

7. Post-Independence Morocco (1960-1968): Polemics against the Bahā'īs

7.1. Al-Hilālī's Experience in Post Independence Morocco

In 1957, a year after Morocco obtained its independence, Al-Hilālī paid a short visit to his native country. For the first time in thirty-five years he was able to return to the former French Zone. Al-Hilālī took advantage of his trip to Rabat to write a couple of articles for *Da'wat al-Haqq*, the new official Islamic journal of the kingdom. In his first article, he offered a very religious reading of the independence movement.¹ He suggests that Islam had been the sole driving force behind the Moroccan triumph over colonialism. God granted victory to Muḥammad V (d.1961) and his *mujāhidīn* because they believed in Him, obeyed Him and were good Muslims. His second article resulted from the twenty-minute audience the King granted him in the royal palace in 1957. Their conversation was, according to al-Hilālī, informal; it was mostly concerned with Al-Hilālī's travels outside Morocco. Soon after this short meeting, Al-Hilālī wrote a eulogy to Muḥammad V in which he praised him for his religious qualities and anti-colonial achievements.²

In 1959, Al-Hilālī returned to Morocco. Thanks to a reference from his friend 'Abd Allāh Guennūn, in that year Al-Hilālī was offered an appointment at the Muḥammad V University in Rabat, as professor of Arabic and Arabic literature.³ Besides this position, he served as a state-appointed preacher and was officially appointed a contributor to the official Moroccan Islamic magazine, *Da'wat al-Haqq* between 1960 and 1968.⁴

Al-Hilālī settled in Fes, in the house of his former professor, Muḥammad ibn-al-'Arabī al-'Alawī, who had converted him to the Salafīyya in 1921, see Chapter 1. When Al-Hilālī, sought the advice of his professor about continuing to call Moroccans to 'Authentic' Islam, the then eighty year-old Salafī who, Al-Hilālī stated was utterly pessimistic, gave him the following answer:

Leave those benighted people alone, because I am tired of calling them to "Authentic" Islam. Abū Shu'aib al-Dukkālī [the most cited Moroccan *Shaykh* to have deeply

¹ Lauzière (2008), 299. See also Al-Hilālī (1957), 19-20.

² Ibid., See also, Al-Hilālī (1979), 4-7.

³ Ibid.

⁴ Al-Hilālī (2006), 257.

influenced the Salafī movement in Morocco in the early twentieth century] was equally tired of preaching . We have not achieved any significant results in spite of a protracted effort .⁵

Despite the gloom exuded by his teacher, Al-Hilālī replied that he was confident of succeeding, as he had been able to achieve great things in calling people to Allāh in different countries.⁶ Al-Hilālī claimed that his sermons used to attract a big audience, and did indeed prove to bear fruit. He asserted that his lessons had been able to attract an impressively large number of people in less than a week.⁷ In fact, the proof of the pudding was in the eating and the success of his sermons resulted in his official appointment as a preacher in the Ministry of Endowments, after the minister, Al-Makkī Baddū, had attended one of his sermons in the mosque in the city of Fez. The latter praised his work and offered him the position of a state-appointed preacher (*wā'iz*) for 200 *Dirhams* a month, which was about twice a normal salary.⁸ The minister's decision to appoint Al-Hilālī was plausible and justified. At the time, Morocco could not count on many religious scholars with such outstanding qualifications and experience in preaching.⁹

As a consequence of his appointment, Al-Hilālī moved to Meknes since this city was closer to Rabat, and providentially its weather was better suited to his health. Despite these obvious advantages, the sermons he used to give in the Great Mosque in Meknes caused him a great deal of trouble and discomfort. Al-Hilālī says his tribulations were occasioned by some Malīkī jurists and some leaders of the Sufī orders who began to conspire against him, on the grounds that his sermons did not comply with their well-established principles. Al-Hilālī reports that 500 people, among them the Prince of Meknes who was a cousin of King Muḥammad V, signed a petition against him, asking the religious authorities to ban him from preaching. One of the reasons for which Al-Hilālī the petition noted had to be stopped from preaching was his denial of the Sufī thaumaturgical rituals and his virulent attacks on the Malīkī School of Jurisprudence.¹⁰

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Al-Hilālī (2006), 258.

⁹ Lauzière (2008), 310.

¹⁰ Ibid.

Fortunately, other influential people supported Al-Hilālī's *da'wa*, including Muḥammad al-Ṭanjī (1902-1991), at that time director of *Al-Wa'z wa-l-Irshād* (the Government Office for Preaching and Religious Assistance) and Aḥmad Bargash, Minister of *Habous* (inalienable property) and Islamic affairs between 1963 and 1972.¹¹ In Al-Hilālī's own words, they were members of a commission to be led by Al-Hilālī's best friend, 'Abd Allāh Guennūn,¹² which would look into the evidence both Al-Hilālī and his opponents would provide to counter and support the charges which were being laid against him. Al-Hilālī said that his opponents failed to produce any proof of their accusations, so he continued to preach for nine years, during which time he steadfastly withstood all the attacks aimed at undermining his preaching.¹³

The second 'plot' against him, as he reports himself, was hatched in a new mosque which had been built near his house. Al-Hilālī ordered his followers to delay the Dawn Prayer because he thought that the people in Meknes did not pray at the legally prescribed time. The upshot was that Al-Hilālī was accused of instigating 'sedition' after five young students had performed the Dawn Prayer in a separate congregation.¹⁴ Al-Hilālī alleged that many people, encouraged and led on by 'corrupt Sufi *imams*', had told the Governor:

Verily, Al-Hilālī's group has instigated sedition in the mosques, so much so that people are praying in two different congregations at the same time. Therefore, disputes and quarrels are disrupting every mosque, the blame for which should be laid at the door of these Wahhabis whose doctrine does not conform to the Sunni Schools.¹⁵

In turn, the Governor summoned the Minister of *Habous* and Islamic affairs, Aḥmad Bargash, who requested Al-Hilālī to come to Rabat, and who charged his representative, a modernist Salafī named 'Abd al-Raḥmān al-Dukkālī (d.1976), to discuss this matter with Al-Hilālī. Al-Hilālī recalled his words as follows:

¹¹ Al-Hilālī (2006), 259.

¹² On Al-Hilālī's complaint to 'Abd Allāh Guennūn, about his discomfort and frustrations on account of the problems caused by the Moroccan authorities. See Al-Hilālī (1976), Vol.1, 236.

¹³ Ibid.

¹⁴ Al-Hilālī (2006), 259.

¹⁵ Ibid.

