

‘Abdullāh bin Bayyah and the Arab Revolutions: Counter-revolutionary Neo-traditionalism’s Ideological Struggle against Islamism¹

Introduction: A Scholar and Statesman²

‘Abdullāh bin Bayyah (b. 1935) is a highly regarded Neo-traditionalist scholar based in Saudi Arabia and onetime senior politician in Mauritania.³ Born in 1935 in Timbédra, south-eastern Mauritania, he is recognized by his contemporaries as an Islamic jurist of the highest order.⁴ He is also noteworthy for having held several senior ministerial positions in the 1970s, in the first Mauritanian government after independence, including as the country’s Deputy Prime Minister.⁵ According to his personal website, Bin Bayyah was a “Member of the Cabinet and the Permanent Committee of the Ruling Mauritanian

¹ I would like to express my gratitude to the reviewers at *The Muslim World* for helping improve this article. I would also like to thank the members of a certain WhatsApp group for being a rich repository of reflection on this topic. Any errors in this article are entirely my responsibility. In this essay, I have dispensed with the standard Arabic transliteration of certain names opting instead to use their preferred English spelling where they have a consistent one. Thus, I use ‘Abdullāh bin Bayyah in English instead of the more standard Ibn Bayyah, and ‘Abdullāh bin Zayed, rather than ‘Abdullāh b. Zāyid or Ibn Zāyid.

² Bin Bayyah’s ideas and influence have been studied in recent years by several scholars. In particular, see two chapters by C. P. Razavian in M. Bano (ed.), *Modern Islamic Authority and Social Change, Volume 1: Evolving Debates in Muslim Majority Countries*, (Edinburgh: Edunburgh University Press, 2018), 102-123 and 172-191. For his influence in the West, through his long-time student, Hamza Yusuf, see the first chapter by Razavian and N. Spannaus in M. Bano (ed.), *Modern Islamic Authority and Social Change, Volume 2: Evolving Debates in the West*, (Edinburgh: Edunburgh University Press, 2018), 56-71. For his ideas concerning Islamic legal rulings pertaining to Muslim minorities in the West (*fiqh al-aqalliyyāt*), see: A. F. March, *Islam and Liberal Citizenship The Search for an Overlapping Consensus*, (Oxford: Oxford University Press, 2009), 230-245 and 264-272; and L. Larsen, *How Muftis Think: Manufacturing Fatwas for Muslim Women in Western Europe*, (Leiden: Brill, 2018), 89-100.

³ Broadly speaking, I define Neo-traditionalism as a denomination of Sunnism that emphasizes respect for and adherence to one of the four schools of law, the Ash‘arī or Māturīdī schools of theology, and valorises Sufism. For a more detailed definition, see: U. al-Azami, “Neo-traditionalist Sufis and Arab Politics: A Preliminary Mapping of the Transnational Networks of Counter-revolutionary Scholars after the Arab Revolutions,” in F. Piraino and M. Sedgwick (eds.) *Global Sufism: Boundaries, Structures, and Politics*, (London: Hurst, 2019), 225f. and 278, n. 2; and Abdullah Ali, “‘Neo-Traditionalism’ vs ‘Traditionalism’,” *Lamppost Education Initiative*, 22 Jan 2012, available at: <https://www.lamppostproductions.com/neo-traditionalism-vs-traditionalism-shaykh-abdullah-bin-hamid-ali/>. For alternative terms, see: Kasper Mathiesen, ‘Anglo-American ‘Traditional Islam’ and Its Discourse of Orthodoxy,’ *Journal of Arabic and Islamic Studies*, 13 (2013), 191-219; and Mohammad Fadel, ‘Islamic Law and Constitution-Making: The Authoritarian Temptation and the Arab Spring,’ *Osgoode Hall Law Journal*, 53, 2 (2016), 472-507. In the present article, I use the expression “counter-revolutionary Neo-traditionalism” to highlight the fact that there are alternative forms of Neo-traditionalism. I will sometimes use the phrase “Neo-traditionalism” as a shorthand for counter-revolutionary Neo-traditionalism. Readers should understand who I am referring to from the context.

⁴ Many of these endorsements go back decades, and some of them may be found on his personal website. See: <http://binbayyah.net/arabic/archives/category/saidabout>. Bin Bayyah’s younger Mauritanian contemporary and noteworthy scholar in his own right, Muḥammad al-Ḥasan al-Dadaw (b. 1963) has stated that the former ranks as a mujtahid, i.e. a jurist of the highest rank. See: <https://www.youtube.com/watch?v=zZtlhvZW1Ek>

⁵ See: <http://binbayyah.net/arabic/archives/1417>.

People’s Party from 1970-1978.”⁶ This would mean that his Mauritanian political career peaked as part of the authoritarian one-party state of the country’s first President, Moktar Ould Daddah (d. 2003), a French-trained lawyer.⁷ Bin Bayyah’s career in Mauritanian politics ended with the Mauritanian military coup of July 1978 that unseated Ould Daddah, three years after which Bin Bayyah was forced out of the country.⁸ In more recent years, Bin Bayyah has expressed his aversion to formal participation in politics which he had eschewed prior his relatively recent appointments in the UAE in 2014. In an interview in 2008, he somewhat humorously calls politics an “evil disease” and “like a drug” that he has unfortunately passed on to some of his children. Against his wishes, he says, his eldest son served as a minister in the Mauritanian government, and at the time of the interview was serving as the Mauritanian Ambassador to Saudi Arabia.⁹

Bin Bayyah currently resides in Jeddah, Saudi Arabia, where he served for many years as a professor of jurisprudence at King ‘Abd al-‘Azīz University. Alongside his academic activities, he has been active for many years in helping found various transnational institutions established and/or run by ulama to address Islamic questions arising in the context of modernity. These include the European Council for Fatwa and Research (ECFR) and the International Union of Muslim Scholars (IUMS) in the 1990s and 2000s, and since the Arab revolutions, he has departed from the former two and helped establish the Forum for Promoting Peace in Muslim Societies (FPPMS), the Council of Muslim Elders (CME), and the Emirates Fatwa Council (EFC), all of which are based in the UAE.¹⁰

These institutional affiliations signal his transforming political attitudes and allegiances over time as I discuss in more detail below. In the ECFR and the IUMS, he served under

⁶ See: <http://binbayyah.net/english/bio/>.

⁷ See: J. C. Fredriksen, *Biographical Dictionary of Modern World Leaders: 1900 to 1991*, (New York: Facts on File Inc., 2004), 112f.

⁸ See: <https://youtu.be/NgFdLZqehhU?t=29s>.

⁹ See: <https://youtu.be/NgFdLZqehhU?t=18m37s>. As of early 2019, his son is the Mauritanian Ambassador to the Sultanate of Oman. See: <http://www.alhakika.info/node/9804>.

¹⁰ For a study of transnational ulama institutions through the case of the ECFR, see: Alexandre Caeiro, “Transnational Ulama, European Fatwas, And Islamic Authority: A Case Study Of The European Council For Fatwa And Research,” in Martin van Bruinessen and Stefano Allievi (eds.), *Producing Islamic Knowledge: Transmission and dissemination in Western Europe*, (London: Routledge, 2011), 121-141; Uriya Shavit and Iyad Zahalka, “A religious law for Muslims in the West The European Council for Fatwa and Research and the evolution of *fiqh al-aqalliyat al-muslima*,” in Roberto Tottoli (ed.), *Routledge Handbook of Islam in the West*, (London: Routledge, 2015), 365-377; and L. Larsen, *How Muftis Think*.

the presidency of the Qatar-based Azhari scholar with close ties to the Muslim Brotherhood, Yūsuf al-Qaraḏāwī (b. 1926).¹¹ In the IUMS, Bin Bayyah served as a vice president to al-Qaraḏāwī, from its founding in 2004 until his resignation in September 2013 a few weeks after the Rabaa massacre in Egypt.¹² At the ECFR, which was founded in 1997, Bin Bayyah remained a member until 2017 when his absence from meetings since 2012, rather than his political positions, were the basis for removing him as a member, in line with the association's bylaws.¹³ The older al-Qaraḏāwī retired from his leadership of both the IUMS and the ECFR in 2018. In 2014, Bin Bayyah helped set up three new institutions, the FPPMS, MCE, and EFC, the first and last of which he continues to lead to the present. These three institutions mark Bin Bayyah's most notable re-entry into politics. While these are not ministerial positions like those of his Mauritanian political career, these are highly politicized institutions, clearly set up for political purposes as I discuss below.

