn 'Atiq for describing ibn 'Ajlan as an apostate, still contended that the main issue was that the Ottomans planned to stay and govern.[60]

IV
COLLAPSE OF THE SAUDI STATE AND RISE OF THE RASHIDI HOUSE: CONSERVATISM UNDER SIEGE

The Saudi civil war concluded unhappily for the ruling house. Through a combination of Sa'udi blunders and Rashidi shrewdness, the House of Rashid was able to end Sa'udi rule and dislodge the last Sa'udi *Imam*, 'Abd al-Rahman (d. 1346/1928)—father of King 'Abd al-'Aziz, the founder of the modern Kingdom (d. 1373/1953).[61] The

---

[58] The view of these Sufis as "confirmed unbelievers" is one associated with Wahhabism and some other traditions, but is not otherwise a unanimous one. *See supra* note 9 and accompanying text (discussing development of Wahhabi opposition to Sufi mystical and pantheistic doctrines); *cf.* ALEXANDER D. KNYSH, IBN 'ARABI IN THE LATER ISLAMIC TRADITION: THE MAKING OF A POLEMICAL IMAGE IN MEDIEVAL ISLAM (1999) (discussing controversy surrounding use of ibn 'Arabi as example of unbelief by ibn Taymiyyah and other scholars during middle ages).

[59] For 'Abd al-Latif's argument, see 1 AL-SHAYKH, *supra* note 35, at 280–82 (reproducing letter from 'Abd al-Latif to ibn 'Ajlan discussing latter's *fatwa*); 2 *id.* at 899–904 (reproducing letter in which 'Abd al-Latif discussed civil war, struggle between two brothers, and 'Abd Allah's error in bringing Ottomans); 2 *id.* at 900 (specifically discussing 'Abd Allah's error in bringing Ottomans); Crawford, *supra* note 51, at 237–39 (paraphrasing 'Abd al-Latif's argument in English).

[60] *See* 1 AL-SHAYKH, *supra* note 35, at 437–44 (reproducing letter by 'Abd al-Latif discussing *fatwa* of ibn 'Ajlan and addressing issue of assistance).

[61] The story of the rise and fall of the Rashidi dynasty is documented amply in the traditional chronicles. *See, e.g.*, AL-DHUKAYR, *supra* note 7, at 203–04, 208–09, 212,

old polarization among the *'ulama* continued unabated, but unlike the earlier disputes regarding 'Abd Allah's actions, the debate now reflected the conflicting sympathies of the supporters of the House of Sa'ud and the House of Rashid. The old themes—who is and who is not a Muslim—earnestly were pursued, and there was significant hostility within the scholarly community. Both Sa'udis and Rashidis were closely interested in these debates, the most critical of which revolved around the status of the Ottomans, who happened to be allies of the House of Rashid.

The conflict was most pronounced in the region of al-Qasim, which, towards the beginning of the nineteenth century, had become a pivotal actor in Najdi politics and profoundly affected the balance of power between pro-Sa'udi forces in the south and the Rashidi power base in Ha'il in the north.[62] The conservative, pro-Sa'udi Wahhabis were represented by the family of Al Salim,[63] which boasted of at least two prominent jurists and a large number of allies. Their adversaries appeared to be no less numerous but lacked a definite leadership, although 'Abd Allah ibn 'Amr (killed 1326/1908)[64] and Ibrahim ibn Jasir (d. 1338/1919–1920)[65] are the two names most prominently associated with the anticonservative faction.

As noted above, a plurality of opinion in al-Qasim always held that the exclusivism of the southern Wahhabis was the main reason for the invasion of foreign forces; this plurality explicitly or implicitly advocated a less strident attitude towards the outside world. Because of its strategic location as a major artery through which pilgrims traveled from Iraq and eastern Muslim lands to Makkah and Madinah, as

---

217–19, 230, 261–63, 269–89, 318–19. It also is recounted in MADAWI AL RASHEED, POLITICS IN AN ARABIAN OASIS: THE RASHIDIS OF SAUDI ARABIA (1991).

[62] These issues are covered in many of the chronicles. They also are recounted in AL-SALMAN, *supra* note 34. Some of the more interesting discussions are found in the biographical dictionaries under the entries of the main protagonists. *See especially* AL-BASSAM, *supra* note 38 (arranged alphabetically by name); AL-SHAYKH, *supra* note 12 (not arranged alphabetically); SALIH AL MUHAMMAD AL-'UMARI, 'ULAMA AL SALIM WA TALAMITHIHIM WA 'ULAMA AL-QASIM [AL SALIM 'ULAMA, THEIR DISCIPLES, AND 'ULAMA OF AL-QASIM] (1985) (mostly arranged alphabetically by name).

[63] This family dominated the scholarly scene in al-Qasim for most of the latter half of the nineteenth century and the early-twentieth century. The two prominent figures from this family who carried the banner of conservative Wahhabism were Muhammad ibn 'Abd Allah ibn Salim (d. 1325/1910) and his cousin Muhammad ibn 'Umar ibn Salim (d. 1308/1890). For full biographies and histories of these scholars and their disciples and adversaries, see 1 AL-'UMARI, *supra* note 62, at 20–52, 53–62. *See also* 6 AL-BASSAM, *supra* note 38, at 150–59, 340–48.

[64] *See* 4 AL-BASSAM, *supra* note 38, at 324–34 (providing biography of ibn 'Amr); 2 AL-'UMARI, *supra* note 62, at 357 (same).

[65] *See* 1 AL-BASSAM, *supra* note 38, at 277–93 (providing biography of ibn Jasir); 2 AL-'UMARI, *supra* note 62, at 203–05 (same).

well as its fairly extensive commercial contacts with the Levant and more distant lands, countervailing influences always found their way into the region, and provided an antidote to the conservatism of the southern scholars. This growing countercurrent was apparent by the middle of the nineteenth century, and it blossomed under the auspices of the Rashidi dynasty.

