

# The Rhetoric of Legal Disputation

## Neo-Ahl al-Ḥadīth vs. Yūsuf al-Qaraḍāwī

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### Abstract

The essay deals with the bitter polemics between Neo-Ahl al-Ḥadīth and Sheikh Yūsuf al-Qaraḍāwī, a well-known legal scholar in the contemporary Muslim Sunni world. In addition to analyzing the substantial claims made by one party against the other one, the essay focuses on the rhetorical devices used by both parties. It analyzes these devices in light of theories of Pragmatics in the field of discourse analysis, with special attention to the distinction between a “discussion” and an “argument.” My main finding is that Qaraḍāwī’s critics seek to ruin his public “face” because, in their view “modernist-reformist” religious figures like Qaraḍāwī are agents of Western-oriented secularization, camouflaged by a pseudo-orthodox juristic dress.

### Keywords

Qaraḍāwī – Wasaṭiyya – Salafis – *ahl al-ḥadīth* – *ahl al-ra’y* – Wahhabis – Zahiris – juristic knowledge – *ijtihād* – rhetorical devices

### Introduction

Sheikh Yūsuf al-Qaraḍāwī (b. 1926 in Egypt, hereinafter, Q) is ignorant in the ways of Islam, corrupt and sinful; he is a crazy person (*maftūn*) who is seduced by anti-Islamic trends; a scholar who treats Islamic legal themes with “satanic fingers” (*aṣābiʿ Iblīs*) and who defends a Satanic Quran rather than the divine

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Quran; a scholar who follows earlier authorities who should not be imitated, while rejecting the proper way of the Companions, of the imams and of the *‘ulamā’* (hereinafter scholars) of the Muslim community (*umma*), compared to whom he is only “nail cuttings” (*qulāmat ẓifr*); a “bankrupt” (*muflis*) individual who opens the gates of religious deviation for the *umma*; a scholar who is led astray by his personal and political whims; and finally, “a dog [who] remains a dog even if surrounded by gold.”<sup>1</sup>

The above is a summary of the accusations leveled at Q, one of the most prominent and, arguably, one of the most popular, scholars in the contemporary Muslim Sunni world by ‘Abd al-Karīm b. Šālīḥ al-Ḥamīd (b. 1943)<sup>2</sup>, a Saudi-Arabian author of the treatise, “the indisputable right for refuting Qaraḍāwī’s allegations” (*al-ḥaqq al-dāmigh li’l-da’awā fi daḥḍ mazā’im al-Qaraḍāwī*). This fierce attack on Q is only one example of a ruthless Salafi campaign against him that includes a few long polemical treatises<sup>3</sup> and several shorter pieces

1 al-Ḥamīd, 5–6, 24, 26, 31–2, 40–2, 110–11, 113, 134, 165. *al-Ḥaqq al-dāmigh* is dedicated to refuting Q’s positions on the permissibility of singing, dancing and other types of entertainment.

2 al-Ḥamīd was born in Burayda, the capital of al-Qasim Province in north-central Saudi Arabia. He studied with several Salafi sheikhs, was a member of the Ikhwān movement, and is known for his ascetic way of life. He was jailed for a short period in 1987 after being accused of extremist political activities. Subsequent to his release from jail, he was prohibited from functioning as an imam in mosques, to teach or to publish works on the topic of *jihād*. For his detailed biography, see the entry on him in Arabic Wikipedia and <http://www.ahlalhdeeth.com/vb/showthread.php?t=87483>, visited on 18 April 2013.

3 Salafi writers started to attack Q’s legal leniency already in the 1960s, following the publication of his book *al-ḥalāl wa’l-ḥarām in Islām* (The Permitted and Prohibited in Islam). See Caeiro & al-Saify, 122. One of the treatises discussed in this essay is *Qaraḍāwī fi’l-‘arā’*: *dirāsa naqdīyya manḥajīyya tubayyinu mukhālafāt al-Qaraḍāwī li-ṣaḥīḥ al-naql wa-ṣarīḥ al-‘aql* (“Q in the open air: a critical work according to the method [of Ahl al-Sunna wa’l-Jamā’a,] which clarifies Q’s violation of the valid tradition and of the [dictates of the] clear mind”). It is not clear who wrote this work: according to the electronic cover page on some websites, the author is the Azharī Sheikh Dr. Usāma al-Sayyid (b. 1976), who, according to his biography, wrote extensively on the renovation of hadith studies. See the entry on him in Arabic Wikipedia, visited on 18 April 2013, where *Qaraḍāwī fi’l-‘arā’* is not mentioned among his publications; on other websites, the work is presented by one or another organization, such as Ahl al-Sunna wa’l-Jamā’a in al-Medina or the Aḥbāsh in Lebanon. On the front cover of this 360-page-long work one finds a photo of Q’s head, without the traditional turban of the religious scholars that he always wears in public, signifying that the author holds that Q is not a true scholar. The work criticizes numerous legal opinions issued by Q allegedly in the service of sheikhs, wealthy people from the Gulf and foreign

published in books, articles and on the internet, often anonymously. As expected, Q has reciprocated by counter-attacking his critics, identifying them as the current incarnation of the Zahiris, the ninth-century literalist law school (*madhhab*).<sup>4</sup>

Since many of Q's critics may be roughly categorized as Salafis, a brief review of modern Salafism is in order. The term "Salafiyya" is derived from the expression *al-salaf al-ṣāliḥ*, the pious ancestors of Islam (whereas Ibn Taymiyya restricted the term to Companions, the Wahhabis include among the Salaf the first three generations of Islam). In general, the Salafiyya movement advocates that Muslims should emulate *al-salaf al-ṣāliḥ* as much as possible. This name is often used as a self-descriptor by Sunni Muslims and Islamist groups of different orientations and opinions, because it connotes doctrinal purity and authenticity and it therefore affords a degree of religious and political legitimacy to whoever describes himself in this manner.<sup>5</sup> In this sense, both Q and his critics define themselves as Salafis.

More specifically, Western scholars distinguish between "Modernist Salafis" and "Traditionalist Salafis." The first group is associated with thinkers such as Sayyid Aḥmad Khān (India; d. 1898), Muḥammad 'Abduh (Egypt; d. 1905), Rashīd Riḍā (Syria and Egypt; d. 1935) and Maḥmūd Shaltūt (Egypt; d. 1963). Modernist Salafis are open to some extent to Western intellectual influences, they interpret scripture in light of rationalism and the laws of nature and they

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embassies; it refers to possible connections between Q and intelligence agencies in Arab states; it includes the names of scholars who disagree with Q, as well as official statements of Islamic organizations that wash their hands of Q. One website claims that Q's "agents" took care to buy all the printed copies of the work to prevent the public from reading it. See <http://alharary.com/vb/t27424.html>, visited on 3 April 2012. A 240-page-long work is *Raf' al-lithām 'an mukhālafāt al-Qaradāwī li-sharī'at al-Islām* ("Lifting the veil of Q's violations of Islamic law") by the Yemeni Aḥmad b. Muḥammad b. Maṣṣūr al-'Adīnī (b. 1970). The group of scholars who wrote an introduction to the book includes al-'Adīnī's mentor, Sheikh Muqbil b. Ḥādī al-Wādī'ī and Aḥmad b. Yaḥya al-Najmī. For a short biography of al-'Adīnī, see [http://www.olamaa-yemen.net/main/articles.aspx?article\\_no=2425](http://www.olamaa-yemen.net/main/articles.aspx?article_no=2425), visited on 18 April, 2013.

- 4 This school, founded by Dāwūd b. Khalaf (d. 884), relies exclusively on the literal (*ẓāhir*) sense of the Quran and the hadith and rejects the use of reason and analogy. Due to its rigidity, it has been not recognized as one of the four Sunni schools of law. Ibn Ḥazm (d. 1064) is a distinguished representative of this school. See [http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/al-zahiriyya-SIM\\_8086?s.num=41&s.start=40](http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/al-zahiriyya-SIM_8086?s.num=41&s.start=40), visited on 3 January, 2014.
- 5 Hegghammer, 249.

set a high evidentiary standard for the authenticity of the hadith (they accept only massively-transmitted hadith, i.e., *mutawātir*, as a legal source).<sup>6</sup>

The second Group, the Traditionalist Salafiyya, which abhors the Modernist Salafiyya,<sup>7</sup> is associated, in terms of its creed, with the eighteenth-century Arabian *tawhīd* movement, commonly known as the Wahhabiyya (this creed is upheld by the Saudi state). In terms of its juristic methodology, the Traditionalist Salafiyya treats the hadith as the most important legal source. In this sense it continues the renewed interest in hadith studies that may be traced back to scholars such as Muḥammad al-Ṣanʿānī (Yemen; d. 1768) and Muḥammad al-Shawkānī (Yemen; d. 1834), and to the late-nineteenth-century Ahl al-Hadith movement that flourished in the Arabian Peninsula and in India.<sup>8</sup> More recently, this hadith-centered methodology is represented by Muḥammad Nāṣir al-Dīn al-Albānī (d. 1999), the leader of the Neo-Ahl al-Ḥadīth (hereinafter, NAH) movement,<sup>9</sup> and his Yemenite student Muqbil al-Wāḍiʿī (d. 2001).