Bin Bayyah's politics after the Arab revolutions

The Arab revolutions that were sparked in Tunisia in December 2010, before spreading to much of the Arab world from 2011 onwards, marks a turning point in the public career of Shaykh Bin Bayyah. Many years of Arab autocracy in the region had created an authoritarian status quo that was suddenly being radically reconfigured, descending a once predictably "stagnant" region into a frenzy of unpredictability. As the political map was being redrawn, often with incredible rapidity, some regional actors were grasping new openings of free expression to make subversive demands against long-standing

¹¹ Al-Qaraḏāwī's life, activities, and ideas have been explored by several scholars in J. Skovgaard-Petersen and B. Gräf (eds.), *The Global Mufti: The Phenomenon of Yūsuf Al-Qaraḏāwī*, (London: Hurst, 2009). See also: M. al-Khaṭīb, *Yūsuf al-Qaraḏāwī: Faqīh al-Ṣahwa al-Islāmiyya: Sīra Fikriyya Taḥlīliyya*, (Beirut: Markaz al-Ḥaḏāra li-Tanmiyat al-Fikr al-Islāmī, 2009). For another substantive engagement with his life and ideas alongside those of other Muslim scholars, see: Muhammad Qasim Zaman, *Modern Islamic Thought in a Radical Age: Religious Authority and Internal Criticism*, (Cambridge: Cambridge University Press, 2012). For a recent study of his contributions to Islamic legal theory and positive law, see: Ron Shaham, *Rethinking Islamic Legal Modernism: The Teaching of Yusuf al-Qaradawi*, (Leiden: Brill, 2018).

¹² See: <https://ar.qantara.de/content/mshrw-nsh-shbk-slmy-lmy-ywsf-lqrdwy-wtsys-lthd-llmy-lllm-lmslmyn>. For Bin Bayyah's resignation letter, see: <http://binbayyah.net/arabic/archives/1454>. For its translation, see below. Allusions to Bin Bayyah's relationship with al-Qaraḏāwī were not completely eradicated even in 2015. In September of that year at a meeting in Washington at the Council for Foreign Relations, he is introduced as a member of the ECFR, then headed by al-Qaraḏāwī. See: https://youtu.be/pU_u07DTdk4?t=230.

¹³ This is according to a scholar associated with the ECFR with whom I had personal communication on 28/01/19. Bin Bayyah is currently listed on the ECFR as a former member on its website. See: <https://www.e-cfr.org/من-نحن/>.

authoritarian regimes and/or the religious establishments that supported them implicitly or explicitly. The major fault line that swiftly emerged was not what some might have initially suspected: autocracy versus liberal democracy. Rather, mainstream Islamists with their own distinctively Islamic conception of democracy were quickly winning elections in regional bellwethers like Egypt, making them the target of what quickly came to be referred to as forces of the deep state that had heretofore been so instrumental in maintaining the hegemony of the regions enduring autocrats from behind the scenes.¹⁴

Prior to 2011, transnational institutions like the IUMS may have made statements of concern to global Muslims, but they were not perceived as particularly subversive or fundamentally threatening to the regional autocracies. After the Arab Revolutions, however, the IUMS' statements, and in particular, the forceful advocacy of its president, Yūsuf al-Qaraḏāwī, for the youth-led revolutions and subsequently the Islamists who initially benefited from them in Egypt, had transformed the IUMS into a notably subversive force for most of the regional autocracies. In this context, Bin Bayyah presented something of a contrast to al-Qaraḏāwī's often strident anti-authoritarian rhetoric. In the early years after the Arab revolutions, Bin Bayyah appeared tepid towards them, stating that he did not support revolution, but now that they had taken place, there was a need to consider how best to deal with the new reality.¹⁵ In April 2011, a couple of months after the Egyptian revolution had successfully unseated Mubarak, Bin Bayyah spoke at an IUMS conference on the Arab revolutions alongside numerous notable Islamists including Yūsuf al-Qaraḏāwī, and expressed unease at the state of the Middle East. In his short talk, he contrasted with the other scholars present by focusing on mitigating the potential negative consequences of the revolutions, which he characterized as bloody and destructive.¹⁶

¹⁴ All references to "Islamists" and "mainstream Islamists" in this article are to be understood as referring to the Muslim Brotherhood and associated movements. No pejorative connotation is implied.

For an illuminating discussion of the concept of the "deep state" and its manifestations in the region, see: J. Filiu, *From Deep State to Islamic State* (London: Hurst, 2015).

¹⁵ See, for example, his remarks from Nov 2011: <https://www.youtube.com/watch?v=vD3GRY72zrs>.

¹⁶ Bin Bayyah's YouTube video has been uploaded here: <https://www.youtube.com/watch?v=vUpP--Th44o>. The original broadcast by Al Jazeera Arabic may be viewed here: <https://youtu.be/QwnjMxFXfFM?t=1079>.

A few months later, in October 2011, Bin Bayyah was interviewed on the Egyptian satellite channel CBC on the show “Momken” (*Mumkin*) with presenter Khayrī Ramaḍān. The same show would, two years later, host the now infamous Mufti ‘Alī Gomaa (Jum‘a) as he justified his support for the 2013 post-coup massacre of protestors at Rabaa Square in Cairo.¹⁷ In October 2011, however, the tone of the show was very different, and the presenter sought to ask Bin Bayyah regarding the legal rulings pertaining to overthrowing unjust rulers through revolutionary action. Bin Bayyah’s arguments in the interview reflect a deep-seated ambivalence regarding the wisdom of supporting the revolutions. He argues that the Islamic legal tradition was overwhelmingly opposed to rebellion, which he appears in the interview to equate to revolution. He acknowledges that Yūsuf al-Qaraḍāwī, who he refers to as “our Shaykh” and “the erudite scholar” (*al-‘allāma*) had developed new legal arguments in support of revolution, but that for his part, Bin Bayyah had deliberately remained silent on the matter, as he wanted to reflect on the scholarly tradition further before making any final judgments.¹⁸

Given his comments, it seems that 2011 was a period when Bin Bayyah was developing the ideas that he would publish in the course of the next few years in a number of short works, most notably in a short book published in 2014 and entitled *Tanbīh al-Marāji’ ‘alā Ta’šīl Fiqh al-Wāqi’* [*Informing the Authoritative References regarding Establishing Principles for Understanding Reality*].¹⁹ This 136-page work provides a sense of the direction of travel of Bin Bayyah’s thought, one that is relatively overt in its hostility towards democracy and placing limits on the authority of the ruler. But even before the

¹⁷ See: <https://www.youtube.com/watch?v=DcAoD8FtnU>. Gomaa’s urging the Rabaa massacre has been documented by scholars. See, for example, D. Warren, “Cleansing the Nation of the ‘Dogs of Hell’: Ali Juma’s Nationalist Legal Reasoning in Support of the 2013 Egyptian Coup and its Bloody Aftermath,” *International Journal of Middle Eastern Studies*, 49, 3, (2017), 457-77; Ebrahim Moosa, ‘Political Theology in the Aftermath of the Arab Spring: Returning to the Ethical’, in Charles Villa-Vicencio, Erik Doxtader, Ebrahim Moosa, eds, *The African Renaissance and the Afro-Arab Spring: A Season of Rebirth?* (Georgetown: Georgetown University Press, 2015), 101-119; Muhammad ‘Amasha, *al-Imārat wa-l-Šūfiyya fī Miṣr: Kharā’iṭ al-Fikr wa-l-Ḥaraka*, (Istanbul: Egyptian Institute for Studies, 2018); and U. al-Azami, “Neo-traditionalist Sufis.”