The conservative Wahhabis were alarmed by the loss of power of the House of Sa'ud, their traditional ally, and by the disintegration of the country. To the east, the Ottomans came and occupied the most fertile part of the realm and became entrenched as the conservative Wahhabis had feared, and in the process emboldened the otherwise weak anti-Wahhabi factions. To the far north, the Rashidis, in alliance with the rest of their tribe, the Shammar, one of the dominant nomadic groups, were consolidating their hold and presented a substantial threat to the detribalized southern Najdis. The Rashidis also maintained at least an understanding, if not always an alliance, with the Ottomans, the archenemies of the Wahhabis. In the middle was al-Qasim with its fractious and sometimes bloody politics. And it was in al-Qasim that many of the decisive battles, both theological and military, were to take place until the successful Sa'udi restoration and eventual consolidation of the modern state.

Under the watchful eyes of the Rashidi rulers and their sympathizers, the conservatives—their implacable hostility to the Ottomans and not-so-secret yearning for a Sa'udi restoration notwithstanding—had to tread a careful line lest they offer the Rashidis a pretext to persecute them. Nevertheless, persuaded that the Ottomans were grave-worshipping apostates who also were occupying part of the country, they drew a series of conclusions from this conviction. A true Muslim had to express his enmity towards, and disavowal of, the Ottomans, avoid traveling to their lands, and if he happened to live in their midst, exercise the obligation of migration (*hijrah*) from the land of unbelief to the land of Islam. This position was an insinuation—at a minimum—that the Rashidis' friendly relations with the Ottomans were a violation of the *shari'ah*. For many of the mercantile interests, it was a verdict to ruin their businesses.[66] Historically, trade with

---

[66] It is significant that prior to the Egyptian invasion, the debate surrounding trade was limited and not very controversial. Although some scholarship claims that trade was interdicted by the early Wahhabis, this was simply not the case. For an interesting account of the importance of trade to the early Wahhabis, based on original documents from the late-eighteenth century, see 'Abd al-'Alim 'Ali Abu Haykal, *Al-tijarah al-Misriyyah ma' Najd Khilal al-Rub' al-Akhir min al-Qarn 18 fi Daw' al-Watha'iq al-Mahaliyyah* [*Egyptian Trade with Najd during the Last Quarter of the 18th Century in Light of Local Documents*], 16 AL-MU'ARRIKH AL-MISRI [EGYPTIAN HISTORIAN] 11–44 (1996).

Ottoman possessions formed an important part of al-Qasim's economy, and this trade required regular visits to Ottoman territory.[67] Taken to their logical conclusion, southern Wahhabi ideas would have made such economic activity difficult if not impossible.

In the literature of the nineteenth and early twentieth centuries, the conservative Wahhabis never missed an opportunity to highlight the fact that many of the opposition scholars sought learning with Ottoman *'ulama* in the Levant and Hijaz and therefore acquired their knowledge from tainted sources. Thus, Shaykh 'Abd al-Latif's tract against 'Uthman ibn Mansur (d. 1282/1865),[68] which is typical of the period, is full of references to ibn Mansur's Iraqi teachers.[69] Ibn

---

[67] *See generally* HALA FATTAH, THE POLITICS OF REGIONAL TRADE IN IRAQ, ARABIA, AND THE GULF, 1745–1900 (1997) (discussing role of trade in Najd and the Gulf and connections with Wahhabism). The author provides the best survey available based on many original sources; however, her reliance on the *Kitab lam' al-shihab*, an anonymous work of dubious reliability, leads her to make some assertions that are incongruent with the ideological orientation of the Wahhabi movement, at least in its early stages. *See, e.g., id.* at 49 & 218 n.122 (indicating that Wahhabis diverted caravan routes in order to collect fees). She also fails to discuss the camel trade, probably the most significant element of the Najdi exports. For a discussion of the camel trade, see Anthony B. Toth, The Transformation of a Pastoral Economy: Bedouin and States in Northern Arabia, 1850–1950, ch. 2 (2000) (unpublished D.Phil. thesis, Oxford University) (on file with *New York University Law Review*).

[68] 'ABD AL-LATIF IBN 'ABD AL-RAHMAN IBN HASAN AL AL-SHAYKH, MISBAH AL-ZALAM FI AL-RADD 'ALA MAN KATHAB 'ALA AL-SHAYKH AL-IMAM WA NASABAH ILA TAKFIR AHL AL-IMAN WA AL-ISLAM [THE ILLUMINATION OF DARKNESS IN REFUTATION OF HE WHO FALSELY ATTRIBUTES TO THE SHAYKH AND IMAM THE EXCOMMUNICATION OF PEOPLE OF FAITH AND ISLAM] (1945). His father, 'Abd al-Rahman ibn Hasan, also authored his famous *Maqamat*, and other letters in refutation of ibn Mansur and his various allegations against the conservative Wahhabis. *See* 12 SPLENDID PEARLS OF NAJDI RESPONSES, *supra* note 17, at 5 (reproducing *Maqamat*); AL-SHAYKH, *supra* note 40, at 9–34 (reproducing *Maqamat* and other letters); *see also* 11 SPLENDID PEARLS OF NAJDI RESPONSES, *supra* note 17, at 512–33, 533–46, 547–51, 554–74, 575–86 (reproducing letters refuting ibn Mansur); 12 *id.* at 43–45 (reminding ibn Mansur that it was his long stay in Basrah and Zubayr that brought about his anti-Wahhabi positions).