According to common Western typology, there are currently three main rival factions among Traditional Salafis: purists (equivalent to NAH), politicians and jihadis.<sup>10</sup> While all factions share the same religious creed and juristic method, they differ over the interpretation of the modern condition of Muslims and, consequently, over the means to be used to rectify that condition. The purists are the oldest of the three factions and their positions are represented by the Saudi religious establishment.<sup>11</sup> They emphasize religio-legal scholarship and oppose involvement in politics. The politicians emerged in Saudi Arabia in the 1970s among young students who were influenced by the teachings of several members of the Egyptian Muslim Brotherhood, who fled to Saudi Arabia in the 1960s and taught in Saudi universities, mainly in Mecca and Medina. This faction, which argues that official Saudi scholars have lost touch with the needs of modern Muslims, applies non-violent political pressure to compel the government to base its policies on the Islamically “correct” way. The third faction, the jihadis, emerged among young Salafis who participated in the Afghanistan war against the Soviet Union in the 1980s. Salafi Ji-

6 Brown, *Hadith*, 251–6. *Mutawātir* is a type of hadith report, narrated from generation to generation by such a large number of narrators in each generation that possibility of collusion of those narrators on a forgery is non-existent.

7 Wiktorowicz, 212.

8 Brown, *Rethinking Tradition*, 22–32.

9 Lacroix, 68–78. On the biography, ideology and impact of al-Albānī on the NAH, see Lacroix, 58–80; Lav, 107–25 and *passim*.

10 For this typology and a detailed analysis of the three factions, see Wiktorowicz, 207–39.

11 *Ibid*, 217, 221.

hadis support the use of violence to correct deviant Islamic regimes and to fight the physical and cultural infiltration of Muslim lands by the West.

The profiles of Q's critics whom I have been able to identify are not uniform. At least half of them are students of the above-mentioned purist Salafi, al-Albānī.<sup>12</sup> (It must be kept in mind that there is no guarantee that every Salafi who studied with al-Albānī is also a purist, like his teacher, because Salafis from all factions may have studied with the same teacher).<sup>13</sup> Thus, my findings in this study refer specifically to the NAH. However, because the remaining critics, , who may be generally labeled as Late Sunni Traditionalists (see below), use arguments and rhetoric with respect to Q that is similar to that of the NAH, I include their materials in this study and my conclusions concerning the NAH generally apply to them.

The NAH reject adherence to a specific law school (*taqlīd*). They hold that the original message of Islam is located solely within the authentic Sunna, and they support *ijtihād* based on the direct, anti-rationalist and literal interpretation of the revealed sources. Identifying themselves with the debate between "Partisans of the Hadith" (*ahl al-ḥadīth*) and "Partisans of Legal Reasoning" (*ahl al-ra'y*), which took place in the eighth and ninth centuries, they have a deep interest in hadith scholarship.

The NAH's reevaluation of the hadith focuses on reexamination of the authenticity of the chain of transmitters (*isnād*). Unlike reformist religious scholars, such as Riḍā, al-Albānī held that there is no place for reason in the study of hadith, which, in his view, stands above the study of law. Practically speaking, he emphasized renewed verification of the authenticity of *isnāds* and reduced the investigation of the content of the report (*matn*) to linguistic and grammatical parameters. Unlike Riḍā, who excluded massively transmitted traditions (*ḥadīth mutawātir*) from the critical process, al-Albānī included them. He found that some traditions that appear in the two most authoritative canonical collections of hadith, those of al-Bukhārī and Muslim, are actually weak. According to al-Albānī's concept of "purification and education" (*al-tasfiya wa'l-tarbiya*), all fabricated and weak traditions must be excluded from the canonical corpus, so as to make it possible to interpret the Quran in light of the authentic Sunna and the example of the forefathers.<sup>14</sup>

12 Al-Albānī's students and Q's critics who are discussed in this study include Muqbil b. Ḥādī al-Wādī'ī and his student Aḥmad b. Muḥammad b. Maṣṣūr al-'Adinī; Salīm b. 'Id al-Hilālī al-Salafī and Abū Ishāq al-Ḥuwaynī.

13 Wiktorowicz, 213.

14 Brown, *Hadith*, 256–61. For a detailed analysis of al-Albānī's method of examining the authenticity of hadiths, see Amin, esp. 153–6.

The NAH, who strongly oppose any Western intellectual influence on Islam, are also known for their puritan and rigorous religious practice.<sup>15</sup> Al-Albānī and his students are also associated with a quietist political stance; they forbid all forms of overt political action, especially the use of violence, because it can lead to civil strife between Muslims. As a result, obedience to Muslim rulers – even unjust ones – is religiously mandated. From this perspective, the doctrine promoted by al-Albānī's school is sometimes referred to as "Scholastic Salafism" (al-Salafiyya al-ʿIlmiyya), unlike the Salafiyya-Jihadiyya, which calls for violent action against the existing political order and for establishing a unitary state in the form of the caliphate.<sup>16</sup> As a non-political group, al-Albānī's students have used his position to develop a systematic set of claims against movements of political Islam, especially the Muslim Brothers.<sup>17</sup>

Al-Albānī established the doctrinal corpus that was essential for the emergence of a strong NAH movement. The NAH share with the Saudi Wahhabis their religious creed and juristic method. At the same time, they criticize the juristic approach of the Saudi religious establishment because, in practice, it adheres to the Hanbali school, thereby betraying its call for independent *ijtihād*. At the same time, NAH criticize Islamist political movements, such as the Muslim Brothers, arguing that the latter are more interested in political activism than in nurturing religious knowledge. In Lacroix's words, the "powerful NAH current [is] infused with the revolutionary desire to regenerate Wahhabism through hadith while simultaneously stressing a militant stand against any involvement in politics."<sup>18</sup>

The NAH is currently dominant in Yemen and also has a strong presence in Saudi Arabia, Jordan, Kuwait and Algeria, where it has been welcomed by the political regimes as an element that balances the Salafiyya-Jihadiyya, especially subsequent to 9/11. The NAH is also popular among Muslims in France.

Q is one of the most best known scholars in the Sunni world today. He presents himself as a disciple of the Modernist Salafi scholar Muḥammad Rashīd Riḍā (d. 1935) and is regarded as the leading juristic authority of the Muslim Brothers, especially in Egypt, his country of birth.<sup>19</sup> As one of the founders of "the jurisprudence for Muslim minorities" (*fiqh al-aqallīyyāt al-Muslima*), his

15 Hegghammer, 248–50.

16 Haikel, "Salafi Thought," 48–9.

17 Lacroix, 70–1.

18 Lacroix, 78.

19 Ḥasan al-Bannāʾ, the founder of the Muslim Brothers, had a strong influence on Q in his youth. On this influence and on Q's complex relationship with the movement since then, see Tamam, 55–83.

appeal is not limited to the Muslim world but includes Muslim minority communities in the West.<sup>20</sup>

Q's authority in the Muslim world is derived from several factors: his formal training at al-Azhar (where he earned a Ph.D.), obtained at a time when this institution was still free from state intervention and enjoyed prestige among the public;<sup>21</sup> his independence from ruling elites; his appeal to rationality and to individual conscience; and his call for reform within a traditional framework.<sup>22</sup> Q's messages are disseminated through the skillful use of the modern media,<sup>23</sup> earning him the title "one of the great public scholars" of our age.<sup>24</sup> Q understands that in the modern world the traditional authority of religious scholars is often contested by novel intellectual authorities. He reacts to this challenge by distinguishing between true and traditional authority, such as his, and the ostensible authority of lay interpreters. In his opinion, the fragmentation of authority may be eliminated by strengthening the role of traditional scholars, because only they have the intellectual knowledge and the training required to guide the Muslim community to the right path.<sup>25</sup> According to some observers, the religio-legal authority (*marji'iyya*) of Sunni Islam is currently embedded in Q's own person, making him "the Pope of the Muslim World".<sup>26</sup>

Q presents himself as the leader of the "Central Trend" (the *Wasatiyya*) in Islam, located between the Salafi-Wahhabis, who, according to Q, resist any legal change, and the Western-oriented intellectuals, who support excessive reforms.<sup>27</sup> The *Wasatiyya* emphasize, on the one hand, the leniency (*taysir*) of the *shari'a* and oppose constraints and rigidity, typical of those who follow the teaching of a specific law school or who interpret the Quran literally. On the other hand, the *Wasatiyya* object to legal thinkers who allegedly grant exclusive status to utilitarian considerations (*maṣlaḥa*) and do not pay proper attention to the revealed texts. The *Wasatis* claim to be moderate and balanced, taking the revealed sources seriously, while at the same time developing a deep understanding of the "intentions of the law" (*maqāṣid al-shari'a*).<sup>28</sup>

20 On Q's activities in the realm of *fiqh al-aqallīyyāt*, see Caeiro & al-Saify, 111–35.

21 On Q's history at al-Azhar, see Skovgaard-Petersen, 30–7.

22 Caeiro & al-Saify, 121.

23 Galal, 151, 153, 155–6, 159–65, 172–4.

24 Skovgaard-Petersen, 29.

25 Galal, 162.

26 al-Khateeb, 85–7.