¹⁸ See: <https://youtu.be/9Mba1RLzaWU?t=1156>.

¹⁹ An expanded and emended fourth edition published in 2018 was made available on his website, addressing issues of democracy, rebellion, and other topics. To access the most recent edition of this work, see: <http://binbayyah.net/arabic/downloadbooks>. Other works of similar length he wrote or reissued during this work that touch on some of the ideas raised by the Arab revolutions include his 2012 reissue of the 2010 work, *Mashāhid min al-Maqāšid*, and his 2013 work, *Ithārāt Tajdīdiyya fī Ḥuqūl al-Uṣūl*. These works are deserving of their own detailed study, some of which has been undertaken by C. P. Razavian. See both volumes of Bano (ed.), *Modern Islamic Authority*.

publication of this work, Bin Bayyah's public statements after the revolution suggested that he could make for an ally of the autocrats of the region, and it is unsurprising that some of them would attempt to seek out a scholar of his stature. It certainly did not take long. Shortly after the Rabaa massacre in Egypt in 2013, which Bin Bayyah made no public comment about, he switched his allegiances away from the IUMS towards the UAE, as we will consider further below.

Bin Bayyah's gradual move towards the UAE

From early 2013 at the latest, Bin Bayyah began to be courted by the UAE. Some of this courting process is illustrated in the news archives of Bin Bayyah's website, where from early 2013 onwards, a number of senior representatives of the ruling Āl Nahyān family met with Bin Bayyah in the lead up to and following the Egyptian coup of that year.²⁰ Before his break with Islamism, Bin Bayyah's activities during his tenure as one of the IUMS' vice presidents appear to have been fairly prolific. At the time of writing,²¹ the IUMS website contains a news archive dating back to 2011, when the current website's records started being kept. In the archive before mid-2013, there are numerous news items about Bin Bayyah's activities which all appear to be copied from Bin Bayyah's personal website, as may be deduced from the timestamp on the IUMS website being after that of his personal website.²² But certain omissions are telling.

Particularly notable are omissions of news items that are found on Bin Bayyah's website over the first half of 2013. While the news items on Bin Bayyah's website prior 2013 show

²⁰ See: <http://binbayyah.net/arabic/archives/category/news>.

²¹ As discussed in n. 29 below, there have been some changes to the IUMS website since this sentence was written in 2017. The facts presented in this section are true of 2017, but may not reflect subsequent updates to the IUMS website as of early 2019.

²² The number of news items on his personal website, however, outnumber those pertaining to Bin Bayyah on the IUMS website. This is not surprising as some of the stories on Bin Bayyah's website are of a more personal significance, such as the news from April 2013 that Bin Bayyah's Twitter following at reached 100,000, something that does not seem to merit attention on the very busy news pages of the IUMS website. <http://binbayyah.net/arabic/archives/1431>. Note, individual news items do not appear to have a timestamp. The exact date of a news entry only appears when going through the news archive, rather than looking at individual items. This idiosyncrasy is found throughout Bin Bayyah's website, which makes it difficult to identify when exactly a post was published on it. Another way this appears to be possible is by using the URL: <http://binbayyah.net/arabic/archives/date/2009> and changing the year or adding a slash followed by a number between 1 and 12 to indicate the month, according to what one is looking for. This is the method used in the present study, though it is not clear whether it is always accurate.

a scholar in regular contact with the political classes of various countries, it is noteworthy that throughout the first half of 2013 he met with senior figures from the UAE political establishment. These meetings are not reported on the IUMS website, and presage his move away from the IUMS. Thus, Bin Bayyah's website reports that in February 2013, the UAE Foreign Minister, 'Abdullāh bin Zayed visited Bin Bayyah at his home, a meeting that the Foreign Minister shared a photo of on his Twitter account.²³ Two months later, in April, the website notes that Bin Bayyah had briefly met with the UAE Crown Prince and de facto ruler, Muḥammad bin Zayed at the UAE Global Vaccine Summit.²⁴ It does not appear from the report that the meeting was substantive, but it does suggest the building of a relationship with the UAE.

The significant period in early July 2013 that witnessed the Egyptian coup against a democratically elected, but increasingly unpopular, Islamist-led government went unmarked in Bin Bayyah's website news section. Around this time, the IUMS website's news items were loudly and repeatedly condemning the Egyptian coup. By contrast, throughout this month and those that follow, Bin Bayyah did not comment on the turmoil in Egypt, although visiting the White House and condemning injustice in Syria, Palestine, and Myanmar was not considered out of bounds in a June 2013 news item.²⁵ By the end of July 2013, two news items on Bin Bayyah's website reported Bin Bayyah's official visit to the UAE under the auspices of the ministry of Islamic affairs, known officially as the "General Authority of Islamic Affairs and Endowments."²⁶ In the course of his visit, on 07/27/2013, Bin Bayyah gave a lecture at a commemoration event in honor of the founding emir of Abu Dhabi, the late Sheikh Zayed, father of the UAE's current rulers. This news item reports Bin Bayyah's remarkably adulatory comments about the late emir, concluding with a quotation from the speech in which Bin Bayyah addressed the children of the late emir who were in attendance, with the words: "You are his legacy, and only pure trees spring forth from a pure and fruitful tree. Thus, you all persist in humanitarian

²³ See: <http://binbayyah.net/arabic/archives/1412>. For the original tweet, see: <https://twitter.com/ABZayed/status/305368708728098816>.

²⁴ See: http://www.who.int/pmnch/media/events/2013/0420_wiw/en/index1.html and <http://binbayyah.net/arabic/archives/1430>.

²⁵ See: <http://binbayyah.net/arabic/archives/1438>.

²⁶ For the first news item, see: <http://binbayyah.net/arabic/archives/1446>. For the second, see: <http://binbayyah.net/arabic/archives/1448>. For the official name of the ministry in English, see: <https://www.awqaf.gov.ae/default.aspx?lang=EN>.

work [...] in Africa, Asia, and beyond. And you have inherited from him courage, mercy, and tolerance.” Bin Bayyah made and subsequently published these comments online in a highly charged political context. Earlier that month, the UAE along with other Gulf states’ had publicly pledged to support the coup regime in Egypt to the tune of \$12 billion in aid, a fact that Bin Bayyah would have doubtless been aware of.²⁷ Bin Bayyah’s praise of the rulers of the Emirates may thus be viewed as indicative of his indirect support for such policies. Roughly six weeks after this visit to the Emirates, Bin Bayyah resigned from his position as a vice president at the IUMS, with his resignation letter being published on his website.

A Clean Break with Islamism

The Arab revolutions arguably suffered its key setback in the summer of 2013, when months of unrest in Egypt led to a military coup unseating the incumbent Islamist President, Mohamed Morsi in July of that year. The backing of the military by the Rector of the Azhar, Ahmed el-Tayeb (Aḥmad al-Ṭayyib), indicated the return of the country’s religious establishment to its familiar role of supporting Egyptian autocracy. The coup marked a return to power of the deep state, but with a changed tone towards dissent. Egypt’s new autocrat, General ‘Abdel Fattah el-Sisi, unlike his immediate autocratic predecessor, Hosni Mubarak, would not brook any opposition whatsoever. This resulted in several massacres of protestors in Egypt through that summer, culminating on August 14th in the largest massacre of civilians in modern Egyptian history at Rabaa Square in Eastern Cairo. According to Human Rights Watch, Egyptian security forces indiscriminately used lethal force against protestors, who included women and children, “killing at least 817 and likely more than 1,000.”²⁸

Throughout the upheavals of the summer of 2013, Bin Bayyah does not appear to have made any public statements on Egypt. It is during this period that any news of Bin

²⁷ See: J. Ravinsky, “Friends again? Saudi Arabia, UAE jump in to aid Egypt,” *The Christian Science Monitor*, 07/10/2013, <https://www.csmonitor.com/World/Global-Issues/2013/0710/Friends-again-Saudi-Arabia-UAE-jump-in-to-aid-Egypt>.