Abd al-Raḥmān al-Dukkālī told me: ‘When I was in India, every time I visited a university or a scientific forum, I met people who praised you. Many people told me that they had been your students. I was very happy to hear that. When I came back I informed His Majesty King Hassan II about this and I likewise informed the Minister, so we are very proud of you. I would add to this the fact that my father, the great scholar Abū Shu‘aib al-Dukkālī, was the first to introduce Salafism into Morocco. Therefore, I am also a supporter of your mission. Nevertheless, one has to be moderate and avoid the intransigence which leads to disturbance as a matter of course.’¹⁶

It goes without saying that Al-Hilālī claimed that what his opponents had said was untrue. He made it clear to Al-Dukkālī that what the group of young people had done was a big mistake and he strongly condemned it. He roundly criticized those five students in one of his sermons, because, in his eyes, they had contested the legitimacy of the officially appointed *imam*, which, in his eyes, was an act of disobedience to the King.¹⁷ Al-Hilālī recalled that he also survived this second ‘plot’, thanks to the intervention of Aḥmad Bargash, the Minister of Endowments.¹⁸

As mentioned in the introduction, after independence the Moroccan monarch chose to implement an official Islamic doctrine which was heavily influenced by Salafism. In that period for many years the Ministry of Islamic Affairs was dominated by members of the Istiqlal Party. The Salafī scholar Muḥammad Ibrahim Al-Kattānī, a member of the Istiqlāl Party, actually went as far as to recall a Salafist king, Muḥammad V. Taqī al-Dīn Al-Hilālī endorsed this view by praising both King Muhammad V [1909-1961] and King Ḥasan II (1929-1999) for their Salafism and their support for the *Qur’ān* and the *Sunna*.¹⁹ However, this praise was incidental as Al-Hilālī was not involved in politics, nor did he interact with the Istiqlal Party or the *Union Nationale des Forces Populaires* (UNFP). This was a time in which Morocco was preoccupied with formulating of an official Moroccan Islamic discourse, which Al-Hilālī did not consider sufficiently Salafī.²⁰

¹⁶ Al-Hilālī (2006), 262.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Al-Hilālī (1979), 4-7.

²⁰ Lauzière (2008), 292.

In 1964, the Minister of *Habous* and Islamic affairs, Aḥmad Bargash, appointed Al-Hilālī professor of Qur’anic Exegesis and *Hadith*, at the newly founded *Dār al-Ḥadīth al-Ḥasaniyya* in Rabat. He dedicated his course to the *Muwaṭṭa’* of Imam Malik. Al-Hilālī hoped that *Dār al-Ḥadīth* to be a second Qarawiyyīn or even better. His words were:

May *Dār al-Ḥadīth* please the Muslims and anger the enemies of Islam, not only in Morocco, but throughout the world.²¹

Despite his high hopes, after only three months and in the wake of controversies with some Sufī students, Al-Hilālī decided to resign.²²

In 1963, Al-Hilālī issued one of his important *fatwas*, *Ḥukm al-murtadd fī al-Islām* (The Ruling on the Apostate in Islam), a study of which reveals that the official Islam in the sixties in Morocco and the ideas of Al-Hilālī were close to each other. This *fatwa* will be discussed later in the present chapter.

During the period 1960-1968, Al-Hilālī published several books, among them are the following: (1) *Al-Da’wa ‘ila Allāh* (The Call to Allāh). This is Al-Hilālī’s autobiography, in which he describes his studies, his journeys worldwide and his religious views. This book sheds light on the stages in Al-Hilālī’s *da’wa* efforts. Al-Hilālī does not record his life in the various countries he had visited in a chronological order. Instead it jumps from one geographical area to another. With the exception of the last three pages, there is little information about this his time in Saudi Arabia and his return to Morocco. (2) *Al-Ṣubḥ al-Safīr fī Ḥukm Ṣalāt al-Musāfir* (The Bright Morning for the Prayer of the Traveller), in which Al-Hilālī argues that whoever, including the traveller, deliberately omits a prayer within its prescribed time, is a disbeliever, because it is an obligation related to specific hours which should not be delayed.²³ (3) *Sharḥ Saḥīḥ al-Bukhārī* (The Explanation of Saḥīḥ Al-Bukhārī),²⁴

²¹ Al-Hilālī (1964), 4.

²² Al-Hilālī (2006), 266.

²³ This book was criticized by the Wahhābi Scholar, Ḥammād al-Anṣārī, who asserted that Al-Hilālī presented too radical a point of view to support his argument: ‘Nobody gains anything from your knowledge, the Moroccans complain about your harshness; maybe you should be more indulgent.’ His criticism angered Al-Hilālī who told him: ‘Things were made easy for me only by harshness.’ See further Al-Anṣārī (2006), Vol.2,617-618.

(4) *Taqwīm al-Lisānayn* (Correction of Some Written and Spoken Errors),²⁵ (5) *Al-Fawā'id al-Sāmiyya fī Tārīkh al-lūghāt al-Sāmiyya* (Useful Remarks on Semitic Languages) and (6) *Al-Fajr al-Ṣādiq* (The True Dawn),²⁶ in which he claims that the Moroccan people perform the dawn prayer about thirty minutes before its legal time. He suggests that the true worshiper should delay performing the prayer until he is sure that day has dawned. In this same period he also began to compile his unpublished *fatwas*, entitled *Al-'Uyūn al-Ẓilāliyya fī Al-Fatāwā al-Hilālīya* (The Albuminous Water Sources of the *Al-Fatāwā al-Hilālīyā*, which have remained unpublished and are in two volumes. These *fatwas* will be discussed in Chapter 9.

In this period, in the official Moroccan journal *Da'wat al-Haqq*, Al-Hilālī also published *Al-Ḥusām al-Māḥiq li-kulli Mushrik wa Munāfiq* (The Sword Which Eradicates the Heathens and Hypocrites).²⁷ In this book, he adduces evidence from the *Qur'ān*, the *Sunna* and the consensus of the Muslim scholars, claiming that such arguments indisputably show that abiding by the teachings of one school of jurisprudence is a heresy. He states that he who perseveres in embracing heretical acts after reading this book must be either an ignoramus or a hypocrite.²⁸ Al-Hilālī also published *Dawā' al-Shakīn wa Qami' al-Mushakikīn* (The Healer of the Sick and the Oppressor of the Sceptics),²⁹ which contains a series of sixteen articles in response to a 1964 paper written by the Lebanese Christian philosopher René Ḥabashī (d.2003). In these articles, Al-Hilālī accuses him of heresy and disbelief (*kufṛ*),³⁰ and calls for *jihād* against the enemies of Islam who invite Muslims to renounce their religion. He also suggests that Ḥabashī deserved to be executed.³¹

²⁴ In one of his letters addressed to his Salafī student Maḥmmūd Maḥdī al-Istanbūlī, Al-Hilālī says: 'I have already begun interpreting Ṣaḥīḥ al-Bukhārī in a way which will enlighten both the preacher and the student. I myself am benefiting from it, because the existing interpretations cannot be taught in the mosques, as they are full of things which might hinder the lessons in predication, and might disturb the listeners.' See Al-Hilālī, "Al-Fatāwā al-Hilālīyya," (1976), Family archive, The letter is dated 26-1-1388 AH/ 24 April 1968.

²⁵ It was published in many parts in the Moroccan Journal *Da'wat al-Haqq* in 1968.

²⁶ Al-Hilālī (1964b), 1-17.

²⁷ Al-Hilālī (1982).

²⁸ Al-Hilālī (1982), 55.