27 Krämer, 194–200; al-Khateeb, 85. The Western-oriented intellectual trend includes, *inter alia*, Muhammad Arkoun (d. 2010), Muḥammad Shaḥrūr and Sa'īd al-ʿAshmāwī. See below.

28 Gräff, 222–3. Muslim jurists define *maqāṣid al-shari'a* as the fulfillment of the believer's



In addition to proficiency in classical Islamic jurisprudence, Q emphasizes other types of knowledge (*‘ilm*) and understanding (*fiqh*) that contemporary scholars should possess and use when engaging in legal interpretation. These include understanding Allah’s ways in the universe, the intentions of the *shari‘a*, the balance between changeable and permanent legal rules and between costs and benefits (*fiqh al-muwāzanāt*); clarifying the order of priorities between religious duties, between the sources of the law and its branches and between certain and probable texts (*fiqh al-awlawiyyāt*); knowing points of legal consensus and of disagreement (*fiqh al-ikhtilāf*); and, finally, understanding reality (*fiqh al-wāqi‘*) and the changes that take place in it.<sup>29</sup>

Western scholars differ on the ideological affiliation of Q.<sup>30</sup> Jonathan Brown categorizes him as a “Late Sunni Traditionalist.”<sup>31</sup> This trend is associated with a legal method that seeks to use the corpus of the four Sunni law schools for adapting the law without changing it. Brown categorizes Q’s close colleague, Muḥammad al-Ghazālī (Egypt; d. 1996), as both a “Late Sunni Traditionalist” and a “Modernist Salafi.” Brown explains that al-Ghazālī is a “Modernist Salafi” in terms of the structure of his thought, but a “Late Sunni Traditionalist” in terms of his language and legal positions. This is explained by the fact that the environment in which al-Ghazālī operated – Egypt of the 1970s–1990s – was more conservative than the one in which earlier “Modernist Salafis,” such as ‘Abduh and Shaltūt, operated. This observation by Brown and his dual categorization of al-Ghazālī is applicable also to Q, who, as mentioned, explicitly views himself as a follower of the “Modernist Salafi” Rashīd Riḍā.<sup>32</sup>

By analyzing the tone and the language of the polemical debate between Q and NAH, I shall attempt to demonstrate how the disputants use rhetorical devices to disqualify opponents, to tarnish their legal authority, and to push them

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interests (*maṣāliḥ*) in this world and the next. The essential interests (*maṣāliḥ ḍarūriyya*) are the protection of life, religion, mind, property, honor and lineage. See Zaḥīlī.

29 Polka, 4–8.

30 See, for example, his labeling by Olivier Roy as a “neo fundamentalist,” mentioned in Caeiro and al-Saify, 111; and as one of the “new Muslims” by Stowasser, 182.

31 Brown, *Hadith*, 261–3. On the emotional and intellectual proximity between Q and his mentor and later his colleague Muḥammad al-Ghazālī, starting from Q’s days as a student at al-Azhar, see Skovgaard-Petersen, 32; Gräf, 217; al-Khateeb, 85–6, 91, 97, 100–1. It is worth mentioning that, like Q, al-Ghazālī was fiercely attacked by the Salafis, following the publication of his book *al-Sunna al-nabawiyya bayna ahl al-fiqh wa-ahl al-ḥadīth* (The Prophetic Sunna between the jurists and the partisans of hadith). Salafi authors published approximately thirty works to refute al-Ghazālī’s accusations against them that had been included in his above-mentioned book. See Tamam, 73.

32 Al-Khateeb, 85, 102; Krämer, 194–200.



to the margins of the legal field. By disqualifying opponents or positioning them at the margins of the legal field, the disqualifier strengthens his claim to stand at the center of the field, thereby occupying the ideal golden path of the *sharīʿa*.

Rhetoric is the art of discourse that aims to improve the ability of writers or speakers to inform, persuade, or motivate audiences in specific situations.<sup>33</sup> According to Aristotle (384–322 BC), rhetoric may be applied in those fields in which certainty about what is true and what is false is unattainable. In practice, these are the fields of human social behavior, in which desires and interests dominate. A rhetorical device or linguistic resource is a technique used by an author or speaker to convey to a listener or reader a meaning and to persuade him to consider a topic from a different perspective. A speaker supports the probability of a message by means of logical, ethical, and emotional arguments. Thus, some form of *logos*, *ethos*, and *pathos* is present in every public presentation. *Logos* is the use of reasoning, either inductive or deductive, to construct an argument. *Pathos* is the use of emotional appeals that seek to alter the audience's judgment, or, put differently, to place the hearer in a certain frame of mind. Finally, *ethos* is related to the ways in which the character and credibility of a speaker can influence an audience to regard him as believable and as having moral character.<sup>34</sup>

In what follows, I detail the arguments of Q and the traditionalists. Then, I analyze the rhetorical devices they use. Finally, I explain why the rhetorical style of the traditionalists is harsher than that used by Q.

### Q against the Traditionalists: Jurisprudence that Disregards the Intentions of the Texts

Q relates that while he was developing his ideas about the “intentions of the *sharīʿa*” and promoting them, he encountered opposition from “literalists” (*al-ḥarfīyyūn*), who are not interested in the meaning of the texts, and from “formalists” (*al-shaklīyyūn*), who are not interested in the essence of things. He calls both groups “the New Zahiris” because of their attachment to external textual indicators and their rejection of the logical bases of the law, its intentions and analogy. At the same time, their knowledge of the revealed texts is inferior to that of the classical Zahiris.<sup>35</sup>

33 Corbett, 1; Tsoran, 19.

34 Tsoran, 24–6.

35 Qaraḍāwī, *Maqāṣid*, 13.

There are many New Zahiris, says Q: Some, such as the propagandists of the Salafi movement, have religious inclinations, while others, such as the Taḥrīr party,<sup>36</sup> have political ones. They inflict damage on Islam by creating a false image of it in the eyes of intellectuals and the civilized world. Their positions are uniformly regressive, be it the status of women, politics, attitude towards non-Muslims or international affairs. They reject any innovation and seek to preserve the practice of the Prophet in form and essence. They forget that the Muslim community has rejected the Zahiris.<sup>37</sup>

Q criticizes the literalists' simplistic understanding of the Quran and the Sunna, their juristic strictness and their rejection of the use of reason for justifying legal rules (*ta'līl al-aḥkām*). More importantly, he has severe reservations about their style of discourse: He complains about their arrogance with regard to alternative opinions and blames them for holding that their position is the ultimate truth – for which reason he calls them “the school of one opinion.”<sup>38</sup> Like most scholars, Q holds that avoiding diversity of opinions is both impossible – because this diversity is one of the main characteristics of Islamic legal culture since its inception – and not useful – because this variety of opinions, which is a mercy from Allah, provides the necessary space for progress in legal discourse.

According to Q, the literalists slander their opponents and declare them to be infidels (*takfīr*), a position that contradicts the *sharī'a* presumption that a person is innocent until proven guilty. In this manner, the new literalists encourage religious and legal controversies between Sunni groups and cultivate hostility against the Twelver Shī'a and the Ibādīyya [Kharijīs], as well as against Jews and Christians.<sup>39</sup>

Q's tone when referring to literalists is milder than the one he uses when he speaks about liberal intellectuals, such as the French academic of Algerian origin, Muhammad Arkoun (d. 2010), the Syrian engineer and Quran exegete Muḥammad Shaḥrūr or the Egyptian civil judge Sa'īd al-ʿAshmāwī.<sup>40</sup> Although

36 The Taḥrīr party is an international pan-Islamic political organization, whose goal is to unify the Muslim world as an Islamic state or caliphate ruled by Islamic law and with a caliph as head of state elected by Muslims. The organization was founded in 1953 in Jerusalem by Taqī al-Dīn al-Nabhānī.