²⁸ See: “All According to Plan: The Rab’a Massacre and Mass Killings of Protesters in Egypt,” *Human Rights Watch*, 08/12/2014, <https://www.hrw.org/report/2014/08/12/all-according-plan/raba-massacre-and-mass-killings-protesters-egypt>.

Bayyah's activities seems to have come to an end on the IUMS website, though not on his own website, as I have just noted.²⁹ While Bin Bayyah did not explicitly express support or opposition to the Egyptian coup, his deepening association with one of the most important backers of the coup, namely the UAE, may be viewed as an indication of his gradual but eventually decisive move towards supporting the counter-revolutionary forces in the Middle East. On September 7th, less than a month after the Rabaa massacre, Bin Bayyah tendered his resignation to the secretary-general of the IUMS, an organization that was now perceived as Islamist and aggressively pro-revolutionary. In keeping with his diplomatic style, Bin Bayyah's resignation letter is exceedingly polite. It reads as follows:

All praise is due to God, and prayers and peace be upon our Master, Muhammad, upon his Family and his Companions.

My eminent brother, Dr 'Alī Muḥyī al-Dīn al-Qaradāghī, God preserve him, Secretary General of the International Union of Muslim Scholars.

May the peace, mercy, and blessings of God be upon you.

I find it appropriate to inform your eminence that my personal circumstances, and the humble role I am attempting to undertake towards reform and reconciliation [among Muslims] requires a discourse that does not sit well with my position at the International Union of Muslim Scholars. Accordingly, I have decided to resign from my roles at the Union, hoping [that you will] convey to the esteemed President [i.e. al-Qaraḍāwī] and the honorable Board of Trustees this decision. I thank you and my brothers in the committees of the Union; and I have the utmost confidence in and respect for the members of its general assembly.

²⁹ At the time of conducting research in 2017, the last item from Bin Bayyah's website that was also posted on the IUMS website was one that was dated 06/13/2013 and concerned a recent trip he had made to the USA. The same story had appeared on his personal website with the timestamp 06/08/2013: <http://binbayyah.net/arabic/archives/1437>. As of 2019, I have been unable to locate this story on the IUMS website. It seems this is because of the website being updated rather than an effort to expunge references to Bin Bayyah, since other references to him may still be found in the archive. Previously, the IUMS website had copied the same story from Bin Bayyah's personal website, but added "Vice President of the International Union of Muslim Scholars" after Bin Bayyah's name.

I hope that God, Most High, bestows upon us all good health, well-being, success; and that He accompany us with His grace. He, Glorified and Exalted, is certainly the Bestower of Grace, the Subtly Aware. I hope that He grants us a good outcome in all our affairs; He indeed has power over all things. [Finally,] I hope that He is merciful to the Muhammadan Umma with his abundant, pure, and hallowed mercy.

May God preserve you all and keep you in His care. May the peace, mercy, and blessings of God be upon you.

Your loving brother,

'Abdullāh bin Bayyah

01/11/1434 [= Sept 7th 2013]³⁰

Bin Bayyah's letter purports to show that he had no intention of parting ways with the IUMS on bad terms. His style is extremely diplomatic, even reverential. What is not conveyed in this letter is any sense of the upheaval the region was undergoing during this time, or the fact that this letter marks Bin Bayyah's switching of allegiances, as would become manifest in the months and years that followed. In the immediate aftermath of his resignation, Bin Bayyah also published the letter on his website which was picked up by the regional media.³¹ By publishing his resignation letter and thereby garnering some media attention, he signalled to his soon to be sponsors in Abu Dhabi, that he had made a clean break from his decades long intimate association with Islamists like Yūsuf al-Qaradāwī. This is at least how the news of Bin Bayyah's resignation was covered by the UAE-based channel *Sky News Arabia*.³² In the Arab public sphere increasingly polarized between two major blocs, namely pro-revolutionary Islamist movements backed by Qatar and Turkey, and autocratic deep state apparatuses backed by an emerging counter-

³⁰ For the text of the letter, see: <http://binbayyah.net/arabic/archives/1454>. For a photo of the signed letter, see: <http://www.al-maraabimedias.net/?p=5153>.

³¹ I owe this insight to personal communication I have had with 'Abdullāh al-'Awda, a US-based academic and son of the Saudi scholar and student of Bin Bayyah, Salmān al-'Awda. The latter is currently imprisoned by the Saudi authorities as part of the Saudi Crown Prince, Muḥammad b. Salmān's 2017 crackdown on Islamist-oriented scholars in the Kingdom.

³² See: "Istiḳālat nā'ib al-Qaradāwī iḥtijājān", *Sky News Arabia*, 09/13/2013, <https://www.skynewsarabia.com/middle-east/436852-استقالة-نائب-القرضاوي-احتجاجا>.

revolutionary axis led by the UAE and Saudi Arabia, Bin Bayyah made a clear and public declaration of his allegiance to the latter through the publication of his letter.

Bin Bayyah's resignation was not altogether surprising. As already noted, he was less than enthusiastic about the Arab revolutions, whereas the IUMS under al-Qaraḍāwī's leadership remained strongly supportive of the revolutions from the very beginning, with the exception of the abortive uprising of Bahrain.³³ After the revolutions, al-Qaraḍāwī had become more explicitly supportive of the Muslim Brotherhood, especially after they were removed from power, and their supporters violently crushed, in the Egyptian coup of 2013. It was perhaps only a matter of time before the more Neo-traditionalist and Saudi-based Bin Bayyah would leave the IUMS given its enthusiasm for Islamist-led democratic reform in the region.

Bin Bayyah's leaving the Qatar-based IUMS did not end his public activities, as is clear from his personal website's news archive. In 2014, he established and has since served as the president of a transnational body of Islamic scholars that is headquartered in the UAE and is known as the Forum for Promoting Peace in Muslim Societies. It is clear, however, that this was already planned in 2013. The domain name for the FPPMS website had already been registered by November 2013, roughly two months after Bin Bayyah had resigned from the IUMS.³⁴ The FPPMS makes no pretense of independence from the UAE state, prominently featuring its Foreign Minister as its patron on its website and its conferences.³⁵ It is thus unsurprising that it has served as a foreign policy tool of the country. In 2017, after the UAE and Saudi Arabia imposed a blockade on Qatar, the FPPMS, in the name of its "presidency," issued a statement condemning Qatar—a statement that appears to have been drafted by the UAE state rather than Bin Bayyah.³⁶ Bin Bayyah has subsequently come to more explicitly recognize his role as a religious

³³ Al-Qaraḍāwī's hostility towards the Bahraini revolution appears to have been due to sectarian reasons, given his perception of Iran's growing influence in the region after the 2003 US invasion of Iraq.

³⁴ See: <http://whois.domaintools.com/peacems.com>.

³⁵ See: <http://www.peacems.com/about-us/sponsor-message/>.

³⁶ See, for example, U. al-Azami, "Gulf crisis: How autocrats use religious scholars against Qatar," *Middle East Eye*, 08/04/2017, www.middleeasteye.net/columns/qatar-uae-forum-for-promoting-peace-in-muslim-societies-gulf-religious-scholars-politics-715865822, and U. al-Azami, "UAE's forum for 'promoting peace' is another cynical PR initiative," *Middle East Eye*, 12/04/2018, <https://www.middleeasteye.net/opinion/uaes-forum-promoting-peace-another-cynical-pr-initiative>.

spokesperson acting on behalf of the UAE state in his public pronouncements.³⁷ The IUMS, by contrast, highlighted independence as one of its principles from its founding.³⁸