[69] Ibn Mansur's mentors, in addition to local and prominent Wahhabi scholars, included such anti-Wahhabi jurists as Muhammad ibn Sallum (d. 1246/1831) and Dawud ibn Jarjis (d. 1299/1882), among others. *See* 5 AL-BASSAM, *supra* note 38, at 89–106 (providing biography of ibn Mansur). Ibn Sallum was an implacable Najdi foe of Wahhabism who fled to Iraq. *See* 6 AL-BASSAM, *supra* note 38, at 292–303 (providing biography of ibn Sallum); 3 IBN HUMAYD, *supra* note 22, at 1007–12 (same). Ibn Jarjis, on the other hand, is unique. An Iraqi, he studied under Wahhabi scholars in the al-Qasim area and obtained his *ijazah* (certificate issued by master verifying student's completion of studies and permission to teach) from the most important Wahhabi scholar there, 'Abd Allah Aba-Butayn. Ibn Jarjis then made a career of opposing and refuting Wahhabism. *See* 8 ABBAS AZZAWI, TARIKH AL-'IRAQ BAYN IHTILALAYN [HISTORY OF IRAQ BETWEEN TWO OCCU-PATIONS] 66 (1955) (providing biography of ibn Jarjis). At least one source claims that ibn Jarjis was a Sufi of the Nagshabandi order, *see id.*, which may explain his hostility to Wahhabism. He also left strong influences, if not outright disciples, in Najd. His influence is reflected in an unusually large number of books refuting his ideas. His main critique of Wahhabism came in a tract entitled *Sulh al-ikhwan* [*Brethren's Truce*]. *See* AL-'ABD AL-

---

Mansur was accused of lenience towards the unbelieving Ottomans and others. Apparently ibn Mansur, while a genuine disciple of significant Wahhabi scholars, came to modify his position and launched a campaign, sometimes not so openly, that was critical of Wahhabi exclusivism and the willingness of the conservatives to pronounce quickly on the belief or lack thereof of nominal Muslims. He even authored four tracts: Three appear to be an open attack on the conservative Wahhabis, and one a more indirect critique that sought to draw analogies between Wahhabism and the early extremist Islamic sect, the Kharijite.[70]

Ibn Mansur lived during the Saudi civil war and died before the ascendancy of the Rashidi dynasty. His successors were even more emboldened by the collapse of Sa'udi authority, and they hastened to take advantage of the power shift. Again, the battleground for the most intense fights was al-Qasim, where two significant scholars were willing to take on the conservative Wahhabis and not only challenge their interpretation of Islam and unbelief but also attempt to persuade

---

LATIF, *supra* note 29, at 54 & n.2 (referencing this). His mentor, Aba-Butayn, wrote two tracts in response to his various attacks on Wahhabism. *See* 'ABD ALLAH IBN 'ABD AL-RAHMAN ABA-BUTAYN, AL-INTISAR LI HIZB ALLAH AL-MUWAHHIDIN [IN DEFENSE OF THE UNITARIAN PARTY OF GOD] (1987); 'ABD ALLAH IBN 'ABD AL-RAHMAN ABA-BUTAYN, TA'SIS AL-TAQDIS FI KASHF TALBIS DAUD IBN JARJIS [UNMASKING OF THE MIS-CONCEPTIONS OF IBN JARJIS] (2001). 'Abd al-Rahman ibn Hasan wrote another. *See* 'ABD AL-RAHMAN IBN HASAN AL AL-SHAYKH, AL-QAWL AL-FASL AL-NAFIS FI AL-RADD 'ALA AL-MUFTARI DAWUD IBN JARJIS [DECISIVE AND EXCELLENT VIEW IN REFUTATION OF THE FABRICATOR IBN JARJIS] (1985). His son 'Abd al-Latif authored two. *See* AL-SHAYKH, *supra* note 16; 'ABD AL-LATIF IBN 'ABD AL-RAHMAN IBN HASAN AL AL-SHAYKH, TUHFAT AL-TALIB WA AL-JALIS FI KASHF SHUBAH DAWUD IBN JARJIS [GIFT OF THE SEEKER AND COMPANION IN CLARIFICATION OF THE MISCONCEPTIONS OF IBN JARJIS] ('Abd al-Salam ibn Barjas ibn Nasir Al 'Abd al-Karim ed., 2d ed. 1410/1989–1990).

[70] Ibn Mansur was also one of the teachers of ibn Bishr, the most well-known chronicler of Wahhabi history. *See* 2 IBN BISHR, *supra* note 7, at 323 (referring to ibn Mansur as "our Shaykh"). On the Kharijite, see generally 4 ENCYCLOPEDIA OF ISLAM, *supra* note 1, at 1074b. Apparently none of these tracts of ibn Mansur ever has been published. The *Misbah al-Zalam*, AL-SHAYKH, *supra* note 68, was written in response to a tract written in ibn Mansur's handwriting and discovered upon his death entitled *Kashf al-Ghummah fi al-Radd 'ala Man Kaffar al-Ummah* [*Dispelling Grief: A Refutation of He Who Excommunicates the Muslim Community*], that directly attacked ibn 'Abd al-Wahhab. *See id.* at 16. Ibn Mansur used similar language in the introduction to his history of the Kharijite, entitled *Asrar al-Ma'arij fi Akhbar al-Khawarij*. *See* AL-'ABD AL-LATIF, *supra* note 29, at 50–51 (confirming that he read this language in original manuscript). This was considered to be an indirect critique of Wahhabi exclusivism and was recognized as such by 'Abd al-Rahman, who wrote a letter in response. *See* 5 AL-BASSAM, *supra* note 38, at 97 (citing letter within biography of ibn Mansur). Two other tracts mentioned in the *Misbah al-Zalam* have unclear fates: *Ghasl al-Daran 'an ma Rakibah Hatha al-Rajul min al-Mihan* [*Cleansing the Filth of the Afflictions Committed by this Man*] and *Tabsirat uli al-Albab* [*Advice to the Intelligent*]. *See* AL-SHAYKH, *supra* note 68, at 30 (referring to these tracts).