37 Qaraḍāwī, *Maqāṣid*, 45–7.

38 A similar criticism of Wahhabi authoritarianism is voiced by Abou El-Fadl, 173–7.

39 Qaraḍāwī, *Maqāṣid*, 53–8.

40 Q's debate with the liberal intellectuals merits a separate study. For the sake of comparison, it may be said that he uses very harsh language when writing about them: They are a group of liberal and Marxist secularists who do not respect God and prophecy and propagate Westernization and innovation; they are “invaders of the *sharī'a*” (*al-dukhāl' alā*

the NAH are his bitter opponents, he has tried to reach out to them<sup>41</sup> and he respects their proficiency in the textual sources, especially in the hadith. In one place, Q says that he was disappointed to learn that al-Albānī supported the view, upheld by the Zahiris and the Twelver Shī'a, that merchandise is exempted from the *zakāt* tax. Q argues that, by following the interpretations of the Yemeni scholar Muḥammad Shawkānī (d. 1834), one of the forefathers of modern Salafism,<sup>42</sup> al-Albānī contradicted the consensus of the entire Muslim community and deviated from the general principles of the Quran and Sunna and from the intentions of the *sharī'a*. Although Q claims to have a high appreciation for Shawkānī, he argues that the latter sometimes had Zahiri inclinations. If Shawkānī were alive today and saw how merchandise worth millions of dollars is stored by its owners for years without being transformed into cash, he would have changed his mind. The Zahiri Ibn Ḥazm (d. 1064) and the Shī'is, who exempt merchandise from *zakāt*, compensate for the exemption by delegating to the ruler the authority to levy money from the rich to serve the poor; by contrast, the application of al-Albānī's position has the potential of inflicting severe damage on Muslim economies.<sup>43</sup>

### The Traditionalists against Q: Destroying the Shari'a in the Name of Renewal

Whereas Q's tone is relatively mild and reflective of his appreciation for the NAH's scholarship, the latter are relentless in their attacks on Q. As noted, traditionalist scholars have condemned his opinions and fatwas in several monographs. A number of websites, as well as many YouTube clips, include virulent attacks on him. In some cases, the identity of the writers is not disclosed or the writer uses a pseudonym, perhaps out of fear of retribution from Q.

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*al-sharī'a*) who are unable to read texts (*nusūṣ*) properly; and they demolish the *sharī'a* by using *shar'ī* tools. See Qaraḍāwī, *Maqāṣid*, 40, 85–9, 93–6.

41 Q has had positive ties with a few Saudi scholars, including a correspondence with the Chief Mufti, Ibn Bāz, who suggested that Q correct a few "mistakes" in his books, so that they might be sold in Saudi Arabia. Q has become an authority for a number of Salafi groups, known as the Salafi Reformists of Saudi Arabia and the Gulf. Over the years, Q has sent his books to Salafi leaders in Saudi Arabia and Egypt, trying to launch a dialogue with them, and has coordinated with them his positions on issues of common interest for the entire Muslim community. See Tammam, 73.

42 For his biography, see Haykel, 18–22.

43 Qaraḍāwī, *Maqāṣid*, 69–71.

One condemnation, written by the Yemeni Abū al-Khaṭṭāb Fuʾād al-Sanḥānī, a Salafi leader in the district of Maḥwīt, located northwest of Ṣanʿā,<sup>44</sup> is entitled “the position of the Salaf towards Yūsuf al-Qaradāwī.”<sup>45</sup> The writer starts by cursing Q: “May Allāh cut his lips”. Sanḥānī then says that the Muslim community currently suffers from the appearance of people who wear the mantle of knowledge, destroy the *sharīʿa* in the name of renewal, facilitate corruption in the name of “the *fiqh* of leniency,” open the gates of vice in the name of *ijtihād*, decrease the value of the Sunna in the name of “the *fiqh* of priorities,” and ally with the infidels in the name of improving Islam. Chief among these people is “the mufti of the satellite channels,”<sup>46</sup> Q, who spreads his ideas by way of the new media, books and lectures.<sup>47</sup> By calling Q “the mufti of the satellite channels,” the writer implicitly claims that Q is an ignorant popular mufti rather than a distinguished scholar.

Next, Sanḥānī provides a concise summary of Q’s ideas and legal opinions. Included in this summary is Q’s support for Christians and Jews, his association with innovative and deviant groups, such as the Ibāḍiyya and the Rāfiḍa,<sup>48</sup> his logical (rather than literal) interpretation of the Sunna, his permissive positions regarding the status of women, singing, dancing and the cinema, as well as other juristic deviations (*shudhūdhāt*). Sanḥānī concludes that by holding such positions Q is sending a signal to Muslims that they may do whatever they wish, because attainment of paradise is guaranteed for them.

In a second example, “the burning refutation of Q’s claim,”<sup>49</sup> the unidentified writer wishes to refute a legal opinion carrying Q’s signature and published in the United States of America by the Association of the Muslim-Arab Youth (Rābiṭat al-Shabāb al-Muslim al-ʿArabī); the opinion permits the use of *zakāt*

44 <http://www.3walq.com/showthread.php?t=59703>, visited on 14 August, 2013.

45 <http://aloloom.net/vb/archive/index.php/t-194.html>, uploaded on 20 April 2008, visited on 15 August 2013.

46 See also in [http://allaahuakbar.net/article\\_read.asp?id=932](http://allaahuakbar.net/article_read.asp?id=932), where Q is referred to as “the mufti of reality” (or “the mufti of the material world” (*faqīh al-wāqīʿ*), implying that his opinions do not follow Islamic jurisprudence consistently, but rather reflect changing circumstances in the “real world.”

47 See the same paragraph of Q’s condemnation in [http://allaahuakbar.net/article\\_read.asp?id=519](http://allaahuakbar.net/article_read.asp?id=519); and also [http://allaahuakbar.net/article\\_read.asp?id=932](http://allaahuakbar.net/article_read.asp?id=932), visited on 2 April 2013.

48 The Ibāḍiyya is an Islamic sect, formally known as the Khawārij. The term Khawārij is always used by Salafis as a pejorative name of their opponents. Rāfiḍa (pl. *Rawāfiḍ*), i.e., “rejectionists,” is a derogatory term used by Wahhabis and Salafis for Shiʿis. It refers to the Shiʿis rejection of the first three caliphs. See Meijer, xi, xiii.

49 <http://www.sunna.info/islamic/Qaradawi-1.html>, visited on 15 August 2013.

money for financing the organization's activities, on the grounds that such activities are for the sake of Allah (*fī sabīl Allāh*) (Quran 9:60). This is because, considering the intellectual and cultural onslaught faced by Muslims in the West, the educational and propaganda activities of the organization may be classified as *jihād*. The writer's main argument against this legal opinion is that Quran 9:60 specifies the beneficiaries of *zakāt*, and it is thus prohibited to introduce new beneficiaries by way of *ijtihād*. A virtually undisputed and uninterrupted consensus among the jurists of all ages holds that the term *fī sabīl Allāh* refers specifically to holy war; educational and propaganda activities do not fall into this category.

According to the author, Q takes advantage of the fact that "people of knowledge" refrain from pointing to the many errors (*ḍalālāt*, both in *uṣūl* and *furū'*) that appear in his books and legal opinions or, alternatively, that they discuss his faults without mentioning his name, perhaps fearing his reaction. The silence of the scholars encourages Q to issue fatwas based solely on his personal opinion (*maḥḍ ra'yihī*) and his deductions (*istinbāt*) from the textual sources, although he is unqualified for *ijtihād* (*min ghayr an yakūn muta'ahhil<sup>an</sup> bi-ṣifat al-muftī wa-shurūṭ al-mujtahid*). Instead of citing the sayings of the scholars who were qualified for *ijtihād* (*al-'ulamā' al-mujtahidūn*), Q, because of his desire for publicity, deviates from their opinions, thereby disrupting the consensus of the Muslim community on many legal topics. Q does not understand that the silence of the scholars does not reflect their agreement with his legal opinions; rather, this silence is caused by the fact that the scholars have more important matters to deal with, that the scholarly cadre has been reduced, and that they experience many divisions and crises.

The situation has become unbearable, continues the author. Q does not pay heed to those scholars who advise him and guide him to correct rulings. There is a dire need to defend Islam against falsification (*tahrīf*). The Prophet said that any Muslim who observes an abomination (*munkar*) should do his utmost to correct it. It is forbidden for Q or anyone else to issue legal opinions that contradict the community's consensus. The *sharī'a* is based on the early jurists' interpretation of the Quran and the Sunna. Contemporary jurists are entitled to issue legal opinions regarding new topics or old ones that have been disputed. Anyone who wishes to issue a legal opinion on a novel topic must have the same qualifications for *ijtihād* as those possessed by the founders of the law schools and a handful of other jurists. Any jurist who does not possess these qualifications should approach those who do and refrain from independent *ijtihād*. It is clear that Q does not possess such qualifications. Indeed, he does not claim to have these qualifications. As a result, Q should be satisfied with transmitting the rulings of the early jurists, who, after the Prophet, were

the closest to divine inspiration. Q's legal opinion is a grave error (*ghalaṭ fāḥish*), concludes the anonymous writer.