While Bin Bayyah inaugurated the FPPMS in 2014, a distinctive discourse of “peace” appears to emerge in the weeks after his resignation from the IUMS. Hence in October 2013, he tweeted his wish to see more “peace and harmony” in the world on the occasion of Eid al-Adha.³⁹ The prominence of the word “peace” (*salām*) is new in Bin Bayyah’s discourse, and is arguably indicative of a noteworthy shift in his thinking in response to the Arab revolutions. By December 2013, Bin Bayyah was presenting calls to “justice” (*‘adl*) or “human rights” (*ḥuqūq al-insān*) as being in competition with calls to peace, a staple of his FPPMS discourse in subsequent years. In the summary of his December 2013 remarks presented on his website, he affirmed the mutually indispensable nature of both peace and justice, but then adds: “we must prioritize peace over revenge.” Thus calls for justice are framed by Bin Bayyah at this point as being akin to seeking revenge.⁴⁰ The FPPMS and its affiliated MCE could thus be viewed as Arab autocracy and Neo-traditionalism’s response to the Islamist-led pro-revolutionary IUMS. This is roughly how they were portrayed by the UAE-based channel, *CNN Arabia*, when the MCE was established in 2014.⁴¹

Religious Minorities: al-Qaraḍāwī and Bin Bayyah

Bin Bayyah’s institution building in recent years invites an inescapable comparison with his older contemporary who has similarly been engaged in establishing transnational institutions for many years. In the 2000s, al-Qaraḍāwī was characterised by some observers as something of a papal figure in Sunni Islam.⁴² Given his advanced age,

³⁷ See, for example, his statement addressed to Pope Francis during his visit in early 2019. In it, Bin Bayyah notes that he is speaking “on behalf of the United Arab Emirates”. The statement may be read here: <http://binbayyah.net/english/wp-content/uploads/2019/02/Popes-Visit-to-Abu-Dhabi-English.pdf>.

³⁸ See: <https://www.aljazeera.net/programs/religionandlife/2004/10/3/الاتحاد-العالمي-لعلماء-المسلمين>.

³⁹ See: <http://binbayyah.net/arabic/archives/1464>.

⁴⁰ See: <http://binbayyah.net/arabic/archives/1471>.

⁴¹ See: “Majlis Ḥukamā’ al-Muslimīn” bi-qiyyadat Ibn Bayyah wa-l-Ṭayyib: hal yuwājih “Ittiḥād” al-Qaraḍāwī?, *CNN Arabia*, 11th March 2014, <https://arabic.cnn.com/middleeast/2014/03/11/abudhabi-gardawi-tayyeb>.

⁴² In 2005, then Mayor of London, Ken Livingstone described al-Qaraḍāwī as akin to the Pope. See: P. Johnston, “Radical imam like pope, says mayor,” *The Telegraph*, 09/14/2005,

however, al-Qaraḍāwī has moved more and more out of the limelight. Firstly, in 2013, pressure from other Gulf states forced him off the air, and to all intents and purposes, ended his 17-year run on Al Jazeera Arabic's prime time religious program, *al-Sharī'a wa-l-Ḥayāh*. The reason for this was al-Qaraḍāwī's vocal support for the Arab revolutions.⁴³ The combination of his "papal" status and his presence on one of the world's most influential satellite television networks made him too dangerous to ignore for regional autocrats.

The "gap in the market" left by al-Qaraḍāwī's removal was now able to accommodate Bin Bayyah. Bin Bayyah's appeal could be seen as analogous to, if less entrenched than, that of al-Qaraḍāwī's. The latter was close to the Qatari royals, having developed a long-standing relationship with them over decades, and has been one of the chief architects of Qatar's state-sanctioned understanding of Islam over that period.⁴⁴ Bin Bayyah's cultivation of a relationship with the UAE royals is far more recent, appearing to really take off in 2013, and for far more obviously political reasons. He is also considerably less media savvy than al-Qaraḍāwī, and thus less able to adapt his message to the modern media landscape in the way that al-Qaraḍāwī was clearly adept. Al-Qaraḍāwī adapted himself remarkably well to modernity's demand for rapid responses to current affairs. This goes back to his early public engagements in which he is occasionally able to write a booklet on a topical issue within weeks of the issue's occurrence.⁴⁵ Over the course of an unusually long career he has been exceptionally prolific, albeit often repetitive and arguably lacking in the rigor expected of academic scholarship. Thus, by one count, he has published over 200 works on nearly every conceivable topic of concern to modern Muslims.⁴⁶ Bin Bayyah is far less prolific by comparison, and his writings are far more specialized in the area of Islamic legal theory (*uṣūl al-fiqh*).

<https://www.telegraph.co.uk/news/uknews/1498358/Radical-imam-like-pope-says-mayor.html>. See also Skovgaard-Petersen and Gräf (eds.), *Global Mufti*, passim, esp. 85-108

⁴³ See: <https://www.youtube.com/watch?v=7dMSK7YaNZg>.

⁴⁴ See: D. Warren, "Qatari Support for the Muslim Brotherhood is More Than Just Realpolitik, it has a Long, Personal History," *Maydan*, 12/07/2017, <https://www.themaydan.com/2017/07/qatari-support-muslim-brotherhood-just-realpolitik-long-personal-history/>.

⁴⁵ See, for example, al-Qaraḍāwī's short work *Zāhirat al-Ghuluww fī al-Takfīr*, (Cairo: Dār al-I'tiṣām, 1978), written in response to the assassination of the Egyptian Minister of Endowments in 1977. The date of its preface suggests that it was completed roughly six weeks after the assassination.

⁴⁶ See: M. al-Khaṭīb, *Yūsuf al-Qaraḍāwī*, 211-240.

With Bin Bayyah's emergence as the UAE's most senior official scholar for countering Islamism, it is worth comparing his scholarly interventions in this capacity with al-Qaradāwī and other Islamist writers. An example from early 2016 is Bin Bayyah's initiative known as the Marrakech Declaration concerned with the rights of religious minorities in Islamic lands.⁴⁷ The Declaration was made in Morocco, but it was spearheaded and co-sponsored by the UAE Foreign Ministry's FPPMS, and fits into the UAE's geopolitical aims of presenting itself as a beacon for religious tolerance in a part of the world that ostensibly is in desperate need of it. While such a presentation of the Middle East plays into Orientalist tropes regarding the violent intolerance of Arabs and Muslims, such initiatives suffer the additional problem of signally lacking in originality while claiming to be ground-breaking innovations. As I will seek to illustrate below, the suggestion that the modern Muslim world did not realize the need for religious tolerance until 2016 is not only problematic, but also untrue.

The Marrakech Declaration

The Marrakech Declaration was announced in Morocco in January 2016, and amounts to roughly 750 words. Expressed in the language of a legal preamble, it is noteworthy for several reasons. Firstly, there is the context. Given the document is headed: "Executive Summary of the Marrakesh Declaration on the Rights of Religious Minorities in Predominantly Muslim Majority Communities," it disregards the fact that most of the Muslim majorities in the region are run as absolute autocracies in which the basic rights of "religious majorities", such as those of freedom of speech, freedom of assembly, and freedom from arbitrary detention are not respected.⁴⁸ In this context, attention to the rights of religious minorities, while obviously important, may reasonably be viewed with misgiving. Such is, however, in keeping with the activities of the FPPMS. Given that the organization appears to serve as a PR vehicle for the UAE government, one that promotes the country's reputation and soft power throughout the region and the world, it makes sense that it would focus on politically expedient concerns that would help bolster its image in the West as promoting minority (read Christian) rights. Support for the

⁴⁷ For the full Declaration, see: <http://www.marrakeshdeclaration.org/marrakesh-declaration.html>.

⁴⁸ Ibid.

protection of religious minorities is something everyone in the West can get behind, and so this is a win for the UAE's PR machine vis-à-vis one of its most important constituencies.⁴⁹

In stark contrast with the suggestion that modern Islamic thought lacks anything like the Marrakech Declaration, modern Muslim scholars have been addressing such matters as the need for mutual recognition and respect among diverse religious faiths for many decades. Al-Qaraḍāwī is, of course, hardly the first scholar to address these issues, but it is worth considering his writings in particular, given that Bin Bayyah can now be seen as providing an alternative vision to al-Qaraḍāwī's with comparable institutional backing. As I argue below, the reality is that many of the ideas regarding religious tolerance being promoted by Bin Bayyah may be seen as the recast ideas of Islamists in an anti-Islamist political context.⁵⁰ While Bin Bayyah may have been willing to acknowledge his extensive Islamist debts in his past writings, his current political posture precludes such a possibility.⁵¹ Thus the Declaration, written ostensibly in response to the persecution of religious minorities in the Muslim world, is in fact not particularly ground-breaking. Rather, these ideas have been discussed extensively by scholars in the Middle East, mostly of a mainstream Islamist orientation. Additionally, the political context in which the Declaration is being presented casts doubt as to the sincerity of its political backers.