²⁹ It was published in several parts in the *Da'wat al-Haqq* in 1964, and afterwards in one volume. See further Al-Hilālī (2007).

³⁰ Al-Hilālī (2007), 160.

³¹ Ibid.

7.2. The Bahā'ī Case

The spread of the Bahā'ī [Faith]³² commenced, Al-Hilālī states, in 1962 when two men arrived from Persia. One of them settled in Tetouan in North Morocco and the second man settled in the city of Meknes and both established a centre for the purpose of inviting people to join the Bahai [Faith].³³ Both managed to convert local youths. As a result, fourteen people (thirteen Moroccan citizens and one Syrian) were arrested.³⁴ Al-Hilālī stated that, although he had not looked into the verdict or at the evidence levelled against the accused men, and instead produced different arguments, on the matter, the first based on the requirements imposed on Muslims in the Islamic *Sharī'a*, which contain the sentence every Muslim judge should pronounce, and another set of arguments for non-Muslims based on the rule of international law which, according to Al-Hilālī, is a matter of consensus, and is used everywhere.³⁵ A study of this *fatwa* is important because it touches on a key, event in the contemporary history of Morocco, which in fact can be seen as a test case for Morocco as a modern state.

As just stated, the case of the Bahā'īs in Morocco began in April 1962 with the arrest of fourteen people, thirteen Moroccan citizens and one Syrian. The specific charges in the indictment were: **1.** That the accused 'have studied books about the Bahai faith and its philosophy and that they have believed in it.' **2.** That the accused 'believe that God can be imagined in the state of a person and can be situated in time; and that Muḥammad, may salvation and the blessing of God be upon him, is not the last of the prophets, and that they do not believe in the Hereafter in the form of Heaven, Hell and Resurrection.' **3** That the Bahā'ī doctrine stipulates 'that the direction of prayer is not Mecca but rather "the door",³⁶ and that it

³² According to the the Bahā'ī Information Center, the first Bahā'ī entered Morocco around 1946. The majority came from Egypt and a few from the United States, including Manouchehr Hezari [1922-2010], who helped bring the Bahā'ī faith to Morocco in the 1950s. Hezari left his native Iran in 1953 and moved his family to Tangier, Morocco, to spread his faith. See The Bahā'ī International Community (1963) , 4. See also <http://www.statesman.com/news/local/austinite-helped-introduce-bahai-faith-to-morocco-770167.html> , accessed 27-02-2012.

³³ Al-Hilālī, "Ḥukm al-murtadd," 1963, 29.

³⁴ Lauzière (2008), 323.

³⁵ Al-Hilālī, "Ḥukm al-murtadd," 1963, 30.

³⁶ Sayyid 'Alī Muḥammad Shīrāzī (1819–50), known as the Bāb, "The Door", the founder of Bābism. He claimed to be the promised Mahdi, the Hidden Imam. Bahā'īs direct their prayers towards Shīrāzī's burial-place,

varies according to wherever the door is located.’ 4. That Bahā’īs do not conform to the Islamic practices of praying and fasting, and that ‘the pilgrimage to the holy places is illicit and that it is necessary to destroy the holy places of Islam as soon as a courageous man is in a position to do so.’ 5. That the Bahais advocate ‘the overthrow of all governments and the establishment of one government on a worldwide scale in their place.’ 6. That the accused, ‘by embracing the Bahai Faith have aroused anxiety in the minds of fellow citizens and that they have conspired to upset the Islamic faith of people, and that signs of revolt are threatening to manifest themselves in the country.’ 7. That ‘by embracing the Bahai Faith and applying its precepts the purpose of the accused is to undermine the State and to substitute for it a state conceived on a worldwide scale and that, by this deed, they are deliberately attempting to disrupt public order.’ 8. That the accused have formed an illegal association to propagate the Bahai Faith and that they are attacking religious beliefs.³⁷ After the verdict was made known and widely publicized, it attracted the attention of many influential people both inside and outside Morocco.³⁸

Nine of the fourteen Bahā’īs were found guilty.³⁹ On 14 December 1962, the Regional Court of Nador pronounced death sentences on three of them, five were condemned to penal servitude for between one to ten years. The five other defendants were acquitted.⁴⁰ Two days

He earned the “Bab” title because his followers saw him as the “Gate of God”. See Smith, Peter (1987): *The Bābī and Bahā’ī Religions: From Messianic Shi’ism to a World Religion*. Cambridge: Cambridge University Press. El2, Bāb, A. Bausani. See also Pink (2003), vol:10 iss:3: 409 -434. See also <http://www.islamreligion.com/articles/309/viewall/> accessed 06-10-2014.

³⁷ See the Text of the Indictment. Royaume du Maroc, Cour d’Appel de Tanger, Chambre des Mises en Accusation, Arrêt de Renvoi, No. 36, rendu en date de 31/10/62, Dossier No. 809, in *The Baha’i International Community* (1963), 968-975. See also Regional Court of al-Nadūr (9 May 1963) : “Ma Hiya al-Bāhā’iyya wa ma huwa mawqifu al-Qānūn minhā? ”, Text of the Indictment, “ *al-Mithāq*, 2, 31:45-46.

³⁸ On 26 December 1962, the National Spiritual Assembly of the Bahā’īs of the United States telegraphed John F. Kennedy, President of the United States. The Baha’i International Community reached the conclusion that the Nador case was an act of genocide as defined in Article II, Clauses (a), (b), and (c), of the United Nations Convention on Genocide, which has been signed and ratified by Morocco. Upon receiving news of the sentencing, the International League for the Rights of Man sent a letter to the king of Morocco urgently appealing to him to exercise royal prerogative of clemency on behalf of the prisoners. See *The Baha’i International Community* (1963), 13-16.

³⁹ See also Regional Court of al-Nadūr (9 May 1963) : “Ma Hiya al-Bāhā’iyya wa ma huwa mawqifu al-Qānūn minhā? ”, Text of the Indictment, “ *al-Mithāq*, 2, 31:45-46.

⁴⁰ Ibid.

before the verdict, during a press conference on 12 December 1962, the late King Hassan II gave his interpretation when he said that the free exercise of religion does not mean freedom to embrace any religion. He declared that, ‘the Jewish and Christian religions can be practised freely because they are religions which are recognized by Islam, but this acceptance does not mean that Morocco will allow them to challenge public order. Nor does it say that it will accept the sect of the Bahā’īs or any others which are true heresies.’⁴¹

The Regional Court of Nador published an article which contained a report about the Bahā’ī case, in *Al-Mithāq*.⁴² This explained that the Bahā’ī sect did not conform to the Islamic observances of praying and fasting, that they considered the pilgrimage to the holy places was illicit and that it was necessary to destroy the holy places of Islam. The article went on to say that the Bahā’īs advocated the overthrow of all governments and the establishment of a government on a world scale in their place.⁴³

In contrast to the Moroccan claim, in a report published in 1963 entitled ‘Freedom of Religion on Trial in Morocco’, the Bahā’ī International Community argues that the Bahā’īs had been sentenced to death on the grounds of their religious affiliation.⁴⁴ On the basis of this report, it launched a worldwide campaign to publicize the plight of the Bahā’ī prisoners, claiming that the Nador case was another battle for the fundamental rights of man. Its argument was that it was the religion which was on trial and all other charges had been brought only to give the prosecution a semblance of legality.⁴⁵

In his book *Chronique Sociale et Culturelle Maroc*, André Adam argues that, with the Nador case against the Bahā’īs, for the first time since independence, religious affairs had become very important in politics, elevating this court case to a pawn in a political game.⁴⁶ This view is confirmed by John Waterbury in his book *Kingdom-Building and the Control of the Opposition in Morocco: The Monarchical Uses of Justice*, in which he suggests that the

⁴¹ El Atouabi (2005), 34 -35. Where Majdouline El Atouabi, in her article entitled “ Une communauté très secrète” (A very private community), gives the historical background to the Bahā’ī case and the Bahā’ī presence in Morocco.