One should distinguish between personal attacks on jurists – such as by the above-mentioned author – that include accusations of forgery and heresy, and a legitimate juristic debate within the framework of the traditional culture of “difference of opinion”, typical of Islamic law. Indeed, a number of NAH disputations with Q do focus on the matter at hand while respecting Q's honor. In one such a case, al-Albānī, who refers to Q as “our brother and friend,” rejects Q's legal opinion in which he permitted the singer and convert Yūsuf al-Islām (previously Cat Stevens) to resume his musical career.<sup>50</sup> In a different case, al-Albānī objects to a legal opinion by Q relating to *zakāt*. He dismisses this opinion altogether as based solely on Q's reason and as deviation from the Sunna, and instructs his listeners to distance themselves from it. He does not, however, insult Q, and ends by asking Allāh to guide both of them.<sup>51</sup> Elsewhere, al-Albānī disputes a legal opinion by Q in which he permitted Australian Muslims to use the revenues from interest-bearing bank investments to support the poor and to build mosques. Al-Albānī claims that Q's scholarship is Azharī, that is to say in the style of the Azhar seminary,<sup>52</sup> rather than *manhajī*,<sup>53</sup> i.e., the NAH method of direct interpretation of the Quran and the Sunna. Q issues legal opinions that contradict the *sharī'a*, and he has a very dangerous philosophy: if something is forbidden in the *sharī'a*, he circumvents the prohibition by saying “there is no decisive prohibitive text there.”<sup>54</sup>

It seems, however, that al-Albānī's mildness with regard to Q is exceptional among the NAH. Muqbil b. Ḥādī al-Wādī'ī (d. 2001) was a former student of al-Albānī and the founder of Salafism in Yemen, his homeland.<sup>55</sup> Al-Wādī'ī is much more explicit than his mentor in his treatment of Q: “Q, since we have

50 <http://www.youtube.com/user/122islam>.

51 [http://www.youtube.com/watch?v=-v\\_PZctYgag](http://www.youtube.com/watch?v=-v_PZctYgag).

52 The author of *Qaraḍāwī fī al-'arā'* refers to Q as “the doctor,” probably mocking Q's Ph.D. degree from al-Azhar (see 91–6, 137–9).

53 In Salafi usage, *manhaj* is the path or method according to which the Salafis live and implement their belief and propaganda. The use of the term in this way was developed by al-Albānī on the basis of Q. 5:48. See Haikel, “Salafi Thought,” 47; Wiktorowicz, 219.

54 <http://www.youtube.com/watch?v=10SpO7cHA2E>, visited on 15 August, 2013.

55 Al-Wādī'ī earned a Master's degree in the science of *ḥadīth* at the Islamic University of Medina. He was the founder of Dār al-Ḥadīth institute in Yemen. The main hallmark of his teachings was his rejection of party politics and his call for respecting the political ruler. As a result, he rejected many political and religious groups, including the Muslim Brothers, whom he called “the failed brothers” (*al-ikhwān al-muflisūn*). See Meijer, 431–2, 462–3.

known him and heard about him, is a factional (*ḥizbī*) innovator," he says. Al-Wādi'ī recommends that believers not listen to Q's tapes, attend his lectures or read his books because he is foolish (*muhawwas*). He condemns Q for permitting a plurality of Islamic groups, thereby dividing the Muslim community and weakening it. He concludes by relating that he has composed a refutation of Q, entitled, "Silencing the howling dog Yūsuf b. 'Abd Allāh al-Qaraḍāwī."<sup>56</sup>

Q's critics attack him as an immoral and corrupt person who formulates his legal opinions to serve the interests of his patrons, members of the Qatari regime, in return for their financial support of his media activities. They also argue that Al-Jazeera, of which Q serves as the mouthpiece, is owned by Jews, and that Q has been corrupted by his involvement in financial transactions that are illegal according to the *sharī'a*.

On a number of websites one finds aspersions cast on Q's juristic knowledge:<sup>57</sup> someone nicknamed Sayf Allāh, who claims to be a Shāfi'ī, opposes all deviant groups, especially the Wahhabis. He claims that although Q pretends to be a Muslim scholar, he has no knowledge in the science of *ḥadīth*,<sup>58</sup> he is hostile to the correct opinion without having any knowledge; and, finally, he is completely ignorant (*al-jāhil al-jahūl al-jahlūl*).<sup>59</sup> The Egyptian student of hadith Abū Ishāq al-Ḥuwaynī (b. 1956)<sup>60</sup> says that knowledge of hadith should be taken

56 An English translation of this text appears in [http://allaahuakbar.net/article\\_read.asp?id=820](http://allaahuakbar.net/article_read.asp?id=820), last visited on 15 August, 2013. The Arabic text is taken from Muqbil b. Ḥādī al-Wādi'ī, *Tuḥfat al-mujīb 'alā as'ilat al-ḥādīr wa'l-gharīb*, 89–91.

57 It is worth noting that NAH label also their rivals from the political and the jihadi Salafi trends as ignorant youth. See Wiktorowicz, 224, 232.

58 On Q's weakness in hadith studies, see also *Qaraḍāwī fī'l-'arā'*, 169–73, 276–9, 284–316.

59 <http://www.youtube.com/watch?v=X-F34201ePo>, visited on 15 August, 2013. See also <https://sites.google.com/site/bughyatuk/ad>, visited on 15/9/12, where the anonymous writer, attacking Q's positive attitude towards Judaism and Jews, claims that Q is ignorant and stupid and does not deserve to be called a scholar, certainly not a *mujtahid*. See also <http://www.ararnews.net/news-action-show-id-8429.htm>, where another anonymous writer, attacking Q's support of the popular uprisings during the Arab Spring, writes that Q's contradictory statements, his limited jurisprudential knowledge and his lack of understanding of the aims of the *sharī'a* are clear even to a beginning student. Because Q does not understand the substantive and probative rules of the *sharī'a*, he misleads the Islamic nation, especially its young generation.

60 Al-Ḥuwaynī has no formal education in Islamic studies. As a student of Spanish studies at Ein Shams University in Cairo, he came across the writings of al-Shawkānī and al-Albānī on hadith. He was shocked by their findings that many prophetic traditions considered valid by Sunnis are actually weak or not authentic. He decided to teach himself the science of hadith according to al-Albānī's methodology and later was instructed in this field by Muḥammad Najīb al-Mutī'ī. For his biography, see the entry on him in Arabic



from hadith scholars and not from someone such as Q. Al-Ḥuwaynī recommends abstaining from asking Q for legal opinions.<sup>61</sup>

The Saudi-Arabian Sheikh Ṣāliḥ al-Suḥaymī (b. 1947 in Medina)<sup>62</sup> refers to a legal opinion in which Q supported the suicide act of the Tunisian merchant who ignited the popular uprising of the Tunisian people against the regime in 2011. Al-Suḥaymī writes: “Yesterday I heard a person barking – one of those who pretend to be knowledgeable (*ad‘iyā’ al-‘ilm*) – barking in praise of this [suicide] act. [This person] is one of the scholars of the satellite channels (*muta‘ālimī al-faḍā’iyyāt*) ... he [Q] has spoken like one of the mob.” He adds that the Muslim general public, which knows little about its religion, follows any “croaker” (*nā’iq*).<sup>63</sup> On another website, one finds “a letter to the prattling old man, the barking dog Yūsuf al-Qaraḍāwī”. This “letter” is a collection of strong curses directed at Q for his support of the 2011 popular uprisings in the Arab world.<sup>64</sup> Referring to Q as a barking dog and as a croaking [raven] is highly pejorative, considering that – according to Islamic law – dogs are impure and ravens are generally regarded as stupid birds.

Another accusation against Q is that he is a liar. As the greatest deceiver and charlatan of the current age (*dajjāl al-‘aṣr*), Q allegedly relies on weak and false traditions while rejecting valid ones.<sup>65</sup> Q is a forger and a deceitful liar, who has misrepresented the actions of Caliph Umar (d. 644), falsified the sayings of the forefathers of Islam, and used unsound traditions to suit his whims and his unorthodox opinions.<sup>66</sup>

Finally, Q’s traditionalist opponents also attempt to delegitimize him by associating him with deviant Islamic theological or legal groups, or even worse, blaming him as a supporter of non-Muslims and of the West. They condemn his close association and identification with the Muslim Brothers, a movement that is regarded by the NAH as too radical and violent. The Brothers have

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Wikipedia and for his personal website, see <http://www.alheweny.org/aws/>, both visited on 28 April 2013.