In an ironic turn of events, such Islamist scholars could be viewed in much of the post-2014 Arab world as a "religious minority" that has been the target of persecution on the

⁴⁹ The UAE's mastery of geopolitics may be recognised as a product of its capable autocrat, Muhammad b. Zayed. For a portrait, see: D. D. Kirkpatrick, "The Most Powerful Arab Ruler Isn't M.B.S. It's M.B.Z.," *The New York Times*, 06/02/2019, <https://www.nytimes.com/2019/06/02/world/middleeast/crown-prince-mohammed-bin-zayed.html>.

⁵⁰ This argument has also been made by W. Quisay and T. Parker in "On the Theology of Obedience: An Analysis of Shaykh Bin Bayyah and Shaykh Hamza Yūsuf's Political Thought," *Maydan*, 08/01/2019, <https://www.themaydan.com/2019/01/theology-obedience-analysis-shaykh-bin-bayyah-shaykh-hamza-yusufs-political-thought/>. Bin Bayyah has certainly made original contributions to the ideas of older Islamist scholars like al-Qaraḍāwī by grounding them more thoroughly in Islamic legal theory in his earlier works like *Ṣinā'at al-Fatwā wa-Fiqh al-Aqalliyāt* (Jeddah: Dar al-Minhāj, 2007). In the present article, I am arguing that this is not the case with his work on the Marrakech Declaration. A similar argument is made by Yahya Michot vis-à-vis a counter-extremism conference Bin Bayyah presided over in Turkey in 2010. See: Y. Michot, "Ibn Taymiyya's "New Mardin Fatwa". Is genetically modified Islam (GMI) carcinogenic?," *The Muslim World*, 101 (2011), 130-181.

⁵¹ In earlier writings such as his *Ḥiwār 'an Bu'd ḥawla Ḥuqūq al-Insān* (Riyadh: al-'Ubaykān, 2006), he liberally cites the Islamist legal scholar Tawfīq al-Shāwī (d. 2009), who was one of the earliest members of the Muslim Brotherhood under Ḥasan al-Bannā's leadership.

part of states like the UAE. By the time of the Marrakech Declaration in early 2016, the UAE's engagements in the indiscriminate Saudi-led war in Yemen against the Houthi religious minority was breeding resentment towards the UAE despite their having initially been greeted in parts of Yemen as "liberators." By 2018, independent observers were arguing that the UAE's activities in the region were driven by self-interested war-profiteering and geostrategic domination.⁵²

Another aspect of the Marrakech Declaration is that many of its backers, notably the regional states in the Middle East led by the UAE, are arguably major contributors to the rise of groups like ISIS through their extreme repression in response to the Arab revolutionary desire for representative and accountable government throughout the Middle East. The UAE and Saudi Arabia are perhaps the leading Arab powers behind the failure of such regional democratic aspirations, at times through the extreme repression of democratic activists by regional proxies, such as the Egyptian government. While it is difficult to draw a direct line of causation between such actions as the systematic repression of democratic aspirations in the region after the Arab revolutions, alongside severe sectarian repression by the Syrian and Iraqi governments with the backing of Iran, it seems likely that the behavior of self-interested autocracies in the region, led by the UAE and Saudi Arabia on the Sunni side, have been a contributing factor to the rise of groups like ISIS. Of course, the sectarian discourse has been a two-way street, and this too has resulted in the persecution of religious minorities, be they Shi'as at the hands of the UAE and Saudi Arabia, or Sunnis at the hands of Syria and Iraq.

Nothing new under the sun?

Arguably, the most curious component of this Declaration is the suggestion that the question of tolerating religious minorities as equal citizens is anything that is radically new, or has been lost to religious scholarship in the region in recent times. The Declaration expresses a "firm commitment to the principles articulated in the Charter of

⁵² See: G. Abdul-Ahad, "Yemen on the brink: how the UAE is profiting from the chaos of civil war," *The Guardian*, 12/21/2018, <https://www.theguardian.com/news/2018/dec/21/yemen-uae-united-arab-emirates-profiting-from-chaos-of-civil-war>.

Medina, whose provisions contained a number of the principles of constitutional contractual citizenship”. In addition, the Declaration calls upon “Muslim scholars and intellectuals around the world to develop a jurisprudence of the concept of “citizenship” which is inclusive of diverse groups.”

The Charter of Medina (*Ṣaḥīfat al-Madīna*) which forms the centerpiece of the Declaration is a well-known document in the Islamic scholarly tradition that has been the focus of extensive discussion on the part of modern Muslims for decades. Appeal to it in interfaith initiatives is hardly original on the part of Bin Bayyah. Indeed, his erstwhile Islamist colleagues at the IUMS have been some of the most productive scholars in theorizing the rights of religious minorities in modern Muslim states. Notable among these former colleagues is the Tunisian head of the Islamist Ennahda Party, Rāshid al-Ghannūshī, who wrote a 136 page book in 1989 entitled *Ḥuqūq al-Muwāṭana: Ḥuqūq ghayr al-Muslim fi al-Mujtama' al-Islāmī* [*Citizenship Rights: The Rights of non-Muslims in Islamic Society*]. Al-Ghannūshī is, himself, not creating a discourse on this topic ex nihilo, but rather building on the writings of earlier Islamists, perhaps most notably the former Iraqi leader of the Muslim Brotherhood, ‘Abd al-Karīm Zaydān (d. 2014), although he also cites the influential Pakistani Islamist Abū al-A‘lā Mawdūdī (d. 1979) and al-Qaraḍāwī.⁵³

Zaydān’s *Aḥkām al-Dhimmiyīn wa-l-Musta‘manīn fī Dār al-Islām* [*The Laws of Protected Peoples and Those Granted Safe Passage in the Abode of Islam*] is the most substantial treatment of such matters, first published in 1963, and whose 1982 edition is over 700 pages in length.⁵⁴ In it, Zaydān affirms that as a general rule, non-Muslim citizens share in all the rights of their Muslim compatriots, but unlike the Marrakech Declaration, this assertion is justified through a rigorous engagement with the extensive Islamic scriptural and legal tradition on these issues.⁵⁵ Al-Qaraḍāwī’s short 91 page book on this topic,

⁵³ The evolution of al-Qaradawi’s thought vis-à-vis non-Muslim minorities has been carefully studied in the secondary literature in recent years. See: D. H. Warren and C. Gilmore, “One nation under God? Yusuf al-Qaradawi’s changing Fiqh of citizenship in the light of the Islamic legal tradition,” *Cont Islam* (2014) 8:217–237. In the present article, I am less concerned with an in-depth analysis of a given scholar’s conception of non-Muslim minority citizenship as juxtaposing the ideas of different scholars for the purpose of comparison.

⁵⁴ ‘A. K. Zaydān, *Aḥkām al-Dhimmiyīn wa-l-Musta‘manīn fī Dār al-Islām*, (Beirut: Mu’assasat al-Risāla, 1982). This edition is available here: <https://archive.org/details/waq54020>.

⁵⁵ Zaydān, *Aḥkām*, 85ff.

Ghayr al-Muslimīn fī al-Mujtama' al-Islāmī [*Non-Muslims in Islamic Society*] was published in 1985.