⁴² Report of the Regional Court of Nador (9 May 1963), issue 31, 60-65.

⁴³ .Ibid., see also the Baha’i International Community (1963), 10.

⁴⁴ The Baha’i International Community, a non-governmental organization, accredited to the United Nations and representing 55 National Baha’i Assemblies

⁴⁵ The Baha’i International Community(1963), 12.

⁴⁶ Adam (1963), 212-213.

Bahā'īs were caught up in the power-play between the Islamic clergy and the monarchy, because in that period the Istiqlal Party was doing its best to seek an alliance with the monarchy on the basis of religion, and its eventual aim was to establish a conservative Islamic doctrine as the basis for Moroccan state and society.⁴⁷

Victims of circumstance, as John Waterbury argues the Bahā'īs were, were unwittingly caught in a power-play between the Islamic clergy and the monarchy.⁴⁸ A contest between the King Hassan II and the Istiqlāl Party with the Bahā'ī case as the bone of contention is remarked upon. While the ministers of religious affairs and justice, then in the hands of Istiqlal Party, were pushing to punish these converts by condemning them to death, the king, under the pressure of public opinion throughout the world and from Moroccan liberals, sought to exercise his right of clemency and the release of the Bahā'ī prisoners.

In his book *Monarchie et Islam Politique Au Maroc*, Muḥammad Tozi states that in the case of the Baha'īs known as 'the Nador Trial,' for the first and the last time two very different conceptions of freedom of conscience in Morocco confronted each other.⁴⁹ Whereas the Istiqlal Party, led by 'Allāl al-Fāsi, defended their condemnation of the 'heretics' of Nador, a 'fundamentalist' conception of justice, the UNFP (National Union of Popular Forces) maintained a guilty silence.⁵⁰ The liberal monarchists seemed to be the most secular in their outlook. Aḥmad Riḍā Guedira, Minister of the Interior and Agriculture, did not hesitate to take a bold position. In the number of *Les Phares* of 21 December 1962, he wondered, 'Where is there in Morocco a written law which hands down the death penalty for the offences against religion, prompting the King to issue a general amnesty on their behalf?'⁵¹ He went on to say:

Apparently, it would seem that the accused were to be punished and with what penalty—without any specific 'cases or procedures' having been expressly specified in law. Where is there in Morocco a 'written law which prescribes the death penalty for offences against religion?'

⁴⁷ Waterbury (1969), 54–60.

⁴⁸ Ibid.

⁴⁹ Tozi (2008), 131.

⁵⁰ Ibid.

⁵¹ *Les Phares*, as cited in *Le Monde*, December 26, 1962. In: The Baha'i International Community (1963), 15. See also Tozi (2008), 131.

He then, cited Article 10 of the new Moroccan constitution.⁵² Evidently the pressure of public opinion throughout the world, and from within Morocco itself, favourable to the Bahā'īs, exerted on the Moroccan authorities gave them pause to think and review the situation. The Nador trial was dismissed by the Criminal Branch of the Supreme Court. Nevertheless, one year later, April 3 1963, during a luncheon hosted by the Overseas Pen Club in the United States, the late king retracted his previous stance and said he would use his right of pardon if the death sentence of the Bahā'īs were to be upheld by the Court of Appeal.⁵³ In 1963, 'Allal al-Fāsī resigned from the government and publicly raised the possibility of overthrowing of the Moroccan monarchy.⁵⁴

A more recent publication on the same subject, published in 1978, is a booklet, entitled *Al-Bahā'īyya Rabībatu Isrā'īl*⁵⁵ by a certain 'Abdessalām Muḥammad al-Kwirat⁵⁶ [1920-1991]. The reason for this publication was that sixteen Bahā'ī men and women had been detained and sentenced to imprisonment because the Moroccan government stated that their belief was heretical. However, the Human Rights Watch reminded the government that freedom of belief overruled this and the Bahā'īs were released a year later.⁵⁷ In his book, *Al-Bahā'īyya Rabībatu Isrā'īl*, referring to the Bahā'ī Temple on Mount Carmel in Haifa, the main shrine of the Bahā'īs throughout the world, the author claims that the Bahā'īs had made a common cause with Zionism.⁵⁸

⁵² Article 10 of Morocco's new Moroccan Constitution stated: 'No one can be arrested except in cases and under procedures specified by law.'

⁵³ El Atouabi (2005), 34-35. <http://www.maroc-hebdo.press.ma/index.php/archives>, accessed 03-03-2014.

⁵⁴ Zeghal (2005), 57.

⁵⁵ Kawīra (1978).

⁵⁶ In 1963, the same author had published a book about the Bahā'īs entitled *al-Bahā'īyya wa 'ushshāquhā fī al-Mizān*, in which he describes the Bahā'ī faith as being in conflict with Islam.

⁵⁷ Sater (2010), 32.

⁵⁸ Kawīra (1978).

7.3. The Ruling on the Apostate in Islam: The fatwa “*Hukm al-murtadd fī al-Islām*”

The fatwa *Hukm al-murtadd fī al-Islām* (The Ruling on the Apostate in Islam), which was one of the most important fatwas issued by Al-Hilālī, was published in the official Moroccan journal *Da‘wat al-Haqq* in 1963.⁵⁹ As far as is known, it has not been studied by scholars of Moroccan religious history. At the beginning, Al-Hilālī states that one of his (Iraqi) students, who had studied in Great Britain, Mr ‘Iṣām al-Alousī, had reported to him that the British newspapers⁶⁰ had recently written about some members of the Bahā’ī sect in Morocco,⁶¹ referring to the fact that ‘the Islamic courts’ had sentenced some of them to death. Beyond this bald statement, the papers did not mention all the reasons behind this trial, and this had led students in Britain, Muslims and non-Muslims alike, to raise many questions related to the issue. He therefore requested his teacher to write something for them on this matter from the perspective of public law and from the Islamic point of view, seizing the opportunity to reveal the attitude of Islam to such sects.⁶² Al-Alousī requested Al-Hilālī’s permission to translate the answer into English and publish it in the journal, *International Muslim News*, in the United Kingdom, but the present researcher was not able to find any translation of this fatwa or any information indicating that the fatwa has been published in the *International Muslim News*. The importance of this fatwa is that shows Al-Hilālī’s interaction with his students all over the world and illustrates many of his reflections on religious issues.