the Rashidi *amirs* to persecute them. Ibn 'Amr[71] led the main charge, and ibn Jasir[72] was a prominent sympathizer. To ibn 'Amr, the conservative Wahhabis were not only wrong but actually were a veritable threat to the whole Muslim community and its political leadership. In a remarkable letter dated 26 Ramadan 1314/February 28, 1897, and addressed to the Rashidi ruler at the time, Muhammad ibn 'Abd Allah ibn Rashid (d. 1315/1897), ibn 'Amr described the scene in al-Qasim—the participants in the theological/legal debates as well as the salient issues in dispute.[73] He was derisive in his attacks on the main Wahhabi jurist of the time, 'Abd Allah ibn 'Abd al-Latif (d. 1339/1920),[74] his brothers, the Salim scholars, and a number of less significant personages. He accused them all of arrogance and excessive zeal in *takfir* (the pronouncement of others as unbelievers). He charged that those scholars regarded "all countries" as unbelieving, prohibited travel to them, viewed those with differing opinions as unbelievers, and adhered to an extremist interpretation of Islam that bordered on "insanity."[75] He traced this extremism to Hamad ibn 'Atiq[76] himself, presumably the first scholar to address some of these issues head-on and to take uncompromising stands following the Egyptian invasion and during the civil war. It appears that he implicitly was warning the *Amir* that the conservative Wahhabis' ideas were accepted by many people, and he hinted that the *Amir*'s tolerance only encouraged them. Ibn 'Amr ominously concluded by reminding the *Amir* of the

---

[71] With the rise of 'Abd al-'Aziz, ibn 'Amr's opponents accused him of certain serious offenses and he was killed by the Sa'udis in a particularly gruesome way in 1326/1908. See sources cited *supra* note 64 for biographies of ibn 'Amr. The gruesome manner of his death is oral history not mentioned by any of his biographers.

[72] *See supra* note 65 and accompanying text (noting ibn Jasir's association with anticonservative Wahhabism and providing citations for his biography).

[73] *See* 4 AL-BASSAM, *supra* note 38, at 327–32 (reproducing this letter within biography of ibn 'Amr).

[74] His biography is found in 1 *id.* at 215–30; AL-SHAYKH, *supra* note 12, at 129–41.

[75] Another scholar of *Al al-Shaykh*, Ishaq ibn 'Abd al-Rahman, wrote a rebuttal specifically aimed at ibn 'Amr's statements. *See* ISHAQ IBN 'ABD AL-RAHMAN AL AL-SHAYKH, 'IDAH AL-MAHAJJAH WA AL-SABIL WA 'IQAMAT AL-HUJJAH WA AL-DALIL 'ALA MAN AJAZ AL-'IQAMAH BAYN AHL AL-SHIRK WA AL-T'ATIL [CLARIFYING THE WAY AND THE PATH AND ESTABLISHING THE AUTHORITY AND PROOF AGAINST HIM WHO PERMITS RESIDENCE AMONG PEOPLE OF POLYTHEISM] (1995). Al-Bassam reports that ibn 'Amr authored a critique of the conservatives entitled *Al-Radd al-'Anif 'ala Al 'Abd al-Latif* [*Severe Refutation of the 'Abd al-Latifs*], but was never able to publish it. *See* 4 AL-BASSAM, *supra* note 38, at 325.

[76] He probably is referring to the epistle authored in 1261/1845 by ibn 'Atiq. *See supra* note 37. Ibn 'Atiq wrote another short epistle dealing with travel to polytheist lands. *See* IBN 'ATIQ, EPISTLES, *supra* note 37, at 31–36.

action taken by the Caliph 'Umar when someone was feared of causing sedition—physical beating plus exile.[77]

The Rashidi *amirs* tried to navigate a middle path between persecution of the southern scholars and their supporters and indifference to these debates. The conservatives always had been suspicious of the Rashidis and were generally on guard in their interactions with them. Yet, at the instigation of ibn 'Amr and others, the conservatives were put under pressure at various points in the history of the Rashidi dynasty. They were exiled from Riyadh and sequestered in Ha'il under the watchful eyes of the *amirs*, which ironically enabled them to spread their influence by recruiting local scholars to their cause. The *Amir* and his lieutenants also prevented them from carrying out their traditional functions as *'ulama* of encouraging good and discouraging vice by urging the public's conformity to the *shari'ah*.[78] Thus, at least one leading scholar, Sulayman ibn Sihman, was threatened with death when he was accused of pronouncing certain people—including, by some accounts, the *Amir* himself—to be unbelievers. He had to compose an ode praising the *Amir* and responding to the accusations.[79]

---

[77] Some of the theological and legal points in dispute between the two factions are summarized helpfully in another letter written by one of the Rashidi sympathizers, Ibrahim ibn Jasir, on 7 Shawal 1313/March 22, 1895. The letter indicates his change of mind and his new agreement with his mentors, the *Al al-Shaykh* and the Salim scholars. The first point concerns supplication (*du'a*) addressed to a dead person to perform acts only the living are able to do, such as requesting the dead saint to offer supplications on one's behalf to God. The conservative Wahhabis held that this was not just an error, but an act of unbelief rendering a person committing it an unbeliever. The other three points concerned acts held to be in error without amounting to unbelief. First, whether it is permissible to travel solely with the intent to visit the grave of the Prophet, which the Wahhabis condemned as error; second, whether *tawassul* (supplication to God by means of an intermediary) through the Prophet after his death also is condemned as error; and finally, whether the famous Sufi ibn 'Arabi was an unbeliever and not just someone who may have committed some errors. Ibn Jasir expressed his sincere convictions that the original position he held, in agreement with his mentors, was still the correct one. This striking letter is published along with some other relevant documents and material on the dispute in al-Qasim in Abu 'Abd al-Rahman ibn 'Aqil, *Dunya al-watha'iq* [*World of Documents*], 1 AL-DIR'IYYAH 264, 289–92 (1998).

[78] *See* ABU 'ABD AL-RAHMAN IBN 'AQIL, MASA'IL MIN TARIKH AL-JAZIRAH AL-'ARABIYYAH [ISSUES IN THE HISTORY OF THE ARABIAN PENINSULA] 69 (1994) (reproducing ibn Sihman's laments that *Amir* prohibited Wahhabi *'ulama* from carrying out this duty).