Al-Qaraḍāwī's preoccupations with these issues go back to his early career and continue to the recent past. In his first major work, *al-Ḥalāl wa-Ḥarām fī al-Islām* [*The Lawful and the Prohibited in Islam*] which was published in 1960, he demands that non-Muslims are to be treated with the utmost respect and dignity in Muslim lands.⁵⁶ Already in this text, he is referring to non-Muslims living in Muslim countries as "citizens" sharing the same rights and duties as their Muslim compatriots, except in religious matters, in which Muslims leave them to practice their own religion.⁵⁷ In his lengthy doctoral dissertation on zakat, first published in 1968, he breaks with the dominant position in the medieval Islamic tradition to advocate for the legitimacy of giving zakat to the non-Muslim poor.⁵⁸ This trend continues in his later works. In the aforementioned 1985 work about non-Muslim minorities in Muslim lands, he once again affirms their rights as "citizens."⁵⁹

In the past, before recent political differences made it impossible for him to express himself in such a fashion, Bin Bayyah actually acknowledged al-Qaraḍāwī's scholarly stature in an essay in the latter's Festschrift compiled on occasion of his 70th birthday in 1996. In it, Bin Bayyah describes al-Qaraḍāwī as an "oceanic scholar" characterised by moderation (*wasatīyya*) who addresses the concerns of modern Muslims by going beyond theoretical knowledge to the more practical realms of establishing "research centers, and organizations, and charitable trusts."⁶⁰ Assuming that these statements were made in 1996, they naturally could not take into consideration the two most important transnational institutions al-Qaraḍāwī established with the support of Bin Bayyah in 1997 and 2004, namely the ECFR and the IUMS respectively. As noted earlier, as late as October 2011, Bin Bayyah acknowledges al-Qaraḍāwī as his "Shaykh." Bin Bayyah's work has, of course, also gone beyond the realm of writing books to include more practical

⁵⁶ Y. al-Qaraḍāwī, *al-Ḥalāl wa-l-Ḥarām fī al-Islām*, 22nd ed., (Cairo: Maktabat Wahba, 1997), 290ff.

⁵⁷ Al-Qaraḍāwī, *al-Ḥalāl wa-Ḥarām*, 292.

⁵⁸ Y. al-Qaraḍāwī, *Fiqh al-Zakāh: Dirāsa Muqārana li-Aḥkāmihā wa-Falsafatihā fī Daw' al-Qurān wa-l-Sunna*. (Beirut: Mu'assasat al-Risāla, 1973), 702ff.

⁵⁹ Y. al-Qaraḍāwī, *Ghayr al-Muslimīn fī al-Mujtama' al-Islāmī*, 3rd ed., (Cairo: Maktabat Wahba, 1992). 7, 34, and passim.

⁶⁰ 'A. b. Bayyah et al., *Yūsuf al-Qaraḍāwī: Kalimāt fī Takrīmihī wa-Buḥūth fī Fikrihī wa-Fiḥihī Muḥdāh ilayhi bi-Munāsabat Bulūghihī al-Sab'īn*, (Cairo: Dār al-Salām, 2004), 87f.

initiatives such as the establishment in 2007 of the Global Center for Renewal and Guidance (GCRG), but as we have seen, the older al-Qaraḍāwī is his forerunner in such matters. Indeed, far more than Bin Bayyah, he has been active in global media promoting such views of non-Muslims through his once regular show on Al Jazeera Arabic. Thus, for example, he briefly alludes to the Charter of Medina in 2005 while discussing the legitimacy of establishing constitutions in Islamic law.⁶¹

Non-Muslims and political office

In 1997, al-Qaraḍāwī published a work on the Islamic law of the state entitled *Min Fiqh al-Dawla fī al-Islām* [*On the Law of the State in Islam*]. Among other concerns, the book addresses the question of religious pluralism and non-Muslim minority rights. Despite his general advocacy for non-Muslim citizenship rights, one right al-Qaraḍāwī seems reluctant to grant a member of a non-Muslim minority is the right of becoming the head of an Islamic state. At the same time, he places no such restriction in the case of parliamentary or ministerial positions in general.⁶² In his 2006 work *al-Dīn wa-l-Siyāsa: Ta'ṣīl wa-Radd Shubuhāt* [*Religion and Politics: Establishing Principles and Responding to Specious Criticisms*], he continues on this theme of upholding the rights of non-Muslims in keeping with his many past works. Thus, in addressing the sensitive topic of the *ahl al-dhimma* which refers to non-Muslims living under the protection of the Islamic state,⁶³ he argues that if the term *ahl al-dhimma* is disliked by modern non-Muslims living under Muslim rule, it should be replaced with the term “citizen” (*muwāṭin*), since the jurists of all the schools considered these people to be “members of *dār al-Islām*,” which al-Qaraḍāwī affirms as affording them the status of “citizens sharing in citizenship with Muslims.”⁶⁴

⁶¹ See: <https://www.aljazeera.net/programs/religionandlife/2005/9/8/مشروع-عينة-الدستور-وحكم-الاستفتاء-عليه>. For the video, see: <https://www.youtube.com/watch?v=rxTQKMbKJ64>.

⁶² Y. al-Qaraḍāwī, *Min Fiqh al-Dawla fī al-Islām*, 3rd ed., (Cairo: Dār al-Shurūq, 2001), 193ff.

⁶³ Al-Qaraḍāwī and many premodern jurists extend these protections to all non-Muslims, but some premodern jurists considered such protections to apply in practice only to Jews and Christians. For a more detailed discussion of these matters, see: ‘Abd al-Karīm Zaydān, *Aḥkām al-Dhimmiyyīn wa-l-Musta'manīn fī Dār al-Islām*, (Beirut: Mu'assasat al-Risāla, 1402/1982), 139-142; Cahen, Cl., Halil İnalçık and P. Hardy, “*Dijzīya*,” in: *Encyclopaedia of Islam, Second Edition*, Edited by: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs, http://dx.doi.org/10.1163/1573-3912_islam_COM_0192; Wael, B. Hallaq, *Sharī'a: Theory, Practice and Transformations*, (Cambridge: Cambridge University Press, 2009), 332–3.

⁶⁴ Y. al-Qaraḍāwī, *al-Dīn wa-l-Siyāsa: Ta'ṣīl wa-Radd Shubuhāt*, (Dublin: al-Majlis al-Ūrubbi li-l-Iftā' wa-l-Buḥūth, 2007), 155f.

Here again, however, he maintains that the head of state cannot be a non-Muslim, in part because it is the head of state's duty to uphold and protect Islam.⁶⁵ This continues to be his position in subsequent writings, but appears to be reconsidered somewhat in his extensive 2009 work *Fiqh al-Jihād* [*The Law of Jihad*], which addresses the status of non-Muslim minorities in some detail, though at times by repeating material from previous publications of his. In a sense, he adopts a middle position between absolute acceptance and absolute rejection by saying that a non-Muslim may be put forward as a candidate for the highest office, and that it would be up to the voters to decide whether to give them a chance. He contends that it is acceptable to have a non-Muslim head of state because modern Muslim states are not the Caliphate.⁶⁶ Yet, on such issues as the possibility of elected office for non-Muslims, or indeed Muslims, Bin Bayyah's writings are either silent or actively hostile. Al-Qaraḍāwī's writings are naturally exploring such possibilities in the context of a democratic polity. Bin Bayyah, by contrast, is not interested in considering questions of political rule that would in any way undermine the authority of regional autocrats who he views as necessary to preserve stability. Such a discourse serves the needs of the region's counter-revolutionary autocracies, and so addressing such topics as might question the right of such rulers' absolute authority would need to be avoided or refuted.

In 2010, before the Arab revolutions erupted, al-Qaraḍāwī published a short work explicitly addressing some of the themes covered by the Marrakech Declaration entitled *al-Waṭan wa-l-Muwāṭana fī Ḍaw' al-Uṣūl al-'Aqadiyya wa-l-Maqāsid Al-Shar'iyya* [*The Homeland and Citizenship in Light of Creedal Principles and the Higher Purposes of Sacred Law*]. Once again, this text dedicates a few pages specifically to the Charter of Medina, drawing from it principles that may be used to affirm citizenship for both Muslims and non-Muslims in the modern nation-state and as an explicitly Islamic value.⁶⁷

⁶⁵ Al-Qaraḍāwī, *al-Dīn wa-l-Siyāsa*, 159.