61 <http://www.muslm.net/vb/archive/index.php/t-147891.html>, visited on 15 August, 2013.

62 Al-Suḥaymī has a doctorate in Islamic jurisprudence and teaches at the Islamic Da’wa and Theology Faculty at the Islamic University in Medina. See <http://www.ajurry.com/vb/showthread.php?t=18994>. For additional references to his activities, see <http://www.alwaraqat.net/list.php?category/96-%D5%C7%E1%CD-%C8%E4-%D3%DA%CF-%C7%E1%D3%CD%ED%E3%ED>; <http://www.sahab.net/forums/index.php?showtopic=132128>, last visited on 28 April 2013.

63 <http://www.4salaf.com/vb/showthread.php?t=14868>, visited on 15 August, 2013.

64 <http://www.zangetna.com/t24247-topic#191494>, uploaded on 8 November 2011, visited on 15 August 2013.

65 <https://sites.google.com/site/bughyatuk/ad>, visited on 15 September 2012.

66 *Qaraḍāwī fī l-‘arā’*, 11–15, 91–6, 182–5, 205–13, 267–72, 345–8.

inflicted great suffering on the Muslim community, says one author. Their creed is impure and their legal positions include many errors, forgeries and deceptions. Moreover, they are agents of the Free Masons.<sup>67</sup> Another author emphasizes that Q received his training in the “school of the Muslim Brothers” rather than from religious scholars. As a mufti, he frames his legal opinions to suit the interests of the Muslim Brothers; what Q calls his “*fiqh* of leniency” and “*fiqh* of the [current] phase” (*fiqh al-marḥala*) is actually the operative way of the Muslim Brothers, and thus it should be called the “*fiqh* of the party” and Q himself the “jurist of the party” (*faqīh al-ḥizb*).<sup>68</sup>

The Palestinian Sheikh Salīm b. ʿĪd al-Hilālī al-Salafī (b. 1957), a student of al-Albānī,<sup>69</sup> has condemned Q as a mouthpiece of the Khawārij and the Rawāfiḍ. Al-Hilālī argues that in any confrontation between Ahl al-Sunna and “the people of [prohibited] innovations” (*ahl al-bidaʿ*), Q supports the latter, as evidenced by the fact that Q’s two deputies in the International Union of Muslim Scholars (founded by Q in 2004) are a Khārijī-Ibādī (Aḥmad al-Khalilī, the mufti of Oman) and a Shiʿi (Sheikh ʿAlī al-Taskhīrī). Also, Q meets with Jewish and Christian clergymen, receives presents from them and gives them presents in return. Indeed in 2005 on Al-Jazeera he even lamented the death of Pope John Paul II, notwithstanding the fact that the Quran prohibits Muslims from interacting with infidel non-Muslims.<sup>70</sup>

The author of *Qaraḍāwī fī l-ʿarāʾ* notes that, by criticizing the practices of true Muslims who do not follow his own positions, Q revives the Khārijī practice of declaring fellow Muslims infidels (*takfīr*). The author also notes that Q supports, or at least does not condemn, the Muʿtazili position on free will and on the creation of the Quran.<sup>71</sup>

67 <http://www.youtube.com/watch?v=A-DYJRTqIFM>; [http://www.youtube.com/watch?v=5KnobzdQfRY&feature=player\\_embedded](http://www.youtube.com/watch?v=5KnobzdQfRY&feature=player_embedded); <http://www.youtube.com/watch?v=pisYJMJCqLvY>, visited on 15 August 2013.

68 *Qaraḍāwī fī l-ʿarāʾ*, 11–15, 63–72, 125–6, 258–9, 284–316, 324–5.

69 Al-Hilālī al-Salafī studied with al-Albānī in Jordan. Later he studied in Pakistan and the Hejaz. He is one of the founders of the journal *al-Aṣāla* and the institute, Markaz al-Imām al-Albānī li-l-Dirāsāt al-Manhajīyya wa-l-Abḥāth al-ʿIlmiyya. For his biography and his website, see [www.albaidha.net/vb/showthread.php?t=1183](http://www.albaidha.net/vb/showthread.php?t=1183) and <http://www.alhilaly.net/>, visited on 21 April 2013.

70 For articles that criticize Q for his lamentation of the Pope’s death, see <http://www.fin3go.com/vb2/showthread.php?t=2704>; <http://www.youtube.com/watch?v=gsOuSIS5GGQ>, last visited on 15 August 2013.

71 On Q’s Khārijī practices, see *Qaraḍāwī fī l-ʿarāʾ*, 63–72, 123–4, 147–51, and 267–72. On his attitude towards the Muʿtazila, see *ibid*, 23–39, 205–13, and 217–29. For Q’s affiliations with other non-orthodox groups, see <http://www.ararnews.net/news-action-show-id-8429>.

Sheikh Ibn Aḥmad al-Masāwī, the general guide of al-Ziyada University in Indonesia, issued a statement, included as an appendix in *Qaraḍāwī fīl-ʿarāʾ*, in which he claims that Q is known to Indonesian scholars as one who contradicts the path of *ahl al-sunna waʿl-jamāʿa* and follows the Wahhābiyya and the Quṭbiyya (i.e., followers of the *takfīrī* ideology of Sayyid Quṭb). In his books, Q praises the anthropomorphist Ibn Taymiyya, Ibn Qayyim and Muḥammad b. ʿAbd al-Wahhāb, and the extremist leaders, Mawḍūdī and Quṭb. Q is the enemy of Islam who spreads invalid claims through the media channels and whose teachings are contradictory to the Quran, Sunna and the consensus of the Islamic community. For these reasons, no member of the Indonesian *ahl al-sunna waʿl-jamāʿa* should meet him if he were ever to visit the country.

In sum, Q is the “wicked mufti” who permits and prohibits according to his personal and political whims, which often change with circumstances.<sup>72</sup> By means of his frivolous, ignorant and deviant claims, innovations and evil legal opinions, he annuls the rulings of the *sharʿa* and replaces (*tabdīl*) it with infidel rulings. Thus, he destroys Islam from its very foundation and demolishes its structure. He has already ruined half of Islam and aspires to annihilate the second half. He is “the hidden enemy within,” i.e., the most dangerous enemy.<sup>73</sup>

### Analysis of the Rhetorical Devices

To this point we have established that Q’s critics raise two main claims against him: one, his knowledge is deficient and thus he does not qualify as an authoritative Islamic scholar; two, he is associated with deviant or unorthodox religious groups and is a supporter of the “West.” Q’s critics demonstrate their disdain by calling him “a dog” and “a raven.” Q’s main argument against his

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htm, visited on 15 August 2013, where it is asserted that Q interprets valid traditions allegorically, as did the Khawārij. See also al-Ḥamīd, p. 9, where Q is associated with Antinomianism (*ibāḥiyya*) and p. 25, where he is condemned as a follower of Avicenna, “the imam of the infidels (*imām al-mulḥidīn*).” For claims that Q supports the enemies of Islam, see also <https://sites.google.com/site/bughyatuk/ad>, visited on 15 September 2012; and [http://allaahuakbar.net/article\\_read.asp?id=519](http://allaahuakbar.net/article_read.asp?id=519), visited on 15 August 2013, where al-Wādīʿī states that Q “has become the spokesman for the enemies of Islam. Thus, he has given his tongue and pen into the services of waging war against the religion of Islam.”

72 Cf. the exceptional case of “the mocking jurist”, the Maghribi al-Haskūrī (early 14th century), who, when charged with committing fornication, abused his knowledge of the law in an effort to extricate himself from his predicament. See Powers, Chapter 2.

73 [http://allaahuakbar.net/article\\_read.asp?id=519](http://allaahuakbar.net/article_read.asp?id=519); [http://allaahuakbar.net/article\\_read.asp?id=932](http://allaahuakbar.net/article_read.asp?id=932); <http://www.al-sunan.org/vb/showthread.php?t=9058>, all visited on 15 August 2013.

opponents is their extremist literalism and intolerance of alternative views, which earn them the name “the New Zahiris.”

The first claim against Q (his deficient knowledge) is intended to harm his ethos – his credibility as a speaker. A speaker's ethos extends to and is shaped by his overall moral character and history – that is, what people think of his character before a speech performance has even begun. In a sense, ethos does not belong to the speaker but to the audience. Thus, it is the audience that determines whether a speaker is a high- or a low-ethos speaker. According to rhetorical theory, there are three qualities that contribute to a credible ethos: practical skills and wisdom, virtuous character, and goodwill towards the audience. Q's opponents deny that he has any of these three qualities: first, they argue, he is not an acknowledged expert on the *shari'a*; second, his overall moral character and history are despicable, because of his lies and involvement in illegal financial transactions; third, he does not have goodwill towards the Islamic community. Rather, he has vested interests in the results of legal disputations, as well as ulterior motives – he “serves” his Qatari patrons, the political aims of the Muslim Brothers and, generally, “Western” global interests.