[79] *See id.* at 48–119 (discussing ibn Sihman's poem praising *Amir* and related issues). Ironically, ibn Sihman later had to defend himself for this apologia to the Rashidi *Amir* when he was attacked by even more fanatical individuals during the rise of the *Ikhwan* movement. *See infra* notes 83-86 and accompanying text (discussing rise of *Ikhwan* movement).

V

THE SAUDI RESTORATION AND THE DEFEAT
OF MILITANCY

In 1902, the young 'Abd al-'Aziz ibn 'Abd al-Rahman (later King 'Abd al-'Aziz) launched a new campaign to restore the fortunes of the Sa'udi dynasty, starting with a heroic reconquest of Riyadh, his ancestral capital. The campaigns against local powers, the Rashidi dynasty, the Sharifs of Hijaz,[80] the Ottomans in the eastern parts, the nomadic tribes, and a host of other potentates took about three decades, concluding with the firm establishment of the Saudi state. During these campaigns the conservative *'ulama* were a mainstay of his support. They were unwavering and generous in their assistance and were full participants in the campaigns and the affairs of the realm. With the rise in Sa'udi power, their fortunes improved significantly and their triumph was slowly but firmly recognized. But they soon were put on the defensive, this time by even more radical scholars and proselytizers springing from their midst.

Part of the Wahhabi drive to restore the state and consolidate its power was a new strategy to deal with the age-old Bedouin "question." The pastoral nomads always had been problematic for any party that wished to establish a central authority in Arabia. The nomadic tribes had been living an autonomous existence from time immemorial and jealously guarded their independence against the encroachment of central authority, whatever its trappings. While willing to strike alliances of convenience with any and all, especially if there was the prospect of booty, the nomadic tribes were always quick to reassert their independence. The tribes consistently refused to pay the religious tax (*zakat*), rejected the *shari'ah* in favor of their customary laws—the *bête noire* of the *'ulama*, and maintained the traditions of raiding (*ghazw*) among the various Bedouin tribes and against the sedentary communities and collecting tribute (*khuwah*) from the weaker groups.[81] The founder of Wahhabism himself, as critical of the *Hadar* as he was, was even more severe in his condemnation of the Bedouins, essentially accusing them of unbelief. He viewed them as no better than pagans; for they did not believe in even the simple,

---

[80] Upon conquering the holy places of the Hijaz in 1924, 'Abd al-'Aziz ensured that the mistakes of the past, such as the banning of the *mahmal* (pilgrimage camel caravan), were not repeated. The *'ulama* concurred on the ground of practical politics. *See* 9 SPLENDID PEARLS OF NAJDI RESPONSES, *supra* note 17, at 350 (reproducing letter from 'Abd Allah ibn 'Abd al-Latif to King 'Abd al-'Aziz).

[81] *See* al-Fahad, *supra* note 7, at 50 (discussing Bedouin resistance to centralization of authority by House of Sa'ud).

basic tenets of Islam, such as resurrection, let alone follow the *shari'ah*.[82]

The new Wahhabi strategy involved an innovative approach that would require the tribes to renounce nomadism in favor of a settled lifestyle devoted to the pursuit of learning and land cultivation. To accomplish this task, the scholars relied upon the antinomadic tendencies embedded in Islam. Wahhabism had already made major inroads within the nomadic communities and Islamic rituals gradually came to be observed. Some nomadic chiefs even went so far as to recognize the illegitimacy of raiding and made compromises by restricting themselves to raiding only other nomads and sparing the *Hadar*.[83] Therefore the next step in delegitimating the nomadic lifestyle was less radical than it might have appeared. The Wahhabi jurists deployed their colleagues, individuals of varying degrees of learning but of staunch commitment, to press the nomads to settle. They were provided with the little assistance the embryonic state could spare and they settled in droves in villages called *hijar*, which numbered in the hundreds by the 1920s.

But the campaign, successful as it was, spawned a fanatical new breed that put even the conservative Wahhabi jurists on the defensive. In addition to pronouncements on the laxity of other scholars or communities, Wahhabi scholars in the 1910s and 1920s attempted to stem the rise of a new extremism that threatened the very foundation of the new Wahhabi/Sa'udi order. The settled nomads, known as *Ikhwan* (the Brethren), were advocating a state of "permanent revolution"

---

[82] There is a famous passage in ibn 'Abd al-Wahhab's abridgment of the Prophet's *sirah* (biography) where this condemnation has been preserved. *See* MUHAMMAD IBN 'ABD AL-WAHHAB, MUKHTASAR SIRAT AL-RASUL [AN ABRIDGMENT OF THE BIOGRAPHY OF THE PROPHET], *in* 4 IBN 'ABD AL-WAHHAB, *supra* note 9, at 39 ("In general, they [the Bedouins] do not believe in the Qur'an and do not believe in any of the Prophet's religion, although they acknowledge these verbally, and they also acknowledge that their laws were invented for them by their ancestors because of their unbelief in God's law."); MUHAMMAD IBN 'ABD AL-WAHHAB, SHARH SITTAT MAWADI' MIN AL-SIRAH [A COMMENTARY ON SIX POINTS IN THE PROPHET'S BIOGRAPHY], *in* 1 IBN 'ABD AL-WAHHAB, *supra* note 9, at 360–62 (accusing Bedouins of unbelief). Although some radical elements later used these statements to justify the forced settlement of the Bedouins and their enlistment into the *Ikhwan* movement, ibn Sihman rebutted such use in SULAYMAN IBN SIHMAN, MINHAJ AHL AL-HAQQ WA AL-ITTIBA' FI MUKHALAFAT AHL AL-JAHIL WA AL-IBTIDA' [PATH OF PEOPLE OF TRUTH AND CONFORMITY IN DIFFERING FROM PEOPLE OF IGNORANCE AND INNOVATION] (Rashid Rida ed., 1340/1921–22). He nevertheless maintained that some Bedouins were still unbelievers, a statement that his original editor, Rashid Rida, chose to delete as baseless, but that was reinstated in a more recent edition of the book. *Compare id.* at 61 n.1, *with* SULAYMAN IBN SIHMAN, MINHAJ AHL AL-HAQQ WA AL-ITTIBA' FI MUKHALAFAT AHL AL-JAHIL WA AL-IBTIDA' 79 ('Abd al-Salam ibn Barjas al-'Abd al-Karim ed., 1417/1996) (reinstating original language that had been deleted).