Hukm al-murtadd fī al-Islām was originally published in the official Moroccan journal *Da‘wat al-Haqq* in 1963.⁶³ The same ruling on the apostate in Islam had been mentioned in

⁵⁹ Al-Hilālī, “*Hukm al-murtadd*,” 1963, 29.

⁶⁰ The *Guardian* on December 27 1963 reported that in Great Britain, 163 Baha’i groups had appealed to the Queen and Parliament to intercede in behalf of justice and humanity. *The Manchester Guardian* [now alas defunct although the Guardian still exists] published an extensive and accurate article entitled “Persecution and Martyrdom of Baha’i Followers. Islam Recognizes a Challenge”. The concluding paragraph reads: ‘The anger of Islam against the Bahé’i Faith has been likened to the reaction of the Jews to Christ and His followers. It is suggested by the faithful that Islam sees it a challenge to those in positions Pharisees and the Saducees knew that Christ was challenging the position they had gained for themselves.’ In: *The Baha’i International Community* (1963), 13.

⁶¹ For studies on Bahā’ī faith see: Smith (1987), William and Douglas (2002). Momen (1981).

⁶² Al-Hilālī, “*Hukm al-murtadd*,” 1963, 29.

⁶³ Al-Hilālī, “*Hukm al-murtadd*,” 1963, 29-33.

Al-Hilālī's earlier-mentioned book, *Diwa' al-Shākkīn*, which had originally been published in a series of sixteen articles in *Da'wat al-Haqq* in 1964.

7.3.1. *Arguments for Muslims*

As a point of departure, Al-Hilālī stressed that it is forbidden to kill a Muslim, unless the latter commits one of the following three crimes: if he commits adultery after marriage; if he wilfully murders another person; and if he leaves Islam and separates himself from the Islamic community of the faithful. To support his point of view, he states that the evidence for this ruling comes from the *Qur'ān*, *Surāt al-An'ām* Verse 151 and the *Surāt al-Isrā'* Verse 33, as well as from the providing detailed references to relevant sources. Moreover, Al-Hilālī claims that there also was a complete consensus among the scholars and the Community that the apostate should be killed. Abu Bakr, 'Umar, 'Uthmān, 'Alī, Mu'ādh, Abu Mūsa, Ibn 'Abbās, Khālīd and many others are reported to have given the same verdict. Nobody had rejected this ruling, which is therefore considered a legal consensus. According to an established view, shared by European scholars and Muslim legal authorities, the Islamic rule on apostasy has its origins in the first century of Muslim history.⁶⁴

Al-Hilālī's major argument was that a man who leaves Islam and fights Allāh and His Prophet must be put to death by crucifixion, face amputation or otherwise banished from the face of the Earth.⁶⁵ Al-Hilālī's second argument is that Islam makes no separation between religion and the state. The Prophet, also in his role as a political leader, considered the person who leaves Islam a traitor and somebody who has broken his pledge, fighting against his nation and his people. Therefore he deserved to be killed. Nevertheless, sounding a note of caution, Al-Hilālī said scholars did not agree on the different kinds of punishment mentioned in the verse.⁶⁶ Their opinions varied from deserving to be killed according to the majority, to being imprisoned according to others. The reason for this difference in point of view was that

⁶⁴ Hallaq (2003), 119.

⁶⁵ Al-Hilālī was referring to (Qur'ān 5:33): '*The recompense of those who wage war against Allāh and His Messenger and do mischief in the land is only that they shall be killed or crucified or their hands and their feet be cut off from opposite sides, or be exiled from the land. That is their disgrace in this world, and a great torment in theirs in the Hereafter.*'

⁶⁶ Al-Hilālī, (1963), 33. Al-Hilālī reported the point of view of Ibn Qudāma, stated in his book *al-Mughnī*: 'the apostate is he who turns away from his Faith towards infidelity'.. See Ibn Qudāma (1985), Vol.8, 123. For the same ruling. See also Ibn Ḥazm, "Al-Muḥalla," nd, Vol.11, 188.

a minority of scholars⁶⁷ claimed that the judgement awaiting apostates, death, is not mentioned anywhere in the *Qur'ān*. They believe, that it is Almighty Allāh, not mankind, who accepts or refuses repentance and therefore has to do with the judgement of the Hereafter. The majority use the *Qur'ān* as their reference point.⁶⁸

Al-Hilālī posed the question: If many scholars believe that he who entices Muslims to heresies should be executed, what then should be the fate of people who believe that the Message of Muhammad has been abrogated and been invalidated by the Bahā'ī faith? What should be the fate of he who repudiates all the pillars of Islam, denies the coming of the Hour mentioned in the *Qur'ān* in many places, pretending that the coming of the Hour refers instead to the coming of Bahā' al-Dīn, the founder of the Bahā'ī faith, and similar matters which are obviously an anathema to every Muslim? Al-Hilālī drew an analogy between the spreading of innovations [heresies] and abandoning the Faith, arguing that turning away from religion and abandoning the community of the Faithful is equivalent to apostasy.⁶⁹ If people become apostates after having embraced Islam, they must be killed.⁷⁰

Furthermore, Al-Hilālī asserted that he had been informed by a reliable scholar that the tribunal which passed sentence on those Moroccans was not an Islamic court; it was instead a court judging according to the positive law.⁷¹ The charge brought against them was the fact that their preaching was a threat to public security. He argued that, unfortunately Islamic courts in the countries of Islam could not sentence any criminal to death since this was beyond the jurisdiction of their legal competence. Had the Islamic courts been able to

⁶⁷ See for instance , Al-Madaghri (2011), 147-178.

⁶⁸ Regarding punishing apostates (*Qur'ān* 4:89, 3:85, 90-91) are the main verses, but many other verses such as 16:106-107, 2:217, 9:73-74, 5:54, and 9:66 are considered supporting verses.

⁶⁹For Muslim literature on the development of the law of apostasy Shaltūt (1988), 280f.; Nu'mān al-Sāmarrā'ī (1968); Abū Shuhba(1974), Abū Zahra, Muḥammad (1984),192–208; Jādallāh (1984),135–151; Waqfī (1979), 267–78.

⁷⁰ Al-Hilālī, “Ḥukm al-murtadd,” 1963, 33.