The mutual accusations of unorthodoxy (Q labels his opponents as Zahiris, while they label Q as a Mu'tazili, Khārijī and a “Westerner”), which are also common in disputes between rival Salafi factions,<sup>74</sup> exemplify the use of logos and pathos as rhetorical proofs. Logos enables a speaker to perceive and make clear to others through reasoned discourse the difference between what is advantageous or harmful, just or unjust, good or evil.<sup>75</sup> As in our case, the author's use of historical examples requires the reader to engage in inductive reasoning to draw conclusions.<sup>76</sup> Historical examples are persuasive because the audience, which is required to make the analogy between the past and the present situations, is involved in a learning experience. Thus, for example, if Q's proposition is that the NAH are the New Zahiris, his readers should conclude that the NAH, like the Zahiris, will fail to survive as an orthodox school. As a parallel, if the NAH are correct in labeling Q as a Mu'tazili, the reader should be convinced that Q's “school” will vanish from Orthodoxy.

The citation of historical examples by an author involves, in addition to the use of logos, a resort to pathos, because an historical example often creates objection and fear among the readers. No Sunni Muslim desires to be affi-

74 The purists label the politicians and the jihadis as Murji'is, Mu'tazilis and Khārijīs (Wiktorowicz, 220, 232), while the politicians and jihadis label the purists also as Murji'is and Khārijīs (Wiktorowicz, 232, 234).

75 Rahe, 21.

76 Tsoran, 20.

liated with an unorthodox trend. Also, the use of metaphors or the purposeful and strategic manipulation of symbols, such as “a dog” (a symbol of filth and impurity) and “a raven” (a symbol of stupidity), is meant to evoke strong emotions among readers and to create excitement that may influence their judgment. A writer uses metaphor as a rhetorical device to convey to the audience a new idea or meaning by linking it to an existing idea or meaning with which the audience is already familiar. By making it appear that a new concept is linked to – or a type of – an old and familiar concept, the person who invokes the metaphor hopes to help the audience understand the new concept.<sup>77</sup>

The resort to extreme rhetoric (e.g. accusations, pejorative terms and curses) is relevant to the distinction made by “politeness theory” between a “discussion” and an “argument.”<sup>78</sup> A “discussion”, which has a positive valence, is based on the assumption that the power relationship between the participants is equal, that the participants are interested in having a dialogue, and that each party is willing to consider the other’s opinion, be convinced by it, alter his own opinion and contribute to a fruitful exchange. Participants in a discussion share the conviction that despite their differences they share the same interests and belong to the same social group or interpretive community, i.e., a group of people that shares conventions of reading and understanding a text and a range of epistemological assumptions, concerns and basic values that are considered accessible to others.<sup>79</sup> Within the framework of a “discussion,” each party takes care not to damage the public image – the “face” – of the other party. Unlike a “discussion,” an “argument” has a more negative valence. It emerges from struggles over power and control in which each party strives to gain the upper hand and to damage the social position of the other party. Thus, a change of an opinion or a position within the framework of an argument is regarded as a defeat, and each party focuses on finding ways to attack the opponent’s position.

The wish to abstain from damaging the face of the other party within the framework of a discussion is reflected in the use of “softeners” or compensations, i.e., humor, positive remarks, the expression of partial agreement with the other party’s opinion, the use of questions instead of assertions and of utterances that express uncertainty. In an argument, by contrast, the rhetoric is aggressive and devoid of any softening or compensation. Such rhetoric may be “hollow,” i.e., based on pseudo-logical arguments, personal attacks, directing the debate to irrelevant topics, expressing calculated contempt for the rival,

<sup>77</sup> Ibid., 37–9.

<sup>78</sup> On “politeness theory,” see ‘Amir and Atkin, especially 127–34 and the sources cited by the authors.

<sup>79</sup> Abou El Fadl, 90, 122–3, 153.

ignoring an opponent's good arguments, and using judgmental expressions, accusations, admonitions or threats.

The culture of legitimate difference of opinions (*ikhtilāf*), both among scholars affiliated with different Sunni schools of law and among those affiliated with the same school, was one of the hallmarks of Islamic legal history, especially from the twelfth century CE onwards. *Ikhtilāf* was considered a blessing from Allah and an expression of the leniency He bestows on His believers. It may be argued that this legalistic discourse of *ikhtilāf* had the character of a discussion. This tolerance for disagreement was related to the desire to preserve Islamic unity and to prevent civil strife; it was also related to the process of *ijtihad*, in which it was understood that a jurist might make mistakes in his attempt to understand the divine will. Jurists, including those affiliated with different schools of law, felt that they belonged to the same identity group and interpretive community, that they shared the same aim of living according to Allah's prescribed way, and that they used the same legal methodology to deduce the will of Allah from the revealed texts. As a result, damaging the face of one's opponent was not typical of this discourse. Although rivalries between jurists often took place, only rarely did they reach the level of denying the legitimacy of an opponent jurist.<sup>80</sup>

At the present time, tolerance for a variety of religio-legal opinions and for disagreements has declined considerably. This change is ascribed by Western observers to the following factors: the radical change in traditional systems of learning, brought about by the disappearance of *madrasas* from many parts of the Muslim world; the drastic increase in literacy rates, which has made religious texts accessible to laymen, both fundamentalists and reformists, who interpret the Quran and the hadith in a literal and superficial manner; a rise in mobility, which facilitates meetings between Muslims from different parts of the world who often are shocked to learn about considerable differences between "Islamic" practices; and, finally, the dominance of the literal and intolerant Wahhabi interpretive method, which has infiltrated other parts of the Muslim world, thanks in large part to the financial support of the Saudi-Arabian regime to educational projects in other Muslim countries. Because they are often unable to understand the complex arguments of the Wahhabis' opponents, many lay Muslims accept the Wahhabi position at face value.<sup>81</sup>

The rhetorical style used by Q and his NAH critics, especially the latter, qualifies the polemics between the two parties as an "argument," although one would expect it to be a "discussion," since both have as their goal religio-legal

80 By contrast to juristic debates, in polemics between Islamic theological movements, especially prior to the twelfth century, damaging the rival's face and striving to exclude him from orthodoxy as an infidel was an integral part of the discourse. See Jackson, 20, 37–8, 41–50, 56. See also Makdisi, 136, 140 and Walbridge, 79–82.

81 Walbridge, 76–8, 83–6.

knowledge (*ʿilm*) and both share a commitment to *ijtihād*. Be that as it may, the argument between Q and his opponents is asymmetrical. On the one hand, it seems that Q, in spite of his bitterness towards the NAH, wishes to prevent a complete breach with them. He is careful not to delegitimize them completely and to keep them within the bounds of Islamic religio-legal discourse. He therefore uses logical claims against them, as well as softeners, such as his recognition of the high-standard hadith scholarship of a number of NAH, especially al-Albānī. Q's tone is typical of Modernist Salafis. The latter have not been obsessed with delineating the boundary that separated "true" Muslims from "false" ones; rather their vision has been more inclusive and interested in uplifting Islamic civilization and all its members.<sup>82</sup>

By contrast, the NAH, who do not tolerate any interpretation other than their own, strive to delegitimize any opponent. Thus, the rhetorical strategy they use against Q focuses more on ethos and pathos than on logos and is extremely offensive – indeed, one might say, outrageous. It is obvious that they do their utmost to undermine the social legitimacy of Q. By accusing a certified scholar of Q's stature as deficient in legal knowledge and qualifications for *ijtihād*, they seek to damage his public image, reputation and influence (in other words, to tarnish his ethos). By contrast, Q sharpens his rhetoric regarding his critics only as a reaction to their fierce attacks against him; as the danger to his public image increases as a result of attacks against him, his rhetoric becomes harsher.

Rhetorical tone is affected by the public position of the speakers and the power relations between them. Q's tone is relatively reserved: As a famous scholar who chairs a number of international bodies of scholars, it is important for him to project a balanced and respectful image. This is also true for al-Albānī, who is a senior figure in his movement, but not for his junior followers, whose tone is much more outrageous than his.<sup>83</sup> One may also suggest that the NAH feel politically weaker than Q, who has strong media visibility and close connections with influential political and economic figures within the Muslim world and in the international community. Thus, by using extreme rhetoric against Q, the NAH do not risk a lot in terms of their public standing.

82 Haikel, "Salafi Thought," 46.

83 This distinction in tone between al-Albānī and his junior followers is evidenced also in disputations between rival Salafi factions, see Wiktorowicz, 239 n. 82.