[83] *See* al-Fahad, *supra* note 7, at 50 (describing some Bedouin chiefs' pride in restricting raids to other Bedouins and sparing *Hadar*).

and the right to conduct warfare against "unbelievers" regardless of the wishes of the political leadership. Their definition of unbelief left even fewer Muslims in the world.[84]

The conservative Wahhabis were up to the task, and the preaching and *fatwas* of that era betray an acute awareness of the need to protect the new state. In a series of letters and *fatwas* addressed to the recalcitrant Bedouins, the *'ulama* urged them to tone down their fanaticism.[85] But the most significant clash was over the prerogative of the state vis-à-vis the citizen in matters of war and peace. Once the battles for unification were completed, the *Ikhwan* were disturbed by their idleness and their inability to conduct raiding, or *jihad*, in the name of Islam. Building on the same logic that first induced them to settle and launch wars against "unbelievers," they now contended that the *Imam*, 'Abd al-'Aziz, had an obligation to continue warfare until all unbelievers were subdued. In practical terms, this meant to engage the British in Iraq and Jordan,[86] a prospect that both the Wahhabi scholars and the *Imam* found unappealing given the lessons learned from the self-defeating conflict with the Ottomans during the first Saudi state.

The *fatwas* issued during this period make for fascinating reading. They indicate the jurists' early awareness of the danger posed to the emerging polity by the notion of waging *jihad* independently of the *Imam*. For example, in a letter written in 1919–1920 by four of the ranking scholars and addressed to 'Abd al-'Aziz himself,[87] the jurists started by emphasizing the need for a unified community (*jama'ah*) and stressed that there can be "no Islam without [a unified] commu-

---

[84] *See generally* JOHN S. HABIB, IBN SA'UD'S WARRIORS OF ISLAM: THE IKHWAN OF NAJD AND THEIR ROLE IN THE CREATION OF THE SA'UDI KINGDOM, 1910–1930 (1978) (providing history of *Ikhwan*). Muhammad al-Ali al-'Ubayyid (d. 1399/1979), Al-Najm al-Lami' li al-Nawadir Jami' [Luminous Star: A Collection of Unusual Anecdotes] (n.d.) (unpublished manuscript, on file with author), contains much firsthand and unusual information about the movement and its ideas, actions, and antics.

[85] This fanaticism was manifested in a multiplicity of attitudes, not the least of which was the persecution of others, especially nomads, for failing to follow their example— including abandonment of nomadism, and even the type of dress they wore. *See* al-Fahad, *supra* note 7, at 52–53 & 72 n.102 (discussing *Ikhwan* adamance that faithful must wear *'imama* (turban) and not *'iqal* (black rope) headdress).

[86] These conflicts are described by a British participant. *See generally* JOHN BAGOT GLUBB, WAR IN THE DESERT: AN R.A.F. FRONTIER CAMPAIGN (1960) [hereinafter GLUBB, WAR IN THE DESERT] (narrating British Royal Air Force participation in military campaigns against *Ikhwan* raiders in Iraq and Kuwait, from early 1920s until *Ikhwan* rebellion ended with surrender to 'Abd al-'Aziz in 1930); *see also generally* JOHN BAGOT GLUBB, THE CHANGING SCENES OF LIFE: AN AUTOBIOGRAPHY 63–107 (1983) (same).

[87] *See* 9 SPLENDID PEARLS OF NAJDI RESPONSES, *supra* note 17, at 94–96 (reproducing letter).

nity, and no such community without obedience."[88] They admonished the *Imam* for failing to take decisive action against a Bedouin chief who engaged in his own *jihad* and implored him to protect the realm by ensuring that no nomads from the *hijar* engaged in raiding without the *Imam*'s explicit permission and direction.

While the jurists still were uncompromising in their understanding of what constituted correct belief, they now implicitly recognized a limit to what could be done about it and explicitly acknowledged that the political leadership, the *Imam*, enjoyed great latitude in decisions of war and peace. He was to be the exclusive decisionmaker in such matters, and all had to defer to him, be they *'ulama* or laity. Their *fatwas* were replete with references to avoiding sedition and discouraging transgression (*ifti'at*) against the prerogatives of the *Imam*.[89] Henceforth freelance *jihad* was no longer permissible and the state's monopoly on such powers was affirmed. When *fatwas* and arguments failed to make an impression, a military showdown was sanctioned by the *'ulama*. The *Ikhwan* were dealt a painful and decisive blow in the Battle of Sabalah in early 1929.[90] That marked the end of the extremist Bedouin challenge, and the state was slowly but firmly consolidated in the midst of only episodic but ineffective challenges.[91]

CONCLUSIONS

In contrast with the intermittent local challenges that the Saudis faced after the consolidation of the state, the 1990 Iraqi invasion of Kuwait presented a radical new threat not previously witnessed by the

---

[88] *Id.* at 95.

[89] One of the best examples is the length to which Sa'd ibn 'Atiq, who inherited his father's strong conservative leanings, went in attacking Bedouin attitudes and those who supported them: "[S]ome self-aggrandizing, ignorant people have opted to belittle the leadership of the Muslims, and have been lax with respect to disagreement with, rebellion and transgression against the *Imam* of the Muslims through raiding and other acts." IBN 'ATIQ, *supra* note 18, at 59 (reproducing letter from ibn 'Atiq to *Ikhwan* urging them to follow *Imam* and avoid sedition); *see also id.* at 103 (reproducing letter from ibn 'Atiq to *Ikhwan* admonishing them to follow and obey *Imam*).

[90] *See* GLUBB, WAR IN THE DESERT, *supra* note 86, at 285–86 (recounting this battle); HABIB, *supra* note 84, at 138–42 (same).