⁷¹ This scholar is probably ‘Abdelallah Guennūn , because of his close relationship with Al-Hilālī, and because Guennūn , as we have mentioned at the beginning , stated that the death sentences against the Bahā'īs were pronounced by the Nador Court which based its verdict on positive law and the constitution, which does not refer to Islam as a legislative source. See Guennūn (25 April 1963), 21-24.

maintain their rights in these countries, colonization and slavery would never have acquired such power and such pride of place.⁷²

7.3.2. *Argument about non-Muslims*

Al-Hilālī argument about non-Muslims was rather different. He was aware that non-Muslims make a distinction between Church and State on the basis of the following statement in the Gospel: ‘Render unto Caesar to the things that are Caesar’s, and unto God the things that are God’s’ Matthew 22:21. However, he did wonder: What they might say about somebody who fled their ranks to join those of their enemies? On the basis of his experiences in Europe, Al-Hilālī expected that they would say, ‘Religion is for God, the country is for everyone.’ So he who leaves the ranks of his country and his people to join the ranks of their enemies would be accused of high treason and deserve the death sentence. Yet, he who turns his back on religion and chooses another faith or even atheism was not culpable and would not incur the death sentence.⁷³

To support his argument Al-Hilālī provided the story of a British man, named George, who used to work with him at Radio Berlin, where he broadcast the news in English. After the war ended, he was sentenced to death by a British tribunal because of his work for the German radio during the war, which was considered an act of treason against his people. Al-Hilālī asked for what reason did the British man deserve the death sentence? He also asked why was the French leader Laval⁷⁴ sentenced to death by the government of General De Gaulle which had killed a large number of its citizens who collaborated with the German occupying government?⁷⁵

Al-Hilālī wanted to ask: If man was free in his religious faith and might leave one faith for another, why should he not have the right to turn his back on a political ideology and substitute another for it? What sin had Laval, and those who were executed with him, committed if they believed in Nazism, that is to say, national socialism, advocated by the

⁷² Al-Hilālī, “Ḥukm al-murtadd,” 1963, 33.

⁷³ Al-Hilālī, “Ḥukm al-murtadd,” 1963, 32.

⁷⁴ Pierre Laval (d.1945), the former vice-premier of Vichy France

⁷⁵ Al-Hilālī, “Ḥukm al-murtadd,” 1963, 32.

political party of Hitler? Al-Hilālī conceded that answering these embarrassing questions was not an easy task for someone whose aim was to comply with logical thought and justice.⁷⁶

Finally, Al-Hilālī formulated a question which he reasoned would probably be asked by non-Muslims: Does Islam sentence every disbeliever to death? He stated that possibly there was a misapprehension that if Islam sentences to death he who disbelieves after being a Muslim, it delivers the same verdict on everyone who does not believe in it.⁷⁷ In order to refute such a fallacy, he stated that non-Muslims fall into two categories: the category of those who have a covenant or a pact with the Muslims, who are people who have signed a peace treaty with Muslims and are entitled to safety, and the category of those who are at war with Muslims. Islam prohibits the killing or the looting of the property of anyone belonging to the first group. However, every Muslim should do his best to fight those who are at war with Muslims; but, again, these hostilities should be conducted according to specific, well-known rules.⁷⁸

Al-Hilālī was not the first Salafī scholar who dealt with the Bahā'īs. This community had also attracted the attention of the eminent Salafī scholar Rashīd Ridā, who attacked the Bahā'ī faith several times in *Al-Manār*.⁷⁹ The first Egyptian *fatwas* on the Bahā'īs date from this time stated that the Bahā'ī faith constitutes unbelief (*kufṛ*), so that Muslims who embrace it become apostate and should be killed.⁸⁰

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Al-Hilālī, enumerated one of these admonished not to kill women, children, old people or priests who devote themselves to worship if they do not take part in the fighting. Another illustration of these rules is the prohibition on attacking a wounded person; on the contrary, the latter should be honourably received and his injuries treated in the same way as King Ṣalāḥ ad-Dīn Yūsuf ibn Ayyūb [1138 –1193) treated King Richard I, known as the Lionheart [1157 –1199], during the Crusades.

⁷⁹ Juan Ricardo Cole, “Rashid Rida on the Bahā'ī Faith: A Utilitarian Theory of the Spread of Religions”, in *Arab Studies Quarterly* 5 (1983), 276-91 (280).

⁸⁰ Riḍā (Rabī' al-ʿAwwal 1932/ 28 Januari 1914): “Dūāt al-Bahā'iyya wa Majallat al-Bayān al-Misrī”, *al-Manār*, 17, 178-180.

7.3.3. The Moroccan Scholars and the Bahā'ī Case

Besides Al-Hilālī's *fatwa*, a certain 'Abdessalām Muḥammad al-Kwirat⁸¹ [1920-1991] included three other Moroccan *fatwas* on this case in his book, published in 1963. These *fatwas* had first appeared in 1963 in the journal *Al-Mithāq*,⁸² the official Moroccan journal of the Alliance of Moroccan 'Ulama' founded in February 1962 by 'Abd Allāh Guennūn,⁸³ who led it until his death in 1989. It is noteworthy that Al-Hilālī's *fatwa* was the first to be published, namely: in February 1963; the other articles were published two months later.

'AbdAllāh Guennūn [1908 -1989], then leader of the League of 'Ulama' of Morocco, wrote a series of three articles, entitled *Liman taduqqu hādhihi al-jirās?* (For Whom Toll These Bells?), in response to two articles. The first one written by the Moroccan philosopher, 'Abd As-salām Ḥajjī (d.1983), who was associated with Bahā'īs and in April 1963 published an article in *Majallat al-'Atlas*. In it Ḥajjī violently attacked the Alliance of Moroccan 'Ulama, namely: Guennūn and 'Allāl al-Fasī. Ḥajjī describes the Bahā'ī faith as a religion which encourages its followers to seek mutual understanding and friendship with members of all religions and declares the purpose of religion to be the promotion of amity and the perpetuation of the general peace of mankind.⁸⁴ The second article was written by a certain Ibn al-Ṭāhir, in response to an article written in *Al-Mithāq*, '*Al-Bahā'iyya talqa h atfahā fī al-Maghreb al-Muslim*'.⁸⁵ He devoted a long article to a factual exposition of the Bahā'ī faith and the true reasons behind the Nador case.⁸⁶ In his article, Guennūn states that, in order to serve their own purposes, his opponents had accused him of ignorance and heresy, but without adducing any relevant evidence. He wondered why both authors levelled their accusations at the Alliance of 'Ulama of Morocco and not the Regional Court of Nador, which had pronounced the death sentences on the Bahā'īs and which had based its verdict on positive law and on the Constitution, which does not refer to Islam as a legislative source.⁸⁷

⁸¹ In 1963, the same author had published a book about the Bahā'īs entitled *Al-Bahā'iyya wa 'ushshāquhā fī al-Mizān*, in which he describes the Bahā'ī faith as being in conflict with Islam.

⁸² <http://www.almithaq.ma/contentu.aspx?C=2634> accessed 03-03-2014.

⁸³ For Studies about 'Abd Allāh Guennūn see: Chaybi (1991).Al-Hbābī al-Jam'ī(1991) ; Landau (1952); Tozy, (1987),13-16.

⁸⁴ Guennūn (25 April 1963), 21.

⁸⁵ *Al-Mitāq*, 2-Januari-1963, issue 23.

⁸⁶ *Al-Mitāq*, 2-Januari-1963, issue 23, the article has been in Maroc-Informatians ,Casablanca , n.d .

⁸⁷ Guennūn (25 April 1963), 21-24.