## Conclusions

To locate the polemics between the NAH and Q in its proper historical context, I return to the mid-eighth century, at which time two general trends in interpreting and applying Islam had emerged in its newly conquered lands. When presented with a situation for which the Quran and the well-known teachings of the Prophet and his Companions provided no clear answer, scholars like Abū Ḥanīfa (d. 767) responded by introducing their own interpretations of these sources. Such scholars were known as the *ahl al-ra'y* or "Partisans of Legal Reasoning." Other pious members of the community preferred to limit themselves to the opinions of the earliest generations of Muslims and to more dubious reports from the Prophet rather than speculate in a realm they felt was the exclusive purview of God and His Prophet. Such transmission-based scholars, such as Aḥmad b. Ḥanbal (d. 855), were referred to as "the Partisans of Hadith," because they preferred the interpretations of members of the early Islamic community to their own. According to Jonathan Brown,

For them, the Muslim confrontation with *the cosmopolitan atmosphere of the Near East* [my emphasis] threatened the unadulterated purity of Islam. A narcissistic indulgence of human reason would encourage heresy and the temptation to stray from God's revealed path. Only by clinging stubbornly to the ways of the Prophet and his righteous successors could they preserve the authenticity of their religion."<sup>84</sup>

The eighth-century Partisans of Hadith regarded themselves as "fending off heretical innovation and lies from revealed knowledge."<sup>85</sup> Their historical confrontation with their opponents was mainly theological, focusing on such questions as the creation of the Quran and the relationship between human free will and divine predestination. This confrontation was at some point extremely violent, when Partisans of the Hadith (mainly Hanbalis) were tortured by Partisans of Legal Reasoning (the Mu'tazilis) during the Inquisition (Miḥna) supported by the Abbasid caliph al-Ma'mūn.<sup>86</sup>

History never repeats itself, but there is some similarity between the background of the early debate between the Partisans of Hadith and the Partisans of Legal Reasoning and the background of the current debate between these two trends. Just as the early Partisans of Hadith, under the influence of Greek

<sup>84</sup> Brown, *Hadith*, 17–8.

<sup>85</sup> Ibid., 98.

<sup>86</sup> See "Miḥna," *ET*<sup>2</sup> (M. Hinds).

philosophy, strived to purge Islam of non-Islamic accretions, so too NAH “remain alert for the reappearance of these ever-seductive heresies in modern incarnations.”<sup>87</sup> Modern heresies include, inter alia, secular and rational world views, such as the notion of human sovereignty, the separation between religion and state, democracy and gender equality. While the confrontation of early Islam with “foreign” influences was conducted from a position of strength – Muslims had conquered the Near East – the same confrontation has been conducted from a position of weakness during the modern period, when Muslims have suffered from European colonialism and exploitation. This relative weakness explains the sense of urgency that informs the harsh rhetoric used by the NAH against their ideological enemies. According to Haykel, feeling that it is no longer necessary “to engage other Muslims in detailed theological debate, this having been won by Ibn Taymiyya ... Salafis today continue the effort of purging the Sunni tradition of non-Salafi traces and influences.”<sup>88</sup>

Why do the current NAH view Q as one of their worst enemies, deserving the harsh rhetoric reserved for heretics? Generally speaking, the NAH view Q as a prominent representative of the Partisans of Legal Reasoning, and his legal method is clearly different from that of the NAH. First, while the NAH hold that the hadith complements the Quran, not only in details but even on matters of principle, and their legal interpretation focuses entirely on the hadith, Q views the Quran as superior to the hadith and holds that the Sunna should be understood in light of the Quran.<sup>89</sup> Also, Q is more skeptical than the NAH regarding hadith as a legal source;<sup>90</sup> he holds that legal interpretation of the Quran based solely on the hadith is improper, because the hadith corpus is problematic and because exclusive reliance on hadith does not consider the complexity of the legal process.<sup>91</sup> Thus, Q’s legal method includes what may be called “rational”

87 Haikel, “Salafi Thought,” 40.

88 Ibid.

89 Q, *Kayfa nata’amal ma’a al-Sunna*, 113–4.

90 Q holds that it is difficult to separate the legal part of the Sunna from the non-legal one. Within the legal part, he thinks that one should distinguish between temporal and permanent injunctions and between the various capacities in which the Prophet functioned, i.e., as God’s messenger, as a political and military leader and as a judge. The capacity in which the Prophet spoke or behaved determines the legal weight of his speech or conduct. See Q, *al-Ijtihād fī l-sharī’a*, 68–70, 97; Q, *al-Fiqh al-Islāmī*, 42–3.

91 Q, *Kayfa nata’amal ma’a al-Qur’ān*, 206–7. Q holds that interpretation of the Quran by the Quran should work together with interpretation of the Quran by the Sunna. See *ibid.*, 220–8. Brown (*Hadith*, 260–1) associates this harsh critic of the NAH’s exclusive reliance on the hadith to Muḥammad al-Ghazālī. The latter, defined by Brown as a significant representative of the “Late Traditionalist Sunnis,” holds that the legal method of the NAH is

sources of law.<sup>92</sup> Second, while the NAH oppose the legal reliance on the juristic corpus of the Sunni law-schools, Q, despite his opposition to adherence to a particular school, uses the corpus of all four schools (as well as pre-school legal opinions) as the basis for his proposed reform of Islamic jurisprudence, as well as for his legal-opinion making.<sup>93</sup> Third, while the NAH oppose religious establishments, arguing that any self-taught hadith expert can engage in independent legal interpretation, Q's position is institutional; he holds that legal interpretation is reserved for professional scholars. Moreover, by establishing international bodies of legal-decision making and chairing them, Q strives to create one centralized pan-Islamic legal authority.<sup>94</sup> To the cardinal differences in legal method, one may add that the NAH, well-known for their intense hatred for anything "Western," abhor Q's openness to Western ideas.<sup>95</sup>

Finally, as noted, for the NAH, who fiercely oppose involvement of their members in politics, focusing instead on hadith scholarship and moral purification, the massive political involvement of Q, especially his support of the Muslim Brothers, the bitter enemies of the NAH, (as became clearly evident during the Arab Spring and its aftermath), is a *casus belli*.

To conclude, the NAH fear that Q's lenient juristic positions, aided by his high public profile and political connections, will lead Islam towards self-destruction. Although Q positions himself at the forefront of resistance to the Western cultural onslaught, his critics view him as someone who has become a lethal instrument of that onslaught.<sup>96</sup> From the perspective of the NAH, Q is,

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simplistic and "childish" and that it creates chaos in the field of legal interpretation. Late Traditional Sunnis respect the conclusions of traditional hadith criticism. However, they stress that reevaluation of the content of the hadith is also required. They hold that the ultimate authority on questions of the validity, the understanding and the application of the hadith is reserved to jurists, not to hadith critics. Finally, they avoid those traditions that are regarded as inconvenient by modern societies or by the West by interpreting them allegorically or by arguing that these traditions have been never actually implemented. See Brown, *Hadith*, 263.

92 Q holds that the general principles of Islam must not be changed, but the detailed legal rules are flexible, because God leaves those rules to be adapted to changing circumstances according to human reasoning. See Q, *al-Fiqh al-Islāmī*, 83–6.

93 Q, *al-Ijtihād fī'l-sharī'a*, 205–6; Q, *al-Fiqh al-Islāmī*, 55–8.

94 Q, *al-Ijtihād fī'l-sharī'a*, 96–7, 182–84.

95 As part of his proposed project for renovating Islamic jurisprudence, Q supports a comparison between the latter and Western laws. See Q, *al-Fiqh al-Islāmī*, 39–41. As part of the process of legal-opinion making, he finds it useful to compare the positions of the four Sunni law schools with the positions of other religions, schools and philosophies, to clarify the superiority of the Islamic solution. See Q, "Nahji," 15, 24–8.

96 The author of *Qaraḍāwī fī'l-'arā'* claims (pp. 21–2) that the external enemies of Islam have

unintentionally perhaps, an agent of secularization, whose heretical ideas are camouflaged by a cover of legitimate juristic interpretation. Consequently, the rhetoric used by Q's opponents against him transcends the bounds of "discussions" between scholars of different schools or legal opinions. It is the combative rhetoric reserved for polemical arguments conducted by defenders of orthodox Islam against movements or individuals who they regard as heretics.

The heated conflict between the NAH and Q is a modern round of the old battle between the Partisans of Hadith and the Partisans of Legal Reasoning. In the eyes of the NAH, "modernist-reformist" religious figures, such as Q, are agents of secularization, camouflaged by a pseudo-orthodox juristic dress. For the NAH, their battle against Q is part and parcel of the war between "the people of light" and "the people of darkness."

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failed to destroy Islam from the outside, so they have approached members of the Islamic community – referring to Q – to destroy it from the inside. See also Shavit, 359.

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