[91] Perhaps the most significant such challenge by extremists was the attack on the Mosque in Makkah in 1979. The attack, driven in part by eschatological impulses, was bloody, but presented no serious threat to the stability or legitimacy of the Wahhabi/Sa'udi order, and the *'ulama* were quick to issue the requisite *fatwas* condemning the action and the perpetrators. *See generally* Joseph A. Kechichian, *The Role of the Ulama in the Politics of an Islamic State: The Case of Saudi Arabia*, 18 INT'L J. MIDDLE E. STUD. 53 (1986) (providing history of relationship between political and religious authorities in Saudi Arabia, narrating story of 1979 attack, and analyzing *fatwa* issued in response, appending full translation).

modern Kingdom. The Saudis recognized that internal resources were not sufficient to stem the danger and that they needed outside help. True to their modern history of regarding themselves as pillars of stability and guardians of the state, the Wahhabi *'ulama*, all their notions of belief and unbelief notwithstanding, provided an unequivocal *fatwa* legitimating the solicitation of help from non-Muslim forces in defense of the state.[92]

The *fatwa* is interesting in many respects. While straightforward and lacking qualification, it still reflected the unease of its authors. They invoked no precedent and, more importantly, never explicitly raised the critical issue—that the forces in question were non-Muslim. They never addressed the stipulations that jurists typically attach to the validity of the *isti'anah*, such as the power of the party offering the assistance or the religious identity of the adversary. Such stipulations would have been problematic. Nor did they provide textual support for their position beyond a vague and indirect reference to necessity,[93] a doctrine accepted in Islamic jurisprudence.[94] One is left with the impression that the jurists were discharging an odious duty that they did not want. But discharge it they did. After all, the *'ulama* were in the business of defending the realm and they were not going to repeat the mistakes of yore in which ideological purity came at the expense of practical survival.

While this *fatwa* is perhaps the most impressive instance of how far Wahhabi ideology and its guardians have evolved, there are other interesting, if perhaps less conspicuous, examples in which the Wahhabi scholars appear to be aware of the usefulness of realpolitik and the necessity of compromise even at the expense of cherished beliefs. We have alluded above to *Imam* Faysal's acceptance, without any (known) opposition from the *'ulama*, of some form of Ottoman

---

[92] A translation of this *fatwa* is provided in the Appendix.

[93] The critics of ibn 'Ajlan's *fatwa*, *see supra* notes 49–60 and accompanying text, were quick to point out the invalidity of his invocation of the necessity doctrine, stressing that saving the position of 'Abd Allah did not justify such invocation, *see* 1 AL-SHAYKH, *supra* note 35, at 437, 443 (reproducing letter by 'Abd al-Latif which discusses various justifications to request assistance of unbelievers, describing this as weak position and applicable only to assistance against unbelievers, noting analogy to assistance against other Muslims as false, and stressing main issue was surrender of Muslim territories to non-Muslim rule); *id.* at 444 (describing, in postscript to same letter, apparently also written by Shaykh 'Abd al-Latif, ibn 'Ajlan's understanding of necessity doctrine as mistaken in that he took it to protect interest of ruler in keeping his position, whereas scholarly consensus restricted it to interests of the faith itself); *see also* Crawford, *supra* note 51, at 238 (analyzing 'Abd al-Latif's response to ibn 'Ajlan's necessity argument). In contrast, the necessity doctrine would seem arguably to be applicable in the modern Council's *fatwa* because the whole state was in danger and not just a particular ruler.

[94] *See supra* note 56 (discussing necessity doctrine and providing sources for more detailed discussion).

suzerainty and friendly interactions with the British.[95] His son 'Abd al-Rahman, father of King 'Abd al-'Aziz, does not appear to have been faulted for fleeing Rashidi forces and taking refuge in Kuwait, a country that some Wahhabi jurists still regarded as a land of unbelief. Nor was he criticized for living in Kuwait on a stipend made available to him by the archenemy, the Ottomans.[96] But perhaps the most striking case of the new flexibility is that there are no known *fatwas* or pronouncements by the *'ulama* with respect to the Anglo-Saudi treaty of 1915, wherein King 'Abd al-'Aziz ceded powers to the English in exchange for material support, during the same period when Wahhabi scholars were energetic in their censure of the Rashidi alliance with the Ottomans.[97] Indeed, while much has been said by radical elements about the presence of U.S. forces on Saudi soil after the 1991 Gulf War, the United States maintained an elaborate air base in Dhahran for about twenty years until it was removed in 1962. We know of no public position taken by any of the *'ulama* with respect to that presence; they seem to have accepted it as politically necessary. Instead, it was under the pressure of Arab nationalists, mainly Egyptian, that the base was removed.[98]

The Gulf War *fatwa* therefore should be seen as the culmination of a slow and painful process that transformed Wahhabism from a puritanical, exclusivist, and uncompromising movement into a more docile and accommodationist ideology that is more concerned with

---

[95] There is a fleeting reference by Hamad ibn 'Atiq that the previous Saudi *Imams*, Turki (d. 1249/1834), Faysal, and 'Abd Allah, all corresponded with the rulers of the Hijaz, which was under Ottoman suzerainty, and that the *'ulama*, while admonishing them against such communication, accepted their assurances that it was for the protection of the polity and necessary to avoid the "evils" of those powers. *See* 9 SPLENDID PEARLS OF NAJDI RESPONSES, *supra* note 17, at 48 (reproducing letter from ibn 'Atiq to *Imam* Sa'ud ibn Faysal); *see also* WINDER, *supra* note 44, at 217–22 (discussing Faysal's relations with European powers including attempt to secure treaty with British); *id.* at 234–37 (discussing ultimate development of Faysal's "treaty" in 1866 with British); *id.* at 236 (explaining that this "could hardly be called a treaty" due to lack of clearly obligatory wording); *id.* at 82–83 (noting earlier attempts by Turki and Faysal to secure treaties with British). For a sample of such correspondence, see Saban, *supra* note 25, at 105–06 (reproducing letter from 'Abd Allah to Ottoman governor of Jiddah).