The second article, also published in *Al-Mithāq*, was written by a certain Raḥḥālī al-Farūq, Dean of the *Sharī'a* Faculty in Marrakesh. In it he suggests that the Bahā'īs deserved to be executed. He declared that the Jewish and Christian religions could be practised freely in Morocco because they were religions recognized by Islam, but this did not apply to the Baha'is faith which represented a true heresy.⁸⁸

The third article was written by Shaykh al-Azhar Muḥammad al-khadīr Hussein [1876-1967] and it first appeared in *Al-Mithāq* in 1963. He also argues that the Muslims who embraced the Bahā'ī faith became apostates.⁸⁹

In his book *Al-Bahā'īyyūn Kuffār Yuhāribūn al-Islām wa Muslimīn*,⁹⁰ Al-Hilālī's student, the Moroccan Salafī scholar Muḥammad Al-Zamzamī [1910-1988] adopted an attitude which is similar to that of Al-Hilālī. In his book *Al-Islām wa al-Tafarnuj*,⁹¹ he states that freedom of religious expression and protecting the legal rights of the citizens did not include abandoning Islam. Those who did so relinquished their right to convert others to their faith. He accuses those who felt that the trial violated the liberties of Moroccan citizens of heresy, and violently attacks not only the Baha'ī Faith but all those who dared to come to its defence.⁹²

The above-mentioned scholars shared Al-Hilālī's point of view and their *fatwas* were unanimous in their condemnation of the Bahā'ī faith, stating that it constituted unbelief (*kufṛ*), therefore Muslims who embraced it became apostates and that the Bahā'īs deserved to be executed.

⁸⁸ Raḥḥālī (April 1963), 45-46.

⁸⁹ Al-khadīr (June 1963), 36-44.

⁹⁰ Al-Zamzamī (1967).

⁹¹ Al-Zamzamī (1967), 31.

⁹² Ibid.

7.3.4. *Al-Hilālī vs ‘Allāl al-Fāsī’s Point of View (The Official Islam in Morocco)*

To understand the implications of the debates aroused by the Bahā’ī case, it is useful to present the point of view of the prominent Moroccan Salafī scholar ‘Allāl al-Fāsī [1910-1967],⁹³ then Minister of State for Islamic Affairs, who was the main instigator of the trial in Nador. In his book *Difā ‘un ‘ani al-sharī’a* (Defending the *Sharia*), ‘Allāl al-Fāsī states that Islam does not accept the theory, adopted in some countries, of the separation between Church and State, going so far as to argue that, were this to happen, the state should be removed and Islam should be kept.⁹⁴ In other words, the state should be at the service of Islam.⁹⁵

In his main argument Al-Hilālī affirms that he found it impossible to differentiate between religion and politics, because the Qur’ān and the *Sunna* are filled with politically relevant passages.⁹⁶

In contrast, ‘Allāl al-Fāsī, then responsible for official Islam and seen as the main instigator of the trial in Nador, represents, in the eyes of the international Bahā’ī Community, a conservative and orthodox⁹⁷ point of view. In his report to the king, he states that Baha’ism is a religion whose goal is to undermine the precepts of Islam and the commandments which Mohammed (may salvation and the blessing of God be upon him) has conveyed. It is equally

⁹³ Born in 1910, only two years before the establishment of the French protectorate in Morocco, ‘Allāl al-Fāsī followed in the footsteps of his father, ‘Abd al-Ḥafīz al-Fāsī Mufti of Fes, by studying at Al-Qarawiyyīn. His idea of Salafism was formed by his masters Abū Shu‘ayb al-Dukkālī and Muḥammad Ibn al-‘Arabī al-‘Alawī, who were the first to introduce the Salafīyya in Morocco. See Zeghal (2005), 332 .

⁹⁴ Al-Fāsī (1999), 58-59.

⁹⁵ Looking at the position of Islam in the Moroccan political system and at the implications of the debates aroused by the concept of separation of religion and politics, the Moroccan scholars Mohamed Tozy and Mohamed Darif have argued that the main feature of the Moroccan politico-religious system lies in the *Imarāt Al-Mu’minūn* (The Commanding of the Faithful). According to Mohamed Darif, on the level of *Imarāt Al-Mu’minūn*, there is no separation between politics and religion, but this does not mean that there is no awareness of the need to circumscribe their borders, as both should serve the state as part of the unity of the nation. *Imarāt Al-Mu’minūn* was used to oppose religious movements whose aspirations were to penetrate into the political field on the basis of a selective interpretation of Islam which opposes religious orientations of general power. See Darif (2010), 14; Darif (1999), 23.

⁹⁶ Al-Hilālī (2006), 31-32, Al-Hilālī, “Ḥukm al-murtadd,” 1963, 31.

⁹⁷ ‘Allāl al-Fāsī had previously conceded the right of a Muslim to convert to Judaism. See Mohamed Tozy, : *Champ et contre-champ politico-religieux au Maroc* (PhD dissertation, Université Aix-Marseille, 1984), 90.

clear that the precepts of the practice of this new religion nullify those of Islam. Baha'is recommend its followers not to go on pilgrimages and urges every adherent to destroy holy places and not to hesitate to do so.⁹⁸

It is worthy of note that both Al-Hilālī and 'Allāl al-Fāsī agreed on the death sentence for the Bahā'īs, but their reasons for supporting it were different. 'Allāl al-Fāsī declared that 'the trial of Nador was imbued with an aspect of public policy and not an aspect of religion'. The purpose of the trial was to judge criminals and not the followers of a religion.⁹⁹ This confirms the claim of Al-Hilālī that the tribunal which handed down the sentence against those Moroccans was not an Islamic court; instead it was a court judging according to positive law. The charge brought against them was that their preaching was a threat to public security.

Quite clearly, Al-Hilālī had a quite a different attitude, which is reflected, in his *fatwā*, which declares that a man who leaves Islam and fights against Allāh and His Prophet must be put to death. On the other hand, the far more politically oriented 'Allāl al-Fāsī claimed that, 'Baha'is maintain relations with Israel, precisely for the task of destroying the foundations of the Moroccan state.'¹⁰⁰ What 'Allāl al-Fāsī was really doing here is projecting an image of the Bahā'īs posing a danger to the Islamic community. His major argument was that the charge to be levelled against 'the Bahā'ī is an attack on the Islamic religious faith. In fact, in his book *Difā'un 'ani al-sharī'a* 'Allāl al-Fāsī is referring to the *Sharī'a*. In his opinion, in view of the dangers which threaten the children of Morocco and the Islamic community, one had no choice but to defend them against the activities of the missionaries who come to Morocco bringing with them destructive and disruptive ideas.¹⁰¹

Unlike 'Allāl al-Fāsī and many other analysts in Morocco, Al-Hilālī did not judge the Bahā'ī case as a specifically Moroccan issue, as far as he was concerned apostasy was a major sin. Al-Hilālī's argument was that Muslims cannot let sympathy obstruct God's criminal justice as shown in scriptural evidence, valid for all places at all times.