⁶⁶ Y. al-Qaraḍāwī, *Fiqh al-Jihād: Dirāsa Muqārana li-Aḥkāmihā wa-Falsafatihā fī Ḍaw' al-Qurān wa-l-Sunna*, 3rd ed., (Cairo: Maktabat Wahba, 2010), ii. 1045. 'Abd al-Karīm Zaydān had made a similar argument several decades earlier. See: Zaydān, *Aḥkām*, 84.

⁶⁷ Al-Qaraḍāwī refers to it as the "Constitution of Medina." See: Yūsuf al-Qaraḍāwī, *al-Waṭan wa-l-Muwāṭana fī Ḍaw' al-Uṣūl al-'Aqadiyya wa-l-Maqāsid Al-Shar'iyya*, (n.p., n.d.), 19-22. This edition of his work is available here: <https://www.al-Qaradawi.net/sites/default/files/pdf/d34f6-alwatan-waalmwatana.pdf>.

Throughout these years, al-Qaraḏāwī and the institutions he heads, have been actively involved in interfaith and intra-faith engagements that are concerned with attempting to build bridges with various communities of faith often publicized through media outlets that al-Qaraḏāwī has shown himself exceptionally adept at navigating.⁶⁸ Indeed, in his heyday, al-Qaraḏāwī was probably the Arab world’s “media Shaykh” par excellence. One of the reasons for al-Qaraḏāwī’s success as a prominent public representative of Islam was his ability to harness modern media and adapt his message in a format that would allow him to reach an exceptionally broad audience. Thus throughout his career, he has also broadcast his ideas through audio and visual media. Collectively, scholars of an Islamist orientation, of whom only a small selection have been presented above, have written extensively about Islam’s upholding the rights of religious minorities, producing a discourse that is far more substantial and sophisticated than that produced by Bin Bayyah or the other leaders of the FPPMS.

Conclusion: The precarity of counter-revolutionary Islam

Given that much of Bin Bayyah’s discourse on minority rights does not appear to be bringing anything new to the table, but rather is reiterating what has been articulated over more than half a century by scholars throughout the Arab world, we need to account for the self-presentation of these ideas as ground-breaking contributions to contemporary Islamic thought. To that end, we must recognize the historical and geopolitical context as all important. The Arab revolutions of early 2011 created a cascade of events that threatened to undermine the central pillars of the old order, namely the neo-Mamluk deep states throughout the region.⁶⁹ One of the main beneficiaries of the revolutions were the Islamist movements throughout the Arab world who had been developing discourses of scripturally grounded Islamic political thought from the political margins for decades. These religious movements now posed an existential threat to the old order. They could undermine the order’s Islamic underpinnings in a part of the world that placed a premium on religious legitimacy.⁷⁰

⁶⁸ For a relatively recent example of his interfaith engagements prior to his retirement from public life, see: al-Qaraḏāwī, *Fiqh al-Jihād*, ii. 1282f.

⁶⁹ I adapt the term neo-Mamluk from Filiu, *From Deep State*.

⁷⁰ “The World’s Muslims: Religion, Politics and Society”, *Pew Research Center*, 04/30/2013, <http://www.pewforum.org/2013/04/30/the-worlds-muslims-religion-politics-society-overview/>.

Until this point, Islamists may have enjoyed a virtual monopoly on developing Islamic political thought in innovative ways, but constant low-grade repression and the permanent state of emergency in many Arab nations meant that Islamists could do very little to implement their political ideas. The Arab revolutions changed this state of affairs, and the autocrats now needed to counteract the Islamic legitimacy deficit they suffered at the hands of democratic Islamists. This paved the way for the emergence of ‘Abdullāh bin Bayyah as counter-revolutionary Islam’s most important scholar.

Bin Bayyah was an impeccably credentialed religious scholar who had signaled from early on that he was not comfortable with the newfound spirit of liberation among the masses. He viewed the opposite of the old order not as a new order, but as chaos. Indeed, years earlier in 2007, he had declared that calling for democracy in the region, which in his view was not ready for such an idea, would result in “terrorism” in the form of all-out war with mass casualties as it did in Algeria.⁷¹ His statements after 2011, as noted earlier, signaled a deeply-rooted political conservatism that contrasted starkly with his then colleague at the IUMS and the ECFR, Yūsuf al-Qaraḏāwī. As we have seen, 2011 may be viewed as the beginning of their parting ways. Thus, while through that year, they still continued to share platforms, Bin Bayyah’s tone was noticeably more apprehensive about the consequences of the revolutions and appeared to be aimed at dampening enthusiasm for them throughout the region out of wariness of its unpredictable consequences.⁷²

This continued until early 2013 when the counter-revolutionary forces in the region, perhaps most notably the UAE and Saudi Arabia, who were in turn supporting deep state elements in various post-revolutionary Arab nations, had successfully planned for the reemergence of remnants of the ancien régime to recover their old status. As scholars and investigative journalists have shown, during this time, states like the UAE were laying the foundations for the Egyptian coup of July 2013.⁷³ Part of this ancien régime reassertion,

⁷¹ ‘A. b. Bayyah, *al-Irhāb: Tashkhīṣ wa-Ḥulūl*, (Riyadh: al-‘Ubaykān, 2007), 62.

⁷² See: <https://www.youtube.com/watch?v=vD3GRY72zrs>.

⁷³ See: N. Ketchley, *Egypt in a Time of Revolution*, (Cambridge: Cambridge University Press, 2017), 113; D. D. Kirkpatrick, “Recordings Suggest Emirates and Egyptian Military Pushed Ousting of Morsi,” *The New York Times*, 03/01/2015, <https://www.nytimes.com/2015/03/02/world/middleeast/recordings-suggest-emirates-and-egyptian-military-pushed-ousting-of-morsi.html>; and N. Ketchley, “How Egypt’s generals used street protests to stage a coup,” *The Washington Post*, 07/03/2017, https://www.washingtonpost.com/news/monkey-cage/wp/2017/07/03/how-egypts-generals-used-street-protests-to-stage-a-coup/?utm_term=.8949aa34b436.

as can be seen in retrospect, was the development of the religious counter-revolutionary narrative that would bring forth prominent Islamic scholars who had shown themselves as never fully reconciled to the Arab revolutions and the fall of the old regimes. Bin Bayyah was the most important globally recognized figure in the ranks of the counter-revolutionary ulama. He was the ancien régime's answer to popular Islamist scholars like al-Qaraḍāwī. It was thus in the interest of geopolitically ambitious counter-revolutionary states like the UAE to actively promote a scholar like Bin Bayyah to bolster their own legitimacy among Muslims on a global scale. This is the context in which Bin Bayyah's ideas have been energetically promoted by the UAE as ground-breaking innovations that are perfectly suited for contemporary Muslims.

Yet, the counter-revolutionary Islamic political thought that is being developed and promoted by Bin Bayyah and the UAE suffers from certain fundamental structural problems that mean its very existence is precariously predicated on the persistence of autocratic patronage. Its lack of independence means that it is not the organic product of a relatively unencumbered engagement with political modernity that might be possible in freer societies than counter-revolutionary Gulf autocracies.⁷⁴ In the foregoing, I have argued that both the ideas and the initiatives of counter-revolutionary Neo-traditionalism lag behind those of Islamists by virtue of their relative underdevelopment. This may be seen in sharp relief in the case of the Marrakech Declaration which is hardly the ground-breaking initiative it has been fêted to be when compared to Islamist discourse over the past century. It remains to be seen, however, whether Neo-traditionalism with the aggressive support of the autocratic state will be able to overcome the Islamist hold on Islamic political thought. Given that counter-revolutionary Neo-traditionalism is, by design, structurally subordinate to the authoritarian state, it seems unlikely that it will develop any long-lasting and independent Islamic political thought that will survive into the future. Indeed, in the present historical moment, the very notion of an "independent counter-revolutionary Islamic political discourse" is incoherent.

⁷⁴ I deliberately say "freer" rather than "free." The notion of absolute freedom is, of course, incoherent, but this does not negate the possibility of a less stunted development of political ideas in a context that is not encumbered by relatively severe repression.