[96] *See* MADAWI AL-RASHEED, A HISTORY OF SAUDI ARABIA 25 (2002) (recounting 'Abd al-Rahman's refuge in Kuwait and stipend).

[97] Goldberg details the complex maneuverings of 'Abd al-'Aziz vis-à-vis the Ottomans, *see* JACOB GOLDBERG, THE FOREIGN POLICY OF SAUDI ARABIA: THE FORMATIVE YEARS, 1902–18, at 44–80 (1986), and his acceptance of Ottoman sovereignty, *see id.* at 48–49. The Anglo-Saudi Treaty of 1915 is reproduced in *id.* at 196–98, as well as the text of a treaty with the Turks in 1914, *id.* at 191–92, both derogations of Saudi sovereignty.

[98] The history of this base, from its construction at the request of the United States beginning in 1942 to its transfer to Saudi control in 1962, is told in PARKER T. HART, SAUDI ARABIA AND THE UNITED STATES: BIRTH OF A SECURITY PARTNERSHIP 13–96 (1998).

practical politics than ideological rigor. How can this transformation be explained? The key is to understand that Wahhabism emerged in the middle of eighteenth century Arabia, an area that *lacked* central authority. The movement's founder was very much aware of the crisis facing society and the chaotic and bloody nature of its politics. His famous pact with the House of Sa'ud was an explicit recognition of the need to unify the country and put an end to the rampant instability. His strict application of monotheistic concepts was perhaps a blunt instrument that was nonetheless necessary to forge the unity that the Wahhabis so single-mindedly sought, even while causing unease among some scholarly allies in adjacent lands.[99] For two centuries, the Wahhabi scholars experimented with various formulas and degrees of militancy and exclusion, and through an agonizing process of trial and error they slowly discovered the utility and necessity of compromise to preserve and maintain their state. The Gulf War *fatwa* is the least varnished example of these lessons learned.

---

[99] This perhaps explains the incongruity between the theological affinity of scholars like the Yemeni ibn al-Amir and his compatriot al-Shawkani and their reservations about Wahhabism. *See* BERNARD HAYKEL, REVIVAL AND REFORM IN ISLAM: THE LEGACY OF MUHAMMAD AL-SHAWKANI 14 (2003) (discussing attitude of these two leading Yemeni *'ulama*, initially supportive of Wahhabism, who later became critical of it). Both lived under the Yemeni state and perhaps were unable to understand that the Wahhabis were seeking to form a state of their own. *See also* Hala Fattah, *"Wahhabi" Influences, Salafi Responses: Shaikh Mahmud Shukri and the Iraqi Salafi Movement, 1745–1930*, 14 J. ISLAMIC STUD. 127, 138–48 (2003) (discussing similar attitude of al-Alusi of Iraq). This fact also may explain how a historically quietist tradition was harnessed successfully for a revolutionary cause. *Cf.* Michael Cook, *The Expansion of the First Saudi State: The Case of Washm*, *in* THE ISLAMIC WORLD: FROM CLASSICAL TO MODERN TIMES 661, 661 (C.E. Bosworth et al. eds., 1989) (describing as "surprising" fact that "[t]he dogmatic background to the Saudi [state formation] was not some heretical activism . . . but the notoriously quietist Hanbalite brand of Sunnism" and stating that this fact raises issue of "the exact nature of the doctrinal innovation—or renovation—effected by Muhammad ibn 'Abd al-Wahhab").

APPENDIX
STATEMENT BY THE COUNCIL OF SENIOR *'ULAMA* SUPPORTING ACTIONS TAKEN BY THE LEADER INVITING QUALIFIED FORCES TO RESPOND TO THE AGGRESSION AGAINST THIS COUNTRY[100]

Praise be to God. . . .

The Council of Senior *'Ulama* and others in the Kingdom of Saudi Arabia are not unaware of events taking place on its borders involving amassing of great forces and aggression against a neighboring country of Iraq. The Council has been informed through what has been circulated by news agencies and broadcast by the news media and relayed by escapees from the country under attack, Kuwait, of heinous matters and serious crimes as well as denigration of values and violation of the sanctity of neighborliness the reality of which is far worse than could be described. The fortunate is the one who learns his lesson from the fate of others. This is what compelled the leaders *(wulat al amr)* in the Kingdom of Saudi Arabia to pursue means to protect the country, its people, and resources *(muqawimat)* from a similar fate to that of their neighbor, Kuwait, and to request the assistance of Arab and non-Arab countries to repel the expected danger and to stand against the anticipated aggression of those who wish to attack the country. The actual events in Kuwait confirmed that the promises of this enemy could not be relied upon nor could one be secure from its treachery.

It is therefore necessary to enunciate the legal *(shar'i)* rule in this case so that people of this country and elsewhere are fully cognizant of the matter, and to clarify the situation through their *'ulama*. Hence, the Council of Senior *'Ulama* has decided to convene a special session to issue this statement to explain the necessity of defending the community *(ummah)* and its resources with all available means and that it is incumbent upon its leaders to immediately take every measure to avert danger, stop encroachment of evil, and to secure for people the integrity of their religion, property, honor, and blood and to preserve the security and tranquility they have been enjoying.

The Council of Senior *'Ulama*, therefore, supports actions taken by the leader, may God lead him to success, of inviting qualified forces with equipment that bring fear and terror to those who wish to commit aggression against this country. This is his obligation dictated by necessity under the present circumstances and made inevitable by the painful facts and the rules and proofs of the *shari'ah* making it incumbent upon the leader of the Muslims to resort to the assistance

---

[100] The *fatwa* was issued on August 14, 1990 and published in, among others, the official gazette. 3319 UMM AL-QURA 24 (Aug. 18, 1990).

of those with the ability and through whom the purpose is achieved. The Qur'an and Prophetic *Sunnah* show that it is necessary to be prepared and to take precautions before it is too late. . . .