Aware of the fact that scriptural arguments might not convince the West, Al-Hilālī provided non-Muslims with a different kind of argument. He expatiated on the fact that Islam does not

⁹⁸ Text of the Indictment. Royaume du Maroc, Cour d'Appel de Tanger, Chambre des Mises en Accusation, Arrêt de Renvoi, N0. 36, rendu en date de 31/10/62, Dossier No. 809. See also The Bahā'ī International Community (1963), 8.

⁹⁹ The daily *Le Monde*, "Inquisition in Morocco," August 10, 1962.

¹⁰⁰ Morocco information, December 19 1962, IN: The Baha'ī International Community (1963) , 44.

¹⁰¹ Al-Fāsī (1999), 18.

make any difference between religion and state and therefore has the right to execute anyone who leaves Islam on the same grounds that states in the West are entitled to execute traitors.¹⁰²

Those who expected that Moroccan scholars or its government should give an answer to the questions raised by the international community which argued that, ‘The fact that people are sentenced to death for their religious beliefs and practices is unthinkable’, would have expected these answers to have come from Minister of Islamic Affairs, in this case ‘Allāl al-Fāsī’. Nevertheless, rather than taking a stance, at the Istiqlal Party Conference Allāl al-Fāsī declared that the Nador affair was a simple criminal case and had nothing to do with freedom of conscience.¹⁰³

Al-Hilālī criticized the Moroccan government and all those Moroccans who demanded the execution of the Bahā’ī for reasons of public policy. He stated that, since only positive law could decide on the lawfulness or the unlawfulness of things, and compulsory matters should be governed only by the civil law code which, indeed, which had been made by fallible people who might have erred and strayed and follow their own wishes in the promulgation of the laws. If this was indeed the case, it should be said that Islam views such a claim in the light of it being a grave corruption. He wondered what kind of faith would remain in the midst of this corrupt and contradictory creed? What would remain of the sacred matters and the articles of faith for which a Muslim lives or dies?¹⁰⁴

Broadly speaking, it can be said that the point of view of ‘Allal al-Fāsī, who represented the official Islam in Morocco in the sixties, and the ideas of Al-Hilālī approximated each other. However, Al-Hilālī’s allegiance related more to purist Islam rather than the modernist Salafiyya.

This is in contrast to the recent Moroccan government view, represented by Al-‘Alawī al-Madaghrī, Minister of State for Islamic Affairs from 1983 till 2002, who devoted 30 pages of his Book *Al-Ḥukūma al-Multaḥiya*, (The Government with a Beard) to the subject of *irtidād*/apostasy. In it he claims that the judgement of apostates is not mentioned anywhere in the Qur’ān and that it is Almighty Allāh, not mankind, who accepts or refuses repentance, and in Whose Hands falls the ruling in the Hereafter.¹⁰⁵

¹⁰² Lauzière (2008), 323.

¹⁰³ As cited in *Le Monde* (Paris), 18 December 1962, In: The Baha’i International Community (1963), 4.

¹⁰⁴ Al-Hilālī, “Ḥukm al-murtadd,” 1963, 32.

¹⁰⁵ Al-Madaghrī (2011), 147-178.

Finally, Al-Hilālī recognized the fact that most of Muslims ignore Islamic Law and have strayed far away from it. He said that their speech and claims are one matter, whereas their behaviour is quite another. Therefore, a righteous person should make a distinction between Islam and the behaviour of those who claim to be Muslim, and should not take their behaviour as evidence against Islam, thereby turning this issue upside down.¹⁰⁶

We can conclude that the fact that Al-Hilālī took up the discussion of the Bahā'ī affair in *Da'wat al-Haqq* at the request of Muslims in Europe indicates that he did not judge the Bahā'ī to be a Moroccan issue, but decided to take a transnational point of view, is what made his *fatwa* original.

¹⁰⁶ Al-Hilālī, “Ḥukm al-murtadd,” 1963, 33.

7.4. Al-Hilālī's Discomfort in Morocco and the Invitation of Saudi Arabia

Before going to Medina to lecture at the Islamic University there, Al-Hilālī had to contend with another conspiracy. When he was interpreting the verse of the (*Qur'ān* 26:91), he stressed the meaning of: *And none has brought us into error except the Mujrmun (murders, polytheist, oppressors).*¹⁰⁷ Al-Hilālī stated that he who calls people to worship the graves and to glorify them by building domes, slaughtering animals, making vows there, circumambulating around them, not to mention invoking the dead to fulfil their needs and relieve their distress as well as he who organizes religious ceremonies and feasts by the graves is surely one of those wrong-doers whom Allāh has mentioned. Al-Hilālī vehemently criticized the Sufis, describing them as the wrong-doers to whom the afore-mentioned verses refer. Al-Hilālī reported that one man stood up and told him that, 'if the Sufis were a good illustration of those verses, then even His Majesty the King was an wrong-doer.'¹⁰⁸ According to Al-Hilālī, some 700 people in the audience wanted to beat him.¹⁰⁹ Luckily, Shaykh Muḥammad Ibn 'Abbūd, Al-Hilālī's student, was able to persuade the crowd to leave the man in peace because, by doing so, they might give him a greater chance to incite sedition. If he were allowed to do this, it would be claimed that the lectures on monotheism led to violence and fighting. And that is how, Al-Hilālī says the third plot masterminded against him ended.¹¹⁰

This period in his life was marked by discomforts and frustrations arising from the problems he sometimes caused the authorities. In the sixties, Al-Hilālī continued to oppose the authorities of the Malīkī *Madhhab*, even though this school of law was part of the religious identity and heritage of Morocco. He did not let up on challenging Sufism, denouncing the Ash'ari creed, converting people to the Salafīyya, by teaching *ḥadīth* and giving *fatwas* to instruct them in proper worship, fasting, the strict doctrine of the oneness of God (Tawḥīd) and so forth.¹¹¹ He claimed that, from his return to Morocco until the day he left for Saudi Arabia, he had never stopped teaching the *fath al-majīd sharḥ kitāb al-Tawḥīd*

¹⁰⁷ Al-Hilālī (2006), 263.

¹⁰⁸ Ibid.

¹⁰⁹ According to Al-Hilālī, that trouble-maker was faced with an enormous dilemma. Although he wanted to leave the mosque, he was afraid that once outside someone would beat him. However, he also could not remain among the congregation because all its members were rebuking him in the strongest terms. The only refuge he could find was to climb the lighthouse. See further, Al-Hilālī (2006), 264.

¹¹⁰ Al-Hilālī (2006), 263.

¹¹¹ Al-Hilālī (2006), 258-268.

of Shaykh Muḥammad Ibn ‘Abd al-Wahhāb.¹¹² In fact, the Moroccan people could not fail to notice the relationship between Al-Hilālī’s sermons and Wahhabism. In 1968, ‘Abd al-‘Azīz Ibn Bāz, the Vice-President of the Islamic University in Medina, invited Al-Hilālī to take up an appointment at the university. A formal offer came through the Saudi embassy in Rabat, and the Moroccan Ministry of Education approved the transfer of Al-Hilālī.¹¹³

¹¹² Al-Hilālī (2006), 264.

¹¹³ Lauzière (2008), 334.